

## **Press Releases**

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Statutory Independent Police Complaints Council to be established established on April 1, 2009

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"The Secretary for Security has appointed April 1, 2009, as the commencement date for the Independent Police Complaints Council (IPCC) Ordinance. The statutory IPCC will be established on the same day", a Government spokesman said today (January 9).

The IPCC Ordinance (Commencement) Notice, which was gazetted today, will be tabled at the Legislative Council next Wednesday (January 14) for negative vetting.

"The commencement of the IPCC Ordinance will mark an important step in further enhancing the independent operation of the IPCC and the transparency of our police complaint system. This will better ensure that complaints against members of the police force are handled fairly and impartially," the spokesman said.

Enacted on July 12, 2008, the IPCC Ordinance codifies the existing police complaints system and turns the IPCC into a statutory body. It sets out the IPCC's functions, powers and operation under the police complaints system. The Ordinance also stipulates the statutory responsibilities of the Police to comply with the requirements of the IPCC.

The main functions of the IPCC as provided for under the IPCC Ordinance include:

(a) to observe, monitor and review the handling and investigation of reportable complaints by the Police and to make recommendations in respect of the handling or investigation of such complaints;

(b) to monitor actions taken or to be taken in respect of a member of the police force by the Commissioner of Police in connection with any reportable complaint and to provide its opinion on such actions; and

(c) to identify any faults or deficiencies in the practices or procedures adopted by the Police that have led to or might lead to reportable complaints and to make recommendations in this regard.

The Ordinance provides the IPCC with a wide range of powers for discharging its functions. These include the powers:

(a) to require the Police to provide information or materials relating to reportable complaints and clarify the facts, discrepancies or findings;

(b) to require the Police to investigate or re-investigate reportable complaints;

(c) to conduct interviews for the purpose of considering police investigation reports on reportable complaints;

(d) to require the Police to provide explanations in relation to

any actions taken or to be taken in respect of a member of the police force in connection with reportable complaints;

(e) to require the Police to submit to the IPCC reports on any actions taken or to be taken by the Police in respect of the IPCC's recommendations; and

(f) to require the Police to consult the IPCC on any proposed new or significant amendments to police orders or manuals relating to the handling or investigation of reportable complaints.

IPCC members and observers are empowered to attend any interview conducted by the Police in respect of a reportable complaint and observe the collection of evidence by the Police in the investigation of a reportable complaint at any time and without prior appointment.

"The statutory IPCC will be able to employ its own staff to assist it in discharging its functions of monitoring the Police's handling and investigating reportable complaints," the spokesman said.

The Administration has been working with the IPCC since the enactment of the IPCC Ordinance to prepare for the effective operation of the IPCC as a statutory body.

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