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August 26, 2015

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VENTURA COUNTY
GRAND JURY

The Honorable Judge Donald D. Coleman
Presiding Judge, Superior Court of California
County of Ventura
800 South Victoria Avenue
Ventura, CA 93009

Subject: Grand Jury Report, Countywide Bicycle Safety (June 01, 2015)

Dear Judge Coleman:

This letter is in response to the Grand Jury's Findings and Recommendations pertaining to the countywide bicycle safety report, as it relates to the Ventura County Sheriff Office's unincorporated areas and the cities that contract law enforcement services from the Sheriff's Office (Fillmore Police Department, Moorpark Police Department, Ojai Police Department, and Thousand Oaks Police Department). The Camarillo Police Department's response will be incorporated with the City of Camarillo's response.

FILLMORE POLICE DEPARTMENT:

Finding: FI-01. Throughout the County, law enforcement personnel rarely enforce helmet laws. They do not enforce bicycle licensing ordinances.

Response: The Fillmore Police Department agrees with the Grand Jury that helmet laws are rarely enforced and we do not enforce the bicycle licensing ordinance.

We currently have a volunteer licensing program available to the public. The Fillmore Police Department plans to continue this volunteer program in the best interest of public relations. We will encourage the public to participate more in the registration process for the reasons stated by the Grand Jury in FI-02.

Finding: FI-02. Licensing or registering bicycles with the police assists in the return of lost or stolen bicycles to owners, thereby reducing the number of unclaimed bicycles.

Response: The Fillmore Police Department agrees with the finding. We currently have a volunteer licensing process and will continue our current procedures stated in FI-01.

SPECIAL SERVICES
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Finding: FI-03. Bicycle helmet laws for children are not routinely complied with nor enforced.

Response: The Fillmore Police Department agrees with the finding. Refer to FI-01

Finding: FI-05. Of all the factors contributing to bicyclists' deaths and injuries, motor vehicle driver error is the most prevalent. Rear-ending of cyclists is the most common error.

Response: The Fillmore Police Department agrees with the finding.

Finding: FI-08. Salmoning places cyclists at greater risk as motor vehicle drivers are not expecting riders to be coming directly toward them. Many people are unaware that salmoning is illegal in the State.

Response: The Fillmore Police Department agrees with the finding. We will make a greater effort to enforce traffic laws (CVC 21200 requires bicyclist follow the same traffic laws motorists must follow.)

RECOMMENDATIONS

Recommendation: R-01 The Grand Jury recommends that the County Board of Supervisors and the city councils of all cities within the County encourage their respective law enforcement personnel to increase enforcement of bicycle safety and related motor vehicle laws. (FI-01, FI-02, FI-03, FI-05, FI-08)

Response: The Fillmore Police Department agrees with this recommendation. The Fillmore Police Department will continue to focus on education and awareness campaigns to educate children and their parents of the requirements for wearing helmets and enforce laws related to bicycle safety. The Fillmore Police Department has, in the past, used a two-pronged effort in bicycle safety, both education and enforcement.

Education

The Fillmore Police Department is planning to sponsor, with other local non-profits, (Fillmore Fire Foundation has agreed to purchase helmets) a bicycle rodeo this summer with bicycle/rider safety as the primary message. An agreement has been reached for helmets to be provided by one of our non-profit organizations.

Enforcement

The Fillmore Police Department will increase our enforcement efforts toward bicycle traffic laws and will contact/cite bicyclists that violate traffic laws. (CVC 21200 requires bicyclist follow the same traffic laws motorists must follow.)

Thank you for the opportunity to respond to this Grand Jury report. If additional explanation is needed, please feel free to contact Captain Dave Wareham at 524-2233 or dave.wareham@ventura.org

MOORPARK POLICE DEPARTMENT:

Finding: FI-01. Throughout the County, law enforcement personnel rarely enforce helmet laws. They do not enforce bicycle licensing ordinances.

Response: The Moorpark Police Department agrees with the Grand Jury that helmet laws are rarely enforced. The Moorpark Police Department has previously offered programs providing free helmets to children not wearing them and in need of helmets and also rewarded those who were wearing helmets through certificates from local businesses, reinforcing good habits through positive contacts in the community.

The Moorpark Police Department agrees with the Grand Jury that bicycle licensing is under enforced. The Moorpark Police Services Center does offer all citizens who reside in the City and surrounding County areas the opportunity to license their bicycles. Prior to participating in agency sponsored bicycle safety events and rodeos, participants must license their bikes.

The California Vehicle Code Section 39002 authorizes Cities and Counties to adopt by Resolution or Ordinance bicycling licensing procedures. The County's Ordinance dealing with the licensing procedures could be construed as somewhat antiquated. The City of Moorpark initially modeled their Resolution closely after the County's Ordinance. The Moorpark Resolution will be reviewed and updated as necessary.

Finding: FI-02. Licensing or registering bicycles with the police assists in the return of lost or stolen bicycles to owners, thereby reducing the number of unclaimed bicycles.

Response: The Moorpark Police Department agrees with the finding.

Finding: FI-03. Bicycle helmet laws for children are not routinely complied with nor enforced.

Response: The Moorpark Police Department agrees with the finding. The Moorpark Police Department utilizes a sensible approach applying the spirit of the law, letter of the law, and positive community contacts when taking enforcement actions. As much as law enforcement has involvement, good parenting practices must also be drawn upon. As mentioned in the above response to FI-01, the Moorpark Police Department has offered programs in the past is still providing free helmets and also rewarding those who are wearing helmets through certificates from local businesses.

Finding: FI-05. Of all the factors contributing to bicyclists' deaths and injuries, motor vehicle driver error is the most prevalent. Rear-ending of cyclists is the most common error.

Response: The Moorpark Police Department doesn't necessarily disagree with the unscientific statistical finding used by the Grand Jury, however, a more accurate analysis may be attained by specifically reviewing the ten (10) in-county fatal collisions to identify the party at fault and the *primary collision factor* as determined by the investigating law enforcement agency

Finding: FI-08. Salmoning places cyclists at greater risk as motor vehicle drivers are not expecting riders to be coming directly toward them. Many people are unaware that Salmoning is illegal in the State.

Response: The Moorpark Police Department agrees with the finding and has previously provided news articles and will continue to educate the public regarding bicycle rules of the road that also address this.

RECOMMENDATIONS

Recommendation: R-01. The Grand Jury recommends that the County Board of Supervisors and the city councils of all cities within the County encourage their respective law enforcement personnel to increase enforcement of bicycle safety and related motor vehicle laws. (FI-01, FI-02, FI-03, FI-05, FI-08)

Response: The Moorpark Police Department agrees with this recommendation. The Moorpark Police Department utilizes a sensible approach applying the spirit of the law, letter of the law, and positive community contacts when taking enforcement actions.

The Moorpark Police Department has conducted shift briefings to law enforcement personnel on bicycle safety and the applicable bicycle and motor vehicle laws deputies are responsible to enforce. This was done to increase awareness and safety. The Moorpark Police Department has continued enforcement and education through routine and directed patrols, bicycle rodeos and safety events, education from bicycle patrol members riding in the field, news articles relating to helmet safety, bike lane safety laws, bicycle vehicle code laws, providing enhanced patrol and enforcement during the first days back to school, and providing bicycle safety informational flyers that are available in the Moorpark Police Services Center lobby.

Recommendation: R-02: The Grand Jury recommends the County Board of Supervisors and the city councils of all cities within the County that do not have a Bicycle Advisory Commission/committee establish one.

Response: If the City of Moorpark establishes a Bicycle Advisory Commission/Committee, the Moorpark Police Department / Ventura County Sheriff's Office will actively support and as needed participate.

Recommendation: R-03. The Grand Jury recommends the County Board of Supervisors and the city councils of all cities within the County, continually promote bicycle laws and safety to people of all ages, concentrating on school-age children through events such as bike rodeos, bicycle rallies, and other educational activities.

Response: The Moorpark Police Department will seek to educate the community and school children on bicycle safety whenever possible through the School Resource Officer and other special events authorized by the City as they occur.

Recommendation: R-04. The Grand Jury recommends the County Board of Supervisors and the city councils of all cities within the County use local media (e.g., public service announcements, public events, and government websites) to educate motor vehicle driving public and bicyclists of their responsibility to know and obey bicycle-related laws.

Response: The Moorpark Police Department will seek opportunities to utilize local media to educate the community including drivers, bicyclists, and school age children on bicycle safety.

Thank you for the opportunity to respond to this Grand Jury report. If additional explanation is needed, please feel free to contact Captain Stephen Wade at (805)832-2705 or Stephen.Wade@Ventura.Org

OJAI POLICE DEPARTMENT:

Finding: FI-01. Throughout the County, law enforcement personnel rarely enforce helmet laws. They do not enforce bicycle licensing ordinances.

Response: The Ojai Police Department agrees with the Grand Jury that helmet laws are rarely enforced and will be working on an incentive program for children found wearing helmets. The Ojai Police Department offers bicycle licensing services to the Ojai community on a voluntary basis.

Finding: FI-02. Licensing or registering bicycles with the police assists in the return of lost or stolen bicycles to owners, thereby reducing the number of unclaimed bicycles.

Response: The Ojai Police Department agrees with the finding, however it should be noted that stolen bicycles frequently have all forms of identification removed. The Ojai Police Department offers bicycle licensing services to the Ojai community on a voluntary basis.

Finding: FI-03. Bicycle helmet laws for children are not routinely complied with nor enforced.

Response: The Ojai Police Department agrees with the finding and will be working on an incentive program for children found wearing helmets.

Finding: FI-05. Of all the factors contributing to bicyclists' deaths and injuries, motor vehicle driver error is the most prevalent. Rear-ending of cyclists is the most common error.

Response: The Ojai Police Department agrees with the finding and has and will continue to educate the public through social media, news stories and directed enforcement.

Finding: FI-08. Salmoning places cyclists at greater risk as motor vehicle drivers are not expecting riders to be coming directly toward them. Many people are unaware that salmoning is illegal in the State.

Response: The Ojai Police Department agrees with the finding and has and will continue to educate the public through social media, news stories and directed enforcement.

RECOMMENDATIONS

Recommendation: R-01. The Grand Jury recommends that the County Board of Supervisors and the city councils of all cities within the County encourage their respective law enforcement personnel to increase enforcement of bicycle safety and related motor vehicle laws. (FI-01, FI-02, FI-03, FI-05, FI-08)

Response: The Ojai Police Department agrees with this recommendation. The Ojai Police Department has conducted shift briefings on bicycle safety and the applicable bicycle and motor vehicle laws officers to increase awareness and safety. The Ojai Police Department has increased enforcement and education of the public through routine and directed patrols, and created a bicycle informational flyer that was posted on community social media outlets, distributed at local schools, and is also available in the police station lobby. The Ojai Police Department will continue to offer bicycle licensing services to the Ojai community on a voluntary basis.

Thank you for the opportunity to respond to this Grand Jury report. If additional explanation is needed, please feel free to contact Captain Dave Kenney at 646-1414 or David.Kenney@Ventura.Org

THOUSAND OAKS POLICE DEPARTMENT:

Finding: FI-01. Throughout the County, law enforcement personnel rarely enforce helmet laws. They do not enforce bicycle licensing ordinances.

Response: The Thousand Oaks Police Department agrees with the Grand Jury that helmet laws are rarely enforced.

Finding: FI-02. Licensing or registering bicycles with the police assists in the return of lost or stolen bicycles to owners, thereby reducing the number of unclaimed bicycles.

Response: The Thousand Oaks Police Department agrees with the finding.

Finding: FI-03. Bicycle helmet laws for children are not routinely complied with nor enforced.

Response: The Thousand Oaks Police Department agrees with the finding.

Finding: FI-05. Of all the factors contributing to bicyclists' deaths and injuries, motor vehicle driver error is the most prevalent. Rear-ending of cyclists is the most common error.

Response: The Thousand Oaks Police Department agrees with the finding.

Finding: FI-08. Salmoning places cyclists at greater risk as motor vehicle drivers are not expecting riders to be coming directly toward them. Many people are unaware that salmoning is illegal in the State.

Response: The Thousand Oaks Police Department agrees with the finding.

RECOMMENDATIONS

Recommendation: R-01. The Grand Jury recommends that the County Board of Supervisors and the city councils of all cities within the County encourage their respective law enforcement personnel to increase enforcement of bicycle safety and related motor vehicle laws. (FI-01, FI-02, FI-03, FI-05, FI-08)

Response: The Thousand Oaks Police Department agrees with this recommendation. The Thousand Oaks Police Department will continue to focus on education and awareness campaigns to educate children and their parents of the requirements for wearing helmets and enforce other laws related to bicycle safety. As a matter of practice, the Thousand Oaks Police Department has been using a two pronged effort in bicycle safety, both education and enforcement:

Education

The Thousand Oaks Police Department (TOPD) gives at least 12 (once a month on average) bicycle safety talks at local schools, mostly at elementary school level. The TOPD conducted the most recent one, June 10th, 2015 at Carden Conejo Elementary School. The TOPD has applied for and received grant funding from the Office of Traffic Safety, in partnership with the National Highway Transportation, over the past few years. A portion of the grant funds Selective Traffic Enforcement Program (STEP), which require TOPD: *“Conduct six Traffic Safety educational presentations impacting 180 community members. Note: Presentations may include topics such as distracted driving, DUI, speed, bicycle and pedestrian safety, seatbelts and child passenger safety.”*

Enforcement

The TOPD regularly enforce traffic laws and contact/cite bicyclist that violate traffic laws. (CVC 21200 requires bicyclist follow the same traffic laws motorists must follow.)

Our STEP grant requires TOPD conduct two bicycle specific enforcement operations throughout the 12 month grant year. TOPD will be conducted our second bicycle operation on August 15, 2015. These operations consist of three motor officers spending seven hours specifically contacting/citing bicyclists.

Thank you for the opportunity to respond to this Grand Jury report. If additional explanation is needed, please feel free to contact Captain James Fryhoff at 494-8248 or james.fryhoff@ventura.org

UNINCORPORATED AREAS WITHIN VENTURA COUNTY:

Finding: FI-01. Throughout the County, law enforcement personnel rarely enforce helmet laws. They do not enforce bicycle licensing ordinances.

Response: The Ventura County Sheriff's Office agrees with the Grand Jury that helmet laws are rarely enforced and bicycle registration ordinances are not enforced.

With regard to helmet enforcement, the Sheriff's Office utilizes a balanced approach of spirit of the law, letter of the law, positive community contacts, and parental responsibility when deciding to take enforcement action.

With regard to bicycle registration enforcement, the Sheriff's Office does not enforce Ventura County Ordinance 6275, which governs bicycle registration. The law was enacted in 1976 and many of its subsections could be viewed as obsolete in today's society (e.g., bicycle owners are required to notify the Sheriff's Office within 10 days of selling or disposing of a registered bicycle; any person who purchases or acquires a registered bicycle must apply for a transfer of the registration within 10 days and pay a

\$1.00 fee; if the bicycle license or registration is lost, the owner must within 10 days make application for a new license and pay a \$1.00 fee; bicycle owners are *required* to notify the Sheriff's Office when a bicycle is stolen.) The fine for violating any part of VCO 6275 is \$5.00.

Finding: FI-02. Licensing or registering bicycles with the police assists in the return of lost or stolen bicycles to owners, thereby reducing the number of unclaimed bicycles.

Response: The Ventura County Sheriff's Office agrees with the finding. In addition to the response in FI-01, compliance by the general public is very small if at all.

Finding: FI-03. Bicycle helmet laws for children are not routinely complied with nor enforced.

Response: The Ventura County Sheriff's Office agrees with the finding. As stated in FI-01, the Sheriff's Office utilizes a balanced approach of spirit of the law, letter of the law, positive community contacts, and parental responsibility when deciding to take enforcement action.

Finding: FI-05. Of all the factors contributing to bicyclists' deaths and injuries, motor vehicle driver error is the most prevalent. Rear-ending of cyclists is the most common error.

Response: The Ventura County Sheriff's Office doesn't necessarily disagree with the unscientific statistical finding used by the Grand Jury, however, a more accurate analysis may be attained by specifically reviewing the ten in-county fatal collisions to identify the party at fault and the *primary collision factor* as determined by the investigating law enforcement agency.

Finding: FI-07. Statistics on bicycle accidents imply a lack of compliance with the new laws and rules of the road. There is a need for the public to be aware of the laws. It is incumbent upon cyclists and drivers to know and obey the laws.

Response: The Ventura County Sheriff's Office agrees with the finding.

Finding: FI-08. Salmoning places cyclists at greater risk as motor vehicle drivers are not expecting riders to be coming directly toward them. Many people are unaware salmoning is illegal in the State.

Response: The Ventura County Sheriff's Office agrees with the finding. When practical, the Sheriff's Office enforces California Vehicle Code section 21650.1 (Bicyclists are required to ride in the same direction as traffic).

RECOMMENDATIONS

Recommendation: R-01. The Grand Jury recommends the County Board of Supervisors and the city councils of all cities within the County encourage their respective law enforcement personnel to increase enforcement of bicycle safety and related motor vehicle laws. (FI-01, FI-02, FI-03, FI-05, FI-08)

Response: The Ventura County Sheriff's Office agrees with this recommendation. The Ventura County Sheriff's Office will, in a manner balanced in the spirit of the law and letter of the law and considering the value of developing and maintaining good community relationship with those we serve, encourage staff to enforce bicycle safety and related motor vehicle laws.

Recommendation: R-02. The Grand Jury recommends the County Board of Supervisors and the city councils of all cities within the County that do not have a Bicycle Advisory Commission/committee establish one.

Response: If the County Board of Supervisors establishes a Bicycle Advisory Commission/Committee, the Sheriff's Office will actively participate in it.

Recommendation: R-03. The Grand Jury recommends the County Board of Supervisors and the city councils of all cities within the County, continually promote bicycle laws and safety to people of all ages, concentrating on school-age children through events such as bike rodeos, bicycle rallies, and other educational activities.

Response: The Ventura County Sheriff's Office will seek to educate the community and school children on bicycle safety whenever possible through the School Resource Officer and other special events as they occur.

Thank you for the opportunity to respond to this Grand Jury report. If additional explanation is needed, please feel free to contact Captain Patti Salas at 654 2881 or patti.salas@ventura.org

Sincerely,


GEOFF DEAN
Sheriff

cc: Foreman, Ventura County Grand Jury
Undersheriff Gary Pentis
Assistant Sheriff Steve DeCesari
Frank Chow, CEO Analyst