# 4

## 第四章
## Chapter 4

# 真實投訴個案
# Complaint Cases


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## 個案一 Case 1

| 指控 Allegation | 被投訴人 Complainee | 投訴警察課原來分類 Original Classification by CAPO | 最後分類 Final Classification |
|---|---|---|---|
| 疏忽職守 Neglect of Duty | 偵緝總督察 Detective Chief Inspector | 無法證實 Unsubstantiated | 獲證明屬實 Substantiated |

### 個案重點

此個案反映監警會以仔細、公平的態度來衡量投訴個案中所有的資料和證據。

投訴人在警方一宗「詐騙」案作為證人以協助調查，期間提供一份書面供詞予警方。然而在警方要求投訴人進一步提供協助時，投訴人未有合作，警方因此沒有參閱投訴人提供的書面證供，便終止調查該宗案件。投訴人得悉後，認為警方終止調查的決定屬疏忽行為並作出投訴。投訴警察課調查後把指控（指控：[疏忽職守]）分類為「無法證實」，惟監警會在審閱有關文件時，並不認同警方在未有考慮投訴人書面證供的情況下終止案件調查的決定，經監警會質詢後，投訴警察課把指控重新分類為「獲證明屬實」。

### 個案背景

投訴人任職公司的一名董事就一宗「詐騙」案報警，指有數名前僱員偽造出勤及薪金紀錄。警方在初步調查時，一名警員為投訴人錄取證供。其後警方知悉案件已交由勞資審裁處處理，而投訴人沒有提供資料支持他的供詞，故終止初步調查該宗案件。其後投訴人提供一篇14頁的書面供詞，要求警方重新調查案件。警方於是安排與投訴人會面以獲取更多資料，但會面未能成功安排，退而由刑事調查隊提出問題，投訴人只需將回覆傳真予警方。投訴人在接近兩個月後才回覆，惟在此之前偵緝總督察基於未有收到證人的正式證供而下令終止調查。投訴人得悉警方再次終止

### Highlights of the Case

This case illustrates the IPCC's analytical and equitable approach in the assessment of available information and evidence in a complaint case.

The complainant was a witness to a "Deception" case reported by his company director. In assisting the enquiry, the complainant elected to provide a self-prepared written statement to the Police. However, the complainant was reluctant to assist in the subsequent police enquiry despite being contacted by the Police and invited to do so. Therefore the Police curtailed the case without taking into consideration the information contained in the self-prepared written statement submitted by the complainant, who therefore alleged that the Police were negligent in curtailing the crime case investigation without justification. After investigation, CAPO classified the allegation (Allegation: [Neglect of Duty]) as "Unsubstantiated". However, the IPCC queried the classification, as it was clear from documentary records that the Police had not considered the information contained in the complainant's self-prepared written statement prior to curtail the crime case. In response to the IPCC's query, CAPO reclassified the allegation as "Substantiated".

### Case Background

A director of the complainant's company submitted a "Deception" report to the Police, alleging that some former employees of the company had falsified their attendance records and salary payments. During the initial police investigation, a witness statement was taken from the complainant by a Police Constable. Nonetheless, as the police enquiry revealed that the case had been taken to the Labour Tribunal, and that the complainant had failed to provide supplementary documentary evidence to support his report, the initial investigation was subsequently curtailed. The complainant, in requesting a case review, provided the Police with further information in the form of a 14-page self-prepared statement. The Police then attempted to make

調查該案件後，隨即去信警方解釋延誤回覆的原因，然而偵緝總督察維持終止調查的決定。

投訴人遂投訴該名偵緝總督察，指控他無理終止案件調查（指控：[疏忽職守]）。

## 投訴警察課的調查

經調查後，投訴警察課認為投訴人沒有在合理的時間內回覆警方的提問，警方終止調查是公平和合理的決定，故把指控分類為「無法證實」。

## 監警會的觀察

監警會對投訴警察課的見解並不認同，在審閱投訴人較早前提交的書面證供後，認為該證供已給予警方充足的資料作進一步的調查，所以偵緝總督察應該就投訴人的書面證供繼續跟進案件，而非因投訴人所提供的供詞，未有沿用警方特定的口供表格(POL 154)而終止調查。

投訴警察課認同監警會的見解，重新把指控分類為「獲證明屬實」。鑑於該偵緝總督察服務警隊多年且具資歷，今次的疏忽屬調查延誤，所以對他作出警告，但毋須記入分區報告檔案內。

監警會通過這宗個案的調查結果。與此同時，投訴警察課通知監警會警方正就投訴人所提供的補充資料，繼續調查該宗案件。

arrangements to take a further statement from him, but were unable to secure an appointment. The Police eventually abandoned their request for a formal interview and asked the complainant to provide written answers to questions raised by the investigation team, and to submit the written answers by fax. It took the complainant almost two months to submit his written answers, and before the answers reached the investigation team, a Detective Chief Inspector (DCIP) directed that the enquiry be curtailed on the grounds that a formal witness statement had not been forthcoming. Learning that the case had again been curtailed, the complainant wrote to the Police explaining the reason for the delay. The DCIP, however, maintained his decision of curtailing the case.

The complainant then lodged a complaint alleging that the DCIP had curtailed the case enquiry without justification (Allegation: [Neglect of Duty]).

## CAPO's Investigation

After investigation, CAPO took the view that the curtailment was fair and reasonable as the complainant had not responded to the police enquiry in a timely manner, and thus classified this allegation as "Unsubstantiated".

## The IPCC's Observation

Nevertheless, the IPCC disagreed with CAPO's finding. It noted that the complainant had already provided the Police with sufficient information by way of self-prepared statements. Having read the statements, the IPCC was of the view that the statements contained sufficient information for the Police to have developed new lines of enquiry. Therefore, the DCIP should have initiated further investigative action and should not have curtailed the crime case investigation simply because the information supplied by the complainant was not in the prescribed format of a witness statement (POL 154).

CAPO subscribed to the IPCC's view and changed the classification to "Substantiated". Concerning the action to be taken against the DCIP, since the consequence of his negligence was the failure to investigate the crime case reported by the complainant in a timely manner, and in view of his long service and seniority in the Police Force, it was considered appropriate to warn the DCIP without a Divisional Record File (DRF) entry.

The IPCC endorsed CAPO's findings in this case. On a separate note, CAPO informed the IPCC that the crime case review, on the basis of further information supplied by the complainant, was ongoing.

# 個案二 Case 2

| 指控 Allegation | 被投訴人 Complainee | 投訴警察課原來分類 Original Classification by CAPO | 最後分類 Final Classification |
|---|---|---|---|
| 疏忽職守 Neglect of Duty | 一名督察 An Inspector | 並無過錯 No Fault | 無法完全證明屬實 Not Fully Substantiated |

## 個案重點

此個案說明監警會和投訴警察課如何公平有效地調查投訴。雖然投訴警察課未能找到個案中的投訴人提供協助，監警會和投訴警察課仍盡量就有關的資料，為投訴指控作出明確合適的分類。

投訴人因「毆打」及「企圖行劫」被警方拘捕及保留起訴。投訴人於是作出投訴，指控警方在未有調查清楚前作出起訴（指控：[疏忽職守]）。在徵詢法律意見後，投訴人獲警方無條件釋放，而投訴人的所有控罪獲撤銷後，投訴警察課無法再聯絡到投訴人，以提供資料調查有關的投訴個案，投訴警察課於是把指控分類為「並無過錯」。經監警會的質詢及工作層面會議的討論後，投訴警察課同意把指控分類改為「無法完全證明屬實」。

## 個案背景

一名男子（受害人）指稱於公廁內被投訴人毆打，警方基於受害人和另外一名證人的證供，以「毆打」及「企圖行劫」拘捕投訴人。由於投訴人在案件中亦告受傷，警方遂安排投訴人入住醫院羈留病房兩日接受治療。

案件由一名警員及一名督察負責調查，該名警員為受害人和另外兩名當時在場的證人錄取證供外，亦為投訴人錄取警誡供詞。投訴人堅稱自己沒有毆打他人或企圖

## Highlights of the Case

This case demonstrates the effectiveness and impartiality of the case examination process adopted by both the IPCC and CAPO. It also shows that both the IPCC and CAPO are mindful of achieving a definitive finding on allegations whenever practicable, even if the complainant is unreachable and fails to provide assistance in CAPO's investigation.

The complainant was arrested by the Police in relation to a case of "Assault" and "Attempted Robbery" and was hold-charged by the Police. The complainant alleged that, among other things, the Police had failed to investigate the case thoroughly before charging him (Allegation: [Neglect of Duty]). However, the complainant was released unconditionally after legal advice was sought. Subsequently, the complainant disappeared and provided no further assistance in CAPO's investigation after the prosecution dropped all charges against him. CAPO initially classified the allegation as "No Fault". Following the IPCC's queries and further discussion at a working level meeting, CAPO reclassified the allegation as "Not Fully Substantiated".

## Case Background

A man (the victim) reported that he had been assaulted by the complainant inside a public toilet. Based on the evidence provided by the victim and one witness, police arrested the complainant on suspicion of "Assault" and "Attempted Robbery". The complainant was detained and medically treated in the custodial ward of a hospital for two days, as he had sustained physical injuries in the incident.

The crime case was investigated by a Police Constable (PC) and an Inspector (IP). The PC took statements from the victim and located two additional witnesses who had been at the scene. The PC also took a cautioned statement from the complainant, who denied the offenses of assault and attempted robbery but did not provide any information to

行劫，但未有解釋當時身處現場的原因。該名督察因此以「普通襲擊」和「意圖盜竊」兩項控罪起訴及拘留投訴人，並等待進一步調查及法律諮詢。

投訴人感到不滿並作出投訴，當中包括投訴該名督察在未有仔細調查案件便提出起訴（指控：[疏忽職守]）。該名督察在調查後徵詢律政司的法律意見，律政司建議不對投訴人提出起訴，投訴人因此獲無條件釋放。

## 投訴警察課的調查

投訴警察課認為該名督察在調查過程中的行動適當，亦有考慮到現有的證據，並曾聯絡法庭檢控主任討論案情。因此投訴警察課把指控分類為「並無過錯」。

## 監警會的觀察

監警會在審視檔案資料時，發現受害人和一名證人的證供存在很大的分歧，該名證人在事發時路過現場，目睹案件發生並致電報警，但在警方到場前已經離開。其後警員聯絡該名證人並錄取口供，證人表示當時目睹投訴人在公廁外被三男一女毆打。此外，監警會亦留意到負責警員的記事簿紀錄，顯示需入院兩日接受治療的投訴人，傷勢比沒有表面傷痕的受害人明顯嚴重。同時，記事簿載有投訴人表示被人毆打和失去銀包的記錄，其後因投訴人在錄取警誡供詞時未有提及，警方因此未有作出跟進。

經監警會的質詢及工作層面會議的討論後，投訴警察課指出偵緝警員不時遇上類似的情況，由於投訴人在錄取警誡供詞時未有為自己辯護，該名督察難以作出判斷。最後投訴警察課同意監警會的見解，認為證據足以支持但未能完全證實投訴人的指控，把指控由「並無過錯」重新分類為「無法完全證明屬實」。該名督察需要接受警告，但毋須記入的分區報告檔案內。

監警會通過這宗個案的調查結果。

account for his presence at the scene. The IP then charged the complainant with "Common Assault" and "Attempted Robbery" and held him in custody pending further enquiry and legal advice.

Feeling aggrieved, the complainant lodged an instant complaint (Allegation: [Neglect of Duty]). Among other allegations, the complainant alleged that the IP had failed to investigate the case thoroughly before charging him. Upon completion of the investigation, the IP sought legal advice from the Department of Justice, which recommended that the Police not proceed with the charges. As a result the complainant was released unconditionally.

## CAPO's Investigation

CAPO classified the allegation as "No Fault" on the grounds that the IP's actions had been necessary to the investigation and were consistent with the available evidence. CAPO also took into consideration that the IP had liaised with and communicated with the Court Prosecutor with respect to the details of the case.

## The IPCC's Observations

The IPCC's examination of the crime file revealed that the evidence given by the victim and that provided by one of the witnesses (the witness) were significantly different. The witness was a passer-by who reported to the Police by making a telephone call after she saw the incident, but had left the scene by the time the Police arrived. She was subsequently approached by the PC and provided a statement, in which she said she had seen the complainant being assaulted by three males and one female outside the toilet. The IPCC further noted, from the notebook record of the arresting officer and the fact that the complainant was hospitalised for two days for medical treatment after his arrest, that the complainant's injuries were obviously more serious than those of the victim, who suffered no superficial injury. The arresting officer's notebook entry also showed that the complainant had briefly mentioned that he had been assaulted and that his wallet was missing, albeit the complainant had not raised these matters when subsequently interviewed under caution. As a result, his earlier claim of being assaulted and the matter of the missing wallet were not further pursued.

Following the IPCC queries and the discussion at a working level meeting, while CAPO further explained that it was not uncommon for police detectives to face similar situations and that the decision of the IP was made extremely difficult as the complainant did not attempt to vindicate himself under caution, it was eventually agreed that the above observations by the IPCC constituted reliable evidence in support of the complainant's allegation, albeit not to the extent of fully substantiating the allegation. CAPO therefore reclassified the allegation from "No Fault" to "Not Fully Substantiated". The IP was warned without a DRF entry.

The IPCC endorsed CAPO's findings.

# 個案三 Case 3

| 指控 Allegation | 被投訴人 Complainee | 投訴警察課原來分類 Original Classification by CAPO | 最後分類 Final Classification |
|---|---|---|---|
| 1) 疏忽職守 Neglect of Duty | 一名警員 A Police Constable | 投訴撤回 Withdrawn | 投訴撤回 Withdrawn |
| 2) 疏忽職守 Neglect of Duty | | 無 Nil | 未經舉報但證明屬實 Substantiated Other Than Reported |

## 個案重點

此個案的投訴人雖然撤銷投訴，惟監警會繼續審視投訴個案，反映會方鍥而不捨地尋找指控分類的明確結論。

在一個清晨，正在踏單車的13歲投訴人遭一名警員截查，並被質問該單車的來歷。投訴人未能解答，隨後承認偷竊該單車。警員於是在投訴人的父母不在場的情況下警誡投訴人。投訴人其後聲稱警員誤導他認罪（指控1：[疏忽職守]），但最終撤回投訴，投訴警察課把指控分類為「投訴撤回」。監警會審視個案後向投訴警察課作出質詢，認為警員未有按照現有的指引警誡投訴人，建議投訴警察課加入一項「未經舉報但證明屬實」的「疏忽職守」指控（指控2：[疏忽職守]）。

## 個案背景

事發時，13歲的投訴人和一位17歲朋友於清晨在街上踏單車時遭兩名警員截查，投訴人未能解釋單車的來歷，及後承認兩日前偷竊該單車，其中一名警員於是對他作出警誡及以「偷竊」罪名拘捕投訴人，並要求投訴人提供偷單車的位置。其後投訴人被帶到警署，同時警方亦要求投訴人父親到警署。

在警署內，該名警員在記事簿內寫上投訴人較早前認罪的記錄，並在投訴人的父親到達警署後，要求父子二人在警誡供詞上簽署確認，二人相應簽署。

## Highlights of the Case

This case illustrates the meticulous approach taken by the IPCC in seeking a definitive finding in a complaint case, notwithstanding the fact that the complainant had withdrawn the complaint.

The complainant, aged 13, was stopped and questioned by a Police Constable (PC) in the early hours of the morning when he was found riding a bicycle on the street. As the complainant had failed to explain how he had come by the bicycle, the PC, in the absence of the complainant's parents, cautioned the complainant, who admitted he had stolen the bicycle. The complainant later alleged that the PC had misled him to get him to admit the offence, but eventually withdrew the complaint (Allegation 1: [Neglect of Duty]). CAPO therefore classified the allegation as "Withdrawn". Following the IPCC's queries, CAPO registered a "Substantiated Other Than Reported" (SOTR) count of "Neglect of Duty" for the PC's failure to caution the complainant in accordance with established guidelines (Allegation 2: [Neglect of Duty]).

## Case Background

In the early hours of the day in question, the complainant (aged 13) and his friend (aged 17) were riding bicycles on the street. They were intercepted by two Police Constables. Since the complainant failed to explain how he had come by the bicycle, one of the Police Constables (the PC) cautioned the complainant, who admitted that he had stolen the bicycle two days earlier. The PC then arrested the complainant for "Theft" and asked the complainant to lead him to the location where he had stolen the bicycle. The complainant was later taken to the police station, where his father was contacted and requested to go to the police station.

At the police station, the PC made a notebook entry of the complainant's earlier confession. Upon the arrival of the complainant's father, the PC invited the complainant and his father to sign the cautioned statement in his notebook. The complainant and his father did accordingly.

在法庭審訊時，投訴人的辯護律師對投訴人認罪的自願性及警員記事簿的紀錄提出質疑，裁判官鑒於投訴人在父母均不在現場時被警誡，因而違反保安局局長頒佈的「查問疑犯及錄取口供的規則及指示」(「規則及指示」)，故裁定投訴人的認罪不成立。投訴人並指控警員誤導他認罪(指控1：[疏忽職守])。

## 投訴警察課的調查

由於該宗偷竊案件已交由投訴人的律師處理，投訴人其後撤銷投訴。投訴警察課遂把指控分類為「投訴撤回」。

## 監警會的觀察

根據法庭裁定，警員在投訴人父母不在場的情況下查問投訴人的行為違反「規則及指示」，監警會認為有足夠證據證明警員未有遵守有關指引，故建議投訴警察課對警員加入一項「未經舉報但證明屬實」的「疏忽職守」指控(指控2：[疏忽職守])。

投訴警察課接受警員解釋，指當時懷疑投訴人及其17歲朋友的單車來歷，如只查問該名17歲的朋友，會延誤對投訴人的查詢，以至無法了解整件案件的真相及評估罪行的嚴重性。惟監警會留意到該名警員當時只是合理懷疑投訴人，而非投訴人犯案而當場被捕，故沒有即時查詢的必要，亦沒有證據顯示延遲查問會可能妨礙執法。警員因此不應在投訴人父母不在場時查問及警誡投訴人。

經監警會質詢後，投訴警察課同意加入一項「未經舉報但證明屬實」的「疏忽職守」指控。警員在投訴人未有家長陪同下作出警誡，違反《警察程序手冊》第21-35條及「規則及指示」第5條指示。警員需被警告但毋須記入分區報告檔案內。

監警會通過這宗個案的調查結果。

為提高警隊的專業服務質素及預防發生同類違規事情，投訴警察課於《醒目警察小貼士》中載列有關資訊，提醒前線警務人員處理16歲以下疑犯合規的方法和程序。

During the court trial, the defense counsel representing the complainant challenged the voluntariness of the complainant's confession, as recorded in the PC's notebook. The Magistrate ruled the complainant's confession under caution inadmissible, since the questioning of the complainant in the absence of his parent violated the guidelines in the "Rules and Directions for the Questioning of Suspects and the Taking of Statements" (R&D) issued by the Secretary for Security. The complainant lodged a complaint against the PC for misleading him to admit the offence (Allegation 1: [Neglect of Duty]).

## CAPO's Investigation

The complainant withdrew the complaint since the theft case was handled by his solicitor. CAPO classified the allegation as "Withdrawn".

## The IPCC's Observation

Given the court's ruling that the PC's questioning of the complainant without the presence of a parent violated the R&D, there was cogent evidence that the PC had been negligent in failing to comply with the relevant guidelines. The IPCC considered that CAPO should register an SOTR count of "Neglect of Duty" against the PC (Allegation 2: [Neglect of Duty]).

CAPO commented that the complainant had been intercepted together with a 17-year-old friend, who was also riding a stolen bicycle. If the PC had only conducted his enquiry with the 17-year-old suspect without questioning the complainant, this would have delayed the enquiry with the complainant and the PC might not have been able to obtain the full picture and assess the seriousness of the criminal acts committed by the complainant and his friend. The IPCC observed that the complainant was not arrested during the commission of an offence and it was not necessary for the Police to interview him immediately. Most importantly, there was no evidence to suggest that a delay in interviewing the complainant would have caused undue hindrance to the furtherance of justice. Therefore, the PC should not have interviewed the complainant by questioning him under caution immediately at the scene without the presence of the complainant's parent.

After the IPCC's queries, CAPO agreed to register one SOTR count of "Neglect of Duty" against the PC for questioning the complainant under caution at the scene without the presence of the complainant's parent, in contravention of Force Procedures Manual 21-35 and Direction 5 of the R&D. The PC was warned without a DRF entry.

The IPCC endorsed CAPO's findings in this case.

With a view to enhancing professionalism and preventing a recurrence of this mistake, CAPO issued an item in its "Tips for Smart Cops" to remind front-line officers of the procedures in the treatment and handling of suspects under 16.

# 個案四 Case 4

| 指控 Allegation | 被投訴人 Complainee(s) | 投訴警察課原來分類 Original Classification(s) by CAPO | 最後分類 Final Classification(s) |
|---|---|---|---|
| 1) 疏忽職守 Neglect of Duty | 兩名警員 Two Police Constables | 獲證明屬實 Substantiated | 獲證明屬實 Substantiated |
| 2) 疏忽職守 Neglect of Duty | 兩名警長 Two Sergeants | 無 Nil | 未經舉報但證明屬實 Substantiated Other Than Reported |

## 個案重點

此個案顯示監警會如何全面審視投訴個案及其他相關警員的責任。

兩名投訴人分別是兩間食肆的負責人，遭兩名警員發出阻塞街道的傳票。由於傳票上該食肆被錯誤地列為有限公司，投訴人於是投訴警員未有妥善處理傳票。投訴警察課經調查後，把對兩名警員的指控分類為「獲證明屬實」。其後，投訴警察課接納監警會的建議，認為兩名警員的上司有責任核實警員提供的文件內容，故亦需要為事件負責。

## 個案背景

「X」麵店有兩間分店，分別由兩名投訴人負責。事發當日，兩名警員對兩間麵店分別發出阻塞街道傳票。在未清楚「X」是否有限公司的情況下，兩名警員均在傳票上把它列為有限公司，並把傳票申請遞給上司核實和發出。

投訴人收到了傳票後到裁判法院認罪。由於「X」是否有限公司是爭議點，案件被暫停審訊，等候警方澄清。經查證「X」並非有限公司後，兩名警員向投訴人重新發出傳票，兩名投訴人認罪並繳交罰款。投訴

## Highlights of the Case

This case demonstrates the IPCC's holistic approach in considering the liability of officers under complaint.

The complainants were persons-in-charge of two outlets of a restaurant. Two Police Constables (PCs) issued summonses to these two outlets for obstructing the street. In the summonses, the outlet was wrongly identified as a limited company. The complainants alleged that the PCs had failed to handle the summonses appropriately. After investigation, CAPO classified the allegation against the two PCs who had issued the summonses as "Substantiated". Upon the IPCC's query, CAPO agreed that the supervisors of the PCs were also responsible for the mistakes as they were duty-bound to check the contents of the documents prepared by the PCs.

## Case Background

The noodle restaurant called "X" has two outlets; the persons-in-charge of the two outlets were the two complainants respectively. On the day in question, two PCs issued a summons to each of the two outlets for obstructing the street. Although both PCs were unsure whether X was a limited company, they named "X" as a "limited company" on the summons application forms and submitted the forms to their supervisors to check and issue the summonses.

The complainants received the summonses and went to the Magistrates Court to enter their pleas. Since the type of defendant (i.e. whether "X" was a limited company or not) was in dispute, the case was adjourned for clarification by the Police. Upon clarification, it was confirmed that X was not

人並投訴兩名警員沒有妥當處理傳票(指控1：[疏忽職守])。

## 投訴警察課的調查

投訴警察課調查後證實兩名警員未有核實「X」是否有限公司便發出傳票申請，故把指控分類為「獲證明屬實」。

## 監警會的觀察

監警會留意到在整個處理傳票申請過程中，警員所犯的錯誤至庭上被質詢前一直未被察覺。《警察程序手冊》第48條中列明負責的警務人員需核實傳票申請的內容，然而在這個案中，涉及傳票申請的所有警務人員均沒有履行職責，監警會因此建議投訴警察課識別其他有關的警務人員需為其疏忽負責。

投訴警察課其後確定兩名警長，即被投訴的兩名警員的上司，就未有仔細查核有關傳票申請的資料加上一項「未經舉報但證明屬實」的「疏忽職守」指控(指控2：[疏忽職守])，並向兩名警長作出訓諭，提醒他們在處理傳票申請時需加倍謹慎，但此事毋須記入分區報告檔案內。

監警會通過這宗個案的調查結果。

a limited company. Two fresh summonses were prepared by the PCs and were sent to the complainants, who later pleaded guilty and were fined. The complainants lodged an instant complaint alleging that the PCs had failed to handle the summonses appropriately (Allegation 1: [Neglect of Duty]).

## CAPO's Investigation

After CAPO's investigation, the allegations were found "Substantiated" since the PCs had failed to ascertain the identity of the defendant (i.e. whether "X" was a limited company) when filling in the summons application forms.

## The IPCC's Observations

The IPCC noted that the mistake made by the PCs had not been spotted throughout the application process until it was questioned by the Court. Although it is clearly specified in Force Procedures Manual 48 that it is the duty of individual officer to verify the contents of an application, none of the police officers along the chain had duly discharged their duty to identify the mistakes for rectification before forwarding the summonses to the Court. CAPO was therefore requested to identify all other officers accountable for the oversight.

In reply, CAPO identified two Sergeants (SGTs), the supervisory officers of the PCs, who had failed to check the accuracy of the information in the concerned summonses. An SOTR count of "Neglect of Duty" was registered against the two SGTs (Allegation 2: [Neglect of Duty]). While the two SGTs were advised without DRF entries, the two PCs were also advised to exercise due care and attention when making an application for a summons in future.

The IPCC endorsed CAPO's findings in this case.