5-03/005.50 - Probable Cause Declarations

If there has been no prior judicial authorization of the arrest, detention, a Probable Cause Declaration (PCD) is required in all cases where a suspect (adult or 602 WIC juvenile) is booked into a Sheriff's Department facility and the arresting charge is:

- A felony;
- A misdemeanor that will cause an arrestee to be held over 48 hours; and/or
- An infraction that will cause an arrestee to be held over 48 hours.

A PCD is not required for the following:

- Arrests made pursuant to a warrant, including Ramey Warrants, as all warrants have prior judicial review;
- Misdemeanor suspects who are to be released on citation prior to 48 hours after the time of arrest;
- Juvenile detainees who are not being released to the probation department (e.g., subject released to their parents/guardian);
- Parole violators (3056 P.C.); and/or
- Military deserters.

The arresting unit is responsible for obtaining judicial review of the arrest.

Whenever a prisoner is held in custody for 36 hours without a required PCD having been approved by a judicial officer, the watch commander of the unit having custody shall:

- In the case of a non-Sheriff's Department arrest - Notify the arresting agency and determine the status of the judicial review. Such prisoners shall be released 48 hours after the arrest if no PCD has been approved; and/or
- In the case of a Sheriff's Department arrest - Notify the duty commander and the arresting unit. Provide a chronology of all efforts to obtain judicial review. Only the duty commander is authorized to release the prisoner due to the lack of an approved PCD.