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## Causing death by driving, England and Wales (2014)

### Key points

- Of the 387 drivers prosecuted for causing a death, 315 were convicted (81%).
- Causing Death by Careless Driving accounted for over half of convictions (52%), but one in four prosecuted for this charge was acquitted (27%).
- Over 60% of those convicted of causing a death were sent to prison, including 30% of drivers convicted of Causing Death by Careless Driving.
- Driving bans are short, especially compared to prison. Almost twice as many drivers were jailed for over five years than were banned for five years or more.
- The review of driving offences is needed even more than ever.

### Prosecutions and convictions of causing death by driving

In 2014, 403 drivers were prosecuted for causing a death in England and Wales, 22 fewer than in 2013. Whilst there were 32 more drivers prosecuted for Causing Death by Dangerous Driving, there were 29 fewer drivers prosecuted for Causing Death by Careless Driving. The number of drivers prosecuted for Causing Death by Driving Unlicensed, Disqualified or Uninsured dropped from 10 drivers in 2013 to four in 2014.

With 315 convictions, almost four of every five drivers prosecuted were found guilty. It is not possible to tell how many of the prosecutions started out as Causing Death by Dangerous Driving but ended up as a Causing Death by Careless Driving conviction. Causing death by Careless Driving accounted for over half of all convictions (52%), but it also had the largest number of acquittals, with 42 drivers acquitted.

### Court prosecutions and convictions

	Proceedings	Guilty	Conviction rate
Causing Death by Dangerous Driving	176	123	70%
Causing Death by Careless Driving Whilst Under the Influence of Drink or Drugs	17	25	n/a
Causing Death by Careless Driving	205	163	80%
Causing Death by Driving Unlicensed, Disqualified or Uninsured	4	1	25%
Causing Death by Aggravated Vehicle Taking	1	3	n/a
Total	403	315	78%

## Sentencing for causing death by driving

Almost all of drivers convicted of the indictable causing death by driving offences (Causing Death by Dangerous Driving and Causing Death by Careless Driving whilst Under the Influence) were sent to prison. With Causing Death by Careless Driving, only 30% were sent to prison, with community service the most common sentence given.

### Sentencing outcomes

	Sentenced	Immediate custody	Suspended sentences	Community sentences	Fines
Causing Death by Dangerous Driving	123	116 (94%)	7	0	0
Causing Death by Careless Driving Whilst Under the Influence of Drink or Drugs	25	24 (96%)	0	1	0
Causing Death by Careless Driving	164	49 (30%)	44	61	7
Causing Death by Driving Unlicensed, Disqualified or Uninsured	1	1 (100%)		0	0
Causing Death by Aggravated Vehicle Taking	3	1 (33%)		1	0
Total	316	191 (60%)	51	63	7

Longer prison sentences are being given for drivers convicted of Causing Death by Dangerous Driving. The most frequent sentence given has risen to over 5 years. With Causing Death by Careless Driving custodial sentences, almost 80% were for one year or less. No driver was given a custodial sentence greater than two years for that offence.

It is not possible to know how many of the sentences given were reduced because of an early guilty plea. Nor is it possible to know how many drivers were initially charged with Causing Death by Dangerous Driving but had a plea to Causing Death by Careless Driving accepted by the CPS. It is government policy to promote early guilty pleas and avoid the cost of trials.

### Length of custodial sentences

	12 mo and under	12+ to 18 mo	18+ to 24 mo	2+ to 3 yr	3+ to 5 yr	5 yr+
Causing Death by Dangerous Driving	3	4	4	17	37	51
Causing Death by Careless Driving Whilst Under the Influence of Drink or Drugs	2	1	2	2	9	8
Causing Death by Careless Driving	39	6	4	0	0	0
Causing Death by Driving Unlicensed, Disqualified or Uninsured	0	0	1	0	0	0
Causing Death by Aggravated Vehicle Taking	0	0	0	1	0	0
Total	44	11	11	20	46	59

### Driving bans

Driving bans are mandatory for all causing death by driving offences. This ranges from one year for Causing Death by Careless Driving and Causing Death by Driving Unlicensed, Disqualified or Uninsured to two years for the indictable only offences of Causing Death by Dangerous Driving and Causing Death by Careless Driving Whilst Under the Influence of Drink or Drugs.

Almost all drivers convicted of Causing Death by Dangerous Driving or Causing Death by Careless Driving Whilst Under the Influence of Drink or Drugs were banned and required to take an extended driving test

required before they could get their license back. But almost two thirds of drivers convicted of Causing Death by Careless Driving were allowed to return to driving without having to take an extended test.

### Driving license sanctions

	Endorsed	Disqualified	Extended driving test required
Causing Death by Dangerous Driving	3	120	118
Causing Death by Careless Driving Whilst Under the Influence of Drink or Drugs	1	24	22
Causing Death by Careless Driving	17	137	56
Causing Death by Driving Unlicensed, Disqualified or Uninsured		1	
Causing Death by Aggravated Vehicle Taking	1	1	1
Total	22	283	197

Over half of driving bans had their duration given as unknown. This is presumed related to the extended driving test requirement. Of those known, driving bans were short, with 71% less than three years. As with custodial sentences, drivers can appeal to get their driving license back early. Unlike with custodial sentences, bereaved families do not have to be informed of any appeal for early return of driving license.

### Driving ban duration

	Unknown	1 y or less	>1 yr-3 yr	>3 yr-5 yr	>5 y-<Life	Life
Causing Death by Dangerous Driving	86		4		26	1
Causing Death by Careless Driving Whilst Under the Influence of Drink or Drugs	17	1	3	3	3	
Causing Death by Careless Driving	42	34	54		3	1
Causing Death by Driving Unlicensed, Disqualified or Uninsured Driving			1	3		
Causing Death by Aggravated Vehicle Taking	1					
Total	146	35	62	6	32	2

### RoadPeace comment

Causing Death by Careless Driving remains the most common charge laid after a fatal crash. This is not surprising given the extensive overlap in the charging standards for careless driving and dangerous driving. The government's Early Guilty Plea scheme is feared to contribute to undercharging. The MOJ estimates that a quarter of Causing Death by Careless Driving cases are tried in the Magistrates Court. RoadPeace believes all death related cases should be heard at the Crown Court, with the CPS having the right to an appeal an unduly lenient sentences (this is not currently possible with the either way offences).

A full review of driving offences (including sentencing) was announced in May 2014 but has yet to occur. Prison sentences have increased but not driving bans. Drivers were more likely to get a long prison sentence (five years or more) than to be banned from driving for a long time (five years or more). Sentencing reform must include greater consideration of driving bans and vehicle confiscation.

The driving offence review is needed even more now with the recent addition of Causing Death by Disqualified Driving which adds to the complexity and inconsistency in our criminal charges.