

CRIMINAL PROCEDURE CODE (CHAPTER 7) YOUTHFUL OFFENDERS (PLACES OF DETENTION) RULES

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(CHAPTER 7)

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SUBSIDIARY LEGISLATION

YOUTHFUL OFFENDERS (PLACES OF DETENTION) RULES

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SUBSIDIARY LEGISLATION

Rules under section 262 relating to youthful offenders

YOUTHFUL OFFENDERS (PLACES OF DETENTION) RULES

Citation.

1. These Rules may be cited as the Youthful Offenders (Places of Detention) Rules.

Interpretation.

2. In these Rules unless the context otherwise requires —

“Advisory Board” means the person or body of persons appointed for the relevant year in relation to a place of detention by the Minister under subsection (5) (c) of section 262 of the Criminal Procedure Code (Chapter 7)

and rule 102 of these Rules;

“Assistant Housemaster” means a person appointed by His Majesty to be Assistant Housemaster or Assistant Housemistress of a place of detention;

“Assistant Warden” means an officer appointed by His Majesty the Sultan and Yang Di-Pertuan to be an Assistant Warden in a place of detention;

“Criminal Procedure Code” means the Brunei Darussalam Criminal Procedure Code (Chapter 7);

“directed” means directed by a Warden, Housemaster or Assistant Housemaster;

“Housemaster” means a person appointed by His Majesty to be Housemaster or Housemistress of a place of detention;

“inmate” means —

(a) a person detained or ordered to be detained in a place of detention under the provisions of the Criminal Procedure Code (Chapter 7); and

(b) a person discharged on parole under Part 15 of these Rules;

“Medical Officer” means the person appointed by the Director of Medical Services as Medical Officer of a place of detention;

“Officer” means any officer working in, or in a post connected with, a place of detention;

“place of detention” means a place of detention for youthful offenders;

“Superintendent” means the officer appointed by His Majesty as Superintendent of all places of detention;

“Warden” means the officer appointed by His Majesty to be the Warden of a place of detention.

Administration.

3. (1) A place of detention shall be under the general charge and administration of a Warden, who shall be subject to and comply with such directions as may be given to him by the Superintendent.

(2) His Majesty shall appoint for each place of detention a Warden and such number of Assistant Wardens, Housemasters, Assistant Housemasters and

other officers as may be necessary.

PART I

ACCOMMODATION

Accommodation.

4. (1) A room or dormitory shall not be used for the confinement of inmates, unless it is certified by the Superintendent, on the advice of a Medical Officer, to be of such a size, and to be lit, ventilated and equipped in such manner, as may be requisite for health.

(2) The certificate shall specify the maximum number of inmates to be located at any one time in such room or dormitory, and the number so specified shall not be exceeded. In special circumstances, with the authority of the Superintendent, inmates may be located in tents.

Accommodation by night.

5. Inmates may be accommodated by night in rooms or dormitories with not less than 3

inmates in each room or dormitory. Each inmate shall be provided with a separate bed.

Place for sick inmates.

6. Sufficient accommodation for the reception, accommodation and treatment of sick inmates shall be provided in a place of detention.

Female inmates.

7. (1) Female inmates shall be accommodated entirely separately from male inmates.

(2) Where a part of a place of detention which contains both male and female inmates has been set apart for female inmates, that part shall be in charge of a woman officer. It shall be entirely separate from the other part and shall be secured by locks, of which the keys shall be under the exclusive control of women officers.

PART II

ADMISSION, DISCHARGE & REMOVAL

Admission and search of inmates.

8. (1) The Warden shall, upon the delivery to him of a detention order, make all necessary arrangements for the conveyance of the inmate named therein to the place of detention.
- (2) An inmate shall be searched on admission and at such times subsequently as may be directed, and all unauthorised articles shall be taken from him.
- (3) The searching of an inmate shall be conducted in as seemly a manner as is consistent with the necessity of discovering any concealed article.
- (4) A female inmate shall be searched by women only.

Inmate's property.

9. All money, clothing or other effects belonging to an inmate, which he is not allowed to retain, shall be placed in the custody of the Warden, who shall keep an inventory thereof, which shall be signed by the inmate.

Particulars of inmate.

10. On admission, and from time to time as may be required, every inmate shall be photographed and his or her name, age, height, weight, distinguishing and other measurements and particulars shall be recorded in such a manner as may be directed.

Medical examination on admission.

11. An inmate shall, on the day of his reception or as soon as possible thereafter be examined by the Medical Officer.

Bath on reception.

12. An inmate shall be given a bath on the day of his reception, unless it is otherwise directed, in any particular case, by the Warden or Medical Officer.

Disease on admission.

13. If an inmate is found to have any infectious or contagious disease or to be in a verminous condition, steps shall at once be taken to treat the condition and to prevent it from spreading to other inmates.

Notification of rules.

14. The Warden shall see an inmate on reception and explain to him the rules of the place of detention.

Medical examination before transfer or discharge.

15. An inmate shall be examined by the Medical Officer before being discharged, or removed to another place of detention. No inmate shall be removed to any other place of detention unless the Medical Officer certifies that he is fit for removal. No inmate who is suffering from any acute or dangerous illness shall be discharged from the place of detention until, in the opinion of the Medical Officer, it is safe to do so or, his sentence having expired, he refuses to stay.

Privacy during transfer.

16. An inmate shall be exposed to public view as little as possible while being removed from, or taken to, a place of detention.

Custody outside place of detention.

17. An inmate, for whose production at any place an order is issued, shall, while outside the place of detention, remain in the lawful custody of the officers directed to convey him to that place.

Children of female inmate.

18. Subject to such conditions as may be prescribed by the Superintendent, the infant child of a female inmate may be received into a place of detention with its mother, and may be supplied with clothing and necessaries at the Government expense.

PART III

PROHIBITED ARTICLES

Possession.

19. No inmate shall have in his possession any prohibited article. Any such article which may be found in the possession of an inmate may be confiscated by the Warden.

Conveyance of prohibited articles.

20. No person shall, without authority, convey or throw into, or deposit in, a place of detention, or convey or throw out of a place of detention, or convey to any inmate of a place of detention, or deposit with a view to its coming into possession of any such inmate, any money, clothing, food, drug, drink, tobacco, letter, paper, book, tool, or other article. Anything so conveyed, deposited or thrown without authority may be confiscated by the Warden.

Search on entering or leaving.

21. Any person or vehicle entering or leaving a place of detention may be examined and searched. Any person suspected of bringing any prohibited article into the place of detention, or of carrying out any prohibited article or any property belonging to a place of detention, shall be stopped, and immediate notice thereof shall be given to the Warden.

Liquor.

22. No inmate shall be given, or allowed to have any intoxicating liquor.

Tobacco.

23. No inmate shall be allowed to smoke, or to have in his possession any tobacco, except in accordance with such orders as may be given by the Warden.

PART IV

CLOTHING AND BEDDING

Clothing outfit.

24. An inmate shall be provided with an outfit of clothing adequate for warmth and health in accordance with a scale approved by the Superintendent:

Provided, however, that, with the authority of the Warden, other clothing may be worn in special circumstances or if recommended by the Medical Officer.

Bedding scale.

25. An inmate shall be supplied with bedding adequate for warmth and health in accordance with a scale approved by the Superintendent. Additional bedding may be authorised in special circumstances on the recommendation of the Medical Officer.

Excess prohibited.

26. Except as provided in rules 24 and 25, no inmate shall, without the authority of the Warden, receive or have in his possession any clothing, bedding, or equipment, in excess of the authorised allowance.

PART V

FOOD

Diet.

27. An inmate shall be supplied with food in accordance with the dietary scales set out in the First Schedule to these Rules.

Extra food.

28. No inmate shall receive, or have in his possession any food other than the allowance authorised by the dietary scales, except —

(a) with the authority of the Warden; or

(b) with the authority of the Medical Officer, if a variation of diet is desirable on medical grounds.

Complaints about food.

29. An inmate who has any complaint to make regarding food supplied to him must make it as soon as possible after the food is served.

PART VI

HEALTH AND CLEANLINESS

Bath and hair cutting.

30. An inmate shall obey such directions as may from time to time be given as regards washing, bathing, shaving and hair cutting.

Hair cutting of females.

31. A girl's hair shall not be cut off without her consent, unless it is verminous or dirty, or when the Medical Officer deems it requisite on the ground of health.

General cleanliness.

32. An inmate shall keep his room, utensils, books and any articles issued for his use, and his clothing and bedding, clean and neatly arranged, as may be directed.

Exercise.

33. (1) An inmate, if medically fit, shall be exercised regularly at physical drill and gymnastics.

(2) An inmate, unless excused by the Medical Officer on medical grounds, shall take such exercise as may be directed.

PART VII

EMPLOYMENT

Work.

34. (1) An inmate, unless excused by the Medical Officer on medical grounds, shall, from the beginning of his sentence, be employed, on the necessary services of the place of detention, or in workshops or on outdoor work; and shall be instructed, as far as possible, in useful occupations, which may help him to earn his livelihood on discharge.

(2) An inmate who has not been excused by the Medical Officer shall be required to work at least 35 hours a week.

(3) The Warden of a place of detention may introduce therein a scheme approved by the Superintendent under which inmates may receive payment for work done.

Holidays.

35. Arrangements shall be made for the avoidance of all unnecessary work on one day in each week, as the Superintendent may direct, and on all public holidays.

PART VIII

RELIGIOUS INSTRUCTIONS

Religion.

36. Adequate arrangements shall be made for the provision of Islamic religious ministrations or instruction to an inmate who professes the Islamic religion.

Religious books.

37. An inmate shall, from the beginning of his training, be furnished with such religious books, as may be available.

PART IX

EDUCATION

Classes.

38. Provision shall be made for educational classes for the benefit of all inmates.

Library books.

39. A library of books for the use of the inmates shall be provided in a place of detention. An inmate shall be allowed to have not more than 3 library books in his room at any one time and to exchange them as often as may be possible.

PART X

VISITS AND COMMUNICATIONS

Letters and visitors.

40. (1) Communications between an inmate and his relatives and friends shall be allowed, subject to such restrictions as may be necessary for the maintenance of discipline and order in the place of detention and for the welfare of the inmates.

(2) An inmate shall be allowed to write and receive letters on arrival at a place of detention. He shall be further allowed to write to, and receive from, approved correspondents one letter a month. An inmate shall be allowed to receive a visit from approved visitors (not exceeding 3 in number at any one time) at intervals of not less than 2 months. These privileges shall not be liable to forfeiture for any offence against discipline under Part II of these Rules.

(3) In addition, the Warden may allow an inmate to write a special letter and to receive a reply thereto or to receive a special visit, if the Warden deems

such a letter or visit necessary or expedient.

(4) The Warden may at any time communicate to an inmate, or to his friends, any matter of importance to such inmate.

(5) The degree of supervision to be exercised during visit to an inmateshall be at the discretion of the Warden.

Home leave.

41. (1) The Warden may permit an inmate on such conditions and for such period as the Warden may specify, to be absent from a place of detention. Should the inmate break any condition, while absent from the place of detention, he shall be liable to be dealt with as though he had been discharged on a parole licence.

(2) Such permission shall be given in the form set out in the Second Schedule.

Visit by legal adviser.

42. (1) Reasonable facilities will be allowed to the legal adviser of any inmate to see him in reference to any legal matters, in the sight but not in the hearing of an officer of the place of detention.

(2) For the purpose of this rule "legal adviser" means the inmate's counsel or solicitor, or the authorised clerk of such counsel or solicitor.

Visit by police officer.

43. On production of an order from the proper police authority, a police officer may visit an inmate in the place of detention, in the sight and hearing of an officer of the place of detention.

Letters.

44. A letter to or from an inmate shall be read by the Warden, or by a responsible officer deputed by him of the purpose. It shall be within the discretion of the Warden to stop any letter, if he considers the contents to be objectionable.

PART XI

OFFENCES AGAINST DISCIPLINE

Reports on inmates.

45. A report against an inmate shall be dealt with by the Warden.

Inmate may be segregated.

46. When an inmate has been reported for an offence, the Warden may order him to be kept apart from other inmates, pending adjudication.

Inmate to be informed of alleged offence.

47. An inmate shall, before a report is dealt with, be informed of the offence for which he has been reported and shall be given an opportunity of hearing the facts alleged against him and of being heard in his defence.

Offences.

48. An inmate shall be guilty of an offence against place of detention discipline if he —

- (a) disobeys an order of the Warden or of any other officer of the place of detention;
- (b) is idle, careless, negligent at work, or refuses to work;
- (c) is indecent in language, act or gesture;
- (d) escapes from the place of detention or from legal custody;
- (e) mutinies or incites other inmates to mutiny;
- (f) commits personal violence against any officer or servant of the place of detention, or any other inmate;
- (g) in any way offends against these rules or the good order and discipline of the place of detention;
- (h) attempts to do any of the foregoing things.

Punishment by Warden.

49. (1) The Warden may examine any person touching any alleged offence against the discipline of the place of detention and determine thereupon, and make one or more of the following awards —

- (a) removal to the Penal Grade;
 - (b) deprivation of any of the following privileges for a period not exceeding one month —
 - (i) association;
 - (ii) playing games;
 - (iii) earnings;
 - (c) loss of stage or grade for a period not exceeding 3 months;
 - (d) confinement to a room for a period not exceeding 3 days;
 - (e) restricted diet for a period not exceeding 3 days;
 - (f) deprivation of mattress for a period not exceeding 7 days.
- (2) An offence against discipline shall be reported forthwith. The Warden shall investigate such reports as soon as practicable.

Advisory Board' s powers.

50. (1) Where an inmate is reported for any of the following offences, viz —

- (a) escaping from the place of detention or from legal custody;
- (b) a serious or repeated offence against discipline for which such award as the Warden is authorised to make is deemed by him insufficient;
- (c) an offence upon which the Warden, having regard to the circumstances of the case, thinks it expedient that the Advisory Board should adjudicate,

the Warden may forthwith report the offence to the Chairman of the Advisory Board, who shall thereupon arrange for not less than 2 members of the Board to enquire into the report.

(2) Where an enquiry is held under paragraph (1) of this rule, the members of the Advisory Board may make one or more of the following awards —

- (i) any award authorised under rule 49(1);
- (ii) deprivation of privilege;

(iii) loss of stage or grade;

(iv) deprivation of mattress for a period not exceeding 15 days;

(v) confinement to a room for a period not exceeding 14 days;

(vi) restricted diet for a period not exceeding 15 days;

(vii) whipping with a light cane not exceeding 10 strokes.

(3) Offences may also be reported to the Superintendent, and the Superintendent shall have authority to enquire into the report and deal with it in the same manner as the Advisory Board.

Power to award corporal punishment.

51. (1) If an inmate is charged with —

(a) mutiny or incitement to mutiny;

(b) gross personal violence to an officer or servant of the place of detention, or to another inmate,

the Warden shall, forthwith, report the same to the Advisory Board.

(2) Two members of the Board may determine the matter and make awards under their powers as set forth in rule 50 or, in the case of a male inmate, order corporal punishment. This shall not exceed 6 strokes, in the case of a juvenile under the age of 14 years, and 10 strokes, in the case of any other inmate, in addition to or in lieu of any such awards.

(3) Whenever an order for corporal punishment is made, the Advisory Board shall forthwith furnish to the Superintendent a copy of the note of evidence, and a report of the order and of the grounds on which it was made. Such order shall not be carried into effect until it has been confirmed by the Superintendent.

(4) The order for corporal punishment shall be duly entered in the prescribed manner, and the number of strokes shall in all cases be stated in the order.

Remission of punishment.

52. (1) A disciplinary award may be remitted or reduced by the Superintendent.

(2) A disciplinary award, other than one of corporal punishment, may

bedetermined at any time during the currency thereof by the Warden. In any casewhere such an award has been made by the Advisory Board or Superintendent, heshall forthwith inform them of the action taken by him.

Requirement of certificate of Medical Officer that inmate is fit to undergo punishment.

53. Confinement to a room, corporal punishment or restriction of diet shall in no case be awarded unless the Medical Officer has certified that the inmate is in a fit condition of health to sustain it.

Visit to inmates sentenced to confinement.

54. An inmate undergoing confinement to a room, or subjected to restricted diet, shall be visited at least once a day by the Warden. An inmate confined to a room shall be visited by the appointed officer at intervals of not more than 3 hours during the day.

Corporal punishment.

55. (1) The carrying out of corporal punishment within a place of detention shall be attended by the Warden and the Medical Officer.

(2) The Medical Officer shall, immediately before the punishment is inflicted, examine the inmate and satisfy himself that he is in a fit condition of health to undergo the punishment, and shall make such recommendations for preventing injury to the inmate's health as he may deem necessary. The Warden shall carry such recommendations into effect.

(3) At any time after the infliction of the punishment has commenced the Medical Officer may, if he deems it necessary in order to prevent injury to the inmate's health, recommend that no further punishment be inflicted. The Warden shall thereupon remit the remainder of the punishment.

(4) The Warden shall enter in the corporal punishment book the hour at which the punishment was inflicted, the number of strokes inflicted, and any orders which he may have given as to remission.

(5) Corporal punishment shall be inflicted with a light cane.

Restricted diets.

56. (1) The restricted diets which may be awarded under rules 49 and 50 shall be prescribed from time to time by His Majesty in Council.

(2) If a restricted diet is ordered for a longer period than 6 days, the offender shall receive 3 days ordinary diet after each period of 6 days restricted diets.

(3) An inmate shall not be obliged to work on any day on which restricted diet constitutes the sole food supplied to him. The inmate may, nevertheless, be allowed to perform suitable labour, if he so elects.

(4) An inmate who has been on restricted diet shall not be placed upon this diet for a fresh offence until an interval has elapsed equal to the period already spent by the inmate on restricted diet.

PART XII

RESTRAINTS

Mechanical restraints forbidden as a punishment.

57. No inmate shall be put under mechanical restraints as a punishment.

Circumstances in which mechanical restraint may be ordered.

58. (1) The Warden may place an inmate under mechanical restraint when it appears to him to be necessary in order to prevent an inmate from injuring himself or others, or from damaging property or creating a disturbance. Notice thereof shall forthwith be given to the Medical Officer.

(2) No inmate shall be kept under mechanical restraint for longer than is necessary, and in any case not for more than 24 hours, unless an order in writing from the Warden is given, specifying the cause thereof and the time during which the inmate is to be so kept.

(3) Particulars of every case of mechanical restraint shall be forthwith recorded by the Warden.

Violent inmates may be confined temporarily to a special room.

59. The Warden may order any refractory violent inmate to be temporarily confined in a special room certified for the purpose, but no inmate shall be confined in such a room as a punishment or for longer than is necessary.

PART XIII

COMPLAINTS BY INMATES

Complaints.

60. (1) A request by an inmate to see the Warden or Superintendent or a member of the Advisory Board shall be recorded by the officer to whom it is made and conveyed, without delay, to the Warden, who shall inform the Superintendent or member of the Advisory Board, as the case may be, of any such request.

(2) The Warden shall, at a convenient hour every day, other than the weekly holiday and public holidays, hear the application of any inmate who has requested to see him.

PART XIV

CLASSIFICATION AND GRADES

Classification of inmates.

61. The Superintendent shall classify all inmates, having regard to their character, previous history and other relevant circumstances and shall arrange for each inmate to receive his training at the place of detention which in his opinion is most suitable.

Inmates to be divided into grades.

62. (1) An inmate may be placed in the Penal Grade by order of the Warden, if he is satisfied that such inmate is exercising a bad influence or is idle or ill-conducted. No inmate shall be detained in it longer than is necessary in the interests of himself or others. While in the Penal Grade he shall not be employed in association with other inmates and shall receive no payment.

(2) An inmate shall not be promoted in grade, except after full consideration of the circumstances of his case by a Board, called the "Place of Detention Board", composed of such officers as the Superintendent may decide. The board may also order reversion to a lower grade, if, for some reason other than an act of misconduct, they consider it desirable.

PART XV

DISCHARGE ON PAROLE

Discharge on parole after 12 months.

63. (1) An inmate shall become eligible for release on parole after he has served 12 months of his terms of detention. If the Place of Detention Board,

after consideration of an inmate's character and conduct, are of the opinion that there is a reasonable probability that he will lead a useful and industrious life and abstain from crime, they shall so recommend to the Advisory Board.

(2) The Advisory Board shall consider any recommendation made to them under this Rule and they may, if they think fit, recommend to the Minister that the inmate be released on parole.

(3) If the Minister is satisfied that an inmate who has been released on parole has escaped from the supervision of the person under whose care he has been placed, or has been guilty of serious and willful breach of the conditions of his parole, and that case cannot be dealt with by admonition and warning, he may revoke the parole.

(4) An inmate whose parole has been revoked may, on readmission to a place of detention, be detained in the Penal Grade for such length of time as the Warden shall deem necessary, having regard to all the circumstances of the case.

(5) Forms of parole and or revocation of parole, and the conditions thereof, shall be in the appropriate form set out in the Second Schedule to these Rules.

PART XVI

STAFF

Officer to conform to rules and regulations.

64. (1) An officer shall conform to the rules and regulations of the place of detention and shall support the Warden in the maintenance thereof.

(2) An officer shall obey the lawful instructions of the Warden.

(3) An officer shall report to the Warden any abuse or impropriety which may come to his knowledge.

No absence without leave.

65. No officer shall be absent from the place of detention without leave of the Warden.

Health of inmates to be brought to the notice of Warden.

66. An officer shall direct the attention of the Warden to any inmate,

whether he complains or not, who appears to be unwell, or whose state of mind appears to be deserving of special notice and care. The Warden shall without delay bring such cases to the notice of the Medical Officer.

Officers dealing with inmates.

67. (1) No officer, in dealing with an inmate, shall use force unnecessarily. In any case in which the application of force to an inmate is necessary, no more force than is reasonable shall be used.

(2) No officer shall deliberately act in a manner calculated to provoke an inmate.

(3) No officer shall discuss his duties or any matters of discipline or of the place of detention arrangements within the hearing of an inmate.

(4) No officer shall deal with an inmate for an improper purpose.

Officers not to act on behalf of any inmate.

68. (1) No officer shall, without the authority of the Superintendent carry out any pecuniary or business transaction with, or on behalf of, an inmate.

(2) No officer shall, without the authority of the Warden, bring in or carry out, or attempt to bring in or carry out, or knowingly allow to be brought in or carried out, to or from an inmate any article whatsoever.

Officers not to receive fees.

69. No officer shall receive any fee, gratuity or other consideration in connection with the admission of any visitor to a place of detention.

Communication with ex-inmates.

70. No officer shall communicate with an ex-inmate or with the friends or relatives of an inmate or ex-inmate, except with the knowledge of the Warden.

Officers to have no dealings with contractors.

71. No officer shall, directly or indirectly, have any interest in any contract in connection with a place of detention, nor shall he receive, directly or indirectly, under any pretence whatever, any fee, gratuity or other consideration from any contractor or from any person tendering or any other person whatever in connection with any such contract.

Officers to submit to search.

72. An officer or servant of the place of detention shall submit himself to be searched in the place of detention if called upon to do so by the Warden.

Officers not to communicate with press.

73. (1) No officer shall, directly or indirectly, make any unauthorised communication to any representative of the press or to any other person on matters which have become known to him in the course of his official duties.

(2) No officer shall, without the authority of the Superintendent publish any matter, or make any public pronouncement relating to, a place of detention or an inmate.

Officers' quarters.

74. (1) An officer shall occupy such quarters as may be assigned to him; and shall vacate them, if required to do so by the Superintendent.

(2) On the termination of an officer's service, he shall give up the quarters he has occupied, as soon as he is required to do so. On the death of an officer, his family shall give up the quarters, when required to do so.

Clothing allowance.

75. An officer of a place of detention who is required to wear civilian clothes as part of his duties will receive a clothing allowance at the rate of \$30.00 per month.

Teaching allowance.

76. An allowance for part-time teaching will be paid in accordance with the rates paid by the Education of Religious departments, as the case maybe.

PART XVII

WARDEN

Responsibilities of Warden.

77. (1) The Warden shall be responsible for the maintenance of discipline in the place of detention.

(2) The Warden shall also be responsible for all property in the place of detention and shall keep the following records —

(a) an inventory of the furniture and tools in the place of detention;

(b) a diary in which all occurrences of importance within the place of detention must be recorded;

(c) a nominal record of each inmate committed to the place of detention, showing the date and period of his commitment, the names and addresses of his parents (if known), his distinguishing marks, general appearance, race, language, nationality, apparent age, health, height and weight;

(d) a record of the conduct and health of inmates while in the place of detention shall be kept;

(e) a punishment book in which all punishments shall be recorded;

(f) an Advisory Board's book for the entry of observations by members of the Board;

(g) an account of all materials purchased for use in the work shops of the place of detention and the disposal thereof;

(h) a record of all articles manufactured in the place of detention, and of all sales of such articles, showing cost of materials, transport, and other expenses connected thereof.

(3) In the absence of the Warden, the Assistant Warden shall have the powers and duties of the Warden.

(4) The Warden and the Assistant Warden shall never be absent from the place of detention at the same time.

(5) The Assistant Warden and the subordinate staff of the place of detention shall be under the orders of the Warden.

(6) The Warden may, subject to the limitations laid down in these Rules, inflict punishment where it appears necessary it should be inflicted immediately.

General duties.

78. (1) The Warden shall exercise a close and constant personal supervision of the place of detention. He shall visit and inspect daily all parts of the place

of detention where inmates are employed or confined, and shall give special attention to an inmate who is confined to his room, and to an inmate who is a hospital patient.

(2) The Warden shall, from time to time visit the place of detention during the night. Such visits shall be made at varying intervals and at varying times and not less often than twice a fortnight.

(3) The Warden shall interview an inmate as soon as possible after his reception, and prior to his discharge.

Power to suspend.

79. The Warden, in case of misconduct, may suspend any officer, and shall report the particulars without delay to the Superintendent.

Warden to carry out the recommendations of the Medical Officer.

80. The Warden shall, so far as practicable, carry into effect any written recommendation, made by the Medical Officer on grounds of health, for the alteration of the discipline or treatment of any inmate, or for his separation from other inmates.

Warden to inform relatives of inmates.

81. When an inmate is, in the opinion of the Medical Officer, dangerously ill, the Warden shall whenever practicable forthwith inform the relatives of such inmate.

Warden report cases of insanity.

82. The Warden shall, without delay, report to the Superintendent any case of insanity or apparent insanity occurring among the inmates, or any case in which the Medical Officer has submitted a report under rule 95(1), 95(2) or 96(2).

Warden to maintain place of detention in proper order.

83. The Warden shall pay attention to the ventilation, drainage and sanitary condition of the place of detention, and take such measures as may be necessary for their being maintained in proper order.

Warden to notify Coroner of death of inmate.

84. Upon the death of an inmate, the Warden shall give immediate notice

thereof to the Coroner having jurisdiction in respect of such death, to the Superintendent and, where practicable, to the nearest relative of the deceased.

Inquest on inmates.

85. (1) The Warden shall supply to the Coroner the name of any inmate who can give relevant evidence in an inquest about to be held on the body of an inmate.

(2) After any inquest on an inmate the Warden shall report to the Superintendent the finding of the inquest and such other circumstances of importance as may arise at the inquest.

Appointment of officer in absence of Warden.

86. The Superintendent may appoint any officer to perform, in the absence of the Warden, all or any of the duties required to be performed by the Warden.

Visitors to place of detention.

87. (1) Further the Superintendent and the Warden may, in the exercise of his discretion, allow any person to visit the place of detention.

(2) No person visiting a place of detention shall, without the permission of the Warden, make any sketch, or take any photograph, and this permission shall not be granted, unless an undertaking is given, that the sketch or photograph will not be published without the authority of the Superintendent.

Removal of visitor for misconduct.

88. The Warden may remove from the place of detention any visitor whose conduct is improper.

Fire precautions.

89. The Warden shall take care that proper precautions against fire are adopted, and that the appliances for the extinction of fire are at all times kept in good order and ready for use. He shall take care that instructions are given as to the steps to be taken in case of fire, and that all officers are acquainted with their duties in such an event.

PART XVIII

MEDICAL OFFICER

General duties.

90. The Medical Officer shall have the general care of the health of the inmates. If practicable he shall visit the place of detention daily.

Report by Medical Officer.

91. The Medical Officer shall report to the Superintendent, through the Warden, any circumstances connected with the place of detention or the treatment of the inmates, which, at any time, appears to him to require consideration on medical grounds.

Visits by Medical Officer.

92. (1) The Medical Officer shall visit the place of detention at such times as may be prescribed by the Director of Medical Services.

(2) The Medical Officer shall examine an inmate as soon as possible after his admission and before discharge. On each occasion the Medical Officer shall record the health of the inmate and such particulars as may be prescribed by the Superintendent.

(3) The Medical Officer shall see an inmate who complains of illness, and shall report to the Warden in writing his fitness or otherwise for work. He shall visit a sick inmate at such times as may be necessary. He shall attend as soon as is practicable on receiving information of the serious illness of any inmate.

(4) The Medical Officer shall visit an inmate under restraint, confined to a room, or on restricted diet, and any other inmate to whom his attention is specially directed.

(5) When an inmate is about to be removed from the place of detention, the Medical Officer shall examine him and certify as to his fitness to travel and on such other matters regarding him as may be required.

(6) The Medical Officer shall frequently examine the provisions made for cleanliness and sanitation and examine that they are in efficient working order. He shall report to the Warden any defect or insufficiency therein.

(7) The Medical Officer shall keep a record of the death of an inmate, which shall include the following particulars —

(a) the time and date when the deceased was taken ill and when the illness was

first notified to him;

(b) the nature of the disease;

(c) the time and date of the death; and

(d) an account of the results of any post-mortem examinations made and any special remarks that appear to him to be required.

Quarterly inspection.

93. Once a quarter, the Medical Officer shall inspect every part of the place of detention, for the purpose of ascertaining that nothing exists therein likely to be injurious to the health of the inmates, and, especially, that the ventilation is sufficiently provided for and properly maintained. The result of this inspection shall be reported to the Superintendent.

Food inspection.

94. The Medical Officer shall frequently inspect the inmates' food both cooked and uncooked. He shall report to the Warden as to the state and quality of the food, as to any deficiency in the quantity, or the quality, of the water, as to the sufficiency of clothing and bedding, and on other matters which may affect the health of the inmates.

Reports on dangers to inmates' health.

95. (1) Whenever the Medical Officer has reason to believe that the health of an inmate is likely to be injuriously affected by the discipline or treatment of a detention centre, he shall report the case in writing, through the Warden, to the Superintendent, together with such recommendations as he thinks proper.

(2) Whenever the Medical Officer is of the opinion that the life of any inmate will be endangered by continued discipline, or that any sick inmate will not survive his sentence, or is totally and permanently unfit for training, he shall report his opinion and the grounds thereof in writing, through the Warden to the Superintendent.

(3) Whenever any inmate appears to the Medical Officer to be dangerously ill, he shall give notice thereof to the Warden.

(4) The Medical Officer shall report, in writing to the Warden the case of any inmate to which he thinks it necessary, on medical grounds, to draw attention, and shall make such recommendations as he deems needful for the alteration of the discipline or treatment of the inmate, or for the supply to him of

additional articles.

Mental health of inmate.

96. (1) The Medical Officer shall keep under close observation any inmate whose mental condition appears to require it. If necessary, he shall take steps as he may consider proper with a view to the segregation or removal of such inmate to a place of detention designated for the observation of weak-minded inmates, or to the certification of the inmate under any law relating to lunacy, mental deficiency or disorder.

(2) The Medical Officer shall report to the Superintendent, through the Warden, any case of an inmate whose mental health appears likely to become impaired by continued discipline or treatment.

Contagious diseases.

97. The Medical Officer shall submit to the Warden, in writing, a recommendation for separating from other inmates any inmate suffering, or suspected of suffering, from any infectious or contagious disease, and shall immediately take steps to treat such disease.

PART XIX

HOUSEMASTERS

Housemaster's responsibility.

98. Where a place of detention is divided into Houses, a Housemaster shall be responsible for the administration of each house, subject to the general directions of the Warden.

Assistant Housemaster.

99. One or more Assistant Housemasters may be attached to each House, and shall be subjected to the directions of the Housemaster in charge of the House.

Duties of Housemasters.

100. Housemasters and Assistant Housemasters shall devote themselves to the mental, physical and moral improvement and development of each inmate under their charge.

Housemasters officers of the place of detention.

101. Housemasters and Assistant Housemasters shall be officers of the place of detention, and the rules for officers generally shall apply to them.

PART XX

ADVISORY BOARD

Appointment, duties and power of Advisory Board.

102. (1) The Minister shall for each year appoint a Board to be called "The Advisory Board".

(2) Any member of the Board may at any time visit any place of detention and during such a visit may —

- (a) inspect the several wards, cells, yards, solitary or punishment cells and other apartments or divisions of the place of detention;
- (b) inspect and test the quality and quantity of the inmates' food;
- (c) hear complaints (if any) of the inmates and question any inmate or member of the staff;

(3) During a visit to a place of detention, a member of the Board shall —
to;

(a) ascertain as far as possible, whether the place of detention rules are adhered

(b) call the attention of the Warden to any inequality that may be observed in the working of the place of detention or in the treatment of any inmate;

(c) exercise and perform such other powers and duties as may be prescribed.

(4) The Board shall appoint one or more of its members, in rotation, to visit a place of detention in each month of the year.

PART XXI

APPOINTMENT OF PLACES OF DETENTION

Appointment of places of detention.

103. The places specified in the Third Schedule are appointed places of detention.

FIRST SCHEDULE

(rule 27)

DIET SCALES PER INMATE

Rice 12 tahl daily Sugar 1 tahl daily Groundnut oil 1 tahl daily Tea or Coffee tahl daily Salt tahl daily Vegetable (anykind) 8 tahl daily Fresh fruits 4 tahl daily Curry stuff tahl daily Bread 3 ozs daily Condensed Milk 1 oz daily

Soya bean cake 1 oz 5 times a week Meat 8 tahl 3 times a week Fish 8 tahl 3 times a week Salted Fish 4 tahl 1 time a week Sweet potatoes 4 tahl 3 times a week Yam 4 tahl 2 times a week Tapioca or Biscuit 4 tahl 2 times a week Green peas 2 tahl 3 times a week Red peas 2 tahl 3 times a week Jam oz daily

Butter oz daily

RESTRICTED DIET

Bread 16 ozs per day

Cheese 2 ozs per day

SECOND SCHEDULE

Youthful Offenders (Places of Detention) Rules

ORDER FOR RELEASE ON PAROLE

(rule 63)

To the Warden,

WHEREAS by an Order of Detention dated day of 20, being a youthful offender was in pursuance of the provisions of section 262(1) (d) of the Criminal Procedure Code (Chapter 7) ordered to be detained in the for a period of ;

AND WHEREAS I have been advised by the Advisory Board appointed under section 262(5) (c) of the Criminal Procedure Code (Chapter 7) to release the said youthful offender on parole upon such conditions as are endorsed upon this

order;

NOW I HEREBY ORDER that such youthful offender, having been detained for a period of one year or more, be released on parole from the said place of detention subject to the conditions endorsed upon this order:

AND PROVIDED that, if at any time such youthful offender should break or fail to comply with any of the conditions hereinafter endorsed he shall be liable to be arrested on a warrant under the hand of the Minister and taken to and detained in the said place of detention for the unexpired portion of his original period of detention, or until again released on parole.

Dated this day of 20 .

MINISTER

Conditions

1. The within named shall proceed to such place as is directed by and shall not without the consent of the person under whose charge he/she had been placed, remove from that place or such other place as may be named by the person.
2. The within named shall obey such instructions as may be given with regard to punctual and regular attendance at employment or otherwise, shall report periodically, either personally or by letter, if required to do so, and shall make no change of address without permission.
3. The within named shall abstain from any violation of law, shall not associate with persons of bad character, and shall lead a sober, steady and industrious life to the satisfaction of .
4. The within named shall not visit the place of detention or write to any inmate in it without first obtaining the permission of the Warden.

Youthful Offenders (Places of Detention) Rules

ORDER FOR FURTHER RELEASE ON PAROLE

(rule 63)

WHEREAS by an Order of Detention dated the day of 20....., being a youthful offender was in pursuance of the provisions of section 262(1) (d) of the Criminal Procedure Code (Chapter 7) ordered to be detained in for a period of ;

AND WHEREAS an order for release on parole dated the day of 20, was made in respect of the said youthful offender, and by a warrant of Re-arrest and Re-committal dated the day of 20, the said youthful offender was detained in the said place of detention for the unexpired portion of his original period of detention;

AND WHEREAS I have been advised by the Advisory Board appointed under section 262(5) (c) of the Criminal Procedure Code (Chapter 7) to release further the said youthful offender on parole upon such conditions as are endorsed upon this order;

NOW I HEREBY ORDER that said youthful offender, having been detained for a period of one year or more, be released on parole from the said place of detention:

PROVIDED that the said youthful offender is placed under the care, supervision and authority of until the expiration of the original detention order dated the..... day of20, or until the said youthful offender attain the age of 18 years, whichever may be earlier:

AND PROVIDED FURTHER that the said youthful offender complies with the conditions endorsed upon this order.

Dated this day..... of 20.....

MINISTER

Conditions

1. The within named shall proceed to such place as is directed by and shall not without the consent of the person under whose charge he/she had been placed, remove from that place or such other place as may be named by the person.
2. The within named shall obey such instructions as may be given with regard to punctual and regular attendance at employment or otherwise, shall report periodically, either personally or by letter, if required to do so, and shall make no change of address without permission.
3. The within named shall abstain from any violation of law, shall not associate with persons of bad character, and shall lead a sober, steady and industrious life to the satisfaction of .

4. The within named shall not visit the place of detention or write to any inmate in it without first obtaining the permission of the Warden.

Youthful Offenders (Places of Detention) Rules

WARRANT OF RE-ARREST AND RE-COMMITTAL

(rule 63)

To the Police Officers of the and all other Police Officers

WHEREAS by an Order of Detention dated the day of 20, being a youthful offender was in pursuance of the provisions of section 262(1) (d) of the Criminal Procedure Code (Chapter 7) ordered to be detained in for a period of ;

AND WHEREAS such youthful offender was, on the day of 20, released on parole under the powers conferred on me by section 262(5) of the Criminal Procedure Code (Chapter 7) upon the conditions endorsed upon the Order of Release, and has now broken or failed to comply with such conditions;

YOU ARE DIRECTED to arrest the said youthful offender and to take him forthwith to the said place of detention to be detained therein for the unexpired portion of his original period of detention or until again released on parole, for which detention this warrant shall be sufficient authority:

PROVIDED that, if such youthful offender has since the date of his release on parole as aforesaid rendered himself liable on prosecution for any offence, he shall in such case be brought forthwith before the appropriate court of competent jurisdiction.

Dated this day of 20

MINISTER

Youthful Offenders (Places of Detention) Rules

HOME LEAVE

(rule 41)

To:

Date:

You are hereby given leave of absence from the place of detention in which you are an inmate, on the following conditions —

1. You will go to such place as the Warden directs.
2. You will not change your address without permission.
3. You will keep away from persons of bad character.
4. You will report to the Parole Officer, as directed by the Warden. If the Parole Officer gives you any instructions, you will carry them out. You should consult him if you want advice or help.
5. You will report back at the place of detention by on . If you fail to return at the proper time, you will be liable to be arrested. No extension of this home leave will be granted.
6. You will keep this form on you all the time that you are on home leave. You will produce it if required to do so.

Warden

(place of detention)

I have read and understood the above conditions of leave of absence from the place of detention which has been granted to me.

Inmate

THIRD SCHEDULE

(rule 103)

APPOINTED PLACES OF DETENTION

Jerudong Prison [S 115/69]