



APPCG Cycling & Walking Justice inquiry: Better Treatment of Victims

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Key points

- DfT research shows more people are injured, including seriously injured, than reported by police.
- People killed and injured whilst walking and cycling face additional challenges as they rarely will have insurance, unlike most motor vehicle occupants. This is in addition to the extra and unequal risk they face by choosing a benign mode of travel.
- Better treatment of crash victims is needed and affordable, if the Victim Surcharge from motoring offences was more fairly shared.

Background

More people are injured in crashes than regularly appreciated. This is because authorities refer to the police reported casualty statistics, rather than the number DfT estimates from its National Travel Survey.

And road crash victims remain second class victims in the justice system. No counts are done of those killed or injured by law breaking drivers. The MOJ's Victims Code is unclear in when it applies to crash victims.

PCCs are funding more support for crash victims (e.g. Warwickshire, West Mercia) but this remains inconsistent across the country. Homicide caseworkers are not funded by the MOJ for bereaved families, not even for those involving a criminal prosecution. This is despite the large amount of revenue raised by the Victim Surcharge on motoring offences convicted at court.

Below are suggestions for how to help victims be better informed and have more rights. Whilst it would be better if these were introduced nationally so there was consistency, this is not likely to happen. Most can be implemented at the local level, apart from the last two.

Action Vision Zero key calls

Better rights, including to information and support

1. **Crime victim.** PCCs should clarify that crash victims will be presumed to be victims of crime until the contrary is proven. This was done in London and demonstrates compassionate.
2. **Local guides.** There should be local guides explaining how injury (both serious and slight) collisions are investigated with sections specific to collisions involving cyclists and walkers.
3. **SAI.** Use of the Self-Administered Interviews (SAI) so that those injured (or bereaved) could provide statements easily and without having to wait for police.
4. **Victims Right to Review.** There are limited rights to appeal a decision not to prosecute, but at least it is a national system with the CPS. When police decided not to prosecute (which we believe is the most common charging decision), victims do not have a right to review, unless the driver was interviewed under caution (this happens with only the most serious cases).

Learning from victims

5. **LOS surveys.** Crash victims should be surveyed on their level of satisfaction with the investigation as well as how well they were kept informed. Such surveys are conducted with other victims of crime.
6. **Listening Days.** The charity Inquest introduced Listening Days with families bereaved at Hillsborough as well as those bereaved through deaths in prison. These involving bringing families together with police, CPS, and coroners in a facilitated discussion over how things could be improved.
7. **Working groups.** Crash victims should be represented on victim working groups.

National

8. **Victims Code.** More information should be included for crash victims, including when they are treated as victims of crime, and also on civil compensation as crash victims do not qualify for the Criminal Compensation.
9. **Victim Surcharge.** No other type of offence raises as much money from the Victim Surcharge as do motoring offences. Yet only a tiny fraction is invested in support services for crash victims.

Note: This briefing was written by Victoria Lebrech and Amy Aeron-Thomas, from Action Vision Zero. It highlights the concerns and calls in our Roads Policing campaign and wider Traffic Justice work which aims to better protect people walking and cycling.