
CHAPTER 205**POLICE****POLICE DISCIPLINARY REGULATIONS***S.I. 126/1965***(SECTION 104(1))***[Commencement 3rd July, 1965]*

1. These Regulations may be cited as the Police Disciplinary Regulations. Citation.

2. The following are minor offences against police discipline punishable under section 50 or section 51 of the Police Act* — Minor offences.

- (1) absence without leave when resident in barracks;
- (2) irregular conduct when on duty or parade;
- (3) preferring a frivolous complaint or charge;
- (4) failing to comply immediately with a lawful order;
- (5) gambling;
- (6) idling or gossiping whilst on duty;
- (7) using obscene, abusive or insulting language towards any other member of the Force;
- (8) without the previous consent of the Commissioner receiving a lodger in a house or quarters provided by The Bahamas Government, or subletting any part of the house or quarters;
- (9) neglecting, or without good and sufficient cause omitting, promptly and diligently to attend to or carry out any duty as a police officer;
- (10) failing to report anything which it is the duty of a police officer to report;
- (11) omitting to make any necessary entry in any official document or book;
- (12) canvassing any member of the Police Service Commission, the House of Assembly, or Senate with regard to any matter concerning the Force;

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- (13) calling or attending any meeting to discuss any matter concerning the Force not being a meeting authorized by a superior officer;
 - (14) directly or indirectly soliciting or receiving any gratuity, present, subscription or testimonial without the consent of the Commissioner;
 - (15) incurring a pecuniary obligation to any spirit licence holder, or any person who holds a licence concerning the granting or renewal of which the police may have to report;
 - (16) improper use of the position of a police officer for private advantage;
 - (17) as a member of the Force, writing, signing or giving, without the sanction of the Commissioner, any testimonial of character or other recommendation with the object of obtaining employment for any person or of supporting an application for a grant of a licence of any kind;
 - (18) without the sanction of the Commissioner supporting an application for the grant of a licence of any kind;
 - (19) without good and sufficient cause making any unlawful or unnecessary arrest;
 - (20) incivility to any member of the public;
 - (21) absence from, or lateness for, any parade, court or other duty without leave and without reasonable excuse;
 - (22) in uniform, being improperly dressed, or dirty or untidy in person, clothing or accoutrements whilst on duty, or whilst off duty in a public place;
 - (23) demanding or endeavouring to persuade any other person to give or to purchase or obtain any intoxicating liquor, whilst on duty;
 - (24) entering any premises licensed under the liquor licence laws whilst on duty when not required in the execution of that duty;
 - (25) entering without permission of an officer of the rank of Inspector or above, whilst on duty, any premises where liquor is stored or distributed when not required there in the execution of that duty;

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- (26) lending any money to any superior in rank, or borrowing money or accepting any present from any inferior in rank;
 - (27) conniving at or knowingly being an accessory to any offence against discipline; or
 - (28) any other act, conduct or neglect of a minor nature to the prejudice of good order and discipline, whether or not such act, conduct or neglect shall have been in the execution of duty.

3. The following are major offences against police discipline punishable under section 50 or section 51 of the Police Act* —

Major offences.

- (1) acting in a disorderly manner or any manner prejudicial to discipline, or reasonably likely to bring discredit on the reputation of the Police Force;
- (2) insubordination by word, act or demeanour;
- (3) oppressive or tyrannical conduct towards an inferior in rank;
- (4) wilfully or negligently making any false complaint or statement against any member of the Police Force;
- (5) assaulting any member of the Police Force;
- (6) improperly withholding any report or allegation against any member of the Police Force;
- (7) disobeying, or without good and sufficient cause, omitting or neglecting to carry out any lawful order, written or otherwise;
- (8) any act which is likely to interfere with the impartial discharge of duty or to give rise to the public impression that it might so interfere;
- (9) accepting office in any political organization, speaking at or conducting any political meeting or taking any other active part in the affairs of any political party;
- (10) wilfully refusing or neglecting to discharge any lawful debt;
- (11) failing to work a beat in accordance with orders, or leaving a beat, point or other appointed place of duty, without due permission or sufficient cause;

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- (12) by carelessness or neglect, permitting a prisoner to escape;
 - (13) failing, when knowing where any offender is to be found, to report the same, or to make due exertions to bring him to justice;
 - (14) failing to report anything known concerning a criminal charge, or failing to disclose any evidence which the officer, or any other person within his knowledge, can give for or against any prisoner or defendant to a criminal charge;
 - (15) neglecting or without good and sufficient cause, omitting to carry out any instructions of the Police Surgeon appointed under section 19 of the Police Act*, or, whilst absent from duty on account of sickness, any act or conduct calculated to retard return to duty;
 - (16) wilfully or negligently making any false, misleading or inaccurate statement;
 - (17) knowingly making or signing any false entry or statement in any official document or book;
 - (18) without good and sufficient cause destroying or mutilating any official document or record or erasing or altering any entry therein;
 - (19) divulging any matter which it is an officer's duty to keep secret;
 - (20) giving notice, directly or indirectly, to any person against whom any warrant or summons has been or is about to be issued, except in the lawful execution of such warrant or service of such summons;
 - (21) without proper authority communicating to the public, press or to any unauthorized person, any matter connected with the Police Force;
 - (22) without proper authority showing to any person outside the Force any book or printed document the property of The Bahamas Government;
 - (23) making any anonymous communication to the Governor-General, the Police Service Commission, the Commissioner or any superior officer;
 - (24) signing or circulating any petition or statement with regard to any matter concerning the Force,

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- except through the proper channel of correspondence to the Commissioner;
- (25) receiving and appropriating any bribe;
 - (26) failing to account for or to make a prompt and true return of any money or property received in an official capacity;
 - (27) using any unnecessary violence to any prisoner or other person in the execution of duty;
 - (28) feigning or exaggerating any sickness or injury with a view to evading duty;
 - (29) absence from duty without leave for twenty-four hours or more, without reasonable excuse;
 - (30) wilfully or by carelessness, causing any waste, loss or damage to any article of clothing or accoutrement, or to any book, document or other property of The Bahamas Government, issued to the officer or used by him or entrusted to his care;
 - (31) failing to report any damage to any property referred to in sub-paragraph (30), however caused;
 - (32) whilst on or off duty, being unfit for duty through drink;
 - (33) without the consent of an officer of the rank of Inspector or above, drinking or receiving from any other person, any intoxicating liquor whilst on duty;
 - (34) being found guilty by a court of law of a criminal offence;
 - (35) habitual inattention or neglect or apathy in the discharge of duty;
 - (36) any act, conduct or neglect of a major nature which is contrary to the discipline, good order and guidance of the Force, whether or not such act, conduct or neglect shall have been in the execution of duty.

4. (1) When any Inspector, subordinate police officer, or constable is charged with a major offence against police discipline the Commissioner shall appoint, in his discretion, either one or more gazetted police officers to form a Court of Enquiry:

Constitution and proceedings of Court of Enquiry.

Provided that each such gazetted police officer is at least two substantive ranks senior to the police officer

charged with the offence. If the Court of Enquiry consists of more than one gazetted police officer, the senior officer appointed shall preside.

(2) Any such police officer to be charged with a major offence against police discipline shall be supplied as soon as practicable with a copy of the charge or charges and informed of the date on which the Court of Enquiry will be convened. Such charge or charges shall specify the time, date, place and particulars of the alleged offence. If the defendant requests further time to prepare his defence he may be granted a maximum extension of seven days from the date originally determined for the enquiry. The presiding officer shall ask the defendant whether he pleads guilty or not guilty to the charge or charges. A separate plea shall be taken on each charge and each plea shall be recorded.

(3) Whenever any such police officer pleads not guilty, it shall be the duty of the Court of Enquiry to investigate the charge or charges and record the evidence of the witnesses on oath. The Court of Enquiry shall give the defendant the opportunity to question the witnesses, give evidence on his own behalf, and call witnesses for his defence. Should the evidence not satisfy the Court of Enquiry that such charge or charges have been proved, the charge shall be dismissed and the findings forwarded to the Commissioner.

(4) If the Court of Enquiry is satisfied that the charge or charges have been proved, the Court of Enquiry shall record its findings and, after giving the defendant the opportunity to say anything he may wish in mitigation or in extenuation, it shall consider the defendant's record of service, any mitigating circumstances, and, if the defendant is a substantive police officer or constable, the Court may impose such punishment as it is empowered to impose under the provisions of section 51(2) of the Police Act* and inform the defendant accordingly. If the Court considers that the offence merits a more severe punishment than it is empowered to impose under section 51(2) of the Police Act*, or if the defendant is an Inspector, it shall forward its findings and all the evidence recorded to the Commissioner for sentence.

(5) In the case of an Inspector found guilty of a major offence against police discipline or other serious misconduct which, in the opinion of the Commissioner, justifies a more severe punishment than he is empowered to impose under section 50(2) of the Police Act*, he shall forward the record of evidence and the findings of the

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Court of Enquiry to the Police Service Commission, through the Secretary to the Cabinet, with his recommendations.

5. (1) Any complaint of a minor offence against police discipline or other minor misconduct made against a police officer of or above the rank of Inspector shall be reported to the Commissioner, who may cause such inquiries to be made as he deems fit and if satisfied that the minor offence or other minor misconduct is proved, he may summarily administer a reprimand or severe reprimand under the provisions of section 50(3) of the Police Act*.

Procedure (minor offence).

(2) Any subordinate police officer or constable charged with a minor offence against police discipline shall be dealt with summarily in accordance with the provisions of section 51(1) of the Police Act* as follows —

- (a) The charge or charges against the defendant in minor disciplinary offences shall specify the time, date, place and particulars of the alleged offence. Each charge shall be read over to the defendant by the presiding officer, who shall ensure that it is understood by the defendant. The defendant shall be asked by the presiding officer whether he pleads guilty or not guilty. A separate plea shall be recorded for each charge.
- (b) If the defendant pleads not guilty to a charge, the presiding officer shall hear the evidence for and against the defendant. If the evidence does not satisfy the presiding officer that the charge has been proved he shall dismiss the case, record his finding, and inform the defendant accordingly.
- (c) If the defendant pleads guilty to a charge, or if the presiding officer is satisfied after hearing all the evidence that the charge or charges have been proved, he shall record the plea or finding as the case may be and, after giving the defendant the opportunity to say anything he may wish in mitigation or extenuation, the presiding officer shall consider the defendant's record of service and any mitigating circumstances and may then impose such punishment as he is empowered to impose under the provisions of section 51(1) of the Police Act*. The sentence shall be recorded by the presiding officer, who shall forthwith inform the defendant accordingly.

6. (1) All evidence in disciplinary Courts of Enquiry shall be taken on oath or affirmation and recorded by the

General.

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presiding officer. Copies of documentary evidence to be introduced at a Court of Enquiry shall be supplied with the written details of the charge or charges. Cross-examination of any witness may be conducted by the presiding officer, the defendant or by any gazetted officer or Inspector appointed to present the case for the prosecution.

(2) If the defendant pleads not guilty to a charge, all witnesses both for and against the defendant shall remain outside the Court until called to give evidence, and, having given evidence, shall not be allowed to communicate with any other witness whose evidence has not been heard. Evidence for the prosecution shall be taken first and recorded by the presiding officer, who may, in his discretion, record any specific or particular question and answer which may have an important bearing on the case. The evidence for the defence shall be dealt with in a similar manner.

(3) In any disciplinary inquiry under the provisions of section 50(1) of the Police Act*, or in any Court of Enquiry into any complaint against a police officer of an offence under these Regulations, in which the complainant, with the approval of the Commissioner, is represented by counsel, the defendant may also be represented by counsel; and if the Commissioner appoints a police officer to present the case for the prosecution, the defendant shall be entitled to be represented by a police officer of his own choice of equivalent rank to the police officer appointed to present the case for the prosecution:

Provided that both the police prosecuting officer and the police officer appearing for the defendant shall be of rank equivalent to or higher than the defendant.

Review.

7. The Commissioner, or any commanding officer of or above the rank of Superintendent designated by him in Force Standing Orders made under section 105 of the Police Act*, may review any disciplinary proceedings against a subordinate police officer or constable and may —

- (a) direct that further evidence be taken by the presiding officer, or any other officer;
- (b) if the evidence proves an offence other than that charged and an amendment can be made without injustice to the accused, amend the charge and, if necessary, the finding, and impose such punish-

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ment in substitution for the punishment originally imposed as may appear appropriate;

- (c) alter the finding or the punishment or without altering the finding, remit, mitigate, increase or alter the punishment to any other punishment that might have been imposed, or alter the nature of the punishment;
- (d) set aside the finding and punishment; or
- (e) confirm the decision or punishment.

8. Reserve police officers, appointed under section 78 of the Police Act*, whilst on duty or under training and supernumerary police officers appointed under section 70 of the Police Act* shall be subject to police discipline and any such police officer found guilty of an offence against police discipline enumerated in these Regulations may be punished by any one or combination of punishments prescribed in section 50 of the Police Act*, and any subordinate officer or constable found guilty of any such offence against police discipline may be punished under the provisions of section 51 of the Police Act* save and except that punishment by fine, extra duties, parades or extra fatigue duties shall not be imposed on a supernumerary police officer at any time or on a reserve police officer except during any period when he is mobilised under the provisions of section 78 of the Police Act*.

Reserve and
supernumerary
police officers.

9. Local constables appointed under section 83 of the Police Act* shall be subject to police discipline and any such constable found guilty of an offence against police discipline enumerated in these Regulations may be punished, where appropriate, by any one or combination of the punishments prescribed in section 51 of the Police Act* save and except punishment by reduction in rank or reduction in seniority.

Local constables.

10. District constables appointed under section 84 of the Police Act* whilst on duty shall be subject to police discipline and any such district constable found guilty of an offence against police discipline enumerated in these Regulations may, where appropriate, be punished by any one or combination of the punishments prescribed in section 51(1) (c) and (d) and section 51(2) (a), (d), (f) and (g) of the Police Act*.

District
constables.

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Punishment
suspended
pending appeal.

11. Any appeal by a police officer under the provisions of sections 50, 51 and 101 of the Police Act against any conviction or punishment imposed by the Commissioner or by any other officer, shall have the effect of suspending any such punishment until the case shall have been determined.

Effective date of
punishment.

12. The effective date of any punishment imposed under the Police Act* for any offence against discipline enumerated in these Regulations shall be the date on which such punishment was first imposed.

POLICE FORCE (AUTHORISED DEDUCTIONS) REGULATIONS

S.I. 41/1986

(SECTION 104)

[Commencement 18th September, 1986]

Citation.

1. These Regulations may be cited as the Police Force (Authorised Deductions) Regulations.

Deductions
permitted from
salary of
member.

2. The Treasurer may in accordance with the written authorisation of a member of the Force make such deductions from the salary payable to that member for the purpose of applying such deductions in payment of any sum payable by that member in respect of —

- (a) his membership in a co-operative society or medical plan;
- (b) his life insurance;
- (c) debts incurred at a mess or canteen operated by the Force.

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