

ANNUAL REPORT

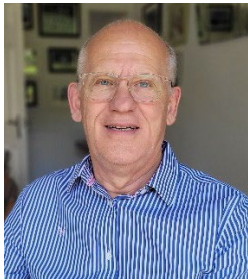
Hertfordshire Independent Use of Force Scrutiny Panel

1 April 2022 – 31 March 2023



June 2023

Chair Foreword



As Chair of the Independent Use of Force Scrutiny panel, I am delighted to present our annual report. Following a brief break from the panel, I am honoured to have returned and been voted in as chair in January 2022.

The Panel has grown significantly since early 2022, thanks to a successful recruitment campaign led by the Office of Police and Crime Commissioner (OPCC).

With around 29 regular attendees, we can now split into two groups to scrutinise more Body-Worn Videos (BWV) where a use of force was employed. We also aim to accommodate panel members commitments by holding meetings on different days/times, and we have even held one over a video link using Microsoft Teams.

Throughout the year, we have conducted thematic reviews on various topics, such as ethnicity of the subjects and in search of any disproportionality. We have also focused on specific uses of force, such as handcuffs, Pava, and Taser. Our review process is unbiased, selecting incidents at random for scrutiny from the previous two months, in order to provide a representative sample.

Overall, in the vast majority of incidents reviewed, we have found that police officers use of force was lawful, proportionate, and justified. In instances where we had concerns, we recorded them and provided feedback to the appropriate senior police officers for follow-up actions. In all cases, the Constabulary responded positively, outlining the measures taken to rectify the situation.

The support and transparency provided by the Constabulary to the panel has been exceptional. We have built an excellent working relationship based on trust, honesty, and mutual respect, which is crucial to improve trust and legitimacy in the Police Force.

One notable example of this was when we reviewed a BWV and raised serious concerns about the incident's handling. In the same meeting, a senior police officer from the same district informed us that they had also seen the video and had their own concerns. This led to the officer being put on a development programme to learn from their mistakes and improve how they operate.

Moving forward, I believe it is crucial to focus on improving the diversity of age, ethnicity, and gender on our panel to ensure it reflects the lived experiences of people impacted by police use of force.

Finally, I want to express my gratitude to the panel for their hard work, constructive contributions, and dedication throughout the year. I would also like to extend my thanks to the staff at the OPCC for their invaluable support in ensuring our meetings run smoothly, with all the logistics of booking rooms and setting up the technology to view BWV.

Chris Cowdrey

Chair of the Hertfordshire Independent Use of Force Scrutiny Panel

Police and Crime Commissioner's Foreword



This is the first Annual Report for the Use of Force Panel since my office took on its management. In that time, the Panel has established itself as an effective independent scrutinising body. The Panel operates within the Authorised Policing Practice of the College of Policing, ensuring transparency and openness within the police force by extending external scrutiny to include incidents involving the use of force.

In my Police and Crime Plan¹, I emphasised the Panel's role in identifying trends and areas for improvement in Hertfordshire, as well as identifying organisational learning regarding compliance levels in the use of BWV, officer attitude, and conduct during incidents.

In Hertfordshire, just like anywhere else, maintaining and improving the confidence of our communities is a top priority. I find reassurance in the findings presented by the Panel in this report, which demonstrate that the majority of incidents involving the use of force were proportionate, justified, and carried out in accordance with the law. Equally important is the attention given to those incidents that fell short, ensuring that the officers involved receive appropriate training to prevent any recurrence. The Constabulary greatly values the work of the Panel and have established a clear feedback loop to ensure the Panel's insights are shared with front-line officers and trainers.

I am delighted that the Panel has already gained recognition from HMICFRS², alongside the Stop and Search Panel, and has provided support to another force seeking to strengthen its own scrutiny function. The Panel has also broadened its scope following the HMICFRS report on Hertfordshire custody suites which recommended greater governance, recording and oversight of use of force in custody.³

Use of force by officers will always require constant attention and scrutiny. The events of the past year have highlighted the importance of robust scrutiny in maintaining public confidence. During the twelve months covered by this report, the Panel scrutinised 58 incidents using BWV. While this represents a small percentage of the overall number of use of force incidents, the majority of use of force instances involve compliant handcuffing.

I never underestimate the time and effort given by all Panel Members in their roles. As unpaid volunteers, they give their time on a bi-monthly basis, and I am truly grateful for their commitment. I would also like to extend my gratitude to Chris Cowdrey, Jeffrey Burke, and Sally Fraser for their leadership of the Panel over the past twelve months. We will

¹ PCC's Community Safety and Criminal Justice Plan 2022 -2027 <https://www.hertscommissioner.org/your-pcc/community-safety-criminal-justice-plan/>

² PEEL 2021/22 An Inspection of Hertfordshire Constabulary, Her Majesty's Inspectorate of Constabulary, p.10 <https://www.justiceinspectors.gov.uk/hmicfrs/publications/peel-assessment-2021-22-hertfordshire/>

³ His Majesty's Inspectorate of Constabulary and Fire and Rescue Services (HMICFRS) <https://www.justiceinspectors.gov.uk/hmicfrs/publications/unannounced-inspection-of-custody-suites-in-hertfordshire/>

continue to collaborate effectively in the coming year as we implement the Health Check recommendations to further enhance an already robust scrutiny function, benefiting everyone who lives and works in Hertfordshire.

David Lloyd

Police and Crime Commissioner for Hertfordshire

Hertfordshire Constabulary's Foreword



It has been my pleasure to work with the Use of Force Scrutiny Panel again this year as the Force's lead officer for the Use of Police Powers. The Panel provides the force and I with a vital independent view and critical challenge on a topic area which is often sensitive and potentially divisive in communities.

As a police officer I am acutely aware that any use of force in carrying out our duties can have a significant impact on wider confidence in policing. Indeed, as we have seen both in the UK and abroad, if used excessively or worse, illegally, this also undermines our legitimacy with the public, the very bedrock on which policing by consent is based.

The Panel provide informed and independent oversight across the entire range of police tactics where force is used, from the use of handcuffing and restraint to the use of TASER, and PAVA. Whilst I am pleased to note that in the vast majority of cases, the panel have found the use of force to be necessary, lawful, and proportionate, there are cases which have caused concern. These cases are vital for us to review to ensure we challenge colleagues to uphold the highest standards and of course to learn and improve. As part of this continuing desire to improve, I am pleased to note that the Panel's feedback is also used to inform our training. Our staff protection team are taking the feedback from the Panel directly into the training of front-line officers.

The work of the Panel over this period has been greatly assisted by the use of both CCTV and BWV which the panel uses to assess both the situations faced by our officers and their response to it. This work has also covered the use of force within Police Custody Suites which has been a useful and timely addition to the Panel's work following recommendations made by the HMICFRS⁴ in their most recent inspection. Again, these reviews provide feedback that inform changes in our working practices in order to ensure the safety of both our officers and staff and most importantly the public held in police detention.

I look forward to working with the panel as they continue this vital work during 2023/24.

Chief Superintendent Dean Patient

Chair of the Hertfordshire Constabulary's Use of Police Powers Board

⁴ His Majesty's Inspectorate of Constabulary and Fire and Rescue Services (HMICFRS)
<https://www.justiceinspectors.gov.uk/hmicfrs/publications/unannounced-inspection-of-custody-suites-in-hertfordshire/>

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Executive Summary

Key Findings

- Overall, the Panel did sample and watch 58 use of force incidents using BWV. This is an average of just below 10 per meeting.
- Of these incidents 51 (88%) were graded green, with 4 (7%) graded amber and 3 (5%) graded red.⁵
- Those graded green, the Panel found that 84% of those incidents, the correct level of force was applied throughout the encounter and full justification of force was given, with no minor observations required.
- The Panel did not find any discriminatory behaviour within East Herts and St Albans CSPs that have the highest levels of disproportionately across the county (for the months of September and October 2022).
- Watford and Dacorum CSPs have the first and third highest recorded use of force incidents. When these CSPs were reviewed by the Panel, the Panel graded one incident red, as the Panel felt the use of force was not proportionate. All other incidents were scored green.
- From the small sample of CCTV footage reviewed to date, the Panel did not find any use of force in custody incidents that were not justified, proportionate or lawful.
- For those not graded green by the Panel, some of the reasons include:
 - The level of force was not proportionate and escalated the situation.
 - Poor application of handcuffs.
 - Excessive bad language used by officers.

Key achievements

- In the Panel's first five meetings, an average of six use of force incidents were reviewed. In its last four meetings, that average rose to 11.
- Following the successful recruitment webinar hosted by the OPCC in January 2022, the Panel now has 29 members, enabling the Panel to be split into two groups to view different BWV footage.
- The Panel have expanded their portfolio to include deep dives on specific CSPs so they are able to examine a wider data set and engage with the Chief Inspectors. To

⁵ The Panel uses Red, Amber, Green (RAG) grading chart to scrutinise incidents. Please see page 19 for the full grading chart.

date the Panel have conducted deep dives on East Herts and St Albans which have some of the highest level of disproportionality.

- A deep dive was also held at the March 2023 meeting, focusing on incidents in Watford and Dacorum, as these CSPs recorded the highest and third highest use of use of force incidents.
- Use of force in custody is now scrutinised at every other Panel meeting following the implementation of HMICFRS⁶ custody inspection recommendations.
- A Constabulary action tracker has been implemented as part of the feedback loop process, so the Panel can see where the feedback is delivered, e.g., which supervisor and what has happened as result of feedback (reflective practice or training input).
- Panel members have been able to attend and observe new officer and Police Community Support Officer (PCSO) training sessions in person to build their understanding of how officers are trained and in turn, lead to better scrutiny.
- The Constabulary's Personal Safety Trainers now attend the Panel meetings, along with an Inspector, to answer any questions members may have when reviewing BWV.
- To accommodate all members, the OPCC conducted a survey on member's availability in order to schedule meetings on different days/times and on one occasion held a meeting via Microsoft Teams.

Recommendations for the year ahead

- To improve member representation to reflect the community in Hertfordshire, based on Race and Ethnicity, Age, Gender/Sexual Orientation, Religion and Disabilities (mental & physical).
- To review current panel roles and whether these need to be widened to include an Engagement Lead, and a Data Champion, and to explore the benefits of setting up associated task and finish groups to deliver on the recommendations of the health check.
- To review the RAG grading to ensure it remains fit for purpose and incorporates judgements on the safety of officers in use of force situations as outlined in the Health and Safety Executive (HSE) Report⁷.

⁶ See: HMICFRS <https://www.justiceinspectorates.gov.uk/hmicfrs/publications/unannounced-inspection-of-custody-suites-in-hertfordshire/>

⁷ The HSE investigated the circumstances surrounding the death of a police officer in a custody suite in other force from a weapon concealed on a detainee. HSE identified several actions that police

- To increase the availability of data and to use the Key Performance Indicators (KPIs) provided by the health check (e.g., top ten officers who use force, use of force by gender etc) so the Panel can conduct effective deep dives.
- Develop an external Communications and Engagement Plan to raise awareness of the Panel, its successes and findings using a range of communication channels and platforms including social media.
- To widen the training offer to members and use a learning management system to digitally deliver, and track and record training, and look for members to renew their core training every two years.
- To continue to explore options to ensure meetings are held efficiently and effectively, to review a minimum of ten use of force incidents at each meeting (60 for the year).
- To continue to review CCTV footage of use of force in custody, and to consider ways to increase the number of incidents that are scrutinised.

Find out more about becoming a member of the Use of Force Scrutiny Panel

We are now recruiting for new members! As a Panel member you would:

Attend at least three of the six Panel meetings each year: Meetings last for 3 hours and are currently held mostly in person, during the day, across the county. However, our ambition is to make Panel meetings more flexible, and we are currently scoping evening and online options.

Be offered training to support your scrutiny: including the opportunity to go on a Ride-Along with police officers.

Reimbursed travel expenses: Whilst this is a voluntary role, the OPCC will meet any reasonable travel expenses incurred by Panel members to enable them to perform their scrutiny role.

We welcome applications from anyone who lives, works, or studies in Hertfordshire. The OPCC is particularly interested to hear from younger people and those from Black, Asian and all Ethnic communities.

If you are interested in finding out more about becoming a Panel member, please email Susan McNeill: susan.mcneill@herts-pcc.gov.uk

forces should take to reassure but not adequate control measures and management arrangements are in place.

1. Introduction

This annual report provides a summary of the work undertaken by the Hertfordshire Independent Use of Force Scrutiny Panel (hereafter referred to as ‘the Panel’) between 1 April 2022 and 31 March 2023. The Panel meets on a bi-monthly basis to review the preceding two month’s activity and, therefore, this report covers the Constabulary’s use of force activity from 1 March 2022 to 28 February 2023.

This report reflects the work of the Panel’s scrutiny function, including the random⁸ sampling of use of force forms, monthly and trend summary data, and Body-Worn Video footage (BWV). It also considers the Panel’s development in its role and outlines the Panel’s next steps for 2023/24, to continue improving the value from external scrutiny.

A glossary is included on page 27 to explain some of the terminology used in the report.

Profile of Hertfordshire

- Hertfordshire is a large county stretching from Cambridgeshire and Bedfordshire in the north to the outskirts of London in the south. It also borders Buckinghamshire to the west and Essex to the east.
- Hertfordshire has a population of 1,200,620. 28.2% of residents are from an ethnic minority compared to 26.5% in England.
- Urban areas make up around a third of Hertfordshire by area and account for around 89% of the population. There is no single dominant large urban centre. In total, there are 40 settlements with 4,000 or more residents in each.
- Hertfordshire Constabulary have a Safer Neighbourhood Teams which operates in each of the ten Community Safety Partnerships (CSP). These represent the ten local district and borough councils: Dacorum, East Herts, North Herts, Welwyn Hatfield, Broxbourne, Hertsmere, Watford, Three Rivers, St Albans, and Stevenage.
- Hertfordshire has lower crime levels than the national average: 64.7 crimes per 1000 residents compared to 84.3 in England (Jan 2022 – Feb 2023). However, levels of antisocial behaviour incidents are higher: 20.7 per 1000 residents compared to 16.4 in England (Jan 2022 – Feb 2023).

See [HertsInsight](#) (ONS Census 2021 Data, April 2023) for references and more

⁸ Random is used in this report when selecting use of force records. This is defined as where the Chair of the Panel selects redacted use of force forms from two months of data, viewing only the method of force used.

2. Background

Independent scrutiny of the police's use of coercive powers sits at the heart of police legitimacy which is critical in maintaining the trust and confidence of the communities of Hertfordshire. It is the role of the Use of Force Panel to support the PCC to discharge his statutory duty to hold the Chief Constable to account by providing independent scrutiny of use of force incidents.

The Panel provides independent scrutiny and feedback on whether use of force was lawful, proportionate, and justified within national and local statutory frameworks (Common Law, Section 3 of the Criminal Law Act 1967, Section 117 of PACE 1984, Section 76 of the Criminal Justice and Immigration Act 2008, College of Policing's Authorised Policing Practice¹²).

The Panel was first set up in 2018 and was managed internally by Hertfordshire Constabulary. Initially the Panel met on a quarterly basis and after November 2019 moved to a bi-monthly format. Redacted minutes were published on the old Constabulary website, before it transitioned to Single Online Home. During the pandemic period, Panel meetings were postponed, as BWV was unable to be shown via Microsoft TEAMS due to data protection issues. In September 2021 when guidance enabled the return of face-to-face meetings, the Panel resumed with the OPCC managing the secretariat to support independent scrutiny.

The Panel today provides clear and transparent information for both the Constabulary and community benefit; and enhances public confidence in police performance. This was born out in HMICFRS Peel Inspection, published in February 2023, which found that the Constabulary has effective independent panels that scrutinise the Constabulary's use of force.¹³

⁹ Criminal Law Act 1967, Section 3

¹⁰ Police and Criminal Evidence Act 1984, Section 117

¹¹ Criminal Justice and Immigration Act 2008, Section 76

¹² Use of Force | College of Policing: <https://www.college.police.uk/app/public-order/core-principles-and-legislation/police-use-force>

¹³ See: PEEL 2021/22 An Inspection of Hertfordshire Constabulary, Her Majesty's Inspectorate of Constabulary, p.10 <https://www.justiceinspectors.gov.uk/hmicfrs/publications/peel-assessment-2021-22-hertfordshire/>

What is Use of Force?

The law allows the police to use reasonable force, when necessary, in order to carry out their role of law enforcement. In England and Wales, the use of (reasonable) force is provided to police and any other person under Section 3 of the Criminal Law Act 1967, which states: "A person may use such force as is reasonable in the circumstances in the prevention of crime, or in effecting or assisting in the lawful arrest of offenders or suspected offenders or of persons unlawfully at large".

Methods of Force

The Panel only reviews use of force deployed by local policing teams in Hertfordshire. A use of force incident is defined as situation in which a police officer's uses any of the following force tactics:

- **Restraint Tactics:** Handcuffing (compliant or non-compliant), limb restraint, and ground restraint.
- **Unarmed Defence Tactics (UDT):** Distraction strikes with hands and feet; and pressure point and joint locks.
- **Use of other equipment:** Baton (including where it was drawn but not used), PAVA irritant spray (including where it was drawn but not used) and spit guard.
- **Less lethal weapons:** Conducted Energy Device (CED, e.g., TASER®), (including where it was drawn but not used)

The Panel does not cover firearms, dogs, or shield, which is covered by the [Joint Protective Services \(JPS\) Use of Force Panel](#).

3. Health Check

In May 2022, the OPCC commissioned an independent review of the governance and operations of both the Stop and Search Panel and the Use of Force Panel. Over the summer and autumn, Att10tive Social Enterprise¹⁴ undertook a Health Check of the two OPCC's scrutiny Panels to support further improvement in the scrutiny undertaken, the representativeness of the Panels, and how well-equipped Panel members are to undertake their functions.

The Health Check report was finalised in January 2023 and circulated to both Panels for their consideration. The Health Check determined that in Hertfordshire the foundations and framework are in place to provide effective scrutiny and oversight of policing powers. It identified areas of good practice and made recommendations for further areas of development. A joint extraordinary meeting was held in May 2023 to ensure where appropriate there is consistency in how recommendations are implemented. Both the Chair and Panel see this work as a key priority for the year ahead.

¹⁴ Att10tive Social Enterprise <https://att10tive.com/>

4. Panel Membership

After taking over the management of the Panel, the OPCC undertook a recruitment drive to increase the diversity of the Panel. The office hosted an online recruitment webinar in January 2022, with over 100 residents attending. A change to the Tri-Force policy across Bedfordshire, Cambridgeshire, and Hertfordshire (BCH) also came into effect no longer requiring volunteers to be vetted.

The Panel now has a core membership of 29 volunteers, all of whom live, work or study in Hertfordshire. Over the last year, 10 volunteers have retired from the Panel. The Panel are keen to continue increasing the diversity of the Panel particularly for those aged 16- 25 as well as from communities that are less represented. As part of the Health Check recommendations, a coordinated approach to recruitment for both the Stop and Search and Use of Force Panels is being developed. This work started in June 2023.

Whenever possible, the Panel seeks to reflect the demographics within Hertfordshire. Members are asked to complete a data collection and permissions form, which is sent out annually (or on joining the panel) to ensure that the information we hold is up to date. Of the 22/29 volunteers who completed the demographics form, the breakdown of the Panel is as follows:

Figure 1: Panel demographics compared to 2021 Hertfordshire ONS Census Data

| Category | Panel | 2021 Census ¹⁵ |
|---|-------|---------------------------|
| Gender | | |
| Female | 52% | 51% |
| Male | 48% | 49% |
| Age | | |
| 16 – 24 | 0% | 9.4% |
| 25 – 39 | 5% | 19.9% |
| 40 – 54 | 25% | 21.3% |
| 55 – 70 | 40% | 17.2% |
| 70+ | 30% | 12.5% |
| Ethnicity | | |
| White | 86% | 81.8% |
| Asian/Asian British | 9% | 8.6% |
| Mixed or Multiple Ethnic Groups | 5% | 3.8% |
| Black, Black British, Caribbean, or African | 0% | 3.7% |
| Other Ethnic Group | 0% | 2.1% |

¹⁵ ONS Census 2021 Hertfordshire: <https://www.ons.gov.uk/visualisations/areas/E10000015/>

5. Panel Training

Upon joining the Panel, members undertake a training session from the Constabulary's Personal Safety Team (PST), as well as the Panel's role more generally, to enable them to understand police powers and to assist in developing their ability to critically challenge and scrutinise use of force incidents.

Additional training and information are provided throughout the year as needed or requested. Panel members recently were invited to attend new officer and PCSO training, which is covered across three different modules. These modules cover:

- **Module 1** – National Decision Model, tactical communications and the laws and policies around use of force.
- **Module 2** – Acute behavioural disorder (theory), edged weapon awareness (theory and practical), unarmed defence skills, pressure points, breakaways, and ground fighting, including practical scenarios.
- **Module 3** – Handcuffing, leg restraints, baton, PAVA, custody skills, shield defence, the assessed scenario and exam.

'I thought the training was excellent, the trainee officers very good and the tutors were impressive. The test we were shown was well laid out and sufficiently challenging and useful.'

The training and actions for 'breakaways', defensive strategies, and unarmed defence skills were very well demonstrated by tutors and effectively copied and learned by the trainee officers. Hopefully they will remember in a crisis!

The scenario for role play was particularly well chosen/devised and very well acted by the officer trainer-tutors – especially since they had to repeat it over and over for more than 20 candidates, without losing impetus. It must have been exhausting for them! Brilliant – and the de-briefing/feedback session was particularly good in my view.'

Use of Force Panel member's reflection on the training session

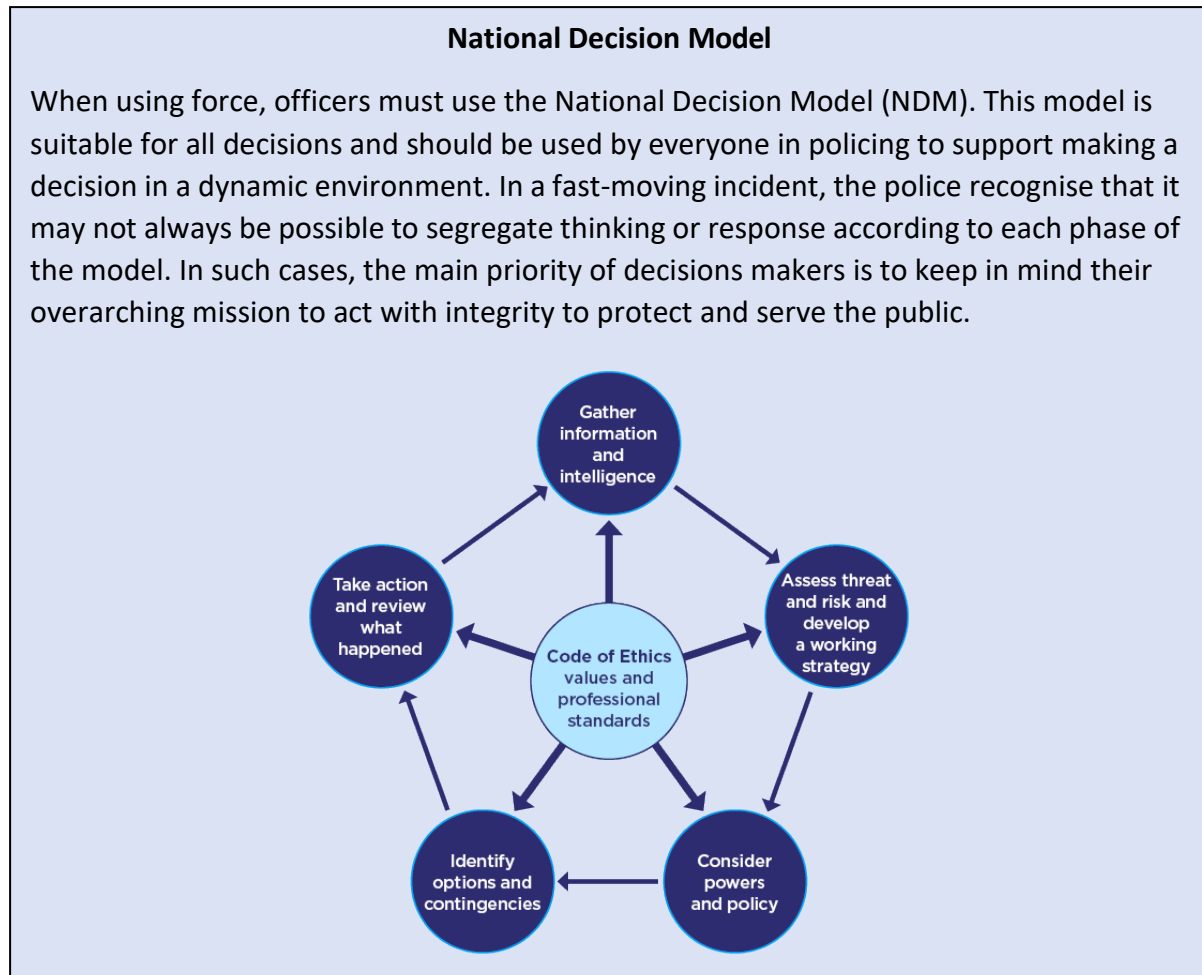
Members have requested demonstrations by PST officers on the use of force equipment to help them better visualise them the equipment. To date this has included handcuffs and spit guard.

Panel members are also invited to accompany police officers out on patrol. As part of the Constabulary's Ride Along scheme, Panel members are given the opportunity to see 'real-life' encounters with frontline officers.

'Spending a full shift with officers from Watford was definitely a shock for me but I'm so glad I did. Seeing for myself what officers face, day in, day out, was, for me, a vital part of my training for my role on the Use of Force Panel. This was IRL not just in a classroom.'

Use of Force Panel Member comment on Ride Along

The Health Check recommended that training offered to the Panel should be widened to include topics such as disproportionality, complaints, and unconscious bias. During 2023 a new training programme will be implemented to ensure Panel members are given sufficient training relevant to the use of force to assist in effective scrutiny.



6. Meetings

Terms of Reference (ToR)¹⁶ are in place to guide the Panel and are reviewed annually. This ensures that the role of the Panel and the way in which it operates is kept up to date.

A Chief Inspector, Inspector or Sergeant from Hertfordshire Constabulary's Operational Strategy, Performance and Transformation Department (OST) is in attendance at all meetings so that operationally specific questions can be asked directly by members. In addition, a member from the Constabulary's Personal Safety Team, who provide all police officer use of force training, is also attendance at every meeting to advise on use of force tactics.

¹⁶ ToR are available on the Police and Crime Commissioners Website:
<https://www.hertscommissioner.org/getting-involved/how-to-get-involved/use-of-force-scrutiny-panel/>

More recently the Panel has adopted a similar approach from the Stop and Search Panel and invited Chief Inspectors from the CSP when reviewing incidents from their areas. They are accountable for any issues and concerns identified that are linked to their CSP area.

Currently, at each panel meeting, the format consists of the usual standing items (welcome, apologies, minutes, and actions), before beginning scrutiny by breaking into two groups to review use of force incidents using BWV footage. Group A is chaired by the Chair of the Panel and Group B by the Vice Chair of the Panel. These groups are selected randomly each time but contain an equal split of male and female members.

Incidents for the meeting are dip sampled randomly by the Chair. These incidents are recorded as officers are required to record every time, they have used force on a system called TuServ. Included in this will be what method of force they used, impact factors, reason for force, location, and other details.

The Chair is able to select a range of methods of force depending on the theme of the meeting. There are 20 incidents selected for a meeting, split randomly between the groups. At the end of each meeting, the groups feedback the grading and themes from the incidents they viewed. On average the Panel views 10 use of force incidents per meeting.

Members use a Red, Amber, Green (RAG) grading system, with scores ranging from 1-8. See Figure 5 for the full list. The purpose of this grading system to enable Panel members to make an assessment on the legal and proportionate nature of the incident and importantly, on the conduct of the officer with regards to their language and behaviour.

The Panel grade each incident and complete a feedback form for officers on any observations. This feedback is used not only to provide direct feedback to individual officers, but to also inform future training activities.

To ensure the work and views of the Panel impact the behaviour of frontline officers, a full feedback loop has been developed. Following each meeting all feedback is circulated via the attending Constabulary Inspector to the officer's Sergeant or Inspector to deliver the feedback. Any incidents of concern for the Panel are recorded on the Constabulary's action tracker, which are reported back at the next meeting to update on any learnings or developments.

7. Key Findings

Use of Force Data

Across Hertfordshire for the year 2022/23, there were 12,876 use of force records completed, which accounts for 8,012 incidents¹⁷. The records completed are up by 13.5% (+1,533) from the previous year. Comparison of the number of incidents from the previous year is not possible. This is because in early March 2022, Hertfordshire Constabulary began to record use of force incidents on TuServ, instead of the previous platform called SNAP,

¹⁷ Use of force records are completed by the officer when they use force. This differs from the number of incidents. This is because two officers for example could use ground restraint on an individual, this is recorded as one incident, but two records as both officers would be required to complete a use of force form.

which has been used for the last five years and did not have the capability to record number of incidents. Now that it is mandatory for officers to enter an online use of force record via TuServ, it is expected that the completion of the number use of force records will increase.

Figure 2: Use of Force Records in Hertfordshire between 2017 – 2023

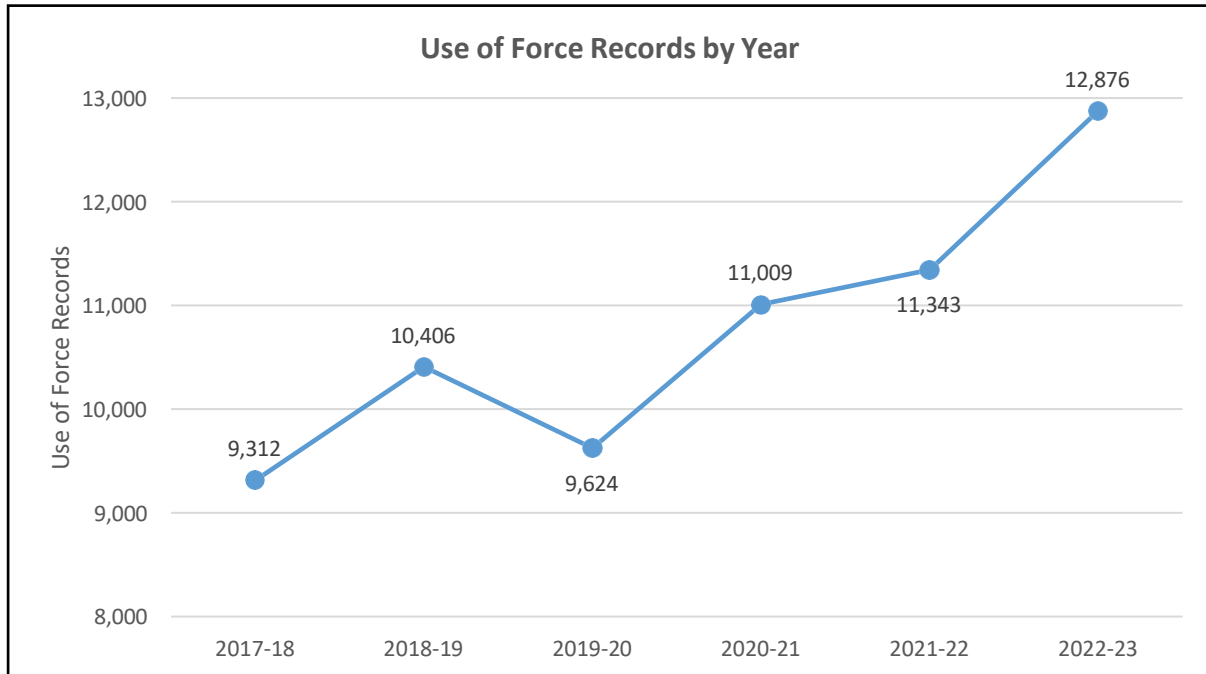
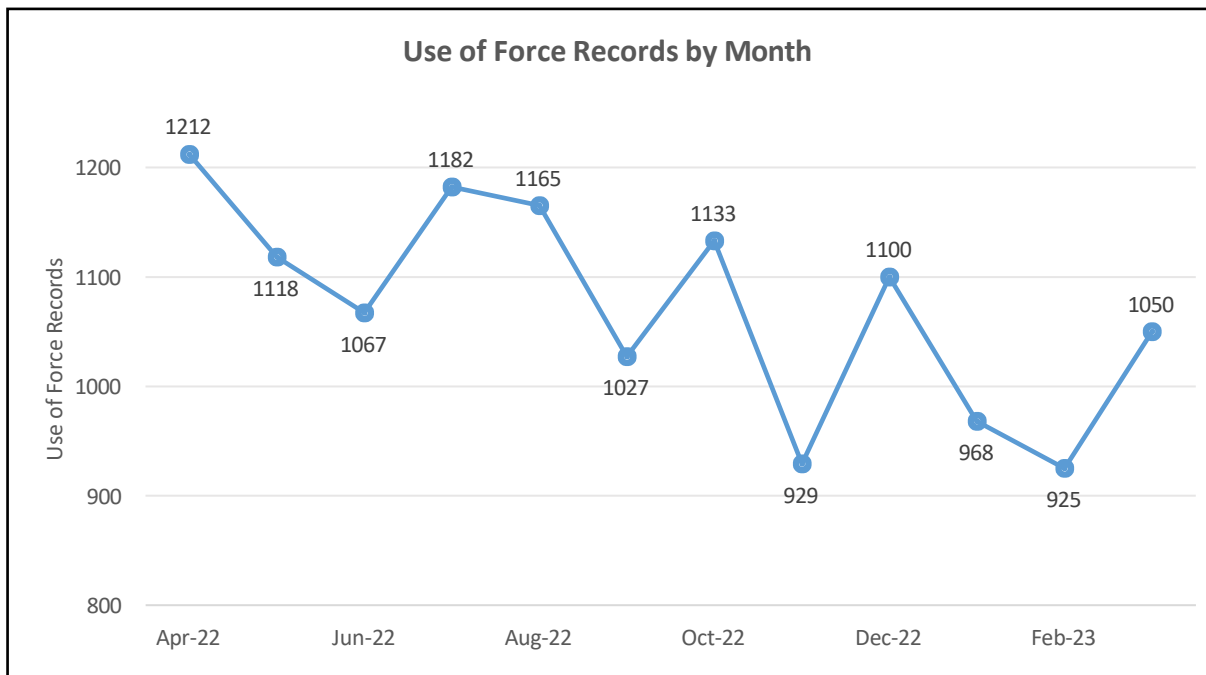


Figure 3: Use of Force Records in Hertfordshire Between April 2022 – March 2023



Handcuffs was the most used method of force used by officers accounting for 8,980 (70%). This is to be expected as handcuffs are used to effect arrest in nearly all cases. The most

common reason an officer used force was to **effect arrest** (6,822, 53%) followed closely by to **prevent escape** (6,587, 51%).

The most common impact factor was the person being **under the influence of alcohol** (4,931, 38%) followed closely by the **suspect's size/gender/build** (4,823, 37%). The most common outcome was the person being **arrested** (7,963, 62%).

Most common characteristics of people involved in the 12,876 records were:

- 70% of people were perceived as **White** (9,012) by the officer.
- 77% of people were perceived as **male** (9,985) by the officer.
- 32% of people were perceived as between **15 and 24 years of age** (3,971) by the officer.

Figure 4: Methods of Use of Force in Hertfordshire Between April 2022 – March 2022

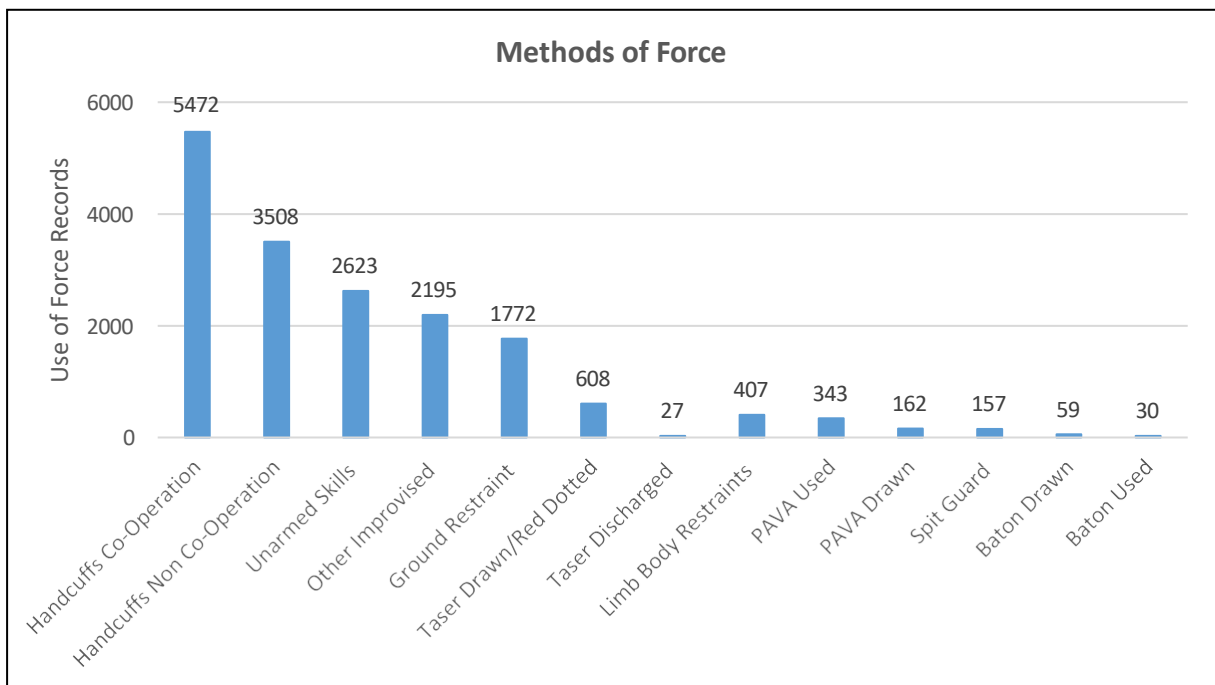
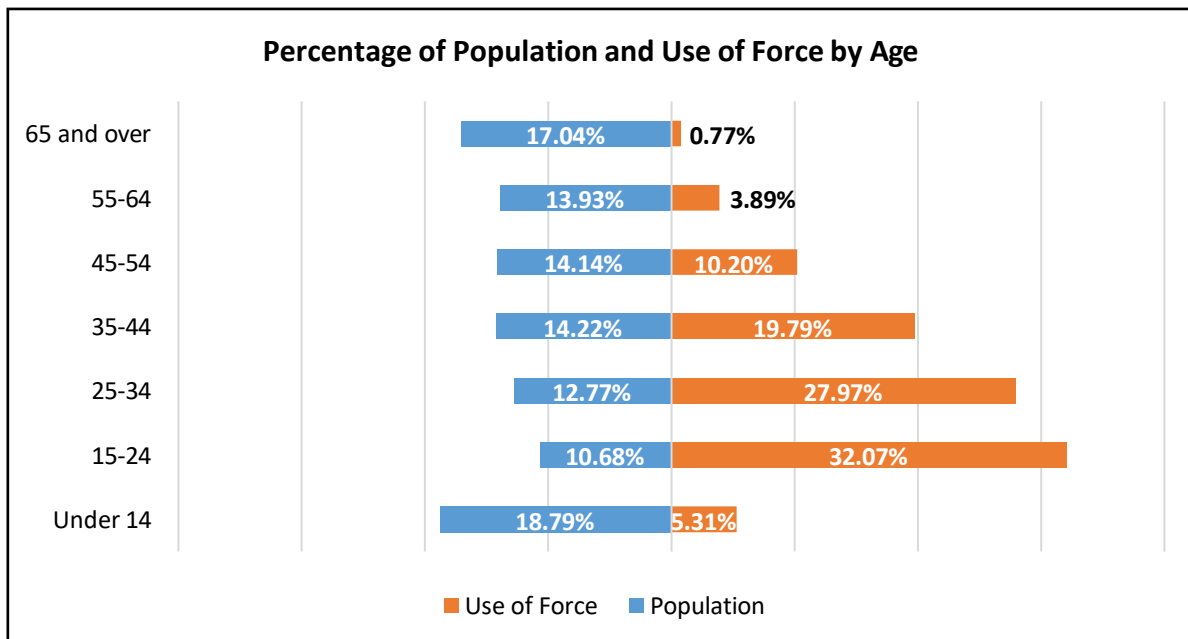


Figure 5: Percentage of Population and Use of Force by Age in Hertfordshire April 2022 – March 2023



Use of Force Forms

When scrutinising use of force incidents, the Panel considers the necessity and proportionality of the force exercised, but also the conduct of the officer in using force with regards to their language and behaviour (See Figure 5 below for the grading descriptions). In line with good practice, the RAG rating used by the Panel considers both when making their determination as noted in the narrative below. When recording the grading and feeding this back to the Constabulary, it will include additional points raised by Panel members and any differences in their assessment. During the reporting year, the Panel viewed 58 dip sampled use of force incidents using BWV. Of those incidents 51 (88%) were graded Green, with 4 (7%) graded Amber and 3 (5%) graded Red (see Figure 6 below).

Figure 6: RAG Grading Sheet

| | |
|--|---|
| <p>Use of Force was necessary and undertaken reasonably and professionally.</p> | <ol style="list-style-type: none"> 1. The correct level of force was applied in the circumstances and throughout the encounter and full justification of force was given. No part of the encounter requires further clarification. 2. The correct level of force was applied, and full justification given by the officer however there are minor matters that need to be drawn to the officer’s attention from the Panel’s observations. |
|--|---|

| | |
|---|--|
| <p>We understand why force was used but advice and/or training issues are required.</p> | <ol style="list-style-type: none"> 3. Accountability issues arise in terms of failure to switch on BWV in time, incomplete documentation such as a failure to justify the use of force in statement and/or failures exist around verbal communication. 4. Force used was originally justified but potentially applied for too long or having chosen the correct level of force, the officer's proficiency in its use and aftercare was lacking giving rise to a need for training. 5. Actual Force used appears justified, but the officer escalated to a higher level too quickly without regard to the requirement to attempt or consider lower levels before attempting higher levels. |
| <p>Use of Force was not necessary nor compliant with PLANTER.</p> <p>The force may be unlawful.</p> | <ol style="list-style-type: none"> 6. The level of force does not appear proportionate to the risk faced by the officer. 7. The level of force appears significantly greater than that necessary to protect the officer or the public and the panel had additional concerns. 8. The officer appears to use force entirely without need and did so to injure/punish or in a discriminatory fashion. The officer's actions were unlawful. |

Figure 7: Breakdown of the Panel's grading 2022/23

| | | | |
|--------------|----|----------------|----|
| Green | 51 | Green 1 | 43 |
| | | Green 2 | 8 |
| Amber | 4 | Amber 3 | 2 |
| | | Amber 4 | 1 |
| | | Amber 5 | 1 |
| Red | 3 | Red 6 | 1 |
| | | Red 7 | 2 |
| | | Red 8 | 0 |

The Panel’s findings demonstrate that overall, the Panel are confident that officer’s use of force in Hertfordshire is justified, proportionate and lawful. Positive feedback is always delivered to officers, as it is important that good practice is highlighted.

Case Study of an incident the Panel scored Green

Officers were called to male acting strangely at a Petrol Station. Upon arrival it was clear that the male was likely under the influence of drugs. As the officers attempted to help the male, he became aggressive towards the officers and was clearly agitated.

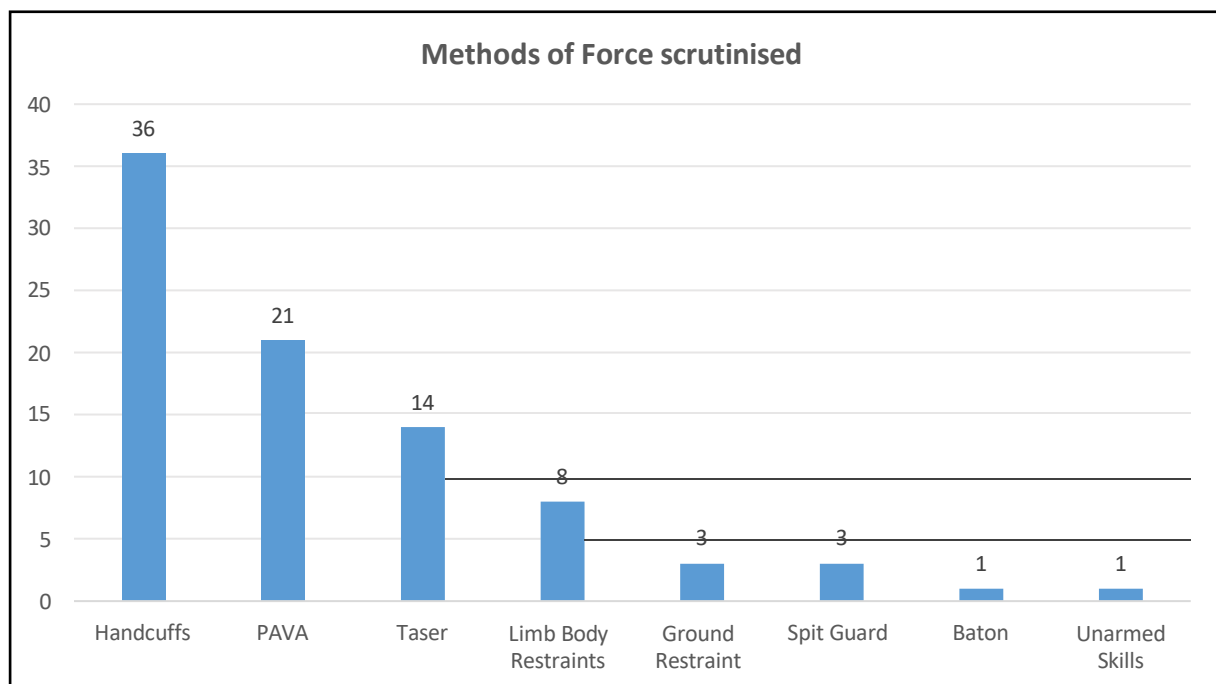
The officer used ground and limb restraint as it was clear the male was suffering from the drugs he had taken. The Panel understood this was a difficult situation as the officer was unable to reason with the detainee. Members felt that the officer’s communication was clear with colleagues and the statement had additional detail which couldn’t be seen in the footage.

The Panel specifically praised how the officer was compassionate and stayed remarkably calm, checking the individual was not hurt despite the male continuing to try and kick out at the officer.

The Panel scored this footage a Green 1.

The Panel is aware that their scrutiny is limited to the number of BWV incidents that they can review each meeting. There is an appetite to review more footage and the Panel are keen to explore how this can be met.

Figure 8: Methods of Force scrutinised by the Panel 2022/23



The Panel have reviewed a range of methods of force, with handcuffs (36) the highest scrutinised method. This reflects officer use, as handcuffs are the most used method of force.

Second highest is PAVA (21), which is a synthetic pepper spray. This is considered a low-level use of force that officers can use as its effects are only temporary, leaving an individual with discomfort in their eyes for 10 to 15 minutes, leaving no aftereffects. However, it is important it is used correctly by officers, due to the potential medical implications if guidelines are not followed. It is taught by PST that it should not be used within three feet (one meter), as it could cause damage to the retina in the eye of the individual. The Panel are pleased to see that there has never been a recorded incident of this happening.

Third highest is Conducted Energy Devices (CEDs) (14), commonly referred to as the brand name and registered trademark TASER®. This is a less lethal weapon designed to temporarily incapacitate an individual through use of an electrical current that temporarily interferes with the body's neuromuscular system and produces a sensation of intense pain. Only officers who receive specialised training can use a Taser. The Panel review a Taser incident at every meeting and conducted a deep dive on Taser at the July 2022 meeting.

An officer may be required to use more than one method of force for an incident. For example, the Panel could choose to review Taser, and see that the officer also uses handcuffs to arrest an individual. The Panel will therefore grade and score the whole incident, which is why the Panel has reviewed more methods of force that it has graded.

| Areas of scrutiny focus 2022/23 | |
|--|---|
| May 2022 – Countywide incidents | November 2022 – St Albans and East Herts disproportionality |
| July 2022 – Taser and Pava incidents | January 2023 – countywide incidents |
| September 2022 – Countywide incidents | March 2023 – Watford and Dacorum |

Over the current year there has been a few common trends identified during the scrutinising of use of force incidents. These include:

- The Panel understands that in stressful situations officers may swear, however, the Panel has reviewed multiple incidents of excessive bad language used by officers that does not help to de-escalate a situation, and instead heightens the tension of the incident.
- When an officer has deployed Pava, there is wide variation in the aftercare that the person receives.
- Grading incidents in the absence of a use of force statement is not easy. Because statements are not mandatory when an officer has used force but are strongly advised, this often results in the Panel only viewing the BWV. Officers do provide statements retrospectively, but these are not always as detailed as a full statement.

Red graded use of force incidents

Out of the 58 incidents viewed, three were graded Red (5%), which meant that the Panel felt the use of force was not justified, proportionate or lawful. If an incident is graded red, the Constabulary will review the footage and determine an appropriate course of action for the officer.

For the three incidents the Panel graded Red, the following action was taken:

- Developmental Plan to be re-tutored. The officer was put on a 5-week developmental plan, which is a tailored programme with a tutor about areas of improvement that this officer needs to work on. These plans are tailored towards the officer therefore the content of plans can range.
- The incident was also picked up as part of an internal Taser review and an investigation was launched. As a result, the officer lost his authority to the use of Taser and was required to attend a refresher training programme, which included the NDM module.
- The Chief Inspector of the CSP met with the officer to advise them and share learnings to prevent future incidents being repeated (See Case Study Below).

These incidents would be recorded on the Constabulary's action tracker, as part of the feedback loop established. At the following meeting, the Constabulary Inspector would update the Panel on the appropriate course of action they have taken for the officer, and what the learning were.

Case Study of an incident the Panel scored the incident 'Red'

The Panel viewed an incident where officers had used handcuffs to arrest a reported missing female who failed to hand over their mobile phone. Members felt the handcuffs were not needed and escalated the situation which caused the female distress.

The Constabulary Inspector on the Panel took the members feedback to the responsible Chief Inspector who agreed with the Panel's decision. The Chief Inspector spoke with the officer about the concerns raised and provided advice to them should they find themselves in similar circumstances. They discussed the responsibility of the police to safeguard vulnerable people but the need for this to be balanced around proportionate force to safeguard and their Police powers in those circumstances.

It was also discovered that the officer submitting the use of force form was not the officer who used force. Feedback was then given to the officer regarding when to fill out a use of force form, with the officer acknowledging their error.

This update was shared at the following meeting, where the Panel were pleased to see the Chief Inspector had provided learnings to the officer to assist in future situations.

The Panel scored this footage Red 7.

8. Use of Force in Custody

In June 2022, HMICFRS published their report on their unannounced inspection visit to police custody suites in Hertfordshire.¹⁸ One of the report recommendations advised scrutinising the use of force in custody, including viewing CCTV footage of incidents.

The Panel has now incorporated this recommendation into their scope and now review incidents of use of force in Custody every other meeting. As Hertfordshire has two custody suites located in Stevenage and Hatfield, an incident from each suite is dip sampled. The OPCC works with the Constabulary to pull CCTV footage of the incident, which is then viewed by the Panel.

Initial learnings for the Panel were needed as officers perform different use of force tactics. This was after officers used a cell relocation technique which Panel members were not confident was proportionate. However, the Constabulary Sergeant attending the meeting informed members that this was actually a textbook manoeuvre and is an approved method for the safety of both officers and the suspect. After receiving this learning, the Panel have now reviewed five incidents, all have been scored green 1.

CCTV footage in Custody cells have no audio, which makes grading the incident more challenging for the Panel. Audio in cells would amount to intrusive surveillance and is not currently deemed compatible with the Human Rights Act. The Panel therefore rely heavily on an officer's statement if it is not clear in the footage for the justification of force.

9. Disproportionality

More recently the Panel has become more data driven, due to the advancement of data available to them using Power BI. For the November 2022 meeting the chair led a subgroup of the Panel to review data from September and October 2022. The group choose to focus on use of force against an individual that officers have defined as Black ethnicity in the CSPs of St Albans and East Herts. This was because these two CSPs had the highest level of disproportionality against individuals of officer defined black ethnicity.

In this meeting all incidents were scored Green with no concerns or issues raised. The Panel raised one query when there was an incident involving two suspects, a White male and a Black male. The Panel commented that the footage appeared to only show the Black male being handcuffed. However, after the meeting an internal review of other officers' footage it was revealed that the White male was also handcuffed. This was then reported at the following meeting which members were satisfied with.

In his 2022 Criminal Justice and Community Safety Plan¹⁹ the Commissioner outlined his commitment to address disproportionality in Hertfordshire, an issue which forces across the country struggle with. In February the Commissioner announced that he had appointed the

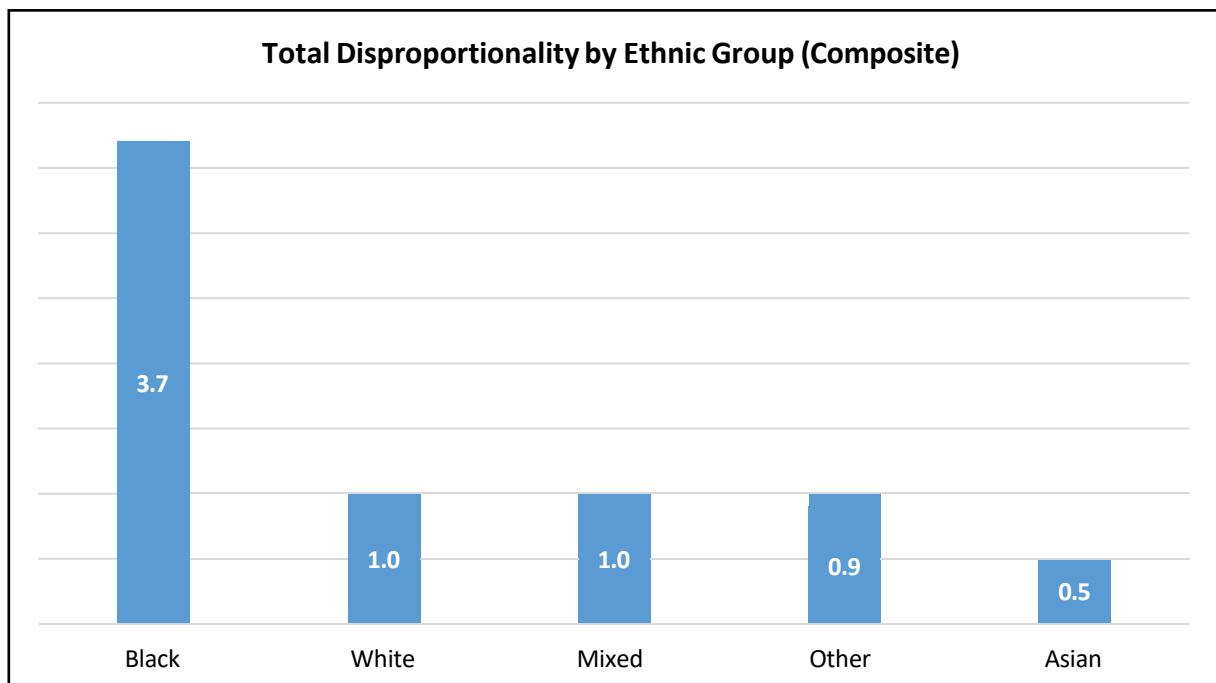
¹⁸ HMICFRS <https://www.justiceinspectorates.gov.uk/hmicfrs/publications/unannounced-inspection-of-custody-suites-in-hertfordshire/>

¹⁹ <https://www.hertscommissioner.org/SysSiteAssets/media/downloads/police-and-crime-plan/current/117672-herts-cons-everybodys-business-final-accessible-version.pdf>

University of Hertfordshire to undertake a six-month research project into use of stop and search in the county²⁰. The work seeks to better understand the full extent of disproportionality with regards to stop and search in Hertfordshire and compared to other forces in England.

The final report is due to be shared with the Commissioner in the autumn and the results will be published later in the year. The Commissioner will then work with the Constabulary and Panel to respond to the findings. Although focusing on stop and search, any findings that could also be relevant to use of force will also be considered.

Figure 9: Use of Force Total Disproportionality by Ethnic Group (Composite) April 2022 – March 2023



There are several caveats that need to be considered when reviewing disproportionality data. Those who have been subject to use of force with no further action do not have to provide any personal information about themselves, this includes their age, ethnicity, and address. To augment any data given, Officers are asked to use their judgement to record ethnicity. This is referred to as 'officer defined ethnicity'. Officer actions are led by the intelligence they receive from the public. Whilst imperfect, the data does enable the Panel to ask questions of the Constabulary about this important issue.

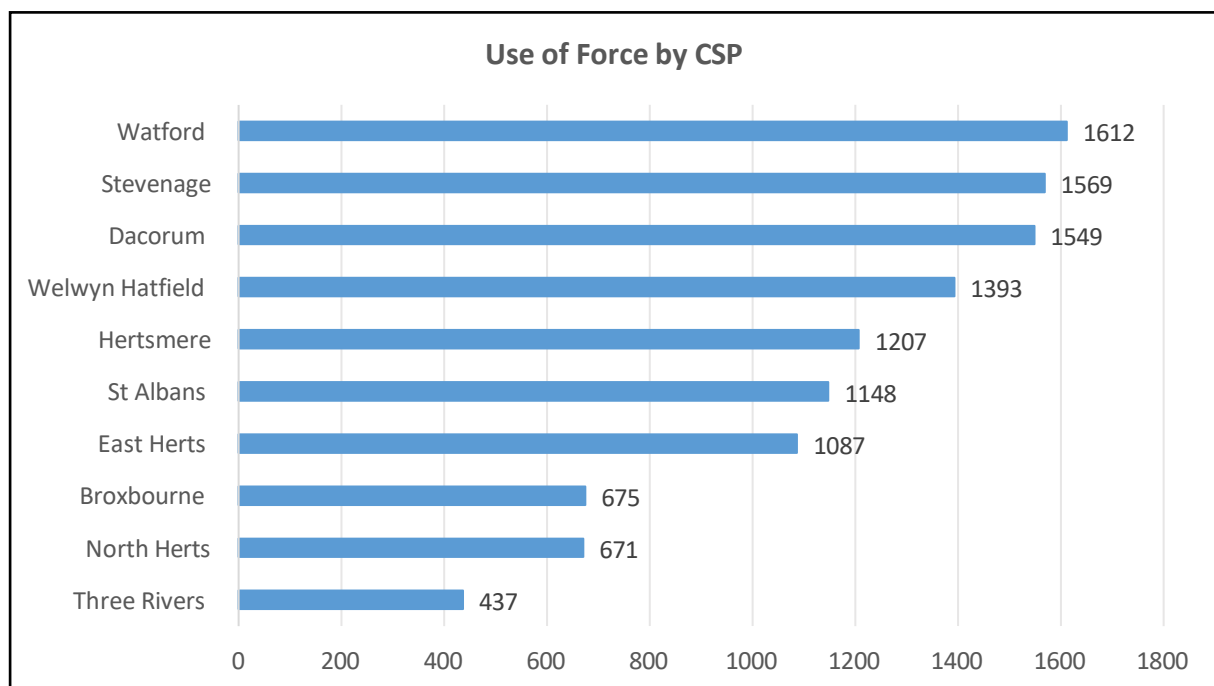
²⁰ [Research into Stop and Search disproportionality funded by PCC \(hertscommissioner.org\)](https://hertscommissioner.org)

10. District Deep-Dives

Using good practice from the Community Stop and Search Scrutiny Panel, the Use of Force Panel has begun to adopt a similar process to do deep dives into CSPs. Watford and Dacorum CSPs were chosen for the March 2023 meeting, as Watford had the highest and Dacorum third highest, use of force incidents. Chief Inspectors for these CSPs both attended the meeting.

The Chief Inspectors provided valuable insight and the Panel were pleased to see that the Chief Inspectors were aware of almost all the incidents viewed. Following the meeting the Chief Inspectors will feedback on they have discussed any issues raised or positive comments with their officers.

Figure 10: Use of Force Broken Down by CSP April 2022 – March 2023²¹



11. Recommendations

This report is the first annual report for the Use of Force Scrutiny Panel and therefore does not have a progress review. Using the Health Check, the recommendations highlighted at the beginning of the report have been identified and agreed as the most important for the next year. These recommendations will be tracked throughout the year, along with the all the recommendations from the Health Check and will be reported on in next year's report.

²¹ Excluding Use of Force in Custody. This is because Hertfordshire has two custody suites in Stevenage and Hatfield, which should not reflect the CSPs overall incidents; This order also roughly reflects the recorded volume of crime across the districts, with Dacorum, Welwyn Hatfield, Watford, Stevenage, and St Albans the highest (in that order).

12. Conclusion

The Executive Summary outlines the key findings by the Panel for the period April 2022 – March 2023. The report evidences the Panel’s view that there are no serious concerns about the use of force in Hertfordshire. Although there was an increase in use of force, the Panel are confident that force is still lawful, proportionate, and justified.

Glossary of Terms

| Terms | Acronym (if applicable) | Description |
|---|-------------------------|--|
| Body Worn Video | BWV | The cameras officers wear to capture both video and audio evidence |
| Community Safety Partnership | CSP | Community Safety Partnerships are made up of representatives from the police, Local Authorities, fire and rescue authorities, health, and probation services (the 'responsible authorities'). The responsible authorities work together to protect their local communities from crime and to help people feel safer. |
| Conducted Energy Devices (TASER®) | CED | <p>A CED is a less lethal weapon system designed to temporarily incapacitate a subject through use of an electrical current that temporarily interferes with the body's neuromuscular system and produces a sensation of intense pain.</p> <p>Conducted energy devices are commonly referred to as Taser. However, police forces should recognise that TASER® is a brand name and registered trademark for one brand of CED.</p> |
| Custody Suite | | Hertfordshire have two custody suites in the county, located in Stevenage and Hatfield. These are where officers process and detain those who have been arrested. |
| Microsoft PowerBI | | Power BI is an interactive data visualization software product developed by Microsoft with primary focus on business intelligence. |
| Office of the Police & Crime Commissioner | OPCC | The Office of the Police and Crime Commissioner helps the Commissioner to discharge their statutory duties and deliver their Police and Crime Plan. Office staff are politically restricted. This includes being a member of a political party. |
| Pelargonic Acid Vanillyl Amide | PAVA | PAVA aerosols are the irritant sprays evaluated and approved for use by the police service. |
| PLANTER | | <p>P - Was the use of force Proportionate for the risk faced by the officer?</p> <p>L - Was the length of time the force used acceptable?</p> <p>A - Do the actions of the member of the public warrant force to be used?</p> <p>N - Was it necessary to use force?</p> <p>T - Was the type of force used appropriate?</p> <p>E - Was it ethical to use force in the situation?</p> |

| | | |
|-----------------------------|------------------------|--|
| | | R - Was it reasonable for the officer to use force?` |
| Police & Crime Commissioner | PCC (the Commissioner) | The role of the Commissioner is to be the voice of the people and hold the police to account. They are responsible for the totality of policing. Commissioners aim to cut crime and deliver an effective and efficient police service within their force area. |
| Red, Amber, Green rating | RAG | Also known as 'traffic lighting,' this rating system is used to summarise indicator values, where green denotes a 'favourable' value, red an 'unfavourable' value and amber a 'neutral' value. |
| TuServ | | TuServ is responsive cross platform mobile policing application used in Hertfordshire and is where officers record use of force. |