

REPORT TO: BTPA Professional Standards Committee
DATE: 20th April 2009
SUBJECT: BTP 4th Quarter Report to the Police Authority
Reporting Period 01 January 2009 to 31 March 2009
SPONSOR: Detective Chief Superintendent CARROLL
APPROVED BY: Deputy Chief Constable

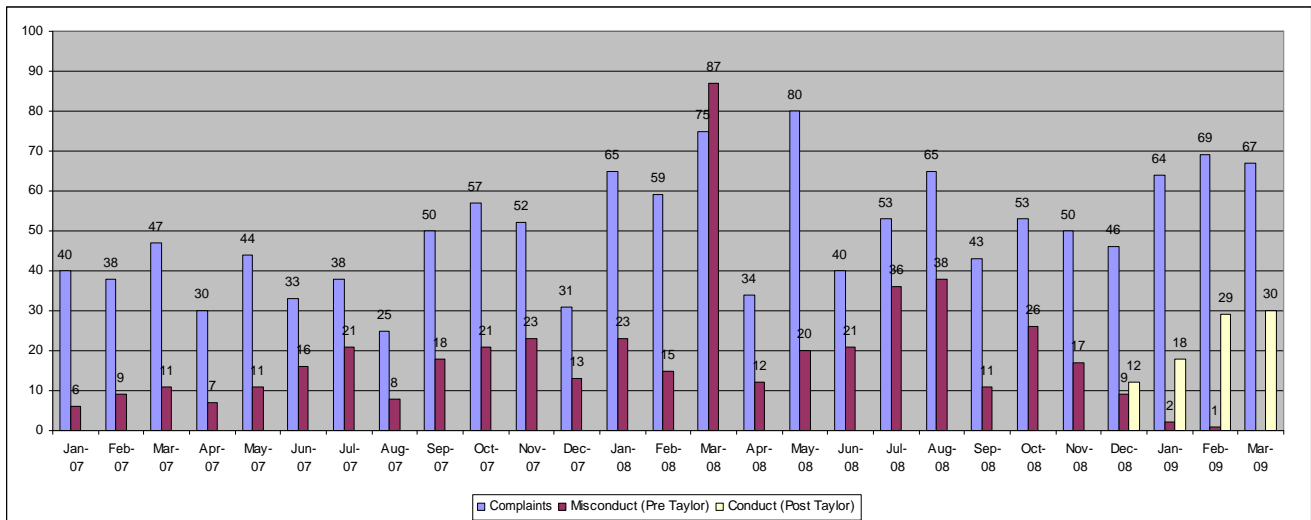


INTRODUCTION

This report covers the performance of the Professional Standards Department during the 4th quarter period. The report is based on data from Centurion, the British Transport Police complaints recording system. The time period covered is from 1st January 2009 until 31st March 2009 (4th Quarter 2008/9). Figures are shown for complaint and misconduct allegations recorded per month between the 1st January 2007 and 31st March 2009 for comparison. The monthly change in the number of complaints is displayed as a bar chart.

1. SECTION ONE

1.1 Recorded Complaints and Misconduct Allegations



This is the second quarterly report to contain allegations recorded under the new Taylor regulations. There will be a transition period of indeterminate length while allegations recorded pre Taylor work their way through the system. This will have an effect on the numbers, particularly for Misconducts which will reduce as a result of the change in procedures.

Complaints

During this quarter there have been a total of 200 complaint allegations recorded within 132 cases, and these 132 complaint cases have been received from 116 complainants. The total number of complainants is not always equal to the total number of complaints recorded because several complainants may make one complaint. Accordingly, one case may involve any number of complaints and/or complainants.

The number of complaints fluctuates between months, but there continues to be an overall upward trend in allegations recorded in the last three quarters. January always contains a slightly inflated figure, due to slower recording and receipt of complaint cases due to the Christmas break. In this quarter 10 cases that were received before 31 December 2008 were not recorded until the New Year.

It is now more than a year since the implementation of improved recording methods where each allegation within a complaint is recorded separately. This led initially to a marked rise in recorded allegations, which is being sustained as more care is taken to capture the correct allegations within each case. The monthly average is 55 allegations recorded for the second consecutive quarter, compared to 33 prior to the improved recording methods. The number of complaints received by PSD via the IPCC has risen since its formation 5 years ago.

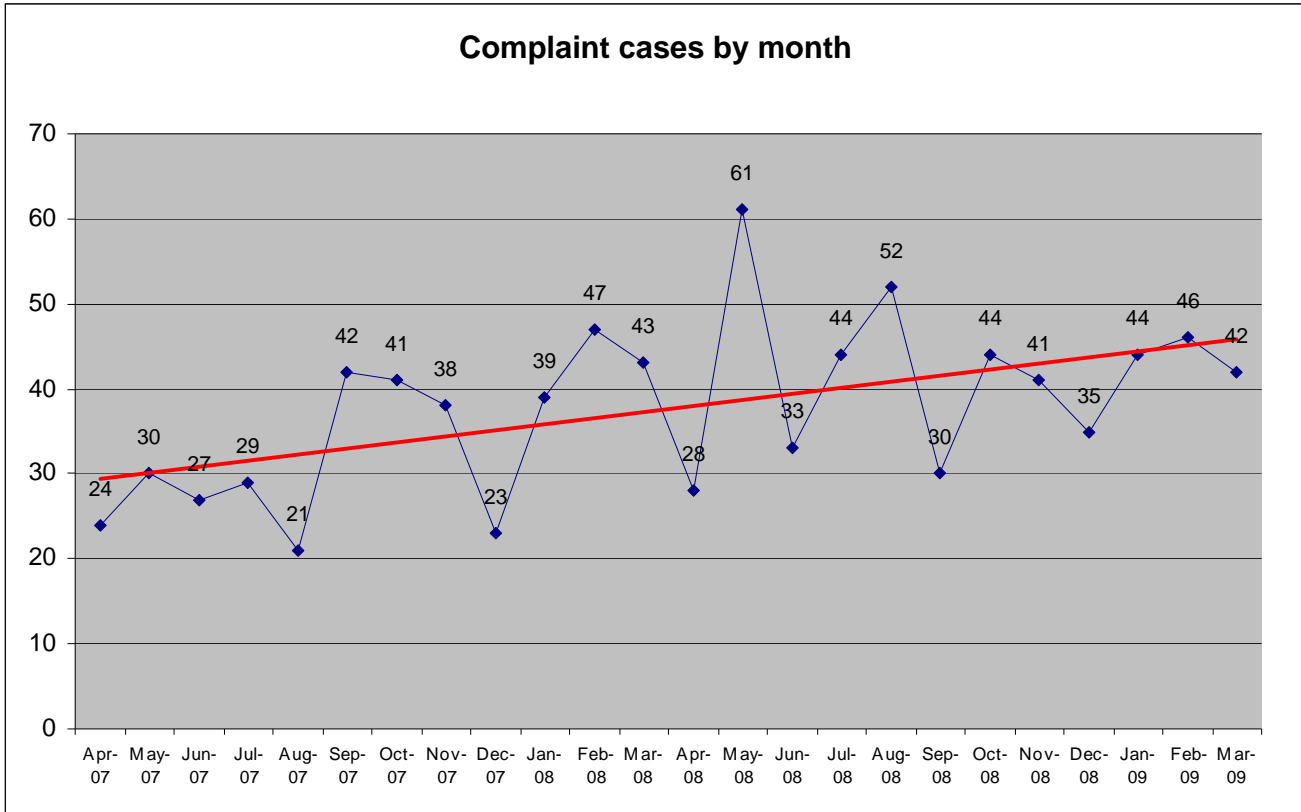
Conduct and Misconduct

Post Taylor implementation Misconduct allegations have fallen steadily, as expected, for the second quarter with no allegations recorded in March. The number of conduct cases has risen as Taylor procedures take effect. The average number of Misconducts per month prior to December 2008 was 23. The average combined total of Misconducts and Conducts in the four months since 1 December 2008 is 25.25.

Cases recorded by quarter

The number of complaint cases fluctuates each quarter. Of the 132 cases recorded in this quarter, 44 were recorded in January, 46 in February and 42 in March. The monthly average over the last 6 months of recording is 42.

In the 2nd quarterly 2008-9 report the decision was taken to show the cases recorded by complaints per month rather than per quarter as more data is gathered. This quarter, a retrospective analysis has been conducted to illustrate complaint case data over the last 2 years. Despite perceptible monthly variation, the longer term data in the below graph clearly demonstrates the increase in recorded complaint cases over time.



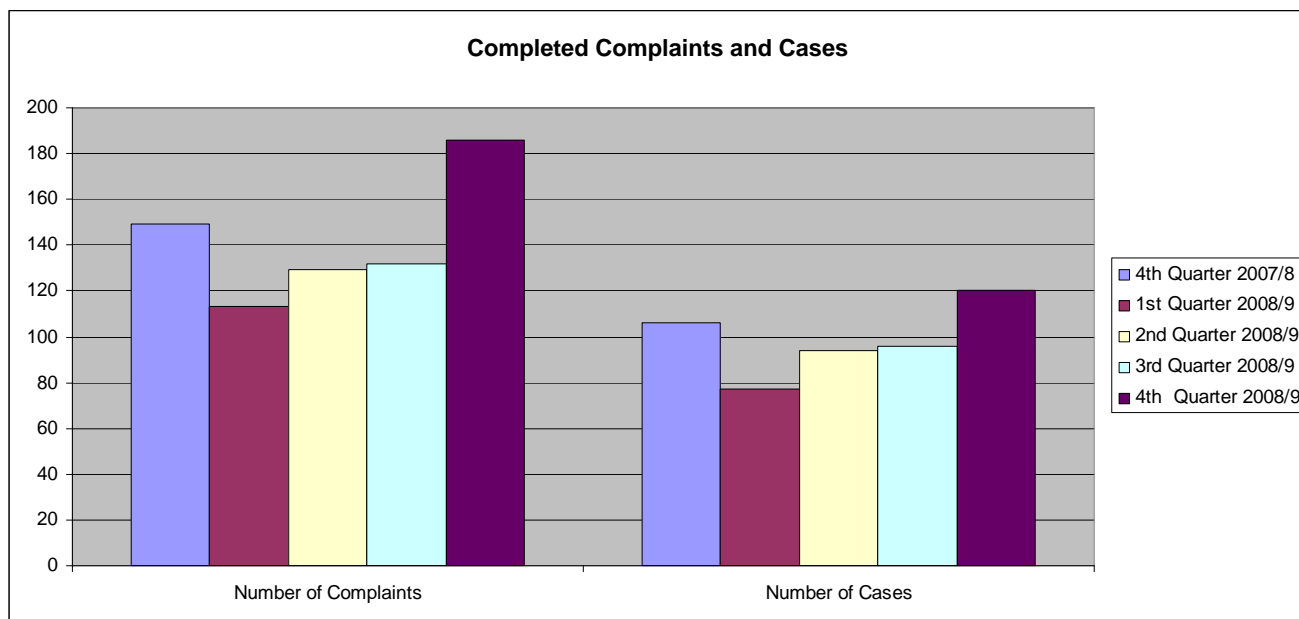
1.2 Completed Complaints

	2 nd Quarter 2008/9	3 rd Quarter 2008/9	4 th Quarter 2008/9	Percentage Change
Number of Complaints	129	132	186	41%
Number of Cases	94	96	120	25%

The figures shown for the number of complaints and cases completed, refer to all complaints and cases completed in that quarter, regardless of what quarter they were recorded in.

Completion of complaint cases has again increased this quarter having seen a decrease in the 1st quarter 2008/9. Also for this period, as illustrated in Section 4, 79 misconduct allegations have been completed in this period.

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1.3 Method of Completion of Complaints

	2 nd Quarter 2008/9	3 rd Quarter 2008/9	4th Quarter 2008/9
Percentage Locally Resolved (actual figure in parentheses)	46.51% (60)	35.61% (47)	37.10% (69)
Percentage Dispensed (actual figure in parentheses)	11.63% (15)	17.42% (23)	5.91% (11)
Percentage Withdrawn (actual figure in parentheses)	10.08% (13)	18.94% (25)	13.44% (25)
Percentage Not Substantiated (actual figure in parentheses)	24.80% (32)	18.94% (25)	33.33% (62)
Percentage Substantiated (actual figure in parentheses)	6.98% (9)	6.82% (9)	10.22% (19)
Percentage Discontinued (actual figure in parentheses)	N/A	2.27% (3)	0
Total	100% (129)	100% (132)	100% (186)

The total number of Local Resolutions being completed increased in the fourth quarter, albeit the percentage of complaints being Locally Resolved remains roughly consistent.

The finalising of unsubstantiated complaints rose to one third of all completed complaints whilst 19 substantiated complaints have been completed in this period.

Of the 69 complaints resolved by way of Local Resolution, 19 were secured by PSD, and 50 were secured on Area. This is a decrease on the previous quarter where PSD secured 21 and 26 were secured on Area. PSD has been encouraging Areas to Locally Resolve more cases, and this seems to have taken effect in this quarter.

1.4 Recorded Complaints by Category

	2nd Quarter 2008/9	3rd Quarter 2008/9	4 th Quarter 2008/9	Percentage Change
A Serious non-sexual assault	3	3	2	-33.3%
B Sexual assault	1	0	1	100%
C Other assault	26	27	40	48.1%
D Oppressive conduct or harassment	11	6	8	33.3%
E Unlawful/unnecessary arrest or detention	20	10	18	80%
F Discriminatory Behaviour	12	3	9	200%
G Irregularity in evidence/perjury	3	2	0	-100%
H Corrupt Practice	0	0	3	100%
J Mishandling of Property	4	0	2	100%
K Breach Code A PACE	11	5	4	-20%
L Breach Code B PACE	1	0	5	100%
M Breach Code C PACE	1	2	6	200%
N Breach Code D PACE	0	0	0	0
P Breach Code E PACE	0	0	0	0
Q Lack of fairness and impartiality	4	2	3	50%
R Multiple or unspecified breaches of PACE	0	0	0	0
S Other neglect or failure in duty	18	21	22	4.8%
T Other irregularity in procedure	0	1	4	300%
U Incivility, Impoliteness and intolerance	33	53	59	11.3%
V Traffic Irregularity	5	3	2	-33.3%
W Other	5	10	9	-10%
X Improper disclosure of information	3	1	3	200%
Y Other sexual conduct	0	0	0	0
TOTAL	161	149	200	

Complaint allegations have risen by 34% this quarter. Incivility, Impoliteness and Intolerance complaints remain the most frequently received category and they have risen by 11.3%, compared to a 60.6% rise last quarter. Complaints relating to Other Assault have increased by 48.1%. In this category all except two Areas have increased, with London Underground and Wales and Western exhibiting the largest rises. Most of these complaints relate to arrest situations. Unlawful Arrest/Unnecessary Detention complaints have gone up by 80% in this quarter. There have been two serious non-sexual assault allegations received during this quarter, both of which relate to excessive force being used by officers making an arrest. Cases of discriminatory behaviour have increased by 200% this period from 3 to 9. Of the 9 cases, 8 concerned Racial discrimination and 1 concerned Disability. London Underground received 4 out of the 9 allegations, of which 3 concerned unidentified officers and 2 arose due to the complainant's perception of being subject to a discriminatory Stop and Search.

Significant Complaint Categories by Area

Other Assault

Area	London Underground	London North	London South	North West	North East	Wales and Western	Scotland	Force Headquarters	Total
Number of Complaints	11	7	4	6	2	8	2	0	40

Other neglect or failure in duty

Area	London Underground	London North	London South	North West	North East	Wales and Western	Scotland	Force Headquarters	Total
Number of Complaints	7	2	3	2	0	7	1	0	22

Incivility, Impoliteness & Intolerance

Area	London Underground	London North	London South	North West	North East	Wales and Western	Scotland	Force Headquarters	Total
Number of Complaints	15	11	18	6	1	5	3	0	59

Discriminatory Behaviour

Area	London Underground	London North	London South	North West	North East	Wales and Western	Scotland	Force Headquarters	Total
Number of Complaints	4	2	2	1	0	0	0	0	9

Discriminatory Behaviour Complainant Ethnicity	White British	White Irish	Other White	Asian Pakistani	Other Asian	Unknown	Not Stated
Number of Complainants	1	1	1	1	1	1	3

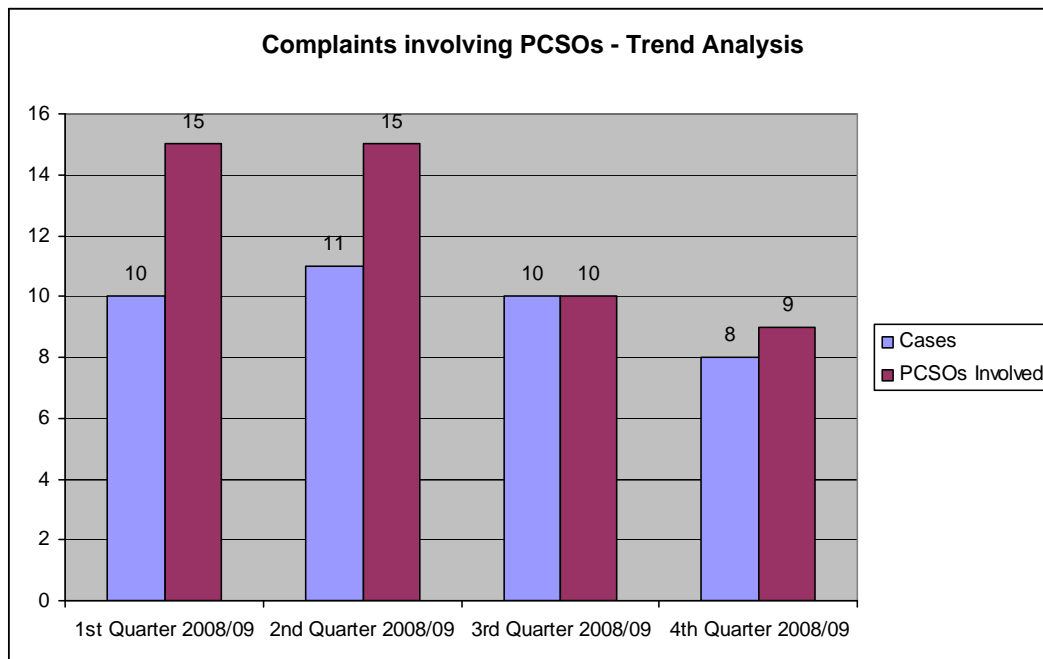
Discriminatory Behaviour Officer Ethnicity	White British	Unknown
Number of Complainants	9	3

1.5 Use of Batons, Captor Spray and Handcuffs

Last quarter there were five complaints relating to the use of handcuffs, one complaint related to the use of captor spray and none regarding the use of batons.

This quarter there are no complaints regarding the use of batons, 1 for the threatened use of captor spray, and 11 cases regarding the use of handcuffs. All of the handcuff incidents relate to arrest incidents. 4 of the 11 handcuff incidents were recorded on London Underground and 3 were recorded on London South Area.

1.6 PCSO Statistics – Trend Analysis



For this quarter, there were 8 complaint cases arising from incidents involving PCSO's, with 9 identified PCSO's complained about. Within these cases were a total of 22 allegations. Two individuals who work together are responsible for 12 of these allegations. The 12 allegations arise out of 2 incidents on different days involving the same complainant. The same 12 allegations account for all those in the Wales and Western Area.

With respect to the Area breakdown of complaints involving PCSO's, 2 PCSO's are from Wales and Western, 5 are from London South Area and 2 are from London North Area.

1 of the allegations relates to a Breach of Code C PACE, 7 relate to Incivility, 1 relates to Unlawful Arrest or Unnecessary Detention, 4 to Corrupt Practice, 1 to Discriminatory Behaviour, 4 to Improper Disclosure of Data, 2 to Lack of Fairness and Impartiality, 1 to Other Neglect or Failure of Duty and 1 relates to Other Assault.

If the 12 allegations relating to the 2 Wales and Western PCSOs are discounted, there are less PCSOs complained about than in the previous quarter.

In the previous quarter, there were 10 complaint cases arising from incidents involving PCSOs, in which 10 PCSOs were complained about.

1.7 Section 44-related complaints

There were three complaints relating to Section 44 Anti-Terrorism Stop and Search recorded this period. In each case the complaint revolves around an alleged lack of procedure by the officers conducting the searches, i.e. they did not fully explain the requirements of the Act and procedure to the persons stopped. No arrests resulted from the stops. All cases are currently live.

In the current reporting quarter, the most recent figures available for Section 44 stops are for January 2009 (5233) .To give some indication of context, the figures for Sec 44 stops and the complaints for 2007 and 2008 are shown below:

	Complaints	Encounters	Percentage
2007	7	59,981	0.01%
2008	19	61,090	0.03%

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1.8 Context from which complaints have arisen

	Arrest	Crime Enquiry	Domestic dispute	Other	Police detention	Police/ Public encounter	Public order	Rail ticket enquiry	Removal from station	Search of person	Search of premises	Search of vehicle	Stop and account	Traffic	Total
A Serious non-sexual	2														2
B Sexual assault						1									1
C Other assault	17			3		17	4	5	1	2			1		50
D Oppressive conduct or						6	1	1							8
E Unlawful/ necessary arrest	16			1	3	3		1		2					26
F Discriminatory Behaviour	1		1	1		6				3			1		13
G Irregularity in evidence/perjury				2											2
H Corrupt practice	1			2	1	1									5
J Mishandling of property				1						1					2
K Breach Code A PACE						2				1	1		2		6
L Breach Code B PACE	1			1		2					3				7
M Breach Code C PACE	3				4	1									8
Q Lack of fairness and impartiality				1		1									2
R Multiple or unspecified PACE breach				1											1
S Other neglect or failure in duty	3	5		3		6				3				2	22

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	Arrest	Crime enquiry	Domestic dispute	Other	Police detention	Police/public encounter	Public order	Rail ticket enquiry	Removal from station	Search of person	Search of premises	Search of vehicle	Stop and account	Traffic	Total
T Other irregularity in procedure	3			1		1									5
U Incivility/impoliteness	4			1		37	1	8		8		1	1	2	63
V Traffic irregularity														2	2
W Other	1	1		2		2		1							7
X Improper disclosure of		1													1
Total	52	7	1	20	8	86	6	16	1	20	4	1	5	6	233

This table outlines the context from which complaints have arisen. It must be noted that the figures are not mutually exclusive; a complaint recorded as Arrest related may also feature under another category such as Search of Person. In a number of cases, specific details of the exact context from which the complaint arose have not been received from the complainant. This leads to a disparity between the number of complaints recorded by category in Figure 1.4 and those recorded in Figure 1.8.

As a result of analysis of the previously high incidence of reports recorded in the 'Other' context category, and following liaison with the Centurion User Group, three new classifications have been identified and included here for the first time. The categories are:

- **Police/public encounter** - covers allegations that arise from an "informal" encounter between the Police and public on the street which gets no further than a verbal exchange. When a complaint arises from such an encounter, it is usually an Incivility allegation.
- **Stop and Account** - covers formal stops under a specific power which does not result in the arrest of the complainant, issuing of a PND, or any other formal course of action, as these are already listed.
- **Domestic dispute** - covers allegations arising from a domestic incident.

It can be seen from the above table that a large proportion of complaint allegations (37%) arise from customary Police/public encounters, of which over 40% concern allegations of Incivility. In the next quarter, a further context category will be added, namely 'Off Duty conduct,' which will capture complaints arising from situations where the officer in question was off duty.

1.9 Cases supervised, managed or independently investigated by the IPCC

Supervised: 6 cases

CO/85/08 – Case recorded 29/02/2008.

CO/110/08 – Case recorded 19/03/2008.

CO/171/08 – Case recorded 09/05/2008.

CO/191/08 – Case recorded 19/05/2008.

CO/266/08 – Case recorded 03/07/2008.

MC/140/08 – Case recorded 02/09/2008.

Managed:

There are currently no investigations being managed by the IPCC.

Independent: 2 cases

CO/145/06 – Case recorded 15/06/2006.

CO/390/07 – Case recorded 13/12/2007.

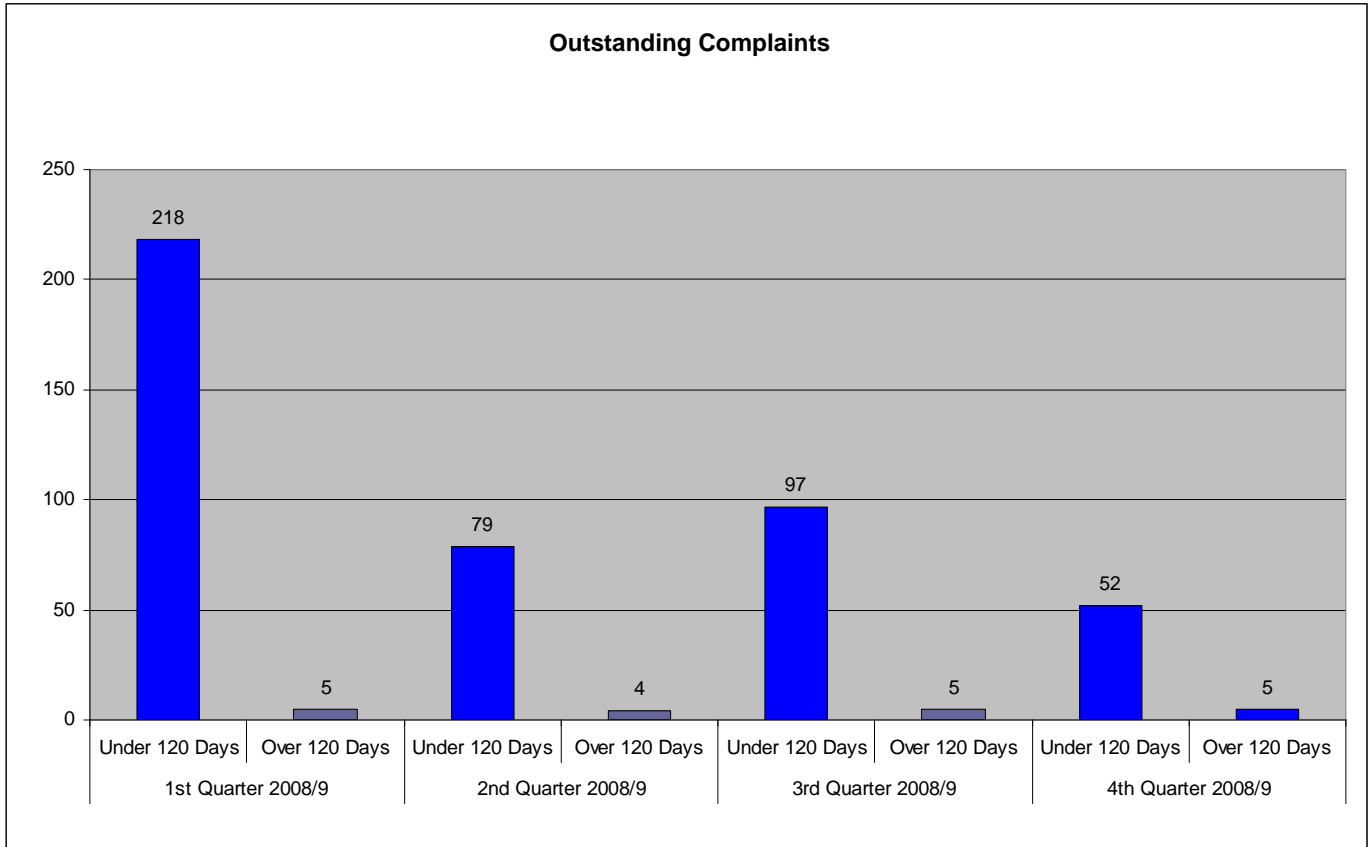
1.10 PCCS Reviews

None this quarter.

1.13 Outstanding Complaint Cases

The cases detailed below are those that are over 120 days old and those that are under 120 days and are still actively under investigation by the Force. The number of outstanding complaints had fallen significantly between the 1st and 2nd quarters due to the removal of those complaints which had been allocated to Area for Local Resolution as these are not being dealt with by PSD. The 3rd quarter saw a rise of 23% in cases still outstanding less than 120 days old. In the 4th quarter for this year these cases have fallen by 46%, which may be due to the relatively high number of Unsubstantiated complaint cases this period.

	2 nd Quarter 2008/9		3rd Quarter 2008/9		4 th Quarter 2008/9	
	Under 120 Days	Over 120 Days	Under 120 Days	Over 120 Days	Under 120 Days	Over 120 Days
Total Number Outstanding	79	4	97	5	52	5



Summary of Complaints Investigations Over 120 Days in the 4th Quarter 2008/9

5 cases

Summary of Complaints Over One Year Old

There is currently 1 complaint case that has been under investigation for more than one year;

CO/145/06

- Recorded on 15th June 2006

2. SECTION TWO

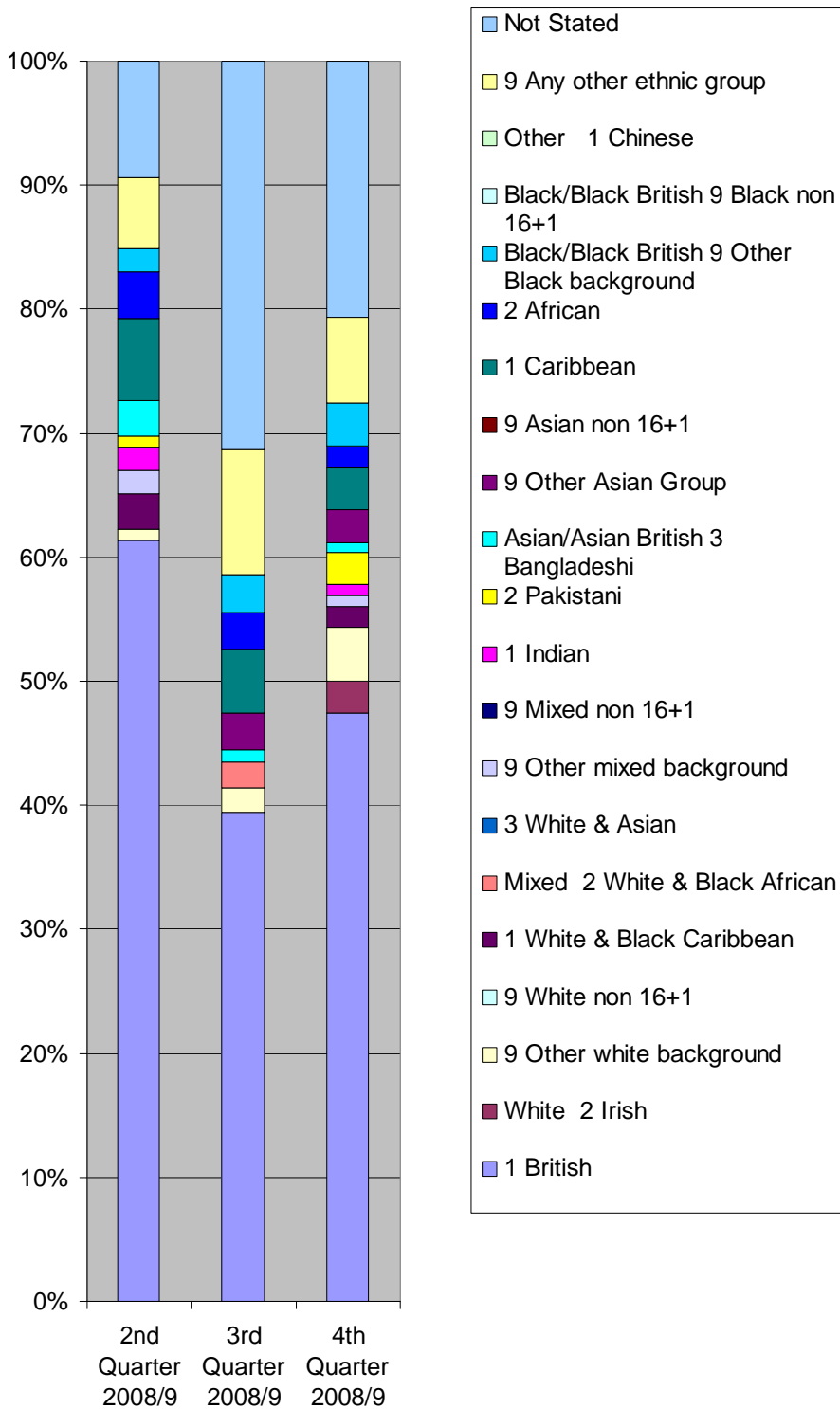
2.1 Ethnicity of Complainants (complaints finalised in this quarter)

		2nd Quarter 2008/9	3 rd Quarter 2008/9	4 th Quarter 2008/9
White	British	61.32% (65)	39.39% (39)	47.41% (55)
	Irish	0% (0)	0% (0)	2.59% (3)
	Other white background	0.94% (1)	2.02% (2)	4.31% (5)
	White 16+1 not stated	0% (0)	0% (0)	0% (0)
Mixed	White & Black Caribbean	2.83% (3)	0% (0)	1.72% (2)
	White & Black African	0% (0)	2.02% (2)	0% (0)
	White & Asian	0% (0)	0% (0)	0% (0)
	Other mixed background	1.89% (2)	0% (0)	0.86% (1)
	Mixed 16+1 not stated	0% (0)	0% (0)	0% (0)
Asian/Asian British	Indian	1.89% (2)	0% (0)	0.86% (1)
	Pakistani	0.94% (1)	0% (0)	2.59% (3)
	Bangladeshi	2.83% (3)	1.01% (1)	0.86% (1)
	Other Asian Group	0% (0)	3.03% (3)	2.59% (3)
	Asian 16+1 not stated	0% (0)	0% (0)	0% (0)
Black/Black British	Caribbean	6.60% (7)	5.05% (5)	3.45% (4)
	African	3.78% (4)	3.03% (3)	1.72% (2)
	Other Black background	1.89% (2)	3.03% (3)	3.45% (4)
	Black 16+1 not stated	0% (0)	0% (0)	0% (0)
Other	Chinese	0% (0)	0% (0)	0% (0)
	Any other ethnic group	5.66% (6)	10.10% (10)	6.90% (8)
Not Stated		9.43% (10)	31.31% (31)	20.69% (24)
TOTALS		100% (106)	100% (99)	100% (116)

Table 2.1 details the ethnicity of complainants for those cases finalised during this quarter rather than the ethnicity of those complainants recording cases during this quarter. A large volume of complaints are received by email and telephone and in many cases the complainant does not provide details of their ethnicity. As an investigation is progressed, PSD attempts to record the complainant's ethnicity on the Centurion database.

The number of finalised complaints has increased this quarter. The highest number of complaints recorded continues to be received from those classified as White British, with an 8% rise observed this period. In this quarter, complainants have come from a broader range of backgrounds than previously, with an increase seen in the number of complainants of Asian or Asian British descent. Overall in this quarter 25% of complainants identified themselves as being of BME origin whilst 54% of complaints recorded come from those defining themselves as White. This quarter has seen a 10% reduction in complainants who have not stated their ethnicity. It is not possible to draw accurate conclusions around the data recorded due to the small figure populations. It is noted that, as the ethnicity of a complainant is self defined, the complainant may choose to not define their ethnicity.

Ethnicity of Complainants



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2.2 Ethnicity of Officers Complained About

		BTP Pop Personnel	2nd Quarter 2008/9	3rd Quarter 2008/9	4th Quarter 2008/9	Percentage of Population
White	White British	3767	118	98	108	3%
	White Irish	72	0	1	2	3%
	White Other white background	166	9	5	1	1%
Mixed	Mixed White & Black Caribbean	16	1	0	0	0%
	Mixed White & Black African	17	2	0	0	0%
	Mixed White & Asian	27	1	2	0	0%
	Mixed Other mixed background	35	3	2	0	0%
Asian/Asian British	Asian/Asian British Indian	91	3	1	2	2%
	Asian/Asian British Pakistani	41	2	8	4	10%
	Asian/Asian British Bangladeshi	31	0	0	0	0%
	Asian/Asian British Other Asian background	50	1	0	0	0%
Black/Black British	Black/Black British Caribbean	88	4	0	1	1%
	Black/Black British African	79	2	0	1	1%
	Black/Black British Other Black background	23	0	1	0	0%
Other	Other Chinese	12	0	1	0	0%
	Other Any other ethnic group	15	2	0	1	7%
Not Stated		222	8	14	52	23%
TOTALS		4752	156	133	172	4%

Of the complaints received during this quarter, 65% were made against officers defining themselves as White. 6% of complaints received related to officers defining themselves within a BME category.

Of the 52 officers in receipt of complaints whose ethnicity is not stated, 40 are unidentified officers. Therefore, discounting officers whose identity is unknown, there are 132 officers, of which 12 have not stated their ethnicity (9%).

2.3 Age of Complainants

	Total Complainants
0 - 19	5
20 - 29	21
30 - 39	24
40 - 49	23
50 - 59	13
60 +	3
Not Stated	27
Total	116

2.4 Gender of Complainants

	Total Complainants
Female	20
Male	94
Unknown	2
Total	116

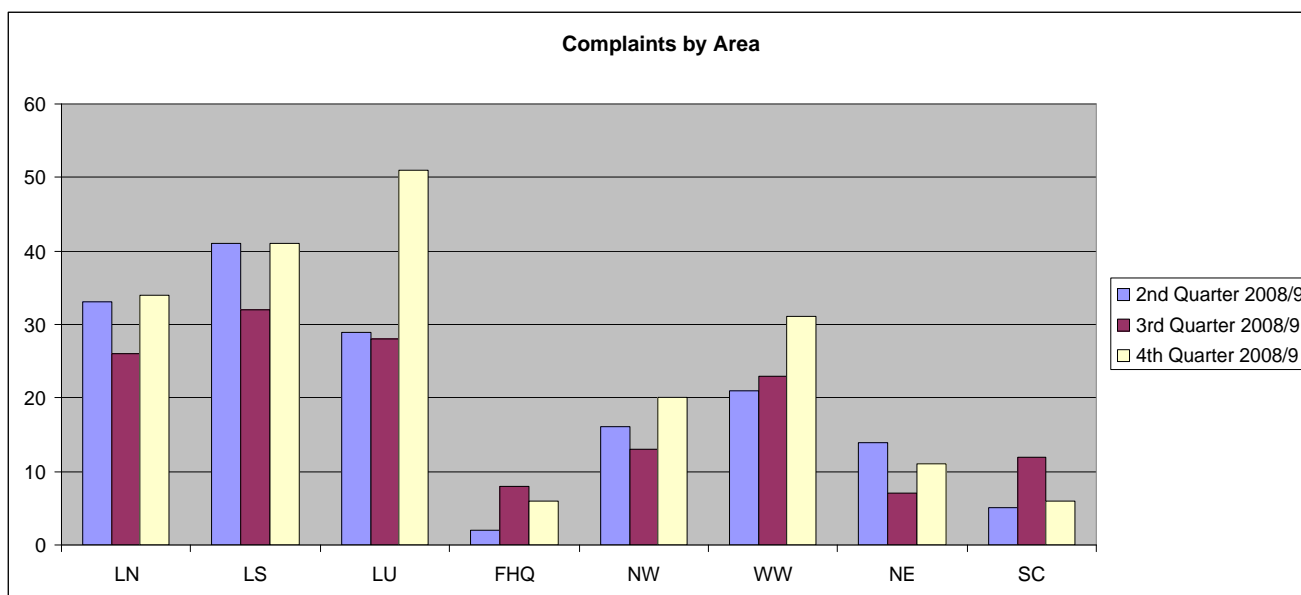
2.5 Means Complaint Received

	Received Means
Email	14
Fax	2
In Person	11
IPCC	15
Letter	14
Orally	2
Telephone	40
BTPA	0
Other	2
Total	100

3. SECTION THREE

3.1 Complaints by Area

	BTP Pop – PO + CIV	2 nd Quarter 2008/9	3 rd Quarter 2008/9	4 th Quarter 2008/9	Percentage Change
LN - London North	684	33	26	34	+30.76%
LS - London South	578	41	32	41	+28.13%
LU - London Underground	1052	29	28	51	+82.14%
FHQ – Force Headquarters	1098	2	8	6	-25.00%
NW – North Western	369	16	13	20	+53.85%
WW – Wales & Western	379	21	23	31	+34.78%
NE - North Eastern	349	14	7	11	+57.14%
SC – Scotland	280	5	12	6	-50.00%



Complaints have increased across all Areas this quarter apart from FHQ and Scotland. London Underground recorded the most complaints this quarter and the largest percentage rise from the previous quarter. Of the complaint allegations recorded against London Underground this period, 15 relate to Incivility, Impoliteness and Intolerance, 11 to Other Assault, 7 to Unlawful/unnecessary Arrest or Detention, 7 to Other Neglect or Failure in Duty, 4 to Discriminatory Behaviour, 3 to Oppressive Conduct or Harassment, and 1 to Breach of Code B PACE, 1 to Breach of Code C PACE, 1 to Other Irregularity in Procedure and 1 to Other.

Compared to the 3rd quarter, the largest increases for London Underground Area have been observed for allegations of Other Assault and Unlawful/unnecessary Arrest or Detention. Allegations of Other Assault typically concern the perceived use of excessive force by the arresting officer. No particular officer or location is implicated significantly more than another.

Force Area	Ratio of Complaints per 100 members of staff
London North	4.97
London South	7.09
London Underground	4.85
Force Headquarters	0.55
North Western	5.42
Wales and Western	8.44
North Eastern	3.15
Scotland	2.14
TOTAL FORCE	4.20

4. SECTION FOUR

4.1 Misconduct Matters

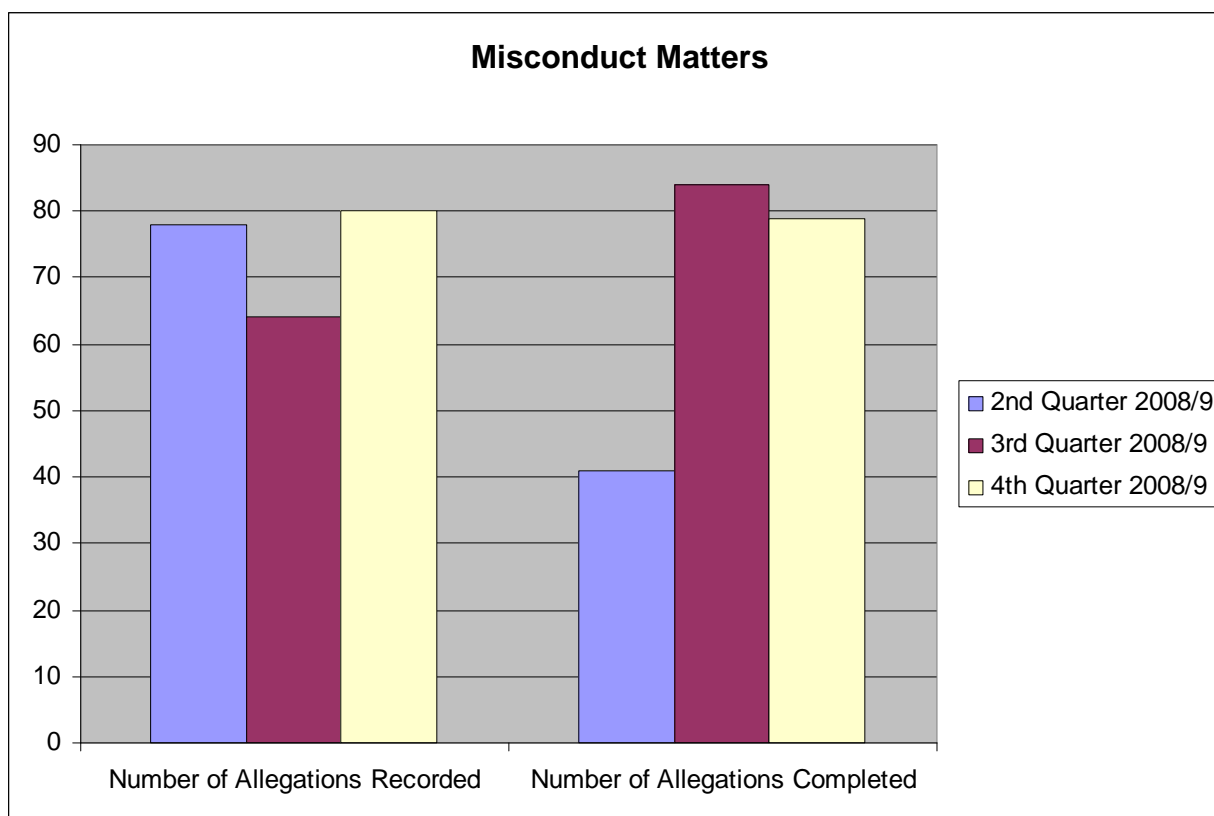
	2 nd Quarter 2008/9	3rd Quarter 2008/9	4th Quarter 2008/9	Percentage Change
Number of Allegations Recorded	78	52 Pre Taylor 12 Post Taylor	3 Pre Taylor 77 Post Taylor	+25.00%
Number of Allegations Completed	41	82 Pre Taylor 2 Post Taylor	59 Pre Taylor 20 Post Taylor	-6.00%

The Misconduct allegations are shown with separate figures for Pre and Post Taylor allegations for information. Both types have been added together to calculate the percentage change.

80 allegations of misconduct have been recorded in this quarter, an increase on the previous period. These 80 allegations are contained within 3 Misconduct cases pre Taylor, and 77 Post Taylor. In the previous quarter, 64 allegations were contained within 49 cases.

There has been a return to a similar level of allegations to the 2nd quarter 2008/09. The recording of individual allegations within cases is now more detailed and will improve the monitoring of complaint levels.

4.2 Misconduct Matters by Category



Pre Taylor Misconduct matters

	2nd Quarter 2008/9	3rd Quarter 2008/9	4th Quarter 2008/9
A – Honesty and Integrity	10	13	0
C – Politeness and Tolerance	4	4	0
D – Use of Force and Abuse of Authority	5	6	0
E – Performance of Duties	16	10	0
F – Lawful Orders	2	5	1
H – Criminal Offences	25	7	0
I – Property	1	3	0
L – General Conduct	13	4	2
TOTALS	78	52	3

Misconduct matters have again fallen this quarter, to almost nil. By the next quarter it is expected that all Pre Taylor matters will have passed through the system.

The geographic breakdown:- 1 each for London North, London South and FHQ

Post Taylor Misconduct Matters

Breach of Conduct	3 rd Quarter 2008/09	4 th Quarter 2008/9
01 Honesty and Integrity	0	18
02 Authority, Respect and Courtesy	1	2
03 Equality and Diversity	1	0
04 Use of Force	0	4
05 Orders and Instructions	3	14
06 Duties and Responsibilities	3	12
09 Discreditable Conduct	4	27
TOTALS	12	77

The geographic breakdown of post Taylor incidents is:

Geographical Location	Total
Headquarters	11
London North	9
North Eastern	8
Scotland	9
North Western	3
London South	11
London Underground	17
Wales and Western	9
Grand Total	77

8.2 Direction & Control Issues

There have been 17 Direction and Control complaints received during this period. This is eight more complaint than in the previous quarter. PSD are continuing to encourage the Force as a whole to understand the need for referral of such complaints to PSD for recording and action.

8.5 Lessons Learned

Lessons Learned were identified from two cases this period.