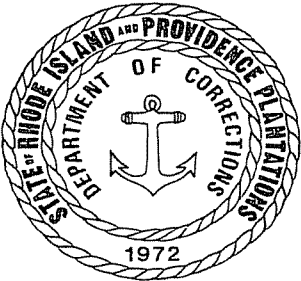



RHODE ISLAND DEPARTMENT OF CORRECTIONS POLICY AND PROCEDURE

	POLICY NUMBER: 9.40-5 DOC	EFFECTIVE DATE: 10/27/14	PAGE 1 OF 8
	SUPERCEDES: 9.40-4 DOC	DIRECTOR: 	
SECTION: SECURITY AND CONTROL		SUBJECT: PROCEDURES FOR CONTRACTORS AT INSTITUTIONAL FACILITIES	
AUTHORITY: Rhode Island General Laws (RIGL) § 42-56-10(22), Powers of the director; (RIGL) § 38-2-2(4)(b) Public Records Act			
REFERENCES: RIGL § 38-2-2(4)(b); RIDOC policies 2.22 Procedures for Monitoring Compliance of Subcontractors with USDOJ Civil Rights Regulations; 3.14-2 DOC, Code of Ethics; 4.03-3 DOC, Orientation and Entrance-Level Training for Non-Correctional Officer Employees; 7.01-2 DOC, Accountability and Procedures for the Utilization of Community Agencies, Volunteers, Interns, and/or Employees of Outside Public and Private Organizations; 9.18-4 DOC, Introduction of Unauthorized Items Into the Adult Correctional Institutions; 9.23-2 DOC, Access to ACI Facilities by Staff and Persons Providing Services to RIDOC; 9.24-3 DOC, Entry to/Exit from to Secure Facilities; 10.35-2 DOC, Maintenance On-Call Procedures; DOJ Final PREA Standards 115.6 Definitions; 115.32 Volunteer and Contractor Training, 115.77 Corrective action for Contractors and Volunteers			
INMATE/PUBLIC ACCESS?		X YES	
SPANISH TRANSLATION?		X NO	

I. PURPOSE:

To delineate the rules, regulations and procedures that must be followed by all contractors who provide services to the Rhode Island Department of Corrections (RIDOC) in its institutional facilities.

II. POLICY:

It is imperative that all contractors providing services in RIDOC's institutional facilities fully understand and adhere to the rules, regulations and procedures as directed by the

Department, to include the Department's Code of Ethics and Conduct (policy 3.14-2 DOC, or a successive policy). Failure to adhere to these rules and regulations may result in a delay of payment or non-payment of invoices, suspension of the contractor's or contractor's representative authorization to provide continuing services, and/or termination of the contract with RIDOC.

Departmental contract managers are responsible for the dissemination of this policy to all appropriate contractors and to ensure that contractors fully understand these rules and regulations. Contractors are, in turn, responsible for disseminating this policy to appropriate employees and subcontractors.

III. PROCEDURES:

A. Definition

For the purposes of this policy, a contractor is defined as any individual, organization, business, or program provider other than RIDOC employees who have been contracted by the State (or sub-contracted to a contractor of the State), or who are otherwise compensated to provide goods or services to RIDOC and who are required to enter secure areas of a correctional institution.

B. Orientation Program

1. If a contractor is to provide services which bring its workers into regular contact with inmates, such contractor or contractor's employees may be required to participate in an orientation program conducted by RIDOC's Training Academy in consultation with the appropriate administrator.

NOTE: This training shall include instruction that RIDOC has a zero-tolerance policy regarding sexual abuse and sexual harassment of inmates as well as other duties and responsibilities mandated by the Prison Rape Elimination Act Standards.

2. RIDOC contract managers should consult with the Assistant Director of Institutions and Operations or designee if there is a question as to the appropriateness of this training for a contractor or employees of the contractor.

NOTE: Any contractor who is exempted from NEO training shall be notified in writing by the RIDOC Contract Manager that RIDOC has a zero-tolerance policy regarding sexual abuse and sexual

harassment of inmates as well as other duties and responsibilities mandated by the Prison Rape Elimination Act Standards.

3. If an orientation is needed, it is the responsibility of the contract manager to arrange a session with the Training Academy.
4. A schedule of training can be obtained from the Training Academy.

C. ID Requirement

1. Contractors who are required to perform services within institutional facilities must obtain security clearances consistent with policy 9.23-2 DOC, Access to ACI Facilities by Staff and Persons Providing Services to RIDOC, or a successive policy.
2. A Photo Identification Card/Access to Facilities Application Form is submitted to the contract manager, who, in turn, processes the application with RIDOC's Identification Unit. (See policy # 9.23-2 DOC, Access to ACI Facilities by Staff and Persons Providing Services to RIDOC, or a successive policy, for application form.)
3. Upon completion of service and/or expiration of contract, or upon the expiration date of the badge, identification badges must be returned to the contract manager. The contract manager then notifies the Assistant Director of Institutions and Operations or designee so that the contractor's employees' information maintained in applicable RIDOC databases may be updated.

For those contractors who are not issued ID badges, the contract manager, upon completion of service and/or expiration of contract, notifies the Assistant Director of Institutions and Operations or designee so that the contractor's employees' information maintained in applicable RIDOC databases may be updated.

D. Work Hours

1. General - Contractor work hours are scheduled either:
 - a. In accordance with the provisions set forth in the contract; or

- b. As scheduled by the contract manager prior to the commencement of work.
 - c. No work is performed on Saturdays, Sundays, or holidays, unless authorized by the contract manager.
2. Facilities and Maintenance - Staff calls/faxes a request for service repairs.

- a. Contractor calls the Facilities and Maintenance Office to schedule service repairs and establish work day and time. Every effort is made to schedule service calls between the hours of 7:30 a.m. and 3:00 p.m.
- b. Contractor employees report to the Facilities and Maintenance Office to sign-in the appropriate logbook and contact the facility in need of service.

NOTE: Regardless of pre-scheduling, the Warden, Deputy Warden, or Shift Commander of the facility may, at any time, prohibit entry into a facility when deemed necessary for security purposes. **The Shift Commander MUST contact the facility administrator before making this decision.**

- c. Contractor reports to the facility and makes the necessary repairs. Contractor has the work order slip signed by a RIDOC staff member (e.g., maintenance personnel, steward, fire safety technician, or correctional officer escorting the contractor).
- d. Contractor leaves the facility and reports back to the Facilities and Maintenance Office to sign-out of logbook, relay any necessary information, and present signed service slip.

NOTE: All invoices noting hours worked must coincide with the sign-in/out hours in the aforementioned log book.

- e. If it is necessary for service calls to be extended beyond 4:00 p.m., contractor staff call the Facilities and Maintenance Office from within the facility where service is being performed and leave a voice mail message including departing day, date, time, facility location and extension from which s/he is calling.
- f. Sign-in/sign-out procedures:

Any contractor required to enter a RIDOC facility which houses inmates must abide by facility sign-in and sign-out requirements.

E. Security of Tools, Equipment and Toxic/Caustic Materials

It is the responsibility of all contract managers to provide contractors with instructions regarding the security of tools, equipment and toxic/caustic materials.

F. Conduct of Contractor and Contractor's Employees

1. The contractor shall communicate all necessary policies, rules, and regulations to his/her employees and subcontractors.
2. Contractors shall not have any illegal drugs, legally prescribed medical marijuana or alcohol on their persons.
3. Unopened and sealed containers of alcohol are permitted in vehicles only, consistent with 3.14-2 DOC, Code of Ethics, or a successive policy.
4. A contractor who works in a secure area or in proximity to the inmate population and has in his/her possession prescription medication must take steps to assure that these substances are stored in such a way that they are not accessible to the inmate population.

NOTE: The Rhode Island Medical Marijuana Act at RIGL § 21-28.6-7 specifically states that it does **not** permit:

- (a) "any person to undertake any task under the influence of marijuana, when doing so would constitute negligence or professional malpractice."
 - (b) the smoking of marijuana "in a correctional facility; or public place."
5. Contractors are not allowed admittance into any facility if it is known that they have consumed alcoholic beverages while outside the correctional property during the workday.
 6. Contractors shall not have weapons of any sort on their persons or in their vehicles.

7. Contractors must park in designated parking areas and must lock all vehicles.
8. All contractors entering ACI facilities shall exercise professional discretion with regard to their clothing. The Shift Commander shall have the final authority as to whether the attire of any contractor is inappropriate and/or poses a risk to the security or order of the facility and if that contractor shall be barred from entering a facility.
9. Contractors shall have no contact with inmates, except where such contact is a provision of the contract. When an inmate or a contractor has initiated inappropriate contact, such contact shall be immediately reported by the inmate or the contractor, or by the person having such knowledge, to the Correctional Officer in charge.
10. Any contractor who engages in sexual abuse of an inmate shall be prohibited from contact with inmates and shall be reported to law enforcement agencies, unless the activity was clearly not criminal, and to relevant licensing authorities.
11. All contractors shall have in place instructions for their employees on the procedure to follow if they are exposed to an infectious disease.

NOTE: In addition to any contract employer/employee instructions, any contract employee who is exposed to an infectious disease while working in a RIDOC facility shall immediately notify the supervising/escort Correctional Officer who will immediately notify the Shift Commander.
12. Vehicles and personal property of the contractors are subject to search when deemed necessary for security purposes.
13. No contractor convicted of a felony is allowed to work in the facilities without the express permission of RIDOC's Director, Assistant Director of Institutions and Operations or designees following consultation with the facility's Warden or Deputy Warden.
14. Contractors shall not bring into the facilities any items not required for the execution of their respective responsibilities and not approved by the contract manager.

All contractors are required to follow the procedures set forth in section III.A. of RIDOC policy 9.18-4 DOC, Introduction of Unauthorized Items into the Adult Correctional Institutions, or a successive policy. Any special circumstances which require an exception from these procedures must be approved by the facility Warden or designee. Contract managers shall facilitate these exceptions.

It is the responsibility of the contract manager to distribute a copy of policy 9.18-4 DOC, Introduction of Unauthorized Items into the Adult Correctional Institutions, or a successive policy, to all contractors.

15. Contractors are permitted to perform only the work authorized by the contract manager or his/her express designee. They may not accept direction as to the scope of work, the nature of the work, or changes to the work from any other person.
 16. Upon entry into a RIDOC facility, all persons other than uniformed facility staff are required to produce proper identification (picture I.D.) and surrender it to the Main Control Center or Vehicle Trap Officer. The Main Control Center or Vehicle Trap Officer issues a facility I.D. badge and retains the person's personal I.D. The process reverses when exiting the facility. Persons not possessing proper identification are denied admittance/access.
- G. Contractor Emergency Service (Facility Maintenance/Repair/Construction Only)
1. The contractor must provide a 24-hour service number.
 2. The contractor is contacted by telephone outside of normal work hours. Emergency service is authorized by designated RIDOC Facilities and Maintenance Unit superintendents or their designees.
 3. The contractor is given the location and description of work to be performed, and is issued a temporary work order number by the Maintenance Superintendents. Facilities and Maintenance must give notice to the Shift Commander of who the contractor is sending, when s/he will arrive and for what purpose.

4. The contractor reports to the Main Control Center of the facility where work is to be performed. Upon arrival, appropriate facility staff performs applicable background checks.
5. Prior to starting work, contractor employees must call the Facilities and Maintenance Office from within the facility and leave a voice mail message stating the day, date, time, facility location and extension from which s/he is calling.
6. As required, a Correctional Officer is assigned to log tool inventory and to provide escort.
7. The contractor performs only work which is described by the Facilities and Maintenance Superintendent or designee.
8. Upon completion of work, the contractor obtains signature of a RIDOC staff member who escorted him/her or the Shift Commander on said contractor's work order. Contractor then calls the Facilities and Maintenance Office and leaves a voice mail message stating time of completion as well as facility and extension from which s/he is calling.