



## **AVZ Blog (Nov21) Hit and run - sentence needed that fits this cowardly crime**

Today there is a [Westminster Hall debate on penalties for fatal road traffic offences](#). This has been achieved due to petitions from families bereaved by crashes where the driver left the scene. The families of [Matt Smyth, Paul Wood](#) and [Ryan Saltern](#) have made this debate possible.

This debate is a chance to highlight the need to close the loophole in our justice system which benefits impaired and other drivers trying to evade justice.

It is not the first time this issue has been debated. Reforming hit and run laws has been an issue regularly raised by MPs. Matt, Paul and Ryan were all still alive when Kerry Dean started campaigning after her [son Sean was killed by a driver who turned himself in the next day](#).

Impaired drivers who leave the scene and turn themselves into the police after sobering up face a much lighter charge. [Fail to Stop](#) has a maximum custodial sentence of six months and prison is rarely given. There is no recognition of the loss of life in the Fail to Stop offence. It is a summary offence and heard in the Magistrates court. And it must be laid within six months of the crash—another blow to families as drivers may not have been identified during that time.

In contrast, [Causing Death by Careless Driving Under Influence of Drink or Drugs](#) almost always results in a custodial sentence and carries a maximum of 14 years. It can only be heard at the Crown Court.

Absconding drivers can be prosecuted for Attempting to Pervert the Course of Justice if they destroy evidence or take other steps to evade justice. But the 24-hour reporting window for Failing to Stop makes absconding unnecessary: biological processes will eliminate the evidence of alcohol in their blood.

These are all reasons why Action Vision Zero and [RoadPeace West Midlands](#) are calling for a new criminal offence for drivers that fail to remain at the scene of a fatal/serious injury collision, under our [Remain and Report Campaign](#).

### ***Police, Crime, Sentencing and Courts Bill***

[The Police, Crime, Sentencing and Courts Bill](#) is currently going through Parliament. At present there is a risk that it could make things worse with hit and run. This is because it is proposing to increase the maximum sentence for Causing Death by Careless Driving Under the Influence and does nothing about Failing to Stop. This could increase the incentive for impaired drivers to flee and delay reporting.

### ***What is an appropriate sentence?***

This will be a key topic in today's Westminster Hall debate. The House of Commons Library has prepared a [briefing pack for today's Westminster Hall debate](#). This includes a summary of the sentences given for Fail to Stop and also Causing Death by Dangerous Driving.

Action Vision Zero believes more information is needed for this debate. We have published a new report -[Sentences for Causing Death and Serious Injury by Driving](#) – which provides data on the

sentences given over the last five years for the main causing death and serious injury by driving offences. This includes the type of sentence given, the custodial sentence length, and disqualification (type and length).

So, what is an appropriate sentence for a driver that leaves the scene of a fatal or serious injury collision? What sentence fits this cowardly crime?

Our [Remain and Report campaign](#) wants to see the loophole closed so it is not better for impaired drivers to flee a fatal/serious injury collision. This would mean a sentence similar to Causing Death by Careless Driving Under the Influence (14 years). But as mentioned previously, under the Police, Crime, Sentencing and Courts Bill, the government is proposing to increase this to a maximum lifetime custodial sentence.

Action Vision Zero does not believe this increase is needed. Impaired driving that is that bad should be prosecuted as dangerous driving and we do support the proposed maximum lifetime custodial sentence for Causing Death by Dangerous Driving. That would put it on par with manslaughter, which is an important principle.

As our new report [Sentences for Causing Death and Serious Injury by Driving](#) shows:

- 17 drivers convicted of Causing Death by Dangerous Driving (10%) in 2019 had custodial sentences approaching the maximum possible (after adjusting for guilty plea discounts).
- By comparison, in the last five years, only one driver convicted of Causing Death by Careless Driving Under Influence of Drink or Drugs was given more than 10 years in prison.
- Causing Death by Careless Driving Under Influence of Drink or Drugs rarely results in a custodial sentence of over eight years, with most prison sentences being six years or less.

The data shows the need to increase the custodial sentences possible for the worst driving but not for driving that is careless by impaired drivers, despite the worst consequences.

Cycling UK and others are also calling for a [new criminal charge for drivers that fail to stop and report](#). They have proposed a maximum custodial sentence of 14 years.

They are also calling for Causing Death by Careless Driving Under Influence of Drink or Drugs to be replaced with Causing Death by Drink/Drug Driving. This would drop the requirement for careless driving to be proven. It would still require evidence of bad driving but less than careless driving. This is already the case with Causing Death by Disqualified Driving and Causing Death by Uninsured/Unlicensed Driving. This would improve consistency with how our justice system treats illegal drivers causing death and serious injury.

Their proposed Causing Death by Careless Driving offence would maintain the maximum custodial sentence of 14 years (five years for Causing Serious Injury).

Deciding the maximum custodial sentence suitable for drivers abandoning someone seriously, if not fatally, injured merits further discussion and closer consideration of the data. But what should be beyond debate is the need to close this loophole which serves impaired/illegal drivers and fails victims.

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For further information on sentences given, see Action Vision Zero's new report [Sentences for Causing Death and Serious Injury by Driving](#).

And see here for statistics on [criminal prosecutions](#) or more on our [Remain and Report](#) campaign.