

Reporting the Crime

Rights of Victims

and Witnesses of Crime



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There may be chance for anyone to fall victim to any crime. Fellow sisters get in touch with different people on daily basis, while most of them are strangers whom they meet for the first time. Also, many fellow sisters are required to work under a completely unfamiliar environment. Safety risk can be inevitably high.

Apart from raising awareness and alertness of various safety issues, understanding the proper police procedure and the rights of victims and/or witnesses of crime will help relieve the worry in sisters' minds when it comes to whether or not they should seek help from external authority/ file complaints of crime in times of difficulties.



Calling the Police

In Hong Kong, the Police can be reached by “999” (hotline), or in any report centre at the nearest police station in times of emergency. Directly reporting the case to a police officer in person is also a way. As a follow-up, complainants may be required to provide personal information, e.g. name and contact.

Regardless of the form of crimes you face, please remember the following:

Do not touch, move and change anything at the crime scene. If you encounter any sexual crime, do not wash or throw away your clothes or touch other evidence (e.g. quilt, condom etc.) before reporting the crime. Before the forensic investigator performs examination on you, do not take a shower. If you have wiped and cleaned your body, do not throw away the used tissue or worn clothes.

If the crime involved communication via telephone, the Internet or mobile Apps (including texts, audio, pictures or videos), do not delete the related record.

Try your best to remember the process of the crime committed, and keep a record in writing, or with audiovisual aids. Tell all details you know about the crime to the Police, for examples, the identity, appearance of the criminal and any personal belongings he/she left behind.

At the Crime Scene

After receiving your report of crime, the Police will handle the crime scene and carry out follow-up investigation case by case. Uniformed officers should arrive swiftly at your location, followed by criminal investigators. If it is necessary, with your consent, forensic investigators may collect forensic evidence. Victims under the age of 18 can be accompanied by his/her guardian in the forensic investigations.

If necessary, the Police will immediately arrange medical service.

If the case is not considered a serious offence and no clue is available for investigation in situ, investigators will record the case in file, but may not ask you to take a written statement.



Follow-up Investigations

The police may invite you and other witnesses to the police station for further investigations, for examples, interview for a written statement, matching of finger prints and DNA samples. If the case is of a sexual nature, you will automatically be interviewed by an officer of the same sex. If the case involves lost items which are found later, you are required to head to the office for identification.

If the police is able to arrest the suspect, you may be required to attend an identification parade (one-way viewing facility can be considered for use), or even be present at the court for hearing and giving evidence. Theoretically, the police will keep in contact with you and later inform you of the investigation progress, as well as the result from court proceedings.

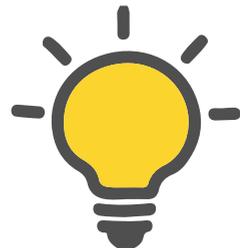


Rights of Victims and Witnesses of Crime

As a victim or witness of crime, you have the right to:



- be treated with courtesy, compassion, sensitivity and respect for your personal dignity and privacy;
- so far as practicable, be interviewed by police at a place and time convenient to you ;
- be accompanied by your legal representative during an interview with the police;
- receive prompt medical attention in respect of injuries sustained in the commission of a crime, or should you feel unwell;
- obtain refreshments at your own expense;
- keep certain particulars unconnected to the investigation confidential, and have data provided to police handled in accordance with the Personal Data (Privacy) Ordinance;



- automatically be interviewed by an officer of the same sex in all cases of a sexual nature;
- request consideration of the use of a one-way viewing facility at an identification parade;
- request a copy of any written statement you have made to police (or video tape recording of your interview where applicable);
- be given a report reference card detailing the case reference number, name, rank, service number and telephone number of the officer-in-charge-of-the-case and of an investigating officer of the case;
- have property belonging to you returned to you at the earliest opportunity once not required in connection with the investigation;
- be informed of police and court procedures should you request such information, and be informed of the progress and result of the investigation expeditiously;
- be informed of your role in, and the procedures of, the prosecution process;

- be informed of the date and location of any subsequent court hearing;
- be provided with protective measures by the police in accordance with their evaluation of any threat, and be considered for inclusion in the Witness Protection Programme, should you so wish;
- be advised of appropriate agencies which may be able to assist you, such as the Social Welfare Department, the Legal Aid Department and the Consumer Council.





**A child victim
or witness**

A child victim or witness (below 16) may:

- be accompanied by his/her parent or guardian when being interviewed or assisting a police enquiry, providing the adult is not involved in the case and his/her presence will not hinder the investigation;
- request consideration be given for an interview to be recorded on video;
- request consideration be given for evidence to be given by use of a closed circuit television link in court (the final decision being with the magistrate or judge); and
- be accompanied by a support person when giving evidence in court, providing that person is not involved in the case.



Caution

Furthermore, you are advised that:

- the taking of prosecution proceedings, or a decision not to prosecute an offender, does not usually constitute a bar to subsequent civil action against the offender;
- any criminal conviction you have must, by law, be divulged to the defence;
- information concerning the Criminal Injuries Compensation Scheme and Legal Advice is available from the Duty Officer of any police station;
- if you are required to attend court to give evidence a Witness Allowance may be payable to you. You may make enquiries of this with the officer-in-charge-of-the-case; and
- if you change your address or contact telephone number prior to being informed by police the case is concluded, you should inform the officer-in-charge-of-the-case as soon as possible.

References:

Procedures of Handling Burglary Cases

https://www.police.gov.hk/info/doc/cpa/burglary_eng.pdf



Procedures in Handling Sexual Violence cases

https://www.police.gov.hk/info/doc/cpa/sexualviolence_eng.pdf



Rights of Victims and Witnesses of Crime

https://www.police.gov.hk/ppp_en/04_crime_matters/rvwc.html



Action for REACH OUT (AFRO) is a non-governmental organisation established in 1993. We offer services and support to women working in the sex industry. In case of enquiries, we can be reached via the following:

AFRO 24-hour emergency hotline : 2770 1002



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Monday to Friday 9a.m. — 10p.m.



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