



Road Justice: A guide for local campaigners in England and Wales

1. Introduction

The Road Justice campaign aims to change the way the criminal justice system handles bad driving in order to make the roads safer for cyclists and other vulnerable road users. The campaign aims to get the police, prosecutors and the judiciary to take a tougher approach to bad driving in order to raise driving standards, remove the worst drivers from the roads, and, ultimately, protect the public.

This guide for local campaigners shows you how to further the objectives of the campaign in your area. The campaign's objectives and the role of the campaigner in achieving those objectives are outlined in sections 2 and 3. The campaign strategy is explained in section 4, including the next steps for campaigners to take. Advice on how to take those steps is given in sections 5-7. Guidance on understanding the legal framework is in section 8.

2. About Road Justice

The campaign has three key objectives:

- 1) To ensure the police conduct thorough investigations of all collisions involving injury and death;
- 2) To ensure the police and prosecution services make appropriate charging and prosecution decisions;
- 3) To ensure sentences are issued that reflect the severity of an offence and discourage bad driving.

2.2. Campaign reports

There are three campaign reports that relate to each objective. They outline the problems with the criminal justice system and contain recommendations for improvements, they are:

- The Role of the Police (main target audience = the police)
- Charging and Prosecution (main target audience = the police, Crown Prosecution Service, the Ministry of Justice and the Home Office)
- The Courts and Sentencing (main target audience = the Sentencing Council, the judiciary, and the Ministry of Justice)

The reports can be downloaded from roadjustice.org.uk/road-justice-reports

The campaign uses stories of bad driving made via the campaign website (roadjustice.org.uk/report) as evidence of the lenient attitude to driving offences. Several stories are contained within the campaign reports.

3. The role of the Road Justice campaigner

Road Justice campaigners are responsible for influencing the police at the local level and holding them to account to their pledges to implement the campaign's recommendations for improved roads policing. Campaigners should develop constructive relationships with the police to reduce road danger to cyclists.

Campaigners are also responsible for tracking and attending court cases and reporting information about court cases to the campaign coordinator. Campaigners also make contact with road crash victims to let them know about the campaign and how they can get involved.

Campaigners can choose whether they want to engage with the police, attend court cases, or both.

4. Campaign strategy

At the national level, CTC works with other campaigning organisations, including the Cyclists' Defence Fund, RoadPeace and British Cycling, to lobby for changes to the justice system. This includes membership on the Justice for Vulnerable Road Users Working Group. Other members of this group include government departments and agencies whose responsibility it is to protect road users and create a fair justice system, including the Department for Transport, the Ministry of Justice, the Home Office, the Crown Prosecution Service, and the Sentencing Council.

CTC responds to consultations on proposed changes to road traffic legislation and sentencing; encourages MPs to support calls for a better justice system; and works to influence Ministers within the Home Office and Ministry of Justice to make much needed changes to the system.

CTC has developed a relationship with policing bodies such as the Association of Chief Police Officers and the College of Policing and is working on strengthening these relationships.

4.1. Objective 1: To ensure the police conduct high quality investigations of all collisions involving injury and death

The first campaign report ('Road Justice: The Role of the Police') highlighted the issues with road justice to police forces and urged them to make improvements. Police forces were asked to pledge to implement the campaign's recommendations. The pledges were recorded on a map, which can be seen at roadjustice.org.uk/police-petition-map. This map is updated regularly to reflect changes in police support for the campaign. It should be used by campaigners to track how their force has responded. Campaigners should keep the campaign coordinator informed of their work with the police so that the map can be updated.

A petition was set up after the report was published calling on the police to implement the campaign recommendations. The petition was signed by over 12,000 people and delivered to the national policing lead for cycling. Within nine months, over two thirds of forces responded to the campaign, with 85% of those that responded supporting some or all of the recommendations.

The campaign is working with the College of Policing and the Metropolitan Police Service to improve roads police training and online reporting of road crime.

Next steps at the local level: The next stage of the police influencing strategy is for Road Justice campaigners to engage with their local police force and local Road Justice campaigners to hold the police to account to their pledges and to work with them to implement the recommendations.

4.2. Objective 2: To ensure the police and prosecution services make appropriate charging and prosecution decisions

The second campaign report 'Road Justice: Charging and Prosecution' outlines how practice needs to change to ensure the right charging decisions are made in road crime cases. The report has been delivered to the CPS, the Magistrates Association, and justice ministers.

The Government has announced a review of driving offences and penalties, which CTC will contribute to. CTC will also contribute to the forthcoming reviews of Magistrates' sentencing guidelines for driving offences and the Sentencing Council's sentencing guidelines for more serious driving offences.

Next steps at the local level: The next stage in ensuring appropriate charging and prosecution decisions are made is a) for cyclists to pressure the police to bring appropriate charges and b) for local campaigners to attend road crime court cases.

4.3. Objective 3: To ensure sentences reflect the severity of an offence and discourage bad driving

The third campaign report 'Road Justice: The Courts and Sentencing' outlines improvements that can be made to sentencing guidelines without changing the legal framework.

The report was launched at a debate on sentencing held by CTC in June 2014, where the recommendations were discussed by a panel of legal experts. The aim of this debate was to influence the Sentencing Council's review of sentencing guidelines for serious driving offences.

Next steps at the local level: The next stage at ensuring appropriate sentences are imposed is for local campaigners to attend court cases in order to gather cases that result in lenient sentences and to record factors that lead to lenient sentencing. It is also important to attend court cases to make contact with victims who might not know about the existence of the campaign but who may want to campaign for more appropriate sentences and a better justice system overall.

5. Working with the police

In order to achieve real change, senior police officers and lower rank police officers must be aware of, and supportive of, the need for improvements in roads policing. Campaigners should, therefore, aim to engage with as many layers of policing as possible in order to get the police to implement the Road Justice recommendations.

Campaigners should use the reports 'The role of the police' and 'Charging and Prosecution' as a basis for discussions with the police, but campaigners should be aware that locally specific problems may require slightly different solutions to those presented in the reports. The police may say that they do not need to implement several of the recommendations as they think the force is already operating to a high standard. It is advisable to go to meetings armed with local case studies that demonstrate the contrary, and to request evidence that the force is operating to a high standard if this claim is made.

To initiate engagement with the police, campaigners should arrange a meeting with someone in a leadership role, such as a Chief Constable or Head of Roads Policing. This can be done by writing a letter requesting a meeting which outlines concerns and topics to be discussed.

At least two people from a campaign group should attend the meeting to divide the workload. One person should take minutes. Campaigners should have clear objectives for the meeting (e.g. Do you want roads police officers to join a group ride? Do you want the police to take a look at the case studies you present? Are there other specific actions you want the police to do?). Make sure clear actions are decided at the end of the meeting and that everyone is aware of them. Keep the dialogue open by arranging a further meeting.

5.1. Police roles

The Home Office

The role of the Home Office is to set the legal, structural, financial and accountability framework for policing but not to interfere with local policing. Under the Coalition Government, local police have been given much greater powers and have been made directly accountable to local people through the election of Police and Crime Commissioners, instead of being accountable to the Home Office.

Police and Crime Commissioners (PCCs)

PCCs are responsible for holding Chief Constables (CC) and the force to account to the public they serve, but cannot get involved in operational policing matters, in other words, they cannot tell the police how to do their job. They set the police and crime objectives for their area through a police and crime plan based on local priorities developed in consultation with the CC, communities and partners. They also set the force budget and police precept (for more detail on the role of PCCs see apccs.police.uk/role-of-the-pcc and gov.uk/government/collections/police-and-crime-commissioners-publications).

PCCs are elected officials and are accountable to the public. You can find out who your PCC is, obtain their contact details, and download the police and crime plan by going to apccs.police.uk/find-your-pcc. In London, the PCC role is undertaken by the Mayor's Office for Policing and Crime (MOPAC), which is headed by the Mayor or Deputy Mayor for Policing and Crime.

Chief Constables (CCs)

Chief Constables (CCs) are responsible for police officers and staff and are accountable to PCCs. CCs provide professional advice and recommendations to the PCC on allocation of the police budget. This website <http://www.ceoemail.com/uk-police-chiefs.php> has some, but not all, contact details for CCs.

Roads Policing Units (RPU)

RPU are responsible for casualty reduction, counter-terrorism, reducing anti-social use of the roads, denying criminals use of the roads, and reassuring the public through high-visibility patrolling of the road network. The Head of the Roads Policing Unit holds is a Chief Inspector.

Collision Investigation Units (CIUs)

The Collision Investigation Unit (CIU) is a sub-unit of the RPU. The CIU conducts investigations in all fatal and very serious collisions. CIUs are made up of specially-trained collision investigation officers.

Road safety partnerships

Road Safety Partnerships are local multi-agency partnerships comprising county councils, the fire service, the police, the health service, the youth service, the voluntary sector, and the Highways Agency. They were established in 2007 after the government launched the Road Safety Partnership Grant scheme to encourage councils to work with other public sector organisations in order to reduce road casualties through innovative approaches and sharing of good practice. In addition to meeting with the police, a meeting with the Road Safety Partnership would be useful to discuss whether the targeted campaigns they are running are capable of improving cyclists' safety and whether there is scope for improvement.

6. Tracking and attending court cases

It is important that Road Justice campaigners attend court cases for the following reasons:

- a) To increase understanding of how the judicial process works and gain insight into the experience of road traffic victims and their families
- b) To get accurate and timely information about a case
- c) To make contact with victims and let them know about the Road Justice campaign

Cases can take months and even years to come to court. There can also be long delays between hearings and there may be several preliminary court hearings before a trial actually begins. Preliminary hearings can include: a hearing to present the charge; a plea hearing; and one or more case management hearings. The numerous preliminary hearings can be frustrating for the campaigner and even more so for the victim. It is, therefore, recommended that campaigners contact the court house before the case to know exactly what kind of hearing is coming up. It is OK to miss a preliminary hearing, but the trial should be attended. If campaigners can't attend every day of the trial, or can't attend any day of the trial, try at least to attend the sentencing hearing.

Trials for the most serious offences (i.e. causing death by driving and dangerous driving) can last several days. It is therefore advisable that a group of people attend the trial, with one person going each day and reporting back to the group. If it is not possible to attend the trial, then campaigners should try to follow the trial through the local media, who will likely release news reports each day.

Campaigners should let the campaign coordinator know when they are planning on attending a hearing and feedback what happened at the hearing as soon as possible. Some campaigners choose to write blog posts about court cases, which is an excellent way of educating others about the judicial system and of digesting and interpreting what they have experienced in court (see for example <http://www.cyclesheffield.org.uk/2014/07/21/10376/>).

www.courtserve.net – This is the website for finding out about upcoming court hearings. To find out information about a hearing, campaigners will need to know the defendant's full name and, if possible, the charge. Details of court appearances (i.e. time and court room number) are only confirmed and

uploaded to the site after 15:30 the day before the planned hearing. Alternatively, call the court house for information after 15:30 the day before the planned hearing.

Approaching victims is not easy but it is important to make contact so they know where to come if they want to join the campaign. Let them know they can make contact with the campaign coordinator via the Road Justice website contact form.

Rules on court reporting:

- Let campaign followers know you are attending a court hearing by tweeting prior to the hearing, remember to use the hashtag #RoadJustice.
- You are not allowed to report anything from the court house as the hearing is in progress.
- You are not allowed to take photos or sketches of a witness or justice in the courtroom or its precincts, but you can take a photo of the court building from outside or of yourself outside the court. Please send any photos to the campaign coordinator. You can ask for permission from the clerks to take notes during a hearing, although they are not obliged to give it.
- Audio or visual recordings of court proceedings are forbidden.
To avoid any accusations of contempt of court, any public reporting should wait until the trial has concluded. For more information see http://www.cps.gov.uk/legal/a_to_c/contempt_of_court/

7. Publicity

- *Publicity materials:* CTC can provide the following Road Justice materials on request: T-shirts, postcards, fridge magnets, and reports.
- *Press releases:* Advice on writing press releases and getting them noticed by journalists can be found in CTC's local campaigners information kit at www.ctc.org.uk/local-campaigners/ctc-local-campaigners-information-kit/campaigning-skills-and-tactics/media-advice
- *Social media:* If you use social media, remember to post about any Road Justice campaigning that you do and include photos, always use the hashtag #roadjustice.

8. Understanding the legal framework

It is important for campaigners to understand the legal framework in order to:

- grasp the rationale behind CTC's recommendations to improve the justice system
- feel confident discussing the issues with the press, decision makers, and the public
- listen critically to what is said during court cases

The best way to understand the framework is to read the Road Justice campaign reports and CTC's briefings relevant to Road Justice, which can be downloaded from www.ctc.org.uk/campaigning/views-and-briefings. It is also important to stay up to date with news stories about the justice system by regularly checking the CTC Road Justice news pages at www.ctc.org.uk/campaign/road-justice

One final thing – please keep the campaign coordinator updated on all campaigning activity related to Road Justice.