



Golden Gate Heights Neighborhood Association
P.O. Box 27608
San Francisco, CA 94127
info@goldengateheights.org

San Francisco Police Commission
sfpd.commission@sfgov.org

January 4, 2023

Re: SFPD General Order 9.01 – Traffic Policy Curtailing Pretext Stops

Dear Members of the San Francisco Police Commission,

The Golden Gate Heights Neighborhood Association has a membership of individuals representing hundreds of households in a large residential and commercial neighborhood in Western San Francisco.

We are writing to strongly oppose the adoption of the policy above. We are in full agreement with its stated goal of eliminating racial bias in police traffic stops. However, we believe the policy proposed is not the correct or best approach, and is likely to have unintended consequences which will be counter-productive for all San Franciscans, especially for those in communities it is intended to help.

We oppose the policy for the following reasons:

1. **Flawed policy development process:** The process followed by the Police Commission has resulted in a poorly thought-out policy, because it was managed and led by groups with an ideological focus on only one aspect of policing, namely the problem of biased policing, without adequate representation of members who bring divergent perspectives on other important effects of such a policy, such as on public and traffic safety or effective proactive policing. The Human Rights Commission's (HRC) own report on public feedback on the proposal states there were concerns that include: "the appearance of bias and lack of neutrality in some of the facilitators."
2. **Poor public engagement:** The public engagement and outreach to citizens of San Francisco about a policy that would affect citizens in ALL communities was poor. "Community listening sessions" and a survey were used to gauge public opinion in support of the policy. But the public meetings were limited in attendance, participation, and geographic scope. We should note that we wrote specifically to the Commission with a request to schedule and notify us of meetings in Western half of the City. Our letter (copy enclosed) was sent three months ago, and we have received no reply. We have just learned, only through another neighborhood organization, of an online meeting scheduled with one member of the Commission. While we appreciate this opportunity for information and dialog, this meeting was scheduled for January 4, 2023, on short notice during working hours when many interested citizens cannot attend.

The HRC report itself says that in-person and online sessions were poorly attended, some with as few as 5 people other than staff, and the most with only 35, for a total of 312 people. No information is available about whether the same individuals attended multiple sessions, which would mean even these small numbers are inflated.

The information gleaned from these sessions is entirely anecdotal, which may still have value, but it is presented as if it were a statistically valid representation of community opinion. A voluntary online survey was also conducted, with access to the survey disseminated at the admittedly limited community meetings. Such a survey methodology is notoriously non-representative and statistically invalid. This is a poor basis for policy development.

- 3. Misleading public statements and a rush to approve:** More concerning are the following statements made by President Elias in her letter to the public dated December 2, 2022: **"HRC facilitated "eight community listening sessions across the City ... attended dozens of community events, and created an online survey which "garnered thousands of responses."** (italics ours) Yet according to the HRC report itself: only online listening sessions were regarded as "citywide" and there was one session in the Ingleside and no other community meetings in the Western neighborhoods (not "across the City"); there were only 19 community meetings attended in total (not "dozens"); and there were only 226 survey responses (not "thousands").

President Elias further states: "Commissioners also agreed to meet with anyone who expressed interest in discussing the policy." Yet as we noted above, our letter requesting just such a meeting has gone unanswered for three months.

These written statements are, at best, sloppy communication, calling into question the quality of the policy work itself, or at worst, an intentional attempt to mislead the public through official Police Commission communications.

Finally, the rapid succession of multiple attempts to adopt this policy in Commission meetings a week apart during the holiday season, despite negative public feedback that remains unaddressed, has the appearance of a rush to implement a predetermined plan, rather than a collaborative effort to develop programs to address the stated problem most effectively and without creating new problems.

- 4. Negative effect on driver and pedestrian safety:** Most of the specific infractions targeted for non-enforcement were enacted to address vehicle condition and driver behaviors that can negatively affect public safety. This comes at a time when traffic fatalities are rising and the City's stated goal of "vision zero" for pedestrian deaths is farther away than last year. Other respondents have communicated objections to the specific infractions targeted for non-enforcement. With a few exceptions, we agree with those, so will not elaborate here.
- 5. Further limits the benefit that can come from "proactive policing" techniques:** Constraints placed on police by this policy will hamstring efforts to address a rising crime rate and community disorder through proactive policing by removing a "tool" police can use to engage citizens for low-level infractions. It further places a burden on police to make fine distinctions, with a threat of penalty for error – this could easily lead to a general preference among police for non-enforcement of other low level infractions, even those not targeted specifically by the policy.

In contrast to this proposal, several more positive approaches were recommended by Commissioners or members of the public that could provide an opportunity for direct engagement of police with community members to build trust. The proposed non-enforcement policy only reduces police-community member engagement.

6. **Two premises upon which the proposed policy is based are counter-productive,** and will accrue to the detriment of all citizens, especially those it is designed to help: a) The first flawed premise is that laws “on the books” should be selectively enforced, rather than eliminated or improved – this foments disrespect for the rule of law itself, as well as lawmakers who advocate for it; b) The second flawed premise is that it is impossible for a professional police force and citizens in a marginalized community they serve to learn to engage each other in a useful manner in the context of a traffic stop – this sells short the ability of both citizens and the police to demonstrate respectful behavior to each other.
7. **The Police Commission is an un-elected, non-legislative body and by enacting this policy would be over-stepping its legal authority, opening the City up to potential legal action:** The Commission is not a law-making body and should not advocate the non-enforcement of laws that have been enacted through normal state and local democratic and legislative processes. This does not mean the Commission cannot or should not advocate for bad laws to be eliminated or improved, but that should go through the appropriate law-making process.

To reiterate, **biased policing cannot be tolerated** – every citizen deserves to be treated with respect and fairly by law enforcement in our City and society. **However, we strongly oppose this policy proposal as written and urge the Police Commission to revisit and renew their approach to assessing and addressing police bias.**

We challenge Commission members to come up with approaches that more productively solve the problem, and build trust and engagement between police and all communities they serve, without negative unintended consequences.

A number of potentially useful alternatives to directing police not to “engage” and not enforce existing law, were touched on by other groups in letters or comments to the Commission, or by some Commissioners themselves, but have not been pursued in the Commission’s push to approve its initial proposal.

Some of these include: increasing the diversity of the police force, especially patrols in more diverse neighborhoods (note SFPD is already one of the most diverse in the nation – has the race of the traffic stop officer vs. citizen been considered in existing statistical analysis justifying this policy?); developing a pilot program to offer assistance with fix-it tickets or expired registration for those in need; allowing for warnings in lieu of citations as justification for a stop (reducing the pressure on police to “find something,” and accounting for that in statistics of stops made without citation or arrest); independent 3rd party monitoring of professionalism of police-citizen interactions via retrospective review of body camera footage; additional feedback from this, as well as training of police to avoid harassing behavior (i.e. forcing citizens to lie on ground when not showing threatening behavior, lecturing parents in front of their children in the car, etc.); advocating for elimination of unreasonable laws (i.e. sleeping in auto, while not breaking other laws); late fine amnesty; developing ways to assist

the Police Department in recruiting to fill vacancies in order to provide more on and off duty time for officers to become a known and trusted part of the community; and others.

We urge the Commission to “think outside the box” and explore these and other more positive alternatives, while continuing to monitor for biased or unprofessional police behavior, and to do so with greater transparency and inclusiveness of a diversity of opinion, that reflects the concerns of ALL citizens and neighborhoods of San Francisco.

Sincerely,

Board of Directors,
Golden Gate Heights Neighborhood Association

Jason Macario, Treasurer (email for response: info@goldengateheights.org)

CC: Mayor London Breed
San Francisco Board of Supervisors
Supervisor Myrna Melgar
Chief of Police William Scott
Select other neighborhood associations

Enc: Copy of GGHNA letter to Police Commission, dated October 22, 2022