



# **Charging decision guide for bereaved families**

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November 2010

**Charging Decision Guide  
for Bereaved Families**

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**Note**

If you are reading this because someone is being prosecuted for causing the death of your loved one, then please accept our condolences. We believe that such a tragedy is often made worse by a lack of information and understanding of the legal procedures. This guide is intended to help bereaved families be better informed and thus better prepared for the criminal court case ahead of you.

**We strongly recommend that you have another family member or close friend read this guide with you and if possible,** have them be in charge of 'project managing' the incoming information and various queries involving the police, CPS, Witness Service, solicitors, media, etc.

## 1. Introduction

Road deaths are unnatural deaths and while most involve another party, only a minority will involve a criminal prosecution. The charging decision determines if someone, almost always a driver, is to be prosecuted for causing the fatal crash.

It is also possible for a driver in a fatal crash to be prosecuted for a minor offence that does not mention the death. This happens in such cases as where there is a defective tyre but no evidence that driver error was involved.

This guide covers the following areas:

- Who makes the charging decision
- What it is based on
- When is it made
- What criminal charges are considered
- Recent prosecutions and convictions
- Meeting the Crown Prosecution Service (CPS) to discuss it
- Rights of bereaved families

It is based on RoadPeace's work of supporting bereaved families since 1992. This has involved collecting case studies and representing road crash victims in consultations relating to criminal prosecution. This has included the CPS' consultation on their Bad Driving Prosecution Policy and the two reviews into road death related prosecutions conducted by Her Majesty's Crown Prosecution Service Inspectorate (HMcpSI) in 2003 and 2008.

We have included a checklist of questions to be asked before and at the meeting with the CPS where the charging decision is explained. This is attached in Appendix A.

## 2. Who makes the charging decision?

The CPS are supposed to make the charging decision, but this depends on the police passing the investigation file to the CPS, which they are not required to do.

We believe the police consult the CPS in the majority of fatal crash investigations but this is not monitored by the police or CPS.

As, the police are responsible for conducting the investigation into a fatal crash, we believe the charging decision should be made by an independent organisation. The CPS is an independent judicial agency responsible for criminal prosecution in the UK. They represent neither the victim nor the bereaved family.

The police may make a recommendation about the criminal charge but the CPS are not obliged to follow it. Bereaved families can ask their Police Family Liaison Officer (FLO) to let them know if the police are recommending a charge.

According to the CPS Director's Guidance, the CPS is to make the charging decision in all fatal cases, including those where the driver is the only casualty.

A local CPS area specialist should be assigned to the fatal case and be responsible for it from pre-charging through to the conclusion of any criminal proceedings. There may also be a conference with the prosecution expert before the charging decision is made. The Chief Crown Prosecutor for the local CPS area (42 in total) should approve the charging decision in a fatal road crash.

### **Early consultation**

Police can contact the CPS for advice before they submit the file. CPS areas usually have special arrangements for urgent advice, including CPS Direct, an out of hours phone service.

### **Good practice**

In North Yorkshire, there is early consultation (within 72 hours) between the police and the CPS in all fatal road crash cases. This was cited as good practice in the HMcpSI 2008 review.

### 3. What is the charging decision based on?

To ensure the charging decision is fair and consistent, the CPS use a two stage test that considers the evidence available and the public policy implications. The CPS' Code for Crown Prosecutors (the Code) explains the principles behind the two part test.

#### **Stage1: Evidential stage**

The first stage checks to see if there is enough evidence against the defendant. The CPS need to believe that the case is strong enough so that a conviction is more likely than not. This is less strict than that actually used by magistrates or juries who should only convict if they are sure the defendant is guilty.

#### **Stage 2: Public interest stage**

The second stage is only considered if the case passes the first stage. This means that after deciding that a prosecution is justified on the basis of sufficient evidence, the CPS must then decide if it is in the public interest to do so.

Most decisions for "No Further Action" are made at the evidential stage. The Code lists factors in favour of prosecution and also against prosecution.

#### Likely if the offence was...

- Committed near a child
- Believed to be widespread where it was committed

#### Unlikely if the offence...

- Will only result in a nominal penalty
- Involves an elderly defendant (driver)
- Was committed as a genuine mistake or misunderstanding.

For more examples, see the Code [http://www.cps.gov.uk/publications/code\\_for\\_crown\\_prosecutors/index.html](http://www.cps.gov.uk/publications/code_for_crown_prosecutors/index.html)

#### ***Nearest and dearest cases***

Cases where the driver was related to, or in a close relationship with, the victim are known as 'nearest and dearest'. The CPS has recently revised their policy on these cases. The charging decision will be

influenced by the seriousness of the offence. Family members will be charged if they are suspected of such serious charges as Causing Death by Dangerous Driving or Causing Death by Careless Driving Whilst Under the Influence.

If the charge would only be Causing Death by Careless Driving or Causing Death Whilst Driving Unlicensed, Uninsured or Disqualified, then the CPS states that it will use its discretion and may decide against charging or recommend a lesser offence.

#### ***Will they visit the scene before deciding?***

Prosecutors are not required to visit the scene before making their charging decision. Families can write to the CPS Chief Crown Prosecutor and request that the CPS visit the scene with the police Collision Investigator, before making the charging decision.

### 4. When will it be made?

Some police services, including the Metropolitan Police Service, aim to submit their fatal case files to the CPS within four months of the collision. If a summary offence is to be charged, it must be laid within six months of the collision. A summary offence is a lesser charge heard in the Magistrates Court such as a defective tyre. These charges do not mention the death involved.

The charging decision should be made by the CPS within 21 days of receipt of the police file. More time will be required if further evidence from the police is requested.

#### **How will families learn the charging decision?**

In most cases, the Police Family Liaison Officer will inform the family of the CPS charging decision.

## 5. Which charge?

There are five specific causing death by driving charges. These include:

- Causing Death by Dangerous Driving
- Causing Death by Careless Driving whilst under the Influence
- Causing Death by Careless Driving
- Causing Death by Driving whilst Unlicensed, Uninsured, or Disqualified
- Causing Death by Aggravated Vehicle Taking

Charging standards are explained in the CPS Bad Driving Prosecution Policy [http://www.cps.gov.uk/publications/prosecution/pbd\\_policy.html](http://www.cps.gov.uk/publications/prosecution/pbd_policy.html).

### Other charges

These are the key causing death by driving charges but there are other charges, some more serious, and some much more minor offences.

**More serious.** These include Murder and Manslaughter offences. While murder is very rare (rarely more than once a year), on average there are about 13 cases a year of manslaughter involving a motor vehicle.

**More minor.** It is possible for summary motoring offences to be charged in a fatal crash, including defective tyres, or driving with uncorrected defective vision. These charges must be laid within six months of the crash (if the driver is identified).

If the CPS is recommending the driver be charged with a summary offence, and not for causing the death, please see our Criminal Prosecution Guide for the injured for more information on the procedures involved.

### Causing death by dangerous driving

Both the charges of Causing Death by Careless Driving and Causing Death by Dangerous Driving require the standard of driving to be below that of a competent and careful driver. For dangerous driving, the driving must fall “**far below**” that of a competent and careful driver whereas in the case of careless driving, it only needs to be “**below**”, but not far below. While these are

very close in definition, they carry very different penalties.

### What about intent?

Neither careless nor dangerous driving require the prosecution to prove that the death was foreseeable. It is an objective test as to the standard of driving. The policy states that *The fact that a defendant genuinely believed that in the circumstances his or her driving was not dangerous is irrelevant.*

The CPS Bad Driving Prosecution Policy lists the following examples of dangerous driving:

- racing or competitive driving;
- speed, which is highly inappropriate for the prevailing road or traffic conditions;
- aggressive driving, such as sudden lane changes, cutting into a line of vehicles, or driving much too close to the vehicle in front;
- disregard of traffic lights and other road signs, which, on an objective analysis, would appear to be deliberate;
- disregard of warnings from fellow passengers;
- overtaking which could not have been carried out safely;
- driving a vehicle with a load which presents a danger to other road users;
- where the driver is suffering from impaired ability, such as having an arm or leg in plaster, or impaired eyesight;
- driving when too tired to stay awake;
- driving a vehicle knowing it has a dangerous defect;
- using a hand-held mobile phone or other hand-held electronic equipment when the driver was avoidably and dangerously distracted by that use;
- reading a newspaper/map;
- talking to and looking at a passenger where the driver was avoidably and dangerously distracted by that;
- selecting and lighting a cigarette, or similar, in circumstances where the driver was avoidably and dangerously distracted by that.

Dangerous driving can apply even if the offence only lasted for a short time, if it was a serious risk.

### Causing Death by Careless Driving

The CPS Bad Driving Prosecution Policy includes the following examples of careless driving:

- overtaking on the inside;
- driving inappropriately close to another vehicle;
- inadvertently driving through a red light;
- emerging from a side road into the path of another vehicle;
- tuning a car radio;
- using a hand-held mobile phone or other hand-held electronic equipment where the driver was avoidably distracted by that use;
- selecting and lighting a cigarette or similar where the driver was avoidably distracted by that use.

The CPS Bad Driving Prosecution Policy was published at the end of 2006, after the CPS had consulted on charging standards in motoring offences for the first time ever. It was before the new charges of Causing Death by Careless Driving and Causing Death by Driving Whilst Unlicensed, Uninsured or Disqualified were introduced.

For specific examples of where the CPS expected a charge of Careless Driving to be laid in fatal crashes, see Appendix B.

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

If a driver is found to be **both** over the drink drive limit and to have driven carelessly, this offence will apply. It carries similar penalties to that of Causing Death by Dangerous Driving.

### Causing death by driving while unlicensed, uninsured or disqualified

This offence applies when a driver in a fatal crash is found to be either unlicensed, uninsured or disqualified. The policy states that *This offence does not require any proof that the driving fell below any standard required by law*. These drivers were not legally entitled to be on the road. If, in addition, their driving was also to blame,

then they can be charged with either Careless Driving by Careless Driving or Causing Death by Dangerous Driving.

### Causing Death by Aggravated Vehicle Taking

This charge applies when someone is killed after a vehicle has been taken without the owner's consent. As with the previous charge, no evidence of bad driving is required for this charge to apply.

## 6. Recent prosecutions and convictions

It is useful to know not only what charges the CPS considers, but how often they decide to prosecute. The most recent Criminal Statistics Annual Report findings are shown below.

Table 1: Causing Death by Driving prosecutions (2009)

Offence type	Total proceedings for trial	Not tried	Acquitted	Total findings of guilt
Causing death by dangerous driving	423	11	137	275
Causing death by careless driving under influence of drink or drugs	48	5	8	35
Causing death by careless or inconsiderate driving <sup>1</sup>	193	11	n/a	88
Causing death by driving unlicensed, disqualified or uninsured drivers <sup>2</sup>	75	11	n/1	28
Causing death by aggravated vehicle taking	14	1	3	10

Source: Ministry of Justice (2010), Criminal statistics annual report (Table S6.1 and S6.6)

<sup>1</sup>inc. 54 at the Crown Court with 41 found guilty

<sup>2</sup>inc. 28 at the Crown Court with 16 found guilty

## 7. Meeting the CPS

CPS Policy states that as soon as the charging decision is made, a letter will be sent to the bereaved family and offer a meeting with the prosecutor. But the 2008 HMcpSI review found that these letters were not always being sent. It also noted that when meetings were being held with bereaved families, they were not always with the prosecutor, but with more junior staff. The family can write to the CPS and inform them that they will want a meeting with the prosecutor.

The CPS state that these are meetings to explain the charging decision to the family, not reconsider it. The Police FLO and the Senior Investigating Officer can attend and the family can request that they do. Families should go prepared to these meetings with questions written down as it may be their only chance to question the CPS and the Police at the same time.

RoadPeace has produced a checklist for bereaved families of questions to ask about the charging decision. It is attached in

Appendix A. Please also contact us if you have specific queries about your case.

Afterwards the CPS should write and confirm the key points clarified at the meeting. This was identified as good practice by the 2008 HMcpSI review.

### What if the family does not agree with the charging decision?

The Code states that the CPS  
*"In deciding whether a prosecution is required in the public interest, prosecutors should take into account any views expressed by the victim regarding the impact that the offence has had."*

*However, the prosecution service does not act for victims or their families in the same way as solicitors act for their clients, and prosecutors must form an overall view of the public interest."*

The Prosecutors' Pledge, launched in 2005, states ten service standards that victims and witnesses can expect to receive from CPS prosecutors. The following two apply to the Charging Decision.

Pledge	Note
Take into account the impact on the victim or their family when making a Charging decision	The prosecutor will work closely with the police to build the best possible case and seek to ensure that the charge reflects the seriousness of the crime against you. Where appropriate, the prosecutor will also take into account the likely effect that the type of crime you have suffered may have on your local community.
Inform the victim where the charge is withdrawn, discontinued or substantially altered.	You will be contacted by letter and informed as to the reasons that this course of action was taken. In certain crimes you may also be offered the opportunity of meeting the prosecutor in person who will explain the decision.

### Can families appeal the charging decision?

There is no right of appeal but families can appeal if they think the CPS has not considered all the evidence properly or misinterpreted the charging standards. It is rare that the CPS revise a charging decision, especially if the Chief Crown Prosecutor has already approved the decision.

If the family has not already notified their Member of Parliament (MP) of the death of their loved one, they should do so and request their assistance with appealing the initial CPS decision. If an MP writes to the CPS, they will receive a response by the Chief Crown Prosecutor, whereas a bereaved family may only get a junior officer responding. Do also contact RoadPeace and copy us in on any correspondence.

## 8. Charging a driver

The police are responsible for the actual procedure of charging (booking) the driver. Drivers charged with causing death are rarely put into custody, i.e. remand, and are given bail instead. After a person is charged with a crime, they are referred to as the defendant.

### Bail and driving bans

Bail can be conditional or unconditional, the latter meaning there are no restrictions placed on their behaviour.

Drivers charged with causing a death are not immediately banned from driving. Driving bans are imposed only if the defendant is believed to be at risk of re-offending, but this is rarely the case.

If a driver has a driving ban as part of his bail condition and they are caught driving, they can be put in jail.

## 9. Bereaved families' rights

The CPS' Policy for Prosecuting Cases of Bad Driving states that:

- One of our strategic aims is to champion justice and the rights of victims. Only by doing so will we inspire confidence in the communities that we serve.*
- This commitment applies to all our work dealing with bad driving, but nowhere more so than in our treatment of victims, their families, friends and witnesses, in cases where a fatality has occurred or serious injury has been caused.*

[http://www.cps.gov.uk/publications/prosecution/prosecutor\\_pledge.html](http://www.cps.gov.uk/publications/prosecution/prosecutor_pledge.html)

## References

### **CPS Bad Driving Prosecution Policy (2006)**

([http://www.cps.gov.uk/Publications/directors\\_guidance/dpp\\_guidance.html](http://www.cps.gov.uk/Publications/directors_guidance/dpp_guidance.html))

### **CPS (2007), Director's Guidance**

[http://www.cps.gov.uk/Publications/directors\\_guidance/dpp\\_guidance.html](http://www.cps.gov.uk/Publications/directors_guidance/dpp_guidance.html)

### **CPS Code for Prosecutors (2010),**

<http://www.cps.gov.uk/Publications/docs/code2010english.pdf>

Ministry of Justice (2010), Criminal statistics annual report 2008, Supplementary Tables, Volume 6: Court proceedings offences relating to motor vehicles.

<http://www.justice.gov.uk/publications/criminalannual.htm>

Sentencing Advisory Panel (2008). Advice to the Sentencing Guidelines Council, Driving Offences--Causing Death by Driving <http://www.sentencing-guidelines.gov.uk/docs/death-by-driving-advice.pdf>



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## Charging decision checklist for bereaved families

### Police and bereaved families --understanding the evidence collected

Before meeting the Crown Prosecution Service (CPS), the family should discuss with the Police what information has been provided to the CPS by the police from their investigation. They should ask the police to take them to the site and show them as much of the evidence as possible, without compromising the chance of prosecution.

#### 1. Witnesses

- a. How many witnesses identified?
- b. How many actually saw the crash?
- c. How many are independent?
- d. How and when were they identified?

#### 2. Witness statements

- a. How long before they were asked for statement?
- b. Was this taken in person?
- c. Were they taken to the site?
- d. If not, was a sketch map or aerial photo used to help them?
- e. Were there any differences between initial accounts at the scene and their formal witness statement?

#### 3. Speed estimates

- a. What was the range of the estimated impact speed
- b. What was the range of the estimated traveling speed?
- c. What evidence were these ranges based on--witness testimony, skid marks, tachograph, other?

#### 4. CCTV evidence

- a. When were any roadside cameras checked and what was found?
- b. When were any private cameras on commercial properties checked and what was found?
- c. When were any cameras on buses checked and what was found?

#### 5. Drink drive test

- a. When was the roadside screening test done and what did it indicate?
- b. If an evidential test was done, what was the reading and what time was this taken?

#### 6. Drug drive test

- a. Was the driver given a Field Impairment Test?
- b. If he failed, was he given a blood test?

7. **Driver arrest.** If the driver was arrested, what was the basis for the arrest?

8. **Collision report conclusions.**

- a. How are the police explaining the collision?
- b. Are they recommending a prosecution?

The family should also ask for a site meeting with the police so that they can better understand such points as:

- Where exactly in the road do the police think the collision occurred, and why there
- How many seconds the driver had to react

If the police refuse to show the family the evidence collected or state that the Coroner has denied them permission to do so, please inform the CPS that you will be coming 'blind' and will need more time reviewing the evidence.

## **CPS and bereaved families—understanding the basis for the charging decision**

### **At the CPS meeting**

The CPS offer a meeting in order to explain their charging decision to the bereaved family in person. The CPS do not see it as a time for their decision to be questioned, although families will obviously want to know that all the evidence and circumstances have been.

### **Who will be at the meeting**

1. Who from the CPS will be attending the meeting? Is it the reviewing lawyer? If not, why not?
2. Who else will be there? The Police Senior Investigating Officer? The Police Family Liaison Officer?

### **Who made the decision?**

1. Who made the charging decision?
2. Was it approved by the Chief Prosecutor?
3. What training had the decision makers had in road death prosecution?
4. Did the police make any recommendation with regard to the charging decision?

### **When was it made?**

1. When was the CPS first informed of the death?
2. When did they receive the file obtained (how much time did they have to review it)?

### **How was it decided?**

1. What was the basis of the decision—lack of evidence, lack of guilt or public interest?
2. Was the site visited?
3. If not more serious charge, ask what more driver would have had to do to justify more serious charge?

### **Follow-up**

1. Will the CPS be sending the family a summary of the meeting with the key points? If so, when will this be sent?
2. If the family want to appeal the decision, are there any steps they should follow, besides writing to the Chief Crown Prosecutor and also notifying their MP?

## Appendix B: Examples of Careless Driving in fatal crashes

### Careless Driving in fatal crashes

The CPS conducted a 10 month survey (July 2006-April 2007) where they identified which fatal crashes they thought a charge of careless driving **might** apply. A summary of these cases was included in the Sentencing Advisory Panel's 2008 publication, Advice to the Sentencing Guidelines Council—Driving Offences—Causing Death by Driving.

We have extracted the summaries from this report. More information on these cases, including mitigating and aggravating factors are included in the Sentencing Advisory Panel's report.

#### Possible examples of careless driving in fatal crashes

1	Motorist knocked down and killed cyclist on pedestrian crossing.
2	Motorist pulled out into path of speeding motorcyclist. Motorcyclist killed.
3	Taxi driver ran over and killed pedestrian collapsed in roadway. Possibly distracted by other pedestrians waving.
4	Motorist lost control of vehicle, car rolled over and passenger killed. Driver uninsured. Tyre defective, but this not the cause of the accident.
5	Motorist hit back of lorry in front, rendered immobile. Subsequently hit from behind by another lorry and killed. Witnesses state car hazard lights on, implying motorist was alive after the first collision. Second lorry took no avoiding action.
6	Motorist crossed centre of road and collided with oncoming car. Passenger in oncoming car killed.
7	Van hit stationary cyclists at side of road – one killed.
8	Motorist hit two women on pelican crossing. Driver states he was temporarily blinded by the sun but this disputed.
9	Motorist hit and killed a teenage cyclist. Did not stop, and subsequently torched vehicle. Driver admitted 40mph in 30mph zone.
10	Motor cyclist crossed carriageway and collided with oncoming van. Motor cyclist killed. Recommended no prosecution of van driver
11	Pedestrian crossed road at traffic lights as they changed to green –hit and killed by lorry. Recommended no prosecution.
12	Motorist pulled out of side road and collided with passing motorcycle and sidecar. Witnesses say car driven normally but just did not see motorcycle.
13	Motorist hit and killed pedestrian on road. Pedestrian was probably drunk. Driver had previous motoring convictions, but in this case no evidence of speeding.
14	Motorist crossed centre of road and collided with oncoming vehicle, driver killed. Witnesses say he accelerated hard, but no evidence of speeding.
15	Motorist hit teenage cyclists riding two on a bike – conflicting evidence as to whether they were at side or in middle of road. Witnesses describe car speed as excessive.
16	Lorry hit pedestrian who was probably standing in carriageway on unlit road. Lorry speed 55mph, road limit 50mph and vehicle limit 40mph.

17	Lorry crossed centre of road and collided with van. Van driver killed. Lorry driver on medication but had not been back to doctor within 12 months. No warning on medication that it may induce drowsiness.
18	Motorist turned right into path of motorcycle. Rider killed.
19	Motorist crossed centre of road and caused multiple collisions. One fatality. Motorist was diabetic and may have suffered a hypoglycaemic attack, but cannot prove this was foreseeable
20	Motorist turned right into path of motorcycle. Rider killed.
21	Motorist lost control of vehicle, hit and killed pedestrian waiting at bus stop. Driver unlicensed and uninsured. May be speeding but cannot prove it.
22	Lorry hit car in traffic queue from behind. Passenger in car killed, and other passenger injured. Witnesses state lorry was previously being driven erratically and at speed.
23	Motorist hit and killed cyclist in marked (but not segregated) cycle lane at side of road. No licence or insurance.
24	Motorist entered staggered junction into path of motorcycle. Motorcyclist killed. Defendant's children in car.
25	Lorry crossed centre of road and hit motorcycle. Rider killed. Accident happened at notorious black spot, where road looks like a dual carriageway but isn't.
26	Motorist collided with van on motorway. Unclear who was victim. Cannabis in driver's blood, speed 80–90mph.
27	Lorry hit cyclist riding without lights – cyclist killed. Recommended no prosecution.
28	Lorry turned right into path of motor cycle. Rider killed.
29	Motorist lost control of vehicle, passenger killed. Some evidence of excessive speed but cannot be proved. Victim not wearing a seat belt.
30	Details unclear. Case involves a lorry driver, and the victim was a 7 year old girl. The lorry driver had driven excessive hours.
31	Motorist did a U–turn in face of oncoming traffic. Motorcyclist killed
32	Motorist pulled out of garage forecourt and collided with motor cyclist. Rider killed. Implied motorist had good driving record and showed remorse.
33	Motorist pulled out of side road and hit two teenage pedestrians who were crossing the side road in front of him. One killed, one injured. Windscreen of vehicle tinted beyond legal limits.
34	Van parked partially on pavement (illegally) reversed into and killed pedestrian
35	Motorist turned right into path of speeding motorcyclist. Motorcyclist killed – head injuries, helmet not fastened properly.
36	Inexperienced driver braked and lost control of car. Passenger killed
37	Details unclear. Case involves a motorist hitting two pedestrians in the road, both killed
38	Details unclear. Case involves tailgating on a motorway. Two fatalities
39	Motorist pulled out to overtake, glancing blow to motorcyclist who was already overtaking motorist. Motorcyclist lost control and collided with car coming in opposite direction. Motorcyclist killed.
40	Motorist on motorway lost control, killed his 2 year old daughter who was a passenger. Claimed to be taking evasive action against an untraced second vehicle. Recommended no prosecution.
41	Motorist lost control, collided with another car. Passenger in second car killed. Motorist

	was driving at excessive speed on wet road.
42	Motorist turned right into path of motorcyclist. Rider killed. Car passengers state car was being driven safely and no-one saw the motor cycle.
43	Motorist hit lorry on motorway. Lorry crossed central reservation and collided head on with another car. Driver of second car killed
44	Motorcyclist hit pedestrian. Pillion passenger killed, driver and pedestrian injured. Pedestrian was drunk, motorcyclist was probably speeding but can't prove this.
45	Motorist reversing in hospital A&E car park hit patient in wheelchair being taken from ambulance. Patient killed. Manoeuvre was carried out at high speed, and immediately previously the car had hit a parked camper van. The driver was an elderly lady with a previously unblemished driving record who seemed to be unaware of what was happening.
546	Van crossed centre of road and hit oncoming car. Car driver killed. Van had defective brakes, but this does not seem to be factor in causing the accident.
47	Motorist collided with and killed a pedal cyclist on a mini roundabout
48	Van reversed on garage forecourt and hit pedestrian. Pedestrian seemed unaware of the danger. Pedestrian's death two days later recorded as 'natural causes'.
49	Van turned into road in path of scooter. Rider killed. Van did not stop, and was later burned. Van had no MoT, driver had no insurance and a provisional licence only.
50	Pedestrian stepped in front of vehicle and killed. Recommended not prosecuted.
51	Motorist hit and killed pedestrian crossing road. Motorist made no attempt to avoid the pedestrian. Motorist 17 years old, but this is not a case of inexperience, so not a mitigating factor?
52	Motorist turned right into path of motorcycle. Rider killed.
53	Motorist lost control and hit signpost. Passenger killed, another passenger injured. Tyres under inflated. Driver 17 years old.
54	Motorist parked car on slight incline without handbrake. It rolled down hill and killed a pedestrian
55	Details unclear. Case involves a bus driver who hit and killed a pedestrian.
56	Driver dropped off passenger then accidentally reversed into her and killed her.
57	Lorry hit pedestrian on pelican crossing. Lights were green to vehicles and there were other pedestrians crossing. Lorry driver sounded horn but made no attempt to slow down. Victim stepped onto crossing at last minute. Victim was deaf.
58	Motorist turned right into path of speeding car. Passenger in right turning car killed, driver injured. Victim's family do not want the driver prosecuted. Passenger in the oncoming car injured. Driver of oncoming car prosecuted.
59	Motorist turned right into path of oncoming car. Notes unclear as to victim. Sun was very low and road was wet, so there was a significant glare from the road
60	Motorist crossed centre of road and hit oncoming car, killing the driver. The motorist had just drunk 1 pint of lager, and had recent previous convictions for drink driving, having only had his licence restored six weeks previously
61	Motorist on motorway hit car in front. Passenger in front car killed. Defendant's speed was about 70mph, victim's about 50mph. Motorist was uninsured.
62	Motorist lost control and hit tree. Passenger killed. Tyres under inflated. Motorist was probably driving too fast for the road conditions. Driver 17 years old.
63	Motorist turned right into path of motorcycle. Rider killed. Motorist did not stop. When

	arrested he was over the alcohol limit, claimed this was due to post accident drinking, but likely consumption (ie amount missing from vodka bottle) does not explain the total blood alcohol level.
64	Lorry crossed centre of road and collided with military vehicle, which then collided with following lorry. Victim?
65	Motorist lost control and hit electricity pole. Passenger killed. Motorists claimed he was distracted by the passenger. Passenger not wearing a seat belt.
66	Motorist crossed road, collided with oncoming car. Driver of oncoming car killed. No witnesses

Source: Sentencing Advisory Panel (2008), Advice to the Sentencing Guidelines Council, Driving Offences--Causing Death by Driving <http://www.sentencing-guidelines.gov.uk/docs/death-by-driving-advice.pdf>