



People for Proper Policing in North Wales

Police charge amnesia pothole victim

MCN By Steve Farrell - 17 December 2009

A motorcyclist with amnesia was charged with careless driving even though police knew his crash had been caused by a pothole, a lawyer has claimed.

Avon and Somerset Police made no mention of their official conclusion that the pothole was to blame while telling the recovering victim he faced prosecution.

It was only a comment by the vehicle recovery agent that alerted **Andrew Bannell, 25**, to the fact the police had asked the council to mend the hole after the accident. Tyre marks at the scene showed he had ridden through the pothole before losing control and entering the opposite carriageway where he collided with an oncoming car.

But due to concussion, Bannell, **from Langport in Somerset**, had no memory of the crash and was reliant on the police's version. Bannell also suffered broken ribs, a punctured lung, an eye haemorrhage and ligament damage to his knee in the crash, on the A371 at Easton, near Wells, in May.

A statement from Bannell's lawyer, **Darren Hackley-Green**, said: *'Following the accident he was informed by Avon and Somerset Police that he would be prosecuted for driving without due care and attention. But he recalled that, after the accident, the firm that recovered his motorbike from the scene told him police had telephoned the council's highways department and told them that **an accident had occurred because of a pothole in the road.***

'The policeman asked the authority to mend the road, which they subsequently did. The road was closed while the repair was carried out. But at no point did the police or the county council admit that a pothole had caused the accident.'

Hackley-Green, of NewLaw, added: *"The behaviour of police in this case has been outrageous. They formally charged my client with driving without due care and attention, even though they knew a pothole had caused the accident. The forensic collision investigator's report prepared by the police themselves confirmed that the pothole had been at fault, since it showed tyre marks exiting the pothole itself. However, they failed to disclose that fact until I specifically **asked them in writing for a copy of the report.** At that point the charges were dropped."*

Avon and Somerset Police has yet to comment.

The PPP comments ... We have to conclude from this and many more similar cases that the Police are INSTITUTIONALLY DISHONEST. We hope the individual and his lawyer sue the police for perverting the course of justice AND the council for neglecting their duty of care AND failing to maintain the road. Being a victim of crime or a road incident casualty is traumatic BUT being a victim of Police gross negligence or corruption is really debilitating. Here in the UK, we foolishly and at our peril, cling on to the belief that such things don't happen in the UK