

Rhode Island Department of Corrections
CONCISE EXPLANATORY STATEMENT

In accordance with the Administrative Procedures Act, R.I. Gen. Laws § 42-35-2.6, the following is a concise explanatory statement:

AGENCY: Rhode Island Department of Corrections (RIDOC)

DIVISION:

RULE IDENTIFIER: 240-RICR-60-00-3

RULE TITLE: Conduct of Public Hearings

REASON FOR RULEMAKING:

This rule was promulgated to establish formal procedures governing the conduct of public hearings related to rulemaking by the Rhode Island Department of Corrections.

ANY FINDING REQUIRED BY LAW AS A PREREQUISITE TO THE EFFECTIVENESS OF THE RULE:

TESTIMONY AND COMMENTS:

Public comments were received from the American Civil Liberties Union (ACLU) of Rhode Island. The Department carefully considered all comments and incorporated several recommended changes to improve accessibility and clarity.

CHANGE TO TEXT OF THE RULE:

The final rule differs from the proposed rule in several respects, all of which are consistent with a logical outgrowth of the original proposal.

The Department removed the requirement that written testimony submitted by mail must also be submitted electronically. The revised rule allows submission by mail, hand delivery, or email as independent methods, while including non-mandatory guidance encouraging use of delivery methods that provide confirmation of receipt.

As suggested, the phrase “disorderly gesticulations” was removed from the rule to improve clarity and reduce ambiguity.

These changes were made in direct response to public comment and to enhance accessibility, clarity, and overall effectiveness of the regulation.

Additionally, the definitions section was revised to explicitly incorporate definitions as set forth in Rhode Island General Law, rather than referencing them, in order to improve clarity and reduce ambiguity in response to stakeholder feedback regarding statutory definitions.

REGULATORY ANALYSIS:

Overview of Proposed Rule

The establishment of this rule provides the Rhode Island Department of Corrections (RIDOC) with a standardized, transparent, and legally compliant process for conducting public hearings related to proposed rulemaking. This regulation aligns with the Rhode Island Administrative Procedures Act (R.I. Gen. Laws § 42-35-2(a)(4)) and ensures that RIDOC's public engagement practices meet statutory requirements for notice, accessibility, and recordkeeping.

This regulation formalizes the Rhode Island Department of Corrections' (RIDOC) process for conducting public hearings related to proposed rulemakings. It includes procedures for:

- Scheduling and noticing public hearings,
- Accepting oral and written testimony,
- Recording and transcription,
- Managing disruptive conduct,
- Including all relevant materials in the rulemaking record.

Analysis of Benefits and Costs of the Proposed Rule

A. Benefits

1. Legal Compliance and Due Process
 - Aligns with R.I. Gen. Laws §§ 42-35-2.8 and 42-46-6, fulfilling RIDOC's obligations to facilitate public engagement and protect procedural due process in rulemaking.
2. Public Transparency and Civic Engagement

- Encourages participation by clearly outlining public hearing procedures, allowing stakeholders to meaningfully contribute to policymaking.
- Formalizes public input as a routine and valued part of administrative rule development.

3. Consistency Across Hearings

- Establishes standardized procedures for:
 - Transcription or audio recording,
 - Speaker list protocols,
 - Testimony order,
 - Written submission process.
- Ensures each public hearing is run professionally and predictably, regardless of the topic or staff involved.

4. Maintains Order and Safety

- Provides authority to the Presiding Department Official to address disruptions, ensuring hearings can be conducted efficiently and safely.

5. Notice and Scheduling Procedures

- Align with state public access laws and ensure equitable opportunity for participation.

6. Oral and Written Testimony Processes

- Speaker lists and written testimony channels balance public engagement with orderly conduct.
- Allows broad access, including participation by those unable to attend in person.

7. Recording and Inclusion in Rulemaking Record

- Guarantees all testimony is preserved, increasing accountability and supporting future evaluations of regulatory decisions.

8. Authority to Address Disruptions

- Protects the integrity of the hearing and the safety of participants and staff.

B. Costs

Pre-Hearing

Responsible Party	Staff Cost	Cost Per Hour	Task	Time	Cost
Interdepartmental Project Manager	\$ 170,033	\$ 93.42	Finding/Renting Space	10 min	\$ 15.60
Interdepartmental Project Manager	\$ 170,033	\$ 93.42	Drafting Notice	20 min	\$ 30.83
Principal Management and Methods Analyst	\$ 134,260	\$ 73.77	Printing Copies	20 min	\$ 24.34
Interdepartmental Project Manager	\$ 170,033	\$ 93.42	Mailing Notice	20 min	\$ 30.83
Interdepartmental Project Manager	\$ 170,033	\$ 93.42	Posting to Website	10 min	\$ 15.60
Interdepartmental Project Manager	\$ 170,033	\$ 93.42	Misc. Doc Creation	30 min	\$ 46.71
Total				80 min	\$ 163.92

Hearing

Responsible Party	Staff Cost	Cost Per Hour	Task	Time	Cost
Interdepartmental Project Manager	\$ 170,033	\$ 93.42	Attending hearing	120 min	\$ 186.85
Principal Management and Methods Analyst	\$ 134,260	\$ 73.77	Attending hearing	120 min	\$ 147.54
Administrative & Legal Support Services Administrator	\$ 220,576	\$ 121.20	Attending hearing	120 min	\$ 242.39
Chief of Staff	\$ 215,141	\$ 118.21	Attending hearing	120 min	\$ 236.42
Total				480 min	\$ 813.20

Post - Hearing

Responsible Party	Staff Cost	Cost Per Hour	Task	Time	Cost
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Interdepartmental Project Manager	\$ 170,033	\$ 93.42	Summary for Director	30 min	\$ 46.71
Total				30 min	\$ 46.71
Non-State Personnel Costs					
Task	Cost	# of Goods	Projected Cost		
Copies	\$0.10 per copy	100	\$ 10.00		
Translator	\$87 per hearing	1	\$ 87.00		
Equipment	\$ -	-	\$ -		
Stenographer	\$150 per hearing	1	\$ 150		
Total			\$ 247.00		

Alternative(s) Considered

The Department considered requiring that all written testimony for public hearings only be submitted by mail or in-person delivery. While this option would have maintained a traditional submission method consistent with past practices, it was ultimately rejected. Relying solely on physical mail introduces a risk that submissions could be delayed, misplaced, or lost in transit, particularly when hearings are subject to statutory timelines. By contrast, requiring that a copy also be sent electronically to the Department’s designated email address ensures redundancy, timeliness, and receipt verification. Providing multiple submission avenues—mail, hand delivery, or email—reduces barriers to participation and enhances the integrity and completeness of the public record while imposing minimal additional administrative cost.

Summary and Determination

- Provides a clear, lawful, and consistent public hearing process that improves trust, record integrity, and decision-making while incurring only modest administrative costs.

- Offers the clearest procedural roadmap for both staff and the public, reducing confusion and legal exposure.
- Satisfies APA and open meeting law mandates, supports transparency, and safeguards the legitimacy of rulemaking outcomes.
- The submission requirements in 1.4.3(B) (mailing address, delivery options, and email copy) were established to provide multiple secure and verifiable channels for submission. This supports record integrity, ensures date-stamping consistency, and accommodates both traditional and electronic communication preferences while maintaining the confidentiality and traceability required for official requests. Collectively, these provisions enhance administrative efficiency.