

CITY OF OAKLAND

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AGENDA REPORT

TO: Sabrina B. Landreth
City Administrator

FROM: Anne Kirkpatrick
Chief of Police

SUBJECT: OPD Sideshow Suppression Report

DATE: May 3, 2019

City Administrator Approval

Date:

5/16/19

RECOMMENDATION

Staff Recommends The City Council Receive An Informational Report On Rules And Procedures For Dealing With Illegal Sideshows And Efforts To Control Sideshow Activity In Oakland From The Oakland Police Department (OPD).

EXECUTIVE SUMMARY

This report is in response to a request from Councilmember Noel Gallo to the Rules and Legislation Committee on April 11, 2019 and provides details concerning OPDs efforts to control sideshow activities in Oakland.

Sideshow events often include large crowds watching unsafe driving displays at very close distances with no protective barriers. They are usually well-organized through social media messaging and related smartphone applications. Before recent years, OPD could rely on street traffic and towing enforcement to more effectively monitor and deter large gatherings of people driving recklessly. Social media now allows greater numbers of people to organize and participate in sideshows.

OPD needs over 100 officers to respond to large sideshow events in ways that better ensure officer safety. OPD now relies on an Alameda County Sideshow Taskforce to periodically confront sideshow participant and spectators, but OPD cannot regularly rely on other law enforcement agencies to assist with Oakland sideshow enforcement.

BACKGROUND/ LEGISLATIVE HISTORY

The City of Oakland has long experienced problems with illegal and unsafe automotive events commonly known as "Sideshows." The previous sideshows were generally Oakland residents who would cruise the area of East Oakland for hours before finding a location to congregate. These events date back to the 1980's where youth and young adults, often Oakland residents, would listen to loud music and drive along East 14th Street (now International Boulevard) before finding a location to congregate. Participants would socialize and admire vehicles.

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Previous public complaints mainly consisted of loud music, speeding, and squealing tires. Since the early 2000's, OPD has seen an increase in vehicle speeding, loud amplified music, and gun shootings at sideshows. Sideshow gun violence has resulted in roughly half a dozen murders and several shootings. The exact number of shootings over the last year is hard to determine since the individuals involved often choose to self-transport shooting victims to local hospitals. The shooting victims do not always cooperate with the police in follow-up investigations.

Sideshow events over the last year include large crowds of 300 to 1000 spectators and 50-300 vehicles. The sideshow participant vehicles completely block large intersections, usually main traffic arteries, in all directions. The participants will abandon their vehicles around the intersection and become spectators to the handful of reckless vehicles in the center of the intersection. The crowd of spectators will gather just feet away from vehicles driving recklessly. Some spectators will run around the recklessly driving vehicles to incite the crowd. The reckless vehicle drivers turn their steering wheel all the way to the left or right and drive the vehicle while simultaneously applying full acceleration and brakes. The drivers often have passengers sitting on the doors as they hang out of the open windows. These passengers hold on as the crowd cheers them on. Social media sites such as youtube.com show videos of these passengers shooting firearms from the vehicles.

Gunfire has become more common at the sideshow events since 2018. OPD's Communications Division (dispatch) has logged over 500 sideshow calls for service from citizens from May 2018 to May 2019. Gunfire has been one of the most common complaints aside from the reckless vehicle activity. OPD's gunshot location detection system (Shot Spotter) regularly reports activations during sideshows (Saturday nights from 7 PM to 4 AM and Sunday from Noon to Midnight). During this one-year period, Shot Spotter data shows 847 activations. The 847 activations consist of 562 incidents of multiple gunshots, 232 incidents of single gunshots, and 53 activations of possible gunshots.

Traffic Enforcement

A large part of the OPD enforcement strategy (prior to sideshow organizing with social media) involved heavy traffic enforcement along the main thoroughfares early and often on the weekends. This traffic enforcement strategy effectively reduced sideshow events. However, as sideshows evolved, this approach has become ineffective and counterproductive to building community trust. Heavy traffic enforcement would be directed at members of the community who are not part of sideshow or any illegal activity. Many current sideshow participants (based on arrest data) come from outside of Oakland and often outside of Alameda County. They use social media to post an exact time and location to gather for a sideshow event. There is little cruising and little time spent driving the Oakland streets prior to engaging in a sideshow event.

Vehicle Towing

OPD has authority to utilize California Vehicle Code (CVC) laws to tow vehicles of people engaged in sideshow activity. The following CVC authorizes vehicle tows for up to 30 days:

- CVC § 23103 Reckless Driving: (a) Any person who drives any vehicle upon a highway in willful or wanton disregard for the safety of persons or property is guilty of reckless driving; and (b) Any person who drives any vehicle in any off-street parking facility, as

defined in subdivision (c) of Section 12500, in willful or wanton disregard for the safety of persons or property is guilty of reckless driving.

- CVC § 23109 Speed Contests: (a) A person shall not engage in a motor vehicle speed contest on a highway. As used in this section, a motor vehicle speed contest includes a motor vehicle race against another vehicle, a clock, or other timing device.

OPD can also tow vehicles for excessively loud music, continuous vehicle participation in sideshow, and illegally blocking the roadway during a sideshow. These vehicle tow laws are still useful but do not provide enough deterrent to prevent sideshows.

ANALYSIS AND POLICY ALTERNATIVES

Sideshow Taskforce

The most effective and targeted response has been conducted by the Sideshow Task Force ("Task Force") that was created by the Alameda County Chiefs of Police in spring of 2018. These law enforcement leaders have seen that sideshows also occur in other Alameda County cities, such as Hayward, Union City, Fremont, San Leandro, Alameda, and Newark – even though Oakland sees the most regular sideshow activity. The smaller cities do not have the resources to combat the sideshows and have seen property damage, non-injury gunfire, and business shut downs occur. The Alameda County Sheriff and chiefs of police agreed to start a county wide sideshow task force to address sideshow operations where intelligence indicated a certainty of a sideshow event.

The Task Force has been led by the OPD Support Operations Commander and includes every Alameda County City as well as the Alameda County Sheriff's Office. The operations were based on intelligence and needed approximately five days' notice to get the resources aligned.

The operational tempo averaged one multi-agency deployment every 30-60 days in 2018. The operational strategy was to locate the sideshow activity, document the illegal activity, surround the crowd by blocking all vehicles involved, and meter the vehicles out. When the vehicles would be metered out, arrests, citations, and tows were enforced when applicable. The enforcement was effective but not a sustainable plan – this plan requires other police agencies to pay their officers overtime to combat sideshows in Oakland; these agencies cannot regularly support the fiscal costs of overtime to provide police support for Oakland sideshows.

The Alameda County Sideshow Task Force conducted the first operation of 2019 on April 14, 2019. There was no specific intelligence indicating a sideshow on that date; However, a week prior on April 7, 2019, the sideshow overwhelmed an intersection at 42nd Ave. and High Street. This incident was captured on youtube.com (which cannot be used as evidence to charge offenders) and showed a male participant being severely injured by a reckless vehicle. This participant later died from a severe head injury.

The April 14, 2019 sideshow contained approximately 200 vehicles in the 10100 block of MacArthur Blvd after several calls for sideshow activity, gunshots, and vandalism of the Commodore Hotel were reported. The sideshow spectators and vehicles blocked in all residents from accessing the roadway, created a major safety threat with multiple gunshots, filled the streets with litter and broken glass from alcohol bottles, and event prevented a medical emergency response for a pregnant citizen having stomach pain. The enforcement lead to 214 citations, 27 vehicle tows, and one firearm recovered from a prior convicted felon.

The sideshow responses by the Alameda County Sideshow Task Forces have been successful in part because of the number of total officers involved. The average numbers have been 40-60 OPD officers as well as an additional 40-60 officers and deputies from outside agencies (including California Highway Patrol). This level of law enforcement response allows for capacity to safely contain the group, meter them out after arrest, cite, and tow.

The April 14, 2019 Task Force operation concluded at 8PM when the outside law enforcement agencies returned to their cities. However, the sideshow activity re-emerged that evening with a crowd at 42nd Ave and International Blvd – several acts of vandalism occurred with an AC Transit bus, and an 18-wheel tractor trailer was set aflame in an act of arson. Only a number of OPD patrol officers were available to respond. These few officers were not enough to safely control or break-up the crowd.

OPD has crowd-control device options available - but the deployment of such resources is very restricted. Crowd control devices include sound distraction devices (flash bangs), smoke, and CS (tear) gas. OPD policy allows for the use of these less-lethal options only to protect life or prevent serious bodily injury. OPD has deployed these options ten times in the last year for events related to sideshow enforcement. Each of these deployments, sideshow participants and spectators fired guns in the air, and also threw rocks and bottles at responding officers, before the crowd-control devices were used.

The OPD response, when no Task Force presence is available, is to rely on patrol and Special Resource Section officers. This strategy reduces OPD's ability to respond to emergency 911 calls for service or address other violent activity. Sideshow activity occurring on Saturday severely restricts OPD's ability to provide adequate police service. During sideshows, patrol officers can only respond to robberies, shootings, and in-progress calls involving violence (e.g. robberies).

The primary locations for sideshow activities include, but are not limited to:

- MacArthur Boulevard from 90th Avenue to 106th Avenue;
- 90th Avenue and Bancroft Street;
- High Street and the Highway 880 corridor;
- 42nd Avenue and International Boulevard; and
- Maritime Street and Middle Harbor Road.

Staffing for Sideshows

Along with legislation, OPD needs a minimum of sixty officers specifically assigned to sideshows to successfully respond to events similar to the April 14, 2019 sideshow task force response. OPD cannot normally rely on mutual aid from the Task Force. Mutual aid is not an option as the threshold for mutual aid is normally for major natural disasters and/or ongoing civil disturbances. Additionally, mutual aid takes a minimum of three hours to start receiving initial officers. OPD can more effectively respond to sideshow activity with greater organizational staffing capacity.

PUBLIC OUTREACH / INTEREST

No public outreach was necessary in the production of this report. However, as detailed below in the Social Equity Section, OPD's efforts at suppressing sideshow activity concerns many Oakland residents and visitors who have an interest in public safety.

COORDINATION

No interdepartmental activity was required in the production of this report.

FISCAL IMPACT

There is no fiscal impact associated with this report.

SUSTAINABLE OPPORTUNITIES

Economic: There are no economic opportunities associated with this report.

Environmental: There are no environmental opportunities associated with this report.

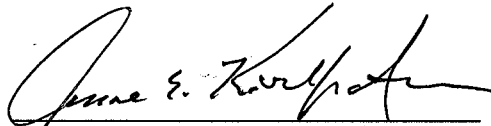
Social Equity: Sideshow activity is dangerous for both residents as well as participants and spectators. Additionally, the drain on resources results in a lower level of police service for residents and visitors throughout the city. Therefore, all Oaklanders have an interest in ways the City can deter this violent and dangerous activity.

ACTION REQUESTED OF THE PUBLIC SAFETY COMMITTEE

Staff Recommends The City Council Receive An Informational Report On Rules And Procedures For Dealing With Illegal Sideshows And Efforts To Control Sideshow Activity In Oakland From The Oakland Police Department.

For questions regarding this report, please contact Acting Captain Randell Wingate, OPD, Support Operations Section, at (510) 238-2144.

Respectfully submitted,



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