

# STATE OF RHODE ISLAND



## Department of Corrections

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**TO:** Male Inmate Population  
**FROM:** *Wayne T. Salisbury Jr.*  
Wayne T. Salisbury Jr., Acting Director  
**DATE:** July 18, 2023  
**SUBJECT:** Restrictive Housing and Policy Changes effective 7/30/23

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As many of you are aware, the Department, over the past several years, has been and continues to be actively involved in litigation and mediation with the Federal Court relative to Restrictive Housing, commonly referred to as "Solitary Confinement." The Department is pleased to announce that it is making changes to many practices and operations directly related to several of our policies, namely:

- 1) Code of Inmate Discipline
- 2) Restorative Housing Program (Restrictive Housing) – High Security Center
- 3) Conditions of Confinement

I understand that there seems to be a misconception, by a few, that upon implementation of these changes the level of accountability for one's actions and/or behaviors will not result in one being held accountable. Although these changes are being implemented the level of accountability for ones' action shall not change. I am in full support of these changes, but I must impress upon you that violations of institutional handbooks and the Code of Inmate Discipline will be dealt with in the same manner as they are prior to these changes.

I have highlighted some of the changes below:

## 1) Inmate Discipline

- a. Classes of Offenses & Limits of Sanctions
  - i. Class 4 – will not result in disciplinary confinement
  - ii. Class 3 – will not result in disciplinary confinement
  - iii. Class 2 – may result in disciplinary confinement – up to 15 days disciplinary confinement
  - iv. Class 1 -will result in disciplinary confinement – up to 30 days of disciplinary confinement
    1. Although an inmate may only receive a maximum of 30 days of disciplinary confinement, in addition, they may be referred to the Restorative Housing Program (See more information below).

- b. Two Nighters are no longer allowed. Instead, there will be Disciplinary Booking Warnings (DB). The DB will have the inmate complete a work assignment not to exceed 2 hrs. in duration and must be completed within 3 days of being assigned.
- c. There is a progression for Class 3 and 4 Offenses from 5-15 days.
- d. No inmates shall be placed in DCU (Administrative Detention/Confinement) for any Class 3 or 4 offense.
- e. Stacking of sanctions from a single incident is prohibited – they can be written, served, and heard by the Disciplinary Hearing Officer, who will determine the most severe and impose a sanction – This may also result in a referral to the Restorative Housing Program. (See more information below).
- f. Brass will no longer conduct Disciplinary hearings. A non-uniformed staff member has been appointed by the Director to serve as the Departmental Hearing Officer.
- g. The Discipline Severity Scale has been amended and now provides explanations for some charges.

## 2) Restorative Housing

- a. **Restorative Housing Program (RHP)** – a separate program located at the High Security facility. Inmates will be assigned to the RHP by the Restorative Housing Program Committee (RHPC) if it has been determined that the inmate poses an unacceptable risk to the safety of others, significant damage or destruction of property, or to the operation of a correctional facility.
- b. **Restorative Housing Program Committee (RHPC)** – a committee established to review all referrals for placement in the RHP, all promotions or demotions within the three (3) RHP steps, and all releases from the RHP. The RHPC is chaired by the Deputy Warden of the High Security facility. All other members are appointed by the Director and represent the areas of the Classification Office, Security (Institutions/Operations), and Behavioral Health Services.
- c. An inmate in Disciplinary Confinement may be referred to the RHPC by either the Classification Board, Warden, or the Departmental Hearing Officer by completing the RHPC Referral and Placement Decision form.
- d. Prior to placement in the RHP, an inmate shall be screened by a Qualified Mental Health Professional (QMHP) to identify if the inmate is designated as seriously and persistently mentally ill (SPMI) and to assess whether the RHP is clinically contraindicated based on clinical standards adopted by RIDOC.
- e. At such hearings, the Chairperson arranges the attendance of, and/or seeks input from, intelligence staff and appropriate Health Care Services personnel if the inmate has concerns in these areas.
- f. The RHPC may require other staff members to attend these hearings, as necessary, to provide relevant information regarding the inmate's possible placement in the RHP.

- g. The inmate must be afforded an opportunity to appear before the RHPC hearing unless security issues preclude the inmate's attendance.
- h. If the inmate does not attend the RHPC hearing, the reasons for non-attendance must be documented. In those situations, a face-to-face meeting must be held within seventy-two (72) hours of the RHPC hearing, excluding weekends and holidays, with the inmate by a member of the RHPC to communicate the RHPC's decision(s) and its basis for the decision(s).
- i. All members of the RHPC shall vote on the placement/recommendation for the inmate. In the event there is a split decision on the recommendation, the Chairperson shall cast the deciding vote.
- j. At the initial RHPC referral hearing, the RHPC will review the reason(s) for placement, threat to institutional security, pending disciplinary issues, disciplinary sanctions, classification issues, enemy situations, behavioral health issues, attitude toward authority, willingness, and ability to live with others, and any other pertinent information. These reviews shall be documented.
- k. Once the RHPC has reached a decision on whether or not to place the inmate in the RHP, the inmate must be provided a copy of the decision and its basis as indicated on the RHPC Referral and Placement Decision form. Thereafter, the RHPC shall review each inmate for consideration of promotion or demotion every thirty (30) days. Promotion to each Step will be solely based on full compliance with the inmate's Individual Case Plan. (See recommended criteria for progression below).
- l. The RHP is not voluntary. It is mandatory if one is accepted.

Upon acceptance to the RHP:

All inmates accepted into the RHP will attend an orientation session to gain an understanding of the fundamentals of the program, including but not limited to:

An overview of the RHP:

- 1) Behavioral/programmatic expectations
- 2) An explanation of the step levels and the associated privileges that can be earned
- 3) How the case planning process works
- 4) Programs that are available to modify behavior and teach new skills for more positive interactions with peers/staff
- 5) An explanation of staff roles within the RHP
- 6) How the review process works
- 7) Shall maintain their current Classification level throughout the RHP.

While in the RHP the inmate shall be assigned to Steps as outlined below:

**Step 1** – shall be for a period of thirty (30) days

**Step 2** – shall be for a period of thirty to sixty (30-60) days following Step 1

**Step 3** – shall be for a period of up to ninety (90) days following Step 2

Allowable items, privileges and out of cell time, etc. will be as is reflected in the Interim Restorative Housing Program Level Matrix below. It is anticipated that, at a future time when

staffing is sufficient to allow, the out of cell time will ultimately be increased to 4 hours in Step One; 5 hours in Step 2; and 6 hours in Step 3.

### Interim - Restorative Housing Program Level Matrix

	Step 1 (30 Days)	Step 2 (30-60 Days)	Step 3 (up to 90 days)
Recreation Time	Individual or Groups of 4	Groups of 6	Groups of 12
Recreation Areas	Yard	Yard/Gymnasium	Yard/Gymnasium/Dayroom/Library
Showers	7 Days per week	7 Days per week	7 Days per week
Housing	Single	Single	Single
Commissary	Hygiene Only	Hygiene Only	Hygiene and Food Items
Electronics (Tablets & MP3 players)	Available	Available	Available
Phone Privileges (excluding legal calls)	1 per week	3 per week	Unlimited during recreation
Visiting (Non-contact)	1 per week	2 per week	3 per week
Visiting (Contact)	N/A	N/A	N/A
Video visits	1 per week	2 per week	4 per week
Dining	In Cell	In Cell	Dining Room
In-Cell Self Study Classes	As Available	As Available	As Available
Restraints (Out-of-block)	Handcuffed behind and leg restraints	Handcuffed behind and leg restraints	None
Restraints (In block)	Handcuffed in front	None	None
Work Assignments	None	Available	Available
<b>Minimum Out of Cell Time</b>			
Offered structured/unstructured out-of-cell time (M-F, excluding holidays)	3.0	3.5	4.0
Offered structured/unstructured out-of-cell time (S/S)	3.0	3.5	4.0

1. **The recommended criteria for progressing from Step 1 to Step 2 shall be:**
  - a) No Class 1, Class 2, Class 3 or Class 4 disciplinary reports for thirty (30) days; and
  - b) Satisfactory participation (attended all required sessions and/or writing assignments) in the counseling/treatment program as recommended in the Individual Case Plan.
  
2. **The recommended criteria to be promoted from Step 2 to Step 3 shall be:**
  - a) No Class 1, Class 2, or Class 3 disciplinary reports for at least sixty (60) days; and
  - b) Satisfactory participation in the counseling/treatment program as recommended in the Individual Case Plan.
  
3. **The recommended criteria to be promoted from Step 3 to the general population shall be:**
  - a) No Class 1, Class 2, or Class 3 disciplinary reports for at least thirty (30) days; and

- b) Satisfactory participation in the counseling/treatment program as recommended in the Individual Case Plan.

### 3) Conditions of Confinement

There used to be 12 different types of confinement, there will now be 5:

- 1) General Population
- 2) Administrative Confinement/Detention (Investigative)
- 3) Disciplinary Confinement
- 4) Residential Treatment Unit/Behavioral Management Unit
- 5) Restorative Housing Program

They are defined as:

#### 1) General Population

- any housing area, other than the Restorative Housing Program, Disciplinary Confinement Unit, Health Care Services Unit, or Behavioral Health Unit (BMU/RTU). Inmates in general population are classified to a maximum, medium, or minimum custody level with no restrictions placed on activities.

#### 2) Administrative Confinement/Detention (Investigative)

- Any staff member, with the approval of the Shift Commander, may administratively transfer an inmate at the request of the Special Investigations Unit (SIU), Office of Inspection (OI), Office of the Attorney General or the Rhode Island State Police (RISP) due to an ongoing investigation.
- An inmate should not be placed in restrictive housing pending investigation of a disciplinary offense, or based upon intelligence, unless the inmate's presence in general population would pose a danger to the inmate, staff, other inmates, or the public.
- Such matters shall have a maximum of ten (10) days to conclude. If said investigation is not completed within ten (10) days, a referral to the Restorative Housing Program Committee (RHPC) shall be made for a determination within seventy-two (72) hours or the inmate shall be returned to general population, or their status prior to being placed in Administrative Detention/Confinement.
- Out-of-Cell Time - Minimum of two (2) hours per day out-of-cell recreation time, seven (7) days per week.

#### 3) Disciplinary Confinement Unit

- All restrictive housing areas shall be referred to as Disciplinary Confinement (DCU) going forward.
- An inmate may be transferred from general population to Disciplinary Confinement when s/he has received a Disciplinary Confinement sanction as a result of the process outlined in the most recent version of RIDOC policy 11.01 DOC, Inmate Discipline.
- An inmate in Disciplinary Confinement shall not serve more than thirty (30) consecutive days in said status without being referred to either the Restorative Housing Program (RHP), Residential Treatment Unit (RTU), or the Behavioral Management Unit (BMU). In the event that a bed is unavailable in the referred unit, said inmate shall remain in their Disciplinary Confinement status until such time a bed is available.
- Minimum of two (2) hours per day out-of-cell, seven (7) days per week for the first fifteen (15) days and three (3) hours per day out-of-cell, seven (7) days per week thereafter.

**4) Residential Treatment Unit/Behavioral Management Unit - HSC**

- Specific policies will follow

**5) Restorative Housing Program**

- As explained above

This memo serves to provide you with a summary of the changes. It is anticipated that the above referenced policies will be published soon and are effective 7/30/2023. At which time you may refer to these policies for a more in depth understanding regarding each of the above topics.