

C I T Y O F O A K L A N D

Agenda Report

TO: Office of the City Manager
ATTN: Mr. Craig G. Kocian
FROM: Police Services Agency
DATE: July 23, 1996

RE: Public Safety/Health & Human Services Committee:
 Report Re Cruising Around Lake Merritt

BACKGROUND

For several years, cruising activity around the Grand Avenue and Lakeshore Avenue segments of Lake Merritt has caused traffic, pedestrian, and neighborhood-related problems. The problems typically occur during the spring and early summer months.

Specifically, complaints have centered on traffic gridlock, assaultive behavior, alcohol consumption and urination in public, littering and vandalism, amplified music, and reports of drug dealing.

Citizen complaints about police intervention have ranged from having too many officers present to perceptions of racial harassment. Persons most adversely impacted by the entire set of circumstances have been residents who live in the adjoining neighborhoods.

This report describes the events leading to Council enactment of a Cruising Ordinance and the results of its implementation.

DISCUSSION

During October, 1992, the City Council adopted Ordinance No. 11504 C.M.S. which defined and set forth prohibitions against cruising. The ordinance was codified in Section 113.1 of the Oakland Traffic Code. Section 113.1(A) defined cruising as:

" . . . the driving of a motor vehicle three or more times within a four (4) hour period, in a particular direction, past a traffic control post at or near a place where traffic is congested . . . on any street or highway in the City of Oakland which has been posted as a no cruising zone."

B
PS/HHS
7-23-96

The presence of hundreds and sometimes thousands of vehicles apparently cruising on Sunday afternoons during the summers of 1993 and 1994, proved the ordinance to be ineffective as a traffic management strategy. This was the result of the administrative difficulties of tracking a large number of vehicles at least four times through a checkpoint. As Oakland and the Lake Merritt area gained a reputation as "cruiser friendly," the number of cars increased as did the crowds of park goers who were attracted by the spectacle.

Subsequently, as both crowds and cars increased, resident complaints about the problems cited above increased. Staff determined that Section 113.1 of the Traffic Code was less restrictive than the cruising ordinances of other Bay Area cities--Santa Clara, San Jose--and, therefore, Oakland served as a "mecca" of cruising on Sunday afternoon. This followed the long-term and persistent problems of Saturday night "sideshows" in the area of the Eastmont Mall.

In 1995, staff proposed a revision to Section 113.1 OTC to delete the requirement that a vehicle must pass a control point four times before they are cited for the infraction of cruising. Instead, Ordinance No. 11790 C.M.S. (attached), adopted by the City Council on April 18, 1995, redefined cruising as a motor vehicle "driven two (2) times within a four (4) hour period past a traffic control point which has been posted as a no cruising zone."

INITIAL IMPLEMENTATION

In conjunction with planning for the 1995 Festival at the Lake, an outreach and public education campaign was initiated regarding the restrictions of the revised cruising ordinance. Notices were passed out on several consecutive Sundays. Citizen volunteers also joined with City staff in distributing printed materials which reminded park users of laws prohibiting drinking alcohol in public, littering, drug use, and public urination.

Additionally, the Office of Parks and Recreation and Cultural Affairs provided alternative recreational programs for the many young persons who frequented the Lake Merritt environs on Sundays (see attached report).

The operating guidelines of the ordinance allow an on-duty command officer or his/her designee to establish a traffic control point (TCP) in an area posted as a "No Cruising Zone" in accordance with the ordinance. Traffic is funneled into

one lane utilizing traffic cones. (This occurs on the Lake side of Grand and Lakeshore Avenues.) Two officers are stationed at the entrance to the TCP and the remaining enforcement personnel are positioned approximately one-half block beyond the TCP entrance. The logging officer or employee operating the computer is located near the checkpoint.

At the TCP, one officer gives each driver a flier advising him/her that they are in a "No Cruising Zone," that their vehicle license number has been entered into a computer and that they are subject to arrest or citation if they pass through the zone within a 4-hour period. Should the vehicle pass through the zone a second time, the enforcement officer stops the vehicle and identifies all occupants. The officer completes a two-part "Cruising Prohibited" form, which describes the vehicle and identifies all occupants by name and drivers license number, if available. A copy of the form is given to the driver and the original is maintained by the officer. This information is purged at the end of the day and is not used for any other purpose, nor is it maintained or shared with any other agency. If the vehicle and occupants pass through the checkpoint a third time, citations are issued and/or arrests made, if appropriate.

STATUS

Because of the need to purchase laptop computers, obtain software to track the vehicles, develop operating procedures and field test the process, the cruising ordinance was not fully implemented until May, 1996.

Although citations have been issued for other types of violations, no one has been issued a citation for cruising. Checkpoints have been established on six Sundays since the initial test date on March 31st. In general, the ordinance has been effective in reducing the number of vehicles cruising the area. As vehicle traffic decreased, so too, did the crowds who usually gathered to witness the cruising activities. There were minor problems generated during the Festival at the Lake and on June 23rd when a group sponsored a protest with the theme of "F___ the Police Day." Despite these two events, the magnitude of the problem has not been as severe as the protests that gave rise to the City Council strengthening the Cruising Ordinance. The number of incidents requiring police intervention has been reduced and as of Sunday, July 14, a police presence has not been necessary.


The individual complaints and dissatisfaction with police intervention around the Lake vary from those who feel that not enough is being done to eliminate the cruising, loitering and related behavior to those who feel that officers should not be at the Lake at all. Many believe that officers should only be present after an incident occurs and once on the scene, the officer(s) should quickly resolve the matter to the satisfaction of everyone and leave without offending or inconveniencing others. Failure to do so results in letters, telephone calls to the media and Chief of Police and/or the Mayor and Councilmembers complaining about what the police did, did not do or should have done. Although not perfect, the present method of addressing the cruising problem has been the best plan we have implemented to date.

RECOMMENDATION

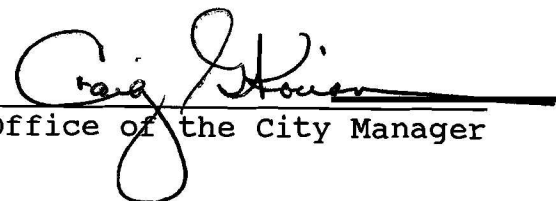
The Cruising Ordinance and enforcement guidelines should remain in effect. It should be noted that some of the same people participating in cruising at the Lake are involved in the reckless driving activities in the Eastmont Mall area, 90th Avenue and MacArthur Boulevard and, most recently, the Havenscourt Boulevard area during the late night and early morning hours. While no precise numbers are available, we estimate that one-half of "sideshow" participants and Sunday cruisers are from out of town.

Repealing or modifying the ordinance could invite increased cruising and related problems at the Lake, similar to those occasionally experienced at Saturday night "sideshows."

We further recommend that staff be directed to continue or explore alternative program activities at Lake Merritt on Sundays during the summer months.


Joseph Samuels, Jr.
Director of Police Services

Approved and Forwarded to
the Public Safety/Health &
Human Services Committee


Office of the City Manager

DRAFT

AN ORDINANCE AMENDING ORDINANCE #11790 C.M.S. AND AMENDING SECTION 113.1 OF THE OAKLAND TRAFFIC CODE REGARDING CRUISING IN THE CITY OF OAKLAND

WHEREAS, vehicle cruising has been a significant traffic problem in the City of Oakland, especially around the Lake Merritt region of the City; and

WHEREAS, the current ordinance has been implemented for the first time as an aide to deterring vehicle cruising activity; and

WHEREAS, the City desires to continue to enforce the cruising ordinance to improve traffic flow and management and public safety concerns related thereto, and

WHEREAS, the City desires to amend the ordinance to provide that the Chief of Police will establish the criteria which allows for the establishment of traffic control points by the Oakland Police Department and this change will allow the Police Department to more effectively implement this ordinance; now, therefore

THE COUNCIL OF THE CITY OF OAKLAND DOES ORDAIN AS FOLLOWS:

Section 1: Section 113.1 of the Oakland Traffic Code is hereby amended to read as follows:

SECTION 113.1 CRUISING ORDINANCE.

(a) Cruising Defined. Cruising shall mean the driving of or being a passenger in a motor vehicle driven two (2) times within a four (4) hour period past a traffic control point which has been posted as a no cruising zone.

(b) Cruising - Traffic Control Point. The ranking peace officer on duty within an area affected by traffic congestion may establish one or more traffic control points at or near the area of traffic congestion in accordance with criteria established by the Chief of Police.

(c) Cruising - Signs. Signs shall be placed at the beginning and end of the portion of any street subject to cruising controls. The signs shall state that the area is a no cruising zone pursuant to Oakland Traffic Code Section 113.1 and Vehicle Code Section 21100(k).

DRAFT

(d) Cruising - Written Notice. Any person who, as the operator of, or passenger in, a motor vehicle driven past a traffic control point established pursuant to Section 113.1(b) may be given written notice on that person's first time past a traffic control point that the person's second or any subsequent trips past the control point within a four (4) hour period will be a violation of Section 113.1.

(e) Cruising Prohibited. No person, having driven or having been a passenger in a motor vehicle who has received a written notice pursuant to Section 113.1(d) shall drive or be a passenger in a vehicle driven past a traffic control point within a four (4) hour time period. Each successive trip past the traffic control point shall constitute a separate violation of this section, and no additional written notice shall be required for such separate violation. Each successive violation shall be punishable by an increased fine as provided for by law.

Section 2: If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council of the City of Oakland hereby declares that it would have adopted this ordinance and each section, subsection, sentence, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions be declared invalid or unconstitutional.

o:\doc\cev\advisory\81528-1.doc

Sunday Alternative Recreation Program - Set-Up and Activity Schedule
--

TIME	SET-UP AND OTHER ACTIVITIES ON EVENT DAY (not including planning and preparation work before the day of the event)
10:00 - 11:00 AM	Towed sound stage arrives at Channel Park. Park Equipment Operators prepare and supervise stage setup.
10:00 AM - 12 Noon	Park maintenance crews begin first round of litter clean up around Lake Merritt and Channel Park, emptying garbage cans, etc.
1:00 - 2:00 PM	Outreach workers (15) meet at Sailboat House for briefing by Security Supervisor or Recreation Specialist on foot patrol and coordination of work stations around the Lake; receive walkie talkies, several thousand flyers and instructions on clean-up activities around the Lake.
2:00 - 4:00 PM	Outreach workers patrol Lake Merritt, pass out informational flyers, monitor activities and perform light maintenance.
2:00 - 7:00 PM	Recreation staff set up two basketball standards and volleyball nets inside Lakeside Park, and monitor games conducted.
2:00 - 7:00 PM	Sailboat House staff provide free water taxi rides on pontoon boats and dock at 3 locations around the Lake.
3:00 - 4:00 PM	Entertainment Coordinator checks in hip hop, jazz and/or R&B performers and readies them for sound check. Swanson Sound Company technician installs sound system to coordinate sound check.
4:00 - 4:30 PM	Outreach workers and volunteers receive briefing from OPD at Garden Center and discuss "hot spots", behavioral expectations and safety issues.
4:30 - 8:00 PM	Outreach workers and volunteers resume patrolling and monitoring activities around the Lake, and providing information about musical entertainment.
4:00 - 7:00 PM	Entertainers perform at designated location.
7:30 - 8:30 PM	Towing company picks up and returns sound stage to 7101 Edgewater Drive. Swanson Sound disassembles sound equipment. HJK Security Supervisor collects walkie talkies from Outreach workers.
Monday 8:00 - 10:00 AM	Park maintenance crews perform post-Sunday event litter and garbage clean up around the Lake.