

September 13, 2023

The Honorable Cindy Elias  
President, Police Commission Office  
San Francisco Police Headquarters  
1245 3rd Street  
San Francisco, CA 94158



*Submitted via electronic mail*

**Re: Status of Department General Order (DGO) 9.07**

Dear President Elias and Commissioners,

Thank you for your continued leadership to end pretextual stops and the physical, psychological, and economic trauma they inflict on San Francisco. The Coalition writes because it is deeply concerned with the length of time DGO 9.07 has languished in the “meet and confer” process without any public update. Last week, you voted to adopt six DGOs sent to meet and confer after DGO 9.07.

DGO 9.07 was first introduced at the Commission in February 2022, was vetted by all Commissioners, sent to the most robust working group process in recent memory, and passed unanimously on April 5, 2023—with Chief Scott supporting its final passage after voicing concerns throughout the process. The Commission heard from police officers in multiple closed door meetings, policing and policy experts, impacted community members, and the general public. It even created a new website to house all correspondence related to this DGO because of the significant public and media attention.<sup>1</sup> To expedite its passage, the Commission assigned Department of Police Accountability Director of Policy Janelle Caywood to the negotiations to help ensure that the City negotiated only over matters that were subject to meet and confer.

The policy, which received broad support, is an evidence-based solution to a problem that has plagued the San Francisco Police Department (SFPD) for as long as it has collected this data: unacceptably high racial disparities in traffic stops, searches, and uses of force. Recent headlines reinforce the urgent need for this DGO. Earlier today, a San Francisco Standard article found that one officer is currently facing discipline before this Commission for misreporting the race of people during traffic stops.<sup>2</sup> The article identified other officers “whose race reporting appears to stretch the limits of reality” with one sergeant reporting that “all but six of the 1,139 people he stopped were white.”<sup>3</sup> The data imply that either he targeted white people or falsified the race of those he stopped. Either result is an embarrassment for SFPD and underscores the need for this DGO—and its data collection provisions—to come into effect immediately. Moreover, it raises the question of how many other officers misrepresented or falsified the

<sup>1</sup> <https://sf.gov/resource/2022/departments-general-orders-under-submission>.

<sup>2</sup> <https://sfstandard.com/2023/09/13/san-francisco-police-officer-misrepresented-race-bias-investigation/>

<sup>3</sup> Ibid.

race of those stopped—an issue that has recently cropped up in Los Angeles,<sup>4</sup> Louisiana,<sup>5</sup> and Connecticut<sup>6</sup>—and whether the Commission should explore the accuracy of SFPD’s traffic data via a DPA audit or a working group as DPA proposed last week. Meanwhile, the racial disparities in traffic stops have not lessened while federal courts continue to chastise SFPD officers for conducting pretext stops.<sup>7</sup>

Since the Commission unanimously voted on April 5, 2023, the DGO was discussed in closed session at Commission meetings on May 17, June 21, July 19, and September 6. No update regarding its status has been offered. And last week, the Commission voted 3-2 to keep its discussion in closed session confidential. An open discussion about the status serves the needs of the public instead of closed door communications.

And so, as the public eagerly awaits the DGO’s return, what will this body do to expedite that process? Now is the time for this Commission to explore all remedies available to it to end the meet and confer process and return the policy for a final vote. The community has demanded it, expects it, and is watching to see what you do.

Thank you for your consideration. For questions about our position, please contact Brian Cox at [brian.cox@sfgov.org](mailto:brian.cox@sfgov.org).

Sincerely,

ACLU of Northern California  
AIDS Legal Referral Panel  
All of Us or None  
Arab Resource and Organizing Center  
Chinatown Community Development Center  
Coalition on Homelessness, San Francisco  
Community Forward SF  
Community Resource Initiative  
Community United Against Violence (CUAV)  
Council on American-Islamic Relations, San Francisco Bay Area Office  
Curry Senior Center  
Day Moon  
District 6 Community Planners  
DOPE Project  
Ella Baker Center for Human Rights  
End Poverty Tows Coalition  
Episcopal Community Services  
Eviction Defense Collaborative  
Faith in Action Bay Area

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<sup>4</sup><https://assets-us-01.kc-usercontent.com/0234f496-d2b7-00b6-17a4-b43e949b70a2/ee467145-85c7-450c-a739-93e1f1d79f78/The%20Sheriff%E2%80%99s%20Department%E2%80%99s%20Underreporting%20of%20Civilian%20stop%20Data%20to%20the%20California%20Attorney%20General.pdf>;

[https://www.oig.lacity.org/\\_files/ugd/b2dd23\\_d3e88738022547acb55f3ad9dd7a1dcb.pdf](https://www.oig.lacity.org/_files/ugd/b2dd23_d3e88738022547acb55f3ad9dd7a1dcb.pdf).

<sup>5</sup><https://www.propublica.org/article/if-everybodys-white-there-cant-be-any-racial-bias-the-disappearance-of-hispanic-drivers-from-traffic-records>.

<sup>6</sup> <https://www.nytimes.com/2023/09/04/nyregion/connecticut-false-tickets.html>.

<sup>7</sup> <https://www.sfchronicle.com/politics/article/sfpd-pretext-stop-18363041.php>.

GLIDE

Haight Ashbury Neighborhood Council

HealthRIGHT 360

Homeless Prenatal Program

HomeRise

Hospitality House

Justice for Chinedu

Lawyers' Committee for Civil Rights of the San Francisco Bay Area

League of Women Voters of San Francisco

Legal Services for Children

No New SF Jail Coalition

PODER

San Francisco AIDS Foundation

San Francisco Bicycle Coalition

San Francisco Hepatitis C Task Force

San Francisco Public Defender

San Francisco Pretrial Diversion Project

San Francisco Taxpayers for Public Safety

San Francisco Transit Riders

Secure Justice

Skywatchers

Sunset Youth Services

Tenderloin Traffic Safety Task Force

The Gubbio Project

Transgender, Gender-Variant, & Intersex Justice Project

Walk San Francisco

Western Center on Law & Poverty

Western Regional Advocacy Project

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