

## Terms of Reference

### Hertfordshire Independent Use of Force Panel

#### 1. Background

##### *National and Local Use of Force Policies*

- 1.1 The Hertfordshire Independent Use of Force Panel was established by the Police and Crime Commissioner in 2022. Prior to this the Constabulary managed a community scrutiny Use of Force Panel from 2018 – 2021.
- 1.2 Hertfordshire Constabulary follow national and local statutory frameworks including Common Law, Section 3 of the Criminal Law Act 1967<sup>1</sup>, Section 117 of PACE 1984<sup>2</sup>, Section 76 of the Criminal Justice and Immigration Act 2008<sup>3</sup>, College of Policing's Authorised Policing Practice<sup>4</sup>. Although not included in legislation, the Constabulary are committed to being transparent and support the Panel through enabling access to BWV and Statements.

#### 2. Terms of Reference

##### *Purpose and remit*

- 2.1 The purpose of the Panel is to support the PCC to discharge their statutory duty and hold the Chief Constable to account. They do 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. The Panel also make sensible and proportionate recommendations on the Constabulary's procedures and practices.
- 2.2 External scrutiny is an important part of police legitimacy. It opens police practices to communities for closer examination, with a view to them providing constructive oversight, discussion, and challenge. If done well, it can provide opportunities for the

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<sup>1</sup> [Criminal Law Act 1967, Section 3](#)

<sup>2</sup> [Police and Criminal Evidence Act 1984, Section 117](#)

<sup>3</sup> [Criminal Justice and Immigration Act 2008, Section 76](#)

<sup>4</sup> [Use of Force | College of Policing](#)

police to understand communities' concerns and take steps, where appropriate, to improve policies, procedures, and practices.

### *Membership*

- 2.3 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 county<sup>5</sup>.
- 2.4 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.
- 2.5 Mandatory 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.
- 2.6 It is expected that members will attend at least three of the six bimonthly meetings per annum to ensure consistency in representation, assessment of records and maintain current knowledge. See also paragraph 2.15.
- 2.7 Members can serve on the Panel for up to two terms of three years, with a third three-year term by exception.
- 2.8 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.
- 2.9 All members will be required to sign an Information Sharing Agreement, which includes a confidentiality clause to protect detainees shown in body worn video footage.
- 2.10 Member's 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.

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<sup>5</sup> [Hertfordshire facts and figures - E1000015 - ONS](#)

- 2.11 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.
- 2.12 See also the Panel Member Role Profile for further details including key attributes and responsibilities.

### *Leadership roles*

- 2.13 The Panel will be led by an Independent Chair. 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. The Chair of the group will be appointed by the PCC but would be expected to be a member.
- 2.14 The Chair will be supported by two Vice Chairs. The Vice Chairs will be appointed by the Chair and the OPCC but would be expected to be a panel member. Each Vice Chair will be appointed for a two-year term, overlapping with the Chair and other Vice Chair's two-year terms to ensure continuity throughout any election process. The Vice Chairs can be reappointed for a second term, with a third two-year term by exception.
- 2.15 See also the Chair Role Profile and Vice Chair Role Profile for further details including key attributes and responsibilities.

### *Meetings and scrutiny*

- 2.16 The Panel will meet bimonthly. Meetings will be for approximately 3 hours and held in person or online. Meetings can be held in public buildings as well as community venues as appropriate. Members will be given advance notice of venues.
- 2.17 During meetings, members will undertake:
- dip sampling and scrutiny of body worn video footage of use of force incidents;
  - dip sampling of use of force in custody using CCTV footage;
  - an annual review of anonymised use of force complaints data;
  - regular scrutiny of key performance indicators.

- 2.18 The Panel will highlight any concerns, issues and areas of good practice and learning to the Constabulary.
- 2.19 From their own scrutiny findings, as well as issues identified in the data, the Panel will conduct deep dives on a thematic basis or into specific Community Safety Partnership areas.
- 2.20 The Constabulary may request additional scrutiny from the Panel, for example to support use of stop and search by a special operation.

#### *Governance*

- 2.21 All Panel members are required to sign an annual Information Disclosure Agreement. This sets out their personal liability under the Data Protection Act 1998 for any wilful or reckless act regarding the misuse of information. See Panel Member's Role Profile for more information.
- 2.22 The Panel will produce an annual report, with support from the OPCC, covering the Panel's activity over the preceding 12 months. This will be presented by the Chair to the Police and Crime Panel, usually in June. The annual report will be published on the Panel's webpage. See also paragraph 2.28

#### *Secretariat*

- 2.23 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.
- 2.24 The OPCC will manage the Panel's webpage which is hosted on the Commissioner's website.

#### *Role of the Constabulary*

- 2.25 The Operational Strategy Team (OST) lead for Use of Force within Hertfordshire Constabulary or their representative will attend all Panel meetings. They will be accountable for any issues and concerns which may arise and answer questions by members. They are also responsible for progressing feedback provided by the Panel within the Force, including raising issues to supervisors as appropriate.

*Review and monitoring arrangements*

- 2.26 The Terms of Reference will be reviewed every two years to ensure that they consider any local or national recommendations or legislative changes.
- 2.27 The Constabulary will invite the Chair of the Panel to attend the quarterly Police Powers Board to report on recent findings by the Panel.
- 2.28 The Panel's annual report will be presented by the OPCC to the Hertfordshire Community Safety Board at their autumn meeting. See also paragraph 2.22.

<b>Owner</b>	Office of the Police and Crime Commissioner
<b>Next Review Date</b>	September 2025