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第二章 Chapter 2

監察投訴處理 Monitoring the Handling of Complaints



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調查報告及指控數字

Number of Investigation Reports and Allegations

通過及接獲的投訴個案數字

Number of complaint cases endorsed and received



在本報告期內(2013年4月1日至2014年3月31日)，監警會共接獲投訴警察課就2,454宗新個案的調查報告，較去年同期的2,427宗個案增加了約1.1%。

同期，監警會通過了2,591宗投訴個案的調查結果(包括118宗的覆核個案)，比去年同期的2,489宗投訴個案增加4.1%。除了覆核個案外，涉及的指控有4,740項，其中主要的三項指控為「疏忽職守」(48.6%)、「行為不當/態度欠佳/粗言穢語」(36.6%)及「毆打」(6.7%)。指控的數字比2012/13年的4,884項指控輕微下跌2.9%。

During the reporting period (1 April 2013 to 31 March 2014), the IPCC received reports from CAPO on the investigation of 2,454 new cases, an increase of 1.1% compared to the 2,427 cases in the same period last year.

In the same period, the IPCC endorsed the results of investigations into 2,591 complaint cases (including 118 reviewed cases), an increase of 4.1% compared to the previous year's figure of 2,489. Total allegations involved were 4,740, excluding the reviewed cases. The three major allegations were "Neglect of Duty" (48.6%), "Misconduct/Improper Manner/Offensive Language" (36.6%), and "Assault" (6.7%). The number of allegations slightly decreased by 2.9%, compared to 4,884 in 2012/2013.

2012/13和2013/14年通過的指控數字(按性質分類)可見下表：

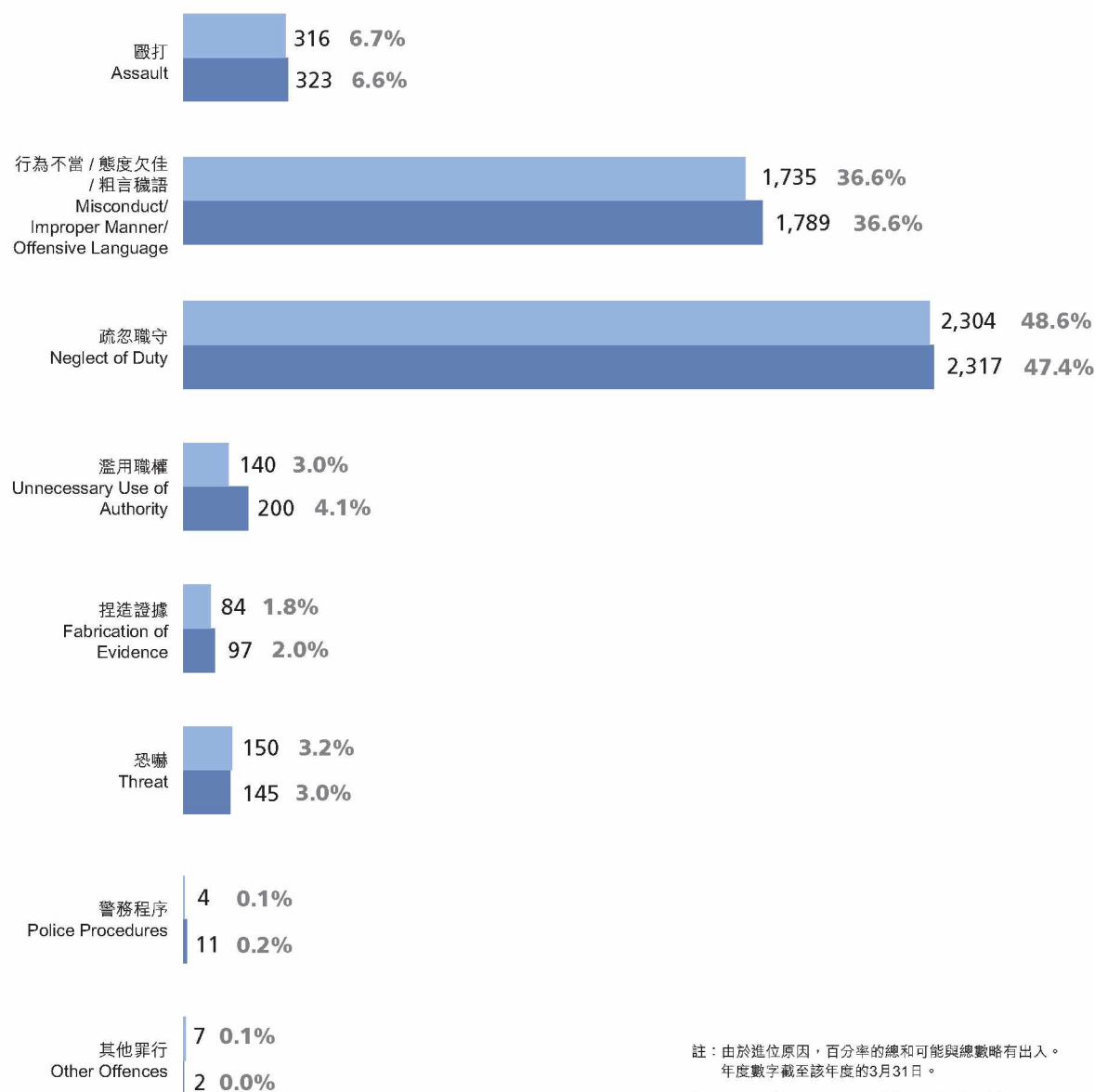
The following chart shows the number of allegations (by nature) endorsed for the years 2012/13 and 2013/14:

監警會通過的指控

Allegations endorsed by the IPCC

2013/14 指控總數 Total number of allegations **4,740**

2012/13 指控總數 Total number of allegations **4,884**



註：由於進位原因，百分率的總和可能與總數略有出入。
年度數字截至該年度的3月31日。

Percentage shares may not add up to the total due to rounding.
Figures as at 31 March of respective reporting year.

調查結果

Investigation Findings



在2013/14年獲通過的4,740項指控中，經全面調查的指控有1,318項，當中86項被列為「獲證明屬實」，佔所有經全面調查指控的6.5%。72項被列為「未經舉報但證明屬實」佔5.5%，43項被列為「無法完全證明屬實」佔3.3%，557項被列為「無法證實」佔42.3%，467項被列為「並無過錯」佔35.4%，93項則被列為「虛假不確」佔總數的7.1%。

在其餘的3,422項無需進行全面調查的指控中，396項「透過簡便方式解決」，佔無需進行全面調查指控中的11.6%。2,058項被列為「投訴撤回」佔60.1%，968項被列為「無法追查」佔28.3%。沒有指控被列為「終止調查」。

Of the 4,740 allegations endorsed in 2013/14, 1,318 were fully investigated. Of these, 86 (6.5% of fully investigated allegations) were classified as "Substantiated"; 72 (5.5%) as "Substantiated Other than Reported"; 43 (3.3%) as "Not Fully Substantiated"; 557 (42.3%) as "Unsubstantiated"; 467 (35.4%) as "No Fault" and 93 (7.1%) as "False".

Of the remaining 3,422 allegations that were not fully investigated, 396 (11.6% of those not fully investigated) were "Informally Resolved"; 2,058 (60.1%) were classified as "Withdrawn"; 968 (28.3%) as "Not Pursuable" and none for "Curtailed".

2012/13 年和 2013/14 年的數據比較可見
下表：

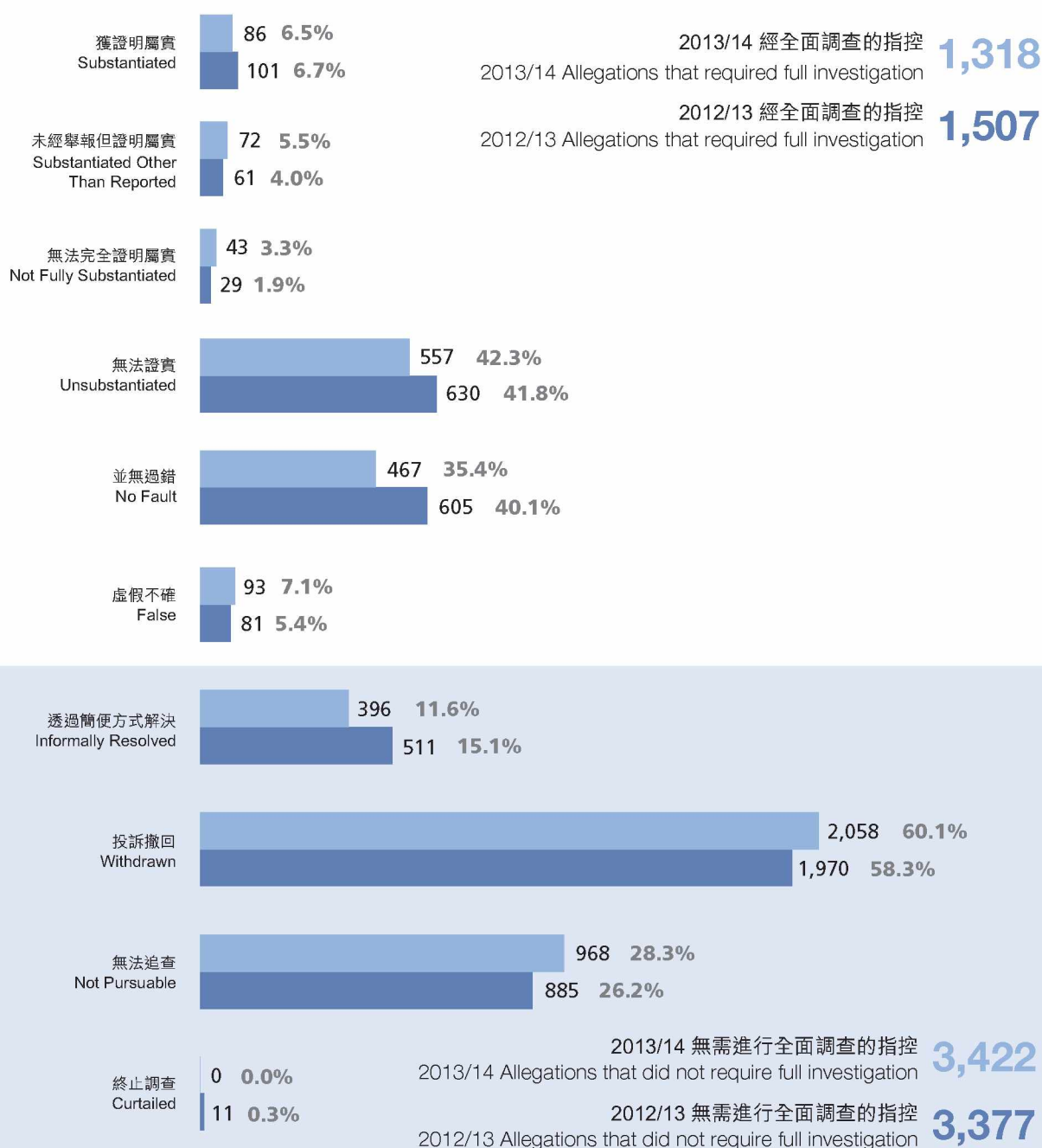
The following table shows a comparison of the 2012/13 and
2013/14 figures:

監警會通過的調查結果

Investigation results endorsed by the IPCC

2013/14 指控總數 Total number of allegations **4,740**

2012/13 指控總數 Total number of allegations **4,884**



監警會通過投訴警察課個案的指控數字(根據性質和調查結果劃分)
 Number of allegations involved in CAPO cases endorsed by the IPCC
 (by nature and by results of investigations)

	毆打 Assault		行為不當/態度欠佳/ 粗言穢語 Misconduct/ Improper Manner/ Offensive Language		疏忽職守 Neglect of Duty		濫用職權 Unnecessary Use of Authority	
年份Year	2013-14	2012-13	2013-14	2012-13	2013-14	2012-13	2013-14	2012-13
經全面調查的指控 Allegations that required full investigation								
獲證明屬實 Substantiated	0	0	11	15	70	77	5	8
未經舉報但證明屬實 Substantiated Other Than Reported	0	0	1	7	64	52	6	1
無法完全證明屬實 Not Fully Substantiated	1	1	12	5	25	17	4	6
無法證實 Unsubstantiated	19	19	257	294	231	258	29	38
並無過錯 No Fault	13	15	96	102	314	416	26	40
虛假不確 False	20	15	14	20	5	8	9	2
小計 Sub-total	53	50	391	443	709	828	79	95
無需進行全面調查的指控 Allegations that did not require full investigation								
透過簡便方式解決 Informally Resolved	0	0	195	258	201	252	0	0
投訴撤回 Withdrawn	99	130	794	774	1046	916	31	51
無法追查 Not Pursuable	164	143	355	310	348	317	30	51
終止調查 Curtailed	0	0	0	4	0	4	0	3
小計 Sub-total	263	273	1344	1346	1595	1489	61	105
總數 Total	316	323	1735	1789	2304	2317	140	200

捏造證據 Fabrication of Evidence		恐嚇 Threat		警務程序 Police Procedures		其他罪行 Other Offences		總數 Total	
2013-14	2012-13	2013-14	2012-13	2013-14	2012-13	2013-14	2012-13	2013-14	2012-13
0	1	0	0	0	0	0	0	86	101
0	0	0	0	0	1	1	0	72	61
1	0	0	0	0	0	0	0	43	29
6	11	13	8	0	2	2	0	557	630
15	20	0	6	3	6	0	0	467	605
29	25	15	10	0	0	1	1	93	81
51	57	28	24	3	9	4	1	1318	1507
0	0	0	0	0	1	0	0	396	511
20	26	67	71	0	1	1	1	2058	1970
13	14	55	50	1	0	2	0	968	885
0	0	0	0	0	0	0	0	0	11
33	40	122	121	1	2	3	1	3422	3377
84	97	150	145	4	11	7	2	4740	4884

警方對違規人員採取的跟進行動

Police Actions against Defaulting Officers

在本報告年度獲監警會通過的個案中，要接受紀律聆訊或其他內部行動的警務人員共177名，涉及133宗個案。分項數字可見下表：

In this reporting year, disciplinary proceedings or internal actions were taken against 177 police officers with respect to 133 cases endorsed by the IPCC. The following table shows the breakdown of figures:

警方就2012/13至2013/14年監警會通過的投訴個案
向違規的警務人員採取的行動

Police actions taken against defaulting officers with respect to
cases endorsed by the IPCC from 2012/13 to 2013/14

	警務人員數目 Number of officers	
	2013/14	2012/13
A. 刑事訴訟 Criminal proceedings	0	0
B. 紀律處分 Disciplinary proceedings	11	12
C. 其他內部措施 Other internal actions		
警告 Warnings	30	40
訓諭 Advice	136	123
總數 Total	177	175

註：2012/13年的數字已因應部份個案覆核後，予以調整。

Note: Figures for 2012/13 have been adjusted following case reviews.

觀察員計劃 Observers Scheme



在2013/14年，監警會的委員及觀察員共進行了2,471次觀察（預先安排的有2,128次，突擊的有343次），較2012/13年的2,012次觀察上升了22.8%。在2,471次觀察中，有2,055次是觀察會面的進行，其餘416次是觀察證據收集的工作。

在觀察投訴調查和透過簡便方式解決會面的數字方面，觀察透過簡便方式解決的會面為611次，比去年同期的595次增加了2.7%。投訴調查的觀察則為1,860次，比2012/13的1,417次增加了31.3%。

Under the Observers Scheme, 2,471 observations were conducted by Members and Observers of the IPCC (2,128 scheduled observations and 343 surprise observations) in the year 2013/14. The number of observations increased by 22.8%, compared with the 2,012 observations in 2012/13. Of the 2,471 observations, 2,055 involved the conducting of interviews and 416 involved the collection of evidence.

Among informally resolved cases, 611 involved IPCC observation in interviews, an increase of 2.7% from last year's figure of 595. Another 1,860 cases involved IPCC observation of investigations, an increase of 31.3%, from 1,417 in 2012/13.

觀察員(包括委員)進行觀察的每月分項數字可見下表：

The following tables show the monthly breakdown of observations conducted by Observers (including Members):

預先安排和突擊觀察的分項數字

Number of scheduled and surprise observations

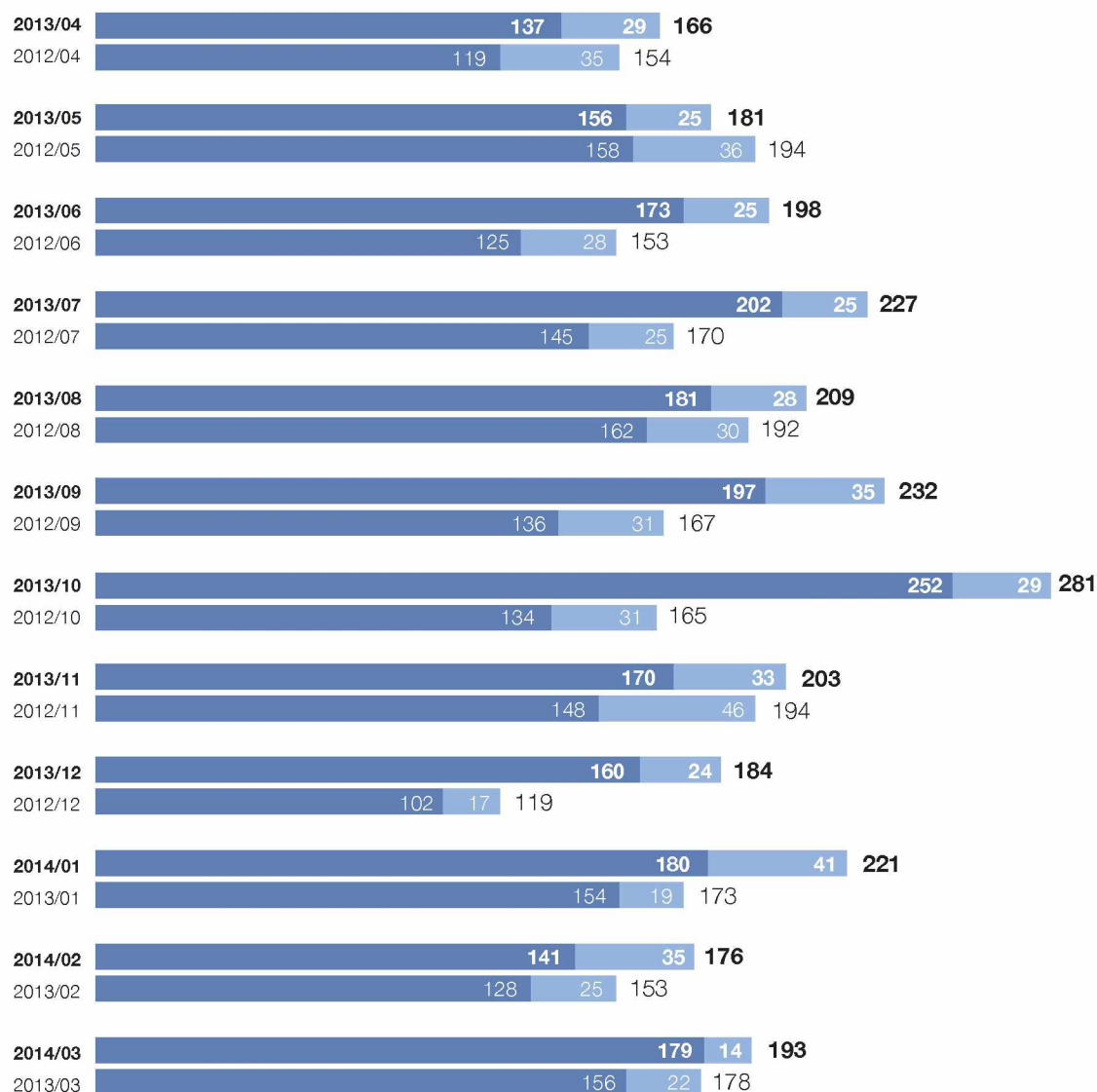
2013/2014
小計 Subtotal ■ **2,128** ■ **343** 總數 Total **2,471**

2012/2013
小計 Subtotal ■ **1,667** ■ **345** 總數 Total **2,012**

年/月

Year/Month

■ 預先安排 Scheduled ■ 突擊 Surprise



觀察會面和證據收集工作的分項數字

Number of observations of interviews and the collection of evidence

2013/2014
小計 Subtotal ■ **2,055** ■ **416** 總數 Total **2,471**

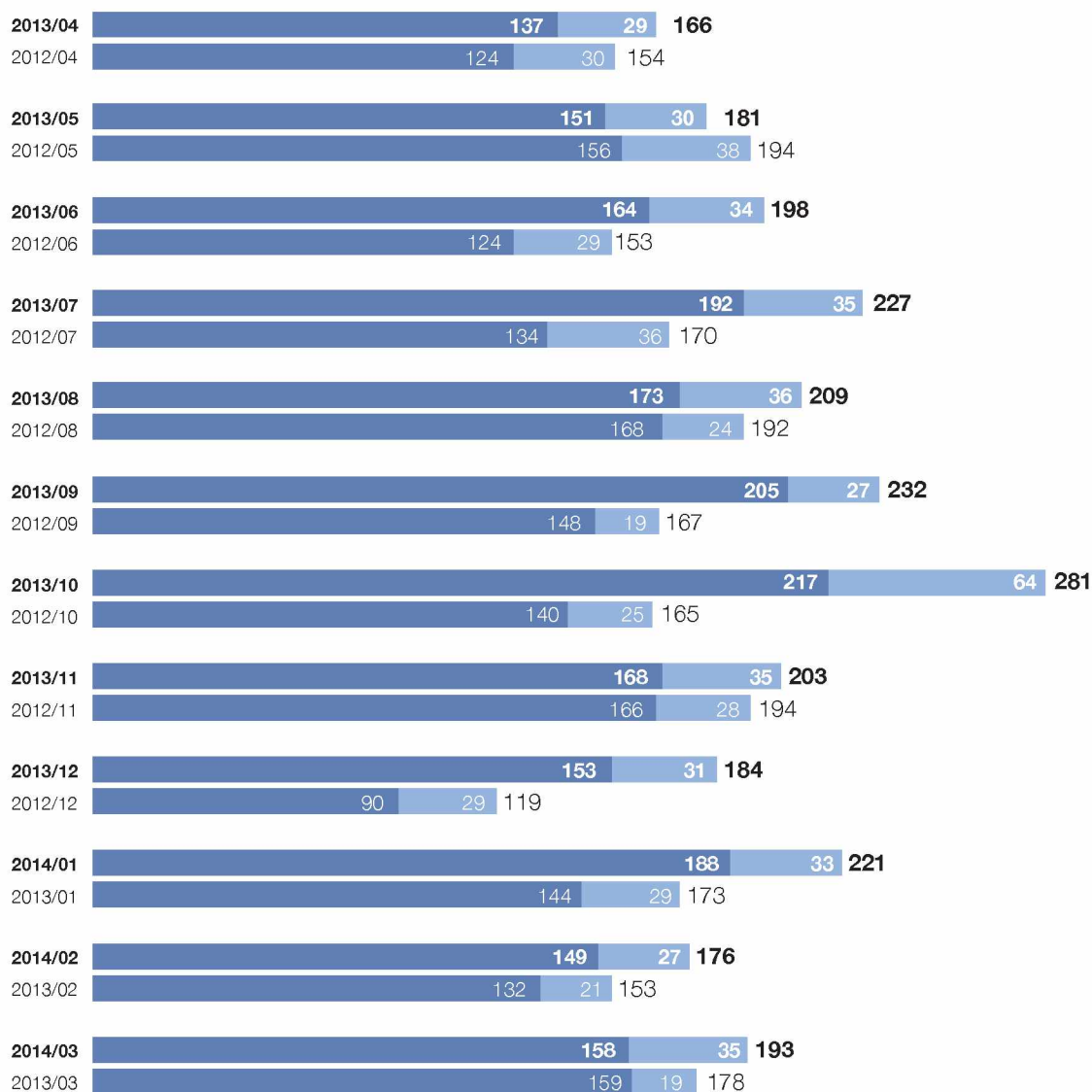
2012/2013
小計 Subtotal ■ **1,685** ■ **327** 總數 Total **2,012**

年/月

Year/Month

■ 會面 Interviews

■ 證據收集 Collection of evidence



2013/14 觀察投訴調查和透過簡便方式解決會面的分項數字

2013/14 Number of observations of complaint investigations and interviews for informal resolutions

投訴調查的觀察

Observations of complaint investigations:

■ 會面 Interviews

■ 證據收集 Collection of evidence

■ 透過簡便方式解決的會面

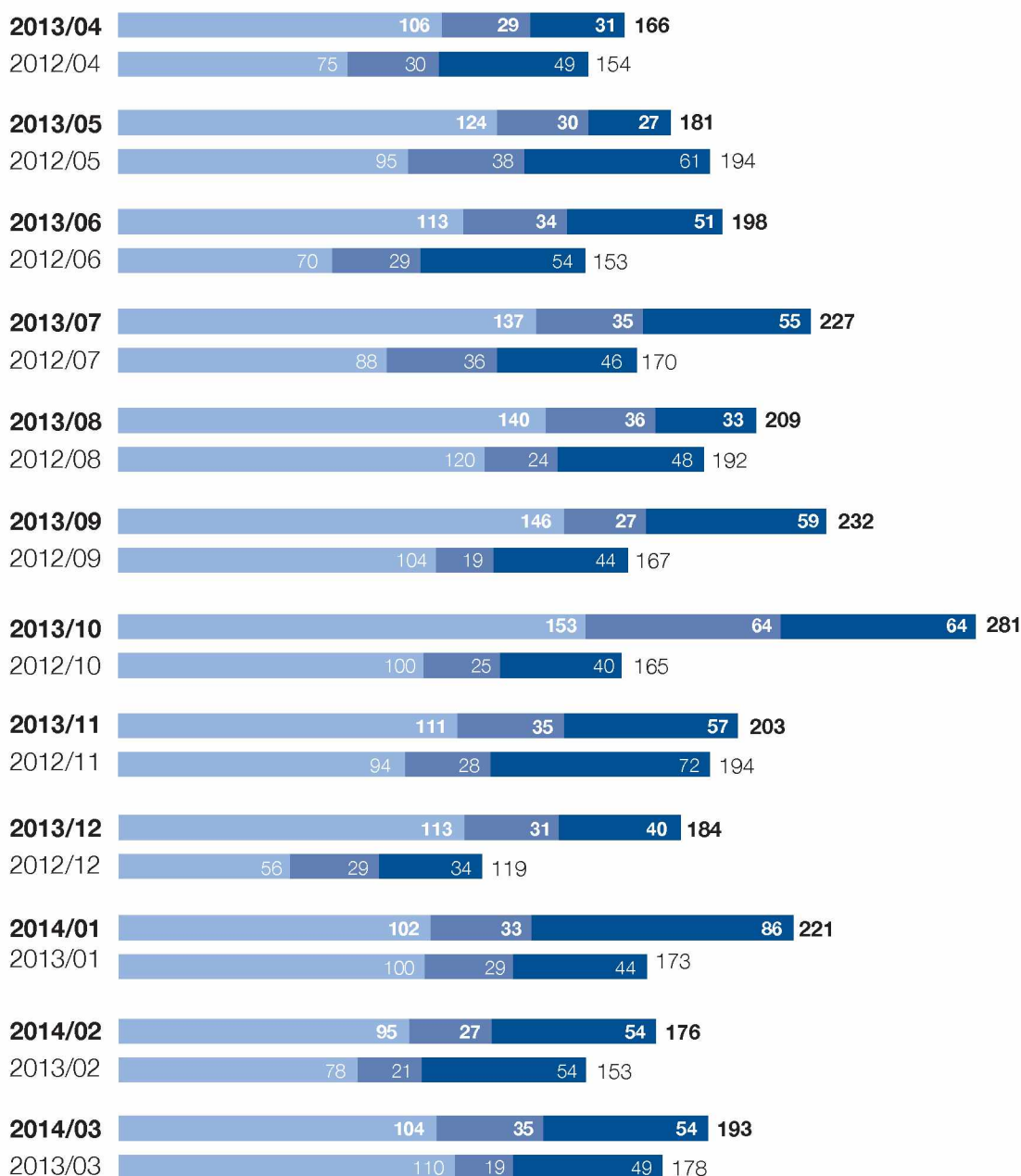
Number of informal resolution interviews

2013/14 透過簡便方式解決的會面總數
2013/14 Interviews conducted for informal resolution **611**

2012/13 透過簡便方式解決的會面總數
2012/13 Interviews conducted for informal resolution **595**

2013/14 觀察投訴調查總數
2013/14 Observations conducted for complaints investigation **1,860**

2012/13 觀察投訴調查總數
2012/13 Observations conducted for complaints investigation **1,417**



投訴警察課的通知

Notifications from CAPO

投訴警察課會盡量在可行的情況下，於會面或證據收集進行前，給予監警會不少於48小時的通知。在2013/14年，逾九成(92.3%)的通告是在不少於48小時前收到；比起2012/13年的89.4%為多。

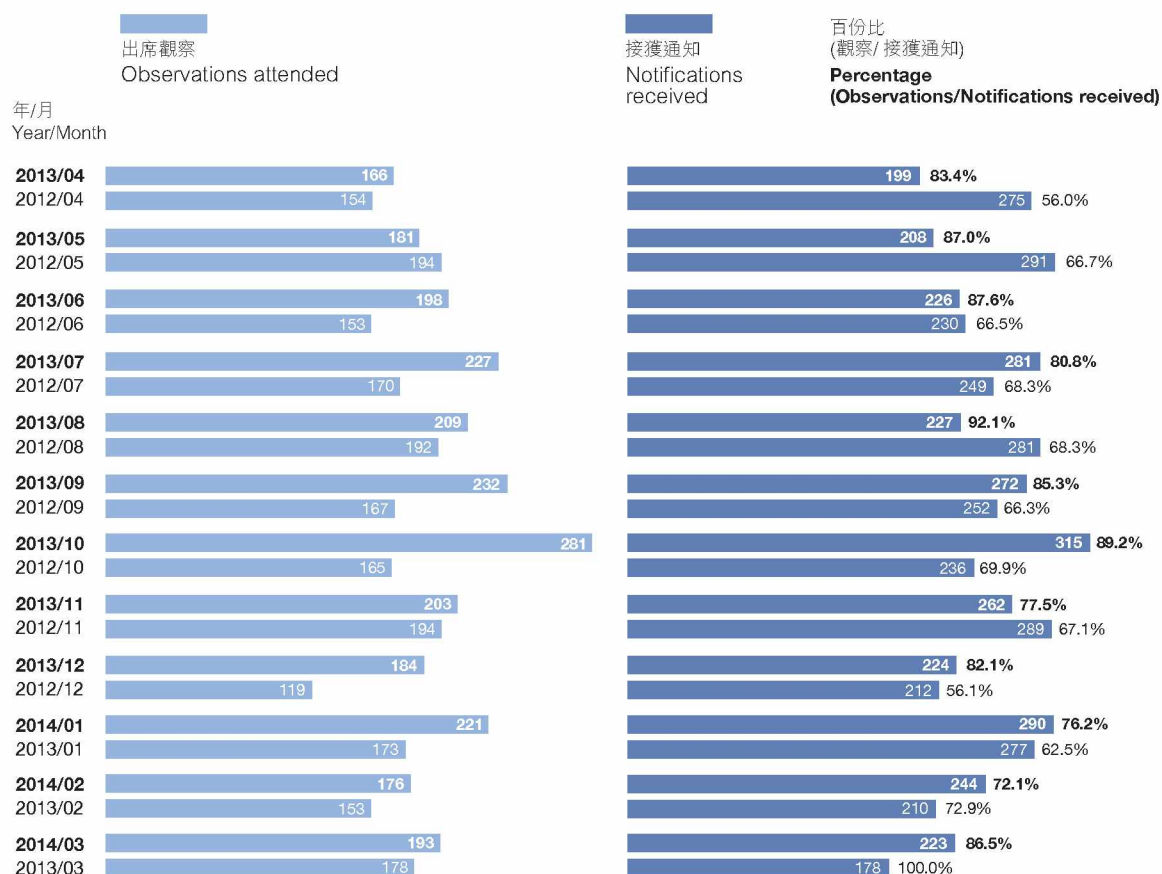
在本報告期內，監警會接獲投訴警察課共2,971次通知，觀察員出席了當中的2,471次，包括觀察會面工作和證據收集工作，佔整體的83.2%，較2012/13年的67.5%多15.7%（接獲投訴警察課的2,980次通知並出席當中2,012次），比2011/12年的47.5%大幅增加35.7%（接獲投訴警察課的4,258次通知並出席當中2,021次）。

Insofar as practicable, CAPO has agreed to notify the IPCC at least 48 hours in advance of any impending interview or collection of evidence. In 2013/14, 92.3% of such notifications were given within at least 48 hours, which was higher than the 89.4% recorded in 2012/13.

In this reporting period, IPCC Observers attended 2,471 observations, including interviews and the collection of evidence, comprising 83.2% of 2,971 notifications received from CAPO. The percentage represents an increase of 15.7% over the 67.5% in 2012/13 (2,012 observations out of 2,980 notifications received) and 35.7% over the 47.5% in 2011/12 (2,021 observations out of 4,258 notifications received).

觀察員出席觀察及接獲通知數字

Number of observations attended by IPCC Observers and notifications received



監警會進行會面

IPCC Interviews Conducted

在本報告期內，監警會曾邀請12位人士（四位投訴人、四位被投訴人及四位警務人員）出席監警會會面，涉及三宗投訴個案，當中11位均有出席會面。

During the reporting period, the IPCC invited 12 persons (four complainants, four complainees and four police officers) to attend interviews involving three complaint cases. Among these, 11 persons attended the interviews.

Number of IPCC interviews conducted:

進行會面的數據如下：

監警會進行會面的數字

Number of IPCC interviews conducted

邀請會面的人數
Persons invited to
interviews

12
2013/14

2
2012/13

出席會面的人數
Number of persons
attending interviews

11
2013/14

2
2012/13

審核個案所需時間

Time Required for Reviewing Complaint Cases

為加快審核個案的速度和處理投訴個案的效率，監警會秘書處於2011/12年度簡化內部審核個案的程序。以往每宗投訴個案的調查報告均先由審核團隊檢視，向投訴警察課提出質詢。在收到投訴警察課的回覆後，才再將報告呈交予秘書長及副秘書長審核，並再根據秘書長及副秘書長的疑問向投訴警察課提出質詢。

在2011年年初開始，秘書長、副秘書長及法律顧問每周主持內部會議，和審核團隊一同討論每宗投訴個案，再將秘書處的疑問加以整合，一次過向投訴警察課提出質詢，在收到投訴警察課的回覆後，便將調查報告呈交予委員審核，藉此簡化了秘書處的內部審核程序，加快個案審核速度。

在這安排下，審核個案的平均所需日數，由2012/13年度的105天降至2013/14年的97天。

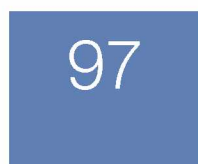
In order to accelerate the process of case reviews, the IPCC Secretariat simplified its internal procedures in the year 2011/12. Previously, each report on a complaint investigation had to be checked by a vetting team and queries raised with CAPO. Only after CAPO's reply was received was a report delivered to the Secretary-General and the Deputy Secretary-General for review; additional questions were then raised with CAPO based on their queries.

Beginning in early 2011, the Secretary-General, the Deputy Secretary-General and the Legal Advisor conducted weekly internal meetings to discuss each complaint case with a vetting team. The Secretariat then consolidated their queries and forwarded them to CAPO collectively. Once CAPO's reply was received, the investigation report would be reviewed by Members. This streamlined procedure has accelerated the case review process.

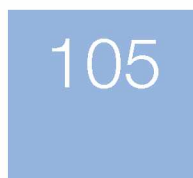
The average number of days required to review an investigated case decreased from 105 days in 2012/13 to 97 days in 2013/14.

審核個案所需的平均日數

Average number of days required to review a complaint case



2013/14



2012/13

向投訴警察課提出質詢

Queries Raised with CAPO

在2013/14年，監警會向投訴警察課分別提出802項質詢或建議。在這些質詢或建議中，有426項獲投訴警察課全面接納，餘者則由投訴警察課作出滿意解釋。接納質詢或建議的比率為53.1%。

監警會秘書處在收到這些解釋後，審核小組會再研究，並提交予委員考慮。有需要時並會將相關的質詢資料和解釋，在工作層面會議上和投訴警察課商討尋求共識，待監警會秘書處和委員均接受投訴警察課的解釋，才會通過該投訴個案。

The IPCC raised a total of 802 queries and suggestions with CAPO in 2013/14. Among these queries and suggestions, 426 were accepted by CAPO and the remainder received satisfactory explanations from CAPO. The acceptance rate was 53.1%.

After the IPCC Secretariat received the explanations, the vetting team studied them and passed them on to the vetting sub-group Members for consideration. When necessary, the queries and explanations were discussed at working level meetings with CAPO. Only when the IPCC Secretariat and Members accepted CAPO's explanation would a complaint case be endorsed.

更改分類

Classification Changes

監警會在2013/14年就調查結果分類提出352項質詢，而為投訴警察課全面接納的則有183項，因此而須予修正的調查結果有147項。包括：

CAPO accepted 183 out of a total of 352 queries raised by the IPCC in 2013/14 regarding the classification of findings. As a result CAPO reclassified the results of 147 investigations, including:

16

項由「無法證實」改列為「並無過錯」
reclassified from "Unsubstantiated" to "No Fault"

12

項由「無法證實」改列為「無法完全證明屬實」
reclassified from "Unsubstantiated" to "Not Fully Substantiated"

6

項由「無法證實」改列為「獲證明屬實」
reclassified from "Unsubstantiated" to "Substantiated"

10

項由「無法追查」改列為「並無過錯」
reclassified from "Not Pursuable" to "No Fault"

1

項由「無法追查」改列為「獲證明屬實」
reclassified from "Not Pursuable" to "Substantiated"

9

項由「投訴撤回」改列為「並無過錯」
reclassified from "Withdrawn" to "No Fault"

2

項由「投訴撤回」改列為「獲證明屬實」
reclassified from "Withdrawn" to "Substantiated"

詳細數據可參考下表：

The following table shows the breakdown of figures:

2013/14年度監警會通過的再分類調查結果

Changes of classification endorsed by the IPCC in 2013/14

原來分類 Original Classification	最後分類 Final Classification							總數 Total
	獲證明屬實 Substantiated	無法完全證明屬實 Not Fully Substantiated	無法證實 Unsubstantiated	並無過錯 No Fault	虛假不確 False	無法追查 Not Pursuable	投訴撤回 Withdrawn	
獲證明屬實 Substantiated	NA	0	1	0	0	0	0	1
無法完全證明屬實 Not Fully Substantiated	7	NA	0	0	0	0	0	7
無法證實 Unsubstantiated	6	12	NA	16	2	1	1	38
並無過錯 No Fault	5	7	37	NA	6	2	1	58
虛假不確 False	0	0	1	9	NA	2	2	14
無法追查 Not Pursuable	1	0	0	10	1	NA	0	12
投訴撤回 Withdrawn	2	1	0	9	3	2	NA	17
總數 Total	21	20	39	44	12	7	4	147

此外，監警會年內通過了72項「未經舉報但證明屬實」的指控，當中有28項是經監警會提出質詢後而增加的，另有13宗事件記錄為「旁支事項」*。

Moreover, the IPCC endorsed 72 counts of “Substantiated Other Than Reported” allegations; of these, 28 were included after the IPCC raised queries. In addition, another 13 incidents were recorded as “Outwith” matters*.

*「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 Police Force orders that has been disclosed in the course of a complaint investigation but is not closely related to the complaint.

改善警隊常規和程序的建議

Suggested Improvements to Police Practices and Procedures

根據《監警會條例》第8條(1)(c)，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，向警務處處長或行政長官作出建議。年內監警會就改善警隊常規和程序提出了15項建議，當中有六項建議為投訴警察課所全面接納。

Under S8(1)(c) of the IPCCO, the IPCC may make recommendations to the Commissioner of Police and/or the Chief Executive if it identifies any fault or deficiency in a police practice or procedure that has led to or might lead to a complaint. During this reporting period, the IPCC suggested 15 improvement measures to the Police, of which six were accepted by CAPO.

遵從警務程序和常規

Compliance with Police Procedures and Practices

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。2013/14年，屬於這類的質詢共有12項，投訴警察課完全同意監警會在其中五項質詢中的觀點。

The IPCC may raise queries with CAPO to ascertain if the police officers involved in a complaint case have complied with relevant police procedures and practices in exercising their constabulary powers. In 2013/14, out of 12 queries raised under this category, CAPO agreed with five observations by the IPCC.



行使警權的理由

Reasons for Exercising Police Power

此外，監警會亦關注警務人員在執勤時的警權運用。在2013/14年，監警會就警務人員在運用警權時的理據提出兩項質詢。

The use of police power by officers in the discharge of their duties is also a concern of the IPCC. In 2013/14, the IPCC raised two queries with respect to the reasons for the use of police power.

對處理違規人員的行動提出意見

Comments on Actions against Defaulting Officers

雖然向警務人員發出訓諭或採取紀律行動屬警務處處長的職權，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。2013/14年，監警會曾在有關事項上共提出15次意見，其中10次獲投訴警察課全面接納。

While the dispensing of advice or disciplinary action to police officers is a matter for the Commissioner of Police, the IPCC will examine the actions taken or to be taken to ascertain whether they are commensurate with the gravity of the offence. The IPCC commented on such actions on 15 occasions in 2013/14, of which 10 were accepted by CAPO.



澄清調查報告資料

Clarification of Information in Investigation Reports

2013/14年，監警會共提出176項關於調查報告內含糊不清之處的質詢及意見，其中119項獲投訴警察課全面接納。其餘的質詢則獲該課給予圓滿解釋。

In 2013/14, the IPCC raised questions and comments on 176 ambiguous points, of which 119 were accepted by CAPO. The IPCC received satisfactory explanations from CAPO for the rest.



調查透徹度

Investigation Thoroughness

2013/14年，監警會共提出68項有關調查的透徹程度的質詢，其中38項獲投訴警察課全面接納，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。

In 2013/14, the IPCC raised 68 questions regarding the thoroughness of police investigations. Of these, 38 were accepted by CAPO, which led to their further investigation and the provision of additional information on the issues raised by the IPCC. As to the rest, the IPCC received satisfactory explanations from CAPO.

監警會在2012/13年及2013/14年提出質詢或建議的數目和性質可見下表：

The following chart shows the number and nature of the queries and suggestions raised by the IPCC in 2012/13 and 2013/14:

監警會通過個案提出的質詢/建議

Queries/suggestions raised in respect of cases endorsed by the IPCC

2013/14 質詢總數 Total number of query points

802

2013/14 投訴警察課接受的質詢 Number of query points accepted by CAPO

426

	質詢總數 Total number of query points		投訴警察課接受的質詢 Number of query points accepted by CAPO	
年份 Year	2013/14	2012/13	2013/14	2012/13
質詢性質 Nature of query				
分類 Classification	352	401	183	176
改善警隊常規和程序的建議 Suggested Improvements to Police Practices and Procedures	15	11	6	6
遵從警務程序和常規 Compliance with Police Practices and Procedures	12	12	5	1
行使警權的理由 Reason for Exercising of Police Powers	2	3	0	1
對處理違規人員的行動提出意見 Comments on Actions against Defaulting Officers	15	19	10	12
澄清調查報告資料 Clarification of Information in Investigation Reports	176	298	119	175
調查透徹度 Investigation Thoroughness	68	50	38	32
其他質詢 Other queries	162	144	65	65
總數 Total	802	938	426	468