

LCQ13: Police's procedures and guidelines on handling arrested persons

Following is a question by the Dr Hon Cheng Chung-tai and a written reply by the Acting Secretary for Security, Mr Sonny Au, in the Legislative Council today (January 23):

Question:

It has been reported that in 2012, a taxi driver who became agitated and kept struggling when being arrested was dragged, by means of holding in a headlock, into a police car by police officers. The driver consequently suffered from a cervical vertebra dislocation and died after hospitalisation for about one month. In October last year, a Coroner's Court held an inquest into the cause of death of that driver and the jury returned a verdict that he was "unlawfully killed". On the other hand, the Police have formed a working group dedicated to following up how the guidelines, procedures and training on the use of force can be improved. Regarding the use of force by police officers while discharging duties, will the Government inform this Council:

(1) given that the jury of the aforesaid death inquest has made four recommendations, including installing closed-circuit television cameras with voice recording function inside Emergency Unit vehicles and providing police officers with training on the technique for transferring arrested persons to police cars, whether the Police will adopt these recommendations;

(2) whether the Police will enhance the training of police officers, particularly young officers who have left the Police College not long ago, on how to control their emotions properly while discharging duties and exercise a high level of restraint in using force; and

(3) whether the Police will, in the light of the outcome of the aforesaid death inquest, update and make public the guidelines for police officers on the use of force?

Reply:

President,

With regard to the question by Dr Hon Cheng Chung-tai, the reply of the Security Bureau is as follows:

(1) The jury of the death inquest made the following four recommendations:

(i) installing closed-circuit television with voice recording function inside

Emergency Unit vehicles;

(ii) training police officers on the technique of carrying arrested persons to police cars;

(iii) unless refused by the arrested persons, the Police should promptly inform their family members of their being arrested; and

(iv) in the course of arresting, should police officers become aware that they may have caused injury to the arrested persons, they should inform healthcare personnel and give details of the areas of possible injury as soon as possible.

Regarding the recommendation on installing closed-circuit television inside Emergency Unit vehicles, besides police officers and arrested persons, such vehicles are also used to transport other persons, such as witnesses and victims. Therefore, the Police must carefully assess the purpose and necessity of the measure as well as the consideration for privacy protection. The Police have set up a working group to further examine the recommendation. Meanwhile, the Police will also draw reference from relevant overseas experience and consult the Department of Justice where necessary.

Regarding the recommendation of providing police officers with training on the technique for carrying arrested persons, currently every newly recruited or serving police officer must undergo rigorous training on the use of force, including how to handle suspects resisting arrest as well as the basic technique and method for carrying arrested persons under normal situation. The Police will continue to explore the jury's recommendation in this regard with a view to catering for the officers' needs in handling different situations.

Lastly, the Coroner's Court recommended that the Police should inform the family members of the arrested persons as soon as possible and notify healthcare personnel promptly as and when necessary.

Currently, the Police have in place established procedures and guidelines on the handling of arrested persons. The Police will, as soon as possible, inform the arrested person of the fact that he/she is under arrest, as well as the factual grounds and the reasons for the arrest. A notice listing the rights of an arrested person will be served on and signed by every arrested person. It is also specified in the notice that an arrested person has the right of requesting the Police to inform his/her friends or relatives of his/her detention at a police station. An arrested person will also be given a reasonable opportunity to make a phone call to a friend or relative and be visited. An arrested person has the right to not inform his/her friend or relative, for example, an arrested person allegedly involved in sexual offence may choose not to inform his/her family member.

The Police respect the rights of arrested persons and will ensure that they have the right of receiving medical attention. If an arrested person is injured on the spot or during the arrest, arrangement will be made to send him/her to the hospital directly. If he/she needs to be hospitalised and requests to inform his/her friends or relatives accordingly, appropriate arrangements will be made by the Police. If he/she has lapsed into a coma and

is not accompanied by friends or relatives, the Police will normally ascertain his/her identity and try their best to notify his/her friends or relatives as early as possible.

Relevant formations of the Police will continue to study and follow up the recommendations of the Coroner's Court proactively.

(2) Starting from foundation training, new recruits are provided with courses on policing psychology, emotion regulation and stress management. In addition, the Police also provide psychological competency training in development and promotion courses and training days conducted by respective formations, etc., which covers various aspects such as conflict management, emotion regulation and adjustment, and stress management.

To further strengthen the training, the Police College conducted workshops on Emotional Fitness for officers of the ranks from Police Constable to Commissioner Rank Officer on a comprehensive scale starting from 2014, with a view to promoting among officers resilience and good psychological quality. The Police College has produced a total of six training day packages, providing all police officers with continuous training in emotion management.

The Police's training in psychological quality and stress management has been incorporated into a number of courses and covers different ranks. The modes of teaching are also well diversified, covering lectures, tutorials, simulation training, e-learning, field training and mobile applications. The Police College will review from time to time the contents of training, and design and provide additional thematic training for police officers based on operational and training needs in a timely manner.

Regarding the use of force, every newly recruited or serving police officer has to go through rigorous training on the use of force, so that they may fully understand how to use different levels of force in a safe and effective manner, including the use of verbal advice/verbal control, empty-hand control, oleoresin capsicum foam, batons and firearms, as a means to achieve the relevant lawful purpose. Police officers will exercise a high level of restraint at all times and cease to use force once the purpose is achieved.

(3) The Police have established guidelines on the use of force. Police officers will use minimum force as appropriate only when it is absolutely necessary and there are no other means to accomplish the lawful duty. Police officers will give verbal warning prior to the use of force as far as circumstances permit, while the person(s) being warned will be given every opportunity, whenever practicable, to obey police orders before force is used. Once that purpose is achieved, the Police will cease to use force.

The Police review their operational contingency strategies, guidelines and training from time to time. A working group led by an Assistant Commissioner and comprising staff and departmental representatives was formed in November 2017 to follow up matters relating to the modification of

guidelines, procedures and training on the use of force. The work of the working group is currently in progress.

Since the Police's guidelines on the use of force involve operational details and the Police's tactical deployments, it is not appropriate for disclosure to the public or else it may undermine the capability and efficacy of Police operations.