

Evidence to the All Party Parliamentary Cycling Group Inquiry “ Cycling and the Justice System”.

From the Bristol Road Justice Group

14th January, 2017

1.0 Introduction

1.1 This evidence has been prepared by the Bristol Road Justice Group. The Group comprises local representatives of Cycling UK, Bristol Cycling (a group of local cyclists campaigning for better and safer cycling provision) and RoadPeace (a national charity for road crash victims). It has been produced specifically to address two of the issues identified by the APPCG:

- Should there be greater priority of traffic law enforcement and 'road crime' for all police forces?
- Do police investigation, criminal prosecution, sentencing and inquests need reviewing?

1.2 According to hospital admission statistics, in Bristol in 2015 38 cyclists were admitted to hospital as a result of road traffic collisions, a figure close to the long term average. 34 of those incidents were the result of collisions with cars or vans.¹

1.3 Police incident collision reports are considered less reliable than hospital statistics and are known to significantly under-record numbers² but they do record incidents where the casualty suffered a more minor injury not requiring a stay in hospital. In 2015 Avon and Somerset Police recorded 250 incidents involving injury to cyclists, again close to the long term average.³

1.4 These figures should be seen in the context of a further 71 pedestrians being admitted to hospital and the police recording 206 incidents involving death or injury to pedestrians, two of them fatal, in 2015. In our view, if this level of carnage took place on building sites in Bristol they would be closed down. If this number of people were killed or injured at an amusement park there would be a HSE inquiry. On our roads these figures, and the pain and loss they represent, are accepted as the result of inevitable “accidents” rather than the predictable and avoidable incidents which they are.

1.5 It is our understanding that the lack of resources put into road policing and the lack of road traffic law enforcement influences the behaviour of motorists, those who cause the overwhelming percentage of injuries, and therefore contributes to the horrendous levels of death and injury on our roads.

2.0 The Group's Investigations into Road Traffic Law Enforcement

2.1 For the last three years the Group has been investigating the justice system and Bristol City Council's responses to road danger. As a result of these investigations it has highlighted

a range of issues relating to the police's response to incidents involving cyclists and the lack of provision by the Council of safe cycling facilities. It has held a series of meetings with Avon and Somerset Police, involving on occasions the Police and Crime Commissioner, the Chief Constable as well as local Inspectors; it has also met with the Council. It has taken up a number of individual cases with the police where incidents were not recorded at all or were inadequately recorded, where the police did not respond to reports of dangerous driving or failed to prosecute in a timely manner.

2.2 Bristol Road Justice Group has been monitoring the police's response to incidents. We looked at three areas of enforcement:

- Incidents involving serious injury
- Incidents on the Gloucester Road, one of Bristol's busiest cycle routes
- Car doorings⁴

In the first two areas, we looked at a sample of cases in 2015 where the injured cyclists had been moving straight ahead and had been hit by a car or van manoeuvring, e.g. pulling out of side roads, crossing the carriageway or parking, or the vehicle hit the cyclist while it was overtaking or from behind. In all cases the police report of the incident suggested the driver was at fault.

2.3 We therefore expected that in most cases police enforcement action would have followed. Instead we found:

- In 18 cases we looked at resulting in serious injury to cyclists the police only prosecuted 4 drivers, while a further 3, despite the consequences of their dangerous driving, were simply allowed to attend educational courses⁵.
- In 11 cases of injury to cyclists on the Gloucester Road, the police only prosecuted 1 driver⁶.
- In 16 cases of injury to cyclists caused by the careless opening of car doors, the police only prosecuted in 1 case and that was unsuccessful. You could be forgiven for thinking that their lack of action has effectively decriminalised the offence⁷.

2.4 The police have responded to our concerns claiming that they bring enforcement action in all cases where the victim wishes them to do so and there is the evidence to support such action.

2.5 However looking at these prosecution rates in a broader context suggests a different picture. There has been a huge reduction in the number of fixed penalty notices issued for the use of mobile phones while driving, down from 1,601 in 2011 to 276 in 2015⁸. Even the police's recording of incidents seems to have declined. For example, the number of pedestrians the police recorded as being killed or seriously injured on Bristol's roads has reduced significantly while hospital admissions have in fact remained almost the same. In 2011 the police recorded 59% of such incidents, by 2015 this number had fallen to 43%.^{1,3}

3.0 Conclusion

3.1 These figures would seem to suggest that the continued low rate of prosecution of drivers causing cycling injuries is more to do with resources and priorities rather than difficulties in securing evidence.

3.2 It is therefore the Bristol Road Justice Group's view that there needs to be greater priority of traffic law enforcement and 'road crime' for Avon and Somerset Police and that police investigation and criminal prosecution needs to be reviewed to ensure the protection of vulnerable road users and the appropriate prosecution and punishment of dangerous driving.

Sources

1. Bristol Emergency Admissions to hospital due to transport related accidents 2003 – 2015.
2. Reported Road Casualties Great Britain: 2013, Department for Transport
3. Interpreted Listing of Police Road Traffic Incident Reports 2015 – BCC Strategic Transport
4. Under Section 42, Road Traffic Act 1988 it is an offence for a person to open "any door of a vehicle on a road so as to injure or endanger any person."
5. FOI response 16 September, 2016
6. FOI response 07 October, 2016
7. FOI response 27 September, 2016
8. Home Office, Fixed penalty notices for motoring offences statistics data tables: police powers and procedures year ending 31 March 2015, November 2015