



## *Press Release*

### **IPCC TO DISCUSS A COMPLAINT CASE REGARDING UNNECESSARY SEARCH ON DETAINED PERSON**

The Independent Police Complaints Council (IPCC) discussed the captioned complaint case with the Complaints Against Police Office (CAPO) at the Joint IPCC/CAPO Meeting today.

#### **Case Background**

The instant complaint arose from a case of ‘Assault Occasioning Actual Bodily Harm (AOABH)’ in which the complainant (COM) was arrested. COM subsequently lodged a complaint to CAPO alleging that two plainclothes officers failed to conduct proper investigation into the crime case [**allegation (a) – ‘Neglect of Duty (NOD)’**], and five woman police officers abused their power in conducting a total of six strip-searches on her within a short period of time during her detention by the Police [**allegations (b) to (g) - ‘Unnecessary Use of Authority (UUOA)’**].

COM eventually admitted the facts in the crime case and was bound over for 12 months by the court.

#### **CAPO’s Investigation**

After conclusion of the crime case, COM decided to withdraw allegation (a) – ‘NOD’. Therefore, allegation (a) was classified as ‘Withdrawn’.

Regarding the other allegations of ‘UUOA’, the five woman police officers admitted that they had conducted a total of six searches on COM when COM entered or was removed from a cell in a police station or court building, but they denied that they had conducted any strip-search on COM. Moreover, CAPO’s investigation revealed that all the six searches were conducted in accordance with the guidelines on search and escort of detained persons as set out in the Force Procedures Manual (FPM). In the absence of independent witness or objective evidence to prove or disprove either side’s version, CAPO classified allegations (b) to (g) as ‘Unsubstantiated’.

## **IPCC's Observations and CAPO's Response**

Having examined all relevant information, IPCC found that three of the alleged searches were conducted prior to removing COM from a cell in a police station or court building [allegations (c), (e) and (g)] whereas three other searches were conducted prior to COM entering the cells. IPCC considered that the former three searches were improper and unnecessary irrespective of the extent of the searches because:

- (i) COM had already been searched each time prior to entering the cells to ensure that COM did not possess any unauthorized items during her detention in the cells;
- (ii) there was no reasonable ground to suspect that COM might have obtained any unauthorized items during her detention in the cells; and
- (iii) FPM has never stated that a detained person should be searched prior to being removed from a Temporary Holding Area or cell.

After rounds of discussion, CAPO eventually agreed to change the classification of allegations (c), (e) and (g) from 'Unsubstantiated' to 'Substantiated'. The complainees of the above three allegations therefore would be advised without divisional record file entry on the requirement of FPM in conducting search on detained persons.

IPCC was satisfied with CAPO's response and endorsed the investigation report.

**Independent Police Complaints Council**  
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