

第四章 監察投訴的處理 和作出的建議

Chapter 4 Monitoring of Complaints Handling & Recommendations

調查報告及指控數字

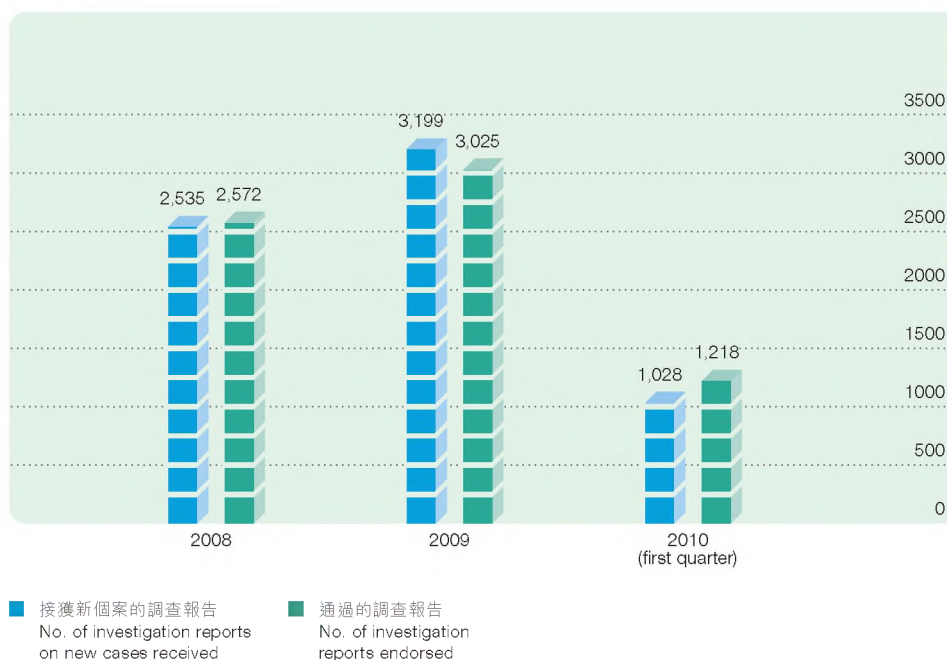
- 4.1 2009年，監警會共接獲投訴警察課就3,199宗新個案的調查報告，較2008年的2,535宗增加了26.2%。同年，監警會通過了3,025宗投訴個案的調查結果（包括317宗是2008年累積的個案），涉及的指控有5,055項，其中主要的三項指控為「疏忽職守」（39.5%）、「行為不當/態度欠佳/粗言穢語」（38.3%）及「毆打」（8.6%）。
- 4.2 2010年首季，監警會接獲投訴警察課就1,028宗新個案的調查報告，並於期內通過了1,218宗投訴個案的調查結果（包括517宗是2009年累積的個案），涉及的指控有2,225項。

Number of Investigation Reports & Allegations

- 4.1 In 2009, IPCC received investigation reports on a total of 3,199 new cases from CAPO, representing a 26.2% increase over the figure of 2,535 in 2008. In the same year, IPCC endorsed the findings in 3,025 cases (including 317 outstanding cases carried forward from 2008) which involved 5,055 allegations. The three major allegations were "Neglect of Duty" (39.5%), "Misconduct/Improper Manner/Offensive Language" (38.3%) and "Assault" (8.6%).
- 4.2 In 2010 (first quarter), investigation reports on 1,028 new cases were received from CAPO. During this period, the findings in 1,218 cases (including 517 outstanding cases carried forward from 2009) which involved 2,225 allegations were endorsed.

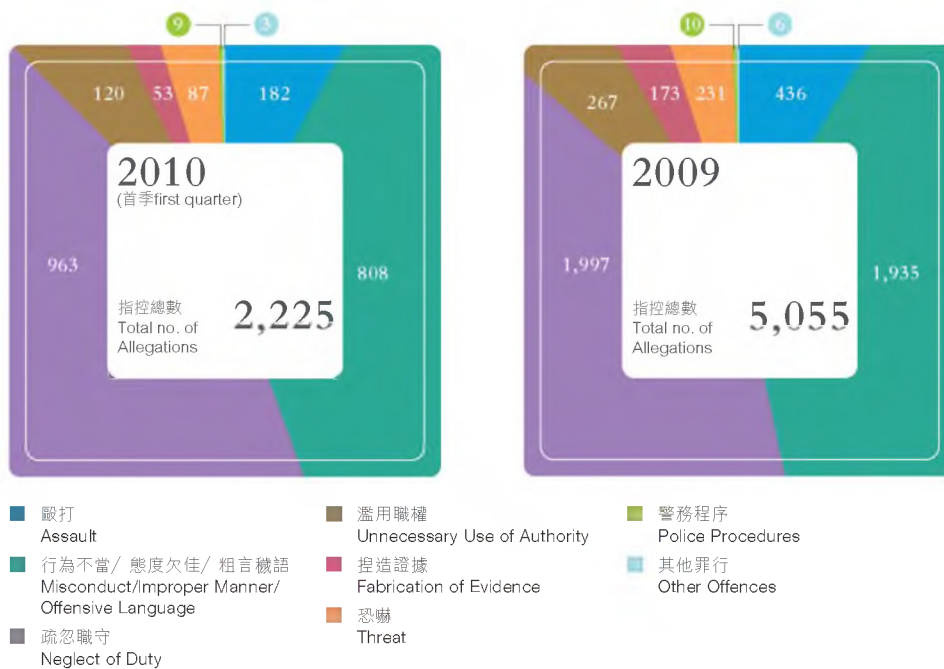
監警會接獲及通過的調查報告

Investigation reports received and endorsed by IPCC



監警會通過的指控

Allegations endorsed by IPCC



4.3 2007至2010年首季通過、按性質分類的指控數字載於附錄II。

4.4 2009年和2010年首季，監警會因應覆核要求，分別再次審核50宗和15宗投訴個案。

4.3 Detailed breakdown of allegations endorsed by nature from 2007 to 2010 (first quarter) is shown in Appendix II.

4.4 In 2009 and 2010 (first quarter), IPCC also re-examined 50 and 15 cases respectively in response to requests for review.

調查結果

4.5 在2009年獲通過的5,055項指控中，經全面調查的指控有1,194項，當中74項被列為「獲證明屬實」，80項被列為「未經舉報但證明屬實」，15項被列為「無法完全證明屬實」，597項被列為「無法證實」，222項被列為「虛假不確」，206項被列為「並無過錯」。在其餘3,861項無需進行全面調查的指控中，1,027項透過簡便方式解決，1,771項被列為「投訴撤回」，1,057項被列為「無法追查」和6項被列為「終止調查」。

Results of Investigation

4.5 Of the 5,055 allegations endorsed in 2009, 1,194 allegations were fully investigated. Of these, 74 were classified as "Substantiated", 80 "Substantiated Other Than Reported", 15 "Not Fully Substantiated", 597 "Unsubstantiated", 222 "False" and 206 "No Fault". Of the remaining 3,861 allegations that were not fully investigated, 1,027 were resolved by way of Informal Resolution, 1,771 were classified as "Withdrawn", 1,057 as "Not Pursuable" and 6 as "Curtailed".

4.6 被歸納為「屬實」類別的指控佔1,194項經全面調查的指控的14.2%，佔所有通過的5,055項指控的3.3%。「虛假不確」佔經全面調查指控的18.6%，佔通過指控總數的4.4%。「並無過錯」佔經全面調查指控的17.3%，佔通過指控總數的4.1%。

4.7 在2010年首季獲通過的2,225項指控中，經全面調查的指控有672項，當中51項被列為「獲證明屬實」，39項被列為「未經舉報但證明屬實」，19項被列為「無法完全證明屬實」，343項被列為「無法證實」，55項被列為「虛假不確」，165項被列為「並無過錯」。在其餘1,553項無需進行全面調查的指控中，443項透過簡便方式解決，706項被列為「投訴撤回」，400項被列為「無法追查」和4項被列為「終止調查」。

4.8 被歸納為「屬實」類別的指控佔672項經全面調查的指控的16.2%，佔所有通過的2,225項指控的4.9%。「虛假不確」佔經全面調查指控的8.2%，佔通過指控總數的2.5%。「並無過錯」佔經全面調查指控的24.6%，佔通過指控總數的7.4%。

4.6 The substantiation rate in relation to the 1,194 fully investigated allegations was 14.2% and 3.3% in relation to the total 5,055 allegations endorsed. "False" allegations constituted 18.6% in relation to fully investigated allegations and 4.4% in relation to the total number of allegations endorsed, whereas "No Fault" allegations constituted 17.3% in relation to fully investigated allegations and 4.1% in relation to the total number of allegations endorsed.

4.7 In 2010 (first quarter), of the 2,225 allegations endorsed, 672 allegations were fully investigated. Of these, 51 were classified as "Substantiated", 39 "Substantiated Other Than Reported", 19 "Not Fully Substantiated", 343 "Unsubstantiated", 55 "False" and 165 "No Fault". Of the remaining 1,553 allegations that were not fully investigated, 443 were resolved by way of Informal Resolution, 706 were classified as "Withdrawn", 400 as "Not Pursuable" and 4 as "Curtailed".

4.8 The substantiation rate in relation to the 672 fully investigated allegations was 16.2% and 4.9% in relation to the total 2,225 allegations endorsed. "False" allegations constituted 8.2% in relation to fully investigated allegations and 2.5% in relation to the total number of allegations endorsed, whereas "No Fault" allegations constituted 24.6% in relation to fully investigated allegations and 7.4% in relation to the total number of allegations endorsed.

監警會通過的調查結果

Investigation results endorsed by IPCC



4.9 2007至2010年首季的數字載於附錄III。監警會在2009年和2010年首季通過、按指控性質分類的調查結果分項數字載於附錄IV。

4.9 Respective figures from 2007 to 2010 (first quarter) are shown in Appendix III. A breakdown of the results of investigation endorsed by IPCC in 2009 and 2010 (first quarter), by category of allegations, is at Appendix IV.

對違規人員採取的跟進行動

4.10 2009年獲監警會通過的個案中，遭警方刑事起訴/紀律研訊或在內部採取其他行動的警務人員共172名，涉及131宗個案；2010年首季則有101名警務人員，涉及83宗個案。2007至2010年首季的分項數字載於附錄V。

Follow-up Actions Against Defaulting Officers

4.10 Criminal/disciplinary proceedings or internal actions were instituted or taken against 172 police officers in respect of 131 cases endorsed by IPCC in 2009, and 101 police officers in respect of 83 cases endorsed by IPCC in 2010 (first quarter). More detailed breakdown of figures from 2007 to 2010 (first quarter) is at Appendix V.

進行觀察

4.11 2009年，在觀察員計劃下共進行了1,808次觀察（預先安排的有1,477次，突擊的有331次）。較2008年的548次觀察，數字大幅上升。在1,808次觀察中，有1,612次是觀察會面的進行，其餘196次是觀察證據收集的工作。

4.12 2010年首季，共進行了426次觀察（預先安排的有316次，突擊的有110次）。在426次觀察中，有390次是觀察會面的進行，其餘36次是觀察證據收集的工作。委員和觀察員進行觀察的每月分項數字載於附錄VI。

4.13 監警會曾經就警方將要進行的會面或實地視察所給予的通知期過短表達關注，認為會影響到觀察員的參與。投訴警察課同意會盡量在可行的情況下，於會面或實地視察進行前，給予監警會不少於48小時的通知。實際數字亦顯示有實質改善：2009年上半年，有76.7%的通告是在不少於48小時前收到；2009年下半年和2010年首季的比率分別是83.2%和89.7%。相比於2008年下半年，當時只有50%的通告是在至少48小時前收到。

4.14 觀察員在觀察須匯報投訴的調查時，如察覺有不當之處，需要向監警會報告。監警會會把觀察員的意見向投訴警察課轉達和跟進。

進行會見

4.15 本報告期內（由2009至2010年3月），監警會邀請了11名人士（5名投訴人、5名被投訴人和1名警方證人）出席會面，涉及6宗投訴個案。

4.16 期內，共進行了5次會面，其他的會面在安排中。

Observations Conducted

4.11 Under the Observers Scheme, 1,808 observations (comprising 1,477 pre-arranged observations and 331 surprise observations) were conducted in 2009. The number of observations increased substantially compared with the 548 observations in 2008. Of the 1,808 observations, 1,612 were observations on conduct of interviews and 196 were observations on collection of evidence.

4.12 In 2010 (first quarter), 426 observations (comprising 316 pre-arranged observations and 110 surprise observations) were conducted. Of the 426 observations, 390 were observations on conduct of interviews and 36 were observations on collection of evidence. Monthly breakdown of observations conducted by Members and Observers is at Appendix VI.

4.13 IPCC had previously expressed its concern about the short notice given by the Police of impending interviews or scene visits which might undermine the effectiveness of the Observers Scheme. CAPO had agreed that they would endeavour to inform IPCC of impending interviews or scene visits as soon as practicable and at least 48 hours in advance. Noticeable improvements from CAPO were shown in this respect: 76.7% notifications received had at least 48 hours' notice in the first six months of 2009, 83.2% and 89.7% in the last six months of 2009 and in the first quarter of 2010 respectively. In the last six months of 2008, only 50% notifications received had at least 48 hours' notice.

4.14 Observers will report to IPCC if they notice any irregularities during the conduct of investigation of RCs. IPCC will take up the matters with CAPO and refer Observers' comments to them for follow-up.

Interviews Conducted

4.15 During this reporting period (from 2009 to March 2010), IPCC invited 11 persons (5 complainants, 5 complainees and 1 police witness) to attend interviews. These involved 6 complaint cases.

4.16 A total of 5 interviews were conducted during this reporting period and some others pending arrangement.

向投訴警察課提出質詢

4.17 2009年和2010年首季，監警會向投訴警察課分別提出2,022項和947項質詢/建議，而在2008年提出的質詢/建議則有1,991項。在2009年提出的質詢/建議中，有1,376項獲投訴警察課接納，其餘則獲該課給予圓滿解釋。獲接納的比率為68.1%。在2010年首季提出的質詢/建議中，有638項獲投訴警察課接納，其餘則獲該課給予圓滿解釋。獲接納的比率為67.4%。監警會由2007至2010年首季提出質詢/建議的數目和性質載於附錄VII。

調查透徹度

4.18 監警會主要的關注是投訴警察課的調查是否全面和公正。為確保投訴經過徹底調查，監警會可提議再次約見投訴人、被投訴人或證人，前往現場視察，或徵詢進一步醫學或法律意見等。監警會亦可建議增加、刪減或修改對警務人員的指控、被投訴人名單和調查報告的內容。

4.19 2009年，監警會共提出1,456項有關調查的透徹程度或要求澄清調查報告內含糊不清之處的質詢，其中1,077項獲投訴警察課接納，並就監警會提出的事項作進一步調查和提供更多資料。其餘的質詢則獲該課給予圓滿解釋。2010年首季，共提出了631項這方面的質詢，其中464項獲投訴警察課接納。

Queries Raised with CAPO

4.17 A total of 2,022 and 947 queries/suggestions were raised with CAPO in respect of cases endorsed in 2009 and 2010 (first quarter) respectively. In 2008, 1,991 queries/suggestions were raised. Of the queries/suggestions raised in 2009, 1,376 were accepted by CAPO and others were met with satisfactory explanations from CAPO. The acceptance rate was 68.1%. For the queries/suggestions raised in 2010 (first quarter), 638 were accepted by CAPO and others were met with satisfactory explanations from CAPO. The acceptance rate was 67.4%. The number and nature of queries/suggestions raised by IPCC from 2007 to 2010 (first quarter) are at Appendix VII.

Thoroughness of Investigation

4.18 IPCC is primarily concerned with the comprehensiveness and impartiality of the investigations carried out by CAPO. To ensure that a complaint has been thoroughly examined, IPCC may suggest further interviews with complainants, complainees or witnesses, scene visits or the seeking of further medical or legal advice, etc. IPCC may also propose addition, deletion or amendment to allegations made against police officers, the complainees list and the contents of reports.

4.19 In 2009, a total of 1,456 queries regarding thoroughness of investigation or clarification on ambiguous points in investigation reports were raised and 1,077 of those were accepted by CAPO, leading to their further investigations and provision of more information on the matters raised by IPCC. Others were met with satisfactory explanations from CAPO. In 2010 (first quarter), 631 queries were raised in this respect and 464 of those were accepted by CAPO.

更改分類

4.20 監警會在2009年就調查結果分類提出276項質詢，因此而須予修正的調查結果有154項。2010年首季，就這方面提出的質詢有193項，因此而須予修正的調查結果有80項，包括：

2009

- 24項調查結果由「無法證實」/「投訴撤回」/「並無過錯」改列為「獲證明屬實」/「無法完全證明屬實」；
- 40項調查結果由「無法證實」/「投訴撤回」改列為「並無過錯」；及
- 10項調查結果由「無法證實」/「投訴撤回」改列為「虛假不確」。

此外，經監警會提出質詢後，共增加了29項「未經舉報但證明屬實」的指控，另有107宗事件記錄為「旁支事項」*。

2010（首季）

- 11項調查結果由「無法證實」/「並無過錯」改列為「獲證明屬實」/「無法完全證明屬實」；
- 32項調查結果由「無法證實」改列為「並無過錯」；及
- 3項調查結果由「無法證實」/「並無過錯」/「投訴撤回」改列為「虛假不確」。

此外，經監警會提出質詢後，共增加了1項「未經舉報但證明屬實」的指控，另有35宗事件記錄為「旁支事項」。

Classification Changes

4.20 In the light of a total of 276 and 193 queries raised in 2009 and 2010 (first quarter) regarding the classification of findings, CAPO changed the results of investigation in respect of 154 allegations in 2009 and 80 allegations in 2010 (first quarter), including:

2009

- 24 investigation results re-classified from “Unsubstantiated”/ “Withdrawn”/ “No Fault” to “Substantiated”/ “Not Fully Substantiated”; -
- 40 re-classified from “Unsubstantiated”/ “Withdrawn” to “No Fault”; and
- 10 re-classified from “Unsubstantiated”/ “Withdrawn” to “False”.

Apart from this, 29 “Substantiated Other Than Reported” allegations were added and 107 “Outwith” matters* were registered as a result of queries raised by IPCC.

2010 (first quarter)

- 11 investigation results re-classified from “Unsubstantiated”/ “No Fault” to “Substantiated”/ “Not Fully Substantiated”; -
- 32 re-classified from “Unsubstantiated” to “No Fault”; and
- 3 re-classified from “Unsubstantiated”/ “No Fault”/ “Withdrawn” to “False”.

Apart from this, 1 “Substantiated Other Than Reported” allegation was added and 35 “Outwith” matters were registered as a result of queries raised by IPCC.

* 「旁支事項」是指任何違反紀律或警隊通令的事項。這些事項在調查過程中被披露，但與投訴內容並無密切關係。

* An “Outwith” matter refers to any breach of discipline or Force orders which has been disclosed in the course of complaint investigation but is not closely related to the complaint.

遵從警務程序和常規

4.21 監警會可向投訴警察課提出質詢，以確定投訴個案涉及的警務人員在行使職權時，是否已遵從有關警務程序和常規。2009年，屬於這類的質詢共有92項，投訴警察課同意監警會在其中47項質詢中提出的觀察。2010年首季，屬於這類的質詢共有28項，投訴警察課同意監警會在其中9項質詢中提出的觀察。在多宗個案中，該課向違規人員記下了「旁支事項」或「未經舉報但證明屬實」的指控。

對違規人員採取/建議採取的行動提出意見

4.22 雖然向警務人員發出訓諭/採取紀律行動屬處長的職權，但監警會仍可就已經或將會採取的行動提出意見，例如行動是否能適當反映過失的嚴重性等。2009年，監警會就處長採取/建議採取的行動，提出意見共67次，其中59次獲投訴警察課接納。2010年首季，監警會提出意見共10次，其中7次獲接納。其餘的意見獲投訴警察課圓滿解釋和跟進。

改善警隊常規和程序的建議

4.23 根據《監警會條例》第8(1)(c)條，監警會可就警隊常規或程序中引致或可能引致投訴的缺失或不足之處，向處長和/或行政長官作出建議。本報告期內，監警會在這方面向警方提出了一些改善建議。

打擊非法賽車的行動及程序

4.24 警方於2009年7月13日在觀塘繞道進行反非法賽車行動時，涉嫌徵用市民的車輛以堵塞道路，引起監警會關注有關行動的程序和指引是否足夠保障公眾安全，以及是否存在缺失或不足之處，可能引致投訴。監警會與投訴警察課於2009年9月4日舉行的聯席會議討論了這個課題。

Compliance with Police Procedures & Practices

4.21 IPCC may raise queries with CAPO to ascertain if the police officers involved in a complaint case have complied with the relevant police procedures and practices in exercising their constabulary powers. In 2009, out of the 92 queries raised under this category, IPCC's observations in 47 queries were accepted by CAPO. In 2010 (first quarter), out of the 28 queries raised, IPCC's observations in 9 queries were accepted. In most of the cases, "Outwith" matters or "Substantiated Other Than Reported" allegations were registered against the defaulting officers.

Comments on Actions/Proposed Actions Against Defaulting Officers

4.22 While imposition of advice/disciplinary actions on police officers is a matter for CP, IPCC will examine the actions taken or to be taken to ascertain whether it is commensurate with the gravity of the offence. IPCC commented on the actions/proposed actions on 67 occasions in 2009 and 10 occasions in 2010 (first quarter). Of these occasions, the comments raised on 59 occasions in 2009 and 7 occasions in 2010 (first quarter) were accepted and the rest were satisfactorily explained and followed up by CAPO.

Suggested Improvements to Police Practices and Procedures

4.23 Under section 8(1)(c) of IPCCO, IPCC can make recommendations to CP and/or CE if it identifies any fault or deficiency in any police practice or procedure that has led to or might lead to complaints. In this reporting period, IPCC suggested to the Police a number of improvements in this regard.

Operations and Procedures Against Illegal Car Racing

4.24 The Kwun Tong Bypass incident on 13 July 2009, in which private vehicles were allegedly commandeered by the Police with an intent to block the road in an anti-illegal car racing operation, aroused IPCC's concern on whether the procedures and guidelines relating to those operations were adequate to protect public safety and if there was any fault or deficiency that might lead to complaints. The issue was discussed at the Joint IPCC/CAPO meeting on 4 September 2009.

4.25 會上，警方告之監警會，使用市民的車輛設置路障以阻截需要留意的車輛並非警方政策。《警察程序手冊》亦禁止警方將無標記的警方或市民車輛以任何角度橫越停放在車道上。不過，根據法例，警務人員可以截停路上的車輛，而是否作出有關決定則視乎個別警務人員的判斷而定。

4.26 監警會認為，雖然使用市民車輛設置路障並非警方政策，但是並沒有明文禁止警務人員截停市民車輛以堵塞道路。這個情況並不理想。

4.27 警方考慮了監警會的意見後，檢視和修訂了《警察通例》和《處長指令》中相關的指示，列明警務人員在任何情況下，都不能純粹為堵塞道路或截停目標車輛而截停或徵用市民的車輛。經修訂的指令強調警務人員和公眾的安全至為重要。

警方處理大型公眾活動的指引

4.28 鑒於公眾關注警方就大型公眾活動的處理手法和這些活動不時引致投訴，監警會邀請警方的代表出席與投訴警察課於2009年12月15日舉行的聯席會議，簡介警方處理大型公眾活動的原則和主要考慮因素。

4.29 警方指出，他們在處理大型公眾活動時，會盡力在市民表達意見的權利和自由、公眾安全、公眾秩序以及會否對公眾帶來不便等多方面取得平衡。警方強調，處理大型公眾活動時的目標是協助並確保活動安全及和平地進行。警方會與舉辦活動的單位保持聯繫，有需要時會在活動舉行前與他們舉行聯絡會議，討論包括人群管理措施等活動細節，並盡早透過傳媒公布封路安排。警方在回應委員提問時指出，他們執行大型公眾活動的人群管理措施和其他行動時，會以公眾安全和公眾秩序為考慮。

4.25 At the meeting, the Police told IPCC that it was not police policy to use civilian vehicles to form roadblocks with a view to stopping vehicles of interest. The Force Procedure Manual prohibited using unmarked police or civilian vehicle to be placed across a carriageway at an angle. However, under the law, police officers could stop a vehicle on a road and whether or not to do so depended on the judgement of individual officers.

4.26 IPCC considered it not satisfactory that, while it was not police policy to use civilian vehicles to form roadblock, there was no explicit stipulation prohibiting officers from stopping civilian vehicles with a view to blocking the road.

4.27 Taking IPCC's comments into consideration, the Police reviewed and revised relevant instructions in the Police General Orders and Commissioner's Order stating that under no circumstances could a police officer simply stop or commandeer private vehicles with the intent to block the road and stop targeted vehicles. As highlighted in the revised Orders, the safety of police officers and the public was paramount.

Guidelines on Policing Public Order Events

4.28 In view of public concern on how police handle public order events (POEs) and as complaints arise from POEs from time to time, police representatives were invited to brief IPCC on the guiding principles and major considerations taken into account in policing POEs at the Joint IPCC/CAPO meeting on 15 December 2009.

4.29 The Police stated that in policing POEs, they endeavoured to strike a balance having regard to the public's right and freedom of expression, public safety, public order and inconvenience caused to the public. The Police emphasised that the objective of POEs policing was to facilitate the event and to ensure it may be held in a safe and peaceful manner. The Police would maintain contact with and where necessary hold liaison meetings with the event organiser prior to the event to discuss the event details including the planned crowd management measures, and would announce any road closure to the general public through the mass media as early as possible. In response to Members' queries, the Police said that crowd management and other actions in relation to POEs were implemented in the interests of public safety and public order.

- 4.30 會上，監警會促請警方向主辦單位充分解釋在維持大型公眾活動秩序時，所採取的安排背後的原因，以預防投訴。另外，警方表示，他們在活動進行時錄影是為了捕捉現場的氣氛，而非針對任何人士。如有或很可能有破壞秩序的情況出現，有關的錄影記錄或可用來作證。監警會認為，警方應向主辦單位和參與活動的人士申明這點，以避免誤會。
- 4.31 投訴警察課向與會者表示，警方正在編制一份名為《警方處理大型公眾活動手冊》的詳盡指令。監警會待有關手冊編制完成，再向警方提出意見。

警方閉路電視運作

- 4.32 監警會在審核調查報告時，注意到時有發生警署內閉路電視系統故障和無法檢取閉路電視錄影記錄的情況。其中一宗個案揭示，報案室沒有警務人員懂得從閉路電視系統的硬碟中檢取並複製錄影片段，警署於是召喚保養承辦商協助，才發現錄影功能在早前已經失靈。在硬碟中的相關片段亦已被清洗而無法複製。有一些個案，閉路電視系統故障達兩至三個月還沒有修理好。另外，警務人員忘記按錄影鍵或沒有察覺錄影功能失靈的情況亦有出現。
- 4.33 監警會認為，這些情況反映現行的指引未能確保閉路電視系統正常運作和妥善保存錄影片段。
- 4.34 警方在2010年3月4日的聯席會議上告之監警會，他們正提升警署現有的閉路電視系統。此外，他們亦會提醒調查人員及時檢取證據（尤其是閉路電視片段）的重要性。

- 4.30 At the meeting, IPCC urged the Police to brief the organisers fully on the rationale of POE policing with a view to preventing complaints. Regarding video filming at POEs, according to the Police, the purpose was to capture the general atmosphere of the event, rather than targeting a specific person. When a breach of the peace had occurred or was likely to occur, then the video recording might be used to capture evidence. IPCC considered that they should make it clear to the organisers and POEs participants with a view to avoiding misunderstanding.
- 4.31 CAPO told the meeting that a comprehensive order on POEs called “Public Order Manual” was being compiled. IPCC would further tender its advice when the Manual is available.

Police CCTV Operation

- 4.32 IPCC noticed that repeated instances of unavailability of CCTV recordings or malfunctioning of CCTV system in police stations were reported in investigation reports. In one case, no officer in the Report Room knew how to retrieve the footage and make copy from the hard disk of the CCTV system. The maintenance contractor was called to assist but found that the recording function had been out of order. Direct copy from the hard disk also failed as the subject footage had already been overwritten. In some cases, the CCTV system remained out of order for two to three months. There were also cases that the officers either forgot to press the record button or failed to notice the recording function was not working.
- 4.33 IPCC considered that these instances revealed that the existing guidelines failed to ensure proper operation of the system and retention of footage.
- 4.34 The Police told IPCC at the Joint meeting on 4 March 2010 that upgrading of the existing CCTV system in police stations had been underway. Besides, they undertook to remind police investigators of the importance of timely seizure of evidence, in particular CCTV footage, in all CAPO related investigation.

向警方提出的其他建議

錄取口供

- 4.35 觀察員在出席有關調查投訴而進行的會面時，對調查人員錄取口供的手法有意見，並向監警會反映。
- 4.36 有觀察員指出，在一次觀察投訴警察課的會面時，察覺該課的調查人員錄取口供時，沒有把被投訴的警務人員前後矛盾的回應一字不漏地記下，而是把有關內容組織和意譯，然後理順和有邏輯地記在口供紙上。此外，亦有一些觀察員向監警會報告，一些調查人員在錄取口供時，提出引導性問題。監警會認為這些手法會影響口供的可信性。一般而言，錄取口供的警務人員應盡量準確和根據被會見人士的說法作記錄。鑒於口供是否合理或前後矛盾對評估被會見人士的可信程度有所影響，監警會建議引入錄影會面以解決問題。監警會亦提醒觀察員，在進行觀察時要留意警方錄取口供的手法。
- 4.37 監警會向投訴警察課表達了有關的意見。該課回應指，警方錄取口供時的一般做法是記下被會見人士親自口述的回應，他們亦鼓勵調查人員在進行調查時盡量依循這做法。該課指出，被會見人士可選擇進行錄影或以筆錄形式錄取口供。會面完結前，警方會提醒被會見人士，在簽署口供前，有權作出任何修訂、改正或刪減。

Other Recommendations to the Police

Statement-taking

- 4.35 Investigators' statement-taking practice was brought to the attention of IPCC by comments from Observers after conducting observations in interviews in relation to complaints investigation.
- 4.36 During the observation of a CAPO interview, an Observer noted that the CAPO investigator organised and paraphrased the complainee's answers in the statement in a consistent and logical manner instead of recording the inconsistency in the complainee's answers verbatim. Some Observers also reported that some investigators asked leading questions in statement-taking. IPCC considered that such practice might compromise the credibility of statements thus taken. In general, the statement-taker should record interviewee's answers accurately and verbatim as far as possible. In view of the fact that any consistency or inconsistency might affect the assessment of interviewee's credibility, IPCC advised that the problem be addressed by video-recording interviews. IPCC also reminded Observers to pay attention to Police's statement-taking practice during their observations.
- 4.37 IPCC's comments were conveyed to CAPO. In reply, CAPO stated that it was police's general practice for statement takers to take statement from interviewees in their own words and they would encourage investigators to follow such practice in complaints investigation as far as practicable. CAPO pointed out that interviewees would be offered the options of video-recorded interview or written statement, adding that prior to the completion of interview, interviewees would be reminded of his rights to make any amendment, correction or deletion before signing the statement.