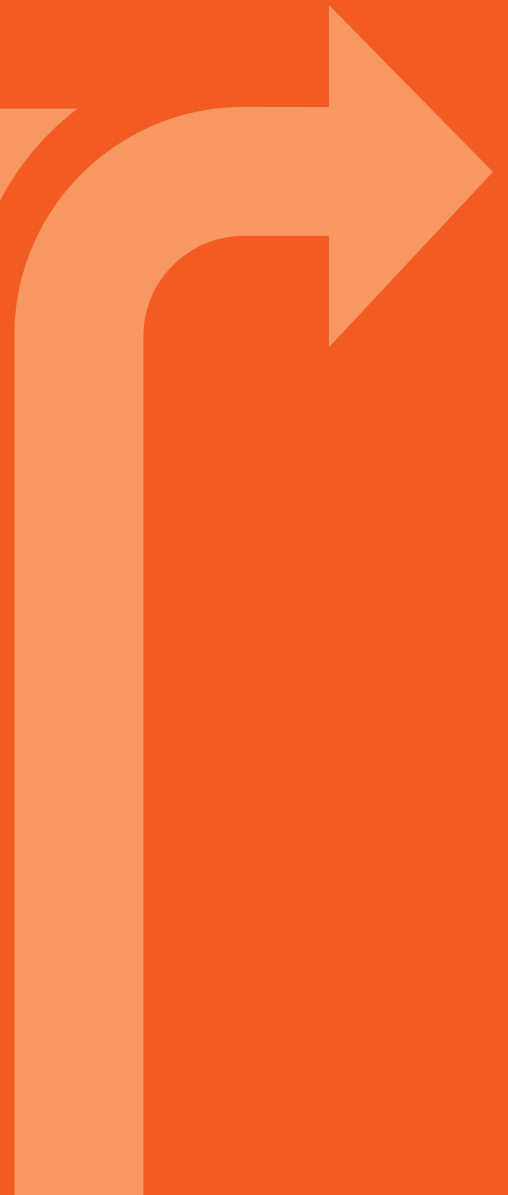


THE ENFORCEMENT GAP

HOW THE NYPD IGNORES WHAT'S
KILLING NEW YORKERS



TRANSPORTATION
ALTERNATIVES

EXECUTIVE SUMMARY

THE NEW YORK POLICE DEPARTMENT'S (NYPD) STATED GOAL IN THE MAYOR'S MANAGEMENT REPORT IS TO "REDUCE THE INCIDENTS OF TRAFFIC ACCIDENTS, INJURIES AND FATALITIES." This is a just and admirable aim, yet the NYPD is not doing everything it can to achieve it because the department ignores its own traffic safety data and chooses not to enforce the traffic violations that are the most harmful to New Yorkers. This is the enforcement gap.

All traffic crashes, injuries and deaths are preventable. The police know what causes them. The experts at the NYPD's Collision Investigation Squad conduct forensic analysis to identify contributing factors. They could use this knowledge to target enforcement resources and eliminate the most common factors, but they do not.

Speeding and failure to yield, the two traffic infractions most dangerous to New Yorkers according to NYPD data, are enforced at a 31 percent lower rate than traffic violations that are among the least frequently cited causes of fatal or injurious crashes, like defective headlights. The level of enforcement for traffic infractions must be commensurate with their ability to kill and injure people, and right now this is not the case.

Every 33 hours a New Yorker is killed in a traffic crash. According to NYPD data, 60 percent of these fatal crashes are caused by speeding, failure to yield, and a small number of other traffic violations. Yet the NYPD does not prioritize the enforcement of these violations – known from their own data to be most deadly – choosing instead to focus on violations that do not cause widespread crashes, injuries or fatalities.

The next mayor must close the enforcement gap by increasing traffic enforcement to target the greatest threats to safety on New York's roads. Then, the NYPD will demonstrably realize its goal of reducing crashes, injuries and deaths in city traffic.

TRAFFIC CRASHES ARE AN URGENT PUBLIC SAFETY CONCERN

FOR THE “SAFEST BIG CITY IN THE US,” NEW YORK CITY’S STREETS REMAIN REMARKABLY DANGEROUS. Despite a growing swath of streets designed to slow speeding drivers, and even amid advances in emergency medical care, the number of New Yorkers killed and injured by unenforced traffic violations remains high. In New York City, during 2011:

- One person was killed in a car crash every 33 hours.ⁱ
- Every eight minutes, a New Yorker suffered a traffic-related injury.
- Every three hours a traffic-related injury resulted in dismemberment, disfigurement or permanent disability.ⁱⁱ

Beyond the individuals who are killed or survive with terrible injuries, the toll of unenforced traffic violations on New York City as a whole is vast, and affects every aspect of civic life, from the economy to communities’ sense of empowerment and self-determination. In New York City:

- From 2001 to 2012, more residents were killed in traffic than were murdered by guns.
- One third of residents reported that someone they know has been seriously injured or killed in a traffic crash, or that they themselves have been seriously injured in a traffic crash.ⁱⁱⁱ
- Traffic crashes cost residents upwards of four billion dollars a year, in government services, lost productivity, and pain and suffering.^{iv}

Most tragically, the toll of dangerous traffic paints a target on New York City’s most vulnerable citizens. Children and seniors suffer the brunt of death and injury as a result of unenforced traffic violations. In New York City:

- Traffic fatalities are the leading cause of injury-related death for children, and after falls, the most common injury-related death for seniors.^v
- Only 12 percent of City residents are over 65 years old, yet 36 percent of pedestrians killed in traffic collisions are senior citizens.^{vi} (After falls, this is the most common cause of injury-related death for city seniors.)

FATAL CRASHES ARE CAUSED BY DRIVERS VIOLATING TRAFFIC LAWS

THERE IS A DIRECT CORRELATION BETWEEN DRIVERS WHO VIOLATE TRAFFIC LAWS AND DRIVERS WHO KILL NEW YORKERS. Speeding and the failure to yield the right of way are the most common enforceable causes of deadly crashes.

At the scene of every traffic crash in New York City, an NYPD officer records the incident in a MV-104 report, administered by the Department of Motor Vehicles, which details the contributing factors of the crash. According to the aggregated MV-104 reports of NYPD officers, in 2011:

- 60 percent of fatal traffic crashes are caused by a driver who committed one or more enforceable traffic violations.
- Half of the fatal crashes that involved an enforceable traffic violation involved speeding or failure to yield to a pedestrian.

Because traffic deaths are predominantly caused by enforceable violations, traffic deaths are preventable. People make decisions to violate traffic laws, and then they kill people. Increasing NYPD enforcement is one of the strongest tools to prevent people from breaking traffic laws.

SPEEDING KILLS NEW YORKERS. THE NYPD UNDER-ENFORCES SPEEDING.

SPEEDING MOTORISTS ARE THE MOST HARMFUL DRIVERS ON NEW YORK CITY STREETS. The maximum speed limit on New York City streets is 30mph; in many neighborhoods and around schools, the speed limit is often 15mph or 20mph. If a pedestrian is hit by a car driving 30mph, there's an 80 percent chance that they will survive. If a pedestrian is hit by a car driving 40mph, there's a 70 percent chance that they will die. At 20mph, pedestrians have a 95 percent survival rate. In New York City, in 2011:

- Speeding drivers were the number one cause of fatal crashes.
- Speeding drivers killed more residents than drunk drivers and drivers on cell phones combined. ^{vii}
- 83 percent of city residents, according to a 2011 poll, wanted stronger enforcement of speed laws to reduce traffic fatalities. ^{viii}

Speeding violations are under-enforced, and speeding drivers are not the focus of the NYPD's enforcement priorities. The NYPD's decision to ignore New York City's speeding epidemic is most egregious on neighborhood streets; in some precincts, the speed limit is hardly enforced at all. In New York City, in 2012:

- Citywide enforcement of the speed limit dropped by 7 percent from 2011.
- 73 percent of speeding summonses were issued on limited-access highways by the NYPD Highway Unit.
- On average in 2012, neighborhood NYPD precincts issued only 252 speeding summonses.
- 66 out of 76 precincts issued less than one speeding summons a day. ^{ix}

While speeding kills and injures scores of people, it also pervasively affects the quality of life of New Yorkers every day. In individual neighborhoods, local speeding problems are often the number one complaint of communities. Increasingly, residents turn to Transportation Alternatives to conduct speed-monitoring studies in their neighborhoods to demonstrate the veracity of the problem. Over 20 hours of observation between 2012 and 2013, on streets in Canarsie, Midwood, Bay Ridge and Greenpoint, Brooklyn, Transportation Alternatives and our community partners observed:

- There were 2,232 drivers documented speeding.
- On neighborhood streets near schools, drivers were documented traveling at highway speeds of 55 miles per hour or more.
- More speeding drivers were documented during these twenty hours than the combined number of speeding violations issued by the local NYPD precincts in all of 2012.^x

In a comprehensive 2009 study along 13 roads in all five boroughs, Transportation Alternatives measured the speeds of 15,000 motorists and found that 39% violated the speed limit.^{xi}

FAILURE TO YIELD INJURES NEW YORKERS. THE NYPD UNDER-ENFORCES FAILURE TO YIELD.

DRIVERS WHO FAIL TO YIELD TO PEDESTRIANS IN THE CROSSWALK ARE THE MOST INJURIOUS DRIVERS ON NEW YORK CITY STREETS. The law requires drivers to slow down or stop their vehicles when pedestrians are legally crossing within the crosswalk. ^{xiii} Drivers must also exercise due care to avoid colliding with pedestrians even with they are not within the crosswalk, a separate violation. ^{xiii}

- In New York City, in 2011, failure to yield was the number one cause of injurious crashes.
- A study conducted from 2008 through 2011 of 1,400 pedestrians and cyclists treated at Bellevue Hospital Center after collisions found that 44 percent of pedestrians were struck while crossing the street in the crosswalk, with the light. ^{xiv}
- According to the NYC DOT, 27 percent of the pedestrians who are killed or seriously injured in traffic crashes are killed by turning drivers who failed to yield the right of way. ^{xv}

			School Zones with Documented Speeding Problems	Percentage of drivers observed violating the speed limit within the school zone
67th Precinct	5219	45	PS 233 Langston Hughes	100 percent
			Brooklyn School of Inquiry	92 percent
			PS 346 Abe Stark	91 percent
			Brooklyn Democracy Academy	91 percent
			PS K140	91 percent
			Middle School For Art & Philosophy	89 percent
			PS 219 Kennedy King	89 percent
			IS 285 Meyer Levin	77 percent
103rd Precinct	6577	66	PS 134 Hollis*	77 percent
113th Precinct	5800	88	PS 15 Jackie Robinson	87 percent
			High School for Law Enforcement and Public Safety	75 percent
			August Martin High School	113 percent

Failure to yield violations are under-enforced, and drivers who fail to yield are not the focus of the NYPD's enforcement priorities. The NYPD's decision to ignore failure to yield violations is most disastrous in pedestrian-dense neighborhoods, where the high number of ignored violations has the potential to do the most harm. In New York City, in 2012:

- On average, NYPD precincts issued fewer than 12 failure to yield summonses a month.
- In some pedestrian-dense areas, like Midtown's 18th Precinct, Chelsea's 6th Precinct, the Financial District's 1st Precinct and Downtown Brooklyn's 94th Precinct, officers issued fewer than 12 failure to yield summonses a month.

EXCESSIVE WINDOW TINT DOES NOT CAUSE TRAFFIC CRASHES, INJURIES OR DEATHS.

EXCESSIVE WINDOW TINT IS A TRAFFIC VIOLATION; IT IS WIDELY ENFORCED BY NYPD OFFICERS, BUT IT DOES NOT CONTRIBUTE TO TRAFFIC CASUALTIES. Does enforcing against excessive window tint work to achieve the NYPD's goal to "Reduce the incidents of traffic accidents, injuries and fatalities"?

In 2011, in New York City:

- Excessive window tint caused zero fatal crashes.
- Excessive window tint caused zero injurious crashes.

Summoning drivers for excessive window tint is widespread. In 2012, in New York City:

- NYPD officers issued 95,866 summonses for excessive window tint.
- 54 out of 76 NYPD precincts issued more than one excessive window tint summons per day.

In the context of reducing incidents of traffic crashes, injuries and deaths, the disparity between the number of summonses issued for excessive window tint violations and lack of traffic danger caused by the violation enacts a harsher toll on the neighborhood where speeding is a common violation. In many communities, speeding goes under-enforced while excessive window tint is well-enforced. In 2012:

- The average NYPD precinct issued 252 speeding summonses and 1,069 summonses for excessive window tint.
- Three precincts that have documented speeding problems near schools (the 67th, 103rd and 113th), issued more than 50 excessive window tint summonses for every speeding summons—199 speeding summonses and 17,596 excessive window tint summonses.^{xvi}
- The 67th Precinct in East Flatbush, Brooklyn, where more than 77 percent of drivers were observed speeding through a school zone, issued 5,219 excessive window tint summonses and 45 speeding summonses.
- The 103rd Precinct in Hollis, Queens, where more than 77 percent of drivers were observed speeding through a school zone, issued 6,577 excessive window tint summonses and 66 speeding summonses.
- The 113th Precinct in St. Albans, Queens, where more than 75 percent of drivers were observed speeding through a school zone, issued 5,800 excessive window tint summonses and 88 speeding summonses.

DEFECTIVE HEADLIGHTS DO NOT KILL NEW YORKERS.

DEFECTIVE HEADLIGHTS ARE A VIOLATION THAT IS WIDELY ENFORCED BY THE NYPD BUT DO NOT KILL NEW YORKERS IN TRAFFIC CRASHES. In 2011, in New York City:

- Defective headlights caused zero fatal crashes.
- Defective headlights caused 12 injurious crashes.

The relative lack of danger caused by defective headlights is consistent across the city, but summoning drivers for defective headlights is widespread. In 2012, in New York City:

- Police officers issued approximately 24,900 summonses for defective headlights.

The disparity between the number of summonses issued for defective headlights and the lack of danger caused by the violation is particularly egregious when presented in relationship to neighborhoods where failure to yield is a common violation. In many neighborhoods, this dangerous violation goes under-enforced while defective headlights are well-enforced. In 2012:

- NYPD precincts issued half as many summonses for failure to yield as they did for defective headlights.
- In the Financial District's 1st Precinct, one of the most pedestrian-dense areas of the city, police issued approximately six defective headlight summonses for every failure to yield summons.

CONCLUSION: SOME LOCAL PRECINCTS PROVIDE MODEL FOR IMPROVEMENT

ACROSS NEW YORK CITY, ACCORDING TO THE NYPD'S OWN DATA, POLICE PRECINCTS ARE OPERATING WITH WIDELY SKEWED PRIORITIES. THERE'S AN ENFORCEMENT GAP.

New Yorkers are dying and being left paralyzed, in comas and missing limbs, while the most dangerous violations go unenforced. This is unacceptable because the violations that contribute most frequently to these severe crashes are enforceable.

The next mayor must close the enforcement gap. NYPD traffic safety resources must be increased to prevent the most deadly, injurious and harmful behaviors on our roads.

Yet, in certain precincts, there are signs of hope. Ambitious precinct commanders have demonstrated that an increase in speeding enforcement is possible. Officers in Upper Manhattan's 26th, 28th and 32nd precincts issued a combined 67 speeding summonses in 2011. In 2012, those same precincts issued 1,078 speeding summonses; a 1,500 percent increase. Other commanding officers have demonstrated that an increase in failure to yield enforcement is workable. The Bronx's 40th, 42nd and 47th precincts issued a combined 57 failure to yield summonses in 2011. In 2013 those same precincts issued 369 summonses; a 547 percent increase.

There is hope for safer streets in New York City, built on smarter enforcement. But without mayoral leadership to target the violations that kill and injure countless New Yorkers in traffic every year, hope is just a few more summonses scattered in the street.

REFERENCES AND APPENDIX

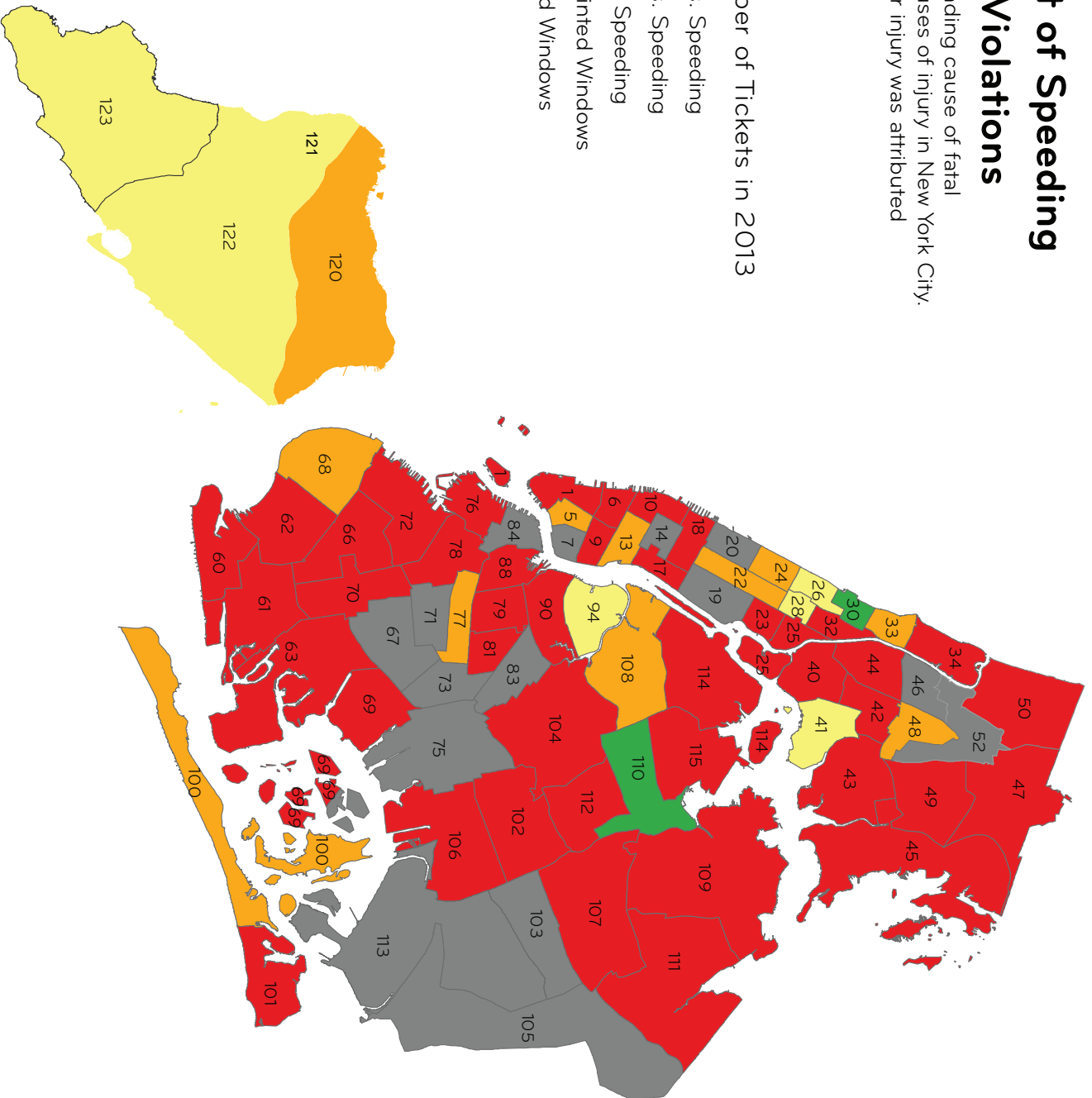
- i. NYS Department of Motor Vehicles. "Summary of New York City Motor Vehicle Crashes - 2011." Web. 27 Sept. 2013. <http://www.dmv.ny.gov/Statistics/2011NYCCrashSummary.pdf>, hereinafter NYS DMV 2011
- ii. NYS DMV 2011
- iii. Transportation Alternatives. Voters' Message to NYC's Next Mayor: "Bring Protected Bike Lanes and Pedestrian Islands to My Neighborhood". 30 Sept. 2013. Web. <http://transalt.org/news/releases/6946>.
- iv. Viola R, Roe M, Shin H. The New York City Pedestrian Safety Study and Action Plan. New York City Department of Transportation: August 2010, hereinafter NYC Pedestrian Action Plan.
- v. DiGrande L, Yau R, Fortin P. 2012 Report from the New York City Child Fatality Review Advisory Team: Understanding Child Injury Deaths. New York City Department of Health and Mental Hygiene: December 2012.
- vi. NYC Pedestrian Action Plan
- vii. NYS DMV 2011
- viii. Transportation Alternatives. New Poll Shows New York City Voters Want A Crackdown On Dangerous Drivers Poll Reveals Strong Support For Safer Streets And More Transportation Choices. [Http://transalt.org/news/releases/5537](http://transalt.org/news/releases/5537). 13 Dec. 2011. Web. 27 Sept. 2013.
- ix. The City's 121st Precinct, which was established in June 2013, was omitted from this report.
- x. Transportation Alternatives. New Study Shows Brooklyn Leads New York City In Traffic Deaths: Kings County Motorists Are Also Kings Of Speeding. 17 June 2013. Web. 27 Sept. 2013. <http://transalt.org/news/releases/6788>.
- xi. Transportation Alternatives. Terminal Velocity: New York City's Speeding Epidemic, Feb 2009. available at http://transalt.org/files/news/reports/2009/terminal_velocity.pdf
- xii. NYS Vehicle and Traffic Law § 1151
- xiii. NYS Vehicle and Traffic Law § 1146
- xiv. Flegenheimer, Matt. "Crosswalks in New York Are Not Havens, Study Finds." New York Times, 2 Apr. 2013. Web. 27 Sept. 2013. http://www.nytimes.com/2013/04/03/nyregion/study-details-injuries-to-pedestrians-and-cyclists-in-new-york-city.html?_r=0
- xv. NYC Pedestrian Safety Action Plan
- xvi. NYC Pedestrian Action Plan

NYPD Enforcement of Speeding vs. Tinted Window Violations

In 2011, speeding ranked as the leading cause of fatal crashes and one of the leading causes of injury in New York City. In contrast, not one traffic fatality or injury was attributed to excessive window tint.

NYPD Enforcement, by Number of Tickets in 2013

- >10x Tinted Window tickets vs. Speeding
- <10x Tinted Window tickets vs. Speeding
- <2x Tinted Window tickets vs. Speeding
- More Speeding tickets than Tinted Windows
- <2x Speeding tickets vs Tinted Windows
- ### # NYPD Precinct numbers



2013 Year-to-Date Tickets Issued by NYPD Precincts

Precinct	Speeding	Failure to Yield	Broken Headlights	Tinted Windows
1	47	120	521	343
5	66	126	293	131
6	36	80	204	156
7	22	162	0	244
9	12	150	45	107
10	33	95	239	228
13	50	135	30	70
14	6	679	689	625
17	24	99	399	61
18	13	86	69	106
19	24	381	515	345
20	7	119	324	239
22	70	78	66	134
23	36	194	509	262
24	44	195	147	63
25	14	90	157	50
26	334	177	177	188
28	357	134	55	181
30	366	202	97	140
32	159	98	361	584
33	273	156	179	284
34	37	110	175	180
40	445	105	251	1746
41	334	12	200	333
42	189	86	123	720
43	139	51	245	934
44	164	21	148	555
45	151	10	117	466
46	143	48	318	1785
47	140	55	270	360
48	1051	16	66	1476
49	114	9	65	299
50	108	22	29	468
52	110	9	665	1788

REFERENCES AND APPENDIX

60	197	69	38	815
61	139	206	33	736
62	103	133	188	720
63	55	32	83	437
66	140	189	30	429
67	102	67	217	2322
68	256	227	123	324
69	260	51	174	1212
70	164	159	0	1042
71	106	144	178	1371
72	149	100	65	451
73	140	166	463	2379
75	74	32	439	2413
76	101	123	40	568
77	519	9	847	456
78	108	58	86	517
79	214	31	964	501
81	165	11	759	723
83	17	37	170	238
84	41	59	336	559
88	50	2	105	114
90	227	18	863	546
94	445	12	91	330
100	110	23	14	217
101	166	38	345	756
102	113	151	117	618
103	74	198	20	3361
104	95	132	10	759
105	188	64	343	1999
106	142	79	0	959
107	196	69	281	431
108	321	218	12	383
109	539	308	22	1166
110	2045	291	29	315
111	114	78	8	768
112	208	111	13	477
113	69	10	47	2656

REFERENCES AND APPENDIX

114	309	160	0	710
115	128	331	5	987
120	748	87	584	1009
121	38	1	142	113
122	781	29	270	495
123	645	3	426	575
TOTAL	15919	8426	16728	53608

In order to reduce traffic deaths and injuries, the Police Department must increase enforcement of the most dangerous traffic violations, in particular speeding and failure to yield, as opposed to those violations which do not endanger public safety, such as defective headlights and excessive window tint.

**2012 NYPD data*



WINDOW TINT

95,526 TICKETS ISSUED

0 FATAL CRASHES

0 INJURY CRASHES



SPEEDING

84,630 TICKETS ISSUED

55 FATAL CRASHES

2,710 INJURY CRASHES



BROKEN HEADLIGHTS

25,439 TICKETS ISSUED

0 FATAL CRASHES

13 INJURY CRASHES



FAILURE TO YIELD

16,283 TICKETS ISSUED

26 FATAL CRASHES

5,501 INJURY CRASHES