

CHAPTER 5**SYNOPSIS OF COMPLAINTS****The Police Complaints System and IPCC Ordinance**

5.1 The police complaints system in Hong Kong is a two-tier system. On the first tier is CAPO of the Police, responsible for receiving and investigating complaints. After investigation, CAPO would submit the complaint investigation reports to the IPCC, the second tier, which would scrutinise the reports to review whether the complaints have been properly investigated and the findings are just and fair.

5.2 There are two categories of complaints, namely Reportable Complaints (RCs) and Notifiable Complaints (NCs).¹ RCs are complaints lodged by members of the public directly affected by the alleged conduct of police officers who are either on duty or have identified themselves as police officers while off duty. NCs are complaints which do not meet the criteria to be classified as “RCs”, complaints that are frivolous or vexatious, or complaints that are lodged by persons not directly affected by the alleged police conduct which they might have overheard from others, seen or learnt of on the media. Under the current complaints system, CAPO is required to submit to the IPCC investigation reports on RCs for vetting and endorsement. As to NCs, CAPO has full authority to deal with those complaints without having to submit any investigation reports to the IPCC for examination. CAPO, nonetheless, has to provide summaries of the NCs on a monthly basis for IPCC’s scrutiny to ensure that all the NCs are properly categorised as NCs, and none of them should have been categorised as RC, in which case CAPO has to submit an investigation report to the IPCC.

5.3 Section 8(1)(a) of the IPCC Ordinance empowers the IPCC to monitor and review RCs. Other than powers to examine RCs, section 8(1)(c) of the IPCC Ordinance further provides the IPCC with the authority to identify any fault or deficiency in any practice or procedure adopted by the Police that has led to or might lead to RCs, and to make recommendations in respect of such practice or procedure. Under section 8(2) of the IPCC Ordinance, the IPCC may do all things that are reasonably necessary for, or incidental or conducive, to the performance of its functions under the IPCC Ordinance.

¹ The categorisation of RCs and NCs is detailed in sections 9 to 16 of the IPCC Ordinance, Cap. 604.

Complaint Figures

5.4 As at 29 February 2020, Police action in response to the public order events (POEs) arising from the Fugitive Offenders Bill since June 2019 have given rise to a total of 1 641 complaints, 542 RCs lodged by 565 complainants and 1 099 NCs lodged by 4 516² complainants. Table 5-1 and Charts 5-1 and 5-2 show the breakdown of complaints by month³ since the POEs began in June 2019.

<u>Incident Month</u>	<u>RCs</u>	<u>NCs</u>	<u>RCs + NCs</u>	<u>Cumulative</u>
June 2019	57	80	137	137
July 2019	78	150	228	365
August 2019	93	153	246	611
September 2019	66	149	215	826
October 2019	88	188	276	1 102
November 2019	120	218	338	1 440
December 2019	30	101	131	1 571
January 2020	10	60	70	1 641
February 2020	0	0	0	1 641

Table 5-1: Number of complaints by incident month⁴

5.5 The number of RCs rose from June to August 2019 but dropped in September 2019 and rose again in October and November 2019 before taking a steep dip in December 2019. The rise and fall of the number of NCs more or less follow the same pattern as that of the RCs only that the fall in the number of NCs from August to September 2019 was insignificant.

² According to the Police, around 700 NCs were lodged by 17 persons, one of which lodged more than 170 NCs.

³ Refers to the number of complaints regarding incidents occurred in those months.

⁴ Refers to the number of complaints regarding incidents occurred in those months.

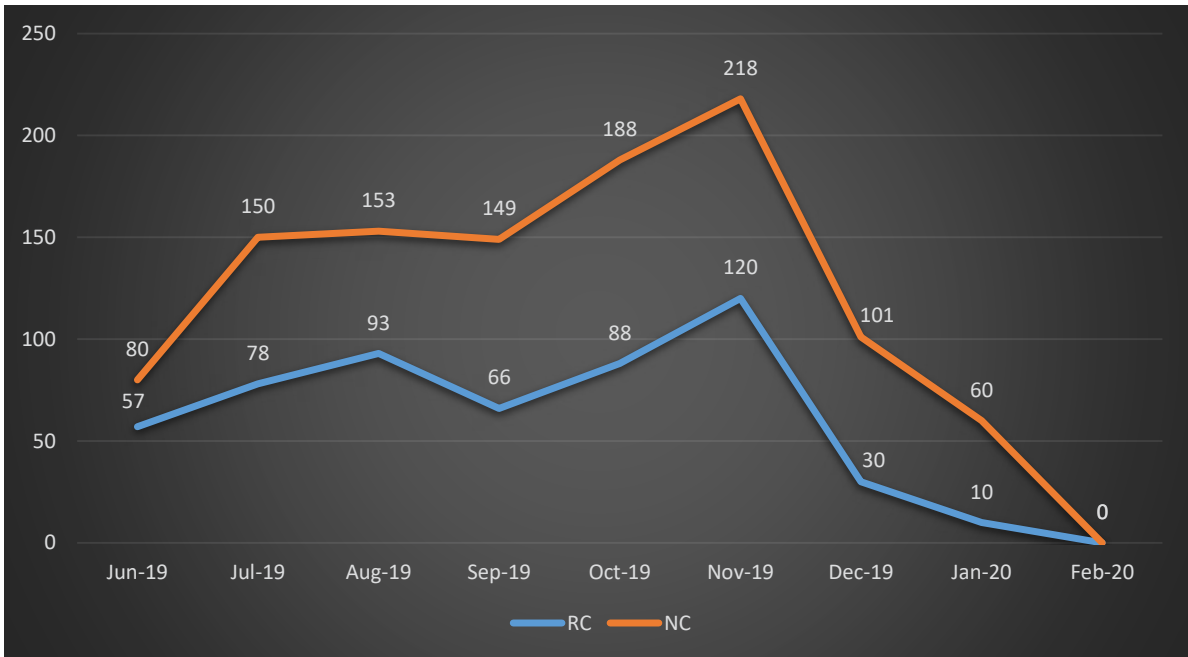


Chart 5-1: Number of complaints by incident month⁵

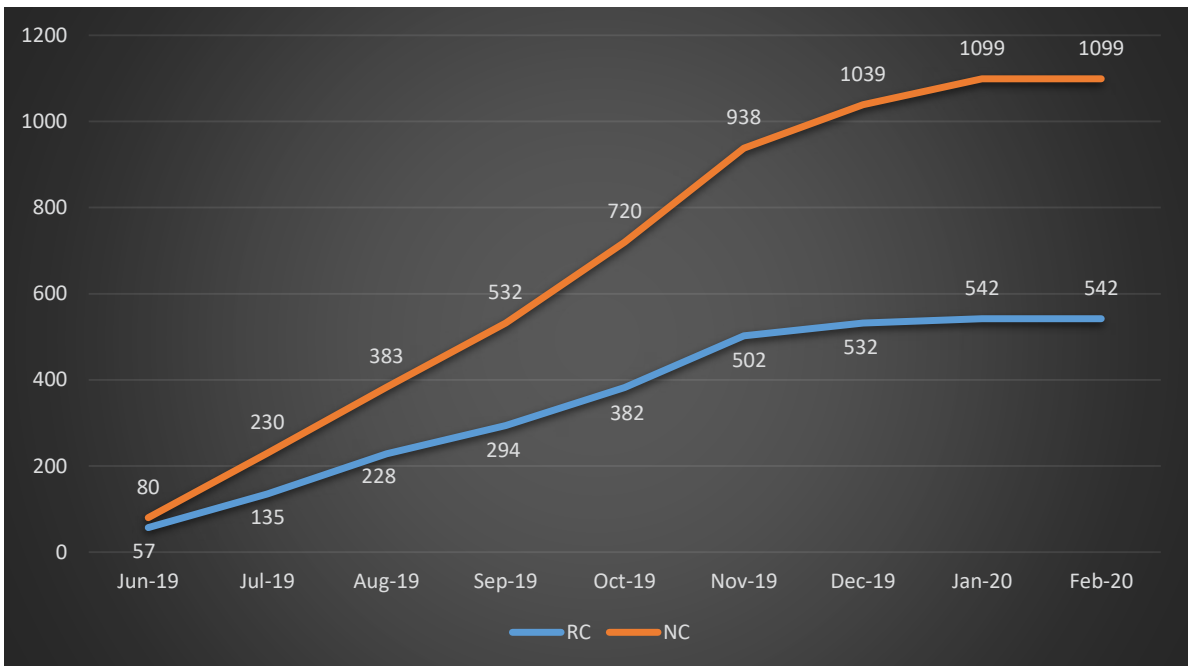


Chart 5-2: Number of complaints by incident month⁶ (cumulative)

⁵ Refers to the number of complaints regarding incidents occurred in those months.

⁶ Refers to the number of complaints regarding incidents occurred in those months.

5.6 139 of the 542 RCs were lodged by arrested persons, 111 by reporters, and the remaining 292 by other civilians. Chart 5-3 shows the breakdown of RCs by complainants.

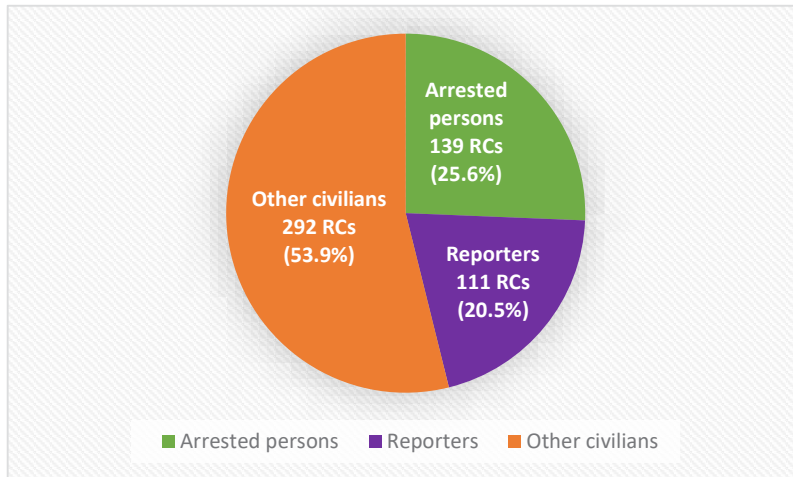


Chart 5-3: Percentage of RCs by complainants

5.7 Of the 139 RCs lodged by arrested persons, 36 (25.9% of the total) arose from Police action in August 2019, 22 (15.8% of the total) from October 2019, and 46 (33.1% of the total) from November 2019. The remaining 35 RCs were scattered among five other months. Chart 5-4 shows the breakdown of the 139 RCs by incident months.

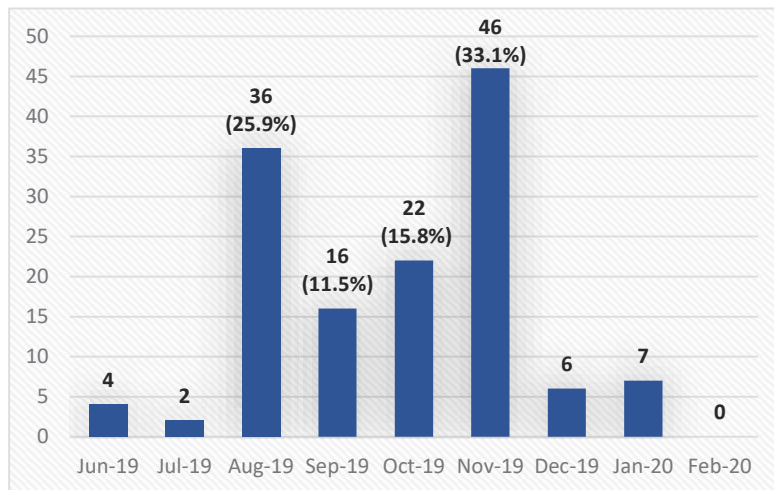


Chart 5-4: Number of RCs lodged by Arrested Persons by incident month⁷

⁷ Refers to the number of RCs regarding incidents occurred in those months.

Monthly Review on RCs

5.8 The following is a general analysis of the nature of the RCs of each month in relation to the POEs of that month.

June 2019

- There were only five major POEs in June 2019, on 9, 12, 16, 21 and 26 June 2019, all on Hong Kong Island. Only the POEs on 9 and 12 June 2019 resulted in clashes between the protesters and the Police, those on 12 June 2019 being the most serious.
- 57 RCs, representing more than 10% of the total of 542 RCs, resulted from Police action in June 2019, 23 RCs from 9 June 2019, and 27 RCs from 12 June 2019. The remaining seven RCs stemmed from Police action before and after 9 June 2019 and 12 June 2019.
- 18 of the 23 RCs on 9 June 2019 were about Police use of force, including allegations of police officers assaulting, pushing, pulling, or dragging people. Ten of the 18 RCs involved use of force on reporters. Out of the remaining five RCs that did not involve Police use of force, three concerned policer officers' hindrance of reporters' work and two were about police officers' manners.
- 24 of the 27 RCs on 12 June 2019 were about Police use of force, 13 on the use of tear gas and the remaining 11 on the use of PAVA Solution, OC Foam, batons and rubber rounds.
- Of the 50 RCs on 9 and 12 June 2019, 28 were lodged by reporters.

July 2019

- 78 RCs (14.4% of the total of 542 RCs) arose from Police action in July 2019.
- 53 RCs stemmed from the "Yuen Long Incident" on 21 July 2019. Of these 53 RCs, 28 RCs were about police officers' failure to answer 999 calls, 11 RCs about police officers hanging up 999 calls, nine RCs about police officers' failure to attend the scene, four RCs about police officers' impoliteness, and one RC about a police officer's failure to answer enquiries.
- Among the remaining 25 RCs, seven of the complaints arose from 7 July 2019, two RCs from 13 July 2019, nine RCs from 14 July 2019, one RC from the police operation outside LOCPG on 21 July 2019, five RCs from 28 July 2019 and one RC from 31 July 2019. 12 of the 25 RCs concerned Police use of force, while others were mainly about the manners of police officers and the display of police identity.
- Despite the magnitude of the clashes outside LOCPG on 21 July 2019 (55 tear gas rounds, nine rubber rounds and 25 react rounds fired) and 28 July 2019 in the Western district, Police action on these two days only gave rise to one RC and five RCs respectively, lower than those on other POE days in July 2019. All these six RCs concerned Police use of force, two about the use of physical force and four about the use of tear gas.

- The events on 1 July 2019 did not give rise to any RCs.

August 2019

- There were 93 RCs from the entire month of August 2019 (17.2% of the total).
- The clashes between the Police and some violent protesters on 3, 4, 5, 11, and 31 August 2019 were particularly widespread and intense (for details of the clashes, please see the Overview in Chapter 4). The figures on the number of police weapons used, arrests made and RCs generated on these five days are given in Table 5-2 below:

Date	No. of RCs	Use of Police Weapons				No. of Arrests
		Tear Gas	Rubber Rounds	Super Sock Rounds	React Rounds	
3 Aug	12	107	0	0	0	38
4 Aug	13	109	29	0	9	68
5 Aug	12	1 002	170	11	28	158
11 Aug	12	361	27	14	0	124
31 Aug	4	272	94	11	49	142

Table 5-2: Police weapons used, arrests made and RCs generated on 3, 4, 5, 11 and 31 August 2019

- Compared with the RC figures from 9 and 12 June 2019, the number of RCs from 3, 4, 5, 11 and 31 August 2019 was small given the level of violence and the scale of the POEs on these five days evident by the use of tear gas and other police weapons and the number of arrests. RCs on 11 and 31 August 2019 would be elaborated in Chapters 11 and 12 respectively.
- Of the 93 RCs from the entire month of August 2019, 54 RCs were about Police use of force. Among these 54 RCs, 25 RCs on the hitting, pushing or pulling of people, 21 on the use of tear gas, while others were on the use of flashlight, laser pens, OC Foam, and the pointing of guns at reporters.
- Among those 39 RCs that were not about Police use of force, 16 RCs were on the handling of arrested persons other than on the use of force, allegations included unlawful arrest, failure to explain the reason of arrest, improprieties in statement taking, denial of legal representation, delaying of medical treatment, and the mishandling of mobile phones of arrested persons. Other RCs concerned the police officers' manners, stop-and-searches conducted by police officers, the hindrance of reporters' work, and the display of police identity.

September 2019

- Police action in September 2019 gave rise to a total of 66 RCs (12.2% of the total).
- The clashes between the Police and some violent protesters on 15, 21, and 29 September 2019 were particularly widespread and intense (for details of the clashes, please see the Overview in Chapter 4). The figures on the number of police weapons used, arrests made and RCs generated on these three days are given in Table 5-3 below:

Date	No. of RCs	Use of Police Weapons				No. of Arrests
		Tear Gas	Rubber Rounds	Super Sock Rounds	React Rounds	
15 Sep	7	62	17	0	18	57
21 Sep	10	43	6	1	11	31
29 Sep	11	347	297	96	80	146

Table 5-3: Police weapons used, arrests made and RCs generated on 15, 21 and 29 September 2019

- Other than seven RCs from 15 September 2019, ten RCs from 21 September 2019 and 11 RCs from 29 September 2019, the remaining 38 RCs were scattered among 14 other days.
- 35 of the 66 RCs concerned Police use of force, 18 about hitting, pushing or pulling of people, eight about the use of flashlight, six on the use of tear gas, while others on the use of OC Foam, less lethal projectiles and Specialised Crowd Management Vehicle (SCMV).
- Of the remaining 31 RCs, 12 RCs concerned the handling of arrested persons other than on the use of force. Allegations included failure to caution upon arrest, improprieties during statement taking, mishandling of exhibits, denial of legal representation, delaying of medical treatment, and improprieties during custodial search. The remaining 19 RCs were about manners of police officers and the display of police identity.

October 2019

- Police action in October 2019 gave rise to a total of 88 RCs (16.2% of the total).
- The clashes between the Police and some violent protesters on 1, 4, 6, 13, 20, and 27 October 2019 were particularly widespread and intense (for details of the clashes, please see the Overview in Chapter 4). The figures on the number of police weapons used, arrests made and RCs generated on these six days are given in Table 5-4 below:

Date	No. of RCs	Use of Police Weapons				No. of Arrests
		Tear Gas	Rubber Rounds	Super Sock Rounds	React Rounds	
1 Oct	6	1 667	1 156	267	248	285
4 Oct	3	271	157	30	26	13
6 Oct	5	156	69	3	5	121
13 Oct	17	2	7	24	6	178
20 Oct	7	266	140	19	43	88
27 Oct	11	135	34	20	6	129

Table 5-4: Police weapons used, arrests made and RCs generated on 1, 4, 6, 13, 20 and 27 October 2019

- 53 of the 88 RCs concerned Police use of force, 30 about hitting, pushing or pulling people, 13 about the use of tear gas, seven on the use of flashlight or laser pens, while others on the use of OC Foam, the use of SCMV and the pointing of shotguns at people.
- Of the remaining 35 RCs, seven RCs concerned the handling of arrested persons other than on the use of force on these arrested persons. Allegations included threat and inducement, denial of legal representation, and verbal abuse. The remaining 28 RCs were about manners of police officers and the display of police identity.
- Despite the high level of violence and the severity of the clashes in the protests on 1 October 2019 as evident by the number of tear gas rounds and other police weapons used and the number of arrests, there were only six RCs from that day. The same observation can be made of 4, 6 and 20 October 2019 but obviously 1 October 2019 stands out prominently. Among the 21 RCs arising from 1, 4, 6, and 20 October 2019, ten concerned Police use of physical force and only one was about the use of tear gas.

November 2019

- Police action in November 2019 gave rise to a total of 120 RCs (22.1% of the total).
- The clashes between the Police and some violent protesters on 2, 11-15, 17, and 18 November 2019 were particularly widespread and intense (for details of the clashes, please see the Overview in Chapter 4). The figures on the number of police weapons used, arrests made and RCs generated on these eight days are given in Table 5-5 below:

Date	No. of RCs	Use of Police Weapons				No. of Arrests
		Tear Gas	Rubber Rounds	Super Sock Rounds	React Rounds	
2 Nov	16	409	132	20	18	263
11 Nov	7	659	251	55	78	309
12 Nov	12	2 330	1 770	434	159	167
13 Nov	9	736	593	54	34	220
14 Nov	4	177	56	11	9	64
15 Nov	5	121	18	0	4	17
17 Nov	5	1 530	1 344	172	279	142
18 Nov	13	3 293	3 188	667	499	1 071

Table 5-5: Police weapons used, arrests made and RCs generated on 2, 11-15, 17-18 November 2019

- 71 RCs stemmed from the days given in Table 5-5 contributed 59.2 % of all the RCs of November 2019. The remaining 49 RCs were scattered among 13 days in November 2019.
- 82 of the 120 RCs concerned Police use of force, 36 about hitting, pushing or pulling people, 23 about the use of tear gas, 15 about the use of OC Foam or PAVA Solution, while others on the use of flashlight and less lethal projectiles, and the pointing of shotguns at civilians.
- Of the remaining 38 RCs, 26 RCs concerned the handling of arrested persons (not about using force of the arrested persons). Allegations included failure to caution upon arrest, improprieties during statement taking, mishandling of exhibits, denial of legal representation and delay in arranging medical treatments. The remaining 12 RCs were about hindering reporters' work, manners of police officers and the display of police identity.
- Despite the high level of violence and the severity of the clashes in the protests on 12, 17 and 18 November 2019 as evident by the number of tear gas rounds and other police weapons used and the number of arrests, there were only 12, five, and 13 RCs from the respective days.
- The same observation can be made of 11, 13, 14 and 15 November 2019. Among the 25 RCs arising from 11, 13, 14, and 15 November 2019, ten concerned Police use of physical force, only three were about the use of tear gas.

December 2019

- Police action in December 2019 gave rise to a total of 30 RCs (5.5% of the total).
- 16 of the 30 RCs concerned Police use of force, 10 RCs on hitting, pushing or pulling people and the remaining six on the use of tear gas, OC Foam and flashlight.

- The remaining 14 RCs included allegations of inappropriate handling of arrested persons, failure to display of police identity, hindrance of reporters' work, showing a reporter's HKID Card in front of a live camera, and making inappropriate remarks.

January 2020

- Police action in January 2020 gave rise to a total of 10 RCs (1.8% of the total).
- Eight of the 10 RCs concerned Police use of force. Allegations included the hitting, pushing or pulling of people, and the use of OC Foam. The remaining two RCs were about the failure to provide the reason of arrest and hindering reporters' work.

February 2020

- As at 29 February 2020, there was no RC on Police action in February 2020.

Nature of Allegations

5.9 There are a total of 2 180 allegations in the 1 641 complaints (RCs and NCs), 842 allegations in 542 RCs and 1 338 allegations in 1 099 NCs. Table 5-6 gives the breakdown of the nature of these 2 180 allegations.

<u>Nature of Allegation</u>	<u>RC (%)</u>	<u>NC (%)</u>	<u>Total (%)</u>
Assault	96 (11.4%)	68 (5.1%)	164 (7.5%)
Unnecessary Use of Authority	73 (8.7%)	175 (13.1%)	248 (11.4%)
Misconduct	276 (32.8%)	529 (39.5%)	805 (36.9%)
Neglect of Duty	209 (24.8%)	354 (26.5%)	563 (25.8%)
Impoliteness	102 (12.1%)	108 (8.1%)	210 (9.6%)
Rudeness	30 (3.6%)	50 (3.7%)	80 (3.7%)
Offensive Language	33 (3.9%)	42 (3.1%)	75 (3.4%)
Threat	18 (2.1%)	4 (0.3%)	22 (1%)
Fabrication of Evidence	5 (0.6%)	8 (0.6%)	13 (0.6%)
Total	842	1 338	2 180

Table 5-6: Breakdown of allegations by nature

5.10 A breakdown of the RC allegations is given in Chart 5-5 followed by a brief analysis of each nature of allegation.

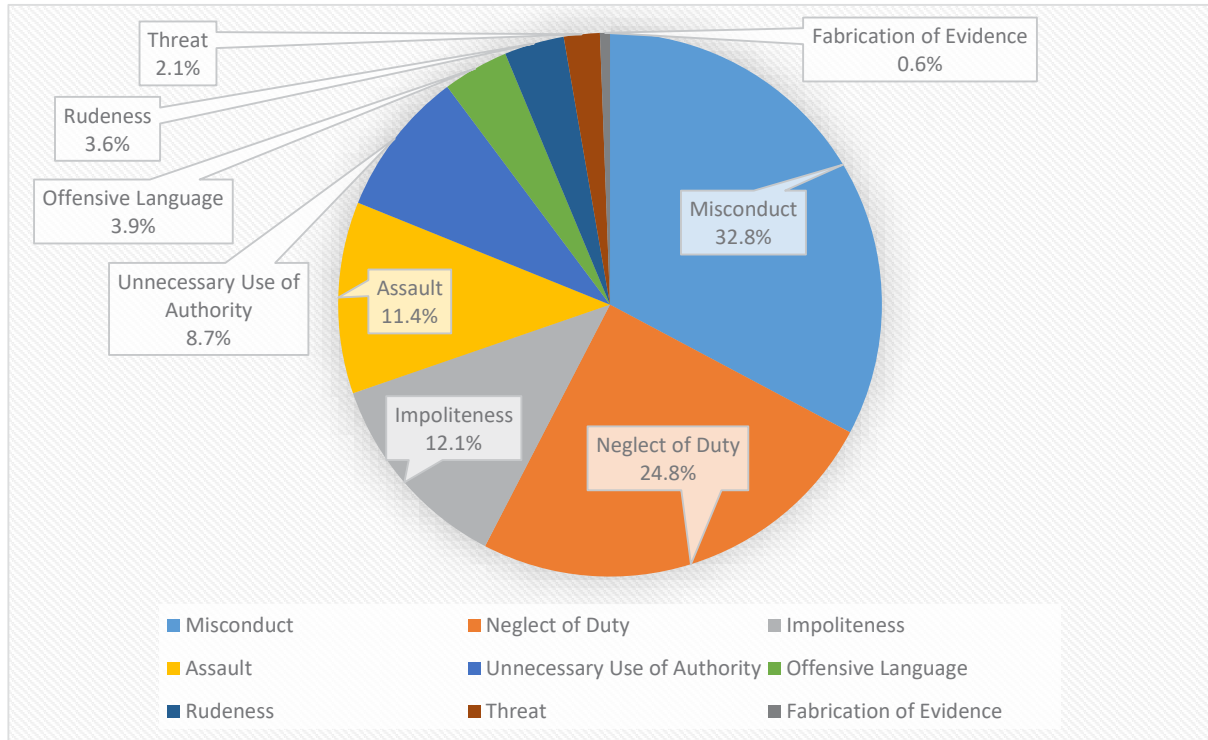


Chart 5-5: Breakdown of RC allegations by nature

Assault

- 96 allegations of “Assault” account for 11.4% of all the RC allegations.
- 83 of the 96 allegations were made by arrested persons, four by reporters, and the remaining nine by other people.
- November 2019 has the highest number of “Assault” allegations (27 allegations). Coincidentally, November 2019 is also the month which has the highest number of persons arrested.
- As to the locations where the alleged “Assault” took place, protest sites and locations of arrest are given in 66 allegations, police stations in 18 allegations, and police vehicles in the remaining 12 allegations.

Unnecessary Use of Authority

- 73 allegations of “Unnecessary Use of Authority” account for 8.7% of all the RC allegations.
- 67 of the 73 allegations concerned Police use of force. A breakdown is as follows:
 - 28 allegations on the use of OC Foam/PAVA Solution;

- 20 allegations on the use of tear gas;
 - Nine allegations on the hitting, pushing and pulling of civilians;
 - Seven allegations on the use of less lethal projectiles; and
 - Three allegations on the use of SCMV.
- Four allegations concerned searches conducted by police officers, and two allegations on the legality of arrests.
 - 34 of the 73 allegations were lodged by reporters, 16 by arrested persons, and the remaining 23 by other people.

Misconduct

- 276 allegations of “Misconduct” account for 32.8% of all the RC allegations.
- 157 of the 276 allegations concerned Police use of force. A breakdown is as follows:
 - 65 allegations about the hitting, pushing and pulling of civilians;
 - 52 allegations on the use of tear gas;
 - 32 allegations on the use of flashlight/laser pens;
 - Five allegations on the use of OC Foam/PAVA Solution;
 - Two allegations about pointing shotguns at civilians; and
 - One allegation on the use of handcuffs.
- 36 allegations concerned the handling of arrested persons. A breakdown is as follows:
 - 14 allegations on the denial of access to lawyers;
 - Nine allegations on police officers’ mishandling of mobile phones;
 - Six allegations on the impropriety in statement taking;
 - Three allegations about mistreatment of arrested persons (not about the use of force);
 - Two allegations on the handling of exhibits; and
 - Two allegations about making unnecessary remarks to arrested persons.
- 23 allegations concerned the handling of reporters. A breakdown is as follows:
 - 17 allegations about police officers hindering reporter’s work, e.g. blocking cameras;
 - Three allegations about police officers taking photographs of reporters;
 - Two allegations about police officers making unnecessary remarks to reporters; and
 - One allegation about the showing of a reporter’s HKID Card in front of a live camera.
- 23 allegations concerned searches conducted by police officers.
- The remaining 37 allegations concerned miscellaneous matters, such as police officers entering shopping malls and residential areas, causing panic and nuisances to civilians, hindering people from lodging complaints against police officers, and poor manners.

Neglect of Duty

- 209 allegations of “Neglect of Duty” account for 24.8% of all the RC allegations.
- 60 of the 209 allegations concerned Police handling of 999 reports and public enquiries.

A breakdown is as follows:

- 34 allegations about police failure to answer “999” calls;
 - Nine allegations about police failure to properly handle reports made by members of the public;
 - Eight allegations about police failure to answer calls made to Report Rooms;
 - Four allegations about police failure to handle public enquiries properly;
 - Two allegations about the closure of Report Rooms;
 - Two allegations about police officers’ failure to provide report reference number to the people who made the reports; and
 - One allegation about police officers’ refusal to accept a report.
- 48 allegations concerned the handling of arrested persons (not about the use of force). A breakdown is as follows:
- 18 allegations about police officers’ failure to facilitate arrested persons to find a legal representation;
 - 14 allegations about statement taking;
 - Eight allegations on the delay of arranging medical treatment;
 - Seven allegations were about the failure to caution; and
 - One allegation about the failure to declare arrest.
- 22 allegations concerned police identification, including the display of warrant card and/or insignia, and the provision of name and unique identification number.
- 16 allegations about police officers’ failure to give warnings before using tear gas/OC Foam.
- 13 allegations concerned searches conducted by police officers.
- The remaining 50 allegations concerned miscellaneous matters, such as failure to handle POEs properly, failure to supervise subordinates, failure to protect the public, and closure of roads/MTR stations causing inconvenience to the public.

Impoliteness

- 102 allegations of “Impoliteness” account for 12.1% of all the RC allegations. A breakdown is as follows:
- 50 allegations about police officers’ manners;
 - 37 allegations about police officers making unnecessary remarks; and
 - 15 allegations about police officers hanging up calls made to 999 Console or Report Rooms.

Rudeness

- 30 allegations of “Rudeness” account for 3.6% of all the RC allegations. These 30 allegations were about the rude gestures of police officers.

Offensive Language

- 33 allegations of “Offensive Language” account for 3.9% of all the RC allegations. These 33 allegations concerned the use of foul language by police officers in their encounter with members of the public.

Threat

- 18 allegations of “Threat” account for around 2.1% of all the RC allegations.
- 16 of these 18 allegations were lodged by arrested persons. Examples included threatening arrested persons to admit offences and using a police dog to threaten arrested persons to provide passwords of their mobile phones.

Fabrication of Evidence

- Five allegations of “Fabrication of Evidence”, all lodged by arrested persons, account for 0.6% of all the RC allegations. Allegations included the planting of petrol bombs in an arrested person’s rucksack, planting an arrested person’s fingerprints on a hammer, and placing an arrested person’s hand on a glass bottle.

Tear Gas and other Less-lethal Projectiles

- There are 87 allegations on the use of tear gas, which account for 10.3% of all the RC allegations. 23 of these 87 allegations stemmed from Police action in November 2019, 22 from August 2019, 13 from June 2019, 13 from October 2019 and the remaining 16 from July 2019, September 2019 and December 2019.
- Seven of the allegations were on the use of other less-lethal projectiles. They all stemmed from Police action on six different days.

Display of Police Identity

- There are 32 allegations on the display of police identity, which account for 3.8% of all the RC allegations. A breakdown of these 32 allegations is as follows:
 - 14 allegations about the failure to display warrant cards;
 - Six allegations about police officers refusing to provide their unique identification numbers;
 - Five allegations about the failure to display insignia or warrant cards;
 - Four allegations about police officers refusing to reveal his police identity; and
 - Three allegations about the absence of insignia on uniform.
- Ten of these 32 allegations arose from seven different days in October and the remaining 22 allegations came from six other months with no more than five allegations from one month.

Handling of Arrested Persons

- 241 allegations stemmed from Police handling of arrested persons, which account for 28.6 % of all the RC allegations. A breakdown of these 241 allegations is as follows:
 - 83 allegations of “Assault”;
 - 64 allegations of “Misconduct”;
 - 40 allegations of “Neglect of Duty”;
 - 16 allegations of “Unnecessary Use of Authority”;
 - 16 allegations of “Threat”;
 - Nine allegations of “Offensive Language”;
 - Five allegations of “Fabrication of Evidence”;
 - Five allegations of “Impoliteness”; and
 - Three allegations of “Rudeness”.
- 65 allegations came from August 2019, 37 allegations from October 2019 and 73 allegations from November 2019. The remaining 66 allegations were scattered among five other months.

Handling of Reporters

- 143 allegations stemmed from Police handling of reporters, which account for 17% of all the RC allegations. 32 of these 143 allegations were lodged by the Hong Kong Journalists Association on behalf of the reporters on 17 June 2019. Another 72 allegations, arising from Police action from June to November 2019, were collectively lodged by Hong Kong Cable Television Limited on 22 November 2019. The remaining 39 allegations were lodged by individual reporters.
- 36 allegations came from June 2019, 30 allegations from September 2019 and 28 allegations from November 2019. The remaining 49 allegations were scattered among five other months.
- 100 of these 143 allegations concerned Police use of force and the remaining 43 allegations were about the manners of police officers, such as using offensive language, shouting at and being impolite to reporters, and hindrance of reporters’ work.

General Observations

5.11 The IPCC has the following observations on the complaints arising from Police action in the POEs related to the Fugitive Offenders Bill :

- (i) In June and July 2019, the number of POEs and clashes between the Police and the violent protesters remained low in comparison with those from August 2019 onwards, but the number of RCs arising from each incident in these two months was higher

than those from August 2019 onwards. There were 23 RCs on 9 June 2019, 27 RCs on 12 June 2019 and 53 RCs on the “Yuen Long Incident” on 21 July 2019. From August to November 2019, the monthly highest were noticeably lower, 13 RCs on 4 August 2019, 11 RCs on 29 September 2019, 17 RCs on 13 October 2019, and 16 RCs on 2 November 2019.

- (ii) From August 2019 onward, the frequency, scale and violence of POEs continued to escalate. The number of RCs, however, did not increase correspondingly. Referring to the figures in (i) above, the POEs that gave rise to the RCs on 9 and 12 June 2019 took place in an area that could be demarcated and the level of violence was significantly lower, whereas the POEs on 4 August 2019, 29 September 2019, 13 October 2019 and 2 November 2019 were territory-wide and level of violence was alarming.
- (iii) Chart 5-6 gives the figures on police use of weapons and arrests made by the Police. Chart 5-7 provides the figures of RCs in general and RCs stemming from Police use of force and use of tear gas.

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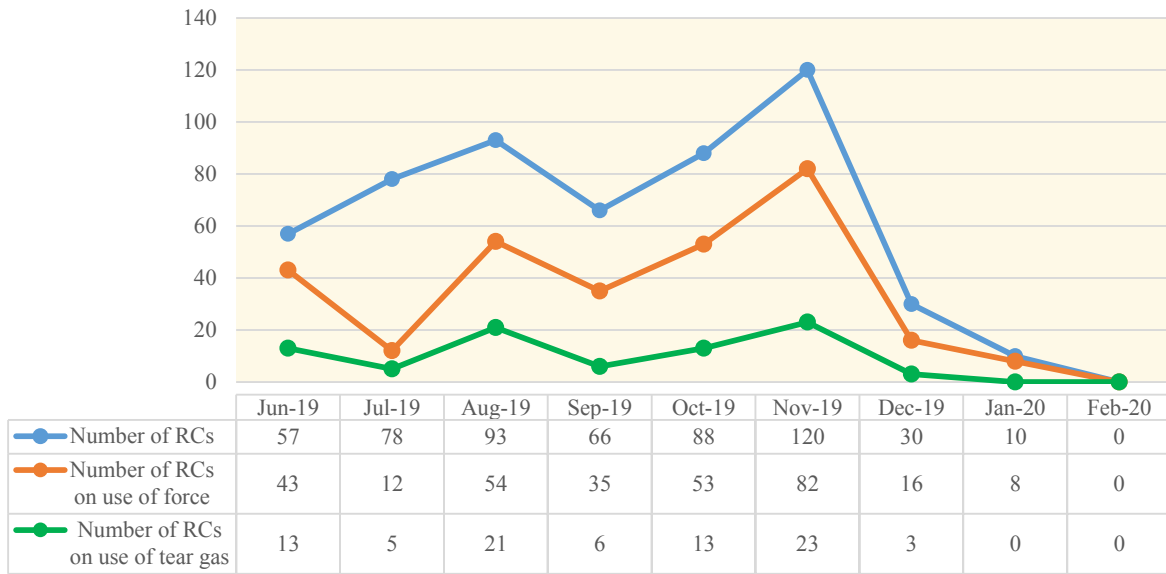


Chart 5-6: Figures of RCs in general and RCs stemming from Police use of force

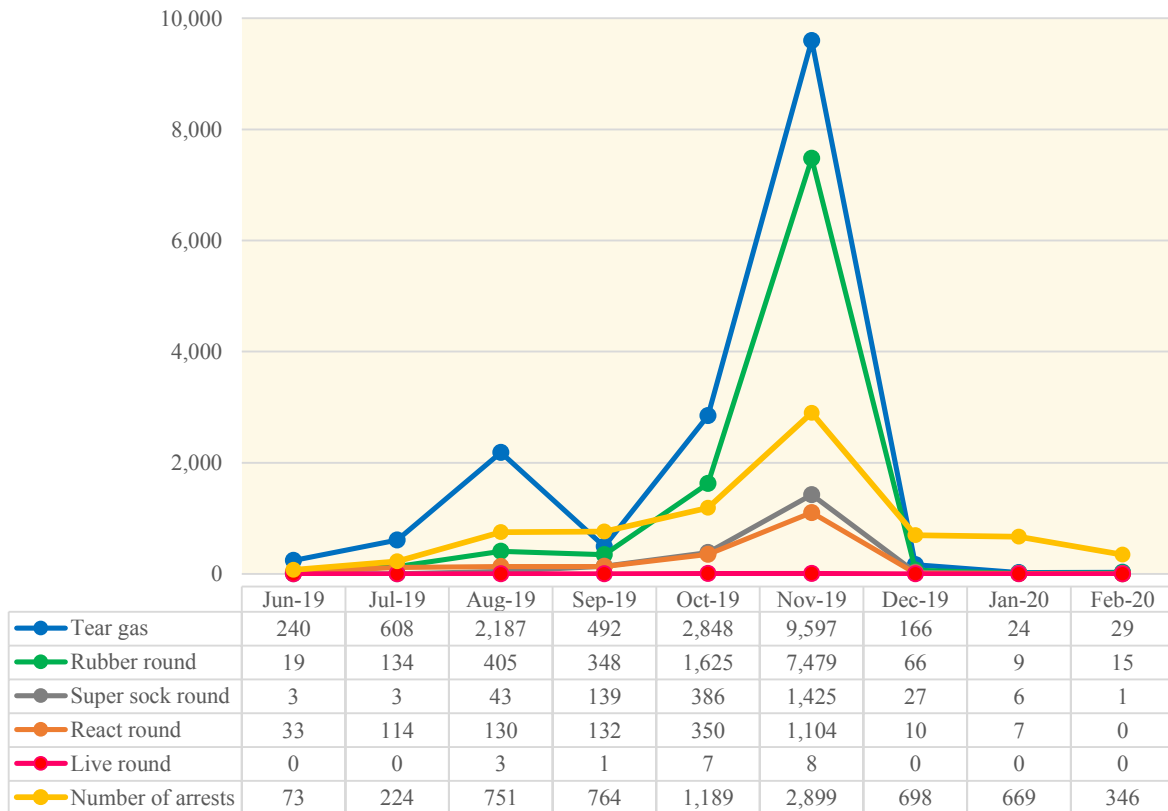


Chart 5-7: Police use of weapons and arrests made by the Police

It is apparent that the two charts look very similar. The rise and fall of the number of RCs and NCs correspond closely with the use of police weapons and the number of arrests made by the Police. Increase in the complaints arising from the use of police weapons naturally led to increase in the number of RCs and NCs. However, it does not account for all of the increase in the number of RCs and NCs. There is also an increase in complaints concerning police officers' manners, handling of arrested persons and encounters between police officers and civilians. The increase in the use of police weapons and the number of arrests reflect the increase in the number of POEs, and correspondingly the increase in the encounters between police officers and protesters as well as members of the public.

- (iv) Although a number of incident days attracted much public attention, such as the "Prince Edward Station Incident" on 31 August 2019, the clashes at the Chinese University of Hong Kong on 12 and 13 November 2019 and at the Hong Kong Polytechnic University on 17 and 18 November 2019, these incident days did not generate many RCs.
- (v) A number of events were widely discussed on the media and on the internet with serious allegations against the Police, such as a female being shot in the eye outside Tsim Sha Tsui Police Station on 11 August 2019 and other females being allegedly sexually assaulted at San Uk Ling Holding Centre and police stations, the purported victims did not come forward to lodge a complaint.

IPCC's Handling of Complaints

5.12 As mentioned above, investigation reports on all RCs will be submitted to the IPCC for scrutiny and endorsement after CAPO complete their investigation. Upon conclusion of a RC investigation, allegations would be classified, on the balance of probabilities, as in Table 5-7 below:

<u>Classification</u>	<u>Definition</u>
Substantiated	There is sufficient reliable evidence to support the allegation made by the complainant.
Substantiated Other Than Reported	Matters other than the original allegations but which are closely associated with the complaint itself and have a major impact on the investigation have been identified and are found to be substantiated.
Not Fully Substantiated	There is some reliable evidence to support the allegation made by the complainant, but insufficient to fully substantiate the complaint.
Unsubstantiated	There is insufficient evidence to support the allegation made by the complainant.
False	There is sufficient reliable evidence to indicate that the allegation made by the complainant is untrue, be it - <ul style="list-style-type: none"> ➤ a complaint with clear malicious intent; or ➤ a complaint which is not based upon genuine conviction or sincere belief but with no element of malice.
No Fault	The allegation is made either because of a misinterpretation of the facts or a misunderstanding; or when there is sufficient reliable evidence showing that the actions of the officer concerned were fair and reasonable in the circumstances, done in good faith or conformed to police regulations and orders made under the Police Force Ordinance (Cap. 232).
Withdrawn	The complainant does not wish to pursue the complaint made. ⁸

⁸ Where complainants themselves have withdrawn their complaints, the IPCC will ensure that no undue influence has been exerted on the complainants. A complainant's withdrawal does not necessarily result in the case being classified as "Withdrawn". The IPCC and CAPO will examine the available evidence to ascertain whether a full investigation is warranted despite the withdrawal and/or whether any of the allegations are substantiated on the basis of the information available.

<u>Classification</u>	<u>Definition</u>
Not Pursuable	The identity of the officer(s) being complained against cannot be ascertained; or when it has not been possible to obtain the co-operation of the complainant to proceed with the complaint investigation. ⁹
Informally Resolved	The Informal Resolution (IR) scheme aims at a speedy resolution of minor complaints, such as allegations of impoliteness or use of offensive language, the nature of which is considered as relatively minor. A minor complaint suitable for IR will not be subject to a full investigation. Instead, a senior officer, at least at the rank of Chief Inspector of Police, will act as the Conciliating Officer who will make enquiry into the facts of a complaint with the complainant and complainees separately. IR will only be adopted if the complainant agrees to this.
Curtailed	A complaint has been registered with CAPO but on the authorisation of the Chief Superintendent (Complaints and Internal Investigations Branch), is curtailed, i.e. not to be investigated further, owing to special circumstances such as known mental condition of the complainant.

Table 5-7: Classifications of allegations

5.13 Given the public concern over Police handling of the POEs arising from the Fugitive Offenders Bill, all relevant RCs are overseen by the IPCC's Serious Complaints Committee with all CAPO's interviews and onsite collection of evidence monitored by the IPCC's Observers Scheme to ensure the process has been conducted in a fair and impartial manner.

5.14 As at 31 March 2020, the IPCC has received the investigation reports of 158 RCs. On RCs which investigation reports have not been submitted, 84 RCs were under Sub-Judice

⁹ The definition does not mean that when the complainant cannot identify the complainees, no further action will be taken. CAPO will still make an effort to identify the complainees on the basis of the information available. Only after such an effort produces no result will a conclusion be reached that the identity of the complainees cannot be ascertained. If a complaint has been classified as "Not Pursuable" because of the lack of cooperation of the complainant, the complaint may be reactivated later as and when the complainant comes forward to provide the necessary information.

procedures and would be investigated by CAPO upon conclusion of relevant legal procedures. Hence, the resolution of these 84 RCs would take a longer time than other RCs that were not under Sub-Judice procedures. The remaining RCs were under CAPO's processing.

5.15 Among the 158 reports received by the IPCC, 30 were fully investigated, 67 were "Withdrawn", 55 were "Not Pursuable", and six were "Informally Resolved".

5.16 The IPCC has endorsed the investigation result of two "Withdrawn" reports, one on 22 January 2020 and another on 4 March 2020. Of the remaining 156 reports, 90 were under the IPCC's examination, while the other 66 were pending CAPO's reply to the IPCC's queries. The IPCC has raised 77 queries on CAPO's investigation reports.