

Press Release

**IPCC announces its 2019/20 Report and complaint handling progress
Discharging its monitoring role and Delivering more definite investigation results**

(HONG KONG – 15 December 2020) The Independent Police Complaints Council (IPCC) held its quarterly Joint Meeting with Complaints Against Police Office (CAPO) today. After the Joint Meeting, a media briefing was held to publish its 11th Report since becoming a statutory body, and to report the progress of handling complaints which arose from the large-scale public order events in 2019.

During the reporting period of 2019/20, the IPCC received investigation reports from CAPO on 1,478 new complaint cases. A total of 1,293 complaint cases involving 2,209 allegations were endorsed. Similar to previous year, the most common allegation was “Neglect of Duty” (1,003 counts, 45.4%), followed by “Misconduct / Improper Manner / Offensive Language” (910 counts, 41.2%) which meant that the relatively minor allegations accounted for nearly 87% of the total number of allegations (2018/29: 88%). The third most common allegation was “Assault” (175 counts, 7.9%).

During the reporting period, there were 797 allegations of which Complainants opted for full investigation, representing a year-on-year increase of 26.5% when compared with last year’s figure of 630 allegations. 78 allegations were classified as “Substantiated”, “Substantiated Other Than Reported”, or “Not Fully Substantiated” (which indicated different degrees of fault of police officers concerned). 45 out of these 78 investigation results were reclassified or registered after the IPCC raising Queries with CAPO, representing a year-on-year increase of 25% (Please refer to [Annex 1](#) for more statistics).

The IPCC strives to maintain a fair and impartial police complaints system accountable to the public, and to fully examine every complaint case based on evidence. Among the investigation results endorsed by the IPCC, the number of allegations that were classified as “Not Pursuable” or “Unsubstantiated” was evidently lower than that of the previous year. The number of allegations classified as “Not Pursuable” decreased from 915 counts last year to 748 counts

this year, representing a year-on-year decrease of 18.3%. The number of allegations classified as “Unsubstantiated” decreased from 299 counts last year to 257 counts this year, representing a year-on-year decrease of 14%. In sum, investigation results were more definite after IPCC’s examination of complaint cases.

In addition, there were 59 counts of allegations classified as “False” during the reporting period, representing a year-on-year increase of 78.8% when compared with last year’s 33 counts. Most of these allegations (46 counts) were judicially resolved and classified as “False” as a result.

Mr Richard Yu, CDSM, CMSM, Secretary-General of the IPCC said, “The IPCC meticulously examined every complaint case. Through the Observers Scheme and a rigorous vetting process, the IPCC would ascertain relevant evidence impartially and independently for examination of investigation reports. During the reporting period, the IPCC raised 1,244 Queries to CAPO in regard to investigation reports of Reportable Complaints, which saw a year-on-year increase of 60.1% compared with last year’s count of 777 Queries. These Queries involved clarification of information in the investigation reports (51%) and reclassification of investigation results (29%), etc. Subsequent to IPCC’s Queries, the investigation results of 184 allegations were modified to more definite and appropriate classifications including “Substantiated”, “Not Fully Substantiated”, “No Fault”, and “False”. This gave a year-on-year increase of 84% when compared with last year’s count of 100 allegations being reclassified, and thus has done justice to both Complainants and Complainees.”

Over the past 11 years, the IPCC put forward more than 150 improvement recommendations to the Police. During the reporting period, the IPCC made 17 improvement recommendations on Police guidelines and practices. These recommendations were not merely correlated with complaint cases and enhancement of the Police service quality, but also closely linked to the daily life of the community, including (1) enhance communication skills which require police officers to take a more thoughtful approach while communicating with members of the public so as to avoid misunderstanding and subsequent complaints; (2) enhance record keeping and monitoring system for correspondence handled by the Police for the betterment of public service; and (3) enhance guidance on Police procedures to enable frontline officers serving proper traffic offence-related charges.

Mr Clement Chan Kam-wing, MH, JP, Chairman of Publicity and Survey Committee said, “To better connect with its stakeholders and enhance the community’s understanding of IPCC’s work, the IPCC continued to engage the media, local interest groups, professional and academic institutions, Police staff associations as well as oversight bodies from other countries / areas through diverse means. Through the series of 10th Anniversary activities and School Programme, IPCC had reached out to over 30,000 stakeholders in the reporting period.”

Dr Anthony Francis Neoh, QC, SC, JP, Chairman of the IPCC said, “The past year has been unprecedented for the IPCC. In addition to the baseload work, the IPCC also accomplished two major tasks. Firstly, the “IPCC Symposium 2019” was organised to commemorate its 10th anniversary of becoming a statutory body. Over 300 scholars and professionals from local and other countries / areas were invited to attend and share their experience and views. Secondly, the IPCC compiled and published its Thematic Study Report on the Public Order Events arising from the Fugitive Offenders Bill since June 2019 and the Police Actions in Response, and put forward 52 improvement recommendations to the Police. Apart from following up on the Police’s implementation progress of these recommended improvements, the IPCC has been focusing on examination of complaint cases arising from the large-scale public order events.”

Since March 2020, the number of complaint cases relating to large-scale public order events has gradually leveled off, with less than 10 cases per month. As of 4 December 2020, CAPO received a total of 1,946 complaint cases filed by 9,135 Complainants. Nearly one third of these cases, that is 629 cases, were Reportable Complaints involving 1,111 allegations lodged by 684 Complainants. The remaining 1,317 cases were Notifiable Complaints involving 8,451 Complainants. Most of the Reportable Complaints were of relatively minor allegations, which accounted for over 70% of the total number of allegations. The most common allegation was Misconduct (311 counts, 28%), followed by Neglect of Duty (268 counts, 24%). There were also 138 allegations of Assault (12%) (Please refer to Annex 2 for the latest complaint statistics).

The IPCC attaches great importance to the investigation of every complaint case arising from large-scale public order events, and strives to ensure that all investigation work would be conducted in a fair and impartial manner. Pursuant to statutory power vested in the Council by the IPCC Ordinance,

Observers would attend CAPO's interviews with Complainants, Complainees and Witnesses, as well as their work to collect evidence. As of 4 December 2020, IPCC Members and 120 Observers completed about 1,000 observations with an attendance rate of 100%.

As of 4 December 2020, the IPCC received 398 investigation reports on Reportable Complaints from CAPO in connection with the large-scale public order events, among which 112 cases were fully investigated by CAPO, 118 cases were withdrawn by Complainants, 158 cases were "Not Pursuable", and 10 cases were informally resolved. Among these 398 investigation reports, 188 were endorsed by the IPCC.

It was observed that among the endorsed cases, over 85% were "Withdrawn" (90 cases) and "Not Pursuable" (73 cases). Most cases that were classified as "Withdrawn" or "Not Pursuable" involved complaints on the mannerism, impoliteness or minor negligence of officers. Among the "Withdrawn" cases, most Complainants decided to relay their comments to the supervisors of the police officers concerned or to the Police Force for improvement of their service quality. There were Complainants whom did not wish to spend time pursuing their complaint cases while some clarified that complaints were lodged due to misunderstanding of police actions. As for complaint cases classified as "Not Pursuable", Complainants did not come forward to assist the investigation although CAPO already made multiple attempts to contact them. Such situation was not desirable.

The Hon Tony Tse Wai-chuen, BBS, JP, Vice-Chairman of the IPCC cum Chairman of Serious Complaints Committee said, "Despite being classified as "Withdrawn" or "Not Pursuable", the IPCC will examine relevant evidence including dialogue records to ensure that no undue influence has been exerted on Complainant in these complaint cases, and that the whole process complies with established procedures. Lodging a complaint is a very serious matter. Whenever a Complainant exercises his/her right to lodge a complaint, he/she also has the responsibility to provide complete and accurate information as well as valid contact methods so that the two-tier police complaints system can function effectively to ensure fair and impartial handling of complaint cases, and thus improve service quality of the Force."

Council Chairman Dr Neoh concluded that, "IPCC noted that our society may share different views on the two-tier police complaints system which is to

ensure an impartial, fair and independent monitoring of the handling of complaints lodged by members of the public. This system can only function effectively with full and accurate information provided by Complainants as soon as possible. I would like to take this opportunity to thank all Council Members, Observers and Secretariat staff for their commitment and contribution towards the IPCC's work over the past year. The IPCC firmly upheld the principles of impartiality and integrity, and maintain professionalism when performing and discharging its statutory functions.”

The IPCC Report 2019/20 is available on the IPCC website:
https://www.ipcc.gov.hk/en/publications/annual_report/2019.html

###

獨立監察警方處理投訴委員會 2019/20 工作報告
Report of the Independent Police Complaints Council 2019/20

數字摘要 Fact Sheet

接獲及通過的須匯報投訴個案數字

Number of Reportable Complaint cases received and endorsed

<u>p.38</u>	2019/20	2018/19
接獲的須匯報投訴個案 Reportable Complaint cases received	1,478	1,521
通過的須匯報投訴個案 Reportable Complaint cases endorsed	1,293	1,527

監警會通過的指控 Allegations endorsed by the IPCC

<u>p.39</u>	2019/20	2018/19
指控總數 Total number of allegations	2,209	2,466

其中主要的三項指控

Three major allegations

<u>p.39</u>	2019/20	2018/19
疏忽職守 Neglect of Duty	1,003	1,219
行為不當／態度欠佳／粗言穢語 Misconduct/ Improper Manner/ Offensive Language	910	952
毆打 Assault	175	166

監警會通過的調查結果
Investigation results of allegations endorsed by the IPCC

<i>p.41</i>	2019/20	2018/19
<u>經全面調查 Required full investigation</u>		
獲證明屬實 Substantiated	57	56
未經舉報但證明屬實 Substantiated Other Than Reported	19	16
無法完全證明屬實 Not Fully Substantiated	2	7
無法證實 Unsubstantiated	257	299
並無過錯 No Fault	403	219
虛假不確 False	59	33
小計 Subtotal	797	630
<u>無需進行全面調查 Did not require full investigation</u>		
透過簡便方式解決 Informally Resolved	202	324
投訴撤回 Withdrawn	462	597
無法追查 Not Pursuable	748	915
小計 Subtotal	1,412	1,836
總數 Total	2,209	2,466

警方就監警會通過的投訴個案向違規的警務人員採取的行動
Police actions taken against defaulting officers in cases endorsed by the IPCC

<i>p.44</i>	2019/20	2018/19
刑事訴訟 Criminal proceedings	0	0
紀律覆檢 Disciplinary review	2	6
警告 Warnings	25	15
訓諭 Advice	53	60
總數 Total	80	81

監警會向投訴警察課提出的質詢
Queries raised by the IPCC to CAPO

<i>p.46</i>	2019/20	2018/19
質詢總數 Total number of Queries	1,244	777

監警會通過的再分類調查結果
Change of investigation classification endorsed by the IPCC

<i>p.48</i>	2019/20	2018/19
指控總數 Total number of allegations	220	137
再分類為「獲證明屬實」 Reclassified to “Substantiated”	38	24
再分類「無法完全證明屬實」 Reclassified to “Not Fully Substantiated”	2	6
再分類為「並無過錯」 Reclassified to “No Fault”	124	62
再分類為「虛假不確」 Reclassified to “False”	20	8

就改善警隊常規和程序提出的建議
Recommended improvements to police practices and procedures

<i>p.49</i>	2019/20	2018/19
建議總數 Total number of suggestions	17*	23

*尚未包括監警會專題審視工作就警方處理大型公眾活動作出的52項改善建議

* The figure dose not include the 52 recommendations set out in the IPCC Thematic Study Report on Police's handling of POEs.

審核個案所需時間
Time required for examining complaint cases

<u>p.50</u>	2019/20	2018/19
審核個案所需的平均日數 Average number of days required to examine a complaint case	125	78

觀察數字及觀察員出席率
Number of observations and attendance rate of IPCC Observers

<u>p.50&51</u>	2019/20	2018/19
觀察數字 Number of observations	2,127	1,874
出席率 Attendance rate	96.5%*	95.2%

*與大型公眾活動相關的須匯報投訴個案觀察員出席率為 100%

* Observations related to Reportable Complaints stemming from POEs were 100% attended by the Observers

須知會投訴個案數字
Number of Notifiable Complaint cases

<u>p.51</u>	2019/20	2018/19
經監警會審核的須知會投訴個案 Notifiable Complaint cases examined by the IPCC	1,686	617
重新歸類為須匯報投訴 Cases re-categorised as Reportable Complaints	6	2

有關《逃犯條例》及相關法例擬議修訂的
大型公眾活動衍生的投訴警方個案 (截至 2020 年 12 月 4 日)

No. of complaint cases against the Police stemmed from Public Order Events related to the proposed amendments to the Fugitive Offenders Ordinance and related legislation
(As at 4 December 2020)

概覽 Overview

	個案總數 Number of cases	投訴人數目 Number of Complainants
須匯報投訴 Reportable Complaints (RCs)	629	684
須知會投訴 Notifiable Complaints (NCs)	1,317	8,451
總數 Total	1,946	9,135

指控分項 Breakdown of allegations

指控 Allegations	須匯報投訴 Reportable Complaints	須知會投訴 Notifiable Complaints
行為不當 Misconduct	311	662
疏忽職守 Neglect of Duty	268	418
濫用職權 Unnecessary Use of Authority	154	211
毆打 Assault	138	79
不禮貌 Impoliteness	132	142
粗言穢語 Offensive Language	44	56
粗魯無禮 Rudeness	35	72
恐嚇 Threat	22	7
捏造證據 Fabrication of Evidence	5	11
警務程序 Police Procedures	2	1
總數 Total	1,111	1,659

###