

From: [Robin Roemer](#)
To: [Espejo, Gina](#)
Cc: [District3](#); [District4](#); [District 6](#); [District7](#); [District8](#)
Subject: Public Comment T&E - Item 1. Vision Zero Update - Role of SJPD
Date: Saturday, October 31, 2020 5:55:47 PM
Attachments: [Comment SJPD+VZ_T+E_2020-11-02.pdf](#)

[External Email]

Hi,

I would like to submit the attached as a public comment to Item 1. "Vision Zero Update".

While re-purposing and re-designing our streets remains the most impactful tool and urgent need of our Vision Zero strategy, other elements of San José's Vision Zero strategy can also contribute. My comment today highlights the role of SJPD in achieving Vision Zero in San Jose and makes recommendations in four areas:

1. ISSUE: Traffic stops & Black Lives Matter
It is important for the City of San José/SJPD to acknowledge and address concerns of how enforcement through traffic stops have too often resulted in racial injustices.
2. ISSUE: Limited prosecution of deadly crashes
For all KSIs, SJPD and the DA's office should report what charges have been filed (e.g. warning, ticket, criminal charges) and the result of the prosecution (e.g. guilty/not guilty, loss of driver license, fine, jail time).
3. ISSUE: Problematic language in SJPD media release
Revise guidelines/templates for SJPD media releases in the case of traffic collisions to incorporate Vision Zero best practices.
4. ISSUE: SJPD officers as role models
(Re-)train SJPD officers in promoting exemplary behavior in protecting most vulnerable road users (pedestrians, bicyclists) of all ages and abilities.

Unfortunately, I won't be able to attend the meeting on Monday to make a spoken public comment.

Thank you for your consideration

Robin Roemer

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

The Role of SJPD in achieving Vision Zero

PUBLIC COMMENT

Recommendations (Summary)

- 1. ISSUE: Traffic stops & Black Lives Matter**
It is important for the City of San José/SJPD to acknowledge and address concerns of how enforcement through traffic stops have too often resulted in racial injustices.
- 2. ISSUE: Limited prosecution of deadly crashes**
For all KSIs, SJPD and the DA's office should report what charges have been filed (e.g. warning, ticket, criminal charges) and the result of the prosecution (e.g. guilty/not guilty, loss of driver license, fine, jail time).
- 3. ISSUE: Problematic language in SJPD media release**
Revise guidelines/templates for SJPD media releases in the case of traffic collisions to incorporate Vision Zero best practices.
- 4. ISSUE: SJPD officers as role models**
(Re-)train SJPD officers in promoting exemplary behavior in protecting most vulnerable road users (pedestrians, bicyclists) of all ages and abilities.

1. Traffic stops & Black Lives Matter

Issues with Enforcement as part of Vision Zero

A growing number of Vision Zero and transportation advocacy groups (including SF Vision Zero Coalition members) are moving away from traffic stops as part of Vision Zero.

Traffic stops have generally been shown to be often discriminatory as well as ineffective as a prevention measure especially compared to engineering solutions.

Successful Vision Zero initiatives include enforcement strategies, but significant concerns are being raised about how increased use of enforcement would have an outsized impact on low-income communities and communities of color, including further exacerbating fragile policecommunity relations in some cities. In addition to an alarming number of recent, highly publicized police-involved deaths of African-Americans that started with traffic enforcement stops, ample research and experience underscores troubling trends of racial biases within traffic enforcement and related growing distrust between communities of color and police.

Traditional officer-initiated Enforcement should be a tactic of last resort in traffic safety efforts, not the first line of attack. No amount of police presence can overcome road designs and policies that simply don't work well enough.

<https://visionzeronetwork.org/vision-zero-equity-law-enforcement>

The Case Against Law Enforcement in Vision Zero

By Melody Hoffmann



TransAlt [Follow](#)
Oct 10, 2019 · 7 min read

Vision Zero's Enforcement Problem

Using community engagement to craft equitable traffic safety strategies

JULY 21, 2016 | BY LEAH SHAHUM

NEWS

Vision Zero, Equity & Law Enforcement



Photo: Joe Brusky (Creative Commons)

Acknowledging Missteps & Looking Forward

our streets

About ▾

Advocacy

MPLS

Why we don't support traffic enforcement

by Er

STREETS BLOG NYC

S-Cop-Laws / Coronavirus Crisis / Transit / Bicycling / Congestion Pricing / Ca

Racial Inequity in Traffic Enforcement

By Marco Conner | Mar 9, 2016 | 17 COMMENTS

Submitted on Tue, 2020-06-09 11:55 by Cass Isidro

Dropping Enforcement from the Safe Routes to School 6 E's Framework

Vision Zero...Without the Enforcement

As a leading bicycle advocacy organization withdraws support for police enforcement of Vision Zero plans, the discretionary practices of traffic enforcement come under rejuvenated scrutiny.

June 11, 2020, 12pm PDT | James Br

Vision Zero must focus on alternatives to policing

BY JODIE MEDEIROS / JUNE 25, 2020

Yesterday, 20 member organizations of San Francisco's [Vision Zero Coalition](#), which is led by Walk SF, sent a letter to Mayor London Breed and the Vision Zero Committee of the San Francisco Country Transportation Authority (SFCTA).

The letter urges the City to focus on alternatives to policing as it works to end severe and fatal traffic crashes by 2024. [Here is the letter.](#)

Recommendation

It is important for the City of San José/SJPD to acknowledge and address concerns of how enforcement through traffic stops have too often resulted in racial injustices.

2. Limited prosecution of deadly crashes

Traffic violence often treated differently from other forms of violence

The driver who almost killed Mayor Liccardo at the beginning of 2019 seems not to have been prosecuted but instead just received a simple traffic citation.

This lenient approach towards drivers who have harmed or even killed people is typical in the US.

NEWS > CALIFORNIA NEWS • News

San Jose mayor says he's on the mend after bad bike accident

Driver ticketed after collision that caused Sam Liccardo to suffer several fractures

Bay Area Drivers Rarely Charged for Pedestrian Accidents, Report Finds

Drivers who strike pedestrians in the Bay Area rarely face charges when they are at fault, according to a recent report. A non-profit Center for Investigative Reporting revealed that only 28% of drivers who hit pedestrians in the Bay Area are ever charged. Furthermore, CIR found, those who are charged rarely face conviction.

MINNEAPOLIS

In crashes that kill pedestrians, the majority of drivers don't face charges

Between 2010 and 2014, there were 3,069 crashes with pedestrians in the Twin Cities and its suburbs. 95 were killed. 28 drivers were charged. But many of the deaths weren't even judged worth a traffic ticket.

Philadelphia drivers rarely prosecuted for crashes that kill pedestrians, cyclists

By Ximena Conde - February 26, 2019

In Memoriam 2019: The Lives We Lost (And The Drivers Who Weren't Charged)

By Julianne Cuba | Jan 6, 2020 | 15 COMMENTS

Recommendation

For all KSIs, SJPD and the DA's office should report what charges have been filed (e.g. warning, ticket, criminal charges) and the result of the prosecution (e.g. guilty/not guilty, loss of driver license, fine, jail time).

3. Problematic language in SJPD media release

SJPD media advisory often biased, downplaying the role of drivers & infrastructure

SJPD media reports regularly don't follow best practice for reporting crashes. PD reports often focus on the victims action and give agency to objects (e.g. "car", "vehicle") instead of drivers. Reports also regularly include irrelevant counterfactuals (e.g. not in a marked crosswalk). It is illegal to kill pedestrians and bicyclists regardless of their position in the street.

This well-known issue then affects media coverage.

Six Ways the Media is Still Blaming the Victim

By Angie Schmitt | Jan 14, 2019 | 29 COMMENTS



How the Media Shapes Public Perception of Roadway Safety and What to Do About it

By Melanie Curry | Mar 9, 2020 | 0 COMMENTS



CITYLAB

How Media Coverage of Car Crashes Downplays the Role of Drivers

Safety advocates have long complained that media outlets tend to blame pedestrians and cyclists who are hit by cars. Research suggests they're right.

Op-Ed: Hey, Reporters, Stop Blaming Crashes on the Victims

Researchers find that the framing of articles greatly affects public perceptions of vehicle violence.

By Tara Goddard, Kelcie Ralph, Calvin G. Thigpen and Evan Iacobucci | Nov 18, 2019 | 16 COMMENTS



Problematic press release (example)

MEDIA ADVISORY 20-264-0981

object vs person

Irrelevant counter-factual (victim blaming); source for information unclear; location doesn't seem to have marked crosswalks

First mention of a driver in the 5th sentence. Also, this does not deserve highlighting. Drivers are legally required to stop and cooperate with the investigation.

On 09/20/20, at approximately 10:29 PM, Officers responded to the area of S. White Road and and Rose Avenue on a call of a vehicle versus bicyclist collision. The preliminary investigation revealed the following: the vehicle was traveling northbound on S. White Road when it struck the bicyclist which was riding across southbound and northbound lanes of White Road. The bicyclist was not in the bicycle lane or crosswalk. The adult male bicyclist was pronounced deceased at the scene by paramedics. The driver of the vehicle stopped and is cooperating with the investigation.

Vehicle seemingly "acting" on its own.

This is the City's 32nd traffic fatality of 2020.

The identity of the victim will be released by the Santa Clara County Coroner's Office after they confirm the victim's identity and notify next of kin.

Anyone with information is asked to contact Detective O'brien #3527 with the Department's Traffic Investigation Unit at 408-277-4654.

Local media actively rephrasing SJPD framing

MEDIA ADVISORY 20-264-0981

On 09/20/20, at approximately 10:29 PM, Officers responded to the area of S. White Road and and Rose Avenue on a call of a vehicle versus bicyclist collision. The preliminary investigation revealed the following: the vehicle was traveling northbound on S. White Road when it struck the bicyclist which was riding across southbound and northbound lanes of White Road. The bicyclist was not in the bicycle lane or crosswalk. The adult male bicyclist was pronounced deceased at the scene by paramedics. The driver of the vehicle stopped and is cooperating with the investigation.

This is the City's 32nd traffic fatality of 2020.

The identity of the victim will be released by the Santa Clara County Coroner's Office after they confirm the victim's identity and notify next of kin.

Anyone with information is asked to contact Detective 277-4654.



tomorrow's canceled
@jennwadsworth

SJPD's 32nd traffic fatality of 2020: motorist driving north on South White Road by Rose Avenue struck adult male cyclist. Here's the press release >>> sjpd.org/inews/viewpres...



Robert Salonga ✓
@robertsalonga

BREAKING: Woman dies from crash after SUV hit outdoor-dining area in San Jose

bayareane.ws/3jU7rGS

@mercnews



8:40 AM · Oct 13, 2020 · TweetDeck

19 Retweets 9 Quote Tweets 17 Likes



Erik @erik_griswold · Oct 13

Replying to @robertsalonga and @mercnews

Was there no motorist in the SUV??



Robert Salonga ✓ @robertsalonga · Oct 13

Headline updated to include "driver." Thanks for pointing out. It was already spelled out in the subheadline and lead of the story, but I agree needed to be in the headline.

Potential edits (suggestion)

MEDIA ADVISORY

20-264-0981

On 09/20/20, at approximately 10:29 PM, Officers responded to the ~~area~~ ^{intersection} of S. White Road and and Rose Avenue on a call of a ~~vehicle versus bicyclist collision~~ ^{motorist striking a bicyclist}. The preliminary investigation revealed the following: ~~the vehicle was~~ ^{A driver} traveling northbound on S. White Road ~~when it struck the bicyclist which was riding across southbound and northbound lanes of White Road. The bicyclist was not in the bicycle lane or crosswalk.~~ ^{a crossing} The adult male bicyclist was pronounced deceased at the scene by paramedics. ~~The driver of the vehicle stopped and is cooperating with the investigation.~~

This is the City's 32nd traffic fatality of 2020. ^{and the second traffic fatality on White Road this year.}
^{White Road is a SJ Vision Zero Priority corridor.}

The identity of the victim will be released by the Santa Clara County Coroner's Office after they confirm the victim's identity and notify next of kin.

Anyone with information is asked to contact Detective O'brien #3527 with the Department's Traffic Investigation Unit at 408-277-4654.

Recommendation

Revise guidelines/templates for media releases in the case of traffic collisions to incorporate Vision Zero best practices.

4. SJPD officers as role models

SJPD officer blocking crosswalk

SJPD officers should be role models in protecting vulnerable road users and should (circumstances allowing) avoid blocking crosswalks or bike lanes.

SJPD behavior sends an implicit message to other motorists on which behaviors are most likely to be tolerated.

In the example on the right the officer placed the convenience of other drivers above accessibility for e.g. wheelchair users or parents with strollers despite there being plenty of road space available to stop in a different location.



Recommendation

(Re-)train SJPD officers in promoting exemplary behavior in protecting most vulnerable road users (pedestrians, bicyclists) of all ages and abilities.