

# WHAT IS THE PROCESS FOR HANDLING COMPLAINTS AND INVESTIGATIONS?

The Special Investigations Unit receives complaints and carry out investigations of the following nature:

- **Complaints lodged by members of the public** against a police officer, prison officer or officer of other prescribed disciplined force. The methods for lodging a complaint include in person, in writing, via email or telephone.
- Investigate referrals from the Prime Minister about a case relating to the SIU mandate.
- Conduct its out **own motion investigations.** Own motion investigations are carried out without having received a complaint if the Ombudsman 'believes an investigation about a matter should be started.' For example, if a complaint is resolved as a result of an investigation for early resolution and there are outstanding systemic issues worthy of further consideration, an own motion investigation may be commenced. Similarly, if a complainant withdraws his or her complaint but the Ombudsman wishes to continue the investigation, she/he may do so on her/his own motion.

The process for carrying out the above complaints & investigations is listed below:

#### Agencies investigated:

Complaints against law enforcement agencies including - Ministry of Police, Prisons and Corrections Services, Land Transport Authority, Customs and Immigration are handled by this Unit

## STEP I: RECEIVE

Complains can be received in person, email, in writing or via phone. Each complaint is recorded and acknowledged within 3 working days, outlining the following process.

STEP 3: TAKE ACTION

3.2. EARLY RESOLUTION

## STEP 2: REVIEW/ PRELIMINARY ENQUIRY

Complaint is reviewed and file review report submitted to Director within 10 working days (variations on case by case basis) upon receipt detailing what case is about and recommendations for action. The Officer also conducts preliminary enquiries to agency on facts of case. Director endorses or recommends next steps which may include one of the FOUR options (3.1, 3.2, 3.3, 3.4) listed below with the approval of Ombudsman/Assistant Ombudsman.

## 3.1. REFERRAL (section 26)

The relevant Unit handling the complaint may refer complaint to an external agency who can address the issue. This can be the case for complaints who have not exhausted other avenues before consulting the Office which is of last resort.

When making referrals the complainant is provided with information/directed to a designated Office Liaison Officer(s) (OLOs) of the relevant agency that will take over the case.

#### 3.3A. FORMAL INVESTIGATION (sections 25, 28, 29, 30)

Once decided that the complaint is necessary to be investigated i.e. within jurisdiction, all other avenues have been exhausted, the case is a matter of urgency, the relevant Unit conducts a formal investigation.

#### 3.3B. REPORT ON FINDINGS & RECOMMENDATIONS

The result of a formal investigation is a Report which contains "Findings" and "Recommendations" as to the way forward for the complaint. The time frame for when the Report is available is based on the nature of the case. However, it should be noted that the complainant will always be updated on the progress and status.

### 3.4A. OUT OF JURISDICTION (section 21)

he Office is unable to conduct investigations into matters relating to:

- an administrative decision where there is an avenue for appeal to a Tribunal or Court (s 21(a))
   a decision, recommendation, act, or omission of
  - trustee within the meaning of the Trustee Act 1975 (s 21(b))
- 5. a decision, recommendation, act, or omission on any proceedings made (i) by the legal adviser to the Ombudsman or (ii) by counsel for the Government (i.e. Office of the Attorney General)

(s 21(c))

## 3.4B. REFUSAL TO INVESTIGATE (section 23)

- he Ombudsman may refuse to investigate the case if:
- There is an adequate remedy or right of appeal
  Having regard to all circumstances of the case a
- further investigation is unnecessary 3. Relates to an administrative decision that is 124

4. The subject matter in the Ombudsman's opinior is trivial, frivolous, vexatious, not made in good faith or that the complainant has insufficient personal interest in the subject-matter

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