

CITY OF OAKLAND
AGENDA REPORT

FILED
OFFICE OF THE CITY CLERK
OAKLAND

2003 DEC 30 PM 2: 30

To: Office of the City Manager
Attn: Ms. Deborah Edgerly
From: Police Department
Date: January 13, 2004

**Re: An Information Report from the Chief of Police on Cruising Abatement
Activities in Oakland**

SUMMARY

Since November 1997, the Police Department has prepared periodic reports on enforcement efforts to reduce cruising¹ activities in Oakland. This report covers the Department's efforts between April 24, 2003 and December 11, 2003. Citywide cruising abatement activities are under the command and direction of the Special Operation Division's Traffic Section. During this reporting period, the Police Department spent approximately \$165,000 in grant-funded overtime and \$35,000 in grant-funded public outreach/education to address cruising in Oakland.

FISCAL IMPACT

Twelve (12) special operations were tracked for this report. Six of the operations used a system of "mandatory overtime" to compel officers to work the assignment. These special sideshow details generated revenue from administrative tow release fees (\$100-\$150) and citation revenue. A total of 510 vehicles were towed and 1,705 citations issued.

Sworn and civilian personnel working on an overtime basis are the Department's primary cruising enforcement operation staff, though officers working in their normal shift assignments and on routine patrol, at their regular rate of pay, are frequently tasked to address problems at Sideshow events. During this reporting period, overtime costs associated with the Sideshow are estimated at \$165,000. The cost of addressing Sideshow problems by officers working a normal tour of duty is not known. Funding for the overtime came from a State Office of Traffic Safety grant. The grant also funded \$35,000 for a series of 208 public service announcements on radio station KMEL (106.1 FM) and an informational booth at the KMEL Summer Jams concert.

BACKGROUND

Since the late 1980s, the City of Oakland has worked diligently to address problems associated with late-night cruising. These efforts have focused in three general areas:

¹ For purposes of this report, the terms cruising and "Sideshow" are interchangeable and include such problems as vehicle noise, loud car stereos, public drunkenness, reckless driving, the spinning of "donuts," and racing in Oakland.

Item: 8
Public Safety Comte.
January 13, 2004

- Community Involvement
- Local Legislation
- Law Enforcement

The efforts of those involved in finding solutions to these problems have not been made in any one area to the exclusion of the others. Collaboration and compromise continue to play a part in devising a comprehensive solution to the problems associated with this troublesome activity.

The “Sideshow” Problem

Since 1988, late-night cruising activity has been broadly referred to as the “Sideshow.” This appellation has been widely applied to the activity by participants, the officials tasked with dealing with the problem, and members of the media. Over the past few years the number of sideshow participants has significantly decreased in size. However, the reckless driving and exhibitions of speed that typify these events continue on a more random basis. Though these incidents do not have the large crowds of spectators and do not occupy locations for extended periods of time, they continue to generate complaints to the Police Department of “Sideshow activity.” The incidents also result in collisions, often with serious injury.

The demographics of Sideshow participants during this period have remained consistent as:

- Men and women
- Average 25.5 years of age
- Employed
- 35% participants are not Oakland residents

A new statistic that has been tracked during this reporting period is the percentage of vehicles towed from unlicensed operators. This population is considered dangerous because of their high likelihood of being involved in a vehicle collision, especially hit-and-run. A staggering 70% of the cars towed were taken from unlicensed drivers. Of the 206 total arrests, 54 were for driving under the influence of alcohol and/or other drugs.

At a minimum, problems associated with the Sideshow include noise, litter, and the defacement of city streets and off-street parking areas from black tire skid marks. Neighborhood residents also complain of disorderly conduct, vandalism, public intoxication, and public urination.

Stolen vehicles, firearms, and illegal drugs are routinely recovered during Sideshow activity and vehicle pursuits of serious offenders do occur. Since 1988, seven traffic fatalities have been linked to the illegal exhibitions of speed and racing that occur during the Sideshow. Two collisions resulting in three deaths occurred during this reporting period.

KEY ISSUES AND IMPACTS

It is generally believed that OPD's efforts to stem the Sideshow have been successful and significant. However, it is also believed that if the results are not maintained and built upon, the problem will likely return.

Law Enforcement Component

During this period, the Traffic Section was tasked with the overall responsibility for police efforts to control the illegal behaviors associated with the Sideshow. At the behest of the City Manager and City officials, the Department continues to focus on "law enforcement" oriented solutions to Sideshow misbehavior - - involving the strategic deployment of police personnel to conduct high profile traffic enforcement.

The officers assigned to the "mandatory overtime" details permit the Department to regularly deploy a consistent number of officers under a centralized command structure. These operations, under the supervision of a lieutenant, allow police personnel to focus on preventing Sideshow problems before they occur. It also allows for the deployment of personnel to areas where the problems have a tendency to relocate (e.g., Jack London Square). There were 12 such operations during the period covered in this report. These operations did not involve participation from police agencies other than the California Highway Patrol.

Department policy is to demonstrate minimal tolerance for any violations of the California Vehicle Code (CVC), the Oakland Municipal/Traffic Code, and/or the Penal Code that are observed within the target area. When appropriate, offenders are cited/arrested and their cars are towed. When officers are not actively diverting heavy traffic from cruising "hot spots," they conduct proactive, high profile enforcement.

In addition, vehicle checkpoints have been used effectively to identify and cite unlicensed drivers as well as to arrest drivers operating under the influence of alcohol and/or other drugs. Use of checkpoints appears to have a positive impact in reducing the number of vehicles engaged in cruising activity. Finally, the Department has secured the assistance of the Alameda County District Attorney's Office in regards to the prosecution of serious offenses associated with Sideshow activity.

It should be noted that no funding source has been identified or found for the continuation of the operations mentioned above in calendar year 2004. Only existing Patrol watch resources will be available to address sideshow problems next year.

Community Component

Community interest in the problem has waned as the size and scope of the problem has diminished. The last two meetings of the "Sideshow committee" were only attended by a

Item: 8
Public Safety Comte.
January 13, 2004

handful of Police Department personnel. It should be noted that a smaller committee has started to meet regularly to discuss the possibility of promoting a sanctioned and legal alternative venue for people who engage in the exhibitions of speed associated with the Sideshow.

Legislative Component

The Department continues to use the Parking Lot Closure Ordinance (Ordinance No. 12390 C.M.S.) to compel property owners to secure their lots, thereby removing a popular Sideshow venue. Neighborhood Crime Prevention Councils have recently used the ordinance to effectively address problem parking lots in areas of the city where it is applicable.

The second major component of the legislative agenda was enactment of the state legislation (Senate Bill 1489), known as the "Ukendra Johnson Memorial Act of 2002." Sponsored by Senator Don Perata, the act allows police to arrest reckless drivers and those involved in exhibitions of speed and also tow and impound their vehicles for up to 30 days. It is believed that the law has had a desirable deterrent effect on some of the most dangerous acts of reckless driving and exhibitions of speed associated with the Sideshow.

SUSTAINABLE OPPORTUNITIES

Economic

Occurrences of "Sideshow" activity in the area of Hegenberger Road have negatively impacted traffic in and out of the Oakland Airport. It has also had a negative impact on businesses that have been victimized by looting or have had to close early because of the Sideshow. It is believed that efforts to reduce the Sideshow and its associated criminal activities will strengthen other City efforts to revitalize Oakland and improve local area economic opportunities. Effective efforts will also result in a reduction in police overtime and a more prudent use of taxpayer dollars.

Environmental

A reduction in cruising activity would reduce the number of cars on the city streets, thereby reducing exhaust emissions and possibly the consumption of gasoline. Reduced cruising would have a positive impact on the amount of litter on city streets that accumulates as a result of trash thrown from vehicles and by observing pedestrians.

Social Equity

The City's efforts to reduce the crime, grime, and the noise associated with the Sideshow are being done with the ultimate desire to return order to the streets of East Oakland on weekend nights, bringing an immediate improvement to the neighborhood's quality of life.

Item: 8
Public Safety Comte.
January 13, 2004

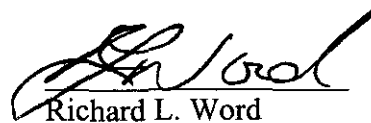
DISABILITY AND SENIOR CITIZEN ACCESS

There are no ADA or senior citizen access issues identified in this report

RECOMMENDATION

The Police Department recommends acceptance of this information report.

Respectfully submitted,



Richard L. Word
Chief of Police

Prepared by: Lt. David A. Kozicki
Bureau of Field Operations
Special Operations Division, Traffic Section

APPROVED AND FORWARDED TO
THE PUBLIC SAFETY COMMITTEE:


Office of the City Manager

Item: 8
Public Safety Comte.
January 13, 2004