

From: [communication](#)
To: [SFPD, Commission \(POL\)](#)
Cc: [Board of Supervisors \(BOS\)](#)
Subject: End Pretext Stops
Date: Wednesday, January 11, 2023 6:48:29 PM

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

Re: DGO 9.07 — End Pretext Stops — SUPPORT

Dear President Elias and Commissioners,

Parents for Public Schools of San Francisco writes in strong support of Department General Order (DGO) 9.07, and respectfully requests your AYE vote on the proposed policy. Currently, under submission, DGO 9.07 would update the San Francisco Police Department's (SFPD) traffic enforcement policy to limit the use of pretext stops, prohibit consent searches during traffic stops and improve traffic stop data collection and reporting requirements.

At Parents for Public Schools of San Francisco, we believe that public education is a fundamental right for all children. We believe that strong San Francisco public schools create a strong city for us all. We also believe that engaged, empowered parents are crucial to the success of our children and schools. When we invest in the success of public education, everyone wins. We have created strong community ties over the years and are continuing to push for equitable access to the diverse community in San Francisco. We realize that within a diverse community, there are certain instances that inhibit members of our community from living without anxiety and fear of being stopped by police. It is our goal to continue to support our Black, Brown, and Indigenous communities who are most affected by helping spread information in accessible and equitable ways while also uplifting the voices in the community that are most targeted by traffic stops.

Traffic stops are the most common source of all police-citizen interactions, and the extent and nature of racial disparities in San Francisco's traffic stops are substantial, egregious, and unjustified. Rigorous evaluation, including a recent SPUR analysis that was presented to the Police Commission on December 14, 2022, proves there are sustained and troubling disparities in how SFPD interacts with people they stop depending on their race. Furthermore, the searches that often result from these stops have extremely low yield rates for "contraband" and are essentially a waste of resources. People face starkly different experiences when interacting with SFPD based on the color of their skin, and it is up to the Police Commission to take immediate steps and enact policy changes to remedy racially-based policing.

Pretext stops are a poor investigative tool and instead generate anger, fear, and alienation among Black and Brown communities. The mistrust generated is particularly acute within the demographic communities that receive extra police scrutiny, and we cannot look at the evidence and continue to discount complaints in communities of color about different standards for police encounters, nor can we ignore the collateral and sometimes deadly consequences. Pretext stops are applied unevenly across racial lines, Black and Brown San Franciscans are clearly targeted for more

aggressive treatment, these differences are not justified by differences in criminality, and communities of color have paid a tremendous social cost.

Despite training and attempts to shift the culture of SFPD, the data undeniably demonstrates that San Francisco does not understand how to balance public safety needs with respect and equity for all its residents — the stops that would end under this policy account for as many as 10,000 unnecessary traffic stops in San Francisco a year. For victims of racially biased policing, it can be humiliating, life-altering, and dangerous — these kinds of stops can lead to the use of force and police misconduct, impose a severe burden on those least able to bear it, and undermine and erode the relationship between the public and the police. 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 for police-caused hospitalization rates for Black residents.

In their 2022 annual report, the Committee on Revision of the Penal Code, a California-wide committee of legal experts, states, “pretext stops are ripe for racial profiling,” have “disturbing racial disparities,” and recommends, “prohibit[ing] police officers from stopping people for technical, non-safety-related traffic offenses.” This form of structural racism can be addressed via policy change without decreasing public safety. Pretext stops, and the resulting detentions, questioning, arrests, court appearances, and incarceration merit concern, and DGO 9.07 represents a meaningful solution to the disparate outcomes. Regardless of the underlying causes or circumstances of these patterns in policing — be it explicit or implicit bias — ending pretext stops is feasible and has been proven to be effective at reducing attendant harms and with no adverse consequences.

From the beginning, this proposal has always been about the health and well-being of our entire San Francisco community. This DGO is specifically focused on eliminating those stops that present no public safety risk and brings SFPD’s traffic enforcement policy into alignment with widely established best practices. Reducing pretext stops does not increase public danger and demonstrates San Francisco’s ability to make the data-informed decision to join the other jurisdictions across the country that have already implemented similar effective policies.

Failure to pass and implement this DGO in a timely manner would send an incredibly damaging message that San Francisco does not view communities of color as full members of society, that they are not to expect equal treatment, and that the most visible government agents they are likely to encounter — the police — view them as dangerous threats. We cannot afford to continue down a path that allows Black and Brown lives to be dominated by counterproductive and unjustifiable widespread domains of criminality. As such, we respectfully request that you give credence to those members of our community who are disparately harmed by racially biased policing and act accordingly. On behalf of Parents for Public Schools of San Francisco, please unanimously pass DGO 9.07 and end pretext stops in San Francisco. For questions about our position, please contact me at communication@ppssf.org.

Sincerely,

The Team at Parents for Public Schools of San Francisco

From: Youngblood, Stacy (POL)
To: SFPD, Commission (POL)
Subject: FW: S.F. Police Commission bans pretextual traffic stops to reduce racial bias
Date: Thursday, January 12, 2023 12:51:19 PM
Attachments: [lmaq001.png](#)

FYI

From: Richard Hylton <rhyton@san.rr.com>
Sent: Thursday, January 12, 2023 12:48 PM
To: Nancy Beninati <Nancy.Beninati@doj.ca.gov>; 'Allison Elgart' <Allison.Elgart@doj.ca.gov>; kevin.Walker@doj.ca.gov; manny.alvarez@POST.CA.GOV
Cc: sfpdchief@sfgov.com; Cox, Brian (PDR) <brian.cox@sfgov.org>; Taylor, Tehanita (PDR) <tehanita.taylor@sfgov.org>; mpochoa@aclusocal.org; apridgen@sanleandro.org; Steven Raphael <stevraphael@berkeley.edu>; manny.alvarez@POST.CA.GOV; Nance, Allen (JUV) <allen.nance@sfgov.org>; Gilmore, Arline (POL) <arline.gilmore@sfgov.org>; Fountain, Christine (POL) <christine.fountain@sfgov.org>; Garcia, David (POL) <David.Garcia@sfgov.org>; Suhr, Greg (POL) <greg.suhr@SFGOV1.onmicrosoft.com>; Coby, Hilarie (POL) <hilarie.coby@sfgov.org>; Shields, James (POL) <james.shields@sfgov.org>; CLARK, JANA (CAT) <Jana.Clark@sfcityatt.org>; Chisholm, Jeanne (POL) <jeanne.chisholm@sfgov.org>; Raphael, Joshua (POL) <joshua.rafael@sfgov.org>; Magallon, Lula (POL) <lula.magallon@sfgov.org>; San Francisco Sheriff's Office (SHF) <sheriff@sfgov.org>; Cowan, Sheryl (JUV) <sheryl.cowan@sfgov.org>; Youngblood, Stacy (POL) <Stacy.A.Youngblood@sfgov.org>; Cunningham, Jason (POL) <jason.cunningham@sfgov.org>; Garcia Jr, John (SHF) <john.garciajr@sfgov.org>; Combs, Simone (CHF) <simone.combs@sfgov.org>; Cox, Brian (PDR) <brian.cox@sfgov.org>; Spears, Shawnte (MYR) <shawnte.spears@sfgov.org>; Info, HRC (HRC) <hrc.info@sfgov.org>; Youthcom, (BOS) <youthcom@sfgov.org>
Subject: S.F. Police Commission bans pretextual traffic stops to reduce racial bias

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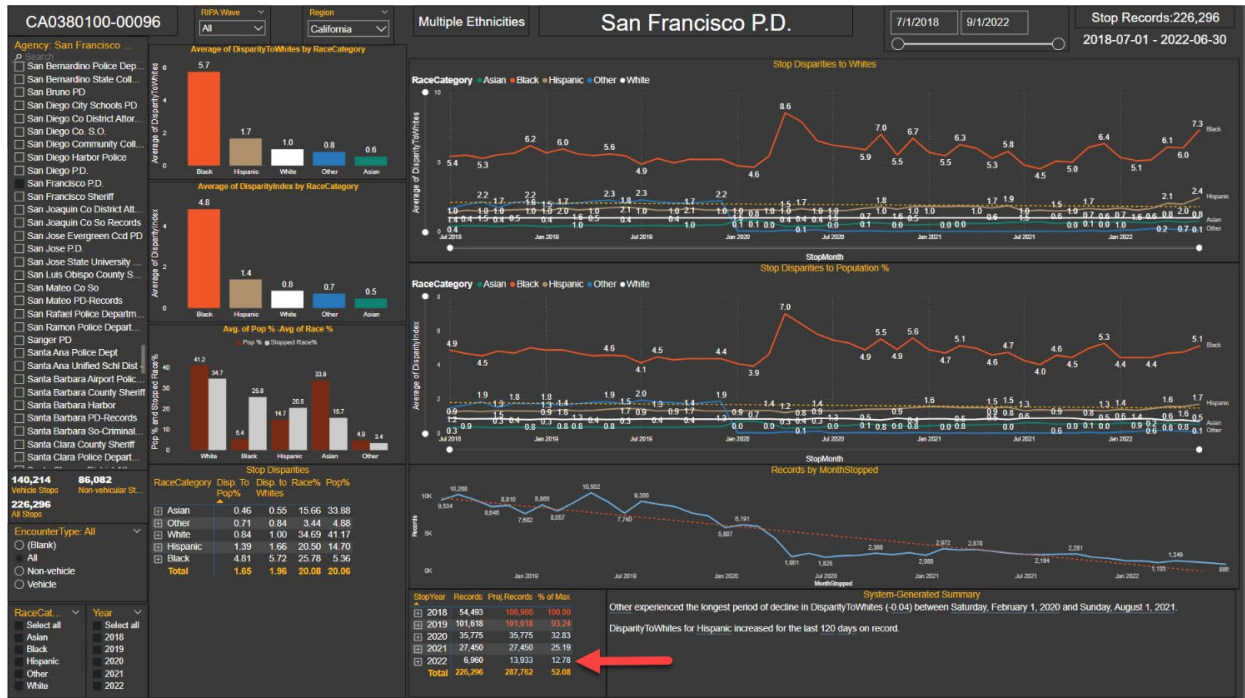
The headline is fulfillment of what the 2023 RIPA Stop Data Report alerted us to at Page 154

3.6.1. San Francisco

Established in 1878, San Francisco has one of the oldest police commissions, which is now codified in the city charter.⁷⁹¹ It plays a significant role in imposing discipline for police misconduct. It conducts the San Francisco Police Department's (SFPD) disciplinary hearings for police misconduct for charges brought by the Chief of Police or Director of the Department of Police Accountability (DPA), imposes discipline when warranted, and hears officers' appeals for discipline imposed by the Chief of Police.⁷⁹² The SF Police Commission also sets SFPD's internal policies.⁷⁹³ The San Francisco Public Defender's Office, and several community groups, **recently urged the commission to change SFPD's pretext stop policies.**⁷⁹⁴ The commission also has the authority to follow up on the DPA's (discussed in-depth below) audits and policy recommendations to ensure SFPD's compliance.⁷⁹⁵

This decision is not what I expected, there having been an opposite claim before. But, as Frank Perdue said, irrespective the source of chicken parts, "parts is parts. I accept gross numerical relief from oppression, **whatever the source or basis for it**, when it presents itself. I do so even as I pray for proportional relief to come later. Stopping fewer people reduces the overall misery index for Black and Brown people, **but nothing else**. Mark my words, we shall hear about crime spikes later.

It is my view that now the SFPD shall have nothing to do. That is not much of a change since that is more or less what they have been doing for over two years; as they worked to rid themselves of Boudin. Figure 1, may demonstrate that reduced stops do not reduce proportional disparities.



How is it possible for a Police Force of 2200 sworn-officers stop fewer than the 13,900 that I projected that they shall have stopped in 2022?

The S.F. Police commission is correct while it is being mistaken. It is correct that disparities are bias, but a mistake to expect that fewer stops will reduce Black to White or Hispanic to White disparities. That has been proven to be false. It has been tried and failed, and was demonstrated to have failed in data from 2021. Now, with the inclusion of stop data for 2022, the best that can be said is that disparities have flat-lined.

Chief Scott's observation remains correct; disparities shall change, for the better, when police-behaviour changes, for the better; something difficult, if not impossible, while the agency that is

responsible for training police, POST, continues to train LEO's that Racial Profiling is not real, just something in the perception of people like me.



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From: [Frances Taylor](#)
To: [SFPD, Commission \(POL\)](#)
Subject: limit pretext stops
Date: Wednesday, January 11, 2023 8:03:51 PM

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As a longtime -- decades! -- advocate for safer streets, I've gotten to know who supports pedestrian safety and who opposes measures to reduce traffic violence. When a group like the Coalition for San Francisco Neighborhoods, which has consistently opposed safe streets proposals, suddenly discovers pedestrians when it gives them an opportunity to support heavy-handed policing, my disgust at this hypocrisy becomes almost unbearable.

Please do not listen to individuals and groups that still use the term "accidents" for preventable collisions, individuals and groups that cry crocodile tears over pedestrian deaths and injuries while having never lifted a finger to prevent them. Auto-focused organizations suddenly pretending to care about pedestrians should fool no one.

Please pursue the proposed limits on racially motivated pretext stops. Don't listen to the hollow arguments of phony friends of pedestrians.

Sincerely,
Fran Taylor

From: [Jean Bridges](#)
To: [SFPD, Commission \(POL\)](#)
Cc: [Phelicia Jones](#)
Subject: Public Comment - Commission's failure to include public in pretext stops policy comment/process
Date: Wednesday, January 11, 2023 6:43:50 PM

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Commission President Elias and San Francisco Police Commission:

At the December 14th, 2022 meeting, you shut down general public commenters, stating that comment could be made at the agenda item for pretext traffic stops. But then you undermined that promise to the public by next pulling that item off of the agenda completely. This resulted in public comment not being heard on this urgent subject, at all, that meeting. Many people were waiting to make comment and were denied the opportunity.

After waiting a month now to make comment, tonight (Jan 11th, 2023), you contradicted your own published agenda again and violated your own rules again. This time, after waiting for the always-late start time (meeting started at 5:45pm though the meeting is scheduled for 5:30pm), you allowed only 5 minutes of general public comment TOTAL. That meant only two commenters were heard. This is a total violation of your own protocols - AGAIN. Many who were waiting on the line to comment were not heard.

Then you pulled forward item 8 on the agenda tonight, which is the pretext stops item, so I thought ok now perhaps we will be able to comment. But you skipped straight to a presentation on traffic stops. For yet another time - you circumvented public comment.

There can only be one conclusion: You are actively discouraging public comment at Commission meetings. Your total disrespect for the public is noted.

You have allowed the current draft DGO 9.01 policy to be completely diluted of any language indicating that the DGO's purpose is to **reduce and prevent racially biased policing**. You have seemingly ignored this feedback. The DGO purpose and language are being impacted by an outsized involvement by police in the "public" feedback loop. Police are NOT the public and as your presenter tonight (Metlock) said -- of course police officers are likely to oppose such a policy out of the gate. SFPD has certainly at every turn sought to kill this policy change.

In San Francisco, a Black person is more than 5 times as likely to be stopped by police (racially profiled) as is a white person. In some recent calendar quarters it has been 6 or 7 times to 1. This is according to SFPD's own ongoing quarterly reporting (see [SFPD's QADR 96A quarterly reporting](#), Quantitative Analysis section, per capita racial disparities charts). You would be

hard pressed to find worse anti-Black disparity in policing numbers ANYWHERE. Indeed, the Federal Department of Justice called this out in the DOJ COPS report of 2016 - and there has been NO improvement in racial equity in SFPD's stops since.

You need to value and respect the public and to acknowledge and indeed champion the fact that these discussions would not even be happening if it weren't for **SFPD's horrific anti-Black traffic stops practices**. This policy change is not "groundbreaking" (direct quote) as you recently suggested. Indeed, you had a presenter on tonight who enacted such a policy to reduce racist stops in Fayetteville, NC. There are similar policies for the exact same reason, which have been or are being enacted in Virginia, Michigan, Minnesota, Pennsylvania, Berkeley, CA - and beyond.

Unfortunately the public is losing confidence in your ability to make meaningful policy change in San Francisco policing, because of your failures in this process -- failures to even adhere to your own process rules.

Jean Bridges, Member
Wealth and Disparities in the Black Community

cc: Phelicia Jones, MCP, Founder

From: [Raya Steier](#)
To: [SFPD, Commission \(POL\)](#)
Subject: Public Comment on Department General Order 9.07
Date: Wednesday, January 11, 2023 4:48:04 PM

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Dear President Elias and Commissioners, Chief Scott, and Executive Director Henderson,

My name is Raya Steier, I live in District 7, and I serve as the Vice President of Membership at the Harvey Milk LGBTQ Democratic Club. I work for the Lawyers Committee for Civil Rights San Francisco. I write to respectfully request that you adopt a comprehensive policy to prohibit racially-biased traffic stops in San Francisco.

Racial disparities have not changed in traffic stops and it is time for real policy solutions that help dismantle the status quo. San Francisco over-polices communities of color via pretextual stops. Since 2018, SFPD has stopped Black people at least six times the rate of white people, searched Black people at least 10 times the rate of white people, and were at least 12 times more likely to use force on Black people than white people.

SFPD's disparate treatment of drivers based on race has eroded our trust in law enforcement. Pretext stops are inherently dishonest and can be deadly for people of color. The Police Commission must hold SFPD accountable, and enforce strong policies to limit these racist stops.

The Police Commission must adopt a cutting-edge policy that is focused on public safety, not fishing expeditions. Racial profiling and the generational harms caused by biased policing must be aggressively addressed. Research shows that enforcing pretextual infractions has little demonstrable impact on reducing crime, has significant downsides in terms of the harassment and profiling of communities of color, and is a waste of taxpayer resources. People who are impacted by pretextual stops and biased policing support you and a strong policy.

Sincerely,
Raya Steier

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Raya Steier
530-723-2426