

## **CONSULTATION PAPER ON STANDARD POWERS FOR COMMUNITY SUPPORT OFFICERS AND A FRAMEWORK FOR THE FUTURE DEVELOPMENT OF POWERS**

### ***Why does there need to be a standardisation of community support officer powers (CSOs)?***

1. The Government White Paper 'Building Communities, Beating Crime', which was published in November 2004, contained a commitment to introduce a set of minimum powers for community support officers (CSOs).
2. Under the Police Reform Act 2002 chief constables have the power to designate CSOs from a range of powers set out in Schedule 4 to that Act. At present, this means that CSOs in different forces can be designated with some of the available powers, all of the powers, or occasionally none of the powers. However there are significant drawbacks to the current situation.
3. The public currently have no way of knowing what the powers of CSOs are from one force to the next. This is confusing and disorientating, and leads many members of the public to think that CSOs have no powers at all. Also, it means that in some forces CSOs do not have sufficient powers to play a full part in neighbourhood policing and have a role more similar to that of wardens. For these reasons we think that it is sensible to standardise the powers designated to CSOs and we intend to legislate for a set of standard powers at the earliest opportunity.

### ***The shape of a set of standard powers***

4. We believe that a set of standard powers should be based on the following principles.

#### **We would appreciate your views on this set of principles.**

- (i) All CSOs should have key enforcement powers that allow them to take action against anti-social behaviour, in particular the power to require name and address;
  - (ii) Alcohol is a serious problem throughout the country and all CSOs should be able to take measures in the neighbourhoods they patrol to minimise the damage that it causes, therefore powers to deal with alcohol abuse should be included in a set of standard powers.
  - (iii) CSOs have a critical role to play in neighbourhood policing and it is important that they have sufficient powers to play a full role as part of neighbourhood policing teams.
5. **What is your understanding of the role of CSOs? What do you expect CSOs to do?**

6. **Do you agree that greater standardisation of CSO powers is desirable? If you do agree, grateful if you would confirm why. If you think it is a bad idea, grateful if you would also give reasons and/or cite evidence for your view.**

7. We would expect a robust set of standard powers to include the majority of CSO powers but **we welcome your ideas on which powers should be usefully included in a set of standard powers.** A list of current CSO powers is attached for your reference.

8. **Which powers do you believe are essential for all CSOs to have to enable them to contribute to neighbourhood policing?**

***Where do we go from here?***

9. Establishing a set of standard powers should not be seen in isolation. It is part of the ongoing development of CSO powers. In establishing standard powers for CSOs we accept that there is a core of powers that all CSOs need in order to deal with anti-social behaviour in all areas. The Government is committed to tackling anti-social behaviour and other low level crime and CSOs have a crucial role to play in this. Equipping CSOs with a robust set of standard powers will ensure that they can contribute fully to this agenda and that they can play a full part in neighbourhood policing.

10. The new powers contained in the Serious Organised Crime and Police Act 2005 were a first step towards giving CSOs more of the powers they need to deal with problems they encounter day to day. We believe that there are many further options for extending CSO powers, for example giving CSOs powers of a police constable under section 16 of the Crime and Disorder Act 1998 to take part in truancy sweeps. Ultimately, however, we think that it should be up to you to suggest the powers for CSOs that would be useful in your area. **If, based on operational experience, you believe there are further powers that would help CSOs contribute to neighbourhood policing more effectively in your area, we would be grateful for your ideas.**

11. In inviting your ideas, however, we want to make it clear that we are seeking to increase the options for CSOs to deal with different types of anti-social behaviour, not to give CSOs powers that would enable them to take a role more like that of a police officer. We accept that CSOs should not have powers to enable them to deal proactively with any type of serious crime such as violence, drugs or sexual offending. If we extend the powers of CSOs further we will continue to ensure that they are carefully limited to fit their role and to ensure their safety.

12. We also want to explore a variety of options that would lead to greater public understanding of the powers of CSOs. **In particular we welcome your views on**

**publishing powers on individual force websites and/or grouping CSO powers in some way. Would this be useful? Do you have any other suggestions?**

13. Community Safety Accreditation can also play a central part in neighbourhood policing. **If you have ideas for further powers that would add to the effectiveness of accredited persons in your area, we would also be glad to hear your ideas.**

14. **Applicable to Police forces only: If you have information on the overall cost of training your CSOs and/or on the costs of training them in their powers we would like to hear from you.**

POWER	RELEVANT LEGISLATION
<b>ENVIRONMENTAL POWERS</b>	
<b>Power to issue FPNs for dog fouling</b> Power of an authorised officer of a local authority to give a notice under section 4 of the Dogs (Fouling of Land) Act 1996.	Paragraph 1(2)(c) of Schedule 4 to the Police Reform Act 2002.
<b>Power to issue FPN for littering</b> Power of an authorised officer of a litter authority to give a notice under section 88 of the Environmental Protection Act 1990.	Paragraph 1(2)(d) of Schedule 4 to the Police Reform Act 2002
<b>Power to issue FPN graffiti/fly-posting</b> Power of an authorised officer of a local authority to give a notice under section 43(1) of the Anti-social Behaviour Act 2003.	Paragraph 1(2)(ca) of Schedule 4 to the Police Reform Act 2002 (inserted by section 46 of the Anti-Social Behaviour Act 2003)
<b>Power to remove abandoned vehicles</b> under regulations made under section 99 of the Road Traffic Regulation Act 1984	Paragraph 10 of Schedule 4 to the Police Reform Act 2002
<b>TRANSPORT POWERS</b>	
<b>Power to issue FPN for cycling on pavement</b> Power of a constable in uniform to give a person a fixed penalty notice under section 54 of the Road Traffic Offenders Act 1988 in respect of an offence under section 72 of the Highway Act 1835 (riding on a footway) committed by cycling.	Paragraph 1(2)(b) of Schedule 4 to the Police Reform Act 2002
<b>Power to stop cycles:</b> Powers of a constable in uniform to stop a cycle under section 163(2) of the Road Traffic Act 1988 when a CSO has reason to believe that a person has committed the offence of riding on a footpath.	Paragraph 11A of Schedule 4 to the Police Reform Act 2002 (inserted by section 89(3) of the Anti-Social Behaviour Act 2003)
<b>Power to stop vehicles for testing, power to escort abnormal loads and power to carry out road checks</b>	Paragraph 11 of Schedule 4 to the Police Reform Act 2002. Paragraph 12 of Schedule 4 to the Police Reform Act 2002 Paragraph 13 of Schedule 4 to the Police Reform Act 2002
<b>Power to require name and address for road traffic offences:</b> The Serious Organised Crime and Police Act 2005 allows CSOs 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 community support officer or police 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).
<b>Power to direct traffic and to place traffic signs</b>	Paragraph 11B of Schedule 4 to the Police Reform Act 2002 (inserted by paragraph 10 of Schedule 8 to the Serious Organised Crime and Police Bill & Paragraph 13A of Schedule 4 to the Police Reform Act 2002 (inserted by paragraph 11 of the Serious Organised Crime and Police Act 2005.)
<b>Power to issue PND for throwing fireworks and trespassing on a railway and throwing stones on a railway.</b>	S80 of the Explosives Act 1875, s55 & s56 of British Transport Commission Act 1949
<b>Power to seize vehicles used to cause</b>	Paragraph 9 of Schedule 4 to the Police

<p><b>alarm:</b> Power to stop and seize a vehicle which a CSO has reason to believe is being used in a manner which contravenes sections 3 or 34 of the Road Traffic Act 1988 under section 59 of the Police Reform Act 2002.</p>	<p>Reform Act 2002</p>
<p><b>ALCOHOL &amp; TOBACCO POWERS</b></p>	
<p><b>Limited power to enter licensed premises:</b> The Serious Organised Crime and Police Bill allows CSOs 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.</p>	<p>Paragraph 8A of Schedule 4 to the Police Reform Act 2002 (inserted by paragraph 9 of Schedule 8 to the Serious Organised Crime and Police Act 2005). <b><u>Not yet commenced.</u></b></p>
<p><b>Power to enforce certain licensing offences:</b> 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 is drunk, obtaining alcohol for a person who is drunk, sale of alcohol to children, purchase of alcohol by or on behalf of children, consumption of alcohol by children and sending a child to obtain alcohol. Where these offences apply specifically to clubs they are not relevant licensing offences. CSOs may require name and address but may not detain for those relevant licensing offences that are most likely to be committed by license holders.</p>	<p>Paragraph 2(6A) of Schedule 4 to the Police Reform Act 2002 (see paragraphs 3(3) and 3(8) of Schedule 8 to the Serious Organised Crime and Police Act 2005). <b><u>Not yet commenced.</u></b></p>
<p><b>Power to require persons drinking in designated area to surrender alcohol</b> Power to require a person whom a CSO 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.</p>	<p>Paragraph 5 of Schedule 4 to the Police Reform Act 2002</p>
<p><b>Power to require persons aged under 18 to surrender alcohol:</b> 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. Power to require such a person to surrender sealed containers of alcohol if the CSO has reason to believe that the person is or has been consuming or intends to consume alcohol. Power to dispose of alcohol surrendered.</p>	<p>Paragraph 6 of Schedule 4 to the Police Reform Act 2002</p>
<p><b>Power to search for alcohol and tobacco:</b> Where a person has failed to comply with a requirement under paragraph 5 or 6 or has failed to allow a CSO to seize tobacco under paragraph 7 of Schedule 4 to the Police Reform Act 2002 and a CSO reasonably believes that the person is in possession of alcohol or tobacco then a CSO may search them for it and dispose of anything found.</p>	<p>Paragraph 7A of Schedule 4 to the Police Reform Act 2002 (inserted by paragraph 8 of Schedule 8 of the Serious Organised Crime and Police Act 2005). <b><u>Not yet commenced.</u></b></p>

<b>Power to seize tobacco from a person aged under 16</b> and to dispose of that tobacco.	Paragraph 7 of Schedule 4 to the Police Reform Act 2002
<b>Power to seize drugs and require name and address for possession of drugs:</b> The Serious Organised Crime and Police Act 2005 allows CSOs to be designated with a power seize unconcealed drugs or drugs found when searching for alcohol, tobacco or dangerous items. The CSO must retain the drugs until a constable instructs them what to do with it.	Paragraphs 7B and 7C of Schedule 4 to the Police Reform Act 2002 (inserted by paragraph 8 of Schedule 8 to the Serious Organised Crime and Police Act 2005). <b><u>Not yet commenced.</u></b>
<b>Power to issue PNDs for: sale of alcohol to a person under 18; purchase of alcohol for person under 18; delivery of alcohol to person under 18; drinking in designated area; consumption of alcohol by person under 18 or allowing such consumption.</b>	S169A of Licensing Act 1964, s169C(2) and (3) of the Licensing Act 1964, s169F of Licensing Act 1964, s 169E of Licensing Act 1964, s12 of Criminal Justice and Police Act 2001
<b>Power to issue PND for drunk and disorderly behaviour; drunk in highway</b>	S91 of the Criminal Justice Act 1967, s12 Licensing Act 1872
<b>POWERS TO TACKLE ANTI-SOCIAL BEHAVIOUR</b>	
<b>Power to require name and address for anti-social behaviour:</b> Power of a constable in uniform 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.	Paragraph 3 of Schedule 4 to the Police Reform Act 2002 (Paragraph 3(10) of Schedule 8 to the Serious Organised Crime and Police Act 2005).
<b>Power to deal with begging:</b> 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 CSOs a 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).
<b>Power to disperse groups and remove persons under 16 to their place of residence:</b> Powers which, by virtue of an authorisation under section 30 of the Anti-social Behaviour Act 2003, are conferred on a constable in uniform 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 2003)
<b>Power to issue PND for breach of fireworks curfew; possession of a category 4 firework; possession by a persons under 18 of an adult firework; supply of excessively load firework</b>	Fireworks Regulations 2004 under s11 of the Fireworks Act 2003
<b>ENFORCEMENT POWERS</b>	
<b>Power to require name and address for relevant offences</b> Power to require the name and address of a person whom a CSO has reason to believe has committed a relevant offence (Relevant offences are defined under	Paragraph 1A of Schedule 4 to the Police Reform Act 2002 (inserted by paragraph 2 of Schedule 8 to the Serious Organised Crime and Police Act 2005).

subparagraph 2(6) of Schedule 4 of the Police Reform Act).	
<b>Power to issue FPN for truancy</b> Power of a constable to give a penalty notice under section 444A of the Education Act 1996.	Paragraph 1(2)(aa) of Schedule 4 to the Police Reform Act 2002 (inserted by section 23 of the Anti-Social Behaviour Act 2003).
<b>Power to detain:</b> Power to detain a person whom a CSO has reason to believe has committed a relevant offence who fails to comply with a requirement to give name and address or who gives an answer which the CSO 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. (Paragraph 3(2) of Schedule 8 to the Serious Organised Crime and Police Act 2005.)
<b>Power to enforce byelaws:</b> 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.	Paragraphs 1A(3), 2(3A), 2(6)(ad), 2(6B), 2(6C), 2(6D), 2(6E), 2(6F) of 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).
<b>Power to photograph persons away from a police station:</b> The Serious Organised Crime and Police Act 2005 enables CSOs 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.	Paragraph 15ZA of Schedule 4 to the Police Reform Act 2002 (inserted by paragraph 12 of Schedule 8 to the Serious Organised Crime and Police Act 2005). <b><u>Not yet commenced.</u></b>
<b>Power to search detained persons for dangerous items or items that could be used to assist escape:</b> Serious Organised Crime and Police Act 2005 allows CSOs to be designated with the same powers as a constable under section 32 of PACE to search detained persons for anything that could be used to cause physical injury or to assist escape.	Paragraph 2A of Schedule 4 to the Police Reform Act 2002 (inserted by paragraph 4 of Schedule 8 to the Serious Organised Crime and Police Act 2005). <b><u>Not yet commenced.</u></b>
<b>Power to use reasonable force to prevent a detained person making off:</b> either when waiting for the arrival of a constable or when accompanying a detained person to a police station.	Paragraph 4 of Schedule 4 to the Police Reform Act 2002
<b>Power to use reasonable force to transfer control of detained persons:</b> Paragraph 2(4A) of Schedule 4 to the Police Reform Act 2002 places a duty on CSOs to remain with a police officer when transferring a detained person to his or her custody until the police officer has the person under control. Paragraph 2(4B) places a CSO accompanying a detained person to a police station under a duty to	Paragraphs 2(4A), 2(4B), 4ZA and 4ZB of Schedule 4 to the Police Reform Act 2002 (see paragraphs 2, 3 and 4 of Schedule 9 to the Serious Organised Crime and Police Act 2005).

remain at the police station until the detained person is under control.	
<b>Power to remove children in contravention of curfew notices to their place of residence:</b> Power to remove a child to their place of residence if the CSO has reason to believe that the child is in contravention of a curfew notice under sub-sections 15(1), (2) and (3) of the Crime and Disorder Act 1998.	Paragraph 4B of Schedule 4 to the Police Reform Act 2002 (inserted by section 33 of the Anti-Social Behaviour Act 2003)
<b>Destroying or damaging property; causing harassment, alarm or distress</b>	S1(1) of the Criminal Damage Act 1971, s5 Public Order Act 1986
<b>Power to issue PND for wasting police time, giving false report, using public network communications in order to cause annoyance; knowingly giving false alarm to a person acting on behalf of a fire and rescue authority</b>	S5 Criminal Law Act 1967, s127 (2) Communications Act 2003, s49 Fire and Rescue Act 2004
<b>Power to use reasonable force:</b> A CSO may use reasonable force in the exercise of a power that he or she has been designated with, if, when the power is exercised by a constable, a constable would have the power to use reasonable force also.	Section 38(8) of the Police Reform Act 2002. This is currently the only 'standard' power that CSOs have. A CSO only has this power however if they have been designated with a power which, if exercised by a constable, would have the power to use reasonable force.
<b>SECURITY POWERS</b>	
<b>Power to enter and search any premises for purposes of saving life and limb or preventing damage to property</b>	Paragraph 8 of Schedule 4 to the Police Reform Act 2002
<b>Power to stop and search in authorised areas:</b> 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
<b>Power to enforce cordoned areas:</b> under section 36 of the Terrorism Act 2000	Paragraph 14 of Schedule 4 to the Police Reform Act 2002

## **List of Consultees**

- Chief Constables of Police forces (including British Transport Police)
- Clerks to Police Authority
- ACPO
- APA
- The Police Federation
- Police Superintendents Association
- Independent Police Complaints Commission
- Her Majesty's Inspectorate of Constabulary
- Local Government Association
- Crime & Disorder Reduction Partnerships
- Other Government Departments
- Welsh Assembly Government
- Police Staff Council – Trade Union side
- Public and Commercial Services Union
- Met TUS
- Centrex
- Skills for Justice
- Society of Local Council Clerks for Town and Parish Councils
- Justice Clerks to Magistrate Courts
- National Association of Small Businesses
- Commission for Racial Equality
- Children's Society
- Liberty