

COMMENT

BAD DRIVING DEBATED

Driving offences often incur derisive sentences. How can we change that?

CTC ROAD SAFETY CAMPAIGNER RHIA WESTON REPORTS



CTC'S ROAD JUSTICE campaign, which aims to get the justice system to take bad driving seriously, held a high-profile debate in June into the sentencing of driving offences. Current sentencing practice neither punishes offending drivers appropriately nor deters bad driving, and is seen as unjust by victims. CTC is particularly concerned with the reluctance of judges to impose long driving bans.

The debate this summer aimed to influence the Sentencing Council's review of sentencing guidelines for driving offences, but was also an opportunity to influence the Government's review of offences and penalties, planned to begin this year.

The Government review will look at the legislation regarding driving offences and could lead to new offences being created, and maximum and minimum penalty boundaries being changed. The sentencing guidelines review will evaluate the guidelines used by judges, with the aim of ensuring sentences that are consistent and appropriate to the severity of an offence.

BANS AND CONFISCATIONS

The expert panellists at the debate included barristers, legal academics, a High Court judge and the Chief Executive of the Magistrates' Association. The panellists

answered questions compiled from CTC members' suggestions and from the audience of road safety campaigners, crash victims, and legal professionals.

The panellists debated alternative penalties for bad driving to the ones the current system favours, with calls for: offending drivers' vehicles to be confiscated more frequently; all banned drivers to undergo extended re-tests; and robust evidence of the effectiveness of unconventional sentencing options.

They also discussed the influence of sentences on juries' willingness to convict. Professor of Judicial Studies Cheryl Thomas pointed out that jurors are not given directions on the possible sentence an offender could receive, so sentencing should not have any bearing on their verdict.

However, Simeon Maskrey QC argued that juries' verdicts can be swayed by misconceptions about cycling made throughout a case. He also claimed that judges often frame bad driving behaviour as a 'momentary lapse of concentration', which brings down sentencing.

Cheryl Thomas added that jurors often do not understand the difference between careless and dangerous driving, and had requested written explanations in the past.

The need to deal appropriately with low-level offending was highlighted, and Simeon Maskrey called for a detailed examination of

how the police handle lesser offences.

All of the panellists agreed that the consequences of driving are given too much weight when it comes to sentencing, when it is the standard of driving, not the injuries caused, that should dictate the sentence.

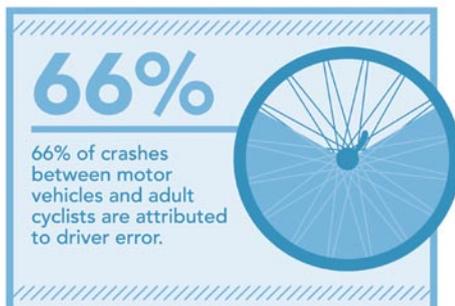
CAMPAIGN REPORTS

Two Road Justice campaign reports – 'Charging and Prosecution' and 'The Courts and Sentencing' – were launched at the debate. They complement the first campaign report: 'The Role of the Police', launched in July 2013. All three reports can be downloaded from roadjustice.org.uk.

CTC has written to the Secretary of State for Justice, Chris Grayling, requesting a meeting to discuss the campaign reports.

WHAT YOU CAN DO

The debate was the culmination of years of research into the justice system and six months of planning for the day itself. We now have an opportunity to influence the Government's forthcoming review of driving offences and penalties. Please consider making a donation to support us in this. You can send a cheque payable to CTC, quoting 'SD14' on the back of the cheque, to: CTC, Parklands, Railton Road, Guildford, GU2 9JX. Or you can donate online at ctc.org.uk/donate-to-campaigns. ●



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