

Dear Mayor Gloria and San Diego City Council,

As attorneys with a profound commitment to the principle that all people should be treated equally under the law, we write to express our concern about racial disparities in San Diego policing practices. San Diegans should not be policed differently because of their race, disabilities, gender, sexual orientation, or any aspect of their identity. This value is one that is enshrined in our laws, and when we consider the experiences of community members alongside the data provided to us from our local law enforcement agencies, it is clear that San Diego's policing practices do not provide equal protection under the law.

Given the mounting evidence, supported by a robust body of academic research and data analysis, we write to you in support of PrOTECT (Preventing Overpolicing Through Equitable Community Treatment), an ordinance that seeks to prohibit tactics that contribute to the over-policing of Black and Brown people, and seeks to prevent various forms of biased policing.

PrOTECT is needed because we know from extensive reporting that biased policing in San Diego is both egregious and pervasive:

- On June 10, 2020, KPBS released an analysis of all San Diego law enforcement records dating back to 2001, that revealed that law enforcement were more likely to use lethal force on people of color than on white people.<sup>i</sup>
- On July 13, 2020, VOSD reported that between January and June 2020, Black people made up nearly 26% of all SDPD arrests and 14% of all SDPD citations. Black people made up 30% of all those cited by SDPD for loitering, trespassing and disobeying a police officer. Black people only make up 6.5% of the city's population.<sup>ii</sup>
- On March 28, 2021, SDUT released an analysis of police data and found that Black people across California were stopped at more than twice their share of the population in 2019. And Black people, Latinos and Native Americans all were searched at higher rates despite being found with contraband less often than white people.<sup>iii</sup>

Furthermore, several studies have analyzed local police data and repeatedly made clear that San Diego police disproportionately stop and search Black and Latino community members as well as those with disabilities.

- In July 2021, the Center for Policing Equity released a report analyzing SDPD's data and found that Black and Latino drivers were more likely to be pulled over for equipment violations.<sup>iv</sup>
- According to the Campaign Zero report, in 2018-2019, Pacific Islanders were stopped by San Diego police at 126% higher rate per population than white people.<sup>v</sup>

- Campaign Zero report also found that SDPD was 81% more likely to search people perceived to have mental disabilities during a stop and more than two times as likely to use force against them as compared to people with no perceived disability. SDPD was 22% more likely to search and 54% more likely (to arrest (without a warrant) people who were not perceived to be LGBTQ compared people who were perceived non-LGBTQ.<sup>vi</sup>

Data shows that high discretion police searches and stops, such as consent searches and pretext stops, are performed in racially disparate ways and have little public safety value. Therefore, we support prohibiting these tactics, which would limit officer discretion and help prevent biased policing. In addition, we believe it is important to end stops for equipment violations in order to reduce unnecessary police contact with Black and Brown communities. Taking these actions would not only be a step towards our closely held belief that there should not be different standards of policing based on one's identity, but it would also potentially reduce a portion of the everyday trauma inflicted upon Black and Brown communities by law enforcement.

To meaningfully address biased policing, we need to do more than diversity training and recruiting. We need to eliminate police practices that facilitate disproportionate violence against specific populations and fail to keep us safe. PrOTECT would be a meaningful step towards this aim as it would reduce discretionary and ineffective policing practices that have little public safety value and exacerbate San Diego's racial inequities.

We sign this letter in support of PrOTECT and hope you will stand with us.

Sincerely,

[add signatories (name, title, institution)]

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<sup>i</sup> Claire Trageser, *Disparities When San Diego Law Enforcement Uses Force*, KPBS, <https://www.kpbs.org/news/2020/jun/10/records-show-racial-disparities-when-san-diego-law/>, (June 2020).

<sup>ii</sup> Kate Nucci, *Black San Diegans Received a Quarter of All Coronavirus-Related Citations*, Voice of San Diego, <https://www.voiceofsandiego.org/topics/public-safety/black-san-diegans-received-a-quarter-of-all-coronavirus-related-citations/>, (July 2020). *The Color of Authority: San Diego police, sheriff's deputies disproportionately target minorities, data show*, San Diego Union-Tribune, (March 2021).

<sup>iii</sup> Lindsay Winkley, Lauryn Schroeder,

<sup>iv</sup> *Center for Policing Equity National Justice Database Digital Report*, Center for Policing Equity, <https://www.sandiego.gov/police/about/police-equity-report>, (June 2021).

<sup>v</sup> Samuel Sinyangwe, *Evaluating Policing in San Diego*, Campaign Zero, <https://policescorecard.org/san-diego/police-scorecard-san-diego-report.pdf>, (2021).

<sup>vi</sup> Ibid.