

BOARD of SUPERVISORS



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MEMORANDUM

TO: Tom Paulino, Liaison to the Board of Supervisors, Office of the Mayor
William Scott, Police Chief, SF Police Department
Brooke Jenkins, District Attorney, Office of the District Attorney
Raju Manohar, Public Defender, Office of the Public Defender
Jeffrey Tumlin, Executive Director, Municipal Transit Agency

FROM: Monique Crayton, Assistant Clerk, Public Safety and Neighborhood
Services Committee, Board of Supervisors

DATE: September 6, 2024

SUBJECT: LEGISLATION INTRODUCED

The Board of Supervisors' Public Safety and Neighborhood Services Committee has received the following proposed legislation, introduced by Mayor London Breed on September 3, 2024:

File No. 240844

Ordinance amending the Police Code to 1) prohibit persons from promoting a Vehicle Sideshow or preparations for such a sideshow; 2) prohibit persons from assembling together to obstruct the streets, sidewalks, highways, other public right-of-ways, off-street parking facilities, or private property in connection with a Vehicle Sideshow or preparations for such a sideshow; 3) prohibit persons from knowingly being present at a Vehicle Sideshow or preparations for such a sideshow for purposes of Participating in the Vehicle Sideshow; 4) prohibit persons present at a Vehicle Sideshow or preparations for such a sideshow from interfering with official performance of law enforcement duties; 5) seize and impound vehicles used in a Vehicle Sideshow or preparations for such a sideshow, and under certain conditions sell the vehicles; and 6) make violations of these provisions a misdemeanor, subject to imprisonment and/or fine.

If you have any comments or reports to be included with the file, please forward them to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

CC:

Office of Chair Stefani

Andres Power, Office of the Mayor

Lisa Ortiz, Police Department

Lili Gamero, Police Department

Rima Malouf, Police Department

Diana Oliva-Aroche, Police Department

Stacy Youngblood, Police Department

Carl Nicita, Police Department

Ana Gonzalez, Office of the District Attorney

Eugene Clendinen, Office of the District Attorney

Lily Rapson, Office of the District Attorney

Janet Martinsen, Municipal Transportation Agency

Joel Ramos, Municipal Transportation Agency

1 [Police Code - Vehicle Sideshows]

2

3 **Ordinance amending the Police Code to 1) prohibit persons from promoting a Vehicle**
 4 **Sideshow or preparations for such a sideshow; 2) prohibit persons from assembling**
 5 **together to obstruct the streets, sidewalks, highways, other public right-of-ways, off-**
 6 **street parking facilities, or private property in connection with a Vehicle Sideshow or**
 7 **preparations for such a sideshow; 3) prohibit persons from knowingly being present at**
 8 **a Vehicle Sideshow or preparations for such a sideshow for purposes of participating**
 9 **in the Vehicle Sideshow; 4) prohibit persons present at a Vehicle Sideshow or**
 10 **preparations for such a sideshow from interfering with official performance of law**
 11 **enforcement duties; 5) seize and impound vehicles used in a Vehicle Sideshow or**
 12 **preparations for such a sideshow, and under certain conditions sell the vehicles; and**
 13 **6) make violations of these provisions a misdemeanor, subject to imprisonment and/or**
 14 **fine.**

15 NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.
 16 **Additions to Codes** are in *single-underline italics Times New Roman font*.
 17 **Deletions to Codes** are in *strikethrough italics Times New Roman font*.
 18 **Board amendment additions** are in double-underlined Arial font.
 19 **Board amendment deletions** are in ~~strikethrough Arial font~~.
 20 **Asterisks (* * * *)** indicate the omission of unchanged Code
 21 subsections or parts of tables.

19

20 Be it ordained by the People of the City and County of San Francisco:

21

22 Section 1. Article 56 of the Police Code is hereby amended by revising Sections 5600
 23 and 5601, revising existing Section 5602 and renumbering it as Section 5609, and adding new
 24 Sections 5602, 5603, 5604, 5605, 5606, 5607, 5608, 5610, and 5611, to read as follows:

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1 “doughnuts” and sending burnt rubber smoke from tires into the air as passengers hung out
2 the window. Approximately 100 spectators cheered on the spinning vehiclesscars. At one point,
3 a pParticipating driver lost control of his vehicle, forcing spectators to move back
4 unexpectedly. There were spectator vehicles that blocked all access to entry of the exhibition
5 intersection. Nearby, gun shots were fired.

6 On September 6, 2020, an illegal Vehicle Sideshow~~motor vehicle stunt driving~~
7 ~~exhibition~~ in San Francisco attracted hundreds of spectators and approximately 50 vehicles.
8 There were approximately 100 calls for police service for this event from residents concerned
9 about public safety. A man was shot to death in the immediate vicinity of the reckless stunt
10 driving exhibition.

11 (c) Since 2020, Vehicle Sideshows have continued to occur in the San Francisco Bay Area.
12 They have been increasing in severity and size, and are becoming a greater community safety concern.
13 The majority of Vehicle Sideshow occur late at night or during the early morning hours. But San
14 Francisco experienced a Vehicle Sideshow on Sunday, August 25, 2024 in the afternoon, creating a
15 bigger public safety concern as there were more people and law-abiding drivers using the public
16 streets and sidewalks at that time. In 2024, there have been at least 25 Vehicle Sideshows reported in
17 San Francisco and as of September 2024 the Police Department (“SFPD”) had seized 67 vehicles in
18 connection with these incidents during the year. Some of the most notable Vehicle Sideshows of 2024
19 were:

20 On June 9, 2024, several Vehicle Sideshows occurred across the San Francisco Bay Area that
21 involved huge crowds of spectators who followed the Sideshows to various locations. In San Francisco,
22 a Vehicle Sideshow occurred on the Embarcadero and drew over 200 spectators event. The crowd of
23 people blocked streets and sidewalks as they encouraged the drivers who engaged in the dangerous
24 vehicle stunts. During the Vehicle Sideshow, a vehicle was engulfed in flames near the Embarcadero,
25 which presented a huge public safety risk and required an enormous amount of resources to contain.

1 SFPD seized five vehicles at the scene and dispersed the large crowd. Following the Vehicle Sideshow,
2 splinter Vehicle Sideshows occurred at Alemany Boulevard and Geneva Avenue, on Valencia Street,
3 and on Cesar Chavez Street. SFPD eventually dispersed the splinter Sideshows.

4 On August 25, 2024, a huge Vehicle Sideshow of dirt bikes and all-terrain vehicles (“ATVs”)
5 took place throughout various neighborhoods in San Francisco drawing 200-250 spectators
6 encouraging and instigating the illegal activity. The spectators, ATVs, and dirt bikes collectively
7 overtook several streets in San Francisco. The riders ignored traffic laws, performed stunts, and
8 caused widespread disruption by blocking streets and sidewalks that impacted our neighborhoods.

9 (d) According to SFPD, there have been other illegal activities associated with Vehicle
10 Sideshows, including shootings, weapons possession, explosives, illegal fireworks, assaults, vandalism,
11 and public intoxication. Sideshow participants and spectators are often hostile, aggressive, and
12 uncooperative with law enforcement officers and have on occasion been assaultive towards officers
13 attempting to contain and dismantle the illegal activity.

14 (ee) There is no place for this type of motorized misconduct in a heavily populated
15 urban environment such as San Francisco. At a minimum, Vehicle Sideshows~~motor vehicle stunt~~
16 ~~driving~~ in the City creates chaos, inconvenience, and in some cases fear, among those who
17 live in neighborhoods where ~~it~~ they occurs; and ~~it~~ they presents challenges for law-abiding
18 drivers whose routes unfortunately take them to an area where such irresponsible antics are
19 occurring. Of even greater concern, the possibility that serious injury or death may result from
20 Vehicle Sideshows ~~motor vehicle stunt driving~~ is ever-present.

21 (f) Vehicle Sideshow participants and spectators do not stay in one area. They travel on our
22 highways and bridges to come into our city and cause havoc in San Francisco and the Bay Area. The
23 SFPD works closely with its law enforcement partners in the region to address the illegal activities.
24 The SFPD uses technology, such as automatic license plate readers, commonly known as “ALPRs,”
25 and unassisted aerial vehicles, “commonly known as “UAVs” or “drones,” to combat Vehicle

1 Sideshows and their attendant ills. This Article 56 provides additional legal tools for the City to
2 combat Vehicle Sideshows.

3 **SEC. 5601. ~~MOTOR VEHICLE~~ SIDESHOW STUNT DRIVING: DECLARATION OF**
4 **POLICY.**

5 It is the policy of the City and County of San Francisco to protect the health and
6 safety of residents by enforcing state and local laws that prohibit persons from engaging in
7 Vehicle Sideshows~~reckless driving, motor vehicle speed contests, and exhibitions that involve stunts~~
8 ~~and tricks with vehicles~~, and that prohibit persons from aiding and abetting such activities.

9 **SEC. 5602. DEFINITIONS.**

10 For purposes of this Article 56, the following terms have the following meanings:

11 “Motor Vehicles” means cars, trucks, vans, motorcycles, mopeds, dirt bikes, all-terrain
12 vehicles, other off-highway vehicles, and all other vehicles covered by California Vehicle Code
13 Sections 415 and 670, as they may be amended from time to time.

14 “Off-street Parking Facility” means any off-street facility held open for use by the public for
15 parking vehicles and includes any publicly owned facilities for offstreet parking, and privately-owned
16 facilities for off-street parking where no fee is charged for the privilege to park and which are held
17 open for the common public use of retail customers covered by California Vehicle Code Section 12500,
18 as may be amended from time to time.

19 “Participate” means knowingly engage in one or more acts to conduct, or aid in or abet, a
20 Vehicle Sideshow, or knowingly engage in Preparation of a Vehicle Sideshow;

21 “Preparation” means engaging in any of the following acts with the purpose of Participating
22 in or aiding in or abetting a Vehicle Sideshow:

23 (1) One or more motor vehicles and persons arriving at a predetermined location on a public
24 street or highway or in an Off-street Parking Facility;

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1 (2) Two or more persons gathering on, or adjacent to, a public street or highway or gathering
2 in an Off-street Parking Facility;

3 (3) One or more persons impeding the free public use of a public street, highway,
4 or Off-street Parking Facility by acts, words, or physical barriers;

5 (4) One or more motor vehicles lining up on a public street or highway, or at an Off-street
6 Parking Facility with motors running;

7 (5) One or more drivers revving a Motor Vehicle’s engine or causing the Motor Vehicle’s tires
8 to spin; or

9 (6) A person standing or sitting in a location to act as a race starter.

10 “Present” means any person (1) within 200 feet of the location of a Vehicle Sideshow, or (2)
11 within 200 feet of the site of the Preparation of a Vehicle Sideshow.

12 “Promote” means the act of a person that assists, encourages, or incites persons to plan,
13 organize, Participate in, attend, or gather at the Preparation of a Vehicle Sideshow, or that assists,
14 encourages, or incites persons to plan, organize, Participate in, attend, or gather at a Vehicle
15 Sideshow.

16 “Vehicle Sideshow” means an event in which two or more persons block or impede traffic on a
17 public street or highway or in an Off-street Parking Facility, for the purpose of performing motor
18 vehicle stunts, motor vehicle speed contests, motor vehicle exhibitions of speed, or reckless driving
19 covered by California Vehicle Code section 23109, as may be amended from time to time.

20 **SEC. 5603. PROHIBITING THE PROMOTING OF VEHICLE SIDESHOWS AND THEIR**
21 **PREPARATION.**

22 No person shall Promote the Preparation of a Vehicle Sideshow or Promote a Vehicle
23 Sideshow.

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1 **SEC. 5604. PROHIBITING UNLAWFUL ASSEMBLY.**

2 No person shall assemble with others to block or obstruct the street, sidewalk, highway, other
3 public right-of-ways, or private property absent consent of the private property owner, operator, or
4 agent, in connection with Preparation of a Vehicle Sideshow or in connection with a Vehicle Sideshow.

5 **SEC. 5605. PROHIBITING UNLAWFUL PRESENCE.**

6 No person shall knowingly be Present at a Vehicle Sideshow or the Preparation of a Vehicle
7 Sideshow for the purpose of Participating in or aiding and abetting the Vehicle Sideshow or
8 Preparation of the Vehicle Sideshow. For purposes of this Section 5605, aiding and abetting may
9 include promoting, encouraging, supporting, or instigating the unlawful activity.

10 **SEC. 5606. EXEMPTIONS.**

11 Sections 5603, 5604, 5605 do not apply to:

12 (a) law enforcement officials engaged in the course and scope of their duties;

13 (b) members of the media engaged in the course and scope of their duties; and

14 (c) members of the public who are merely observing and/or reporting on the Preparation of a
15 Vehicle Sideshow, or on a Vehicle Sideshow, provided they are not Participating or aiding and abetting
16 in the Preparation of a Vehicle Sideshow or in a Vehicle Sideshow.

17 **SEC. 5607. INTERFERENCE WITH LAW ENFORCEMENT.**

18 No person shall willfully obstruct, impede, delay, or interfere with law enforcement's
19 performance of official duties in connection with Preparation of a Vehicle Sideshow or in connection
20 with a Vehicle Sideshow.

21 **SEC. 5608. PENALTY.**

22 Any person who violates Sections 5603, 5604, 5605, or 5607 is guilty of a misdemeanor and
23 upon conviction thereof shall be punishable by a fine not to exceed \$500, or by imprisonment for a
24 period of not to exceed six months, or by both such fine and imprisonment.

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1 **SEC. ~~56025609~~. AUTHORITY TO ~~REMOVE~~ IMPOUND VEHICLES.**

2 (a) Any ~~peace officer~~ law enforcement official who arrests any person engaged in conduct
3 that violates the operator of a vehicle for conduct in violation of subsection (2) of Section 23109.2 of
4 the California Vehicle Code, as may be amended from time to time, shall impound the vehicle
5 ~~for. For the first incident, a motor vehicle so removed shall be impounded for no less than 14 days but~~
6 ~~not more than 30 days. For the second incident, a motor vehicle so removed shall be impounded for no~~
7 ~~less than 15 days but not more than 30 days. Thereafter, the motor vehicle so removed shall be~~
8 ~~impounded for at least 29 days but not more than 30 days.~~

9 **(b) Except as specified in California Vehicle Code Section 23109.2(c)-(d), any vehicle**
10 **impounded under subsection (a), above, shall be released only (1) if the District Attorney fails to**
11 **charge the registered owner or operator of the vehicle with violating Section 23109 et. seq. of the**
12 **California Vehicle Code, (2) the District Attorney or the court directs the law enforcement official to**
13 **release the vehicle, or (3) there is no other legal basis to hold the vehicle.**

14 **(c) If the District Attorney charges a person with a violation of Section 23109 et. seq. of the**
15 **California Vehicle Code, law enforcement official shall retain the vehicle used in the Vehicle Sideshow**
16 **at least until the conclusion of the criminal action unless the District Attorney or the court orders the**
17 **release of the vehicle.**

18 **(d) If the defendant is charged with and convicted of violating Section 23109 et. seq. of the**
19 **California Vehicle Code and the defendant's vehicle was impounded and not subject to return under**
20 **23109.2 of the California Vehicle Code, law enforcement officials may either sell the vehicle at a public**
21 **auction or destroy it if the vehicle has little to no value.**

22 **(be)** Nothing in this Article 56 shall override any applicable provisions in the California
23 Vehicle Code.

24 **(f) Nothing in this Article 56 shall be construed and enforced consistent with the First**
25 **Amendment of the United States Constitution.**

1 **SEC. 5610. PROMOTION OF THE GENERAL WELFARE.**

2 In enacting and implementing this Article 56, the City is assuming an undertaking only to
3 promote the general welfare. It is not assuming, nor is it imposing on its officers and employees, an
4 obligation for breach of which it is liable in money damages to any person who claims that such breach
5 proximately caused injury.

6 **SEC. 5611. SEVERABILITY.**

7 If any section, subsection, sentence, clause, phrase, or word of this Article 56, or any
8 application thereof to any person or circumstance, is held to be invalid or unconstitutional by a
9 decision of a court of competent jurisdiction, such decision shall not affect the validity of the remaining
10 portions or applications of the Article. The Board of Supervisors hereby declares that it would have
11 passed this Article and each and every section, subsection, sentence, clause, phrase, and word not
12 declared invalid or unconstitutional without regard to whether any other portion of the Article or
13 application thereof would be subsequently declared invalid or unconstitutional.

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15 Section 2. Effective Date. This ordinance shall become effective 30 days after
16 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
17 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
18 of Supervisors overrides the Mayor’s veto of the ordinance.

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LEGISLATIVE DIGEST

[Police Code - Vehicle Sideshows]

Ordinance amending the Police Code to 1) prohibit persons from promoting a Vehicle Sideshow or preparations for such a sideshow; 2) prohibit persons from assembling together to obstruct the streets, sidewalks, highways, other public right-of-ways, off-street parking facilities, or private property in connection with a Vehicle Sideshow or preparations for such a sideshow; 3) prohibit persons from knowingly being present at a Vehicle Sideshow or preparations for such a sideshow for purposes of participating in the Vehicle Sideshow; 4) prohibit persons present at a Vehicle Sideshow or preparations for such a sideshow from interfering with official performance of law enforcement duties; 5) seize and impound vehicles used in a Vehicle Sideshow or preparations for such a sideshow, and under certain conditions sell the vehicles; and 6) make violations of these provisions a misdemeanor, subject to imprisonment and/or fine.

Existing Law

State law makes it illegal to engage in a Vehicle Sideshow. Upon arrest and consistent with state law, Article 56 of the Police Code requires law enforcement officials to impound vehicles used in Vehicle Sideshows for 14 days for the first incident and anywhere from 15 days to 30 days for the second incident and 30 days thereafter.

Amendments to Current Law

This ordinance would clarify and supplement state law to prohibit persons from:

1. Promoting the Preparation of a Vehicle Sideshow or promoting a Vehicle Sideshow;
2. Assembling together to block or obstruct the street, sidewalk, highway, other public right-of-ways, or private property absent consent of the private property owner, in connection with Preparation of a Vehicle Sideshow or in connection with a Vehicle Sideshow;
3. Knowingly being Present at a Vehicle Sideshow or the Preparation of a Vehicle Sideshow for the purpose of Participating in or aiding and abetting the Vehicle Sideshow or Preparation of the Vehicle Sideshow; and
4. Willfully obstructing, impeding, delaying, or interfering with law enforcement's performance of official duties in connection with Preparation of a Vehicle Sideshow or in connection with a Vehicle Sideshow.

This ordinance does not apply to law enforcement officials engaged in the course and scope of their duties, members of the media engaged in the course and scope of their duties; and members of the public who are merely observing and/or reporting on the Preparation of a

Vehicle Sideshow, or on a Vehicle Sideshow, provided they are not Participating or aiding and abetting in the Preparation of a Vehicle Sideshow or in a Vehicle Sideshow.

This ordinance would also clarify that no persons shall willfully obstruct, impede, delay, or interfere with law enforcement's performance of official duties in connection with Preparation of a Vehicle Sideshow or in connection with a Vehicle Sideshow.

This ordinance also amends Article 56 to require enforcement officials to impound vehicles used in Vehicle Sideshows for 30 days. Except where state law requires the release of the impounded vehicle, law enforcement officials may only release the vehicle if: (1) no criminal charges are brought against the person; (2) the District Attorney or the court directs the law enforcement official to release the vehicle; or (3) there is no other legal basis to hold the vehicle. In the event criminal charges are brought, law enforcement officials shall only release the vehicle at the direction of the District Attorney or the court orders the release of the vehicle. If the defendant is charged with and convicted of violating Section 23109 et. seq. of the California Vehicle Code and the defendant's vehicle was impounded and not subject to return, law enforcement officials may either sell the vehicle at a public auction or destroy it if the vehicle has little to no value.

Finally, this ordinance makes any violations of these provisions a misdemeanor, subject to imprisonment and/or fine.