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## Causing death by driving (2010)

### Summary

In August 2008, new causing death by driving charges were introduced<sup>1</sup>. RoadPeace has been worried about how the new Causing Death by Careless or Inconsiderate Driving was being used. The 2010 Ministry of Justice (MOJ) conviction statistics confirm our concerns were well founded with a large drop in the number of drivers convicted of Causing Death by Dangerous Driving (down 112) and an large increase in the number of drivers convicted of Causing Death by Careless or Inconsiderate Driving (up 160). In 2010, Causing Death by Careless Driving became the most common causing death by driving charge. It is not possible to know how many of these involved a guilty plea or an initial charge of Causing Death by Dangerous Driving.

### Introduction

In 2010, a total of 555 drivers were convicted of causing a death. This is an increase of 20% on the 461 drivers convicted in 2009. This was the second full year the new charges of Causing Death by Careless or Inconsiderate Driving and Causing Death by Driving Whilst Unlicensed, Disqualified or Uninsured were used. As the comparison with 2009 shows, there has been a substantial change in how frequent these charges are used.

This briefing includes a summary of the convictions and conviction rate first and then the sentences incurred by those convicted of the four main causing death by driving charges:

- Causing Death by Dangerous Driving (179 convicted)
- Causing Death by Careless Driving Whilst Under the Influence (42 convicted)
- Causing Death by Careless Driving (253 convicted)
- Causing Death by Driving Whilst Unlicensed, Disqualified or Uninsured (68 convicted)

In addition to these four charges, another six drivers were convicted of the charge Causing Death by Aggravated Vehicle Taking. These cases refer to when a fatality occurs after a motor vehicle has been taken without permission. Around 10-15 drivers will also have been convicted of manslaughter.

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<sup>1</sup> Causing Death by Careless or Inconsiderate Driving and Causing Death whilst Driving while Unlicensed, Disqualified or Uninsured.

## **Convictions**

### ***Causing Death by Dangerous Driving***

Whilst 175 drivers were convicted of Causing Death by Dangerous Driving in 2010 and another four pleaded guilty, 99 were acquitted of the charge, and seven had their cases dropped before trial. The conviction rate was 64%. The number of drivers convicted of this charge decreased by 39% compared to the previous year with 287 convictions in 2009.

### ***Causing Death by Careless Driving Whilst Under the Influence***

Whilst five drivers were found not guilty, 42 drivers were convicted of causing a death by careless driving whilst impaired. The conviction rate was 89% with no driver pleading guilty. With only 35 drivers convicted of this charge in 2009, this represents an increase of 20%. However, this is still less than one driver a week prosecuted for causing a death whilst impaired.

### ***Causing Death by Careless or Inconsiderate Driving***

This was the most common causing death by driving charge in 2010 with a total of 253 drivers convicted. This charge can be heard in either the Magistrates Court or the Crown Court, if the driver chooses to be tried by a jury or the Magistrates believe it should be decided by the higher court.

At the Magistrates Court, five cases were stopped before trial and 7 drivers had their charges withdrawn or dismissed. But 70 drivers were found guilty for a conviction rate of 91%.

At the Crown Court, five cases were stopped before trial and 99 were acquitted. With 13 guilty pleas and 183 drivers found guilty, the conviction rate was 66%.

The 253 convictions represented a huge increase (186%) compared to the 93 drivers convicted of this charge in 2009.

### ***Causing Death by Driving Whilst Unlicensed, Disqualified or Uninsured***

This is another either way charge, and similar to the Causing Death by Careless Driving charge, the majority is heard in the Crown Court. Whilst three drivers had the charge withdrawn or dismissed, 22 were convicted in the Magistrates Court.

At the Crown Court, six cases were stopped before trial and 11 drivers were acquitted. With 46 drivers found guilty and seven pleading guilty, the conviction rate was 83%.

With 68 convictions in 2010, this was over twice as many as the 32 convicted in 2009 (113%).

## **Sentences**

### ***Causing Death by Dangerous Driving***

Of the 175 drivers convicted of this charge, 157 received a custodial sentence (89%), and another 12 received a suspended sentence. Two drivers were given community orders and one driver was fined.

Over 60% of drivers convicted of this charge were given a custodial sentence of over three years, including 26% given over five years. Less than 1 in 20 (4%) were given a custodial sentence of under one year.

### ***Causing Death by Careless Driving Whilst Under the Influence***

Of the 42 drivers sentenced, 40 (95%) received a custodial sentence whilst one driver was given a suspended sentence.

Over 65% were given custodial sentences of over three years with one in four (26%) given a custodial sentence of over five years. No drivers were given sentences of less than 12 months and only 9 (23%) were given sentences of between 12 and 24 months.

### ***Causing Death by Careless Driving***

The most common sentence for this charge remains a community order with 104 drivers receiving this. Another 56 drivers were given suspended sentences and a total of 48 received a custodial sentence (19%). This is a big increase on the three drivers who were imprisoned for this charge in 2009 but it is to be expected if the increase in convictions was due to more borderline cases being charged with only Causing Death by Careless Driving.

The longest prison sentence given was for between three to five years and another four drivers were imprisoned for between two to three years. Of those given custodial sentences, nearly half (45%) were sentenced for less than a year. Another 45% were given between one and two years in prison.

### ***Causing Death by Driving Whilst Unlicensed, Disqualified or Uninsured***

Of the 28 drivers sentenced, 22 were imprisoned and another three were given a suspended sentence. Six drivers received a community order and one driver was fined.

Almost all drivers imprisoned for this charge were given prison sentences of under one year (88%) with only three drivers getting a longer sentence (between one and two years).

### ***Driving bans***

The MOJ provides data on driving bans for causing death or bodily harm convictions in aggregate, not by individual charge. Driving bans are supposed to be mandatory after a causing death by driving conviction, according to the Sentencing Council Guidelines. But not every driver who caused a death was banned from driving. In 2010, 396 drivers were banned after causing a death or bodily harm (this includes 8 drivers convicted of causing bodily harm).

The most common period of disqualification was given was until the driver had passed his driving test (210). The next most common period was for one year (48), the minimum period specified in the guidelines.

Only 6 drivers in 2010 were banned for life after killing someone. Less than one driver a week was banned for more than five years, after causing the death of someone. RoadPeace does not support a minimum custodial sentence for a causing death by driving conviction but we do believe that driving bans should be imposed on every driver who has killed and for much longer times, with those convicted of Causing Death by Dangerous Driving or Careless Driving Whilst under the influence never allowed to drive again.

Source: All data is from the Ministry of Justice (2011)

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