



SAINT LUCIA

CHAPTER 14.01

POLICE ACT

Revised Edition

Showing the law as at 31 December 2008

This is a revised edition of the law, prepared by the Law Revision Commissioner under the authority of the Revised Edition of the Laws Act.

This edition contains a consolidation of the following laws—

POLICE ACT

Act 30 of 1965 in force 1 October 1965 (S.I. 21/1965)

Amended by Act 19 of 1966 in force 15 October 1966

Amended by Act 19 of 1968 in force 27 July 1968

Amended by Act 6 of 1969 in force 12 April 1969

Amended by Act 17 of 1970 in force 3 October 1970

Amended by Act 7 of 1978 in force 10 June 1978

Amended by Act 20 of 1985 in force 16 November 1985

Amended by Act 10 of 1990 in force 22 September 1990

Amended by Act 25 of 2001 in force 10 November 2001

Amended by S.I. 15/1969 in force 19 April 1969

Amended by S.I. 17/1969 in force 24 May 1969

Amended by Gazette Notice 834/1978

Amended by Gazette Notice 548/1978

SPECIAL RESERVE POLICE REGULATIONS - Section 53

Statutory Instrument 85/1985 in force 16 November 1985

POLICE REGULATIONS - Section 59

Statutory Instrument 22/1965 in force 1 October 1965

Amended by S.I. 7/1967 in force: Section 3: 1 January 1965

Remainder: 4 March 1967

Amended by S.I. 8/1966 in force 1 January 1966

Amended by S.I. 11/1968 in force 1 January 1968

Amended by S.I. 24/1970 in force 3 October 1970

Amended by S.I. 17/1973 in force 1 January 1970

Amended by S.I. 8/1974 in force 29 March 1973

Amended by S.I. 21/1993 in force 10 April 1993

POLICE (PROMOTIONS) REGULATIONS - Section 59

Statutory Instrument 149/2006 in force 21 August 2006

CHAPTER 14.01

POLICE ACT

ARRANGEMENT OF SECTIONS

Section

PART 1	7
PRELIMINARY	7
1. Short title.....	7
2. Interpretation.....	7
 PART 2	 8
CONSTITUTION AND ADMINISTRATION	8
3. Establishment of Police Force.....	8
4. Seniority of ranks	8
5. Functions of the Force	9
6. Police serving with armed forces	9
7. Commissioner of Police	9
8. Absence of Commissioner of Police	10
9. Resignation of gazetted officer or inspector	10
10. Discharge of subordinate officer or constable	10
11. Pay and allowances	11
12. Declaration.....	11
13. Police officer not to be engaged in any other employment.....	11
14. Police officers to keep prescribed books and to render returns	12
15. Gazetted officer to be justice of the peace.....	12
 PART 3	 12
CONDITIONS OF SERVICE OF INSPECTORS, SUBORDINATE OFFICERS AND CONSTABLES.	12
16. Qualifications for appointment.....	12
17. Terms of appointment	13
18. Prolongation of service in case of war.....	13
19. Illegally withdrawing from Force.....	14
20. Warrant to arrest person illegally withdrawing from Force	14
21. Aiding in illegal withdrawal from the Force	15
22. Powers of the police.....	15
23. Duties of the police	16
24. Barriers	17

25.	Power to take measurements, photographs, fingerprints, palm and foot impressions.....	17
-----	---	----

PART 4 18

OFFENCES AND DISCIPLINE 18

26.	Punishment of serious offences	18
27.	Method of dealing with offences by police officers.....	19
28.	Hearing and determination of charges or complaint.....	19
29.	Appeals.....	20
30.	Variation of punishment	21
31.	Dismissal and reduction	22
32.	Payment during suspension.....	22
33.	Public property not to be used privately	23
34.	Delivery up of articles supplied on leaving the Force	23

PART 5 23

POLICE BAND 23

35.	Establishment of Police Band	23
-----	------------------------------------	----

PART 6 25

LIABILITIES 25

36.	Liabilities	25
37.	Satisfaction of civil judgements against policemen	25
38.	Police acquitted of offences by a civil court not liable to further punishment	26

PART 7 26

POLICE REWARD FUND 26

39.	Reward fund	26
-----	-------------------	----

PART 8 27

POLICE ASSOCIATION 27

40.	Constitution of Police Association	27
41.	Police Association Rules.....	28
42.	Police officers not to join prohibited associations.....	28

PART 9 29

CANTEENS 29

43.	Canteens	29
-----	----------------	----

PART 10 29

SPECIAL RESERVE POLICE 29

44.	Establishment of Special Reserve Police Force	29
45.	Seniority of ranks	29
46.	Commissioner of Police to command Special Reserve.....	30
47.	Appointment.....	30
48.	Qualifications for appointment	30

 Revision Date: 31 Dec 2008

49.	Declaration.....	31
50.	Certificate of appointment	31
51.	Resignation	31
52.	Authority to pay	31
53.	Rules.....	32
54.	Return of equipment	32
55.	Illness, bodily injury and death	32
PART 11		33
SPECIAL CONSTABLES AND PEACE OFFICERS		33
56.	Special constables	33
57.	Peace officers	33
58.	Authority.....	34
PART 12		34
REGULATIONS AND STANDING ORDERS		34
59.	Regulations	34
PART 13		35
OFFENCES AGAINST THE POLICE		35
60.	Offences against the Police Force	35
PART 14		36
RURAL CONSTABLES		36
61.	Appointment.....	36
62.	Powers, duties etc., of rural constables.....	36
63.	Striking off roll	37
64.	Retirement	37
65.	Badge.....	37
66.	Liability to be called out for duty	37
67.	Remuneration	38
68.	Appearance in January and July	38
69.	Offences by and against rural constables	38
PART 15		39
MISCELLANEOUS		39
70.	Medical attendance and funeral expenses.....	39
71.	Right to prosecute police cases	39
72.	Delivery of stolen goods to owner thereof.....	39
73.	Case of constable from the Windward Islands on duty in Saint Lucia and vice versa.....	40
SCHEDULE		41

CHAPTER 14.01

POLICE ACT

(Acts 30 of 1965, 19 of 1966, 19 of 1968, 6 of 1969, 17 of 1970, 7 of 1978, 20 of 1985, 10 of 1990 and 25 of 2001, S.I. 15/1967 and 17/1969 and Gazette Notices 548/1978 and 854/1978)

AN ACT to provide for the organisation, administration, duties and discipline of the Police Force and for connected matters.

Commencement [1 October 1965]

PART 1 PRELIMINARY

1. SHORT TITLE

This Act may be cited as the Police Act.

2. INTERPRETATION

In this Act, unless the context otherwise requires—

“**arms**” includes firearms;

“**cadet officer**” means a member of the force holding the rank of cadet officer;

“**Commissioner of Police**” means the Commissioner of Police appointed under section 7;

“**constable**” means a police officer below the rank of corporal;

“**Force**” means the Police Force established under section 3 and includes any part of such Force;

“**gazetted officer**” means any police officer of or above the rank of Assistant Superintendent;

“**Inspector**” means a member of the Force holding the rank of inspector;

“**medical board**” means a board of medical officers appointed by the Governor General;

“**offences against Police Force discipline**” means the offences against Police Force discipline prescribed by regulations under section 50;

“**police officer**” means any member of the Force;

“**police station**” means a post or place appointed to be a police station, and includes any local area policed from such station;

“**property**” includes any movable property, money or valuable security;

“**Special Reserve**” means the Special Reserve Police established under section 44;

“**subordinate officer**” means any station sergeant, sergeant or corporal.

(Amended by Act 19 of 1968 and 17 of 1970)

PART 2 CONSTITUTION AND ADMINISTRATION

3. ESTABLISHMENT OF POLICE FORCE

There is hereby established a police force to be known as the Royal Saint Lucia Police Force, which shall consist of such number of police officers as may be ordered by the Cabinet and enrolled in the Force. *(Amended by Acts 19 of 1966 and 17 of 1970)*

4. SENIORITY OF RANKS

The Force shall consist of the undermentioned ranks in the following order of seniority—

- (i) ¹Gazetted Officers—
 - Commissioner of Police
 - Deputy Commissioner of Police
 - Assistant Commissioner of Police
 - Superintendent of Police
 - Assistant Superintendent of Police

¹ *Gazetted in 1970 Gazette at page 199*

Cadet Officer

- (ii) Inspector
- (iii) Subordinate Officers—
 - Station Sergeant
 - Sergeant
 - Corporal
- (iv) Constable

Cabinet may by notice in the Gazette amend or vary such ranks.
(*Substituted by Acts 19 of 1968 and 17 of 1970*)

5. FUNCTIONS OF THE FORCE

The Force shall be employed in Saint Lucia for the maintenance of law and order, the preservation of the peace, the protection of life and property, the prevention and detection of crime, the enforcement of all laws and regulations with which it is charged, the apprehension of offenders, and for the performance of such duties police officers may carry arms.

6. POLICE SERVING WITH ARMED FORCES

The Governor General may in case of war or other emergency, employ the Force, or any part of it, to serve in defence of Saint Lucia.

However, any part of the Force so employed shall continue to be under the command of the Commissioner of Police or such other police officer as the Commissioner of Police may appoint for that purpose.

7. COMMISSIONER OF POLICE

There shall be a Commissioner of Police who shall have command and superintendence of the Force and shall be responsible to the Governor General for the efficient administration and government of the Force and for the proper expenditure of all public monies appropriated for the service thereof.

8. ABSENCE OF COMMISSIONER OF POLICE

The Deputy Commissioner of Police shall have all the powers and duties of the Commissioner of Police—

- (a) during any absence, incapacity or suspension from duty of the Commissioner of Police;
- (b) during any vacancy in the office of the Commissioner of Police,

but shall not have power to act by virtue of this section for a continuous period exceeding 3 months except with the consent of the Governor General. (*Inserted by Act 17 of 1970*)

9. RESIGNATION OF GAZETTED OFFICER OR INSPECTOR

The resignation of a gazetted officer, cadet officer or inspector shall not become effective until 3 months have expired from the date upon which written notice of the intended resignation of such officer has been delivered to the Governor General. (*Amended by Act 19 of 1968*)

10. DISCHARGE OF SUBORDINATE OFFICER OR CONSTABLE

Any subordinate officer or constable may be discharged by the Commissioner of Police—

- (a) if the Commissioner of Police considers that he or she is unlikely to become or has ceased to be an efficient police officer;
- (b) if he or she is certified by a medical board to be incapacitated by reason of some infirmity of mind or body for further service in the Force and that such infirmity is likely to be permanent; or
- (c) on reduction of the establishment of the Force.

However, any such subordinate officer or constable discharged under paragraphs (a) and (c) is entitled to 3 months notice.

In addition where any subordinate officer or constable discharged under any of the provisions of this section was, at the time of his or her discharge, eligible for a pension, gratuity or other allowance under the provisions of the Pensions Act or any Act amending or replacing the same, it is lawful for the Governor General to grant to such officer such pension, gratuity or other allowance.

11. PAY AND ALLOWANCES

Every police officer shall receive such pay and allowances as may be assigned to him or her by the Governor General with the consent of the House of Assembly.

12. DECLARATION

- (1) Every police officer shall on being appointed make and sign the following declaration, in such manner as he or she may declare to be most binding on his or her conscience—

I do hereby swear by Almighty God (or do hereby solemnly and sincerely affirm) that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth the Second, Her Heirs and Successors, and that I will faithfully serve Her Majesty the Queen, Her Heirs and Successors during my service in the Saint Lucia Police Force, that I will subject myself to all Acts, orders and regulations relating to the said Force now in force or which may from time to time be in force and will discharge all the duties of a police officer according to law, without fear or favour, affection or ill-will.

Affirmed) at this day
 Declared) of 20.....

Before me

Such declaration shall be taken by the Commissioner of Police before the Governor General and by every other police officer before the Commissioner of Police.

- (2) A certificate of appointment in such form as may be prescribed by regulations made by the Cabinet and signed by such officer as is authorised by the Commissioner of Police, shall on appointment be issued to every police officer and shall be evidence of his or her appointment under this Act.

13. POLICE OFFICER NOT TO BE ENGAGED IN ANY OTHER EMPLOYMENT

A police officer shall not, without the consent of the Commissioner of Police engage in any other employment or office.

14. POLICE OFFICERS TO KEEP PRESCRIBED BOOKS AND TO RENDER RETURNS

Every police officer in charge of a police station shall keep a station diary in such form as the Commissioner of Police may, direct, and shall record therein all complaints and charges preferred, the names of all persons arrested and the offences charged against such persons, and shall also keep such further books and records, and shall render such returns to the Commissioner of Police as the Commissioner of Police may direct.

15. GAZETTED OFFICER TO BE JUSTICE OF THE PEACE

Every gazetted officer is *ex officio* a justice of the peace for Saint Lucia and as such shall at all times act ministerially for the purposes of the preservation of the peace, prevention of crime, and the detection of crime and offenders, but he or she shall not in any way act judicially except as expressly provided by this Act.

PART 3

CONDITIONS OF SERVICE OF INSPECTORS, SUBORDINATE OFFICERS AND CONSTABLES.

16. QUALIFICATIONS FOR APPOINTMENT

- (1) A person shall not be appointed to the Force as an inspector, subordinate officer or constable unless—
 - (a) he or she has attained the age of 15 years but has not reached the age of 30 years. However, in any such case the Commissioner of Police may with the approval of the Governor General appoint a person who has already attained the age of 30 years; (*Amended by Act 17 of 1970*)
 - (b) he or she is of the required height and chest measurements according to the standard fixed by the Commissioner of Police;
 - (c) he or she passes a medical examination as to his or her bodily fitness to be held by such Medical Officer as may be appointed for the purpose by the Governor General;
 - (d) he or she produces to the Commissioner of Police satisfactory proof of his or her good character; and

- (e) he or she satisfies the Commissioner of Police that he or she has attained a reasonable standard of education.
- (2) Any candidate who with a view to appointment in the Force knowingly makes any false statement or produces any birth certificate or testimonial which is false in any material particular is on summary conviction thereof liable to a fine not exceeding \$240 or to imprisonment for a term not exceeding 6 months or to both such fine and imprisonment.

17. TERMS OF APPOINTMENT

- (1) Initial appointment to the Force shall be for a period of 2 years during which period a subordinate officer or constable shall be deemed to be on probation. At the end of the probationary period every inspector, subordinate officer or constable of good character and considered qualified for permanent appointment to the Force shall be so appointed however if the inspector, subordinate officer or constable does not intend to be permanently appointed he or she shall give 6 months notice to the Commissioner of Police of his or her intention not to be permanently appointed.
- (2) If at any time during the period of probation a constable shall be found to be wanting in character or intelligence or otherwise unfitted to be a police officer his or her services may be terminated by the Commissioner of Police.
- (3) An inspector, subordinate officer or constable may withdraw himself or herself from the force at any time by giving 3 months notice in writing of his or her intention so to do.

However, the Commissioner of Police may dispense with this condition in any case if he or she sees fit.

18. PROLONGATION OF SERVICE IN CASE OF WAR

Any police officer whose period of service expires during a state of war, or during a time at which the Governor General has, by notice in the Gazette, declared a state of emergency to exist, may be retained in the force and his or her services prolonged for such further period, but not exceeding 6 months from the cessation of such state of war or emergency, as the Commissioner of Police may direct.

19. ILLEGALLY WITHDRAWING FROM FORCE

- (1) Every subordinate officer or constable who absents himself or herself from roll call and from duty for the space of 48 hours without lawful excuse, and every police officer appointed by the Commissioner of Police who—
- (a) while serving on probation in the Force withdraws himself or herself from the Force without the permission of the Commissioner of Police;
 - (b) withdraws himself or herself from the Force without the permission of the Commissioner of Police during the term for which he or she has been appointed to serve in the force; or
 - (c) withdraws himself or herself at any time from the Force without the permission of the Commissioner of Police or without giving a valid notice of his or her intention to withdraw himself or herself from the Force,

is considered to have illegally withdrawn himself or herself from the force and is liable on summary conviction, to a fine not exceeding \$120 or to imprisonment for a term not exceeding 6 months.

- (2) It is sufficient, in any charge or complaint for an offence under this section, to state that the person proceeded against did illegally withdraw himself or herself from the Force.

20. WARRANT TO ARREST PERSON ILLEGALLY WITHDRAWING FROM FORCE

- (1) Any magistrate, on a complaint being made to him or her on oath by any gazetted officer that any inspector, subordinate officer or constable has illegally withdrawn himself or herself from the force in breach of the last preceding section and that there is reasonable cause to suspect that such police officer is concealed in his or her own premises or on the premises of any other person, or is on board any vessel within the limit of Saint Lucia, shall grant to such gazetted officer a warrant to search with the proper assistance, the premises, or vessel in which such police officer is believed to be concealed, and if found, to arrest him or her in order that he or she may be dealt with according to law.

- (2) At the hearing by a magistrate of such a complaint the onus of proving that any withdrawal was with the permission of the Commissioner of Police, or that a valid notice was given, shall be on the person proceeded against.

21. AIDING IN ILLEGAL WITHDRAWAL FROM THE FORCE

Every person who—

- (a) knowingly aids or assists any police officer illegally to withdraw himself or herself from the Force;
- (b) knowingly conceals any police officer who has illegally withdrawn himself or herself from the Force;
- (c) knowing that any police officer has illegally withdrawn himself or herself from the Force aids him or her to quit Saint Lucia,

commits an offence and is liable, on summary conviction, to a fine not exceeding \$48, or to imprisonment for a term not exceeding one month.

22. POWERS OF THE POLICE

- (1) Every police officer has throughout Saint Lucia and in several bays, creeks, and inlets thereof, and also on board any vessel in which any indictable offence, or any offence punishable on summary conviction is or may be suspected to be committed, all the authorities, privileges, protection and advantages, and is liable to all the duties and responsibilities as that police officer duly appointed now has or is subject or liable to or may hereafter have or be subject or liable to either by the common law of England or by virtue of any law which now is or which may hereafter be in force in Saint Lucia.
- (2) For the purpose of preserving order and decorum in public places and places of public resort, at public meetings and in assemblies for public amusements, each and every police officer when on duty shall have free admission to all such meetings and assemblies while open to any member of the public.

23. DUTIES OF THE POLICE

- (1) It is the duty of the Force to take lawful measures for—
 - (a) preserving the public peace;
 - (b) preventing and detecting crimes and other infractions of the law;
 - (c) apprehending and causing to be apprehended persons who shall have committed, or shall be charged with or suspected of having committed or having abetted the commission of, or being about to commit any crime, or offence;
 - (d) control of procession and assemblies in public places;
 - (e) controlling the traffic upon public thoroughfares and removing obstructions therefrom;
 - (f) preserving order and decorum in public places and places of public resort, at public meetings and in assemblies for public amusements;
 - (g) assisting in carrying out the revenue, excise, quarantine, emigration and immigration laws;
 - (h) assisting in preserving order in the different ports and harbours in Saint Lucia, and in enforcing the port regulations therein;
 - (i) executing summonses, subpoenas, warrants, commitments and other criminal or quasi-criminal process issued by the several magistrates, justices of the peace and coroners on complaints or proceedings before them;
 - (j) exhibiting information and conducting prosecutions for crimes and offences;
 - (k) protecting unclaimed and lost property and finding the owners thereof;
 - (l) taking charge of and impounding any animal found straying in any public place;
 - (m) assisting in the protection of life and property in cases of fire, hurricane, earthquake, flood and other disasters;
 - (n) protecting public property from loss or injury;
 - (o) attending the High Court and the Magistrates' Courts and keeping order in and within the precincts and in the vicinity of the said Courts;

- (p) escorting prisoners to and from prisons and places of detention;
 - (q) doing and performing generally the duties appertaining to the office of a police officer.
- (2) Every police officer is liable for service in defence of Saint Lucia under the authority of section 6 and during the continuance of such service the Cabinet may make any regulations in that behalf, or may suspend for the like period the provisions of any section of this Act.

24. BARRIERS

- (1) Despite the provisions of any other law in force in Saint Lucia, any gazetted officer or any inspector stationed in any area, may, if he or she considers it necessary so to do for the maintenance and preservation of law and order or for the prevention or detection of crime, erect or place barriers in or across any road or street or in any public place within Saint Lucia, in such manner as he or she may think fit.
- (2) Any police officer may take all reasonable steps to prevent any vehicle being driven past such barrier and any driver of any vehicle who fails to comply with any reasonable signals of a police officer, requiring such person to stop such vehicle before reaching any such barrier, commits an offence and on conviction therefor, is liable to a term of imprisonment not exceeding 6 months or to a fine not exceeding \$240 or to both such fine and such imprisonment.
- (3) A police officer is not liable for any loss or damage resulting to any vehicle or for any injury to the driver or any other occupant of such vehicle as a result of the driver of such vehicle failing to obey any police officer acting under the provisions of subsection (2).

25. POWER TO TAKE MEASUREMENTS, PHOTOGRAPHS, FINGERPRINTS, PALM AND FOOT IMPRESSIONS

- (1) The police officer in charge of a station may cause the measurements, photographs, finger print and or palm impressions, and where necessary foot impressions to be taken, for purposes of use and record, of any person in lawful custody

for any offence punishable by imprisonment whether accused or convicted.

- (2) Any person who refuses to permit his or her measurements, photographs and finger print and or palm impressions, and where necessary foot impressions to be taken under the provisions of subsection (1) commits a summary offence and on conviction is liable to a fine not exceeding \$240 or to imprisonment not exceeding 6 months and, after conviction, reasonable force may be used to enable such measurements, photographs, finger print and or palm impressions, and foot impressions to be taken.
- (3) On the release, discharge or acquittal of a person who has not previously been convicted of an offence punishable by imprisonment and whose measurements, photographs, finger print and or palm impressions, and foot impressions have been taken under the provisions of this section, such measurements, photographs, finger print and or palm impressions and foot impressions (both negatives and copies) shall be destroyed.

However, release shall not include release on bail pending trial.

PART 4 OFFENCES AND DISCIPLINE

26. PUNISHMENT OF SERIOUS OFFENCES

- (1) A police officer commits an offence punishable on indictment and is liable to imprisonment for a term not exceeding 3 years who—
 - (a) begins, raises, abets, countenances or excites mutiny, or causes or joins in any sedition amongst the members of the Force; or
 - (b) coming to the knowledge of any actual or intended mutiny, rebellion, or insurrection, does not without delay give information thereof to a gazetted officer or to a justice of the peace.
- (2) A police officer commits an offence and is liable on summary conviction to a fine not exceeding \$240, or to imprisonment for a term not exceeding 6 months who—

- (a) being present at any assemblage tending to riot, does not use his or her utmost endeavours to suppress the same;
- (b) assaults a justice of the peace or superior officer;
- (c) draws or lifts, or offers to draw or lift, any weapon or offers any violence against any such justice of the peace or superior officer;
- (d) wilfully permits the escape of a prisoner;
- (e) uses unnecessary violence to or ill-uses any prisoner; or
- (f) pawns, sells, makes away with or wilfully spoils or damages his or her arms, accoutrements, clothing or any public property.

27. METHOD OF DEALING WITH OFFENCES BY POLICE OFFICERS

Offences against police force discipline committed by a member of the Force below the rank of Assistant Superintendent shall be dealt with and punished in accordance with the provisions of this Act and any regulations made thereunder.

28. HEARING AND DETERMINATION OF CHARGES OR COMPLAINT

- (1) When a charge or complaint is made against any inspector, subordinate officer or constable for any offence against police force discipline the Commissioner of Police or the gazetted officer as in the following subsection prescribed may hear and determine the charge or complaint and may impose any of the following sentences coupled in the case of a gazetted officer other than the Commissioner of Police, if he or she thinks fit, with a recommendation for dismissal from the Force, that is to say—
 - (a) caution or reprimand;
 - (b) suspension, deferment or stoppage of increment;
 - (c) a fine not exceeding the equivalent of 10 days pay of the defaulters monthly salary; (*Amended by Act 10 of 1990*)
 - (d) reduction in rank;
 - (e) in the case of constables only, confinement to barracks for any period not exceeding 28 days, and such confinement shall involve the performance of ordinary duty and parades as well as fatigue duties.

- (2)
- (a) A Deputy Commissioner of Police or an Assistant Commissioner deputed by the Commissioner of Police may hear and determine offences against police force discipline committed by inspectors, station sergeants and sergeants; (*Amended by Act 17 of 1970*)
 - (b) Any gazetted officer deputed by the Commissioner of Police may hear and determine offences against police force discipline committed by corporals and constables.
- (3) The Commissioner of Police or other gazetted officer shall have the same powers in respect of securing and compelling the attendance of witnesses and their examination upon oath and otherwise as are conferred upon a magistrate under the Code of Civil Procedure.
- (4) Every person who, on the hearing of any such charge or complaint, gives false evidence on oath commits perjury.

29. APPEALS

- (1) Where—
- (a) an inspector, subordinate officer or constable is dissatisfied with a decision given by the Commissioner of Police, on the determination of a charge for an offence against police force discipline, he or she may within 7 days after such decision has been communicated to him or her appeal to the Public Service Board of Appeal;
 - (b) an inspector, subordinate officer or constable is dissatisfied with the decision of a gazetted officer other than the Commissioner of Police, he or she may within 7 days after the gazetted officer's decision has been communicated to him or her appeal to the Commissioner of Police and if he or she is dissatisfied with the decision of the Commissioner of Police he or she may appeal to the Public Service Board of Appeal within 7 days after the decision of the Commissioner of Police has been communicated to him or her.

However, there is no right of appeal where the punishment is only a caution or reprimand or against findings of guilty in cases where the police officer has admitted the charge.

Revision Date: 31 Dec 2008

- (2) An appeal under subsection (1) shall be sent or delivered to the gazetted officer against whose decision the appeal is made and he or she shall forward it to the Commissioner of Police or to the Public Service Board of Appeal as the case may be.
- (3) Where any appeal is made the notes of evidence in the case, together with any statement which may be made by the offender in his or her defence, shall be forwarded to the Commissioner of Police or the Public Service Board of Appeal as the case may be.
- (4) The Commissioner of Police or the Public Service Board of Appeal as the case may be, after considering the appeal and the notes of evidence and statements and other documents submitted to him or her by virtue of subsection (3) shall either—
 - (a) allow the appeal;
 - (b) dismiss the appeal; or
 - (c) vary the punishment by substituting some other punishment which the gazetted officer might have awarded.
- (5) Every appeal under this section shall be in writing and the decision of the Commissioner of Police (if there is no further appeal) or the Public Service Board of Appeal shall be final.
- (6) Every appeal under this section shall have the effect of suspending the execution of the decision appealed therefrom until the appeal has been disposed of.

(Amended by Act of 17 of 1970)

30. VARIATION OF PUNISHMENT

- (1) The Commissioner of Police may without any appeal vary the punishment imposed by a gazetted officer on any inspector, subordinate officer or constable by substituting some other punishment, (whether more or less severe) which such gazetted officer might have awarded.
- (2) Where the Commissioner of Police is himself or herself a witness or otherwise personally involved in any charge or complaint against any inspector, subordinate officer or

constable, he or she shall not have the power of variation referred to in subsection (1).

31. DISMISSAL AND REDUCTION

- (1) The Commissioner of Police may order the dismissal from the Force or reduction in rank of any inspector, subordinate officer or constable who is convicted of a criminal offence or any offence against police force discipline.
- (2) Dismissal or reduction in rank under subsection (1) may be ordered in addition to any punishment which may be imposed on conviction as aforesaid, whether in the case of a dismissal, a recommendation to that effect, has or has not been made and without calling on the offender or defaulter to show cause why he or she should not be dismissed.

32. PAYMENT DURING SUSPENSION

- (1) An inspector, subordinate officer or constable against whom any complaint or information for an offence punishable on summary conviction or on indictment is laid, or against whom a charge is made for breach of any disciplinary regulation made under this Act, may, pending, and until final determination of such complaint, information or charge—
 - (a) be suspended from duty and placed on half-pay by the Commissioner of Police; or
 - (b) if admitted to bail and not so suspended, be employed on full-time duty, in which case he or she shall receive full pay, or if employed on part-time duty he or she shall receive a rate of pay (not being less than half-pay) as the Commissioner of Police thinks fit.
- (2) If an inspector or a subordinate officer or constable is acquitted on any complaint or information, or obtains a decision in his or her favour on any charge, he or she shall be entitled to receive all pay which has been withheld from him or her; if he or she is convicted on such complaint or information or does not obtain a decision in his or her favour on such charge and is subsequently dismissed, he or she shall not be entitled to receive any pay so withheld.

- (3) In the application of subsection (1) an inspector, subordinate officer or constable shall not be deprived of any part of the house and lodging allowance or the use of any free quarters to which he or she may be entitled.

33. PUBLIC PROPERTY NOT TO BE USED PRIVATELY

Unless he or she is specially authorised to do so by the regulations, a police officer shall not be entitled to keep or use for his or her private benefit any article whatever which has been supplied to him or her at the public expense, but he or she shall hold every such article at the order and disposal of the Commissioner of Police.

34. DELIVERY UP OF ARTICLES SUPPLIED ON LEAVING THE FORCE

- (1) Every police officer who is dismissed from the Force, or resigns his or her office, or otherwise leaves the Force shall deliver over to the person appointed by the Commissioner of Police for that purpose every article whatsoever which has been supplied to him or her at the public expense, and which he or she has not been expressly authorised to keep or use for his or her private benefit.
- (2) Every person who contravenes this section is liable, on summary conviction, to a fine not exceeding \$48, or to imprisonment for a term not exceeding 3 months; and it shall be lawful for any justice of the peace to issue his or her warrant to search for and seize all such articles which are not so delivered over, wherever the same may be found, and to arrest the person in whose possession the same may be found.

PART 5 POLICE BAND

35. ESTABLISHMENT OF POLICE BAND

- (1) There is established a Police Band comprising a Bandmaster who shall be appointed as a police officer and of such bandsmen who shall also be appointed as police officers, cadets and apprentices as may be approved by the Cabinet.

- (2) Cadets not under the age of 12 years and not over the age of 18 years may be engaged for training as bandsmen for the Police Band as the need may arise on the conditions set out below, and subject to such regulations relating to their employment, discipline and duties as may be approved by the Cabinet.
- (3) An applicant for cadetship shall become bound to serve faithfully for the specified term as soon as the Commissioner of Police is satisfied that the youth is willing to serve and the consent of one of the following persons is obtained namely—
 - (a) his or her father, if he or she is in the Island and can be found;
 - (b) his or her mother, if she is in the Island and the attendance of the father cannot be had;
 - (c) his or her guardian, if the attendance of neither his or her father nor mother can be had;
 - (d) the magistrate of the First Judicial District if the attendance of none of the abovementioned can be had.
- (4) The cadet shall be subject to the orders and control of the Commissioner of Police and the Bandmaster; and for insubordination, disobedience, or neglect of duty, may be reprimanded or dismissed by the Commissioner of Police.
- (5) Subject to subsection (6) the term of cadetship shall be 5 years; but as soon as any cadet is, in the opinion of the Bandmaster, qualified for duty as a bandsman, he or she shall with the approval of the Commissioner of Police, and although the 5 years of his or her cadetship shall not have expired, be enrolled as a constable in the Force and thereafter shall receive the pay of a police constable and shall be subject in all respects to the provisions of this Act as it applies to a police constable.
- (6) Any cadet who has not been enrolled as a constable in accordance with the last preceding subsection may on giving one month's notice in writing to the Commissioner of Police terminate his or her service at the expiration of the notice, or before such expiration with the approval of the Commissioner of Police.
- (7) The band may also consist of apprentices up to a maximum of 6 who shall be paid a small monthly remuneration for out of pocket expenses and who shall attend such functions of the band as the Bandmaster may direct.

PART 6 LIABILITIES

36. LIABILITIES

- (1) When any action shall be brought against any police officer for any act done in obedience to the warrant of any magistrate or justice of the peace, the party against whom such action shall be brought shall not be responsible for any irregularity in the issuing of such warrant, or for any want of jurisdiction of the magistrate or justice of the peace issuing the same but may give, such warrant in evidence at the trial, and on proving that the signature thereto is the handwriting of the person whose name shall appear subscribed thereto and that such person was reputed to be and acted as a magistrate for the district or justice of the peace and that the act or acts complained of was or were done in obedience to such warrant, there shall be a verdict in such action for the defendant.
- (2) It shall be the duty of the police officer, if required so to do in the execution of any warrant to him or her directed, to produce the same to the party or parties taken into custody thereunder, and to permit a copy thereof to be taken by him or her or on his or her or their behalf, either at the time of the arrest or at any time afterwards while the warrant remains in his or her custody.

37. SATISFACTION OF CIVIL JUDGEMENTS AGAINST POLICEMEN

When any judgement shall be obtained in any civil court against any police officer, except in the case of a judgement for house rent, no execution shall be issued without the consent of a judge of the High Court. Whether such execution shall be issued or not a certificate, setting out the full particulars of such judgement, and the nature of the action in which it was obtained shall be forwarded to the Commissioner of Police by the Registrar or magistrate, as the case may be, of the court in which such judgement shall have been obtained, and the Commissioner of Police may make such order thereon as to the mode and manner in which such judgement shall be satisfied out of the salary of such police officer as to the Commissioner of Police shall seem meet, and the Commissioner of Police shall, under such order cause the amount of such judgement, including costs, to be deducted from the pay of such police officer,

and shall pay, or, pay the amount or amounts so deducted as aforesaid to such Registrar or magistrate as the case may be, to be applied by such officer in satisfaction of such judgement according to law.

However, the provisions of this section shall cease to apply in the case of a judgement against any police officer upon his or her leaving the service of the Force.

38. POLICE ACQUITTED OF OFFENCES BY A CIVIL COURT NOT LIABLE TO FURTHER PUNISHMENT

A police officer, after acquittal by a court of competent jurisdiction of any crime or offence, shall not be punished on the same charge under this Act.

PART 7 POLICE REWARD FUND

39. REWARD FUND

- (1) All fines and penalties imposed on any inspector, subordinate officer, or constable or any other person under the authority of this Act, and all penalties and proportions of penalties awarded to any police officer on any summary conviction as the prosecutor of any information, shall be received by the Commissioner of Police or by the senior officer of the Force in Saint Lucia and shall be placed on deposit in the Treasury to a separate account to be called "The Police Reward Fund".

However, where in any statute in force in Saint Lucia it is enacted that any part or share of any seizure or forfeiture, or proceeds thereof, is or may be awarded to any person as prosecutor, informer, or otherwise, or any such police officer under any such enactment as aforesaid, such police officer shall have for his or her own personal use and benefit the share or portion so awarded to him or her as aforesaid.

- (2) Payment shall not be made from the Police Reward Fund except upon the authority of the Commissioner of Police.
- (3) The Commissioner of Police may, in his or her discretion, sanction payments from the Police Reward Fund for any of the following purposes—

- (a) payments to subordinate officers or constables as rewards for meritorious acts or service in the execution of duty, if such payments are not authorised to be met from any other fund;
 - (b) assistance to the wives or families of deceased police officers below the rank of Assistant Superintendent or to any such police officers declared from the Force as medically unfit for further service;
 - (c) expenditure for the benefit and advancement of authorised recreation and sport and other branches of police activity organised within the Force;
 - (d) the purchase of ammunition for the encouragement of range practice among police officers; and
 - (e) expenditure for the benefit and advancement of education organised within the Force.
- (4) Any police officer who is dismissed from the Force shall forfeit all claims on the Police Reward Fund.
- (5) An account shall be kept by the Commissioner of Police, in such form as the senior auditor of Saint Lucia may approve, of all sums paid and of all disbursements made in relation to the Police Reward Fund and such account shall be duly audited by the auditor.

PART 8

POLICE ASSOCIATION

40. CONSTITUTION OF POLICE ASSOCIATION

- (1) For the purpose of enabling inspectors, subordinate officers and constables of the Force to consider and bring to the notice of the Commissioner of Police and the Governor General matters affecting their general welfare and efficiency, there shall be established an organisation to be called the Police Association (hereinafter in this Part of this Act referred to as “the Association”) which shall act through Branch Boards as provided by rules made under section 41.
- (2) Representations shall not be made by the Association in relation to any question of discipline; nor, unless some question of

principle is involved in relation to any question of promotion, transfer, leave or any other matter.

- (3) The Association shall be entirely independent of an unassociated with any body or person outside the Force.

(Amended by Act 6 of 1969)

41. POLICE ASSOCIATION RULES

The Governor General may make rules for the constitution and governance of the Association and any matter appertaining to the Association.

However, until varied or revoked by any such rules, the Rules contained in the Schedule shall be in force.

42. POLICE OFFICERS NOT TO JOIN PROHIBITED ASSOCIATIONS

- (1) It is not lawful for any police officer to be or become a member of any prohibited association, or trade union as defined by the Registration Status and Recognition of Trade Unions and Employer's Organisations Act, whether the trade union is registered or incorporated or not.
- (2) If any police officer becomes a member of a prohibited association, such police officer is liable on summary conviction to a fine not exceeding \$50.
- (3) If any prohibited association permits any police officer to receive any benefit, financial or otherwise, from the association or for any such association to receive any money from a police officer, the association, and every officer of the association who is knowingly a party to such acts commits an offence and is liable on summary conviction to a fine not exceeding \$150.
- (4) The Commissioner of Police may, with the approval of the Governor General declare as a prohibited association, any association or body which appear to him or her likely in the pursuit of its objects to promote feelings of ill will or hostility between different classes or races or to be subversive of good discipline on the part of police officers.

PART 9 CANTEENS

43. CANTEENS

- (1) There may be established for the Force such number of canteens as may be approved by the Commissioner of Police at which the keepers thereof may sell intoxicating liquors by retail to the members of the Force.
- (2) The Commissioner of Police may make rules in regard to the hours during which such canteens shall be kept open on each day and for the proper management and control thereof.
- (3) Despite the provisions of the Liquor Licence Act and the Trade Licences Act, the keepers of such canteens shall be exempted from the payment of any licence for the sale of intoxicating liquor and tobacco.

PART 10 SPECIAL RESERVE POLICE

44. ESTABLISHMENT OF SPECIAL RESERVE POLICE FORCE

There is established in Saint Lucia a supplemental body of police styled “Special Reserve Police” (hereinafter called “Special Reserve”) which may be called out for service by the Commissioner of Police—

- (a) in any case of actual or threatened internal disturbance or external aggression;
- (b) in any case where additional police are required for the preservation of good order; and
- (c) for the purposes of drill and training for a period not exceeding 14 days in any one year.

45. SENIORITY OF RANKS

- (1) The Special Reserve shall consist of the undermentioned ranks in the following order of seniority—
 - (i) Gazetted Officers—

Superintendent

Deputy Superintendent

Assistant Superintendent

- (ii) Inspector
- (iii) Subordinate Officers—
 - Sergeant
 - Corporal
- (iv) Constables.

However, the Governor General on the recommendation of the Commissioner of Police may, by notice in the Gazette amend or vary such ranks.

(Substituted by Act 7 of 1978 and amended by Gazette Notices 834–1978 and 274–1978)

- (2) When the Special Reserve is called out for service as provided for by this Act, the foregoing ranks shall bear seniority only in relation to the Special Reserve and the ranks provided for in this Act for the Force shall bear seniority in relation to the ranks of the Special Reserve when so called out. *(Inserted by Act 7 of 1978)*

46. COMMISSIONER OF POLICE TO COMMAND SPECIAL RESERVE

- (1) Subject to the directions of the Cabinet, the Commissioner of Police shall have the general command and superintendence of the Special Reserve. *(Amended by Act 17 of 1970)*
- (2) In the performance of their duties the Special Reserve may carry such arms as may be approved by the Commissioner of Police.

47. APPOINTMENT

The provisions of the Constitution of Saint Lucia shall apply in respect of appointments to and termination of appointments in the Special Reserve as they apply to the Force.

48. QUALIFICATIONS FOR APPOINTMENT

Every male who—

- (a) is not less than 18 years of age;
- (b) is able-bodied; and
- (c) is of good character,

may upon making application in writing to the Commissioner of Police in that behalf, be appointed a member of the Special Reserve.

49. DECLARATION

Every person appointed to be a gazetted officer, inspector, subordinate officer or constable of the Special Reserve shall make in the prescribed manner the declaration set out in section 12.

50. CERTIFICATE OF APPOINTMENT

A certificate of appointment in such form as may be prescribed by rules made under the provisions of this Act shall on appointment be issued to each member of the Special Reserve.

51. RESIGNATION

Any member of the Special Reserve may except when called out for service under the provisions of section 42, resign from the Special Reserve by giving the Governor General in the case of gazetted officers, and to the Commissioner of Police in other cases, one month's notice in writing. However, the Commissioner of Police may, in any fit case, dispense with such notice.

52. AUTHORITY TO PAY

Every member of the Special Reserve Police shall—

- (a) have, exercise and enjoy the same powers, authorities, advantages and immunities as a police officer and be liable to the same duties, responsibilities and discipline when on duty; and
- (b) receive such pay and allowances for his or her service at such rate as may be determined by Cabinet from such monies provided by the Parliament.

(Substituted by Acts 17 of 1970 and 20 of 1985)

53. RULES

The Commissioner of Police may with the approval of Cabinet, make rules relating to the following matters that is to say—

- (a) form of certificate of appointment of member of the Special Reserve;
- (b) the clothing and equipment of the Special Reserve;
- (c) generally for the good order and government of the Special Reserve.

54. RETURN OF EQUIPMENT

Every member of the Special Reserve who ceases to be such member shall deliver to the Commissioner of Police or other person deputed by the Commissioner of Police for that purpose every article whatsoever which has been supplied to him or her at the public expense and which he or she has not been expressly authorised to keep or use for his or her private benefit, and in default thereof the provisions of section 34(2) shall apply.

55. ILLNESS, BODILY INJURY AND DEATH

- (1) Where any member of the Special Reserve through no fault of his or her own, contracts any illness, or and sustains bodily injury while in the actual discharge of the duties as such, he or she shall be provided with hospital treatment and medical, surgical and dental attention at the public expense on the written authority of the Commissioner of Police.
- (2) Where any member of the Special Reserve sustains bodily injury in the circumstances specified in the preceding subsection, and is permanently disabled (either totally or partially) as a result thereof the Governor General in his or her discretion may grant him or her a pension or gratuity the amount of which shall be subject to the approval of the House of Assembly.
- (3) Where the aforesaid bodily injury results in death, the Governor General in his or her discretion may award to the dependants (including any illegitimate children to whose support the deceased was contributing) a pension or gratuity, the amount which shall be subject to the approval of the House of Assembly.

- (4) Members of the Special Reserve during any period when called out to service shall not be regarded as workmen for the purposes of the National Insurance Corporation Act, or any Act amending or replacing the same.

PART 11

SPECIAL CONSTABLES AND PEACE OFFICERS

56. SPECIAL CONSTABLES

- (1) The Commissioner of Police may with the approval of the Governor General appoint fit and proper persons to be special constables generally on any occasion if it appears to him or her to be expedient in the interest of public order and safety so to do.
- (2) The approval of the Governor General shall not be required in the individual appointments of special constables.
- (3) Every such appointment shall be for such period not exceeding 3 years as may be specified in such appointment.
- (4) The Commissioner of Police may at any time by notice in writing terminate the appointment of any special constable.

(Inserted by Act 25 of 2001)

57. PEACE OFFICERS

- (1) The Commissioner of Police may, after consultation with Cabinet, appoint fit and proper persons to be peace officers generally on any occasion if it appears to him or her to be expedient and in the interest of public order and safety and the overall development of the Force.
- (2) Subject to section 58, any appointment made under subsection (1) shall be for a period not exceeding 18 months, but the period may, with the approval of Cabinet, be extended for any further period not exceeding 6 months at a time.
- (3) A peace officer shall perform any functions and carry out any duties as may be assigned to him or her by the Commissioner of Police.

- (4) For purposes of this Part, “**peace officers**” means any person appointed into the Force in accordance with this section because of any area of speciality or skill of that peace officer relating to police work.

(Inserted by Act 25 of 2001)

58. AUTHORITY

Every special constable and peace officer shall have and enjoy the same powers, authorities, advantages and immunities as a police officer. *(Amended by Act 25 of 2001)*

PART 12 REGULATIONS AND STANDING ORDERS

59. REGULATIONS

- (1) The Cabinet may, subject to the provisions of this Act, make regulations relating to all or any of the following matters, that is to say—
- (a) the description and issue of arms, ammunition and necessaries to be supplied to the Force;
 - (b) the form of Certificate of appointment of police officers;
 - (c) prescribing the acts or omissions of inspectors, subordinate officers and constables which shall be offences against police force discipline;
 - (d) the conduct of disciplinary proceedings against inspectors, subordinate officers and constables;
 - (e) the constitution, procedure and functions of the Police Association;
 - (f) good conduct pay to subordinate officers and constables of the Force;
 - (g) the leave, resignation, release and dismissal of police officers including the Special Reserve;
 - (h) the treatment of persons detained or confined in any police building;
 - (i) prescribing anything which by this Act is to be or may be prescribed; and

- (j) generally for the good order and government of the Force.
- (2) The Commissioner of Police may issue standing orders, not inconsistent with this Act or regulations made thereunder, for any of the following purposes that is to say—
- (a) the description and issue of accoutrements and badges of rank to be supplied to the Force;
 - (b) the duties to be performed by police officers;
 - (c) the training of the Force;
 - (d) the management and good government of all police buildings, accommodation, stores and furniture;
 - (e) the posting of all police officers and the duties to be performed by them;
 - (f) the management of police canteens and recreation rooms;
 - (g) the welfare of police officers;
 - (h) such other matters as may be necessary for preventing abuse or neglect of duty, for rendering the Force more efficient in the discharge of its duty, and for carrying out the objects of this Act.
- (3) Every such standing order—
- (a) shall be subject to the approval of the Governor General; and
 - (b) shall be brought to the notice of every police officer, but need not be published in the Gazette.

PART 13

OFFENCES AGAINST THE POLICE

60. OFFENCES AGAINST THE POLICE FORCE

- (1) Whoever—
- (a) has in his or her possession any clothing, arms, ammunition, accoutrements or other appointments furnished for the use of the Force, and does not account satisfactorily for the possession thereof, or puts on and assumes the dress, name, designation or description of any police officer;

- (b) knowingly harbours, entertains, or either directly or indirectly sells or gives any intoxicating liquor to any police officer on duty, or permits him or her to remain in his or her house without lawful excuse; or
- (c) refuses to aid or assist any police officer when lawfully called upon by such member to do so,

is liable on summary conviction to a fine not exceeding \$50 or to imprisonment for a term not exceeding one month.

(2) Whoever—

- (a) assists or conceals any deserter from the Police Force knowing him or her to be such;
- (b) puts on or assumes the dress, name, designation or description of any police officer, in such a manner or under such circumstances as to be likely to bring contempt upon that uniform, or employs any other person so to wear that uniform; or
- (c) assaults, obstructs, or resists, or incites any other person to assault, obstruct or resist, any police officer in the execution of his or her duty,

is liable to imprisonment for a term not exceeding 6 months.

PART 14 RURAL CONSTABLES

61. APPOINTMENT

The Commissioner of Police may appoint fit and proper persons to be rural constables.

62. POWERS, DUTIES ETC., OF RURAL CONSTABLES

The name of every person appointed to be a rural constable shall be published in the Gazette and after the date of such publication, upon his or her making before a magistrate or the Commissioner of Police, the declaration hereinbefore prescribed to be made by a constable, he or she shall have all such powers, authorities and immunities, and be subject to all such duties, responsibilities and discipline as are conferred or imposed upon a constable.

63. STRIKING OFF ROLL

It is lawful for the Commissioner of Police to strike off the roll any rural constable who—

- (a) has reached the age of 60 years; or
- (b) is unable through ill health or infirmity to carry out his or her duties; or
- (c) has left Saint Lucia and remained away for a continuous period of 6 months.

64. RETIREMENT

Any rural constable may retire from office by giving to the Commissioner of Police, notice in writing of such intention one month previous to his or her retirement.

65. BADGE

- (1) Every rural constable shall be furnished by the Commissioner of Police, at the public expense, with such distinctive badge, clothing, and appointments as the Cabinet may direct, such articles being for the use of the rural constable when on duty, but remaining the property of the Government of Saint Lucia.
- (2) If any rural constable retires or is removed or dismissed from his or her office, he or she shall return all such articles to the Commissioner of Police or to any person appointed by the Commissioner of Police for this purpose, and in default of his or her so doing, the value thereof may be recovered from him or her by the Commissioner of Police, or any police officer deputed by him or her, before the district court, together with a penalty not exceeding \$50; and such court may also, for every such offence, award imprisonment, with or without hard labour, for any term not exceeding 2 months.

66. LIABILITY TO BE CALLED OUT FOR DUTY

A rural constable is at all times liable to be called out for duty by the Commissioner of Police and shall conform to and observe the laws regulating and governing the Force in so far as they apply to him or her.

67. REMUNERATION

A rural constable called out for duty shall receive for every day or part thereof that he or she may be so employed, such payment as may be prescribed by regulations made by the Cabinet.

68. APPEARANCE IN JANUARY AND JULY

Every rural constable shall, in the month of January and July in every year, appear personally before the Commissioner of Police or the officer in charge of the police station nearest to where he or she resides, and state his or her occupation and place of residence and a rural constable shall not change his or her residence so stated, unless he or she has given notice of his or her intention so to do to the Commissioner of Police or officer in charge of the police station nearest to where he or she resides.

69. OFFENCES BY AND AGAINST RURAL CONSTABLES

- (1) A rural constable who wilfully withdraws from his or her office without giving such notice as hereinbefore mentioned, or refuses or neglects to perform all lawful commands or directions which may be given to him or her by the Commissioner of Police, or wilfully refuses or neglects to observe the regulations, rules and orders of the Force, is liable to be dismissed, and in addition thereto, on conviction for any such offence, is liable to a penalty not exceeding \$50, and in default of payment, to imprisonment for any term not exceeding one month.
- (2) Whoever assaults, or resists, or incites any other person to assault or resist, any rural constable in the execution of his or her duty shall be liable on summary conviction thereof to a penalty not exceeding \$100 or to imprisonment for a term not exceeding 3 months or to both such penalty and imprisonment.

PART 15 MISCELLANEOUS

70. MEDICAL ATTENDANCE AND FUNERAL EXPENSES

- (1) All police officers shall be entitled to hospital treatment and medical, surgical, ophthalmic and dental attention at the public expense subject to such conditions as may be prescribed by regulations made under the authority of this Act.
- (2) If any police officer is incapacitated for duty by his or her own misconduct, the Governor General may order that he or she shall forfeit the whole or any part of his or her pay for the period for which he or she is so incapacitated.
- (3) The funeral of every police officer who dies while serving with the Force shall be at the public expense.
- (4) The funeral of every member of the Special Reserve who dies from any accident, injury or illness suffered or incurred while in the performance of his or her duty shall be at the public expense.

71. RIGHT TO PROSECUTE POLICE CASES

Where any police officer lays an information or makes a complaint against any person, any police officer not below the rank of corporal may appear before the magistrate or justice of the peace who is trying or enquiring into the matter of the said information or complaint, and shall have the same privileges as to addressing the said magistrate or justice of the peace, and as to examining the witnesses adduced in the said matter, as the police officer who laid the information or made the complaint would have had.

72. DELIVERY OF STOLEN GOODS TO OWNER

If any goods or money charged to be stolen or fraudulently obtained shall be in the custody of any police officer by virtue of any warrant of a magistrate or otherwise in the execution of his or her duty and the person charged with stealing or obtaining possession as aforesaid cannot be found or shall be duly convicted on such charge or charges, it shall be lawful for such magistrate to make an order for the delivery of such goods or money to the person who shall appear to be the

rightful owner thereof, or in the case the owner thereof cannot be ascertained, then to order such goods within a reasonable time to be sold publicly and the proceeds thereof, together with any moneys so in the custody of any police officer as aforesaid, shall form part of the Police Reward Fund hereinbefore mentioned.

73. CASE OF CONSTABLE FROM THE WINDWARD ISLANDS ON DUTY IN SAINT LUCIA AND VICE VERSA

- (1) Any person belonging to the police force of any of the Islands of Grenada, Saint Vincent and Dominica, who is sent to Saint Lucia for the purpose of executing any writ or warrant or of performing any duties appertaining to his or her office or imposed upon him or her by his or her superior officer shall while on duty within the limits of Saint Lucia be entitled to the same protection, be liable to perform the same duties, and be subject to the orders of the Commissioner of Police in the same manner in all respects as if he or she were a police officer of the Force of Saint Lucia.
- (2) It is lawful for Cabinet to require any police officer of Saint Lucia to proceed to any of the Islands aforesaid for the performance of any duties appertaining to his or her office under the directions of the officer in charge of the Police Force of that Island.

SCHEDULE
POLICE ASSOCIATION RULES

(Section 41)

PART 1

1. CONSTITUTION

The Police Association shall consist of all police officers below the rank of cadet officer and the Association shall act through Branch Boards and a Central Committee as hereinafter provided. *(Amended by S.I. 15/1969 and 17/1969)*

2. BRANCH BOARDS

- (1) There shall be constituted a Branch Board for each of the ranks of inspectors, station sergeants, sergeants, corporals and constables.
- (2) The Branch Board of any rank shall consist of 5 elected members. However, where the number of the rank does not exceed 5, all members of the rank shall form the Branch Boards. However, in the case of the constables the Branch Board shall consist of 7 elected members of whom at least one shall be a woman. *(Amended by S.I. 15/1969 and 17/1969)*

3. RIGHT TO VOTE

Subject as aforesaid, every police officer of the rank of inspector, station sergeant, sergeant, corporal and constable shall have the right to vote at the election of the Branch Board for that rank. *(Amended by S.I. 15/1969 and 17/1969)*

4. ELECTIONS AND ANNUAL MEETINGS

The elections shall take place annually in the month of February and the annual meetings of the Branch Boards shall be held not later than 15 March in each year.

5. REPRESENTATION OF BRANCH BOARD

A Branch Board in addition to submitting any representation to the Commissioner of Police may submit it also to the Governor General.

6. CENTRAL COMMITTEE

- (1) There shall be constituted a Central Committee consisting of 9 members namely—one inspector, one station sergeant, one sergeant, 2 corporals, 4 constables (at least one of whom shall be a woman) to be elected in the manner hereinafter set out. *(Amended by S.I. 17/1969 and 15/1969)*
- (2) The members of each Branch Board shall at the annual meeting by ballot, elect from among their numbers the members of the Central Committee.
- (3) The Central Committee may submit representations in writing to the Commissioner of Police and to the Governor General, and shall consider and report upon any matter referred to them by the Commissioner of Police or the Governor General.

7. TENURE OF OFFICE OF MEMBERS

Members of a Branch Board or the Central Committee shall hold office until the Branch Board or the Central Committee for the succeeding year has been elected.

8. OFFICERS

Each Branch Board and the Central Committee shall, by ballot, choose its chairperson and its secretary from among its own members.

9. CHAIRPERSON TO HAVE CASTING VOTE

The chairperson at any meeting of a Branch Board or the Central Committee at which he or she is present shall record a second or casting vote.

10. POWER OF BRANCH BOARD AND CENTRAL COMMITTEE TO REGULATE OWN PROCEDURE

Subject to the provisions of these rules, every Branch Board or Central Committee may regulate its own procedure including the appointment of the committees and sub-committees.

11. MEETINGS

- (1) Branch Boards may hold 3 meetings in each year including the annual meeting, each lasting not more than a day, but additional meetings for any special purpose may be held with the consent of the Commissioner of Police.
- (2) The Central Committee may hold meetings once in every 2 months, each lasting not more than 2 days, but additional meetings for special purposes may be held with the consent of the Governor General.

12. ELECTIONS

All elections shall be by secret ballot under the supervision of a gazetted officer of the Force or a justice of the peace, and the provisions for securing secrecy and freedom from interference in voting as set out in Part 2 of this Schedule shall apply in respect of all elections under this Schedule.

13. ELECTOR TO GIVE ONLY ONE VOTE TO ANY CANDIDATE

At any election under these rules each elector may give one vote for each of any number of candidates not exceeding the number to be elected.

14. FILLING OF VACANCIES

On any vacancy occurring in a Branch Board, or in the Central Committee, during any year another member shall be elected as herein provided to fill the vacancy so occurring.

15. MODE OF MAKING REPRESENTATIONS

Representations may be made by resolution or petition in writing submitted by the secretary to the Commissioner of Police and for the Governor General through the Commissioner of Police.

16. FACILITIES FOR MEETINGS

Except where, in special circumstances, a police officer is required for duty for which no substitute is available, leave shall be given for attendance at all such meetings duly held and every such attendance shall, as regards allowances and expenses be deemed to be an occasion of police duty.

PART 2

17. PROVISIONS FOR ENSURING SECRECY

- (1) A person in attendance at the polling station or other place of voting shall maintain and aid in maintaining the secrecy of the voting in such station or place and shall not communicate, except for some purpose authorised by Law, before the poll is closed, to any person any information as to the name or other means of identification of any elector who has or has not applied for a ballot paper or voted at that station or place, and no such person and no person whatsoever shall interfere with or attempt to interfere with a voter when marking his or her vote, or otherwise attempt to obtain in the polling station or other place of voting information as to the candidate for whom any voter in such station or place is about to vote or has voted, or communicate at any time to any person any information obtained in a polling station or other place of voting as to the candidate for whom any voter in such station or place is about to vote or has voted.
- (2) Every person in attendance at the counting of the votes shall maintain and aid in maintaining the secrecy of the voting and shall not communicate any information obtained at such counting as to the candidate for whom any vote is given in any particular ballot paper. A person shall not, directly or indirectly, induce any voter to display his or her ballot paper after he or she shall have marked the same so as to make known to any

person the name of the candidate for or against whom he or she has so marked his or her vote.

- (3) A person who acts in contravention of the provisions of this rule is liable, on summary conviction, to imprisonment for a term not exceeding 6 months or to a fine not exceeding \$100.

POLICE REGULATIONS

ARRANGEMENT OF REGULATIONS

Regulation

PART 1	ERROR! BOOKMARK NOT DEFINED.
PRELIMINARY	ERROR! BOOKMARK NOT DEFINED.
1. Short title.....	Error! Bookmark not defined.
2. Interpretation.....	Error! Bookmark not defined.
PART 2	ERROR! BOOKMARK NOT DEFINED.
OFFENCES AND DISCIPLINE	ERROR! BOOKMARK NOT DEFINED.
3. Disciplinary offences created by these Regulations	Error! Bookmark not defined.
4. Investigation of charges	Error! Bookmark not defined.
5. Investigating officer	Error! Bookmark not defined.
6. Personal explanation	Error! Bookmark not defined.
7. Reports and other documents to be submitted	Error! Bookmark not defined.
8. Discipline form	Error! Bookmark not defined.
9. Delegation of duties to Senior Deputy Superintendent	Error! Bookmark not defined.
10. Documents to be supplied to defaulter.....	Error! Bookmark not defined.
11. Question in the discipline form to be answered by defaulter	Error! Bookmark not defined.
12. Procedure at hearing	Error! Bookmark not defined.
13. Inadmissibility of personal explanation at hearing.	Error! Bookmark not defined.
14. Decision of gazetted officer inquiring into case	Error! Bookmark not defined.
15. Reference to defaulter's personal record in considering punishment	Error! Bookmark not defined.
16. Discipline Book of Commissioner of Police	Error! Bookmark not defined.
PART 3	ERROR! BOOKMARK NOT DEFINED.
PAY AND ALLOWANCES	ERROR! BOOKMARK NOT DEFINED.
17. Increments	Error! Bookmark not defined.
18. Uniform allowance	Error! Bookmark not defined.
19. Detective allowance	Error! Bookmark not defined.
20. Plain clothes allowance.....	Error! Bookmark not defined.
21. Fees for special duties	Error! Bookmark not defined.
22. Allowance to band apprentices	Error! Bookmark not defined.
SUBSISTENCE ALLOWANCE	ERROR! BOOKMARK NOT DEFINED.
23. Rates of subsistence allowance	Error! Bookmark not defined.
24. Rural constables pay.....	Error! Bookmark not defined.
25. Removal expenses	Error! Bookmark not defined.

PART 4

ERROR! BOOKMARK NOT DEFINED.

LEAVE REGULATIONS

ERROR! BOOKMARK NOT DEFINED.

- 26. Leave **Error! Bookmark not defined.**
- 27. Vacation leave **Error! Bookmark not defined.**
- 28. Leave passages..... **Error! Bookmark not defined.**
- 29. Study leave **Error! Bookmark not defined.**
- 30. Sick leave **Error! Bookmark not defined.**
- 31. Maternity leave **Error! Bookmark not defined.**
- 32. Liberty leave **Error! Bookmark not defined.**
- 33. Weekly rest day **Error! Bookmark not defined.**
- 34. Special leave **Error! Bookmark not defined.**
- 35. Applications **Error! Bookmark not defined.**
- 36. Overstaying leave **Error! Bookmark not defined.**
- 37. Leave certificate..... **Error! Bookmark not defined.**

PART 5

ERROR! BOOKMARK NOT DEFINED.

MEDICAL TREATMENT

ERROR! BOOKMARK NOT DEFINED.

- 38. Medical and surgical treatment **Error! Bookmark not defined.**
- 39. Conditions for obtaining treatment abroad **Error! Bookmark not defined.**

PART 6

ERROR! BOOKMARK NOT DEFINED.

MISCELLANEOUS

ERROR! BOOKMARK NOT DEFINED.

- 40. Probation **Error! Bookmark not defined.**
- 41. Discharge of probationer..... **Error! Bookmark not defined.**
- 42. Personal records..... **Error! Bookmark not defined.**
- 43. Contents of personal records..... **Error! Bookmark not defined.**
- 44. Transfer of personal record..... **Error! Bookmark not defined.**
- 45. Personal record of police officer leaving the force **Error! Bookmark not defined.**
- 46. Duty to carry out lawful orders **Error! Bookmark not defined.**
- 47. Normal daily period of duty **Error! Bookmark not defined.**
- 48. *Lieu* leave **Error! Bookmark not defined.**
- 49. Duty on public holidays and weekly rest days..... **Error! Bookmark not defined.**
- 50. Transfers..... **Error! Bookmark not defined.**
- 51. Time of retirement on medical grounds..... **Error! Bookmark not defined.**
- 52. Certificate of appointment for police officers **Error! Bookmark not defined.**

SCHEDULE 1

ERROR! BOOKMARK NOT DEFINED.

SCHEDULE 2

ERROR! BOOKMARK NOT DEFINED.

POLICE REGULATIONS – SECTION 58

(Statutory Instruments 22/1965, 7/1967, 11/1968, 24/1970, 17/1973, 8/1974 and 21/1993)

Commencement [1 October 1965]

PART 1 PRELIMINARY

1. SHORT TITLE

These Regulations may be cited as the Police Regulations.

2. INTERPRETATION

In these Regulations—

“**Act**” means the Police Act;

“**Association**” means the Police Association established under section 40;

“**defaulter**” means any inspector, subordinate officer or constable of the Force against whom a charge or complaint is made under these Regulations;

“**Government medical officer**” means a registered medical practitioner who holds a post in the government service or a registered medical practitioner to whom an inspector, subordinate officer or constable has been instructed by the police officer in charge of a police station to present himself or herself for medical examination;

“**Schedule**” means Schedule to these Regulations;

“**standing orders**” means the standing orders for the Force issued in writing by the Commissioner of Police and applicable to the Force as a whole;

“**station area**” means any local area policed from a police station.

PART 2 OFFENCES AND DISCIPLINE

3. DISCIPLINARY OFFENCES CREATED BY THESE REGULATIONS

The disciplinary offences created by this Part of these Regulations are—

- (a) discreditable conduct, that is to say, if an inspector, subordinate officer or constable acts in a disorderly manner or in any manner prejudicial to discipline or likely to bring discredit on the reputation of the Force;
- (b) insubordinate or oppressive conduct, that is to say, if an inspector, subordinate officer or constable—
 - (i) is insubordinate by word, act or demeanour,
 - (ii) is guilty of oppressive or tyrannical conduct towards an inferior in rank,
 - (iii) uses obscene, abusive or insulting language to any police officer,
 - (iv) wilfully or negligently makes any false complaint or statement against any police officer,
 - (v) assaults any other police officer, or
 - (vi) withholds any complaint or report against any police officer;
- (c) disobedience to orders, that is to say, if an inspector, subordinate officer or constable disobeys or without good or sufficient cause omits or neglects to carry out any lawful order, written or otherwise;
- (d) neglect of duty, that is to say, if an inspector, subordinate officer or constable—
 - (i) unlawfully absents himself or herself from his or her station without the permission of a superior officer,
 - (ii) neglects, or without good or sufficient cause omits, promptly and diligently to attend to or carry out anything which is his or her duty as a police officer,
 - (iii) smokes, idles or gossips while on duty,

- (iv) fails to work his or her beat in accordance with orders, or leaves his or her beat, traffic point, or other place of duty to which he or she has been ordered, without due permission or sufficient cause,
 - (v) by carelessness or neglect permits a prisoner to escape,
 - (vi) fails, when knowing where any offender is to be found, to report the same, or to make due exertions for making him or her amenable to justice,
 - (vii) fails to report any matter which it is his or her duty to report,
 - (viii) sleeps on his or her post or beat,
 - (ix) fails to report anything which he or she knows concerning a criminal charge, or fails to disclose any evidence which he or she, or any person within his or her knowledge, can give for or against any prisoner or defendant to a criminal charge,
 - (x) omits to make any necessary entry in any official document or book, or
 - (xi) neglects, or without good or sufficient cause omits, to carry out the instructions of a government medical officer following a medical examination or, while absent from duty on account of sickness commits any act or misconduct, calculated to retard his or her return to duty;
- (e) making a false statement or falsifying and mutilating any book or document, that is to say, if an inspector, subordinate officer or constable—
- (i) wilfully or knowingly makes any false statement,
 - (ii) knowingly makes or is privy or party to the making of any false entry, or with intent to mislead makes any alteration or erasure in any book of complaint, station diary, record, book or other document kept in the normal course of official duty, or
 - (iii) wilfully mutilates or destroys any book of complaint, station diary, record, book, return or other document kept in the normal course of duty;

- (f) breach of confidence, that is to say, if an inspector, subordinate officer or constable—
 - (i) divulges any matter which it is his or her duty to keep secret,
 - (ii) gives notice, directly or indirectly, to any person against whom any warrant or summons has been or is about to be issued, except in the lawful execution of such warrant or service of such summons,
 - (iii) without proper authority communicates to the public, press or to any unauthorised person any matter connected with the Force,
 - (iv) without proper authority shows any person outside the Force any book or printed document the property of the police authorities, or
 - (v) makes any anonymous communication to the Commissioner of Police or any other superior officer;
- (g) corrupt practice, that is to say, if an inspector, subordinate officer or constable—
 - (i) receives any bribe,
 - (ii) fails to account for or to make a prompt and true return of any money or property seized or received by him or her in his or her official capacity,
 - (iii) without the knowledge and permission of the Commissioner of Police accepts directly or indirectly any gratuity, present or reward in respect of anything done in the discharge of the duties of his or her office,
 - (iv) places himself or herself under pecuniary obligation to any person who holds a licence concerning the granting or renewal of which the police may have to report or give evidence, or
 - (v) improperly uses his or her character and position as a police officer for his or her private advantage;
- (h) unlawful or unnecessary exercise of authority, that is to say, if an inspector, subordinate officer or constable—
 - (i) without good or sufficient cause makes any unlawful or unnecessary arrest, or

- (ii) uses any unnecessary violence to any prisoner or other person with whom he or she may be brought into contact in the execution of his or her duty;
- (i) malingering, that is to say, if an inspector, subordinate officer or constable feigns or exaggerates any sickness or injury with a view to evading duty;
- (j) absence without leave or being late for duty, that is to say, if an inspector, subordinate officer or constable, without reasonable excuse is absent without leave from, or is late for, parade, court or any other duty;
- (k) uncleanliness, that is to say, if an inspector, subordinate officer or constable, while on duty or while off duty in uniform in a public place is improperly dressed or is dirty or untidy in his or her person, clothing or equipment;
- (l) damage to clothing, or other article supplied, that is to say, if an inspector, subordinate officer or constable—
 - (i) wilfully or by carelessness causes any waste, loss or damage to any arms, articles of clothing or equipment, uniform, or to any book, document or other property supplied to him or her, or used by him or her, or entrusted to his or her care, or entrusted to the care of any other police officer, or
 - (ii) fails to report any loss or damage as above however caused;
- (m) drinking on duty or soliciting drink, that is to say, if an inspector, subordinate officer or constable—
 - (i) without the consent of a superior officer drinks, or receives from any person, any intoxicating liquor while he or she is on duty, or
 - (ii) demands, or endeavours to persuade any other person to give him or her any intoxicating liquor while he or she is on duty;
- (n) entering licensed premises where liquor is stored or distributed while on duty, that is to say, if an inspector, subordinate officer or constable enters any premises licensed under the liquor licence laws, or any other premises where liquors are stored or distributed, when his or her presence there is not required in the execution of his or her duty;

- (o) incurring debt without any reasonable prospect or intention of paying the same, or having incurred any debt, making no reasonable effort to pay the same;
 - (p) gambling or betting in barracks;
 - (q) breaking arrest or breaking out of barracks;
 - (r) appropriating to his or her own use, losing by neglect, or making away with any arms, ammunition, articles of clothing or equipment, uniform or other article supplied to him or her, or to any other police officer, or any Government property committed to his or her charge;
 - (s) breach of any Force standing orders;
 - (t) cowardice.
4. Any police officer who is found to be suffering from venereal disease shall be liable to be dealt with disciplinarily unless he or she has reported the same to the gazetted officer or inspector in charge of his or her station.
5. It is the duty of every police officer who contracts any venereal disease to report the same immediately to the gazetted officer or inspector in charge of his or her station who will ensure that he or she is seen immediately by a Government medical officer.

4. INVESTIGATION OF CHARGES

When a charge or complaint is received from which it appears that a police officer may have committed an offence against discipline the matter shall be referred to an investigating officer.

5. INVESTIGATING OFFICER

The investigating officer shall be a police officer who holds a rank above such police officer against whom the charge or complaint was made.

6. PERSONAL EXPLANATION

The investigating officer shall as soon as possible inform the police officer in writing of the charge or complaint and give him or her a written notice informing him or her that he or she is not obliged to say anything concerning the matter, but that he or she may, if he or she

desires, make a written or oral statement to the investigating officer or to the Commissioner of Police concerning the matter.

7. REPORTS AND OTHER DOCUMENTS TO BE SUBMITTED

The investigating officer shall submit without delay to the Commissioner of Police through the officer in charge of his or her station the statements, reports and other documents obtained during the investigation of the charge or complaint.

8. DISCIPLINE FORM

- (1) The Commissioner of Police considering the report of the investigating officer and any statement, report or other document submitted made under regulation 7, shall decide whether the police officer shall be charged with an offence, and, if he or she decides that such police officer shall be so charged, he or she shall, as soon as possible, cause to be entered on a discipline form the offence with which the police officer is charged and such particulars as will leave such police officer in no doubt as to the precise nature of the alleged offence.
- (2) A discipline form shall be in the Form set out in Schedule 1 or in a form to the like effect.

9. DELEGATION OF DUTIES TO SENIOR DEPUTY SUPERINTENDENT

The Commissioner of Police may delegate the Deputy Commissioner the duty of deciding under the preceding regulation whether a police officer shall be charged with an offence and where he or she delegates such duty, any reference in regulation 8 to the Commissioner of Police shall be taken as reference to the Senior Deputy Superintendent. (*Amended by S.I. 24/1970*)

10. DOCUMENTS TO BE SUPPLIED TO DEFAULTER

Where a police officer is charged with an offence, he or she shall, as soon as possible—

- (a) be given a copy of any written statement which he or she may have made under regulation 7 and all written copies

or accounts of any statement made by him or her under the said regulation;

- (b) be supplied with—
 - (i) a copy of the discipline form,
 - (ii) a copy of the charge or complaint on which the charge is found, and any reports thereon although they may be confidential,
 - (iii) a copy of any statement relating to the charge made by any witness to be called in support of the charge together with the witness's name and address,
 - (iv) a copy of any statement relating to the charge made, by any person other than a witness to be called in support of the charge, to the investigating officer or to any person on his or her behalf, together with the person's name and address.

11. QUESTION IN THE DISCIPLINE FORM TO BE ANSWERED BY DEFAULTER

- (1) The defaulter shall be invited to state in writing on the discipline form whether he or she admits or denies the charge.
- (2) The defaulter shall be invited to state in writing on the discipline form the names and addresses of any witnesses to relevant facts whose attendance at the hearing of the case he or she wishes the Commissioner of Police to take steps to secure.
- (3) Any such witness who is a police officer shall be ordered to attend at the hearing of the case and any other such witnesses shall be given due notice that his or her attendance is desired and of the time and place of the hearing.

12. PROCEDURE AT HEARING

- (1) The defaulter shall be ordered to appear at the hearing of the case.
- (2) The case against the defaulter may be presented by a police officer other than the Commissioner of Police.
- (3) If the defaulter does not admit the charge, the hearing shall proceed as though he or she denied the charge.

- (4) Before the case against the defaulter is presented, the defaulter may submit that the facts alleged in the charge are not such as to constitute the offence with which he or she is charged and the Commissioner of Police if he or she upholds that submission shall dismiss the charge to which the submission relates.
- (5) The defaulter may conduct his or her defence either in person or by a police officer of equivalent or lower rank as his or her friend and selected by himself or herself on his or her behalf.

However, on an application made by the defaulter, the Commissioner of Police may authorise a police officer of or below the rank of Inspector to be the defaulter's friend.

In addition, if the defaulter is represented by another police officer the defaulter as well as his or her representative may cross examine the witnesses called in support of the case against him or her.

- (6) A verbatim record of the proceedings at the hearing of the case shall be taken and a transcription of the record shall be made if the defaulter desires to appeal to the Commissioner of Police or to the Governor General.

13. INADMISSIBILITY OF PERSONAL EXPLANATION AT HEARING

A statement by a police officer under regulation 6 or any oral or written account or copy of any such statement shall not be admissible at any hearing unless the statement or account or copy thereof is put in evidence at the hearing.

14. DECISION OF GAZETTED OFFICER INQUIRING INTO CASE

The decision of the officer hearing the case shall be either to dismiss the case or to impose any of the punishments in accordance with section 28(1).

15. REFERENCE TO DEFAULTER'S PERSONAL RECORD IN CONSIDERING PUNISHMENT

In considering which punishment should be imposed if any charge is found to be proved, regard shall be paid to the defaulter's record of police service as shown on his or her personal record.

16. DISCIPLINE BOOK OF COMMISSIONER OF POLICE

There shall be kept in the office of the Commissioner of Police a discipline book in which shall be entered every charge made against a police officer together with the decision of the Commissioner of Police thereon and a record of the decision in any further disciplinary proceedings in connection therewith.

PART 3 PAY AND ALLOWANCES

17. INCREMENTS

- (1) When an inspector, subordinate officer or constable is on an incremental scale of pay, the gazetted officer in charge of the station shall, one month before the annual increment becomes due for payment, consider whether he or she can sign the certificate to the effect that the inspector, subordinate officer or constable has served with efficiency, diligence and fidelity during the past year.
- (2) If the gazetted officer in charge of the station is able to recommend the grant of the increment to such inspector, subordinate officer or constable, he or she shall sign the certificate to this effect and submit it in duplicate to the Commissioner of Police for approval.
- (3) When the certificate is signed and approved, the original certificate shall be attached to the next pay voucher on which pay is authorised and shall constitute authority for payment of the increment and the duplicate shall be retained by the Commissioner of Police for attachment to the record of the inspector, subordinate officer or constable.
- (4) If for any reason the gazetted officer in charge of the station is unable to recommend the grant of the increment to such inspector, subordinate officer or constable, he or she shall so inform the Commissioner of Police giving detailed reasons and submitting his or her recommendations as to whether the increment due should be suspended, deferred or stopped in accordance with the provisions of the Act.
- (5) If the Commissioner of Police approves the recommendation of the gazetted officer in charge of the station that the increment

be withheld, the increment shall be suspended, deferred or stopped for such period as the Commissioner of Police may decide and the inspector, subordinate officer or constable shall be informed of the decision and given the detailed reasons thereof.

However, any inspector, subordinate officer or constable who is dissatisfied with any decision given in his or her case under this paragraph shall have the right of appeal to the Governor General.

18. UNIFORM ALLOWANCE

- (1) Uniform allowance shall be paid to gazetted officers and inspectors at the following rates—

Gazetted officers	\$360 per year
Inspectors	\$300 per year

- (2) Gazetted officers and inspectors on first appointment to their respective ranks shall receive a free issue of uniform described in the standing orders of the Force at the public expense.
(Amended by S.I. 24/1970)

19. DETECTIVE ALLOWANCE

Inspectors, subordinate officers and constables who are appointed to duties as detectives in the detection of crime shall be eligible to receive a detective allowance at the rate of \$240 per annum.

20. PLAIN CLOTHES ALLOWANCE

Inspectors, subordinate officers and constables who are appointed to duties as detectives in the detection of crime shall be eligible to wear plain clothes while on detective duty and to receive a plain clothes allowance at the rate of \$180 per annum. (Amended by S.I. 11 of 1968 and 24/1970)

21. FEES FOR SPECIAL DUTIES

- (1) Inspectors, subordinate officers and constables who are assigned to special duties in connection with private functions

including dances, cinemas, race meetings and games or in a ship at the request of the captain or agent shall be eligible to receive payment at the following rates—

- (a) Inspectors
Between the hours of—
- | | |
|------------------------------|-------------------------------------|
| (i) 6:00 a.m. and 6:00 p.m. | \$12 for each hour or part thereof; |
| (ii) 6:00 p.m. and midnight | \$15 for each hour or part thereof; |
| (iii) Midnight and 6:00 a.m. | \$20 for each hour or part thereof; |
- (b) Subordinate officers
Between the hours of—
- | | |
|------------------------------|-------------------------------------|
| (i) 6:00 a.m. and 6:00 p.m. | \$10 for each hour or part thereof; |
| (ii) 6:00 p.m. and midnight | \$13 for each hour or part thereof; |
| (iii) Midnight and 6:00 a.m. | \$18 for each hour or part thereof; |
- (c) Constables
Between the hours of—
- | | |
|------------------------------|-------------------------------------|
| (i) 6:00 a.m. and 6:00 p.m. | \$8 for each hour or part thereof; |
| (ii) 6:00 a.m. and midnight | \$12 for each hour or part thereof; |
| (iii) Midnight and 6:00 a.m. | \$17 for each hour or part thereof; |
- (2) Such duties shall only be assigned to inspectors, subordinate officers and constables who are off duty or are on rest day and shall not be performed by inspectors, subordinate officers and constables in barracks.

(Inserted by S.I. 21/1993)

22. ALLOWANCE TO BAND APPRENTICES

There shall be paid to a band apprentice an allowance of \$480 per year. *(Inserted by S.I. 7/1967)*

SUBSISTENCE ALLOWANCE

23. RATES OF SUBSISTENCE ALLOWANCE

- (1) Subsistence allowance shall be payable to members of the Force when absent from their stations outside the station area on duty or within the station area in circumstances which in the discretion of the Commissioner of Police justify the payment of subsistence allowance at the following rates—

- (a) In the Island—
- (i) officers whose salaries are not less than \$10,200 per year—\$18 per night,
 - (ii) officers whose salaries are less than \$10,200 per year—\$15 per night,
 - (iii) officers whose salaries are \$6,300 per year and less—\$10 per night;
- (b) periods in excess of 24 hours are to be calculated on a percentage basis;
- (c) subsistence should be paid on the basis of 6 hour blocks, each block calculated as $\frac{1}{4}$ of the rates stated above.

(Amended by S.I. 8/1966; Substituted by S.I. 8/1974)

(d) **Out of the Island.**

(but not accommodated at the Regional Police Training Centre, Barbados, or any other Government institution).

Inspectors	\$11.50 per day of 24 hours
Station Sergeants	\$11.50 per day of 24 hours
Sergeants	\$11.50 per day of 24 hours
Corporals	\$11.50 per day of 24 hours
Constables	\$8.50 per day of 24 hours
Band Cadets	\$7.50 per day of 24 hours

(e) **Out of the Island.**

(but accommodated at the Regional Police Training Centre, Barbados)

Inspectors	\$6 per day
Station Sergeants	\$5 per day
Sergeants	\$5 per day
Corporals	\$5 per day

Constables with over 1 year service	\$3 per day
Constables with and under 1 year service	\$1 per day
Band Cadets	\$1 per day

(f) **In Barbados.**

(but accommodated free of charge at a Government Institution other than the Regional Police Training Centre)

Inspectors	\$9 per day of 24 hours
Station Sergeants	\$7 per day of 24 hours
Sergeants	\$7 per day of 24 hours
Corporals	\$7 per day of 24 hours
Constables	\$6 per day of 24 hours
Band Cadets	\$6 per day of 24 hours

- (2) For the purpose of the preceding paragraph, a period exceeding 6 hours may be reckoned as a “day” and a period of 18 hours as “day and night”.

24. RURAL CONSTABLES PAY

A rural constable called out for duty shall receive for every day or part thereof, the sum of \$4.50 from the Treasury, payment of which shall be authorised by the Commissioner of Police.

25. REMOVAL EXPENSES

- (1) The actual reasonable out of pocket expenses of a police officer who is removed from one police station to another, whether on promotion or otherwise, shall be paid by the Government, unless the removal is at the police officer’s request and police transport is not available.
- (2) The aforesaid expenses may include the transport expenses of such police officer’s wife and children, furniture and other household effects. However, transportation expenses will only be paid in cases where police transport was not available.

PART 4 LEAVE REGULATIONS

26. LEAVE

Leave will be granted to police officers where the exigencies of the service permit as set out hereunder.

27. VACATION LEAVE

- (a) Members of the Force whose salaries do not exceed \$4,800 per year are eligible for 15 days per year, 5 of which must be taken during the calendar year.
- (b) Members of the Force who are in receipt of salary from \$5,100 to \$7,320 per year are eligible for 21 days per year, 7 of which must be taken during the calendar year.
- (c) Members of the Force who are in receipt of salary of \$7,600 and over are eligible for 27 days per year, 9 of which must be taken during the calendar year.

However, leave accumulations up to 30 June 1970, shall be automatically reduced by $\frac{1}{6}$.

In addition, a member of the Force shall not be granted more than 75 working days leave in any one year, except where such leave is granted on final termination of service when he or she may be granted up to 150 working days leave.

(Substituted by S.I. 24/1970)

28. LEAVE PASSAGES

- (1) A subordinate officer, inspector or gazetted officer joining the Force after 1 January, 1970 shall not obtain any rights to leave passages.
- (2) A subordinate officer whose salary is below \$4,801 per year, on the basis of the pre-revision categorization shall not obtain any rights to overseas leave passages.
- (3) A subordinate officer or inspector whose present salary is between \$5,100—\$7,320 per year on the basis of the pre-

revision categorisation shall not hereafter obtain any rights to leave passages outside the Caribbean.

- (4) A gazetted officer whose salary is \$7,680 per year and above, and a subordinate officer or inspector whose salary is within the range \$5,100 to \$7,320 per year should at any time after completion of a 4-year tour but not later than 31 December 1973, be eligible on one occasion for leave passages within the Caribbean.
- (5) A gazetted officer whose salary at 1 January 1970 was \$7,680 per year or over, and who, at that date had completed a minimum tour of 4 years, and was eligible for leave passages to the United Kingdom *in lieu* of leave passages to the Caribbean, will retain his or her eligibility for one set of passages, provided that the passages are taken not later than the 31 December 1973 (*Substituted by S.I. 17/1973*)

29. STUDY LEAVE

- (1) Where a police officer is undertaking a course of training or study on the express directions of the Government and the Government is satisfied that attendance at the course is in the public interest, the police officer shall donate one half of the leave for which he or she is eligible to the period of the course of training or study, and, in so far as this falls short of the full period involved, the police officer shall be granted an extension of leave on full pay up to a maximum payment for an absence of 12 months in all.
- (2) Where a police officer undertakes a course of training or study which is not expressly and directly in the public interest, such a police officer shall be required to utilise for that purpose the whole of his or her accrued leave and on the expiry of such leave may be granted such extension of leave without pay as may be necessary to enable him or her to complete that course.

30. SICK LEAVE

- (1) Sick leave may be granted by the officer in charge of the police station to any inspector, subordinate officer or constable on the production of a medical certificate signed by a Government medical officer.

- (2) When sick leave is granted to a police officer in excess of 24 working days in any one year except where such leave has been granted as a result of injuries received in the execution of duty the excess will be deducted from his or her ordinary leave entitlement. Days spent in hospital shall not be counted as sick leave. (*Amended by S.I. 24/1970*)
- (3) When a period of sick leave granted under the preceding paragraph expires and the inspector, subordinate officer or constable is not fit to resume duty, further sick leave may be granted by the Commissioner of Police on production of a further certificate signed by a Government medical officer for a period which shall not exceed in the aggregate 3 months including the period of sick leave previously granted under the preceding paragraph.
- (4) Any inspector, subordinate officer or constable who has been on continuous sick leave for 3 months shall be required to submit himself or herself for examination by a medical board consisting of not less than 2 Government medical officers. On the recommendation of the medical board an inspector, subordinate officer or constable in whose case the medical board certifies that there is a reasonable prospect of eventual recovery, may be granted sick leave with full pay up to a maximum period, including any period of sick leave granted under paragraphs (1) and (2), not exceeding 6 months in any year.

However, if the illness or incapacity is due to an injury or illness suffered by such inspector, subordinate officer or constable in the actual discharge of his or her duties and without his or her own default and is on account of circumstances specially attributable to the nature of his or her duties, he or she shall be entitled to be granted further sick leave with full pay on the recommendation of the Commissioner of Police with the approval of the Governor General.

31. MATERNITY LEAVE

- (1) Subject to paragraph (2) leave shall not be granted to any married woman police officer on account of pregnancy or for the purposes of maternity. However, this regulation shall not be deemed to deprive any married woman police officer of

vacation leave for which she may be eligible under these Regulations.

- (2) The Commissioner of Police may in his or her discretion grant to a married woman police officer for maternity purposes (in addition to any vacation leave for which she may be eligible)—
 - (i) leave on full pay, to be known as special maternity leave, not exceeding 24 days,
 - (ii) leave without pay for any period not exceeding 2 months, or
 - (iii) both such special maternity leave and leave without pay.

(Amended by S.I. 24/1970)
- (3) Sick leave or leave on half pay shall not be granted in addition to the leave set out in paragraphs (1) and (2) and this provision applies to married woman police officers only.

32. LIBERTY LEAVE

- (1) The senior officer on duty at the time shall have the power to grant liberty leave of not more than 6 hours duration after duty to any subordinate officer or constable who is not required as reserve in barracks.
- (2) A subordinate officer or constable who is granted liberty leave shall, before leaving his or her station, inform the officer on duty of his or her whereabouts and where he or she can be found if required.

33. WEEKLY REST DAY

All inspectors, subordinate officers and constables shall be eligible for one day free of duty in every 7 days.

34. SPECIAL LEAVE

The Commissioner of Police may grant special leave not exceeding 15 days annually to any subordinate officer or constable to enable him or her to attend urgent or private affairs. Such leave will be deducted from his or her vacation leave. *(Amended by S.I. 22/1965)*

35. APPLICATIONS

- (1) Applications for leave for periods exceeding 4 days shall be submitted in writing through the officer in charge of the station to the Commissioner of Police and shall state full particulars of the reason for which the leave is required, the address of the applicant when on leave and the date of the last leave granted, and in the case of sickness must be accompanied by a certificate from a Government medical officer recommending that it be granted.
- (2) Applications for extensions of leave must similarly be accompanied by full particulars and, if on account of sickness, by a certificate of a medical officer in the service of the Government of Saint Lucia where the applicant may be.

36. OVERSTAYING LEAVE

- (1) Any inspector, subordinate officer or constable who fails to rejoin for duty at his or her station on the date on which his or her leave expires shall forfeit his or her pay for such day or days as he or she may overstay his or her leave in addition to any further punishment which may be awarded.
- (2) Should it be clearly proved that such overstaying of leave was altogether unpreventable the Commissioner of Police shall have power to grant leave without pay.

37. LEAVE CERTIFICATE

- (1) An inspector, subordinate officer or constable proceeding on leave shall be provided with a leave certificate signed by the Commissioner of Police on which shall be specified the period for which such leave is granted. Such certificate must be produced when the holder is called upon to do so by a police officer of equivalent or senior rank.
- (2) On his or her return from leave of absence the holder of a leave certificate shall return it to the gazetted officer, inspector, or subordinate officer in charge of the station for record.

PART 5 MEDICAL TREATMENT

38. MEDICAL AND SURGICAL TREATMENT

(1)

- (a) All medicines and supplies prescribed by the appropriate district medical officer in the course of his or her treatment of police officers shall be supplied from the dispensary at the Victoria Hospital or the district dispensaries free of charge. If these medicines or supplies are not available at the Victoria Hospital or dispensaries then they may be obtained from private chemists, but the cost will be borne by Government;
- (b) The district medical officer shall supply only those medicines or articles which in his or her opinion are absolutely necessary for the treatment of the individuals concerned.

(2) All police officers shall be admitted to hospital free of charge.

(3) All police officers shall be provided with free dental treatment in respect of extractions. In the case of other dental treatment 50% of the costs will be borne by Government.

(4) District medical officers shall recommend all police officers suffering from eye disease to be sent to a Government eye specialist for treatment. The cost is to be borne by Government.

(5) All police officers with and over 15 years service shall on the prescription of a Government eye specialist be supplied with spectacles, cost to be borne by Government, but in the event of their requesting frames of a more expensive type than those normally supplied they shall be required to pay the difference in cost.

39. CONDITIONS FOR OBTAINING TREATMENT ABROAD

Medical and surgical treatment will be limited to such treatment as is available in Saint Lucia. However, when such treatment is not available in Saint Lucia such medical and surgical treatment on the advice of the Chief medical officer and with the approval of the

Cabinet may be obtained outside of Saint Lucia at the expense of the Government.

PART 6 MISCELLANEOUS

40. PROBATION

A constable shall from the date of his or her appointment be on probation for the period of his or her first 2 years of service in the Force. However, the Commissioner of Police may at his or her discretion—

- (a) reduce the period of probation to a period of not less than one year, if the constable has served for a period of not less than one year in the Force on a previous appointment thereto or in any other Police Force;
- (b) dispense with the period of probation if the constable has been transferred with the written consent of the Commissioner of Police from another Police Force after having completed the required period of probation in that Force; or
- (c) dispense with the period of probation if the constable has served as a member of the Special Reserve Police for a period of not less than 2 years.

41. DISCHARGE OF PROBATIONER

- (1) During the period of probation the services of any constable may be dispensed with at any time if the Commissioner of Police considers that he or she is not fitted, physically or mentally to perform the duties of his or her office, or that he or she is not likely to become an efficient or well conducted constable.
- (2) A constable whose services are dispensed with under this regulation shall be entitled to receive one month's notice or one month's pay *in lieu* thereof.

42. PERSONAL RECORDS

The Commissioner of Police shall cause a personal record of each police officer to be kept.

43. CONTENTS OF PERSONAL RECORDS

- (1) The personal record shall contain—
 - (a) a personal description of the police officer;
 - (b) particulars of his or her place and date of birth;
 - (c) particulars of his or her marriage (if any) and his or her children (if any);
 - (d) a record of his or her service (if any) in any branch of Her Majesty's naval military or Air Forces or in the Civil Service;
 - (e) a record of his or her service (if any) in any other police Force or as an auxiliary;
 - (f) a record of whether he or she passed or failed to pass any qualifying examination at which he or she was a candidate;
 - (g) a record of his or her service in the Force including particulars of all promotion, postings, transfers, removals, injuries received, periods of illness, commendations, rewards, punishments other than cautions, and the date of his or her ceasing to be a police officer with the reason, cause or manner thereof.
- (2) A police officer shall, if he or she so requests, be entitled to inspect his or her personal record.

44. TRANSFER OF PERSONAL RECORD

Where a police officer is transferred and with the written consent of the Commissioner of Police to another police Force his or her personal record shall be transferred to the Commissioner of Police of that other Police Force.

45. PERSONAL RECORD OF POLICE OFFICER LEAVING THE FORCE

- (1) Where a police officer ceases to hold office he or she shall, be given a certificate showing his or her rank and setting out the period of his or her service in the Force and the reason or cause of his or her leaving the Force or the manner in which he or she left the Force, together with particulars of his or her personal description.

However, where he or she was required to resign or was dismissed, the certificate shall not contain any description of the circumstances in which he or she was required to resign or was dismissed.

- (2) The Commissioner of Police may append to the certificate any recommendations which he or she feels justified in giving, such as—

His or her conduct was exemplary

His or her conduct was very good

His or her conduct was good

His or her conduct was bad.

- (3) Where a police officer ceases to hold office otherwise than by being transferred with the written consent of the Commissioner of Police to another police Force, his or her personal record shall be kept for such time as the Commissioner of Police may think fit and shall then be destroyed.

46. DUTY TO CARRY OUT LAWFUL ORDERS

Every police officer shall carry out all lawful orders and shall at all times punctually and promptly perform all appointed duties and attend to all matters within the scope of his or her office as a police officer.

47. NORMAL DAILY PERIOD OF DUTY

- (1) The normal daily period of duty (including the period for refreshment referred to in paragraph (2)) of a police officer to whom this regulation applies shall be 8 hours and in addition

any time occupied in reporting at the appointed place for duty before a tour of duty begins.

However, in the case of a woman police where the duty is wholly or mainly patrol duty, the officer in charge of the station may substitute 7 hours or 7¹/₂ hours for the said 8 hours.

- (2) Where the normal period of duty is performed in one tour of duty an interval of 45 minutes shall normally be allowed for refreshment.

However, in the case of a woman police where the duty is wholly or mainly patrol duty and the normal period of duty, other than the time occupied in reporting for duty, is 7¹/₂ hours or more, the said interval for refreshment shall normally be one hour.

- (3) This regulation shall apply to a police officer who is of or below the rank of station sergeant.

48. LIEU LEAVE

Where a police officer other than a police officer who is paid a detective allowance, remains on duty after his or her tour of duty ends or is recalled to duty between 2 tours of duty, he or she shall be granted, if and as soon as the exigencies of duty in the opinion of the Commissioner of Police permit, in respect of each unit of time during which he or she so remains on duty after his or her tour of duty ends or after being so recalled an equal period of time off.

49. DUTY ON PUBLIC HOLIDAYS AND WEEKLY REST DAYS

- (1) Every police officer shall, so far as the exigencies of duty permit, be granted a day's leave on each public holiday.
- (2) Every police officer below the rank of inspector who is required to do duty on a public holiday or on a day which otherwise would have been a weekly rest day shall be granted, if and as soon as the exigencies of duty permit, 24 hours free of duty.

50. TRANSFERS

Any subordinate officer or constable may be transferred from one police station to another.

51. TIME OF RETIREMENT ON MEDICAL GROUNDS

Where a police officer is to be discharged on medical grounds his or her retirement will take effect at the end of any leave to which he or she may be entitled or at the end of 2 months from the date that the decision of Cabinet approving the retirement has been notified to such police officer if that period be longer.

52. CERTIFICATE OF APPOINTMENT FOR POLICE OFFICERS

The certificate of appointment for police officers is as set out in Schedule 2.

SCHEDULE 1

(Regulation 10(2))

DISCIPLINE FORM

Charge Against Name No
 RankRate of Pay

CHARGE

Particulars of Offence	Names and addresses of witnesses in support of charge and whose statements are attached
	1
	2
	3
	4
	5
	6

Questions to be answered by defaulter

1. Do you admit or deny the charge?
2. Do you wish—
 - (a) to select a police officer to assist you in presenting your case?
 If so, give his or her name, rank and number. If not write “No”

 - (b) the Commissioner of Police to take steps with a view to securing the attendance of any witnesses for you at the hearing of the case?
 If so, give their names and addresses. If not, write “None”.

.....
.....
.....
.....
.....

Date Signature of defaulter
Hearing

Date Time Place
and by adjournment on—

Date Time Place
Notified to defaulter

.....
Signature of Officer taking case.

Decision of Officer Hearing the case.

I find the defaulter of the disciplinary
offence with which he or she has been charged. I have referred to and taken
note of the personal record of the defaulter.

Punishment imposed

Date Signature of officer hearing the case

*1.—(1) The (on appeal)† confirm the punishment imposed by
the

(2) The (on appeal)† find the defaulter not guilty of the offence with
which he or she has been charged.

*2. The hearing the case remitted to them by the
Commissioner of Police find the defaulter of the offence
with which he or she has been charged.

Punishment imposed

Date Signature of

*(a) without variation;

(b) with the substitution of the following punishment, namely—

For Office use only.

1. Copy of discipline form supplied to Initials
accused

Revision Date: 31 Dec 2008

- Date
- 2. Case entered in divisional complaint's book.
 - Initials
 - Date
- 3. Decision of officer taking the charge
 - Initials
 - Date
- 4. Decision of notified to defaulter
 - Initials
 - Date
- 5. Case entered in Commissioner of Police discipline book
 - Initials
 - Date

Particulars of any appeal

.....
.....

Report or allegation on which the charge is based.

(if contained on separate papers, each should be numbered consecutively, and a summary entered here.)

SCHEDULE 2

(Regulation 53)

CERTIFICATE OF APPOINTMENT.

SAINT LUCIA.

To _____ of _____

I
under and by virtue of the power and authority vested in me by section
of Police Act hereby appoint you to be a
..... of the
and I do issue to you this certificate authorising you to act as such.

Dated this _____ day of _____, 20_____

Sgd

Date

SPECIAL RESERVE POLICE REGULATIONS

ARRANGEMENT OF REGULATIONS

Regulation

1.	Citation.....	79
2.	Definition.....	79
3.	Senior Superintendent.....	80
4.	Uniform and equipment.....	80
5.	Application for uniform and equipment.....	80
6.	Certificate of appointment and identification card.....	80
7.	Training.....	80
8.	Promotion.....	80
9.	Personal records.....	81
10.	Contents of personal records.....	81
11.	Disciplinary offences created by these Regulations.....	81
12.	Investigation of charges.....	86
13.	Investigating officer.....	86
14.	Personal explanation.....	86
15.	Reports and other documents to be submitted.....	86
16.	Discipline form.....	86
17.	Delegation of duties to gazetted officer.....	87
18.	Documents to be supplied to defaulter.....	87
19.	Question in the discipline form to be answered by defaulter.....	87
20.	Procedure at hearing.....	88
21.	Inadmissibility of personal explanation at hearing.....	88
22.	Punishment.....	88
23.	Reference to defaulter's personal record in considering punishment.....	89
24.	Discipline book.....	89

SPECIAL RESERVE POLICE REGULATIONS – SECTION 53

(Statutory Instrument 85/1985)

Commencement [16 November 1985]

1. CITATION

These Regulations may be cited as the Special Reserve Police Regulations.

2. DEFINITION

In these Regulations—

“**Act**” means the Police Act;

“**Commissioner**” means the Commissioner of the Royal Saint Lucia Police Force;

“**constable**” means a member of the Special Reserve below the rank of Corporal;

“**defaulter**” means any non-gazetted officer of the Special Reserve against whom a charge or complaint is made under these Regulations;

“**gazetted officer**” means any member of or above the rank of Assistant Superintendent;

“**inspector**” means a member of the Special Reserve holding the rank of inspector;

“**member**” means any member of the Special Reserve;

“**Schedule**” means Schedule to these Regulations;

“**Senior Superintendent**” means the Senior Superintendent of the Special Reserve;

“**Special Reserve**” means the Special Reserve Police established under section 44 of the Act;

“**subordinate officer**” means a sergeant or a corporal.

3. SENIOR SUPERINTENDENT

There shall be a Senior Superintendent of the Special Reserve whose office shall be at the Police Headquarters, Castries and who shall liaise with the Commissioner on all matters pertaining to the Special Reserve.

4. UNIFORM AND EQUIPMENT

Every member shall be provided on enlistment with the same uniform and equipment as are worn by members of the Royal Saint Lucia Police Force except that the cap band is light grey in colour and the letters S.R.P. are displayed on the shoulder badge.

5. APPLICATION FOR UNIFORM AND EQUIPMENT

Application for uniform and equipment shall be made to the Commissioner through the Senior Superintendent.

6. CERTIFICATE OF APPOINTMENT AND IDENTIFICATION CARD

Every member shall be issued a certificate of appointment in the form set out in Schedule 1, and an identification card.

7. TRAINING

- (1) Every member upon enlistment shall undergo a period of training of not less than 28 days as prescribed by the Senior Superintendent and the Commissioner.
- (2) Every member shall be subject to Annual Refresher Courses of not less than 28 days as prescribed by the Senior Superintendent and the Commissioner.

8. PROMOTION

- (1) There shall be a Board comprising gazetted officers of the Special Reserve to assess the performance of members from the rank of constable to inspector and to make recommendations for their promotion.

- (2) The names of members recommended for promotion by the Board shall be submitted to the Senior Superintendent and the Commissioner for their confirmation.

9. PERSONAL RECORDS

It shall be the responsibility of the Senior Superintendent to ensure that proper personal records of every member are kept in his or her office.

10. CONTENTS OF PERSONAL RECORDS

- (1) The personal record of a member shall contain—
 - (a) a personal description of the member;
 - (b) his or her place and date of birth;
 - (c) his or her marital status, name of spouse, number of children;
 - (d) a record of his or her past service in any branch of Her Majesty's naval, military or air Forces;
 - (e) a record of his or her service in any other Force or as an auxiliary;
 - (f) a record of his or her past employment;
 - (g) a record of whether he or she passed or failed to pass any qualifying examination at which he or she was a candidate;
 - (h) a record of his or her service in the Special Reserve including particulars of all promotions, commendations, periods of illness, punishments other than cautions, the date of his or her ceasing to be a member with the reason, cause or manner thereof.
- (2) A member shall, if he or she so requests, be entitled to inspect his or her personal record.

11. DISCIPLINARY OFFENCES CREATED BY THESE REGULATIONS

The disciplinary offences created by these Regulations are—

- (a) discreditable conduct, that is to say, if an inspector, a subordinate officer or a constable acts in a disorderly

- manner or in any manner prejudicial to discipline or likely to bring discredit on the reputation of the Special Reserve;
- (b) insubordinate or oppressive conduct, that is to say, if an inspector, a subordinate officer or a constable—
 - (i) is insubordinate by word, act or demeanour,
 - (ii) is guilty of oppressive or tyrannical conduct towards any member lower in rank,
 - (iii) uses obscene, abusive or insulting language to any member,
 - (iv) wilfully or negligently makes any false complaint or statement against any member,
 - (v) assaults any member, or
 - (vi) withholds any complaint or report against any member;
 - (c) disobedience to orders, that is to say, if an inspector, a subordinate officer or a constable disobeys or without good or sufficient cause omits or neglects to carry out any lawful order, written or otherwise;
 - (d) neglect of duty, that is to say, if an inspector, a subordinate officer or a constable—
 - (i) unlawfully absents himself or herself from his or her duties without the permission of a superior officer,
 - (ii) neglects, or without good or sufficient cause omits, promptly and diligently to attend to or carry out anything which is his or her duty as a member,
 - (iii) smokes, idles or gossips while on duty,
 - (iv) fails to work his or her beat in accordance with orders, or leaves his or her beat, traffic point, or other place of duty to which he or she has been ordered, without due permission or sufficient cause,
 - (v) by carelessness or neglect permits a prisoner to escape,
 - (vi) fails, when knowing where any offender is to be found, to report the same, or to make due exertions for making him or her amenable to justice,

- (vii) fails to report any matter which it is his or her duty to report,
 - (viii) sleeps on his or her post or beat,
 - (ix) fails to report anything which he or she knows concerning a criminal charge, or fails to disclose any evidence which he or she, or any person within his or her knowledge, can give for or against any prisoner or defendant to a criminal charge,
 - (x) omits to make any necessary entry in any official document or book, or
 - (xi) neglects, or without good or sufficient cause omits, to carry out the instructions of a Government medical officer following a medical examination or, while absent from duty on account of sickness commits any act or misconduct, calculated to retard his or her return to duty;
- (e) making a false statement or falsifying and mutilating any book or document, that is to say, if an inspector, a subordinate officer or a constable—
- (i) wilfully or knowingly makes any false statement,
 - (ii) knowingly makes or is privy or party to the making of any false entry, or with intent to mislead makes any alteration or erasure in any book or complaint, station diary, record, book, or other document kept in the normal course of official duty, or
 - (iii) wilfully mutilates or destroys any book of complaint, station diary, record, book, return or other document kept in the normal course of duty;
- (f) breach of confidence, that is to say, if an inspector, a subordinate officer or a constable—
- (i) divulges any matter which it is his or her duty to keep secret,
 - (ii) gives notice, directly or indirectly, to any person against whom any warrant or summons has been or is about to be issued, except in the lawful execution of such warrant or service of such summons,
 - (iii) without proper authority communicates to the public, press or to any unauthorised person any

- matter connected with the Police Force or the Special Reserve,
- (iv) without proper authority shows any person outside the Police Force or the Special Reserve any book or printed document which is the property of the Police or Special Reserve authorities, or
 - (v) makes any anonymous communication to the Senior Superintendent or any other superior officer;
- (g) corrupt practice, that is to say, if an inspector, a subordinate officer or a constable—
- (i) receives any bribe,
 - (ii) fails to account for or to make a prompt and true return of any money or property seized or received by him or her in his or her official capacity,
 - (iii) without the knowledge and permission of the Senior Superintendent accepts directly or indirectly any gratuity, present or reward in respect of anything done in the discharge of the duties of his or her office,
 - (iv) places himself or herself under pecuniary obligation to any person who holds a licence concerning the granting or renewal of which the police may have to report or give evidence, or
 - (v) improperly uses his or her character and position as a member for his or her private advantage;
- (h) unlawful or unnecessary exercise of authority, that is to say, if an inspector, a subordinate officer or a constable—
- (i) without good or sufficient cause makes any unlawful or unnecessary arrest, or
 - (ii) uses any unnecessary violence to a prisoner or other person in the execution of his or her duty,
- (i) malingering, that is to say, if an inspector, a subordinate officer or a constable feigns or exaggerates any sickness or injury with a view to evade duty,
- (j) absence without leave or being late for duty, that is to say, if an inspector, a subordinate officer or a constable, without reasonable excuse is absent without leave from, or is late for, parade, court or any other duty,

Revision Date: 31 Dec 2008

- (k) uncleanliness, that is to say, if an inspector, a subordinate officer or a constable, while on duty or while off duty in uniform in a public place is improperly dressed or is dirty or untidy in his or her clothing or equipment;
- (l) damage to clothing, or other article supplied, that is to say, if an inspector, a subordinate officer or a constable—
 - (i) wilfully or carelessly causes any waste, loss or damage to any arms, ammunitions, articles of clothing or equipment, uniform, or to any book, document or other property supplied to him or her, or used by him or her, or entrusted to his or her care, or to the care of any other member, or
 - (ii) fails to report any loss or damage as above, however caused;
- (m) drinking on duty or soliciting drink, that is to say, if an inspector, a subordinate officer or a constable—
 - (i) drinks, or receives from any person, any intoxicating liquor while he or she is on duty, or
 - (ii) demands, or endeavours to persuade any other person to give him or her any intoxicating liquor while he or she is on duty;
- (n) entering licensed premises where liquor is stored or distributed while on duty, that is to say, if an inspector, a subordinate officer or a constable enters any premises licensed under the liquor licence laws, or any other premises where liquors are stored or distributed, when his or her presence there is not required in the execution of his or her duty;
- (o) incurring debt without any reasonable prospect or intention of paying the same, or having incurred any debt, making no reasonable effort to pay the same;
- (p) gambling or betting;
- (q) breaking arrest or breaking out of barracks;
- (r) appropriating to his or her own use, losing by neglect, or making away with any arms, ammunition, articles of clothing or equipment, uniform or other article supplied to him or her, or to any other member, or any Government property committed to his or her charge;

(s) cowardice.

12. INVESTIGATION OF CHARGES

When a charge or complaint is received from which it appears that a member may have committed a disciplinary offence the matter shall be referred to an investigating officer appointed by the Commissioner.

13. INVESTIGATING OFFICER

The investigating officer shall be a member who holds a rank above the member against whom the charge or complaint is made.

14. PERSONAL EXPLANATION

The investigating officer shall as soon as possible inform the member in writing of the charge or complaint and give him or her a written notice informing him or her that he or she is not obliged to say anything concerning the matter, but that he or she may if he or she desires, make a written or oral statement to the investigating officer or to the Commissioner concerning the matter.

15. REPORTS AND OTHER DOCUMENTS TO BE SUBMITTED

The investigating officer shall submit without delay to the Commissioner the statements, reports and other documents relating to the charge.

16. DISCIPLINE FORM

(1) The Commissioner considering any statement, report or other document submitted by the investigating officer under regulation 15, shall decide whether the member shall be charged with an offence, and, if he or she decides that the member shall be so charged, he or she shall, as soon as possible, cause to be entered on a discipline form the offence with which the member is charged.

(2) A discipline form shall be in the Form set out in Schedule 2.

17. DELEGATION OF DUTIES TO GAZETTED OFFICER

The Commissioner may delegate to a gazetted officer the duty of deciding whether a member shall be charged with an offence and where he or she delegates that duty, any reference in regulation 16 to the Commissioner shall be taken as reference to the gazetted officer.

18. DOCUMENTS TO BE SUPPLIED TO DEFAULTER

Where a member is charged with an offence, he or she shall, as soon as possible—

- (a) be given a copy of any written statement which he or she may have made under regulation 14 and all written copies or accounts of any statement made by him or her under that regulation;
- (b) be supplied with—
 - (i) a copy of the discipline form,
 - (ii) a copy of the charge or complaint on which the charge is found, and any reports thereon although they are confidential,
 - (iii) a copy of the statement relating to the charge made by any witness to be called in support of the charge together with the witness's name and address,
 - (iv) a copy of any statement relating to the charge made, by any person other than a witness to be called in support of the charge, to the investigating officer or to any person on his or her behalf, together with the person's name and address.

19. QUESTION IN THE DISCIPLINE FORM TO BE ANSWERED BY DEFAULTER

- (1) The defaulter shall be instructed to state in writing on the discipline form whether he or she admits or denies the charge.
- (2) The defaulter shall be instructed to state in writing on the discipline form the names and addresses of any witnesses whose attendance at the hearing of the case he or she wishes the Commissioner to take steps to secure.
- (3) Any witness who is a member shall be ordered to attend at the hearing of the case and any other witness shall be given due

notice that his or her attendance is desired and of the time and place of the hearing.

20. PROCEDURE AT HEARING

- (1) The defaulter shall be ordered to appear at the hearing of the case.
- (2) The case against the defaulter may be presented by a gazetted officer other than the Commissioner.
- (3) If the defaulter does not admit the charge the hearing shall proceed as though he or she denied the charge.
- (4) Before the case against the defaulter is presented, the defaulter may submit that the facts alleged in the charge are not such as to constitute the offence with which he or she is charged and the Commissioner if he or she upholds that submission shall dismiss the charge to which the submission relates.
- (5) The defaulter may conduct his or her defence either in person or be represented by a member of equivalent or lower rank selected by himself or herself.

However, on an application made by the defaulter, the Commissioner may authorise a member of or below the rank of inspector to be the defaulter's representative.

If the defaulter is represented by another member, the defaulter as well as his or her representative may cross-examine the witness called in support of the case.

- (6) A verbatim record of the proceedings at the hearing of the case shall be taken and a transcription of the record shall be made.

21. INADMISSIBILITY OF PERSONAL EXPLANATION AT HEARING

A statement made by a member under regulation 14 or any oral or written account or copy of the statement shall not be admissible at any hearing unless the statement or a copy thereof is put in evidence at the hearing.

22. PUNISHMENT

Every defaulter who commits a charge under these Regulations may be—

- (a) cautioned or reprimanded;
- (b) liable to a fine not exceeding \$25; or
- (c) reduced in rank;
- (d) suspended or dismissed from the Special Reserve.

23. REFERENCE TO DEFAULTER'S PERSONAL RECORD IN CONSIDERING PUNISHMENT

In considering the punishment to be imposed if any charge is found to be proved, regard shall be paid to the defaulter's record of service as shown on his or her personal record.

24. DISCIPLINE BOOK

There shall be kept in the office of the Commissioner a discipline book in which shall be entered every charge made against a member together with the decision of the Commissioner thereon and a record of the decision in any disciplinary proceedings against the member.

POLICE (PROMOTIONS) REGULATIONS

ARRANGEMENT OF REGULATIONS

Regulation

1.	Citation.....	93
2.	Interpretation.....	93
3.	Application	94
4.	Promotions to be in accordance with these Regulations.....	94
5.	Promotions Committee.....	94
6.	Committee to regulate its own procedure.....	94
7.	Timing of promotions.....	95
8.	Advertisement	95
9.	Criteria for assessment	95
10.	Promotion procedure and Promotions Results List	96
11.	Accelerated promotion	98
12.	Minimum training requirements	98
13.	Revocation of promotion	98
14.	Decision of Commissioner	99
15.	Publication of results of promotions process.....	99
16.	Minimum acceptable score and Promotions Reserved List.....	99

SCHEDULE 1	100
-------------------	------------

SCHEDULE 2	101
-------------------	------------

POLICE (PROMOTIONS) REGULATIONS – SECTION 59

(Statutory Instrument 149/2006)

Commencement [21 August 2006]

1. CITATION

These Regulations may be cited as the Police (Promotions) Regulations.

2. INTERPRETATION

In these Regulations—

“accelerated promotion” means a promotion in accordance with the system established under section 11;

“closing date” means the final date set for receipt of applications for promotion;

“Committee” means the Promotions Committee established under regulation 5;

“Commissioner” means the Commissioner of Police;

“Minister” means the Minister responsible for the police;

“officer” means a member of the Police Force;

“performance appraisal” means the process by which an officer’s performance is evaluated in accordance with the appraisal scheme approved by the Minister;

“Act” means the Police Act;

“Police Force” means the Royal Saint Lucia Police Force established under the Act;

“Promotions Reserved List” means the Promotions Reserved List prepared under regulation 16(3);

“Promotions Results List” means the Promotions Results List prepared under regulation 10(9).

3. APPLICATION

These Regulations apply to officers from the rank of constable to the rank of inspector.

4. PROMOTIONS TO BE IN ACCORDANCE WITH THESE REGULATIONS

An officer shall not be promoted within the Police Force except in accordance with these Regulations.

5. PROMOTIONS COMMITTEE

(1) There is hereby established a Promotions Committee for purposes of these Regulations comprising the following members—

- (a) the Assistant Commissioner of Police responsible for training;
- (b) the Assistant Commissioner of Police responsible for divisional management;
- (c) the Assistant Commissioner of Police responsible for operations;
- (d) the Permanent Secretary of the Ministry responsible for the Public Service or his or her representative;
- (e) the Permanent Secretary of the Ministry responsible for the police or his or her representative who shall be the chairperson.

(2) The Administrative Officer, Corporate Services shall serve as Secretary of the Committee.

6. COMMITTEE TO REGULATE ITS OWN PROCEDURE

(1) The Committee shall subject to these Regulations regulate its own procedure.

(2) The Committee shall have regard to the following guiding principles in carrying out its functions under these Regulations:

- (a) the selection process must be fair, consistent and objective;
- (b) the selection criteria must be transparent;

- (c) the selection criteria and selection process must, without exception, be applied uniformly;
- (d) there should be equal opportunity for all officers regardless of age, sex, religion or marital status;
- (e) the higher ranks of the Police Force must be filled by the most competent officers; and
- (f) opportunities must be provided for all officers to advance their careers in accordance with available positions and their abilities.

7. TIMING OF PROMOTIONS

- (1) Subject to the availability of the requisite finances, promotions to fill vacancies within the ranks of the Police Force shall take place annually.
- (2) Where a vacancy arises as a result of:
 - (a) an officer proceeding on vacation for a period of 28 working days or more;
 - (b) an officer being absent for any other reason for a period of 28 working days or more; or
 - (c) the creation of a new position;another officer may be selected at anytime, in accordance with these Regulations to act in the position left vacant.

8. ADVERTISEMENT

- (1) A notice advertising a vacancy will be issued at least 2 weeks prior to the commencement of the selection process to every station, unit and department of the Police Force in the form provided in Schedule 1.
- (2) The officer-in-charge of each station, unit or department of the Police Force shall ensure that an advertisement under sub-regulation (1) is brought to the attention of all officers under his or her command.

9. CRITERIA FOR ASSESSMENT

- (1) Subject to the remaining provisions of this regulation, an officer's eligibility for promotion will be based on an

assessment of the officer's performance, disciplinary record, qualifications, length of service, level of training and absenteeism record.

- (2) An officer shall not be eligible for promotion if, at the time the promotion process commences, the officer is subject to any disciplinary proceeding.
- (3) Where an officer is the subject of any of the disciplinary actions specified below, the officer will not be eligible for promotion for the specified period as follows—
 - (i) reduction in rank: a period of 2 years;
 - (ii) a fine: a period of one year; or
 - (iii) a reprimand: a period of 6 months.
- (4) The specified period established under subregulation (3) shall begin to run from the date of determination of the disciplinary action.
- (5) Where an officer is subject to any of the disciplinary actions referred to in sub-regulation (3) more than once within a consecutive period of 3 years, the period of ineligibility for promotion shall be doubled in each case.
- (6) To be eligible for promotion under these Regulations, an officer must have attained the following—
 - (a) a rating of 140 and above in his or her performance appraisal for at least 2 consecutive years immediately preceding the closing date; and
 - (b) the minimum criteria relating to length of service, qualifications and training for the rank to which he or she wishes to be promoted, as provided in Schedule 2.

10. PROMOTION PROCEDURE AND PROMOTIONS RESULTS LIST

- (1) For promotion within the Police Force, an officer is required to—
 - (a) sit a promotion examination designed to test an individual's knowledge, understanding and application of police functions and procedures; and
 - (b) undergo a promotion selection assessment.

- (2) An officer shall not be eligible to participate in the process set out in sub-regulation (1) unless he or she has satisfactorily met all the criteria specified in regulation 9.
- (3) A promotion examination under sub-regulation (1)(a) must be satisfactorily completed before an officer can proceed to the promotion selection assessment sub-regulation (1)(b).
- (4) A promotion selection assessment under subregulation (1)(b) shall consist of—
 - (a) a practical test;
 - (b) a competency-based interview; and
 - (c) a team exercise.
- (5) The Committee shall prepare guidelines which shall be used by the Commissioner in preparing the promotion examination, the practical test, the team exercise, and the competency-based interview for each rank.
- (6) The Committee and the Commissioner, in carrying out the duties under subregulation (5), may utilize the services of any division, unit or department of the Police Force or other expertise within the Public Service or the private sector.
- (7) The competency-based interview shall be conducted by a panel of the Committee, consisting of not less than 3 members.
- (8) The competency-based interview will assess the values and competencies of an officer against the competencies established for the rank to which the officer wishes to be promoted, as specified in the Schedule of Competencies to be specified by the Commissioner.
- (9) The Committee will collate all scores, ratings and results for each officer and prepare a Promotions Results List containing the following—
 - (a) a statement that the officers named in the list are not the subject of disciplinary proceedings or subject to disciplinary action;
 - (b) the performance appraisal rating of each officer for the 2 consecutive years immediately proceeding the closing date;
 - (c) each officer's length of service, qualifications, training and absenteeism record;

- (d) each officer's examination result;
 - (e) each officer's rating from the promotion selection assessment; and
 - (f) the total and average score for each other.
- (10) The Committee will submit the Promotions Results List under sub-regulation (9) to the Commissioner with its recommendations for promotion to the vacant positions within the Police Force.
- (11) The Commissioner shall effect the promotions on the basis of the recommendations of the Committee.

11. ACCELERATED PROMOTION

- (1) Despite anything contained in these Regulations, the Committee may implement a system of accelerated promotions for suitably qualified officers.
- (2) The Committee shall establish criteria and the procedure for the accelerated promotion of suitably qualified officers and the criteria and procedure so established shall be notified to all stations and units.
- (3) The Commissioner may, after consultation with the Minister, invite suitably qualified officers to be considered for accelerated promotion.
- (4) Despite subregulation (3), an officer may, at any time, apply to be considered for accelerated promotion in accordance with these Regulations.

12. MINIMUM TRAINING REQUIREMENTS

The Commissioner will, following consultation with the Committee, publish biannually, in standing orders made under section 59 of the Act, the training programmes which will constitute the minimum training requirements for purposes of Schedule 2.

13. REVOCATION OF PROMOTION

The Commissioner may revoke, amend or alter his or her decision with regard to any promotion if there is substantial evidence of a misapplication of these Regulations.

14. DECISION OF COMMISSIONER

The decision of the Commissioner made under these Regulations is final.

15. PUBLICATION OF RESULTS OF PROMOTIONS PROCESS

Upon completion of the promotions process results shall be published as a standing order in accordance with section 59 of the Act.

16. MINIMUM ACCEPTABLE SCORE AND PROMOTIONS RESERVED LIST

- (1) An officer who fails to attain the minimum acceptable score for promotion shall be advised of his or her areas of weakness and areas for further development.
- (2) Where at the end of the promotion process there are more officers who have attained the minimum acceptable score for promotion than there are vacancies, the vacancies will be filled by the officers who have scored the highest and in the event of a tie, the officers whose scores have tied will be re-interviewed.
- (3) Where an officer has attained the minimum acceptable score for promotion but cannot be promoted on account of limited vacancies the officer's name and total score shall be entered on the Promotions Reserved List prepared for that purpose and shall remain there until the next promotions procedure commences.
- (4) An officer whose name is on the Promotions Reserved List will be eligible to be selected to fill a suitable vacancy should one arise during the period that his or her name is on the said list.
- (5) For purposes of sub-regulations (1) (2) and (3) the minimum acceptable score for promotion is an average score of 65% of the promotion examination and the promotion selective assessment.
- (6) Despite sub-regulation (3), where an officer on the Promotions Reserved List subsequently becomes the subject of:
 - (a) criminal proceedings before the Court;
 - (b) disciplinary action; or

SCHEDULE 2

Criteria for Promotion

(Regulation 9(6))

PROMOTION TO RANK OF ...	REQUIREMENTS
Corporal	<ul style="list-style-type: none"> * 5 years experience as a Constable; * Having completed no less than 3 developmental, vocational or academic training courses at the Police Training Academy or any other recognized training institution approved by the Minister after consultation with the Commissioner; and * Qualifications or a course training in Management approved by the Minister after consultation with the Commissioner.
Sergeant	<ul style="list-style-type: none"> * 3 years experience as a Corporal; * Having completed no less than 5 developmental, vocational or academic training courses at the Police Training Academy or a Certificate or Diploma from a recognized training institution approved by the Minister after consultations with the Commissioner; and * Qualifications or training in Management approved by the Minister after consultation with the Commissioner.
Inspector	<ul style="list-style-type: none"> * 3 years experience as a Sergeant; and * Having completed no less than 8 developmental, vocational or academic training courses at the Police Training Academy or a Diploma or Degree from a training institution approved by the Minister after consultation with the Commissioner.