

SAINT LUCIA

No. 24 of 2003

ARRANGEMENT OF SECTIONS

PART I

PRELIMINARY

1. Short title and commencement
2. Interpretation

PART IICONSTITUTION OF CORRECTIONAL FACILITIES, LOCKUPS
AND LEGALISED POLICE CELLS

3. Power to declare place a correctional facility
4. Power to declare place a lock-up
5. Legalised police cells

PART IIIAPPOINTMENT, ADMINISTRATION, POWERS AND
DUTIES OF CORRECTIONAL OFFICERS

6. Appointment of correctional officers
7. Ranks of correctional officers
8. Medical personnel and other staff of correctional facility

PART IV

POWERS AND DUTIES OF CORRECTIONAL OFFICERS

9. Duties of Director
10. Correctional facility Standing Orders
11. Duties of Deputy Director and others
12. Correctional officers to have powers etc. of police officers
13. Use of firearm
14. Duties of Subordinate Officers
15. Offences by correctional officers, etc.

PART V

CUSTODY AND REMOVAL OF PERSONS DETAINED IN LOCKUPS

16. Detention in custody
17. Legal Custody
18. Inmates committed to custody
19. Detention of inmates as to terms of warrant
20. Delivery of inmate to Court as per writ, warrant or order
21. Order for production of inmates in custody
22. Release from custody
23. Order of production by Minister
24. Mentally ill persons and persons with any contagious disease
25. Removal of inmate to public hospital
26. Security of persons in public hospital
27. Transfer of inmates
28. Separation of inmates

PART VI

DETENTION OF JUVENILE DELINQUENTS

29. Remand centers for juvenile delinquents

PART VII

DISCIPLINE AND CONTROL OF INMATES

30. Inmates to carry out duties and tasks
31. Grave offences
32. Authority of Director to punish
33. Medical officer's certificate as to punishment
34. Procedure for hearing correctional facility offences
35. Inquiry Committee
36. Appeal
37. Record of punishment
38. Supervision of inmates under sentence of death

PART VIII

MISCELLANEOUS

39. Appointment of Board of Visiting Justices
40. Powers and duties of Visiting Justices
41. Inmate not to be punished twice

42. Suspension of sentence of escape inmate
43. Expenses for inmates' care
44. Offences
45. Report on correctional facility
46. *Habeas Corpus*
47. Agreements
48. Regulations
49. Repeal and Savings

I ASSENT

VICTOR GIRARD,
Deputy Governor-General.

8th September, 2003

SAINT LUCIA

No. 24 of 2003

AN ACT to provide for the setting up and management of Correctional facilities, lock-ups and legalized police cells and to provide for matters incidental thereto.

[15th September, 2003]

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the House of Assembly and the Senate of Saint Lucia, and by the authority of the same, as follows :

PART I
PRELIMINARY

Short title and commencement

1. This Act may be cited as the Correctional Services Act, 2003, and shall come into force on a date to be fixed by the Minister by Order in the *Gazette*.

Interpretation

2. In this Act –

“Assistant Director” means a person appointed as Assistant Director of Correctional Services under section 6;

“Board of Visiting Justices” means the Board appointed under section 39;

“cellular confinement” means the isolation of an inmate in a cell for any period of time and for any reason connected with the incarceration of that person;

“civil inmate” means a person detained in a correctional facility for any cause specified in Article 2134 or Article 2135 of the Civil Code or under Article 657 of the Code of Civil Procedure;

“Commissioner of Police” means the person appointed as such under section 94 of the Saint Lucia Constitution Order No. 1901 of 1978;

“correctional facility” means, except otherwise specifically stated, any house, building, enclosure or place declared to be a correctional facility under section 3;

“Correctional Facility Standing Orders” means orders made by the Director under section 10;

“Correctional officer” means, except as otherwise specifically stated, any person holding a rank in the Correctional Services but it does not include the medical personnel;

“criminal inmate” means a person who is duly committed to custody under a writ, warrant, or order, of any court or authority exercising criminal jurisdiction;

“Deputy Director” means a person appointed to be the Deputy Director of Correctional Services under section 6;

“Director” means a person appointed to be the Director of Correctional Services under section 6;

“Gazetted officer” means any Correctional officer of or above the rank of Operations Manager;

“grave correctional facility offence” means any offence specified in section 31;

“inmate” means any person, whether convicted or not, under detention in any correctional facility;

“juvenile delinquent” means any inmate under the age of sixteen;

“legalised police cell” means any place declared to be a legalised police cell under section 5;

“lock-up” means any house, building, enclosure or place declared to be a lock-up under section 4;

“medical officer” means a medical officer assigned to a correctional facility under section 8;

“medical personnel” means except as otherwise specifically stated, the persons assigned to a correctional facility pursuant to section 8(1);

“Minister” means the Minister with responsibility for Home Affairs;

“minor correctional facility offence” means any offence specified in section 32;

“Police Officer” means a member of the Royal Saint Lucia Police Force;

“prohibited article” means –

- (a) any liquor, drugs other than drugs for medical use, tobacco, money, clothing other than correctional centre issued clothing, provisions, letter, tool, cellular telephone, pager or any article likely to be prejudicial to the life or safety of any person, or to facilitate any escape from a correctional facility or to be used for purposes prejudicial to correctional facility discipline;
- (b) any article the introduction into or removal, out of, the correctional facility or any part thereof is prohibited by this Act or any correctional facility regulations, including any article declared to be a prohibited article under such correctional facility regulations;

“public hospital” means an institution established under the Public Hospitals (Management) Act No. 5 of 1973;

“Ungazetted Officer” means any Correctional officer below the rank of Operations Manager;

“Visiting Justice” means a member of the Board of Visiting Justices;

“young inmate” means any inmate under the age of eighteen.

PART II

CONSTITUTION OF CORRECTIONAL FACILITIES, LOCK-UPS AND LEGALISED POLICE CELLS

Power to declare place a correctional facility

3.— (1) The Minister may, by order published in the *Gazette* –

- (a) declare any house, building, enclosure, or place, or any part thereof, to be a correctional facility for purposes of this Act, and may in such order, designate a name for that correctional facility;
- (b) declare that any correctional facility shall cease to be a correctional facility, and as from the date of the publication of such declaration, or such other date as may be specified therein, such correctional facility shall cease to be a correctional facility.

(2) Any place used as a correctional facility immediately before the date on which this Act comes into force is hereby deemed to be declared a correctional facility under the provisions of this Act.

(3) Cabinet may by order published in the *Gazette* declare any correctional facility or section of any correctional facility to be a maximum security correctional facility.

Power to declare place a lock-up

4.— (1) Notwithstanding the provisions of section 3, Cabinet may, by order published in the *Gazette* –

- (a) declare any house, building, enclosure, or place or any part thereof to be a lock-up for the confinement of persons awaiting trial, or remanded in custody;

(b) declare that any lock-up shall cease to be a lock-up and, as from the date of the publication of such declaration, or from such later date as may be specified therein, such lock-up shall cease to be a lock-up.

(2) Any place used as a lock-up immediately before the date on which this Act comes into force is hereby deemed to be a declared lock-up under the provisions of this Act.

(3) A lock-up shall not be deemed to be a correctional facility for the purposes of this Act and the correctional facility regulations shall not apply thereto.

(4) The Minister may make regulations for the control and management of lock-ups and of persons detained therein, and without prejudice to the generality of this power, any such regulations may provide for –

- (a) the inspection and management of lock-ups and the persons to be in charge thereof;
- (b) the assignment of duties to persons confined therein;
- (c) the diets to be supplied to persons confined therein;
- (d) the maintenance of discipline.

Legalised police cells

5.— (1) The Minister may, on the application of a police authority, by order in the *Gazette*, declare that any police cells or other premises under control of the police authority, shall be a legal correctional facility for the detention of inmates before, during or after trial for any period not exceeding thirty days and any such police cells or other premises are hereinafter referred to as “legalised police cells”.

(2) The maintenance of inmates confined in any legalised police cells shall be deemed to be the maintenance of inmates under this Act.

(3) The police authority shall not be entitled to any payment for the use of the legalised police cells or for services rendered by police officers in connection with the detention or removal of inmates confined in the legalised police cells.

(4) The police authority, notwithstanding anything in this section, shall at all times have a prior claim to the uninterrupted use of any legalised police cells in any district.

(5) For the purposes of this section, where there are any legalised police cells, the police authority and all persons in their employment, shall be subject to the provisions of this Act and any regulations made thereunder.

(6) In this section the expression “police authority” means the Commissioner of Police or any police officer authorized by the Commissioner in that regard.

PART III

APPOINTMENT, ADMINISTRATION, POWERS AND DUTIES OF CORRECTIONAL OFFICERS

Appointment of correctional officers

6.— (1) The Public Service Commission, may appoint a Director in whom shall be vested, subject to this Act, the administration of each correctional facility and the control and direction of the staff of the Correctional Services including the assigning of duties to such staff.

(2) The Public Service Commission may appoint a Deputy Director, and such number of Assistant Directors and other Officers as may be necessary for the efficient functioning of the Correctional Services.

(3) All correctional officers serving in the Correctional Services on the coming into force of this Act shall be deemed to have been appointed under this Act.

Ranks of correctional officers

7.— (1) The Correctional Services shall consist of the following ranks of officers –

- (a) Gazetted Officers which shall comprise the-
 - (i) Director;
 - (ii) Deputy Director;
 - (iii) Assistant Directors;
 - (iv) Custodial Managers;
 - (v) Operations Manager.
- (b) Ungazetted Officers which shall comprise the –
 - (i) Correctional Officer III;

- (ii) Correctional Officer II;
- (iii) Correctional Officer I.

(2) Cabinet may from time to time, by notice in the *Gazette*, amend, vary or alter the nomenclature of such ranks.

(3) Every Gazetted Officer shall be *ex-officio* a Justice of the Peace.

Medical personnel and other staff of correctional facility

8.— (1) The Minister responsible for Health, in consultation with the Chief Medical Officer, shall assign in respect of each correctional facility –

- (a) a medical officer;
- (b) a dentist;
- (c) a consultant psychiatrist;

to be responsible generally for the medical welfare of inmates and to carry out such other duties as may be assigned under this Act or regulations.

(2) The Public Service Commission shall employ such number of staff including nurses, as are necessary for the efficient functioning of the Correctional Services.

PART IV

POWERS AND DUTIES OF CORRECTIONAL OFFICERS

Duties of the Director

9.— (1) The Director shall generally be responsible for the daily administration of a correctional facility and the control and direction of the staff of the Correctional Services including the assigning of duties to such staff.

- (2) In addition, the Director shall –
- (a) arrange for the inspection of a correctional facility in Saint Lucia and report to the Minister thereon;
 - (b) report to the Minister on the treatment of inmates and conditions in a correctional facility;

(c) in each year, submit to the Minister a report in such form as the Minister may direct, on the correctional services and the Minister shall lay a copy of that report before Parliament.

(3) The Minister may refer specific matters connected with correctional facilities in Saint Lucia and inmates in them to the Director and direct him or her to report on them.

(4) In this section, references to correctional facility include legalised police cells.

Correctional Facility Standing Orders

10.— (1) Subject to the approval of the Minister, the Director shall, from time to time make Correctional Facility Standing Orders, not inconsistent with this Act and with the correctional facility regulations, for the efficient functioning of the Correctional Services and the discipline and control of all inmates detained therein.

(2) The Standing Orders shall be published in the *Gazette* and shall come into operation on the date of publication or on such other date as may be stated therein.

(3) The Standing Orders shall be binding on all correctional officers, staff and inmates.

Duties of Deputy Director and others

11.— (1) The Deputy Director shall have, subject to any directions of the Director, all the powers, duties, rights and privileges of the Director and, in the absence of the Director, shall exercise, all such powers, duties, rights and privileges of the Director.

(2) The Director may, from time to time, assign such duties as may be necessary for the efficient functioning of the Correctional Services to —

- (a) an Assistant Director;
- (b) a Custodial Manager;
- (c) an Operations Manager.

Correctional officers to have powers etc. of police officers

12. A correctional officer, while acting as such, shall have by virtue of his or her office and without being sworn, all the powers, authority,

protection and privileges of a police officer for the purposes of his or her duties as a correctional officer.

Use of firearm

13.— (1) Subject to subsection (5), a correctional officer may use a firearm against any inmate escaping or attempting to escape but resort shall not be had to the use of any such weapons unless the officer has reasonable grounds for believing that he or she cannot otherwise prevent the escape.

(2) Subject to subsection (5), a correctional officer may use a firearm against any inmate engaged in any group effort to break out or in any attempt to force or break open an outside door, gate or enclosure wall of a correctional facility, and may continue to use such weapons so long as such effort or attempt continues.

(3) A correctional officer may use a firearm against inmates using violence against any person if such officer has reasonable grounds to believe that such person is in danger of life or limb or that other grievous harm is likely to be caused to him or her.

(4) Before using a firearm against an inmate the correctional officer shall, if possible, give the inmate a warning that the officer is about to fire on him or her.

(5) No ungazetted officer shall, in the presence of a gazetted officer, use a firearm of any sort against an inmate in the case of an attempt to escape or of breakout except under the orders of the gazetted officer.

(6) The use of firearms under this section shall, as far as possible, be to disable and not to kill an inmate.

(7) Any police officer who is, for the time being, serving in the capacity of an escort, or of a guard in or around any correctional facility or lock-up, for the purpose of ensuring the safe custody of any inmates or persons detained in a lock-up, shall be deemed to have all the powers and privileges granted to correctional officers under this section for the purposes of his or her duties in relation to such inmates or persons detained.

Duties of Ungazetted Officers

14.— (1) It shall be the duty of an ungazetted officer to —

- (a) maintain the security of inmates admitted to any correctional facility or lockup;
- (b) ensure that inmates adhere to this Act and regulations;
- (c) supervise inmates at all times;
- (d) subject to any directions of the Director, exercise disciplinary control over inmates;
- (e) inspect the person of inmates and cells for contraband and other prohibited articles;
- (f) hear grievances by inmates and counsel them;
- (g) inspect all articles coming into a correctional facility;
- (h) operate and inspect security devices in and around a correctional facility;
- (i) maintain outer perimeter security of a correctional facility;
- (j) deliver inmates to and from Court, a hospital or any other place as may be required;
- (k) respond to and act in accordance with this Act and Standing Orders in carrying out any of his or her functions;
- (l) escort visitors through a correctional facility;
- (m) protect any State property within a correctional facility from loss or injury;
- (n) promptly report to the Director any observation, situation or condition which threatens the custody or rehabilitation of inmates;
- (o) treat all inmates with humanity;
- (p) carry out any other functions as may be assigned to him or her from time to time.

(2) The Director may from time to time direct any ungazetted officer to keep and maintain a pocket book on any activities relating to that officer's duties and to make a report on same to the Director.

(3) The Director may from time to time direct any ungazetted officer to submit a report on any matter that the Director may deem necessary in relation to the efficient functioning of the correctional services.

(4) No officer shall, without the authority of the Director, carry out any pecuniary or business transaction with or on behalf of an inmate.

Offences by correctional officers, etc.

- 15.**— (1) Any correctional officer or medical personnel who —
- (a) has, either directly or indirectly, any pecuniary interest whatsoever in, or derives any benefit or advantage from, the sale or purchase of any correctional facility supplies or of any article for the use of any inmate or of any correctional facility; or
 - (b) has any dealings where he or she obtains or might expect to obtain at any time either immediately or in the future, any benefit of any nature whatsoever, with any inmate or with any person on behalf of any inmate; or
 - (c) without lawful authority—
 - (i) knowingly supplies, attempts to supply or allows to be supplied to any inmate any prohibited articles; or
 - (ii) knowingly takes or allows to be taken out of any correctional facility any prohibited article; or
 - (d) assaults, threatens or insults or uses violence against any other correctional officer or medical personnel when such member is on duty;
 - (e) uses obscene, abusive or insulting language to any other correctional officer or medical personnel;
 - (f) willfully or negligently makes any false complaint or statement against any other correctional officer or medical personnel;
 - (g) fails, when knowing where an escapee can be found, to report the same;
 - (h) fails to account for or make prompt and true return of any money or property seized, found or received by him or her in his or her official capacity or during the course of his or her duty;
 - (i) wilfully or negligently fails to report any information or incident known to him or her which may jeopardise the security of the correctional facility or otherwise compromise its proper functioning;
 - (j) improperly uses his or her position as a correctional officer or medical personnel for his or her private advantage;

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

(2) For purposes of this section, medical personnel shall include a nurse appointed pursuant to section 8(2).

PART V

CUSTODY AND REMOVAL OF PERSONS DETAINED

Detention in custody

16.— (1) Every person sentenced to incarceration shall be committed to and detained in a correctional facility.

(2) Every person awaiting trial may be committed to and detained in either a correctional facility, lock-up or legalised police cell.

Legal Custody

17. A person shall be deemed to be in legal custody while he or she is —

- (a) confined in or being taken to or from any correctional facility in which he or she may be lawfully confined; or
- (b) working or is, for any other reason, outside the correctional facility in the custody or under the control of a correctional officer; or
- (c) being taken to any place to which he or she is required or authorized by or under this Act to be taken; or
- (d) while he or she is kept in custody in pursuance of the requirement or authorization under paragraph (c).

Inmates committed to custody

18. The Director and any persons in charge of lock-ups and legalised police cells are authorized and required to keep and detain all persons committed to their custody by any Court, Justice of the Peace, Coroner, or other public officer lawfully exercising civil or criminal jurisdiction, according to the terms of any writ, warrant or order by which that person has been committed, or until that person is discharged according to law.

Detention of inmates as to terms of warrant etc.

19.— (1) Any person charged with an offense and remanded in custody to any correctional facility, lock-up or legalised police cell by any Court, Justice of the Peace, Coroner or other public officer lawfully exercising civil or criminal jurisdiction, shall be delivered to the Director or to the person in charge of such lock-up or legalised police cell as the case may be, together with the warrant or commitment order.

(2) The Director or person in charge, as the case may be, shall detain the person according to the terms of the warrant or order mentioned in subsection(1), and shall cause the person to be delivered to such Court, Justice of the Peace, Coroner or other public officer lawfully exercising civil or criminal jurisdiction, or shall discharge the person at the time named in and according to the terms of such warrant or order.

Delivery of inmate to Court as per writ, warrant or order

20.— (1) Any person arrested under any warrant, writ, or order, of any Court having civil jurisdiction shall, in the absence of any provision in any law to the contrary, be brought without delay before the Court by which the warrant, writ or order, was issued or made.

(2) If the Court as mentioned in subsection (1) is not then sitting, such person shall be kept in custody in a correctional facility, a lock-up or legalised police cell until the next sitting of the Court and shall then be brought before such Court in order that he or she may be dealt with according to law.

Order for production of inmates in custody

21.— (1) Whenever the presence of any person detained in a correctional facility, a lock-up or legalised police cell is required in any Court, the Court may issue an order in writing addressed to the Director or the person in charge, as the case may be, requiring the production before the Court of such person in proper custody at the time and place to be named in the order.

(2) The Director or the person in charge, as the case may be, shall cause the person named in the order mentioned in subsection (1), to be brought up as directed, and shall provide for his or her safe custody during his or her absence from the correctional facility, lock-up or legalised police cell, and every such Court may, by endorsement on the order, require the person named therein to be again brought up at any time on the adjournment of the matter wherein he or she is concerned.

(3) An order issued by the Supreme Court may be signed by a Registrar of the Court, and an order issued by any other Court may be signed by the Magistrate or Coroner, as the case may be or other officer of that Court.

(4) The provisions of this section are without prejudice to any provisions in any other enactment regarding the production before any court, of persons in lawful custody.

Release from custody

22. Any inmate or person detained in a correctional facility, a lock-up or legalised police cell, shall be released immediately upon becoming entitled to release, whether by the expiration of his or her term of sentence, or by pardon, or by commutation, or by remission of sentence, or by other lawful means.

Order of production by Minister

23.— (1) The Minister may, on being satisfied that the presence of any inmate or person detained in a correctional facility, lock-up, or legalised police cell is required at any place in the interests of justice or for the purpose of any public inquiry, in writing under his or her hand, order that such inmate or person be taken to the place and at the time stated in the order.

(2) The Director or person in charge of a lock-up or legalised police cell, as the case may be, shall cause the person named in the order mentioned in subsection (1) to be brought up as directed and shall provide for that inmate or person's safe custody during his or her absence from the correctional facility or otherwise.

Mentally ill persons and persons with any contagious disease

24.— (1) Where a person detained in a correctional facility, lock-up or legalised police cell appears to the Director or person in charge of a lock-up or legalised police cell to be mentally ill, the Director or person in charge may order Consultant Psychiatrist to examine the person detained.

(2) Where the Consultant Psychiatrist certifies that such person detained is, in the opinion of the Consultant Psychiatrist, mentally ill, the Director or person in charge of a lock-up or legalised police cell, shall seek a Court order to have the person detained committed to a mental hospital, there to be kept and treated as if he or she had been ordered to be detained

in the mental hospital under the Mental Hospitals' Ordinance (Cap 155) until a consultant psychiatrist of such Mental Hospital certifies that the person has ceased to require treatment in that institution.

(3) The Court which made the order of committal under subsection (2), shall by order direct that the person detained be returned to the correctional facility, lock-up or legalised police cell where he or she was removed there to be dealt with according to law.

(4) Where a person detained in a correctional facility lock-up or legalised police cell appears to the Director or person in charge of a lock-up or legalised police cell to be suffering from any communicable diseases as specified under the Public Health Act No. 8 of 1975, the Director or person in charge may order a medical officer to examine the person detained.

(5) Where the medical officer certifies that the person detained is, in the opinion of the medical officer, suffering from a communicable disease that cannot be managed within the health unit of the correctional facility, the Director or person in charge of a lock-up or legalised police cell shall seek a Court order to have the person removed to such place as may be specified in the order there to be kept and treated until a medical practitioner of that place, certifies that the person detained has ceased to require treatment in that place, and the provisions of subsection (3) shall apply with the necessary modifications.

(6) The provisions of this section are in addition to and not in derogation of any enactment dealing with communicable diseases.

Removal of inmate to public hospital

25.— (1) The Director or person in charge of a lock-up or legalised police cell, when he or she considers it necessary and upon the advice of the medical personnel, may direct that an inmate be removed to a public hospital for medical attention and such inmate shall be detained in such public hospital until the medical officer of that hospital certifies that the inmate is fit to return to the correctional facility, lock-up or legalised police cell.

(2) Every inmate while in a public hospital or while being conveyed from the correctional facility to the hospital or *vice versa*, shall be deemed to be in legal custody in a correctional facility, lock-up or legalised police cell.

(3) A medical officer of the public hospital to which the inmate is removed shall, on the request of the Director or person in charge of a lockup or legalised police cell, give a status report on the condition of the inmate and shall immediately notify the Director or person in charge of a lockup or legalised police cell in the event that the inmate is to be discharged as fit to return to the correctional facility, lock-up or legalised police cell.

(4) The provisions of this section shall cease to apply to an inmate from the date on which he or she is lawfully entitled to be released from the correctional facility, lock-up or legalised police cell.

Security of inmate in public hospital

26.— (1) An inmate removed to a public hospital under section 25 shall, whilst in the public hospital, be kept under such security as the Director or person-in-charge of a lock-up or legalised police cell may prescribe to prevent the escape of the inmate.

(2) The provisions of subsection (1) shall cease to apply to any inmate on the date on which he or she is lawfully entitled to be released from the correctional facility, lock-up or legalised police cell.

(3) Nothing shall be done under the authority of this section which in the opinion of the person in charge of the public hospital is likely to be prejudicial to the health of the inmate.

Transfer of inmates

27. The Minister may, where he or she deems it necessary, order the removal of all or any inmates confined in any correctional facility to another correctional facility within the Island, and it shall not be necessary for the purposes of such order to designate any inmate by name, but it shall be sufficient to describe such inmate or inmates by reference to a general description.

Separation of inmates

28.— (1) Separate provision shall be made for the detention of —

- (a) male and female inmates, and no male inmate shall be detained in the same part of the correctional facility as any female inmate;
- (b) civil and criminal inmates, and no civil inmate shall be detained in the same part of any correctional facility as any criminal inmate;

- (c) young inmates, and no young inmate shall be detained in the same part of any correctional facility as any other inmate;
- (d) persons awaiting trial or remanded in custody, and as far as possible no person awaiting trial or so remanded shall be detained in the same part of any correctional facility as any other inmate;
- (e) persons found to be prohibited immigrants under the laws of immigration and no such person shall be detained in the same part of any correctional facility as criminal inmates.

(2) The Minister may, by Order in the Gazette add to or remove from the class of persons referred to in subsection (1).

PART VI

DETENTION OF JUVENILE DELINQUENTS

Remand centers for juvenile delinquents

29.— (1) Cabinet may establish —

- (a) remand centres, for the detention of persons not less than fourteen but under sixteen years of age who are remanded or committed in custody for trial or sentence;
- (b) young offenders' institutions, places in which offenders sentenced to detention in a young offenders' institution may be kept.

(2) The Minister shall provide, in remand centres, facilities for the observation and examination of any person detained therein on whose physical or mental condition a medical report may be desirable for the assistance of the Court in determining the most suitable method of dealing with that person's case.

(3) The Minister shall appoint, for every remand centre and young offenders' institution, a Visiting Committee comprising of such number of males and females as the Minister may determine however that, not less than two of the persons appointed shall be Justices of the Peace.

(4) Where any person committed to any correctional facility appears to be under the age of sixteen years, the Minister shall order such inmate to be transferred to a remand center or young offenders' institution as the case may be.

(5) A person who is required to be taken to a young offenders' institution or remand centre may, until arrangements can be made for taking him or her there, be temporarily detained in some other place suitable for such detention.

(6) Subject to the provisions of this section, where a person serving a sentence of detention in a young offenders' institution has attained the age of sixteen years, the person in charge of the institution shall have power to transfer such person to a correctional facility.

(7) No person shall be detained in a young offenders institution after he or she has attained the age of sixteen years, and accordingly any person so detained shall, not later than the day immediately preceding his or her sixteenth birthday, be transferred to a correctional facility.

(8) Where a person has been transferred to a correctional facility under this section, he or she shall be incarcerated for the remainder of his or her unexpired sentence.

(9) The provisions of this Act shall apply to remand centres and young offenders' institutions, to persons detained therein and to Visiting Committees appointed therefore under subsection (3) in like manner as the said provisions apply to correctional facilities, inmates and Visiting Justices appointed for correctional facilities under this Act.

PART VII

DISCIPLINE AND CONTROL OF INMATES

Inmates to carry out duties and tasks

30.— (1) Where any person is sentenced to incarceration then such person shall during the term of the sentence, carry out such duties and tasks as may be specified in any correctional facility regulations and assigned to such person from time to time.

(2) Subject to any correctional facility regulations, any inmate may, with the approval of the Director, be taken beyond the limits of a correctional facility to carry out such duties and tasks as may be specified in such regulations and such inmate shall be deemed to be in lawful custody in the correctional facility and shall be subject to the correctional facility discipline in the event that he or she commits any breach of this Act or the regulations.

Grave offences

31.— (1) Where an inmate commits any of the following acts —

- (a) mutiny or incitement to mutiny ;
- (b) escape or attempt to escape;
- (c) taking part in any assault or attempted assault or attack on any correctional officer or medical personnel including the nurses;
- (d) aggravated or repeated assault or attempted assault on any other inmate;
- (e) willful destruction of correctional facility property;
- (f) causing willfully to himself or herself any illness, injury or disability;
- (g) persistent repetition of any minor correctional facility offence;
- (h) any other act of gross misconduct or gross insubordination;
- (i) abetting the commission of any grave correctional facility offence;
- (j) bribes or attempts to bribe any correctional officer or medical personnel, including the nurses;
- (k) a breach of any correctional facility regulations;
- (l) a breach of Correctional Facility Standing Orders,

he or she commits a grave correctional facility offence and the matter shall be referred to the Inquiry Committee appointed under section 35, for determination.

(2) Where an inmate is found by the Inquiry Committee to be guilty of a grave correctional facility offence, the Committee may impose any or all of the following punishments —

- (a) cellular confinement for any period not exceeding twenty eight consecutive days in the case of the offences of mutiny or incitement to mutiny, or taking part in any assault or attack on any correctional officer or medical personnel, including nurses;
- (b) reduction of diet to number one for any period not exceeding fourteen consecutive days;
- (c) reduction of diet to number two for any period not exceeding twenty-one consecutive days;

- (d) suspension or postponement of any privileges, for any period not exceeding ninety days;
- (e) forfeiture of remission for any period not exceeding ninety days;
- (f) cellular confinement for a period not exceeding 14 days in any other case other than as mentioned in paragraph (a);
- (g) stoppage of earnings for a period not exceeding twenty-eight days.

Authority of Director to punish for minor correctional facility offence

32.— (1) Where any inmate commits any minor correctional facility offence then, on such inmate being found guilty thereof following an enquiry before the Director, the Director may impose any or all of the following punishments —

- (a) reduction of diet to number one for any period not exceeding seven consecutive days;
- (b) reduction of diet to number two for any period not exceeding 14 consecutive days;
- (c) suspension or postponement of any privileges for any period not exceeding twenty-eight consecutive days;
- (d) forfeiture of remission for any period not exceeding thirty days.

(2) For purposes of this section, an inmate commits a minor correctional facility offence if he or she —

- (a) willfully makes any false or groundless accusations or complaint against any correctional officer, medical personnel, including the nurses or other inmate;
- (b) malingers;
- (c) disobeys any order of any correctional officer, medical personnel, a nurse or any other person lawfully entitled to make such order;
- (d) treats with disrespect any, correctional officer, medical personnel, nurse or any other person authorized to visit the correctional facility;
- (e) is idle, careless or negligent at work, or refuses to work;
- (f) uses any abusive, insolent, threatening, or other improper language;

- (g) uses any indecent language, does any indecent act or gesture;
- (h) commits any minor assault on any other inmate;
- (i) communicates with another inmate without authority;
- (j) leaves his or her cell or place of work or other appointed place without permission;
- (k) willfully disfigures or damages any part of the correctional facility or any property which is not his or her own;
- (l) commits any nuisance;
- (m) has in his or her cell or possession any prohibited article or attempts to obtain such an article;
- (n) gives to or receives from any person any prohibited article;
- (o) makes repeated and groundless complaints;
- (p) in any way offends against good order and discipline;
- (q) attempts to do any of the acts specified in paragraphs (a) to (p).

Medical officer's certificate as to punishment

33.— (1) An inmate who is to be punished by either cellular confinement or reduction of diet shall first be examined by a medical officer who shall certify in writing that such inmate is fit to sustain the punishment.

(2) The medical officer shall pay regular visits to inmates undergoing punishment as stated in subsection (1) and shall advise the Director if the medical officer considers the termination or alteration of the punishment necessary on grounds of physical or mental health.

Procedure for hearing correctional offences

34.— (1) Where an inmate is charged with a grave or minor correctional facility offence under this Act, he or she shall be informed of the charge as soon as possible and shall be given a full hearing and an opportunity to present his or her case.

(2) Where an inmate is charged with a grave offence under section 31, he or she is entitled to call witnesses and to be represented by legal counsel if he or she so wishes.

Inquiry Committee

35.— (1) The Minister shall appoint a committee to be called an Inquiry Committee comprising of two members of the Visiting Justices or one Justice of the Peace which shall meet to enquire into and decide on appropriate punishment for any grave offences.

(2) Where the Director deems it necessary, he or she may refer cases of minor offences to the Inquiry Committee which shall then have all the powers of the Director under section 32.

Appeal

36.— (1) Any inmate may, within forty-eight hours of the decision of the Inquiry Committee or the Director, appeal in writing to the Visiting Justices against any punishment imposed upon him or her by the Inquiry Committee or by the Director and the Visiting Justices may allow the appeal, reduce or confirm any such punishment, or make such other order as they may see fit.

(2) Where an inmate cannot write, it shall be the duty of any correctional officer to assist that inmate with the lodging of his or her appeal.

(3) An appeal under subsection (1) shall be given to the Director who shall forward the appeal to the Visiting Justices, together with any notes or any statement which the inmate may have made before the Inquiry Committee or the Director.

Record of punishment

37. Where any punishment is imposed upon any inmate, then the Director shall cause to be entered in a register to be kept for such purpose, the name of the inmate, the nature of his or her correctional facility offence, and the nature and extent of the punishment.

Supervision of inmates under sentence of death

38.— (1) Any inmate under sentence of death shall be confined apart from other inmates in a special cell, and shall be under constant supervision by day and by night, by an ungazetted officer or the medical officer.

(2) Except with the written permission of the Director, no person other than Attorney-at-Law for the inmate, another correctional officer, the medical officer, or a Minister of the religious denomination to which

the inmate belongs, shall have access to any inmate under sentence of death.

PART VIII

MISCELLANEOUS

Appointment of Board of Visiting Justices

39.— (1) Cabinet may, in respect of each correctional facility, appoint a Board of Visiting Justices, for such time as may be specified in the appointment.

(2) The Board of Visiting Justices shall comprise of such number of persons as Cabinet may determine, two of whom shall be Justices of the Peace.

(3) All Judges and Magistrates shall be *ex-officio* Visiting Justices for any of the correctional facility on the Island.

Powers and duties of Visiting Justices

40.— (1) A Visiting Justice shall —

- (a) at any time visit a correctional facility in respect of which he or she is a Visiting Justice;
- (b) inspect any part of such correctional facility including enquiring into and examining the food, diet, clothing, treatment and conduct of inmates;
- (c) question any inmate, gazetted officer or ungazetted officer on any matter related to that correctional facility;
- (d) hear complaints from any inmate;
- (e) enquire into any alleged abuses and irregularities in any correctional facility and to ascertain as far as possible whether the provisions of this Act, regulations and Standing Orders are being complied with;
- (f) identify all policies or actions judged to be unjust and recommend corrective measures;
- (g) evaluate and monitor the provision of care and supervision of inmates;
- (h) make a report upon any such matters to the Minister.

(2) Subject to subsection (1)(h), a Visiting Justice shall report to the Director any irregularity that may be observed in the working of the correctional facility or in the treatment of inmates.

Inmate not to be punished twice

41.— (1) Nothing in this Act or regulations shall be construed to exempt any inmate from being proceeded against for any offence by the ordinary Courts of law and no inmate shall be punished twice for the same offence.

(2) Nothing in this section shall be construed as derogating from the powers contained in sections 31 and 32 in relation to the imposition of any of the punishments therein provided for in those sections.

Suspension of sentence of escape inmate

42. Where any inmate under sentence of incarceration escapes, then the currency of his or her sentence shall be suspended from the day on which he or she escaped to the day on which he or she is recaptured, so that he or she shall not be deemed to have served any part of his or her sentence during the period between the day on which he or she escaped and the day on which he or she was recaptured.

Expenses for inmates' care

43.— (1) For the purpose of this Act, the maintenance of an inmate shall include all necessary expenses incurred in respect of the inmate for food, clothing, custody and removal from one place to another from the date of the order for his or her committal to the correctional facility until his or her death or discharge from the correctional facility whichever occurs first.

(2) All expenses incurred in the maintenance of correctional facility and inmates and all other expenses of the Correctional Services under this Act shall be defrayed out of moneys provided by Parliament.

Offences

44.— (1) Every person who without lawful authority —

- (a) conveys, supplies, or causes to be conveyed or supplied, to any inmate, or hides or places for the inmate's use any prohibited article;
- (b) brings or attempts by any means whatever including throwing objects over the perimeter wall, to introduce into any

correctional centre, or places or attempts to place where inmates are working, any prohibited articles;

- (c) brings or attempts to bring out of any correctional centre, or conveys from any correctional centre any prohibited article;
- (d) communicates with any inmate contrary to this Act or regulations;
- (e) aids or abets any inmate in escaping or attempting to escape from legal custody;
- (f) enters, or attempts to enter, any grounds buildings, yards, offices or other premises whatsoever appertaining to any correctional centre without due permission;

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

(2) For the purposes of subsection (1), a person shall be deemed to introduce an article into a correctional facility if he or she —

- (i) places it anywhere outside the correctional facility with intent that it shall come into the possession of an inmate;
- (ii) conveys it to an inmate temporarily outside the correctional facility.

Report on Correctional Facility

45. The Minister shall, at such time or times as he or she may think fit, cause a report to be prepared on the Correctional Services and shall lay such report before Parliament.

Habeas Corpus

46. Nothing in this Act shall affect the power of any Judge of the Supreme Court to direct persons confined in a correctional centre to be brought before the Court by writ of *habeas corpus*.

Agreements

47.— (1) Subject to the provisions of this Act, Cabinet may, where it deems it prudent in the circumstances, enter into an agreement or agreements with the government of any other country on the —

- (a) temporary housing in that country's correctional facility of inmates from any correctional facility in Saint Lucia;

(b) temporary housing in any correctional facility in Saint Lucia of inmates from any correctional facility in that country.

(2) For the purposes of subsection (1), any such inmates shall be deemed to be in legal custody for the purposes of this Act.

Regulations

48. The Minister may make regulations generally for the good management and governance of correctional facility and inmates and for carrying out the objects of this Act, and without prejudice to the generality of such power may make regulations in relation to —

- (a) the conditions of service and the powers, conduct, and duties, of correctional officers;
- (b) the employment, classification, safe custody, separation, treatment and discipline of inmates;
- (c) the medical examination, measuring, photographing, taking of finger prints and other records of criminal inmates;
- (d) the remission of sentence to be allowed to inmates, and the manner and conditions under which such remissions are to be made;
- (e) the supply of money, food or clothing, or the means of travelling, to inmates on their discharge;
- (f) the proceedings and visits of the Visiting Justices;
- (g) the conditions under which, and the manner in which, sentence of death shall be executed.

Repeal and Savings

49.— (1) The Prisons Ordinance, No. 17 of 1963 is hereby repealed.

(2) Any rules, orders or regulations made under the repealed Ordinance shall continue in force until repealed under rules, orders or regulations made under this Act.

Passed in the House of Assembly this 8th day of July, 2003.

BADEN J. ALLAIN,
Speaker of the House of Assembly.

Passed in the Senate this 6th day of August, 2003.

HILFORD DETERVILLE,
President of the Senate.