



Shakespeare Business Centre
245a Coldharbour Lane
London SW9 8RR

info@roadpeace.org
www.roadpeace.org
Tel: 020 7733 1603

Causing death by driving (2009)

Summary

Each year there are over four times as many people killed in crashes as there are from homicide, but until recently, it was unknown the total number of fatal crashes that led to a criminal prosecution. This briefing summarises recent statistics, including, the first full year of data on the two new causing death by driving charges¹.

Convictions

- A total of 447 drivers were convicted of causing a fatal crash in 2009.

Causing death by

Dangerous Driving	287
Careless or Inconsiderate	93
Careless Driving Whilst Under the Influence	35
Unlicensed, Disqualified or Uninsured	32

- Over three times as many drivers were convicted for causing a fatal crash by dangerous driving than by careless driving².
- Relatively few drivers were prosecuted for the charges of Causing Death by Careless Driving and by Driving Whilst Unlicensed, Disqualified or Uninsured.
- On average, one in five drivers surviving a fatal crash is convicted of causing it.

Punishment

- Over 92% of those convicted for Causing Death by Dangerous Driving and 94% of those Causing death by Careless Driving whilst Under the Influence of drink or drugs received a unsuspended sentence of imprisonment or were sent to a Young Offenders Institute (YOI).
- Community order was the most common sentence for a Causing death by Careless Driving conviction. Magistrates did not imprison any drivers. Only three of the 41 drivers convicted at the Crown Court for this charge received a custodial sentence.
- A driver is almost three times more likely to die in a crash than be prosecuted for causing a fatal crash.

¹ The new charges, Causing Death by Careless Driving and Causing Death Whilst Driving Unlicensed, Disqualified, and Uninsured applied to fatal crashes occurring on or after August 18, 2008.

² For motoring convictions not involving a death, the general careless driving charge (driving without due care and attention) is almost **ten times** as common as that for dangerous driving.

Introduction

In 2009, there were 2057 fatal crashes involving 3529 motor drivers, of which 1204 drivers died. Thus 2325 drivers survived a fatal crash and their role in contributing to the crash would have been investigated. Ministry of Justice (MOJ) crime statistics report a total of 439 drivers convicted of causing a death. Thus 20% of drivers surviving a fatal crash are convicted of causing it.

The number of convictions, conviction rate, and sentences are summarised below for the five main charges:

- Causing Death by Dangerous Driving
- Causing Death by Careless or Inconsiderate Driving
- Causing Death by Careless Driving Whilst Under the Influence of Drink or Drugs
- Causing Death by Driving Whilst Unlicensed, Disqualified or Uninsured
- Causing Death by Aggravated Vehicle Taking

Driving bans are discussed afterwards as the MOJ statistics do not include this information on each charge.

Causing Death by Dangerous Driving

Proceedings were begun against 424 drivers for Causing Death by Dangerous Driving in 2009. Eleven cases were dropped. Twelve drivers pleaded guilty, e.g. summary convictions. Of the 412 cases, 287 (70%) resulted in a guilty conviction, including 12 drivers who pleaded guilty.

The most common punishment was a custodial sentence (265, 92%). Of these, 11% received a sentence of one year or less, 22% between 1-2 years, 22% between 2-3 years, 22% between 3 and 5 years and 24% of five years or more. Some 6% were given a suspended sentence.

Causing Death by Careless Driving Whilst Under the Influence of Drink or Drugs

Of the 48 drivers where prosecutions were started for causing death whilst driving under the influence, five were dropped, and of the 43 that went to trial, 35 found guilty (67%). No driver pleaded guilty to this charge.

As with Causing Death by Dangerous Driving, the vast majority of drivers convicted of Causing Death by Careless Driving Whilst Under the Influence of Drink or Drugs were imprisoned (77%) or sent to a YOI (17%). Only 6% received a suspended sentence and no drivers were given a community sentence.

Custodial sentences tended to be longer than for Causing Death by Dangerous Driving, with 36% given between 3 and 5 years and 33% receiving five years or more. Thus over two thirds of drivers convicted of Causing Death by Careless Driving whilst under the Influence will receive a custodial sentence of at least three years.

Causing Death by Careless or Inconsiderate Driving

A total of 109 drivers were initially charged with Causing Death by Careless or Inconsiderate Driving. The Magistrates Courts heard 55 cases and convicted 47(82%). No driver was sent to prison by the Magistrates Courts although 15 were committed to the Crown Court for sentencing, thus suggesting the Magistrates believed a tougher sentence was owed than that they could impose. Magistrates did give three suspended sentences and 23 community orders, whilst another five drivers were fined.

Of the 59 cases sent to the Crown Court, only one case was stopped. There were 46 convictions (79%), including five guilty pleas, and 12 acquittals (22%). Only three of those convicted were given custodial sentences, another 11 received a suspended sentence and 23 received community orders. Thus Crown Court judges gave custodial sentences in less than 9% of the convictions.

Causing Death by Driving Whilst Unlicensed, Disqualified or Uninsured

Forty three drivers were prosecuted for causing death by illegal driving, i.e. unlicensed, disqualified or uninsured. Fourteen cases were heard at the Magistrates Court with 12 guilty convictions (86%) and two charges withdrawn or dismissed. A custodial sentence was given to one driver, another received a suspended sentence, three had a community order and one was fined.

Another 28 cases were begun at the Crown Court but seven were stopped, with a relatively high rate of discontinued trials (25%). Of the 21 cases, 16 were found guilty (75%), including four drivers that pleaded guilty, and 5 acquitted. Three drivers were imprisoned, another three were sent to a YOI and two received suspended sentences. Another two were given community orders.

Driving bans

Driving ban statistics were only given for the general category of causing death or bodily injury (the latter refers to off road offending and is rarely used with only 16 convictions in 2009). A total of 421 drivers convicted of causing death or bodily harm were banned in 2009.

Magistrates banned some 38 drivers, with the longest being for less than three years. For comparison, first time drink driving offence carries a minimum one year driving ban, second drink driving offences incur a minimum three year driving ban and third time offenders receive a minimum 10 year driving ban.

Less than half (15) of the drivers banned by magistrates were required to take the driving test. The two new either way charges involve a minimum mandatory one year disqualification whilst re-taking the driving test can be imposed but it is not mandatory.

At the Crown Court, there were ten times as many drivers banned (383), including 42 for between 5 and 10 years, another 11 for 10 years or more and four for life. Almost 90% required taking the driving test (337), with 221 for the first time.

Conclusion

Few drivers are prosecuted for causing death with only one in five drivers surviving a fatal crash being held responsible for causing it. Drivers are more likely to be prosecuted for causing a fatal crash by dangerous driving than by careless driving.

It is important for both the justice system and road traffic injury prevention programmes to monitor the number of drivers prosecuted and convicted of causing death and injury. It is now possible to know how many drivers were prosecuted and convicted of causing a fatal crash. But it is still not possible to know the number of drivers prosecuted for causing injuries to others nor for the casualties to be counted as victims of crime, despite their injuries being caused by law-breaking.

Note

RoadPeace campaigned for over 18 years before the fact of a death was included in the charge for careless driving. We continue our call for injury to be stated in all motoring charges.