
THE POLICE (DISCIPLINE) REGULATIONS

Arrangement of Regulations
Regulation

1. Short title.
 2. Interpretation.
 3. Disciplinary offences.
 4. Investigation of charges.
 5. Formulation of charge.
 6. Documents to be supplied to accused.
 7. Witnesses.
 8. Procedure at hearing.
 9. Hearing.
 10. Attendance of complainant at hearing.
 11. Decision of Commission.
 12. Reference to accused's personal record in considering punishment.
 13. Limitations on punishment.
 14. Right of Appeal.
 15. Review.
 16. Suspension.
- SCHEDULE.
-

S.R.O. 32/1967.
S.R.O. 19/1977.
S.R.O. 28/1981.

THE POLICE (DISCIPLINE) REGULATIONS, DATED 22ND
AUGUST, 1967, MADE UNDER SECTION 34 OF THE POLICE
ACT.

1. SHORT TITLE. These Regulations may be cited as the Police
(Discipline) Regulations.

2. INTERPRETATION. (1) In these Regulations—

“offence” means one or more of the offences set out in the Schedule to these Regulations.

(2) The “Commission” means the Police Service Commission established by the Constitution and in these Regulations references to the Commission shall include a reference to a person or authority to whom the powers of appointment, removal and disciplinary control have been duly delegated under the Constitution.

3. DISCIPLINARY OFFENCES. A member of the Force commits an offence against discipline if he commits one or more of the offences set out in the Schedule to these Regulations.

4. INVESTIGATION OF CHARGES. (1) When a report, allegation or complaint is received by the Commissioner of Police from which it appears that a member of the Force may have committed an offence, the matter shall be referred to an investigating officer who shall cause it to be investigated.

(2) Subject to paragraph (3) the investigating officer shall be such member of the Force of or above the rank of Sergeant as may be designated by the Commissioner of Police for the purpose.

(3) The investigating officer shall be a member of the Force other than the person to whom authority may be delegated to hear the charge.

5. FORMULATION OF CHARGE. (1) The investigating officer shall, as soon as is practicable (without prejudicing his or any other investigation of the matter), investigate the charge and shall decide whether the member of the Force shall be charged with an offence and, if he decides that the member shall be so charged, the Investigating Officer shall, as soon as possible, enter on a discipline form the offence with which the member is to be charged and such particulars as will leave no doubt as to the precise nature of the alleged offence.

(2) A discipline form shall be in such form as may be prescribed by the Commission and until such form is prescribed the discipline form now in use with such modifications as may be necessary shall continue to be used.

6. DOCUMENTS TO BE SUPPLIED TO ACCUSED. (1) Where a member of the Force is to be charged with an offence, he shall, as soon as possible, be supplied with a copy of the discipline form entered up in accordance with regulation 5 (and such other document as the Commission may direct).

(2) The accused shall be free to state in writing whether he admits or denies the charge.

7. WITNESSES. (1) The accused shall be free to state in writing the names and addresses of any witnesses to relevant facts whose attendance at the hearing of the case he wishes the Commission to take steps to secure.

(2) Any such witness who is a member of the Force shall be ordered to attend at the hearing of the case and any other such witness shall be given due notice that his attendance is desired and of the time and place of the hearing.

8. PROCEDURE AT HEARING. (1) The accused shall be ordered to appear at the hearing of the case.

(2) The Commission shall hear the case.

(3) The case against the accused shall be presented by a member of the Force designated by the Commissioner of Police.

(4) If the accused does not admit the charge, the hearing shall proceed as if he denied the charge.

(5) Before the case against the accused is presented the accused may submit that the facts alleged in the charge are not such as to constitute the offence with which he is charged and the Commission, if they accept that submission, shall dismiss the charge to which the submission relates.

(6) The accused may conduct his defence either in person or by a member of the Force or by Counsel.

(7) A record of the proceedings at the hearing of the case shall be taken, and if a punishment is imposed and the accused contemplates an appeal, at his request made within the period during which the notice of appeal may be given, a transcription of the record shall be made and a copy thereof supplied to him.

9. HEARING. (1) The hearing of all cases shall be in the presence of the accused:

Provided that—

(a) if the accused is detained in pursuance of the sentence of a court in a prison and desires to make representations in person at the

hearing, the hearing shall not be concluded until the accused has been enabled to make such representations;

(b) if good reason is given to the Commission by or on behalf of the accused why the accused is unable to attend the hearing, other than that the accused is detained as aforesaid, the hearing shall be postponed or adjourned as the case may be;

(c) if the Commission is satisfied that the circumstances are such that the accused cannot attend, the hearing may be proceeded with and if necessary concluded in his absence.

(2) ADJOURNMENT OF HEARING. The hearing of the case may be adjourned from time to time as may appear necessary for due hearing of the case.

10. ATTENDANCE OF COMPLAINANT AT HEARING. (1) Subject to paragraph (4) the Commission shall allow the complainant to attend the hearing while witnesses are being examined, or cross-examined, on the facts alleged in the charge and if the Commission considers it appropriate so to do on account of the age of the complainant, or otherwise, shall allow him to be accompanied by a personal friend or relative who is not to be called as a witness at the hearing:

Provided that—

(a) where the complainant is to be called as a witness at the hearing, he and any person allowed to accompany him shall not be allowed to attend before he gives his evidence; and

(b) where it appears to the Commission that a witness may, in giving evidence disclose information which, in the public interest ought not to be disclosed to a member of the public, they shall require the complainant and any person allowed to accompany him to withdraw while evidence is given.

(2) Where the accused gives evidence after the presenting officer has had an opportunity of cross-examining him, the Commission shall put to him any questions which the complainant requests should be so put and might have been properly so put by the presenting officer and, at their direction, may allow the complainant himself to put such questions to the accused.

(3) Subject as aforesaid the complainant and any person allowed to accompany him shall neither intervene in, nor interrupt the hearing, and if he or such a person should behave in a disorderly or abusive manner, or otherwise misconduct himself, the Commission may exclude him from the remainder of the hearing.

(4) In this regulation a reference to the complainant is a reference to the originator of the complaint notwithstanding that it was received by the Commission, Minister or Commissioner of Police from or through some other person or body.

11. DECISION OF COMMISSION. (1) The Commission at the conclusion of the hearing shall decide either to dismiss the case or to impose one of the following punishments, namely—

- (a) dismissal from the Force;
- (b) requirement to resign from the Force either forthwith or on such date as may be specified in the decision and dismissal on refusal or failure so to do;
- (c) reduction in rank;
- (d) reduction in the accused's rate of pay for such period not exceeding one year as shall be specified in the decision;
- (e) fine not exceeding two hundred dollars;
- (f) reprimand;
- (g) caution.

(2) As soon as possible after the Commission has reached a decision, that decision shall be recorded on the discipline form and notified to the accused.

12. REFERENCE TO ACCUSED'S PERSONAL RECORD IN CONSIDERING PUNISHMENT. In considering which punishment shall be imposed, if any charge is found to be proved, regard shall be had to the accused's record of police service as shown in his personal record.

13. LIMITATIONS ON PUNISHMENT. (1) The punishment of a reduction in the accused's rate of pay or of a fine shall not be imposed for the offence set out in paragraph (t) in the Schedule to these Regulations.

(2) The punishment of a reduction in the accused's rate of pay shall not be such as to reduce the accused's rate of pay below the minimum of the scale of pay for his rank in the Force.

(3) A fine in respect of any one offence shall without prejudice to any other method of recovery, be recoverable by way of deductions from the accused's pay during a period not exceeding 3 months following the imposition of the punishment:

Provided that in the event of the accused leaving the Force, the whole amount of any fine unpaid may be deducted from any pay then due.

14. RIGHT OF APPEAL. (1) An accused person against whom a decision is made either by the Commissioner of Police or a member of the Police Force to whom authority is delegated to hear the charge may appeal against such decision to the Commission within fifteen days of the date on which such decision is communicated to him.

(2) Upon an application under paragraph (1) the Commission may affirm or set aside the decision or may make any other decision which the Commissioner of Police or the person delegated to hear the charge could have made.

(3) A decision made by the Commission under this regulation shall be final.

15. REVIEW. (1) The Board may review any decision to which these regulations apply at the instance of a member of the Force in respect of whom the decision is made:

Provided that—

(a) application is made within fifteen days of the date on which such decision is communicated to the member of the Force concerned; and

(b) decisions of the Commission made by that Commission on appeal from or confirming decisions of the Commissioner of Police or of any Officer or member of the Police Force to whom powers are delegated under the Constitution shall not be subject to review by the Board.

(2) Upon an application under this regulation, the Board may affirm or set aside the decision reviewed or it may make any other decision which the Commission could have made.

(3) A decision made by the Board shall be final.

(4) For the purpose of this regulation “Board” means the Public Service Board of Appeal established by the Constitution.

16. SUSPENSION. (1) Where a report, allegation or complaint is received from which it appears that a member of the Force has committed a disciplinary or criminal offence, the Commission may suspend that member

from membership of the Force and from his office, whether or not the matter has then been investigated and in such case he shall be suspended until—

- (a) the Commission decides otherwise;
 - (b) it is decided that the member shall not be charged with a disciplinary offence; or
 - (c) the member has been so charged and either all the charges have been dismissed or a punishment has been imposed;
- whichever first occurs.

(2) A member of the Force suspended under this regulation shall, in respect of the period of suspension, be paid a suspension allowance at the rate prescribed under Section 37 of the Act.

(3) Where a member of the Force returns to duty when the period of suspension comes to an end and—

- (a) it has been decided that he shall not be charged with a disciplinary offence; or
 - (b) he has been so charged and all the charges have been dismissed;
- or
- (c) he has been so charged and has been punished by a reduction in his rate of pay, fine, reprimand, or caution,

he shall receive as from the date of his suspension the pay and allowance to which, but for paragraph (2) he would have been entitled by virtue of the Police Regulations, except that from the said pay and allowances there shall be deducted the amount of any suspension allowance paid to him under paragraph (3).

SCHEDULE

OFFENCES

- (a) discreditable conduct, that is to say, if a member of the Force 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 a member of the Force—

-
- (i) is insubordinate by word, act or demeanour;
 - (ii) is guilty of oppressive or tyrannical conduct towards an inferior in rank; or
 - (iii) uses obscene, abusive or insulting language to any other member of the Force; or
 - (iv) wilfully or negligently makes any false complaint or statement against any member of the Force; or
 - (v) assaults any other member of the Force; or
 - (vi) withholds any complaint or report against any member of the Force;
- (c) disobedience to orders, that is to say, if a member of the Force 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 a member of the Force—
- (i) neglects, or without good or sufficient cause omits promptly and diligently to attend to or carry out anything which is his duty as a police officer; or
 - (ii) idles or gossips while on duty; or
 - (iii) fails to work his beat in accordance with orders, or leave his beat, traffic point or other place of duty to which he has been ordered, without due permission or sufficient cause; or
 - (iv) by carelessness or neglect permits a prisoner to escape; or
 - (v) fails, when knowing where an offender is to be found, to report the same, or to make due exertions for making him amenable to justice; or
 - (vi) fails to report any matter which it is his duty to report; or
 - (vii) sleeps on his post or beat; or
 - (viii) fails to report anything which he knows concerning a criminal charge, or fails to disclose any evidence which he, or any person within his knowledge, can give for or against any prisoner or defendant to a criminal charge; or
 - (ix) omits to make any necessary entry in any official document or book; or
 - (x) 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, is guilty of any act or conduct calculated to retard his return to duty;
- (e) making false statements or falsifying and mutilating books and documents that is to say, if a member of the Force—

-
- (i) wilfully and knowingly makes any false statement; or
 - (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 a member of the Force—
- (i) divulges any matter which it is his duty to keep secret; or
 - (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; or
 - (iii) without proper authority communicates to the public press, or to any unauthorised person, any matter connected with the Force; or
 - (iv) without proper authority shows to 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 a member of the Force—
- (i) receives any bribe; or
 - (ii) fails to account for or to make a prompt and true return of any money or property seized or received by him in his official capacity; or
 - (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 office; or
 - (iv) places himself 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 character and position as a member of the Force for his private advantage;
- (h) unlawful or unnecessary exercise of authority, that is to say, if a member of the Force—
- (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 may be brought into contact in the execution of his duty;
- (i) malingering, that is to say, if a member of the Force 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 a member of the Force, without reasonable excuse, is absent without leave from, or is late for, parade, court or any other duty;
- (k) uncleanness, that is to say, if a member of the Force, while on duty or while off duty in uniform in a public place is improperly dressed or is dirty or untidy in his person, clothing or equipment;
- (l) damage to clothing or other articles supplied, that is to say, if a member of the Force—
- (i) wilfully or by carelessness causes any waste, loss or damage to any arms, article of clothing or equipment or other property supplied to him, or used by him, or entrusted to his care, or entrusted to the care of any other member of the Force; 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 a member of the Force—
- (i) without the consent of a superior officer, drinks or receives from any other person, any intoxicating liquor while he is on duty; or
- (ii) demands, or endeavours to persuade any other person to give him, any intoxicating liquor while he is on duty;
- (n) entering licensed premises where liquor is stored or distributed while on duty, that is to say, if a member of the Force enters any premises licensed under the liquor Licensing Laws, or any other premises where liquors are stored or distributed, when his presence is not required in the execution of his duty;
- (o) incurs debt without any reasonable prospect or intention of paying the same, or having incurred any debt, makes no reasonable effort to pay the same;
- (p) gambling or betting in barracks;
- (q) breaking arrest or out of barracks;
- (r) appropriates to his own use, loses by neglect, or makes away with any arm, ammunition, article of clothing or equipment, uniform or other article supplied to him, or to any other police officer, or any Government property committed to his charge;
- (s) breach of any Force Standing Order, Divisional Standing Order, or Station Standing Order;

(t) conviction for a criminal offence, that is to say, if a member of the Force has been found guilty by a court of law or a criminal offence;

(u) being an accessory to a disciplinary offence, that is to say, if a member of the Force connives at or is knowingly an accessory to any offence against discipline.

THE ROYAL POLICE FORCE OF ANTIGUA AND BARBUDA

DISCIPLINE FORM

r.5.

That you Rank
in the Royal Police Force of Antigua and Barbuda on the
..... day of 19
in Antigua and Barbuda did
.....
..... contrary to paragraph
of the Schedule to The Police (Discipline) Regulations.

.....
Investigating Officer.

FOR USE BY COMMISSION

Pleads Appeal Entered on
Found (To be made within 15 days of the
date of decision)

DECISION OF COMMISSION

SIGNATURE OF THE
CHAIRMAN

.....