



COUNCIL AGENDA: 03/30/2021

ITEM: 4.1

FILE NO: 21-580

Memorandum

TO: HONORABLE MAYOR AND
CITY COUNCIL

FROM: Toni J. Taber, CMC
City Clerk

SUBJECT: SEE BELOW

DATE: March 30, 2021

SUBJECT: Illegal Street Racing

Recommendation

As recommended by the Rules and Open Government Committee on March 3, 2021:

(a) Direct the City Attorney to draft an ordinance targeting promoters of illegal street racing and sideshows, including those who use social media to promote, support, and encourage this illegal and dangerous behavior.

(b) Direct Staff to explore the use of Automated License Plate Readers and return to Council with options for deployment in corridors that have been hardest impacted by illegal street racing and sideshows.

(c) Direct the City Manager to allocate the necessary funding for the Police Department to address this issue as part of our annual budget process.

(d) Direct Staff to explore formation of a County-wide Task Force on responding to illegal street racing and sideshows that would allow for coordinated multijurisdictional responses throughout Santa Clara County.

CEQA: Not a Project, File No. PP17-07, Preliminary direction to staff and eventual action requires approval from decision-making body. (Esparza and Davis)

[Rules Committee referral 3/3/2021 - Item G.2]

Memorandum

TO: RULES AND OPEN GOVERNMENT
GOVERNMENT COMMITTEE

FROM: Councilmember Esparza
Councilmember Davis

SUBJECT: ILLEGAL STREET RACING

DATE: 2/25/2021

Approved:

Naya Esparza

Date: 2/25/2021

RECOMMENDATION:

1. Direct the City Attorney to draft an ordinance targeting promoters of illegal street racing and sideshows, including those who use social media to promote, support, and encourage this illegal and dangerous behavior.
2. Direct Staff to explore the use of Automated License Plate Readers and return to Council with options for deployment in corridors that have been hardest impacted by illegal street racing and sideshows.
3. Direct the City Manager to allocate the necessary funding for the Police Department to address this issue as part of our annual budget process.
4. Direct Staff to explore formation of a County-wide Task Force on responding to illegal street racing and sideshows that would allow for coordinated multijurisdictional responses throughout Santa Clara County.

BACKGROUND

Our City has long faced a serious problem with illegal street racing and sideshows, a problem which has tragically taken a number of lives in recent years, and continues to endanger innocent bystanders and our law enforcement, in addition to participants and spectators. In recent weeks, this problem has grown significantly worse, with organized racing and sideshows growing to hundreds of cars, and becoming more violent, requiring massive police responses that have pulled in officers from all over the City. Two years ago, the City Council passed an ordinance allowing police to cite side show spectators, providing an additional tool for our law enforcement to respond to and dissuade this illegal behavior, which helped until the last half of 2020. Unfortunately, it is clear that we need additional tools and resources to adequately respond to the events we are seeing in our neighborhoods today.

Over the weekend of January 29, a sideshow of over 500 vehicles took place in San José, terrorizing residents near Communications Hill, [South Tenth](#)¹ and Alma, and several other locations throughout the city. Participants attacked responding police officers, including ramming a police car and discharging firearms from their vehicles. Police were able to impound 7 vehicles, issued 40 citations, and made 4 arrests.

Just two weeks later, another sideshow of hundreds of vehicles took place at Hamilton and Leigh, with more attacks and violence toward our police officers, where over 100 shell casings recovered from gunfire at that one intersection alone. [Online videos of this sideshow highlight the extreme violence of these events, including heavy gunfire and reckless disregard for safety](#)². Police were able to impound 4 vehicles and issue 45 citations. These enormous, coordinated sideshows, largely comprised of participants from out of the area, including some coming from as far as Los Angeles, are [terrorizing our residents](#)³, and endangering the lives of our police officers and community members.

We appreciate the bravery of our officers responding to these events, but we also understand that current staffing and resources available for these responses are woefully inadequate. Officers must be called in from all over the City, limiting their ability to respond to other emergency calls. Due to the complexity of the issue, we are recommending a multi-pronged approach that provides our law enforcement with additional resources and tools to effectively respond to illegal street racing and sideshows in our communities.

The massive, coordinated events we have seen in the past few weeks are not spontaneous; they are organized, planned, and promoted on social media. Given the scale of these illegal events, we must focus on deterring the promotion of these events by extending penalties to those who incite such illegal activity. In order to effectively dissuade those who promote and encourage these illegal events, we ask the City Attorney to develop an ordinance providing civil sanctions for event promoters, similar to what we have done for nightclubs, for example.

Other jurisdictions have made effective use of Automated License Plate Readers (ALPR), and these must be part of our available toolbox for addressing these events. Staff should explore piloting these systems in locations we know are likely for street racing and sideshows to occur. The evidence collected through ALPRs will aid our officers in follow-up investigations and deter such activity from occurring at these locations.

We also know that police simply cannot respond effectively or conduct appropriate follow-up investigations with current staffing and funding resources. As one of the leanest staffed police forces in the country for a big city, we cannot rely on our normal patrol to respond to events with hundreds of vehicles and participants acting aggressively and violently towards officers and the

¹ <https://youtu.be/JRWIBQ5SSzs?t=290>

² <https://youtu.be/kGY3DB-Hnpk>

³ <https://youtu.be/r0ES5tgAGMA?t=573>

public. We ask that the City Manager incorporate the necessary funding into the upcoming budget process, whether through an MBA or as part of the proposed budget.

Even with these additional measures, we understand the inherent challenge to enforcing what is truly a regional crisis, with drivers who leverage different jurisdictional boundaries to evade police response. That is why we ask Staff, including the City Manager and Chief or Acting Chief of Police, to coordinate with other jurisdictions, 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 interjurisdictional responses to illegal street racing in the County. Task forces provide a dedicated team to address both investigation and enforcement, disbanding when things are under control, and have been a proven method for dealing with unique issues, such as the Regional Auto Theft Task Force. These task forces can be temporary and bring in assets from other allied agencies. This approach will allow us to pool our collective resources to more effectively prevent, respond to, and follow up on these events that are terrorizing our communities and endangering our police officers and residents.

Residents throughout the City demand that we take further action to address this crisis, and that is exactly what we must do. Illegal street racing affects communities in every Council District, and recent experience suggests this problem will continue to grow worse if we do not act now. We implore our colleagues to join us in providing our law enforcement with the tools they need to effectively address these events and keep our streets safe for all of us.

The signers of this memorandum have not had, and will not have, any private conversation with any other member of the City council, or that member's staff, concerning any action discussed in the memorandum, and that each signer's staff members have not had, and have been instructed not to have, any such conversation with any other member of the City Council or that member's staff.