

AVZ Blog - New Fatal Crash Sentencing Report highlights failings of road death investigation

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Published last week, the report [Behind the Headlines: Sentencing after Fatal Crashes](#) was commissioned by the All Party Parliamentary Group for Cycling and Walking (APPGCW) and the All Party Parliamentary Group for Transport Safety. The 85-page report was written by Professor Sally Kyd, the leading academic on how serious motoring offences, including causing death and serious injury, are treated by the justice system.

The report reviewed the sentencing in 203 fatal crashes which occurred since May 2019, most in 2021 and 2022, and which were reported in the news up into 2025. A google alert identified relevant articles, mainly from national newspapers and police press releases. This approach was due to the lack of data linkage between collision records and court outcomes.

As any review based on media reports, this was always going to be a biased study. And these limitations were acknowledged in the report. Compared to the Ministry of Justice (MoJ) statistics, the sample included more cases of Causing Death by Dangerous Driving (CDDD) and the cases of Causing Death by Careless Driving (CDCD) were more likely to result in a custodial sentence than in practice.

Findings

But first the good news—the [review](#) of this (biased) sample stated that

“Sentences for road death as reported in the online press show that, on the whole, the Sentencing Council’s guidelines are being followed, leading to examples of the worst cases of road death being sentenced to more than the previous maximum penalty of 14 years’ imprisonment, in line with sentences for manslaughter.”

The study identified some “outlying” cases where questions can be raised as to the appropriateness of the sentencing. It should be stressed that these are few and far between.

The report also found that *“...in the majority of cases it is still the case that the Crown Prosecution Service (CPS) seem to be making appropriate decisions. The CPS should only charge an offence if they judge that there is a ‘realistic prospect of conviction’ after making an objective assessment of the evidence and the impact of any defence. There were only a very small number of cases where the prosecution seems to have misjudged the strength of the evidence, leading to conviction by a jury for CDCD on a charge of CDDD.”*

There were also only seven cases where a plea to CDCD was accepted where the original charge was CDDD (total 147 cases). This suggests a small overlap between CDDD and CDCD.

Delays in the justice system caused additional suffering, with road death investigation taking much time, partly due to the lack of forensic collision investigators.

Report recommendations

The eight recommendations started with the need to redefine careless and dangerous driving. This is a long-standing call and more a problem with the basic offences than those involving causing death. It is important and AVZ will discuss this in a separate blog.

The second recommendation was for CDCD to be made indictable and only heard at the Crown Court. This would affect very few cases with the MoJ reporting only 18 (11%) of the total 165 CDCD cases sentenced at the Magistrates Court in 2024. But it would provide the option for an unduly lenient sentence appeal, even though, again, this is rarely used with only three defendants appealing a CDDD sentence in 2024.

Three other recommendations dealt with disqualification, including lifetime bans, interim bans and clearer explanation of disqualification durations. Information was limited as not all the media reports included detail on disqualifications.

Two other recommendations were not sentencing specific and covered the general problems of young drivers and mobile phone offences.

But the wider approach taken by this review did allow the concerns around road death investigation, including resourcing and training, to be included. Whilst at the other end of the justice system from sentencing, AVZ believes the focus should be on the start of the justice system with detection, i.e. investigation. As the report highlighted:

“The justice system in England and Wales is now more punitive than it has ever been towards drivers who kill, with the maximum sentence for the most serious offences having been increased to life imprisonment, but there is no evidence that this impacts driver behaviour and reduces harm on the roads.”

Safer roads depend on detection and the perceived detection of offences, not tougher sentences. And there is no reason to believe that collision investigation, even with fatal crashes, is thorough enough to detect culpability or liability and deliver either criminal or civil justice. AVZ fears the bigger problem is with those fatal crashes where there was no prosecution rather than undercharging.

Collision investigation is too rarely discussed. The London Assembly’s Police and Crime Committee conducted an inquiry into Serious Injury Collision Investigation (SCIU) (2022-2024) and to date remains the only Police and Crime Committee to have done so. AVZ had advocated for this inquiry and urged it to focus on the serious injury collisions being investigated by borough officers rather than the Serious Collision Investigation Unit (which handles fatal and life-threatening crashes) as we thought the SCIU was working well. We were wrong. This was apparent at the Vision Zero Roundtable event held in July 2025 by Caroline Russell, London Assembly Member, and who was the previous chair of the London Assembly Police and Crime Committee and had spearheaded the investigation inquiry. Bereaved families spoke of the additional trauma they had suffered from the investigation and judicial processes, in addition to the road death. The [Police and Crime Committee investigation report called for No Further Action reviews](#) to be conducted and level of satisfaction surveys to help with quality assurance of collision investigation.

Need for data linkage

What was missing in the recommendations was a call for data linkage. This has been a long standing call for campaigners with court records matched with collision records. This is how we can track how the justice system responds to crashes and how/if it varies when the victim is a pedestrian or cyclist.

It was a key focus for the DfT's Justice for Vulnerable Road User Working Group over ten years ago and strongly supported for by both RoadPeace and Cycling UK (then CtC). AVZ advocated for data linkage in our [submission](#) to the APPGCW's 2023 Road Justice report. It is still needed and would have real impact in our ability to hold the state to account for delivering thorough investigations and appropriate prosecution and sentencing. Whilst some Vision Zero plans include actions to publish criminal justice outcomes, national action is really needed on this.

Future proofing

A last lament is that this report did not address the national sentencing reforms that are in progress. No mention was made of the Independent Sentencing Review with its focus on rehabilitation (no rehabilitation is provided to those convicted at court for causing death or serious injury by driving or any motoring offence), or the Sentencing Bill which is taking forward some of the recommendations, including a presumption against short sentences. Nor was the Criminal Courts Review discussed despite it recommending a new court structure to hear either way cases such as CDCC in order to reduce the crown court backlog (over [75,000 cases](#)). Much focus has also been on the public's understanding of sentencing. All these will affect the sentencing of fatal crashes in the future.

This blog was written by Amy Aeron-Thomas, AVZ Traffic Justice Co-ordinator, and previous Director of Justice and Advocacy for RoadPeace, the national charity for road crash victims. Whilst there, she wrote [Road Death Investigation: Overlooked and Underfunded](#) (2017), guides on [investigation](#), [inquests](#), and [sentencing](#) for bereaved families, and produced annual reviews of Causing Death by Driving prosecutions and sentencing in England and Wales. She represented RoadPeace on DfT's Justice for Vulnerable Road User Working Group.