



## Conditions of Entry - Police Misconduct Hearings in Public

### **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.

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

### **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 officers to account for their actions.

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 West Midlands Police Professional Standards Department website.

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 concerned
- ii. Alleged conduct of the officer
- 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

### **Panel Composition**

Misconduct hearings are conducted by a panel of three people. They are chaired by an Independent Legally qualified Chair, who has been selected from an approved list held by the Office of the Police and Crime Commissioner. The Independent Chair will be joined by a police officer of at least superintendent rank, who has 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. Special Case Hearings are chaired and determined solely by the Chief Constable.

### **Public and Press Access**

Any member of the public or press wishing to attend a misconduct hearing may do so at their own expense but, due to limitations on space, seats will be allocated on a first come first served basis. Accredited press will be allocated up to 3 seats in order to serve the wider public interest. The total number of seats available may vary however Misconduct Hearings will be held at the following venue unless otherwise stated;

Sheldon Court  
Wagon Lane  
Birmingham  
B26 3DU

Directions will be published on the West Midlands Police Professional standards Department website. On arrival at Sheldon Court please report to reception and you will be given details of the hearing room and the relevant floor to proceed to. West Midlands Police aims to provide access to everyone who attends a hearing. Where all seats are taken the panel Chair may allow standing so long as there is no adverse interference with the proceedings.

Any alteration to this venue will be published on the West Midlands Police Professional standards Department website not less than 5 working days prior to the hearing on case by case basis.

### **Search Regime**

As a strict condition of entry, all members of the public and press together with any bags will be subject to a security search as a condition of entry. Please do not bring any large bags with you. Sharp objects or blades will not be permitted. West Midlands Police will retain the authority to seize any article found during a search which may cause harm to any person. Upon completion of the search process you will be permitted access to the hearing room.

If at any time you wish to leave the hearing room you may do so but you will be asked to submit to a further search in order to re-enter the hearing room.

### **Conduct within the Hearing room**

Members of the public and press will be directed, whilst in attendance at the hearing, by West Midlands Police staff. 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 Midlands 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 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.

During the course of the proceedings, the Panel Chair may provide brief explanations about the procedure to be followed. If the Panel Chair decides that the evidence to be given by a witness or any other person should not be disclosed in public, you may be asked to leave the hearing room. Once this evidence has been given, you will be permitted access once again.

If anyone behaves in a disorderly or abusive manner or otherwise acts inappropriately in the view of the Chair, then a member of West Midlands Police staff may exclude them from the remainder of the hearing. Should anyone breach these conditions of entry and they will be asked to leave and escorted from the premises.

### **Mobile Phones**

Mobile phones and other devices can be retained but must be switched off during the hearing.

## **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 not allowed within the hearing rooms, the surrounding vicinity and anywhere else within the building. Failure to comply with this requirement will result in you being directed to leave and escorted off the premises.

## **Start times**

Hearing session times can be found on the West Midlands Police Professional Standards Department website which will stipulate times of individual hearings. Members of the public and press are advised to check the West Midlands Police website the evening before to confirm daily start times. You are requested to arrive at the hearing venue no later than 15 minutes prior to the published start time of the hearing. This will allow time for individuals to be searched and seated in the hearing room.

## **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, you will be directed to a waiting area by West Midlands Police staff.

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. You will be expected to return back to a pre-designated area 15 minutes prior to recommencement of proceedings. You will be subject to a further search at this point. Once the hearing has concluded you will be expected to leave the building.

## **Refreshments**

Members of the public will be expected to make their own arrangements for lunch and refreshments. Facilities at the venue are available for use by the public.

## **Smoking**

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

## **Disabled access**

A hearing loop facility is provided. 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 on site.

## **Parking**

There are no car parking facilities at the venue.

## **Toilets**

There are toilet facilities. Disabled toilets are also provided.

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

You will be given a safety briefing prior to the start of the hearing and if the hearing is in progress for more than one day, at the start of each new day.

## **Accidents and Near Misses**

If you have an accident in the building, please tell a member of West Midlands 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 may be kept by West Midlands Police and the venue provider.

For further information on Police Misconduct Hearings in public, including forthcoming hearings and outcomes from previous hearings please visit:

[West Midlands Police - Keeping you safe](#)



Serving our communities, protecting them from harm  
[www.west-midlands.police.uk](http://www.west-midlands.police.uk)

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