BRITISH TRANSPORT POLICE

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Commission on Justice in Wales

Submission by British Transport Police

22 November 2018

British Transport Police (BTP) would like to thank the Commission for the opportunity to make a submission on this important matter. This submission briefly sets out how BTP operates in Wales then covers five of the areas suggested by the Commission in its Call for Evidence. These areas have also been addressed by the four Welsh police forces in their submission.

Introduction

BTP police Britain's railways, providing a specialist service to rail operators, their staff and passengers across Wales, England and Scotland. BTP's operational policing structure consists of three Divisions and seven Sub Divisions, one of which is the Wales Sub Division.

BTP has 2,935 Police officers, 1,533 police staff, 321 Police Community Support Officers (PSCOs) and 300 Special Constables. In Wales Sub Division, the establishment is 72 Police Officers, 6 Police Staff, 39 PCSOs, and 8 Special Constable. BTP has police posts at Cardiff, Newport, Pontypridd, Swansea, Carmarthen, Bangor, Rhyl, Machynlleth and Shrewsbury, where resources cover the border with England as well as the Welsh routes.

At the most senior level, BTP's organisational strategy is set in consultation with stakeholders and operational focus is driven by the priorities of the railway industry, passengers and staff. BTP's Strategic Plan 2018-21 contains four overarching objectives:

- Protecting and safeguarding people who travel and work on the railway
- Reducing delay and disruption
- Providing value for money; and
- Building a specialist and skilled workforce.

Annual Divisional Policing Plans address local issues and priorities. In 2018-19 the Wales Sub Division's local commitments are to tackle:

- Staff assaults
- Anti-Social Behaviour
- Trespass
- Cable Crime; and
- To carry out late night patrols to provide a visible and reassuring presence to passengers and staff.

On a day-to-day basis local operational issues are overseen by the Wales Sub Divisional Commander who has a singular focus on Welsh railway policing issues.
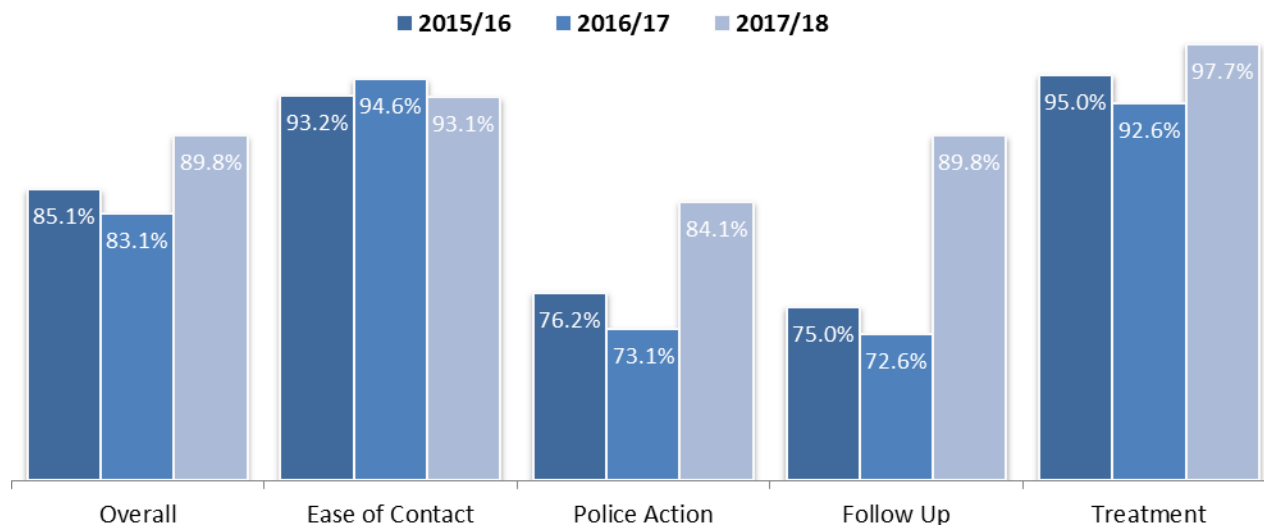
1. *What problems face the people who work within the justice system in Wales and the people who are affected by it?*

The satisfaction of victims of crime on the railway is measured by BTP though a monthly victim of crime survey. In Wales, victim satisfaction is relatively high and has continued to improve over the last 12 months. The survey measures overall victim satisfaction with the service they received from BTP as well as their satisfaction with four key areas: ease of contact, police action, follow up and treatment. The survey also asks victims for qualitative feedback.

Overall, in Wales there has been an increase in victim satisfaction in all areas between 2015/16 and 2017/18. Overall satisfaction with BTP service in Wales has increased from 85.1% in 2015/16 to 89.8% in 2017/18. Satisfaction with police action taken has increased from 76.2% to 84.1% in 2017/18, satisfaction with follow-up has increased from 75% to 89.8% and satisfaction with treatment has increased from 95% to 97.7%. While there has not been an increase in victim satisfaction with ease of contact, the majority of victims were satisfied with this aspect of service (93.2% in 2015/16, 94.6% in 2016/17 and 93.1% in 2017/18). The following chart illustrates victim satisfaction with BTP's service in Wales between April 2015 and March 2018.

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Victim satisfaction (Wales)

Legend: 2015/16, 2016/17, 2017/18

Overall: 85.1%, 83.1%, 89.8%
Ease of Contact: 93.2%, 94.6%, 93.1%
Police Action: 76.2%, 73.1%, 84.1%
Follow Up: 75.0%, 72.6%, 89.8%
Treatment: 95.0%, 92.6%, 97.7%

There is a growing threat from cross border criminality known as "county lines". Organised Crime Groups (OCGs) are increasingly using the rail network to travel around the UK and this has required BTP to develop a specific task force to ensure that there is effective collaborative working and intelligence sharing with all UK Police Forces. This issue also impacts on Wales, demonstrated by a recent conviction for such activity stemming from a crime group in Hackney, London travelling to Swansea (by train). BTP has a central oversight process to ensure the correct identification, management and disposal of OCGs, which is managed through established tasking and covert meeting structures. Senior BTP representatives attend every Regional Organised Crime Unit (ROCU) strategic quarterly meeting to ensure that that there is a coordinated national and regional approach agreed with other forces to meet this threat.

The busiest rail transport hub in Wales is in Cardiff, with both Cardiff Central and Cardiff Queen Street railway stations routinely seeing the highest passenger footfall across the country. Cardiff is one of the fastest growing cities in Europe, and attracts over 18 million visitors per year, with this figure expected to keep growing. The city is home to the now renowned Principality stadium, an international airport, several other concert and event venues as well as some 94,000 students. These attractions and the growing number of events hosted in the City, will bring additional rail passengers to the network, many travelling from outside Wales.

With the new rail franchise for Wales and Borders now in place, together with the ambitious vision set by the Welsh Government - through Transport for Wales - for continued growth and investment in the rail infrastructure across Wales it is expected that passenger numbers will continue to grow over the next five years. BTP will need to anticipate and meet this increased demand.

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The demand for BTP services is rising across whole of the rail network, as well as in Wales, and the nature of the threats faced by the travelling public is substantial and evolving. BTP is also responding to recent critical events and the national security threat by expanding the reach and depth of its Counter Terrorism capability. Taken together, BTP's current medium-term financial plan forecasts that BTP will need to find in the region of £30m in efficiencies to meet these pressures by 2021.

In order to achieve these savings and the reinvestment required to develop its operational capability, BTP has begun an ambitious change programme called 'BTP2021'. This programme will review BTP's back and middle office as well as its policing model with an ambition to implement a more structured partnership with the rail industry and others, sharing responsibilities with them, to allow BTP to focus on those things that require warranted powers, skills and training. It is proposed that this is done through a 'place-based' approach - having a single, coordinated plan and resource to tackle crime and security issues in any given 'place' such as a hub station or line of route. The successful execution of this programme will ensure that Wales retains a visible, accessible and effective frontline policing service.

2. *What is working well in the justice system in Wales? What is not working well? Are there examples of innovation and good practice, both in and beyond Wales, which should be adopted or shared?*

BTP staff across Wales work closely with the four Welsh forces as well as with national organisations such as the NSPCC, Public Health Wales, the Multi Agency Public Protection Arrangements, and the Multi Agency Safeguarding Hubs. Although BTP has a transient rather than residential community many of those who present themselves to BTP Officers, be it through vulnerability or criminality are the same individuals who present to other forces. Both BTP and the four Welsh forces make extensive use of information sharing and shared referrals to deliver the best possible policing service in Wales and keep communities safe.

Through the day-to-day work of investigating crime and prosecuting offenders, Wales Sub Division uses the custody suites of the four Welsh forces although the decision making process in terms of the outcomes for those being investigated is overseen by BTP who ultimately submit charging decisions to the Crown Prosecution Service. This is important as there are specific types of offences and behaviours that impact on the confidence of passengers and rail staff and that can also cause disruption on the railway network. For example, what might be classed as lower level offences such as trespass, vandalism and anti-social behaviour can have a disproportionate effect on the confidence of passengers and rail staff and can also be an

indicator of wider criminality. Trespass offences in particular, along with cable theft and suicides lead to significant disruption to the network.

3. Does the justice system in Wales currently provide access to all who require its services, including advice? How would you improve access to justice in Wales?

BTP's Wales Sub Division delivers a high standard of Neighbourhood Policing across Wales, predominantly through PCSOs, for which funding is received from the Welsh Government. These resources provide an additional visible presence at railway stations and on rail services across Wales. They also extend their role beyond the railway lines to work with their Welsh force colleagues to provide reassurance to the wider community in order to increase confidence and reduce crime and harm. Following the introduction of a Neighbourhood Policing team in the Rhondda Valley, railway trespass, anti-social behaviour and general criminality on the rail network in that area was reduced by over 35% in the first two years.

BTP has implemented a number of initiatives to increase the accessibility and visibility of its services. The 61016 text service, which allows passengers and staff to contact BTP to report a crime or incident has been hugely successful and in 2017, over 44,000 texts were received through this channel. This led to 18,939 incidents being created, 7,502 officer deployments and 2,560 notifiable crimes being recorded, 92 of which were in Wales. 27% of the crimes recorded via text in Wales have resulted in a positive outcome, comparing favourably to the figure of 9% for crimes recorded in England.

BTP's 'Report it To Stop It' campaign has built on the previous success of 'Project Guardian' to encourage and support victims of sexual assault and unwanted sexual behaviour to report incidents to the police. This has had the effect on increasing the number of offences reported to BTP. Within Wales this rise has been relatively small with an increase of two sexual offences against the previous year taking the total in 2017-18 to 32. This compares with an increase of 16% on average across the rest of the rail and London Underground network. BTP will continue to promote the importance of reporting crime and the accessibility of its staff and contact channels.

BTP's Wales Sub Divisional Commander leads on the collaborative arrangements with the four Welsh Forces, Network Rail and Transport for Wales, which are necessary to optimize the visibility and accessibility of police resources across the Welsh transport system. The support from Welsh Government remains particularly valuable, with additional staff being funded in order to strengthen Neighbourhood Policing at BTP's posts in North Wales. Whilst this is subject to a trial period it is hoped that the outcomes achieved by the new team will justify the continued investment.

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4. ***What are the economic, social, geographical, technological, constitutional and other barriers to improvement, and how can this be overcome?***

Constitutionally, a devolved justice system for Wales could change the current legal framework and would require BTP to review its processes to ensure that it will be able to maintain the seamless policing across England and Wales that rail passengers and operators currently receive. BTP is confident that it could adapt to any new arrangements that the Commission may recommend.

In relation to wider societal issues, BTP, along with other forces in Wales, England and Scotland has experienced increased demand from people who are vulnerable, in crisis, or presenting mental health issues. A collaborative approach to this issue is vital. BTP works in partnership with all areas of the rail industry, public services, private sectors, academia, charities and society as a whole to protect those passengers, children and staff who are vulnerable or at risk and to ensure that they receive the right level of care and support.

5. ***What impact has devolution had on the justice system in Wales? What impact do you believe devolution will have in the future?***

BTP supports the principle of greater accountability and answerability to the National Assembly for Wales preserving the benefits of a specialist, network-wide transport policing model to rail passengers, rail staff, the rail industry and the wider Welsh economy.

Over 9 million journeys were made between Wales and England in 2016-17 and this number is set to continue to increase in the future. As BTP is the police service for the totality of Britain's rail network (covering Wales, England and Scotland), it is able to operate a truly network-wide policing model, which is critical in maintaining a smooth-running railway service. Decisions made in one part of Britain can significantly affect the rest of the network and can cause risk and harm. For example, a decision to close a station or an incident that causes disruption in Cardiff can very quickly mean that there is congestion along the whole line in Wales and England. This can result in extremely overcrowded stations and leave passengers stranded in trains for significant time periods potentially leading to high risk situations. A system-wide approach enables informed operational decisions to be made in this environment and ensures that the wider network implications are taken into account.

The policing model BTP uses to manage this network-wide risk is known as the 'transport policing ethos'. This ethos can be attributed to the specialist nature of transport policing that requires a deep and clear commercial understanding of the operational imperatives of the

railway and its stakeholders. This commercial awareness and risk-based approach are regarded as key and unique attributes by the railway industry, and are highly valued.

There are quantifiable and cashable benefits attributable to BTP's approach. £155m was paid between operators as a result of delay, cancellations and diversion of trains relating to police-related disruption in 2017/18. Analysis in 2013 identified a stark difference in the length of delay associated with an incident if a geographic police service attended instead of BTP. These findings were reinforced by further analysis in 2018 which showed that the Process for Performance Improvement (PfPI) costs associated with incidents were 28% higher when geographic forces attended.

An example of the application of this ethos can be found in BTP's approach to fatality management. Statutorily BTP are required to investigate and ascertain if a crime has been committed, identify the victim, report the circumstances to the coroner and support the family. There is also a responsibility to vulnerable people and to preserve life under the Human Rights Act. However, BTP offers much more than this including the setting of Force and Divisional performance benchmarks, preventative analysis, body retrieval strategies, categorisation processes, suicide prevention plans, and engagement and agreements with the Coroner and Procurator Fiscal's offices.

BTP's approach to managing these tragic incidents was reviewed in 2013 and provides an excellent example of how an evidence and risk-based investigative approach can balance statutory investigative requirements with public safety and commercial imperatives. Nationally approved police Authorised Professional Practice (APP) directs that sudden deaths are investigated from a viewpoint that considers whether criminality might be a factor and works backwards from that start point. However by conducting a review of historical railway fatalities these sophisticated approaches allow BTP to completely fulfil all of the legal and moral obligations, while successfully ensuring that the adverse impact on the railways is minimised wherever possible.

A thorough review of fatality incidents established that a fatality incident was very likely to have happened though suicidal action or accident rather than criminal activity. However, this cannot be assumed to be the case and therefore an evidence based approach was adopted which would allow the scene commander to methodically work through a series of questions and prompts which would allow a much quicker and more accurate assessment of a scene. This resulted in BTP being able to declare an incident suspicious, non-suspicious or unexplained much more quickly and therefore allow speedier handback of the scene to the railway and subsequent resumption of services. Average handback times fell from over 120 minutes to under 90 minutes and there have been no occasions where an incident that has happened as a result of criminal activity has been wrongly classified. BTP will also utilise partial handback of

the railway (where possible) in order to get trains moving whilst retaining the dignity of the deceased.

BTP's ethos and operational focus is also focused on preventing harm to people on the network. BTP officers are trained to identify precursor behaviours and can identify individuals who are in crisis or at risk of harming themselves. BTP employs two Divisional Suicide Prevention and Mental Health Teams in England and Wales which have NHS Psychiatric nurses embedded within them providing professional advice and support. Each year these teams will case manage some 2,000 people who have presented on the railway in suicidal circumstances. A Suicide Prevention Plan is constructed for each individual and relevant referrals and exchanges of risk-based information made with partner agencies. This process has proved very successful with a very low return fatality rate of 0.6%.

Together with rail staff and other emergency responders, BTP carried out 1917 life-saving interventions in 2017-18, which helped bring the number of injurious attempts down by 32% on the railway network. As well as the obvious human impact this activity has, there are also substantial economic benefits to the railway and the wider UK economy. Each death on the railway has a direct cost to the railway and to the general economy and society. The estimated cost of an individual suicide on the railway is approximately £1.9m (this includes £230k direct cost to the railway and £1.7m cost to the wider economy). Therefore in the last year, the total cost avoided through life saving interventions was approximately £3.6bn.

BTP's specialist focus ensures that the Wales Sub Division understands and is receptive to the changing priorities and requirements of the Welsh railway community. Their policing priorities are decided on in consultation with the rail industry, passenger groups and rail staff representatives. Stakeholder consultation events take place on a regular basis with specific policing priority presentations taking place in November and December where joint policing priorities are decided for the year ahead. This flexibility to manage railway priorities and the level of dynamic responsiveness that this brings is highly valued by stakeholders. Organisational strategy is set in close consultation with stakeholders, and is also driven by the priorities of the railway industry, its passengers and staff. At the operational level, train operating companies have confidence in BTP's ability to respond swiftly to incidents affecting the railway and to restore services promptly and safely.

BTP is fully committed to protecting all of those who use the railways in Wales and enabling the ambitious future plans for Welsh railway services. Recent discussions in Scotland have shown that a framework which ensures that BTP is appropriately answerable and accountable to the National Assembly for Wales whilst preserving the benefits of the current network-wide, specialist policing model is the optimal method for this to be achieved.