



Complaints Against Police Office (CAPO)

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Agenda

- Hong Kong Special Administrative Region
- Hong Kong Police Force
- History and Structure of CAPO
- Definition of Complaints Against Police
- Complaint Methods
- Non-Reportable Complaints
- Handling of Complaints
- Statistics
- Independent Police Complaints Council





Hong Kong SAR

- One of the two Special Administrative Regions;
- 1,104 square kilometers with population of 6.9 millions;
- Formed in 1 July 1997 on return of the sovereignty to the People's Republic of China under the Sino-British Joint Declaration;
- Enjoy high autonomy in administration by virtue of the Basic Law except in defence and foreign affairs;
- Common law legal system remains unchanged



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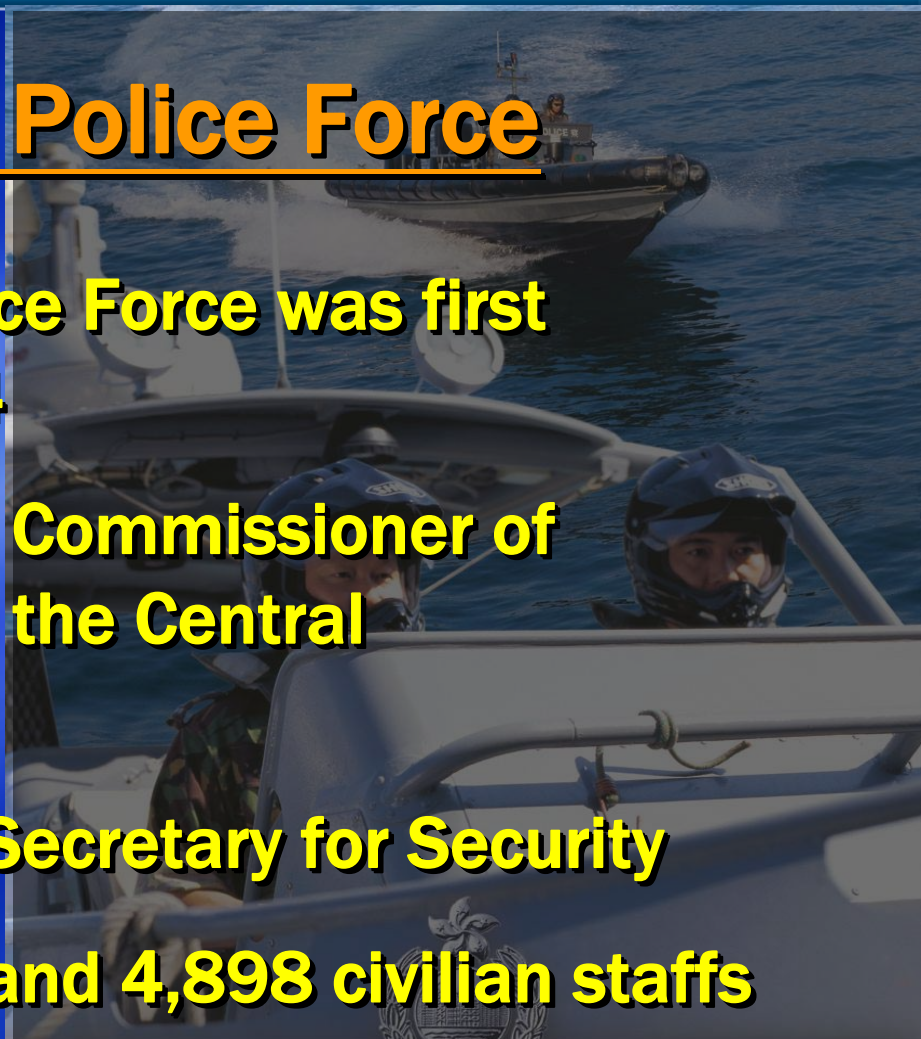
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Hong Kong Police Force

- The Hong Kong Police Force was first established in 1844
- Commanded by the Commissioner of Police appointed by the Central Government
- Responsible to the Secretary for Security
- 27,367 disciplined and 4,898 civilian staffs



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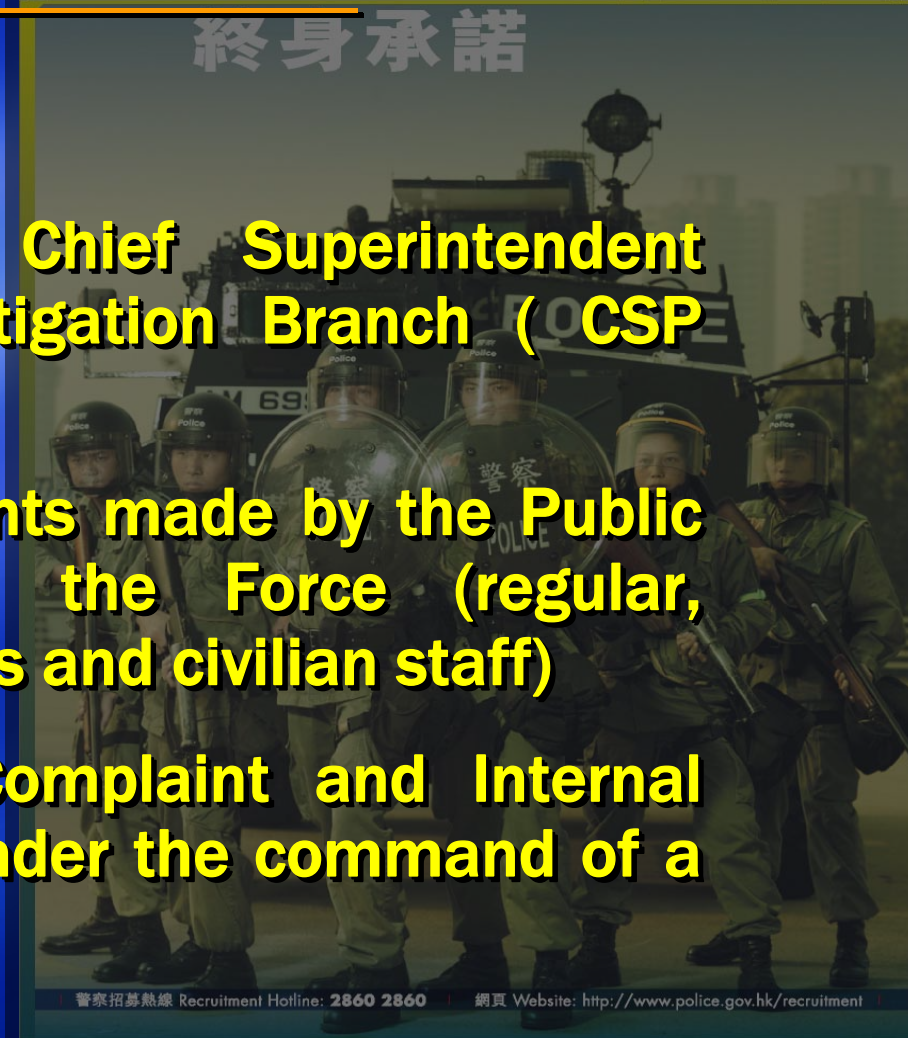


History of CAPO



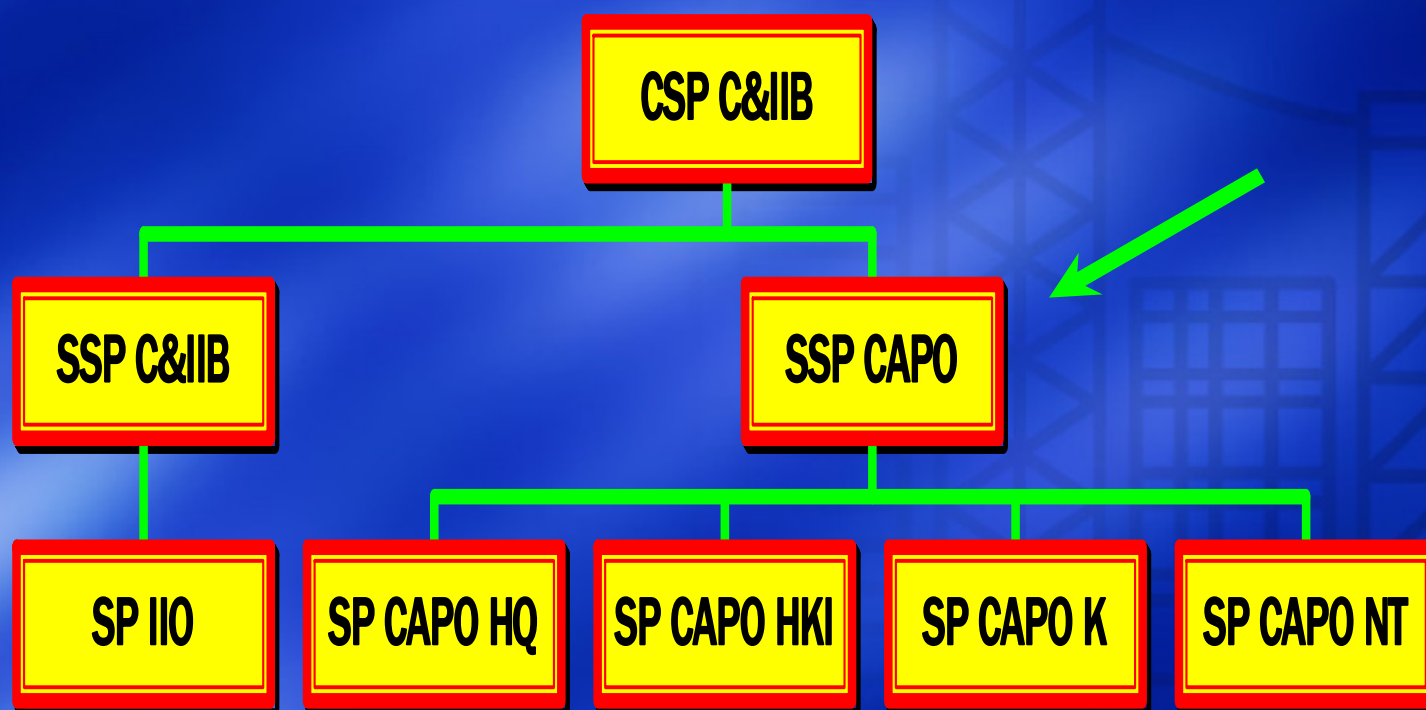
香港警察
HONG KONG POLICE

- **Established in 1974**
- **Responsible to the Chief Superintendent Complaints and investigation Branch (CSP C&IIB)**
- **To investigate complaints made by the Public against members of the Force (regular, auxiliary, traffic wardens and civilian staff)**
- **Function within the Complaint and Internal Investigation Branch under the command of a Senior Superintendent**





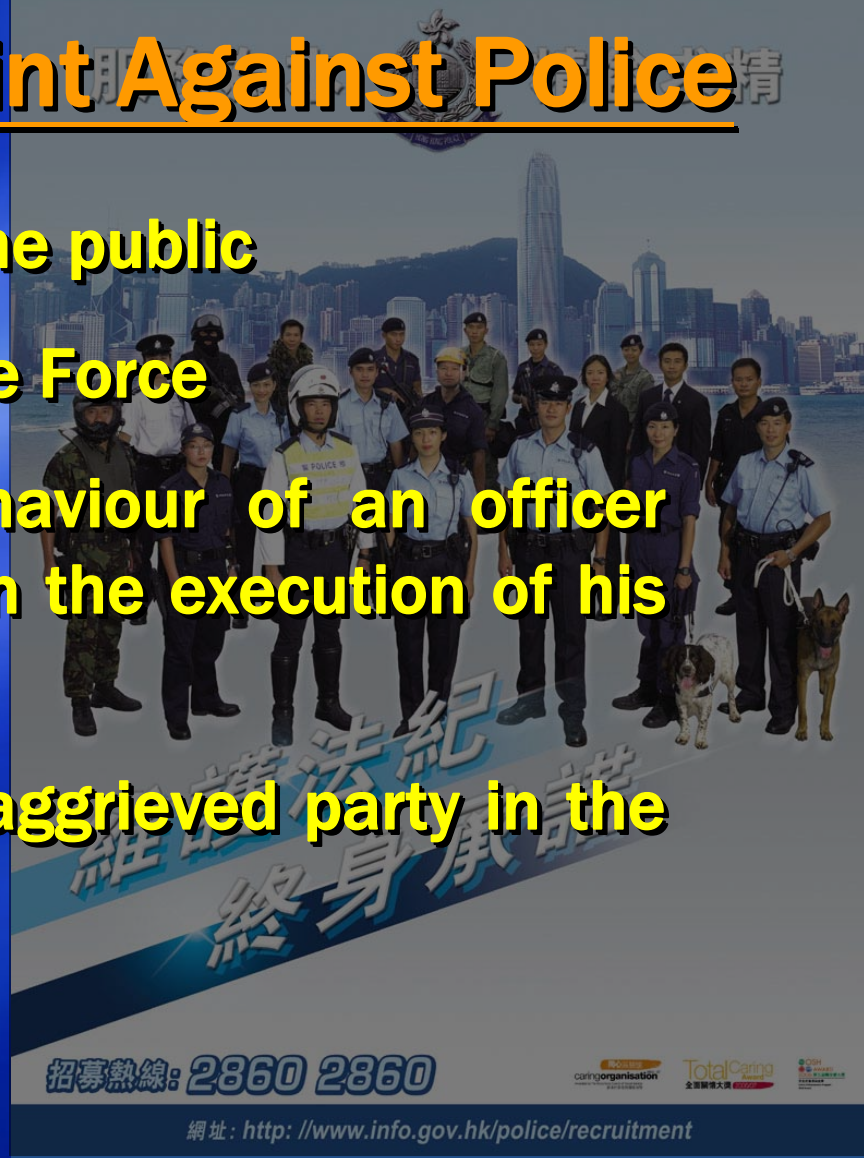
Structure of CAPO





Definition of Complaint Against Police

- Made by a member of the public
- Against a member of the Force
- About the conduct/behaviour of an officer when he is on duty or in the execution of his official duty
- The complainant is an aggrieved party in the incident

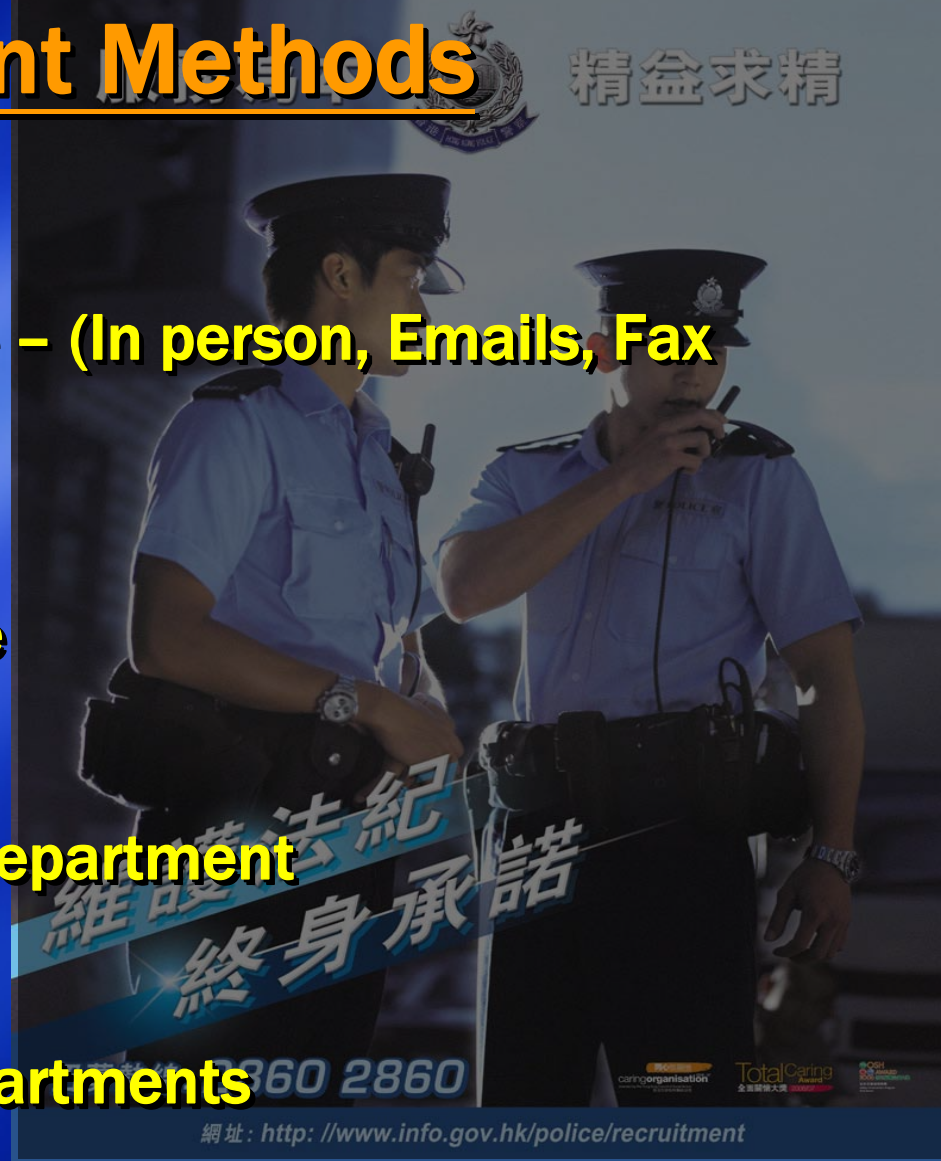




Complaint Methods

精益求精

- **Patrolling officers**
- **CAPO Reporting Centre – (In person, Emails, Fax or Hotline)**
- **Police Stations**
- **999 Emergency Hotline**
- **Court**
- **Correctional Services Department**
- **Media**
- **Other Government Departments**



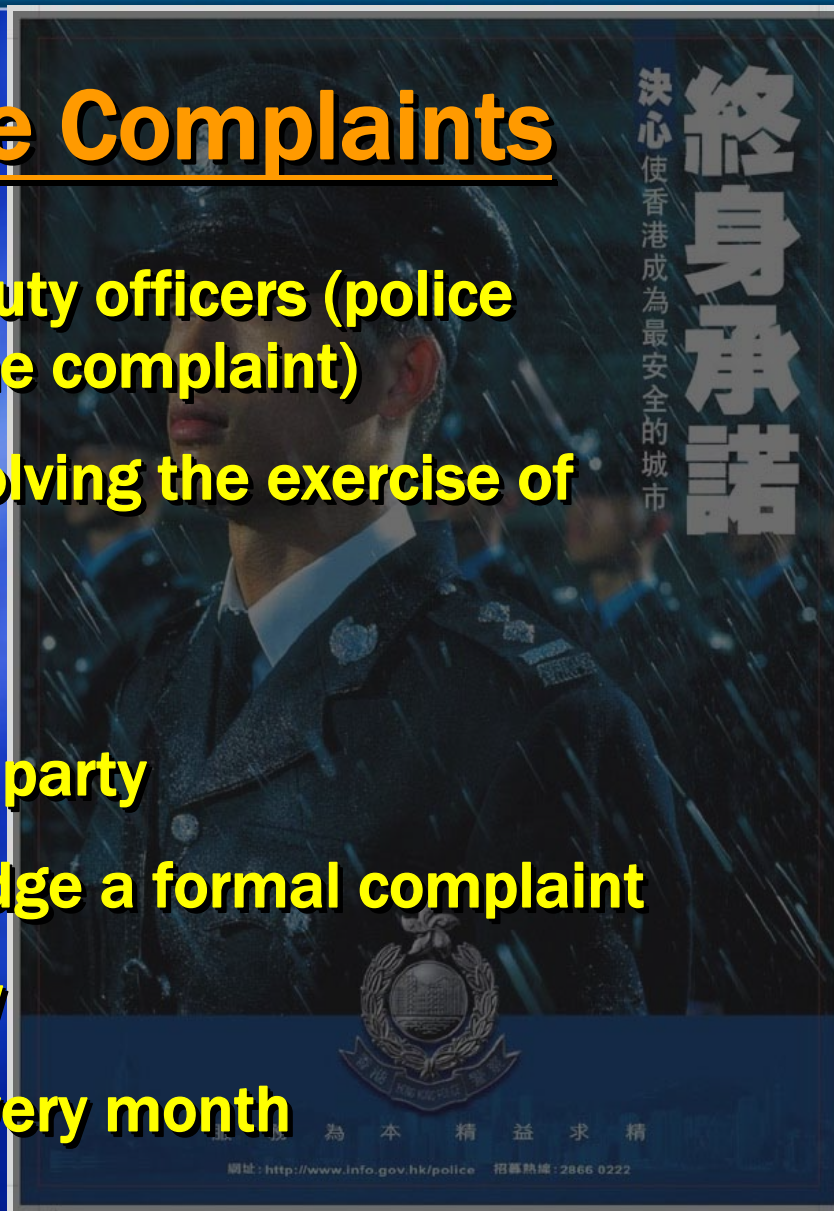
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Non-Reportable Complaints

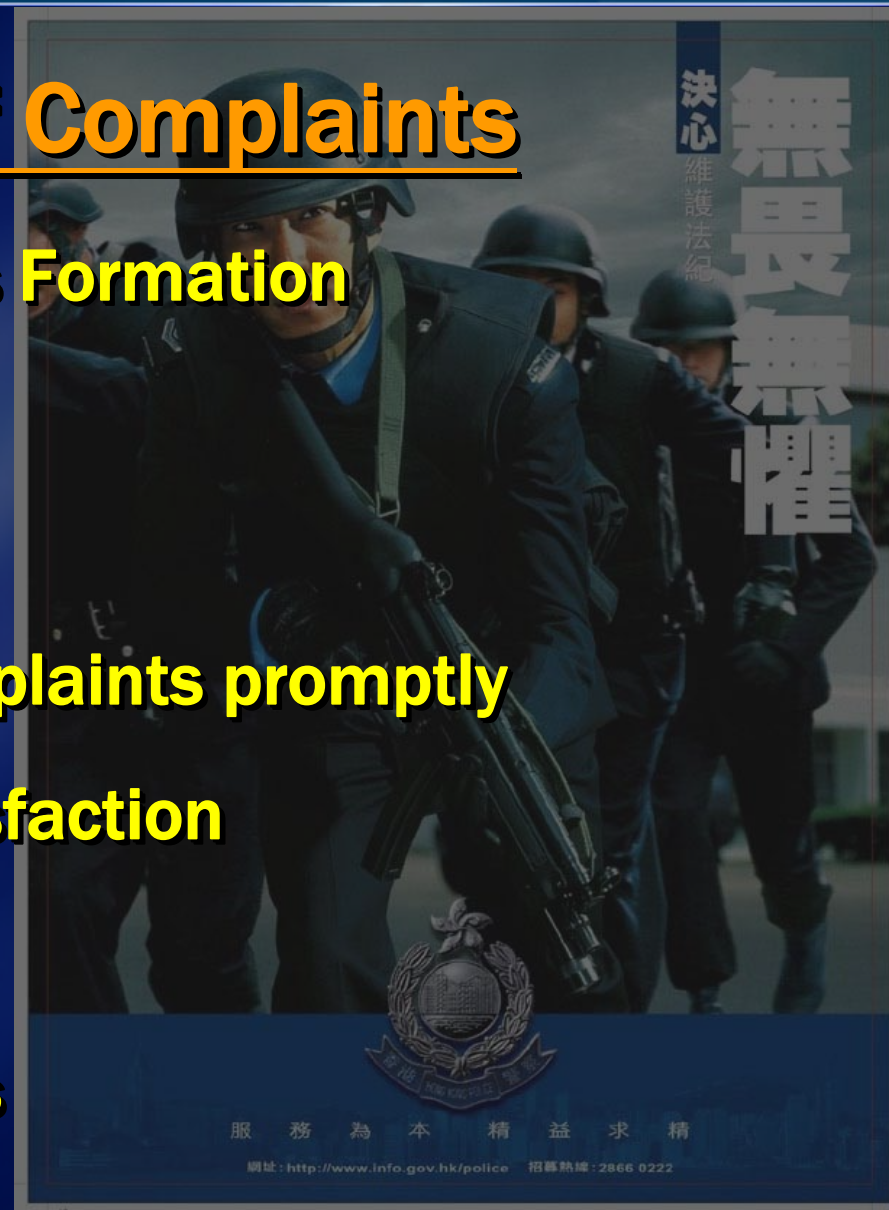
- Complaints against off-duty officers (police status not essential to the complaint)
- Staff complaints not involving the exercise of constabulary power
- Anonymous complaints
- COM is not an aggrieved party
- COM does not wish to lodge a formal complaint
- Request for Case Review
- NRC Checklist to IPCC every month





Handling of Complaints

- **Refer to Complainee's Formation**
 - **Monitored by CAPO**
- **Informal Resolution**
 - **Resolve minor complaints promptly**
 - **Complainants' satisfaction**
- **Investigated by CAPO**
- **Sub-judice Complaints**



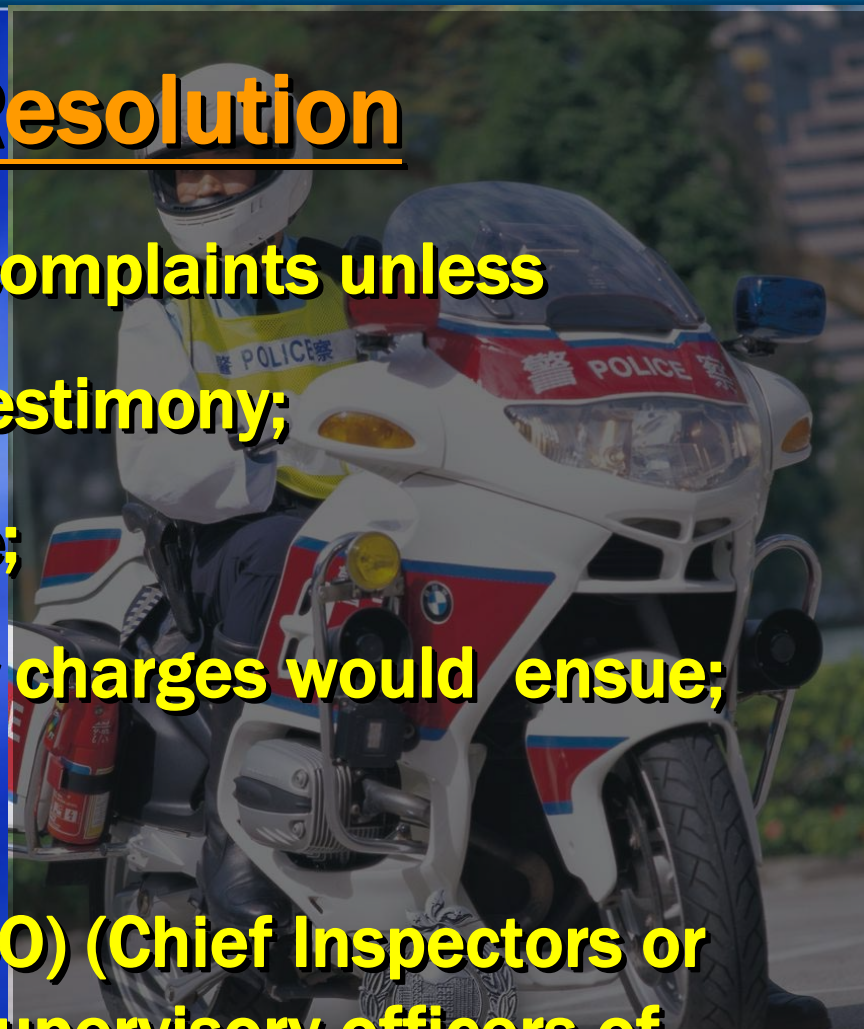
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Informal Resolution

- Suitable for all minor complaints unless
 - ✗ significant conflict in testimony;
 - ✗ complainants disagree;
 - ✗ criminal or disciplinary charges would ensue;
- Conciliatory Officers (CO) (Chief Inspectors or above) should be the supervisory officers of the subject officers



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Informal Resolution (IR)

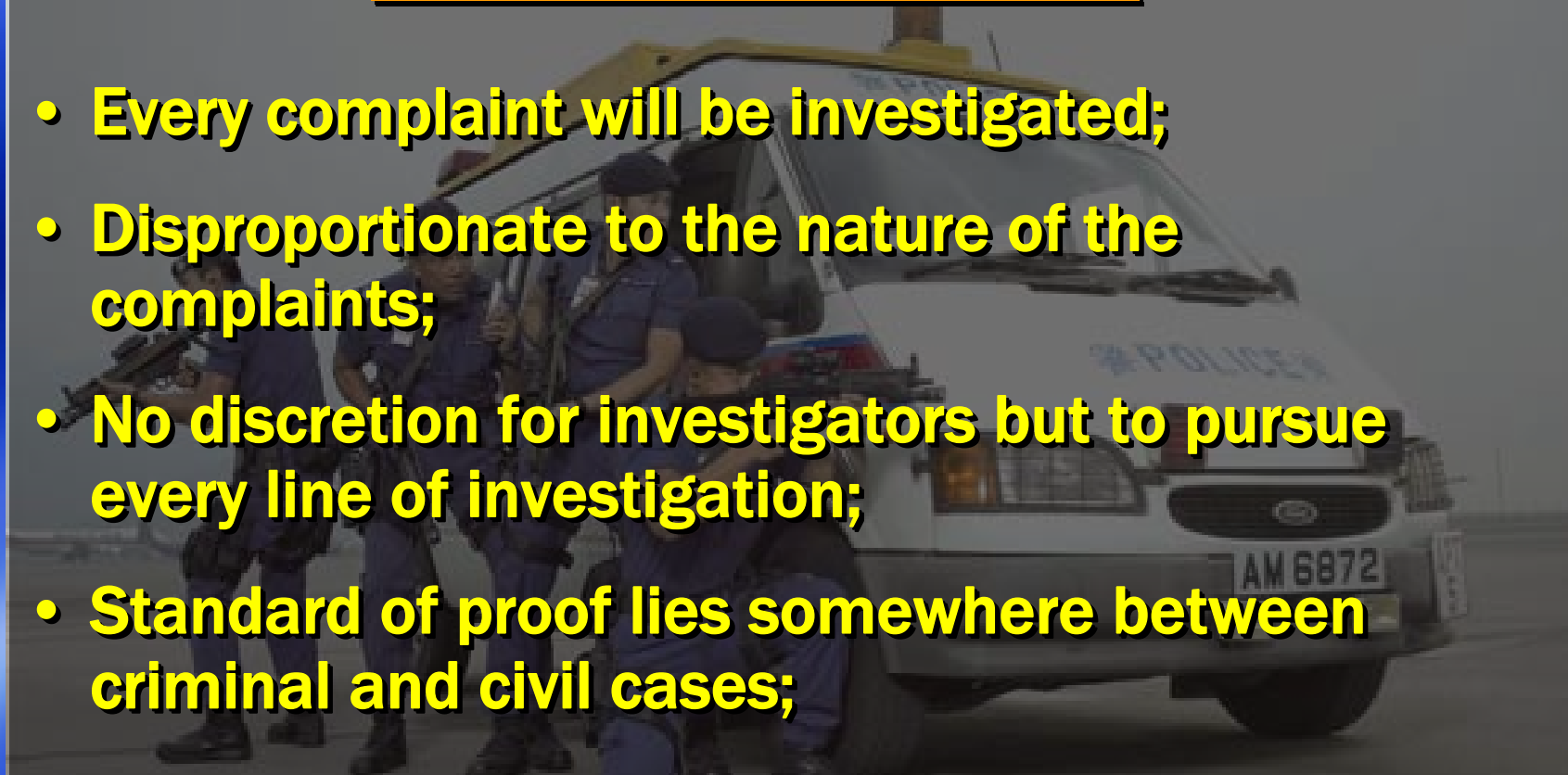
- **Inspectorate officers to obtain versions of complainants and subject officers;**
- **IR interview can be conducted face to face or over the phone with or without IPCC observers;**
- **COs will address complainants' concerns and will advise the next course of actions;**
- **COs will advise subject officers;**
- **No review procedure**





CAPO Investigation

- Every complaint will be investigated;
- Disproportionate to the nature of the complaints;
- No discretion for investigators but to pursue every line of investigation;
- Standard of proof lies somewhere between criminal and civil cases;
- IPCC may request further investigation before endorsement





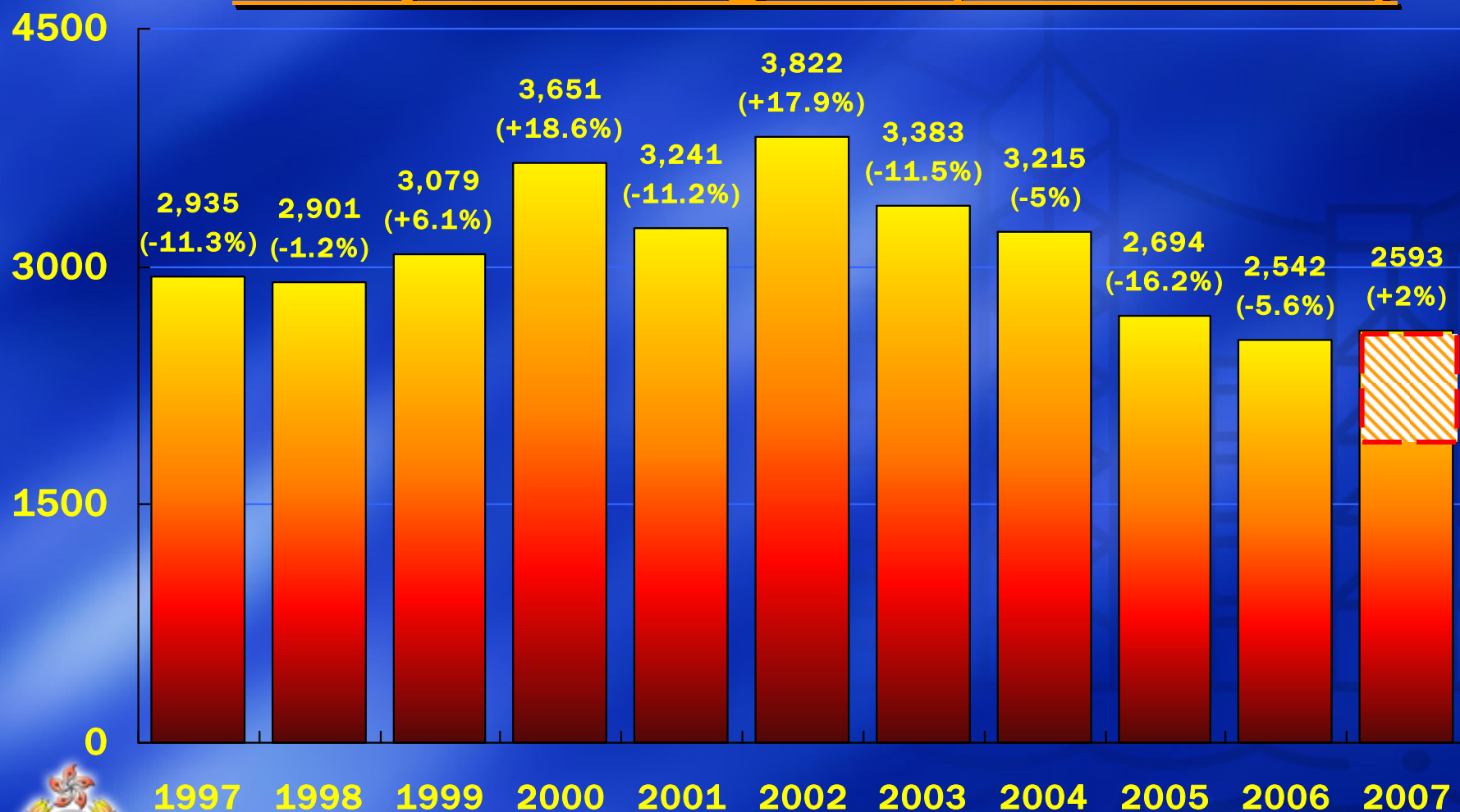
CAPO Performance Pledges

- **Personal Contact – within two working days**
- **Acknowledgment Letter – within one working day**
- **Investigation Progress – every two months**
- **Complete Investigations – within four months**
- **Completion Letter – within three working days prior to the case file being sent to IPCC**
- **Final Letter (Result) – within ten working days of endorsement being received**





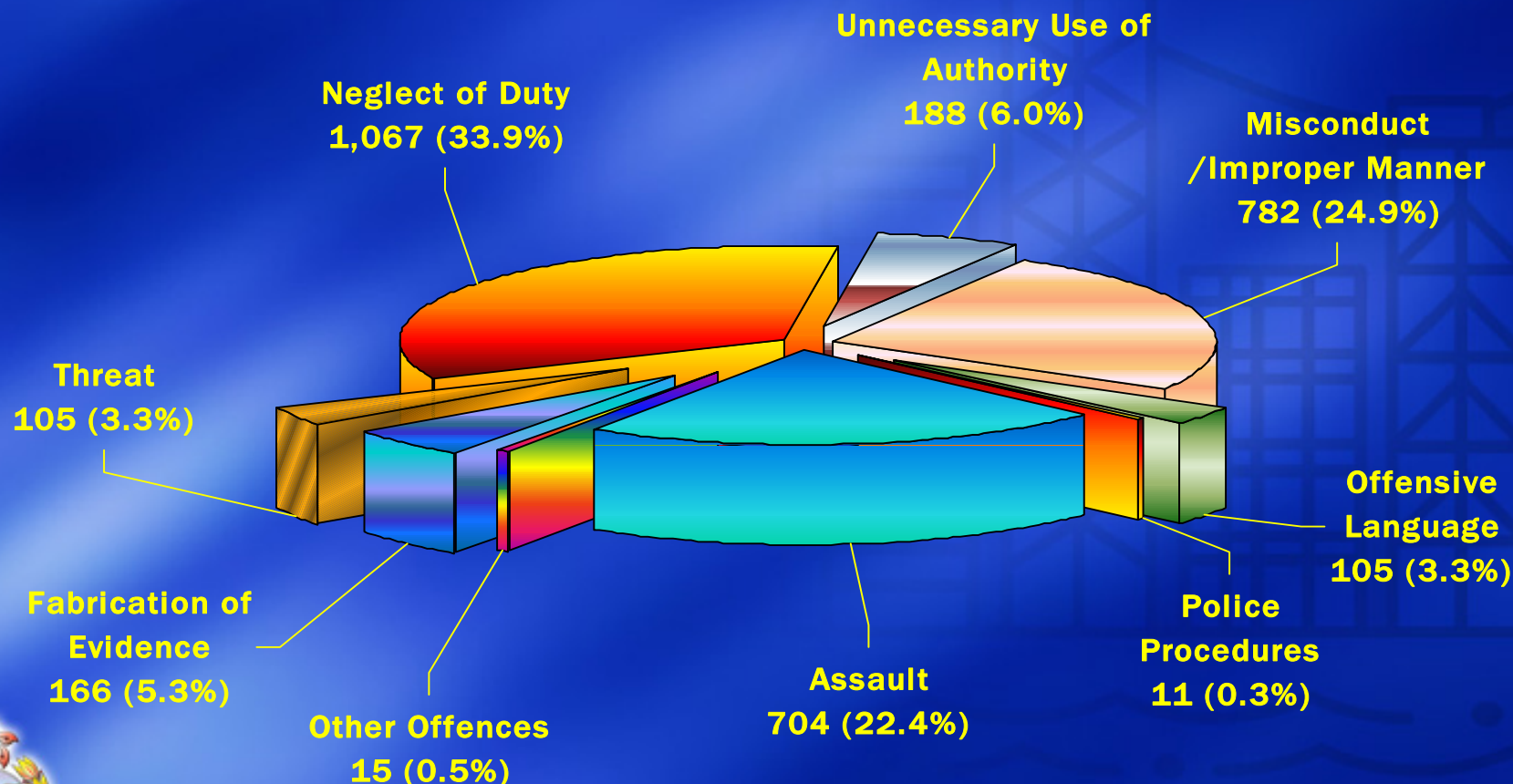
Complaints Figures (1997-2006)





Complaint Figures Nature of Complaint

Yearly average of 1997-2006: 3,143 cases





Investigation Findings – 2006

• Substantiated	= 100	(2.8%)
• Not Fully Substantiated	= 4	(0.1%)
• Unsubstantiated	= 610	(17.4%)
• Not Pursuable	= 579	(16.5%)
• Withdrawn	= 1,140	(32.4%)
• No Fault	= 152	(4.3%)
• False	= 187	(5.3%)
• Curtailed	= 7	(0.2%)
• Informal Resolution	= 739	(21%)
• Total	= 2,779	(100%)

(Numbers of Allegations)





Follow up Actions - 2006

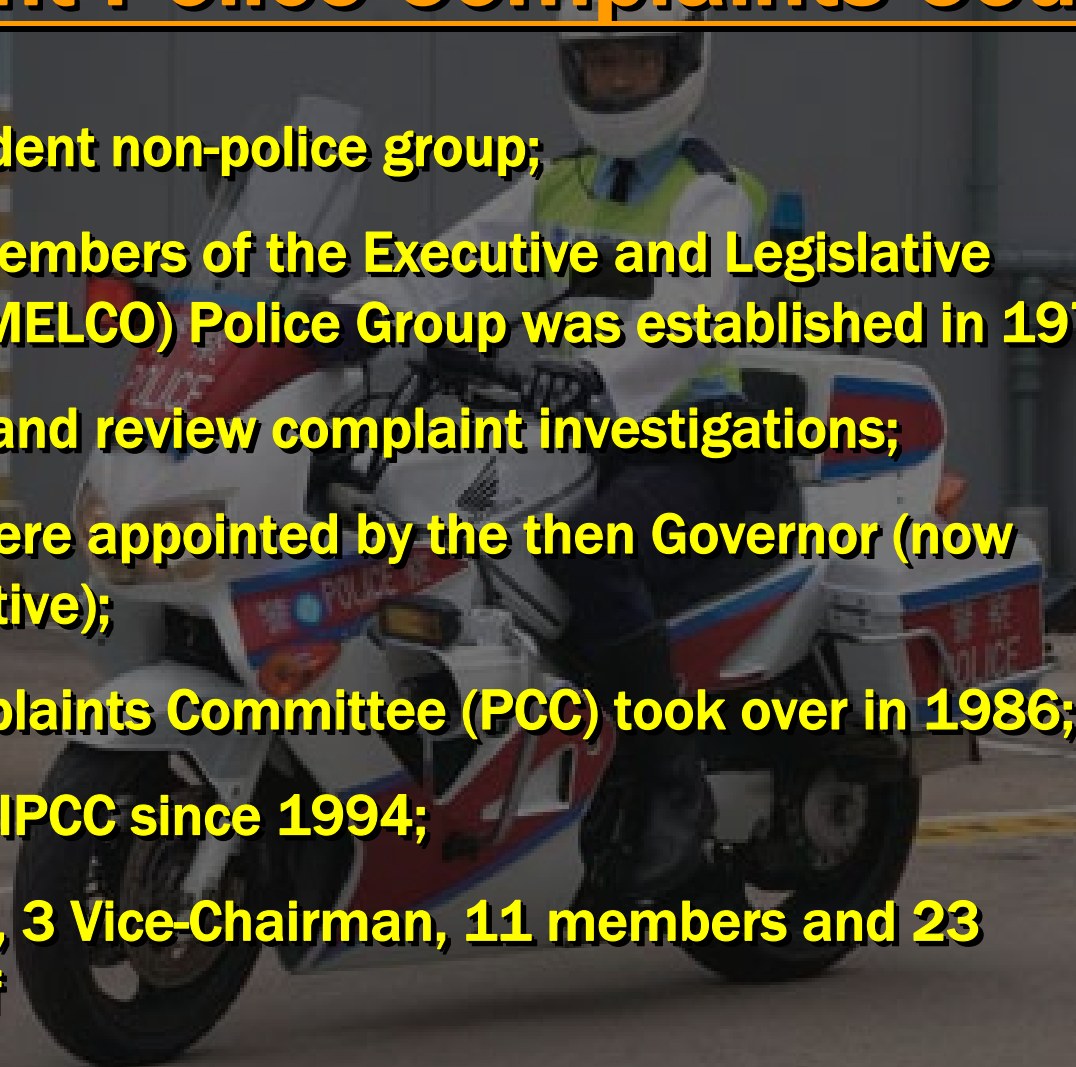
- **Verbal Advice = 124**
- **Written Advice = 1**
- **Verbal Warning = 3**
- **Written Warning = 2**
- **Disciplinary Proceedings = 9**





Independent Police Complaints Council

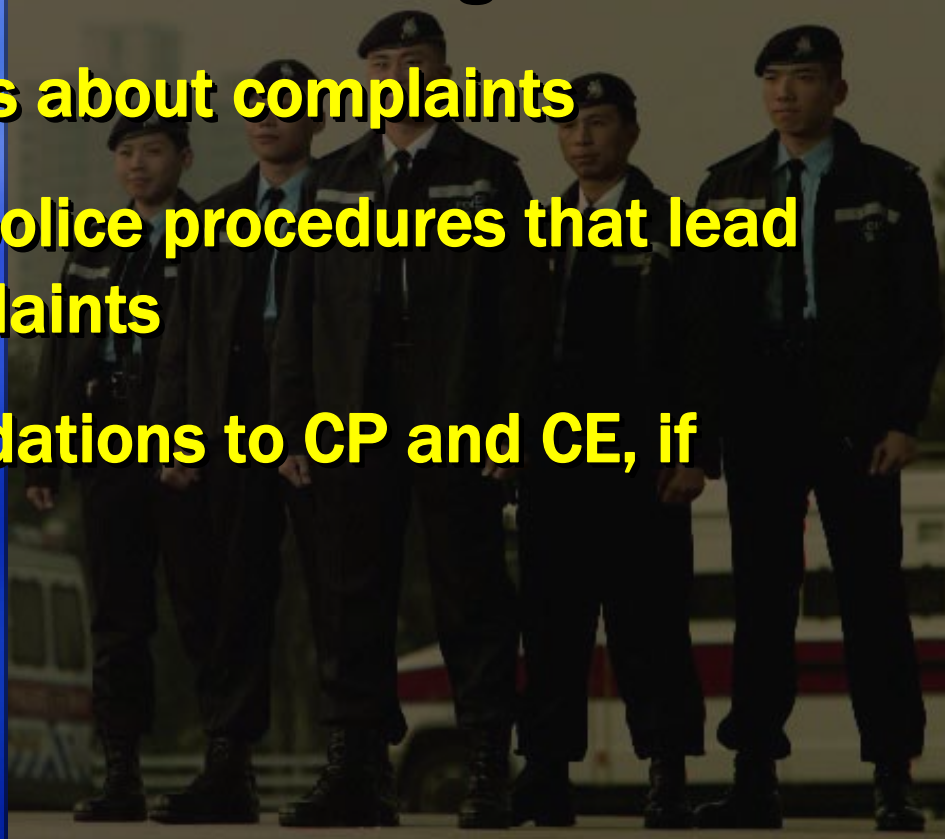
- **An independent non-police group;**
- **Unofficial Members of the Executive and Legislative Councils (UMELCO) Police Group was established in 1977;**
- **To monitor and review complaint investigations;**
- **Members were appointed by the then Governor (now Chief Executive);**
- **Police Complaints Committee (PCC) took over in 1986;**
- **Re-titled as IPCC since 1994;**
- **1 Chairman, 3 Vice-Chairman, 11 members and 23 civilian staff**





IPCC's Terms of Reference

- To monitor and review CAPO investigation
- To maintain statistics about complaints
- To identify faults in police procedures that lead or may lead to complaints
- To make recommendations to CP and CE, if necessary





How Does IPCC Monitor

- Investigation findings must be endorsed by IPCC;
- Written queries for CAPO to respond;
- NRC checklist provided to IPCC on a monthly basis;
- IPCC/CAPO Joint Meeting every two months to discuss unresolved cases
- Opening the Joint Meeting to the public and the press;





IPCC Observer Scheme

- Introduced in April 1996 for IPCC members to observe investigation of complaints against police conducted by CAPO officers.
- To enhance the monitoring function of the IPCC as well as the impartiality, transparency and accountability of the police complaints system;





IPCC Observer Scheme

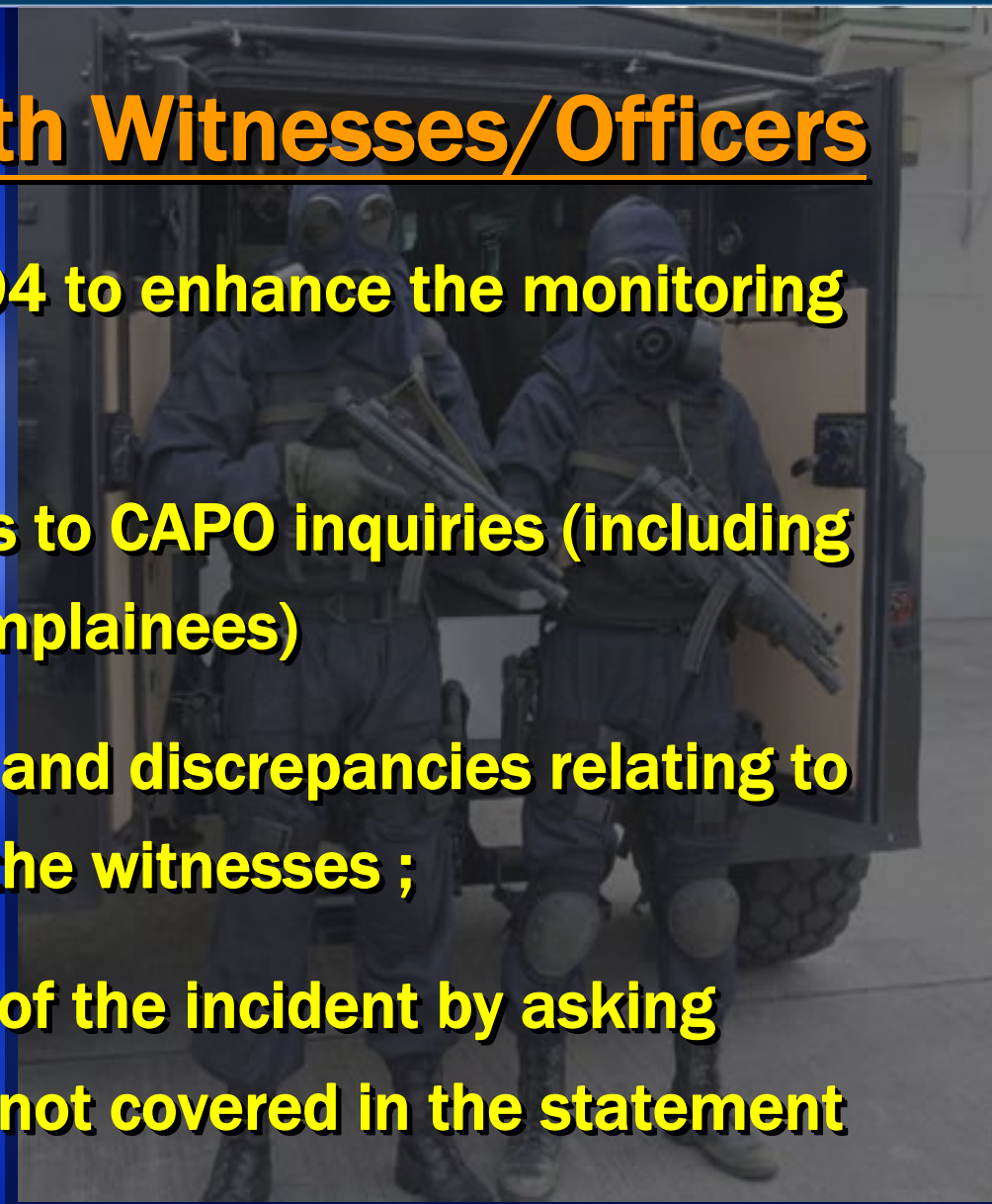
- Expanded in 1997 to include Lay Observers, (70 Observers)
- Observations extended to Informal Resolutions (IR) interviews; and
- observations for investigation of complaints against police conducted by police formations.





IPCC Interview with Witnesses/Officers

- Introduced in July 1994 to enhance the monitoring role of IPCC;
- To Interview witnesses to CAPO inquiries (including complainants and complainees)
- To clarify ambiguities and discrepancies relating to statements made by the witnesses ;
- To get a fuller picture of the incident by asking questions on matters not covered in the statement





Serious Complaints Committee

- IPCC established a Serious Complaints Committee to monitor serious complaints in 1996.
- SSP CAPO to report to IPCC, within 24 hours of the receipt, of a “serious complaint”;
- Guiding Principles :
 - a) Suspicious cases involving death/serious injuries;
 - b) Cases of public interest considered to be serious by the Committee; or
 - c) Unresolved cases which are considered to be serious by the Committee





Question





END

