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Mr. SIU Kit Hung
Hong Kong Police Force
D Department
Service Quality Wing
Complaints and Internal Investigations Branch
Complaints Against Police Office Headquarters
26/F. Arsenal House, Police Headquarters
No.1, Arsenal Street, Wan Chai, Hong Kong

19 June 2009

Dear Mr. Siu,

About the performance of CAPO and recommendations for improvement

Please accept our grateful thanks to you and Miss CHUNG Wing Ma for attending the talk initiated by the Crime Prevention Bureau which was held on 12 June 2009 for the three sex workers' support groups in Hong Kong, and briefing us on the proper procedure of CAPO handling complaints against police officers, the role of the IPCC and the measures protecting the complainants. We shall make every effort to redirect the information to more sex workers, so that they can more effectively utilize the existing mechanism and reflect the real problems that they face when dealing with frontline police officers.

In spite of the short notice, the event successfully attracted a lot of sex workers. It is apparent that they are all very much concerned about the topics. Unfortunately, we found that the talk focused too much on describing the existing mechanism for

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handling complaints against police, and introducing the role of the IPCC. It was too much about theories and principles and somehow failed to respond to the questions raised by sex workers, regarding the very real and concrete problems that arise from CAPO's actual handling of complaint cases.

Here we would like to reiterate the problems observed and the improvements we look forward to:

- 1) The CAPO officers do not willingly distribute “A Guide for Complainants”, “Performance Pledge” (leaflet) and “IPCC Observers Scheme” (leaflet) to complainants (even at the Complaints Against Police Reporting Centre).**

A number of attendants stated at the talk held on 12 June that even when they went to the Complaints Against Police Reporting Centre to file a complaint in person, the CAPO officers did not take the initiative to distribute “A Guide for Complainants”, “Performance Pledge” (leaflet) and “IPCC Observers Scheme” (leaflet) to complainants, nor did they explain in detail how a complaint would be handled. Some sex workers were even refused when they requested a copy of the above-mentioned materials. Sex workers were also not informed of their rights, such as the right to require video recording etc.

We consider this to be exploitation of the rights of complainants and dereliction of duty of the police officers. We strongly demand that CAPO improve these procedures. Apart from taking the initiative to distribute the related information to the complainants, the CAPO should display it also on the walls and provide detailed explanation to the complainants, so that they can gain a full understanding of how their rights are protected.

- 2) Criteria used to identify a complaint as a case that can be informally resolved is unclear.**

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Among 4523 complaints against police in 2008 for which investigation results were endorsed by the IPCC, 21% of the complaints were informally resolved. At the talk you mentioned that informal resolution usually applies to complaints that involve “mild cases” such as improper manner and offensive language etc.

However, according to our case record, a sex worker once filed a complaint at your office, complaining that she was forced to get into a police car by a police officer although he failed to explain the reason or show evidence that the complainant had offended a law. The complainant asked for a reason but did not receive any answer. She refused to get into the police car, was abused with foul language and threatened by the police officer not to “show up” in that district again. The CAPO received the complainant’s complaint, and afterwards referred it to the police station where the concerned police officer reported for duty and suggested an informal resolution without informing the complainant. The complainant almost accepted the suggestion due to a lack of full understanding of her own rights. Fortunately she did not stop pursuing further information from which she eventually realised her own rights and in the end she did not accept the suggestion.

We have doubts about the criteria used to identify a complaint as a case that can be informally resolved and find them unclear. The above-mentioned case appears to involve misconduct of a police officer but nonetheless an informal resolution was suggested by the CAPO. We are worried that the way CAPO handled this case reflects its inclination to minimise the problems and provides no real assistance to the complainants.

We demand that the police develop and publicise clear criteria for determining whether informal resolution applies to a complaint. It should be open to the complainants so that the complainants would have grounds to judge whether the suggestion of an informal resolution should be accepted.

3) Complainants are not informed of the details of verbal or written warnings

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that the police officers have received.

Even if a complaint is substantiated, the existing mechanism only allows the complainant to be informed of the fact that the officer handling the complaint has received verbal or written advice. He or she will not be informed of the details of the verbal or written advice that the police officer has received and therefore has no ground to judge whether his/her case has been handled by the police fairly and with justice.

We demand that the police review the existing mechanism. The police should inform the complainants of the content of the verbal or written advice that the officers received from their supervisors, within one week after such decisions are made, so that the complainants will have ground to judge whether such arrangements can be accepted or follow-up actions with the IPCC will be needed.

4) Complainants are harassed by police officers.

A number of sex workers and representatives of NGOs stated at the talk that some sex workers were harassed by police officers after filing complaints. Harassments against sex workers include numerous calls questioning why he/she made such a complaint, asking him/her to stop following up, going to his/her workplace or home to question his/her neighbors, leaving messages with his/her family etc.

We understand that the CAPO has clearly stated that these behaviors are unacceptable and will be seriously dealt with if proved. We highly appreciate it. But at the same time, we demand that the CAPO deal with the issue in a more proactive way. Apart from responding to complaints reactively, the CAPO should also proactively provide training to frontline police officers in all districts and send out the message in a serious manner that such behaviors would not be indulged.

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We look forward to your reply regarding the CAPO performance and the aforementioned recommendations.

Yours truly,

Kendy Yim
Executive Director
Action for REACH OUT

CC: Crime Prevention Bureau

Zi Teng

Midnight Blue

Members of Subcommittee on Police's Handling of Sex Workers and Searches of Detainees, the Legislative Council

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