

Joint response to London Assembly Police and Crime Committee review into road traffic crime from CTC, Living Streets, London Cycling Campaign, RoadPeace, Road Danger Reduction Forum, Sustrans, and 20's Plenty for Us.

22 January 2016

Introduction

As organisations representing active travel road users, road crash victims and supporting sustainable transport and road danger reduction, CTC, Living Streets, London Cycling Campaign, Road Danger Reduction Forum, RoadPeace, Sustrans, and 20's Plenty for Us, welcome this review into road traffic crime and traffic law enforcement.

We are active on TfL's road safety working groups. This includes the

- cycle safety working group (CTC, LCC, RoadPeace, Sustrans)
- pedestrian safety working group (Living Streets, RoadPeace, Sustrans, 20's Plenty for Us)
- enforcement sub group (LCC, RoadPeace, Sustrans)
- TfL Safe Streets for London Steering Group (Living Streets, LCC, RoadPeace, Sustrans)
- New London Freight Enforcement working group (CTC, LCC, RoadPeace)

We also organised *the [Road danger reduction and enforcement in London: how police can promote walking and cycling](#)* conference held in November 2014, which was chaired by Jenny Jones, London Assembly member and included presentations from the MPS and TfL.

Whilst roads policing has become one of [TfL's six priorities](#), the current [MOPAC crime and policing plan](#) does not refer to road crime. None of the Mayor's seven priority crimes involve road crime. Theft to/of vehicle related theft qualifies as a priority but not death, injury and intimidation caused by road traffic crime.

The London Assembly Police and Crime Committee have posed three key questions in this review. Our response focuses on the challenges facing those walking and cycling who face disproportionate risk/threat. In London (2014), pedestrians and cyclists accounted for the majority of those killed in crashes (77 of 127) and those seriously injured (1,134 out of 2,040) but these two modes posed very little danger to other road users. It is also the case that the safety of all road users would benefit from successful treatment of the problems we refer to.

Q1: What are the key crime and anti-social behaviour challenges facing London's road network?

Key challenges include:

Deterring criminal and anti-social behaviour

- Careless/Dangerous driving, including
 - overtaking cyclists too closely
 - turning across the path of vulnerable road users, including failing to give way to pedestrians at side roads
 - opening car doors in the path of cyclists
- Drivers using mobile phones
- Dangerous driving, including being prosecuted as careless driving
- Speeding (both above the speed limit and inappropriately for the road)

- Intimidation caused by drivers which is a significant deterrent to people's natural enjoyment and usage of London's streets
- Uninsured driving, which is also believed to be concentrated in certain boroughs
- Lack of priority for non-notifiable crime offences (which almost all driving offences are)
- Limited traffic law enforcement resources
- Driving offences that fail to define or punish criminal and anti-social driving behaviour, especially that which poses risk to those more vulnerable.
- Police focusing disproportionately on behaviour of pedestrians and cyclists, including police stopping them and giving inappropriate advice
- Action by the Traffic Commissioner in cases where HGV operators have a poor safety record

Post-crash response

- Limited collision investigation capacity and lack of priority
- Hit and run collisions (failing to stop/report), which rose in both 2103 and 2014, and which show much greater incidence in some boroughs

These challenges are exacerbated by the continuing rise in London's population and changes to the make-up of traffic. For example, the increase in van traffic, private hire vehicles, cycling and walking all sharing finite road space.

Q2: How successful are the initiatives underway to address illegal, anti-social and dangerous driving and road user behaviour on London's roads?

We note, and welcome, that the number of deaths and serious injuries reported in London have decreased significantly (down 42%) between the 2005-2009 baseline and 2014. We are not, however, aware of evidence showing the extent to which enforcement activities are contributing to this. Thus we believe the effectiveness of the attempts to reduce criminal and anti-social driving is uncertain. What is certain is TfL's increased commitment to traffic law enforcement, with it now being one of [TfL's six priorities in road safety](#), as mentioned previously.

TfL has agreed to produce an annual traffic law enforcement report. The first report is to cover 2014 but has yet to be published.

We note that the data on road traffic crime resulting in casualty remains incomplete:

- Drink driving—the DfT reports that only 31% of casualty collisions in London have drivers breathalysed, [compared to an average of 51% for England](#).
- Drug driving—Whilst all road fatalities (victims) over the age of 16 are tested for drink and drugs, very few of the drivers involved are tested for drugs. The MPS has recently begun testing commercial vehicle drivers after a crash for drugs.
- Eyesight—a driver's eyesight is checked if they are involved in a fatal crash, but rarely after an injury crash.
- Speeding—understanding the role of speeding in a collision is hindered by the lack of skid marks and limited investigation efforts.

We note that, the majority of road collisions (those which do not require reporting to the police as they do not involve personal Injury) and behaviours which do not result in collision can also involve road traffic crime.

The extent of speeding is also unknown in London. Whilst the DfT compiles annual estimates, TfL does not. It is currently not possible to know if compliance with speed limits is getting better or worse in London. Speed enforcement is limited and largely done by cameras. The rare enforcement

of speed limit by police officers in London has led to [RoadPeace](#) questioning their role in approving 20 mph speed limits.

The need for key performance indicators (KPI) was highlighted at our November 2014 conference on [Road Danger Reduction and Traffic Law Enforcement in London: How policing can promote walking and cycling](#). We proposed several KPIs, including surveys into the level of confidence in police reducing road danger.

We understand that, with their investment in the MPS Roads Transport and Policing Command, TfL agreed key KPIs with the MPS, but we have yet to see any such KPI published for public scrutiny.

Q3 What more could the Mayor, Transport for London and the Metropolitan Police Service do to reduce illegal, anti-social and dangerous driving and road user behaviour on London's roads?

Illegal and anti-social behaviour involving vehicles should be treated as other types of illegal and anti-social behaviour. This is not the case at present. For example, no data on driving offences or road crashes is included in the community presentations by the Safer Neighbourhood Boards even though such data has been repeatedly requested from the Southwark Safer Neighbourhood Board.

Deterring criminal and anti-social behaviour

1. **Treat road crime as crime and include in crime statistics.** London should lead the way in including key summary motoring offences in their definition of crime. This should include the offences that cause injury, such as careless driving, drink driving, disqualified driving, and hit and run.
2. **Adopt a harm reduction approach** with the focus on reducing danger posed to vulnerable road users (pedestrians, cyclists and powered two-wheelers). At TfL's request, in 2015, RoadPeace, Living Streets, Sustrans and 20s Plenty for Us produced a briefing on what the police should say (and not say) to pedestrians. Resources should be deployed to tackle the sources of road danger (dangerous and careless driving), while police officer training should address
 - a. the problem of "victim blaming"
 - b. the reasons for 20mph and active travel
 - c. the ways in which intimidation by drivers and an assumption that "might is right" is a daily part of the experience of being a pedestrian and/or a cyclist in London and that this has a resulting impact on the confidence that people have of walking and cycling.
3. **Produce annual reviews.** Total traffic law enforcement efforts (court prosecutions, FPNs, NDORS, identification of hit and run offenders) should be reported by borough. This should not be limited to the statistics but also include an assessment of progress made in tackling criminal and anti-social driving.
4. **Commission research into**
 - a. The effectiveness of traffic law enforcement, including Operation Safeway.
 - b. Hit and run (failing to stop/report) collisions and what could be done to reduce the growth in incidents, including with detection and identification of drivers. Analysis of boroughs with significantly higher offending rates is also needed.
 - c. Outliers among boroughs in the collision data (notably when measured as a rate of pedestrian and cyclist KSIs against billion kilometers travelled by them). High

incident rates involving pedestrians have been noted by TfL in NW London and cyclists in SE London.

5. **Speeding.** Obtain robust data on vehicle speeds in free flowing traffic in relation to the nine streets types that form the RTF Street Hierarchy. Making use of this data, to set out a strategy of enforcement that makes use of speed cameras, police enforcement, engineering changes and community road watch to move towards compliance with speed limits across London.
6. **Driving offence review.** Request that the Government includes the definitions and charging standards, as well as the sentences, for bad driving offences in its review of road traffic offences and penalties, given that the lack of clarity over the distinction between 'careless' and 'dangerous' driving frequently results in driving being described as mere 'carelessness' when it has caused obviously foreseeable danger. This in turn leads to derisory sentences which undermine the messages about the importance of driving safely.

Post-crash response

7. **Increase transparency and accountability of the police in collision investigation.** This should include
 - a. Publish the outcome of collision investigations. It should be possible to know how often drivers were prosecuted in cases where a pedestrian or cyclist was killed or seriously injured.
 - b. Publish the investigation procedures and resources allocated to collision investigation.
 - c. Collate and publish reasons for "No Further Action" by police, as well as the number of complaints and appeals by crash victims.
 - d. Release press release after every road death or trial for causing death by driving.
 - e. Conduct an independent review of the fatal and injury collision investigation process
 - f. Better joined up working with the Health and Safety Executive, DVSA and the Traffic Commissioner where appropriate to ensure lessons are learned.
8. **Conduct surveys on the level of confidence.** This is a key indicator monitored by the police. But it is not extended to include road crash victims or vulnerable road users nor does it ask about level of confidence in traffic law enforcement and collision investigation. This is needed.
9. **Establish a working group** with police, victims and campaigners, to promote community confidence in the police and wider justice system.
10. **Ensure road crash victims are treated as victims of crime,** until the contrary is proven. No support services have yet to be commissioned for them by MOPAC. At present, a national guide is provided to bereaved families but no such guide is provided to the injured. RoadPeace has offered to work with the police to produce these. And the MPS should ensure victims are aware of their right to appeal the police decision not to prosecute. This must include information on this right provided on their website.
11. **Include victims of road traffic crime in victim of crime statistics.** No data is currently collated or published on the number of people killed or injured by road traffic crime.

Going forward

Whilst this review is welcomed, it should be extended and opened to the public.

A new policing and crime plan will be developed under the next Mayor. It is essential that the traffic safety concerns are included in the consultation and borough engagement.

More information is available. Representatives of the organisations will be attending the February committee meeting

