THE DEVELOPMENT OF
THE BRITISH TRANSPORT POLICE

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INTRODUCTION

For more than thirty years, as a serving officer of the British Transport Police, I have attempted to answer questions put to me by family, friends, acquaintances and complete strangers about my job in particular and the Force in general. In 1987, I was asked by the then Deputy Chief Constable Ted Coles, to take on a research programme, ostensibly to assist a team of Management Consultants to conduct a strategic review of the Force. Many of the questions to which they sought answers were those which I had been asked before. In consequence, using some of the material I prepared for them, together with further research conducted before and since, I have in this study attempted, as comprehensively as possible to cover a whole range of activities and draw conclusions as to the case for the continuing existence of the Force either in its' present form or as a more integral part of the Police service in Great Britain.

It will become apparent that my primary objective throughout the study is to examine the evidence relating to the question of whether the British Transport Police officer is equal in status to any 'public' police officer of any U.K. police force. The manner in which the B.T. Police Force has developed historically seems to be almost accidental, but government attitudes which have prevailed for almost a century and a half have resulted in this highly professional group, nevertheless remaining outside the umbrella of policing in many respects, despite contributing on a national scale to the safety and security of the entire community of England, Wales and Scotland. Having examined all available relevant evidence, the case will be made that the B.T. Police officer is indeed equal.

Research has been difficult - records have not been retained over the years and much of the history of the early railway, dock, port and canal police forces has been lost. Reliance on William Owen Gays paper, produced in 1973, has been necessary to examine the early years. Annual Reports by Chief Constables from 1960 (when they commenced) have been invaluable as sources of data, as have the Force Journal, the Force news sheet and the Police and Police Review magazines.
As a starting point, I have produced in Chapter One a brief snapshot of the modern force, and then examined its' origins, the history of Home Department Police Forces in England and Wales, the policing of the railways, associated ports, docks and waterways in the nineteenth and early twentieth century and provided a resume of developmental milestones in the last thirty years. This Chapter sets the scene for a more detailed examination of the modern Force and attempts to answer the question `Who are the B.T. Police and how did they come to exist?'

The vast amount of data collected in 1988 to examine in Chapter Two the relationship of police and civilian person power in Home Department Forces, in order to draw comparisons with B.T. Police, provided me with the opportunity to delve into the manner in which police establishments were generally calculated, and again draw comparisons with B.T. Police. Until the arrival of the Amendment Order for the B.T. Police Scheme in 1992 (S.I.364/1992), only an 'efficient' force, as opposed to an `adequate and efficient Force' was legally required.

Of necessity, Chapter Three occupies the lions share of the study. In two parts I have examined the legal and practical considerations to answer a question which has caused B.T. Police officers considerable discomfort, probably since railway policing originated - 'Are you a REAL police officer?' It will be seen that legislation and case law has produced a firm answer to this question, and the examination of the duties of B.T. Police, including the public order and crime fighting roles hopefully provides the evidence to support the firm belief in the reality of the role.

Accountability and control of police agencies are vital in any democratic society. Chapter Four outlines the measures applicable in relation to B.T. Police, with reference to academic views on the subject. Funding is an extremely delicate issue, and in Chapter Five, whilst I have adduced such evidence as is available, I cannot provide information which will produce an answer `beyond reasonable doubt' as to exactly who pays for the Force. The most important conditions of service are explained in Chapter Six, important to society in that B.T. Police receive exactly the same training as Home Department Police and recruits are required to pass through the same assessment procedures as those for any other Force. This not only gives credibility to the status argument, but also re-assures the general public that those officers who police the railways are of the same calibre as those who police the streets. British Transport Police pay is now comparable to Home Department Police pay, but it will be seen that this has not always been the case, and the discussion on promotion prospects highlights a very serious defect in the system; whereas Home Department Officers may apply for Senior vacancies in the B.T. Police, (and are accepted) this is not reciprocated.
Relations between B.T. Police and Home Department Forces are the subject of Chapter Seven. Again, an area of increasing development and decreasing prejudice. Once more, improvements in funding arrangements over the years has led to better quality equipment, buildings, communication systems and mobility, all of which produce a more professional image. There is still, however, some way to go to lay the ghosts of the last century. Chapter Eight examines the alternatives available to provide safety and security on the railways, and provides evidence of the benefits which may accrue to Society if the Force continues.

Finally the conclusion provides discussion on the entire study and some recommendations for further research. Overall the study has probably raised more questions than it has answered. It provides no more than a basis for further discussion and research, but I hope that it has advanced the work completed by the late Bill Gay in 1973, a little further, and will give those who may wish to pursue studies on the Force in future either general or particular, a base from which to start. Its' completion would not have been possible without the help of many people - some of whom I have been able to acknowledge. Many more, have through discussion and exchanges of views, over the years helped to crystallise several of the concepts which I have advanced. The most tolerant and understanding of all who have helped have been my wife and family who have shared the joys and sorrows of my career in the Force.

(c) Colin Thomas 1993
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ACKNOWLEDGEMENTS

It would be impossible to recall all who may have contributed to the thesis by way of discussion. Where possible, some have been acknowledged in the main text. It is right however, that I express appreciation to the following:-

The Chief Constable and Police Committee of the British Transport Police.
The Late William Owen Gay Q.P.M. M.A.,
Edward Coles Esq., B.Jur.(former Deputy Chief Constable of the B.T. Police)
Dr Nigel Fielding, Surrey University
Professor Michael Levi, University of Wales.
CHAPTER ONE

WHO ARE THE BRITISH TRANSPORT POLICE AND HOW DID THEY COME TO EXIST?

In this Chapter, after providing a brief snapshot of the modern Force, I will provide information on its' origins, a comparable precis of its' early development with Home Dept. Forces, following through to the present day.

1.1 The Modern Force

'The British Transport Police is the national police service for the railways, enforcing the law to preserve the Queens Peace and reduce the fear of crime'. The role of the Force is thus succinctly explained in the Force Statement (Appendix One). In April 1992 the Force re-organised into eight territorial areas (Appendices Four and Five) throwing off historical constraints of a many layered hierarchy, dispensing with the lengthy chain of command, with a view to improving communication and efficiency. The object of the new Force Structure was to devolve from Headquarters, located in central London, the maximum amount of decision making and relocate the maximum amount of resources to individual police stations. Cost effectiveness and increased accountability at ground level should thus improve and it is intended that those remaining at Force Headquarters will concentrate on setting values, maintaining standards, creating policy, auditing operations and providing essential expertise, working towards a higher quality of service. This is reflected in the aims and values of the Force published in the Force Statement (Appendix One), namely 'making our railways the safest' and 'enhancing the quality of life for customers and staff whilst safeguarding the whole community'. The Force values are 'Giving a best quality policing service which is caring, efficient, courteous and approachable in a way that is consultative, flexible and cost effective'. Whilst these words may initially seem somewhat pious to the reader, there is considerable evidence of organisational developments which support the direction the Force has taken. Numerous schemes in conjunction with British Rail and London Underground have been adopted, including managing out crime, working with the community as a whole through the Schools Liaison Scheme, a Victim Support Scheme and, in the words of a consultation document issued by the Department of Transport discussing the privatisation of British Rail giving a 'robust answer to the terrorist threat'. (The Future Status of The British Transport Police - Dept. of Transport 1992). This will be examined in more detail in context later.
1.2 **Current Organisation And Strength**

The structure of the Force is based on geographical regions or Areas. On 5th April 1992, the newly created eight Area organisation was as follows:-

<table>
<thead>
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<th>Police Stations</th>
<th>12</th>
<th>12</th>
<th>12</th>
<th>9</th>
<th>10</th>
<th>13</th>
<th>13</th>
<th>8</th>
</tr>
</thead>
<tbody>
<tr>
<td>Command loc.</td>
<td>Gl</td>
<td>Leeds</td>
<td>Mch</td>
<td>B/ham</td>
<td>Bristol</td>
<td>Victoria</td>
<td>Kings X</td>
<td>B/w</td>
</tr>
</tbody>
</table>

Key:-
- Sc : Scotland
- NE : North Eastern
- NW : North Western
- MID : Midland
- SW : South Western
- LS : London South
- LN : London North
- LU : London Underground
- ACC : Assistant Chief Constable
- C/Supt : Chief Superintendent
- Supt : Superintendent

| Gl : Glasgow | Ld : Leeds | Mch : Manchester |
| Bhm : Birmingham | Blt : Bristol | Kings X : Kings Cross |
| VIC : Victoria | B/w : Broadway |

Source: British Transport Police Annual Report 1991/92 - page 7. Figure 1(a) See also figures 1(b) and 1(c) regarding the simplification of the chain of command.

The overall actual strength of the Force on 31st March 1992 was 2,041 police officers (against an underwritten strength of 2,072) and 354 civilian support staff (against an underwritten strength of 378) (British Transport Police Annual Report 1991/92 - Appendix A).

The term 'underwritten strength' is analogous to the 'establishment' which is used in Annual Reports of Chief Officers of Home Department Police Forces. Police strength in the British Transport Police is however negotiated with Transport Industry Managers who 'underwrite' specific numbers of police personnel. This system will be discussed later. By comparison, The Devon and Cornwall Constabulary (a typical Home Department County Force) had an authorised establishment of 2880 police personnel in 1991 and an actual strength of 2876 (Annual Report, Chief Constable, Devon and Cornwall Constabulary 1991).

1.3 **Civilian Support Staff**

In June 1988, in response to a research requirement in connection with a Strategic Management Review of the Force undertaken by management consultants (Ernst and Whinney), I undertook a survey of Home Department Police Forces in relation to Police and Civilian personpower to show comparison with B.T. Police. Of the 55 Police Forces
BRITISH TRANSPORT POLICE REPORTING SYSTEMS

Before 5th April 1992

Chief Constable

Deputy Chief Constable

Assistant Chief Constable (Operations)  Assistant Chief Constable (Support Services)

DIVISIONS


SUB DIVISIONS

Supt.

DISTRICTS

C/Insp.

POLICE STATIONS

Insp.

Sgt.

Constable

After 5th April 1992

Chief Constable

Deputy Chief Constable

Assistant Chief Constable (Operations)  Assistant Chief Constable (Support Services)

Area Commander

Operations  Support Services

Officer in Charge of Police Station
(who in some cases is a Constable)

Figure 1(b)  Figure 1(c)
asked to contribute, 43 replied by the time that the survey results were required. Each was asked to provide inter alia the following information:

(a) The number of police officers in each Force at December 1980, 1985 and 1987.

(b) The number of accountable civilians in the same years.

The dates were selected to portray the effects of Home Office Circular 114/83 (See Ch. 2.2) An analysis of the raw data showed that of the 43 forces surveyed, 37 had increased in police strength since 1980, 3 had remained static whilst 3 had decreased in police strength. Of those, however only one had suffered an appreciable decrease - The City of London Police - although that Force had been operating with a deficiency in police strength for some considerable time, and in consequence the decrease effectively eradicated 'vacancies'.

In relation to civilian strength 39 had increased since 1980, 3 had remained static, and one Force was unable to provide a civilian figure for 1980. Corresponding figures for B.T. Police showed an irregular pattern in relation to police strength, but a regular percentage of police to civilian personnel:

<table>
<thead>
<tr>
<th></th>
<th>Police</th>
<th>Civilian</th>
<th>%C</th>
<th>Police</th>
<th>Civilian</th>
<th>%C</th>
<th>Police</th>
<th>Civilian</th>
<th>%C</th>
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<tr>
<td>1980</td>
<td>1948</td>
<td>186</td>
<td>10</td>
<td>1985</td>
<td>1817</td>
<td>10</td>
<td>1987</td>
<td>1846</td>
<td>10</td>
</tr>
<tr>
<td>1981</td>
<td>1948</td>
<td>186</td>
<td>10</td>
<td>1985</td>
<td>1817</td>
<td>10</td>
<td>1987</td>
<td>1846</td>
<td>10</td>
</tr>
<tr>
<td>1982</td>
<td>1948</td>
<td>186</td>
<td>10</td>
<td>1985</td>
<td>1817</td>
<td>10</td>
<td>1987</td>
<td>1846</td>
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Figure 1(d) Source : British Transport Police Annual Reports

The survey further revealed that the average number of civilians to police personnel on Home Department Forces in 1987 was 27 civilians to 100 police, whilst in B.T. Police the figure was 10 civilians to 100 police. Ernst and Whinney conducted a cost comparison between police officers and civilians, and subsequently recommended that the Force might be able to make more efficient use of human resources by 'civilianising' certain administration and operational support functions currently carried out by police officers'. (Ernst and Whinney 1988, p.73). This recommendation has been pursued, and the 1989 authorised strength comparison showed that the percentage of civilians to police had increased from 10 to approximately 17%. This trend has continued in relation to civilian support staff in accordance with one of the main objectives agreed by the Chief Constable with the Police Committee to 'progressively civilianise that element of police manpower which is engaged on non operational police duties'. (British Transport Police Annual Report 1990/91). Between 1988 and 1991, some one hundred and sixty 'police tasks' had been passed to civilians in such areas as security of police buildings, communication centres, prosecution sections etc..

**STRENGTH**

<table>
<thead>
<tr>
<th>YEAR</th>
<th>POLICE</th>
<th>CIVILIAN</th>
<th>% - CIVILIAN</th>
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</table>
1988 1829 194 10.6  
1989 1857 247 13.3  
1990 2017 326 16.2  
1991 2041 354 17.3  
1992 2114 373 17.6  

Source: British Transport Police Annual Report.
Figure 1(e).

By comparison, the Devon and Cornwall Constabulary (an 'average' County Force) had an overall establishment of civilian support staff of 1048.5 (excluding Traffic Wardens) for 1991 (Annual Report Chief Constable Devon and Cornwall Constabulary 1991).

The initiative continues, and national recommendations are closely followed with an eye on the future, for example the recent ACPO document on police training (Towards a Future Training Strategy April 1992) which suggests the use of some civilian trainers (at p.6) to replace police. The Force recruited a civilian Physical Training/Self Defence Instructor in 1992, thus replacing a tradition of employing an operational police sergeant with specialist skills in this function on a secondment to the Force Training Centre for a two year period.

1.4 **The Origins Of The Modern Force**

It is important to trace the early history of policing railways in order to examine the development of the national Force as it exists today. Following a brief discussion of the railway police, its development will be placed in the context of the emergence of the police generally as a modern social institution. Police and railways seemed to have developed together. Transport Police, though not funded in the same way as County and Metropolitan Police Forces have, since their inception, followed a similar pattern of emergence. The Force has progressed into the twentieth century it would seem as a result of major historical accident. As is evidenced in Luke, Chapter 10, verses 25-37 of the New testament (the parable of the good Samaritan), travellers have been at risk from criminals since time immemorial. The first available reference to the existence of the Railway Police is found in the Board Minutes of the Liverpool and Manchester Railway in November 1830, which indicates a 'list of whole police establishment', and a Minute records also an increase in police pay on the grounds that the duty was one of great responsibility (Gay 1973, p.2.).

The historical accident which created the current situation whereby a specialist, highly professional police Force, apparently outside the organisational framework of the majority of the nations police may well have been started by the decision of the Royal Commission on Rural Police 1836-1839, which recommended that there should be a centrally directed
police force but did **NOT** favour the growth of separate Forces such as Railway Police. (Gay 1973, p.6.).

Early Railway, Dock and Canal Companies were thus obliged to finance the appointment of their own constables to maintain an internal police organisation. Parliament for its part was prepared to grant authority, and typical of the legislation authorising this was the Great Eastern Railway (General Powers) Act 1900, Section 50. 'Fit persons' recommended by the Company could be appointed as special constables by two justices. The constables could act as such upon and within the whole of the railways stations and works belonging or leased to, or worked by the Company either solely or jointly with any other company or companies or any committee or committees. (It was the practice for railway companies to work together in 'Joint Line Committees').

The appointee was obliged to make an oath or declaration 'in due form of law', and having done so, was granted, for the continuance of his appointment all the 'powers protections and privileges of a constable in the exercise of his duties'. Within his limited geographical jurisdiction, he thus enjoyed the same status as any other constable. He was also empowered 'to follow and arrest any person who had departed from any of the said railway stations or works after committing therein or thereon any offence for which he might have been arrested while within or upon the said railway stations or works.' In order to use these powers, he was required to be in a uniform or be in possession of 'an authority' to act as a constable, which the justices would grant him, and which if he were not in uniform he was required to show whenever called upon to do so.

1.5  **Police - General History - Nineteenth Century**

Whilst the history of police in England and Wales is extremely well documented, very little research has been undertaken into the origins of specialist forces such as railway police. It is relevant to examine early general police history in order to put into context the recommended requirement to provide in modern times the same quality of policing for the community as a whole. The concept of police seems to emerge from origins in Anglo Saxon times, when the Headborough or tithing man had a responsibility with the local community to prevent and detect crime. The Watch and Ward system, the Hue and Cry and Justices of the Peace Act 1361 which provided for a constable to assist the Justice of the Peace, (the Parish Constable) provided a useful beginning to the Police Systems of today (Critchley 1977, p.15/16) Throughout the seventeenth and eighteenth Centuries, some general progress was made towards the creation of a general system of policing, (the formation of the London Nightly Watch in 1663 for example). It is perhaps to the Fielding Brothers that credit is owed to the true beginnings of a regular system of policing. The appointment of Sir Henry Fielding as a Bow Street Magistrate in 1748, and subsequently on his death in Lisbon in 1754, the appointment of John Fielding in the same capacity appears to mark significantly efforts to police the capital at least. Whilst John Fieldings attempt to introduce a neighbourhood watch system in 1755 failed, the Bow Street Runners emerged and became famous, eventually being absorbed into Peels Police (Reith1938,p.34). By the end of the end of the eighteenth century however, no organised police system had appeared. Parish Constables, who received no salary but were entitled to certain fees and sometimes were allotted small pieces of land attached to their offices continued to do what was possible to bring criminals to book, but invariably they were
'elderly men appointed to the office to keep them off the poor rate' (Radcliffe and Cross 1971, p.333).

The Gordon Riots of 1780 which resulted in mob rule in London for several days, the burning of Lord Mansfield's house and the breaking open of Newgate Gaol provided an added impetus for an organised police force. In the same year James Hanway published a book 'The Citizens Monitor' showing the necessity of a salutary Police...,' and Lord Bathurst attempted to create an armed 'police' unit in the City of London, but all to little avail. 1785 saw Pitt's Bill to create Commissioners for the Metropolis, whilst a year later the Dublin Police Act was passed. In 1792 however, Patrick Colquhoun was appointed a Bow Street Magistrate. His treatise, on 'The Police of the Metropolis', was published in 1796, and in 1799 a further treatise 'Commerce and Police of the River Thames' produced some success, for in 1800 the River Thames Police was formed. (Reith 1938, p.117-122).

Modern rationalist writers, in examining the need for police suggest that it was capitalist inspired, industrialisation and urbanisation occurring within a capitalist framework. Rapid growth of cities led to a greater class distinctions. Reiner examines evidence to suggest that the upper class perceptions of the 'dangerous classes' - the urban poor, led to a fear of social disorder, and that early nineteenth century riots were accepted and understood as a means for the poor to communicate their grievances to the wealthy ruling classes. This industrial capitalism rioting became a fundamental threat to social and political order.

Late eighteenth and early nineteenth century capitalism thus led to a 'tighter discipline in both work and leisure time to fit rhythms and regimentation of capitalist organisation, thus causing criminalisation of traditional street pastimes which were solely recreational. The police officer thus became the moral entrepreneur of public propriety charged with converting the folkways and mores of savage street dwellers to respectability and decency.' (Reiner 1985, p.21. and 22.)

The early nineteenth century society was very divided by power, money and status. The threat of the gallows was very much in evidence, and a speech by Sir Samuel Romilly (who had become Solicitor General in 1806) to the House of Commons in 1808, in which he stated his intention to reform the penal code, and sought leave to introduce a Bill to abolish the death penalty for picking of pockets of goods to the value of twelve pence is evidence of this, particularly since most of the offenders were children. Romilly continued to crusade, when two years later he sought leave to introduce a Bill to abolish the death penalty for the crime of stealing goods to the value of five shillings from a shop or warehouse, and after his death in 1818, MacKintosh (who was a disciple of Bentham and had a distinguished career as a writer, a member of the Judiciary in Bombay and eventually a Whig member of Parliament - (Reith 1938 p.225/226)) continued to persevere with reforms.

In 1820, he sought to abolish the death penalty for the following crimes:-

(a) Stealing five shillings from the person.
(b) Stealing forty shillings on a navigable river or from a dwelling house.
(c) Being a gypsy and residing twelve months in England.
(d) Being a notorious thief and residing in the Counties of Northumberland or Cumberland.
(e) Being found disguised in the Royal Mint.
(f) Damaging Westminster Bridge.
(g) Taking away a maid or widow for the sake of her fortune.
(h) Receiving stolen goods.
(i) Wounding cattle, damaging trees, breaking the banks of rivers, sending threatening letters, being found in possession of forged bank notes ....... etc .......

Reith 1938 p.231

Romilly and subsequent reformers were conscious that convictions in the courts were uncertain and that proper investigation, certain detection and moderate punishments would be a more effective deterrent than 'occasional terror of the gallows'. (Hay - 1981 p.22)

No more than three percent of the population of the day, the monarchy, aristocracy, gentry and wealthy merchants, i.e. those who held power and wealth, controlled the criminal law, thus maintaining their rule and moulding social consciousness. 'Eighteenth century England was not a free market of patronage relations. It was a society with a bloody penal code, an advantage and people schooled in the lessons of Justice, Terror and Mercy. The benevolence of rich men to poor, and all the ramifications of patronage were upheld by the sanction of the gallows and the rhetoric of the death sentence. (Hay - 1981 p.25)

But there was a growing acceptance that employment could be a more effective barrier against disorder than draconian legal penalties. In 1784, Jonas Hanway described crime as a 'disease which spreads destruction like a pestilence and immorality as an epidemic disorder which diffuses its' morbid qualities' - i.e. he saw poverty which produced squalid and undisciplined systems of life as a catalyst for crime. In 1815 Jedediah Strutt, who had created cotton factories in Derbyshire, declared that before they had established their works in Cromford and Belper 'the inhabitants were notorious for vice and immorality ... but that regular work and wages, together with the stabilising influence of a closely supervised village community had transformed their behaviour .... and their industry, decorous behaviour, attendance on public worship and general good conduct were very conspicuous.' (Ignatieff - 1981 p.40 and 41).

In 1822 Mackintosh introduced a speech on Law Reform and measures for strengthening police, and both in 1822 and 1823 Peel's speeches on Law Reform were followed by considerable strides in this direction. In 1828 Peel opened his police campaign and in 1829, supported by Wellington, succeeded in establishing the London Metropolitan Police by the Act of that year. (Reith 1938, p.232/253).

Considerable public hostility was directed towards the 'new police' and there was a deliberate campaign staged by parishes, disinclined to finance the Force through rates. Tactics however, to dispel riots, including the invention of the baton charge caused the realisation that this could be achieved by police without the aid of the military (Reith 1956 p.157). By 1835 the decrease in crime and disorder in the Metropolis became so apparent as to cause local authorities in other parts of the country to create their own police forces and the Municipal Corporations Act of that year assisted this desire (Reith 1956 p.195). By 1839 however the administration of new borough police forces was found to be corrupt
and inefficient and numerous other law enforcement agencies were becoming involved in crime control and creating confusion. Major crime on roads, railways and canals was such that senders of goods accepted no responsibility for delivery and owners were obliged to make their own arrangements to protect vulnerable traffic (Reith 1956 p.203/4). It was not until 1856 that an obligatory Rural Police Act compelled County authorities to establish police forces. (Reith 1956 p.262). The Police Act 1890 provided for police pensions and mutual aid to other forces i.e. those maintained by Counties, Boroughs and Metropolitan and City of London authorities, but as late as 1923, the City of London Police Force was not subject to the County or Borough Police Acts, being constituted under local Acts of Parliament and governed by the corporation (Savill, 1923, p.10 and 11).

Some suggest that the police were created for the benefit of the middle classes - 'Each speech in Parliament that introduced a police bill was a body of suggestions for the improvement of property protection' (Steedman, 1984, p.60, with reference to the period 1839-1842). Further Steedman comments regarding mid nineteenth century perceptions that people who were not ratepayers, working people, vagrant or settled poor were seen by their betters as belonging to a different community from themselves .......... they were increasingly seen through the operation of local police forces and attitudes created by legislation to belong to a national community of disorder, impropriety and legal aberration (Steedman, 1984, p.61). Lustgarten provides the following observation 'Anyone who was transient - the common condition of the intermittently unemployed, casual and seasonal workers, was also voteless. The 'political nation' was thus comprised of the propertied and the respectable working class and their consensus about public order and public decorum could not be disturbed by dissonant notes from the politically voiceless.' (Lustgarten, 1986, p.39). This view seems to have continued into the twentieth century. Between 1880 and 1920, local press reports indicate 146 incidents involving police and the costermongers of the Caledonian Road area of London whilst 'the middle class retreated northwest behind the barriers of property and income.' (Cohen, 1981, p.117).

1.6 Policing The Railway - The Nineteenth Century

Against this backcloth of public disorder, class relations and efforts to produce an effective, disciplined, organised Force to combat crime and disorder, the age of the steam railway arrived. Whilst railways or wagon ways had existed in mines and quarries, pulled by men or horses since before the reign of Queen Elizabeth I, steam locomotion was introduced between 1829 and 1830. The opening of the Liverpool to Manchester Railway in 1830 by the Duke of Wellington produced great public interest, almost one million had assembled along the track, but the military were also out in Force to control a demonstration against the Iron Duke - 'the garrison was under arms and at various points within sight of the railway piquets of cavalry were placed. Without this display of Military Force there would certainly have been a breach of the peace.......' (Gay, 1973 p.2). The construction of the nations railways was to produce considerable problems of public order for years to come. The labour force used to provide this service were termed 'navvies'. Originally many had constructed the nations waterways and had thus been known as 'navigators' - 'navvie' being an abbreviation. They came from all parts of the country, seeking work as a result of agricultural depression, Napoleonic Wars, and of course many transferred their canal building skills to railway construction. They reorganised themselves into 'butty gangs' - groups of twelve, all equal in status, but one
nominee elected to collect their wages and distribute the cash evenly. They developed their own code of conduct, had little regard for the law, but were industrious workers with enormous appetites for both food, and drink (particularly whiskey). (Whitbread 1961, p.21 to 28).

The disregard for the law by the railway construction gangs caused considerable public order problems in the mid nineteenth century. In Penrith in 1846 more than 2,000 English navvies laid siege to battle with rival Irish construction gangs. The Irish fled, and the English ransacked the town, discovered twelve or fifteen Irishmen who had not left and beat them with bludgeons, 'It was a regular butchery and could be compared with nothing else than turning rats in a box and as many laying on with sticks as could get near them' (Coleman 1965, p.86). The Westmoreland Yoemanry were summoned to restore order but not before one policeman had been killed and another severely injured. Riots however occurred at Kendal, and later in Scotland on the Edinburgh to Hawick line being constructed by the North British Railway Company. More than a thousand Scots navvies (led by a piper and bugler) marched towards Edinburgh to attack two hundred Irish navvies. Such incidents brought demands that railway companies who brought large bodies of workmen into localities should be obliged to bring with them some means of preserving order, morality and religion among the workforce (Coleman, 1965, p.87). In some instances the employers caused problems. In 1845, at Woodhead in Cheshire for example, a list of 'casualties' suffered by labourers working to construct lines of railway for the Sheffield, Ashton Under Lyne and Manchester Railway Company was thirty-two killed, several maimed, twenty three cases of compound fracture including two fractured skulls, seventy four simple fractures and one hundred and forty serious injuries such as burns from blasts, severe contusions, lacerations and dislocations. Additionally, many had chronic coughs caused, they claimed by perpetually damp working conditions and inhaling fumes from gunpowder blasts which were continuously carried out in the tunnels. (Coleman 1965, p. 109) Even Brunel himself had become involved in the 'Battle of

Mickleton' in 1851, when the Riot Act was read twice. Two navvies were subsequently hanged beside the track of the North British Railway on a gallows protected by the military, for the murder of a ganger (Gay, 1973. p.6.). It was thus hardly surprising that disorder among railway construction workers should create public disquiet. The fights it seems took place in the absence of any real preventative measures (i.e. the lack of a substantial and properly organised police force). Lieutenant Peter Lecount, an engineer of the London and Birmingham railway said 'their ferocious behaviour can only be equalled by the vulgarity of their language, but in general they act in concert and put at defiance any local constabulary force, consequently crimes of the most atrocious character were common and robbery was an everyday occurrence'. Racialism might also have been a contributory factor, 'When pitched battles took place between warring factions, and especially between Irish Labourers and the English and Scots, it was sometimes necessary to call out detachments of yeomanry, infantry and cavalry to restore order (Gay 1973,p.5.).

In 1838, the Special Constables Act requiring Constables to be employed at railways and other public works was passed to prevent 'outrageous and unlawful behaviour of labourers and others employed on railways and other public works.' (Gay 1973, p.5) The Special Constable of that day was a somewhat different character to the modern day voluntary Special Constable. By virtue of the Special Constables Act 1831, any two or more
Justices of the Peace were empowered to appoint, in certain circumstances 'householders or other persons not legally exempt, willing to act as Special Constables, be they residents in such parish, township etc. to act as Special Constables for such time and in such manner as ..... shall seem fit and necessary for the preservation of the public peace and for the protection of the inhabitants and the security of the property in such parish, townships or place ....' etc. The Act provided that where three or more credible witnesses applied on oath to any two or more Justices of the Peace that the appointment of Special Constables was necessary due to the behaviour of persons employed upon any railway, canal or other public work made or carried on under the authority of Parliament within the district or division in England or Wales for which the Justices usually act, the Justices could appoint sufficient Special Constables and require the appropriate company to pay for the police services. (Special Constables Act 1831).

When in the early 1860's, local authorities sought Home Office assistance to deal with rising public disorder, they were advised to recruit Special Constables, call in the county constabulary, the yeomanry (who should also be sworn in as Special Constables), and in the last resort, seek military support (Fielding 1991, p.57). In 25 mainly urban riots created by William Murphy, an anti Catholic agitator, between 1866 and 1871, troops were deployed on ten occasions, police from outside were drafted in on 11 occasions, militia and yeomanry once each, and Special Constables sworn in eleven times. Riots were averted in the other fourteen instances (Fielding 1991, p.58).

It would seem that such appointees could be paid or unpaid, depending upon the requirements placed upon them (Savill, 1923, pages 5-9). In 1846, a Select Committee to examine the conditions of labourers employed in the construction of public works was sought by the Hon.E.P. Bouverie. The then Home Secretary, Sir James Graham did not oppose such an enquiry but also said that he considered that 'companies do not sufficiently avail themselves of the powers with which they were vested in keeping an efficient police force along their respective lines. I think that they should be compelled to do so'. (Gay, 1973, p.8 also Hansard, 1846 Vol.85, col.1324). In making this statement, Graham was creating two very important criteria which were to have a continuing effect on policing in general and transport policing in particular (in 1843 he had strongly resisted sending detachments of Metropolitan Police to deal with the Rebecca Riots ..... 'Sir James Graham is not prepared to supply a civil force at public expense to put down these local disturbances'). (Radzinowicz 1981, p.62) The first principle was that Counties and other Local Authorities should pay for their policing requirements. The second criteria was applied without question when on 21st December 1988 Lord Harris of Greenwich raised the question in the House of Lords as to which authority will pay for the increased number of British Transport Police Officers to be recruited for service on the London Underground and for any police officers loaned for such service by the Commissioner of the Metropolis and the Commissioner of the City of London Police. The reply by the Government spokesman Lord Brabazon of Tara was true to Sir James Grahams view of over a century and a half ago - 'The policing of the London Underground system is financed by London Underground Limited'. (D.O.T. Circular 16 16 Jan. 1989)
1.7 The Early Railway Constable

The early railway constables uniform was a top hat with a leather crown, tight unstrapped trousers and brightly polished boots. Most constables carried elaborately painted wooden truncheons bearing the crest of the appropriate railway company, and a crown as a symbol of their office as Constables (Today, the crown is worn as part of the helmet plate or cap badge). Uniforms were of various colours. On the London and Birmingham line and the Brighton and South Coast Railway they were rifle green, whilst on the London and South Western Railway, they were chocolate brown. Today British Transport Police uniforms are indistinguishable from those worn by all British Police.

According to a rule book of 1883, the Railway Constable had to preserve order at stations and on the track, keep the line free from obstructions, assist in cases of accident, warn strangers of dangers on the line and remove obstinate intruders. Among many other miscellaneous duties, the early railway constable was the first railway signalman. He worked twelve hours a day for wages varying between fifteen and twenty-three shillings a week, and generally there was one Constable to every mile and a half of track. (Gay, 1973, p.2 to 4.)

The raw recruit to the police at the start of professional policing was assumed to be stupid but trainable (Critchley, 1977, p.23). One of Peels principles in 1829 by offering the low wage of a guinea a week was to recruit 'only men who had not the rank habits or station of gentlemen, and all the promotions were to be made from the ranks (Critchley, 1977, p.51). Clearly, from the outset it was believed that police officers needed neither education or specific interpersonal skills. In an examination of police recruits to Buckinghamshire in 1857, Steedman found that of 153 recruits, 41 were labourers, 15 farmers, 9 shoemakers, 7 servants, 6 were gardeners, the same number were grocers, tailors and grooms, 5 were lawyers, there were 4 bakers and clerks and 3 carpenters, porters and wheelwrights. Two each of bricklayers, drapers, gamekeepers, potters, railway workers and police officers were recruited, whilst one each of a range of former occupations including a soldier, a marble mason, a plumber, ropemaker, stoker and watchmaker. (Steedman 1984, p.73). In Staffordshire in 1856, again the lions share of 112 police officers recruited (some 35) were labourers (Ibid p.76), in 1866, 36 of the 79 recruited were labourers (Ibid p.87) and in Buckinghamshire in 1866 14 of the 32 recruited were also labourers. That intake however attracted also a clerk and a veterinary surgeon (Ibid p.87). Overall however, it seems that Peel's principle continued for some considerable time. No specific records of early recruits to railway police forces are available, but Gay tells us that police were required to be not older than 35, not less than 5'7' in height and that some had been soldiers. Each railway company had its' own rules. One required Constables to attend Church every Sunday, another that they should be clean shaven. Duties included preserving the peace, protecting against felons, prosecuting felons and other offences, as well as performing duties as signalman. On some lines they were issued with red flags (for 'stop') and white (for 'all clear') for daytime signalling and a lamp with red, white and green (for 'caution') aspects at night (Gay, 1973, p.4). (For modern day recruiting procedures within B.T.P. see Chapter 6).
During the latter half of the nineteenth century, police pay generally was an issue. In 1866 the editor of the 'Police Service Advertiser' saw poor pay as 'the evil that like a canker worm lies at the root of our police administration' (Steedman, 1984, p.131), and the Manchester Guardian in 1853 reported that since every police force was largely supplied with men from agricultural districts who found police wages a considerable improvement on farm wages, little difficulty would be found in filling vacancies in police forces (Steedman p.132). By comparison with the wages of a railway constable, in 1880, constables in Borough Police Forces were paid between twenty-six and twenty-seven shillings a week, whilst in County Forces the rate was between twenty four and twenty six shillings a week. (Steedman 1984 p.110).

Railway Police were paid in accordance with systems adopted for the railway service, and it was not until 1919 that the question of whether conditions of service (including pay) should be based on those of the Metropolitan and County Forces or the Railway Service began to be seriously considered (Minutes of a meeting of Railway Company Representatives - June 5 1919 - Min.1) (See Chapter Six).

In 1825 there were thirty miles of track, by 1840 over two thousand, and by 1870 more than fifteen thousand. The railway policeman ceased to be a signalman by about 1843 by which time fixed mechanical signals had replaced hand signals and the electric telegraph was in operation. (Gay 1973, p.9)

1.8 **Railway Police Establishments**

Railway Police establishments depended initially it seems on the ownership by a railway company of miles of track. In 1839, for example, the Great Western Railway appointed an inspector, four sub inspectors and thirty three constables to cover in twelve hour shifts, seven days a week, the twenty four and a half miles of track between Paddington and Maidenhead. In 1840, the Superintendent of Police of the London and Birmingham Railway had a command of ten inspectors and 90 constables. In 1850, the London and North Western Railway maintained seven hundred and one constables. (Gay 1973, p.9)

By comparison, the London Metropolitan Police Force had grown from 1,000 officers to nearly 5,625 by this time. (Ascoli 1979, p.122) Gradually, railway police were withdrawn from track patrols to main line termini and principal stations. Some 'Railway Towns' like Swindon for example, were policed entirely by the appropriate Railway Police Force in the early days of railways.

Passenger railway travel was initially a very uncomfortable experience since carriages for the cheapest class of passengers were little more than open trucks. Although gradual improvements ensued, no luggage vans were at first provided and luggage was carried on the carriage roof, covered by tarpaulins. Thieves were extremely active. A picture, painted from an original engraving by Frith, shows Paddington Station in 1862, with some seventy different characters, including two plain clothes police officers arresting an offender. The Great Western Railway Police had formed its' own detective branch by 1865, though no figures are available as to its' size. By comparison the London Metropolitan Police created a Criminal Investigation Department in 1842 when two Inspectors and six Sergeants were selected to give 'full time and exclusive service to the
detection of crime', although prior to this police officers in plain clothes had been deployed to detect pickpockets and attend various political meetings. (Reith 1956 p.221)

Police uniforms developed gradually, the helmet replacing the top hat by about 1890. In 1908 the North Eastern Railway Police were using dogs - mainly Airedales and may well have been the first of all UK police forces to move in this direction. Railway forces also pioneered the recruitment of women police officers during the first world war. (Gay 1973, p.10)

The Police and Constabulary Almanac, first published in 1865 provides some useful information concerning the organisation of early railway police forces. In 1870 the total number of police within the Great Eastern Railway Police Force is shown as ninety six, made up of one Superintendent, seven Inspectors, seven Sergeants and eighty one Constables. The Great Northern had seventy-four commanded by an 'Inspector of the Line'. The Great Western could muster sixty, commanded by a Superintendent with six Inspectors at strategic locations. Lancashire and Yorkshire boasted only one Superintendent, one Inspector, three Detectives and three 'Police Officers' (presumably constables), a total of eight. Twenty six police in total served the London and North Western Railway, (a considerably lower number than Gays figure of seven hundred and one in 1850), though a note at the top of the list of Railway Police Forces indicates that the 'Publisher of the Police Almanac will be pleased to receive any additions or emendations for this branch of information' and indicates that the Somerset and Dorset Railway Police, whose Superintendent is shown as Fred U. Wood', had not forwarded a revised list. (Police and Constabulary Almanac, 1870, p.72). This must raise doubts as to the accuracy of the published figures, perhaps indicating a lack of administrative machinery within some of the early Forces. The information on the London and South Western Railway Police is more detailed than other Forces, a total of 101 police with a Superintendent, a Detective, two Sergeants and twenty three Constables at Waterloo, one Inspector, four Sergeants and forty four constables at Nine Elms, with twenty five Constables at country stations. Thirty officers served on the Manchester, Sheffield and Lincolnshire Railway, fifty on the North Eastern, only one (according to the record) on North Staffordshire and one hundred and sixteen on the South Devon and Cornwall. In Scotland, the Caledonian Railway maintained seven (five of whom appeared to be Inspectors), Glasgow and South Western three, North British had a Superintendent, a Chief Inspector (the 'first' mention of that rank in the whole list), four Inspectors and three Detectives - no total is shown and hence it is not known if this was the entire force strength. The Scottish North Eastern Railway lists only one 'Passenger Superintendent' at Aberdeen. The overall total of railway police (582) may well be an incorrect figure. There is some evidence to suggest that railway police may have been maintained on the Metropolitan Underground Railway which opened in 1863, but no records are available (B.T. Police Journal, No.111, 1976, p.20).

1.9 Into The Twentieth Century

By 1916, the Almanac was able to list thirteen railway police forces, three of the original having disappeared (presumably amalgamated into larger company police forces), namely the Manchester Sheffield and Lincolnshire, Somerset and Dorset, and the South Devon and Cornwall. In addition to the remaining eight were Cheshire Lines, Great Central,
Midland, London, Brighton and South Coast and the Taff Vale Railway. Unfortunately many figures indicating strengths of the individual forces were omitted, but in Scotland, three of the original four forces remained (the Scottish North Eastern was not listed in 1916), the Glasgow and South Western having increased its police strength from 3 in 1870 to 27 in 1916 (Police and Constabulary Almanac, 1916, p.166-169).

London's first underground railways, the Metropolitan and District maintained their own police forces, but by 1921 more than one hundred and twenty railway companies existed throughout the United Kingdom, many of which maintained either a separate police force, or jointly contributed to the upkeep of police. In consequence of the Railways Act 1921, four major rail companies were created and commenced operating on 1st January 1923. They were:

The Great Western Railway.
The London Midland and Scottish Railway.
The Southern Railway.
The London and North Eastern Railway.

As a result, the main line railway company police were also amalgamated. In 1933 the London Passenger Transport Board absorbed London's Underground Railways, and 'London Transport Police' were born (Gay, 1973, p.12).

The Police and Constabulary Almanac for 1942 (at pages 207 to 209) lists all of these railway police forces, including the London Passenger Transport Board Police, the only Area of the Force today to maintain its original Headquarters located at 55, Broadway, London, SW1. Many of the original railway companies owned and operated Dock, Port and Harbour premises. The Great Western Railway Company provided policing at Cardiff Docks, Newport Docks, Fishguard and Swansea. The London and North Eastern Railway Company at Parkeston Quay, Hull and Grimsby Docks, and the Southern Railway Company at Southampton Docks for example. Canal companies also operated separate police forces, but in 1947, the nationalisation of public transport within the framework of the British Transport Commission resulted in the amalgamation of a number of police forces which had hitherto provided a service to independent rail, dock, harbour, port and canal companies. The British Transport Commission Act 1949 provided for the jurisdiction of the corporate national British Transport Commission Police. In 1962, the Commission was dissolved by the Transport Act and the British Transport Police Force Scheme 1964 was prepared by the British Railways Board after consulting with other newly created Boards, (e.g. British Transport Docks Board, British Waterways Board etc.) and was submitted to the Minister of Transport for his approval. The scheme was amended in 1992 and will be discussed later.

1.10 The Development Of The Present Establishment

It was some years after the creation of the British Transport Commission Police that a review was undertaken of the establishment (Maxwell, 1957 - Force Archives ) positive and far reaching recommendations were made.
Pointing out immediately that (at that time) the Commission had no statutory duty to maintain an efficient police force, the Maxwell Committee had no hesitation in recommending, after consideration of the organisation and efficiency, that the Force should continue, organised on the lines of a large County Force and so trained as to provide for all parts of the Commission's undertaking a police service justifying parity of pay with Civil Police Forces.

Among other recommendations were the establishment of a Police Committee, the redesignation of the post of Chief Officer of Police, to Chief Constable, that police areas should be closely related to railway organisations, that the London Transport Police should merge with the main body of the Force (at the time London Transport still maintained its own Force), that training arrangements should be expanded, a head of C.I.D. appointed, a Discipline Code introduced, retirement ages examined and a comprehensive review of the establishment be undertaken.

In recommending the latter, the review committee pointed out that they had noted in some places there were insufficient staff, that duties were being performed which might be out of such character as to justify police attention, that appropriate proportions of C.I.D. and uniform staff as well as supervisors should be suitably reflected in the authorised establishment, that there were a number of one man posts, the recruitment of policewomen should be encouraged and that the work of police dogs should be extended. The Committee however, declined to suggest what the establishment should be. That responsibility was passed to the Chief Constable who reported his findings in 1959. Three years later another review under the Chairmanship of Sir Frank Newsam (a former under Secretary of State at the Home Office) took place (Newsam 1962 - Force Archives). The terms of reference included a comprehensive examination of the establishment of the Force, with particular regard to certain paragraphs of the Maxwell Report, and to recommend to the Police Committee what the establishment should be.

The review was extremely comprehensive and among its recommendations were that (at that time) a Sub Division should comprise not less that twenty officers under the charge of an Inspector, regular overtime should be reduced, closer links should be established with transport board management, one man posts be abolished, more plain clothes officers appointed to prevent and deter crime, special police services should be analysed for special occasions and there should be the formation of mobile squads as opposed to fixed beat patrol systems.

The Newham Committee examined the existing establishment and adopted criteria for determining the assessment of the strength of the police force. These were the total number of railway employees, the volume of merchandise and parcel traffic and lastly, the volume of crime in a particular area. Consideration for the safety and security of passengers was not discussed.
They noted that in 1947, the actual establishment of the Force had been 3,902, by 1957 it had been reduced to 3,452 and at the time of their review it was a mere 2,953. Overall, they further reduced the size of the Force by nearly twenty per cent, many of the reasons given seeming to be in the interest of economy rather than effectiveness.

The implementation attracted little or no national media comment and the British Transport Police Journal of the day offers no assistance. Inadvertently, the Newsam Committee had sown the seed for the destruction of the concept of community policing by abolishing one man posts and introducing 'fire brigade' or reactive policing by mobile patrols. Shortly after the recommendations had been implemented, however, a major event in the history of British crime took place. On 8th August 1963 at 3am the Glasgow to Euston Royal Mail Train was stopped at Sears Crossing near Linsdale in Buckinghamshire by means of creating a false signal to the driver, the late Jack Mills (Force Records). Mr Mills was attacked when he offered resistance and some two and a half million pounds worth of mail was stolen from the 'Travelling Post Office'. Heralded at the time as the 'Crime of the Century' by some sections of the press, it seems it is still so regarded a quarter of a century later. The criminals who were subsequently identified and convicted have certainly achieved notoriety. Even a film was made about the robbery which attracted press comment (e.g. Daily Telegraph, 6 September 1988, and Mail on Sunday 4 September 1988 - 'Villian becomes a middle class hero'). Shortly after the crime public opinion and government pressure demanded special attention be given by police to the Royal Mail 'Travelling Post Office' trains. At that time, the only police force with sufficient jurisdiction to do this was the British Transport Police.

Since the late 1950's and early 1960's to work of the Force has changed dramatically in keeping with trends of society. As a result, as will be seen, much of the police work undertaken today is for the benefit of society as a whole, in the national interest, as opposed to the exclusive protection of the commercial interests of the transport authorities. One question is, whether or not the present establishment of the Force is sufficient. Officers asked at random, are unanimous in the belief that it is totally unrealistic. No comprehensive review has been undertaken since the Newsam Report and surprisingly, the Emsy and Whinney Review did not directly address the problem.

1.11 The Last Thirty Years

In relation to the organisation of the Force, the Maxwell recommendations that it should be organised on the line of a large County Force have, until 1992, stood the test of time. The B.T. Police Scheme required (at paragraph 3a) that the Force should be organised in Divisions (SI. 1964. 1456). There have been continuous 'administrative' organisations.
The table below illustrates the situation in various years taken as random, with particular emphasis on years since the Ernst & Whinney Review:-

<table>
<thead>
<tr>
<th>Year</th>
<th>No. of Police Areas</th>
<th>Establishment (Police)</th>
<th>Strength (Police)</th>
<th>Establishment (Civilian)</th>
<th>Strength (Civilian)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1962</td>
<td>8</td>
<td>2503</td>
<td>2673</td>
<td>121</td>
<td>121</td>
</tr>
<tr>
<td>1972</td>
<td>5</td>
<td>2262</td>
<td>2000</td>
<td>148</td>
<td>125</td>
</tr>
<tr>
<td>1982</td>
<td>0</td>
<td>2513</td>
<td>2128</td>
<td>196</td>
<td>196</td>
</tr>
<tr>
<td>1987</td>
<td>0</td>
<td>2208</td>
<td>1846</td>
<td>183</td>
<td>N/Rc</td>
</tr>
<tr>
<td>1989</td>
<td>0</td>
<td>1953</td>
<td>1857</td>
<td>345</td>
<td>247</td>
</tr>
<tr>
<td>1990</td>
<td>0</td>
<td>2074</td>
<td>2017</td>
<td>367</td>
<td>326</td>
</tr>
<tr>
<td>1991</td>
<td>0</td>
<td>2072</td>
<td>2041</td>
<td>378</td>
<td>354</td>
</tr>
<tr>
<td>1992</td>
<td>8</td>
<td>2151</td>
<td>2114</td>
<td>400</td>
<td>373</td>
</tr>
</tbody>
</table>

Source: B.T. Police Annual Reports

By 1982 Police 'Areas' had been abolished, eleven Divisions were in evidence. A strata of management had been reoved.

By 1987, there were nine Divisions and by 1989, as a result of the Ernst & Whinney review recommendations (Ernst & Whinney, 1988, p.4) there were five Divisions. If examined critically, it may seem that 'Areas' and 'Divisions' in 1979 and 1989 are synonymous. In fact, hierarchichal structures required that there was an administrative centre at Force H.Q., a similar system at Area H.Q., at Divisional H.Q. and Sub Divisional H.Q. The new structure from April 1992 has dispensed with references to Divisions, Sub-Divisions, Districts, Sections etc, and created a simple command chain from police station to Area to Force H.Q.

Three very important factors have however created problems for the Force during the latter half of this century, shortly after the creation of the B.T. Police by the 1964 Scheme. The British Waterways Board did not in fact join the scheme (Gay 1974, p.14). In 1983, Associated British Ports (formerly British Transport Docks Board) began to withdraw support and in 1984 Sealink UK Ltd, formerly a wholly owned subsidiary of British Rail which had been sold off, made a similar decision which resulted in the cessation of professional policing at Sealink ports. (see Chapter 8 for a full discussion). In 1992, it was thus clearly true to say that the Force was 'the national police for the railways', though jurisdiction still remains for officers to legally act as Constables in other fields of transport should the need arise.
CHAPTER TWO

IS THERE A CASE FOR MORE HUMAN RESOURCES FOR THE B.T. POLICE?

2.1 Negotiating A Realistic Establishment - The Current Process

The Ernst and Whinney Review recognised that the system existing in 1988 was centralised, the Chief Constable being responsible for the financial management of the Force. Budgets were drawn up by the Force Finance Officer after discussions with British Rail and London Underground management in respect of police requirements and financial ceilings set by the industries. The consultants recommended a system of devolved budgeting using objectives and performance indicators to establish needs (Ernst & Whinney Report 1988, p. 90-96). By 1990, a system had been introduced whereby Superintendents at Sub Divisional level were negotiating with railway area and business managers to have their costs underwritten. Due to difficulties (mainly misunderstandings between commercially minded rail managers and police orientated police managers), the system was further refined and a Police Budget Group created, to include the Chief Constable, the Managing Director of L.U.L. and B.R. Sector Directors. A physical facts package was created and performance indicators linked to six main objectives were agreed. These were to increase the number of police officers on operational duties, devolve substantial parts of the decision making process to Sub Divisions, civilianise police manpower engaged on non (police) operational duties, improve professional skills of police supervisors, especially in financial management, improve the travelling public’s feeling of security and develop closer contacts with user groups and to reduce crime and improve detection rates. (Annual Report of Chief Constable 1989 p.5). This system is the current method of determining manpower levels. It started, however, at the original base line - the strength of the Force in 1988.

2.2 Police Establishments - General Issues

The British Transport Police Force Scheme of 1964 required the British Railways Board to maintain an efficient police force, unlike the Police Act of 1964, the Scheme did not mention the word 'adequate'. This was added when the Scheme, in accordance with the Ernst and Whinney recommendation (Ernst & Whinney Report 1988 p. 29/30) was amended in 1992. (B.T. Police Force Scheme Amendment Order 1992/364 - H.M.S.O.)

On 30th November 1983, the Home Office issued the Circular No. 114/1983 entitled 'Manpower, Effectiveness and Efficiency in the Police Service'. The purpose of the Circular was stated to be 'to inform Police Authorities and Chief Police Officers of the considerations which the Home Secretary will take into account in carrying out his statutory responsibility for improving police establishments, to invite Chief Officers and Police Authorities to keep their objectives, resources and priorities under review and to
inform Police Authorities and Chief Officers of relevant matters on which the Home Secretary has asked H.M. Inspectors of Constabulary to concentrate their attention’. The Circular laid down specific guidelines in relation to further requests for increases in establishment, pointing out that since 1971 police strength had increased considerably. Chief Officers were advised that increases could only be approved if they could show that existing resources were being used to the best possible advantage, that civilianisation of police posts, thus releasing officers for operational police work must be examined, long term planning was necessary as there were clear objectives and policies. Changes were to be examined to allow for redeployment of resources to meet new priorities. The need for communication within police forces so that junior officers and civilian staff understood objectives, together with co-operation with public bodies, (public services, schools, voluntary organisations etc.) was stressed and a package of useful suggestions as to how this might be achieved was offered. Police Authorities, it was pointed out, have an important role. In providing an adequate and efficient force they were obliged to consider resources and the needs and wishes of the community. Whilst direction and operational control was a Chief Constable’s responsibility, co-operation was necessary between Police Authorities and Chief Officers.

The Circular formed the basis for a quiet revolution in policing and since 1983, policing by objectives and initiatives has become the key issue of police management and issues involving quality of service now dominate police management methodology. The statement of Common Purpose, issued by A.C.P.O. in 1991 evidences this. (Appendix Two) The British Transport Police Force has never enjoyed, until recently, any overall increase in establishment either in police or civilians. In fact, the trend was exactly the opposite. (See Chapter 1)

Whilst the media, Government and Chief Officers of Police have traditionally measured crime control quantitively by performance indicators of statistics and clear up rates, modern researchers suggest that police efficiency gains can no longer be made simply by increasing establishment . (Lustgarten 1986, p. 85/86) It appears to be accepted, however, that crime can be reduced by preventative policing in the form of patrols, albeit that in some instances, saturation policing in one locality simply creates a problem of displacement elsewhere.

Clearly there are numerous measures which can be taken to reduce crime. Technology has produced close circuit television, audible warning systems, quality electric lighting in dark and lonely public areas, e.g. public car parks and visual warnings such as crime prevention posters. Deployment of civilian staff including security officers are some of the measures suggested for crime reduction on the London Underground and in consequence, London Underground launched a scheme which provided better radio communications, improved lighting, additional closed circuit television, more gates, numerous mirrors in long, winding public passageways and specially constructed waiting areas for passengers supervised by staff. (Daily Telegraph April 22nd 1988) Fare evasion has been considered and new automatic ticket barriers installed to reduce the problem but these have been criticised as ‘very high obstacles’ should a tragedy on the scale of the King’s Cross fire occur.
London Underground’s reply to such criticism, through independent consultants was that the new barriers would provide more capacity for people to leave than the original barriers and they could all be centrally opened from a control room. (Financial Times July 18th 1989) The Tyne & Wear Metro managers, however, have recently returned to old fashioned, perhaps more efficient methods to prevent fare evasion - human ticket inspectors - abandoning the use of electrically operated barriers, (Financial Times 14th September 1988) which on 15th September 1988 created a very serious problem to rush hour travellers at twelve London stations including Oxford Circus, Charing Cross, Farringdon and Baker Street when a power failure caused their closure. (Evening Standard 15th September 1988).

A police presence seems important in public places, particularly since the public regard the police as an available resource to call upon in any crisis situation. The difficulties experienced in providing an adequate level of police presence on Transport premises has largely been due, in the past, to the inadequate strength of the British Transport Police. The establishment simply does not allow an adequate presence.

Numerous suggestions have been put forward to increase police presence on Transport premises, particularly in London on the Underground system. In 1975, the management of London Transport agreed to allow Metropolitan Police officers free travel at all times on both tubes and buses on production of a warrant card, provided that they would act in their capacity as police officers to deal with any situations which arose during their journey. Following protests by the B.T. Police Force Federation, the same facility was extended to officers of the Transport Police in December 1975. The General Order (29/75) granting the travel states 'When an officer accepts the free facility he/she must respond if called upon by staff of London Transport to assist'. No separate records of officers dealing with incidents whilst off duty are kept, however, commendations by the Chief Constable prior to the facility included two, both in respect of women police officers - commended for courage and determination whilst alone and off duty in effecting the arrest of three men on a train for possessing cannabis (GO 33/78) and a Magistrates' commendation for the arrest of two men whilst off duty and in plain clothes for offences against Section 3 of the Theft Act 1978 (Making Off Without Payment) (GO 57/79).

Additionally, there have been calls for a Special Constabulary for the British Transport Police (see Chapter 8) as well as suggestions that London Underground particularly might benefit from the formation of a Special Constabulary (Paterson & Axworthy 1983). A recommendation that British Transport Police should share London Metropolitan Police Specials (Crime on the London Underground 1986, D of T p. 61), was discussed at high level between representatives of each Force.

The outcome was that;

❖ within the past thirty years or so, the strength of the Metropolitan Police Special Constabulary had decreased by almost fifty percent and at that time stood at about 1,600. In consequence, the Specials are somewhat stretched to cover Metropolitan Police commitments and generally would be required at the same time as British Transport Police might wish to ‘borrow’ them.
❖ the legal situation in relation to jurisdiction, operational control, payment of 
expenses, responsibility for vicarious liability and insurance cover, was extremely 
tenuous;

❖ in view of the specialist nature of British Transport Police work, extra training 
would be necessary.

The overall conclusion was thus, that the recommendation at that time was impractical in 
light of all the circumstances.

Finally, why not disband the Force and hand over the responsibility for policing to local 
Home Department Forces? It will become apparent that policing transport is by no 
means a peripheral part of general police duty. The work undertaken by British 
Transport Police is now an integral part of the police service as a whole and the duties 
performed are parallel to those outside transport. Crime and non-indictable offences are 
committed, investigated and detected to the same level as crime elsewhere. The overall 
picture of police duty in society as a whole is mirrored by that on Transport Property. 
(See Chapter 3 and also Chapter 8 for a full discussion on alternatives.)

Additionally, it is most likely that police resources would be overstretched to cope with 
transport policing and doubtless Chief Officers would be calling for an increase in 
manpower. In 1971, the police strength at Heathrow Airport was 175 officers (Annual 
Report B.A.A. Police 1971). Responsibility for policing passed from the British Airports 
Authority Constabulary to the Metropolitan Police three years later. Today, many more 
officers are regularly based there with, of course, considerable available resources if and 
when required. At Gatwick, in 1971, there were 41 B.A.A. police officers (Annual 
Report B.A.A. Police 1971), today (albeit the airport has extended somewhat), Sussex 
Police maintain a very large Division there. (No figures are shown in Metropolitan or 
Sussex Police Annual Reports.)

On 31st December 1987, the strength of the British Transport Police was 1,846 police 
officers and 183 civilian support staff. (Annual Report B.T. Police 1987) This 
represented on a pro rata basis, one civilian to every ten police officers and compared most 
unfavourably with Home Department Police Forces. The term 'establishment' is used 
within the police service to define the agreed and determined number of personnel to be 
maintained by a police force and quite often the figure compared with actual strength of a 
force is found wanting. For example, in 1987, eleven of the forty three Home Department 
Police Forces had recruited to full establishment but there were deficiencies in other 
forces, notably the London Metropolitan Police (127), West Midlands (45), Merseyside 
(32) and Sussex (29). (Police Review 1st July 1988 p. 1365)

Attempting to discover exactly how the present establishment of the British Transport 
Police was calculated was complicated further by the fact that there were between 1983 
and 1988 three alternative figures; firstly the 'authorised establishment', i.e. the number 
of officers who should be maintained; secondly the 'actual establishment', i.e. the current 
strength of the Force and finally, the 'budget establishment', the number of officers which 
the Force could afford to maintain in order to remain within the budgetary constraints.
2.3 Calculating a Realistic Establishment - A Suggested Formula

In 1988, I attempted, on behalf of my colleagues in B.T.P., to create a formula by which a realistic establishment might be calculated. Originally, it was an exercise of the mind, using the statistics I had generated in respect of the civilian survey discussed at para. 1.3 supra. My interest, however, snowballed and the logical sequence of information is recorded here. The research has to some extent been superseded by the system whereby Area Commanders now negotiate resources but the base line for such negotiations was the establishment of the Force which existed when the system began. The means by which that base line was reached remains questionable.

In formulating the numerical strength of any police force, it would seem that one of the major factors which determines the level of police strength in a given area is population density as opposed to the size of a police area in acres or hectares. In 1987, the Norfolk Police area was 1,323,317 acres in size, whilst Merseyside Police was 64,650 hectares (159,750 acres) (Police & Constabulary Almanac) Thus the Norfolk Police area was eight times greater in size than Merseyside but its police strength was considerably less.

At the end of 1987, the police service establishment (Home Department) in England and Wales was at its highest ever at 124,102- an average overall of 435 members of the public to one police officer, although in the Metropolitan Police District, the average was 261 to one. (Calculations based on figures from Annual Reports) Clearly, whilst every Home Department Force had its own inner city areas, some have more than others. It would seem that these 'twilight zones' which are invariably more heavily populated by poorer members of society attract more police attention. (See generally Shaw and McKay 1942) Although A.C.P.O. identified serious incidents of public disorder in rural areas (Press release by A.C.P.O. 9th June 1988) (see also Chapter 3.4), inner cities seem to suffer such incidents more regularly. Only one Home Department Force has addressed itself to the fact that, throughout the average working day, the population of large cities swells with people going into work in the early morning and diminishes again in the evening when they leave for home. The City of London Police have thus calculated a separate DAY and NIGHT population. (Police & Constabulary Almanac 1987) There is, of course, very little residential accommodation occupied within the City 'square mile', most of the buildings being banks, finance houses and other commercial enterprises.

In attempting to assess a realistic establishment (based on Home Department criteria) for the British Transport Police, efforts were made to calculate a 'population' like the City of London Police (where the ratio was 160 police officers per 1,000 residents (Police Review 1st July 1988 p. 1365), the force has few, if any, 'residents' within its jurisdiction. It does, however, serve two main groups of people, operates countrywide (including inner city areas) and again, like the City of London Police, has a very irregular and fluctuating community to serve. Information was gathered as far as possible and an 'educated guestimate' was necessary as to the average number of people to be found in the rail transport system daily.

The two community groups might be described as:
(i) **The Fixed Group**: Persons employed by the Transport Authorities and tenants, together with their employees and contractors who work within land and premises under the control of the Authorities.

(ii) **The Transient Group**: Members of the public who use the many stations offered by the Transport Authorities.

There is also a third group, those who have no lawful business to conduct on land and premises of the Authorities, vagrants, trespassers and of course, criminals, but except for crime and summary offence statistics which do not separate offenders into specific groups, the number is incalculable. At the time of the study, British Rail employed about 160,000 staff (B.R.B. Annual Report and Accounts 1987/88), whilst London Underground’s staff level was about 20,600 (Information supplied by L.U. Ltd.). British Rail leased out over 8,000 arches, some of which were used for storage but from many businesses were operated and the lessees actually employed people to run them. (Information supplied by B.R. Property Board). Station Trading provided retail outlets for a variety of businesses including bookshops, clothing shops, chemists, heel bars, foodshops, sundries and vending machines. In some central mainline termini, e.g. Victoria - London, there are large shopping developments. Whilst there were no available figures for station trading outlets, British Rail operated 2,451 stations. (B.R.B. Annual Report 1987/88) There were no figures for station trading in relation to London Underground but within the 248 stations managed by them, numerous kiosks were to be found, whilst several stations, e.g. Knightsbridge, Baker Street, Edgeware Road, Victoria etc., have many retail outlets. (Information supplied by L.U. Ltd.) Both British Rail and London Underground Stations which have forecourts from which licensed taxis and minicab firms operate, the latter often leasing offices from transport authorities. Buses also make use of many station forecourts. Additionally, there are many visitors to Transport premises, contractors, delivery staff etc., who are so regularly on the premises as to merit membership of the Fixed Group, though their numbers are incalculable. In assessing the numerical size of the group, excluding visitors and making reasonable and conservative assumptions in relation to tenants by suggesting that each B.R. and L.U.L. station had at least two persons who are tenants or their employees of station trading outlets, the following figures emerged:

<table>
<thead>
<tr>
<th>Staff</th>
<th>British Rail</th>
<th>160,000</th>
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</thead>
<tbody>
<tr>
<td></td>
<td>London Underground</td>
<td>20,000</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Tenants and their employees</th>
<th>B.R. (Arches)</th>
<th>8,000</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>B.R. (Stations)</td>
<td>5,000</td>
</tr>
<tr>
<td></td>
<td>L.U.L. (Stations)</td>
<td>500</td>
</tr>
</tbody>
</table>

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<th></th>
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<tbody>
<tr>
<td></td>
<td>194,000</td>
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</table>

In attempting to assess the Transient Group, reliance was placed upon statistics in relation to ‘passenger journeys’ which may be defined as one person travelling on one ticket on one occasion, hence each passenger journey indicates that one person is on the rail system somewhere. London Underground stated categorically that more than one million people
are carried into Central London daily and that throughout the whole system, seven hundred and sixty nine million passengers were carried from April 1986 to April 1987, creating a Monday to Friday average of two and a half million passengers a day. (Information supplied by L.U. Ltd.) Averaged over seven days a week (excluding Christmas Day when the system was closed) the figure was approximately 2.1 million.)

Within British Rail there were three separate organisations which operated trains - InterCity, Provincial and Network SouthEast. The overall number of passenger journeys recorded throughout the whole of British Rail in 1987/88 was 727.2 million. (B.R. Annual Report 1987/88) A simple division by 363 (services do not operate on Christmas and Boxing Day) suggests that on average, some two million passenger journeys were undertaken daily. Additionally, an incalculable number of people use British Rail and London Underground facilities daily but because they do not travel, are not counted in the passenger journey calculations. The facilities include refreshment rooms, bars, shops, parcel points, information offices etc., as well as those meeting passengers or simply wishing departing relatives and friends 'Bon Voyage'.

If the duties undertaken by the British Transport Police are considered to be 'in the national interest' then it seems right that the Force should have adequate person power resources to maintain efficiency. Whilst there is much evidence to show the effectiveness of policing transport (see Chapter 3), this is only so in areas in which the existing establishment allows officers to operate. Using the average ratio of one police officer to 454 heads of population produced by the Home Department Forces, (see Figure 2(a)) and dividing it into the numerical size of the estimated daily community to be found on the rail network, should produce a realistic figure. It might be considered that a very conservative estimate of this community is 4,294,100 based on the following figures:

<table>
<thead>
<tr>
<th>Group</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fixed Group</td>
<td>194,000</td>
</tr>
<tr>
<td>Transient Group</td>
<td>2,000,000</td>
</tr>
<tr>
<td>(B.R.)</td>
<td></td>
</tr>
<tr>
<td>(L.U.L.)</td>
<td>2,100,000</td>
</tr>
<tr>
<td></td>
<td>4,294,100</td>
</tr>
</tbody>
</table>

The estimate is conservative because of the difficulty in calculating an accurate figure for 'visitors' who use transport services and tenants of arches, shops and kiosks. Additionally, it might be argued that not all travellers are on the system all day and night, by the same token, not all of the community policed by City of London Police are in the City of London all day and night.

A realistic establishment for the Force is thus:

\[
4,294,100 \div 454 = 9,458 \text{ police officers}
\]
<table>
<thead>
<tr>
<th></th>
<th>Acreage or Hectares</th>
<th>Population Community Served</th>
<th>Ratio 1 police officer-Head/Pop.</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Thames Valley</td>
<td>574,850H</td>
<td>1,819,100</td>
</tr>
<tr>
<td>2.</td>
<td>Warwickshire</td>
<td>198,058H</td>
<td>477,700</td>
</tr>
<tr>
<td>3.</td>
<td>Staffordshire</td>
<td>671,175A</td>
<td>1,018,000</td>
</tr>
<tr>
<td>4.</td>
<td>Sussex</td>
<td>935,721A</td>
<td>1,313,397</td>
</tr>
<tr>
<td>5.</td>
<td>Cambridgeshire</td>
<td>841,000A</td>
<td>606,000</td>
</tr>
<tr>
<td>6.</td>
<td>Norfolk</td>
<td>1,323,317A</td>
<td>724,000</td>
</tr>
<tr>
<td>7.</td>
<td>Tayside</td>
<td>1,855,343A</td>
<td>396,174</td>
</tr>
<tr>
<td>8.</td>
<td>North Wales</td>
<td>1,554,858A</td>
<td>629,000</td>
</tr>
<tr>
<td>9.</td>
<td>West Midlands</td>
<td>222,200A</td>
<td>2,648,939</td>
</tr>
<tr>
<td>10.</td>
<td>Northumbria</td>
<td>1,377,151A</td>
<td>1,518,381</td>
</tr>
<tr>
<td>11.</td>
<td>Fife</td>
<td>322,979A</td>
<td>340,200</td>
</tr>
<tr>
<td>12.</td>
<td>Glos.</td>
<td>264,266H</td>
<td>511,000</td>
</tr>
<tr>
<td>14.</td>
<td>Notts.</td>
<td>220,884H</td>
<td>974,100</td>
</tr>
<tr>
<td>15.</td>
<td>Durham</td>
<td>249,269H</td>
<td>609,163</td>
</tr>
<tr>
<td>16.</td>
<td>Grampian</td>
<td>2,101,120A</td>
<td>500,000</td>
</tr>
<tr>
<td>17.</td>
<td>Lancashire</td>
<td>305,524H</td>
<td>1,362,281</td>
</tr>
<tr>
<td>18.</td>
<td>Devon &amp; Cornwall</td>
<td>1,024,086H</td>
<td>1,413,700</td>
</tr>
<tr>
<td>19.</td>
<td>N.Yorkshire</td>
<td>2,054,011A</td>
<td>691,100</td>
</tr>
<tr>
<td>20.</td>
<td>Cumbria</td>
<td>1,682,780A</td>
<td>487,038</td>
</tr>
<tr>
<td>21.</td>
<td>Leicestershire</td>
<td>630,820A</td>
<td>871,100</td>
</tr>
<tr>
<td>22.</td>
<td>Gtr. Manchester</td>
<td>319,965A</td>
<td>2,600,000</td>
</tr>
<tr>
<td>23.</td>
<td>Humberside</td>
<td>867,723A</td>
<td>849,600</td>
</tr>
<tr>
<td>24.</td>
<td>Essex</td>
<td>359,415H</td>
<td>1,440,500</td>
</tr>
<tr>
<td>26.</td>
<td>Gwent</td>
<td>340,000A</td>
<td>439,700</td>
</tr>
<tr>
<td>27.</td>
<td>Jersey C.I.</td>
<td>28,716A</td>
<td>80,000</td>
</tr>
<tr>
<td>28.</td>
<td>South Wales</td>
<td>556,324A</td>
<td>1,290,400</td>
</tr>
<tr>
<td>29.</td>
<td>Wiltshire</td>
<td>860,099A</td>
<td>514,810</td>
</tr>
<tr>
<td>30.</td>
<td>Dorset</td>
<td>655,745A</td>
<td>627,700</td>
</tr>
<tr>
<td>31.</td>
<td>Hertfordshire</td>
<td>367,536A</td>
<td>832,300</td>
</tr>
<tr>
<td>32.</td>
<td>Bedfordshire</td>
<td>123,465H</td>
<td>493,800</td>
</tr>
<tr>
<td>33.</td>
<td>Cleveland</td>
<td>144,023A</td>
<td>573,580</td>
</tr>
<tr>
<td>34.</td>
<td>Lothian &amp; Borders</td>
<td>1,629,548A</td>
<td>846,526</td>
</tr>
<tr>
<td>35.</td>
<td>West Mercia</td>
<td>1,832,690A</td>
<td>1,007,810</td>
</tr>
<tr>
<td>36.</td>
<td>Dumfries &amp; Galloway</td>
<td>1,575,070A</td>
<td>145,078</td>
</tr>
<tr>
<td>37.</td>
<td>Merseyside</td>
<td>64,650H</td>
<td>1,481,100</td>
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<tr>
<td>38. City of London</td>
<td>677A</td>
<td>284,700D</td>
<td>355</td>
</tr>
<tr>
<td>39. Avon &amp; Somerset</td>
<td>1,186,972A</td>
<td>1,390,600D</td>
<td>459</td>
</tr>
<tr>
<td>40. Surrey</td>
<td>363,303A</td>
<td>744,555</td>
<td>439</td>
</tr>
<tr>
<td>41. Hampshire</td>
<td>377,700H</td>
<td>1,491,800</td>
<td>479</td>
</tr>
<tr>
<td>42. Suffolk</td>
<td>937,737A</td>
<td>607,382</td>
<td>512</td>
</tr>
<tr>
<td>43. Lincolnshire</td>
<td>1,461,560A</td>
<td>557,700</td>
<td>471</td>
</tr>
<tr>
<td>British Transport</td>
<td>178,871A</td>
<td>4,294,100D</td>
<td>2,326</td>
</tr>
</tbody>
</table>

Using the civilian establishment average figure ratio for Home Department Forces (28 civilians per 100 officers) (Figure 2(b)), the number of civilians supporting the Force should be 2,648. Distribution of such resources presents another problem. Network SouthEast were helpful in providing the following information concerning passenger journeys within the London area.

- Passenger journeys (overall) per annum: 437 million
- Within the London area: 321 million
- During morning peak: passengers into London: 792,000
  - out of: 57,000
  - within: 3,500

London Underground's estimate of more than one million allows a further conservative estimate of people using rail facilities in the Metropolis daily:

- London Underground: 1,000,000
- Network SouthEast: 792,000
  - 3,000
  - 1,795,000

Given that in the Metropolitan Police area the ratio was one police officer to 261 members of the community, (Police Review 1st July 1988 p. 1365) based on that figure, the number of British Transport Police who should operate within the Metropolitan Police District should be 1,795,000 / 261 = 6,887. At that time 400 officers policed London Underground and approximately 160 were stationed at mainline London British Rail Termini, though these officers are often required to work outside the London area to augment the even more sparsely distributed remainder of the Force.
Again, it might be argued that not all travellers are at risk at all times but then neither are all citizens. The fact that while the system is open (and in the cases of trespassers especially children, when is it not), all citizens have the capability to use the services and in consequence the expectation to be safe in all senses of the word is important. The transport system is an integral part of society’s amenities and as such, society has the right to expect the same standard of protection as is available in the High Street or the residential road.
<table>
<thead>
<tr>
<th></th>
<th>Personnel: Civilian &amp; Police</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>1980</td>
</tr>
<tr>
<td>1.</td>
<td>Thames Valley</td>
</tr>
<tr>
<td>2.</td>
<td>3103</td>
</tr>
<tr>
<td>3.</td>
<td>Warwickshire</td>
</tr>
<tr>
<td>4.</td>
<td>2071</td>
</tr>
<tr>
<td>5.</td>
<td>2823</td>
</tr>
<tr>
<td>6.</td>
<td>1086</td>
</tr>
<tr>
<td>7.</td>
<td>1265</td>
</tr>
<tr>
<td>8.</td>
<td>963</td>
</tr>
<tr>
<td>9.</td>
<td>1311</td>
</tr>
<tr>
<td>10.</td>
<td>6559</td>
</tr>
<tr>
<td>11.</td>
<td>3355</td>
</tr>
<tr>
<td>12.</td>
<td>651</td>
</tr>
<tr>
<td>13.</td>
<td>1119</td>
</tr>
<tr>
<td>14.</td>
<td>126</td>
</tr>
<tr>
<td>15.</td>
<td>2260</td>
</tr>
<tr>
<td>16.</td>
<td>1345</td>
</tr>
<tr>
<td>17.</td>
<td>920</td>
</tr>
<tr>
<td>18.</td>
<td>1119</td>
</tr>
<tr>
<td>19.</td>
<td>126</td>
</tr>
<tr>
<td>20.</td>
<td>6915</td>
</tr>
<tr>
<td>21.</td>
<td>1352</td>
</tr>
<tr>
<td>22.</td>
<td>3120</td>
</tr>
<tr>
<td>23.</td>
<td>2734</td>
</tr>
<tr>
<td>24.</td>
<td>1151</td>
</tr>
<tr>
<td>25.</td>
<td>1104</td>
</tr>
<tr>
<td>26.</td>
<td>1720</td>
</tr>
<tr>
<td>27.</td>
<td>6915</td>
</tr>
<tr>
<td>28.</td>
<td>1951</td>
</tr>
<tr>
<td>29.</td>
<td>2633</td>
</tr>
<tr>
<td>30.</td>
<td>934</td>
</tr>
<tr>
<td>31.</td>
<td>975</td>
</tr>
<tr>
<td>32.</td>
<td>185</td>
</tr>
<tr>
<td>33.</td>
<td>3069</td>
</tr>
<tr>
<td>34.</td>
<td>1033</td>
</tr>
<tr>
<td>35.</td>
<td>1167</td>
</tr>
<tr>
<td>36.</td>
<td>1533</td>
</tr>
<tr>
<td>37.</td>
<td>978</td>
</tr>
<tr>
<td>38.</td>
<td>1458</td>
</tr>
<tr>
<td>39.</td>
<td>2362</td>
</tr>
<tr>
<td>40.</td>
<td>1935</td>
</tr>
<tr>
<td>41.</td>
<td>305</td>
</tr>
<tr>
<td>42.</td>
<td>4714</td>
</tr>
<tr>
<td>43.</td>
<td>861</td>
</tr>
<tr>
<td>44.</td>
<td>3020</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>40.</td>
<td>Surrey</td>
</tr>
<tr>
<td>41.</td>
<td>Hampshire</td>
</tr>
<tr>
<td>42.</td>
<td>Suffolk</td>
</tr>
<tr>
<td>43.</td>
<td>Lincolnshire</td>
</tr>
</tbody>
</table>

* Re. 40 Surrey NF = no figure available

<p>| | | | | | | | | | | | | | | |</p>
<table>
<thead>
<tr>
<th></th>
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<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>B.T. Police</td>
<td>1948</td>
<td>186</td>
<td>10</td>
<td>1817</td>
<td>184</td>
<td>10</td>
<td>1846</td>
<td>183</td>
<td>10</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Average | 27 |
2.4 An Alternative Formula

In addition to population density, police strength must also be connected to incidence of crime. Criminal statistics are published annually by Her Majesty’s Stationary Office and are compiled from ‘notifiable’ offences recorded by Home Department Police Forces. These are offences which are concerned with criminal investigation and associated work.

The Chief Constable of the B.T. Police publishes comparable statistics reported within the jurisdiction of the Force in his Annual Report. Whilst these figures have not stood on their own in the past, in that they have been included in Home Department statistics within the police areas in which they occur, they are investigated by British Transport Police. The only Home Office requirement is that offences of Murder on transport property remain the responsibility of the Chief Constable of the Home Department police area in which this occurs. For practical purposes, murder squads are invariably staffed on a 50/50 basis by Home Department and B.T. Police.

In order to show the comparison in relation to crime rates and crimes per officer ratios, four Home Department Police Forces similar in strength to British Transport Police were selected and the appropriate statistics for 1981 are shown (Figure 2(c)). As further proof, two much larger police forces have also been included in the chart. 1981 was selected as a year when the Force policed many docks and ports. For comparison purposes, the same forces have been used in 1991. (Figure 2(d))

Adjustments have been necessary to B.T. Police figures since they must include 4,158 offences specifically recorded as ‘obstructions to the railway’. These are potentially highly dangerous since they can cause permanent injury as well as untold damage if they are not discovered and are consequently a source of great concern. Were they not specifically recorded under a separate head, they would otherwise be shown as criminal damage or even, on rarer occasions, Robbery or Theft. The latter suggestions can be amply illustrated by an incident which occurred at Stockton on Tees in April 1988.

The Freightliner terminal at Stockton on Tees is accessible from the main railway line at Norton by a single track which passes through an open area of fields close to a housing estate. In order that a train can be hauled from the Depot, a locomotive must first enter along the track, then draw the freight train out. On Wednesday, 27th April 1988, during the evening, such an operation was underway when the train was forced to stop due to an obstruction which had been placed on the track. The train was then attacked by a gang of about thirty youths and a quantity of liquor was stolen. Police who moved in to prevent the theft were harassed by a larger group. (Force Records.)
CRIMES PER OFFICER 1981


<table>
<thead>
<tr>
<th>Force</th>
<th>Violence Against Person</th>
<th>Sexual Offences</th>
<th>Burglary</th>
<th>Robbery</th>
<th>Theft &amp; Handling Stolen</th>
<th>Fraud &amp; Theft</th>
<th>Criminal Damage</th>
<th>Other Offences</th>
<th>Total</th>
<th>Police Strength</th>
<th>No. of crimes per Unit</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cheshire</td>
<td>1,529</td>
<td>302</td>
<td>9,989</td>
<td>61</td>
<td>20,680</td>
<td>1,266</td>
<td>4,744</td>
<td>28</td>
<td>38,599</td>
<td>1,845</td>
<td>21</td>
</tr>
<tr>
<td>Humberside</td>
<td>2,694</td>
<td>533</td>
<td>15,047</td>
<td>167</td>
<td>29,337</td>
<td>1,235</td>
<td>8,301</td>
<td>44</td>
<td>57,358</td>
<td>1,985</td>
<td>29</td>
</tr>
<tr>
<td>Staffordshire</td>
<td>3,056</td>
<td>409</td>
<td>9,905</td>
<td>101</td>
<td>22,119</td>
<td>1,052</td>
<td>5,666</td>
<td>103</td>
<td>42,411</td>
<td>2,122</td>
<td>20</td>
</tr>
<tr>
<td>West Mercia</td>
<td>1,716</td>
<td>419</td>
<td>9,472</td>
<td>83</td>
<td>22,951</td>
<td>945</td>
<td>7,763</td>
<td>243</td>
<td>43,592</td>
<td>1,959</td>
<td>22</td>
</tr>
<tr>
<td>London Met.</td>
<td>15,899</td>
<td>2,633</td>
<td>146,2309</td>
<td>11,239</td>
<td>341,174</td>
<td>31,239</td>
<td>82,178</td>
<td>758</td>
<td>631,329</td>
<td>25,103</td>
<td>25</td>
</tr>
<tr>
<td>Merseyside</td>
<td>4,941</td>
<td>517</td>
<td>42,183</td>
<td>1,269</td>
<td>65,890</td>
<td>4,487</td>
<td>12,804</td>
<td>86</td>
<td>132,177</td>
<td>4,748</td>
<td>28</td>
</tr>
<tr>
<td>B.T.Police</td>
<td>2,407</td>
<td>861</td>
<td>4,914</td>
<td>705</td>
<td>44,459</td>
<td>14,193</td>
<td>11,475</td>
<td>47</td>
<td>77,866*</td>
<td>1,963</td>
<td>40</td>
</tr>
</tbody>
</table>

* INCLUDING 4,158 OBSTRUCTIONS TO RAILWAY/ENDANGER SAFETY AND 1,722 SCOTLAND
CRIMES PER OFFICER 1991

Annual Report - Chief Constable, B.T. Police 1991

<table>
<thead>
<tr>
<th>Force</th>
<th>Violence Against Person</th>
<th>Sexual Offences</th>
<th>Burglary</th>
<th>Robbery</th>
<th>Theft &amp; Handling Stolen</th>
<th>Fraud &amp; Theft</th>
<th>Criminal Damage</th>
<th>Other Offences</th>
<th>Total A</th>
<th>Police Strength</th>
<th>No. of crimes per Unit</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cheshire</td>
<td>2,612</td>
<td>446</td>
<td>16,537</td>
<td>205</td>
<td>33,704</td>
<td>2,128</td>
<td>9,606</td>
<td>1,060</td>
<td>66,298</td>
<td>1,905</td>
<td>35</td>
</tr>
<tr>
<td>Humberside</td>
<td>5,125</td>
<td>881</td>
<td>32,949</td>
<td>298</td>
<td>58,685</td>
<td>3,386</td>
<td>17,065</td>
<td>441</td>
<td>118,830</td>
<td>2,042</td>
<td>58</td>
</tr>
<tr>
<td>Staffordshire</td>
<td>5,504</td>
<td>507</td>
<td>23,523</td>
<td>304</td>
<td>41,613</td>
<td>1,871</td>
<td>12,650</td>
<td>313</td>
<td>86,285</td>
<td>2,219</td>
<td>39</td>
</tr>
<tr>
<td>West Mercia</td>
<td>3,095</td>
<td>478</td>
<td>14,595</td>
<td>186</td>
<td>42,133</td>
<td>1,473</td>
<td>11,755</td>
<td>473</td>
<td>74,188</td>
<td>2,066</td>
<td>36</td>
</tr>
<tr>
<td>London Met.</td>
<td>38,077</td>
<td>5,358</td>
<td>191,482</td>
<td>21,863</td>
<td>457,290</td>
<td>44,675</td>
<td>160,686</td>
<td>6,772</td>
<td>926,203</td>
<td>28,142</td>
<td>33</td>
</tr>
<tr>
<td>Merseyside</td>
<td>5,984</td>
<td>692</td>
<td>33,609</td>
<td>1,758</td>
<td>76,580</td>
<td>5,318</td>
<td>23,159</td>
<td>1,735</td>
<td>148,835</td>
<td>4,689</td>
<td>32</td>
</tr>
<tr>
<td>B.T.Police</td>
<td>2,249</td>
<td>717</td>
<td>3,969</td>
<td>1,401</td>
<td>54,190</td>
<td>4,806</td>
<td>13,859</td>
<td>1,898</td>
<td>86,827</td>
<td>2,041</td>
<td>43</td>
</tr>
</tbody>
</table>

* INCLUDING 3,738 OBSTRUCTIONS TO RAILWAY/ENDANGER SAFETY AND 4,88 SCOTLAND
Perhaps the most notorious obstruction of this kind was that which formed the basis of the Great Train Robbery in 1963.

Additional adjustments to the B.T. Police statistics were also necessary to take into account the number of officers and reported crime in Scotland, since the Home Department statistics quoted are for England and Wales. It will be seen, however, that the crime to officer ratio for B.T. Police remains the same.

If the crime to officer ratio for ALL the Home Department Forces shown in Figure 2(c) is averaged out, a figure of twenty four is reached and if this is again divided into the total number of notifiable crimes recorded in Column A, a figure not far short of the actual strength (column B) is reached in Column C.

Whilst it is interesting to note that this formula works well for the larger Home Department Forces as well as those with strength similar to British Transport Police, the crime to officer ratio of the latter is considerably higher and if the formula is applied in the same way to B.T. Police, a strength of 3,566 officers is revealed.

Once more, the 1981 figures are somewhat conservative since in that year the Force strength was at its highest since 1970, brought about by the increase in recruiting which had been authorised to gain more officers to set up Mobile Support Units. (See Chapter 3.3)

By 1987, the strength of the Force was 1,846 and reported notifiable crime was 85,439 (Annual Report 1987 .B.T. Police) - a crime to officer ratio of 45. It is of interest to note that 19,136 crimes were reported to ‘L’ Division (London Underground) and in consequence, the formula if applied using a ratio of 1:24, = 19,136 + 24 (= 798) officers amounting to almost double the existing strength.

It may be that the alternative method for calculating a realistic police establishment for the Force is more consistent and perhaps more acceptable in relation to cost effectiveness. There can be no doubt that by comparison with Home Department Forces, the B.T. Police Force has been grossly undermanned. By 1991, however, Home Department Forces were seeing a much higher crime per officer ratio than ten years previously, whilst B.T. Police ratio had risen only very slightly. Significant increases were apparent in Humberside, Cheshire, Staffordshire and West Mercia (Figure 2(d)). If this formula is valid, then clearly by 1991, Humberside in particular was due for a review of establishment. The decline in numbers of police, together with available statistical information on reported crime and
Summary offences within B.T. Police jurisdiction was best illustrated by reported and cleared offences:

Figure 2(e)

<table>
<thead>
<tr>
<th>Year</th>
<th>Authorised Establishment</th>
<th>Actual Strength</th>
<th>Notifiable Crimes Reported</th>
<th>Cleared</th>
<th>Summary Offences Reported</th>
<th>Cleared</th>
</tr>
</thead>
<tbody>
<tr>
<td>1960</td>
<td>2,995</td>
<td>2,746</td>
<td>27,692</td>
<td>7,281</td>
<td>38,387</td>
<td>28,681</td>
</tr>
<tr>
<td>Ratio:</td>
<td>(10:1)</td>
<td></td>
<td>(3:1)</td>
<td></td>
<td>(14:1)</td>
<td>(10:1)</td>
</tr>
<tr>
<td>1967</td>
<td>2,491</td>
<td>2,320</td>
<td>38,901</td>
<td>8,799</td>
<td>58,821</td>
<td>28,325</td>
</tr>
<tr>
<td>Ratio:</td>
<td>(17:1)</td>
<td></td>
<td>(4:1)</td>
<td></td>
<td>(23:1)</td>
<td>(12:1)</td>
</tr>
<tr>
<td>1970</td>
<td>2,494</td>
<td>2,217</td>
<td>47,519</td>
<td>11,946</td>
<td>65,067</td>
<td>27,905</td>
</tr>
<tr>
<td>1977</td>
<td>2,289</td>
<td>1,871</td>
<td>72,262</td>
<td>25,833</td>
<td>83,534</td>
<td>47,155</td>
</tr>
<tr>
<td>Ratio:</td>
<td>(39:1)</td>
<td></td>
<td>(14:1)</td>
<td></td>
<td>(45:1)</td>
<td>(25:1)</td>
</tr>
<tr>
<td>1980</td>
<td>2,335</td>
<td>1,948</td>
<td>85,365</td>
<td>27,393</td>
<td>112,800</td>
<td>67,524</td>
</tr>
<tr>
<td>Ratio:</td>
<td>(44:1)</td>
<td></td>
<td>(14:1)</td>
<td></td>
<td>(58:1)</td>
<td>(35:1)</td>
</tr>
<tr>
<td>1986</td>
<td>2,214</td>
<td>1,834</td>
<td>84,591</td>
<td>19,063</td>
<td>131,820</td>
<td>67,275</td>
</tr>
<tr>
<td>Ratio:</td>
<td>(46:1)</td>
<td></td>
<td>(10:1)</td>
<td></td>
<td>(72:1)</td>
<td>(37:1)</td>
</tr>
<tr>
<td>1992</td>
<td>2,151</td>
<td>2,114</td>
<td>85,190</td>
<td>17,017</td>
<td>59,383</td>
<td>29,413</td>
</tr>
<tr>
<td>Ratio:</td>
<td>(40:1)</td>
<td></td>
<td>(10:1)</td>
<td></td>
<td>(32:1)</td>
<td>(16:1)</td>
</tr>
</tbody>
</table>

Compiled from Annual Reports of Chief Constables of British Transport Police.

The inconsistency in the ratio of clear-ups to reports between 1960 and 1992 is probably explained by improvements in efficiency aided by better technological support.

Increasing use of radio and more recently, Information Technology, has created a more effective use of police resources, particularly in the reactive role. The Force Vehicle Fleet which has improved considerably since 1960 and was barely mentioned in early Annual Reports, has created greater mobility for crime investigation.
In his report for 1960, the Chief Constable, Arthur C West, showed that the civilian staff totalling 133 was made up as follows:

<table>
<thead>
<tr>
<th>Clerk</th>
<th>80</th>
</tr>
</thead>
<tbody>
<tr>
<td>Secretaries</td>
<td>8</td>
</tr>
<tr>
<td>Typists</td>
<td>41</td>
</tr>
<tr>
<td>Messengers</td>
<td>133</td>
</tr>
</tbody>
</table>

and indicated that a reduction in this figure has been proposed. By 1992, civilian staff had increased considerably, as had the scope of their duties. (See Chapter 1.3)

A simple comparative analysis of the police establishment, reported notifiable crime and reported non-indictable summary offence statistics for 1960 and 1987 shows that whilst the number of police had decreased by almost 36%, crime had risen three times and summary offences almost three and a half times.

It is right to draw attention to the British Crime Survey 1989, which showed that many victims do not report crime for a variety of reasons. Of all victims surveyed, just under half said that the incident involved no loss or damage or was too trivial, a further fifth felt that police would have been unable to do anything, one tenth did not feel that it was a matter for police or they dealt with it themselves. Only 2% cited inconvenience of reporting; 1% dislike of police and 1% fear of reprisals. The findings were generally consistent with previous British Crime Survey findings and with survey results from other countries. (Mayhew, Ellison, Dowds 1989, p. 24)

It is also right to point out that B.T. Police reported crime figures have, for many years, been calculated slightly differently to those for Home Department Police Forces where, for example, one offender committed two crimes in the same incident, these were recorded as two, whereas Home Office counting rules record them as one. Following a request from the Home Office, however, the Force has since 1989 used the national classifications for recording crime statistics. The Report of the Chief H.M. Inspector of Constabularies explains as follows:

‘The most important non Home Office Forces, e.g. B.T. Police, have also provided crime figures since 1989 but these are not included in the main series except when the offence has been recorded by a local Home Office Force.’ (Para. 2, App. 2 p. 189)

Although the British Railways Board may well have sold over one hundred thousand acres of land since 1964, the ‘Railway Estate’ on 31st March 1987 totalled 177,171 acres and London Underground Publicity Department representatives estimated that their permanent way acreage was approximately 1,700 acres. (Facts supplied by B.R. Property Board) Collectively, this is an area overall larger than at least one county police area (Cleveland). (Police & Constabulary Almanac 1987)
In terms of buildings and contents, British Rail maintained 2,530 stations, 536 of which deal with parcels and 123 with freight, together with numerous operational structures (power boxes), signal cabins, carriage sidings etc., as well as shops, kiosks, vending machines etc. within railway station complexes. London Underground maintained 248 stations. (Annual Report of relevant industries 1987/88)

Additionally, British Rail maintained a vast amount of track and rolling stock, much of which is extremely valuable and vital to the needs of the industry, e.g. 2,040 diesel trains, 230 electric locomotives, 197 High Speed Trains plus thousands of passenger and freight carrying vehicles. London Underground maintained 473 trains as well as 275 escalators. The list of valuable assets is far too long to quote here but at 31st March 1988, British Rails total net operating assets amounted to £3,924.2 million. The actual value of goods carried, stock maintained by shops etc. throughout the transport system is inestimable.

Throughout the country, rail transport maintains numerous car parks for passengers. London Underground alone has 66 providing some 1,500 car spaces. With train depots, goods depots, electrical generating systems, a vast and complex communications system etc., there is in terms of property, much to protect, in addition to the millions of people who daily use the services. Perhaps then, police establishment should be calculated on a national mean of 'reported crimes per officer'? The answer seems to be academic as is further discussed below.

The Way Forward

The present system of negotiating resources based on credible performance indicators has been refined even further and seems to provide a realistic solution to the problem. From 1989, the Force has adopted three basic themes - 'Where are we now?' - 'Where are we going?' - 'How are we going to get there?' The authorised establishment in 1992 of 2,072 officers and 378 civilians compared with 1,953 officers and 345 civilians the previous year is indicative of the commencement of growth and the value of this negotiation system. (Annual Reports B.T. Police 1989 and 1992) (See Chapter 2.1)
CHAPTER THREE : ARE B.T. POLICE 'REAL' POLICE OFFICERS?

In order to answer this question, it is necessary to examine two main areas - the legal status of a B.T. Police officer compared to the Home Department Police and the duties undertaken by B.T. Police, i.e. what they actually do.

3.1 THE LEGAL CONSIDERATIONS

3.1(i) Case Law and Statute

The only constable known to law is one to whom the Police (Scotland) Act 1967 applies... in my opinion 'during the continuance of this appointment' means and can only mean that whatever variations, dimensions or extensions of a constable's power are made, given or imposed during a constable's appointment, shall apply to him... 'the power of detention' (under the 1980 Act) is conferred on a 'constable'. The transport police constable has conferred on him all the powers of a constable - there is no distinction between powers possessed by virtue of express statutory enactment or arising at common law' - per Lord Cameron (Smith -v- Dudgeon [1982] High Court of Justiciary - Scotland)

In that case, the Defendant was detained by British Transport Police officers at Edinburgh Railway Station on suspicion of theft under Section 2 Criminal Justice (Scotland) Act 1980 and searched. No evidence of theft was found but he was in possession of controlled drugs and was subsequently charged with an offence under S.5(1) Misuse of Drugs Act 1971. The Sheriff before whom he appeared dismissed the case on the grounds that the powers of police under the 1980 Act were conferred on Constables within the meaning of the Police (Scotland) Act 1967 and that British Transport Police officers were thus NOT covered by the 1980 Act, since British Transport Police officers were police within the limited meaning of a private statute (Section 53 British Transport Commission Act 1949 as amended by the British Railways Order Confirmation Act 1980, Section 3).

The Procurator Fiscal appealed by way of the case stated to the High Court. In the High Court, Lord Cameron also pointed out that "Section 53 of the British Transport Commission Act 1949, as now amended provides, as I have noted that 'every constable shall during the continuance of his appointment have all the powers, protections and privileges of a constable." Whilst this decision is a precedent set by a Scottish Court, there seems little doubt that it would be persuasive to an English Court, should a similar set of circumstances arise.
The development of the professionalism of the Force during this century and the recognition of this fact can be measured by a somewhat older case, in which the Kings Bench held a very different view (Lambert -v- Great Eastern Railway Company 1909) (2KB 776)

The plaintiff, a youth of seventeen years, assisted his father, a Romford newsvendor with early morning newspapers, prior to going to school. Railway police had received information that copies of the Essex Times were regularly being stolen from bundles which arrived at Romford by early morning trains, addressed to Messrs Wilson & Whitworth.

On March 25th 1908, two railway constables saw the youth take fifteen copies of the paper from a bundle and arrested him. His explanations were not accepted by the officers but were believed by Romford Magistrates who, on April 9th, dismissed the charge against him. He then brought an action against the Railway Company for False Imprisonment.

The defence suggested that the constables were acting as servants of the King having all the powers and privileges of a constable, which was accepted at the lower Court. The plaintiff appealed to the Kings Bench Division and there, their Lordships refused to accept this after examining Section 50, Great Eastern Railway (General Powers) Act 1900, (which dealt with the appointment of constables) together with other factors .... 'ticket collectors, ticket clerks and all persons acting for the company go to the office of the Superintendent of the Line (Railway Manager) and refer to him as the Superior Authority' .... 'the County authorities who have to do with the ordinary police force ... they do not pay. It is the railway company who pay ... who dismiss and in these circumstances it seems to me that these men are bound to obey the orders of the railway company and ... in the acts which they did they acted as Servants of the Company.'

Clearly, comparison between the two contrasting statements needs further examination.

The term 'Office of Constable' is quite widely used, albeit at least one modern writer suggests that 'continued identification of the police with the status of constable produces confusion and mythology, obstructing clear thought about the nature of the public services they provide in late twentieth century Britain.' (Lustgarten 1986, p.25)

Traditional legal definitions impute that the term is an office of trust. Blacks Law Dictionary explains that a constable is 'A public civil officer whose proper and general duty is to keep the peace within his district though he is frequently charged with other duties'. (Black 1951, p. 383)

Furthermore,

'The powers of a police constable are exercised by virtue of his office and cannot be exercised on the responsibility of any person but himself.' (Enever -v- The King 1906) (3, CLR)

In Fisher -v- Oldham Corporation 1930 (2KB 364) it was held that:
'neither the Crown nor the Police Authority were vicariously liable for torts that a constable may commit whilst allegedly acting in the execution of his duty.'

Lustgarten argues convincingly that the term 'office of constable' relies on the historical concept of a constable, originally an elected official who possessed few powers not enjoyed by the ordinary citizen and who had no special immunities until the Constables Protection Act 1750, which gave immunity from civil proceedings whilst executing a magistrates' warrant. Quoting Holdsworth, he points out that by the eighteenth century, the constables were unpaid, part-time, took orders from justices, had no systematic investigation systems, did not prosecute offenders and exercised common law powers only. By comparison, today, Lustgarten draws attention to the organisation, structure and operation of police in a professional manner and suggests that a police officer can no longer be seen as a self directed decision maker answerable only to the law. (Lustgarten 1986, p.30) For the purposes of establishing the answer to the question 'Are British Transport Police officers real police officers?', it is right to point out both the legal statements and those outlined here. In relation to each viewpoint, British Transport Police would appear to fit into both frameworks.

The Crown Proceedings Act 1947, Section 2(6) provided 'The Crown is liable for the acts or omissions only of such of its officers as are:

(i) appointed directly or indirectly, by the Crown; and
(ii) paid wholly out of central Government funds.

(Crown Proceedings Act 1947 S.2(6))

The main practical effect of this subsection was to exempt the Crown from liability for acts of the police, assuming of course, that they were 'Officers of the Crown'.

The Police Act 1964 Section 48(1) and the Police (Scotland) Act 1967 Section 39(1) provide that:

'The chief officer of police for any police area (Scotland - the Chief Constable of a police force) shall be liable in respect of torts committed by a constable under his direction and control (Scotland - in reparation in respect of any wrongful act or omission on the part of any constable under his general direction) in the performance or purported performance of his/their function(s) in like manner as a master is liable in respect of torts (Scotland - a wrongful act or omission) committed by his servants in the course of their employment and the Police Act 1964, Section 48(2) and the Police (Scotland) Act 1967, Section 39(2) provide that:

'There shall be paid out of the police fund (Scotland - The Police Authority shall pay)

(a) any damages or costs (Scotland - expenses) awarded against the chief officer of police (Scotland - the Chief Constable of a police force), in any proceedings brought
against him by virtue of this Section and any costs (Scotland - expenses) incurred by him in any such proceedings so far as not recovered by him in the proceedings; and

(b) any sum required in connection with the settlement of any claim made against the chief officer of police (Scotland - the Chief Constable of a police force) by virtue of this Section, if the settlement is approved by the Police Authority.'

Sub-sections (3) of the relevant Acts and Sections also provide that:

'Any proceedings in respect of a claim made by virtue of this Section shall be brought against the chief officer of police (Scotland - the Chief Constable of a police force) It is thus so far clear throughout the United Kingdom that a constable is in a unique legal position in relation to the term 'employee' though sociologically there is room for thought. In Attorney General for New South Wales -v- Perpetual Trustee Company 1955 (AC 457), it was held that 'A constable holds a public office and is not a servant for whose loss of service a police authority can sue.' Constables maintained by Home Department Forces would thus seem to fall into the descriptions discussed thus far. What of British Transport Police Constables?

The Transport Act 1962, Section 69(1) imposed a duty upon the British Railways Board after consulting with the other Boards to prepare and submit to the Minister of Transport, a Scheme for the organisation of the British Transport Police.

On October 9th 1963, the Minister of Transport approved a Scheme, the details of which are set out in the Schedule to the British Transport Police Force Scheme 1963 (Approval) Order 1964, Statutory Instrument No. 1456 1964. This was laid before Parliament on September 17th 1964 and came into operation on January 1st 1965.

'There shall be a Committee (to be known as the British Transport Police Committee) to whom the Chief Constable (of the British Transport Police Force) shall be responsible for the administration of the Force ......... (Para 4a)

Further 'It shall be the duty of the Committee to supervise the administration of the Force by the Chief Constable on such lines as may, from time to time be agreed between the represented Boards and to give him all such directions as may from time to time be necessary for that purpose' ..... (Para. 4g)
The original Scheme was silent on control of the Force, though by convention, the Chief Constable exercised this function in line with his Home Department Police Force counterparts. The Scheme does provide, however, for:

'At least one of the members (of its committee) to be appointed by the Railways Board shall be appointed after consultation with the other represented Boards from among persons who have had wide experience of, or who have shown capacity in, the control of administration of police.' (Para 4c)

As Lord Cameron observed in Smith -v- Dudgeon (ante) section 53 of the British Transport Commission Act 1949 gave all the powers, protections and privileges of a constable to British Transport Police Officers.

With the impending arrival of the Police and Criminal Evidence Act 1984, concern was expressed within the Force in relation to the status of British Transport Police officers. The Force Federation, through its former Parliamentary Advisor, the Rt. Hon. Robert McCrindle M.P. sought clarification during the passage of the Bill through Parliament. In response to letters written to Leon Britton on 25th October and 28th November 1984, a letter was received from the Home Office accepting that amendments were necessary to the Bill to bring B.T. Police into the Act (letter dated 5th December 1984). The response also drew attention to the fact that the term 'police officer' was not defined in either the Police Act 1964 or the Police and Criminal Evidence Act 1984 and thus the powers of the 1984 Act were conferred on all police officers including B.T. Police. A further letter from Mr. McCrindle on 21st December 1984 to the Home Secretary, Douglas Hurd, caused the following reply:

'The provisions of clause 32 of the Bill (Police and Criminal Evidence Act 1984 - referring to a 'police station') will apply in any case where a person is detained by officers of a force established under the Police Act 1964 under the provisions of Part IV of the Bill, whether the place of detention is known colloquially as a police station or a police office; and the same position will hold in the case of detention in the custody of the British Transport Police.

It is thus apparent that so far, legal precedent in Scotland (which is highly persuasive in England and Wales) together with carefully worded legislation, provides the British Transport Police officer with the status of being a 'real' police officer despite the fact that the Force remains outside the full scope of the Police Act 1964, the Police (Scotland) Act 1967 and the Regulations made under them.
3.1 (ii) **Who 'Employs' British Transport Police?**

Legislators appear to have been troubled by this question.

'There are some departmental police forces in which constables are appointed by two Justices of the Peace on the nomination of the controlling body. It is clearly right that the controlling body and not the justices should be considered the 'employer' and this is the further effect of the Amendments. Such a provision is particularly necessary in view of the fact that the sub-sections exempting the Crown from the normal enforcement procedures were deleted in the Commons in Committee. It is now possible for an award of damages to be made against the police and it is right that the controlling body and not the Justices should be liable for these damages. I beg to move." (Debate - Race Relations Bill, 30 July 1968, House of Lords, Vol. 296, page 246 - per Lord Stonham)

The choice of the word 'control' by Lord Stonham was perhaps arguable. As Lady Simey observes, in relation to police, control is an 'explosive' word. (Simey 1988, p.75) Lawrence Lustgarten preferred to describe accountability as a 'weasel' word - 'What is often at issue is the degree of control various political institutions are to have over the police.' (Lustgarten 1986, p.1)

The problem was overcome in the Race Relations Act 1968, Section 27(4) by these words:

'For the purposes of this Act the office of constable shall be treated as if it were employment and a constable shall be treated as if he were employed by the authority by whom he is appointed, except that a constable appointed by Justices of the Peace on the nomination or application of any authority shall be treated as if he were employed by the authority on whose nomination or application he is appointed and accordingly, the authority by whom or, as the case may be, on whose nomination or application a constable is appointed shall be treated for those purposes as if he or they were an employer or employers.'

Legal commentators provide the following guidance:

'The inclusion of the words 'For the purposes of this Act' show that a general change in the law is not intended.' (Sweet & Maxwell - Current Law Statutes - 1968 p. 71/27)
The Race Relations Act 1968 was replaced by the Race Relations Act 1976, Section 16 of which went a little further by providing that:

(1) For the purposes of this Part, the holding of the office of constable shall be treated as employment -

(a) by the chief officer of police as respects any act done by him in relation to a constable or that office;

(b) by the police authority as respects any act done by them in relation to a constable or that office.

(2) There shall be paid out of the police fund -

(a) any compensation, costs or expenses awarded against a chief officer of police in any proceedings brought against him under this Act and any costs of expenses incurred by him in any such proceedings as far as not recovered by him in the proceedings; and

(b) any sum required by a chief officer of police for the settlement of any claim made against him under this Act if the settlement is approved by the police authority.

(3) Any proceedings under this Act which, by virtue of sub-section (1) would lie against a chief officer of police shall be brought against the chief officer of police for the time being, or in the case of a vacancy in that office, against the person for the time being performing the functions of that office; and references in sub-section (2) to the chief officer of police shall be construed accordingly ....'

The Section went on to define the terms used. Those relevant are:

In this section -

'chief officer of police'

(a) in relation to a person appointed or an appointment falling to be made, under a specified Act, has the same meaning as in the Police Act.

(b) in relation to any other persons or appointment, means the officer who has the direction and control of the body of constables or cadets in question.

'the Police Act' means, for England and Wales, the Police Act 1964 or, for Scotland, the Police (Scotland) Act 1967.
'police authority'

(a) in relation to a person appointed, or an appointment falling to be made, under a specified Act, has the same meaning as in the Police Act.

(b) in relation to any other person or appointment, means the authority by whom the person in question is or on appointment would be paid.

'police fund' in relation to a chief officer of police within paragraph (a) of the above definition of that term has the same meaning as in the Police Act and in any other case means money provided by the police authority ..............'

Legal commentators offered the following explanations:

'The reason for two definitions of both 'chief officer of police' and 'police authority' is to cover transport police etc., as well as ordinary police' (Sweet & Maxwell Annotated Statutes 1976, p.74/17)

This explanation was borne out by Parliamentary Debate.

Mr. Allison: "I beg to move Amendment No. 81, in page 10, line 28, at end insert -

(c) by the British Railways Board as respects any act done by officers of the Railway Police.

This is also an exploratory amendment. I propose the words 'British Railways Board' as a addition to the subsection in order to ascertain whether the clause included the various semi-statutory or private police forces of which there are a number - not only the British Rail Police, but the London Transport Police, the British Airports Authority Police, the Atomic Energy Authority Police and one or two others. It is a matter of perhaps passing interest because in another context we are considering the Bill setting up the Police Complaints Board. There has been some debate about whether other police forces are susceptible to legislation passed about the police in general and I should like to know the position of these extraneous police forces."

Mr. John: "I am happy to re-assure the Hon. Gentleman that the clause covers the point. Clause 16(5) contains two definitions of both 'chief officer of police' and 'police authority'. The first definition in each of the categories relates to what I might describe as the ordinary police and the second, in paragraph (b) in each case, relates to those outside police forces which have authority to be in existence. That includes the transport police and the other categories which the Hon. Gentleman mentions."
Mr. Allison: "That leaves me quite happy. I beg to ask leave to withdraw the amendment."

Amendment, by leave, withdrawn. (House of Commons Standing Committee A, Race Relations Bill, 18th May 1976, p. 316/317)

Exactly similar provisions were included in the Sex Discrimination Act 1965 and more recently, the Data Protection Act 1984, Section 38(3) provides:

(a) the constables under the direction and control of a chief officer of police shall be treated as his servants; and

(b) the members of any body of constables maintained otherwise than by a police authority shall be treated as the servants -

(i) of the authority or person by whom that body is maintained; and

(ii) in the case of any members of such a body who are under the direction and control of a chief officer, of that officer.

Perhaps the most recent piece of legislation to be examined and applied to British Transport Police, is the Official Secrets Act 1989, Section 12. In a guidance document to Chief Officers of Police, the Home Office were in no doubt that British Transport Police officers are amenable to the provisions relating to disclosures of information. (Home Office Circular 34/90, para 28)

Uncertainty as to the status of B.T. Police has to some extent been removed by carefully worded legal phrases. It is clear that the Chief Constable of the B.T. Police is, for legal purposes, the 'employer', whilst the British Railways Board remains (in Lord Stonham's words) 'the controlling body'. In Chapter 4, I will examine the question of accountability and control in some depth.

3.1 (iii) Can B.T. Police Officers act as such anywhere?

All police officers, irrespective of the Force to which they belong are required by Parliament to work within their jurisdiction. Whereas Parliament has usually determined the jurisdiction of police, in geographical terms, it is not surprising to find that the courts, have placed considerable restrictions upon police activities by limiting their legal powers.

The Police Act 1964, Section 19(1) and the Police (Scotland) Act 1967 Section 17(4), provides, respectively, that Constables of Home Department Police Forces shall have all the duties, powers and privileges of a constable throughout England and Wales or Scotland.
Transport Police, jurisdiction is contained in piecemeal Acts of Parliament and Orders, starting with the British Transport Commission Act 1949, section 53 of which gave them jurisdiction in on and in the vicinity of the whole of the railways, harbours, docks, ships, (hovercraft), inland waterways, stations, wharves, garages, hotels, works, depots and other premises or property now or hereafter belonging to, leased to, or worked by ...... originally the Commission and now the Boards and their undertakings. This was increased by the British Rail and London Transport Acts in 1978 and the British Rail Order (Scotland) 1980 which amended Section 53, to allow the jurisdiction to be extended to elsewhere in the United Kingdom in relation to matters connected with or affecting the Boards or their undertakings. The need for this amendment arose as a result of numerous incidents occurring 'off the premises'. In one such incident, a policewoman was assaulted whilst attempting to serve a summons on a proposed defendant at a private dwelling house. Local police were called to assist but declined to charge the offender specifically with assault on police on the grounds that they considered that she was outside her jurisdiction. The case was not reported and their decision went unchallenged, (albeit a suitable charge of assault was preferred). No further details of this incident are thus available but it serves to show that British Transport Police officers carry out the same duties involving the same risks as any police officer in the execution of duty.

As a result of enquiries in 1987 by the Police Review magazine, it was discovered that only 28 of the 43 Home Department Police Forces in England and Wales kept statistics of officers assaulted on duty. By 1988, all but six forces were able to provide statistics and by August 1989, all forces were maintaining records including those in Scotland. In a published survey, the ratios of 'officers per assault' in 1989 varied from 3.25 in Cumbria through to 66.50 in the City of London in England and Wales, and in Scotland from 2.76 in Strathclyde to 34.44 in the Northern Force. The figures for B.T. Police, with a force of 1829 officers showed a higher ratio than all 43 forces in England and Wales with 580 assaults. Desmond O'Brien, the Chief Constable was quoted as saying that 'aggressive behaviour, particularly hooliganism has become almost fashionable (Police Review 4th August 1989, p. 1544, 1545). By 1992, however, the 'league tables' had changed. In England and Wales, Cheshire had risen to the top of the risk list, whilst B.T. Police were 34th in the league and the London Metropolitan Police were 28th. Strathclyde remained the highest risk police area for assaults in Scotland. (Police Review 25th June 1993, p.5)

The duties of police, of whatever Force, Home Department or Specialist, may generally be stated as to protect life and property, preserve public tranquillity, prevent the commission of offences and detect and bring offenders to justice. These duties are found broadly in the reports of the Royal Commissions on Police and specifically in the Police (Scotland) Act 1967. It logically follows that in order to fulfil such duties, police must have power to do so, but, by the same token, the Citizens' rights must also be observed. In consequence, both Parliament by way of legislation and the courts by way of judicial decisions, have limited power of police and other 'officials' throughout the history. For example:
Trespass to land; the act of entering or being upon the land or premises of another without lawful authority has been vigorously protected by law for centuries. Indeed, the ancient action of trespass in relation to the person and goods formed the very basis for the development of the criminal law of England and Wales over the past thousand or so years. (See Maitland - 1971 - generally)

It was said in Semaynes' Case in 1603 'The house of everyone is to him as his castle and fortress, as well as his defence against injury and violence as for his repose ... if thieves come to a man's house to rob him, or murder, and the owner or his servants kill any of the thieves in defence of himself and his house, it is not felony and he shall lose nothing ... (O. Hood Phillips, 1973, p.409)

Lord Camden, Lord Chief Justice, in Entick -v- Carrington 1765 said : "every invasion of private property, be it ever so minute, is trespass ..... No man can set foot upon my ground without my licence ... If he admits the fact, he is bound to show by way of justification that some positive law has empowered or excused him.*

(Ibid, p.409)

These precedents have been consistently followed (albeit tempered) over the years and courts have often declared in certain circumstances, police to be trespassers.

It is perhaps ironic that the most important constitutional case concerning police trespass this century should involve a forerunner of the British Transport Police Constable. In The Great Central Railway Company -v- Bates (1921 3KB, 578) a constable of the Great Central Railway Police, whilst on duty, on patrol during the night hours discovered that one of the sliding doors of a warehouse, (of which Bates was the tenant), was open. In order to establish that everything was alright, the constable entered the warehouse and fell into an unfenced sawpit inside, injuring himself. His Police Authority continued to pay him whilst he was off sick then sued to recover the salary by way of compensation. It was held, that in the circumstances, the constable was a trespasser. Lord Justice Atkin said, 'The question raised is whether this constable had the right to enter upon private premises, not a dwelling house ... he did not suspect a felony or that there was a felon on the premises, nor had he a warrant to arrest anybody on the premises, nor was he in pursuit of any criminal who he thought might be on the premises.

Thus, although the officer was doing what he thought to be his duty, he had no common law powers to enter private premises without a warrant. Geographically he was within his jurisdiction, legally he was a trespasser.

This decision was followed in Davis -v- Lisle (1936 2 KB. 434) when a Home Department police officer believing that a road traffic offence had been committed with a lorry, followed the lorry to a garage and without the occupiers permission, entered the garage to make enquiries, without a warrant. The occupier requested the officer to leave, the officer
declined and the occupier attempted to remove him. The court held that even if the constable had a right to enter the garage to make enquiries, he became a trespasser when the occupier asked him to leave and from that time was not acting in the execution of his duty and in consequence, the occupier could not be convicted of assaulting or obstructing the constable.

How 'private' is a man's castle in modern times? The case of Robson -v- Hallett (1967 2QB 939) is authority for the view that there is an implied licence for persons who have business with an occupier of a domestic residence to open the garden gate, walk up the steps and knock on the front door. If invited in, the licence continues but when the occupier requests that his visitors leave, the licence is revoked. The occupier must, however, give the visitor a reasonable time to comply with his wishes. If the 'visitor is a police officer, he will need to have a sound legal excuse, e.g. a warrant to search, arrest etc., to decline to leave.

Numerous private premises can be visited by large numbers of the public, either on payment or otherwise and public disorder can ensue. Football grounds are a case in point. Prior to 1970 for example, some twenty police officers were needed at one football ground to maintain public order with a crowd of 30,000 spectators. By the 1980's, more than eighty police officers were required to police the same ground, which currently draws an average spectator audience of only 12,000. (Harris -v- Sheffield United Football Club 1987 - 2 All E.R. 838)

The Public Order Act 1936 created a number of offences, including (by Section 5) 'Any person who in any public place or at any public meeting uses threatening, abusive or insulting words or behaviour with intent to provoke a breach of the peace or whereby a breach of the peace is likely to be occasioned, shall be guilty of an offence'.

The terms, public meeting and public place were strictly defined, the former to include any meeting in a public place and any meeting which the public, or any section thereof were permitted to attend, whether on payment or otherwise. 'Public place' meant any highway, public park, or garden, any sea beach and any public bridge, road, lane, footway, square, court, alley or passage, whether a thoroughfare or not and included any open space to which, for the time being the public had, or were permitted to have access, whether on payment or otherwise.

By the mid 1960's, this fairly comprehensive definition was found to be wanting. Railway stations, marquees, certain parts of football grounds and the like were NOT 'open spaces'. Glass, canvas, or wood formed a roof over them. The Criminal Justice Act 1972. Section 33, revolutionised the law of public order by defining public place for the purposes of the Public Order Act 1936 to include a highway an any other premises or place to which at the material time the public had, or were permitted to have access whether on payment or otherwise.
The Public Order Act 1986, has refined the definition even more - any highway (or in Scotland any road within the meaning of the Road (Scotland) Act 1984), any place to which at the material time, the public has access, on payment or otherwise, as of right or by virtue of express or implied permission.

Since 1972, not only have the concourses of railway station been 'public places' for the purpose of the Public Order Act but so have trains carrying passengers ... as the definition says ... at the material time. At Common Law, in England and Wales, the offence of affray was assumed to be capable of being committed only in a public place, but in 1966, the Court of Appeal in Button -v- D.P.P. (1966 A.C.591, 1965 3All E.R. 587) held that it could also be committed in a private place - in that case in a hall hired by a local darts league.

In 1935, in the case of Thomas -v- Sawkins (1935, 2KB.249) the power of police who entered private premises - the Large Hall of the Caerau Library in Glamorgan, where a public meeting was taking place - was upheld, because the officers could show that they were in reasonable anticipation that a breach of the peace was likely to take place.

In 1971, however, a Police Inspector demanded entry to a licensed club - the Moulin Rouge at Clifton, in pursuance of his power under the Licensing Act of 1964. The Court of Appeal held that the Inspector had no power of entry under Section 186(1) of the Act, since he could not show that he had suspicion that an offence was occurring or was about to be committed. (Valentine -v- Jackson 1972) - All E.R. 90.

3.1(iv) **Do British Transport Police Have the Same Powers as Other Police?**

Privacy in relation to land and premises is thus generally controlled by the law. The citizen is protected from unlawful arrests by police by means of carefully worded powers contained in legislation. These, in England and Wales, existed at Common Law until 1967, when the Criminal Law Act encapsulated them into legislation and replaced offences which had, for centuries, been referred to as felonies and misdemeanours, with a new category - arrestable offences.

These were strictly defined to include Murder, Treason and any offence for which a person, over 21 years, not previously convicted, might receive five years imprisonment or more. Attempts to commit such offences were also deemed to be arrestable.

The Criminal Law Act powers of arrest without warrant, enabled constables who had reasonable cause for suspecting that an arrestable offence had been committed, to arrest anyone whom they had reasonable cause for suspecting to be guilty of the offence. They were also empowered to arrest anyone who was about to commit such an offence. Power of entry to make the arrest was also given.

Citizens were given slightly less specific powers of arrest without warrant in certain circumstances in relation to arrestable offences, though no power of entry. (Criminal Law Act 1967, section 1 and 2).
This state of affairs continued until 1984, when the Police and Criminal Evidence Act regularised police procedures in England and Wales, redefined arrestable offences, to include certain other categories of serious offences and created a system of police procedure similar to that which existed in Scotland as a result of the Criminal Justice (Scotland) Act 1980. Powers of arrest for arrestable offences were slightly altered but are effectively similar to those in the 1967 Act. (Police and Criminal Evidence Act 1984, section 24)

There still remain a few Acts of Parliament which give powers of arrest without warrant to police (and citizens in some circumstances), but it must be stressed that the overall situation is that powers of arrest without warrant are discretionary, persons who offend against the criminal law are generally proceeded against by Summons and are only arrested and detained if absolutely necessary.

Police discretion often results in persons who have committed offences receiving an official police caution, thus obviating prosecution altogether.

In Scotland, a police officer has power to arrest a person without a warrant whom he sees committing a crime at common law, or who is accused by an apparently credible witness of having shortly before committed a crime, or whom he sees running away from the scene of the crime pursued by others, or who is in a state threatening danger to members of the public, or who is offensive to public decency or whom the constable reasonably suspects of having committed a crime where there are some facts or circumstances to substantiate this suspicion.

Police powers of arrest and detention in Scotland were considerably regularised, in both the interests of the police (and of offenders) by the Criminal Justice (Scotland) Act 1980, which sets out a full and formal procedure to be followed by police who have reasonable grounds for suspecting that a person is committing or has committed an offence.
As already observed in Smith -v- Dudgeon (ante), 'The transport constable has conferred on him all the powers of a constable'. The limitations are those laid down in relation to his jurisdiction, i.e. he may act as a constable anywhere in the United Kingdom in relation to matters affecting the (Transport) Boards or their undertakings.

So are British Transport Police really police officers in the full sense of the words If Her Majesty's Judges writers of authoritative legal texts, distinguished members of society who serve on committees and report to Her Majesty's Government, those who draft legislation and elected representatives of Her Majesty's Government, as well as Peers of the Realm appointed by the Sovereign are in no doubt as to the question, it is difficult to understand why doubts can be raised. Even the eminent Sir Desmond Fennell, who conducted the enquiry into the King's Cross Fire, believed that the British Transport Police were a public authority funded by ratepayers' or taxpayers' money. (Fennell 1988, p.184) Perhaps the question is most succinctly answered by this statement: 'Criminals do not appear to notice any difference - they assault with the same ferocity, complain with the same verbosity and serve their prison sentence with the same animosity, whether they are detected and arrested by Merseyside, Metropolitan or British Transport Police.' (Thomas 1989 (a) B.T.P. Journal Vol. 2 No. 22 p.27)

The evidence must surely speak for itself in relation to the question applied in a legal sense. What, however, if the question is applied in a professional sense, or in Lustgarten's words, to - 'the nature of the public services they provide in twentieth century Britain'. (Lustgarten 1986, p.25), This can be answered by another simple question ... 'What does a British Transport Police officer actually do?

3.2 THE PRACTICAL CONSIDERATIONS

3.2(i) What Does A Police Officer Actually Do?

The B.T. Police officer is a 'specialist' insofar as the task is to police the railway. The duties, however, are much the same as those performed by Home Department police officers. Considerable research has been undertaken on the activities of police generally and Holdaway found in 1983, that police officers prefer to believe that their function is crime control as opposed to providing a social service. Sherman suggested in 1973, however, that most police time is spent in maintaining order and providing social services. (Fielding 1993, p.4)
A study by Southgate in 1986 found police activity as follows:

<table>
<thead>
<tr>
<th>Activity</th>
<th>%</th>
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<tbody>
<tr>
<td>Burglary investigation</td>
<td>9</td>
</tr>
<tr>
<td>Vehicle stops</td>
<td>8</td>
</tr>
<tr>
<td>Police initiated conversations</td>
<td>8</td>
</tr>
<tr>
<td>Domestic enquiries</td>
<td>7</td>
</tr>
<tr>
<td>Providing information, e.g. time etc.</td>
<td>5</td>
</tr>
<tr>
<td>Foot stops</td>
<td>4</td>
</tr>
<tr>
<td>Missing person reports</td>
<td>3</td>
</tr>
<tr>
<td>Public initiated conversations</td>
<td>3</td>
</tr>
<tr>
<td>Domestic disputes</td>
<td>3</td>
</tr>
<tr>
<td>Damage to private property</td>
<td>3</td>
</tr>
<tr>
<td>Enquiries at business premises</td>
<td>2</td>
</tr>
<tr>
<td>Traffic</td>
<td>2</td>
</tr>
<tr>
<td>Complaints of rowdy youths</td>
<td>2</td>
</tr>
<tr>
<td>Public enquiries</td>
<td>2</td>
</tr>
<tr>
<td>Assaults/fights</td>
<td>2</td>
</tr>
</tbody>
</table>

Figure 3(a) Source Fielding 1993

In their study of Community Constables in five police forces, Brown and Iles discovered that only an average of 13.7% of their time specifically related to community involvement, 22.6% was spent in preventive policing, 10.1% on crime work, 0.5% in public order work, 31.8% on general duties and they were withdrawn from their beats for 21.0% of the time. (Brown & Iles 1985 p.17) Burrows and Lewis in a study of uniformed policing found in relation to 'ground cover' officers in two London divisions (Barnet and Chelsea - Metropolitan Police) a conservatively estimated 35% of their total duty time was uncommitted and were not being directed to use their time to achieve specific objectives. (Burrows & Lewis 1988, p.37)

In an extremely comprehensive project, Horton and Smith conducted in two police sub-divisions in Hampshire, two thirds of the officers' time in one of the sub-divisions was spent outside the police station, sixteen percent of their time dealing with new or old calls from the public and only a 'tiny proportion of officers' time overall' was spent on police conferences, trying to contact witnesses, interviewing, dealing with warrants and summonses, on errands on meetings and visits. Only four or five percent of their time was spent on police initiated tasks such as stops, searches, PNC (Police National Computer) checks. (Horton & Smith 1988, p.94)
In relation to British Transport Police, the consultants who undertook the Force Management Review devised in conjunction with the Force Research and Planning Department (to create as far as possible a 'police officer proof' system) a questionnaire in the form of a time sheet.

This activity analysis had two objectives, one to discover what activities were being performed, the other to ascertain the proportion of overtime being worked. The timesheet was accompanied by an explanatory paper and was distributed to a sample of officers on each Division.

The results in relation to activities which consumed more than 5% of officers' time were as follows:

- Paperwork: 18%
- Foot patrol: 17%
- Enquiries: 12%
- Mobile patrol: 10%
- Office administration: 7%
- Other: 7%
- Incidents: 6%

Figure 3(b) - Source Ernst & Whinney

As a comparison they introduced similar surveys including the Merseyside Crime Survey carried out by the University of Edinburgh and which included an analysis of police time. The major activities consuming over 5% of police time were:

- Office Administration: 18%
- Patrolling: 16%
- Other: 12%
- Station office duties: 10%
- Standby/refreshment: 9%
- Special duties: 8%
- Paperwork: 6%

Figure 3(c) - Source: Ernst & Whinney
The Policy Studies Institute Survey included an analysis of time worked by the London Metropolitan Police. The major activities consuming over 5% of police time were:

- Paperwork 19%
- Mobile patrol 18%
- Station office duties 10%
- Foot patrol 10%
- Training 6%
- Standby/refreshment 5%

Figure 3(d) - Source: Ernst & Whinney

The previous year, Ernst and Whinney had carried out an analysis of time spent by British Transport Police officers working on the London Underground system and the major activities consuming over 5% of police time in that survey were:

- Foot patrol 11%
- Mobile patrol 18%
- Football 21%
- Office administration 16%

Figure 3(e) - Source: Ernst & Whinney 1988 Appendix 15

The results of the activity analysis led to the following statements:

'British Transport Police employs (as at 20 June 1987) 181 civilians in support of a total force strength of 1,860 officers. This level of civilianisation of approximately ten percent contrasts with an average in all Home Department forces of about 24% or 21% for county forces.

The role of civilians with B.T.P. is currently of a general administrative and clerical nature and does not, in general, as in Home Department forces, include activities more traditionally associated with police functions, for example, information and control, scenes of crime and computer support.

An analysis of the activities of officers within B.T.P. shows that a significant proportion of their time is spent on paperwork and administrative activities. Much of this work does not require specific police training or skills. In addition, there are a number of other more technical activities undertaken by police officers, again which could be as effectively carried out by persons without police training.'

( Ernst & Whinney 1988 Report p. 73)
Their recommendations included the civilianisation of some 36 - 42 posts then currently occupied by police officers at Force Headquarters and on sub-divisions that the following activities should be carried out by civilians:

control room operations;
prosecution administration;
scenes of crime;
various administration functions which do not need to be undertaken by a police officer; possibly collating criminal intelligence information.

By June 1993, except for Scenes of Crime Officers, these recommendations had been implemented.

They further noted that: 'There is considerable scope for reducing the amount of time spent by officers in filing, clerical and other administrative tasks ... The activity analysis carried out as part of this review indicates that uniformed officers spend 18% of their time on paperwork and 7% on office administration. C.I.D. officers necessarily spend a greater proportion of their time on paper work (35%) in support of enquiries (30%). During the course of our discussions with the divisions, a number of areas were identified where civilians could give additional assistance to uniformed and C.I.D. officers, particularly in typing and general administrative tasks. Examples of areas where support could be given are:

crime and arrest report administration;
N.I.B. descriptive forms;
enquiries;
preparation of case files and process reports for Court;
statements obtained for other divisions;
recording and analysis of crime statistics.'

(Ernst & Whinney 1988 Report p.75)

These recommendations have also been followed. Their examination as to the use of security guards and the appointment of Special Constables is dealt with at Chapter 8.

The work of British Transport Police is thus similar to that of all police officers. Numerous offences are committed and detected within the jurisdiction of the Force, some specifically peculiar to railways. Obstructing the tracks or trains, throwing missiles at trains, trespassing on the railway (a highly dangerous pursuit over which children do not have a monopoly), travel fraud, specific offences (by particular methods) of theft of mailbags, luggage, stores and equipment, from street vehicles, goods in transit and of deception involving catering, booking offices and serious fraud in relation to the railway, demand specialist knowledge not only of legislation but also of railway rules and procedures. In addition to specialist knowledge, there is a need for general police knowledge and skills to deal with accidents, illness, mentally disordered persons, destitute persons, general criminal offences - assaults, robbery, burglary, firearms offences, terrorist activities, sexual offences including rape, indecent assault, importuning, even kidnapping,
criminal damage, forgery, bribery, going equipped to steal, auto crime, together with
drunkenness, prostitution, vagrancy and numerous 'nuisance' offences. British Transport
Police officers deal with a wide range of inappropriate and deviant behaviour. Given that
the jurisdiction, albeit restricted to the railway, extends from Lands End to John O'Groats
and the Force strength is but 2,000 officers, it must be apparent that the thin blue line is
extremely stretched at times. Within the force, there are also specialist functions
performed by officers, including the Central Ticket Fraud Section, Criminal Intelligence
Bureau and Headquarters C.I.D.

Police dogs have played a very important part in routine policing, not only in searches
prior to Royal or other V.I.P. journeys but also in general police duties. They have also
been found useful in assisting Home Department Forces. In 1987, for example, in
addition to assisting in 508 arrests, including some for Arson, Robbery and Criminal
Damage, all dogs and handlers from the Scottish Division were utilised in the aftermath of
the Lockerbie air disaster, recovering seventeen bodies and a considerable amount of
property and aircraft debris (Annual Report 1988, p.48). Some twenty years previously
the value of police dogs on football traffic was recorded - extensively used during the year
to deal with hooliganism and damage to trains by football fans, whenever dogs were used,
no damage was caused and very little disorder was apparent. When disorder did occur it
was quickly dealt with by dogs and handlers. (Annual Report 1968, p.27) Using dogs
in crowd situations, however, is no longer practised as a general rule. In 1975 'as a direct
result of the need for certain economics' it was decided to reduce the number of
operational dogs and close down the Dog Training School at Elstree. (Annual Report
1975, p.26) By 1984, the value of police dogs was realised and a new Dog Training
Wing was opened at Tadworth in March of that year. (Annual Report 1984, p.41) The
following examples of the use of B.T. Police dogs by other forces in 1989 (taken from
Police Dog School records) illustrates the type of work undertaken.

At about 8p.m. on Friday, 20th January 1989, P.C. Wright received a report of a burglary
in Preston, adjacent to railway property. The suspects had been seen to decamp from the
scene. P.C. Wright put his dog 'Duke' to search railway lines and the embankment in a
large, disused area. The search was conducted (in darkness) over an area of half a mile.
After quartering this area, the dog disturbed the three suspects hiding in undergrowth. As
a result, two were arrested. The third suspect escaped but was arrested later with the
property from the burglary.

Over a period of time commencing February 1989, over 90 burglaries had been committed
in the Adswood area of Stockport. The common denominator appeared to be that most of
the attacked premises were adjacent to the railway line. Greater Manchester Police
organised an operation to catch those responsible enlisting the aid of P.C. Parkinson and
dog 'Sam'. Equipped with an image intensifier, the officer spent several nights in a field,
in freezing temperature, on observation.
At 03.00hrs one morning, three suspects were seen to walk up the drive of a house. One gained access but they were disturbed. One was seen to be carrying property. With the intensifier, the officer saw the suspects climb a garden fence into a field adjacent to railway property. P.C. Parkinson challenged them to stand still but they continued running. 'Sam' was released and detained one of the suspects. The others escaped. The garden concerned was searched and the property recovered. The man arrested pleaded guilty at Court later to theft and attempted burglary.

The chase by 'Sam' was over a distance of 200 yards in complete darkness. The spate of burglaries ceased.

On 24th October 1989, a request was received from police at Strathclyde in searching for a missing person with suicidal tendencies. P.C. Russell and his dog 'Storm' and P.C. Campbell with police dog 'Zac' chose to search a two mile stretch of line adjacent to the last sighting of the missing person twenty four hours previously. After some considerable time, 'Storm' indicated the presence of a man in some bushes. His condition was verging on hypothermia in the severe weather conditions.

The following table illustrates contributions made by the Force Dog Section in combating crime within Force jurisdiction over a ten year period. (Statistics taken from the Chief Constable's Annual Report)

<table>
<thead>
<tr>
<th>Year</th>
<th>General Duty</th>
<th>Explosive</th>
<th>Arrests Made</th>
</tr>
</thead>
<tbody>
<tr>
<td>1981</td>
<td>29</td>
<td>-</td>
<td>229</td>
</tr>
<tr>
<td>1982</td>
<td>30</td>
<td>-</td>
<td>334</td>
</tr>
<tr>
<td>1983</td>
<td>33</td>
<td>2</td>
<td>341</td>
</tr>
<tr>
<td>1984</td>
<td>33</td>
<td>3</td>
<td>436</td>
</tr>
<tr>
<td>1985</td>
<td>33</td>
<td>3</td>
<td>647</td>
</tr>
<tr>
<td>1986</td>
<td>38</td>
<td>4</td>
<td>513</td>
</tr>
<tr>
<td>1987</td>
<td>33</td>
<td>9</td>
<td>611</td>
</tr>
<tr>
<td>1988</td>
<td>34</td>
<td>8</td>
<td>508</td>
</tr>
<tr>
<td>1989</td>
<td>35</td>
<td>11</td>
<td>536</td>
</tr>
<tr>
<td>1990</td>
<td>33</td>
<td>13</td>
<td>654</td>
</tr>
<tr>
<td>1991</td>
<td>34</td>
<td>14</td>
<td>535</td>
</tr>
</tbody>
</table>

Figure 3(f) - Source: Chief Constable's Annual Report
Hooliganism is a problem with which Transport Police have been required to deal for many years, the most prevalent of which involves football fanatics. Eamon Dunphy, a former Millwall player of the 1960s suggested that football hooliganism was born at Millwall some time in the mid-sixties. He recalls a match at Oxford, when the team and the fans travelled by train and the group 'the decent supporters plus a small group of young toughs numbering no more than two dozen', were met by about twenty policemen who escorted them on foot to the Oxford United ground (Sunday Times Magazine 21 Aug. 1988). Dunphy suggests that the small band of aggressive young men should have been 'intercepted at Oxford Railway Station and sent back to where they'd come from'. Over the next few seasons, gangs of football hooligans sprang up all over England - the Millwall boys, claims Dunphy, 'had invented a new sport'. He recalls a full scale riot breaking out at the Den in March 1978 in an F.A. Cup quarter final against Ipswich and the dreadful incident at Luton on March 13th 1985, when the pitch was invaded. Scenes, described by a London newspaper reporter James Murray are repeated in the article. 'Children around me clung to their parents in fear ... seats were torn out of the stand and hurled onto the pitch ... they became weapons for invading fans ... police who had fled from the rushing fans regrouped, drew batons and charged until the enemy had been driven back into the terraces ... and as police began winning that battle, more so called Millwall supporters began tearing out seats ... and hurling makeshift plastic spears onto the pitch ... as I watched policemen led off the pitch dazed and bleeding and a Superintendent lying in the centre circle writhing in agony, I was reminded of the Brixton riots ... these were not fans ... not people .. they were animals'. Dunphy arrives at the conclusion that we have 'institutionalised violence on an unthinkable scale'.

A view as to how football hooliganism rose to become a social problem in the mid 60's is that it was probably connected with concern about the prospects for spectator behaviour at the 1966 World Cup finals. (Williams, Dunning, Murphy 1984, p.214)

The problem of hooliganism by football supporters first received official special mention in relation to B.T. Police jurisdiction in the Chief Constable's Annual Report of 1967. It was reported that most trouble occurred after football matches and that teenagers were particularly involved. Total damage to trains was difficult to estimate but believed, at that time to be in excess of £10,000 per year.

A special report produced by the Uffculme Clinic (Birmingham) under the direction of Dr. J.A. Harrington was highlighted, the principal findings being that:

(a) rowdyism and damage may be anticipated whenever young people travel together in groups;

(b) experience showed that highlighting misbehaviour in the press often leads to more misconduct;
(c) a most immediate effective step might be to arrest more offenders; and

(d) the public attitude is passive and with the law in spirit only.

(Annual Report 1987 p. 32/34)

Subsequent Annual Reports carried a brief report on hooliganism and vandalism in general, with special reference to football supporters. By 1970, a Home Office initiative to reinforce co-operation between police forces was being referred to (Annual Report 1970, p.29) and statistics were being generated to indicate the number of times that police escorts were being provided on football trains. By 1973, some 1,295 trains were being escorted by police but damage to windows, light bulbs, light shades, seats and toilets were still a problem and the use of paint aerosols to cause damage was seen as increasing. (Annual Report 1973, p.44) By 1977, 'a great improvement in the behaviour of football supporters on trains and railway stations due in some measure to extensive deployment of police officers on match days', was apparent. (Annual Report 1977, p.22) In 1980, however, a 55% increase in persons arrested for public order offences in connection with football, indicated that hooliganism was a continuing problem. (Annual Report 1980, p.30) In September 1980, a Bye Law in relation to British Rail which enabled certain trains to be designated 'alcohol free' or 'dry' came into operation, creating offences in relation to the taking of alcohol onto 'dry' trains.

Public order problems were not only related to football supporters. Public events, night club crowds, discos etc., also brought disorder to the railway. For many years, the need for some form of mobile, instant response unit was stressed.

On Friday, 14th March 1980, a fight broke out at a dance hall in the Neasden area of London, involving two distinct groups of youths - 'Rockabillies' and 'Skinheads'. The fight resulted in a number of youths being arrested and charged with committing an affray. The fight spread to the local hospital where injured persons were being treated and to Neasden Railway Station where two trains were extensively damaged and six persons, including a train driver were injured. Injuries sustained by innocent bystanders were not serious but the incident raised implications of possible future public order situations on transport premises and the ability of the British Transport Police to respond with adequate resources. As a result, Mobile Support Units were formed - groups of one sergeant and five constables equipped with a response vehicle and strategically posted at major rail termini throughout the country - London, Cardiff, Birmingham, Manchester, Leeds, Liverpool and Glasgow.
By July 1993, a decision had been taken to 'phase out' the Units which by then had grown in number to sixteen. Research over a six month period had shown that 50% of their time was spent on travel, administration and other duties:

- Travel by road: 17.44%
- Travel by rail: 2.82%
- Administration: 14.83%
- Briefings: 5.25%
- Other duties: 10.00%

'Other duties' included standby, public relations, escorts, station cover, contingency planning and identification parades. 'A new system to tackle major incidents, public order and bomb threats will be introduced' (not explained). A Force spokesman stated 'Having a pool of officers on duty as insurance is not an efficient use of staff. By spreading them across the Area, more officers with specialist skills will be available to one and all at police station level.' (Blue Line - July 1993 and September 1993) At the time of the creation of the Force, its strength (excluding the Docks Division) was 1,860. (Annual Report 1981, p.1) At the time of the demise of the Units it was 2,114. (Annual Report - Chief Constable 1992, p.32)

By 1985, when the Sporting Events (Control of Alcohol) Act 1985 came into operation, football traffic was still prevalent. 3,006 trains were escorted during the year, 1,496 trains declared 'dry' and 502 persons were arrested for public order offences on trains and stations, whilst 996 people were reported for a total of 1,858 offences committed on trains carrying football supporters. Of these, 138 were reported for contravening Bye Law 3A (taking alcohol onto 'dry' trains). (Annual Report 1985, p.34).

The following table illustrates the preventive work undertaken in relation to 'football' trains over the last ten years.

<table>
<thead>
<tr>
<th>YEAR</th>
<th>ESCORTED</th>
<th>DECLARED DRY</th>
</tr>
</thead>
<tbody>
<tr>
<td>1982</td>
<td>1,951</td>
<td>1,388</td>
</tr>
<tr>
<td>1983</td>
<td>2,699</td>
<td>1,353</td>
</tr>
<tr>
<td>1984</td>
<td>3,840</td>
<td>1,750</td>
</tr>
<tr>
<td>1985</td>
<td>3,006</td>
<td>1,496</td>
</tr>
<tr>
<td>1986</td>
<td>2,629</td>
<td>1,394</td>
</tr>
<tr>
<td>1987</td>
<td>2,357</td>
<td>1,210</td>
</tr>
<tr>
<td>1988</td>
<td>2,241</td>
<td>1,460</td>
</tr>
<tr>
<td>1989</td>
<td>2,793</td>
<td>1,289</td>
</tr>
<tr>
<td>1990</td>
<td>2,576</td>
<td>2,964</td>
</tr>
<tr>
<td>1991</td>
<td>1,977</td>
<td>2,336</td>
</tr>
<tr>
<td>1992</td>
<td>1,264</td>
<td>1,835</td>
</tr>
</tbody>
</table>
Views as to the cause of such violence and damage are diverse. On 10th May 1988, the BBC 2 Programme ‘Brass Tacks’ examined the problem of football hooliganism, in particular, events at Luton in 1985. David Taylor pointed out that twenty years ago, the ratio of police to fans was 1 per 1,000 but by the time of the programme it was 1 per 75. With twenty million fans a year attending football matches, this is clearly an increasing problem. The discussion centred around Luton’s ‘membership only’ scheme. Peter Willis, the Chairman of Manchester City F.C. was concerned that such schemes took away freedom of supporters, but Luton F.C’s Chairman was concerned about the liberty of people suffering hooliganism on trains and other public places. Alan Dyer, the Chief Constable of Bedfordshire advised that the general level of order in Luton had been greatly improved by the steps which the club had taken.

Millwall fans were, however, prominent in the news again, when on Tuesday, 24th May 1988 nine fans appeared at Southwark Crown Court charged with causing an affray at New Cross Gate Railway Station on November 1st 1986. ‘Terrified passengers fled across live rails as the fans, armed with ammonia sprays, bottles, knives, wooden staves and lumps of masonry bombarded the train containing supporters of Charlton and Arsenal when it arrived ... A British Transport Police officer was on the train with a dog and attempted to disperse the mob, but two officers at the bottom of some steps near the ticket hall were set upon by fans.’ (The Times, 25th May 1988) ‘Outnumbered police were attacked with knives and rocks as a fifty strong gang screamed “Kill the Old Bill” ... transport police with truncheons drove some louts from the platform ... Constable Sean Burke had his fingers slashed and a brick rammed into his face before he fled to safety ...’ (Daily Express, 25th May 1988) On 27th June 1988, one of the accused was subsequently jailed for eight years and three more for seven years. ‘Screaming friends and relatives had to be dragged from the court by police as one defendant tried to fight his way out of the dock’ ... (The Independent, 28th June 1988)

On Monday, 15th May 1989, the day on which the Hillsborough Disaster Enquiry opened, the Morning Star reported that over the weekend, ‘hundreds of soccer fans were arrested and dozens injured’. The report indicated that ugly scenes had occurred at Selhurst Park, South London, involving Birmingham City and Crystal Palace supporters, Weston Super Mare with Bristol City and Sheffield United supporters, Leeds United supporters in a Cheshire public house and Chelsea fans at Bournemouth.

Whenever, however, by whom or as a result of what football hooliganism was invented, ‘football hooligans are the folk devils of our age.’ (Ingham, 1978, p.7) Treatment by the media may well have exacerbated its rise, (Hall 1978 p.15-36), cultural factors (Clarke 1978 p. 37-60), or alienation, frustration and boredom (Donovan 1978 p. 103). It has been agreed that there is no neat theory of football hooliganism (Armstrong and Harris 1991 p. 436) and that the theory that hooligans operate in well organised groups needs to be based on better evidence (Armstrong and Harris 1991 p. 427). Arguments that panic about hooliganism is political - a means of frightening the community into taking right
wing positions, i.e. capitalistic manipulation (Ibid - p. 428/9) or that hooliganism is the
generation of violence within a particular sub-culture (Ibid p. 431), were examined by a
study involving a group of Sheffield fans and an analysis of the behaviour of Chelsea fans
to arrive at this conclusion. This anthropological approach by Armstrong and Harris
produced counter arguments, based on data, that 'the core football hooligans in England
seem to come predominately from the rougher sections of the lower working class'
(Dunning, Murphy and Waddington, 1991 p. 474) Police must continue to deal with
victims and offenders whatever the reason for the behaviour of some fans who continue to
exercise their freedom to travel in a democratic society.

The problem extends beyond the U.K. as is evidenced particularly by the Heysel Stadium
incident. The expertise gained by the B.T. Police, despite limited resources was sought
when it was thought necessary to provide a police escort for English fans from Holland on
7th and 8th September 1989 after the Sweden -v- England World Cup Match. Despite the
withdrawal of B.T. Police from the Sealink ports (See Chapter 8), after serious disorder
following the match, including the death of one football supporter on the ferry 'Tor
Britannia', twenty four officers assisted the Essex

Police to investigate offences involving some 200 fans and on 7th September, following
reports that large numbers of English fans who had been arrested in Stockholm had been
released and were returning to England unescorted, posing a threat of disorder, H.M.
Inspector of Constabulary sought assistance from B.T. Police to provide an escort from the
Hook of Holland. This was done in conjunction with Essex Police, the cost of the
operation being funded by the Home Office. (Annual Report 1989, p.23) The Force was
represented on a Government Working Party for the 1990 World Cup by the Assistant
Chief Constable (Operations). As a result of the establishment of the National Football
Intelligence Unit at New Scotland Yard, B.T. Police are no longer solely responsible for
collating and disseminating information relating to international football affecting the
U.K. The Assistant Chief Constable (Operations) has relinquished his role of the U.K.
Trevi Permanent Correspondent to the Head of the N.F.I.U. The expertise gained by the
B.T. Police, however, continues to be valuable. A special operation run with Kent Police
in 1990 to monitor fans travelling abroad, resulted in 41 trains being escorted from
Victoria to Dover and eight Sealink ferries to France on the forward journeys, whilst
thirteen ferries and eight trains were monitored on return journeys. An intelligence
network was established through COLPOFER, the European Organisation which
represents police forces responsible for railways to monitor and police supporters using
European rail systems. (Annual Report 1990, p.21) Training for five Italian Carabinieri
officers was provided by the Force as part of the pre World Cup planning arrangements
and the 1991/92 season started with a joint operation with North Wales police to monitor
fans travelling to Eire for the Ireland -v- England match (Ibid p.22). A light hearted, but
sincere tribute was paid to B.T. Police in the N.R.C. Handelsblad newspaper on 15th May
1985, (two weeks before Heysel), by Maarten Huygen, entitled 'Drink and Dancing on the
Everton Crossing'. It included the following paragraph.
To ensure a smooth passage in the aftermath of the stand fire at Bradford, Assistant Chief Constable McGregor (B.T. Police) and Inspector Temporal (I/C Football Liaison, B.T. Police) have put together a detailed football traffic scheme, incorporating cars, buses, trains, aeroplanes and boats. They have liaised with travel agencies, transport firms and the management at Everton to ascertain how the fans are travelling. Their report even details the quantity of cars. This allows the authorities to decide upon their commitment, a policeman here, a bobby there, a gendarme here, a Club steward there. Football has now taken its place on the Agenda of international security conferences, alongside terrorism and drug trafficking.

(The report concerned the European Cup Winners Cup Final between Everton and Rapid Vienna at Feyermord Stadium, Rotterdam. No problems were experienced there. On 1st February 1989, B.T. Police were withdrawn from Sealink ports - Annual Report 1988, p.11.)

3.2(iii) Rural Violence and Disorder

In June 1988, A.C.P.O. issued a press release on a survey which had been conducted the previous year into rural violence. 251 incidents of group disorder, assaults or damage to which police had difficulty in getting re-enforcement's to the scene in good time, were recorded. Seventy-five of the incidents took place in small towns, twenty-nine in villages and thirty-three in seaside towns. There were sixty-five in slightly larger towns but still well away from the inner cities. Half of the incidents occurred on Fridays and Saturdays and there was seasonal influence with 42% overall happening between May and August. Alcohol was considered by police to have been a factor in over 90% of incidents and 70% of those arrested had been drinking. Several recommendations were made as a result of the survey, including the setting up of a standardised reporting system to provide speedier future analysis, review of contingency plans, training for disorder and flexibility and speedier responses, a closer look at licensing enforcement and closer liaison with community groups.

Further research was undertaken by the Home Office as a result of the A.C.P.O. report. Three main locations were selected, Haverhill and Sudbury (East Anglia), Woking and Guildford (Surrey), Cowplain (Hampshire) and Gravesham (Kent). Using statistics of violence against the person, police message pad data and observational and interview data gathered in August 1988, the survey found a heavy pattern of drinking in the young in the Woking and Guildford areas (Tuck 1989 p.40), that participants in disorder felt that life had very little to offer except a boring job or the dole. (p.42) There was a considerable amount of under-age drinking and 16 to 17 year olds were disproportionately likely to become involved in disorder (p.46) which occurs usually at or around some entertainment centre (civic hall, night club, fast food vendors etc.). Friday and Saturday nights were the main drinking nights (p.47). Statistics from police message pads showed that one in sixteen incidents involved groups of three or more revellers, 70% of the incidents were dealt with by one police unit alone. In 29% of the incidents, the alleged offenders were ‘gone on arrival’ or ‘area searched - no trace’, 23% were recorded as ‘all quiet - advice given’ and one in eight incidents resulted in arrest, charge or caution. Of these, 18% were
violence related. Police difficulty in responding to calls for help at the normal rate was acknowledged (p.56). It was suggested that the A.C.P.O. report could not be accurately described as 'rural violence' since major cities such as Oxford, Nottingham, Plymouth Brighton etc. were involved (p.65).

Following the A.C.P.O. initiative, the Deputy Chief Constable, Ted Coles, commissioned a similar survey within the B.T. Police. The criteria included incidents occurring in 'rural' areas (not Metropolitan areas or in close proximity to principal towns), either on or off trains between 1st January 1987 and 31st May 1988 which were dealt with:

(a) by B.T. Police alone;
(b) by B.T. Police and Home Department Police combining;
(c) by Home Department Police acting within the jurisdiction of B.T. Police but without B.T. Police assistance, together with other criteria.

The survey was published in-Force only and the following extracts indicate that the results were similar to those of the A.C.P.O. survey:

Whilst the primary objective was to ascertain key areas for the location of police posts in conjunction with the Strategic Management Review of the Force undertaken by consultants in 1987, the information received from the survey has widened the potential of its findings ...

The B.T. Police is a mirror of the A.C.P.O. survey. Widespread, highly alcohol related, unpredictable, spontaneous disorder, mainly during the night hours at weekends by young people, is as much a problem on public transport as it is in other public places ...

... Advantage was taken of the work undertaken by A.C.P.O. when producing their questionnaire. Unfortunately, the criteria selected by B.T. Police were not always followed precisely and the survey consequently suffered accordingly. Any future surveys conducted by B.T. Police will need to be more precise about what is a 'principal town'.

The information supplied from Force records was subject to local interpretation by local officers and occasionally lacked detail. The overall conclusions, however, are not affected ...

Whilst some might suggest that the survey merely reinforces common knowledge based on police experience, it does provide hard evidence to those who are required to finance police operations, of the size and harsh reality of the problem...

The total sample of 317 incidents, although widespread, does not offer a truly composite national picture. This is due to the fact that the criteria of the survey were not used uniformly. The sample does, however, indicate certain clear trends. Overall, more than two thirds of the incidents were dealt with either solely by B.T. Police officers or with assistance from Home Department Constabularies. One third were dealt with by Home Department Constabularies alone.
This illustrates the high degree of co-operation between the Force and the fifty-one Home Department Forces throughout England, Wales and Scotland, as well as with other police agencies such as the Royal Military Police.

Records show that this co-operation is mutual, since in many areas British Transport Police frequently assist Home Department Police.

In attempting to categorise the types of incident dealt with, some difficulties were met, as well as some idiosyncrasies, which seemed peculiar to the railway. Many incidents upon the railway were obviously connected with incidents elsewhere, whilst others were wholly within the confines of rail premises. Those incidents which were categorised as being 'Weekend and Late Night Traffic associated with places of entertainment and licensed premises' were highly alcohol related and were most prevalent on Fridays, Saturdays and Sundays. Those connected with football traffic were less alcohol related and tend to point to the success of legislative controls on alcohol consumption at sporting events and arrangements on the railway brought about by British Rail's Bye Law 3A. Two thirds of these, however, did involve alcohol. It was disturbing to note the number of teenage gang fights in the South and North West, though generally the alcohol factor was much lower than in the previous two categories.

Bank Holiday traffic problems were highly alcohol related but those incidents categorised as 'no specific local policing problems' appeared somewhat less alcohol inspired, suggesting a degree of spontaneous violence and/or disorder. Finally, a small group of incidents labelled 'miscellaneous' were least related to consumption of alcohol.

Overall, the most prevalent day for disorder was Saturday followed by Friday, Sunday and Thursday. April and May seem to be the most popular months of the year and 1988 shows a slight increase in incidents over 1987.

Almost two thirds of the total sample of incidents occurred between the hours of 18.30 and 01.30hrs and some 88% involved people in the estimated age range of 15-30 years. Two thirds of the incidents were notified to police either by transport staff or the general public, (less than four percent by means of the '999' emergency telephone call procedure). The other third indicated a reactive response by police on scene. Whilst just over ten percent of the outbreaks were estimated to involve more than one hundred individuals, about forty percent consisted of three to nine persons.
About half of the incidents were simply Disorderly Behaviour 'per se' - shouting, swearing and generally causing a nuisance. Twenty-three percent involved assaults; nineteen percent, criminal damage and in eight percent both offences were committed. Serious injuries were sustained in some instances and one alcohol related offence resulted in the death of one of the participants. Although in half of the assault cases reported, the actual offences were committed by opposing factions fighting amongst themselves, about a quarter of the offences were committed on members of the travelling public. Sixteen percent involved assaults on transport staff and thirteen percent assaults on police. Railway property suffered most from Criminal Damage. Three quarters involved damage to trains and buildings, including arson.

The following are some examples of the more serious incidents recorded which resulted in police action:

On Saturday, 23rd May 1987 at 04.55hrs, shortly after leaving Plymouth, the guard of the 19.30hrs (22nd May) Newcastle to Newquay train, discovered a considerable amount of damage to furniture and fittings on the train. Seats had been destroyed, tables uprooted, fittings were missing (and subsequently found strewn along the track), a window light and lavatory pan had been smashed and sliding doors forced from their runners. Police were requested to meet the train at Liskeard where further damage was discovered - toilets flooded, wall fittings and veneers damaged and electrical wiring exposed. So badly damaged was the train that at Newquay it was deemed to be unfit for public service and passengers were carried by taxi to connect with another train, at considerable cost. Police enquiries resulted in the arrest of four young men who were subsequently prosecuted. They claimed to be rail enthusiasts and said that they had caused the damage through boredom. Each was conditionally discharged by the Court and ordered to pay £110.72 compensation to British Rail.

The Manchester to Leeds main railway line runs along one edge of Clayton Vale, a large country park. From time to time gang fights between local rural groups of youths armed with sticks occur in the park. On Sunday, 3rd May 1987 at 20.25hrs, a train driver reported large numbers of youths fighting on the railway embankment. Police attended and saw about one hundred young people fighting and hurling ballast from the track at each other. The youths, on seeing police, ran off. Greater Manchester Police were obliged to deal with further instances in the park itself.

On Saturday, 21st March 1987, a first class coach of the 23.23hrs Euston to Wolverhampton train was set on fire prior to the train's arrival at Northampton. The coach was gutted, the damage amounting to £44,300. Initial police enquiries centred on a group of football supporters and information received by police as a result of publicity about the incident led them to a group of youths, two of whom subsequently admitted causing the damage by igniting newspapers and placing them under seats. Each said he had consumed a large amount of alcohol prior to the journey. In September 1987, each received a two year custodial sentence.
On Bank Holiday Monday, 2nd May 1988 at about 16.30hrs, two teenage girls who had enjoyed a day trip to Weston Super Mare, visited the ladies room at the station prior to taking a train home to Bristol. There they were confronted by four teenage girls and a boy (aged about twelve), who attacked them, punching them in the face and stealing jewellery valued at about £150. British Transport Police on duty at the station were alerted and the offenders traced to a train which was about to depart. They were arrested and subsequently reported for Robbery and Assault occasioning Actual Bodily Harm. On Tuesday, 11th October 1988, they appeared at Weston Super Mare Juvenile Court where they were found guilty of the offences.

On Bank Holiday Monday, 4th April 1988, after a football match between Bolton Wanderers and Burnley, a large number of Burnley supporters joined the 1700hrs train from Manchester Victoria to Blackburn. On arrival at Darwen at about 17.55hrs, twenty to thirty youths attached the train using bricks, iron bars and wooden staves causing damage to the value of over £1,000. Initial police action by the few officers on escort duties prevented larger scale public disorder. Subsequent police investigations resulted in a number of persons being charged.

During the evening of Saturday 13th June 1987, a group of eight youths indulged themselves in a drinking spree using trains between Bath and Bristol for transport. They visited various night spots and seven of the eight consumed between six and eight pints of liquor throughout the evening. At 23.15hrs they boarded a train at Bath Spa Station for Bristol and throughout the journey they behaved in a rowdy manner, shouting and swearing, causing discomfort to other passengers. One youth ran from coach to coach spraying the contents of a fire extinguisher. The train was travelling at about 60mph when two of the youths each opened a carriage door. Another picked up a fire extinguisher and walking backwards began spraying the contents about him. He fell through the open door still clutching the fire extinguisher and a passenger pulled the communication cord. The youth's body was recovered from the track shortly afterwards. On 22nd February 1988, two of the other youths were each fined £100 having pleaded 'Guilty' at Bristol Crown Court to Endangering the Safety of Persons Upon the Railway. A charge of Manslaughter was not proceeded with after consultation with the Crown Prosecution Service at Bristol.

On Saturday 27th February 1988 at about 19.25hrs, the 18.30hrs Nottingham to London train conveying several football supporters of West Ham and Aston Villa Football Clubs returning from various matches, arrived at Kettering Railway Station. A group of supporters left the train and walked along the platform. As they did so, rival supporters on the train were leaning out of the windows. A fight developed between one of the groups on the platform and one on the train and punches were exchanged. The youth on the platform was pulled away by others but as the train started to move off, he ran alongside, again throwing punches at the youth on the train. He fell down the gap between the train and the platform and in consequence, his right leg was amputated below the knee.
During police enquiries, he appeared at Corby Magistrates’ Court to answer charges involving disorderly behaviour and possession of offensive weapons in connection with a previous incident on a train. No proceedings were instituted in relation to the February 27th offences after discussion with the Crown Prosecution Service.

3.2(iv) How Safe is the Railway?

Safety has many aspects. In terms of the likelihood of a passenger becoming injured or being killed as a result of the method of travel, U.K. average casualty rates by mode of travel calculated between 1976 and 1986 per billion passenger kilometres are as follows:

<table>
<thead>
<tr>
<th>Mode</th>
<th>Deaths</th>
<th>Casualties</th>
</tr>
</thead>
<tbody>
<tr>
<td>Air</td>
<td>0.3</td>
<td>0.5</td>
</tr>
<tr>
<td>Rail</td>
<td>0.3</td>
<td>10.6</td>
</tr>
<tr>
<td>Sea</td>
<td>1.8</td>
<td>41.1</td>
</tr>
<tr>
<td>Bus/Coach</td>
<td>0.8</td>
<td>240</td>
</tr>
<tr>
<td>Car</td>
<td>5.9</td>
<td>382</td>
</tr>
<tr>
<td>Motor Cycles</td>
<td>156</td>
<td>10,245</td>
</tr>
<tr>
<td>Pedal Cycles</td>
<td>68</td>
<td>6,024</td>
</tr>
</tbody>
</table>

Figure 3(h)

It is perhaps because air, rail and sea travel are much safer in this context than travel by road, that when a major disaster occurs involving any of these three transport services, it causes such concentrated media interest.

On 18th November 1987, thirty-one people died and twenty eight received injuries requiring hospital treatment when a serious fire occurred on the Underground at King’s Cross Railway Station. This was the most serious disaster occurring with B.T. Police jurisdiction for many years. (Annual Report - Chief Constable B.T.P. - 1987 p.3)

The subsequent public enquiry resulted in the publication of the Fennel Report. (Fennel 1988) Throughout the enquiry, media speculation had been high as to the probable cause - 'Tube disaster not the result of cash cuts.' (The Times, 18 June 1988), 'Ceiling tile clue adds mystery to the inferno.' (The Times, 20 June 1988), 'Tube Chief is criticised over arsonist theory.' (Daily Telegraph, 25 June 1988), 'Air currents clue to Tube fireball, scientists believe.' (The Independent, 29 July 1988). The speculation continued throughout the inquest which opened on Tuesday, October 4th 1988, 'Smoker’s match blamed for King’s Cross Fire' (The Guardian, 11 October 1988). 'A failure of management.' (Financial Times, 11 November 1988). 'Underground staff woefully ill equipped.' (Financial Times, 11 November 1988)

On 4th March 1989, yet another rail accident occurred at Purley when a Littlehampton to Victoria express service hit the rear of a train travelling in the opposite direction from London to Horsham. The driver of the former train was charged with Manslaughter following a B.T. Police investigation into the crash. (Today 8 September 1989)

In all of the incidents, British Transport Police officers worked, together with Home Department Police officers, Fire Brigade, Ambulance Service and many other emergency service agencies, paid and voluntary, including railway staff whose expertise is vital, both initially at the scene of the incident and later in relation to the investigation. The overall result of both the Fennel and Hidden Enquiries was an increase in safety measures by the transport industries and an increase in safety training within the British Transport Police.

The Force responds outside its jurisdiction to provide assistance. In respect of the Lockerbie Air Disaster for example where, on December 21st 1988, 259 passengers and crew lost their lives, B.T. Police dog handlers assisted in recovering bodies and wreckage over the vast area of search. (Annual Report 1988 p. 48) and on August 20th 1989 when the Marchioness sank in the Thames, officers from London Underground Division provided an immediate response. (Annual Report 1989 p.3)
Despite the events on the railway between 18th November 1987 and 4th March 1989, given that in 1988 5,050 people were killed on the roads, about 63,500 seriously injured and 253,800 slightly injured (Source - Britain 1990 - An Official Handbook - 1990, p. 333), by comparison, in 1987, 104 people died in accidents on the railways (including the 31 deaths in the King's Cross tragedy), the railways thus seem comparatively safe.

In 1989, Bradford University began the creation of a 'Disaster Database' to help prevent tragedies, with the belief that tragedies such as the Bradford City Football Club Fire are preventable. Research showed that within the last century 400,000 lives had been lost in disasters within Europe, of which 31,500 had occurred within the United Kingdom. Emotional and other factors cause difficulties in comparing one disaster with another. The unit at the University produced a 'Bradford Disaster Scale' which measures the number of fatalities in order of magnitude:

<table>
<thead>
<tr>
<th>Fatalities</th>
<th>Magnitude</th>
</tr>
</thead>
<tbody>
<tr>
<td>10</td>
<td>1</td>
</tr>
<tr>
<td>100</td>
<td>2</td>
</tr>
<tr>
<td>1,000</td>
<td>3</td>
</tr>
<tr>
<td>10,000</td>
<td>4</td>
</tr>
<tr>
<td>100,000</td>
<td>5</td>
</tr>
<tr>
<td>1 million</td>
<td>6</td>
</tr>
</tbody>
</table>

Figure 3(i) - Source: The Independent - 13 September 1989

Applying the Bradford Scale to disasters which occurred in 1988/1989, the following data emerges:

<table>
<thead>
<tr>
<th>Disaster</th>
<th>Fatalities</th>
<th>Magnitude</th>
</tr>
</thead>
<tbody>
<tr>
<td>Clapham Junction</td>
<td>36</td>
<td>1.56</td>
</tr>
<tr>
<td>Hillsborough</td>
<td>95</td>
<td>1.98</td>
</tr>
<tr>
<td>Piper Alpha</td>
<td>166</td>
<td>2.22</td>
</tr>
<tr>
<td>Herald of Free Enterprise</td>
<td>188</td>
<td>2.27</td>
</tr>
<tr>
<td>Armenian Earthquake</td>
<td>24,000</td>
<td>4.38</td>
</tr>
<tr>
<td>1988 Bangladeshi Floods</td>
<td>2m</td>
<td>6.3</td>
</tr>
</tbody>
</table>

Figure 3(j) - Source: The Independent - 13 September 1989

Dr. Keeler of the unit claims that within Europe there is a high expectation that between five and eleven class one disasters will happen each year and a likelihood that they will arise from man made sources involving either air, rail, marine transport or through the effects of a major fire. In the United Kingdom there has been a 30% increase in disasters over the last ten years. (Independent 13 September 1989)
Figure 3 (k)
The recommendations of the Fennel and Hidden Reports resulted in a major safety initiative throughout the railway industries. In 1988, British Rail appointed a Director of Safety. (Financial Times 9 November 1988) B.T. Police have improved safety strategies considerably, concentrating training and testing in aspects of fire, rail track and emergency procedures. From January 1990 I was actively involved as the Force Training Officer in setting up Area Safety Training Units throughout the jurisdiction of the Force to include training staff to deal with these aspects and in the interests of preventing injuries through trespass, a sound system of Schools Liaison Officers. (Figure 3(k))

The core aim of the Force Statement is 'Making our railways the safest'. In November 1991, British Rail hosted a conference to explore best practice in promoting Child Safety on the railways. Representatives from many disciplines countrywide were invited to take part, including members of the Education Service. Whilst there has been a considerable effort for many years to provide a service for schools and youth organisations through visits by B.T. Police and B.R. staff, the system had lacked co-ordination countrywide. In 1989, for example, throughout the jurisdiction of the Force, police officers visited many schools and similar organisations. The Leeds Child Safety Unit visited 850 schools providing advice to 161,227 pupils, whilst the King’s Cross sub-divisional unit spoke to more than 10,000 school children and 80,000 Cubs, Brownies, Scouts and Girl Guides.

Within the Bristol sub-division, more than 20,000 school children throughout Wales and the Bristol and Plymouth areas were counselled as to the dangers of trespassing on the railway. A particularly good example of this important function is demonstrated by the work of one member of that team, Police Constable Chris Jeffries, stationed at Bristol, who throughout 1989 alone spoke to almost 7,000 school children between the ages of 7 and 16 years on rail safety. He is part of a joint Avon and Somerset/B.T. Police team who enter a school for a period of one week during which pupils have the opportunity to learn about police work in general. Police Constables Williams (Cardiff) and Fegusson (Newport) enthusiastically took part in school talks in company with British Rail train drivers. In May 1989, Victoria sub-divisional officers were major 'rail safety advice' contributors in a Junior Citizen Competition in the Medway Towns, whilst throughout the Waterloo sub-division more than 1,200 young people were given information on rail safety by officers visiting schools and youth clubs.

In Scotland, 214 schools and youth clubs were visited resulting in 35,000 children and young persons receiving safety information, whilst Midland Division officers of the Force joined train drivers in visiting schools to talk with pupils in the Birmingham sub-division. A similar process throughout Manchester sub-division resulted in a further spread of rail safety measures.
In Merseyside, British Transport Police officers co-operated with the local Home Office Force with input to Police Open Days and during 1989, 8,000 persons attended the functions. Additionally, 26 schools were visited by officers in that area. In a pilot project at Bootle, British Rail and British Transport Police are working together with a school which has adopted its local railway station as a 'social awareness project'. (Annual Report 1989 p.12)

As a direct result of the B.R. Conference, a number of Head teachers agreed to work with B.T. Police to create an assessment and training package to ensure that all B.T. Police officers who undertook Schools Liaison work were suitably competent and adequately trained to talk with children. This initiative was completed in early 1993 and was also adopted by British Rail. Officers from London Underground Area of the Force also participated in the assessment and training scheme, although they do not visit schools as a general rule.

The Force has introduced Major Incident Training through 'table top' exercises. This involves the local Area 'Moderator' (the Inspector in charge of the Area Safety Training Unit) setting up meetings in co-operation with British Rail, throughout the Area and inviting members of all local emergency services (Fire, Ambulance, Police, hospital staff etc.) as well as local Transport Managers. A table top 'train set' is prepared, an incident staged on it and questions posed as to how best to deal with it. The scheme has been a considerable success (see Police Review 18 January 1991 p. 126 for full details) and I have visited a number of the exercises throughout the country, always receiving positive feedback from the participants. The objective of the exercises is to ensure sound co-operation and co-ordination between emergency services in the event of a major incident, in pursuance of the Force Aim to make 'our railways the safest'.

3.2(v) **How Safe is the Railway from Criminals?**

Differences in legal systems, police recording practices and statistical classifications in the counties of the United Kingdom make detailed analysis of trends in crime for the country as a whole, difficult. (Britain 1990 - H.M.S.O. 1990, p. 112) The level of police manning and deployment of the Force may also affect recording. (Ibid p.12) Crimes recorded by Home Department Police Forces in England and Wales for the five years 1986 - 1991 provide a useful starting point for comparisons.
The figures quoted below are in thousands:

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Violence against person</td>
<td>125.5</td>
<td>141.0</td>
<td>158.2</td>
<td>177.0</td>
<td>184.7</td>
<td>190.3</td>
</tr>
<tr>
<td>Sexual offences</td>
<td>22.7</td>
<td>25.2</td>
<td>26.5</td>
<td>29.7</td>
<td>29.0</td>
<td>29.4</td>
</tr>
<tr>
<td>Burglary</td>
<td>931.6</td>
<td>900.1</td>
<td>817.8</td>
<td>825.9</td>
<td>1,006.8</td>
<td>1219.5</td>
</tr>
<tr>
<td>Robbery</td>
<td>30.0</td>
<td>32.6</td>
<td>31.4</td>
<td>33.2</td>
<td>36.2</td>
<td>45.3</td>
</tr>
<tr>
<td>Theft and handling stolen goods</td>
<td>2003.9</td>
<td>2052.0</td>
<td>1931.3</td>
<td>2012.8</td>
<td>2374.4</td>
<td>2761.1</td>
</tr>
<tr>
<td>Fraud and forgery</td>
<td>133.4</td>
<td>133.0</td>
<td>133.9</td>
<td>134.5</td>
<td>147.9</td>
<td>174.7</td>
</tr>
<tr>
<td>Criminal Damage</td>
<td>583.6</td>
<td>589.0</td>
<td>593.9</td>
<td>630.1</td>
<td>733.4</td>
<td>821.1</td>
</tr>
<tr>
<td>Other</td>
<td>16.7</td>
<td>19.3</td>
<td>22.7</td>
<td>27.6</td>
<td>31.1</td>
<td>34.6</td>
</tr>
<tr>
<td><strong>TOTALS</strong></td>
<td>3847.4</td>
<td>3892.2</td>
<td>3715.7</td>
<td>3870.7</td>
<td>4543.6</td>
<td>5276.2</td>
</tr>
</tbody>
</table>

Figure 3(1): Source - Criminal Statistics (England & Wales) 1991 H.M.S.O. Table 2.1

The consultants engaged in the Management Review of the Force recognised that comparisons drawn between crime statistics with Home Department Forces were affected by a number of key factors.


2. The Force generally defined a crime as cleared up when an offender is prosecuted whilst Home Department consider a crime cleared up when an offender is charged.

3. Differences in clear up statistics involving offences taken into consideration.

4. A number of offences and crimes committed on railway property are recorded in Home Department Force Statistics.

(ERNST & WHINNEY, 1988, APPENDIX 3.1)

With the exception of note 1 above, the other matters were resolved when, in 1989, the B.T. Police adopted Home Office counting rules in respect of crime. In respect of the national crime statistics, although B.T. Police do report their offences to the Home Office, these are not included unless they have been reported also to a Home Department Force.

(REPORT OF H.M. INSPECTOR OF CONSTABULARIES 1991)
Offences reported to B.T. Police between 1986 and 1991 are as follows:

<table>
<thead>
<tr>
<th>Year</th>
<th>Total Notable Offices</th>
<th>Total Summary Offences</th>
</tr>
</thead>
<tbody>
<tr>
<td>1986</td>
<td>84,591</td>
<td>131,820</td>
</tr>
<tr>
<td>1987</td>
<td>85,439</td>
<td>139,947</td>
</tr>
<tr>
<td>1988</td>
<td>85,038</td>
<td>119,749</td>
</tr>
<tr>
<td>1989</td>
<td>87,905</td>
<td>105,438</td>
</tr>
<tr>
<td>1990</td>
<td>84,744</td>
<td>81,692</td>
</tr>
<tr>
<td>1991</td>
<td>86,827</td>
<td>74,151</td>
</tr>
</tbody>
</table>

Figure 3(m): Source - Annual Reports B.T. Police 1986 - 1991

Examination of these figures show little fluctuation in notifiable offences since Home Office counting rules were applied but a considerable reduction in Summary Offences, which may be explained by the change in system.

The consultants, using reported crime figures between 1981 and 1986, made the following observations.

'Despite the fact that recorded crimes on transport undertakings appear to be growing at a slower rate than in Home Department forces, there are a number of factors that should give rise to concern on the part of the Boards. These chiefly comprise:

the extent to which there is under-reporting of crime as a result of the de-manning of stations and the lower level of surveillance available and the extent to which crimes are reported to and recorded by Home Department forces;

the increase in violence against the person and sexual offences, which have higher than average clear up rates but can have a significant effect on public perceptions of safety on transport systems;

the overall downward trend in clear up rates within B.T.P. from 34% in 1981 to 23% - during the same period clear up rates for all Home Department forces reduced from 37% to 30% while in the Metropolitan Police area it declined from 19% to 13%.

The high throughput of passengers and the value of the goods and freight carried, provide many opportunities for crime in a geographically dispersed and open environment. The high ratio of crimes recorded annually per officer 947 for B.T.P. compared to 30 for Home Department forces) emphasises the need for B.T.P. officers to be targeted at particular locations and types of crime which are likely to affect the long term viability of the businesses. The B.T.P. can be assisted in this process by strengthening links with Home Department forces to enable the rapid deployment of resources, by taking advantages of command and control systems and crime pattern analysis.'

(Ernst & Whinney Report 1988, p.13)
They came to a number of conclusions, including:

There was a steady increase in the volume of crime recorded on transport undertakings and the associated property policed by B.T.P. during the 1970's. Recorded crimes increased from 47,500 in 1970 to 85,400 in 1980. The decrease in the number of crimes recorded to 76,000 in 1982 can be attributed to the withdrawal during 1981 of British Rail from the collected and delivered sector of the parcels business, a new fares system introduced by London Underground and thirty-four days lost through industrial action.

The increase in recorded crime was re-established in 1984 when a new peak of almost 89,000 crimes was reached. Since 1984, recorded crimes have stabilised at just under 85,000 following the withdrawal of policing by B.T.P. from B.T. Hotels and Associated British Ports (A.B.P.)

Theft and handling accounts for over half the crimes recorded on transport undertakings. Of the remaining categories of crime, only criminal damage (17%) and forgery and fraud (11%) account for more than 5% of total crimes recorded in 1986.

The overall level of crime recorded by B.T.P. adjusted to reflect changes in the jurisdiction of the Force, has grown by approximately 6% since 1981/82. This compares to an increase of over 20% by Home Department Forces.

Given that in 1991 the total number of notifiable crimes recorded by Home Department Police in England and Wales was 5,276,000 compared to 3,847,000 in 1986, whilst the B.T. Police received 86,827 reports in 1991 compared to 84,591 in 1986, the trend in the overall level of crime remains comparatively similar, the percentage rise throughout the railways being considerably less than England and Wales as a whole.

Ninety percent of crime is committed against property, much of this being relatively small scale and in consequence, the Government has encouraged the development of crime prevention schemes. (Britain 1990, H.M.S.O., p. 113) In 1986, five local projects were set up with Government support to see how crime could be reduced through co-ordinated action by local Government, private businesses, police and voluntary agencies. (Ibid, p.113)

In 1987, the Chief Constable in his Annual Report (at page 17) published a Force Policy Statement which required 'the deployment of uniformed officers to achieve the maximum visibility to deterring the commission of crime, enhancing feelings up public security and increasing opportunities for the police to deter and arrest offenders'. Numerous objectives were set throughout the Force to put this policy into operation. The Liverpool
Street sub-division for example set an objective during the autumn of 1988 to reduce the level of drunken behaviour at and on trains leaving both Liverpool Street and Fenchurch Street Stations on Thursday and Friday nights. This attracted considerable media interest and the perpetrators became typecast as 'lager louts'. As a result of a public survey, almost 4,000 commuters visited the B.T. Police Station at Liverpool Street on 20th and 21st October, 922 of whom provided information by way of a questionnaire and as a result, police resources were specifically targeted. (Annual Report 1988, p.17/18)

A further policy statement issued in 1987/88 required officers to 'identify those situations which induce a fear of crime and to enhance our consultative and practical links with the Industry and other agencies with a view to improving public perception of tranquillity throughout our jurisdiction.' Where local initiatives (in respect of this Statement) were allowed to run without having to be curtailed as the result of other, more pressing demands on resources, clear successes were recorded. They included significant local reductions in offences of endangering railway safety, obstruction and stonethrowing. Other local initiatives aimed at decreasing revenue loss, public order and car park thefts, also met with success....' (Annual Report 1988 p.18) (See also Chapter 4.7)

In consequence, Network SouthEast in conjunction with the force, set up an initiative for a three month period between 15th January and 7th April 1990 to:

(a) increase the public’s knowledge of the Force;

(b) increase the public’s perception of tranquillity;

(c) increase the public’s knowledge of the service the Force provides, with a particular emphasis on crime prevention;

(d) decrease offences reported to the Force and increase the number of persons reported for offences.

By providing high visibility policing, crime prevention displays, police surgeries and arranging media coverage as well as publicity resourced by Network SouthEast, the initiative proved successful. The success was measured by two surveys carried out by the Harris Research Institute, one before the initiative and one after. The second survey confirmed that the public’s perception of safety had increased and that passengers were more likely to travel particularly at night. A reduction of 29% in the crime rate was also recorded. The scheme was consequently continued. (Report by C/Insp. Furness, Liverpool St. dated 20.06.90)
Crime on the London Underground has been the subject of a number of research studies. In June 1988, a number of known offenders were interviewed by independent researchers (Crime on the London Underground - Interviews with Offenders 1988 - SDG Research) and the information gained was analysed to provide guidance to both London Underground Ltd. and the British Transport Police, to combat problems. It would not be in the interests of security to disclose the findings or the strategies evolved to deal with them.

In March 1989, a further study was undertaken, (Passenger Security on London Underground 1989 - Steel, Davis & Gleave) again by independent researchers for London Underground Ltd. The report drew attention to measures already implemented which included, c.c.t.v., improved lighting, mirrors for blind corners, improved radio communications, passenger alarms, additional staff, improved training, focal points, designated waiting areas and gates to close certain passageways. Among the conclusions was a high perception of risk of crime associated with Underground travel, a definite association between environmental quality and feelings of security, that the Underground is not recognised as necessarily a more dangerous place than 'on the streets' in the risk areas and that some Underground stations are perceived as 'good' others 'bad' from a security point of view. (p.25)

Consultations with London Underground staff, 'Crime and fear of Crime on the London Underground' was produced in December 1990 (Crime and Fear of Crime on the London Underground 1990 - Crime Concern) and provided the management with numerous recommendations on passenger and staff safety, information and communication, physical security measures, training, B.T. Police, media coverage and the community. The work in relation to this report was examined by a Home Office Sponsored Study in 1991 which drew attention to the increase in B.T. Police from 350 to 404 in 1989 following an Inspection by H.M. Inspector of Constabularies (Webb/Laycock 1991, p.2) and examined the c.c.t.v. installations installed to reduce robberies between Clapham North and Tooting Broadway (p.4 & 6), together with the intensive policing applied to Stockwell from January 1985. (p.6) The effects of the King's Cross Fire, i.e. the implementation of recommendations by Fennel - increase in Underground staff and more intensive management, together with the introduction of more revenue protection staff and a new ticketing system, which caused more staff to travel on trains, were also highlighted. (p. 8 & 9) A suggestion that the Guardian Angels (see Chapter 8) had been responsible for a reduction in crime was refuted. (p.11) The study examined a number of pilot stations (to establish whether new security measures implemented by London Underground, c.c.t.v. cameras, help points, new waiting areas, mirrors and passenger alarm points), to assess the perception of passengers. Overall, the study concluded that there was little change in perception of fear of crime and no evidence to suggest an increase in the use of the Underground as a result of the measures taken. (p.22)
Perhaps the most comprehensive general report on Fear of Crime was the report of the Working Group of the Home Office Standing Conference on Crime Prevention published on 11th December 1989. Public Transport received a special mention (at page 52.53) acknowledging that B.T. Police officers ‘will always be needed to provide a round the clock service’, but perhaps the most useful addition to the report, to assist those in fear of crime to rationalise their worries, is an extract from the Annual Report of the Chief Constable of Hampshire in 1986 (Appendix D, p. 67) -

‘Does your understanding of crime equate to these facts?’... among these were ...

1. In 1985 there were 2,987 serious crimes in Hampshire and the Isle of Wight amongst its population of 1.5 million.

2. 77% of these crimes were detected by police ...

4. 42 cases involved people of 65 years of age - there are 240,000 senior citizens in the two counties.

5. 404 females were indecently assaulted in 1985. The female population of the two counties is 841,500. None involved ladies of 65 years of age.

6. In almost 9,000 cases of burglary in 1985, there were 14 where violence was used towards the occupiers ... 54% of those were detected ...

8. The statistical chance of your house being burgled is once in every 74 years.

A most recent public opinion poll by Mori, revealed that 14% of the people polled have been victims of vandalism at some point in their lives, 14% had a car stolen, 27% had suffered burglary at home and 25% had been victims of some other kind of theft. All these figures had doubled since 1987. Only 40% of those polled said that they had never been a victim of crime. (Sunday Times - News Review 25 July 1993)

It was perception of crime, rather than reality which created the ‘Travelsafe’ initiative which started at Reading in response to a local problem and grew, attracting interest countrywide. In the winter of 1990/91 a serious knifepoint robbery occurred in Reading Station Car Park, followed a few weeks later by an indecent assault on a female. Local press publicised the incidents and railway management were besieged by travellers (and staff) concerned for their safety. The perception of the problem was out of all proportion to the facts. As a result, a ‘Travelsafe’ leaflet was designed for distribution locally. Considerable interest was generated and subsequently a booklet ‘Travel Safely by Public Transport’ was produced by the Department of Transport, the Suzy Lamplugh Trust, London Underground Ltd., the Bus and Coach Council, British Rail and the B.T. Police.
The booklet provides prospective travellers with safety tips when travelling by train or bus and was published in April 1991. It would thus appear from all of the evidence that perceptions of crime on the railway (and in society as a whole), are greater than reality. The railways are safe but can be made safer. Much depends upon the capability of those who manage the transport systems to provide crime and accident prevention facilities, including an adequate police presence.

3.2(vi) **So - Are the B.T. Police 'Real' Police Officers?**

Throughout this Chapter, I have attempted to adduce available evidence to prove 'beyond reasonable doubt' that a British Transport Police officer is equal in status as regards the law and practice as is any Home Department Police officer. I have used the word 'perception' on a number of occasions. What is the public's perception of a police officer? Someone who can provide assistance and advice? Someone who has the power to uphold the law? Who does so without fear or favour and is often assaulted in the execution of duty? Who investigates crime, brings criminals to justice and provides an aura of safety and security whilst patrolling in uniform?

Maintains public order (even beyond our shore on ships)? Provides expertise in major incidents? ... there may be other duties and responsibilities which the public expects of its police, as well as specific perceptions about the type of person a police officer should be. These will be discussed but it would appear on the evidence, so far, that there is no difference in law or practice between the competence of a B.T. Police officer to act as such and any other police officer. Sir Robert McCrindle, in his final article before retiring as Parliamentary Advisor to the B.T. Police Federation, succinctly clarified his perceptions as follows:

> 'Having done the job for 16 years I have the advantage of being able to compare the Force now and how it was in the 70's. More accurately, I can assess the standing of the British Transport Police in the eyes of the public, the press and politicians now and then ... Not only did the public question whether transport policemen were real policemen, the press missed few opportunities to belittle the Force, while the ruling politicians were, to say the least, dismissive. It took a number of years to persuade the powers-that-be, that subject only to the limitation placed on places where the writ of transport police runs, there is really no difference. In other words, a constable is a constable. Training to be a British Transport Policeman became equal to that which a constable in the civil police must undergo and gradually acceptance became evident.'

(Express Lines, 1991, Issue No. Two, p.5)

The reader must weigh up the evidence and decide.
CHAPTER FOUR

In this Chapter, I will examine the comparative accountability of B.T. Police with that of Home Department Forces.

WHO CONTROLS THE B.T. POLICE?

4.1 What is Accountability?

'Accountability has become the flagship of a series of complaints, issues and questions about organised police work.' (Jefferson & Grimshaw 1984 p.9) Lord Justice Scarman said accountability was 'the key to successful consultation and socially responsive policing'. (Oliver 1987, p.37) Some believe that the autonomy of Chief Constables has expanded to a point where they are free of a duty to account for strategy or policy - where dialogue is a concession. (Fielding 1991 p. 175) It is difficult to discover the exact position by which police, generally are accountable and to whom, but a good starting point is the Police Act 1964, Section 5(1) of which provides the Chief Constable with 'the direction and control' of the police force to which he or she is appointed. The corresponding section in the Police (Scotland) Act 1967 (Section 4) dealing with the appointment of Chief Constables, does not contain this provision. In both Acts, however, Chief Constables are liable for wrongful acts committed by constables under their direction 'as a master is liable in respect of torts (England and Wales) wrongful acts or omissions (Scotland) committed by his servants in the course of their employment. (Section 48 of the 1964 Act and 39 of the 1967 Act) Both Acts set out the composition of Police Authorities and their functions as well as systems for dealing with Police Complaints, though these were superseded in England and Wales by the Police Act 1976 and later by Part 9 of the Police and Criminal Evidence Act 1984. Both Acts also provide the appropriate Secretaries of State with certain powers. Whilst the British Transport Police Force adheres to the system provided by the Police Acts, the legal requirements to do so are ambiguous and in some instances, non-existent.

4.2 What is the purpose of the Police Committee?

The British Transport Police Force Scheme 1963 (S.I. 1964/1456), placed the responsibility for supervising the administration of the Force upon the Police Committee, all of whom are appointed by the British Railways Board and other participating Boards. 'At least one member of the Committee is to be appointed from among persons who have a wide experience of, or who have shown capacity in the control or administration of police.' This was in contrast with Home Department Police Authorities whose Police Committees have specific responsibility under the Police Acts for the provision of 'an adequate and efficient' police force. This was remedied by the B.T. Police Force Scheme 1963 (Amendment) Order 1992, paragraph 5(f) of which inserted a new paragraph, placing a duty upon the B.T. Police Committee to 'secure the maintenance of an adequate and efficient police service by the Force for the areas within the jurisdiction of the Force ....'
Home Department Police Authorities have powers and duties subject to the approval of the Secretary of State, to appoint the Chief Constable, determine the number of persons of each rank in the Force, provide and maintain buildings, structures and premises, as well as vehicles, apparatus, clothing and other equipment, contained within the Police Acts. These powers and duties were not prescribed to the B.T. Police Committee until 1992, when they too were added to the 1963 Scheme by the Amendment Order (paragraph 5(f)).

The Management Consultants noted in 1988 that whilst the Railways Board Solicitors Department was of the view that insofar as administration applies to the management of resources, then the Police Committee had assumed responsibility for the provision of an adequate and efficient police force, the exact position was ambiguous. (Ernst & Whinney 1988, Report, p.28) It was determined in 1986, however, that 'In practice, the British Transport Police Committee parallels the duties and responsibilities of the Police Authority of a provincial police force. (Crime on the London Underground 1986, p.26 H.M.S.O.) In order to examine the comparability of the B.T. Police Committee with Home Department Police Authorities, it is helpful to understand how the latter developed.

4.3. **How did Police Authorities originate?**

The Municipal Corporations Act 1835 provided for a system of local government outside the Metropolis and gave boroughs the power to set up police forces, requiring them to appoint Watch Committees to be responsible for such forces.

The Watch Committees were empowered at their discretion to make regulations for the management of police, as well as to recruit, discipline and dismiss officers of all ranks. The local Mayor (who was always a Justice of the Peace) was a key member.

Initially, borough police forces were funded entirely from the rates. Central Government began making contributions as a result of the County and Borough Police Act 1856, and from 1918 has contributed 50% of the cost of Home Department constabularies. In 1839, the County Police Act permitted counties to form police forces and gave different powers and compositions for county police committees. Justices of the Peace were eligible as members and the power to promote, punish, suspend and dismiss officers was placed in the hands of the Chief Constable. The Act of 1856 provided for the appointment of Inspectors of Constabulary to inspect police forces and report to the Government as to their efficiency.

When County Councils were created by the Local Government Act 1888, the control of County police was transferred by way of a compromise to a Joint Standing Committee of county councillors and justices. (Hood Phillips 1973, p.350)
The London Metropolitan Police has, since its inception in 1829, always been considered a special case, so far as a Police Committee is concerned. Now, as in times past, the Home Secretary is in fact the police authority for the Metropolitan Police District. In terms of accountability, he can be asked detailed questions in Parliament about the conduct of the Force.

He cannot, according to the Blackburn 1968 case, however, give directions to the Commissioner in connection with the institution of criminal proceedings. (R -v- Metropolitan Police Commissioner, Ex Parte Blackburn (1968) (2QB. 118) The special position of a Police Authority was illustrated in 1972 when Reginald Maudling was required to resign as Home Secretary after it was disclosed that police were investigating a former business colleague. (S.A. De Smith 1973, p. 384)

4.4 How are modern Police Authorities made up?

Currently, the Police Act 1964, is the legislation which lays down the constitution and powers of Police Authorities. The Act requires that Police Committees or Authorities shall consist of such number of persons as may be determined by the county or borough council (or prescribed by the amalgamation scheme) and of that number, two thirds shall be council members and one third magistrates.

Section 4 states ‘it shall be the duty of the police authority for every police area for which a police force is required to be maintained by this Act to secure maintenance of an adequate and efficient police force for the area and to exercise for that purpose, the powers conferred on a police authority by this Act’.

The police fund for each area is under the control of the county council and police accounts are subject to audit by the district auditor. Questions may be asked in the local council, concerning the police authority’ functions.

The Home Secretary has wide powers over police authorities which he may exercise in such ways as he feels can benefit police efficiency. He may call for reports from, or require the removal of, a Chief Constable, or simply require the Police Authority to ask a Chief Officer to resign. He has power over the Central Government grant, which he may withhold. He can hear appeals from disciplinary cases, demand local public or private enquiries into police matters and, of course, make Police Regulations. He determines the number of Inspectors of Constabularies and may appoint the Chief Inspector. He can also impose a compulsory scheme for amalgamation of police forces after holding a local enquiry. Overall, he has much wider powers than any Central Government department possesses over local authorities.
Police authorities can, if all members of the Committee attend, be rather cumbersome. The Authority for the City of London Police is, in fact, the Common Council for the City of London Corporation, which consists of 28 Aldermen who are Justices of the Peace and 159 Common Councillors. There are meetings at which all of the inhabitants of a ward may also be present.

Other Authorities have less members, however, West Yorkshire has 31, Surrey 24, and the West Midlands 38. In Greater Manchester where the Authority has 43 members, except for the month of August, they meet once a month, with occasional extraordinary meetings.

On a broad basis, they discuss personnel, i.e. Force strength, civilian staff, etc., Performance Review (statistics and returns re. crime, traffic etc., Finance and Police and Community Relations, e.g. Community Liaison Meetings, Home Watch, Child Abuse etc.

Additionally, there are sub-committees which also discuss these matters. The full Police Authority meeting is held in two parts - Part One - open to the public; Part Two - confidential matters, e.g. review of grades, establishment of new posts etc. The Chief or Deputy Chief Constable always attends the full meeting, whilst an Assistant Chief Constable attends the sub-committee meetings. (Research undertaken by C/I Livesley, B.T. Police Manchester, Report 22.04.87 for Management Review)

Brogden concluded that in Police Authorities which he studied, members were overwhelmingly elderly and saw their work as entirely apolitical, were run by the Chief Constable and the basic function of an Authority was to pension off old officers and the like. (Fielding 1991, p. 184/5)

Baroness Simey, the former Chair of the Merseyside Police Authority during the Toxteth disturbances in 1981, saw the Police Committee as a 'strangely autonomous and elusive body, very much the private preserve of the Alderman who chaired it'. (Simey 1988, p.28) In relation to the amount of influence the Committee had on operational policing, she observed that 'There was a widespread acceptance of the assumption that policing was police business and politicians must keep out (p.49) and that when as Deputy Chair, she attempted to create an Advisory Committee, she was subtly made to realise that the Authority was an advisory body and not an executive committee. (p.31) In order to achieve accountability, however, to 'police the police', she felt that 'by monitoring what the Chief (she refers all the way through the book to the Chief Constable as 'the Chief') did with our money and if need by refusing to provide it, we would be able to ensure that the service was what the public wanted'. (p.74) She saw the root of the problem as what was operational and what was political (p.80) and to talk of politicising the police was 'instantly misrepresented as a proposal to submit them to the control of partisan dogmatists'. (p.83) Whilst she saw a quote from the Force Newspaper 'Merseybeat' in November 1981 ('We were caught cold on the streets of Liverpool at the beginning of July, we were ill prepared, ill trained and ill equipped to deal with unprecedented violence ...') as a remarkable admission, i.e. that the incident should have been foreseen (p.85) she noted that 'hundreds of officers were injured' (p.40) yet was critical of the Chief
Constable for preparing for Public Order situations. Richard Wells (Benyon & Solomon's 1987 p.2) in respect of the Notting Hill Carnival disturbance in 1976, reminds us that police were obliged to protect themselves with dustbin lids and that as a result, today, require flameproof overalls and N.A.T.O. style helmets as protection against petrol bombs and missiles, pointing out 'that a chief officer has a statutory responsibility for his officers is less often adduced.' The political influence within the Merseyside Police Authority which occurred with an influx of newly elected Labour Councillors in May 1981, resulting in 16 Labour, 3 Conservative, 1 Liberal and 10 Magistrates constituting a committee of 30, caused Lady Simey to become aware of a takeover bid by a small group who were united by a common political philosophy (one admitted to her his firm conviction that 'control must be in the hands of the Councillors') she realised that 'the group took on the aura of the very sanctity which we so greatly resented in the case of the police'. This, she did not resist, because she had no wish to add to the internal disputes which had characterised the Labour Party for so long. (Simey 1988 p. 99)

The fact that no such elected Committee exists for the London Metropolitan Police, whose Police Authority is the Home Secretary, is also a cause for concern. Inadequacy of consultation as a complete substitute for elected institutions is seen most clearly in relation to finance. (Lustgarten 1986 p. 97/8)

One suggested solution is to split the Metropolitan Police into several segments, creating seven or eight forces of about 3,000 officers, although the creation of separate forces and authorities would involve considerable administrative costs ... 'democracy costs money'. (Lustgarten 1986 p.99)

A general suggestion to replace existing 'accountable authorities' is to set up public commissions of police in each police area, including the Metropolitan Police District. Such commissions would be part of the Judicial organ of the State, have duty to uphold the law, appoint Chief Constables and issue instructions. They would be answerable to the Courts for decisions and would be made up of elected representatives. Additionally, each local authority would have a police committee of the county council charged with the maintenance of an adequate and efficient force. (Jefferson & Grimshaw 1984, p.l 80)

Whilst this idea includes the suggestion that the police committee would assume responsibility for discipline within the force, thereby abolishing the Police Complaints Authority, it does seem to suggest the creation of a 'supervisory' body (the Commission of Police) to whom the police committee would be accountable - it does not indicate how the membership of the latter would be arrived at. It does place the Home Secretary in a similar position to his/her present role. An alternative suggestion is to create a Ministry of Justice which would, inter alia, take over the current functions of the Home Secretary and guide and supervise police authorities. (Lustgarten 1986 p.179) Whether either of these suggestions would find favour with Chief Constables seems open to discussion. One Chief Constable points out that 'It was never the intention that politicians and members of the public should be denied the opportunity of influencing the Chief'
Constable in his policy making and his operational decisions, but equally, it was not intended that after 1964 they should control and formulate these matters, as had been the case in some instances before the Royal Commission. (Oliver 1987, p.7) Until such times as the system is changed, perhaps accountability in the context of police authorities is best summarised thus:

`Accountability is about the way in which control is exercised ... a moral principle ... of those to whom responsibility is given, an account of their stewardship shall be required ...a principle whose purpose is to govern the relationship between those who delegate authority and those who exercise it.` (Simey 1988, p.118)

4.5 **How does the British Transport Police Committee compare?**

The 1963 Scheme placed four responsibilities on the Committee:

(i) To supervise the administration of the Force by the Chief Constable on such lines as may be from time to time agreed among the represented Boards and to give him such directions as may, from time to time, be necessary for that purpose.

(ii) To make recommendations to the represented Boards in respect of any matter relating to the Force.

(iii) To exercise on behalf and in the name of the Railways Board the powers of the British Transport Commission Act 1949, as amended by Section 70 of the Transport Act 1962.

(iv) To do, on behalf and in the name of the Railways Board all other things which may be necessary for performing their functions under the Scheme.

The Amendment Order 1992 (S.I. 1992/364) added further duties and responsibilities:

♦ to secure the maintenance of an adequate and efficient police service by the Force for areas within the jurisdiction of the Force defined in Section 53(1) of the British Transport Commission Act 1949;

♦ to determine the number of persons in each rank in the Force which is to constitute the establishment of the Force;

♦ to provide and maintain such buildings, structures, premises, vehicles, apparatus, clothing and other equipment as may be required for the purposes of the Force.

(Amendment Order 1992, p.4 paragraph [f])
The amendments are similarly worded to Section 4(1), (2) and (3) of the Police Act 1964 and as such, place similar duties and responsibilities on the B.T. Police Committee as those which rest with Home Department Police Authorities.

The 1963 Scheme also provides that all expenses relating to the Force shall be borne by the Railways Board but other Boards shall make such contribution to those expenses as may be agreed from time to time and the Railways Board shall be entitled to recover from the other Boards, the amounts of their respective contributions.

Since 1974, at least the Public Service Obligation Grant has provided the lion’s share of the cost, bearing in mind that it has been estimated that about 80% of the work now undertaken by the Force is for the ‘common good’ (perhaps it could be said, in view of comments so far, that it is in the national interest). (Blue Line - January 1993)

The size of the Committee and its composition, however, did not appear to be commensurate with that of a Police Authority. Working for the ‘common good’ in a climate of community policing, it seemed right that the community should have a voice, perhaps through Passenger Consultative Committee members, representing the transient community and Transport Staff Associations representing the fixed community.

The Amendment Scheme gave authority by the inclusion of an additional clause, to allow ‘(of the members to be appointed by the British Railways Board) one other shall be appointed after consultation with the Central Transport Consultative Committee from among persons who have had inside experience of the interests and concerns of users of railway services and facilities’. (Amendment Order p.7 para 4(ca)(ii)) This was quickly undertaken and in May 1992, the Chairman of the Central Transport Consultative Committee was appointed to serve on the B.T. Police Committee. (Blue Line - June 1992) In 1993, Mrs. Diana Lamplugh, founder and director of the Suzy Lamplugh Trust was appointed to serve on the Committee as an ‘independent’ member. (Blue Line - May 1993) This followed recommendations by the Management Consultants that the Scheme should be revised to concentrate on (inter alia)

‘the composition of the Police Committee to ensure that the interests of the industry and its community and the views of the Chief Constable can be taken into account in determining the size of the Force’

(Ernst & Whinney Report 1988 p.29)

To date, no members of Transport Staff Associations have been co-opted onto the Committee. It is now, however, slightly more representative and constitutional. Until 1992 when the Amendment Scheme was introduced, the Police Committee represented, somewhat incestuously, the interest of the British Railways Board and participating Boards through its senior managers and the Solicitor who comprised the Committee, the only independent member being a former H.M. Inspector of Constabularies.
There is no statutory provision for a Minister of State to have ultimate responsibility for the Force and this represents a constitutional gap in the arrangements.

To be constitutional and to be seen as constitutional, requires a Police Committee made up of interested parties from both the Boards and the Community, with an ultimate accountable Authority - a Minister of State.

The consultants engaged on the Management Review recognised these facts and among their recommendations were possible revisions to the British Transport Police Force Scheme to clarify:

♦ how the size of the Force should be determined;

♦ arrangements which should be provided to allow the industry and its community to identify and communicate its policing requirements to the Force;

♦ the composition of the Police Committee to ensure that the interests of the industry and its community and the views of the Chief Constable can be taken into account in determining the size of the Force. (Ernst & Whinney Report 1988 p.29)

They also recognised the ‘progressive change in scope and functions of the British Transport Police away from the concept of a railway servant to one of a body of constables with wide ranging responsibilities for the maintenance of law and order (Ibid p.29) They noted that the role of the Secretary of State for Transport as laid down in the Scheme is limited to certain procedural matters and although he does answer to Parliament in respect of the British Transport Police, the office has no general law and order functions. The framework for policing policy and practice is provided largely by the Home Secretary. They concluded that ‘Ministerial accountability for the Force should be more clearly defined. This requires that the existing separation of responsibilities between the Secretary of State for Transport for certain procedural matters and the policy framework set by the Home Secretary is considered’. (Ibid p.29/30)

The Amendment Order did allow for the clarification of the points stated above but did not make any significant changes to Ministerial responsibility.

Whilst the Force adopts Home Office guidelines and follows directives to all police forces, without specific legal directives as to Ministerial accountability, it would appear to an outsider that the Force is responsible to the Chief Constable, who is himself responsible to the Police Committee who are in their turn serving the apparent interests of the Transport Boards. Various schemes, aimed at assisting the community was a whole, however, help to dispel this perception. In 1993, a national referral scheme to support the Victims of Crime, funded by the British Railways Board and the Home Office, was launched. (Annual Report 1993 p. 16) Force Training offers a victim awareness session with the assistance of schoolchildren from a school local to the Force Training Centre, who volunteer to be ‘victims’. This has two objectives - it gives police officers a greater awareness of the sensitivity needed in dealing with vulnerable witnesses and also gives
children the opportunity to experience contact with police in a human, non-confrontational setting. (Annual Report 1993, p.17) The ‘Travelsafe’ initiative, which started as a local issue then mushroomed into a national one, providing advice on personal safety on public transport (discussed earlier in Chapter 3) is yet another example of the ‘community based’ policy of the Force, as is the Schools Liaison Scheme, also discussed earlier.

Thus, whilst legislation does not provide as much accountability as it should in ‘social’ terms, the Force and Police Committee work together with the community, for it is in the context that police generally and British Transport Police in particular, operate ‘with the consent of the public’, that ultimate accountability is present at all times. The values of the Force contained in the Force Statement - ‘Giving the best quality policing service which is caring, efficient, courteous and approachable in a way that is consultative, flexible and cost effective and in particular, treating each call for service as if it came from a family member’ (Annual Report 1992 - first page) is a re-iteration of Maynes primary objects of an efficient police, which concluded with the words ‘he (the constable) must look upon himself as the servant and guardian of the general public’. (Oliver 1987 p.75) Total dissatisfaction by the public and consequent lack of co-operation is the ultimate sanction against a Force which is not accountable.

Public satisfaction with police has, according to public opinion poll research, declined from 83% of people in 1959 who had ‘a great deal of respect’ for the way they did their job, to less than 50% in 1993, though efforts to improve their image have allowed police to stem the decline in public satisfaction. 81% of the 1,030 people polled in 52 sampling points throughout Britain on Friday 23rd July 1993 agree that ‘police are handicapped in the fight against crime’. It would seem that the legal system is now in question in the minds of the community. Four years ago 42% of people polled agreed that they had confidence in the legal system, whilst 30% disagreed. By 1993, only 29% agreed with the first statement, 54% disagreed. During this period, attitudes to police have remained broadly stable. (Sunday Times - News Review - 25th July 1993)

4.6 What control does the Chief Constable have over a police force?

Prior to the Police Act 1964 and the Police (Scotland) Act 1967, the status of a Chief Officer of Police was somewhat uncertain. From a very early stage it had been accepted that a police authority could not interfere in criminal matters in particular cases.

This was clearly demonstrated in 1959 when Captain Popkess, the Chief Constable of Nottinghamshire Police had been dismissed by the Police Authority when he had refused to disclose the details of investigations instituted in respect of certain local councillors. He had decided that this was not a matter for the police authority. The Home Secretary, after studying the relevant precedents agreed and re-instated him. (Oliver 1987 p. 9)

In 1964, in the case of Ridge -v- Baldwin, (A.C. 40) it was clearly stated that the Chief Constable ‘held a public office’.
In 1979, the prerogative of the Chief Constable to make the decision as to the deployment of Traffic Wardens, was upheld, when the South Yorkshire Police Authority attempted to usurp his office. (Watts Pope & Weiner 1981, p.46)

In law, a Chief Constable enjoys a special status. He has, as do his subordinates, a duty to the law and to the community. This was part of the decision when Raymond Blackburn, M.P. attempted, through the Courts, by means of a writ of mandamus, to require the Commissioner the Metropolitan Police to carry out this public duty, firstly in 1968 in relation to the enforcement of Betting Laws in gaming clubs and again in 1973 in relation to the enforcement of obscenity laws. (R -v- Metropolitan Police Commissioner Ex P. Blackburn (1968) 2QB 118, 1973, 2 WLR. 43)
In both of these cases, the issue was concerned with the discretion available to Chief Officers. It was held that although a Chief Constable had discretion in certain circumstances, it was not absolute. The fact that the Commissioner had a policy for the time being not to prosecute gaming clubs for breaches of the Gaming Acts unless special circumstances made it necessary in his opinion to do so, was held to be a breach of legal duty owed to the general public. Clearly, a Chief Officer of Police can be taken to task by a member of his community.

The Police Act of 1964 and the Police (Scotland) Act 1967, which followed the Royal Commissions on Police 1960-1962, immediately resolved the question raised by Fisher -v- Oldham Corporation (2KB.364) by virtue of Section 48 which made Chief Officers of Police for police areas, vicariously liable for the wrongful acts of constables and required the Police Authority to pay damages or costs in certain circumstances. A similar provision is found in Section 39, Police (Scotland) Act 1967.

Chief Officers were also required to make arrangements for the proper investigation of Complaints Against Police, an obligation which was to attract further legislation by the Police Act 1976 and recently, the Police and Criminal Evidence Act 1984.

An Annual Report was to be submitted to the Chief Officers' Police Authority and a copy to be forwarded to the Home Secretary. He was given authority to provide mutual aid to other police forces, special police services and maintain Special Constables and Cadets (the latter with the approval of the Police Authority). Similar provisions were made for Scotland in the Police (Scotland) Act 1967.

The Act did not interfere with the accepted constitutional definition of the Office of Constable, neither did it remove the independent status in operational decisions from the Chief Constable. Independence is clearly a cornerstone of the office based upon the principle of keeping police free from any form of coercion or control.

The Act in fact, legally established that 'the police force ... shall be under the direction and control of the Chief Constable.' (Police Act 1964, Section 5)

Whilst Police Authorities have challenged this legal dictum since 1964 (see above), Chief Constables of Home Department Forces do have the law on their side.

4.7 Does the Chief Constable of the British Transport Police control the Force?

Like all Chief Officers, he is clearly bound by the common law and those decisions by the judiciary apply to him totally. He is not, however, a chief officer of police for a police area within the scope of the Police Acts of 1964 and 1967 and it is here, as with other Acts of Parliament, that his position is compromised. Whereas he acts in the spirit of the legislation, he does not act with its specific authority.
There are other anachronisms at law, for instance, it was necessary to apply to Parliament to erase the ridiculous position in that, whilst he was a chief officer of police in respect of Road Traffic Legislation on dock roads, thus giving him power to demand certain facts from drivers of vehicles, he was not so in relation to the public roads connected with railways and docks. (Force Records)

The Data Protection Act 1984 has firmly placed upon him the full responsibility of any Chief Constable - for its purpose, he employs constables and is legally liable. Chief Constables of Home Department Forces have automatic membership of Association of Chief Police Office Officers (A.C.P.O.) in England and Wales and (A.C.P.O.S.) in Scotland.

Despite the fact that in recent years the British Transport Police has gained greater national esteem as a professional police force, the Chief Constable is not eligible to be considered a member.

This may cause operational difficulties if vital information on police policy, formulated by A.C.P.O. is late in reaching him.

The ambiguity surrounding the problems of the Force and the position of the Chief Constable and his subordinates was highlighted by the introduction of the Police and Criminal Evidence Bill. Fortunately, however, whilst it was still in the early stages of preparation, the Chief Constable appointed an 'in-Force' working party to research its application to the Force under the direction of the Assistant Chief Constable (Operations)

As a result, many of the original clauses of the Bill required amendment in order that it might be applied to rail, port and dock land and premises. Considerable co-operation was received by the working party (of which I was a member) from the Home Office and many Home Department Forces.

The original Bill (which fell with the dissolution of Parliament) provided powers to constables to stop and search premises, vehicles etc., 'in a public place'. (Police and Criminal Evidence Bill - printed 17th November 1982-H.M.S.O., Clause 1) Clause '(6) defined 'public place'. Had the working party not drawn attention to this definition, certain parts of the railway to which the public have access would not have been covered by the Act when it eventually received the Royal Assent.

Ironically, neither the Police Act 1964, the Police (Scotland) Act 1967 nor the Police and Criminal Evidence Act 1984, define the term 'constable'. Parliament has chosen not to interfere with the common law - a constable, of whatever force remains a public officer with a duty to the Sovereign and her subjects and of course, to the law. Those duties are equally placed upon the shoulders of the Chief Constable.
The 1964 Act, however, essentially created the means by which Home Department Constabularies in England and Wales would be maintained and administered and by virtue of Section 62 and Schedule 8, defined ‘police area’, ‘police district’, ‘police authority’ and ‘police force’, purely within the context of Home Department Constabularies.

For many years, British Transport Police belief has been that whereas the term ‘constable’ is non-contentious, the terms ‘police’ or ‘police officers’ or ‘chief officer of police’ have within other Acts of Parliament been often referable only to Home Department Constabularies.

Thus, in the Theft Act 1968, Section 26(2), ‘an officer of police’ not below the rank of Superintendent may give a constable written authority to search any premises for stolen goods ...’ (in certain circumstances) has always been construed to mean a Superintendent (or ranks above) of a Home Department Force, yet the Police and Criminal Evidence Act 1984 applies fully to B.T. Police.

The Annual Report which was until 1990 required only to be submitted to the Police Committee has since then become a public document and published crime statistics are now collected by the same methods and categorised in the same way as national statistics but are not published with national crime statistics.

Until 1992, the Chief Constable of the B.T. Police was legally responsible ‘for the administration of the Force in accordance with directives from time to time given to him by the (Police) Committee’. (B.T. Police Force Scheme 1963, S.I. 1964/1456) This wording thus suggests that the Chief Constable and the Force were under the control, i.e. the direction, of the Police Committee. In accordance with recommendations of the Ernst and Whinney Review (Ernst & Whinney 1988 Report p. 27), that ‘the Scheme under which B.T.P. is established contains anomalies and should be reviewed’; (they noted that ‘no reference is made in the Scheme to the question of control over the Force by the Chief Constable’. In Home Department Forces, operational control of a Force is vested in the Chief Constable’) (Ibid, p.27, para 3.5), the Scheme Amendment Order 1992 S.I. 1992 No. 364) provided that ‘The Force shall be under the direction and control of the Chief Constable’ (p.2 para 3). In July 1993, it was announced in relation to the future privatisation of the railways that the B.T. Police Force will continue to enforce law and order on the rail network, overall control will remain in the public sector, that a provision in the operator’s licence will make it compulsory to use B.T. Police for the administration of law and order on the railway (including London Underground) and of particular relevance here, that the Secretary of State for Transport will appoint members of the Police Committee to represent franchisees open access operators, Railtrack and the police. (Blue Line - July 1993 - report of written answer to Parliamentary question from Sir Anthony Durant by Roger Freeman, Minister for Public Transport.)
4.8 **What other forms of police accountability are there?**

The Police Act 1976 established a new method for dealing with Complaints Against the Police and the Police and Criminal Evidence Act 1984, Part IX amended the procedure by replacing the Police Complaints Board with the Police Complaints Authority, which in addition to having power to hear certain disciplinary charges, may supervise investigations into the conduct of police officers of any rank. The British Transport Police is fully integrated into the national arrangements for dealing with complaints against police by members of the community and the Police Committee, through a Complaints Sub-Committee fulfils its statutory requirement to satisfy members that the procedures for handling public complaints are correct and efficient. Although 'no aspect of police governance has been so bombarded with criticism as the handling of complaints about treatment of citizens' (Lustgarten 1986, p.146) and the Police Complaints Board 'was greeted with dismay by both police and civil libertarians when established in 1976 (Reiner 1985 p. 190), the new system provides a number of safeguards. Minor complaints can be dealt with by informal resolution subject to the complainants agreement, police officers may be legally represented in certain circumstances and it provides a degree of independent scrutiny. It does, however, fall short of a totally independent system such as that which operates in Toronto. (See Reiner 1986, p. 192)

Strict Codes of Practice accompanied the Police and Criminal Evidence Act 1984, regulating procedures to be used by police in dealing with offenders. Whilst the Act has its critics, (See Fielding 1991, p. 189) the safeguards contained in the Codes are for the most part precise and not concealed within case law. Many of the principles laid down in such case law are now codified, e.g. Christie -v- Leachinsky (1947) (AC.573)

Where British Transport Police Stations operate facilities for detaining prisoners, the lay visitors scheme is in operation. (Blue Line - July 1993) This form of accountability seemed to receive praise in Merseyside 'I suspect that a number of us were surprised to find that the gutters in the stations did not run with blood ... I myself made the effort to visit one with a particularly hairy reputation. I went in the middle of the night on a Saturday, only to find a calm which would have been a credit to a nursing home.' (Simey 1988, p. 68)

By 1988, only six Home Department Police Authorities had not introduced lay visitor schemes. (Morgan & Kemp 1988, p.1) Originally recommended by Lord Scarman in 1981 (Ibid p.3), pilot schemes were introduced by the Home Office in six forces in 1983, (Ibid p.10) and a Home Office Circular which left police authorities to decide whether or not to introduce schemes was published in 1986 (Ibid p.11/12), set out a number of guidelines. Lay visitors can be recruited from among local councillors,
consultative groups, local community organisations or by public advertisement (Ibid p.20) and mostly visit police stations in pairs. (p.22) There are significant differences in arrangements in the Metropolitan Police District and County Forces. (Ibid p.28) It is still too early to assess the effectiveness of the schemes (Ibid p.37), though they are seen, inter alia, to re-enforce legitimacy of existing constitutional arrangements for policing and may have contributed further to removing suspicions about police secrecy. No malpractice has been discovered by them. (Ibid, p.43) They are also seen to provide external impartial scrutiny of police work, protect the interest of detainees and police officers, encourage public dialogue, make possible independent lay comment on the criminal justice system and offer police opportunities to educate lay visitors about the realities of police work. (Ibid p.45) (See also Police Review 31 March 1989 p. 650)

Police officers are themselves citizens and as such are amenable to the general law of the land should they act unlawfully. Anyone who is subjected to unlawful physical restraint may exercise self help, sue or prosecute for assault false imprisonment and if prosecuted without reasonable or probable cause and for improper motives, may sue for damages for malicious prosecution. Since before the Magna Carta, the liberty of the subject has been protected by the ancient prerogative writ of habeus corpus, applications for which have priority over all other Court business and directions of which require that a prisoner be brought immediately before a Court to show grounds for his detention. If this cannot be shown, he is released immediately.

Similarly, as has already been shown, the law recognises that invasions of private premises of police are strictly regulated. (See 3.1 above)

4.9 What control is exercised by the Crown Prosecution Service?

The Crown Prosecution Service in England and Wales was created by the Prosecution of Offenders Act 1985 and was the result of the recommendation of the Royal Commission on Criminal Procedure 1981. (Report, 1981 H.M.S.O.)

It has been suggested that a real change in the role of police in relation to the prosecution of offences 'may be less than one might expect'. (Lustagarten 1986 p.5)

A further suggestion is that police decide whether to investigate, how to conduct the investigations and save for minor exceptions, where the Director of Public Prosecutions must be consulted, whether to charge a suspect and what charges to lay. This criticism is accompanied by the statement that 'the scope of their authority and lack of control over its exercise it awesome'. (Lustgarten 1986, p.4)

The decision as to whether an alleged offender is to be charged is based on the gravity of the allegation and the amount of evidence which accompanies it. The question of whether and how to investigate is based again on the gravity of the offence and the available police resources. The fact remains that if the Crown Prosecution Service decide that the evidence is insufficient, or that the charge/prosecution should not be brought for a specific reason, then the case is not proceeded with. In addition, numerous offences require the consent of the Director of Public Prosecution.
Prior to the Prosecution of Offenders Act 1984, police were not only responsible for the investigation of suspected offences and for the collection of evidence (which remains - Report 1981, p.17) but also, in most cases, the decision to prosecute which now rests with the Crown Prosecution Service. The previous arrangements for the prosecution of criminal offences in England and Wales 'defied simple and unqualified description'. (Ibid p. 126)

The work of British Transport Police was examined by the Royal Commission. (Research Study No. 10, 1980 H.M.S.O.) Twenty-five percent of Cardiff's 'non police' prosecutions were attributed to B.T. Police because of dock policing (now defunct - see Chapter 8) and rugby internationals at Cardiff Arms Park produced an average of 60 arrests for public order and Criminal Damage offences on the railways. (Ibid p.17) A comparison of reported indictable crime for British Transport Police (strength 1,907) and Staffordshire Police (strength 1992) produced for the Wright Report (see Chapter 6) produced the following statistics, showing that B.T.P. handled twice as many crimes in 1977 than the Staffordshire Force:

<table>
<thead>
<tr>
<th>B.T. POLICE</th>
<th>STAFFORDSHIRE POLICE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Crimes</td>
<td>72,262</td>
</tr>
<tr>
<td>Crimes Detected</td>
<td>25,833</td>
</tr>
<tr>
<td>Detection Rate</td>
<td>35.7%</td>
</tr>
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<td></td>
<td></td>
</tr>
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Figure 4(a)
Source : Table 7.2 p.161 Royal Commission on Criminal Procedure, Research Study No.10

The Study found that B.T.P. prosecuted its own offences in 'much the same way' as the civil police, the decision to prosecute being made at that time by the Divisional Commander. (Ibid p.162) Overall, the Force was found to be the second largest prosecution agency in the study, 'acting' very much like a civil police force. (Ibid p.163)

The Crown Prosecution Service came under heavy criticism from police not long after it began operating in 1986, particularly in relation to assaults on police, where charges of Causing Actual Bodily Harm (Section 47, Offences Against Person Act 1861) have been dropped. (Police - Sept. 1987, p.9) In a speech, the Chairman of the Metropolitan Police Federation blamed the attitude of the Crown Prosecution Service in reducing charges of causing actual bodily harm or not proceeding with them, bearing in mind that in 1986, 3,400 Metropolitan Police were assaulted. (Police - Nov. 1987 p.22) In a speech, to Sussex Magistrates, the Attorney General, suggested that the Crown Prosecution Service was quite often blamed for errors caused by failures of the police. (Police - Dec. 1987, p.10) In 1988, a Special Constable (who also happened to be a solicitor) was severely injured on duty and his assailants were charged with causing him grievous bodily
harm. The Crown Prosecution Service reduced this to actual bodily harm. He was so incensed he brought a private prosecution for grievous bodily harm. (Police - July 1988 p. 32) In 1991, a Metropolitan Police officer, seriously assaulted by a youth who was attempting to strangle his own mother, was disturbed that the Crown Prosecution Service took no further action because the case 'was not in the public interest'. (Police Review June 1992, p. 1132) One in ten cases referred to the Crown Prosecution Service by police in 1991 was discontinued. One and a half million defendants were prosecuted. An overwhelming majority of defendants pleaded guilty, leading to 98,418 Crown Court convictions. (Police Review 10 July 1992, p.1258) It has been argued that the independence of the Crown Prosecution Service is of value only to criminals (Police Review 8 May, p. 854/5) and that it only wants to deal with 'watertight cases'. (Police - Sept. 1987, p. 9)

Views of Chief Constables about the Crown Prosecution Service vary. Thirty-eight percent did not believe it should have been established and 19% had mixed feelings about it, whilst 43% agreed with it being set up but many of these had reservations about the actual working of the system. (Reiner 1991 p. 156). Many saw it as a 'fait accompli', one accepting it as 'the will of Parliament' accepting that 'the C.P.S. will be concerned only with the chances of winning', though some 'warmed to the C.P.S. more positively'. (Reiner 1991, p.159)

Since the Prosecution of Offences Act came into operation, British Transport Police are required to conform with its provisions and pass prosecutions to the Crown Prosecution Service to deal. The Scottish Area of the Force has always followed the system of reporting matters to the Procurator Fiscal. It may well be argued that control is exercised over the Force by these institutions - clearly, if the evidence was insufficient or believed to have been improperly obtained or the proposed prosecution thought to be malicious or unnecessary, the Force would be brought to task.

4.10 Does the media exercise control over police?

A substantial amount of research has been undertaken on the production of news and media portrayals of crime and deviance. (Cohen 1986 p.239) Crime news provides a chance for a newspaper to appropriate the moral conscience of its readership. (Chibnall 1977, p. xi (Introduction)). Research both in Britain and America suggests that the media over-report serious crimes or those with a sexual element (which has ideological consequences for perceptions of the police role). They concentrate on crimes which are solved and offenders reported in the media are disproportionately older adults from a social class higher than their counterparts in official statistics, i.e. news media information is misleading." (Reiner 1985, p.140) Police have passed through an image transformation from an honest, brave, dependable, (plodding) Bobby, to a tough, dashing, formidable, brave and honest crime buster, gradually into a hard bitten squad 'man' (Chibnall 1977 p.71)
Police perceptions have, however, been assessed and it has been suggested that they see themselves as constantly denigrated and under attack in the news media. (Reiner 1978, p. 73/74). In November 1986, the B.T. Police adopted a new information policy. Previous policy had dictated that all information would be passed to the Press and Public Relations Department of the relevant transport industry. In this way, the industry concerned controlled the publicity surrounding B.T. Police activity. The purpose of the new information policy was to help the Force gain support and assistance from the community (the travelling public and staff of the railway industries). The policy allows an officer of any rank to release factual information within his or her personal knowledge, with the belief that openness based on mutual understanding, confidence and co-operation will benefit society as well as the Force. There are, of course, certain exceptions, including those required by law (e.g. Data Protection Act), to protect the privacy of victims and where disclosure of information might prejudice an investigation.

Since 1986, the Force has received considerable press and T.V. coverage which, in most instances has been helpful and in the public interest. Press interest in the initiative against 'lager louts' (see Chapter 3.5) was evident. One newspaper named them 'Yukkies', (The Sun Oct. 14 1988) another 'thugs in pinstripes', (Daily Telegraph September 23 1988) 'Pinstripe lager louts' provided a further perception (Morning Star, 22 October 1988), 'Yuppie Yobs' another. (London Evening Standard 23 September 1988), whilst The Times provided an account of a Friday night at Liverpool Street Station entitled 'City gent is giving way to a City Yob'. (The Times, 26 September 1988) A series of knife attacks on the railway in December 1988 created considerable press interest. A Turkish student died as a result of being stabbed at Holborn Underground Station, a Glasgow man queuing for a ticket at Waterloo Main Line Railway Station was stabbed to death and a third man was stabbed on an Underground train between Bank and London Bridge. To some degree, these incidents provided a 'moral panic'. (See Chibnall 1977, p.233) 'Government ministers are planning sweeping changes to the way the network is policed'. (Daily Mail 13 December 1988) Travelling on the Underground is enough of an ordeal already for most passengers without the fear of violent assault.' (London Evening Standard 12 December 1988) Within days of these and comparable articles in other leading newspapers it was announced that Transport Police covering the Underground were to get another fifty officers, bringing their total strength to 400 following a meeting between the Transport Secretary and the Home Secretary. The announcement was thought likely to bring Opposition charges of 'too little - too late'. Until April 1990, however, Transport police were to ask Scotland Yard for limited assistance. (By then the extra Transport police would be recruited and trained.) (London Evening Standard 21 December 1988) This was in fact done and a number of City of London and Metropolitan officers were 'borrowed' (on payment) for a short period. Other newspapers highlighted a new police radio system which was to be installed on the underground. (The Independent and London Evening Standard 21 December 1988) By November 1989, newspapers were reporting 'Violence on Tube shows a huge drop'. (London Evening Standard 10
November 1989) After press reports that ‘Women were in fear - survey by British Rail’ (Daily Telegraph and Daily Mail 2nd February 1989) a ‘Charter for the Protection of Women’ was proposed by Labour members of Parliament. (Daily Telegraph April 20 1989) By 1991, the booklet ‘Travel Safely by Public Transport’ was available. (See Chapter 3.6 above)

Not all press reports are complimentary. John Wheeler, Chairman of the Commons Home Affairs Select Committee (and Director of the British Security Industries Association) was reported as saying that ‘transport police were incapable of doing their job properly on their own and that senior management had become complacent and probably inefficient’. The same article, which reported on the withdrawal of B.T. Police from Sealink U.K. Ltd., had provided an anonymous statement from a senior British Transport Police officer, ‘The root of the problem is that some of the top brass are pensioners who have already retired from other Forces. Headquarters is an elephants’ graveyard, there’s an antiquated management style’. A further allegation that statistics were ‘massaged’ was also made, as were a number of other points concerning the annual report of the Chief Constable which was a private document (statistics were allegedly hidden from the public), the constitution of the Police Committee and the quality of radios. (Sunday Times 29 January 1989) Some of these points were also cited in a recent study on ‘private policing’. (Johnson 1992 p.128) There is naturally some concern within the Force that all ‘A.C.P.O.’ ranks are being filled by officers from Home Department Forces, on the basis that this is ‘one way traffic’. (See Chapter 7.3) Although currently, four of the six A.C.P.O. ranks completed a full term of service with Home Department Constabularies, the remaining two were promoted in to Assistant Chief Constable rank whilst serving as Superintendents in Home Department Forces. The career ‘pedigree’ of the present Chief Constable who has seen senior police service with the Royal Ulster, Greater Manchester and Kent Police Forces, would be hard to match. The Force statistics were calculated in a particular way for many years until 1989, when Home Office counting rules were adopted. An examination of Notifiable and Summary Offences reported between 1986 and 1991 (See Figure 3(m), Chapter 3.5) shows that little fluctuation is apparent in notifiable offences since 1989, but a reduction in summary offences is apparent. The remaining points made in both the Sunday Times article and the study referred to above, are covered in this study.

In addition to reporting specific crime cases, the press have become involved in ‘interest’ reporting, which are both informative and helpful to the Force, e.g. ‘Police plan strategy to make Tube safer’ (Independent 6 April 1988), ‘In the Line of Duty’, (London Evening Standard 16 May 1988). Whilst these may be seen as exploitation of the media for the purpose of propaganda, or the promotion and publicity of views and policing objectives, (Chibnall 1977 p.201/3) provided that they are articles which are open and honest, they can only do good.

Whilst in cannot be said that the press exercise control over the Force, the open policy of co-operation with the media is a form of public accountability provided by the Force. It is apparent too, that the media is influential in creating the necessary publicity to cause ‘official’ action by Government.
CHAPTER FIVE

This Chapter examines the available evidence in relation to the funding of the Force.

WHO PAYS FOR THE BRITISH TRANSPORT POLICE?

5.1. Is funding 'private' or public?

For the purpose of pay, pensions, conditions of service, provision of equipment, buildings, vehicles etc, there must necessarily be a paymaster. The British Transport Police Force Scheme provided inter alia that ‘all transport police hereafter appointed shall be employed by the Railways Board, and all transport police now appointed shall continue to be employed by the Railways Board’. (B.T. Police Force Scheme 1963, S.1. 1964/1456, para 2(c)).

On 1st January 1965, therefore, all British Transport Police officers were legally declared to be employees of the British Railways Board.

This included all officers of the Force who serve on London Underground. Whilst it would seem that the answer to the question is simple, research shows that this is not the case.

The creation of the British Transport Commission in 1947 changed the whole system of finance in relation to Transport Authorities of the day. Nationalised Industries subsequently became eligible for government grants and were obliged to operate non-commercially viable services in the public interest. Until the arrival of the British Transport Police Force Scheme, it seemed that the cost of maintaining the Force was the responsibility of the British Transport Commission. By 1962 however, the Commission was running at 104 million pounds deficit. It was dissolved by the Transport Act 1962 and the Transport Boards were created in its place. Despite a substantial grant of 61 million pounds to the British Railways Board by the government in 1969, the deficit continued to accrue, and four years later had in fact escalated to 91 million pounds (Gourvish 1986, p.396/397).

The Force Scheme, makes it clear that from 1965 when the scheme came in ‘all expenses relating to the Force shall be borne by the Railways Board, but the other Boards shall make contribution towards those expenses as may be agreed between the Boards from time to time and the Railways Board shall be entitled to recover from the other Boards the amounts of their respective contributions’. (B.T.P. Force Scheme 1963, S.1. 1964/1456 para. 5). Within the scheme, ‘the other Boards’ were defined as the London Transport, British Transport Docks and British Waterways Boards. By 1984, both the Waterways and the Docks Boards had withdrawn from the scheme on the grounds of cost.
In October 1984, the Chairman of Associated British Ports summed up the position quite succinctly in a letter to Austin Mitchell M.P. 'The high cost of British Transport Police arises of course from the fact that the policemen themselves are required by law to carry out duties very similar to those of other police forces in the U.K. These duties are far wider than the service which we require for safeguarding our property in the ports. (Letter dated 12.10.84 from A.B.P.). Considerable efforts were made by Members of Parliament supportive of members of the Force who were to be made redundant from the Docks. In a letter from the Department of Transport in December 1984, to Michael Brown M.P. the Parliamentary under Secretary of State for Transport David Mitchell said that there was little to be gained by a deputation from British Transport Police to discuss the issues involving the decision by Associated British Ports to dispense with their services at the Ports. He referred Mr Brown to a response he had made to Robert McCrindle (Parliamentary adviser to the Force Federation) during an adjournment debate in the House of Commons on 14th December 1984. (Letter dated 19.12.84 from D.O.T.) His response, had indicated the entrenched attitude of government, which had prevailed since the statement of Sir James Graham a century ago. 'I must make it clear from the outset that the establishment and deployment of the British Transport Police is a matter not for the Government, but for the British Railways Board and for other organisations making use of their services.' (Hansard, Vol. 69, No.29, Col.1382).

Whilst the government stance appears on the surface to be entrenched, in reality, as far as financial support is concerned, this is NOT the case.

Section 3 of the Railways Act 1974 regularised government funding to the railways in relation to certain 'public services' by way of what has become known as the 'Public Service Obligation Grant'. Even prior to this some measure of financial support was given by H.M. Government as a result of the deliberations of a Joint Steering Group which reported in 1967. (Gay, 1973, p.15) The Force Federation have been concerned about the question for many years. In July 1985 in a response to an enquiry by Robert McCrindle (Parliamentary Adviser to the Federation) precipitated by the Federation, a letter from 10, Downing Street stated that 'almost all of the costs of the British Transport Police are eligible for government grant.' (Letter dated 10.7.85 from 10, Downing Street) Efforts to gain knowledge of the actual amount allocated to maintain the Force have however proved fruitless. Railway Managers questioned by the writer on this point always suggest that the government grant is an overall figure handed to the Railways Board to use at their discretion as required. For many years I visited the Grove at Watford, British Rails Management Training Centre, to provide trainee managers with information on the Force. Whilst I did not record comments, the question of funding the Force was often at issue, and the general belief (prior to my talk) was that the B.T. Police were totally funded by British Rail.

Efficiency, economy, and safety of operation is a statutory responsibility which British Rail recognises (BRB Annual Report and Accounts 1988/89 - p.1.), and 'safety of operation' is a phrase which must include an element of security - which in turn suggests that Parliament expects the transport system of the country to be policed by some organisation. Clearly options other than a dedicated police force are available (discussed at Chapter 8).
Government grants and grants from Passenger Transport Executives, which British Rail count as revenue have fluctuated annually since 1987/88:

<table>
<thead>
<tr>
<th>Year</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1987/88</td>
<td>£680.4 million</td>
</tr>
<tr>
<td>1988/89</td>
<td>£532.0 million</td>
</tr>
<tr>
<td>1989/90</td>
<td>£507.9 million</td>
</tr>
<tr>
<td>1990/91</td>
<td>£604.9 million</td>
</tr>
<tr>
<td>1991/92</td>
<td>£797.6 million</td>
</tr>
</tbody>
</table>

Figure 5(a)

In its White Paper 'New Opportunities for the Railways' (H.M.S.O. 1992), the Department of Transport draws attention to the significant improvements made by British Rail in recent years, the fact that the productivity of its workforce is among the highest of any European Railway, and the fact that Intercity services and BR freight operate without subsidy. Performance of the railways is however, not good enough, it states, and BR's staff and management are limited by the structure of the industry in the public sector. The Government has therefore decided to involve the private sector with its' competition, innovation and flexibility in management (at pages 1 and 2). In relation to B.T.Police, the paper says 'At present the British Transport Police have responsibility for security and the enforcement of law and order on the railways. The Government has no plans to end this arrangement, but will be consulting interested parties on appropriate future arrangements for ensuring security and law and order'. (page 20)

Whilst there are many interpretations which can be placed upon this statement, it does at least indicate that the Government is at last showing an interest in the Force, and seems to herald a move forward from statements by Government Ministers that the BRB and other organisations making use of its services are in the driving seat. (see above). In its' desire to privatise the Railways, the White Paper draws attention to the Governments interest in Japan and Sweden (p.2.). Holland however, spends half as much as Britain on its railway
system although its railway is only the size of Network SouthEast, Italy spends ten times as much as the U.K., on a railway system only a quarter larger. Britain's Government subsidises 18% of British Rails costs, Italy subsidises its railway to 84% and the Netherlands to 45% (Daily Express 16 October 1991 commenting on D.O.T. statistics 1989). The Netherlands railway (state owned) authority maintains its own police the Spoorwegrecherche who are ultimately responsible to the Minister of Justice, whilst Italian railways are policed by the state financed 'Police Ferroviaire' who have full police powers throughout the country and are unlimited in jurisdiction. (Thomas 1989 (b))

During the course of the Force Management Review, the then Chairman of the British Railways Board, Sir Robert Reid CBE, FCIT, aware of uncertainties expressed about the future of the Force and the need to stabilise financial support indicated his belief that the management review would resolve many of these uncertainties and provide clear guidelines for the future. Whilst he acknowledged that he could not give unqualified guarantees about future levels of resources available for policing, he was explicit that the Board had a statutory obligation to provide police services and that there was no question of disbanding the Force whilst the statutory obligation remained. He expressed the view that railways would continue to require a professional policing capacity. (Letter dated 12 October 1987 from B.R.B. to the Chief Constable - widely circulated throughout the Force).

The consultants who undertook the Force Review recognised the problems of funding, and it was clear that even they were not briefed as to how the Force was funded - 'On the assumption that the extent of Government funding to the B.T.P. is in the same ratio of public sector obligation grants to B.R.B. total turnover, there is a government subsidy of 24.7%. This compares to a total grant support of approximately 70% to Home Department Forces' (Ernst & Whinney - Report - 1988, p.32). This statement does not equate with the letter from 10, Downing Street (above), that 'almost all of the costs of British Transport Police are eligible for government grant'. They recognised that the British Transport Police element of the Public Service Obligation Grant could be specifically identified and should not be subject the discretionary movements in the PSO and considered a number of options available to the British Railways Board, including that:

* B.R.B. should negotiate further with Government to obtain greater government contribution to the cost of the Force.

and

* The Police Committee should consider the financial advantages which could follow from bringing the B.T.P. within the Scope of the Police Act 1964 (and presumably the Police (Scotland) Act 1967, given the national responsibility of the Force) (Ibid, pages 33-36)

They also considered that there was a need to:

* Set up a formal process between B.R.B. managers and B.T.P. to define within agreed planning guidelines the policing and security arrangements of the railway industry and its' community (Ibid p.2)
Give Divisional and Sub Divisional Commanders greater control over the resources within their command. (Ibid p.6)

A formula for improving consultative arrangements for funding the Force was rapidly introduced. The key operational personnel within British Rail were Area Managers whose duties included inter alia, the preparation of future budget requirements. They did NOT however, hold the purse strings. British Rail's financial operations were conducted by business managers, known as Sector Directors, who then approved or disapproved as the case may be. The formula which British Transport Police officers were obliged to accept was that each Sub Divisional Superintendent at a given time during the financial year negotiated with railway Area Managers within his Police Division and asked for a specific amount of money to be included in their budget requirements to finance police resources. Agreement having been reached, a document was signed, and Area Managers sought authority from their Sector
Directors, who provided the finance. Where disagreements occurred the Divisional Police Chief Superintendent discussed the problem with the appropriate Railway Regional General Manager, to resolve it, and if disagreements were still apparent these were resolved between the Chief Constable and Committee and the Chairman of the British Transport Police Authority. Police Headquarters funding was to be authorised by the Police Committee.

The benefits of this system were that railway and police managers could be seen to be understanding each others problems, and that police efficiency could be evaluated through negotiations. The drawbacks were quite simple - Transport Managers are, like all businessmen, interested in making a profit. The less the overheads, the greater the profit, so clearly, the less police maintained throughout the transport system, the more the money coffers should grow. Police needed to convince commercially minded managers of the benefits which accrue from a police presence. Ideologically, a very sound system, which did not earn favour at first with Police Superintendents, mainly because it was time consuming and took them away from operational policing. Consultative arrangements have improved considerably since they were first introduced in 1990 - A statement by the Chief Constable that 'it is hoped that we move to a position where police officers think in business terms and business managers are encouraged to think 'crime prevention' (Annual Report 1989, p.6) is well underway. On 24th November 1992, a conference organised by Network SouthEast (which I attended) covering numerous crime prevention issues including the control of public space, the importance of personal safety on the railway, and designing out crime, showed that progress between police and management thinking had caused a number of initiatives to come to fruition. A whole range of crime prevention systems were discussed including proactive and reactive measures taken by B.T. Police in conjunction with commercial managers to combat vehicle crime on the railway, in particular the Vehicle Watch Schemes, practical steps to be taken on personal safety, victim support schemes, the Travel safe project (see chapter 3.6), and Designing out Crime (by providing c.c.t.v., supervision by staff, proper lighting and 'Core Area' standards for platforms). This is particularly important - glazed shelters and service areas on railway stations well lit during the hours of darkness, allow 'see through' facilities - i.e. there are no dark corners for possible assailants to hide. Examples of railway stations recently reconstructed to include these standards are East Croydon, Gerrards Cross, and Redhill. There are many more. Finally, the Conference considered Joint Operational objectives agreed by B.T. Police and Network SouthEast which were:

1. Protection of infrastructure from vandalism.
2. Protection of persons from violence or indecency.
3. Protection of line of route.
4. Reduction of thefts of goods in transit.
5. Prevention of thefts of and from motor vehicles.

The question of funding of the B.T. Police Force was made a little clearer by the Chief Constable, who in his Annual Report stated 'Following agreement with the Department of Transport, 80% of the British Rail element will be provided by British Rail Corporate and 20% will be provided by British Rail businesses. This reflects the work of the Force as
80% public duty and 20% railway specific.' (Annual Report 1991/92 - p.4). A report in the Force newspaper concerning privatisation, added a slightly different dimension. The Chief Constable is quoted 'There have been no discussions about privatising British Transport Police - Indeed as I said in my last Annual Report an agreement has been reached, with the Department of Transport identifying the 'Law and Order' role of the B.T. Police with 80% of its cost in the public duty area and the other 20% as being Railway dedicated' (Blue Line, November 1991).

It remains unclear however, how much of the 80% is provided by Government, and which Government Department has responsibility for providing it. Speculation continues among Force members as to whether the Home Office or the Department of Transport hold the Force purse strings. Further speculation on the fate of the Force should privatisation of the railways occur was also rife. The Chairman of the B.T. Police Federation described the Federation as 'helpless spectators' in the privatisation process (Blue Line, March 1992), and despite the Force response to the Governments consultation paper on the future of the Force after privatisation (see Chapter 8 for fuller discussion), which recommended direct funding through the Department of Transport, a written answer to a Parliamentary question by the Secretary of State for Transport, whilst confirming the future of the Force, gave no indication as to how the Force was to be funded in the future. The answer to the question 'who pays for the British Transport Police?', thus remains something of a mystery which may become clearer if privatisation of the railways occurs.

5.2. **Do British Transport Police owe a specific duty to the Railways Board or the Public?**

The statement by the Chief Constable that 80% of the cost of the Force is in the area of public duty (above) indicates that the lions share of the work of the Force is for the public good, or perhaps 'in the national interest'. When the former British Airports Constabulary was dissolved in 1974, the terrorist threat to mainland Britain from the I.R.A. was at its height, and this was the reason for 'take-over' by Home Department Police (Police Review, 8 November 1974, p.1443). Yet in relation to the railways, on 10th September 1973, bombs exploded at Kings Cross and Euston Station, injuring eighteen people, on 9th October 1975, a bomb caused the loss of a life at Green Park Station. On 13th February 1976, an enormous bomb, packed with explosive to wreak sufficient havoc and death was mercifully defused at Oxford Circus Underground Station, and on 4th March a bomb exploded in a train, en route to sidings at Cannon Street main line station, only minutes after it had arrived there, packed to the gunwhales with commuters during morning peak traffic.

On the same day, British Transport Police at King's Cross, alerted to suspicious persons, probably thwarted another explosion - the suspects ran off. On 15th March a bomb exploded on a Tube Train at West Ham, injuring several passengers. The driver was shot dead. The following day at Wood Green Underground Station, another injury was sustained by an explosive device, and the following day, a bomb discovered at Neasden carriage sidings was defused. (Thomas - 1989(a))
During the period 1973-1977 the Force dealt with 23 separate incidents involving time bombs and incendiary devices. This produced a ratio of one incident for every eighty one police officers in the Force at the time. During the same period, Home Department Forces dealt with 367 incidents - a ratio of one incident to every 295 police officers. Additionally in that period, British Transport Police dealt with a further 8,532 reported incidents involving suspect packages (see Chapter 8 for full table).

Despite these incidents on the railway, no moves were taken by Government to dissolve the Force, nor to place it under the command or control of Home Department Constabularies. Perhaps such a take over might have been difficult and costly, or perhaps Her Majesty’s Government were satisfied that the British Transport Police were sufficiently well organised to cope with the problems? It is of interest also, that the Special Constables Act 1838 originally enacted to ensure that railway companies in particular employed constables to keep the peace was repealed by the Police Act 1964 (Schedule 10, Ch.48, p.56). The B.T.Police Scheme came onto operation only six months after the Police Act 1964. Could Parliament have believed that B.T. Police were coping sufficiently?
CHAPTER SIX

6. ARE B.T. POLICE SUBJECT TO THE SAME CONDITIONS OF SERVICE AS HOME DEPT POLICE?

The Conditions of Service of Home Department Police officers are governed by the Police Act, 1964, the Police (Scotland) Act 1967 and the Regulations made under them. Whilst B.T. Police are not covered by these Acts, their Conditions of Service have been developed over the years to become almost exactly similar. Variations, where wide, are discussed throughout this study. The most important, training, pay and promotion are discussed here.

6.1. Do B.T. Police Receive the same training as Home Dept Police?

The qualifications necessary to an applicant to join the British Transport Police Force are similar in all respects to those required by Home Department Forces, and include the necessity to pass the national police entrance examination. On entry, the recruit undergoes the same basic training and assessment (Probationary) period as his or her Home Department counterpart. This is undertaken at a National Police Training Centre and the Force Training Centre which is situated in Surrey. As well as training, pay scales and Conditions of Service are identical to Home Department Police Forces but no housing accommodation is provided by the Force. The Force has adopted the Accelerated Promotion Scheme and the Special Course Scheme, applicable to Home Dept Forces. As a result of the Force Management Review, and Home Office guidelines, the recruitment procedure was revised in 1990. A new police entrance examination was introduced nationally by the Home Office in January 1992. The Force adopts national policies and the following statistics of all applicants who attended or were invited to attend all 1991 assessment were as follows:-

<table>
<thead>
<tr>
<th>Invited to Assessment</th>
<th>Withdrew</th>
<th>Failed Assessment</th>
<th>Rejected at Final Interview</th>
<th>Offered an Appointment</th>
</tr>
</thead>
<tbody>
<tr>
<td>198</td>
<td>38</td>
<td>53 (33%)</td>
<td>21 (13%)</td>
<td>86 (54%)</td>
</tr>
<tr>
<td>102*</td>
<td>10*</td>
<td>26 (28%)*</td>
<td>15 (16%)*</td>
<td>51 (56%)*</td>
</tr>
<tr>
<td>300</td>
<td>48</td>
<td>79 (31%)</td>
<td>36 (15%)</td>
<td>137 (54%)</td>
</tr>
</tbody>
</table>

* 1 990 Applicants
Figure 6(a)
Source - Force Records

Figures for 1991 recruits which are a mix of both 1990 and 1991 applicants were as follows:-
Enquiries received  6,299
Application Forms     2,020
### Appointments

<table>
<thead>
<tr>
<th>% of Enquiries</th>
<th>1.5%</th>
</tr>
</thead>
<tbody>
<tr>
<td>% of applicants</td>
<td>4.9%</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Male</th>
<th>75</th>
<th>75.75%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Female</td>
<td>24</td>
<td>24.25%</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Graduates</th>
<th>12</th>
<th>12.12%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ethnic Minorities</td>
<td>10</td>
<td>10.10%</td>
</tr>
</tbody>
</table>

| Recruits appointed 1991 | 99 |

Figure 6(b)
Source: Force Records

An overview of previous occupations held by recruits appointed between July 1990 and June 1992 revealed there was no common occupation. However groups can be identified as follows:

<table>
<thead>
<tr>
<th>Occupation</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Administration</td>
<td>49</td>
</tr>
<tr>
<td>Military</td>
<td>39</td>
</tr>
<tr>
<td>Public Service</td>
<td>25</td>
</tr>
<tr>
<td>Management</td>
<td>20</td>
</tr>
<tr>
<td>Engineering</td>
<td>16</td>
</tr>
<tr>
<td>British Rail/L.U.</td>
<td>16</td>
</tr>
<tr>
<td>Sales</td>
<td>21</td>
</tr>
<tr>
<td>Security</td>
<td>12</td>
</tr>
<tr>
<td>Serving Police Officers</td>
<td>6</td>
</tr>
<tr>
<td>Other occupations</td>
<td>40</td>
</tr>
<tr>
<td>Graduates (direct)</td>
<td>6</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td>251</td>
</tr>
</tbody>
</table>

A further breakdown of the above recruits reveals the following:

A total of 21 were graduates 8%
17 were of ethnic origin 7%
53 were female 21%

Figure 6(c)
Source: Force Records.
Wastage rates' (retirement, ill health, resignation) remain low. Details are as listed below, showing comparisons with Home Office Forces.

<table>
<thead>
<tr>
<th>Year</th>
<th>B.T.P. % of Strength</th>
<th>Home Office Forces % of Strength</th>
</tr>
</thead>
<tbody>
<tr>
<td>1988</td>
<td>4.8%</td>
<td>4.66%</td>
</tr>
<tr>
<td>1989</td>
<td>4.5%</td>
<td>4.71%</td>
</tr>
<tr>
<td>1990</td>
<td>3.9%</td>
<td>4.53%</td>
</tr>
<tr>
<td>1991</td>
<td>2.95%</td>
<td>4.35%</td>
</tr>
</tbody>
</table>

Figure 6(d)
Source: Force Records.

By 19th October 1992 the British Transport Police had 172 women officers. This represented 8.35% of the actual strength. (Home Office Forces national average was 11.39%)

Although below the national average, representation by women in the British Transport Police has shown a healthy increase since the beginning of 1990 when there were 105 women officers, who represented 5.7% of the Force's strength.

Figure 6(e)
Source: Force Records.

By 1993, the Force had 42 officers from ethnic minority origins - 2% of the actual strength (Home Office Forces National Average 1.03%), and 116 graduates - 5% of the actual strength (Home Office Forces National Average 5.9%). (Force Records)

Marketing includes:

(a) Advertising via community policing posters on British Rail and London Underground.

(b) The force Recruitment Brochure which is circulated throughout the British Isles, in Force Police Stations, Careers Information Centres, and all Universities and centres of higher education.

(c) Careers Briefings with the three Armed Services.

(d) Job Fairs (Military) where contact is made with other Police Forces and outside industry, a most important area where the Force is able to be up-dated in relation to Recruitment trends and policies in both the police service and in industry.
The quality of recruits is high. One officer won two awards at the Home Office District Training Centre Cwmbran (The Blue Line - Feb 1992), another took two prizes at the Scottish Police College Tulliallan (Blue Line - June 1992). Throughout 1992, B.T. Police officers took 20% of the student prizes at Cwmbran, even though they constituted only 14% of the students (Blue Line - Sept. 1992).

The situation has not always been comparable. As a result of the 'Beeching Revolution' which commenced on the railways with the appointment of Dr. Richard Beeching to the British Railways Board in 1963 considerable changes were made. The Force Training School in Surrey operated an in force recruit training programme based on those in operation in Home Department Forces. Cost cutting resulted in efforts by the British Railways Board to sell the Training Centre site for re-development. Police were offered 'part-time' training facilities at a British Rail owned training establishment at Windsor, whilst the Centre buildings were placed up for sale in 1967. Local pressure resulted in the plan being aborted, although peripheral buildings, including a large manor house property which served as residential accommodation for students, were in fact sold off. In consequence, during that period, recruits to the Force were trained by London Metropolitan Police. Force instructors of the day recall that many of those trained in this way, believing the grass to be greener in terms of further advancement, better conditions of service (including housing or a housing allowance) simply transferred, their initial training having been financed by the British Transport Police. As soon as the sale of the Training Centre failed, it was re-established, re-opening in 1970, but recruit training continued to be undertaken, initially at Hendon, eventually passing to Provincial Police Training Centres. The Force Centre was used for continuation specialist and supervisory training, and continues to be so used today. With the introduction of the existing recruit training programme for all police forces in England and Wales (except the London Metropolitan Police, who follow their own system) on 10th July 1989, the need for in force continuation training for probationer constables increased considerably. This is carried out in the B.T. Police Training Centre, Tadworth. It was not until 1970 when management representatives agreed at the British Transport Police Force Conference, after detailed studies had been conducted into recruitment and wastage that 'action' in the form of a Supplementary Allowance should be paid. The Police Regulation 34 (which defined 'married' and 'single' for the purposes of Housing Allowance in Home Department Forces) was adopted as a guide. (Minutes of Meeting of B.T.P. Force Conference, 30 January 1970) The allowance was not renamed 'Housing Allowance' until 1991 after long negotiations in relation to an increase. At the same time, agreement was reached between the Federation and Force Management to dispense with an agreement on the movement of officers, (Blue Line - October 1991). The consultants had recommended this, together with a need to take steps to remove obstacles to the movement of B.T. Police and Home Dept. Forces (Ernst & Whinny Report 1988 p.87)
By 1993 the Force Training Centre which was extensively refurbished and provided with a modern accommodation block in 1980, a new Dog Training Wing in 1984, and a further modern accommodation and teaching block in 1993, was in constant use. In 1991/92, 188 male and 33 female police recruits undertook continuation training there and numerous specialist courses (e.g. search awareness and interview techniques) were completed. Additionally, B.T. Police officers attended a variety of specialist courses at Home Department Police Training Centre in England and Wales, and Tulliallan Castle in Scotland, alongside Home Department Police officers. These included CID, Inspectors, and Sergeants Development, Driver Training, Scenes of Crime and Crime Prevention. Three Chief Inspectors attended the Junior Command and two Superintendents the Intermediate Command Course at the Police College Bramshill. (Annual Report 1991/92 p.29/30)

Space has prevented the Force from offering training to officers of other Forces, though a few places were taken by Sergeants and Inspectors of the Royal Parks Constabulary prior to 1989, when B.T. Police officers began attending Home Dept. Regional Training Centres to undertake those courses. British Airports Authority Police Dogs were trained by the Force until 1974 when the B.A.A.P. was disbanded.

In recent years, Police Central Service has agreed to secondments of B.T. Police officers. In 1987 a sergeant was seconded as a Trainer to a Home Dept. Police Training Centre (Annual Report 1988, p.25). By the end of 1989 four trainers were seconded to Home Office Training Centres, one officer to the National Drugs Intelligence Unit, one to the National Football Intelligence Unit, one to the Central Planning Unit, (Annual Report 1989 p.16) and by 1990 a Superintendent had completed a two year secondment to the Police College Bramshill as a member of the Directing Staff. (Annual Report 1991/2 p.29) With the introduction of OSPRE (Objective Structured Performance Related Examination) in England and Wales, as part of the National Police Promotion Examinations, Tadworth was designated as one of the national assessment centres, and by 1993 was providing training for HOLMES (Home Office Large Major Enquiry Computer System). (Annual Report 1992/3, p.20)

In addition to the provision of training on a national basis, the Force has developed an Area Safety Training System (see Chapter 3.5 for full account), being heavily committed to safety in the community (Annual Report 1992.93, p.10/11) and is involved in Computer Aided Training internally as well as being a founder member, with the Metropolitan, Thames Valley and Devon and Cornwall Forces of the Police Training and Technologies Group, using interactive video techniques. (Annual Report 1992/3, p.21)

6.2. Are British Transport Police Officers Paid The Same As Home Department Police?

Currently, British Transport Police officers enjoy parity of pay with Home Department Forces. This has not always been the same however. Whilst the Desborough Report of 1919 created a standardised wage structure for the police service as a whole as well as a
number of other benefits, a meeting of railway companies representatives at Paddington on 5th

December 1919 expressed caution as to the application of the Report to Railway Police: 'It was the general opinion that nothing short of the Desborough Report conditions are likely to be accepted as satisfactory by the Railway Police Staff, but even if the Desborough scales of wages were ultimately sanctioned, it would not be possible for the railway companies to adopt the housing and pension clause of the report' (Minute No.12, 5/12/19). They did however find favour in establishing a Railway Police Federation (Minute 14). The enormous variation in pay between 'Police Act 1919' officers and Railway Police are illustrated below:-

<table>
<thead>
<tr>
<th>Railway Police</th>
<th>Police Act 1919 Police</th>
</tr>
</thead>
<tbody>
<tr>
<td>1st 2nd 3rd 4th 5thyear</td>
<td>Constables: - 28/- 29/- 30/- 31/- 32/- 90/-</td>
</tr>
<tr>
<td>Sergeant 34/- 35/- 36/- 37/- 38/-</td>
<td>70/- on appointment rising by annual increments of 2/- to after 10 years from to be further increased after 17 years - 92/6d and 22 years - 95/-</td>
</tr>
<tr>
<td>Inspector 42/6 45/- 47/6 50/-</td>
<td>100/- on promotion rising by 5 equal increments of 2/6 to 112/6 per week.</td>
</tr>
<tr>
<td>maximum</td>
<td>£310 minimum - £375</td>
</tr>
</tbody>
</table>

Table 6(f)
Source: Minutes of above meetings.

By January 1st 1920, however, Railway Police rates of pay had been agreed, and were at the lower end of the scale in excess of those recommended by the Desborough Committee, albeit subject to a 'cost of living' clause. The following rates of pay were applied to Constables and Sergeants after meetings on July 28th and 29th, August 3rd and September 29th 1920 - backdated to January 1st 1920:–

<table>
<thead>
<tr>
<th>Years of Service</th>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
<th>6</th>
<th>7</th>
<th>8</th>
<th>9</th>
<th>10</th>
<th>11</th>
</tr>
</thead>
<tbody>
<tr>
<td>Constable</td>
<td>75</td>
<td>76</td>
<td>77</td>
<td>78</td>
<td>79</td>
<td>80</td>
<td>81</td>
<td>82</td>
<td>83</td>
<td>84</td>
<td>85</td>
</tr>
<tr>
<td>Sergeant</td>
<td>86</td>
<td>87</td>
<td>88</td>
<td>89</td>
<td>90</td>
<td>91</td>
<td>92</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Table 6(g)
Source: Minutes of above meetings.

Additionally a London Allowance of 3/- per week (for Constables and Sergeants) and 4/- per week for Inspectors was granted, as well as 5/- a week clothing allowance for officers 'not supplied with uniform'.
Unfortunately, these rates of pay were determinable by the cost of living index and it was not long before they were reduced. At a meeting between the Negotiating Sub Committee of General Managers and Representatives of the Railway Police held at St. Pancras Hotel on 5th July 1921, a reduction of 6/- per week in the rate of wages for Constables and Sergeants was demanded by management representatives, and at a meeting on December 29th 1921, a further 4/- per week from 1st January 1922. By 12th April 1922 a new wages structure had been put forward by management. The police representatives were unhappy and sought 'Desborough' rates, pointing out that these had been applied to the Port of London Authority Police (Minute 28 12/4/22). The argument continued between the two sides until an 'independent' arbitrator Harry Courthorpe Munroe a King's Counsel, resolved the situation on 9th January 1923. Although he did not approve 'Desborough Rates', he did concede that the 'Railway Police Forces ... have established their claim to the status of a Police Force as distinct from a grade in the Railway Service'. (Munroe Report 1923, paragraph 14) and stated that they should be recognised and dealt with in an entirely different position to other Railway Company Employees.

Since the Munroe Report there have been numerous 'independent arbitrators' appointed to assess the pay awards applicable to Transport Police in comparison with Home Department Police Forces, Honeyman 1950, Cameron 1952, Lloyd Roberts 1954, Lloyd Williams 1956, (Force Records). In most cases, parity of pay has been recommended, however it took half a century before Transport Police received any assistance with housing and a superannuation fund comparable to that employed by Home Department Police Forces. In 1961 an arbitration decision by Sir David Anderson reversed a previous award made by Lloyd Williams in May 1956 (who had given parity of pay to Transport Police) giving the Force 95% of the rates of corresponding Home Department Forces. Parity of pay was restored in 1964 and by 1972 this had become so accepted that the British Transport Police Conference minutes record the management representatives as referring to 'the new established policy to maintain parity of pay with equivalent ranks in the Civil Forces'. (Memorandum dated 7th December 1978 - Force Records)

The question of parity of pay again raised its head however in 1978. On 25th October 1978 the Force received the following message by way of General Order 46/78 'The Police Committee gave full unqualified support to the Edmund Davis pay scales. The Government have set up a committee to examine the relevance of Edmund Davis to other police forces in the public sector, including the British Transport Police.'

The Report was commissioned by Her Majesty's Government on 24th November 1978 as an enquiry into the pay and conditions of Non Home Department Police Forces, to examine the relevance of the recommendations of the Edmund Davis Committee (which had examined Home Department Police pay) to pay and conditions of service and responsibilities of other police forces in the public sector whose rates of pay had in the past directly or indirectly
followed those of Home Department Forces, and to recommend for each police force what
the appropriate pay relatively with Home Department Forces should be. It is right to point
out that the British Transport Police Force Committee of the day had been prepared to
follow Edmund Davis, but the requirements of the government temporarily at least,
prevented this. Thirteen non Home Department Police Forces were thoroughly examined
in such matters as organisation duties and responsibilities, Crime (including Public Order
and Terrorist Activity), Complaints Against Police, risk of assault and injury, training,
personnel, recruitment, wastage and the right to strike.

The Constabularies investigated were the Ministry of Defence, Atomic Energy Authority,
Port of London Authority, Port of Liverpool, Manchester Dock, Port of Bristol, Belfast
Harbour, Northern Ireland Airports, Royal Parks (England AND Scotland), and Royal
Botanic Gardens at Kew and Edinburgh, in addition to the British Transport Police. The
following extracts from the report sum up the committees examination of Transport
Police: -

'The British Transport Police is a national force which compares in terms of strength to
an average Home Department Force .......... the duties carried out are similar in most
respects to those carried out by Home Department Forces .......... the increase in crime that
British Transport Police have experienced since 1960, is also on a similar scale to that
experienced by Home Departments' Forces when the reducing size of the Force is taken
into account ..... The British Transport Police experience similar problems of public order
.... have a particularly heavy responsibility throughout the UK in handling passenger
traffic to football matches and other large scale events. Football hooliganism and crowd
control throw a heavy and continuous burden on members of the Force ..... The statistics
of complaints against police and of assaults and injury reflect the degree of exposure of
members of the Force to the general and often hostile public. Similar problems are
experienced in recruiting and retaining men and the pressures created by undermanning
are at least, comparable if not greater because of additional difficulties created by
geographically large areas the Force has to police ....' We conclude that the day to day
responsibilities of a British Transport Policeman are broadly comparable to those of
his colleagues in the Home Department Forces.' (Wright Report - Privy Council -
1979, p.8/9)

The Committee recommended 100% pay relatively with Home Department Forces (Ibid
p.22). The British Transport Police, incidentally was the only Force investigated, for
which this recommendation was made.

The Police Committee endorsed the recommendation, and officers who had, throughout
the long wait for the decision, continued to maintain the highest traditions of the police
service for 40% less pay in some instances than their civil counterparts, breathed a sigh of
relief. The rates of pay were applied on 1st September 1979.

The fact that the Wright Committee further recommended that future pay relatively should
be automatically maintained, boosted the morale of a Force which had for many years
been obliged through its Federation to go to arbitration in respect of pay awards. (Ibid
p.10)
6.3. What Are Promotion Prospects?

Constables and Sergeants are required to pass the National Police Promotion Examination before they can be considered suitable candidates for promotion, after which they must apply to appear before a Promotion Board consisting of Senior Officers. They are entitled to appear before three such boards, which are held annually. If selected, their names are placed on the promotion register, and this entitles them to apply for posts which are advertised in Force General Orders. Once an officer has reached the rank of Inspector, he or she may apply for Chief Inspectors posts which are advertised, and the Chief Constable selects those he regards as suitable for further promotion.

Whilst prospects for promotion to Sergeant and Inspector are quite good, further promotion prospects are extremely limited and in more recent years have suffered considerably as a result of an influx to senior ranks within the Force of officers from Home Department Police Forces. Problems arise in respect of promotion within the Force due to the area which is covered and the fact that an officer desirous of promotion might be required to move his or her family hundreds of miles to achieve an ambition.

This problem is also found in some County Police Forces, but not to the extent that it exists within the British Transport Police. Many officers, particularly those with children receiving full time education choose not to apply for posts in the interests of their families. Whilst within a County Force Area the system of education is fairly standard throughout a county, an officer serving in Manchester in the British Transport Police, whose children are studying for G.C.S.E.'s through a particular Educational Examining Board, will find difficulty if they suddenly are required to continue their education in the South of England or in Scotland. Should the officer receive further promotion during the period of child education, the problem re-appears. In more recent years efforts to reduce the problem where possible have been made by management, the very national nature of the organisation will however cause the problem to continue into the future.

Another contentious factor is the refusal by Home Department Police Forces to accept British Transport Police officers with equivalent rank or as promotion candidates. With the exception of Lord Horwood a Chief Officer of the North Eastern Railway Police, who became Commissioner of the London Metropolitan Police in 1920, and remained in that position for eight years (Ascoli 1979. p205), only one officer has in recent years been accepted by a Home Department Police Force (the City of London Police) in his own rank (sergeant). Police Regulations allow for the transfers of Constables from the Ministry of Defence Police, the Port of London Authority Police, and members of aerodrome Constabularies (in certain circumstances) to transfer into Home Office Forces. (Police Regulations 1987 - S.I. 1987/ 851, Regulation 41 and 42). For many years there have been transfers of constables between B.T. Police and Home Department Forces. The following table illustrates a ten year period:-
### Constables

<table>
<thead>
<tr>
<th></th>
<th>B.T.P. To Other Forces</th>
<th>Other Forces To B.T.P.</th>
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<tr>
<td>1981</td>
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<td>22</td>
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<td>N/R</td>
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<tr>
<td>1990</td>
<td>5</td>
<td>13</td>
</tr>
<tr>
<td>1991</td>
<td>10</td>
<td>3</td>
</tr>
</tbody>
</table>

Table 6(h)

Source: Chief Constables Annual Reports.

Whilst the Force has adopted a reciprocal policy and has not accepted transfers of serving Home Department Police Officers of Sergeant rank and above (though both British Transport Police and Home Department Forces accept each others Constables), the Police Committee, albeit inadvertently has consistently created consternation by accepting in senior ranks, retired or retiring Home Department Police officers. This might well have prompted an anonymous statement by one senior B.T.P. officer also is reported to have said 'The root of the problem is that some of the top brass are pensioners who have already retired from other Forces. Headquarters is like an elephants graveyard' (Sunday Times 29th January 1989).

It can be understood that to fill the post of Chief, Deputy or Assistant Chief Constable, the Committee should attempt to find the best possible candidate but given that officers of the Transport Police desirous of gaining senior promotion are only likely to achieve their ambitions within the Force, it would seem that the odds against a member reaching a rank higher than Chief Superintendent have been greatly reduced in recent years.

This factor was recognised by the Police Committee in 1963 (Police Committee Meeting - April 1963 Minute 25). They agreed that the successor to Arthur C. West as Chief Constable would be made from within the ranks of the Force and that for the future in accordance with a decision taken by the Police Committee in 1957 an outside appointment to the post should be restricted to a term of 5 years in order not to damage morale and dispel any idea of the job remaining beyond the aspirations of serving officers of the Force. Since 1974, when West's successor, William Owen Gay retired, this agreement has not been followed, indeed the problem was compounded when in 1991 a Detective Chief Superintendent from a Home Office Force was appointed, thus creating a precedent for the future at that rank. Again that officer had completed 25 years in a Home Department Force. April 1992 saw the retirement of the only remaining B.T. Police Career A.C.P.O. ranking officer (Blue Line - May 1992). He was replaced by a Chief Superintendent from
a Home Office Force. On that occasion however, the officer concerned was a 42 year old serving officer with the Norfolk Constabulary (Blue Line - March 1992), and again in October 1992 a 45 year old Superintendent with the Metropolitan Police was promoted into the Force as Assistant Chief Constable Support Services (Blue Line - November 1992). By January 1993, all B.T. Police Chief Officers, the Chief Constable, the Deputy Chief Constable and the four Assistant Chief Constables were all former Home Department Police Officer*. The Chief Constable had previously served as Deputy Chief Constable of Kent, an Assistant Chief Constable with Greater Manchester, a member of the teaching staff at Bramshill, and before that a Chief Superintendent with the Royal Ulster Constabulary. The Deputy Chief Constable joined the B.T. Police originally as an Assistant Chief Constable from the Regional Crime Squad, as did the Assistant Chief Constable Operations. The Assistant Chief Constable, Scotland, was formerly Assistant Chief Constable (Traffic and Communications) with the Strathclyde Police (Annual Report 1992 - p.27). Whilst it must be emphasised that such appointments have been beneficial to the Force in terms of experience and knowledge, as well as contacts with Home Department Police Forces and institutions, and clearly if each had not been appointed to that rank no doubt a similar candidate would have been found, in terms of Force morale, the system has no advantages to those within seeking senior promotion, particularly since they are unable to obtain promotion outside the B.T. Police. Now that serving police officers are transferring in, hopefully the opportunity for B.T. Police officers might occur to transfer out. The fact however that the Chief, the Deputy and two of the four Assistant Chief Constables have been appointed after first accepting a pension from their respective Home Department Force can only be detrimental to the status of the Force within the ‘real police’ debate.

In a wider context, given the policy to implement rapid change, to replace all of the most senior managers with officers and civilians from ‘outside’ should effectively quickly change the culture of the Force, removing anecdotal practices and agreements. This would seem to be sound management theory in today’s climate.

There are many officers (the writer included) who have applied for vacancies in Home Department Forces and who have reached the interview stage. The letters which follow these interviews all bear a similar message .... ‘a more suitable candidate was appointed’. (numerous letters available)

It was in 1982 that the then Chief Constable attempted to redress the balance by abandoning the British Transport Police Force Promotion Examination System and replacing it with the National Police Promotion Examination (Annual Report 1983, p.19). So far, it seems, only one has reaped the benefit and that particular officer had, prior to joining the B.T. Police been a member of a Home Department Police Force.
The Force Review highlighted some of these contentious issues by recommending the appointment of a career development officer:

'...A career development officer should be appointed; movement between the British Transport Police and Home Department forces should be encouraged'.

There is currently no career development function within the personnel and training department of British Transport Police. This lack of career development has several consequences for the Force including:

* difficulties in filling vacancies through lack of planning: the Force currently adopts a 'fire fighting' approach;
* promotions of officers, often on the basis of past performance rather than development potential;
* lack of identification of the development needs or development potential of officers.

All of these factors contribute to low morale within the Force, and a lowering of the efficiency of its officers. (Ernst & Whinney Report 1988 - p.86)

They also found that 'Force regulations state that once officers have passed a promotion board they must apply for posts away from their home station to remain on the register. There is, therefore, a general presumption that officers on promotion will move from their home station and, due to the widespread geographical coverage of the Force, this often means moving home .......' and concluded that 'Although there are circumstances in which officers on promotion could be required to move, particularly at the more senior ranks, the reassessment of this policy could lead to economies without sacrificing the overall effectiveness of officers or the Force.' (Ernst & Whinney Report 1988 p.89)

They were also anxious that steps were taken to remove obstacles to the movement of officers between B.T. Police and Home Department Forces. 'This is important if B.T.P. officers are to aspire to senior posts in the B.T.P. - This aspect of career development has been highlighted by the Home Office (HOC 12/1987 - Section 'A')). (Ernst & Whinney - Report 1988, p.87)

The present Chief Constable is clearly addressing these issues. The work already undertaken by the Career Development Officer, particularly in relation to encouraging officers (and civilian personnel) to obtain academic and technical qualifications with assistance from the Force is a great step towards providing members of the Force with credible c.v.'s. Eleven officers successfully completed Degree courses during 1992/93, a further thirty three were studying for first or masters Degrees and an encouraging number of civilian personnel were undertaking further education courses leading to professional qualifications (Annual Report 1992/93 p.21). Additionally, for the first time, an exchange
between a B.T. Police Sergeant and a Metropolitan Police Sergeant for a six month period was in progress. (Ibid p.22). These efforts may eventually create a climate for 'two way traffic' in promotion. Until this occurs however, senior command remains unavailable to B.T. Police officers.

As the late Sergeant Roy Real, an ardent Federationist, who led many mess room discussions at Victoria, Waterloo and Paddington in the 60's and 70's often said on the subject of one way traffic:

'Whenever an Assistant Chief Constable is brought in from outside, a British Transport Police Constable, Sergeant, Inspector, Chief Inspector, Superintendent and Chief Superintendent loses an opportunity for promotion'.
CHAPTER SEVEN

In this Chapter I attempt to show how relations between B.T.Police and Home Department Forces have improved considerably.

HOW DO BRITISH TRANSPORT POLICE AND HOME DEPARTMENT POLICE INTER-RELATE?

7.1 Have Relations Improved?

'While not wishing to be derogatory, these Forces must stick to their manors' - this statement was attributed to an official of the Police Federation for England and Wales in an article published in a leading national magazine in 1967. (Illustrated London News 15 April 1967) The article followed a bid by the Port of London Authority Police to extend their jurisdiction through the Port of London Bill. The author of the article posed the question, 'How far should a law abiding citizen extend his automatic respect for a policeman's uniform?' He had described a number of what he referred to as 'non-regular' police forces including the Civil Aviation Authority (forerunners of the British Airports Authority Police), the United Kingdom Atomic Energy Authority Constabulary, the Port of London Authority Police and the British Transport Police. Another Federation spokesman (or perhaps the same one) was quoted as saying 'The similarity in uniform is both embarrassing and misleading'. Whilst the deduction reached in the article was that 'non regular' police officers were entitled to wear the uniform whilst upholding the law of the realm and that within their jurisdiction they were as much police officers as regulars, the report does indicate the feeling among Home Department police officers at that time. An earlier report in a leading national newspaper, after briefly describing a few 'specialist' police forces, drew attention to the fact that they were independent of local government and of the Commissioner of the Metropolitan Police, but conceded that they were all attached to either Government Departments or Local Authorities. (The Times 21 Feb. 1966)

There can be little doubt that railway police forces were considered, in the early twentieth century, to be below the status attributable to Home Department police. The minutes of meetings held at Paddington on June 5th and June 20th 1919, clarify the commercial position of officers of railway police forces in those days. The meetings were held as part of a series to consider the question of 'rates of wages and conditions of service of men employed in the Police Departments of the various railways'. Whilst the result of the meetings (Minute 1), was a turning point for railway police in that, 'as a result of the discussion and evidence given at sittings of the Central Conference they had established their claim to the status of a Police Force as distinct from a grade in the railway service' (Railway Police Central Conference Minutes 28 Sept. 1922, p.11) they did not further press an original claim to have recommendations of the Desborough Committee applied to Railway Police Forces but put forward an alternative plan on rates of pay, hours of duty and conditions of service. (Ibid p.11) In that respect the railway police of that day may have missed an opportunity to achieve parity with Home Department Police Forces in those areas.
It was not until 1980 that the report of the Wright Committee (see Chapter 6), clarified the position on pay. The 'commercial' interest and the question of control is illustrated by a letter to the Police Review in 1927 (Police Review 7th August 1927, p. 731). The correspondent commenced his letter with the question 'Is a Railway Policeman's life a happy one?', then went on to describe his duties, the restrictions placed upon his life as a result of his job (which were the same as those of all police officers), then asked 'Who are the railway company's loyalest servants?' and answered 'The men in blue who sort out the undesirables ... etc.' Finally, he clarified the position of railway police of those days by stating his hopes, 'I trust the managing directors will consider it their duty to protect their Police in case of accident and sickness and treat their loyal servants the same as the staff who sit in an office and have a warm fire when winter knocks at the door'.

Despite the 'commercial' connotations, railway police were considered to be part of the police service in England and Wales in 1923 by at least one author, Stanley Savill, whose book of that title was published by the Police Review Publishing Company and contained not only the conditions of service, rates of pay etc. of railway police but also of constables on canals and navigable rivers and dock constables. (Savill 1923, p. 32-40) (See also Chapter 6) All of these groups were, in 1949, to become British Transport Commission Police Officers.

By 1989, the attitude of the Police Federation for England and Wales had changed considerably to that of their spokesman in 1967. The removal of British Transport Police from the docks managed by Associated British Ports in 1984 had provoked much media attention albeit often at a local level. The Grimsby Evening Telegraph for example mounted a continuing campaign to keep the Docks Police. The newspaper drew attention to the replacement of police by security officers. 'Warning over ports chaos' was an article which drew attention to concern about national security, the reduction in policing levels in Immingham, Grimsby and Cleethorpes areas and concern that a private security company would be initially cheaper but would not have liaison with other services or access to resources which B.T. Police had. (Grimsby Evening Telegraph 1 November 1984)

As police departed from the docks, another article headed 'Security doubt as police go' drew attention to the end of 150 years of policing at the port and concern that security officers would have extremely limited powers and no police expertise. (Grimsby Evening Telegraph 12 April 1985)

Despite this and campaigns elsewhere, the Government remained resolute following the tradition established by Sir James Graham in 1846. Five years later, the same scene was re-enacted when British Transport Police were removed from ports managed by Sealink U.K. Ltd. This provoked considerable interest in the Police Federation of England and Wales. The following statement was published in their magazine:

'We recognise the British Transport Police as a sister service. It's officers are constables under the law and they are accountable in law for their actions.' (Police Feb. 1989 p.10)
It would thus seem that since 1967, the representatives of the rank and file of Home Department Police Forces have grown to accept British Transport Police officers as equal in status. (For a fuller report on the removal from ports and docks see Chapter 8).

On a personal note, I can say that relations between B.T. Police and Home Department Forces have improved considerably since I joined the Force in the early sixties. It was not unusual for a B.T. Police constable to be kept waiting up to four hours in certain Metropolitan Police Stations to charge a prisoner in those days. Additionally, B.T. Police officers were always last on the Court list. This was particularly annoying when on night duty. Having worked from 2300 to 0700hrs to go back to Court with a charge at 1030hrs and then to wait for the case to be heard at noon or after and be required to be back on duty at 2300hrs the same night took some strength of character. On a busy station this could occur two or three times a week. It is right to say, however, that B.T. Police have developed a more professional image - mainly because their levels of funding have increased and in consequence more modern equipment, improved buildings, etc. are in evidence today. The people in the Force have not changed - there were many highly professional police officers in the Force when I joined, who were frustrated by the lack of facilities and equipment available to them. The Police Committees, over the years, have been extremely co-operative and the level of funding has been improved to allow for this professionalism to develop. (See Chapter 5 on funding) Additionally, attitudes of Home Department Police have changed. In a recent issue of the Metropolitan Police newspaper, a combined initiative between Metropolitan, B.T. Police and the local authority to clean up the King’s Cross area of London is indicative of the accepted status (The Job - 9 July 1993 p. 8/9) as is the joint operation between B.T. Police and Avon and Somerset Constabulary at the Pilton Pop Festival. (Blue Line, August 1993)

A further problem surfaced in the ports in 1990 when the Aviation and Maritime Security Bill was under debate in Parliament. The Bill gave power to the ship’s master to arrest a person he believes has committed an offence but requires him to hand that person over to a constable. The Bill also provided power to ‘designated persons’ to conduct searches and thus caused consternation, again with the Police Federation who were concerned that security officers who had replaced B.T. Police at Harwich and who were sworn in as Special Constables would receive back door powers of arrest in the Bill. (Police Jan. 1990 p.16) British Transport Police still possess jurisdiction on Britain’s waterways and in ports and docks to exercise the power of constables by way of the British Transport Commission Act 1949, Section 53 as amended by later legislation. It would seem, however, that the question of cost is receiving concern of greater importance than that of police efficiency and effectiveness.

Confusion as to the status of British Transport Police officers, however, is still apparent in the minds of some members of Home Department Police forces. This can be illustrated by examining two separate incidents of similar type which occurred in different Home Department Police Areas in 1986.
On 26th July 1986 at 1000a.m. the 0933a.m. train from Bridlington to Hull struck a Ford Escort van on Lockington Level Crossing. The van was demolished and the train derailed with the loss of nine lives - a passenger in the van and eight rail passengers.

It is recorded that there was initial distrust of British Transport Police by a senior officer of the Humberside Force but subsequently, an excellent liaison developed, albeit mainly at ground level. Distrust too of British Rail's ability to effectively move the derailed trains led to the army being contacted (contrary to B.R.'s advice) to effect the operation with their heavy lifting gear. They were unable to accomplish this and eventually British Rail expertise was needed. (Force Records)

A similar incident occurred on 19th September 1986 at Colwich Junction in Staffordshire when, at 1832p.m. a Southbound Liverpool to Euston train and a Northbound Euston to Manchester train collided, with the loss of one life. Sixty-eight passengers were injured. An immediate liaison was struck up by Superintendents of both Staffordshire and British Transport Police and the investigation was conducted jointly. It is recorded that no problems were encountered due to good liaison and teamwork. (Force Records)

7.2 Are B.T. Police Impartial?

It is understandable that Home Department Police officers and members of the public are suspicious that investigations conducted by a police force which appears to be paid by Transport Authorities might lack impartiality.

When in October 1987 the front carriage of an early morning train from Swansea to Shrewsbury plunged into the River Towy, a bridge near Llandeilo, West Wales having collapsed, killing four people, an immediate investigation was launched by British Transport Police. The verdict of the inquest, widely reported in the press - unlawful killing - is evidence of the impartiality and professionalism of the Force. Such headlines as 'B.R. may face killing charges over Welsh bridge crash deaths, (The Times 22 July 1988), 'B.R. chiefs accused over bridge disaster, (Daily Mail - 22nd July 1988), 'Flood train deaths unlawful' (The Independent 22 July 1988), together with reports that 'The D.P.P. has studied papers on the case following an investigation by the British Transport Police' (Daily Telegraph 22 July 1988), show that the role of the media in reporting incidents is also important to this question.
The inter-relationship between the British Transport Police Force and Home Department Forces seems thus to have improved considerably and perhaps the most positive contribution in recent years to evidence this, was an article by Commander Purnell of the London Metropolitan Police who had studied the B.T. Police as a project when attending the Senior Command Course at Bramshill. He drew attention to the work of the Force and explained that the training and experience of its officers is second to none, that the Force is an important element of British policing and he added that he 'hoped that this will be formally recognised before long'. How 'long' that may be would seem to depend upon a change in 'official' attitudes. Commander Purnell (an Assistant H.M. Inspector of Constabularies) perhaps summed up the whole situation most succinctly with the title of his article 'Banish the bias against British Transport Police'. (Police Review 31 January 1992 p.200)
CHAPTER EIGHT

8. DOES SOCIETY NEED THE B.T. POLICE?

In this chapter, I will examine some of the alternatives to the B.T. Police.

8.1. Could They Be Replaced By Security Officers?

The Ernst and Whinney Review considered that there may be scope to use private security organisations throughout British Rail premises and property whereby they could 'substitute' for functions carried out by police. It was suggested that these civilian operators could carry out general patrol duties, maintain public order in 'non threatening' situations on main line termini and major railway stations, evict vagrants, provide mobile security patrols at goods and freightliner depots, but did not consider that they could replace police on football duties. The need for a readily available police resource as back up in time of difficulty was stressed. Significant financial savings were forecast (Ernst & Whinney Report, 1988, p.80-82).

One of the worrying factors in replacing police with security officers is the quality of the operator. It was estimated that in 1972 within the private security sector 25% of the labour force changed four to five times a year. By 1987, given that little improvement in pay and conditions had been achieved, it was considered that this estimate had increased (South 1988, p.28). Interview research with managers in manned security and alarm lock fitting companies showed that few Security Managers were happy with recruitment and training within private security, and the fact that there have been cases of security guards employed who had convictions for violence and dishonesty gives rise to concern (South 1988, p.28).

In 1988, a survey of nineteen contract companies advertising in the London Evening Standard over a two week period found average wage rates to be £2.73 an hour, and in West Yorkshire in 1989 a group of security guards were earning £1.50 per hour and working 60-70 hours a week without overtime payments. In London and the South East it was found that many security companies had a staff turnover of 400% per annum in 1988 (Johnston 1992, p.75/76).

South draws attention to the case of Roger Gleaves, self styled 'Bishop of Medway', sentenced to four years imprisonment in 1975 after revelations in the T.V. Documentary 'Johnny Go Home' that young boys residing in hostels run by him were allegedly corrupted. Gleaves, using the alias of Barry Evans was the head of a group of security guards. (South 1988, p.98) The growing tendency to use 'Bouncers' in Licensed premises as a form of security raises problems. In November 1978, a man died after having been ejected from a Kings Cross Public House by Bouncers. His brother mounted a campaign CURB, drawing attention to a number of instances in which bouncers had been responsible for carrying out serious assaults throughout the U.K. (South 1988, p.100) There is no statutory regulation of private security in Britain (Johnston 1992, p.86). In consequence, standards vary.
The appointment of security officers to undertake duties previously carried out by B.T. Police, is by no means a new idea. In 1961 seventy-seven security wardens were recruited by British Rail and placed under the supervision of B.T. Police. Their role was to establish a security system within goods and parcel depots. (Annual Report 1961, p.19). By 1963, however, the corps had been transferred to B.R. Traffic Management (Annual Report 1963, p.12). The corps was eventually phased out. No reasons were given but my own recollections were that they received little respect from B.R.. Staff, were obliged to join the same union as those whose duties they were scrutinising, and were generally considered to be ineffective. Security officers have no powers over and above those of ordinary citizens. Following the Ernst & Whinney Report, an experiment was conducted at Birmingham New Street station, whereby private security guards were employed. In view of the instructions they had received from their employers, i.e. they were forbidden to lay hands on anyone, let alone arrest - but were to call police in the event of a problem, they were seen by the Divisional Commander of B.T. Police at Birmingham to be ineffective. This policy by Security Companies seems well established. In an advertisement (presumably as a police/security industry relations exercise) in the Police Federation Magazine in 1974, Securicor one of Britain’s leading security companies pointed out that 'Sometimes we come across intruders on premises, that's when we send immediately for the police - the proper authority. This is the standard practise for all our Guards'. (Police - Feb. 1974, p.11). The law, of course, allows citizens to arrest suspected offenders in certain circumstances (Police and Criminal Evidence Act 1984, Section 24(4) and (5)). A security officer would be eligible to use these powers, and if working on railway premises, as an 'agent' of the railway, would be able to make use of powers under railway legislation including the Bye Laws to remove offenders in certain circumstances. The 'employer', i.e. the security officers company, however, may well instruct that these powers are not to be used.

Continual calls for licensing of security firms have so far been ignored. Some firms have introduced 'street patrols'. In Wigan for example, Property Watch began a patrol in Goose Green and Winstanley in 1992, at a cost of £3 per month to 500 people who requested the service. Police were critical of the scheme because the wardens were unsupervised, and thus 'no one will be officially checking them'. A similar scheme by another company in Merseyside was criticised by police 'There are no checks available to control the employment, training and integrity of security patrol groups' (Police Review, 14 Sept 1992, p.1628/9). A Police Review survey showed that in twenty police areas in Britain more than 500 non police patrols were operating in public places. Many police forces do not know how many such patrols are operating, others have detailed figures (Police Review 13 Jan 1989, p.65).

The security industry has for many years welcomed the notion of legislating for security (Security Gazette, March 1974, p.94), though the Government argues that since the security industry enjoys no special privileges under the law it is fully accountable (Police Review 26 August 1988, p.1780). Bruce George, Labour M.P. for Walsall South has been trying to introduce a Private Members Bill to establish a degree of control over the industry without success (Police Review 4 September 1992, p.1629). The award of a contract to Group 4 to provide prison escorts was received with concern among some, and
more than 100 Members of Parliament called for the contract to be withdrawn following a number of escapes and the death of a prisoner. (Police Review 21 May 1993, p.21).

8.2. Could They Be Supplemented By Volunteers?

In 1979, Curtis Sliwa, a former manager of McDonalds in South Bronx created the Guardian Angels, a 5,000 strong organisation of volunteers to patrol streets, and the underground systems in the USA. The Chief of the Chicago Police described the corps as a 'Goon Squad' whilst Sliwa himself did not seem to be of unimpeachable status, as he was later imprisoned for twenty days in Detroit. (Sunday Times 02nd October 1988). In October 1988, Sliwa visited Birmingham, allegedly at the invitation of a Punjabi Organisation there. West Midlands Police were reported to have warned Sliwa and his wife Lisa they could be deported if they stepped out of line. In consequence, they offered to patrol the London Underground (Evening Standard 21st October 1988). Concern was expressed by the London Regional Passengers Committee. Rufus Barnes was reported as saying that there is undoubtedly a perceived need for a presence in which passengers have confidence in the Underground, but we have serious doubts that a private group of vigilantes, however well intentioned, working independently of L.R.T. could be the solution. (London Evening Standard, 07th December 1988). An Assistant Chief Constable of the B.T. Police voiced grave misgivings, describing the Angels as amateurs and stated that their presence could be provocative. (Ibid). By December 16th, the Guardian Angels were reported to have recruited fifty young Londoners to begin training (Independent - 16 December 1988).

They were reported to be undertaking a twelve week training programme in first aid, law and how to make a citizens arrest before going on to patrol in March 1989. Ted Coles, Deputy Chief Constable of the B.T. Police was reported as saying that 'we are concerned that they themselves may become victims of public disorder and we may have to direct officers to make sure they do not become targets' (Sunday Times 18th December 1988). One newspaper asked the question 'Might not the Guardian Angels find themselves the hunted and not the hunters?' (Daily Star 20th December 1988). Tony Banks Chairman of the London Group of Labour MP's and MP for Newham North-West was reported as saying 'There is no room on public transport in London for vigilante groups' (Morning Star 25th January 1989). By early February 1989 the football hooligan group known as the ICF (Inter City Firm) were alleged to have issued a threat to the Guardian Angels (Wogan -BBC1, 01st February 1989). The wave of publicity was used by the Government to urge more of the British public to join the Special Constabulary (Today -12th April 1989). Despite protests however, the first 30 volunteers were available to patrol the Underground on 15th May - unfortunately there was a strike and the system was closed. Patrols began the following day in what was described as a 'turbulent debut' (Independent - 17th May 1989). By August 1989 the Guardian Angels had been declared winners of a crime prevention award by the Institute for Social Intervention (London Evening Standard - 17th August 1989), by September they were reported to be cutting back patrols (Independent - 12th September 1989). In October Curtis Sliwa was attacked during a T.V. filming session requiring 20 stitches to head wounds (Daily Express - October 17th). He was visiting the Lansdown Green Community Centre in South Lambeth to address youth club members about the work of the vigilantes group when he was attacked by a youth
leader who denied the charge. Thereafter, publicity began to wane. By the middle of
1993, small numbers of Guardian Angels are still to be seen on the London Underground
particularly late at night, but no publicity appears to attach to them. In the USA a number
of surveys have been undertaken in relation to Guardian Angels. Ostrowe and Deblise
found in 1983 that civilians were more favourably disposed towards Angels than either of
the New York Transit Police Department or the New York Police Department. 61% of
civilians wished there were more Guardian Angels, 67% believed their presence made the
Underground safer and only 4% were opposed to their actions. In 1985, Pennell et al
conducted a study through the U.S. National Institute of Justice, discovering inter alia, that
only 6% of patrols involved helping in a crime incident. In 672 patrols, over a six month
period, two citizens arrests were made and ten crime related incidents involved calling the
police. Inconclusive results from a study site in San Diego suggested that Angels may
have contributed to greater crime reduction in the area they patrolled. Overall, 60% of
respondents said they felt safer as a result of Guardian Angels patrol. In 1986, Kenny
discovered in relation to fear of crime on the New York Subway, that it is not as great as
the media suggests. 21% of respondents were very worried about subway crime at night,
26% somewhat worried, 27% only a little worried, and the remaining 25%, not worried at
all. 66% of them believed that Guardian Angels could reduce crime. Of particular interest
was the fact that 54% reported seldom or never seeing an Angel on patrol, and during the
three months of the survey an analysis of reported incidents indicated that the subway
system was in reality 'quite safe' (Johnson 1992 p.168-173).

Attitudes to vigilantes in the UK seem to vary. Citizen Patrol Groups, together with the
increase in private security street patrols and municipal patrol groups, (eg. the Zonal
Improvement Patrol created by Westminster City Council) are reported to have received
support from the Deputy Commissioner of the Metropolitan Police (Johnson 1992 p.163).
One such group, after consultations with the police and local residents teamed up with a
private security firm in the Sneyd Park area of Bristol and the scheme is reported to be
successful, though a Home Office spokesman is reported to have said that they would
prefer residents to choose a more structured way of going about things such as joining the
Special Constabulary (Daily Mail, 18 June, 1993).

Attitudes of the Courts to self help vigilantes however are quite resolute. In 1987, a man
who fought back against a violent attack on the London Underground, defending himself
with a swordstick received a sentence of 28 days imprisonment (albeit suspended for nine
months) and a fine of £200 for carrying an offensive weapon (The People - 13th
September 1987). The sentence was later quashed and a fine of £300 substituted (Daily
Telegraph - 11th June 1988). In 1993, two men who bundled a youth into a van and
having tied his hands, interrogated him in order to discover information which they
believed he had concerning criminal activities in the Dickleburgh area of Norfolk received
initial custodial sentences of five years imprisonment (Daily Mail 11 June 1993). The
youth was unharmed. The general public appear to believe in vigilante action. In a Gallop
poll, published by the Daily Telegraph on 30th August 1992, seventy six per cent of those
questioned believed they would sometimes be justified by taking the law into their own
hands.
8.3. **Why Are There No B.T. Police Special Constables?**

In 1987, I undertook research on behalf of the then Chief Constable in relation to the feasibility of creating a Special Constabulary for the B.T. POLICE. The Special Constables Act of 1831, 1914 and 1923 provided for the formation of a Special Constabulary to supplement the numbers of paid police officers. Although initially, formed to deal with 'tumults and riots and felonies' the duties of the Special Constabulary have progressively increased. In Scotland, Chief Constables were somewhat restricted in the use of Specials by Section 17(b) Police (Scotland) Act 1967 to emergencies, to prevent and suppress riots or for the purpose of gaining practical experience of police work. These were removed by Section 110 of the Police and Criminal Evidence Act 1984, which repealed that Section. The Police Act 1964, Section 16 (England and Wales) and the Police Scotland Act 1967, Section 3 empower Chief Constables of Home Department Forces to appoint Special Constables for police area over which they exercise control. Until 1992, there was no reciprocal parliamentary authority for the Chief Constable of the B.T. Police to appoint Special Constables.

The role of the modern day Special can best be expressed by the statement found in various public information booklets prepared for the Home Office by the Central Office of Information 'Special Constables provide the police reserve trained to undertake regular officers routine policing duties when required and to free regulars at times of emergency for those tasks for which they are trained and which only they can perform (booklet 1983). Demands for Special Constables to be appointed to patrol London Underground have been put forward consistently, since 1983, when the Bow Group published its' paper on the subject (Paterson and Axworthy 1983). The Bow Group in fact went further, suggesting two models, Model 1 - A New Police Reserve whereby the two tier policing system of regular police and the Special Constabulary would be replaced by three groups - regulars, specials and an intermediate group - a 'Police Reserve' - unpaid who would work more closely with regular police, be expected to put in more hours per month than the Specials and effectively to 'sample life in the police before joining the regulars'. This view has gained favour with Clare Leon who saw specials as a very cheap commodity.' (Leon - 1989 - Policing - Winter issue - The Special Constabulary p.28). Model 2 - A Bigger Better Special Constabulary was also recommended, (to quote the paper) 'Our Model 2 thesis, in a nutshell is that the role and strength of the Special Constabulary in its present form should be greatly increased'. Within Model 2 came the recommendations (at paragraph F) to appoint Special Constables to the B.T. Police.

In an article in the Times (The Times 6th January 1984), John Wheeler and Tony Paterson re-iterated the demand for Special Constables to be appointed to the B.T. Police, claiming that in 1981, 17,420 people enquired about joining the Force but only 329 were recruited. 'Of those remaining, many of whom were Londoners, surely a few hundred would be suitable and willing to become Specials?' The article drew attention to an 8,000 strong auxiliary police force in New York, 3,600 of whom patrolled the Subway. A Department of Transport Study in 1986 urged that the issue of Specials be considered by the B.T. Police Committee as well as the A.C.P.O. Working Group on interface with non Home Department Forces (Crime on the London Underground H.M.S.O. 1986, p.30). It was as a
result of this recommendation that the Chief Constable discussed the possibility of sharing Special Constables with the Metropolitan Police (Chapter 2.1), but decided that this was impractical.

The Ernst & Whinney Review examined the question of Special Constables for the B.T. Police and concluded 'Although it may not be possible to recruit or deploy Special Constables in the Metropolitan Police area, (on the grounds that the Police Committee did not approve the proposal to establish a Special Constabulary within the Metropolitan Police area at their Meeting on November 1987 - para 6.57, p.85), we believe there is scope for using them elsewhere. (para 6.5 - p.6.)

Legislation now provides power for the Chief Constable of the B.T. Police to appoint Special Constables (B.T. Police Force Scheme (Amendment Order) S.1. 1992/364). This was being actively considered by a committee under the Chairmanship of the Deputy Chief Constable at the time of my retirement in March 1993. The question of training of Special Constable to an appropriate standard is of importance. Given that the current Probationer Training System for regular Constables in England and Wales is an intensive thirty one weeks before that officer is permitted (subject to reports) to undertake 'independent patrol', if a newly recruited Special undertakes four hours training per week (irrespective of any other duties), it will take that officer 310 weeks (FOUR years) to reach a similar standard. This presumes that a system of training on that scale could be developed. If, as may be more practicable, the Special trains four hours per month, clearly it will take four times as long (SIXTEEN years) to reach the same standard. A full 'Training Course' manual for Special Constables has been produced by the Home Office Central Planning Unit, Harrogate. Different Police Forces provide variations in training times and systems for Specials. Some operate weekend sessions, others offer evening ones. The package is based on Probationer Training, but is less intense. Basic powers and duties are taught usually before a Special is posted to a police station.

8.4. Who Polices The Docks And Ports Now The B.T. Police Have Left?

The withdrawal of B.T. Police from premises owned by Associated British Ports (formerly the British Transport Docks Board) on 30th June 1985 (Annual Report 1984 p.1 and 2) resulted in the loss of 207 police posts (Annual Report 1985 p.2.). 43 officers took early retirement and/or voluntary severance, 145 were relocated and 10 accepted redundancy. The withdrawal affected the careers of 244 police officers and 10 clerical officers (Ibid p.3). Two years later, a similar exercise began in relation to Sealink Ports (formerly owned by British Rail) (Annual Report 1987 p.12) and by 1st February 1989, British Transport Police ceased to police either Docks or Ports. (Annual Report 1988, p.11). Of the 81 officers remaining within Sealink Ports, fourteen left on redundancy, fifteen remained at Dover to police rail locations and the remaining fifty two were relocated throughout the Force. Of the remaining civilian staff, two took redundancy, one remained at Dover (Force records). Many of the Dock Authorities took on private security firms to replace police. In Grimsby for example, the Grimsby Evening Telegraph publicised the impending withdrawal with front page headlines 'Bombshell as Docks Police Axed' (Grimsby Evening Telegraph 5th October 1984). The Grimsby MP, Austin Mitchell was quoted as saying that 'the decision would lead to a less adequate policing system', whilst a
spokesman for A.B.P. was reported as saying 'The charges do not imply any criticism of the service we have received from the British Transport Police, but are merely intended to contain costs'. The Chief Port Health Officer for Immingham Docks drew attention to the role played by B.T. Police in relation to rabies prevention. Over the period of the withdrawal, many fears were expressed in the newspaper e.g. increases in theft, vandalism, drug smuggling and rabies (15 November 1984) and again drug smuggling and rabies (25th March 1985). At a meeting of the local councils general purpose committee a letter from Associated British Ports in response to a letter from the clerk of Immingham Town Council was reported to indicate that ABP was essentially concerned with security of property and not the control of such matters as drugs and rabies. (Grimsby Evening Telegraph 1st November 1984).

Considerable furore erupted in Police circles when B.T. Police having been withdrawn from Sealink Ports were replaced in Parkeston Quay by private security officers who, after two weeks training were sworn in as Special Constables in the Essex area. In an article entitled 'Sealink's Quaystone Cops' the magazine of the Police Federation warned 'when a professional police forces gives way to security guards with full police powers, it's time to sound the alarm' (Police February 1989, p.3). In his address to the Federation Conference, Alan Eastwood expressed deep concern over the policing of major ports 'we find it astounding that there is no uniformed police presence at such a major port of entry to this country as Southampton' (Police May 1989, p.12). Journalists tested the security arrangements at Parkeston Quay in February 1989 and concluded that 'ports at which private security guards are replacing police officers as a cost cutting measure are dangerously open to terrorist attack and abuse by smugglers (Observer 5 March 1989).

The British Waterways Board property, which has not been regularly policed since they withdrew from the B.T. Police Scheme in 1964 is also reported to have problems. In 1989 the Inland Waterways Association a registered charity which represents the interests of all users of Britain’s Waterways drew attention to the lack of policing and an estimated £2 million annual bill for vandalism (Daily Telegraph 21st March 1989).

As the Inspector in charge of a small contingent of officers at Dover Western Docks in 1979, I emphasised the role of B.T. Police at Docks to my officers as being 'in the interests of national security'. The removal of professional policing from waterways, ports and docks might well have had a deteriorating effect on this. In his Annual Report for 1987, the Chief Inspector of Constabulary, Sir Richard Barrett drew attention to the fact that national and international activities of organised criminals remain a constant threat to society and the police operations, against them, particularly in relation to drugs and terrorism continue to be demanding in terms of experienced manpower and resources. (Police - July 1988 p.14).
The lack of police at ports and docks can only contribute to the national threat. Some work undertaken in the national interest at ports and docks by B.T. Police in the last years before they were withdrawn is shown in respect of indictable (only) offences reported. Clearly the drugs misuse offences reported at BR sources cannot necessarily be attributed to originating at Docks or Ports, but the Rabies Prevention and Smuggling offences can.

**Indictable Offences Reported To B.T. Police : N.B. Those 'Docks / Ports' Type Offences Reported At B.R. Sources, Come From Docks And Ports.**

<table>
<thead>
<tr>
<th>YEAR (GENERAL)</th>
<th>BR</th>
<th>ABP</th>
<th>SEALINK</th>
<th>BR</th>
<th>ABP</th>
<th>SEALINK</th>
<th>BR</th>
<th>ABP</th>
<th>SEALINK</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
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<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>80</td>
<td>5154</td>
<td>1</td>
<td>0</td>
<td>69</td>
<td>189</td>
<td>126</td>
<td>24</td>
<td></td>
<td></td>
</tr>
<tr>
<td>81</td>
<td>3530</td>
<td>6</td>
<td>7</td>
<td>Recorded</td>
<td>46</td>
<td>356</td>
<td>Recorded</td>
<td>132</td>
<td>22</td>
</tr>
<tr>
<td>82</td>
<td>2421</td>
<td>2</td>
<td>9</td>
<td>Only</td>
<td>63</td>
<td>477</td>
<td>Only</td>
<td>137</td>
<td>19</td>
</tr>
<tr>
<td>83</td>
<td>2013</td>
<td>8</td>
<td>3</td>
<td>From</td>
<td>55</td>
<td>269</td>
<td>From</td>
<td>206</td>
<td>27</td>
</tr>
<tr>
<td>84</td>
<td>2492</td>
<td>2</td>
<td>0</td>
<td>1985</td>
<td>27</td>
<td>88</td>
<td>1985</td>
<td>221</td>
<td>9</td>
</tr>
<tr>
<td>85</td>
<td>2</td>
<td>0</td>
<td>2</td>
<td>1</td>
<td>1</td>
<td>3</td>
<td>18</td>
<td>235</td>
<td>0</td>
</tr>
<tr>
<td>86</td>
<td>1</td>
<td>-</td>
<td>3</td>
<td>2</td>
<td>-</td>
<td>11</td>
<td>150</td>
<td>-</td>
<td>11</td>
</tr>
</tbody>
</table>

Table 8(a)
Source : B.T. Police Annual Reports.

8.5. **Why Not Hand Over Policing Of The Railways To Home Dept. Police Forces?**

This logical solution would provide a simple answer to the problems were the Home Dept. Forces capable in relation to strength and expertise to do so, and if H.M. Government were prepared to agree to the proposition. It seems logical also that if this were the answer then the B.T. Police and their forebears would not have existed for more than one and a half centuries. An ideal time for such a merger would have been in 1974 when the former British Airports Authority Constabulary a force constituted under similar circumstances to the British Transport Police, with a remit to police Airports, was taken over by local police. The move was reported to have been necessary in relation to Heathrow, because 'in response to terrorism the Metropolitan Police with greater resources to deploy had been increasingly supporting the small but efficient British Airports Police there' (Police Review 8 November 1974, p.1443). In 1973 throughout the railway, dock and port system, British Transport Police received 1,314 anonymous bomb threat calls dealt with 715 suspect packages, 38 suspect vehicles and 78 suspect letters. Three suspect bombs were detonated and three bombs defused. (Annual Report B.T. Police 1974). Since that year, terrorist activities have been continuing throughout the jurisdiction of the Force, as the following table illustrates:-
### Bomb Threats: Table 8(b) - Source B.T. Police Annual Reports

<table>
<thead>
<tr>
<th>Year</th>
<th>Det.</th>
<th>Def.</th>
<th>Devices Calls</th>
<th>Anon Calls</th>
<th>Suspct Packages</th>
<th>Suspct Vehicles</th>
<th>Suspct Letters</th>
</tr>
</thead>
<tbody>
<tr>
<td>1973</td>
<td>3</td>
<td>3</td>
<td>1314</td>
<td>715</td>
<td>38</td>
<td>78</td>
<td></td>
</tr>
<tr>
<td>1974</td>
<td>3</td>
<td>1</td>
<td>1321</td>
<td>452</td>
<td>20</td>
<td>9</td>
<td></td>
</tr>
<tr>
<td>1975</td>
<td>1</td>
<td>1</td>
<td>1176</td>
<td>287</td>
<td>20</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1976</td>
<td>5</td>
<td>2</td>
<td>1376</td>
<td>802</td>
<td>10</td>
<td>9</td>
<td></td>
</tr>
<tr>
<td>1977</td>
<td>2</td>
<td></td>
<td>502</td>
<td>305</td>
<td>4</td>
<td>3</td>
<td></td>
</tr>
<tr>
<td>1978</td>
<td></td>
<td></td>
<td>329</td>
<td>218</td>
<td>6</td>
<td>4</td>
<td></td>
</tr>
<tr>
<td>1979</td>
<td></td>
<td></td>
<td>315</td>
<td>224</td>
<td>4</td>
<td>5</td>
<td></td>
</tr>
<tr>
<td>1980</td>
<td></td>
<td></td>
<td>287</td>
<td>198</td>
<td>5</td>
<td>3</td>
<td></td>
</tr>
<tr>
<td>1981</td>
<td></td>
<td></td>
<td>398</td>
<td>283</td>
<td>1</td>
<td>6</td>
<td></td>
</tr>
<tr>
<td>1982</td>
<td></td>
<td></td>
<td>322</td>
<td>37</td>
<td></td>
<td>4</td>
<td></td>
</tr>
<tr>
<td>1983</td>
<td>1</td>
<td></td>
<td>278</td>
<td>77</td>
<td>23</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1984</td>
<td>8</td>
<td></td>
<td>327</td>
<td>68</td>
<td>6</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>1985</td>
<td>22</td>
<td></td>
<td>393</td>
<td>147</td>
<td>1</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>1986</td>
<td>9</td>
<td></td>
<td>358</td>
<td>388</td>
<td>30</td>
<td>3</td>
<td></td>
</tr>
<tr>
<td>1987</td>
<td>22</td>
<td></td>
<td>217</td>
<td>83</td>
<td>4</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1988</td>
<td>4</td>
<td></td>
<td>282</td>
<td>133</td>
<td>4</td>
<td>3</td>
<td></td>
</tr>
<tr>
<td>1989</td>
<td>1</td>
<td></td>
<td>389</td>
<td>184</td>
<td>9</td>
<td>9</td>
<td></td>
</tr>
<tr>
<td>1990</td>
<td>5</td>
<td></td>
<td>446</td>
<td>{</td>
<td>270</td>
<td>}</td>
<td></td>
</tr>
<tr>
<td>1991</td>
<td>8</td>
<td></td>
<td>1683</td>
<td>{</td>
<td>1961</td>
<td>}</td>
<td></td>
</tr>
<tr>
<td>1992</td>
<td>14</td>
<td></td>
<td>1836</td>
<td>{</td>
<td>2738</td>
<td>}</td>
<td></td>
</tr>
</tbody>
</table>

**NOTE:** From 'The Future Status of the B.T. Police' Dept. of Transport, November 1992 (Consultation Document, p.8) 'Terrorism within B.T.P. Jurisdiction is worthy of special mention. High ranking specialists in this field have described the B.T.P. as having given 'a robust answer to the terrorist threat'. Since February 1991 the Force has played a vital and developing role in the categorisation of bomb threats nationwide.

Gatwick Airport was soon to be policed by the Sussex Constabulary, and arrangements were quickly put in hand once the Policing of Airports Act 1974 received the Royal Assent on 31st July 1974. A Divisional Commander and Deputy Divisional Commander were appointed in December 1974 in readiness to take over the policing of Gatwick from the British Airports Police in the spring of 1975 (Police Review 27 December 1974, p.1680). No efforts were made to 'take over' B.T. Police Jurisdiction. British Transport Police do rely heavily on Home Department Police Forces to assist in dealing with offences throughout their jurisdiction albeit B.T. Police provide reciprocal arrangements as the following table illustrates:-
### Assistance To And By Other Forces:

<table>
<thead>
<tr>
<th>YEAR</th>
<th>ARRESTS FOR OTHER FORCES BY B.T.P.</th>
<th>JUVENILE ABSCONDEES DETAINED BY B.T.P.</th>
<th>ARRESTS BY OTHER FORCES FOR B.T.P.</th>
</tr>
</thead>
<tbody>
<tr>
<td>1980</td>
<td>1586</td>
<td>16141</td>
<td>408</td>
</tr>
<tr>
<td>1981</td>
<td>1886</td>
<td>1374</td>
<td>1544</td>
</tr>
<tr>
<td>1982</td>
<td>1771</td>
<td>985</td>
<td>363</td>
</tr>
<tr>
<td>1983</td>
<td>1586</td>
<td>1196</td>
<td>534</td>
</tr>
<tr>
<td>1984</td>
<td>1779</td>
<td>1099</td>
<td>520</td>
</tr>
<tr>
<td>1985</td>
<td>1644</td>
<td>1172</td>
<td>270</td>
</tr>
<tr>
<td>1986</td>
<td>1220</td>
<td>1235</td>
<td>596</td>
</tr>
<tr>
<td>1987</td>
<td>1293</td>
<td>178</td>
<td>2009</td>
</tr>
<tr>
<td>1988</td>
<td>1245</td>
<td>146</td>
<td>2849</td>
</tr>
<tr>
<td>1989</td>
<td>1035</td>
<td>270</td>
<td>11</td>
</tr>
<tr>
<td>1990</td>
<td>1360</td>
<td>425</td>
<td>3066</td>
</tr>
<tr>
<td>1991</td>
<td>1769</td>
<td>402</td>
<td>3633</td>
</tr>
<tr>
<td>1992</td>
<td>1591</td>
<td>329</td>
<td>3763</td>
</tr>
</tbody>
</table>

Table 8(c): Source B.T. Police Annual Reports

**NOTE:**

*Annual Report 1988 - p.48*  
'The Force assisted local police at Lockerbie by providing police dogs and handlers to search for property and human remains'.

*Annual Report 1989 - p.5*  
'After the sinking of The 'Marchioness' on the Thames in August the Force rendered vital early response'

*Annual Report 1989, p.25*  
'After serious disorder, including the death of one supporter on the ferry 'Tor Britannia' twenty four (B.T.P.) officers assisted the Essex Police to investigate offences involving 200 fans'

It will be seen from the table that in more recent years, Home Department Police Forces have become increasingly active within B.T. Police Jurisdiction. Given, however the increasing rate of crime, and scarcity of police resources, even if Home Department Forces did take over responsibility for B.T. Police Jurisdiction, it is most unlikely that this would provide a cheap option - indeed, since taking over the policing of Airports, the numbers of Home Dept. Police have increased considerably since British Airport Police days. Whilst Home Dept. police were able to take over the policing of certain airports with ease, it would be difficult to provide a similar service to the railways on a local geographic based agreement. Airports are compact and integral, whilst the railway requires specialist knowledge in legal and safety aspects, and its' network extends throughout every Home Department Police Area.
In New York, in 1990, the suggestion of a merger between the New York Police Department (the equivalent of a Home Dept. Constabulary here) and the New York Transit Police (who police the subways and the buses) was viewed with interest by the media. The basic problem is that the Transit Authority Management, busy running trains and buses is not as qualified to direct police operations as the law enforcement professionals who run the N.Y.P.D., the second factor in favour of a merger is that the work of the city and transit police forces often overlaps'. (New York Daily News 3 June 1990). The article draws attention to the fact that the two organisations have different radio systems (a problem overcome in the U.K. - by negotiation. B.T. Police officers in most areas of the country carry a radio or have a vehicle radio linked to local police).

Government attitudes towards the policing of the railways, and originally docks, ports and waterways connected with the former railway companies, do however not appear to have changed since Sir James Graham's statement to the Commons in 1846, that railways must bear the cost of policing. This is borne out in most recent times with the issue of a consultation document on the future of the B.T. Police after railway privatisation. After an extremely positive description of the functions, accountability, structure, personnel, status and current funding, the document provides a number of options to consider, the most logical of which is option 1 (at page 9) - B.T. Police retained - direct funding by Department of Transport/Home Office. In stating (at page 5) that the Government had no plans to end the arrangement by which British Transport Police are responsible for security and the enforcement of law and order on the railways, the document recognised the value of retaining the Force. In its' preliminary conclusions (at page 10) however, it is clearly stated that 'It is considered that direct funding of B.T.P. by the Government should be rejected'. (para 31). It is difficult to understand how a consultative document can reject out of hand the most logical solution to a problem without first 'consulting' those who operate the policing system - i.e. the B.T. Police. Responses to the document by the Chief Constable, the B.T. Police Federation and the Superintendents Association all indicate that Option 1 is the most favoured and most acceptable.

8.6. Why Then Does Society Need The B.T. Police?

In 1958, Britain had 8½ miles of motorway, by 1965 this had grown to 350 miles, and by 1971, 800 miles had been completed (Bartlett 1977, p.167 and 248). The Cornish Report of 1960, by a senior detective, commented on the increasing number of high value burglaries and robberies carried out by travelling criminals aided by improvements in transport and by April 1965 nine regional crime squads had been set up, initially for a two year experiment. By 1985 however the RCS was firmly established and the Broome Report of that year recommended the addition of a specialist drugs wing. (Police Review, 23 April 1993, p.16). If society needs a specialist force to deal with specific types of crime nationally, brought about by the evolution of motorways, then surely society also needs a specialist force to deal with specific types of crime brought about by the evolution of railways more than a century and a quarter before motorways emerged?

The railway is a peculiar, and indeed can be a dangerous environment in which to work. B.T. Police, in addition to receiving the standard police training systems also need to be trained and refreshed in railway safety - safety on the track, fire safety, and safety at major
incidents on the railway. Knowledge of train movements, geographical concepts, legislation and crime peculiar to the railways is also vital if an efficient and effective policing system is to prevail. Among the serious offences peculiar to railways which are committed are obstructions on the track, endangering the safety of persons on the railway, arson, luggage thefts, thefts of mail and robbery (and assault with intent to rob). The following table illustrates the volume of these offences:

<table>
<thead>
<tr>
<th>Year</th>
<th>Endanger Safety</th>
<th>Obstruction</th>
<th>Arson</th>
<th>Luggage Theft</th>
<th>Mail Thefts</th>
<th>Robbery/Assault with Intent to Rob</th>
</tr>
</thead>
<tbody>
<tr>
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The effectiveness of any police force anywhere is determined by four basic factors, Manpower, Communications, Mobility and the Law'. (Sir Robert Mark, Alderson and Stead 1973 p.14). With the co-operation of the Police Committee, the B.T. Police has invested to a considerable degree in each of these factors. The development of assessment and quality training for its officers (Chapter 6.2) for example, and Communications, (A Platform for Change - Police Review 15 May 1992 p.898/9) by way of a multi million pound computer project which will provide a single point entry for all data, a seamless data base serving all force systems, common standards and design for all applications and an enhanced telephone system (Annual Report 1992, p.23). The Force continues to follow the policy of introducing quality diesel vehicles into it's modern fleet and even provides lightweight mountain bikes in some Areas (Ibid p.24). Whilst police have little control over the law, B.T. Police continue to apply not only the general law of the land, but also that specific to railways to good effect.

It is reasonable to assume that any credible form of security should be applied to ensure a safe and secure environment. Sir Phillip Knights, former Chief Constable of the West Midlands Police noted that the police committee of the Association of Metropolitan Authorities in 1976 ... 'felt that it would be desirable for all types of policing to come under one large umbrella, and interest was expressed in establishing a multi-tier police force comprising for example, police officers as we generally understand the term, existing 'private' police forces, private security forces and traffic wardens, together with, perhaps, persons to patrol high rise flats, covered shopping centres and the like...' (South 1988 p.159). He suggested that such a move might raise the politically sensitive question of 'municipal trading' - a possibly better service for the more affluent (Ibid). Whilst this
suggestion seems somewhat ideological, given the current hotch potch of organisations with (and without) police powers, including Customs and Excise, H.M. Immigration Service, Court Officials etc, it merits further research.

Very little has been written about private security, specialist police forces and vigilante groups in Britain (Johnson 1982, p.220), indeed 'what do we understand by the term 'policing'? (Ibid, p.222). South believes that the 'private security sector' 'have a significance demanding very serious vigilance', but suggests that a goal might be 'accountability guaranteed by public right of inspection, for example of training, information collection, operational activities etc.', warning that otherwise this could 'produce Orwells 1984 nightmare'. (South 1988 p.163).

There does seem a case for consideration of the licensing of private security organisations, thereby creating a system (to be paid for by private security operators) whereby security staff might be properly vetted, and be subject to a standard set of criteria, removing some of the doubts about quality. In relation to the railway, members of society might feel that they have the right to the same quality of protection by they travelling by rail, road, (or even shanks pony). Only society can decide whether B.T. Police should continue. Any legal and credible form of additional assistance from any quarter would be, most certainly, acceptable to the Force, provided that it was not used as a lever to replace professional police officers.
CONCLUSION

9.1 Where are the B.T. Police now?

The preparation of this study in a dispassionate and analytical format has been extremely difficult. Having lived and worked through pride and prejudice as a serving member of the British Transport Police for more than thirty years, during which many of the developments discussed have taken place, it is virtually impossible to examine some of them with clinical indifference. The task has been complicated by the culmination of two issues which may well affect the British Police Service as a whole and the British Transport Police Force in particular - the publication of the Sheehy Report (Inquiry into Police Responsibilities and Rewards, 1993, H.M.S.O.) and the impending privatisation of the Railways. The British Transport Police is 'one of the oldest police forces in the world' (B.T.P. Journal, Autumn 1990, p.18) but 'who knows what the future holds if British Rail is privatised? Certainly there can be no guarantees that there will be an assured role.' (Sir Robert McCrindle, Express Lines 1991, Issue No. 2 p.5) A more practical and objective assessment of the situation was provided by the Chief Constable of the B.T. Police, 'The future for the British Transport Police lies in continuing to recruit high quality police officers who are trained to be leaders in emergency management and in the protection of the community ... flexibility in matching skills to tasks in a cost effective manner is essential to our future success as a national Force policing the railway systems in this country whatever shape they may take'. (Desmond O'Brien, Chief Constable, British Transport Police, Annual Report 1990, p.5). With these statements in mind, I will endeavour to summarise the study and recommend future strategies in order to assess the value of the continuance of a highly motivated and professional organisation.

9.2 How did the B.T. Police get here?

It will be apparent from Chapter One that the origins of the modern Force lie in the years during which the police concept was developed. No firm evidence is available to provide an exact date for the commencement of policing of railways by dedicated 'railway' police officers but, given that the London Metropolitan Police was formed in 1829 and the first mention of railway police recorded was in 1830, clearly they were in at the beginning. The general public disorder which resulted in the subsequent formation of what I will call from hereon, the civil police, was clearly mirrored on the railways. Gay, Whitbread and Coleman provide information about riots by construction workers at Penrith, Kendal and Mickleton in the mid-nineteenth century which appear to have been comparable with those which occurred elsewhere than on the railway during those years. Government attitudes, however, have stood firm since Sir James Graham's dictum in 1846, followed through by Lord Brabazon of Tara in 1988, that the finance of policing railways rests with the appropriate Transport Authority. It is extremely difficult to comprehend the reason for this persistently dogmatic approach, particularly in the light of the professional development of the modern Force. From the outset, railway police modelled themselves (and were allowed to do so) on civil police, even down to the style of the uniform they wore, although pay structures were somewhat different. It was not until this century that amalgamations took place, firstly in 1921, then more dramatically in 1949 when the
British Transport Commission Police, the forerunner of the modern Force was created - the first (and still only) national police force in the U.K. serving the public sector. Between 1949 and 1964 (when the B.T. Police Scheme came into operation), a great deal of reorganisation took place, but it is only in recent years, in particular from April 1992 that root and branch reorganisation has created a fundamental change of direction in management style. Chapter Two raised questions about the adequacy of the establishment, based on criteria used by civil police authorities. It was not until the commencement of the Amendment Scheme in 1992 that the Police Committee were legally required to provide an 'adequate' as well as an efficient Force. Whilst numerous security and safety measures additional to police, e.g. c.c.t.v., improved lighting, Help Points etc., have been introduced, as well as a system for negotiating police resources, the current establishment of the Force is still based on that which existed before these measures were taken and in consequence may need further research to clarify its adequacy.

Limited by information publicly available as to how establishments are calculated, efforts to determine suitable formulae relevant to the rationale for a particular level of funding remain somewhat superficial. They may, however, form a basis from which to go forward.

In Chapter Three, I examined firstly the legal considerations which support the view that B.T. Police are 'real' police officers. It will be seen that legal definitions have been created in order to include the Force in important legislation, as well as to describe its members in parliamentary (and sociological) debates - 'constables', 'officers of the Crown', 'transport police as opposed to ordinary police', 'irregular?' (as opposed to regular police), 'those outside police forces which have authority to be in existence', 'body of constables maintained otherwise than by a police authority' and perhaps the most colourful of all descriptions, 'hybrid' police. (Johnson 1992 p. 125-128) According to the Concise Oxford Dictionary a hybrida is the offspring of a tame sow and a wild boar, whilst hybrid itself can be the offspring of two animals or plants of different species, crossbred mongrel or (hopefully what he means) in Parliament, a Bill combining characteristics public and private. (Concise Oxford Dictionary, 1951, p.583) Difficult to understand was the reference of the Force in the Royal Commission on Criminal Procedure as a 'non police agency', (Research Study No. 10 1980, H.M.S.O., p. 163) particularly since the study found that the B.T. Police had handled more than twice as many known crimes in 1977 than a Home Department force to which it was compared, that it prosecuted its own offences in much the same way as the civil police and was found to be the second largest prosecution agency in the study 'acting very much like a civil police force'. The variety of descriptions attributed to constables of the Force may well continue, unless of course, H.M. Government one day decide to 'regularise the irregular' and place B.T. Police for legal and practical expediency into the 'police officer per se' category - a simple sentence in a future Act of Parliament would suffice.

It will be seen that in the practical considerations, the actual work undertaken by B.T. Police is basically the same as that of any police force. The research undertaken by (and on behalf of) the Management Consultants in 1988 tends to provide evidence of this, as do the statistics and descriptions of incidents. Of particular importance is the survey on 'rural' violence, albeit having been conducted at high speed and the criteria selected by the
Force not having always been followed precisely. It does, however, highlight that the
problems of society as a whole are also present on the railway.

Continuing efforts to improve safety and security on the railway through such initiatives
as Major Incident Training and Schools Liaison, together with Crime Prevention, fear of
crime reduction and Travelsafe are indications of modern police management methods
aimed at community care. The 'outside' view of Sir Robert McCrindle - 'there is really
no difference' may be seen by B.T. Police as a refreshing comment.

Chapter Four dealt with what seems to be an emotive issue - accountability. It will be
apparent that the Police Committee has, in very recent times, accepted into its organisation
two 'independent' members, representing the community. There is, however, still some
doubt as to the position of the Committee. In July 1989, I received a letter from the
Solicitor of the British Railways Board criticising an article I had written which was
published in the Spring Edition of the B.T. Police Journal on the present constitutional
position of the B.T. Police (Thomas 1989(a)). The letter claimed that the Fisher -v-
Oldham Corporation case was not relevant to the position of B.T. Police officers and that
they were 'governed by Lambert -v- Great Eastern Railway Company (2KB 776), (This
was discussed in Chapter 3.1 and it was found by the Judge in that case 'It is the railway
company who pay ... who dismiss and in these circumstances it seems to me that these
men (the Great Eastern Railway policemen in the case) are bound to obey the orders of the
railway company and ... in the acts which they did they acted as servants of the
Company.' ) After protest that this was not my view, a further letter accepting a
'difference of opinion' was received. There still appears to remain, however, a
'difference of opinion' (letters 14th July, 15th September 1989).

The Amendment order to the B.T. Police Scheme (S.I. 1992/364) has made a number of
changes to the manner in which the Force is to progress, taking into account many of the
recommendations made by the Management Consultants Ernst & Whinney in 1988. In
particular, it has given the Chief Constable unquestionable operational control over the
Force. It is unfortunate that as yet, H.M. Government has not provided a clear and
specific remit either to the Home Secretary or the Secretary of State for Transport to be
fully responsible for the Force. The acceptance by the Force of the Lay Visitor Scheme,
liaison with the Crown Prosecution Service and a clear and definite open policy to liaise
with the media, together with a total commitment to the Complaints Against Police
System are all indicators of a willing participant in the accountability debate.

If accountability is an emotive issue, then funding of the Force can be described as equally
so. It is also more difficult to assess. In Chapter Five, I have attempted to examine
available evidence but must admit failure to provide a simple explanation. Perhaps the
answer lies in the Italian experience - give British Transport Police equivalent jurisdiction
with civil forces, fund them through the State and make them accountable to an
appropriate Minister. This is virtually what happened in relation to British Airports in
1974 and there seems no logical reason why it should not have happened in respect of
railways and the same time and for the same reasons.
In a study of this size, it would be impossible to examine in detail and comparatively, the conditions of service of B.T. Police and those based on Police Regulations of the Civil Forces. Recruit Assessment and Training, together with specialist and advanced training have been explained and together with statistics prepared by the Recruiting Department, comparisons with civil forces provided to indicate the fact that B.T. Police receive the same, if not more training (given the specialist subjects they are required to know), as civil police in the same training environment. In this way, the Force can openly subject itself to scrutiny by the community. If training, police duty and general policing requirements are synonymous with civil police standards, it seems right that pay and allowances should also correspond. Whilst this is broadly true today, it has not always been the case, as will be seen from Chapter 6.3. In the current public debate on the Sheehy Report, there has been much talk by police to the effect that the police service is a ‘vocation’, e.g. Panorama (BBC TV, 16 August 1993 9.30-10.10 p.m.) Whilst it is claimed today that police officers are well paid, those who served before the Edmund Davies award was made in 1979 will remember harder times. (See especially Reiner 1978 - The Blue Coated Worker). Research on motivation to join the police service today show that job satisfaction (albeit in many cases somewhat idealistic perceptions of what police work actually entails) is greater in most cases than financial reward. (Fielding 1988 p.37-50)

The question of promotion prospects in the B.T. Police Force has become increasingly controversial within the last few years. It was believed in 1982 that by introducing the Force into the National Police Promotion Examinations (as opposed to the original system of in-Force examinations, a procedure also used by the London Metropolitan Police until recently on the grounds of specialism), officers of the Force would be qualified to transfer to other Forces. This has not come about. Whilst ‘Police Regulations’ have been offered as an excuse by some civil forces, this does not seem valid. Efforts are being made, however, to prepare B.T. Police more fully in order that cross-fertilisation may take place. Meanwhile, the debate on ‘one way traffic’ continues.

In Chapter Seven, I traced the inter-relation between the Force and civil forces and show the marked difference in opinion of the Police Federation of England and Wales over the last quarter of a century, as well as the most recent joint co-operative initiatives. It is right to point out that degrees of co-operation have been present throughout my service and probably before on a local, perhaps even personal basis. It may be that in the fullness of time, co-operation will have advanced to such a degree that it will be unnecessary to comment upon it.

In the final Chapter, I have examined some of the alternatives to policing the railway with a professional dedicated police force. The considerations by the Management Consultants, Ernst & Whinney, that civilian security organisations might carry out general patrol duties on railway stations had some merit but it is difficult to establish what ‘non-threatening situations’ are. Colleagues and I have been called, as police officers, to serious fights and disorders on many occasions which arose, initially, from the most trivial incidents - an unguarded personal comment in a bar, accidental contact between people entering or leaving trains, disputes over taxi fares etc. Additionally, I share South's' (South 1988, p.163) worries about the quality of some personnel employed in the security business. Volunteers, unless properly managed and supervised (as are Special Constables) can provoke problems by their very presence and their motivation could be
suspect, leading them from a passing 'security' presence into a more active (and perhaps illegal) vigilante scenario.

The question of community respect and confidence also emerges. When B.T. Police were removed from docks and ports, local communities were vociferous, through the media, in expressing their fears. The main difficulty in persuading civil police to undertake the role of B.T. Police on railways might well be priorities. The consultation document on the future of the B.T. Police after privatisation recognised the positive attributes of the Force, including its 'robust answer to terrorism'. Given that the Force is dedicated to a system of specialised policing, it seems likely that were civil police responsible to the same degree, local operational commanders might see the policing needs of the High Street as a higher priority than those of the railway station, particularly on Friday and Saturday nights and in consequence might frequently deploy few (if any) officers to the railways, which in consequence could lead to an escalation of crime and disorder throughout the 'former' B.T. Police jurisdiction and increase fear of travelling by train in the community.

9.3 Where is Policing in the U.K. Going?

On 20th May 1992, the then Home Secretary Kenneth Clarke announced to the Police Federation Conference at Scarborough, his intention to commission an inquiry into the Police Service. (Police Review 29 May 1992 p. 1001-1004) The terms of reference of the Inquiry into Police Responsibilities and Rewards, commonly referred to as the Sheehy Enquiry, were to examine the rank structure, remuneration and conditions of service of the police and to recommend what changes would be sensible to ensure rank structure and conditions of service, reflect the current role and responsibilities of officers; enough flexibility in the distribution of rewards to ensure that responsibilities and performance may be properly recognised in changing circumstances; remuneration set and maintained at a level to ensure recruitment, retention and motivation of officers of the right quality. (Fielding and Fowles - Penal Policy files, The Howard Journal - Vol. 32, No.1, Feb. 93 p.61) Initially, the announcement provoked mixed feelings: David Shattock, Chief Constable of Avon and Somerset welcomed it, provided that it also investigated the causes of crime. (Police Review 29 May 1992 p. 992), The Police Federation of England and Wales expressed fears of 'cost cutting' (Ibid, p. 981), the fact that there was to be no police representatives on the team caused concern within police ranks (Police Review 31 July 1992 p. 1411), whilst the Police Federation were reported to be 'Travelling World for Sheehy' (Police Review 11 Sept. 1992 p.1661). Despite assurances that there would be no drastic restructuring of the Police Service (Police Review 15 May 1992 p. 885), the subsequent publication of the White Paper (Police Reform : A Police Service for the 21st Century - The Government's Proposals for the Police Service in England and Wales - 1993 - H.M.S.O.) in June 1993, two days before the Sheehy Report belied these assurances. The White Paper proposes to: (inter alia) remodel Police Authorities, merge police forces, change disciplinary procedures, review the position of Chief Constables, develop the Special Constabulary, strengthen the Inspectorate, review force organisation and give the Home Secretary greater powers, including power to order mergers, set national objectives and limit the amount of cash he gives to each police authority. (Police Review 2nd July 1993 p. 12/13)
Hot on the heels of the White Paper came the Sheehy Report (Inquiry into Police Responsibilities and Rewards - 1993 - H.M.S.O.). Among recommendations in that Report were: to abolish the ranks of Chief Inspector, Chief Superintendent and Deputy Chief Constable, introduce performance related appraisal and pay, a new pay structure removing overtime payments in many instances and altering conditions surrounding payment for rest days worked, ceasing payment of housing allowance to new recruits, a change in regional pay allowances, removal of restrictions on where an officer may live and related matters, replacement of police regulations by a national Code of Standards, abolish a number of allowances, e.g. detective expenses allowance, plain clothes allowance, introduce fixed term appointments, extend the age of retirement, amendments to pensions, employment of civilians by police authorities as opposed to local authorities and numerous other changes in conditions of service. (Police Review 2nd July 1993 p. 2-20)

Initial police reaction was explosive. All Sunday newspapers on the 4th July 1993 carried the advertisement by the Police Federation ‘Do you believe the police should compete against crime or each other?’ Media reports were mixed – ‘The bobby on the beat will be under siege’ (Observer 4th July 1993), ‘Police warn of conflict over new proposals’ (Independent 1st July 1993), ‘The making of a better force’ (Independent 1st July 1993), ‘Strong meat for the police’ (Daily Telegraph 1st July 1993), ‘Constable may be painted out of the picture’ (Daily Telegraph 26th July 1993), ‘Police chiefs confident of compromise over Sheehy’ (Guardian 28th July 1993), ‘Police changes will do nothing to cut crime’ (Guardian 22nd July 1993). Sir Patrick Sheehy himself wrote an article in the Guardian on 26th July 1993, claiming that ‘The report represents a unique opportunity to improve the police service both for the public it serves and for the dedicated officers who work within it. It would be a tragedy if that opportunity was lost because people had been misled about the nature of the proposals.’ The root and branch re-organisation of the B.T. Police described in Chapter 1.1, together with an effort to dispense with the services of a number of older Superintendents and managers by way of voluntary severance in 1993 (of which I took advantage) is an indication that the Force is well on the road to following some of the recommendations.

On 9th July, the Commissioner of the Metropolitan Police commenting on ‘people’s understandable fears and anxieties’ said, ‘I agree with the analysis of the problems but I have yet to be convinced about some of the proposals’. He added that it was time for mature reflection and not knee jerk reactions to what, after all, are recommendations’. (The Job - July 9 1993 p. 1) By July 25th he was reported as saying that he might not be able to continue in his post if Ministers implemented the Sheehy Enquiry’s recommendations on pay and conditions in full. (The Times 26 July 1993) also (Police Review 30 July 1993, R 4) On 20th July the Police Federation held an Open Meeting at Wembley Arena entitled ‘Fighting for Your Future’ which was attended by 23,000 officers (Police Review 20th August 1993 p.13) and by the middle of August, four Chief Constables, including the Head of the Royal Ulster Constabulary, had followed the stand taken by the Metropolitan Police Commissioner, stating that they would have to review their positions if the Sheehy Report is implemented. (Police Review 20th August 1993 p.4) The debate continues at the time of writing.
Yet another report, the Royal Commission on Criminal Justice with 352 recommendations, was published during the week ending 12th July 1993. Many of these concern police investigations, police practice, safeguards for suspects, the right of silence and confession evidence. The most radical proposal in respect of police, however, is that where a police officer is found not guilty of a criminal offence, that officer may have to face disciplinary charges on the same set of facts. (Police Review 9 July 1993, p.16) This would place officers in double jeopardy and the recommendation that the standard of proof in disciplinary hearings should be less than that required to commit for a criminal offence would apply.

In addition to the recommendations of the three reports above, a code of ethics was launched for the Police Service on 8th December 1992. (Fielding and Fowles 1993, Penal Policy File, The Howard Journal - May p. 158) The eleven principles which are based upon human rights, proper use of power and personal accountability should provide a sound basis for community satisfaction if adhered to. This sub-chapter was entitled ‘Where is policing in the U.K. going?’ Despite the initial comment on the Sheehy Report by the Metropolitan Police Commissioner, that the report contains ‘recommendations’ (supra) and the enormous response by the police service, the Home Secretary Michael Howard is reported to have said that the new legislation which may be required to implement both the White Paper and the Sheehy Report would be in force by April 1995. Measures for which no legislation is needed will be implemented sooner. (Police Review 2 July 1993 p.13) It would be unwise to speculate, however, if the police service is to follow in the footsteps of the National Health and Education Services (both changed by Kenneth Clarke) speedy endemic change will ensue. ‘Change’ has been the watchword in the B.T. Police Force ever since the publication of the Ernst and Whinney recommendations which followed the Strategic Management Review of the Force in 1988.

9.4 **Who is in control?**

Whilst Chief Constables (of civil police forces) are seen as a ‘powerful elite group of growing importance’ (Reiner 1992 p.3) ‘in terms of power, economic class and social status’ (p.5), the Government White Paper proposes to change the constitution of Police Authorities by reducing them to a ‘manageable size’ of sixteen, (eight councillors, three magistrates and five other local people appointed by the Home Secretary who will also select a chairperson). Additionally, the Home Secretary will set national objectives for the Police Service each year and H.M. Inspectorate will be strengthened. Whilst police authorities will continue to appoint Chief Constables, subject to the Home Secretary’s approval, the Home Office is looking at ways of improving objectivity in assessment and adherence to the principle of equal opportunities. (Police Review 2nd July 1993 p.12/13) Despite the fact that sixty per cent of Chief Constables believe that there should be a local police authority for the London Metropolitan Police (Reiner 1992 p.263) a view shared by others, e.g. Fielding 1991 p.177, and often discussed at length, e.g. Lustgarten 1986 p.94-99, the White Paper does not recommend this, (as some expected), on the grounds of the national responsibilities of that force. The Home Secretary will retain his position as the police authority but will appoint up to sixteen people to ‘help him oversee’ the force (Police Review 2 July 1993 p.13). ‘The powers of the Home Secretary already dwarf...
those of local police authorities'. He has power to make regulations on establishment, discipline, pay, pensions, allowances, training, duties, leave, housing, uniforms, equipment and inspection. He may withhold grants, compulsorily amalgamate police forces, call upon Chief Constables to furnish him with reports on policing of their areas and can conduct ad-hoc independent enquiries into the conduct of a force. He approves senior police appointments and is the Appeal body for disciplinary proceedings (S.A. de Smith 1973, p.384-386). Except for a small minority, Chief Constables universally recognise that central control is increasing and the Home Office is seen as having both power and authority (Reiner 1992, p.284). With such existing powers of both central government and the Home Secretary and no sign of any diminution of enthusiasm for central government authority (despite a rhetoric of community empowerment), it seems increasingly unlikely that the anomalous position of the B.T. Police could remain unsolved for long. As will be seen, however, even the enormous step of privatising the railways has, so far, failed to clarify the status of the Force.

9.5 Where is the B.T. Police Force going?

The revelation that British Rail was to be privatised, widely reported in the media on 21st May 1988 caused deep consternation throughout the B.T. Police. Such headlines as 'Thatcher advisers plan B.R. sell off' (The Independent 21 May 1988) 'Maggie signals end of the line for British Rail' (The Sun 21 May 1988), 'The Great Train Robbery 1988' (Morning Star 21 May 1988) 'Swansong for British Rail' (Today 21 May 1988), 'B.R. gives sell off signals' (The Sunday Times 22 May 1988), to mention but a few, led to the question within the Force 'What will happen to the B.T.P?' Rumours were rife, so much so that in his first Annual Report, the newly appointed Chief Constable provided the carefully worded statement with which I started this Chapter. Though some five years later, rail privatisation looms nearer, the final answer has still not fully emerged. In June 1993, Roger Freeman the Transport Secretary announced that control of the Force will remain in the 'public sector' - albeit governed by Railtrack, the body of British Rail due to be responsible for track allocation to private operators. Whether 'Railtrack' will be under government supervision, thus causing it to be in the 'public sector' is unclear. Furthermore, the 'industry' perception of requirements for policing should be taken into account when deciding the levels of policing', (Police Review 2 July 1993 p.11) who will control B.T. Police? Despite an immediate request to Kenneth Clarke to include B.T. Police? in the Sheehy Enquiry by the B.T. Police Federation on the grounds that if excluded it would leave the Force open to being labelled as not part of mainstream policing. (Police Review 19 June 1992 p.1120), the Force was excluded. This was in line with government attitudes since railway policing began. The Royal Commission on Police of 1839 and all Royal Commissions since, have excluded the Force. The Government failed to intervene in 1983 when Associated British Ports withdrew their support for the Force and again in 1984 when Sealink announced it would do likewise. In Parliamentary Debate on 14th December 1984, in response to Robert McCrindle M.P. who raised concerns about the withdrawals, the Under Secretary of State for Transport re-asserted that:
(a) the establishment and deployment of the British Transport Police is a matter not for the Government but the British Railways Board and other organisations making use of their services;

(b) the decision of Associated British Ports to dispense with the services of B.T. Police was a commercial matter entirely for Associated British Ports;

(c) the investigation of criminal offences committed on the property of Associated British Ports would be undertaken by local county police - arrangements which exist in 'dozens of ports' not served by the B.T.P. or having their own police force.

(d) a number of stories had been circulating that the withdrawal of B.T. Police would result in organised crime, including drug trafficking - these assertions stray away from reality.

(Hansard 14 December 1984 - H.M.S.O. Col. 1380-1386)

A uniformed police force in sea was formed by the West India Company of Merchantmen, approved by the government but originally paid for by the Merchant Companies. The first Marine Police Office was opened in 1798 on the site of the present Metropolitan Police Thames Division H.Q. at Wapping. The Marine Police Office, taken over in 1839 by the Metropolitan Police Thames Division (Metline June 1993 p. 6/7) continues today - publicly funded. In 1991, drugs seizures rose by 15% to 69,800, a similar rate of increase to the previous year. Most seizures of all drugs were from the person (90%) and some in postal consignments. In terms of weight, the majority were seized by Customs and Excise. (Fielding and Fowles 1993 - Penal Policy File - The Howard Journal Feb. 1993 - p.60). How much of this materials, seized on the streets by police, passed into the U.K. through sea ports and docks which were not policed, or ineffectively policed? Currently, nine British Ports/Docks are listed as maintaining a statutory constabulary (Police and Constabulary Almanac 1993 p. 268/269). Further research on the point of entry of drug seizures, together with similar research on the illegal importation of explosives, firearms, pornography, animals and birds, as well as illegal immigration, might well establish whether or not national security is being compromised by commercial considerations.

Another opportunity for the effective use of British Transport Police expertise was sanitised by the government (by way of section 14 of the Channel Tunnel Act 1987) by placing the policing of the Channel Tunnel under the direction of the Chief Constable of Kent. What is the Channel Tunnel but an underground railway? Who has the expertise in policing such railways? Sound, visual evidence of this was provided by I.T.V.'s Crime Monthly programme on Friday 20th August 1993 at 10.40p.m. with a snapshot of specialist B.T. Police squads at work on the London Underground, combating indecency and pick pocketing. Will the privatisation of the railways cause the destruction of this effectiveness? Will British Transport Police have the appropriate funding and status to continue to provide such expertise or will the control of public space on the Underground pass to unqualified, untrained security officers with no constabulary powers?
Although the government declined to include the Force in the Sheehy Enquiry, there seems little doubt that B.T. Police will follow those recommendations of the Report which become mandatory. The Chief Constable welcomed the proposals on fixed term contracts and performance related pay shortly after the Report was published (Police Review 14 July 1993 p.14). The root and branch reorganisation of the Force which was finalised on the 2nd April 1992 was the culmination of a number of initiatives starting with the Force Strategic Management Review conducted by the same consultants (Ernst & Young, albeit in 1988 these were Ernst and Whinney) as those who conducted the original research component of the Sheehy Enquiry.

Despite continuing statements by Government officials that the B.T. Police remain the responsibility of the appropriate Transport Authority and not the Government, the publication of the Consultative Document by the Department of Transport in November 1992, entitled 'The Future Status of the British Transport Police ' and the White Paper 'New Opportunities for the Railways (July 1992) the Government officially recognised the Force, perhaps for the first time in it's history. An analysis of the Consultation Document may provide an answer to the question 'Where is the B.T. Police going?' The paper provided four options (at p. 9/10)

Option 1  B.T. Police retained - direct funding by Dept. of Transport (DoT) Home Office.

Option 2  B.T.P. retained - responsible to the Track Authority.

Option 3  B.T.P. retained - responsible to the Regulator.

Option 4  B.T.P. retained - responsible to the Secretary of State.

Although it was stated at the beginning of the document that it's purpose was to form a basis for more detailed discussions with those directly concerned with the operation and management of the British Transport Police and comments on all aspects of it's proposals would be welcomed, the paper contained a 'preliminary conclusion' (at p. 10, para 31) that 'It is considered that direct funding of B.T.P. by the Government should be rejected'. To reflect such a recommendation BEFORE 'welcoming comments' seemed to suggest that a decision had already been reached. The Chief Constable, the British Transport Police Federation and the Superintendents' Association, each provided 'comments' to the effect that this option was the most acceptable.

The relative value of each option is difficult to comment upon in the light of the arbitrary dismissal of Option 1. Policing railways in a specialist manner is analogous to policing airports. Privatisation of the industry is thus irrelevant to operational policing if control and funding is exercised by H.M. Government either through the Home Office or the Department of Transport. Paragraph 28 puts the whole question of funding and control into perspective with these words:

'a national police force controlled by private companies and exercising all the powers of constables might prove unacceptable to public opinion'
Taken with reference to Terrorism in paragraph 17, and comparing the situation which existed at principal British Airports in 1974, there can be no doubt that the status of the British Transport Police must in the eyes of the community, i.e. society as a whole, be equal to that of any Home Department Force in the U.K.

Any apparent or real control of the Force by British Rail, London Underground or any private organisation created by privatisation measures will thus complicate the status of the Force in the future. The 'take-over' by civil police of policing major airports in 1974 (see Chapter 8) demonstrated that the status and competence of the British Airports Authority Constabulary was in doubt.

The principal reason given for the take-over at Heathrow was that Metropolitan Police had greater resources to deploy in the response to terrorism. This reason may be echoed in paragraph 21 of the consultation paper in relation to London Underground. Terrorist activity in the 1970's was considerable on the railway and has recommenced in the 1990's.

Whilst paragraph 20 draws attention to the valuable assistance rendered by the Force to ‘County’ police forces, assistance to Metropolitan Forces is not mentioned and paragraphs 21-23 indicate that a take-over of London Underground and British Rail stations on Network SouthEast by Metropolitan Police is being considered. Paragraph 22, however, again sharpens perspective in relation to the specialist knowledge required to police the railway. B.T. Police have such expertise already.

Much depends upon Government's perception of the value to the nation of the remaining rail network as to the method of policing. Given environmental factors, future reserves of oil, gas, coal etc. and the conservation of energy, the network will provide a sound, future source of transport and communication. Sir Robert Reid, Chairman of British Rail has pointed out that, 'in the 1990's congestion and pollution caused by rapid expansion of road and air transport is reinforcing the case for an acceleration in the pace of railway development'. (Future Rail - The next decade - B.R.B. 1991)

References in paragraph 16 to Associated British Ports and Sealink's withdrawal from the B.T. Police Scheme because 'security men were cheaper', is a major concern. Whether security men provide value for money in quality of service is questionable. Increasing illegal importation of drugs and other goods as well as illegal immigration, might be reduced by a professional police presence acting as a deterrent. The withdrawal of police from some ports and docks might well have contributed to it's increase. In such areas, vital to national security, it is important that control is not lost.

Paragraph 35 presupposes that a 'Regulator' is to be appointed but gives no information on the qualifications of such a person. Bearing in mind the demands of policing the rail system, it does not seem desirable to allow operators who wish to make 'alternative' policing arrangements to do so. If, however, (as at airports) they wish to enhance their security facilities by the use of private security companies, the should be encouraged. Replacing professional police officers with unskilled civilian labour to provide a
9.6 Conclusion - Where should B.T. Police be going?

The core functions of any police force have been enshrined in custom and law since the inception of the 'new police' in the early nineteenth century and have not really changed much - The Protection of Life and Property, The Preservation of the Peace, The Prevention of Crime and the Detection and apprehension of offenders. Modern writers, (notably Lustgarten) argue convincingly that police officers can no longer be seen as self directed decision makers answerable only to the law and this dictum is adequately catered for in the current Force Statement indicating aims and values to carry the Force into the 21st century.

The Force has also demonstrated its flexibility in consultative approaches with the railway community and society as a whole, implementing many innovative schemes aimed at, for example, crime reduction, fear of crime reduction, victim support and (as indicated in paragraph 17 of the consultation paper), 'a robust answer to the terrorist threat'.

Whilst the operational control of the Force must of necessity rest with the Chief Constable, it is suggested that the control and allocation of costs should rest with the Police Committee and/or the appropriate Minister. It has been said the present Committee 'in practice' parallels the duties and responsibilities of a Police Authority of a provincial police force'. (Crime on the London Underground - DoT 1986 - H.M.S.O.) The current composition, however, remains heavily weighted by British Rail and London Underground managers who, of necessity will be biased in directing costs to the running of a railway, not a police force. The requirement to maintain an adequate (as well as an efficient) police force, recently added by the new Scheme, creates a new dimension as does the addition of independent members. The composition needs to be widened further however, if public credibility is to be achieved. Additionally, the member with specialist police knowledge needs to be changed frequently in order to provide current police practice and management information. These comments presuppose that a Police Committee is necessary in the future. The London Metropolitan Police, a force more than ten times the size of the B.T.P. is managed by the Home Secretary. 'Control' of a police force is an emotive word and care will need to be taken to ensure that the Force is not totally compromised by commercial considerations. The 'great difficulty in implementing a financial regime' referred to in paragraph 19 might be eased by a study of how the costs of police at major British Airports has been financed for two decades. The 80%/20% public/industry commitments of the Force (paragraph 13) is an important feature of future funding.

If the case for a unified B.T. Police (paragraphs 15-20) is sincerely stated, the 80% public duty (paragraph 2) taken seriously and the need to preserve the nation's railways in safety and security for future generations is honestly believed, there is only one way forward. H.M. Government has the opportunity to re-address the constant historical ignorance of the importance of providing a sound, professional, effective and efficient policing service for the railways, equal in status to Home Department Forces, by making B.T. Police the
U.K’s fifty-third police force with the implementation of Option 1. Anything less will be a retrograde step.
APPENDICES
THE NATIONAL POLICE SERVICE FOR THE RAILWAYS
ENFORCING THE LAW TO PRESERVE THE QUEEN’S PEACE
AND REDUCING THE FEAR OF CRIME

OUR AIMS
Making our railways the safest
Enhancing the quality of life for customers and staff
while safeguarding the whole community

OUR VALUES
Giving a best quality policing service which is
caring, efficient, courteous and approachable,
in a way that is
consultative, flexible and cost effective

“Treating each call for service as if it came from a member of our family”

“Supporting the victims of crime”

HELP US — HELP YOU
The purpose of the Police Service is to uphold the law fairly and firmly: to prevent crime; to pursue and bring to justice those who break the law; to keep the Queen's Peace; to protect, help and reassure the community; and to be seen to do all this with integrity, common sense and sound judgement.

We must be compassionate, courteous and patient, acting without fear or favour or prejudice to the rights of others. We need to be professional, calm and restrained in the face of violence and apply only that force which is necessary to accomplish our lawful duty.

We must strive to reduce the fears of the public and, as far as we can, to reflect their priorities in the action we take. We must respond to well-founded criticism with a willingness to change.

ACPO 1990

The ability of the service to adopt the above statement will depend on the willing co-operation and assistance of society in general. The maintenance of law and order is the responsibility of society itself not solely that of the police.
Appendix THREE

<table>
<thead>
<tr>
<th>Rank</th>
<th>Division</th>
<th>Strength</th>
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<tbody>
<tr>
<td>1</td>
<td>Western</td>
<td>153</td>
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<td>2</td>
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</tr>
<tr>
<td>3</td>
<td>Southern</td>
<td>237</td>
</tr>
<tr>
<td>4</td>
<td>Midlands</td>
<td>187</td>
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<tr>
<td>5</td>
<td>North West</td>
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<tr>
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<td>North East</td>
<td>183</td>
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<td>Scottish</td>
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<td></td>
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<td></td>
<td>Force Headquarters</td>
<td>134</td>
</tr>
<tr>
<td></td>
<td>TOTAL</td>
<td>1,846</td>
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</tbody>
</table>
NEW FORCE STRUCTURE FROM 5 APRIL 1992

Appendix FOUR

KEY
1 Scottish
2 North Eastern
3 North Western
4 Midland
5 South Western
6 London North
7 London South
8 London Underground

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