

Enforcement of the King County bicycle helmet law

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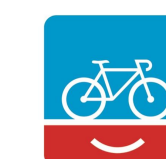
Helmet Law Working Group
member organizations:



Helmet Law Working Group

- Who are we? Safe streets, bicycling, and homeless advocates from Central Seattle Greenways, Real Change, Cascade Bicycle Club, and other groups
- We strongly support helmet **use**
- Engaged in research, outreach, and discussion on the King County helmet law since July 2020
- Our letter to the Board of Health:
<http://tinyurl.com/KC-helmet-law-letter>
- Companion Q&A document:
<http://tinyurl.com/KC-helmet-law-rationale>

Our recommendations on the helmet law have been endorsed by:



How frequently is the King County helmet law enforced in Seattle?

- Seattle police have issued **between 3,000–3,500 helmet citations** from 2003-2020
 - Average rate is ~180 tickets/year, though enforcement has steadily declined since 2011
 - Helmet violations are 55% of all bike-related tickets in Seattle
- Police contacts are **far more frequent** than citations suggest, as most helmet stops likely result in a warning, not a ticket
 - We estimate that between 1 in 30 and 1 in 4 helmet-related stops lead to a citation
 - Still, the chances of being stopped while biking without a helmet are low, between 0.004% and 0.2%

For more information: [“Technical report on bicycle infractions in Seattle \(2003-2020\): Methodology and preliminary findings on racial disparities,”](#) Ethan C. Campbell (March 2021); [“How frequently do police enforce the King County helmet law?”](#) and [“Do these patterns of enforcement extend to elsewhere in King County, outside of Seattle?”](#) in [“Rationale for recommendations on the King County bicycle helmet mandate,”](#) Helmet Law Working Group (June 2021)

Related reporting: [The Seattle Times](#), [South Seattle Emerald](#), [Crosscut](#), [Cascade Bicycle Club](#), [Seattle Bike Blog](#) (February 2021); [The Guardian](#) (April 2021)

Where is the helmet law enforced outside of Seattle?

- We are in the process of reviewing over 2,000 helmet citation records from King County cities and towns outside of Seattle, most from the past decade
 - From a preliminary analysis, helmet violations appear to be about three-quarters of all bike-related tickets in King County outside of Seattle
 - Note that ~1/3 of King County's population lives in cities or towns with a municipal helmet law in addition to the county law
- We believe the helmet law has been:
 - **Regularly** enforced in: Auburn, Federal Way, Kent, Maple Valley, Pacific, Renton, Seattle
 - **Occasionally** enforced in: Algona, Bellevue, Burien, Covington, Des Moines, Enumclaw, Issaquah, Kenmore, Lake Forest Park, North Bend, Redmond, Sammamish, Shoreline, Snoqualmie, Woodinville; unincorporated King County; University of Washington (Seattle)
 - **Most likely *not* enforced in***: Black Diamond, Bothell, Duvall, Kirkland, Mercer Island, Newcastle, Normandy Park, SeaTac, Tukwila

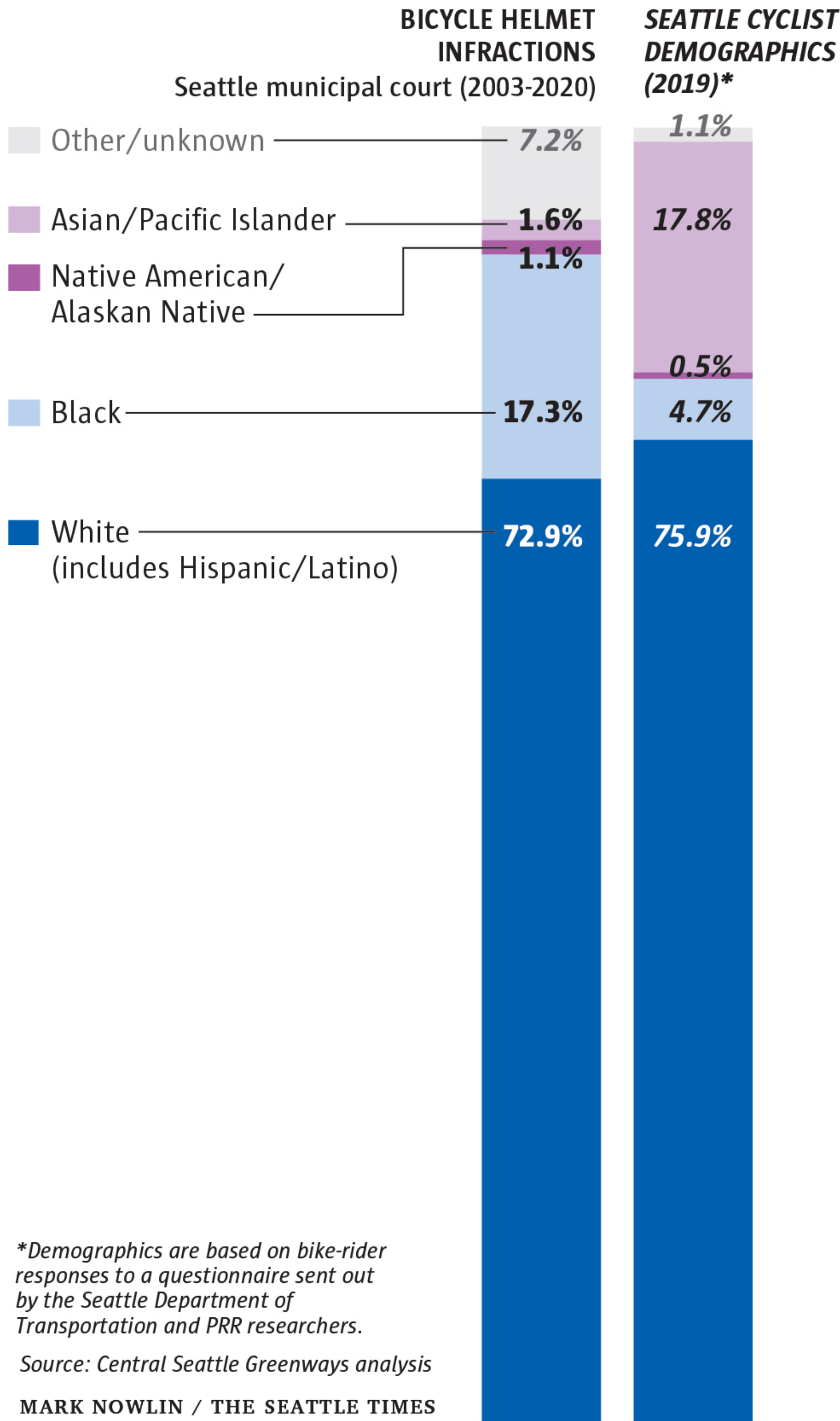
* Towns with population < 5,000 not listed

Racial disparities in helmet citations in Seattle

- Seattle police have issued helmet citations to Black cyclists at a rate **3.8x higher**, Indigenous cyclists **2.2x higher**, and Hispanic/Latino cyclists **~1.4x higher** than white cyclists (from 2003-2020)
 - Rates are relative to each group’s estimated share of bike trips
 - Similar disparities seen in Oakland, Tampa, Minneapolis, Chicago, Dallas, New York, Washington DC
- Citations issued to Black cyclists remain disproportionate after accounting for possible differences in helmet use rates
 - Demographics of adult helmet use estimated in a national survey and observational study in another city

For more information: [“Technical report on bicycle infractions in Seattle \(2003-2020\): Methodology and preliminary findings on racial disparities,”](#) Ethan C. Campbell (March 2021); [“Who has received tickets for not wearing a helmet?”](#) and [“Why have certain populations received helmet citations more than others?”](#) in “Rationale for recommendations on the King County bicycle helmet mandate,” Helmet Law Working Group (June 2021)

Graphic at right from [The Seattle Times](#) >>



Disparities in helmet citations by housing status in Seattle

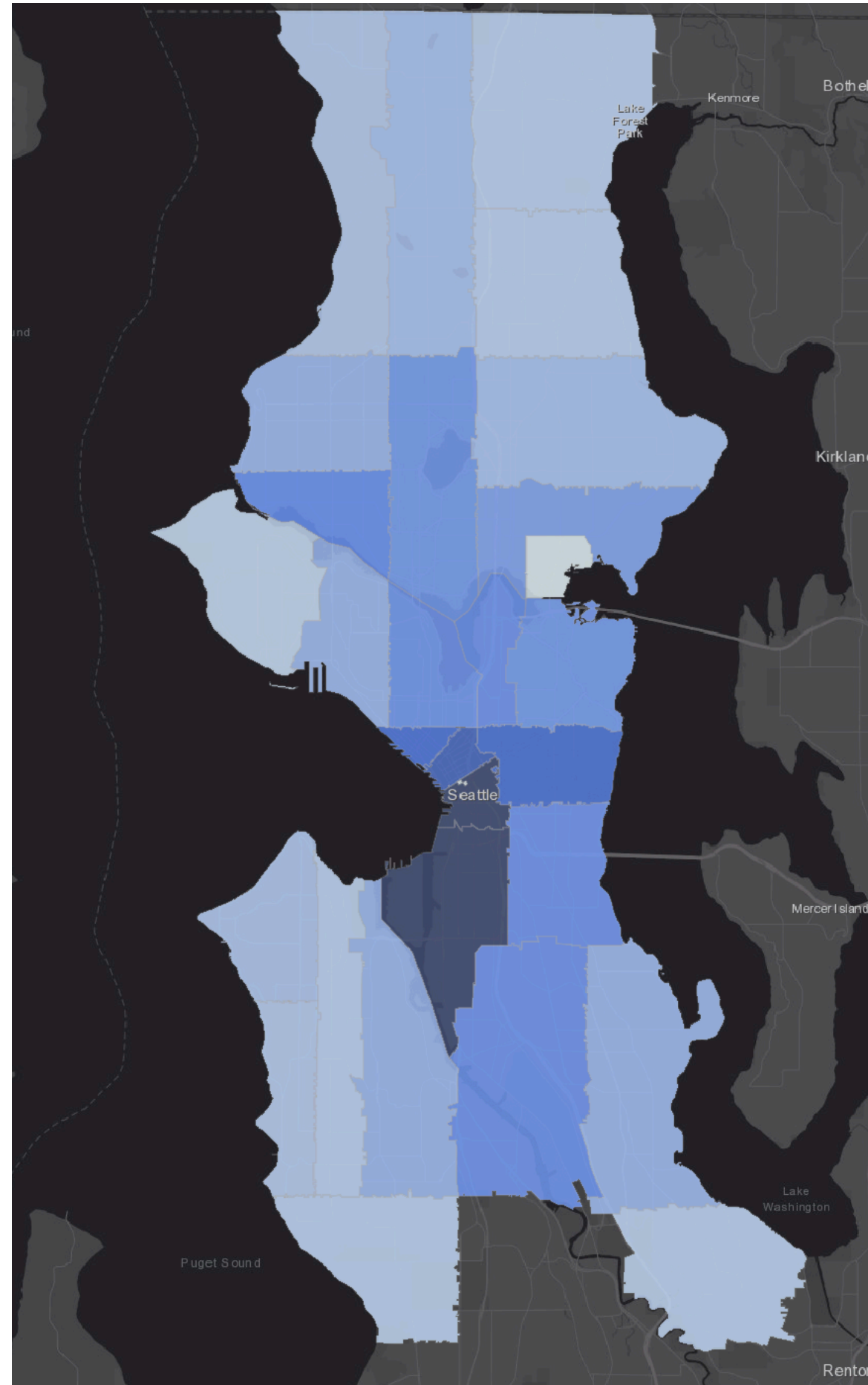
- People experiencing homelessness received **at least 43%** of helmet citations since 2017 in Seattle (and **at least 60%** of citations since 2019)
 - This remains disproportionate after accounting for estimated differences in cycling rates and helmet use between homeless and non-homeless riders
 - Majority of helmet citations in Seattle go **unpaid** and are sent to collections
 - Disproportionate ticketing in Pioneer Square and SODO mirrors where people are homeless (*see right*)

Homeless disparity statistics from reporting in *Crosscut* by David Kroman

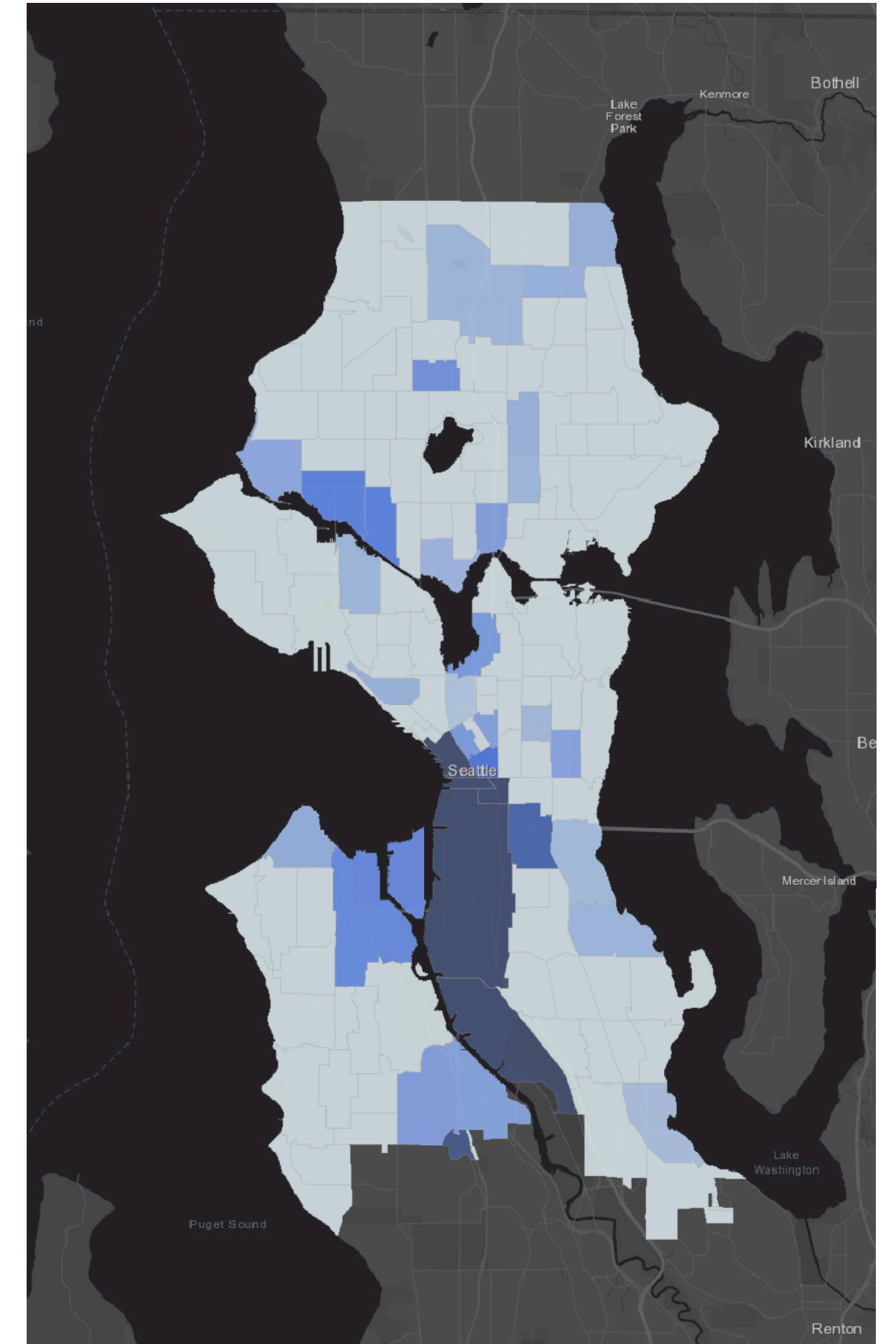
Geospatial analysis and visualization by Abrahan Hernandez (UW Geography), working with Derek Mourad (UW Geography)

Note that these defendant address records are incomplete due to court records retention practices. This map represents the subset (about 20%) of all bicycle-related citations issued during 2003-2021 that had been retained by the court at the time of request, and includes both helmet citations and other violations, like riding without a light. The spatial patterns of different types of bicycle violations are qualitatively similar.

Mailing addresses of bike-related citation defendants, relative to zip code population (2003-2021)



Point-in-Time homeless population count, relative to census tract population (2017-2018)



What causes these enforcement disparities?

- **Inequitable policing practices**, as identified in research and known from lived experience in our communities:
 - A systematically punitive approach to interactions with people experiencing homelessness
 - Racially inequitable outcomes arising from both implicit and explicit biases that associate Black individuals with crime
 - Unevenness in the geography of policing
- **Magnification of biases** by highly discretionary helmet stops and issuance of citations vs. warnings
- Use of the helmet law to conduct **pretextual stops** (i.e., stops to investigate for criminal activity)
 - We found clear instances of the helmet law enabling pretextual stops in Seattle
 - Seattle PD records from the past two years show that bicycle stops leading to warnings in which “suspicion” was (or became) a factor in the stop are *more common than stops that lead to tickets**
 - Black cyclists in Oakland, New Orleans, and Washington DC are stopped substantially more frequently on the basis of “suspicion” and “probable cause” and are subject to more searches and arrests
 - Seattle Office of Inspector General audit of Seattle PD helmet citation practices is ongoing

For more information: *Bicycling Magazine* (July 2020); “[Why have certain populations received helmet citations more than others?](#)” and “[If enforcement rates are low, why should one care about changing the helmet law?](#)” in “Rationale for recommendations on the King County bicycle helmet mandate,” Helmet Law Working Group (June 2021)

* Based on a preliminary comparison of Seattle PD Field Contact entries in Mark 43 Records Management System (RMS) public records from May 7, 2019 to March 26, 2021, and Seattle Municipal Court records of all bicycle-related citations during that period.

An example of a pretextual stop

SPD Officer #1, around 4 AM at Queen Anne Ave and Denny Way in Seattle:
“I want you to stop your bike so I can talk to you about your helmet violation...”



Bicyclist, a homeless Black man: **“There are people all the time riding their bikes without helmets... why are you picking on me? It’s racial profiling.”**



Officer #1, to Officer #2: **“So... his yellow jacket matched the description of a burglary suspect in Belltown, and when I saw him, he was riding his bike without a helmet...”**



Source: Seattle PD in-car video (recorded September 19, 2016), uploaded to [YouTube](#)

For more information, see [“If enforcement rates are low, why should one care about changing the helmet law?”](#) in “Rationale for recommendations on the King County bicycle helmet mandate,” Helmet Law Working Group (June 2021)

In what ways can enforcement be harmful?

- Every minor bicycle stop is **inherently more dangerous** for people of color
 - Of the largest U.S. cities, Seattle is ranked 8th in Black-white disparities in per-capita police killings
 - In Los Angeles County, 16 stops of bicyclists have led to police shootings, 11 of which were fatal
- Research has shown that discretionary police stops of youth can lead to **psychological distress** that can change one's life trajectory; they can also **erode trust** in the police and are a "**silent barrier**" to bicycling in communities of color
 - Black youth are treated worse than white youth during discretionary police stops
- Helmet-related stops can **lead to arrest** for outstanding bench warrants, most of which are for low-level crimes of poverty
 - Millions of outstanding bench warrants in U.S., many for failing to pay fines or show in court
 - In King County, over 80% of ~800 annual juvenile bench warrants are issued to BIPOC youth
- Helmet citations are **punitive** and **costly**, disproportionately impacting low-income individuals
 - Cost of a helmet ticket in Seattle is \$104 including court fees, or \$154 if a response not received in 19 days
- Helmet enforcement is particularly damaging for those who are homeless, as it **restricts a key form of mobility, independence, and joy**, and can exacerbate cycles of debt and legal consequences

For more information: "What do we know about disparities in police interactions with users of our transportation system?", "If enforcement rates are low, why should one care about changing the helmet law?", and "Why is the helmet law particularly damaging for those experiencing homelessness?" in "Rationale for recommendations on the King County bicycle helmet mandate," Helmet Law Working Group (June 2021)

Community members have felt harassed, singled out, frightened, and intimidated

A member of the BIPOC-focused NorthStar Cycling Club shared a story of being stopped by Seattle police in the Capitol Hill neighborhood for having “such a nice bike and no helmet.” The rider, a person of color, was questioned about where his bicycle was from, to which he felt he needed to respond by showing them a registration sticker (which is not required in Seattle). In his words, **“That police interaction could have ended a million different ways... all because of a helmet.”**

“I was once on the staff of Bike Works as a teacher and ride leader of groups of mostly POC kids, and on part-time staff at Cascade as a Bike Ambassador. The disconnect between the experiences of police enforcement for the South End youth and the mostly white Cascade members was jarring. I remember being told by Cascade staff that, ‘No one gets helmet tickets,’ in the same week that **two of my Bike Works students were harassed by a LEO [law enforcement officer] and held for an hour riding home from our programs with no charge or tickets issued.**”

“I’m a male of Hawaiian/Filipino descent and I’ve always had negative experiences with police enforcement while riding my bike in King County. In Seattle, I’ve been yelled at and stopped on several occasions for multiple reasons but lack of helmet was the majority of those interactions. The most interesting but not surprising aspect of all these interactions is that **whenever I was riding with one of my white friends, I was still the focus of these negative interactions.** It became a joke among my white friends that they should always ride with me so that they never have to get a citation.”

For more information: [“What stories have we heard from people impacted by helmet enforcement?”](#) in “Rationale for recommendations on the King County bicycle helmet mandate,” Helmet Law Working Group (June 2021)

Helmet legislation is not an effective strategy for injury prevention today

- When first introduced, mostly in the 1990s, helmet laws increased helmet use and reduced injuries (Høye, 2018b)
- However, current evidence suggests that helmet laws no longer exert a strong influence
 - For example, average observed helmet use in our region is:
 - 91% in Seattle with an all-ages mandate (Mooney et al. 2019)
 - 81% in Portland **without** an all-ages mandate (PBOT 2014)
 - 78% in Vancouver, BC with an all-ages mandate enforced similarly to Seattle (Zanotto and Winters 2017)
 - What likely influences rates of helmet use today? Different norms than the 1990s; education and promotion efforts, particularly in schools; role modeling; financial status and access to helmets; media narratives about helmet use
- The most recent and rigorous studies examining all-ages helmet laws in a North American context looked at 10 Canadian provinces, and concluded:
 - “The incremental contribution of provincial helmet legislation to reduce hospital admissions for head injuries **seems to have been minimal**” (Dennis et al. 2013; $n = 66,716$ bike-related hospital admissions)
 - “Helmet legislation was **not associated with hospitalization rates** for brain, head, scalp, skull, face, or neck injuries” (Teschke et al. 2015; $n = 22,140$ bike-related hospital admissions)

For more information: [“Are helmet laws effective at increasing helmet use?”](#) and [“Are helmet laws effective at preventing injuries?”](#) in “Rationale for recommendations on the King County bicycle helmet mandate,” Helmet Law Working Group (June 2021)

In Seattle, the helmet law has had a minimal effect on injury rates

- All-ages helmet laws are rare in the U.S. (Merrill-Francis et al. 2019)
 - 47 cities, towns, and counties in the U.S. have all-ages mandates (representing just eight U.S. states)
 - Of these, 27 are in Washington state
- Research on the efficacy of all-ages helmet laws has been limited to a single study that examined the extension of the King County helmet law to Seattle in 2003 (Kett et al. 2016) – see chart below

Data from Kett et al. (2016) in <i>Journal of Community Health</i>	Seattle (helmet law introduced in 2003)		Rest of King County (no change in helmet law)		Finding supports helmet law efficacy?
	Before (2000-2002)	After (2004-2010)	2000-2002	2004-2010	
Head injuries per year	10.3	23.6 (+229%)	15.0	22.4 (+49%)	✗
Fraction of all bike injuries that were head injuries	38%	39% (n.s.)	29%	28% (n.s.)	✗
Fraction of bike head injuries classified as “major”	84%	65% (-23%, or 5/year)	63%	60% (n.s.)	✓
Helmet use among injured cyclists	39%	68% (+29%)	26%	60% (+34%)	✗
Bicyclist fatalities per year	King County including Seattle: 4.7 (2000-2002) vs. 3.0 (2004-2010)				?

For more information: [“Has King County’s helmet law been effective at preventing injuries?”](#) in “Rationale for recommendations on the King County bicycle helmet mandate,” Helmet Law Working Group (June 2021)

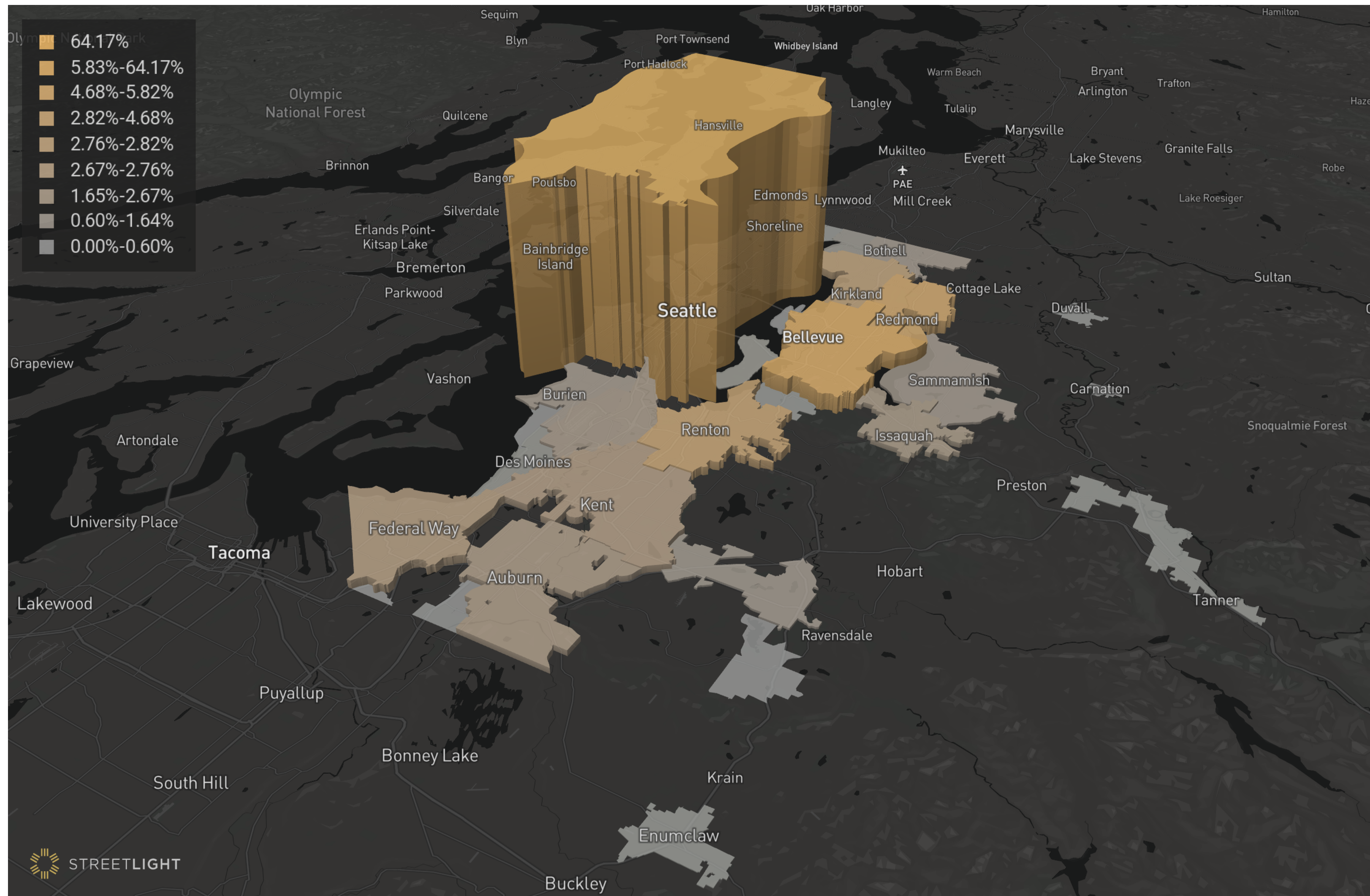
Recommendations from the Helmet Law Working Group

1. We urge the Board of Health to **fully repeal the helmet law** for both adults and youth
 - We oppose options that would fall short of preventing dangerous police interactions and ending punitive, armed enforcement, such as reducing fines, authorizing warnings but not citations, downgrading the violation to a secondary offense, or limiting the mandate to youth only
 - If preserving the helmet mandate is regarded as essential, we ask that the current Board of Health Code Title 9 language be revised to explicitly disallow enforcement, similar to Seattle & King County Public Health's COVID-19 mask mandate
2. We encourage Seattle & King County Public Health to **increase access to helmets** within homeless and low-income populations by expanding existing efforts or establishing a new program to provide subsidized or free helmets at bike shops, homeless service providers and shelters, and community centers
3. We recommend the addition of a clause to Title 9 that would **prevent negligent parties in a crash from escaping responsibility** by blaming a cyclist for not wearing a helmet, similar to Oregon and New York state law
4. We urge Seattle & King County Public Health to recognize that motor vehicles pose the greatest threat to cyclist safety, and to **focus on interventions that are more effective than helmet mandates** at preventing injuries for bicyclists, pedestrians, and all road users, such as reduced vehicle speeds and safer infrastructure
 - We ask that the Board of Health commit to researching and discussing these strategies in their 2022 work plan

Note: these are the main recommendations in our letter to the Board of Health, which is accessible at <http://tinyurl.com/KC-helmet-law-letter>.

Additional slides

Comparison of bicycle ridership across King County



Annual bicycle ridership across King County (2019)

from StreetLight Data analytics
based on approximately
1,104,000 bicycle trips
identified from anonymized
mobile device location data