

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

March 19, 2024

Re: H7181 – 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 #7181. This bill would make any reports of investigations conducted by law enforcement agencies' internal affairs divisions a public document. The Rhode Island Department of Corrections (RIDOC) continues to have serious concerns about some provisions included in this legislation which are relevant to its operations and the safety and security of its facilities.

While the Department appreciates that initial reports are no longer included in this legislation, the release of final Internal Affairs reports remains a primary concern. The release of such reports may have unintended consequences. In a correctional setting, there are many accusations that are investigated and determined to be unfounded or unsubstantiated. 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). This legislation is likely to inadvertently dissuade confidential informants from offering information and allow others to consider providing false information to ensure their identity is not easy to ascertain, thereby seriously limiting 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.

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.

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 blue ink, appearing to read "W. Salisbury Jr.", is written over the word "Sincerely,".

Wayne T. Salisbury Jr.
Acting Director

cc: Honorable Members of the House State Government and Elections Committee
The Honorable Representatives Serpa, Solomon, Phillips, Edwards, and Ackerman