

## **Sentences for Causing death and serious injury by driving England and Wales (2017-2021) 2022 update**

**Action Vision Zero**

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## Contents

Introduction .....	1
Causing Death by Dangerous Driving.....	3
Causing Death by Careless Driving Under Influence of Drink or Drugs .....	5
Causing Death by Careless Driving.....	7
Causing Death by Driving Unlicensed or Uninsured Drivers.....	9
Causing Serious Injury by Dangerous Driving .....	11
Cause Serious Injury by Disqualified Driving.....	13
Summary .....	15

## 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 aims to provide this data. Action Vision Zero is committed to increased transparency with traffic law enforcement, including the detection, prosecution and sentencing of road traffic crime.

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 2021 Motoring tool, published by the Ministry of Justice (MoJ). First published in 2021, this is an update with the statistics from 2021.

Data provided includes 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 sentenced, England and Wales (2016-2021)**

	2017	2018	2019	2020	2021
<b>Causing death by driving</b>					
Causing Death by Dangerous Driving	191	157	174	154	153
Causing Death by Careless Driving Under Influence of Drink or Drugs	22	21	19	19	15
Causing Death by Careless Driving	187	184	149	120	211
Causing Death by Driving Unlicensed or Uninsured Drivers	3	8	6	2	4
Other Causing Death by driving			2	1	1
<b>Total</b>	<b>403</b>	<b>370</b>	<b>350</b>	<b>296</b>	<b>384</b>
<b>Causing Serious Injury by driving</b>					
Causing Serious Injury by Dangerous Driving	359	356	357	306	419
Causing Serious Injury by Disqualified Driving	3	4	5	7	9
<b>Total</b>	<b>362</b>	<b>360</b>	<b>362</b>	<b>313</b>	<b>428</b>

The data provided here is that published by the MoJ and includes any discount given for an early guilty plea. Most defendants are believed to have pled guilty so most sentences shown here will have been reduced due to a guilty plea<sup>1</sup>. 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.

For information on how sentences are decided, see the sentencing guidelines published by the Sentencing Council. These are in the process of being updated with a consultation launched in July 2022. Action Vision Zero produced blogs, briefings, and a webinar before responding to the consultation.

#### Purpose of this report

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 due to a lack of premeditated criminal intent. But the discussion should be grounded in accurate understanding of what sentences are being given.

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<sup>1</sup> [Sentences Reductions for Guilty Pleas](#) (2020)

## Causing Death by Dangerous Driving

### Sentence type

- This offence almost always results in a custodial sentence with 93% imprisoned in 2021.

Table 2: Sentence type: Causing Death by Dangerous Driving

	2017	2018	2019	2020	2021
Immediate custody	174	147	164	144	143
Suspended sentence	12	9	7	9	8
Community sentence	2	1		1	2
Fine	1		1		
Absolute discharge	2		1		
Otherwise dealt with			1		
Total	191	157	174	154	153
% immediate custody	91%	94%	94%	94%	93%

### Custodial sentence length

- In 2021, this offence had a maximum custodial sentence of 14 years in 2021
- Over 70% convictions had a sentence of six years or under.
- In 2021, the Average Custodial Sentence Length (ACSL) rose to 63 months, up 8 months from 2020, but still below the high of 70 months in 2019, when there was a significant increase in the number of drivers sentenced to over 10 years in prison.

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

	2017	2018	2019	2020	2021	% 2021
6 months						
Over 6 months and up to and including 9 months				1	1	1%
Over 9 months to less than 12 months						
12 months	1			3		
Over 12 months and up to and including 18 months	2	3	4	6	1	1%
Over 18 months and up to and including 2 years	13	7	6	5	4	3%
Over 2 years and up to and including 3 years	28	20	24	32	25	17%
Over 3 years to less than 4 years	15	14	15	15	14	10%
4 Years	23	14	8	11	10	7%
Over 4 years and up to and including 5 years	26	21	22	18	23	16%
Over 5 years and up to and including 6 years	32	21	19	22	23	16%
Over 6 years and up to and including 7 years	12	15	14	9	16	11%
Over 7 years and up to and including 8 years	11	18	19	11	11	8%
Over 8 years and up to and including 9 years	9	6	11	10	8	6%
Over 9 years and up to and including 10 years	2	5	5	1	4	3%
Over 10 years and up to and including 15 years		3	17		3	2%
Total	174	147	164	144	143	100%
ACSL	57	64	70	55	63	

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. This ACSL has already been reached in 2019 and 2021.<sup>2</sup> In June 2022, the maximum custodial sentence was increased to lifetime.

## Disqualification

- In 2021, this offence had a minimum mandatory disqualification of two years and requires an extended driving test before the licence can be issued again. In 2022, the minimum mandatory disqualification was raised to five years.
- The vast majority of driving bans are until the driving test was passed.
- Of those where the duration was specified, most were five years and over
- Six lifetime driving bans were given in 2021.

Table 4: Disqualification: Causing Death by Dangerous Driving

	2017	2018	2019	2020	2021
Under 6 months					
6 months					
Over 6 months and less than 1 year					
1 year	1			1	2
Over 1 year and less than 2 years					1
2 years and less than 3 years	1	1	1	3	2
3 years	4	3			14
Over 3 years and less than 4 years	4	1	3	1	
4 years and less than 5 years	10	3	5	2	3
5 years and less than 10 years	38	37	23	9	18
10 years and less than life	8	11	6	7	4
Life	3	1	1	1	6
Until driving test passed	122	100	134	130	103
Total	191	157	173	154	153
% Disqualified	100%	100%	99%	100%	100%

<sup>2</sup> [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

- This offence 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

	2017	2018	2019	2020	2021
Immediate custody	20	20	19	17	15
Suspended sentence	2	1		2	
Community sentence					
Otherwise dealt with					
Total	22	21	19	19	15
% immediate custody	91%	95%	100%	89%	100%

### Custodial sentence length

- In 2021
  - One offender was given a short custodial sentence (6 months).
  - Two-thirds of custodial sentences were between over two years and six years.
  - Only two custodial sentences were over six years.
- The ACSL has remained consistent over the last three years and less than that for Causing Death by Dangerous Driving.

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

	2017	2018	2019	2020	2021
6 months					1
Over 6 months and up to and including 9 months					
12 months					
Over 12 months and up to and including 18 months					
Over 18 months and up to and including 2 years	2	2	2		2
Over 2 years and up to and including 3 years	3	1	1	8	1
Over 3 years to less than 4 years		1	4		1
4 Years	1	2			
Over 4 years and up to and including 5 years	2	4	8	2	4
Over 5 years and up to and including 6 years	4	6	2	3	4
Over 6 years and up to and including 7 years	4		1	2	
Over 7 years and up to and including 8 years	2	4	1	1	1
Over 8 years and up to and including 9 years	1			1	1
Over 9 years and up to and including 10 years					
Over 10 years and up to and including 15 years	1				
Total	20	20	19	17	15
ACSL	67	62	54	54	55

As with Causing Death by Dangerous Driving, this offence had a maximum custodial sentence of 14 years in 2021 but was increased to lifetime in June 2022.

## Disqualification

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

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

	2017	2018	2019	2020	2021
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	1				
4 years and less than 5 years	1		1	1	3
5 years and less than 10 years	4	6	4	1	3
10 years and less than life	2	1			
Life					
Until driving test passed	12	14	14	17	9
Total	22	21	19	19	15
% disqualified	100%	100%	100%	100%	100%



## Causing Death by Careless Driving

### Sentence type

- Almost one in four received a custodial sentence.
- The most common sentence is a suspended sentence, followed by a Community sentence.

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

	2017	2018	2019	2020	2021
Immediate custody	59	49	36	37	45
Suspended sentence	76	73	54	47	71
Community sentence	46	55	50	30	64
Fine	4	3	7	5	5
Conditional discharge		1	2		
Otherwise dealt with	2	3		1	2
Total	187	184	149	120	187
% immediate custody	32%	27%	24%	31%	24%

### Custodial sentence length

- This offence has a maximum custodial sentence of five years.
- The most common prison sentence (2021) was between 12-18 months. .
- Over 90% of custodial sentences given are for two years and under (2018-2021).

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

	2017	2018	2019	2020	2021
Over 1 month and up to and including 2 months					1
Over 2 months and up to and including 3 months	1	1			
Over 3 months to less than 6 months	4	1	2	3	1
6 months	2	7	2	5	2
Over 6 months and up to and including 9 months	15	13	10	12	10
Over 9 months to less than 12 months	4	6	3	5	5
12 months	8	4	3	2	11
Over 12 months and up to and including 18 months	8	9	9	3	12
Over 18 months and up to and including 2 years	9	7	6	4	6
Over 2 years and up to and including 3 years	7	1	1	3	4
Over 3 years to less than 4 years					
4 Years					
Over 4 years and up to and including 5 years	1				
Total	59	49	36	37	52
ACSL	15	12	13	12	15

## Disqualification

- This offence has a mandatory minimum disqualification of one year.
- Despite this, many offenders escape a driving ban every year.
- Of those where ban duration was given, the most common length was for one year, i.e. the mandatory minimum disqualification period.
- Five offenders were banned for life (2021).

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

	2017	2018	2019	2020	2021
<b>Not Disqualified</b>					
Endorsed only (points given on licence)	18	16	12	8	17
<b>Disqualifications</b>					
Under 6 months	1				
6 months	1				3
Over 6 months and less than 1 year		1			1
1 year	28	40	31	25	39
Over 1 year and less than 2 years	30	21	12	15	25
2 years and less than 3 years	28	32	22	8	20
3 years	9	19	12	4	20
Over 3 years and less than 4 years	2	3	4	2	1
4 years and less than 5 years	5	1	1		5
5 years and less than 10 years	5	5	1		3
10 years and less than life			1		
Life			1	1	5
Until driving test passed	52	40	42	39	43
Unknown			8	9	16
Total disqualified	161	162	135	103	181
% Disqualified	86%	88%	91%	86%	86%

## Causing Death by Driving Unlicensed or Uninsured Drivers

### Sentence type

- This offence is rarely used.
- It often does not result in a custodial sentence.
- As with Causing Death by Careless Driving, a suspended sentence is the most common sentence type.

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

	2017	2018	2019	2020	2021
Immediate custody	2	3	3		1
Suspended sentence	1	5	2	2	3
Community sentence			1		
Conditional discharge					
Total	3	8	6	2	4
% custodial sentence	67%	38%	50%	0%	25%

### Custodial sentence length

- This offence has a maximum custodial sentence of two years.
- When given, custodial sentences tend to be 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

	2017	2018	2019	2020	2021
Over 3 months to less than 6 months					
6 months			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	2	3	3	0	1

## Disqualification

- This offence has a mandatory disqualification period of one year.
- No offender has escaped a ban in the last three years.
- Bans tended to be between one year and less than three years.

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

	2017	2018	2019	2020	2021
<b>Not Disqualified</b>					
Endorsed only (points given on licence)		1			
<b>Disqualifications</b>					
Under 6 months					
6 months					
Over 6 months and less than 1 year					
1 year				2	1
Over 1 year and less than 2 years	1	2	1		1
2 years and less than 3 years		2	1		1
3 years					
Over 3 years and less than 4 years			1		
4 years and less than 5 years					
5 years and less than 10 years					
10 years and less than life					
Life		1			
Until driving test passed	2		3		1
Total disqualified	3	5	6	2	4
% disqualified	100%	63%	100%	100%	100%

## Causing Serious Injury by Dangerous Driving

### Sentence type

- In general, 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

	2017	2018	2019	2020	2021
Immediate custody	248	236	246	206	273
Suspended sentence	101	103	83	80	109
Community sentence	6	8	11	3	11
Fine	3	3	14	14	24
Absolute discharge		1			
Conditional discharge	1				
Otherwise dealt with		5	3	3	2
Total	359	356	357	306	419
% custodial sentence	69%	66%	69%	67%	65%

### 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 be four years or over.

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

	2017	2018	2019	2020	2021
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	2	2		1	1
6 months	2	1		3	
Over 6 months and up to and including 9 months	3	8	6	5	4
Over 9 months to less than 12 months	8	5	3	3	5
12 months	12	10	17	12	11
Over 12 months and up to and including 18 months	41	39	46	27	44
Over 18 months and up to and including 2 years	65	58	45	47	51
Over 2 years and up to and including 3 years	87	75	99	90	113
Over 3 years to less than 4 years	19	24	20	11	29
4 Years	3	5	4	1	6
Over 4 years and up to and including 5 years	5	4	3	6	5
Over 5 years and up to and including 6 years	1	2	2		1
Over 6 years and up to and including 7 years		1			2
Over 7 years and up to and including 8 years			1		
Over 8 years and up to and including 9 years					
Over 9 years and up to and including 10 years					1
Total	248	236	246	206	273
ACSL	26	26	27	26	28

This charge has a maximum custodial sentence of five years and sentences shown over this could be due to additional offences being sentenced.

## Disqualification

- This charge carries a mandatory one year disqualification with an extended test required.
- Between 12-15% of offenders are not being disqualified.
- The vast majority of bans given are until the extended driving test is passed.
- The most common disqualification length stated is between 2 years and 3 years.
- The number of lifetime driving bans jumped to 21 in 2021.
- It is rare for a ban of less than a year to be given.

Table 16: Disqualification: Causing Serious Injury by Dangerous Driving

	2017	2018	2019	2020	2021
<b>Not Disqualified</b>					
Endorsed only (points given on licence)	30	36	42	29	49
<b>Disqualifications</b>					
Under 6 months			1		
6 months			1	1	
Over 6 months and less than 1 year			1		1
1 year	2	2	3	2	5
Over 1 year and less than 2 years	2	6	4	1	8
2 years and less than 3 years	25	46	16	12	33
3 years	15	17	13	5	37
Over 3 years and less than 4 years	20	13	7	6	10
4 years and less than 5 years	20	18	14	6	18
5 years and less than 10 years	19	24	23	6	15
10 years and less than life	1	2	1	8	2
Life	1	1	1		21
Until driving test passed	201	175	212	206	194
Unknown (but banned)			8	21	19
Total disqualified	359	356	357	306	419
% disqualified	85%	85%	85%	88%	87%

## Cause Serious Injury by Disqualified Driving

### Sentence type

- Rarely used, this charge previously almost always resulted in a custodial sentence, but only 33% were imprisoned in 2021.

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

	2017	2018	2019	2020	2021
Immediate custody	3	3	5	6	3
Suspended sentence		1			2
Fine				1	
Total	3	4	5	7	9
% custodial sentence	100%	75%	100%	86%	33%

### 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

	2017	2018	2019	2020	2021
Over 3 months to less than 6 months				1	
6 months					
Over 6 months and up to and including 9 months	1				1
12 months			1		2
Over 12 months and up to and including 18 months	1	1		2	2
Over 18 months and up to and including 2 years			2	2	2
Over 2 years and up to and including 3 years	1	2	2	1	
Total	3	3	5	6	7

## 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

	2017	2018	2019	2020	2021
<b>Not Disqualified</b>					
Endorsed only (points given on licence)			1		3
<b>Disqualifications</b>					
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					1
Over 3 years and less than 4 years					
4 years and less than 5 years				1	
5 years and less than 10 years		2	1		
10 years and less than life					
Life					
Until driving test passed	2	2	3	4	4
Total disqualified	2	4	5	7	5
% Disqualified	67%	100%	80%	100%	56%



## Summary of key findings

This report has presented the sentence types, prison and disqualification lengths for the last five years. The statistics below relate to 2021, the most recent year with data published. Of the criminal offences summarised, three dominated in terms of convictions and sentencing

- Causing Death by Dangerous Driving
- Causing Death by Careless Driving
- Causing Serious injury by Dangerous Driving

### Causing Death by Dangerous Driving

- 40% of all Causing death by driving offences
- 93% custodial sentence (94% for the previous three years)
- ACSL increased to 63 months, up from 55 in 2020 but still below the 70 in 2019
- 100% disqualification rate (and every year for the past five years)

### Causing Death by Careless Driving

- 55% of all Causing death by driving offences
- 24% custodial rate, down from 31% in 2020 but same as in 2019
- ACSL increased to 15 months, compared to 12 in 2020 and 13 in 2019
- 86% disqualification rate (despite it being mandatory)

### Causing Serious injury by Dangerous Driving

- 98% of Causing serious injury by driving offences
- 65% custodial rate
- ACSL rose to 28 months in 2021, up slightly from the 26-27 months over 2017-2020
- 87% disqualification rate (despite it being mandatory)

As mentioned earlier, in 2022, the maximum custodial sentence for Causing Death by Dangerous Driving and for Causing Death by Careless Driving Under Influence of Drink or Drugs increased from 14 years to lifetime. These changes will apply to those crashes that occurred after June 2022. Culpable drivers are unlikely to be convicted and sentenced before the end of 2022. Thus we will have to wait for the MoJ data for 2023 before we see the impact the increase in maximum custodial sentences has had on sentencing for causing death and serious injury by driving. In the interim, Action Vision Zero will continue to campaign for greater use of driving bans, including for those offences where they are mandatory, as well as for where they are discretionary.