

Project Black Flag: Sending Illegal Street Racers to

PROBLEM

Illegal street racing during early-morning weekend hours within an industrial area at the southwest corner of Stockton, California.

ANALYSIS

Stockton Police received complaints about street racing and many associated issues from citizens, merchants, and community groups. Several commercial establishments experienced problems with litter in their parking lots, graffiti painted on their buildings, and an overall loss of business. Investigating Officers validated these concerns by personally observing the street racing and examining calls for service in the affected area. They also spoke with several offenders and went undercover to embed themselves with the racers, to learn about their subculture.

RESPONSE

It was apparent that an aggressive and innovative response was necessary to suppress the racing activity. This response would emphasize action against the *vehicles* used for street racing, rather than *drivers* who operate them. The crux of the response, dubbed Project Black Flag, would be California Vehicle Code Section 14602.7. This statute allows police to seize vehicles used in reckless driving incidents for a 30-day period. Project Black Flag's goal was ambitious: to effectively suppress illegal street racing in and around the target area.

There were five major components of Project Black Flag:

1. Surveillance and Court Orders
2. A Zero-Tolerance Enforcement Mission
3. The Continued Search for Target Vehicles
4. An Effective Media and Publicity Campaign
5. Enacting New Local Legislation

ASSESSMENT

Project Black Flag attained its goal. Since the enforcement mission component took place, street racing in the targeted area has been dormant. Calls for service for speeding and reckless-driving incidents have been reduced by 90.2%, and disturbance-related calls associated with street racing have fallen 80.1%. Fifty-two racing vehicles have been seized to date pursuant to court order. When surveyed, 99% of the 52 drivers whose vehicles were impounded said they would never race again in Stockton, and 54% said they would stop racing *altogether*. The publicity campaign was more effective than anticipated, reaching much of Northern California with television and newspaper articles. The Stockton City Council is about to adopt two new local ordinances that will help prevent future racing problems in, and beyond, the project area. Targeting the offender's *vehicles*, rather than the *drivers*, has proven to be an effective response to Stockton's street racing problem.

Black Flag: A signal to a race car driver to go immediately to the pits.

SCANNING

On a typical Friday or Saturday night in Stockton, California, dozens of vehicles gathered in the parking lots of fast food restaurants and convenience stores near the intersection of Highway 99 and Arch Road. These lots served as a meeting place and staging area for street-racing enthusiasts. As hours passed, more cars arrived. Their drivers and passengers spent time drinking alcohol as they met with friends and took time to admire each other's vehicles. It is an organized illegal racing subculture whose members spend thousands of dollars to boost the speed and performance of their vehicles. Fully aware their clandestine actions are illegal, they stay one step ahead of the police by using cellular phones and scanners to monitor law enforcement radio channels.

Around 1:00 a.m., the first group of "scouts" drives toward nearby Imperial Way, the participants' favorite race track in recent months. Located in the heart of an industrial area, Imperial Way is straight, level, and wide - a perfect venue for racers and spectators. It is also close to Highway 99 and other arterial streets, in the event a quick getaway from the police is needed. If the roadway is clear and there are no signs the police are nearby, racers are given the signal to come in.

Scores of cars arrive, many of which are parked along the curbs on both sides of Imperial Way. Others stop in the adjacent parking lots, while a few pull forward to the starting line. A "flagman" stands in the roadway near the front bumpers. Both engines rev. As the flagman drops his hands, the two vehicles speed off westbound in a race to the finish line. The winner turns on his emergency flashers to signal everyone of his

victory. The next duo creeps to the starting line and speeds away when the starter's arms fall. Sometimes three cars race at once, narrowing the margin of error, as racers brush past the vehicles and pedestrians lining both sides of the street. The cycle repeats itself over and over. Occasionally, the races are punctuated by "sideshows" in the parking lots. Drivers turn their steering wheel, step on the brake, and push the accelerator to the floor at the same time. Tires smoke heavily as the cars spin in circles, out of control. The crowd cheers them on, even though the reckless vehicles are just a few feet away from nearby pedestrians.

Racing and sideshows continue for a few hours while Imperial Way is virtually shut down. On occasion, a nightshift employee or big-rig driver who is trying to reach a nearby commercial establishment has to carefully navigate through the gauntlet of racers and bystanders. Finally, one of the lookouts sees a police car approach or hears units dispatched to the area on a scanner. Spectators jump into their cars and join the racers as all the vehicles speed away as quickly as possible. If they're lucky, the responding Officers can stop one or two of the hundreds of vehicles leaving the area. The few citations they have written do nothing to deter the mass of racers from returning the next night or following weekend.

Street racing has been a growing problem in Stockton that police have struggled to impact for several years. Traditional enforcement strategies repeatedly fail for several reasons, including racing's continuing rapid growth in popularity, a lack of police resources available on the weekends when police are already in high demand, and the insignificance of writing just a few tickets among hundreds of violators.

As the number of street-racing participants and spectators seemed to increase, so did the calls-for-service originating from nearby business operators and

homeowners. The problem became aggravated by a corresponding increase in vandalism, graffiti, and disturbance incidents. Police also suspected many of the vehicles used for racing were equipped with stolen parts. Street racing and sideshows present a significant safety risk for participants and spectators alike. In 2002, at least five fatal collisions occurred in San Joaquin County that were related to illegal street racing.

The Stockton Police Department knew it would have to use bold and innovative strategies to effectively address the problem.

ANALYSIS

Stockton Police received complaints from the community via calls to the Dispatch Center, Police Chiefs office, Mayor, and City Council. Citizens attending Neighborhood Watch and Business Watch meetings also expressed concern. These complaints were validated with both the observations of Patrol Officers and an examination of calls for service in the affected areas.

Directed Patrol Officers working the Highway 99 & Arch Road area were quite familiar with the problem because they had responded many times to complaints of travelers and operators for the affected commercial establishments. The common staging area for racers was a commercial area along the east side of Highway 99 & Arch Road. Establishments include Denny's, Jack In The Box, Taco Bell, and Burger King restaurants; AM/PM Mini Mart and 7-11 convenience stores; and Hampton Inn & Suites motel. The area is a popular location for motorists traveling along Highway 99.

Several of the affected businesses complained that their customers, who are predominately overnight travelers, would not patronize their establishments because the parking lots were packed with cars and rowdy loiterers. The merchants also

complained that racers littered the parking lots, damaged property, spray painted graffiti on their buildings, and rarely purchased food or otherwise patronized the businesses.

The Police Department's management staff also received complaints that had been referred from the Mayor and City Council. In addition, the Police Department heard concerns from the membership of two nearby organized community groups: the Arch-Airport Business Watch and the Togninali Neighborhood Watch.

The Arch-Airport Business Watch was developed two years ago in response to a number of issues affecting the industrial areas surrounding the Stockton Metropolitan Airport, which is in close proximity to Highway 99 and Arch Road, and Imperial Way. During the meetings, business operators, especially those that operate on a 24-hour basis, expressed concern about the weekend racing activity. They generally complained about graffiti vandalism and litter left on their property, damage to their parking lots resulting from repeated "sideshows," and the traffic problems their employees endured while street racers had taken over the roadways. Some mentioned collisions involving racers that were never reported to the police.

The Togninali Neighborhood Watch group represents the residents of approximately 400 homes adjacent to Highway 99 and the Arch Road industrial area. They complained of the noise associated with street racing, suspicious vehicles and overnight littering in their neighborhoods, and the occasional sound of gunshots from Imperial Way. Though these homes and the Imperial Way racers are separated by Highway 99, the Togninali residents could still hear the loud cars during the weekends early morning hours. They also had experienced racing up close, a year ago, when the racers' favorite venue was an industrial street much closer to their neighborhood.

Police Officers also spoke with many racers during consensual encounters and enforcement stops. It was during these contacts that Officers learned a great deal about the attitude and mentality of the mainstream racer. Many were from out of town, traveling to Stockton from other Central Valley cities and the San Francisco Bay Area because local law enforcement Officers weren't taking enforcement action against them. Most said they raced for the fun and thrill, and some competed for bragging rights and even the title (pink slip) of their opponent's car.

These drivers validated our belief that many more racers than Police Officers were present when the activity occurred, significantly reducing the offenders' odds of being pulled over. Most of the serious racers told Officers that traffic citations would do little to make them stop racing. Some had spent thousands of dollars modifying their vehicles in an effort to make them faster and more race-worthy. These drivers made it clear to police that they were determined to participate in street racing, regardless of the risks or consequences.

Officers also noted that many of the modified cars had been altered illegally. These cars are typically equipped with after-market air cleaners, ignition systems, and exhaust systems that do not comply with California emission requirements. Some vehicles were equipped with nitrous oxide, a powerful fuel supplement commonly used on off-street, professional drag-racing vehicles. Other less-serious illegal modifications were also common, including altered lighting systems, tinted windows, and suspension modifications.

Police Officers also found that some vehicles were equipped with stolen parts. Acura Integras and Honda Accords were easily identified as the most popular cars used by street racers. Coincidentally, the same vehicles top the list of cars most frequently

stolen in Stockton and other Northern California communities. Since the engines, body components, and many other parts from Integras and Accords are interchangeable, it is common to find stolen components installed on vehicles used for street racing.

Officers used the Internet to gather intelligence and learn more about the racers' habits. Street racers commonly use Web sites and chat rooms to communicate and plan their weekend activities. A note posted on one Web site, *Street-Racing.net* lists Stockton's Imperial Way venue as a local favorite.

Patrol Officers wore plain clothes and used unmarked police vehicles so they could get close to the racing as it happened. During this experimental surveillance, the undercover Officers were able to park near the starting line, watch the races occur, and remain there without disturbing the events or being disturbed by participants and spectators. Although they could seldom see the drivers, the Officers had a clear view of the involved vehicles and their license plates.

Racing problems in other California cities were also studied. Both San Diego and Fremont had dealt with significant racing problems in recent years. As part of their response, these agencies helped to enact local ordinances in an effort to effectively address the problem.

Finally, Officers took a closer look at the Police Department's previous attempts to address illegal street racing. In 2000, Police Officers distributed handbills to discourage drivers from participating in street racing. This literature explained the legal consequences for violating several traffic offenses, from modified lighting violations to arrests for drag racing. Those efforts were futile. Many drivers laughed at the flyers and ignored the warnings.

Later that year, an enforcement mission was conducted in which Stockton Police obtained court orders to seize eight vehicles that had been used in the illegal activity. California Vehicle Code Section 14602.7 allows a Peace Officer who witnesses a reckless driving event to obtain a court order authorizing the seizure of the offender's car for up to 30 days. Following this effort, racing slowed substantially but was resurrected several months later.

RESPONSE

Based on their analysis, the Investigating Officers validated their suspicion that illegal street racing has continued to grow in popularity throughout many areas of California and the United States. There was no indication the trend was about to slow. They concluded that traditional strategies in which enforcement activity was focused upon those who operate a vehicle during a street race were ineffective. Instead, an innovative, large-scale response would be necessary to attain satisfactory results. It was apparent that a comprehensive response based upon the provisions of California Vehicle Code Section 14602.7 was the most promising option. The project's ambitious goal would be to effectively suppress illegal street racing on Imperial Way and other streets in the nearby industrial area.

Project Black Flag

The Stockton Police Department's response would focus upon *vehicles* used for street-racing activity, not necessarily the *drivers*. The plan was to eliminate the *means*, or instrument, of the crime by seizing the offenders' vehicles. The Investigating Officers believed removing the race cars from the road would be a much more effective strategy than remaining focused on the *offenders*. The Stockton Police Department was finally

about to send street racers to the pits. Its response, dubbed *Project Black Flag*, would entail five major components to stop illegal racing in its tracks:

1. Surveillance and Court Orders
2. A Zero-Tolerance Enforcement Mission
3. The Continued Search for Target Vehicles
4. An Effective Media and Publicity Campaign
5. Enacting New Local Legislation

Surveillance and Court Orders

Three Directed Patrol Officers responsible for the project spent nearly four months conducting undercover surveillance and obtaining videotape of hundreds of illegal street races. Crime reports were written for each race and later used to prepare court orders authorizing the seizure of 88 vehicles that had been operated in those races. Many had participated in multiple races on different days. While 60.2% of the 88 cars were observed being driven in a street race just once or twice, 39.8% had been used in more than three street-racing contests. Four cars had been driven in 10 races, and 1 car participated in 11 races.

The Investigating Officers worked with Stockton's Chief Assistant City Attorney, who helped prepare the legal documents, and then presented the orders and affidavits before a Superior Court Judge. All 88 seizure orders were approved.

Management representatives from the California Highway Patrol, San Joaquin County Sheriffs Department, and Delta Regional Auto Theft Task Force were contacted and asked to attend a strategy meeting at the Stockton Police Department, where they were invited to participate in a large-scale enforcement mission. All of the invited allied agencies were eager to assist because they had experienced similar street-racing

problems in their own jurisdictions. Members of the State of California Bureau of Automotive Repair also participated.

A Zero-Tolerance Enforcement Mission

On the night of Saturday, January 11, 2003, a task force comprised of nearly 70 law enforcement Officers and volunteer cadets staged at 2 secret locations near Imperial Way and waited for the word to strike, as 2 unmarked police cars carrying the Investigating Officers blended with the racers along Imperial Way. Sideshows and street races began, as more vehicles arrived to participate and watch. At around 1:30 a.m., Sunday morning, the undercover Officers gave the signal. In a coordinated response, police cars simultaneously blocked the two points of access to Imperial Way. Racers and spectators looked for ways to escape, but there were none. A freelance television news photographer rode with the undercover Officers and captured the events on videotape.

After the roadway had been successfully blocked, the trapped vehicles were directed to proceed to a checkpoint where they would be inspected. Spike strips were used to prevent desperate offenders from fleeing. The first priority was to determine if any of the 88 vehicles with seizure orders were present. Next would be a full inspection of every car for stolen components and illegal modifications. Driver's licenses and vehicle registrations were also checked.

The vehicle inspections were conducted by three teams, each of which were represented by Traffic Officers, Auto Theft Investigators, and Bureau of Automotive Repair Inspectors. All violations were treated with zero-tolerance enforcement. After nearly six hours of conducting inspections that morning, the following enforcement activities were reported:

- Total vehicles present and inspected: 125
- Vehicles seized pursuant to court order: 15
- Vehicles impounded for suspended driver's license: 8
- Vehicles impounded for expired registration: 2
- Vehicles equipped with stolen engines: 3
- Total citations issued: 82
- Total arrests: 1 for public intoxication

The Continued Search for Target Vehicles

Immediately following the enforcement mission, Stockton Police Officers began searching in Stockton and other cities for the remaining vehicles with pending court orders. To date, 52 of the original 88 vehicles have been seized. Stockton Police are still looking for the remaining 36 vehicles, many of which are being hidden to avoid police detection. The investigators are actually pleased by this, since the hidden cars are not being used for racing.

California law allowed the police to impound each seized vehicle for a 30-day period. To determine the legality of a vehicle seizure, each registered owner was allowed to request a post-storage hearing before the magistrate who issued the court order. Many registered owners requested a hearing but left the courtroom disappointed after the judge refused their requests for an early release. Every seized vehicle remained impounded for the full 30 days.

An Intense Publicity Campaign

A freelance television photographer was invited to participate in the enforcement mission. Video footage was provided to the Stockton/Sacramento area's four major television news channels, each of which ran news stories on the enforcement mission

and our crackdown on illegal street racing. Followup stories continued to run in the following weeks. The story reached television stations in the San Francisco Bay Area and was even mentioned on CNN. More than 20 minutes' of news footage has been aired on local television stations, much more news coverage than we had anticipated. In addition, Stockton's newspaper, *The Record*, has run several articles and editorials on the street-racing project.

The media and publicity campaign has been an integral component of Project Black Flag, helping to send a clear message that Stockton Police had put the brakes on illegal street racing.

Enacting New Local Legislation

Two California cities that have taken steps to address illegal street racing on a local level are San Diego and Fremont. In an effort to prevent and discourage future racing problems, the City of Stockton is preparing to enact new legislation based on the San Diego and Fremont models. Two ordinances now in the hands of the City Attorney are about to be presented to the City Council for approval:

- Ordinance A: Makes it a misdemeanor to be a spectator at an illegal street-racing event or sideshow.
- Ordinance B: Authorizes closure of 12 streets affected by illegal racing between the hours of 10:00 p.m. and 6:00 a.m. Violators are subject to a misdemeanor charge.

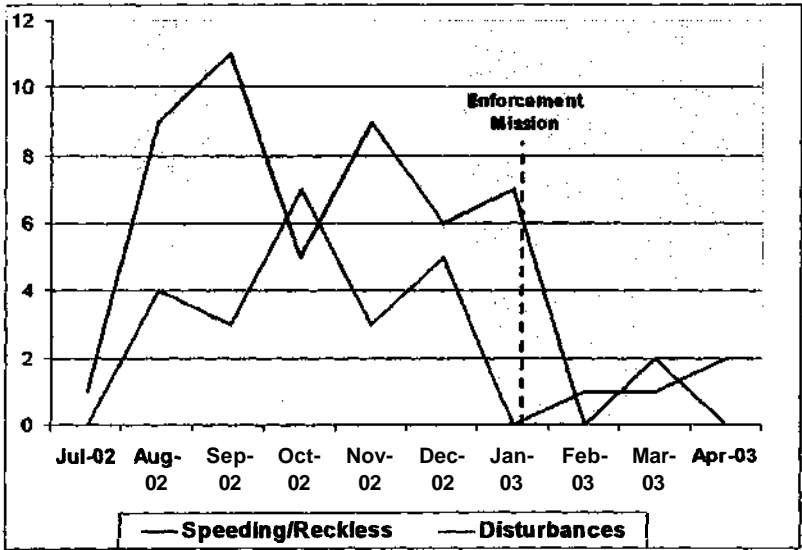
ASSESSMENT

The project goal was to effectively suppress illegal street racing on Imperial Drive and other nearby industrial areas. To measure our success, the Investigating Officers visually monitored the Highway 99 and Arch Road area, and Imperial Way, for racing

activity, compared **calls-for-service** data, and surveyed the offenders whose vehicles had been seized pursuant to court order. In simple terms, street racing in Stockton has been absolutely dormant in the target area and nearby areas since Project Black Flag's enforcement mission on January 11 –nearly four months ago.

The following measurable results exceeded expectations:

- Since the enforcement mission on January 11, 2003, Stockton Police Officers responsible for assessing the project have observed no illegal street racing activity at or near the target area. Loitering at commercial establishments at Arch Road and Highway 99 has ceased, as well.
- Prior to the January 11 enforcement mission, the Police Department received an average of 6.86 speeding/reckless driving calls and 3.5 disturbance calls each month in the target area. Since the mission, the monthly average has fallen to 0.67 speeding and reckless driving calls and 0.67 disturbance calls in the target area, decreases of 90.2% and 80.1%, respectively (Figure 1). Officers who responded to the few calls received after January 11 found no indication that racing activity had occurred, or was about to occur, in the target area.



Calls for Service on **Fridays** and **Saturdays** between 9:00 p.m.-6:00 a.m.

Figure 1.

- Fifty-two of 88 vehicles have been seized to date. Each of those drivers was surveyed at the time their vehicle was impounded. Every driver surveyed (100%) admitted they had participated in street racing on Imperial Way (Figure 2).

Data also suggests that impounding vehicles on a large scale may be an effective long-term deterrent against street racing. All but 1 of the 52 drivers surveyed (98%) said they would never race in Stockton again (Figure 3), and 28 drivers (54%) said they would stop participating in street racing all together (Figure 4).

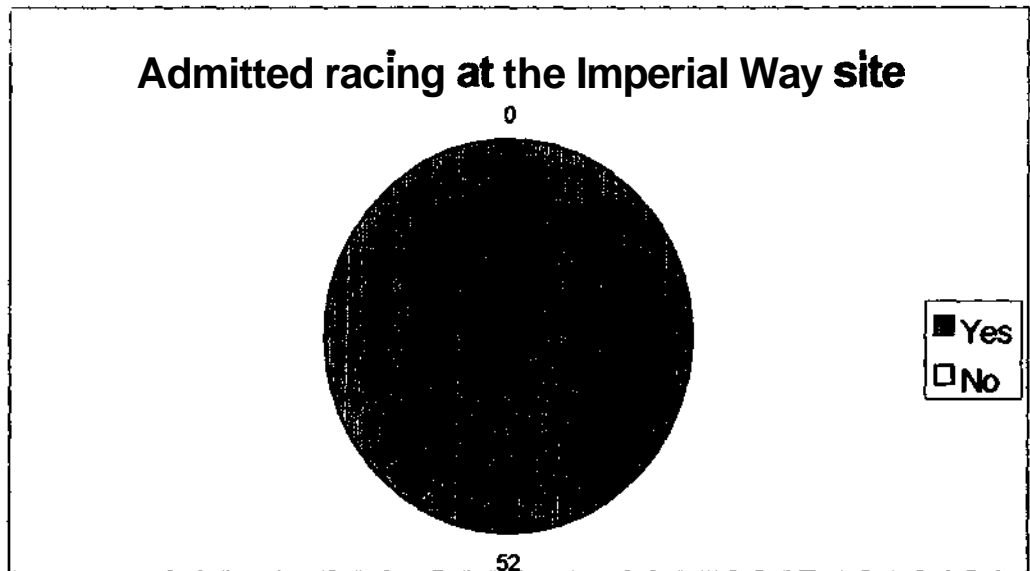


Figure 2.

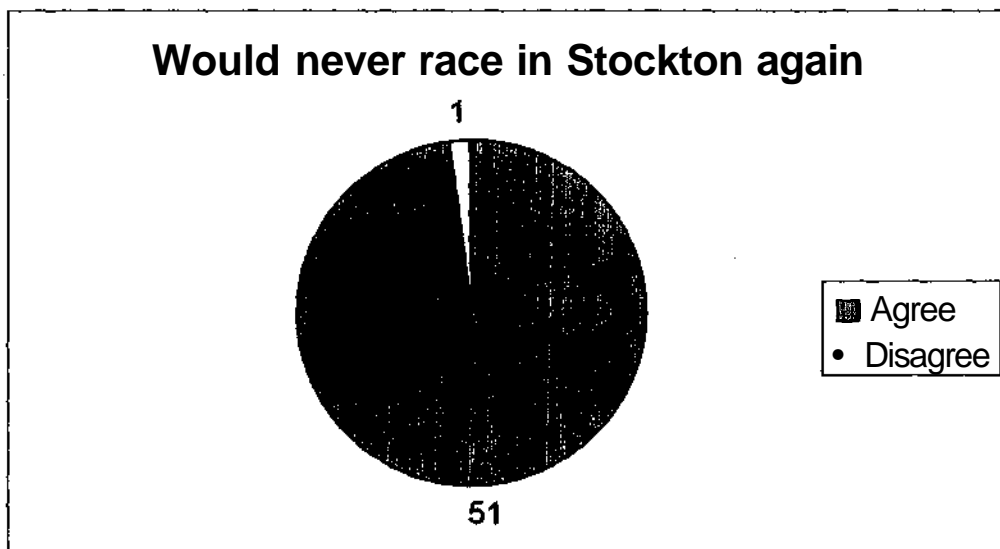


Figure 3.

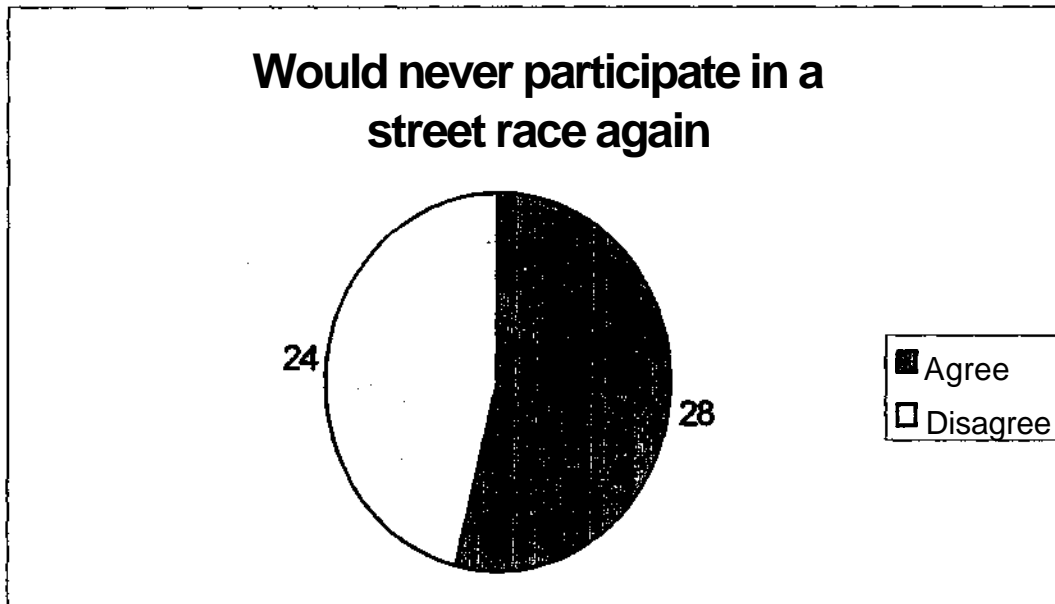


Figure 4.

Based on additional and continuing assessment, it appears many elements of Project Black Flag have helped sustain its success:

- Targeting the *vehicles*, rather than the *drivers*, has proven to be an effective deterrent. While offenders hardly flinch at the threat of a traffic citation and **fine**, they do seem to fear the consequence of having their vehicles impounded for 30 days, which can cost in excess of **\$1,000**.
- Many of the 82 citations issued during the enforcement mission were for illegal smog-system modifications. Recipients of these citations were required to have their vehicles inspected by a smog referee, the closest of which is about 30 minutes south of Stockton in the community of Modesto. In addition, smog-system violations carry heavier fines and inspection fees than simple equipment violations.
- The list of 88 vehicles with seizure orders has remained confidential and has not been released to the public. Therefore, the suppression of street racing is

continuing, since many drivers who recently raced on Imperial Drive are worried their cars may be subjected to seizure.

- The publicity campaign was stronger than anticipated, helping to get the word out to thousands of people. Positive feedback from the community and several allied law enforcement agencies has resulted from the effective media response.
- Pending new legislation will allow police to close certain roadways affected by street racing and take additional enforcement action against those who choose to observe the activity.

CONCLUSION

From staffing and resources perspectives, the Chief of Police gave his full support to Project Black Flag. Three Directed Patrol Officers organized the project, which was overseen by a Lieutenant/District Commander. The Directed Patrol Officers had investigative responsibilities and generally worked on the project during their regular patrol shifts. A combination of on-duty and overtime personnel staffed the enforcement mission, which consisted of the Investigating Officers, Gang Street Enforcement Team, Violent Crime Suppression Task Force, Auto Theft Task Force, and Traffic Officers, in addition to staffing provided by allied agencies. The benefits of utilizing these personnel for the one-time mission proved well worth the cost of diverting them from their regular duties.

Project Black Flag generally proceeded smoothly through all five of its components. The project's most significant challenges were undertaking weeks of surveillance activity while maintaining adequate patrol staffing levels, enduring the lengthy process of writing and submitting the court orders to the City Attorney's Office and a judge for approval, and coordinating with the allied agencies that participated in

the enforcement mission. Project Black Flag was a labor-intensive endeavor, but worth the effort.

Displacement of Stockton's racing enthusiasts to other areas has been a concern of our neighboring allied law enforcement agencies. According to the San Joaquin County Sheriff's Department, some who previously raced along Imperial Way may have moved to the Mountain House area, an unincorporated new community about 30 minutes southwest of Stockton. The Sheriffs Department reported an increase in street-racing activity there since Stockton's crackdown on January 11, 2003.

Two of Project Black Flag's Investigating Officers assisted the Sheriffs Department with an enforcement mission in the Mountain House area on April 18, 2003. Their objective was to locate some of the remaining 33 vehicles with pending court orders. Although an estimated 250 vehicles were detained at Mountain House, none of the Stockton Police Department's remaining vehicles were found there. This provides a valid argument against the Sheriffs Department's perception that Stockton racers have been displaced to Mountain House and supports our conclusion that Project Black Flag has effectively suppressed illegal street racing at the target area and beyond.

REFERENCE LIST

California Department of Justice. (1992). Community Oriented Policing & Problem Solving. Sacramento, CA: Author.

California Department of Motor Vehicles. (2002). California Vehicle Code. Sacramento, CA: State Legislature.

City of Fremont, California. (2001). Fremont Municipal Code. Fremont, CA: City Council

City of San Diego, California. (2002). San Diego Municipal Code. San Diego, CA: City Council.

City of Stockton, California. (2002). Stockton Municipal Code. Stockton, CA: City Council.

Goldstein, Herman. (1990). Problem Oriented Policing. New York, et al, McGraw-Hill.

AGENCY AND OFFICER INFORMATION

Project Black Flag was initiated by three Directed Patrol Officers who were assigned to the Stockton Police Department's Park District, which includes the Imperial Way area. In Directed Patrol assignment, these officers are expected to participate in many more POP projects than mainstream Patrol Officers. They are assigned to Directed Patrol duties based on their individual track records and their commitment to Community Oriented Policing and Problem Solving. They do not receive additional compensation or other incentives.

Every member of the Stockton Police Department is expected to be a problem-solver, regardless of rank or assignment. All sworn and civilian Department members, including the project officers, participated in a 10-hour COPPS training seminar presented in late 2002. Similar training was provided Departmentwide in 1996. Professor Goldstein's book, Problem Oriented Policing, has been issued to every supervisor in our organization and many of the Directed Patrol Officers. COPPS is an integral component of our promotional process, as well.

The Stockton Police Department utilizes POP-TRACK computer software to monitor and manage each of its POP projects. Every Department member has access to the computer program.












The Zero-Tolerance Enforcement Mission component of Project Black Flag required tremendous resources to orchestrate, including a commitment from allied law enforcement agencies. With a combination of personnel working on overtime and on-duty officers regularly assigned to special details, a Task Force of nearly 70 officers and volunteers was assembled to conduct the mission. In comparison with the exceptionally positive outcome of this project, the cost of dedicating these resources to the enforcement mission was insignificant.

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Project Black Flag Target Area

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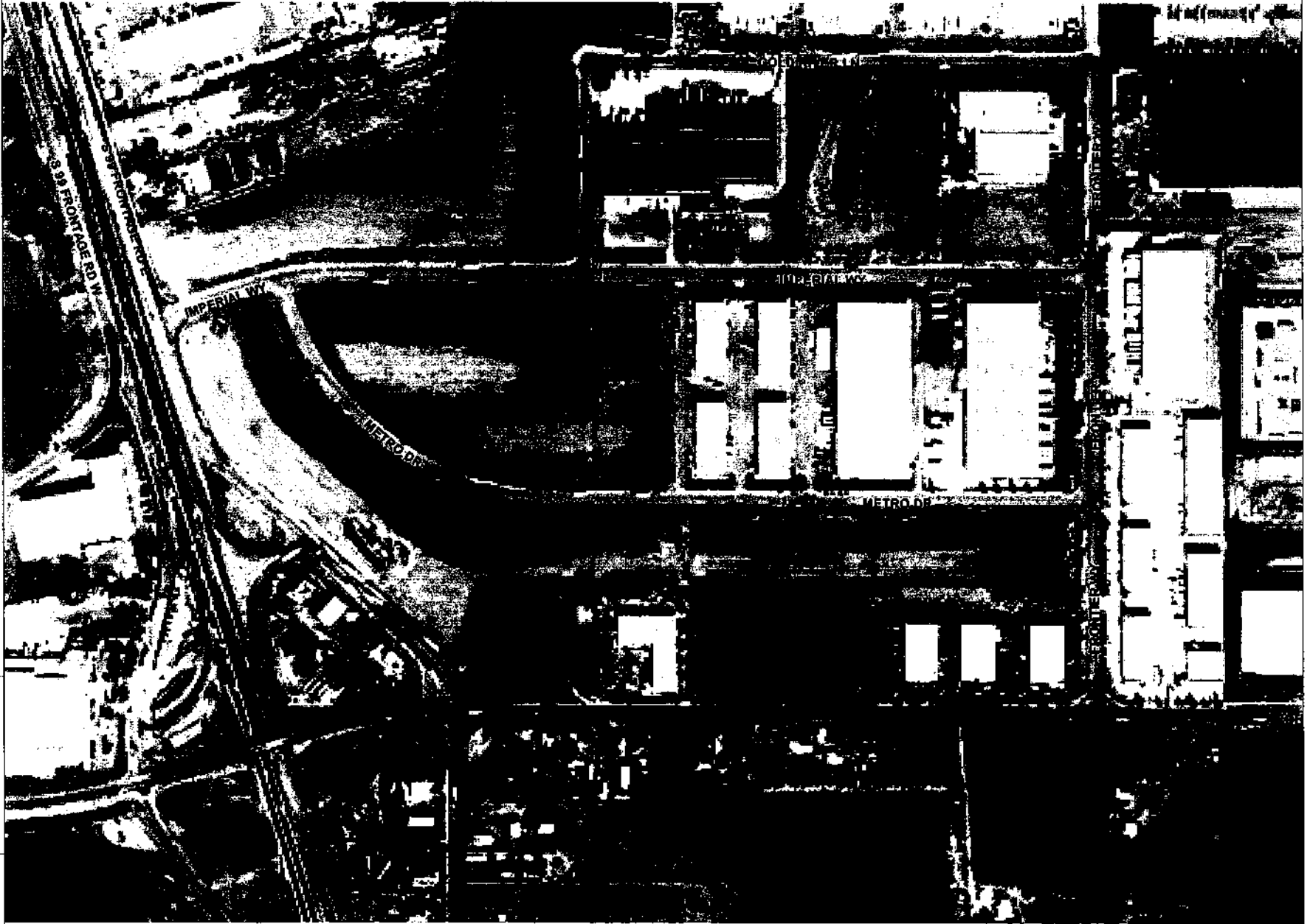
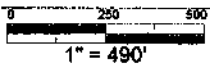
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-  Parcel/County
-  Condo
-  Non-assess
-  Government
-  Library
-  School
-  Hospital
-  Church
-  Park
-  Golf Course

trees

-  Freeway
-  Highway
-  Maj Arterial
-  Min Arterial
-  Regular
-  Private
-  Railroad

Water

-  Water



1 CITY OF STOCKTON
2 224 North El Dorado Street
3 Stockton, CA 95202

4 Attorney for Plaintiff
5 Michael Rishwain
6 City Attorney
7 City of Stockton, CA

8 SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN JOAQUIN -

9) No.
10)
11)
12)
13 In Re:) AFFIDAVIT IN SUPPORT
14) OF ORDER TO SEIZE AND
15 One white 1996 Acura) IMPOUND VEHICLE
16 two door with California license)
17 number 4NWM268)

18 I declare that I am a duly authorized peace officer, employed
19 by the City of Stockton.

20 I request an order for the confiscation and impound of the
21 following vehicle; white 1996 Acura two door with California
22 license 4NWM268, pursuant to Section 14602.7(a) CVC.

23 This request is based upon the fact that on November 16, 2002,
24 at approximately 12:30 a.m., declarant observed the listed vehicle
25 race another vehicle westbound on Imperial Avenue, in the City of
26 Stockton. Both vehicles spun their tires at the starting line and
27 reached speeds of over 70 M.P.H., passing within 10 feet of
spectators standing in the street, until reaching the finish line
(approximately ¼ mile away). Both of these cars were within about
6 feet of each other while racing. One vehicle was in the center
turn channel while the other vehicle was in the W/B traffic lane.
This race was part of an organized group of illegal street racers

1 that participated in over 50 illegal races on this date.

2 This vehicle was observed racing a total of eight times on
3 three separate days.

4 This area is an industrial area in the City of Stockton.
5 Businesses in the area are open late, with several being open 24
6 hours a day. Many tractor-trailers drive through the area on their
7 way to and from the warehouses.

8 Officers responding to the citizens' complaints of the
9 vehicles driving recklessly report seeing as many as 150 vehicles
10 engaging in the illegal speed contests. The citizens often complain
11 of loitering and vandalism problems as well. The officers
12 responding to these complaints are heavily outnumbered by the race
13 participants. As officers attempt to enforce traffic laws, these
14 vehicles flee the officers at high rates of speed. In order to
15 ensure public safety, officers are reluctant to pursue these
16 vehicles.

17 Attached is Stockton Police report numbers: 02-69273, 02-69335,
18 02-68984, 02-68908, 02-68902, 02-68977, 02-68961 and 02-68947,
19 (Exhibit 1) as referred in this affidavit.

20 I declare under penalty of perjury that the foregoing facts
21 are true and correct to the best of my knowledge and belief.

22 Dated 12/19/07 at Stockton, California.

23
24 
25 Officer Stephen D. Leonesio
26 Stockton Police Department
27

1 CITY OF STOCKTON
2 224 North El Dorado Street
3 Stockton, CA 95202

4 Attorney for Plaintiff
5 Michael Rishwain
6 City Attorney
7 City of Stockton

8 SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN JOAQUIN

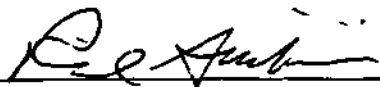
9) No.
10)
11) !
12) In Re:) ORDER TO SEIZE AND
13)) IMPOUND VEHICLE
14)
15) One white 1996 Acura)
16) two door with California license)
17) number 4NWM268)
18))
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14 Having read and considered the affidavit of Officer Leonesio,
15 it is hereby ordered that the vehicle described below be seized and
16 impounded by any peace officer in the State of California, pursuant
17 to the provisions of California Vehicle Code section 14602.7.

18 One white 1996 Acura two door with California license number
19 4NWM268.
20

21
22 12/11/02
23

DATE

24 
25

JUDGE OF THE SUPERIOR COURT

Monday, January 13, 2003

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B

S.J. street racing sting nets 82 citations

Law enforcement agencies converge on spot after three months' planning

By Kate Fowle
Record Staff Writer

In a crackdown on illegal street racing, Stockton police and several other law enforcement agencies joined forces early Sunday to ambush a group of unsuspecting racers, issuing 82 citations and impounding 23 cars, police said.

After an undercover officer in a car confirmed racers had gathered on Imperial Way and Metro Road near Highway 99 and Arch Road, police and CHP officers moved in about 1:30 a.m. Sunday. Patrol cars sealed off all the possible exits, trap-

ping 125 cars, Stockton police Lt. Mike Evans said.

The sting operation was three months in the making and involved 70 representatives of the Stockton Police Department, the California Highway Patrol, the San Joaquin County Sheriff's Office and other agencies. A continual problem with street racing prompted the massive offensive, Evans said. Sometimes as many as 400 cars gather to race in industrial areas where the roads are straight and traffic is light.

"It's illegal street racing that goes on continually," Evans said. "It's a big problem

"With this next generation of kids, you get a lot of people that don't have any respect for people. It is getting a lot crazier and more dangerous than when we first started doing it. The crowd that gathers is the problem."

— Julio Atvarado, 26,
veteran street racer

statewide."

Police blame the sport for the March 30 death of 22-year-old John William Wagner of Stockton, who was killed when the speeding car he was in collided with another at Copperopolis and Jack Tone roads.

Veteran street racer Julio

Alvarado, 26, of Stockton might have been there Sunday if he hadn't had other plans.

"Wow. I got lucky," he said after hearing about the sting, adding, "I think (the sting operation) is a waste of money."

But Alvarado admitted street racing is dangerous and has

changed since he started many years ago. The popular racing movie "The Fast and the Furious" released two years ago made street racing more mainstream and more popular, he said.

"With this next generation of kids, you get a lot of people that don't have any respect for people. It is getting a lot crazier and more dangerous than when we first started doing it. The crowd that gathers is the problem," Alvarado said.

It took police until 6:30 a.m. Sunday to inspect all the cars, and 11 tow companies were used to take the cars away, Evans said. The citations given out were mostly for smog violations for illegal exhaust pipes, which are popular on cars mod-

ified for street racing.

Fifteen of the cars towed were impounded because the drivers had been cited for racing before. The other drivers lost their cars for other violations, such as suspended driver's licenses. The cars will be kept in tow yards for 30 days. Getting them back will be expensive, with the price tag starting at more than \$500, the lieutenant said.

It was the Police Department's first street-racing sting operation but not the last, Evans said.

"We are going to do it as long as we have the problem," Evans said.

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Stockton police seize street-racing cars



Record photo by MICHAEL McCOLLUM

Hugo Canedo talks Wednesday with Stockton police Officer Robert Faine about his vehicle, right, which was later towed away for alleged street racing. The

seizure was part of a new phase in a crackdown that began with Sunday's bust of an illicit street-racing gathering in southeast Stockton. •••

Crackdown speeds up

"I don't think that's right. That's my only means of transportation." Racers want legal track; cops may close streets

think that's right. That's my only means of transportation."

— Hugo Canedo, whose Nissan 300X was confiscated

By Eric Louie
Record Staff Writer

Stockton police on Wednesday started going to homes to seize cars that undercover officers reported seeing over the past few months at illicit street races. The seizures are a new phase in confiscations that began with a bust of an illicit street-racing gathering in the wee hours of Sunday morning in southeast Stockton.

Officers seized three cars Wednesday. In all, they have a list of 88 cars they want to take, including 15 they found at Sunday's gathering.

Owners of area businesses that cater to racers say they are disappointed the local government is responding with a crackdown rather than helping to find a way to allow racing legally. The crackdown follows a three-month

operation in which undercover officers attended races to record license plates and other information on cars and racers.

Meanwhile, police said they still are hoping to get the go-ahead for a plan to close some city streets to traffic at night in areas known for racing.

Early Sunday morning, about 55 officers from the Stockton Police Department, the California Highway Patrol and San Joaquin County Sheriffs Office descended on an industrial area near Highway 99 and Arch Road after an undercover officer notified other officers' there was a race going on.

About 125 vehicles were at the scene. Officers on the spot were able to impound 15 of the race cars they had targeted in recent months, said Stockton Police Lt. Mark Helms, who led the operation.

Six other cars were taken that night because the driver was unlicensed, and another two were seized for having expired registrations. Now, police are hitting homes looking for the rest.

"I don't think that's right," said Hugo Canedo, 20, whose 1990 Nissan 300X was taken from his east Stockton home Wednesday afternoon. He said he never races, blaming the seizure on friends who borrowed his car twice and likely raced with it.

"That's my only means of transportation," said Canedo, who cooks for a canned-food company in Sacramento.

Helms said that is no excuse. "The whole emphasis of this operation was to go after the cars," said Helms, who said no person has yet been cited on racing-related charges in the

RACERS

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operation. He said citing the drivers has proved ineffective, as many end up back on the roads. Helms said about half of the documented race cars are registered in the city, and he expects them to be taken by the end of the week.

The other half are in surrounding areas including Sacramento and Stanislaus counties and the Bay Area. Stockton police will be contacting authorities in other cities to see what

kind of assistance they can get in finding those cars.

John Nguyen, owner of Autosport Addiction in Stockton, said racing can be dangerous, but he would rather have officers work on creating an organized way to race legally.

"We're hurting for a track," Nguyen said. He said when Stockton police started issuing citations last year for modified exhaust in an attempt to stop racing, it only worked temporarily.

Chuck Quilantang, owner of Custom Built Imports in Stockton, likened the operation to a drug bust and said it was unnecessary.

They could have investigated something else besides street racing," Quilantang said. "They wouldn't have to spend taxpayer money if they just had a place to race."

Helms said that is a possibility. "I don't know that it's the government's responsibility," Helms said. "That might be great for a private company or nonprofit"

He added, however, that even in areas such as San Diego, where there is sanctioned racing in a stadium parking lot, illegal racing still goes on. And, he said, the racing crackdown is also about stopping other crime. He

said at least two of the cars found so far have stolen parts.

Helms declined to discuss the operation's tactics or the number of officers involved because Stockton police soon may do it again.

Helms said the confiscations will cost each driver about \$1,000 in fines, towing and storage, as the cars are expected to be held for the maximum 30 days.

Racers also may face fines if they are cited for modified smog devices, which give the cars more power.

In addition to the cars that were seized, there were 82 other citations issued in Sunday's

bust, most being for modified exhaust. That can be another couple hundred dollars, plus a trip to the closest state-licensed inspector in Modesto.

Helms said those whose cars get confiscated can request a Stockton police hearing to argue the car shouldn't have been taken. He said they also can take the matter to San Joaquin County Superior Court.

Helms said such cases would be heard by the same judge who signed the order for the cars to be confiscated based on police evidence.

Meanwhile, Helms said a plan

to close public streets known for street racing during night hours is still in draft form, and he doesn't know when it will be finished. The rule would have exceptions for people who have legitimate business in the area, such as driving to work.

Police were not able to say Wednesday why the proposal is stalled. In March 2002, Police Chief Ed Chavez had said it would be before the City Council in a few weeks.

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Stockton weighs road closures in street-race fight

By Eric Louie
Record Staff Writer

Stockton Police Chief Ed Chavez will begin reviewing a proposal this week to make it a crime at certain hours to drive on streets known for illegal racing.

He also will review a proposal that would criminalize attending a street race.

Under the street-closure proposal, people caught between 11 p.m. and 6 a.m. on various streets in the industrial Arch-Airport

Road area in south Stockton without a valid reason such as work can face a misdemeanor charge,



Police also are proposing to make watching a street race a misdemeanor, a move San Diego took last year. Helms said police

said Lt. Mark Helms, who helped draft the proposal. The law would apply to drivers and passengers.

have not determined what punishments the violations would carry, adding that jail time would be unlikely. Fines and community service are more likely.

Helms said that after Chavez reviews the proposals, they will be discussed with the City Attorney's Office before heading to the City Council for consideration. He said the proposals could be modified during that process.

Chavez, who at the end of February 2002 said the street-closure issue would come

before a City Council committee within a few weeks, said a number of factors delayed the proposal, including the retirement of traffic head Lt. Mark Lujan in December; traffic officers working on a plan to streamline the number of companies towing vehicles for the city; and an undercover mission to document and later confiscate cars used in illegal racing.

Meanwhile, Stockton police continue to employ other tactics to stop street racing. Around the time Chavez first

proposed the street closures, officers received training how to spot illegal exhaust modifications that give the racers an added boost. Getting caught means paying several hundred dollars in fines. In January, police targeted 88 cars for confiscation. Police said that vehicles were used for racing during the three-month undercover operation.

Traffic Officer Jason Christensen said police have con-

Please see RACE.

RACE

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cited 51 of the 88 cars, sometimes going to other cities to get them.

Getting the vehicle back after a 30-day impound costs about \$1,000, with all but a \$95 police fee going to tow companies for towing and 30-day storage. Chavez said the goal of confiscation was to put an immediate stop to illegal street racing.

"We're constantly looking for them," Christensen said.

Helms, who also headed the undercover mission, said there are no plans for a similar mission. He said he has not heard of any other agencies taking that

approach, which did not require a criminal conviction to confiscate the cars. He said it successfully stopped illegal street racing, and other cities have called him with interest in similar missions.

"We have not had a racing problem," he said. "We're really pleased."

Police enforcement was one of the reasons Julio Alvarado, 27, of Stockton quit racing. Alvarado thinks police should find ways to allow races to continue legally.

"They (police) should spend their time and effort working with them (racers)," he said. "It doesn't stop anybody."

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Susan gets off **risking death and jail time at 100 mph.** Claudine Ko tries not to pee her pants.

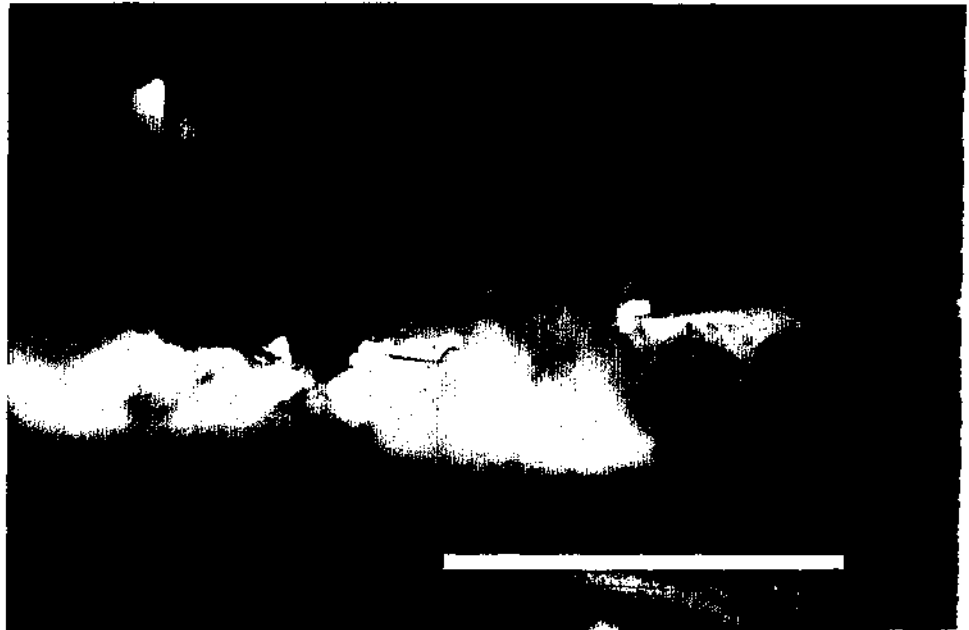


"Damn, there's nothing out here." I'm sitting shotgun next to Susan Aglubat in her Honda Civic CX, stopped at the middle of a desolate intersection in the small town of Tracy, Calif. It's past one in the morning. Susan's man, Richard, and their friend Chris are stuffed behind us in the hatchback. We turn off the radio and crank the windows down, straining into the darkness for clues about where tonight's illegal street races are happening. All we know is that we're supposed to look for a Wal-Mart. I crane my neck out, breathing in the smell of cows, grass and dirt.

Suddenly, a car turns onto the road ahead of us. "That's an import," Richard says coolly. He means it's a Japanese make, which also means we're getting warmer—out here in farming country the preferred vehicle is made by John Deere, not Toyota.

"I've always been intrigued with the power of speed," explains Susan, 24, dressed down in jeans, a sweat-shirt and no makeup, as we begin to tail them.

Susan is a part-time paralegal and full-time nursing student from San Francisco who doesn't seem like the kind of person who gets off on speeds pushing 100 mph. But despite the obvious danger and amped-up police action (in 2001, more than 800 citations for drag racing-related crimes were issued by cops in California,



where street racing is huge), nothing much—except maybe the occasional final exam—slows her down.

Susan's first race was at 21, but her obsession with cars started long before that. She began fixing up her 1996 Honda Accord EX for car-show competitions when she was 17, which landed her her first auto-parts sponsor two years later. Using her own money and the stuff her sponsors kicked in—tires, rims, brakes, seats, etc.—Susan says she's put about \$40,000 worth of equipment into her Accord and another \$7,000 into the Civic we're driving right now.

"This is the lightest out of all the Civics," Susan says. "Less of everything. No power steering, no power windows. My car looks right off the showroom floor. I keep it a 'sleeper'—there's nothing that makes the car stand out, unless you look under the hood." Then you'd see her Acura Integra GSR engine, which, when transplanted into a lighter car such as the Civic, makes for a ride a lot faster than, well, your parents' regular ol' Honda.

A string of imports approaches from the opposite direction. "That car's got exhaust," Chris chimes in, pointing to a tailpipe that's been custom-enlarged to



Susan, **hella** on wheels

compensate for a small penis, I mean, to increase speed. "Ooh," Susan adds as we catch up to a Celica, "a girl racer." We pull a U-turn and, as Susan and other street racers put it, have now "got a line." The line, roughly a dozen cars long, heads down a road, and all at once we're inside a vast, deserted corporate parking lot

"Oh, my God, hella cars! This is it, this is deep!" Chris shouts as Susan haphazardly parks next to a mess of vehicles. We jump out amid hundreds of spectators—mostly young guys of just about every ethnicity, with a sprinkling of women here and there—who are huddled around or perched on their cars, and walk to the starting line. I apprehensively post myself nearby, nervous about freak spinouts, as drivers queue up side by side to drag the quarter mile down a two-way street generally used by law-abiding employees.

A black Toyota MR2 with a giant spoiler waits for an equal match, ►

most likely another **import**, since **domestics—like**, say, a Mustang with its big **V-8—will** easily kick your typical fuel-efficient, econobox rice-rocket's ass. The flagger, a lanky guy in an oversized hoodie, yells, "**What?** We got no contenders? Everybody's a **bitch.**" Dude, if you mean *pussy*, just say it.

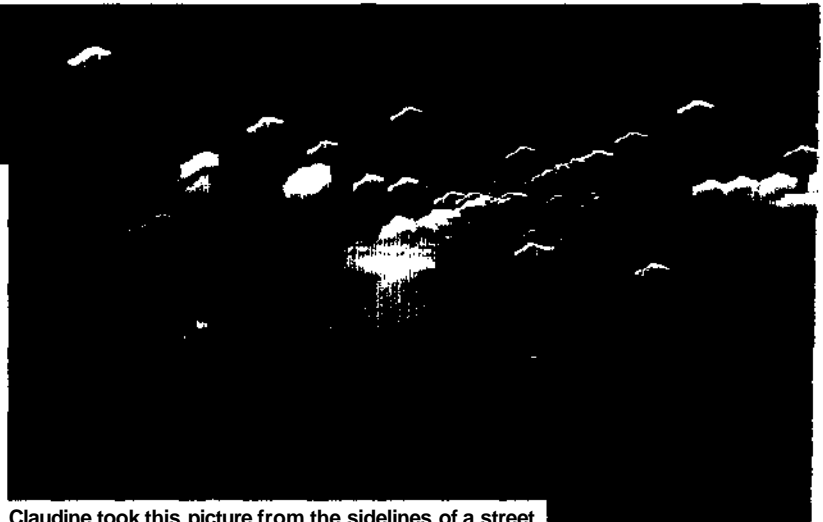
Actually, despite the increased number of women getting involved in street racing, almost everyone out tonight is male. And what sparkling gems of brilliance we've got: drivers pulling **donuts** while others crowd around a guy burning

cold night. They're from Modesto, about 45 minutes away, and are here with one girl's boyfriend. None of them **race—at** least not yet. "**I'm** saving up for a 3000 **GT,**" the girlfriend says hopefully.

At 3 a.m., Susan finally decides to race. Richard and Chris hang back to watch-and cut down on the weight-while the two of us hustle into her car and get in line. "Okay, we need inspirational **songs,**" Susan says, reaching

lightly touches the brakes and we somehow pass donut boy without a nasty situation.

Then, as quick as those space-time continuum lapses on sitcoms, it's **over.** Neither of us has any idea how **fast** we were going (13.5 seconds is Susan's personal best for the quarter **mile—the** standard distance for measuring speed in drag **racing—which** means she tops out at over **90 mph**). All we know is that we won and Susan is



Claudine took this picture from the sidelines of a street race with a point-and-shoot and an unsteady hand.

rubber. That's supposed to warm up tires for better traction, but often it's just for showing off. A guy in a white CRX with an obvious testosterone imbalance spins noxious plumes of smoke and, ultimately, wears his left front tire into a flat. "**People** are really stupid," Susan observes, commenting on the \$100 or so it'll cost him to replace it

Finally, a red Mitsubishi 3000 GT with an elaborate rear "**wing**" pulls in next to the black Toyota and the crowd lets up a roar. The flagger raises his arms like a symphony conductor, then drops them, setting off a cacophony of screeching rubber and that high-pitched muffler drone.

I approach a trio of chicks who are leaning against the backside of a red Eclipse, wearing jeans, sneakers and **sweatshirts—no** *Fast and the Furious—type* hoochie outfits on this

hatchback, just give me a Civic," she pleads nervously. Instead, a blue Integra pulls up next to us, and the super-friendly guy driving it doesn't give us so much as a nod.

"**My** heart is **hella** racing, my stomach and my **heart,**" Susan continues. **I'm** right there with her, only my mind is also flashing through childhood **memories** and the guilty expressions on my editors' faces back in New York when they hear I've been mutilated in a street-racing accident Bastards.

By the time the flagger drops his arm and Susan's Civic jumps across the line, **I** have officially stopped breathing and even forget how badly **I** have to pee. My eyes are focused on the road ahead flying past us and the idiot making donuts dangerously close to our path. There's a split second when **I** know we have to stop to avoid a collision with him, but Susan only

flashing her hazards, the traditional salute to show whoever's in our wake that we've just smoked our opponent. **I** turn to my **right**, expecting to make eyes with **the** loser. Instead, he deliberately avoids **facing** us and races away.

A half hour later, I'm jogging toward a cluster of bushes to pop my long-awaited squat when Chris shouts, "**Five-O! Five-O!**" That's when **I** see the **red-and-blue** lights flashing down on us. **I** break into a dead run straight for Susan, who already has her Civic ready to go. As we **drive** away, being careful to observe all traffic rules so as not to give the fuzz *another* reason to bust **us**, **I** look through the rear window and watch three squad cars block in a group of stragglers at the opposite end of the street. As we turn onto Highway **580** to make the 65-mile haul **back** to San Francisco, **I** think about the guy we left behind in our race.

"You think he's done for the night?" **I** ask. Exploding into malicious glee, Susan **says**, "Probably. He knows he **lost** to a **girl.**" •