

A risky business

CRACKDOWN

THE FACTS: DRIVERS WHO KILL OR INJURE

- Most drivers who kill are charged with either causing death by careless driving or causing death by dangerous driving, depending on whether their driving is deemed to have fallen 'below' or 'far below' the standard expected of a 'careful and competent driver'.¹ Causing death by careless driving carries a maximum sentence of five years, while causing death by dangerous driving carries a maximum sentence of 14 years. However most convicted drivers receive much lower sentences.²
- A report by the Inspectorate for the Crown Prosecution Service has found that many drivers who may otherwise have been charged with causing death by dangerous driving are charged with causing death by careless driving because it is easier to secure a conviction.^{3,4}
- In 2011, only 62% of drivers convicted of causing death received immediate prison sentences and only 9% were sentenced to five years or more.⁵
- Among those jailed the average sentence for causing death by dangerous driving is four years, and for causing death by careless driving it's just 1.3 years.⁶
- A new charge of causing serious injury by dangerous driving was introduced in 2012. As with causing death by dangerous driving, it must be demonstrated the standard of driving fell 'far below' that expected of a 'careful and competent driver'. The maximum penalty is five years.

Q1: While the maximum sentence for killing someone by dangerous driving is 14 years and killing someone by careless driving is five years, four in ten drivers convicted of killing someone through their risky driving are not given jail sentences, and only 9% are given sentences of five years or more. Do you think sentences should be higher for drivers who kill?

The vast majority of drivers (82%) think sentences should be higher for drivers who kill.

- 82% said yes
- 18% said no

Q2: If a driver kills or severely injures someone when they were speeding, do you think they should be charged with causing a death or serious injury by 'careless' or 'dangerous' driving?

More than three-quarters (77%) think that if a driver kills or seriously injures someone while speeding this should be deemed dangerous in the eyes of the law. Yet at present, speeding drivers who kill and harm are often prosecuted under 'careless driving' charges.

- 77% said 'dangerous' driving
- 23% said 'careless' driving

LOST LIVES

Jamie Butcher, 22, from Cambridgeshire, was killed on a pelican crossing when a speeding driver careered into him. Driver Michael Moore was going at twice the speed limit and had run a red light. He was convicted of causing death by dangerous driving, which carries a maximum 14 years in jail. He got just 43 months and it's expected he'll be out within two years.

Q3: If a driver kills or severely injures someone when they were using a mobile phone, do you think they should be charged with causing a death or serious injury by 'careless' or 'dangerous' driving?

Almost three quarters of drivers (72%) think drivers who kill or injure while using a mobile phone should be charged with causing death or serious injury by 'dangerous driving'.

- 72% said 'dangerous driving'
- 28% said 'careless driving'

Q4: If a driver kills or severely injures someone when they were taking any kind of illegal risk on the road, do you think they should be charged with causing a death or serious injury by 'careless' or 'dangerous' driving?

More than four in five drivers (82%) think drivers who kill or injure while taking illegal risks should be charged with causing death or injury by 'dangerous driving'.

- 82% said 'dangerous driving'
- 18% said 'careless driving'

LOST LIVES

Christopher Benson, 20, was run down and killed when walking home after a night out by Inkhtab Alam, then 31. Alam, an elected councillor, was doing 70mph in a 40mph limit. He fled the scene and torched his car in a bid to avoid arrest. He denied any involvement until four months later when police proved he was behind the wheel.

Alam was charged with 'careless driving', for which he could not be jailed, but judge James Stewart QC stopped the case and told the Crown Prosecution Service to look at it again, saying: "This... fully justified a charge of causing death by dangerous driving. This case is a matter of some amazement to me. This undercharging is happening in the courts and it's getting out of hand. We have the family of a young boy, whose life was snuffed out, and you're telling me that the Crown Prosecution Service decided to charge the defendant with the offence of driving without due care and attention when we hear a witness say he was driving at 60 to 70mph? His family will want to know why, as I do."

The CPS stuck with the original charge, saying they did not believe they could secure a conviction for causing death by dangerous driving. Alam was jailed for two years and four months only because he also admitted perverting the course of justice and failing to stop and report the crash.⁷

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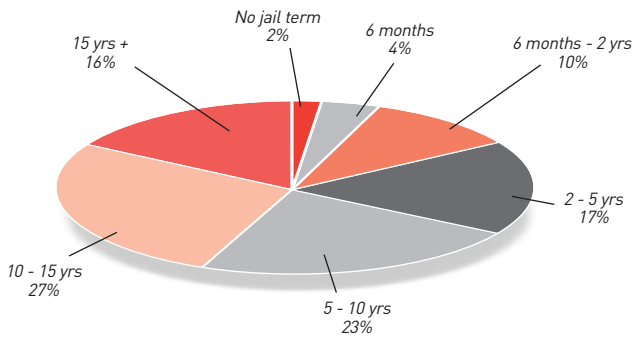


Q5: If you had to decide how the legal system should punish a driver whose speeding had killed someone, what penalty would you give them?

Two thirds of drivers (66%) think drivers who kill while speeding should be sentenced to at least five years in jail, more than the maximum for 'causing death by careless driving', and more than most drivers convicted of 'causing death by dangerous driving' get.

- 2% said no jail term, just a fine
- 4% said six months in jail
- 10% said six months to two years in jail
- 17% said two to five years in jail
- 23% said five to 10 years in jail
- 27% said 10 to 15 years in jail
- 16% said more than 15 years in jail

Figure 1: If you had to decide how the legal system should punish a driver whose speeding had killed someone, what penalty would you give them?



Q6: If you had to decide how the legal system should punish a driver talking on a mobile phone whose bad driving had killed someone, what penalty would you give them?

Almost two thirds of drivers (64%) think drivers who kill while talking on the phone should be sentenced to at least five years in jail, more than the maximum for 'causing death by careless driving', and more than most drivers convicted of 'causing death by dangerous driving' get.

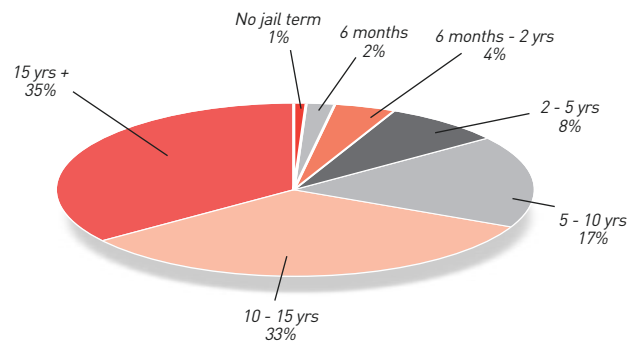
- 4% said no jail term, just a fine
- 6% said six months in jail
- 10% said six months to two years in jail
- 17% said two to five years in jail
- 24% said five to 10 years in jail
- 24% said 10 to 15 years in jail
- 16% said more than 15 years in jail

Q7: If you had to decide how the legal system should punish a driver whose drink or drug driving had killed someone, what penalty would you give them?

The vast majority of drivers (85%) think drink or drug drivers who kill should get at least five years in jail – the maximum for 'causing death by careless driving' and more than the current average sentence of 4.35 years.

- 1% said no jail term, just a fine
- 2% said six months in jail
- 4% said six months to two years in jail
- 8% said two to five years in jail
- 17% said five to 10 years in jail
- 33% said 10 to 15 years in jail
- 35% said more than 15 years in jail

Figure 2: If you had to decide how the legal system should punish a driver whose drink or drug driving had killed someone, what penalty would you give them?



THE FACTS: DRINK, DRUG AND HIT AND RUN DRIVERS

- Drink drivers who kill can be charged with causing death by careless driving when under the influence of drink or drugs. This charge carries the same maximum penalty as causing death by dangerous driving, 14 years. However, the average sentence meted out is only 4.35 years.⁸
- Hit and run drivers who flee the scene of a fatal crash can be charged with 'failing to stop or report an accident'. Sometimes drivers who have been drinking or taking drugs may do this to give themselves time to sober up. If there is no other evidence of careless or dangerous driving, this means they face a maximum sentence of only six months. This means there is an incentive for drink and drug drivers to flee the scene, potentially leaving their victim for dead.



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Q8: If a drink or drug driver hits someone and kills them, then leaves the scene of a crash to give themselves time to sober up, the maximum they can be charged with is a 'hit and run' which carries a maximum six months in jail. If they had called an ambulance and waited with the victim, they could be charged with causing death while impaired, which carries a maximum 14 years in jail. Should the government change the law so hit and run drivers who kill face higher penalties?

Almost all drivers (95%) think sentences should be higher for hit and run drivers.

- 5% said no, the law shouldn't assume drivers are guilty if they run
- 25% said yes, sentences should be higher for drivers who try to evade the law, but not as high as 14 years
- 70% said yes, hit and run drivers who kill someone should face up to 14 years in prison, so drivers don't have an incentive to leave the scene if they've been drinking or taking drugs

THE FACTS: DRIVING DISQUALIFIED, UNLICENSED AND UNINSURED

- Drivers who kill while disqualified or uninsured can be charged with causing death by driving while unlicensed, disqualified or uninsured. This carries a maximum sentence of only two years in jail, and an unlimited fine.
- The penalty for drivers who are caught driving while disqualified takes no account of whether they have been caught driving while disqualified before; the maximum is still only six months, no matter how many times they have offended.

Q9: Currently penalties for driving when disqualified do not take into account whether the driver has been caught driving when disqualified before. Do you think penalties should be higher if a driver has been repeatedly caught driving when disqualified?

Almost all drivers (96%) think penalties should be higher for drivers who are repeatedly caught driving while disqualified.

- 96% said yes
- 4% said no

LOST LIVES

Paul Stock, from Gloucester, was mown down and killed when walking near his home by disqualified motorcyclist Graham Godwin. Godwin was a serial offender with 12 previous convictions for driving without insurance, nine for driving while disqualified and three for drink driving. He was sentenced to just 18 months for causing the death of Paul Stock while disqualified – the maximum the judge, who described Godwin as “an absolute menace”, could give him because he pleaded guilty.



End notes

1. Road Traffic Act 1991
2. FOI request made by the Institute of Advanced Motorists to the Ministry of Justice, 2012
3. A report on the thematic review of the advice, conduct and prosecution of road traffic offences involving fatalities in England and Wales (HMCPSP, 2002)
4. Pearce, L. Dangerous driving and the law, Road Safety Research Report no. 26 (DTLR, 2004)
5. Criminal Justice Statistics 2011 (Ministry of Justice, 2012)
6. FOI request made by the Institute of Advanced Motorists to the Ministry of Justice, 2012
7. Judge Halts Let-Off Case (The Sun, 6 March 2006)
8. FOI request made by the Institute of Advanced Motorists to the Ministry of Justice, 2012