

# Safe Roads for Bicycling

## The Case for Bicycle Law Enforcement

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Bike officers are no strangers to bicycle safety education. They are frequently involved with rodeos, classroom visits, and other outreach efforts. They do their best to teach kids and adults how to handle bikes, and how to operate safely in traffic. Frequently, however, their efforts are undermined by the behavior of cyclists who operate in violation of traffic laws and the failure of police officers to enforce those laws.

There are many reasons why police officers do not enforce the traffic laws with cyclists to the same degree as they do with motorists. It is rare to encounter a police officer stopping a cyclist to discuss a violation. But the law is for all, whether a person is driving a car or a bicycle. All users are subject to the same rules of the road. When police officers ignore cyclists who are committing flagrant traffic violations, they are not doing their jobs. It is the responsibility of police officers, especially police cyclists, to enforce the laws that reinforce what they teach in their bicycle safety education programs.

### **The Traffic Safety Triangle**

Past efforts to reduce the number of bicycle crashes have focused on what is known as the Traffic Safety Triangle, a three-part model involving Education, Engineering, and Enforcement. *Education* typically involves teaching young cyclists the rules of the road in schools or at organized bicycle rodeos.

*Engineering* involves the building of bikeways or the widening of roads to make the environment more bike-friendly. The third element, *Enforcement*, plays a tremendously important role in overall traffic safety. If *education* and *engineering* are effectively accomplished, but no-one *enforces* the rules, behavior rarely reflects safe practices. Of the three elements of the traffic safety triangle, bicycle traffic enforcement has the greatest potential to reduce car/bike crashes and save lives.

Police are already typically involved in bicycle safety education, so why shouldn't bike officers become more involved in bicycle traffic enforcement? After all, the two go hand-in-hand. Enforcement must support the safety message and rules that are being taught. Education is rarely effective alone. If it were, there would be less demand for a police force. When it comes to the safety message, the power of enforcement is the reinforcement.

Enforcement might contribute to the following desirable outcomes:

- Voluntary compliance with the traffic laws.
- Identification and correction of violators and repeat violators.
- Reduction in the number of car/bike crashes.
- Reduction in the number of injuries and deaths resulting from these crashes.
- Positive behavioral change in the community.
- Reduction in the over \$1,000 per year per person spent in the US as a result of these crashes.

The focus of any bicycle enforcement program should be educational, not punitive. A successful enforcement program should improve a cyclist's knowledge and attitudes, and, most importantly, behavior. A good program also educates the motoring public concerning their rights and responsibilities when sharing the road with bicyclists.

### **Types of Enforcement**

Not all enforcement involves giving tickets. Enforcement, or reinforcement, can take several forms:

- Citations or arrest
- Verbal warning
- Written warning or notification of parents
- Positive reinforcement (free food coupons, department trinkets, etc.)

Penalties can include:

- Fines
- Community service
- Mandatory participation in local education programs
- Life in prison (Just checking to see how closely you are reading!)

### **Why Don't the Police Enforce Bicycle Laws?**

The answer is simple: very few police officers receive training or encouragement to enforce bike laws. It typically is not part of the law enforcement paradigm – nobody ever saw Reed and Malloy of *Adam 12* stop a kid for riding on the wrong side of the street! When asked the above question, a group of officers from around the country came up with the following answers, which no doubt sound familiar to most of you reading this article:

*Peer pressure:* “Bike laws aren’t real crime. We’re crime fighters, and these laws aren’t important enough to waste time on.”

*Social pressure, or questions from the public:* “Why aren’t you out catching robbers or burglars?” “Haven’t you got something better to do?”

*Police administration:* “Not a departmental priority.” “My chief doesn’t want me out stopping bikes.”

*Prosecutor/state's attorney:* “My calendar is crammed and you bring me this?! This matter is too petty.”

*Courts:* Same as the reasons given by prosecutors, who may be repeating what they were told by the judges.

*Fines:* The fines are either too high or too low.

*Time:* “I don't have time for trivial matters.” “I only have time for ‘real’ crime.”

*Memories of childhood:* “Police never stopped me on my bike when I was a kid.” “That's not what police do.”

*Communicating with children:* “I'm not comfortable talking to kids, I don't even like kids.” “I don’t want to scare them or make them cry. That would project a bad image of the police.”

*Waiting for the “Big One”:* “If I tie myself up on this petty stuff, I won’t be clear to back up my partner or respond to a robbery or other emergency.”

*They’re only hurting themselves:* “If they want to bike like that, they will only hurt themselves if they get run over.” “Stupid, careless people get what they deserve.”

## **Why the Police Should Enforce Bicycle Laws**

*Peer pressure:* This just may be the hardest to overcome. Few police view bicycle enforcement as a part of the role of police officers...it just doesn't fit the image of the job. Few officers know, or care, that enforcement is a powerful tool for preventing crashes, injuries and deaths. Nor do they realize they are helping shape the driving habits of future drivers.

*Social pressure:* "Why aren't you catching burglars?" What officer on the job more than three weeks has never heard that before? Do you cease your other enforcement activities when you hear it? Name one other program designed to protect children and older adults that has been opposed by the community. What officer has never received a complaint about those "crazy bicyclists" who disregard red lights, race down sidewalks, and endanger themselves and others? If the police don't enforce bicycle laws, who will?

*Police administration:* Have you actually heard your Chief or Commander say they don't want pedestrian or bike enforcement, or are you just assuming it because it has never been mentioned? While there are no doubt some special exceptions, are you *absolutely* sure they don't want you enforcing these laws? Chiefs and commanders are as affected by the same stereotypes of the police role as most officers. They require education. Chiefs are swayed by public opinion. If the community demands it, the Chief usually wants it, too.

*State's attorney/prosecutor:* Do you agree with every decision your prosecutor makes? Do you quit doing your job simply because the prosecutor doesn't want to do his or hers? Enforcement does not have to involve the attorney; it can involve written or verbal warnings, impoundment of unlicensed bikes, etc.

*Courts:* The same reasons apply here. Consider this — judges and prosecutors can be swayed by a vocal minority of reasonable, knowledgeable people, as MADD has shown. Believe it or not, serious cyclists, like those found in bike clubs, want the police to enforce bike laws!

*Fines:* Fines are usually lower than those issued for motor vehicle drivers for the same offense. Pedestrian and bicycle violations rarely go on driving records. Do fine schedules ever make all police officers happy?

*Time:* Do you have time for other self-initiated traffic enforcement? Some departments are so busy that they don't, but those same departments often have traffic divisions which do. Do you have time to write more important violations like expired registration stickers, parking violations, and equipment violations? Do these "more important" violations have the potential to prevent a crash or save a life...or do they simply fit the stereotype of what a police officer does?

*Memories of childhood:* Perhaps that is why you ended up in the hospital, or, at least, in trouble with your parents.

*Communicating with children:* What you remember from your childhood has a name – history! Police equipment, technology and philosophies are different today. When most officers were children, they rarely saw police officers in school. Today it is commonplace. How much of the job of a police officer already entails dealing with juveniles? Do you refuse calls or other activities because they involve kids?

*Waiting for the "Big One":* What officer has never cleared a traffic stop when an emergency came out? Figuring out how to clear is rarely a problem! If you hold this

attitude, you probably do not engage in any self-initiated activity. If you prefer to wait for emergencies, perhaps you should have joined the Fire Department instead.

*They're only hurting themselves:* Physically, perhaps, but not emotionally, civilly or financially. Even error-free drivers often suffer stress, anxiety, and guilt for years as a result of one of these crashes, especially if it is a fatal one involving a child. Some never recover fully. And even error-free drivers can be sued and forced to deal with months or years of legal proceedings. The financial cost can be draining. And have you ever had to make a death notification to the parent of a child killed in a traffic crash? Remember that the next time you think, "but they only hurt themselves!"

### **Increasing Bicycle Enforcement**

Increasing enforcement of traffic laws for bicyclists requires a change of attitude by police officers on the street as well as administrators. This type of change can be affected through training, experience, a redefinition of department goals, and modeling.

### **What Does it Take to Shift a Mindset?**

*Time:* Time spent in training; time spent in basic academy and field training trying to break old stereotypes, in-service training in roll calls, or special training.

*Money:* Money spent in training or for special enforcement efforts, such as overtime for officers on bike enforcement detail in problem areas.

*Significant emotional event (SEE):* Exposure to or involvement in an incident such as a fatal accident, or one that involves participants who remind the officer of his or her children, parents, or other loved ones. Some officers experience a SEE when they work a crash and realize that their kids frequently engage in the type of unsafe or illegal behavior that resulted in the crash. This type of event tends to bring about the most powerful and lasting attitude change.

*Administrative prioritization and support:* By placing bicycle enforcement on the agenda as a priority, administrators can send a message to the whole department, from recruits in the academy to the street-level supervisors and line officers. Administrators must make it clear to the line supervision that officers are expected to produce in this area. Certain officers will participate if for no other reason than it is something that the Boss wants done.

*A positive example set by veteran officers:* These officers are responsible both directly and indirectly for the attitudes of new officers. Regardless of what they were taught in the academy, new officers will imitate and seek approval from the vets. Getting two or three of the respected vets to stop pedestrian or bike violators will give the new officers, and even some of the "fence sitters," the idea that good cops can enforce these laws, too, and that they won't be "less of a cop" because they do.

*Spin-offs:* Bicyclists who break traffic laws often violate other laws as well. Officers stopping these individuals often report making arrests for warrants, drugs, stolen bikes, and minor or public consumption.

In urban areas, many drug couriers use bikes to elude police or avoid vehicle forfeiture.

## **Targeted Violations or Behaviors**

Based on numerous studies of car/bike crash reports, it has been determined that the following bicyclist violations – especially when committed by children – account for the majority of car/bike crashes. By concentrating on reducing these types of violations, nearly 90% of the motorist/bike injuries can be prevented, and numerous lives saved.

- No headlight/reflector at night
- Wrong-way riding (riding against traffic)
- Disobeying traffic control device or sign
- Failure to yield right of way (e.g., driveways and alleys)
- Improper change of course (e.g., unexpected left turn)

## **Bicycle Enforcement Program Start-up Strategies**

Ideally, bike enforcement should be a normal, everyday activity. More than likely, however, it will be something new to the department. A new enforcement program is not guaranteed to be successful or effective simply because it is new. The chances for success and effectiveness can be greatly improved by employing certain strategies prior to beginning a new enforcement program. Departments around the country who have successfully implemented bicycle enforcement programs offer the following advice.

*Administration:* Get the administration behind the program. A program will go more smoothly if everyone knows that it has the Chief's blessing and that the line supervisors are prepared to support it.

*Program Coordinator:* The coordinator must want the program to work. Nothing kills a program faster than a coordinator who doesn't care. Select an officer who is a self-starter and highly motivated to make the program succeed.

*Courts and Prosecutor:* Beginning a program that is likely to bring many new juveniles into the system may meet with disaster if it does not have the support of the courts and prosecutors. Meet with them and solicit their input in those areas that will affect them, such as the cut-off age for court and attendance requirements for safety seminar attendance. By seeking their input, you may also earn their endorsement.

*Policy and Procedure:* Print up citation books, obtain safety materials, develop form letters, and establish record-keeping procedures before starting enforcement. Guidelines and procedures for violator seminar attendance, enforcement, bicycle impoundment, and so on must be established from the start.

*Education:* It is essential to educate the administration and the supervisors as well as the line officers doing the enforcement. Education must also include the public. A variety of avenues are open for exploration, including the media, schools, parent-teacher organizations, civic groups, city newsletters, water bill stuffers, local cable TV, town bulletin boards, etc.

*Media:* Don't surprise the public with this new campaign. Let the members of your community know what is about to happen and why. Explain the targeted violations and encourage voluntary compliance. The public will be very supportive if they perceive that they are partners in the effort, not victims, and if the program is run fairly and consistently.

In order to ensure the effectiveness of the bike safety message, police officers in general, and bike officers in particular, have an obligation to enforce the “rules of the road” to bicyclists and motorists alike.

Education must be reinforced by enforcement of bicycle laws. Police cyclists have an even greater responsibility than the average officer to stop errant cyclists. By neglecting this responsibility, we may reinforce the negative view many motorists have of cyclists, and make our own jobs more dangerous. However, by viewing enforcement as part of bicycle safety education, we may save a life, and that life may be our own.

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