



Home Office

Reforming the Powers of Police Staff and Volunteers

A Consultation on the way Chief Officers
Designate the Powers and Roles of Police
Staff and Volunteers

September 2015

Reforming the way Chief Officers Designate the Powers and Roles of Police Staff and Volunteers

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Foreword by the Home Secretary



The historic office of constable is at the very heart of the policing of England and Wales. Police officers across the country carry out a wide range of duties, keeping the public safe and ensuring justice for the most vulnerable members of society. We value the essential role they play, but they cannot do this on their own. Traffic Wardens, Police Community Support Officers (PCSOs) and other designated police staff have played a key role in policing our communities in recent years and we believe that they can play a greater role in the future, bringing new skills and expertise, and freeing up police officers to concentrate on the core policing task that most requires their particular powers and experience.

Volunteers also play a vital role in community safety. Since 1831, Special Constables have taken many of the same risks as full-time police officers, for no reward other than the satisfaction of playing their part in keeping their communities safe from crime. In recent years, Police Support Volunteers have also played an important part of policing in such roles as manning police enquiry desks or giving crime prevention advice. There is more that volunteers can do. This Government wants to encourage those with skills in particular demand, such as those with specialist IT or accountancy skills, to get involved and help the police to investigate cyber or financial crime and, as their experience grows, to enable them to play a greater part in investigations. These reforms will also help the police to make further progress on the use of cyber-specialists.

This consultation document sets out a number of proposals for reform and, subject to the consultation outcome, we intend to legislate for reform in the Policing and Criminal Justice Bill later this year. I look forward to your responses to this consultation and invite you to help shape the way policing is delivered.

**The Rt Hon Theresa May MP
Home Secretary**

Executive Summary

The office of constable is central to the delivery of policing in England and Wales. The reforms set out in this document are intended to enhance this. We propose for the first time setting out in a single piece of legislation the core list of powers that will only be available to those that hold the office of constable. Beyond these core powers, we want police forces to have a more flexible workforce and we will, subject to key safeguards, enable chief officers to designate other police powers to staff. This will enable police officers to focus on the most important roles; roles that only they can carry out.

We also want to enhance the role of volunteers. We are consulting on ending the anomaly whereby volunteers can either have all of the powers of the constable, as a Special; or have none of the powers, as a police support volunteer. We will instead allow volunteers to mirror the roles played by police staff, for example as Community Support Officers.

These reforms will help this Government to finish the job of police reform. These changes will take further the process started in the Police Reform Act 2002, which first introduced the PCSO role and the concept that police staff, as well as police officers, could have enforcement powers. They will give Chief Constables greater flexibility in meeting the demands on police forces at a time when funding policing remains a significant challenge.

The proposals included in this consultation are summarised below and further details on each are set out through this document:

- to enable chief officers to designate a wider range of powers on police staff and volunteers;
- to create a list of 'core' police powers that would remain exclusive to police officers¹;
- to take an order-making power to enable Parliament to add to the list of those 'core' powers;
- to enable volunteers to be designated with powers in the same way as staff;
- to adopt new titles for the changed support role and the new volunteer role; and
- to abolish the office of traffic warden under the Road Traffic Acts.

Enabling volunteers to be designated with powers in the same way as staff will enable them to work with their Special Constable colleagues to support police forces in keeping their communities safe.

This document sets out the key issues in relation to designating powers to police staff and volunteers and presents options for reform. These reforms will also begin the process of implementing Recommendations 7 and 8 of the College of Policing's Leadership Review², published in June 2015. These reforms extend to England and Wales only.

This consultation is open until 31 October 2015; details of how to respond are set out towards the end of this document.

¹ Although some of these powers would continue to be available to others outside the police, such as officers of HM Revenue and Customs or UK Border Force.

² http://www.college.police.uk/What-we-do/Development/Promotion/the-leadership-review/Documents/Leadership_Review_Final_June-2015.pdf

Introduction and background

These reforms build on two long standing trends in policing. First, that volunteers have played a role in policing since the period of the formation of the modern police by Sir Robert Peel; the Metropolitan Police Act 1829 was followed swiftly by the Special Constables Act 1831. Volunteers strengthen policing and help forces to develop important links with communities. They bring diverse and valuable skills from outside of police forces that complement the roles that staff and officers play in delivering best service to the public.

Second, since the early 2000s police staff have held various powers of the police constable, most notably with the creation of the PCSO. These include the power to request names and addresses, certain specified powers to search and seize, and powers to issue fixed penalty notices for a list of specified offences. These are set out in full at Annex A. When the designated staff roles were created in 2002, the concept of a member of police staff having enforcement powers was new, but the PCSO list in particular has been added to on at least seven occasions since then and the role of PCSOs in local policing is now well established. The reforms proposed in this document represent a logical next step in the process.

Current designated staff roles

Under current arrangements, there are four categories of police staff who can be designated with powers that are set out in Schedule 4 to the Police Reform Act 2002. That list is the maximum number of powers that can be designated. The act of making the designation falls to the relevant chief officer of police³, who must be satisfied that the individual member of police staff is (a) suitable to carry out the role; (b) capable of effectively carrying out the role; and (c) has received adequate training.⁴ As a result, much of the current decision-making around designation already falls to chief officers.

The four designated police staff roles under the Police Reform Act 2002 (PRA) are: police community support officer (PCSO); investigating officer; detention officer; and escort officer. Annex A sets out the powers associated with each of these roles. Currently chief officers have discretion to designate individuals with more than one role; for example, staff can be designated as both detention and escort officers to give greater flexibility in detainee handling, while many forces also designate PCSOs as traffic wardens to give them powers to deal with the flow of traffic and related issues (becoming so-called 'Traffic PCSOs').

Police staff, sometimes referred to as 'civilian' staff to differentiate them from police officers holding the officer of constable, have no inherent powers, unlike constables. So non-operational staff have no powers, while all those designated as PCSOs have the 18 standard powers (see Annex A) along with any of the discretionary powers for which their chief believes them to be suitable, capable and adequately trained.

There are a number of powers currently included in the lists of standard and discretionary powers of a PCSO that are specifically designed to deal with the fact that PCSOs do not have powers of arrest. These focus on providing PCSOs with powers to require names and addresses or detain a person for 30 minutes until a constable arrives. These are set out at Annex B. We will ensure that these powers (which are derived from powers of a constable, but are not themselves constable powers) remain available to PCSOs.

³ Section 101(1) of the Police Act 1996 defines a "chief officer of police" as: in relation to the Metropolitan Police, the Commissioner of Police of the Metropolis; in relation to the City of London Police, the Commissioner of Police for the City of London; and for all other police forces in England and Wales, that force's chief constable.

⁴ Section 38(4), Police Reform Act 2002

Traffic wardens are appointed by chief officers under section 95 of the Road Traffic Regulation Act 1984 and were the first non-warranted staff to have what were formerly police powers. Since parking enforcement was decriminalised in the 1990s, most of that work is now done by local authorities and the number of individuals only designated as traffic wardens has fallen to just 18 across the whole of England and Wales⁵. Many forces dual-designate some of their PCSOs as Traffic Wardens to make them ‘Traffic PCSOs’, who have the additional traffic warden powers such as directing traffic or dealing with non-moving traffic offences such as causing an obstruction or not displaying lights when required. In addition, 12 of the most recent discretionary powers for PCSOs are traffic-related (see Annex A).

Current volunteer roles

Those wishing to volunteer their time to policing currently have two alternatives; either to become a special constable, with the full range of police powers and the attendant training requirement, or to become a Police Support Volunteer (PSV), with no powers and a mainly supporting function, such as staffing an enquiry desk or assisting in the operation of a CCTV control room. In addition, Specials generally work in uniform, while PSVs wear their own clothes.

The current position of paid staff and volunteers is summarised in the table below:

	Full powers	Some powers	No powers
Paid, Full- or Part-Time	Police Officer	Designated Staff (i.e. PCSO, Investigating Officer, Detention/Escort Officer)	Other Police Staff
Unpaid, Part-Time	Special Constable	No Current Role	Police Support Volunteers

College of Policing’s Leadership Review

The need for reform has been recognised by the College of Policing. The reforms set out here to the role and powers of police staff and volunteers will play a part in implementing two of the recommendations of the College of Policing’s Leadership Review, namely:

- Recommendation 7: Increase flexibility in assigning powers and legal authorities to staff.
- Recommendation 8: Develop career opportunities which allow recognition and reward for advanced practitioners.

These reforms address Recommendation 7 directly by making additional powers and legal authorities available to police staff. In addition, forces will be encouraged to use the additional powers to provide development opportunities for both staff and volunteers, thus addressing Recommendation 8.

⁵ Ten in Sussex, 5 in Greater Manchester Police and one each in Hampshire, Northamptonshire and West Yorkshire.

Issues and options

Designating powers

Reforms to date have brought a number of advantages, with PCSOs and other civilian and designated staff roles playing important roles and making a significant contribution to policing. There is an appetite for further flexibility in the use of staff and volunteers which these proposals would enable.

In the light of the pressures on the police, where forces have to consider a range of options to deal with the demands on their services, and as part of the wider work to reform the police, we want to give chief officers greater flexibility in the way they use their officers and staff. Enabling staff to take on a wider range of supporting roles will free up police officers to carry out their core policing role. We therefore propose to do away with the current list-based approach to designation and instead enable chief officers to designate their civilian staff with any of the powers of a police officer, apart from a list of 'core' powers discussed later on in this document. This would significantly support workforce flexibility and enable chief officers to make better use of civilian staff and volunteers, enabling designated staff to take on a broader range of functions in support of police officers.

Question 1

Do you agree with the idea of giving greater control to chief officers over the powers of their designated staff?

Designated Roles

At present, there are a range of powers for each of the four designated roles (as set out at Annex A):

- PCSO: 18 standard powers, 44 discretionary powers
- Investigating Officers: 12 discretionary powers
- Detention Officers: 12 discretionary powers
- Escort Officers: 2 discretionary powers

Standard powers of PCSOs are those which are automatically given by the act of designating someone as a PCSO; discretionary powers in all four roles are those which a chief officer may designate staff to use. Section 38(4) of the Police Reform Act prescribes safeguards for all of these powers, in that chief officers may only designate an individual if they:

- i) are a suitable person to carry out the functions for which they are designated;
- ii) are capable of effectively carrying out those functions; and
- iii) have received adequate training in the carrying out of those functions and in the exercise and performance of the powers and duties to be conferred.

These safeguards – in particular, the safeguard that an individual must be trained before being designated – will remain under these reforms and we will ensure that chief officers have appropriate guidance in applying these tests to the wider range of powers that would be available. There is also scope for chiefs to take a policy decision that they will not designate PCSOs with certain powers in their area; this would continue under our proposed reforms.

Role titles

Given the widespread recognition of the PCSO role, and their main purpose in engaging with members of the public, we see no need – and significant arguments against – altering that role title. The volunteer equivalents should be titled Police Community Support Volunteers.

However, given the largely internal role of the other three types of designated staff (i.e. investigating officer, detention officer and escort officer), we consider it is appropriate to amalgamate those separate roles into a single role of Investigation Support Officer. The volunteer equivalents would then be titled Investigation Support Volunteer.

Question 2

Do you have any views on the proposed new role titles?

Core Role of the Constable

While the office of constable is an ancient one that sits at the heart of policing our communities, the wide range of their powers is defined across a wide range of Acts, from general legislation such as the Town Police Clauses Act 1847 to more specific legislation such as the Misuse of Drugs Act 1971. As part of these reforms, we propose to set out clearly for the first time those powers that are only available to police officers, including special constables. That list would include the most intrusive police powers that would continue to be the sole preserve of officers, such as arrest or stop and search. Chief officers would then have the flexibility to use their wider workforce more effectively by designating other powers onto staff and volunteers.

By reversing the way that Schedule 4 to the Police Reform Act 2002 currently works, we propose to enable any member of police staff that has been appropriately trained⁶, and who is both capable and suitable, to be designated with any police power that is not on the 'core' list. Existing designations would continue in force until a fresh designation is made.

Powers to be reserved only to constables would include the power to force entry to premises, other than i) the existing discretionary PCSO power to enter to save life or limb or prevent serious damage to property and ii) the existing power of an investigating officer to execute a search warrant in the company of a constable. Other core powers include any power that rests with a police officer of a certain rank, such as authorising detention or the use of section 60 stop and search⁷. The full proposed list is set out in the next section.

The current, list-based approach has a significant drawback that powers cannot be added except by way of primary legislation, which has happened on a number of occasions over the period since 2003. Reversing the process, so that chiefs can designate any power not expressly reserved to police officers, will avoid the need for legislation to add to the powers of designated officers. This approach will therefore support the flexibility of police forces and enable chiefs to respond more nimbly and swiftly to emerging local problems. It would also signal Parliament's support and trust in the police as professionals and rightly placed to allocate powers appropriately. Nonetheless, there might still be a need to amend the core list in the future, for example in respect of powers originating in new legislation, or if there were public concern that a particular power should only be available to police officers. We do not propose to take a power to remove powers from the core list by secondary legislation.

⁶ i.e. staff or volunteers would need to be trained in any new skills (such as applying for search warrants or production orders) before being designated with new powers.

⁷ i.e. the power under section 60 of the Criminal Justice and Public Order Act 1994 to search for offensive weapons without the need for reasonable suspicion

Proposed ‘core’ list of powers that would only be available to police officers, i.e. would not be available for designation to staff or volunteers:

1. Arrest (e.g. s24 PACE⁸)⁹.
2. Stop and Search (e.g. s1 PACE, s23(2) MDA¹⁰, s60 CJPOA¹¹).
3. Power to act as a custody officer in the absence of a sergeant (s36(4) PACE).
4. Power to effect entry to property (e.g. ss8, 17 & 18 or Schedule 1 PACE, s23(1), (3) & (3A) MDA) – although appropriately designated staff would (as now) be able to enter premises i) for the purposes of saving life or limb or preventing serious damage to property or ii) in the company of a constable.
5. Any power reserved to a police officer of a certain rank or position, including:
 - a. appointment as a custody officer;
 - b. authorising various powers, such as:
 - i. strip or intimate searches;
 - ii. use by constables of stop and search powers under section 60 CJPOA; or
 - iii. use of powers under RIPA¹² (see below) or Part III of the Police Act 1997 (property interference, e.g. planting a surveillance device).
6. All powers under counter-terrorism legislation, i.e.:
 - a. Terrorism Act 2000;
 - b. Terrorism Act 2006;
 - c. Counter-Terrorism Act 2008;
 - d. Terrorism Prevention and Investigation Measures Act 2011; and
 - e. Counter-Terrorism and Security Act 2015.
7. The two most intrusive powers under RIPA, i.e.
 - a. Requesting a warrant to intercept communications; and
 - b. Acting as a Covert Human Intelligence Source (i.e. an undercover officer).
8. No chief officer may give authority to a designated officer or volunteer to carry and/or use a firearm or a less lethal weapon requiring special authorisation by the Home Secretary¹³, e.g. Taser.

Questions 3, 4 and 5

Do you agree with the concept of a single list of the ‘core’ powers that would remain exclusive to police officers?

Is the proposed list correct, or should other powers be added or removed?

Do you agree that it would be appropriate to include an order-making power to enable the

⁸ Police & Criminal Evidence Act 1984

⁹ This would not prevent a member of police staff from exercising the powers of arrest open to any person, such as the power to make a citizen’s arrest (s24A of PACE) or to arrest under common law for breach of the peace.

¹⁰ Misuse of Drugs Act 1971

¹¹ Criminal Justice and Public Order Act 1994

¹² Regulation of Investigatory Powers Act 2000

¹³ In accordance with the Home Office Code of Practice on the Police Use of Firearms and Less Lethal Weapons

Home Secretary to add to the list of powers which only police officers can have?

Volunteers

The Government's volunteering strategy, led from the Cabinet Office, aims to build "...a society where everyone has the chance to contribute to their community, and where those communities are self-confident and civically engaged."¹⁴ Thousands of Special Constables and Police Support Volunteers already contribute to their communities, but anecdotal evidence suggests that there are barriers that deter people from contributing their time and expertise to helping to keep their communities safe. For example, the particular status of Special Constables (i.e. that they have the same powers as regular officers, including powers of arrest, and are expected to intervene even if off-duty) may deter some individuals from applying. We are also aware of forces rejecting applicants to the Special Constabulary from certain occupations, such as security staff or police contractors, as forces are concerned they might be tempted to use their powers as specials while undertaking their paid employment. However, if we were to enable volunteers to be designated in the same way as staff, this status point does not arise, as designated powers only apply when on duty and in uniform (this would therefore require issuing designated volunteers with uniforms, as is currently done with Special Constables).

Given that volunteers (i.e. Special Constables) have been able to exercise the full range of police powers for almost 200 years, there is precedent for all the various paid operational policing roles to be available to volunteers. Enabling volunteers to be designated in the same way as staff would give chief officers the ability to shape their workforce in the way they need to police their force areas; it will also enable individuals to volunteer for roles that interest them where previously the community may have missed out on their services. We are aware that Lincolnshire Police have already trained and deployed a number of 'Volunteer PCSOs', who have been trained to the same standard as their paid PCSOs, but currently have no powers as the law does not permit it.

Question 6

Should chief officers also be able to designate volunteers with powers?

Traffic wardens

Parking enforcement was decriminalised in the 1990s, since when the number of traffic wardens employed by police forces, as distinct from parking enforcement officers, employed by local authorities, has fallen to just 18 across the whole of England and Wales¹⁵. A number of PCSOs tasked as 'Traffic PCSOs' are dual-designated as traffic wardens to enable them to direct traffic, which is a power of traffic wardens but not of PCSOs¹⁶. The revised approach to designating police staff set out above, where chief officers could designate their staff with any of the powers of a constable, would result in chiefs being able to designate their PCSOs directly with the necessary traffic direction powers, rather than needing to additionally designate them as traffic wardens.

Given the very small number of individuals designated solely as traffic wardens, who could either be re-designated as PCSOs to carry out the same duties, or could transfer to local authorities as happened in many previous cases, it would then be possible to abolish the office

¹⁴ Speech by Rob Wilson MP, Minister for Civil Society, 25 June:

<https://www.gov.uk/government/speeches/building-civil-society-together-rob-wilson-speech>

¹⁵ Police Workforce Statistics, England and Wales: 31 March 2015: 10 in Sussex, 5 in Greater Manchester and one each in Hampshire, Northamptonshire and West Yorkshire.

¹⁶ Sections 35 and 163, Road Traffic Act 1988, as applied by the Functions of Traffic Wardens Order 1970, as amended.

of traffic warden under the Road Traffic Acts. This change will not have the effect of re-criminalising parking enforcement; while those PCSOs dual designated as traffic wardens currently have parking powers, we understand that they use them only exceptionally, and we would not expect chiefs to designate parking control powers on Traffic PCSOs in the future.

Question 7

Should we abolish the office of traffic warden?

Devolution

Wales: While the broad issue of “Traffic management and regulation” is devolved to Wales under Schedule 4 of the Government of Wales Act 2006, none of the 18 current traffic wardens are employed by any of the four Welsh police forces, and the proposed change will not affect the enforcement split between police forces and local authorities. We therefore consider that the office of traffic warden, as a member of police staff, is a matter reserved to the UK Government, and not conferred to the Welsh Assembly.

Scotland: Police Scotland’s last traffic wardens left service in February 2014, but the office has not been abolished under Scottish law. We are discussing this with officials in the Scottish Government to see how they wish to proceed.

Other comments

These proposals are intended to provide forces with greater flexibility in how local communities are policed. Informed by this consultation we will produce a full Impact Assessment on costs and savings alongside any legislation we bring forward.

If you have any other views about increasing the flexibility of the police workforce, feel free to contribute them in response to Question 8.

Question 8

Do you have any other comments?

Impact of proposals

Affected Groups and Likely Impacts

The proposals set out in this consultation document have the potential to affect the following groups and organisations:

- **The police and other law enforcement agencies;** one of the key advantages of the proposed reforms would be the ability for chiefs to deliver a number of tasks using staff or volunteers rather than officers, saving what is likely to amount to thousands of hours of police officer time that could instead be used to better effect. There will be a cost to forces for issuing uniforms and delivering training to new volunteers, but these should be significantly outweighed by the savings that forces would make by replacing police officers in certain tasks with staff or volunteers.
- **Victims;** the greater use of volunteers in particular should mean a greater availability of police personnel (i.e. the volunteers themselves) to interview victims, take witness statements etc in the evenings and weekends. As such, these reforms should help to increase the level of services to victims.

Public Sector Equality Duty

Section 149 of the Equality Act 2010 places a duty on Ministers and the Department, when exercising their functions, to have 'due regard' to the need to eliminate conduct which is unlawful under the 2010 Act, advance equality of opportunity between different groups and foster good relationships between different groups.

In accordance with these duties we have considered the impact of the proposed reforms on those sharing protected characteristics and those who do not, in order to comply with the duty mentioned above. We will continue to do this, and the responses to this Consultation will further inform this consideration.

Consultation Questions

- Q1. Do you agree with the idea of giving greater control to chief officers over the powers of their designated staff?
- Q2. Do you have any views on the proposed new role titles?
- Q3. Do you agree with the concept of a single list of the 'core' powers that would remain exclusive to police officers?
- Q4. Is the proposed list correct, or should other powers be added or removed?
- Q5. Do you agree that it would be helpful to include an order-making power to enable the Home Secretary to add to the list of powers which designated officers cannot have?
- Q6. Should chief officers also be able to designate volunteers with powers?
- Q7. Should we abolish the office of traffic warden?
- Q8. Do you have any other comments?

About you:

Which of the following best describes your organisation or the professional interest?

Please select one option:

- a. Police force
- b. Police and Crime Commissioner (PCC)
- c. Victims group
- d. Voluntary sector / community organisation
- e. Government department or agency
- f. Academic institution or think tank
- g. Representative body
- h. None – I am responding as a member of the public
- i. Prefer not to say
- j. Other (please specify)

Which organisation do you represent?

.....

In which of the following areas are you based? Please select one option:

- a. East Midlands
- b. East of England
- c. Greater London
- d. North East England
- e. North West England
- f. South East England
- g. South West England
- h. Wales
- i. West Midlands
- j. Yorkshire and the Humber
- k. Prefer not to say
- l. Other (please specify)

How to respond

The Home Office would welcome any comments on the policies proposed in this document. If you have any further suggestions or proposals for consideration, please outline them in your response.

A template for your response to the consultation is available online at the following address:
<http://tinyurl.com/hocons>.

You can e-mail your response to the following e-mail address:
SpecialConstabularyEnquiries@homeoffice.gsi.gov.uk.

Or send it by post to:

Complementary Policing Team
Police Integrity and Powers Unit
6th Floor NW, Fry Building
Home Office
2 Marsham Street
LONDON
SW1P 4DF

If you have any queries regarding the consultation or your proposed response, please contact the Police Integrity and Powers Unit at the e-mail address above.

Comments must be received by 31 October 2015; we cannot undertake to consider any responses received after that date.

Responses: Confidentiality & Disclaimer

The information you send us may be passed to colleagues within the Home Office, other Government departments and related agencies for use in connection with this consultation. In case we would like to follow up on any of the issues or ideas you have raised, it would be very helpful if you are able to provide your contact details below.

Providing your personal information is voluntary; if you do provide personal information it will:

- Only be used to contact you for further analysis of your response;
- Be kept for a maximum of up to 1 year from the closing date of this consultation and then securely destroyed;
- Not be shared with any other third parties; and
- Be stored on a secure Government IT system.

If you want certain information you provide as part of your response to be treated as confidential, please be aware that, under the Freedom of Information Act 2000 (FOIA), there is a statutory Code of Practice with which public authorities must comply and which deals, amongst other things, with obligations of confidence.

In view of this you should explain to us why you regard any information you have provided as confidential. If we receive a request for disclosure of the information we will take due account of your explanation, but we cannot give an assurance that confidentiality will be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the department.

Annex A: List of Current Police Staff Powers

1. Community Support Officers

a) standard powers (18)

- to issue fixed penalty notices for cycling on a footpath;
- to issue fixed penalty notices for littering;
- to require name and address of a person who the PCSO has reason to believe has i) committed an offence; ii) been acting, or to be acting, in an anti-social manner; or iii) failure to obey lawful traffic directions of a PC or PCSO;
- to require persons drinking in restricted areas to surrender alcohol;
- to require persons aged under 18 to surrender alcohol;
- to seize tobacco or cigarette papers from a person aged under 16 and to dispose of the tobacco/papers;
- to seize controlled drugs (including power to require name and address of person in possession);
- to enter and search any premises, in their police area, for the purposes of saving life and limb or preventing serious damage to property;
- to seize vehicles used to cause alarm or distress (i.e. careless and inconsiderate driving or prohibited off-road driving);
- to remove abandoned vehicles;
- to stop bicycles;
- to control traffic for purposes other than escorting a load of exceptional dimensions;
- to carry out road checks;
- to place traffic signs;
- to enforce areas cordoned under section 36 of the Terrorism Act 2000;
- to photograph persons away from a police station

b) discretionary powers (44)

- to issue penalty notices in respect of offences of disorder;
- to issue fixed penalty notices for truancy;
- to issue fixed penalty notices for excluded pupil found in a public place;
- to issue fixed penalty notices for dog fouling on designated land;
- to issue fixed penalty notices for graffiti and fly-posting;

- to issue fixed penalty notice for relevant byelaw offences;
- to detain a person for up to 30 minutes who fails to comply with a requirement to give their name and address, or who gives an answer which the PCSO reasonably suspects to be false or inaccurate, in order to wait for the arrival of a police officer (or alternatively to accompany the detained person to a police station);
- to search detained persons for dangerous items or items that could be used to assist escape and to seize and retain any items found;
- to enforce byelaws, including removing a person from a place if a constable would also have the power to enforce a byelaw in that way;
- to deal with begging;
- to enforce certain licensing offences (including a limited power of entry to investigate such offences);
- to serve closure notice for licensed premises persistently selling to children;
- to use reasonable force to prevent a detained person making off and to keep that person under control;
- to disperse groups and remove persons under 16 to their place of residence;
- to remove truants and excluded pupils to designated premises etc;
- to use reasonable force in relation to detained persons to enforce their handover to a police officer or transfer to a police station;
- to search for and seize alcohol and tobacco from minors;
- to take possession of items used in the commission of offences under the Royal Parks (Trading) Act 2000 (Metropolitan PCSOs only);
- to stop vehicles for testing of roadworthiness; and
- to direct traffic for the purposes of escorting a load of exceptional dimensions.

NB The following discretionary powers were added by the Anti-Social Behaviour, Crime and Policing Act 2014

- to issue a fixed penalty notice for cycling without lights;
- to issue a fixed penalty notice for failing to comply with traffic signs;
- to issue a fixed penalty notice for carrying a passenger on a cycle;
- to issue a fixed penalty notice to a cyclist for failing to comply with a traffic direction;
- to issue a fixed penalty notice for parking in a restricted area outside schools;
- to issue a fixed penalty notice for failing to stop for a police constable;
- to issue a fixed penalty notice for driving the wrong way down a one-way street;
- to issue a fixed penalty notice for sounding a horn when stationary or at night;
- to issue a fixed penalty notice for not stopping engine when stationary;
- to issue a fixed penalty notice for causing unnecessary noise with a motor vehicle;

- to issue a fixed penalty notice for contravening bus lane prohibition or restriction;
- to issue a fixed penalty notice for opening door so as to cause injury or danger;
- to confirm the identity of a charity collector;
- to issue a fixed penalty notice to an unlicensed street vendor;
- to stop cycles;
- to give a dispersal direction;
- to direct a person to surrender any item in possession or control
- to detain a person for up to 30 minutes failing to comply with either of the above directions, in order to wait for the arrival of a police officer;
- to issue a Community Protection Notice;
- to issue a fixed penalty notice for failure to comply with a Community Protection Notice; and
- to issue a fixed penalty notice for failure to comply with Public Space Protection Order.

2. Investigating Officers (12 discretionary powers)

- to obtain a search warrant under PACE or the MDA¹⁷;
- to execute a search warrant under PACE or the MDA;
- to seize and retain things i) for which a search warrant has been authorised, or ii) on any premises where the officer is lawfully present;
- to accompany named, undesignated individuals (e.g. forensic IT or accountancy specialists) in the execution of a search warrant;
- to obtain a production order under PACE;
- to enter and search for evidence of an offence any premises under the control of an arrested person (PACE section 18);
- to enter and search premises for evidence of nationality any premises under the control of an arrested person, or where that person was at the time of, or immediately before, their arrest (sections 44 to 46 of the UK Borders Act 2007);
- to make a further arrest of an arrested person (i.e. for a fresh offence);
- to take custody of an arrested person at a police station for the purpose of progressing the investigation (e.g. conducting an interview);
- to issue Special Warnings under the Criminal Justice and Public Order Act 1994, to require a person to account for i) any object, substance or mark, or ii) their presence at a particular place, where the officer believes that may be attributable to the participation of the person arrested in an offence;

3. Detention Officers (12 discretionary powers)

- to require a person to attend a police station to have i) their fingerprints or ii) other sample (e.g. DNA) taken;

¹⁷ Misuse of Drugs Act 1971

- to take i) fingerprints or ii) non-intimate samples without consent;
- to give warnings to detained persons in connection with i) the taking of samples, ii) the conduct of intimate searches or iii) the taking of investigative x-rays;
- to conduct searches of persons answering to live link bail at a police station;
- to conduct non-intimate searches of detained persons;
- to conduct searches and examinations at police stations to ascertain an arrested person's identity, including photographing any identifying mark;
- to conduct intimate searches of detained persons, where an Inspector has determined it is not practicable for the search to be carried out by a medical professional;
- to take photographs of detained persons;
- to take impressions of a detained person's footwear without consent;
- to keep control of detained person; and
- where necessary, to use force to carry out any of the above powers.

4. Escort Officers (2 discretionary powers)

- to take a person arrested by a constable to a police station
- to escort persons in police detention

Annex B: List of Powers Specific to Police Community Support Officers

As set out in the body of this consultation document, there are a number of powers that are specific to Police Community Support Officers that are specifically designed to deal with the fact that PCSOs do not have powers of arrest. These are the powers to:

- require the name and address of a person who the PCSO has reason to believe i) has committed an offence; ii) has been acting, or is acting, in an anti-social manner; or iii) has failed to obey the lawful directions of a PC or PCSO;
- detain a person for up to 30 minutes who fails to comply with a requirement to i) give their name and address, ii) who gives an answer which the PCSO reasonably suspects to be false or inaccurate, iii) fails to comply with a dispersal direction or iv) fails to comply with a direction to surrender any item in their possession or control, in order to wait for the arrival of a police officer (or alternatively to accompany the detained person to a police station);
- search detained persons for dangerous items or items that could be used to assist escape and to seize and retain any items found; and
- use reasonable force in relation to detained persons to enforce their handover to a police officer or transfer to a police station.

We want to ensure that these powers (which are derived from powers of a constable, but are not themselves constable powers) remain available to PCSOs.



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