

ACT

ii

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THE SIERRA LEONE CORRECTIONAL SERVICE ACT, 2014

ARRANGEMENT OF SECTIONS

Section

PART I—PRELIMINARY

1. Application.
2. Interpretation.

PART II—CONSTITUTION AND ADMINISTRATION OF THE SIERRA LEONE CORRECTIONAL SERVICE

3. Establishment of Service.
4. Director-General and Deputy Director-General.
5. Functions of Director-General.
6. Departments of the Service.
7. Directors and other members of the Service.
8. Appointments in the Service etc.
9. Establishment of Council.
10. Functions of Council.

PART III - POWERS, DUTIES AND PRIVILEGES OF CORRECTION OFFICERS

11. General powers and duties of corrections officers.
12. Responsibility of corrections officer in charge of stores, etc.
13. Cases where corrections officers have powers of police officers.
14. Arrest of corrections officers.
15. Power to examine persons or vehicles for prohibited articles.
16. Use of force by corrections officer.

17. Power to take measurements, photographs and fingerprints of criminal inmates.
18. Deductions from salaries of certain officers.
19. Non-liability for act done under authority of a warrant.

PART IV - OFFENCES BY CORRECTIONS OFFICERS

20. Absence from duty without cause.
21. Assault on officer senior in rank.
22. Miscellaneous offences by corrections officers.
23. Other offences.
24. Corrections officers not to be members of trade unions.
25. Corrections officers not to engage in dealings with inmates.
26. Search of corrections officers.
27. Powers of officers holding disciplinary inquiries.

PART V—ESTABLISHMENT AND CONTROL OF CORRECTIONAL CENTRES

28. Declaration of correctional centres.
29. Temporary correctional centres.
30. Officers in charge.
31. Appointment of police officers to perform the duties of corrections officers.
32. Women officers and female inmates.
33. Medical officers.

PART VI - ADMISSION AND CONTROL OF INMATES

34. Admission of inmates.
35. Prohibition against admission of infant children of female inmates.
36. Information to be provided on admission.
37. Medical examination.
38. Access to other medical and related services.
39. Inmates in custody of officer in charge.

40. Transfer of inmates.
41. Detention of remand inmates.
42. Custody of person under arrest.
43. Inmates required as witnesses.
44. Inmates under Police escort.
45. Inmates may be transferred to any other correctional centre.
46. Removal of inmates with contagious diseases.
47. Removal of inmates of unsound mind.
48. Removal of sick inmates to hospital.
49. Measures for further security of inmates in hospital.
50. Corrections officer not liable for escape of inmates in hospital.
51. Employment of inmates and abolition of hard labour.
52. Employment of unconvicted inmates
53. Maintenance of certain inmates from private sources.
54. Separation of male and female inmates.
55. Juveniles not to be detained in correctional centres.
56. Inmates to be subject to correctional centre discipline.
57. Petitions to the Council.

PART VII - RELEASE AND REMISSION

58. Release of inmates.
59. Remission of part of sentence of certain inmates.
60. Habitual criminals may be released subject to Supervision Order.
61. Review of sentences.
62. Release on parole.

PART VIII - OFFENCES BY INMATES

63. Correctional centre offences.
64. Punishments that may be imposed by subordinate court.
65. Punishment of minor correctional centre offences by junior or subordinate officers.
66. Transfer of case.
67. Punishment of minor correctional centre offences by senior officer or visiting justice.

68. Punishment of inmates by officers in charge.
69. Punishment of inmates by the Director-General
70. Complaints Committee.
71. Punishment of correctional centre offences by Magistrates.
72. Inmate's defence.
73. Medical examination before punishment.
74. Segregation of an inmate.
75. Register of punishments.

PART IX—ESCAPE OF INMATES

76. Escape of inmates
77. Corrections officer aiding inmate to escape.

PART X—OFFENCES IN RELATION TO INMATES

78. Prohibited articles.
79. Seizure of prohibited articles, etc.
80. Communicating with inmates.
81. Trespassing.
82. Unlawful possession of correctional centre articles.
83. Incitement and abetting of desertion, mutiny and sedition.
84. Habouring inmates.
85. General penalty.

PART XI—MISCELLANEOUS PROVISIONS

86. Disposal of deceased's estates.
87. Appointment of correctional centre Ministers.
88. Appointment and powers of correctional centre visitors.
89. Rewards and gratuities.
90. Power to make Rules.
91. Repeal of Act No. 22 of 1960.

SIGNED this 17th day of September, 2014.

DR. ERNEST BAI KOROMA,
President.



No. 5



2014

Sierra Leone

The Sierra Leone Correctional Service Act, 2014.

Short title.

Being an Act to establish the Sierra Leone Correctional Service, to introduce provisions for the organisation and management of correctional centres and for other related matters.

[] Date of commencement.

ENACTED by the President and Members of Parliament in this present Parliament assembled.

PART 1—PRELIMINARY

Application. **1.** (1) This Act shall apply to all correctional centres administered by the Government, all inmates lawfully held in such correctional centres and to all members of the Sierra Leone Correctional Service.

(2) Nothing in this Act shall be deemed to render unlawful the detention of inmates in chiefdom or police detention centres or lockups.

(3) The Minister may by order apply all or any of the provisions of this Act or any subsidiary legislation made under it to any correctional or detention centre or lock-up administered by the Government, any Chiefdom Council or by the Police or to any inmate or class of inmates detained in any correctional or detention centre or lock-up or to any person employed in the control or administration of any correctional or detention centre or lock-up.

(4) The Minister may by statutory instrument revoke or vary any order made under subsection (3).

(5) The Minister may in any order provide that in the application of any provision of this Act or any subsidiary legislation made under it to any correctional centre or lock-up or to any inmate or class of inmates or to any person employed in the control or administration of any correctional centre the provision shall be subject to such adaptations and modifications as he may think necessary.

Interpretation.

2. In this Act, unless the context otherwise requires-

"aggravated correctional centre offence" means an offence declared to as such under rules made under this Act;

"appellant inmate" means any convicted criminal inmate who is detained in a correctional centre as a result of a conviction which is the subject matter of an appeal notice of which has been accepted but the decision in regard to which has not been given;

"civil inmate" means any inmate other than a criminal inmate;

"convicted criminal inmate" means any criminal inmate under sentence of a court or court martial;

"correctional centre" means a correctional centre established under this Act;

"corrections officer" means any member of the Correctional Service of whatever rank;

"Council" means the Sierra Leone Correctional Service Council established by section 9;

"court" means any court or authority entitled to pass a sentence in a criminal case or to order a person to be detained in custody in any case;

"criminal inmate" means any person duly committed to custody under the writ, warrant or order of any court exercising criminal jurisdiction or by order of a court martial;

"Director" means a Director of Correctional Services.

"inmate" means any person, whether convicted or not, under detention in any correctional centre;"

"Judge" means a Judge of the High Court;

Act No. 32
of 1965.

"junior corrections officer" means a corrections officer of a class declared by the Minister to be a junior corrections officer ;

"justice of the peace" means a justice of the peace appointed under the Courts Act, 1965;

"juvenile" means a person under the apparent age of eighteen years;

"Medical Officer" means either the District Medical Officer of the district in which the correctional centre is situated or, in his absence any registered or licensed Government medical practitioner or the medical officer appointed to a correctional centre if a medical officer has been so appointed;

"Minister" means the Minister responsible for correctional services;

"minor correctional centre offence" means an offence declared to be such under rules made under this Act;

"officer-in-charge" means the corrections officer appointed by the Director to be in charge of any correctional centre and, in correctional centres where no such corrections officer has been appointed, includes an administrative officer in charge of a correctional centre;

"prohibited article" means an article the introduction or removal into or out of a correctional centre of which is prohibited by this Act,

"senior corrections officer " means a corrections officer of a class declared by the Minister to be a senior corrections officer;

"Service" means the Sierra Leone Correctional Service;

"young inmate" means an inmate who is apparently of or above the age of eighteen years and less than the age of twenty-one years.

PART II—CONSTITUTION AND ADMINISTRATION OF THE SIERRALEONE CORRECTIONAL SERVICE

3. There is hereby established a body to be known as the Establishment of Sierra Leone Correctional Service.

4. (1) The Service shall have—

(a) a Director-General who shall be the head of the Service; and

(b) a Deputy Director-General.

(2) The Director-General and the Deputy Director-General shall be appointed by the President acting on the advice of the Council and subject to the approval of Parliament.

5. (1) The Director-General, as head of the Service shall have responsibility for the operational control and administration of the Service and the control and supervision of all inmates subject to the directions of the Council. Functions of Director-General.

(2) The Director-General may, subject to this Act and to the directions of the Council, from time to time make standing orders and give administrative directions for observance by all correctional centre officers in carrying out their duties under this Act.

(3) Notwithstanding the provisions of any other enactment, the Director-General shall have power to make any decision, give any directive and do any act or thing to ensure the security and good governance of any correctional centre.

(4) In the absence of the Director-General, the Deputy Director-General shall have the power to perform all the functions of the Director-General and in the absence of the Director-General and the Deputy Director-General, a Senior Corrections Officer generally or specifically authorised by the Director-General, shall perform the functions of the Director-General.

Departments
of the
Service.

6. The Service shall have such Departments as the Director-General may from time to time determine.

Directors- and
other
members of
the Service

7. (1) Every department shall be headed by a Director who shall be appointed by the Council after consultation with the Director-General.

(2) There shall be such other staff or members of the Service as may be necessary for the efficient performance of the functions of the Service.

Appointments
in the Service,
etc.

8. (1) The power to appoint persons to hold or act in any office in the Service from the rank of Assistant Deputy Superintendent of Corrections and above, excluding the Director General, and the Deputy Director-General, (including the power to make appointments on promotion and to confirm appointments), and to dismiss, reduce in rank and to exercise disciplinary control over persons holding or acting in such offices shall vest in the Council.

(2) The power to appoint persons to hold or act in any office in the Service below the rank of Assistant Superintendent of Corrections (including the power to make appointments on promotion and to confirm appointments), and to dismiss, reduce in rank and to exercise disciplinary control over persons holding or acting in such offices shall vest in the Council acting on the recommendation of the Director-General.

Establishment
of Council

9. (1) There is hereby established a body to be known as the Sierra Leone Correctional Service Council.

(2) The Council shall consist of—

(a) the Vice-President who shall be Chairman;

(b) the Minister responsible for correctional services;

(c) the Chairman, Public Service Commission;

(d) a representative from civil society whose work is related to correctional services;

(e) a representative from the Sierra Leone Youth Commission;

(f) a representative from the Ministry responsible for social welfare;

(g) the Director-General;

(h) the President of the Sierra Leone Bar Association or his representative; and

(i) two retired Senior Correction Officers appointed by the President one of whom shall be a woman

(3) The Permanent Secretary of the Ministry responsible for Internal Affairs, shall be Secretary to the Council.

(4) The Council shall regulate its own proceedings.

10. (1) The Council shall advise the President on all major policy matters relating to correctional centres and the Service including administration, finance and any other matter as the President shall require. Functions of Council.

(2) The Council shall have responsibility for the removal and discharge of inmates in accordance with this Act.

**PART III - POWERS, DUTIES AND PRIVILEGES OF
CORRECTIONS OFFICERS**

General powers and duties of corrections officers

11. Every corrections officer shall—

- (a) exercise such powers and perform such duties as are by law conferred or imposed on corrections officers of his rank or class; and
- (b) shall obey all lawful directions in respect of the execution of the duties of his office which he may receive from his senior officers.

Responsibility of corrections officer in charge of stores, etc.

12. (1) Every corrections officer in charge shall be charged—

- (a) with the arms, accoutrements, ammunition, clothing and all other public stores and foodstuffs issued and delivered for the use of the correctional centres and corrections officers under his control;
- (b) with all public money for which he may be held accountable; and
- (c) subject to this Act, with all valuables, money, articles of clothing and other property entrusted to his keeping as being the property of inmates.

(2) Every corrections officer charged with any of the items, articles or other things mentioned in subsection (1), shall account for them in the case of their being lost, or damaged, otherwise than by unavoidable accident, theft, robbery or actual service.

13. Within a correctional centre and while in charge of inmates and for the purpose of—

- (a) conveying any person to or from a correctional centre; or
- (b) apprehending any inmate who may have escaped from a correctional centre or who may have escaped while being conveyed to or from a correctional centre,

Cases where corrections officers have powers of police officers.

every corrections officer shall have the powers, protections and privileges of a police officer.

14. Any corrections officer or police officer may, on reasonable suspicion that a corrections officer has contravened section 20, arrest that person without warrant and shall within seventy-two hours of the arrest, bring the person before a Magistrate.

Arrest of corrections officers.

15. (1) Any corrections officer may examine anything within or being brought in or out of a correctional centre and may stop and search any vehicle or person within a correctional centre or going in or out of a correctional centre, or whether within or without a correctional centre any person who or any vehicle which is without authority close to any inmate or inmates if the corrections officer has reason to suspect that the person or vehicle is carrying a prohibited article or any property belonging to the Government in use in a correctional centre.

Power to examine persons or vehicles for prohibited articles.

(2) The senior corrections officer on duty in a correctional centre shall refuse admission to the correctional centre of any person who is not willing to be searched.

(3) The senior corrections officer on duty in a correctional centre shall order any person within a correctional centre who refuses to be searched to leave the correctional centre and if such person refuses to leave, shall order his removal.

(4) If on stopping and searching any vehicle or person under subsection (1) a corrections officer finds any prohibited article or any property belonging to the Government in use in a correctional centre he shall arrest the person or the person on the vehicle who appears to have charge of the article or property and shall as soon as practicable cause that person to be handed over to a police officer or to be taken to the nearest police station.

(5) Any search of a woman under this section shall be made by a female corrections officer with due regard to decency.

Use of force
by correc-
tions
officer.

16. (1) A corrections officer may use such force against an inmate as is reasonably necessary in order to make the inmate obey lawful orders.

(2) Subject to this section, a corrections officer may use a weapon against—

- (a) an inmate who is—
 - (i) escaping or attempting to escape and refuses when called upon to return;
 - (ii) engaged in a combined outbreak or in an attempt to force, break open or scale the outside door, gate, fence or enclosure wall of a correctional centre; or
 - (iii) using violence on him or another corrections officer or another inmate or other person; and
- (b) a person who—
 - (i) whilst assisting an inmate to escape, uses violence against the corrections

officer or another corrections officer or other person; or

- (ii) is engaged in a combined break-in or in an attempt to force, break open or scale the outside door, gate, fence or enclosure wall of a correctional centre or an inside door, gate, fence or wall of the correctional centre; or
- (iii) whilst engaged in any activity mentioned in subparagraph (ii), is using violence against the corrections officer or another corrections officer or other person.

(3) Resort shall not be had to the use of a weapon—

- (a) as is authorised in sub-paragraph (i) of paragraph (a) of subsection (2) unless—
 - (i) the corrections officer has reasonable grounds to believe that he cannot otherwise prevent the escape; and
 - (ii) the corrections officer gives warning to the inmate that the corrections officer is about to use the weapon against him; and
 - (iii) the warning given by the corrections officer is unheeded;
- (b) as is authorised in sub-paragraph (iii) of paragraph (a) and sub-paragraphs (i) and (ii) of paragraph (b) of subsection (2) unless—

- (i) the corrections officer has reasonable grounds to believe that he or another corrections officer or other person, as the case may be, is in danger of suffering grievous bodily harm
- (ii) the inmate is engaged with other persons in breaking out or attempting to break out of any part of a correctional centre and when called upon to desist continues to break out or attempt to break out;
- (iii) the inmate is engaged with others in riotous behaviour in a correctional centre and refuses to desist when called upon to do so; or
- (iv) the inmate is endangering the life of or is likely to inflict grave injury to the corrections officer or to any other corrections officer or person and the use of firearms is the only practicable way of controlling the inmate.

(4) No corrections officer shall, in the presence of a corrections officer senior to himself make use of a weapon as authorised in subsection (2), except on the orders of that senior corrections officer.

(5) In every case when force is used a corrections officer shall use the minimum force necessary in the circumstances and the use of weapons, in pursuance of the provisions of this section, shall be as far as possible to disable and not to kill.

Power to take measurements, photographs and fingerprints of criminal inmates.

17. (1) An officer in charge shall cause measurements, photographs and fingerprints to be taken of any inmate by any corrections officer or other person authorised by the Director General to take measurements, photographs or fingerprints.

(2) The Council shall make Rules for the taking of measurements, photographs and fingerprints under this section, and for regulating their destruction.

18. (1) All fines, stoppages for clothing and equipment, or pay forfeited may be deducted from the pay of any member of the Service who has incurred the liability. Deductions from salaries of certain officers.

(2) All fines and stoppages for clothing and equipment, or pay forfeited shall be paid into the Consolidated Fund.

(3) All debts incurred by purchases from the Correctional Centre Canteen may be deducted from the pay of any member of the Service who has incurred the liability.

19. (1) Where the defence to any suit instituted against a corrections officer is that the act complained of was done in obedience to a warrant purporting to be issued by a court or other competent authority, the court shall, on production of the warrant and on proof that the act complained of was done in obedience to the warrant, enter judgment in favour of the corrections officer. Non-liability for act done under authority of a warrant.

(2) No proof of the signature on a warrant shall be required unless the court has reason to doubt its genuineness and where it is proved that the signature is not genuine, judgement shall nevertheless be given in favour of the corrections officer if it is proved that, at the time the act complained of was committed, the correction officer believed on reasonable grounds that the signature was genuine.

PART IV - OFFENCES BY CORRECTIONS OFFICERS

20. A corrections officer who is absent from duty without reasonable excuse for a period exceeding twenty-one days commits an offence and is liable on conviction to a fine not less than five hundred thousand leones or to imprisonment for a term not exceeding six months or to both the fine and imprisonment. Absence from duty without cause.

Assault on officer senior in rank.

21. Any corrections officer who assaults, threatens or insults any officer senior to him in the Service, when that senior officer is on duty or when the assault, threat or insult relates to or is consequent upon the discharge of duty by the officer so assaulted, threatened or insulted, commits an offence and is liable on conviction to a fine not exceeding one million leones or to imprisonment for a term not less than twelve months or to both the fine and imprisonment.

Miscellaneous offences by corrections officers.

22. Any corrections officer who without lawful authority-

- (a) knowingly allows any intoxicating liquor, tobacco, hemp, drug, opiate, money, clothing, provisions, letter, document or other article to be sold to or received from or used by or on behalf of any inmate;
- (b) lends or gives to any inmate any intoxicating liquor, tobacco, hemp, drug, opiate, money, clothing, provisions, letter, document or other article;
- (c) knowingly allows any letter, document or other article to be brought out of the correctional centre, or to be conveyed from any inmate; or
- (d) without the permission of the Director informs the press or any other person of any matter concerning a correctional centre or an inmate or any matter derived from official sources connected with or related to the Service,

commits an offence and is liable on conviction to a fine not less than one million leones or to imprisonment for a term not exceeding twelve months or to both the fine and imprisonment.

23. (1) No corrections officer or any person with any duty with inmates shall sell, supply or receive directly or indirectly any benefit or advantage from the sale or supply of any article to or for the use of any inmate or for the use of any correctional centre, nor shall that officer or person directly or indirectly have an interest in any contract or agreement for the sale or supply of that article. Other offences.

(2) No corrections officer or any person with any duty with inmates shall directly or indirectly have any pecuniary interest in the purchase of any correctional centre supplies, or receive any discounts, gifts or other consideration from contractors for or sellers of such supplies or have any pecuniary dealing with inmates or with their friends with regard to them or on behalf of any inmate, or hold any unauthorised communications with any person.

(3) No person shall wear or use without due authority any uniform or decoration supplied to or authorised for use by any member of the Service or any uniform or decoration so nearly resembling the uniform or decoration as to be calculated to deceive.

(4) No person shall falsely represent himself by act or words to be a person who is or has been entitled to use or wear any uniform or decoration referred to in subsection (3).

(5) Any corrections officer or person who contravenes any provision of this section commits an offence and is liable on conviction to a fine not less than two million leones or to imprisonment for a term not below twelve months or to both the fine and imprisonment.

24. (1) No corrections officer shall be or become a member of-

(a) any trade union or any body or association affiliated to a trade union;

(b) any body or association the objects or one of the objects of which is to control or

Corrections officers not to be members of trade unions.

influence salaries, wages, pensions or conditions of service of the Service;

- (c) any body or association the objects or one of the objects of which is to control or influence conditions of employment in any trade or profession.

(2) Nothing in subsection (1) shall be deemed to prohibit corrections officers from becoming members of any corrections officers staff association approved by the Council and published in the *Gazette*.

(3) Any corrections officer who contravenes subsection (1) commits an offence and is liable on conviction to a fine not less than one million leones or to imprisonment for a term not exceeding twelve months or to both the fine and imprisonment.

(4) For the purposes of this section, "trade union" has the same meaning as it has in the Trade Unions Act.

Act Cap. 221.

Corrections officers not to engage in dealings with inmates.

25. (1) No corrections officer shall receive any fee or gratuity from, or have any business dealings with inmates or discharged inmates or with friends of inmates or with visitors to a correctional centre.

(2) No corrections officer shall correspond with or hold any intercourse with the friends or relatives of any inmate, unless expressly authorised to do so by the officer in charge.

(3) No corrections officer except in accordance with this Act or in accordance with orders or directions issued by the Director, shall convey any communication or other article to or from any inmate.

(4) No corrections officer unless so authorised by the Director shall give any certificate or testimonial to, or in respect of, any inmate as regards his conduct in a correctional centre or otherwise.

(5) A corrections officer who contravenes subsection (1), (2), (3) or (4) commits an offence and is liable on summary conviction to a fine not exceeding five hundred thousand leones or to imprisonment for a term not exceeding six months or to both the fine and imprisonment.

26. (1) Any corrections officer may at any time be searched on the orders of a corrections officer senior in rank to that correction officer. Search of corrections officers.

(2) The officer in charge may at any time order the living quarters occupied by another corrections officer to be searched by a corrections officer senior in rank to that other corrections officer.

27. (1) A corrections officer inquiring into a disciplinary offence alleged to have been committed by any other corrections officer shall have power to summon and examine witnesses on oath or affirmation, to require the production of all documents relevant to such inquiry and to adjourn the inquiry from time to time, and for the purposes of this inquiry to administer oaths. Powers of officers holding disciplinary inquiries.

(2) Any person summoned as a witness under subsection (1) who fails to attend an inquiry at the time and place mentioned in the summons or on any adjournment thereof or refuses to answer any question lawfully put to him at the inquiry commits an offence and is liable on summary conviction to a fine not exceeding five hundred thousand leones or to imprisonment for a term not exceeding one month.

(3) Notwithstanding the provisions of subsection (2), no witness shall be obliged to answer any question which may tend to incriminate him or render him liable to any forfeiture or penalty.

(4) Any person summoned as a witness under this section shall be entitled to be paid from the general revenue such sum as is allowed to witnesses when attending the court of a magistrate.

PART V—ESTABLISHMENT AND CONTROL OF
CORRECTIONAL CENTRES

Declaration
of correctional
centres.

28. (1) The Council may, by notice in the Gazette declare any building, enclosure or place or any part thereof to be a correctional centre for the purposes of this Act, and may in like manner, declare that any correctional centre shall cease to be a correctional centre for the purposes of this Act.

(2) Every correctional centre shall include the grounds and buildings within the correctional centre enclosure and also any other grounds or buildings belonging or attached to the correctional centre and used by inmates or the staff of the correctional centre.

(3) In any writ, warrant, or other legal instrument in which it may be necessary to describe a particular correctional centre, any description designating a correctional centre by reference to the name of the place or town where it is situated, or other definite description, shall be valid and sufficient for all purposes.

(4) The buildings, enclosures or places or any part thereof which at the commencement of this Act are in use as correctional centres shall be deemed to be correctional centres for the purposes of this Act.

Temporary
correctional
centres.

29. Whenever—

- (a) it appears to the Director-General that the number of inmates in any correctional centre is greater than can be conveniently kept in it and that it is not convenient to transfer the excess number to some other correctional centre; or
- (b) owing to the outbreak of epidemic disease within a correctional centre or for any other reason, it is desirable to provide for temporary shelter or safe custody of any inmates,

the Director General shall subject to the approval of the Council, issue directives for the shelter and safe custody in temporary correctional centres of so many of the inmates as cannot be conveniently or safely kept in the correctional centre, and every temporary correctional centre shall be a correctional centre for the purposes of this Act.

30. (1) In every correctional centre there shall be an officer in charge of the correctional centre who shall be designated “the officer in charge”. Officers in charge.

(2) In any place where there is a correctional centre but no corrections officer has been appointed to be in charge of it, the administrative officer in charge of that place or any administrative officer deputed by him shall be in charge of such correctional centre.

(3) The administrative officer shall be subject to the orders and directions of the Director-General, and shall, subject to any express limitations which may be imposed on him by the Director-General in writing, have all the powers conferred by law upon an officer in charge.

(4) Every officer in charge shall—

- (a) supervise and control all matters in connection with the correctional centres to which the officer is appointed;
- (b) keep or cause to be kept such records as the Director-General may from time to time direct;
- (c) be responsible to the Director-General for the conduct and treatment of corrections officers and inmates under the officer's control, and for the due observance by corrections officers and inmates of the provisions of this Act and of all rules, directions and orders made under this Act.

Appointment of police officers to perform the duties of corrections officers.

31. (1) Where in any correctional centre the number of correctional officers detailed for duty is insufficient to secure the good management and administration of the centre it shall be lawful for the officer in charge of such correctional centre, with the consent of the Inspector-General of Police to employ temporarily such number of police officers as the officer in charge considers necessary to secure the good management and administration of the correctional centre.

(2) Every police officer appointed in pursuance of subsection (1) shall have all the powers and perform in such correctional centre all the duties of a corrections officer of the rank to which the officer in charge shall appoint him and, for the purposes of this Act, shall be deemed to be a corrections officer of that rank; but no police officer shall by reason of this section be a member of the Service.

(3) Where on the removal of any inmate from any correctional centre the staff is insufficient to provide escort for such inmate it shall be lawful for the officer in charge of the correctional centre from which the inmate is to be removed, to deliver the inmate to any police officer who may be detailed for such duty.

Women officers and female inmates.

32. In every correctional centre in which female inmates are imprisoned there shall be women corrections officers who shall have the care and superintendence of the female inmates, and who shall be responsible for their discipline.

Medical officers.

33. (1) There shall be a medical officer stationed in or responsible for every correctional centre.

(2) In appointing or designating a medical officer, regard shall be had to the need for that officer to have knowledge of psychiatry and to the particular needs of female inmates.

(3) The medical officer shall—

- (a) be responsible for the health of all inmates in a correctional centre;
- (b) cause all inmates to be medically examined at such times as shall be prescribed; and
- (c) ensure that a record is kept of the state of health of every inmate.

PART VI—ADMISSION AND CONTROL OF INMATES

34. (1) Inmates shall be first admitted to a correctional centre only on the authority of a signed warrant or other lawful order for detention, and only at the times prescribed by regulations or provided for by order or directive of the Council or the Director-General as being the hours during which inmates may be processed for admission. Admission of inmates.

(2) Upon presentation of a person to be held in custody, the officer in charge is to be satisfied—

- (a) that the person is the person to whom the warrant or order relates;
- (b) of the age of the person; and
- (c) that the warrant or order is signed and dated and purported to be made under the authority of an enactment applicable and in force in Sierra Leone.

(3) A refusal by a person to confirm his identity, or an apparent technical error in a warrant or order, shall not be grounds for refusing admission of a person under its authority; but where there is doubt as to the identity of a person or as to the validity of the warrant or order, an officer in charge shall be entitled—

- (a) to refuse the admission of the person; and
- (b) to require that the person be taken back to the court or person who has signed the warrant in order for matters of identity or process to be confirmed or rectified.

(4) Where it appears that the person to whom the warrant or order relates is or may be under the age of 18 years, the officer in charge shall take appropriate action to bring the person before the court for confirmation of the legality of the confinement of the person in the correctional centre.

Prohibition against admission of infant children of female inmates.

35. No infant child of a female inmate shall be received into a correctional centre unless there are adequate facilities and provision within that correctional centre for the care and maintenance of infant children of female inmates.

Information to be provided on admission.

36. As soon as practicable after admission, every inmate shall be given appropriate information about-

- (a) any right of appeal, which information shall be given within twenty four hours of admission;
- (b) the rights of inmates whilst in custody as provided for in this Act or prescribed by regulations, orders or directives of the Council or the Director-General;
- (c) their duties, responsibilities and obligations whilst in custody;
- (d) the procedures whereby they might earn low security classifications and be entitled to privileges and early release; and

- (e) the risks involved in sharing toothbrushes and razors, and engaging in unsafe sexual practices or tattooing.

37. (1) Upon admission to and immediately before discharge from a correctional centre, every inmate shall be examined by the medical officer. Medical examination.

(2) Until an inmate has been examined by the medical officer, every inmate on admission shall, so far as practicable, be kept apart from other inmates.

(3) An officer in charge may order that inmates be medically examined, and the Medical Officer shall examine and treat any inmate who makes a request to be examined.

(4) Where a medical officer is of the view that an inmate is in need of specialist treatment, including psychiatric care, the medical officer shall make a report to the officer in charge, and shall make arrangements for the inmate to be referred to an appropriate medical practitioner.

(5) An inmate who is suffering from any disease or illness shall only be held separately from other inmates upon the order of the medical officer.

(6) Notwithstanding subsection (5), an officer in charge may order the separation of an inmate who is apparently suffering from an illness pending arrangements for a medical officer to visit and confirm the need for separation; but no separation shall be ordered only on the basis of an inmate's HIV/AIDS status.

38. Arrangements shall be made for the provision of other medical and related services, in accordance with any relevant policy or programme of the Ministry responsible for health, including- Access to other medical and related services.

- (a) appropriate dental treatment, which shall not be confined to extractions;

- (b) public awareness and education programmes;
- (c) vaccination programmes or programmes of specific treatment for certain diseases; and
- (d) support services for infants and mothers, where infants are permitted to remain in the confines of a correctional centre.

Inmates in custody of officer in charge.

39. (1) Every inmate shall be deemed to be in the lawful custody of the officer in charge and, subject to this Act, shall remain in such lawful custody and be subject to correctional centre discipline and to all laws, orders and directives relating to correctional centres and inmates during the whole period of the inmate's imprisonment or detention, whether the inmate is or is not within the precincts of a correctional centre.

(2) Every officer in charge shall keep and detain all persons duly committed to the officer's custody by any court or other competent authority, according to the provisions of the warrant or order by which that person has been committed, or until that person is discharged by due course of law.

Transfer of inmates.

40. (1) An inmate who is being removed or transferred from one correctional centre to another or to any other place shall, while outside the correctional centre, be kept in the custody of the corrections officer or police officer authorised under this Act or any other enactment to remove or convey the inmate and shall, subject to this Act or any other enactment, be deemed to be in lawful custody of the officer in charge of the correctional centre from which that inmate is being removed or transferred.

(2) Inmates on remand or committed for trial, who are required to attend any court, may be taken for that purpose into police custody at the correctional centre to which they have been committed and shall remain under police supervision and guard until they are returned to the correctional centre or discharged by the court.

(3) Where on the removal of an inmate from any correctional centre the number of corrections officers is insufficient to provide escort for that inmate, the officer in charge of the correctional centre from which the inmate is to be removed may, with the general or special permission of the Inspector-General of Police, deliver the inmate to any police officer detailed for that duty.

(4) While an inmate is in the custody of a police officer in accordance with this Act the inmate shall be deemed to be in lawful custody, and escape from the custody of the police officer shall be deemed to be escape from lawful custody for the purposes of any enactment.

(5) A police officer to whom an inmate is delivered under subsection (3) shall have the same powers and be subject to the same responsibilities, discipline and penalties and to the same authorities as a corrections officer would have been and be subject to in like circumstances.

41. Every person remanded to a correctional centre by a court or other competent authority, charged with a crime or offence shall be delivered to the officer in charge together with the warrant of commitment, and the officer in charge shall detain that person according to the terms of the warrant and shall cause that person to be delivered to the court or competent authority, or shall discharge that person at the time named in and according to the terms of that warrant.

Detention of remand inmates.

Custody of persons under arrest.

42. Every person arrested in pursuance of any warrant or order of any court or other competent authority if the court is not sitting, may be delivered to an officer in charge for custody and the officer in charge shall cause that person to be brought before the court or other competent authority at its next sitting.

Inmates required as witnesses

43. (1) Subject to section 16 of the Criminal Procedure Act, 1965, whenever the presence of a person confined in a correctional centre is required by a court or other competent authority, the court or competent authority may issue an order addressed to the officer in charge requiring production before the court or other competent authority of that person in proper custody at the time and place to be named in the order.

Act No. 32 of 1965.

(2) The officer in charge shall cause the person named in the order referred to in subsection (1) to be brought up as directed, and shall provide for the person's safe custody during the person's absence from that correctional centre, and the court or competent authority may, by endorsement on the order require the person named in the order to be again brought up at any time to which the matter in which such person is required may be adjourned.

(3) An inmate taken from a correctional centre in pursuance of an order made under this section shall, whilst outside the correctional centre, be kept in such custody as the officer in charge may direct and whilst in that custody shall be deemed to be in lawful custody.

Inmates under police escort.

44. (1) Inmates on remand or committed for trial, who are required to attend any court, may be taken for that purpose into police custody at the correctional centre to which they have been committed and shall remain under police supervision and guard until returned to the correctional centre or discharged by the court.

(2) Where on the removal of an inmate from a correctional centre the number of corrections officers is insufficient to provide escort for that inmate, the officer in charge of the correctional centre from which the inmate is to be removed may, with the general or special permission of the Inspector-General of Police, deliver the inmate to any police officer detailed for that duty.

(3) While an inmate is in the custody of a police officer in accordance with this Act, the inmate shall be deemed to be in lawful custody and escape from the custody of the police officer shall be deemed to be escape from lawful custody for purposes of any enactment.

45. Inmates on being sentenced or during confinement may be transferred to a correctional centre established under this Act as the Council or the Director-General may by general or special order direct.

Inmates may be transferred to another correctional centre.

46. (1) Where a medical officer reports to the Director-General that an inmate is suffering from a contagious disease, the Director-General may, subject to subsection (2), by order in writing, direct the removal of that inmate to any institution or place where the inmate shall be kept and treated until such time as he is cured of the disease or until such time as he ceases to be liable to confinement in a correctional centre, whichever may first occur.

Removal of inmates with contagious diseases.

(2) No order shall be made by the Director-General under subsection (1) unless and until the Director-General has received notification in writing that the person in charge of the institution or place to which he wishes to remove the inmate is able and willing to receive that inmate.

(3) So long as any inmate who shall have been removed to an institution or place under this section remains in that place and remains liable to confinement in a correctional centre, the person in charge of that institution or place shall from time to time transmit to the officer in charge of the correctional centre from which that inmate

was removed, a certificate signed by the person in charge that it is in his opinion necessary that the inmate should remain in the institution or place.

(4) As soon as, in the opinion of the person in charge of the institution or place to which an inmate has been removed, it is no longer necessary that the inmate should remain in the institution or place the person in charge shall transmit to the officer in charge of the correctional centre from which the inmate was removed, a certificate stating that the necessity has ceased.

(5) Upon receipt of a certificate pursuant to subsection (4), the officer in charge shall—

- (a) if the inmate is still liable to confinement in a correctional centre, forthwith cause the inmate to be brought back to the correctional centre from which the inmate was removed or to any other correctional centre as the officer in charge thinks fit;
- (b) if the inmate has completed the sentence in respect of which the inmate was committed, cause the inmate to be released forthwith.

(6) Every reasonable precaution shall be taken by the person in charge of an institution or place and other persons employed in the institution or place to prevent the escape of any inmate who may at any time be under treatment in the institution or place and it shall be lawful for these persons to take such measures as shall be necessary for preventing the escape of that inmate.

(7) Nothing shall be done under the authority of this section which, in the opinion of the person in charge of the institution or place to which an inmate has been removed, is likely to be prejudicial to the health of that inmate.

47. (1) Whenever a medical officer or officer in charge is of the opinion that an inmate is of unsound mind the medical officer or officer in charge shall take all necessary action to procure the inmate's certification under the Lunacy Act.

Removal of inmates of unsound mind.

Cap 175

(2) If that inmate is certified to be of unsound mind that inmate shall be removed as soon as convenient from the correctional centre and confined in a mental hospital.

(3) Whenever an inmate removed to a mental hospital is entitled to be discharged in accordance with any enactment relating to mental treatment, the medical superintendent in charge of the mental hospital shall notify the officer in charge of the correctional centre from which the inmate was removed and the inmate shall be delivered into the officer's custody if still liable to be confined in a correctional centre, and if not so liable, be released.

(4) The period during which the inmate has been detained in the mental hospital shall be reckoned as part of the inmate's term of imprisonment.

48. (1) In the case of serious illness of an inmate confined in a correctional centre in which there are inadequate medical facilities or unsuitable accommodation for that inmate, the officer in charge, on the advice of the medical officer, may make an order for the removal of the inmate to a hospital.

Removal of sick inmates to hospital.

(2) In cases of emergency or in the absence of the medical officer, removal of an inmate to a hospital may be ordered by the officer in charge without the advice of the medical officer.

(3) An inmate who has been removed to a hospital under this section shall be deemed to be under detention in the correctional centre from which the inmate was so removed.

(4) Whenever the medical officer in charge of the hospital considers that the health of an inmate removed to a hospital under this section no longer requires detention in it, the medical officer shall notify the officer in charge.

(5) Upon receipt of notification from the medical officer in charge of a hospital, pursuant to subsection (4) the officer in charge shall—

- (a) if the inmate is still liable to be confined in a correctional centre, forthwith cause the inmate to be brought back to the correctional centre from which he was removed; or
- (b) if the inmate has completed the sentence in respect of which he was committed, cause the inmate to be released forthwith.

(6) Every reasonable precaution shall be taken by the officer in charge of a hospital to prevent the escape of any inmates who may at any time be under treatment at the hospital, and it shall be lawful for such officer in charge to take such measures as shall be necessary for preventing the escape of such inmate.

(7) Nothing shall be done under the authority of this section which, in the opinion of the medical officer in charge of the hospital, is likely to be prejudicial to the health of the inmate.

Measures for further security of inmates in hospital.

49. (1) Where on account of the gravity of the offence for which an inmate may be in custody or for any other reason, the officer in charge considers it desirable to take special measures for the security of that inmate while undergoing treatment in hospital, it shall be lawful for the officer in charge to give the inmate into the charge of not less than two correction officers.

(2) One of the two corrections officers shall always be with the inmate by day and night and they shall be vested with power and authority to do all things necessary to prevent the inmate from escaping and shall be answerable for the inmate's safe custody until such time as the inmate is handed over to the officer in charge on the inmate's discharge from hospital or until such time as the inmate's sentence expires whichever may first occur.

50. If any inmate escapes during the time in any hospital or institution, no corrections officer shall be held answerable for the escape, unless the inmate shall have been in the personal custody of the officer; and no medical officer or person in charge of the hospital or institution or other person shall be answerable for the escape unless it can be shown that, that person helped the inmate to escape or has wilfully neglected to take reasonable precautions to prevent the escape.

Corrections officer not liable for escape of inmates in hospital.

51. (1) With effect from the commencement of this Act, every sentence of imprisonment whether the sentence was one of imprisonment with hard labour or simple imprisonment passed upon any criminal inmate, shall subject the inmate during the term of the sentence to work at such labour as may be directed by the officer in charge with the general approval of the Director-General and so far as practicable the labour shall take place in association or outside cells with other criminal inmates.

Employment of inmates and abolition of hard labour.

(2) Notwithstanding the provisions of any other enactment, no person shall be sentenced by a court to imprisonment with hard labour.

(3) Every enactment conferring power on a court to pass a sentence of imprisonment with hard labour in any case shall be construed as conferring a power to pass a sentence of imprisonment for a term not exceeding a term for which a sentence of imprisonment with hard labour could have been passed in that case immediately before the commencement of this Act, and so far as any enactment provides that a person sentenced to imprisonment or committed to correctional centre is or may be directed to be treated to any special form of imprisonment ceases to have effect.

(4) The medical officer may order any inmate to be excused from labour or to perform light labour, and any inmate ordered to perform light labour shall be required to work on any labour for which the inmate is considered fit by the medical officer.

(5) For the purposes of this section, “Director-General” includes a Regional Director.

Employment of un-convicted inmates.

52. (1) Civil and unconvicted criminal inmates shall be required to keep their cells, precincts of cells, furniture, clothing and utensils clean and perform the classes of labour as the Director-General, with the approval of the Council shall direct.

(2) Appellant inmates shall be required to keep their cells, precincts of cells, furniture, clothing and utensils clean and perform the classes of labour that the Director-General, with the approval of the Council shall direct.

Maintenance of certain inmates from private sources.

53. (1) Civil or unconvicted criminal inmate may be permitted to maintain himself and to purchase or receive from private source at proper hours, food, clothing or other necessaries, but subject to examination and to such sources and other conditions as the Director-General may direct.

(2) No food, clothing or other necessaries belonging to a civil or unconvicted criminal inmate shall be given, hired, loaned or sold to any other inmate; and any inmate contravening this section shall be liable to lose the privilege of purchasing or receiving food, clothing or other necessaries from private sources for such time as the officer in charge thinks proper.

(3) If a civil or unconvicted criminal inmate does not provide himself with food or clothing, or if the food or clothing is in the opinion of the officer in charge unsatisfactory, the inmate shall receive the regular food and clothing.

Separation of male and female inmates.

54. Male and female inmates shall be confined in separate correctional centres or in separate parts of a correctional centre in such a manner as to prevent, as far as practicable, their seeing or conversing or holding any intercourse with each other.

55. (1) No juvenile shall be detained in a correctional centre and where before or at the commencement of this Act, a juvenile is detained in a correctional centre, the Minister shall within three months of commencement of this Act, order the removal from the correctional centre of the juvenile and his detention in a place other than a correctional centre, subject to such conditions as the Minister may determine.

Juveniles not to be detained in correctional centres.

(2) No juvenile removed from a correctional centre pursuant to subsection (1) shall be detained after the expiration of the period for which the juvenile was subject to detention in a correctional centre.

56. Every inmate shall be subject to correctional centre discipline and to all laws, orders and directions relating to correctional centres and inmates during the whole time of the inmate's imprisonment, whether the inmate is or is not within the precincts of any correctional centre.

Inmates to be subject to correctional centre discipline.

57. Every inmate shall have a right to petition the Council, but in exercising that right shall address the Council through the Director-General.

Petitions to the Council

PART VII—RELEASE AND REMISSION

58. (1) The officer in charge shall be responsible for the due discharge of all inmates immediately upon their becoming entitled to release.

Release of inmates.

(2) Except at the inmate's own request, no inmate under treatment by a medical officer will be discharged from a correctional centre until, in the opinion of the medical officer the discharge can be effected without danger to the health of the inmate.

(3) Where by or under any enactment an inmate becomes entitled to discharge from a correctional centre otherwise than by the expiration of the sentence, the officer in charge shall not discharge the inmate otherwise than in accordance with the terms of the order, warrant or instruction issued in writing under the hand of a person authorised to do so under that enactment or in due course of law.

(4) All inmates shall be discharged before noon on the date on which they are entitled to be released; but should that date fall on a Sunday or any public holiday, they shall be released before noon on the day preceding the Sunday or public holiday.

Remission of part of sentence of certain inmates.

59. (1) Convicted criminal inmates sentenced to imprisonment whether by one or consecutive sentence or sentences for a period exceeding one month, may by industry and good conduct earn a remission of one-third of the remaining period of the sentence or sentences.

(2) For the purpose of giving effect to the provisions of subsection (1), each inmate on admission shall be credited with the full amount of remission to which the inmate would be entitled at the end of the sentence or sentences if the inmate lost or forfeited no remission.

(3) An inmate may lose remission as a result of its forfeiture as a punishment for an offence against correctional centre discipline and shall not earn any remission in respect of any period-

(a) spent in hospital through the inmate's own fault or while malingering; or

(b) while undergoing confinement as a punishment in a separate cell.

(4) On the recommendation of the Director-General, the Council may grant a further remission on special grounds.

(5) The Director-General may restore forfeited remission in whole or in part.

(6) For the purpose of calculating remission of sentence, imprisonment for life shall be deemed to be twenty years imprisonment.

60. (1) Notwithstanding the provisions of section 59, any habitual criminal sentenced to imprisonment whether by one sentence or consecutive sentences for a period of three years or more who is released under section 59 shall, unless the Council otherwise directs, be subject to a Supervision Order.

Habitual criminals may be released subject to Supervision Order.

(2) Any Supervision Order under subsection (1) shall be issued by the Director-General and shall authorise the inmate to be at large in Sierra Leone or in any part of Sierra Leone as shall be specified in the Supervision Order; and it shall be lawful for the Council to revoke or alter any Supervision Order at its discretion.

(3) Any Supervision Order issued under this section shall, unless revoked or forfeited, continue in force for a period not exceeding twelve months and shall then expire.

(4) So long as a Supervision Order continues in force the inmate shall be subject to the supervision order but shall not be liable to imprisonment by reason of his sentence, but shall be allowed to go and remain at large according to the terms of the Supervision Order.

(5) Every Supervision Order shall be in the prescribed form and shall be issued subject to the following conditions:-

(a) the finger prints of the person subject to the Supervision Order shall be impressed on the order and a photograph of the person's front and side face shall be affixed.

(b) the person shall keep the Supervision Order in his possession and shall at all times produce it on demand, when called upon to do so by a Magistrate or Police Constable or person under whose supervision the person has been placed;

- (c) the person subject to a Supervision Order shall abstain from any violation of the law;
- (d) the person subject to a Supervision Order shall not habitually associate with notoriously bad characters such as reputed thieves, housebreakers, receivers of stolen property and the like;
- (e) the person subject to a Supervision Order shall, at the time of discharge from a correctional centre, inform the officer in charge of the correctional centre of the District and place in which he intends to reside, and shall with all convenient speed proceed to the District and report himself personally to the person under whose supervision he has been placed within forty-eight hours of arrival or so soon after that as is practicable;
- (f) the person subject to a Supervision Order shall notify the supervisor of any change of address within the District and shall also inform the supervisor if he intends to leave the District;
- (g) on arrival in any new District the person shall report to the person to whom he has been told to report by the person under whose supervision he has been placed, within forty-eight hours of arrival or so soon thereafter as is practicable;
- (h) any other conditions which the Director-General may impose.

(6) If a person subject to a Supervision Order issued under this Act fails to comply with any of the conditions of the Supervision Order the person shall be guilty of an offence and, in addition to any other penalty incurred in respect of the act constituting the breach, shall, on summary conviction, be liable to imprisonment for a period not exceeding six months and the Magistrate by whom the person is convicted may order the Supervision Order to be forfeited.

(7) A constable may arrest without warrant any person whom he reasonably suspects to have committed an offence contrary to this section.

(8) Where a supervision order is forfeited or revoked the person whose supervision order is forfeited or revoked shall, after undergoing any other punishment (if any) to which the person may be sentenced for the offence in consequence of which the Supervision Order is forfeited or revoked, further undergo a term of imprisonment for the outstanding portion of the Supervision Order that remained unexpired at the time the person failed to comply with the conditions of the order or such portion as the Director-General may direct.

(9) If a person subject to a Supervision Order issued under this Act proves to the satisfaction of the person under whose supervision he has been placed, a District officer or a police officer of or above the rank of Assistant Superintendent, that he has lost the Supervision Order, the person shall be entitled to a duplicate of the Supervision Order.

(10) Whenever a Supervision Order is revoked by the Director-General, a Magistrate shall, on the production of a certificate of the revocation, issue a warrant, which may be executed in any part of Sierra Leone for the apprehension of the person to whom that Supervision Order was issued, and the person being apprehended shall be brought before the Magistrate, who shall make out a warrant for the recommitment of the person to a correctional centre to undergo imprisonment for the outstanding portion of the Supervision Order that remained unexpired at the time the Order was revoked or the portion of the order as the Director-General may direct.

(11) Whenever a Supervision Order is forfeited by the Order of a Magistrate under this section, the Magistrate shall make out a warrant for the recommitment of the person to undergo the outstanding portion of the Supervision Order that remained unexpired at the time the Order was forfeited or a portion as the Director-General may direct.

(12) For the purpose of this section the expression “habitual criminal” means a person who is not less than twenty-five years of age and who-

- (a) is convicted on an information of an offence punishable with imprisonment for a term of three years or more; or
- (b) has been convicted on at least three previous occasions since he attained the age of twenty of offences punishable on an information with such a sentence.

Review of sentences.

61. (1) The Director-General shall submit to the Council a report on the general condition and conduct of every inmate undergoing imprisonment for life or for a term exceeding four years, at the end of every two years of the imprisonment or a such lesser period as the Council or the Director-General shall consider desirable.

(2) The Council shall appoint a Board whose duty will be from time to time to consider such reports and in each case to tender appropriate advice to the Council.

Release on parole.

62. (1) An inmate serving a sentence of imprisonment for a period of four years or more may be allowed by the Director-General within three months of the date the inmate is due for release on conditions and for reasons approved by the Director-General to be temporarily absent from the correctional centre on parole for a stated length of time which shall be greater than fourteen days.

(2) The Director-General or other officer in charge may at any time recall an inmate released on parole.

(3) An inmate who fails to return to a correctional centre on the completion of the period of parole or when informed that he has been recalled under the provisions of subsection (2) commits an offence and may be arrested without warrant and shall be liable on conviction to the same punishment as if he had escaped from a correctional centre.

(4) An inmate who when released on parole contravenes or fails to comply with the conditions imposed upon him commits an offence and shall be liable on conviction to imprisonment for a term not exceeding six months.

PART VIII—OFFENCES BY INMATES

63. (1) The Council shall prescribe what acts or omissions by inmates shall be deemed to be correctional centre offences and shall prescribe which of the offences shall be minor correctional centre offences and which shall be aggravated correctional centre offences.

(2) A charge against an inmate in respect of a correctional centre offence may, subject to this section, be heard and determined-

- (a) before a subordinate court where the Director-General, owing to the gravity of the correctional centre offence or other sufficient cause, so decides; or
- (b) within a correctional centre, by the Director-General or, at the request of the Director-General or a senior corrections officer or the officer in charge, by a visiting justice who is a Magistrate.

(3) Rules made under this section shall prescribe the manner in which the offences shall be tried.

(4) For the purpose of this Part “reduction in stage” means the removal of an inmate to a lower stage in the prescribed progressive stage system.

Punishment that may be imposed by subordinate court.

64. (1) An inmate found guilty of a minor correctional centre offence by a lower court shall be liable to-

- (a) imprisonment for a term not exceeding six months;
- (b) additionally or alternatively any one or more of the punishments specified in section 65.

(2) An inmate found guilty of a major correctional centre offence by a subordinate court shall, subject to subsection (3), be liable to imprisonment for a period not exceeding two years.

(3) A sentence of imprisonment imposed for a correctional centre offence on an inmate-

- (a) who is a convicted inmate shall commence on the date of the expiry of the sentence of imprisonment being served by the inmate at the time of the offence;
- (b) who is a convicted inmate shall commence on the date the sentence of imprisonment is imposed.

Punishment of minor correctional centre offences by junior or subordinate officers.

65. Where an officer in charge, who is a junior officer or subordinate officer, finds an inmate guilty of a minor correctional centre offence, the officer may impose one or more of the following punishments:-

- (a) confinement in a separate cell for a period not exceeding three days;
- (b) forfeiture of remission of sentence not exceeding three days of the total remission earned;
- (c) extra work for a period not exceeding three days.

66. Whenever an inmate is charged before an officer in charge who is not a senior officer with a minor correctional centre offence which owing to the circumstances of the case the officer in charge considers the powers of punishment he possesses are inadequate to deal with, the officer shall stay the proceedings and transfer the case with a report on the case to a senior officer or to a visiting justice who is a Magistrate. Transfer of case.

67. (1) Where an officer in charge, who is a senior officer or a visiting justice, finds an inmate guilty of a minor correctional centre offence, the officer or justice may impose on the inmate the following punishment:- Punishment of minor correctional centre offences by senior officer or visiting justice.

- (a) confinement in a separate cell for a period not exceeding fourteen days;
- (b) forfeiture of remission of sentence not exceeding thirty days of the total remission earned;
- (c) extra work for a period not exceeding seven days;
- (d) reduction in stage or postponement of promotion in stage, or forfeiture of privileges;

- (e) forfeiture of earnings not exceeding one-half of the amount earned; or removal from any prescribed earnings scheme for a period not exceeding three months or reduction in earnings grade until such time as the inmate is considered fit for restoration to the original grade by virtue of the inmate's good conduct and skill at his trade or effort at his work; but no inmate shall be reduced from the highest grade in any prescribed earnings scheme without the approval of the Director-General.

(2) For the purposes of this section, "reduction in stage" and "postponement of promotion in stage" mean the removal of an inmate to a lower stage and the postponement of promotion to a higher stage, respectively, in the prescribed progressive stage system.

Punishment of inmates by Director-General.

68. (1) An officer in charge, if he is a senior corrections officer or any administrative officer designated as officer in charge may punish any inmate found after due inquiry by the officer in charge to be guilty of a minor correctional centre offence by awarding the inmate one or more of the following punishments:-

- (a) confinement in a separate cell on the prescribed punishment diet for a term not exceeding the period as may be prescribed;
- (b) forfeiture of remission not exceeding the amount as may be prescribed;
- (c) reduction in stage or forfeiture of privileges or postponement of promotion in stage or forfeiture of all or part of earnings, or removal from the earning scheme or deduction in earnings grade for the period as may be prescribed.

(2) An officer in charge, if a senior corrections officer or an administrative officer designated as officer in charge, may punish an inmate found after due inquiry by the officer in charge to be guilty of an aggravated correctional centre offence by awarding the inmate one or more of the following punishments:-

- (a) confinement in a separate cell on the prescribed punishment diet for a term not exceeding the prescribed period;
- (b) forfeiture of remission not exceeding the prescribed period;
- (c) reduction in stage or forfeiture of privilege or postponement of promotion in stage or forfeiture of all or part of earnings or removal from the earnings scheme or reduction in earnings grade for such period as may be prescribed.

(3) No procedure may permit or require any inmate to impose punishment on any other inmate; but this restriction shall not prevent appropriate arrangements being made for inmates to be designated to play leadership or mentoring roles in relation to other inmates.

69. (1) The Director-General may punish any inmate found guilty of a correctional centre offence after an inquiry by a committee set up by the Director-General

Punishment of inmates by Director-General.

(2) An officer in charge on finding an inmate guilty of an aggravated correctional centre offence may, if he is of the opinion that in the circumstances of the case or because of the inmate's character the powers of punishment he possesses are inadequate, transfer the case to the Director-General or the visiting Justice for punishment.

(3) An officer in charge who transfers a case to the Director-General under subsection (2) shall forward to the Director-General-

- (a) a copy of the charge;
- (b) the record of all the evidence taken including the evidence of the inmate;
- (c) the reasons why the inmate was found to be guilty; and
- (d) any representations the inmate wishes to make to the Director-General in regard to punishment.

(4) The Director-General on receipt of a record forwarded to him under subsection (3) may-

- (a) punish the inmate,
- (b) reverse the findings of the officer in charge and find the inmate not guilty;
- (c) require the officer in charge to take further evidence and submit it to him prior to making a decision, or
- (d) instruct the officer in charge to refer the case to the visiting Justice.

(5) The Director-General may award an inmate one or many of the following punishments:-

- (a) confinement in a separate cell on the prescribed diet for the period;
- (b) forfeiture of remission not exceeding the prescribed amount;

- (c) reduction in stage or forfeiture of privileges or postponement of promotion in stage or forfeiture of all or part of earnings or removal from the earnings scheme or reduction in earnings grade for the period prescribed.

70. (1) The Council shall establish a Complaints Committee for each correctional centre with powers to punish any inmate found after due inquiry by it to be guilty of a correctional centre offence by awarding the inmate one or more of the following punishments:-

- (a) confinement in a separate cell on the prescribed diet for the prescribed period;
- (b) forfeiture of remission not exceeding the prescribed amount;
- (c) reduction in stage or forfeiture of privileges or postponement of promotion in stage or forfeiture of all or part of earnings or removal from the earnings scheme or reduction in earnings grade for the prescribed period.

(2) The Complaints Committee shall consist of not less than five members and three members shall constitute a quorum.

(3) The Complaints Committee shall meet at least once in every three months within the precincts of the correctional centre for which it is appointed and shall-

- (a) hear any complaints which may be made by the inmates detained at the correctional centre, report to the Council any matter which they consider expedient to report,
- (b) inquire into any matter connected with the management of the correctional centre which the Director-General or officer in charge may place before it; or

into which the Council may direct the Committee to inquire and shall have such other powers and duties as may be prescribed.

(4) One member of the Complaints Committee shall visit the correctional centre for which the Committee is appointed at least once a month and any member may at any time enter the correctional centre and shall have free access to every part of the centre and to every person detained in it, and may inspect the correctional centre records and enter any observations he may think fit to make in reference to the condition of the correctional centre or abuses at the centre in the Visitors' book to be kept by the officer in charge.

(5) No member of any Complaints Committee may in any way be concerned with any contracts for supplies for use in the correctional centre for which the Committee is appointed.

Punishment of correctional centre offences by Magistrates.

71. Any inmate may be charged before a Magistrate with any offence against correctional centre discipline and the Magistrate may on convicting the inmate award any of the punishments mentioned in section 70 and, in addition or in lieu thereof, may award imprisonment for a period not exceeding six months to run consecutively with the sentence then being served; but no proceedings shall be taken against any inmate in respect of any matter for which the inmate has been punished under this Act.

Inmate's defence.

72. No inmate shall be punished for a correctional centre offence until the inmate has had an opportunity of hearing the charge against him and making a defence.

Medical examination before punishment.

73. No inmate shall be subject to punishment until certified as medically fit to undergo it by a medical officer or other person appointed for that purpose by the medical officer.

Segregation of an inmate

74. Whenever it appears to the officer in charge that it is desirable for the good order and discipline of the correctional centre for an inmate to be segregated and not to work or be located in association with other inmates, it shall be lawful for that officer to order the segregation of the inmate for such period as may be necessary.

75. The officer in charge shall cause to be entered in a register to be open to the inspection of the visiting justices and the Complaints Committee a record of all punishments imposed upon inmates showing in respect of each inmate punished, the name, nature of the offence and the extent of the punishment. Register of punishments.

PART IX—ESCAPE OF INMATES

76. An inmate who escapes, or attempts to escape, commits an offence and is liable on conviction- Escape of inmates.

- (a) if he was undergoing a sentence of imprisonment for a period of not less than six years, to imprisonment for a further period not exceeding ten years, and
- (b) if he was undergoing a sentence of imprisonment for a period of less than three years, to imprisonment for a further period not exceeding two years, and
- (c) if he was undergoing a sentence of imprisonment for a period not exceeding six months, or was an inmate on remand or awaiting trial, to imprisonment for a further period not exceeding twelve months.

77. Any corrections officer who—

- (a) aids or abets an inmate in escaping or attempts to escape from custody;
- (b) by gross carelessness, wilful neglect of duty, or direct disobedience of orders, facilitates the escape of an inmate; or
- (c) with intent to facilitate the escape of an inmate, conveys or causes to be conveyed into any correctional centre or other building

Corrections officer aiding inmate to escape.

in which the officer may for the time being be lawfully confined, any mask, dress, or other disguise, or any letter, tool, or any other article or thing calculated to assist such escape,

commits an offence and is liable on conviction to imprisonment for a term not exceeding four years.

PART X—OFFENCES IN RELATION TO INMATES

Prohibited articles.

78. Any person who without authority conveys into or throws into or deposits in a correctional centre, or conveys or throws out of a correctional centre, or conveys to an inmate, or deposits in any place with intent that it shall come into the possession of an inmate, any money, clothing, food, drink, drug, tobacco, letter, book, tool or other article whatever commits an offence and is liable on conviction to a fine not exceeding one million leones or to imprisonment for a term not exceeding twelve months or to both the fine and imprisonment.

Seizure of prohibited articles, etc.

79. Anything conveyed, thrown or deposited in contravention of section 78 may be seized by a corrections officer and the Director-General may order its confiscation and forfeiture.

Communicating with inmates.

80. Any person who without authority communicates with an inmate commits an offence and is liable on conviction to a fine not less than one million leones or to imprisonment for a term not below twelve months or to both the fine and imprisonment.

Trespassing.

81. (1) Any person who without lawful authority enters or remains within the boundaries of a correctional centre or any place where inmates are working commits an offence and if he refuses to leave when requested to do so may be arrested by a corrections officer or a police officer.

(2) Any person who commits an offence under subsection (1) is liable on conviction to a fine not exceeding five hundred thousand leones or to imprisonment for a term not exceeding six months or to both the fine and imprisonment.

82. Any person who is found in possession of an article which has been supplied to a correctional service officer for use on duty, or other correctional centre property and who fails to account satisfactorily for its possession, or who without authority purchases or receives such article or property from a corrections officer or who aids or abets a corrections officer to sell or dispose of such article or property, commits an offence and is liable on conviction to a fine not less than five hundred thousand leones or to imprisonment for a term not less than six months or to both the fine and imprisonment.

Unlawful possession of correctional centre articles.

83. (1) Any person who by any means directly or indirectly procures or persuades, or attempts to procure or persuade, any corrections officer to desert, or who aids, abets or is an accessory to the desertion of any corrections officer or who, having reason to believe that any person is a deserter, harbours the deserter, or aids him in concealing himself, or assists in his rescue, commits an offence and is liable on conviction to a fine not less than one million leones or to imprisonment for a term not below one year or to both the fine and imprisonment.

Incitement and abetment of desertion, mutiny and sedition.

(2) Any person who, directly or indirectly, instigates, commands, counsels, or solicits any mutiny, sedition or disobedience to any lawful command of a corrections officer to any other corrections officer, or maliciously endeavours to seduce any corrections officer from his allegiance or duty, commits an offence and is liable on conviction to imprisonment for a term not exceeding two years.

84. Any person who knowingly harbours in or about his house, lands or otherwise, or who knowingly employs any person under sentence of imprisonment and illegally at large commits an offence and is liable on conviction to imprisonment for a term not exceeding five years.

Harbouring inmates.

85. (1) Any person who commits an offence under this Act or any rules made under the Act, if no penalty is specially provided for the offence, is liable on conviction to a fine not exceeding one million leones or to imprisonment for a term not exceeding twelve months or to both the fine and imprisonment.

Disposal of deceased's estates.

(2) No person shall be tried twice for the same offence.

PART XI—MISCELLANEOUS PROVISIONS

Disposal of deceased's estates.

86. (1) The Director-General shall cause to be recorded the name or names of the person or persons to whom in the event of the death in a correctional centre of an inmate without having made a valid will, any money or movable property of the inmate within the correctional centre should be paid or delivered.

(2) In the event of an inmate dying while in custody, a report of the death shall be made to the Local Council Chief Administrator of the locality in which any person entitled to any part of the money or property resides, if in the Provinces and the Chief Administrator shall cause to be paid or delivered such money or property to the person or persons nominated by the inmate under subsection (1); but in any case where the Director-General considers that the money and other personal property could be handled more conveniently by the Administrator and Registrar-General, the Director-General shall deliver the money and property to the Administrator and Registrar-General who shall cause the money or property to be paid or delivered to the person or persons nominated by the inmate under subsection (1).

(3) Any person having in his charge or control any pay, gratuity, allowance or other money or personal property belonging to an inmate who dies while in custody, shall pay or deliver them to the Local Council Chief Administrator or the Administrator and Registrar-General, as the case, may be, who shall dispose of them in accordance with subsection (2).

Appointment of correctional centre Ministers.

87. The Director-General may, from time to time, appoint Ministers or Priests of any religious faith to be correctional centre Ministers, who may receive such remuneration or re-imburement of their expenses as may be prescribed.

Appointment and powers of correctional centre visitors.

88. (1) The Council shall, from time to time, appoint by notice in the Gazette fit and proper persons to be correctional centre visitors for each correctional centre.

(2) The Provincial Secretary, the Local Council Chief Administrator, the Police, Magistrates, a Member of Parliament of the District and all Administrative Officers and Justices of the Peace in any district in which a correctional centre is situated shall be *ex-officio* correctional centre visitors of that correctional centre.

(3) A correctional centre visitor may at any time visit a correctional centre in respect of which he is a correctional centre visitor.

(4) A correctional centre visitor may inspect the several wards, cells, yards, solitary confinement cells, and other apartments and divisions of the correctional centre, inspect and test the quality and quantity of the inmates' food, hear the complaints, if any, of the inmates, and question any inmate, and ascertain so far as possible whether this Act, and the rules made under it, and the correctional centre standing orders are adhered to; and shall call the attention of the corrections officer in charge to any irregularity that may be observed in the working of the correctional centre or in the treatment of any inmate and shall perform other duties as may be prescribed.

89. (1) It shall be lawful for the Council either on its own initiative, or on the recommendation of a Judge of the High Court, or of a Magistrate, to grant monetary rewards and gratuities to members of the Service for or in respect of-

Rewards and gratuities.

- (a) wounds or injuries sustained in service or otherwise in the course of duty;
- (b) special acts of bravery, such as-
 - (i) saving or attempting to save life;
 - (ii) saving or attempting to save property from loss by fire, theft, shipwreck, or in other circumstances attended by danger;
- (c) valuable intelligence acquired by personal risk, hardship, or unusual skill;
- (d) any other special or meritorious service,

but any monetary reward or gratuity exceeding one million leones shall require the sanction of the Minister responsible for finance.

(2) All sums of money granted under subsection (1) shall be paid out of the Consolidated Fund.

Power to
make Rules.

90. Subject to this Act the Council may make rules for any of the purposes of this Act and may in particular make rules relating to-

- (a) the rights of inmates whilst in custody, including matters related to-
 - (i) communications by post, or other prescribed means;
 - (ii) procedure for complaints and representation to correctional centre authorities, the Human Rights Commission and the Ombudsman;
 - (iii) adequate facilities for the proper preparation of defences and appeals, including access to legal practitioners by correctional centre visits or other communication with appropriate regard to the confidentiality of the solicitor/client relationship and to legal resources;
 - (iv) the rights and special needs of disabled inmates;
 - (v) the avoidance of discrimination on any grounds;
 - (vi) the right to practice a religion of choice, including the observance of daily or periodic rituals and practices;

- (b) the duties and functions of medical officers, visiting justices and Correctional Centres Boards, and other persons authorised to undertake official correctional centre visits, the payment of allowances and the reimbursement of expenses consistent with any relevant law;
- (c) interviews of inmates by police officers in the course of their investigations, which-
 - (i) may include arrangements for taking inmates to crime scenes and their participation in identification processes;
 - (ii) shall have regard to the constitutional rights of the inmates and the role of their legal practitioners;
- (d) the transfer of inmates and the responsibilities of officers and other persons in relation to the security of inmates when being transferred;
- (e) the use of dogs in maintaining good order and security, and other arrangements for the response to unrest and violence within correctional centres;
- (f) schemes for early release and other appropriate arrangements for the rehabilitation of inmates;
- (g) schemes providing support for inmates after their release, including co-operative arrangements with Non-Governmental Organizations, civil society groups, other relevant ministries, agencies, religious bodies and community-based groups;

- (h) arrangements for female inmates and their children consistent with the rights and obligations of the Convention for the Elimination of Discrimination against women (CEDAW) and Convention on the Rights of the Child (CRC), and in particular the rights of mothers to feed and care for their infant children whilst in correctional centres;
- (i) the encouragement and administration of correctional centre enterprises, educational facilities and skills training programmes;
- (j) reporting, investigating and otherwise dealing with the death of inmates in custody;
- (k) procedures for correctional centre visits and dealing with matters relating to the taking of items, articles and things into correctional centres during visits;
- (l) offences for breach of any regulations, which may provide for penalties or fines not exceeding one million leones or imprisonment for a term not exceeding six months or to both the fine and imprisonment;
- (m) the classification of correctional centres and inmates into categories, and their separation accordingly;
- (n) the duties and responsibilities of corrections officers including the duties and responsibilities of particular classes of the officers;
- (o) the duties of medical and dental officers, the medical inspection of correctional centres and inmates, and the prevention of contagious diseases in correctional centres;
- (p) the safe custody, management, organization, hours, mode and kind of labour and employment, clothing, maintenance, instruction, discipline, treatment, restraint, correction and discharge of inmates;

- (q) the provision of a suitable diet and dietary scale for inmates and conditions under which the diet and scale may be varied;
- (r) the construction, description, equipment and supervision of cells and wards;
- (s) the payment of inmates for work done while in correctional centres and the disposal of products of correctional centre labour;
- (t) the establishment of correctional centres rewards and fines fund and the method of administration of such fund by the Director-General;
- (u) the establishment of inmates' aid associations and societies in connection with discharged inmates and the appointment of officers responsible for the aftercare of inmates;
- (v) the medical examination of inmates confined in any correctional centre or otherwise detained in custody, including detailed personal statistics and histories, and for requiring full and truthful answers to all questions put to those persons with the object of obtaining the statistics and histories;
- (w) the execution of condemned inmates;
- (x) the disposal of inmates' property left unclaimed for a prescribed period including its sale and the disposal of the proceeds of the sale;
- (y) the manner in which the remission of sentences is to be calculated;
- (z) anything which by this Act may or is to be prescribed, and generally for the effective administration of this Act.

Repeal of Act
No. 22 of
1960.

- 91.** (1) The Prisons Act, 1960 is repealed.
- (2) Notwithstanding the repeal of the Prisons Act;
- (a) any rules, orders, directions or notices made under that Act shall remain in force until replaced by rules, orders, directions or notices made under this Act;
 - (b) all prisons established under the repealed Act shall be renamed correctional centres and shall be deemed to be correctional centres established under this Act;
 - (c) all Prisons officers appointed under the repealed Act shall be deemed to have been appointed under this Act and renamed corrections officers and shall be subject in so far as such provisions apply to them, to the provisions of this Act; and
 - (d) all inmates subject to the repealed Act shall be deemed to be subject to this Act.

Passed in Parliament this *6th day of June*, in the year of our Lord two thousand and fourteen.

IBRAHIM S. SESAY,
Clerk of Parliament.

THIS PRINTED IMPRESSION has been carefully compared by me with the Bill which has passed Parliament and found by me to be a true and correct printed copy of the said Bill.

IBRAHIM S. SESAY,
Clerk of Parliament.