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## Causing death by driving (2012)

In 2012, 643 proceedings were started for causing a death by driving in England and Wales, of which 447 resulted in a conviction<sup>1</sup>. Compared to 2011, this was 64 fewer prosecutions and 37 fewer convictions. Causing Death by Careless Driving remains the most common charge laid after a fatal crash. Almost twice as many drivers were convicted of this charge than for Causing Death by Dangerous Driving. When introduced in 2008, the CPS expected it to be used less than 100 times a year.

The tables and text below summarise the frequency which the causing death by driving charges are prosecuted and sentenced and the sentences they receive. They are the basic statistics. For an idea of the tragedies behind these numbers, see our [Five a Day](#) which includes the experiences of five families bereaved by road crashes, the average daily toll in 2012.

### Convictions

Table 1: Causing death by driving<sup>1</sup>, England and Wales (2012)

Offence	Proceedings <sup>2</sup>	Guilty	Conviction Rate
Causing death by dangerous driving	204	129	63%
Causing death by careless driving under influence of drink or drugs	37	27	73%
Causing death by careless or inconsiderate driving	330	236	72%
Causing death by driving unlicensed, disqualified or uninsured drivers	66	50	76%
Causing death by aggravated vehicle taking	6	5	83%
Total	643	447	70%

<sup>1</sup> Magistrates and Crown Courts

<sup>2</sup> Proceedings excludes cases in Magistrates Court Committed for Trial in Crown Court

#### Causing Death by Dangerous Driving

- This has the lowest conviction rate with less than two-thirds successful.

#### Causing Death by Careless Driving whilst Under the Influence

- This charge is very rarely laid, less than once a week

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<sup>1</sup> MOJ publish statistics on proceedings and convictions of motoring offences, not by offender or victim. A driver can be prosecuted and convicted of multiple counts of causing death by driving, if more than one person was killed.

### Causing Death by Careless Driving

- This charge is used over 50% more often than Causing Death by Dangerous Driving.
- 9 (3%) the case collapses in some way, 188 (68%) are direct committals for trial in the Crown Court. 20 (7%) heard in Magistrates Court are sentenced in the Crown Court, and 60 (23%) are heard and sentenced in Magistrates Court.

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

- Of the 50 cases started in the Magistrates Court, less than a fifth are dealt with fully there.
- 3 (6%) the case collapses in some way, 38 (76%) are direct committals for trial in the Crown Court, 2 (4%) heard in Magistrates Court, then sentenced in Crown Court
- 7 (14%) heard and sentenced there,

### Causing Death by Aggravated Vehicle Taking

- This charge is used very rarely, with only five convictions last year.

## Sentences

**Table 2 Sentences for Causing death by driving, England and Wales (2012)**

Offence	Immediate custody	Suspended sentences	Community sentences	Fines	Other disposals	Total
Causing death by dangerous driving	123	3	1	0	5	129
Causing death by careless driving under influence of drink or drugs	24	0	1	1	1	27
Causing death by careless or inconsiderate driving	66	68	91	8	5	238
Causing death by driving unlicensed, disqualified or uninsured drivers	28	8	8	1	15	52
Causing death by aggravated vehicle taking	3	0	1	0	1	5
<b>Total</b>	<b>244</b>	<b>79</b>	<b>102</b>	<b>10</b>	<b>95</b>	<b>451</b>

*Note: Includes Magistrates and Crown Courts  
Sentence Categories used elsewhere by MOJ*

**Table 3 Custody for Causing death by driving, England and Wales (2012)**

Offence	Under 12 months	12+ to 18 months	18+ to 24 months	2+ to 3 years	3+ to 5 years	5+ years
Causing death by dangerous driving	1	8	9	25	44	35
Causing death by careless driving under influence of drink or drugs	0	1	3	4	8	8
Causing death by careless or inconsiderate driving	25	12	9	2	4	0
Causing death by driving unlicensed, disqualified or uninsured drivers	13	2	2	0	0	0
Causing death by aggravated vehicle taking	2	0	0	0	0	1
<b>Total</b>	<b>40</b>	<b>23</b>	<b>23</b>	<b>31</b>	<b>56</b>	<b>44</b>

#### Causing Death by Dangerous Driving

- 95% sent to prison with most common sentence 3-5 years.
- One quarter given sentences over 5 years.
- Three drivers were given suspended sentences
- 5% received a non-custodial sentence, including one given a community sentence.

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

- 89% sent to prison
- 30% given sentences over 5 years.
- One driver was given a community sentence and one driver was fined

#### Causing Death by Careless Driving

- 28% sent to prison, including one driver sentenced to between 3-6 months
- 78% received a non-custodial sentence, including 38% given community service

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

- Over half (33%) were sent to prison.
- Another 15% were given community sentences

#### Causing death by aggravated vehicle taking

- 60% (3) were sent to prison
- Whilst one was given a long custodial sentence (5+ years), the other two had short sentences.
- 40% (2) were given non custodial sentences, including one given community service

### Driving bans

The MOJ does not provide data on endorsements and disqualifications for the individual causing death by driving offences. It adds to the confusion by adding the few (12) causing bodily harm convictions to the causing death by driving convictions (447).

**Table 4 Endorsement and Driving Bans for Causing death or bodily harm (2012)**

Endorsed only	Until Driving Test Passed	1 year or less	1+ to 3 years	3+ to 4+ years	5 to 9+ years	10 Years & Over, Under Life	Life
58	154	58	107	39	34	3	5
12.7%	33.6%	12.7%	23.4%	8.5%	7.4%	0.7%	1.1%

Note: This covers Magistrates and Crown Court. Different offences are not differentiated.

But the data does show that, despite driving bans being mandatory (12 months for CDCD and 24 months for CDDD), one in eight drivers got penalty points only. In addition, the most common ban given was until the driving test had been taken, with one in three drivers given this.

Lifetime bans are almost never given. Less than a driver a week was banned for five years or more. The previous consultation on Causing Death by Driving in 2007 did not include any discussion on the duration of driving bans and this is now long overdue.