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SCHEDULE

**CORRECTIONAL SERVICES ACT
(NO. 8 OF 2007)**

In exercise of the powers conferred under section 75 of the Correctional Services Act, the Minister do hereby make the following Regulations.

CORRECTIONAL SERVICES REGULATION

**PART I
PRELIMINARY**

Citation 1. These regulations may be cited as the Correctional Services Regulations.

Interpretation 2. In these regulations:

‘centre’ means correctional centre;

‘Commandant’ means the officer for the time being in charge of any correctional centre;

Cap. 98 ‘dangerous drug’ means any substance which is subject to the provisions of the Dangerous Drugs Act;

‘managerial guidance’ means the provision of supervision, training, counseling, mentoring or other service or activity directed at improving staff performance and professionalism;

‘medical officer’ means the medical officer, nurse or nurses aide for the time being in charge of providing medical care and treatment at a correctional centre;

‘officer’ means an officer of the Correctional Service of the Solomon Islands;

‘officer in charge’ means the officer for the time being having charge of any correctional centre;

‘order’ means a Commissioner’s Order issued pursuant to the Act;

'privilege' means a discretionary entitlement granted to a prisoner in addition to the mandatory entitlements set out in the Act including –

- (a) purchase or receipt of items;
- (b) more frequent or longer visits and exercise periods;
- (c) participation in recreational activities; and
- (d) use of items or facilities for leisure and entertainment;

'record' includes any written or electronic document, report or data produced and recorded by any officer or employee of the Service; and

'Service' means the Correctional Service of Solomon Islands.

- 3. These regulations are to be applied in accordance with the purpose and objects of the Act. *Application*
- 4. For the purposes of the Act and regulations 'prohibited article' is to include pornographic material. *Additional prohibited article*

PART II THE CORRECTIONAL SERVICE

- 5. The Commissioner is responsible to the Minister for the safety, security and good governance of the Correctional Service and the application of the Act and regulations in as consistent and uniform manner as is practicable in the circumstances. *Duties of Commissioner*
- 6. The following areas of land, all buildings on the land, car parking areas, roads and areas within or immediately adjacent to the land to which visitors, members of the public visiting the prison or prisoners may have access are declared to be correctional centres – *Declaration of correctional centres*
 - (a) Rove Central Correctional Centre, Honiara, Guadalcanal Province;
 - (b) Auki Correctional Centre, Malaita Province;
 - (c) Gizo Correctional Centre, Western Province;
 - (d) KiraKira Correctional Centre, Makira Province;
 - (e) Lata Correctional Centre, Temotu Province; and
 - (f) Tetere Correctional Centre, Guadalcanal Province.

- Holding capacity of each centre* 7. Unless otherwise determined by the Minister by notice in the Gazette the nominal holding capacity of each correctional centre is as follows –
- (a) Rove 396
 - (b) Auki 100;
 - (c) Gizo 80;
 - (d) Kirakira 40;
 - (e) Lata 40; and
 - (f) Tetere 80.
- Delegation Commissioner* 8. The Commissioner may delegate, by order in writing, responsibilities and functions under the Act as follows –
- (a) the administrative command of and direction of centres and correctional services officers employed at centres, to the Commandant of each centre; and
 - (b) the functions and responsibilities set out in sections 6, 7 and 8 of the Act to a Deputy Commissioner or other appropriate officer.

PART III ADMINISTRATION

- Custody of equipment and stores* 9. The Commandant of each centre is responsible to the Commissioner for the safe custody of protective equipment, instruments of restraint, insignia, clothing and all other stores and foodstuffs issued and delivered for the use of the centre, the officers and the prisoners under his control.
- Responsibility for public money* 10. The Commandant of each centre is responsible to the Commissioner to account for all financial resources and public money issued to the correctional centre.
- Annual reports* 11. The Commandant shall provide an annual report each year to the Commissioner in relation to the general operation of the correctional centre setting out relevant financial details and including appropriate statistics. Special or periodic reports may also be requested by the Commissioner from time to time.

12. The Commandant shall ensure that records are kept daily in relation to the following matters – *Daily records*
- (a) the number of prisoners, counted 4 times daily;
 - (b) the hours when prisoners go to work, return from work, undertake activities, go to exercise and return from exercise;
 - (c) the parts of the centre that are inspected or searched and the names of the officers undertaking these duties;
 - (d) the identity of 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 hours 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.
13. The Commandant is responsible for the safe keeping of all property of prisoners and all property held by the centre belonging to visitors, and must account for the property in the event of loss, damage or destruction other wise than by unavoidable accident, theft, lawful use, or by disposal or destruction as permitted by these regulations. *Custody of prisoner property*
14. Where any property in the safe keeping of the Commandant is lost or damaged, the Commandant must conduct an investigation into the circumstances of the loss or damage, including identifying any person responsible for the loss, and report the findings to the Commissioner. *Investigation into property loss*
15. If an officer lawfully removes, confiscates or seizes any property from a person who is within a centre or attempting to enter a centre, the Commandant may, in his or her discretion, order that the item be – *Disposal of seized*
- (a) kept in safe custody for return to the person when they leave the centre, or
 - (b) appropriately disposed of or destroyed.

- Commandant's inspections* 16. The Commandant shall, at regular intervals, inspect all parts of the centre at different times of the day and night, and may inspect any or all of the prisoners at any time. The results of each inspection, including any deficiencies, matters of concern or areas for improvement shall be recorded. If the matter is unable to be resolved by the Commandant, he or she must submit a report about it to the Commissioner.
- Reporting of significant events* 17. The Commandant shall report to the Commissioner all escapes, serious assaults, emergencies, outbreaks of disease or any other event of a significant, unusual or serious nature.
- Prisoner appeal and review rights* 18. The Commandant shall ensure that prisoners are given the opportunity and necessary facilities to appeal against conviction or sentence, or to submit a petition for review under any law relating to the review of criminal judgments.
- Prisoner applications and complaints* 19. The Commandant shall ensure that prisoners are able to make complaints and applications to the Commandant. Each complaint shall be investigated and, if found to be substantiated, the cause of the complaint shall be rectified. Each application shall be granted if it is appropriate in the circumstances.
- Employment requirements* 20. No person shall be employed by the Service unless they are over the age of 18 years and have been certified fit for duty in the Service.
- Merit recruitment* 21. All persons employed or promoted in the Service must be selected on the basis of merit by a fair, equitable and transparent recruitment process.
- Recruits must pass all training components* 22. All recruited officers must pass all components of their training to remain in the Service, provided that all officers are permitted one opportunity to re-sit a component. Failure to pass the component after the re-sit is sufficient cause to discharge an officer from the Service.
- Probation period* 23. Every officer recruited to the Service must serve a probation period of two years and must display good conduct and satisfactory performance during that period before they can be permanently appointed.

24. In exceptional circumstances, the probation period can be extended for up to six months to provide an opportunity for an officer to reach a satisfactory standard of performance. *Extension of probation period*
25. Officers shall be classified into the following ranks – *Ranks of officers*
- (a) Probationary Correctional Service Officer
 - (b) Correctional Service Officer
 - (c) Senior Correctional Service Officer
 - (d) Commandant
 - (e) Deputy Commissioner
 - (f) Commissioner
26. The classifications may contain levels as set out in the Commissioner's Orders and progression to the next level or increment is dependent upon exemplary conduct and attaining the knowledge, skill and level of performance commensurate to the position. *Progression and promotion*
27. Pursuant to section 12 of the Act, temporary officers may be employed by the Commissioner for a period of up to six months. *Employment of temporary officers*
28. Officers shall be issued with equipment, clothing and appointments as may from time to time be determined by the Commissioner. *Issue of equipment*
29. Unless otherwise authorised, every officer on duty shall wear the uniform, appointments and badges of rank as directed by the Commissioner. *Uniforms*
30. All equipment, clothing and appointments issued to any officer remains the property of the Correctional Service of Solomon Islands and shall only be used in connection with their official duties. *Equipment for official duties*
31. Officers shall undertake training as directed by the Commissioner or the Commandant. *Training*
32. Any officer unable to attend for duty due to illness or misadventure must immediately report the matter to the Commandant and follow all relevant Commissioner's Orders. *Officer to report illness*

Absence from duty

33. No officer shall be absent from duty or leave their appointed place of duty without the authority of the Commandant, or in the absence of the Commandant, their immediate superior officer. All officers authorised to leave their appointed place of duty may only do so after handing over their duties and any equipment in their charge to the officer relieving in the position.

Major disciplinary offences by officers

34. In addition to the breach of any duty imposed elsewhere in these regulations, an officer shall be guilty of a major disciplinary offence if the officer –
- (1) disobeys, omits or neglects to carry out any major lawful order without good or sufficient cause;
 - (2) assaults or uses excessive force in dealing with another officer, employee, visitor or prisoner;
 - (3) resists an officer who is attempting to execute a lawful arrest;
 - (4) by act, omission or neglect allows, assists or fails to prevent the escape of any prisoner;
 - (5) fails to prevent, or permits or assists any prisoner to obtain or possess a prohibited article;
 - (6) makes a false, dishonest or misleading statement or report, or destroys, alters or erases any entry in an official document or record;
 - (7) fails to provide information, or provides false or misleading information to any inquiry in relation to the Correctional Service or a centre, or in any disciplinary inquiry or investigation into a charge made against an officer or prisoner;
 - (8) without the authority of the Commissioner or Commandant, divulges, communicates, shows or supplies to any person any information, document, record or copy of any item relating to any matter concerning the Service, a centre, an officer or a prisoner;

(9) uses any instrument of restraint or protective equipment without orders or just cause, or uses unnecessary force or violence towards any person encountered in the course or execution of his or her duty;

(10) aids or abets or is knowingly an accessory to any offence or breach of duty;

(11) is responsible for any other conduct, act or omission that compromises the safety, security and good governance of the Correctional Service or a centre; or

(12) commits three or more offences within a period of three months; or

(13) breaches a suspension/dismissal order.

35. In addition to the breach of any duty imposed elsewhere in these regulations, an officer shall be guilty of a minor disciplinary offence if the officer –

(1) disobeys, omits or neglects to carry out any minor lawful order without good or sufficient cause;

(2) speaks or acts in a disrespectful manner to another officer;

(3) bullies or harasses another officer;

(4) treats another officer less favourably on the basis of their gender, ethnicity, race, marital status or disability;

(5) engages in unwelcome conduct of a sexual nature that could be reasonably anticipated to offend, humiliate or intimidate another person;

(6) knowingly or negligently makes a false complaint against an officer or prisoner;

(7) fails to disclose any information or material facts relevant to a disciplinary offence or complaint;

(8) fails to attend on time for any duty, fails to carry out any duty or to make any required report or leaves a post without lawful excuse;

(9) sleeps whilst on duty;

- (10) acts in a disorderly or disreputable manner, or in a manner likely to bring discredit on the Service;
- (11) fails to provide a full and true statement of financial affairs when requested by the Commissioner;
- (12) incurs any debt without any reasonable prospect or intention of repayment, or, after incurring any debt, makes no reasonable effort to repay the debt;
- (13) charges interest on any loan to any other officer;
- (14) solicits or requests a loan, gift or item of value from an officer of lower rank;
- (15) makes a frivolous or vexatious complaint, signs or circulates any petition, or organizes or attends any unauthorised meeting relating to any matter concerning the Service, a centre, an officer or a prisoner;
- (16) when wearing the Service uniform, fails to be clean, tidy and properly dressed on duty or in any public place;
- (17) willfully, negligently or carelessly loses or damages any record, equipment or property of the Service issued or entrusted to the officer in the course of their duty;
- (18) fails to report any such loss or damage to any record, equipment or property of the Service to a superior officer or the Commandant;
- (19) enters a public bar and consumes an alcoholic beverage when on duty;
- (20) aids and abets, or is knowingly an accessory to any offence or breach of duty;
- (21) is responsible for any other conduct, act or omission that compromises the safety, security and good governance of the Correctional Service or a centre;
- (22) receives personal visitors in a correctional centre;

(23) possesses, consumes, or is under the influence of any dangerous drug, alcohol, betel nut or kava when on duty or within any part of the correctional centre where prisoners are located.

36. The Commandant or the officer in charge conducting the inquiry may impose any one or more of the following penalties – *Penalties by Commandant*
- (a) managerial guidance;
 - (b) reprimand;
 - (c) a fine not exceeding five days' pay; or
 - (d) suspension for a period not exceeding 7 days
37. The Commissioner or Disciplinary Tribunal subject to section 124 of the Constitution may impose any one or more of the following penalties – *Penalties by Commissioner*
- (a) managerial guidance;
 - (b) reprimand;
 - (c) a fine not exceeding ten day's pay;
 - (d) a suspension/dismissal order
 - (e) suspension for a period not exceeding 14 days;
 - (f) reduction in rank; or
 - (g) dismissal.
38. Correctional Service officers may be searched by another officer of the same gender provided that a second officer of the same gender is present. No search of any officer is to take place in the presence of any prisoner. *Search of Officers*
39. The Commissioner, the Disciplinary Tribunal, the Commandant or the officer in charge subject to section 124 of the Constitution may conduct an inquiry into and determine a disciplinary offence committed by an officer of lower rank under this Part. *Inquiry into offences*
40. The Commissioner may suspend any officer who is the subject of a complaint against discipline pending the conduct of an investigation and the inquiry into the breach of discipline. *Suspension pending disciplinary investigation*
41. The Commissioner may suspend any officer who is alleged to have committed a criminal offence pending the conduct of any investigation, inquiry or trial for the offence. *Suspension pending criminal investigation*

- Payment during suspension* 42. When an officer is suspended pursuant to these regulations, the Commissioner shall determine what portion, if any, of pay or entitlements the suspended officer may receive or accrue during the period of suspension.
- Reimbursement of withheld pay* 43. If the proceedings against a suspended officer do not result in either dismissal or a criminal conviction, the officer is entitled to be reimbursed for any pay or other entitlement withheld during the suspension period.
- Act and regulations apply to suspended officer* 44. A suspended officer remains subject to all the provisions of the Act and regulations pertaining to officers.
- Inquiry can proceed after leaving the Service* 45. If an accused officer resigns, retires or otherwise ceases employment with the Service before the conclusion of a disciplinary inquiry, the inquiry can proceed and a penalty may be imposed as though the officer had continued to be employed by the Service.
- Dispensing with an inquiry* 46. If an officer conducting the inquiry into a disciplinary offence determines at any stage that the complaint can be most effectively resolved by conciliation or by providing managerial guidance, he or she can dispense with the inquiry and resolve the matter using either or both of those methods.
- Conciliation of complaint* 47. Conciliation may be used to resolve a complaint of a minor or trivial nature if both the complainant and the accused officer agree and the process is conducted in compliance with the Commissioner's Orders.
- Summary reprimand by Commissioner* 48. Notwithstanding anything in these regulations, the Commissioner may summarily administer managerial guidance or a reprimand to any officer for a minor disciplinary offence.
- Burden of proof for Tribunal* 49. If an officer conducting the inquiry determines that a charge against an officer is proved on the balance of probabilities, he or she may make a finding of guilt and impose a penalty.
50. If the Commissioner and at least one other member of the Tribunal determine that a charge is proved on the balance of probabilities, the Tribunal may make a finding of guilt and impose a penalty.

51. If the Commandant or officer in charge conducting an inquiry makes a finding of guilt and is of the opinion that the maximum penalty that can be imposed by him or her is insufficient in the circumstances the proceedings may be transferred to the Commissioner for imposition of the penalty. *Dealing with major offences*
52. Each Commandant must regularly report to the Commissioner the details and outcomes of any disciplinary complaints made, and inquiries held at their centre. *Commandants to make report about inquiries*
53. When a proceeding is transferred to the Commissioner for penalty, the accused officer must be notified and permitted to appear and to make representations in mitigation. *Representations in mitigation*
54. For the purpose of conducting any disciplinary inquiry, penalty determination or review that a Commissioner is authorised to undertake, the Commissioner may instead convene a Disciplinary Tribunal to hear and determine the inquiry or review. *Disciplinary Tribunal*
55. The Disciplinary Tribunal is to consist of the following members – *Membership of Tribunal*
- (a) the Commissioner;
- (b) at least one Deputy Commissioner; and
- (c) a senior officer from the Correctional Service executive.
56. Every officer charged with a disciplinary offence must be given a copy of the charge in writing and must be allowed to appear and make representations at the inquiry. *Notification of charge*
57. Every officer who receives a penalty for a breach of discipline must be informed of any right of appeal or review. *Right of Appeal*
58. An officer who breaches the conditions of a suspension or dismissal order must be brought back before the Commissioner or Tribunal and is liable to be penalised for both the breach of the order and any new breach. *Breach of a suspension dismissal order*
59. The Commissioner may review any disciplinary proceeding conducted by a Commandant or an officer in charge. *Review by Commissioner*

- Officer request for review by Commissioner* 60. An officer found guilty of any disciplinary offence by a Commandant or officer in charge may, within seven days of the imposition of the penalty or with such further time as the Commissioner may allow, apply to the Commissioner for a review of the proceedings.
- Options upon review* 61. If the Commissioner or the Disciplinary Tribunal reviews proceedings and determines that the finding or the penalty is not appropriate they may do any one or more of the following –
- (a) quash the finding;
 - (b) find the accused officer guilty of another offence;
 - (c) reduce, increase or vary the penalty; or
 - (d) return the proceedings for rehearing by an authorised officer.
- Right to make representations during review* 62. If the Commissioner or the Disciplinary Tribunal reviewing proceedings forms the view that the penalty in a proceeding should be increased, or that an accused is guilty of another offence, they must inform the accused and give the accused the opportunity to make representations in relation to the offence or the penalty.
- Summons to witnesses* 63. Any officer or body authorised by the Act or regulations to conduct an inquiry or review into a disciplinary offence, shall have the power to summon and examine witnesses on oath or affirmation.
- Officer must answer questions* 64. An officer accused of a disciplinary offence must answer questions in relation to the offence put to the officer by any officer authorised to inquire into or investigate the circumstances of the offence.
- Privilege against self incrimination for officer* 65. Notwithstanding the above clause, an officer must be informed of the privilege against self incrimination and may refuse to answer a question if the answer may tend to prove that the officer has committed a criminal offence.
- Failure to attend or answer questions* 66. Any person summoned as a witness who fails to attend at the time and place specified, or on adjournment if requested, or refuses to answer any question without lawful excuse, is guilty of an offence and liable to a maximum fine of \$20 dollars and imprisonment for one month.

67. Notwithstanding the above clause, no witness shall be obliged to answer any question which may tend to incriminate the person or render them liable to any forfeiture or penalty. *Privilege against self incrimination by a witness*
68. An appeal lodged pursuant to section 125 of the Constitution may be lodged with the Secretary of the Police and Prisons Service Commission within seven days of the imposition of a penalty or within in such time as the Chairman may allow. *Appeal to Police and Prisons Service Commission
Cap. 1*
69. The notice of the appeal to the Police and Prisons Service Commission must – *Contents of notice*
- (a) be submitted in writing;
- (b) set out the grounds of the appeal; and
- (c) state whether the appeal is in relation to the finding, the punishment or both.
70. The Commissioner may reduce in rank or dismiss any officer who has been convicted by any court of an offence against any Act or law, unless the officer has successfully appealed against the conviction. *Dismissal or demotion after court conviction*
71. Any officer who has been reduced in rank or dismissed as a result of a determination by the Commissioner after a conviction by a court may appeal against the penalty to the Police and Prisons Service Commission under section 125 of the Constitution. *Appeal after demotion or dismissal
Cap 1*
72. Any fine or order for compensation to the Service imposed on an officer may be recovered by withholding money periodically from the officer's pay provided that the amount withheld from each pay period does not exceed one third of the total owing to the officer for that period. *Recovery of fines from an officer's pay*
73. If it is necessary to recover two or more fines or amounts of compensation from an officer by withholding pay, the fines or compensation are to be paid consecutively in the order in which they were imposed. *Consecutive payment of multiple fines*
74. Any officer having money periodically withheld from their pay for payment of a fine or compensation to the Service may apply to the Commissioner, on the grounds of hardship or special circumstances, to have the periodic payment reduced or suspended. The Commissioner is to consider the application and may make an order for the payment amount to be reduced, or in the alternative, to be suspended for a period not exceeding three months. *Reduction or suspension of fine payments*

- Compensation for lost or damaged items* 75. Any officer who is guilty of willfully, negligently or carelessly losing or damaging any record, equipment or property of the Service issued or entrusted to the officer in the course of their duty may, in addition to any other penalty imposed, be ordered to pay compensation for the loss or damage.
- No pay to accrue whilst absent from duty* 76. No pay shall accrue to any officer who has been absent from duty without authorised leave or who is serving a term of imprisonment. However, the Commissioner may, on the grounds of compassion or hardship, authorise payment to the officer of up to two thirds of the pay.
- No pay when guilty of absence from duty* 77. If an officer is found guilty of being absent from duty without authorised leave, the officer shall not receive pay or entitlements for the period of the absence. The officer or tribunal making the finding of guilt may make a recommendation that any pay received by the officer for the period of absence be repaid to the Service in addition to another penalty imposed.

PART IV VISITS AND INSPECTIONS

- Unauthorised visitors* 78. No person, other than those authorised by the Act, regulations or any other law of the Solomon Islands, is permitted to enter or remain in any centre except with the permission of the Commissioner, the Commandant or the officer in charge.
- Identification and recording of visitor details* 79. The Commandant shall ensure each centre has a visitors' book. All visitors to a centre must record their names and addresses, and sign the visitors' book and may be searched by order of the Commandant. All visitors must provide proof of their identity if required to do so by the Commandant.
- Statutory visitor records* 80. The Commandant must keep records of all visits to the correctional centre by Judges, Commissioners of the High Court, Magistrates, the Ombudsman or delegate, visiting justices, official visitors, religious representatives, traditional elders, and other respected persons.
- Visiting justice records* 81. The Commandant shall ensure that a record is kept of each visit by a visiting justice, judge or visiting committee. The record shall have provision for visitors to enter details of their visits and to enter any further remarks, suggestions or recommendations they wish to make relating to the centre.

82. A visiting justice appointed to the correctional centre or a judge of the High Court may visit a correctional centre at any time and may inspect – *Inspection by visiting justice and judges*
- (a) all records or documents relating to the administration and management of the centre;
 - (b) any or all parts of the centre;
 - (c) all prisoners including those in separate confinement;
 - (d) food, clothing and bedding provided to prisoners;
 - (e) facilities for the preparation of food;
 - (f) facilities for maintaining health and hygiene; and
 - (g) rehabilitation, training and work programs.
83. A visiting committee may visit a correctional centre, at any time approved by the Commandant or officer in charge and may inspect – *Inspection by visiting committee*
- (a) all records or documents relating to the administration and management of the centre;
 - (b) any or all parts of the centre;
 - (c) all prisoners including those in separate confinement;
 - (d) food, clothing and bedding provided to prisoners
 - (e) facilities for the preparation of food;
 - (f) facilities for maintaining health and hygiene; and
 - (g) rehabilitation, training and work programs.
84. A visiting justice appointed to a centre or a judge of the High Court may inquire into and determine whether the practices and procedures in a centre comply with the provisions of the Act, the regulations, Commissioner's Orders or any other Correctional Services policies. *Inquiry into compliance with law and policies*
85. Visiting justices, judges of the High Court and visiting committee members shall hear any prisoner complaints brought to their attention and make reports and recommendations to the Commissioner, Commandant or officer in charge. *Visitors to hear prisoner complaints*
86. No visitor is to take photographs, make sketches or record any images or sound from a centre without written authority from the Commissioner. *Photography and recording*
87. All visitors to a centre are to be accompanied throughout the duration of the visit by an officer. *Officer to accompany visitors*

- Removal of visitors* 88. The Commandant may remove, or order the removal of any visitor to the correctional centre if the Commandant is of the opinion that the visitor is at risk, or the presence of the visitor impedes the good governance, order or security of the centre.
- Searching of vehicles* 89. Every vehicle entering or leaving a centre may be stopped and searched, including all vehicles that are driven or parked in any parking area or other place that is within, adjacent to or in the near vicinity of a centre.
- Delivering property to prisoners* 90. Any person bringing any property, item or thing into a correctional centre for delivery to a prisoner shall deliver the same to the Commandant or any other officer authorised to receive it.
- Removal of prisoner property* 91. No person shall take out of a correctional centre any property, item or thing for or on behalf of a prisoner unless authorised to do so by the Commandant or by any other law.
- Prisoners' visitors* 92. Prisoners shall be permitted to receive visits from 3 or less people on any one occasion, at the times and days approved by the Commandant. Visits shall not exceed 30 minutes duration and shall be conducted in the presence and hearing of an officer. The Commandant may approve an increase or vary the number of visitors and duration of visits in relation to a particular prisoner or class of prisoner.
- Visits by legal representatives* 93. When the visitor is the current legal representative of the prisoner, visiting in that capacity, the visit may be conducted in the sight, but not the hearing, of an officer.
- Visits by surety* 94. A person committed to a correctional centre in default of finding a surety shall be allowed to see any visitor at any reasonable hour for the purpose of providing for the payment or the surety that would result in the release of the person from the correctional centre.
- Discretion to vary visiting conditions* 95. The Commissioner may issue orders to limit, extend or vary the number of visitors and duration of visits in relation to any prisoner or class of prisoners.

PART V
ADMISSION AND MANAGEMENT OF PRISONERS

96. The Commandant shall keep records relating to the custody of each prisoner in the centre. Records for each prisoner shall contain the following information to the extent that it is available: *Correctional centre records*
- (a) name, age and date of birth;
 - (b) date of commitment;
 - (c) length of sentence;
 - (d) date of release;
 - (e) religion (if any);
 - (f) height, weight, identification marks and general appearance;
 - (g) a record of remission granted or forfeited;
 - (h) the property brought into the centre belonging to the prisoner;
 - (i) the contact details of the prisoner's next of kin or nearest accessible relative; and
 - (j) any other matter directed by the Commissioner
97. The Commandant shall keep all prisoners' warrants of commitment in safe custody. *Warrants*
98. No prisoner shall be admitted to any centre between 7pm and 7am except at the direction of the Commandant. *Admission times*
99. (1) Prisoners shall be classified and divided into the following classes – *Classification of prisoners*
- (a) young males;
 - (b) young females;
 - (c) adult females;
 - (d) adult males;
 - (e) those assessed as being at risk, or having special needs;
 - (f) first offenders;
 - (g) those with previous convictions;
 - (h) remind prisoners; and
 - (i) any other class that the Commissioner may, by order, determine.
- (2) As far as is reasonable practicable, having regard to the available facilities at each centre, each class shall be kept apart from the others.

(3) Notwithstanding this provision, a prisoner may be reclassified or kept apart from other prisoners of the same classification if, in the opinion of the Commandant, reclassification or separation is appropriate in the circumstances.

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| <i>Prisoners to be placed near home province</i> | 100. | Subject to classification, convicted prisoners should be placed in, or transferred to the centre closest to their home province. |
| <i>High risk prisoner placement</i> | 101. | Subject to classification, all convicted and remand prisoners who are considered by the Commandant or the Commissioner to be high risk or high profile prisoners should be placed in, or transferred to a maximum security facility. |
| <i>Low risk prisoner placement</i> | 102. | Subject to classification, convicted and remand prisoners who are considered by the Commandant or Commissioner to be low risk prisoners may be placed in, or be transferred to, low or medium security facilities. |
| <i>Transfer on reclassification</i> | 103. | If the classification of a prisoner changes whilst in custody, the prisoner should be placed in, or transferred to, the least restrictive centre environment appropriate to the new classification, as soon as practicable. |
| <i>Social privileges of remand prisoners</i> | 104. | Subject to their classification and the safety, security and good governance of a correctional centre, remand prisoners shall be permitted to associate together during a period of recreation or exercise. |
| <i>Information about remission</i> | 105. | The remission system shall be explained to each prisoner upon admission. If any remission is forfeited, the Commandant must ensure the prisoner is aware of the forfeiture and the reason for it. |
| <i>Searches on admission</i> | 106. | The Commandant shall ensure that every prisoner is carefully searched on admission and that all prohibited articles and items that may compromise the safety, security and good governance of the centre are taken. Any item that, in the opinion of the Commandant, is dangerous, dirty, objectionable, perishable or a risk to health or hygiene may be destroyed or otherwise disposed of. |
| <i>Refusal to store property</i> | 107. | The Commandant may refuse to take into the centre any property of a prisoner that cannot be conveniently or appropriately stored in the centre. |

108. If a prisoner dies, the Commandant shall allow the prisoner's next of kin or nearest accessible relative to collect the property belonging to the prisoner. *Collection of property if a prisoner dies*
109. On admission to a centre a prisoner shall be provided with clothing and bedding as directed by the Commandant. *Clothing and bedding*
110. The Commissioner may require any prisoner, or any class of prisoner, to wear any clothing that is considered expedient or appropriate. *Correctional centre clothing*
111. Subject to the Commissioner's directions above, every prisoner must be dressed in correctional centre clothing in the centre, but no prisoner shall appear in court in correctional centre clothing. If a prisoner does have adequate personal clothing for an appearance at court, the Commandant shall provide suitable clothing for the prisoner to wear to the court. *Court clothing*
112. If a prisoner is on authorised leave from a centre, the Commissioner may give permission for the prisoner to wear clothing other than correctional centre clothing. *Clothing worn on leave*
113. The following prisoners and/or the cells that they occupy shall be searched as regularly as considered necessary in the circumstances – *Special searches*
- (a) prisoners undergoing punishment for a correctional centre offence;
 - (b) prisoners awaiting trial for a correctional centre offence;
 - (c) prisoners who are mentally ill or mentally disordered;
 - (d) prisoners under observation;
 - (e) separated prisoners;
 - (f) prisoners leaving or returning to the centre from outside work or other authorised leave; and
 - (g) prisoners who have had contact with visitors.
114. A prisoner may make an application or complaint to a visitor, the Commissioner, the Commandant or any officer. *Making of complaints*
115. All officers shall inform the Commandant without unreasonable delay of any request by a prisoner to see the Commandant or to make any complaint or application. *Reporting of complaints*

- Petitions by prisoners to Governor-General* 116. A prisoner may petition the Governor-General or the Minister about his or her conviction or sentence provided that the matter has been finally determined by a court and that any appeal period allowed by law has expired.
- Petitions limited to non-security interests* 117. After making a petition about conviction or sentence, a prisoner is not permitted to make another petition within a two year period, unless the Commissioner determines that there are special circumstances which should be brought to the notice of the Governor-General or Minister.
- Petitions to the Minister* 118. A prisoner may make petition or send written representations or submissions to the Minister at any time on matters that are not related to his or her conviction or sentence.
- Sending and receiving letters* 119. Subject to any limitations that the Commissioner may from time to time direct in the case of a prisoner or a class of prisoner for the safety, security or good governance of a centre, prisoners shall be allowed to send letters at the public expense and receive letters.
- Receiving letters* 120. Every letter to or from a prisoner shall be read by the Commandant or other officer authorised by the Commandant, who shall endorse the letter as read. The Commandant shall stop the delivery of any letter considered to be objectionable and shall advise the relevant prisoner. The prisoner may elect to have the letter returned to the sender or placed with his property to be returned upon release.
- Letters exempt from reading* 121. Notwithstanding the above clause, a prisoner's letter to, or a letter received by a prisoner from the Ombudsman, their legal representative, a Minister of the Solomon Islands Government, a member of Solomon Islands Parliament or the Commissioner of the Correctional Service shall not be read.
- Suspicious letters* 122. If the Commandant or an authorised officer forms a reasonable suspicion that any letter to or from a prisoner, including those referred to in the above regulation, contains a dangerous or prohibited item or substance, the letter shall be examined by a scanner or x-ray device. If the reasonable suspicion remains after such examination the letter may be opened for inspection and the prisoner notified.

123. A prisoner may purchase or receive food, bedding, clothing and other property or items for personal use that the Commandant determines are consistent with safety, security and good governance of the centre. *Receipt and purchase of personal items*
124. No prisoner may purchase, receive or possess alcoholic beverages, betel nut or dangerous drugs. *Prohibited items*
125. All property or items received or purchased by prisoners pursuant to these regulations shall only be purchased, received and delivered at times authorised by the Commandant and shall be inspected by a correctional services officer. *Receipt and inspection of items*
126. Any property or items purchased by a prisoner pursuant to these regulations shall be paid out of money belonging to the prisoner that is held in the safe keeping of the Commandant. *Payment and inspection of items*
127. A police officer, authorised in writing by an officer-in-charge of a police station or an officer of or above the rank of inspector, and with the approval of the Commandant, may interview a prisoner in a correctional centre in relation to the investigation of any alleged offence, in the sight and hearing of a correctional services officer. *Supervised police*
128. Notwithstanding the provisions of the preceding regulation, if the Commandant is satisfied that the prisoner consents, the interview may take place out of the sight and hearing of a correctional services officer, provided that at least two police officers present during the interview. *Unsupervised police interview*
129. The Commandant may allow the transfer of a prisoner into police custody for the purpose of assisting the police with an investigation into an alleged offence upon receipt of an order in writing signed by a police officer in charge of a station or of the rank of or above inspector. *Transfer to police custody*
130. Each prisoner shall be permitted a minimum of one hour of exercise time outside his or her cell each day. The Commissioner or Commandant may refuse, vary or restrict exercise time if such a measure is necessary to maintain the safety and security of a centre or of any person. *Exercise periods*
131. Any privilege allowed under these regulations may be withdrawn at any time at the direction of the Commandant, if, in the opinion of the Commandant, there is good reason to withdraw the privilege. *Withdrawal of privilege*

PART VI
MEDICAL TREATMENT AND HEALTH SERVICES

- Notification of illness, injury or death* 132. Any officer who becomes aware that a prisoner is dead, ill, injured or in need of treatment for any physical or mental condition shall notify the medical officer immediately.
- Medical* 133. Every prisoner shall submit to a medical examination by the medical officer when directed by an officer, a medical officer, nurse or nurses aide and shall submit to such treatment, including vaccinations or inoculations, as the medical staff prescribe.
- Medical records* 134. The medical officer shall keep a complete record, available for inspection by the Commandant, of any medical treatment or medical examination of a prisoner.
- Notification of illness to relatives* 135. When a Commandant is informed that a prisoner has a serious illness or injury, the Commandant shall notify the most accessible known relative of the prisoner or the next of kin.
- Commandant to monitor treatment* 136. The Commandant shall ensure that appropriate medical care in accordance with community standards is provided to prisoners and shall continue to carefully monitor the prisoners who are in need of, or who are receiving medical treatment.
- Report of mental illness or serious illness* 137. If a medical officer is of the opinion that –
- (a) a prisoner is mentally ill or mentally disordered;
 - (b) the life of a prisoner may be endangered by further imprisonment;
 - (c) a sick prisoner will not survive for the length of the sentence; or
 - (d) a prisoner is totally and permanently unfit to live in correctional centre conditions;
- the medical officer shall inform the Commandant. The Commandant shall report the case to the Commissioner without delay.

138. The medical officer shall report to the Commandant the case of any prisoner who the medical officer believes has special medical needs, including pregnancy, that may require an alteration to the living conditions of the prisoner. The Commandant shall, as far as circumstances permit, put into effect any recommendation made by the Medical Officer for the medical treatment of prisoners, including transportation to a hospital or other facility, isolation, specialist care, equipment or additional or alternative dietary supplements. *Recommendations by medical officers*
139. Any prisoner suffering from an infectious or contagious disease or transmissible condition, shall be immediately given treatment for the disease or condition. The Medical Officer, nurse or nurses aide treating the prisoner must take the necessary steps or precautions necessary to prevent the spread of the disease. *Prevention of spread of disease*
140. Where a Commandant is unable or unwilling to comply with any recommendation by a medical officer, he or she shall report the matter to the Deputy Commissioner. The Deputy Commissioner will then determine whether the recommendation should be implemented or some other appropriate action taken. *Compliance with recommendations*
141. Any prisoner transferred to a mental health facility, hospital or other place as a result of the recommendation of a medical officer shall be allowed full remission when in the facility. *Transferees retain remission*
142. When a prisoner dies, the Commandant shall immediately notify the Commissioner, a Magistrate and the deceased's next of kin or nearest accessible relative. *Procedure on death of a prisoner*
143. When a prisoner dies, the medical officer shall prepare a report containing as much of the following information about the prisoner as can be ascertained – *Report on the death of a prisoner*
- (a) the date of sentence and date of admission;
 - (b) details of any medical condition or treatment, including any previous complaints of illness, observed or suspected illness or admission to hospital;
 - (c) details of work and activities performed in the 24 hours before the death;
 - (d) details of any food or beverage consumed in the 24 hours before the death; and
 - (e) the medical officer's opinion as the cause of death.

- Collection of body for burial* 144. If the interests of public health and the circumstances permit, the Commandant, after complying with the above regulation, shall allow the body of any prisoner who has died to be available for collection for burial by relatives or friends at their request.
- Burial of body* 145. If the relatives or friends of the deceased do not request or collect the body for burial, the Commandant shall arrange for burial at public expense.
- Results of death inquiry* 146. At the conclusion of an inquiry into the death of a prisoner, a copy of the record of the inquiry and the Magistrate's findings shall be placed with the prisoner's medical records.
- Examination before discharge* 147. Each prisoner shall, if practicable, be examined by a medical officer before discharge and a record kept of the results of the examination.
- Examination before punishment* 148. Any prisoner undergoing punishment that involves confinement in a separate cell shall, if reasonable possible, be examined by a medical officer who shall certify that the prisoner is medically fit to undergo such confinement without endangerment or injury to health.

**PART VII
DISCIPLINE, SECURITY AND OFFENCES**

- Investigation of contraventions* 149. The Commandant shall investigate any contravention of the provisions of the Act, regulations or orders within the centre under their control, and deal with the matter without undue delay. If the Commandant does not have the authority to deal with a matter, or if the matter involves serious misconduct or neglect of duty by an officer, the Commandant must report the matter forthwith to the Commissioner.
- Proceedings for breach of any other law* 150. Nothing in these regulations shall be construed to prevent any person from being proceeded against for any offence under any other law or regulation.
- Separation and withdrawal of privileges* 151. Nothing in these regulations shall be construed as preventing the Commissioner from ordering the separation of any prisoner or group of prisoners, or from withdrawing privileges from any prisoner or group of prisoners, if the Commissioner is of the opinion that such separation or withdrawal of privileges is necessary for the safety, security and good governance of any centre.

152. Any officer entering a prisoner's cell at night must be accompanied by another officer, except in ceases of necessity or emergency. In these circumstances, the officer must immediately report the unaccompanied entry to the senior officer in charge of the centre. *Unaccompanied entry to cells at night*
153. Any male officer entering a part of the centre where women prisoners are located must be accompanied by a female officer. *Male officers to be accompanied in women's area*
154. Instruments of restraint may be used when a Commandant, or an officer for the time being in charge of a correctional centre, considers it necessary for the safe custody of any prisoner or to prevent violence by a prisoner. *Use of instruments of restraint*
- Notwithstanding this provision, if an officer considers it immediately necessary for the safe custody of any prisoner or to prevent violence by a prisoner, protective equipment may be used, provided that the officer informs the Commandant or officer in charge as soon as practicable.
155. When a prisoner is to be kept in restraint for a period exceeding twenty-four hours, the Commandant, or officer in charge for the time being of a correctional centre, shall arrange for a medical examination of the prisoner within the twenty-four hour period. The use of instruments of restraint must be discontinued unless the medical officer certifies in writing that the prisoner is fit to undergo further restraint. A copy of the certificate must be placed on the prisoner's record. *Medical examination for 24 hour restraint*
156. Every correctional services officer shall exercise the greatest care and attention to prevent the escape of any prisoner. *Prevention of escape*
157. Every correctional services officer shall ensure that no item likely to facilitate an escape such as ladders, planks, ropes, chains, keys or tools are left unsecured or in any place within a correctional centre where prisoners may have unsupervised or unauthorised access to the item. *Duty to secure items that may facilitate escape*
158. If an officer believes or suspects a prisoner has escaped or is missing from a correctional centre, the officer must immediately make a report to a superior officer and the Commandant. *Report of escape to Commandant*

- Search and notification after escape* 159. Upon receiving the report that a prisoner is suspected to be missing or to have escaped, the Commandant must order an immediate search of the correctional centre and the surrounding area, notify the police and notify the Commissioner.
- Inquiry and report into escape* 160. The Commandant shall hold an enquiry into the escape of any prisoner and shall submit a full report to the Commissioner. The report shall contain recommendations for the prevention of future escapes.
- Period of absence not to count as sentence* 161. Any period during which an escaped prisoner is at large, or a missing prisoner is absent without authorisation from a correctional centre, shall not be counted as time served in relation to their sentence.
- Minor correctional centre offences* 162. The following acts and omissions shall be minor correctional centre offences when committed by a prisoner –
- (a) disobeying any order of the Commissioner, Commandant or any other officer or any lawful rule or order applicable to any correctional centre or prisoner;
 - (b) treating any officer or visitor with disrespect;
 - (c) refusing to work or being idle, careless or negligent in performing assigned work;
 - (d) using abusive, threatening, indecent, offensive, rude or improper language;
 - (e) performing an act or using a gesture that is offensive, threatening or indecent;
 - (f) committing or attempting to commit an assault or an act of violence on another prisoner;
 - (g) communicating with another prisoner or any other person without the authority of an officer;
 - (h) leaving a cell, cell block, ward, place of work or other appointed place, without the permission of the Commandant or an officer;
 - (i) misappropriating, damaging, dirtying or interfering with any part or fitting of the correctional centre or any property not belonging to the prisoner,
 - (j) committing any nuisance or disturbance whilst in lawful custody;
 - (k) possessing or attempting to receive any prohibited substance or item;
 - (l) making groundless, frivolous or vexatious complaints;
 - (m) malingering;
 - (n) quarrelling with other prisoners;

- (o) willfully making false allegations or complaints against any officer or other prisoner;
- (p) doing any act likely to cause unnecessary alarm or panic among officers or prisoners;
- (q) refusing to wear allocated clothing, or exchanging, losing, discarding, damaging, altering or defacing any part of it;
- (r) possessing, consuming, or being under the influence of a dangerous drug, alcohol, betel nut or kava;
- (s) acting in a manner which is contrary to the safety, security and good governance of the centre; or
- (t) attempting to commit, or aiding or abetting the commission of any of the above minor correctional centre offences.

163. The following acts and omissions shall be serious correctional centre offences when committed by a prisoner – *Serious correctional centre offences*

- (a) mutiny or incitement to mutiny;
- (b) committing or taking part in an aggravated or repeated assault on another prisoner;
- (c) committing or taking part in an assault on an officer or visitor;
- (d) committing a minor correctional centre offence after having twice been found guilty of the same minor offence;
- (e) escaping or conspiring to escape, or procuring the escape of any prisoner, or assisting any other prisoner to escape from lawful custody;
- (f) possessing any property, item, instrument or other thing with intent to escape or to procure the escape of any other prisoner;
- (g) omitting to help or assist, or refusing to help or assist any officer to prevent an escape, an attempted escape or an assault upon any officer, visitor or prisoner;
- (h) committing any act of gross misconduct or insubordination; or
- (i) attempting to commit, or aiding and abetting the commission of any of the above serious correctional centre offences.

164. Any prisoner who commits a minor correctional centre offence shall be liable to one or more of the following penalties: *Penalties for minor offences*

- (a) confinement in a separate cell for a period not exceeding 7 days;
- (b) forfeiture of remission of sentence not exceeding thirty days of the total remission granted; and
- (c) withdrawal of privileges.

- Penalties for serious offences* 165. Any prisoner who commits any serious correctional centre offence shall be liable to one or more of the following penalties –
- (a) confinement in a separate cell for a period not exceeding 28 days;
- (b) forfeiture of remission of sentence not exceeding 60 days of the total remission earned; and
- (c) withdrawal of privileges.
- Recording of offences and penalties* 166. The particulars of every correctional centre offence committed by a prisoner and details of the penalty imposed must be recorded in writing and placed on a prisoner's record.
- Separation pending hearing* 167. The Commandant or Commissioner may order a prisoner to be separated from other prisoners pending the investigation, hearing and determination of a charge.
- Venue for trial of offences* 168. A charge against a prisoner for a correctional centre offence may be heard and determined –
- (a) within a correctional centre by the Commissioner or, at the direction of the Commissioner, either generally or in any particular case, by the Commandant; or
- (b) before a Magistrates Court, where the Commissioner is of the opinion that a court hearing is more appropriate because of the gravity of the offence or other sufficient cause.
- Limit on Commandant's power* 169. Notwithstanding any other clauses in these regulations, the Commissioner may only direct a Commandant to hear and determine charges for minor correctional centre offences, and may also limit the penalties that a Commandant may impose, either generally, or in a particular case.
- Report and investigation into alleged offences* 170. Every allegation made against a prisoner alleging the commission of a correctional centre offence shall be reported to the Commandant without undue delay. The Commandant shall investigate the matter and determine whether disciplinary proceedings ought to be instituted.
- Report and hearing of offences* 171. If a Commandant determines that disciplinary proceedings ought to be instituted against a prisoner for a correctional centre offence, the Commandant shall, without undue delay, report the matter to the Commissioner. Upon receipt of the report, the Commissioner may –

- (a) charge the prisoner, then hear and determine the charge; or
- (b) charge the prisoner and arrange for the proceedings to be heard and determined by a Magistrate; or
- (c) direct the Commandant to charge the prisoner and to hear and determine the charge.

Notwithstanding the above, if the Commissioner has directed the Commandant to hear and determine proceedings, either generally or in the particular case, the Commandant may, without reporting to the Commissioner, charge the prisoner and hear and determine the charge.

172. A prisoner charged with an offence that is to be heard and determined by the Commissioner or Commandant is entitled to be present at the hearing, to be informed of the charge, to hear details of the alleged facts, to question any witnesses and to call other witnesses. *Rights of prisoners at the hearing of an offence*
173. The proceedings for the determination of a correctional centre offence and details of the evidence presented shall be recorded in writing. *Record of proceedings*
174. The Commissioner and any Commandant hearing and determining proceedings for a correctional centre offence may summon and examine witnesses on oath or affirmation and may require the production of all items and documents relevant to the proceedings and may adjourn the proceedings. *Power of officer to call evidence*
175. Any person summoned as a witness in proceedings held before a Commissioner or Commandant who fails to attend as required, or refuses to answer questions, shall be guilty of an offence and liable to a fine of twenty dollars and to imprisonment for one month. *Offence for witness who fails to attend hearing*
- Notwithstanding this clause, no witnesses shall be obliged to answer any questions that may incriminate them or make them liable to any penalty or forfeiture.
176. Any penalty imposed for a correctional centre offence may be carried out in any one or more of the correctional centres. *Penalty can be carried out in any centre*
177. The Commissioner may review any disciplinary proceedings heard and determined by a Commandant and may confirm, vary, or revoke any penalty imposed. If the Commissioner is of the opinion that the penalty should be increased, the prisoner must be given the opportunity to appear *Review of penalty by Commissioner*

- Review by Minister* 178. The Minister may review any penalty imposed upon a prisoner and may confirm, increase, vary or revoke any penalty imposed.
- Limit on time in separate confinement* 179. No prisoner sentenced in relation to a correctional centre offence shall be confined in a separate cell for a total of more than 90 days in one calendar year.
- Separation of two confinement periods* 180. When a prisoner is sentenced to two periods of confinement in a separate cell, the period between the two sentences of confinement must be at least as long as the longest confinement period.
- Segregation to maintain security and safety* 181. Notwithstanding anything contained in these regulations, where the Commandant is of the opinion that circumstances relating to the safety, security and good order of a correctional centre require a prisoner or prisoners to be segregated, not work, or not to associate with other prisoners, the Commandant may make such orders for such period as is necessary to maintain or restore the safety, security and good governance of the centre.
- Visitors to prisoners in separate confinement* 182. Prisoners placed in separate confinement must not see or communicate with any other prisoner but are permitted to see officers, religious representatives, visiting justices, official visitors, legal representatives and any other persons who are required by the Act to visit or inspect correctional centres.
- Facilities for prisoners in confinement* 183. Every prisoner placed in separate confinement shall, subject to any directions of a medical officer, be permitted to exercise for at least one hour each day and shall have also have adequate access to washing facilities to maintain personal hygiene.
- Visit by Commandant and medical staff* 184. Every prisoner in separate confinement shall be visited by the Commandant or an officer directed by the Commandant at least once every twenty four hours, and by a medical officer, nurse or nurses aide as often as is necessary.

**PART VIII
WORK PROGRAMS AND ENTERPRISES**

185. All convicted prisoners shall be required to perform work as directed by a correctional services officer unless a medical officer has certified that the prisoner is not fit to perform the particular work. *Convicted prisoners shall work unless unfit*
186. No prisoner shall be employed for the private benefit of any other prisoner, for the private benefit of any correctional service officer or in any disciplinary capacity. *Prohibited employment*
187. Remand prisoners may perform work at their own request and with their consent, and may receive payment or reward, at the discretion of the Commissioner, at such rate or in the manner set out in Commissioner's Orders. *Remand prisoner's work*
188. Any prisoner who performs work may receive payment or reward for the work performed, at the discretion of the Commissioner, and at such rate or in the manner set out in the Commissioner's Orders. *Payment or reward for work*
189. Any prisoner who performs work that is wholly sedentary, shall, as far as practicable, be permitted to exercise for at least for one hour during the working day. *Exercise during working hours*

**PART IX
RELEASE OF PRISONERS**

190. The Commandant of each centre shall, at least once each month, check the release dates of all prisoners who are due for discharge within the month. The Commandant shall be responsible for the discharge of those prisoners immediately upon them becoming entitled to release. *Commandant responsible for discharge*
191. A term of imprisonment is deemed to run from the day the sentence begins, and to end before noon on the last day of the sentence, after taking into account any remission that has been granted. If the last day falls on a Sunday or public holiday, the prisoner is to be discharged the day before the Sunday or public holiday. *Beginning and end of sentence*

- Remission for consecutive terms* 192. For the calculation of remission, where one term of imprisonment is consecutive to a subsequent term or terms, the total length of all the terms shall be treated as one term.
- Commissioner to determine remission* 193. Any question or dispute concerning the calculation of remission or the date of release of a prisoner shall be determined by the Commissioner. The Commissioner's determination of the matter shall be final.
- Calculation of date of discharge* 194. A sentence imposed for a specified number of months, or a specified number of years, ends in the month or year of expiry on the day before the date it commenced.
- Note: For example, a sentence of one month commenced on 5 October 2007 will end on 4 November 2007.
- Return of prisoner property* 195. When a prisoner is discharged all property belonging to the prisoner in the safe keeping of the Commandant shall be returned. The prisoner shall acknowledge, in writing, the receipt of the property.
- Transport to home province after discharge* 196. Prisoners who are discharged from correctional centres located in a province other than the one in which they lived prior to imprisonment and who intend to return to that province of residence, are entitled to transport to their Solomon Islands home province at the public expense.
- Payment to prisoners upon discharge* 197. The Commandant of a centre may, upon discharging a prisoner, provide the prisoner with a sum of money in accordance with the Commissioner's Orders.
- Remission granted by Minister* 198. Upon the recommendation of the Commissioner or the Parole Board, a convicted prisoner may be granted remission of the whole or any part of a sentence at the discretion of the Minister. In exercising the discretion, the Minister may consider the age, good conduct, mental or physical health and any other special circumstances of the prisoner.
- Restoration of forfeited remission* 199. Upon the recommendation of the Commissioner, the Minister may restore part or the whole of any remission forfeited or lost under these regulations, including remission forfeited or lost before the date of commencement.

200. The Commissioner may grant any prisoner leave of absence on compassionate, medical or humanitarian grounds for a period not exceeding twenty-four hours. *Compassionate leave of absence*
201. The Minister may order the release of a prisoner at any time, conditionally or unconditionally, and may revoke at any time any early release order. *Early Release*
202. The early release order must be in the prescribed form and must specify all the conditions, if any, of the release. *Form and conditions of release*
203. The Minister may, at any time before the date of release, add, vary or revoke any condition of the early release. *Variation of conditions*
204. The Minister may, at any time, whether for the breach of a condition or at his discretion, issue an order for a prisoner released early to be recalled to a correctional centre. Any such order shall authorise the arrest of the prisoner as if the order were a warrant of arrest issued by a Magistrate. *Revocation of early release*
205. Notwithstanding any other provision in these regulations, the Minister may only release a prisoner serving a life sentence or detention at Her Majesty's pleasure after consultation with the Chief Justice and trial judge. If the trial judge is unavailable, consultation with the Chief Justice is sufficient. *Consultation with judiciary*
206. The Commissioner or the Minister may request the Parole Board to review the circumstances of any prisoner, to provide a written report about the prisoner and to make recommendations about the early release of any prisoner. *Request for Parole Board Review*
207. The Parole Board may, at any time, or at the request of the Minister, Commissioner or approved supervisor under section 70 of the Act, review and make recommendations relating to the continued release, variation of conditions or revocation of an early release order. *Parole Board may review early release order*

- Matters the Parole Board must consider*
208. When making inquiries and providing the report and recommendations, the Parole must consider the following matters:
- (a) the prisoner's criminal history and likelihood of re-offending;
 - (b) the nature and circumstances of the offence and any sentencing remarks made by the trial judge;
 - (c) the conduct and character displayed by the prisoner when in custody;
 - (d) the physical and mental health of the prisoner;
 - (e) the prisoner's family and community contacts, employment prospects and the likelihood of successful re-integration;
 - (f) the attitude of any victim and the nature or prospects of reconciliation; and
 - (g) any special circumstances that apply to the prisoner.
- Minister to consider recommendations*
209. In determining whether to release a prisoner on licence the Minister must consider any recommendations made by the Parole Board.
- Prisoner may make submissions*
210. A prisoner who is the subject of a Parole Board inquiry is to be informed about the inquiry and may make written or oral submissions to the Parole Board addressing the matters to be considered.
- Prisoner to be informed of decision*
211. A prisoner subject to a Parole Board inquiry is to be informed of the recommendations of the Parole Board and the Minister's decision in relation to release on licence. However, the Chairperson of the Board may withhold a copy of a report or document (or any part of it) from a prisoner if, in his or her opinion, provision of the document would adversely affect the security, discipline or good order of a correctional centre or endanger the prisoner or any other person.
- Short term release*
212. The Commissioner may authorise the short term release of any prisoner for a specified period, on specified conditions, for the purposes set out in section 71 of the Act, provided that the prisoner meets the eligibility requirements set out in section 70.
- Form and content of short term release order*
213. The order for short term release must be in the prescribed form and must specify any conditions, including any supervision arrangements.

214. Any single period of short term release shall not exceed 7 days. However, an order may authorise multiple terms over a specified period. *Duration of short term release*
215. When a prisoner is released into the supervision or care of an approved supervisor, either on early release, short term release, or work release, the Commandant must, before releasing the prisoner, explain the conditions and obligations of the release to the supervisor and the prisoner in a language that they understand. The supervisor must acknowledge, in writing that they understand the conditions and will comply with them. *Supervisor to receive and sign order*
216. Supervisors must agree to be nominated and are to be approved by the following persons – *Approval of supervisors*
- (1) the Minister must approve any supervisor for early release, unless the supervisor is a correctional officer, a police officer or a person employed by the government to supervise prisoners as part of their duties;
- (2) the Commissioner must approve any supervisor for short term release, unless the supervisor is a correctional officer, a police officer or a person employed by the government to supervise prisoners as part of their duties; and
- (3) the Commandant must approve any supervisor for daily work release.
217. Any approved supervisor for a prisoner on release must immediately inform the Commandant or the officer for the time being in charge of the correctional centre from which the prisoner was released, if he or she knows or reasonably suspects that the prisoner has failed to comply with any condition of the release order. *Supervisor to report breach*
218. Any approved supervisor who fails, without reasonable excuse, to report a breach or suspected breach by a prisoner of an early or short term release order commits an offence and is liable on conviction to a penalty not exceeding one hundred dollars or three months imprisonment, or both. *Offence of failing to report breach*
219. The Commissioner may, at any time, revoke any short term release order, may revoke or vary any condition of the order, or may add any condition to the short term release order. *Revocation of short term release*
220. Any order for revocation of short term release shall be sufficient authority for the arrest of the prisoner to whom it relates as if it were a warrant of arrest issued by a Magistrate. *Warrant*

- Work release* 221. The Commandant of each correctional centre may authorise any prisoner to be on work release, for a period not exceeding 8 hours during daylight hours, to perform supervised work in the community or in a correctional centre program or industry.
- Day release for rehabilitation* 222. The Commandant of each correctional centre may authorise any prisoner to be on short term release, for a period not exceeding 8 hours during daylight hours, to attend a program or activity which will assist in rehabilitation or re-integration.
- Eligibility for work release* 223. All prisoners granted rehabilitation or work release must meet the eligibility requirements set out in section 70 of the Act, and must also have demonstrated good behaviour whilst in custody and have good prospects for rehabilitation and re-integration upon release.
- Revocation of work release* 224. The Commandant may at any time revoke the authorisation for any, or all prisoners to go or remain on work release. If the authorisation is revoked, the prisoner or prisoners must be immediately returned to the correctional centre.
- Supervision during work release* 225. Any prisoner on daily work release must be supervised at all times by a correctional services officer or an approved community supervisor.
- Commissioner's Orders for payments to prisoners* 226. The Commissioner may make orders relating to the provision of payments to prisoners for work in correctional centre programs and enterprises. The Commissioner's Orders may specify –
- (a) rates of payment;
 - (b) eligibility for receipt of payment;
 - (c) the method of payment;
 - (d) procedures for dealing with prisoner payments to allow for the retention and return of the money to the prisoner upon release or for the purchase of approved personal items by prisoners; and
 - (e) categories of work for which payment can be made;
- Authorised leave is time served as sentence* 227. Any period of release or leave authorised under these regulations is time served as part of a sentence. However, if an order or authorisation for leave is revoked, any time after revocation that the prisoner does not spend in custody is unauthorised leave and is not part of a sentence.

**PART X
MISCELLANEOUS**

228. The Commissioner may, by order, determine that any procedure or document permitted or required by the Act or regulations be prepared or submitted in the form set out in the relevant Commissioner's Orders. *Commissioner may require set forms*
229. The Commissioner may make orders in relation to any matters relating to these regulations. *Commissioner's Orders*

**SCHEDULE
(REG. 228)**

FORM 1

EARLY RELEASE ON LICENCE ORDER

(Regulation 201)

Name:
Offence:
Date of conviction:
Court:
Term of imprisonment:
Correctional Centre:
Supervisor:
Report at:

The person named in this early release on licence order (the holder) is permitted to be released from the correctional centre within thirty days of the date of this order for the remaining part of their term of imprisonment.

The release order is immediately revoked if the holder is convicted of an offence within Solomon Islands.

This release order is subject to the further conditions specified. The release order is liable to be revoked for any breach of these conditions. The Minister may add conditions, vary the conditions or revoke the release order at any time.

Condition of release:

1. The holder of this release order must produce it at the request of a Provincial Secretary, police officer, magistrate or judge.
2. The holder must not violate any law, or be charged with the commission of any offence under Solomon Islands law.
3. Prior to release from the correctional centre the holder must advise the Commandant where he or she intends to reside. After release the holder must go to the nominated residence as soon as practicable. Within 48 hours of arrival at the nominated residence, the holder must report personally to the Supervisor at the place specified.
4. The holder must continue to report to the Supervisor personally once each month. After 3 months of satisfactory conduct and reporting, the Supervisor may permit reporting by any other approved means including letter, telephone, radio or electronic communication.
5. If the holder changes their residence, he or she must notify the Supervisor of the intention to move at least 48 hours beforehand. If the change of residence requires a change to the Supervisor, the change of Supervisor must be approved by the Minister. The approved new Supervisor must attend the nearest correctional centre with the original release order and the holder to have the conditions and obligations of the release explained to them, and must acknowledge, in writing, that they understand the conditions and will comply with them. Notification of the variation must be forwarded to the Commandant of the named correctional centre with 7 days.
6. Despite condition 5, if the new Supervisor is a police officer, a correctional services officer or a public servant supervising the prisoner as part of his or her official duties, Ministerial approval and written acknowledgement is not required.
7. Within 48 hours of arrival at the new residence, the holder must report in person to the new Supervisor. If the holder had been satisfactorily reporting to the former Supervisor other than in person, the new Supervisor may permit reporting by other approved means.
8. The holder must comply with the other conditions or variation of conditions listed hereunder or endorsed on the back of this order.

Minister**Dated:****Further conditions or variation of conditions:**

FORM 2
SHORT TERM RELEASE ORDER
(Regulation 212)

Name:
Offence:
Date of conviction:
Court:
Term of imprisonment:
Correctional Centre:
Period of release:
Purpose of release:
Supervisor:
Report at:

The person named in this release on licence order (the holder) is permitted to be released from the correctional centre from the date of this order for the period of time and the purpose specified in this order.

The release order is immediately revoked if the holder is convicted of an offence within Solomon Islands.

This release order is subject to the further conditions specified. The release order is liable to be revoked for any breach of these conditions. The Minister may add conditions, vary the conditions or revoke the release order at any time.

Conditions of release:

1. The holder of this release order must produce it at the request of a Provincial Secretary, police officer, magistrate or judge.
2. The holder must not violate any law, or be charged with the commission of any offence under Solomon Islands law.
3. Prior to release from the correctional centre the holder must be advised where he or she is permitted to go for the duration of the order. After release the holder must go to the specified place by the shortest possible route and personally report to the Supervisor upon arrival. The holder must remain at the specified place until he or she returns to the correctional centre by the shortest possible route within the specified time.
4. The holder must report to the Supervisor before returning to the correctional centre.
5. The holder must comply with the other conditions or variation of conditions listed hereunder or endorsed on the back of this order.

Commissioner
Correctional Service of Solomon Islands

Further conditions:

FORM 3

REVOCATION OF RELEASE ON LICENCE ORDER

(Regulation 203)

Name:
Offence:
Date of conviction:
Court:
Term of imprisonment:
Correctional Centre:
Supervisor:
Report at:

Date of order:
Date of revocation:

The Release on Licence Order granted to the prisoner named above is hereby revoked.

This order requires any police officer or correctional services officer to immediately detain the prisoner and then, as soon as practicable, deliver the prisoner to the Commandant of the above named correctional centre.

Reason for revocation:

(Delete one)

Ministerial discretion/Breach of the following condition/s

Minister/Commissioner:
Dated:

FORM 4

ACKNOWLEDGEMENT OF RELEASE ORDER SUPERVISOR

Name:
Offence:
Date of conviction:
Court:
Term of imprisonment:
Correctional Centre:
Period of release:
Purpose of release:
Supervisor:
Report at:

I have agreed to be the nominated Supervisor of the holder of the attached Early Release on Licence Order/Short Term Release Order.

I understand that I must:

- (a) supervise the attendance and conduct of the holder at the time and place specified in the order; and
- (b) immediately inform the Commandant of the specified correctional centre if I know or suspect the holder has failed to comply with any condition of the order; and
- (c) immediately inform the Commandant of the specified correctional centre if I know or suspect the holder has not reported at, or has left the specified place without lawful excuse.

I understand that failing to report any breach or suspected breach of the conditions of the order by the holder is an offence for which I may be prosecuted.

I acknowledge in the presence of the Commandant that I accept these conditions.

Supervisor

Commandant
Dated:

FORM 5

REVOCATION OF SHORT TERM RELEASE ORDER

(Regulation 219)

Name:
Offence:
Date of conviction:
Court:
Term of imprisonment:
Correctional Centre:
Period of release:
Supervisor:
Report at:

Date of order:
Date of revocation:

The Release on Licence Order granted to the prisoner named above is hereby revoked.

This order requires any police officer or correctional services officer to immediately detain the prisoner and then, as soon as practicable, deliver the prisoner to the Commandant of the above named correctional centre.

Commissioner
Correctional Service of Solomon Islands

Made at Honiara this day of

Honiara, Solomon Islands
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Printed by Solomon Islands Printers Limited.