

Press release

IPCC introduces its outreach programme in the fifth issue of newsletter
Real complaint case reveals the Police's mishandling of minors

(HONG KONG – 7 March 2012) The Independent Police Complaints Council (IPCC) today released its fifth issue of IPCC Newsletter. The cover story of this issue is the IPCC's outreach programme which introduces recent stakeholders meetings between the Council and the Police as well as external stakeholders. The newsletter also includes articles contributed by Dr Helena Yuen Chan Suk-yea who is a retired IPCC Member after serving the Council for six years, and the newly appointed Deputy Secretary-General Mr Daniel Mui. A real complaint case is also revealed in the newsletter.

Mr Jat Sew-tong, Chairman of the IPCC said: "The IPCC is tasked by the IPCC Ordinance with a statutory function of promoting public awareness of the role of the IPCC. To carry out this new statutory function, the IPCC has not only made use of various channels to introduce our work to the public, but also met with different specific stakeholders on a regular basis, including the Police Force and other concerned groups, to ensure that they can directly express their opinions to the Council. While we have regular meetings with the Police, we also met with external stakeholders such as the Hong Kong Human Rights Monitor to understand their concerns. I also would like to take this opportunity to welcome Mr Daniel Mui, our new Deputy Secretary-General, to the IPCC Secretariat. Mr Mui has extensive experience in disciplinary force including the Police and ICAC. With his knowledge and experience, we trust he will make significant contribution to our work."

Mr Ricky Chu, Secretary-General of the IPCC, shared a real complaint case which involved the Police's mishandling of minors. In this complaint case, the complainant was a 14 years' old boy who felt aggrieved at being ill-treated by the Police during a drug trafficking investigation at his school. His mother lodged the complaint on behalf of the boy against the three police officers involved for "Misconduct". After investigation, the Complaints Against Police Office (CAPO) recommended that one allegation be classified as "Not Fully Substantiated". Following IPCC's queries, however, CAPO reclassified the allegation as "Substantiated". The failure of the Sergeant to seek assistance from the school to arrange for a parent or guardian of the student to be present during the interview violated the Force

Procedures Manual. Following the IPCC's inquiries, this act of negligence was reclassified to a "Substantiated Other Than Reported" count of "Neglect of Duty" from the original "Outwith" matter.

On the day in question, a Sergeant and two Police Constables visited a secondary school to conduct enquires in response to a dangerous drug intelligence report targeting at three suspect students including the boy who was 14 years' old at that time. During questioning, the Sergeant allegedly ordered the boy to stand up straight and extend his arms in front of him; then placed two pieces of tissue paper onto his upturned palms. The boy was then warned that he would be beaten if he dropped the tissues. After this, one of the Police Constables was alleged to have requested the boy to squat and to sit on an 'invisible chair'. After squatting for about 20 minutes, that Police Constable then asked the boy to grip his ears while squatting (allegation: Misconduct).

However, the three police officers claimed that the boy acted independent of their instruction and was not punished by them. While the testimonies of the two witnesses (the female teacher and the boy's class teacher) failed to confirm with absolute certainty what happened inside the room on that day. In view of the above, CAPO classified the misconduct allegation as "Not Fully Substantiated" concluding that there was insufficient evidence to fully substantiate this allegation. In addition, CAPO also registered an 'Outwith' matter against the Sergeant who failed to seek assistance from the school to arrange for a parent or guardian of the boy to be present during the interview. This act of negligence was not in compliance with the Force Procedures Manual regarding statement taking arrangement with minors.

The IPCC had reservations regarding the classification of misconduct allegation as well as CAPO's registration of the Sergeant's negligence as an "Outwith" matter. The IPCC considered more weight in terms of credibility lies with the boy's version. Hence the misconduct allegation should be reclassified as "Substantiated". Regarding the "outwith" matter, the Sergeant's failure in compliance of the Force Procedures Manual resulted in the boy facing the police officers alone thereby leading to the complaint. As such the IPCC considered a "Substantiated Other Than Reported" count of "Neglect of Duty" instead of an "Outwith" matter should be registered against the Sergeant.

After further deliberations, CAPO subscribed to IPCC's views and concluded that, on balance of probability, there was sufficient reliable evidence to support the misconduct allegation, which was reclassified as "Substantiated". CAPO also reclassified the Sergeant's failure to comply with the Force Procedures Manual from an "Outwith" matter to "Substantiated Other Than Reported" count of "Neglect of Duty".

The fifth 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.