



Minutes

Use of Force Scrutiny Panel – 21st June 2018

The Minutes have been reviewed and redacted for reasons of operational security.

1) Welcome and introductions, apologies for absence

The Chair of the inaugural Use of Force Scrutiny Panel meeting welcomed and thanked all attendees and introductions were made.

It was explained that this is a Constabulary run panel, unlike the Stop & Search Scrutiny Panel which is run by the OPCC's office. The practicalities of setting up this new Panel were discussed including the signing of new Terms of Reference and a Police Volunteer Agreement.

The group were informed that five members of the OPCC Stop & Search Scrutiny Panel have joined this Panel, although two members were not available for this meeting. The constabulary will run a recruitment campaign for additional members to join the Panel.

2) Terms of Reference

All Panel members were given their copy of the Terms of Reference to read outside the meeting and email their acceptance.

3) Police Volunteer Agreement and Election of Chair

The Panel was provided with a Police Volunteer Agreement. The Chair said that they were looking into some practicalities around some of the requirements on the Agreement to ensure that they are not onerously bureaucratic and meet the purpose for this Panel.

All Panel members signed their Police Volunteer Agreement.

The role of Chair for future meeting were discussed and this will be revisited when a full Panel has been established.

4) Quarterly Use of Force Data



Use-of-Force-summary-for-Hertfordshire

Members queried if this quarterly data is broadly in line with the stats for the year. It was confirmed that it was and we would arrange for annual stats to be sent to them.

It was highlighted that peaks in the stats corresponded with messages around the recording of force.

Members were told that a Use of Force Dashboard had been launched in December, which was a really useful tool enabling easier searching and the ability to monitor trends. Daily returns showing tactics, officers and locations are sent to Chief Inspectors allowing greater scrutiny.

Members asked if the 'trends' could be broken down into Community Safety Partnerships (CSP) going forward.

Action – send annual stats to the Panel

Action – enquire if the stats can be broken down into CSPs for future meetings.-

5) Professional Standards

A detailed overview around the roles and responsibilities of Professional Standards and the processes for dealing with complaints in relation to Use of Force was given. It was highlighted that the greatest lesson to be learnt from these complaints is the importance of officers completing the Use of Force forms and supporting statements, following all incidents of using force even when the level of force used was very low. Professional Standards offered to provide an example form along for a future meeting and said she could ask someone from Organisational Learning to come along to do a demonstration for the Panel's information, if they felt this would be useful. Members were informed that Use of Force accounts for 6% of all complaints in Hertfordshire, which is the fourth highest category. Many of these complaints relate to handcuffs, which as handcuffs are a preventative pre-emptive tactic, they can be harder to justify and therefore more likely to result in a complaint.

Questions were asked about whether the Use of Force forms can be completed on mobile devices or whether they could only be completed when the officer is back in the station and whether it is known in Custody whether a form has already been completed. Professional Standards said that they would enquire about this and report back to the Panel. The Panel also questioned the time limits for the officer to complete the form, and were advised that the forms should be completed as soon as practicable.

Professional Standards suggested that they could bring three finalised Use of Force complaints along to an ad-hoc meeting for the Panel to scrutinise as case studies for the whole complaints process. As

well as benefitting members by increasing their understanding of the complaints process, it would also be useful to Professional Standards to receive independent views of their decision making throughout the process.

Professional Standards also said that they had some useful background reading documents that could be shared with members

Action –find out if Use of Force forms can be completed on mobile devices

Action –find out if Athena still has the prompt in the Custody system to check that the officer has submitted the Use of Force form

Action –organise a separate session for the Panel to carry out a scrutiny sessions of three finalised complaints, as a case study exercise

Action –share some background reading documents

6) Personal Safety Training

The Panel were provided with a prompt sheet around impact factors to assist the Panel with their considerations, whilst bearing in mind any impact factors such as differing body sizes, alcohol/drugs, violence, risk of harm etc. The prompts and different impact factors were talked through and as a guideline members were informed that police officers should use the minimal amount of force to achieve their goal.

7) Dip-sampling of Use of Force Incidents

The Panel were informed that they would randomly choose from a selection of incidents on the following five categories:-

- Handcuffs
- Pava
- Taser
- Escalated force
- Spit Guard

The panel were advised that future selections of incidents will be pre-chosen by the Chair to ensure the meeting ran independently and was completely transparent. It was agreed with the members that a selection of two alternative choices for each of the above five categories would be offered for final selection at each meeting. However providing a completely random selection for the purposes of transparency, will inevitably mean that some videos and/or statements might not be available or of good quality. However this will provide useful recording at meetings, and other alternatives will be available to view at the meeting.

It was confirmed that any issues raised at meetings either by the Panel or police would be raised with the Chief Inspector for Professional Standards, as well as with the relevant CSP Chief Inspector. Any good practice identified will also be fed back to the Chief Inspector.

Members randomly chose incidents from each of the five categories to review, and they were handed the corresponding packs for each incident. Each pack consists of a copy of the Use of Force Form and

the Statement when available. Members read through the form and statement and then watched the Body Worn Video footage for each of the five randomly selected incidents (one per category) and had a discussion between themselves. They then asked questions for further clarification from the police representatives and their decisions were recorded as follows:-

1. **Handcuffs**

Members felt that the statement was excellent, and much needed to provide vital clarification. It was useful that the officer had expressed his feelings in the statement. They asked questions around why the handcuffs had been used and whether there was other techniques that could have been used. This information helped them to understand the context and have a better understanding of potential harm/risk v benefit.

Constructive feedback was given by the Panel to say that the statement assisted them greatly but more information about the position of the handcuffs would have been useful in the statement although it had been detailed on the Use of Force form.

Decision was made by the Panel that the use of handcuffs had been proportionate, legal, accountable and necessary

2. **Pava**

Members felt that the statement really helped and worked well together with the Body Worn Video. It was easy to see that the subject hadn't been compliant and had been given clear warnings.

Decision was made by the Panel that the use of Pava had been proportionate, legal, accountable and necessary

3. **Taser** Members asked some questions around whether Pava should have been used rather than the threat of Taser. Some detail around the use of Taser was provided and explained that it is only used by specialist officers.

Members felt that the statement was again excellent and very clear. They felt the incident had been handled very well, particularly as the subject was unpredictable due to his schizophrenia.

Decision was made by the Panel that the use of Taser had been proportionate, legal, accountable and necessary

4. **Spit Guard**

Due to the poor quality of the Body Work Video footage, the statement had been essential. Members asked some questions around spit guards, and one was provided one for them to look at so that they could understand them better. Members felt that the spit guard had been put on the subject well.

Decision was made by the Panel that the use of the Spit Guard had been proportionate, legal, accountable and necessary

5. **Escalated Force**

Members asked questions about why both officers had sprayed the subject with Pava which was explained to them. Members felt that the statement was good and that the incident had

been well managed and the officer had been very polite. They discussed how many opportunities had been given to the subject to comply, and whether officers should have taken action earlier. Panel members were advised that officers are trained to (1) Ask (2) Explain (3) Options (4) Confirm (5) Action.

Decision was made by the Panel that the use of escalated force had been proportionate, legal, accountable and necessary

6) AOB

A question was raised that as the Body Worn Video footage is only shown until the force has been used, whether the Panel thought that the statements should also be cut off at the same point. However the Panel felt that the full statement played an important part in providing context and would like them to remain as they are.

The Panel asked whether the constabulary had been speaking to other forces on how their Panels work, and the Panel were informed who had been spoken with, and that there was no useful good practice available elsewhere for the Constabulary to use.

Meetings will be bi-monthly.

Staff protection training session dates will be given to Panel members so can advise if they would like to attend a session for observation purposes.

The Chair advised that they will be doing some publicity around this new Scrutiny Panel

Date of next meeting: to be arranged for September
