6-03/020.00 Probable Cause Declaration (PCD)

If there has been no prior judicial authorization for the arrest, a Probable Cause Declaration (PCD) is required in all cases where the 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 in custody in excess of 48 hours;
- An infraction that will cause an arrestee to be held in custody in excess of 48 hours.

When suspects are booked on multiple charges, a PCD is required for all charges for which there has been no prior judicial review.

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 arrests to be released on a citation prior to 48 hours after the time of arrest, unless:
- a station supervisor determines a PCD is necessary,
- the arrestee is booked directly at the Inmate Reception Center (IRC) or Century Regional Detention Facility (CRDF);
- Juvenile detainees who are not being released to the Probation Department (e.g., will be released to their parent/guardian);
- Parole violations (3056 P.C.)
- Military deserters.

The jailer is responsible for ensuring all inmates held in custody, either at the station jail or in another facility within the county to which they were transferred, have a signed PCD prior to the 48th hour in custody.

The watch commander must be advised when an inmate is approaching 36 hours in custody and a PCD has not been signed by a magistrate. Whenever an inmate is held in custody for 36 hours without a required PCD approved by a magistrate, the watch commander or a designee shall:

- In the case of a non-Sheriff's Department arrest, notify the arresting agency and determine the status of the judicial review. Such inmates shall be released within 48 hours of the arrest if no PCD has been approved.
- 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.

IRC shall monitor the electronic PCD system (ePCD) and maintain communication with station jails as necessary to ensure the timely approval of PCDs of inmates transferred from a station jail to a custody facility. If a PCD for an inmate in a custody facility is not signed prior to the 48th hour, IRC will initiate the imperative release process.

Refer to station unit orders for additional station-specific procedures.