

**For Discussion on
6 June 2002**

Legislative Council Panel on Security

Review of the Police's Video Interview Scheme

PURPOSE

This paper informs members of the key findings of a review on the use of video interview rooms (VIRs) that was recently completed by the Police.

BACKGROUND

2. In 1993, pursuant to the recommendations of the Law Reform Commission, the Hong Kong Police Force began to study the use of video interview facilities and the first VIR was built.

3. In 1996, the Force decided to expand the VIR facilities and build new VIRs with improved standards. The number of VIRs has since gradually increased, to a total of 60 as of December 1998, to provide a high degree of geographical and operational coverage.

4. In July 1999, the provision of VIR facilities by the Police was discussed in Legislative Council Panel on Security (the Panel). The Panel was then informed that the Police would conduct a review of the VIR scheme and it requested the Administration to revert back to the Panel after the completion of the review.

SCOPE OF THE VIR REVIEW

5. The Police completed the review on the VIR scheme in March 2002. The review examined, inter alia, the following main areas -

- (a) the adequacy of the present VIR facilities to cope with the existing demand for video interviews;
- (b) the quality of the video recording (audio and visual) for investigative and court purposes;
- (c) the acceptance of video recorded interviews by stakeholders; and
- (d) the suitability and feasibility of extending the use of VIRs to minor crimes.

KEY FINDINGS OF THE REVIEW

Adequacy of VIR facilities

6. Presently, video recording of interviews with suspects would be conducted when the case concerned meets certain criteria. Normally, it would be deployed in serious cases where the venue of trial may reasonably be expected to be either District Court or the Court of First Instance. The existing criteria for the use of VIRs are set out in Annex A.

7. There are now 69 VIRs in the Force, and the 70th VIR being the last one to be built in the scheme is expected to become operational in Cheung Chau Police Station in mid-2002. The current VIR facilities are generally

sufficient to meet the existing demand for video interviews, as all Regional Headquarters, District Police stations, major Divisional Police stations and Headquarters crime units have been equipped with video recording facilities.

8. It should however be noted that on occasions when multiple arrests are made, it may become impracticable to video interview all arrested persons at the same time and some interviews may have to be delayed.

Quality of Video Recording

9. The audio and visual quality of the video interview recording was considered satisfactory by officers conducting video interviews. There were no adverse comments from the external stakeholders including the Department of Justice and the Courts.

Acceptance by Stakeholders

10. Members of the Force have been encouraged to use VIR facilities and the scheme is in general acceptable to them. The number of video interviews conducted in the past three years are as follows:

| Year | Number of video interviews conducted | Percentage Change compared with preceding year |
|-------------|---|---|
| 1999 | 2,228 | - |
| 2000 | 3,339 | + 50% |
| 2001 | 3,688 | + 10% |

11. The increase in the number of video interviews was due to a variety of reasons. They include the increased availability of trained officers and the general familiarization, competence, and acceptance of the use of VIRs among members in the Force.

12. Both the Courts and Department of Justice are in general supportive of the VIR scheme. The following statistics on admissibility of video recordings in court proceedings is worked out based on respondents' replies in a Force-wide survey conducted in early 2001 -

| | 1999 | 2000 |
|-----------------------------------|-------------|-------------|
| Admitted without challenge | 74% | 85% |
| Admitted after challenge | 24.5% | 13% |
| Rejected after challenge | 1.5% | 2% |
| Total | 100% | 100% |

Wider Use of VIRs

13. The findings of the police review indicate that the present use of VIR facilities can be considered smooth and successful in terms of effectiveness, quality and acceptability. In fact, its use in 2001 has increased by 65% when compared with 1999.

14. With a view to further increasing the use of VIR facilities, the Police intend to relax the existing criteria so that video interview may be used in more cases, including cases to be tried in magistrate's courts. The new criteria to be implemented are also listed at Annex A.

15. The Police have also examined the suitability of extending the use of video interview to statement taking from all persons arrested for crimes. It is considered impracticable to do so for two main reasons, namely, insufficient VIR facilities to meet the increased demand and problems associated with the need for transcription of the recordings of the video interviews.

16. There are around 40,000 persons arrested for crime in a year. Given the current VIR facilities, it would be impracticable to video-interview all arrested persons. Moreover, it may result in undesirable movement of suspects and unnecessary delay in statement taking because it may require the movement and escort of arrested persons to location where VIR facilities are available. It will not be in the interests of the arrested persons if they are detained for extended periods of time pending the availability of VIRs.

17. As regards transcription, at present video recordings have to be transcribed for various purposes including for production in court proceedings. An extension of video interview to all crime arrests would require considerable resources for transcribing the video recordings. Although recordings of cases which are not sensitive or confidential in nature may be contracted out for transcription services, transcription companies are unlikely to meet the drastic increase in the demand for such services. Court proceedings might also be delayed because of the need to wait for the availability of transcripts for court trials.

THE WAY FORWARD

18. The Police have been gradually increasing the use of video interview in the last three years and will soon be relaxing the criteria for use of VIR facilities. After the relaxation of the criteria, the VIR scheme will be

applicable to suitable cases to be tried in magistrate's court, District Courts and the Court of First Instance.

19. The Police will closely monitor the use of video interview in crime investigation and further extension of the scheme would be considered in the future, having regard to the overall circumstances including operational efficiency, demand for video interviews, readiness of stakeholders and resource implications.

Security Bureau

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Annex A**Proposed Criteria for the Use of Video-Recorded Interview****Existing Criteria**

The video recording of interviews with suspects will normally be conducted only in serious cases. A serious case is one in which the venue of trial may reasonably be expected to be either District Court or the Court of First Instance. VIRs may also be used to take statements from suspects if one or more of the following apply: _

- (a) the offence involves a penalty of imprisonment of five years or more;
- (b) the nature of the crime is likely to involve significant public interest;
- (c) as directed by the CIP or above commanding the investigating unit.

New Criteria [to be implemented]

The video recording of interviews with suspects should normally be conducted in cases in which the venue of trial may reasonably be expected to be either District Court or the Court of First Instance.

Video recording of interview may also be considered for cases that are reasonably expected to be tried in the Magistracy under any of the following circumstances:

- (a) it is the best option to elicit the full facts of the case having regard to its complexity, sensitivity, or special nature;
- (b) it is appropriate having regard to the importance of the interview against the full circumstances of the case;
- (c) the nature of crime is likely to involve significant public interest;
- (d) at the request of the subject of the interview;
- (e) as directed by CIP or above commanding the investigating unit who may exercise his/her discretion with due regard to the overall circumstances of the case.