

Press release

IPCC releases a real complaint case in the fourth issue of newsletter *Change of findings classification after IPCC's meticulous examination*

(HONG KONG – 2 November 2011) The Independent Police Complaints Council (IPCC) today released its fourth issue of IPCC Newsletter. The cover story of this issue is Observers Scheme with a feature interview with three Observers, Dr Charles Koo, Dr James Wong and Ms Herdy So who shared their views and personal experience of being an Observer. The newsletter also includes the story of a complaint case, as well as an article by Ms Herdy So.

Mr Jat Sew-tong, Chairman of the IPCC said: “Dr Charles Koo, Dr James Wong and Ms Herdy So represent a diverse profile of our Observers - Ms Herdy So has been appointed as Observer for one year and is relatively new. But she has already observed more than 200 interviews and collection of evidence by the Police. Dr Charles Koo, a very experienced Observer, was appointed since 1998. Dr James Wong is a professionally qualified mediator. We rely on our Observers to ensure the complaint investigations were carried out in a fair and impartial manner. We appreciate our Observers’ contribution to the Council.”

Mr Ricky Chu, Secretary-General of the IPCC, shared a complaint case in which one allegation was reclassified from “No Fault” to “Unsubstantiated”. An “Outwith” matter was also disposed of by way of a “Substantiated Other Than Reported” count of “Neglect of Duty”, and an additional “Substantiated Other Than Reported” count of “Neglect of Duty” was registered against one police officer after the IPCC’s query.

In this complaint case, the complainant was arrested upon suspicion of criminal damage and was taken to the police station together with her 12-year old son. She was acquitted after trial. She lodged a “Neglect of Duty” allegation against the arresting officer of his failure to investigate the case thoroughly before arresting her. She also complained another police officer two counts of “Neglect of Duty” for failing to inform her before sending her son back home and for failing to allow her to offer an explanation when her statement was taken at the police station.

Upon completion of investigation, Complaints Against Police Office (CAPO) classified

the allegation against the arresting officer as “No Fault” judging that the arresting officer had made sufficient enquiry into the situation at the scene before arresting the complainant. Yet CAPO had found that the arresting officer did not give proper testimony in court in accordance with the facts recorded in his notebook. CAPO therefore registered a “Substantiated Other Than Reported” count of “Neglect of Duty” against the arresting officer. CAPO also advised the officer that took the complainant’s statement and his supervising officer the need to caution an arrested person when they sought to clarify what she initially said under caution. The matter was registered by CAPO as an “Outwith” matter against this officer and his supervising officer.

After IPCC’s query, the finding of “No Fault” was changed to “Unsubstantiated”, and the “Outwith” matter was reclassified as a “Substantiated Other Than Reported” count of “Neglect of Duty”.

Regarding the handling of the complainant’s 12-year old son, CAPO maintained that the decision to bring the complainant’s son from the crime scene to the police station was appropriate. However, CAPO found that the officer had failed to consult the Duty Officer before sending the boy home alone by bus. He also failed to arrange a police escort for the boy or to ascertain the capability of the complainant’s daughter to look after the boy at home. An additional “Substantiated Other Than Reported” count of “Neglect of Duty” was therefore registered against the officer who sent the boy home alone.

The fourth issue of the IPCC newsletter, released today, is available on the IPCC’s website at http://www.ipcc.gov.hk/en/reports_newsletter.html

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Notes to editor:

About the Independent Police Complaints Council

The Independent Police Complaints Council (IPCC) is an independent body established under the Independent Police Complaints Council Ordinance (IPCCO) (Cap. 604) to observe, monitor and review the handling and investigation of reportable complaints (RCs) against the Police by the Commissioner of Police (CP). The IPCC has become a statutory body since the commencement of IPCCO on 1 June 2009.