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ACLU OF RI POSITION: AMEND

**TESTIMONY ON 23-H 5303,
RELATING TO OFFICE OF INSPECTOR GENERAL
February 15, 2023**

The ACLU of Rhode Island has no position on the substantive issue of establishing an office of inspector general (IG). We have also not thoroughly examined all the specifics of the legislation, but we do wish to suggest at this time a few clarifications to some language in the bill that has been brought to our attention.

One section [Page 6, lines 19-22] provides that subpoenas issued by the IG will not be made public, “nor shall any documents or records provided pursuant to this section be made public” until the IG deems it necessary. We would urge that this section, and others like it, make clear that all records that would otherwise be public under the Access to Public Records Act do not suddenly become confidential simply because they are turned over to the IG as part of an investigation. In fact, APRA was amended a few decades ago to address a similar issue with grand jury records. That amendment made clear that public records do not lose their public status merely because they are also part of a grand jury investigation. R.I.G.L. §38-2-13. We believe it would be helpful to include a similar clarification in this bill.

We are also concerned about the strict confidentiality provisions in place for persons who provide testimony to the IG, putting any speech about it on the same plane as grand jury testimony. [Page 8, lines 3-11]. We do not believe that individuals should face serious criminal sanctions for speaking about their interactions with a state administrative agency.

Finally, we would urge the addition of language that would clarify the availability of records maintained by the IG’s office under APRA. The many references to secrecy and confidentiality throughout the bill could prevent appropriate public oversight of this agency itself and the work that it is performing.

Thank you for considering our views.