

## Proposed SFBC campaign for reform of San Francisco law enforcement practices with respect to bicyclists

The largest factor for many San Franciscans deciding not to bike, or not to bike more, is fear. When we talk about the importance of increasing the "perceived safety" of bicycling, what we are really talking about is reducing the perceived unsafety of bicycling, i.e fear.

What are cyclists and potential cyclists afraid of? More than anything else, we are afraid of being run down by cars. That's not fear of "accidents". That's fear of deliberate assault or criminal negligence.

There are dangers inherent in bicycling. And there are dangers for bicyclists that are enhanced by "incomplete streets" that don't take bicyclists into consideration. But many bicyclists' greatest fears are related to motorists' deliberate or negligent behavior rather than to any inherent danger in bicycling.

Many bicyclists are afraid to ride in the middle of the lane, for example. That's not primarily because bicyclists fear that motorists won't see us in the middle of the lane, but because bicyclists are afraid that motorists who see a bicyclist ahead of them in the middle of the lane will deliberately run us down and will get away with it. The current reality of *de facto* impunity for motorists who deliberately assault bicyclists (with or without contact) is a key factor in bicyclists' and would-be bicyclists' fears.

That impunity, in turn, is a direct result of police and prosecutorial policies – written and unwritten – that fail to adequately prioritize investigation and prosecution of motorists who assault bicyclists. In practice, contrary to explicit written SFPD orders to officers, police typically won't even log complaints of vehicular assaults on bicyclists that don't cause visible injuries or property damage.

Law enforcement agencies have ignored the "transit-first" policy in the San Francisco city and country charter, erroneously assuming that it has no relevance to their policies, practices, or decisions.

If motorists knew that vehicular assault on a bicyclist would be treated as a hate crime, they would be less likely to run us down. If bicyclists and potential bicyclists knew that any motorist who deliberately assaulted us or violated our rights would be vigorously prosecuted, we would feel and be more safe.

Today, most bicyclists and potential bicyclists are afraid to exercise our right to be on the streets because we are afraid of violent assault by motorists. We need to raise consciousness amongst bicyclists, potential bicyclists, police, prosecutors, and the public about this pervasive climate of fear. And we need to recognize that this is not a hazard inherent in bicycling, but a consequence of the ability of motorists to engage in hate crimes against bicyclists with *de facto* impunity.

The fact that bicyclists ride in terror of deliberately being run down by motorists should be recognized as the consequence of pervasive hate crime and harassment – from the "routine" and "minor" swerving close to a bicyclist to send a message that bicycles don't belong on our streets, to more serious attacks that send bicyclists to the hospital or the morgue. There should be zero tolerance for such hate crimes, especially when they have created such a pervasive climate of fear that the majority of our city's residents are afraid to exercise our right to ride our bicycles on our city streets.

**If we want to make bicyclists and potential bicyclists feel safer on the streets of San Francisco, we need to change the law enforcement policies that allow motorists to assault us with impunity.**

## **Actions by the City and County of San Francisco:**

### **1. Log and report complaints of crimes and infractions against bicyclists.**

Complaints of crimes and infractions where the victim is a bicyclist (harassment, assault, violations of the 3-foot passing law, motorist recklessness toward bicyclists, etc.) and outcomes (whether or not referred to the D.A.'s office, charges brought, suspect cited, arrested, convicted, and/or sentenced) should be clearly distinguishable as a reporting category. Complaints should be indexed by license plate number, so that patterns of repeated complaints against the operator of a vehicle can later be established, even if no charges were brought at the time.

### **2. Prioritize investigation and prosecution of crimes and infractions against bicyclists.**

The SFPD and the D.A.'s office should have policies and training regarding the "transit-first" policy as it applies to enforcement priorities, allocation of resources, discretionary enforcement decisions, and the exercise of police and prosecutorial discretion. Traffic enforcement should prioritize protection of vulnerable road users: bicyclists, pedestrians, and transit users.

### **3. Monitor and review law enforcement policies and practices with respect to bicyclists.**

The Board of Supervisors and Police Commission should require annual reports and conduct annual reviews of agencies under their jurisdiction, including the SFPD and the D.A.'s office, regarding their implementation of the "transit-first" policy in policies, training, and practices.

## **Actions by the SFBC:**

- 1. Consciousness-raising:** Get bicyclists and the public to think of harassment and assault of bicyclists by motorists as crimes, not as a mere nuisance, and as actions which can and should be reduced or eliminated, not something that should or must be taken for granted as inevitable.
- 2. Encourage and empower bicyclists (and other witnesses) to report** all harassment, assault (regardless of whether it results in vehicle/bicycle/bicyclist contact, damage, or injury) or other crimes against bicyclists. Provide information on [sfbike.org](http://sfbike.org) for bicyclists on how to make these reports, how to insure that they are logged, what to do if police won't take a report, and how to follow up. Learn from experiences of community consciousness-raising and reporting campaigns around other underreported and previously tolerated crimes: hate crimes, rape, etc.
- 3. Create SFBC system for logging incident reports** including reports of police refusal to take reports, police failure to investigate, harassment or assault of bicyclists by police, etc. Designate SFBC points of contact (staff person, e-mail address, telephone extension w/voicemail box, Web info page, Web form) for incident reporting. Recruit volunteers to log reports, if needed.
- 4. Review SFPD and D.A.'s office reports**, including reports of percentages of complaints resulting in citations, arrests and convictions. Compare SFBC records with law enforcement reports. Provide feedback about progress, problem areas, and continued needs for action.
- 5. Add items for San Francisco City and County government action (above) to our long-term SFBC city and county legislative "wish list"** (we don't yet have one, but should establish one) to be used in lobbying and as part of the criteria for SFBC candidate endorsements. Add this campaign to our lists of programs, areas for member activity and involvement, and policy goals.