

SERIOUS ORGANISED CRIME AND POLICE BILL

FINAL REGULATORY IMPACT ASSESSMENT

POWERS FOR POLICE COMMUNITY SUPPORT OFFICERS AND ACCREDITED PERSONS

1. Title of Proposal

Increased powers for Police Community Support Officers (PCSOs) and persons accredited under Community Safety Accreditation schemes.

The government proposes to give PCSOs the following new powers:

- a power to direct traffic and deal with serious road traffic accidents (also for accredited persons);
- a power to deal with begging (also for accredited persons);
- a power to enforce byelaws;
- a power to search detained persons for dangerous articles or items that could be used to assist escape;
- a power to enforce certain licensing offences around the sale to and consumption of alcohol for young people and people that are already drunk;
- a limited power to enter certain licensed premises.

2. Purpose and intended effect of measure

(i) The objective: to give PCSOs and accredited persons more tools to help them be effective in their specialised community safety role. The new powers that we are proposing, such as the power to enforce byelaws and powers to deter begging, have been selected to enable PCSOs and accredited persons to target anti-social behaviour and support the communities that they work with more effectively. We have specifically avoided suggesting new powers that would increase the bureaucratic burden on PCSOs and reduce the amount of time that PCSOs can spend on high-visibility duties.

(ii) The background: when PCSOs and accredited persons were introduced under the Police Reform Act 2002 they were given a certain number of powers, they were also given some additional powers under the Anti-Social Behaviour Act 2003. The local evaluations have shown that PCSOs have been well received by the public, have provided a highly visible policing presence and have had a positive effect on reducing crime in the areas where they patrol. Since the introduction of PCSOs and accreditation we have been receptive to suggestions from the police service and other stakeholders about how PCSOs and accredited persons could be made even more effective. As a result we think that we should add to the powers that PCSOs, and in some cases, accredited persons, can exercise in the course of their duty.

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- (iii) Risk assessment: without adding to the existing powers of PCSOs there is a serious risk that PCSOs will not be used to their full potential in tackling anti-social behaviour and crime. This could result in increased fear of crime and decreased reassurance in communities.

3. Options

Option 1

Do nothing - leaving PCSOs and accredited persons as they currently are.
This would risk losing the opportunity to make PCSOs even more effective in dealing with anti-social behaviour. It would also lose substantial savings of police time.

Option 2 - Introduce new powers.

It has now become apparent, through consultation with Association of Chief Police Officers (ACPO) and other areas of the Home Office that PCSOs and accredited persons could be made more effective in providing reassurance and dealing with anti-social behaviour if they were given more powers. The only means of adding to PCSO and accredited persons' powers is through primary legislation.

4. Benefits

Option 1

None

Option 2

Economic

Giving PCSOs and accredited persons increased powers will make them more effective in dealing with anti-social behaviour and will allow them to use the time that they spend on patrol more productively. There will also be saving in police time, as PCSOs will be able to carry out tasks such as directing traffic at events which will allow police officers to concentrate on frontline tasks that require their full skills and training.

Environmental

The new powers to deal with anti-social behaviour, in particular the powers to deal with begging, alcohol misuse and the contravention of byelaws, will help PCSOs to deal effectively with these problems and make neighbourhoods safer, cleaner and more pleasant environments to live in.

Social

The new powers, especially those dealing with anti-social behaviour, will have a number of social benefits. The power to deal with begging will help to remove beggars from the streets and channel them into treatment for drug addiction and mental health problems, it could also impact on the street drugs market. Powers to deal with licensing offences will help to prevent underage drinking and associated problems. In addition, the power to enforce byelaws will give PCSOs powers to deal with minor anti-social behaviour such as skateboarding and playing ball games in the street.

5. Costs

Option 1

This is likely to reduce the efficiency and effectiveness of PCSOs and accredited persons.

Option 2

Economic

The costs of these powers to the public sector should be very minimal. There will be no cost to the private sector. Forces will need to give some additional training to the PCSOs in order for them to exercise the powers. These costs should be minimal and can be met from police authority budgets, or in the case of accredited persons, by their employers. We predict that any costs that are incurred through the introduction of these powers will be outweighed by the benefits, in particular through savings in police time.

For newly recruited PCSOs, training on these powers would be incorporated into the existing training provision and therefore the costs of training for the new powers would be negligible. However, for the existing 4,092 PCSOs (as at the end of August 2004) additional training will be required for the exercise of these powers. We think that many forces already make provision for refresher training for existing PCSOs, and therefore training on new powers could be included in this. Some forces that have not provided for refresher training may have to give PCSOs one-off additional training if they are to exercise these powers.

We estimate that the costs of maintaining a PCSO are between £15 and £20 per hour. Costs of training PCSOs vary greatly from force to force, initial training lasts for between 3 - 6 weeks and costs are between £600 and £3500. We estimate that on average a four-week course costs £2000, working out at £100 per day. Training for all the new powers would probably require about 1 day's extra training. Therefore the cost of training one existing PCSO for these new powers would be about £240. It is important to remember that not all forces will necessarily choose to designate their PCSOs with all of these powers and this will impact on the amount of additional training required.

ANNEX D

The only other costs that could be incurred are downstream costs for the Criminal Justice System. Since the offences that we have proposed giving PCSOs and accredited persons the power to enforce are almost all very minor, these costs should also be low.

Environmental

None

Social

None

6. Equity and Fairness

There may be some concerns that the power to search detainees for dangerous articles and items that could assist escape could be used disproportionately on people from Black and Ethnic Minority Communities. This is unlikely as in order to be searched a person would need to have already been detained on suspicion of carrying out a specific offence. In addition, a relatively large proportion of PCSOs are drawn from BME communities; 17% of PCSOs nationally and 30% of PCSOs in London are from ethnic minorities. A pilot study of the use of detention did not find any disproportionate use of the power of detention against people from Black and Ethnic Minority Communities. The proposals do not require a Race Equality Impact Assessment.

7. Enforcement and Sanctions

This measure will be enforced through primary legislation. Chief officers will then have the option to designate the PCSOs in each force with the new powers, or accredit the accredited persons with new powers in consultation with their employers.

This legislation will be enforced by PCSOs and accredited persons, supported by police officers and other civilian police staff.

The legislation will impose criminal sanctions for non-compliance. It will be an offence to refuse to follow the directions of a PCSO or an accredited person or to refuse to give a name and address on demand.

8. Monitoring and Review

The Home Office is in the process of commissioning a national evaluation of PCSOs, which will include a review of PCSO powers. This will report in autumn 2005 with an interim report in December 2004. In addition forces are required to give details of their evaluation and monitoring arrangements in

their bids to secure Home Office funding for PCSOs. Consultation with stakeholders also provides valuable feedback on PCSO powers.

9. Consultation

The proposals to extend the powers of PCSOs and accredited persons were set out in the consultation paper 'Modernising Police Powers' published in August 2004. 134 responses were received to the consultation paper.

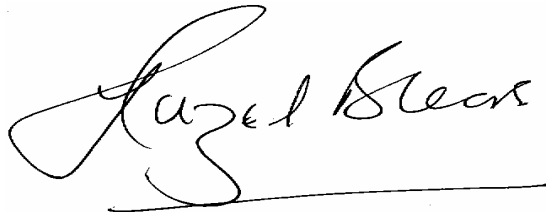
10. Summary and Recommendation

We would therefore recommend Option 2 extending the powers of PCSOs. Adding to the powers of PCSOs and accredited persons gives a valuable opportunity to strengthen the role of PCSOs and accredited persons. It should increase their capacity to deal with anti-social behaviour without eroding their high-visibility role, thus helping to improve reassurance within communities in the ways set out in paragraph 1.

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**