

彰顯監警會建議警方改善處理程序

The IPCC's function in advising improvements in police measures

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	疏忽職守 Neglect of Duty	一名警察通訊員 A Police Communications Officer	無法追查 Not Pursuable	獲證明屬實 Substantiated

此個案突顯監警會以仔細務實的態度審視警方處理舉報噪音時「疏忽職守」的投訴，投訴警察課原先因未能聯絡到投訴人而將投訴指控分類為「無法追查」，惟監警會審視客觀證據後，認為已有充分資料支持一個明確的結論。投訴警察課同意監警會的觀點，並再次就個案展開全面調查，最終將分類改為「獲證明屬實」。

投訴人因噪音問題致電警方999求助，但警方卻未有如處理早前兩次的舉報般安排警員到場，故投訴人投訴一名警察通訊員「疏忽職守」，指該名警察通訊員在接獲她的舉報後，未有派警員到場處理其案件。投訴警察課因未能聯絡到投訴人，最初將指控分類為「無法追查」。監警會隨後審視999求助電話指揮及控制中心（中心）的

This case highlights the meticulous and pragmatic approach adopted by the IPCC in examining a complaint of “Neglect of Duty” in the police handling of a noise complaint lodged by the complainant. Although the complainant was out of reach, CAPO conducted a full investigation and reclassified the complaint from “Not Pursuable” to “Substantiated” after agreeing with the IPCC that a definite finding could be reached upon examination of objective evidence.

The complainant called 999 to report a noise complaint to the Police. In contrast to two similar reports she had made previously, there was no police officer at the scene on this occasion. The complainant then lodged a complaint of “Neglect of Duty” against the Police Communications Officer (PCO) who received her report for failing to deploy police officers to handle her report. CAPO initially classified the allegation as “Not Pursuable” because the complainant was out of reach when CAPO contacted her for investigation. The IPCC opined that, given that the 999 Centre (the Centre) had an audio recording of the complainant’s call, a definite finding on the classification of the

錄音記錄，認為現有的資料足以支持一個明確的結論。投訴警察課同意監警會的觀點，檢查有關錄音並再次展開調查，發現該名警察通訊員沒有妥善處理投訴人的報案，故將指控分類改為「獲證明屬實」，並建議向該名警察通訊員作出訓喻。監警會亦要求警察改善同類案件的處理程序，避免將來衍生類似的投訴個案。

個案背景

投訴人致電999，投訴一間位於灣仔店舖的噪音問題，她之前曾兩次報警投訴噪音，由於噪音持續，投訴人第三次報案，並由中心的一位警察通訊員接聽。在電話對話中，投訴人向該名警察通訊員指出店舖的明確地址，惟30分鐘後投訴人仍未見有警員到場，投訴人遂再次致電中心，其後數名警察到場處理投訴人的報案。

之後，投訴人就該名警察通訊員未有派警員到場處理其報案而作出投訴 [指控：疏忽職守]。

投訴警察課嘗試聯絡投訴人以調查投訴個案，但未能聯絡到投訴人，故將指控分類為「無法追查」。

監警會的觀察

監警會審視個案的資料，認為即使未能成功聯絡到投訴人，但中心的錄音記錄，足以為指控提供一個明確的結論。

投訴警察課再次調查

投訴警察課同意監警會的觀察，並就投訴個案再次展開調查，根據投訴人與該名警察通訊員的電話錄音內容，顯示投訴人已提供清楚有關案件的地址，惟該名警察通訊員在承諾投訴人後卻未有派警員到場調查。該名警察通訊員向投訴警察課解釋當時情況，指出當問及投訴人姓名時投訴人突然掛線，認為投訴人突然掛線的舉動表示已不

allegation could be reached based on the available information. CAPO agreed with the IPCC's view, and upon examination of the relevant audio recording and further investigation, found that the PCO had failed to handle the complainant's report properly. Hence, CAPO reclassified the allegation as "Substantiated" and recommended advising the PCO. The IPCC also requested the Police to take service improvement measures to prevent the recurrence of similar incidents.

Case background

The complainant called 999 to report a noise complaint at a shop in Wan Chai, as she had made two similar reports previously but the noise still continued. This third report was received by the complainee, a PCO, at the Centre. During the telephone conversation, which was recorded at the Centre, the complainant provided the PCO with the exact address of the shop. After 30 minutes, the complainant found that no officer had been deployed to the scene. The complainant called the Centre again, and then some police officers were deployed to the scene to handle the complainant's further report.

Later, the complainant lodged a complaint that the PCO had failed to deploy police officers to handle her report [Allegation: Neglect of Duty].

CAPO attempted to contact the complainant to investigate her complaint, but to no avail. CAPO therefore classified the allegation as "Not Pursuable".

IPCC's observation

The IPCC was of the view that, given that the Centre had the audio recording, a definite finding on the classification of the allegation could be reached based on the available information even though the complainant was not forthcoming.

CAPO's further investigation

CAPO agreed with the IPCC's view and conducted further investigation into the complaint. According to the audio recording of the telephone conversation between the complainant and the PCO, the complainant had provided the exact address of the scene and the PCO had undertaken to deploy police officers to the scene to conduct an enquiry. When the PCO asked for the complainant's name, she hung up abruptly. The PCO explained to CAPO that he thought the complainant's hanging up of the phone was an indication that she did not need police assistance and she could call again

需警方協助，如有需要投訴人會再次致電，而且警方亦曾處理投訴人較早前的兩次噪音投訴，所以決定不派警員到現場作進一步處理。

投訴警察課指出若案件性質需要警方作出調查，警員便應到現場處理，該名警察通訊員若有疑問應諮詢中心的主管，故投訴警察課認為該名警察通訊員在承諾投訴人後卻未派警員到場調查，是沒有妥善處理投訴人的舉報，遂將指控分類改為「獲證明屬實」，並建議對該名警察通訊員作出訓喻，但無需把事件記入分區報告檔案中。

監警會通過這宗個案的調查結果，並要求警方提醒999求助電話中心的警員需要：(1) 若案件性質需要警方作出調查，警員便應到現場跟進；及(2) 若警察通訊員對投訴人報案的意圖有疑問，應將有關舉報通知主管再作決定。

if in need. Moreover, the complainant's noise complaint had been handled by police officers on two previous occasions. The PCO therefore decided not to deploy any officers to the scene.

CAPO pointed out that as long as the nature of the report warrants a police enquiry, police officers should normally be deployed to the scene. Therefore, in this case, the PCO should have consulted the supervisor of the Centre. CAPO considered that the PCO, having undertaken to deploy police officers to the scene for enquiry, failed to handle the complainant's report properly. CAPO thus reclassified the allegation as "Substantiated" and recommended advising the PCO without a Divisional Record File entry.

The IPCC endorsed CAPO's findings in this case and requested the Police to remind officers of the 999 Centres that (1) as long as the nature of the report warrants a police enquiry, police officers should normally be deployed to the scene and (2) they should refer the matter to the supervisor if the PCO is doubtful about the caller's intent in the report.