

Sentences for Causing death and serious injury by driving England and Wales

Action Vision Zero

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Introduction

Sentencing can be an emotional topic. Knowledge is often limited to cases with a personal connection (either the victim or the offender) or sensational cases reported in the press. This does not make for a good evidence base.

Data is needed to help ensure accurate understanding of the sentences given. Policy makers, parliamentarians, campaigners and victims and their families—all need and deserve better data.

This report by Action Vision Zero provides this data. Action Vision Zero is committed to increased transparency with traffic law enforcement, including its detection, prosecution and sentencing. It presents the sentences given for causing death and serious injury in England and Wales in the last five years. All data is from the [Criminal Justice Statistics Quarterly December 2020 Motoring tool](#), published by the Ministry of Justice (MoJ).

It provides the

- type of sentence given (custody, suspended sentence, community sentence, etc)
- length of custodial sentence, and
- length of driving disqualification.

It covers the four main Causing Death by Driving charges and two Causing Serious Injury by driving charges, shown below.

Table 1: Causing Death and Serious Injury by Driving Conviction, England and Wales (2016-2020)

	2016	2017	2018	2019	2020
Causing death by...	157	191	157	174	154
Dangerous Driving	32	22	21	19	19
Careless Driving Under Influence of Drink or Drugs	226	187	184	149	120
Careless Driving	5	3	8	6	2
Driving Unlicensed or Uninsured Drivers				2	1
Other			2	3	1
Total	420	403	372	353	297
Causing serious injury by...					
Dangerous Driving	301	359	356	357	306
Disqualified Driving	2	3	4	5	7
Total	303	362	360	362	313

Purpose

This report is intended to promote evidence-informed discussion around sentencing for road traffic crime (i.e. motoring offences). Some may want tougher sentences whilst others argue for leniency on a basis of lack of premeditated criminal intent. But the discussion should be grounded in the data on the sentences being given.

Post guilty plea discount

The sentences presented have been adjusted to reflect any discount given for an early guilty plea. Most defendants plead guilty so most sentences shown here will have been reduced due to a guilty plea¹. Guilty plea discounts range from a high of one third for those who plead guilty at the earliest opportunity to 10% for those pleading guilty on the day of the trial.

A few sentences may be appealed. This option is limited to the two indictable only offences: Causing Death by Dangerous Driving and Causing Death by Careless Driving Under Influence of Drink or Drugs. Appeals can be lodged by either side and can result in the sentence being increased, decreased or remaining the same. Data presented here does not include any changes due to appeals.

¹ [Sentences Reductions for Guilty Pleas \(2020\)](#)

Causing Death by Dangerous Driving

Sentence type

- This is the most common Causing Death by Driving conviction (52%).
- It almost always results in a custodial sentence.

Table 2: Sentence type: Causing Death by Dangerous Driving

	2016	2017	2018	2019	2020
Immediate custody	153	174	147	164	144
Suspended sentence	3	12	9	7	9
Community sentence		2	1		1
Fine		1		1	
Absolute discharge		2		1	
Otherwise dealt with	1			1	
Total	157	191	157	174	154
% custodial sentence	97%	91%	94%	94%	94%

Custodial sentence length

- This offence has a maximum custodial sentence of 14 years although the government is proposing to increase it to lifetime imprisonment.
- The most common prison sentence given was for over two years and up to three years, which accounted for more than one in five custodial sentences.
- 78% convictions had a sentence of six years or under.
- In 2019, the average custodial sentence length (ACSL) rose to 70 months, with a large increase in the number of drivers being sentenced to over 10 years in prison.
- In 2020, the ACSL fell by over 20% to 55 months.

Table 3: Custodial sentence length: Causing Death by Dangerous Driving

	2016	2017	2018	2019	2020
6 months					
Over 6 months and up to and including 9 months	1				1
Over 9 months to less than 12 months					
12 months	1	1			3
Over 12 months and up to and including 18 months	3	2	3	4	6
Over 18 months and up to and including 2 years	11	13	7	6	5
Over 2 years and up to and including 3 years	22	28	20	24	32
Over 3 years to less than 4 years	12	15	14	15	15
4 Years	15	23	14	8	11
Over 4 years and up to and including 5 years	28	26	21	22	18
Over 5 years and up to and including 6 years	22	32	21	19	22
Over 6 years and up to and including 7 years	14	12	15	14	9
Over 7 years and up to and including 8 years	15	11	18	19	11
Over 8 years and up to and including 9 years	6	9	6	11	10
Over 9 years and up to and including 10 years	2	2	5	5	1
Over 10 years and up to and including 15 years	1		3	17	
Total	153	174	147	164	144
ACSL (months)	59	57	64	70	55

Disqualification

- This offence has a minimum mandatory disqualification of two years and requires an extended driving test before the license can be issued again.
- The vast majority of driving bans were until the driving test was passed.
- But of those where the duration was specified, most were five years and over
- Only one lifetime driving ban was given.

Table 4: Disqualification: Causing Death by Dangerous Driving

	2016	2017	2018	2019	2020
Not Disqualified					
Offender neither disqualified nor endorsed				1	
Endorsed only (points given on licence)	2				
Disqualifications					
Under 6 months					
6 months					
Over 6 months and less than 1 year					
1 year		1			1
Over 1 year and less than 2 years					
2 years and less than 3 years	3	1	1	1	3
3 years	3	4	3		
Over 3 years and less than 4 years	2	4	1	3	1
4 years and less than 5 years	3	10	3	5	2
5 years and less than 10 years	23	38	37	23	9
10 years and less than life	7	8	11	6	7
Life	2	3	1	1	1
Until driving test passed	111	122	100	134	130
Unknown (but banned)	3			1	
Disqualification status unclear	1				
None of the above					

Note: In 2016, the MoJ consulted over increasing the maximum custodial sentence to lifetime imprisonment for both Causing Death by Dangerous Driving and Causing Death by Careless Driving Under Influence of Drink or Drugs. This increase was expected to affect only those approaching the current maximum (after early guilty plea discount), i.e. a sentence of at least 9.3 years. The impact assessment's high estimate assumed lengthy custodial sentences would increase by 50% and result in an ACSL of 60.4 months. As shown in Table 3, in 2019, the ACSL for Causing Death by Dangerous Driving had risen to 70 months. ²

² [Consultation on driving offences relating to death and serious injury: Impact Assessment \(2016\)](#)

Causing Death by Careless Driving Under Influence of Drink or Drugs

Sentence type

- It almost always results in a custodial sentence.
- Suspended sentences are extremely rare.

Table 5: Sentence type: Causing Death by Careless Driving Under Influence of drink or drugs

	2016	2017	2018	2019	2020
Immediate custody	29	20	20	19	17
Suspended sentence	1	2	1		2
Community sentence	1				
Otherwise dealt with	1				
Total	32	22	21	19	19
% custodial sentence	91%	91%	95%	100%	89%

Custodial sentence length

- As with Causing Death by Dangerous Driving, this offence has a current maximum custodial sentence of 14 years with the government proposing to increase it to lifetime imprisonment.
- No offender was given under two years for this offence (2020).
- Almost half (47%) were given a sentence of over two years and up to three years (2020).
- It is very rare for a custodial sentence to be over 8 years.
- The ACSL in 2020 was very similar to that of Causing Death by Dangerous Driving.

Table 6: Custodial sentence length: Causing Death by Careless Driving Under Influence of Drink or Drugs

	2016	2017	2018	2019	2020
Over 6 months and up to and including 9 months					
12 months					
Over 12 months and up to and including 18 months	1				
Over 18 months and up to and including 2 years	3	2	2	2	
Over 2 years and up to and including 3 years	7	3	1	1	8
Over 3 years to less than 4 years	4		1	4	
4 Years	5	1	2		
Over 4 years and up to and including 5 years	5	2	4	8	2
Over 5 years and up to and including 6 years	1	4	6	2	3
Over 6 years and up to and including 7 years	1	4		1	2
Over 7 years and up to and including 8 years	2	2	4	1	1
Over 8 years and up to and including 9 years		1			1
Over 9 years and up to and including 10 years					
Over 10 years and up to and including 15 years		1			
Total	29	20	20	19	17
ACSL	46	67	62	54	54

Disqualification

- This offence has a mandatory minimum disqualification period of two years and requires an extended driving test.
- Most offenders were banned until passing the extended driving test.
- No exceptions were made in the last five years.

Table 7: Disqualification: Causing Death by Careless Driving Under Influence of Drink or Drugs

	2016	2017	2018	2019	2020
Not Disqualified					
Offender neither disqualified nor endorsed					
Endorsed only (points given on licence)					
Disqualifications					
Under 6 months					
6 months					
Over 6 months and less than 1 year					
1 year	1				
Over 1 year and less than 2 years					
2 years and less than 3 years	3	2			
3 years	3				
Over 3 years and less than 4 years		1			
4 years and less than 5 years		1		1	1
5 years and less than 10 years	8	4	6	4	1
10 years and less than life	1	2	1		
Life					
Until driving test passed	16	12	14	14	17
Unknown (but banned)					
Disqualification status unclear					
None of the above					

Causing Death by Careless Driving

Sentence type

- Less than a third of those convicted get a custodial sentence.
- The most common sentence is a suspended sentence.
- In some years community sentences outnumbered custodial sentences.

Table 8: Sentence type: Causing death by careless or inconsiderate driving

	2016	2017	2018	2019	2020
Immediate custody	55	59	49	36	37
Suspended sentence	84	76	73	54	47
Community sentence	80	46	55	50	30
Fine	3	4	3	7	5
Conditional discharge	2		1	2	
Otherwise dealt with	2	2	3		1
Total	226	187	184	149	120
% custodial sentence	24%	32%	27%	24%	31%

Custodial sentence length

- This offence has a maximum custodial sentence of five years.
- The most common prison sentence is for over six months and up to nine months.
- 92% of custodial sentences given are for two years and under (2020).

Table 9: Custodial sentence length: Causing death by careless or inconsiderate driving

	2016	2017	2018	2019	2020
Over 2 months and up to and including 3 months		1	1		
Over 3 months to less than 6 months	3	4	1	2	3
6 months	5	2	7	2	5
Over 6 months and up to and including 9 months	9	15	13	10	12
Over 9 months to less than 12 months	4	4	6	3	5
12 months	7	8	4	3	2
Over 12 months and up to and including 18 months	13	8	9	9	3
Over 18 months and up to and including 2 years	11	9	7	6	4
Over 2 years and up to and including 3 years	2	7	1	1	3
Over 3 years to less than 4 years	1				
4 Years					
Over 4 years and up to and including 5 years		1			
Total	55	59	49	36	37
ACSL	14	15	12	13	12

Disqualification

- This offence has a minimum mandatory disqualification of one year.
- Despite this, every year several offenders escape a driving ban.
- Of those where ban duration was given, the most common length was for one year.
- One offender was banned for life.

Table 10: Disqualification: Causing death by careless or inconsiderate driving

	2016	2017	2018	2019	2020
Not Disqualified					
Offender neither disqualified nor endorsed	11	8	6	2	8
Endorsed only (points given on licence)	25	18	16	12	8
Disqualifications					
Under 6 months		1			
6 months		1			
Over 6 months and less than 1 year			1		
1 year	57	28	40	31	25
Over 1 year and less than 2 years	22	30	21	12	15
2 years and less than 3 years	29	28	32	22	8
3 years	10	9	19	12	4
Over 3 years and less than 4 years		2	3	4	2
4 years and less than 5 years	4	5	1	1	
5 years and less than 10 years	7	5	5	1	
10 years and less than life	1			1	
Life	1			1	1
Until driving test passed	59	52	40	42	39
Unknown (but banned)				8	9
Disqualification status unclear					
None of the above					1

Causing Death by Driving Unlicensed or Uninsured Drivers

Sentence type

- This offence does not always result in a custodial sentence, as seen in 2020 when neither of the two persons convicted were sent to prison.
- As with Causing Death by Careless Driving, suspended sentence is the most common sentence type

Table 11: Sentence type: Causing Death by Driving Unlicensed or Uninsured Drivers

	2016	2017	2018	2019	2020
Immediate custody	3	2	3	3	
Suspended sentence	1	1	5	2	2
Community sentence				1	
Conditional discharge	1				
Total	5	3	8	6	2
% custodial sentence	60%	67%	38%	50%	0%

Custodial sentence length

- This offence has a maximum custodial sentence of two years.
- When given, custodial sentences tend to be given for between 12 months and 18 months.
- In the last five years, only one driver has been sentenced to a prison term over 18 months, although the maximum allowed in law is two years.

Table 12: Custodial sentence length: Causing Death by Driving Unlicensed or Uninsured Drivers

	2016	2017	2018	2019	2020
Over 3 months to less than 6 months					
6 months	2			1	
Over 6 months and up to and including 9 months					
12 months		1	2	1	
Over 12 months and up to and including 18 months	1		1	1	
Over 18 months and up to and including 2 years					
Over 5 years and up to and including 6 years		1			
Total	3	2	3	3	

Disqualification

- It has a mandatory disqualification period of one year.
- No offender has escaped a ban in the last two years.
- Bans tended to be over one year and less than three years although the two bans given in 2020 were for one year.

Table 13: Disqualification: Causing Death by Driving Unlicensed or Uninsured Drivers

	2016	2017	2018	2019	2020
Not Disqualified					
Offender neither disqualified nor endorsed			2		
Endorsed only (points given on licence)	3		1		
Disqualifications					
Under 6 months					
6 months					
Over 6 months and less than 1 year					
1 year					2
Over 1 year and less than 2 years		1	2	1	
2 years and less than 3 years			2	1	
3 years					
Over 3 years and less than 4 years				1	
4 years and less than 5 years	1				
5 years and less than 10 years					
10 years and less than life					
Life					
Until driving test passed	1	2	1	3	
Unknown (but banned)	3		3		
Disqualification status unclear					
None of the above					

Causing Serious Injury by Dangerous Driving

Sentence type

- Two-thirds of those convicted are sent to prison.
- The next most common sentence is a suspended sentence.
- Community sentences and Fines are rare.

Table 14: Sentence type: Causing Serious Injury by Dangerous Driving

	2016	2017	2018	2019	2020
Immediate custody	213	248	236	246	206
Suspended sentence	74	101	103	83	80
Community sentence	10	6	8	11	3
Fine	2	3	3	14	14
Absolute discharge	2		1		
Conditional discharge		1			
Otherwise dealt with			5	3	3
Total	301	359	356	357	306
% custodial sentence	71%	69%	66%	69%	67%

Custodial sentence length

- The most common custodial sentence length is over two years and up to three years.
- It is rare for a sentence to exceed four years.
- As this charge has a maximum of five years custodial sentence, any shown over this is a coding mistake in the official statistics.

Table 15: Custodial sentence length: Causing Serious Injury by Dangerous Driving

	2016	2017	2018	2019	2020
Over 1 month and up to and including 2 months			1		
Over 2 months and up to and including 3 months			1		
Over 3 months to less than 6 months	1	2	2		1
6 months	4	2	1		3
Over 6 months and up to and including 9 months	10	3	8	6	5
Over 9 months to less than 12 months	2	8	5	3	3
12 months	18	12	10	17	12
Over 12 months and up to and including 18 months	33	41	39	46	27
Over 18 months and up to and including 2 years	47	65	58	45	47
Over 2 years and up to and including 3 years	75	87	75	99	90
Over 3 years to less than 4 years	17	19	24	20	11
4 Years		3	5	4	1
Over 4 years and up to and including 5 years	5	5	4	3	6
Over 5 years and up to and including 6 years	1	1	2	2	
Over 6 years and up to and including 7 years			1		
Over 7 years and up to and including 8 years				1	
Total	213	248	236	246	206
ACSL	26	26	26	27	26

Disqualification

- This charge carries a mandatory one year disqualification with an extended test required.
- Every year, there is a sizeable number of offenders who are not disqualified
- The vast majority of bans given are until the extended driving test is passed.
- The most common disqualification length stated is for 2 years and less than 3 years.
- It is possible but very rare for a lifetime driving ban to be given, or one over 10 years.
- It is also very rare for a ban of less than two years to be given.

Table 16: Disqualification: Causing Serious Injury by Dangerous Driving

	2016	2017	2018	2019	2020
Not Disqualified					
Offender neither disqualified nor endorsed	12	17	16	10	5
Endorsed only (points given on licence)	34	30	36	42	29
Disqualifications					
Under 6 months				1	
6 months				1	1
Over 6 months and less than 1 year				1	
1 year	1	2	2	3	2
Over 1 year and less than 2 years	4	2	6	4	1
2 years and less than 3 years	39	25	46	16	12
3 years	20	15	17	13	5
Over 3 years and less than 4 years	12	20	13	7	6
4 years and less than 5 years	11	20	18	14	6
5 years and less than 10 years	16	19	24	23	6
10 years and less than life		1	2	1	8
Life	2	1	1	1	
Until driving test passed	147	201	175	212	206
Unknown (but banned)				8	21
Disqualification status unclear					
None of the above	3	6			4

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Cause Serious Injury by Disqualified Driving

Sentence type

- Rarely used, this charge almost always results in a custodial sentence

Table 17: Sentence type: Cause Serious Injury by Disqualified Driving

	2016	2017	2018	2019	2020
Immediate custody	2	3	3	5	6
Suspended sentence			1		
Fine					1
Total	2	3	4	5	7
% custodial sentence	100%	100%	75%	100%	86%

Custodial sentence length

- This charge carries a maximum four year custodial sentence.
- Most custodial sentences are over 12 months.

Table 18: Custodial sentence length: Cause Serious Injury by Disqualified Driving

	2016	2017	2018	2019	2020
Over 3 months to less than 6 months					1
6 months					
Over 6 months and up to and including 9 months		1			
12 months				1	
Over 12 months and up to and including 18 months		1	1		2
Over 18 months and up to and including 2 years				2	2
Over 2 years and up to and including 3 years		1	2	2	1
Total		3	3	5	6

Disqualifications

- It is very rare for an offender to escape the mandatory disqualification.
- The most common disqualification is until the extended driving test is passed.

Table 19: Disqualification: Cause serious injury by Disqualified Driving

	2016	2017	2018	2019	2020
Not Disqualified					
Offender neither disqualified nor endorsed	1				
Endorsed only (points given on licence)				1	
Disqualifications					
Under 6 months					
6 months					
Over 6 months and less than 1 year					
1 year					
Over 1 year and less than 2 years					
2 years and less than 3 years					2
3 years					
Over 3 years and less than 4 years					
4 years and less than 5 years					1
5 years and less than 10 years	1		2	1	
10 years and less than life					
Life					
Until driving test passed		2	2	3	4
Unknown (but banned)					
Disqualification status unclear					
None of the above					

Summary of key findings

- Two offences dominate the convictions and thus sentencing for causing death by driving:
 - Causing Death by Dangerous Driving and
 - Causing Death by Careless Driving.
- Longer custodial sentences for Causing Death by Dangerous Driving were given in 2018 and 2019 (ACSL 70 months).
- Causing Death by Careless Driving convictions result in a custodial sentence less than a third of the time, with an ACSL of 12-13 months in recent years.
- Causing Death by Careless Driving Under Influence of Drink or Drugs rarely results in a lengthy sentence (over 8 years). Where there is greater culpability, the offence can be prosecuted as Causing Death by Dangerous Driving.
- Despite mandatory disqualifications for all causing death/serious injury by driving offences, exemptions are being given for drivers convicted of Causing Death by Careless Driving (13%) and Causing Serious Injury by Dangerous Driving (11%).