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Careless and Dangerous Driving enforcement

Key points

How often?

- Dangerous driving was prosecuted
 - 3,859 times in England and Wales (2017)
 - just over 10 times a day across 43 police services
- Careless driving was sanctioned
 - 25,488 times
 - over six times more often than dangerous driving

Has it changed?

- Dangerous driving was prosecuted 29% more often in 2017 than in 2013.
- Careless driving was sanctioned 16% more often than in 2013—this includes the introduction of careless driving FPNs and driver retraining courses, with over half of careless driving sanctions still being prosecuted at court

How consistent?

The detection and punishment of dangerous driving and careless driving varies widely:

- In 12 of the 39 police service areas in England, fewer than one dangerous driver a week was prosecuted in 2017: Cumbria (39), Warwickshire (41), Leicestershire (46), Lincolnshire (39), Northamptonshire (40), Bedfordshire (39), Cambridgeshire (40), Devon and Cornwall (43), Dorset (19), Gloucestershire (31) and Wiltshire (32).
- In 10 of the 39 police service areas in England, fewer than one careless driver a day was sanctioned in 2017: Cleveland (206), Durham (200), Cumbria (330), Warwickshire (299), Derbyshire (315), Leicestershire (329), Northamptonshire (305), Bedfordshire (170), City of London (233), Gloucestershire (243)
- How careless driving is sanctioned varies widely with Essex relying heavily on driver retraining (over 75%) whilst other police services primarily prosecute careless driving at court

Introduction

Driver error is widely considered to be a contributory factor in 90% of casualty collisions on our roads. Yet it appears to be a low priority within the criminal justice system. In 2017, there were only 3,849 cases of dangerous driving prosecuted in court and 25,448 sanctions for careless driving (court, fines and driver retraining) in England and Wales. At court, they were 0.6% and 2% respectively of all motoring prosecutions (MoJ, 2018). Careless driving accounted less than 0.9% of the drivers sent for retraining and 0.27% of those fined directly through Fixed Penalty Notices (Home Office, 2018).

But behind these (disappointing) national statistics lies a very variable record of individual police forces. This report looks at this variation in detail. It focuses on the last five years for which data is available (2013-17), with an in depth analysis of 2017.

It identifies considerable variability in how often these offences are sanctioned. When allowance is made for the scale of the enforcement challenge faced by each force, it appears that some are giving much greater priority to addressing the problem of bad driving than others. However, even for the most proactive forces, sanctions for bad driving are much more the exception than the rule.

While it is appreciated that cuts to the resources of the police, the crown prosecution service and the courts have often made hard choices unavoidable. The toll taken by poor driving is considerable and needs to be given greater priority.

Rarity of law enforcement for careless or dangerous driving: national context

The rarity of these sanctions for bad driving is clear when they are placed in context:

- There were 297 billion vehicle miles driven in England and Wales¹ in 2017 (DfT, 2018)
- Driver error accounts for more than 90% of the approximately 125,000 reported casualty collisions and there are many more unreported casualty collisions (DfT, 2018),
- The many non-casualty collisions that make up a large proportion of the 4 m motor vehicle insurance claims (ABI, 2018) (ABI, 2018), and
- many more “bad driving” incidents where no collision occurred.

This means that in England and Wales there is:

- less than 11 dangerous driving prosecutions and 70 careless driving sanctions each day
- One prosecution for dangerous driving for every 32 reported casualty collisions²
- One sanction for careless driving for every 12 million miles driven
- One careless driving sanction for every 160 motor insurance claims

¹ Analysis here is for England and Wales as Scotland releases data covering only some of these variables.

² It should be noted that the decision to prosecute is ultimately in the hands of the CPS. Conviction rates have risen strongly in recent years to 99% for DD and 85% for CD (MoJ, 2018), which suggests an increasingly higher bar of evidential certainty is being set for the police.

Trends in sanctions, 2013-17

Dangerous driving

In this period there was a steady increase in the number of drivers prosecuted for dangerous driving, rising from 2,984 in 2013 to 3,849 in 2017.

The breakdown of these totals between police force areas (PFAs) is given in

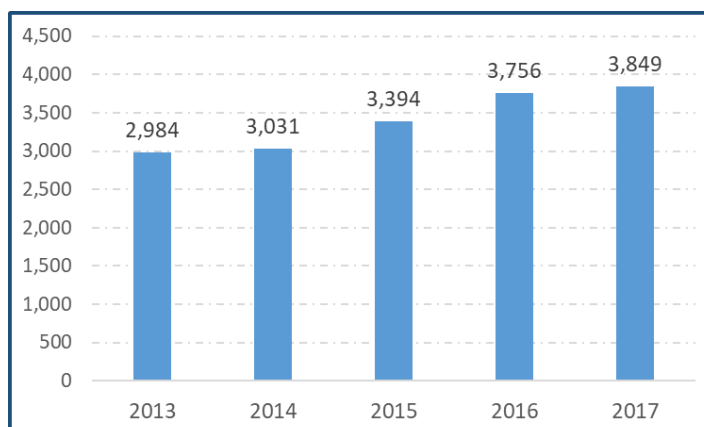


Figure 1 Dangerous driving prosecutions, 2013-17

Appendix Table 1.

It will be noted that, generally, prosecutions are few – mainly in the range of one or two per week for most forces. Only the larger forces, such as MPS, Greater Manchester and the West Midlands, average much more than this. The highest (MPS) was still less than 10 a week.

The great majority increased DD prosecutions, with significant declines only in:

- Northamptonshire, down 18 (31%), and
- West Mercia, down 14 (18%)

There were large proportionate increases in:

- Derbyshire, up 34 (87%)
- Dorset, up 8 (73%)
- Thames Valley, up 52 (63%)
- Merseyside, up 37 (52%)

Careless driving

Overall sanctions rose by 16%. This was driven by a substantial increase in the number of drivers offered retraining courses (up 203%) that was partially offset by declines in court prosecutions (down 14%) and direct FPN fines (down 22%). More drivers were sanctioned but fewer had their licences endorsed.

This upward national trajectory masks some considerable differences between PFA. This variation is shown in Appendix Table 2.

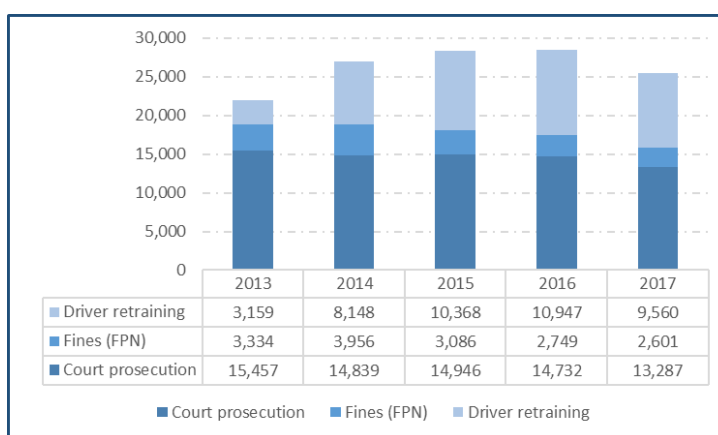


Figure 2 Careless driving sanctions, 2007-17

Over half the PFAs (26) recorded a decline in the overall number of CD sanctions in this period. Those with the largest decline were:

- Cambridgeshire (down 53%)
- Nottinghamshire (down 48%)
- Humberside (down 46%)
- Leicestershire (down 31%)
- Durham (down 28%)

A number of PFAs saw small increases, but significant proportionate changes were seen in:

- Essex (up 279%)
- Thames Valley (up 102%)
- Greater Manchester (up 44%)

The MPS also saw a large absolute increase (up 798 or 21%).

In PFAs with a large increase in CD sanctions this was due to a greater than average increase in the use of driver retraining. In Essex, this went from 37 in 2013 to 2,048 – 17% of the England & Wales total – in 2017. The MPS went from not using driver retraining to 1,594 in 2017; though this was partially offset by a large drop in the number of FPN fines, down 469.

Comparisons between PFAs

The frequency of sanctions for careless and dangerous driving used by different forces in 2017 are shown in detail in Appendix Table 3. The extent to which forces differ in their reliance on each is immediately apparent.

Use of out of court sanctions

Most sanctions (58%) for dangerous or careless driving in England and Wales still require a court appearance, despite the availability of direct FPN fines and driver retraining courses. For individual PFAs this figure was over 80% for nine forces:

- Derbyshire (83%)
- Durham (90%)
- Leicestershire (93%)
- Lincolnshire (87%)
- Northumbria (81%)
- South Yorkshire (85%)
- Staffordshire (85%)
- Wiltshire (85%)
- Warwickshire (84%)

In contrast, there were three where court appearances were 40% or less of the total:

- Cheshire (23%)
- Essex (16%)
- Hampshire (40%)

Careless driving versus dangerous driving

The ratio between the number of careless driving sanctions and dangerous driving sanctions is even more variable. The average for England and Wales is for 6.6 CD sanctions for every DD prosecution. PFAs with a ratio of less than half of this were:

- Cleveland (2.6)
- Durham (2.3)
- Northumbria (3.2)
- South Yorkshire (2.3)
- West Yorkshire (2.6)

PFAs where the ratio was more than twice the England and Wales average were more limited in number. These were:

- Cheshire (18.9)
- Essex (42)
- Dorset (20.6)

Comparison by KSI

Going beyond a simple comparison of ratios, it is possible to get an idea of the relative performance of PFAs by seeing how they rank for each offence. A straight comparison of the number of sanctions would be misleading because of their variation in size. So sanction rates were calculated against the number of killed and seriously injured (KSI) in 2017 each area³.

These rates are shown in Appendix Table 4. The average for England and Wales was 0.15 DD prosecutions per KSI and 1.02 CD sanctions, see columns three and four. Individual forces varied: so, for instance, Cleveland had 0.48 and 1.26 respectively; for Devon and Cornwall, the figures were 0.05 and 0.41. Essex had 3.8 CD sanctions per KSI.

To clarify the relative performance of each PFA, the final two columns gives the ranking score for these two measures⁴. So, for DD prosecutions, Cleveland has the highest score of 0.48 per KSI; it is ranked 1.

³ Here, KSI is taken simply as an index. Numerically, it is the tip of the poor driving iceberg but the variable on which we have the most reliable and systematic data.

⁴ Data merging and absences mean that DD is ranked out of 39, CD out of 40. See footnotes to Table.

Devon and Cornwall has the lowest score (0.05); it is ranked 39. Similarly, Essex has the highest ranking (1) for CD sanctions and Gloucestershire the lowest (40).

There are too many local differences for an unambiguous scoring system of which PFAs are performing “best” in addressing bad driving behavior. However, nine PFAs appear in the top half of the ranking for both offences and eleven appear in the bottom half of the ranking for both.

Better performing forces, which are ranked in the top half for both offences, were:

- Avon and Somerset
- Cheshire
- Cleveland
- Greater Manchester
- North Wales
- Northamptonshire
- Staffordshire
- Thames Valley
- West Midlands

Those ranked in the bottom half for both offences are:

- Bedfordshire
- Cambridgeshire
- Cumbria
- Devon and Cornwall
- Gloucestershire
- Hampshire
- Humberside
- Kent
- Lincolnshire
- North Yorkshire
- Sussex

The remaining forces were higher ranked for one offence but not the other. The ranking of the PFAs for both measures is shown graphically in Figure 3 PFA Ranking scores DD and CD per KSI, 2017Figure 3.

Conclusion

Whilst there is just one word difference in how dangerous and careless driving is defined (far below and below the standard of a careful and competent driver), there is much difference between how often they are detected, and how they are prosecuted and punished, with considerable difference between the maximum punishments that they can incur.

Given how frequently bad driving occurs, it is alarming that it is sanctioned so rarely. There have been increases in the prosecutions for dangerous driving in recent years but the numbers remain extraordinarily low in many PFAs.

Sanctions for careless driving also remain rare, despite the government efforts to make it easier to sanction. Some PFAs (notably Essex and Cheshire) are clearly using driver retraining; their rate of usage (relative to KSIs) is several times the national average.

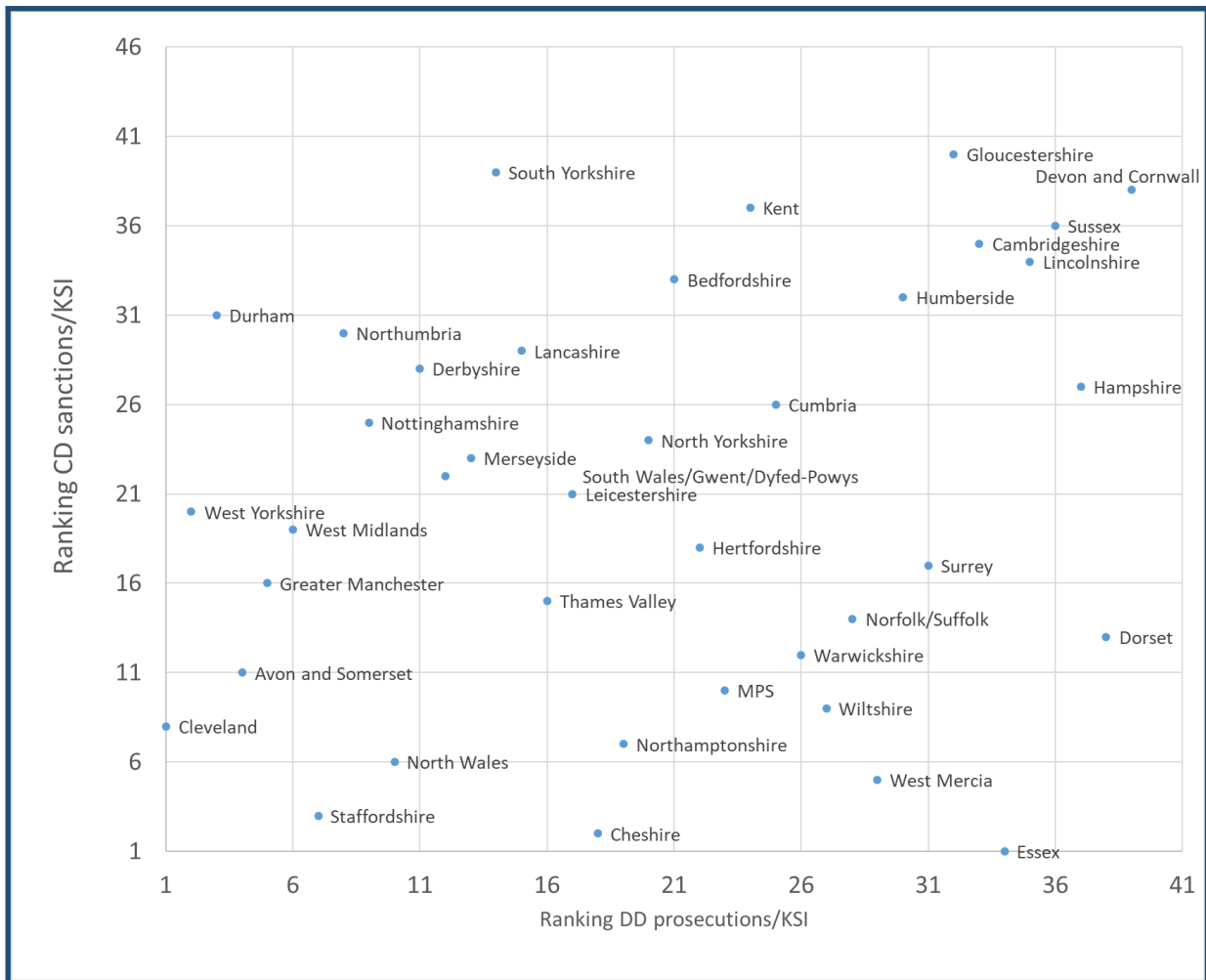


Figure 3 PFA Ranking scores DD and CD per KSI, 2017

But ramping up the use of driver retraining should not be encouraged if it is at the cost of more serious CD sanctions that carry points or DD prosecutions – examples of very bad driving should not result in a tap on the wrist, particularly for repeat offenders.

RoadPeace calls

Police have traditionally prioritised the “fatal four” traffic offences of speeding, seat belt, drink/drug driving and distracted driving. This needs to be revised to include dangerous and careless driving. To ensure consistent and accurate prosecution of dangerous and careless driving, the CPS should consult and update the charging standards for dangerous and careless driving.

Careless driving sentencing guidelines should be updated and include unlimited fines, vehicle confiscation and greater use of driving bans, especially where injury has occurred.

The MoJ should identify and cases prosecuted as dangerous that are convicted as careless. DfT should research those involving victims who were walking and cycling.

Appendix Table 1 Dangerous driving prosecutions by PFA, 2013-17

Region/PFA	Dangerous driving prosecutions					Change since 2013
	2013	2014	2015	2016	2017	
North East						
Cleveland	59	44	55	75	77	31%
Durham	55	60	54	62	76	38%
Northumbria	88	103	111	126	128	45%
North East Total	202	207	220	263	281	39%
Yorkshire and the Humber						
Humberside	48	50	59	67	58	21%
North Yorkshire	55	53	53	62	66	20%
South Yorkshire	80	107	111	131	137	71%
West Yorkshire	217	212	236	290	310	43%
Yorkshire and the Humber Total	400	422	459	550	571	43%
North West						
Cheshire	43	49	75	73	55	28%
Cumbria	36	53	40	45	39	8%
Greater Manchester	181	183	199	236	235	30%
Lancashire	87	116	124	135	122	40%
Merseyside	71	88	122	147	108	52%
North West Total	418	489	560	636	559	34%
West Midlands						
Staffordshire	80	63	68	84	83	4%
Warwickshire	28	21	24	40	41	46%
West Mercia	77	66	73	68	63	-18%
West Midlands	195	203	251	309	296	52%
West Midlands Total	380	353	416	501	483	27%
East Midlands						
Derbyshire	39	47	57	50	73	87%
Leicestershire	34	39	45	48	46	35%
Lincolnshire	34	28	36	34	39	15%
Northamptonshire	58	57	56	42	40	-31%
Nottinghamshire	79	75	89	96	103	30%
East Midlands Total	244	246	283	270	301	23%
East of England						
Bedfordshire	37	26	46	49	39	5%
Cambridgeshire	37	32	45	38	40	8%
Essex	67	51	58	54	68	1%
Hertfordshire	44	34	57	65	54	23%
Norfolk/Suffolk	58	55	45	65	81	40%
East of England Total	243	198	251	271	282	16%
London						
City of London	0	0	0	0	0	
MPS	391	403	413	417	486	24%
London Total	391	403	413	417	486	24%
South East						
Hampshire	54	65	77	64	64	19%
Kent	75	76	85	93	111	48%
Surrey	50	29	39	43	54	8%
Sussex	68	58	69	76	66	-3%
Thames Valley	82	85	103	118	134	63%
South East Total	329	313	373	394	429	30%
South West						
Avon and Somerset	80	89	91	116	119	49%
Devon and Cornwall	40	42	53	32	43	8%
Dorset	11	18	19	25	19	73%
Gloucestershire	29	20	24	31	31	7%
Wiltshire	28	23	23	42	32	14%
South West Total	188	192	210	246	244	30%
Wales						
North Wales	58	70	50	55	62	7%
South Wales/Gwent/Dyfed-Powys	131	138	159	153	151	15%
Wales Total	189	208	209	208	213	13%
England & Wales Total	2,984	3,031	3,394	3,756	3,849	29%

Source: MoJ (2018a)

Appendix Table 2 Careless driving sanctions by PFA, 2013-17

Region/PFA	Careless driving sanctions (All types)					Change since 2013
	2013	2014	2015	2016	2017	
North East						
Cleveland	235	307	223	223	206	-12%
Durham	429	387	470	261	200	-53%
Northumbria	705	601	548	582	452	-36%
North East Total	1,369	1,295	1,241	1,066	858	-37%
Yorkshire and the Humber						
Humberside	720	457	620	689	452	-37%
North Yorkshire	586	393	509	427	456	-22%
South Yorkshire	465	467	531	486	393	-15%
West Yorkshire	1,228	1,251	1,302	1,335	1,138	-7%
Yorkshire and the Humber Total	2,999	2,568	2,962	2,937	2,439	-19%
North West						
Cheshire	1,093	826	1,021	991	1,116	2%
Cumbria	454	480	416	400	330	-27%
Greater Manchester	1,377	1,148	1,068	1,027	1,027	-25%
Lancashire	720	645	552	519	532	-26%
Merseyside	487	555	592	638	589	21%
North West Total	4,131	3,654	3,649	3,575	3,594	-13%
West Midlands						
Staffordshire	639	918	1,177	750	502	-21%
Warwickshire	346	468	297	369	299	-14%
West Mercia	1,331	1,505	1,242	990	880	-34%
West Midlands	1,326	1,463	1,559	1,287	1,062	-20%
West Midlands Total	3,642	4,354	4,275	3,396	2,743	-25%
East Midlands						
Derbyshire	297	333	360	315	315	6%
Leicestershire	496	474	395	379	329	-34%
Lincolnshire	361	508	385	381	413	14%
Northamptonshire	277	205	301	379	305	10%
Nottinghamshire	719	1,007	696	512	420	-42%
East Midlands Total	2,150	2,527	2,137	1,966	1,782	-17%
East of England						
Bedfordshire	225	284	311	278	170	-24%
Cambridgeshire	660	594	652	697	583	-12%
Essex	1,242	3,160	3,746	3,606	3,233	160%
Hertfordshire	649	592	591	642	514	-21%
Norfolk/Suffolk	1,076	1,049	1,156	1,165	1,139	6%
East of England Total	3,852	5,679	6,456	6,388	5,639	46%
London						
City of London	76	133	193	335	233	207%
MPS	3,475	3,515	3,969	5,224	5,337	54%
London Total	3,551	3,648	4,162	5,559	5,570	57%
South East						
Hampshire	927	1,241	1,289	1,273	1,039	12%
Kent	531	625	635	714	680	28%
Surrey	734	1,080	923	663	642	-13%
Sussex	511	619	722	611	539	5%
Thames Valley	918	1,062	1,122	1,121	957	4%
South East Total	3,621	4,627	4,691	4,382	3,857	7%
South West						
Avon and Somerset	615	621	560	489	607	-1%
Devon and Cornwall	802	864	782	791	684	-15%
Dorset	219	309	477	507	378	73%
Gloucestershire	351	335	386	329	243	-31%
Wiltshire	516	467	512	397	365	-29%
South West Total	2,503	2,596	2,717	2,513	2,277	-9%
Wales						
North Wales	567	622	611	514	534	-6%
South Wales/Gwent/Dyfed-Powys	1,872	1,366	1,494	1,333	1,336	-29%
Wales Total	2,439	1,988	2,105	1,847	1,870	-23%
England & Wales Total	30,257	32,936	34,395	33,629	30,629	1%

Source: MoJ (2018a)

Appendix Table 3 Bad driving sanctions, 2017 by PFA

Region/PFA	Dangerous driving	Careless driving				All Bad driving Sanctions	Court (DD&CD) as % of Total	CD per DD All Sanctions
	Court Proceedings	Court Proceedings	Fines	Driver retraining	Total			
North East								
Cleveland	77	78	12	111	201	278	56%	2.6
Durham	76	148	6	20	174	250	90%	2.3
Northumbria	128	310	71	32	413	541	81%	3.2
North East Total	281	536	89	163	788	1,069	76%	2.8
Yorkshire and the Humber								
Humberside	58	189	32	172	393	451	55%	6.8
North Yorkshire	66	258	41	94	393	459	71%	6.0
South Yorkshire	137	242	26	41	309	446	85%	2.3
West Yorkshire	310	328	77	391	796	1,106	58%	2.6
Yorkshire and the Humber Total	571	1,017	176	698	1,891	2,462	65%	3.3
North West								
Cheshire	55	198	136	703	1,037	1,092	23%	18.9
Cumbria	39	132	20	103	255	294	58%	6.5
Greater Manchester	235	366	50	424	840	1,075	56%	3.6
Lancashire	122	353	32	177	562	684	69%	4.6
Merseyside	108	260	43	180	483	591	62%	4.5
North West Total	559	1,309	281	1,587	3,177	3,736	50%	5.7
West Midlands								
Staffordshire	83	468	40	55	563	646	85%	6.8
Warwickshire	41	337	15	58	410	451	84%	10.0
West Mercia	63	554	44	217	815	878	70%	12.9
West Midlands	296	602	61	332	995	1,291	70%	3.4
West Midlands Total	483	1,961	160	662	2,783	3,266	75%	5.8
East Midlands								
Derbyshire	73	226	11	49	286	359	83%	3.9
Leicestershire	46	246	8	13	267	313	93%	5.8
Lincolnshire	39	287	22	27	336	375	87%	8.6
Northamptonshire	40	255	22	86	363	403	73%	9.1
Nottinghamshire	103	176	6	190	372	475	59%	3.6
East Midlands Total	301	1,190	69	365	1,624	1,925	77%	5.4
East of England								
Bedfordshire	39	136	10	37	183	222	79%	4.7
Cambridgeshire	40	182	26	34	242	282	79%	6.1
Essex	68	412	393	2,048	2,853	2,921	16%	42.0
Hertfordshire	54	258	40	104	402	456	68%	7.4
Norfolk/Suffolk	81	410	57	315	782	863	57%	9.7
East of England Total	282	1,398	526	2,538	4,462	4,744	35%	15.8
London								
City of London	0	0	36	80	116	116	0%	
MPS	486	2,681	396	1,594	4,671	5,157	61%	9.6
London Total	486	2,681	432	1,674	4,787	5,273	60%	9.8
South East								
Hampshire	64	279	208	312	799	863	40%	12.5
Kent	111	205	106	111	422	533	59%	3.8
Surrey	54	239	88	232	559	613	48%	10.4
Sussex	66	321	30	152	503	569	68%	7.6
Thames Valley	134	349	91	436	876	1,010	48%	6.5
South East Total	429	1,393	523	1,243	3,159	3,588	51%	7.4
South West								
Avon and Somerset	119	302	47	128	477	596	71%	4.0
Devon and Cornwall	43	255	29	70	354	397	75%	8.2
Dorset	19	202	77	113	392	411	54%	20.6
Gloucestershire	31	75	6	30	111	142	75%	3.6
Wiltshire	32	285	58	0	343	375	85%	10.7
South West Total	244	1,119	217	341	1,677	1,921	71%	6.9
Wales								
North Wales	62	228	44	151	423	485	60%	6.8
South Wales/Gwent/Dyfed-Powys	151	455	84	138	677	828	73%	4.5
Wales Total	213	683	128	289	1,100	1,313	68%	5.2
England & Wales Total	3,849	13,287	2,601	9,560	25,448	29,297	58%	6.6

Appendix Table 4 PFA Dangerous and Careless driving sanction rates per KSI, 2017

Region/PFA	KSI	DD Court proceedings	CD All sanctions	DD Court proceedings	CD All sanctions
		per KSI		per KSI (PFA Ranking)	
North East					
Cleveland	159	0.48	1.26	1	8
Durham	246	0.31	0.71	3	31
Northumbria	546	0.23	0.76	8	30
Rank average	951	0.30	0.83	4.0	23.0
Yorkshire and the Humber					
Humberside	561	0.10	0.70	30	32
North Yorkshire	465	0.14	0.85	20	24
South Yorkshire	822	0.17	0.38	14	39
West Yorkshire	851	0.36	0.94	2	20
Rank average	2,699	0.21	0.70	16.5	28.8
North West					
Cheshire	380	0.14	2.73	18	2
Cumbria	321	0.12	0.79	25	26
Greater Manchester	787	0.30	1.07	5	16
Lancashire	741	0.16	0.76	15	29
Merseyside	557	0.19	0.87	13	23
Rank average	2,786	0.20	1.14	15.2	19.2
West Midlands					
Staffordshire	290	0.29	1.94	7	3
Warwickshire	352	0.12	1.16	26	12
West Mercia	561	0.11	1.45	29	5
West Midlands	1,019	0.29	0.98	6	19
Rank average	2,222	0.22	1.25	17.0	9.8
East Midlands					
Derbyshire	365	0.20	0.78	11	28
Leicestershire	296	0.16	0.90	17	21
Lincolnshire	565	0.07	0.59	35	34
Northamptonshire	279	0.14	1.30	19	7
Nottinghamshire	458	0.22	0.81	9	25
Rank average	1,963	0.15	0.83	18.2	23.0
East of England					
Bedfordshire	291	0.13	0.63	21	33
Cambridgeshire	484	0.08	0.50	33	35
Essex	927	0.07	3.08	34	1
Hertfordshire	409	0.13	0.98	22	18
Norfolk/Suffolk	716	0.11	1.09	28	14
Rank average	2,827	0.10	1.58	27.6	20.2
London					
City of London	60	0.00	1.93		4
MPS	3,822	0.13	1.22	23	10
Rank average	3,882	0.13	1.23	23.0	7.0
South East					
Hampshire	1,012	0.06	0.79	37	27
Kent	905	0.12	0.47	24	37
Surrey	544	0.10	1.03	31	17
Sussex	1,008	0.07	0.50	36	36
Thames Valley	815	0.16	1.07	16	15
Rank average	4,284	0.10	0.74	28.8	26.4
South West					
Avon and Somerset	394	0.30	1.21	4	11
Devon and Cornwall	870	0.05	0.41	39	38
Dorset	356	0.05	1.10	38	13
Gloucestershire	314	0.10	0.35	32	40
Wiltshire	277	0.12	1.24	27	9
Rank average	2,211	0.11	0.76	28.0	22.2
Wales					
North Wales	293	0.21	1.44	10	6
South Wales/Gwent/Dyfed-Powys	771	0.20	0.88	12	22
Wales Rank average	1,064	0.20	1.03	11.0	14.0
England & Wales Total	24,889	0.15	1.02	18.0	19.3