

Ending Racial Discrimination in Traffic Stops:

Feedback from Community on Traffic Stops
and San Francisco Police Department
Draft General Order 9.01

DRAFT REPORT SUMMARY OUTLINE

San Francisco Human Rights Commission
Office of Racial Equity
Community Stakeholders

**SAN FRANCISCO
HUMAN RIGHTS
COMMISSION**

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Outreach and engagement process: What we learned

Community themes: What people saw in the draft policy

Many reasons for traffic stops no longer make sense	
Many people have been stopped for the reasons listed in the draft policy	

Community themes: What people also want to see; change across policy, practice, and culture

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Closing discussion

Purpose

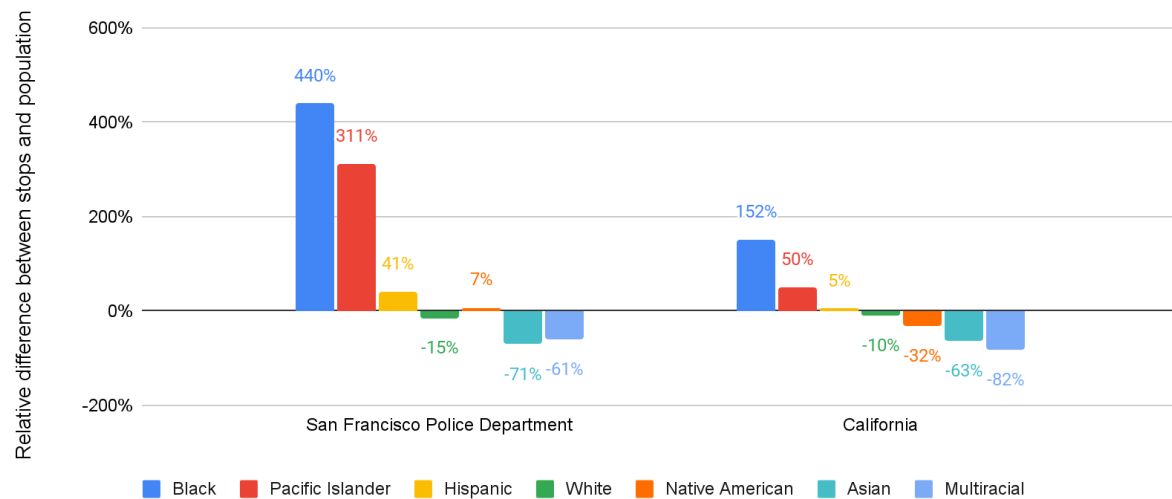
- HRC role
 - Perspective is to center community voice and to make sure people who are directly impacted by these policies and practices are igniting the shift that needs to happen. Community has to hold both the Police Commission and SFPD accountable for changes.
 - Scope of this report is to identify input from community and specific recommendations as to the proposed pretext stop policy
- Police Commission role/SFPD role
 - Commissioners and SFPD officers were invited to join the community sessions to explain the proposed changes and current priorities
 - Commissioners and SFPD officers had the opportunity to respond to community members' questions
- Acknowledgments
 - Gratitude to community stakeholders for participation and feedback; to participating commissioners and SFPD staff; and to SFHRC partners for work to engage community members in this process

Background

Racial disparities in traffic stops

According to the [California Racial and Identity Profiling Advisory Board](#), San Francisco Police Department had the highest disparities in stopping Black and Pacific Islander residents compared to every other major city and county in California.

Racial/ethnic disparities in traffic stops (Source: 2022 Racial and Identity Profiling Advisory Board, using 2020 data)



Proposed SFPD traffic stop policy (Draft General Order 9.01)

The draft general order proposed by the Police Commission in May 2022 would limit when police officers should conduct traffic stops for people in cars, walking, or biking in San Francisco. According to the draft general order, these limits would not apply to commercial vehicles; when there is a matching suspect description; or for any felonies or misdemeanors not listed. The draft general order would also still permit police officers to mail citations if they can identify the vehicle owner. The major sections of the policy are outlined in the table below (see appendix for full document).

Section	Summary
9.01.03 Policy	<ul style="list-style-type: none"> ● Ban biased stops <ul style="list-style-type: none"> ○ Any stop without a suspect description and motivated by race, color, ethnicity, national origin, age, religion, gender, sexual orientation, disability, socioeconomic status, dress, appearance, or neighborhood ● Limit pretext stops <ul style="list-style-type: none"> ○ Exceptions for commercial vehicles, matching suspect description, and any felony or misdemeanor not listed
9.01.04 Limiting stops for low-level offenses	<ul style="list-style-type: none"> ● List of specific local and state traffic infractions to no longer enforce <ul style="list-style-type: none"> ○ Motor vehicles <ul style="list-style-type: none"> ■ License plates: Missing one license plate, mounting or illuminating license plate incorrectly ■ Registration: Expired or missing tags

	<ul style="list-style-type: none"> ■ Headlights, taillights, brake lights: Lights not working (unless after sunset) ■ Windows and mirrors: Tinted windows, objects hanging from windows or mirrors ■ Littering, signaling, U-turns: In specific situations (unless likely to cause injury or death) ■ Sleeping in car ■ Parking infractions <ul style="list-style-type: none"> ○ Pedestrians and bicyclists ■ Walking: Crossing street outside crosswalk (unless likely to cause injury or death) ■ Riding bicycle: On sidewalk or too far from right-hand side of road ■ Riding non-motorized scooter: On sidewalk <ul style="list-style-type: none"> ● Mailing citation without a stop is permitted if <ul style="list-style-type: none"> ○ Vehicle is unoccupied or ○ Car owner can be identified
9.01.05 Limiting searches and questioning	<ul style="list-style-type: none"> ● Only allowed with reasonable suspicion or probable cause <ul style="list-style-type: none"> ○ Investigatory questions ○ Consent search ○ Questions about probation or parole status
9.01.06 Data collection, reporting, and supervisory review	<ul style="list-style-type: none"> ● Officers <ul style="list-style-type: none"> ○ Record data by end of shift ○ Complete incident report with traffic stop reason for any searches, investigatory questions, or questions about probation or parole status ● On duty officers in charge <ul style="list-style-type: none"> ○ Supervisory review for all citations and camera footage ● Sergeants <ul style="list-style-type: none"> ○ Quarterly review of traffic stop data for their supervision group

Existing SFPD policies on racial discrimination

The draft general order is related to other existing general orders of the Police Department.

Bias-Free Policing Policy (DGO 5.17) Community-Oriented Policing and Problem Solving (DGO 3.11) Investigative Detentions (DGO 5.03), Performance Improvement Program (DGO 3.18), and other procedures	
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SFPD General Order 5.17 POLICY PROHIBITING BIASED POLICING

Policy: This policy establishes the San Francisco Police Department's commitment to just, transparent, and bias-free policing and reinforces existing policies and procedures that serve to assure the public that the SFPD is providing services and enforcing laws in an equitable manner. It also clarifies the limited circumstances in which members can consider race, color, ethnicity, national origin, religion, age, gender identity or expression, sexual orientation, mental or physical disability, or socio-economic status when making law enforcement decisions.

Not to justify crime, but to prevent racial disparities; data shows specific communities are overpoliced. Worked together to reduce discriminatory practices that is clearly documented in data (seen in charts below).

Traffic stop policy changes across the U.S.

- History of why traffic stops were made part of police powers
- 2021 Bias-Free Policing Plan
 - <https://www.sanfranciscopolice.org/sites/default/files/2021-05/SFPDBias-FreePolicingStrategicPlan20210503.pdf>

Outreach and engagement process: What we did

Listening Sessions

In June 2022, the San Francisco Police Department and Police Commission asked the Human Rights Commission to host a series of community listening sessions, focusing on neighborhoods where the largest number of traffic stops identified in draft order 9.01 occurred in 2021. From August through November 2022, SFHRC facilitated 19 community listening sessions and other engagements, attended by a total of 312 community members (attendance during four National Night Out events is not included in the total headcount). Commissioners Benedicto, Yanez, and Walker, Vice President Carter-Oberstone, and President Elias ensured all the listening sessions were attended by at least one member of the Commission. San Francisco Police Chief William Scott, other members of SFPD command staff, and members of the Department of Police Accountability also participated in the listening sessions hosted by the Human Rights Commission.

LISTENING SESSIONS			
Date	Event	Location/Meeting Type	Identified by SFPD as High Incident Locations
August 2, 2022	National Night Out	Bayview Opera House	Bayview-Hunters Point
August 2, 2022	National Night Out	Ella Hill Hutch Community Center	Western Addition-Fillmore District
August 2, 2022	National Night Out for Safety and Liberation	Mission Creek Park	District 10/Bayview-Hunters Point/Potrero Hill
August 2, 2022	National Night Out	Boys & Girls Club	Tenderloin
August 18, 2022	Dream Keeper Initiative Monthly Convening	Zoom meeting	City-wide
August 26, 2022	Bimonthly HRC Roundtable	Zoom meeting	City-wide
August 30, 2022	Latino Task Force (LTF)	701 Alabama Street	Mission District
September 6, 2022	Coalition for Community Safety and Justice (CCSJ)	Zoom meeting	City-wide
September 6, 2022	Human Rights Commission	San Francisco Public Library Hybrid: In person and Zoom	Tenderloin
September 12, 2022	API Council	In person	Chinatown
September 20, 2022	Human Rights Commission	Bayview Opera House Hybrid: In person and Zoom	Bayview-Hunters Point
September 25, 2022	Office of SHARP Gender Based Non-Violence Collective	Zoom meeting	City-wide

LISTENING SESSIONS			
Date	Event	Location/Meeting Type	Identified by SFPD as High Incident Locations
October 11, 2022	Invest Black/OMI Community Collaborative	Zoom meeting	Lakeview/Ocean View, Merced Heights/Ingleside
October 19, 2022	Excelsior Community Collaborative	Zoom meeting	Excelsior/Outer Mission
October 26, 2022	GLIDE Memorial Church	In person	Tenderloin
November 8, 2022	African American Arts and Culture Complex	In person	Western Addition-Fillmore District
November 9, 2022	Bridge Community - Hope SF - 1101 Connecticut Street	In person	Potrero Hill
November 15, 2022	Samoan Community Development Center	In person	Sunnydale/Visitacion Valley
November 16, 2022	Booker T. Washington Community Service Center	In person	Western Addition-Fillmore District

Government Agency and Community Based Organization Participants

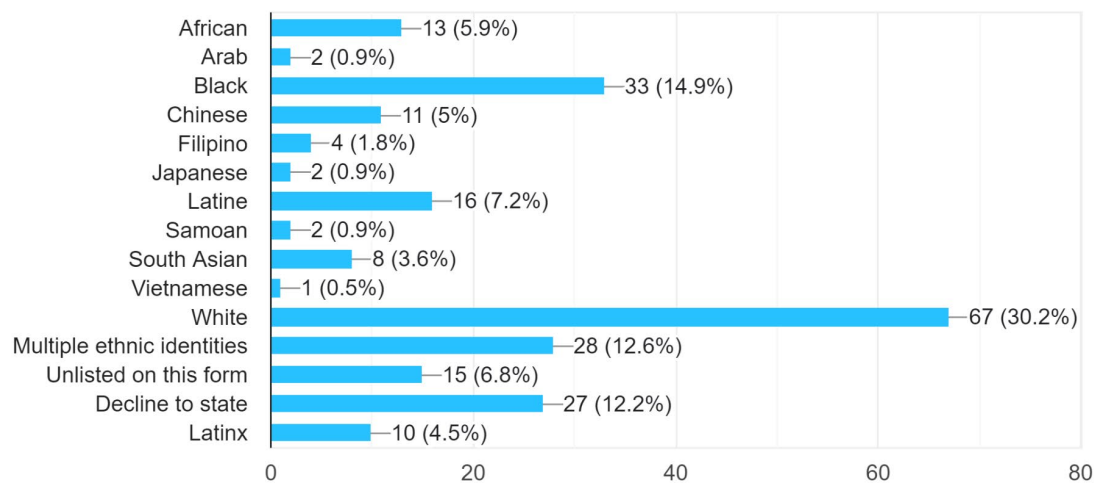
Survey Questionnaire

The San Francisco Police Department drafted Part One of the survey. The San Francisco Human Rights Commission drafted the questions in Part Two, shared them with Commissioner Carter-Oberstone for edits, and then partnered with the San Francisco Police Department for final approval. The survey was distributed electronically through Human Rights Commission community listservs and social media, and QR codes with links to the document were shared

during all listening sessions. 222 people responded to the English survey, 4 to the Spanish translation, and 1 to the Chinese translation.

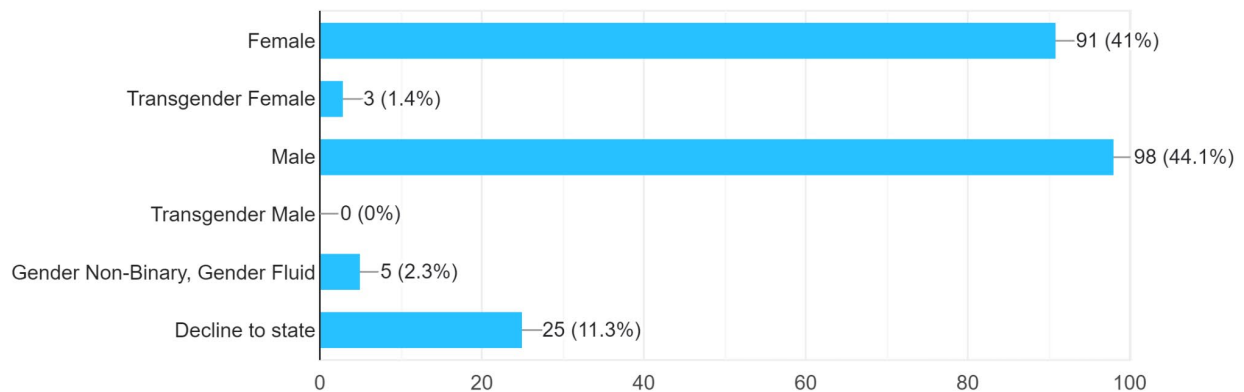
Can we record your race/ethnicity?

222 responses



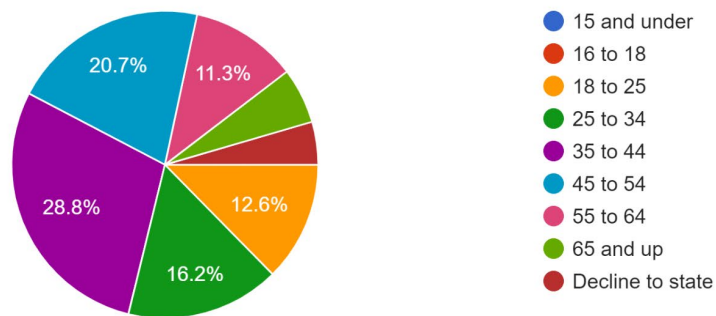
Please share your gender identity or decline to state.

222 responses



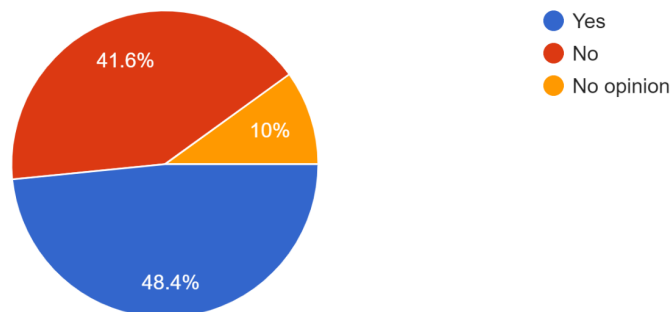
Please share your age.

222 responses

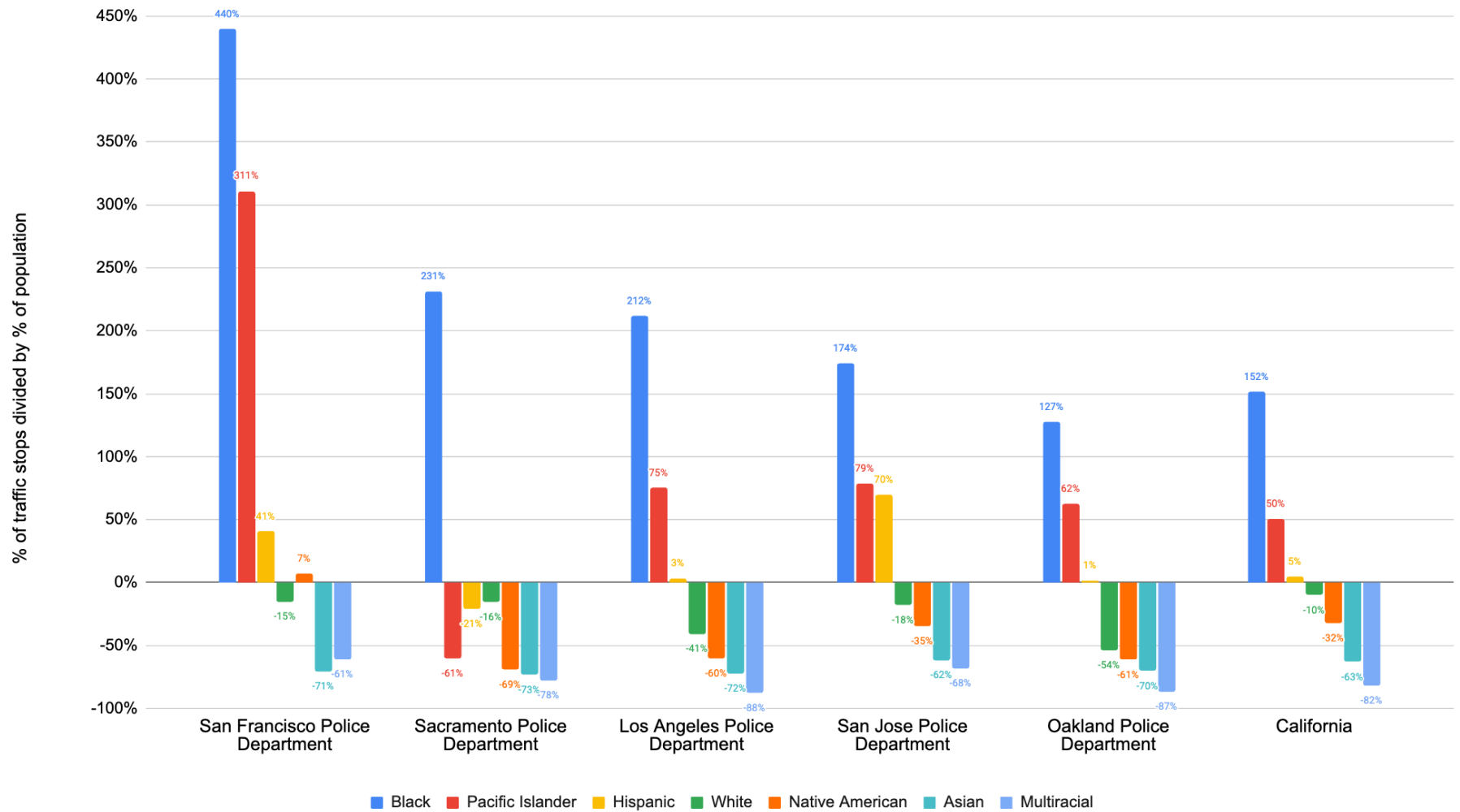


SFPD describes biased traffic stops as "When there is no matching suspect description and a person's apparent race, color, ethnicity, national o...k SFPD is biased in how they conduct traffic stops?"

221 responses



Disparities in Traffic Stops by Race/Ethnicity



Outreach and engagement process: What we learned

The experience of people who live in neighborhoods most impacted by pretext stops is quite different from those who do not live in those communities. ZIP codes noted with responses where applicable.

SURVEY - 94131: "There are blatant abuses all over the City daily. I could give you five spots to set up shop, and you'd be writing violations all day long. Running stop signs all over the west side, failure to yield to pedestrian every time I cross Portola at San Pablo. Daily bike lane violations up and down Portola and Valencia everyday."

LAKEVIEW/OMI - 94112: "Being pulled over is to be expected. It's not getting pulled over, it's the things that happen once you're pulled over. The police are argumentative. The Police are trained to pull over Black people in Black communities because of the opportunity to get evidence for crimes. In white communities, Black people get pulled over because they are Black – people think they are doing wrong."

LAKEVIEW/OMI - 94132: "When I get pulled over, I've already been programmed about how to get pulled over. I do what they say, any form of resistance, even in conversation, will result in a bad interaction. No quick movements, officers already on defense with the idea that I have something in the car that shouldn't be there. I tell the officers when I'm pulling my wallet from the dashboard, when I'm pulling my license and insurance from my wallet."

Traffic laws should be enforced in an unbiased way

GLIDE: "Officers should ask for license, registration, and insurance – that's it."

Community themes: What people saw in the draft policy

Many reasons for traffic stops no longer make sense

SURVEY - 94131: "I don't think petty traffic enforcement should be an SFPD priority. Very serious infractions, sure. I support the SFPD. I was involved in the Chesa recall, btw. I think our police should focus on serious street crime and what was previously dubbed near harmless, quality of life crime."

COALITION FOR COMMUNITY SAFETY AND JUSTICE: “Has there been a conversation about time tracking and reallocating police officer time? What police officers should be pivoting to in their work as they move away from pretext stops?”

Many people have experienced unnecessary stops



Latino Task Force:

“A friend of mine was stopped because she has a bumper sticker - I heart Mission - and was told by the officer that they’d recommend her to take it off or she would keep getting pulled over.”

Samoan Community Development Center:

“Why don’t the officers come into our neighborhoods to greet us and join our celebrations rather than parking at the corners watching us and waiting to catch us?”

“Police can pull us over and say it was a mistake after but that doesn’t take away the trauma we go through during the stop when our children are inside the car.”





Potrero Hill Housing Complex:

“I got stopped walking down the street cuz I fit the description of a Black man with green pants and black shirt, but I was wearing black pants and a green shirt. They need a better way to be clear on who they looking for.”

“They need more trainings to learn and understand our cultural practices.”

Community themes: What people also want to see change across policy, practice, and culture

Ending racially motivated traffic stops and misconduct

- The proposed policy is not enough in and of itself to change people's actions.
- Already not allowed to racially discriminate, yet this is self-evident in quantitative data
- Many, many stories of racially motivated stops and mistreatment
- From both community members and even officers within justice agencies
- Especially for Black, Pacific Islander, and Latine participants
- Given cover by claims of reasonable suspicion and matching suspect descriptions
- Tremendous stress, fear, trauma created by these stops
- People on probation or parole also deserve dignity

Daily and weekly monitoring of racial disparities in traffic stops

- Need timely and effective correction of individual and team patterns in racially discriminatory traffic stops to ensure future prevention, not just quarterly
- Also affirmed in Cal DOJ report on Collaborative Reform Initiative

TENDERLOIN: “Interested in taking police out of the process because for whatever reason it just seems like the Browner you are the more likely to get stopped. Normies aren't getting caught up in catching the 'bad guys.' Whether I trust the Chief or not is almost irrelevant; he can't be in every police car and have faith that the other officers will do the right thing.”

Emotional closure through police accountability processes

- Access and knowledge to processes - currently too burdensome
- Outcomes of processes - not always clear, meaningful, or timely

Community leadership participation in officer discipline

- Very low level of knowledge about role of Police Commission
- Most people had not heard of the Department of Police Accountability
- Very low level of confidence in existing discipline processes
- Claims of common knowledge of which officers are not adhering to department policies

Officer engagement and investment in their communities

- Also affirmed in Cal DOJ report on Collaborative Reform Initiative
- Also want to see collaboration on knowing and affirming civil rights
- Want officers recruited from San Francisco communities to serve their community
- Want officers to get to know community members, come to barbecues, and participate in SF Police Activities League (PAL) sports

FILLMORE: "When the police get to know community and try to engage with community, that's crime prevention."

A shift to being supportive, not punitive

- Want to be treated with courtesy and respect
- Even with knowledge of civil rights, often have no choice but to give consent for search due to retaliation
- Officers have very high level of power and discretion

Closing discussion

- No single policy or document is sufficient to end racial discrimination
- A question of both intention and impacts of everyone
- At the community sessions and in the online questionnaire, people named many objectives for change: for individual traffic stop interactions, for the police department, and for their community
- Need to create culture, practices, policies that together will address all of these
- Need alignment throughout all justice agencies to end racial discrimination
- Departments cannot keep working at cross purposes, mistrusting each other's intentions and undermining each other
- A single justice system, a single city and county and accountability to our people.

Objectives from community for policy, practice, and culture

