

Information Leaflet on IPCC Interviewing Witnesses

The IPCC

- 1) The Independent Police Complaints Council (IPCC) is an independent body set up by the Chief Executive to ensure that all complaints against the Police are thoroughly and fairly dealt with by the Complaints Against Police Office (CAPO) of the Hong Kong Police Force. Its main duty is to monitor and where it considers appropriate, to review the handling by the Police of complaints by the public. The IPCC does not investigate complaints against the Police. Investigation is the work of CAPO.

Purpose of Interviewing Witnesses

- 2) To improve the IPCC's ability to monitor CAPO's investigations, the IPCC may interview witnesses as and when it considers necessary. The purpose of interviews is solely to clarify matters with the witnesses. The IPCC will not take over the investigative role of CAPO.

Discretion

- 3) The IPCC has full discretion to decide which witness(es) to be invited for interview.

Witnesses

- 4) Witnesses may include complainants, complainees, pathologists, government chemists and independent witnesses, etc.
- 5) The IPCC cannot compel the attendance of witnesses. It would be up to the witnesses to decide whether to attend the interviews. Nothing should be construed from the mere fact that a witness either agrees or does not agree to attend such an interview.

Conduct of Interviews

- 6) Interviews will be conducted by a panel consisting of no less than two IPCC Members with the support of the Secretariat staff.

- 7) The interview will be conducted individually, i.e. only one witness will be interviewed at any session.
- 8) Interviews will be conducted in private. Persons other than witnesses' lawyers and/or parents or guardians of minor interviewees will be excluded from the interview. Lawyers, parents or guardians who may be present should not interfere with the conduct of interview.
- 9) The interview will be conducted in either official language i.e. Chinese or English.
- 10) If considered necessary, the IPCC will obtain the consent of the witness for audio-/video-recording the interview.
- 11) Interviews are to be held at the Office of the IPCC Secretariat:

10/F, Bank of East Asia Harbour View Centre
56 Gloucester Road,
Wan Chai,
Hong Kong

Record of Interview/Follow-up Action

- 12) Since the interviews are solely for clarifying doubts, no statement will be taken. The panel will prepare a record of interview and deliberations for consideration by the full Council. Where necessary, the Council will take the case up further with CAPO. The relevant audiotape(s)/videotape(s) of the interview may also be disclosed to other parties involved in the police complaints system, if the IPCC considers appropriate.