

# DEADLY DRIVING UNLIMITED

HOW THE NYPD LETS DANGEROUS  
DRIVERS RUN WILD



TRANSPORTATION  
ALTERNATIVES

# INTRODUCTION

THE NEW YORK CITY POLICE DEPARTMENT (NYPD) EXISTS TO UPHOLD THE LAW and protect New Yorkers from harm. This report examines one area in which the NYPD is not living up to its mission: the enforcement of laws against dangerous driving.

On July 10th, 2011, a driver named Anthony Webb struck and killed Brooklyn resident Clara Heyworth as she crossed Vanderbilt Avenue. The NYPD's botched investigation compounded the tragedy of Heyworth's death and guaranteed that Webb will never face justice. Webb, who had seven suspensions on his record and was prohibited by the terms of his permit from driving at night, was allegedly drunk and speeding when he struck Clara Heyworth. These allegations will never be heard by a judge and jury, however, because the NYPD failed to initiate a serious investigation for over four days. During that time, crucial pieces of evidence, such as surveillance video from the scene, skidmarks, and debris from the crash, were lost forever.<sup>1</sup>

Sadly, Clara Heyworth's case was not an isolated failure. The bungled investigation into her death highlights a troubling status quo: the NYPD consistently underestimates the threat of dangerous drivers, and consistently fails to bring those drivers to justice. Mayor Michael Bloomberg has referred to the NYPD as the "sixth-largest standing army in the world." In spite of the police force's size and sophistication, it makes grievous errors in the prioritization of traffic safety. The NYPD writes more tickets for tinted windows than speeding, despite the fact that the latter is the number one factor in fatal crashes;<sup>2</sup> moreover the NYPD only has 19 detectives who are authorized to investigate crash scenes for potential criminality.<sup>3</sup> Road safety is not our Department's priority.

In the meantime, a May 2011 Marist University poll found that a supermajority of New Yorkers, 68 percent, believe drivers are to blame for traffic crashes. They're right: in New York City, **60 percent of fatal pedestrian and bicyclist crashes with known causes are caused by illegal driving behavior**, like speeding and distracted driving.

Between 2001 and 2010, drivers killed 1,745 pedestrians and bicyclists in New York City traffic. During that decade, over 1000<sup>4</sup> lives were ended because of a driver who did not follow the law. This deadly, unchecked mayhem cannot continue. To solve this crisis, the City must form a Task Force to examine and reform the NYPD's enforcement procedures.

---

<sup>1</sup> Goodman, David. "Police Unit Draws Scrutiny for Its Handling of Crashes Involving Pedestrians" NY Times June 10, 2012: A15, Print

<sup>2</sup> In 2011, the New York Police Department wrote 82,307 tickets for window tint violations, and 76,493 speeding ticket violations. Source: NYPD Moving Violations Report, Citywide, December 2011, *available upon request from Transportation Alternatives.*

<sup>3</sup> Hearing Transcript. Committee on Transportation and Committee on Public Safety of the New York City Council, "Oversight: Proceeding with Caution, an Examination of the New York City Police Department's Accident Response and Enforcement of Traffic Rules Relating to Cars, Bikes, and Trucks." February 15, 2012, available at <http://legistar.council.nyc.gov/View.ashx?M=F&ID=1786187&GUID=FC3D57D5-BC6A-4044-81BF-8FB43E7F2078>. Page 45.

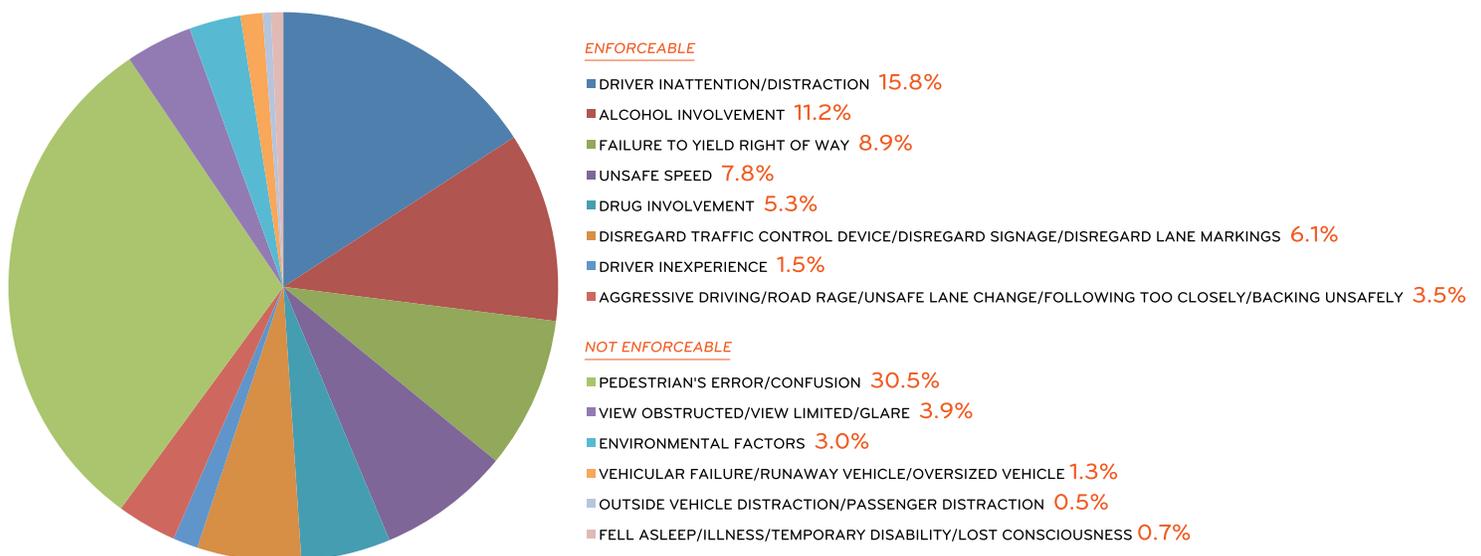
<sup>4</sup> 60% of the crashes which occurred between 1995 and 2009 which killed pedestrians or cyclists and have known causes are caused by a driver's violation of a traffic law. See Appendix.

# CAUSES

IN OCTOBER OF 2011, A TRUCK DRIVER STRUCK AND KILLED BROOKLYN RESIDENT MATHIEU LEFEVRE while making an illegal turn.<sup>1</sup> When asked about their lax investigation of the crash, one NYPD representative absolved the driver of responsibility, telling the press, “That’s why they call it an accident.”<sup>2</sup> The NYPD’s response goes to the core reason New York’s streets are more dangerous than comparable cities across the world:<sup>3</sup> the NYPD’s refusal to acknowledge the fact that illegal driving behavior causes the majority of crashes.

The New York City Department of Transportation has a successful record of redesigning the city’s streets to increase safety for everyone. But street design can only go so far—enforcement is critical to prevent crashes caused by illegal conduct.

For instance, crosswalks can be redesigned to increase crossing time for pedestrians or visibility for drivers. But the fact is that nearly half (47 percent) of pedestrian fatalities and severe injuries occurred at signalized intersections, and most (57 percent) of these crashes occurred while the pedestrian was crossing with the signal.<sup>4</sup> These statistics contradict the perception that pedestrians are at fault for their own injuries. It’s often the driver’s decision to accelerate through an intersection before the yellow light turns red, or to carelessly slide around a corner without giving time to make sure the intersection is clear. These decisions to break the law put people at risk.



1 Dwyer, Jim. “After a Son Is Killed, Facing a Police Runaround.” New York Times. December 26, 2011 available at <http://www.nytimes.com/2011/12/07/nyregion/after-a-son-is-killed-facing-a-police-rigmarole.html>

2 Bowen, Alison. “Some Say Nypd Turns Blind Eye To Bike Deaths.” Metro New York October 26, 2011 available at <http://www.metro.us/newyork/local/article/1007866--some-say-nypd-turns-blind-eye-to-bike-deaths>

3 London, Paris, Hong Kong, Tokyo, Berlin, Stockholm, are among New York’s many international peer cities which have lower per-capita traffic fatality rates. Ganson, Lindsey and Petro, John Vision Zero: How Safer Streets in New York City Can Save More Than 100 Lives a Year. Drum Major Institute and Transportation Alternatives, June 2011.

4 Viola R, Roe M, Shin H. The New York City Pedestrian Safety Study and Action Plan p22. New York City Department of Transportation: August 2010

Indeed, a Transportation Alternatives' analysis of New York State Department of Transportation data indicates that between 1995 and 2009, **60 percent of fatal pedestrian and bicyclist crashes with known causes were caused by illegal driver behavior.**<sup>1</sup> Driver inattention caused 36 percent of crashes that killed or seriously injured pedestrians. Failure to yield resulted in 25 percent of crashes. High speeds caused 20 percent of these crashes.<sup>2</sup> It is worth noting that New Yorkers realize these facts - a May 2011 Marist University poll found that a supermajority of New Yorkers, 68 percent, believe drivers are to blame for traffic crashes.

Data from the NYPD illustrates a startling disconnect. In 2011, precincts issued four times as many tickets for tinted windows as for speeding.<sup>3</sup> Tinted windows may be a safety issue, but they pale in comparison to threat of speeding drivers. Speeding is the most common cause of fatal crashes involving motorists, pedestrians and bicyclists—killing more New Yorkers than drunk driving and distracted driving combined.<sup>4</sup> A March 2012 study by the McGuinness Boulevard Working Group highlights the frequency with which vehicles speed. The study found that 66 percent of drivers on McGuinness Boulevard – a four-lane corridor running through residential neighborhoods in Brooklyn – drive at illegal speeds.<sup>5</sup>

In recent years, the responsibility for enforcing the speed limit on neighborhood streets was shifted from the Highway Unit to precincts - but the resources did not follow accordingly. Since 2000, the Highway Unit has lost an astonishing 44 percent of its personnel, from 376 to 211.<sup>6</sup> These losses are three times as severe as the rest of the Department, which has cut 15 percent of its officers.<sup>7</sup> To cope with the gutting of the Highway Unit, responsibility was reassigned to precincts – but those precincts weren't allocated the necessary personnel, equipment or other resources necessary to tackle the task. For instance, local precincts report not being equipped with speed-detecting radar guns.<sup>8</sup> As a result, 80 percent of speeding-related tickets in 2011 were written on highways by the Highway Unit, despite the fact that the majority of those killed in traffic are pedestrians on neighborhood streets.<sup>9</sup> As it currently stands, the NYPD's allocation of resources makes it impossible to keep our streets safe from dangerous drivers.

---

1 See Appendix

2 See Appendix

3 In 2011, the New York Police Department's precinct officers wrote 65,922 tickets for window tint violations, and 16,293 speeding ticket violations. Source: NYPD Moving Violations Report, Citywide, December 2011, *available upon request from Transportation Alternatives*.

4 Between 2005 and 2009, speeding killed 412 New Yorkers, distracted driving killed 212, DUI killed 109, and improper lane change and, backing and turning killed 85. Fung L, Roe M, DiGrande L. Improving Traffic Safety in New York City. NYC Vital Signs 2010, 9(6).

5 McGuinness Boulevard Working Group. "Slow Down: A Study of Speeding on McGuinness Boulevard" Transportation Alternatives: March 2012

6 Feb 15, 2012 Oversight Hearing Transcript, page 37.

7 Feb 15, 2012 Oversight Hearing Transcript. Page 44.

8 Holland, Heather. "Police Increase Speed Enforcement on Hicks Street" DNAINFO.com May 23, 2012 *available at* <http://www.dnainfo.com/new-york/20120524/cobble-hill/police-increase-speed-enforcement-on-hicks-street>

9 Vision Zero: How Safer Streets in New York City Can Save More Than 100 Lives a Year.

# EFFECTS

THE OFFICERS OF THE NYPD'S ACCIDENT INVESTIGATION SQUAD ARE TRAINED DETECTIVES and forensics investigators within the Highway Unit. There are just 19 officers assigned to AIS—19 officers for all of New York City. In 2011, they handled 304 cases.<sup>1</sup> A typical investigation includes photographs of the scene, measurements and diagrams of the crash, witness statements and a canvass of the area for video surveillance. This evidence is necessary to sustain a criminal charge.

The experts in the AIS unit investigate a tiny percentage of serious physical injury crashes every year because of the “Dead or Likely to Die Rule.”<sup>2</sup> NYPD policy only allows AIS to investigate motor vehicle crashes in which a victim has died, or is dying. All other crashes, including crashes which result in very serious injuries (such as paralysis, traumatic brain injury or amputations) are recorded in a one-page report—the same report used in mere fender benders. This form only leaves three cramped lines in which officers can answer, “How did the accident happen?” There is no space for witness statements. Moreover, these forms are inadmissible in court to prove criminal charges because they’re considered hearsay. Accordingly, evidence of any possible criminal conduct after a serious physical injury crash, other than drunk driving or driving with a suspended license, is not preserved. This policy violates state law, which requires the police to provide thorough investigations – the type performed by the AIS – whenever a person is seriously injured.<sup>3</sup>

By characterizing crashes as mere accidents, sticking to misplaced priorities and foregoing thorough investigations for serious crashes, the NYPD has failed to make our streets safe from dangerous drivers. As a result, New York City faces an epidemic of dangerous driving.

This epidemic has enormous ramifications for the City’s budget. According to Federal estimates, each fatal crash costs the New York City economy upwards of \$16 million<sup>4</sup> in expenditures, such as lost worker productivity, emergency service costs, medical costs and litigation costs. If the NYPD’s efforts were directed towards preventing serious crashes before they occur, the City’s economy would benefit as these crashes waste \$4.29 billion annually.<sup>5</sup>

---

1 Feb 15, 2012 Oversight Hearing Transcript. Page 52

2 Patrol Guide “Vehicle Accidents Which Result In Death Or Serious Injury And Likely To Die” Sec. 217-02, New York City Police Department Patrol Guide, December, 2008.

3 New York State Vehicle and Traffic Law §603-a

4 The New York City Pedestrian Safety Study and Action Plan.

5 The New York City Pedestrian Safety Study and Action Plan.

# SOLUTIONS

DANGEROUS DRIVERS HAVE FREE REIGN TO CAUSE WIDESPREAD DEATH IN NEW YORK CITY. BUT THERE ARE SOLUTIONS TO THIS LIFE-THREATENING PROBLEM.

The first step is for the City to convene a Task Force. This group would assess the current state of affairs of the City's traffic safety enforcement and crash investigation protocols. This would include a review of all of the agencies involved, their budgets, funding sources, mandates, successes and failures. The Task Force would be charged with identifying the most effective ways to save lives, ensure justice and bring the number of people killed and seriously injured in traffic down to zero.

The goal of the Task Force is help shape the City's efforts so as to prioritize safety on our streets and ensure that New Yorkers get the law enforcement and investigations they deserve. Accordingly the NYPD must eliminate the "Dead or Likely to Die Rule." Clara Heyworth's case exemplifies the shortcomings of this rule. The NYPD delayed the beginning of the investigation into the crash that killed her because they believed she wasn't going to die. This led to the destruction of evidence which may have led to the driver's conviction.

Beyond a change in rules, the NYPD must embrace a data-driven enforcement policy. In an era of constrained public budgets, the police have fewer resources to work with than in the past. It's critical that the NYPD focus those limited resources on preventing the most deadly and dangerous infractions. Sixty percent of all crashes are caused by dangerous driving behavior; it's time for a targeted campaign by the NYPD to crack down on speeding, failure to yield, and other under-enforced moving violations in order to keep making New York City's streets safer.

The State Government can also help the NYPD. The State Legislature needs to help the police supplement their limited resources by approving the installation of speed detection cameras in New York City. Speed cameras are an effective, proven means of reducing speeding, and would complement the NYPD's reprioritized street safety efforts.

Under Mayor Bloomberg, New York's streets have gotten safer. But with hundreds of lives lost and thousands injured every year, the status quo is not safe enough. Traffic calming street redesigns and other infrastructure improvements taken us far, but we must close the enforcement gap to address the sizable danger remaining. Even in 2011, a year with the lowest number of traffic fatalities since records were kept, we are nowhere near other major cities across the world. Berlin, Hong Kong, Paris and Tokyo all have traffic fatality rates that are 35 to 50 percent lower than New York's.

Our streets can be safer. The goal of zero deaths from traffic is attainable. By going after the behavior that leads to these crashes and fully investigating the crashes that do occur, New York City and the NYPD will be sending a strong message that the lives of every New Yorker – bicyclist, pedestrian or driver – counts and even one death or serious injury is one too many.

# APPENDIX

The source data for this analysis was obtained via multiple Freedom of Information Law requests to the New York State Department of Transportation (NYS DOT). NYS DOT obtains crash report data from New York State Department of Motor Vehicles, which in turn receives individual crash reports from the NYPD.

This table shows all crashes which occurred between 1995-2009 for which known causal factors are reported and a pedestrian or cyclist was killed.

FACTOR	CRASHES	PERCENT
DRIVER INATTENTION/DISTRACTION	355	15.8%
DRIVER INATTENTION	353	15.8%
CELL PHONE (HAND HELD)	1	0.0%
OTHER ELECTRONIC DEVICE	1	0.0%
ALCOHOL INVOLVEMENT	250	11.2%
FAILURE TO YIELD RIGHT OF WAY	200	8.9%
UNSAFE SPEED	174	7.8%
DRUGS INVOLVEMENT	118	5.3%
DRUGS (ILLEGAL)	116	5.2%
PRESCRIPTION MEDICATION	2	0.1%
DISREGARD TRAFFIC CONTROL DEVICE/DISREGARD SIGNAGE/ DISREGARD LANE MARKINGS	137	6.1%
TRAFFIC CONTROL DEVICES DISREGARDED	92	4.1%
PASSING OR LANE USAGE IMPROPERLY	30	1.3%
TURNING IMPROPER	15	0.7%
VIEW OBSTRUCTED/VIEW LIMITED/GLARE	88	3.9%
VIEW OBSTRUCTED/LIMITED	61	2.7%
GLARE	27	1.2%
ENVIRONMENTAL FACTORS	68	3.0%
PAVEMENT SLIPPERY	58	2.6%
OBSTRUCTION/DEBRIS	4	0.2%
TRAFFIC CONTROL DEVICE IMPROPER/NON-WORKING	3	0.1%
OTHER LIGHTING DEFECTS	2	0.1%
PAVEMENT DEFECTIVE	1	0.0%
AGGRESSIVE DRIVING/ROAD RAGE/UNSAFE LANE CHANGING/ BACKING UNSAFELY/FOLLOWING TOO CLOSELY	95	3.5%
BACKING UNSAFELY	52	2.3%
AGGRESSIVE DRIVING/ROAD RAGE	7	0.3%
UNSAFE LANE CHANGING	9	0.4%
FOLLOWING TOO CLOSELY	11	0.5%
PEDESTRIAN'S ERROR/CONFUSION	683	30.5%
DRIVER INEXPERIENCE	33	1.5%

APPENDIX

VEHICULAR FAILURE/RUNAWAY VEHICLE/OVERSIZED VEHICLE	28	1.3%
BRAKES DEFECTIVE	11	0.5%
OVERSIZED VEHICLE	10	0.4%
ACCELERATOR DEFECTIVE	2	0.1%
STEERING FAILURE	2	0.1%
TIRE FAILURE/INADEQUATE	1	0.0%
TOW HITCH DEFECTIVE	1	0.0%
WINDSHIELD INADEQUATE	1	0.0%
OUTSIDE VEHICLE DISTRACTION/PASSENGER DISTRACTION	12	0.5%
REACTION TO OTHER UNINVOLVED VEHICLE	8	0.4%
PASSENGER DISTRACTION	2	0.1%
DRIVERLESS/RUNAWAY VEHICLE	1	0.0%
OUTSIDE CAR DISTRACTION	1	0.0%
FELL ASLEEP/TEMPORARY DISABILITY/LOST CONSCIOUSNESS	16	0.7%
PHYSICAL DISABILITY	7	0.3%
LOST CONSCIOUSNESS	6	0.3%
ILLNESS	2	0.1%
FELL ASLEEP	1	0.0%
TOTAL	2241	