

December 21, 2022

The Honorable Cindy Elias
 President, Police Commission Office
 San Francisco Police Headquarters
 1245 3rd Street
 San Francisco, CA 94158
cindy.elias@sfgov.org



Submitted via electronic mail

Re: Meeting Request Concerning Ending Racially Biased Stops in San Francisco

Dear President Elias and Commissioners,

We represent the Coalition to End Biased Stops, a broad-based group of over 110 organizations, which consists of traffic safety groups, civil rights attorneys, policy think tanks, and an array of community based organizations and advocates. We are united in our goal of ending racially biased traffic stops by police in San Francisco. Police use these non-safety violations as a “pretext” to detain and search people, wreaking untold economic, physical, psychological, and intergenerational harm, especially against Black and Brown motorists, bicyclists, and pedestrians.

We have come together in full agreement and conviction that unnecessary pretext stops do not improve traffic safety and are extremely harmful to people of color. This has been proven time and again in the research and data, much of which has been presented before the Police Commission. The breadth and magnitude of the Coalition constitutes unprecedented support for a proposed revision of a Department General Order (DGO), which would mark an important step toward reducing persistent racial disparities in policing.

Over the past year, the steering committee of the Coalition has repeatedly reached out and met with several members of the Commission and Board of Supervisors to discuss our vision for the policy that is now before the Commission as DGO 9.01 (soon to be 9.07). The rounds of thoughtful discussion, feedback, and guidance have helped bring us to this historic opportunity.

As a Commission vote on the revised DGO approaches, we request a meeting with you, when your calendar permits, **between now and Tuesday, January 10, 2023**, in order to clarify what the policy accomplishes. We understand that there may be questions or concerns related to this version of the policy, which is even more narrow than earlier drafts.

In an apparent attempt to undermine the revised DGO, there has been a recent escalation in misinformation about the policy and the conflation of unrelated issues. Some seem to be purposefully presenting a false narrative that banning pretext stops will negatively impact public safety. Despite being provided with facts to the contrary, some people continue to share hypothetical yet still *enforceable* scenarios related to policing and traffic stops that would not be impacted by the proposed policy. It must be made clear, *it is the harms that stem from these racially biased stops that jeopardize public safety, and they must be rectified.* To suggest otherwise diminishes the trauma caused by racial profiling.

So that there are no misconceptions about the revised DGO, we have compiled the following facts about the proposed policy for your reference:

1. Police can still enforce dangerous driving behaviors under this policy; the City’s “Vision Zero” Commitment and “Focus on the Five” will not be negatively impacted.

Traffic safety organizations — like Coalition steering committee members Walk San Francisco and the San Francisco Bicycle Coalition — are strong advocates for this policy because *nothing* in the revised DGO would impact the San Francisco Police Department’s (SFPD) stated “Focus on the Five” as part of the City’s “Vision Zero” goal to end traffic fatalities by 2024. In actuality, neighborhoods with higher populations of people of color experience *less* enforcement of the five most common causes of collisions and injuries and *more* enforcement of these pretext stops, which is shown by SFPD data. Our streets are safer when police are not stopping people for driving, bicycling, or walking while Black or Brown — these kinds of stops can lead to an escalation of state violence and police misconduct. The need for reform is reinforced by the [June 2022 University of California San Francisco report](#) that found that San Francisco ranks the *worst* in the state when it comes to police-caused hospitalization rates for Black residents.

In the revised DGO, the nine reasons for stops that officers would not be able to use without further justification are:

- Failure to display a front license plate;
- Failure to display proper registration tags;
- Failure to illuminate license plate;
- Driving with malfunctioning tail lights (unless all lights are out);
- Driving with malfunctioning brake lights (unless all brake lights are out);
- Having an object affixed to window or hanging from rearview mirror (unless the item obstructs the driver’s view and substantially increases likelihood of injury or death);
- Failure to signal while turning or changing lanes;
- Sleeping in a car; and,
- Pedestrian or bicycle infractions unless there is an immediate danger of crash.

2. Traffic stops are an ineffective way to reduce crime.

Mayor London Breed recently announced that the City is partnering with The Policing Project at New York University School of Law on [Reimagining Public Safety](#). The Policing Project — a nonprofit organization that works with communities and police to promote public safety through transparency, equity, and democratic engagement — has done extensive data analysis to demonstrate that [“traffic stops are not an effective strategy for reducing crime.”](#) The Commission has seen repeatedly that searches conducted after the type of traffic stops that are mentioned in this policy have insignificant rates of yielding contraband and are not the kind of stops that “get guns off the street.”

3. In the revised DGO, police can still stop people who they legitimately have reason to suspect are in the course of committing a crime.

Nothing in this policy changes the fact that an officer can stop a suspect when there is reasonable suspicion of an assault, robbery, driving under the influence, speeding, running a red light, or any other offense not listed as one of the nine “low-level offenses” above. Officers will still be able to enforce those nine “low-level offenses” if they initiate a stop for another reason (such as speeding), if it is a commercial

vehicle, or if the person or vehicle matches the description of a suspect involved in certain violent crimes.

4. This policy is common sense, data-driven and evidence-based, and reflects changes already happening across the country.

The Committee on Revision of the Penal Code, a California-wide committee of legal experts, released their [annual report](#) this week, which states, “pretext stops are ripe for racial profiling,” and recommends “prohibit[ing] police officers from stopping people for technical, non-safety-related traffic offenses.”

The statewide Committee’s proposal is actually *broader* than the one proposed in San Francisco, and includes prohibiting stopping people for offenses related to the following: vehicle or equipment registration, positioning or number of license plates, lighting equipment, window tints or obstructions, and bicycle equipment and operation.

When it comes to ending pretext stops, San Francisco is behind the national curve. The data could not be clearer; roughly a dozen jurisdictions have implemented similar policies in all corners of the country and there have been *no adverse consequences*. This includes Minneapolis, Philadelphia, Washington, D.C., Virginia, Nashville, Connecticut, and parts of Maryland, Massachusetts, and California. Most recently, too, Washington introduced legislation to address these same problems.

5. This policy will lead to a significant reduction in racial bias, while not harming public safety.

As Jacob Denny of SPUR presented at the Commission meeting on December 14, 2022, the nine aforementioned stops that would end under this policy account for as many as 10,000 traffic stops in San Francisco a year (see enclosed presentation). In Nashville, when police stopped emphasizing pretext stops as a strategy, the number of traffic stops [dropped by 60 percent](#), freeing officers to engage in other types of activity in the communities they served. Virginia, after adopting a pretext stop ban, saw fewer or the same number of total collisions and pedestrian collisions the year after the ban went into effect.

The DGO would drive down disparities by limiting some of the most common stops that Black and Brown people are subjected to. Two of the stops included in the proposed DGO — driving with an expired registration and failure to display license plates correctly — make up two of the three most common reasons Black motorists are stopped in San Francisco. These stops rarely, if ever, result in citations for Black motorists, with just 22 percent of Black motorists stopped for failing to display their license plates actually receiving a ticket. *This is a clear indicator that these stops are used as a means of detaining certain drivers and not as a way to enforce traffic safety.*

6. Fearmongering hypotheticals and false narratives do not hold up to scrutiny.

During the DGO Working Group and at Commission meetings, some commenters have brought up hypothetical situations that, the commenters claimed, would lead to results such as officers being unable to stop a car with no plates, or being unable to stop a driver who falls asleep at an intersection. These hypotheticals have no merit. Under this policy, both of these situations would result in a traffic stop. Missing both the front and back license plate will still be grounds for a stop. And a sleeping driver who is blocking an intersection is almost definitely tantamount to reasonable suspicion to investigate an impaired driver, an offense that *is not* affected by this DGO. Additionally, the conduct would be covered by laws prohibiting blocking an intersection, impeding traffic, failing to heed a signal, etc.

From the beginning, this proposal has always been about the safety and well-being of our entire San Francisco community. Racially biased pretext stops waste community resources and result in unnecessary force and violence, and the revised DGO brings San Francisco's traffic enforcement policy into alignment with widely established best practices. Reducing enforcement of pretext stops does not increase public danger, and this policy will not diminish confidence in City government. If anything, it demonstrates San Francisco's ability to make rational, data-informed decisions, and recognize that it is time to join the other cities, counties, and states that have already implemented similar effective policies.

Thank you for your consideration of this request to meet. We look forward to working together to clarify points of confusion and prevent the further spread of misinformation. The Coalition would like to be a resource for you as this vital policy approaches a vote at the Commission in January 2023. For further discussion, please write to Wesley Saver at wsaver@glide.org.

Sincerely,

The Steering Committee for the Coalition to End Biased Stops

ACLU of Northern California
All of Us or None
Coalition on Homelessness, San Francisco
Community Resource Initiative
Council on American-Islamic Relations, San Francisco Bay Area Office
East Bay Community Law Center
GLIDE
Lawyers' Committee for Civil Rights of the San Francisco Bay Area
Legal Services for Prisoners with Children
Mobilization for Adolescent Growth in Our Communities
San Francisco Bicycle Coalition
San Francisco Public Defender
SPUR
Walk San Francisco

Enclosure: 2022.12.14 - SPUR - Traffic Stops in SF Presentation to Police Commission.pdf

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