



Roll Call Training Bulletin

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Race-Blind Charging

11-12-2024

INTRODUCTION

Effective January 1, 2025, **Penal Code § 741(b)(1)** requires prosecution agencies to redact all case materials received from law enforcement agencies, including police reports and suspect criminal history documentation, to remove direct means of identifying the suspect(s)', victim(s)', and witness(es)' race in order to be used for a race-blind initial charging evaluation, which shall precede the ordinary charging evaluation. This legal requirement applies for fresh arrests as well as arrest warrant requests.

Exemptions to the race-blind filing decision are in place specific crimes, which include:

- (1) Homicides.
- (2) Hate crimes.
- (3) Charges arising from a physical confrontation where that confrontation is captured in video as evidence.
- (4) Domestic violence and sex crimes.
- (5) Gang crimes.
- (6) Cases alleging either sexual assault or physical abuse or neglect where the charging decision relies upon either a forensic interview of a child or interviews of multiple victims or multiple defendants.
- (7) Cases involving financial crimes where the redaction of documentation is not practicable or is cost prohibitive due to the volume of redactions, including, but not limited to, violations of Sections 368 and 503 and other crimes sounding in fraud consisting of voluminous documentation.
- (8) Cases involving public integrity, including, but not limited to, conflict of interest crimes under Section 1090 of the Government Code.
- (9) Cases in which the prosecution agency itself investigated the alleged crime or participated in the pre-charging investigation of the crime by law enforcement, including, but not limited to, the review of search warrants or advising law enforcement in the course of the investigation.
- (10) Cases in which the prosecution agency initiated the charging and filing of the case by way of a grand jury indictment or where the charges arose from a grand jury investigation.

The procedure for submission of cases to vertical prosecution teams is not changing.

The DA's Office has created a mechanism in the DA WILD system that will accomplish the race-blind review at initial intake for our fresh arrests and arrest warrant requests by using our Probable Cause Declaration.

PROCEDURES

Fresh Arrest Procedure (physical booking and misdemeanor citations routed to DA's Consolidated Intake Division)

- For suspects that are booked into jail, SPD Records staff will copy/paste the PC Declaration used for booking into the race-blind feature of DA WILD at the time the arrest report and associated files are uploaded to the DA's office for prosecution.
- Since no PC Declaration would be available for SPD Records staff based on our past practice for suspects who are cited in the field, **effective Wednesday, November 13th, officers issuing a misdemeanor citation must include a PC Declaration in their report. This will be accomplished**

by adding a **Misdemeanor Citation PC Declaration** in MRE when the report is submitted for approval (see images below in Appendix A).

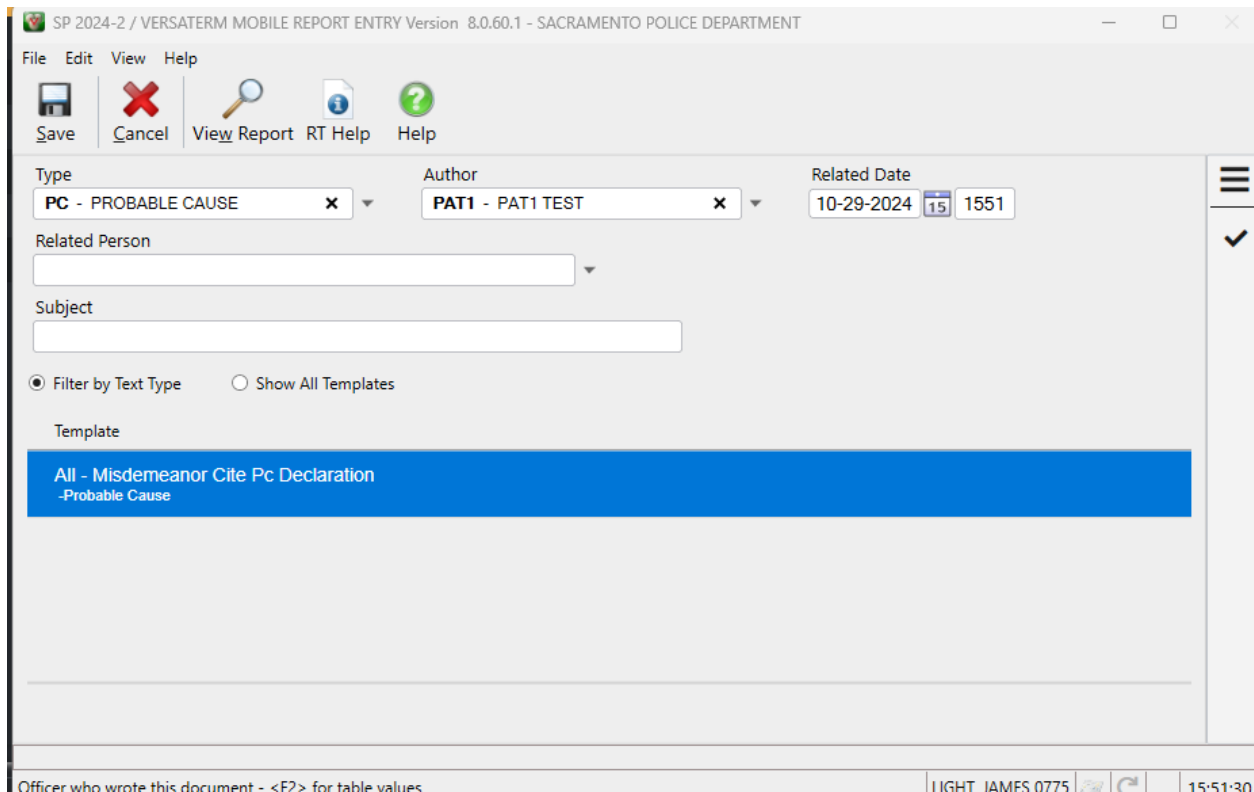
- Officers shall not copy/paste the entirety of statements or observations into the PC Declaration and should instead focus the PC Declaration text on the elements of the crime that will help the DA's Office make their filing decision.

Warrant Request Procedure (For cases routed to DA's Consolidated Intake Division)

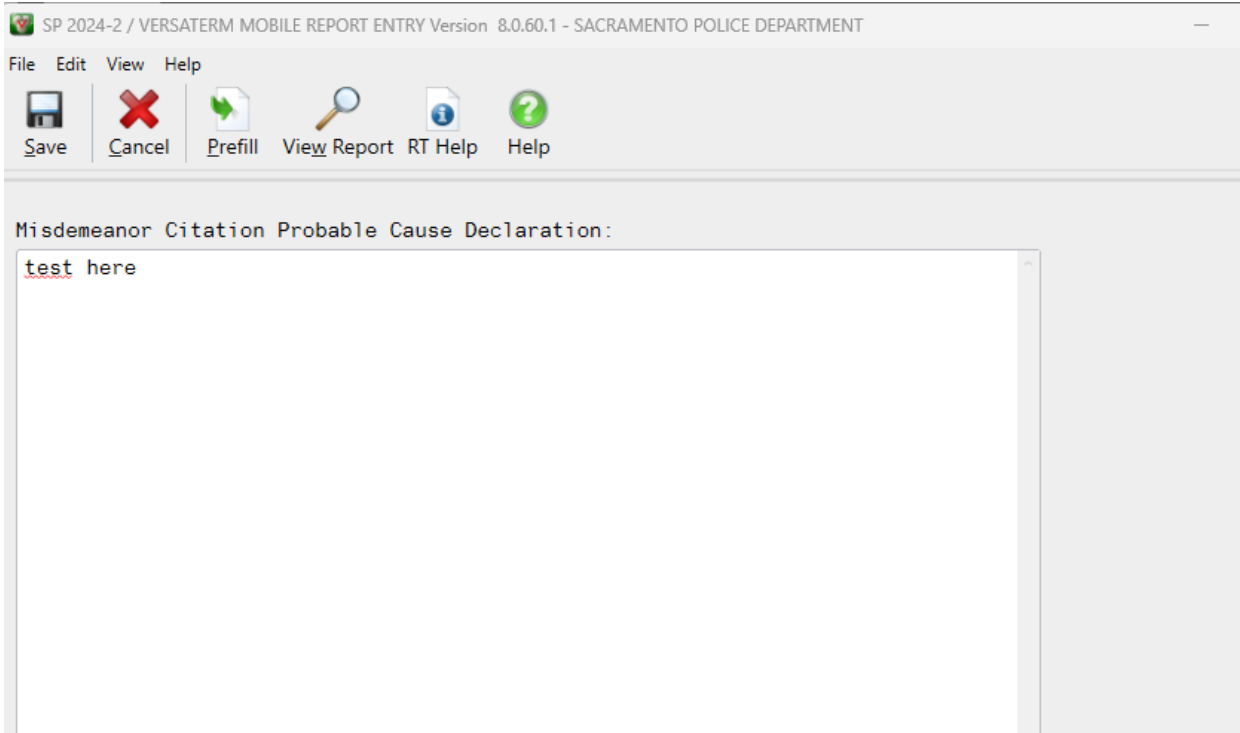
- For cases where the investigating officer/detective is requesting an arrest warrant, the requesting officer/detective will upload the SPD report and associated files into the DA WILD system.
- The officer/detective will copy/paste their narrative from the *Arrest Warrant Statement of Probable Cause* in the DA's *ARREST WARRANT REQUEST FORM* into the race-blind feature of DA WILD if the crime is not one of the exempted crime classifications.
- SPD Investigations has received training on this procedure and is conducting a trial period before it is rolled out to other SPD personnel prior to January 1st, 2025.

Appendix A (Misdemeanor Citation PC Declaration in MRE)

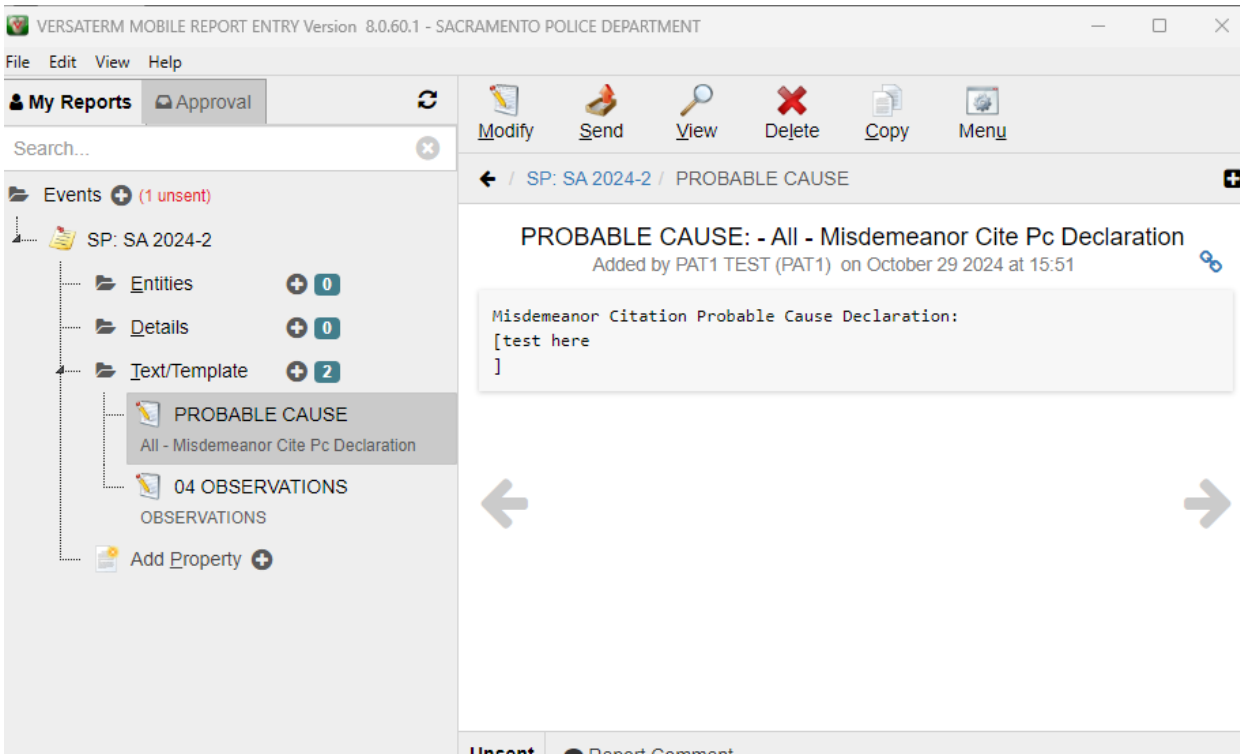
Template selection from the MRE:



Writing in the template:



Completed PC as part of the report or supplement:



General Order 523.03 (Misdemeanor and Infraction Offenses) is being adjusted to reflect this new procedure.