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Date: 3 February 2015

Sir Bernard Hogan-Howe
Commissioner
Metropolitan Police Service
New Scotland Yard
Broadway
London
SW1H 0BG

Dear Commissioner

Michael Mason deceased

I write to express my concern about the failure of the Met Police to forward the papers relating to Mr Mason's death to the Crown Prosecution Service. The Met Police appear to believe that the considerable physical evidence is inadequate to secure a prosecution, as none of the witnesses interviewed saw the actual collision. The policy implications of this are serious as the Met appears to be over reliant on witness statements.

The details of the case are that at around 18:20 on 25th February 2014 Mr Mason was cycling north on Regent Street to the north of Oxford Circus. He was run down from behind by a Nissan Juke motor car VRN LT62 BVK which was also travelling northbound along Regent Street. Mr Mason sustained serious injuries from which he died at St Mary's Hospital Paddington on 14th March 2014 without ever having regained consciousness since the collision.

The physical evidence from the road scene and in particular from the vehicles involved demonstrated this to be "a linear collision i.e. the movement of both the pedal cycle and the Nissan car was in a relatively straight line and there was no sudden swerve or movement from another direction by either vehicle". None of the witnesses had any difficulty in seeing Mr Mason prior to the collision.

The evidence of many witnesses, along with CCTV footage make it quite clear that Mr Mason was complying fully with all legal requirements to make himself visible at night. He had a rear flashing red light and a red rear reflector which reflected back light from any car headlamps. The evidence was that the Nissan had an array of front headlamps. Regent Street was well illuminated by street-lights.

The most worrying aspect of this case is that Mr Mason as an experienced cyclist, was riding well out from the kerb in a highly visible position. 'Taking the road' at pinch points is exactly what Transport for London funded training courses advise cyclists to do. A failure by the Met Police to pursue this case, could send out a message that cyclists who do 'take the road' are not protected by the law if a motorist simply drives over them.

My primary concern is with the policy implications. I feel that the Met needs to review whether it is being over reliant on witness statements in these cases and whether you feel that the law is giving sufficient protection to cyclists who are injured, or killed, when 'taking the road?'

Finally, I would ask that you reconsider your decision not to refer this case to the CPS. I understand that if the Met Police decide not to refer the case then the family can't appeal a decision. This leaves Mr Mason's family and others in a similar situation, with a sense of justice denied. Perhaps this lack of appeal is something which could be addressed within the Road Death Investigation Manual?



Jenny Jones
Baroness Jones of Moulsecoomb
Green Party Member of the London Assembly

PS: Do please act on this.