

BELIZE:

POLICE (AMENDMENT) ACT, 2018

ARRANGEMENT OF SECTIONS

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5. Amendment of section 10.
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11. Repeal and replacement of section 26.
12. Amendment of section 27.
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14. Amendment of section 29.
15. Amendment of section 32.
16. Amendment of section 33.
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18. Insertion of new section 40A.



No. 7 of 2018

I assent,

(MR. CARLOS PERDOMO)

Acting Governor-General

11th April, 2018.

AN ACT to amend the Police Act, Chapter 138 of the Substantive Laws of Belize, Revised Edition 2011; to improve the administrative processes in the Belize Police Department; and to strengthen disciplinary control of and welfare provision for members of the Department; and to provide for matters connected therewith or incidental thereto.

(Gazetted 12th April, 2018.)

BE IT ENACTED, by and with the advice and consent of the House of Representatives and Senate of Belize and by the authority of the same, as follows:

1. This Act may be cited as the

Short title.

POLICE (AMENDMENT) ACT, 2018,

CAP. 138. and shall be read and construed as one with the Police Act, which as amended, is hereinafter referred to as the principal Act.

Amendment of section 2. 2. Section 2 of the principal Act is amended by inserting in the proper alphabetical order, the following definitions–

“National Police Training Academy” means the facility established by the Department to provide initial recruitment training;

CAP. 4. “Security Services Commission” means the Security Services Commission established under section 110C of the Constitution of Belize;”

Amendment of section 8. 3. Section 8 of the principal Act is amended –

(a) in subsection (1), by deleting the words “assistant inspector,”.

(b) in subsection -(2), by deleting the words “Public Services Commission” and substituting the words “Security Services Commission”.

Amendment of section 9. 4. The principal Act is amended by repealing section 9 and replacing it with the following –

“Powers of Commissioner as to discharge. 9. A constable or a non-commissioned officer may be discharged by the Commissioner at any time, if, in the opinion of the Commissioner, the rank is unlikely to become or has ceased to be an efficient constable or non-commissioned officer.”

Amendment of section 10. 5. Section 10(3) of the principal Act is amended by inserting immediately after the words “the Commissioner

or any such superior officer” the words “or other person appointed by the Commissioner for such purpose”.

6. Section 14 of the principal Act is amended –

Amendment of
section 14.

- (a) by renumbering the section as subsection (1);
- (b) by inserting the following new subsections immediately after subsection (1) –

“(2) A police officer specified in subsection (1) may resign from the Department at any time by giving to the Commissioner not less than one month’s written notice of the officer’s intention to resign, or, in lieu of such notice, forfeiting one month’s salary, which is to be deducted from any remuneration that may become due to the officer.

(3) Without affecting the Commissioner’s powers, no constable on probation shall resign within the first six months after graduating from the National Police Training Academy.

(4) A constable who so resigns is liable to repay to the Department the value of his costs of initial recruitment training.”.

7. Section 15 of the principal Act is amended by inserting next after subsection (1) the following as subsection (1A) –

Amendment of
section 15.

“(1A) When a member of the Department dies, his family or the person in whose possession police issued arms, ammunition and accoutrements supplied to him, and which are

the property of the Government, shall deliver those items to the nearest police station.”

**Amendment of
section 21.**

8. Section 21 of the principal Act is amended by repealing subsection (1) and replacing it with the following –

“(1) Subject to the Civil Procedure Rules and other practice directions or rules of court in force at the time, no action shall be commenced or prosecution instituted against any police officer in respect of anything done or purported to have been done by him under the provisions of this Act, unless notice in writing of the action or prosecution, and particulars thereof have been given to the police officer, the officer in charge of the Department in the place where the act complained of was committed and the Attorney General, at least one month before the commencement of the action or the institution of prosecution.”

**Repeal and
replacement of
section 24 and
the insertion
of new sections
24A and 24B.**

9. The principal Act is amended by repealing section 24 and replacing it with the following –

**“Offences
against
discipline.**

24.-(1) A non-commissioned officer or constable who engages in an act under subsection (2) commits a minor offence against discipline and is liable on conviction by the Commissioner or in his absence a suitably qualified person or officer of the Department delegated by the Commissioner, to –

- (a) a caution;
- (b) a reprimand;
- (c) a fine not exceeding one hundred and fifty dollars which shall be

deducted from his pay in two instalments, if the fine imposed is of or above one hundred dollars; or

- (d) extra duties for a period not exceeding ten days.

(2) For the purposes of this Act, each of the following is an act referred to in subsection (1) as constituting a minor offence against discipline, namely-

- (a) being absent from duty without leave or without reasonable cause, for a period not exceeding two consecutive days, or being late for court or any other duty;
- (b) being found sleeping on duty or post or other place of duty to which the officer has been assigned before he is relieved or without due permission or sufficient cause;
- (c) while on or off duty in uniform in a public place, being improperly dressed or dirty or untidy in his person, uniform or accoutrements;
- (d) wilfully making false statements, entries or returns pertaining to the activities of the Department;
- (e) being slovenly, inattentive or uncivil when on duty;
- (f) malingering or wilfully causing a disease or infirmity;

- (g) without reasonable cause, arriving late or failing to attend at any parade appointed by his superior officer;
- (h) entering or remaining in a public or private house without reasonable cause whilst on duty;
- (i) incurring debt without any reasonable prospect or intention of paying the debt, or having incurred any debt, making no reasonable effort to pay the debt;
- (j) suffering serious pecuniary embarrassment;
- (k) failing to provide a full and true statement of financial position when called on by the Commissioner to do so;
- (l) failing to complete a case file for a summary offence within a period specified by practice direction;
- (m) being guilty of an act, conduct, disorder or neglect which by regulations made under this Act is an offence against duty or discipline;
- (n) being guilty of an act, conduct, disorder or neglect to the prejudice of good order and discipline, not specified in this subsection;
- (o) breaching a Department standing order.

(3) A non-commissioned officer or constable who engages in an act under subsection (4) commits a major offence against discipline and is liable on conviction by the Commissioner or in his absence a suitably qualified person or officer of the Department delegated by the Commissioner, to –

- (a) a fine of not less than two hundred dollars but not exceeding three hundred dollars to be deducted from his pay in two instalments only;
- (b) extra duties for a period more than ten days but not exceeding twenty-eight days;
- (c) stoppage of increments;
- (d) a surcharge for damage to property or award of compensation in favour of the injured party;
- (e) a reduction of rank or grade;
- (f) dismissal.

(4) For the purposes of this Act, each of the following is an act referred to in subsection (3) as constituting a major offence against discipline, namely –

- (a) beginning, exciting, causing or joining in any mutiny or sedition among members of the Department, or conspiring with a

person to cause such mutiny or sedition, or failing to use utmost endeavours to suppress such mutiny or sedition, or being cognisant of any such mutiny or sedition, fails to give information of any mutiny or sedition to the superior officer of the non-commissioned officer or constable;

- (b) persuading or attempting to persuade, procuring or attempting to procure, or assisting a police officer to desert, or being cognisant of any such desertion or intended desertion failing to give information of any desertion or intended desertion to the superior officer of the non-commissioned officer or constable;
- (c) using traitorous or disloyal words regarding Her Majesty;
- (d) using obscene, abusive, threatening or insulting language or behaviour towards a magistrate or superior officer;
- (e) absenting oneself from duty without leave or without reasonable cause for a period of more than two consecutive days but not exceeding five consecutive days;

- (f) failing to complete any indictable case file within the period specified by practice directions and the failure results in dismissal of the case at bar;
- (g) drinking intoxicating liquor on duty;
- (h) being intoxicated on or when called for duty, or frequenting liquor shops when on duty;
- (i) failing to provide a blood or urine sample for testing when directed to do so by an officer above the rank of the non-commissioned officer or constable on reasonable suspicion of being under the influence of drinks or drugs while on duty;
- (j) failing to provide a specimen for testing on request by the Commissioner or a superior officer delegated by the Commissioner on reasonable suspicion of using illicit drugs;
- (k) striking or assaulting a member of the Department;
- (l) permitting a prisoner to escape or failing to take prompt steps for the arrest of an offender;
- (m) accepting or soliciting a bribe or gratuity;

- (n) engaging without authority in any other employment or office;
- (o) making a false accusation against any member of the public or of the Department knowing such accusation to be false;
- (p) making a false or misleading statement on enlistment;
- (q) carrying, keeping, using, or discharging a firearm, ammunition or other weapon without the authority of the Commissioner or without just cause, or being negligent in the use of firearms or other weapons;
- (r) pawning, selling, neglectfully losing, making away with, wilfully or negligently damaging, or failing to report damage to a firearm, ammunition, accoutrement, uniform or other article supplied to a non-commissioned officer or constable, or any property committed to his charge;
- (s) mutilating a book or document, that is to say, –
 - (i) knowingly making or being privy or party to the making of a false entry, or with intent to mislead, making an alteration or

erasure in a book of complaint, station diary, record, book or other document kept in the normal course of official duty; or

- (ii) wilfully mutilating or destroying a book of complaint, station diary, record, book, return or other document kept in the normal course of duty;
- (t) giving notice, directly or indirectly, to a person against whom a warrant or summons has been or is about to be issued, except in the lawful execution of such warrant or service of such summons;
- (u) without the knowledge and permission of the Commissioner, accepting directly or indirectly any gratuity, present or reward in respect of anything done in the discharge of duties;
- (v) being found intoxicated and in possession of a firearm while on or off duty;
- (w) being found intoxicated in uniform whether or not on or off duty;
- (x) being neglectful in carrying out a duty, an enquiry or investigation or failing to take action in a case

where an offence has been committed or where an offence has been witnessed;

- (y) while under arrest or in confinement leaving or escaping from arrest or confinement before being set free by proper authority;
- (z) engaging in conduct which is determined by the Commissioner to be of a major consequence;
- (aa) without proper authority, disclosing or conveying information concerning an investigation or other police or departmental matter;
- (bb) without reasonable excuse wilfully disobeying or refusing, failing or neglecting to obey a lawful command;

(5) A non-commissioned officer or constable who is convicted of any of the minor offences specified in subsection (2)(a), (b), (g), (l) and (n) on a third occasion within his incremental period, shall be punished under subsection (3) as though the offences committed are major offences against discipline.

(6) A police officer who absents himself from duty without leave or reasonable cause for a period of or exceeding five consecutive days shall, unless the contrary is proved, be considered to have abandoned his post and shall be liable to summary dismissal.

(7) Every delegation under this section shall be in writing under the hand of the Commissioner and shall be revocable as the Commissioner thinks fit.

(8) A superior officer or a person delegated by the Commissioner whom the Commissioner determines to be suitably qualified for the purpose, shall, subject to subsection (9), hear and determine offences against discipline committed by a non-commissioned officer or constable.

(9) A sentence proposed to be imposed by any superior officer or other person delegated by the Commissioner, shall be notified to the Commissioner, by the office or person, and be subject to the approval of the Commissioner, who may confirm or remit the whole or any part thereof, or may enhance it, or may substitute any other sentence which is authorized to be imposed under this section.

(10) Where an officer convicted of an offence against discipline is dissatisfied with a decision given by a superior officer other than the Commissioner or by a person delegated for that purpose, the convicted officer may appeal to the Commissioner within seven days after the decision has been communicated to him:

However, no such appeal shall lie where the punishment is only a caution or reprimand, or against findings of guilt in cases where the officer has admitted the charge.

(11) A sentence confirmed by the Commissioner, under appeal, other than a sentence of dismissal or reduction in rank, is not eligible for further appeal under this section.

(12) It shall be the duty of the officer submitting to the Commissioner a sentence under subsection (9), to attach to his case report the evidence, which shall be taken on oath, and also any statement which the accused may desire to make in his defence but in every case where the sentence awarded by the officer is a sentence of dismissal or reduction in rank or grade, the Commissioner shall confirm or reverse the decision.

(13) The Commissioner or any other person deputed by him shall, while conducting disciplinary proceedings under this section, follow any regulations made by the Minister in that behalf under section 53 and, in the absence of such regulations, comply with the rules of natural justice.

**Police
prohibited
from certain
publications
and electoral
activities.**

24A—(1) Subject to subsection (3), no police officer shall—

- (a)** in any public place or in any document or via any social networking website or other medium or means of communication, whether or not within Belize, publish any information or express any opinion on matters of national security interest or with national or international political implications;
- (b)** be a scrutineer, an election agent or an assistant election agent under the Representation of the People Act, or a candidate for

parliamentary, municipal or village council elections.

(2) A non-commissioned officer or constable who breaches subsection (1) commits a major offence against discipline.

(3) Subsection (1) **(a)** shall not apply where—

(a) a police officer is acting on instructions and in the execution of his official duties;

(b) the information or opinion is published in the course of a lecture address, the subject matter of which is approved by the Commissioner, made and given at any educational institution in the bona fide pursuit of the professional activity of the police officer; or

(c) the information or opinion is expressed in an article or other literary contribution, to a journal or other periodical or document prepared in the bona fide pursuit of the professional activity of the police officer and with the written permission of the Commissioner.

(4) In this section “publish” means

(a) to communicate the information or opinion to a person whether orally or in writing and includes the broadcasting of words and

pictures digitally or electronically or by any other means; and

- (b) in relation to any writing, exhibiting in public or causing to be read or seen or showing or delivering or causing to be shown or delivered in order that the writing may be read or seen by a person.

Penalty for
fraudulent
admission to
Department.

24B—(1) Any person who, for the purpose of obtaining admission into the Department, knowingly –

- (a) uses or attempts to pass off a forged or false certificate, letter or other document;
- (b) gives a false answer to a question which is put to him by a police officer; or
- (c) sits or attempts to sit an examination on behalf of an applicant,

commits an offence and is liable on summary conviction to a fine not exceeding one thousand dollars or imprisonment for a term not exceeding one year.

(2) A police officer may arrest without warrant a person whom he reasonably believes has committed an offence under this section. ”

Amendment of
section 25.

10. Section 25 of the principal Act is amended by inserting next after subsection (2) the following new subsection –

“(2A) Upon receipt of a notice of appeal or other notification of the filing of an appeal under this section, the Commissioner shall forward to the Belize Advisory Council a copy of the notes of evidence.”

11. The principal Act is amended by repealing section 26 and replacing it with the following –

Repeal and replacement of section 26.

“Forfeiture of pay, etc.

26. Any non-commissioned officer or constable who has been sentenced to imprisonment, or who is absent without leave shall forfeit all right to pay during the period of imprisonment or absence, and all fines or penalties imposed upon any such non-commissioned officer or constable for any offences under this Act or for the breach of any rules made thereunder, may be enforced by deducting the amount from any pay due or which may become due to the non-commissioned officer or constable so fined.”

12. Section 27 of the principal Act is amended –

Amendment of section 27.

- (a) in subsection (1), by deleting the words “assistant inspector of police or” wherever they appear;
- (b) in subsection (3), by deleting the words “An assistant inspector of police or a” and substituting the word “A”;
- (c) in subsection (4), by repealing the subsection and replacing it with the following –

“(4) On the termination of any period of interdiction from duty of a non-commissioned officer or constable, the Commissioner may if he thinks fit direct the whole or any part of the pay stopped under this section to be paid to the non-commissioned officer or constable, and any portion of the salary not returned to the officer shall be paid into the Police Welfare Fund.”;

- (d) in subsection (5), by deleting the words “assistant inspector of police or”;
- (e) by inserting immediately after subsection (5) the following new subsection-

“(6) If the non-commissioned officer or constable has been found guilty of charges laid against him, all of his pay and allowances withheld during the interdiction shall be paid into the Police Welfare Fund.”.

Amendment of
section 28.

13. Section 28 of the principal Act is amended by repealing subsection (2) and replacing it with the following -

“(2) Where-

- (a) money is seized and forfeited as a result of police investigation, or as a result of being a bribe or gift of money improperly received by a police officer; or

- (b) goods given to a police officer as a bribe are seized and forfeited as a result of police investigation,

the Minister may, by Order published in the *Gazette*, transfer an amount not exceeding one-third of the money or the full value of the goods to the credit of the Police Welfare Fund.”

14. Section 29 of the principal Act is amended by deleting the words “assistant inspector of police or”.

Amendment of section 29.

15. Section 32 of the principal Act is amended by deleting the words “assistant inspector of police or”.

Amendment of section 32.

16. Section 33 of the principal Act is amended–

Amendment of section 33.

(a) in subsection (3)–

(i) in paragraph (a), by deleting the words “of or below the rank of assistant inspector or to any such “ and substituting the words “or to any”;

(ii) by deleting paragraph (b) and substituting the following paragraph –

“(b) assistance to members of the Department to enable them to seek medical attention for themselves, their spouses or children, outside of Belize when such attention is not available in Belize.”;

- (iii) in paragraph *(d)*, by inserting immediately after the words “members of the Department” the words “, including expenditure for the purchase of meals and refreshments during range practice.”;
- (iv) in paragraph *(f)*, by inserting immediately after the words “within the Department” the words “, and sporting events with law enforcement agencies outside of Belize;”;
- (v) by deleting paragraph *(g)* and substituting the following paragraph –
 - “(g) purchase of trophies, plaques and gifts for retired police officers;”;
- (vi) by inserting the following new paragraphs after paragraph *(g)* –
 - “(h) expenditure for Police Week related activities, including banquets and social events at the end of Police Week;
 - (i) expenditure for repairs to police vehicles and loss of equipment owing to the negligence of police officers;
 - (j) assistance to officers who are pursuing any police or

law-related course on approved study leave at the Bachelor's or Master's degree level;

(k) expenditure for overseas training of officers that is not paid from other Government funds;

(l) any other purpose not specified in this section which the Commissioner considers to be for the general welfare of the Department.”.

(b) by inserting immediately after subsection (3), the following new subsections –

“(3A) A member of the Department requesting assistance under subsection (3)(b) shall submit medical evidence of the need to obtain treatment abroad along with a recommendation from the medical officer certifying such need.

(3B) Payments made under subsection (3) (i) shall be recovered from the officer responsible by a pay sheet deduction at five (5) percent simple interest.”;

(c) in subsection (4), by deleting the words “four thousand” and substituting the words “fifty thousand”.

Insertion of
new section
33A.

17. The principal Act is amended by inserting immediately after section 33 the following as section 33A –

“Commissioner
may direct
mandatory
counselling.

33A (1) The Commissioner may direct any member of the Department in a written order to attend facilities for stress management, including psychological counselling to cope with stress affecting the member’s professional duties.

(2) On receipt of a report from the facility, the Commissioner shall forthwith rescind the order made under subsection (1), if the report states that the facility is satisfied that the person named in the order is not in need of care and treatment.

(3) The Commissioner may sanction payments from the Police Welfare Fund for any costs of members of the Department attending facilities for stress management.”.

Insertion of
new section
40A.

18. The principal Act is amended by inserting immediately after section 40 the following as section 40A –

“Prohibition
on offering
liquor to,
undue
inducement of,
police officer,
etc.

40A (1) A person who –

- (a) knowingly harbours or entertains or, either directly or indirectly, sells or gives any intoxicating liquor to a police officer who is on duty or who is attired in or partly attired in uniform used by members of the Department;

- (b) knowingly permits a police officer on duty to remain in that person's house, except in case of extreme urgency; or
- (c) by threats or by offer of money, gifts, intoxicating liquor or any other thing, induces or attempts to induce a police officer to commit a breach of his duty,

commits an offence and is liable on summary conviction to a fine not exceeding one thousand dollars and to imprisonment for a term not exceeding one year.

(2) If a person who is the owner or occupier of premises licensed under the Intoxicating Liquor Licensing Act, or is employed in connection with the business of any such premises is convicted under this section –

CAP. 150.

- (a) the record of the proceeding and a written notice of the intention and grounds to oppose the grant, renewal or transfer of a licence shall be sent by the Department to the Licensing Board which granted the licence and to the applicant for the licence; and
- (b) the notice shall be given to the Licensing Board and to the applicant no less than ten days before the day fixed for the hearing of the application.

(3) On the trial of a complaint in respect of an offence under this section, if the other facts constituting the offence are established, it shall not be necessary to prove knowledge or intention, but the onus of disproving shall lie on the defendant.”.