

# What Not to Consider When Establishing Probable Cause

The marital status of the parties

The victim is living with the suspect.

There is no jail space.

The victim may have dropped a complaint in the past.

The police officer did not witness the crime.

The victim's injuries are not considered "bad enough."

The case cannot be proven without witnesses.

The victim is reluctant or afraid to file charges.

This is a civil (rather than criminal) matter.

The lack of a protection order

The wishes of either party concerning arrest or prosecution

Assurances that the violence will stop.

Financial consequences of arrest

The race, sex, ethnic origin, social class, sexual orientation, education, or occupation of either party