

**Bills Committee on
Independent Police Complaints Council Bill**

**Response to issues raised at the Bills Committee meeting
held on 13 May 2008 (1)**

Purpose

This note provides information in response to a number of issues raised by the Bills Committee at its meeting held on 13 May 2008.

Classification of complaints

To provide information on the number of complaints in the past three years where the classification of “unsubstantiated” was changed after the Independent Police Complaints Council (IPCC) provided its comments to the Police

2. The Police do not keep specific statistics on the number of complaints where the classification of “unsubstantiated” was changed after the IPCC provided its comments to the Police. For members’ reference, the number of reportable complaint cases processed in 2005 to 2007 where the classification was changed after the IPCC had provided its views to the Police is as follows-

<u>2005</u>	<u>2006</u>	<u>2007</u>
37	31	29

To provide a sample of the Police's report to the IPCC on “informal resolution” cases, with personal data (if any) excised

3. A sample report prepared by the Complaints Against Police Office (CAPO) on a reportable complaint dealt with by informal resolution is at Annex A.

To provide information on the number of complaints resolved by “informal resolution” in the past one year

4. 399 reportable complaints were resolved by informal resolution in 2007.

To consider requiring complaints not to be resolved by “informal resolution” to be investigated by officers of a police formation other than the one in which the police officer who is the subject of complaint is attached

5. According to the existing practice, CAPO will refer reportable complaints of a minor nature involving use of offensive/abusive language, impoliteness/rudeness/improper manner, misunderstanding of police procedure and/or the law, unnecessary delay and/or inconvenience, neglect of duty and minor forms of misconduct to the relevant police formations for investigation. However, if a complainant expressly requests that the complaint be investigated by CAPO, CAPO may conduct the investigation after considering the circumstances of the complaint.

6. On referral of a reportable complaint, the Formation Commander concerned will nominate an experienced officer, not below the rank of Inspector, with sufficient knowledge of the matters involved to conduct the investigation. To ensure the impartiality of the investigation, officers having close connections with or operational responsibility over the complainee(s) will not be nominated. The nominated officer is required to complete the investigation within two months and submit his findings and recommendations to the Formation Commander for consideration. The Formation Commander will then submit a report, together with the case file containing all relevant information and documents, to CAPO for review and preparation of an investigation report for submission to the IPCC. CAPO may raise questions and seek clarification on the report as necessary. If the Formation Commander finds that the investigation unveils a more serious matter or involves more than one police formation, suggesting that the CAPO may be better positioned to conduct the investigation, he will raise the matter with CAPO which will in turn decide on the appropriate approach.

7. The Police attach great importance to ensuring that the investigation of police complaints is conducted impartially. In this respect, the CAPO Manual, which sets out the guidelines and procedures on the handling and investigation of reportable complaints, provides that if at any stage during the course of an investigation the investigating officer feels for whatever reason (e.g. personal acquaintance with the complainant or complainee) that complete impartiality is not possible, he is required to report this fact to his senior officer. The senior officer will direct another investigating officer, as necessary, to continue with the investigation. In addition, as set out in LC Paper No. CB(2)810/07-08(01), Police General Order 26-20 stipulates that all complainees should not be forewarned of the complaints against them by another police officer and that a breach of such an order would amount to a disciplinary offence. The object will minimize the opportunity for a complainee/police witness involved in a complaint to interfere with other witnesses or to conceal, destroy or alter evidence.

8. With the safeguards mentioned above to ensure that reportable complaints are investigated in an impartial and fair manner, we do not consider it necessary to mandate that complaints that are not to be resolved by informal resolution must be investigated by officers of a police formation other than that of the complainee.

To consider requiring the staff of the IPCC to explain to a complainant before a complaint is to be resolved by “informal resolution”

9. Cases for informal resolution involve minor reportable complaints which are resolved, with the consent of the complainant, through conciliation without a full investigation. Informal resolution does not apply in the following circumstances-

- (a) if there is a significant conflict between the testimony of the complainant and that of the complainee;
- (b) the complainant does not agree to its use;

- (c) circumstances indicate that if the complaint is fully investigated and substantiated, criminal or disciplinary charges will ensue; or
- (d) the complaint refers to a refusal or reluctance to grant bail.

10. An officer not involved in the complaint concerned, at the rank of Chief Inspector of Police, will be appointed as the conciliating officer. He will interview the complainant, and explain to the complainant the procedure involved in informal resolution and the implications of adopting this approach. He will also make clear that if at any stage the complainant does not agree to proceed with the informal resolution procedure, the complaint will be formally investigated. The complainant will be invited to sign an interview form (see sample at Annex B) to confirm his understanding of such explanation. As a complaint will be handled by informal resolution only with the complainant's clear understanding of the procedures involved and his agreement to adopting such an approach, we consider the existing arrangement adequate and do not see a need to additionally require the staff of the IPCC to provide similar explanation (which the conciliating officer has already given) to the complainant.

Categorization of notifiable complaints

To consider amending “the Council may require the Commissioner to provide explanations” in clause 15 along the lines of “the Commissioner must provide to the Council explanations, with supporting material including any written statement taken from a person interviewed by a member of the police force in respect of a notifiable complaint and any video recording of the interview”

11. We propose to revise clause 15(3) to the effect that the IPCC may require the Police to provide explanations, including information or material in support of the categorization of a complaint as a notifiable complaint.

Investigation reports on reportable complaints

To consider amending clause 16(2)(e) along the lines of “such other information as the Council and the Commissioner may agree” or “such other information as the Council thinks necessary”

12. Clause 16(2) sets out the contents of an investigation report on a reportable complaint submitted by the Commissioner of Police (CP) to the IPCC, which should include a summary of the investigation, a finding of facts in relation to the complaint and the evidence in support of the finding, the classification of the complaint and the reasons for the classification, an account of the action taken or to be taken by the Police in connection with the complaint and such other information as CP considers necessary. This reflects the existing practice and covers all necessary information to facilitate the IPCC in monitoring the Police’s handling and investigation of reportable complaints. Clause 20(1)(a) further empowers the IPCC to require the Police to provide any information or material relating to reportable complaints. Taking into consideration Members’ comments and the provisions of clauses 16 and 20, we propose adding a new clause 16(2)(f) to provide that an investigation report must contain such other information as the IPCC and the Police may agree.

To consider amending clause 16(3) to the effect that an investigation report on a reportable complaint classified as one that is for “informal resolution” must contain a summary of the process of informal resolution, a record of the facts in relation to the complaint and the information in support of resolving the complaint by “informal resolution”

13. Taking into account the fact that a full investigation is not required for reportable complaints handled by “informal resolution” as well as Members’ comments, we propose to amend clause 16(3) to the effect that an investigation report on a reportable complaint resolved by way of “informal resolution” must contain a summary of the process of informal resolution, a description of the event and the information in support of resolving the complaint by “informal resolution”.

To consider providing the IPCC with general power under clause 18 to make recommendations and give opinion in respect of an investigation report submitted by the Police under clause 16

14. Clause 18(1) provides that the IPCC may, in relation to an investigation report submitted under clause 16, advise the Police of its recommendations on the report, the classification of the complaint, the Police's handling or investigation of the complaint, or any fault or deficiency identified in any practice or procedure adopted by the police force as well as its opinion on the action taken or to be taken in respect of a member of the police force by the Police in connection with the complaint. The wording mirrors the specific powers of the IPCC under clause 7(1)(a), (b) and (c) and sufficiently spells out the matters of which the IPCC may advise the Police. That said, we have no objection to take on board Members' suggestion to turn paragraph (a) into the last paragraph of clause 18(1) with slight modifications to the wording consequential on such change.

Investigation of reportable complaints

To provide information on the number of complaints where investigation could not be completed within six months from the date of receipt of the complaint; to provide information on the respective percentage of complaints where investigation was completed within one to six months in the past one year

15. The Police do not keep detailed statistics on the respective percentage of complaints of which the investigation was completed within one to six months. In 2007, the investigation of 94% of 2 751 reportable complaints was completed within four months¹, and interim reports of 209 complaint cases were submitted to the IPCC.

¹ For sub-judice cases, the four months' period is counted from the date when investigation is re-opened after conclusion of the relevant court cases.

To provide a sample of the interim investigation report provided by the Police to the IPCC

16. A sample of an interim investigation report provided by CAPO to the IPCC is at Annex C.

To consider substituting “explain” in clause 17(3) with “contain”; to consider amending clause 17(4) along the lines that “the Council may advise the Commissioner of its opinion on a report submitted under subsection (3)”

17. We agree with Members’ suggestion and will amend -

(a) clause 17(3) by substituting “explain” with “contain”; and

(b) clause 17(4) to the effect that the IPCC may advise the Police of its opinion on an interim investigation report.

Disciplinary actions

To provide a sample of the Disciplinary and Criminal Checklist prepared by the Police, with personal data (if any) excised

18. A sample of the Disciplinary and Criminal Checklist prepared by the CAPO for submission to the IPCC is at Annex D.

To explain the disciplinary procedures after a complaint is found substantiated and how the IPCC may give its opinion during the process; to consider conducting disciplinary proceedings on a police officer only after the IPCC has completed its review on the related complaint

19. Breaches of discipline by police officers may be dealt with in ascending order of seriousness by (i) an appropriate advice or warning with or without entry in the record of service of the officer concerned; (ii) minor offences procedure under Part IA of Police (Discipline) Regulations (Cap. 232A)²; or (iii) defaulter proceedings under Part II of Cap. 232A³. For complaint cases where the disciplinary actions to be taken against the officers concerned involve giving advice or warning to these officers, CAPO will include such recommended actions in the investigation reports submitted to the IPCC. After the IPCC's endorsement of the classifications of the complaints, the relevant files will be passed to the Police Formation Commanders concerned for taking the disciplinary actions.

20. For complaint cases likely to result in formal disciplinary proceedings against the officers concerned (i.e. minor offences procedure or defaulter proceedings), CAPO may consider proceeding with formal disciplinary actions and submitting the investigation reports on the complaints concerned to the IPCC in parallel. This is because as a matter of natural justice, disciplinary proceedings should be conducted without undue delay, so as to ensure that the officers concerned receive a fair hearing and that they will not be burdened with the threat of disciplinary proceedings unnecessarily. The IPCC is fully aware of this arrangement and has agreed that the Police may undertake formal disciplinary actions before the investigation reports are endorsed by the IPCC.

² Minor offences procedure refers to the procedure instituted under Part IA of Cap. 232A for dealing with disciplinary offence which, having regard to the alleged offender's record and the circumstances of the case, as established to the satisfaction of an appropriate officer, would, if admitted, merit no punishment under Cap. 232A other than a written admonishment.

³ Defaulter proceedings refer to the formal disciplinary proceedings instituted under Part II of Cap. 232A for dealing with a police officer charged with a more serious disciplinary offence.

21. CAPO submits a Discipline and Criminal Checklist, which sets out disciplinary actions taken or to be taken in respect of any member of the police force in connection with reportable complaints, to the IPCC on a bi-monthly basis. For cases involving giving advice or warning to the officers concerned, such disciplinary actions to be taken will be set out in the investigation report, and CAPO will record such disciplinary actions to be taken in the Checklist following the IPCC's endorsement of the investigation reports. CAPO will update the Checklist after the case-specific disciplinary actions are completed. For cases involving formal disciplinary proceedings against officers concerned, CAPO will make an entry in the Checklist when it forwards the disciplinary case to the relevant police formation for follow-up actions, and will update the entry after the disciplinary actions have been completed.

22. Under the above arrangements, the IPCC may give its opinion on the disciplinary actions taken or to be taken, as the case may be, in respect of any member of the police force by the Police when it examines the investigation reports on the reportable complaints concerned or the Disciplinary and Criminal Checklist.

23. Members have suggested conducting disciplinary proceedings on members of the police force only after the IPCC has completed its review on the related complaint. Once sufficient evidence of a disciplinary offence is identified, disciplinary proceedings should be initiated as soon as reasonably practicable. If disciplinary action is delayed unnecessarily, it is possible that the member of the police force being disciplined may claim that it is a breach of natural justice, thereby challenging the validity of the disciplinary action taken. As mentioned in paragraph 20, the IPCC has agreed that the Police may undertake disciplinary actions while the IPCC is examining the investigation report concerned.

Interviews conducted by the IPCC

To consider providing the IPCC with general power to conduct interviews under clause 19 for the purpose of performing its monitoring role

24. Clause 16 provides that an investigation report submitted by the Police to the IPCC must contain a summary of the investigation, a finding of facts in relation to the complaint and the evidence in support of the finding, the Police's classification of the complaint, reasons for the classification, the action taken or to be taken by the Police in connection with the complaint, such other information as the Police think necessary as well as such other information as the IPCC and the Police may agree (as newly proposed under paragraph 12 above). Such a full range of information should enable the IPCC to have a comprehensive overview of whether the Police have handled and investigated a complaint fairly and impartially. If the IPCC considers that an interview with the relevant person(s) is needed to assist it to consider the report, clause 19(1) will serve the purpose. Clause 19(2) additionally provides that the IPCC may conduct such an interview for the purpose of considering an interim investigation report submitted by the Police under clause 17. Furthermore, clauses 23 and 34 respectively empower IPCC members and the IPCC's observers to attend an interview conducted by the Police or observe the collection of evidence undertaken by the Police in respect of a reportable complaint at any time and without prior appointment, so as to assist the IPCC to observe the manner in which the Police handle or investigate reportable complaints.

25. We believe that the above arrangements can already effectively enable the IPCC to carry out its monitoring role. Providing the IPCC with a general power to conduct interviews at any time would amount to giving the IPCC an investigative power. As we have explained previously, this is not consistent with our policy intention of maintaining the effective two-tier police complaints system now in place under which the Police's handling and investigation of public complaints are monitored by the IPCC.

To explain the meaning of "in private" in clause 19(4) and whether an interviewee can disclose the contents of an interview afterwards, keep a voice record of the interview or communicate with his lawyer during the interview

26. The dictionary meaning of “in private” is “not in public”. Under existing practice, the purpose of interviewing witnesses is solely to clarify matters with the witnesses and the IPCC will not take over the investigative role of the Police. Witnesses’ attendance of the IPCC’s interviews is entirely voluntary. The interviews are conducted in private. Persons other than the witnesses’ lawyers and/or parents or guardians of minor interviewees will be excluded from the interviews. Interviewees are free to communicate with their lawyers during the interviews, but the lawyers do not have a right of audience before the IPCC. Generally speaking, the IPCC has no objection if an interviewee wishes to make a voice recording of the interview for his/her retention provided that he/she agrees to allow the IPCC to make a recording in parallel for its record. Interviewees are required to undertake (sample of undertaking at Annex E) not to make any unauthorized disclosure of the details of the interviews.

Security Bureau
June 2008

SAMPLE

Informal Resolution

Introduction

This form is to be used when a complaint is considered suitable for Informal Resolution (IR). A Conciliating Officer (CO) is required to complete Part A to Part E (Parts A-C can be delegated to an Inspectorate officer). If at any point it is decided that the complaint is no longer suitable for IR, CAPO should be informed immediately in writing.

PART A: (to be completed by an Inspector or above)

CAPO RN: CAPO X RN 0800XXXX

Date/How Received:

2008-XX-XX to CAPO (By phone) (2008-XX-XX)

<u>Details of Complainant(s)</u> (Name, Age, ID No, Address, Tel. No. and Occupation)	<u>Allegation(s)</u> (e.g. Impoliteness, <u>Misconduct etc.</u>)	<u>Complainees (specify</u> complainee of each allegation if more than one complainee; otherwise <u>no need to fill in this column)</u>
Ms. XXXX 40 years, HKID: XXXX Flat X, XX Mansion, XXX Street, Tel: XXXXXX Unemployed	Offensive Language	COMEE

Complainee(s)
(Rank, UI No, Name, Age,
Posting in full followed by abbreviation)

Police Constable (PC) A, 30 years, of Patrol Sub-Unit XXX Division (PSU XXDIV)

Abbreviations:

IP - Inspector

PC - Police Constable

COM - Complainant

COMEE - Complainee

PART B: Version of Officer(s) Concerned

Note: The version of the officer concerned (complainee) is to be obtained by an officer of the rank of Inspector or above and at least one rank higher than the officer concerned. If the officer concerned cannot be identified an IR may still be conducted.

Complainee (1): PC A's version of the event was obtained at XXXX hours on 2008-XX-XX by IP XXX of PSUC XXDIV.

Complainee (1)'s version is as follows:

COMEE (1) stated that at about XXXX hours on 2008-XX-XX, he responded to a call of "Dispute" in XXX market. His enquiries revealed that COM and the vegetable stall owner, Ms XXXX had a dispute. The dispute was eventually settled. He denied having uttered abusive language or being rude in his manner when dealing with COM.

(XXXXXX) IP
PSUC XXDIV

PART C: Complainant's Version

Note: CO should assign an Inspector or above to contact the complainant. Apart from the nature of the complaint, the assigned officer should record in the complainant's version that, after explaining the meaning and purpose of an IR, the complainant agreed the complaint to be resolved by IR and understood there was no review procedure once the complaint was resolved by IR.

The complainant Ms. XXX was contacted by IP XXX of PSUC XXDIV at XXXX hours on 2008-XX-XX. Her version is as follows:

The complainant [COM] stated that COMEE had uttered abusive language to her [**Allegation : Offensive Language**] when COMEE handled the dispute between the vegetable stall owner and her in XXX market.

I explained to her the meaning and purpose of an IR. She agreed to handle the case by way of IR. After I had told her the relevant IR procedures, she agreed to conduct the IR by a face-to-face interview.

I have informed COM that once an Informal Resolution interview has been completed, the complaint is regarded as having been dealt with on a final basis, and there is no procedure for review.

(XXXXX) IP
PSUC XXDIV

PART D: The Informal Resolution (attached IR interview form to be completed by the CO)

Note: In IR interviews conducted by telephone, there is no need to complete the attached IR interview form, however, CO should note his comments at Part E, including brief details of the interview, whether COM understood the meaning of an IR and there was no review procedure once the complaint was resolved by IR, and whether COM wanted written confirmation of the IR.

PART E: Interview of the officer(s) concerned by CO after IR. CO's comments/action.

Note: (to be conducted in person by CO after IR). Where the CO does not interview the complainee the reasons for not doing so should be noted under CO's comments. Similarly, any advice given to the officer(s) concerned should be included in CO's comments.

The Conciliating CO interviewed the following officer(s):

Complainee (1) PC A was interviewed at XXXX hours on 2008-XX-XX

CO's Comments:

Following the IR with COM, COMEE was interviewed by me in my office at the aforementioned D/T. I advised him that every police officer should treat a member of the public in the same way that he too would like to be treated and that it was essential to explain more to a person involved in any case; be polite and not to make any unnecessary comment in all our dealings with the public.

(XXXXX) CIP
ADVC XXDIV

PART F: Comments and Recommendation by CAPO

(a) Allegation of 'Offensive Language' against Police Constable A, 30 years, of Patrol Sub-Unit of XXX Division dealt with by way of Informal Resolution.

SAMPLE

Complaints Against Police Office

Tel. No.: 2866 7700
(24-hour Complaint Hotline)

XXX Police Station
(Name of Police Station/Formation)

XXX, CIP / ADVC XXDIV
(Name/Rank/Post of Conciliating Officer)

CAPO Ref.: CAPO X RN 0800XXXX

Tel. No.: XXXXXXXX

Informal Resolution Interview Form

Date/Time: At 1100 hrs on 2008-XX-XX **Venue:** ADVC XXDIV's office

(The Conciliating Officer should delete the paragraph below if an IPCC Observer is NOT present)

I ~~object~~/do not object* to the presence of an IPCC Observer/a ~~staff of IPCC Secretariat*~~, if any, to the Informal Resolution and the Conciliating Officer has explained to me the role of the IPCC Observer.

2. The Conciliating Officer has explained to me the meaning of an Informal Resolution. He has informed me that, if at any stage I do not agree to an Informal Resolution of my complaint, then my complaint will be subject to a formal investigation. He has heard my complaint, namely: COMEE uttered abusive language to me [Allegation : **Offensive Language**]

3. He has explained to me the circumstances which gave rise to my complaint, namely: there might be misunderstanding between COMEE and me.

4. I am satisfied with the explanation given and with the action he intends to take, namely: to give the officer concerned appropriate advice about his attitude and remind him to be polite and courteous when dealing with members of the public.

5. I agree/~~do not agree~~* to my complaint being resolved informally and wish/~~do not wish~~* it to be subject to a formal investigation. I understand that once an Informal Resolution interview has been completed, the complaint is regarded as having been dealt with on a final basis, and there is no procedure for review.
6. I ~~require~~/do not require* a confirmation letter from the Complaints Against Police Office.
7. I ~~wish to add~~/have nothing to add*:

NAME		HK I/D Card No./ Other Proof of Identity	SIGNATURE
Complainant	XXXXXX	XXXXXXX	
Witness (if Complainant is below 16)			
Conciliating Officer	XXXXXX	<i>Not Applicable</i>	
Translator (if applicable)		<i>Not Applicable</i>	
IPCC Observer	XXXXXX	<i>Not Applicable</i>	

Note - a copy of this form should be served to the Complainant. * delete whichever inappropriate

SAMPLE

Complaints Against Police Office

2008-XX-XX

CAPO RN/Team : X 08XXXXXX

Date/How Received : 2008-XX-XX via XXX Magistracy (2008-XX-XX)

Complainant : Mr XXX, XX years,
HKID No. XXXXXXX,
Room XX,
XXX House,
XXX Estate.
(Tel XXXXXXX)
Worker

Complaints : Fabrication of Evidence

Officers concerned : PC A, XX years
of XX Division
(XXDIV)

INTERIM REPORT (Sub-Judice)

BRIEF CIRCUMSTANCES OF COMPLAINT

The complainant was charged with 'Resisting a police officer' and on 2008-XX-XX, the complainant appeared before XXX Magistracy for plea. He alleged in court that complainee had fabricated evidence against him.

BRIEF CIRCUMSTANCES OF THE CRIMINAL CASE

2. In the small hours on 2008-XX-XX, complainee and PC B were conducting foot patrol in the vicinity of XXX Estate. They spotted the complainant acting in a suspicious manner and thus intercepted the complainant for enquiry. Upon interaction, the complainant behaved in a hostile manner and assaulted PC B. Complainee thus arrested the complainant. The complainant was subsequently charged with 'Resisting a police officer' and appeared before XXX Magistracy for plea on 2008-XX-XX. He pleaded not guilty and the case was adjourned to 2008-XX-XX for trial.

CRIMINAL RECORD

3. The complainant has criminal records of 'Wounding'.

CAPO PRELIMINARY INVESTIGATION

4. The complaint investigation was taken over by CAPO. SGT XX contacted the complainant on 2008-XX-XX with relevant procedures explained. The complainant preferred the sub judice procedure¹. Scene visit was conducted with no CCTV device located. Relevant documents, including the police notebooks of officers concerned were obtained. The complainants' allegations will undoubtedly be aired in Court in connection with the charges against him. SP CAPO approved to suspend the complaint investigation on 2008-XX-XX.

5. Pending conclusion of legal proceedings and conclusion of trial.

¹ A *Sub-Judice* complaint is a complaint against a member of the police force which relates to a matter likely to be aired before a court in connection with a charge or summons. The main purpose of the *Sub-Judice* procedure is to protect the interests of the defendant in that his line of defence will not be revealed to the Police prior to his trial.

Disciplinary and Criminal Checklist

Part (A) – Disciplinary matters arising from endorsed CAPO cases, with a synopsis of the cases, disciplinary actions to be taken (advice, warning, minor offence report and defaulter proceedings) and details of the officers concerned. Submitted to IPCC bi-monthly.

Part (B) – Criminal matters arising from endorsed CAPO cases, with a synopsis of the cases, the criminal charges and details of the officers concerned. Submitted to IPCC bi-monthly.

Part (C) – Disciplinary and criminal matters arising from pre-endorsed CAPO cases, with a synopsis of the cases, the criminal charges / disciplinary actions to be taken (advice, warning, minor offence report and defaulter proceedings) and details of the officers concerned. Submitted to IPCC bi-monthly.

Abbreviations used in the Checklist:

SOTR – Substantiated Other Than Reported

DRF – Divisional report file

Outwith – Outwith Matter

NP – Not Pursuable

SIP – Senior Inspector

PC – Police Constable

SGT – Sergeant

COM – Complainant

CAPO CHECKLIST - Part (A)
 (Disciplinary Matters)
[Post IPCC Endorsement]

Item No.	CRR No.	Endorsed Date	Officers Concerned/Action	Result/Remarks
1	07XXX	2007-XX-XX re-endorsed on 2008-XX-XX	<p><u>PC A (XXDIST) (not a Complainee) (SOTR)</u> - to be advised without DRF entry of the need to be professional when dealing with members of the public.</p> <p><u>PC B (XX Unit) (SOTR)</u> - to be warned without DRF entry for failing to comply with PGO 6-01(14).</p>	<p>COM requested for a review and the result remains unchanged. PC A requested for a review. SSP CAPO examined PC A's review and considered it not necessary. PC A was informed of the outcome of his review by DVC XXDIV on 2007-XX-XX. SSP XX indicated on 2007-XX-XX that PC B had been interviewed and advised. IPCC raised a query on 2007-XX-XX. File resubmitted to IPCC on 2007-XX-XX.</p>
2	07XXX	2007-XX-XX	<p><u>PC C (XX Unit) (SOTR)</u> – to be advised without DRF entry on the need to be careful when handling personal data.</p> <p><u>SGT D (XXDIST) (Not a Complainee) (Outwith)</u> – to be advised without DRF entry on the the need to be careful when handling personal data.</p>	<p>PC C was advised by SSP XX Unit on 2007-XX-XX. SGT D was advised by DVC XXDIV on 2007-XX-XX. N.F.A.¹</p>

¹ "N.F.A." denotes that the item will be deleted in the next return.

Item No.	CRR No.	Endorsed Date	Officers Concerned/Action	Result/Remarks
3	07XXX	2007-XX-XX	<p><u>PC E (XXDIST) (SOTR)</u> – to be defaulted for ‘Contravention of Police Orders’ for failing to comply with PGO 21-07.</p> <p><u>SIP F (XXDIST)</u> (Not a Complainee) (Outwith) – to be advised without DRF entry for failing to sign for the Commissioner of Police when sending correspondence to outsiders, contrary to FPM 12-03(8).</p>	<p>Disciplinary L/M to RC XX on 2007-XX-XX. IPCC raised a query on 2007-XX-XX. File resubmitted to IPCC on 2007-XX-XX.</p> <p>File to DC XXDIST thro’ RC XX on 2007-XX-XX.</p>
4	07XXXX	2007-XX-XX	<p><u>PC G (XXDIST)</u> (Complainee) (NP) – to be advised without DRF entry for failing to record details of interviewing COM, contrary to PGO 53-01(6)(c).</p>	File to DC XXDIST on 2007-XX-XX.
5	07XXXX	2007-XX-XX	<p><u>PC H (XX Unit)</u> (Withdrawn) – to be advised without DRF entry on good communication skills when handling telephone calls made by members of the public.</p>	The officer was advised by SP XXX on 2007-XX-XX. N.F.A.

CAPO CHECKLIST - Part (B)
(Criminal Matters)
[Post IPCC Endorsement]

Item No.	CRR No.	Endorsed Date	Officers Concerned/Action	Result/Remarks
1	07XXX	2008-XX-XX	<u>Ex-PC A (XXDIST)</u> – This officer was charged with ‘Theft’ and was convicted of the offence. He was sentenced 7 months’ imprisonment on 2007-XX-XX.	File to DC XXDIST on 2008-XX-XX.

CAPO CHECKLIST - Part (C)
(Disciplinary/Criminal Matters)
[PRE IPCC ENDORSEMENT]

Item No.	CRR No.	Status	Officers Concerned/Action	Result/Remarks
1	07XXX	File to IPCC on 2008-XX-XX	<p>PC A (XXDIST) - <u>PC B (XXDIST)</u> - charged with one count of 'Common Assault' on 2007-XX-XX and the incident arose from a stop and search on COM.</p> <p><u>SGT C (XXDIST)</u> - charged with one count of 'Attempt to pervert the course of Public Justice' on 2007-XX-XX because he tried to cover up the criminal act of his subordinates.</p>	<p>The officers were acquitted after trial on 2007-XX-XX. CAPO conducted a disciplinary review against the officers. The disciplinary review was completed on 2007-XX-XX.</p> <p>File submitted to IPCC on 2008-XX-XX. IPCC raised a query on 2008-XX-XX. File resubmitted to IPCC on 2008-XX-XX. Pending IPCC's endorsement.</p>
2	07XXX	File to IPCC on 2008-XX-XX	<p><u>PC D (XXDIST) (SOTR)</u> – to be defaulted for 'Contravention of Police Orders': This officer failed to comply with PGO 53-01(2).</p>	<p>Disciplinary L/M to RC XX on 2008-XX-XX. The officer was issued with a Minor Offence Report in respect of the disciplinary offence on 2008-XX-XX. File submitted to IPCC on 2008-XX-XX. Pending IPCC's endorsement.</p>
3	07XXX	File to IPCC on 2008-XX-XX	<p>PC E (XXDIST) -(Not Fully Substantiated) <u>PC F (XXDIST) - (Substantiated)</u> – charged with one count of 'Assault Occasioning Actual Bodily Harm'.</p> <p>PC E (XXDIST) -(SOTR) <u>PC F (XXDIST) - (SOTR)</u> – to be defaulted for (a) 'Making a Statement False in a Material Particulars' as this officer gave a false statement to the CAPO Investigator; (b) 'Contravention of Police Orders' as this officer failed to comply with PGO 53-01(6)(k).</p>	<p>The officers were acquitted after trial on 2007-XX-XX. Disciplinary L/M to RC XX on 2008-XX-XX. Formal disciplinary proceedings will be taken against them. File submitted to IPCC on 2008-XX-XX. Pending IPCC's endorsement.</p>

IPCC Reference : _____

IPCC Interviewing Witnesses

I have read and fully understand the contents of the information leaflet on IPCC Interviewing Witnesses.

2. I **agree/do not agree* to the audio-/video-recording of my interview with the IPCC interview panel.

3. I undertake not to make any unauthorized disclosure of the details of my interview with the IPCC interview panel.

4. I understand that the IPCC will, if it considers necessary for the investigation of complaint, disclose the information I provided during the interview and the relevant audiotapes/videotape(s) of the interview to other parties involved in the police complaints system, including Complaints Against Police Office.

Signature : _____

Name of Witness : _____

I.D. Card No. : _____

Date : _____

IPCC Secretariat Staff : _____

Original kept in file; a copy to the witness

*Please delete whichever is inapplicable.