Death, Danger and Ignoring the Data: How the NYPD is Getting Vision Zero Wrong

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Death, Danger and Ignoring the Data: How the NYPD is Getting Vision Zero Wrong

At the end of 2015, New York City was able to celebrate the lowest number of traffic fatalities since officials began to keep reliable statistics. Since then, however, there have been worrying indications that progress is lagging in the City’s Vision Zero effort to eliminate traffic deaths and serious injuries by 2024. Some statistics are even moving in the wrong direction: cyclist deaths, for example, have spiked in 2016, reaching close to 2015’s full-year total by the middle of summer. After conducting an analysis of the New York Police Department’s traffic enforcement practices and their public statements, Transportation Alternatives believes that the NYPD is falling short in its commitment to consistent, appropriate policing to deter the most deadly driving
violations. Furthermore, the Department does not appear to have a clear plan for participation in Vision Zero, and their traffic enforcement and resource allocations do not appear to be based on actual conditions on New York City streets.

One troubling recent example of the NYPD’s approach came after the July 2nd hit-and-run death of Matthew von Ohlen, who was riding in a Williamsburg bike lane when he was struck, dragged, and killed by a driver who has still not been identified, though the car was found July 6th. When the 90th Precinct responded, it was not with a renewed focus on ticketing dangerous drivers, but with an immediate crackdown on cyclists for minor violations, sending a message of blatant disregard for the lives lost on city streets. Yet 12 of the 14 fatal bike crashes this year at press time were known to have involved traffic violations or crimes committed by a driver, not a cyclist. Sadly, this is far from the only example of the NYPD lacking an appropriate response as a partner in Vision Zero:

• Between January and May 2016, there were 32 precincts in which more tickets were issued for tinted windows than for speeding and failure to yield combined – despite the fact that tinted windows rarely contribute to crashes.
• The Right of Way Law – now almost two years old – is still being applied infrequently and inconsistently, limiting its use as a deterrent to dangerous driving in a city where approximately one-third of pedestrian and cyclist deaths so far this year have involved failure to yield.
• Only 2.5% of the city’s 38,000 hit-and-runs ended with enforcement action last year, and despite the passage of Local Law 5 of 2016, requiring the NYPD report to City Council on hit-and-runs, little public information is available about these cases.
• Certain precincts are devoting disproportionate resources to harshly punishing cyclists for minor infractions, such as riding on the sidewalk, with a handful being responsible for issuing most of the city’s criminal court summonses for bikes.
• Across the city, inconsistency prevails, with neighboring precincts sometimes having drastically different traffic enforcement practices.

Consistent, predictable enforcement is most likely to have the deterrent effect that changes behavior and saves lives.

The NYPD’s Bicycle Safe Passage initiative was a welcome, if short-term, move by the department to focus on drivers who put cyclists at risk. But the attention given to unsafe driving and cyclist-endangering parking violations seen in the two implementations of Bicycle Safe Passage to date needs to be
standard practice: it is always unacceptable to drive in a way that endangers the lives of cyclists, not just during designated weeks.

The Department must develop a framework for data-driven enforcement and demonstrate a cohesive, clear Vision Zero policy. When drivers believe that they are likely to face consequences for unsafe actions, they change their behavior, and the result is safer streets. **Consistent, predictable enforcement is most likely to have the deterrent effect that changes behavior and saves lives.**

Transportation Alternatives recommends the following actions be taken by the NYPD, as a priority:

- Formulate a clear, cohesive Vision Zero policy, which should apply across all precincts and divisions, making speeding and failure to yield the priorities for traffic enforcement.
- Report publicly about enforcement of the Right of Way Law, and confirm full compliance with Local Law 5 of 2016, which requires reporting in detail to the City Council about hit-and-run investigations.
- Immediately end the practice of anonymously speculating to the press, in the aftermath of fatal crashes involving pedestrians and cyclists, about victims’ actions until after an investigation has taken place.

While Transportation Alternatives believes that drivers who commit dangerous violations should face consequences, we are aware that calling for blanket increases in summonsing would not necessarily be the most fair and effective solution. Today, with increasing scrutiny on police enforcement practices and an increased concern with historic racial inequity of the criminal justice system, it is all the more crucial that the NYPD turn to data to guide its enforcement practices and resource allocations. Enforcement efforts must be targeted to the most dangerous violations. The enforcement gaps presented in this report are an example of how the NYPD’s Vision Zero policies remain in need of refinement. With a greater focus on equity through data-driven enforcement, and an end to speculation and victim-blaming, the NYPD can be a more effective partner in a fair fight for safe streets, to the benefit of all New Yorkers.
Overview of Enforcement Data

This report’s examination of traffic summonses and pedestrian and cyclist injuries between January and May of 2015 and 2016 lays out where improvements have been made, and where enforcement efforts are falling short.

From January through May 2016, according to Department records, NYPD precincts issued 18,993 summonses for speeding1 and 16,461 for failing to yield to pedestrians. This is an increase of 15.3% and 16.5% from the same months in 2015, respectively. When summonses issued by the Traffic, Transit, and Housing Division are included, 57,559 speeding and 17,490 failure-to-yield tickets were issued citywide – an increase of 8.6% and 15.7% over the same months in 2015. Notably, citations issued by speed safety cameras increased by almost 50% between the period of January through April 2015 and the same months of 2016.2 However, summoning practices vary widely even among neighboring precincts, and there is evidence that the most dangerous streets are not necessarily where the most ticketing is taking place, leading to concerns about equity.

There were 5588 pedestrian and cyclist injuries from January through May 2016 – an increase of 580, or 11.6%, from the same months in 2015.

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Pedestrian and cyclist injuries have increased substantially in every patrol borough area with the exception of Staten Island, where they are unchanged from this time last year. While pedestrian deaths decreased from 51 to 46, cyclist deaths more than doubled, increasing from 4 at the end of May 2015 to 9 by the end of May 2016. But it would be unwise and short-sighted to conclude that the concurrent rise in pedestrian and cyclist injuries, and in cyclist fatalities, indicates that enforcement does not have a significant role in Vision Zero. There is still much more beyond speeding and failure to yield enforcement that the NYPD could do to deter dangerous driving, and the Department clearly has the capabilities, as demonstrated by the implementation of Bicycle Safe Passage in May and June 2016. However, without better public reporting of summoning activity, it is difficult to gauge how well the NYPD is enforcing laws against obstructing bike lanes, which puts cyclists in very real danger.

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1 This number does not include citations issued by speed safety cameras
2 At press time speed camera violation data available through the Department of Finance open data portal was through mid-May 2015, so the periods of January-April 2015 and 2016 have been compared, rather than January - May. Data is available at https://data.cityofnewyork.us/City-Government/Parking-Violations-Issued-Fiscal-Year-2016/kiv2-tbus
The Transportation Alternatives Fatality Database, which compiles details of fatal crashes from police and media reports, indicates that from January through May of 2016, there were an estimated 16 deaths caused by failure to yield the right of way to pedestrians or cyclists, though not all of the crashes resulted in charges under the city’s under-utilized Right of Way Law. Details on crashes where speeding was a contributing factor are difficult to obtain, as the state DMV is greatly delayed with its release of data, but speeding is known to be one of the largest contributors to crashes in New York City.

A further disturbing trend regards hit-and-runs; at press time, five cyclist deaths and fifteen pedestrian deaths to date this year had involved drivers who fled the scene of the crash.
Improvements and Deteriorations

Some precincts dramatically improved their summonsing of the most dangerous violations in early 2016, compared to the same time period in 2015.

While enforcement is only one component of traffic safety, it is notable that certain precincts achieved considerable reductions in pedestrian and cyclist injuries as they increased their summonsing for dangerous driver behaviors. The 122nd Precinct in Staten Island, for example, more than doubled its summonsing for failure to yield the right of way, from 53 in early 2015 to 180 in early 2016. Alongside a modest increase in summonsing for speeding, injuries have dropped by a quarter, from 56 to 42. Similarly, the 5th Precinct in Manhattan South more than doubled its speeding summonses, from 58 to 126, and increased failure to yield summonses as well.

IMPROVEMENTS ALL AROUND

The highlighted precincts have seen a drop in pedestrian and cyclist injuries alongside increases in summonsing for speeding and failure to yield the right of way.
while injuries dropped 5%. The 30th precinct in Manhattan North also increased its speeding and failure to yield summoning, remaining above the median for the patrol borough, and decreased its injuries by 17%.

Considerable improvement came from the 111th Precinct in Queens North, with speeding summonses up 52%, failure to yield summonses up 42%, and injuries down 15%. Particular mention should be made of the 88th Precinct in Brooklyn North: in January-May 2015, summoning for speeding and failure to yield in this relatively small precinct were well below patrol borough medians, but they have risen 48% and 246%, respectively, in January-May 2016, while injuries have dropped 13%. This improvement is an encouraging sign.

Unfortunately, some precincts also moved in the wrong direction.

Summonsing for speeding decreased in several precincts, mainly in Manhattan and Queens North. The 1st, 9th, 10th, 13th, 14th, 19th, 20th, 24th, 26th, 28th, 52nd, 79th, 101st, 109th, 110th, 114th, and 115th precincts all issued fewer summonses
for speeding between January and May 2016 than they did in the same period the previous year. Distressingly, the total number of speeding tickets issued in Manhattan North is down 19% from January-May 2015.

While some precincts that decreased speeding enforcement also experienced a decrease in pedestrian and cyclist injuries, we know that speeding remains a citywide menace, and will be until there are no more crashes in which unsafe speed is a contributing factor. In 2015, the 140 speed safety cameras in New York City issued over one million tickets – a clear sign that speeding is still a problem and enforcement should not be decreasing. However, across-the-board increases in summonsing are not necessarily the most fair and effective solution. Rather, precincts that have persistent problems with speeding should target their summonsing to the streets on which the most speeding takes place, and consistently ticket offending drivers there. The variability in ticketing practices as shown by this data indicates that there is no unified, citywide Vision Zero policy and protocol. Consistent, predictable enforcement is most likely to have the deterrent effect that changes behavior and saves lives.

Summonses for failure to yield the right of way to pedestrians decreased in the following precincts: 1st, 6th, 18th, 19th, 20th, 24th, 41st, 42nd, 44th, 45th,
46th, 63rd, 68th, 73rd, 79th, 83rd, 101st, 106th, 108th, 110th, and 114th. Again, some of these precincts also experienced a decrease in pedestrian and cyclist injuries, but failure to yield the right of way is still a major cause of injury and death in New York City, with at least fifteen pedestrian or cyclist deaths between January and May 2016 involving this behavior, even though charges were not filed in all instances. Failure to yield the right of way to pedestrians is extremely under-enforced, with the law being used in only about 3% of all cases in which it could be applied.¹ In order to achieve the deterrent effect, a lessening of enforcement in precincts where it is clearly a problem should not be happening.

Inconsistencies and the Wrong Priorities

In addition, it is clear that not all precincts are treating speeding and failure to yield as priorities for enforcement. This continues to be a problem.

A speeding or unyielding driver can cross one avenue and drastically change his or her odds of being ticketed. We found neighboring precincts of similar size with vastly different summoning numbers.

When precincts have such drastically different traffic enforcement practices, there is a concern about equity in policing. In addition, not all precincts are focusing on what is most important – the offenses that kill and injure people. The following precincts issued more summonses for tinted windows than for speeding and failure to yield the right of way combined: 1st, 7th, 18th, 42nd, 44th, 45th, 46th, 47th, 49th, 52nd, 60th, 62nd, 63rd, 66th, 67th, 69th, 73rd, 75th, 76th, 81st, 83rd, 84th, 90th, 94th, 100th, 101st, 103rd, 105th, 106th, 113th, 114th, 115th. In particular, extremely high numbers from some precincts indicate that great time and effort are being spent on tinted windows, potentially at the expense of...
dangerous driving enforcement. For example, the 73rd Precinct in Brownsville issued 1257 summonses for tinted windows between January and May 2016, but only 85 for failure to yield the right of way – a ratio of fifteen to one. This precinct also issued only 162 speeding tickets in that time period, indicating that officers’ attention is dedicated much more towards tinted windows than to dangerous driving. The 46th Precinct in the Bronx and 103rd Precinct in Queens South also issued four-digit numbers of tinted windows summonses, several times more than the number issued for speeding and failure to yield.

The number of tickets issued indicates that there is plenty of manpower for enforcement – but those human resources are being allocated to something that doesn’t cost lives to the extent that speeding and failure to yield do. True data-driven enforcement would focus on summoning for those offenses in order to deter the most deadly practices.

Restrictions on tinted windows are in place due to concerns about concealing the identity or actions of a driver during a traffic stop, inability to visually communicate
with other motorists, inadequate lighting inside the vehicle, and perceived associations between tinted windows and crime. However, there is no evidence that tinted windows are a substantial contributor to deaths and injuries in New York City traffic. The New York State DMV’s most recently available data for New York City, for the year 2014, lists 20 crashes in New York City in which tinted windows were a factor. This is compared to 3491 crashes due to unsafe speed and 6966 due to failure to yield the right of way to either a pedestrian or another vehicle. “Animal’s action,” at 50 crashes, was deemed responsible for more collisions in the city than tinted windows were. And eating or drinking was responsible for 23 crashes – but to focus resources on ticketing drivers with a sandwich or coffee cup in hand would be an inefficient use of resources when compared to the need to enforce laws against behaviors doing far more harm. The same reasoning should apply to tinted windows.
TINTED WINDOWS VS. DANGEROUS DRIVING: THE ENFORCEMENT GAP

In Jan - May 2016, these precincts issued more summonses for tinted windows than for speeding and failure to yield to pedestrians combined.

The 73rd Precinct has given out 1,257 tickets for tinted windows this year and only 162 tickets for speeding – a ratio of almost 8 to 1.
Casualties Up, Enforcement Down

Of most concern is the relatively low level of summoning in some precincts that have experienced pedestrian and cyclist fatalities or high injury rates.

The 1st Precinct in Lower Manhattan dramatically cut its summoning for speeding and failure to yield in early 2016, by 47% and 35% compared to January-May 2015, respectively. Meanwhile, pedestrian and cyclist injuries jumped 53%, from 73 to 112. The 19th, 20th, and 24th Precincts in Manhattan North, the 101st Precinct in Queens South, and the 114th Precinct in Queens North have also reduced the number of summonses issued for both speeding and failure to yield, and have seen smaller but still notable increases in injuries.

While a direct relationship between these injuries and local summoning activity cannot be definitively shown, these driving behaviors are known to be some of the leading causes of injuries in crashes\(^1\), and it is possible that if more were being done to deter speeding and failure to yield, fewer pedestrians and cyclists would suffer harm. Again, a clear policy of data-driven enforcement would best target unsafe behaviors in locations most dangerous to pedestrians and cyclists, and should be pursued as a cornerstone of effective, equitable Vision Zero policing.

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\(^1\) New York State Department of Motor Vehicles, “Summary of New York City Motor Vehicle Crashes, 2014"
Public Reporting

Since the Right of Way Law was signed in August 2014, it has been difficult for the public to obtain reliable data about its enforcement. Without publicly-accessible data from the NYPD, information can only be gathered through media reports or by monitoring prosecutions. This lack of complete, authoritative information makes it difficult to determine exactly who is being charged, and whether those charges lead to prosecution.

Research by Transportation Alternatives found that, as of November 2015, the Right of Way Law was most likely used in only 3% of cases in which it could have been applied.¹ The inconsistent enforcement of this law limits its potential as a deterrent.

With evaluation being a pillar of Vision Zero, having evidence-based arguments for policy changes is crucial. The first step is being able to access data. Transparent data makes effective, lifesaving Vision Zero policies possible. Therefore, in order to aid in the monitoring of lifesaving Vision Zero laws, the NYPD should make 19-190 charges part of its public reporting. On January 5th of this year, Mayor de Blasio signed Local Law 5, requiring the Police Department to report quarterly on the number of hit-and-run incidents causing property damage, injury, and death, and the number of arrests for these violations. We strongly suggest that this model be followed for reporting on violations of the Right of Way.

Local Law 5 of 2016 (formerly Intro 604-2014) codified the requirement that the NYPD report quarterly to City Council on the number of hit-and-runs and the outcome of investigations, including data on any civil penalties issued to offending drivers. Prior to the signing of this law, the NYPD did not track hit-and-run incidents, and testimony before City Council in late 2015 revealed that only 2.5% of 38,000 hit-and-run incidents resulted in any kind of enforcement action last year.

City Council Majority Leader Jimmy Van Bramer, who introduced this legislation, stated upon its signing, “[Local Law 5] will be a strong deterrent against repeat reckless drivers who continue to wreak havoc on our City’s streets.”² However, just as is the case with other legislation against dangerous driving, the law can only have its intended effect when it is enforced consistently. Local Law 5 required the NYPD to issue its first report to City Council no later than July 1st, 2016, but as of press time, Transportation Alternatives has not found any NYPD public reports on the topic of hit-and-runs. Little public information is available, making evaluation of enforcement efforts difficult.

Blaming the Victim: Conduct Unbecoming

In the aftermath of a fatal crash, only the surviving party can testify as to the circumstances of the collision. The pedestrian or cyclist cannot give his or her side of the story. But it is the Police Department’s job to thoroughly investigate a crash and gather empirical evidence, not simply to take the word of a driver at face value or make assumptions about what happened. Unfortunately, in several recent pedestrian and cyclist fatalities, anonymous police sources have speculated to the press about the causes of a crash before conducting an investigation, and too often, the outcome has been the blaming of the dead victim when there is no evidence to support that conclusion. Often at a later date, video or other evidence emerges to exonerate the victim – but the damage has already been done.

When cyclist James Gregg was killed on Brooklyn’s Sixth Avenue this May by the driver of a tractor-trailer, officers at the scene reportedly told bystanders Gregg had been grabbing onto the side of the eighteen-wheeler as if to hitch a ride.¹ Later the NYPD stated that “the bicyclist collided with the rear wheel of the tractor-trailer,” again implying that it was Gregg’s actions that caused his death, and not those of a driver who was off a truck route and later found to be operating an overloaded vehicle and wearing earbuds at the time of the crash. The NYPD later speculated that the truck, when passing Gregg, created “something like a wind force that sucked the bicycle toward the back of the truck” – now blaming an unavoidable act of God rather than an irresponsible driver.

Only days earlier, cyclist Lauren Davis was killed by a turning driver on Classon Avenue in Brooklyn’s Fort Greene neighborhood. Police immediately stated Davis had been cycling against the direction of traffic, even though eyewitnesses claimed she had been properly traveling with traffic. The NYPD later corrected the crash report.

In echoes of the case of Alison Liao, the three-year-old Flushing girl killed in 2013 by a driver who failed to yield and then incorrectly stated the child had broken away from her grandmother and run outside the crosswalk, three-year-old Mariam Dansoko was killed in the Bronx this May by a turning driver. The press cited anonymous NYPD sources that said Mariam had been walking twelve feet behind her mother in the crosswalk², as if such an action would excuse the driver’s illegal failure to yield the right of way in broad daylight when he had already seen Mariam’s mother pushing her other child in a stroller.

² “Bronx 3-year-old fatally hit by car was 12 feet behind mother when tragedy struck, police say” http://www.nydailynews.com/new-york/bronx/bronx-3-year-old-fatally-hit-car-12-feet-behind-mom-cops-article-1.2639909
When circumstances surrounding a crash are unclear, it is irresponsible to speculate as to the actions or mentality of the deceased before an investigation has been conducted. When Christopher Costa was killed by a hit-and-run driver in East Harlem this March, the NYPD not only declined to press any charges against the driver after he had been located – instead simply taking his word that he thought he had hit some garbage rather than a human being – but also pointed out that Costa had been wearing all black, that he allegedly had problems with alcohol and drugs, and that he may have lain down in the street to commit suicide. These statements, presented to the press as facts without evidence, pathologized the victim while simultaneously exonerating the driver for actions that took another person’s life.

This practice of editorializing prior to investigation applies to traffic violence in a way not seen with other types of crime. A gun violence victim, for example, is never said to have made the shooter attack him. People firing weapons do not escape consequences if they say they didn’t mean to kill anybody. Victim-blaming also goes against the fundamentals of Vision Zero by deflecting responsibility from drivers when it is in fact driver error that causes most of these fatal crashes. The role of the police is to investigate and enforce the law, not to speculate. Blaming victims of traffic violence must end in order to ensure the fair practice of the law and justice for the deceased.
Bicycle Safe Passage: A Good Start

Bicycle Safe Passage, an enforcement initiative focused on drivers whose behaviors endanger cyclists, has taken place twice this year, from May 16th to May 20th and from June 20th to June 24th. At press time, a third week had been announced for late July. Data provided by the NYPD generally show significant increases in tickets issued for double-parking, bike lane obstruction, standing violations, speeding, red light violations, and other traffic offenses, compared to weeks in 2014 and 2015 in which no special initiatives took place.¹

Unfortunately, these raw numbers in and of themselves do not shed much light onto enforcement practices. Without location information more detailed than the patrol borough level, it is unclear whether the NYPD targeted enforcement to locations most dangerous to cyclists. The data do not show whether some precincts participated more than others, or whether particular laws were more likely to be enforced in certain locations. Parking offenses like double-parking and blocking bike lanes are not included in the NYPD’s public precinct-level monthly summonsing

<table>
<thead>
<tr>
<th>Borough</th>
<th>Double Parking</th>
<th>Blocking Bike Lane</th>
<th>No Standing</th>
<th>Speeding</th>
<th>Red Light</th>
<th>Failure to Yield</th>
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% CHANGE FROM COMPARATOR WEEK IN 2015

|                  | 102.2% | N/A* | 22.4% | 155.2% | 25.8% | 23.5% |

*Comparison is not available because bike lane summonses in 2015 are only available for the Traffic Enforcement District and not Patrol Borough areas

¹ The NYPD compared May data to the same week in 2015, and June data to the same week in 2014, due to the fact that a special initiative also took place during that week in June 2015.
Selected Summons Activity, June 20th – June 24th

<table>
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<th>Speeding</th>
<th>Red Light</th>
<th>Failure to Yield</th>
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% CHANGE FROM COMPARATOR WEEK IN 2014

| % change from comparator week in 2014 | 10.1% | N/A*  | 22.9% | -60.3% | 38.7% | 58.8% |

*Comparison is not available because bike lane summonses in 2014 are only available for the Traffic Enforcement District and not Patrol Borough areas

breakdowns, which only cover moving violations. Therefore, it is difficult for the public to make meaningful comparisons of enforcement over time.

While any movement to enforce laws against dangerous driving is welcome, the key to creating a deterrent to future behavior is **consistent, predictable enforcement**, not just the occasional week of special efforts. The practices seen in Bicycle Safe Passage should become standard for the NYPD. Only when drivers realize they are likely to face a consequence for behavior that endangers cyclists will they share the road with respect and responsibility.
Equity in Policing Cyclists

In 2014 the NYPD began issuing moving violations to cyclists riding on the sidewalk, rather than criminal court summonses (c-summonses). However, as data from 2015 show, some precincts do not appear to have made the transition, and more criminal court summonses than moving violations were issued citywide. Practices vary widely by precinct, with neighboring areas often having very different summoning numbers. Of particular concern are punitive precincts, where cyclists riding on the sidewalk are far more likely to receive a criminal court summons than a moving violation.

A total of 1847 c-summonses and 1597 moving violations for riding on the sidewalk were issued by precincts citywide in 2015. Just eight precincts were responsible for issuing approximately 30% of these enforcement actions: the 19th precinct in Manhattan North; the 62nd in Brooklyn South; the 73rd, 75th, 77th, and 79th in Brooklyn North; and the 109th and 114th in Queens North.

2 This figure excludes the 22nd precinct (Central Park), for which c-summons data was not available.
At one extreme, the relatively small-sized 79th precinct issued a high of 146 criminal court summonses for sidewalk riding in 2015, but only two moving violations for the same action. This is a ratio of 73 serious summonses for every one moving violation, even though the action being enforced is exactly the same. The next highest-summonsing precinct was the 73rd, with 138 c-summonses and 4 moving violations, or a ratio of 35-to-1. The 88th and 90th precincts in Brooklyn North issued 69 and 72 c-summonses, respectively, and zero moving violations. In total, there are 41 precincts in which more c-summonses than moving violations were given for riding on the sidewalk – more than half of the precincts in the city.

In addition, practices among precincts – even neighboring ones – vary wildly. The 43rd precinct in the Bronx issued only two moving violations, but 76 c-summonses, which is more than the number of c-summonses issued by its five neighboring precincts combined. The 19th precinct, with 116 c-summonses and only 15 moving violations, issued 53% of all the bike-on-sidewalk c-summonses in the Manhattan North patrol borough area. While the 108th precinct issued only two criminal court
summonses for cycling on the sidewalk last year, the neighboring and similarly-sized 114th precinct issued 110. It is unlikely that these massive gaps are due to actual differences in how many cyclists are riding on the sidewalk.

The NYPD does not make data about moving violations for cycling available to the public, but it can be deduced that only five precincts – the 1st, 100th, 101st, 102nd, and 123rd – completely made the transition from issuing criminal court summonses to moving violations for cycling on the sidewalk, as they issued zero summonses in 2015.

A criminal court summons is more serious than a moving violation, with the possibility of warrants being issued for respondents who fail to appear in court. While many summonses are likely to be dismissed, receiving one and having to answer it is a disruptive process. Moving violations, on the other hand, can be dealt with by paying a fine online or by mail. These discrepancies between precincts indicate that sidewalk riding is being inequitably policed, and some cyclists are being punished more harshly than others for the same violation.

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Recommendations

Allocate enforcement resources to the most dangerous locations and actions

Drivers are killing New Yorkers. Cyclists are not. It is contrary to evidence-based policy for law enforcement in a Vision Zero city to be focused on ticketing cyclists. And when such crackdowns happen in the immediate aftermath of a law-abiding cyclist being deliberately killed in a hit-and-run, insult is only added to injury.

Speeding and failure to yield the right of way are killing New Yorkers. Tinted windows are not. NYPD officers should devote their time to policing the most dangerous traffic offenses so long as they are causing deaths on the road. In addition, the Collision Investigation Squad (CIS) must be expanded so that there are adequate resources to investigate every death and serious injury crash.

Hit-and-run crashes not only show a driver’s disregard for human life – they are felonies. An enforcement rate of 2.5% is simply not good enough. More resources must be devoted to resolving these cases, especially those which seriously injure or kill.

Deal in facts, not speculation

NYPD officers must end the practice of speculating to the press about the causes of fatal crashes before an investigation is conducted. There have simply been too many cases where victims were blamed first by anonymous police sources, and then later exonerated by evidence. It is contrary to the aims of Vision Zero to deflect blame from drivers and place it onto those who cannot speak in their own defense.

Increase publicly available data on crashes and enforcement

The NYPD already makes moving violation data at the precinct level available in an easy-to-find location on its website. Information on parking violations and bicycle enforcement should be similarly available, instead of requiring deep searches or specific inquiries.

In addition, the NYPD must fully comply with Local Law 5 of 2016 and report to City Council on enforcement of hit-and-runs. Only with accurate and open data will the full scale of the city’s hit-and-run problem be known. Public reporting on charges under the Right of Way Law (19-190) should also become standard practice.
Make Bicycle Safe Passage the norm, not a special event

Police initiatives to crack down on the type of dangerous driving that puts cyclists at risk are always welcome. However, these offenses do not disappear at the end of a week or two of extra effort. NYPD officers should always treat parking in bike lanes, double-parking, red light violations, speeding, and failure to yield as the dangerous offenses they are, because every instance of them holds the potential to cause another injury or death.

Explore and expand automated enforcement

The technology to tackle dangerous driving already exists. Furthermore, it has already proven effective in New York City: in September 2015, DOT Commissioner Polly Trottenberg announced that at locations where speed safety cameras had been installed, speeding had dropped 60%. While the State Legislature continues to limit the number of speed safety cameras New York City can install, the NYPD can and should lend its voice to the growing call for expansion of this technology around the city. Officers will never be able to see every infraction at every moment, but these cameras send the message that no reckless driver can avoid the law. Furthermore, they have the advantage of equitability: nothing about the driver is taken into account when the ticket is issued other than whether they were speeding.

Red light and bus lane cameras are already used around the city to enforce traffic laws, and emerging technologies like cameras that detect failure to yield or bike lane encroachment have the potential to make streets even safer. The NYPD should recognize that this technology can only enhance Vision Zero, and work towards greater implementation of it.
