



Hearings protocol

DECEMBER 2019

UNDERCOVER
POLICING
INQUIRY



Introduction

The purpose of this hearings protocol is to set out key elements of the process that the Inquiry intends to adopt to the conduct of its open evidence hearings. This will enable those participating in or engaging with the hearings to understand what to expect from the Inquiry during these elements of its investigations.

The Chairman issued a consultation on various matters contained in this document, and then sought further views from stakeholders on a second set of issues, before finalising its position.

For more detailed descriptions and explanations of the contents of this protocol, please refer to:

- [The Public Consultation on the approach to the Administration of Evidence Hearings](#) (August 2018);
- [Chairman's statement on the conduct of evidence hearings](#) (December 2018);
- [Chairman's further statement on the conduct of evidence hearings](#) (October 2019);
- [Chairman's statement to accompany the hearings protocol](#) (December 2019).

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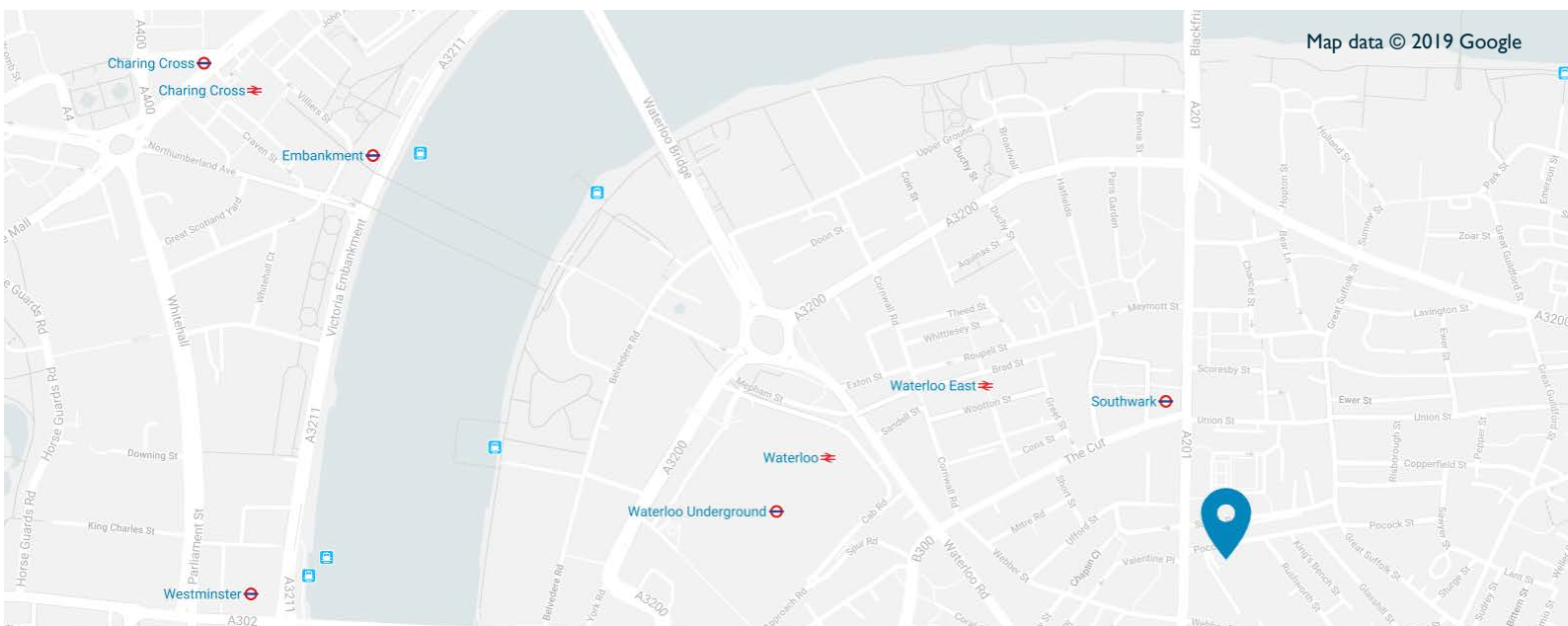
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Venue and facilities

LOCATION

The open hearings will take place at [18 Pocock St, London, SE1 0BW](#). This is the hearings venue used by the Independent Inquiry into Child Sexual Abuse. Its hearings will not be affected.



The Pocock Street venue provides the following:

- Capacity for up to 16 legal teams in the hearing room;
- Seating for up to 60 members of the public in the hearing room;
- Additional capacity for up to 40 members of the public and media in the adjoining overflow room serviced by a live-link transmission of proceedings (with a short time delay);
- Rooms for witnesses to meet their legal teams and for private consultation;
- A small room set aside for the media;
- Access and facilities for those with mobility issues;
- Publicly available Wi-Fi throughout the venue.

ATTENDING OPEN HEARINGS

Members of the public or the media who wish to attend hearings will need to register their interest for the days they would like to attend via the Inquiry website.

Registering provides the Inquiry with an indication of the level of interest in each hearing and allows us to make necessary arrangements to cater for this. However, registration will not guarantee entry.

On days of high demand, members of the public may be turned away if capacity is reached.

FACILITIES FOR ATTENDEES

If you are attending hearings, please raise any questions about facilities directly with the Inquiry Legal team through your recognised legal representative (RLR).

If you do not have an RLR, please email info@ucpi.org.uk.

Specific requests should be raised in advance but will — if necessary and possible — be dealt with informally on the day.

FACILITIES FOR WITNESSES GIVING LIVE EVIDENCE

Before each tranche, the Inquiry will publish a list of the witnesses from whom it expects to receive live and/or written open evidence.

In the normal course of events a witness called to give evidence at open hearings will be expected to provide their evidence in public, in full view of those attending the hearing. If you are a witness and would like to ask that special measures be applied to the way you give evidence, your representative or you should submit a written application at least four weeks before you are due to give evidence.

Examples of the type of special measures which the Chairman may consider using include arranging:

- Screening of a witness, to restrict those who can see them whilst they provide their evidence;
- Voice modulation of a witness during their

- evidence, to disguise their voice;
- Permission for the witness to give evidence before a limited audience only ('a private hearing');
- A witness giving evidence via television link;
- Counselling for a witness being provided either before or immediately after giving evidence;

- A familiarisation visit to the hearing venue in advance of the witness's hearing date.

The application should set out the basis on which it is made, any supporting evidence, and full details of the 'special measures' required. With good reason, late requests will be entertained and considered on a case-specific basis.



Communication and publishing evidence

LIVE STREAMING AND VIDEO FOOTAGE

Video footage of the opening and closing submissions will be published on the Inquiry website following each of those hearing days. There will be no live streaming for the reasons set out in the [Chairman's statement on the conduct of evidence hearings](#).

AUDIO RECORDINGS

An audio recording of open proceedings will be made. It will provide a permanent record of the proceedings and the basis for the production of a transcript.

It is the intention of the Inquiry to upload such parts of the audio recording onto its website as can safely be broadcast. This will require it to be checked beforehand to ensure that it contains nothing which would infringe or undermine a restriction order. The Inquiry will seek advice on

the practicability of broadcasting oral evidence given by a witness without the use of voice modulation techniques in such a manner as to protect the identity of the witness where a relevant restriction order is in place.

HAND-HELD COMMUNICATION DEVICES

There will be no restrictions on bringing hand-held communication devices into the hearing room or any overflow room during the public hearings for purposes of social media reporting.

A time delay of five minutes will be imposed between any words being spoken or information being given in the hearing room and any communication or publication of those words or information using Twitter, other social media, or any other form of communication. Breach of this

order may be subject to proceedings for contempt of court.

A more restrictive approach to the use of these devices will immediately be imposed if the terms of this order are breached.

TRANSCRIPTS AND EVIDENCE

Following each open hearing, the Inquiry will publish a transcript of the day on the Inquiry website. It is anticipated that the transcript will contain links to each document referred to during the course of the day's evidence.

Once the hearings for a particular tranche have finished, the Inquiry will publish on its website all publicly available evidence considered as part of that tranche – even if it is not expressly referred to during the hearings.

Documents of secondary importance related to undercover officers who are not called to give oral evidence will be summarised for the purpose of the evidence hearings, rather than redacted versions of the full documents being used and disclosed. This is to save time and unnecessary expenditure of effort. The summaries will be published either when referred to during the

course of evidence, or at the end of the tranche (as set out above).

The Inquiry will still release a redacted version of the officer's witness statement, and will provide non-police, non-state core participants and civilian witnesses with copies of intelligence reports in which they are named or referred to.

EVIDENCE FOR HEARINGS

Hearings bundles will be made available to core participants with a direct interest in a particular tranche.

As confirmed in the [Eighth Update Note](#), the Inquiry is conducting its investigations chronologically, and dividing the work into tranches.

For each tranche, the Inquiry will prepare a hearing bundle once it has:

1. Concluded its investigation of each officer;
2. Received evidence from the officer (where this can be obtained);
3. Gathered relevant evidence for disclosure to civilian witnesses;
4. Received evidence from necessary civilian witnesses;

5. Applied all necessary restrictions to the evidence necessary prior to publication.

Hearing bundles will be provided electronically and will be subject to a restriction order which will limit onward transmission of the evidence or information contained in the bundle, pending final publication of the same. The purpose of this is to preserve the integrity of the evidence hearings.

Some evidence, of a generic nature, may be

published on the Inquiry website in advance of the hearing, to provide the general context for the hearings to those observing them.

As previously confirmed, it is intended that the evidence contained within the hearings bundle will be published on the Inquiry website either when referred to in live evidence (in which case it will be linked in the public transcript of the day's evidence), or at the end of the open evidence hearings for the tranche.



Statements and questioning

OPENING STATEMENTS

All core participants are entitled, through their legal representative, or personally if they are unrepresented, to make an opening statement at the start of the first oral hearing.

As noted above, the Inquiry will only provide the documents relevant to each tranche to those with a direct interest in that tranche before the hearings take place. Therefore, it is likely that opening statements will principally address general issues. Short tranche specific opening submissions may be made for tranches 1 to 4 and 6 inclusive. The position in relation to tranche 5 will be

reviewed when the manner in which this tranche is to be dealt with is determined.

No later than four weeks before the first day of the hearing, the Inquiry will publish a timetable for the forthcoming hearing, indicating the window within which opening statements and submissions may be made and the timetable for these.

QUESTIONING OF WITNESSES

The general position is that the questioning of witnesses will be conducted by the counsel to the Inquiry or by the Chairman.

Recognised Legal Representatives of core participants and, where they are not represented, core participants themselves, will have the opportunity to propose questions or areas of questioning. Proposals must be made at least one week before the day on which the relevant witness is scheduled to give evidence. With good reason, late requests will be entertained and considered on a case-specific basis. The Inquiry will have published a list of witnesses at least four weeks in advance of the start of each hearing.

In certain cases where there is a significant dispute of fact between the individual(s) represented by the Recognised Legal Representative and the witness, direct questioning by the Recognised Legal Representative after Counsel to the Inquiry may be permitted. Requests for direct questioning, with details of the questions or areas of questioning, must be made at least one week before the day on which the witness is scheduled to give evidence. Where direct questioning is permitted, the person on whose behalf the

questions are asked will be expected to be willing to give evidence themselves. If they are not, direct questioning on their behalf will not be permitted.

When a core participant is giving evidence or when evidence directly affecting that core participant is given, they are entitled to have their legal representative present when that evidence is heard.



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