

## Press Release

### ***IPCC meticulously examines every complaint case to ensure fairness to both Complainants and police officers involved***

(HONG KONG – 3 April 2019) Independent Police Complaints Council (IPCC) published its twenty-fifth issue of *IPCC Newsletter* today. Themed “IPCC meticulously examines every complaint case to ensure fairness to both Complainants and police officers involved”, the cover story of this newsletter featured three complaint cases of which two of them involved “Neglect of Duty” and “Misconduct” of the police officers. All related allegations under these two cases were classified as “Substantiated” which resulted in four police officers being subjected to “Disciplinary Review”. In the third case, the allegations were reclassified from “Withdrawn” to “False” after IPCC’s examination. The newsletter also covered a feature article on the “IPCC Youth Day 2019 cum School Programme Logo and Slogan Design Competition Award Presentation Ceremony” held on 10 March which spearheaded a number of events for celebrating the 10<sup>th</sup> Anniversary of the IPCC since it becomes an independent statutory body. In addition, the newsletter introduced a series of stakeholders’ engagement activities held recently. Miss Lisa Lau Man-man, BBS, MH, JP (Chairman of Publicity and Survey Committee (PSC)), accompanied by Mr Daniel Mui (Deputy Secretary-General, Operations), hosted the press briefing.

#### Cover Story: Case One

	Allegation(s)	Complainee(s)	Original classification(s) by CAPO	Final classification(s)
1.	Neglect of Duty	1 police officer	Unsubstantiated	Substantiated - Warning with DRF entry
2.	Misconduct	3 police officers	Unsubstantiated	Substantiated - Disciplinary Review

The salesperson of a clothing store called the police for assistance as the salesperson suspected that the Complainant (COM) attempted to swap for genuine branded clothes fraudulently from the store by using counterfeit clothes and those which were not eligible for exchange. The Police attended the store and arrested COM for “Deception”. During the trial, COM pleaded not guilty and raised allegations concerning the improprieties of the police

officers' handling of the case by presenting two audio clips recorded by COM and COM's father respectively in support of her allegations. Taken into account of the information transpired from the audio recordings, the Prosecution offered no further evidence. The Court dismissed all charges against COM. Thereafter, CAPO resumed the complaint investigation and obtained a statement from COM in which she alleged, among other things, that Complainee 1 (COMEE 1), a police officer, had failed to caution her during the house search [Allegation 1: Neglect of Duty] and that COMEES 2-4, three police officers, had threatened and induced her to admit the offence [Allegation 2: Misconduct].

CAPO initially classified the aforementioned allegations as "Unsubstantiated". In light of the seriousness of the allegations, this case was put under the close scrutiny of IPCC's Serious Complaints Committee (SCC). Upon thorough examination of the two audio recordings, IPCC had no doubt about their authenticity. On Allegation 1, it transpired from the audio recording that it was highly likely that COMEE 1 did not caution COM before asking her about the clothes found in the house search. However, COMEE 1 claimed in his notebook and COM's cautioned statement that he had cautioned COM which in fact he had not. IPCC thus requested CAPO to reclassify the allegation concerned as "Substantiated" and COMEE 1 should be given "Warning with DRF entry" for this serious procedural impropriety. As for Allegation 2, the audio recording revealed that COMEES 2-4 had interrogated COM. COM admitted the offence in the subsequent Video Recorded Interview. COMEES 2-4 had undoubtedly breached the "Rules and Directions for the Questioning of Suspects and the Taking of Statements". IPCC therefore requested CAPO to reclassify Allegation 2 as "Substantiated" and recommended "Disciplinary Review" for COMEES 2-4. After deliberations with CAPO, the above-mentioned recommendations were agreed thus IPCC endorsed the investigation results of the case.

#### Cover Story: Case Two

	Allegation(s)	Complainee(s)	Original classification(s) by CAPO	Final classification(s)
1.	Misconduct	1 police officer	Substantiated	Substantiated - Disciplinary Review

While a Police Constable (Complainee) was conducting traffic enforcement, he spotted the female Complainant (COM) on the street and followed her into a MTR station. The Police Constable intercepted COM and requested to check her HKID card. After collecting her personal details, the Police Constable requested to befriend with COM. Later on that day, COM received calls and WhatsApp messages from the Police Constable, in which he tried to

befriend with her again and seek to date her. COM asked a friend to pretend to be her and chatted with him. She recorded the Police Constable's phone conversations and messages, and posted them on her Facebook that night. COM later lodged a complaint that the Police Constable had inappropriately collected her personal data and contacted her by phone and WhatsApp for private purpose. [Allegation: Misconduct]

After investigation, CAPO was of the view that the independent evidence including CCTV footage, telephone recordings and WhatsApp messages was sufficient to support the allegation. CAPO also noticed that the Police Constable had tried to cover up the matter by giving false statements in the Police internal investigation and tearing a few pages from his police notebook. Therefore, CAPO classified the allegation as "Substantiated". The Police Constable will be subjected to a "Disciplinary Review".

IPCC agreed with CAPO's findings in this case. Miss Lisa Lau Man-man, PSC Chairman, pointed out, "IPCC is concerned that there have been complaints of similar nature despite the current measures to deter police officers from aberrant behavior or conduct which are incompatible with the Police's values. IPCC will follow up the issue with CAPO and continue to explore enhancement of the professionalism and discipline of the police officers."

Cover Story: Case Three

	Allegation(s)	Complainee(s)	Original classification(s) by CAPO	Final classification(s)
1.	Assault	1 police officer	Withdrawn	False
2.	Assault	2 police officers	Withdrawn	False

The Police arrested the Complainant (COM) for "Theft" and "Forgery" and took him back to a police station for an interview under caution. During the trial, COM pleaded not guilty and raised two allegations against the Police, namely: Complainee 1 (COMEE 1), a police officer, had forced him to drink water containing cigarette ash during the cautioned interview [Allegation 1: Assault]; and that the COMEE1 together with several other police officers had hooded, handcuffed and assaulted him inside an interview room [Allegation 2: Assault]. COM eventually was convicted and sentenced to imprisonment, and opted to withdraw his complaint with CAPO after the conclusion of the court case. Under such circumstances, the two allegations were classified initially as "Withdrawn".

IPCC considered that the purpose of lodging the instant complaint by COM was for his line of defence at court with a view to creating doubts to the charges against him. In addition,

the medical report of COM had confirmed that no visible external injury was noticed. Although COM opted to withdraw his complaint, the Court's comment and ruling served as sufficient and reliable evidence to indicate that the allegations made by COM were untrue with ill intention. As such, both allegations should be reclassified as "False" and redressed an injustice to COMEEs. In this case, COM was sternly warned for abusing the complaint procedures.

Miss Lisa Lau Man-man, PSC Chairman, concluded, "In recent years, the handling of complaints against the Police has drawn much public attention due to their growing expectation on the performance standard and conduct of the Force. IPCC has always examined complaint cases based on evidence and in accordance with applicable laws with an aim to reach impartial conclusion for every complaint. The three complaint cases in this newsletter illustrated the meticulous approach adopted by IPCC in examining every complaint to ensure fairness to both Complainants and police officers involved."

The twenty-fifth issue of *IPCC Newsletter* is now available on the IPCC's website at: <http://www.ipcc.gov.hk/en/publications/newsletters/2018.html>.

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**Notes to editor:**

**About the Independent Police Complaints Council**

The Independent Police Complaints Council (IPCC) is an independent body established under the Independent Police Complaints Council Ordinance (IPCCO) (Cap. 604) to observe, monitor and review the handling and investigation of "Reportable Complaints" (RCs) against the Police by the Commissioner of Police (CP). The IPCC has become a statutory body since the commencement of IPCCO on 1 June 2009.