

SERIOUS ORGANISED CRIME AND POLICE BILL

FINAL REGULATORY IMPACT ASSESSMENT

EXTENSION OF DESIGNATED POLICE STAFF POWERS UNDER S.38 OF POLICE REFORM ACT

1. Title of Proposal

Extension of designated police staff powers under s.38 of Police Reform Act

2. Purpose and intended effect of measure

(i) The objective: To extend the scope of the powers which may be conferred upon a designated Investigation Officer by a Chief Officer under section 38 and schedule 4 (Parts 1-4) of the Police Reform Act.

(ii) The background: It is widely acknowledged that there are some important yet routine tasks previously performed by police officers, which do not require the full training and powers of a constable. The introduction of the Police Reform 2002 recognised this fact and introduced new provisions which came into effect on 02 December 2002, enabling some police powers to be conferred upon suitable members of police staff and, consequently, freeing up police officers for re-deployment to frontline duties.

A person designated as an Investigation Officer under section 38 can be conferred with the powers of a constable to apply for and execute a search warrant under section 8 of PACE, as set out in section 16 of Schedule 4, Part 2 of the Act. However, a substantial part of tackling volume crime involves the issue and execution of search warrants under s.22 of the Theft Act or s.23 of the Misuse of Drugs Act, which, in most cases, are deemed to be of the same order as a routine search under s. 8 of PACE. As the provisions stand currently regarding designated police staff under s.38 of Police Reform Act, these are not powers that can be exercised by a designated Investigation Officer.

The proposal is that s.16 of Schedule 4 Part 2 of PRA be amended to add the powers to apply for / execute a search warrant under the Theft Act or the Misuse of Drugs Act.

(iii) Risk assessment: Any extension of police powers to non-sworn (civilian) police staff should be treated with the utmost caution. Nevertheless, forces have stated that the rationale that supports the existing provisions extends logically to the routine powers of search under these two other Acts.

3. Options :

Option 1 Do nothing

ANNEX E

By doing nothing the work would continue to be done by Police Officers which would not support the extension of non-sworn (civilian) police staff powers designated as Investigation Officers.

Option 2

Extend the powers of non-sworn (civilian) police staff designated as Investigation Officers to cover the issue and execution of search warrants under s.22 of the Theft Act or s.23 of the Misuse of Drugs Act.

4. Benefits

Option 1

No benefits.

Option2

Economic : This will free up Police Officer time to carry out other front line duties.

Environmental : None

Social : It will enable more effective and efficient policing. Reducing the unnecessary burdens on police officers remains one of the Government's key priorities within the police reform programme. If senior officers are hampered in deploying designated Investigation Officers in some circumstances because of the limitations of the powers that can be conferred, the operational burden could reasonably be expected to fall to police officers.

5. Costs

Option 1

No costs.

Option 2

Economic : There will be initial costs in training those non-sworn (civilian) police staff designated as Investigation Officers to carry out the issue and execution of search warrants under s.22 of the Theft Act or s.23 of the Misuse of Drugs Act.

- Environmental: None
- Social : There could be reasonably be expected gains in efficiency by the deployment of designated police staff in the routine investigation of volume crime, with the corresponding release of police officers for re-deployment to frontline duties.

6. Issues of equity and fairness

The key consideration is that is that the powers which can be conferred upon a designated member of police staff are appropriate and allow the effective investigation of crime by police forces.

7. Enforcement and Sanctions

Chief Officers of Police will have the responsibility for designation and ensuring that designated officers act in accordance with the law.

8. Monitoring and review

All Stakeholders will be consulted under the process of seeking to make these amendments

9. Consultation

This measure was included in the public consultation paper 'Policing: Modernising Police Powers to Meet Community Needs' published on 8 August 2004 on which 134 responses were received.

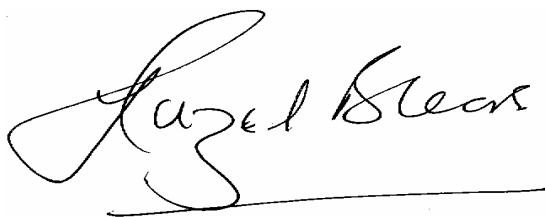
10. Summary and recommendation

It is recommended that Option 2, to extend the powers of non-sworn (civilian) police staff designated as Investigation Officers to cover the issue and execution of search warrants under s.22 of the Theft Act or s.23 of the Misuse of Drugs Act, be adopted.

11. Declaration

I have read the regulatory impact assessment and I am satisfied that the benefits justify the costs

Signed

A handwritten signature in black ink, reading "Hazel Blears". The signature is written in a cursive style with a long horizontal line underneath.

November 2004

Hazel Blears, Minister of State for Crime Reduction, Policing and Community Safety