



● (In the photo) This is a set-up shot, of course, as we didn't want to risk harm to photographer Seb Rogers!



DIGITAL WITNESS

*Video evidence should make it straightforward to report bad driving. CTC member **David Brennan** examines how cameras can help cycle commuters* »



All point-of-view photos © Seb Rogers

● A camera is 'just in case'. Most footage can be over-written

VIGILANTE. TROUBLE MAKER. Pedal-Al-Queda cyclist. Over the last eight years, I've been called all of these names and much worse. Why? I choose to wear a video camera on my cycle helmet and a rear-facing camera on my bike and dare to ask some irresponsible drivers to drive more carefully around me. When I first started using cameras back in 2007, I was among a handful of cyclists who wanted to use them to collect evidence of bad driving. At the time, there were no videos of close passes, left hooks, road rage, or abuse. Little did we know that we were at the start of something bigger.

Fast-forward to today and there are thousands of cyclists who routinely use helmet cameras. Some, like myself, post incidents on YouTube, but many don't. Many just wear the cameras for proof should an incident occur. While cycling is generally a safe activity, the roads can feel like a dangerous place, mainly because the majority of them aren't designed with people on bikes in mind. Many of us in CTC, including myself through Pedal on Parliament (pedalonparliament.org), are campaigning to make the roads safer. Until we succeed, helmet cameras are a useful tool.

There is a growing feeling that it is incredibly difficult to secure justice as a cyclist, should something bad happen to you on the roads. Derisory sentences and drivers being found innocent occur all too often when cyclists are killed or injured in

collisions, as has been amply documented on CTC's Road Justice campaign website (roadjustice.org.uk).

Caught on camera

Can cameras play a role in bringing about justice? It's a question I've been exploring over the last few years. My commute is fairly long, on a mixture of urban and country roads, and I've faced my fair share of bad driving and abuse. On occasions, drivers have seriously endangered me, threatened me, or shocked me. When these incidents occurred, I have taken video evidence to the police. I've had mixed results from doing so.

When I first started reporting incidents to the police, it wasn't unusual to be told 'You weren't hit so there is nothing we can do' or 'Don't you think you should be riding further to the left?'. Once I was threatened with arrest because the officer told me I wasn't allowed to film in public, and that car registrations were private. This was false.

Things have improved, however, and the police in my area (Police Scotland) do now take my reports seriously. I have had two convictions, one for careless driving and one for dangerous driving, and a few cases ongoing that I can't share. I've also had cases dropped for non-camera related technicalities, and there have been cases where I feel that dangerous driving would have been more appropriate than the over-charge of careless driving.

The picture is mixed across the country.

That is part of the reason why CTC set up the Road Justice campaign and the Cyclists' Defence Fund (CDF). Road Justice aims to strengthen road traffic law and the legal system's responses to incidents of bad driving. CDF is a CTC-subsidary charity that covers all aspects of cycling and the law. This includes providing support for individuals' fights for justice in cases which could help change how the legal system operates. I asked Rhia Favero from the CDF if she felt that helmet camera evidence was helpful.

'Footage can be extremely useful,' she said, 'because it's like having an independent witness to an incident, but first the police need to be more open to accepting it. I hear reports from CTC members that the police often refuse to charge drivers, saying that helmet camera footage cannot be treated as independent evidence, even though there have been plenty of successful convictions that prove the opposite. Or the police may claim that the cyclists' footage doesn't give a clear enough view of the incident, or that it might have been edited so that incriminating evidence is removed, or it's too blurry or dark.'

'I have a feeling that the police are reluctant to accept footage because they don't have the staff to view it, and perhaps fear that if they start accepting footage they will have an influx of emails with YouTube links.'

Reviewing the evidence

So is it true that the police find it difficult to cope with this new type of evidence? It





● Don't look for trouble, look out for it
● Roadhawk Bullet R+

“Video footage is like having an independent witness to an incident, but first the police need to be more open to accepting it”

» seems that way in London, which has one of the highest concentrations of cyclists in the country and, as a result, the highest concentration of helmet-camera cyclists. When I spoke to Simon Castle from the Metropolitan Police Cycle Safety Team, he stressed that it can be difficult to cope due to the systems as they are currently set up.

‘Unfortunately, we don’t have money to update our computers,’ he said, ‘and our current IT won’t play YouTube videos. We have to watch them on iPads or similar, which is far from ideal.’

So while many incidents in London are reported, the police lack the resources to respond. This understandably leads to frustration. However, Simon said that they are keen for cyclists to report incidents to them. They can’t always respond to individual incidents but they can use the data.

‘The police are demand-led,’ he said, ‘and the public want us to do more to make the roads safer. That’s why we are investing in a new digital platform to record this data. With large amounts of data, we can build a bigger picture that we can use to plan policing.’

These resources would allow the police to identify and prioritise locations where offending is particularly prevalent. For instance, the Met have organised visits to specific companies whose drivers have attracted multiple complaints.

There is a mountain to climb but there does appear to be grounds for optimism in London. I have seen positive changes here in Glasgow too. The situation across the country remains very patchy, with some forces not taking a positive approach.

Justice for cyclists

It can be difficult to have cycling incidents taken seriously, irrespective of who you are or what your experience is in criminal law. For example, Martin Porter, himself a QC and experienced in criminal law, had great difficulty getting a case prosecuted by the Crown Prosecution Service (CPS) where a driver had openly threatened him on camera. Initially the CPS refused to take the case to court due to its belief that conviction was unlikely. Martin convinced them to proceed, due to his determination and knowledge of the law. The driver was later convicted.

I have had similar issues, although in Scotland it is the Procurator Fiscal (PF) and not the CPS. The PF in the past decided only to serve warning letters in what were, in my opinion, serious cases of dangerous driving. Things have improved over the last year or so, with a greater understanding of what helmet camera evidence has to offer. There is still a tendency to charge with careless driving where dangerous would be more appropriate. Communication with witnesses



has been terrible too. I’ve had a complaint upheld over poor communication from the PF.

Yet it need not take a law degree or steely determination to secure justice in a cycling incident. Organisations like the CDF can help. Rhia elaborated: ‘I would advise everyone to read CTC’s briefings “What to do if you’re involved in a road crash” and “Pursuing claims and cases against bad drivers”. They’re downloadable from the Road Justice campaign website roadjustice.org.uk/information/crash. I’d also advise everyone to report any incident they’re involved in on the website roadjustice.org.uk/report.

‘When you’re reporting an incident, keep a record of all communication with the police and CPS, including the names and numbers of people spoken to. That way you can find the right person when you need answers. Anyone who’s really struggling to get the police to take their case seriously and who needs extra help should get in touch with the Cyclists’ Defence Fund via cyclistsdefencefund.org.uk’ ●