

REPORT TO: BTPA Professional Standards Committee
DATE: 26th January 2009
SUBJECT: BTP 3rd Quarter Report to the Police Authority
Reporting Period 01 October 2008 to 31 December 2008
SPONSOR: Detective Chief Superintendent CARROLL
APPROVED BY: Deputy Chief Constable

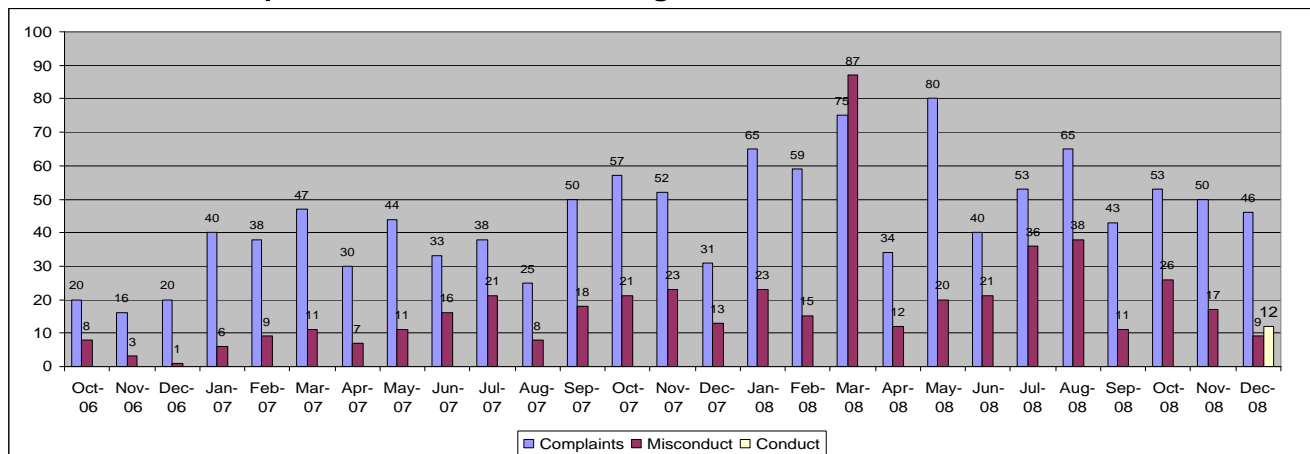


INTRODUCTION

This report covers the performance of the Professional Standards Department during the 3rd quarter period. The report is based on data from Centurion, the British Transport Police complaints recording system. The time period covered is from 1st October 2008 until 31st December 2008 (3rd Quarter 2008/9). Figures are shown for complaint and misconduct allegations recorded per month between the 1st October 2006 and 31st December 2008 for comparison. The Monthly change in numbers of complaints is displayed as a bar chart.

1. SECTION ONE

1.1 Recorded Complaints and Misconduct Allegations



This is the first 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.

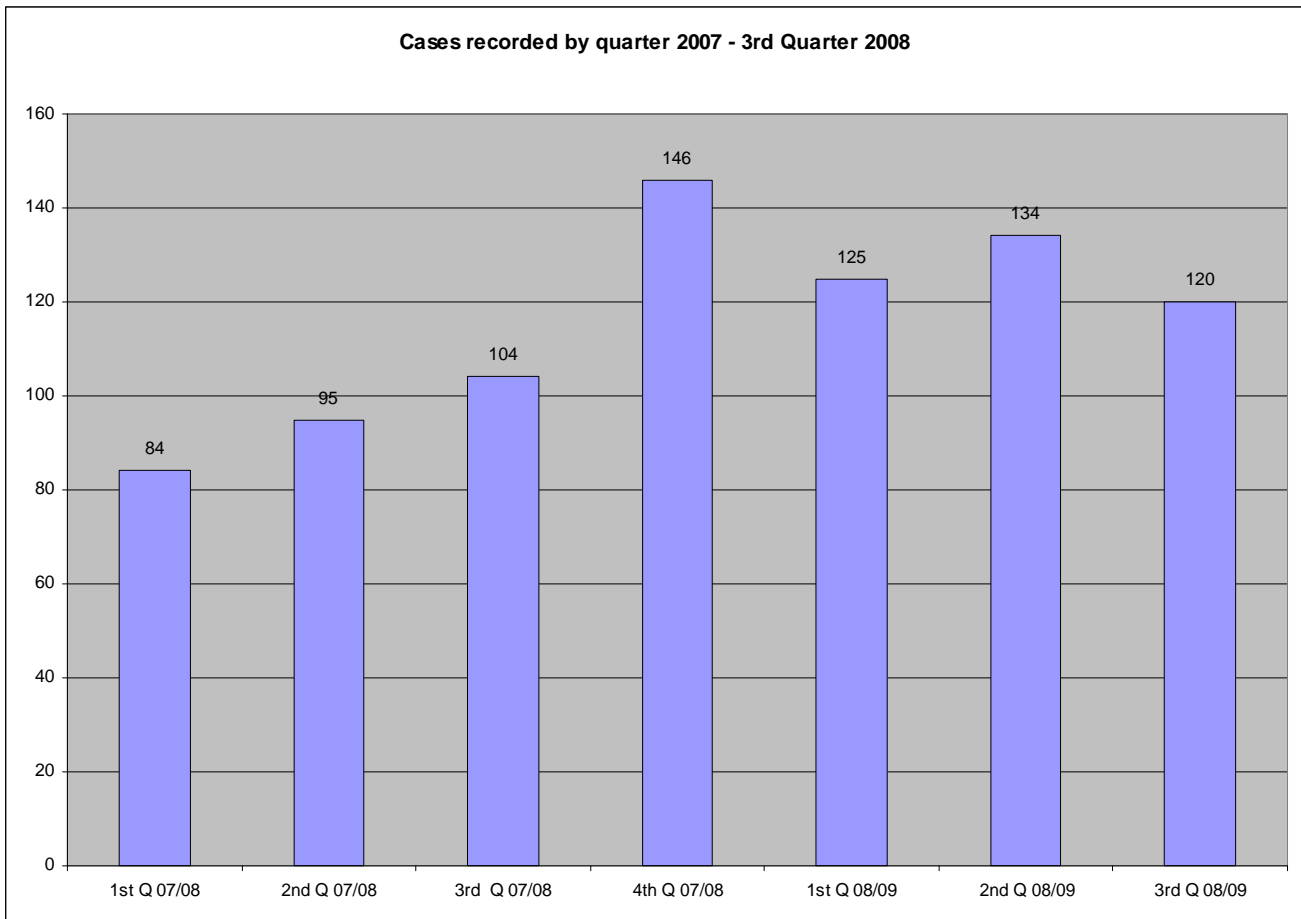
During this quarter there have been a total of 149 complaint allegations recorded within 120 cases, these 120 complaint cases have been received from 99 complainants. The total number of complainants is not always equal to the total number of complaints recorded. This is because several complainants 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 increase in cases and allegations recorded in the last three quarters. 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, the monthly average is now 55

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allegations recorded, compared to 33 prior to the improved recording methods. The number of complaints received by PSD via the IPCC has risen since the formation of the IPCC.

Misconduct allegations have fallen steadily over the quarter; in December this will be due in part to the Taylor implementation.

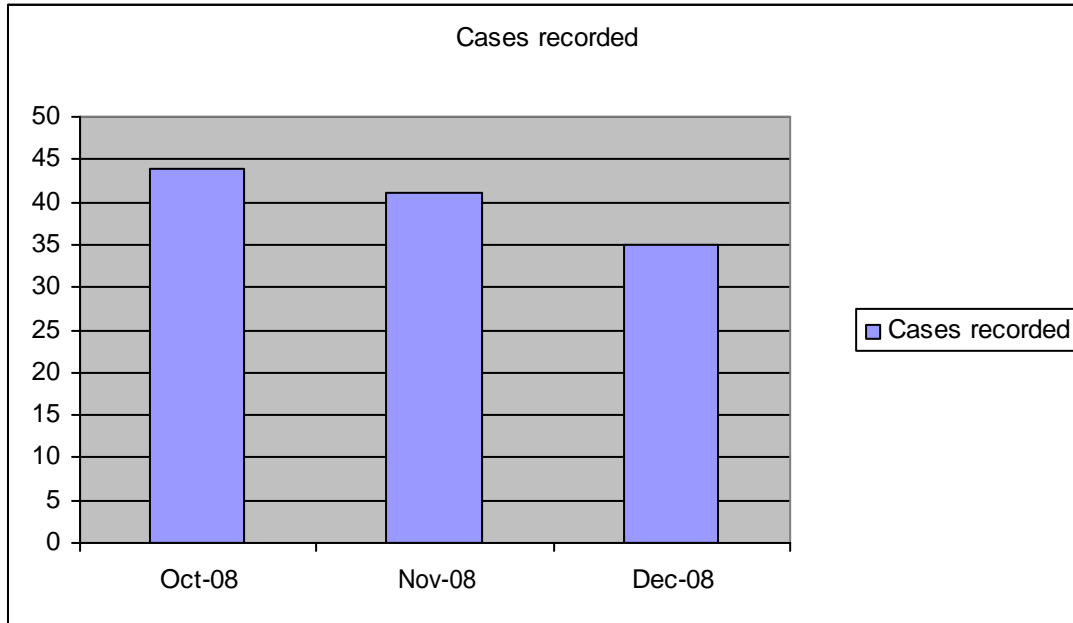
Cases recorded by quarter



The number of complaint cases fluctuates each quarter. Of the 120 cases recorded in this quarter, 44 were recorded in October, 41 in November and 35 in December.

In the last quarterly report the decision was taken to show the cases recorded by complaints per month rather than per quarter as more data is gathered. The chart below is the first in this series, and will expand in subsequent reports. It is too early to draw any conclusions from this, particularly with the advent of the Taylor recording system. It is included for information only at this stage.

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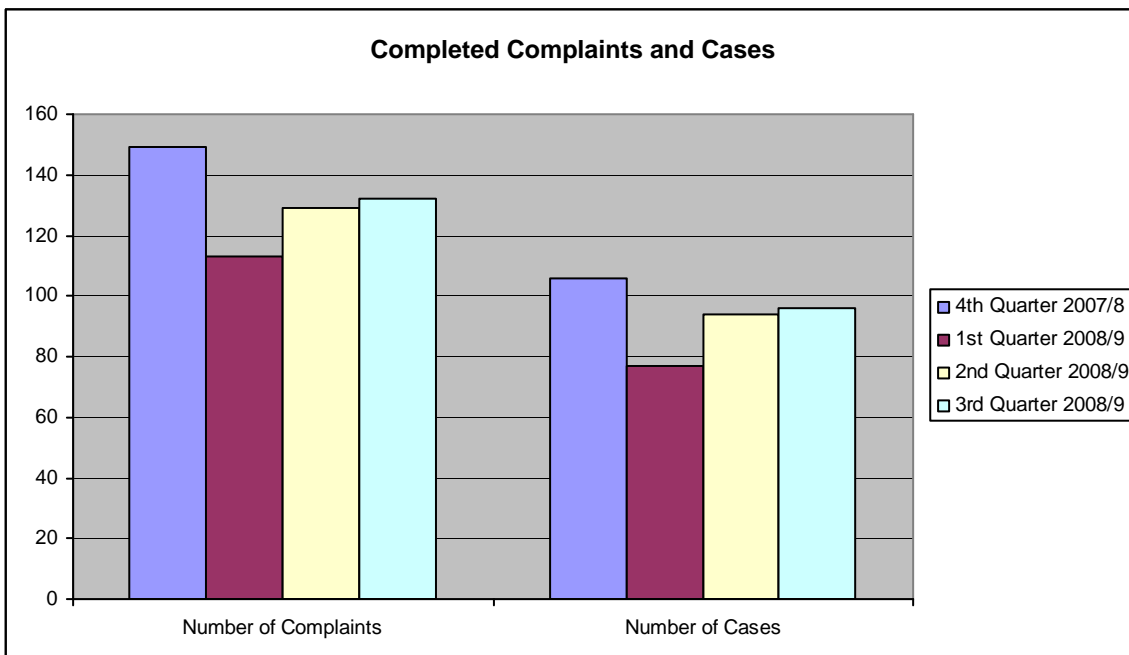


1.2 Completed Complaints

	1 st Quarter 2008/9	2 nd Quarter 2008/9	3 rd Quarter 2008/9	Percentage Change
Number of Complaints	113	129	132	2%
Number of Cases	77	94	96	2%

The figures shown for the number of complaints and cases completed, refers 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, 84 misconduct allegations have been completed in this period.



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1.3 Method of Completion of Complaints

	1 st Quarter 2008/9	2 nd Quarter 2008/9	3 rd Quarter 2008/9
Percentage Locally Resolved (actual figure in parentheses)	42.48% (48)	46.51% (60)	35.61% (47)
Percentage Dispensed (actual figure in parentheses)	5.31% (6)	11.63% (15)	17.42% (23)
Percentage Withdrawn (actual figure in parentheses)	21.24% (24)	10.08% (13)	18.94% (25)
Percentage Not Substantiated (actual figure in parentheses)	28.32% (32)	24.80% (32)	18.94% (25)
Percentage Substantiated (actual figure in parentheses)	2.65% (3)	6.98% (9)	6.82% (9)
Percentage Discontinued (actual figure in parentheses)	N/a	N/a	2.27% (3)
Total	100% (113)	100% (129)	100% (132)

The total number of Local Resolutions being completed decreased in the third quarter, albeit the actual number of complaints being Locally Resolved is consistent.

The finalising of unsubstantiated complaints totalled 18.94% of all completed complaints while 9 substantiated complaints have again been completed in this period.

Of the 47 complaints resolved by way of Local Resolution, 21 were secured by PSD, and 26 were secured on Area. This is a decrease on the previous quarter where PSD secured 11 and 49 were secured on Area. Although PSD has been encouraging Areas to Locally Resolve more cases, the resolutions are almost evenly split in this quarter.

1.4 Recorded Complaints by Category

	1 st Quarter 2008/9	2nd Quarter 2008/9	3rd Quarter 2008/9	Percentage Change
A Serious non-sexual assault	1	3	3	0.0%
B Sexual assault	0	1	0	-100.0%
C Other assault	21	26	27	3.8%
D Oppressive conduct or harassment	8	11	6	-45.5%
E Unlawful/unnecessary arrest or detention	12	20	10	-50.0%
F Discriminatory Behaviour	9	12	3	-75.0%
G Irregularity in evidence/perjury	5	3	2	-33.3%
H Corrupt Practice	1	0	0	0
J Mishandling of Property	7	4	0	-100.0%
K Breach Code A PACE	14	11	5	-54.5%
L Breach Code B PACE	2	1	0	-100.0%

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M Breach Code C PACE	2	1	2	100.0%
N Breach Code D PACE	0	0	0	0
P Breach Code E PACE	0	0	0	0
Q Lack of fairness and impartiality	5	4	2	-50.0%
R Multiple or unspecified breaches of PACE	0	0	0	0
S Other neglect or failure in duty	20	18	21	16.7%
T Other irregularity in procedure	1	0	1	0
U Incivility, Impoliteness and intolerance	40	33	53	60.6%
V Traffic Irregularity	4	5	3	-40.0%
W Other	2	5	10	100.0%
X Improper disclosure of information	0	3	1	-66.7%
Y Other sexual conduct	0	0	0	0
TOTAL	154	161	149	-7.5%

Complaint allegations recorded in this quarter have reduced to a level below that of the 1st quarter 2008/09. Incivility, Impoliteness and Intolerance complaints remain the most frequently received category and they have risen by 60.6% in this quarter. While complaints relating to Other Assault have stayed the same, Unlawful Arrest/Unnecessary Detention complaints have dropped by 50% in this quarter. There have been three serious non-sexual assault allegations received during this quarter, all three relate to excessive force being used by officers making an arrest. Cases of discriminatory behaviour recorded have dropped by 75% to 3.

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	4	7	7	3	1	2	3	0	27

**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	0	4	6	1	2	4	3	1	21

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Incivility, Impoliteness & Intolerance

Area	London Underground	London North	London South	North West	North East	Wales and Western	Scotland	Force Headquarters	Total
Number of Complaints	12	10	11	4	1	10	5	0	53

Discriminatory Behaviour

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

Discriminatory Behaviour Officer Ethnicity	Indian	Pakistani	White British
Number of Officers	1	1	1

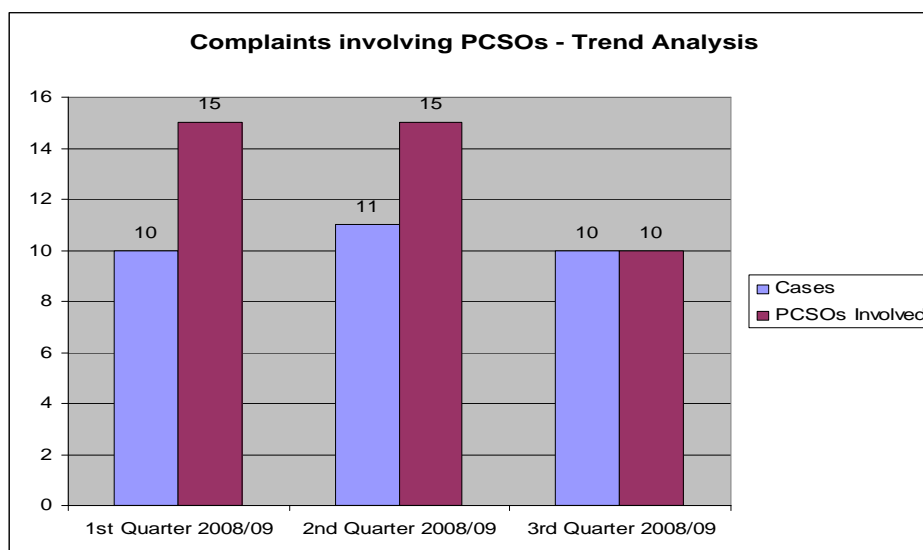
Discriminatory Behaviour Complainant Ethnicity	White British	Indian	Not Stated
Number of Complainants	1	1	0

1.5 Use of Batons, Captor Spray and Handcuffs

Last quarter there were two complaints relating to the use of handcuffs, no complaints 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, one for the use of captor spray, and five cases regarding the use of cuffs.

1.6 PCSO Statistics – Trend Analysis



For this quarter, there were 10 complaint cases arising from incidents involving PCSO's, with 7 identified and 3 unknown PCSO's complained about. Within these cases were a total of 18 allegations.

The Area breakdown of the PCSO's complained about is that 1 is from North West Area, 2 from Wales and Western, 2 are from London South Area, 4 are from London North Area and 1 is from an unknown area.

1 of the allegations relates to a Breach of Code A PACE, 6 relate to Incivility, 1 for an irregularity in evidence 1 relates to Oppressive Conduct or Harassment, 3 relate to Unlawful Arrest or Unnecessary Detention, and 6 relates to Other Assault.

In the previous quarter, there were 11 complaint cases arising from incidents involving PCSO's, and 15 PCSO's complained about.

1.7 Section 44-related complaints

There was one complaint relating to Section 44 Anti-Terrorism Stop and Search recorded this period. The exact nature of this complaint is not clear. A white male states that he was stopped and searched under Section 44. When no offences were disclosed, he was allowed to continue on his way. There is no information recorded on what his allegation related to. The matter was resolved by Local Resolution on Area.

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1.8 Context from which complaints have arisen

	Arrest	Crime enquiry	Other	Police detention	Public order incident	Removal From Station	Search of person	Search of premises	Search of vehicle	Ticket Enquiry	Traffic	Total
Serious non-sexual assault	2		1									3
Sexual Assault							1					1
Other assault	8		13		3					2	1	27
Oppressive conduct or harassment	1		4								1	6
Unlawful/unnecessary arrest or detention	9		1				1					11
Discriminatory Behaviour			2						1	0	1	4
Irregularity in evidence/perjury			2		1							3
Corrupt practice												0
Mishandling of property			1									1
Breach Code A PACE			1				5					6
Breach Code B PACE												0
Breach Code C PACE				1	1							2

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Lack of fairness and impartiality	1		1				1					3
Other neglect or failure in duty	2	3	16	1	2	1					1	26
Incivility, impoliteness and intolerance	3	1	29		4	2	4		2	3	3	51
Traffic irregularity											3	3
Improper Disclosure of Information							1					1
Other	1	1	1									3
Total	27	5	72	2	11	3	13	0	3	5	10	151

The table on the previous page 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. The high incidence of reports recorded in the "other" column is a result of a lack of options available on Centurion to the recording staff when trying to record the circumstances from which the complaint arose. Where the facts do not fit with one of the 10 other categories in this table, the clerks must resort to the use of "Other". If one or two additional categories, for example, "dispute resolution" and "police/public contact" were added to the database, many of those currently listed as "other" would be categorised more effectively. PSD intends raising this issue at a forthcoming meeting of the National Centurion User Group.

1.9 Cases supervised, managed or independently investigated by the IPCC

Supervised:

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.

MC/140/08 – Case recorded 02/09/2008.

Managed:

There are currently no investigations being managed by the IPCC.

Independent:

CO/145/06 – Case recorded 15/06/2006.

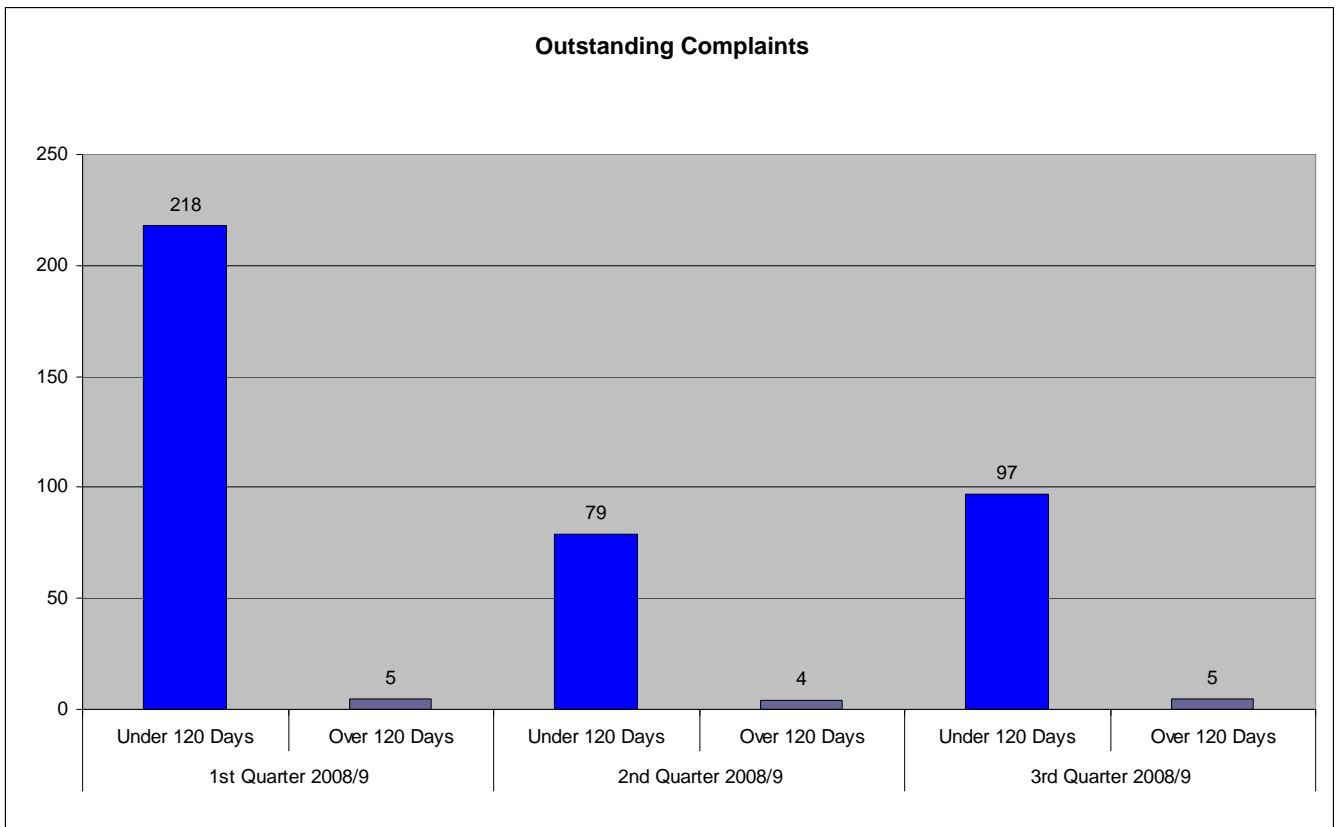
CO/390/07 – Case recorded 13/12/2007.

1.12 Outstanding Complaint Cases

The cases detailed below are those that are over 120 days old and also 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 has seen a notable rise of 23% in cases still outstanding under 120 days old. This may be in part due to the number of Local Resolutions obtained this Quarter having reduced by 10%.

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	1 st Quarter 2008/9		2 nd Quarter 2008/9		3 rd Quarter 2008/9	
	Under 120 Days	Over 120 Days	Under 120 Days	Over 120 Days	Under 120 Days	Over 120 Days
Total Number Outstanding	218	5	79	4	97	5



Summary of Complaints Investigations Over 120 Days in the 3rd Quarter 2008/9

5 cases

Summary of Complaints Over One Year Old

There are currently two complaint cases that have been under investigation for more than one year;

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CO/145/06

- Recorded on 15th June 2006

CO/390/07

- Recorded on 13th December 2007

2. SECTION TWO

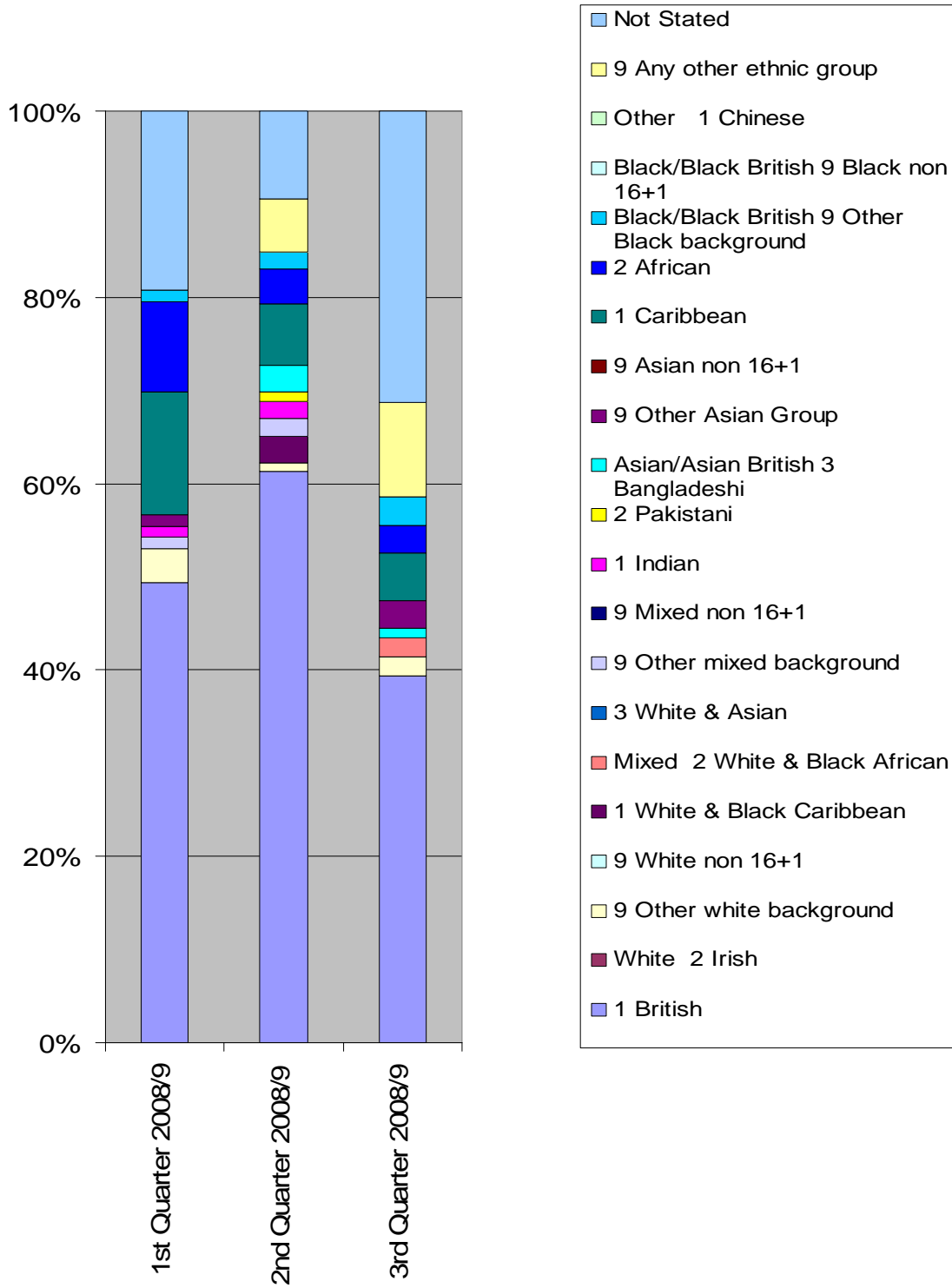
2.1 Ethnicity of Complainants (complaints finalised in this quarter)

		1 st Quarter 2008/9	2nd Quarter 2008/9	3 rd Quarter 2008/9
White	British	49.40% (41)	61.32% (65)	39.39% (39)
	Irish	0% (0)	0% (0)	0% (0)
	Other white background	3.61% (3)	0.94% (1)	2.02% (2)
	White 16+1 not stated	0% (0)	0% (0)	0% (0)
Mixed	White & Black Caribbean	0% (0)	2.83% (3)	0% (0)
	White & Black African	0% (0)	0% (0)	2.02% (2)
	White & Asian	0% (0)	0% (0)	0% (0)
	Other mixed background	1.20% (1)	1.89% (2)	0% (0)
	Mixed 16+1 not stated	0% (0)	0% (0)	0% (0)
Asian/Asian British	Indian	1.20% (1)	1.89% (2)	0% (0)
	Pakistani	0% (0)	0.94% (1)	0% (0)
	Bangladeshi	0% (0)	2.83% (3)	1.01% (1)
	Other Asian Group	1.20% (1)	0% (0)	3.03% (3)
	Asian 16+1 not stated	0% (0)	0% (0)	0% (0)
Black/Black British	Caribbean	13.25% (11)	6.60% (7)	5.05% (5)
	African	9.65% (8)	3.78% (4)	3.03% (3)
	Other Black background	1.20% (1)	1.89% (2)	3.03% (3)
	Black 16+1 not stated	0% (0)	0% (0)	0% (0)
Other	Chinese	0% (0)	0% (0)	0% (0)
	Any other ethnic group	0% (0)	5.66% (6)	10.10% (10)
Not Stated		19.29% (16)	9.43% (10)	31.31% (31)
TOTALS		100% (83)	100% (106)	100% (99)

The table at 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 detail 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 dropped this quarter. The highest number of complaints recorded continues to be received from those classified as White British, although there has been a 22% drop. Coincidentally, there is a 22% rise in complainants who have not stated their ethnicity. In this quarter, complainants have come from a narrower range of backgrounds than previously. Only six categories have shown an increase since the last quarter. Overall in this quarter 27.3% of complainants have defined themselves as being of BME origin. 41.41% of complaints recorded come from those declaring themselves to be White. It is not possible to draw accurate conclusions around the data recorded due to the small figure populations. As the ethnicity of 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	1st Quarter 2008/9	2nd Quarter 2008/9	3rd Quarter 2008/9	Percentage of Population
White	White British	3808	100	118	98	2.57
	White Irish	72	2	0	1	1.39
	White Other white background	164	6	9	5	3.05
Mixed	Mixed White & Black Caribbean	16	1	1	0	
	Mixed White & Black African	18	0	2	0	
	Mixed White & Asian	26	0	1	2	7.69
	Mixed Other mixed background	39	0	3	2	5.13
Asian/Asian British	Asian/Asian British Indian	93	1	3	1	1.08
	Asian/Asian British Pakistani	39	1	2	8	20.51
	Asian/Asian British Bangladeshi	31	0	0	0	
	Asian/Asian British Other Asian background	44	0	1	0	
Black/Black British	Black/Black British Caribbean	92	1	4	0	
	Black/Black British African	79	1	2	0	
	Black/Black British Other Black background	24	1	0	1	4.17
Other	Other Chinese	13	0	0	1	7.69
	Other Any other ethnic group	15	0	2	0	
Not Stated		197	26	8	14	7.11
TOTALS		4770	140	156	133	2.79

Of the complaints received during this quarter, 78.19% were made against officers defining themselves as White British. 11.28% of complaints received related to officers defining themselves within a BME category.

It must be noted that the 14 officers classed as Not Stated have been categorised as such because the complainants have not supplied enough detail within the reported complaints for the officers to be identified.

2.3 Age of Complainants

	Total Complainants
0 - 19	5
20 - 29	15
30 - 39	15
40 - 49	13
50 - 59	9
60 +	3
Not Stated	39
Total	99

2.4 Gender of Complainants

	Total Complainants
Female	32
Male	58
Other	7
Unknown	2
Total	99

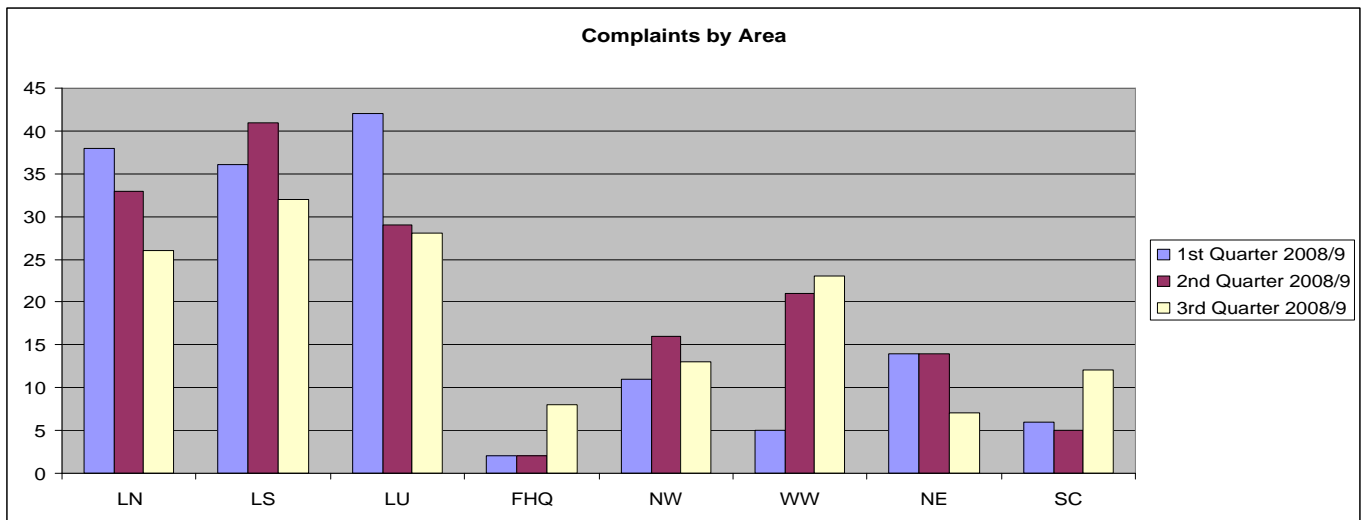
2.5 Means Complaint Received

	Received Means
Email	16
Fax	4
In Person	6
IPCC	14
Letter	6
Solicitor	1
Orally	1
Telephone	34
Ext Force	2
Other	2
Total	86

3. SECTION THREE

3.1 Complaints by Area NOTE: Raw data is needed in this section to comment on the figures

	BTP Pop – PO + CIV	1 st Quarter 2008/9	2nd Quarter 2008/9	3rd Quarter 2008/9	Percentage Change
LN - London North	653	38	33	26	-27%
LS - London South	576	36	41	32	-28%
LU - London Underground	1065	42	29	28	-4%
FHQ – Force Headquarters	1086	2	2	8	75%
NW – North West	371	11	16	13	-23%
WW – Wales & Western	430	5	21	23	9%
NE - North East	310	14	14	7	-100%
SC – Scotland	279	6	5	12	58%



Complaints have fallen across all Areas apart from FHQ, Wales and Western and Scotland. The 75% increase for FHQ is attributable to 7 cases being recorded which are deleted cases. These are entries that have been made in error, for example duplicate recording, or classifying a complaint as a misconduct. They are allocated to FHQ for ease of sorting.

London South recorded the most complaints in this quarter, of these complaints, 11 relate to Incivility, Impoliteness and intolerance, 2 to Breach of Code A PACE (Stop & Search), 1 to Oppressive Conduct, 7 to Other Assault, 6 to Other neglect or failure in duty, 1 to Traffic Irregularity and 4 to Unlawful/unnecessary arrest or detention. The rise of 58% in Scotland contains 5 allegations of Incivility, impoliteness and intolerance, 1 of Irregularity in evidence/perjury, 3 for Other assault, and 3 for Other neglect or failure in duty.

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Force Area	Ratio of Complaints per 100 members of staff
London North	3.98
London South	5.56
London Underground	2.63
Force Headquarters	0.74
North Western	3.50
Wales and Western	5.34
North Eastern	2.26
Scotland	4.30
TOTAL FORCE	3.12

4. SECTION FOUR

4.1 Misconduct Matters

	1 st Quarter 2008/9	2 nd Quarter 2008/9	3rd Quarter 2008/9	Percentage Change
Number of Allegations Recorded	53	78	52 Pre Taylor 12 Post Taylor	-18%
Number of Allegations Completed	33	41	82 Pre Taylor 2 Post Taylor	105%

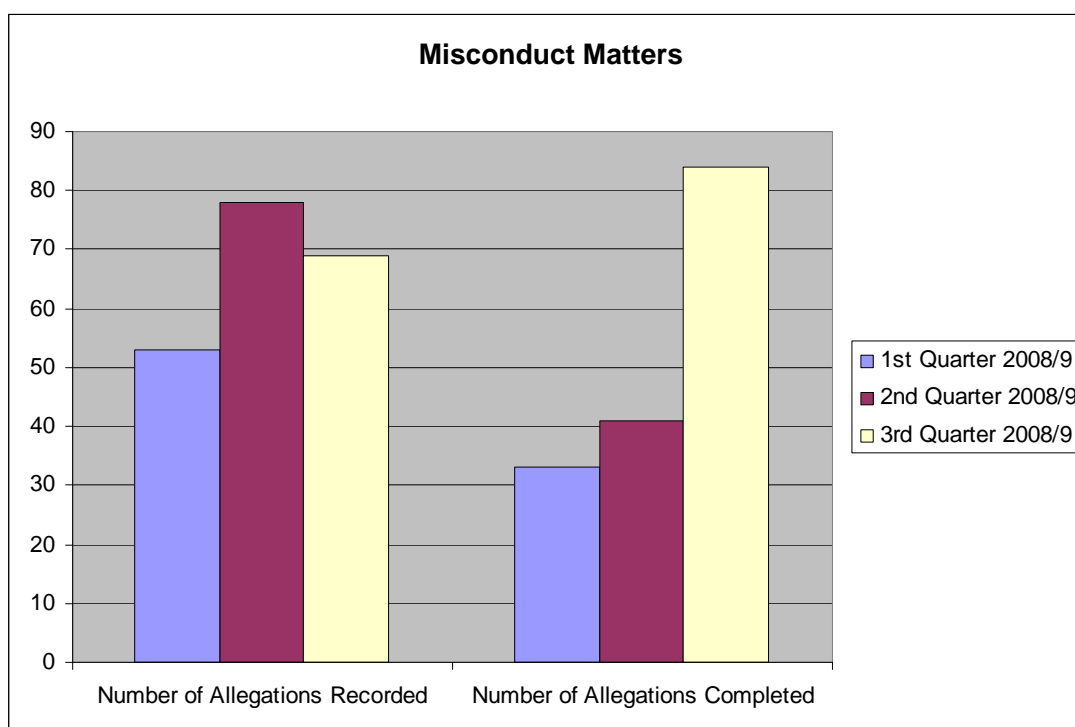
The misconduct allegations are shown with separate figures for Pre and Post Taylor change allegations for information. Both types have been added together to calculate the percentage change.

64 allegations of misconduct have been recorded in this quarter, a decrease on the previous period. These 64 allegations are contained within 52 Misconduct cases pre Taylor, and 12 Post Taylor. In the previous quarter, 78 allegations were contained within 61 cases.

There has been an overall decrease in cases. The recording of individual allegations within cases has improved the monitoring of complaint levels and has enabled a more accurate analysis of trends within complaints to be made.

As time progresses, the number of misconducts recorded can be expected to fall, due to the new procedures for misconduct.

4.2 Misconduct Matters by Category



Pre Taylor Misconduct matters

	1st Quarter 2008/9	2nd Quarter 2008/9	3rd Quarter 2008/9
A – Honesty and Integrity	13	10	13
C – Politeness and Tolerance	3	4	4
D – Use of Force and Abuse of Authority	3	5	6
E – Performance of Duties	13	16	10
F – Lawful Orders	2	2	5
H – Criminal Offences	8	25	7
I – Property	0	1	3
L – General Conduct	10	13	4
TOTALS	53	78	52

Post Taylor Misconduct Matters

Breach of Conduct	3 rd Quarter 2008/09
02 Authority, Respect and Courtesy	1
03 Equality and Diversity	1
05 Orders and Instructions	3
06 Duties and Responsibilities	3
09 Discreditable Conduct	4
Total	12

Pre Taylor

Misconduct matters have fallen this quarter, even though there has been the added complexity of the introduction of the Taylor reforms, and the implications for how the incidents are recorded.

The geographic breakdown:- London South 8, London Underground 19, Scotland 3, FHQ 2, London North 11, North West 1, North East 6 and Wales and Western 2.

7.2 Direction & Control Issues

There have been 9 Direction and Control complaints received during this period. This is one 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.

7.5 Lessons Learned

Lessons Learned were identified from three cases this period.