

VIRGIN ISLANDS

STATUTORY INSTRUMENT 1999 NO. 25

**PRISON ORDINANCE
(Cap. 166)**

THE PRISON RULES, 1999

[Gazetted 13th May, 1999]

The Governor in Council in exercise of the powers conferred by section 27 of the Prison Ordinance (Cap. 166), makes the following Rules:

PRELIMINARY

Citation.

1. These Rules may be cited as the Prison Rules, 1999.

Interpretation.

2. In these Rules, unless the context otherwise requires,

"adjudged term" means the length of imprisonment imposed by a court on passing sentence, and where it passes two or more sentences of imprisonment to be served consecutively by a prisoner, means the aggregate length of all those sentences;

"Committee" means the Prison Visiting Committee established under Part IV;

"medical officer" in relation to prisons, means the Director of Health Services of the Territory or other medical practitioner appointed by the Governor for the purposes of these Rules;

"Officer" means a Prison Officer appointed under section 7 (2) of the Ordinance;

"religion" includes a religious faith;

"sentence" means the sentence of imprisonment being served by a prisoner pursuant to an order of a court made upon his conviction for a criminal offence, and includes any such sentence being served in default of payment of a fine or other monetary penalty imposed by the court upon his conviction;

“Superintendent” means the Superintendent of Prisons appointed under section 7(1) of the Ordinance;

"unconvicted prisoner" means a prisoner awaiting trial, a prisoner on remand, a prisoner committed for contempt of court, a prisoner convicted but not sentenced, or a prisoner under lawful temporary detention without charge, but does not include a prisoner detained for an indeterminate term at the pleasure of the Governor.

PART I GENERAL

3. (1) Immediately upon the admission of a prisoner into prison the Superintendent shall cause to be entered

Admission,
search and
briefing of
prisoners

- (a) in the Prisons Admission Book the name of the prisoner, whether he is convicted, and, if so, the date of commencement and expiration of his sentence, his age, height, weight and other details relevant to his identification;
- (b) in the Reconviction Book the name of every prisoner admitted into prison on a subsequent conviction; and
- (c) in the Prisoner's Property Book any property found upon the prisoner at the time of his admission into prison.

(2) Subject to rule 15, immediately upon the admission of a prisoner into prison the prisoner shall be searched by an Officer of the same sex as the prisoner concerned, in as seemly a manner (out of sight of other prisoners) as is consistent with the discovery of anything concealed.

(3) Every prisoner shall, as soon as possible after admission, be separately examined by the medical officer and such examination shall include any test necessary to determine whether a prisoner has an infectious or contagious disease, except that where an unconvicted prisoner is to be tested his consent will be required before the test is carried out.

(4) The Superintendent may require that any prisoner admitted into prison be photographed and finger-printed.

(5) Every prisoner shall be provided, within 24 hours of his admission into prison, with sufficient information about these Rules and any other matters which it is necessary for him to know, including the proper method of making requests and complaints.

(6) A copy of these Rules shall be made available to any prisoner who requests it.

Classification and separation of prisoners.

4. (1) Subject to rule 5 and any direction of the Governor, the Superintendent may classify prisoners according to their age, temperament and record, with a view to maintaining good order and furthering rehabilitation.

(2) As far as reasonably possible unconvicted prisoners shall be kept apart from convicted prisoners, unless any unconvicted prisoner is willing to associate with convicted prisoners.

Female prisoners.

5. (1) Female prisoners shall be kept separate from male prisoners.

(2) The Superintendent may, subject to any conditions he thinks fit, permit a female prisoner to nurse or tend her child in prison, in which case everything necessary for the child's maintenance and care shall be provided there.

Privileges.

6. For the encouragement of the good conduct, industry and rehabilitation of prisoners the Superintendent shall, subject to the approval of the Governor, establish a system of privileges for each prisoner, including schemes under which money earned by prisoners may be spent by them within the prison.

Remission of sentence.

7. (1) Where a prisoner is sentenced to a term of imprisonment for a period exceeding one month, the Superintendent may, on account of that prisoner's good conduct, recommend to the Governor that a portion of the prisoner's sentence not exceeding one third of the adjudged term be remitted.

(2) A prisoner whose sentence is remitted pursuant to sub-rule (1) shall be discharged when the adjudged term of his sentence less the period of remission has been served.

(3) In calculating for the purposes of this section how much of the adjudged term of a sentence of a prisoner remains to be served, account shall be taken of any period during which that prisoner was, in respect of the offence for which he was convicted, remanded in custody by any court or by a Justice of the Peace either before conviction and before

the passing of sentence, unless in passing sentence a court has directed that any such period shall not be taken into account.

(4) Any number of days forfeited by the prisoner under rules 32 and 33 shall not be taken into account in calculating the adjudged term of a sentence.

(5) This rule shall not apply to any prisoner serving a sentence of imprisonment for life or ordered to be detained in prison for an indefinite term during the pleasure of the Governor.

8. (1) Every request by a prisoner to see the Superintendent or the Committee shall be recorded in the Application Book by the Officer to whom it is made and promptly communicated to the Superintendent.

Requests by prisoners to see certain authorities.

(2) The Superintendent, as soon as practicable after he is informed of a request under sub-rule (1), shall

- (a) if the request is addressed to himself, make himself available to hear it on any day other than Sunday, or a public holiday;
- (b) if the request is addressed to the Committee, inform a member of the Committee of the request.

9. (1) A prisoner shall be treated as being of the religion stated on his record upon his admission into prison but the Superintendent may, in a proper case and after due inquiry, direct that record to be amended.

Religious ministrations.

(2) The Superintendent shall approve the choice by any religious denomination of a prison minister of religion, and shall also approve the nomination of any substitute for the prison minister during the absence of the prison minister.

(3) A prison minister shall

- (a) visit prisoners of his religion as regularly as practicable;
- (b) conduct divine service for prisoners of his religion at least once each week and on the special days of religious observance of that religion; and
- (c) unless other arrangements are made, read the burial service at the funeral of any prisoner of his religion who dies in prison.

(4) The honorary chaplain shall

- (a) interview every prisoner individually as soon as practicable after the prisoner's admission into and before release from prison; and
- (b) prepare a report of such prisoner interviewed for submission to the committee.

(5) Where a prisoner belongs to a religion for which no prison minister has been appointed, the Superintendent shall do what he reasonably can, if so requested by the prisoner, to arrange for him to be visited by a minister of that religion.

(6) The Superintendent shall not require a prisoner to do unnecessary work against his will

- (a) on a Sunday, Saturday or Friday, where that prisoner is of the Christian, Jewish or Muslim religion, respectively;
- (b) on a Saturday where that prisoner is of the Seventh Day Adventist faith;
- (c) on a day recognised as a day for religious observance by any other religion where that prisoner is of a religion not mentioned in (a) or (b).

(7) Notwithstanding sub-rule (6) (c) the Superintendent shall not allow a prisoner more than one day in any week for religious observance.

(8) So far as is reasonably practicable, there shall be available for the personal use of every prisoner such religious books as are approved by the Superintendent for use in prisons.

Illness and
death of
prisoners.

10. (1) The medical officer shall have the death of care of the mental and physical health of the prisoners.

(2) Every request by a prisoner to see the medical officer shall be recorded in the Medical Book by the Officer to whom it is made and promptly communicated to the medical officer.

(3) The medical officer may call another medical practitioner into consultation, and shall do so, if time permits, before performing any serious operation.

(4) If an unconvicted prisoner desires the attendance of a registered medical practitioner or dentist, and will pay any expense incurred, the Superintendent shall, if he is satisfied that there are reasonable grounds for the request, allow him to be attended by that practitioner or dentist, with or without the consultation of the medical officer.

(5) The medical officer shall report in writing immediately to the Superintendent on the case of any prisoner

(a) suffering from a disease is notifiable under the that Infectious Diseases Notification Act; or

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(b) whose health is likely to be injuriously affected by continued imprisonment or any conditions of imprisonment,

and the Superintendent shall duly send a copy of the report to the Governor without delay together with his own recommendations.

(6) The medical officer shall report in writing to the Superintendent on the case of any prisoner whose mental condition appears to require that special arrangements be made for the prisoner's supervision or care, and the Superintendent may approve any such arrangements, or seek further medical or other advice and notify the Committee of the matter.

(7) The medical officer shall inform the Superintendent if he suspects any prisoner of having suicidal intentions, and such prisoner shall thereupon be placed under special observation.

(8) If a prisoner dies, becomes seriously ill, sustains any severe injury or is removed to a hospital on account of mental or physical disorder, the Superintendent shall, if the address concerned is known to him, inform the prisoner's spouse or next of kin, and also any person whom the prisoner may reasonably have asked should be informed.

(9) If an infant in the prison or a prisoner dies, the Superintendent shall immediately notify the coroner having jurisdiction, the Committee, and the Governor of that death.

11. (1) An unconvicted prisoner may wear his own clothing and arrange for it to be supplied to him from outside the prison, insofar as such clothing is adequate, clean and tidy, but this rule shall otherwise apply to him as to a convicted prisoner.

Clothing of prisoners.

(2) A convicted prisoner shall be provided with clothing adequate for the climate and consistent with good health in accordance with a scale approved by the Governor.

(3) The clothing referred to in sub-rule (2) includes protective clothing for use at work where it is needed.

(4) Subject to sub-rule (5), a convicted prisoner shall only wear the clothing provided for him under this section unless the Superintendent directs otherwise.

(5) A prisoner required to be taken in custody to any court shall wear his own clothing or clothing different from that worn in prison.

(6) A prisoner may be provided, where necessary, with suitable and adequate clothing on his release.

Food. **12.** (1) Subject to any directions of the Superintendent, an unconvicted prisoner may arrange at his own expense for food to be supplied to him from outside the prison.

(2) Subject to any directions of the Superintendent, or as advised by the medical officer, no convicted prisoner shall -

(a) be allowed to have any food other than that ordinarily provided;

(b) be given less food than is ordinarily provided.

(3) The Superintendent may, at his discretion, allow prisoners to receive unprepared food from visitors.

(4) A prisoner shall be provided at normal times with food that is prepared in accordance with the standards laid down by the medical officer and which satisfies in quality and quantity the standards of dietetics and modern hygiene and takes into account the age, health, nature of work and religious or cultural requirements of the prisoner.

(5) The medical officer shall regularly inspect the food both before and after it is cooked, and shall report any deficiency or defect to the Superintendent.

(6) Drinking water shall be made available to a prisoner.

Alcohol and tobacco. **13.** (1) No prisoner shall be allowed to have any intoxicating liquor except under a written order of the

medical officer specifying the quantity and the name of the prisoner.

(2) No prisoner shall be allowed to smoke or have any tobacco except as a privilege under rule 6 and in accordance with any directions of the Superintendent.

14.(1) No room or cell shall be used as sleeping accommodation unless certified by the Superintendent

Accommodation and hygiene.

(a) as being capable of accommodating a specified maximum number of prisoners who may sleep or be confined at one time in the room or cell, which number shall not be exceeded without the authority of the Superintendent; and

(b) as being otherwise suitable for the confinement of any prisoner.

(2) Each prisoner shall be provided with a separate bed and with separate bedding adequate for warmth and health.

(3) Every prisoner shall be provided with toilet articles necessary for his health and cleanliness, which shall be replaced as necessary.

(4) Every prisoner shall be required to wash at proper times, have a shower on admission into prison and thereafter at least once per week and, in the case of a male prisoner not exempted by the Superintendent, to shave or be shaved daily, and to have his hair cut as may be necessary for neatness, except that an unconvicted prisoner shall not be required to have his hair cut or any beard or moustache usually worn by him shaved off unless the medical officer directs this to be done for the sake of health or cleanliness.

(5) Notwithstanding sub-rule (4), a prisoner's hair shall not be cut without that prisoner's consent except where the medical officer certifies in writing that this is necessary for the sake of health or cleanliness.

15. The Superintendent may permit the medical officer or any person authorised by the medical officer

Intrusive bodily examination of prisoners.

(a) to conduct, with or without the consent of the prisoner, an intrusive bodily search of a prisoner for the purpose of discovering any prohibited or unauthorised article;

- (b) to obtain samples from a prisoner of such bodily fluids as may be necessary to detect illness or drug abuse except that no sample other than urine and saliva may be obtained from the prisoner without his consent.

Daily exercise.

16. (1) A prisoner not engaged in outdoor work shall be given exercise in the open air for not less than one hour each day, if health permits or alternatively exercise consisting of physical training may be given indoors instead of in the open air.

(2) The period of exercise referred to in sub-rule (1) may be reduced in special circumstances by the Superintendent.

(3) The medical officer shall decide upon the fitness of every prisoner for exercise and physical training, and may excuse a prisoner from, or modify, any activity on medical grounds.

Work.

17. (1) A convicted prisoner shall be required to do useful work, approved by the Committee, for not more than 10 hours a day, and arrangements shall be made to allow prisoners to work, where possible, outside the cells and in association with one another.

(2) The medical officer may excuse a prisoner from work on medical grounds, and no prisoner shall be set to do work which is not of a class for which he has been passed by the medical officer as being fit.

(3) No prisoner shall work in the service of another prisoner or an Officer, or for the private benefit of any person, without the authority of the Superintendent.

(4) An unconvicted prisoner may, if he wishes, do work as if he were a convicted prisoner.

(5) A Prisoner may be paid for work at rates approved by the Superintendent, whether generally or in relation to particular cases.

(6) Every prisoner shall be searched on parade immediately on return from outside work.

Education and social welfare.

18. (1) Every prisoner able to profit from the educational facilities at a prison shall be encouraged to do so.

(2) Programmes of daytime and evening educational classes shall be arranged and, subject to the directions of the

superintendent, reasonable facilities shall be afforded to prisoners who wish to do so to improve their education by correspondence courses or private study, or to practise handicrafts in their spare time.

(3) Special attention shall be paid to the education of illiterate prisoners, and if necessary, they shall be taught to read and write within the hours normally allotted to work.

(4) A library shall be provided and, subject to the direction of the Superintendent, every prisoner shall be allowed to have library books and exchange them.

19. (1) The Superintendent shall endeavour to maintain such relations between a prisoner and his family as are desirable in the best interests of both.

Outside
contacts and
aftercare.

(2) A prisoner shall be encouraged and assisted to establish and maintain such relations with persons and agencies outside prison as may, in the opinion of the Superintendent, best promote the interests of his family and his own social rehabilitation.

(3) From the beginning of a prisoner's sentence, consideration shall be given, in consultation with the appropriate aftercare organisation, to the prisoner's future and the assistance to be given to him after his release.

(4) The Superintendent may, for the purpose of the rehabilitation of a convicted prisoner, recommend to the Governor that the prisoner be allowed to engage in employment or receive training outside the prison on a day release system, subject to any conditions the Superintendent may see fit to impose.

(5) Before the Superintendent makes a recommendation to the Governor under sub-rule (4) he shall refer the matter to the Committee for a hearing and determination as to the suitability of the prisoner for the programme.

(6) The Superintendent when making a recommendation under sub-rule (4) shall specify the security arrangements he intends to put in place for the daily release of the prisoner.

(7) The Governor in considering a recommendation under sub-rule (4) shall take into account the conditions being imposed and the security arrangements for the release of the prisoner and if he is satisfied make an Order to that effect, but if he is not, he shall specify any other conditions and

security measures he sees fit to impose before making the Order.

(8) A convicted prisoner shall not be eligible to take part in the day release programme under sub-rule (4)

- (a) if he is serving a sentence for any of the following classes of offence:
 - (i) rape or other sexual offence;
 - (ii) murder;
 - (iii) manslaughter;
 - (iv) drugs;
 - (v) firearms; and
 - (vi) any other offence for which the maximum penalty is 14 years or above or an indefinite term during the pleasure of the Governor; and
- (b) unless he has served at least one third of his sentence.

(9) An employer participating in the day release programme shall sign such agreement of responsibility for and in relation to the prisoner as the Governor may approve, during the time the prisoner is working for him.

Letters and visits.

20. (1) The Superintendent may, with a view to securing discipline or the prevention of crime, or in the interests of any persons, impose restrictions, either generally or in a particular case, upon the communications to be permitted between a prisoner and other persons.

(2) Except as provided by this rule, a prisoner shall not be permitted to communicate with any person outside the prison, or that person with him, without the leave of the Superintendent.

(3) Except as provided by this rule, every letter or communication to or from a prisoner may be read or examined by the Superintendent or an Officer deputed by him, and the Superintendent may, at his discretion, stop any letter or communication on the ground that its contents are objectionable or that it is of inordinate length.

(4) Every visit to a prisoner shall take place within the sight and,

except as provided by this rule, the hearing of an Officer, unless the Superintendent otherwise directs.

(5) The Superintendent may give directions, generally in relation to any visit or class of visit, concerning the days and times when prisoners may be visited.

(6) An unconvicted prisoner may send and receive as many letters and receive as many visits as he wishes within such limits and subject to such conditions as the Superintendent may direct, either generally or in a particular case.

(7) A convicted prisoner shall be entitled

- (a) to send or receive a letter on his admission into prison and thereafter once a week; and
- (b) to receive a visit once every two weeks.

(8) The Superintendent may allow a prisoner an additional letter or visit where necessary for his welfare or that of his family.

(9) Superintendent may allow a prisoner entitled to a visit to send and receive a letter instead.

(10) The Superintendent may defer the right of a prisoner to a visit until the expiration of any period of cellular confinement.

(11) The Superintendent may allow additional letters and visits in relation to any prisoner or class of prisoner.

(12) A prisoner shall not be entitled under this rule to receive a visit from any person other than a relative or friend, except with the leave of the Superintendent.

21. (1) A police officer may, on production of an order issued by or on behalf of the Commissioner of Police, interview any prisoner willing to see him.

(2) A person detained in prison in default of finding a surety, or of payment of a sum of money, may communicate with, and be visited at any reasonable time on a weekday by, any relative or friend to arrange for surety or payment in order to secure his release from prison.

Visits and communications in connection with legal and other proceedings.

(3) The legal adviser of a prisoner in any proceedings, civil or criminal, to which the prisoner is a party, shall be afforded reasonable facilities for interviewing him in connection with those proceedings out of hearing but in the sight of an Officer.

(4) A prisoner's legal adviser may, with the leave of the Superintendent, interview the prisoner in connection with any other legal business in the sight and hearing of an Officer.

(5) A prisoner who is a party to any legal proceedings may correspond with his legal adviser in connection with the proceedings and unless the Superintendent has reason to suppose that any such correspondence contains matter not relating to the proceedings it shall not be read or stopped under rule 20 (1).

(6) A prisoner shall on request be provided with any writing materials necessary for the purposes of sub-rule (5).

(7) Subject to any directions given in the particular case by the Superintendent, a registered medical practitioner selected by or on behalf of a prisoner who is a party to legal proceedings shall be afforded reasonable facilities for examining him in connection with the proceedings, and may do so out of hearing but in the sight of an Officer.

Custody
outside prison.

22. (1) A person being taken to or from a prison in custody shall be exposed as little as possible to public observation, and proper care shall be taken to protect him from curiosity and insult.

(2) A prisoner required to be taken in custody anywhere outside a prison shall be kept in the custody of an Officer or a police officer.

Prisoners
property.

23. (1) Subject to any directions by the Superintendent, an unconvicted prisoner may have supplied to him at public expense and retain for his own use, books, newspapers, writing material and any other means of occupation, except any that appear objectional to the Committee or, pending consideration by them, to the Superintendent.

(2) A prisoner's property, other than property which he is allowed to retain for his own use, shall be taken into the custody of the Superintendent and an inventory of the property shall be kept, and the prisoner shall be required to sign the inventory after he has had a proper opportunity to see that it is correct.

(3) Any cash which a prisoner has at a prison shall be paid into

an account under the control of the Superintendent and the prisoner shall be credited with the amount in the books of the prison.

(4) Any article belonging to a prisoner which remains unclaimed for a period of more than three years after he leaves prison, or dies, may be sold or otherwise disposed of, and the net proceeds of any sale shall be paid to Government funds for its general purposes.

(5) The Superintendent may confiscate any unauthorised article found in the possession of a prisoner after his admission into prison, or concealed or deposited anywhere within the prison.

24. (1) Any money or other article (other than a letter or other communication) sent to a convicted prisoner through the post office shall be dealt with in accordance with the provisions of this rule, and the prisoner shall be informed of the manner in which it is dealt with.

Money and articles received by post.

(2) Any cash shall, at the discretion of the Superintendent, be

(a) dealt with in accordance with rule 23 (3)

(b) returned to the sender; or

(c) in a case where the sender's name and address are not known, paid to Government funds for its general purposes

except that in relation to a prisoner committed to prison in default of payment of any sum of money, the prisoner shall be informed of the cash and, unless he objects to it being so applied, it shall be applied in or towards the satisfaction of the amount due from him.

(3) Any security for money shall, at the discretion of the Superintendent,

(a) be delivered to the prisoner or placed with his property at the prison; or

(b) be returned to the sender; or

(c) in a case where the sender's name and address are not known or the article is of such a nature that it would be unreasonable to return it, be sold or

any sale applied in accordance with sub-rule (2).

PART II DISCIPLINE

Removal from
association.

25. (1) Where it appears desirable, for the maintenance of good order and discipline or in his own interests, that a prisoner should not associate with other prisoners, either generally or for particular purposes, the Superintendent may arrange for prisoner's removal from association accordingly.

(2) A prisoner shall not be removed under this rule for a period of more than 24 hours without the recommendation of the Committee.

(3) The Superintendent may arrange at his discretion for such a prisoner to resume association with other prisoners, and shall do so if in any case the medical officer so advises on medical grounds.

Use of force.

26. (1) An Officer in dealing with a prisoner shall not use force unnecessarily and, when the application of force to a prisoner is necessary, no more force to a prisoner than is necessary shall be used.

(2) No Officer shall act deliberately in a manner calculated to provoke a prisoner.

Temporary
confinement.

27. The Superintendent may order a refractory or violent prisoner to be confined temporarily in a special cell (if available), but a prisoner shall not be so confined as a punishment, or after he ceases to be refractory or violent.

Restraints.

28. (1) The Superintendent may order a prisoner to be put under restraint where this is necessary to prevent the prisoner from injuring himself or others, damaging property or creating a disturbance.

(2) Notice of such an order shall be given without delay to a member of the Committee, and to the medical officer.

(3) On receipt of the notice, the medical officer shall inform the Superintendent whether he concurs in the order and the Superintendent shall give effect to any recommendations which the medical officer may make.

(4) A prisoner should not be kept under restraint longer than is necessary, nor shall he be so kept for longer than 24 hours without a direction in writing given by the

duration of time it may continue.

(5) Particulars of every case of restraint under the foregoing provisions of this rule shall be forthwith recorded.

(6) Except as provided by this rule, no prisoner shall be kept under restraint otherwise than for safe custody during removal, or on medical grounds by direction of the medical officer.

(7) No prisoner shall be put under restraint as a punishment.

(8) Any means of restraint shall be of a pattern authorised by the Governor and shall be used in such manner and under such conditions as the Governor may direct.

29. A prisoner commits an offence against discipline if he

- (a) mutinies or incites another prisoner to mutiny;
- (b) commits an assault;
- (c) detains any person against his will;
- (d) denies access to any part of the prison to an Officer;
- (e) fights with any person;
- (f) intentionally endangers the health or personal safety of others or, by his conduct, is reckless whether such health or personal safety is endangered;
- (g) intentionally obstructs an officer in the execution of his duty;
- (h) escapes from prison or legal custody;
- (i) has in his possession
 - (i) any prohibited article, or
 - (ii) a greater quantity of any article than he is authorised to have;
- (j) sells or delivers to any person any prohibited article;
- (k) sells or, within permission, delivers to any person any article which he is allowed to have only for his own use;

Offences
against
discipline.

- (l) takes improperly any article belonging to another person or to

the prison;

- (m) intentionally or recklessly sets fire to any part of the prison or any other property, whether or not his own;
- (n) destroys or damages any part of the prison or any other property other than his own;
- (o) absents himself from any place where he is required to be or is present at any place where he is not authorised to be;
- (p) is disrespectful to the Superintendent or to any Officer or to any person visiting the prison;
- (q) uses threatening, abusive or insulting words or behaviour;
- (r) intentionally fails to work properly or, being required to work, refuses to do so;
- (s) disobeys any lawful order;
- (t) disobeys or fails to comply with any rule applying to him;
- (u) makes any false and malicious allegation against an Officer;
- (v) repeatedly makes groundless complaints;
- (w) in any way offends against good order and discipline;
- (x) attempts to commit, or incites another prisoner to commit, or assists another prisoner to commit, any of the foregoing offences.

Disciplinary charges.

30. (1) Where a prisoner is to be charged with an offence against discipline, the charge shall be laid as soon as possible, and, save in exceptional circumstances, within 48 hours of the discovery of the offence.

(2) A prisoner who is to be charged with an offence against discipline may be kept apart from other prisoners pending adjudication of his case.

(3) Every charge shall be inquired into, in the first instance, by the Superintendent.

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(4) Save in exceptional circumstances, every charge shall be first

inquired into not later than the next day, not being a Sunday or public holiday, after it is laid.

31. (1) Where a prisoner is charged with an offence against discipline, he shall be informed of the charge as soon as possible and, in any case, before the time when it is inquired into by the Superintendent.

Rights of
prisoners
charged.

(2) At any enquiry into a charge against a prisoner, the prisoner shall be given a full opportunity of hearing what is alleged against him and of presenting his own case.

32. (1) If the Superintendent finds a prisoner guilty of an offence against discipline, he may, subject to rule 35, impose one or more of the following punishments

Punishments.

- (a) a caution;
- (b) forfeiture for a period not exceeding 28 days of any privileges under rule 6;
- (c) exclusion from associated work for a period not exceeding 14 days;
- (d) stoppage of earnings for a period not exceeding 28 days;
- (e) cellular confinement for a period not exceeding 3 days;
- (f) forfeiture of remission of sentence for a period not exceeding 28 days;
- (g) in the case of an unconvicted prisoner, forfeiture for any period of the right under rule 24 (1) to have articles there mentioned;
- (h) in the case of an unconvicted prisoner guilty of escaping or attempting to escape, forfeiture of the right to wear his own clothing under rule 11 (1);

(2) If a prisoner is found guilty of more than one offence, punishments may be ordered to run consecutively.

(3) In the case of an offence against discipline committed by a prisoner who was under the age of 21 years when it was committed, sub-rule (1) shall have effect, but

- (a) the maximum period of forfeiture of privileges shall be 14 days; and

- (b) the maximum period of stoppage of earnings shall be 14 days.

33. (1) Where at an inquiry held pursuant to rule 31 (3) the Superintendent decides that, if the prisoner were found guilty, the punishments provided under rule 32 would, having regard to the nature and circumstances of the offence, be inadequate, the Superintendent may refer the charge to the Committee.

(2) Where a charge is referred to the Committee, the Chairman shall summon a special meeting at which not more than five nor fewer than two members shall be present.

(3) The Committee shall inquire into the charge, and if it finds the prisoner guilty it may, subject to sub-rule (4), impose one or more of the following punishments:

- (a) a caution;
- (b) forfeiture or postponement for any period of any privileges under rule 6;
- (c) stoppage of earnings for a period not exceeding 56 days;
- (d) cellular confinement for a period not exceeding 56 days;
- (e) exclusion from associated work for a period not exceeding 56 days;
- (f) forfeiture of remission of sentence of a period not exceeding 120 days;
- (g) the punishments referred to in rule 32 (1) (g) and (h).

(4) If a prisoner is found guilty of more than one offence, punishments may be ordered to run consecutively, but where forfeiture of remission is concerned the total period forfeited shall not exceed 180 days.

(5) In the case of an offence against discipline committed by a prisoner who was under the age of 21 years when it was committed, sub-rule (3) shall have effect but

- (a) the maximum period of forfeiture or postponement of privileges shall be 28 days;
- (b) the maximum period of exclusion from associated work and stoppage of earnings shall be 28 days;

- (c) the maximum period of cellular confinement shall be 7 days;

(d) the maximum period of forfeiture of remission of sentence shall be 90 days; and

(e) the maximum period of forfeiture of remission arising from punishments ordered to run consecutively on charges arising from an incident shall be 135 days.

34. (1) A punishment of stoppage of earnings may, instead of forfeiting all a prisoner's earnings for a specified period not exceeding 28 or 56 days, as the case may be, may be expressed so as to forfeit a proportion (not being less than one half) of his earnings for a period not exceeding a correspondingly greater number of days.

Particular
punishments.

(2) No punishment of cellular confinement shall be imposed unless the medical officer has certified that the prisoner is in a fit state of health to be so dealt with.

(3) In the case of an offence against discipline committed by an unconvicted prisoner, a punishment of prospective or contingent forfeiture of remission may be made and such punishment shall have effect only if a sentence of imprisonment is imposed upon conviction of the prisoner, in which case it shall have effect even if the sentence is stated to be reduced by the period during which the prisoner was a convicted prisoner.

35. (1) Subject to any directions of the Superintendent, the power to impose a punishment (other than a caution) under this Part, shall include the power to suspend for up to six months the operation of the punishment unless, within the period of the suspension, the prisoner commits another offence against discipline.

Suspension,
remission and
mitigation of
punishments.

(2) Where a prisoner upon whom a suspended punishment is imposed commits another offence against discipline, the Superintendent or Committee, as the case may be, may

(a) direct that the suspended punishment take effect;

(b) direct that it take effect subject to a specified reduction of its period or amount;

(c) suspend the operation of the suspended punishment for a further period of up to six months; or

(d) give no directions with respect to the suspended punishment.

(3) The Superintendent may quash any finding of guilt and may remit any punishment or mitigate it either by reducing it or by substituting another which is, in his opinion, less severe.

(4) Subject to any directions of the Governor, the Committee may recommend to the Governor that any punishment imposed by the Superintendent be remitted or mitigated.

PART III FUNCTIONS AND CONDUCT OF OFFICERS

General duty of
Officers.

36. (1) It shall be the duty of every Officer to conform to these Rules, to assist and support the Superintendent in their observance, and to obey the lawful instructions of the Superintendent.

(2) An Officer shall inform the Superintendent promptly of any abuse or impropriety which comes to his knowledge.

Search of
Officers.

37. An Officer or servant of the prison shall submit himself to be searched in the prison if so required by the Superintendent.

Dealings with
Prisoners.

38. (1) No Officer shall take part in any business or pecuniary transaction with or on behalf of a prisoner without leave of the Superintendent.

Communica-
tions to the
press, etc.

39. (1) No Officer shall make, directly or indirectly, any unauthorised communication to a representative of the press or any other person concerning matters which have become known to him in the course of his duty.

(2) No Officer shall, without authority, publish any matter or make any public pronouncement relating to the prison administration.

Code of
Discipline.Sche-
dule 1.

40. The Code of Discipline set out in Schedule 1 shall have effect in relation to the Superintendent and all Officers.

THE PRISON VISITING COMMITTEE

41. (1) For the purpose of exercising the functions conferred upon it by these Rules, there shall be a body to be known as the Prison Visiting Committee which shall consist of a Chairman and not less than two nor more than six other members, any of whom may be a Justice of the Peace, appointed by the Governor in accordance with the form set out in Schedule 2.

Constitution
and
proceeding
of Prison
Visiting
Committee.

Schedule 2.

(2) A person appointed to be a member of the Committee shall hold office for a period not exceeding three years, as may be determined by the Governor, and shall be eligible for reappointment.

(3) A member may at any time resign his office by notice in writing to the Governor.

(4) At any meeting of the Committee any three members shall constitute a quorum.

(5) The Chairman shall preside at meetings of the Committee but in the event of his absence from any meeting the members present shall appoint any other member to preside at that meeting.

(6) No person interested in any contract for the supply of goods or services to a prison shall be a member of the Committee.

(7) The Committee shall meet at the Prison once in each month or, if it resolves for reasons specified in the resolution that less frequent meetings are sufficient, not fewer than eight times in 12 months.

(8) The proceedings of the Committee shall not be invalidated by any vacancy in the membership or any defect in the appointment of a member.

(9) Decisions of the Committee shall be reached by a majority of the members present and voting, and in the case of an equality of votes the Chairman or member presiding shall have a casting vote.

(10) The Committee shall otherwise regulate its procedure as it thinks fit.

42. (1) The Committee shall satisfy itself as to the state of the prison and the treatment of prisoners and in particular it shall

Duties of
Committee.

or any member;

- (b) arrange for the food of the prisoners to be inspected by a member of the Committee at frequent intervals;
- (c) inquire into any report made to it that a prisoner's health, mental or physical, is likely to be injuriously affected by any conditions of his imprisonment;
- (d) inquire into and report upon any matter into which the Governor may ask them to inquire;
- (e) direct the attention of the Superintendent to any matter it considers calls for his attention, and report to the Governor on any matter which it considers expedient to report upon;
- (f) inform the Governor immediately of any abuse which comes to its knowledge.

(2) The Committee shall, in a case of any abuse or neglect by an Officer of his functions, recommend to the Superintendent the suspension of the Officer until the decision in the case is known.

Visiting of
prisons.

43. (1) The members of the Committee shall arrange a rota whereby at least one member visits each prison between meetings of the Committee.

(2) The members of the Committee shall have access to all parts of the prison, the prison records and all prisoners of any prison.

Annual report.

44. The Committee shall make an annual report to the Superintendent at the end of each year concerning the state of prisons and their administration, and including any recommendations it considers appropriate.

PART V SUPPLEMENTARY

Control of
access to
prisons.

45. (1) Any person or vehicle entering or leaving a prison may be stopped, examined and searched.

(2) The Superintendent may direct the removal from a prison of any person who does not leave upon being required to do so.

(3) No person outside the prison shall be permitted to view it unless authorised by the Superintendent.

(4) No person viewing a prison shall be permitted to take a

photograph or make sketch of the prison, nor to communicate with a prisoner unless authorised by the Superintendent.

46. The Superintendent may, with the leave of the Governor, delegate any of his functions under these Rules to an Officer. Delegation by Super-intendent.

47. The Prison Rules, 1956 are revoked. Revocation.

SCHEDULE 1

CODE OF DISCIPLINE

[Rule 40]

A. The Superintendent

Residence,
employment,
etc., of the
Super-
intendent.

1. (1) The Superintendent shall have the general control and management of prison and

- (a) shall reside in such quarters as may be assigned to him by the Governor;
- (b) shall not follow or be concerned in any other occupation or trade, unless specially authorised by the Governor;
- (c) shall not derive, directly or indirectly, any emolument or benefit, pecuniary or otherwise, from the supplies furnished for the use of the prison, or from the sale of any article produced in the prison;
- (d) shall not let for hire any portion of his quarters or any part of the prison buildings or grounds.

(2) The Superintendent shall be allowed medical attendance and medicine for himself at the public expense.

Absence.

2. The Superintendent shall not absent himself for a night from the quarters assigned to him without the permission of the Governor.

Observance or
enforcement of
prison laws.

3. The Superintendent shall

- (a) conform to the provisions of these rules and of all the laws relating to the prison;
- (b) require obedience to the same from all Officers;
- (c) enforce them on the prisoners; and
- (d) be responsible for every relaxation or infringement of such rules and laws.

Inspection of
prison.

4. (1) The Superintendent shall inspect every part of the men's prison, and see every prisoner at least once in every twenty-four hours, and shall in like manner inspect the women's prison at least twice a week, and in default of such inspections shall state in his journal how far he has omitted them, and the cause thereof.

(2) The Superintendent shall, at least five times in each month, go through the men's prison at an uncertain hour of the night, and he shall record in his journal, the date and time of the visit and the state of the prison at the time.

(3) When visiting the women's prison he shall be accompanied by the Matron or some other female Officer on duty at the time.

(4) He Superintendent shall not allow anyone to enter or leave the prison between the hours of locking at night and unlocking in the morning except the Governor or members of the Committee.

(5) This rule shall not apply to the admission of prisoners unavoidably brought to the prison at night, or to prisoners who have to be transported to hospital.

5. The Superintendent shall at least once in every twenty-four hours visit each cell at the prison in which a prisoner is undergoing cellular confinement, and shall see that every prisoner under punishment is visited, during the day, at intervals of not more than three hours by the appointed officer.

Inspection of cells.

6. The Superintendent shall take care that no prisoner is subjected to any corporal, cellular, or dietary punishment which the medical officer has not certified that he is capable of undergoing.

Medical certificate prior to punishment.

7. The Superintendent shall not allow any person unconnected with the prison to sleep therein without the written permission of the Governor.

Prohibition of unauthorised person sleeping in prison.

8. The Superintendent shall not permit any person not being an Officer to have any communication with any prisoner, except as provided by these Rules.

Communication with prisoners.

9. (1) The Superintendent shall take every precaution to guard against the escape of any prisoner, and shall cause a daily examination to be made of all cells, bars, bolts, locks, and related matters.

Precaution against Escapes and fires.

(2) In the event of an escape being effected, the Superintendent shall immediately report it to the Governor and to the Police.

(3) The Superintendent shall also adopt proper precautions against fire.

Escape of prisoners.

10. The Superintendent shall enquire into the escape of any prisoner and the conduct of the officers in charge at the time.

Inspection of Supplies.

11. (1) The Superintendent shall satisfy himself that the food, clothing and other supplies furnished by the contractors are wholesome and good, and are in quality, description, and weight, in accordance with the requisitions and contracts and shall reject all supplies which are not satisfactory.

(2) All contractors' accounts for articles supplied shall be certified by him and he shall frequently inspect the diets of prisoners and see that they are of the proper description, quantity and quality.

Prisoners' complaints.

12. The Superintendent shall at all reasonable times be ready to hear the complaints of any prisoner and, should he deem it necessary, shall report the same to the Committee.

(2) All such complaints shall be entered in his journal.

Notification of illness of Officer or prisoner.

13. (1) The Superintendent shall report to the medical officer, without delay, the sudden illness of any Officer or prisoner, and shall acquaint him with the names of all prisoners who complain of illness or are undergoing cellular confinement.

(2) The Superintendent shall report to the medical officer any case of insanity or apparent insanity occurring amongst the prisoners, or any case in which the life of any prisoner seems to him likely to be endangered by further continuance in prison or by the discipline thereof.

Observance of medical officer's orders.

14. The Superintendent shall carry or cause to be carried into effect any orders of the medical officer with reference to health and cleanliness.

Notification of clergymen.

15. The Superintendent shall give notice to a minister of the religious denomination to which any prisoner belongs in any case where he is informed by the medical officer that the life of such prisoner appears to be in danger.

Notification of relatives and friends.

16. The Superintendent shall notify, whenever practicable, the relatives or friends of any officer or prisoner whom the medical officer reports to be seriously ill.

Prisoners whose health endangered.

17. On receipt of any report from the medical officer that the mind or body of any prisoner is likely to be injured by the discipline or by further detention in prison the

Superintendent shall give such directions as may be requisite, reporting every such case to the Governor.

18. The Superintendent shall take care that all convicted prisoners are regularly worked in accordance with the rules for employment of prisoners.

Employment of prisoners.

19. The Superintendent shall attend all corporal punishment and shall enter in his journal any orders which the medical officer may have given on such occasion.

Punishment.

20. (1) The Superintendent shall be responsible for all stores, clothing and related matters, and for all deficiencies in the same.

Responsibility for prison stores.

(2) The Superintendent shall direct the issue of the proper supplies and take care that no article of any description is issued until it is properly marked with the prison marks.

(3) The Superintendent shall carefully study the requirements of the prison for the purpose of promoting economy and preventing waste.

21. (1) Once in each year the Superintendent shall prepare and forward to the Governor a list of articles to be condemned as unfit for further use and shall dispose of such articles as directed.

Condemnation of articles.

(2) The Superintendent shall take stock of all prison property on or before the 31st March each year and shall keep a certified inventory thereof.

22. The Superintendent shall annually prepare and forward to the Governor a report upon the condition and working of the prison.

Annual report.

23. The Superintendent shall periodically inform a minister of religion of a prisoner who belongs to that religion.

Notification of religion of prisoners.

24. (1) The Superintendent shall exercise his authority with firmness, temper, and humanity, and abstain from all irritating language.

Conduct of Officers.

(2) He shall not strike a prisoner, unless compelled to do so in self defence.

(3) He shall enforce similar conduct on the part of the officers, under penalty of their dismissal.

25. (1) Where an Officer is charged with any of the offences mentioned in sub-paragraph (7) the Superintendent

Offences by Officers.

shall, save as hereinafter mentioned, hold an investigation into the charge and if on completion of the investigation he is satisfied that the offence is proved, he may impose a fine not exceeding one hundred and fifty dollars for each such offence.

(2) Where the Superintendent considers the offence with which an Officer is charged to be of a serious nature he shall not hold an investigation into the charge but shall report the matter to the Chairman or one of the other members of the Committee, and the Committee shall without undue delay investigate the charge and if after such investigation the Committee is satisfied that the offence is proved it may recommend to the Superintendent that he award any of the following punishments:

- (a) reduction in rank or grade;
- (b) suspension, stoppage or deferment of increment;
- (c) forfeiture of good conduct pay or of any benefit arising from service;
- (d) forfeiture of not more than half a month's salary;
- (e) admonition;
- (f) reprimand;
- (g) severe reprimand;
- (h) recommendation for dismissal.

(3) In any investigation held by the Superintendent or the Committee pursuant to the provisions of this rule the person charged shall be given a proper opportunity of presenting his case.

(4) Any Officer against whom any such fine is imposed or any such punishment awarded may, within seven days of his conviction, appeal in writing to the Governor and the Governor may allow the appeal, reduce or confirm the fine or punishment or make such other order as he may deem fit.

(5) Where an offence against an Officer is to be tried by the Committee the Superintendent may with the approval of the Governor suspend the Officer from his duties pending the decision of the Committee or the Governor, as the case may be, and while his suspension continues such Officer shall be allowed to receive such portion of his salary not being less than one half, as the Governor shall think fit.

(6) Where an Officer has been guilty of and fined for any offence specified in paragraph (7), the name of the offender, the date and description of the offence, the amount of the fine and the authority by whom he was punished shall be entered in the Officers' Punishment Book.

(7) The offences to which reference is made in sub-paragraphs (1) and (6) are as follows:

- (a) reporting late for duty;
- (b) leaving a cell or principal door or gate unlocked;
- (c) entering a prisoner's cell at night contrary to orders;
- (d) allowing any unauthorized person to communicate with a prisoner;
- (e) leaving keys in a door or lying about;
- (f) cursing, swearing, or using indecent or immoral language;
- (g) neglecting to guard, supervise or attend prisoners under his charge;
- (h) speaking of the prison arrangements in the hearing of a prisoner or of any person not connected with the prison;
- (i) carelessly searching, or neglecting when necessary or directed, to search a prisoner or a visitor;
- (j) neglecting to have the cell lights lit at the proper times;
- (k) neglecting to examine the cells and fastenings of the cells under his charge, and to examine and search the wards, cells, bedding, and clothing;
- (l) allowing tools, materials, or other articles to be lying about out of their appointed places;
- (m) allowing dirt to accumulate in the wards, cells, passages, or other places under his charge;
- (n) omitting to report any misconduct, breach of rules or omission of duty in himself, another Officer, or a prisoner, or any injury done to the prison furniture, or to the walls, windows, partitions, or any part of the prison;

- (o) inattention when in charge of prisoners;
- (p) allowing unauthorised persons to remain in the vicinity of the prison;
- (q) appearing on duty out of uniform, or improperly or slovenly dressed or dirty;
- (r) quitting his post without authority and before being properly relieved;
- (s) wrangling, talking of his own private affairs in the hearing of prisoners or making unnecessary noise, either within the prison or when on duty outside;
- (t) in any way obstructing the duties of the prison;
- (u) omitting, when sick and unable to attend the prison to send notice to the Superintendent and to the medical officer;
- (v) neglecting to count the prisoners at the time prescribed by these Rules, or by the Superintendent;
- (w) allowing prisoners to stray from their work, neglecting to keep them in view;
- (x) smoking or reading whilst on duty;
- (y) drunkenness, disobedience of, or negligence in carrying out, the prison rules, or any orders or directions given by any proper authority;
- (z) when on duty as Gate Keeper -
 - (i) neglecting to keep the gates locked except when absolutely necessary to admit authorised persons and things;
 - (ii) allowing a prisoner to leave the prison without being attended by an Officer;
 - (iii) allowing unauthorized persons or improper things to go in or out of the prison;
 - (iv) allowing any person to loiter about the gate;
- (aa) disobedience of, or negligence with respect to, these Rules or any lawful order given by any person in authority connected with the prison;

(bb) conduct to the prejudice of good order or prison discipline.

26. (1) The Superintendent shall, after consultation with the Committee, make reports at the intervals specified in sub-paragraph (2) to the Governor with a copy to the Minister and each report shall be accompanied by the written recommendation of the Committee as described in paragraph (3) in respect of each prisoner to which the report refers.

Reports on
certain
prisoners.

(2) The written report referred to in sub-paragraph (1) shall be made –

(a) after four years of the sentence has been served and thereafter at two yearly intervals in respect of all prisoners who were of the age of twenty years or more at the date of their conviction and who are serving a sentence of four years or more; and

(b) after twelve months of the sentence has been served and thereafter at twelve monthly intervals in respect of prisoners serving a sentence of twelve months or more and who had not attained the age of twenty years at the date of their conviction.

(3) Each report to be submitted under the provisions of this rule shall describe the prisoners' mental and bodily condition with particular reference to the effect of the imprisonment upon his health, his demeanour and his attitude towards the offence and towards crime generally and upon his conduct and industry and on any other point which might be of assistance to the Governor in considering his case.

27. The Superintendent shall be responsible for the following and such other books and records as may from time to time be required at a prison being kept properly and up-to-date:

Records.

(a) a Prison Register;

(b) a Journal of all occurrences of importance in the prison;

(c) a Prisoners' Punishment Book;

(d) a book recording interviews with prisoners by the Superintendent;

- (e) an Inventory Book of all articles belonging to the prison;
- (f) an Order Book for the entry of any standing orders relative to the discipline of the prison;
- (g) a record of officers' services, defaults and related matters;
- (h) a Provision Ledger;
- (i) an Official Visitors' Book;
- (j) a General Visitors' Book;
- (k) a Diet Book, showing the daily number of prisoners on regular and special diets;
- (l) a record of previous convictions;
- (m) a Cash Book for all receipts and payments;
- (n) a Monthly Pay and Stoppage Book;
- (o) a Diary of daily occurrences;
- (p) a Prisoners' Property Book.

Visits of inspection.

28. The Superintendent shall accompany the Governor and the Committee on their inspection of the prison.

Release of prisoner unprovided with clothing.

29. The Superintendent shall, upon the release of any prisoner unprovided with clothing, ascertain whether his relatives or friends can furnish him with clothing, and, if they cannot, he shall, after consultation with the Chairman of the Committee, supply the prisoner from public funds and at the lowest possible cost with such clothing as may be necessary.

Prisoners eligible for discharge.

30. The Superintendent shall transmit to the Governor the names and descriptions of such prisoners as are eligible for discharge under the rules herein provided for remission of sentences.

Care of prison walls.

31. The Superintendent shall see that no trees are allowed to grow against the outer walls of the prison and that no rubbish or other article is laid against them.

Inspection of prisoners' work.

32. The Superintendent shall frequently inspect the work performed by prisoners both inside and outside the prison walls, so as to satisfy himself that every prisoner at

work is working diligently and shall also cause the Officers to do the same.

(2) Such inspection of outside work shall be recorded in a book kept for that purpose in the prison.

33. The Superintendent shall forthwith forward to the proper authority all fines and costs received by him from prisoners committed in default of payment.

Disposal of fines and costs collected.

B. The Medical Officer

1. (1) The medical officer shall certify the class of labour for which every prisoner is fit on admission, and from time to time thereafter.

Class of labour to be performed by prisoner.

(2) No prisoner shall be employed at any labour for which he is not certified as being medically fit.

(3) The Medical Officer shall also assist, when necessary, in assigning the task of labour according to the physical capacity of a prisoner.

2. (1) The medical officer shall attend to and prescribe for all sick prisoners, and all officers of the prison who shall require his attendance at the prison.

Sick prisoners and officers.

(2) Without prejudice to rule 3(3) he shall examine all prisoners on admission and record in the Medical Minute Book the cases of any who are found to be in an unfit state to be sent to prison; he shall also certify that a prisoner, previous to his being transferred to any other authorised place of confinement, is in a fit state of health to be removed.

3. (1) Whenever the Medical Officer has reasons to believe that the mind or body of a prisoner is or is likely to be injuriously affected by the discipline or treatment of the prison he shall record the case in the Medical Minute Book for the information of the Superintendent and shall give such directions as he may think proper.

Health of prisoner endangered by further imprisonment.

(2) The Medical Officer shall also report to the Superintendent whenever he shall be of the opinion that the life of any prisoner is endangered by his continuance in prison, with the grounds of his opinion.

4. (1) The medical officer shall be in attendance at the prison at least once a week or as often as is necessary and shall arrange his several visits and duties so as not to disturb the routine or discipline of the prison.

Visits.

(2) He shall enter in the Prisoners' Medical Journal the name of each prisoner, together with such directions for his treatment, diet, clothing, exercise and related matters, and such other observations as he shall see fit.

(3) The Journal shall be signed by him and handed over at least once a fortnight to the Superintendent, for his information and guidance.

Illness of officer.

5. (1) The Medical Officer shall keep an Officers' Medical Journal of all Officers who may apply to him for advice, and shall, on receiving information from the Superintendent that any officer has absented himself on the plea of illness, request the officer to report to him and shall record in the said Journal whether such Officer is fit or unfit for duty, and if unfit, the period of time for which he is excused.

(2) The Journal when signed by him shall be handed over to the Superintendent for his information and guidance.

Books to be kept by medical officer.

6. (1) The medical officer shall keep at the prison the following books:

- (a) a Prisoners' Medical Journal;
- (b) a Prison Officers' Medical Journal;
- (c) a Medical Minute Book;
- (d) a Hospital Case Book.

(2) The form of these books shall be settled by him from time to time with the approval of the Superintendent subject always to revision by the Governor in Council.

Inspection of prison.

7. (1) The medical officer shall not less than once a quarter inspect every part of the prison and record in the Medical Minute Book the result of his inspection, together with any observations he may think fit to make on the cleanliness, drainage, or ventilation, the quality of the provisions, the sufficiency of the clothing or bedding, the quantity or quality of the water, or anything which may in his opinion affect the health of the prisoners.

(2) He shall also frequently inspect the prisoners' diet and satisfy himself that it is of proper quantity, quality and description, and shall keep a record of any irregularity in the Medical Minute Book.

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| <p>8. The Medical Officer shall occasionally inspect the prisoners at work in order to observe the effect it has upon them.</p> | <p>Inspection of prisoners at work.</p> |
| <p>9. The Medical Officer shall visit every prisoner under punishment in cellular confinement and record the visit in the Prisoners' Medical Journal.</p> | <p>Prisoners in cellular confinement.</p> |
| <p>10. The Medical Officer shall attend all corporal punishment and his instructions for preventing injury to health shall be carried out.</p> | <p>Punishment.</p> |
| <p>11 . The Medical Officer shall give notice to the Superintendent when any case of illness appears to him to assume a dangerous aspect.</p> | <p>Report of dangerous illness.</p> |
| <p>12. The Medical Officer shall on the death of any prisoner or a child in prison enter in the Prisoners' Medical Journal the following particulars:</p> <ul style="list-style-type: none"> (a) the time the deceased was taken ill; (b) when the circumstances were first communicated to him; (c) the nature of the disease, and when it assumed a dangerous aspect; (d) whether there were any special circumstances connected with the case; (e) when the prisoner or the child died; (f) when the Coroner sat; (g) the verdict; and (h) any comments made by the Governor. | <p>Death of prisoner.</p> |
| <p>13. No sick prisoner shall at the expiration of his sentence be released from prison, unless in the opinion of the Medical Officer he can be released with safety to health, or such prisoner refuses to stay.</p> | <p>Discharge of sick prisoners.</p> |

C. Officers (General)

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| <p>1. (1) An Officer shall strictly conform to and obey all rules and orders of the Superintendent and assist to their utmost in maintaining order and discipline.</p> | <p>Maintenance of order and discipline.</p> |
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(2) To this end punishment for prison offences may sometimes be resorted to upon their report, but good temper and good example on their part will have great influence on prisoners in preventing the frequent recurrence of offences and the necessity for such punishments.

Conduct
towards
prisoners.

2. (1) Neither the Superintendent nor an officer shall allow any familiarity between a prisoner and himself, nor shall he discuss his duties, any matters of discipline or prison arrangements, within the hearing of a prisoner.

(2) No Officer shall by word, gesture, or demeanour, do anything which may tend to irritate any prisoner.

Report of
prisoners'
complaints
, etc.

3. (1) An Officer shall inform the Superintendent of any prisoner who desires to see him or to make any complaint or refer any request to him or to any other superior authority.

(2) Any neglect in carrying out this rule will be severely dealt with.

Visitors.

4. An Officer shall not be permitted to receive any visitors in a prison without the special permission of the Superintendent.

Report of
prisoner's
illness.

5. (1) An Officer shall not compel any prisoner to go to work who complaint of illness but shall report all such cases to the Superintendent.

(2) An Officer shall direct the attention of the Superintendent to any prisoner who may appear to them to be suffering from illness, although he may not complain, or whose state of mind may appear to him deserving of special notice and care.

Responsibi
lity for
stores,
tools etc.

6. An Officer in charge of stores, tools or other Government articles, will be held responsible for them, and will be liable to pay for any articles committed to his charge which may be negligently lost or damaged, or for any other damage which he may commit.

Duties on
relieving
each other.

7. (1) An Officer shall when he relieves another officer on duty, point out to his successors all matters of special importance, check over all tools, other articles committed to his care and explain any directions of the Superintendent affecting any particular prisoner or the work to be performed.

(2) No Officer shall, on any pretext whatsoever, leave prisoners entrusted to his care until he has received an

audible and proper acknowledgement for them from the Officer to whom he is handing over.

8. An Officer shall pay particular attention to prisoners under punishment in cellular confinement and see that they are provided with necessaries, that their slops are frequently removed, and that they are visited at the regular times, and that they receive one hour's exercise daily in the open air.

Prisoners in cellular confinement.

9. (1) No Officer shall correspond or hold any intercourse with the friends or relatives of any prisoner, unless expressly authorized by the Superintendent, nor shall he make any unauthorized communication concerning the prison or prisoners to any person whatsoever.

Correspondence, etc., with prisoners's friends.

(2) He shall also carefully abstain from forming acquaintance with discharged prisoners.

10. (1) No Officer shall be absent during the regular hours of attendance without the permission of the Superintendent.

Absence of Officers.

(2) When absent for his meals, or on other authorised occasions, an Officer shall return to his duty at the appointed time.

11. An Officer entrusted with keys shall not on any pretext take them out of the prison, but shall, when leaving the prison on any occasion, deliver his keys to such Officer as the Superintendent may depute for that purpose.

Prison keys.

12. An Officer shall at all times confine himself to his respective post, unless specially ordered to go to another part of the establishment in the performance of other duties.

Attendance at posts.

13. It shall be the duty of all Officers to make an immediate report to the Superintendent of any misconduct or willful breach of the Prisons Rules.

Report of misconduct, etc.

14. (1) Conversations between Officers on duty and prisoners, apart from any remarks that may be necessary for the proper performance of duty, work or maintenance of order and discipline, shall be kept to a minimum.

Conversation, etc.

(2) Conversations between prisoners at work shall be kept to a minimum and no idle talking on general subjects shall be permitted.

(3) Out of working hours the making of a remark or two need not be forbidden, but when the remarks are

continued and the Officer sees a gossiping conversation is developing he shall direct the prisoners to stop, and if they fail to do so after one or more such orders, he may report them.

(4) Reports shall not be for talking but for disobedience of orders by taking after being told to stop.

(5) If there are any special reasons for preventing all communication between prisoners, the right plan is to keep them separated.

Dress and appearance.

15. (1) An Officer shall at all times pay strict attention to cleanliness of person and dress and shall always appear, when on duty, properly shaved (in the case of a man), well groomed and dressed in such uniforms as may be allowed them.

(2) All accoutrements, badges and related matters shall be kept perfectly clean and bright at all times.

(3) No civilian clothing may be worn together with uniforms.

(4) Caps shall be worn on duty in the prison and off duty.

Wearing of uniforms.

16. An Officer shall not wear uniforms except when on duty or going to or coming from the prison for the purposes of duty.

Damage to quarters.

17. An Officer occupying quarters shall be answerable for any damage thereto committed by him willfully or negligently during his occupancy and shall refund the cost of repairing the same before the amount due to him as salary is paid.

Combination amongst Officers.

18. It is the duty of all Officers to report to the Superintendent of Prisons any proceedings that may come to their knowledge having the character of a combination amongst the Officers with regard to their duties or positions in the prison, and any complaint of one officer against another shall be made within twenty-four hours of the occurrence complained of.

Restriction on striking prisoners.

19. (1) No officer shall strike a prisoner unless compelled to do so in self-defence or when ordered to inflict corporal punishment.

(2) When in charge of a gang beyond the prison walls, an officer may place a prisoner in hand-cuffs in case of

gross misconduct, or for the purpose of security, reporting the occurrence to the Superintendent on his return to the prison.

20. (1) An officer shall carefully observe the character and habits of the prisoners under his charge and shall afford unreserved information on such subjects, it being of the utmost importance that the Superintendent shall be fully informed on these points.

Observation of prisoners character, etc.

(2) Any unfairness or partiality in this respect will be dealt with as a serious offence.

21. (1) An Officer shall count the prisoners under his charge at locking up and at unlocking time and shall report the state of his respective division and the numbers present.

Counting, etc., of prisoners.

(2) An Officer shall examine daily the state of the cells, bedding, locks, bolts, and other articles, and shall seize all prohibited articles and deliver them to the Superintendent.

22. (1) An Officer proceeding with prisoners to work beyond the prisons walls shall be furnished with the name of each prisoner entered therein.

Duty of Officers in charge of gangs at work outside the prison.

(2) He shall, before leaving, check the name of each prisoner with the Superintendent or other appointed Officer, after which he shall be held responsible for the safe custody and proper conduct of such prisoners.

(3) He shall see that they do not straggle, or hold communication with any unauthorised person.

(4) Upon his return to the prison he shall check the name of each prisoner as before with the appointed Officer and give up his book to be signed.

23. (1) An Officer shall thoroughly search every prisoner on his return to the prison, for the purpose of ascertaining whether he has any prohibited articles secreted on his person.

Searching of prisoners on return to prison.

(2) All tools and other implements are to be checked at the commencement and completion of work and handed over to the officer deputed for that purpose.

24. (1) An Officer placed in authority over prisoners shall be a person of good moral principles.

Standard of conduct required of an officer.

(2) Any disreputable conduct will render an Officer liable to dismissal.

(3) Intoxication will be liable to be visited with dismissal and it will not be taken into consideration at what place it occurred or whether it be a greater or less degree of intoxication, nor will it be regarded as any excuse that the person offending may claim to have been at the time capable of performing his duties, it being absolutely necessary that all persons connected with the prison shall be perfectly sober at all times.

(4) Swearing, cursing, the use of improper language, incurring debts which he is unable to pay, frequently brothels, keeping bad company and gambling will be considered sufficient grounds for the discontinuance of an officer's service.

Pecuniary dealings, etc., with prisoners forbidden.

25. No Officer, or any person in trust for him or employed by him, shall sell or have any benefit or advantage from the sale of any article to any prisoner, nor shall he have pecuniary dealings whatever with any prisoner or employ any prisoner on his private account or in any official capacity in the discipline of the prison.

Interest in prison contract forbidden.

26. No Officer shall directly or indirectly have any interest in any contract or agreement for the supply of the prison, nor shall he receive, directly or indirectly, under any pretence whatever, any fee or present from any contractor or person tendering any contract with the establishment, but he may, if the terms of the contract permit it, purchase provisions for the use of himself and family at the contract rates.

Receipt of fees prohibited.

27. No Officer shall at any time receive money, fees or gratuity of any kind for the admission of any visitors to the prison or to prisoners, or from or on behalf of any prisoner, on any pretext whatsoever.

Using or bringing in prohibited articles.

28. (1) No officer shall introduce into, keep or use in the prison tobacco or liquor of any kind or any newspaper, book or other publication, except under such restrictions as may from time to time be laid down by the Superintendent.

(2) An Officer in charge of gangs employed outside the prison walls shall on no account use tobacco or spirituous liquors whilst in charge of such gangs.

Punishments for dealings with prohibited articles.

29. (1) Every Officer or servant of the establishment who shall (except for lawful purposes and with the authority of the Superintendent) bring in or carry out, or endeavour to bring in or carry out, or knowingly allow to be brought in or carried out of the prison, or convey or attempt to convey, or knowingly allow to be conveyed to or for any prisoner within

or without the prison walls, any money clothing, provisions, tobacco, letters, papers or other articles whatsoever not allowed by the rules of the prison, shall be suspended from his duties and placed under arrest by the superintendent who shall forthwith report the offence to the Governor.

(2) Such conduct shall be liable to be punished by fine or imprisonment under the provisions of the law relating to prisons.

30. (1) An Officer shall be watchful to detect and prevent any person secreting prohibited articles for the prisoners when employed outside the walls or within a prison and shall immediately report any such occurrence.

Introduction of prohibited articles by outside persons.

(2) He shall especially guard against the clothes of workmen or others being left lying about in places accessible to the prisoners and shall report at the earliest opportunity any circumstance of this kind or the loitering of improper or suspicious persons about the prison or in the vicinity of prisoners working outside.

31. (1) Special care shall be taken that no ladder, ropes, implements or materials of any kind likely to facilitate escape are left lying about the yard or elsewhere.

Removal of articles facilitating escape.

(2) All such articles when not in use shall be kept in their appointed places.

(3) Every Officer shall immediately report any instance of such articles being left about in contravention of this rule.

32. No Officer shall on any account enter the cell of any prisoner at night unless accompanied by another officer, and even then only in cases of illness or other emergency.

Entering cell at night.

33. An Officer residing in the prison and off duty shall be in his quarters punctually at 10:00 p.m., and he will not be admitted to the prison after that time until next morning at 5:30.

Hours of return to quarters at night.

34. An Officer shall, when superintending interviews between prisoners and their friends, repress and prevent as far as may be in his power all improper communication.

Duty when superintending interviews.

35. An Officer shall be entitled to medical attendance and medicine at the public expense.

Medical attendance.

36. (1) An Officer may be allowed uniforms and those uniforms shall be issued when necessary on the approval of

Uniforms.

the Superintendent, but the issues shall not exceed a fixed limit.

(2) The uniforms shall remain the property of the government and all worn articles should be returned for condemnation before any fresh issues are made.

Officers responsible for upkeep of uniforms.

37. An Officer shall keep all articles of uniform in proper repair at his own expense, unless the Superintendent is satisfied that any damage to an article of uniform was incurred whilst in the execution of duty and through no fault of an Officer.

Return of uniform on leaving the services.

38. (1) Whenever an Officer quits the service on resignation, dismissal or otherwise, he shall return into store all articles of uniform in his possession and all bedding and equipment issued to him.

(2) In default of so doing, their value at the time may either be charged to him and deducted out of any salary due at the time of his quitting the service or he may be proceeded against for unlawful detention of prison property.

D. The Matron

Duties.

1. (1) The Matron, if any, shall be under the immediate direction of the Superintendent.

(2) The Matron shall be responsible for organising rehabilitation activities for the female prisoners.

Enforcement of rules.

2. The Matron shall make herself fully acquainted with the Prison Rules and shall enforce them so far as they apply to the female prisoners and any Officers under her.

Absence.

3. The Matron shall not absent herself from prison at any time without leave from the Superintendent and during her absence she shall give charge to such other woman officer as the Superintendent may direct.

Night Inspections.

4. The Matron shall make such visit of inspection during the night as the Superintendent may direct.

Superintendence of meals.

5. The Matron shall be directly responsible in the women's prison for the distribution of the prisoners' meals according to the prescribed scale of diet, and shall report to the Superintendent whether the food is properly cooked and of sufficient quantity.

Instruction of prisoners in their work.

6. The Matron shall give instruction to female prisoners in sewing, washing and other approved labour, and shall be directly responsible under the Superintendent for the enforcement of the proper tasks.

Misconduct of woman prisoner.

7. The Matron shall report to the Superintendent any misconduct or breach of the rules by a female prisoner and also touching anything in the discipline and condition of the women's prison.

Subject to general rules for Officers.

8. The Matron and every other female Officer shall be subject to the general rules for Officers so far as they apply to them.

Powers and duties in the absence of the Superintendent.

9. In the absence of the Superintendent the Matron shall, in the women's prison, perform the duties of, and have such of the duties and powers (except as to the punishment of prisoners) as may be required from, or conferred upon, the Superintendent by these Rules.

E. The Officer in Charge of Sick Prisoners

Medical Officer's directions.

1. (1) The Officer in charge of sick prisoners shall take charge of the sick under the directions of the Medical Officer and shall see that all medicines, and other related articles ordered by him are regularly administered to and taken by the patients and that they conform in every respect to his direction.

(2) He shall also have charge of the books and records connected with the sick in the prison.

Dietary, cleanliness, etc.

2. (1) The Officer in charge of sick prisoners shall see that all sick prisoners receive their regular meals or any special diet or article ordered by the Medical Officer.

(2) The Officer shall pay strict attention to the cleanliness of the infirmary and of the sick prisoners, also to their clothing and bedding, and shall report to the Superintendent any irregularity or misconduct on the part of such prisoners.

VIRGIN ISLANDS

BY THE GOVERNOR OF THE VIRGIN ISLANDS

By virtue of the power and authority vested in me under rule 41 (1) of the Prison Rules, 1999 I appoint you, _____, to be a member of the Prison Visiting Committee for a period of _____ years effective from _____ until _____.

Given under my hand this _____ day of _____, _____.

Governor

Made by the Governor in Council this 7th of April, 1999.

AUDREY WESTON,
for Clerk of the Executive Council.