

**SAN JOAQUIN COUNTY PROBATION DEPARTMENT
JUVENILE DETENTION POLICY AND PROCEDURE MANUAL**

TO: ALL STAFF

BULLETIN #: D-301

APPROVED BY: STEVE JACKSON
CHIEF PROBATION OFFICER

REPLACES: 3/22/2016

ISSUE DATE: 1/28/2019

SUBJECT: PROBABLE CAUSE HEARING

POLICY

Alfredo A. vs. Superior Court 6 Cal. 4th 1212; --Cal. Rptr.--P.2d- (Jan 1994), in summary, says that it is unconstitutional for minors (youth) arrested without a warrant to be detained more than 72 hours unless the minor (youth) has had EITHER a “Detention Hearing” as set forth in Section 632, CW&IC OR a “Probable Cause” hearing when so-called “non-judicial” days intervene, preventing the detention hearing from occurring within the statutory time limits.

PROCEDURES

A. Timeframe for Requesting Probably Cause

1. Probable Cause hearings for non-warrant arrests are to be implemented when more than 72 hours will elapse between arrest and detention hearing.
2. On normal weekends, youth admitted to Juvenile Detention between 1:30 p.m. on Wednesday and 5:00 p.m. on Saturday will require the Probable Cause procedure. On extended weekends (Monday holidays) the time is extended to 5:00 p.m. on Sunday for the Probable Cause procedure.

B. Requesting Probable Cause

1. At the time of booking, Intake personnel will check booking sheets to verify that booking officers provide sufficient information on the admission form for the Judge to make a decision regarding Probable Cause (circumstances that would lead a reasonable person to believe the youth committed the offense that caused the arrest). This will require special attention to the “Elements of Offense” and “Probable Cause for Arrest” section of the booking sheet.
2. A Probable Cause Order (Attachment A) will be completed for each youth booked without a Warrant and who is not to be released.

3. No Probable Cause Hearing needs to be conducted for youth booked on Warrants.
4. The youth's name is placed on the Probable Cause Hearing Log (Attachment B).
5. The on-duty Intake Probation Officer or, in their absence, a designated Juvenile Detention staff, will then contact the "on call Judge" at 5:00 p.m. on Saturday and read the arresting officer's comments from the elements of offense/probable cause for arrest, sources, admission by youth, and injury/loss of victim sections of the admission record. The home telephone list for "on call" judges can be obtained from the Intake Probation Unit Supervisor and/or the Probable Cause Binder at the Duty Officer desk.
6. The Judge will then advise whether there "IS" or "IS NOT" probable cause to detain the youth. Staff will check the appropriate box, add the Judge's name, and sign and date the Probable Cause Order.
7. If the Judge advises that there IS NOT probable cause, staff are to inquire whether the Judge desires staff to call the arresting agency to obtain further information. If the Judge does not want further inquiry, initiate the release of the youth.
8. If the Judge requests more information, advise that you will call back. Staff will then contact the Watch Commander of the arresting agency and advise that the Judge indicated there is not sufficient probable cause and request that the arresting officer come to Juvenile Detention and file a supplement to the original admission record.
9. Explain to the Watch Commander any issue raised by the Judge.
10. If asked by the Watch Commander whether the Commander or Officer can call the Judge, explain that this will be insufficient to complete the process, since written documentation, completed by staff, must be placed in the Court file.
11. Advise the Watch Commander that you must call the Judge back within two hours with the additional information, or the youth will be released.
12. The Probable Cause Hearing Log will then be completed.
13. The Probable Cause Order will be saved in the Juvenile Justice Information System (JJIS).
14. The log will be filed in the Probable Cause folder at the Juvenile Detention Intake Desk.

**SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN JOAQUIN
JUVENILE COURT**

PROBABLE CAUSE ORDER

J#

In the Matter of:

, a youth

It appearing to the Court from the information submitted:

- ☒ There **IS** probable cause to detain the youth;
- ☐ There **IS NOT** sufficient probable cause to detain the youth.
It is hereby ordered that the youth be released;
- ☐ Exigent circumstances exist. It is ordered that the youth be held
additional hours.

For a violation of Section(s):

(Date) (Time) JUDGE OF THE SUPERIOR COURT

ARREST DATE: _____ ARREST TIME: _____

ARREST LOCATION: _____

Under penalty of perjury, I declare that pursuant to a telephone conversation with a representative of the Probation Department, Judge _____ made the above Order after considering an Affidavit of Probable Cause filed by the arresting officer.

Probation Department Representative

Date/Time of Telephone Review

Attachment A

San Joaquin County Juvenile Detention Facility
Probable Cause Hearings Log

Date: _____

Time: _____

ID Number	Name	Arrest Date	Arrest Time	Detain	Release
				<input type="checkbox"/>	<input type="checkbox"/>
				<input type="checkbox"/>	<input type="checkbox"/>
				<input type="checkbox"/>	<input type="checkbox"/>
				<input type="checkbox"/>	<input type="checkbox"/>
				<input type="checkbox"/>	<input type="checkbox"/>
				<input type="checkbox"/>	<input type="checkbox"/>
				<input type="checkbox"/>	<input type="checkbox"/>
				<input type="checkbox"/>	<input type="checkbox"/>
				<input type="checkbox"/>	<input type="checkbox"/>
				<input type="checkbox"/>	<input type="checkbox"/>

Judge

Intake Probation Officer/Duty Officer

Attachment B