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TESTIMONY ON PROPOSED DCYF REGULATIONS
OF THE RHODE ISLAND TRAINING SCHOOL
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The ACLU of Rhode Island offers the following comments about these proposed regulations governing the Rhode Island Training School.

1. The rules propose adding language to Section 1.13 dealing with "Visitation," to require all visitors to be "subject to a criminal record check and a clearance of agency activity check prior to being approved for visitation." The rules explain that this language is being added "to comply with the Prison Rape Elimination Act."

However, PREA does not require criminal background checks of visitors – only for employees and contractors. (The applicable standard is 115.317.) In addition to being incorrect as a matter of PREA implementation, we find this provision problematic for a number of reasons. Many parents of juveniles at the facility may have criminal records, and RITS officials could use that fact to prohibit them from coming into the facility for no good reason. We further note there are no standards in place in these regulations for acting on the information the agency obtains from a criminal record. It would seem completely unnecessary in most instances anyway since DCYF officials already have access to the child welfare records of juveniles, which will contain the pertinent information necessary for the juvenile's well-being in terms of determining inappropriate visitors. Visits – and particularly visits from family members – should not be arbitrarily denied, but this section would appear to allow that. Since it is not required by PREA, we urge its deletion.

2. In a related vein, Section 1.14 (Juvenile and Adult Offender Interaction) addresses situations involving "any contact or visitation" between a "resident and a parent who is an adult offender." We assume, perhaps incorrectly, that in referring to "adult offender," this section is meant to address the arrangement of special visits by parents who are currently incarcerated. If so, this should be clarified to avoid confusion about the term. If, on the other hand, this section is meant to apply to any parent with a past criminal record, we believe the procedures and limitations contained in this section are wildly inappropriate. A parent should not be required to prove that a visit with their own child is in the child's best interests, nor should the parent's status as an ex-offender be telegraphed to everybody through special "supervision" procedures.

3. On another visitation matter, we note that Section 1.13(A) guarantees juveniles only one hour per week of visitation. This strikes us as exceedingly stingy (and, we believe,

it may be even less than is available to ACI inmates). Visitation serves an incredibly important purpose, especially for juveniles, and residents should have a much greater opportunity to visit with family members and others during their incarceration.

4. Section 1.17 (Food Service) provides that "Requests for special diets for religious purposes are accommodated as much as possible." Both federal law and court decisions make clear that incarcerated individuals are entitled to all reasonable accommodations of their religious beliefs, including in dietary matters. A standard requiring that accommodation of religious diets be "as much as possible" is exceedingly vague. As long as the accommodation requested is reasonable, RITS has a legal obligation to provide it. We therefore urge that this sentence be revised accordingly.

5. Section 1.20.5(E) (Restrictive status) sets out four "rights" that residents maintain while they are on restrictive status. In doing so, this provision seems to suggest that juveniles have absolutely no other guaranteed rights while on this status. We assume that is not the intent of this section, but we do not know why these four "rights" in particular have been singled out, since one could think of others of much greater magnitude. We urge this section be amended in some way to clarify the rights that juveniles retain while on restrictive status.

We appreciate your attention to our views, and trust that you will give them your careful consideration. If the suggestions we have made are not adopted, we request that, pursuant to R.I.G.L. §42-35-2.6, you provide us with a statement of the reasons for not accepting these arguments.

Submitted by:
Steven Brown, Executive Director