

**Meeting of the Independent Police Complaints Council (IPCC)
with the Complaints & Internal Investigations Branch (C&IIB) held at
the IPCC Secretariat Office at 1740 hours on Thursday, 21 May 2009**

Present : Mr JAT Sew-tong, SC (Chairman)
Dr the Hon Joseph LEE Kok-long, JP (Vice-chairman)
The Hon Abraham SHEK Lai-him, SBS, JP (Vice-chairman)
Dr Michael TSUI Fuk-sun
Dr Helena YUEN CHAN Suk-yee
Dr Lawrence LAM Chi-kit, MH
Mr Clement TAO Kwok-lau, BBS, JP
Ms Emily CHEUNG Mui-seung
Mr Eric CHEUNG Tat-ming
Ms Christine FANG Meng-sang, JP
Mr Eddie NG Hak-kim, JP
Mr Brandon CHAU, Deputy Secy/IPCC (Joint Secretary)
Mr Michael B. DOWIE, DMS
Mr WONG Fook-chuen, ACP SQ
Mr Alan FAN Sik-ming, CSP C&IIB
Mr J.P. RIBEIRO, SSP CAPO
Mr SIU Kit-hung, SP CAPO HQ (Joint Secretary)

In Attendance : Mrs Philomena LEUNG, Secy/IPCC
Ms Cherry CHAN, LA/IPCC
Mr Eddie WONG, SAS(PS)
Mr Henry CHAN, SAS(1)
Miss Moira LAU, AS(PS)1
Mr CHAN Mun-ying, CIP Team 3 CAPO K
Ms CHUNG Wing-man, CIP CAPO HQ
Mr LEE Kwok-chung, SIP Team 3a CAPO K
Mr KWOK King-leung, SIP Team 7a CAPO HKI
Mr WONG Kai-man, SIP SUP CAPO
Ms CHAN Shuk-ming, SIP IPCC C&IIB

Absent with
Apologies: Dr the Hon LAM Tai-fai, BBS, JP (Vice-chairman)
Mr YEUNG Yiu-chung, BBS, JP
Dr TSE Tak-fu, BBS
Ms Priscilla WONG Pui-sze, JP
Ms Carmen CHAN Ka-mun, JP

Prof Stephen CHEUNG Yan-leung, JP
Mr PANG Yiu-kai, SBS, JP

PART A CLOSED MEETING

This was the Closed Part of the meeting for the IPCC and representatives of C&IIB to discuss matters of mutual concern. The minutes of the meeting will not be uploaded onto the IPCC Homepage.

PART B OPEN MEETING

OPENING ADDRESS

The Chairman welcomed all to the meeting.

I CONFIRMATION OF THE MINUTES OF THE MEETING HELD ON 23 March 2009 (Open Part)

2. The minutes of the last meeting (open part) were confirmed without amendment.

II CAPO'S CRIMINAL AND DISCIPLINARY CHECKLIST

3. The Chairman invited CAPO to brief the meeting regarding the CAPO's Criminal and Disciplinary Checklist covering the period from 5 March 2009 to 29 April 2009.

4. CSP C&IIB highlighted three cases as reported in items A117, A118 and A160 of the checklist. All those cases arose from traffic enforcement actions in which the officers concerned had inaccurately completed the Fixed Penalty Ticket (FPT). In A117, the officer concerned had inputted the wrong date in the FPT while the officers concerned in A118 and A160 had filled in the wrong offence code. The Traffic Procedure Manual Part III had laid down clear instruction on ticketing. The matter would be highlighted in the 'Matters of Interest' of the 'CAPO Monthly Report'. CAPO officers would also disseminate the information to Formations during Liaison Visits and Complaint Prevention Talks to remind officers to be more cautious in the issuance of FPT.

III

CAPO'S MONTHLY STATISTICS

5. CSP C&IIB reported that a total of 284 complaints were received in March 2009, a decrease of 2.4% (-7 cases) when compared with the statistics of the previous month. For the month of April 2009, 297 complaints were received, which was an increase of 4.6% (+13 cases) when compared with the statistics of the previous month.

6. The number of 'Neglect of Duty' complaints received in March 2009 was 138 cases, a decrease of 0.7% (-1 case) when compared with the statistics of the previous month. For the month of April 2009, the number of 'Neglect of Duty' complaints received was 151 cases, which was an increase of 9.4% (+13 cases) when compared with the statistics of the previous month.

7. The number of 'Misconduct/Improper Manner & Offensive Language' complaints received in March 2009 was 90 cases, a decrease of 4.3% (-4 cases) when compared with the statistics of the previous month. For the month of April 2009, the number of 'Misconduct/Improper Manner & Offensive Language' complaints received was 94 cases, which was an increase of 4.4% (+4 cases) when compared with the statistics of the previous month.

8. The number of 'Assault' complaints received in March 2009 was 29 cases, a decrease of 9.4% (-3 cases) when compared with the statistics of the previous month. For the month of April 2009, the number of 'Assault' complaints received was 24 cases, which was a decrease of 17.2% (-5 cases) when compared with the statistics of the previous month.

9. In the first four months of 2009, a total of 1,149 complaints were received. It represented an increase of 28.1% (+252 cases) when compared with 897 cases of the same period last year.

10. The total number of 'Neglect of Duty' complaints received in the first four months of 2009 was 529 cases. It represented an increase of 33.9% (+134 cases) when compared with 395 cases of the same period last year.

11. The total number of 'Misconduct/Improper Manner & Offensive Language' complaints received in the first four months of 2009 was 378 cases. It represented an increase of 57.5% (+138 cases) when compared with 240 cases of the same period last year.

12. The total number of 'Assault' complaints received in the first four months of 2009 was 126 cases. It represented a decrease of 6.7% (-9 cases) when compared with 135 cases of the same period last year.

13. CSP C&IIB reported to the meeting that CAPO had conducted a preliminary analysis on the complaints received in the first four months of 2009. He commented that the complaints trend from 2006 to 2009 was very similar to that from 1998 to 2000. From 1998 to 2000, the number of complaints increased for about 26%, which was comparable to the increase in 2009. Nevertheless the projected figure for 2009 would fall in range of 3,300 to 3,400, which was comparable to the annual average of 3,300 over the past ten years. He highlighted that the majority of the complaints were minor in nature and most the complaints arose from the handling of miscellaneous reports. In the first four months, such complaints increased for 115% while serious complaints including 'Assault' and 'Fabrication of Evidence' decreased for about 33% when compared to the figure five years ago.

14. Dr Hon Joseph LEE commented that there was a significant increase in 'Neglect of Duty' allegations. While 50% of such complaints were subsequently classified as unsubstantiated, the investigation of such complaints took up considerable time and effort. He asked what could be done to rectify the situation.

15. CSP C&IIB replied that if more complainants chose to resolve such complaints by 'Informal Resolution', much time and effort of CAPO and IPCC could be saved.

16. The Chairman commented that most of the complaints aroused from misunderstanding or unnecessary argument between the complainants and complainees. He suggested more training should be given to frontline officers with a view to preventing complaints. On the other hand, more publicity should be given to members of the public with a view to encouraging the use of 'Informal Resolution'.

17. CSP C&IIB agreed that avoidable complaints should be prevented as far as practicable and the Complaints Prevention Committee would work towards that goal.

IV CASE FOR DISCUSSION

18. Secy/IPCC briefed the meeting on the case for discussion in which the Police had initially refused to inform the complainant of information that was closely related to the complaint. The complainant suspected that her mobile phone had been stolen by a customer and provided the address of that customer to the Police for investigation. She later requested the Police to issue a letter to her company explaining that the submission of the customer's personal data was for police investigation.

The complainant alleged that the Detective Senior Inspector in charge of the case threatened to prosecute her for 'Perverting the Course of Justice' if she insisted on pursuing her request.

19. The Senior Inspector denied the allegation and claimed that the complainant disclosed the data to the Police on her own initiative but requested him to state in the letter that the submission was at the Police's request. He therefore explained to her that it would amount to 'Perverting the Course of Justice' as he could not distort the fact.

20. After investigation, CAPO classified the allegation of 'Threat' as 'Unsubstantiated' since they found no evidence to prove that the officer intended to threaten the complainant. However, CAPO considered that the complainant's request did not amount to 'Perverting the Course of Justice'. A 'Substantiated Other Than Reported (SOTR)' count of 'Misconduct' was registered against him for making that incorrect remark.

21. IPCC accepted the investigation results but considered that the Police should make an apology to the complainant for the improper remark made to her. However, CAPO refused and told the Council that they would not inform the complainant of the substantiated classification of the 'Misconduct' allegation as it was not raised by the complainant.

22. IPCC considered that since the 'Misconduct' allegation was closely related to the complaint itself, CAPO should inform the complainant of that investigation result even though the allegation was not raised by the complainant. For the instant case, just informing the complainant of the 'Unsubstantiated' classification of the 'Threat' allegation but without mentioning the 'SOTR' part could not truly reflect the investigation results nor would that do justice to the credibility of the police complaints system.

23. After rounds of exchange, CAPO eventually agreed to inform the complainant of the substantiated classification of the 'Misconduct' allegation and make an apology to the complainant. IPCC was satisfied with CAPO's handling and endorsed the investigation results of the case.

24. IPCC further pointed out that under Section 24 of the IPCC Ordinance, the Police must notify the complainant of the classification of the reportable complaint and the reasons for the classification and classification included 'SOTR'. Following the implementation of the Ordinance on 1 June 2009, CAPO would be obliged to inform complainants of any 'SOTR' classifications.

25. The Chairman commented that the case illustrated the issue that

information provided to complainants might be insufficient. Consideration should be given to inform complainants of the actions taken with a view to enhancing the transparency of and public confidence in the system. He looked forward to working with CAPO in that respect.

26. CSP C&IIB replied that CAPO handled the case in accordance with the then established practice with IPCC. Having considered the impending implementation of IPCCO, CAPO decided to inform complainants of the ‘SOTR’ matter. In future, CAPO would inform complainants in accordance with Section 24 of the Ordinance.

V

ANY OTHER BUSINESS AND CONCLUSION OF THE MEETING

27. There being no other business, the meeting concluded at 1925 hours.

(SIU Kit-hung)
Joint Secretary
Complaints and Internal
Investigations Branch

(Brandon CHAU)
Joint Secretary
Independent Police
Complaints Council