第三章
調查結果分類

Chapter 3
Classification of Investigation Results

3.1 本章介紹不同的調查結果分類和處理投訴的方法。一宗投訴可涉及一項或多於一項的指控。指控經投訴警察課全面調查後，會根據調查結果歸入下列六項分類之一：

- 獲證明屬實
- 未經舉報但證明屬實
- 無法完全證明屬實
- 無法證實
- 虛假不確
- 並無過錯

3.2 有些投訴是透過其他方法處理，無需進行全面調查。這些投訴的分類為：

- 投訴撤回
- 無法追查
- 終止調查
- 透過簡便方式解決

獲證明屬實

3.3 如投訴人提出的指控有足夠的可靠證據支持，指控會被列為「獲證明屬實」。

未經舉報但證明屬實

3.4 如在原有的指控以外查出其他與投訴本身有密切關係和對調查有重要影響的事宜，並且證明屬實，指控會被列為「未經舉報但證明屬實」。

無法完全證明屬實

3.5 如投訴人的指控有若干可靠的證據支持，但這些證據未能充分證明投訴屬實，指控會被列為「無法完全證明屬實」。

3.1 This Chapter explains the different classifications and ways of complaint handling. A complaint may consist of one or more allegations. After an allegation has been fully investigated by CAPO, it is classified, according to the findings, into one of the following six classifications:

- Substantiated
- Substantiated Other Than Reported
- Not Fully Substantiated
- Unsubstantiated
- False
- No Fault

3.2 Some complaints are dealt with by ways other than conducting full investigation. These complaints are classified as follows:

- Withdrawn
- Not Pursuable
- Curtailed
- Informally Resolved

Substantiated

3.3 An allegation is classified as "Substantiated" where there is sufficient reliable evidence to support the allegation made by the complainant.

Substantiated Other Than Reported

3.4 An allegation is classified as "Substantiated Other Than Reported" where matters other than the original allegations but which are closely associated with the complaint itself and have a major impact on the investigation have been identified and are found to be substantiated.

Not Fully Substantiated

3.5 An allegation is classified as "Not Fully Substantiated" where there is some reliable evidence to support the allegation made by the complainant, but insufficient to fully substantiate the complaint.

無法證實

3.6 如投訴人的指控沒有充分的證據支持，指控會被列為「無法證實」。

虛假不確

3.7 如有足夠的可靠證據顯示投訴人的指控並不真確，不論這些指控是懷有惡意的投訴，或雖然不含惡意，但亦非基於真確的理由而提出的，指控會被列為「虛假不確」。

3.8 當一宗投訴被列為「虛假不確」時，投訴警察課會視乎情況，徵詢律政司的意見，考慮控告投訴人誤導警務人員。

並無過錯

3.9 「並無過錯」表示指控是因為對事實有誤解或出於誤會而作出，或有足夠的可靠證據顯示，有關警務人員所採取的行動在當時的情況下是公平、合理、出於真誠或符合根據《警隊條例》（第232章）訂立的警察規例及命令。

3.10 在下述兩種情況下，投訴通常會被列為「並無過錯」：第一，投訴人可能對事實有所誤解；第二，被投訴人是按照其上司的合法指示或警方的既定做法行事。

Unsubstantiated

3.6 An allegation is classified as "Unsubstantiated" where there is insufficient evidence to support the allegation made by the complainant.

False

3.7 An allegation is classified as "False" where there is sufficient reliable evidence to indicate that the allegation made by the complainant is untrue, be it a complaint with clear malicious intent or a complaint which is not based upon genuine conviction or sincere belief but with no element of malice.

3.8 When a complaint is classified as "False", CAPO will consider, in consultation with the Department of Justice as necessary, prosecuting the complainant for misleading a police officer.

No Fault

3.9 An allegation is classified as "No Fault" where the allegation is made either because of misinterpretation of the facts or misunderstanding; or when there is sufficient reliable evidence showing that the actions of the officer concerned were fair and reasonable in the circumstances, done in good faith or conformed to police regulations and orders made under the Police Force Ordinance (Cap. 232).

3.10 Two common reasons for classifying a complaint as "No Fault" are first, the complainant may have misunderstood the fact, and second, the complainee is acting under the lawful instructions of his superior officer or in accordance with an established police practice.

投訴撤回

3.11 「投訴撤回」是指投訴人不打算追究。

3.12 即使投訴人撤回投訴，監警會仍會審視個案，確保投訴人沒有受到任何不恰當的影響而撤回投訴，以及警方能從個案中汲取教訓，並確保投訴警察課採取相應的補救行動。

3.13 即使投訴人撤回投訴，個案亦不一定被列為「投訴撤回」。監警會及投訴警察課會審閱所得證據，決定是否需要進行全面調查，並/或根據所得資料，考慮任何一項指控是否屬實。

無法追查

3.14 在下述情況下，指控會被列為「無法追查」：不能確定被投訴的警務人員的身分；或資料不足而未能繼續調查；或未能取得投訴人的合作，以致無法繼續追查。

3.15 上述定義並不表示若果投訴人未能確定被投訴人的身分，當局便不會採取進一步行動。投訴警察課會根據所得資料，盡量追查被投訴人的身分。只有追查不果時，才會作出未能確定被投訴人身分的結論。

3.16 假如投訴人拒絕合作以致投訴被列為「無法追查」，警方可在投訴人願意提供所需資料時，重新展開調查。

Withdrawn

3.11 A complaint is classified as "Withdrawn" where the complainant does not wish to pursue the complaint made.

3.12 Where complainants themselves have withdrawn their complaints, IPCC will ensure that no undue influence has been exerted on the complainants and that any lessons which can be learnt are learnt and remedial actions taken accordingly.

3.13 A complainant's withdrawal does not necessarily result in the case being classified as "Withdrawn". IPCC and CAPO will examine the available evidence to ascertain whether a full investigation is warranted despite the withdrawal and/or whether any of the allegations are substantiated on the basis of information available.

Not Pursuable

3.14 An allegation is classified as "Not Pursuable" where the identity of the officer(s) being complained against cannot be ascertained; or where there is insufficient information to proceed with the investigation; or when it has not been possible to obtain the co-operation of the complainant to proceed with the investigation.

3.15 The definition does not mean that when the complainant cannot identify the complainee, no further action will be taken. CAPO will still make an effort to identify the complainee(s) on the basis of the information available. Only after such an effort produces no result will a conclusion be reached that the identity of the complainee cannot be ascertained.

3.16 If a complaint has been classified as "Not Pursuable" because of the lack of cooperation from the complainant, this may be reactivated later as and when the complainant comes forward to provide the necessary information.

終止調查

3.17 「終止調查」是指有關投訴已由投訴警察課備案，但鑑於特殊情況（例如證實投訴人精神有問題）而獲投訴及內部調查科總警司授權終止調查。

透過簡便方式解決

3.18 「透過簡便方式解決投訴」旨在迅速解決一些性質輕微的投訴，例如態度欠佳或粗言穢語的指控。

3.19 適宜透過簡便方式解決的輕微投訴，不會有全面調查，投訴會由一名總督察或以上職級的人員處理並擔任調解人員。調解人員會分別向投訴人及被投訴人了解實情。如果他認為事件適宜透過簡便方式解決而又得到投訴人同意，有關投訴便可循此途徑解決。調解人員必須得到投訴人同意，才可透過簡便方式解決投訴。

Curtailed

3.17 A complaint is classified as "Curtailed" where a complaint has been registered with CAPO but on the authorisation of the Chief Superintendent (Complaints and Internal Investigations Branch), is curtailed, i.e. not to be investigated further, owing to special circumstances such as known mental condition of the complainant.

Informally Resolved

3.18 The Informal Resolution scheme aims at a speedy resolution of minor complaints, such as allegations of impoliteness or use of offensive language the nature of which is considered as relatively minor.

3.19 A minor complaint suitable for Informal Resolution will not be subject to a full investigation. Instead, a senior officer, at least at the rank of Chief Inspector of Police, will act as the Conciliating Officer. He will make enquiry into the facts of a complaint with the complainant and the complainee separately. If he is satisfied that the matter is suitable for Informal Resolution and if the complainant agrees, the complaint will be informally resolved. Informal Resolution will only be adopted if the complainant agrees to this.