

1 [Stop Pretext Stops]

2 **Resolution advocating for the Board of Supervisors and the Mayor of San**

3 **Francisco to support the Coalition to End Biased Stops in San Francisco.**

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

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

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

11 WHEREAS, In 2021, the San Francisco Police Department (SFPD) conducted
12 27,543 stops that resulted in 6,003 searches, and the 5% Black population of San
13 Francisco made up for 35% of all police searches²; and

14 WHEREAS, SFPD, using the term “officer safety,” has searched Black San
15 Franciscans 50% more than White San Franciscans with Bayview (a predominantly
16 Black community) having the highest percentage of these stops³; and

17 WHEREAS; San Francisco mirrors the state and nation in over-policing
18 communities of color via pretextual stops, with data showcasing that in 2021, SFPD

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://sfpublicdefender.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

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

1 stopped Black and Brown people at least five times the rate of White people, searched
2 Black and Brown people at least eight times the rate of White people, and were thirteen
3 times more likely to use force on Black and Brown people than White people, despite
4 Black and Brown people being less likely to be found carrying contraband than White
5 people⁴; and

6 WHEREAS; SFPD 2021 traffic stop data also shows that enforcing pretextual
7 infractions has little demonstrable impact on reducing crime, has significant downsides
8 in terms of the harassment and profiling of communities of color, especially BIPOC
9 youth, and is a waste of taxpayer resources⁵; and

10 WHEREAS, The destructive legacy of pretext stops has led to the killings of
11 innocent lives such as Sandra Bland (Texas), Philando Castile and Daunte Wright
12 (Minnesota), and Walter Scott (South Carolina), to name a few, because of alleged
13 traffic violations such as hanging a car air freshener, sleeping in their car, driving with a
14 broken taillight, and riding a bike without headlights⁶; and

15 WHEREAS; In some cases, conducting traffic stops can lead to the decrease in
16 motor vehicle crashes and fatalities, and promote public safety and the protection of the
17 public from serious and sometimes violent crime⁷, such traffic stops can also subject
18 motorists, pedestrians, and bicyclists to inconvenience, confusion, and anxiety, as well
19 as strain relationships between law enforcement and the community because members

⁴ 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>

⁵ Zac Dillon, Carolyn Ji Jong Goossen, Yoel Haile, Wesley Saver, "Coalition to End Biased Stops; Stop the Pretext!"

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

⁷ 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/>

1 of the community may perceive these traffic stops as biased, racially motivated, or
2 unfair, and can lead to life-threatening interactions⁸; and

3 WHEREAS; Traffic stops thus result in neither increased trust in the police nor
4 increased perceptions of safety among community members; and

5 WHEREAS; Racial disparities in traffic enforcement and the continued killing of
6 Black and Brown drivers show that regardless of intentions, the harms of traffic stops far
7 outweigh any potential public safety benefits⁹; and

8 WHEREAS; Miguel Bustos, Senior Director of GLIDE's Center for Social Justice,
9 has stated that "Many GLIDE clients have been harmed by racially-biased pretext stops
10 and repeated harassment. Pretext stops further alienating some of our most
11 marginalized neighbors and makes them feel as though they are not welcome in their
12 own community. These negative interactions perpetrate physical, psychological, and
13 financial harm; they inflict and reinforce trauma on our community, particularly
14 communities of color"¹⁰; and

15 WHEREAS; Sameena Usman, Senior Government Relations Coordinator for the
16 Council on American-Islamic Relations-SFBA, has stated that "Pretext stops are an
17 excuse to pull people over for simple things such as an item hanging from a rearview
18 mirror or tinted windows, and question, search, and even detain people. They do not

⁸ Jany, Poston, "Minor police encounters plummet after LAPD put limits on stopping drivers and pedestrians."

⁹ 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_Policing.

¹⁰ 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 help public safety and they disproportionately target communities of color, especially
2 Black people”¹¹; and

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

9 WHEREAS; Jurisdictions such as Cambridge, Massachusetts; Montgomery
10 County, Maryland; Berkeley and Los Angeles, California; Minneapolis and Ramsey
11 County, Minnesota; Philadelphia, Pennsylvania; Virginia; and Washington, D.C, have
12 taken initial or significant steps toward banning and/or limiting pretext stops¹³; and

13 WHEREAS; Los Angeles Police Department (LAPD) 2022 data¹⁴ demonstrates
14 that limiting pretext stops has caused a huge decrease in minor police stops, and has
15 pushed Los Angeles Police officers to have a genuine reason to suspect a more serious
16 crime is afoot before initiating a pretext stop, and are required to record their reasoning
17 on body camera before the stop; and

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.”

¹⁴ 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>

1 WHEREAS; LAPD data also shows that officers received consent to search in
2 24% of all searches, compared with 30% during the same five-month period last year,
3 and have become more purposeful in whom they stop and search, which has benefited
4 LAPD because police officers have found something illegal in 26% of the searches
5 conducted during stops for minor violations — a slight increase compared with their
6 success rate before the new policy¹⁵; now, therefore be it

7 RESOLVED, That the 2022-2023 Youth Commission of the City and County of
8 San Francisco urges the Mayor and Board of Supervisors to support legislation that
9 confronts the issue of pretext stops by revising the Department General Order 9.01¹⁶,
10 which governs San Francisco traffic enforcement, to ensure San Francisco's policies
11 ban pretext stops; and be it

12 FURTHER RESOLVED, That in revising DGO 9.01, the Mayor and Board of
13 Supervisors place a limit on “low-level” vehicle stops, pedestrian, and bike stops; and be
14 it

15 FURTHER RESOLVED, That the City and County of San Francisco implement
16 policies that also limit the search of other minor violations such as a driving with a
17 cracked windshield or without windshield wipers, sound violations, jaywalking, having an
18 expired license, and so on, in order to minimize dangerous police-driver interactions and
19 racial disparities in police exercising their discretion in stops; and be it

¹⁵ Jany, Poston, “Minor police encounters plummet after LAPD put limits on stopping drivers and pedestrians.”

¹⁶ 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 less attention should be given to observations of
2 vehicle equipment violations where no strong causal connection to collisions, and hence
3 public safety, exists; and be it

4 FURTHER RESOLVED, That to maintain public trust, San Francisco's Police
5 Department's use of pretext stops as a crime reduction strategy must be measured, in
6 furtherance of achieving the necessary balance between the perception of fairness and
7 identifying those engaged in serious criminal conduct; and be it

8 FURTHER RESOLVED, That the public safety reason for all traffic stops,
9 citations, and warnings must be articulated on body-worn videos and should include an
10 officer's response to any questions posed by the individual stopped, thus following
11 Department General Order 10.11¹⁷ which was created to bring accountability in regards
12 to police officer's engagement with the public, increase the public's trust in officers, and
13 protect officers from unjustified complaints of misconduct; and be it

14 FURTHER RESOLVED, That to effectively address police violence and the
15 legacy of police brutality on Black and Brown people, policymakers shift their attention
16 to listening to the people most harmed by traffic stops, and shift the power to community
17 members to define and address their public safety concerns and solutions; and be it

18 FURTHER RESOLVED, That San Francisco follow other jurisdictions, as
19 mentioned in page four, who have taken initial or significant steps toward banning
20 pretext stops, in order for San Francisco to not become an outlier; and be it

¹⁷ 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 FURTHER RESOLVED, That the 2022-2023 Youth Commission of the City and
2 County of San Francisco urges the Mayor and Board of Supervisors to publicly support
3 Resolution NO. 2223-AL-05, in favor of ending biased stops in San Francisco.