

240-RICR-00-00-3

TITLE 240 – DEPARTMENT OF CORRECTIONS

CHAPTER 00 – Administration

SUBCHAPTER 00 - N/A

PART 3 – Conduct of Public Hearings

1.1 Purpose

- A. To establish a defined set of procedures for the Rhode Island Department of Corrections for the conduct of Public Hearings regarding Proposed Rulemaking.

1.2 Authority

- A. This Regulation is promulgated pursuant to the authority granted in R.I. Gen. Laws § 42-35-2(a)(4).

1.3 Definitions

- A. The following definitions shall apply to this Regulation:
 - 1. "Department" means the Rhode Island Department of Corrections.
 - 2. "Member of the Public" means any individual, firm, business, corporation, association, partnership or other group.
 - 3. "Presiding Department Official" means the Rhode Island Department of Corrections employee conducting the Public Hearing.
 - 4. "Public Hearing" means the convening of Members of the Public and agency personnel for the purpose of obtaining public comment on a Proposed Rulemaking.
 - 5. "Proposed Rulemaking" means a proposed new Rule, proposed amendment to a Rule or proposed repeal of a Rule as noticed pursuant to R.I. Gen. Laws § 42-35-2.7.
 - 6. "Rule" means as defined in R.I. Gen. Laws 42-35-1(19). The term does not include:
 - a. A statement that concerns only the internal management of an agency and that does not affect private rights or procedures available to the public;

- b. An intergovernmental or interagency memorandum, directive, or communication that does not affect private rights or procedures available to the public;
- c. An opinion of the attorney general, or an opinion of the ethics commission pursuant to § 36-14-11;
- d. A statement that establishes criteria or guidelines to be used by the staff of an agency in performing audits, investigations, or inspections, settling commercial disputes, negotiating commercial arrangements, or defending, prosecuting, or settling cases, if disclosure of the criteria or guidelines would enable persons violating the law to avoid detection, facilitate disregard of requirements imposed by law, or give an improper advantage to persons that are in an adverse position to the state;
- e. A form developed by an agency to implement or interpret agency law or policy; or
- f. A guidance document; or.
- g. Any policies or procedures created by the director pursuant to R.I. Gen. Law 42-56-10, for the internal management of the agency.

1.4 Procedure for Conduct of Public Hearings

1.4.1 Convening of Public Hearing

- A. Public Hearings may be held at the election of the agency or as required pursuant to R.I. Gen. Laws § 42-35-2.8(c).
- B. Notice of Public Hearings shall be issued in accordance with the provisions of R.I. Gen. Laws §§ 42-35-2.8 and 42-46-6, when applicable.
- C. The Public Hearing shall be held at a time and place designated by the Department.

1.4.2 Transcription

- A. The Public Hearing shall be transcribed by a stenographer or audio recorded.
- B. For Public Hearings, any official transcript, recording, or memorandum summarizing presentations prepared by an agency official shall be made part of the rulemaking record in accordance with R.I. Gen. Laws § 42-35-2.3(b)(5).

1.4.3 Testimony

- A. Oral Testimony

1. Members of the public may make oral testimony during the meeting.
2. Members of the public who wish to make oral testimony during the meeting must put their name on the speaker list.
3. Members of the public will be called to testify in the order in which their names appear on the speaker list.

B. Written Testimony

1. Written testimony must be submitted to: Rhode Island Department of Corrections, Attn: Policy & Auditing Unit, 18 Wilma Schesler Lane, Cranston, RI 02920 via mail, overnight carrier, or in hand delivery to a representative of the Department at the forgoing address, with a copy sent or via email to DOC.Policy@doc.ri.gov. Requests can also be submitted directly via email. The Department encourages individuals who choose to submit written testimony by mail to consider using delivery methods that provide confirmation of receipt, such as certified mail or return receipt service, to help ensure successful delivery.

1.4.4 Disruptive Conduct

- A. Members of the Public attending the Public Hearing shall not cause disruptions, including but not limited to: screaming, loud noises, or other behaviors and disorderly gesticulations, which interrupt or distract from the testimony of other Members of the Public or from the ability of the Presiding Department Official to conduct the Public Hearing.