



ASLEF's Response to the British Transport Police Consultation on how British Transport Police should organise its criminal investigations business area – December 2016

The Associated Society of Locomotive Engineers and Firemen (ASLEF) is the UK's largest train driver's union representing approximately 20,000 members in train operating companies and freight companies as well as London Underground and light rail systems.

ASLEF welcomes this opportunity to comment on how the British Transport Police organises. The union has worked closely on many matters with the force and has a good working relationship with BTP. However, all organisations have scope to improve their structures and working practises and ASLEF hopes to contribute to that conversation.

Question 1

In delivering a quality service to victims of crime, we abide by the Victims' Code, which sets out the levels of service that can be expected. This includes being kept informed of how the case is progressing and being given the opportunity to make a victim personal statement explaining the impact the crime has had.

We want to make sure crimes are allocated to police officers for investigation in a way that guarantees victims and witnesses across the country will receive the same quality service no matter where they are. Is there anything else we should consider that would help improve our crime allocation policy and ensure a consistently high standard of investigation?

ASLEF is always keen to emphasise that train drivers who are involved in fatalities due to trespass or suicide are also victims of crime. We will deal with this issue further in the answer to question 8. However every effort must be made to ensure our members are fully updated and informed of the progress of investigations into the incidents in which they have been a victim.

Question 2

We think priority should be given to investigating crimes that cause the most harm. Is there anything else we should consider when assessing the threat and harm crimes cause or could cause and how complex they are?

When dealing with the threat of future crime on our rail network, ASLEF would draw attention to the changes being pushed by many rail operators and TfL in regard to station staff and on board train staff.

Whilst ASLEF has a policy of no extension of Driver Only Operation (DOO), the Department for Transport alongside Train Operators are pushing for more DOO use. ASLEF have operational safety concerns about this, but the concerns also extend to the potential for increased crime. The changes are being pushed through despite the fact that passengers (who are already paying some of the highest fares in Europe) are opposed to the driver being the only member of staff on board services.

This is demonstrated by Transport Focus' report "Passenger attitudes towards rail staff." When asked whether they had cause to worry about their personal security during a rail journey in the previous six months, one in ten passengers said that they had. This is clearly too many. The report notes, "When asked what could allay some of those concerns, passengers consistently identified staff presence as the key.

"The industry needs to consider how it can best deploy staff across the rail network to meet this need. Cutting the number of staff, either at stations or on the train, runs counter to what passengers actually want and could jeopardise their confidence in their ability to get to their destination safely."

If we were to end up with a situation where more services are Driver Only Operation, it could increase the public's expectations to have a more visible police presence throughout the network. .

With fewer staff on board trains in combination with fewer ticket offices and station staff, ASLEF is concerned that there may be the potential for an increase in opportunistic crime unless there are changes to how the BTP operate.

The perception of safety is almost as important as levels of safety itself. There is a risk that if passengers know there is not going to be visible staff presence on their journey, it may prevent them using the rail network. This could affect vulnerable groups such as the elderly. ASLEF believes that if the reduction in railway staff continues, it will put a greater emphasis on the BTP to be a visible presence across our railway.

Question 3

We are proud of the service we provide to victims and witnesses of crime, with 81% of victims of crime saying there were satisfied with our service in 2015/16, but we are always looking for ways to improve. Is there anything else that could improve the crime investigation service we provide to victims and witnesses of crime?

Please see answer to question 1

Question 4

We are looking at ways to make sure that crimes that cause the most harm are prioritised for investigation and that we can respond to changes in crime levels and patterns. We must have a crime investigation structure that supports this, and takes into account the large geographical area we cover as a national police service, and the budget we have available. Is there anything else we should consider, in relation to the structure, which would help us to respond to the changing needs of the public in future and increases or decreases in crime?

As noted in the answer to question 2, any potential reduction in staff on board trains or in stations could lead to an increase in certain crimes and would perhaps create a demand for more visible police presence on the network.

Question 5 and 6

We are committed to stopping sexual offences on the railway. Of all the crimes recorded on the railway between April 2013 and March 2016, 3% were sexual offences. While this may seem like a small proportion of the crime we deal with, the harm these offences cause cannot be underestimated.

What else could we do to ensure that a new crime investigation structure would deliver on our commitment to tackling sexual offences on the railway and enable us to respond to increased reporting as a result of awareness-raising campaigns and increased public confidence?

What else could we do to maximise proactive opportunities to deter and detect sexual offences on the railway?

ASLEF supports Project Guardian in London and believe it should be fully extended throughout the country. Whilst other regions have begun similar campaigns, the union believe it should be a national project that is consistent throughout the country. Reporting levels have gone up in London and this must be welcomed and used as the basis for reducing the number of incidents.

Question 7

We believe that people who work on the railway have the right to do their job without fear of intimidation, abuse or violence. Between April 2015 and March 2016, 8.5% of all the crimes recorded by BTP related to violence against rail staff (an average of 11.2 crimes per day).

What else should we consider, when creating a new crime allocation policy and crime investigation structure that would help us tackle violence against rail staff?

ASLEF would promote joint projects between the BTP, the rail trade unions and TOCs to deal with any issues that arise relating to abuse or violence towards staff.

Question 8

There were 388 deaths on the railway between April 2015 and March 2016. Many of these are what we call non-suspicious. Although these fatalities are not technically a crime, they must be investigated and details passed to the Coroner (England and Wales) or Procurator Fiscal (Scotland).

What else should we consider, when creating a new crime allocation policy and crime investigation structure, that would help us to ensure all fatality investigations are conducted professionally, with dignity for the deceased and excellent levels of care and support for families and loved ones left behind?

Whilst noting that non-suspicious fatalities are not technically a crime, our members' perception is that they are victims of a crime. As such we would ask the BTP to consider them when contemplating how fatality investigations are conducted.

For example, recently drivers have been allowed to send a witness statement by letter to the Coroner (England and Wales) or Procurator Fiscal (Scotland). We would hope that initiatives like that are promoted in order to reduce the trauma felt by our members in these tragic circumstances.

ASLEF continue to work with BTP on these matters. This has led to positive outcomes. For example ASLEF has worked with the BTP on the Fatality Hotline. Drivers can contact the BTP following a fatality and assist them in making a decision on whether or not to treat an incident as a crime scene. We have an agreement with the BTP and train operators that using the hotline following an incident is purely voluntary. Drivers do not have to use it if they do not wish to, even if instructed to do so. Guidance on BTP investigations is also in the ASLEF diary, issued to all members.

ASLEF does occasionally have issues with the Civil Police forces, who do not understand the differences between the law as it relates to road traffic offences and to the railway.

The Civil Police and BTP have the power to administer a breath test when there is suspicion of alcohol, under the Transport and Works Act 1992 (TWA)

There is a further breath test power granted to constables in relation to these relevant workers. After any accident (or dangerous incident) a constable in uniform can require a relevant worker to take a breath test but only if the constable has reasonable grounds to suspect that the accident or dangerous incident was caused by an act or omission of the worker. This power is more restricted than the post-accident provisions under the Road Traffic Act and must be used carefully. The union therefore welcomes this BTP advice and would trust that where incidents do require interaction with civilian police, they are fully briefed on such matters.

Question 9 and 10

We are committed to creating a crime allocation policy and crime investigation structure that gives our investigators time to focus on the crimes that cause the greatest harm.

What else can we do to ensure a new crime investigation structure doesn't unintentionally lead to volume crimes being given priority for investigation over crimes that cause more harm?

Are there any likely impacts that our proposals may have on particular groups of people that you think we should be taking into consideration (referring to the protected characteristics below)?

- *Age*
- *Disability*
- *Gender reassignment*
- *Marriage and civil partnership*
- *Pregnancy and maternity*
- *Race*
- *Religion and belief*
- *Sex and sexual orientation*

As mentioned above, the increasing amount of stations and trains services with no visible staff may well create a perception of an unsafe network, particularly whilst traveling at night. This is likely to have a disproportionate effect on the elderly, the young, women or disabled people.

Mick Whelan
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