

CHAPTER 13

POLICE IDENTIFICATION DURING THE PUBLIC ORDER EVENTS

Introduction

13.1. Police officers wear personal identification for accountability: both internally as a matter of discipline and externally as a matter of public accountability. This has been part of the Force's commitment to working in partnership with the community. There have been some departures from this policy in relation to work not conducted in the glare of publicity and not under observation by the public, such as covert police operations or in situations where identification would expose the officer(s) to grave personal danger. Examples are operations involving members of the Special Duty Unit (dubbed "Flying Tigers Unit"). These are, of course, special cases. However, with the nature and extent of the Public Order Events (POEs) encountered by the Police since 9 June 2019, the Police have had to make exceptions to normal practice, to deal with what they believed to be exceptional circumstances. These exceptions have inevitably excited public concern and criticism.

13.2. This chapter addresses the issue of identification of police officers in the exercise of their powers during the recent POEs by examining the different perspectives of the public and the Police. The IPCC has taken reference from international practices and measures recently adopted by the Police.

Background

13.3. Public concern was raised soon after POEs broke out on 9 June 2019, when the Police had to contain the situation as front-line protesters began violently attacking police cordons with bricks and a variety of weapons, triggering police response with the use of force. These tactics included the deployment of Special Tactical Contingent (STC). According to the Police, STC has been developed after the Mong Kok Riot in 2016 where a significant number of officers were injured. This Contingent was in tactical gear designed for protection from violent attacks and equipped with batons to fend off attackers, dispersing them with a short sharp tactical move, and effecting arrests where practicable. For its black tactical outfit, STC has been dubbed "Raptors" by the public.

Photo	Incident
 <p data-bbox="513 784 641 813">Image 13-1</p>	<p data-bbox="954 387 1361 461">STC officer performing duty in 2016.</p> <p data-bbox="954 517 1361 768"><i>(source: Sing Tao Daily</i> http://std.stheadline.com/instant/articles/detail/1026695/即時-香港-逃犯條例-指速龍小隊 2016 年制服有編號-民權觀察-警方回應實屬荒謬</p>

13.4. STC did not display their ranks/unique identification (UI) numbers during operations. The Police explained that the tactical outfit did not have space for display of their identification numbers. Meanwhile, complaints came from the public and the press that certain plain-clothes officers had refused to show their warrant cards when requested or questioned, especially during stop and search operations. Police spokesman clarified that such practice should apply only where it was not feasible to show the warrant card. As the public expect police officers to wear identification and it is a well-known police practice (required under Police General Orders) that plain-clothes police officers in the discharge of duty do need to show their warrant cards to identify themselves, this recent departure from normal practice sparked widespread continuing concern and criticism, drawing persistent queries from the media, Legislative Council (LegCo) Members¹ and civil rights organizations².

13.5. As at 29 February 2020, there were 32 Reportable Complaints (RCs) and 89 Notifiable Complaints (NCs) with regard to the display of police identification. They accounted for 5.9% and 8.1% respectively of the total RCs and NCs received. Out of 32 RCs, eight of them involved plain-clothes officers and ten were in connection with STC or officers in anti-riot kits.

Public Sentiment and Expectation of Accountability

13.6. In the eyes of the public, the display of name plates or rank & UI number epaulettes by law enforcement officers is a basic requirement of transparency and accountability. The

1 For instance, the two urgent questions raised at the LegCo meeting on 19 June 2019 included queries on lack of identification of STC at the POE scene on 12 June 2019. At the LegCo meeting of 27 November 2019 alone, issues related to police identification formed the contents of as many as three questions (i.e. questions no. 3, 5 and 10) raised by various Members.

2 Notable examples are Amnesty International and Civil Rights Observers.

public has a right to identify any police officer exercising statutory powers in the course of law enforcement duties. Lack of such information makes it difficult for the public to identify officers and hold them accountable for any misconduct.

Photo	Incident
 <p data-bbox="539 1070 667 1102">Image 13-2</p>	<p data-bbox="999 584 1358 703">STC officer showing his service number on his uniform when performing duty on 9 Jun 2019</p> <p data-bbox="999 763 1358 920">(right) STC officer showing his team number, but not his service number, when performing duty on 12 Jun 2019.</p> <p data-bbox="999 981 1358 1189"><i>(source: Mingpao https://news.mingpao.com/ins/港聞/article/20190619/s00001/1560944306324/)</i></p>

13.7. In this context, allowing officers to operate without displaying proper identification when they interact with the public gives rise to potential mistrust. This undermines confidence in police legitimacy, particularly at a time when the community looks to the Police Force as the bulwark in maintaining law and order.

13.8. In the past months, apart from STC, there were other uniformed officers deployed for anti-riot operations also had their epaulettes undone and ranks/numbers covered from view. This attracted much media attention and public outcry.

Photo	Incident
 <p data-bbox="533 741 662 770">Image 13-3</p>  <p data-bbox="533 1184 662 1214">Image 13-4</p>	<p data-bbox="987 521 1362 725">Media reported that some anti-riot police officers covered their services number on their epaulettes during operation in Shatin on 14 Jul 2019.</p> <p data-bbox="987 786 1362 990"><i>(source: HK01 https://www.hk01.com/ 突發/351848/沙田遊行-直擊軍裝警車尾換防暴衣-部分防暴警無證無號#media_id=3032930)</i></p>

Internal Rules Governing Police Identification

13.9. The Police, in its policies and General Orders, does recognize the public expectation.

Disclosure of Identity to Members of Public Upon Request

13.10. Police General Orders (PGO) Chapter 20-03 stipulates that without prejudicing operational efficiency, officers exercising statutory powers should disclose adequate personal information to identify themselves upon request, as follows:

Police Constable, Sergeant, Traffic Warden and Senior Traffic Warden	Station Sergeant and above
Rank and UI number	Rank and surname

Display of Warrant Cards

13.11. PGO Chapter 20-14 stipulated that an officer in plain-clothes when dealing with members of the public and exercising his police powers, whether on or off duty, shall identify himself and produce his warrant card. At the scene of a crime, officers in plain-clothes shall wear their warrant cards in such a manner that they may be readily identified.

13.12. Further, uniformed officers should produce their warrant cards upon request by members of the public unless:

- (a) circumstances do not allow;
- (b) to do so would prejudice the police action and/or safety of the officers concerned; or
- (c) the request is unreasonable.

13.13. If a police officer in uniform is unable to produce his warrant card at the time of the request as required by paragraph 12(a) and (b) above, he should produce the warrant card at the earliest opportune moment. Where police officers do not produce their warrant cards either because the request for production was unreasonable or it could not be subsequently complied with, they must make an explanatory notebook entry.

13.14. Where a group of uniformed police officers is operating together, for example during a licensing raid, only one of the uniformed police officers present shall produce his warrant card on request.

Uniform and Insignia

13.15. Chapter 15 of Force Procedures Manual (FPM) stipulates the 'Dress and Appearance' requirements for police officers. According to FPM Chapter 15, there are three sets of standard uniforms: Force Working Uniform, Ceremonial Uniform and Full Uniform.

13.16. For uniformed branch officers, when wearing working uniform, epaulettes with embroidered badges of rank are to be worn. Sergeants and Police Constables are to wear their epaulettes with both their rank and unique service number displayed on each shoulder. Officers at the rank of Station Sergeant or above should wear epaulettes with only their rank displayed.

13.17. Other than standard uniforms, officers working in specialized units or engaged in specific duties may wear non-standard uniforms as designed for their specific operational

requirements, e.g. Police Tactical Unit (PTU) staff and Rural Patrol Unit.

13.18. FPM Chapter 15 stipulates that epaulettes and cloth insignia are to be worn on standard and specified non-standard uniforms respectively.

13.19. Certain officers working in specialized units or engaged in specific duties (such as STC, Explosive Ordnance Disposal Bureau) may be required to put on clothing (which are not regarded as uniform for the purposes of PGO / FPM 15) designed for their specific duties. Officers wearing such clothing are not required to wear cloth insignia unless the Formation Commander identifies the need with formal approval from Director of Operations through the Force Uniform and Accoutrements Committee.

Exceptional Circumstances and Threats Faced by Frontline Officers

13.20. It has been generally accepted that under certain circumstances, the nature of the operation makes it impracticable or inappropriate for officers to display their rank or UI numbers. However, there are other circumstances in which officers may be reluctant to comply with the identification requirement for fear that someone may use that information later to harass them and/or their families.

13.21. In this connection, officers' concerns about personal security or family safety should not be taken lightly. Repeated cases of officers being attacked while off duty have raised legitimate concern about their personal safety³. Such fears were aggravated when threats and even death notes were made against identified officers and their families on various online platforms and residential quarters. Incidents of cyber-bullying and doxxing have added to the worry of officers that their safety and well-being would be at risk if their identities were exposed when performing POE-related duties.

13.22. As advised by the Police at a meeting with IPCC on 17 September 2019, over 2 000 police officers and their family members have been doxxed since June 2019. There has been a groundswell of online hate messages against police officers and their family members. Names and identity card numbers of police officers as well as information on their spouse's employment, children's schools and other personal information have been posted online. Incendiary messages and rumours about killing the officers can be seen on cyberspace and some have experienced actual harassment. There is anecdotal information of the children of police officers being bullied at school.

3 The most serious case happened on 4 October 2019 in which an off-duty officer shot a 14-year-old student after being attacked at Yuen Long.

Following up with Police on Identification Issue

13.23. As early as 18 June 2019 at the Joint Meeting with the Complaints & Internal Investigations Branch (C&IIB), the IPCC had raised concern over the lack of identification and, in particular, some STC officers whose UI numbers were not visible. In response, the Police explained that the uniforms of the STC had been specially designed for tactical purposes and therefore did not facilitate the display of insignia. Nevertheless, the Police undertook to conduct a review to address the issue.

13.24. On 21 June 2019, the IPCC Chairman wrote to the Police highlighting community-wide concern over the issue had evoked and asked whether officers on the ground had been strictly adhering to the relevant Police Manual and operations guidelines on display and disclosure of their identification. In reply, the Police confirmed that the matter was receiving due attention and steps were being taken to address the public concern.

13.25. To follow up, the IPCC again wrote to the Police on 9 July and 10 September 2019 requesting information on the exact steps to be taken to address public concern.

13.26. At the Joint Meeting with C&IIB on 17 September 2019, the Police informed the IPCC that they had just put in place an identification system in which a unique and identifiable combination was printed on helmets. It was a temporary measure subject to further refinement and review.

13.27. On 24 September 2019, the Police formally replied in writing and gave an account of the development of the clothing of STC officers and the implementation of the temporary measure (on helmets) as detailed in paragraphs 28 to 37 below.

Clothing for STC Officers

13.28. The purpose of STC is to provide special weapons or tactical capability to other units to help control, resolve and/or make arrests at incidents which involve or are anticipated to involve exceptional levels of public disorder (e.g. prolonged unlawful occupation or physical obstructions to roads, serious threats to public safety and violence against police officers). STC members are drawn from Police Tactical Unit (PTU) Headquarters, Counter Terrorism Response Unit, Airport Security Unit, Special Duties Unit & Tango Coy to perform duties on an ad hoc basis.

13.29. STC is deployed in small teams each comprising five members, including the team leader at the Inspectorate / Sergeant level. Each team member is assigned with special accessories, equipment and weapons.

13.30. When first deployed in 2014, the STC members wore non-standard PTU blue uniform. During the Mong Kok Riot in 2016, it was found that the blue PTU uniform did not offer sufficient protection and could not meet operational and occupational safety needs. An overseas off-the-shelf tactical suit with better protection was sourced in November 2016, but it does not come with shoulder strips for cloth insignia or service number. Images 5 to 8 below are photos of the suit.



Image 13-5



Image 13-6



Image 13-7



Image 13-8

13.31. The wearing of the new tactical suit was formally approved in January 2017. It is not regarded as a set of Police uniform and is not governed by the PGO / FPM-15 “Dress and Appearance”.

Identification and Insignia of STC

13.32. To identify designated teams of STC, a team call sign is allocated and each team member is issued with velcro embroidery badges with the team call sign for displaying at the rear of their tactical helmets. Images 9 and 10 below are photos of the call sign in use up to 12 June 2019.



Image 13-9



Image 13-10

13.33. On 9 June 2019, STC members wearing the new tactical suit described in paragraph 30 were deployed on the ground for the first time to handle violent protesters at the Central Government Complex.

13.34. In response to media reports⁴ that some STC officers had displayed their service numbers by putting on their cloth insignia during operations, the Police clarified that some STC officers had on their own initiative put on the cloth insignia issued for their primary duties by clipping it to the radio pouch or utility vest. However, there had never been any order to STC officers to clip, or not to clip, the cloth insignia on their tactical suit.

13.35. STC members can be identified by

- (a) call sign of the team;
- (b) the equipment and weapons individual officers were assigned with and carried in the team (given the small size of each team, it is unlikely for two members to be assigned with entirely the same equipment or weapons);
- (c) the officers' physical appearance including height and build; and
- (d) records of their deployment, including the location of the team.

4 For instance, on 21 June 2019, a news article headlined “速龍撤走編號 李家超呃立會” appeared on Apple Daily and another headlined “速龍小隊編號相隔 3 日 疑失蹤 警重申：制服無位置放” on Sky Post.

13.36. On 14 June 2019, the Police decided to display assigned alphabets at the back of STC members' helmets to enable those STC members, who shared the same call signs of their team, to be more easily identifiable (i.e. "a" to "e" if there are 5 members in a team). This, however, would not apply to certain individual members occupying specific positions whose helmets would show only their posts, e.g. "SP-TRG" (which stands for "Superintendent – Training"). Images 11 and 12 are photos of the modified call sign.



Image 13-11



Image 13-12

13.37. With the additional stickers showing their assigned alphabets on the helmets, the types of equipment and weapons assigned with and carried in the team / sub-team / as well as records of their deployment, including the location of the team / sub-team, individual STC members can be readily identified. For individuals whose posts are shown on their helmets, there is little difficulty in identifying them as the posts in question are either unique or limited in number. The modified arrangement is in line with the international practices and facilitates more effective and efficient deployment of STC members.

Research Report of Keele University

13.38. For more informed study, the IPCC in early September 2019 commissioned Keele University to produce a research⁵ report on international practices regarding the issue. The primary objective of the research is to benchmark the current police identification practice against existing standards in countries with legislative and policing structures similar to those in Hong Kong.

13.39. Under the coordination of Keele University, an international team of University-based scholars examined a broad array of practices adopted in different forms of government and legislative contexts. These include federal states like Canada, the United States, Germany, Switzerland and Australia as well as unitary states such as the United Kingdom, Denmark, Sweden and Norway.

⁵ The research also covers the wearing of masks during POEs.

Sweden and Norway.

13.40. It is worth noting that among the countries under study, the United States has experienced numerous instances of doxxing, harassment and targeting of police officers and their families. The United Kingdom also has considerable experience in addressing extreme safety threats to officers, most acutely in Northern Ireland where police officers have been a target of terrorist organisations.

13.41. The research report⁶ was issued in early October 2019 and a copy has also been furnished to Police management for reference. The report is informative and illuminating, with rich practical reference on the balance between fair protection of officers and police identification. Major findings are outlined in the ensuing paragraphs.

Research Findings on International Practices

13.42. All of the countries examined have put in place requirements for officers to be identifiable during the policing of POEs. In principle, it is evident that there is a universal requirement of sound policing practice to have clear insignia showing the identity of officers visibly from the front and rear. In actual practice, some flexibility in implementation is allowed when extreme circumstances prevail.

13.43. In some countries, there are specific provisions to allow suspending the obligation of legitimisation and identification in order to protect the officers, e.g. during operations targeting organised crime or terrorist groups. For instance, in Germany, officers serving in police special squads are exempt from wearing name tag. According to the Police Ordinance in Sweden, police officers must be able to identify themselves to the general population if a citizen requests to see Police ID (SFS, 2014)⁷. However, in stressful situations like heated protests or during arrests, police officers can omit to tell their names⁸.

13.44. The guiding principles driving the normative practice of ensuring police identification are ensuring public accountability (particularly with respect to police use of force), promoting public confidence in policing, maintaining professionalism on the part of individual officers and being operationally beneficial for police forces themselves. Any lack of police identification inhibits accountability and makes it difficult for police forces to earn the trust and confidence of those they are policing.

6 The full report is on IPCC website <https://www.ipcc.gov.hk>

7 SFS. (2014). Förordning (2014:1102) med instruktion för Polismyndigheten [Ordinance (2014: 1102) with instructions for the Police Authority]. Stockholm: Ministry of Justice.

8 Page 71 second para., of the Research Report refers.

13.45. Identification requirements are not always governed by legislation. The majority of countries manage the issue through requirements and obligations created by the police forces themselves. There is considerable diversity due to the complexity of police governance processes.

13.46. In some countries, there are clear instructions on the size and font type of identification markings. In the United Kingdom, the College of Policing Public Order Training Manual Module G3 (2018)⁹ at paragraph 3.7.2 states that helmet markings must be ‘visible from all directions’, whether the visor is up or down. The markings must include the officer’s Force Identifier (each has a unique 2-digit identifier; for example, West Midlands Police is YM); their rank insignia (two “pips” for an inspector, “crown” for a superintendent, etc); and their officer identification number (often referred to as their collar number). It also prescribes the size and font type of these markings. The pictures below, taken from the Module G3 manual, show these markings on the helmets.



Image 13-13

NATO style helmets with clear identifier codes for each individual officer.

13.47. It is noted that all of the countries sampled appear to have had some difficulties ensuring all officers abide by the regulations at all times. The research report provides a handful of newsworthy examples. In the United States, the police are reported to have removed or covered their nametags when handling the well-known World Trade Organization protests in 1999, with some officers refusing direct requests to provide names or badge numbers¹⁰. In Canada, dozens of officers were found to have removed their identification badges from their uniforms during the 2010 G-20 Summit in Toronto and the 2010 G-8 Summit

9 URL

https://www.whatdotheyknow.com/request/535605/response/1283809/attach/4/FOIA%202018%200097%20disclosure.pdf?cookie_passthrough=1

10 American Civil Liberties Union of Washington (2000). Out of Control: Seattle’s Flawed Response to Protests Against the World Trade Organization.

in Huntsville, Ontario. Nearly 100 officers were disciplined as a result¹¹.

13.48. In the United States, fear of doxxing and other types of social media ‘outing’ have caused some officers to cover their identification during protest or riot events. However, this type of behaviour is typically not in line with departmental policy. In Northern Ireland, police forces do not deviate from the identification guidance but have implemented a number of mitigation measures to ensure the safety of their officers and staff such as the use of specific code numbers with restricted capacity to link code numbers to officer identity. This is a practice commonly adopted by police forces worldwide, such as the use of codified identifier by Zürich City Police as shown below.



Image 13-14

The assignment of the numbers of each police officer at the Zürich City Police (© Andreas Moschin, Stadtpolizei Zürich).



Image 13-15

The positioning and size of the personal ID number on the public order vest of the Zürich City Police. (© Andreas Moschin, Stadtpolizei Zürich).

13.49. Similar to the STC setup in Hong Kong, the Delta Unit in Sweden enables the rapid mobilisation of small squads of tactically equipped and trained officers to deal with extremely conflictual and stressful situations such as riots. Each Delta squad comprises a commander and seven officers on a vehicle. In policing protests, each officer wears a fluorescent yellow

11 “90 Officers Facing Disciplinary Action for Hiding their Identity at G20,” The Star, November 4, 2010

vest or/and a “riot gear”. The sign on the back and front of their uniforms shows only the Delta unit and squad number which are the same for officers of the same squad. This sign is not for identification purpose, but serves to assist respective commanders in getting an overview of the manpower under their deployment.

13.50. In situations where police officers wear or carry their helmets, people in Sweden would be able to identify individual officers by checking the specially assigned number on both the front and back of the officers’ helmets. This number, made up of a letter standing for the region the police officer comes from and followed by four numerals (printed in black, 3 centimetres in height), is unique to each officer. It is the responsibility of the commanders to ensure visibility of the identification number on the helmets of their officers at all times, unless in circumstances where the police officer is at risk of threats or violence.¹²

Current Measures Taken by the Hong Kong Police

13.51. At the Special Council Meeting on 7 November 2019, the Police briefed IPCC Members on the background, objectives and implementation of the new “operational call signs” (OCS) since October 2019. On whether the OCS would eventually replace the existing insignia such as epaulettes showing rank and number, the IPCC noted that the matter was under review by the Police, and the IPCC would be informed of further developments in due course.

13.52. At the Legislative Council Meeting on 27 November 2019, Secretary for Security informed members that during recent major POEs, uniformed police officers on duty had displayed their UI numbers or identifiable OCS, while plain-clothes police officers exercising police powers would identify themselves by producing warrant cards or displaying identifiable OCS, as long as doing so would not be infeasible under the operational circumstances. The OCS was introduced as a pilot measure and its effectiveness would be reviewed.

IPCC Observations

13.53. The display of identification numbers or rank and name tags is important for accountability and transparency. The fact that individual police officers are identifiable is clear proof of the commitment of the Police to be accountable for their actions. This should help enhance public trust in and cooperation with the Police.

13.54. In the context of police identification during POEs, the internal orders and manuals that the Hong Kong Police has put in place, coupled with the current measures of additional

12 RPSFS. (2014). Rikspolisstyrelsens föreskrifter och allmänna råd om märkning av skyddshjälm m.m. [The National Police Board's regulations and general advice on labeling helmets etc.]. Stockholm: Rikspolisstyrelsens författningssamling [The National Police Board's constitutional collection].

markings on helmets (for STC in particular) and OCS (for anti-riot uniformed officers in general), are in conformity with prevailing international practices. In particular, the use of specific code numbers with restricted capacity to link codes to officer identity is an effective method to strike a proper balance between ensuring the protection of the police officers concerned and meeting the public expectation of accountability.

13.55. The current measures taken by the Police are steps in the right direction to give effect to a higher degree of transparency and accountability and a proper balance between these two principles. In the long run, the Police management should make displaying and providing identification a baseline practice of POE policing, and visible identification be an integral part of overall uniform management and accoutrement design. Exceptions should be allowed only in extreme and well-defined circumstances.

13.56. Meanwhile, applications have been filed in June 2019 for leave to apply for judicial review with respect to issues about the display of service numbers by STC officers¹³, the outcome of which may result in adjustment to relevant measures.

13 This is the status of the case as at the time of finalizing this report.