



STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

Department of Administration
 BUDGET OFFICE
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MEMORANDUM

To: The Honorable Marvin L. Abney
 Chairman, House Finance Committee

The Honorable William J. Conley, Jr.
 Chairman, Senate Finance Committee

From: Thomas A. Mullaney *Thomas A. Mullaney*
 Executive Director/State Budget Officer

Date: May 17, 2019

Subject: New Article for the FY 2020 Appropriations Act (19-H-5151)

The Governor requests that a new article, entitled "Relating to the Department of Corrections," be submitted alongside the other articles submitted on January 17, 2019. This article is to allow the Director of the Department of Corrections (DOC) to establish an application fee for Correctional Officer applicants. Currently, the department utilizes a paper-based system to process correctional officer applications. To expand the department's ability to reach interested candidates and streamline the application process, the department would like to offer candidates the option to utilize an on-line application website specifically for public safety positions. Application fees will be paid directly to the vendor running the on-line application system. The DOC will not receive any money collected through the application website and will also continue to accept paper-based applications. The amendment is needed because RIGL 28-6.3-1 prohibits state employers from charging an application fee.

If you have any questions regarding this new article, please feel free to call me at 222-6300.

TAM: 20-Amend-24

cc: Sharon Reynolds Ferland, House Fiscal Advisor
 Stephen Whitney, Senate Fiscal Advisor
 Dezeree Hodish, Principal Budget and Policy Analyst
 Patricia Coyne-Fague, Director, Department of Corrections

NEW ARTICLE

RELATING TO DEPARTMENT OF CORRECTIONS

SECTION 1. Section 42-56-10 of the General Laws in Chapter 42-56 entitled "Corrections Department" is hereby amended to read as follows:

42-56-10. Powers of the director.

In addition to exercising the powers and performing the duties, which are otherwise given to him or her by law, the director of the department of corrections shall:

(1) Designate, establish, maintain, and administer those state correctional facilities that he or she deems necessary, and may discontinue the use of those state correctional facilities that he or she deems appropriate for that action;

(2) Maintain security, safety, and order at all state correctional facilities, utilize the resources of the department to prevent escapes from any state correctional facility, take all necessary precautions to prevent the occurrence or spread of any disorder, riot, or insurrection of any state correctional facility, including, but not limited to, the development, planning, and coordination of emergency riot procedures, and take suitable measures for the restoration of order;

(3) Establish and enforce standards for all state correctional facilities;

(4) Supervise and/or approve the administration by the assistant directors of the department;

(5) Manage, direct, and supervise the operations of the department;

(6) Direct employees in the performance of their official duties;

(7) Hire, promote, transfer, assign, and retain employees and suspend, demote, discharge, or take other necessary disciplinary action;

(8) Maintain the efficiency of the operations of the department;

(9) Determine the methods, means, and personnel by which those operations of the department are to be conducted;

(10) Relieve employees from duties because of lack of work or for other legitimate reasons;

(11) Establish, maintain, and administer programs, including, but not limited to, education, training, and employment, of persons committed to the custody of the department, designed as far as practicable to prepare and assist each person to assume the responsibilities and exercise the rights of a citizen of this state;

(12) Establish a system of classification of persons committed to the custody of the department for the purpose of developing programs for each person in order to effectively develop an individualized program for each sentenced inmate that will address each offender's individual treatment and rehabilitative needs, the department of corrections is authorized to receive, with the express consent of the inmate, and upon request to the department of children, youth and families, the offender's juvenile arrest and/or adjudication records. Information related to the juvenile's family members and other third parties, excluding law enforcement personnel, shall be redacted from the records provided prior to their release to the department. The records will be disclosed to only those department personnel directly responsible for, and only for the purpose of, developing the individualized program for the offender.

(13) Determine at the time of commitment, and from time to time thereafter, the custody requirements and program needs of each person committed to the custody of the department and assign or transfer those persons to appropriate facilities and programs;

(14) Establish training programs for employees of the department, including the use of an application system for the Department's Correctional Officer Training Academy and the establishment of any fee associated with such application;

- (15) Investigate grievances and inquire into alleged misconduct within the department;
- (16) Maintain adequate records of persons committed to the custody of the department;
- (17) Establish and maintain programs of research, statistics, and planning, and conduct studies relating to correctional programs and responsibilities of the department;
- (18) Utilize, as far as practicable, the services and resources of specialized community agencies and other local community groups in the development of programs, recruitment of volunteers, and dissemination of information regarding the work and needs of the department;
- (19) Make and enter into any contracts and agreements necessary or incidental to the performance of the duties and execution of the powers of the department, including, but not limited to, contracts to render services to committed offenders, and to provide for training or education for correctional officers and staff;
- (20) Seek to develop civic interest in the work of the department and educate the public to the needs and goals of the corrections process;
- (21) Expend annually in the exercise of his or her powers, performance of his or her duties, and for the necessary operations of the department those sums that may be appropriated by the general assembly; and
- (22) Make and promulgate necessary rules and regulations incident to the exercise of his or her powers and the performance of his or her duties, including, but not limited to, rules and regulations regarding nutrition, sanitation, safety, discipline, recreation, religious services, communication, and visiting privileges, classification, education, training, employment, care, and custody for all persons committed to correctional facilities.
- (23) Make and promulgate regulations to provide:

(a) Written notice to licensed nursing facilities, licensed assisted living residences, and housing for the elderly whenever a person seeking to reside in one of these facilities or residences is being released on parole for any of the following offenses: murder, voluntary manslaughter, involuntary manslaughter, first degree sexual assault, second degree sexual assault, third degree sexual assault, assault on persons sixty (60) years of age or older, assault with intent to commit specified felonies (murder, robbery, rape, or burglary), felony assault, patient abuse, neglect or mistreatment of patients, burglary, first degree arson, felony larceny or robbery;

(b) A risk assessment process to identify and recommend safety or security measures necessary for the protection of other residents or clients including whether the parolee should be prohibited from residing in any such facility or residence or segregated from other residents or clients to protect the security and safety of other residents;

(c) The written notice to licensed nursing facilities, assisted living residences, or housing for the elderly shall include charge information and disposition about the offense for which the resident or client has been paroled, contact information for the resident's or client's parole supervisor, a copy of the risk assessment and recommendations, if any, regarding safety and security measures. A copy of the written notice shall be provided to the parolee; and

(d) A process for notifying the appropriate state regulatory agency and the state long-term care ombudsman whenever notice as required in subdivision 42-56-10(23)(a) above has been given.

(24) Notwithstanding the enumeration of the powers of the director as set forth in this section, and notwithstanding any other provision of the general laws, the validity and enforceability of the provisions of a collective bargaining agreement shall not be contested,

affected, or diminished, nor shall any arbitration award be vacated, remanded or set aside on the basis of an alleged conflict with this section or with any other provision of the general laws.

SECTION 2. This article shall take effect upon passage.