

1 [Pretext Stops]

2 **Resolution advocating for the Board of Supervisors and the Mayor of San**
3 **Francisco to limit Pretext Stops in San Francisco.**

4
5 WHEREAS, Traffic stops are often racially biased, and are known as “driving,
6 bicycling, or walking while Black or Brown” or “pretext stops”¹; and

7 WHEREAS, A pretext stop can be caused by minor traffic violations such as
8 failure to display a front license plate; failure to display proper registration tags; failure to
9 illuminate license plate; driving with malfunctioning tail lights (unless all lights are out);
10 driving with malfunctioning brake lights (unless all brake lights are out); having an object
11 affixed to a car window or hanging from the rearview mirror (unless the item obstructs
12 the driver’s view and substantially increases the likelihood of injury or death); failure to
13 signal while turning or changing lanes; sleeping in a parked car; having tinted windows;
14 parking infractions unless unoccupied; riding a bike or non-motorized scooter on the
15 sidewalk; and so on²; and

16 WHEREAS, Using racial profiling, police officers often stop individuals that pose
17 little to no safety hazard in order to search for unrelated criminal offenses based on
18 internalized racial biases; and

¹ Office of the Public Defender, “Coalition of 60 Civil Rights, Traffic Safety, and Community Groups Urging San Francisco Police Commission to End Racially-Biased Pretext Stops,” San Francisco Public Defender’s Office, August 30, 2022, <https://sfpublishdefender.org/news/2022/05/coalition-of-60-civil-rights-traffic-safety-and-community-groups-urging-san-francisco-police-commission-to-end-racially-biased-pretext-stops/>.

² Zac Dillon, Carolyn Ji Jong Goossen, Yoel Haile, Wesley Saver, “Coalition to End Biased Stops; Stop the Pretext!” Powerpoint Presentation for Transformative Justice Committee, October 17, 2022

1 WHEREAS, Pretext stops funnel people of color into the criminal justice system
2 causing communities of color to be further disproportionately harmed; and

3 WHEREAS, In 2021, the San Francisco Police Department (SFPD) conducted
4 27,543 stops that resulted in 6,003 searches, and the 5% Black population of San
5 Francisco made up for 35% of all police searches³; and

6 WHEREAS, SFPD, using the term “officer safety,” has searched Black San
7 Franciscans 50% more than White San Franciscans with Bayview (a predominantly
8 Black community) having the highest percentage of these stops⁴; and

9 WHEREAS, San Francisco mirrors the state and nation in over-policing
10 communities of color via pretextual stops, with data showcasing that in 2021, SFPD
11 stopped Black and Brown people at least five times the rate of White people, searched
12 Black and Brown people at least eight times the rate of White people, and were thirteen
13 times more likely to use force on Black and Brown people than White people, despite
14 Black and Brown people being less likely to be found carrying contraband than White
15 people⁵; and

16 WHEREAS, SFPD 2021 traffic stop data also shows that enforcing pretextual
17 infractions has little demonstrable impact on reducing crime, has significant downsides
18 in terms of the harassment and profiling of communities of color, especially Black,
19 Indigenous, and People of Color youth, and is a waste of taxpayer resources⁶; and

³ Zac Dillon, Carolyn Ji Jong Goossen, Yoel Haile, Wesley Saver, “Coalition to End Biased Stops; Stop the Pretext!”

⁴ Zac Dillon, Carolyn Ji Jong Goossen, Yoel Haile, Wesley Saver, “Coalition to End Biased Stops; Stop the Pretext!”

⁵ ACLU, et al, “Supplemental Briefing for October 6 DGO 9.01 Working Group” (San Francisco), September 13, 2022, <https://sf.gov/sites/default/files/2022-09/Supplemental%20Briefing%20Draft%20%28Oct.%206%20Meeting%29.pdf>

⁶ Zac Dillon, Carolyn Ji Jong Goossen, Yoel Haile, Wesley Saver, “Coalition to End Biased Stops; Stop the Pretext!”

1 WHEREAS, The destructive legacy of pretext stops has led to the killings of
2 innocent lives such as Sandra Bland (Texas), Philando Castile and Daunte Wright
3 (Minnesota), and Walter Scott (South Carolina), to name a few, because of alleged
4 traffic violations such as hanging a car air freshener, sleeping in their car, driving with a
5 broken taillight, and riding a bike without headlights⁷; and

6 WHEREAS, In some cases, conducting traffic stops can lead to the decrease in
7 motor vehicle crashes and fatalities, and promote public safety and the protection of the
8 public from serious and sometimes violent crime⁸, such traffic stops can also subject
9 motorists, pedestrians, and bicyclists to inconvenience, confusion, and anxiety, as well
10 as strain relationships between law enforcement and the community because members
11 of the community may perceive these traffic stops as biased, racially motivated, or
12 unfair, and can lead to life-threatening interactions⁹; and

13 WHEREAS, Racial disparities in traffic enforcement and the continued killing of
14 Black and Brown drivers show that regardless of intentions, the harms of traffic stops
15 often outweigh any potential public safety benefits¹⁰; and

16 WHEREAS, Miguel Bustos, Senior Director of GLIDE's Center for Social Justice,
17 has stated that "Many GLIDE clients have been harmed by racially-biased pretext stops
18 and repeated harassment. Pretext stops further alienating some of our most

⁷ Zac Dillon, Carolyn Ji Jong Goossen, Yoel Haile, Wesley Saver, "Coalition to End Biased Stops; Stop the Pretext!"

⁸ James W. Davis, et al. "Aggressive traffic enforcement: a simple and effective injury prevention program,." The Journal of trauma vol. 60,5 (2006), <https://pubmed.ncbi.nlm.nih.gov/16688057/>

⁹ Jany, Poston, "Minor police encounters plummet after LAPD put limits on stopping drivers and pedestrians."

¹⁰ Charles Epp, Steven Maynard-Moody, Donald P. Haider-Markel, "Beyond Profiling: The Institutional Sources of Racial Disparities in Policing," July 202, https://www.researchgate.net/publication/311863335_Beyond_Profiling_The_Institutional_Sources_of_Racial_Disparities_in_Policin_g.

1 marginalized neighbors and makes them feel as though they are not welcome in their
2 own community. These negative interactions perpetrate physical, psychological, and
3 financial harm; they inflict and reinforce trauma on our community, particularly
4 communities of color”¹¹; and

5 WHEREAS, Sameena Usman, Senior Government Relations Coordinator for the
6 Council on American-Islamic Relations-SFBA, has stated that “Pretext stops are an
7 excuse to pull people over for simple things such as an item hanging from a rearview
8 mirror or tinted windows, and question, search, and even detain people. They do not
9 help public safety and they disproportionately target communities of color, especially
10 Black people”¹²; and

11 WHEREAS, Avi Frey, the Deputy Director of the Criminal Justice Program, ACLU
12 of Northern California, affirmed that “Pretext stops do nothing for public safety and
13 routinely escalate into violence against Black and brown people. Their use is a constant
14 reminder that the freedoms and lives of people of color are at the mercy of a
15 government that views them as a suspect. It is past time to abolish this tool of racial
16 oppression”¹³; and

17 WHEREAS, Jurisdictions such as Cambridge, Massachusetts; Montgomery
18 County, Maryland; Berkeley and Los Angeles, California; Minneapolis and Ramsey

¹¹ Office of the Public Defender, “Coalition of 60 Civil Rights, Traffic Safety, and Community Groups Urging San Francisco Police Commission to End Racially-Biased Pretext Stops.”

¹² Office of the Public Defender, “Coalition of 60 Civil Rights, Traffic Safety, and Community Groups Urging San Francisco Police Commission to End Racially-Biased Pretext Stops.”

¹³ Office of the Public Defender, “Coalition of 60 Civil Rights, Traffic Safety, and Community Groups Urging San Francisco Police Commission to End Racially-Biased Pretext Stops.”

1 County, Minnesota; Philadelphia, Pennsylvania; Virginia; and Washington, D.C, have
2 taken initial or significant steps toward banning and/or limiting pretext stops¹⁴; and

3 WHEREAS, Los Angeles Police Department (LAPD) 2022 data¹⁵ demonstrates
4 that limiting pretext stops has caused a huge decrease in minor police stops, and has
5 pushed Los Angeles Police officers to have a genuine reason to suspect a more serious
6 crime is afoot before initiating a pretext stop, and are required to record their reasoning
7 on body camera before the stop; and

8 WHEREAS, LAPD data also shows that officers received consent to search in
9 24% of all searches, compared with 30% during the same five-month period last year,
10 and have become more purposeful in whom they stop and search, which has benefited
11 LAPD because police officers have found something illegal in 26% of the searches
12 conducted during stops for minor violations — a slight increase compared with their
13 success rate before the new policy¹⁶; now, therefore be it

14 RESOLVED, That the 2022-2023 Youth Commission of the City and County of
15 San Francisco urges the Mayor and Board of Supervisors to support legislation that
16 confronts the issue of pretext stops by revising the Department General Order (DGO)
17 9.01¹⁷, which governs San Francisco traffic enforcement, to ensure San Francisco's
18 policies limit pretext stops and are not racially biased; and be it

¹⁴ Office of the Public Defender, "Coalition of 60 Civil Rights, Traffic Safety, and Community Groups Urging San Francisco Police Commission to End Racially-Biased Pretext Stops."

¹⁵ Libor Jany, Ben Poston, "Minor police encounters plummet after LAPD put limits on stopping drivers and pedestrians," Los Angeles Times, Published November 14, 2022, <https://www.latimes.com/california/story/2022-11-14/minor-traffic-stops-plummet-in-months-after-lapd-policy-change>

¹⁶ Jany, Poston, "Minor police encounters plummet after LAPD put limits on stopping drivers and pedestrians."

¹⁷ San Francisco Police Department [SFPD]. "DGO9.01 Traffic Enforcement," August 10, 2010. <https://www.sanfranciscopolice.org/sites/default/files/2018-11/DGO9.01%20Traffic%20Enforcement.pdf>.

1 FURTHER RESOLVED, That the 2022-2023 Youth Commission of the City and
2 County of San Francisco urges the City and County of San Francisco to implement
3 policies that also limit the searches of vehicles from traffic stops for other minor traffic
4 violations such as driving with a cracked windshield or broken windshield wipers, sound
5 violations, having an expired registration tag, sleeping in a parked car, having tinted
6 windows, and having an object affixed to window or hanging from rearview mirror
7 (unless the item obstructs the driver's view and substantially increases the likelihood of
8 injury or death), in order to minimize dangerous police-driver interactions and racial
9 disparities in police exercising their discretion in stops; and be it

10 FURTHER RESOLVED, That the 2022-2023 Youth Commission of the City and
11 County of San Francisco urges that in revising DGO 9.01, the San Francisco Police
12 Commission either ban the use of the aforementioned vehicle, pedestrian, and bike
13 stops or place a limit on these aforementioned vehicle, pedestrian, and bike stops; and
14 be it

15 FURTHER RESOLVED, That the 2022-2023 Youth Commission of the City and
16 County of San Francisco urges the City and County of San Francisco to emphasize the
17 use of parking control officers to enforce the aforementioned violations on parked
18 vehicles; and be it

19 FURTHER RESOLVED, That the 2022-2023 Youth Commission of the City and
20 County of San Francisco urges that the San Francisco Police Department and its
21 policies should give less attention to observations of vehicle equipment violations where
22 no strong causal connection to collisions, and hence public safety, exists; and be it

1 FURTHER RESOLVED, That the 2022-2023 Youth Commission of the City and
2 County of San Francisco urges that to maintain public trust, the San Francisco Police
3 Department's use of pretext stops as a crime reduction strategy to be measured, in
4 furtherance of achieving the necessary balance between the perception of fairness and
5 identifying those engaged in serious criminal conduct; and be it

6 FURTHER RESOLVED, That the 2022-2023 Youth Commission of the City and
7 County of San Francisco urges that for all traffic stops, citations, and warnings done for
8 public safety be articulated on police officers' body-worn videos and should include an
9 officer's response to any questions posed by the individual stopped, thus following
10 Department General Order 10.11¹⁸ which was created to bring accountability in regards
11 to police officer's engagement with the public, increase the public's trust in officers, and
12 protect officers from unjustified complaints of misconduct; and be it

13 FURTHER RESOLVED, That the 2022-2023 Youth Commission of the City and
14 County of San Francisco urges the San Francisco Police Department to effectively
15 address police violence and the legacy of police brutality on Black and Brown people,
16 and urges San Francisco policymakers to shift their attention to listening to the people
17 most harmed by traffic stops, and shift the power to community members to define and
18 address their public safety concerns and solutions; and be it

19 FURTHER RESOLVED, That the 2022-2023 Youth Commission of the City and
20 County of San Francisco recommends the San Francisco Police Department

¹⁸ San Francisco Police Department [SFPD]. "Department General Order 10.11 'Body Worn Camera Policy' Update Packet #52," June 22, 2016. <https://www.sanfranciscopolice.org/sites/default/files/2018-11/A%2016-090%20Department%20General%20Order%2010.11%20Body%20Worn%20Camera%20Policy%20Update%20Packet%20%2352.pdf>.

1 establishes a formal plan for continued two-way communication between community
2 members and the Police Department in which community members can voice their
3 needs, concerns, questions, and recommendations to further address and improve
4 public safety between police officers and constituents, particularly Black Indigenous
5 People Of Color (BIPOC) youth, in San Francisco; and be it

6 FURTHER RESOLVED, That the 2022-2023 Youth Commission of the City and
7 County of San Francisco calls on the San Francisco Police Department and Department
8 of Police Accountability to create updated and more frequent training on discrimination
9 and implicit biases for all San Francisco police officers, and whenever police officers are
10 found violating department policies created to eliminate implicit biases and
11 discrimination on traffic stops, appropriate disciplinary actions be taken to hold police
12 officer's accountable; and be it

13 FURTHER RESOLVED, That the 2022-2023 Youth Commission urges the City
14 and County of San Francisco to follow other jurisdictions, such as Cambridge,
15 Massachusetts; Montgomery County, Maryland; Berkeley and Los Angeles, California;
16 etc, who have taken initial or significant steps toward banning pretext stops, in order for
17 San Francisco to not become an outlier; and be it

18 FURTHER RESOLVED, That the 2022-2023 Youth Commission urges the San
19 Francisco Police Department to model its traffic stops policy changes similar to that of
20 the Los Angeles Police Department, such as requiring police officers to state on body-
21 worn cameras their reason(s) for the traffic stop, given their positive results in limiting
22 pretext stops and finding illegal contraband in the intentional stops made; and be it

Commissioner Colin; Shaw, Hum
YOUTH COMMISSION

1 FURTHER RESOLVED, That the 2022-2023 Youth Commission urges the City
2 and County of San Francisco to foster a safe and trusting environment between the San
3 Francisco Police Department and the Youth of San Francisco by prioritizing and
4 validating youth voices when sharing incident(s) of racially biased pretext stops; and be
5 it

6 FURTHER RESOLVED, That the 2022-2023 Youth Commission urges the
7 Department of Police Accountability to properly and legally assist victims of racially
8 biased pretext stops; and be it

9 FURTHER RESOLVED, That the 2022-2023 Youth Commission urges the San
10 Francisco Department of Police Accountability to gather data regarding police stops in a
11 report specifically for San Francisco Youth Aged 17-25, including data on racially biased
12 pretext stops; and be it

13 FURTHER RESOLVED, That the 2022-2023 Youth Commission of the City and
14 County of San Francisco urges the Mayor and the Board of Supervisors to publicly
15 support this resolution, in favor of limiting pretext stops in San Francisco; and be it

16 FURTHER RESOLVED, That the 2022-2023 Youth Commission of the City and
17 County of San Francisco directs the Youth Commission staff to transmit this resolution
18 to the Mayor, the Board of Supervisors, the San Francisco Police Department, the
19 Department of Police Accountability, the Police Commission, and the District Attorney's
20 Office.