



# The Police Commission

---

## CITY AND COUNTY OF SAN FRANCISCO

December 2, 2022

Re: **Department General Order 9.01**

CINDY ELIAS  
President

MAX CARTER-OBERSTONE  
Vice-President

LARRY YEE  
Commissioner

JAMES BYRNE  
Commissioner

JESUS YANEZ  
Commissioner

KEVIN BENEDICTO  
Commissioner

DEBRA WALKER  
Commissioner

---

Sergeant Stacy Youngblood  
Secretary

Dear Members of the Public,

On May 6, 2022, the Commission published a draft Department General Order (DGO) 9.01 for public comment and review. The overarching goal of the DGO is to curtail the practice of stopping people for low-level traffic offenses as a pretext to investigate hunches that do not amount to reasonable suspicion that a crime occurred. Pretext stops are disproportionately carried out against people of color and return negligible public safety benefits. The fiscal, human, and societal costs they impose on our City are unjustified in light of more effective public safety tools at the Department's disposal. Expending less time and money on these stops will free up substantial resources that the Department can use on more effective public safety strategies, while also making good on our obligation to guarantee residents of our City equal treatment under the law, regardless of race or ethnicity.

Since the introduction of the draft DGO, the Commission has undertaken the most exhaustive public outreach effort in its history. A few highlights of the public outreach campaign include:

- The SF Human Rights Commission (HRC) spearheaded an impressive community outreach campaign, which included planning and facilitating eight community listening sessions across the City to solicit feedback directly from community members. HRC also attended dozens of community events, and created an online survey which garnered thousands of responses.
- The Commission organized a working group with a diverse array of subject matter experts that met over a series of four meetings to discuss the merits of the policy and to offer specific recommendations.
- Commissioners hosted three listening sessions specifically for officers to provide feedback and ask questions.



# The Police Commission

---

## CITY AND COUNTY OF SAN FRANCISCO

- The Commission invited the public to comment on the draft policy and posted the hundreds of responses it received on its website in real time.
- Commissioners also agreed to meet with anyone who expressed interest in discussing the policy. This resulted in numerous meetings with community organizations, business groups, and individuals.

We are indebted to the community members, officers, and experts who took the time to engage in this process with us. The feedback we received was invaluable and will ensure that this policy reflects the ideas and concerns of the people of this City.

Today, we are publishing a revised version of DGO 9.01 that incorporates this feedback. Changes to DGO 9.01 were also informed by experts and academics in the field who presented their findings and recommendations at publicly held Commission meetings. These include representatives from the Center for Policing Equity (CPE) and the Public Policy Institute of California (PPIC).<sup>1</sup> We also had the benefit of learning from the many jurisdictions all across the country that have already implemented pretext stop policies, including Seattle, Nashville, Philadelphia, Virginia, Connecticut, Los Angeles, and many others. The experiences of these cities and States confirms that curtailing pretext stops results in improved public safety and reduced racial disparities.<sup>2</sup> We hope to deliver similar results for the people of our City.

There are three key prongs to this policy. First, it identifies nine low-level traffic infractions—such as hanging objects from the rearview mirror—that officers may no longer initiate a traffic stop for. These infractions may continue to be enforced by other means (for example, through parking tickets), and the policy creates a series of exceptions, including for when there is a legitimate safety-related need to make a stop. Each one of these nine offenses has been carefully vetted to ensure there are no public safety implications associated with them. That included reviewing MTA data to ensure violations of these infractions are not causing car crashes or

CINDY ELIAS  
President

MAX CARTER-OBERSTONE  
Vice-President

LARRY YEE  
Commissioner

JAMES BYRNE  
Commissioner

JESUS YANEZ  
Commissioner

KEVIN BENEDICTO  
Commissioner

DEBRA WALKER  
Commissioner

---

Sergeant Stacy Youngblood  
Secretary

---

<sup>1</sup> For those interested in learning more, both CPE and PPIC have published illuminating reports on the issue of traffic enforcement and pretext stops. CPE, *The Science of Justice: San Francisco Police Department National Justice Database City Report* (Aug. 2020) (available at <https://tinyurl.com/bdfbtr6e>); PPIC, *Racial Disparities in Traffic Stops* (Oct. 2022) (available at <https://tinyurl.com/46fkbv4c>).

<sup>2</sup> E.g. Stanford Computational Policy Lab & Policing Project at NYU Law School, *An Assessment of Traffic Stops and Policing Strategies in Nashville* (2018) (available at: <https://tinyurl.com/47wpvdws>).



# The Police Commission

---

## CITY AND COUNTY OF SAN FRANCISCO

injuries, and reviewing SFPD data to confirm that stops for these infractions do not result in recovery of contraband at any appreciable rate.

Second, the policy limits what officers can do once a stop is made. It limits officers' ability to ask for consent to search a car or to ask investigatory questions unrelated to the traffic stop. Officers may still engage in these practices where there is at least some concrete evidence that criminal activity is afoot, but they may no longer be used indiscriminately or as a matter of course. Stops for traffic infractions should not be used as fishing expeditions when there is no legitimate reason to believe the person stopped is engaged in criminal activity. The evidence on this is clear: this practice does not stop or prevent crime, and it results in unwarranted targeting of people of color.

Finally, the policy requires collection of stop data and supervisory review so that both the Commission and the public at large can evaluate the effects of the DGO on police behavior and public safety.

Attached to this memorandum is (1) a revised version of DGO 9.01, and (2) a redline comparing this version to the prior version that was published on May 6, 2022. As always, we look forward to engaging with the public on this important issue.

CINDY ELIAS  
President

MAX CARTER-OBERSTONE  
Vice-President

LARRY YEE  
Commissioner

JAMES BYRNE  
Commissioner

JESUS YANEZ  
Commissioner

KEVIN BENEDICTO  
Commissioner

DEBRA WALKER  
Commissioner

---

Sergeant Stacy Youngblood  
Secretary

## TRAFFIC ENFORCEMENT & CURTAILING THE USE OF PRETEXT STOPS

### 9.01.01 PURPOSE

The San Francisco Police Department's traffic enforcement efforts shall focus on ensuring the safety of our sidewalks and roadways. To that end, the goal of this General Order is to curtail the practice of stopping vehicles for low-level traffic offenses as a pretext to investigate hunches that do not amount to reasonable suspicion that a crime occurred. Pretext stops are disproportionately carried out against people of color and return negligible public safety benefits. The fiscal, human, and societal costs they impose on our City are unjustified in light of more effective public safety tools at the Department's disposal.

Reducing the number of stops made for low-level offenses will allow the Department to redirect resources to more effective public safety strategies while also helping to fulfill its obligation to accord every person equal treatment under the law.

### 9.01.02 DEFINITIONS

The following terms are defined as follows for purposes of this General Order:

- A. **Pretext Stop.** A pretext stop occurs when a member conducts a traffic stop as a pretext to investigate whether the person stopped is engaged in criminal activity unrelated to the traffic violation.
- B. **Biased Stop.** A stop in which a member inappropriately considers characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, socio-economic status, age, cultural group, or disability, in deciding whether to initiate a stop. (*See DGO 5.17 § II.B.*)
- C. **Reasonable Suspicion.** A set of specific facts and circumstances that would lead a reasonable officer to believe that a crime has occurred, is occurring, or is about to occur and the person to be stopped is involved in the crime. Reasonable suspicion cannot be based solely on a hunch or instinct. (*See DGO 5.03.02(D).*)
- D. **Probable Cause.** A set of specific facts that would lead a reasonable officer to objectively believe and strongly suspect that a person committed a crime. (*See DGO 5.03.02(G).*)
- E. **Investigatory Question.** A question or statement that is intended to elicit, or would be reasonably likely to elicit, information relevant to a criminal investigation or criminal activity. Whether a question or statement is investigatory will depend on the specific facts and circumstances of each case. *Examples.* Questions such as

“where are you coming from?” or “where are you going?” are generally investigatory. Conversely, asking “how is your day going?” or “I noticed your Warriors license plate frame, did you happen to catch the game last night?” are not investigatory.

**F. Criminal Offense.** Any misdemeanor or felony.

### **9.01.03 POLICY**

- A. **Pretext Stops Limited.** Pretext stops produce little if any public safety benefits, while imposing substantial fiscal and societal costs. They may only be used in a manner that is consistent with this policy.
- B. **Biased Stops Banned.** Biased stops are illegal, unconstitutional, and contrary to the Department’s values. They are banned under all circumstances. (*See* DGO 5.17).
- C. **Stops Based on Reasonable Suspicion.** Except for the violations listed in 9.01.04(A), nothing in this DGO prevents members from initiating a stop for any infraction or criminal offense based on reasonable suspicion. (*See* DGO 5.03).

### **9.01.04 LIMITING STOPS FOR LOW-LEVEL OFFENSES**

- A. **Banned Stops.** Except as provided in 9.01.04(B), a member shall not stop or detain the operator of a motor vehicle for any of the following violations:
  - 1. Failure to display or properly mount license plates (Cal. Veh. Code §§ 5200(a), 5201(a)), but *only if* the vehicle has a rear license affixed in a position where the license plate number is clearly visible, and so that the characters are upright and display from left to right. Members may continue to make stops for these violations in all other circumstances, including where a vehicle has no license plates.
  - 2. Failure to display registration tags or driving with expired registration. (Cal. Veh. Code §§ 4000(a)(1), 5204(a)).
  - 3. Failure to illuminate license plate. (Cal. Veh. Code § 24601).
  - 4. Driving without functioning or illuminated taillights, unless no taillights are functioning or illuminated and the sun has set. (Cal. Veh. Code § 24600).

5. Driving without functioning or illuminated brake lights, unless no brake lights are functioning or illuminated. (Cal. Veh. Code § 24603).
6. Objects affixed to windows or hanging from rearview mirror, unless the object obstructs the driver's vision such that it creates a condition that substantially increases the likelihood of injury or death. (Cal. Veh. Code § 26708(a)(1)-(2)). *Examples:* Hanging an air freshener or prayer beads from the rear-view mirror will generally not create a condition that substantially increases the likelihood of injury or death. Conversely, affixing an electronic GPS device to the windshield such that it creates vision-obstructing glare while driving at night (*see* Cal. Veh. Code § 26708(b)(12)) may create a condition that substantially increases the likelihood of injury or death.
7. Failure to signal while turning or changing lanes. (Cal. Veh. Code § 22108).
8. Sleeping in a car. (S.F. Trans. Code § 97). *Exception:* Members may make a stop for this code violation when another City agency (including HSOC, MTA, or Public Health) requests that the Department do so.
9. Any stop of a pedestrian or bicycle for an infraction in violation of the California Vehicle Code or San Francisco Transportation Code unless there is an immediate danger that the pedestrian or bicyclist will crash with a moving vehicle, scooter, bicycle, or other device moving exclusively by human power.

Nothing in 9.01.04(A) prohibits a member from taking any of the following actions so long as it does not result in an investigative detention as defined in DGO 5.03: (a) issuing a citation to a parked car, (b) warning an individual that their conduct is in violation of the law, (c) requesting that an individual conform their conduct to the law, or (d) mailing a citation as permitted by state and local law.

**B. Exceptions.** A member may stop or detain a person or an operator of a motor vehicle, or issue a citation for a violation enumerated in 9.01.04(A) if:

1. the member lawfully stopped or detained the person or operator of the motor vehicle for any infraction or criminal offense not enumerated in section 9.01.04(A); or
2. the operator is driving a commercial vehicle; or

3. a person or motor vehicle matches the description of a suspect or suspect vehicle in a murder, attempted murder, manslaughter, armed robbery, kidnapping, forcible sex offense, a felony committed against a child, or any other felony where the risk of death or life-threatening injuries is imminent if the suspect is not immediately apprehended.
4. the member is investigating a traffic crash as outlined in Cal. Veh. Code § 40600(a).

#### **9.01.05**

#### **LIMITING SEARCHES & QUESTIONING**

- A. During a traffic stop for a violation punishable as an infraction under the California Vehicle Code or San Francisco Transportation Code, members shall only ask investigatory questions regarding criminal activity if reasonable suspicion or probable cause for a criminal offense arises during the stop. (*Example:* If, during a routine traffic stop, officers smell the odor of an alcoholic beverage on the driver's breath, they may ask investigatory questions about a potential DUI violation). Nothing in this DGO shall prohibit a member from asking a driver for their license, registration, or proof of insurance.
- B. During a traffic stop for a violation punishable as an infraction under the California Vehicle Code or San Francisco Transportation Code, members shall only ask for permission to conduct a consent search of a person or vehicle if reasonable suspicion or probable cause for a criminal offense arises during the stop.
- C. **Exceptions.** The above limits on searches and questioning set forth in 9.01.05(A)-(B) shall not apply to stops made pursuant to 9.01.04(B)(2)-(B)(4).

#### **9.01.06**

#### **DATA COLLECTION, REPORTING & SUPERVISORY REVIEW**

- A. Any member who requests consent search to or asks an investigatory question unrelated to the purpose of the stop under 9.01.05(A)-(B) shall document the following in an incident report and/or chronological report of investigation: (a) the reason for the stop, and (b) the circumstances that justified asking the investigatory question, and/or requesting to conduct a consent search. If an incident report is not otherwise required, members shall memorialize (a) and (b) in CAD.
- B. Members shall enter all stop data into the Stops Data Collection System (SDCS) prior to the end of their shift, unless exigent circumstances prevent entry, in which case, officers shall enter data by the end of their next shift.

- C. Superior officers are responsible for reviewing traffic stop data for members under their direct supervision (PIP Group) on a quarterly basis.
  
- D. On a quarterly basis, the Department must transmit to the Commission and to the Department of Police Accountability all SDCS data (other than personal identifying information) containing the information that the Department must collect pursuant to Cal. Gov't Code § 12525.5, Cal. Code Regs. tit. 11, § 999.226, and any other related laws governing stop data collection. The Department shall also make this information publicly available on its website in a machine-readable format.

**References**

DGO 5.03

DGO 5.17



## **TRAFFIC ENFORCEMENT & CURTAILING THE USE OF PRETEXT STOPS**

### **9.01.01 PURPOSE**

The San Francisco Police Department's traffic enforcement efforts shall focus on ensuring the safety of our sidewalks and roadways. To that end, the goal of this General Order is to reduce racial bias in the enforcement of our traffic laws, and in particular, to curtail the use practice of pretextual stops. These stops which use the stopping vehicles for low-level traffic code offenses as a pretext to conduct stops and searches absent any concrete evidence of criminal wrongdoing—investigate hunches that do not amount to reasonable suspicion that a crime occurred. Pretext stops are disproportionately carried out against people of color and provide no demonstrable return negligible public safety benefit. Limiting this ineffectual practice benefits. The fiscal, human, and societal costs they impose on our City are unjustified in light of more effective public safety tools at the Department's disposal.

Reducing the number of stops made for low-level offenses will free up valuable allow the Department to redirect resources to focus on more effective public safety strategies proven to stop and prevent crime. To that end, our traffic enforcement efforts should be focused on what matters most: ensuring the safety of our sidewalks and roadways while also helping to fulfill its obligation to accord every person equal treatment under the law.

### **9.01.02 DEFINITIONS**

The following terms are defined as follows for purposes of this General Order:

- A. **Pretext Stop.** A member effects a pretext stop where occurs when a member uses reasonable suspicion or probable cause of conducts a traffic or code violation stop as a pretext to initiate a stop motivated by a desire to investigate another crime that whether the person stopped is engaged in criminal activity unrelated to that the traffic violation.
- B. **Biased Stop.** A biased traffic or pedestrian stop is one where there is no matching suspect description and in which a person's apparent member inappropriately considers characteristics such as race, color, ethnicity, national origin, age, religion, sex, sexual orientation, gender identity or expression, sexual orientation, mental or physical disability, socio-economic status, dress, appearance, or neighborhood is a motivating factor in a member's decision age, cultural group, or disability, in deciding whether to initiate a stop a person or vehicle. (See DGO 5.17 § II.B.)
- C. **Reasonable Suspicion.** Reasonable suspicion is a set of specific facts and circumstances that would lead a reasonable person officer to believe that a crime is, was has occurred, is occurring, or is about to occur and the person under suspicion is

~~reasonably connected to be stopped is involved in the crime. Reasonable suspicion to detain is also established whenever there is any violation of the law.~~ Reasonable suspicion cannot be based solely on a hunch or instinct. (See DGO 5.03.02(D)).

**D. Probable Cause.** ~~Probable cause is a~~ set of specific facts that would lead a reasonable ~~person~~ officer to objectively believe and strongly suspect that a ~~crime~~ person committed ~~by a person~~ a crime. (See DGO 5.03.02(G)).

Formatted: Font: Not Bold  
Formatted: List Paragraph

**E. Investigatory Question.** A question or statement that is intended to elicit, or would be reasonably likely to elicit, information relevant to a criminal investigation or criminal activity. Whether a question or statement is investigatory will depend on the specific facts and circumstances of each case. Examples. Questions such as “where are you coming from?” or “where are you going?” are generally investigatory. Conversely, asking “how is your day going?” or “I noticed your Warriors license plate frame, did you happen to catch the game last night?” are not investigatory.

**F. Criminal Offense.** Any misdemeanor or felony.

**9.01.03  
POLICY**

**A. Pretext Stops Limited.** Except as provided in 9.01.04(C), pretext stops are banned.

**A. Pretext Stops Limited.** Pretext stops produce little if any public safety benefits, while imposing substantial fiscal and societal costs. They may only be used in a manner that is consistent with this policy.

**B. Biased Stops Banned.** Biased stops are illegal, unconstitutional, and ~~antithetical~~contrary to the Department’s values that the Department espouses. They are banned under all circumstances. (See DGO 5.17).

**C. Stops Based on Reasonable Suspicion.** Except for the violations listed in 9.01.04(A), nothing in this DGO prevents members from initiating a stop for any infraction or criminal offense based on reasonable suspicion. (See DGO 5.03).

**9.01.04  
LIMITING STOPS FOR LOW-LEVEL OFFENSES**

~~A. Banned Motor Vehicle Stops.~~ Except as provided in 9.01.04(C) ~~(DB)~~, a member shall not stop or detain the operator of a motor vehicle, ~~or issue a citation~~ for any of the following ~~offenses~~:

~~A. [Note: The Department, DPA, and Commissioner Carter Oberstone discussed the pros and cons of including a list of offenses for which stops are banned. The offences enumerated in this section constitute a non exhaustive list of violations that the Working Group might wish to consider for possible inclusion.];~~

- ~~1. Failure to display both license plates. (Cal. Veh. Code § 5200(a)).~~
- 1. Failure to display or properly mount license plates (Cal. Veh. Code §§ 5200(a), 5201(a), but only if the vehicle has a rear license affixed in a position where the license plate number is clearly visible, and so that the characters are upright and display from left to right. Members may continue to make stops for these violations in all other circumstances, including where a vehicle has no license plates.
- 2. Failure to display registration tags or driving with expired registration. (Cal. Veh. Code ~~§§§ 4000~~ (a)(1), 5204(a)).
- 3. Failure to illuminate license plate. (Cal. Veh. Code § 24601).
- ~~4. Driving without functioning or illuminated headlights, unless no headlights are functioning or illuminated and the sun has set. (Cal. Veh. Code § 24400(a) (b)).~~
- 5.4. Driving without functioning or illuminated taillights, unless no taillights are functioning or illuminated and the sun has set. (Cal. Veh. Code § 24600).
- 6.5. Driving without functioning or illuminated brake lights, unless no brake lights are functioning or illuminated and the sun has set. (Cal. Veh. Code § 24603).
- ~~7. Tinted windows (Cal. Veh. Code § 26708.5).~~
- 8. Objects affixed to windows or hanging from rearview mirror, unless the object obstructs the driver's vision such that it creates a condition that substantially increases the likelihood of injury or death. (Cal. Veh. Code § ~~26708(a)(1)-(2)~~).
- ~~9. Improperly mounted license plate. (Cal. Veh. Code § 5201(a)).~~ Examples: Hanging an air freshener.

**Formatted:** List Paragraph, Numbered + Level: 1 + Numbering Style: A, B, C, ... + Start at: 1 + Alignment: Left + Aligned at: 0.25" + Indent at: 0.5"

**Formatted:** Font: Not Italic

**Formatted:** Font: +Body (Calibri), 11 pt

**Formatted:** Font: +Body (Calibri), 11 pt

**Formatted:** Normal, Left, Indent: Left: 0"

**Formatted:** Font: +Body (Calibri), 11 pt

~~10. Failure to signal while turning or changing lanes, unless the failure creates a condition that substantially increases the likelihood of injury or death. (Cal. Veh. Code §§ 22107, 22108).~~

~~11.6. Littering, unless an object is thrown from a vehicle in a manner that creates prayer beads from the rear-view mirror will generally not create a condition that substantially increases the likelihood of injury or death. Conversely, affixing an electronic GPS device to the windshield such that it creates vision-obstructing glare while driving at night (see Cal. Veh. Code § 23112). Code § 26708(b)(12)) may create a condition that substantially increases the likelihood of injury or death.~~

~~12. Failure to signal while turning or changing lanes. (Cal. Veh. Making a U-turn from the far left hand lane where the driver can see clearly for 200 feet in either direction, and the maneuver is executed in a manner that does not substantially increase the likelihood of injury or death. (Cal. Veh. Code § 22100.5).~~

~~7. Code § 22108).~~

~~13.8. Sleeping in a car. (S.F. Trans. Code § 97). Exception: Members may make a stop for this code violation when another City agency (including HSOC, MTA, or Public Health) requests that the Department do so.~~

~~14. Any parking infraction, unless the car is unoccupied.~~

~~B. Banned Pedestrian & Bicycle Stops. Except as provided in 9.01.04(C), a member shall not stop or detain a person, or issue a citation for any of the following offenses:~~

~~1. Crossing the street outside of the crosswalk, unless it creates a condition that substantially increases the likelihood of injury or death (Cal. Veh. Code § 21955).~~

~~2. Riding a bicycle on a sidewalk. (S.F. Trans. Code Art. 7, § 7.2.12).~~

~~3. Riding a non-motorized scooter on a sidewalk. (S.F. Trans. Code Art. 7, § 7.2.13).~~

~~4. Failure to ride a bicycle as close as practicable to the right-hand curb or edge of the roadway. (Cal. Veh. Code § 21202(a)).~~

~~9. Any stop of a pedestrian or bicycle for an infraction in violation of the California Vehicle Code or San Francisco Transportation Code unless there~~

Formatted: Font: +Body (Calibri), 11 pt

Formatted: Font: +Body (Calibri), 11 pt

Formatted: List Paragraph, Indent: Left: 1"

is an immediate danger that the pedestrian or bicyclist will crash with a moving vehicle, scooter, bicycle, or other device moving exclusively by human power.

Nothing in 9.01.04(A) prohibits a member from taking any of the following actions so long as it does not result in an investigative detention as defined in DGO 5.03: (a) issuing a citation to a parked car, (b) warning an individual that their conduct is in violation of the law, (c) requesting that an individual conform their conduct to the law, or (d) mailing a citation as permitted by state and local law.

~~C.B.~~ **Exceptions.** A member may stop or detain a person or an operator of a motor vehicle, or issue a citation for an offensea violation enumerated in 9.01.04(A) ~~(B)~~ if:

1. the member lawfully stopped or detained the person or operator of the motor vehicle for any felony, misdemeanor, or infraction or criminal offense not enumerated in section 9.01.04(A) ~~(B)~~; or
2. the operator is driving a commercial vehicle; or
3. a person or motor vehicle matches the description of a suspect or suspect vehicle in a murder, attempted murder, manslaughter, armed robbery, kidnapping, forcible sex offense, a felony committed against a child, or any other felony where the risk of death or life-threatening injuries is imminent if the suspect is not immediately apprehended.

~~D. Citations Without Stops.~~ A ~~the~~ member may issueis investigating a citation for an offense enumeratedtraffic crash as outlined in Cal. Veh. 9.01.04(A):

~~1. If the motor vehicle is unoccupied; or~~

~~2-4. If Code § 40600(a member is prohibited from making a stop under 9.01.04(A), and the member can identify the owner of the vehicle, the Department may mail a citation to the owner of the vehicle, or send a warning letter identifying the violation and instructing the owner to correct the defect or otherwise remedy the violation.~~

**9.01.05  
LIMITING SEARCHES & QUESTIONING**

**Formatted:** Indent: Left: 0.75", Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0.25" + Indent at: 0.5"

**Formatted:** Font: +Body (Calibri), 11 pt, Bold, Character scale: 100%

- A. ~~In the course of any~~ During a traffic stop made for a violation punishable as an infraction ~~pursuant to~~ under the California Vehicle Code or San Francisco Transportation Code, members shall only ask investigatory questions regarding ~~unrelated~~ criminal activity if reasonable suspicion or probable cause for a criminal offense arises during the stop. ~~(Example: If, during a routine traffic stop, officers see a firearm in plain view in~~ smell the vehicle odor of an alcoholic beverage on the driver's breath, they may ask investigatory questions about ~~criminal activity).~~ a potential DUI violation). Nothing in this DGO shall prohibit a member from asking a driver for their license, registration, or proof of insurance.
- B. ~~In the course of any~~ During a traffic stop for a violation punishable as an infraction ~~made pursuant to~~ under the California Vehicle Code or San Francisco Transportation Code, members shall only ask for permission to conduct a consent search of a person or vehicle if reasonable suspicion or probable cause for a criminal offense arises during the stop.
- C. ~~In the course of any stop for an infraction made pursuant to the California Vehicle Code or San Francisco Transportation Code, members shall only ask if a person is on probation or parole if reasonable suspicion or probable cause for a criminal offense arises during the stop.~~

*[Note: The Department, DPA, and Commissioner Carter Oberstone considered whether to place limits on parole/probation searches, but ultimately determined that it may be preferable to address this topic in a separate DGO.]*

- C. **Exceptions.** The above limits on searches and questioning set forth in 9.01.05(A)-(B) shall not apply to stops made pursuant to 9.01.04(B)(2)-(B)(4).

#### 9.01.06 DATA COLLECTION, REPORTING & SUPERVISORY REVIEW

- A. Any member who ~~conducts a~~ requests consent search, to or asks an investigatory question, ~~or asks a question about parole or probation status~~ unrelated to the purpose of the stop under 9.01.05(A)-(C) shall document the ~~reason for the stop~~ following in an incident report and/or chronological ~~record of investigation~~ report of investigation: (a) the reason for the stop, and (b) the circumstances that justified asking the investigatory question, and/or requesting to conduct a consent search. If an incident report is not otherwise required, members shall memorialize (a) and (b) in CAD.
- B. ~~Members shall record vehicle and pedestrian enter all stop data into the Stops Data Collection System (SDCS) prior to the conclusion~~ end of ~~each~~ their shift.

Formatted: Font: Italic

, unless exigent circumstances prevent entry, in which case,

- ~~C.B.~~ On-duty platoon commanders or officers in charge shall ensure supervisory review, approval, and oversight for all traffic citations and associated body worn camera footage. Such review, approval, and oversight is not required on scene, but platoon commanders or officers in charge shall ensure these tasks are completed by their supervisory personnel shall enter data by the end of their next shift.  
Additionally, sergeants
- C. Superior officers are responsible for reviewing traffic stop data for members under their direct supervision (PIP Group) on a quarterly basis.

Formatted: List Paragraph, Numbered + Level: 1 + Numbering Style: A, B, C, ... + Start at: 1 + Alignment: Left + Aligned at: 0.25" + Indent at: 0.5"

On 9.01.07  
**IMPLEMENTATION**

[TBD]

- D. a quarterly basis, the Department must transmit to the Commission and to the Department of Police Accountability all SDCS data (other than personal identifying information) containing the information that the Department must collect pursuant to Cal. Gov't Code § 12525.5, Cal. Code Regs. tit. 11, § 999.226, and any other related laws governing stop data collection. The Department shall also make this information publicly available on its website in a machine-readable format.

**References**

[TBD] DGO 5.03  
DGO 5.17