

STATE OF RHODE ISLAND  
DEPARTMENT OF CORRECTIONS  
40 HOWARD AVENUE  
CRANSTON, RHODE ISLAND

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In the Matter of the Petition of  
Richard Paiva for a Declaratory  
Ruling

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RIDOC2024PDR002

DECISION

Introduction

On March 5, 2024, the Department of Corrections (“Department”) received Petitioner’s *Petition for Declaratory Ruling* (“Petition,” attached hereto as Exhibit A.) In the Petition, the Petitioner requests that the Department issue a “declaratory order ... to state whether or not, and in what manner RIDOC Policy 12.27-1(IV)(D)(5) applies to [him], insofar as the provision states: ‘RIDOC will adhere to out-of-cell times as outlined above, except for exigent circumstances,’ and cites to (4) Maximum Security as providing 8.5 hours of daily minimum out-of-cell time.” The only factual allegations contained in the Petition is the claim that the Petitioner did not receive 8.5 hours of out-of-cell time on a daily basis even when no exigent circumstances are present.” The Petition contains no other factual allegations and fails to articulate the basis for his conclusion that “exigent circumstances” did not exist.

### Issue

Whether the Department shall issue a declaratory order, decline to issue an order, or schedule the matter for further consideration.

### Discussion

The applicable law regarding petitions for declaratory orders in the administrative law context begins with R.I. Gen. Laws § 42-35-8(a), which states: “[a] person may petition an agency for a declaratory order that interprets or applies a statute administered by the agency or states whether, or in what manner, a rule, guidance document, or order issued by the agency applies to the petitioner.” Additionally, R.I. Gen. Laws § 42-35-8(c) provides: “[n]ot later than sixty (60) days after receipt of a petition under subsection (a), an agency shall issue a declaratory order in response to the petition, decline to issue the order, or schedule the matter for further consideration.” If an agency declines to issue a declaratory order, the decision must be in a record and must include a brief statement of the reasons for declining. An agency’s decision to decline to issue a declaratory order is subject to judicial review for abuse of discretion.

Department Policy 12.27-1 DOC, entitled “Conditions of Confinement,” generally describes the commitment categories and procedures for the monitoring and supervision of inmates. *See* Exhibit B. The policy does not create private or enforceable rights for inmates. Moreover, the Rhode Island General Assembly enacted R.I. Gen. Laws § 42-56-10 to ensure that prison officials are allowed a proper amount of discretion to make policies and decisions that relate to “[m]aintain[g]

security, safety, and order at all state correctional facilities.” Sec. 42-56-10(2). The Rhode Island Supreme Court has long interpreted this statute to mean that the decisions of the RIDOC Director that relate to maintaining order, safety, and security in the facilities should receive strong deference. *See, e.g., Department of Corrections v. Rhode Island Brotherhood of Correctional Officers*, 867 A.2d 823 (R.I. 2003); *Vose v. Rhode Island Brotherhood of Correctional Officers*, 587 A.2d 913 (R.I. 1991); *State of Rhode Island Department of Corrections v. Rhode Island Brotherhood of Correctional Officers*, 725 A.2d 296 (R.I. 1999).

On or about April 18, 2023, the Petitioner filed a complaint with the Rhode Island Superior Court. *See Paiva v. Corry*, PC-2023-01796. The complaint sought the issuance of a writ of mandamus, declaratory relief and injunctive relief based on the allegation that the Department was “legally bound by ... Policy 12.27-1 to afford ... [the Petitioner], and all other RIDOC Maximum Security inmates, access to a daily minimum of 8.5 hours of out-of-cell time.” The Department<sup>1</sup>, represented by the R.I. Attorney General, filed a motion to dismiss the Complaint. The Petitioner objected. On January 24, 2024, a justice of the Rhode Island Superior Court heard arguments on the motion and, after consideration thereof, dismissed the Petitioner’s Complaint and entered final judgment in favor of the Department. *See Exhibit C*. The Petitioner filed an appeal to the Rhode Island Supreme Court, which is pending.

Despite the R.I. Superior Court’s dismissal of his Complaint for declaratory

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<sup>1</sup> The Complaint names Lynne Corry as Warden of the Maximum-Security facility, which in essence is a suit against the Department.

and injunctive relief for out of cell time referenced in RIDOC Policy 12.27-1, and his pending appeal before the Rhode Island Supreme Court, Petitioner filed this Petition on the same subject matter. The Superior Court's decision on the Petitioner's request for declaratory, and other, relief is legally dispositive. Given the pending litigation, including but not limited to the decision by the Superior Court, the Department declines to issue a declaratory order.



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Wayne T. Salisbury, Jr.  
Acting Director  
Rhode Island Department of Corrections  
May 3, 2024


NOTICE OF APPELLATE RIGHTS

This decision constitutes a denial to issue a declaratory order requested under R.I. Gen. Laws § 42-35-8(a). Pursuant to R.I. Gen. Laws § 42-35-8(d), this order may be subject to judicial review.

Certification

I hereby certify that on this 3rd day of May 2024, that a copy of the within Decision was sent by inter-department mail to:

Richard Paiva (#86429)  
Maximum Security  
P.O. Box 8273  
Cranston RI 02929

  
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# **Exhibit A**

LEGAL COUNSEL

MAR 05 2024

Department of Corrections

Richard Paiva  
ID# 86429  
MAX H1-41

March 3, 2024

TO: DOC Legal Counsel

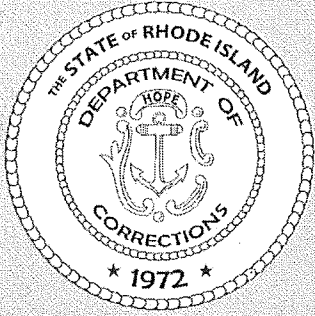
I hereby petition the RI DOC for a declaratory order, pursuant to RIGL 42-35-8(a), to state whether or not, and in what manner RI DOC Policy 12.27-1 (IV) (A) (5) applies to me, insofar as the provision states: "RI DOC will adhere to out-of-cell times as outlined above, except for exigent circumstances"; and cites to (4) maximum security as providing 8.5 hours of daily minimum out-of-cell time; in light of the fact that I do not receive 8.5 hours of out-of-cell time on a daily basis, even when no exigent circumstances are present.

cc: file

Sincerely,  
Richard Paiva

# **Exhibit B**





# RHODE ISLAND DEPARTMENT OF CORRECTIONS POLICY AND PROCEDURE

**DIRECTOR:**

*Wayne P. Salski, Jr.*

**POLICY  
NUMBER:  
12.27-1 DOC**

**EFFECTIVE  
DATE:  
07/30/2023**

**SUBJECT:  
CONDITIONS OF CONFINEMENT**

**LAST REVIEWED:  
07/2023**

**SECTION:  
SPECIAL MANAGEMENT**

**SUPERSEDES:  
12.27 DOC**

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

**REFERENCES:** The most recent versions of RIDOC policies 9.05 DOC, Institutional Log Book System; 9.14 DOC, Detecting and Confiscating Contraband on or in the Possession of Inmates/Detainees; 9.16 DOC, Procedure for Protecting, Gathering, and Preserving Evidence; 11.01 DOC, Inmate Discipline; 12.28 DOC, Restorative Housing Program; 13.03 DOC, Access to the Courts and Legal Materials; 13.10 DOC Inmate Grievances; 15.01 DOC, Classification Process, 18.43 DOC Health Evaluation of Inmates in Administrative/Disciplinary Confinement; 24.01 DOC, Inmate Mail

**INMATE/PUBLIC ACCESS: YES**

**AVAILABLE IN SPANISH: YES**

**I. PURPOSE:**

To define the different commitment categories that inmates may be placed on at the Rhode Island Department of Corrections (RIDOC), and to establish Department-wide standards and procedures for the monitoring and supervision of those inmates.

**II. POLICY:**

A. Inmates are placed in the least restrictive status, for the shortest time-period possible, while maintaining the safety and security of the institutions for inmates, staff and community.

- B. Inmates are provided with programming opportunities designed to help them become productive and law-abiding members of the community.
- C. Inmates shall not be placed in a housing setting based solely on gang affiliation or identification as lesbian, gay, bisexual, gender diverse, or intersex.
- D. Inmates who are pregnant or post-partum shall be excluded from restrictive housing settings, except as a temporary measure to address a serious risk of harm to self or others. The Warden/designee, in consultation with Health Care Services staff, must approve all temporary placements of pregnant or post-partum inmates into restrictive housing.
- E. This policy does not address conditions of confinement as it relates to the Restorative Housing Program (RHP). For conditions of confinement relative to the RHP, see the most recent version of RIDOC policy 12.28 DOC, Restorative Housing Program.

### III. DEFINITIONS:

1. Administrative Confinement/Detention (Investigative) - Administrative Detention is a temporary form of separation from the general population used when the continued presence would pose a serious threat to the security of the facility, a risk to the safety of the inmate, staff, or other inmates and that the inmate can no longer be safely managed in general population. Administrative Detention is used for awaiting trial inmates and Administrative Confinement is used for sentenced inmates.
2. Behavioral Management Unit (BMU) - inmates placed in this unit are diagnosed with serious and persistent mental illness (SPMI) and present with personality disorders, significant behavioral and management issues, and/or significant functional impairment that may have been contributed to disciplinary sanctions and/or affect an inmate's ability to thrive in a general population setting. Behavioral Health Services staff determine which inmates shall be placed in the BMU.

**NOTE:** the BMU is located at the High Security facility, however, inmates placed in this unit remain classified to their appropriate security level.

3. Case Management Team - staff whose duties involve providing and/or monitoring the services offered to inmates from initial contact with the Department, through release into the community. All RIDOC staff/contractors may be involved in the phases of case management.

4. **Classification** – the ongoing process of collecting and evaluating information about each inmate to determine risk and need level for appropriate confinement location, treatment, programs, and employment assignment, whether in a facility or community-based program.
5. **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.
6. **Residential Treatment Unit (RTU)** - inmates diagnosed with serious and persistent mental illness (SPMI) can be voluntarily placed in the RTU for up to six (6) months. Behavioral Health Services staff determine which inmates shall be placed in the RTU for treatment.

**NOTE:** The RTU is housed at High Security; however, inmates remain classified to their appropriate security level.

7. **Restrictive Housing (RH)** - a type of detention that involves removal of an inmate from general population, voluntarily or involuntarily; restricted placement in a locked room or cell, whether alone or with another inmate (excluding being placed in the infirmary or on suicide watch for medical purposes). Restrictive Housing consists of Disciplinary Confinement and Administrative Detention/Confinement.
8. **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.
9. **Qualified Mental Health Professional (QMHP)** - a Licensed Mental Health Counselor (LMHC), Licensed Clinical Social Worker (LCSW), Licensed Marriage and Family Therapist (LMFT), Psychologist, Psychiatric Advanced Practice Nurse (APRN), Psychiatrist, master's level clinician and others who, by their education, credentials, and experience are permitted by law to evaluate and care for the behavioral health needs of inmates.

IV. PROCEDURES:

A. Categories of Confinement

1. RIDOC has the following categories of housing:

- a. General Population;
- b. Administrative Detention/Confinement (Investigative);
- c. Disciplinary Confinement;
- d. Residential Treatment Unit/Behavioral Management Unit;
- e. Restorative Housing Program

2. General Population

Inmates within this category shall be eligible for work assignments, educational, rehabilitative, and recreational programming as available. Inmates shall be afforded all privileges and housing assignments commensurate with their assigned security level.

**NOTE:** Inmates in Protective Custody shall be afforded all privileges as those in general population.

3. Administrative Confinement/Administrative Detention (Investigative)

- a. 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.
- b. 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.
- c. In making this determination, officials should consider the seriousness of the alleged offense, including whether the offense involved violence, involved escape, or posed a threat to institutional safety by encouraging others to engage in such misconduct.

Investigative restrictive housing shall not be interpreted overly broadly to permit the imposition of restrictive housing.

- d. 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.
- e. The inmate shall receive a completed Administrative Transfer Notice within twenty-four (24) hours of removal from general population. The form includes information on the inmate's right to object to the transfer to Administrative Detention/Confinement via the Inmate Grievance Procedure (see the most recent version of RIDOC policy 13.10 DOC, Inmate Grievances). Copies of Administrative Transfer Notices are distributed in accordance with the distribution list on the bottom of the form.

4. Disciplinary Confinement

- a. 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.
- b. 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.

5. Residential Treatment Unit (RTU)/Behavioral Management Unit (BMU)

- a. SPMI Inmates who are identified by Behavioral Health Services staff for placement in the RTU may choose not to participate in the program.
- b. Behavioral Health Services staff shall document an inmate's placement in the RTU/BMU in the EMR and notify security staff.

- c. Placement into the RTU/BMU shall be documented in INFACFS by the Count Board Officer upon transfer.

**NOTE:** Inmates placed in the RTU/BMU shall attend their regularly scheduled classification hearing. Changes to classification will **not** affect their RTU/BMU placement.

6. Restorative Housing Program (RHP)

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. **This policy does not address conditions of confinement as it relates to the Restorative Housing Program (RHP). For conditions of confinement relative to the RHP, see the most recent version of RIDOC policy 12.28 DOC, Restorative Housing Program.**

- B. Placement

1. Prior to placement in any category of confinement, an inmate shall be screened and interviewed by a QMHP to identify if the inmate is designated as seriously and persistently mentally ill (SPMI) and to assess whether the assigned housing is clinically contraindicated based on clinical standards adopted by RIDOC.
2. Additionally, the inmate shall be screened and interviewed by Health Care Services staff. The screening shall include a determination of any medical contraindications to placement in the assigned housing unit, including the existence of a physical disability that precludes placement in the unit, in which the inmate will not be placed in the assigned housing. This screening shall be documented in the inmate's electronic medical record (EMR).
3. In the event an incident occurs necessitating an inmate to be placed in restrictive housing when a QMHP is not on duty, the Health Care Services staff shall review the inmate's EMR and interview him/her to determine if placement is contraindicated for medical or behavioral health reasons. If so, the inmate shall not be placed in restrictive housing. If it is not contraindicated, the inmate shall be placed in restrictive housing and a QMHP shall be notified of the placement and to ensure a screening and interview is completed within seventy-two (72) hours.

C. Categories of Confinement - Minimum Privileges

The following are minimum privileges for each category description. Unless otherwise noted, the minimum privileges are the same as general population; however, the facility Warden may alter the minimum privileges as deemed appropriate, and with the approval of the Assistant Director of Institutions and Operations (ADIO).

For a list of items inmates are authorized to have in their cell for each category, please see Authorized Items in Cells (Attachment 1), at the end of this policy.

1. Administrative Confinement/Detention (Investigative)

a. Housing – Housed at a facility as determined by the Director, ADIO, Shift Commander, or their designees.

b. Out-of-Cell Time

(1) **Minimum** of two (2) hours per day out-of-cell recreation time, seven (7) days per week.

(2) In addition, participation in education and programming as determined by the facility Warden/designee.

c. Restraints – Inmates may be handcuffed in the rear and shackled when leaving the housing unit.

**NOTE:** Inmates shall be handcuffed in front when being escorted downstairs and may be handcuffed in front when being escorted to the showers, to be seen by Health Care Services staff, to attend programming or visiting with their attorney.

d. Visitation – One (1) personal visit per week and two (2) video visits per week, based on facility schedule.

e. Legal Visits - There are no restrictions on legal visits.

f. Phone Calls - Inmates may place three (3) personal phone calls per week. There are no restrictions on legal phone calls.

If an inmate is transferred to Administrative Confinement/Detention by SIU/OI, an initial phone call will **not** be automatically allowed until a request to make this phone call is first cleared by SIU/OI so as not to jeopardize an ongoing investigation.

g. Removal from Administrative Confinement/Detention

- (1) The facility Warden/designee instructs the Shift Commander to remove the inmate from Administrative Detention/Confinement status and instructs the Count Officer to document the removal in INFACETS.
- (2) The Count Officer ensures the inmate's status is accurately reflected on the "Events" screen in INFACETS.

2. Disciplinary Confinement (Disciplinary)

a. Housing - The facility Warden determines the housing assignment utilized for inmates serving Disciplinary Confinement.

b. Out-of-Cell Time

- (1) **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.

**NOTE:** In the event an inmate receives a subsequent booking after the first fifteen (15) days, s/he shall not revert to the two (2) hours per day out-of-cell. S/he shall remain at three (3) hours out-of-cell time unless staff or inmate safety reasons dictate otherwise and are approved by the Warden.

- (2) Recreation will commence on the next scheduled day of recreation. (i.e., inmate transferred on Tuesday morning, s/he is offered recreation on Wednesday).

**NOTE:** If the transferred inmate has been determined to be a threat to the staff, facility or his/her safety recreation may be curtailed by the Shift Commander. This must be documented, and the Warden and/or Deputy Warden must be notified.

- (3) In addition, participation in education and programming as determined by the facility Warden/designee.

c. Restraints - Handcuffed in rear when leaving housing unit.

**NOTE:** Inmates shall be handcuffed in front when being escorted downstairs and may be handcuffed in front when being escorted to



showers or to be seen by Health Care Services staff or to attend programming.

- d. Visitation – None.
- e. Legal Visits - There are no restrictions on legal visits.
- f. Phone Calls

Within twenty-four (24) hours of the inmate’s transfer to Disciplinary Confinement, the inmate will be afforded a brief phone call to his/her immediate family to apprise them of his/her change in status.

NOTE: If the inmate is exhibiting violent or problematic behavior, this phone call privilege shall wait until the inmate no longer exhibits such behavior.

- g. Change of Status (Review and Response)

(1) In addition to the Warden’s review (as outlined in the most recent version of RIDOC policy 11.01 DOC, Inmate Discipline), inmates may also write the facility Warden/designee to request a suspension from his/her remaining disciplinary confinement time. The Warden/designee shall base his/her decision on the inmate’s conduct, staff reports, and any other relevant information.

The Warden/designee may consider suspension and/or step-down to Loss of Privilege (LOP) status.

Staff may recommend a review of an inmate’s status at any time.

(2) The Warden/designee shall provide the inmate with a written response approving or denying his/her request within ten (10) business days of reviewing the request.

(3) Wardens/Deputy Wardens shall make cell-to-cell visits in the Disciplinary Confinement unit no less than once every month.

For the notification and review process regarding inmates in Disciplinary Confinement, please refer to the most recent version of RIDOC policies 11.01 DOC, Inmate Discipline and

18.43 DOC, Health Evaluation of Inmates in Administrative/Disciplinary Confinement.

(4) Suspension of Remaining Disciplinary Confinement Time

(a) An inmate may have some or all of his/her remaining disciplinary confinement time suspended or commuted in one of the following ways:

i. Upon recommendation of Behavioral Health/Health Care Services staff:

The Behavioral Health/Health Care Services staff may recommend to the facility Warden/designee to suspend a portion or the remaining disciplinary confinement time for medical/behavioral health reasons.

ii. Upon recommendation of custodial staff or area supervisor:

The area correctional staff may recommend to the facility Warden/designee to suspend a portion, or the remaining disciplinary confinement time based on an observed improvement in the inmate's behavior while housed in Disciplinary Confinement.

iii. Upon inmate written request:

The inmate serving disciplinary confinement time may write to the facility Warden/designee to suspend a portion or the remaining disciplinary confinement time.

iv. Upon scheduled long-term review:

The facility Warden/designee may, at his or her discretion, suspend or commute a portion of the remaining disciplinary confinement time during the scheduled long-term review process.

- (b) The Warden may utilize the following criteria when considering suspension of disciplinary confinement time:
  - i. Severity of original infraction;
  - ii. Inmate's discipline history;
  - iii. Staff recommendation of inmate's behavior;
  - iv. Inmate and family letters;
  - v. Demonstrated positive behavior;
  - vi. Interview with inmate;
  - vii. Additional inmate reports (i.e., Classification, SIU, OI, Intelligence, etc.)
  
- (c) The Warden's decision shall be in writing and shall include the following:
  - i. Denial of the request due to a factor that is explained in the response letter. The inmate shall be provided with a date to reapply for reconsideration.
  - ii. Records of these requests and responses are maintained by the Warden/designee in the appropriate designated tracking database.

3. **Residential Treatment Unit (RTU)/Behavioral Management Unit (BMU)**

The conditions of confinement for inmates housed in the RTU/BMU shall be outlined in the most recent version of the Department's behavioral health policy.

D. **General Recreation Information**

- 1. Out-of-cell time outlined below for recreation, education and/or programming purposes is **in addition to** other out-of-cell time (e.g., meals, showering, etc.). The Department considers the following activities when determining total time out-of-cell:

- a. Recreation;
  - b. Education;
  - c. Programming;
  - d. Meals;
  - e. Showers;
  - f. Library (law or recreation);
  - g. Phone calls;
  - h. Kiosk;
  - i. Work assignments.
2. RIDOC affords maximum recreational opportunities for inmates consistent with the secure and orderly operation of all facilities. Recreational opportunities consist of both active and passive activities, including but not limited to the following:
- a. Active:
    - (1) Gross motor activities (e.g., team sport activities);
    - (2) Access to strength training and cardiovascular equipment.
  - b. Passive:
    - (1) Playing cards;
    - (2) Board games;
    - (3) Television viewing;
    - (4) Listening to radios/music;
    - (5) Tablets;
    - (6) Reading libraries and/or book collections;

- (7) Vocational programs such as painting/drawing, creative writing, etc. may be made available on a part-time basis in all facilities when consistent with the needs and orderly operation of each facility.
3. Inmates confined to infirmaries are afforded the opportunity for recreation including exercise. The amount and type of exercise may be limited by doctor's order.
4. Each facility affords all general population inmates' access to activities on a routinely scheduled basis consistent with the orderly operation of that facility. Access is defined in terms of *daily* minimum out-of-cell times as set forth by each facility:

Facility	Minimum Out-of-Cell Time
Intake Service Center	6.25 hours
Maximum Security	8.5 hours
Medium Security	10 hours
Minimum Security	10 hours
Women's Facility	13 hours

5. RIDOC will adhere to out-of-cell times as outlined above, except for exigent circumstances which affect the operation of the facility(s). The schedule will be restored as soon as practicable within the safe and orderly operation of the facility.
- a. Any disruption or alteration to this schedule is noted, consistent with the most recent version of RIDOC policy 9.05 DOC, Institutional Log Book System, and facility-specific log book procedures.
- b. The facility Warden/designee is notified of disruptions/alterations.
- c. All efforts are made to restore the normal schedule as soon as possible. Examples of such circumstances include, but are not limited to:
- (1) severe weather conditions (snowstorm, hurricane);
  - (2) catastrophe (fire, equipment failure, infectious disease outbreak, etc.);
  - (3) staffing shortages;
  - (4) job actions;

- (5) work stoppage;
- (6) riot and/or disturbance.

E. Medical/Behavioral Health Needs

All inmate health, behavioral health and dental needs are managed the same as general population, including but not limited to, sick call, keep on person medication (KOP), and access to physicians/dentists. All medical emergencies are attended to immediately.

**NOTE:** The facility Warden may restrict/modify KOP medications for inmates in a restrictive housing setting, as deemed appropriate. Inmates in the RTU shall not be allowed to have KOP medications.

1. Health Care

Nursing staff shall do rounds of housing areas daily. For more information, please refer to the most recent version of RIDOC Policy 18.43 DOC, Health Evaluation of Inmates in Administrative/Disciplinary Confinement.

2. Behavioral Health

- a. A QMHP shall make rounds in all restrictive housing settings, every seven (7) calendar days, and may conduct an out-of-cell meeting with an inmate for whom a confidential meeting is warranted in the clinician's professional judgment.
- b. Behavioral Health Services staff shall meet with inmates who have acute or chronic mental illness, are currently receiving behavioral health treatment or who have behavioral health histories as clinically appropriate.
- c. Behavioral Health Services staff will review the aforementioned inmate, records in INFACETS, and the EMR. For more information, please refer to the most recent version of RIDOC policy 18.43 DOC, Health Evaluation of Inmates in Administrative or Disciplinary Confinement.

F. Personal Hygiene

1. Inmates receive a minimum of five (5) showers per week, daily whenever possible, provided inmates transferred to a new housing unit shall receive a shower on the next available day.
2. Laundry (including uniforms and inmate bedding) is exchanged/washed a minimum of once per week per building schedule.

G. Access to Legal Materials/Assistance

Legal assistance is available upon request, using a Request Form. Interviews with law clerks are conducted in a secure area.

1. Inmates housed in a restrictive housing setting do not have physical access to the law library. Legal material will be made available. Access to the legal cart/law books is by Law Library Request Form only. The officer will schedule time to allow inmates to access the legal material requested. Access to the legal materials will not take the place of or be in lieu of recreation time out of cell.
2. Inmates housed in a restrictive housing setting will be allowed direct "in-person" access to an inmate law clerk. The request will be made by Law Library Request Form. These forms will be made available. An inmate law clerk may be permitted to enter the restrictive housing area to assist the inmate. This access will not occur while inmates are on recreation. For more information on inmate access to legal materials, please refer to the most recent version of RIDOC policy 13.03 DOC, Access to the Courts and Legal Materials.

H. Deprivation of Entitlements (DOE)

An inmate may have his/her minimum privileges (as outlined in Section IV.C.) reduced while in a restrictive housing setting subject to the following:

1. Whenever a Shift Commander determines there is danger that an inmate has or will destroy items required to be furnished, or that an inmate may be injurious to himself or others, some or all the minimum privileges may be denied.
2. Upon removal of any minimum entitlement, a Deprivation of Entitlement form shall be completed and forwarded to the Warden/designee by the end of their shift.

3. Upon receipt of a completed Deprivation of Entitlement form, the Warden/designee shall arrange for Behavioral or Health Care Services staff to visit the inmate as soon as possible.
  - a. Any recommendations made by Behavioral Health or Health Care Services staff shall be taken under consideration and discussed with the Case Management Team.
  - b. Recommendations made that indicate the inmate has a chronic or acute disorder that may be negatively affected by the reduction of privilege(s) shall be immediately addressed.
  - c. The Warden/designee shall be notified immediately after the issue has been addressed.
  - d. In all cases where minimum privileges are reduced, they shall be restored (incrementally or fully as determined by the Case Management Team) as soon as it appears to be consistent with the safety of the unit and the inmate.



### Authorized Items in Cells

	Step 1	Step 2	Step 3	Disciplinary Confinement
<b>Clothing / Personal Items</b>				
Uniform	2	2	2	2
Socks, Underwear, Tee Shirts	8 pair each	8 pair each	8 pair each	8 pair each
Thermal Underwear	2 pair	2 pair	2 pair	2 pair
Gym Shorts, Sweat Pants, Sweat Shirts	2 each	2 each	2 each	2 each
Coat (Winter Issue Item)	1	1	1	1
Baseball Cap, Knitted Toque (SEASONAL Issue)	1 / 1	1 / 1	1 / 1	1 / 1
Pajamas	2 pair	2 pair	2 pair	2 pair
Shower Shoes *or* Sandals	1 pair	1 pair	1 pair	1 pair
Sneakers	2	2	2	2
Handkerchiefs	4	4	4	4
Eyeglasses with Cases	2 pair	2 pair	2 pair	2 pair
Sunglasses	0	1	1	0
Bath Towels, Face Cloths	4	4	4	4
Laundry Bags	2	2	2	2
Pillow, Blanket	1 / 2	1 / 2	1 / 2	1 / 2
Sheets and Pillowcases	2 sets each	2 sets each	2 sets each	2 sets each
<b>Reading Material</b>				
Newspapers / Current	2	2	2	0
Books (Paperback Only), Magazines	3 each	4 each	5 each	2 each
Photo Album with Pictures (25 photos / not to exceed 4 x 6) No Nudity / No Backing	1	1	1	1
Decks of Playing Cards (Pinochle requires 2 Decks)	2	2	2	2
Board Game	0	0	1	0
Legal Material	1 cubic foot	1 cubic foot	1 cubic foot	1 cubic foot
Education Books (Currently Enrolled) / Dictionary	4 / 1	4 / 1	4 / 1	4 / 1
<b>Writing Material</b>				
Stationary Pads - Notebook	2	2	2	2
Letters	15	15	15	15
Envelopes	40	40	40	40
Books of Stamps (40 Stamp Limit - Not Loose)	4	4	4	4
Pencils (GOLF Style) Stubby	4	4	4	0
Ball Point Pens / Flex Pen Issued	2 (flex pens)	2 (flex pens)	2 (flex pens)	2 (flex pens)
Boxes Color Pencils (GOLF Style) Stubby	2	2	2	0
Greeting Cards	6	6	6	6
Address Book / Calendar	1 each	1 each	1 each	1 each
<b>Jewelry / Religious Items</b>				
Wedding Band (Only if Married)	1	1	1	1
Watch (\$75.00 Limit)	1	1	1	1
Religious Medal with Chain (\$75.00 Limit) 1sq. 1nch	1	1	1	1
Religious Headwear	2	2	2	2
Religious Oil (1 oz. bottles)	0	2	2	0
Bible / Koran / Religious Manual	1	1	1	1
<b>Electronics</b>				
Television / Radio / MP4/ Tablet	1 each	1 each	1 each	1 Tablet or Radio (no tv)
Sets Headphones / Earphones	2	2	2	1 each
Fan / Power Strip	1 each	1 each	1 each	0
<b>Cosmetics</b>				
Mirrors	1	1	2	1
Tooth Brushes (as supplied by housing unit)	1	1	2	1
Rolls Toilet Paper (Store Bought) *or* State	2 / 2	2 / 2	2 / 2	2 / 2
Soap	4	4	4	4
Cosmetics / Deodorant / Shaving	2 each	2 each	2 each	2 each
Tooth Paste	1	1	1	1
Assorted OTC Medicine	5	5	5	5
Toe Nail Clipper / Finger Nail Clipper (Not to be kept in cell)	1 each	1 each	1 each	1 each
Razors (Correctional Officers may distribute and retrieve razors daily)	0	0	0	0
Comb / Hairbrush / Shampoo	1 each	1 each	1 each	1 each
<b>Commissary Items</b>				
Must set allowed items in cell (amounts)	\$45 dollar limit	\$55 dollar limit	\$65 dollar limit	\$35 dollar limit. No Food Items

# **Exhibit C**

**STATE OF RHODE ISLAND  
PROVIDENCE, SC.**

**SUPERIOR COURT**

**RICHARD PAIVA,**  
*Plaintiff*

:  
:  
:

vs.

**C.A. No. PC-2023-01796**

:  
:

**LYNNE CORRY,**  
*Defendants*

:  
:

**ORDER**

This matter came on to be heard on January 24, 2024, before Judge Joseph McBurney of the Superior Court of the State of Rhode Island, on Defendant Lynne Corry’s Motion to Dismiss Plaintiff’s Amended Complaint. After hearing thereon, it is hereby:

**ORDERED, ADJUDGED and DECREED:**

1. The Defendant’s Motion is hereby GRANTED.
2. The Complaint against the Defendant is dismissed with prejudice.

Entered as an Order of this Honorable Court this \_\_\_ day of \_\_\_\_\_, 2024.

**ENTER:**

**BY ORDER:**

*/s/ Joseph J. McBurney*  
Associate Justice

*/s/ Victoria Reakes-Higgins*  
Deputy Clerk

\_\_\_\_\_  
Hon. Joseph J. McBurney, Associate Justice

\_\_\_\_\_  
Clerk January 31, 2024

Presented by,

LYNNE CORRY, in her official capacity,

By:

PETER F. NERONHA  
ATTORNEY GENERAL

/s/ Lionel Dutreix

---

Lionel Dutreix (#10728)  
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ldutreix@riag.ri.gov

**CERTIFICATE OF SERVICE**

I, the undersigned, do hereby certify that on this 24<sup>th</sup> day of January, 2024, I electronically filed and served the within document through the electronic filing system to counsel of record. The document electronically filed and served is available for viewing and/or downloading from the Rhode Island Judiciary's Electronic Filing System.

/s/ Rebekah Potter

**STATE OF RHODE ISLAND  
PROVIDENCE, SC.**

**SUPERIOR COURT**

**RICHARD PAIVA,**  
*Plaintiff*

:  
:  
:

vs.

**C.A. No. PC-2023-01796**

:  
:

**LYNNE CORRY,**  
*Defendants*

:  
:

**FINAL JUDGEMENT**

Final Judgment is hereby entered in favor of the Defendant, Lynne Corry in accordance with an Order of this Court granting the Defendant’s Motion to Dismiss which was heard and decided on January 24<sup>th</sup>, 2024.

ENTER:            /s/ Joseph J. McBurney  
                          Associate Justice

BY ORDER:       /s/ Victoria Reakes-Higgins  
                          Deputy Clerk

\_\_\_\_\_  
McBurney, J.

\_\_\_\_\_  
Clerk     January 31, 2024

DATE:

Presented by:

/s/ Lionel Dutreix  
Lionel Dutreix #10728  
Special Assistant Attorney General  
150 South Main Street  
Providence, RI 02903  
(401) 274-4400 ext. 2113  
(401) 222-2995 Fax  
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*/s/ Rebekah Potter*