

FAO Deborah Archer

Assistant Coroner for the County of Devon, Plymouth and Torbay
County Hall
Topsham Road
Exeter
Devon
EX2 4QD

22nd October 2024
Case Reference: [REDACTED]

Dear Coroner

RESPONSE TO REGULATION 28: REPORT TO PREVENT FUTURE DEATHS (1)

This is Jaguar Land Rover Limited's ("JLR") response to your report made, under paragraph 7, Schedule 5, of the Coroners and Justice Act 2009 and Regulations 28 and 29 of the Coroners (Investigations) Regulations 2013, dated 27th August 2024 (the "Notice"), following the death of Alfie Tollett on 19th February 2023.

We would like to express our deepest sympathies to the family and friends of Alfie, following his untimely death.

Following receipt of the Notice, JLR has reviewed this incident, and the data from the vehicle involved.

Vehicle involved in incident and assistance provided to Police

The vehicle involved in the incident was a Jaguar I-Pace, with Vehicle Identification Number [REDACTED] (the "Vehicle") built on 1st December 2021 and purchased by [REDACTED] on 14th February 2022. Mrs Thompson was the first owner of the Vehicle, which displayed the registration [REDACTED]. [REDACTED] is the wife of [REDACTED]. We understand from the Notice, that [REDACTED] was driving the Vehicle when the incident occurred on 19th February 2023.

Whilst the Vehicle has been in service JLR has not been informed of any roadside assists, defects or warranty claims.

The Telematics Data Request ("TDR") process is the single route into JLR for all law enforcement data requests in respect of vehicles. The TDR process ensures that the request is made by an individual authorised to make such requests and the relevant legal authorities have been obtained in line with the Data Protection Act 2018. JLR supports law enforcement agencies on a regular basis and provides assistance to aid in investigations.

On 28th March 2023, Devon and Cornwall Police informed JLR via the TDR process, of a fatal collision, and asked for support in retrieving data from the Vehicle's restraints control module. As part of the TDR process Devon and Cornwall Police supplied a Production Order to JLR which was signed by the Circuit Judge on 14th April 2023. This granted permission for disclosure of the **"Full download of the Telematics data control unit relating to Jaguar I-Pace (registration [REDACTED], vehicle identification number (VIN) [REDACTED]) containing full event data for Sunday 19th February 2023 between 0001-2359 hours."**

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In Section 3 of the Notice it states that the ***“team from Jaguar / Landrover were preparing a technical report to assist the police but this was not progressed due to [REDACTED]’s death.”***

JLR supported the Police request for data retrieval and JLR representatives extracted the data from the Vehicle on 2nd May 2023 with officers from Devon and Cornwall Police. The extracted data was decoded and then transferred to Devon and Cornwall Police on 19th May 2023. JLR was informed by Devon and Cornwall Police, via email on the same day, that in relation to the Vehicle: ***“This data will no longer be required for a criminal prosecution as very sadly the driver of the ipace has died from a suspected heart attack.”***

JLR confirms this is the only request for support received in respect of this matter and no report was requested. JLR at all times fully supported Devon and Cornwall Police request in line with JLR’s standard practices.

JLR is a responsible and ethical manufacturer and considers the safety of our products to be the highest priority. Where legally permitted or authorised by the vehicle owner, any allegation of a reported safety concern is investigated thoroughly.

Report to prevent future deaths

The following concerns are raised in the Notice (reproduced below for ease of reference):

“During the course of the inquest the evidence revealed matters giving rise to concern. In my opinion there is a risk that future deaths could occur unless action is taken. In the circumstances it is my statutory duty to report to you.

The MATTERS OF CONCERN are as follows. –

(1) Although it is accepted that this death was accidental, during the inquest the following information came to light as a result of the investigating police officer giving evidence:

(2) There were a number of errors that were made by the driver which caused or contributed to the death. These were

- ***Wrongly placing the car in drive instead of reverse***
- ***Failing to look down at the camera and pressing the button to move forward by touch alone***
- ***Failing to realise that the reversing warning sound which was said to be very difficult to hear inside the car was not engaged***
- ***Driving forward and continuing to do so for 8-10 seconds after the accelerator was pressed***
- ***Failing to press the brake at any time.***

(3) However, these errors occurred as a result of there being no intermediary step within the Jaguar ipace being necessary to put the car into drive / reverse other than pressing a button. In the police officer’s opinion if there had also been a lever or something similar present in the vehicle that needed to be engaged before a button was pressed this may have alerted [REDACTED] to the fact that he had pushed the incorrect button on the 3 button console.”

JLR took the following steps in response to the concerns raised in the Report

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- Reviewed the Report and considered assistance given to Devon and Cornwall Police.
- Reviewed and considered all the information that is available in respect of the Vehicle in question (VIN [REDACTED]).
- Considered current legal requirements and safety standards applicable to the vehicle in question and this make and model of vehicle in general.
- Considered the approach taken by other vehicle manufacturers in respect of the location and operation of the gear transmission control unit.

Outcome of steps

Section 5 paragraphs 2 and 3 of the Notice states:

“errors that were made by the driver which caused or contributed to the death. Failing to realise that the reversing warning sound which was said to be very difficult to hear inside the car was not engaged”

“However, these errors occurred as a result of there being no intermediary step within the Jaguar ipace being necessary to put the car into drive / reverse other than pressing a button. In the police officer’s opinion if there had also been a lever or something similar present in the vehicle that needed to be engaged before a button was pressed this may have alerted Mr Thompson to the fact that he had pushed the incorrect button on the 3 button console.”

JLR confirms That the Vehicle Certification Agency are an Executive Agency of the Department for Transport and exist to improve vehicle safety and environmental protection by providing robust testing and certification to internationally recognised standards.

The gear transmission control unit is assessed for location and use as part of the vehicle certification process. The Jaguar I-Pace is fully certified and meets all applicable United Nations Economic Commission for Europe (UN-ECE) regulated requirements.

In addition, the Jaguar I-Pace has achieved the highest safety rating of 5 stars from the European New Car Assessment Programme (Euro NCAP).

In reference to the type of gear transmission control unit used in the Jaguar I-Pace, other manufacturers use a similar type of gear selector across many marques and models including, but not limited to: Honda Motor Company Ltd; General Motors Company; Hyundai Motor Group; Ford Motor Company; Tesla Inc; Stellantis NV; Renault SA; Lotus Group Holdings Limited; McLaren Group Limited and Aston Martin Lagonda Global Holdings plc.

A photo of the Jaguar I-Pace gear transmission control unit is provided below for ease of reference.



Figure 1- Photo of Jaguar I-Pace gear transmission control unit with reverse selected

This gear transmission control unit is located in the centre console and measures 14.405 cm.

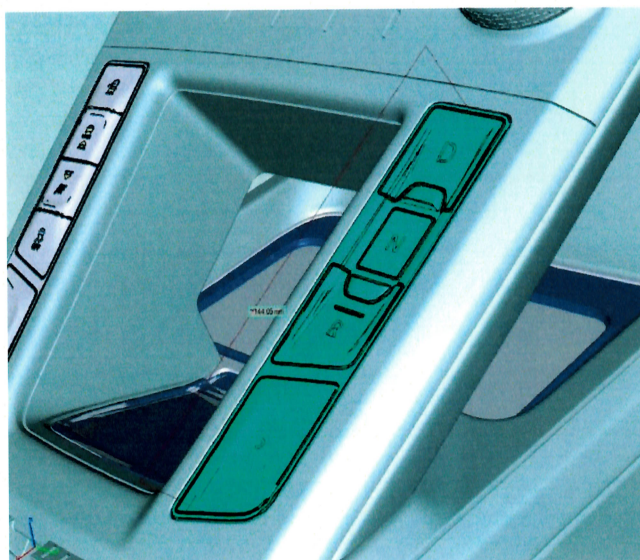


Figure 2 – Computer Aided Design (CAD) image of Jaguar I-Pace gear transmission control unit with measurements

Each button in the gear transmission control unit is clearly labelled, using the same labelling as any other automatic vehicle. As shown, the Reverse (“R”) and Drive (“D”) gear selector buttons are not next to one another. The distance

between the centre of the D and R selectors is 6.408 cm, with the button to select Neutral ("N") located between the D and R gear selector buttons.

The Jaguar I-Pace has surface differentiation on the R and Park ("P") gear selector buttons in order to assist drivers in selecting the relevant gear. For ease of reference, the R gear selector button has a raised tactile cue to distinguish R from the other button selectors. This is in addition to the other visual and auditory alerts, including the selected gear button illuminating (as per UN-ECE Regulation 121 - Uniform provisions concerning the approval of vehicles with regard to the location and identification of hand controls, tell-tales and indicators).

The speed threshold, in order to be able to change between 'Drive' and 'Reverse' driving modes, is 7.7kph. If the driver attempts to change between 'Drive' and 'Reverse' above this speed there will be no vehicle response i.e. no change in gear selected.

A visual indication on the instrument cluster to indicate the gear selected, i.e. R showing on the instrument cluster when reverse gear is selected, is also provided to the driver.



Figure 3 - Image of the instrument cluster of [REDACTED] with Park selected taken on 2nd May 2023 during the vehicle inspection

Also, when R is engaged, the rear facing image and 360 degree surround view appears on the infotainment touchscreen (as shown below) which is clearly visible on the centre console above the gear transmission control unit. The infotainment touchscreen is a 10.25 inch LCD display with a resolution of 1920x720 and an aspect ratio of 8:3.



Figure 4 - Image of the infotainment touchscreen of [REDACTED] taken on 2nd May 2023 during the vehicle inspection with reverse selected

There is an Acoustic Vehicle Alert System (AVAS) which is designed to warn pedestrians, near to the Vehicle, of the Vehicle moving in reverse. This sound can be heard within the Vehicle.

The minimum requirement for the AVAS is 47dBs. In the Jaguar I-Pace the sound is designed to be in excess of 47dBs, exceeding the regulatory requirements and can be heard within the passenger cabin.

As stated in the Notice, [REDACTED] failed to engage the reverse gear selector button. Had [REDACTED] selected the reverse gear selector button:

- The visual indicator in the instrument cluster would have displayed 'R';
- The rear camera would have engaged on the 10.25 inch LCD infotainment touchscreen;
- The R gear selector button would have illuminated; and
- The auditory warning would have sounded.

The visual indicator on the instrument cluster is in the clear line of sight of the driver. The visual change on the infotainment touchscreen is a clear and obvious indication that you have selected reverse, and the auditory warning can be heard. However, none of these features would have been engaged or showing R at the time of the incident, as reverse had not been selected. The D gear selector would have been illuminated and the visual indicator in the instrument cluster would have displayed "D".

Gear selection in the Jaguar I-Pace utilises all of the pertinent human senses; touch, sight and hearing.

JLR has reviewed the data extracted from the Vehicle in the 10 seconds prior to the collision of the Jaguar I-Pace with the VW van. This data shows:

- The Vehicle did not come to a complete halt at any point;
- There was no brake pressure as a result of driver input;

- In the 5 seconds prior to the collision, the accelerator pedal was depressed at all times; and
- At the point of collision, the accelerator pedal was depressed to 81%.

When observing the driver's requests made to the vehicle, the accelerator had been depressed to 81% throttle where situationally the brake would normally be pressed to reduce the speed to zero (noting the vehicle accelerated slightly to mount the kerb). JLR would not expect any driver to command 81% throttle for a reverse manoeuvre.

In the circumstances of the manoeuvring undertaken by the driver, you would likely see a left steer adjustment just prior to reversal, in order to straighten the vehicle. Without making this left steer adjustment, the driver would travel exactly on the path travelled in the forward direction but in reverse. The data does not show this left steering adjustment, which would normally be made during manoeuvring, in order to straighten the vehicle.

Further, the Jaguar I-Pace IGuide (Owners manual) for the Vehicle states, in the section titled "Driving An Electric Vehicle – IGuide Online [OHB]", "Caution: To maintain control of the vehicle, it is recommended to press the brake pedal during each drive selection."

We thank the Coroner for the time taken to prepare the Notice and for permitting JLR to review the information provided. Upon review of all information and evidence in the case, including the data extracted from the Vehicle and independent vehicle safety testing, it is clear that the current design of the Jaguar I-Pace gear transmission control unit and alert strategy meet all legal requirements for vehicle safety and that no changes are required.

JLR will continue to investigate issues of a safety related nature should they arise, as required under the General Product Safety Regulations, and will liaise as necessary with the Driver and Vehicle Standards Agency.

Yours sincerely



Jaguar Land Rover Limited