

# **Mechanism for Handling Complaints from Persons Serving Sentences**

## **Channels for Making Complaints**

Inmates are free to lodge complaints and air their grievances either orally or in writing through various internal and external channels as set out below -

### Internal Channels

- (i) Any staff member including senior officers of individual penal institutions;
- (ii) Senior officers of the Correctional Services Department (CSD) Headquarters (including the Commissioner) visiting the penal institutions;
- (iii) Complaints Investigation Unit (CIU) of the CSD Headquarters;

### External Channels

- (iv) Visiting Justices of the Peace, who will visit the prison once fortnightly;
- (v) The Office of The Ombudsman;
- (vi) Members of the Legislative Council;
- (vii) The Independent Commission Against Corruption (ICAC);
- (viii) Equal Opportunities Commission;
- (ix) Office of the Privacy Commissioner for Personal Data;
- (x) Consulates General of respective countries (in the case of inmates from overseas);
- (xi) Relevant non-government organisations; and
- (xii) Other government bureaux / departments.

2. Upon admission to penal institutions, all inmates will be arranged to attend an induction course to receive information on institutional routines,

rules and regulations. At the induction course, inmates will be informed of their rights and the channels for making complaints. An information booklet, containing among other things information on channels for making complaints, will also be issued to every inmate on admission. Furthermore, notices in Chinese, English and Vietnamese regarding channels of complaint are prominently displayed in all penal institutions.

### **Number of Complaints**

3. The number of complaints received by CSD from inmates through various channels in the past three years is set out below -

		<b>2001</b>	<b>2002</b>	<b>2003</b>
1.	Internal Channels	268	250	203
2.	Visiting Justices of the Peace	394	396	413
3.	The Office of The Ombudsman	91	58	42
4.	Members of Legislative Council / Complaints Division of the Legislative Council Secretariat	60	67	54
5.	Others	68	69	36

4. The above table does not include the number of minor complaints (e.g. complaints about penal facilities or quality of food) that are handled daily by staff of individual penal institutions without specific need for investigation. As an inmate may lodge complaints through more than one channel, double or even multiple counting in the above statistics is possible.

### **Procedures for Handling Complaints**

#### Handling of complaints lodged through internal channels

5. All complaints lodged through internal channels will be handled according to the Prison Rules (Chapter 234A) and CSD's Complaints Handling Manual. Whilst minor complaints as mentioned in paragraph 4 above will be

followed up by staff of individual penal institutions, all major complaints (e.g. those on misconduct of staff or administrative oversight) will be handled by the CIU. Depending on the nature of the case, a complaint may also be referred to relevant departments or external organizations (e.g. the Police or ICAC) for direct investigation. Inmates who are not satisfied with the handling of their minor complaints may also request that their cases be referred to the CIU.

6. The CIU handles complaints according to departmental guidelines and procedures which ensure a due process of investigation. A complainant will normally be interviewed by CIU investigators on the following day after a complaint is received. Both the complainant and complained-against party have the chance to present their case during interviews with the investigators. Besides, witnesses will also be invited to testify. Conclusions are drawn from the evidence revealed during the investigation. The service of the CIU is accredited by the ISO 9001:2000 quality management system. In 2003, the investigation of all the complaint cases was completed within the target response time of 18 weeks.

7. Upon completion of investigation, CIU will submit all investigation reports to the CSD Complaints Committee (CSDCC) for examination. The CSDCC is chaired by the Civil Secretary, who is a civilian staff of the Department at a rank equivalent to Assistant Commissioner, and comprises the Assistant Commissioner (Quality Assurance) and the Correctional Services Chaplain, who is an independent clergyman appointed by the Commissioner. Such composition gives due regard to the requirements of independence, impartiality and transparency.

8. After acceptance of the investigation findings by the CSDCC, the CIU will notify the complainant and/or the referring parties of the outcome. The CIU may be directed to conduct re-investigation into complaint cases according to the queries or recommendations made by the CSDCC. Apart from examining and endorsing investigation reports, the CSDCC may also make recommendations for corrective and preventive actions for the inadequacies identified.

9. The complainant or any party delegated by the complainant, upon being notified of the findings of the investigation by the CIU, may apply to the Chairman of the CSDCC for re-examination of his case. The complainant or any party delegated by the complainant, upon being notified of the outcome of the re-examination by the CSDCC, may appeal to the Commissioner of Correctional Services.

#### Handling of complaints lodged through external channels

10. After receiving a complaint from an inmate, the external parties will follow up as they consider appropriate. Some organisations with statutory investigative powers (e.g. the Ombudsman or ICAC) may decide to conduct their own investigation. In such cases, CSD will provide assistance and information to facilitate such investigation. The external parties may also refer the complaints to the CIU for investigation. In such cases, CSD's internal complaint handling procedures, as mentioned in paragraphs 5 to 9 above, will be followed.

**Security Bureau**  
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