

## Use of Force Scrutiny Panel – Terms of Reference

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#### 1). AIMS AND OBJECTIVES

##### 1.1 Aims:

- To provide constructive challenge and act as a ‘critical friend’ to the Office of the Police and Crime Commissioner and Hertfordshire Constabulary by providing feedback on reviewed Use of Force statements and Body Worn Video on the deployment of use of force which includes, Taser, PAVA, Unarmed Defence

Techniques, Handcuffs, Spit Guard, Limb Restraint, Baton and escalated force from a lay person's perspective.

- To improve and maintain public confidence and satisfaction in Hertfordshire Constabulary.
- To support the openness and transparency of Hertfordshire Constabulary in delivering a high-quality policing service.
- To lead to improvement in Hertfordshire Constabulary's legitimate and ethical Use of Force in accordance with professional standards.

### **1.2 Objectives:**

- To review and provide feedback to the Office of the Police and Crime Commissioner relating to the Constabulary's use of force.
- To raise any concerns and good practice to the Office of the Police and Crime Commissioner which will then be passed to Hertfordshire Constabulary as to enable learning and training opportunities in the Constabulary's use of force
- To give independent, lay-persons' views of the use of force by Hertfordshire Constabulary Police Officers.
- To ensure that Hertfordshire Constabulary's use of force is effective, in line with Approved Professional Practice and is operating without bias or discrimination.
- To identify best practice in the use of force and in operational policing where appropriate.
- To improve the quality of policing provided to members of the public regarding the use of force.

## **2). REVIEW METHODOLOGY**

- 2.1) The panel will review Records and Body Worn Video Camera footage through a bi-monthly dip-sampling of documentation and video recordings. Categories currently reviewed are Unarmed Defence Techniques, Handcuffs, PAVA, Taser, Spit Guard, Limb Restraint, Baton and Escalated force. The Panel will provide a qualitative discussion on each case, focusing on a particular category of the use of force

deployed, a geographic area or specified record selection criteria. The review will look at the appropriateness of the use of force, commenting on positive points as well as issues of concern and learning opportunities. This approach will be reviewed for effectiveness by the Panel as it progresses in its work.

- 2.2) The scrutiny of the officer's statement is as important as the scrutiny of the Body Worn Video. The statement provided is not merely a supporting document to the Body Worn Video viewed but should be analysed in its own right. The statement plays an important role in understanding the context surrounding a use of force incident and often acts as a vital piece of evidence when used in court. It is therefore fundamental that the officer's statement provides a clear and detailed account of the use of force. The statement should provide a sufficient explanation of why force was used and the officer's thought process behind that force. The panel will therefore provide an equally detailed qualitative discussion surrounding whether the statement alone meets the necessary requirements. Both positive feedback and learning opportunities regarding the statements will be fed back to the officers via the Constabulary representatives at the meeting. A record of all feedback will be kept by the Office of the Police and Crime Commissioner.
- 2.3) The panel will conduct an in-depth scrutiny of selected categories at alternate meetings. Such deep dives may include types of force, districts, teams e.g., student officers and particular officers who frequently use force.
- 2.4) At each meeting, the panel will elect a different member to complete the feedback spreadsheet for that meeting. The spreadsheet is designed to accurately record whether the use of force was justified, proportionate and appropriate. The Panel use a prompt sheet that follows the current College of Policing Authorised Professional Practice to enable and prompt discussion within the group. The results of records dip sampled throughout the meetings will form the basis of an annual Use of Force report that is made publicly available.

- 2.5) The format for review will be the first randomly selected example – however should Body Worn Video not be available a further example (the next selected) will be reviewed by the panel also. If no footage or statement is available, then appropriate feedback will be recorded and feedback given.
- 2.6) At the meeting will be a member of the Constabulary's staff protection team who will act as an expert and a member of the professional standards team. They will be in attendance to answer questions from the panel and share their experience and expert knowledge, when requested to. However, the panel's scrutiny will remain the views of the panel and will be recorded as such.
- 2.7) Where issues of serious concern arise, these will be addressed by Professional Standards and outcomes fed back to the Panel.
- 2.8) In line with the move within the Constabulary for supervisors to play a greater role in mentoring officers who are young in service, the panel will work to ensure they make best use of additional scrutiny available. Any cases that the panel escalate beyond the meeting will be directed to the supervisors via the Crime Reduction and Community Safety representative. Similarly, the Office of the Police and Crime Commissioner is aspiring to move towards a position where any cases that the supervisors feel require inspection are to be forwarded to the Office of the Police and Crime Commissioner for the panel to scrutinise and subsequently produce feedback.

### **3). CONFIDENTIALITY & DISCLOSURE**

- 3.1) The proceedings of all Panel meetings are sensitive and members must not reveal any information about Police records and personal data of Police Officers and members of the public. This includes witnesses' and any person's personal information in the police records that could identify any individual. Panel members must not disclose any aspect of discussions which the panel undertakes during the

course of scrutiny, apart from the points recorded in the published notes from Panel meetings.

- 3.2) To operate effectively, Panel members may have sight of restricted material that must be treated as strictly private and confidential. The requirements of the Data Protection Act 2018 will apply to all work undertaken by Panel members. Members will be asked to sign at each meeting a disclosure agreement which confirms the terms and conditions by which members are taking part and the type of information that can be shared beyond the panel.
- 3.3) Panel members will be asked to sign a volunteer agreement (if they have not already done so) and uphold this.
- 3.4) Any breaches of these confidentiality or disclosure arrangements will lead to an investigation by the Office of the Police and Crime Commissioner and the possible expulsion of a member from the Panel, if it is demonstrated that a clear breach of confidentiality has occurred.

#### **4). SELECTION OF CHAIR AND VICE CHAIR(S)**

- 4.1) Nominations for Chair and Vice Chair(s) will be requested from Panel members and a voting system will be used to elect the Chair and Vice Chair(s). A quorum is needed for an election, which is 2/3rds of the Panel membership.
- 4.2) One Panel member will act as Chair and one or more as Vice Chair. The Office of the Police and Crime Commissioner's facilitator will invite the Vice Chair(s) to take relevant action in the absence of the Chair. The Vice Chair(s) and facilitator will agree a temporary Chair before the meeting.
- 4.3) The Chair is accountable to the Scrutiny Panel.

- 4.4) Panel members may ask the Chair to act on their behalf at meetings, or in other agreed situations. The Chair may also ask a Vice Chair (or another member) to act on the Chair's behalf at meetings.
- 4.5) The Chair and Vice Chair(s) will each serve for a term of up to 1 year and may serve a maximum of 3 consecutive terms. At the end of his/her term as Chair/Vice Chair, s/he can remain a Use of Force Panel member.
- 4.6) The Chair can be removed, if at least 2/3rds of the non-Chair members agree or if asked to do so by the Office of the Police and Crime Commissioner in accordance with the volunteer agreement.
- 4.7) In addition to chairing meetings, the Chair will assist the Office of the Police and Crime Commissioner's facilitator to plan meetings and the agenda, review Panel feedback reports, and act as a single point of contact between meetings for the Office of the Police and Crime Commissioner.

## **5). SELECTION/DE-SELECTION OF PANEL MEMBERS**

- 5.1 Members of the Panel (Panel membership being a total of about 20) will be appointed by the Office of the Police and Crime Commissioner in a transparent way, with the decision published.
- 5.2 The Office of the Police and Crime Commissioner will seek to ensure that the Panel is demographically representative of the Hertfordshire population. It should comprise of members who have lived experience and have been subject to the use of force by police.
- 5.4 Panel membership terms will last for 5 years. Terms begin from the date at which the panel member first joined the Use of Force Scrutiny Panel.

- 5.5 Panel members are expected to commit to and attend meetings regularly with no less than three of the six meetings a year. Members should send apologies to the Office of the Police and Crime Commissioner where they are unable to attend.
- 5.7 Panel members who do not attend three consecutive meetings without satisfactory reason will have their position on the Panel reviewed by the Office of the Police and Crime Commissioner, the Chair and Vice Chair. Breach of the Terms of Reference or the volunteers' agreement will also trigger a member's review.

## **6). FREQUENCY OF MEETINGS**

- 6.1 The Panel will meet bi-monthly. The meetings will alternate between a general review and a more in depth look at categories selected by the panel. Constabulary representation will consist of Professional Standards, Personal Safety Training, Taser training and Crime Reduction & Community Safety Officers/Staff with the exception of in-depth reviews where representation will consist of Crime Reduction & Community Safety Officers/Staff. The frequency of meetings and Constabulary representation may change in response to any urgent concerns, or as agreed between the Office of the Police and Crime Commissioner and the Panel.

## **7). SERVICING OF MEETINGS**

- 7.1 The Office of the Police and Crime Commissioner will provide secretariat support to the Panel, including the production of minutes, chair briefing notes and the collection of both officer statements and body worn video footage.
- 7.2 Members will obtain the agreement of the Chair if they wish to propose case selection criteria, for example a specific geographical area. The suggestion can be via the OPCC's Panel facilitator.

## **8). REIMBURSEMENT OF EXPENSES**

- 8.1 Reasonable out of pocket travelling expenses – in accordance with Her Majesty’s Revenue and Customs travel expense rates, including car-sharing - will be available for reimbursement from the Office of the Police and Crime Commissioner to Panel members for attending meetings and training related to the Panel’s work.
- 8.2 Expenses will not be paid if a Panel member represents the Panel at other meetings and training events without the prior knowledge and authorisation of the Office of the Police and Crime Commissioner.
- 8.3 Claims, with receipts, must be submitted quarterly within each financial year to the Office of the Police and Crime Commissioner.

## **9). REPORTING**

- 9.1 The Office of the Police and Crime Commissioner will publish a set of publicly available minutes after each Panel review session, on behalf of the Panel, on the Office of the Police and Crime Commissioner website and, where requested, in other appropriate formats.

## **10). TRAINING**

- 10.1 The Office of the Police and Crime Commissioner will be responsible for providing induction training and any ongoing learning for Panel members.

## **11). RIGHTS AND RESPONSIBILITIES OF PANEL MEMBERS**

- 11.1 Panel members should not make subjective judgements about other Panel members or any person mentioned in Police Records. It is imperative that every Panel member respects other members, and that any conflicts are resolved with dignity and

professionalism. The Chair will intervene in any disputes which members may not be able to resolve between themselves.

- 11.2 Members are expected to abide by these Terms of Reference and where breaches occur or are likely to occur, they are expected to declare this to the Chair.
- 11.3 When representing the Panel, all Panel members must refrain from any political activity that may cause the Panel to compromise its independence.
- 11.4 No Panel members will have any contact with the media in relation to Panel, Police or PCC related matters or comment in their capacity as a Panel member without discussing this in advance with the Office of the Police and Crime Commissioner. Panel members other than the Chair are not expected to comment generally to the media in their capacity as Panel members.
- 11.5 All Panel members must give correct and up-to-date definitions of their role/s within the Panel if communicating with the public.
- 11.6 Members must refer any personal issues, such as change of address, or conflicts of interest which could interfere with their membership, to the Office of the Police and Crime Commissioner as soon as possible. Similarly, any complaint made against a panel member must be referred in the same way.
- 11.7 These Terms of Reference will be published on the Office of the Police and Crime Commissioner website.

## **12). ANNUAL USE OF FORCE SCRUTINY PANEL REPORT**

- 12.1 The Panel members will produce an annual report detailing the panel's findings from the last year. This is to include details of the number of Use of Force incidents analysed, the number in which the panel were either confident or not confident and

all other details that outline the level of scrutiny achieved by the panel. The report will also outline the aims and goals of the panel going into the next year.

- 12.2 The report will be a public facing document to give the public a greater understanding of how the panel works and the impact the panel has had on policing standards. The report will be published on the Office of the Police and Crime Commissioner webpage.

### **13). REVIEW OF TERMS OF REFERENCE**

- 13.1 These Terms of Reference will be reviewed annually or amended as necessary.