

REPORT TO: BTPA Professional Standards Committee
DATE: 26th January 2010
SUBJECT: BTP 3rd Quarter Report to the Police Authority
 Reporting Period 01 October 2009 to 31 December 2009
SPONSOR: Detective Chief Superintendent CARROLL
APPROVED BY: Deputy Chief Constable

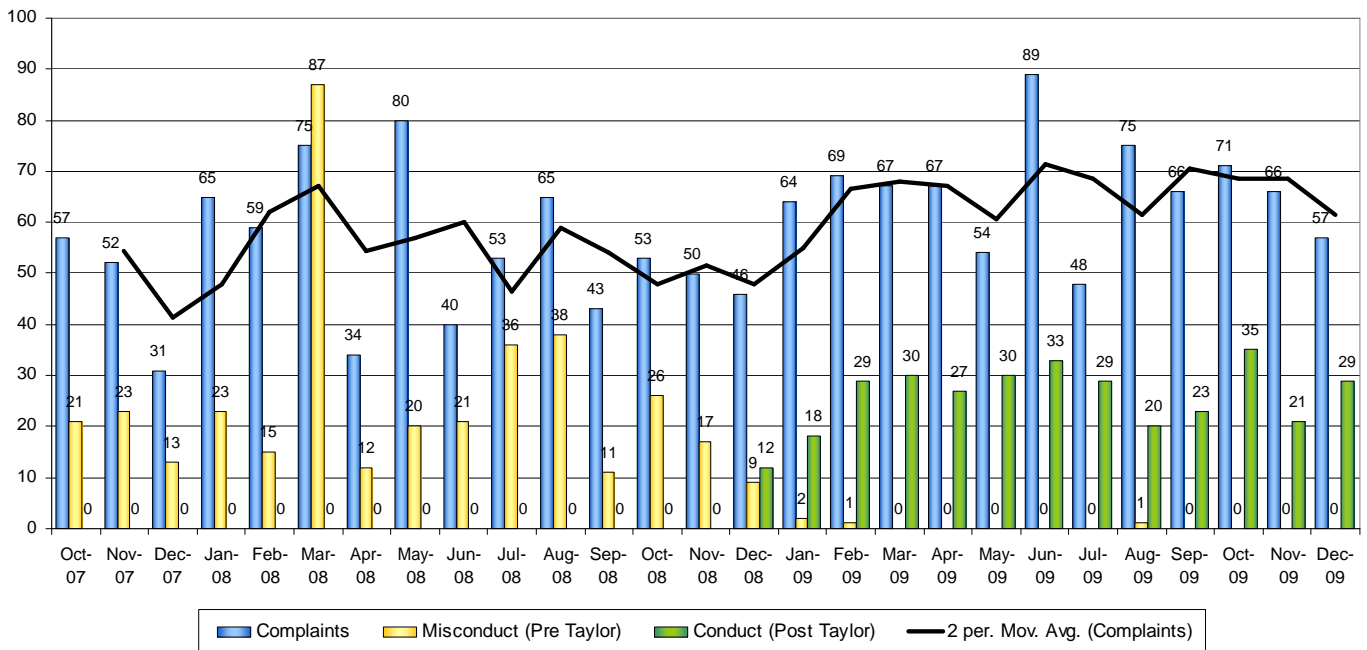


INTRODUCTION

This report covers the performance of the Professional Standards Department during the 3rd quarter period of 2009-10. The report is based on data from Centurion, the British Transport Police complaints recording system. The time period covered is from 01 October 2009 until 31 December 2009. Figures are shown for complaint and misconduct allegations recorded per month between 01 October 2007 and 30 September 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



Conduct and Misconduct

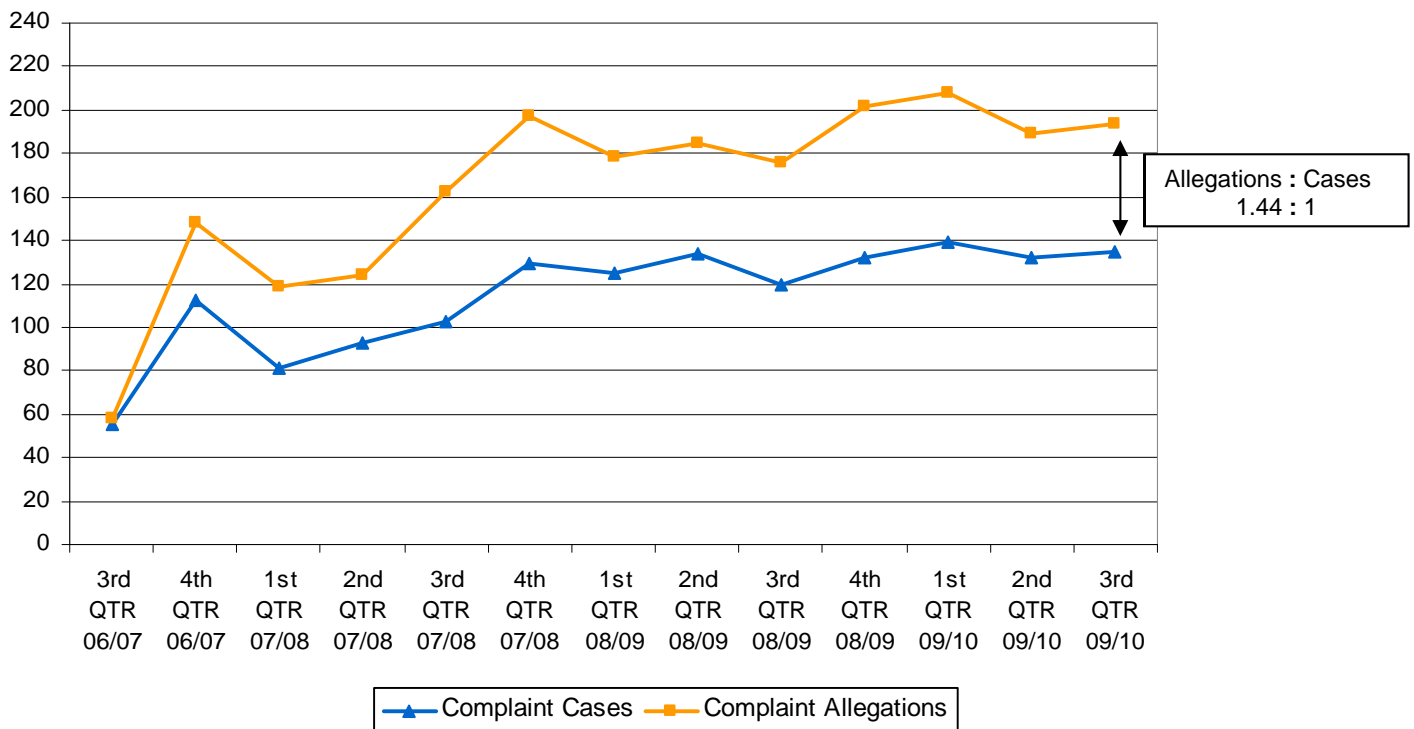
This quarter contains no pre Taylor misconduct cases, with all allegations recorded under the new legislation. Since February 2009, the number of Post Taylor misconducts has remained relatively stable, with typically between 20 and 30 allegations recorded each month. October 2009 saw a peak in the number of post-Taylor misconducts since recording began (35 allegations) but November saw a subsequent decline with 21 allegations recorded.

Complaints

During this quarter there have been a total of 194 complaint allegations recorded within 135 cases, and these 135 complaint cases have been received from 136 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 graph below indicates that the upward trend in complaint allegations appears to have attained a plateau over time. Closer inspection of the moving average in the previous graph reveals that since February 2009, allegation levels have largely fluctuated between 60 and 70 allegations per month.

The ratio of complaint allegations to cases remains within the range of 1.4:1 and 1.5:1; as of the 3rd quarter 2009-10 the number of allegations stands at 1.44 times the number of complaint cases. This is likely to reflect sustained efforts to record each element of a complaint as a separate allegation in a complaint case. It is noted, however, that the ratio is still less than the national average which was calculated as 1.71 allegations per case across all Forces (IPCC 2008-09 statistics).



Complaint Cases

The number of complaint cases fluctuates each quarter. Of the 135 cases recorded in this quarter, 51 were recorded in October, 46 in November and 38 in December. The monthly average over the last six months of recording is 45.

In the 2nd quarter report of 2008-09 the decision was taken to show complaint cases recorded by month rather than by quarter as the integrity of the data is better preserved. The below graph illustrates complaint case data over the last three years. Trend analysis of complaint cases, as opposed to allegations, may permit more accurate interpretation of the problem as the recording of

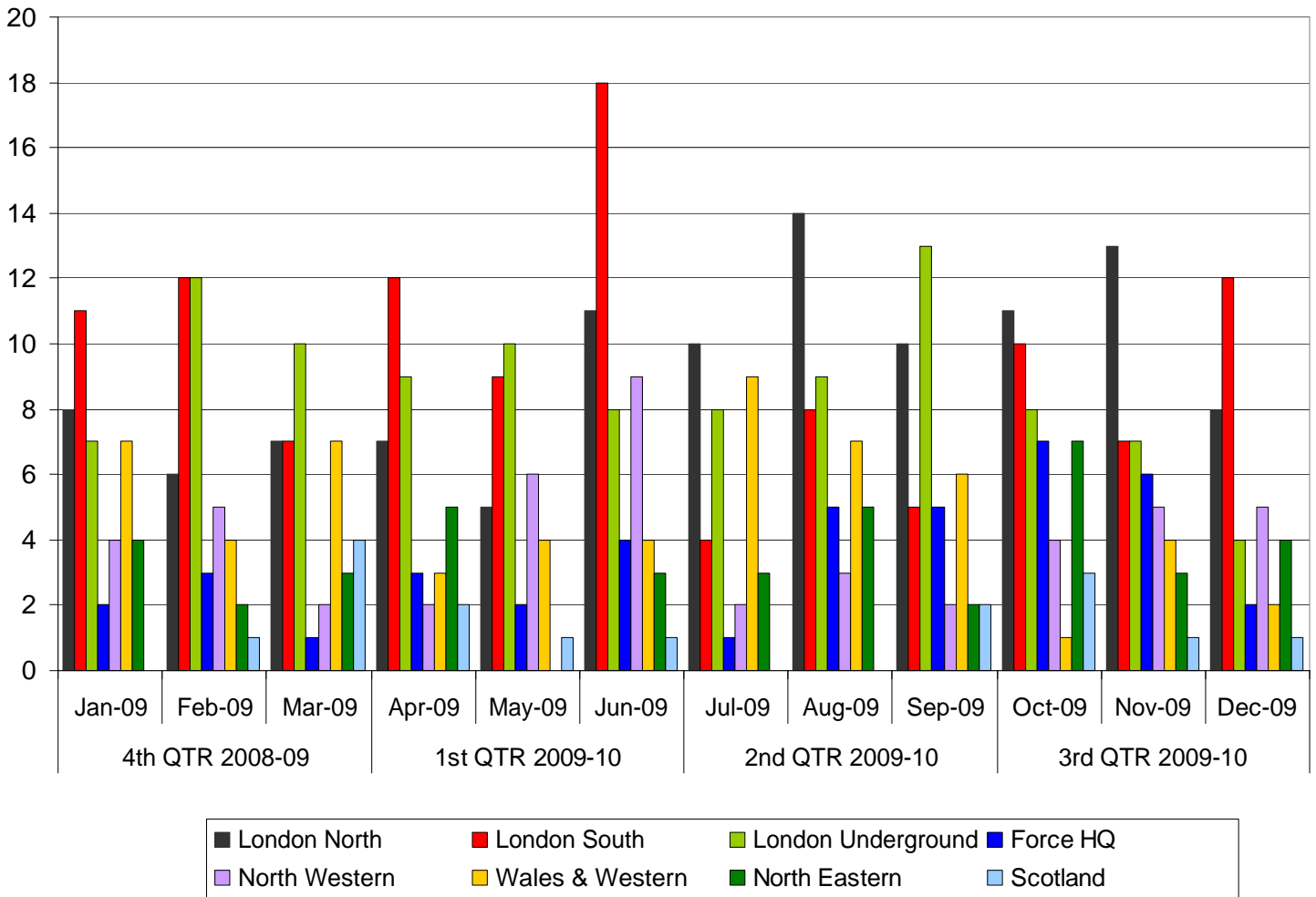
allegations is subject to the identification of the various grounds for the complaint, the number of which may vary considerably from one case to another.

Trend analysis – Complaint cases by Area

The graph below shows the number of complaint cases recorded on each Area since the 4th quarter 2008-09.

London North Area and, to a lesser extent, Force Headquarters, appear to demonstrate an overall increase in the number of complaint cases recorded over time (although these Areas saw the largest decreases in complaints between November 2009 and December 2009).

Excluding the observed peak in September 2009, London Underground appears to have seen an overall reduction in the number of recorded cases.

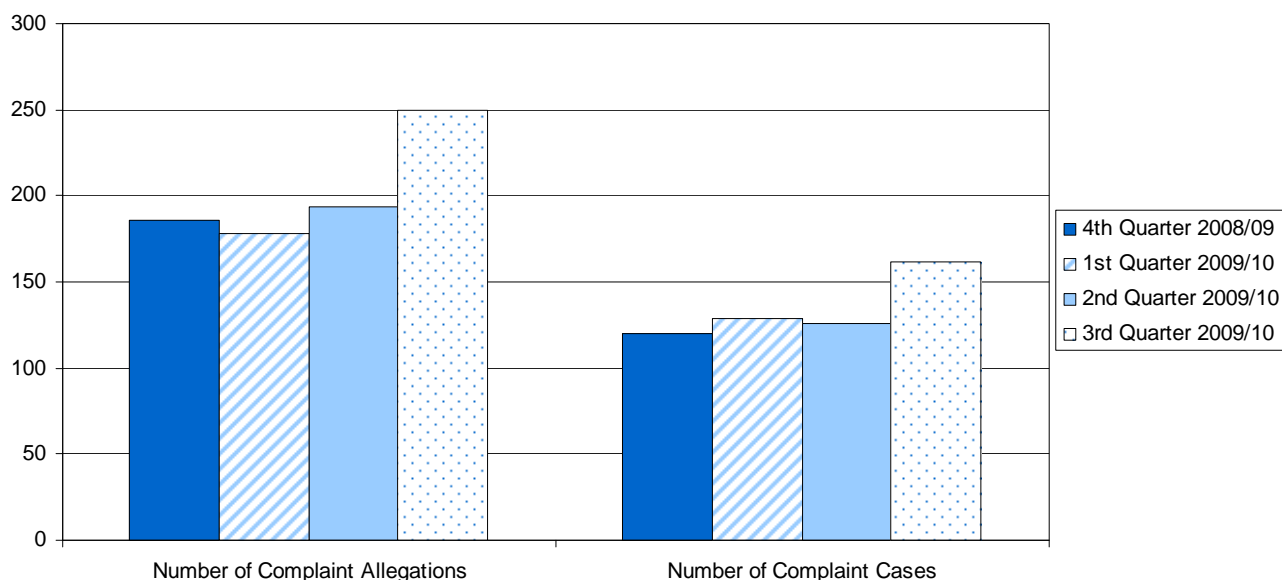


1.2 Completed Complaints

	1 st Quarter 2009-10	2 nd Quarter 2009-10	3 rd Quarter 2009-10	Percentage Change
Number of Complaint Allegations	178	194	250	+28.9%
Number of Complaint Cases	129	126	162	+28.6%

The figures 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 saw a 29% increase this quarter, with an equivalent increase in the number of allegations resolved compared to the previous period.



1.3 Method of Completion of Complaints

	1 st Quarter 2009-10	2 nd Quarter 2009-10	3 rd Quarter 2009-10
Percentage Locally Resolved (actual figure in parentheses)	46.62% (83)	45.36% (88)	45.20% (113)
Percentage Dispensed (actual figure in parentheses)	12.92% (23)	8.76% (17)	12.80% (32)
Percentage Withdrawn (actual figure in parentheses)	15.73% (28)	15.46% (30)	9.20% (23)
Percentage Not Substantiated (actual figure in parentheses)	16.85% (30)	27.32% (53)	27.60% (69)

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Percentage Substantiated (actual figure in parentheses)	4.49% (8)	2.58% (5)	3.20% (8)
Percentage Discontinued (actual figure in parentheses)	3.37% (6)	0.52% (1)	2.00% (5)
Total	100% (178)	100% (194)	100% (250)

Of all complaints completed this quarter, 45% were locally resolved. This figure compares favourably with the national figures which show that, on average, 41% of complaints are being dealt with by means of local resolution (IPCC statistics 2008/09).

Of the 113 complaints resolved by means of Local Resolution this quarter, 70 (76%) were secured on Area. This compares to 79% of Local Resolutions being completed on Area in the previous quarter.

The percentage of dispensations increased this period to a figure approximating that recorded in the 1st quarter 2009-10. The percentage of withdrawn complaints has seen a 6% reduction this quarter.

1.4 Recorded Complaints by Category

	1 st Quarter 2009-10	2 nd Quarter 2009-10	3 rd Quarter 2009-10	Percentage Change
A Serious non-sexual assault	2	4	2	-50%
B Sexual assault	0	1	0	-100%
C Other assault	49	26	37	42.31%
D Oppressive conduct or harassment	10	5	8	60%
E Unlawful/unnecessary arrest or detention	10	14	12	-14.29%
F Discriminatory Behaviour	1	8	8	0%
G Irregularity in evidence/perjury	6	5	3	-40%
H Corrupt Practice	1	3	0	-100%
J Mishandling of Property	4	1	2	100%
K Breach Code A PACE	5	5	7	40%
L Breach Code B PACE	1	1	4	300%
M Breach Code C PACE	6	4	4	0%
N Breach Code D PACE	0	0	0	0%
P Breach Code E PACE	1	0	0	0%
Q Lack of fairness and impartiality	4	12	3	-75%
R Multiple or unspecified breaches of PACE	0	0	0	0%
S Other neglect or failure in duty	26	19	29	52.63%
T Other irregularity in procedure	3	2	1	-50%
U Incivility, Impoliteness and intolerance	67	66	57	-13.64%
V Traffic Irregularity	1	1	0	-100%
W Other	10	8	14	42.86%
X Improper disclosure of information	3	4	3	-25%

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Y Other sexual conduct	0	0	0	0%
TOTAL	210	189	194	2.64%

Complaint allegations have seen a 2.6% increase this quarter. Incivility, Impoliteness and Intolerance remains the most frequently received allegation type but has seen a reduction compared to the previous two quarters. The three London Areas account for over 60% of the Incivility allegations recorded this period.

Allegations of Other Assault saw a 42% increase compared to the 2nd quarter 2009-10. The alleged use of excessive force on arrest is the predominant complaint in this category, but Other Assault can also include dog bites, and instances where physical contact is made with the complainant to forcibly move them. London North Area and London Underground Area accounted for over 50% of Other Assault complaints, receiving 10 and nine complaints respectively.

Complaints of Lack of Fairness and Impartiality have seen a reduction to the level recorded in the 1st quarter 2009-10.

Six of the eight complaints of Discriminatory Behaviour were recorded on London South and London Underground Areas (3 complaints each). Six of the complaints concerned perceived discrimination based on the complainant's race or ethnicity.

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	9	10	5	5	3	4	0	1	37

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	1	6	7	4	7	0	3	1	29

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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	7	15	13	9	6	2	2	3	57

**Discriminatory
Behaviour**

Area	London Underground	London North	London South	North West	North East	Wales and Western	Scotland	Force Headquarters	Total
Number of Complaints	3	1	3	0	0	0	0	1	8

Discriminatory Behaviour Complainant Ethnicity	White British	Asian Pakistani	Other Asian	Black African	Black Caribbean	Any Other Ethnic Group	Not Stated	Unknown
Number of Complainants	1	0	0	2	3	0	1	1

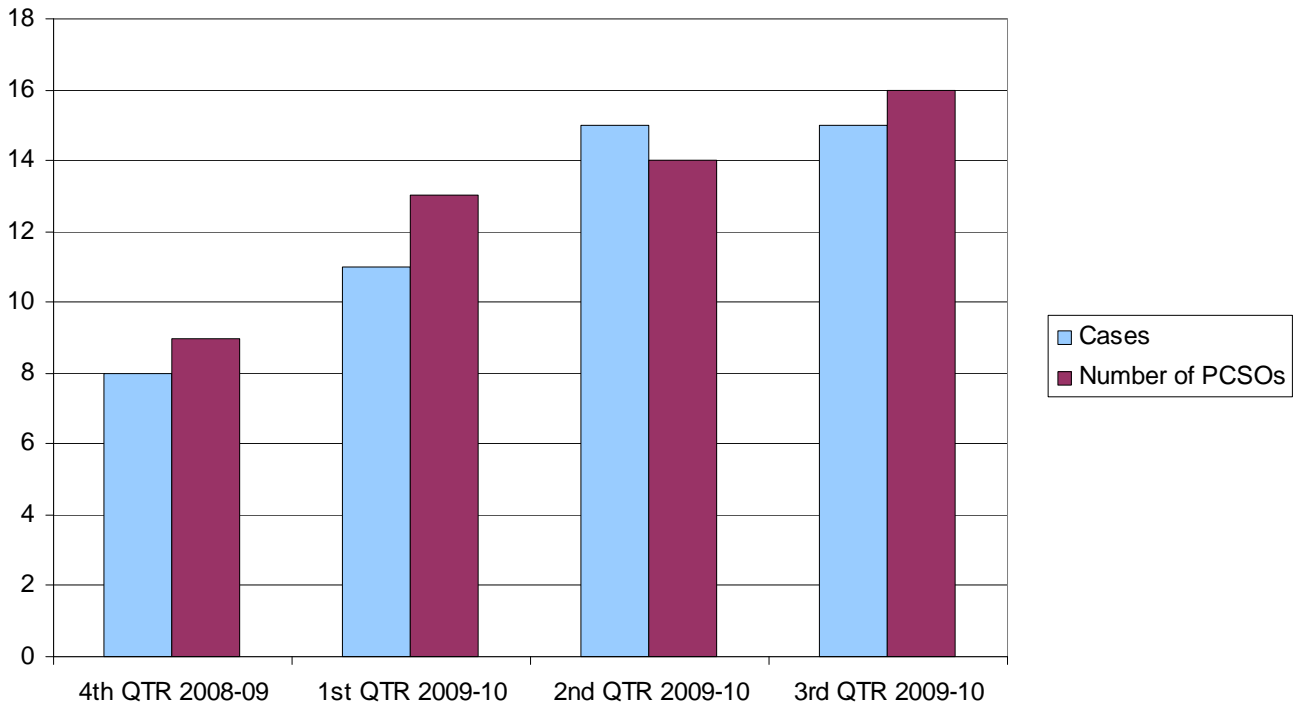
Discriminatory Behaviour Officer Ethnicity	White British	White Irish	Other White	Not Stated	Unknown
Number of Officers	10	1	0	1	2

1.5 Use of Batons, Captor Spray and Handcuffs

In the 2nd quarter 2009-10 there were two complaints regarding the use of batons, one for the use of captor spray and 10 cases relating to the use of handcuffs. There were two further complaints regarding the joint use of baton/captor and handcuffs/captor.

This quarter one complaint was received regarding the use of a baton during the G20 protests in April 2009. Five complaints concerned the use of captor spray and 13 complaints related to the use of handcuffs.

1.6 PCSO Statistics – Trend Analysis



For this quarter, there were 15 complaint cases arising from incidents involving PCSOs, relating to 16 individual PCSOs. Within these cases were a total of 26 allegations. The number of cases is identical to the previous period but it is noted that the allegation to case ratio is substantially higher.

Incivility and Other Neglect were the most prominent complaint categories, with a 30% and 27% share of complaints respectively. London North PCSOs attracted the largest proportion of complaints (50%).

One PCSO featured in two complaint cases, comprising five allegations, both featuring a common theme of alleged assault. This PCSO has since been the subject of a Complaint Reduction Management Plan.

1.7 Section 44-related complaints

Two public complaints relating to Section 44 Anti-Terrorism Stop and Search were recorded this period. One complaint concerned an officer's alleged derogatory manner during the search, the other concerns the search of a minor with learning difficulties. Both cases are being locally resolved.

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1.8 Context from which complaints have arisen

	Arrest	Complaint Enquiry	Crime Enquiry	Domestic dispute	Other	Police detention	Police/ Public encounter	Public order	Rail ticket enquiry	Removal from station/ train	Search of person	Search of premises	Search of vehicle	Stop and account	Traffic	Off duty conduct	Total
A Serious non-sexual	1							1									2
B Sexual assault																	0
C Other assault	23	1			5	2			2	5	1						39
D Oppressive conduct or harassment					1				1		3	2			1		8
E Unlawful/ necessary arrest or detention	11					1											12
F Discriminatory Behaviour	2						1		1	1	2	1			1		9
G Irregularity in evidence/perjury	1														1		2
H Corrupt practice																	0
J Mishandling of property					1							1					2
K Breach Code A PACE					1						5	1		1			8
L Breach Code B PACE												4					4
M Breach Code C PACE	1					4											5
N Breach Code D PACE																	0
P Breach Code E PACE																	0
Q Lack of fairness and impartiality			1			1				1							3
R Multiple or unspecified PACE breach																	0

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	Arrest	Complaint Enquiry	Crime enquiry	Domestic dispute	Other	Police detention	Police/public encounter	Public order	Rail ticket enquiry	Removal from station/train	Search of person	Search of premises	Search of vehicle	Stop and account	Traffic	Off duty conduct	Total
S Other neglect or failure in duty	3	1	11	1	2	1	3		2	1	1				2		28
T Other irregularity in procedure									1		1						2
U Incivility/impoliteness/intolerance	14		5		4	2	16	3	5	1	3	3			1		57
V Traffic irregularity																	0
W Other	2						1	1	1			1					6
X Improper disclosure of information	1	1									1						3
Y Other sexual conduct																	0
Total	59	3	17	1	14	11	21	5	13	9	17	13	0	1	6	0	190

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.

It can be seen from the above table that a large proportion of complaints received this quarter arose from arrest situations (accounting for 28% of all complaint situations). More than one in 10 complaint allegations arose from a police/public encounter, of which 80% concerned Incivility. Almost 9% of complaints were raised in the context of a crime enquiry or search of person. The majority of crime enquiry complaints related to allegations of Other Neglect or Failure in Duty; these included allegations of officers failing to take appropriate action in response to a reported incident.

1.9 Cases supervised, managed or independently investigated by the IPCC

Supervised: 6 cases

CO/171/08 – Case recorded 09/05/2008.

CO/191/08 – Case recorded 19/05/2008.

CO/266/08 – Case recorded 03/07/2008.

CO/210/09 – Case recorded 29/05/2005.

CO/321/09 – Case recorded 11/08/2009.

CO/402/09 – Case recorded 01/10/2009.

Managed:

There are currently no investigations being managed by the IPCC.

Independent: 1 case

CO/145/06 – Case recorded 15/06/2006.

1.10 PCCS Reviews

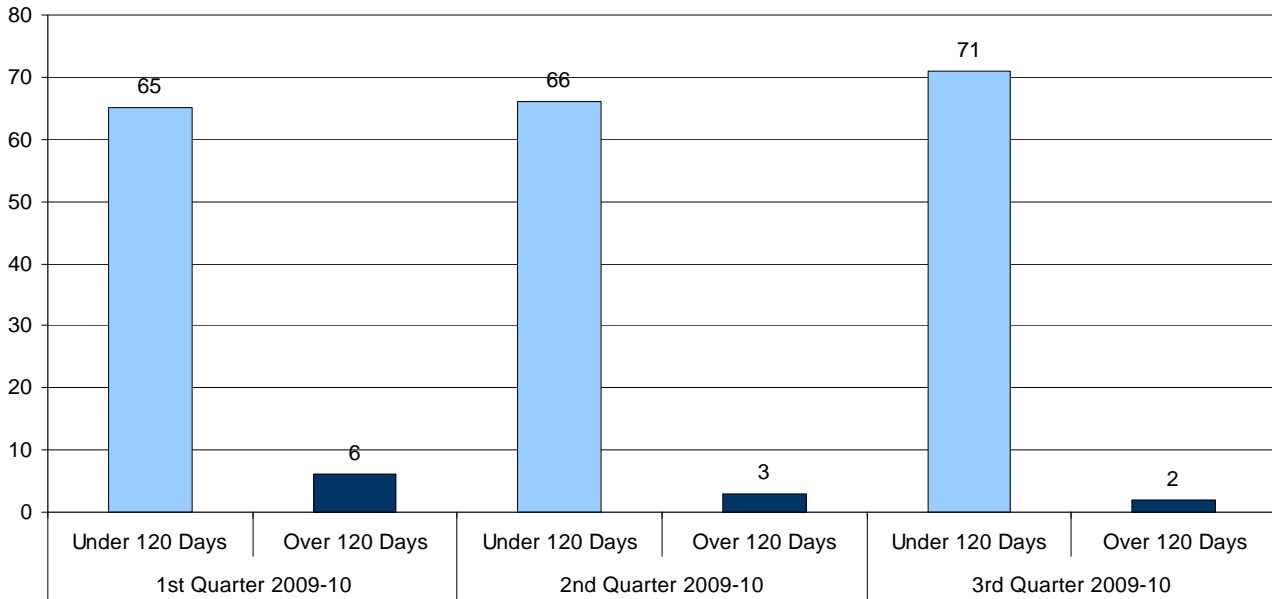
None this quarter.

1.13 Outstanding Complaint Cases

The cases detailed below are divided into those which are under 120 days and over 120 days investigation time and are still being actively investigated by the Force.

The total number of outstanding complaint cases has seen an increase of five cases this quarter, whilst the number of cases over 120 days investigation time has seen a decrease.

	1 st Quarter 2009-10		2 nd Quarter 2009-10		3 rd Quarter 2009-10	
	Under 120 Days	Over 120 Days	Under 120 Days	Over 120 Days	Under 120 Days	Over 120 Days
Total Number Outstanding	65	6	66	3	71	2



Summary of Complaints Investigations Over 120 Days in the 3rd Quarter 2009-10

2 cases

Summary of Complaints Over One Year Old

There are currently no complaint cases which have been under investigation for more than one year.

2. SECTION TWO

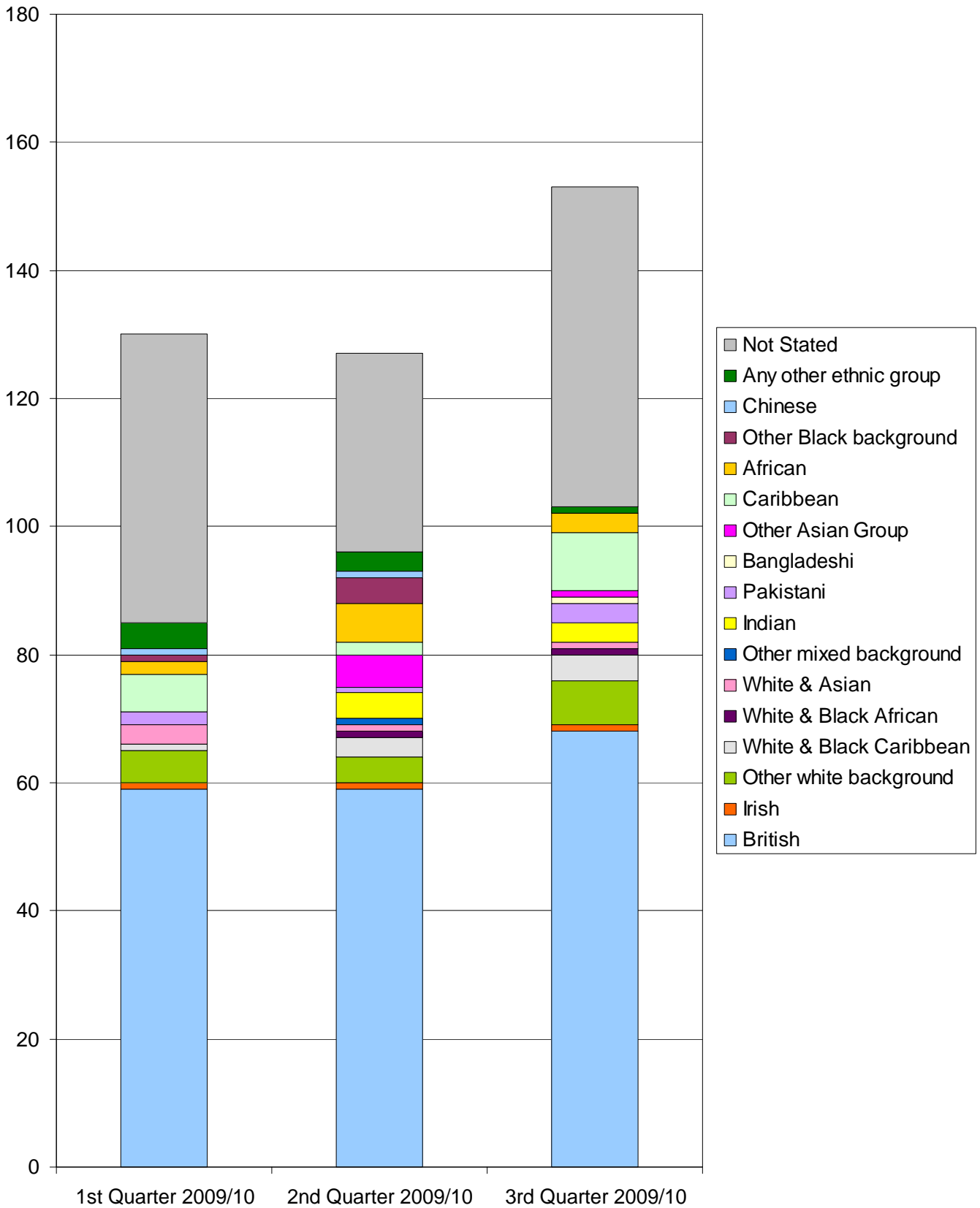
2.1 Ethnicity of Complainants (complaints finalised in this quarter)

		1 st Quarter 2009-10	2 nd Quarter 2009-10	3 rd Quarter 2009-10
White	British	45.38% (59)	46.46% (59)	44.44% (68)
	Irish	0.77% (1)	0.79% (1)	0.65% (1)
	Other white background	3.85% (5)	3.15% (4)	4.58% (7)
Mixed	White & Black Caribbean	0.77% (1)	2.36% (3)	2.61% (4)
	White & Black African	0% (0)	0.79% (1)	0.65% (1)
	White & Asian	2.31% (3)	0.79% (1)	0.65% (1)
	Other mixed background	0% (0)	0.79% (1)	0% (0)
Asian/Asian British	Indian	0% (0)	3.15% (4)	1.96% (3)
	Pakistani	1.54% (2)	0.79% (1)	1.96% (3)
	Bangladeshi	0% (0)	0% (0)	0.65% (1)
	Other Asian Group	0% (0)	3.94% (5)	0.65% (1)
Black/Black British	Caribbean	4.62% (6)	1.57% (2)	5.88% (9)
	African	1.54% (2)	4.72% (6)	1.96% (3)
	Other Black background	0.77% (1)	3.15% (4)	0% (0)
Other	Chinese	0.77% (1)	0.79% (1)	0% (0)
	Any other ethnic group	3.10% (4)	2.36% (3)	0.65% (1)
Not Stated		34.62% (45)	24.41% (31)	32.68% (50)
TOTALS		100% (130)	100% (127)	100% (153)

Table 2.1 details the ethnicity of complainants for those cases finalised during this quarter rather than the ethnicity of those complainants who had cases recorded this quarter. This is due to number of complainants who do not provide details of their ethnicity when initially making a complaint; this information is often recorded at a later date as an investigation progresses.

The highest number of complaints recorded continues to be received from those classified as White British. Overall, just under 50% of complaints recorded were from persons defining themselves as White. It is noted that 18% of complainants identified themselves as being of BME origin this period, a 7% decrease on the previous quarter. Correspondingly, there has been an 8% increase in the number of complainants who have not stated their ethnicity.

Ethnicity of Complainants



2.2 Ethnicity of Officers Complained About

		BTP Population*	1st Quarter 2009-10	2nd Quarter 2009-10	3rd Quarter 2009-10	Percentage of Population
White	White British	2822	124	105	122	4.32%
	White Irish	55	3	1	2	3.64%
	White Other white background	119	6	5	2	1.68%
Mixed	Mixed White & Black Caribbean	16	0	0	0	0%
	Mixed White & Black African	12	1	0	1	8.33%
	Mixed White & Asian	18	1	1	0	0%
	Mixed Other mixed background	22	1	1	2	0.09%
Asian/Asian British	Asian/Asian British Indian	41	2	3	1	2.44%
	Asian/Asian British Pakistani	34	2	1	4	11.76%
	Asian/Asian British Bangladeshi	18	1	0	1	5.56%
	Asian/Asian British Other Asian background	18	1	2	2	11.11%
Black/Black British	Black/Black British Caribbean	38	1	4	0	0%
	Black/Black British African	46	2	5	1	2.17%
	Black/Black British Other Black background	11	0	0	0	0%
Other	Chinese	6	0	0	0	0%
	Other Any other ethnic group	11	1	0	1	9.09%
Not Stated		166	30	30	33	19.19%
TOTALS		3453	176	158	172	4.20%

* Includes Police Officers, PCSOs and Special Constables. Excludes Police Staff who do not customarily interact with the public.

Of the complaints received during this quarter, 84% were made against officers defining themselves as White, an increase of 18% on the previous quarter. 9% of complaints received related to officers defining themselves within a BME category.

Of the 33 subjects in receipt of complaints whose ethnicity is not stated, 24 are unidentified officers. Therefore, discounting officers whose identity is unknown, there are 139 subjects of complaint, of which ethnicity has not been stated in nine cases (6%). These nine cases relate to seven individual officers (one officer received three separate complaints). From further enquiries it appears that four of these officers are White, one is Asian/Asian British, one is Black/Black British and the remaining officer is of unknown ethnic origin.

2.3 Age of Complainants

	Total Complainants
0 - 19	1
20 - 29	26
30 - 39	31
40 - 49	32
50 - 59	17
60 +	6
Unknown	40
Total	153

2.4 Gender of Complainants

	Total Complainants
Female	41
Male	107
Other	3
Unknown	2
Total	153

2.5 Means Complaint Received

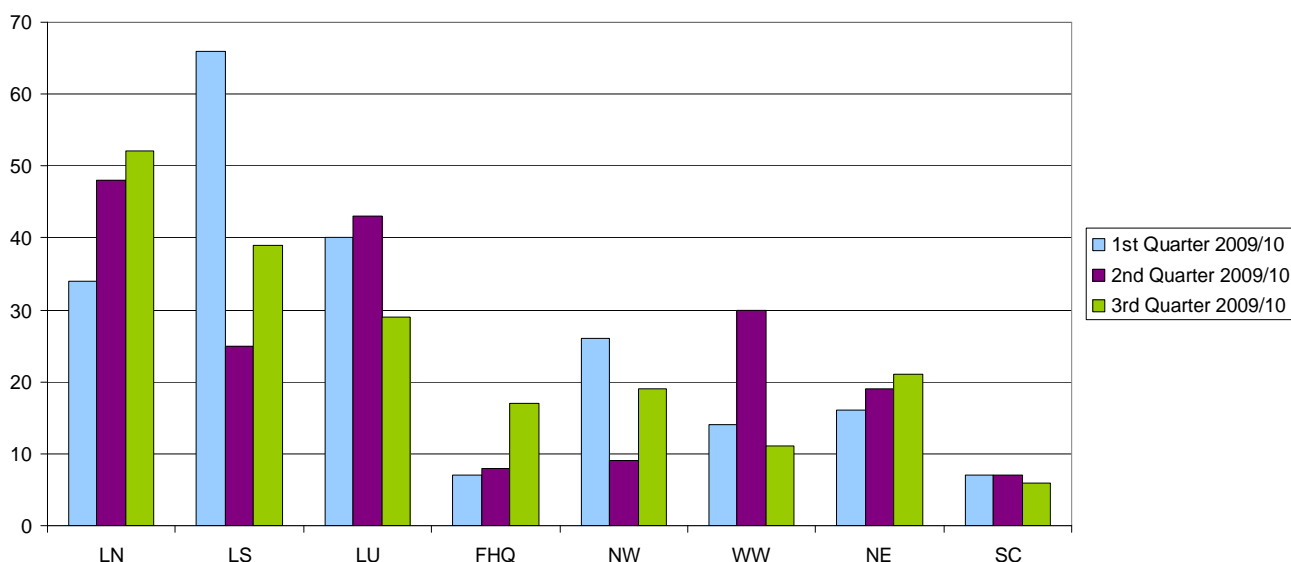
	Received Means
Email	31
Ext. Force	2
Online	9
Fax	7
In Person	5
IPCC	19
Letter	19
Solicitor	1
Telephone	38
BTPA	0
Other/Not recorded	22
Total	153

3. SECTION THREE

3.1 Complaints by Area

	BTP Population*	1 st Quarter 2009-10	2 nd Quarter 2009-10	3 rd Quarter 2009-10	Percentage Change
LN - London North	613	34	48	52	8.33%
LS - London South	502	66	25	39	56%
LU - London Underground	817	40	43	29	-32.56%
FHQ – Force Headquarters	380	7	8	17	112.50%
NW – North Western	303	26	9	19	111.11%
WW – Wales & Western	303	14	30	11	-63.33%
NE - North Eastern	294	16	19	21	-10.52%
SC – Scotland	238	7	7	6	-14.29%

* Includes Police Officers, PCSOs and Special Constables. Excludes Police Staff who do not customarily interact with the public.



London North Area recorded the highest number of complaints this quarter. Of the 52 complaint allegations recorded against this Area, 15 relate to Incivility, 10 to Other Assault and 8 to Unlawful/unnecessary Arrest or Detention. The next highest complaint category is Other Neglect or Failure in Duty with 6 allegations.

One London North PC featured in two separate complaint cases this quarter; one case is being dealt with on Area whilst the other is currently pending PSD investigation under subjudicy.

Of the 31 known officers in receipt of a complaint on LN Area, 7 were PCSOs (23%) and 4 (13%) were probationary constables.

North Western Area saw the largest numerical increase in complaints this quarter, but to a level less than that recorded in the 1st quarter this policing year.

London South saw a 56% increase in complaints this period, although it is observed that this quarter's figure is considerably lower than that recorded in the 1st quarter 2009-10. The peak complaint type on London South Area is Incivility with 13 allegations.

London Underground Area reported a notably lower complaint to officer ratio compared to the other London Areas.

Force Area	Ratio of Complaints per 100 officers
London North	8.48
London South	7.77
London Underground	3.55
Force Headquarters	4.47
North Western	6.27
Wales and Western	3.63
North Eastern	7.14
Scotland	2.52
TOTAL FORCE	5.62

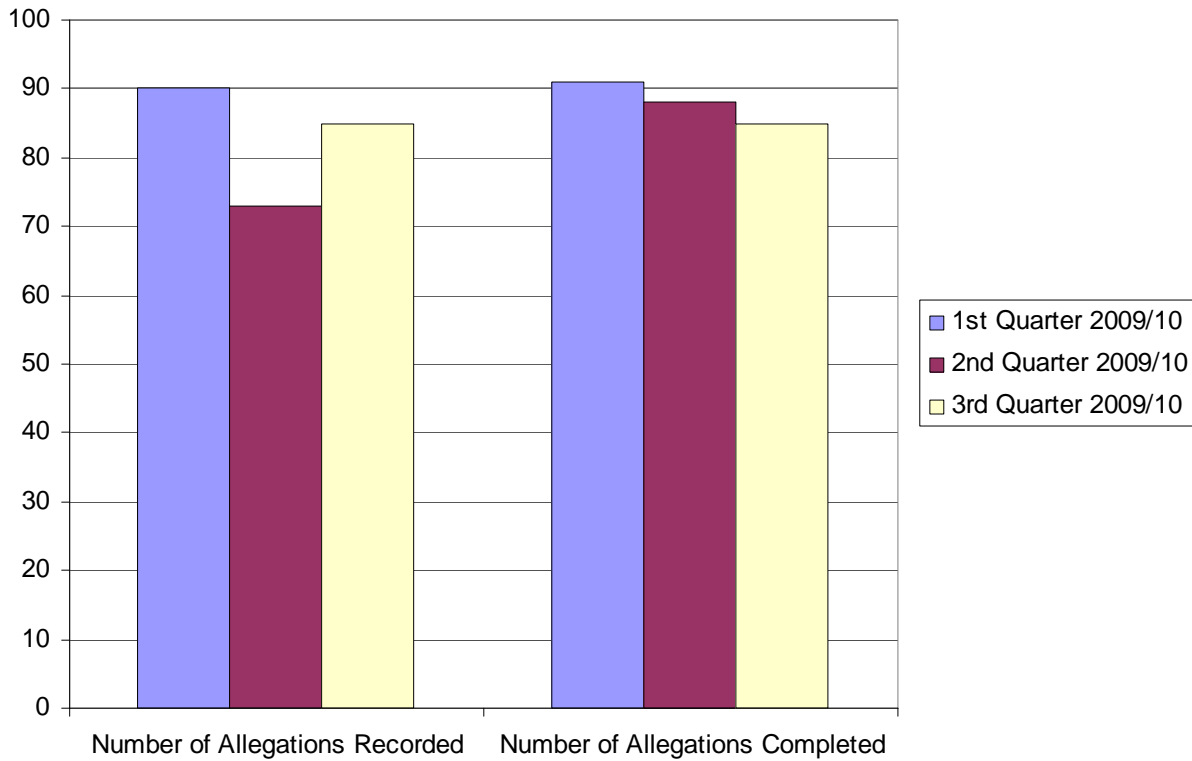
4. SECTION FOUR

4.1 Misconduct Matters

	1 st Quarter 2009-10	2 nd Quarter 2009-10	3 rd Quarter 2009-10	Percentage Change
Number of Allegations Recorded	0 Pre Taylor 90 Post Taylor	1 Pre Taylor 72 Post Taylor	0 Pre Taylor 85 Post Taylor	16.44%
Number of Allegations Completed	42 Pre Taylor 49 Post Taylor	17 Pre Taylor 71 Post Taylor	17 Pre Taylor 68 Post Taylor	-3.61%

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.

85 post Taylor allegations have been recorded this quarter, an overall increase of 12 allegations compared to the previous period. Allegations relating to Honesty and Integrity saw the largest increase from 6 to 15 allegations.



8.2 Direction & Control Issues

There have been 28 Direction and Control complaints received this period, an increase of four complaints compared to 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.

