



**HERTFORDSHIRE  
CONSTABULARY**

## **Use of Force Scrutiny Panel – Terms of Reference**

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### **1 AIMS AND OBJECTIVES**

#### **1.1 Aims:**

1.1.1 To act as a 'critical friend' to Hertfordshire Constabulary by providing feedback on reviewed Use of Force records. The Use of Force Scrutiny Panel will review records and video footage including Police Officer Body Worn Video (BWV) for example, Taser use, PAVA deployment from a local citizen's viewpoint.

1.1.2 To improve and maintain public confidence and satisfaction in Hertfordshire Constabulary.

1.1.3 To support the openness and transparency of Hertfordshire Constabulary in delivering a high quality policing service.

1.2 Objectives:

1.2.1 To review and provide feedback to the Constabulary relating to its use of force.

1.2.2 Through review of records bring issues of concern and good practice, to the notice of Hertfordshire Constabulary to enable them to derive learning and training opportunities in its use of force

1.2.3 To give independent, lay-persons' views of the use of force by Hertfordshire Constabulary Police Officers.

1.2.4 To ensure that Hertfordshire Constabulary's use of force is effective, in line with Approved Professional Practice and is operating without bias or discrimination.

1.2.5 To identify best practice in the use of force and in operational policing where appropriate.

1.2.6 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 UDT, Handcuffs, PAVA, Taser, Spit Guard, 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 panel will conduct an in-depth scrutiny of selected categories at alternate meetings.

2.3 The format for review will be the first randomly selected example – however should BWV 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.

2.4 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 there 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.

2.5 Where issues of serious concern arise, these will be addressed by Professional Standards and outcomes fed back to the Panel.

### **3 CONFIDENTIALITY**

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.

3.3 Panel members will be asked to sign a volunteer agreement (if they have not already done so) and uphold this at all times.

3.4 Any breaches of these confidentiality arrangements will lead to an investigation by the Hertfordshire Constabulary 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 paper or 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 Constabulary'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.

4.7 In addition to charring meetings, the Chair will assist the Constabulary's facilitator to plan meetings and agenda, review Panel feedback reports, and act as a single point of contact between meetings for Hertfordshire Constabulary.

## **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 Hertfordshire Constabulary in a transparent way, with the decision published.

5.2 Any travel expense remuneration will be made public, as required.

5.3 Panel membership will be for an initial 3 year term. A member may choose to continue for a second term at the end of this period but no member may serve more than 2 consecutive terms (6 years). This is subject to the Panel continuing.

5.4 Members are expected to disclose to Hertfordshire Constabulary any changes in their circumstances which may have a bearing on their proper membership of the Panel. Disclosures, such as criminal convictions, will be kept confidential, and discussed only with Hertfordshire Constabulary. The Constabulary will then decide whether the person's membership needs to be re-assessed in light of the disclosure.

5.5 Panel members are expected to act within these agreed Terms of Reference and within the Volunteers' agreement.

5.6 Panel members are expected to commit to and attend meetings regularly and to send apologies to Hertfordshire Constabulary 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 Constabulary, 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 Constabulary and the Panel.

## **7 SERVICING OF MEETINGS**

7.1 Hertfordshire Constabulary will provide administrative support to the Panel and will be responsible for writing reports of meeting findings and emailing any briefings and any relevant paperwork prior to meetings.

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 Constabulary's Panel facilitator.

## **8 REIMBURSEMENT OF EXPENSES**

8.1 Reasonable out of pocket travelling expenses – in accordance with HMRC travel expense rates, including car-sharing - will be available for reimbursement from Hertfordshire Constabulary 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 Constabulary.

8.3 Claims, with receipts, must be submitted quarterly within each financial year.

## **9 REPORTING**

9.1 Hertfordshire Constabulary will publish minutes after each Panel review session, on behalf of the Panel, on the Force website and, where requested, in other appropriate formats.

## **10 TRAINING**

10.1 Hertfordshire Constabulary 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 Applicants prior to Panel membership will be required to submit to NPPV Level 2 vetting checks.

11.4 When representing the Panel, all Panel members must refrain from any political activity that may cause the Panel to compromise its independence.

11.5 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 Constabulary. Panel members other than the Chair are not expected to comment generally to the media in their capacity as Panel members.

11.6 All Panel members must give correct and up-to-date definitions of their role/s within the Panel if communicating with the public.

11.7 Members must refer any personal issues, such as change of address, or conflicts of interest which could interfere with their membership, to Hertfordshire Constabulary as soon as possible. Similarly, any complaint made against a panel member must be referred in the same way.

11.8 These Terms of Reference will be published on the Constabulary website.

## **12 REVIEW OF TERMS OF REFERENCE**

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