



Kern County Sheriff's Office Policies and Procedures

TITLE: PROBABLE CAUSE DECLARATIONS			NO: H-1000
APPROVED: Donny Youngblood, Sheriff-Coroner			
EFFECTIVE: August 4, 1993	REVIEWED: 10/20/2020	REVISED: 03/25/2005	UPDATED: 09/14/2018

POLICY

California law allows peace officers to arrest a person for the commission of a public offense based on “reasonable cause” (P.C. 836). For purposes of this policy the terms “reasonable cause” and “probable cause” are synonymous. Absent a warrant, all arrests are based on probable cause. In felony cases even when the crime does not occur in the officer’s presence, an officer may make an arrest based on probable cause. There are also some misdemeanor offenses in which a probable cause arrest is authorized when the offense does not occur in the officer’s presence. All sworn members should make themselves aware of these exceptions.

All probable cause affidavits for suspects arrested and booked are done through the Automated Regional Integrated Electronically Transmitted Information System known as ARIETIS. ARIETIS is also used for suspects not in custody when a complaint will be sought.

Probable cause to affect the arrest can be based on information received from other officers. Broadcasts are frequently used for providing information regarding probable cause arrests. To standardize the transfer of such probable cause information to the arresting officer, the Sheriff’s Office will use the Not in Custody (NIC) Declarations in the ARIETIS System.

Additionally, P.C. section 964 (SB 58) requires the courts to protect confidential, personal information regarding witnesses and victims contained in law enforcement reports submitted to and relied upon by the court. The protection of personal information of suspects and defendants is not protected pursuant to this legislation. Based upon an agreement between the Court, District Attorney, and the Sheriff, the Probable Cause Declaration in ARIETIS will be the document viewed by the court to determine if sufficient probable cause exists to issue an arrest warrant. The Court will not view offense reports to make that determination.

DIRECTIVE 1

It is imperative that probable cause declarations be factual and contain sufficient information to establish that a crime or crimes have been committed and that the identified suspect is responsible for the crime(s).

The declarations are used by the Court to:

1. Determine if sufficient probable cause exists to continue to hold an arrested person in custody.
2. Pursuant to the provisions of P.C. section 964, that sufficient probable cause exists to issue an arrest warrant.



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PROCEDURE A: PROBABLE CAUSE DECLARATION - BROADCAST

DIRECTIVE A-1 - Upon Initiating a Broadcast

In **all** cases in which a sworn member of the Sheriff's Office initiates a broadcast for the arrest of a person based on probable cause or otherwise relays the instruction to arrest a subject based on probable cause, the sworn member will be responsible for the completion of the "NIC (Not in Custody) Declaration" in ARIETIS. Once completed, the "NIC Declaration" will describe the probable cause for the arrest along with information identifying the suspect. The sworn member will ensure the "NIC Declaration" is completed prior to the end of his/her shift.

Any deputy providing probable cause to arrest information will:

- Complete the "NIC Declaration" in ARIETIS
 - o Complete the suspect identification information and other mandatory fields
 - o Complete the "Narrative" (probable cause declaration) portion describing those facts which clearly describe the probable cause for the arrest
- Ensure the "NIC Declaration" in ARIETIS is completed prior to the end of shift

PROCEDURE B: ARRESTS

DIRECTIVE B-1 - Arrest Based on a Broadcast

Any deputy arresting a subject pursuant to a "Probable Cause Declaration" as described in Procedure A will:

- Locate the "NIC Declaration" in the ARIETIS System
- Create a new Probable Cause Declaration in the ARIETIS System
 - o May use the "NIC Declaration" as a reference to complete the new "Probable Cause Declaration"
 - o Complete the suspect identification information and other mandatory fields



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- o The sworn member will use the "Narrative" (probable cause declaration) portion from the NIC Declaration to complete the "Narrative" portion of the new "Probable Cause Declaration"
- o The probable cause declaration will describe those facts which clearly describe the probable cause for the arrest
- o The sworn member will "copy and paste" or otherwise reproduce the "Narrative" portion of the "NIC Declaration" in the "Narrative" portion of the new "Probable Cause Declaration"
- o Prior to inputting the narrative from the "NIC Declaration," the sworn member will ensure the reader knows who wrote the original declaration by writing something similar to:
 - The following PC Declaration was written by Deputy Smith under NIC Dec #123456:
 - The sworn member will then insert the original narrative.
- o If additional information was developed that should be in the narrative, the sworn member will indicate the author and source of the new information and then include the pertinent information.
- o If the sworn member determines it is necessary to rewrite the narrative, the member should ensure the reader knows from whom and how the information was obtained.

DIRECTIVE B-2 – Arrests Without a Broadcast - Fresh Arrests

Any sworn member arresting and booking a subject pursuant to probable cause developed by the arresting sworn member will:

- Complete Probable Cause Declaration in the ARIETIS System
 - o Complete the suspect identification information and other mandatory fields
 - o Complete the "Narrative" (Probable Cause Declaration) portion describing those facts which clearly describe the probable cause for the arrest
 - o It is imperative that probable cause declarations be factual and contain sufficient information to establish a crime or crimes have been committed and the identified suspect is responsible for the crime(s).



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- o For arrests involving adults, use the ARIETIS tab identified as "Adult PC Decs"
- o For arrests involving juveniles, use the ARIETIS tab identified as "Juvenile PC Decs"

PROCEDURE C: SUBMITTING COMPLAINT REQUESTS

When a sworn member wishes to seek a criminal complaint against an adult, who has not been arrested for the offense, the sworn member must complete a "NIC Declaration" in ARIETIS before submitting the complaint. The "NIC Declaration" will describe the probable cause for the arrest along with information identifying the suspect. The procedure is the same for a felony or a misdemeanor being submitted to the District Attorney's Office for a complaint / warrant.

When a sworn member wishes to seek a criminal complaint against a juvenile and the juvenile has not been arrested for the offense, the member does not need to complete a "NIC Declaration" in ARIETIS. Submitting the report to Juvenile Probation is sufficient to seek a complaint against a juvenile. The sworn member should consider including in the report what charges are being sought to avoid any confusion.

PROCEDURE D: DIRECT FILING COMPLAINTS TO THE COURT

Some misdemeanor and infraction cases are filed directly with the court. Direct file case are those in which a citation was issued to the suspect. In those cases, the citation serves as the complaint. If the suspect fails to appear in court as per the citation, the court can seek a warrant based on the suspect's failure to appear. A Probable Cause Declaration form is not required with "Direct File" complaints.