

**Powers designated to Essex Police Community Support Officers by
Chief Officer Jim Barker-McCardle.**

Power to issue penalty notices for disorder: A PCSO can give a penalty notice under Chapter 1 of Part 1 of the Criminal Justice and Police Act 2001. A PCSO can issue PND offences (£50 and £80) including Section 5 POA 1986, In custody or on the street.

Current restrictions apply, there must be enough evidence to prosecute, a crime report will be done for all recordable offences. The PCSO will issue the PND but the OIC will be allocated by Line manager for the sanctioned detection.

Power to issue fixed penalty notices for truancy:

A PCSO can give a penalty notice under section 444A of the Education Act 1996 (penalty notice in respect of failure to secure regular attendance at school of registered pupil) Paragraph 1(2)(aa) of Schedule 4 to the Police Reform Act 2002

This would normally be done in conjunction with a education truancy officer or a constable and fine issued to parents. (Multy-agency approach)

Power to remove truants to designated premises etc: Enables a PCSO to be designated with the power of a constable under section 16(3) of (3ZA) of the Crime and Disorder Act 1998 to remove a truant or excluded pupil found in a specified area (as specified in a direction under section 16(2) of the 1998 Act) to designated premises or (in the case of a truant) to the school from which the truant is absent. Paragraph 4C of Schedule 4 to the Police Reform Act 2002.

This would be done in conjunction with a Educational welfare officer and the designated premises is usually the school from which they have absconded (this is without force)

Power to issue fixed penalty notices for cycling on a footpath: A PCSO can give a person a fixed penalty notice under section 54 of the Road Traffic Offenders Act 1988 (Non endorsable fixed penalty ticket £30) in respect of an offence under section 72 of the Highway Act 1835 (riding on a footway).

This is a traffic offence of cycling on path adjacent to a road to which a £30 FPN can be given to 16 year olds and above (not a recordable offence, so no crime report). There is no power to issue a FPN when the offence is cycling in a pedestrianised area only a power to stop and give advice (under byelaw) and may be a possible candidate for a neighbour hood resolution.

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Power to issue fixed penalty notices for dog fouling: A PCSO can have the Power of an authorised officer of a local authority to give a notice under Section 65 of the Clean Neighbourhoods and Environment Act 2005, which repeals the Dogs (Fouling of Land) Act 1996

A PCSO would have to be authorised by the local authority (signed declaration) and then they can issue a local authority Penalty Notice not Essex Police PND's.

Power to issue fixed penalty notices for graffiti and fly-posting: A PCSO can have the Power of an authorised officer of a local authority to give a notice under section 43(1) of the Anti-social Behaviour Act 2003 (penalty notices in respect of graffiti or fly-posting). Paragraph 1(2)(ca) of Schedule 4 to the Police Reform Act 2002 (inserted by section 46 of the Anti-Social Behaviour Act 2003)

A PCSO would have to be authorised by the local authority (signed declaration) and then they can issue a local authority Penalty Notice not Essex Police PND's.

Power to issue fixed penalty notices for littering: A PCSO can have the Power of an authorised officer of a litter authority to give a notice under section 88 of the Environmental Protection Act 1990 (fixed penalty notices in respect of litter). Paragraph 1(2)(d) of Schedule 4 to the Police Reform Act 2002

A PCSO would have to be authorised by the local authority (signed declaration) and then they can issue a local authority Penalty Notice not Essex Police PND's.

Power to issue fixed penalty notices in respect of offences under dog control orders: A PCSO can have the power of an authorised officer of a primary or secondary authority, within the meaning of section 59 of the Clean Neighbourhoods and Environment Act 2005, to give a notice under that section (fixed penalty notices in respect of offences under dog control orders.) Paragraph 1(2)(e) of Schedule 4 to the Police Reform Act 2002 (see section 62(2) of the Clean Neighbourhoods and Environment Act 2005)

A PCSO would have to be authorised by the local authority (signed declaration) and then they can issue a local authority Penalty Notice not Essex Police PND's.

Power to require name and address: A PCSO has a Power to require the name and address of a person whom a PCSO has reason to believe has committed a relevant offence.

Relevant offences are defined under subparagraph 2(6) of Schedule 4 of the Police Reform Act 2002 as:

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Offences for which a PCSO would issue a relevant fixed penalty notice,
Offences for which a PCSO would issue a Penalty notice for disorder
An offence under section 32(2) of the Anti-Social Behaviour Act 2003 (failure to follow an instruction to disperse)
An offence that causes injury, (Assault)
An offence that causes alarm or distress to another person (Public order offences)
An offence of Theft
An offence of criminal damage

Relevant offences are those that a PCSO is designated to deal with.

Power to detain: A PCSO has the Power to detain a person whom a PCSO has reason to believe has committed a relevant offence and who fails to comply with a requirement to give name and address or who gives an answer which the PCSO reasonably suspects to be false or inaccurate for up to 30 minutes or until the arrival of a police officer (or to accompany that person to a police station if he or she elects to do so on request). Paragraph 2 of Schedule 4 to the Police Reform Act 2002.

This power to detain is without force and a PCSO can **not** put hands on to prevent the wrongdoer from leaving until constable arrives. Refusing to give details after committing a relevant offence is an offence in itself and is summary only (fine). If the offence is indictable and they necessity reasons are under PACE are met then the PCSO can use reasonable force under Section 3 Criminal Law Act 1967 to arrest the wrongdoer so that they can retain them until a PC arrives.

Power to enforce byelaws: The Serious Organised Crime and Police Act 2005 provides that offences committed under relevant byelaws are relevant offences under paragraph 2(6) of Schedule 4 of the Police Reform Act 2002.

A relevant byelaw is a byelaw from a list of byelaws that has been agreed between a chief constable and a relevant byelaw-making body.

As well as being able to require name and address for breach of a byelaw, PCSO's can also enforce a byelaw by removing a person from a place if a constable would also have the power to enforce a byelaw in that way. Schedule 4 to the Police Reform Act 2002 (see paragraphs 2, 3(4), 3(7) and 3(8) of Schedule 8 to the Serious Organised Crime and Police Act 2005).

The common offences covered would be drinking in designated areas, cycling in a pedestrian zone, littering etc.

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Power to deal with begging: The Serious Organised Crime and Police Act 2005 makes offences under sections 3 and 4 of the Vagrancy Act 1824 into relevant offences. It also gives PCSO's power to detain a person who they have required to stop committing an offence under sections 3 and 4 of the Vagrancy Act and who has failed to comply with the requirement. Paragraphs 2(6)(ac) and 2(3B) of Schedule 4 to the Police Reform Act 2002 (see paragraphs 3(4), 3(5), 3(6) and 3(7) of Schedule 8 to the Serious Organised Crime and Police Act 2005).

This allows PCSO's to request those begging to move along and to give details, if they refuse they commit a summary offence (fine only) and the PCSO can detain until PC arrives.

Limited power to enter licensed premises: The Serious Organised Crime and Police Bill allows PCSOs to be designated with a power to enter licensed premises under section 180 of the Licensing Act 2003 for the purposes of investigating relevant licensing offences.

They may not enter clubs and must enter all licenced premises with a constable when enforcing offences unless the premises are licensed for the consumption of alcohol off the premises eg: Tesco's, ASDA etc.

IF the PCSO is not enforcing a licensing offence a PCSO may enter a licensed premises on their own to converse with Landlord however risk assessment must be done and a prudent approach would be advised such as arranging to meet landlord out back.

Power to enforce certain licensing offences: The Serious Organised Crime and Police Act 2005 establishes a set of relevant licensing offences. These offences are sale of alcohol to a person who Paragraph 2(6A) of Schedule 4 to the Police Reform Act 2002.

PCSOs may require name and address but may not detain if the person refuses for those relevant licensing offences that are most likely to be committed by license holders.

Relevant Licensing offences:

- *Sale of alcohol to a person who is drunk*
- *Obtaining alcohol for a person who is drunk*
- *Sale of Alcohol to a person under 18 (PND)*
- *Purchase of alcohol for a person under 18 (PND)*
- *Delivery of alcohol to a person under 18 or allowing such delivery (PND)*
- *Consumption of alcohol by a person under 18 or allowing such consumption (PND)*
- *Sale of alcohol to children*

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- *Purchase of alcohol on behalf or for children*
- *Consumption of alcohol by children*
- *Sending children to obtain alcohol*

A PCSO can only enforce these offences in company with a PC or licensing officer. Where these offences apply specifically to clubs they are not relevant licensing offences and the PCSO has no power to enforce or enter.

Power to search detained persons for dangerous items or items that could be used to assist escape: Serious Organised Crime and Police Act 2005 allows PCSOs to be designated with the same powers as a constable under section 32 of PACE to search detained or arrested persons for anything that could be used to cause physical injury or to assist escape.

A PCSO must retain any item seized until the arrival of a police officer and comply with their instructions on what to do with the item. Paragraph 2A of Schedule 4 to the Police Reform Act 2002

This is a full search power when a wrongdoer is detained under PCSO powers or arrested under Section 24/24A PACE 1984 by themselves or another then a PCSO can search for:

Dangerous items (prohibited articles)

Items to be used to assist escape (offence weapons, bladed articles).

The evidence element of section 32 is not included in this power and so a search of the wrongdoer's vehicle or premises can not be done by a PCSO

This search power is under consent if the wrongdoer refuses to be searched it is a summary offence (fine only) however a PCSO can not proceed with the search.
(if a PCSO suspects the wrongdoer is carrying a weapon best practise is to not search and await arrival of PC)

Power to require name and address for antisocial behaviour: A PCSO has a Power under section 50 of the Police Reform Act 2002 to require a person whom he has reason to believe to have been acting, or to be acting, in an anti-social manner to give his name and address.

If the wrongdoer refuses then a PCSO can detain until the arrival of a constable. If there is a victim involved then a Repeat Victim form must be done and considerations given to a Neighbourhood resolution.

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Power to require name and address for road traffic offences: The Serious Organised Crime and Police Act 2005 allows PCSOs to be designated with the power to require the name and address of a driver or pedestrian who fails to follow the directions of a police community support officer. Paragraph 3A of Schedule 4 to the Police Reform Act 2002 (inserted by paragraph 6 of Schedule 8 to the Serious Organised Crime and Police Act 2005).

PCSO's have prescribed powers to stop vehicles for which the above power could then be used. For example directing traffic for an abnormal load (carnival float) a driver refuses to stop they then commit the above offence to which a PCSO can request details.

Power to disperse groups and remove persons under 16 to their place of residence: Powers which, by virtue of an authorisation under section 30 of the Anti-social Behaviour Act 2003, are conferred on a PCSO by section 30(3) to (6) of that Act (power to disperse groups and remove persons under 16 to their place of residence). Paragraph 4A of Schedule 4 to the Police Reform Act 2002 (inserted by section 33 of the Anti-Social Behaviour Act 2003)

Where a dispersal order is in place a PCSO can require two or more persons unsupervised between the hours of 20:00-06:00 to leave the area, where the wrongdoers are under the age of 16 a PCSO can escort the person home (without force).

Power to remove children in contravention of curfew notices to their place of residence: Offence has been repealed.

Power to require persons drinking in designated places to surrender alcohol: Power to require a person whom a PCSO reasonably believes is, or has been, consuming alcohol in a designated public place or intends to do so, to not consume that alcohol and to surrender any alcohol or container for alcohol. Power to dispose of alcohol surrendered. Paragraph 5 of Schedule 4 to the Police Reform Act 2002

The Act now allows the seizure and disposal of alcohol in **both sealed and unsealed** containers, if they reasonably believe they are going to consume the alcohol in a designated area. PCSO's can deal with this offence by way of the penalty notice scheme PND's

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Power to require persons aged under 18 to surrender alcohol: Power to require a person who he reasonably believes is aged under 18 or is or has been supplying alcohol to a person aged under 18 to surrender any alcohol in his possession and to give their name and address. Paragraph 6 of Schedule 4 to the Police Reform Act 2002.

A PCSO can search for alcohol and then seize and dispose as per policy.

Power to seize tobacco from a person aged under 16 and to dispose of that tobacco. Paragraph 7 of Schedule 4 to the Police Reform Act 2002.

A PCSO can search for tobacco and then seize and dispose as per policy.

Power to search for alcohol and tobacco: Where a person has failed to comply with a requirement under paragraph 5 or 6 or has failed to allow a PCSO to seize tobacco under paragraph 7 of Schedule 4 to the Police Reform Act 2002 and a PCSO reasonably believes that the person is in possession of alcohol or tobacco then a PCSO may search them for it and dispose of anything found.

It is an offence to fail to consent to be searched and PCSOs can require name and address for this offence. Paragraph 7A of Schedule 4 to the Police Reform Act 2002

A PCSO can search (quadrant search) a wrongdoer if they reasonable believe they have tobacco or alcohol on them, a PCSO can request them to remove jacket, outer garment and gloves in a public place. If the persons refuses to be searched the PCSO can no longer proceed with the search and should request a constable. The wrongdoer commits a summary offence for failing to be searched (fine only).

If the wrongdoer refuses to give details the PCSO can detain them until a PC arrives. (Without force).

Power to seize drugs and require name and address for possession of drugs: The Serious Organised Crime and Police Act 2005 allows PCSOs to be designated with a power seize unconcealed drugs or drugs found when searching for alcohol, tobacco or dangerous items. The PCSO must retain the drugs until a constable instructs them what to do with it.

If a PCSO finds drugs in a person's possession or has reason to believe that a person is in possession of drugs then the PCSO may require that persons name and address. If they refuse they can be detained.

A PSCO can not search for drugs.

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Power to enter and search any premises for the purposes of saving life and limb or preventing serious damage to property. (section 17 Pace)

Paragraph 8 of Schedule 4 to the Police Reform Act 2002

A PCSO must take all reasonable steps to obtain necessary information and contact FIR inspector before entering the property.

Power to seize vehicles used to cause alarm:

Power to stop and seize a vehicle which a PCSO has reason to believe is being used in a manner which contravenes sections 3 or 34 of the Road Traffic Act 1988 (careless and inconsiderate driving and prohibition of off-road driving) under section 59 of the Police Reform Act 2002. Paragraph 9 of schedule 4 to the Police Reform Act 2002.

A PCSO can seize a vehicle under section 59 PRA once the driver/owner has been given a warning within last 12 months. (this does not include noise or speeding offences it must be a moving traffic offence)

Power to remove abandoned vehicles. Abandoned vehicles are covered under current policy, A PCSO would do a PNC on vehicle, R/O call on if possible and then inform council who would then remove the vehicle within 7 days.

Power to remove vehicles causing a danger to road uses under regulations made under section 99 of the Road Traffic Regulation Act 1984. Paragraph 10 of Schedule 4 to the Police Reform Act 2002 refers to the powers of suitably designated community support officers.

Paragraph 10 endows such a community support officer with the same powers made for persons in regulations made under section 99 of the Road Traffic Regulation Act 1984, but only in relation to vehicles causing an obstruction or likely to cause a danger to other road users or parked in contravention of a prohibition or restriction.

If a PCSO finds a vehicle that causes a danger to road uses not a simple obstruction (parked half on a footpath) then a PCSO can request the driver/owner to remove the vehicle, if they refuse then the PCSO can request their details, if they continue to refuse they can then detain until a PC arrives. A PCSO must contact FIR inspector for authorisation to have vehicle removed.

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Power to stop vehicles for testing: Powers of a constable in uniform to stop vehicles for the purposes of testing under section 67 of the Road Traffic Act 1988. Paragraph 11 of Schedule 4 to the Police Reform Act 2002.

A PCSO would not do the testing, but would be working in conjunction with VOSA or other organisation and they would do testing while PCSO would direct the traffic of stop vehicles directed by agency.

Power to stop cycles: Powers of a constable in uniform to stop a cycle under section 163(2) of the Road Traffic Act 1988 when a PCSO has reason to believe that a person has committed the offence of riding on a footpath.

A PCSO may stop a Cycle in a pedestrianised area where it is covered by a Byelaw

Power to control traffic for purposes other than escorting a load of exceptional dimensions: The Serious Organised Crime and Police Act 2005 allows PCSOs to be given powers to direct traffic (for purposes other than escorting loads of exceptional dimensions) based on the powers constables have under sections 35 and 37 of the Road Traffic Act 1988 (directing vehicles and pedestrians)

It also gives PCSOs the power to direct traffic for the purposes of conducting a traffic survey.

This allows a PCSO to direct traffic in other situations, based on the powers constables have under sections 35 and 37 of the RTA 1988. This will allow PCSO's to direct a person driving a vehicle to stop or follow a line of traffic and also to direct pedestrians. PCSO's will also have the power to direct traffic for the purposes of conducting a traffic survey. A PCSO can require either a driver or a pedestrian to give their name and address on failure to follow the directions of a PCSO. These powers enable PCSO's to assist with traffic management at public events, road traffic accidents and other incidents where traffic diversions are necessary.

Power to direct traffic for the purposes of escorting abnormal loads

A PCSO shall have, for the purpose of escorting a vehicle or trailer carrying a load of exceptional dimensions either to or from the relevant police area, the power of a constable engaged in the regulation of traffic in a road- Paragraph 12 of Schedule 4 to the Police Reform Act 2002

- (a) to direct a vehicle to stop;
- (b) to make a vehicle proceed in, or keep to, a particular line of traffic; and
- (c) to direct pedestrians to stop.

A PCSO can control traffic for the purpose of a carnival or transporting of oversized vehicles such as a boat transporters or portacabin carriers.

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Power to carry out road checks:

Power to carry out a road check which has been authorised by a police officer and power to stop vehicles for the purposes of carrying out a road check Paragraph 13 of Schedule 4 to the Police Reform Act 2002

This section shall have effect in relation to the conduct of road checks by PCSO's for the purpose of ascertaining whether a vehicle is carrying -

- (a) a person who has committed an indictable offence other than a road traffic offence or a vehicle excise offence;
- (b) a person who is a witness to such an offence;
- (c) a person intending to commit such an offence; OR
- (d) a person who is unlawfully at large.

This would be done under an operational order on the authority of a superintendent or above. A PCSO must be company with a constable.

Power to place signs: The Serious Organised Crime and Police Act 2005 enables PCSOs to be designated with the power of a constable under section 67 of the Road Traffic Regulation Act 1984 to place traffic signs. Paragraph 13A of Schedule 4 to the Police Reform Act 2002

A PCSO can only place signs once they have had their staying alive training.

Power to enforce cordoned areas: under section 36 of the Terrorism Act 2000 Paragraph 14 of Schedule 4 to the Police Reform Act 2002. These powers are designed for a police community support officer so designated to support a constable in times of terrorist threat, enabling chief officers to deploy constables for duties that require their full expertise and powers in such times. The community support officer will, for example have the power to enforce a cordon and prevent it from being breached.

A PCSO may –

- (a) order a person in a cordoned area to leave it immediately;
- (b) order a person immediately to leave premises which are wholly or partly in or adjacent to a cordoned area;
- (c) order the driver or person in charge of a vehicle in a cordoned area to move it from the area immediately;
- (d) arrange for the removal of a vehicle from a cordoned area;
- (e) arrange for the movement of a vehicle within a cordoned area;
- (f) prohibit or restrict access to a cordoned area by pedestrians or vehicles.

36(2) A person commits an offence if he fails to comply with an order, prohibition or restriction imposed by virtue of subsection (1).

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Power to stop and search in authorised areas: Powers under the Terrorism Act 2000 in authorised areas to stop and search vehicles and pedestrians when in the company and under the supervision of a constable. Paragraph 15 of Schedule 4 to the Police Reform Act 2002

Where a designation applies this paragraph to any person-

(a) that person shall, in any authorised area within the relevant police area, have all the powers of a constable in uniform by virtue of section 44(1)(a) and (d) and (2)(b) and 45(2) of the Terrorism Act 2000 (powers of stop and search)-

- (i) to stop and search vehicles;
 - (ii) to search anything in or on a vehicle or anything carried by the driver of a vehicle or any passenger in a vehicle;
 - (iii) to search anything carried by a pedestrian; and
 - (iv) to seize and retain any article discovered in the course of a search carried out by him or by a constable by virtue of any provision of section 44(1) or (2) of that Act;
- and (b) the references to a constable in subsections (1) and (4) of section 45 of that Act (which relate to the exercise of those powers) shall have effect in relation to the exercise of any of those powers by that person as references to that person.

15(2) A person shall not exercise any power of stop, search or seizure by virtue of this paragraph except in the company, and under the supervision, of a constable.

The above two powers would only be in place under the order of the Chief Constable and a PCSO must be suitably supervised and directed.

Power to photograph persons away from a police station: Paragraph 15ZA of The Serious Organised Crime and Police Act 2005 enables PCSOs to be designated with the power to photograph a person who has been arrested, detained or given a fixed penalty notice away from the police station. Schedule 4 to the Police Reform Act 2002(inserted by paragraph 12 of Schedule 8 to the Serious Organised Crime and Police Act 2005).

A PCSO may photograph someone they have detained or arrested or another officer has arrested or if they are issuing a FPN/PND. This photo must then be processed for retention under Essex Police policy relating recording fingerprints, photographs and DNA.

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