



REPUBLIC OF NAURU

CORRECTIONAL SERVICE REGULATIONS 2020

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Cabinet makes the following Regulations under *Section 56* of the *Correctional Service Act 2009*:

PART 1 – PRELIMINARY

1 Citation

These Regulations may be cited as the *Correctional Service Regulations 2020*.

2 Commencement

These Regulations come into effect on the day they are notified in the Gazette.

3 Interpretation

In these Regulations:

‘Act’ means the *Correctional Service Act 2009*;

‘digital or electronic communication’ means any form of communication which is transmitted electronically or digitally and includes any text message, writing, post, photograph, picture, recording, telephone, email or any other matter that is communicated electronically or digitally;

‘head protector’ means an open faced solid helmet designed to be worn by a prisoner to assist in preventing self harm that has padding inside and attached to a strap;

‘misconduct’ in case of a prisoner, refers to correctional centre offences under the Act;

‘officer’ means a correctional officer;

‘Secretary’ means the Secretary for Justice and Border Control;

‘spit hood’ means a bag or face mask of an open mask fabric designed to be placed over a prisoner’s face to prevent the prisoner from spitting at or biting an officer;

‘torso restraint’ means a soft belt restraint designed to immobilise a prisoner’s arms or legs;

‘waist restraint’ means a belt designed to be worn around a prisoner’s waist attached to which is a handcuff to restrain the movement of hands.

PART 2 – ADMINISTRATIVE MANAGEMENT OF PRISONERS

4 Register of Prisoners

(1) For the purpose of *Section 8* of the Act, there shall be a Register of Prisoners kept and maintained by the Chief Correctional Officer as set out in Schedule 1:

(a) in writing; and

(b) in electronic form that is readily retrievable.

(2) The Register shall contain the following details of each prisoner:

- (a) full name;
- (b) age;
- (c) gender;
- (d) date of birth;
- (e) nationality;
- (f) religion;
- (g) height, weight and identification marks;
- (h) classification;
- (i) prisoner number;
- (j) date of first admission to the correctional centre;
- (k) length of sentence, if applicable;
- (l) date of release;
- (m) record of remission granted or forfeited;
- (n) property brought into the centre;
- (o) contact details of prisoner's next of kin; and
- (p) any other necessary matter.

5 Classification of prisoners

- (1) The Chief Correctional Officer shall classify a prisoner in the appropriate classification under this Regulation.
- (2) The general classification of prisoners shall be as follows:
 - (a) remand prisoners;
 - (b) young prisoners as defined in the Act;
 - (c) convicted prisoners for criminal or other statutory offences;
 - (d) prisoners committed for failing to pay maintenance under the *Maintenance Act 1959*;
 - (e) prisoners committed for failing to pay traffic fines under the *Motor Traffic Act 2014*; or

- (f) prisoners committed under Judgment Debtor Summons or for civil contempt of court.
- (3) Prisoners may be classified according to the level of danger or security risk they create as:
 - (a) maximum risk;
 - (b) medium risk; or
 - (c) minimum risk.
- (4) The Chief Correctional Officer may take the following matters into account in classifying prisoners as follows:
 - (a) age;
 - (b) nature of offence;
 - (c) length of sentence;
 - (d) escape history;
 - (e) behaviour in the correctional centre during the current or previous period of imprisonment;
 - (f) the risk the prisoner poses to himself or herself, the security of the correctional centre, the community or to any other person; or
 - (g) any other matter that is relevant to the management, good order or security of the correctional centre and the safe custody and welfare of the prisoner which the Chief Correctional Officer in consultation with the Secretary may deem appropriate to establish.
- (5) A prisoner may be reclassified at any time if in the opinion of the Chief Correctional Officer, it is necessary to do so.

6 Separation of prisoners by gender

The prisoners shall be separated in accordance with their respective gender as follows:

- (a) male; or
- (b) female.

7 Compliance with directions, rules and laws

A prisoner shall comply with:

- (a) directions of an officer;

- (b) the Act, these Regulations or rules of the correctional centre;
- (c) orders of the Chief Correctional Officer; and
- (d) any other written laws.

8 Search of prisoner on admission

- (1) A prisoner shall be searched upon admission to the correctional centre.
- (2) The search may be:
 - (a) a physical body search; or
 - (b) a full or partial clothing, belongings or body scan.

9 Cells

- (1) A prisoner shall be accommodated in a separate cell, unless it is impracticable, in which case no more than 4 prisoners shall be accommodated in one cell.
- (2) A prisoner shall be provided with a separate bed.

10 Hygiene and cleanliness

- (1) A prisoner shall:
 - (a) keep his or her cell clean;
 - (b) maintain his or her personal cleanliness and hygiene; and
 - (c) wash and keep any clothing clean, hygienic and in good condition.
- (2) A correctional officer may direct a prisoner to comply with subregulation (1), where he or she deems necessary to do so.

11 Clothing

- (1) A prisoner may wear his or her own clothing at the correctional centre.
- (2) Where a prisoner has no clothes or is not allowed to wear his or her own clothing, the prisoner shall be provided with appropriate clothes.
- (3) Where a prisoner is required to attend a work program, he or she shall be provided with and wear the appropriate uniform for prisoners.
- (4) Subject to subregulation (3), where a prisoner attends to any matter outside the correctional centre, including attending court, he or she shall dress in his or her own appropriate clothing for the occasion.
- (5) Where a prisoner is provided clothing under subregulations (2) and (3), the prisoner shall:

- (a) wear such clothing at all appropriate times;
- (b) wash and keep any clothing clean, hygienic and in good condition; and
- (c) not make unauthorised alterations to the clothing.

12 Physical exercise

- (1) A prisoner shall be allowed a minimum of one hour of physical exercise time outside the confines of his or her cell each day.
- (2) Notwithstanding subregulation (1), the Chief Correctional Officer may where he or she deems it necessary, vary, refuse or restrict the exercise time of a prisoner.

13 Separate treatment of prisoners

- (1) The Chief Correctional Officer may order a prisoner be subject to:
 - (a) separate confinement; or
 - (b) the use of mechanical or medical restraints.
- (2) The mechanical restraints authorised to be used by an officer are:
 - (a) handcuffs;
 - (b) waist restraints;
 - (c) torso restraints;
 - (d) head protectors; and
 - (e) spit hoods.
- (3) Medically administered restraints are only to be used by a health practitioner.
- (4) An officer or a person authorised to carry out an order under subregulation (1) may use reasonable force in carrying out the order where the officer or person deems it necessary.

PART 3 – FOOD REQUIREMENT

14 General food

- (1) The prisoners shall be provided with food duly approved by a health practitioner.
- (2) The Chief Correctional Officer shall ensure as far as practicable to provide the food approved in subregulation (1).
- (3) A specialised health practitioner may at any time inspect the quality and quantity of food served to the prisoners, with or without notice.

- (4) The minimum standards of nutritional requirements of the food shall be published in the Gazette at least once every year by the Chief Correctional Officer.

15 Special dietary requirements

Where a health practitioner certifies in writing:

- (a) the refusal of a prisoner to eat the ordinary food provided at the correctional centre is likely to endanger the life of the prisoner; or
- (b) for medical reasons, requires a special diet plan for a prisoner,

the Chief Correctional Officer shall comply with the directions of the health practitioner.

16 Prisoner to consume food

- (1) Where a prisoner without any reasonable excuse refuses to consume the food provided in the correctional centre, the Chief Correctional Officer may cause food to be consumed by the prisoner.
- (2) For the purpose of subregulation (1), the consumption of food by a prisoner shall be carried out under the direct supervision of a health practitioner.

PART 4 – PRISONER PROPERTY

17 Register of prisoner property

- (1) The Chief Correctional Officer shall ensure that a register of prisoners' property is kept and maintained in writing or in electronic form.
- (2) The register under subregulation (1) shall contain a full description of:
 - (a) property or items brought when the prisoner was received in the correctional centre or acquired while in the correctional centre; and
 - (b) items issued to the prisoner when he or she is initially received in the correctional centre.

18 Property on reception

- (1) Any property or item received from or found on a prisoner while such prisoner is being received or processed in the correctional centre shall be thoroughly searched in the presence of the prisoner to for the purpose of:
 - (a) the identification of such property or items; and
 - (b) the separation of authorised and prohibited items.
- (2) The property or items in subregulation (1) shall be taken from the prisoner to be retained in the correctional centre.

- (3) The Chief Correctional Officer shall keep a record of such property or items in the register of prisoners' property.
- (4) Where the prisoner consents to any property or items including prohibited items to be given to his or her family members, the Chief Correctional Officer shall:
 - (a) record the property in the register;
 - (b) provide the property to the person directed by the prisoner;
 - (c) require the person taking such property to acknowledge receipt of the property with the date and time appropriately recorded.

19 Authorised property or item may be removed from or not be used by the prisoner

The Chief Correctional Officer may remove or not allow a prisoner to keep or use any authorised property or item in the following circumstances:

- (a) where in the opinion of the Chief Correctional Officer, the security of the correctional centre is threatened;
- (b) where in the opinion of the Chief Correctional Officer, the presence of such property or item threatens the safety or welfare of any prisoner; or
- (c) in an emergency in the correctional centre.

20 Property or item may be stored or removed

- (1) A prisoner who acquires or is issued with any property or item may request the Chief Correctional Officer to store such property.
- (2) Where the Chief Correctional Officer agrees to store property or item under subregulation (1), all such property or items shall be labelled, packed and stored in a secure manner so that the property or item:
 - (a) is not damaged, lost or misplaced; and
 - (b) can be promptly identified and retrieved for the purpose of returning the property or item to the prisoner, inspection or any other lawful purpose.

21 Return of property or items

- (1) The Chief Correctional Officer shall take all reasonable steps to ensure a prisoner's property or items are returned to the prisoner on the day such prisoner is discharged or released and:
 - (a) the prisoner's property or items shall be checked against the property register;
 - (b) the prisoner shall check the entries in the property register and sign a receipt for the property or items to be returned; and

(c) no property or item may be returned unless the prisoner has signed a receipt for such property or item.

- (2) Where a prisoner's property or items do not correspond with the relevant entries in the property register, the matter shall be referred to and resolved by the Chief Correctional Officer as soon as practicable.

22 Unclaimed property or item

- (1) Where a former prisoner leaves any property or item at the correctional centre, the Chief Correctional Officer shall take all reasonable steps to give written notice to the former prisoner that the property or item needs to be collected.
- (2) Where a former prisoner does not collect the property or item under subregulation (1) within 30 days from when the written notice was given, such property or item shall be forfeited to the Correctional Service or be disposed of appropriately.

23 Property of deceased prisoner

The Chief Correctional Officer shall allow the deceased prisoner's next of kin to collect the property of the prisoner.

PART 5 – APPROVED CORRECTIONAL CENTRE WORK

24 Approved correctional centre work

- (1) The approved work which a prisoner may undertake are as follows:
- (a) fishing;
 - (b) farming;
 - (c) gardening;
 - (d) weeding and cleaning public places such as cemeteries, roadside, drainage, buildings, school buildings and compounds;
 - (e) assisting the cooks in the correctional centre kitchen;
 - (f) cleaning and maintaining the correctional centre; or
 - (g) any other work program which the Chief Correctional Officer may in consultation with the Secretary approves from time to time.
- (2) The Chief Correctional Officer may require a prisoner to undertake any approved work under subregulation (1).
- (3) Where a prisoner is assigned any approved work, he or she shall be attentive and diligent in the performance of the work.
- (4) The work under subregulation (1):
- (a) forms part of the rehabilitation program for prisoners; or

- (b) may be a matter for consideration for the grant of remission or parole for a prisoner.
- (5) A prisoner commits a misconduct where he or she for no reasonable excuse fails to comply with the directions of the Chief Correctional Officer to carry out any work under this Regulation.

PART 6 – PRISONER PRIVILEGES

25 Prisoner privileges

- (1) The prisoners may be eligible to the following privileges:
 - (a) undertaking an educational or training program;
 - (b) undertaking a recreational program, other than a program satisfying the right of a prisoner to have the opportunity to undertake sufficient physical exercise beyond the confines of the prisoner's cell;
 - (c) accessing normal television programs;
 - (d) accessing computer equipment for educational and training purposes;
 - (e) leave of absence, other than for medical or psychiatric examination, assessment or treatment; or
 - (f) food, clothing and other permissible items from family members.
- (2) A privilege involving the prisoner being outside the correctional centre is not available to a prisoner, who is classified as a maximum risk prisoner under *Regulation 5(3)(a)*.

26 Withdrawal of privilege

A privilege under these Regulations may be withdrawn at any time as part of a disciplinary penalty, security or any other reason the Chief Correctional Officer may deem necessary.

PART 7 – VISITORS TO CORRECTIONAL CENTRE

27 Designation of place for visitation

The Chief Correctional Officer shall designate a place within the correctional centre where the prisoners may be able to exercise their visitation privileges.

28 Authorisation required to visit in correctional centre

- (1) A family member is permitted to visit a prisoner during the scheduled visitation period for such prisoner.
- (2) Any person visiting a prisoner under subregulation (1) shall report to the officer on duty at the correctional centre, who shall thereafter permit the person to visit the prisoner.

- (3) Subject to subregulation (1), no person is permitted to visit a prisoner without the prior approval of the Chief Correctional Officer, or a senior officer in charge of the correctional centre at the time of such visit.

29 Register of Visitors

- (1) There shall be a Register of Visitors.
- (2) The Chief Correctional Officer shall be responsible for keeping and maintaining a Register of Visitors as set out in Schedule 2.

30 Details of visitors

- (1) The officer on duty at the time of the visitation shall record the following details of the visitor:
 - (a) full name and telephone number;
 - (b) name of the prisoner he or she is visiting;
 - (c) his or her relationship to the prisoner; and
 - (d) type of identification sighted.
- (2) A visitor shall:
 - (a) provide proof of his or her identity when required to do so by the Chief Correctional Officer or an officer on duty; and
 - (b) sign the Register before commencing visitation.

31 Photographs and recordings

- (1) A visitor shall not take photographs, make drawings, record any images or sound or in any manner whatsoever use digital or electronic communication inside the correctional centre.
- (2) A visitor who fails to comply with subregulation (1) commits an offence and upon conviction is liable to a fine not exceeding \$5,000.00 or a term of imprisonment not exceeding 6 months or to both.
- (3) The Chief Correctional Officer shall also restrict any further visitation of the visitor who contravenes this Regulation.

32 Officer to escort visitor to designated visitation place

- (1) An officer on duty shall escort the visitor to the designated place of visitation and be permitted to meet with the prisoner for the duration authorised by the Chief Correctional Officer or the senior officer in charge of the correctional centre at the time of such visit for the period of visitation.
- (2) At the conclusion of the duration of the visit under subregulation (1), the visitor shall be escorted out of the correctional centre by an officer on duty.

33 Denial or suspension of visiting privileges

The Chief Correctional Officer may deny a visit or suspend visiting privileges to a person for any of the following reasons:

- (a) insufficient proof of identity;
- (b) inappropriate clothing;
- (c) refusal to submit to a search when required;
- (d) being intoxicated or under the influence of alcohol;
- (e) being under the influence of illicit drugs;
- (f) unruly behaviour;
- (g) uses abusive language;
- (h) prisoner declines to meet the visitor;
- (i) being in possession of a prohibited item; or
- (j) poses a threat to the security of the correctional centre.

34 Vehicles search

- (1) A vehicle entering or leaving the correctional centre may be searched by an officer.
- (2) The driver of the vehicle under subregulation (1) shall stop and permit the vehicle to be searched by the officer.
- (3) Where a driver fails to comply with subregulation (2), he or she commits an offence and upon conviction is liable to a fine not exceeding \$3,000.00 or a term of imprisonment not exceeding 12 months or to both.

35 Delivery of property or item for prisoner

- (1) A person, who is delivering any property or item to the correctional centre for a prisoner, shall deliver the property or item to the Chief Correctional Officer or an officer on duty.
- (2) The Chief Correctional Officer or officer shall:
 - (a) deliver the property or item to the respective prisoner; and
 - (b) in the absence of the respective prisoner, keep it in safe custody to be delivered to the prisoner as soon as practicable.
- (3) Where a person delivers any food items to the correctional centre for a prisoner, the Chief Correctional Officer or officer on duty may deliver the food items to the respective prisoner or keep such food items to be delivered during meal or any other appropriate time.

- 36 Consumable items of prisoners not to be consumed by any other persons**
- (1) An officer or any other prisoner shall not consume any food or other consumable items delivered to the correctional centre for a prisoner.
 - (2) An officer or a prisoner who contravenes this Regulation commits a misconduct.
- 37 Number of visitors**
- (1) A prisoner shall be allowed a maximum of 5 visitors on any one occasion.
 - (2) Each visiting period shall not exceed an hour.
 - (3) The visiting period shall be as notified by the Chief Correctional Officer from time to time between 9:00am and 5:00pm.
 - (4) Notwithstanding subregulations (1) and (2), the Chief Correctional Officer may increase the:
 - (a) number of visitors for a prisoner; or
 - (b) length of visit by a visitor for a prisoner.
- 38 Visit by legal practitioners**
- (1) A legal practitioner acting in the course of his or her legal practice may enter the correctional centre and visit a prisoner at any time with the prior approval of the Chief Correctional Officer.
 - (2) A legal practitioner visiting a prisoner under *Section 25(1)(h)* of the Act may deliver, discuss or obtain information including any legal instruments, with the prisoner.
 - (3) A prisoner may retain any legal documents delivered under subregulation (2) with the approval of the Chief Correctional Officer.
- 39 Visit by police**
- For the purposes of carrying out an investigation, a police officer may enter the correctional centre and visit a prisoner at any time with or without a warrant.
- 40 Visit by person under the age of 18 years**
- A person under the age of 18 years shall not visit a prisoner without:
- (a) being accompanied by a parent, guardian or adult sibling; and
 - (b) the prior approval of the Chief Correctional Officer.
- 41 Visit on special occasions**
- (1) Notwithstanding *Regulation 37*, the Chief Correctional Officer may permit prisoners to have visitors on special occasions.

- (2) For the purpose of subregulation (1), 'special occasions' mean:
- (a) Christmas Day;
 - (b) Good Friday;
 - (c) Easter Monday;
 - (d) Independence Day;
 - (e) Constitution Day;
 - (f) Angam Day; or
 - (g) such other day the Chief Correctional Officer may deem appropriate.
- (3) The visits permitted under this Regulation may be for such length of time and with such number of visitors as may be determined by the Chief Correctional Officer.

42 Visiting rules

- (1) A prisoner or visitor shall follow the instructions of the Chief Correctional Officer or an officer on duty when visiting the correctional centre.
- (2) The correctional centre shall have its visiting rules clearly displayed in a conspicuous place.

43 Property or item for prisoner by visitor

- (1) A visitor shall not provide any property or item directly to a prisoner.
- (2) A visitor who contravenes subregulation (1) commits an offence and upon conviction shall be liable to a fine not exceeding \$3,000.00 or a term of imprisonment not exceeding 12 months or to both.
- (3) Where a prisoner receives a property or item under the circumstances in subregulation (1), he or she shall immediately declare such property or item to the Chief Correctional Officer or officer in charge at the time of the visit.
- (4) A prisoner who fails or neglects to comply with subregulation (3) commits a misconduct.

44 Search at end of visit

At the end of a visit, a prisoner may be searched by an officer before the prisoner is returned to his or her cell.

45 Cooperation with search or inspection

A prisoner shall:

- (a) cooperate with the officer conducting a search or inspection;
- (b) declare to the officer any property or item in his or her possession; and

- (c) produce to the officer for inspection the property or item that is in his or her possession.

46 Prohibited items

Where a prohibited item is found in the possession of a prisoner or is supplied by a prisoner to another person, the prohibited item shall be immediately:

- (a) confiscated by an officer; and
- (b) retained as a property or item of the prisoner under Part 4 unless such prohibited item is directed by the Chief Correctional Officer to be disposed of.

47 Visit by Judge or Resident Magistrate

- (1) A Judge of the Supreme Court or Resident Magistrate shall visit the correctional centre at least twice in a year.
- (2) During the visit of a Judge or Resident Magistrate to the correctional centre, a prisoner may lodge a complaint to the Judge or Resident Magistrate.
- (3) Upon receipt of a complaint under subregulation (2), the Judge or Resident Magistrate shall make a written report and provide recommendations to the Secretary and Chief Correctional Officer within 30 days of receipt of the complaint.

PART 8 – AUTHORISED ABSENCE FROM CORRECTIONAL CENTRE

48 Leave of absence of prisoner

- (1) The Chief Correctional Officer may, by written order, grant a prisoner leave to be temporarily absent from the correctional centre without an order of the Court for any of the following circumstances:
 - (a) medical or psychiatric examination, assessment or treatment;
 - (b) participation in an activity organised by the Correctional Service;
 - (c) compassionate purpose as the Chief Correctional Officer deems appropriate; or
 - (d) such other purpose deemed appropriate by the Chief Correctional Officer.
- (2) An order granted under this Regulation shall be subject to special or general conditions.
- (3) An order granted under this Regulation may be varied or revoked at any time by the Chief Correctional Officer.

49 Return of prisoner

- (1) Where the purpose of any order under *Regulation 48* has been carried out, the prisoner shall immediately return to the correctional centre.
- (2) Where a prisoner fails to comply with subregulation (1), the prisoner is deemed to have escaped from custody and shall be arrested without a warrant by an officer or a police officer.

PART 9 – CORRECTIONAL OFFICERS

50 Establishment of positions

The Chief Correctional Officer in consultation with the Secretary and approval of the Chief Secretary may establish such positions for officers in the correctional centre.

51 Newly appointed officers

- (1) A newly appointed officer shall undertake and pass any training authorised by the Chief Correctional Officer to be undertaken.
- (2) The officer is allowed one opportunity to re-sit a part of any training to be undertaken under subregulation (1), in the event he or she fails to pass that component.
- (3) Where an officer fails the component after the re-sit under subregulation (2), such officer shall be dismissed from the Correctional Service.

52 Ranks of officers

For the purpose of *Section 9* of the Act, the officers of the Correctional Service shall be classified in the following ranks:

- (a) Chief Correctional Officer;
- (b) Deputy Chief Correctional Officer;
- (c) Senior Correctional Officer; and
- (d) Correctional Officer.

53 Training

Notwithstanding *Regulation 51*, an officer shall undertake any training as recommended by the Chief Correctional Officer.

54 Expenditure, property or assets

The Chief Correctional Officer is responsible for the expenditure, property and assets of the Correctional Service.

55 Register of Assets

The Chief Correctional Officer shall ensure that:

- (a) a register is kept of the property or items owned or used by the Correctional Service, including correctional centre keys, uniforms and equipment for officers; and
- (b) each property or item on the register is checked at least once each month and, if any property or item is lost, stolen, damaged or destroyed or in a state that requires it to be repaired, maintained or replaced, an appropriate note is entered in the register against the property or item.

56 Disposal of property

- (1) The Chief Correctional Officer shall ensure that no property or item owned or used by the Correctional Service is disposed of without the authority of the Secretary.
- (2) This regulation does not apply to consumables.

57 Uniform or equipment

- (1) An officer shall wear a uniform or equipment in accordance with an operational manual of the Correctional Service.
- (2) The uniforms and equipment issued to any officer remains the property of the Correctional Service and shall only be used in connection with their official duties.

PART 10 - REPORTING REQUIREMENTS

58 Reporting use of force

The Chief Correctional Officer shall, as soon as practicable after an incident occurs in which force is used against a prisoner, report the matter in writing to the Secretary, including:

- (a) the name of the prisoner;
- (b) the name of the officer;
- (c) the purpose for which force was used;
- (d) a description of the incident;
- (e) the date and time of the incident; and
- (f) the gravity of the incident.

59 Reporting deaths in custody

- (1) The Chief Correctional Officer shall, as soon as practicable after a prisoner dies, report the matter in writing to the Secretary.
- (2) The report shall include the following details:
 - (a) the name of the deceased prisoner;

- (b) the name of the officer who witnessed the death or found the deceased prisoner;
 - (c) the name of any other relevant witness;
 - (d) information known about the date and time of death; and
 - (e) a detailed description of the circumstances, if known, in which the prisoner died and relevant circumstances leading up to the death.
- (3) The Secretary shall cause the report to be submitted to the Registrar of the Courts for the purposes of consideration as to whether an inquest be conducted under the *Inquests Act 1977*.

60 Quarterly report to Secretary

The Chief Correctional Officer shall, before the end of 7 days after the end of each quarter, provide a written report to the Secretary in relation to the operation of the correctional centre during the quarter, including each of the following:

- (a) in relation to officers:
 - (i) details of each complaint made and a description of the progress of disciplinary proceedings, including outcomes whether or not the investigation is completed in that quarter;
 - (ii) a description of the progress of each probationary officer;
 - (iii) details of each resignation, retirement or termination of service of an officer;
- (b) in relation to the property of the Correctional Service:
 - (i) details of any entries made in the Register of Assets under *Regulation 54*;
 - (ii) details of any property or items disposed of;
- (c) in relation to prisoners:
 - (i) the number of prisoners according to classification;
 - (ii) the remission earned by each prisoner; and
 - (iii) details of any correctional centre proceedings for misconduct, including the outcomes.

61 Daily records

The Chief Correctional Officer shall ensure records are kept daily in relation to:

- (a) the number of prisoners, counted twice daily;
- (b) the hours when prisoners go to and return from work, undertake activities, exercise;
- (c) the parts of the correctional centre that are inspected or searched and the names of the officers undertaking these duties;

- (d) the identity of the visitors and the names of the officers detailed to accompany each visitor;
- (e) details of escorts dispatched and the name of the officer in charge of the escort;
- (f) the location of each prisoner;
- (g) details of the work or activity that prisoners have performed;
- (h) the mental or physical illness of any prisoner;
- (i) the opening and closing of the correctional centre and the checking of keys;
- (j) any unusual or significant occurrence; and
- (k) details of any prisoner transferred into police custody and a copy of the transfer order.

PART 11 – MISCONDUCT BY PRISONERS

62 Misconduct by prisoners

The following acts or omissions constitute misconduct by a prisoner:

- (a) disobeying a order, direction or instruction of the Chief Correctional Officer or any other officer;
- (b) engaging in a riot, insurrection or disturbance in the correctional centre;
- (c) acting in a way that is contrary to the security or good order of the correctional centre or the safety of another prisoner;
- (d) aiding or abetting another prisoner or an officer to commit an offence;
- (e) assaulting or threatening any person;
- (f) acting in a disruptive, abusive, offensive, discriminatory or indecent manner, whether by language or conduct;
- (g) engaging in sexual activity with another prisoner or an officer;
- (h) practicing witchcraft;
- (i) obtaining, consuming or supplying any intoxicating substances or drugs to another prisoner;
- (j) obtaining, consuming or supplying alcohol to another prisoner;
- (k) smoking or using a tobacco product;
- (l) obtaining, possessing or supplying a prohibited item listed in Schedule 3 to another prisoner;

- (m) obtaining, supplying or giving goods to or taking delivery of goods from any person without the approval of the Chief Correctional Officer;
- (n) consuming any food or other consumable items belonging to another prisoner;
- (o) failing to declare any property or item to the Chief Correctional Officer or officer in charge received under *Regulation 43*;
- (p) possessing any property of the Correctional Service without the approval of the Chief Correctional Officer;
- (q) entering another prisoner's cell or leaving allocated cell without the approval of the Chief Correctional Officer or an officer on duty;
- (r) damaging any property of the Correctional Service;
- (s) engaging in gambling; or
- (t) carrying out any work under *Regulation 24* in a careless or negligent manner.

63

Investigation of allegation of misconduct against a prisoner

- (1) The Chief Correctional Officer may carry out or cause an investigation to be carried out into an allegation of misconduct by a prisoner.
- (2) Notwithstanding subregulation (1), the Chief Correctional Officer may initiate an investigation for any alleged misconduct in relation to any one or more prisoners, without a formal complaint.
- (3) An investigation shall take the following form:
 - (a) an interview with each relevant witness with written notes of the interview being made and retained;
 - (b) the provision of information to the prisoner about the allegations against him or her;
 - (c) provision of an opportunity for the prisoner to respond within a specified period that is reasonable in the circumstances with a copy of the information provided and any written submissions received being retained;
 - (d) an interview with the prisoner with written notes of the interview being made and retained; and
 - (e) an evaluation of the material obtained through the interviews.
- (4) Where, at the conclusion of an investigation, the Chief Correctional Officer believes on reasonable grounds that the prisoner has committed a misconduct, the Chief Correctional Officer may:
 - (a) remove or restrict the right of the prisoner to receive visitors for a period not exceeding 30 days;

- (b) remove or restrict privileges enjoyed by the prisoner for a period not exceeding 60 days;
 - (c) separate the prisoner from other prisoners for a period not exceeding 28 days; or
 - (d) order forfeiture of remission of sentence for a period not exceeding 90 days.
- (5) The penalty imposed shall be commensurate with the misconduct.
 - (6) Where during the course of an investigation the Chief Correctional Officer is of the opinion that the matter involves a misunderstanding or may be resolved by means of an apology from the prisoner, the Chief Correctional Officer may conciliate the complaint.
 - (7) The prisoner shall be given a written notice of the decision and the reasons for the decision.

PART 12 – MISCONDUCT BY OFFICERS

64 Misconduct by officers

The following acts or omissions constitute misconduct by an officer:

- (a) disobeying an order, direction or instruction of the Chief Correctional Officer or the Secretary;
- (b) wilfully, negligently or carelessly losing or damaging any record, equipment or property of the Correctional Service;
- (c) obtaining, possessing, consuming or supplying alcohol to a prisoner;
- (d) obtaining, possessing, consuming or supplying any intoxicating substances or drugs to a prisoner;
- (e) attending to duties while under the influence of intoxicating liquor or substances;
- (f) obstructing the execution of a lawful arrest of a prisoner;
- (g) providing or permitting a prisoner to obtain or possess a prohibited item;
- (h) aiding or abetting another officer or prisoner to commit a misconduct under these Regulations;
- (i) engaging in a riot, insurrection or disturbance in the correctional centre;
- (j) acting in a manner that is contrary to the security or good order of the centre or the safety of another officer or prisoner;
- (k) assaulting or fighting with another officer or prisoner;
- (l) acting in a disruptive, abusive, offensive, discriminatory or indecent manner, whether by language or conduct;

- (m) engaging in sexual activity with a prisoner;
- (n) bullying or harassing another officer or a prisoner;
- (o) smoking or using a tobacco product in the correctional centre;
- (p) consuming any food or other consumable items belonging to a prisoner;
- (q) engaging in gambling in the correctional centre; or
- (r) performing his or her duties in a careless or negligent manner.

65 False or misleading information

No officer shall provide any false or misleading information in response to a request for information that is made for official purposes in connection with his or her official duties.

66 Prohibition against destroying official records

- (1) No officer shall destroy an official record of the Correctional Service except with the written authority of the Secretary.
- (2) For the purpose of this Regulation, an '*official record*' means a record whether digital, printed or in any other form made or received by the Correctional Service in the conduct of its operations but does not include a record:
 - (a) made or received by the Correctional Service for delivery or transmission to another person or body and so delivered or transmitted; or
 - (b) made by the Correctional Service for delivery as a draft only and not for further use or reference.

67 Prohibition against disclosing personal information, correspondence or information classified as confidential

- (1) An officer shall not disclose the personal information of a prisoner unless:
 - (a) required by law; or
 - (b) necessary in the due execution of his or her official duties.
- (2) Where information is required to be disclosed for the purpose of subregulation (1):
 - (a) prior approval of the Chief Correctional Officer shall be obtained; or
 - (b) in case of any information disclosed in the course of duty or fulfilling an obligation under law, the Chief Correctional Officer shall be immediately informed of such disclosure.

68

Record, equipment or property of the Correctional Service

- (1) An officer shall not wilfully, negligently or carelessly lose or damage any record, equipment or property of the Correctional Service issued or entrusted to the officer in the course of his or her duty.
- (2) An officer who contravenes subregulation (1) commits a misconduct under these Regulations and an offence under the *Crimes Act 2016*.

69

Investigation of allegation of misconduct against officer

- (1) A complaint against an officer shall be made in writing to the Chief Correctional Officer and shall include the:
 - (a) full name, residential address and contact details of the complainant;
 - (b) full name of the officer against whom the complaint is made; and
 - (c) details of the complaint.
- (2) Where a complaint against an officer is received by the Chief Correctional Officer, he or she:
 - (a) may dismiss the complaint with or without investigation where the complaint is deemed frivolous or vexatious;
 - (b) shall inform the complainant of the decision; and
 - (c) inform the Secretary in writing of the decision.
- (3) Where a complaint is withdrawn, the Chief Correctional Officer shall, at the direction of the Secretary, continue an investigation into the subject matter of the complaint.
- (4) Where the Chief Correctional Officer is of the opinion that a complaint be investigated, he or she may conduct an investigation or cause an investigation to be conducted.
- (5) An investigation shall take the following form:
 - (a) an interview with any complainant with written notes of the interview being made and retained;
 - (b) an interview with each relevant witness with written notes of the interview being made and retained;
 - (c) the provision of information to the officer about the allegations with the opportunity for the officer to respond within a specified period that is reasonable in the circumstances with a copy of the information provided and any written submissions received being retained;
 - (d) an interview with the officer and any representative of the officer with written notes of the interview being made and retained; and
 - (e) an evaluation of the material obtained through the interviews.

- (6) Where the Chief Correctional Officer believes on reasonable grounds that an officer has committed a misconduct, he or she may:
 - (a) reprimand the officer; or
 - (b) in consultation with the Secretary:
 - (i) suspend the officer;
 - (ii) reduce the rank of the officer; or
 - (iii) terminate the employment of the officer.
- (7) Where during the course of an investigation, the Chief Correctional Officer is of the opinion that the matter involves a misunderstanding or may be resolved by means of an apology from the officer, the Chief Correctional Officer may conciliate the complaint.
- (8) The Chief Correctional Officer may direct an officer to attend an interview or a conciliation conference.
- (9) The Chief Correctional Officer in consultation with the Secretary, may suspend an officer on half pay pending the hearing and determination of a complaint against the officer.
- (10) Subregulation (9) does not prevent the Chief Correctional Officer in consultation with the Secretary from terminating the officer without first suspending the officer.
- (11) The Public Service Appeals Board shall have the jurisdiction to hear an appeal from the decision of the Chief Correctional Officer made under this Part of the Regulations.
- (12) The officer shall be given a written notice:
 - (a) of the decision and the reasons for the decision;
 - (b) stating that the officer may appeal the decision to the Public Service Appeals Board; and
 - (c) stating the time within which the officer shall lodge an appeal.
- (13) The complainant shall be informed of the outcome of the complaint.

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Complaint against Chief Correctional Officer

A complaint against a Chief Correctional Officer shall be made in writing to the Secretary and shall include the:

- (a) full name, residential address and contact details of the complainant;
- (b) full name of the Chief Correctional Officer; and
- (c) details of the complaint.

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Allegation of misconduct against Chief Correctional Officer

- (1) Where the Secretary receives a complaint against the Chief Correctional Officer, the Secretary:
 - (a) may dismiss the complaint with or without investigation where the complaint lacks merit; and
 - (b) shall inform the complainant of the decision.
- (2) Where the Secretary is of the opinion that a complaint has merit, the Secretary shall refer the complaint to the Chief Secretary in accordance with the *Public Service (Disciplinary) Regulations 2020*.

PART 13 - MISCELLANEOUS

72

Communication with prisoners at hospital

- (1) A person shall not communicate with a prisoner at the RON hospital without the prior approval of the Chief Correctional Officer.
- (2) The approval of the Chief Correctional Officer under subregulation (1) may be subject to any conditions the Chief Correctional Officer deems necessary.
- (3) A person who wishes to enter or has entered the hospital for the purposes of communicating with a prisoner shall, when requested by an officer, provide the officer with proof of the person's identity to the reasonable satisfaction of the officer.
- (4) A person does not contravene subregulation (1) if the person is:
 - (a) a Judge of the Supreme Court or Resident Magistrate;
 - (b) a legal practitioner acting in the course of his or her practice;
 - (c) a police officer; or
 - (d) a person who is required to communicate with a prisoner in the course of the person's duties under the Act or Regulations.
- (5) In this regulation, '*communication*' includes communication in person or by any other means including digital or electronic communication.

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Procedure on death of prisoner

Where a prisoner dies in the correctional centre, the Chief Correctional Officer shall ensure that notice of the death is given as soon as practicable to:

- (a) a health practitioner; and
- (b) the next of kin of the prisoner.

SCHEDULE 1

Register of Prisoners

[Regulation 4]

Details of prisoner:	<p>[insert full name]</p> <p>[insert full name]</p> <p>[insert date of birth]</p> <p>[insert religion]</p> <p>[insert nationality]</p> <p>[photo/photo identity]</p>
Height, weight and identification marks if any:	<p>[insert height]</p> <p>[insert weight]</p> <p>[insert identification marks if any. For example, scars or tattoos]</p>
Classification:	[insert prisoner classification]
Prisoner number:	[insert prisoner number]
Date of first admission:	[insert date]
Length of sentence	[insert length of sentence]
Nature of offence for which person convicted:	[insert offence]
Date of release:	[insert date]
Record of remission granted or forfeited:	
Property brought into the correctional centre:	[list property]
Contact details of next of kin:	<p>[insert full name]</p> <p>[insert relationship to prisoner]</p> <p>[insert phone number]</p>

SCHEDULE 2

Register of Visitors

[Regulation 29]

Full name:	<i>[insert full name]</i>
Address:	<i>[insert address]</i>
Contact details:	<i>[insert contact details]</i>
Name of prisoner visting:	<i>[insert prisoner name]</i>
Relationship to prisoner:	<i>[insert relationship]</i>
Visitor identification produced:	<i>[insert identification produced]</i>
Date of visit:	
Time in:	
Time out:	
Signature of visitor:	

SCHEDULE 3

Correctional Service Act 2009

[Section 40; Regulation 62(l)]

LIST OF PROHIBITED ITEMS

The following are prohibited items unless specifically authorised by the Chief Correctional Officer:

- (a) a camera or other device capable of capturing or recording images, whether digitally or on film or tape;
- (b) mobile phone;
- (c) laptop;
- (d) television;
- (e) flammable, corrosive or toxic substance;
- (f) intoxicating substances such as alcohol or drugs;
- (g) cigarettes or tobacco products;
- (h) matches or cigarette lighter;
- (i) paint;
- (j) glue;
- (k) oil;
- (l) acid or alkali;
- (m) herbicide, fungicide or insecticide;
- (n) a pressurised spray canister;
- (o) an explosive, explosive device or incendiary device, or a substance or device that can be used in the manufacture of an explosive or incendiary device;
- (p) a device or instrument designed or commonly used, or that has been or is capable of being adapted or modified, for the purpose of assisting a prisoner to escape from the correctional centre;
- (q) a book, diagram, plan or other document, or audio or video recording, or other material, that instructs, teaches or otherwise guides a person:
 - (i) how to make a weapon; or
 - (ii) about a method of escaping from the correctional centre or causing an insurrection, riot or other disturbance at the correctional centre;

- (r) pornographic material;
- (s) a device that includes a modem or other device enabling it to transmit or receive data to or from a network of computers;
- (t) a data storage device.