



The City of San Diego

M E M O R A N D U M

DATE: October 26, 2026

TO: Roger Smith, Executive Director, Commission on Police Practices

FROM: Scott M. Wahl, Chief of Police, San Diego Police Department

SUBJECT: SDPD Response to Recommendations to Restrict Pretext Stops and Promote Bias-Free Policing

The San Diego Police Department (SDPD) has carefully reviewed the recommendations from the Commission on Police Practices (CPP) regarding bias-free policing and pretext stops.

SDPD supports many of the principles underlying these recommendations, including reducing racial disparities, strengthening procedural justice and ensuring enforcement decisions rest on objective and articulable facts. The Department's existing Policy 9.31 (Non-Biased Policing), ongoing implicit bias and procedural justice training, body-worn camera requirements and compliance with AB 2773 and the Racial and Identity Profiling Act (RIPA) reflect these shared priorities.

SDPD recognizes that public trust and constitutional policing depend on enforcement decisions that are based on individual conduct and objective circumstances rather than perceived characteristics, stereotypes or assumptions.

The Department disagrees with some of the Commission's recommendations that conflict with current legal standards and established law enforcement practices that SDPD believes are important to maintaining safe communities.

The CPP discussed these recommendations at its meeting on August 22, 2026, and formally submitted them to the Department on August 24, 2026. The recommendations are presented below in bold, followed by SDPD's responses in italics.

Please note that any potential modifications to SDPD's existing policies or procedures may be impacted by the meet-and-confer process with the Police Officers Association (POA). Certain changes may also require additional meet-and-confer efforts before implementation.

The Department appreciates the Commission's independent oversight role and its continued focus on community trust, constitutional policing and public safety. SDPD remains committed to these shared priorities and looks forward to continued dialogue.

1. Recommendation 1: Prohibit Stops Based Solely on Minor Equipment or Administrative Violations

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Prohibit officers from initiating a traffic stop solely for the following minor equipment or administrative violations:

- A. window tint violations;**
- B. registration expired less than one year;**
- C. a missing front license plate when the rear plate is clearly displayed and legible;**
- D. minor rear license plate illumination deficiencies when the plate remains reasonably legible;**
- E. a single non-functioning taillight or brake light;**
- F. objects suspended from a rearview mirror that do not materially obstruct the driver's view;**
- G. minor bumper equipment defects; and**
- H. non-moving vehicle occupancy.**

Note: These listed violation stops may constitute a partial basis in combination with other information establishing reasonable suspicion of other violations of law.

Response: The Department disagrees with this recommendation. SDPD believes imposing these restrictions could negatively impact public safety and investigative effectiveness by limiting officers' ability to identify and address criminal activity.

The violations identified by the Commission are often associated with pretextual stops, but that does not mean every stop for these violations is pretextual. These vehicle codes serve independent safety purposes, and a categorical prohibition would prevent officers from addressing the underlying violation, regardless of the reason for the stop.

For example, California regulates window tint to preserve driver visibility. Excessive tint can prevent drivers from seeing roadway conditions, and officers from seeing safety concerns such as unrestrained children, whether a weapon is inside or a person or animal in distress.

Required brake, tail and license plate lamps similarly serve basic safety and vehicle-identification functions. A defective brake or tail lamp reduces the warning available to other motorists, while an unilluminated rear plate can prevent identification of a vehicle at night.

The ability to enforce registration violations also serves legitimate public safety and regulatory purposes. Expired registration may be associated with other issues, including a lack of insurance or a suspended or otherwise unlicensed driver. State law already limits enforcement by generally prohibiting a stop based solely on expired registration until the second month after expiration. The Commission's proposal to prohibit such stops for up to a year would go substantially further, limiting officers' ability to address prolonged registration violations and related issues.

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*As the Commission acknowledged, pretextual stops remain lawful under *Whren v. United States*, 517 U.S. 806 (1996). The Court unanimously held that a traffic violation provides a lawful basis to stop a vehicle, even when officers also intend to investigate unrelated criminal activity. The Court further emphasized that an officer's subjective motives are irrelevant under the Fourth Amendment if objective probable cause exists for the traffic violation. Legally, pretextual stops are recognized as a valid investigative tool, provided the stop itself is objectively justified and does not violate constitutional protections against discriminatory enforcement.*

The Department recognizes and acknowledges the community concerns and disparity data the Commission cites. At the same time, these stops remain a lawful investigative tool that continue to produce recoveries of firearms, narcotics, outstanding warrants, arrests for driving under the influence and the recovery of sex trafficked minors that would otherwise go undetected. In some circumstances, the lawful traffic stop may be the only available path for an officer to discover criminal activity or identify a person in danger that is not otherwise apparent. A blanket prohibition on initiating stops for the listed violations would reduce proactive opportunities to address public-safety threats.

Additionally, experiences in other jurisdictions that have limited or banned similar traffic stops have not demonstrated to the Department that these restrictions would meaningfully reduce racial disparities or improve public safety. While such measures may further reduce police contacts, SDPD remains concerned about their potential impact on investigative effectiveness and the Department's ability to address serious criminal activity.

2. Recommendation 2: Prohibit Stops Based on Status or Generalized Factors

- A. Direct staff to quarterly review stop reports and body-worn camera footage to ensure compliance with AB 2773 and identify opportunities for corrective action, training, or policy refinement.**
- B. Declare that parole status, probation status, prior criminal history, or other status-based indicators shall not independently justify extending a stop, initiating an investigative detention, requesting consent to search, or conducting a field interview absent additional specific and articulable facts.**
- C. Train officers not to rely solely upon generalized assertions such as presence in a high-crime area, manner of dress, homelessness, prior contacts, perceived associations, or other non-specific factors to justify expanding a stop.**

Note: The Commission recognizes that status-based contextual factors may be relevant to identifying a suspect during a stop. However, such information alone should never justify a stop, search request, or field interview.

Response: The Department agrees with this recommendation and has existing policies, procedures and review processes that substantially address the Commission's concerns.

Supervisory review and AB 2773 compliance

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SDPD has a Department Inspections Guide that already requires monthly inspections of body-worn camera footage and stop reports. These inspections are conducted at the sergeant level and reviewed for discrepancies by a lieutenant before being forwarded to a captain for review and approval. Department Procedure 1.49 (AXON Body Worn Cameras) also establishes guidelines for supervisory review of BWC. These inspections provide regular opportunities to assess compliance with Department policies, applicable law, including AB 2773, and identify potential training needs.

SDPD has also taken specific steps to implement AB 2773. On November 22, 2023, SDPD issued Training Bulletin 23-14 (New RIPA Cloud-Based App for Mobile Phones and Desktops), which addressed new RIPA reporting requirements and California Vehicle Code section 2806.5. This code stems from AB 2773 and states that a peace officer, subject to limited statutory exceptions, must state the reason for a traffic or pedestrian stop before engaging in questioning related to a criminal investigation or traffic violation. The officer also shall document the reason for the stop on any resulting citation or police report. On December 29, 2023, SDPD subsequently issued Department Order 23-26 (New Pedestrian and Traffic Stop Law) requiring the compliance of all SDPD personnel with Vehicle Code section 2806.5.

Status-based information and scope of detentions

SDPD Policy 9.31 (Non-Bias Based Policing) prohibits reliance on race, ethnicity or other protected characteristics as the basis for enforcement action. Status-based information, such as parole, probation, prior contacts, and contextual factors may lawfully inform officer decision making when combined with specific articulable facts, but they cannot independently justify expanding a stop or requesting consent to search. This policy also states every effort shall be made by all Department members to prevent and report instances of discrimination or bias by fellow members. Those who engage in, ignore, or condone discrimination or bias shall be subject to discipline in accordance with all applicable statutes, regulations, and Department procedures. Members reporting instances of discrimination shall not be retaliated against.

*Department Procedure 4.01 (Stop/Detention and Pat Down Procedures) requires officers to consider the totality of the circumstances and limits a detention to the time reasonably necessary to determine whether a person should be arrested or released. The Department follows applicable law requiring that stops are not extended for unrelated investigative purposes without fresh reasonable suspicion. *Rodriguez v. United States*, 575 U.S. 348 (2015). The law provides that an officer may not prolong a detention based solely on probation search conditions without additional, articulable justification. Department Procedure 4.15 (Probation, Parole and Knock and Talk Searches) states that any search may not be arbitrary, capricious or harassing.*

Generalized factors and officer training

Department Procedure 4.01 (Stop/Detention and Pat Down Procedures) also addresses the Commission's concern regarding reliance on generalized factors. Officers must be prepared to document all specific factors that led the officer to believe the detention was reasonable. This procedure specifically cautions officers that the courts find no credence in the term "high crime area" and the term should be avoided. If a reference is made to the area of a detention, officers should be able to articulate specific facts concerning the area. This warning was based on

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several court cases including Illinois v. Wardlow, 528 U.S. 119 (2000), Brown v. Texas, 443 U.S. 47 (1979), and U.S. v. Montero-Carmargo, 208 F.3d 1122 (9th Cir. 2000). “High crime area” can be a factor in reasonable suspicion but only one factor among many. The courts have warned this term is too broad and can be too easily misused, becoming a “proxy” for impermissible factors.

Proper justification for a detention does not permit unreasonable conduct during the detention. All police activity during a detention shall be done in a reasonable manner. The courts, in determining whether the detention was reasonable and lawful, will consider every phase of a detention.

These requirements are reinforced through training. SDPD officers receive training on the development of reasonable suspicion during the 4 hours of their racial profiling training in the regional police academy. The training emphasizes that factors such as high-crime neighborhoods, race, attire, or “race out of place” do not constitute reasons for justifying a pedestrian detention or vehicle stop. Department members also receive an additional two hours of training on this topic in the Racial Profiling update training every two years as part of the Department’s perishable skills program.

Finally, the Department’s Policy 9.33 (Duty to Report Misconduct Policy) states in part that a member shall immediately report misconduct by another member, including violations of law, City regulations and Department policy or procedure. This requirement provides an additional accountability mechanism when conduct is inconsistent with the standards described above.

3. Recommendation 3: Limit Stops to Purposes Supported by Evidence or Observed Conduct

- A. Limit the scope and duration of a traffic stop to addressing the observed violation, conducting related safety inquiries, and completing lawful enforcement actions unless new, specific, and articulable facts establish reasonable suspicion or probable cause supporting additional investigative activity. Officers may not extend a stop based on hunches unconnected to objective factual information.**
- B. When making traffic stops for violations connected to public safety concerns, direct officers not to request consent to search a person, vehicle, or personal effects to investigate unrelated crimes. For all other stops, require officers to request consent to search only when specific and articulable facts observed during the encounter establish an objective basis for believing evidence of criminal activity may be present.**
- C. Direct officers not to initiate a field interview or separate investigative encounter arising solely from a low-level traffic or equipment violation unless specific and articulable facts support a separate lawful detention or investigation. Absent independent reasonable suspicion of criminal activity, questioning shall be limited to matters reasonably related to the purpose of the stop. Examples include: identification, licensing, vehicle registration, insurance verification, and other immediate safety concerns.**

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- D. For low-level violation stops not covered by Recommendation 1, prohibit CalGang entries where the reason for the stop does not provide evidence establishing reasonable suspicion or probable cause of additional crimes.**
- E. Ensure department adherence to the requirements of AB 2773 by requiring officers to provide a clear, objective verbal statement regarding the purpose of the stop on body-worn camera recordings prior to the commencement of investigative questioning. Direct officers to clearly communicate the reason for the stop at the earliest practical opportunity consistent with officer safety.**

Note: Officers should retain the authority to expand an encounter when new articulable facts establish reasonable suspicion. This recommendation does not seek to restrict lawful investigative action when circumstances change and warrant additional action during an encounter.

Response: SDDPD partially agrees with this recommendation. Existing Department policies, procedures and training address many of the Commission's objectives. The Department agrees that detentions must be supported by objective facts and remain lawful in scope and duration but does not support additional restrictions that would unnecessarily limit lawful investigative activity.

Scope and duration of stops

Department procedures already require officers to have a lawful basis for a detention and limit its scope and duration. Consistent with Terry v. Ohio, 392 U.S. 1 (1968) and Rodriguez officers may not prolong a traffic stop to investigate unrelated criminal activity without independent reasonable suspicion or another lawful justification. However, as stated by CPP, officers should retain the authority to expand an encounter when new articulable facts arise and give them the authority to do so.

These requirements are reinforced through recruit and in-service training. As part of the 4 hours of instruction that addresses racial and identity profiling and bias-free policing in the academy, officers are trained on the legal standards that govern vehicle and pretextual stops. The training emphasizes that officers must have an objective, lawful basis for initiating a stop, and may not base enforcement decisions on stereotypes, assumptions, or protected characteristics. Consistent with constitutional requirements and Penal Code section 13519.4, officers are trained to base reasonable suspicion on specific facts rather than broad characteristics that cast suspicion on an entire class of people.

These principles are re-enforced through additional instruction in the academy's community policing, cultural diversity and ethics curriculum. This amounts to fifty-nine hours of training in promoting bias-free policing through intentional engagement for the purpose of building public trust, cultural awareness and competency, and the fulfillment of ethical obligations as peace officers. Furthermore, all officers receive two hours of bias-free policing training as part of the Department's perishable skills program (Advanced Officer Training).

Consent searches and field interviews

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SDPD does not support categorically restricting otherwise lawful consent or consensual encounters based solely on the initial reason for a stop. The Department's existing consent-search procedures requires officers to advise individuals of their right to refuse, modify or withdraw consent, which already goes beyond what is required by the U.S. Supreme Court.

A Field Interview is a means of documenting information obtained during a contact with a person and does not, by itself, constitute a detention. Legal cause is not needed for an officer to initiate a voluntary "contact", and officers may lawfully ask for information needed to fill out a Field Interview Report. Any detention arising from such encounters would need to be supported by an appropriate legal basis.

CalGang entries

SDPD does not believe an additional prohibition based on the initial reason for a traffic stop is necessary. CalGang is a criminal intelligence database that is subject to numerous requirements and oversight by the California Department of Justice. Entries must meet established criteria, be supported by lawfully obtained documentation and satisfy applicable reasonable-suspicion requirements.

Title 11, section 752.4 of the California Code of Regulations establishes the criteria for designating a person as a gang member or associate in the CalGang database. While state regulations require a minimum of two qualifying criteria, the SDPD's Gang Unit Operations Manual requires at least three criteria before adding a new person to CalGang. Meeting these criteria alone doesn't establish reasonable suspicion, which must be independently supported by the totality of the circumstances and through legally obtained information.

Title 28, Code of Federal Regulations, Part 23, which informs CalGang's criminal-intelligence standards, similarly requires reasonable suspicion that an individual or organization is involved in criminal conduct or activity.

Additional safeguards include regular audits and oversight by the California Department of Justice to ensure compliance with state requirements. And per Title 2, section 755.6 of the California Code of Regulations, any criterion found to be out of compliance shall be purged from the database within 30 days.

Accordingly, a low-level traffic violation alone is not sufficient to support a CalGang entry, although information lawfully observed or obtained during such a stop may be relevant if it independently satisfies CalGang requirements.

AB 2773 and body-worn cameras

As referenced above, Department Order 23-26 issued December 29, 2023, requires compliance with AB 2773.

Department Procedure 1.49 (AXON Body Worn Cameras) also requires officers to activate their body-worn cameras for enforcement-related contacts, including traffic stops, field interviews, detentions, arrests, persons present at radio calls who are accused of crimes, and consensual encounters in which the officer is attempting to develop reasonable suspicion on the subject of

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the encounter. As a result, the required statement of the reason for a stop should ordinarily be captured on body-worn camera footage and is subject to the Department's existing supervisory review processes.

4. Recommendation 4: Implement Principles of Procedural Justice During Traffic and Pedestrian Stops

- A. During all recruit and in-service programs, train officers to conduct stops in a manner that preserves the dignity and respect of the civilian by treating every person with professionalism and avoiding unnecessary escalation of force by training on the dangers of implicit bias in human interactions.**
- B. Train officers to provide individuals with a reasonable opportunity to explain relevant circumstances, when practical and consistent with officer safety, before finalizing enforcement decisions.**
- C. Train officers to explain the reason for a stop whenever there is a reasonable opportunity to do so.**
- D. Train officers to make decisions grounded in objective facts, constitutional principles, department policy and applicable law. Train officers not to rely on race, ethnicity, gender, housing status, perceived social status, or other protected characteristics when describing a specific suspect, except when permitted by law.**
- E. Train officers to be sincere, truthful and empathetic during stops in order to build and preserve community trust in the idea that officers are making a genuine effort to do what is best for public safety and the people involved.**
- F. Evaluate the potential equity impacts of new department initiatives and programs and communicate a philosophy of anti-bias through community engagement and regular reporting.**

Response: The Department agrees with this recommendation, and believes its existing policies, training and operational practices substantially address the Commission's recommendations.

The principles of procedural justice are a cornerstone in SDPD recruit and in-service training, policies, and operational practices. These include treating individuals with dignity and respect, recognizing and mitigating implicit bias, providing individuals with a reasonable opportunity to explain relevant circumstances when practical and consistent with officer safety, and clearly communicating the reason for a stop.

At the regional police academy, procedural justice is integrated into 26 hours of community policing and nine hours of tactical communication training. These courses emphasize professionalism, empathy, fairness, effective communication, de-escalation and building public trust. The training includes an eight-step approach for traffic and pedestrian contacts that emphasizes explaining the reason for a stop and providing individuals an opportunity to explain their circumstances. Department members receive an additional two hours of procedural justice instruction through the strategic communication component of the

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Department's recurring Advanced Officer Training, including practical application and case studies.

Bias-free decision-making is reinforced through 12 hours of cultural diversity training and nine hours of ethics instruction at the academy. This training addresses implicit and explicit bias, cultural awareness and the importance of preventing bias from influencing enforcement decisions. Department members also receive two hours of recurring Racial Profiling Update training through Advanced Officer Training.

Department policy reinforces these training requirements. Department Policy 9.31 (Non-Biased Policing) prohibits enforcement decisions based on protected characteristics except as permitted by law when identifying a specific suspect. As discussed in earlier responses, officers are required to base enforcement decisions on objective facts, constitutional principles, applicable laws, and Department Procedures to include 1.04 (Use of Force), 1.55 (De-escalation), 4.01 (Stop/Detention and Pat Down Procedures), 4.17 (First Amendment Activity Facilitation and Management), 7.01 (Traffic Enforcement Policy).

The Department also incorporates equity considerations into its operations through the City's Tactical Equity Plans and Budget Equity Statement processes. The Tactical Equity Plan process is designed to help City departments identify disparities, establish measurable goals and develop strategies to address potential inequities in policies, programs, operations and resource allocation. The accompanying budget process integrates equity considerations into funding decisions and evaluates their potential impacts on communities.

Community engagement remains central to these efforts. SDPD's Community and Youth Services Division provides dedicated resources for community partnerships, youth prevention and outreach, while patrol divisions regularly engage community stakeholders through Captain's Advisory Board meetings.

The Commission's recommendations reflect genuine community concerns that the Department takes seriously. However, SDPD maintains that lawful traffic stops, including pretextual stops, remain important investigative tools that help keep our communities safe.

The Department believes the better approach is to preserve lawful enforcement tools while ensuring all stops are based on objective facts, conducted consistently with procedural justice, and subject to meaningful training, supervision and oversight.

Procedural justice is not a one-time initiative at SDPD but an ongoing commitment. As policies, training and operational practices evolve, the Department will continue to evaluate opportunities for improvement, respond to community concerns, and reinforce the principles of fairness, respect and transparency in all interactions.

SDPD remains committed to the constitutional, equitable and effective policing that both protects public safety and builds community trust. The Department looks forward to continued collaboration with the Commission toward those shared goals.