

STATE OF RHODE ISLAND



Department of Corrections

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The Honorable Robert E. Craven Sr.
House Committee on Judiciary
82 Smith Street
Providence, RI 02903

April 24, 2025

Re: H5361 – Relating to Criminal Procedure -- Electronic Information and Data Privacy Act

Dear Chairperson Craven:

This evening the House Judiciary Committee will consider House Bill #5361. This bill would require law enforcement agencies to obtain search warrants for electronic information, data, location information and other identifying information of subscribers and customers, except in specified circumstances. The Rhode Island Department of Corrections (RIDOC) has concerns about potential inadvertent consequences such legislation may create that could hinder its investigatory process.

As currently drafted, the Department believes this bill would affect investigations conducted by our Special Investigations Unit (SIU) which is responsible for monitoring and investigating any illegal or illicit inmate activity inside the Adult Correctional Institutions (ACI) which might compromise inmate safety, as well as staff or public welfare. Incarcerated persons in RIDOC custody are each issued a tablet after two weeks at the ACI. These tablets have a variety of secure and closed-circuit services including electronic messaging. Though these tablets are State property, it is critical that investigators have the ability to monitor activities of the incarcerated population in a timely manner to ensure the safety and security of RIDOC facilities. The added layer of securing a warrant for such access inadvertently creates a barrier to doing so. Furthermore, this legislation appears to impact the Department's ability to investigate external parties who may engage with the incarcerated population in an untoward manner that could jeopardize the security of its facilities without violating state law.

While the exceptions in this proposed legislation appear to consider circumstances outside of a prison setting, the Department believes further consideration is needed to ensure exceptions are also afforded to law enforcement as it relates to a correctional setting.

Thank you for the opportunity to comment on this legislation.

Sincerely,

Wayne T. Salisbury Jr.
Director

cc: Honorable Members of the House Judiciary Committee
The Honorable Representatives Morales, Tanzi, Lombardi, Potter
Nicole McCarty, Esq., Chief Legal Counsel to the Speaker of the House