

POLICE GENERAL ORDERS

CHAPTER 26

COMPLAINTS AGAINST POLICE AND INTERNAL INVESTIGATIONS

Definitions

'Aggrieved Party' is defined as a person who seeks personal redress for the alleged misconduct of a member of the Force.

'Complaint Against Police' is defined as a complaint, made by a member of the public against the conduct of a member of the Police Force in the execution of his official duties, or when on duty, where the complainant is an aggrieved party to the alleged misconduct, but does not include:-

- (a) traffic complaints, complaints against the unjust issue of Fixed Penalty Notice under the Fixed Penalty (Public Cleanliness Offences) Ordinance, Cap. 570, or complaints made against an officer in his personal capacity, or when off duty, unless such complaint refers to some misconduct connected with his official authority; and
- (b) complaints against police standards, procedures or methods unless the complainant is an aggrieved party.

'Traffic Complaints' are complaints that a person is unjustly or unfairly the subject of an alleged traffic violation. These complaints include allegations of:-

- (a) the complainant was the only person ticketed, whilst other offenders were not;
- (b) the facts as presented by the Police are an incorrect description of events;
- (c) the Police did not accept the complainant's explanation; and
- (d) the Police had failed to exercise discretion.

'Member of the Police Force' is defined as any police officer of the Hong Kong Police Force and the Hong Kong Auxiliary Police Force, traffic warden and civilian Government employee including non-civil service contract staff, attached to the Regular and Auxiliary Forces.

'Forewarning' is defined as when a Complaint Against Police has been made, a police officer shall not disclose to the complainee or any other person, except in the execution of his duty, any details of the complaint or identity of the complainant.

'Sub-judice' means the matter is under judicial consideration but not yet decided.

26-02 Complaints Against Police - Reporting and Immediate Action

Complaints to Individual Officers

Whenever a complaint is made to a police officer on outdoor duties, he will take the following action:-

- (a) if immediate action is required, the officer will report the case to his Divisional Console by telephone (beat radio should not be used). The Divisional Controller will take appropriate action. If a telephone is not available for contact, he will invite and accompany the complainant to the nearest police station, or report centre where the DO will take appropriate action;
- (b) if the matter does not require immediate action the officer will report the facts to the DO when he next returns to the police station; and
- (c) the officer receiving the complaint from the complainant will inform him that his complaint will be recorded and that he will be informed in due course of the action taken and any further queries should be directed to the Complaints Against Police Office (CAPO).

2. Whenever a Complaint Against Police is made to a police officer concerning his own actions, or relating to an incident to which he is a party or is directly involved, he is to inform his immediate supervisory officer at the earliest opportunity. He will not initiate action but if asked, will inform the complainant how to lodge a complaint, i.e. to any police station, to Complaints Against Police Reporting Centre in person, by telephone, via the Complaints Hotline (2866 7700), fax or e-mail.

3. When a Complaint Against Police is brought to the attention of a supervisory officer he will initiate action to secure independent witnesses and corroborative evidence, and will ensure that the facts are reported to the DO immediately.

Complaints to Police Stations

4. Where a report is made to a police station:-

- (a) in all cases inform the complainant that his/her Complaint Against Police will be passed to CAPO for investigation;
- (b) the DO will record the Complaint Against Police in the Communal Information System (CIS), giving brief details, together with sufficient information to identify the complainant and/or witnesses and complainee(s), and transfer the case to CAPO via CIS;

POLICE GENERAL ORDERS - CHAPTER 26

COMPLAINTS AGAINST POLICE AND INTERNAL INVESTIGATIONS

- (c) if the allegation is one of crime or misconduct of a serious or sensitive nature, the RN should only include the fact that a Confidential Report has been received. It should not contain any details of the complaint or those of the complainant or complainee. The DO should immediately inform the Duty Officer of the Complaints Against Police Reporting Centre or Reserve Inspector who will decide on further actions to be taken. Sub-paragraphs (d) to (h) below will not apply. If in doubt, DO of the Complaints Against Police Reporting Centre or CAPO Reserve Inspector should be consulted;
- (d) for complaints other than Assault, if the DO notes any injuries on the complainant, make a note of this along with any comments by the complainant or police officers in the Remarks column;
- (e) either the complainant or a police officer will complete the Pol. 964 (First Information of Complaints Against Police Report) (Rev 4/2006) generated via the POINT system;
- (f) the complainant may, if he/she wishes, take the Pol. 964 away for completion and then send it to CAPO by facsimile (Fax 2200 4460/2200 4461/2200 4462) or by post at his/her convenience;
- (g) a photocopy of the completed Pol. 964 will be given to the complainant;
- (h) the DO of CAPO Reporting Centre staff will send the completed Pol. 964 to the respective CAPO Office by facsimile together with the transfer of RN via CIS;
- (i) the original Pol. 964 should then be forwarded to the respective CAPO Office by despatch;
- (j) where the complaint is one of Assault, complete both Part I and Part II of a Pol. 964 and arrange escort to accompany the complainant for medical treatment. If the complainant consents to the taking of photographs of his injuries, action should be taken in accordance with para. 9;
- (k) contact CAPO if the complaint requires immediate action. In other cases, inform CAPO as soon as practicable by telephone and transfer the case to CAPO via CIS. In any event send the Pol. 964 in accordance with para. (f) and (h); and
- (l) if a complaint requires immediate action outside CAPO duty hours, consider contacting the CAPO Reserve Inspector through HQ CCC for advice.

COMPLAINTS AGAINST POLICE AND INTERNAL INVESTIGATIONS

Complaints By Letter

5. Where a Complaint Against Police is received by letter, the Formation Commander will:-

- (a) record the complaint in CIS. If the complaint relates to crime or misconduct of a serious or sensitive nature, the RN should only include the fact that a 'Confidential Report' was received. It should not contain details of the complaint or those of the complainant or complaine;e;
- (b) forward the letter to CAPO as soon as practicable; and
- (c) as regards an anonymous letter, they will not normally be investigated. However, for serious and/or traceable anonymous reports the FC or MFC, in consultation with CSP C&IIB, where appropriate, will decide how to handle such reports.

6. If there is any doubt, contact the SSP CAPO who will direct whether or not an incident is to be classified as a Complaint Against Police.

Complaints made during a Court Proceeding

7. Where during any court proceedings a complaint is made about the actions of a member of the Force, the prosecutor will record such complaint on the case file. Upon receipt of the file from the prosecutor, or upon being informed that a complaint has been made, the SIP Court or equivalent, will inform CAPO immediately by telephone and confirm in writing. Where the complaint is one of Assault, the officer should:-

- (a) take photographs of complainant's alleged injured part in accordance with para. 9 below;
- (b) issue Pol. 42 and request escort from the nearby Police Station to accompany the complainant for medical treatment with his/her consent;
- (c) make a brief physical check with the complainant for obvious signs of injury and make a note of such in the OB; and
- (d) take action in accordance with para. 26-02 (4)(e) to 4(j).

8. An allegation which challenges the admissibility of cautioned statement or which is raised by defendant in giving evidence for his defence shall not be referred to CAPO unless the defendant clearly states that he/she wants to make a formal Complaint Against Police or if the Court requires investigation by the police.

Taking Photographs of Complainant's Injury

9. Where a complaint of Assault is made in person to a police station or to Court, Pol. 964 (Rev 4/2006) should be completed. If the complainant consents to the taking of photographs of his/her injuries, the DO or SIP Court will:-

- (a) arrange for the completion of Pol. 964 (Rev 3/2005) Part II;
- (b) if the complainant is under the age of 16, consent should be obtained from his parent/guardian;
- (c) take appropriate colour photographs using an automatic camera. Instant/Polaroid/digital camera should NOT be used for this purpose;
- (d) where no physical injuries can be seen, take photographs of those parts of the body which have allegedly been struck;
- (e) if the taking of photographs involves parts of the body which are not commonly exposed, the DO will authorise another officer of the same sex as the complainant to take the photographs;
- (f) one roll of film should be used for taking photographs of a complainant or complainants for complaints arising from the same incidents;
- (g) the number of photographs taken in respect of each complainant and the Pol. 69A number should be recorded in the RN for cases reported to a police station, and an equivalent entry should be made in the OB for cases reported in court; and
- (h) the used film should be treated as an exhibit and handed over to the CAPO investigator as soon as practicable.

Traffic Complaints

10. Traffic complaints shall be investigated as unfair issue of traffic summons or Fixed Penalty Notice in respect of traffic contravention by the Formation which instituted the summons process or by Central Traffic Prosecutions Division (CTPD) in case CTPD decides an investigation/review is required. CSP Traffic (SP CTPD) will decide whether to proceed with action or to cancel the process.

COMPLAINTS AGAINST POLICE AND INTERNAL INVESTIGATIONS

11. When a complaint made to a police station or a Traffic Office relates only to traffic matters, the following action will be taken:-

- (a) if the complaint is made in person or by telephone, the DO will obtain all relevant details, record the complaint in the CIS system and inform the complainant that the matter will be investigated and that he will be informed of the result as soon as possible;
- (b) if the complaint is received by letter, it shall be acknowledged by GF 17 and an entry made in the station or Traffic Office CIS system;
- (c) a hard copy of the RN shall be despatched without delay to CSP Traffic (SP CTPD) who, where possible, will take steps to delay the processing of a Fixed Penalty Notice Pol. 525 or Pol. 570 or Traffic Summons Application Form Pol. 287 and monitor the investigation of the complaint. CSP Traffic (SP CTPD) will then issue a CTPD Traffic Investigation Form Pol.568 to the Formation Commander concerned;
- (d) the Formation Commander, on receiving the Pol 568, shall cause an enquiry to be made and forward his recommendations and investigation papers, which should include a statement from the reporting police officer, copy of the relevant notebook entry and a sketch plan, where relevant, to CSP Traffic (SP CTPD) without delay. Enquiries into complaints concerning Pol. 525, Pol. 570 or Pol. 287 shall be completed within 30 days after the date of Pol. 568;
- (e) On receiving the completed Pol. 568, CSP Traffic (SP CTPD) shall inform the complainant by letter of the outcome of the enquiry and the decision reached; and
- (f) where a person has been charged and bailed for a traffic offence and alleges that the charge is unjust or unfair, the Formation Commander, will review the evidence to satisfy himself that there is a prima facie case before the complainant appears in court or before the date set for trial.

POLICE GENERAL ORDERS - CHAPTER 26

COMPLAINTS AGAINST POLICE AND INTERNAL INVESTIGATIONS

12. When a traffic complaint is made either in person or in writing to a police station or to a Traffic Office contains a complaint of wilful fabrication of evidence, misconduct of a police officer or lack of appropriate action by Police, i.e. dual complaints, the following additional action shall be taken:-

- (a) action as per PGO 26-02 paragraphs 4 or 5 above and transfer of the case to CAPO, via the CIS system;
- (b) SSP CAPO will then consider the substance of the Complaint Against Police and shall either:-
 - (i) classify the complaint as 'minor' and refer it back to the Formation Commander for investigation into the Complaint Against Police; or
 - (ii) treat it as a separate issue from the Traffic complaint and cause a separate investigation to be done either by CAPO or an appropriate formation;
- (c) SSP CAPO shall inform CSP Traffic (SP CTPD) and the Formation Commander of the decision made without delay;
- (d) a Formation Commander who is required to investigate a Complaint Against Police in a dual complaint relating to Traffic matters, will forward the CAPO file direct to the CAPO Regional Office and will not be required to forward the file to CSP Traffic (SP CTPD) or to make any comment in relation to the Traffic complaint on the file;
- (e) to enable CTPD to examine the Traffic complaint, the following documents, if any, are to be attached to Pol. 568 by the Formation Commander who is required to investigate the Complaint Against Police, or CAPO, as appropriate:-
 - (i) Pol. 154 of the complainant, Pol. 964, and/or letter and sketch from the complainant;
 - (ii) Pol. 154 of witnesses provided by the complainant and of independent witnesses located by police, if they are relevant to the traffic complaint investigation;
 - (iii) Pol. 154, Pol. 155, copy of notebook entry and sketch of the complaine;e;
 - (iv) Pol. 155 of the investigating officer; and
 - (v) Any other documentary information relevant to the traffic complaint surfaced during the Complaint Against Police investigation;

POLICE GENERAL ORDERS - CHAPTER 26

COMPLAINTS AGAINST POLICE AND INTERNAL INVESTIGATIONS

- (f) CSP Traffic (SP CTPD) shall consider the traffic aspects of the complaint and endorse his decision on the Pol. 568 and will inform the complainant of the result of investigation by letter and copy the letter to CAPO for reference; and
 - (g) SSP CAPO shall inform the complainant of the result of the enquiry into the Complaints Against Police aspect of the complaint.
13. When a traffic complaint is made direct to Traffic HQ:-
- (a) CSP Traffic (SP CTPD) shall, if possible, suspend action on the Pol. 525 or Pol. 570 or Pol. 287 and acknowledge the complaint. If the complaint only concerns traffic matters, he may refer the complaint to the appropriate Formation Commander for enquiry;
 - (b) the Formation Commander shall take action as outlined in Pol 568. If the complaint also includes a Complaint Against Police, as defined in PGO Chapter 26, he shall forward the complaint to SSP CAPO who shall take action as outlined in PGO 26-02 paragraph 12(b) above; and
 - (c) at the conclusion of the enquiry, CSP Traffic (SP CTPD) and SSP CAPO shall take action as appropriate, as outlined in PGO 26-02 paragraph 12(f) or 12(g) above.
14. When a traffic complaint is made direct to CAPO, the following action shall be taken:-
- (a) if the complaint relates solely to Traffic matters:-
 - (i) obtain full particulars of the complaint, if made in person;
 - (ii) acknowledge a written complaint;
 - (iii) inform the complainant that the matter will be dealt with by CSP Traffic (SP CTPD); and
 - (iv) forward the complaint to CSP Traffic (SP CTPD) without delay for action;

COMPLAINTS AGAINST POLICE AND INTERNAL INVESTIGATIONS

- (b) if the complaint includes a Complaint Against Police:-
 - (i) acknowledge a written complaint;
 - (ii) record the complaint in CIS;
 - (iii) SSP CAPO will decide whether or not the Complaint Against Police aspect is considered minor;
 - (iv) if considered minor, investigation of the Complaint Against Police aspect of a dual complaint will be passed to the Formation Commander for action as outlined in PGO 26-02 paragraph 12(d) above and FPM 26-05; and
 - (v) inform CSP Traffic (SP CTPD) of the action taken who will take appropriate action as outlined in paragraphs 11(c) and 12(f).

26-03 Management of Integrity Issues Involving a Member of the Force

C&IIB is responsible for the indexing and monitoring of all investigations in which the integrity of a member of the Force is in doubt.

2. Formation Commanders are required to inform CSP C&IIB, through their respective MFCs, in writing as soon as practicable whenever staff integrity is an issue in relation to:-

- (a) an allegation;
- (b) investigation or enquiry (criminal, traffic or otherwise); or
- (c) review, check or proceedings of any kind.

If a case has been handled and referred to C&IIB in accordance with current procedures as set down in PGO 26-02 (Complaints Against Police), PGO 26-22 (Sexual Harassment Complaints) and PGO 27-12 (Reports of Corrupt Practices) respectively, there is no need to report again.

COMPLAINTS AGAINST POLICE AND INTERNAL INVESTIGATIONS

3. To determine whether the integrity of a member of the Force is in doubt, the guide is to consider whether in the eyes of a reasonable, fair-minded and well informed member of the public, the conduct of the member of the Force in question would be likely to call his / her integrity into question. If in doubt, a Formation Commander should consult CSP C&IIB. The following are examples which may indicate that an officer's integrity is in doubt:

- (a) Involvement in criminal or triad related activity such as vice, loan sharking, extortion, drug trafficking, illegal gambling or debt-collection by illegal means etc;
- (b) Having investments and/or shareholdings connected with vice, criminal activities or any activities which are in conflict with Police duties;
- (c) Association with triads, criminal personalities or other undesirable characters;
- (d) Having debts that have become unmanageable because of excessive gambling or other reprehensible causes;
- (e) Misconduct in public office. The elements constituting this common law offence include:
 - (i) A public official;
 - (ii) In the course of or in relation to his public office;
 - (iii) Wilfully misconducts himself / herself, by act or omission, for example, by wilfully neglecting or failing to perform his / her duty;
 - (iv) Without reasonable excuse or justification; and
 - (v) Where such misconduct is serious, not trivial, having regard to the responsibilities of the office and the office holder, the importance of the public objects which they serve and the nature and extent of the departure from those responsibilities;
- (f) Developing an inappropriate relationship e.g. sexual / intimate relationship with the witness or suspect of a case during his/her investigation into the case in question; and
- (g) Involvement in any form of corrupt activity.

COMPLAINTS AGAINST POLICE AND INTERNAL INVESTIGATIONS

4. In exceptional cases where a Formation Commander considers that due to operational considerations it is not appropriate to report to CSP C&IIB in accordance with paragraph 2 above, the Formation Commander should clearly document on file the decision and the full reasons. His / her MFC will be duly informed. The MFC will direct further action and may consult ACP SQ. Notwithstanding the above, CSP C&IIB will be informed as per paragraph 2 as soon as possible afterwards and in any case on the conclusion of the investigation/enquiry.
5. An officer who is subject to any adverse information or findings from an investigation, which indicates that his/her integrity is an issue, should be interviewed by the investigating unit and offered an opportunity to comment on the adverse information or findings prior to the disposal of the information or conclusion of the investigation, unless, to do so, would either compromise the source of the information or jeopardise ongoing or anticipated investigations. The formation commander of the information/intelligence source should be consulted about this matter whenever in doubt. The officer's account and the investigation unit's findings should be reported to the officer's Formation Commander and CSP C & IIB when either the investigation is concluded or the information is disposed of.
6. For allegations where staff integrity is an issue, details of the allegation or the personal particulars of the complainant or the complainee will not be contained in CIS or divulged to unauthorised persons. Where allegations of a criminal nature are subsequently found to be proven, they may be crimed in the normal manner.

26-20 Forewarning of Complainees in Complaint Against Police Case

All complainees in Complaint Against Police cases should not be forewarned of the complaints against him by another police officer and that a breach of such an order should amount to a disciplinary offence. The objective is to minimise the opportunity for a complainee/police witness involved in a complaint to interfere with other witnesses or to conceal, destroy or alter evidence.

2. Details as to the application of Forewarning, examples, responsibility for investigation and the reporting and recording procedures are laid down in FPM 26-20.

26-22 Sexual Harassment Complaints

Definition

A person sexually harasses another person if:-

- (a) the person
 - (i) makes an unwelcome sexual advance, or an unwelcome request for sexual favours, to that person; or
 - (ii) engages in other unwelcome conduct of a sexual nature in relation to that person;

in circumstances in which a reasonable person, having regard to all the circumstances, would have anticipated that that person would be offended, humiliated or intimidated; or

- (b) the person, alone or together with other persons, engages in conduct of a sexual nature which creates a sexually hostile or intimidating work environment for that person [s.2(5) Sexual Discrimination Ordinance (SDO), Cap. 480 Laws of Hong Kong].

2. 'Conduct of a sexual nature' mentioned in paragraphs 1(a)(ii) and 1(b) above includes making a statement of a sexual nature to another person, or in the presence of that person, whether the statement is made orally or in writing [s.27 SDO].

3. Although each case will have to be determined on its own facts, the following are general examples of sexual harassment:-

- (a) unwelcome sexual advances - e.g. leering and lewd gestures, touching, grabbing or deliberately brushing against another person;
- (b) unwelcome requests for sexual favours - e.g. suggestions that sexual co-operation or the toleration of sexual advances may further a person's career;
- (c) unwelcome verbal, non-verbal or physical conduct of a sexual nature - e.g. sexually derogatory or stereotypical remarks, persistent questioning about a person's sex life; and
- (d) 'Conduct of a sexual nature' that creates a hostile or intimidating work environment - e.g. sexual or obscene jokes around the workplace, displaying sexist or other sexually offensive pictures, posters or images.

COMPLAINTS AGAINST POLICE AND INTERNAL INVESTIGATIONS

4. A series of incidents may constitute sexual harassment. However, depending on the circumstances, it is not necessary for there to be a series of incidents. One incident may be sufficient to constitute sexual harassment.
5. On the other hand, a person may be the victim of a hostile work environment where he or she is harassed in a pattern of incidents that may not be, in and of themselves, offensive, but when considered together amount to sexual harassment.
6. The same definition applies to sexual harassment of a female or a male.

Acts of Sexual Harassment in the Force

7. It is unlawful for a Government employee to sexually harass a fellow employee or a potential fellow employee, who may include, inter alia, a supervisor, a potential supervisor, a co-worker, a potential co-worker, a subordinate or a potential subordinate (s.23(3) SDO). It may also be unlawful for a Government employee to sexually harass a worker of companies contracted by Government (s.23(4) SDO) or a client (s.40(1) SDO). Employees may be personally liable for acts committed by them in the course of their employment (s.46 and s.47 SDO).
8. A person who knowingly aids another person to do an act of sexual harassment shall be treated as himself/herself doing an act of the like description (s.47 SDO). It is unlawful for a person to instruct, to procure, or attempt to procure, another person to sexually harass a third person (s.44 SDO). It is also unlawful for a person to induce or attempt to induce another person to sexually harass a third person by providing or offering to provide that person with any benefit, or subjecting or threatening to subject that person to any detriment (s.45 SDO).
9. An officer who has committed an act of sexual harassment, whether or not it is made unlawful under the SDO, may be liable to disciplinary action. All officers are responsible for preventing sexual harassment in the workplace. It is the responsibility of both employers and employees to recognize and take seriously the need to ensure that the workplace is free from sexual harassment and all staff should treat their colleagues with respect.

Staff Complaints Officer

10. **CSP C&IIB is designated as the "Staff Complaints Officer"** and as such, is responsible for monitoring and reviewing all investigations into allegations and complaints of sexual harassment in the Force. He will endorse the result of each investigation and direct any remedial actions required. He may also approve the informal resolution of a complaint. For complainees who are of CSP rank or above, the Staff Complaints Officer will refer the complaint to a higher rank officer for direction.
11. The Staff Complaints Officer is assisted by SSP C&IIB who is responsible for the recording and administration of all matters pertaining to these allegations and complaints of sexual harassment.

COMPLAINTS AGAINST POLICE AND INTERNAL INVESTIGATIONS

12. In this regard, the Staff Complaints Officer, assisted by SSP C&IIB, will ensure these complaints are dealt with in accordance with FPM 26-22. In brief, he will :-

- (a) receive and record all these reports from Formations;
- (b) conduct an initial review on each of the complaints referred to the Staff Complaints Officer and direct further investigative/administrative action by the most appropriate Formation;
- (c) monitor the progress in processing the complaints and on further action being taken in each of the complaint report;
- (d) review the outcome of the investigative/administrative action taken by the actioning Formations; and
- (e) endorse or direct further remedial action as appropriate upon the completion of investigative/administrative action by the actioning Formations.

Guiding Principles for Investigations

13. All complaints should be assumed to be made in good faith and handled in an objective and fair manner without any undue delay. Bearing in mind that the complainant should not be exposed to further distress and humiliation and the parties involved are to be protected against victimisation for making or being involved in a complaint.

14. For procedural/administrative purpose, a complaint can be classified as either formal or informal, depending on the wish of the complainant. To avoid misunderstanding on the part of the complainant, the subject officer on receiving the complaint, should explain to the complainant the two different ways of handling a complaint and ascertain whether he/she requests an investigation into the complaint. The main objective is to stop the alleged harassment at the earliest possible stage without going into the details of the case, rather than to establish whether a sexual harassment act has been completed.

15. If the complaint requires formal investigation, it must be conducted without delay to find out whether there is evidence to support the allegation, and if so, what further action should be taken. If the complainant considers that the harassment may amount to criminal offence, the criminal investigation should take precedence.

16. The complainants and the witnesses should be protected against victimisation (which in itself is an unlawful act of discrimination under s.9 SDO) for making or being involved in the complaint. In general terms, this means that they should not be treated less favourably than other persons in similar circumstances. Confidentiality must be maintained as far as possible to ensure that the reputation or career of either party to a complaint is not unjustly affected as a result of the complaint being made. It is important that all parties involved in the complaint understand that it should not be openly discussed and in order to avoid intimidation, both the complainant and the alleged harasser should be advised not to discuss the matter with each other.

COMPLAINTS AGAINST POLICE AND INTERNAL INVESTIGATIONS

17. Both the complainants and alleged harasser must be given an opportunity to present their cases in detail and to comment on the allegations and responses made by the other party. The most straightforward way is to tell the alleged harasser that his/her acts are unwelcome and should be stopped. The most undesirable way to respond to an act of sexual harassment is to go along with it, to avoid the person or to ignore the behaviour and do nothing. Indeed, such action can exacerbate the complainant's situation.

18. Whilst all complaints should be assumed to have been made in good faith, the possibility of a malicious complaint exists. If at the conclusion of an investigation, there is clear evidence to show that a complaint has been made in bad faith, the person making the malicious complaint may be disciplined.

19. A complainant should normally not be moved from his/her usual duties or treated in an unusual manner whilst awaiting the outcome of the complaint as this may constitute less favourable treatment to the complainant which is not justified and may constitute a ground for a complaint of victimisation. There may however be cases where it is difficult to keep the parties working together until the outcome is known. Under such circumstances, Formation Commanders should take appropriate measures to deal with the situation but the wishes of the complainant and the alleged harasser should be taken into account.

20. If the nature of the report is such that the complainant feels uncomfortable or threatening, his/her Formation Commander will consider the choice and appointment of a Support Officer (at least one rank cadre senior to the complainant) in providing him with practical and moral assistance. The complainant should be encouraged to accept a Support Officer and should be assured that strict confidence is maintained for the handling of the reports and the arrangement of support service. The procedures of the Staff Support Scheme are contained in HQO No. 8/2007.

Records

21. The Formation Commanders and SSP C&IIB on behalf of the Staff Complaints Officer must also keep records of all formal and informal complaints in order to monitor the situation. These records should include complaints which, for valid reasons, have not been pursued or which produced no definite conclusions. All records of matters dealt with between Formations and the Staff Complaints Officer must be cross-referenced in the respective records.

Reminders on the Sexual Harassment Complaints Guidelines

22. This Order PGO 26-22 on Sexual Harassment Complaint will be circulated to all staff annually as a reminder.