
CHAPTER 208

CORRECTIONAL SERVICES

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CHAPTER 208
CORRECTIONAL SERVICES

An Act to provide for the modernization of the law governing the custody and rehabilitation of inmates and for purposes connected therewith. *8 of 2014.*

[Assent 1st May, 2014]

[Commencement 11th August, 2014] S.I.49/2014

PART I – PRELIMINARY

- 1.** This Act may be cited as the Correctional Services Act. *Short title.*
- 2.** In this Act — *Interpretation.*
- “the Act” means the Correctional Services Act; *Ch. 208.*
- “Commissioner” means the Commissioner of The Bahamas Department of Correctional Services;
- “Correctional facility” means any premises where persons may be lawfully confined on remand pending trial or under conviction of or sentence for an offence and declared to be a correctional facility under section 6(3);
- “correctional services” means service within any correctional facility within The Bahamas;
- “Department” or “Department of Correctional Services” means “The Bahamas Department of Correctional Services” continued under section 6(2);
- “Her Majesty’s Prison” means the parcel of land described in the First Schedule; *First Schedule.*
- “holding facility” means any premises where persons may be temporarily detained pursuant to an order of any court and declared to be a holding facility under section 7(1);
- “inmate” means a person lawfully confined in a correctional facility —
- (a) on remand; or

- (b) under conviction of or sentence for an offence;

“medical officer” means a registered medical practitioner appointed to the medical charge of a correctional facility;

“Minister” means the Minister responsible for correctional facilities;

“on remand” means lawfully confined to a correctional facility and not yet tried and sentenced (hereinafter referred to as “untried inmates”);

“untried inmates” includes persons lawfully confined to a correctional facility awaiting deportation or extradition;

“subordinate correctional officer” means any office specified in paragraphs (vi) to (ix) of the Third Schedule.

Third Schedule.

Objectives of Act.

- 3.** The objectives of the Act are to provide for —
- (a) the preservation and continuation of Her Majesty’s Prison as “The Bahamas Department of Correctional Services”;
 - (b) the continued protection of the public through the supervision of persons held in legal custody (hereinafter referred to as “inmates”);
 - (c) the rehabilitation of all inmates through the application of work, programmes and services;
 - (d) matters concerning the service of prison officers (hereinafter referred to as “correctional officers”).

PART II – PROVISIONS FOR INMATES IN CUSTODY

Legal custody of persons.

- 4.** (1) A person who has been —
- (a) sentenced to imprisonment by the court;
 - (b) committed to a correctional facility on remand by the court,

may be lawfully confined in a correctional facility.

(2) A person shall be deemed to be in legal custody while he is —

- (a) confined in or being taken to or from any correctional facility;
- (b) working or is, for any reason, outside a correctional facility in the custody or under the control of a correctional officer;
- (c) being taken to any place to which he is required by or authorised under this Act to be taken.

5. There shall continue to be provided and maintained at the expense of the Government, adequate facilities for persons held in legal custody.

Facilities for persons held in legal custody.

6. (1) The existing prisons for the time being shall continue to be used as prisons for the purposes of this Act and shall, after the coming into force of this Act, be referred to as “correctional facilities”.

Correctional facilities.

(2) Correctional facilities shall consist of —

- (a) Her Majesty’s Prison, which continues in existence for the purposes of this Act, but is to be known after this Act comes into force as the “The Bahamas Department of Correctional Services”; and
- (b) such other correctional facilities declared by order to be such by the Minister under subsection (3).

(3) The Minister may by order declare any suitable place or part thereof anywhere in The Bahamas to be a correctional facility.

(4) Every correctional facility declared by order as such pursuant to subsection (3), shall be under the direction and control of The Bahamas Department of Correctional Services.

(5) A declaration made pursuant to subsection (3) shall be published in the *Gazette*.

7. (1) The Minister may by order declare any police station or part thereof or any other suitable place anywhere in The Bahamas to be a holding facility.

Holding facilities.

(2) The Commissioner, in consultation with the Commissioner of Police, may cause a holding facility to be inspected at any time.

(3) A declaration made pursuant to subsection (1) shall be published in the *Gazette*.

**PART III – ADMINISTRATION AND FUNCTIONS OF
THE DEPARTMENT OF CORRECTIONAL SERVICES**

General superin-
tendence of
Department.

8. (1) The general superintendence of The Bahamas Department of Correctional Services shall be vested in the Minister.

(2) The Minister may make regulations generally to govern the supervision of the Department.

Appointment of
officers.

9. (1) The Prime Minister, acting on the advice of the Minister, may appoint a Commissioner, Deputy and Assistant Commissioners.

(2) The Governor-General acting on the advice of the Public Service Commission may appoint persons to hold office in the Department of Correctional Services.

(3) The Minister may make regulations prescribing the functions and duties of correctional officers.

Functions of
Commissioner.

10. (1) The Commissioner shall have the responsibility for the general management and administration of all correctional facilities and shall —

- (a) ensure that inmates are treated in a humane manner;
- (b) ensure that discipline and security within correctional facilities are strictly enforced;
- (c) encourage and promote the reformation, training and rehabilitation of inmates;
- (d) ensure proper deportment among staff members;
- (e) on an annual basis, prepare a report detailing the conditions and status of the Department and matters related thereto;
- (f) cause periodic drug testing to be performed on inmates;
- (g) cause psychiatric evaluations to be carried out on inmates and appropriate treatment administered as necessary;
- (h) cause periodic inspections of cells and dormitories to be carried out;
- (i) in cooperation with the Administrator of the Electronic Monitoring Unit, monitor the fitting of electronic monitoring devices on inmates and maintain a register of all persons so fitted and the date and time;

(j) to carry out such other functions as may be imposed by any other law.

(2) Any act or thing which may be lawfully done, ordered or performed by the Commissioner may with his authority be done, ordered or performed by a Deputy or Assistant Commissioner.

(3) The Deputy Commissioner shall assist the Commissioner with the general management and administration of correctional facilities.

11. The functions of the Department are to govern all correctional facilities declared to be such pursuant to this Act and to provide —

Functions of the Department.

- (a) a safe environment for the legal custody of inmates;
- (b) a safe environment for members of staff and visitors;
- (c) academic, vocational and technical training, continuing education and counselling services to develop and rehabilitate and prepare inmates for occupation upon their discharge;
- (d) from time to time, training for staff in international best practices.

12. (1) The person holding office as Superintendent of Prisons on the coming into force of this Act, continues in office as the Commissioner of The Bahamas Department of Correctional Services and shall be for the purposes of this Act, as if he had been appointed under this Act on the same terms and conditions until the expiration of his term of office.

Saving of appointments.

(2) A person who immediately before the coming into force of this Act was connected with the performance of any duties under the Prisons Act*, shall as from the commencement of this Act continue to hold or act in the like office under The Department of Correctional Services by whatever title referred to in the Second Schedule as if that person had been appointed under this Act on the same terms and conditions.

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Second Schedule.

13. Every correctional officer shall while acting in the course of his duties, have all the powers, authority, protection and privileges of a peace officer.

Powers of correctional officers.

* Repealed by this Act.

Terms and conditions of employment for certain officers.

Third Schedule.

14. The provisions set out in the Third Schedule shall apply and govern certain persons appointed under this Act.

PART IV – CORRECTIONAL SERVICES REVIEW BOARD

Establishment of Correctional Services Review Board.

Fourth Schedule.

Functions of the Review Board.

15. (1) There shall be established a Board, to be known as the “Correctional Services Review Board” (hereinafter referred to as the “Review Board”).

(2) The provisions of the Fourth Schedule shall have effect with respect to the composition and procedures of the Review Board.

16. (1) The functions of the Review Board are —

- (a) to keep constantly under review and to advise the Minister on all aspects of correctional facilities and to visit and inspect at least once in every quarter, and as occasion may require, every area within the bounds of a correctional facility;
- (b) on the advice of the Commissioner, to approve participation of an employer in the extramural work programme and to ensure accountability for and management of earnings of inmates;
- (c) to ensure that inmates receive proper treatment and to investigate any abuses which come to its knowledge in connection with correctional facilities, and to issue a written report of its findings to the Minister;
- (d) to inquire into any report received to the effect that the mind or body of an inmate is likely to be injured by the conditions of his imprisonment and to bring any such findings to the attention of the court and the Minister;
- (e) to implement and ensure that the methods of reformation and rehabilitation of inmates are consistent with best practices for correctional reform;
- (f) to give inmates an opportunity to lay their complaints or applications before it.

(2) The Review Board shall cooperate with the Commissioner in promoting the efficiency of correctional facilities and shall make enquiries into any matter specifi-

cally referred to the Review Board by the Minister and report thereon.

(3) The Review Board shall at the end of every year report in writing to the Minister on —

- (a) the treatment and welfare of the inmates;
- (b) all defects in the construction, management or discipline of any correctional facility; and
- (c) all improvements which in its opinion are requisite for —
 - (i) maintaining and improving the administration and discipline of the correctional facilities;
 - (ii) promoting the reformation and rehabilitation of inmates,

and may make recommendations as the Board thinks fit.

17. (1) A member of the Review Board may, at any time after prior notification to the Commissioner, have access to —

Powers of members of Review Board.

- (a) any part of a correctional facility; or
- (b) any inmate.

(2) Any member who has been granted access to any part of a correctional facility or to any inmate, shall document his findings and provide a copy thereof to the Commissioner.

18. The Review Board may, with the approval of the Minister, make rules —

Review Board may make rules.

- (a) prescribing the manner and conditions in which earnings of inmates are managed, invested and applied;
- (b) prescribing the conditions and form of licence granted to inmates under section 21(1);
- (c) prescribing the conditions and form of reports to be rendered under section 21(4).

19. Every application made to the Visiting Committee appointed under the repealed Act and wholly or partly heard by the Visiting Committee when this Act comes into force is to be continued and dealt with in all respects as if this Act had not come into force.

Saving of applications before Visiting Committee.

**PART V – EMPLOYMENT AND
EARNINGS OF INMATES**

Application of
Part.

20. This Part does not apply to untried inmates and inmates under sentence of death.

Work Release
Scheme.

21. (1) Notwithstanding the provisions of section 43, the Commissioner may, after prior approval of the Review Board, grant a licence to an inmate to be gainfully employed in an extramural work programme (referred to as the “Work Release Scheme”) —

(a) by an employer approved by the Review Board; and

(b) between such hours in the forenoon and such hours in the afternoon (other than on Sundays or Public Holidays) as may be prescribed by the Review Board.

(2) An inmate who has been granted a licence pursuant to subsection (1) shall at all times —

(a) remain under the supervision of a correctional officer; and

(b) be subject to any conditions imposed under subsection (1) or by any rules made under this Act.

(3) The Commissioner may at any time revoke a licence issued under this section and shall not incur liability for any loss suffered by the employer as a result.

(4) A person employing an inmate under this Part shall, if requested by the Commissioner, render a report on the conduct of the inmate in accordance with the prescribed form.

Earnings of
inmates.

22. (1) The earnings payable to an inmate for work done shall be paid to the Commissioner by the inmate’s employer to the credit of the inmate and such sums remaining after the deduction of any administrative and banking fees, shall be deposited in an account with a recognised financial institution (titled the “Inmates Work Release Account”).

(2) The Review Board may, on the recommendation of the Commissioner, authorise for any earnings paid to the Commissioner to the credit of an inmate, to be applied or paid in accordance with regulations made hereunder.

(3) The Commissioner shall cause to be furnished to every inmate who is entitled to earnings, a financial statement on a quarterly basis —

- (a) specifying the amount earned;
- (b) giving details of the manner in which such sums are applied in accordance with this Part;
- (c) showing the remaining amount due to the inmate; and
- (d) showing the total balance standing to the credit of the inmate.

(4) Where an inmate is aggrieved by a decision of the Review Board, he may appeal the decision to the Minister.

(5) On appeal, the Minister may —

- (a) confirm the decision of the Review Board; or
- (b) direct the Review Board to vary its decision.

23. (1) An inmate authorised to be outside a correctional facility for a purpose under section 21 or 43, shall whilst outside the correctional facility be deemed to be in lawful custody under sentence of imprisonment and if the inmate fails —

Failure to return to correctional facility.

- (a) to go to such place of employment or engagement;
- (b) to remain at such place of employment or engagement during the hours of such employment; or
- (c) to return to such facility in accordance with the conditions of the licence granted to him,

he shall be deemed to have escaped under the provisions of section 444 of the Penal Code.

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(2) An employer shall not be deemed to have the custody of an inmate within the meaning of section 442 of the Penal Code.

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PART VI – REMOVAL AND DISCHARGE OF INMATES

24. (1) The Commissioner or the Administrator (in the case of a Family Island), may, on the direction in writing from the medical officer, cause any sick, diseased or insane inmate to be removed from a correctional facility

Removal of inmate to hospital or other suitable place.

to any public hospital or other suitable place for medical treatment for so long as may be necessary.

(2) Any time during which an inmate is confined pursuant to subsection (1), such time shall be counted as part of that inmate's term of sentence or remand.

Removal of inmates in case of emergency.

25. (1) Where —

- (a) a contagious disease occurs in a correctional or holding facility;
- (b) any correctional or holding facility is destroyed by fire; or
- (c) any other emergency or situation occurs in relation to a correctional or holding facility,

the Minister, or the Administrator in the case of a Family Island, shall take such steps as he thinks fit to protect life, health and property and may issue such directions in writing for the segregation, confinement or relocation of inmates from one correctional or holding facility to another or to such other place for such period of time as may be specified in writing.

(2) The Administrator shall report to the Minister without delay the circumstances that have occurred under subsection (1) and shall be subject to any further directions issued by the Minister.

Attendance of inmate in accordance with directions of court.

26. The officer in charge of a correctional facility shall comply with any direction given by the court in accordance with section 69, 133 or 147 of the Criminal Procedure Code, for the attendance of an inmate —

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- (a) required for trial in respect of an offence;
- (b) to give evidence;
- (c) to be present at the taking of any deposition;
- (d) to be further remanded; or
- (e) for such other matter as the court may require.

Remission for good conduct.

27. (1) Every inmate shall, upon admission, on warrant, be credited with the full amount of remission he could earn being one third of his sentence.

(2) The Commissioner may forfeit such portion of an inmate's remission, as a punishment for bad conduct or any offence against discipline as the Commissioner may determine.

(3) With a view to encouraging good conduct and industry and to facilitating the reformatory treatment of inmates, the Governor-General may, on the recommendation of the Commissioner —

- (a) grant to an inmate (whether under one sentence or consecutive sentences) for a period exceeding one month, remission of such part of his sentence on the ground of good conduct;
 - (b) grant further remission to an inmate on special grounds such as exceptional merit or permanent ill health.
- (4) No —
- (a) inmate who has served more than two custodial sentences;
 - (b) civil inmate;
 - (c) inmate who has been convicted for an offence under the Dangerous Drugs Act, Firearms Act, Sexual Offences Act or any other law that rescinds the remission of a term of imprisonment by reason of good conduct and industry,

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shall be eligible for remission of sentence.

(5) On the discharge of a person from a correctional facility in pursuance of any such remission as aforesaid, his sentence shall expire.

(6) For the purposes of this section, “civil inmates” means any person ordered to be imprisoned under any civil or admiralty process issuing out of any court.

28. (1) No inmate shall be released before the expiration of his sentence except as provided for under this Act.

Release of inmates on expiration of sentence.

(2) The release of an inmate shall take place between the hours of 8:00 a.m. and 4:00 p.m.

(3) Where an inmate would on the expiration of his sentence, but for this section, be released on a Saturday, Sunday or public holiday, he shall be released on the previous working day.

(4) Where an inmate is released from a correctional facility situated outside the island in which he was convicted or resident, that inmate shall be entitled to be returned to that island or his place of residence as the case

may be and such reasonable expenses shall be paid from the consolidated fund.

(5) Where an inmate is released from a correctional facility and the inmate has no lawful status to remain in The Bahamas, that inmate shall be referred to the relevant authority for deportation.

(6) Upon the release of an inmate at the expiration of his sentence, the Commissioner shall make available to that inmate such sums standing to the credit of the inmate in accordance with section 22.

PART VII – RELEASE OF INMATES ON LICENCE

Power of Governor-General to grant licence to inmate to be at large.

29. (1) The Governor-General may grant to any inmate a licence to be at large within The Bahamas, or in such part thereof as is in such licence expressed, during such portion of his term of imprisonment and upon such conditions as the Governor-General may deem fit.

(2) In the exercise of the powers conferred upon him by this section the Governor-General shall, in accordance with paragraph (2) of Article 90 of the Constitution, act in accordance with the advice of the Minister designated by him, acting in accordance with the advice of the Prime Minister.

(3) In accordance with Article 92(2) of the Constitution, the Minister may consult with the Advisory Committee on the Prerogative of Mercy before tendering any advice to the Governor-General in accordance with paragraph (2) of Article 90 of the Constitution, in any case not falling within paragraph (1) of Article 90.

(4) So long as such licence continues in force and unrevoked, such inmate shall not be liable to imprisonment by reason of his sentence, but shall be allowed to go and remain at large, according to the terms of such licence.

Apprehension of inmate where licence revoked.

30. (1) The Governor-General may at any time revoke or alter a licence granted under section 29.

(2) In the case of the revocation of a licence, the Governor-General may by order in writing signify to the court that such licence has been revoked, and require the court to issue a warrant for the apprehension of the inmate to whom such licence was granted, and such court shall issue his warrant accordingly.

(3) A warrant may be executed by any officer to whom it may be directed or delivered for that purpose in any part of The Bahamas, and shall have the same force in any place within The Bahamas as if it had been originally issued, or subsequently endorsed, by the court or other authority having jurisdiction in the place where the same is executed.

(4) For the purposes of this Part, “court” means any court of competent jurisdiction within The Bahamas.

31. (1) The inmate, when apprehended under such warrant, shall be brought, as soon as conveniently may be, before the court by whom it had been issued.

Apprehended inmate to be brought up for recommitment.

(2) The court shall issue a warrant for the recommitment of the inmate to the correctional facility from which he was released by virtue of the said licence.

(3) Once recommitted, the inmate shall be liable to be imprisoned for such further period as, with the time during which he may have been imprisoned under the original sentence, and the time during which he may have been at large under an unrevoked licence, is equal to the period mentioned in the original sentence.

32. If an inmate to whom a licence has been granted under section 29 —

Penalty for breach of conditions of licence.

- (a) violates any condition therein;
- (b) goes beyond the limits specified in the licence; or
- (c) knowing of the revocation of such licence, neglects forthwith to surrender himself, or conceals himself, or endeavours to avoid being apprehended,

he shall be liable to be sentenced to imprisonment for a period not exceeding the full period of imprisonment mentioned in the original sentence, by the court that originally passed sentence.

PART VIII – OFFENCES

33. Any inmate who —

- (a) escapes or attempts to escape —
 - (i) from a correctional or holding facility;
 - (ii) during the time of his conveyance to or from a correctional or holding facility; or

Escape or attempted escape by inmate.

- (iii) whilst he is permitted to be outside any correctional facility pursuant to any provisions under this Act; or
- (b) commits any breach within a correctional or holding facility with intent to escape;
- (c) removes or attempts to remove or tampers with an electronic monitoring device, with the intent to escape,

commits an offence and is liable on summary conviction to imprisonment for a term not exceeding two years and to a fine not exceeding four thousand dollars or to both that fine and imprisonment.

Various offences by inmate.

34. Any inmate who —

- (a) assaults another inmate or a visitor to a correctional facility;
- (b) sexually assaults another inmate or a correctional officer;
- (c) offers a bribe to a correctional officer;
- (d) mutinies or incites other inmates to mutiny;
- (e) wilfully damages any part of a correctional facility or any property therein; or
- (f) interferes or tampers in any way with locks, fastenings or other property without proper authority,

commits an offence and is liable on summary conviction to imprisonment for a term not exceeding two years.

Wilfully permitting inmate to escape.

35. Every person having the custody of an inmate, who knowingly and wilfully allows him to escape, commits an offence and is liable on summary conviction to imprisonment for a term not exceeding two years.

Negligently permitting inmate to escape.

36. Every person having the custody of an inmate, who, through negligence or carelessness, allows any inmate to escape, commits an offence and is liable on summary conviction to imprisonment for a term not exceeding one year or to a fine not exceeding two thousand dollars or to both that fine and imprisonment.

Assaulting or resisting correctional officer.

37. Any person who —

- (a) assaults or resists any correctional officer in the execution of his duty;
- (b) aids or incites any person so as to assault or resist any such officer,

commits an offence and is liable on summary conviction to imprisonment for a term not exceeding two years or to a fine not exceeding two thousand dollars or to both that fine and imprisonment.

38. Any person who —

- (a) aids any inmate in escaping or attempting to escape from a correctional or holding facility;
- (b) with intent to facilitate the escape of any inmate—
 - (i) conveys anything into a correctional or holding facility or to an inmate;
 - (ii) places anything anywhere outside a correctional or holding facility with a view to its coming into the possession of an inmate,

Assisting inmate to escape.

commits an offence and is liable on summary conviction to imprisonment for a term not exceeding five years.

39. Any person who —

- (a) knowingly harbours an inmate who has escaped from a correctional or holding facility;
- (b) gives an inmate any assistance with intent to prevent, hinder or interfere with his being retaken into a correctional or holding facility or custody,

Assisting escaped inmate.

commits an offence and is liable on summary conviction to imprisonment for a term not exceeding five years or to a fine of two thousand dollars or to both that fine and imprisonment.

40. (1) Any person who unlawfully —

- (a) brings or attempts to bring into a correctional facility, or to an inmate, any prohibited article;
- (b) places any prohibited article anywhere outside a correctional facility with intent that it shall come into the possession of an inmate;
- (c) allows any prohibited article to be sold or used in a correctional facility,

Prohibited articles.

commits an offence and is liable on summary conviction to imprisonment for a term not exceeding five years or to a fine not exceeding five thousand dollars.

(2) For the purposes of this section, “prohibited article” includes —

- (a) spirituous or fermented liquor;
 - (b) tobacco or cigarettes;
 - (c) prescription or illegal drugs;
 - (d) cellular phones, money or letters (written or electronic);
 - (e) weapons or tools; or
 - (f) any other article likely to be prejudicial to the life or safety of any person or to facilitate any escape from a correctional facility or to be used for purposes prejudicial to the discipline of such facility.
- (3) Any inmate who —
- (a) receives or is found to have in his possession a prohibited article;
 - (b) uses a prohibited article to commit or attempt to commit an offence,

commits an offence and is liable on summary conviction to a term of imprisonment not exceeding five years.

(4) The Commissioner shall dispose of any prohibited article in a manner that he deems fit.

Display of notice of penalties for breaches.

41. The Commissioner shall cause to be affixed in a conspicuous place outside each correctional facility, a notice stipulating the penalties for the commission of offences under the Act.

Persons unlawfully at large.

42. (1) A person who, after being temporarily released, shall be deemed to be unlawfully at large if —

- (a) the period for which he was temporarily released has expired; or
- (b) an order recalling him has been made by the Minister.

(2) Any person who is unlawfully at large, may be arrested by a peace officer or correctional officer without warrant and taken to the place in which he is required to be detained.

(3) Where any person sentenced to imprisonment at any time during the period for which he is liable to be detained in pursuance of a sentence is absent from a correctional facility, otherwise than with lawful authority, then, no account shall be taken in calculating the period for which he is liable to be so detained of any time during which he is so absent.

PART IX – MISCELLANEOUS

43. (1) Where an inmate has completed at least one-third of his sentence and has less than two years remaining, the Commissioner may make recommendation to the Review Board to authorise the inmate to be granted day release to enable the inmate —

Powers of Review Board to order day release.

- (a) to engage in work which he is directed to carry out;
- (b) to receive instruction or training in a programme established under section 46(2) or at an accredited institution approved by the Commissioner; or
- (c) to participate in a church service or programme,

to promote the success of reintegration of that inmate into society.

(2) Prior to any recommendation being made under subsection (1), the Commissioner shall take into consideration —

- (a) the length of the sentence of the inmate;
- (b) the general conduct of the inmate while in custody;
- (c) the cooperation of the inmate;
- (d) any concerns relative to the protection of victims and witnesses in relation to any case; and
- (e) whether the release of the inmate would be likely to undermine public confidence in the administration of justice.

(3) No order granted under this section shall amount to a pardon or remission of sentence.

44. The Minister may —

- (a) investigate the conduct of any correctional officer in relation to the treatment of inmates;
- (b) communicate directly with any inmate regarding any matter referred to in paragraph (a);
- (c) from time to time, appoint a chaplain to the Department; and
- (d) advise on all other matters concerning the management of correctional facilities.

Powers of Minister.

45. (1) Where an inmate is temporarily released, discharged or removed for any purpose under this Act, the

Electronic monitoring of inmates.

Commissioner may subject that inmate to electronic monitoring while so released, discharged or removed.

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(2) The provisions of rule 9(1), 10, 11 and 16 of the Penal Code (Electronic Monitoring) Rules shall apply *mutatis mutandis* to electronic monitoring carried out under this section.

Establishment of development programmes for inmates.

46. (1) The Commissioner shall cause every inmate to be assessed by a board (“known as the Classification Board”), at the time of his admission into a correctional facility and periodically thereafter to determine the educational, technical, vocational and other needs of that inmate.

(2) The Commissioner shall cause to be established programmes of academic, vocational and technical training, continuing education and counselling services for the development and rehabilitation of all inmates.

(3) The Commissioner may cause to be established separate programmes for untried inmates.

Notification of death, illness or transfer of inmate.

47. (1) Upon the death of an inmate, the Commissioner shall immediately notify —

- (a) the Minister;
- (b) the coroner;
- (c) the spouse of the inmate, and where none exist, the next of kin or such other person whom the inmate has requested to be so informed; and
- (d) where relevant, the court.

(2) Upon —

- (a) the serious illness of, or serious injury to an inmate;
- (b) the removal of an inmate to an institution for the treatment of mental afflictions; or
- (c) an inmate sustaining injuries in a serious accident,

the Commissioner shall as soon as practicable —

- (i) notify the spouse of the inmate, and where none exist, the next of kin or such other person whom the inmate has requested to be so informed; and
- (ii) cause a written report to be prepared providing the details concerning the illness.

(3) In the event of death of an inmate, the Commissioner shall cause an inquiry to be carried out as soon as practicable and a written report prepared and submitted to the Minister outlining the details surrounding the death.

48. Where —

- (a) a warrant for imprisonment is granted;
- (b) a sentence of imprisonment is pronounced by any court,

Return of warrants for sentences of imprisonment.

a return thereof shall be made by the clerk of the court to the Commissioner at such time and in such form as the Minister may determine.

49. (1) The Commissioner shall establish a Training Advisory Board consisting of the Deputy Commissioner, two Assistant Commissioners and such other persons as may be appointed by the Commissioner, the total composition of the Board not to exceed six persons, one person being a representative of the Correctional Officers Staff Association (formerly known as the “Prison Officers Association”).

Training Advisory Board.

(2) The Training Advisory Board shall be responsible for —

- (a) identifying the staffing needs of the Department;
- (b) developing continuous staff improvement programmes and training schedules, both locally and internationally;
- (c) making recommendations to the Commissioner in respect hereof;
- (d) establishing rank examinations and prerequisites for promotion.

50. The Minister shall lay upon the table of each House of Parliament in every year a report outlining —

Report.

- (a) the progress and condition of the Department;
- (b) the measures adopted by the Department in the discharge of its duties and powers;
- (c) the financial expenditure and receipts of the Department during the previous year; and
- (d) the demographics of the inmate population.

51. The Minister may make rules providing generally, for the effective administration of this Act, for the good management and government of correctional

Rules.

facilities and for the conduct of the officers thereof and in particular —

- (a) for the treatment and safe custody of inmates;
- (b) for the classification, diet, clothing, maintenance, employment, discipline, punishment, instruction and correction of inmates;
- (c) for the manner in which petitions by inmates shall be submitted;
- (d) for the special treatment of any person detained in a correctional facility, not being a person serving a sentence imposed on conviction of an offence;
- (e) for the discipline of correctional officers including the definition of disciplinary offences and for the procedure to be followed in hearing and determining disciplinary offences against such officers;
- (f) for the award of medals, badges or other awards to officers for such services or acts as may be prescribed and for the wearing of such medals, badges or awards;
- (g) for regulating the carrying out of the execution of the judgement of death and for guarding against abuse in such execution and for giving greater solemnity to the same;
- (h) for the formalities of the Review Board and for matters relating to their functions;
- (i) for the temporary release of persons serving a sentence of imprisonment or detention;
- (j) for the procedures to be followed for offences under the Act; and
- (k) for the better carrying into effect of the provisions and purposes of this Act.

52. *Repealed.*

(2) *Repealed.*

(3) Any reference to any of the words substituted in subsection (2) in any other written law in force immediately before the commencement of this Act, shall from the commencement of this Act, be read and construed as a reference to the words as substituted under this Act.

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amendments.
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(4) Any reference to the words “prison”, “prisoner” or “prison officer” in any other written law in force immediately before the commencement of this Act, shall from the commencement of this Act, be read and construed as a reference to the words “correctional facility”, “inmate” or “correctional officer”, respectively.

FIRST SCHEDULE (Section 2)**DESCRIPTION OF HER MAJESTY'S PRISON**

ALL THAT certain lot piece or parcel of land containing by admeasurement Seventy Four Acres and Two Hundred and Sixty Seven Thousandths of an Acre (74.267 Acres) or thereabouts situate at the junction of Fox Hill and Yamacraw Roads in the Eastern District of the Island of New Providence **ABUTTING AND BOUNDING** towards the **NORTH** on Sandilands Rehabilitation Centre towards the **EAST** on a forty (40) feet wide road reservation towards the **SOUTH** on Yamacraw Road **SAVE AND EXCEPT** all that piece parcel or tract of land containing by admeasurement Three Acres and Seventy Eight Hundredths (3.78) of an acre or thereabouts being a parcel of land in the vicinity of Her Majesty's Prison compound situate East of Fox Hill Road and North of Yamacraw Road in the Eastern District of the Island of New Providence in The Commonwealth of The Bahamas **ABUTTING AND BOUNDING** towards the **NORTH** on land the property of The Bahamas Government (Her Majesty's Prison Compound) towards the **SOUTH** partly on Yamacraw Road and partly on land the property of The Bahamas Government (Her Majesty Prison Compound) towards the **EAST** on land the property of The Bahamas Government (Her Majesty's Prison Compound) and towards the **WEST** on land the property of The Bahamas Government (Her Majesty's Prison Compound) or however the same may About and Bound which said piece parcel or tract of land.

SECOND SCHEDULE (Section 12)

	Old Title	New Title
(I)	Superintendent	Commissioner
(II)	Deputy Superintendent	Deputy Commissioner
(III)	Assistant Superintendent	Assistant Commissioner
(IV)	Chief Officer	Chief Corrections Officer
(V)	Principal Corrections Officer	Principal Corrections Officer
(VI)	Prison Sergeant	Corrections Sergeant
(VII)	Prison Corporal	Corrections Corporal
(VIII)	Prison Officer	Corrections Officer
(IX)	Prison Recruit	Trainee Correctional Officer

THIRD SCHEDULE (Section 14)**TERMS AND CONDITIONS OF EMPLOYMENT**

Conditions of service and appointment of subordinate correctional officers.

1. (1) A subordinate correctional officer shall be selected by the Commissioner and on first appointment shall —

- (a) not be less than eighteen years of age;
- (b) not be older than thirty years of age;
- (c) possess the minimum requisite academic qualifications;
- (d) be of good character;
- (e) be passed as medically and physically fit for the duties of his office.

(2) Subject to the provisions of this Act, a subordinate correctional officer shall be appointed for one year on probation, and may be reappointed for a successive period of five years until the completion of thirty years of service or the attainment of the age of fifty years, whichever event shall first occur.

(3) Notwithstanding subsection (2), a subordinate correctional officer may be re-engaged successively from year to year —

- (a) for a period not exceeding a total of ten years after the completion of thirty years of service; or
- (b) at the attainment of the age of fifty years as aforesaid,

but a person shall only be re-engaged if he is physically fit and recommended by the Commissioner for re-engagement.

(4) A subordinate correctional officer wishing to be re-engaged pursuant to subsection (3), shall apply in writing to the Commissioner not less than three months before the date on which the subordinate correctional officer is to retire.

Pensionable status of certain officers.

2. (1) Every officer in the Department of Correctional Services other than a subordinate correctional officer or other contract officer shall be deemed to be serving in a pensionable office.

(2) The whole continuous service of every such officer in the Department of Corrections Service as is referred to in subsection (1) other than leave without salary and any previous service during which such officer has received both salary and pension or gratuity under section 13 of the Public Service Act or the provisions of the Pensions Act as the case may be, shall be deemed to be pensionable service for the purposes of the Pen-

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sions Act whether the whole or of any such service was pensionable or otherwise.

- 3.** Any subordinate correctional officer who — Desertion.
- (a) having signed an engagement to serve under the Department of Corrections for a specified period; and
 - (b) deserts or leaves his place of duty without lawful permission before his term of engagement has expired; or
 - (c) deserts or leave or fails to attend his place of duty with the intention of remaining permanently absent from duty without lawful authority,

commits an offence and is liable on summary conviction to a fine of two thousand dollars or to six months imprisonment or to both such fine and imprisonment.

4. (1) All fines imposed under the provisions of this Act for any offence against discipline by a correctional officer shall be paid to an account (to be called the “Officers Welfare Account”) and such funds shall be placed to the credit of the Deposits Fund. Fines credited to Deposits Fund.

(2) The Commissioner may authorise payments from the Deposits Fund for —

- (a) assistance to the widows or widowers or families of deceased subordinate correctional officers or to any subordinate correctional officer discharged from the correction service as medically unfit, if such widows or widowers, families or subordinate correctional officers are in destitute or necessitous circumstances;
- (b) assistance in case of long continued illness of a subordinate correctional officer involving loss or suspension of pay;
- (c) assistance in case of illness of a subordinate correctional officer’s family or those dependant upon him or in any similar case of unusual expense caused by illness, which the officer is called upon to bear;
- (d) payments to subordinate correctional officers as rewards for meritorious acts of service in the execution of duty, if such payments are not met from the revenue of The Bahamas;
- (e) contributions towards prizes to be given at authentic meetings and similar events organized by or for the benefit of the Department of Corrections;
- (f) expenditure for the benefit and advancement of authorised recreation and sport and other branches of

welfare activity organised under The Bahamas Department of Corrections.

Gratuity in respect of death of correctional officer in course of duty.

5. (1) Where the death of a correctional officer is the direct result of an injury received during the course of his employment, it shall be lawful for the Governor-General, acting in accordance with the advice of the Public Service Commission, to award to the dependents of such deceased correctional officer, in such proportions as may be advised, a sum equal to two years salary which such deceased correctional officer was receiving at the time of his death.

(2) In addition to subsection (1), where a correctional officer dies as a result of injuries received —

- (a) in the actual discharge of duty; and
- (b) in circumstances in which the injury is not wholly or mainly due to, or seriously aggravated by, his own serious and culpable negligence or misconduct; and
- (c) on account of circumstances specifically attributable to the nature of his duty, while in the course of his duty,

it shall be lawful for the Governor-General to grant the following —

- (i) where the deceased officer leaves a widow, and no children, a pension to her while unmarried at a rate not exceeding three fourths of the deceased officer's annual pay at the date of injury;
- (ii) where the deceased officer leaves a widow and a child or children, a pension to the widow at a rate not exceeding one fourth of the officer's annual pay at the date of injury and a pension in respect of each child, until such child attains the age of eighteen years, of an amount not exceeding an aliquote of the salary at the date of the injury;
- (iii) where the deceased officer leaves a child or children, but does not leave a widow, a pension in respect of each child, until such child attains the age of eighteen years, of an amount not exceeding an aliquote part of the deceased officer's annual pay at the date of injury;
- (iv) where the deceased officer leaves a child or children and a widow to whom a pension is granted and the widow subsequently dies, a pension in respect of each child, as from the date of the death of the widow and until such

child attains the age of eighteen years, of an amount not exceeding an aliquote part of the annual pay at the day of the injury;

- (v) where the deceased officer does not leave a widow, and if the deceased mother or where the mother is dead, the deceased father, was wholly or mainly dependent on the deceased for support, a pension to the mother, while without adequate means of support, or where the mother is dead, the deceased father, while without adequate means of support, at a rate not exceeding one fourth of the deceased annual pay at the date of his injury;
- (vi) where the deceased officer leaves a widow to whom a pension is granted under this paragraph and no children and a mother, or where the mother is dead, a father, who was wholly or mainly dependent on the deceased at the time of his death, a pension to the mother, or, where the mother is dead, the father, while without adequate means of support, of an amount not exceeding one fourth of the deceased annual pay;
- (vii) in any case which in the opinion of the Minister is one of hardship, a gratuity to any person or persons to whom a pension may be granted in accordance with the provisions of this section, so, however, that such gratuity or, where more than one gratuity is granted, the aggregate of such gratuities shall not exceed a sum equal to one year's pay of such officer at the date of the injury.

(3) A pension granted to a child under this section shall cease upon the marriage of such child under the age of eighteen years and the amount of the pension shall not be divided amongst the remaining children.

(4) In the case of a pension granted to the father of a deceased officer under either paragraph (2)(v) or paragraph (2)(vi), if it appears to the Minister, at any time that the father is adequately provided for with other means of support such pension shall cease as from such date as the Minister may determine.

(5) Notwithstanding that a pension to a child of a deceased officer should cease when such child attains the age of eighteen years, if such child was incapacitated at the time of the deceased death and was wholly or mainly dependent on the deceased, the Minister may, in his discretion, grant, or, as the case

may be, authorise the continued payment after attainment of the age of eighteen years of, a pension in respect of such child, during the period of incapacity or for such period as the Minister may, in his discretion, determine and the Minister may, in his discretion, increase or reduce the amount of pension payable in respect of such child, to such amount as the Minister thinks fit.

(6) In this paragraph, a reference to “widow” includes a reference to “widower”.

(7) Where an officer dies in the line of duty, every child of the correctional officer shall be entitled to free tertiary education up to a maximum of four years at The College of The Bahamas or at any other institution in The Bahamas approved by the Government.

(8) The dependent of any officer killed in the line of duty shall be entitled to free primary medical care at any Government medical facility in The Bahamas.

(9) Without prejudice to the foregoing, the Government may grant any combination of benefits to any dependent of a correctional officer killed in the line of duty prior to the commencement of this Act.

(10) For the purposes of this paragraph, unless the contrary intention appears —

(a) the word “child” includes —

(i) a posthumous child;

(ii) a child of the family, a child deemed to be a child of the family or a child born out of wedlock before the date of the injury and wholly or mainly dependent upon the deceased for support; and

(iii) an adopted child, adopted in a manner recognised by law, before the date of the injury and wholly or mainly dependent upon the deceased for support;

(b) references to an officer being injured in the circumstances referred in subparagraph (2)(a), (b) and (c) and to the date on which an injury is sustained shall respectively be construed as including references to his contracting a disease to which he is exposed specifically by the nature of his duty, not being a disease wholly or mainly due to, or seriously aggravated by, his own serious and culpable negligence or misconduct and to the date on which contracted.

(11) For the purposes of subparagraph (2)(a), an officer who dies as a result of injuries received while travelling in pursuance of official instructions shall be deemed to have died in the circumstances detailed in subparagraph (2)(a) and (c).

(12) The Minister may take into account in such manner and to such extent as he may think fit against any award made under this paragraph —

- (a) any damages that he is satisfied have been or will be recovered by the dependents of a deceased officer consequent on the injury to the officer which resulted in his death; and
- (b) any benefits that have been or may be awarded to such dependents under the National Insurance Act or any insurance maintained by the Government in respect of such injury,

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and the Minister may withhold or reduce the award accordingly.

(13) Nothing in this section shall authorise the making of an award where the date on which an injury is sustained is more than seven years prior to the date of the officer's death.

(14) For the purposes of this section, a “dependant” means a person —

- (a) who is under the age of eighteen years; or
- (b) who having attained the age of eighteen but not twenty-five years, is either receiving full-time instruction at an educational establishment or undergoing training for a trade, profession or vocation in such circumstances that he is required to devote the whole of his time to that training; or
- (c) whose earning capacity is impaired through illness or disability of the mind or body.

6. (1) Reasonable funeral expenses shall be paid for in respect of a correctional officer who dies whilst in the execution of his duties.

Funeral expenses.

(2) All expenses payable under subparagraph (1) shall be paid out of the consolidated fund.

7. The employment and appointment of contracted officers shall be governed by the Public Service Act, Rules, Regulations and General Orders.

Appointment of contracted officers.

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8. (1) Correctional officers may form an association, and such association shall, subject to this Act be recognised by the Minister as an appropriate association for consultation and

Representation of correctional officers.

negotiation in respect of any matters concerning subordinate correctional officers.

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(2) An association formed pursuant to subparagraph (1) shall not be recognised as a trade union, within the meaning of the Industrial Relations Act.

(3) Prior to any consultations or negotiations under paragraph (1), the association shall liaise with the Commissioner.

(4) An association formed pursuant to subparagraph (1) shall, in consultation with the Commissioner, make Rules providing for the good governance of the association and for carrying out the objects of the association.

FOURTH SCHEDULE (Section 15)**COMPOSITION OF BOARD**

(1) The Board shall consist of seven members appointed by the Minister, of whom —

- (a) one shall be a registered medical practitioner;
- (b) one shall be a member of the clergy;
- (c) one shall be a member of the accounting profession;
- (d) one shall be a representative of the Department of Rehabilitative Services;
- (e) three persons (other than medical practitioners) shall be qualified as having had experience of or having shown capacity in matters relating to industry, commerce, finance, law or administration.

(2) The Minister shall appoint a Chairman and a Deputy Chairman of the Board from among members and, if the Chairman is absent or unable to act, the Deputy Chairman shall act as a Chairman during the time such absence or inability continues.

(3) A member shall, with the exception of the medical practitioner, hold office for a period of two years and shall be eligible for re-appointment, but a member shall not serve on a continuous basis for longer than four years.

(4) A member may at any time resign his office by instrument in writing addressed to the Minister and from the date of receipt by the Minister of that instrument, that member shall cease to be a member of the Board.

(5) If the Minister is satisfied that a member of the Board —

- (a) is incapacitated by physical or mental illness;
- (b) is otherwise unlikely or unfit to discharge the functions of a member of the Board;
- (c) has failed to satisfactorily perform his duties;
- (d) has been convicted of a criminal offence;
- (e) is or appears to have any conflict of interest in performing his duties, whether personally, finance or otherwise,

the Minister may declare his office as a member of the Board to be vacant and notify this fact in such manner as the Minister thinks fit, and thereupon that office becomes vacant.

(6) If any vacancy occurs in the membership of the Board, that vacancy shall be filled by the appointment of another member who shall, subject to this Schedule, hold office for the remainder of the period for which the previous member was appointed, however, that appointment shall be made from the same category of persons as the appointment of the previous member.

MEETINGS OF THE REVIEW BOARD

(1) The Review Board shall meet at least once each quarter at such time and place as the Chairman may determine.

(2) At every meeting of the Review Board, the Chairman shall preside and, in the absence of the Chairman, the Deputy Chairman shall perform the functions of the Chairman.

(3) The quorum for meetings of the Review Board shall be four.

(4) Subject to the provisions of this Act, the Board may regulate its own proceedings.

(5) All decisions at meetings of the Review Board shall be taken by a majority of the members present and voting and, in the event of an equality of votes, the Chairman shall have a casting vote.

(6) There shall be paid to the Chairman, the Deputy Chairman and each member of the Board such remuneration (if any), whether by way of honorarium or fees, and such allowances (if any) as the Minister may determine.

SECRETARY OF THE REVIEW BOARD

(1) The Chairman shall appoint a Secretary to the Review Board from among its members who shall be responsible for the minutes of the Review Board, and the Review Board shall be assisted in the discharge of its duties by such persons as the Commissioner may appoint.

(2) The Secretary of the Review Board shall establish and maintain —

- (a) a register containing the names and addresses of all members of the Review Board and members of any committee of the Review Board, including all employees, consultants and experts of the Review Board;
- (b) a minute book recording the minutes of all meetings of the Review Board;

-
- (c) proper books of accounts; and
 - (d) such other records or particulars with respect to the Review Board as the Board may deem fit.

CONFER WITH CONSULTANTS AND EXPERTS

(1) The Review Board may, with the approval of the Minister, confer with consultants and experts to assist in the performance of its functions.

(2) The consultants and experts voluntarily engaged under subsection (1) may be paid such gratuities as the Review Board may, after consultation with the Minister, approve.