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CORRECTIONAL SERVICES (INMATES) RULES

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CHAPTER 208**CORRECTIONAL SERVICES****CORRECTIONAL SERVICES (INMATES) RULES**
(SECTION 51)*S.I. 51/2014**[Commencement 18th August, 2014]*

1. These Rules may be cited as the Correctional Services (Inmates) Rules. Citation.

2. In these Rules — Interpretation.

“Act” means the Correctional Services Act; Ch. 208.

“Review Board” means the Correctional Services Review Board established under section 15 of the Act;

“Commissioner” means the Commissioner of The Bahamas Department of Correctional Services;

“Department” means The Bahamas Department of Correctional Services.

PART I - RULES OF GENERAL APPLICATION**RECEPTION, SEARCH, ASSESSMENT AND
RECORDING OF PARTICULARS**

3. This Part is of general application and shall apply unless otherwise specified. Application.

4. (1) No person shall be admitted to a correctional facility unless accompanied with a duly completed form of commitment. Hours and form of reception.

(2) No person shall be received at a correctional facility outside of the hours of 6:00 a.m. to 8:00 p.m. unless special permission is granted by the Commissioner.

5. (1) Every inmate shall on admission to a correctional facility be strictly and minutely searched by a correctional officer of the same sex, in the presence of another officer. Search and retention of property.

(2) All clothing and other personal effects shall be taken from an inmate on admission subject to any restrictions that the Commissioner may impose and the

details thereof shall be recorded in a book for such purposes by the receiving correctional officer and an inventory thereof of all such effects shall be signed for by the inmate.

(3) The Commissioner shall cause the entries referred to in paragraph (2) to be initialled for by the person receiving the inmate and such initials shall hold good as a receipt for such articles.

(4) The personal effects of an inmate shall be placed in safe custody for a period not exceeding thirty days or for such further period as the Commissioner may authorise and where such effects have not been collected on behalf of the inmate, the Commissioner may cause the disposal of same.

Taking of bath on admission and recording of particulars.

6. (1) Every inmate shall, having been searched in accordance with rule 5, be required to take a bath.

(2) The following particulars shall be taken on admission in respect of every inmate and recorded in such manner as the Commissioner may direct —

- (a) the name and age of the inmate, supported by some form of acceptable photo identification;
- (b) the height and weight of the inmate;
- (c) any unique birth or other marks on any part of the body of the inmate;
- (d) the religious denomination of the inmate, if any;
- (e) the highest level of education attained by the inmate;
- (f) the names and addresses of the persons he may wish to visit him; and
- (g) any other particulars of the inmate as may be relevant.

(3) It shall be lawful for any authorised correctional officer or authorised police officer to take and record for the purpose of identification, the measurements, photographs and fingerprint impressions of any person in lawful custody.

(4) Where any measurement, photograph and fingerprint impression has been taken from a person who —

- (a) has not previously been convicted of any criminal offence and criminal proceedings are not instituted against such person; or
- (b) is discharged or acquitted by a court,

all records of such measurement, photograph and fingerprint impression shall be forthwith destroyed in the presence of such person or handed over to such person or his legal representative.

7. Every inmate shall, as soon as possible after admission, be examined by the medical officer, who shall record — Medical inspection.

- (a) the state of health of the inmate; and
- (b) such other particulars as the Commissioner may request the medical officer to record.

8. (1) Every inmate shall, after examination by the medical officer, be assessed by the Classification Board to determine — Assessment of inmates by Classification Board.

- (a) the educational, technical and vocational needs of the inmate;
- (b) the strengths and weaknesses of the inmate;
- (c) the behavioural disposition of the inmate;
- (d) whether there are any security concerns with respect to the inmate;
- (e) whether there has been any substance abuse by the inmate; and
- (f) the suitability of a work or development programme for the inmate.

(2) Upon completion of the assessment, the inmate shall —

- (a) be placed in a Housing Unit;
- (b) outfitted with a wrist band; and
- (c) assigned a unique prison number.

(3) The Classification Board shall re-assess the needs of every inmate as specified in paragraph (1) not less than once per year.

ACCOMMODATION AND CARE OF INMATES

9. (1) Every inmate shall at the time of his admission be supplied with — Clothing, bedding and hygienic articles.

- (a) clean appropriate clothing, suitable for the climate and adequate to keep him in good health;
- (b) adequate bedding supplies and any additional bedding material considered necessary for

medical reasons and on the written recommendation of the medical officer;

- (c) hygienic articles as are necessary for health and cleanliness; and
- (d) a copy of these Rules.

(2) Arrangements shall be made for the replacement of any supplies or articles referred to in paragraph (1), when necessary.

(3) No further articles of any kind will be permitted to be received on behalf any inmate.

Accommodation.

10. (1) Every inmate shall be provided with sleeping accommodation either in a cell or a dormitory.

(2) When for medical or other special reason it is necessary for inmates to be associated, at least three inmates may be placed in one cell, and each inmate shall be supplied with separate bedding adequate for warmth and health.

(3) Every inmate shall keep his cell and his personal belongings issued for his use, clean and arranged as may be directed.

(4) Adequate bathing and shower installations shall be provided so that every inmate may be enabled and required to have a bath or shower, at a temperature suitable to the climate.

Food and drink.

11. (1) Every inmate shall be provided at the usual hours with food of nutritional value adequate for health and strength, of wholesome quality, well prepared, reasonably varied and sufficient in quantity.

(2) Any directions given by a dietician or medical officer in respect of an inmate shall be observed.

(3) At least one litre of drinking water shall be made available every day to every inmate.

(4) No inmate shall be allowed to have any intoxicating liquor.

Medical services.

12. (1) At every correctional facility, there shall be available at least one qualified medical officer.

(2) Sick inmates who require specialist treatment shall be transferred to specialised institutions or to a public hospital.

(3) Where hospital facilities are provided for in an institution, the equipment, furnishings and supplies shall be proper for the medical care and treatment of sick inmates.

(4) The services of a qualified dental officer shall be available to every inmate.

(5) The medical officer shall report to the Commissioner whenever he considers that an inmate's physical or mental health has been or will be injuriously affected by continued imprisonment or by any condition of imprisonment.

(6) The medical officer shall regularly inspect and advise the Commissioner upon —

- (a) the quantity, quality, preparation and service of food;
- (b) the hygiene and cleanliness of the facility and the inmates;
- (c) the sanitation, heating, lighting and ventilation of the facility; and
- (d) the observance of the rules concerning physical education and sports, in cases where there is no technical personnel in charge of these activities.

13. (1) Every inmate who is not employed in outdoor work shall have at least one hour a day, except for Saturdays, Sundays and Public Holidays, of suitable exercise in the open air if the weather permits, unless a medical officer orders otherwise.

Exercise and sports.

(2) Authorised inmates may be permitted to participate in a sporting programme approved by the Commissioner.

14. (1) Inmates shall be required to keep their person clean and they shall be provided with water and with such toilet articles as are necessary for health and cleanliness.

Personal hygiene.

(2) In order that inmates may maintain a good appearance —

- (a) the hair of a female inmate, shall not be cut without her consent except on account of vermin or dirt or when the medical officer deems it requisite on the grounds of health;
- (b) the hair of a male inmate, shall be given a standard cut on reception, and from time to time as is deemed necessary.

(3) Where an inmate wears a beard or moustache, he shall be shaved, unless, the medical officer deems it necessary on the grounds of health and cleanliness, that his hair should not be cut closer than may be necessary for such purpose.

Smoking.

15. (1) No inmate shall be permitted to smoke in a Housing Unit at any time.

(2) The Commissioner may designate times and areas within a correctional facility, where smoking will be permitted.

VISITATION

Visitation days and hours.

16. (1) The designated visiting days and hours for inmates shall be Mondays, Wednesdays and Fridays (except on Public Holidays), between the hours of 1:30 p.m. to 4:30 p.m. and in particular in respect of —

(a) untried inmates, twice a week, on Mondays and Wednesdays;

(b) sentenced inmates, once a month, on Fridays,

not exceeding one hour in duration.

(2) An inmate shall at the time of his admission provide the names and addresses of the person or persons as he may wish to visit him and no admission shall be granted to any person not so named.

(3) A list of the names of all permitted visitors of inmates shall be kept at the Security Processing Centre of the correctional facility.

(4) No more than three persons shall be allowed to visit an inmate at one time and all inmates shall be visited in the sight and hearing of a correctional officer.

(5) Except where otherwise stated, all visits shall take place in the presence of a correctional officer.

(6) The Commissioner may, in special circumstances as he thinks fit, allow an inmate to receive a special visit.

(7) All visitors to a correctional facility must produce an approved form of identification.

Search of all visitors and vehicles.

17. (1) Unless otherwise exempted by the Commissioner, all persons or vehicles entering or leaving a

correctional facility shall be thoroughly examined and searched.

- (2) Any person —
 - (a) suspected of having in his possession any prohibited article;
 - (b) refusing to be searched before being admitted;
 - (c) who fails to produce an approved form of identification, shall be denied entry in the correctional facility.

(3) Any person found to have in his possession whilst entering or leaving a correctional facility any prohibited article, commits an offence under section 40 of the Act.

18. (1) The legal representative of an inmate who is conducting any legal proceedings, civil or criminal, in which the inmate is a party, shall be permitted to see that inmate in reasonable facilities with reference to such proceedings, in the presence, but not in the the hearing of a correctional officer.

Visits by legal representatives.

(2) The legal representative of an inmate may, with the permission of the Commissioner, see such inmate with reference to any other legal business in the presence of a correctional officer.

(3) For the purpose of this and any special rule, “legal representative” shall be construed to mean the counsel and attorney-at-law of the inmate on record or the authorised clerk of such counsel.

19. (1) An authorised police officer may, having given prior notification to an inmate, and having received prior approval of the Commissioner, interview that inmate in person or by video link, in the presence of a correctional officer.

Visits by police officers.

(2) An inmate may, if he so desires, request the presence of his legal representative to be in attendance during an interview conducted in accordance with paragraph (1).

20. (1) Every inmate, including inmates under restraint or in confinement shall, so far as practicable, be regularly visited at proper and reasonable times by the chaplain.

Visits by chaplain.

(2) An inmate may on request to the Commissioner be visited by a minister of his religion at such time as may be authorised by the Commissioner.

Prohibited visitors.

21. Any person —

- (a) who has previously served a term of imprisonment, and has had no further convictions or matters pending within the last five years, may be permitted to admission as a visitor to a correctional facility;
- (b) who has served a term of imprisonment within the last five years, shall not be permitted admission as a visitor to a correctional facility, without the expressed written approval of the Commissioner.

Restrictions and flexibility on visits.

22. The Commissioner may —

- (a) impose any restriction upon and supervision over visits as he considers necessary for —
 - (i) securing discipline and good order;
 - (ii) the prevention of crime and criminal associations; and
 - (iii) the welfare of individuals; and
- (b) increase the frequency of visits for any particular inmate who is near the time for release, in order to better enable that inmate to reintegrate back into good family relations.

Viewing of correctional facilities.

23. (1) No person shall be permitted to observe or inspect a correctional facility unless authorised by the Commissioner.

(2) A person authorised under paragraph (1) shall not be permitted to —

- (a) take a photograph;
- (b) make a sketch; or
- (c) privately communicate with any inmate,

unless authorised by the Commissioner.

COMMUNICATIONS TO AND FROM INMATES

Letters written to or from inmates.

24. (1) The Commissioner shall cause every letter written to or from an inmate to be inspected by an authorised officer and it shall be within the discretion of the Commissioner where it has been brought to his

attention, to stop the transfer of any letter, for security reasons.

(2) The Commissioner may, in special circumstances, as he thinks fit, allow additional letters to be received or sent by an inmate.

(3) The Commissioner shall cause a log to be kept of all communications by or to an inmate.

25. (1) Any confidential written communication delivered to or received from an inmate's legal representative, may only be opened if the Commissioner has reasonable cause to believe that its contents —

Written communications to or from legal representatives.

- (a) contain an illicit enclosure;
- (b) can endanger security within the correctional facility or the safety of others; or
- (c) are of a criminal nature.

(2) An inmate shall be informed if any communication or enclosure has been stopped.

26. (1) The use of cellular phones are prohibited within a correctional facility.

Telephone communications.

(2) Pay telephones shall be placed in a correctional facility for inmates' use.

(3) An inmate may purchase phone cards at his own expense.

(4) All pay telephones shall have a periodic automated message thereon informing parties to the call that they are talking to an inmate at the Bahamas Department of Correctional Services and that the call is subject to monitoring.

(5) Authorised inmates shall be permitted to use a telephone at such times and for such periods as the Commissioner may direct.

27. The receipt of any parcel of food, bedding or other articles on behalf of an inmate is prohibited.

Receipt of parcels.

EDUCATION AND RELIGIOUS INSTRUCTION

28. (1) The Commissioner may make arrangements, for an inmate sentenced to a term of imprisonment exceeding six months, to attend educational classes.

Education.

(2) Reasonable facilities shall be provided to allow inmates who wish to improve their education by cor-

respondence courses, private study or practise in their leisure time, to do so.

(3) If necessary, special attention shall be paid to the education of illiterate inmates, within the hours normally fixed to work.

(4) Every inmate capable of advancement by the educational facilities provided shall be required to do so.

Library and
reading
materials.

29. (1) Every correctional facility shall have a library with appropriate reading material for the use of all categories of inmates and subject to any directions of the Commissioner.

(2) Every inmate shall have access to and be encouraged to make full use of the library.

(3) Inmates may, under such conditions as the Commissioner may determine, receive reading material from outside a correctional facility.

Religious needs.

30. So far as practicable, every inmate shall be permitted —

- (a) to satisfy the needs of his religious life by attending the divine services referred to in rule 31;
- (b) to have access to a representative of his religion;
- (c) to have access to books of religious observance and instruction of his religion or denomination.

Divine service.

31. (1) Divine service of an ecumenical nature shall be conducted for all inmates by the chaplain, or in his absence, such other person deputed by him and approved by the Commissioner —

- (a) at least once on every Sunday;
- (b) Christmas Day and Good Friday; and
- (c) on such other days as may be arranged.

(2) The Commissioner may permit Ministers of religion to conduct divine service in a correctional facility at such hours as may be fixed by him.

(3) The Chief Corrections Officer and inmates shall attend divine service on Sundays and on other days when service is celebrated, unless prevented by sickness or by other reasonable cause.

(4) If the correctional facility contains a sufficient number of inmates of a different religion, the Com-

missioner may authorise for services for such inmates to be held at such times as may be arranged.

32. Unless otherwise provided for, the chaplain shall read the burial service of an inmate. Burial service.

33. (1) The Commissioner shall communicate to the chaplain the objectives of the Department. Cooperation of chaplain.

(2) The chaplain shall communicate to the Commissioner —

(a) any concerns he may have with respect to his duties; or

(b) any abuse or impropriety which may come to his knowledge.

(3) Any chaplain who fails to cooperate with the objectives of the Department shall be relieved of his duties.

34. The chaplain shall submit during the month of January of each year, for inclusion in the annual report to the Commissioner, a report in writing with reference to his work during the preceding year. Annual report by chaplain.

SOCIAL RELATIONS AND AFTER CARE

35. From the beginning of the sentence of every inmate, consideration shall be given, in consultation with the Department of Rehabilitative Welfare Services, to the future of the inmate and the assistance to be given to him in the correctional facility and after his discharge. Future of inmate.

36. So far as is practicable, an inmate shall be encouraged and assisted to maintain or establish good social relations with persons or agencies outside the correctional facility as may promote the best interests of his family and the social rehabilitation of the inmate. Encouragement of good social relations.

DISCIPLINE AND PUNISHMENT

37. Discipline and order shall be maintained with firmness, but with no more restriction than is necessary for safe custody. Maintaining discipline.

38. The various categorisation of offences set out in Parts A, B and C of the First Schedule shall constitute a disciplinary offence by an inmate. Conduct constituting a disciplinary offence.

39. (1) Any conduct by an inmate constituting a disciplinary offence shall be reported forthwith by the Investigation of disciplinary offences.

respective officer and investigated immediately by the Internal Affairs Unit of the Department.

(2) No inmate shall be punished unless he has been informed of the offence alleged against him and given a proper opportunity of presenting his defence.

(3) Where an inmate is alleged to have committed an offence against another inmate, he shall be kept apart from that inmate until a final determination of the matter has been made.

FORMS OF PUNISHMENT

Forms of punishment which may be awarded.

40. (1) For the maintenance of good order and discipline, an Assistant Commissioner or his designate may award any one or more of the following forms of punishment to an inmate for the various categories of disciplinary offences as follows —

- (a) Level One offences —
 - (i) issuing a warning or reprimand;
 - (ii) removal from the extra-mural work programme or from a group;
 - (iii) removal from a programme established or authorised under the Act;
 - (iv) forfeiture of visitation or recreational privileges for thirty days;
 - (v) forfeiture of commissary privileges for thirty days;
- (b) Level Two offences —
 - (i) forfeiture of remission of sentence up to twenty-five per cent of remission time;
 - (ii) removal from the extra-mural work programme for a period not exceeding thirty days;
 - (iii) cellular confinement on full diet not exceeding fourteen days;
 - (iv) solitary confinement for a period not exceeding ten days;
 - (v) withdrawal of visitation or recreational privileges not exceeding sixty days;
 - (vi) impoundment of non-essential personal property not exceeding thirty days;
 - (vii) removal from a programme established or authorised under the Act; and

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- (c) Level Three offences —
- (i) forfeiture of the whole or part thereof of the remission of sentence;
 - (ii) referral of matter to the police for institution of criminal proceedings;
 - (iii) solitary confinement for a period not exceeding fourteen days;
 - (iv) temporary ineligibility from the extra-mural work programme at the discretion of the Commissioner;
 - (v) disciplinary transfer;
 - (vi) monetary restitution.
- (2) Cruel, inhumane or degrading forms of punishment are prohibited.
- (3) Every punishment awarded an inmate shall be recorded —
- (a) in a book kept for such purposes; and
 - (b) in the personal records of the inmate,
- and both records shall be initialled by the officer who awarded the punishment.

41. Every inmate undergoing cellular confinement shall be visited — Cellular confinement.

- (a) at least once a day by an authorised individual and at intervals of not more than three hours during the day; and
- (b) by the chaplain and medical officer, whenever these officers visit the correctional facility.

42. (1) No instrument or mechanical means of restraint shall be used on an inmate except as is provided for under this rule and as may be approved by the Minister. Necessity for restraint.

- (2) When it appears to the Commissioner that in order to prevent an inmate from —
- (a) escaping;
 - (b) injuring himself or others;
 - (c) damaging property; or
 - (d) creating a disturbance,

the Commissioner may order that the inmate be placed under mechanical restraint.

(3) The Commissioner shall cause the particulars of every case of mechanical restraint to be recorded forthwith.

(4) The Commissioner shall not put any description of iron on an inmate except to prevent rioting or concerted escapes by inmates at work either inside or outside the walls of a correctional facility, or from vehicles conveying them to and from work or in other cases of necessity, and he shall record particulars of every case.

Appeal.

43. (1) An inmate aggrieved by a decision of the Assistant Commissioner, may appeal the decision to the Commissioner.

(2) A decision by the Commissioner shall be final.

REMOVAL AND RELEASE OF INMATES

Removal of inmate.

44. (1) When an inmate is being removed to or from a correctional facility for an authorised purpose, that inmate shall be exposed to public view as little as possible and proper safeguards shall be adopted to protect him from insult, curiosity and publicity in any form.

(2) When an inmate —

(a) is employed outside the correctional facility;

(b) is receiving training in a programme established under the Act or at an approved accredited institution; or

(c) is required to attend court,

that inmate shall be permitted to wear his own clothing or other inconspicuous clothing.

Medical inspection of inmates to be released.

45. (1) So far as is practicable, every inmate shall be examined by the medical officer before being released.

(2) An inmate due for release who is suffering from any acute or dangerous illness shall, before the hour of release be transferred by order of the medical officer to the public hospital appropriate for the purpose of continuing treatment for such illness.

Inmates property on release.

46. (1) On the discharge of an inmate, all of his clothing and other personal effects taken from him at the time of his admission, shall be returned to him unless it has been found necessary on hygienic or other grounds to destroy or otherwise dispose of such, in which case, proper clothing shall be provided at the public expense.

(2) An inmate shall sign a receipt for any property returned to him on his release.

47. The case of every inmate serving a term of imprisonment of three years or more shall be reviewed by the Prerogative Board of Mercy every year subsequent to the inmate having served three years of his sentence, or at shorter periods if deemed advisable.

Review of long sentence.

COMPLAINTS AND PETITIONS

48. (1) Where an inmate requests to see the Commissioner or the Board, a record of the request shall be recorded by the correctional officer to whom the request was made.

Complaints and requests.

(2) The Commissioner shall, at a convenient hour on every day other than Saturdays, Sundays or public holidays, hear the applications of all inmates who have made a request to see the Board, and shall inform the Board at its next meeting of every such request made.

49. (1) Petitions from inmates shall be submitted to the Commissioner through the Assistant Commissioner or Chief Corrections Officers of the relevant unit who shall forward them through the usual channels with his comments to the Minister.

Petitions.

(2) An inmate who has petitioned and has not yet received a reply will not, except in special circumstances, be allowed to petition again during the same sentence until a reply is received.

(3) Replies to petitions shall in all cases be communicated to inmates individually, and not in the presence of other inmates.

(4) Whenever an inmate desires it, he may himself see the reply and he may be given an explanation of its effect and meaning.

PART II - RULES APPLICABLE TO SPECIAL CATEGORIES OF INMATES

50. This Part shall apply to special categories of inmates as are provided for hereinafter.

Application of Part II.

UNTRIED INMATES

Untried inmates
subject to rules in
Part I.

51. Untried inmates shall be subject to the rules of general application set out in Part I of these Rules, except so far as the same are inconsistent with the special rules applying hereunder.

Segregation.

52. As far as practicable, untried inmates shall be kept separate from convicted inmates.

Food, clothing
and toilet
articles.

53. (1) An untried inmate may elect to receive food from the facility's delicatessen or commissary at his own expense.

(2) An untried inmate shall wear clean assigned clothing distinct in colour from that of sentenced inmates.

(3) Subject to such conditions as the Commissioner may from time to time impose, an untried inmate may be supplied at his own expense or at the expense of relatives and friends with clothing.

(4) All items supplied in accordance with paragraph (3) shall be subject to strict examination.

(5) The Commissioner may withdraw any of the privileges referred to in this rule where he is satisfied of any abuse thereof.

Reading and
writing materials.

54. (1) An untried inmate shall be allowed all reasonable facilities, including the provision of writing materials, for communication by letter with his relatives or friends, or for conducting correspondence or preparing notes in connection with his defence.

(2) An untried inmate may elect to receive at his own expense reading or writing materials.

(3) An untried inmate may, on his request, receive any books, papers or documents required for preparing his defence.

Participation in
programmes and
employment.

55. (1) An untried inmate may —

(a) be exposed to educational programmes established pursuant to section 46 of the Act; or

(b) work in the service or industries of the Department.

(2) An untried inmate shall not be required to participate in the extramural work programme.

56. Where an untried inmate is detained in default of bail, he shall be permitted to communicate with relatives and friends for the purpose of securing bail —

- (a) between 9:00 a.m. to 4:00 p.m. on weekdays; or
- (b) by letter.

Default of bail.

57. An untried inmate may, for the purpose of his defence at his forthcoming trial, receive a visit from a registered medical practitioner selected by him, his relatives or friends, or his legal representative, under the same conditions as apply to a visit by his legal representative.

Visit from a doctor.

58. No untried inmate shall be denied privileges of visits and letters required for the purposes of securing bail or preparing a defence as a form of punishment.

Forfeiture of privileges.

INMATES UNDER CONVICTION OR SENTENCE

59. Inmates under conviction or sentence shall be subject to the rules of general application set out in Part I of these Rules, except so far as the same are inconsistent with the special rules hereunder.

Inmates under conviction or sentence subject to general rules of application.

60. Inmates admitted under conviction or sentence —

Visits.

- (a) for the first time, may be allowed to receive a visit once a month;
- (b) for a subsequent term or terms, may be allowed to receive a visit once every two months.

61. (1) Inmates admitted under conviction or sentence —

Letters.

- (a) for the first time, may be allowed to write a letter upon admission and thereafter once a month.
- (b) for a subsequent term or terms, may be allowed to write a letter upon admission and thereafter once every two months.

(2) This rule shall not apply when an inmate is subject to dietary restriction, close confinement or loss of privilege.

(3) The Commissioner may at any time communicate to an inmate, or to his relatives or friends, any matter of importance to such inmate, in case that inmate should not be eligible to write or receive a letter.

Hours of
mandatory
labour.

62. (1) Every convicted inmate shall be required to engage in useful work either within or outside the correctional facility compound for not more than eight hours a day, unless the Commissioner directs otherwise for security purposes.

(2) As far as practicable, at least six of the eight hours shall be spent outside the cell in associated or other work.

(3) An interval of one hour shall be allowed for lunch.

(4) The medical officer may excuse an inmate from work on medical grounds, and no inmate shall be required to engage in work where that inmate has been excused from work on medical grounds by the medical officer.

(5) The Commissioner may make arrangements for the avoidance of work by inmates on Saturdays and Sundays for religious purposes.

Employment in
extramural work
programmes.

63. (1) An inmate may be employed in the Work Release Scheme in accordance with the provisions of the Act.

(2) No inmate shall be employed —

(a) in any disciplinary capacity within the correctional facility;

(b) in any work not authorised by the Commissioner.

(3) A licence granted pursuant to section 21 of the Act, shall be in the form set out in Form 1 of the Second Schedule and such form shall contain the conditions of the grant of such licence.

(4) A report on the conduct of an inmate employed shall be made in Form 2 of the Second Schedule and such form shall —

(a) state the particulars of the employment; and

(b) rate the performance of the inmate.

Participation in
service or
industry of
correctional
facility.

64. (1) An inmate may be authorised to participate in work in one of the services or industries of the correctional facility.

(2) Every inmate authorised to participate in an industry pursuant to paragraph (1), shall be entitled to a monetary remuneration for his participation as may be determined by the Commissioner.

INMATES UNDER SENTENCE OF DEATH

65. Inmates under sentence of death shall be subject to the rules of general application set out in Part I of these Rules, except insofar as the same are inconsistent with the special rules applying to them.

Inmates under sentence of death subject to general rules of application.

66. An inmate under sentence of death shall —

Kept in cell.

- (a) be confined in a separate cell and kept apart from all other inmates;
- (b) be kept by day and by night in the constant charge physically or electronically of a correctional officer specially detailed for that purpose and in the case of a female inmate, female correctional officers; and
- (c) not be called upon to do any work but he shall be required to keep his cell area clean at all times.

67. An inmate under sentence of death —

Visits.

- (a) may be visited by such of his relations, friends and legal advisers as he desires to see and as are authorised to visit him by an order in writing from the Commissioner;
- (b) shall be allowed special facilities to correspond with his legal advisers, relatives and friends.

CIVIL INMATES

68. (1) Civil inmates shall be subject to the rules of general application set out in Part I hereof, except insofar as the same are inconsistent with the special rules applying to them.

Civil inmates subject to rules of general application.

(2) For the purposes of these Rules, a civil inmate is a person ordered to be imprisoned under any civil or admiralty process issuing out of any court.

69. (1) Subject to paragraph (2), civil inmates shall only be permitted to associate with other civil inmates.

Associations.

(2) Where owing to —

- (a) the small number of civil inmates;
- (b) the non-availability of suitable arrangements for the association of civil inmates among themselves,

then any such inmate may, if the Commissioner approves, be allowed to associate with untried inmates or with such

other classes of inmates as the Commissioner may from time to time determine.

Civil inmate may wear own clothing.

70. (1) A civil inmate may, with the consent of the Commissioner, wear his own clothing and may have necessary changes of his own underclothing supplied from time to time, in any case where the clothing is sufficient and suitable, and is, if the medical officer so requires, adequately disinfected.

(2) A civil inmate who does not wear his own clothes may be required to wear Department clothing assigned to untried inmates.

(3) The privilege of wearing one's own clothing may be forfeited by a civil inmate as a punishment imposed in respect of an offence against discipline, being an offence relating to escaping from lawful custody, assault or gross insubordination.

Payment *in lieu* of sentence.

71. Any person committed to a correctional facility in default of the payment of any sum which in pursuance of any conviction or order he is required to pay shall be allowed to communicate or to have an interview with any of his friends or relatives on any week day at any reasonable hour for the *bona fide* purpose of providing for the payment which would procure his release from the correctional facility.

FEMALE INMATES

Female inmates subject to rules of general application.

72. Female inmates shall be subject to the rules of general application set out in Part I, except insofar as the same are inconsistent with the special rules applying to them.

Attendants to female inmates.

73. Female inmates shall be attended to by female correctional officers only.

Female care.

74. (1) Where a female inmate is pregnant, there shall be special accommodation for all necessary pre-natal and post-natal care and treatment for that inmate.

(2) Arrangements shall be made wherever practicable for the child of the female inmate to be born in a public hospital.

(3) If a child is born in a correctional facility, this fact shall not be mentioned in the birth certificate of the child.

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- (4) Upon the giving of birth to a child by an inmate, the Commissioner shall cause arrangements to be made —
- (a) for the child to be cared for by relatives;
 - (b) for the child to be transferred to the Department of Social Services to be cared for; or
 - (c) for suitable accommodations for both the child and the mother as the Commissioner, in collaboration with the medical officer, thinks fit.

75. *Repealed.*

FIRST SCHEDULE

(Rule 38)

**CATEGORY OF OFFENCES CONSTITUTING A
DISCIPLINARY OFFENCE****PART A****LEVEL ONE OFFENCES**

1. Possessing unauthorised amount or otherwise unauthorised clothing
2. Making physical contact of a non-violent nature with a visitor without prior approval of the Commissioner

PART B**LEVEL TWO OFFENCES**

1. Refusing to —
 - (i) provide a urine sample or to take part in other drug-abuse testing
 - (ii) breathe into a breathalyser or take part in other testing for use of alcohol
2. Using narcotics, marijuana, drugs, or related paraphernalia not prescribed for the individual by the medical staff
3. Fighting with another inmate other than in self defense
4. Adulteration of any food or drink
5. Giving or offering an official or staff member a bribe, or anything of value
6. Demonstrating, practicing, or using martial arts, boxing (except for use of a punching bag), wrestling, or other forms of physical encounter, or military exercises or drill (except for drill authorised and conducted by staff)
7. Misusing authorised medication
8. Loaning property or anything of value for profit or increased gain

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9. Possessing anything not authorised for retention or receipt by the inmate, and not issued to him through regular channels
 10. Unexcused absence from work or any assignment
 11. Failing to perform work as instructed by the supervisor
 12. Insolence towards a staff member
 13. Lying or providing a false statement to a staff member
 14. Failing to follow safety or sanitation regulations
 15. Using any equipment or machinery contrary to instructions or posted safety standards
 16. Being unsanitary or untidy; failing to keep one's person and one's quarters in accordance with posted standards
 17. Possessing, manufacturing or introducing a non-hazardous tool or other non-hazardous contraband
 18. Smoking where prohibited
 19. Possessing property belonging to another person
 20. Malingering, feigning illness
 21. Tattooing or self-mutilation
 22. Conducting business

PART C

LEVEL THREE OFFENCES

1. Possessing, manufacturing, or introducing a firearm, ammunition, weapon, sharpened instrument, knife, dangerous chemical, explosive or other hazardous tool likely to be used in an escape or to serve as weapons capable of causing serious bodily harm to others or risking institutional security
2. Rioting or encouraging others to riot
3. Taking hostages
4. Introducing or possessing narcotics, marijuana or other drugs, or related paraphernalia not prescribed for the individual by the medical officer
5. Using a telephone to further criminal activity
6. Interfering with a staff member in the performance of his duties

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7. Disrupting or interfering with the security or orderly running of the institution
 8. Escaping from an unescorted community programme and activities and Open Institutions (minimum) and from outside secure institutions without violence
 9. Threatening another with bodily harm or any other offence
 10. Extortion or blackmail - Demanding or receiving money or anything of value in return for protection against others, to avoid bodily harm, or under threat of informing
 11. Engaging in a sexual act or making sexual proposals or threats to another
 12. Wearing a disguise or a mask
 13. Possessing any unauthorised locking device, or lock pick, or tampering with or blocking any lock device (includes keys), or destroying, altering, interfering with, improperly using, or damaging any security device, mechanism, or procedure
 14. Possessing belongings to any officer or staff
 15. Engaging in, or encouraging a group demonstration
 16. Refusing to work or encouraging others to refuse to work, or to participate in a work stoppage
 17. Introducing alcohol onto prison compound
 18. Destroying, altering or damaging government property, or the property of another person, having a value in excess of \$100.00 or destroying, altering, damaging life-safety devices (e.g., fire alarm) regardless of financial value
 19. Stealing
 20. Making, possessing or using intoxicants
 21. Assaulting any person
 22. Possessing money or currency, unless specifically authorised, or in excess of the amount authorised
 23. Refusing to accept a programme assignment
 24. Refusing to obey a lawful order of any staff member
 25. Violating a condition of a community programme
 26. Counterfeiting, forging or unauthorised reproduction of any document, article of identification, money, security, or official paper

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27. Participating in an unauthorised meeting or gathering
 28. Being in an unauthorised area
 29. Failing to stand count or interfering with the taking of count
 30. Gambling or preparing or conducting a gambling pool
 31. Unauthorised contact with the public
 32. Giving money or anything of value to, or accepting money or anything of value from, another inmate or any other person without staff authorisation.

SECOND SCHEDULE

(Rule 63)

FORM 1

LICENCE

The Department of Corrections in New Providence

TO: *(Name of inmate)*

Whereas you are serving a lawful term of imprisonment in The Bahamas Department of Correctional Services in New Providence.

You are hereby permitted to be outside the correctional facility between the hours of *(specify hours) (excluding Sundays and Public Holidays)* for the purpose of being gainfully employed by *(name of employer)* as a *(specify type of employment)*.

This licence is subject to the conditions set out below and, if not sooner revoked will expire on the day of 20 .

Dated this day of 20

This licence and the conditions thereto have been read over and explained to me, and I understand their meaning.

Signature of inmate.....

Dated this..... day of..... 20.....

CONDITIONS OF LICENCE

1. This licence may be revoked at any time.
2. The licensee shall remain under the supervision of the Commissioner whilst outside the facility under the terms of this licence.
3. The licensee shall diligently and faithfully work for his employer throughout working hours, and shall return to the correctional facility each day at (state time) or at the cessation of his working hours whichever shall be the earlier, by the most direct route and as speedily as possible.
4. The earnings of the licensee shall be paid to the Commissioner in accordance with section 21 of the Act.
5.
6.

FORM 2**THE BAHAMAS DEPARTMENT OF CORRECTIONAL
SERVICES WORK RELEASE SCHEME REPORT**

Name of inmate employed _____

Name of employer _____

For week ending _____

Nature of employment _____

Rate of Pay: \$ _____ Per Day [] Week [] Total Earnings:\$ _____

APTITUDE: Exceptional [] Average [] Below Average []**EFFICIENCY:** Exceptional [] Average [] Below Average []**INDUSTRY:** Exceptional [] Average [] Below Average []**CONDUCT:** Exceptional [] Average [] Below Average []**PROGRESS:** Exceptional [] Average [] Below Average []

Signature of Employer _____

