

DGO 9.05 Public Comment Responses

| # | Public Comment | Date Received | SFPD response | Explanation |
|-----------|---|----------------|--|---|
| R1 | "The right-most lane on the south side of Market street between Castro and 16th is a shared bike and car right turn lane. An officer followed me and rolled down his window. I rolled mine down and he tells me, "that's a (expletive) bike lane" in front of my kids." | 5/10/23 | Recommendation will not be included in Draft DGO | This comment does not apply to traffic violations, as this incident was not an official violation. The commenter may contact the Department of Police Accountability if they want to file an official complaint. Their complaint portal can be found here: https://sf.gov/new-case-look-portal-dpa-complainants |

Informal Working Group Recommendation and Department Response

| 9.05 | DPA Recommendations | Date recommendation received | SFPD response | SFPD explanation | Open/Closed |
|------|---|------------------------------|--|---|-------------|
| R1 | <p>The DPA recommends that DGO 9.05.03A.1(f) be reworded as follows: "If the member is assigned to a Station Investigation Team (SIT), the Investigation Bureau, or plainclothes unit driving an unmarked vehicle and the traffic stop is authorized under DGO 5.08.I.C." As written, this section creates the mistaken impression that plainclothes officers can issue traffic citations without limitation. (Note that as of 10/26/22 - DPA is recommending in 5.08 that plainclothes officers be prohibited from making traffic stops. If that recommendation is accepted, DPA recommends deleting reference to plainclothes officers in 9.05)</p> | 3/1/21 | Recommendation has been included in draft DGO | <p>Added without the reference to the section. Reason being, the section may change formatting upon revision of DGO 5.08, which would require DGO 9.05 to be subsequently revised as well. DGO 9.05 controls all Notice to Appear citations issued, not just for Vehicle Code violations, but Penal Code, Health and Safety Code, Welfare and Institution Code, etc . violations as well. Ideally, all citations should be issued using the eCitation app to reduce errors, legibility issues, and improve electronic routing to the courts. Section 9.05.03.A.1. establishes policy for issuing hand-written (paper) citations when a printer or the eCitation App is not available. Amended section 9.05.03.A.1.f. to reflect non-uniformed members issuing hand-written citations when a printer is not available. Even if it is ultimately decided to prohibit non-uniformed members from making traffic stops while not in uniform, non-uniformed members may still issue citations for non-traffic violations, such as citations for non-custodial drug offences. This DGO would need to cover those situations as well.</p> | |
| R2 | <p>The DPA recommends that members be required to memorialize in writing traffic stops that do not result in an arrest or citation. For example, in Seattle, officers are required to complete a "traffic contact report." (Source: Settle PD Rule 16.230.)</p> | 3/1/21 | Recommendation will not be included in draft DGO because not warranted or reasonable | <p>A "traffic contact report" does not currently exist. Officers are already required to report their traffic or pedestrian stops, whether they result in a citation, an advisement, or no action, in the CA DOJ Stop Data Collection System (SDCS). Creating another process to track officer's stops could be seen as redundant and time consuming. I am not authorized to create or suggest a new "traffic contact" reporting procedure. This is a conversation that would best be had with Police Command Staff.</p> | |

Informal Working Group Recommendation and Department Response

| 9.05 | DPA Recommendations | Date recommendation received | SFPD response | SFPD explanation | Open/Closed |
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| R3 | <p>The Center for Policing Equity recommended that SFPD require supervisors to review officers' stop data. (See p.6 of CPE's August 2020 Report). Accordingly, the DPA recommends that DGO 9.05 require members to submit to their supervisors, on a daily basis, a brief narrative explanation of the basis for each traffic stop they conduct including stops that did not result in arrest or citation. Supervisors should be required to review these reports on a weekly basis to ensure that traffic stops are supported by reasonable suspicion and are consistent with SFPD policy and applicable law.</p> | 3/1/21 | Recommendation will not be included in draft DGO because not warranted or reasonable | <p>Officers are required to activate their Body Worn Cameras (BWCs) during traffic or pedestrian stops per DGO 10.11. Supervisors may access officer's BWC footage, per DGO 10.11.03.M., consistent with the policy and with cause. Supervisors shall adhere to DGO 1.06 and are not prohibited from addressing policy violations found during review of the officer's BWC footage. As said above for recommendation #2, creating a "traffic contact report" could create additional and redundant work for the officers and the supervisors. If a decision is made to create an additional "traffic contact report", I am not the one to ask officers and supervisors to perform extra work beyond what is already required of them with SDCS and BWC. This is a conversation that would best be had with Police Command Staff. Additionally, if a "traffic contact report" is implemented, it would be more appropriate to include it as part of DGO 9.01 (Traffic Enforcement) rather than 9.05.</p> | |
| R4 | <p>DPA recommends adding a section on the procedural requirements for citations by mail based on the discussions around DGO 9.01.</p> | 10/26/22 | Recommendation will not be included in draft DGO because not warranted or reasonable | <p>If it is decided to create a "citation by mail" policy (I still contend since no such mechanism exists in current California law for us to do that, except in certain situations such as automated red light cameras, it is not possible for us to create such a policy at this time) or a mailed written warning procedure (which is possible under current law), I believe any reference to such procedure would be more appropriate located in DGO 9.01. Similar to how I reference issuing citations by mail for traffic crashes and owner responsibility citations in 9.01. Once any "mailed" citation is issued then it would routed, filed, voided, or corrected as any other citation would according to DGO 9.05. The procedures in 9.05 would not be affected whether we decide to create a "mailed" citation policy or not.</p> | |