

**REMAIN**

**AND**

**REP**  **ORT**



# HOLDING HIT-AND-RUN DRIVERS TO ACCOUNT

**ACTION  
VISION  
ZERO** 



January 2023



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This report is dedicated to all those killed or seriously injured in road traffic collisions where the driver failed to remain at the scene – most especially those whose stories are told on the following pages.

This report has been published for parliamentarians and policymakers. Remain and Report is a volunteer-led project, by Action Vision Zero and RoadPeace West Midlands.

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# WHY REMAIN AND REPORT?

Our campaign is based on a simple premise – that knowingly leaving the scene of a road traffic collision where someone has been fatally or seriously injured, should be treated as a serious criminal act.

We have four key calls, which are explained throughout this report, they are:

1. Charges that are fit for purpose
2. A reasonable maximum reporting time
3. Licence suspension for the sake of safety
4. Appropriate terminology

All road deaths and serious injuries have devastating impacts. They are sudden, shocking and bring great pain. However, the knowledge that a driver has failed to remain at the scene brings an additional layer of horror. Families are often tortured at the thought that while their loved one was left lying in the road, a driver was concocting a story or covering their tracks. Leaving the scene is often explained away as a driver acting out of shock. It is our belief that it is a callous act, which is separate from, and additional to, any dangerous or careless driving which may or may not have taken place in the collision.

We are not the first to campaign for reform, nor can we claim to hold all the answers. Nevertheless, we, along with the families featured in the following pages, believe something should be done. In recent years, positive steps forward have been made – including the recent increase in the maximum custodial sentence for Causing Death by Dangerous Driving. We are grateful to all who have championed the need for change – we know MPs work incredibly hard and have to deal with so many important and poignant issues.

However, we fear ‘hit-and-run’ is something which needs further examination – and that the incentive to leave the scene of a collision and avoid tougher charges is a loophole that has not yet been closed.

**The Department for Transport (DfT) have said they are considering a consultation to include Fail to Stop – we would very much like this to happen – it would be an encouraging and welcome step.**

## OVERVIEW

Currently, there is an existing offence of Fail to Stop; but, this applies to all severities of road traffic collisions where a driver has failed to remain at the scene. This charge is almost always tried in the Magistrates’ Court. It has a maximum custodial sentence of six months.

This charge also creates an opportunity for impaired drivers to avoid testing by leaving the scene and reporting later, escaping more serious charges. Drivers have a maximum of 24 hours to report a collision, under legislation dating back to 1988.

As you will read, victims and their families can be deeply affected by the knowledge that drivers can very often get straight back behind the wheel as though nothing has happened. Insensitive terminology also exacerbates their pain – leaving the scene of a serious collision is a conscious choice, but legislation calls this an ‘accident’.

Our aim is to try to ensure that the justice system properly holds drivers to account for knowingly leaving the scene of a serious crash.

## VICTIMS

In 2021, 80 people were reported killed and another 2,132 reported seriously injured in collisions where the driver left the scene (DfT, 2022). Many of those killed were pedestrians, at night or alone at the time they were hit.

This casualty toll is likely under-reported; police have mentioned problems with this. A Freedom of Information request showed that in the West Midlands there were nine fatal hit-and-run collisions in 2020 whereas the DfT reported only three.

## JUSTICE

In 2021, 2,693 drivers were convicted of Fail to Stop after a collision - but these will be mainly damage only collisions, with only 1% receiving a custodial sentence. Only one in five are disqualified and 75% of convictions result in a fine (MoJ, 2022). It is not known if any of these convictions involved a fatal crash as this is not recorded in the criminal justice statistics.

If there is evidence of culpability, then the driver can be prosecuted for a causing death by driving offence – in this case Fail to Stop may be an additional charge, but is often treated as an aggravating factor. We believe it is rare for additional custodial or disqualification time to be given for the Fail to Stop charge. This can be especially hard for families as no additional sanction is given for abandoning their loved one.

## A NOTE OF THANKS

We would like to acknowledge the courage of the families who have shared their experiences – it is not an easy thing to do. We are grateful for their perseverance and efforts to spare other families such suffering. We also thank CFG Law and Slater and Gordon, who have assisted us with this report and in enabling bereaved families to attend our event in the House of Commons on 18th January.



Finally, we thank Lucy's MP, Rachel Maclean. Lucy's brother, Peter, was killed by a speeding, hit-and-run driver in 2014. Lucy contacted Rachel when she was first elected in 2017. Since this time, Rachel has been a great support, and a much-needed friend to those who have had their lives shattered through devastating road traffic collisions, including those where the driver failed to remain at the scene.

*Amy*

Amy Aeron-Thomas  
Traffic Justice Coordinator

*Lucy*

Lucy Harrison  
West Midlands Local Group Coordinator





# CALL ONE: CHARGES THAT ARE FIT FOR PURPOSE

## THE CALL

That the introduction of two new criminal charges is properly considered:

- Failing to remain at the scene of a fatal collision
- Failing to remain at the scene of a serious injury collision

## THE NEED

We, the families we are campaigning with, and many others believe there is a gap in our laws.

The current charge of Fail to Stop<sup>1</sup>, applies to all collision severities where a driver has fled the scene. At present, a driver leaving the scene of a minor damage-only collision (for example a broken wing mirror) faces the same charge as a driver leaving the scene of a crash where they know someone has been seriously or fatally injured. Those who have suffered bereavement or injury as a result of such crashes find this justifiably unfair. We agree that failing to remain at the scene after hitting another vehicle, or infrastructure such as postbox or bus stop, is not ethical or legal and should result in a penalty. However, knowingly leaving someone who could die is completely different and involves a callous disregard for the lives of others. Different charges are clearly needed.

It is also important to acknowledge that Fail to Stop is a summary offence. This means it is heard in Magistrates' Court and is not viewed as very serious. Summary charges must be laid within six months of a crash. Collision investigation is complex, and police may not be able to complete this in this time. Summary offences will be considered low priority, and for the police, justifying resources for the investigation can be difficult. We know there can be competition for cases to be looked at by forensics – and a case involving a summary charge will naturally drop down the priority list, even if it involves a death or serious injury. There is also a risk that the mindset of investigating officers may be different in the case of a summary offence, where as an indictable offence may be dealt with both more thoroughly and more promptly.

Where there is no evidence that the standard of driving caused the collision, only that

<sup>1</sup> If the police can prove a driver has deliberately destroyed evidence, they can prosecute for Attempting to Pervert the Course of Justice.

a driver fled the scene, Fail to Stop could be the only charge laid. In this case, there is every chance that the fatality or serious injury may not even be mentioned in court. This is terribly distressing for the affected family and leaves them feeling that their loved one's life is given the same level of importance as a wing mirror.

Where a driver is suspected of causing the crash, they will be prosecuted accordingly, for example for Causing Death by Dangerous Driving. The fact the driver left the scene will become an aggravating factor, rather than a standalone charge. Yet, leaving the scene of a collision is a separate and conscious act, increasing the level of criminality, and should be prosecuted as such.

A robust debate is needed on the appropriate sanctions for these new charges. The current system provides an incentive for dangerous, impaired and illegal (including disqualified and uninsured) drivers to flee the scene as the penalty is so small. It is important that any new charges remove, or at least reduce, this incentive.

The proposed sanctions could be similar to those for Causing Death and Serious Injury by Disqualified Driving. This is a maximum custodial sentence of ten years for fatal collisions and four years for serious injury collisions. There is also a minimum mandatory two-year disqualification for fatal collisions and one-year disqualification for serious injury collisions.

We are proposing the wording of any such new charges should be 'Fail to Remain' rather than 'Fail to Stop'. Police have highlighted to us that drivers may initially stop, but then leave. We believe our wording is clearer – emphasising the expectation that a driver should stay at the scene of a serious collision until police say they can leave.

In addition, we would like lawmakers to consider the role of passengers in these collisions - there are two reasons for this. Firstly, a driver may accuse a passenger of being the driver and try to avoid any responsibility. Currently, there is no requirement for a passenger to report a collision. Secondly, we think there should be a clear onus on both drivers and passengers to report serious crashes to the emergency services, ensuring a victim has the best chance of survival (see call 2).

## THE RESULT

Justice would be better served – with leaving the scene of a fatal or serious collision treated with the gravity it deserves and these criminal drivers removed from the road.

## ANDREW FIELDING

Andrew Fielding was killed in a road traffic collision on 21st June 1994. Andrew was on his way to play in a football match with friends, when he swerved to avoid a Volvo car which was travelling in the opposite direction and which cut across his path at a junction in Neston. Andrew collided with another vehicle, and died instantly. The Volvo driver, who was responsible for the crash stopped initially but then left the scene, at speed. There were multiple witnesses to the crash, and widespread publicity following it. In spite of this, the driver has never been traced nor come forward.



Andrew's mum, Pauline, has campaigned extensively for better support for road crash victims, and for improvements to the junction where Andrew was killed. In January 2022, she was awarded the MBE, presented by Prince William.

Andrew was just 18 years old, and had that morning received his exam results.



**Pauline Fielding (Andrew's mother)**

*"The person who caused the crash which killed my son stopped initially but failed to remain at the scene, speeding off a short time after the crash. The car was never traced and the driver never came forward to admit causing the crash. There is a big difference between stopping for a short period and remaining at the scene."*

## JOSEPH NICKLESS

Joseph Nickless, from Perranporth, Cornwall, was 23 years old. He had been on a night out and had a prearranged lift home, but was let down. Due to this, he had to walk home, along the A30. Joseph was seen on three occasions by two witnesses to be walking on or near to the verge.



At around 12.18am, Joseph was hit by a van driver who failed to remain at the scene. The driver rang the police an hour after the collision, having driven for a further 11 miles, and met with his family first. His van had significant damage. A third witness came forward the next day, claiming they had seen Joseph walking in the middle of the road. However, this third witness claimed to have seen Joseph after the time at which he was killed – the coroner accepted his statement could not count. There are various concerns with the quality of the police investigation in this case.

Joseph's body was located by a police dog, nearly two hours after the collision - his parents were not allowed to identify him.

The driver pleaded guilty to Failing to Stop, after the family pushed for this charge to be laid. Initially, the police did not want to press any charges. The driver received 8 penalty points, a £126 fine, £85 costs and a £30 victim surcharge.



**Annelise and David Nickless (Joseph's parents)**

*"Joseph, we remember you every day, we feel devastated by your loss and we hold onto our precious memories of you. You were the light of our life; our joy, our laughter and our sunshine. We treasure every day of the 23 years, 5 months and 26 days that you were with us – when we were privileged to know, love and care for you."*

*All through your short life from a little infant and child, you were always delightful and a joy to be around. A bright ray of sunshine – humorous, loving and caring – you grew into a big-hearted, beautiful young man. You shone bright and gave us much joy and*

# EXAMPLES OF INJUSTICE AND IMPACT ON FAMILIES

*happiness with your sense of fun. You were always the life and soul of the party with your quick-witted jokes and impressions, lighting up a room. You loved to entertain your friends and family. You left a lasting and positive impression on those who loved to be around you and many others whose lives you touched...*

*You were taken from us in a sudden and violent road death...left in the verge to die alone. The selfish driver continued his journey for eleven miles. He only stopped to meet up with five of his family members, to concoct a story before phoning the police, an hour after the collision.*

*You were eventually located by a police dog, your body thrown down an embankment from the catastrophic impact, this was more than two hours after the collision; with no medical assistance, you were found to be already dead. We were never allowed to see you or even identify your body, we could not hold your hand or kiss your face.*

*We have had no peace and no justice since you were killed."*

## RYAN SALTERN

Ryan had been out with friends on the evening of 28th July 2019. Ryan's parents, Helen and Mark, have never been able to get a clear answer as to why or in what position Ryan came to be in the road, on the B3267, near Delabole, Cornwall. Ryan was fatally struck by two vehicles – the driver of the first vehicle fled the scene, the driver of the second vehicle stayed at the scene and contacted emergency services.



The driver of the first vehicle was not located or arrested until 36 hours after the collision; following the driver's father making him hand himself in. At this point, the driver was unable to be tested for drink or drugs; it is strongly suspected he had been drinking. This first vehicle had significant damage, and had clearly been in a collision – yet the driver tried to claim he was unaware he had hit Ryan. This first driver was charged with Failing to Stop and received a 4-month suspended sentence and 12-month driving disqualification. Ryan's family were led to believe the case would go to Crown Court – but it was heard in Magistrates' Court, adding to the lack of seriousness with which they felt their son's death was treated.

Ryan was 31 years old. Ryan was married with a young son. His entire family, including his parents and sister were left devastated.



**Helen and Mark Saltern (Ryan's parents)**

*"On 28th July 2019 at just before 8am we received a knock on our door...at that second, our life fell to pieces. The beautiful, loving, caring son we created and raised was gone forever. The driver left him horrifically and fatally injured in the road after dragging him 18 metres under his car...we just want justice for our son, and his life not to be worthless. We felt our son's life was treated like a broken wing mirror, the justice system failed him."*

### Ryan's Law

The Saltern family petitioned for Ryan's Law – calling for the definition of Causing Death by Dangerous Driving to be widened to include failing to stop, call 999 and render aid. This petition received 167,461 signatures.

## SEAN MORLEY

Sean Morley was hit at 3.15am, on the A444, on 2nd September 2012. He survived for up to two hours after the crash. There was a hospital one mile away and his family lived one mile in the other direction. No ambulance or police were called.

Two people returned to the scene 45 minutes after the crash. The driver returned two further times. This is known from the police investigating the GPS signals of the phones of those involved. The driver turned himself in approximately 11 hours after hitting Sean, with a prepared statement. He tested positive for alcohol and drugs but it was too late to prove impairment at the time of the crash. Tests proved he had alcohol and drugs in his system, which the investigation team stated would have definitely affected the driver's judgement - making him aggressive and erratic. The police were unable to prove causation, including if the vehicle had its lights on.

Despite six people knowing that Sean had been hit, only the driver was brought to account. He received a 16-week custodial sentence for Fail to Stop but didn't even serve this time as he went to jail for dealing Class A drugs, and the sentences ran concurrently.

Sean was a big rugby fan and played for Aberystwyth University where he was studying History and Politics.



*The coroner stated that Sean was alive for up to 2 hours. Sean hated the dark and to know he was alone throughout the night deeply grieves me. Such a kind soul left in such an inhumane way. We knew he had some consciousness as Sean always cupped his hand when he was nervous and he was found like this. I could have been there with Sean and held him. All those involved took that last comfort away from Sean and I. They chose to flee.*

*Sean was the light of my life. A huge character with great charm, wit and a fabulous future ahead of him - with some of his first papers at university being "near publishable". Kind, considered and a champion of the British Justice System, which would go on to fail him and show utter disregard for Sean."*



**Kerry Dean (Sean's mother)**

*"At 7.15am, the police knocked our door with news that ripped apart our family's world. I will never forget seeing my Sean lying in the central reservation half-naked under a baby blue blanket. Some of the drivers who reported Sean's body thought he was a manikin. His lower clothes had been dragged from him in the impact and his belongings and bits of car were strewn across the carriageway.*



## WILL ROGERS

Will Rogers from South Shropshire had his life taken from him on 30th April 2022 in a hit-and-run. Will had a minor collision in his vehicle and was walking home with his dog, Ruby. For reasons not yet known Will was lying in the road when a delivery driver ran over him. The driver failed to stop and remain at the scene, leaving Will to die. The collision had caused significant damage to the delivery driver's vehicle. Will was found by another motorist; Ruby was lying next to Will with her head on his chest.



The driver was identified by members of the local community one week later, due to damage on his vehicle; he has since been charged with Failing to Stop. The case was due to be heard in Magistrates' Court in December 2022, but was delayed as it was decided it needed to be heard by a district judge.



**Mandy Oliver (Will's mother)**

*"From the day he was born, everyone loved Will Rogers. He had a natural, warm, charismatic nature, beautiful twinkly eyes and a great big smile. He made a huge impression on all who met him and he was adored by friends and family."*

*On 30th April 2022 our world fell apart when we were told Will was no longer with us. It was the worst day of our lives. Then to be told that Will had been run over and left to die was beyond devastating. The driver left the scene, leaving Will to die – what kind of human being does that? From the moment Will was taken from us, in many ways it has felt as if we are the criminals. The legal system has added to our trauma with every step – the police have been amazing, but the law feels cruel. Our family have lived a nightmare.*

*As a mother, I was desperate to see Will – but couldn't until over a week later, when I had to identify him. I was told he was classed as 'evidence'. There was a delay with releasing Will's body, while the driver and his legal team considered a second post-mortem – by the time Will's body was released he was unrecognisable. Myself and my daughter's dad took*

*the decision not to let our daughter see Will's body – this now haunts us as it was her only chance to say goodbye.*

*I just wish the driver had stopped and reported the collision – Will might have lived. The day we lost Will it felt like we had been sent to hell, and someone just keeps turning the flames up.*

*Will was hugely popular, everyone who met him loved him, especially in the farming and rugby communities. Five hundred people attended his Celebration of Life Service. Myself, and his sister, Lydia, thought of him as a much-loved gentle giant with a heart of pure gold.*

*Will is always remembered as a gentle, kind, funny, caring young man – with so much to live for. He never failed to make us proud."*



# CALL TWO: A REASONABLE MAXIMUM REPORTING TIME

## THE CALL

That the maximum time allowed to report a road traffic collision be reduced from the current 24-hour limit to 2 hours.

## THE NEED

The current maximum time allowed to report a road traffic collision was set in the 1988 Road Traffic Act (Section 10). This states that drivers should report a collision as soon as practicable, but within a maximum of 24 hours. Over three decades later, we are now in a different era; the advancement of the internet and widespread use of mobile phones mean it is impossible to imagine a situation whereby 24 hours could be deemed a reasonable timeframe. As a part of our campaign, we have spoken with several police forces, lawyers and other organisations – none have argued this time limit is still needed.

However, the problem is far more serious than legislation that has simply failed to keep up with the times. Rather, this legislation is now providing an alarming incentive for impaired drivers to leave the scene of a fatal or serious collision.

This 24-hour time limit allows drink drivers to sober up, and for others, including those unlicensed or uninsured, to take legal advice, and then hand themselves in. In the case of drink/drug drivers, they may leave the scene and then claim they took alcohol/drugs after the collision, as a response to the shock. These drivers may claim they were unaware they had hit another vehicle or a person, and only realised after hearing news reports that someone had been killed or injured. The police might suspect the driver was impaired, but proving this becomes progressively harder with delay.

These drivers may only be able to be convicted of Fail to Stop, and will be highly unlikely to receive a custodial sentence. Whereas, had they remained at the scene, they could have been drink and drug tested immediately – and would have been charged with a more serious offence. This highlights the importance of our first call, the need for more serious charges of failing to remain at the scene of a fatal or serious injury collision.

We believe it should be a legal requirement that drivers remain at the scene of a serious collision, until it has been reported to emergency services, and the police have given a

driver permission to leave (for example after breath-testing and drug swipes). Many people would view this as basic human decency – but the families we work with are proof that this needs to be made a legal requirement. There may be some rare cases where reporting a serious crash immediately is not possible; for example, where a mobile signal is genuinely not available, and a driver has no choice but to leave the scene in order to get help. However, we believe a maximum 2-hour timeframe would suffice to cover such circumstances. There will be differing views on this, and a debate on timeframe would be welcomed.

### Shakeel's Law

A petition for 'Shakeel's Law' which was calling for a requirement for all road traffic collisions to be reported immediately, received 41,748 signatures.

## THE RESULT

Justice would be better served – a loophole allowing impaired and other culpable drivers to evade a more serious punishment would be greatly reduced. This should also help victims receive faster medical treatment.

## ANISHA VIDAL-GARNER

On 19th February 2020, Anisha Vidal-Garner had met up with her boyfriend, and his friend, in Central London, before travelling to Brixton. They were on their way to get some money from a cashpoint; Anisha had reached the middle of the road when a speeding driver came out of nowhere. The driver was on both sides of the road, and ran two red lights. He hit Anisha, and did not stop.



The driver handed himself in 48 hours later, after speaking with his father who was a barrister. He was therefore able to avoid a test for alcohol or drugs (he had a previous conviction for Driving Under the Influence of Drugs). He pleaded guilty for Causing Death by Dangerous Driving, but immediately got a third off his sentence for doing so. He received a 10.5 year prison sentence, but applied to be moved to an open prison six months after he was sentenced, which is where he now is.

Anisha was just 20 years old, and had been studying Philosophy and Spanish at King's College. Her family have described her as witty, smart, and always looking for the best in others.

### Mandy Garner (Anisha's mother)



*"When Anisha was killed she was catapulted into the air 'like a rag doll' as the papers reported - the driver did not stop, abandoned his car and ran from the scene, seeking advice from his father - a barrister - soon after. The police tried to find him at the addresses they had for him, but it was more than 24 hours later that he handed himself in. For that reason, he could not do a drug or alcohol test, although we were told he had a previous conviction for driving under the influence - and he did not face charges for this.*

*As he failed twice to leave his cell to come to court to be sentenced and we were told there would not be an inquest, there is no way of knowing what caused him to drive so recklessly that night. In seconds he ended Anisha's life and has caused unending sadness and trauma to all those who love her. He will be released next summer. Every interaction we have had with the legal system has made what was already very traumatic worse. It is a game and we - the only voice Anisha still has - not only didn't know the rules, but felt like mere bystanders."*

## BEN REGAN

Whilst crossing the road, Ben Regan was hit and killed by a speeding driver who failed to stop, on the evening of 20th June 2016. The driver was doing up to 40mph in a 30mph zone. The impact was so severe that it knocked Ben out of his shoes.

The driver turned himself in after contacting his mother and with a solicitor. The solicitor then contacted the police to let them know the driver was handing himself in. This was too late for him to be tested for drink driving.

He was convicted of Causing Death by Careless Driving, rather than the more serious Causing Death by Careless Driving Whilst Under the Influence of Drink/Drugs. At sentencing the judge stated, "The suspicion is that you were worse for wear through alcohol." The driver was also convicted for Uninsured Driving and Fail to Stop; he received a 21-month custodial sentence and a 27-month driving ban.

Ben was a Coldstream Guard who was on leave, visiting his dad for Father's Day when he was hit and killed.



### James Regan (Ben's father)



*"There were 15 eyewitnesses to my son's killing. The police did a good job, as did the CPS and judge; but their hands were tied due to the loopholes in the law. This allowed a speeding and most likely drink driver to leave the scene and report to police after it was too late to prove impairment. My son and family deserved better. My son had much to offer and his death is a loss to us all."*

## HOPTON GAYLE

Hopton was killed on 19th February 2018 – he was on a pelican crossing on the Stafford Road, in Wolverhampton. The driver, who was racing against another vehicle, had been undertaking traffic and travelling at over 60mph. Both drivers had slowed down as they passed a speed camera, before accelerating and continuing to race. Hopton was hit at a speed of 62mph.



After hitting Hopton, the driver stopped only to push down the damaged bonnet of the car, and break the smashed glass of the windscreen – so he could see as he drove away. CCTV footage shows that the driver did not stop for even a second, to check how badly injured Hopton was. After fleeing the scene, the driver dumped the car and removed the registration plates.

The police located the driver, and advised him that if he were to hand himself in within 24-hours he would be looking at a lenient sentence. It was not until the second Crown Court appearance, over a year later, that he entered a guilty plea for Causing Death by Dangerous Driving. He received a 3-year and 9-month prison sentence, and a 4-year driving ban. Hopton's daughter, Mandy, feels this was no justice; not only was the driver speeding, he fled the scene, attempted to cover his tracks, and did not have insurance.

Hopton was a beloved father, grandfather and great-grandfather.



**Mandy Gayle (Hopton's daughter)**

*"Two car drivers had been speeding for miles, before killing my dad. The next day, when the police lady came to see us she explained that they had found the driver, he had dumped the car. The police had contacted the driver's parents...he was told he'd get a lenient sentence if he handed himself in within 24 hours.*

*He had no insurance. He jumped out of his car and punched a hole through his broken windscreen and pushed the mangled bonnet back down. He got back in his car and*

*took off - speeding at 62mph, and that was after he had killed my dad.*

*He tried to deny hitting my dad, he said it was the other driver. He didn't plead guilty until the third time we went to court. The judge said that he should have pled guilty straight away, to save my family some pain. The judge also remarked how saddened he was that the driver would get a third off his sentence for pleading guilty, and then a further half off that for good behaviour.*

*The driver showed no remorse whatsoever. He never even looked back at my dad's dead body in the middle of the road.*

*The pain I carry knowing what happened to my dad – I can't describe."*

## LEE DAVIS

Lee Davis was travelling home to Speke, on 7th December 2020. Lee had joined the M57; as he attempted to move to the third lane he was in a collision with another vehicle. The collision caused Lee to lose control of his car, and he reared off across 3 lanes, and down an embankment, into a tree. The police advise that Lee died on impact.

The other driver carried on; only briefly pulling into the hard shoulder half a mile away to get out and look at his car, before continuing. He made no attempt to contact emergency services or report the collision. Lee was found by a horse-rider who was alerted due to the sound of the car horn.

The police traced the other driver, and arrested him 12 hours after the collision. The driver claimed he was aware there had been some kind of impact to his car, but he had not looked back, and did not think it was anything too bad.

The driver received no charges – not even for Fail to Stop.

Lee was a licensed class 1 HGV driver – he was known to be a skilled, careful and courteous driver. Lee was 37 years old. He was partner to Helen, and father to 2 young daughters; they all miss him terribly.



**Helen Bate (Lee's Partner)**

*"Time saves lives and time gets convictions, it didn't help in Lee's case, but it could have in someone else's."*

## SHAKEEL SHEIKH

Shakeel Sheikh had been out for the evening with a friend in Altrincham. It is unknown why he came to be lying in the road – however, he was hit by a driver, and his injuries were fatal. The driver fled the scene, leaving other members of the public to find Shakeel.



The driver contacted police around half an hour later – Shakeel's family do not know whether his life would have been saved had emergency services reached him sooner. He pleaded guilty to Causing Death by Careless Driving and Failing to Stop. He received a 9-month suspended sentence, was ordered to complete 300 hours of unpaid work, was fined and given 8 points on his licence.

Shakeel was an incredible father and grandfather, his family thought the world of him.



**Jazmine Bonnell (Shakeel's daughter)**

*"On 26th January 2020, our father was killed by a driver who did not stop and report the collision, but drove off and left dad to die alone in the road. This campaign means so much to us as a family - we feel it could have made a difference or even given us the chance to say goodbye."*

*The driver was well aware he had hit a human being as he got out and checked - he had time to pick his bumper up, but no time to call for an ambulance to help our dad. The fact that a driver can hit a human, and it is acceptable not to report it straight away, is shocking."*

*We believe the reporting time should be reduced and people should be encouraged to stay at the scene and get help for the injured party.*

*Families like ours struggle to get any justice at all for these crimes. Times have changed, but laws have stayed the same - something desperately needs to be done so grieving families get the justice they deserve for their lost one."*



# CALL THREE: LICENCE SUSPENSION FOR THE SAKE OF SAFETY

## THE CALL

That those arrested on suspicion of any driving offence where disqualification is mandatory should have their licences automatically suspended. This should include those arrested for failing to remain at the scene of a fatal or serious injury collision.

## THE NEED

At present, those arrested on suspicion of a driving offence, even a very serious offence such as Causing Death by Dangerous Driving, are allowed to continue driving until they are convicted. Drivers arrested for causing a death can be back on our roads the following day, despite clear evidence of law-breaking. This often comes as a shock to impacted families, and to wider society – who wrongly assume such drivers would not be allowed to continue driving.

Interim driving bans are possible, but very rarely used. These tend only to be imposed on repeat offenders, or once a defendant has pleaded guilty. The investigation of road traffic collisions is highly complex, and the criminal justice system is slow – it is very often a year or more, before a first court hearing. During the time that passes between a collision and the court process, the vast majority of drivers involved in killing or seriously injuring someone, will continue driving on our roads as though nothing has happened. Not only is this incredibly traumatic for those bereaved, adjusting to living with serious injuries, or caring for someone with serious injuries – it is a risk to the safety of others.

We ask that those arrested on suspicion of committing any driving offence which carries a mandatory disqualification have their licences suspended immediately. We believe this could be a driving licence condition, and would therefore not need to involve criminal courts in issuing interim bans. Alternatively, police could be given additional powers to issue roadside suspensions.

‘Innocent until proven guilty’ is a vital human rights principle, which we fully support. Sadly, it is also an argument often deployed against immediate driving licence suspensions. Yet, driving is not a legal right, but a licensed activity, subject to conditions such as passing a test or meeting minimum eyesight criteria.

### Cassie’s Law

In 2013, a procedural improvement dubbed ‘Cassie’s Law’ was introduced. This means that where police suspect a driver is medically unfit to be behind the wheel of a car, they can apply to the Driver and Vehicle Licensing Agency (DVLA) to revoke the licence, and this will be looked at quickly – within minutes rather than days. This change was made after a campaign by Jackie McCord, whose 16-year-old daughter, Cassie, was killed by an 87-year-old driver. The driver had been advised by police not to drive just 3 days earlier, when he had failed an eyesight test following a minor collision. It is widely accepted that the police and DVLA have the power to stop those with defective eyesight from driving. So, it should be possible to revoke the licences of other drivers suspected of serious offences.

### Tom’s Law

A petition for ‘Tom’s Law’ which called for police officers to be able to provide a suspension notice the moment someone was caught drink, drug, or dangerous driving, received 104,868 signatures.

## THE RESULT

Justice would be better served – those suspected of committing serious driving offences would be immediately removed from our roads, removing risk to society.

Average number of days between offence and completion in the Crown Courts of England and Wales from 2nd quarter 2020 to 4th quarter 2021



Source: <https://www.statista.com/statistics/1102428/court-waiting-times-in-england-and-wales/>

## ANNETTE BOOTH

On 29th September 2018, Annette Booth had been out for the evening, with her husband, Steve, in their hometown of Leicester. They were celebrating that they were shortly to become grandparents for the first time. Annette and Steve were heading home, standing at a bus stop when they witnessed a vehicle speed past them and crash. The driver failed to stop – instead, he reversed at speed, and crashed again, ploughing into the bus stop they were standing at. He then drove away at speed.



Annette received horrific injuries, she was taken to the Queen’s Medical Centre, but could not be saved. The driver abandoned the vehicle near the city centre, getting away on foot. He was found hiding in the ruins of an old museum. He tried to deny any involvement despite having the keys of the vehicle on his person, and being covered in blood.

The driver was found guilty of Causing Death by Dangerous Driving and received a 9.5 year prison sentence and an 11 year driving ban. Steve has to get through each day coping with the horror of what he witnessed.

Annette was a beloved wife, mother, grandmother-to-be, sister, aunty, cousin and friend.

### Steve Booth (Annette’s husband)

*“These drivers destroy and change lives forever – why should they be allowed to keep the privilege of driving? When we are talking about fatal and serious injury collisions, the safety of others must surely come before the right of a driver who has left the scene.”*



## MARCUS WARNER

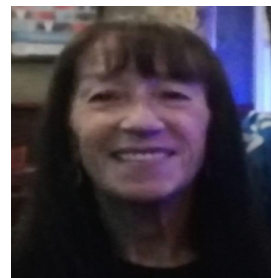
Marcus Warner was a pedestrian, killed in a road traffic collision, on 27th December 2020. The driver claimed she did not see Marcus until it was too late. However, she knew she had hit Marcus and she left the scene, driving with a smashed windscreen. She then returned to the scene, before driving away once again.



Eight and a half hours passed and the driver made no attempt to report the collision – her barrister claimed she had been leaving her home to hand herself in, as the police arrived. She was charged with Dangerous Driving, relating to her driving after the collision, with the damage to her car. She received an 18-month community order, and a 12-month driving ban.

Marcus was known to be a bubbly character, who was well-liked and much-loved. Marcus’ brother, Stefan, died in a motorcycle crash five years earlier. Losing her sons has left their mum, Jackie, heartbroken.

### Jackie Warner (Marcus’ mother)



*“I believe it’s really not right that these drivers are allowed to continue to drive until they go to court – when they have injured or killed someone. They shouldn’t be allowed to continue driving – they could do it again.”*

## TOM McCONNACHIE

Tom McConnachie from Plymouth was returning from a night out on 24th February 2019. He had been out following a groomsman's suit fitting ahead of a friend's wedding. Tom had just exited a taxi when he was struck by an uninsured driver, who had been drinking, who was almost definitely on a mobile phone, and who did not stop. The taxi driver and a man who had been out running alerted the emergency services and provided initial CPR. Tom was taken to Derriford Hospital, but died shortly after, from head injuries.



After fleeing the scene, the driver drove for some considerable time before he torched the car – he handed himself in around seven hours later. The driver was charged with Perverting the Course of Justice, Failing to Stop, Driving Whilst Unfit and having no insurance – receiving a 10-month custodial sentence and a driving ban of 3.5 years with an extended retest. He only served 3 months and 3 weeks in prison. An appeal for an unduly lenient sentence was not successful.

Tom was a much-loved son, brother, partner, friend, relative and colleague; he is greatly missed by everyone. He was 34 years old.

### Charlotte McConnachie (Tom's mother)



*"Christina (Tom's partner) and I have done a petition which we called Tom's Law. We want police officers to be able to provide a suspension notice on a driving licence from the moment a person is caught and fails a drink or drug test, or is caught dangerous driving, until they appear in court. Whilst it is possible for police to do this as part of bail conditions, this is very rarely used. The offender who killed my son, Tom, was allowed to continue driving for approximately 10 months before the courts suspended his licence. I was utterly appalled and astounded to find that the offender, and other people who are caught drink or drug driving, are allowed to drive immediately upon release from police custody. This means that they could do exactly the same thing again. It can take a long time before the cases get to court and in all that time, these drivers are allowed to drive without care or conscience to other road users."*





# CALL FOUR: APPROPRIATE TERMINOLOGY

## THE CALL

For the word collision (or crash) to be used, and not accident, in the introduction of any new legislation, as a minimum. Ideally, this change in wording would apply to all motoring offence legislation.

## THE NEED

Existing road traffic legislation refers to 'road traffic accidents' and this term was embedded across society – yet, it is both an inaccurate and inappropriate term. For decades, road safety and public health campaigners have advocated for the use of the words collision or crash instead, something which is strongly supported by the emergency services.

The term 'accident' implies that something could not have been helped or was inevitable. This is rarely the case with road traffic collisions and, where culpability is proven, victims and their families can find the term highly offensive. Referring to such collisions as accidents, totally fails to acknowledge that a criminal act has taken place, and the catastrophic impact such collisions have on those bereaved or injured.

With 'hit-and-run' collisions, a driver has made a conscious choice to leave the scene, with the knowledge that they have left someone seriously, if not fatally, injured – this cannot and should not be described as an accident.

This is why we believe this change in terminology is particularly justified with our proposed new offences of failing to remain at the scene of a fatal or serious injury collision. We acknowledge that in rare cases, often involving HGV drivers, it is possible to genuinely be unaware that you have had a collision. However, the cases we are talking about involve drivers knowingly leaving the scene, where there is clear evidence to suggest that the driver knew they had been in a collision – such as significant car damage.

It has now been over fifteen years since the Crown Prosecution Service introduced the policy of referring to collisions rather than accidents.

The Media Reporting Guidelines for Road Collisions<sup>1</sup>, developed in 2020, stress the importance of avoiding the word accident until the facts of a collision are known. In 2022, the DfT announced it would adopt the policy of referring to road traffic collisions rather than road traffic accidents.

It is important to note that the terms 'collision' and 'crash' are still neutral, and do not apportion blame – rather they are simply more accurate and sensitive.

## THE RESULT

Justice would be better served – with sensitive and appropriate terminology used, which is no longer underpinning a culture that accepts road traffic collisions as inevitable.

<sup>1</sup> <https://www.rc-rg.com/guidelines>

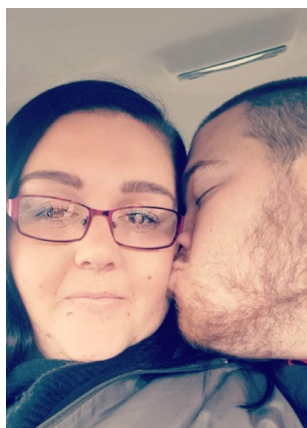
## ADAM CUMPSTY

Adam Cumpsty, aged 30, was killed by a speeding, drink and drug driver, who did not remain at the scene. Adam, and his wife, Hayley, had been working delivering takeaway orders. Adam was crossing the road to collect an order, when he was hit. Hayley witnessed the collision.

The driver and his passenger fled the scene, abandoning the vehicle, which was discovered the next day. The police had some difficulty in identifying who had been the driver. Eventually, the driver entered a guilty plea to Causing Death by Dangerous Driving. However, he then went on the run for three months.

After trial, the passenger was found guilty of Causing Death by Dangerous Driving in that he aided, abetted, counselled or procured his co-defendant to Cause Death by Dangerous Driving. Both were sentenced to 8 years and 6 months in prison, and banned from driving for 15 years.

Hayley has described Adam as a big kid at heart, always willing to help anyone, kind and hard-working.



**Hayley Cumpsty (Adam's wife)**

*"I never for one-minute thought anyone deliberately set out to kill my husband that day, because yes, accidents do happen. However, leaving a wife cradling her dead husband's body isn't an accident, driving away knowing what you've done isn't an accident, not having an ounce of empathy for the life sentence you've just served upon an innocent family isn't an accident. These are all choices made by individuals and this is why this shouldn't be referred to as an accident."*

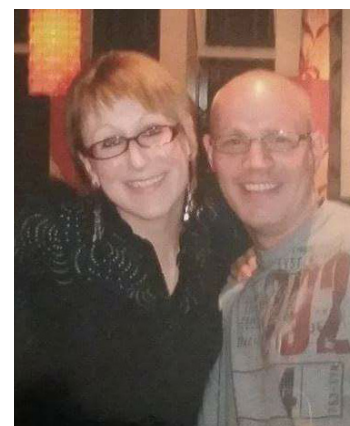
## PETER PRICE

Peter Price was hit by a speeding, hit-and-run driver on 29th November 2014. The driver had been doing 93mph on a 40mph road. Even as the driver fled the scene, and with significant damage to his car, he continued to speed. The driver stopped around one third of a mile away, before switching seats with his girlfriend (because he knew he was not insured), concocting a story, and then phoning the police to say he thought his girlfriend may have hit an animal.



Despite the best efforts of witnesses, emergency services, and air ambulance doctors, Peter died at the scene. Peter was a much-loved son, big brother, partner, nephew, cousin, friend and work colleague. He was just 39 years old.

The driver was eventually charged with Causing Death by Dangerous Driving, and after appeal for an unduly lenient sentence, received 4 years and 6 months in prison, with a 5-year driving ban. He served just 2 years and 3 months in prison. The driver was not charged with Fail to Stop, rather this was treated as an aggravating factor. However, the fact the driver left the scene was barely mentioned in court, and it is not clear that he received any additional punishment for this. Peter's family never received an apology from the driver.



**Lucy Harrison (Peter's sister)**

*"My brother, Peter, was struck on a crossing, by a speeding, uninsured driver. There is nothing about my brother's death that was accidental. The driver didn't accidentally do double the speed limit, he didn't accidentally drive away without even calling for an ambulance, and he didn't accidentally lie to the police. People constantly said to me, 'I'm so sorry to hear about your brother's accident.' I, and my family, found this incredibly painful – people may mean well, but this term totally fails to appreciate that Peter's life was ended in a criminal act. The police investigation was so clear – had the driver not been speeding my brother would have never even been hit, let alone killed."*

*You will not ever hear anyone say there was a 'plane accident' or a 'train accident' – it is always crash. I do not know why we use such poor terminology when it comes to describing road deaths."*

Number of Killed or Seriously Injured in reported road collisions where at least one driver/rider did not stop at the scene, England and Wales: 2021

Police Service	Killed	Seriously Injured	Killed/ Seriously Injured	Police Service	Killed	Seriously Injured	Killed/ Seriously Injured
Avon and Somerset	1	21	22	Merseyside	3	80	83
Bedfordshire	0	21	21	Metropolitan Police	12	747	759
Cambridgeshire	2	23	25	Norfolk	1	9	10
Cheshire	23	18	21	North Wales	2	17	19
City of London	0	14	14	North Yorkshire	0	12	12
Cleveland	0	23	23	Northamptonshire	0	16	16
Cumbria	0	2	2	Northumbria	2	49	51
Derbyshire	7	37	44	Nottinghamshire	4	36	40
Devon and Cornwall	0	29	29	South Wales	0	10	10
Dorset	2	19	21	South Yorkshire	2	75	77
Durham	0	21	21	Staffordshire	1	9	10
Dyfed-Powys	1	14	15	Suffolk	0	3	3
Essex	2	34	36	Surrey	2	49	51
Gloucestershire	0	15	15	Sussex	1	79	80
Greater Manchester	10	101	111	Thames Valley	4	32	36
Gwent	1	10	11	Warwickshire	1	17	18
Hampshire	0	27	27	West Mercia	3	39	42
Hertfordshire	0	27	27	West Midlands	0	68	68
Humberside	1	35	26	West Yorkshire	4	115	119
Kent	3	44	47	Wiltshire	0	13	13
Lancashire	1	59	60	England & Wales TOTAL	80	2,132	2,212
Leicestershire	1	24	25				
Lincolnshire	2	21	23				

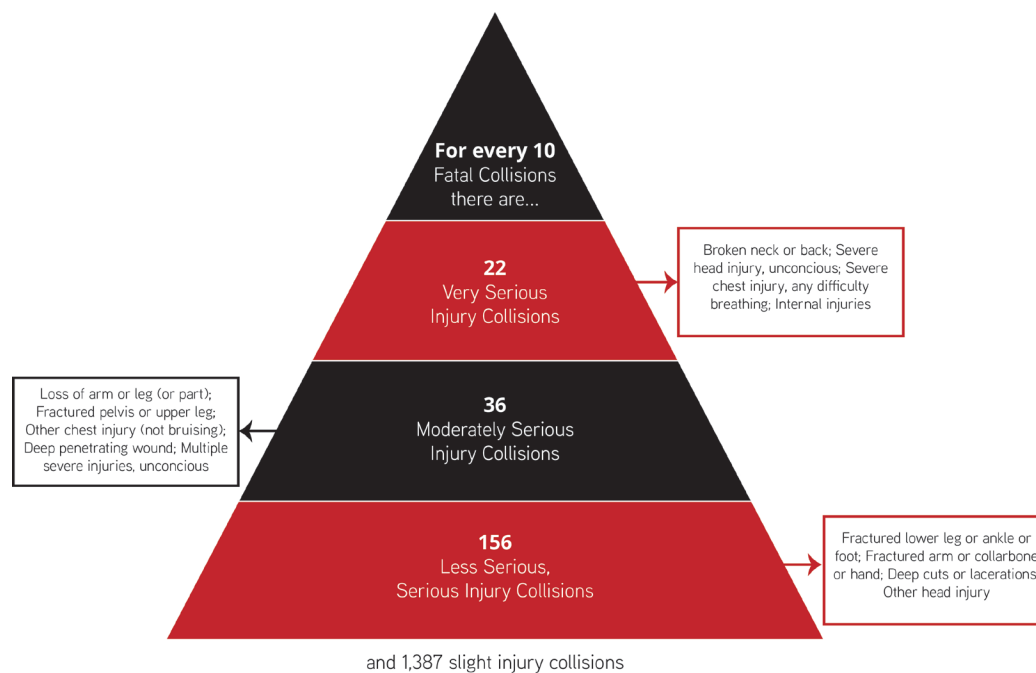
Source: DfT (2022)

We are calling for new charges of:

- Failing to remain at the scene of a serious injury collision
- Failing to remain at the scene of a fatal collision

As shown in this graphic, there are many more collisions where people suffer grievous and life changing injuries, than are killed in collisions where drivers have failed to remain at the scene.

These statistics are based on those police services that report to DfT using their CRASH (Collision Recording and Sharing) system which provides further information on the injuries sustained.





# A FINAL NOTE

Having a loved one killed or seriously injured in a road traffic collision is horrific – for most families this will be the worst moment of their entire lives. Finding out that their loved one was knowingly abandoned by a driver, makes this even worse.

We know that such drivers do not set out to intentionally kill or injure - but their behaviour in choosing not to remain at the scene is an intentional act. These drivers are not running away from a dent in a bumper, they are deciding to abscond, leaving a human being with serious injuries, without help. This choice can mean the difference between a person surviving and dying. Our laws do not currently reflect this as well as we believe they should.

Thank you for taking the time to read this information. We want to see a justice system which views failing to remain at the scene of a fatal or serious injury collision with the cruelty and criminality it deserves – and it is our hope that you do too.

In addition to legislative changes, our campaign covers ensuring thorough investigations, monitoring of outcomes and better treatment of victims. If you would like to know more about Remain and Report, please contact us on the email addresses below:

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