

**THE FOLLOWING LEGISLATION
HAS BEEN REVOKED
BY**

S.I. NO. 52 OF 2014

CHAPTER 208**PRISONS****CODE OF DISCIPLINE FOR PRISON
SUBORDINATE OFFICERS***G.N. 200/1961***(SECTION 5)***[Commencement 30th September, 1961]*

1. These Rules may be cited as the Code of Discipline for Prison Subordinate Officers. Citation.

PART I**OFFENCES AGAINST DISCIPLINE**

2. An officer to whom this Code applies commits an offence against discipline if he is guilty of — Offences against discipline.

- (a) Discreditable conduct; that is to say, if he —
- (i) while on or off duty acts in a disorderly manner or any manner prejudicial to discipline or likely to bring discredit on the prison service; or
 - (ii) is convicted by a court of law of a crime or offence under the criminal laws of The Bahamas; or
 - (iii) while on or off duty borrows money from an officer subordinate or junior in rank, or lends money to a superior officer, or becomes security for a superior officer in raising a loan; or
 - (iv) smokes or drinks intoxicating liquor either within a prison (except under such restrictions as may from time to time be ordered by the Superintendent), or while on duty in a court, or while in charge of prisoners outside a prison; or
 - (v) while on duty uses obscene, abusive or insulting language to any other member of the prison service; or

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- (vi) while on duty assaults any other member of the prison service; or
 - (vii) while on duty or liable to be called upon for duty, is unfit for duty through drinking intoxicating liquors.
- (b) Insubordinate conduct; that is to say, if he is insubordinate by word or act towards any officer of the prison service, whose orders it is for the time being his duty to obey.
 - (c) Disobedience of orders; that is to say, if he without good and sufficient cause deliberately or negligently fails to carry out any lawful order, rule or regulation of the prison, whether it is in writing or not.
 - (d) Neglect of duty; that is to say, if he —
 - (i) falls asleep on duty; or
 - (ii) is negligent, careless or otherwise inefficient in the prompt and diligent performance of his duty as a prison officer; or
 - (iii) by carelessness or neglect contributes to the escape of a prisoner; or
 - (iv) by carelessness or neglect in the course of his duty contributes to the occurrence of any loss, damage or injury to any person or property.
 - (e) False statements; that is to say, if he knowingly makes any false, misleading or inaccurate statement either orally or in any official document or book, or signs any such statement, or with intent to deceive destroys or mutilates any such document or book, or alters or erases any entry therein whether in connection with his duties as a prison officer or as an officer or member of any club or fund connected with the prison or the prison staff.
 - (f) Failure in account; that is to say, if he fails to account for, or to make a prompt and true return of, any money or property for which he is responsible, whether in connection with the performance of his duties as a prison officer or as an official or member of any club or fund connected with the prison or prison staff.

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- (g) Breach of confidence; that is to say, if he without proper authority —
- (i) divulges any matter which it is his duty to keep secret; or
 - (ii) shows to any person outside the prison service any book or written or printed document, being the property of the prison service; or
 - (iii) communicates directly or indirectly to the press or to any person any matter which may have become known to him in the course of his duty as an officer; or
 - (iv) publishes any matter or makes any public pronouncement relating to prisons or prisoners or the administration of the Prison Department.
- (h) Improper relations with prisoners or ex-prisoners; that is to say, if he —
- (i) communicates with a prisoner for an improper purpose; or
 - (ii) uses obscene, profane, insulting or abusive language to a prisoner; or
 - (iii) allows any undue familiarity between a prisoner and himself or any servant of the prison; and also if knowingly and for an improper purpose and without proper authority he —
 - (iv) communicates with any ex-prisoner or relative of any prisoner or ex-prisoner; or
 - (v) discusses his duties or any matters of discipline or prison arrangement within the hearing of a prisoner; or
 - (vi) takes into his employment an ex-prisoner.
- (i) Trafficking; that is to say, if he knowingly and for an improper purpose and without proper authority —
- (i) carries out any pecuniary or business transaction with or on behalf of any prisoner or ex-prisoner or relative of any prisoner or ex-prisoner; or

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- (ii) brings into the prison or carries out of the prison, or attempts to bring in or carry out, or allows to be brought in or carried out, to or for any prisoner any article whatsoever; or
 - (iii) accepts any present or consideration from any prisoner or ex-prisoner or relative of any prisoner or ex-prisoner; or
 - (iv) conveys to a prisoner, or deposits in any place with intent that it shall come into the possession of a prisoner, any money or any article whatsoever, or wilfully or negligently permits any money or any article whatsoever to be conveyed to a prisoner, or wilfully or negligently permits to be deposited in any place any money or any article whatsoever intended to come into the possession of a prisoner.
- (j) Corrupt practice; that is to say, if knowingly he —
- (i) solicits, accepts or receives any unauthorised fee, gratuity or other consideration in connection with his duties as a prison officer; or
 - (ii) improperly uses his position as a prison officer for his private advantage.
- (k) Unlawful or unnecessary exercise of authority; that is to say, if he —
- (i) deliberately acts in a manner calculated to provoke a prisoner; or
 - (ii) in dealing with a prisoner uses force unnecessarily or, where the application of force to a prisoner is necessary, uses undue force.
- (l) Absence without leave or being late for duty; that is to say, if he without proper authority or reasonable excuse —
- (i) is absent from the prison or from any parade or place of duty; or
 - (ii) is late for any duty or parade.

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- (m) Damage to clothing or other articles supplied; that is to say, if he —
 - (i) wilfully or negligently damages or loses any article of clothing or personal equipment with which he has been provided or entrusted, or fails to take proper care thereof; or
 - (ii) neglects to report any damage to, or loss of, any article of clothing or personal equipment with which he has been provided or entrusted, however such damage or loss was caused.
 - (n) Uncleanliness; that is to say, if he while on or off duty in uniform is improperly dressed or is dirty or untidy in his person, clothing or accoutrements.
 - (o) Unauthorised possession of property; that is to say, if he while on or off duty is knowingly and improperly in possession of public property or of property belonging to any other member of the prison service or of property belonging to any prisoner or to a friend or relative of any prisoner.
 - (p) Attempting to enlist outside influence; that is to say, if he procures or attempts to procure the intervention on his behalf of any person for the purpose of securing his own advancement in the prison service, or the improvement of his personal position or of making charges against other officers.
 - (q) Being an accessory to an offence against discipline; that is to say, if he connives at or is knowingly an accessory to any offence against discipline.
 - (r) Attempting to commit an offence against discipline; that is to say, if he attempts to commit any offence against discipline.

**PART II
PROCEEDINGS AGAINST OFFICER
ALLEGED TO HAVE COMMITTED
OFFENCE**

3. (1) A charge against an officer for an offence against discipline shall be entered on a charge sheet as soon

Charge sheets

as possible after consideration of the report on which the charge is based. The charge shall be investigated by an officer appointed by the Superintendent (hereinafter referred to as an “investigating officer”).

(2) The charge shall specify the paragraph of the last foregoing rule under which the charge is laid and the charge shall include sufficient particulars to inform the accused officer of the specific act or omission in respect of which the charge is based.

(3) The charge sheet shall be handed by the investigating officer to the accused officer as soon as possible and if he so requests, he shall be given a copy of same.

Reply to charge
by officer.

4. The accused officer shall, as soon as possible, and in any case not exceeding twenty-four hours following the receipt by him of the charge sheet, state in writing upon the charge sheet —

- (a) whether he admits or denies the charge;
- (b) if he so desires, his explanation in reply to the charge; and
- (c) if he denies the charge, a note of the name of each person he desires to call as a witness on his behalf at the hearing of the charge and shall return the charge sheet forthwith to the investigating officer:

Provided that the Superintendent may, in particular cases, extend the time within which the reply of the accused officer to the charge is to be made, or the time within which the names of such witnesses are to be given.

Hearing, etc., of
charge by
Superintendent.

5. Where the Superintendent hears a charge against an officer —

(1) The accused officer shall be allowed to hear all the evidence given against him (which evidence shall, by the direction of the Superintendent, be given on oath, to cross-examine the witnesses giving that evidence and to examine witnesses called in his defence.

(2) The Superintendent shall take or cause to be taken notes of the statements made in evidence or under examination or cross-examination, and of any statement made before him by the accused officer, and the notes shall be signed by the persons or officers by whom the statements are made.

(3) It shall be within the discretion of the Superintendent to admit additional witnesses or documents either in support of the charge or on behalf of the accused officer if he thinks that it is in the interests of justice to do so.

(4) All persons whose evidence it is proposed to lead at a hearing shall attend at the hearing and shall give evidence orally; provided that the Superintendent may accept a statement in writing signed by any such person in place of oral evidence by that person in the following circumstances —

- (a) where the said person is unable by reason of illness, infirmity or old age to be present at the hearing; or
- (b) where for any other reason it is impossible or impracticable to obtain the oral evidence of the said person and it appears to the Superintendent that it is in the interests of justice that the evidence of such person should be before him at the hearing.

(5) All possible steps shall be taken by the Superintendent to secure the attendance at the hearing of persons whom it is proposed to call as witnesses either in support of the charge or on behalf of the accused officer, and any of such persons who are members of the prison service shall be ordered to attend at the hearing.

6. (1) If the accused officer so desires he shall be allowed in all cases to have another officer on the prison staff, selected by himself, as a friend, to assist him in presenting his case to the Superintendent.

Assistance in defence.

(2) The friend of the accused officer may advise him on all points and may suggest the questions to be put to the witnesses and may, if desired by the accused officer, examine or cross-examine the witnesses and address the Superintendent on behalf of the accused officer.

7. (1) After the hearing the Superintendent shall either —

- (a) dismiss the charge; or
- (b) caution the officer; or
- (c) make one of the following disciplinary awards —
 - (i) admonition,
 - (ii) reprimand,

Disciplinary awards by the Superintendent.

5 cf 1987, s. 2

- (iii) severe reprimand,
- (iv) fine not exceeding twenty dollars,
- (v) extra duty.

(2) If the Superintendent considers that the circumstances necessitate a disciplinary award not within his power he shall proceed in accordance with the relevant Public Service Commission Regulations.

Recording or disciplinary awards.

8. (1) Any disciplinary award made by the Superintendent in respect of a breach of discipline committed by an officer shall be entered on the charge sheet and shall be shown to and initialled by the officer, and the Superintendent shall cause the award to be entered in the officer's record of service.

(2) When the charge is dismissed by the Superintendent or dealt with by way of a caution without the making of a disciplinary award, no entry shall be made in the officer's record of service.

Appeal to the Public Service Commission.

9. (1) An officer may within seven days after the Superintendent has made a disciplinary award in respect of the commission by him of an offence against discipline appeal in writing to the Public Service Commission against the finding or the award of the Superintendent.

(2) Where an appeal is duly lodged under this Code the Superintendent shall as soon as possible transmit to the Public Service Commission all evidence taken on oath at the hearing together with notes taken by him at the hearing (if any), and a written statement by the officer setting out the grounds of his appeal together with the Superintendent's observations thereon.

(3) The Public Service Commission shall cause the Superintendent to be informed of the determination of the appeal and the Superintendent shall govern himself accordingly and shall cause the appropriate entry, or deletion of an entry, to be made in the officer's record of service.

Sentences.

10. The following sentences may be inflicted by the Governor-General acting on the recommendation of the Public Service Commission, that is to say —

5 cf 1987, s. 2.

- (a) fine exceeding twenty dollars but not exceeding eighty dollars;

- (b) special probation in accordance with rules 12 and 13 of this Code for a period not exceeding twelve months;
- (c) forfeiture of unpaid portion of pay during period of suspension, either in whole or in part;
- (d) such other punishment as may be specified in the Public Service Commission Regulations.

the decision of the Governor-General in all cases shall be final and binding upon all parties.

11. (1) Where an officer is charged with an offence and the Superintendent is of the opinion that the matter should be referred to the Public Service Commission, he may suspend the accused officer from duty and any officer so suspended shall be entitled during the period of suspension to half pay only.

Suspension of
officer from duty.

(2) Where an officer is charged in a court of law with a crime or offence under the criminal laws of The Bahamas the Superintendent may suspend the accused officer from duty and any officer so suspended shall be entitled during the period of his trial in the said court of law to half pay only.

(3) Except as otherwise herein provided, this Code shall apply to an officer suspended from duty.

(4) On the termination of the period of suspension, whether by termination of service or reinstatement of the officer, one-half of his pay and allowances in respect of such period may, if the Governor-General so determines after consideration of all the circumstances of the case, be forfeited or remitted in whole or in part:

Provided that where the charge is dismissed, the officer shall receive, in respect of the period of suspension, the pay and allowances which he would but for the suspension have received, less the amount of any sums paid to him in respect of that period.

Nothing in this paragraph shall affect the right of the Governor-General to enforce the recovery of any public moneys due from the officer.

(5) An officer under suspension shall report as and when directed by the Superintendent at the prison. He shall be available for duty if required and shall not absent himself overnight from his normal place of residence without the Superintendent's permission.

Report on
unsatisfactory
officer.

12. (1) The Superintendent shall report to the Public Service Commission any officer who, in the opinion of the Superintendent, is inefficient or on whom disciplinary awards are failing to secure improvement in the officer's conduct.

(2) Before submitting the report to the Public Service Commission the Superintendent shall show it to the officer and it shall be initialled by him and the Superintendent shall, on submitting the report to the Public Service Commission, attach any statement which the officer may wish to make in extenuation or explanation.

(3) The Public Service Commission on considering the report and any statement made by the officer and attached thereto, may recommend the Governor-General to caution the officer or order him to be placed on special probation for a period not exceeding twelve months.

Special probation
of officer.

13. (1) The object of special probation is to give an officer, in respect of whom doubt has been thrown as to fitness to remain as an officer, an opportunity to show that he is capable of improvement.

(2) When an officer has been placed on special probation the Superintendent shall at the end of the first three months and quarterly thereafter transmit to the Public Service Commission a report on the conduct and efficiency of the officer. The report shall be shown to the officer by the Superintendent who shall add a note that he has done so on the report, and the note shall be initialled by the officer.

(3) At any time after the first three months of the period of special probation the Governor-General may on the recommendation of the Public Service Commission, if on consideration of the quarterly reports it appears that the officer is unlikely to become an efficient prison officer, cause him to be warned that unless a marked improvement is shown on the next report the Governor-General may remove him from office.

(4) Where the period of special probation is for less than twelve months, and the Governor-General on the recommendation of the Public Service Commission in consideration of the final report is not satisfied that the officer has shown sufficient improvement, the Governor-General may by order extend the period of special

probation up to the maximum period of twelve months, and at the same time may, if necessary, cause the officer to be warned in the manner provided in the last foregoing paragraph.

PART III APPLICATION OF CODE

14. This Code shall apply to the established prison officers of the following classes, that is to say —

Application of Code.

- (a) male officers of and below the rank of chief officer;
- (b) female officers of and below the rank of matron.

PRISON RULES

G.N. 273/1963
S.I. 57/1966
S.I. 46/1967
S.I. 2/1977
25 cf 1995

(SECTION 5)

[Commencement 30th November, 1963]

- 1.** These Rules may be cited as the Prison Rules.
- 2.** In Rules, unless the context otherwise requires —
 - “chaplain” means the minister of religion appointed to be prison chaplain;
 - “chief officer” means the prison officer who is the senior subordinate officer;
 - “committee” means the visiting committee of the prisons in New Providence;
 - “medical officer” means the medical practitioner or his substitute duly appointed by the Chief Medical Officer of The Bahamas for duties in connection with the administration of the prisons, staff and prisoners;
 - “Minister” means the Minister responsible for Prisons;
 - “prisoner” means a person lawfully detained in a prison;
 - “subordinate officer” means any officer, male or female, as listed in the First Schedule to the Prisons Act;

Citation.

Interpretation.