

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 3, 2025

Re: H5124 – Relating to Criminal Procedure -- The Rhode Island First Step Act

Dear Chairperson Craven:

This evening the House Judiciary Committee will consider House Bill #5124. This bill establishes the Rhode Island First Step program requiring the Rhode Island Department of Corrections (RIDOC) to assist offenders with reintegration into society, counseling, medical care, education, early sentence termination or pre-release confinement for elderly and terminally ill offenders. While the Department supports the intent of this legislation, concerns remain about how it would be implemented.

RIDOC remains committed to the rehabilitation and meaningful reintegration of incarcerated persons into the community. Programming within the Department can be categorized into three distinct sections: institutional based programming and services, transitional services and discharge planning, and community corrections. We continue to identify ways to further enhance these services.

RIDOC has proactively implemented many of the provisions outlined in this legislation. In 2022, the Department requested legislation that allows the Director the ability to release an incarcerated person who has a release date that falls on a Saturday, Sunday or legal holiday on the last proceeding weekday or up to three days early (per RIGL § 12-19-2). This legislation was passed unanimously by the House and Senate before being signed into law by the Governor. Furthermore, the Department: allows opportunities for family members, health care designees and attorneys to visit with a terminally ill incarcerated person; makes General Education Development (GED) programs available to the incarcerated population; offers, through the division of probation and parole assistance with job placement, and counseling services to those entrusted to our care; provides suitable clothing to the reentering population; reserves money earned by incarcerated persons (per RIGL § 42-56-22) to assist with their reentry, an amount that was increased in 2023 by the legislature to a maximum of \$2,000; assists individuals leaving its custody with utilizing public transportation; provides the reentering population with information regarding education, vocational training, employment opportunities, the availability of medical care, mental health and substance abuse counseling, and other community resources; informs persons released from its custody of the requirement to register as a sex offender (per RIGL § 11-37.1-5); assesses the skill level of incarcerated persons, including academic, vocational,

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.

health, cognitive, interpersonal, daily living, and related reentry skills; and coordinates with other agencies and community-based and faith-based organizations to help effectuate a seamless transition. The Department remains proud to have provided free feminine hygiene products for inmate use since 2018 and was supportive of previous legislative efforts to codify the practice into law.

There are provisions of this bill that replicate and/or conflict with existing statutes, many of which were intentionally written collaboratively by the General Assembly, RIDOC, community partners and other external advocates and stakeholders. The shackling of those in our care who are pregnant was addressed in 2011 when RIDOC worked with advocates and external stakeholders to identify practices that would both respect the rights of incarcerated population and abate any security concerns. The legislation signed into law (RIGL § 42-56.3-1) was a mutually agreed upon solution to address this sensitive issue. The provisions of this legislation relative to home confinement and community confinement conflict with the existing statute (RIGL § 42-56-20.2). Similarly, the provisions of this legislation relative to “good time” (time off sentence for good behavior) do not appear to consider the exclusions that apply to the most serious offenses (i.e. murder, sexual assault, etc.) as outlined in the existing earned time for good behavior or program participation or completion statute (RIGL § 42-56-24).

The authority of the judicial system and the Rhode Island Parole Board appears to be called into question in this legislation. Under some provisions of this bill, RIDOC would be granted the sole discretion to modify terms of imprisonment and determine if an incarcerated person is a danger or not to the safety of any other person or the community. It is the position of RIDOC that these decisions are more appropriately made by the entities who hold clear statutory authority over such matters.

There are some significant fiscal impacts that should be further explored before implementation. The provision mandating that indigent prisoners receive up to \$500 upon release is not feasible without additional funding, nor necessary as accounts are set up to provide the reentering population with up to \$2,000 of their earned income to assist with their release. The mandate to provide medical care for up to one year creates a potentially significant financial burden for the Department without additional funding. The mandate for RIDOC personnel to assist a terminally ill inmate if not represented by counsel, in the preparation, drafting and submission of a motion for sentence reduction is inappropriate, creates a liability issue and could not be completed without additional full-time employees hired to complete such work.

The Department has concerns about the requirement for inmates to participate in mandatory financial literacy programs, and for non-English speaking inmates to participate in English-as-a-second language (ESL) programming until they function at an eighth-grade equivalence. There are no enforcement mechanisms outlined in the bill for inmates who refuse to participate. While the Department certainly supports and prioritizes equipping inmates with the educational and vocational skills needed to successfully reenter the community, mandates for participation present a variety of compliance and enforcement challenges. Currently, 31 incarcerated persons are participating in ESL programming, and 287 others are pursuing their GED or enrolled in Adult Basic Education (ABE) through the department.

While the RIDOC appreciates the legislative intent of this bill and supports the codification of existing practices proactively implemented, the conflicting of existing statutes, replication of existing statutes, mandates more appropriately addressed outside of the Department, and unfunded mandates that are impractical without additional funding and resources remain of great concern.

Thank you for the opportunity to comment on this legislation.

Sincerely,

A handwritten signature in blue ink that reads "Wayne T. Salisbury Jr." in a cursive style.

Wayne T. Salisbury Jr.
Director

cc: Honorable Members of the House Judiciary Committee
The Honorable Representatives J. Lombardi, Hull, Ajello, Potter, and Stewart
Nicole McCarty, Esq., Chief Legal Counsel to the Speaker of the House