

CITY OF OAKLAND

AGENDA REPORT

To: Office of the City Manager
Attn: Robert C. Bobb
From: Police Department
Date: June 10, 2003

**Re: A SEMI-ANNUAL REPORT FROM THE CHIEF OF POLICE ON
SIDESHOW 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 November 9, 2002 and April 24, 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 \$44,997 in overtime to address cruising in Oakland.

FISCAL IMPACT

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 \$44,997. The cost of addressing Sideshow problems by officers working a normal tour of duty is not known.

Two (2) special operations were tracked for this report. One was conducted on Saturday November 23, 2002 and the other on New Year's Eve. Since the start of the year, the Department has not used mandatory overtime to deploy personnel for this project. Twelve operations are scheduled for 2003. The operations will begin on May 4, 2003 and coincide with major holiday and summer weekends. An Office of Traffic Safety grant will be used to cover most of the costs associated with the operations. These special Sideshow details will continue to generate revenue from administrative tow release fees and citation revenue.

BACKGROUND

Since the late-80's, 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 "Sideshow" and "cruising" are interchangeable and include such problems as vehicle noise, loud car stereos, public drunkenness, reckless driving, the spinning of "donuts," and racing in Oakland.

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- 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 trying to mold 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. Sideshow activity generally erupts on weekend nights after bars have closed, but it also occurs on holiday weekends and warm summer evenings. Sideshow activity began unusually early this year and appears to be escalating each week. During one two week period in early February, two women were seriously injured in a vehicle collision, one man was shot five times, and another woman was killed by a reckless and drunk Sideshow driver.

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

- Men and women
- Average 26 years of age
- Employed
- 33% participants are not Oakland residents

At a minimum, problems associated with the Sideshow include noise, litter, and the defacement of city streets and off-street parking areas from unsightly black-tire skid marks. Neighborhood residents also complain of a lack of order maintenance and quality of life problems such as vandalism, public intoxication, and urination.

Sideshow participants generally invade the parking lots of shopping malls, convenience stores, and gas stations, though they also “take over” major intersections. Once gathered, a vehicle will start to spin “donuts” and “burn rubber” within a circle formed by the crowd. Usually the pedestrian spectators are no more than a few feet from the spinning vehicle. The traffic congestion associated with this activity prevents public transit from traveling along normal routes. On several occasions during the last three years, traffic in and out of the Oakland International Airport was disrupted by Sideshow activity creating gridlock on Hegenberger Road. The “event” slows and prevents citizens from free travel and it slows or prevents the delivery of emergency services in the affected local areas.

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Participants refer to the Sideshow as an “institution” and a “tradition.” It has been glamorized in a professional video, become the subject of a popular rap song, and is mentioned as a “destination” on radio stations such as KMEL (106.1 FM).

Stolen vehicles, firearms, and illegal drugs are routinely recovered during Sideshow activity and vehicle pursuits of serious offenders are common. Since 1988, four traffic fatalities have been linked to the illegal exhibitions of speed and racing that occur during the Sideshow.

Sideshow problems continue to occur on a much smaller scale in other areas of the City. Significant Sideshow problems occurred after the Raider AFC championship game and the Super Bowl. However, since that time there has not been a major reoccurrence of the conditions typically associated with the Sideshow.

KEY ISSUES AND IMPACTS

The Police Department’s plan to combat the problems associated with Sideshow has three components: Law Enforcement, Community Involvement, and Legislation. It is generally believed that these efforts 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 Department’s 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, 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 are 12 operations scheduled for 2003.

Because of its regional nature, the Department continues to maintain reciprocal partnerships with the following law enforcement agencies to combat the mayhem caused by Sideshow activities:

- Alameda Police Department
- San Leandro Police Department
- Berkeley Police Department
- Fremont Police Department
- Union City Police Department
- California Highway Patrol
- Hayward Police Department
- Alameda County Sheriff
- Newark Police Department

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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.

When personnel resources allow, officers are assigned to fixed traffic posts in order to provide a highly visible deterrent to potential cruisers. 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. Tow trucks are stationed at a convenient assembly point to quickly remove any impounded vehicles. 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.

Community Component

Since January 2001, volunteers from local Neighborhood Crime Prevention Councils have participated on the Sideshow Abatement Committee. It should be noted that the Committee has openly invited participation from those individuals who represent themselves as proponents of the Sideshow, but to date none have accepted the invitation. The Sideshow Abatement Committee continues to meet monthly to discuss and debate several cruising-related topics. The group has participation and input from:

- Members of the Las Palmas and Toler Heights community groups
- Employees of the Public Works Agency’s Traffic Engineering and Street Maintenance Divisions
- Employees of the Life Enrichment Agency’s Parks and Recreation Department
- Office of the City Attorney
- City Council staff
- Members of the local business communities
- The Alameda County Office of the District Attorney
- Members of the Coliseum area business community and the Oakland Metropolitan Chamber of Commerce
- Oakland Commerce Corporation (OCC)

Legislative Component

The Department continues to use the Parking Lot Closure Ordinance (Ordinance No. 12390 C.M.S., enacted December 18, 2001), which compels commercial property owners to secure their lots after closing, thereby removing several popular Sideshow venues. Neighborhood

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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 the state legislation (Senate Bill 1489), known as the "Ukendra Johnson Act of 2002," proposed by the City of Oakland and co-sponsored by State Senator Don Perata and Assembly Member Wilma Chan. The new law allows officers to tow and impound cars cited for certain reckless driving and exhibition of speed violations for 30-days. Only a handful of cars have been actually towed under the new law, but it is believed that the law has had the desired 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 to address the Sideshow 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 noise associated with the Sideshow are being done with the ultimate desire to return a semblance of order to the streets of East Oakland on weekend nights - bringing an immediate improvement to the neighborhood's quality of life.

DISABILITY AND SENIOR CITIZEN ACCESS

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

RECOMMENDATION

The Police Department requests acceptance of the semi-annual report on Sideshow abatement activities. Due to the overall success of OPD and community efforts to abate the problem, and the Department's commitment to maintaining positive control of Sideshow venues, staff requests to discontinue these semi-annual reports to the Committee/Council.

Respectfully submitted,

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Chief of Police

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APPROVED AND FORWARDED TO
THE PUBLIC SAFETY COMMITTEE:

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