

CHAPTER 24

POLICE

- 24.1 This Chapter should be read in conjunction with Chapter 10 which specifically relates to the investigation of child abuse cases by Child Abuse Investigation Units (CAIUs) / other Crime Units of the Police and the Family and Child Protective Services Units (FCPSU) of Social Welfare Department (SWD).

GOVERNING PRINCIPLES

- 24.2 The following should be observed in handling child abuse cases :
- (a) The child must not be further traumatised by the investigation. The child should not be questioned or asked to describe the abuse incident(s) repeatedly.
 - (b) The best interest of the child must always be protected. The child and the family should be interviewed in privacy to minimize any distress to the child.

REPORTING

- 24.3 For the definition of child abuse, officers should refer to paragraph 2.1 & 2.4 of Chapter 2 and also make reference to **Indicator of Possible Child Abuse & Guide to Risk Assessment** in the same Chapter.
- 24.4 A report may be made in any manner by any person. Reports are usually made by referrals from medical practitioners, social workers and teachers. However, they may also be made by telephone through 999 or in person to a police station or officers on patrol. In all cases, the following procedures will be adopted.

INITIAL HANDLING

- 24.5 Initial actions by an officer receiving a complaint of child abuse are stipulated in the Force Procedures Manual 34-04 which specifically details actions to be taken by Duty Officers, officers on patrol, at reports rooms, hospital Police posts and crime units.
- 24.6 As a general guide, the following steps should be taken by the police officer receiving a report of child abuse either by phone or in person :
- (a) request the informant to give his/her particulars. Anonymous referrals should also be accepted, but the referrer should be advised that the

Police may need further details and information and attempts should be made to obtain a contact number;

- (b) record all details of identification of the family including :
 - (i) the name, date of birth / age and sex of the child;
 - (ii) HKIC / Birth Certificate No. of the child;
 - (iii) the nature, date, place and frequency of the suspected abuse;
 - (iv) any disability or special needs of the child;
 - (v) the child's whereabouts; and
 - (vi) names and HKIC No. of the parents / carers / others involved.
- (c) once the information referred to above has been obtained and the basis of the allegation established, the officer shall immediately notify his/her Duty Officer for further action.

24.7 On coming into direct contact with a child who wishes to make allegation of abuse, the following steps should be taken by the officer :

- (a) arrange for medical treatment, if necessary;
- (b) remove the child to a quiet place;
- (c) relevant information should be obtained from the adult(s) accompanying the child, preferably not in the hearing of the child;
- (d) listen to the child, rather than directly question him/her, and as far as possible do not ask leading questions;
- (e) not to question the child any further once the basis of the allegation is established;
- (f) make a note of the discussion, taking care to record the timing, setting and persons present, as well as what was said (this may be required to disclose in subsequent court proceedings); and
- (g) record all subsequent events up to time of the investigative interview.

INVESTIGATION

24.8 Following the initial report, allegation of child abuse will be referred to either Divisional / District / Regional Crime Units or regional CAIUs for investigation as appropriate. The charter of regional CAIUs can be referred to paragraph 24.19 below (Inter-departmental referral and handling procedures are dealt with in the respective chapters in Section IV and V).

24.9 There are legal measures and procedures specifically set out for child witnesses in order to reduce their pressure in the process of investigation and subsequent

criminal proceedings.

Video Recorded Interviews

24.10 Section 79C of the Criminal Procedure Ordinance (CPO), Cap 221, allows for a video recording of an interview with a child witness of specified sexual or violent offences to be tendered in evidence in criminal proceedings. These child witnesses should be interviewed on video unless they do not wish to do so.

24.11 Whenever there is a need to conduct a video-recorded interview with a child witness, the investigation officers shall contact their regional CAIU for assistance. Police officers should observe the handling procedures stipulated in the Force Procedures Manual Chapter 34-11.

Forensic Examination for Victims of Child Abuse Cases

24.12 In any medical and/or forensic examination, the child's health and welfare must always be of paramount importance. The number of such examination on the child should be kept to the minimum. The governing principles for medical examination in Chapter 9 should be followed.

24.13 Children suspected of having been abused should receive medical / forensic examination with the following objectives :

- (a) to identify injuries or conditions that require medical attention;
- (b) to ascertain whether any abuse has taken place; and
- (c) to collect evidence.

Identification of Suspects by Child Witnesses

24.14 OC Case should arrange for an identification parade room equipped with one-way viewers to conduct identification parade for child witnesses. Police officers should refer to the handling procedures stipulated in the Force Procedures Manual Chapter 34-11 and 46-17.

Evidence by Live Television Link

24.15 According to Section 79B of the CPO, the court may, on application or on its own motion, permit a child witness to give evidence by way of a live TV link in criminal proceedings in specified offences. OC Case may refer to the handling procedures stipulated in the Force Procedures Manual Chapter 34-13.

Witness Support Person

24.16 For child witnesses giving evidence in court is a very traumatic experience. As such, the Evidence Rule made under Section 79D of CPO provides that a child witness giving evidence through a live television link can be accompanied by a Support Person acceptable to the court. This is subject to

the proviso that the person is not a witness in the case and has not been directly involved in the investigation of the case.

24.17 The Social Welfare Department (SWD) in conjunction with the Police has established a Witness Support Programme (refer to Appendix XXI for details) to provide emotional support and practical assistance for child witness.

24.18 Once approval to use the live television link is granted, OC Case should submit request for support persons and make necessary arrangement with reference to the Force Procedures Manual Chapter 34-13.

CAIU CHARTER – DUTIES AND RESPONSIBILITIES

24.19 In respect of cases of sexual abuse where the victim is a child under 17 years of age or in cases of serious physical abuse where the victim is a child under 14 years of age, CAIU is responsible for investigating allegation of the following nature :

- (a) intra-familial sexual abuse (including the extended family e.g. mother, father, aunt, uncle);
- (b) sexual abuse where the perpetrator is known to the child or is entrusted with the care of the victim (e.g. baby-sitter, school teacher, youth worker);
- (c) serious physical abuse at the discretion of the respective Senior Superintendent of Crime Region; and
- (d) organised child abuse (organised child abuse is defined as abuse which may involve a number of abusers, a number of abused children and juveniles and often encompasses different forms of abuse. It will also involve to a greater or lesser extent an element of organisation e.g. paedophile or pornography rings).

24.20 On receipt of such a referral, CAIU will initiate investigation and will, where appropriate, in conjunction with FCPSU / SWD, form Child Protection Special Investigation Team (CPSIT). Actions to be taken by CPSIT will be governed by Chapter 10 to 13 of this Procedural Guide.

MENTALLY INCAPACITATED VICTIMS / WITNESSES AND OTHER CHILD VICTIMS / WITNESSES TO CRIME

24.21 In respect of mentally incapacitated victims and witnesses and other child victims of and witnesses to crime, where appropriate, CAIU will be responsible for:

- (a) recording their statements either on video tape or in writing as

appropriate; and

- (b) advising investigation units in relation to their giving evidence in criminal proceedings.

DIVISIONAL / DISTRICT CRIME UNITS DUTIES AND RESPONSIBILITIES

24.22 Divisional / District / Regional Crime Units will be responsible for the investigation of all complaints / allegations of child abuse which do not fall within the charter of regional CAIUs (see paragraph 24.19 above). Divisional / District / Regional Crime Units investigating allegations of child abuse should consider utilising the expertise of their regional CAIU in statement taking, particularly where the video taping of a vulnerable witness' evidence in accordance with the Criminal Procedure Ordinance is required.

REFERRALS TO CAIU

24.23 CAIU of the Region is the Police point of contact in respect of handling procedures for child abuse cases. As regards reporting procedures, all child abuse cases including those not falling within the CAIU's charter can be reported directly to the respective CAIUs during office hours (Report Form at Appendix IX and Written Dated Notes at Appendix X). For outside office hours, cases that fall within the CAIU's charter can be reported directly to CAIU. For cases that do not fall within the CAIU's charter, concerned professionals should report directly to the nearest police station (List of Police Stations at Appendix XXII). Upon receiving the report form, the police investigation unit should contact the referrer / referring social worker to conduct further enquiries as soon as possible.

REFERRALS TO CRIME UNITS (CRIME)

24.24 Cases that have initially been reported directly to CAIUs but do not fall within their charter will be transferred back to the appropriate police divisions normally where the incidents occurred under a referral memo. A specimen is at Annex I to this Chapter. The reply memo should also be copied to the concerned Family and Child Protective Services Unit of SWD or referrer / referring social worker as appropriate by fax. It is the responsibility of the police officer receiving the referral / report to contact the informant / referrer / referring social worker. Details of the information / referrer / referring social worker are provided in the same referral memo.

24.25 Police officers are reminded of the provisions of the Criminal Investigation Manual Chapter 5 in that any statements obtained should be done so in a manner which is most convenient to the statement giver and it may be necessary to go to the agency or the child's home to take a statement.

TRANSFER OF CASES

- 24.26 There are also circumstances where police stations may receive reports directly from the referrer / referring social worker for cases falling outside the CAIU's charter but requiring immediate police action. Initial action is to be taken by the Formation (police unit) to which the report is made. All subsequent action relating to the allegation is to be taken by the regional CAIU or by the Formation where the incident occurred as appropriate. All officers should be reminded of the content of the Force Procedures Manual Chapter 21-08 and 21-10 in this respect.
- 24.27 Accordingly, all investigating officers who determine that a case is to be transferred to another Formation will ensure that sufficient details of the informants / witness and details of the case are forwarded to allow the receiving Formation to initiate appropriate action and enquiries. **Officers should ensure that the originating / referring agency or social worker is advised of the development of the case.**

REFERRAL TO SOCIAL WELFARE DEPARTMENT FOR WELFARE SERVICE

- 24.28 Any cases in need of welfare service should be referred to relevant SWD units (Appendix XXIII) in writing, except for known case of NGOs. As a good practice, the welfare principle and special working policies also suggest that in certain cases, e.g. where a child has witnessed the murder of a parent, SWD should be informed for consideration of welfare assistance to the family. A specimen case information memo is at Annex II to this Chapter.
- 24.29 Regarding the referral procedures to regional CAIUs and other police units, a schematic diagram of the inter-relationship between CAIU, FCPSU and other crime units is at Appendix XII.

This memo may be handwritten

MEMO

From: OC CAIU	To: DVC
Ref.: in	(Attn:
Tel. No.:	Your ref.: in
Fax. No.:	dated Fax. No.:
Date:	Total No. of Pages:

Suspected Child Abuse Case Report

I refer to our telephone conversation today on the above subject. A case of _____ was reported to this office at (time) _____ on (date) _____ .

2. As the case does not fall within the CAIU Charter, it is herewith referred to you for appropriate action. Please contact the referrer / referring social worker / informant as soon as possible to arrange for an interview with the victim at a place and time convenient to them.

(a) Particulars of the referrer / referring social worker / informant:

Name:	I / D card no.:
Sex:	Age:
Address:	
Tel. no.:	Fax. no.:
Relationship with victim:	Occupation:
Name of organisation: (if applicable)	

(b) Particulars of the victim:

Name:	I / D card no.:
Sex:	DOB / Age:
Name of parent	Relationship with the victim:
Address:	
Tel. no.:	
Whereabouts:	Relationship with suspect:
Any special needs / disability:	

(c) Particulars of the suspect:

Name:	I / D card no.:
Sex:	Age:
Tel. no.:	Occupation:
Address:	

(d) Brief description of the allegation:

3. Should you require our assistance in obtaining a statement from the victim, please do not hesitate to contact the undersigned.

4. Please acknowledge receipt of the referral by signing and returning the following to the undersigned **within 3 working days** from the date of this memo.

(OC CAIU)

cc Director of Social Welfare (Attn: Family and Child Protective Services Unit) or Referrer*
(* Delete whichever is inapplicable.)

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Reply Memo

From: DVC	To: OC CAIU
Ref.: in	(Attn:
Tel. No.:	Your ref.: in
Fax. No.:	Dated Fax. No.:
Date:	Total No. of Pages:

Suspected Child Abuse Case Report
Re: (Name of Child)

I acknowledge receipt of the above referral. The case is being investigated by _____ and may be contacted on telephone no. _____.

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cc Director of Social Welfare (Attn: Family and Child Protective Services Unit) or Referrer*
Referrer / referring social worker (Attn: _____)

(* Delete whichever is inapplicable.)

Personal Data 個人資料

From Commissioner of Police

Ref. in _____
Tel. No. _____
Fax. No. _____
Date _____

To Director of Social Welfare

(Attn.: SSWO of FCPSU (/))

<u>(Unit) / Fax. No.</u>		
(CW/S/D) 3107 0051	(E/W) 2164 1771	(KT) 2717 7453
(WTS/SK) 3421 2535	(KC/YTM) 3583 3137	(SSP) 2729 6613
(TW/KWT) 2940 6421	(TM) 2618 7976	(TP/N) 3104 1357
(ST) 2681 2557	(YL) 2445 9077	

Referral for Family and Child Protective Services

Child Abuse **Domestic Violence (Spouse/Cohabitant Battering)**

The following person has come to police attention of being in need of social services or assistance of your Department in a case of _____ (Case Nature) [Police Report No. : _____].

Name : _____ Sex / Age: _____
Address : _____
_____ Tel. No. : _____

- 2. The Background Information sheet is attached for your reference and follow up.
- 3. Consent form is / is not attached.
- 4. Please acknowledge receipt of this referral by signing and returning the Reply Slip to me within **seven working days** from the date of this referral. Should you require any further information, please contact the following officer

Name of Officer : _____
Post / Telephone : _____

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for Commissioner of Police

Acknowledgement of Receipt of Referral
Re : (Name of Subject) / (RN : _____)

I acknowledge receipt of the above referral. Please be informed that * the case is being handled by / has been referred to the officer as follows :-

Name of Officer : _____
Unit of Department/ Agency : _____
Telephone / E-mail : _____

- The person(s) referred has / have declined our services.
- (For DV only) The person(s) referred cannot be contacted within 7 days. Progress will be informed by the 2nd reply memo within one month.

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for Director of Social Welfare

Background Information

Part A

(a) Particulars of the Subject/ Persons Living with the Subject : (please use the blank space provided at subsequent page if there is not enough space for inputting additional information)

Name & Sex	Relationship	HKID	Age	Workplace or School.	Consent Given (Y/N)
(1)					
Address/ Phone no.					
(2)					
Address/ Phone no.					

(b) Offence and Case Nature : (Police Report No. _____)

(c) Brief fact of the incident : (please include the date, place, persons involved in the incident, and if weapon used and any injury)

(d) Officer-in-charge/ Duty Officer and Contact Number :

(e) Case Has Been/To Be Taken (can (✓) tick more than one box):

- The alleged offender was/will be charged*. (Please specify offence(s) _____)
- The alleged offender was/will be* bound over.
- The alleged offender was/will be* cautioned under the Police Superintendents' Discretion Scheme.
- Domestic Incident Notice (Pol. 915 Rev. 2008) was served.
- Investigation is still in progress.
- No further action will be taken.

Reasons: Complainant did not wish to pursue and subsequently withdrew the complaint.
 Unruly child under 10
 Others. (please specify _____)

(f) Additional Information

- The subject person(s) is / are* currently admitted into Hospital / Shelter : _____.
- Domestic Violence: Persons / Children living with the complainant. (please specify number, relationship and age of the children _____)
- Elder Abuse : Name of relative and contact details _____)
- Other Information _____

Remark: Subject to compliance with the Personal Data (Privacy) Ordinance, the above personal data shall not be used for the purpose(s) other than provision of social welfare service (s) other than stated at the consent form without the prescribed consent of the data subject, and not to be retained longer than is necessary for the fulfilment of the purpose(s) for which the data are to be used.

For Referral with Consent, Pol. 917 (Rev. 2008) or Consent form must be faxed together with the completed referral memo to SWD.

*Delete as appropriate