Police Complaints Flowchart

IPOA

initiate own investigation

Complaint filed with the IPOA

Complaint filed with the NPS Commission

Complaint filed with another Commission

Complaint filed with the **Police**

IAU initiate own investigation

Independent Policing Oversight Authority:

Preliminary assessment as to whether IPOA conduct investigation or refer to other body. If the complaint is about:

- ✓ Serious misconduct
- ✓ A death or serious injury caused in police custody or as a result of police action
- ✓ A matter of grave public concern; a matter that may have an impact on particular community relations; or a matter that may have serious implications on the repulation of the police

Then the IPOA conducts their own investigation. Follow arrow directly below to investigation box.

Other complaints that require full investigation will be referred across to the Internal Affairs Unit (see box on other side), or in some cases, to another Commission. A corruption complaint may be referred to Independent Ethics and Anti-Corruption Commission.

For non-serious matters, the IPOA has the power to reconcile or mediate matter with the consent of the complainant (see box on right).

If the IPOA considers the complaint is unsubstantiated, does not amount to misconduct, is vexatious or frivolous or if there is insufficient informattion, it can decide not to investigate. If the matter is before the Court it will not investigate. In these cases the matter ends here, but may be re-opened if further information is provided.

Record and report to

IPOA. May refer to IPOA or conduct own investigation. For NPS Commission process see purple box far below right.

Internal Affairs Unit of the National Police Service

If the complaint is about:

Must be **recorded and reported** to IAU and IPOA, with copies of complaint

documents. A copy must be maintained at station. Deaths and serious injuries must

be reported to IPOA within 24 hours.

- ✓ Serious misconduct
- ✓ A death or serious injury caused in police custody or as a result of police action

Then refer across to the Independent Policing Oversight Authority (see box on the other side). If the matter is of grave public concern; a matter that may have an impact on particular community relations; or a matter that may have serious implications on the reputation of the police then the IAU may refer to the IPOA.

For all other complaints, the IAU conduct own investigation. Follow arrow directly below to investigation box.

As part of the Investigation the IPOA can:

- Request reports, records, documents or information from any source, including from Police.
- ✓ Enter premises with a warrant.
- ✓ Seize and remove any object from any building, including police buildings. A receipt must be given.
- ✓ Interview and take statements under oath/affirmation.
- ✓ Conduct hearings
- ✓ Summon people to interviews or hearings, and compel them to attend if do not obey summons
- ✓ Request and receive assistance from a person, body or government.

See box below for recommendations IPOA can make after the investigation.

Mediation: This can only be done if the complainant agrees and if the complaint is

If the mediation is successful, the matter is finalised and recorded

the mediation is unsuccessful, the IPOA ontinues to investigate and then makes a

As part of the investigation the IAU can:

- ✓ Require the provision of information
- ✓ Summon witnesses
- ✓ Take statements under oath/affirmation

Report to Office Inspector General of Police (IGP) with any **recommendation** for disciplinary action. Office IGP can take internal disciplinary measures for less serious disciplinary measures, including a reprimand or suspension. Must record and report this to NPS Commission. For other disciplinary measures see box below.

After the investigation the IPOA can:

- ✓ Recommend Director of Public Prosecutions prosecute member of police.
- ✓ Recommend that the NPS Commission implement disciplinary action.
- ✓ Provide complainant information to assist civil proceedings.
- Recommend actions to the Police Service, including change to policies and regulations.
- ✓ Recommend complainant take other suitable course of action.

If the recommendation is not implemented see box below called 'Following up on Recommendations'..

For the following **disciplinary measures** the police require confirmation and approval of the NPS Commission before implementing the measure:

- ✓ Order of restitution
- ✓ Stoppage of salary increments for a specified period of time, but not exceeding one year
 ✓ Poduction in rank
- ✓ Reduction in rank
- ✓ Dismissal from the Service
- ✓ Any combination of the punishments

The process the NPS Commission follows is set out in the below box. The NPS Commission will decide if a police officer is suspended whilst considering a disciplinary matter.

NPS Commission conducts further investigations and holds disciplinary hearing where required.

and oral statements and require the provision of information

The Commission can implement disciplinary action

A member of the police can appeal the decision

Reporting and records:

maintains record of all the complaints lodged with both the Police and the IPOA.

6 month performance reports to National Assembly – with all recommendations made, and responses to recommendations.

Annual report to Cabinet and

National Assembly.

Following up on Recommendations:

- ✓ IPOA can apply to the court for enforcement.
- Can require anyone to respond to any recommendation made by the IPOA and make public the response.
- ✓ The IGP has to act on the recommendations of the IPOA, including in relation to compensation.

NPS Commission reporting:

Reports to government on standards of policing, makes recommendations & reports on implementation of recommendations.

Makes recommendations to IGP and can require IGP to respond.

IAU reports regularly to:

- ✓ IPOA
- ✓ NPS Commission
- ✓ Coroners Service
- ✓ Chief Firearms Licensing Officer







