

Rhode Island

WOMEN IN PRISON: 188 (12/99)ⁱ

Custodial Sexual Misconduct

Custodial Sexual Misconduct – Statute

§ 11-25-24 – Correctional employees --Sexual relations with inmate --Felony ¹

Rhode Island’s law is in the Jails and Prisons section of the Criminal Code. It creates a statutory rape for sexual penetration only, where consent is not defense to prosecution. The law only covers state employees or contractors to the State Department of Corrections.

Does the law impose a criminal penalty on the inmate?	No	The law does not penalize the inmate.
Does the statute cover all relevant forms of sexual abuse?	No	The law is specific to sexual penetration.
Does the law allow an officer to claim an inmate consented to the sexual act(s) to avoid prosecution?	No	The law is a “statutory rape,” and consent is not an allowed defense.
Does the statute cover all custodians and staff in contact with inmates?	No	The law is specific to state employees or state contractors.
Does the statute cover all places where an inmate might be abused?	No	The law is specific as to location.
Is the penalty a felony?	Yes	Felony punishable by five years imprisonment and/or a \$10,000 fine.

Custodial Sexual Misconduct – Allegations and Incidents

Indictments/Convictions (answer to AI letter requesting information) ⁱⁱ	Since the enactment of the statute in the 1995 legislative session, two correctional officers have been indicted for violating it. No information as to convictions. ⁱⁱⁱ
Incidents reported in select media since 10/98	<ul style="list-style-type: none"> - Adult Correctional Institutions: A community advocacy group, DARE (Direct Action for Rights and Equality) stormed Corrections Director A. T. Wall’s office after he denied their request for a public board to review prisoners’ complaints. Members recounted numerous complaints from prisoners such as improper medical care, beatings and rape allegations. <i>The Providence Journal Bulletin</i> 08/25/00 - Adult Correctional Institutions: A grand jury indicted a correctional officer for having sexual relations with an inmate on work detail. <i>The Providence Journal-Bulletin</i>. 07/12/00

Custodial Sexual Misconduct –Policies, Procedures and Practices of Guarding Specific to Women

The following data is based on surveys performed by the National Institute of Corrections in 1996 and 2000, except in cases when further details have been available to AI from alternative sources.

Is the current Department of Corrections policy on custodial sexual misconduct language explicit?	Yes	Policy includes direct and specific language about the sexual nature of the behaviors prohibited. ^{iv}
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¹ The text of Rhode Island’s statute is reprinted at the end of this section.

Allow cross-gender pat-down searches?	Yes	Searches are predominantly same-sex. Cross-sex done only in emergency – “emergency” not defined. ^v
Restrictions on the duties of male guards?		Not known.
Was there staff training on sexual misconduct in 1996?	Yes	Staff receives one hours’ pre-service training. ^{vi}
Has staff training been developed 1996-2000?	Yes	No details of training available. ^{vii}
Were there special procedures for investigating allegations of sexual misconduct in 1996?	No	Rhode Island is not specifically mentioned in the National Institute of Corrections report. However, it is noted that most Departments of Corrections use standard investigatory procedures with no special considerations for the nature of the complaint. ^{viii}
Have new investigation procedures been introduced 1996-2000?	No	No new initiatives. ^{ix}
Were inmates informed of agency policies about sexual misconduct in 1996?	Yes	Policies are covered in standard inmate orientation, the inmate handbook and are available to inmates in library. ^x
Have procedures on informing inmates about sexual misconduct been revised 1996-2000?	Yes	The Rhode Island DOC is incorporating information on sexual misconduct into the inmate handbooks of individual facilities as the handbooks are revised. ^{xi}

Custodial Sexual Misconduct –Legislative Proposals 2000-01

None

Parenting and Pregnancy in Custody

Pregnancy - Relevant Statutes/Administrative Rules

Legislation banning shackling in the third trimester or during labor	No	Rhode Island has no legislation limiting the use of shackling on pregnant inmates.
Administrative rules concerning prenatal care	Yes	Rhode Island Code stipulates that when female inmates are admitted to the correctional institution, they are to be given an entrance examination, which, among other things inquires about pregnancy. The code stipulates that special procedures for the care of pregnant inmates shall be established by the physician for diet, housing, prenatal care, etc., and must be adhered to by the administrative and security staffs. ^{xii}

Pregnancy and Parenting: Policies, Procedures and Practices

Use of restraints in third trimester	No	Not routinely. According to Rhode Island DOC, there is no policy on pregnant inmates. However, the formal Standard Operational Procedure (SOP) states that pregnant inmates are not to be restrained. If an inmate were to try to harm herself or others she would be restrained using “soft restraints,” not metal restraints. ^{xiii}
Restraints during transport	Yes	According to Rhode Island DOC, the department has no policy on pregnant inmates. However, the SOP states that inmates are handcuffed during transportation. ^{xiv}
Restraints during labor	No	According to Rhode Island, the SOP dictates that no restraints are to be applied during labor and delivery. ^{xv}
Officer in delivery room	No	According to the conversation, the SOP states that guards are to be posted outside the delivery room. ^{xvi}

Parenting programs specific for women	Yes	Rhode Island DOC provides a parenting program specifically for women. ^{xvii}
Special visitation rights for women	Yes	Rhode Island DOC has special visitation rights for women with children. ^{xviii}
State Mother and Child Residency Program	No	Rhode Island DOC has no residential program for inmate mothers and their infants/children. ^{xix}

Contact information

RHODE ISLAND DEPARTMENT OF CORRECTIONS

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RHODE ISLAND DEPARTMENT OF CORRECTIONS FACILITIES FOR WOMEN

Dorothea Dix Women's Facility Inmates per custody position: 2.0 ^{xx} Cranston, RI 02920 Phone: (401) 462-2364 Fax (401) 462-1842	Gloria McDonald Women's Facility Inmates per custody position: 2.0 ^{xxi} P.O. Box 8312 Cranston RI 02920 Phone: (401) 462-2361
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RHODE ISLAND EXECUTIVE

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Attorney General Sheldon Whitehouse [D] 150 South Main Street Rhode Island Phone: (401) 274-4400; Fax: (401) 222-1331	Home page: www.riag.state.ri.us

RHODE ISLAND LEGISLATIVE INFORMATION

Legislative Session: The General Assembly convenes each year on the first Tuesday in January. Senate: 38 members, 2-year terms House: 75 members, 2-year terms	Legislature home page: http://www.rilin.state.ri.us/gen_assembly/genmenu.html Bill search: http://www.state.ri.us/submenus/leglink.htm or http://www.state.ri.us/ Bill information phone number: (401) 277- 2473
Senate State House Providence, RI. 02903	Home page: http://www.rilin.state.ri.us/senate.html
House of Representatives State House Providence, RI. 02903	Home page: http://www.rilin.state.ri.us/hofrep.html

- ^{vi} US Department of Justice National Institute of Corrections Information Center, "Sexual Misconduct in Prisons: Law, Agency Response, and Prevention," National Institute of Corrections, Colorado, November 1996
- ^{vii} US Department of Justice National Institute of Corrections Information Center, "Sexual Misconduct in Prisons: Law, Remedies, and Incidence," National Institute of Corrections, Colorado, May 2000
- ^{viii} US Department of Justice National Institute of Corrections Information Center, "Sexual Misconduct in Prisons: Law, Agency Response, and Prevention," National Institute of Corrections, Colorado, November 1996
- ^{ix} US Department of Justice National Institute of Corrections Information Center, "Sexual Misconduct in Prisons: Law, Remedies, and Incidence," National Institute of Corrections, Colorado, May 2000
- ^x US Department of Justice National Institute of Corrections Information Center, "Sexual Misconduct in Prisons: Law, Agency Response, and Prevention," National Institute of Corrections, Colorado, November 1996
- ^{xi} US Department of Justice National Institute of Corrections Information Center, "Sexual Misconduct in Prisons: Law, Remedies, and Incidence," National Institute of Corrections, Colorado, May 2000
- ^{xii} Weil' Code of Rhode Island Rules. Agency 06. Department of Corrections. Sub-Agency 080. Intake and Orientation. CRIR 06-080-010
- ^{xiii} Phone conversation, Roberta Richmond, Assistant Director Rehabilitative Services and Community Corrections, 02/13/2001
- ^{xiv} Phone conversation, Roberta Richmond, Assistant Director Rehabilitative Services and Community Corrections, 02/13/2001
- ^{xv} Phone conversation, Roberta Richmond, Assistant Director Rehabilitative Services and Community Corrections, 02/13/2001
- ^{xvi} Phone conversation, Roberta Richmond, Assistant Director Rehabilitative Services and Community Corrections, 02/13/2001
- ^{xvii} US Department of Justice National Institute of Corrections Information Center, "Current Issues in the Operation of Women's Prisons," National Institute of Corrections, Colorado, September 1998
- ^{xviii} US Department of Justice National Institute of Corrections Information Center, "Current Issues in the Operation of Women's Prisons," National Institute of Corrections, Colorado, September 1998
- ^{xix} General Accounting Office, "Managing Female Inmate Populations," GAO/GGD-00-22, 2000
- ^{xx} US Department of Justice National Institute of Corrections Information Center, "Current Issues in the Operation of Women's Prisons," National Institute of Corrections, Colorado, September 1998
- ^{xxi} US Department of Justice National Institute of Corrections Information Center, "Current Issues in the Operation of Women's Prisons," National Institute of Corrections, Colorado, September 1998