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**TESTIMONY ON 25-H 5997 and 25-H 5998,
RELATING TO OFFICE OF INSPECTOR GENERAL
APRIL 9, 2025**

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 amendments to the bill to clarify some provisions that could have a significant impact on the public's right to know.

One section of H-5997 [Page 6, lines 17-20] 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 that bill that are 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 1-9]. We do not believe that individuals should face serious criminal sanctions for speaking about their interactions with a state administrative agency.

Finally, and most concerningly, H-5998 provides that

All records of the office of inspector general shall be confidential and shall not be public records, unless it is necessary for the inspector general to make such records public in the performance of their duties. [Page 9, lines 21-23]

It is extremely disconcerting to give an agency designed to root out government corruption an exemption from the most important open government law the state has. We urge the deletion of this language. Instead, 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.