



Press Release

IPCC TO DISCUSS A COMPLAINT CASE REGARDING POLICE HANDLING OF DOMESTIC VIOLENCE CASE

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 complainant (COM) has been suffering from depression for years. On the material day, he had a quarrel with his wife, a two-way permit holder, and punched her face and body. COM was later arrested by the Police and was charged with ‘Assault Occasioning Actual Bodily Harm’. On the same day, COM was escorted to hospital due to mental illness.

The charge against COM was eventually dismissed because his wife decided not to pursue the case.

Allegations

COM lodged a complaint with CAPO alleging that in the course of the assault case investigation:

- (i) a Detective Senior Police Constable had forced him to sign a statement after his arrest and told him that there was no need for him to read the content of the statement [**‘Misconduct’**];
- (ii) another Senior Police Constable had persuaded him to admit the offence [**‘Misconduct’**];
- (iii) an unidentified plainclothes officer had not displayed his police warrant card when he visited COM’s home [**‘Neglect of Duty’**]; and
- (iv) a Detective Sergeant called COM’s mobile a number of times to look for his wife and requested the latter to attend the police station to change her statement [**‘Misconduct’**].

After CAPO’s investigation, the first two ‘Misconduct’ allegations were classified as ‘Unsubstantiated’ and the third allegation as ‘Not Pursuable’ since the identity of the

complainee could not be ascertained.

Regarding the fourth allegation of ‘Misconduct’, the complainee (COMEE) admitted that he had called COM four times to check the safety of his wife, and see if she had been approached by the Social Welfare Department as the case had been referred to the Department for follow-up. COMEE explained that he did not call COM’s wife direct because she only provided a Mainland mobile phone number to the Police but making an IDD call in the police station involved some administrative procedures. He further claimed that by calling COM, he was able to reach both COM and his wife in one go. In case he noted any sign of irregularities during the telephone contacts, he would visit their home for enquiries. He denied having attempted to persuade COM’s wife to alter her statement during the calls. Having regard to the above, CAPO classified the allegation as ‘Unsubstantiated’.

IPCC’s Observation

After examining the investigation report, IPCC pointed out that COMEE’s telephone contacts with COM to check the safety of COM’s wife were inappropriate as COM was the one who had assaulted his wife.

The Council was of the view that COMEE should have approached COM’s wife direct through her Mainland mobile phone number which had already been provided to the Police as a means of contact.

IPCC further commented that COMEE, as an experienced officer, should not have repeatedly called COM, a known mental patient, who would likely be agitated and this might invite complaints.

According to Force Procedures Manual, any person suspected or known to be mentally incapacitated should, as far as practicable, be interviewed in the presence of an appropriate adult. However, IPCC did not notice any such attempt by the Police in the statement taking process of both the assault case and the complaint case.

IPCC urged the Police to remind frontline officers that they should handle domestic violence cases and mental patients with greater care and sensitivity.

CAPO’s Response

CAPO explained that in the interviews, COM responded to questions rationally and was able to give logical, reasonable and coherent accounts of the matters. After re-examining the two statements concerned, CAPO did not see the interest or welfare of COM being compromised in both circumstances.

However, in the light of IPCC’s observation, CAPO registered a ‘Substantiated

Other Than Reported' count of '**Neglect of Duty**' against COMEE for his inappropriate phone calls to COM. He would be duly advised to exercise greater care and sensitivity in handling domestic violence case and mental patients.

Independent Police Complaints Council
5 December 2008