

DATE:	MAY 23, 2022
NUMBER:	Q.74
SUBJECT:	PROBABLE CAUSE REJECTIONS
RELATED SECTIONS:	

PURPOSE

To establish guidelines and procedures for releasing incarcerated persons upon a judicial determination that there is insufficient probable cause for an arrest.

POLICY

Once there has been a judicial determination that there is no probable cause, there is no legal basis to keep the incarcerated person in custody and the release procedure will be initiated.

PROCEDURE

- I. Upon receipt of a rejected probable cause declaration and determination form, the release of the incarcerated person will immediately be initiated.
- II. The detention processing technician will immediately notify the on duty detention processing supervisor and the watch commander of the judicial determination. The watch commander may notify the arresting agency of the judicial determination; however, under no circumstances will the release procedure be delayed.
- III. The incarcerated person will be released forthwith on this arrest only, with a disposition of (B1) detention only.