



## *Press Release*

### **IPCC REQUIRES THE POLICE TO DISCLOSE APPROPRIATE INFORMATION TO COMPLAINANT**

The Independent Police Complaints Council (IPCC) discussed with the Complaints Against Police Office (CAPO) at the joint meeting today about a case which the Police had first refused to inform the complainant of information that was closely related to the complaint.

#### **Case Background**

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 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.

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.

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 this incorrect remark.

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

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\* An allegation is classified as "Substantiated Other Than Reported (SOTR)" where matters other than the original allegations raised by the complainant but which are closely associated with the complaint itself and have a major impact on the investigation have been identified and are found to be substantiated.

refused and told the Council that they would not inform the complainant of this substantiated “Misconduct” allegation as it was not raised by the complainant.

### **IPCC’s Comments**

IPCC considered that since the “Misconduct” allegation was closely related to the complaint itself, CAPO should inform the complainant of this 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 this do justice to the credibility of the police complaints system.

### **CAPO’s Response**

After rounds of exchange, CAPO eventually agreed to inform the complainant of the substantiated “Misconduct” allegation and make an apology to the complainant.

IPCC was satisfied with CAPO’s handling and endorsed the investigation results of the case.

### **Requirement under IPCC Ordinance**

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 includes “SOTR”. Following the implementation of the Ordinance on 1 June 2009, CAPO is obliged to inform complainants of any “SOTR” allegations.

**Independent Police Complaints Council**  
**21 May 2009**

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***IPCC To Become Statutory Body on 1 June 2009***

*The IPCC Ordinance will come into operation on 1 June 2009 and statutory IPCC will be established on the same day.*

*The Ordinance sets out clearly its functions and powers in monitoring the handling and investigation of reportable complaints against the Police by CAPO. There are provisions imposing a statutory duty on the Police to comply with IPCC's requirements, for example, IPCC is empowered to require the Police to investigate or re-investigate complaints, to submit investigation reports to IPCC and to provide other information as IPCC requires. The Ordinance also empowers IPCC and its observers to observe the Police's interviews and collection of evidence for investigating complaints. It allows IPCC to interview persons in carrying out its reviews and to report to the Chief Executive as appropriate, further enhancing IPCC's independence in the police complaints system.*

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