

RoadPeace

the national charity for road crash victims
supporting crash victims reducing road danger



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KSI cycle collisions and London CJS¹ CTC, LCC and RoadPeace response

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This research represented a rare opportunity to review how crashes were investigated and prosecuted and families kept informed in London. We appreciate that this review was complicated by the changes being implemented by both the CPS and Police. At a time when there is much concern about public confidence in the police, TfL and the London Criminal Justice Board are to be commended for undertaking it.

It contains new information, especially about prosecution and convictions. But because it was such a rare opportunity, the areas overlooked and recommendations missed are even more regrettable. We therefore hope that this exercise will be repeated in future, and that organisations such as RoadPeace, LCC and CTC will be given the opportunity to bring their experience to the process in future.

We have organised our comments into the three main areas of reporting, collision investigation and criminal prosecution.

Reporting

We appreciate that this work was an onerous task, made difficult by the lack of monitoring systems. We are keen to see the good work started continued, with more priority given to reporting recommendations.

Proposed recommendations:

1. Conduct and publish an annual review of the legal outcome of collisions.

This would include statistics on the number of NFA, type of charges prosecuted and convicted. This should be able to differentiate between collisions by severity type. Transparency is a key objective of the government and this should include transparency around prosecutions and convictions of drivers causing death and injury.

2. Analyse and publish a review of NFA cases and also failed cases.

We should know how many NFA cases were due to lack of evidence, proof of innocence on behalf of the driver, or not in the public interest to prosecute. There should also be an analysis of why cases do not succeed in court.

3. Annual conference. There should be an annual conference where police and CPS summarise the outcome of fatal and serious injury collisions for the previous year and what they have done to maintain, if not improve, standards. This would include identifying who made the charging decision (police or CPS). RoadPeace would be willing to coordinate this event and organise the venue and speakers proposed by the MPS and CPS, if this would help.

¹ The review of processes was not restricted to 2007 to 2009.

Collision investigation

We appreciated the clarification of the different roles involved in investigating fatal, life threatening and serious injury collisions. But greater transparency is needed with the investigation processes at fatal and serious injury collisions, as well as the resources allocated to these areas. We are concerned that collision investigation resources will be cut. This was a chance to document the current staff and funding allocated to collision investigation. This is still needed.

We also believe that more could be done to contribute to prevention efforts and that investigation should not be solely focused with prosecution.

Proposed recommendations:

4. The budget and staffing for specialist positions involved in collision investigation should be published.

The public should know the funding and thus relative priority being assigned to road collision investigation.

5. Standard operating processes should be published so that the public can understand what is expected from a collision investigation.

There are varying standards of investigation according to crash severity and it would be useful to understand what the police are expected to do at slight, serious and fatal crashes. This should also include information on the role of the Commercial Vehicle Unit who have a key role in investigating HGV collisions. An explanation of how the blind spot is identified and measured is needed.

6. MPS to clarify good practice for injury investigation by Borough police, including training programmes and lead responsibility.

Whilst the RDIU have taken steps to professionalise their investigations, there is no evidence of this by the Borough police. We are happy to discuss co-organising awards ceremony with the MPS and TfL if this would be useful in promoting good practice amongst the BOCUs.

7. The Self Administered Interview method for collection of witness statements should be introduced, at least on a pilot basis.

Whilst appreciating the new approach with significant witnesses in fatal crashes, we believe there is still good reason to adopt the Self Administered Interview (SAI) in both fatal and injury collisions. It is not a substitute for face to face interviews but has the potential to make them more useful. The need for the SAI is even greater with injury collisions where, as stated in the report, it can be months before an injured victim is contacted in the post for a statement.

8. Fatal collision investigation to include reviews where what would have prevented the death, if not the crash, at least on pilot basis.

Just as the police are conducting reviews of domestic violence murders, so too should the police consider what would have prevented the death in a crash, if not the crash itself. This is the approach taken in Sweden and also that trialled by the MPS NW Traffic Garage several years ago.

Criminal prosecution

It was very useful to see the prosecution and conviction data for cycling collisions in recent years. We believe this information has not been previously published. It showed that you are four times more likely to get a prosecution in a fatal collision than an injury collision, thus highlighting the importance of the work done by the collision investigator, with more priority given to collecting evidence.

Proposed recommendations:

9. Life threatening collisions should be tried by Homicide Complex Casework Team

Just as life threatening/changing collisions have benefited from the efforts of collision investigators, so too should these cases be considered by the Homicide Complex Casework Team.

10. Training programme, especially for Borough CPS, with guidance specialising in urban situation with vulnerable road users.

Despite being recommended previously by the HMcpSI, there still is no training programme for the CPS in prosecuting bad drivers. This should cover the charging standards for careless and dangerous driving. Momentary lapses in urban areas where vulnerable road users are concentrated should qualify as dangerous.

11. Joint HMcpSI and HMCI review.

We agree that the LCJB is not the appropriate organisation to review the quality of collision investigation or criminal prosecution. But they could request the HMCI and HMcpSI for a joint review of fatal/SI collision investigation and prosecution.

In addition, we would also like to repeat our request for TfL to send a letter of condolence to bereaved families and include information on the efforts underway to make the roads safer. It may be too late for those families, but they will want to know that their losses are not seen as acceptable.

