



DISTRICT ATTORNEY'S OFFICE

COUNTY OF TUOLUMNE

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TUOLUMNE COUNTY RACE BLIND CHARGING EXCLUSION POLICY

Penal Code section 741 provides a number of exclusions to the race blind charging requirement. The Tuolumne County District Attorney's Office adopts the following exclusions per the statute:

1. Homicide
2. Hate crimes
3. Charges arising from physical confrontation where it's captured in video as evidence
4. Domestic Violence
5. Sex crimes
6. Gang crimes
7. Sex assault, physical abuse, neglect where MDI conducted of minor
8. Financial crimes that are voluminous (PC 368, 503)
9. Public integrity including GC 1090
10. Participated in precharging investigation (signed a search warrant) or advised law enforcement in the course of the investigation (any crimes that are referred by our investigations)
11. Grand jury

The District Attorney's Office interprets the exceptions to include the following code sections:

1. Homicide
 - a. PC 187, 191.5, 192
2. Hate crimes
 - a. PC 422.6
3. Charges arising from physical confrontation where it's captured in video as evidence
4. Domestic Violence
 - a. PC 273.5, PC 243(e)(1)
 - b. any crime where allegation includes a relationship as defined by PC 13700
5. Sex crimes
 - a. PC 220, 236.1, 234.4, 261, 262, 264.1, 266, 266c, 266h(b), 266i(b), 266j, 267, 269, 285, 286, 287, 288, 288.3, 288.4, 288.5, 288.7, 289, 311.1, 311.4, 311.10, 311.11, 647.6, 207 or 209 to commit 261, 286, 287, 288, 289 [these crimes taken from PC 290(c)(1)]
 - b. PC 243.4

6. Gang crimes
 - a. PC 186.22
7. Sex assault, physical abuse, neglect where MDI conducted of minor
 - a. Any child abuse (273a, 272, etc) case where MDI taken
8. Financial crimes that are voluminous (PC 368, 503)
 - a. PC 368, 503 over 50 pages of reports
9. Public integrity including GC 1090
10. Participated in pre-charging investigation (signed a search warrant) or advised law enforcement in the course of the investigation (any crimes that are referred by our investigations)
11. Grand jury