ETHICS GUIDE FOR PRISON OFFICERS
THE FOUR - WAY TEST of the things we think, say and do

1. Is it the **TRUTH**?

2. Is it **FAIR** to all concerned

3. Will it build **GOODWILL & BETTER FRIENDSHIPS**?

4. Will it be **BENEFICIAL** to all concerned?

(Courtesy of the Rotary Club of Beau Bassin Rose Hill)
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I am honoured to be given the opportunity to convey a message through this handbook that Transparency Mauritius is publishing in partnership with the Mauritius Prison Service, to provide ethical guidance to Prison Officers.

A revised Code of Ethics for Public Officers was published in 2016. It set out standards of conduct and behaviour expected of public officers in general. However, Prison Officers face many ethical challenges of a specific nature and it was important to design a Code of Ethics for this particular category of Officers.

Prison Officers are expected to demonstrate several qualities over and above the obligation to provide an efficient and effective service. These officers need to be absolutely irreproachable in terms of behaviour, integrity, and governance.
This Code prescribes appropriate behaviour for Prison Officers in various circumstances. It includes subjects such as sexual harassment and interaction with prisoners, including female inmates and juveniles. It also reminds Prison Officers of their obligations to respect the rule of law.

It is unfortunate that some unscrupulous acts committed by a few officers can undermine the reputation of the Mauritius Prison Service as a whole. These officers will no longer be able to use the absence of an Ethics Guide as a defence for morally questionable conduct any more.

This Guide will surely motivate all officers to be still more committed to upholding the highest principles and standards of ethical conduct in all that they do.

I am convinced that this Ethics Guide will challenge Prison Officers to achieve bigger goals by inculcating a higher sense of discipline, integrity, professionalism, fairness, and impartiality.

Pravind Kumar Jugnauth
Prime Minister

02 March 2020
Valued Officers

Prison and correctional services play an important and integral part in a country’s criminal justice system. Besides ensuring that the rule of law is upheld i.e the sanctions imposed by courts on wrongdoers are enforced, they are also critical for the removal of offenders from society, protection of innocent persons from harm and violence as well as prevention of future crimes and changing criminals into law-abiding citizens.

Against this backdrop, the Prison officer’s job emerges as a noble and gratifying one. Our work not only contributes in the reduction of fear of crime in the community, but it also provides us with exceptional humane opportunities and experiences in our quest to assist and help in the rehabilitation of detainees.

It is a fact that the prison environment is daunting. In this set up, where dealing with criminals is commonplace, prison officers are continuously exposed to a host of challenges. Besides the inherent risks to personal safety, our officers are also constantly confronted to the dilemmas associated with the maintenance of order, on the one hand, and adherence to human rights and other international standards, on the other. Moreover, our officers also face the pervasive threats arising from all types of pressures and influences which persistently put their integrity to test. The potential for abuse of authority and engaging in unethical, immoral and even unlawful conducts is real.
In its endeavour to become a world class organisation, the Mauritius Prison Service is committed to adhering to all international norms and standards related to prison and correctional services. Consequently, while all efforts are being geared towards ensuring the successful reintegration of detainees in society, the Prison Service remains alive to the need to maintain a professional approach in the way it conducts its business. This implies developing a culture of excellence in the delivery of services and building commitment and resilience around our core values such as loyalty, integrity, impartiality, transparency and good governance, amongst others.

Our good intentions will be materialised only if our human resources and policies embrace our overall vision. To that end, we are putting in place measures aimed at ensuring that decisions, conduct and behaviour within the correctional environment, are always founded on what is right, what is just and what is ethical.

The publication of the Code of Ethics for the Mauritius Prison Service is an important step in this direction. It lays down the guiding principles which will have the way for a more professional, accountable and respected organisation, where both individual and organisational decisions and actions are founded on well entrenched moral and ethical standards. In this breath, I would urge all our officers to adhere to the principles laid down therein and display leadership in its application.

K.M. NOBIN, PMSM
Commissioner of Prisons
One of the institutions which has experienced the most changes in the recent history is that of the Prison Services: moving from darkness to light. Who doesn’t have, in the back of his mind, the dark, damp underground gallows and chains of old novels where the goalers were more like characters from hell? Detainees were thrown there to be forgotten by society and, along with them, their goalers would fall in the same oblivion.

Society has evolved but the relationship between prison officers and detainees have remained entwined. Often, there is more buzz about the welfare of detainees than that of prison officers. What about the working conditions, the safety or the ethics of those public officers?

It goes, without saying, that Prison Officers are doing one of the most challenging and difficult jobs in the public service. Faced with detainees, some of whom having nothing to lose, those men and women wearing the khaki uniform, have to keep their calm, keep the decorum and behave with dignity and integrity.

Prisons are no more a place to only punish, but a place for learning; so that those who have strayed away from the path of accepted social behavior, can be rehabilitated into society.
The Government and the Prison’s administration are currently engaged in holistic approach to embrace the capacity building of prison officers, both on how to engage with difficult inmates but also, to integrate ethics within the culture of the Mauritius Prison Services.

Dignity in every sphere of life and within any situation both for Prison Officers and Detainees is a sign of humanity. It is bound to impact on the country as a whole and demonstrate that Mauritius has discarded the shackles of obscurantism and is resolutely moving to be a modern high economy country.

Transparency Mauritius wishes to thank the Prime Minister of the Republic of Mauritius and the Commissioner of Prisons for their endeavour to make those changes happen and for their support of this project. The High Commission of Australia in Mauritius is also acknowledged to have played a pivotal role for the realization of the project.

Transparency Mauritius wishes all Prison Officers a good use of this Ethics guide.

Rajen Bablee
Executive Director
MISSION
We serve society by keeping detainees in safe humane custody and help prepare them for a useful life

VISION
A safer Mauritius through best correctional practice

PRINCIPLES
We support our staff to be professional and accountable.
We believe that detainees have the potential to change.
We value fairness and humane treatment
GOALS & OBJECTIVES

• To provide a safe and healthy environment for both prison officers and detainees

• To provide an adequate regime, based on the principle of human rights and justice for detainees, to facilitate their rehabilitation

• To ensure that all prison officers are properly trained and equipped to perform their duties efficiently

• To ensure the rule of discipline within the carceral institution in full respect of the laws of the Republic of Mauritius and international human rights principles

• To ensure that the Prison Act, Prison Regulations, human rights conventions, Standard Minimum Rules for the Treatment of detainees, office instructions, standing orders, all rules and regulations and all related laws are fully observed whilst discharging their duties.

• To ensure that the fundamental rights of detainees are observed and that they have access to their basic needs as well as medical care as and when needed

• To ensure a constant and dynamic evolution of prison regimes and developments though exchanges with prison services around the world

• To set up the proper mechanisms of control so as to enhance the security within and outside the prisons both in Mauritius and Rodrigues
DUTIES OF PRISON OFFICERS

- To maintain order and safety within prisons
- To abide by legal rules and ethical guidelines in and outside the institution both when on and off duty
- To stay alert and vigilant, exemplary and a role model whether on duty or off duty
- To provide the detainees with all the required structures for their mental and physical development and rehabilitation
- To keep a proper record of detainees’ attendance in courts
- To keep a proper record of everything pertaining to detainees during their legal detention
- To treat all his/her colleagues equally and justly
• To treat all detainees lawfully and ensure that they are not physically or mentally abused by other detainees and/or by prison officers
• To communicate with detainees clearly, politely and firmly
• To use the prison facilities and resources efficiently and for the sole purpose intended
• To sensitize prison officers and detainees on the ill effects of substance abuse and to empower them so that they may lead a drug-free life
• To henceforth disclose any situation of real or perceived conflict of interest;
• To ensure confidentiality in all matters pertaining to the institution and detainees
• To abide by the Standing Orders of the Mauritius Prison Service
PLEDGE OF
THE PRISON OFFICER

• I solemnly affirm that I shall be faithful and dedicated to the Republic of Mauritius and to the Mauritius Prison Services.

• I shall uphold the highest level of honesty, integrity and professionalism in the performance of my duties and shall strive to maintain discipline in the prison’s precincts.

• I undertake to abide to the laws of the Republic of Mauritius and to comply with the Code of Ethics and Code of Conduct against Discipline of the Mauritius Prison Services.

• I shall perform my duty in a conscientious, respectful, humane manner in accordance with the law.

• I commit to set the Mauritius Prison Service as a model of good practice in delivering quality custodial services and to be valued and respected for the services to the community.

• I commit to be proactive in the discharge of my duties and to provide full support to the Commissioner of Prisons and all prison officers.

• I undertake to treat all detainees with respect but firmness, with humanity but discipline.
As a responsible Prison Officer, I undertake:

- To discharge my responsibilities without fear or favour and regardless of race, religion, place of origin, political opinion, colour, creed or gender of my colleagues or detainees;

- To treat detainees with respect and our best to enhance public confidence in the Mauritius Prison Services;

- To maintain professional relationship with detainees and their relatives;

- Not to get involved in trafficking of any sort and be alert to illicit trafficking;

- To strive for excellence and to work in a spirit of dedication;

- To refrain from showing any political affiliation whether on or off duty; and

- To remain faithful to the truth and ensure that every entry inserted in the books and registers of the prisons are accurate.
THE BASIC STANDARDS OF THE INTERNATIONAL HUMAN RIGHTS STANDARDS FOR LAW ENFORCEMENT

1. Everyone is entitled to equal protection of the law, without discrimination on any grounds, and especially against violence or threat. Be especially vigilant to protect potentially vulnerable groups such as children, the elderly, women, refugees, displaced persons and members of minority groups.

2. Treat all victims of crime with compassion and respect, and in particular protect their safety and privacy.

3. Do not use force except when strictly necessary and to the minimum extent required under the circumstances.

4. Avoid using force when policing unlawful but non-violent assemblies. When dispersing violent assemblies, use force only to the minimum extent necessary.

5. Lethal force should not be used except when strictly unavoidable in order to protect your life or the lives of others.

6. Arrest no person unless there are legal grounds to do so, and the arrest is carried out in accordance with lawful arrest procedures.

7. Ensure all detainees have access promptly after arrest to their family and legal representative and to any necessary medical assistance.
8. All detainees must be treated humanely. Do not inflict, instigate or tolerate any act of torture or ill-treatment, in any circumstances, and refuse to obey any order to do so.

9. Do not carry out, order or cover up extrajudicial executions or “disappearances”, and refuse to obey any order to do so.

10. Report all breaches of these Basic Standards to your senior officer and to the office of the public prosecutor. Do everything within your power to ensure steps are taken to investigate these breaches.
THE ETHICAL PRISON OFFICER

Before taking any decision or engaging in any action which will have an effect on your status as a Prison Officer or which may uphold or affect the reputation of the Mauritius Prison Service, you must first do the ethical test.

- Is my decision/action moral and legal?
- Do I have all information?
- Who are my stakeholders and how will my action affect them?
- What will be the consequences of my decision/action?
- Is my action in line with the Mauritius Prison Service’s values?
- What will my family, my friends or society think of my decision/action?

Remember:

*Ethics is about what is morally right*
INTEGRITY

- Integrity refers to the values such as honesty, trustworthiness and commitment.
- Integrity is to do the right thing in all circumstances in front of people or in private.
Do not act with anyone in a way which you would not like anyone to act with you. As a Prison Officer, we are expected to show dignity and respect in the way we behave. We respect our colleagues, irrespective of sex, rank or community and value their views.

The public expect a lot from Prison Officers and their behaviour equates to the image you project. Senior ranks should be role models and lead by example. They are the ambassadors of a culture of dignity and respect within the Force.

Hurting or playing with the dignity of your colleagues lead to a poor morale, lack of motivation and eventually damage the reputation of the institution.

Prison officers should not be familiar and/or intimate with detainees.

Prison officers should not request and/or accept personal services from detainees or their relatives.

Gifts or any gratification in any form from detainees or their relatives or any stakeholder are strictly forbidden.

DIGNITY AT WORK

Working session with the National Human Rights Commission
Sexual harassment is an offence and the Mauritius Prison Services applies a zero tolerance policy on any form of sexual harassment.

Sexual harassment is an unwanted and unwelcome behaviour which violates your dignity and makes you feel intimidated, degraded or humiliated;

Sexual harassment may exist between persons of the same sex as well as between opposite sexes;

Sexual harassment can take multiple forms and can be either direct or indirect;

Direct harassment implies that the perpetrator is personally and actively involved in the action of harassment;

Indirect harassment may take place when the perpetrator uses his authority or power to create a situation to curb the dignity of his/her victim;

The harassment may be physical (touch), verbal (including jokes or inappropriate language), written (letter or mail/ SMS, etc...), display (film or pictures, etc.) and behavioral.

Behavioral harassment is tricky in the sense that it is not easily recognized by the victim and by other colleagues. It is often amalgamated to the normal culture of the Force.
ACTION AGAINST SEXUAL HARASSMENT

• Know your rights both as a citizen and as a Prison Officer

• Identify the reporting channel available and the Senior Officer responsible to take action in such circumstances

• If you feel you are being harassed by a colleague, speak to a competent Senior Officer

• As a responsible Prison Officer, it is important to note all evidence to prove your point. For example, if you are receiving unsolicited SMS, do NOT delete them.

• Report the case and make an official complaint to (a Senior Officer)

• If you believe that the perpetrator is being protected by colleagues and that no action is being taken, you should report the matter to appropriate bodies such as the Equal Opportunities Commission or file a lawsuit against the Perpetrator.

• If you are victimized after you have reported a case of sexual harassment, you should make a complaint to appropriate bodies such as the Equal Opportunities Commission.
The Mauritius Prison Services recognize that juveniles are particularly vulnerable and that detention may result in psychological harm. As such, all prison officers are particularly attentive to juveniles and ascertain that they do not face abuse in any form, be it, physical or moral.

Juveniles are defined in law as minors above 11 years old.

While the law provides for specific conditions and care for Juveniles, prison officers should ensure that juveniles:

- Are separated from adults detainees
- Get proper sleep and/or food
- Are not subjected to torture or any degrading treatment
- Receive their rights to receive mails, visits and telephone calls
- Are not excluded from education classes or vocational programs
38 Punishment of minor

(1) Subject to sections 42 and 43, the officer-in-charge of a Rehabilitation Youth Centre may punish a minor found after due inquiry by him to be guilty of a Rehabilitation Youth Centre default by ordering that the detainee shall –

(a) be deprived of either or both of –
   (i) the privilege of playing games;
   (ii) the privilege of pocket money;

(b) suffer loss of grade for a period not exceeding 1 month;

(c) the reasons why he has found the detainee guilty; and

(d) any representation the minor wishes to make to the Commissioner in regard to punishment.

(4) Subject to section 43, the Commissioner may punish, a minor found after due inquiry by him to be guilty of a Rehabilitation Youth Centre default by ordering -

(a) any punishment authorized under subsection (1);

(b) confinement in a separate room for a period not exceeding 14 days; or

(c) loss of grade for a period not exceeding 3 months; or

(d) a combination of any of the punishments specified in paragraphs (a) to (c).
DECLARATION AGAINST CORRUPTION

- I will not pay bribes
- I will not seek bribes or take bribes
- I will work with others to campaign against corruption
- I will speak out against corruption and report on abuse
- I will stand by those who say no to corruption and demonstrate transparency, integrity and accountability
EXTRACTS FROM THE REFORM INSTITUTIONS ACT

5. Duties of officers
Every officer shall -
(a) obey all lawful orders given, verbally or in writing, by the Commissioner; and
(b) comply with all standing orders and administrative directions issued by the Commissioner.

7. Powers and privileges of officers
An officer shall -
(a) while in charge of a detainee for the purpose of conveying him to and from an institution;
(b) for the purpose of apprehending a detainee who has escaped custody;
(c) for the purpose of preventing the escape of a detainee or an detainee; and
(d) in the performance of his duties under this Act, have all the powers, protection and privileges of a police officer.
12. Use of force

(1) No officer shall use force against a detainee except such force as is reasonably necessary -
   (a) in self defence;
   (b) in the defence of another person;
   (c) to prevent a detainee from escaping;
   (d) to compel obedience to an order which the detainee willfully refuses to obey; or
   (e) to maintain discipline in the institution.

(2) Any officer may, where he has reasonable cause to believe that he cannot otherwise deal with the situation, use any weapon or firearm which has been issued to him against a detainee who -
   (a) is escaping or attempting to escape from an institution or from lawful custody and refuses, when called upon to return;
   (b) is engaged with others in riotous behaviour in an institution and refuses to desist when called upon; or
   (c) is endangering the life of, or is likely to inflict serious injury on, any person.
28. Respect of the person

No person shall be searched in an institution otherwise than by a person of the same sex.
61 Offences

(1) No officer shall –

(a) without lawful authority, permit any prohibited article to be conveyed or supplied to a detainee, received or used by a detainee or brought into or taken out of an institution;

(b) in respect of any transaction concerning supplies, receive any discount, gift or other consideration from any person selling or providing such supplies to an institution;

(c) receive any fee, favour or gratuity from a detainee or a discharged person;

(d) for or on behalf of a detainee, receive any fee, favour or gratuity from, or have any business dealing with, a visitor to an institution or a friend of any such visitor, or any other person;

(e) give any certificate or testimonial to or in respect of a detainee as regards his conduct in an institution or otherwise.

(f) discuss his duties or any matter of discipline or of institutional arrangements within the hearing of a detainee.

(g) Without the permission of the Commissioner, inform the press or any other person of any matter concerning an institution, a detainee or a discharged person;

(h) Without the permission of the Commissioner, communicate to the press any knowledge derived from his office or from official source and connected with or related to the service.

(i) Knowingly harbours a detainee who has escaped from custody in or about his house or land or other premises owned or occupied by him.
(j) Directly or indirectly and by any means instigate, command, counsel, call for, cause, stir or bring about any mutiny, sedition or disobedience to any lawful command or duty;

(k) Directly or indirectly and by any means, seduce another officer from his allegiance or duty; or.

(l) Give false evidence at enquiry held under this Act.

(2) No person shall -

(a) unlawfully convey or supply to a detainee in or outside an institution, or hide or place for the use of a detainee, any prohibited article.

(b) by any means, unlawfully bring into an institution or any place where a detainee is working, any prohibited article;

(c) unlawfully take out of or convey from an institution any prohibited article;

(d) unlawfully communicate with a detainee or cause or induce any other person to do so;

(e) unlawfully enter or remain in an institution or any place where a detainee is working or stationed for any purpose;

(f) unlawfully take a photograph of a detainee or of any person in an institution;

(g) unlawfully take a photograph or film or make a sketch, plan or other representation of any object in or any internal layout of an institution;
(h) unlawfully purchase, obtain, keep in his possession, destroy or otherwise dispose of any article which has been supplied to an officer for use on duty or any property of an institution.

(i) aid and abet an officer or other person in destroying or otherwise disposing of any article which has been supplied to an officer for use on duty or any property of an institution; or

(j) aid any officer or detainee in the commission of an offence under this Act.

(3) (a) No detainee shall escape from lawful custody.

(b) No person shall counsel, induce or instigate a detainee to escape from lawful custody.

(4) Every officer who has directly or indirectly any pecuniary interest in the purchase of an institution’s supplies shall declare such interest in writing and submit such declaration to the Commissioner.

(5) Subject to section 62 (3), any person who contravenes any provision of this Act or any regulations made under this Act shall commit an offence and shall, on conviction where no specific penalty is provided, be liable to a fine nor exceeding 10,000 rupees and to imprisonment for term exceeding 2 years.
Mauritius Prison Service

Australian Aid

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