



ASIAN AMERICAN BAR ASSOCIATION
of the Greater Bay Area

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CAA

CHINESE FOR AFFIRMATIVE ACTION

January 10, 2022

The Honorable Cindy Elias
President, Police Commission Office
San Francisco Police Headquarters
1245 3rd Street
San Francisco, CA 94158
sfpd.commission@sfgov.org

Submitted via electronic mail

Re: DGO 9.07 (End Pretext Stops) — SUPPORT

Dear President Elias,

As organizations that serve Asian American and Pacific Islander (AAPI) communities in San Francisco, we write in strong support of Department General Order (DGO) 9.07, and respectfully request your AYE vote on the proposed policy. Currently under submission, DGO 9.07 would update the San Francisco Police Department's (SFPD) traffic enforcement policy to limit the use of pretext stops, prohibit consent searches during traffic stops, and improve traffic stop data collection and reporting requirements.

Our support for this policy change is deeply rooted in our own community histories of being targeted by police traffic and pedestrian stops, and fighting against the pain and humiliation of these experiences. We remember and choose to honor that history, and this is why we stand in solidarity with other communities of color in San Francisco to support this important measure.

Racist police targeting of Asian Americans is intimately connected to the founding stories of many of our organizations in the late 1960s and early 1970s. For example, the Asian Law Caucus' earliest major case, in 1972, arose from the San Francisco Police Department's racially discriminatory targeting of Asian Americans. That case, *Chann v. Scott*, challenged SFPD's

policy of targeting Chinese youth with routine police sweeps through Chinatown. During these sweeps, SFPD officers indiscriminately arrested Chinese youth without probable cause based on assumptions that they were Wah Ching gang members. As part of these sweeps, SFPD officers photographed and fingerprinted each arrestee, and collected this biometric data into a dossier of suspected Chinese gang members – a precursor of modern-day gang databases. Similarly, one of the Chinese Progressive Association’s earliest mobilizations was a 1972 march to the Vallejo police station to protest the false arrest of news vendor Harry Wong for selling literature from China.

Today, traffic stops are the most common source of all police interactions with community members. And rigorous evaluation, including recent SPUR analysis that was presented to the Police Commission on December 14, 2022, proves there are sustained and troubling disparities in how SFPD interacts with people they stop depending on their race – especially for Black and Brown San Franciscans. Furthermore, the searches that often result from these stops have extremely low yield rates for “contraband” and are essentially a waste of resources.

From the beginning, this proposal has always been about the health and well-being of our entire San Francisco community. This DGO is specifically focused on eliminating those stops that present no public safety risk and brings SFPD’s traffic enforcement policy into alignment with widely established best practices. Reducing pretext stops does not increase public danger and demonstrates San Francisco’s ability to make the data-informed decision to join the other jurisdictions across the country that have already implemented similar effective policies.

Pretext stops are a poor investigative tool, and they cause anger and alienation among the communities of color that they target. Moreover, for victims of racially biased policing, pretext stops can not only be humiliating, but life altering and dangerous because they can lead to use of force and police misconduct. And when – as is the case in San Francisco – these stops are applied unevenly across racial lines, they impose tremendous social costs on the particular communities of color who bear the brunt of these stops.

Ending these practices is important to us because the intrusive, demeaning fishing expeditions permitted by current SFPD policy echo the experiences that motivated early Chinatown activists and Asian American movement leaders to found organizations like ours. In supporting the proposed policy, we stand in solidarity not only with the communities most impacted by these practices today, but with the then-young Chinatown residents whom our organizations first mobilized with to defend against racially biased policing half a century ago.

We believe the policy could be improved by going further than it does. However, we appreciate that the Police Commission decided on the current proposed language after extensive community consultation. We further acknowledge that, while the initial version already incorporated careful consideration of potential risks to public safety, the Police Commission made further narrowing amendments in an abundance of caution, in order to ensure that all plausible public safety objections have been addressed. Especially in light of the cautious

approach taken by the Police Commission in drafting the DGO, we urge its expeditious passage and implementation.

Failure to pass and implement this DGO in a timely manner would send an incredibly damaging message that San Francisco does not view communities of color as full members of society, that they are not to expect equal treatment, and that the most visible government agents they are likely to encounter — the police — view them as dangerous threats. On behalf of the undersigned organizations, please unanimously pass DGO 9.07 and end pretext stops in San Francisco. For questions about our position, please contact Carl Takei of Asian Americans Advancing Justice - Asian Law Caucus, at carlt@advancingjustice-alc.org.

Sincerely,

Asian Americans Advancing Justice - Asian Law Caucus
Asian American Bar Association of the Greater Bay Area
Chinese for Affirmative Action
Chinese Progressive Association

Cc: San Francisco Board of Supervisors, Board.of.Supervisors@sfgov.org