British Transport Police (BTP)

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Summary

This paper sets out the jurisdiction and funding of the British Transport Police (BTP), including the powers and responsibilities of the British Transport Police Authority (BTPA). It sets out the force's operation approach and summarises the policing environment. It concludes with a brief summary of Government reviews of BTP and possible plans for the future. Although BTP is not devolved in Scotland, it also includes information on the Scottish Government's plans to merge BTP Scotland into Police Scotland.

BTP is the police force for the railways, providing a policing service to Network Rail, rail and freight operators, their staff and their passengers throughout England, Wales and Scotland. It is also responsible for policing the London Underground System, the Docklands Light Railway, the Midland Metro tram system, Croydon Tramlink, Sunderland Metro, Glasgow Subway and Emirates AirLine. BTP's specialist policing approach is based on keeping passengers and staff safe and minimising disruption.

According to the interim Policing Plan for 2017-18, BTP has 2,942 police officers, 1,576 police staff, 317 police community support officers, and 330 special constables. The BTP is organised into three geographic divisions: B division (East England, Transport for London and South England), C division (Pennines, Wales, Midlands and Western England) and D division (Scotland).

The BTPA, an independent police authority for the force, was created in 2004. It oversees the police force, sets its targets and allocates funding for its budget. Unlike Home Office police forces which are overseen by elected Police and Crime Commissioners, BTPA has fifteen members who are appointed by the Secretary of State.

The merits of a separate railway policing force have long been debated, with most reviews since 2004 endorsing BTP's specialist approach. However, following the devolution of transport policing as part of the *Scotland Act 2016*, the Scottish Government is pursuing proposals to incorporate BTP's Scottish function into Police Scotland.

The 2015 Strategic Defence and Security Review also contained proposals to explore combining BTP with other infrastructure police forces. This was also mentioned in the Conservative Party manifesto for the 2017 General Election.

Further research briefings on rail issues can be found on the railways briefings page of the Parliament website; policing issues can be found on the police briefings page.

1. History

The coming of the railway in the nineteenth century was accompanied by new dangers and crimes. At the opening of the first public railway between Liverpool and Manchester in 1830, a passenger was struck and killed by a passing engine while alighting from the train.[1] Criminals discovered that offences could be committed on the move with rapid means of escape, while the network nature of the railway system meant that incidents on one part of the system could create knock-on effects many miles away. As a result, the railways were thought to have special policing needs.

During the course of the nineteenth century, dedicated police forces were established for individual railway companies.[2] Following the Second World War and nationalisation, these police forces were brought under the control of the British Railways Board (BRB). Under sections 69-71 of the *Transport Act 1962* the BRB was required to prepare a scheme, for approval by the Secretary of State, concerning the organisation, control and administration of a transport police (the British Transport Police, or BTP). This involved appointing a BTP Committee who in turn appointed and supervised the chief constable responsible for the administration of the force.

Sections 132 and 133 of the *Railways Act 1993*, as amended, transferred the powers relating to the transport police from the BTP Committee directly to the Secretary of State. When the railways were privatised in the mid-late 1990s the providers and users of the railway became responsible for the funding of the force (e.g. train operating companies). Oversight powers were initially assumed by the Strategic Rail Authority (SRA) under section 217 of and Schedule 18 to the *Transport Act 2000*, as amended. The British Transport Police Authority (BTPA) assumed the SRA's powers in 2004and the SRA was wound up.[3]

Throughout its history BTP has been at the forefront of policing. BTP was one of the first forces to recruit women and pioneered the use of police dogs.[4] A BTP officer made the first arrest using the "electric telegraph" in 1845 and in the 1970s BTP was the first force to use a computer to report and record crime.[5]

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[1] BTP, *Our history* [accessed 22 May 2017]

[2] Pauline Appleby, *A Force on the Move* (1996), p19; and ibid. Those interested in the in-depth history of the BTP can visit the BTP History Group website.

[3] as a result of the *Railways Act 2005*; for more information on the short life of the SRA see HC Library briefing paper SN1344

[4] BTP, *Policewomen on the railways* [accessed 22 May 2017]; and BTP, *The dog section* [accessed 22 May 2017]

[5] BTP, *Murder of Sarah Hart by John Tawell* [accessed 22 May 2017]; and BTP, *Detailed history 3* [accessed 22 May 2017]

2. Jurisdiction and funding

2.1 BTP jurisdiction

BTP is responsible for railway policing in England, Wales and Scotland. Its origins mean the source and content of its powers have differed from those of the Home Office police forces for most of its history. In October 2001 the Department for the Environment, Transport and the Regions (DETR) published a consultation paper, *Modernising the British Transport Police*, with detailed proposals intended to bring the powers and jurisdiction of the BTP into line with Home Office police forces.[6]

Unlike Home Office police forces, the majority of BTP activities take place on private property, albeit usually private property to which the public is allowed access. At the time of the DETR consultation BTP access to this property depended on statutory provisions which allowed the SRA (as employer of the BTP) to enter into agreements with railway operators; the agreements in turn provided the basis for the jurisdiction of a BTP constable over matters affecting the assets of the railway operator. Outside of this agreed jurisdiction, BTP officers had only the powers of ordinary citizens. This was despite the fact that BTP officers often need to move between railway sites (for instance in town centres) or may be requested by other police forces to intervene in incidents outside of the railway.[7]

Section 100 of the *Anti-terrorism, Crime and Security Act 2001*, as amended, gave BTP constables the powers and privileges of a constable outside of the railways in certain circumstances; for instance, if a constable from another police force requests assistance or where waiting for a constable from another force to act would frustrate or seriously prejudice the purpose of the intended action.[8] Schedule 7 to the 2001 Act and sections 75 and 76 of the *Police Reform Act 2002*, as amended, further extended to BTP additional police powers originally proposed in the consultation paper, such as the power to remove truants from public places.[9]

The then Labour Government also took the view that basing the jurisdiction of BTP on agreements with private commercial companies was inappropriate.[10] Therefore, section 31 of the *Railways and Transport Safety Act 2003 (as amended)* provided BTP constables with the powers and privileges of a Home Office constable within the railway jurisdiction (i.e. over all railway property and outside railway property when related to railway matters). This gave BTP a statutory right to

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[6] the Government's and other replies were published in September 2002, see: DfT, *Summary Of Replies To Consultation Paper On "Modernising The British Transport Police" and Government Response*, September 2002

[7] *Explanatory Notes to the Railways and Transport Safety Act 2003*, 10 July 2003, part 3

[8] *Explanatory Notes to the Anti-terrorism, Crime and Security Act 2001,* 14 December 2004, section 100

[9] for more information on the 2002 Act, see HC Library briefing paper RP 02/15, pp67-77

[10] DETR, *Modernising the British Transport Police: A consultation paper,* 11 October 2001, chapter 4

enter tracks, networks, stations, light maintenance depots and railway vehicles. However, officers are unable to enter other private property unless invited, holding a warrant, or exercising some other right of entry.[11]

2.2 Establishment of the BTPA

Before the establishment of the BTPA, BTP were employed by the SRA who also appointed a BTP Committee. The 2001 DETR consultation paper included proposals to review this arrangement in order to improve the public status and accountability of BTP.[12] These proposals were implemented in Part 3 of the 2003 Act, which provided for the establishment of the BTPA, with the relevant provisions coming into force on 1 July 2004.[13]

BTPA was broadly modelled on the Home Office police authorities which existed at the time. However, while those Home Office police authorities included local magistrates and council members, it was deemed that BTP's national coverage made similar arrangements inappropriate. BTPA's members are appointed by the Secretary of State for Transport, with regard to ensuring a range of relevant experience and regional representation. Although Home Office police authorities were replaced by elected Police and Crime Commissioners (the first elections being held in January 2012), members of the BTPA continue to be appointed by the Secretary of State.[14]

The establishment of the BTPA was intended to introduce greater accountability and independence into the governance of railway policing. However, the House of Commons Transport Select Committee expressed concern in 2014 that there was a perception that the BTPA was too close to the people it was meant to regulate. For instance, in that inquiry BTP and BTPA had provided a joint response which explained that "the Authority together with BTP" sets targets on policing the railway. The Committee concluded that the BTPA should be mindful of its obligations to oversee the work of BTP and drive performance.[15]

2.3 BTPA responsibilities

BTPA's responsibilities, as set out in the 2003 Act, are similar to those of Police and Crime Commissioners in relation to Home Office police forces. They include:

- **Setting BTP's strategy:** the BTPA sets BTP's medium to long term strategy through the *Strategic Plan* (the latest Strategic Plan covers the period 2013-19). The annual *Policing Plan* contains BTPA's priorities for the year, the financial resources it expects to be

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[11] op cit., *Explanatory Notes to the Railways and Transport Safety Act 2003*
[12] op cit., *Modernising the British Transport Police: A consultation paper*
[13] for more information on the 2003 Act, see HC Library briefing paper RP03/06, pp32-39
[14] for more information on Police and Crime Commissioners, see HC Library briefing paper SN6104
[15] Transport Committee, *Security on the Railway* (Fifth Report of Session 2014-15), HC 428, 5 September 2014, para 9

available to deliver the plan and how it proposes to allocate those resources. The *Annual Reports* are published after the end of each financial year and cover the policing of the railways in that year;

- **BTP's funding and budget:** the BTPA determines the budget of the police force and allocates resources to individual departments. It also bills the railway industry for the costs of running BTP (see section 2.4, below);

- **Police Service Agreements (PSAs):** the BTPA enters into PSAs with train and freight operating companies setting out the terms under which BTP will provide a policing service to their railway or railway property;

- **Appointments:** BTPA is responsible for the recruitment of BTP's chief constable and other senior officers;

- **Public consultation**: the BTPA is required to periodically consult representatives from the rail community (including passengers, workers and industry) for their views on the policing of the railways and

- **Regulation of the BTP**: the BTPA may make regulations relating to the governance, administration and conditions of those employed by BTP to reflect changes in regulations applying to Home Office police forces.[16] Such regulations must also be approved by the chief constable, staff associations and Secretary of State.[17]

2.4 Funding

BTP is primarily funded by the companies that provide passenger, freight and infrastructure services on railways across England, Scotland and Wales (i.e. the train operating companies, freight companies, Network Rail and London Underground). As mentioned above, section 33 of the *Railways and Transport Safety Act 2003* allows the BTPA to enter into Police Service Agreements (PSAs) with these companies, setting out the policing resource which BTP will provide and the payments which are to be made.

At the time the BTPA was established, train companies and infrastructure providers contributed to the costs of the BTP through a 'fixed proportion' costing model. However, it was widely agreed that this system had left BTP underfunded. As a result, in 2004 the then Labour Government made a funding commitment to address out-of-date back office systems and infrastructure.[18] In addition, section 33(4) of the 2003 Act requires the BTPA to balance its costs with its income in aggregate and to ensure that the contribution made by each customer approximately reflects the services set out in its PSA.

The BTPA therefore attempted to introduce a new charging model with regard to the requirements in section 33(4), effective from April 2007.

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[16] made under sections 50-52 of the *Police Act 1996*, as amended
[17] BTPA, *Duties and responsibilities* [accessed 23 May 2017]
[18] See for instance Transport Committee, *Future of the British Transport Police*, (Fifth Report of Session 2005), HC 1070-I, 16 May 2006, para 42

However, two PSA holders brought a judicial review on the basis that section 33(4) does not entitle the BTPA to override the terms of the old PSAs without adequate notice. The claim was upheld in a judgment handed down in March 2009. As a result, those with PSAs based on the fixed proportion model were charged on that basis until 31 March 2013. After 31 March 2013, all PSA holders were moved onto the new charging model.[19]

Train companies and infrastructure organisations may also request additional services outside of their PSA from BTP by entering into an enhanced PSA (EPSA) with the BTPA. BTP also receives specific Home Office grants to cover policing of the railways during exceptional events, such as the 2012 London Olympics and 2011 riots.[20]

Industry funding means BTP is much less reliant on Government grants than Home Office forces, and therefore is less directly affected by the public spending policies of the government of the day. However, the BTPA recognises that it plays a role in achieving the costs savings envisaged in the 2011 McNulty Independent Rail Value for Money study.[21] As part of its 2013-2019 Strategic Plan, the BTPA has committed to achieve its targets with annual cost increases within inflation (RPI).[22]

BTP and BTPA agreed an overall gross budget of £296.1 million for 2016/17. This represents a 2.3% increase on the previous year to reflect RPI, excluding an additional amount of up to £3.5 million for extra counter-terrorism resourcing.[23] Of the total, £209.9 million was allocated for core overground policing, £67.1 million for core underground policing and £21.3 million for EPSAs and other third party agreements.[24]

The increase in the counter-terrorism budget is a response to the level of the terrorist threat on the railways. However, it was argued by the Rail Delivery Group (which represents train operators, freight operators and Network Rail) that PSA holders should not bear the full cost of these efforts:

> We support the expansion of counter-terrorism activity by the BTP in the current security context, but believe that the organisation's budget must grow to tackle these new challenges while improving on existing targets. It is not sustainable for increased funding to come from Police Service Agreement holders…who already make significant financial contributions to the BTP's budget.[25]

In her recent oral evidence to the Transport Committee, the then acting chief executive of the BTPA, Charlotte Vitty, acknowledged that the

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[19] BTPA, *The introduction of the new changing model: a review*, 6 April 2010
[20] Her Majesty's Inspectorate of Constabulary, *British Transport Police's response to the funding challenge*, 21 July 2014
[21] ibid., p4
[22] BTPA, *Strategic Plan 2013-19*, p6
[23] BTPA, *Our strategy and plans for BTP* [accessed 24 May 2017]
[24] BTP, *Policing your journey: Annual Report 2015/16*, p32
[25] Transport Committee, *Rail safety: written evidence submitted by the Rail Delivery Group* (RS0008), HC 694 2016-17, 19 October 2016

BTPA was attempting to secure additional funding for this work but had not yet been successful in doing so:

> It was very widely publicised that £1 billion was being made available to the Home Office for counter-terrorism measures. We are not able to access any of that currently. However, the industry is very well aware that it benefits hugely from a lot of Home Office support in this area...What is challenging, and becoming more challenging, is that we have a very real emerging threat outside London and the business as usual part of the industry that stakeholders really want us to deliver. Doing that within a price promise of RPI is challenging and difficult. We need to explore how we can get support for this particular area if we also have to continue to deliver policing to stakeholders in their other areas of demand.[26]

2.5 Railway policing in Scotland

Following the referendum on Scottish independence in September 2014, the then Prime Minister David Cameron announced that Lord Smith of Kelvin would oversee the process taking forward devolution commitments of further powers for the Scottish Government and Parliament. Among the heads of agreement which received cross-party agreement was that railway policing should be a devolved matter.[27] The agreement was put on a statutory basis by the *Scotland Act 2016*.

Section 46 of the 2016 Act designated the BTPA and chief constable, deputy chief constables and assistant chief constables of the BTP 'cross-border public authorities'. As a result, future appointments to these posts can only be made in consultation with Scottish Ministers. Other functions in relation to BTP and BTPA will similarly only be able to be exercised in consultation with the Scottish Ministers, unless their effect on Scotland would be wholly in relation to reserved matters.

Section 45 of the 2016 Act also amended Part 2 of Schedule 5 to the *Scotland Act 1998* to give the Scottish Parliament competence to legislate for policing of Scotland's railways.

In June 2016, the Scottish Government published a consultation paper asking for views on how BTP in Scotland should be integrated into Police Scotland, including governance and accountability arrangements.[28] In its *Programme for Scotland 2016-17*, the Scottish Government indicated its intention to introduce a Bill to allow for the integration of BTP's Scottish functions into Police Scotland.[29]

On 8 December 2016, the *Railway Policing (Scotland) Bill* was introduced into the Scottish Parliament.[30] As of 30 May 2017 it was at

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[26] Transport Committee, *Rail safety,* 16 January 2017, HC 694 2016-17, Q281
[27] Smith Commission, *Report of the Smith Commission for further devolution of powers to the Scottish Parliament,* 27 November 2014, p21
[28] Scottish Government, *The Integration of the British Transport Police in Scotland into Police Scotland: A Consultation,* June 2016, para 6
[29] Scottish Government, *A Plan for Scotland: The Scottish Government's Programme for Scotland 2016-17,* 6 September 2016, p12
[30] For further information on the Bill, see the briefing paper by the Scottish Parliament Information Centre: *Railway Policing (Scotland) Bill,* SPICe briefing 17/13, 1 March 2017

Stage 2 of the legislative process. The Bill is the "first step" in devolving powers to Police Scotland; should it pass, the subordinate legislation needed to deal with issues such as the transfer of staff, assets and liabilities would be considered by both the Scottish and UK Parliaments.

Under the Scottish Government's proposals, BTP's functions in Scotland would be fully integrated into Police Scotland, although a specialist railway policing unit would be maintained. Oversight would be provided by the Scottish Police Authority (SPA) rather than the BTPA. The industry would continue to fund railway policing in Scotland with Railway Policing Agreements between the industry and Police Scotland replacing PSAs and setting out the terms of the service.[31] The two Governments are working to a target date of April 2019 to complete the transfer of responsibilities.[32]

The Scottish Government argues that the integration of BTP's Scottish functions into Police Scotland would deliver significant benefits. These include:

- operational advantages such as integrating railway policing with airports and road policing;

- a joined-up process to identify links between crime on the railways and wider communities; and

- joint training of railway and other police officers in Scotland for more effective deployment.

Scottish Minister for Transport and the Islands, Humza Yousaf, stated:

> Our proposals will deliver an integrated approach to transport infrastructure policing in Scotland, bringing railway policing alongside the policing of roads, seaports, airports and border policing. Integration will enhance railway policing in Scotland through direct access to Police Scotland's specialist resources, in line with our primary objective of maintaining and enhancing the safety and the security of railway passengers and staff.[33]

The Scottish Government also believes that its proposals will increase accountability, with the SPA providing a more direct and effective form of accountability to the Scottish Parliament than the BTPA.[34]

However, a majority of the respondents to the Scottish Government's consultation and the Scottish Parliament's Justice Committee's call for evidence opposed the full integration of BTP's Scottish functions into Police Scotland.[35] In particular, the BTPA has identified potential operational risks associated with full integration, including in relation to

[31] Scottish Government, *Policy Memorandum to the Railway Policing (Scotland) Bill,* 8 December 2016, para 21
[32] *Letter from the Lord Dunlop, Parliamentary Under Secretary of State, Scotland Office to the Lord Faulkner of Worcester*, 31 January 2017
[33] SP OR 9 May 2017, col 36
[34] op cit., *Policy Memorandum to the Railway Policing (Scotland) Bill*, para 40
[35] Justice Committee, *Stage 1 Report on the Railways Policing (Scotland) Bill*, SP Paper 132, 28 April 2017, Executive Summary

the policing of cross-border travel and managing cross-border issues. For instance it argued that:

> The efforts to combat terrorism and extremism must be cross-border – an attack on Scottish soil may well be stopped in England. Equally, any perceived vulnerability arising from fragmented jurisdiction will be exploited by those planning an attack, and jeopardising the ability to police the network as a whole could well result in greater risks to passengers. [36]

The Rail Delivery Group (RDG) also argue that the Scottish Government's proposals would dilute rather than reinforce accountability. This is because the SPA is accountable to the people of Scotland more generally, rather than rail users, which is the case with the BTPA model. [37]

The Scottish Government's own assumption is that annual railway policing costs should not rise by more than RPI inflation. [38] However, RDG has expressed significant concerns about the possible additional expense associated with the Scottish Government's proposals. On advice from BTPA, it notes that the costs incurred by BTPA to transfer functions to Police Scotland could be considerable. In addition, it is the BTPA's opinion that the proposals will make policing in England and Wales slightly more expensive, while it is also likely that resolving disputes under two legislative frameworks rather than one will increase costs. RDG's position is that all these additional expenses should be met by the Scottish Government and not PSA holders. [39] The Scottish Parliament's Justice Committee acknowledged the concerns about costs raised by train operators. It concluded that the Financial Memorandum prepared by the Scottish Government did not provide enough detail on the expected costs or who should pay if costs did increase as a result of integration. [40]

In its response to the Justice Committee, the Scottish Government restated its belief that the costs of integration could be accommodated within the current overall spend, but gave an assurance that the Committee would be provided with six monthly updates on the costs of integration. It did not provide further clarity on who would pay for additional costs if they were incurred. [41]

[36] BTPA, *Options for the devolution of transport policing in Scotland*, January 2015, para 2.4.5

[37] Justice Committee, *Railway Policing (Scotland Bill): written evidence submitted by the Rail Delivery Group*, 31 January 2017, p3

[38] op cit., *Policy Memorandum to the Railway Policing (Scotland) Bill*, para 56

[39] op cit., *Railway Policing (Scotland Bill): written evidence submitted by the Rail Delivery Group*, pp 6-7

[40] Justice Committee, *Stage 1 Report on the Railways Policing (Scotland) Bill*, SP Paper 132, 28 April 2017, para 286

[41] Justice Committee, *Scottish Government response to the Justice Committee Stage 1 Report for the Railway Policing (Scotland) Bill*, 8 May 2017, p10

3. Operational approach

3.1 Staffing and structure

Geographic structure

In 2013, BTP completed its most significant territorial restructure in two decades.[42] The seven policing divisions were reduced to three policing areas, with 36 fewer senior police officers and 120 fewer back office posts. This contributed to £9 million in savings, which were reinvested in frontline services. In addition, the restructure resulted in a 21% increase in the geographical area that BTP's response vehicles can reach within twenty minutes.[43] Under the current structure, the Force Headquarters are based in London, with three territorial divisions:

- **B Division**: East, South of England and Transport for London

- **C Division**: Pennine, Midlands, South West and Wales

- **D Division**: Scotland[44]

Crime allocation

The 2014 geographic restructure of BTP did not impact on how police officers investigate crimes, the way they are organised into teams or the support provided by police staff. Following the restructure, BTP commissioned an independent review to look into these issues. The conclusions from the independent review were taken up by an internal Crime Review team which made a number of specific proposals in

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[42] op cit., *Policing your journey: Annual Report 2015/16*, p1
[43] BTP, *Making a difference: Annual Report 2013/14*
[44] BTP, *Our structure* [accessed 25 May 2017]

relation to the reorganisation of the force. Some of these proposals – particularly moving dedicated sexual offences police officers into a wider team – were controversial. In April 2016, the BTP decided to halt implementation of the Crime Review to allow for public consultation.[45] The response report to the consultation was published in March 2017, with implementation beginning in April 2017.[46]

As a result of the Crime Review, crimes reported in any division will be allocated to one of four types of team:

- A new Major, Serious and Organised Crime (MSOC) unit to investigate serious offences such as murder, rape, serious sexual assault and organised crime;

- The Criminal Investigation Department to investigate crimes that cause serious harm but are outside the remit of MSOC such as robbery, and including dedicated officers investigating sexual offences;

- The Volume Crime teams, to investigate crimes that cause less harm but which happen more often than others, such as theft of passenger property and cycle crime; and

- Frontline Response and Neighbourhood Policing Teams to investigate crimes which cause less harm to victims and take less time to investigate, such as being drunk and disorderly and shoplifting.[47]

Staff teams are also being restructured, for instance with the MSOC unit having teams based across the country rather than just in London. As a result of the consultation, BTP decided as their main priority to invest greater resources in having proactive teams focused on deterring and detecting sexual offences.[48]

Personnel

Staff working for BTP fall into three main categories:

- **Police officer**;

- **Police staff:** undertake functions which are not those of police officers such as business support, media and marketing and training; and

- **Police community support officer:** paid roles working alongside police dealing with minor offences but without the powers of full police officers

Since 2007, there has been a small increase in the numbers of FTE roles across all three categories:

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[45] BTP, _Shape our future – a consultation on how British Transport Police should organise its criminal investigations business area_, October 2016

[46] BTP, _Public consultation response report: Shape our future – a consultation on how British Transport Police should organise its criminal investigations business area_, March 2017, p21

[47] op cit., _Policing your journey: Annual Report 2015/16_, p8

[48] op cit., _Public consultation response report_, p13

British Transport Police workforce FTE strength, 2007 - 2016
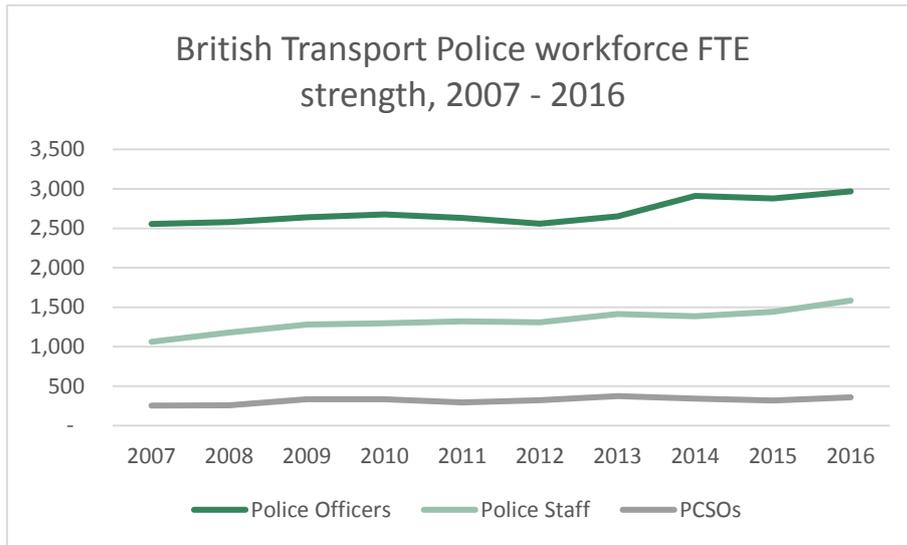
Note: workforce strength is at 31 March each year

Source: Home Office, Police Workforce (E&W) Open data tables

Numbers of special officers (who wear the same uniforms as regular police officers and have identical powers but provide their services on a voluntary and part time basis) also increased from 228 in April 2015 to 300 by March 2016. During that time they volunteered 80,227 hours and conducted 6,128 patrols on trains, which BTP credits for adding significant resilience to its policing capability.[49]

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[49] op cit., *Policing your journey: Annual Report 2015/16*, p30

4. BTP objectives and the policing environment

4.1 Objectives

The operational approach of BTP is focused on keeping passengers and staff safe and minimising disruption. In the *Strategic Plan 2013-2019* the BTPA set the following objectives for 2019, to be achieved without increasing costs above inflation:

- **Keep the transport systems running:** reduce minutes lost to police-related disruption by at least 20% on 2012/13;

- **A safe and secure railway:** reduce crime on the railway by at least 20% on 2012/13; and

- **Promote confidence in the use of the railway**: increase passenger confidence with person security on the train and station by at least 10%.[50]

These objectives have been set in circumstances where the nature of crime and policing on the railway are changing. Between 2005 and 2013, the **number of people travelling on the railway each year** increased by nearly 50% to over 1.4 billion.[51] During the lifetime of the Strategic Plan passenger numbers are predicted to rise by 22% and freight kilometres by 28%.[52] The congested nature of the network makes it more difficult to manage disruption as delays on one part of the network can quickly result in knock on effects in other parts; in 2015/16, there was an 8% increase in overall police-related disruption compared with 2013/14. Through the National Joint Disruption Programme, BTP is working with Network Rail and train companies (including by seconding officers) to improve industry practice in predicting, preventing and responding to disruption.[53]

Recorded crime on the railways has fallen significantly in recent years; with crime levels in 2015/16 39% lower than in 2005/06. Given the increase in passenger numbers this means that crime has reduced from just over 38 crimes per million passenger journeys in 2005/06 to 15 in 2015/16. This overall figure includes particularly dramatic falls in some areas. For instance, the new requirement for sellers of scrap metal to prove their identity contributed to a 35% decrease in cable theft in 2014/15 compared with 2013/14.[54]

However, after eleven years of reduction, recorded crime rose by 4% between 2014/15 and 2015/16. This was largely driven by an increase in recorded common assaults, sexual offences and public order offences.

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[50] op. cit., *Strategic Plan 2013-19*, p6
[51] ibid., p9
[52] op cit., *Policing your journey: Annual Report 2015/16*, p1
[53] ibid, pp6, 14, 16
[54] BTP, *Metal theft* [accessed 24 May 2017]

This still compares favourably with recorded crime across all police forces, which rose by 8% over the same period.[55]

Recorded Offences, British Transport Police, 2002 - 2016

Source: Home Office, Police recorded crime and outcomes open data tables

4.2 Terrorism

Crime on the railways has several distinctive features. Mass transit systems, including the railway, are vulnerable to terrorism. Coordinated attacks such as in Brussels in March 2016 and "active shooter incidents" such as in Mumbai in 2008 continue to pose a significant risk.[56] There is also an increased incidence of low sophistication attacks such as that which occurred at Leytonstone London Underground station in December 2015.[57] Terrorism was identified as a particular issue by Deputy Chief Constable Adrian Hanstock when giving evidence to the Transport Committee:

> In hierarchy of risk, the biggest threat is terrorism. The challenge of protecting a network that is so wide and open, and the risk being so unpredictable, causes us the greatest level of concern.[58]

It is as a result of this threat that BTP's terrorism budget has been recently increased by £3.5 million (see section 2.4, above). In addition, BTP has participated in various cross-agency counter-terrorism initiatives and exercises.[59]

4.3 Sexual offences and hate crime

Tackling sexual offences and hate crime is also a priority for BTP. In 2015/16, the number of reported sexual offence rose by 39.5% to

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[55] op cit., *Policing your journey: Annual Report 2015/16*, pp2-4

[56] "Brussels explosions: What we know about the airport and metro attacks", *BBC News*, 9 April 2016; "Mumbai attacks", *BBC News* [accessed 23 May 2017]

[57] "Leytonstone Tube stabbing a 'terrorist incident'", *BBC News*, 6 December 2015

[58] op cit., *Rail safety,* 16 January 2017, Q253

[59] op cit., *Policing your journey: Annual Report 2015/16*, p13

almost 2,000 crimes. BTP argues that this increase is due the increased willingness of victims to report sexual crimes to the police, promoted by initiatives such as the BTP 'Report it to stop it' campaign.[60] Recorded hate crime on the railway, meanwhile, increased 11% between 2014/15 and 2015/16. BTP has refreshed its #WeStandTogether Twitter campaign to encourage victims of hate crime to report incidents.[61]

4.4 Vulnerable people

BTP's approach to vulnerable people also receives significant attention. Suicide accounts for the majority of fatalities on the railway: there were 316 public fatalities in 2015/16 of which 278 were suicide or suspected suicide fatalities. Although the relatively small numbers make a clear trend difficult to discern, there appears to be have been an increase in suicides since 2007. This is in line with national trends.[62]

Public Fatalities
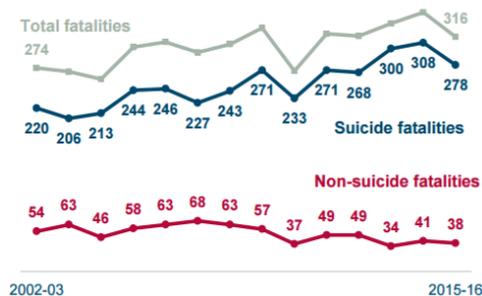
There were **316 public fatalities** in 2015-16

Down by 9.5% compared to 2014-15

of which **38 were non-suicide fatalities**

and

278 were suicide or suspected suicide fatalities

(252 on mainline and 26 on London Underground)

Total fatalities

274 ... 316

Suicide fatalities
220 206 213 244 246 227 243 233 271 271 268 300 308 278

Non-suicide fatalities
54 63 46 58 63 68 63 57 37 49 49 34 41 38

2002-03   2015-16

Source: Office of Rail and Road, Rail Safety Statistics, 22 September 2016

Apart from the obvious human cost, the average cost of each fatality on the railway is £198,000.[63] BTP has dedicated teams made up of police officers and NHS nurses who can access medical files and co-ordinate follow-up care. These teams work to put in place Suicide Prevention Plans for at-risk individuals to provide them with continued care and support. [64]

Over the last seven years, Samaritans has worked closely with the railway industry and BTP in particular to improve practice in relation to suicide education and training, prevention and "postvention" (dealing with the aftermath of incidents). There were 1,269 life-saving interventions by officers, rail staff and others in 2015/16 – a rise of 36% compared with the previous year.[65]

According to Ruth Sutherland, Chief Executive of Samaritans:

> We can now say after seven years of working that perhaps one in seven people in the rail industry—about 200,000 workers—is suicide aware. We have seen more than 1,000 interventions by members of staff who have identified vulnerable people, approached them, talked to them and

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[60] ibid., p5
[61] BTP, *Hate crime* [accessed 23 May 2017]
[62] Samaritans, *Suicide statistics report 2017*, p28
[63] op cit., *Rail safety: written evidence submitted by the British Transport Police,* para 8.4
[64] op cit., *Policing your journey: Annual Report 2015/16*, p18
[65] ibid., p2

> brought them away from a situation of danger. We feel
> very positive about the whole partnership.[66]

Children and young people running away from home, seeking help or looking to harm themselves are often found at railway stations.[67] In 2015/16, BTP came into contact with 861 looked-after children.[68] In 2014, the Transport Committee found BTP's approach to vulnerable children should be improved. In particular, the Committee recommended that BTP collect and make data on runaway children available, and that the BTPA set appropriate targets in relation to child protection.[69]

Since then, the BTPA has included safeguarding targets in the 2015/16 and 2016/17 Policing Plans; improved joint working with other agencies; and (together with the charity Railway Children) introduced safeguarding hubs at some major stations and rolled out safeguarding awareness briefings for staff.[70] DCC Hanstock told the Transport Committee in January 2017:

> One of the recommendations when the chief constable was here two years ago was about us strengthening and reassessing our safeguarding capabilities. I assure the Committee that we have taken a substantial reset to all of that, and have had a complete overhaul of the approach to dealing with safeguarding—particularly for children and young people, but also for adults and those with mental ill health.[71]

4.5 Other areas

The ways in which people use the railways and how they are run is also changing. For instance, stations are increasingly becoming **retail destinations** in their own right; BTP has identified retail theft associated with premise commercialisation and alcohol fuelled offending as a result of licensed premises as emerging risks.[72] The increase in **digital fraud and the cyber threat** also has implications for the railways, for instance in relation to smart ticketing and digital signalling.[73]

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[66] Transport Committee, *Rail safety*, 6 March 2017, HC 694 2016-17, Q58 [Ruth Sutherland]

[67] Transport Committee, *Rail safety: written evidence submitted by the British Transport Police Authority* (RS0014), HC 694 2016-17, 21 October 2016, para 3.2-3.4

[68] op cit., *Rail safety: written evidence submitted by the British Transport Police* (RS0012), para 8.7

[69] op cit., *Future of the British Transport Police,* paras 36-42

[70] op cit., *Rail safety: written evidence submitted by the British Transport Police* (RS0012), para 8

[71] op cit., *Rail safety,* 16 January 2017, Q290

[72] Transport Committee, *Rail safety: written evidence submitted by the British Transport Police* (RS0012), HC 694 2016-17, 21 October 2016, para 2.11

[73] ibid., para 2.12

5. Government reviews, 2004-14

BTP and the BTPA have been subject to Government reviews in 2004, 2006, 2010 and 2014.

The **2004 review** endorsed the model of a dedicated railway police force funded primarily by industry. However, it accepted that the then Labour Government should work with the BTPA in relation to capital funding to address some of the most pressing shortfalls. The review also concluded that BTP was "spread too thinly geographically, that the industry expectations need to be managed and that the BTP response outside of London will not be the same as within".[74] The maintenance of a specialist force was endorsed by the Transport Committee in the same year.[75]

The **2006 review** looked again at the model of a specialist railway police, following a recommendation by the Metropolitan Police Authority (MPA) for London that the Met police and London BTP be merged.[76] In July 2006, the then Secretary of State, Douglas Alexander, announced the outcome of the review, stating that "there remains a strong case for retaining a national specialist for the railways" across England, Scotland and Wales but that more clarity was needed in relation to BTP's "responsibilities to the rail industry, the rail industry's own duties and the role of local police forces".[77] The Transport Committee also concluded that the case for changing the status quo had not been made.[78]

The **2010 review** was slightly different in nature. In October 2009 the then Secretary of State for Transport, Lord Adonis, announced a review looking at the case for extending the BTP's remit beyond the railway boundary where it interchanged with other modes of transport.[79] However, following the May 2010 General Election, the review was conducted as part of the Coalition Government's wider examination of public bodies. In December 2010 the Government announced that "the BTPA should be retained on the grounds that it performs a technical function that should remain independent of government".[80]

A **triennial review of the BTPA** was announced on 25 May 2013 by the then Railways Minister Simon Burns, in line with the Coalition policy of examining non-departmental public bodies every three years.[81] Part 1 of the review was published in July 2014 and found that, in general, overall compliance with good practice on corporate governance was

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[74] DfT, *Review of the British Transport Police*, September 2004, para 7.2
[75] Transport Committee, *British Transport Police* (Twelfth Report of Session 2003-04), HC 488, 4 June 2004, para 44
[76] MPA, *Review of police structures*, 3 February 2006, appendix 1
[77] HC Deb 20 July 2006, cc57-58WS
[78] op cit., *Future of the British Transport Police*, para 30
[79] HL Deb 1 March 2010, c320WA
[80] HL Deb 21 December 2010, c274WA
[81] HC Deb 25 March 2013, cc72-3WS

good.[82] The review also concluded that the functions of the BTPA were necessary and it remained the right body to deliver them:

> It is difficult to see how the national plans and strategies which are essential for the delivery of effective policing across a national network could be readily developed where 43 different forces were involved in delivering the service.[83]

In a September 2014 report, the Transport Committee once again agreed that the specialist rail policing provided by BTP was effective.[84]

Part 2 of the triennial review followed in October 2014. This examined industry concerns about the costs incurred by BTP and ways to create a more productive relationship between BTP and industry. The review concluded that the BTPA had made a genuine effort to increase operational efficiency but that more remained to be done.[85]

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[82] HC Deb 14 July 2014, cc44-45WS

[83] DfT, *Triennial Review of the British Transport Police Authority: Part 1 Report*, July 2014, p13

[84] Transport Committee, *Security on the railway* (Fifth Report of Session 2014-15), HC 438, 5 September 2014, Summary

[85] DfT, *Triennial Review of the British Transport Police Authority: Part 2 Report*, October 2014

6. The future

In November 2015, the Conservative Government published its *National Security and Strategic Defence and Security Review*. This comprehensive examination of security arrangements across the UK took a decisively different approach than previous reviews of BTP. In particular, it noted that responsibilities for critical infrastructure policing are shared across a number of organisations with different levels of capability and capacity, and different arrangements for funding, oversight, regulation and legislation. The review included a commitment to "integrate infrastructure policing further and to review the options to do this". [86]

This review had in scope BTP, along with the Ministry of Defence Police, the Civil Nuclear Constabulary, the Highways England Traffic Officer Service and the roads and airport functions of Home Office police forces. In autumn 2015, phase 1 of the review identified two options for the integration of infrastructure policing:

- A single **National Infrastructure Constabulary** combining the function of the Civil Nuclear Constabulary, the Ministry of Defence Police, the British Transport Police, the Highways England Traffic Officer Service, the Home Office police forces' strategic road network and airports policing capabilities; or

- A **Transport Infrastructure Constabulary** and an **Armed Infrastructure Constabulary,** with the former bringing together the functions carried out by BTP, the Highways England Traffic Officer Service and the roads and airport policing elements of Home Office forces.[87]

Discussing the review in January 2017, DCC Hanstock commented on the specific responsibilities of BTP and stakeholder responses to the infrastructure policing review:

> What is different is the environment—understanding the risks, threats and health and safety elements—and being specially trained to operate in a transport way. Added to that is understanding the implications of how we do our business: the commercial imperative and the impact of what you do in one area of the network on what happens elsewhere, which may be hundreds of miles up country, based on decisions you make here. There is some true uniqueness about the British Transport police, which I think is treasured by the industry and stakeholders, and that is reflected in quite a bit of the feedback we have received about nervousness about some of these proposals.[88]

[86] HMG, *National Security and Strategic Defence and Security Review*, 23 November 2015, para 4.139
[87] op cit., *Rail safety: written evidence submitted by the British Transport Police* (RS0012), para 5.1; Transport Committee, *Rail safety: written evidence submitted by the Department for Transport* (RS0010), HC 694 2016-17, 31 October 2016, para 11
[88] Transport Committee, *Rail safety,* 16 January 2017, Q272

A second phase of the review then began to develop each of the options into a full business case.[89] It was reported in February 2017 that the proposals had been put in hold while options for collaborative working between the affected forces were explored, a stance which was welcomed by the British Transport Police Federation.[90] Shortly after, the Minister of State for Policing and the Fire Service, Brandon Lewis, confirmed that work to review options to integrate infrastructure policing was continuing, although it was not clear which options were under consideration.[91]

The Conservative Party manifesto for the 2017 General Election included a commitment to pursue an integrated infrastructure police force, apparently along the lines of the first option identified in phase 1 of the review:

> We will create a national infrastructure police force, bringing together the Civil Nuclear Constabulary, the Ministry of Defence Police and the British Transport Police to improve the protection of critical infrastructure such as nuclear sites, railways and the strategic road network.[92]

The Labour, Scottish National Party, Liberal Democrat, Green and UKIP manifestos did not contain any specific commitments in relation to BTP.

[89] Police: Written question - HL3770, 1 December 2016;

[90] British Transport Police Federation, *Update on the Infrastructure Policing Review*, 15 February 2017, [accessed 26 May 2017]

[91] Police: Mergers: Written question - 64256, 22 February 2017

[92] Conservative Party, *Forward together: Our Plan for a Stronger Britain and a Prosperous Future 2017*, 18 May 2017, p44

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