

LEGAL NOTICE No. 79

REPUBLIC OF TRINIDAD AND TOBAGO

THE PRISON SERVICE ACT, CHAP. 13:02

REGULATIONS

MADE BY THE PRESIDENT UNDER SECTION 30 OF THE PRISON SERVICE ACT

THE PRISON SERVICE (CODE OF CONDUCT) REGULATIONS, 1990

CHAPTER I

PRELIMINARY

1. These Regulations may be cited as the Prison Service (Code of Conduct) Regulations, 1990. Citation

2. In these Regulations—

“Act” means the Prison Service Act;

“Commission” means the Public Service Commission as constituted by section 120 of the Constitution of the Republic of Trinidad and Tobago;

“Commissioner” or “Commissioner of Prisons” means the person performing the duties of, or occupying, the office of Commissioner of Prisons established under the Act;

“officer” or “prison officer” means a person who is appointed to perform the duties of an officer in the Prison Service;

“Prison Rules” means the Prison Rules made under the West Indian Prisons Act, 1838 of the United Kingdom;

“Service” or “Prison Service” means the Prison Service established under section 3 of the Act.

Interpre-
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CHAPTER II

CONDUCT

3. An officer shall conduct himself at all times in such a manner that he does not bring discredit on the reputation of the Prison Service or of the public service. General conduct

4. (1) An officer shall carry out all lawful orders of an officer senior in rank and shall at all times punctually and promptly perform all appointed duties and attend to all matters within the scope of his office. Duties of prison officer

(2) In the discharge of his duties, an officer shall be courteous and polite both to members of the Service and to members of the public.

(3) An officer shall not rebuke another officer junior in rank in the presence or hearing of—

(a) another officer junior in rank;

(b) an inmate of any prison; or

(c) a member of the public.

Absence
without
leave

5. (1) An officer shall not be absent from duty without leave or reasonable excuse.

(2) An officer shall not leave the country without permission in writing of the Commissioner or, in cases of emergency, of a person holding an office specified in the Second Schedule to the Act who shall report forthwith in writing, to the Commissioner.

Activities
outside the
Service

6. (1) An officer's whole time shall be at the disposal of the Government. Accordingly—

- (a) an officer may not at any time engage in any activity which would in any way tend to impair his usefulness as an officer, nor may he engage in any occupation or undertaking which might in any way conflict with the interests of the Prison Service or be inconsistent with his position as an officer;
- (b) an officer shall not engage in any trade or any professional, commercial, agricultural or industrial undertaking or undertake private work for remuneration without the prior approval of the Commissioner;
- (c) notwithstanding that prior approval may have been given, the Commissioner may at any time after notice to the officer and after holding an inquiry prohibit an officer from—
 - (i) engaging in any trade, professional, commercial, agricultural or industrial undertaking;
 - (ii) regularly undertaking private work for remuneration, if the Commissioner is of the opinion that the officer's activity tends to impair his usefulness as an officer or conflicts with the interests of the Service or is inconsistent with his position as an officer;
- (d) within a period of thirty days after his first appointment to the Prison Service, an officer shall disclose in writing to the Commissioner particulars of any investment or shareholding which he possesses in any company carrying on business inside or outside of Trinidad and Tobago and also of any interest which he has in any professional, commercial, agricultural or industrial undertaking in or outside Trinidad and Tobago;
- (e) an officer who invests in or acquires shares in any company carrying on business in or outside of Trinidad and Tobago or who acquires any interest in any professional, commercial, agricultural or industrial undertaking in or outside of Trinidad and Tobago, shall within a period of thirty days thereafter inform the Commissioner;
- (f) whenever the Commissioner is of the opinion that an officer's performance of his duties may be influenced by the fact that he owns shares or investments in any company, or he has interest in any professional commercial, agricultural or industrial undertaking, the Commissioner may require the officer to dispose of such shares, investment, or interest within such period as the Commissioner may specify or to be transferred to other duties; and if the officer, on being required by the Commissioner to dispose of his shares, investments or interest, fails to do so within the specified period, he is guilty of an offence;

(g) an officer while he is on accumulated annual leave shall not accept any paid employment or engage in any trade or any professional, commercial, agricultural or industrial undertaking, or undertake regular private work for remuneration. The Commissioner may, however, grant to an officer who is on leave prior to resignation or retirement permission to engage in the activities mentioned above. Such permission shall not be conditional on the curtailment of any period of leave to which the officer is entitled.

(2) An officer who is engaged in any of the activities that are described in subregulation (1)(a) and (b) shall within sixty days of the coming into operation of these Regulations apply for approval to the Commissioner to continue to engage in such activities.

(3) An officer who makes an application under subregulation (2) may continue to engage in such activities until he is notified of the decision of the Commissioner with respect to his application.

7. (1) An officer may not call a public meeting to consider any action of the Government or actively participate in the proceedings of a meeting called for such purpose or procure signatures to any public position regarding the actions of the Government.

Officer not to call public meeting or participate in certain public meetings

(2) Nothing in these Regulations shall affect an officer's right to participate actively in any meeting called or sign any petition prepared by his staff association on matters affecting the Service.

8. (1) An officer shall not make public or communicate to the press or to individuals, or make private copies of, documents, papers or information of which he may have become possessed in his official capacity, unless his duties require him to do so.

Officer not to publish information

(2) Any officer who contravenes any of the provisions in any written law relating to official secrets is guilty of an offence notwithstanding that he may be charged with an offence under any such written law.

9. An officer, whether on duty or on leave of absence shall not allow himself to be interviewed on questions of public policy or on matters affecting the defence or military resources of Trinidad and Tobago or of any other country unless his official duties require him to do so.

Officer not to allow interview on questions of public policy

10. (1) An officer shall not, without permission of the Commissioner, broadcast on the radio or television or publish in any manner any statement which is in the nature of a personal comment on any national or local political or administrative matter unless his official duties require him to do so.

Officer not to publish comment on national or local matter

(2) An officer may, with the permission of the Commissioner, publish in his own name articles relating to other subjects of general interest, or give broadcast talks on the radio or television on such subjects.

(3) Where the Commissioner is in any doubt as to the propriety of any proposed publication or broadcast under the regulation, he shall refer the matter to the Permanent Secretary.

Officer not to contribute to, edit or manage newspaper

11. Except in the case of the official organs of staff associations or professional associations, an officer shall not, without express permission in writing of the Commission, act as editor of any newspaper or take part directly or indirectly in the management of a newspaper, or contribute anonymously thereto any statement or article which may reasonably be regarded as a commentary on the politics of the country or the administration of the Government or that of any other Government.

Rules relating to broadcast talks

12. Broadcast talks by officers shall be governed by the following rules:

(a) no question of payment either to the officer employed in the preparation or delivery of a lecture or talk, or to the Service that he represents, shall arise in connection with lectures or talks that are necessary or desirable in order to enable the Service to carry out its recognised duties to the community;

(b) lectures or talks which are not necessary for departmental purposes may be given by prison officers who are experts in a particular subject, whether or not they have specialised in this subject in their official capacity. In all such cases, if the subject matter is related to the work or the policy of the Services, or if the broadcaster is to be announced by his departmental title, the prior authority of the Commissioner is required with the object of ensuring—

(i) that there is nothing in the lecture or talk contrary to the public interest or inconsistent with the status of an officer; and

(ii) that the standing of the speaker is sufficient to justify the delivery by him of a lecture under his departmental title;

(c) subject to these conditions, and to the observance of any professional rule that may be in force as to the acceptance of remuneration for such services, it shall be open to an officer to make his own terms with the broadcasting authority, but in these cases the work involved in the preparation and delivery of the lecture or talk shall be done outside official hours.

Indebtedness

13. (1) An officer who incurs indebtedness, to the extent that it impairs his efficiency or has brought or is likely to bring the Service into disrepute, is guilty of an offence.

(2) The Commissioner may require an officer to authorise deductions from his pay for the repayment of any debt to the Government.

Bankruptcy

14. An officer against whom bankruptcy proceedings have been taken or who becomes insolvent or who has been declared a bankrupt shall within seven days report that fact to the Commissioner.

Officer not to solicit

15. An officer shall not solicit the intervention or influence of members of Parliament, Ministers, or prominent members of the community to support or advance his individual claims in the Service.

Gifts, rewards

16. Except with the permission of the Commissioner, an officer shall not accept—

(a) any gift or reward from any member of the public or from any organisation for services rendered in the course of his official duties; or

- (b) any present which is likely to influence him in the performance of his duties.

17. Notwithstanding regulation 16 or 18, an officer may accept a present **Exceptions** offered by—

- (a) a representative of a foreign government on the occasion of an official visit to that country;
- (b) a community organisation, on a social occasion where the gift represents the work or achievement of that organisation;
- (c) other officers in the Service on the occasion of marriage, retirement, transfer, or celebratory occasion to which the Commissioner signifies approval.

18. (1) An officer shall not receive from any subordinate officer any present, gift or reward except with the permission of the Commissioner. **Officer not to accept present from subordinate officer**

(2) Where the officer who is to be the recipient of any present, gift or reward referred to in subregulation (1) is the Commissioner, he shall not receive the same except with the permission of the Permanent Secretary.

19. (1) An officer who desires to initiate legal proceedings on his own behalf against another officer or against a member of the public, in connection with any matter which arose out of and in the course of his duty, shall inform the Commissioner. **Legal proceedings**

(2) Where an officer is charged with a criminal offence in any court of law the matter shall be reported forthwith—

- (a) if the charge is laid by a private person, by the officer to the Commissioner who shall notify the Permanent Secretary for the information of the Commission;
- (b) if the charge is laid by the police, by the Commissioner to the Permanent Secretary for the information of the Commission.

20. (1) An officer who without reasonable excuse does an act which— **Offences**

- (a) amounts to failure to perform in a proper manner any duty imposed upon him as an officer;
- (b) contravenes any of these Regulations;
- (c) contravenes any written law relating to the Service; or
- (d) is otherwise prejudicial to the efficient conduct of the Service or tends to bring discredit on the reputation of the Service or of the Public Service,

commits an act of misconduct and is liable to such punishment as is prescribed by regulation 110(1) of the Public Service Commission Regulations.

(2) Without prejudice to the generality of subregulation (1) an officer commits an act of misconduct and is liable to such punishment as is prescribed by regulation 110(1) of the Public Service Commission Regulations if he is guilty of any of the following—

- (a) *Discreditable conduct*, that is to say, if he—
 - (i) while on or off duty acts in a disorderly manner or any manner prejudicial to discipline or likely to bring discredit on the Service;

- (ii) while on or off duty, borrows money from a subordinate, officer, or lends money to a superior officer;
 - (iii) smokes or drinks intoxicating liquor either within the prison (except under such restrictions as may from time to time be prescribed by the Commissioner) or while on duty in a court or in charge of prisoners outside the prison;
 - (iv) while on duty uses obscene, abusive or insulting language to another prison officer, or any other member of the staff of the Service;
 - (v) while on duty assaults a prison officer, or any other member of the staff of the Service; or
 - (vi) while on duty or liable to be called upon for duty, is unfit for duty through drinking intoxicating liquor;
- (b) *Insubordinate conduct*, that is to say, if he is insubordinate, by word or act towards any prison officer, whose orders it is for the time being his duty to obey;
- (c) *Disobedience to orders*, that is to say, if he without good and sufficient cause fails to carry out any lawful order whether in writing or not, promptly in compliance with the order;
- (d) *Neglect of duty*, that is to say, if he—
- (i) neglects or without good and sufficient cause fails promptly and diligently to do any thing which it is his duty as a prison officer to do,
 - (ii) by carelessness or neglect contributes to the escape or attempted escape of a prisoner, or
 - (iii) by carelessness or neglect in the course of his duty, contributes to the occurrence of any loss, damage, or injury to any person or property;
- (e) *False statement*, that is to say, if he knowingly makes any false, misleading or inaccurate statement either orally or in any official document or book, or alters any such statement, or, with intent to deceive, destroys or mutilates any such document or book or alters or erases any entry therein whether in connection with his duties as a prison officer or as an officer or member of any club or fund connected with the prison or the staff of the service;
- (f) *Failure to account*, that is to say, if he fails to account for, or to make a prompt or true return of any money or property for which he is responsible whether in connection with his duties as a prison officer or with any club or fund connected with the prison or the staff of the Service;
- (g) *Breach of confidence*, that is to say, if he without proper authority—
- (i) divulges any matters which it is his duty to keep secret;
 - (ii) communicates directly or indirectly to the Press or to any unauthorised person any matter which may have become known to him in the course of his public duties; or
 - (iii) publishes any matter or makes any public pronouncement relating to the prisons or prisoners or the administration of the Service;

- (h) *Improper relations with prisoners or ex-prisoners*, that is to say if he—
- (i) communicates with a prisoner for an improper purpose,
 - (ii) uses obscene, insulting or abusive language to a prisoner,
 - (iii) allows any undue familiarity between a prisoner and himself or any servant of the prisoner,
 - (iv) knowingly and without proper authority communicates with any ex-prisoner,
 - (v) knowingly and without proper authority discusses his duties or any matters of discipline or prison arrangement within the hearing of a prisoner,
 - (vi) knowingly and without proper authority takes into his employ an ex-prisoner, or
 - (vii) knowingly and without proper authority allows any person to communicate with a prisoner who is not authorised to do so;
- (j) *Trafficking*, that is to say, if he knowingly and without proper authority—
- (i) carries out any pecuniary or business transaction with, or on behalf of any prisoner or ex-prisoner or with a friend or relative of any prisoner or ex-prisoner,
 - (ii) brings into the prison or carries out of the prison or attempts to bring in or carry out, or allows to be brought in or carried out, to or for any prisoner, any article whatever, or
 - (iii) accepts any present or consideration from any prisoner or ex-prisoner or from a friend or relative of any prisoner or ex-prisoner;
- (k) *Corrupt practice*, that is to say, if knowingly, he—
- (i) solicits or receives an unauthorised fee, gratuity or other consideration in connection with his duties as a prison officer, or
 - (ii) improperly uses his position as a prison officer for his private advantage;
- (l) *Unlawful or unnecessary exercise of authority*, that is to say, if he—
- (i) deliberately acts in a manner calculated to provoke a prisoner; or
 - (ii) in dealing with a prisoner uses force unnecessarily or, where the application of force to a prisoner is necessary, uses undue force;
- (m) *Malingering*, that is to say, if an officer feigns or exaggerates any sickness or injury with a view to evading duty;
- (n) *Absence, without leave, or being late for duty*, that is to say, if an officer without reasonable excuse is absent without leave from duty or is late for parade, court or any other duty;
- (o) *Uncleanliness*, that is to say, if an officer, while on duty or while off duty in uniform in a public place is improperly dressed or is dirty or untidy in his person, clothing or accoutrements;

- (p) *Damage to clothing or other articles supplied*, that is to say, if an officer—
- (i) wilfully or by carelessness causes any loss or damage to any article of clothing, accoutrement, or to any book, document or other property of the Service served out to him or used by him entrusted to his care; or
 - (ii) fails to report any loss or damage to such property however caused;
- (q) *Drunkenness, or illicit drug taking*, that is to say, if an officer, while on or required for duty, is unfit for duty through the taking of drink or illicit drugs;
- (r) *Drinking on duty or soliciting drink*, that is to say if, an officer—
- (i) without the consent of his senior officer, drinks or receives from any other person any intoxicating liquor while he is on duty; or
 - (ii) demands, or endeavours to persuade any other person to give him, or to purchase or obtain for him, any intoxicating liquor while he is on duty;
- (s) *Entering licensed premises*, that is to say, if without permission or reasonable excuse an officer enters—
- (i) while on duty any premises licensed under the liquor licensing laws or any other premises where liquors are stored or distributed when his presence there is not required in the execution of his duty; or
 - (ii) any such premises in uniform while off duty;
- (t) *Conviction for a criminal offence*, that is to say, if an officer has been found guilty by a court of law of a criminal offence;
- (u) *Being an accessory to a disciplinary offence*, that is to say, if an officer connives at or is knowingly an accessory to any offence against discipline;
- (v) *Using any property or facilities of the Service without the consent given personally of the Commission for some purpose not connected with his official duties*.

Dated this 29th day of March, 1990.

K. BOSWELL INNISS
Secretary to Cabinet