

Submission of the Hong Kong Human Rights Monitor on
INDEPENDENT POLICE COMPLAINTS COUNCIL BILL
December 2007

Introduction

1. The first Independent Police Complaints Council Bill (IPCC Bill) for Hong Kong was introduced into the Legislative Council (LegCo) for enactment in 1996. It has been withdrawn in disgrace by the Government in 1997 after an amendment was passed by LegCo to empower the Independent Police Complaints Council (IPCC or the Council) to conduct investigation of complaints against the police. The revised Bill was introduced for enactment in July 2007.
2. The Hong Kong Human Rights Monitor welcomes the Bill to transform the existing IPCC into an independent statutory body. However, the statutory IPCC it envisages suffers from the same fundamental flaw in denying the essential power of investigation.

Power of investigation

3. The unfounded arguments (formerly advanced in favour of the Anti-Corruption Office of the police force formerly against the setting up of the ICAC before 1974) are now repeated by the Government to defend the Complaints Against Police Office (CAPO) against the establishment of an independent mechanism to investigate complaints against the police.
4. The argument that due to the lack of investigation expertise from outsiders to investigate the police has been unequivocally proved to be unfounded by the successful establishment of the ICAC and its effective investigation of police and other corruption cases. In contrast, the Anti-Corruption Office of the police was known to harbour police corruption and was widely criticized as the most corrupt office in the police force. Similarly, CAPO fails to win the trust of many victims of police abuse. To them, CAPO is just a convenient place for the police and the Government to dismiss complaints. It has become another source of grievance and a key target of complaint itself in the police force.
5. Arguments cited by the Government on the duplication of the overlapping of resource requirements and efforts, and the inconsistent parallel investigation findings conducted by CAPO and the IPCC can be easily addressed by the dissolution of CAPO. There is no good reason to spend public money for keeping an ineffective mechanism like CAPO if the IPCC is empowered to conduct independent investigations.

6. To our surprise, one of the “shortcomings” the Government alleged is that the “IPCC does not have investigative powers similar to those available to the Police (e.g. the search and seizure powers)”. Whether the IPCC has investigative powers is entirely up to the Government. It is the Government that has deprived the IPCC of such investigative powers the latter needs desperately. It can rectify the “shortcoming” by amending the Bill to provide the IPCC with such powers. Once the IPCC is empowered to investigate, its “role as an oversight body” of the police would definitely and unprecedentedly be enhanced.
7. Moreover, in the current system, CAPO is responsible for investigating all reportable complaints against the police. As part of the police force, CAPO has jurisdiction over complaints against its own officers and police commanders above it in the chain of command. An officer in CAPO, an officer in charge of CAPO or other senior police officers, like the Commissioner, may be the subject of complaint. In these cases, it is not appropriate to leave the complaints to be investigated by CAPO. It would be more appropriate to investigate the complaints against CAPO by an independent body, which is the IPCC.
8. Even if it is impractical to empower the IPCC to investigate all or most the complaints, the Council should at least have the power to investigate serious cases and those against officers in CAPO, officers in charge of CAPO or other senior police officers, like the Commissioner.
9. Many of the police complaint organizations in the world are independent and are given investigative powers. Examples of these include the Police Integrity Commission in New South Wales, Australia, the Police Complaints Authority in New Zealand and the Royal Canadian Public Complaints Commission in Canada.
10. The police force in Hong Kong was established and evolved to mimic its UK origin and counterparts. However, the police forces have not been able to resist the trend of subjecting themselves to oversight by independent police complaint mechanisms with the investigative powers.
11. Even the police forces in the United Kingdom have not been able to resist the trend of subjecting themselves to oversight by independent police complaint mechanisms with the investigative powers. In 1998, the Police Ombudsman for Northern Ireland with investigative powers had replaced the formerly less functional Independent Police Complaints Commission that had no investigative powers. The former Police Complaints Authority in England and Wales had no power of investigation as well. In 2004, it was replaced with the Independent Police Complaints Commission with investigative powers.
12. It is an international trend to empower an independent institution to investigate complaints against police.

13. The UN Human Rights Committee noted in its 1995 Concluding Observations that “the Committee expresses concern about the credibility of the investigation process and takes the view that investigation into complaints of abuse of authority by members of the Police Force must be, and must appear to be, fair and independent and must therefore be entrusted to an independent mechanism.”
14. The same concerns were repeated in 1999 and 2006 in the Concluding Observations of the UN Human Rights Committee. The Concluding Observations of 1999 noted that “The Committee takes the view that the Independent Police Complaints Council has not the power to ensure proper and effective investigation of complaints against the police. The Committee remains concerned that investigations of police misconduct are still in the hands of the police themselves, which undermined the credibility of these investigations. The HKSAR should reconsider its approach on this issue and should provide for independent investigation of complaints against the police.” Again in 2006, the Concluding Observations noted that “The HKSAR should ensure that the investigation of complaints against the police is carried out by an independent body, the decisions of which are binding on relevant authorities.”
15. The Government, in its follow-up report to the UN Human Rights Committee submitted earlier this year, attempted to defend the current system by claiming operational independence of the IPCC. If it really cares about operational independence, it should have adopted and implemented the proposals of the IPCC raised a decade ago under the then IPCC chairperson Dennis Chang, Q.C., in which it recommended to have a civilian to head CAPO. Again, no effort has been made in the Bill or as a parcel of important incidental institutional reforms to bring this into effect. CAPO, in accordance with the Police Force Ordinance, still comes under the Commissioner of Police. No external elements are welcome to ensure the operational independence of CAPO. The serious problems of tipping off of police officers being complained against are just some of the examples of the lack of such operational independence.

The Current Bill

16. Even if the IPCC is just confined to be a monitoring and reviewing body by the Government, its necessary powers, functions, procedures and resources should not be unduly restricted, making it difficult even to discharge its basic duties properly.
17. The Monitor urges the Government to demonstrate its sincerity in making the Council effective by adopting proper amendments to the Bill. We, therefore, propose some limited proposals below to ensure the monitoring function can be carried out effectively according to the Government’s stated aim. These proposals do not deal with the fundamental flaws outlined above.
18. We are also concerned about whether there are adequate efforts in bringing the police, especially CAPO, under certain legal control of this Bill, and to put in administrative measures to facilitate monitoring, the IPCC cannot discharge its

“observe, monitor and review” duties properly and effectively. For instance, it is important to make tipping off an offence, to require all liaison work of CAPO officers to be conducted through a telephone system (so that all conversations with complainants to prevent any discouragement of complainants to carry on with their complaints will be recorded and monitored), and videotaping entrances to police temporary holding areas to monitor any irregularities.

General statement of principles

19. Being one of the human rights protection mechanisms in Hong Kong entrusted with the important duties to monitor and review the police’s handling of complaints, in enacting a Bill for designing the IPCC’s organizational principles, composition and membership, powers and functions, security of tenure, resource provision and etc., it is necessary to refer to the standards in the Principles Relating to the Status and Functioning of National Institutions for Protection and Promotion of Human Rights (the Paris Principles) and similar human rights instruments for guidance.
20. A general statement on the principles and objects of the IPCC is necessary. Such a statement should reflect some of the Paris Principles and certain elements important to the success of the IPCC. It is helpful for the Members of the Council, the police, government officials and the general public to understand the basic principles underlying the IPCC. It is also useful for the court to form a frame of intent for which detailed provisions may be interpreted. The Police Integrity Commission Act 1996 of New South Wales states the principal objectives of the Act.
21. Elements of principles should include independence, pluralism, maintenance of public confidence to the mechanism, thoroughness, fairness, impartiality, efficiency, timely, transparency, user friendliness, accountability to the public, stable mandate (tenure) of membership, adequate funding, staffing and etc. Elements of organizational objectives should include protection of human rights and dignity, prevention of torture and degrading treatments, ensuring effective remedies to victims, etc.

Membership of the Council

22. According to the Bill, civil servants and former members of the police force are not eligible to be the members of the Council. The list of disqualification should also be extended to individuals who are closely connected to the police force, any related family members, or individuals with related substantial business transactions.
23. In line with the Paris Principles, there should also be a requirement that a certain number of IPCC members from those who serve the user groups, like the NGOs campaigning for criminal justice or civil liberty for sex workers and ethnic minorities. This could be achieved by requiring a number of members who have experiences in dealing with police complaints.

24. The Council should also be able to appoint co-opted members to assist it in discharging some, if not all, of its functions. It should also be able to delegate its powers to such co-opted members, its secretariat, contractors or any person it deems fit.
25. According to the Paris Principles, stability of mandate or security of tenure is important and it is the best practice to ensure a tenure of two five-year terms. A term of a maximum of two years and an extension of only for a further term or terms not exceeding two years in the Bill are too short by exposing appointees to unnecessary pressure of renewal of mandate and therefore not consistent with the requirement of stable mandate. It also unduly restricts the development and preservation of expertise in the IPCC and makes the system even less effective. The short mandate can also be used by a less restrained government to keep a more frequent check of members and oust them if they do not act in a way friendly to the Government. This requirement will serve as a means to further weaken the independence of the complaint system.

Resources, honourariums, secretariat and other supports

26. According to the Annual Report of the IPCC in 2006, the CAPO registered 2,542 complaints, a large number which makes it impossible to be dealt with by unpaid volunteers. Unless working on a full time basis, it is a very heavy workload for the Council to monitor all the handling of complaints thoroughly even with the assistance of full time staff. However, according to the Bill, the chairman, vice-chairmen and other members of the Council will not serve on a full-time basis. This will severely limit their ability to contribute to the work of the IPCC. The honourariums are hopelessly small in the light of the expertise and time expected from the members of the IPCC.
27. Therefore, the chairman and the three vice-chairmen should be appointed on a full time employment basis. The Government should also provide enough resources to make it possible for the IPCC to recruit employees and contract for services to fulfill its duties.
28. It is important to state in the Bill that adequate resources should be provided to the IPCC for it to discharge its duties properly. The IPCC's budget should not form part of the security panel's financial envelop. Otherwise, its budget will be at the mercy of the policy branch with an interest to defend the police and will also be competing with the police it seeks to monitor. An arbitration process may be incorporated in the Bill to resolve any failure to reach agreements such as the amounts of adequate resources. The budgeting cycle should be prescribed by the Bill to enable the Council to be able to have a certainty of a budget plan of three to five-year so that the IPCC will be able to plan its work and programme with certainty.

Functions of the Council

29. "Complaint prevention" is very important to enhance the effectiveness and credibility of the Police Force. One of the objects of the Police Integrity Commission of New South Wales is "prevent" complaints and this function is spelt out in the law.
30. The public will be very surprised if the IPCC has no power or jurisdiction in complaint prevention. Although the Hong Kong Government seemingly holds the view that such a function is actually inherent in the arrangements, it is at least not clear from the text of the Bill. The Bill states that the Council is to "observe, monitor and review" the complaints handled or investigated by the police. The function of prevention is not listed there. It is also unsure if the Commissioner of Police will have an obligation under the Bill to cooperate with the Council when IPCC works on complaint prevention.
31. For example, for the purpose of prevention of complaints, IPCC members or researchers may want to observe certain police operations and to obtain certain information from the police, other than those in handling of complaints. The police may refuse to cooperate on the ground that they are not required to assist IPCC or to provide it with information not covered by the IPCC Ordinance and the Council has no jurisdiction on prevention of complaints as such a function is not stated in that piece of legislation.
32. One important concern we have is that, without further clarification, the Bill may inadvertently establish a new arrangement which will deprive the future body of the jurisdiction in complaint prevention and the right to conduct studies into police work. Such an adverse development will be inconsistent with the requirement in the Paris Principles that a human rights protection mechanism "shall be given as broad a mandate as possible".
33. For legal certainty, it will be much more prudent to have the complaint prevention function explicitly stated in the Bill. At the same time, it is important to set out the obligation of the Commissioner to cooperate explicitly. This will ensure that the important complaints prevention function currently being undertaken by the IPCC will not be taken away by means of any restrictive interpretation of the Bill. With a clear mandate, the IPCC will be in a better position to establish task forces in the Council and its secretariat and to deploy resources, like commissioning studies in order to discharge this function of complaints prevention.
34. The Council should have the power to refer a case to the Secretary for Justice or the Director of Public Prosecution with recommendations if the Council considers it appropriate to do so.
35. The power for the Council to make recommendations should be strengthened, with other bodies like the Legislative Council, the Security Bureau and to the Commissioner on Interception of Communications and Surveillance.

36. Clarification should be made about the definition of the terms “any practice and procedure” and “any fault and deficiency in any practice or procedure adopted by the police force”. These terms should be carefully clarified about what is included and what is excluded, for example, would the policies of the police be included or not. The Council should not be deprived of the existing jurisdiction to recommend the adoption of new procedures because they are new and do not exist as parts of the *current* procedures of the police force.
37. The Council should also be required and empowered to deal with a police officer who may have committed a criminal offence or behaves in a manner which would justify disciplinary proceedings but is not the subject of a complaint. The Commissioner of Police should be obliged to refer such matter to the Council.

Reportable and non-reportable Complaints

38. It is important to amend the definition of ‘reportable complaints’. Currently, the Bill will exclude cases which are clearly actionable or at least pursuable by barring all third party complaints.
39. For example, a mentally disabled patient, or a person who is unaware of his/her rights in the issue, may be unreasonably assaulted in front of a bank counter, video taped by the closed circuit TV and watched by tellers and customers around. He may then be injured or dead (in the most unfortunate case, he may die as a result of battery) without anybody noticing, and he may not have a guardian or any relatives. It will be grossly unjust to deny the IPCC the jurisdiction in such case to deal with complaints lodged by the neighbours, tellers, customers or even the technician who knew nothing but the video, or a casualty room duty doctor who treated the patient immediately afterward and learned about the whole event from a bank teller who witnessed the abuse. The Council should also be empowered to deal with cases they learn from the press or from whatever sources it or its secretariat considers appropriate.
40. All complaints by those who do not have a means of contact, such as the homeless, may be excluded under clause 10, from the list of reportable cases if a very narrow interpretation of the clause is adopted by the police. It is good to have the requirement of a “means of contacting him” removed because the absence of a means of contact may not necessarily mean that a case is not actionable or pursuable. At least amendments should be made to clarify the term in the Bill to ensure that it will be given a very liberal interpretation.
41. Complaints made by persons properly authorized by the victims who are not closely related will be excluded by clauses 10 and 14 taken together from the list of cases to be monitored by the IPCC. In addition, complaints taken up by NGOs and their representatives on behalf of the victims clients given the authorization will also be excluded.

42. The unjustified requirements to exclude actionable and pursuable complaints, like those in clauses 10 and 14, are totally absurd. The only reason seems to be that the Government would like to harbour bad apples in the police force from the IPCC's scrutiny.
43. We call for the eligibility of a third person to make complaints even without the authorization of the victims. Complaints should not be restricted to those personally aggrieved or their authorized representatives.
44. The Council should also be empowered to deal with cases where there is no complaint at all. They should be allowed to have jurisdiction over cases they learn from the press or from other sources the Council considers appropriate.
45. The Police Integrity Commission in New South Wales is a good example. According to its Police Integrity Commission Act 1996, its Commission may get involved (investigation) on its own initiative. The Commission may get involved (investigation) even though no particular police officer, administrative officer (members of police force other than police officers) or other person has been implicated and even though no police misconduct is suspected.
46. It is important to bear in mind that the Ombudsman, the Privacy Commissioner and the Equal Opportunities Commission (EOC) all have the power to conduct investigation into or study any issue in their areas of concern at their own initiative. The denial of similar power from the IPCC and the failure to include the function of "prevention" casts doubt on the Government's intention to contain the capability of the IPCC to restrain police abuses. We recommend to empowering the IPCC to conduct a review or to study any issues in any matter that relate to the police it considers worthwhile studying in the areas of the monitoring, investigation, reviewing and prevention of complaints or for the improvements of the work of the police force.

Investigation or Interim Investigation Reports and Interviews

47. The power of the Council to advise or recommend in connection to an investigation report is too passive and restrictive. Clarification should be made as to how active the Council should be in making recommendations.
48. The Council should have the power to demand an oral or written report containing the most recent available information in related to a case dated back as far as possible whenever the Council considers appropriate. The Council should be allowed to make recommendations relating to any practice or procedure, or any investigation whether the investigation has ever been started, currently in progress, or has been completed. Such recommendations should not be made dependent upon the concluding case report prepared by the police.

49. To speed up a case, the Council should also be allowed to make recommendations to the Commissioner verbally and record them in writing as soon as practicable afterwards. To avoid delay, a statutory time limit of three months, should be imposed on a decision and the assurance of a letter informing the complainants and the victim's family the decision is necessary. The bill currently provides a maximum of six-month statutory time limit, which is a rather long period of time in our view.
50. If the statutory time limit of six months is to be imposed clarification in the clause to make it clear that the IPCC may request a shorter period for a particular case, a particular group of cases or even all cases notwithstanding the statutory maximum. If the time limit cannot be met an explanation should be given to the IPCC and letters informing the delay with the explanations should be issued instead.
51. The Bill requires the power to interview a witness tied to a final or an interim investigation report making it impossible to have a timely monitoring for handling these cases. This requirement should then be dropped accordingly.
52. Clause 19 unduly restricts the Council's power to interview persons *only* "for the purpose of considering the report" and such interview is *only* for "information or other assistance" to it "in relation to the report." Under clause 19, the Council may not have the power to interview police officers and other people for prevention of complaints. The IPCC should be allowed to interview any person at any time it considers appropriate before or after the investigation report has been submitted whether there is any investigation report or not. The value of interviews which is being exaggerated by the Government is actually very limited according to the current draft. Amendment of the draft is necessary to remove the unreasonable restriction.
53. All the interviews can be conducted in private or public. If the person prefers to conduct the interview in public, then the interview should be conducted in public to enhance the credibility and transparency of the interviews.

Other Functions

54. Under the current bill, the Council is empowered to require Commissioner to provide any information and material relating to a reportable complaint. This should be extended to any information and material in relating to several or all complaints, and to provide information and materials relating to any aspects of the police force. For instance, the Council should be empowered to require Commissioner to submit statistics and reports as well as other materials on the indebtedness or psychological health of police officers, but not limited to documents or information on police practice and procedures.
55. Under clause 27, the Commissioner is empowered to refuse to comply with any requirement under the Bill by the IPCC where, in his view, such compliance with

the requirement would likely prejudice, in association with the security of Hong Kong, and the investigation of any crime or complaint.

56. This power of the Commissioner to refuse to comply with a requirement of the IPCC should be substantially restricted.
57. Firstly, the Commissioner should be required to submit his reasons and supported by adequate and unbiased information, include confidential materials, to at least the Chairman and Vice-Chairmen of the IPCC to justify the decision.
58. Secondly, there should be safeguards procedures to ensure that these grounds of exemptions will not be raised without explanation or unchecked. In case of a disagreement on the part of the IPCC and the Commissioner, the IPCC should be empowered to challenge such decisions, by applying to a High Court judge in chambers. On application by the IPCC, the judge can order for the compliance of the Commissioner in part or in full and the disclosure of all or part of the facts to the public if the court considers such disclosure is in the interest of the public. This procedure should ensure that non-compliance would not be unreasonably raised. Relevant amendments should be made to provide for the power of the Council to take legal action, the procedures and also the requirements for confidentiality in such processes.

Who has the final say?

59. The Bill unduly restricts the powers of the IPCC by requiring the Council to reach an agreement with the Commissioner. For example, instead of requiring the IPCC to consult the Commissioner and then determine the time interval and manner of submission of lists of reportable and non-reportable cases, the Bill requires the Council to agree with the Commissioner on these matters. Similarly, the Bill also curtails the power of the IPCC to closely monitor the investigation of cases in a timely manner (especially serious or delayed ones). While the IPCC has the power to require the police to submit interim investigation reports on complaints, the intervals for such reports have to be agreed by the Commissioner.
60. More importantly, the Bill even gives the final say on certain crucial matters to the Commissioner instead of the IPCC. For instance, the Bill gives the vital power to classify (and to reclassify) a case as substantiated or not to the Commissioner. The Bill also gives the important power to decide on the action to be taken in respect of a member of the police force who is at fault to the Commissioner. The power to categorize and re-categorize complaints as reportable or not is also given to the Commissioner.
61. If the Commissioner does not agree with the IPCC, his views will actually override the IPCC's. That is, the IPCC is basically a body for making recommendations to the Commissioner and the Chief Executive for their consideration only. Such recommendations have no binding effect and can be set aside by the latter.

62. The decision of the Commissioner will override the IPCC's because he is the one who has the final say on matters in the whole police force, including CAPO, under section 4 of the Police Force Ordinance. Section 4 stipulates, "The Commissioner, subject to the orders and control of the Chief Executive, shall be charged with the supreme direction and administration of the police force." Unless the IPCC Bill gives clear powers to the IPCC to qualify the powers as entrusted to the Commissioner under section 4, the Commissioner remains the one who has the final say.
63. In the Beethoven Fifth case, the IPCC concluded that the drowning of demonstration of protesters by the police with music on the eve of Handover in 1997 was wrong and the relevant complaint was found by the Council to be substantiated. In contrast, the Commissioner concluded that there was no fault on the part of the police in the case and he classified the complaint as unfounded. The IPCC's conclusion in this complaint was actually overridden by the police's. The then Chairperson of the IPCC wrote to the then Chief Executive Tung Chee-hwa regarding the case. But the letter has changed nothing in the Commissioner's conclusion and classification. The Bill, in its current form, will only entrench the unsatisfactory position of the current system.

Observers scheme

64. Members of the Council, its staff and the observers it appoints should be given a clear provision in the Ordinance for the power of visits, including unannounced ones, to police headquarters, stations, premises, vehicles, vessels, venues under police control, etc. Such visits should not be required to in connection with any complaints or potential complaints. These visits would be very instrumental in preventing police abuses or discovering such abuses timely and even at early stage.
65. According to the Bill, civil servants, members of the Council and former members of the police force are not eligible to be observers. It should be extended to persons who are closely connected to the police force or any family members, and persons with related substantial business transactions.
66. There should also be requirement that a certain number of the observers are from NGOs campaigning for criminal justice or civil liberty.
67. The Council should consider appointing a number of observers on a full-time employment basis. This prevents their visits to the interviews from clashing with their full-time jobs, and to ensure the observers are able to monitor the handling of complaints more closely.

Confidentiality

68. There should be an exception to the general obligation to keep case information confidential when it is in the public interest or reasonable and equitable to disclose that information.
69. Once there is a decision on the classification of whether a case is substantiated or partially substantiated, any members, co-opted members, members of staff and contractors of the Council and the police are allowed to publish fully the information of the case brought to their attention according to the complaint procedures. If a case is not substantiated, its summary can also be published by any one of them. These arrangements should not affect the right of complainants to publish their cases.

Tipping off and victimization

70. A decade has passed since the police's admission that tipping off a police officer of a complaint against him should be prohibited. The police force amended its internal guidelines to prohibit the acts of tipping off. However, cases of unjustified tipping off continue to be an actual as well as a perceived problem creating serious worries of retaliation and sense of betrayal by CAPO among NGOs serving vulnerable groups such as sex workers and their client-complainants.
71. Such internal rules are not laws. They have failed to adequately protect potential complainants' confidence in the complaint handling mechanism.
72. In a complaint system in which the police investigate the police, it is of vital importance to protect complainants and their confidence in the system. It is therefore important to make unjustified tipping off a criminal offence.
73. A complainant or a potential complainant may be retaliated against or penalized for his actual or intended action to lodge a complaint against the police. Such acts of victimization by any police officers, persons attached to the police force and any government personnel with security responsibilities should also be made a criminal offence. While victimization is only a tort under the Sex Discrimination Ordinance and the other two equal opportunities legislation, in the case of the police complaint procedures, it should be criminal offence in the light of the fact that more serious harm may be inflicted on the victims by law enforcement or related personnel or agency. The lack of independent of the complaints system is another important factor that justifies more stringent protection against and punishment for victimization.

Concluding remarks

74. The Paris Principles require the IPCC to be independent from any Government departments to ensure its effectiveness and credibility. They also require the IPCC to be provided with adequate resources to enable it to discharge its duties effectively.

75. The Monitor still holds the opinion that the IPCC with investigative powers is the most effective way to enhance the complaint system against the police.
76. An IPCC with investigative powers and responsibilities can also be beneficial to the police, making it more effective to clear the name of police officers in unsubstantiated cases. As Mark A. Gissiner, the President and CEO of the Police Accountability Consulting Group suggested, ‘Statistically, you will find that there is no appreciable difference in the statistical rate of misconduct findings between police investigated and independently investigated complaints. However, the degree of citizen confidence and a feeling of actually having input into the policing process significantly enhances police/community relations, restores lost confidence in government and its ability to police itself, and provides a solid framework for communications and dialogue on issues of policing within your respective communities.’¹
77. If the Government still considers that the present two-tier system is workable and unnecessary to offer the investigative power to the IPCC, we hereby demand the Government to consider our suggestions on the current IPCC Bill, so as to remove the elements which assist the police force shielding its own bad apples and to remove the constraints imposed on the IPCC making it even more ineffective to discharge its functions. We also demand that corresponding reforms in having a civilian to head the IPCC and to adopt administrative measures to improve the monitoring capabilities set out in this submission is necessary.
78. It is basic decency that the Government, in allowing only the police to investigate the police, should build into the complaint handling system stronger safeguards than would be required in a genuinely independent investigation mechanism. The Monitor appreciates the improvements made to the Bill when compared with the first Bill a decade ago, such as the provision of an independent secretariat to the IPCC. However, the Monitor considers it still grossly inadequate in improving the weaknesses in the current complaint handling system. The IPCC as depicted by the current Bill is but better than none.

¹ Gissiner, Mark, Speech by Mr. Mark A. Gissiner: An Overview of the Various Police Complaints Systems in the World, 8 March 2001.