

STATE OF RHODE ISLAND



**Department of Corrections**

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H-6602

The Honorable Robert E. Craven, Esq.  
House Committee on Judiciary  
State House, Room 35  
Providence, RI 02903

March 17, 2021

**Re: H5859 – Act Relating to Public Records – Access to Public Records**

Dear Chairperson Craven:

This evening the House Judiciary Committee will consider House Bill #5859. This bill would make any reports of investigations conducted by law enforcement agencies internal affairs division a public document. The Department of Corrections has serious concerns about this legislation.

Unlike our partners in law enforcement, the RIDOC provides for public safety in a confined, institutional setting. The confidentiality of the investigatory process is essential to protect inmates, staff and all members of the public who enter the ACI. Internal Affairs conducts many types of investigations, including allegations of possible misconduct by inmates, staff, contractors, volunteers, visitors, and members of the public. Many allegations prove to be unfounded; others may be referred to the state police for criminal investigation; others may be referred for possible employee discipline. Premature disclosure of an investigation would invade the privacy of persons who are exonerated. It also would adversely affect investigations of wrongdoing by giving individuals a "heads - up" to the investigation. Lastly, it would create a chilling effect on the ability of Internal Affairs to investigate at all. If individuals know their statements are subject to public disclosure without protection or privacy, they will not come forward and/or speak the truth. Like all law enforcement agencies, the RIDOC has confidential informants who assist in investigations of drug trafficking, extortion, and staff misconduct. However, unlike other law enforcement agencies, these informants live within the walls of the ACI. Disclosure of investigatory reports would put their lives in grave danger. Many Access to Public Record Act requests at the RIDOC come from inmates incarcerated at the ACI. Disclosure of information to inmates about other inmates is extremely dangerous. Lastly, investigations are also required under federal law known as the Prison Rape Elimination Act (PREA). These investigations involve complaints of a highly confidential and personal nature.


Although the bill provides for redaction of names, dates of birth, etc., that will not protect the identities of those in investigatory reports. The very facts of an investigation in a prison setting (time, place, factual circumstances) make the identities of individuals easy to ascertain.

The Rhode Island Department of Corrections (RIDOC) contributes to public safety by maintaining a balanced correctional system of institutional and community programs that provide a range of custodial options, supervision and rehabilitative services in order to facilitate successful offender reentry into the community upon release.

The result of this legislation would be to undermine the Department's ability to protect those it is charged with protecting and hold wrongdoers accountable.

Thank you for the opportunity to comment on this legislation.

Sincerely,



Rui Diniz  
Acting Director of the Department of Corrections

cc: Honorable Members of the House Judiciary Committee  
The Honorable Representatives Ajello, Williams, Cassar, Knight, Kislak, Potter, Henries,  
Speakman, Ranglin-Vassell