

彰顯監警會建議改善警務程序的職能

The IPCC's Role in Advising on Police Procedures

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1	警務程序 Police Procedures	無 Nil	投訴撤回 Withdrawn	投訴撤回 Withdrawn
2	疏忽職守 Neglect of Duty	一名警員 A Police Constable	投訴撤回 Withdrawn	投訴撤回 Withdrawn
3	疏忽職守 Neglect of Duty	一名警署警長 A Station Sergeant	未經舉報但證明屬實 Substantiated Other Than Reported	未經舉報但證明屬實 Substantiated Other Than Reported

此個案反映警方在處理自動櫃員機拾獲現金的警務程序上可改善的空間，及監警會建議改善警務程序的職能，以避免衍生相類的投訴。個案中投訴人夫婦雖然已撤回投訴，惟監警會和投訴警察課仍繼續跟進事件。在完成調查後，投訴警察課認為一名警長在處理投訴人的拾獲財物事宜上有所疏忽，故多加一項「未經舉報但證明屬實」的「疏忽職守」指控。

個案背景

在2009年，投訴人夫婦在使用自動櫃員機時，發現櫃員機有1,900港元現金未被取走，他們遂把該筆現金帶往警署甲報告「拾獲財物」。三個月後，由於該1,900港元無人認領，根據《警察程序手冊》30-06章，投訴人夫婦獲通知可領取該筆現金。

This case identified room for improvement in police procedures when dealing with a situation in which cash was found at a bank's automated teller machine (ATM), and highlighted the IPCC's role in advising on police procedures with a view to preventing the recurrence of similar complaints. In the instant case, the IPCC and CAPO continued to pursue the facts even after the complainants had withdrawn their complaint. After its investigation, CAPO named an additional police officer as a complainee and registered a count of "Substantiated Other Than Reported" (SOTR) against him, to reflect his negligence in handling the complainant's report.

Case Background

In 2009, when the complainants (a married couple) went to withdraw money at an ATM, they found HK\$1,900 cash at that ATM. The complainants took the cash to police station A, where they made a "Found Property" report. After three months had passed without a claim of ownership being made at police station A, in accordance with *Force Procedures Manual* 30-06, the complainants were informed that they could claim ownership of the cash.

投訴人夫婦報告「拾獲財物」的數星期後，該筆現金的物主到警署乙報失。警署乙的一名警員因未有發現警署甲內投訴人夫婦的報告，遂把案件列為「盜竊」。其後該名警員因案件涉及「盜竊」而盤問投訴人夫婦。

投訴人夫婦不滿警方處理手法並作出投訴，兩項指控分別為警方電腦系統未能將警署甲和警署乙的案件互相印證 **[指控1 — 警務程序]**；及警員沒有清楚向投訴人夫婦解釋查問原因、案件性質和他們的責任 **[指控2 — 疏忽職守]**。

投訴警察課的調查

投訴人夫婦其後自願撤銷投訴，但投訴警察課繼續調查案件，並把另外一名警署甲的警署警長列為被投訴人。投訴警察課在調查中發現，該名於警署甲報案室任職的警署警長有責任採取適當行動，以尋找該筆款項的物主。

由於該名警署警長並沒有仔細審查案件，及未有採取適當行動以尋找該筆款項的物主前，便把該1,900港元現金失物發放給投訴人夫婦，故就其未有妥善處理該案件多加一項「未經舉報但證明屬實」的指控 **[指控3 — 疏忽職守]**。

監警會的觀察

在審視投訴警察課的調查報告和相關文件後，監警會同意指控的分類，並關注警方在處理同類事件上欠缺足夠的指引。監警會建議改善現時的警方指引，以防止將來衍生相類的投訴。

就監警會的建議，警方認同現行處理自動櫃員機拾獲現金的指引和程序有改善空間，並開始檢討相關程序。投訴警察課會就程序檢討的進展通知監警會。

監警會通過這宗個案的調查結果，並等候警方有關程序檢討的結果。

Few weeks after the “Found Property” report made by the complainants, the owner of the cash made a report to police station B. Unaware of the complainants’ report to police station A, a Police Constable (PC) at police station B classified the case as “Theft”. Later this PC identified the complainants and interviewed them in relation to the “Theft” case.

Dissatisfied with their encounters with the Police, the complainants lodged a complaint with two allegations. The first pointed out the failure of the police computer system to identify the relationship between the two cases at police station A and police station B **[Allegation 1 – Police Procedures]**; the second stated that the PC failed to explain to the complainants the reason for his enquiries, the nature of the case and their liability **[Allegation 2 – Neglect of Duty]**.

CAPO’s Investigation

Although the complainants later withdrew the complaint voluntarily, CAPO continued to investigate the circumstances of the complaint and identified a Station Sergeant (SSGT) at police station A as an additional complaine. CAPO’s investigation revealed that the SSGT, as the Administration Support Sub-Unit Commander of police station A, was responsible for ensuring that appropriate action was taken to locate the owner of the found property.

Since the SSGT failed to investigate the case and to ensure that effort had been made to locate the genuine owner before releasing the found cash to the complainants, a count of SOTR was registered against him for his failure to take appropriate action in handling the complainant’s report **[Allegation 3 – Neglect of Duty]**.

IPCC’s Observation

After examining CAPO’s investigation report and the related files, the IPCC agreed to the classifications of the allegations, but noted that there were insufficient police guidelines for dealing with similar situations. The IPCC was of the view that existing police guidelines should be improved to prevent the recurrence of the incident and to minimise complaints.

Upon the IPCC’s recommendation, the Police agreed that there was room for improvement in the existing guidelines and procedures for handling cash found at ATMs, and commenced a review of relevant procedures. CAPO is to keep the IPCC informed of any significant progress in the review.

The IPCC endorsed CAPO’s findings in this case while awaiting the outcome of the Police review of the relevant procedures.