

Terms of Reference

Hertfordshire Independent Use of Force Panel

1. Purpose and remit

- 1.1 The Hertfordshire Independent Use of Force Panel was established by the Police and Crime Commissioner in 2022 to provide an independent view on the use of force by the Constabulary.
- 1.2 Hertfordshire Constabulary follow national and local statutory frameworks including Common Law, Section 3 of the Criminal Law Act 1967¹, Section 117 of PACE 1984², Section 76 of the Criminal Justice and Immigration Act 2008³, College of Policing's Authorised Policing Practice⁴. Although not included in legislation, the Constabulary are committed to being transparent and support the Panel through enabling access to BWV and Statements.
- 1.3 The purpose of the Panel is to support the PCC to discharge their statutory duty and hold the Chief Constable to account. It does this by providing independent scrutiny and feedback on the appropriate, proportionate, and ethical use by officers of 'use of force' powers within national and local statutory frameworks.
- 1.4 Panel members provide independent scrutiny as members of the public. When carrying out this role, they do not act as representatives of the OPCC, Hertfordshire Constabulary or any other organisation.

2. Membership

- 2.1 The Panel will consist of up to 30 members of the public who live, work or study in Hertfordshire. As far as possible, the Panel should represent the demographics of the county⁵ in terms of age, gender and ethnicity.
- 2.2 The OPCC will lead on the recruitment of new members in line with the needs of the Panel. The OPCC will meet with all prospective members to understand their motivations and interest, whilst also ensuring their suitability for the role.

¹ [Criminal Law Act 1967, Section 3](#)

² [Police and Criminal Evidence Act 1984, Section 117](#)

³ [Criminal Justice and Immigration Act 2008, Section 76](#)

⁴ [Use of Force | College of Policing](#)

⁵ [Hertfordshire facts and figures - E10000015 - ONS](#)

- 2.3 Training must be completed before any new member can partake in scrutiny exercises. All new members will be encouraged to go on a police Ride Along to help them understand the context within which the police are responding to the public. Members are also expected to take part in annual refresher training, as well as observing Police Standards training where appropriate.
- 2.4 It is expected that members will attend at least 50% of scrutiny meetings per annum to ensure consistency in representation, assessment of records and current knowledge.
- 2.5 Members can serve on the Panel for up to two terms of three years, with a third three-year term by exception.
- 2.6 Members can be appointed to more than one of the OPCC's scrutiny panels at any given time. They can also undertake other volunteer work for the OPCC, for example as an Independent Custody Visitor. The OPCC will provide advice on any potential conflict of interest to individual members as appropriate.
- 2.7 All members will be required to sign an Information Disclosure Agreement, which includes a confidentiality clause to protect information shared through the Panel. Members must not record, copy, share or discuss any body worn video footage, records or personal information outside of the Panel.
- 2.8 Members' names will be published on the Panel's [webpage](#) on the Commissioner's website and will also appear in minutes of meetings which will also be published on the Panel's webpage.
- 2.9 Members are volunteers and as such are not remunerated for their work. Members can submit expense claim forms to the OPCC for any reasonable travel expenses incurred for their Panel work.
- 2.10 Members must declare any personal, professional or other interest that could affect, or be perceived to affect, their involvement in Panel discussions or scrutiny. The OPCC will provide advice on how any declared interest should be managed.
- 2.11 Members are expected to act respectfully, support constructive discussion and maintain public confidence in the Panel's work.
- 2.12 The OPCC may review membership where there are specific concerns, for example where a member repeatedly does not meet attendance expectations, breaches confidentiality, has a conflict of interest that cannot be managed, no

longer meets the role requirements, or acts in a way that could affect the effective operation or independence of the Panel. Membership will not be reviewed solely because a member has expressed a challenging or independent view as part of the Panel's scrutiny role.

- 2.13 The Panel will work in an inclusive way and will seek to ensure that members with different backgrounds, experiences and perspectives are able to take part meaningfully. Reasonable adjustments will be made where needed to help members take part in meetings, training and scrutiny activity.

3. Chair and Vice Chair

- 3.1 The Panel will be led by an independent Chair. The Chair will be appointed by the PCC and would normally be expected to be an existing Panel member. The appointment of the Chair will be for a two-year term. The Chair can be reappointed for a second term, with a third two-year term by exception.
- 3.2 The Chair will be supported by a Vice Chair. The Vice Chair will be appointed by the Chair and the OPCC but would be expected to be a panel member. The Vice Chair will be appointed for a two-year term, overlapping with the Chair's two-year term to ensure continuity throughout any election process. The Vice Chair can be reappointed for a second term, with a third two-year term by exception.
- 3.3 The Chair will support open discussion, help the Panel reach balanced findings and make sure all members have the opportunity to contribute. See also the Chair Role Profile and Vice Chair Role Profile for further details including key attributes and responsibilities

4. Meetings and scrutiny

- 4.1 The Panel will use three types of meetings: scrutiny meetings, data sub-group meetings and joint update meetings.
- **Scrutiny meetings:** held bi-monthly and in person, to be held in police venues. Meetings will be for approximately 3 hours. These meetings will be used to undertake scrutiny activity, including reviewing use of force records, body worn video footage, and other relevant material.
 - **Data sub-group:** held quarterly and online. The sub-group will look at relevant use of force data and performance information, identify any patterns or concerns, and help decide what the Panel should focus on. This may include selecting records for scrutiny, identifying themes for deep dives and considering disproportionality, complaints data, emerging themes or local trends.
 - **Joint update meeting:** held quarterly and online. This meeting will provide an opportunity to share feedback from scrutiny meetings, review progress against

actions and recommendations, and receive updates from the Constabulary and OPCC.

4.2 The Panel should aim for at least one third of current members to be present at each scrutiny meeting. If this is not possible, the Chair, Vice Chair and OPCC will decide whether the meeting should still go ahead.

4.3 During meetings, members will review one or both of the following:

- A sample of body worn video footage of use of force incidents and written statements;
- A sample of use of force in custody using CCTV footage

4.4 The Panel will highlight any concerns, issues and areas of good practice and learning to the Constabulary. Following discussion, panel members should reach a collective judgement on each case, assigning a RAG (Red, Amber, Green) rating, which reflects the overall quality of the encounter. Where there is a difference of opinion, this can be recorded within the feedback form.

4.5 The Panel's assessment of each record will be shared with the Constabulary. Where a record receives a Red rating, this will also be shared with the relevant District Inspector so that feedback can be provided to the officer.

4.6 From their own scrutiny findings, as well as issues identified in the data by the data-subgroup, the Panel may conduct deep dives on a thematic basis or into specific districts.

4.7 The Constabulary may request additional scrutiny from the Panel, for example to support use of stop and search by a special operation.

4.8 The Panel is advisory and provides independent scrutiny, feedback and recommendations. It does not replace formal complaint, conduct, disciplinary or legal processes.

4.9 If the Panel identifies an urgent or serious concern, this will be raised with the OPCC and Constabulary outside the usual meeting cycle so that the appropriate next steps can be agreed.

4.10 Some scrutiny material may be sensitive or distressing. The OPCC and Constabulary will ensure that appropriate support is available to members, and that members can raise any concerns before, during or after meetings.

5. Role of the Constabulary

- 5.1 The lead from the Service Delivery team within the Constabulary, or a representative, will attend all Panel meetings. They will be accountable for any issues and concerns which may arise and answer questions from members. They are also responsible for progressing feedback provided by the Panel within the Force, including raising issues to supervisors as appropriate.
- 5.2 The Constabulary will provide updates on actions taken in response to Panel feedback. The OPCC will support the tracking of feedback, recommendations and actions through a feedback and action log, or another agreed method.
- 5.3 Where progress is delayed or an issue remains unresolved, this will be discussed with the Chair, OPCC and Constabulary lead to agree next steps. Significant or recurring issues may be escalated through the appropriate governance route, including the Police Powers Board or the PCC's holding to account arrangements.

6. Secretariat

- 6.1 The OPCC will manage the secretariat for the Panel. This includes providing support to the Chair on the management of meetings as well as the development of the panel.
- 6.2 The OPCC will manage the Panel's webpage which is hosted on the Commissioner's website.

7. Review and monitoring arrangements

- 7.1 The Terms of Reference will be reviewed every two years to ensure that they consider any local or national recommendations or legislative changes.
- 7.2 The Constabulary will invite the Chair of the Panel to attend the quarterly Police Powers Board to report on recent findings by the Panel.

Owner	Office of the Police and Crime Commissioner
Next Review Date	September 2028