

4 That a person who has broken rules or behaved badly should be disciplined.

If the authority does not take effective steps to carry out any of these recommendations, the Public Defender may make a special report to Parliament.

If an investigation shows that a crime may have been committed, the Public Defender may make the matter known to the Director of Public Prosecutions. The Director of Public Prosecutions will then decide if someone should be charged and taken to court.

SOME OTHER FACTS ABOUT THE PUBLIC DEFENDER

Every year, the Public Defender makes a report to Parliament on what has been done during the year. He also has to make a special report in exceptional circumstances.

All investigations are confidential.

The Public Defender has the power to examine documents belonging to any authority and to enter any premises occupied by such authority to inspect any document. He can also compel anyone whom he feels can give information to do so.

PLEASE NOTE:

There is no charge for services provided by this office.

OUR MISSION STATEMENT

The Office of the Public Defender will, in accordance with the principles of Natural Justice and the Jamaican Constitution, investigate complaints brought by any member of the public against the State, seek redress for Constitutional and Administrative injustice, and provide, where necessary and possible, the attorney's fees needed to pursue Constitutional remedies in court.

The Public Defender

*"A Voice of the Voiceless...
To Loose the Chains of Injustice"*



Address your letter to:
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OFFICE OF THE PUBLIC DEFENDER

**Having any Problem
with a Government
Ministry, Department,
Agency or Statutory
Body?**

**The
Public
Defender**

**may be able to help you
and will, if he can.**

ROLE AND PURPOSE OF THE PUBLIC DEFENDER

Established in 1978, the Office of the Parliamentary Ombudsman was created to investigate and remedy complaints made by members of the public, of **bad administration** by the Jamaican Government, or its agencies or departments, while carrying out its function.

The Public Defender Act was passed in Jamaica in 1999, coming into effect April 16, 2000, repealing the Ombudsman Act and **replacing** the Office of the Parliamentary Ombudsman with the **Office of the Public Defender with additional Jurisdiction** to investigate circumstances in which it is alleged that a person's Constitutional rights have been violated.

The Public Defender is not a Government agency or department. He is a Commission of Parliament.

A Complainant does not have to be a citizen of Jamaica or live in Jamaica but the matter complained about must have occurred in Jamaica.

Bad administration can be:

- 1 When a service takes longer to be provided than it should;
- 2 When service is not conducted in the right and proper manner;
- 3 When persons are not treated fairly;
- 4 When rules are not followed;
- 5 When faulty systems are used.

WHAT THE PUBLIC DEFENDER CANNOT DO

The Public Defender cannot investigate certain complaints because, in law, he has no jurisdiction to do so. These include:

WHAT THE PUBLIC DEFENDER CANNOT DO CONT'D

- 1 The way in which a court case is being handled or has been handled;
 - 2 Any action done with respect to orders or directions to the Jamaica Defence Force or members thereof, or any proceedings under the Defence Act;
 - 3 A case in which the Ministry of Justice is trying to extradite a person because of a crime he has committed;
 - 4 Any decision of a Service Commission which deals with the discipline of Government workers;
 - 5 Giving of honours, awards or special rights;
 - 6 The Governor-General's power to exercise mercy on a convict;
 - 7 An action that the Constitution says may not be investigated by a court of law.
- It is only in special cases that the Public Defender may look into complaints about actions which can be handled by a court of law.

HOW TO MAKE A COMPLAINT

A complaint must first be made to the head of the department in question. If nothing is done about your complaint, then write to the Public Defender.

Write your complaint and include the following:

- 1 Your name and address;
- 2 The name of the authority you are complaining about;

- 3 All the facts about your complaint, including the date;

- 4 Any facts to show how you can make out your complaint.

Any person or group of persons may make a complaint. The complaint must be made by the person who has suffered the injustice. If this person has died, is underage, or cannot act for himself, then someone else may make the complaint.

HOW INVESTIGATIONS ARE CARRIED OUT

- 1 You will receive a letter of acknowledgement;
- 2 Before your complaint is investigated, the Public Defender will write to the authority and to any person named in your complaint;

- 3 When the investigation is over, the Public Defender will report on what he has found. He will send this to you, to the authority and to any person named in your complaint.

WAYS IN WHICH THE PUBLIC DEFENDER CAN HELP TO PUT MATTERS RIGHT

At the end of an investigation, he may make recommendations to any authority that is involved in the complaint. For example, he may recommend:

- 1 That the complaint be re-examined;
- 2 That any faulty rules or laws which gave rise to the complaint should be changed;
- 3 That some form of compensation, (for example payment of money), be made for any loss, injury or abuse suffered;