

**From:** [Peralta, Michael \(POL\)](#)  
**To:** [SFPD Police Commission Office; writtendirectives, sfpd \(POL\)](#)  
**Subject:** Concerns over new draft of DGO 9.01  
**Date:** Tuesday, June 7, 2022 4:50:59 PM

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Dear San Francisco Police Commission and San Francisco Police Written Directives Unit,

I am writing to you both in response to an email I received today from the SFPOA, that was sent to members of the San Francisco Police Department. This email was sent regarding the need for members to provide input for the development of department policies and procedures. This email stated that that "input from all members of the San Francisco Police Department is vital to the success of the department's mission of public safety."

A little about myself, I am a 14 year veteran of the San Francisco Police Department. My pronouns are HE/HIM and I am a 36 year old homosexual Mexican American male. For the last 14 years, I have served the City & County of San Francisco and its residents and those who come to visit San Francisco. Being a San Francisco Police Officer is a role I take pride in and am thankful for every day. My work experience within the SFPD has allowed me the opportunity to work with many diverse communities within the cities Mission District, Richmond District, Southern District and in most recent years, the Ingleside District. I have spent my entire career working patrol and despite this politically motivated climate, I still love what I do and would not change it for anything. I find patrol as one of the most rewarding duties, for I am working directly with all members of the community face to face. I 1st handedly have the ability to make a difference in someone's life day in and day out. As a patrol officer I have also spent the last 7 years as a Field Training Officer where I have helped the department with the training, growth and the development of the members within the SFPD. In the past, I have also been a part time instructor at the San Francisco Police Departments Regional Training Academy.

I am writing to you both with hopes that my feedback might help with developing the new General Order 9.01-TRAFFIC ENFORCEMENT & CURTAILING THE USE OF PRETEXT STOPS. This drafted version defines a Pretext Stop as "where a member uses reasonable suspicion or probable cause of a traffic or code violation as a pretext to initiate a stop motivated by a DESIRE to investigate another crime that is unrelated to that violation." I FULLY and WHOLE HEARTEDLY agree that pretext stop are unconstitutional and wrong. Pretext stops were often referred to in the past in lay mens terms as, a "fishing expedition"... When a subject is stopped for a simple traffic or code violation and the officer, as written in this draft, has the DESIRE or want to find more of an unrelated crime etc.

9.01.03A states, Pretext Stops Limited. Except as provided in 9.01.04(C), pretext stops are banned. This draft is written in a manner that is implying that any traffic stop for any of the "low level offense" listed in the draft is automatically deemed as a pretext stop despite not having any articulable facts that the officer initiating the stop has the DESIRE or want to find more of an unrelated crime. Sure, sometimes traffic stops for minor low level offenses lead to arrests and the discovery of drugs or weapons, that does not automatically make the traffic stop a "pretext stop". As police officer, this is offensive and concerning because it clearly shows that you believe if we are pulling a vehicle over for a low level violation, we are doing so with the intentions of infringing on the detainees 4th amendment rights and that we have the desire to find more evidence of unrelated crimes. This new general order is ultimately accusing all members of the SFPD as being in violation of DGO 5.17 Bias-Free Policing and is taking essential tools away from us to make positive contacts with the public and make contacts that ultimately might lead to an arrest, prevent another crime from occurring etc.

As a field training officer, often times, these "low level offenses" are the easiest ones for recruits to spot due to lack of real world experience. These stops for low level offenses can be a great training tool for recruits who need to exercise skills such as finding self initiated activities, practicing multitasking, practicing listening and talking on the radio, interacting with members of the public, demonstrating proper vehicular tactics (vehicle positioning & determining safe locations to make stops), proper stance when contacting vehicles with multiple occupants etc. All categories which they are graded on daily and all categories which they need to demonstrate competency in. Taking away this "tool" from all SFPD members will only hinder a recruits ability to exercise necessary and mold necessary skills that are needed in the field. Many times, these low level offenses which can either end with a citation being issued or a verbal warning being given, are great tools when being conducted in high crime areas. Traffic stops and/or pedestrian stops in high crime areas (no matter the reason so long as the stop is legal) are a great deterrent in crime prevention. When high visibility policing and proactive policing is being conducted, criminals (all ethnic backgrounds) often tend to see the area in which this is occurring as a "hot spot", and often times reconsider the idea of engaging in criminal activity in that area. Evidence of this can be seen in the Ingleside 5 car (5200 Block of Mission Street) and the surrounding area. Over the past year and a half, myself and other hard working officers of the Ingleside District saturated this area with high visibility policing and proactive policing. Our efforts have resulted in a tremendous decrease in auto-burglaries and other related criminal activities such as residential burglaries and assaults.

Traffic stop/pedestrian stops for low level offenses can also be a great tool for future investigative purposes. Criminals in todays day and age often use their personal vehicles to commit crimes, however, they "cold plate" these vehicles with license plates belonging to other vehicles where the majority of the time, those vehicle owners don't even know that their vehicle license plate has been stolen or swapped. Almost every time vehicles are involved in crimes, they do not have a front license plate and their windows are "blacked out" with heavy tints all around the vehicle including the font windshield and front windows. This does not allow a police officer to see into a vehicle at all thus eliminating the possibility of "pretext stops", "racial profiling" "bias policing" etc. Doing traffic stops on vehicles for low level offenses can assist later on with investigations by keeping a history of who is driving and being stopped in what cars, the

reasons for stop, unique characteristics of vehicle etc. Field Interview cards are often completed and inputted into a data base where associates of criminals/suspected criminals can also be documented to assist at a later date. Eliminating an officers ability to stop motor vehicles for the mentioned "low level offenses" will only threaten the safety of the public and potentially the safety of the officers. Laws were created for a reason and if all laws were followed by society, life would be easy and crime free but the reality is that laws are broken and members of the public who engage criminal activities will do what ever they can to get away with the criminal activities they are engaging in.

"Low level offense" traffic stops have proven throughout history to be a potentially life saving activity. Serial Killer Ted Bundy was caught multiple times during traffic stops. Joel Rifkin, "Joel the Ripper" was pulled over and ultimately arrested after being stopped for not having a front license plate. Timothy McVeigh was caught and arrested for driving a motor vehicle without a front license plate. William Suff, "Riverside Prostitute Killer" was pulled over and arrested after conducting an illegal u-turn in a motor vehicle. Richard Ramirez, "The Night Stalker" was identified after being seen leaving the scene of a crime in his vehicle after a witness wrote down his vehicles license plate. If Richard Ramirez was driving around San Francisco in today's day and age after a policy implementation of a new general order like the one you are proposing, Richard Ramirez would be able to drive around with out license plates and go untraced and there would be nothing the San Francisco Police Department could do about it. There are many more examples but I will allow you to Google search these horrendous criminals who were caught after being pulled over for "low level offenses".

9.01.05 LIMITING SEARCHES AND QUESTIONING is appalling when it comes to the safety of the officer, the public and potentially the person behind the wheel of the vehicle and/or occupants. When people are released from jail/prison early and are placed on probation/parole/PRCS etc., they agree to the courts as part of their early release to notify officers of their status when asked. Based on my experience, persons who are released early from jail/prison CAN and SOMETIMES do continue to engage in criminal activities. When conducting a traffic stop, it is a HUGE officer safety concern when being told that "you will no longer be able to ask a person about their probation or parole status" unless you have probable cause to believe they're engaging in criminal activity separate from the traffic stop. Many criminals (all ethnic backgrounds) are repeat offenders who carry weapons and narcotics despite telling the judge prior to being released back into society that they will not engage in criminal activities etc. When conducting a traffic stop on every vehicle, I ask in a professional manner to every person I stop, whether they are on probation/parole or if they have ever been arrested before. This is not because I am on a fishing expedition for more violations of the law, but instead so I can be safe and follow what ever protocol I have followed for the last 14 years, so I can go home safely at the end of the night. When a person tells you as the officer that they're on probation or parole for robbery, possession of firearms, possession for sales of narcotics etc and they tell you that they have a "warrantless search condition", its important for the officer's safety to ensure that this criminal is not in possession of any weapons and/or contraband prior to the officer returning to their vehicle and "burying" their face in their computer. If a subject on a traffic stop tells me they have a warrantless search condition, its important for my safety to rule out that they do not have any weapons etc. Often times, traffic stops can escalate to violent encounters when a person is armed with a weapon or the person has a warrant for their arrest. The fight or flight mentality kicks in and removing the simple tool of conversation with the person gives the person an upper hand to flee or in worse cases, assault the officer. Often times, subjects who are in possession of narcotics who know they have a search condition might even ingest narcotics to avoid getting caught with them. Removing the simple tool of conversation would allows this person time to ingest drugs while the officer is "running the subject" on their computer. This person might know that the officer is going to see this return and know that the officer is more than likely going to come back and search them and their vehicle and therefore, might ingest narcotics to avoid arrest. Clearly, this would pose a danger to and only to the one ingesting the narcotics. Simple conversation with a subject on a stop does not make the stop a "pretext stop", its so the officer knows what to do for their own safety and the safety of the person behind the wheel of the vehicle.

For anyone who watches the news and sees the current crime threads throughout the Bay Area, primarily in San Francisco, you will easily notice that 100% of the vehicles involved in non violent and violent crimes, that the vehicles have "blacked out" tints all around and more than often also do not have front license. As I mentioned earlier, this new policy draft removes a major tool from officers in identifying criminals, vehicles and endangers the safety of the public and officers. I would highly recommend that you investigate officers who through based off complaints/allegations are engaging in potentially "biased policing" and pursue those officers administratively/criminally and ask you not remove tools from us that are required to keep ourselves as well as the public safe.

Thank you,

Officer Michael V. Peralta #2450

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