BRITISH TRANSPORT POLICE

Report to:	**Police Authority**
Agenda item:	**3**
Date:	**15 December 2011**
Subject:	**Chief Constable's Report**
Sponsor:	**Chief Constable**
For:	**Information**

1. PURPOSE OF PAPER

1.1 This report provides members with an overview of operational and organisational activity within British Transport Police (BTP) since the last report to the British Transport Police Authority (BTPA) on 2 November 2011.

2. POLICING PLAN PERFORMANCE

2.1 On 30 November 2011 BTP was achieving 10 of the 11 common targets (same position as last report) and 30 of the 47 local targets.

2.2 The common target not being achieved is the reduction in disruption related offences. However, there has been an improvement in year to date performance of this target since the Chief Constable's last report to BTPA. As of 30 November there had been 8,710 disruption related offences against a target of 8,534 (2% above target). At the time of writing the previous report, the number of offences was 7.4% above target. If, as expected, 2011/12 has a similar profile to previous years, this target will be achieved by the end of the financial year.

2.3 Average sickness per employee stands at 3.87 days against a target of 4.49 days. The full year target is 7.7 days. Police officers and police staff continue to achieve the average sickness target. PCSO sickness remains above target, with an average of 6.05 days against the target of 4.49 days. PCSO sickness levels are being closely monitored by Areas and HR Business Partners to address areas of concern.

2.4 Thirty of the 47 local targets being achieved (27 at the time of the last report). Area performance is monitored each month at the Force Management Team meeting. The breakdown of Area performance against local targets is as follows:

London North	4 out of 6 targets being achieved
London South	6 out of 8 targets being achieved
London Underground	6 out of 6 targets being achieved
North Eastern	5 out of 6 targets being achieved
North Western	3 out of 7 targets being achieved
Wales & Western	2 out of 5 targets being achieved
Scotland	4 out of 9 targets being achieved

2.5 A summary of performance against all Policing Plan targets is attached at Appendix A.

3. FIREARMS CAPABILTY

3.1 From January 2011 BTP has worked to independent legal advice that BTP officers come under the umbrella of 'crown servants' as BTP is a police force established by statute. Following further dialogue with the Home Office earlier this year BTP obtained a Section 5 Firearms Prohibited Weapons Authority.

3.2 In view of BTP's operational deployment timescales and following further legal advice received on 22 November 2011 that BTP officers are not 'crown servants' for the purpose of the Firearms Act 1968, BTP has decided to obtain Section 1 Firearms Certificates for all firearms officers. This will supplement the existing Section 5 Authority.

3.3 This was the contingency plan in the event of further legal advice or primary legislative delays. BTP are receiving Home Office and ACPO support to expedite the Section 1 applications.

3.4 In the longer term BTP continues to seek clarity on its status within the Firearms Act 1968 and will continue to work with BTPA, DfT and the Home Office to ensure the necessary legislative change is secured. The DfT Permanent Secretary has written to

her counter part in the Home Office stating the requirement for legislative change and is awaiting a response. BTP also continue to target amendments to the forthcoming National Crime Agency Bill as an opportunity for legislative change.

3.5 Whilst the short term route of obtaining Section 1 Certifcates is rather bureaucratic, it is not anticipated to delay the operational deployment of BTP firearms officers. This, subject to the Chief Constable's authority, will commence in early 2012.

4. METAL THEFT

4.1 BTP continues to place significant priority on tackling metal theft on the rail network, and results are starting to be realised, with a decrease in the number of live offences and an increase in the detection rate. Up to 23 November 2011 there had been 795 live cable related offences compared to 890 in the same period last year (an 11% decrease in offences). However, non-live cable offences have increased by 3% on last year (900 to date against 874 last year). The detection rate for live offences is currently 16% (10% last year) and 24% for non-live offences.

4.2 The following table shows the top ten hotspot locations for metal theft over the last two months. There are a number of dedicated metal theft operations planned over the next two months to tackle incidents at these locations.

NWR Area	Police Post	BTP Area	Live	Non-live	Total
LNE	Leeds	North Eastern	21	12	33
LNE	Sheffield	North Eastern	14	12	26
LNW	Manchester	North Eastern	5	16	21
LNE	Newcastle	North Eastern	9	8	17
Western	Gloucester	Wales & Western	6	7	13
LNE	Middlesborough	North Eastern	11	2	13
LNE	Doncaster	North Eastern	8	4	12
Anglia	Liverpool Street	London North	9	2	13
Scotland	Motherwell	Scotland	4	7	12
East Midlands	Nottingham	North Eastern	5	6	11

4.3 On 28 October BTP led the latest national day of action, which saw 33 police forces participate in high profile operations across the country. Activity included visits to 755 scrap metal dealers, 74 arrests, and 55 vehicles seized over the course of the day. A further day of action is being planned for police, government agencies and industry partners on 14 December.

4.4 Paul Crowther, Deputy Chief Constable (DCC) provided a detailed update to members at November's Authority meeting on the work he is leading to secure legislative change in relation to the Scrap Metal Dealers Act. Since this update, the DCC has given oral evidence to the Transport Select Committee, when he highlighted the impact and cost of this type of criminality, the amount of resources police forces are diverting to investigate and reduce metal theft across the UK, and stressed that legislative change was required to regulate the sale and purchase of scrap metal.

4.5 The DCC also attended a cross Governmental Ministerial meeting chaired by Lord Henley, Crime & Prevention Minister. The senior attendees at this meeting acknowledged that legislative amendment was required as soon as possible.

4.6 The Chancellor announced in his Autumn Statement funding of £5m to establish a national metal theft taskforce. Whilst at the time of writing this report it had not been agreed who will be responsible for managing this taskforce, as ACPO lead for metal theft, the DCC will play a major role in the establishment of this unit. There are a number of meetings scheduled during December to progress this.

5. FATALITY MANAGEMENT

5.1 Whilst BTP continues to provide a good response to fatalities on the rail network (non-suspicious fatalities are currently cleared within an average of 77 minutes), there has been an increase in the number of unexplained fatalities which has led to a rise in delay minutes of 57%. Assistant Chief Constable Alan Pacey, Territorial Policing & Crime, has therefore instigated a review of BTP's response and management of unexplained fatalities.

5.2 The following table details the number of fatalities from April 2010 to October 2011, broken down into non-suspicious, unexplained and suspicious.

	April 2010 – October 2010	April 2011 – October 2011
Non suspicious	109	117
Unexplained	31	60
Suspicious	2	1
Total	142	178

5.3 The review is looking at ways to improve BTP's response to unexplained fatalities and reduce disruption to the rail network. This work includes:

- A new Fatality Guidance is being produced which will replace the existing fatality management standard operating procedure. The first draft of this guidance is due by the end of December.
- National Decision Model Fatality Training is being rolled out to all officers during December to February.
- A Process Mapping exercise is being undertaken. BTP met with key stakeholders on 7 November to identify opportunities to reduce disruption. Suggestions included better utilisation of real time intelligence, early review of CCTV, gaining an early account from the driver, response and actions of Crime Scene Examiners, and rationale for closing lines. These ideas are being taken forward as part of the review.

6. RACIALLY AGGRAVATED INCIDENTS SHOWN ON SOCIAL MEDIA

6.1 Three incidents recently appeared on YouTube showing individuals being racially abusive to other passengers on the transport network. BTP did not receive any reports of these incidents at the time, and were only notified of them when footage was first uploaded onto YouTube on 27 November.

6.2 The first incident that appeared on YouTube (which received in the region of 11 Upon becoming aware of this footage million hits and generated widespread media attention)

occurred on 1 November on Croydon Tramlink. As soon as the Force became aware of this footage, BTP officers commenced an investigation and following a witness appeal, the suspect was identified and traced to a previous workplace. Officers attended and obtained her home address where she was arrested. She gave a no comment interview, but following CPS advice was charged for a racially aggravated public order offence. She appeared before Croydon Magistrate's Court on 29 November where she was remanded in custody until 6 December.

The second video was reported to BTP on 29 November purporting to have been taken on a train between London and Manchester. Work by North Western Area revealed the video was first posted around two years ago. It is also now known that the video took place on a train between London King's Cross and Stevenage. Following further media coverage of the video, a woman voluntarily attended a police station in Stevenage on 1 December and was interviewed under caution. She has been reported for racially aggravated disorderly behaviour and a file is being prepared for the CPS.

A third video, alleging a racially aggravated offence on a London Underground train, has been brought to BTP's attention and is being investigated by the L Area Public Protection Unit

6.3 With effect from 5 December the Force Intelligence Bureau will be monitoring social networking sites for racial incidents and assaults committed on the rail network.

7. 2012 OLYMPIC & PARALYMPIC GAMES

7.1 A detailed update on BTP's preparations for the Olympic & Paralympic Games will be provided by ACC Steve Thomas at the Police Authority meeting.

8. STAKEHOLDER ENGAGEMENT

8.1 The Chief Constable has commenced a schedule of meetings with train operating company Managing Directors. Discussion at these meetings has included current issues

for both BTP and the TOC, crime levels and policing on the particular line of route, and preparations for the Olympics. During November the Chief Constable met with David Horne East Midlands Trains, Mark Phillips NXEA, Howard Collins LUL, David Higgins Network Rail, and Andy Cooper CrossCountry. Further meetings with stakeholders are scheduled over the next few months.

8.2 Lin Homer, DfT Permanent Secretary, visited BTP on 2 November and met with the Chief Constable, DCC and Director of Corporate Resources. They discussed current priorities for BTP, firearms legislation issues, reimbursement of funding from DfT for additional poliicng costs during the period of disorder, and the McNulty report.

8.3 On 17 November the Chief Constable met Justine Greening, Secretary of State for Transport. They discussed metal theft and the need for legislative change, CCTV, CT funding, preparations for the Olympics, Airwave and the establishment of a national police force in Scotland.

8.4 The Minister of State for Transport visited Mitcham Eastfields level crossing on 24 November to view an operation targeting level crossing misuse. After viewing the operation Theresa Villiers MP discussed levelcrossing misuse with Assistant Chief Constable Alan Pacey and received a demonstration of BTP's Railway Safety Camera Partnership Vehicle. The Minister also met officers from BTP Croydon, who were working with the Metropolitan Police, DVLA and First Capital Connect to educate drivers and pedestrians on the dangers of crossing misuse. The Minister took questions from media and said: "Accidents at level crossings can have tragic and life-changing consequences, so the rail industry's efforts to tackle the key causes of this issue are welcome. The work British Transport Police and Network Rail are doing to educate the public about the dangers of them misusing level crossings is vital if we are to reduce the risk of fatal incidents."

9. ACPO ACTIVITY

9.1 The Chief Constable attended the Society of Editors Conference on 14 - 15 November in his capacity as ACPO media advisor. The focus of the conference was the need for a new media charter and the threat of regulation following the phone hacking scandal. The conference was addressed by the Lord Chancellor Kenneth Clark and the Attorney General Dominic Grieve, as well as newspaper editors, lawyers and regulators. In the Chief Constable's contributions, he raised his concerns about the conduct of the media in recent major incidents in Northumbria, Cumbria and Avon and Somerset where it was alleged that journalists were harassing victim's families, interviewing vital witnesses and undermining the police investigations. The Chief Constable proposed that there should be a more rigorous code of ethics to govern the behaviour of journalists.

9.2 The Chief Constable attended the ACPO Conference, where on 24 November he led the morning session on relationships between police and the media. Other items on the agenda included an operational debrief on lessons learned from the period of disorder in August, Police Reform and preparations for the Olympic & Paralympic Games.

9.3 The Chief Constable is also being consulted at an early stage in connection with the Leveson Enquiry, and has also met with the Attorney General regarding contempt issues.

10. RECOMMENDATIONS

10.1 That Members note the update provided in this report.