

From: [OMalley, James \(POL\)](#)
To: [SFPD, Commission \(POL\)](#)
Subject: Fw: Input request for DGO draft 9.01
Date: Thursday, June 9, 2022 7:16:07 AM

Greetings San Francisco Police Commissioners,

I apologize if this forwarded email appears to you in duplicate but I first sent it to the Written Directives Unit two days ago and have yet to be acknowledged that it was received and/or read.

Best regards,

Sergeant James O'Malley #633
San Francisco Police Department
Northern Police Station
1125 Fillmore Street
San Francisco, Ca. 94115
415-614-3400

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From: OMalley, James (POL)
Sent: Tuesday, June 7, 2022 2:30 PM
To: writtendirectives, sfpd (POL) <sfpd.writtendirectives@sfgov.org>
Subject: Input request for DGO draft 9.01

First off, I would like to thank the SF Police Commission and SFPD for this historical and long overdue first step of including the front line officers of the SFPD in the stakeholders portion of policy making. In years past, a "top down" approach has resulted in cumbersome policies that often resulted in "policy failure" findings at the DPA.

Biased policing, racially based stops, and unlawful traffic stops in general have been prohibited for decades under State Law, local policies, and statutes as all persons already enjoy equal protection under the law - establishing preferential treatment for motorists of a particular race might run afoul of CA's Proposition 209. Ironically, supremacists of any race/group operate under a similar mindset while creating systems for their particular race/group to solely benefit.

There is no demonstrable public safety benefit to banning lawful traffic stops and prohibiting officers from inquiring further about other criminal enterprises that may be afoot- by persons who are already disregarding the laws. In light of a wave of mass shootings nationwide, we should be encouraging, not deterring or dissuading our officers from utilizing legal tools at their disposal to initiate or further criminal investigations. The vast majority of traffic stops on all backgrounds of motorists are non-contentious events and simply lead to the educating of a motorist, however some

have led to the discovery of assault rifles and interrupted the potential for gun violence.

The stated purpose of this DGO may cause People of Color to feel alienated or to feel offense since they overwhelmingly and routinely drive within the required and established rules of the Vehicle Code. ie; driving with license plates on their lawfully registered cars, with their lighting in working order, without unlawful tints or something obstructing their view through their windshields, driving properly with their headlights on after dark, and who don't throw waste on the streets.

Please join me in rejecting the notion that POC are incapable or somehow unwilling to comply with any and all required vehicle codes. The laws were designed to all violators accountable and to shield and person or group, allowing them to be above the law, will not create better choices. As they say: If you allow it, you encourage it. A policy that shifts blame from one's personal responsibility to the police officer whose duty it is to hold those accountable, is backwards logic.

If enacted as written, this policy will only serve to reinforce negative stereotypes of both motorists and police officers. Rather than attempt to engineer outcomes, lets trust that the vast network of non-profit organizations in San Francisco are being effective at their jobs in the community addressing the root causes that result in ie; unregistered vehicles, driving without license plates, littering, etc.

This DGO appears to create an exemption of CA traffic laws that were written for all person regardless of race, gender, etc. This DGO undermines the CA legislature and Governor, and places no faith or trust in qualifying community motorists to comply with existing laws. The standards and expectations for motorists in SF should be raised, not lowered.

The legislature had created a duty for law enforcement when they enacted these well-reasoned laws. Usurping existing laws through administrative policy is counterproductive if one wants to change existing laws. Signaling to the legislative branch that SFPD will refuse to enforce their laws might suggest that we are a rogue agency unwilling to fulfill our role in a responsible government.

Banning the reasonable suspicion stop of a motorist who happened to exit his/her illegally parked car just prior to their lawful detention- after say blocking a handicapped ramp or zone- tends to show a level of disrespect to the Judicial branch of government and ignores well reasoned existing Judicial Branch rulings regarding police tactics and behavior (that have consistently ruled such stops as Constitutional, reasonable and lawful). Allowing a motorist's flight into say, a convenience store, begins a process of escalation that should be avoided, but would actually be encouraged by this policy (if enacted).

Banning stops for persons unlawfully riding bikes and scooters on sidewalks in a dense pedestrian centric city does, not make for safer communities. The SFPD has been doing outreach on this reckless behavior for years and anything less than effective policing is a step backwards.

Warm regards,

Sergeant James O'Malley #633
San Francisco Police Department
Northern Police Station

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San Francisco, Ca. 94115
415-614-3400

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