



Council Policy Prioritization: Early Consideration Response Form

Department Police

Department Rep. Name/Ext. Acting Chief of Police David Tindall

Policy/Ord. Subject Illegal Street Racing and Sideshows

Rules Date 03/03/2021 Item G(2)

Council Member Sponsorship Councilmember Maya Esparza

Councilmember Dev Davis

Staff Recommendation

- ☒ **GREEN** The Administration can implement this Nominated Idea under its current workplan
- ☒ **ALREADY UNDERWAY** ☐ **MINIMAL WORK LESS THAN 40 HOURS** ☐ **REQUEST FOR INFORMATION**
- ☐ **YELLOW** The Administration recommends Council send this Nominated Idea to the Priority Setting Process (See Complexity Level Below)
- ☐ **RED** The Administration recommends Council not adopt this Nominated Idea
- ☐ **NEEDS CLARIFICATION OR MORE TIME TO EVALUATE**

Criterion to Determine Scale of Project Complexity

Project complexity is determined by scoring the project in each of the 3 criterions below and then summing the score.

- a. Low Complexity is a sum of 6 or less.
- b. Medium Complexity is a sum of 7 - 9
- c. High Complexity is a sum of 10 or greater.

Total Score = 9

DEPT. Required	Scoring Criterion	Low Complexity			Medium Complexity			High Complexity		
		Estimated Duration	6 - 9 months	<input checked="" type="checkbox"/> =1	9 - 18 months	<input type="checkbox"/> =2	More than 18 months	<input type="checkbox"/> =3		
		Organizational Complexity	Can Easily be Absorbed into Existing Workplan	<input checked="" type="checkbox"/> =1	Planned Work (Future)	<input type="checkbox"/> =2	Work Not Currently Proposed	<input type="checkbox"/> =3		
		(Internal)	Have staff with required skillset/ knowledge	<input checked="" type="checkbox"/> =1	Have staff with required skillset/ requires moderate research	<input type="checkbox"/> =2	Do not have staff with required skillset/ requires significant research	<input type="checkbox"/> =3		
			Less than or equal 2 Staff required	<input type="checkbox"/> =1	3 - 4 Staff required	<input type="checkbox"/> =2	More than 5 Staff required	<input checked="" type="checkbox"/> =3		
		(External)	1 Additional Departments	<input type="checkbox"/> =1	2 Other Department Involved	<input type="checkbox"/> =2	3 or more Depts Involved	<input checked="" type="checkbox"/> =3		
		<input type="checkbox"/> Airport	<input type="checkbox"/> Housing	<input type="checkbox"/> CMO	<input type="checkbox"/> OED	<input type="checkbox"/> PRNS	<input checked="" type="checkbox"/> PD	<input type="checkbox"/> PBCE		
		<input checked="" type="checkbox"/> CA	<input type="checkbox"/> ES	<input type="checkbox"/> DOT	<input type="checkbox"/> LIB.	<input checked="" type="checkbox"/> PW	<input type="checkbox"/> FD	<input type="checkbox"/> EM		

Analysis

Explain the rationale for Staff recommendation, including any mitigating factors that need to be considered (recent legislative action, significant workplan changes, etc). Please address the following as well.

GREEN LIGHT: The Administration can implement this Nominated Idea under its current workplan. Item should be sent to Council to add to Department workplan. Explain how the Idea will be approached.

The Police Department's response to illegal street racing and sideshows will take a multifaceted approach:

(1) Create an illegal event ordinance. The Police Department will coordinate with the City Attorney's Office to create a San Jose Municipal Code ordinance, making it a misdemeanor for any person to plan an illegal event in our City, whether on public or private property. An illegal event would be defined as any event that creates potential harm to our community and/or City property. This ordinance will allow officers who observe the formation of an illegal event by a promoter to take actions to locate and enforce a local action against the involved promoters.

Implementation Timeline: This is underway. The City Attorney's Office estimates approximately 3 months before an ordinance may be brought before City Council for approval.

(2) Utilize Automated License Plate Readers: Currently, the only Automated License Plate Readers (ALPRs) employed by the Police Department are mounted on marked police vehicles. The Police Department can utilize these vehicles, whenever possible, for enforcement of illegal street racing and sideshow activity. Use of existing vehicle mounted readers would qualify as a Green Light, and work can begin immediately.

If, however, the intent of this recommendation is that the City implement stationary ALPRs that are not attached to police vehicles, this approach would require additional funding, as discussed in item (3) below.

Vehicle-Mounted Reader Implementation Timeline (Green Light): The Police Department is prepared to immediately begin work on this item.

[ANALYSIS CONTINUED ON THE FOLLOWING PAGE]

YELLOW LIGHT: The Administration recommends Council send this Nominated Idea to the Priority Setting Process due to [describe cost implications, workload impacts, or other factors].

RED LIGHT: The Administration recommends Council not adopt this Nominated Idea due to [describe reason implementation would be difficult if not impossible – conflict with other laws, etc].

Analysis (Continued)

(3) As part of the 2021-2022 Proposed Budget development process, and in the context of our constrained budgetary environment, the Police Department and the City Manager's Budget Office will collaborate to further explore the resource need and identify available funding for the proactive and enforcement response activities described below in items (3a), (3b) and (3c). A preliminary analysis by the Police Department has determined that the resource need for 2021-2022 could exceed \$500,000 for items 3(a) and 3(b). The resource need will be further explored and refined during the 2021-2022 budget development process.

Implementation Timeline: this will occur as part of the 2021-2022 Budget Process.

(3a) Dedicated personnel may be assigned to illegal street racing and sideshow enforcement. Approximately one sergeant and seven officers may be assigned, on an overtime basis, to provide directed, proactive enforcement of illegal street races. In addition, undercover personnel, air support, and intelligence analysts are necessary to provide timely information and reports of illegal activity. This work could occur one day per week, at 6 hours per shift.

(3b) Pursuant to 14602.7(a) CVC, vehicles participating in illegal street racing or sideshows may be impounded for 30 days. This impound is executed through a vehicle seizure warrant. It is not uncommon to have backlogs of 10-40 vehicles pending impound based on enforcement of this vehicle code. Dedicated personnel may be able to be assigned to impounding street racing and sideshow vehicles. Approximately one sergeant and four officers may be assigned, on an overtime basis, to draft the warrants and have them signed by a magistrate, then locate and impound vehicles identified as having participated in illegal street racing and sideshows. This funding would provide for two days per month, at 4 hours per shift.

(3c) Utilize Stationary Automated License Plate Readers: Additional funding would be needed to implement stationary ALPRs. Stationary ALPRs would also need approval through several internal entities, including the City's privacy group, IT, PW, and DOT.

(4) Coordinate with partner agencies. The Police Department will coordinate with partner agencies including the Santa Clara County Sheriff, the California Highway Patrol, the Santa Clara County Police Chiefs Association, and neighboring police departments, to establish a County-wide Task Force to develop inter-jurisdictional responses to illegal street racing and sideshows in Santa Clara County.

Implementation Timeline: This item is underway. The Police Department currently coordinates efforts with bordering agencies including the Santa Clara Police Department and the Milpitas Police Department. However, this should be expanded to include a County-wide response. The Police Department is prepared to immediately begin working on a broader coordination effort.

In addition to the items recommended in the memorandum by Esparza and Davis analyzed above, the Police Department will be proactively working on the following efforts to address illegal street racing:

(A) Public communication and education. The Police Department will work with the City Attorney's Office and partner law enforcement agencies to provide public communication and education. These messages will describe the costs and consequences of participating in illegal street racing and sideshows. They will be broadcast in Public Service Announcements, through social media and press releases, all coordinated through the Media Relations Unit.

Implementation Timeline: The Police Department is prepared to immediately begin work on this item.

(B) Follow-through with civil and criminal ramifications. The Police Department will coordinate with the City Attorney's Office to seek damages to any City property and seek compensation for officer time and equipment used at the illegal events. The Police Department will coordinate with the Santa Clara County District Attorney's Office to seek criminal prosecution of those participating in and coordinating these illegal events.

Implementation Timeline: This is underway. The City Attorney's Office is currently coordinating efforts with the Police Department, with the goal of filing civil suits against promoters and participants. In addition, the City is actively seeking criminal prosecution actions with the Santa Clara County District Attorney's Office.