

## Form Summary

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**Name of Form:** Probable Cause Statement and Judicial Determination

**Form Number:** CR-215

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**Statutory Reference:** §970.01, Wisconsin Statutes, 4<sup>th</sup> Amend.  
U.S. Const.

**Benchbook Reference:** CR 7-3, CR 7-6

**Purpose of Form:** To have a written record of the 48 hour court review of an arrested person who is held in custody as required by *County of Riverside v. McLaughlin*.

**Who Completes It:** Arresting or other law enforcement officer.

**Distribution of Form:** Court, sheriff, facility, district attorney, arrested person or his/her attorney.

**Accompanying Forms:** Police report of arrest (not required if officer summarizes arrest on Form)

**New Form/Modification:** Modified; last update 05/24.

**Modification:** Changes made pursuant to 23 Wis Act 245 (unsworn declaration).

**Comments:** The statement of the arresting or other law enforcement officer must be made under oath (*State v. Koch*, 175Wis2nd684,698,fn.8.) *Riverside* reviews can be conducted in person at the detention facility, by fax, or by telephone conference. The presence of the arrested person or his/her counsel is not required. No record beyond this form is required.

**About this Form:** This form is the product of the Wisconsin Records Management Committee, a committee of the Director of State Court's Office and a mandate of the Wisconsin Judicial Conference.

**If you have additional information that does not change the meaning of the form, attach it on a separate page. The form itself shall not be altered.**