

彰顯監警會審視投訴警察課人員處理投訴的方法

The IPCC scrutinizes a CAPO officer's handling of a complaint

個案重點 Highlights of the case

	指控 Allegation(s)	被投訴人 Complainee(s)	投訴警察課原來分類 Original classification(s) by CAPO	最後分類 Final classification(s)
1	行為不當 Misconduct	一名女警長 A Woman Sergeant	無法完全證明屬實 Not Fully Substantiated	無法完全證明屬實 Not Fully Substantiated
2	疏忽職守 Neglect of Duty		無法證實 Unsubstantiated	無法完全證明屬實 Not Fully Substantiated
3	疏忽職守 Neglect of Duty		並無過錯 No Fault	無法完全證明屬實 Not Fully Substantiated

此個案顯示監警會仔細審視一名投訴警察課人員處理投訴的方法。個案更闡明投訴警察課人員在處理投訴時，須明確地向投訴人說明各種可採用的投訴處理方法，以確保投訴人有足夠資訊作出決定。

一名市民投訴警方，此投訴個案交由投訴警察課一名女警長處理。其後，投訴人對該名女警長提出三項指控，包括引導投訴人選擇一個簡便的方法處理投訴【指控一：行為不當】、沒有按她要求及時安排監警會觀察員出席會面【指控二：疏忽職守】，以及沒有通知處理其案件的警察部門，她有新的資料提供作重查案件的理據【指控三：疏忽職守】。個案經調查後，投訴警察課把指控一分類為「無法完全證明屬實」、指控二為「無法證實」、指控三為「並無過錯」。

This case demonstrates that the IPCC is meticulous in scrutinising the actions taken by a CAPO officer towards a complainant when handling a complaint against the Police. It also illustrates the importance of CAPO clearly explaining to complainants all the options in handling a complaint, so that they could make an informed decision.

The complainant had lodged a complaint against the Police, which was handled by a Woman Sergeant (WSGT) of CAPO. Subsequently, the complainant lodged three allegations against the WSGT for inducing her to choose an option to deal with her complaint summarily [Allegation 1: Misconduct]; failing to promptly arrange for an IPCC Observer at her interview upon request [Allegation 2: Neglect of Duty], and failing to inform the police formation handling the review of her crime case that she had new information to provide [Allegation 3: Neglect of Duty]. After investigation, CAPO classified Allegation 1 as "Not Fully Substantiated", Allegation 2 as "Unsubstantiated" and Allegation 3 as "No Fault".

真實投訴個案

Real complaint case

監警會指涉事女警長並沒有正式知會監警會投訴人要求會面時要有觀察員在場。另外，投訴人曾多次表示就案件有新的資料可以提供，所以女警長在通知有關警察部門投訴人要求重查案件時，應要提及有新的資料。投訴警察課認同監警會的見解，把指控二、三改為「無法完全證明屬實」，並建議對女警長作出訓諭。

個案背景

投訴人較早前曾就其舉報的「詐騙」案件向投訴警察課投訴數名警員，個案由投訴警察課一名女警長處理。

女警長透過電話錄音系統與投訴人跟進投訴個案。在電話對話中，女警長向投訴人簡述她可以採用表達不滿機制和透過簡便方式解決來處理投訴，然而投訴人則多次要求投訴警察課進行全面調查。投訴人更要求當女警長與她會面錄取口供時有監警會的觀察員在場，但她後來才發現並沒有安排觀察員列席會面。另外，投訴人就她先前舉報的「詐騙案」有新的資料，故要求女警長通知負責其案件的警察部門重新調查該案件，但她及後才得悉負責的警員並不知道她是因為有新資料提供而要求重新調查。

投訴人隨即對該名女警長作出投訴，指女警長引導她以簡便方式解決投訴【指控一：行為不當】；未有根據她的要求，安排監警會觀察員出席會面【指控二：疏忽職守】及沒有通知負責的警察部門她可以提供新資料，以助重新調查詐騙案【指控三：疏忽職守】。

投訴警察課的調查

經調查後，投訴警察課認為根據電話錄音系統的紀錄，女警長沒有提出較合投訴人意願的全面調查投訴選擇，但因沒有充足理據證實她是故意引導投訴人，故把指控一分類為「無法完全證明屬實」。投訴警察課把指控二分類為「無法證實」，因為沒有證據證明或否定雙方所述有關投訴人要求女警長知會監警會安排觀察員出席會面。對於女警長沒有

The IPCC observed that the WSGT had failed to properly notify the IPCC of the interview with the complainant, who had requested the presence of an IPCC Observer. Moreover, while informing the related police formation of the complainant's request for a review of her crime case, the WSGT should have mentioned that the complainant would provide new information, as the complainant had repeatedly emphasised that she had new information in hand. As such, IPCC suggested reclassifying Allegations 2 and 3 as "Not Fully Substantiated", which was agreed by CAPO. It was recommended that the WSGT be advised.

Case background

The complainant had previously lodged a complaint with CAPO against some police officers for mishandling a "Deception" case reported by her. A Woman Sergeant (WSGT) of CAPO was assigned to handle the complaint.

The WSGT contacted the complainant via the Telephone Recording System (TRS) to follow up on the complaint. During the telephone conversation, the WSGT only introduced the Expression of Dissatisfaction Mechanism and the Informal Resolution as options for dealing with her complaint, even though the complainant had expressed several times that she wanted her complaint to be fully investigated. Furthermore, the complainant requested an IPCC Observer to be present when the WSGT interviewed her to take a statement regarding the complaint. Nevertheless, the complainant later learned that no IPCC Observer had been arranged to attend the interview. Lastly, the complainant also requested to refer her "Deception" case to the relevant police formation for case review, and that she had some new information to provide. However, the complainant later found out that the crime case reviewing officer was not aware that she had new information to support her review request.

Subsequently, the complainant lodged an instant complaint against the WSGT for inducing her to choose an option to deal with her complaint summarily [Allegation 1: Misconduct]; failing to promptly arrange for an IPCC Observer to attend her interview upon request [Allegation 2: Neglect of Duty], and failing to inform the related police formation that she would provide new information for the case review [Allegation 3: Neglect of Duty].

CAPO's investigation

After investigation, CAPO classified Allegation 1 as "Not Fully Substantiated" because the TRS records revealed that the WSGT did not mention other options, including the Full Investigation option, which would have met the complainant's request. However, there was insufficient evidence to prove that she had the intention to induce the complainant to choose other options as alleged. CAPO classified Allegation 2 as "Unsubstantiated" as it lacked evidence to either prove or negate the either side's versions of events concerning

通知負責部門，投訴人可提供該詐騙案的新資料一事，投訴警察課指投訴人沒有明確地提出指示，所以女警長沒有過失，而指控三純屬一場誤會，故投訴警察課把該指控分類為「並無過錯」。

監警會的觀察

監警會認同投訴警察課就指控一的調查結果。就指控二而言，在女警長通知監警會有關會面時，投訴警察課還未把個案列為須匯報投訴，故當時個案並不在監警會觀察員計劃涵蓋範圍內。女警長當時只通知監警會個案將會歸類為須匯報投訴。然而，在個案被歸類為須匯報投訴後，女警長未有再通知監警會。監警會認為女警長沒有及時通知會方，有一宗須匯報投訴的投訴人要求安排觀察員出席會面。

監警會對指控三「並無過錯」的分類有所保留。會方認為女警長告訴有關警察部門投訴人要求重新調查案件時，應同時提及投訴人有新資料提供，以便負責該案的警員能有效評估案情，加上投訴人已多番強調她有新資料提供。

監警會就女警長有疏忽之嫌而提出質詢。經考慮後，投訴警察課同意監警會的見解，並將指控二、三的分類改為「無法完全證明屬實」。投訴警察課建議對涉事女警長作出訓諭，但無需把此事記入其分區報告檔案中。

監警會通過這宗個案的調查結果。

the WSGT's notifying the IPCC of the complainant's request for an IPCC Observer to attend the interview. CAPO did not find the WSGT at fault for not informing the related police formation that the complainant would provide new information for the crime case review, as the complainant had not explicitly made such a request. CAPO considered that the allegation was made out of misunderstanding, and thus classified Allegation 3 as "No Fault".

IPCC's observations

The IPCC agreed with CAPO's findings for Allegation 1. Regarding Allegation 2, when the WSGT notified the IPCC of the interview concerned, the complaint had yet to be categorised by CAPO as a Reportable Complaint (RC) and thus was not within the purview of the IPCC Observer Scheme. The WSGT merely called the IPCC to say the complaint would soon be categorised as an RC. However, after the complaint was categorised as an RC, no notification was sent to the IPCC by the WSGT. The IPCC was of the view that the WSGT had failed to notify the IPCC in a timely manner that an interview with the complainant of an RC, who had requested the presence of an IPCC Observer, had been scheduled.

The IPCC also had reservations concerning the "No Fault" classification of Allegation 3, holding the view that while informing the related police formation of the complainant's request for a case review, the WSGT should have mentioned that the complainant would provide new information so that the reviewing officer could assess the situation better, especially when the complainant had repeatedly emphasised that she had new information at hand.

The IPCC's view was relayed to CAPO by way of a query to revisit the alleged negligence on the part of the WSGT. After consideration, CAPO subscribed to the IPCC's view and reclassified Allegations 2 and 3 as "Not Fully Substantiated". CAPO recommended advising the WSGT without a Divisional Record File entry.

The IPCC endorsed CAPO's findings in this case.