



## Conditions of entry for the Public and Press attending a Public Misconduct Hearing

### **Introduction**

The Police (Conduct) (Amendment) Regulations 2015 direct that misconduct hearings and special case hearings will be held in public subject to the discretion of the person chairing or conducting the hearing to exclude any person from all or part of the hearing.

Any member of the public or press wishing to attend a misconduct hearing may do so but due to limitations on space and capacity, attendance at the hearing will be administered and booked by application through the West Yorkshire Police website, [www.westyorkshire.police.uk](http://www.westyorkshire.police.uk).

Hearings are held in accordance with the following legislation and guidance:-

*The Police (Conduct) Regulations 2012*

*Home Office Guidance - Unsatisfactory Performance, Complaints and Misconduct*

*Procedures*

### **Panel Composition**

Misconduct hearings are conducted by a panel of three people. They are chaired by a senior police officer who has had no previous dealings with the incident or with the investigation. The senior police officer, of Chief Officer rank, is referred to as the Panel Chair and will be joined by a police officer of at least superintendent rank, who has also had no previous dealings with the case, and an independent lay person who has been selected from an approved list held by the Office of the Police and Crime Commissioner. As of 1st January 2016, all misconduct hearing Panel Chairs will be independent and legally qualified. Special Case Hearings are chaired and determined solely by the Chief Constable.

### **Purpose of Public Hearing**

Misconduct hearings are held to present the facts of the case and allow officers to give an explanation of their conduct and the circumstances surrounding the allegation. Witnesses may also be called to be questioned. The purpose of a public hearing is to show that the Police disciplinary system is open and honest, fair and effective and that we effectively hold corrupt officers, or those that are found guilty of misconduct, accountable for their actions.

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Throughout the hearing, officers are given the opportunity to speak personally or have their legal representative and/or appointed Federation friend to speak on their behalf. The standard of proof is the balance of probabilities, unless facts are admitted.

The hearing is conducted in two parts. The first part considers the facts of the allegation against the officer. At the end of this examination of facts, the Panel retire and decide whether the officer's conduct amounts to gross misconduct, misconduct or neither. A finding of gross misconduct means that the matter is deemed so serious that dismissal may be justified.

If it is established to the Panel's satisfaction that the officer's conduct did fail to meet the required standards, the second part of the hearing will determine the outcome. In considering the outcome, the Panel will take into account any aggravating or mitigating factors and consider evidence of the officer's character and record of service.

All misconduct hearings will be in public, subject to any representations made by the officer and or witness, and considerations made by the Chair. Notice of a public hearing will be made not less than 5 working days prior to the hearing and this will be advertised on the force website. The hearing will be observed via live video link from police premises which will be notified to the attendees.

Should the hearing, or part of the hearing, be in private reasons will be given and published on the website. Upon the conclusion of the hearing, the Chair will decide whether to publish an outcome notice which may contain:

- i. Name of the officer
- ii. Alleged conduct
- iii. Finding
- iv. Outcome

Please note:

- If you are a witness to a listed hearing you will not be eligible for a public seat
- A hearing could be cancelled at short notice
- Any expenses must be met by each attendee

A **limited number of seats have been set aside** for members of the public and accredited press reporters/media representatives. Seats are allocated in advance via the West Yorkshire Police website application procedure. You will be required to book as soon as Notice of the hearing is published on the force website via [www.westyorkshire.police.uk](http://www.westyorkshire.police.uk) and applications must be submitted within 48 hours of the notice being published.

Prior to being admitted to the hearing, you must proceed to the location specified. There you will be required to produce your personal registration letter (confirmation email) that was issued to you by the Professional Standards Department as well as supporting photographic identification such as a passport or driver's licence. As a condition of entry, West Yorkshire Police staff will check your identification documents against those provided in your application to attend.

The regulations state that the Chair may also impose further conditions of entry in addition to those set out in this document. If this arises the further conditions will be published on the website prior to the hearing.

Members of the public and press together with any bags will also be subject to a **security search** as a condition of entry. Sharp objects or blades will not be permitted. Police will

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retain the authority to seize any article found during a search which may cause harm to any person.

Mobile phones and other devices can be retained but must be switched off during the hearing. Upon completion of this process, you will be provided with a 'Public hearings' identity badge which must be worn until you leave the hearing. Should anyone breach these conditions of entry, they will be asked to leave and will be escorted from the premises.

Members of the public and press will be **directed whilst in the building** by West Yorkshire Police staff. Should you wish to leave at any point during the hearing, you will be escorted by a member of staff until you have left the building.

### **Cameras**

Cameras must not be brought inside the building. Camera functions on other devices must not be operated inside the building. The **taking of pictures and videos is forbidden** within the hearing rooms, the surrounding vicinity and anywhere else within the immediate areas outside. It is requested that photographs are not taken of any person entering or leaving the building. Failure to comply with this requirement will result in you being directed to leave and escorted off the premises.

### **Smoking**

Smoking is not allowed inside the police building or within the boundaries.

### **Disabled access**

People who are deaf or disabled are welcome to attend police premises. For people with impaired hearing an AV induction loop system is available, if required. Visitors with hearing impairments must arrange their own interpreters, if required. Space is set aside for wheelchair users and assistance dogs. Accessible toilets are available

### **Parking**

There is limited visitor parking on site and this will be allocated on a first come, first served basis. Parking costs will not be reimbursed.

### **Start times**

Hearing sessions can be found on the intranet site which will stipulate times of the hearings. Members of the public and press are advised to check the West Yorkshire Police website [www.westyorkshire.police.uk](http://www.westyorkshire.police.uk) the evening before to confirm daily start times. Public and press are requested to arrive at least 15 minutes prior to the commencement of proceedings. This will allow time for individuals to be searched, escorted and seated in the hearing rooms.

### **Adjournments**

During the course of the proceedings it may be necessary for the hearing to be adjourned. The Panel Chair will announce the adjournment, the reason for it and if possible, the time at which the hearing will re-commence. During adjournments, other than for lunch, members of the public and press should gather in the reception area of the police building.

The hearing will normally stop for lunch at a convenient point in proceedings. A return time to re-commence proceedings will be announced by the Panel Chair. During lunch, you will be escorted back through reception and expected to leave the building. You will be expected to return back to reception 15 minutes prior to recommencement of proceedings. Once the hearing has concluded you will be expected to leave the building and return your security pass.

### **Refreshments**

Members of the public and press will be required to make their own arrangements for lunch and to return to the building on time. A period of 15 minutes is required to avoid being late in returning and disturbing the resumed hearing. There will be no access provided to members of the public to purchase food within the building. No food and drink will be allowed within the room once the hearing is proceeding.

### **Toilets**

There are toilet facilities. Disabled toilets are also provided.

### **Conduct within the misconduct hearing viewing room**

Members of the public and press are requested to behave in an appropriate manner whilst the hearing is in session. **All mobile phones, pagers, recording machines or other electronic items must be switched off in the public hearing room.**

Only accredited members of the press will be allowed to use text based communications for the purposes of simultaneous reporting of proceedings if the person chairing or conducting the proceedings is satisfied that it does not interfere with the orderly conduct of proceedings.

The **use of recording or photographic equipment is strictly forbidden** in the public hearing room. Any person found to be using such equipment **will be asked to leave** by West Yorkshire Police staff. **No person is permitted to make, or attempt to make a sketch** of the hearing room of any person, being a panel member, or witness or other interested party to the misconduct proceedings. **Laptops & tablets may only be used by accredited members of the press association** for the purpose of writing and may not be used to access the internet or used for other purposes. **Tweeting** is only allowed by accredited members of the press using laptops or tablets. Tweeting is not permitted from mobile phones or Blackberry's.

If anyone behaves in a disorderly or abusive manner or otherwise acts inappropriately in the view of the Chair, the member of West Yorkshire Police staff **may exclude them from the**

**remainder of the hearing. Should anyone breach these conditions of entry and refuse to leave, they will be ejected.**

During the course of the proceedings, the Panel Chair may provide brief explanations about the procedure to be followed. Should any conditions of entry be breached, you will be required to leave the proceedings, and will be escorted from the premises.

If the Panel Chair decides that the **evidence to be given by a witness or any other person should not be disclosed in public**, the live video link will be temporarily suspended. Once this evidence has been given, the live video link will resume.

## **Fire, Evacuation and First Aid Instructions**

### **Action on discovering a fire**

Fire action notices are displayed at every 'Break Glass' call point throughout the building. If you discover a fire, alert others by operating the nearest fire alarm call point by breaking the glass. Leave the building by the nearest safe fire exit and leave the premises. Fire marshals, dressed in high visibility jackets, will be available to aid your safe exit from the building.

### **On hearing the Fire Alarm**

- The fire alarm is both a siren and spoken voice. Please follow the instructions given over the public address system.
- You are required to leave the building immediately by the nearest safe exit. □  
You must not stop to collect personal belongings.

You will be directed to leave the premises until it is announced that it is safe to return to the building. If you are unable to undertake the fire evacuation process detailed above - please inform the West Yorkshire Police staff upon your arrival.

### **Accidents and Near Misses**

If you have an accident in the building, please tell a member of West Yorkshire Police staff who will contact a first aider. The first aider will offer first aid and contact the emergency services, if required. All accidents will be logged and a copy kept at reception.