

## THE CHILD REHABILITATION CENTRE REGULATIONS, 2017

### **Explanatory Notes**

(These notes form no part of the Regulations but are intended only to indicate its general purport)

These regulations seek to provide for the regulation of Rehabilitation Centres.

#### *Part I: Preliminary*

Regulation 1 would provide for the short title of the Regulations.

Regulation 2 would provide for the definition of terms.

#### *Part II: Role of the Authority*

Regulation 3 would provide for the role of the Authority in relation to a Rehabilitation Centre.

#### *Part III: The Advisory Board and Discharge Committee*

Regulation 4 would provide for meetings of the Advisory Board.

Regulation 5 would prescribe the form in which the minutes of meetings of the Advisory Board are to be kept.

Regulation 6 would provide for the establishment of a Discharge Committee which shall determine the eligibility of residents for discharge.

Regulation 7 would empower the Commissioner and the Authority to make an application to the Court for an order for discharge of a resident in accordance with section 69 of the Children Act, 2012.

#### *Part IV: Superintendent*

Regulation 8 would prescribe the responsibilities of the Superintendent.

Regulation 9 would impose a duty on the Superintendent to ensure that the perimeter of the Rehabilitation Centre is secured, regularly inspected and maintained, and a log of the inspections and maintenance is kept.

#### *Part V: The Premises*

Regulation 10 would prescribe the requirements for the maintenance of the premises.

Regulation 11 would prescribe the amenities to be provided to residents.

Regulation 12 would prescribe the general amenities to be provided at a Rehabilitation Centre.

Regulation 13 would provide for the Commissioner to ensure that facilities are provided at a Rehabilitation Centre for residents with disabilities.

Regulation 14 would prescribe the manner in which food is to be handled at a Rehabilitation Centre.

Regulation 15 would prescribe a prohibition from residents entering the kitchen without direct supervision from a member of staff.

Regulation 16 would impose a duty on the Commissioner to ensure that a Rehabilitation Centre is equipped with the tools, materials and infrastructure necessary for the academic, vocational and personal development of residents.

Regulation 17 would impose a duty on the Commissioner to ensure that suitable facilities are provided to promote contact between residents and persons visiting residents.

#### *Part VI: Admission of Residents*

Regulation 18 would prescribe the procedure for the admission of residents into a Rehabilitation Centre.

Regulation 19 would provide for individual care plans to be developed for each resident.

Regulation 20 would impose a duty on the Superintendent to provide the Medical Officer with information on residents under disciplinary action and on residents complaining of illness or who have been removed to the Infirmary or to a sick room.

Regulation 21 would impose a duty on the Superintendent to ensure that a resident is adjudged for fitness by a Medical Officer before that resident is assigned chores.

Regulation 22 would impose a duty on the Superintendent to carry out any instructions given by the Medical Officer in relation to the treatment of a sick resident.

Regulation 23 would impose a duty on the Superintendent to consult with the Medical Officer and the Probation Officer with respect to the well-being of a resident and with the Health and Safety Officer with respect to the sanitary state of a Rehabilitation Centre.

#### *Part VII: Medical Arrangements*

Regulation 24 would impose a duty on the Commissioner to ensure that medical specialists and any other medical personnel are present at a Rehabilitation Centre, as required by the Medical Officer.

Regulation 25 would provide for a resident to be attended by medical personnel who are of the same sex of the resident, except in certain circumstances.

Regulation 26 would impose a duty on the Medical Officer to ensure that residents receive medical care, including that residents are referred to medical specialists when necessary.

Regulation 27 would provide for a Medical Officer to examine a resident within twenty-four hours of admission into a Rehabilitation Centre and thereafter semi-annually and as needed. It would also provide for records to be kept of each examination.

Regulation 28 would impose a duty on the Medical Officer to keep the medical records of each resident confidential, although such records may be disclosed to the Authority who shall keep the records confidential.

Regulation 29 would impose a duty on the Medical Officer to keep a signed journal of visits to and by residents, including any medication or medical treatment administered to residents.

Regulation 30 would prescribe the instances in which a Medical Officer is required to examine a resident.

Regulation 31 would prescribe the information to be reported to the Commissioner by the Medical Officer in every quarter.

Regulation 32 would provide for a Medical Officer to examine a resident prior to the resident being discharged, and would detail the information that must be recorded in relation to such examination.

Regulation 33 would provide for a resident who is in the Infirmary on the date on which he is due to be discharged and is in need of further medical attention, to be taken to a public hospital after consultations between the Commissioner and a Medical Officer. It would also provide for the Commissioner to notify the Authority immediately of such a situation.

Regulation 34 would impose a duty on a Medical Officer to immediately notify the Authority and the Commissioner where he is of the opinion that the physical or mental health of a resident is compromised by reason of his detention.

#### *Part VIII: Welfare of Residents*

Regulation 35 would prescribe the requirements to be met to ensure that the welfare of residents is maintained.

Regulation 36 would prescribe the methods of punishment and restraint that are prohibited from use at a Rehabilitation Centre.

Regulation 37 would impose a duty on the Commissioner to ensure that a written Behaviour Management Policy is established at a Rehabilitation Centre.

#### *Part IX: The Educational Instructors*

Regulation 38 would provide for educational instructors to be selected by the Ministry of Education in consultation with the Commissioner of Prisons.

#### *Part X: Religious Instructors*

Regulation 39 would provide for the Commissioner to approve visits to residents and the hosting of religious services by Ministers of Religion.

Regulation 40 would impose a duty on Ministers of Religion to immediately communicate to the Commissioner and the Authority any abuse or impropriety occurring in a Rehabilitation Centre, which may come to their attention.

*Part XI: Visit and Communications*

Regulation 41 would provide for visits to be allowed to a resident in accordance with the care plan of that resident, and for restriction of visits not to be used as a method of punishment.

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*Part XII: Complaints*

Regulation 48 would impose a duty on the Commissioner to ensure that a complaints handling system is established to address internal complaints in a Rehabilitation Centre, and would provide for the system to be implemented by the Superintendent.

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*Part XIII: Ratings for Conduct*

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*Part XIV: Discipline of Residents*

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*Part XV: Reflection Unit*

Regulation 52 would provide the procedure for referral of a resident to the Reflection Unit.

*Part XVI: Vocational or Academic Training*

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*Part XVII: Payments for Work*

Regulation 54 would provide for a resident who is sixteen years of age and over to be eligible to be paid for work engaged in outside of a Rehabilitation Centre, at the prevailing rates.

Regulation 55 would provide for monies earned by a resident to be deposited in a bank account which account shall be for the sole use and benefit of the resident. It would also provide for a resident to use monies earned to purchase items from the Rehabilitation Centre, and for the resident to be entitled to the monies on discharge.

*Part XVIII: Leave for Residents*

Regulation 56 would detail the procedure for a resident to be granted permission to leave a Rehabilitation Centre.

*Part XIX: Safety and Security*

Regulation 57 would impose a duty on the Commissioner to establish a safety and security policy at a Rehabilitation Centre, and would detail the contents of the policy.

Regulation 58 would impose a duty on the Commissioner to ensure that a security risk assessment is conducted annually to identify potential security risks, recommend measures to address security risks and stipulate time frames for the implementation of relevant measures.

Regulation 59 would prescribe the manner in which surveillance is to be conducted at a Rehabilitation Centre.

Regulation 60 would impose a duty on the Commissioner to ensure that an evacuation plan is developed and implemented at a Rehabilitation Centre.

*Part XX: Search of a Resident and Taking a Sample*

Regulation 61 would prescribe the procedure for the non-intimate search of a resident.

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Regulation 63 would prescribe the procedure for a special search of a resident.

Regulation 64 would detail general principles of a special search of a resident.

Regulation 65 would prescribe the procedure for the taking of intimate and non-intimate samples from a resident.

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Regulation 66 would impose a duty on the Commissioner and on the Superintendent to ensure that records required to be kept and maintained under the Act and the Regulations and on the instruction of the Authority, are so kept and maintained. It would also detail the relevant records to be kept and maintained.

*Part XXII: Confidentiality*

Regulation 67 would impose a duty on the Commissioner and on the Superintendent to ensure that all records relating to residents are kept confidential, subject to sections 42 to 46 of the Data Protection Act, No. 13 of 2011 and any other written law.

*Part XXIII: Notices to the Authority*

Regulation 68 would prescribe the instances in which the Superintendent must notify the Commissioner in writing.

*Part XXIV: Miscellaneous Rules*

Regulation 69 would provide for a resident who is to be discharged from a Rehabilitation Centre and who is in need of clothing, to be provided with adequate clothing.

Regulation 70 would provide for a Rehabilitation Centre to be open to visitors on the order of the Commissioner.

Regulation 71 would specify that residents are to behave with the greatest respect toward officers of the Rehabilitation Centre.

Regulation 72 would impose a duty on officers to treat residents and their families with respect, courtesy and dignity and to encourage efforts at rehabilitation.

Regulation 73 would prohibit a resident from bringing a prohibited article into a Rehabilitation Centre.

Regulation 74 would repeal the Young Offenders Detention Regulations, 1980.

Schedule 1 would prescribe the criteria for the levels of ratings for conduct and rewards to be awarded accordingly.

Schedule 2 would prescribe the activities engaged in by residents and the points awarded accordingly.

Schedule 3 would prescribe the infractions and sanctions imposed for breaches of discipline.

Schedule 4 would provide the Form to be completed granting permission to a resident for leave from a Rehabilitation Centre.

THE CHILD REHABILITATION CENTRE REGULATIONS, 2017

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*Regulation*

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LEGAL NOTICE NO. 40

REPUBLIC OF TRINIDAD AND TOBAGO

THE CHILD REHABILITATION CENTRE ACT, CHAP. 13:05

REGULATIONS

MADE BY THE MINISTER UNDER SECTION 5 OF THE CHILD  
REHABILITATION CENTRE ACT

THE CHILD REHABILITATION CENTRE REGULATIONS, 2017

PART I

PRELIMINARY

1. These Regulations may be cited as the Child Rehabilitation Centre Regulations, 2017. Citation

2. In these Regulations—

Interpretation

“appropriate adult” means a person over the age of eighteen years who is a—

- (a) social worker;
- (b) welfare officer (probation);
- (c) any other responsible person over eighteen years with whom the child is comfortable; and
- (d) in the case of a child with a disability, the appropriate professional,

but does not include the following persons:

- (i) an accomplice;
- (ii) a person with previous convictions relating to a child or affecting that child;
- (iii) a person on parole or probation;
- (iv) a member of the police service or any employee in the police service; and
- (v) a person employed at a Rehabilitation Centre;

“Assistant Superintendent” means Prisons Supervisor referred to in Part B of the Second Schedule of the Prison Service Act, and who is assigned to the Rehabilitation Centre and designated “Supervisor” of the Rehabilitation Centre by the Commissioner;

- Chap. 5:34 “buccal swab” has the meaning assigned to it under section 4 of the Administration of Justice (Deoxyribonucleic Acid) Act;
- “care plan” means a plan which is based on the assessed needs of a child that addresses the rehabilitative, social, emotional and therapeutic psycho-social needs of the child;
- Chap. 15:01 “Commissioner of Police” has the meaning assigned to it under section 3 of the Police Service Act;
- Chap. 11:25 “dangerous drug” has the meaning assigned to it under section 3 of the Dangerous Drugs Act;
- Chap. 29:05 “health care facilities” has the meaning assigned to it under section 2 of the Regional Health Authorities Act;
- “Infirmity Officer” means the officer of the Rehabilitation Centre who is trained in providing specific limited areas of medical services under the supervision of a Medical Officer;
- “intimate sample” has the meaning assigned to it under section 4 of the Administration of Justice (Deoxyribonucleic Acid) Act;
- “intimate search” means the physical examination of any of a person’s bodily orifices;
- “Medical Officer” means a medical practitioner who is assigned by the Ministry with responsibility for health to perform duties at a Rehabilitation Centre;
- Chap. 29:50 “Medical practitioner” means a person who is registered under the Medical Board Act;
- “non-intimate sample” has the meaning assigned to it under section 4 of the Administration of Justice (Deoxyribonucleic Acid) Act;
- “non-intimate search” means the physical examination of a resident’s body without the removal of clothing and the visual inspection of a resident’s mouth;
- “prohibited article” means a list of items and substances compiled by the Commissioner, which are not allowed on the compound of the Rehabilitation Centre;
- “qualified person” means—
- (a) a registered medical practitioner under the Medical Board Act;
  - (b) an advanced practice nurse registered under Part II of the Nursing Personnel Act; or
  - (c) a person registered under Part II or Part III of the Nursing Personnel Act, acting under the supervision of a registered medical practitioner;
- Chap. 29:53 “Reflection Unit” means a place where residents can engage in quiet activities for the purpose of reflecting on their behaviour, but does not amount to solitary confinement;

“sample” has the meaning assigned to it under section 4 of the Administration of Justice (Deoxyribonucleic Acid) Act;

“special search” means a search involving the removal of the clothing of a resident including undergarments, head coverings and face coverings in order to facilitate a visual inspection of a child’s genitals, buttocks, breasts, head or any other private area of the body;

“Superintendent” means a Superintendent of Prisons referred to in Part A of the Second Schedule of the Prison Service Act<sup>Chap. 13:02</sup> and who is assigned to the Rehabilitation Centre;

“Supervisor” means the Prisons Supervisor referred to in Part B of the Second Schedule of the Prisons Service Act, and who is assigned to the Rehabilitation Centre and designated “Supervisor” of the Rehabilitation Centre by the Commissioner;

“the Act” means the Child Rehabilitation Centre Act. Chap. 13:05

## PART II

### ROLE OF THE AUTHORITY

3. The Authority may enter a Rehabilitation Centre in accordance with sections 27 and 27A of the Children’s Community Residences, Foster Care and Nurseries Act.<sup>Role of the Authority Act 65 of 2000</sup>

## PART III

### THE ADVISORY BOARD AND DISCHARGE COMMITTEE

4. (1) The Advisory Board shall meet at least once quarterly. Meetings of the Board

(2) In the absence of the Chairman, the members of the Board shall elect one of the members as Chairman.

(3) Three members of the Board shall constitute a quorum.

(4) A Superintendent or the Assistant Superintendent shall attend the meetings of the Advisory Board whenever matters where they exercise authority at the Rehabilitation Centre are being discussed.

(5) The Board may appoint a Secretary.

5. (1) A record of the proceedings at the meetings of the Board, shall be kept in electronic or hard copy form and the minutes of each meeting shall be signed by the Chairman after the minutes have been confirmed at the next subsequent meeting of the Board.<sup>Minutes of meetings of the Board</sup>

(2) The record of the proceedings referred to in subregulation (1) shall be available at all reasonable times to members of the Board, and to the Commissioner of Prisons.

Discharge Committee 6. (1) There shall be established a committee to be known as “the Discharge Committee” which shall determine the eligibility of residents for discharge.

(2) The Discharge Committee shall comprise the Commissioner, Superintendent, Chief Welfare Officer and such other persons whom the Commissioner may appoint.

Commissioner or Authority to apply to the Court for Discharge Order 7. (1) The Commissioner or the Authority shall make an application to the Court to make an order for discharge under section 69 of the Children Act, 2012.

(2) Where the Authority intends to make an application under subregulation (1) it shall first notify the Discharge Committee of its intension.

#### PART IV

##### SUPERINTENDENT

Responsibilities of Superintendent 8. (1) A Superintendent shall manage a Rehabilitation Centre in accordance with the standards for Community Residences and these Regulations.

(2) A Superintendent shall ensure that there are—

- (a) adequate arrangements for the disposal of garbage;
- (b) proper arrangements for the maintenance of all equipment, furniture and amenities used in the Rehabilitation Centre; and
- (c) toilets and bathing facilities in good condition and which offer privacy to residents,

and that the Rehabilitation Centre is kept in a sanitary condition.

(3) A Superintendent shall identify the infrastructural and other needs of a Rehabilitation Centre and shall inform the Commissioner as required.

Superintendent to secure perimeter of Rehabilitation Centre 9. A Superintendent shall ensure that—

- (a) the perimeter of a Rehabilitation Centre is secure and that it is regularly inspected and maintained; and
- (b) a log is kept of the inspections and details of the maintenance activities undertaken.

#### PART V

##### THE PREMISES

Maintenance of premises 10. The Commissioner shall ensure that a Rehabilitation Centre is—

- (a) adequately lit;
- (b) ventilated;

- (c) suitably furnished;
- (d) kept in good structural repair;
- (e) kept clean and well maintained; and
- (f) furnished with adequate laundry facilities and equipment.

(2) The Commissioner shall ensure that a Rehabilitation Centre has—

- (a) a potable water supply with tank storage that is sufficient, functioning and clean;
- (b) sufficient storage facilities; and
- (c) proper arrangements for the maintenance of all equipment, furniture and amenities used in a Rehabilitation Centre.

11. The Commissioner shall be responsible for ensuring that a <sup>General</sup> Rehabilitation Centre is fitted with— <sup>amenities</sup>

- (a) toilets and bathing facilities which—
  - (i) are equipped with sinks, toilets, showers and appropriate fixtures; and
  - (ii) have a regular clean water supply;
- (b) adequate living and dining areas that are outfitted with—
  - (i) adequate seating accommodation;
  - (ii) furniture suitable to the range of ages of all residents; and
  - (iii) clean and sturdy furniture; and
- (c) child-friendly recreational materials and facilities that—
  - (i) are suitable for the developmental capacity and range of residents;
  - (ii) allow for physical exercise and mental stimulus; and
  - (iii) include group activities as well as allow for individual occupation.

12. (1) The Commissioner shall ensure that each resident in a <sup>Dormitory</sup> Rehabilitation Centre is provided with— <sup>requirements for residents</sup>

- (a) his own bed;
- (b) proper and safe storage for personal possessions; and
- (c) access to an appropriate place for study.

(2) Where bunk beds are provided, such beds shall be outfitted with safety railings and ladders.

13. The Commissioner shall ensure that there are facilities <sup>to</sup> accommodate residents with any disability. <sup>Amenities for disabled residents</sup>

- Handling of food 14. (1) The Commissioner shall ensure that the kitchen of a Rehabilitation Centre is provided with—
- (a) suitable and sufficient kitchen equipment in good working condition;
  - (b) suitable and sufficient crockery, cutlery and utensils; and
  - (c) adequate facilities for the preparation and storage of food.
- (2) A Superintendent shall ensure that—
- (a) food is properly and safely handled;
  - (b) the kitchens are cleaned, sanitised and inspected daily; and
  - (c) any staff preparing and serving food has a valid food badge.
- Restriction of residents from the kitchen area 15. A Superintendent shall not permit a resident to access the kitchen without direct supervision from a member of staff.
- Amenities for programmes 16. The Commissioner shall be responsible for ensuring that a Rehabilitation Centre is equipped with tools, materials and infrastructure which are suitable for the academic, vocational and personal development of residents.
- Requirements for visitors to a Rehabilitation Centre 17. (1) The Commissioner shall ensure that suitable facilities are provided in order to promote contact—
- (a) between the resident and his parents, guardian or the person with responsibility for him; and
  - (b) between the resident and any relative, or such other persons as may be in the best interest of the child subject to the consent of the resident.
- (2) The Commissioner shall ensure that suitable facilities are provided in order to facilitate contact between the resident and his Attorney-at-law.

## PART VI

### ADMISSION OF RESIDENTS

- Admission and orientation of residents 18. (1) The Commissioner shall ensure—
- (a) that there is a written procedure for admission of residents into a Rehabilitation Centre; and
  - (b) that there is a register of all the children in the care of a Rehabilitation Centre, in accordance with section 22 of the Children’s Community Residences, Foster Care and Nurseries Act, 2000, known as a “Register of Residents”.

(2) A Superintendent shall record in the Register of Residents with respect to each resident—

- (a) his name, including all known aliases;
- (b) his unique identifier;
- (c) his age;
- (d) his sex;
- (e) his address;
- (f) the offence for which he has been charged or convicted;
- (g) identifying marks or other unusual physical characteristics; and
- (h) the names, addresses and contact numbers of the parents, siblings and other close relatives, where they can be ascertained.

(3) A Superintendent shall ensure within twenty-four hours of the arrival at a Rehabilitation Centre, each resident—

- (a) is informed of—
  - (i) the policies and procedures of the Rehabilitation Centre; and
  - (ii) his rights and obligations as a resident, in a manner having regard to the age and understanding of the resident; and
- (b) is provided with a copy of the Residents' Handbook.

(4) The Residents' Handbook shall include in a simple form, expressed in an age-appropriate manner and so worded that a resident would understand, information with respect to—

- (a) the policies and procedures of a Rehabilitation Centre;
- (b) the rules of conduct;
- (c) sanctions imposed for the violation of rules; and
- (d) the disciplinary process of a Rehabilitation Centre.

(5) A Superintendent shall ensure, immediately on entry, that—

- (a) a photograph is taken of the resident;
- (b) medical and mental health screening of the resident is conducted;
- (c) an inventory of the property in the possession of the resident is recorded; and

- (d) an assessment of the resident in terms of the medical, educational, recreational, rehabilitative, social, emotional and therapeutic psycho-social needs of the resident is conducted to determine—
- (i) the level of risk of the resident; and
  - (ii) the rehabilitative intervention that is needed for the resident.

Individual care plans 19. (1) A Superintendent shall ensure that an individual care plan is developed for each resident.

- (2) Individual care plans shall—
- (a) be based on—
    - (i) the results of the assessment, referred to in regulation 18(5)(d), and implemented in accordance with these Regulations; or
    - (ii) an Order of the Court;
  - (b) include—
    - (i) the objectives of the care of the resident;
    - (ii) the time frames for achieving the objectives;
    - (iii) the persons responsible for assisting the resident in achieving the objectives; and
    - (iv) the programmes developed to assist residents to reintegrate into society;
  - (c) take into consideration the sex, age group and level of development of the resident; and
  - (d) be evaluated and updated not less often than twice a year.

Medical Officer 20. A Superintendent shall cause to be delivered to the Medical Officer a list of all—

- (a) residents under disciplinary action; and
- (b) residents complaining of illness.

Resident to be seen by Medical Officer 21. A Superintendent shall ensure that a resident is declared fit by a Medical Officer before he is assigned chores.

Instructions from Medical Officer 22. A Superintendent shall carry out any instructions given by the Medical Officer in relation to the treatment of a sick resident.

Superintendent to consult Medical Officer 23. A Superintendent shall consult the Medical Officer and the Probation Officer with respect to the well-being of the residents and with the Health and Safety Officer with respect to the sanitary state of a Rehabilitation Centre.

## PART VII

## MEDICAL ARRANGEMENTS

24. The Commissioner shall ensure that medical specialists and any other medical personnel are present at a Rehabilitation Centre, as required by the Medical Officer.

25. (1) A resident shall be attended to by medical personnel who are of the same sex as the resident, unless—

- (a) medical personnel who are of the same sex as the resident is unable to arrive at the Rehabilitation Centre within a reasonable time of being contacted or is unavailable and it is an emergency; or
- (b) the resident requests otherwise stating reasons.

(2) Notwithstanding subregulation (1)(b), the medical personnel need not be of the same sex as the resident where there are circumstances involving—

- (a) matters of national security;
- (b) the security and order of the Rehabilitation Centre;
- (c) the security of the resident, other residents or staff of the Rehabilitation Centre; or
- (d) any other relevant issue.

(3) A record shall be made of—

- (a) a situation referred to in subregulation (1)(a);
- (b) a request with reasons made pursuant to subregulations (1)(b) and (2); and
- (c) the names and sexes of the persons present.

26. A Medical Officer shall be responsible for the medical care of the residents and shall ensure that residents are referred to a medical specialist where necessary.

27. (1) A Medical Officer shall examine each incoming resident within twenty-four hours of admission and thereafter semi-annually and as necessary.

(2) Subsequent to his examination of each resident, a Medical Officer shall complete a medical report on the resident which will form part of the record of the resident.

(3) The medical record of each resident of a Rehabilitation Centre shall include the name of the resident, the illness and the treatment prescribed.

Medical Officer to keep records of each resident confidential

28. (1) The Medical Officer shall keep confidential the medical record referred to in regulation 27.

(2) Notwithstanding subregulation (1), a record of a resident may be disclosed to the Authority, which shall also keep the same confidential.

Entry in journal

29. A Medical Officer shall keep a signed journal of the daily visits to and by residents and shall enter into his journal an account of all medicines or medical treatment ordered at each visit with such observations or explanations as he may consider necessary.

Examination of resident

30. (1) A Medical Officer shall examine each resident prior to his being—

- (a) assigned chores specifying the chores for which he is capable;
- (b) employed; or
- (c) apprenticed.

(2) The Medical Officer shall make a record of the examination referred to in subregulation (1) and his recommendations in the resident's file and in his journal.

Quarterly reports and residents' health

31. A Medical Officer shall report the following in writing to the Commissioner once in every quarter:

- (a) the general state of health of the residents;
- (b) the illnesses which have been most prevalent and whether there is any connection between the prevalent diseases and—
  - (i) the locality or physical state of a Rehabilitation Centre;
  - (ii) the diet;
  - (iii) employment; or
  - (iv) any other avoidable circumstances;
- (c) the number of deaths; and
- (d) the number of residents referred to a hospital,

occurring during the quarter.

Examination prior to discharge

32. A Medical Officer shall examine all residents prior to their discharge, making the following entries with respect to each resident in both the Medical Journal and in the Residents' Record:

- (a) age;
- (b) state of health together with comments on the medical history;
- (c) weight; and
- (d) height.

33. (1) Where a resident who is due for discharge is in the Infirmary<sup>Resident in</sup> on the date of his discharge and is in need of further medical attention, the<sup>Infirmary on</sup> resident shall be taken to the public hospital after consultations between<sup>date of</sup> the Commissioner and a Medical Officer, and the Commissioner shall<sup>discharge</sup> notify the Authority immediately.

(2) Where the situation in subregulation (1) exists, the Superintendent shall inform the person who has legal custody for the resident accordingly.

34. (1) Where a Medical Officer is of the opinion that the physical or<sup>Health of</sup> mental health of any resident is compromised so as to cause concern for his<sup>residents</sup> well-being, by reason of his detention in a Rehabilitation Centre, he shall notify the Authority immediately.

(2) The Medical Officer shall forward the reports on the physical or mental health of the resident referred to in subregulation (1), accompanied by any recommendations, to the Commissioner.

## PART VIII

### WELFARE OF RESIDENTS

35. A Superintendent shall ensure that—

Welfare of  
residents

(a) a resident of a Rehabilitation Centre is provided with—

(i) food that is—

- (A) suitable for his dietary needs, health, religious persuasion or cultural background;
- (B) served in adequate quantities and at appropriate intervals, at least three times every day; and
- (C) wholesome, nutritious, well prepared and served, reasonably varied and sufficient in quantity;

(ii) sufficient clothing and footwear that are—

- (A) appropriate to his age, sex and religious persuasion; and
- (B) clean and in good repair;

(iii) educational programmes, including—

- (A) academic or vocational training appropriate to the sex, age, level of development, abilities, interests of a resident, and as may be outlined in his Individual Care Plan; and
- (B) special education programmes where a resident has literacy, cognitive or learning challenges;

- (iv) medical care including—
  - (A) medical treatment and medicine deemed necessary by a nurse or medical practitioner; and
  - (B) emergency medical attention deemed necessary by staff supervising residents; and
- (v) a regular and sufficient supply of suitable personal hygiene products;
- (b) each resident is provided with the opportunity for physical and other recreation;
- (c) each resident is assessed to determine whether the resident has a disability;
- (d) no resident leaves the premises of a Rehabilitation Centre unaccompanied or unsupervised or without permission;
- (e) each resident is treated fairly and the Rules of a Rehabilitation Centre and these Regulations are applied equitably;
- (f) the best interest of each resident is considered at all times in the application of the Act and these Regulations;
- (g) subject to any directions of the Commissioner, no resident shall be allowed, except as authorised by the Medical Officer, to have any food or drink other than that ordinarily provided; and
- (h) the Medical Officer, or any other person whom the Superintendent designates, from time to time, inspects the food and drink both before and after they are prepared and reports any deficiency or defect to the Superintendent.

Prohibited  
methods of  
punishment  
and restraint

36. (1) The Commissioner shall ensure that a child placed in the care of a Rehabilitation Centre shall not be subjected to—

- (a) cruel, inhumane or degrading treatment;
- (b) corporal punishment;
- (c) solitary confinement;
- (d) unreasonable immobilisation or physical restraint; or
- (e) any other form of treatment or punishment that may cause physical, mental or emotional harm to the child.

(2) A Superintendent shall ensure that paragraphs (a) to (e) in subregulation (1) are observed in the Rehabilitation Centre.

(3) The Superintendent may order a resident to be put under restraint where this is necessary to prevent the resident from—

- (a) injuring himself or others;
- (b) damaging property; or
- (c) creating a disturbance.

(4) Notice of such an order shall be given without delay to the child's probation officer and to the Medical Officer.

(5) On receipt of the notice referred to in subregulation (4), the Medical Officer shall inform the Superintendent whether there are any reasons why the resident should not be put under restraint.

(6) The Superintendent shall give effect to any recommendations which may be made under subregulation (5).

(7) A resident shall not be kept under restraint longer than necessary, nor shall he be kept for longer than twenty-four consecutive hours without a direction by the Court.

(8) The direction from the Court referred to in subregulation (7) shall state the grounds for the restraint and the period of the restraint.

(9) Except as provided by this regulation, no resident shall be put under restraint otherwise than for safe custody during removal or transport or on medical grounds by direction of the Medical Officer.

(10) No resident shall be put under restraint as a punishment.

(11) Any means of restraint shall be of a pattern and type authorised by the Commissioner and shall be used in such manner and under such circumstances as the Commissioner may direct.

(12) Particulars of every case of restraint under the foregoing provisions of this rule shall be forthwith recorded in the file of the resident so restrained.

37. (1) The Commissioner shall ensure that there is a written Behaviour Management Policy established at a Rehabilitation Centre and that the policy is communicated by a Superintendent to staff, volunteers and visitors.

(2) The information referred to in subregulation (1) shall be communicated to residents in a manner suitable to their age, and understanding.

## PART IX

## THE EDUCATIONAL INSTRUCTORS

Educational  
instructors 38. A person providing educational instructions including special education instructions at a Rehabilitation Centre shall be selected by the Ministry of Education in consultation with the Commissioner of Prisons.

## PART X

## RELIGIOUS INSTRUCTIONS

Visits by  
Ministers of  
Religion 39. (1) The Commissioner may approve visits to residents and the holding of religious services by Ministers of Religion.

(2) Attendance at religious services by residents is voluntary.

Ministers of  
Religion to  
report abuse 40. Ministers of Religion shall immediately communicate to the Commissioner and the Authority any abuse or impropriety in a Rehabilitation Centre which may come to their notice.

## PART XI

## VISIT AND COMMUNICATIONS

Care plans  
and visits 41. (1) A Superintendent shall ensure that visits are allowed in accordance with the care plan and these Regulations and the Children's Community Residences (Child Rehabilitation) Regulations, 2017.

(2) Restriction of visits shall not be used as a method of discipline.

Visits from  
family and  
friends 42. (1) Subject to regulation 43, the Commissioner shall permit family members of residents to visit residents at least once a week, within the sight and hearing of an officer of the Rehabilitation Centre, save in exceptional circumstances, and subject to matters of national security and the good order of the Rehabilitation Centre.

(2) Where the Commissioner precludes a family member from visiting a resident in exceptional circumstances, he shall record the fact of the denial and the exceptional circumstances for the denial in the resident's record.

(3) Exceptional circumstances referred to in subregulations (1) and (2) include circumstances in relation to—

(a) death or serious illness of a near relative;

(b) business or family affairs of an urgent matter;

- (c) arrangements for obtaining employment or assistance from friends on release; or
- (d) any other compassionate circumstance.

43. (1) Visits to residents by family members and friends shall take place in the sight and hearing of an officer of the Rehabilitation Centre.

(2) The Commissioner may in his discretion direct that any visit to a resident shall take place in the sight, but out of the hearing of an officer at the Rehabilitation Centre.

(3) The Commissioner may refuse, stop or suspend a visit where such visit is inimical to—

- (a) the interest and security of a resident;
- (b) the interest and security of the staff of the Rehabilitation Centre;
- (c) national security; or
- (d) the good order and security of the Rehabilitation Centre.

44. (1) A resident is entitled to receive visits from his Attorney-at-law in the sight but not the hearing of an officer of the Rehabilitation Centre.

(2) The Attorney-at-law for a resident shall visit the resident in the company of his parent, guardian or person with responsibility for the resident, an appropriate adult or next friend.

45. (1) A police officer may, on the authorisation of the Commissioner—

- (a) visit a resident for the purpose of conducting an interview with the resident where the resident consents to the interview; or
- (b) visit a resident for the purpose of—
  - (i) identifying the resident; or
  - (ii) charging the resident with an offence.

(2) A visit to a resident under subregulation (1), shall take place in the company of—

- (a) the resident's parent, guardian, person with responsibility for the resident;
- (b) an appropriate adult; or
- (c) next friend; and
- (d) Duty Counsel in accordance with section 15B of the Legal Aid and Advice Act or the Attorney-at-law for the resident.

(3) A visit to a resident under subregulation (1) shall take place within the sight and hearing of an officer of the Rehabilitation Centre and in such area and under such conditions as the Commissioner may direct.

Communica-  
tion from  
relatives and  
friends

46. (1) Communication between residents and their relatives and any other person whom the Commissioner may approve, shall be allowed in accordance with these Regulations, subject to such restrictions as may be necessary for the maintenance of discipline and order in a Rehabilitation Centre and the prevention of crime.

(2) Not more than three persons shall be allowed to visit a resident at one time or as advised by the resident's care plan.

Censoring of  
letters and  
forms of  
communica-  
tion

47. (1) A resident is entitled to communicate in writing or by landline telephone with family members, and such other persons unless precluded by the Commissioner or legally restricted.

(2) Residents shall be assisted as necessary with respect to subregulation (1).

(3) Every letter to, or from a resident shall be read by the Commissioner or by a responsible officer deputed by him for the purpose, and it shall be within the discretion of the Commissioner to stop, censor or redact any letter on the ground that the contents of the letter are inimical to—

- (a) the interest and security of a resident;
- (b) the interest and security of the staff of the Rehabilitation Centre;
- (c) national security; or
- (d) the good order and security of the Rehabilitation Centre.

(4) The Commissioner shall report all negative decisions taken under subregulation (3) forthwith to the Authority and the child's probation officer.

## PART XII

### COMPLAINTS

Complaints  
handling  
system

48. (1) The Commissioner shall ensure that a written internal complaints handling system is established and maintained for use in the Rehabilitation Centre, which shall be implemented by a Superintendent.

(2) The Commissioner shall ensure that the complaints handling system shall permit residents to lodge complaints directly with, and confidentially to, the Authority, the Supervisor or the Commissioner.

(3) The Commissioner shall ensure that the residents, staff, volunteers and visitors are made aware of the complaints handling system.

49. (1) Subject to subregulation (3), a resident may lodge a written or oral complaint on his own behalf with the Supervisor, Authority or Commissioner. Procedure for complaints handling system

(2) Subject to subregulation (3), a parent or any other person may lodge a written or oral complaint on behalf of a resident, with the Supervisor, Authority or Commissioner.

(3) A complaint to the Commissioner shall only be made where—

- (a) the Supervisor or Superintendent is the subject of the complaint; or
- (b) the Supervisor or Superintendent is personally involved in the matter or affected by the complaint,

and the Commissioner shall forward the complaint to the Authority.

(4) A complaint referred to in subregulations (1) and (2) shall include—

- (a) a description of the incident;
- (b) the date and time of the incident;
- (c) the persons involved;
- (d) any action taken; and
- (e) any other relevant details.

(5) A Supervisor shall treat the complaint received by him under subregulation (1) or (2) as confidential and submit a written report of the complaint to a Superintendent.

(6) A Superintendent shall submit a copy of the report referred to in subregulation (5) to the Commissioner who shall forward a copy of the same to the Authority.

(7) The Authority, on receipt of the copy of the report referred to in subregulations (3) and (5), and on receipt of a complaint referred to in subregulations (1) and (2), may investigate the complaint.

(8) On receipt of the report referred to in subregulation (5), a Superintendent shall—

- (a) ensure that the matter is investigated; and
- (b) make a determination on the matter.

(9) Before a Superintendent proceeds to make a determination with respect to the complaint, he shall hear representations from the resident who is the subject of the complaint, or any other person including a welfare officer, social worker, probation officer, all witnesses and other persons with information relevant to the matter being investigated.

(10) A Superintendent may call for reports, statements, documents or any other information relevant to the complaint that may assist him in making a determination.

(11) Upon considering the reports, statements, documents or any other information relevant to the case referred to in subregulation (8), a Superintendent may—

- (a) make recommendations to address the complaint;
- (b) where he forms the view that there has been an infraction, proceed under Part XIV;
- (c) make an order for counselling, any rehabilitative intervention or treatment, or for psychological evaluation and the resultant assistance;
- (d) order that the resident be referred to the Authority; or
- (e) take any other action that he may deem necessary.

(12) A Superintendent shall submit a written report of his determination to the Commissioner who shall forward a copy of the same to the Authority.

(13) The report referred to in subregulation (10) shall include—

- (a) a description of the incident;
- (b) the date and time of the incident;
- (c) the persons involved;
- (d) any action taken; and
- (e) any other relevant details.

(14) Where the complainant is not satisfied with—

- (a) the determination made;
- (b) the recommendations given; or
- (c) any action taken,

by a Superintendent, he may make written or oral submissions to the Commissioner stating the grounds for his objections within one week of a Superintendent's determination.

(15) Where the complainant referred to in subregulation (14) is a resident, he may elect to consult with any other person including a welfare officer, social worker, probation officer, all witnesses and other persons with information relevant to the matter being investigated.

(16) The Commissioner may call for any document that may assist him in making a determination about the objection and the complaint and shall make a determination accordingly.

(17) The Commissioner shall notify the Authority of his determination made pursuant to subregulation (16), immediately upon its being made.

(18) All complaints shall be recorded in the complaints log in accordance with regulation 66(3)(g) of these Regulations.

(19) Where the complaint involves matters of discipline as well, all matters of discipline shall be recorded in the resident's file and an entry log made in the discipline log, in accordance with regulation 66(3)(b) of these Regulations.

(20) Where a resident makes a false or malicious complaint, he may be subject to sanctions in accordance with Schedule 3. Schedule 3

(21) Notwithstanding subregulations (1) to (12) where a Supervisor or Superintendent is the subject of the complaint, the Commissioner shall appoint an officer above the rank of Superintendent to investigate the complaint.

(22) Where a complaint is one with respect to the health of a resident, the Medical Officer shall investigate the matter immediately and shall inform the Authority forthwith.

(23) Where the findings of the Authority differ from those of the Superintendent, it shall inform the Commissioner who shall take into account the findings of the Authority.

### PART XIII

#### RATINGS FOR CONDUCT

50. (1) There shall be levels of ratings in ascending order described as follows: Bronze, Silver, Platinum and Diamond, with respect to the <sup>conduct</sup> conduct of residents in a Rehabilitation Centre and in accordance with the criteria set out in Schedule 1, the activities set out in Schedule 2 and <sup>Schedules 1 and 2</sup> subject to the approval of a Superintendent.

(2) Each resident shall be awarded one hundred points on admission to a Rehabilitation Centre.

(3) The attainment of each level will lead to an increase in privileges.

(4) Where a resident has been referred to the Reflection Unit, he may earn points towards shortening his stay in the Reflection Unit.

(5) Points earned while being in the Reflection Unit may be used towards promotion to another level.

#### PART XIV

##### DISCIPLINE OF RESIDENTS

Procedure for  
identifying  
level and  
awarding  
rewards  
Schedule 3

51. (1) Where a resident commits an infraction he may be subject to sanctions in accordance with Schedule 3.

(2) An alleged commission of an infraction by a resident shall be reported as soon as possible to the Supervisor.

(3) Any person may report the alleged commission of an infraction by a resident to the Supervisor.

(4) The Supervisor shall, on receipt of a report on an alleged commission of an infraction by a resident, investigate the matter and make a determination as to whether a charge should be laid.

(5) Whether the Supervisor decides to lay a charge or not, he shall submit a written report of his findings and determination to a Superintendent.

(6) Where a charge has been laid, a Superintendent shall make a determination on the matter.

(7) Before a Superintendent proceeds to make a determination with respect to the infraction, he shall hear representations from the resident who is the subject of the infraction, or any other person including a welfare officer, social worker, probation officer, all witnesses and other persons with information relevant to the matter being investigated.

(8) The Superintendent may call for reports, statements, documents or any other information relevant to the infraction that may assist him in making a determination.

(9) Upon considering the reports and any submissions that may have been made pursuant to subregulations (7) and (8), a Superintendent may—

(a) dismiss the charge;

(b) sanction the resident in accordance with Schedule 3, provided the order is not contrary to an order of the Court;

- (c) make an order for counselling, any rehabilitative intervention or treatment, or for psychological evaluation and the resultant assistance, provided the order is not contrary to an order of the Court; or
- (d) order that the resident who has been charged be referred to the Authority which shall review the care plan for the resident and make recommendations to the Commissioner.

(10) The Commissioner may, pursuant to subregulation (9)(d), seek an order of the Court to amend its prior order.

(11) Where a resident has been adjudged guilty, he may, within forty-eight hours of the determination, indicate to a Superintendent that he wishes to appeal to the Commissioner who shall send a written report on the same to the Authority.

(12) Where a resident indicates to a Superintendent that he wishes to appeal to the Commissioner, he may elect to consult with any other person including a welfare officer, social worker, probation officer, all witnesses and other persons with information relevant to the matter being investigated.

(13) The Commissioner may call for reports, statements, documents or any other information relevant to the infraction that may assist him in making a determination.

(14) The Commissioner may—

- (a) affirm the decision of the Superintendent;
- (b) quash any findings of guilt; or
- (c) remit a disciplinary sanction or mitigate it either by reducing it or by substituting a sanction which is, in his opinion, less severe.

(15) A further appeal of a decision made by the Commissioner pursuant to subregulation (14) lies to the Inspector of Prisons within four weeks of the appeal to the Commissioner.

(16) Where a resident indicates to a Superintendent that he wishes to make a further appeal to the Inspector of Prisons, he may elect to consult with any other person including a welfare officer, social worker, probation officer, all witnesses and other persons with information relevant to the matter being investigated.

(17) The Inspector of Prisons may call for reports, statements, documents or any other information relevant to the complaint that may assist him in making a determination.

- (18) The Inspector of Prisons may—
- (a) affirm the decision of the Commissioner;
  - (b) quash any findings of guilt; or
  - (c) remit a disciplinary sanction or mitigate it either by reducing it or by substituting a sanction which is, in his opinion, less severe.

(19) All matters of discipline shall be recorded on the resident's file and entry log in accordance with these Regulations.

## PART XV

### REFLECTION UNIT

Procedure re  
the Reflection  
Unit

52. (1) Where a resident has committed an offence against discipline and it is proposed to impose a sanction of referral to the Reflection Unit in accordance with regulation 51(1), the Superintendent shall consult with the Medical Officer, psychologist or psychiatrist, and they shall inform the Superintendent whether there are any medical reasons why the resident should not be so dealt with.

(2) The Superintendent shall give effect to any recommendation which may be made by the Medical Officer, psychologist or psychiatrist, under this regulation.

(3) Subject to subregulation (4), where a resident has committed an offence against discipline and has been referred to the Reflection Unit in accordance with regulation 51(1), he shall be referred to the Reflection Unit for a period not exceeding seven consecutive days within a two-month period.

(4) At the end of the period referred to in subregulation (3) any further stay in the Reflection Unit is subject to review by the Commissioner, the Authority and a child psychologist or psychiatrist.

(5) Where there has been actual harm or the immediate threat of harm caused by the resident to himself or others at the Rehabilitation Centre, the Superintendent shall refer the resident to the Reflection Unit for a period not exceeding three hours, and may consult with the Medical Officer, psychologist or psychiatrist during this time.

(6) Where the resident referred to in subregulation (5) has not regained self-control with three hours, the Superintendent shall inform the Commissioner who may order an extension of the resident's stay in the Reflection Unit and shall consult with the Medical Officer, psychologist or psychiatrist during this time.

(7) The resident who has been referred to the Reflection Unit shall be allowed to engage in group and other daily activities occurring in, or outside of the Rehabilitation Centre under the supervision of the Superintendent, which time shall not count towards the stipulated period for which the resident has been referred in the Reflection Unit.

(8) The referral of a resident to the Reflection Unit shall not amount to solitary confinement.

## PART XVI

### VOCATIONAL OR ACADEMIC TRAINING

53. (1) Subject to regulation 56, where a resident who has attained a particular level of rating, possesses the necessary academic qualification and requests to pursue any trade or educational pursuit not available at a Rehabilitation Centre, the Commissioner may grant permission for that resident to attend any educational or vocational institute for the purpose of receiving training and instructions not available at a Rehabilitation Centre.

(2) Notwithstanding subregulation (1), the Commissioner may grant a permission under subsection (1) to a resident for the purpose of completing the current course of study or taking an examination related to courses taken prior to his placement at a Rehabilitation Centre.

(3) Proof of the resident's prior enrolment, progress and satisfactory attendance at an educational or vocational institute shall be required before a permission is issued for the purpose of completion of a current course of study under this regulation.

(4) A resident shall report to a Rehabilitation Centre as soon as possible after each day's session at the educational or vocational institute that he attends and shall not participate in curricular or extra-curricular activities of any such institute that necessitates late return to, or overnight absence from, a Rehabilitation Centre, without prior approval of the Commissioner.

(5) Where permission is to be granted pursuant to subsections (1) and (2), it shall be in the form set out as Form "A" in Schedule 4.

Schedule 4

## PART XVII

### PAYMENTS FOR WORK

54. A resident who is sixteen years of age and over shall be eligible to be paid for work engaged in outside of a Rehabilitation Centre, at the prevailing rates.

Eligibility of the resident to be paid for work

Deposit of  
earnings

55. (1) Monies earned by a resident shall be deposited in a bank account, which account shall be for the sole use and benefit of the resident.

(2) A resident may use his monies to purchase items from the Rehabilitation Centre.

(3) The resident, on his discharge is entitled to the monies in the account referred to in subregulation (1) and any interest which may have accrued.

### PART XVIII

#### LEAVE FOR RESIDENTS

Leave for  
residents

56. Permission for a resident to leave a Rehabilitation Centre pursuant to section 12A of the Act shall be in the form set out as Form "A" in Schedule 4.

### PART XIX

#### SAFETY AND SECURITY

Safety and  
security plan

57. (1) It shall be the responsibility of the Commissioner—  
(a) to ensure that there is a safety and security policy at a Rehabilitation Centre to ensure the safety of all residents, staff, volunteers and visitors; and  
(b) that staff receive periodic training in the safety and security policies and procedures.

(2) The safety and security plan shall include policies and procedures on—

- (a) the control and use of, and access to keys;
- (b) the conduct of searches of the housing areas;
- (c) the conduct of searches of residents;
- (d) the possession, use and disposal of weapons and illegal substances in the Rehabilitation Centre; and
- (e) the periodical training of staff in the safety and security policies and procedures of the Rehabilitation Centre.

(3) The Commissioner shall ensure that the requisite fire and public health certificates are obtained with respect to a Rehabilitation Centre.

58. It shall be the responsibility of the Commissioner to conduct annual security risk assessments to— Security risk assessment

- (a) identify potential security risks;
- (b) recommend measures to address security risks; and
- (c) stipulate time frames to implement measures.

59. (1) The Commissioner shall ensure that dormitories at the Rehabilitation Centre are— Surveillance

- (a) spontaneously inspected; and
- (b) periodically inspected.

(2) The Commissioner shall ensure that—

- (a) there is a written policy on the use of audio-digital, video-digital or any electronic or other devices for the purpose of the surveillance of the Rehabilitation Centre;
- (b) there is a destruction policy with respect the data obtained from the devices referred to in paragraph (a) and such destruction is certified by the Commissioner or Superintendent; and
- (c) staff are trained in the use of the devices referred to in paragraph (a).

(3) The Commissioner shall be responsible for ensuring that any devices referred to in subregulation (2)(a) are not located in any areas where residents may be undressed.

60. It shall be the responsibility of the Commissioner to - Evacuation plan

- (a) develop and implement an evacuation plan for all children and staff of the Rehabilitation Centre;
- (b) ensure that effective steps are taken to familiarise all residents and staff of the Rehabilitation Centre with the means of escape, their use and the routine to be followed in case of fire; and
- (c) record the number and frequency of evacuation drills and to present those records on demand for inspection by the Fire Service Division and the Authority.

## PART XX

### SEARCH OF A RESIDENT AND TAKING A SAMPLE

61. (1) A Supervisor of the Rehabilitation Centre may carry out a non-intimate search of a resident where he has reasonable grounds to suspect that— Non-intimate search of a resident

- (a) the resident needs to be protected from himself;
- (b) the resident poses a harm or threat to others;

- (c) it is necessary to preserve evidence or property; or
- (d) the resident is committing, is about to commit, or has committed an offence.

(2) A non-intimate search of a resident shall be conducted by a Supervisor of the Rehabilitation Centre in the presence of the Infirmiry Officer.

(3) A Supervisor of the Rehabilitation Centre referred to in subregulation (2) shall be of the same sex as the resident unless—

- (a) a Supervisor of the Rehabilitation Centre who is the same sex as the resident is unable to arrive at the Rehabilitation Centre within a reasonable time of being contacted or is unavailable and it is an emergency; or
- (b) the resident requests otherwise stating reasons.

(4) Notwithstanding subregulation (3)(b), the Supervisor of the Rehabilitation Centre referred to in subregulation (3) need not be of the same sex as the resident where there are circumstances involving—

- (a) matters of national security;
- (b) the security and order of the Rehabilitation Centre;
- (c) the security of the resident, other residents or staff of the Rehabilitation Centre; or
- (d) any other relevant issue.

(5) Before carrying out a non-intimate search of a resident a Supervisor shall immediately inform the resident and the Infirmiry Officer—

- (a) of the reason for the search;
- (b) of the grounds for the suspicion;
- (c) of the resident's entitlement to a copy of the record of the search which shall be placed on the resident's file;
- (d) that a copy will be given to the Infirmiry Officer, and the resident's parent, guardian or person with responsibility for him or appropriate adult or next friend;
- (e) that a copy will be sent to the Authority and the Probation Officer; and
- (f) of the resident's right to his Attorney-at-law.

(6) A Supervisor shall make a record of the search in the resident's file and in the log book of—

- (a) a situation referred to in subregulation (3)(a);
- (b) a request with reasons made pursuant to subregulation (3)(b); and
- (c) the names and sexes of the persons present during the search,

and both of which shall be signed by the persons present.

(7) Reasonable force may only be used where the resident refuses to cooperate with a Supervisor of the Rehabilitation Centre conducting the non-intimate search.

(8) Where a Supervisor of the Rehabilitation Centre has carried out a non-intimate search of a resident, he shall immediately after the search, make a record in the file of the resident and the daily log of—

- (a) the authorisation to carry out the non-intimate search;
- (b) the place where the non-intimate search took place;
- (c) the time when the non-intimate search took place;
- (d) the grounds for giving the authorisation for the non-intimate search;
- (e) the grounds for believing the article could not be removed without a non-intimate search;
- (f) whether before the non-intimate search, the resident and the Infirmary Officer were informed of the details contained in subregulation (5);
- (g) the parts of the resident's body that were searched without the removal of clothing;
- (h) whether force was used before, during or after the search;
- (i) where force was used and the circumstances surrounding its use;
- (j) the persons present during the non-intimate search when force was used;
- (k) the name and registration number of the officer of the Rehabilitation Centre conducting the non-intimate search;
- (l) the persons present during the search; and
- (m) the results of the non-intimate search,

and both of which shall be signed by the persons present.

62. (1) An intimate search of a resident shall be conducted by a <sup>Intimate</sup> registered medical practitioner at a public health care facility or public <sup>search of a</sup> hospital and in accordance with these Regulations. <sub>resident</sub>

(2) Body orifices of a resident, other than the mouth, may be searched only if authorised by an officer of the Rehabilitation Centre of, or above the rank of Superintendent.

(3) A Superintendent or officer of the Rehabilitation Centre above the rank of Superintendent shall not authorise an intimate search of a resident's bodily orifice unless he has reasonable grounds for believing that the resident may have concealed on himself—

- (a) anything which he could and might use to cause physical injury to himself or others at the station;
- (b) a dangerous drug in accordance with the Dangerous Drugs Act, which he intended to supply to another or to export; or
- (c) a prohibited article,

and the officer has reasonable grounds for believing that an intimate search is the only means of removing those items.

(4) Before the intimate search commences, the following persons shall be present during the search:

- (a) a Supervisor from the Rehabilitation Centre who is the same sex as the resident;
- (b) the parent, guardian or person with responsibility for the resident or appropriate adult; and
- (c) a registered medical practitioner who is of the same sex as the resident.

(5) A Supervisor of the Rehabilitation Centre and a registered medical practitioner shall be the same sex as the resident unless—

- (a) the Supervisor or registered medical practitioner is unable to arrive at the public health care facility or public hospital within a reasonable time of being contacted or the registered medical practitioner or the Supervisor of the Rehabilitation Centre who is of the same sex as the resident is unavailable and it is an emergency; or
- (b) the resident requests otherwise stating reasons.

(6) Notwithstanding paragraph (b), a Supervisor of the Rehabilitation Centre or a registered medical practitioner need not be of the same sex as the resident where there are circumstances involving—

- (a) matters of national security;
- (b) the security and order of the Rehabilitation Centre;
- (c) the security of the resident, other residents or staff of the Rehabilitation Centre; or
- (d) any other relevant issue.

(7) A Supervisor shall make a record in the resident's file and in the log book of—

- (a) a situation referred to in subregulation (5) or (6);
- (b) a request with reasons made pursuant to subregulation (5)(b); and
- (c) the names and sexes of the persons present during the search, and both of which shall be signed by the persons present.

(8) Notwithstanding subregulation (4), where the resident has a disability, an appropriate professional may also be present.

(9) Before an intimate search of a resident is carried out, a Supervisor shall immediately inform the resident and the parent, guardian or person with responsibility for the resident or appropriate adult or appropriate professional—

- (a) of the name and rank of the person who authorised the search and the fact that authorisation has been given to carry out the search;
- (b) of the grounds for giving the authorisation and for believing that the item cannot be removed without an intimate search;
- (c) of the resident's entitlement to a copy of the record of the search;
- (d) that a copy will be given to the resident, and the resident's parent, guardian or person with responsibility for him or appropriate adult or next friend and that a copy will be placed on the resident's file;
- (e) that a copy will be sent to the Authority and the Probation Officer; and
- (f) that the resident has a right to his Attorney-at-law.

(10) When an intimate search is carried out in accordance with these Regulations—

- (a) no person of the opposite sex other than a registered medical practitioner or a Supervisor of the Rehabilitation Centre in circumstances permissible under subregulations (5) and (6) shall be present;
- (b) a minimum of two persons, other than the resident and the officer from the Rehabilitation Centre shall be present during the search; and
- (c) no person whose presence is deemed unnecessary shall be present.

(11) In the case of an intimate search, a Supervisor shall, immediately after the search, make a record in the resident's file and in the log book of the following particulars and both which shall be signed by the persons present during the search:

- (a) the authorisation to carry out the intimate search;
- (b) the grounds for giving the authorisation;
- (c) the place where the intimate search took place;
- (d) the time when the intimate search took place;
- (e) the grounds for believing that an intimate search was necessary;
- (f) whether before the intimate search the requirements of subregulation (9) were observed;
- (g) the parts of the body that were searched;
- (h) the name of the person who carried out the intimate search;
- (i) the persons present; and
- (j) the result of the intimate search.

Special search  
of a resident

63. (1) A special search of a resident may be carried out only if authorised by an officer of the Rehabilitation Centre of, or above the rank of Superintendent.

(2) A Superintendent or officer above the rank of Superintendent shall not authorise a special search of a resident unless he has reasonable grounds for believing that a resident may have concealed on himself—

- (a) anything which he could and might use to cause physical injury to himself or others at the station; or
- (b) a dangerous drug in accordance with the Dangerous Drugs Act, which he intended to supply to another or to export; or
- (c) a prohibited article,

and the officer of the Rehabilitation Centre has reasonable grounds for believing that a special search is the only means of removing those items.

(3) A special search of a resident shall be conducted by a Supervisor of the Rehabilitation Centre in a private room at the Rehabilitation Centre in accordance with these Regulations.

(4) Before a special search commences, the following persons shall be present during the search:

- (a) a Supervisor of the Rehabilitation Centre who is the same sex as the resident; and

(b) an Infirmiry Officer who is the same sex as the resident,  
unless—

(c) the Supervisor of the Rehabilitation Centre referred to paragraph (a) or the Infirmiry Officer referred to in paragraph (b) is unable to arrive at the Rehabilitation Centre within a reasonable time of being contacted or is unavailable and it is an emergency; or

(d) the resident requests otherwise stating reasons.

(5) Notwithstanding subregulation (4)(d), a Supervisor of the Rehabilitation Centre need not be of the same sex as the resident where there are circumstances involving—

(a) matters of national security;

(b) the security and order of the Rehabilitation Centre;

(c) the security of the resident, other residents or staff of the Rehabilitation Centre; or

(d) any other relevant issue.

(6) A Supervisor shall make a record of a special search in the resident's file and in the log book of the following particulars:

(a) a situation referred to in subregulation (4)(c);

(b) a request made pursuant to subregulations (4)(d) and (6); and

(c) the names and sexes of the persons present,

and both of which shall be signed by the persons present during the search.

(7) Notwithstanding subregulation (4)(b), a special search may take place in the absence of the Infirmiry Officer if the resident signifies in the presence of the Infirmiry Officer that he does not want the Infirmiry Officer present during the search and will prefer an appropriate adult and the adult agrees.

(8) A Supervisor shall make a record of the resident's decision made under subregulation (7) and which shall be signed by the appropriate adult.

(9) Notwithstanding subregulation (4)(a) and (b), where the resident is a resident with a disability, an appropriate professional may also be present.

(10) Before the search begins, the officer from the Rehabilitation Centre conducting the special search shall—

- (a) inform the resident and the Infirmery Officer—
  - (i) of the name and rank of the person of the authority who authorised the search and the fact that authorisation has been given to carry out the search;
  - (ii) of the grounds for giving the authorisation and for believing that the item cannot be removed without a special search;
  - (iii) of the resident's entitlement to a copy of the record of the search;
  - (iv) that a copy will be given to the resident and the Infirmery Officer, and that a copy will be placed on the resident's file;
  - (v) that a copy will be sent to the Authority and the Probation Officer; and
- (b) remind the resident and the Infirmery Officer of the resident's right to his Attorney-at-law.

(11) Reasonable force may only be used where a resident refuses to remove his clothing on the invitation so to do.

(12) Where articles are found during a special search, a resident shall be asked to hand them over.

(13) When a special search is carried out in accordance with these Regulations—

- (a) no person of the opposite sex, other than persons permissible in the circumstances outlined in subregulations (4)(c) and (d) and (5), shall be present;
- (b) a minimum of two persons, other than the resident shall be present during the search; and
- (c) no person whose presence is deemed unnecessary shall be present.

(14) A Supervisor of the Rehabilitation Centre conducting the special search shall, immediately after the special search record the following in the resident's record and the log book and both of which shall be signed by the persons present:

- (a) the authorisation to carry out the search;
- (b) the place where the search took place;
- (c) the time when the search took place;

- (d) the grounds for giving the authorisation;
- (e) the grounds for believing the article could not be removed without a special search;
- (f) whether the requirements of subregulation (10) were observed;
- (g) the parts of the resident's body that were searched;
- (h) whether force was used before, during or after the search;
- (i) where force was used and the circumstances surrounding its use;
- (j) the persons present during the special search when force was used;
- (k) who carried out the search;
- (l) the persons present during the search; and
- (m) the results of the special search.

64. (1) A special search of a resident shall take place at the Rehabilitation Centre with proper regard to the sensitivity and vulnerability of the resident and in such a manner so as to safeguard the privacy and dignity of the resident. General principles of a special search of a resident

(2) Every reasonable effort shall be made to secure a resident's cooperation and minimise embarrassment.

(3) A special search of a resident shall not be carried out where there is no reason to suspect that articles or substances are concealed.

(4) A special search of a resident shall be conducted by an officer of the Rehabilitation Centre who is of the same sex as the resident, unless the resident requests otherwise and subject to conditions in these Regulations.

(5) A special search of a resident shall be done in a private area in the presence of the Infirmiry Officer and an officer of the Rehabilitation Centre.

(6) Notwithstanding subregulation (5), in the case of a resident with a disability or mental disorder, in addition to the Infirmiry Officer, an appropriate professional of the same sex (if possible) shall be present.

(7) Except in cases of urgency, where there is a risk of serious harm to the resident or to other persons, there shall be at least two persons present during the special search other than the resident, the Infirmiry Officer and the officer from the Rehabilitation Centre.

(8) A special search of a resident shall be conducted as quickly as possible and the resident must be allowed to dress as soon as the procedure is completed.

(9) The officer of the Rehabilitation Centre who has conducted the special search shall make a record of the special search in the resident's file and in the log book and which shall be signed by the persons present during the search.

Taking of  
intimate and  
non-intimate  
samples  
Chap. 5:34

65. (1) Before the intimate sample or a non-intimate sample of a resident is taken from a resident, pursuant to the Administration of Justice (Deoxyribonucleic Acid) Act, apart from those persons permitted under that Act, a Supervisor from the Rehabilitation Centre who is the same sex as the resident shall be present.

(2) Notwithstanding subregulation (1), a Supervisor of the Rehabilitation Centre who is required to be present during the taking of the sample may be of the opposite sex where—

- (a) a Supervisor of the Rehabilitation Centre who is the same sex as the resident is unable to arrive at the Rehabilitation Centre within a reasonable time of being contacted or is unavailable and it is an emergency; or
- (b) the resident requests otherwise stating reasons in writing.

(3) Notwithstanding subregulation (2)(b), a Supervisor of the Rehabilitation Centre need not be of the same sex as the resident where there are circumstances involving—

- (a) matters of national security;
- (b) the security and order of the Rehabilitation Centre;
- (c) the security of the resident, other residents or staff of the Rehabilitation Centre; or
- (d) any other relevant issue.

(4) A Supervisor shall make a record of the following in the resident's file and log book:

- (a) a situation referred to in subregulation (2)(a);
- (b) a request made pursuant to subregulation (2)(b); and
- (c) the names and sexes of the persons present during the taking of the sample.

(5) Notwithstanding subregulation (1), where the resident is a resident with a disability, an appropriate professional may also be present.

(6) Before the taking of the intimate sample or a non-intimate sample of a resident commences, the Supervisor of the Rehabilitation Centre shall—

- (a) inform the resident and the representative of—
  - (i) the name and rank of the person of the authority who authorised the taking of the sample and the fact that authorisation has been given to so do; and
  - (ii) the grounds for giving the authorisation and for believing that the taking of a non-intimate sample or intimate sample was necessary; and
- (b) remind the resident and the representative of the resident's right to his Attorney-at-law.

(7) When an intimate sample or a non-intimate sample of a resident is being taken in accordance with these Regulations—

- (a) a minimum of two persons, other than the qualified person and the officer of the Rehabilitation Centre shall be present during the search; and
- (b) no person whose presence is deemed unnecessary shall be present.

(8) On the completion of the taking of an intimate sample or a non-intimate sample from a resident, a Superintendent shall immediately record the following in the resident's file and the log book and both of which shall be signed by the persons present:

- (a) the authorisation for the taking of the intimate sample or a non-intimate sample;
- (b) the place where the intimate sample or a non-intimate sample took place;
- (c) the time when the taking of the intimate sample or a non-intimate sample took place;
- (d) the grounds for giving the authorisation for the taking of the intimate sample or a non-intimate sample;
- (e) the grounds for believing the taking of the intimate sample or a non-intimate sample was necessary;
- (f) the parts of the resident's body from which the intimate sample or a non-intimate sample was taken;
- (g) whether force was used before, during or after the taking of the intimate sample or a non-intimate sample;
- (h) where force was used and the circumstances surrounding its use;
- (i) the persons present during the taking of the intimate or a non-intimate sample when force was used;

- (j) who carried out the taking of the intimate sample or a non-intimate sample;
- (k) the persons present during the taking of the sample; and
- (l) where applicable, whether the relevant consent was obtained.

(9) For the purposes of this regulation, “representative” has the meaning assigned to it under section 4 of the Administration of Justice (Deoxyribonucleic Acid) Act.

## PART XXI

### RECORDS

Records to be kept by the Manager

66. (1) The Commissioner shall ensure that all records required to be kept and maintained under the Act and by the Authority are kept and maintained.

(2) A Superintendent shall keep and maintain any records required to be kept under the Act and these Regulations and by the Authority.

(3) In addition to the Register of Residents, a Superintendent shall also keep—

- (a) a journal to record the property belonging to a resident stating—
  - (i) the description and quantity of items;
  - (ii) the arrangements for storage of items; and
  - (iii) the steps taken to determine and implement disposal of items;
- (b) a disciplinary log stating—
  - (i) the name of the resident against whom any disciplinary action was taken;
  - (ii) the date and time of the incident;
  - (iii) the names of any persons who were present to witness the incident;
  - (iv) the name of the person who administered the disciplinary measure;
  - (v) a description of the incident that gave rise to the disciplinary measure; and
  - (vi) the type and duration of the disciplinary measure administered at the Rehabilitation Centre;
- (c) a file detailing any serious incident including security breaches which occurred at a Rehabilitation Centre and any corrective measures taken to rectify the incident;

- (d) a visitor's log specifying the following details:
    - (i) the name and contact information of the visitor;
    - (ii) the date of the visit;
    - (iii) the length of the visit;
    - (iv) the purpose of the visit; and
    - (v) any other detail of the visit that the Superintendent may see fit;
  - (e) a daily perimeter inspection log;
  - (f) a dormitory surveillance log specifying the following details:
    - (i) the times surveillance was conducted;
    - (ii) the name of the officer of the Rehabilitation Centre who conducted the surveillance;
    - (iii) any unusual behaviour or complaints; and
    - (iv) any significant event that may involve a resident;
  - (g) a complaints log specifying the following details:
    - (i) a description of the incident, issue or concern;
    - (ii) the date and time of the incident;
    - (iii) the persons involved;
    - (iv) any action taken; and
    - (v) any other relevant details;
  - (h) a search record log specifying the following details:
    - (i) the resident's name;
    - (ii) the type of search;
    - (iii) the reason for the search;
    - (iv) the results of the search;
    - (v) the names of officers of the Rehabilitation Centre conducting the search;
    - (vi) the date of the search; and
    - (vii) the times of the commencement and termination of the search;
  - (i) a log recording announced and unannounced evacuation and fire drills specifying the following details:
    - (i) the date and time of drills;
    - (ii) the time taken for complete muster;
    - (iii) the persons present and challenges observed during the drills; and
    - (iv) the recommendations to address the challenges identified with respect to subparagraph (iii).
- (4) A Superintendent shall keep and maintain a record of—
- (a) the policies and procedures; and
  - (b) a log of the training provided for staff.

(5) A Superintendent shall keep a file on each resident which shall contain the resident's history, including—

- (a) a photograph of the resident;
- (b) a list of the educational institutions and vocational training attended by the resident prior to admission and during his placement at a Rehabilitation Centre;
- (c) the names, addresses and contact information of persons with whom the resident previously resided;
- (d) a description of the physical appearance of the resident, including any distinguishing marks;
- (e) a medical history of the resident;
- (f) any order of the Court that was made in respect of the resident;
- (g) any report made to the police in respect of the resident;
- (h) the resident's individual care plan; and
- (i) any incident in which the resident was involved that necessitated the intervention of any agency of the State.

(6) Where a resident in the care of a Rehabilitation Centre has died, the Commissioner shall ensure that any particulars in relation to the death of the resident are recorded.

(7) The Commissioner shall ensure that all registers, books and records in respect of residents in his care at a Rehabilitation Centre are securely stored and kept confidential.

(8) The Commissioner may destroy any record with respect to a resident after a period of twenty years from the time of the commencement of the record of the resident.

## PART XXII

### CONFIDENTIALITY

Confidential  
records

67. (1) The Commissioner and a Superintendent shall ensure that all records of residents of a Rehabilitation Centre are kept confidential.

Act No. 13 of  
2011

(2) Notwithstanding subregulation (1) and subject to sections 42 to 46 of the Data Protection Act or any other written law, information about a resident may be revealed to the Authority or any other person or entity required by law, and in particular in order to—

- (a) protect the resident from harm;
- (b) protect others who may be harmed; or
- (c) secure evidence.

## PART XXIII

## NOTICES TO THE AUTHORITY

68. (1) A Superintendent shall notify the Commissioner in writing, immediately, of—  
Notices to the Authority

- (a) the admission of a child in accordance with section 54 of the Children Act, 2012;
- (b) the discharge of the resident;
- (c) a threat made by a visitor to a Rehabilitation Centre;
- (d) the death of a resident;
- (e) a serious injury sustained by a resident;
- (f) the escape from legal custody of a resident;
- (g) any incident of a resident contracting an infectious disease;
- (h) the outbreak of any infectious disease at a Rehabilitation Centre;
- (i) any illness or injury of a resident which requires that the resident be hospitalised;
- (j) any outbreak of fire at a Rehabilitation Centre, where that fire results in the relocation of residents and any serious incident which affects the operation of a Rehabilitation Centre; and
- (k) any other serious incident.

Act No. 12 of 2012

(2) The Commissioner shall notify the Authority in writing, immediately, with respect to the occurrence of any events referred to in paragraphs (a) to (j).

## PART XXIV

## MISCELLANEOUS RULES

69. Where any resident who is to be discharged from a Rehabilitation Centre is in need of clothing the Rehabilitation Centre shall supply him with adequate clothing.  
Clothing on discharge

70. A Rehabilitation Centre shall be open to visitors on the order of the Commissioner of Prisons.  
Rehabilitation Centre open to visitors

71. Residents shall behave with the greatest respect towards the officers of a Rehabilitation Centre.  
Conduct of residents

72. Officers shall treat residents and their families with respect, courtesy and dignity and encourage efforts at rehabilitation.  
Treatment of residents by officers

73. No resident shall bring any prohibited article into a Rehabilitation Centre.  
Prohibited articles

74. The Young Offenders Detention Regulations, 1980, are repealed.  
Repeal of the Young Offenders Detention Regulations, 1980

[Regulation 50(1)]

## SCHEDULE 1

## CRITERIA OF LEVELS AND REWARDS

1. A resident must meet the following criteria to move from Bronze to Silver:
  - earned a minimum of 75% of total points (per week);
  - have no more than 4 violations in Class A;
  - have no Class B or C rule violations;
  - demonstrate an undertaking of the Resident Handbook by adhering to the rules; and
  - have completed all assignments and tasks.
2. A resident must meet the following criteria to move from Silver to Gold:
  - earned a minimum of 80% of total points (per week);
  - have no more than 3 violations in Class A;
  - have no Class B or C rule violations; and
  - have completed all assignments and tasks.
3. A resident must meet the following criteria to move from Gold to Platinum:
  - earned a minimum of 85% of total points (per week);
  - have no more than 2 violations in Class A;
  - have no Class B or C rule violations;
  - have completed all assignments and tasks; and
  - recommendation from Housemaster and two officers.
4. A resident must meet the following criteria to move from Platinum to Diamond:
  - earned a minimum of 90% of total points (per week);
  - have no rule violations;
  - have completed all assignments and tasks;
  - have been recommended by the Housemaster and two officers;
  - obtained approval from Superintendent;
  - is willing to act as a tutor assisting other residents; and
  - is an exemplar.

[Regulation 50(1)]

## SCHEDULE 2

## ACTIVITIES FOR POINTS

1. Wake up activities: 0-3 points
  - (a) gets up when called;
  - (b) dresses appropriately;
  - (c) brushes teeth;
  - (d) washes face/bathes;
  - (e) combs hair; and
  - (f) keeps up with the group.

2. Meal periods (breakfast, lunch, dinner): 0-3 points
  - (a) receives food and says a "Thank you";
  - (b) eats at assigned table;
  - (c) follows directions for food service or additional food; and
  - (d) is orderly and does not disturb others.
3. Clean sleeping area: 0-3 points
  - (a) bed is organised properly until bedtime;
  - (b) floor is swept and mopped daily;
  - (c) floor is not cluttered;
  - (d) only authorised items in room;
  - (e) toilet and sink are clean; and
  - (f) ensures personal belongings are packed neatly.
4. Line Movement (day and night): 0-3 points
  - (a) lines up promptly without correction;
  - (b) remains orderly and does not disturb others; and
  - (c) does not stray from line.
5. Bedtime behaviour: 0-3 points
  - (a) knows correct bedtime and observes it;
  - (b) completes necessary tasks prior to bedtime; and
  - (c) remains orderly and does not disturb others while in dormitory.
6. Cooperation: 0-3 points
  - (a) is respectful and courteous to staff addressing them in the appropriate manner;
  - (b) is cooperative and participates in activities;
  - (c) does not disrupt volunteer activities or other programmes when attending;
  - (d) follows staff directions and does not engage in loud or unruly behaviour; and
  - (e) is respectful and courteous to all.
7. School behaviour: 0-5 points
  - (a) does not take any item from the school without permission;
  - (b) does not disturb others;
  - (c) uses materials or equipment appropriately;
  - (d) makes an effort to complete assigned work; and
  - (e) follows school rules.
8. Extra duty: 0-5 points
  - (a) completes work assignments in a cooperative manner and follows instructions;
  - (b) is industrious;
  - (c) shows initiative; and
  - (d) willingly takes on extra responsibilities.

## 9. Recreation/Leisure Time: 0-5 points

- (a) engages in constructive use of recreational time;
- (b) does not disturb others;
- (c) uses equipment or materials provided for recreational use appropriately; and
- (d) cooperates with other residents in team recreational activities.

[Regulations 49(20), 51(1) and 51(9)(b)]

## SCHEDULE 3

## INFRACTIONS AND SANCTIONS

## 1. Offences against discipline

(1) A resident is guilty of an offence against discipline if he—

- (a) commits an assault;
- (b) commits an aggravated assault;
- (c) detains any person against his will;
- (d) denies access to any part of the Rehabilitation Centre to any officer or any person (other than a resident) who is at the Rehabilitation Centre for the purpose of working there;
- (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, or any person (other than a resident) who is working at the Rehabilitation Centre, in the performance of his duty;
- (h) escapes or absconds from legal custody;
- (i) fails to comply with any condition upon which he was temporarily released;
- (j) uses medication in a manner that is not authorised or prescribed;
- (k) gives his medication to any other resident for that resident's use;
- (l) is intoxicated as a consequence of knowingly consuming an alcoholic beverage;
- (m) knowingly consumes an alcoholic beverage, other than what is provided to him pursuant to a written order of the Medical Officer;
- (n) has in his possession—
  - (i) any prohibited article; or
  - (ii) a greater quantity of any article than he is authorised to have;
- (o) sells or delivers to any person any prohibited article;
- (p) sells or, without permission, delivers to any person any article which he is allowed to have only for his own use;
- (q) improperly takes an article belonging to another person or to a Rehabilitation Centre;
- (r) intentionally or recklessly sets fire to any part of a Rehabilitation Centre or any other property, whether or not his own;

- (s) destroys or damages any part of a Rehabilitation Centre or any other property other than his own;
- (t) causes aggravated damage to, or destruction of, any part of a Rehabilitation Centre or any other property, other than his own;
- (u) absents himself from any place where he is required to be, or is present at any place where he is not authorised to be;
- (v) is disrespectful to any officer, or any person (other than a resident) who is at the Rehabilitation Centre for the purpose of working there, or any person visiting a Rehabilitation Centre;
- (w) uses threatening, abusive or insulting words or behaviour;
- (x) intentionally fails to work properly or, being required to work, refuses to do so;
- (y) disobeys any lawful order;
- (z) disobeys or fails to comply with any rule or regulation applying to him;
- (aa) displays, attaches or draws on any part of a Rehabilitation Centre, or on any other property, threatening, abusive, or insulting words, drawings, symbols or other material;
- (ab) attempts to commit any of the offences under this item;
- (ac) incites another inmate to commit any of the foregoing offences; or
- (ad) assists another inmate to commit or to attempt to commit any of the foregoing offences.

#### 2. Defences to Item 1(j)

It shall be a defence for a resident charged with an offence under item 1(j) to show that—

- (a) the medication had been, prior to its administration, lawfully in his possession for his use or was administered to him in the course of a lawful supply of the drug to him by another person;
- (b) the medication was administered by, or to him in circumstances in which he did not know and had no reason to suspect that such a drug was being administered; or
- (c) the medication was administered by, or to him under duress or to him without his consent in circumstances where it was not reasonable for him to have resisted.

#### 3. Disciplinary charges

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

(2) Every charge shall be inquired into by the Superintendent.

(3) Every charge shall be first inquired into after it is laid save in exceptional circumstances, and not later than the next day, not being a Sunday or public holiday.

(4) A resident who is to be charged with an offence against discipline may be kept apart from other residents pending the Superintendent's inquiry but this should not amount to solitary confinement.

#### 4. Rights of residents charged

(1) Where a resident 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.

(2) At an inquiry into a charge against a resident, the resident shall be given an opportunity of hearing what is alleged against him and of presenting his own case.

#### 5. Sanctions

(1) Subject to subitem (3), where a resident is found guilty of an offence against discipline subject to item 5(3), one or more of the following punishments may be imposed:

- (a) caution;
- (b) forfeiture of any of the privileges awarded for a period not exceeding twenty-one days;
- (c) removal from any particular activity or activities of the Rehabilitation Centre, other than education, training courses, work and physical education for a period not exceeding twenty-one days;
- (d) extra work outside the normal working week for a period not exceeding twenty-one days and for not more than two hours on any day;
- (e) stoppage of, or deduction from earnings for a period not exceeding forty-two days of an amount not exceeding twenty-one days earnings;
- (f) referral to the Reflection Unit; and
- (g) removal from his wing or living unit for a period not exceeding twenty-one days.

(2) Where a resident is found guilty of more than one charge arising out of an incident, sanctions under this rule may be ordered to run consecutively, but, in the case of an award of additional days, the total period shall not exceed forty-two days and in the case of an award of referral to the Reflection Unit, the total period shall not exceed seven days.

(3) An award of a caution shall not be combined with any other sanction for the same charge.

#### 6. Removal from wing or living unit

Following the imposition of a sanction of removal from his wing or living unit, a resident shall be accommodated in a separate part of the Rehabilitation Centre, under such restrictions of earnings and activities as the Commissioner may direct.

#### 7. Suspended sanctions

(1) Subject to any directions of the Commissioner, the power to impose a disciplinary sanction (other than a caution) shall include a power to direct that the sanction is not to take effect unless, during a period specified in the direction (not being more than six months from the date of the direction), the resident commits another offence against discipline and a direction is given under subitem (2).

(2) Where a resident commits an offence against discipline during the period specified in a direction given under subitem (1), the officer of the Rehabilitation Centre dealing with that offence may—

- (a) direct that the suspended punishment shall take effect;
- (b) reduce the period or amount of the suspended sanction and direct that it shall take effect as so reduced;
- (c) vary the original direction by substituting for the period specified therein a period expiring not later than six months from the date of variation; or
- (d) give no direction with respect to the suspended sanction.

[Regulations 53(5) and 56]

SCHEDULE 4

FORM "A"

TAKE NOTICE that ..... (name of resident) be permitted to leave the Rehabilitation Centre at (time) ..... on (date) ..... for the purpose of ..... at (place where leave is to be spent) ..... to return on (day) ..... at (time) ..... and subject to the conditions stated in the Order.

I hereby give permission for ..... to leave the Rehabilitation Centre, at ..... on ..... for the purpose of ..... at ....., to return on ..... at ..... and subject to the conditions contained in the Order.

.....  
Commissioner of Prisons

Dated this 15th day of May, 2017.

E. DILLON  
Minister of National Security