

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: H5454 – 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 #5454. 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) has serious concerns about some provisions included in this legislation that are relevant to its operations and the safety and security of its facilities.

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).

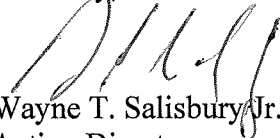
The release of initial reports may have unintended consequences for the accused as the reports have not been vetted for accuracy or investigated. There could be an accusation against a staff member or inmate that warrants investigation but upon investigation is deemed unfounded or unsubstantiated. In such an instance the character of the individual investigated would be unduly called into question. In a correctional setting, there are many accusations that are investigated and determined to be unfounded or unsubstantiated. Publicizing initial reports could be detrimental to the character of anyone wrongfully accused. Initial reports also contain sensitive information that could expose confidential sources, which in a prison setting could have a significant adverse impact that threatens the safety of informants or discourages the sharing of information altogether.

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,



Wayne T. Salisbury Jr.
Acting Director

cc: Honorable Members of the House State Government and Elections Committee
The Honorable Representatives Solomon, Casey, and Kislak