TRAINING BULLETIN

"Education promotes professional and responsive law enforcement"

Electronic Probable Cause Declarations

Purpose

The purpose of this training bulletin is to establish procedures for the creation and processing of electronic Probable Cause Declarations.

Introduction

Probable Cause Declarations (PC Decs) are required in cases where an arrestee will be booked and housed in a jail facility. The purpose of the document is to inform a judge, who will determine whether there is sufficient probable cause to hold the arrestee in custody until the arrestee can appear in court. There are two main issues that the PC Dec must address. First, it must explain what offenses have been committed as well as how the particular elements of the offenses were present. Second, it must establish why the arresting officer believes that the person in custody is the one who committed the offenses. The Department has forty-eight hours from the time of arrest to get a PC Dec signed by a judge in order to continue to hold the arrestee. If the forty-eight hour time period expires, the arrestee must be released.

In the past, PC Decs were written by hand and usually sent via fax to a judge to review. The judge would read the PC Dec and, if all was acceptable, sign the PC Dec and fax back the signed copy. However, if the PC Dec was not acceptable, then the judge would fax back the PC Dec and indicate that something was missing, incomplete, or unclear. The PC Dec would then have to be either corrected (often by hand-writing additional information on the same form) or rewritten and then resubmitted. This system had a number of problems. First, the space to write the facts of the case was somewhat limited. Arresting officers would often need to write very small (occasionally unintelligibly) to squeeze in the required details. This was compounded when the PC Dec was returned by the judge requesting additional information. In these cases, officers would sometimes resort to writing additional information in the margins of the form in order to fit everything on the page. Also, corrections to the information had to be made directly on the form, which often resulted in cross-outs or other obvious changes. Second, it required the faxes to be received in a centralized location by the judges, typically in an office at the courthouse. In the past, the task of reviewing PC Decs was done by Judicial Hearing Officers (JHO's). However due to budget constraints, the court has eliminated the JHO's and transferred the task of reviewing PC Decs to judges. This is done on a rotational basis and often between court hearings. For this system to work, the court needed to make the reviewing of PC Decs much more portable. Finally, PC Decs were typically only reviewed during morning hours on weekdays. In special circumstances, an on-call judge would review a PC Dec. One of the effects of this schedule was that arrestees would typically be booked on a PC Dec that was completed by

the arresting officer but had yet to be reviewed and approved by a judge. This situation had the potential of causing problems for the booking facility, usually the Orange County Jail, in that they could find themselves in a position of holding a person without sufficient probable cause to justify the incarceration. To reduce this risk, deputies at the Orange County Jail established a practice of performing an initial review of PC Decs presented with arrestees, often requiring arresting officers to modify their PC Dec before being willing to accept the arrestee into their facility.

It was decided that in order to address these issues and others, agencies in Orange County would submit their PC Decs electronically. The electronic version is easy to read and provides ample space for case details. They are also easy for arresting officers to edit while writing them. In addition, an electronic system is portable. The judge who is assigned the duty of reviewing PC Decs is able to review PC Decs from wherever they are including in their courtroom between cases. As part of developing the electronic PC Dec system, an understanding was reached with the Orange County Jail so that, as long as they could verify that a PC Dec was submitted electronically, they would no longer perform initial reviews of PC Decs.

In order to establish the electronic PC Dec system and take advantage of its benefits, **the Orange County Superior Court mandated that all agencies submit their PC Decs electronically. No PC Decs would be accepted via fax, email, or other means after Wednesday September 25, 2013.** The only other option agencies have to submit PC Decs is to hand-deliver them to the courthouse.

I. Creating a PC Dec

The Santa Ana Police Department's regular procedure for creating a PC Dec shall be via the Department's Jail Management System (JMS). This provides us with several benefits:

1. Officers are able to reuse arrestee information from previous arrests, including mug shots to verify the identity of the arrestee. This previous information will be auto-filled into the PC Dec.

2. Information entered into one arrest form (e.g. PC Dec) can be automatically used in another form (e.g. Santa Ana Jail Pre-booking form).

3. Information put into a PC Dec is more likely to be correct. As an example, charges must be selected from a pre-determined list. This should ensure that complete charges are included in the PC Dec (e.g. PC 243(e)(1) vs. simply 243).

4. Arrest information entered by the arresting officer can be expanded on by Jail staff as they process the arrestee.

A. Go to the JMS's Pre-Book Module

1. Begin by connecting to the Department's Jail Management System (JMS). There is a link on the SAPDIntranet in the center near the top called Jail System.

2. Log into the JMS. Your user name will usually be "p" followed by your badge number. Your password will be one you establish. Passwords for this system must be at least 6-characters long. If you have never logged into this system, the initial password is 123456. You will

need to change it when you first log in.

Note: If you have forgotten your password, click on the Forgot Username Password link on the login screen. When you do this, <u>you must put your **badge number** in the box labeled Personnel Number</u>.

3. Get to the Pre-Book/Probable Cause (PBPC) module of the system. This may be set up to be your initial page for this system. If not, you can get there by clicking on the gear icon in the upper-left portion of the screen. On the pop-up menu, click on PBPC – Pre-Book And Probable Cause.

B. Search for Your Arrestee

Once in the PBPC module, you should be on the New tab and see the words Pre-Book Wizard near the top of the screen. The JMS is a wizard-based system, meaning that it will walk you step-by-step through the process of performing many tasks. The first step in this process is searching for your arrestee.

1. Type in the arrestee's information

The Last name and First name fields are required. If you have other information such as Date of Birth or the Middle name, you can provide those as well. When you have entered the information, click the Search button on the right-side of the screen.

2. Review the results

The system will return a list of matching records. These records will be listed in order of how well they matched your search criteria. The system checks not only the person's actual name, but also any AKA's that we have on file for them as well. Initially, the list will show details we have on file about the persons including AKA's, DOB's, Driver's Licenses, Social Security Numbers, etc. If you want to see a picture of the person, simply click on their row in the results. The system shows twenty matches at a time. To see the next page, scroll the page (not the list – use the scrollbar on the far-right of the screen) down so that you can see the buttons to move to the next page.

As alternative, you can also view the results by photo. Just below the box for First Name, you will see two icons, one that looks like a list (List View) and one that looks like a series of icons (Thumbnail View) next to each other. Click on Thumbnail view and the list will be replaced by a series of photos. To see the record details for the person, click on their picture and their information will be displayed in the panel on the right-side of the screen.

3. Select your person

If you find your person in the list of results, click their Select icon . If you are in List View, it will be at the far-left in the person's row. If you are in Thumbnail View, then the icon will be just above the person's picture.

If your person is NOT in the list, then click the Continue button at the very bottom of the screen on the right-side (you may need to scroll the page down to see it). **Note:** If you click Continue, you will be making a new person record. This means that you will need to provide all of their information throughout this process. It also means that, if the person was already in the system, you will be creating a duplicate record. Please check carefully to be sure the person is not already in the system before clicking Continue to create a new person.

C. Fill in the Arrest Information

After selecting a person, you will be on the Pre-Book Info screen. If you selected an existing person, you will not be able to change the name and DOB fields. If you created a new person, make sure that the spelling of the name is accurate as well as the DOB. Go through and fill in the remainder of the arrest information. **TIP:** If you hit the **F11** key on your keyboard, the system will auto-fill information in certain boxes (i.e. Arrest Date will get the current date and Arresting and Transporting officers will be filled in by your name and badge number).

If you are fastbooking a prisoner (i.e. the prisoner will not be housed at the Santa Ana Jail), please make sure to check the Temporary Hold checkbox at the bottom of the screen.

Once you have filled in all of the information on this screen, click the Create button in the upper-right part of the screen to create an arrest record. After that, you can click on the Next button above it to continue the process.

D. Add the Charges

1. Click the New button to the right of the charges list to add a new charge

2. Search for the charge

You should see the Charge Search screen come up. Enter your criteria for searching for your charge:

- Type is the severity (F=felony, M=misdemeanor; I=infraction; O=other). The same charge may be listed multiple times, each with a different severity.

- Section is the actual crime section. Examples: 415(1) or 10851(a). You can search by just a partial section.

- Description is the text description of the charge. Again, you can search by typing in just part of the description.

- Statute is the body of law (e.g. PC, VC, SAMC, etc.).

- Crime Group is a list of general categories for various crime sections.

Once you find the charge you need, click on the Select icon on the left-side.

On the Charge Entry form, verify that the correct charge is displayed. If you have multiple counts of the charge, you can set them here (it defaults to one). You can also add notes associated with the charge if you wish. When that specific charge is complete, click the Save button on the form.

Repeat this process for any additional charges associated with this arrest. Once all the charges have been listed, click the Next button to continue.

E. Add the Probable Cause Declaration Form

At this step, you can now add any forms associated with the arrest. The key form we are concerned with is the Probable Cause Declaration form. On the left-side of the screen, you will see a list of available forms to add. Click the add icon ✚ next to the Probable Cause Declaration to add that form to your arrest.

F. Fill-Out the PC Dec

After adding the form, you will see it displayed on the screen. Much of the information on the form should already be filled in for you, especially if you selected a person that was already in the system. Make sure the auto-fill information is correct and make changes as necessary. Also, fill in any missing information.

When you click on the narrative portion of the form, it will check to see if all of the mandatory fields have been filled in. If something is missing, you will be taken to the field you need to fix. If everything is correct, then you will see a perjury acknowledgement screen. Click on the "I Understand" button to continue. As you write your narrative, you will see a counter going down. You have up to 2000 characters available for writing your narrative.

Near the bottom of the form, you will see a Narcotic Information section. As you can see, this section is broken down by type of drug. Check the box for whichever drugs apply to your arrest to enable the Quantity and Presumptive Test fields. **Note:** You may notice that there is no place for a Test Kit ID. With the design of this form, the court has allowed us to select which drug a test was performed for in lieu of having to provide a kit number. In other words, since you are indicating which drug you tested for, you no longer have to write the kit number in your narrative.

Once you have finished filling out the PC Dec form, click the Save button above the form on the right-side of the screen.

G. Send the PC Dec to the Court

After the form has been saved, you can send it off to the court.

1. If you need to make any changes to it, you must make them before sending and can do it by clicking the pencil icon ✐ next to your form.

2. To send the form, click the Export button on its row in the Saved Forms list. You will see a box pop up with all of the information from your form re-written so that the county-wide PC Dec system can take it in.

3. Click on the Send button on screen to submit your PC Dec. If it goes well, you will see the word **Success** in red letters at the top. If there is an error, please contact IT immediately with the error information. If this occurs after hours, you will need to use the county-wide website to create and submit a PC Dec (see below). Once your form has been successfully sent, the Sent checkbox will be checked next to your form.

H. Print a Copy of your PC Dec

After the form has been submitted, print a copy of it to attach to your report. To do this, click on the Print Form icon ⬛. This will create an Adobe PDF of your form and open it in Adobe Reader. Click on the printer icon in that program to print out your form.

I. Finish the Pre-Book Process

1. After the PC Dec has been submitted, add any other forms needed for your arrest and fill them out as appropriate.
2. When you are done with forms, click the Next button in the upper-right portion of the screen.
3. If you have any attachments to add, you can do that from this screen. When you are done, click Next again.
4. To complete your Pre-Booking record, check the Pre-Book Complete checkbox and click Save. After that, click Finish.

II. Rejection Process

Once a PC Dec is submitted, it goes into a County-wide PC Dec system. Judges look in this system for PC Decs that have not been reviewed and either find that there is sufficient probable cause or that there is not. If there is not, they usually add comments in the system indicating the nature of the problem. The system then sends an email to our department notifying us of whether the PC Dec was approved or rejected. PC Decs are approved in the majority of cases and since there is nothing for us to do, we are not concerned with these. Instead, our focus is the PC Decs that are rejected. In these cases, we must either resubmit the PC Dec and address the concern of the judge or release the prisoner.

A. PC Dec Notifications

The PC Dec system sends all notifications to a single, predetermined email address for each agency. The system does not send emails directly back to the author of the PC Dec. At the

Santa Ana Police Department, all of our notifications land in a folder in Outlook called "PCDecs". This folder is accessible to all Department personnel (Outlook -> Public Folders -> All Public Folders -> Police Department -> PCDecs).

The emails contain the following pieces of information:

- Whether the PC Dec was Approved or there was Insufficient probable cause (i.e. rejected)
- The CI number
- The arrestee's name
- The arresting officer's name and badge number
- A PDF copy of the PC Dec

B. Station Supervisor's Responsibilities

Since PC Dec notifications are sent to one email location Department-wide, there needs to be a central point to deal with rejected PC Decs. The Station Supervisor's office shall act as the primary point of notification of rejected probable cause declarations.

1. Requirement to have Microsoft Outlook running

Due to these notifications coming in via email, any personnel assigned to the Station Supervisor's office shall have Microsoft Outlook on at all times, regardless of the expected duration of the employee's assignment there. In other words, even if one employee is relieving another for a brief period, Microsoft Outlook must be on. Outlook can be minimized, but it must be running.

2. Notification method

Software is installed on the computer in the Station Supervisor's office that will watch for rejected PC Decs. If a rejected PC Dec comes in, an audible alert will sound that includes speech saying that "A probable cause declaration has been rejected". For this reason, the computer in the Station Supervisor's office must have speakers turned on at all times and set to a volume that allows for the alert to be heard. In addition, a window will pop up showing the information for the email that came in and act as a link to the actual rejection email.

Note: Microsoft Outlook must be running in order for this notification method to function.

As a backup measure, personnel working the Station Supervisor's office shall also check for rejected PC Decs at the beginning of their shift. These emails can be found in an Outlook folder. This folder can be viewed by clicking the small folder icon in the bottom-left portion of the Outlook screen. When activated, the user will see Public Folders added to their list of folders. From there, they will navigate to:

Public Folders ▶ All Public Folders ▶ Police Department ▶ PCDecs

Tip: To make finding the folder easier in the future, users can right-click on the PCDecs folder and click Add to Favorites in the pop-up menu. The next time they want to go to the folder, they can navigate instead to:

<center>Public Folders ► Favorites ► PCDecs</center>

3. PC Dec correction

Since the Station Supervisor will receive the notification that a particular PC Dec has been rejected, the Station Supervisor receiving the notification will be ultimately responsible for getting the issue addressed. There are two basic courses of action in this situation:

- Amend the PC Dec and get it approved by the judge

- Release the prisoner

If the PC Dec is to be amended and resubmitted, then the Station Supervisor has additional options:

- Contact the arresting officer; have the officer amend the PC Dec; and then have the officer resubmit the PC Dec for approval

- Assign someone else to amend the PC Dec and resubmit it

- Amend the PC Dec himself and resubmit it

In all of these situations, someone has to amend the PC Dec. Unlike original PC Decs which we create from within our JMS, amendments must be made from within the county-wide PC Dec system.

4. Creating a PC Dec Amendment in the county-wide system

You can get to the county-wide PC Dec system website at the following address:

<center>https://portal.iljaoc.org</center>

This link is also on the SAPD Intranet Forms & Resources section under Court Liaison titled "Probable Cause System". Your user name for this system is "sa" followed by your badge number (e.g. sa9999). Your password will initially be set to your badge number.

Once you log into the website, you will need to search for the PC Dec that was rejected. The system starts you at the search screen. The simplest way to search is by agency. The system will start off with listing Santa Ana Police Department in the agency box. If you click search, it will list our PC Decs with the most recent at the top. Alternatively, you can search by a number of other criteria including:

- Arrestee name

- DR/CI number

- Booking Date

Once you search and see the PC Dec you need in the list, you can click on either the tracking number or the arrestee's last name to get to the PC Dec record. When you click on the record, you will be taken to the website's version of the PC Dec. From there, click on the JHO Finding tab at the top of the screen. Here, you can see the judges finding regarding probable cause as well as any comments

they may have written to explain why the PC Dec was rejected. Scroll to the bottom of that screen and click on the PCD Amendment button to get to the amendment screen. On this screen, click in the Amended Probable Cause Narrative box and add whatever information is needed. When you are finished, click on the Save and Submit button to resubmit the PC Dec. You can also click the Save button if you want to save your work but are not ready to submit the PC Dec yet. This will allow you to continue your work later if needed.

Once the PC Dec amendment has been submitted, it will be reviewed by a judge. If it is approved, that will be the end of the process. If it is rejected, then another Insufficient notification will come through and the amendment process must be repeated. There is no limit on how many amendments can be added to a PC Dec.

III. County-wide PC Dec System

The Integrated Law and Justice Agency of Orange County (ILJ), in conjunction with the various law enforcement agencies in the county as well as the county court, developed a system whereby arresting officers can submit PC Decs electronically. Those PC Decs are then reviewed and approved/rejected by judges at the court electronically. This system was designed to allow agencies to submit PC Decs in one of two ways:

- Log into the ILJ website created for this purpose
- Create a PC Dec within their own agency and send the information to the ILJ system

Here at the Santa Ana Police Department, we are using the latter method via our Jail Management System (JMS). However, there may be instances were the JMS is unable to create a PC Dec. In this situation, the arresting officer will need to log into the ILJ website to create and submit a PC Dec.

A. Creating a PC Dec in the county-wide system

As mentioned earlier, you can get to the county-wide PC Dec system website at the following address:

https://portal.iljaoc.org

This link is also on the SAPD Intranet Forms & Resources section under Court Liaison titled "Probable Cause System". Your user name for this system is "sa" followed by your badge number (e.g. sa9999). Your password will initially be set to your badge number.

Once you log into the website, look for the Create New PCD button in the bottom-right corner of the screen. Click that to open a blank form.

You will need to fill in all of the relevant information on the form. You do not have to put anything in the (Agency Booking No. or IRC Booking No.). **Note**: When you get to Arresting Agency, pick Santa Ana Police Department. After that, you may need to wait a moment before the Officer Name fields listing our personnel becomes available.

On thing you'll notice that is different between the form in the JMS and the ILJ website is that the narcotic presumptive tests are in a separate section than the quantity section. Make sure you fill out both.

At any time, you can click the Save button at the bottom to save your work while still in progress. Once you are finished, click the Save and Submit button to send the form on to the judges for review. Once you click Save and Submit, you can no longer make changes to the form.

After the form has been submitted, you will want to print a copy of the form to attach to your report. To do this, scroll to the top of the form and click View Form (right above Agency Booking No.). This will create a version of the form that can be printed.

B. Creating a PC Dec Amendment in the county-wide system

As mentioned earlier, you may need to create an amendment to your PC Dec to address issues raised by a judge. In addition, you may want to create an amendment to add information obtained after your initial PC Dec was submitted (e.g. a corrected name after a Livescan is performed on an arrested). Amendments can only be created via the ILJ website.

Once you log into the website, you will need to search for the PC Dec that you wish to amend. You will start at the search screen when you log in. You can search by agency; arrest date; arrestee name; or case number (i.e. DR No.). **Note:** the more criteria you put in the fewer results you will get back. If you find that you aren't seeing the PC Dec you are looking for, try less information in the search screen.

Once you see the PC Dec you need in the list, you can click on either the tracking number or the arrestee's last name to get to the PC Dec record. From there, click on the PCD Amendment tab at the top of the screen. On this screen, click in the Amended Probable Cause Narrative box and add whatever information is needed. When you are finished, click on the Save and Submit button to resubmit the PC Dec. Again, you can also click the Save button if you want to save your work but are not ready to submit the PC Dec Amendment yet. This will allow you to continue your work later if needed.

IV. Back-up Procedure

In the case that the county-wide system is down for an extended period of time, the follow back-up procedure shall be used:

A hard copy of the PC Dec must be dropped off at the time of booking into Orange County Jail (OCJ) with the receiving deputy. It is the preference of OCSD that the PC Dec be printed on the old form containing four variously colored carbon copies. However, OCSD will accept any form that has the necessary information and an area for judicial review and signature. When delivering the PC Dec to OCJ, we must provide three copies of the PC Dec for OCJ usage, unless the old form with the attached carbon copies is being used. All signed PC Decs will be returned to OCJ.

Summary

These instructions should enable you to create a Probable Cause Declaration using the new electronic methods. Please refer to them when you are unsure how to use the system. As a reminder, make you sure you use an existing person record in the Jail Management System whenever possible to reuse information we already have as well as avoiding unwanted duplicates.