

Legislation and powers

Chief officers must decide which powers they wish to designate to their PCSOs.

First published 1 July 2022 Updated 6 June 2022

6 mins read

The method for chief officers to designate powers to Police Community Support Officers (PCSOs) has been substantially amended through the enactment of the Policing and Crime Act 2017. The previous lists of standard and discretionary powers have been removed.

The [Policing and Crime Act 2017](#) amended Section 38 of the [Police Reform Act 2002](#), which enables chief officers of police to designate any person who is employed by the Office of the Police and Crime Commissioner and is under the direction and control of that chief officer as a police community support officer.

Chief officers must decide which powers they wish to designate to their PCSOs. All police constable powers are available to be designated, with the exception of those outlined in Schedule 10 of the Policing and Crime Act 2017. Schedule 3B of the Police Reform Act 2002 details excluded powers from designation under Section 38.

This includes power of arrest, stop and search, powers under the Terrorism Act 2000, those available under the Official Secrets Act, and powers which by virtue require the officer to hold a police officer rank above that of constable.

Powers to enforce local authority bylaws remain unchanged but require these to be specifically designated.

Research carried out by the neighbourhood policing programme indicates that most powers issued are seldom used, and this is particularly the case when large numbers are designated.

Designation of specific powers

There is also variation between forces. Chief officers should satisfy themselves that there is an operational requirement to designate specific powers. Any increase will have additional training/cost requirements, potential personal safety implications, create possible public confusion

and blur the roles between PCSOs and warranted officers.

To prevent confusion, it is helpful for PCSOs to have consistent powers throughout a force area but there is nothing to prevent PCSOs in different parts of a force area from being designated with different powers, depending on local need.

However, this may cause confusion among the public and absolute clarity is needed so that those supervising and leading PCSOs understand any anomalies across geographical boundaries.

Good practice indicates that powers should be set force-wide and, where collaborative opportunities with surrounding forces are extant or being considered, there should be commonality.

The term community support officer is widely used to describe a variety of staff from differing agencies fulfilling a community safety function. The term police community support officer (PCSO) should be used to describe staff in all forces who are designated by chief officers under Section 38 of the Police Reform Act 2002.

Further information on PCSO powers can be found in the [**Policing and Crime Act 2017**](#).

The duties of PCSOs are discussed elsewhere in this handbook, but it is important that their role in individual forces is determined before the powers that are to be designated are chosen. Overall, the powers of PCSOs need to be set in context. PCSOs, like police officers, will spend much of their time undertaking street duties without recourse to their powers.

It is likely that chief officers will wish to restrict the powers designated to those necessary to meet the envisaged deployment of PCSOs. This will help to minimise training requirements and ensure that PCSOs are focused on their core role of engagement.

Section 42 of the Police Reform Act 2002 requires PCSOs to produce a 'designation' upon request when exercising any powers under the Act. The designation is not prescribed but it should list which powers have been designated and must describe the approved uniform. This section also gives the chief officer power to modify or withdraw the designation as appropriate.

PCSOs are not under a duty to act in any given situation, unlike the duty falling to police officers. Although PCSOs do have a duty under [**paragraph 2\(4A\) of Schedule 4 of the Police Reform Act 2002**](#) (when designated) to remain with a police officer when transferring control of a detained

person to his or her custody until the police officer has the person under control.

PCSOs retain the powers of arrest of a citizen under both common law and Section 24A of the Police and Criminal Evidence Act 1984. They also have the power to use reasonable force in defence of themselves or another.

Section 46 of the Police Reform Act 2002 creates offences relating specifically to designated persons (including PCSOs), namely:

- assaulting a designated person in the execution of their duty
- resisting or wilfully obstructing a designated person in the execution of their duty
- impersonating, or falsely claiming to be, a designated person with intent to deceive
- being a PCSO and making a false suggestion that one possesses powers that exceed those designated by the chief officer

The Policing and Crime Act 2017 and the Anti-Social Behaviour, Crime and Policing Act 2014 created additional powers. Chief officers should decide which they will grant to PCSOs in their force areas based on community need. For example, granting the power to deal with an offence under Section 5(1) or 8(1) of the Road Traffic Regulation Act 1984 involving a contravention of a prohibition or restriction that relates to stopping, waiting or parking at or near a school entrance may be wholly appropriate given local public feeling and what is a regular community problem in many forces.

Community safety accreditation schemes

The Police Reform Act 2002 allows a chief officer to designate powers to individuals who are employed by a **third-party organisation involved in the delivery of community safety**. They are not part of the extended police family but may wear a uniform to identify themselves, for example housing wardens, security officers and local authority staff. While their powers are conferred by the police, the individual is not a police employee nor are they under the direction and control of the chief officer – both of which are very different from PCSOs.

Personal protective equipment (PPE)

The issuing of incapacitant spray, handcuffs and batons can be considered as options for PCSOs but it is not expected that forces are required to do so as a matter of course.

The issue of handcuffs may have merit when a PCSO has been designated with the power of detention, but issue of this equipment should only occur after a detailed threat and risk assessment process and supported by appropriate and approved training and assessment.

The role of a PCSO, the geographic area covered, and availability of police officer assistance should all be considered when deciding what PPE should be issued.

Section 3 of the Criminal Law Act 1967, Section 117 of the Police and Criminal Evidence Act 1984 and common law (breach of the peace and self-defence) provide legislation around reasonable force.

Incapacitant spray is a prohibited weapon under Section 5(1)(b) of the Firearms Act 1968. Section 54(3) of the Act states that a person is exempt from Section 5(1)(b) if they are:

- a member of a police force
- a civilian officer
- included in certain categories specified in the Act

A PCSO is exempt from firearms legislation, under Section 5(1)(b) of the Firearms Act 1968, by virtue of subsection (b). It is lawful for a PCSO to possess CS spray under the direction and control of a chief officer.

A baton is an offensive weapon by virtue of Section 1(1) of the Prevention of Crime Act 1953 as it is specifically made for causing injury.

But possession does not constitute an offence where lawful authority exists. Therefore, possession of a baton by an on-duty PCSO when authorised by a chief officer will be lawful.

Tags

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