

CAYMAN ISLANDS



Prisons Law

PRISON OFFICERS (DISCIPLINE) REGULATIONS

(1998 Revision)

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REGULATIONS**
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REGULATIONS
(1998 Revision)**

Citation

1. These regulations may be cited as the Prison Officers (Discipline) Regulations *(1999 Revision)*.

Offences against discipline

2. An officer to whom these regulations apply commits an offence against discipline if he is guilty of —
 - (a) discreditable conduct, that is to say, if he —
 - (i) except in accordance with any general or special direction of the Director, smokes or drinks intoxicating liquor either within the prison walls or while on duty or in charge of prisoners outside the prison;
 - (ii) while on duty uses obscene, abusive or insulting language;
 - (iii) while on duty assaults or attempts to assault any other member of the Prison Service;
 - (iv) while on duty or likely to be called upon for duty, is unfit for duty through consuming intoxicating drink or drugs or through having deprived himself of sufficient rest or sleep;



- (v) is asleep while on duty;
 - (vi) takes up duty improperly or slovenly dressed or dirty;
 - (vii) quits his post without authority;
 - (viii) frequents any place of gambling; or
 - (ix) while on or off duty, acts in a disorderly manner or in a manner prejudicial to discipline or likely to bring discredit to the Prison Service;
- (b) insubordinate conduct, that is to say, if he is insubordinate by word or act towards any officer of the Prison Service whose orders it is, for the time being, his duty to obey;
- (c) disobedience of orders, that is to say, if he, without good and sufficient cause, fails to carry out any lawful order, whether in writing or not;
- (d) neglect of duty, that is to say, if he —
- (i) neglects or without good and sufficient cause fails promptly and diligently to do anything which it is his duty as a prison officer to do, including the failure to pass on significant information to a superior officer as soon as possible;
 - (ii) fails to report for duty as scheduled or, when he has sufficient cause for so failing, neglected or fails to inform the duty principal officer as soon as practicable;
 - (iii) by carelessness or neglect in the course of his duty contributes to the escape of a prisoner; or
 - (iv) by carelessness or neglect in the course of his duty contributes to the occurrence of any loss, injury or damage to any person or property;
- (e) false statements, that is to say, if he knowingly makes any false, misleading or inaccurate statement, either orally or in any official document or book, or signs any such statement, or with intent to deceive destroys or mutilates any such document or book or alters or erases any entry therein whether in connection with his duties as a prison officer or as an officer of any club or fund connected with the prison or with the prison staff;
- (f) failure to account, that is to say, if he fails to account for or to make a prompt or true return of any money or property for which he is responsible whether in connection with his duties as a prison officer or with any club or fund connected with the prison or with the prison staff;
- (g) breach of confidence, that is to say, if he, without proper authority —



- (i) divulges any matter which it is his duty to keep secret;
 - (ii) communicates directly or indirectly to the news media or to any unauthorised person any matter which may have become known to him in the course of his public duties;
 - (iii) publishes any matter or makes any public pronouncement or makes known to any person information relating to the administration of any prison or to any of its prisoners; or
 - (iv) has any dealing with or is directly or indirectly concerned with any political party;
- (h) improper relations with prisoners or ex-prisoners, that is to say, if he —
 - (i) communicates with a prisoner for an improper purpose;
 - (ii) uses obscene, insulting or abusive language to a prisoner;
 - (iii) allows any undue familiarity between a prisoner and himself or any other person;
 - (iv) discusses his duties or any matter of discipline or prison arrangement with or within hearing of a prisoner, or
 - (v) allows any person to communicate with a prisoner who is not authorised to do so;
- (i) trafficking, which is, if he knowingly and without proper authority —
 - (i) carries out any pecuniary or business transaction with or on behalf of any prisoner or ex-prisoner;
 - (ii) brings into or carries out of the prison or attempts to bring in or carry out, to or for any prisoner, any article whatsoever; or
 - (iii) accepts any present or consideration from any prisoner, or from a friend or relative of any prisoner or ex-prisoner;
- (j) corrupt practice, which is, knowingly he —
 - (i) solicits or receives any unauthorised fee, gratuity or other consideration in connection with his duties as a prison officer; or
 - (ii) improperly uses his position as a prison officer for his private advantage;
- (k) unlawful or unnecessary exercise of authority, that is to say, if he —
 - (i) deliberately acts in a manner calculated to provoke a prisoner to commit an offence against discipline; or
 - (ii) in dealing with a prisoner, uses force unnecessarily, or, where application of force to a prisoner is necessary, uses undue force;
- (l) absence without leave or being late for duty, which is, if without permission or a reasonable excuse, he is absent from the prison, or any parade or place of duty, or is late for any duty or parade;



- (m) damage to clothing or other articles supplied, which is, if he —
 - (i) wilfully or negligently damages or loses any item of clothing or personal equipment or any other article with which he has been provided or entrusted or fails to take proper care thereof; or
 - (ii) neglects to report any damage to or loss of any item of clothing or personal equipment or other article, however caused;
- (n) unauthorised possession of property, that is to say, if he, while on or off duty, is knowingly and improperly in possession of public property or of property belonging to any prisoner or to a friend or relative of any prisoner;
- (o) attempting to enlist outside influence, by procuring or attempting to procure the intervention on his behalf of a member of the Legislative Assembly, Executive Council or any other person of influence for the purpose of securing his own advancement or the improvement of his personal position or of making charges against any officer; or
- (p) any violation of the Prisons Rules (1999 Revision).

Charges

3. (1) A charge against an officer for an offence against discipline shall be handed to him not later than twenty-four hours from the time it was signed.
- (2) The charge sheet shall specify the provisions under which the charge is made and shall contain such particulars as will leave the officer in no doubt as to the precise nature of the allegations on which the charge is based.
- (3) The accused officer shall, as soon as practicable but in any event within eight days of receipt of the charge sheet, indicate on the charge sheet —
- (a) whether he admits or denies the charge;
 - (b) if he so desires, his reply to the charge; and
 - (c) the names of any witnesses whom he desires to call at the hearing, and thereafter the hearing shall be commenced within eight days.
- (4) Without prejudice to subregulations (1), (2) and (3), the Director shall, at any time, refer an alleged disciplinary offence to the police for their action if, in his opinion, it is of a sufficiently serious nature.

Hearing of case

4. The Director shall hear the case as soon as possible, and shall take or cause to be taken a written record of the proceedings, and witnesses shall sign such parts of the records as comprise evidence given by them.



Rights of accused officer

5. The accused officer shall be present to hear the case against him, and shall have an opportunity of cross-examining the witnesses called in support of the case against him, and of giving evidence and calling witnesses in his defence.

Punishments

6. (1) If the charge against the accused officer is proven, the Director may award the guilty officer any one or a combination of not more than three of the following punishments —
- (a) caution;
 - (b) reprimand;
 - (c) surcharge in respect of any loss sustained;
 - (d) fine not exceeding fifty dollars from pay;
 - (e) reduction in rank;
 - (f) forfeiture of increments due over a twelve-month period;
 - (g) special probation for a period not exceeding twelve months;
 - (h) requirement to resign as an alternative to dismissal; and
 - (i) dismissal.

Entry on officer's record

7. Any award made under regulation 6 by the Director shall be entered by him on the charge sheet, and shall be entered into the officer's record of service.

Appeals

8. (1) An officer, upon whom the Director has imposed any punishment, may appeal in the manner hereinafter provided to the Governor against either the finding or the punishment or both, and the Governor, in his discretion, may confirm, set aside or vary the finding and confirm, set aside, reduce, suspend or otherwise vary the punishment:

Provided that nothing in this regulation shall be construed as empowering the award of any greater punishment than could have been awarded by the Director.

- (2) An appeal under subregulation (1) may be made by lodging with the Chief Secretary, within fourteen days after imposition of the punishment, a written statement of intention to appeal and of the grounds thereof:

Provided that the Governor may extend the time within which an appeal may be so lodged.



Suspension of officer

9. (1) An officer may, at the discretion of the Director, be suspended from duty during an investigation into an alleged offence against these regulations.
- (2) During this period, a suspended officer shall receive at least fifty per cent of his normal pay and emoluments.
- (3) If the case is subsequently dismissed, then the officer shall, subject to any fine imposed, receive the balance of the pay and emoluments withheld.

Application

10. These regulations shall apply to all prison officers, irrespective of rank.

**Publication in consolidated and revised form authorised by the Governor in Council
this 15th day of December, 1998.**

Carmena H. Parsons
Clerk of Executive Council

