

Press Release

**The Independent Police Complaints Council's response
to the statement of the Hong Kong Journalists Association**

(Hong Kong — 20 October 2021) The Hong Kong Journalists Association (HKJA) issued a statement last night (19 October 2021) in relation to the complaint investigation results from the Complaints Against Police Office (CAPO). The Independent Police Complaints Council (IPCC) hereby makes a response to address the misinformation in HKJA's statement.

(1) The Monitoring Role of the IPCC

According to the current legislation, Hong Kong adopts a two-tier police complaints system. All complaint cases are first received and investigated by CAPO. The investigation results will then be meticulously examined by the IPCC. By means of the Observers Scheme and stringent vetting procedures, the IPCC scrutinises all available evidence pertinent to the complaint cases and examine the investigation reports fairly and independently. All Reportable Complaints relating to the large-scale public order events (POEs) in 2019 have been examined and closely monitored by the Serious Complaints Committee. The IPCC has arranged Observers to attend all interviews conducted by CAPO with complainants as well as complainees, and to observe the collection of evidence at the scenes, so as to ensure that complaint cases have been handled beginning from the initial stage of investigation, in a fair and impartial manner. The IPCC will only reach a conclusion on the investigation of a complaint case after full consideration of all relevant evidence, video clips and information, including the physical setting where the complaints occurred, the behaviour of complainants, the law enforcement actions taken by the Police and the justifications for the actions.

(2) Reclassification of investigation results to reach more definite findings

It is blatantly inaccurate for the HKJA to depict that the IPCC “cannot overturn investigation results of CAPO”, “the IPCC's monitoring role of the Police exists in name only”, and that the IPCC is “incapable of discharging its duties effectively”. Amongst IPCC's various powers, there is the power to conduct interviews with persons related to the case, the power to raise queries, to request from CAPO clarification and more information, and to ask CAPO to conduct further

investigation, so that the investigation results could be reclassified to reach a more definite and appropriate finding, including “Substantiated”, “Not Fully Substantiated”, “Substantiated Other Than Reported”, “No Fault”, and “False”. To cite statistics in 2019/20 as an example, the investigation results of 184 allegations were reclassified after the IPCC’s queries, and thus justice could be done to both complainants and complainees.

(3) The IPCC’s Thematic Study Report on the Public Order Events arising from the Fugitive Offenders Bill since June 2019 and the Police Actions in Response” (the Report)

It is inaccurate for the HKJA to say that the Report, published by the IPCC on 15 May 2020, “was largely based on what the Police had said”. The IPCC had support from the Chief Executive and the Commissioner of Police. The IPCC fully scrutinised relevant information provided by other public bodies, private organisations as well as members of the public, and a vast amount of live news footage and articles from the media. Based on these materials, the IPCC put forward 52 recommendations to the Police.

(4) The 27 complaint cases lodged by the HKJA

On 17 June 2019, the HKJA sent a letter to the IPCC to lodge a total of 27 complaints. Contrary to the HKJA’s claim that “all complaint information were provided by the complainants with identities revealed”, the letter which the HKJA sent to the IPCC in fact did not contain any names or contact methods of the complainants. Among these 27 complaint cases, only nine of them were provided along with some video clips or photos for the purposes of investigation. In the remaining cases, only a brief description of the complaint incidents were given. Upon receiving complaint information referred by the IPCC, CAPO immediately requested the HKJA to provide the names and contact methods of the complainants so that CAPO could directly invite the complainants to assist in the investigations. However, the HKJA refused CAPO’s request and merely stated that they would pass CAPO’s request for assistance in the investigation to the complainants. Subsequently, only one complainant contacted CAPO, and CAPO launched a full investigation based on the detailed information provided by that complainant. As to the remaining 26 complaint cases, CAPO contacted the HKJA for over 30 times to urge the complainants to provide their contact methods and to assist in the investigation as soon as possible. Those 26 complainants eventually did not come forward to CAPO to assist in the investigation. Therefore, CAPO classified those 26 complaint cases as "Not Pursuable" (i.e. failed to obtain the cooperation of complainant to proceed with the investigation) in accordance with the prevailing

mechanism.

In the course of examining the investigation results of those 27 complaint cases, the Serious Complaints Committee of the IPCC repeatedly asked CAPO to contact the HKJA and seek the complainants' assistance in providing details of their complaints. In response to the IPCC's request, CAPO contacted HKJA for a good many times to ask for the complainants' contact methods and assistance. However, those 26 complainants ultimately did not come forward to CAPO to assist in the investigation.

Although those 26 complainants did not provide information to CAPO in person, the IPCC still meticulously examined the available information, including the video clips and photos provided along with HKJA's letter. Since the available information was not complete, it was not possible to ascertain all the facts of the complaints, and thus not possible to reach any definite conclusion. Therefore, after careful and thorough deliberation, the IPCC agreed with CAPO that those 26 complaint cases should be classified as "Not Pursuable". As to the only complaint case where the complainant did come forward to assist in the investigation, one count of allegation of "Impoliteness" was "Substantiated", and the Police would take appropriate follow-up actions. The IPCC endorsed the investigation result of that complaint case.

The Chairman and the Secretary-General of the IPCC have reiterated on multiple occasions during the media briefings that lodging complaint is a serious matter. Whenever complainants exercise their rights to lodge complaints, they have the duty and responsibility to cooperate with the investigation of CAPO. The Council has repeatedly appealed to complainants to provide detailed information as well as their contact methods. However, no cooperation from the HKJA or the complainants was secured, and thus the two-tier police complaints system could not perform its full functions. The IPCC expressed deep regrets in this regard.

The IPCC will, as always, uphold its values of impartiality, independence and integrity in discharging its statutory functions. Through hand in hand cooperation with stakeholders from all sectors, the Council hopes to reinforce the effective operation of the two-tier police complaints system and facilitate the Police in enhancing service quality.

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