

My responses to some of the items in the Draft for DGO 9.01 and the order as a whole.

Draft for General Order 9.01

The goal of this General Order is to reduce racial bias in the enforcement of our traffic laws, and in particular, to curtail the use of pretextual stops. These stops—which use the traffic code as a pretext to conduct stops and searches absent any concrete evidence of criminal wrongdoing—are disproportionately carried out against people of color and provide no demonstrable public safety benefit. Limiting this ineffectual practice will free up valuable resources to focus on strategies proven to stop and prevent crime. To that end, our traffic enforcement efforts should be focused on what matters most: ensuring the safety of our sidewalks and roadways.

Limiting this ineffectual practice will free up valuable resources to focus on strategies proven to stop and prevent crime.

- What strategies that are proven to stop and prevent crime is the department referring to here? If a statement like this is being made in a revision of a general order, then we should have focused direction on what strategies officers should employ.
- What resources are now being deployed in this manner that would be redirected?

To that end, our traffic enforcement efforts should be focused on what matters most: ensuring the safety of our sidewalks and roadways.

- How can we ensure the safety of the roadways if the vehicles we are attempting to pull over and fail to yield, have no discernable, legal identifiers to follow up, if they evade. This Department General Order in my opinion will decrease the safety of our sidewalks and roadways, which I will explain as I go.

9.01.04 LIMITING STOPS FOR LOW-LEVEL OFFENSES

A.

1. Failure to display both license plates. (Cal. Veh. Code § 5200(a)).

- This is a dangerous precedent to set in San Francisco and the surrounding bay area as a whole. California state law requires two license plates to be affixed to a vehicle. The state just passed a law requiring temporary plates be issued to vehicles when purchased. Vehicles that are used for the purpose of committing crime in San Francisco will just not display license plates. It is bad enough we are currently dealing with felony vehicles using stolen license plates displayed on them. At least this gives officers and investigators a lead to work with. Without license plates or a discernable marking/damage on the vehicle, felony vehicles would be untraceable. Rental

vehicles, which usually have no damage on them, could be used by theft, auto burglary, and robbery suspects with no way of finding them.

- When it comes to traffic, I believe this rule is dangerous and completely goes against San Francisco's goal of Vision Zero. A hit and run occurs, no license plates on suspect vehicle, no permanent damage, add in section number 7 of this draft, tinted windows, and what will follow up investigators have to go on. I believe this will increase the speed and reckless driving of persons in this city.
- San Francisco has consistently pushed for speed cameras to help in its fight for Vision Zero. If no one has license plates on their vehicles when they drive into or around San Francisco, what is the point of having the cameras.
- If toll cameras are placed in San Francisco as some people in government here want, would good will they be. Only law abiding persons, no matter of their socio-economic status will have to pay tolls. This will just cause more people to remove their license plates.

2. Failure to display registration tags or driving with expired registration. (Cal. Veh. Code § 4000).

- If freeing up valuable resources to prevent crime is a goal of this order, then how is officers writing parking tickets later on for an offense, possibly out of their district sensible, when the violating vehicle was right in front of them to begin with.

4. Driving without functioning or illuminated headlights, unless no headlights are functioning or illuminated, and the sun has set. (Cal. Veh. Code § 24400(a)-(b)).

- This is a simple public safety hazard. Goes against Vision Zero.

5. Driving without functioning or illuminated taillights, unless no taillights are functioning or illuminated and the sun has set. (Cal. Veh. Code § 24600).

- This is a simple public safety hazard. Goes against Vision Zero.

6. Driving without functioning or illuminated brake lights, unless no brake lights are functioning or illuminated and the sun has set. (Cal. Veh. Code § 24603).

- This is a simple public safety hazard. Goes against Vision Zero.

7. Tinted windows (Cal. Veh. Code § 26708.5).

- Tinted windows on felony vehicles have become almost standard procedure now for people committing crimes. Removing this as an enforcement tool will make it even more rampant and make it harder for officers and investigators to solve crimes after they occur. As stated previously, if freeing up valuable resources to prevent crime is a goal of this order, then how is officers writing parking tickets

later on for an offense, possibly out of their district sensible, when the violating vehicle was right in front of them to begin with. Also, most vehicles that are used to commit crime in San Francisco, aren't from San Francisco. Issuing parking tickets for this is a moot point.

- Identifying the driver of a hit and run vehicle becomes almost impossible if no one can ID the driver, going against Vision Zero. I have seen numerous vehicles being driven with even tinted wind shields.

14. Any parking infraction, unless the car is unoccupied.

- So, if a **vehicle**, is occupied officers should stay away from it. If a vehicle is parked, occupied in a bicycle lane, how should officers proceed?

B.

2. Riding a bicycle on a sidewalk. (S.F. Trans. Code Art. 7, § 7.2.12).

- This is a dangerous precedent to set for adults riding down narrow sidewalks. I can only think of the elderly, disadvantaged, and children on sidewalks with speeding bicycles making it hazardous for them to walk.

3. Riding a non-motorized scooter on a sidewalk. (S.F. Trans. Code Art. 7, § 7.2.13).

- See my answer to #2.

To end, and I am not trying to be sarcastic here in anyway, I say this seriously. San Francisco is not an island, I believe these rules will make San Francisco even more appealing to persons who wish to commit crimes to make money by nefarious ways. People who come to San Francisco to commit crime for profit use vehicles. Without vehicles, auto burglars commit far fewer auto burglaries and are way easier to arrest.

A current, high end auto burglary/robbery vehicle will be the following:

- A rental vehicle or a vehicle purchased through a private party and not registered with the state of California.
- The vehicle will most likely have stolen license plates displayed or no license plates at all. If this DGO is passed, I believe people who commit crimes will switch to no license plates at all.
- The vehicle will have heavily tinted windows all around the vehicle, including the windshield.

I can envision homicides, rapes, aggravated assaults all be harder to investigate due to this DGO.

I believe this DGO will make the streets more dangerous in terms of both crime and traffic. I believe Vision Zero will be even harder to achieve if this DGO is implemented.

By making this department policy, it will actually drain resources because there will be more crime to investigate. Vehicle Collisions will become harder to investigate, taking up valuable resources.

Sergeant Steven Spagnuolo #22

General Work Detail – General Crimes