

**RHODE ISLAND GOVERNMENT REGISTER**  
**PUBLIC NOTICE OF PROPOSED RULEMAKING**

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**AGENCY:** Rhode Island Department of Corrections

**RULE IDENTIFIER:** ERLID 6718

**REGULATION TITLE:** Detaining Visitors with Outstanding Warrants

**RULEMAKING ACTION:** Notice of Proposed Rulemaking

**TYPE OF FILING:** Repeal

**TIMETABLE FOR ACTION ON THE PROPOSED RULE:**

*Public Notice Date:* May 1, 2018

*End of Public Comment Period:* May 31, 2018

**SUMMARY OF PROPOSED RULE:**

Pursuant to the update of R.I. Gen. Laws §42-35, Administrative Procedures, the Rhode Island Department of Corrections (RIDOC) no longer meets the criteria for having to carry out the public hearing process and filing requirements administered by the Administrative Procedures Act (APA) for several of its rules currently filed with the Secretary of State's Office. RIDOC is hereby repealing this rule. This document will remain unchanged and is available on our website, <http://www.doc.ri.gov/administration/policy/index.php>.

**COMMENTS INVITED:**

All interested parties are invited to submit written or oral comments concerning the proposed regulations by **May 31, 2018** to the addresses listed below.

**ADDRESSES FOR PUBLIC COMMENT SUBMISSIONS:**

**Mailing Address:** Chief of Program Development/Policy Unit  
Maximum Security Administration Wing, 1<sup>st</sup> floor  
1375 Pontiac Avenue  
Cranston, RI 02920

**Email Address:** [doc.policy@doc.ri.gov](mailto:doc.policy@doc.ri.gov)

**WHERE COMMENTS MAY BE INSPECTED:**

**Mailing Address:** Maximum Security Administration Wing, 1<sup>st</sup> floor  
1375 Pontiac Avenue  
Cranston, RI 02920

**PUBLIC HEARING INFORMATION:**

In accordance with R.I. Gen. Laws § 42-35-2.8, an oral hearing will be granted if requested by twenty-five (25) persons, by an agency or by an association having at least twenty-five (25) members. A request for an oral hearing must be made within thirty (30) days of this notice.

**FOR FURTHER INFORMATION CONTACT:**

Chief of Program Development/Policy Unit  
Maximum Security Administration Wing, 1<sup>st</sup> floor  
1375 Pontiac Avenue  
Cranston, RI 02920  
(401) 462-3533

**SUPPLEMENTARY INFORMATION:**

**Regulatory Analysis Summary and Supporting Documentation:**

The repeal of this regulation does not impose significant economic impacts on Rhode Island. The regulation does not alter the status quo in any way; therefore, the post-action state of the world is identical for all interested parties.

**Authority for This Rulemaking:**

R.I. Gen. Laws § 42-56-10(22), Powers of the director; R.I. Gen. Laws § 42-56-1, Declaration of Policy.

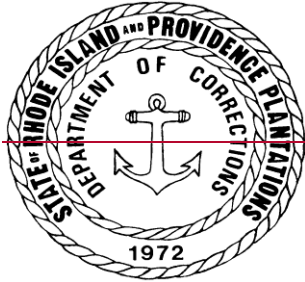
**Regulatory Findings:**

In the development of the proposed amendment consideration was given to: (1) alternative approaches; (2) overlap or duplication with other statutory and regulatory provisions; and (3) significant economic impact on small business. No alternative approach, duplication, or overlap was identified based upon available information.

**The Proposed Amendment:**

Rhode Island Department of Corrections proposes to amend **ERLID 6718** as follows:

## RHODE ISLAND DEPARTMENT OF CORRECTIONS POLICY AND PROCEDURE



**POLICY NUMBER:**  
9.41-4 DOC

**EFFECTIVE DATE:**  
02/27/2012

**PAGE 1 OF 4**

**SUPERCEDES:**  
9.41-3 DOC

**DIRECTOR:** \_\_\_\_\_ Please use BLUE ink.

**SECTION:**  
SECURITY AND CONTROL

**SUBJECT:**  
DETAINING VISITORS WITH  
OUTSTANDING WARRANTS

**AUTHORITY:** Rhode Island General Laws (RIGL) § 42-56-10 (22), Powers of the director

**REFERENCES:** ~~RIDOC policy #'s 5.09-1 DOC, Commitment by Warrant Documentation Needed; 9.31-1 DOC, Reporting of Events in the Division of Institutions and Operations; 24.03-4 DOC, Visits; § 11-1-2, Felony, misdemeanor - petty misdemeanor, and violation distinguished; § 12-7-2, Search of detained person for weapon; § 12-7-8, Restraint and force used~~

**INMATE / PUBLIC ACCESS?** \_\_\_\_\_ X YES

**AVAILABLE IN SPANISH?** \_\_\_\_\_ X NO

**I. PURPOSE:**

~~To provide guidelines for Rhode Island Department of Corrections (RIDOC) correctional personnel to follow in the event a Bureau of Criminal Identification (BCI) and/or a National Crime Information Center (NCIC) check reveals an outstanding warrant on a visitor to the Adult Correctional Institutions (ACI).~~

**II. POLICY:**

~~A. Whenever a BCI/NCIC check reveals there may be an outstanding warrant on a visitor to the ACI, correctional personnel shall:~~

- ~~1. allow the visitor into the facility and detain him/her in designated area;~~
- ~~2. call the Rhode Island State Police (RISP) to verify the warrant is active;~~

Public Notice: 12/14/2011 Public Hearing: Not requested

3. request RISP take custody of the visitor, if appropriate;

4. notify the visitor, when s/he enters the facility, that a warrant is outstanding;

*B. All visiting rooms will post signs informing visitors a BCI/NCIC check will be conducted to reveal criminal history and/or outstanding warrants and those outstanding warrants may lead to detention and arrest.*

### III. PROCEDURES:

Within thirty (30) days of the effective date of this policy, each facility Warden will develop facility specific protocols to address the detention of all visitors to the ACI with outstanding warrants or detainers.

#### A. Conducting a BCI/NCIC Check

1. All visitors to any RIDOC institution are required to report to the appropriate Reception Desk and show proof of identification prior to being admitted to the facility.

2. The Reception Desk Officer conducts a BCI/NCIC check to determine whether the visitor has a criminal record and/or outstanding warrant.

3. If the BCI/NCIC check does not reveal an active warrant or other disqualifying reason for disallowing the visit, the Reception Desk Officer allows the visitor to enter the Visiting Room.

4. If the BCI/NCIC check reveals an active warrant, the Reception Desk Officer:

a. notifies the Visits Supervisor. In the Visits Supervisor's absence, the Reception Desk Officer notifies the Shift Commander;

b. notifies the visitor, when s/he enters the facility, that a warrant is outstanding;

c. detains the visitor in an area designated for such detainment until s/he is taken into custody by RISP or other appropriate law enforcement officials.

#### B. Notifying the State Police

The Visits Supervisor (or, in his/her absence, the Shift Commander):

1. Calls the RISP (Lincoln Barracks; 444-1122).
2. Notifies the Officer in Charge a BCI/NCIC check has revealed an outstanding warrant on a visitor.
3. Provides the following information:
  - a. Visitor's Name
  - b. Visitor's Date of Birth
4. Requests RISP verify the warrant is active.
5. If the warrant is active, asks RISP to:
  - a. determine whether the warrant involves a violation only (as opposed to a misdemeanor or felony) for the purpose of RIDOC's detaining or not detaining the visitor. (Violation is defined in III.D.1.b. below).

*Only visitors with outstanding warrants for offenses for which incarceration is a possible sanction are detained.*

- b. respond to affected RIDOC facility and take custody of the visitor, if appropriate.

C. Detaining a Visitor

1. The Visits Supervisor/ Shift Commander ensures the visitor knows the reason s/he is being detained.
2. The Visits Supervisor/Shift Commander records the visitor's name and time of and reason for detention in the facility's Daily Blotter.
3. Whenever the detention of a visitor is required, s/he should be detained in an area designated by the facility administrator.
4. At no time should an area of detention be visible to the inmate population.
5. A correctional officer of the same sex as the visitor may (frisk) search any visitor s/he is detaining for a dangerous weapon whenever the officer reasonably believes s/he is in danger from the person carrying such

weapon. The officer may take and keep the weapon until the visitor is either released or arrested.

- ~~6. No greater restraint than is necessary is used for the detention of any visitor, and no unnecessary or unreasonable force is used in making an arrest.~~
- ~~7. The Visits Supervisor/Shift Commander contacts 1-800-RICHILD (the Department of Children, Youth and Families' child abuse hotline) if the visitor is taken into custody and s/he is accompanied by (a) minor child(ren).~~
- ~~8. The Visits Supervisor/Shift Commander submits a detailed report as defined in policy 9.31-1 DOC, Reporting of Events in the Division of Institutions and Operations, or a successive policy.~~

~~D. Releasing a Detained Visitor~~

- ~~1. Detained visitors will be released by order of the Visits Supervisor/Shift Commander when:
  - ~~a. RISP notify RIDOC the warrant is no longer active;~~
  - ~~b. RISP notify RIDOC the warrant involves a violation, i.e., any offense which may be punished by a fine only of not more than five hundred dollars ( $\leq \$500.00$ ; RIGL § 11-1-2) and there is no need to detain the visitor. Examples of violations include minimum housing violations, parking violations, and library card offenses. Such warrants are usually issued by municipal courts.~~
  - ~~c. RISP or other appropriate law enforcement officials arrive at the affected ACI facility and take custody of the detained visitor.~~~~
- ~~2. The Visits Supervisor/Shift Commander:
  - ~~a. informs the visitor s/he has an outstanding warrant involving a violation;~~
  - ~~b. encourages him/her to contact the appropriate court or police department to rectify the matter;~~
  - ~~c. explains that visits will be denied as long as the warrant is active.~~~~

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