

投訴警方獨立監察委員會

秘書處： 香港灣仔告士打道 56 號
東亞銀行港灣中心 10 樓



INDEPENDENT POLICE COMPLAINTS COUNCIL

SECRETARIAT : 10/F, Bank of East Asia Harbour
View Centre,
56 Gloucester Road,
Wan Chai, Hong Kong

Press Release

IPCC TO DISCUSS A COMPLAINT CASE REGARDING POLICE INTERVIEW WITH A STUDENT AGED 12 AT SCHOOL

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

On the material day, a total of six plainclothes officers from the District Anti-Triad Squad (DATS) attended a school for enquiry in response to its report of an imminent affray. Three students, who were allegedly involved in another money-dispute affray a few days earlier, were interviewed by the police officers at the school. No crime was detected after enquiry.

Later on the same day, one of the students (COM), aged 12, accompanied by her mother, lodged a complaint against three DATS officers. The complaint involved a total of seven allegations of ‘Misconduct’, ‘Unnecessary Use of Authority (UUOA)’, ‘Assault’ and ‘Threat’.

All the alleged misdemeanours took place in the course of police interview with COM in the interview room at school. A woman detective sergeant (COMEE 1), who took charge of the enquiry, invited the school discipline master to accompany COM to look after the latter’s welfare but he chose to stay outside the room claiming that he could monitor the interview outside as the door and curtain of the room were open. According to CAPO’s investigation, in the course of the interview, the discipline master received a phone call and did not witness the entire process. Moreover, he later claimed that the voices of COM and the police officers in the room were too faint for him to hear the conversation.

Because of the discipline master’s absence in the interview room and his claim of failing to hear the conversation inside, and since there was no other corroborative evidence to support or disprove COM’s or COMEEs’ version, CAPO classified all the allegations as ‘Unsubstantiated’.

IPCC's Observations

IPCC was concerned about the way police handled interviews with students under the age of 16 at school.

IPCC opined that given that COM was only a 12-year-old girl at the material time, COMEE 1 and other detectives should have attempted to contact her parent or guardian and asked for his/her presence before conducting the interview. Besides, COMEE 1 should have insisted that the discipline master stayed inside the interview room to take care of the girl's welfare, especially in the absence of her parent or guardian. It was largely COMEE 1's arrangement that contributed to the one-against-one situation leading to the 'Unsubstantiated' classification of all allegations.

One of the allegations was about a detective police constable (COMEE 2) having unnecessarily exercised his police power to ask COM to surrender her mobile phone for examination and recorded the information therein. COMEE 2 admitted that he did examine the phone to look for any information relating to the imminent affray as reported by the school. IPCC queried if COMEE 2's action was justified as phone records alone could not shed light on the contents of the calls.

CAPO's Response

CAPO explained that the police officers were summoned by the school in the morning to enquire into a possible affray that might break out right after school that day. They were obliged to interview COM as soon as practicable, even in the absence of her parent or guardian. As governed by Force Procedures Manual (FPM), if the Police found it essential to interview a person under 16 at school, it should be done with the consent and in the presence of the head teacher or his nominee. There was no provision requiring the Police to contact the parent or guardian. CAPO did not see any procedural impropriety in this respect.

However, in the light of IPCC's concern and for complaint prevention, COMEE 1 would be suitably advised to be more prudent when arranging interviews with students under 16 at school. CAPO would also request the relevant policy unit to review the existing provisions of FPM.

Regarding the allegation of 'UUOA' against COMEE 2, the officer stated that he had not examined COM's phone records indiscriminately but focused on persons or phone numbers that were known triad characters by DATS. CAPO was satisfied that the examination was reasonable and proportionate as the result was conducive to subsequent investigation and reinforcement if necessary. As COM and COMEE 2 gave different accounts as to whether the examination was agreed by COM and the information retrieved

was recorded by COMEE 2, CAPO maintained the 'Unsubstantiated' classification for this allegation.

IPCC's Recommendations

IPCC was satisfied with CAPO's clarifications and follow-up actions, and endorsed the investigation report. Other than the complaint itself, IPCC was also concerned about the role played by school authorities when students under 16 are to be enquired by the Police at school.

IPCC wondered if the school discipline master had intentionally put the girl in the hands of the Police for giving her a lesson.

In view of this complaint case, IPCC would like to remind school authorities of the importance of their care-taking role under such circumstances and to pay attention to police interview arrangement so that the welfare of students at school could be fully taken care of.

Independent Police Complaints Council
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