RHODE ISLAND
DEPARTMENT OF CORRECTIONS

PUBLIC COMMENT RESPONSES

Regulation(s): Inmate Mail (240-RICR-10-00-1)

Summary of Rulemaking Action: This rule is being refiled by the agency pursuant to R.I. Gen. Laws § 42-35-4.1 with the purpose of promulgating rules and guidelines governing inmate correspondence at the RIDOC. The Department seeks to establish an amendment to 240-RICR-10-00-01 Inmate Mail to enhance safety, security, and operational efficiency within its facilities. RIDOC is experiencing an unprecedented need for more efficient and effective measures to detect and address potential threats related to contraband. These materials pose significant risks to facility security and the health of both staff and incarcerated individuals. Utilizing mail scanners will allow the Department to strengthen its ability to detect contraband and prevent it from entering the facilities. The Department also aims to improve the efficiency of mail processing and enhance the overall security of the facilities.

Public Comment Period: 4/24/2025 through 5/27/2025

Public Hearing: A public hearing in accordance with R.I. Gen. Laws § 42-35-2.5, to consider the proposed amendments was held on Friday, May 9th at 10:00 a.m. in Conference Room “A” of the Powers Building located at 1 Capitol Hill, Providence, RI 02908.

Summary of Received Public Comments: RIDOC received oral and written testimony from the American Civil Liberties Union (ACLU) of Rhode Island.

1. Apply a forty-eight (48)-hour secondary review timeframe and require inmate presence for non-privileged mail

- While the forty-eight (48)-hour timeframe is feasible for the much smaller volume of privileged mail, extending this requirement to non-privileged mail is not operationally feasible. Non-privileged mail accounts for the vast majority of mail entering RIDOC facilities and ensuring a formalized secondary review within this narrow window would require significant increases in staff and resources, which are currently unavailable.

- Additionally, requiring the inmate’s presence for non-privileged mail review introduces unnecessary security risks. Unlike privileged mail, non-privileged mail

does not carry confidentiality protections, and the operational benefit of inmate presence does not outweigh the security and logistical challenges it would create.

2. Exempt publications (books, magazines) from scanning due to the 25-page limit

- Publications such as books, magazines, and similar materials are sent directly from publishers and are currently not subject to the mail scanning process. Because these materials are not included in the current scanning workflow, no further regulatory exemption is necessary or appropriate at this time.

3. Codify formal notice to courts, bar associations, and defense lawyers regarding the 25-page limit

- The RIDOC appreciates the suggestion to formally notify legal and professional stakeholders of the 25-page mail limit. However, formal notice is already provided through the regulatory process itself. As such, adding a separate, codified notice requirement is not necessary. The RIDOC would like to note that in addition to the regulatory process, we did in fact notify several relevant stakeholder groups as a professional courtesy.

- The RIDOC remains committed to transparency and public engagement and encourages all interested parties to subscribe to the Secretary of State's notification system to receive updates on RIDOC's proposed regulatory changes.