

**SAMOA**

**PRISONS WEEKEND RELEASE REGULATIONS 2016**

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**PURSUANT** to section 51 of the Prisons and Corrections Act 2013 (“the Act”), **I, TUI ATUA TUPUA TAMASESE EFI**, Head of State, acting on the advice of Cabinet, **MAKE** these Regulations:

**DATED** this 17<sup>th</sup> day of May 2016.

signed: (Tui Atua Tupua Tamasese Efi)  
**HEAD OF STATE**

## **REGULATIONS**

### **PART 1 PRELIMINARY**

**1. Citation and commencement** - These Regulations may be cited as the Prisons Weekend Release Regulations 2016, and commence on the date they are signed by the Head of State.

**2. Interpretation** - In these Regulations, unless the context otherwise requires:

“Prisons Commissioner” means the Commissioner of Prisons and Corrections Services defined under the Prisons and Corrections Act 2013;

“Police Commissioner” means the Commissioner of the Samoa Police Service defined under the Police Service Act 2009;

“prisoner” means a convicted prisoner.

**3. Application** - These Regulations apply to any prisoner in any prison or corrections facility in Samoa.

### **PART 2 ELIGIBILITY AND DETERMINATION**

**4. Eligibility for weekend release-**(1) A prisoner serving an imprisonment term may be considered eligible for weekend release after serving half of his or her sentence, unless the court has imposed a longer minimum non-parole period.

(2) A prisoner serving an imprisonment sentence is not eligible for weekend release if he or she is convicted and imprisoned for any of the following offences:

- (a) murder;
- (b) manslaughter;
- (c) sexual violation or rape;
- (d) incest;
- (e) burglary;
- (f) robbery.

(3) A prisoner serving an imprisonment sentence for an offence for a term of six (6) months or less is not eligible for weekend release, unless considered for release under regulation 5(1).

**5. Determination of weekend release-**(1) The Prisons Commissioner may determine on a case by case basis that a prisoner be considered for weekend release.

(2) When making a determination, the Prisons Commissioner must consider the following:

- (a) the prisoner's previous convictions;
- (b) the likelihood of the prisoner re-offending while on weekend release;
- (c) the prisoner's behavioural history whilst in prison;
- (d) pending court cases against the prisoner.

(3) After the Prisons Commissioner has made a determination, the Prisons Commissioner must consult with the Police Commissioner on the name of a prisoner being considered for weekend release.

### **PART 3 GRANT, VIOLATION AND REVOCATION**

**6. Authorise of weekend release-**(1) Subject to subregulation (2), the Prisons Commissioner may authorise the weekend release of a prisoner in Form 1 and 2 of the Schedule.

(2) A prisoner must not be granted weekend release unless the Prisons Commissioner and the Police Commissioner are in agreement for the weekend release to be granted.

(3) The agreement required under subregulation (2) must be recorded in writing.

(4) The prisoner whose weekend release is granted must adhere to all conditions of weekend release in the approved form.

**7. Violation of weekend release conditions** - A prisoner that violates any condition of his or her weekend release is immediately disqualified from being eligible for future weekend release for the remainder of his or her imprisonment term.

**8. Revocation** - The Prisons Commissioner may at any time revoke the authorised weekend release of a prisoner using Form 3 in the Schedule.

**9. Forms** - The Prisons Commissioner may approve other forms for the purpose of these Regulations.

**SCHEDULE****Regulation 6****FORM 1****WEEKEND RELEASE FORM**

**Name of prisoner:** \_\_\_\_\_

**Age:** \_\_\_\_\_

**Gender:** \_\_\_\_\_

**Place of residence while on release:** \_\_\_\_\_

**Relationship to the family you are released to:**  
\_\_\_\_\_

**Name(s) of person(s) of the family you are released to:**  
\_\_\_\_\_

**Telephone number:** \_\_\_\_\_

**Any other places or families you may visit while on release:**  
\_\_\_\_\_

\*The information provided above is true and accurate.

Signed: \_\_\_\_\_ Full name: \_\_\_\_\_  
(Member of the family)

**FORM 2**

**DECLARATION**

**PRISONER’S DECLARATION: CONDITIONS  
FOR WEEKEND RELEASE**

“I, \_\_\_\_\_ promise that I will comply with all the conditions that have been given to me for my weekend release.

I promise that I will go directly to the family home of my approved sponsor as indicated in the weekend release form and remain there throughout my weekend release.

I will not associate with another prisoner or former prisoner during my weekend release.

I will not consume any alcohol, smoke or take any illegal substances or enter any nightclub, hotel or other establishment where alcohol is served.

I will not approach or have any contact whatsoever with the victim(s) or victim’s family of my offending.

For my own safety, I will not go to any public place except going to church on Sunday.

I promise to comply with the instructions given to me by the Commissioner of Prisons with regards to the time and date that I must return back to prison/correction facility.

**Place of residence while on release:** \_\_\_\_\_

**Family Matai:** \_\_\_\_\_

**Telephone number:** \_\_\_\_\_

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

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**Regulation 8**

**FORM 3**

**WEEKEND RELEASE REVOCATION ORDER**

**Name of prisoner:**

**Offence:**

**Term of imprisonment:**

**Prison/Correction Facility:**

**Date of release:**

**Date of revocation:**

The weekend release granted to the prisoner named above is hereby revoked.

This order requires any parole officer to immediately detain the prisoner and then, as soon as practicable, deliver the prisoner to the above named prison/correction facility.

.....  
**Commissioner of Prisons and Correction  
Services of Samoa**

**MADE AT APIA THIS ..... DAY OF .....**

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**Issued under the authority of the Regulations Ordinance 1953.**

**Date of Commencement: 17<sup>th</sup> May 2016.**

**These Regulations are administered by the Samoa Prisons and Corrections Services.**

**Copies of these Regulations can be purchased from the Office of the Clerk of the Legislative Assembly.**

**Printed by the Clerk of the Legislative Assembly,  
by authority of the Legislative Assembly.**