

DRIVING OUT INJUSTICE

Government minister supports dialogue on legal system's woefully inadequate response to bad driving

A GOVERNMENT minister has pledged her support for a cross-departmental working group to discuss possible improvements to the way the legal system handles bad driving offences.

CTC joined representatives of British Cycling and road crash victims' group RoadPeace for a meeting in December with Helen Grant MP, the justice minister responsible for victims of crime. Mrs Grant listened to the concerns put to her about the failings of flawed police investigations; weak prosecution decisions; the pitiful lack of support and information provided for road crash victims (particularly when compared with other types of serious crime); poorly conducted court cases (including coroners' hearings); and the derisory sentences so often handed down where death or very serious injury has arisen from what appears to have been self-evidently 'dangerous' driving, but which prosecutors or the courts so often dismiss as merely 'careless' offences.

The meeting came just days after two troubling acquittals of drivers in court. In the first, a jury concluded that lorry driver Petre Beiu was not guilty of 'dangerous driving' (although he had pleaded guilty to the lesser charge of 'careless driving') after leaving Times journalist Mary Bowers with very serious brain injuries. She is still minimally conscious, over a year later.

The court had heard that Beiu was talking on a hands-free mobile while driving his lorry; he had failed to see Mary who was apparently in clear view ahead of him for 10 seconds before he pulled up alongside her at the traffic

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Juries can be reluctant to convict drivers, maybe thinking 'There but for the grace of God go I'

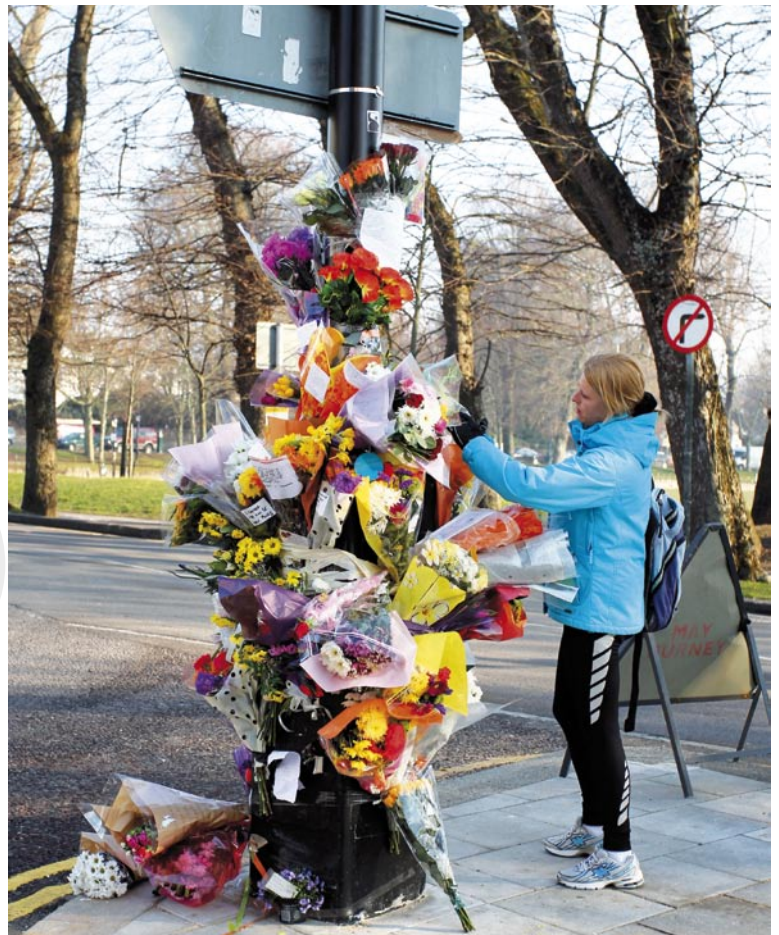


Photo: iStockphoto.com

lights; he then turned his lorry into her when the lights went green without properly checking his mirrors, before leaping out of his cab in shock without applying the brake. As CTC's Roger Geffen commented, 'If that doesn't fit the legal definition of "dangerous" driving, then I don't know what does.'

Sorry, mate, I didn't see you...

The second one is more perplexing. Driver Kenan Aydogdu was cleared of manslaughter after he opened his car door into the path of 25-year-old cyclist Sam Harding, causing Sam to fall fatally into the path of a following bus. Aydogdu had tinted his windows, and the court heard that this reduced visibility to 17% of normal levels. There was also a dispute about whether he had looked first before opening the car door, and questions have separately been raised about whether the bus driver may also have been following too closely.

However, the Crown Prosecution Service had decided, probably correctly, that they could not prosecute Aydogdu for causing death by dangerous driving (or even by careless driving), as a jury was likely to agree that opening a car door isn't 'driving'.

They could have prosecuted him for the tinted window, but this alone could only ever have attracted a small fine.

The CPS can hardly be blamed for the Mary Bowers outcome, as they had pursued a 'dangerous' driving prosecution, only to have this rejected by a jury.

CTC has collected many cases on its Stop Smidsy website ('Smidsy' means 'Sorry, mate, I didn't see you'), where the published description of the incident suggests that the driving ought to have been defined in law as 'dangerous', but where the CPS has only sought a 'careless' prosecution, leading almost inevitably to a derisory sentence even where the offender is convicted. An article exploring the legal issues of 'dangerous' and 'careless' driving is planned for a future issue of Cycle, linked to the forthcoming relaunch of CTC's Stop Smidsy campaign.

Meanwhile, you can donate to support CTC's campaigning at ctc.org.uk/donate, or to the associated work of the CDF, by visiting cyclistsdefencefund.org.uk/donate-cdf. For details about the Stop Smidsy campaign, visit stop-smidsy.org.uk

“Dangerous’ driving is so often dismissed by prosecutors or the courts as merely ‘careless’