

Causing death by driving (2013)

Key points

- ▶ Of the 629 drivers prosecuted for causing a death, 431 were convicted, but almost one-third were acquitted.
- ▶ Over half (54%) of those convicted of causing a death are sent to prison.
- ▶ Causing Death by Careless Driving accounted for half of all convictions and continues to be used much more often than originally expected by the CPS. Downgrading remains a concern.
- ▶ Tougher alternative sentences to prison are needed, including longer bans, vehicle confiscation and compensation orders are.
- ▶ But, serial offenders, with multiple convictions for bad driving, deserve much longer prison sentences and lifetime bans.
- ▶ The review of driving offences announced in May 2014 should include a review of charging standards as well as penalties for causing road deaths.

Introduction

In 2013, 629 proceedings were started for causing a death by driving in England and Wales, of which 431 resulted in a convictionⁱ. This was slightly down with 26 fewer prosecutions and 16 fewer convictions than in 2012.

Causing Death by Careless Driving remains the most common charge laid after a fatal crash. It is used more than twice as often as predicted by the CPS (Sentencing Advisory Panel, 2008) and by over 50 % more than Causing Death by Dangerous Driving.

Below summarise the frequency that the causing death by driving charges are prosecuted and the sentences they receive. They are the basic statistics, published by the Ministry of Justice (MoJ). For an idea of the tragedies behind these numbers, see our [Five-a-day leaflet](#) which includes the experiences of five families bereaved by road crashes, the average daily toll in 2012.

Convictions

Table 1: Causing death by driving, England and Wales (2013)ⁱ

Offence group	Proceedings ⁱⁱ	Guilty	Conviction rate %
Causing death by dangerous driving	191	125	65
Causing death by careless driving under influence of drink or drugs	37	33	89
Causing death by careless or inconsiderate driving	306	215	70
Causing death by driving unlicensed, disqualified or uninsured drivers	82	50	61
Causing death by aggravated vehicle taking	13	8	62
Total all offences	629	431	69

i Magistrates and Crown Courts

ii Proceedings excludes cases in Magistrates Court committed for trial in Crown Court

Source: MoJ 2014

Sentences

Table 2: Sentences for Causing death by driving, England and Wales (2013)

Offence	Immediate custody	Suspended sentences	Community sentences	Fines	Other disposals	Total
Causing death by dangerous driving	120	4	1	1	0	126
Causing death by careless driving under influence of drink or drugs	31	1	1	0	0	33
Causing death by careless or inconsiderate driving	65	61	75	3	10	214
Causing death by driving unlicensed, disqualified or uninsured drivers	23	3	4	1	20	51
Causing death by aggravated vehicle taking	2	0	4	2	1	9
Total all offences	241	69	85	7	31	433

Includes Magistrates and Crown courts. Sentence categories used elsewhere by MoJ

Source: MoJ 2014

Table 3: Custody for Causing death by driving, England and Wales (2013)

Offence	Under 12 months	12+ to 18 months	18+ to 24 months	2+ to years	3+ to 5 years	5+ years
Causing death by dangerous driving	3	6	6	17	47	41
Causing death by careless driving under influence of drink or drugs	1	0	0	3	8	19
Causing death by careless or inconsiderate driving	29	23	12	1	0	0
Causing death by driving unlicensed, disqualified or uninsured drivers	19	4	0	0	0	0
Causing death by aggravated vehicle taking	0	0	0	0	2	0
Total all offences	52	33	18	21	57	60

Source: MoJ 2014

Causing Death by Dangerous Driving (maximum sentence 14 years)

- ▶ **Almost all (95%) were sent to prison with the most common sentence three to five years.**
- ▶ **41 (34%) given custodial sentences over five years.**
- ▶ **Six (5%) received a non-custodial sentence, including one given a community sentence and four given suspended sentences.**

Causing Death by Dangerous Driving

Nicholas Lovell, a banned driver with 69 previous convictions, was speeding as he tried to evade the police. He collided with Ross and Clare Simons on a tandem, killing them both. Lovell then ran off, leaving his passenger (partner) to claim that she had been driving.

Lovell was reported to be the first driver to be given the maximum 14-year custodial sentence for Causing Death by Driving, but this was reduced by a third to 10 years and six months due to his guilty plea to two counts of Causing Death by Dangerous Driving. He was also the only driver in 2013 convicted of 'causing a death' who has also received a lifetime ban.

Causing Death by Careless Driving Whilst Under the Influence (maximum sentence 14 years)

- ▶ Almost all (94%) were sent to prison.
- ▶ This charge had the toughest sentences with 19 (61%) imprisoned for more than five years.
- ▶ Two were given non-custodial sentences.

Causing Death by Careless Driving

Mohammed Rashid hit and killed Laurence Gunn was on a zebra crossing near Hampstead Heath. Rashid was not wearing his prescribed glasses at the time, although he later passed a sight test without them. Rashid was fined £500, banned for one year (the minimum) and given 140 hours unpaid work. He had been initially prosecuted for Causing Death by Dangerous Driving but four days into the trial, the CPS dropped this charge and Rashid pleaded guilty to Causing Death by Careless Driving.

Causing Death by Careless Driving (maximum sentence five years)

- ▶ Only 65 (30%) were sent to prison.
- ▶ The longest prison sentence given was for two to three years with almost half (45%) given 12 months or less and another 35% given between 12-18 months.
- ▶ Of the 149 (70%) who received a non-custodial sentence, 61 (29%) were given suspended sentences and 75 (35%) given community sentences.

Causing Death by Careless Driving – acquittal

Noel Cameron, was cleared of 'Causing the death' of Renee Peet by 'Careless Driving'. Mrs Peet was hit as she crossed Waterloo Bridge. She had almost made it to the island and would have been visible crossing the road. Cameron was reported to be on a hands-free phone at the time of the crash. The jury were not given any directions by the judge on what qualified as careless driving.

Causing Death by Driving whilst Unlicensed, Disqualified or Uninsured (maximum sentence two years)

- ▶ Almost half (45%) were sent to prison.
- ▶ The vast majority (83%) of those imprisoned received a sentence of 12 months or less whilst four (17%) were imprisoned for 12-18 months. No one was given the maximum sentence although the MoJ has recently announced it is to be increased to 10 years.
- ▶ Four (8%) were given community sentences.

In 2013, the Supreme Court ruled that the driving standard must have contributed to the fatal crash for this charge to be used. In May 2014, the Justice Minister announced that the maximum custodial sentence for Causing Death by Driving Whilst Unlicensed, Disqualified and Uninsured from two years to 14 years whilst also announcing a new offence of Causing Serious Injury by Driving Whilst Disqualified which is to carry a maximum four year custodial sentence.

Causing Death by Driving whilst Unlicensed, Disqualified or Uninsured

Graham Godwin was speeding (at least 40mph in a 30mph), had been drinking and smoking cannabis, and had an illegal pillion passenger on his motorcycle, when he hit and killed Paul Stock in March 2012. Godwin was allowed to plead guilty to Causing Death by Driving Whilst Unlicensed, Disqualified and Uninsured. In January 2013, Godwin was jailed for 18 months for causing the fatal crash. He was given the maximum custodial sentence possible (two years) but with six months off for pleading guilty. He was also given a five year driving ban. At the time of the fatal crash, he was already serving a three year driving ban and had 45 previous traffic offences.

Causing Death by Aggravated Vehicle Taking (maximum sentence 14 years)

- ▶ Two (22%) were sent to prison with both given sentences of three to five years.
- ▶ Seven (78%) were given non-custodial sentences, including four (44%) given community service.

Driving bans and endorsements

For 'causing death or bodily harm' and 'dangerous driving', around 40% of offences result in a ban of the minimum duration recommended by the Sentencing Council, compared to over 90% of drink/drug driving bans. The rest result in a ban until the driving test is passed, an endorsement without disqualification (penalty points) or neither a ban nor an endorsement. As shown in Table 4, the Crown Court is responsible for most of the bans given until driving test is passed.

Driving bans are supposed to be mandatory for all Causing Death by Driving convictions. But 15% of drivers convicted of causing a death were not banned and only had their license endorsed. Of these 60 endorsements, Crown Court judges gave 59 and Magistrates gave just one.

Table 4: Driving bans for causing death or bodily harm, England and Wales (2013)

	Total	Until driving test past	1 year or less	1+ to 3 years	3+ to 4+ years	5 to 9+ years	10 years & over, under life	Life
Magistrates Court	38	2	21	14	0	1	0	0
Crown Court	312	165	30	76	11	25	4	1
Total	350	167	51	90	11	26	4	1
%	100	48	15	26	3	7	1	0

Source: MoJ 2014

Almost half of all bans given were for 'until driving test passed', almost all by the Crown Court. RoadPeace has queried the extensive use of this category with the Sentencing Council. The most common fixed time ban given was for one to three years. Only one driver was banned for life after causing a death. Less than two-thirds of those banned (62%) were required to take an extended re-test.

Conclusion

It has been more than seven years since the Causing Death by Driving sentencing guidelines were updated. So the recent announcement of a full review of driving offences is welcomed. Key concerns to be considered include:

- ▶ The Causing Death by Careless Driving charge, introduced in 2008, was intended to fill a gap. But it is being used more often and for more serious cases, than expected by the CPS.
- ▶ Nor do the sentencing guidelines appear to be used as intended. Despite custodial sentences of up to 14 years, only 1 in 3 drivers convicted of Causing Death by Dangerous Driving or Causing Death by Careless Driving whilst under the influence are sentenced for more than five years.
- ▶ And whilst many drivers are not sent to prison after causing a death (and RoadPeace has never called for prison to be mandatory), they are not all being banned as the guidelines require. And even when they are banned, it is often only until the driving test has been passed or for only a few years. Fewer than one driver in 10 is banned for more than three years after causing a death. Yet, as discussed in RoadPeace's briefing on 'Driving bans', there is public support for longer bans.
- ▶ Data is not provided on vehicle confiscation or compensation amounts. Nor do we know how sentences are affected by guilty pleas, or even aggravating or mitigating factors. And it is also not possible to know how prosecutions, convictions and sentences vary by circumstances, such as victim's or driver's travel mode. Much more is known about homicide cases, and would also be known about culpable road deaths if they were all prosecuted as manslaughter, RoadPeace's call from our start.

¹ 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.

Source: Ministry of Justice (2014), Statistics: 'Criminal justice statistics quarterly' – December 2013, supplementary volume: motoring, www.gov.uk/government/publications/criminal-justice-statistics-quarterly-december-2013

See also RoadPeace (2014) 'Data processing note – MoJ motoring offences (2013)' [www.roadpeace.org/resources/RoadPeace_Data_Processing_Note_-_MoJ_Motoring_Offences_\(2013\).pdf](http://www.roadpeace.org/resources/RoadPeace_Data_Processing_Note_-_MoJ_Motoring_Offences_(2013).pdf); Sentencing Advisory Panel (2008), 'Driving offences – Causing Death by Driving; Advice to the Sentencing Guidelines Council'