

REPORT TO: BTPA Professional Standards Committee
DATE: 15 July 2011
SUBJECT: PSD 1st Quarter 2011/12 Report to the Police Authority
Reporting Period 01 April 2011 to 30 June 2011
OWNER: Detective Chief Superintendent FRY
SPONSOR: Deputy Chief Constable



INTRODUCTION

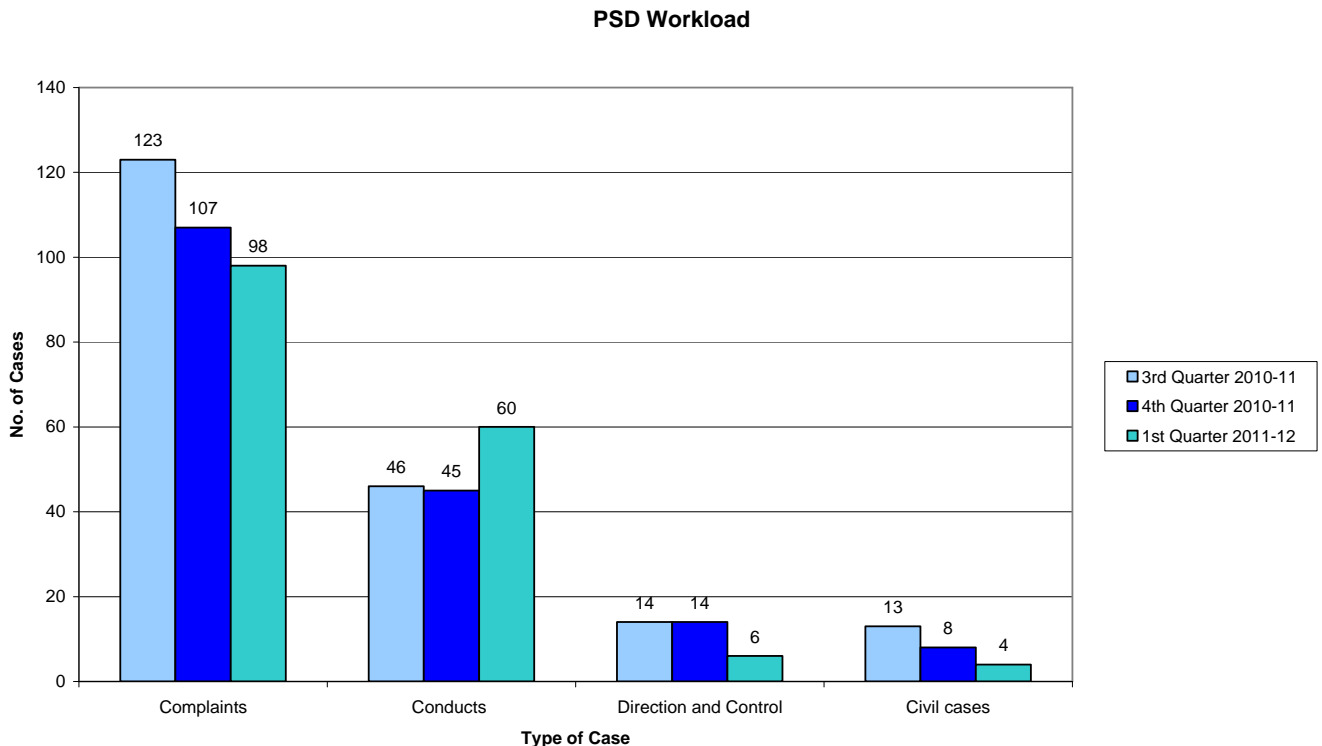
This report covers the performance of British Transport Police in relation to Professional Standards matters during the 1st quarter period of 2011-12. The time period under review is from 01 April 2011 to 30 June 2011. The report is based on data from Centurion, the British Transport Police complaints recording system.

PURPOSE

The purpose of this report is to inform members of the Police Authority on Professional Standards matters within the force from the 01 April 2011 to 30 June 2011.

1. SECTION ONE 1.1. PSD WORKLOAD

The chart below illustrates the number of cases recorded by PSD in the last three quarters.

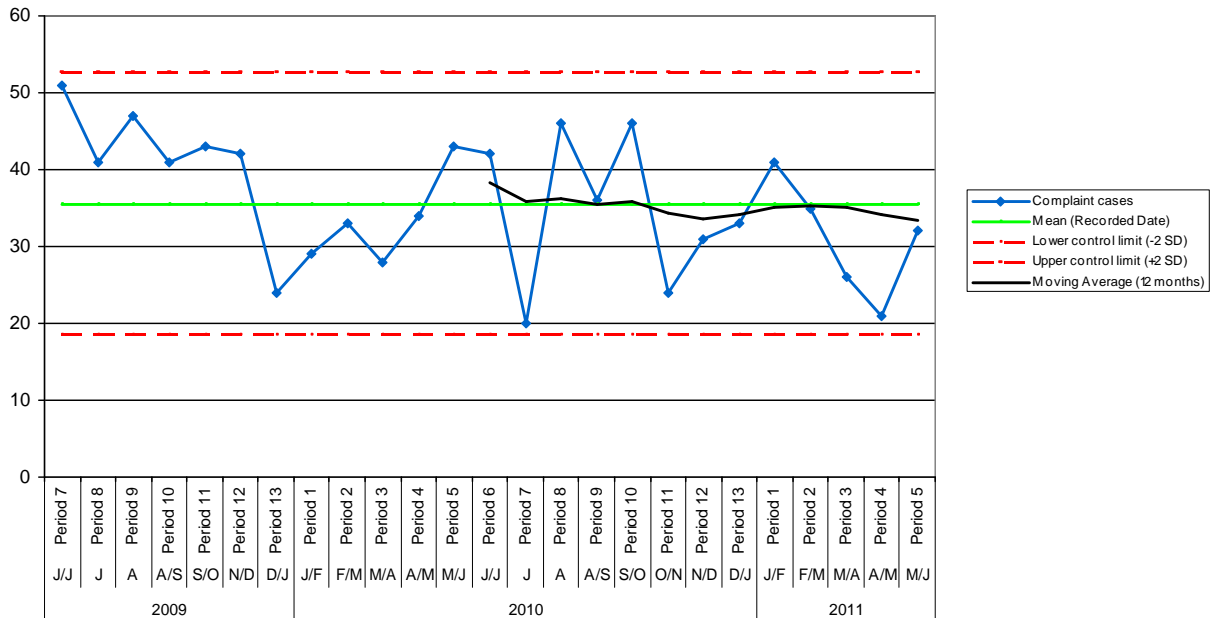


2. SECTION TWO
2.1. RECORDED COMPLAINTS

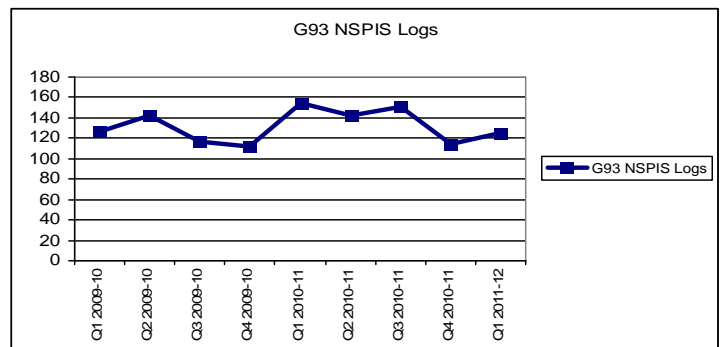
	3 rd Quarter 2010-11	4 th Quarter 2010-11	1 st Quarter 2011-12
Complaint cases	123	107	98
% change	-13%		-8%
Complaint allegations	177	153	149
% change	-14%		-3%

- Both the number of recorded Complaint cases and Complaint Allegations have reduced in the 1st Quarter of 2011-12 from the 4th Quarter of 2010-11, a repeat of the trend from the previous Quarters.

The chart below illustrates the number of complaint cases recorded over a two year period.



- The 12 month moving average above shows that there is a general decline in the number of Complaint Cases being recorded. All of the four weekly periods in the first quarter of 2011-12 have fallen below the two year mean, and almost breaching the lower tolerance threshold in April/May.
- It is unknown why numbers have dropped, research on the Command and Control System for calls made to the Force with a closure code of 'Complaint Against the Police' show a similar, but not as severe pattern:
- Within the quarter under review and in particular Periods 3 and 4 (covering April 2011) there were an exceptional number of bank holidays which reduced the number of working days to record cases, however the incident date for the periods are also low so the explanation on partly accounts for the drop.



2.1.1. COMPLAINT ALLEGATIONS¹

	3 rd Quarter 2010-11	4 th Quarter 2010-11	1 st Quarter 2011-12
A Serious non-sexual assault	0	0	2
B Sexual assault	1	2	1
C Other assault	22	31	23
D Oppressive conduct or harassment	11	6	16
E Unlawful/unnecessary arrest or detention	12	8	14
F Discriminatory Behaviour	11	6	6
G Irregularity in evidence/perjury	8	4	2
H Corrupt Practice	0	1	1
J Mishandling of Property	1	2	3
K Breach Code A PACE	0	2	3
L Breach Code B PACE	1	0	1
M Breach Code C PACE	6	4	4
N Breach Code D PACE	0	0	0
P Breach Code E PACE	0	0	0
Q Lack of fairness and impartiality	14	14	6
R Multiple or unspecified breaches of PACE	0	0	0
S Other neglect or failure in duty	22	17	16
T Other irregularity in procedure	0	4	4
U Incivility, Impoliteness and intolerance	47	34	33
V Traffic Irregularity	4	4	3
W Other	14	8	6
X Improper disclosure of information	3	4	5
Y Other sexual conduct	0	0	0
TOTAL	177	151	149

Further details regarding the Allegations recorded in the 1st Quarter of 2011-12 are:

- Sexual Assault
 - There was one allegation of Sexual Assault in the 1st Quarter of 2011-12.
 - The incident occurred in the Wales and Western Area and was during an arrest.
 - The case has been closed as Not Upheld following a locally handled enquiry.
- Other Assault
 - Twelve of the 23 allegations were the result of an Arrest or Detention situation, five of which were in the Area of London Underground.
 - Seven of the allegations of Other Assault related to the use of handcuffs, all but one were relating to arrest or detention, the other was a situation resulting from the contesting of a PND.
 - London Underground had the most allegations of this nature in the quarter under review. The last three quarters have all had a different prevalent Area with London South and London North being in the others.
- Discriminatory Behaviour
 - One of the six allegations of this nature that were recorded in the quarter have also been closed in the quarter. It was Not Upheld following a locally handled enquiry.

¹ Note that whilst the reported figures are correct at the time of data extraction from Centurion, there may be some variance if the data is retrieved at a later date. This is because allegations may be added to (or removed from) a case after it is initially recorded.

- Two were following separate incidents when BTP staff members challenged the conduct of a member of the public.
- Incivility, Impoliteness and Intolerance
 - This type of allegation continues to occupy the largest share of complaint allegations, with 22% of the quarters complaints.
 - 33 Cases are linked to the 33 allegations of this nature in the 1st Quarter of 2011-12.
 - North East Area had the most allegations of this type with eight recorded in the quarter.
 - Twenty of the 33 allegations occurred in a Railway Station, seven on board a train and three in a public place, the others do not have a locus type listed.
- Other Neglect or Failure in Duty
 - For the second quarter running with the exception of FHQ all Areas have recorded complaint allegations of this nature in the reporting quarter.
 - Complaints in this category typically concern failure to investigate an alleged incident or crime in an efficient and expeditious manner.
- Lack of Fairness and Impartiality
 - Having consistently recorded 14 allegations of this nature for the last two quarters, the number this quarter has dropped to six. Three of these occurred in the North East Area.
 - London Underground and North West were the only other Areas to record allegations of this nature with two and one respectively.
 - The general theme of these allegations are that complainants feel that they have not been listened to and BTP staff side with others, in three instances the 'other' was a member of rail staff.
- Other
 - Three of the six allegations of this nature recorded in the quarter related to officers travelling in First Class on trains.
 - North East has three of the six allegations, one of which was de-recorded as it was created in error.
- Oppressive conduct or harassment
 - Allegations of this type have increased from six to 16 from the last quarter to this.
 - London North are the only Area not to record an allegation of this nature.
 - London South recorded the highest number of this allegations type (five).
 - Police and Public Interaction was the most common precursor to complaints being made of this type.
- Unlawful/unnecessary arrest or detention
 - Allegations of this type have increased from eight to 14 from the last quarter to this.
 - Aside from the eight allegations that arose from an Arrest or Detention situation other precursors were: Contesting PND; Removal from Station or Train; Stop and Search; Ticket Dispute and Public Order Incident.

2.1.2. COMPLAINTS (ALLEGATIONS) BY AREA

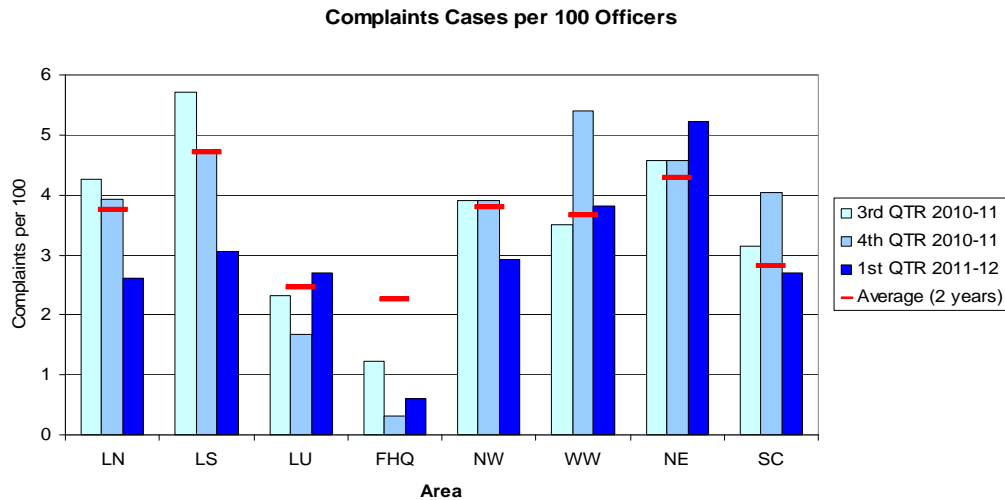
	3rd Quarter 2010-11	4th Quarter 2010-11	1st Quarter 2011-12
LN – London North	41 (26 Cases)	26 (24 Cases)	20 (16 Cases)
LU – London Underground	21 (18 Cases)	20 (13 Cases)	34 (21 Cases)
LS – London South	48 (30 Cases)	36 (25 Cases)	27 (16 Cases)
FHQ – Force Headquarters	10 (4 Cases)	1 (1 Cases)	2 (2 Cases)
NW – North Western	15 (12 Cases)	16 (12 Cases)	12 (9 Cases)
WW – Wales & Western	16 (11 Cases)	17 (17 Cases)	14 (12 Cases)
NE – North Eastern	17 (14 Cases)	27 (14 Cases)	29 (16 Cases)
SC – Scotland	9 (7 Cases)	11 (9 Cases)	11 (6 Cases)

- London Underground account for 23% of all allegations recorded this quarter, which is a change from last quarter when London South accounted for 23%. The average number of allegations per case for the Area is 1.6.
- North East continues to be prevalent for both allegations and cases. The average number of allegations per case for the Area is 1.8.
- North East has increased from 10% of allegations in the 3rd quarter of 2010-11 to 18% in the 4th quarter of 2010-11 and up again to 19% in the 1st quarter of 2011-12.
- London South recorded 18% of the allegations in the quarter under review, which is the third highest Area, however it has been consistently dropping for the last three quarters from 27% to 23% and now 18%.

2.1.3. COMPLAINTS per 100 Officers

The chart below illustrates the number of complaint cases per 100 officers².

² Includes Police Officers, PCSOs and Special Constables. Excludes Police Staff who do not interact with the public.

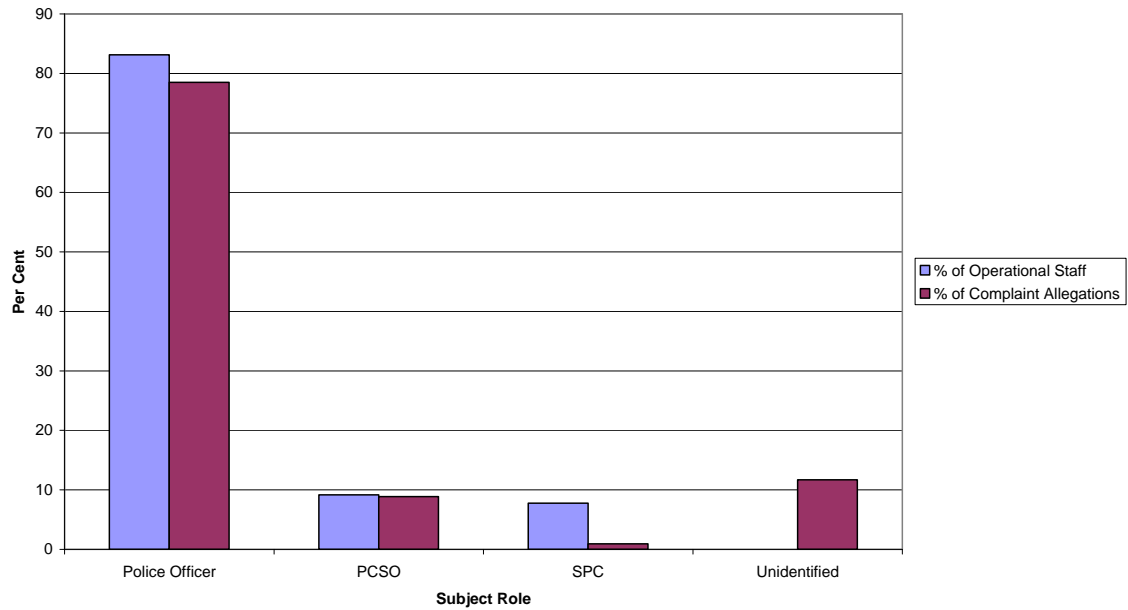


- North East, London Underground and Wales and Western are the only Areas to display an above average numbers of complaints per 100 officers.
- London South Area continues to have the highest average number of complaint per 100 for the Force with 4.71, which is a reduction from the last quarter (5.23).
- North East Area's average is inclining and for the 1st Quarter of 2011-12 had the highest actual number of complaints per 100 officers (5.23)
- In the last three quarters the main type of complaint allegations within cases are 'Incivility, impoliteness and intolerance' and 'Other Assault'.
- Forty-five members of staff have been listed as a subject on more than one complaint case in the last three quarters.

2.1.4. COMPLAINTS by SUBJECT ROLE³

³ Includes Police Officers, PCSOs and Special Constables. Excludes Police Staff who do not interact with the public.

Complaint Subject by Role



- As with last quarter Police Officers represent a lower percentage of complaint allegations than they do operational staff.
- As with last quarter PCSO Complaints are comparable to their proportion of Staff.
- If the Unidentified members of staff (11.68 per cent of subjects) became identified the chart would change.

2.2. SUBJECT CHARACTERISTICS

Ethnic Groups	Ethnic Subgroups	BTP Population⁴	3rd Quarter 2010-11 (%)	4th Quarter 2010-11 (%)	1st Quarter 2011-12 (%)
White	British	2779	98 4%	109 3.93%	95 3.42%
	Irish	55	0 0%	0 0%	2 3.64
	Other white background	124	4 3%	5 4.07%	6 4.84
Mixed	White & Black Caribbean	15	1 6%	2 13.33%	0 0.00%
	White & Black African	12	2 17%	0 0%	0 0.00%
	White & Asian	20	2 11%	1 5%	1 5.00%
	Other mixed background	24	0 0%	1 4.76%	1 4.17%
Asian/Asian British	Indian	40	0 0%	2 5%	1 2.50%
	Pakistani	32	1 3%	2 6.06%	0 0.00%
	Bangladeshi	16	0 0%	0 0%	1 6.25%
	Other Asian Group	20	0 0%	0 0%	1 5.00%
Black/Black British	Caribbean	36	1 3%	1 2.63%	1 2.78%
	African	44	2 4%	1 2.27%	5 11.36%
	Other Black background	12	0 0%	0 0%	0 0.00%
Other	Chinese	6	1 17%	0 0%	1 16.67%
	Any other ethnic group	8	1 9%	1 10%	0 0.00%
Not Stated	Not Stated	151	8 5%	10 6.54%	27 17.88%
TOTALS		3394	121	135	142

⁴ Includes Police Officers, PCSOs and Special Constables. Excludes Police Staff who do not interact with the public

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- 73% of subjects for complaints recorded this quarter were made against officers defined themselves as White, which is up from the previous quarter (71%) and the one before (69%).
- 8% of subjects for complaints recorded this quarter relate to officers defining themselves within a BME category which is a slight increase on previous quarters (7%).
- Of the 27 subjects in receipt of complaints whose ethnicity is 'Not Stated', 7 specifically have not stated their self classified ethnicity and 20 are unidentified officers.
- Caution should be exercised in interpreting these figures due to the small numbers involved.

2.3. COMPLAINANT CHARACTERISTICS

Ethnic Groups	Ethnic Subgroups	3rd Quarter 2010-11	4th Quarter 2010-11	1st Quarter 2011-12
White	British	68 (56.2%)	71 (54.20%)	55 (51.40%)
	Irish	0 (0%)	1 (0.76%)	2 (1.87%)
	Other white background	3 (2.5%)	3 (2.29%)	5 (4.67%)
Mixed	White & Black Caribbean	5 (4.1%)	2 (1.53%)	1 (0.93%)
	White & Black African	0 (0%)	0 (0%)	0 (0%)
	White & Asian	0 (0%)	0 (0%)	0 (0%)
	Other mixed background	2 (1.7%)	1 (0.76%)	1 (0.93%)
Asian/Asian British	Indian	1 (0.8%)	2 (1.53%)	3 (2.80%)
	Pakistani	1 (0.8%)	2 (1.53%)	1 (0.93%)
	Bangladeshi	0 (0%)	1 (0.76%)	1 (0.93%)
	Other Asian Group	3 (2.5%)	0 (0%)	1 (0.93%)
Black/Black British	Caribbean	1 (0.8%)	2 (1.53%)	3 (2.80%)
	African	6 (5.0%)	5 (3.82%)	1 (0.93%)
	Other Black background	1 (0.8%)	5 (3.82%)	1 (0.93%)
Other	Chinese	0 (0%)	2 (1.53%)	0 (0%)
	Any other ethnic group	1 (0.8%)	1 (0.76%)	2 (1.87%)
Not Stated	Not Stated	29 (24.0%)	33 (25.19%)	30 (28.04%)
TOTALS		121 (100%)	131 (100%)	107 (100%)

- The above table details the ethnicity of complainants for those cases finalised, rather than recorded, during this quarter. This is due to number of complainants who do not initially provide their ethnicity details when making a complaint; this information is often recorded at a later date as an investigation progresses.
- The percentage of the White British BTP population that were complainants in finalised complaints for the 1st quarter of 2011 has continued the recent pattern and declined for the second quarter in a row. The percentage is higher than the numbers reported for the same quarter of the last financial year (44.4%).
- In previous quarters around 17% of complainants identified themselves as of BME origin, this has dropped to around 14% in the quarter under review.
- 28% are listed as 'Not Stated' as their self classified ethnicity, this percentage has been increasing over the quarters and includes those which are unknown as well as those where the complainant has specified that they do not wish to state their self classified ethnicity.
- Caution should be exercised in interpreting these figures due to the small numbers involved.

2.3.1. COMPLAINANT ACCESS

Received Means	3 rd Quarter 2010-11	4 th Quarter 2010-11	1 st Quarter 2011-12
External Force	3	1	2
Internet	35	13	10
Email		20	22
Fax	5	2	0
In person	4	4	4
IPCC	10	7	9
Letter	9	13	17
Solicitor	3	1	0
Telephone	29	21	37
BTPA	0	0	0
Other	23	3	4
Not recorded		23	0
TOTAL	121	108	105

NB – Sections that are merged in the 3rd Quarter were one category in the associated reports, however data is available to separate the categories. To provide a fuller picture reports in future will include the 12 categories listed above.

2.4. INVESTIGATION TIMES

The table below reports on the number of complaint cases which are still being actively investigated by BTP, and whether they are either under 120 days' or 120 days or over investigation time.

	3 rd Quarter 2010-11		4 th Quarter 2010-11		1 st Quarter 2011-12	
	Under 120 Days	Over 120 Days	Under 120 Days	Over 120 Days	Under 120 Days	120 Days or Over

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Total Number Outstanding	51	1	55	0	42	0
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Summary of complaints over 120 days:

There are currently no complaint cases which have been under investigation for more than 120 days.

2.5. FINALISED COMPLAINTS

	3 rd Quarter 2010-11	4 th Quarter 2010-11	1 st Quarter 2011-12
Complaint cases	117	125	105
% change	+7%		-16%
Complaint allegations	206	199	178
% change	-3%		-11%

Disposal	3 rd Quarter 2010-11	4 th Quarter 2010-11	1 st Quarter 2011-12
	<i>(Number of allegations in brackets)</i>		
Locally Handled Enquiries – Upheld	n/a	n/a	2.25% (4)
Locally Handled Enquiries – Not Upheld	n/a	n/a	24.7% (44)
Locally Resolved – Area	23.8% (49)	16.58% (33)	16.9% (30)
Locally Resolved – PSD	1.0% (2)	0% (0)	0% (0)
Dispensed	7.3% (15)	2.01% (4)	3.37% (6)
Withdrawn/Not Proceeded With	17.0% (35)	10.55% (21)	10.7% (19)
Unsubstantiated/Not Upheld*	38.3% (79)	56.28% (112)	33.7% (60)
Substantiated/Upheld*	10.2% (21)	10.55% (21)	7.87% (14)
Discontinued (Reg. 17)	2.4% (5 ⁵)	0% (0)	0% (0)
De Recorded		4.02% (8)	0.56% (1)
TOTAL	100% (206)	100% (199)	100% (178)

* Change in terminology due to Revised IPCC Statutory Guidance in relation to Complaints against the Police, which came into effect in April 2010. Complaints recorded prior to that date are subject to the previous guidance. The revised guidance provides Disposals of 'Not Upheld' and 'Upheld'

- With complaints received on or after 01/04/2011 no longer being subject to 'Local Resolution', Locally Handled Enquiries are an option for the Complaints Processing Manager as a method of dealing with the complaint. Whilst there are live cases that were received prior to 01/04/2011 the table will have more disposal types (currently 12 cases). Once all complaint cases that were received prior to 01/04/2011 have been finalised Local Resolution will be removed from the table.
- It can be seen from the table above that of the complaint cases finalised in the 1st quarter of 2011-12 over a quarter were disposed of by means of Locally Handled Enquiries – the majority of which, by far, were Not Upheld.

⁵ All five allegations related to one Case.

- The new framework for disposing of cases has seen a downward shift in the percentage of cases being 'Unsubstantiated/Not Upheld'. Meaningful analysis and comparison cannot be made until the transitional period has passed.
- De-Recorded cases represent those that have been recorded by BTP then either:
 1. it has transpired that the person involved is not a BTP member of staff (i.e. Home Office Force Officer or member of Rail Staff) so the case is closed with the outcome of De-Recorded. Or
 2. the case is recorded in error (i.e. a duplicate case) and is therefore closed with the outcome of De-Recorded.
- Discontinued cases are cases where the complainant has lost contact or has not been contactable following the initial complaint. Despite efforts by PSD to regain/make contact it has not been established, therefore it cannot be withdrawn (as the complainant hasn't completed the appropriate paperwork) but enquiries and the investigation cannot be taken further, so it is discontinued.

3. SECTION THREE

3.1. IPCC CASES

Supervised:

One case is currently being supervised.

Managed:

Two cases are currently being managed.

Independent:

Two cases are currently being independently investigated.

Referred:

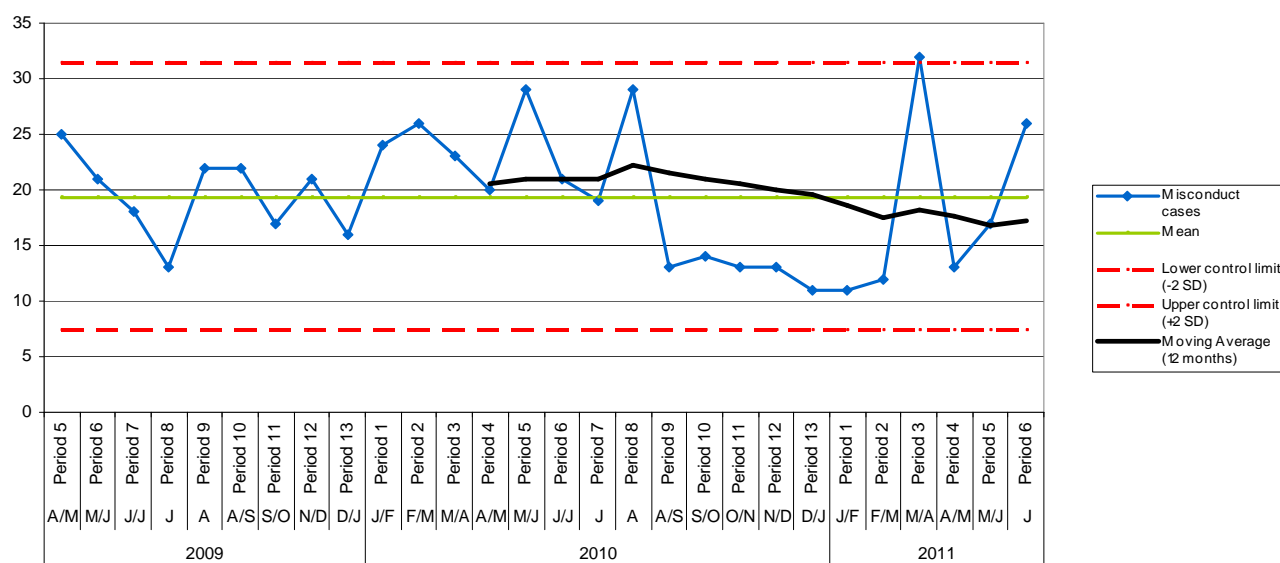
One case is currently referred to the IPCC.

4. SECTION FOUR

4.1. CONDUCT MATTERS⁶

	3 rd Quarter 2010-11	4 th Quarter 2010-11	1 st Quarter 2011-12
Conduct cases	46	45	60
% change	-2%		+33%
Conduct allegations	49	53	69
% change	+8%		+30%

The chart below illustrates the number of conduct cases recorded over a two year period.



Levels of Conduct cases recorded have risen considerably compared to those recorded in the previous two quarters, and are more in line with levels 'normally' recorded before the unexplained drop from August 2010 to February 2011. A reason for the especially high rise (to above the upper tolerance level in March/April of 2011- Period 3) was the submissions of PDR's. During the process Officers are required to show their driving licence which uncovered points which have to be recorded as Discreditable Conduct under Taylor Reforms.

4.2. CONDUCT ALLEGATIONS

Breach of Conduct	3 rd Quarter 2010-11	4 th Quarter 2010-11	1 st Quarter 2011-12
01 Honesty and Integrity	8	2	4
02 Authority, Respect and Courtesy	7	8	10
03 Equality and Diversity	0	0	2
04 Use of Force	0	1	0
05 Orders and Instructions	9	11	16
06 Duties and Responsibilities	5	7	5
07 Confidentiality	1	1	0
08 Fitness for Duty	0	0	0
09 Discreditable Conduct	19	23	32
10 Challenging and Reporting Improper Behaviour	0	0	0

⁶ These figures do not show Conduct matters that have arisen from Complaint Cases

TOTAL	49	53	69
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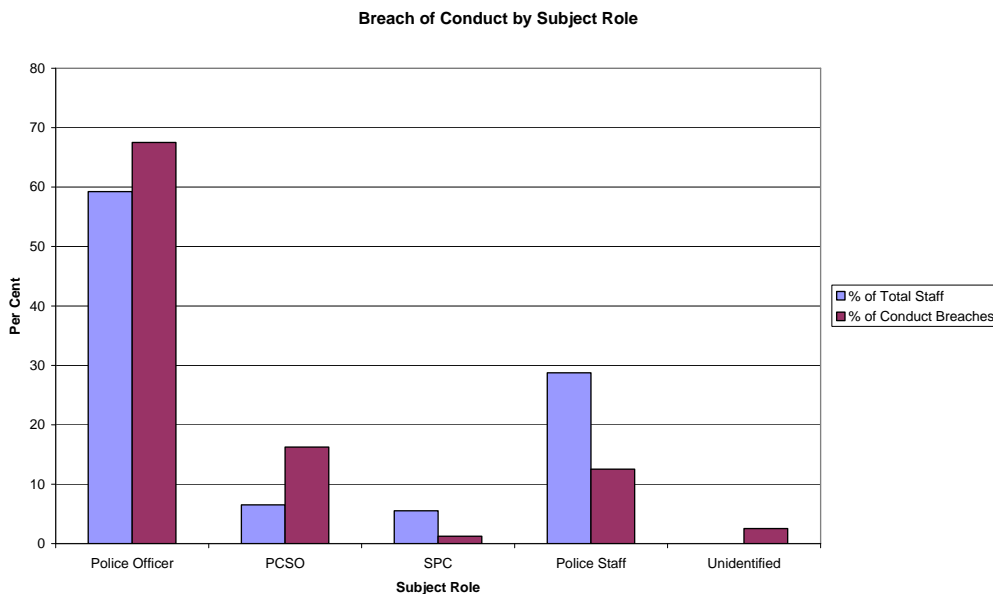
4.3. CONDUCT BY AREA

The table below shows the number of conduct allegations and cases (in parentheses) recorded against each Area.

	3 rd Quarter 2010-11	4 th Quarter 2010-11	1 st Quarter 2011-12
LN - London North	9 (8)	9 (8)	10 (10)
LS - London South	7 (7)	9 (9)	10 (8)
LU - London Underground	9 (8)	9 (6)	9 (8)
FHQ – Force Headquarters	3 (3)	9 (11)	9 (8)
NW – North Western	5 (5)	1 (1)	1(1)
WW – Wales & Western	5 (5)	8 (6)	16 (14)
NE - North Eastern	9 (8)	4 (4)	9 (8)
SC – Scotland	2 (2)	2 (2)	5 (3)

North Western Area continue to record low levels of Conduct issues. In the past two quarters Force Headquarters have seen increased numbers of cases. The majority of Wales and Western Conduct allegations relate to Discreditable Conduct (10 allegations) and driving at excessive speed (eight of the 10).

4.4. CONDUCT by SUBJECT ROLE



- In the previous quarter Police Officers represented less in terms of Conduct Breaches than they did as a percentage of the Total Staff, this quarter they represent more breaches than staff.
- PCSO's have continued to represent more as a percentage of breaches than they do of staff, but to a lesser extent to the previous quarter when they represent approximately seven percent of staff and 28 percent of breaches, as opposed to seven percent of staff and 16 percent of breaches this quarter.

- Special Police Constables have changed from being represented higher as a proportion of Conduct Breaches than staff to being almost unrepresented as a proportion of breaches.

5. SECTION FIVE

5.1. DIRECTION AND CONTROL

Allegation	3 rd Quarter 2010-11	4 th Quarter 2010-11	1 st Quarter 2011-12	TOTAL
Football	3	4	0	7
Handling of specific incident or investigation	5	1	3	9
Level of service (not specific to investigation)	0	2	0	2
Personal data	1	0	0	1
Policing tactics inc. policing presence and enforcement	1	4	3	8
Policies/processes	2	3	0	5
Publicity	1	0	0	1
Section 44	0	0	0	0
Stop and search (not S44)	0	0	0	0
Ticket/revenue related	0	0	0	0
Other	1	0	0	1
TOTAL	14	14	6	34

6. SECTION TEN

6.1. LESSONS LEARNED

Fourteen cases have been published this period.

