

# POLICE REFORM ACT 2002

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## EXPLANATORY NOTES

### THE ACT

#### *Commentary on Sections*

#### **Part 4: Police powers**

#### *Chapter 1: Exercise of police powers etc. by civilians*

#### *Section 38: Police powers for police authority employees*

188. This section enables chief officers of police to designate suitably skilled and trained civilians under their direction and control to exercise powers and undertake duties in carrying out specified functions. A chief officer can designate civilians to perform functions in four categories: community support officer; investigating officer; detention officer; and escort officer. The Director General of NCIS or NCS may designate support staff under his direction and control as investigating officers.
189. *Subsection (1)* enables the chief officer in charge of a force to designate any person under his operational control and employed by the relevant police authority as an officer of one or more of the descriptions specified in *subsection (2)*: community support officer; investigating officer; detention officer; and escort officer. *Subsection (3)* enables the Director General of NCIS or NCS to designate any person under his operational control and employed by the relevant Service Authority as an investigating officer. (*Paragraph 36(1)(b)* of Schedule 4 and *subsection (7)(e)* of section 108 ensure that this is limited to persons in England and Wales only. Although the jurisdiction of NCS only covers England and Wales, that of NCIS is UK-wide.) Under *subsection (5)*, chief officers and Directors General will be able to confer on such employees some of the powers and duties otherwise only available to police constables and others. *Subsection (6)* limits the powers that can be conferred on designated persons to the relevant Parts of Schedule 4 to the Act. *Subsection (7)* clarifies that a designation cannot authorise or require conduct beyond the specified functions and that a designation may contain restrictions and conditions. For example, the designation may specify that the powers can only be used in a particular geographical area or for a particular period.
190. *Subsection (4)* prevents a designation being granted unless the chief officer or Director General is satisfied that the person is suitable to carry out the relevant functions, capable of carrying them out, and has been adequately trained.
191. *Subsection (8)* provides that where a power allows for the use of reasonable force when it is exercised by a constable, a person exercising such a power under a designation shall have the same entitlement to use reasonable force; for example when carrying out a search.
192. *Subsection (9)* provides that where the designation includes the power to force entry to premises, this power will be limited to occasions when the designated person is under the direct supervision of a constable and is accompanied by them – the exception to this

*These notes refer to the Police Reform Act 2002  
(c.30) which received Royal Assent on 24 July 2002*

requirement is when the purpose of forcing entry is to save life or limb or to prevent serious damage to premises.