

# Citizen's Arrest

NEWS

## Bicyclists Take Dangerous Drivers to Court by Amy Jenniges

ON A WARM Thursday evening last fall, Mike Rueter hopped on his bike downtown after work, and headed toward the Hawthorne Bridge, which he crosses on the way to his Northeast Portland home.

That night, however, Rueter took a detour to the ICU at Legacy Emanuel Hospital. He doesn't remember what happened—"That whole day is sort of a wash for me," says Rueter, who moved to Portland from Minnesota last May—but a cyclist riding behind him saw a Dodge minivan slam into Rueter as he crossed SE Grand.

"The light turned green and Mike crossed the intersection," says Jim Fox, who's been commuting by bike for a few years. A minivan, however, ran a red light and hit Rueter. "He went flying and landed in the middle of the intersection. It was an amazingly violent sight."

Emergency personnel responded; an ambulance whisked Rueter to the hospital, and a Portland police officer talked to the van's driver. Fox and a few other witnesses hung around, waiting to give their info to the cop.

The next day, Rueter's girlfriend called Fox, asking for his help. "She told me she was collecting information because the police officer who was there didn't cite the driver for running a red light, even though the witnesses all said the same thing," Fox says, incredulous.

The police, Rueter later found out, don't always investigate collisions unless there are extenuating circumstances, like traumatic injuries (Rueter was mis-classified as non-trauma at the scene, he says), or an intoxicated driver. Instead, to save resources, the cops facilitate the exchange of info, and leave the investigation to the insurance companies.

Rueter understands the cops' policy: "It definitely is a manpower issue. They can't respond to everything," he says. But he still wanted resolution after his ordeal—the accident left him with a separated shoulder, a cracked tailbone, and numerous lacerations, and he spent the night at the hospital.

So he wrote a letter to the mayor, and even scored a meeting with the cops' traffic division.

Then, Rueter talked to Ray Thomas, a Portland bike lawyer, and got surprising advice: "I can go after this guy myself," Rueter found out. Thomas had just finished writing a how-to manual for bikers, explaining a little-known law that allows citizens to enforce traffic laws.

If they can identify the driver, a citizen can ask the police to initiate a citation, Thomas explains, "and the cops have to do it," he says. "The law is very clear here. You cobble this thing together, and it's served by a uniformed officer. If the person is convicted, it's the same as if the citation was issued by a police officer." (Portland's cyclists used the citizen-initiated law in the '80s to go after drivers who threw litter at them, or tried to run them off the road,

Thomas explains.)

"We've been working with the Portland Police Bureau, and they've heard our concerns and are working to devote more resources to crashes and take them more seriously," says Jessica Roberts, metro-area advocate for the Bicycle Transportation Alliance. "In the meantime, though, citizen enforcement is the only avenue open to many people who have been abandoned by the legal system."

Rueter went for it. He called the officer who responded to the accident. "I said I wanted to use the citizen-initiation law," Rueter says. "He had never heard of it, and I don't think his supervisor had heard of it. I kind of got a lot of blank looks the whole way through."

But the officer consulted with the police traffic division, and filled out a citation form. Then Rueter gave a sworn statement, "saying all the information I had was correct," and the police delivered the



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citation to the driver, summoning him to court on April 5.

At the courthouse that day, Rueter—armed with written statements from some witnesses, and Jim Fox there to testify in person—was ready to present his case against the driver who'd hit him.

He didn't get the opportunity: The driver ended up pleading guilty at the traffic court counter, and paying a fine. "It was nice to hear that he pled guilty," Rueter says.

This Thursday, April 13, a second biker is taking a driver to court, on an "improperly executed right turn" citation. Bicyclist Sean Barrett slammed into a car last November, in a bike lane near the Rose Quarter. The driver had cut off another car, and veered into Barrett's path, causing him to crash. "I was pretty battered up," he says. "I had bruises everywhere, a sprained wrist, an abrasion on my cheek and neck, and a bruised heel on my right foot."

Thomas hopes more bikers follow their lead. "The idea is to save it for a situation where the driver is really being dangerous or where you got hurt and the driver committed a violation." ■