



Memorandum

TO: RULES AND OPEN
GOVERNMENT COMMITTEE

FROM: Councilmember Raul Perez

SUBJECT: Eliminating the Regulation
of Cruising from San José
Municipal Code

DATE: May 5, 2022

Approved by:

Date: 5/5/2022

RECOMMENDATION

Direct the City Manager to submit a Managers Budget Addendum (MBA) that will eliminate San José Municipal Code 11.34, Regulation of Cruising, and fines, fees or signage associated with this.

BACKGROUND

In the 1940's Mexican-American culture and art took form in the display of decorative cars. During the Chicano civil rights movements of the 1960's and 1970's vehicles became a display of resistance against discrimination to preserve the culture, values, religion and history of the Mexican-American culture in San José and cruising became a part of this resistance.

In the early 1990's many cities, including San Jose, instituted local ordinances to prohibit cruising, turning the slow driving and display of cars into a crime. Marketed as a prohibition aimed at addressing crime and gang violence in downtown, this broad stroke policy made it easier to profile and discriminate against those driving a vehicle deemed as a lowrider, particularly young brown people.

As a Chicano, a proud owner of a 1965 Impala Super Sport, and a member of the Impalas Car Club, I grew up cruising with my parents and cruising myself in the streets of San José throughout the 1980's and 1990's. Over the years, I was stopped several dozen times by police and nearly every time I was made to sit on a curb while my car was searched and I was questioned about presumed gang involvement. At the time, I was



unaware of my right to refuse a search, thus I frustratingly sat through this every time.

I always remained respectful and often engaged with the officers, asking why I was being detained in such a manner. I was often told that because of the car I drove, the way I was dressed, and because I was out cruising that they had reasonable suspicion I was a gang member or had weapons or drugs with me. The officers never found anything in my car but they always found out I was a scholar athlete at Cupertino High School and later a math major at San José State University. I was asked why someone like me would be out cruising a lowrider. The commonly held and racially based misconception was that lowriders were gang members or engaged in criminal activity, and the prohibition on cruising served as a tool to perpetuate and give legal credibility to racial discrimination and the enforcement and criminalization that followed.

Over the following decades, through the 2000's and 2010's, cruising diminished, but not surprisingly, crime and gang violence persisted and other more dangerous and significant traffic related violations have risen. After inquiries with city staff and our police department, I have learned that there is no recent record of the San Jose Police Department (SJPD) issuing warnings or citations under the cruising prohibition municipal code. Additionally, there has not been an associated fine collected through this muni code in the past twenty years. Over that same time period, truly dangerous traffic violations such as speeding, drag racing, and side shows have grown significantly creating major challenges throughout our community. In recent years, with our Vision Zero goals providing direction, the Council has prioritized enforcement towards side shows and implemented new laws to try to deter the bystanders and large gatherings that surround them. I have been in support of all these new policies and each time we voted on them I made mention of how these are the right areas of focus and that policies such as our prohibition on cruising are not.

I appreciate that we have not issued citations for cruising in decades, which is further reason to finally end this inherently discriminatory policy that wrongfully criminalized Chicanos and a culture that had risen up out of the civil rights movement. Let's embrace San José's history and Chicano culture, while also embracing safer and slower streets, by eliminating this discriminatory and antiquated policy. I request the City Manager to issue an MBA for any costs or resources associated with this direction.