

STATE OF RHODE ISLAND



Department of Corrections

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The Honorable Evan P. Shanley
House Committee on State Government and Elections
82 Smith Street
Providence, RI 02903

April 5, 2023

Re: H5442 – Act Relating to Public Records – Access to Public Records

Dear Chairperson Shanley:

This evening the House State Government and Elections Committee will consider House Bill #5442. This bill would make any reports of investigations conducted by law enforcement agencies internal affairs division a public document. The Rhode Island Department of Corrections (RIDOC) continues to have serious concerns about this legislation.

When this legislation was heard by the committee last year, it was stated that the bill did not apply to correctional officers. The Department believes that the broad use of “law enforcement” in the legislation inadvertently applies to Correctional Investigators, Inspectors within the Office of Inspections and Correctional Officers. Other law enforcement agencies beyond police departments also shared a similar opinion during their respective testimony.

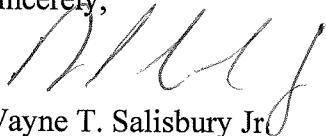
A primary concern is that while the redaction of names, addresses, dates of birth and other items is allowable under this legislation, such a measure is insufficient for internal affairs reports completed in a correctional setting. The very facts of an investigation in a prison setting (time, place, circumstances) make the identities of individuals easy to ascertain. The confidentiality of the investigatory process is essential to protect inmates, staff and all members of the public who enter the Adult Correctional Institutions (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.

This legislation would also seriously limit 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. 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,

A handwritten signature in dark ink, appearing to read "W. T. Salisbury Jr.", written in a cursive style.

Wayne T. Salisbury Jr.
Acting Director

cc: Honorable Members of the House State Government and Elections Committee
The Honorable Representatives Batista, J. Lombardi, Kislak, Morales, Cruz, Handy, Felix