

Second thematic review of Crown Prosecution Service decision-making, conduct and prosecution of road traffic offences involving fatalities

HM Crown Prosecution Service Inspectorate (HMCPSI) has today published its report on the second thematic review of the decision-making, conduct and prosecution by the Crown Prosecution Service (CPS) of road traffic offences involving fatalities in England and Wales.

The review found that, overall, the quality of decision-making in fatal road cases is good and they are handled well after charge. The standard of advocacy is also good, with most CPS prosecutors being well prepared and empathetic in their interaction with victims' families.

There were a few difficult cases where the decision on level of charge was very much in the balance and it could properly have tipped towards the more serious charge of causing death by dangerous driving rather than simply careless driving. (The recent introduction of the offence of causing death by careless driving, which can be dealt with in the Crown Court, takes away the gulf between the previously available offences). The CPS guidance to prosecutors which complements its policy for prosecuting cases of bad driving needs to be expanded to provide further assistance on what constitutes dangerous driving, and a recommendation has been made to address this. There were also a few cases in the file sample where prosecutors had concluded that there was insufficient evidence to prosecute, but which inspectors considered could equally properly have been brought before the court as careless driving.

The CPS has worked hard to improve its care of victims' families since the 2002 report and its commitment has improved the standard of care provided to them.

The review also found that:

- Decision-making followed the Code for Crown Prosecutors.
- The CPS has nominated specialists to deal with fatal road traffic cases and has introduced systems to seek consistency, but national training needs to be provided.
- The arrangements made for making charging decisions in fatal road traffic cases ensure that there is prior consultation with the police, although decisions need to be made with a minimum delay and cases brought before the courts promptly.
- Cases subsequently progress through the courts speedily and are generally ready for each court hearing.
- CPS guidance is that these cases shall, if possible, be handled in the magistrates' courts by the reviewing lawyer, but sometimes a different crown prosecutor, associate prosecutor or agent presents them.

- Letters sent to victims' families are of a much higher standard than found in other inspections, although they are not sent on every occasion when they should be (when a decision is made about whether to charge or if proceedings are dropped or the charge changed substantially). There is also a need for guidance to make sure that prosecutors are aware of the circumstances where a meeting should be offered to families.
- Liaison between the police and the CPS is generally good at an operational level, but there needs to be more joint strategic work to ensure that trends and policy developments are discussed and that cases are brought before the courts with a minimum of delay, consistent with thorough and careful investigation and handling.
- The CPS need to develop closer links with coroners.
- The CPS is working with other agencies and organisations representing victims' families, but greater engagement with community groups is needed on a local level.

Inspectors identified six items of good practice and made 11 recommendations to improve performance.

Stephen Wooler CB, HM Chief Inspector of the CPS, said:

"The CPS has made progress in relation to its handling of road traffic offences involving fatalities. Its overall quality of decision-making is good and it has worked hard to improve its care of victims' families. There remain a few difficult cases where the evidence could have justified a prosecution or the selection of a more serious charge. Recent legislation and expansion of the guidance on these offences make these issues less significant in the future."

This press release should be read in conjunction with the report itself and the executive summary which is integral to it and which is also available separately.

Notes to Editors

- 1 HMCPSI was established as an independent statutory body on 1 October 2000 by the Crown Prosecution Service Inspectorate Act 2000. The Chief Inspector is appointed by, and reports to, the Attorney General.
- 2 This review included detailed scrutiny of files relating to 107 finalised cases from eight CPS areas and some 'live' cases were observed at court.
- 3 The Inspectorate's report on the thematic review of the advice, conduct and prosecution by the CPS of road traffic offences involving fatalities was published in November 2002. The report made a total of 17 recommendations and four suggestions, most of which are still relevant. It also identified two aspects of CPS performance that might be regarded as good practice and commended three.
- 4 Following a public consultation carried out by the Home Office in 2005 the Road Safety Act 2006 was passed, which introduced new offences of causing death by careless driving and causing death while driving unlawfully on a road. The new offences were brought into operation on 18 August 2008. On 16 July 2008 the Sentencing Guidelines Council issued new guidelines for

driving offences where there has been a fatality, including the new offences, following a public consultation by the Sentencing Advisory Panel.

- 5 The CPS launched a public consultation on its policy and practice in prosecuting bad driving in December 2006 and the summary of responses was published in September 2007. The resulting CPS policy for prosecuting cases of bad driving was published on 20 December 2007. New legal guidance has also been issued to complement publication (in January 2008, updated that August).

- 6 The number of people killed on the roads in England and Wales (and Scotland) has been falling over the past two decades: by 7% from 3,172 in 2006 to 2,946 in 2007, and in 2007 was 17.7% below the 1994-98 average. The numbers are still high and subject to government targets for reduction. There remains great public interest in how fatal road traffic collisions are dealt with and particular concern to see those whose driving causes the death of others being suitably prosecuted and punished.