

Justice Reinvestment in Rhode Island

Modernizing Supervision Practices

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DECEMBER 2018

Overview

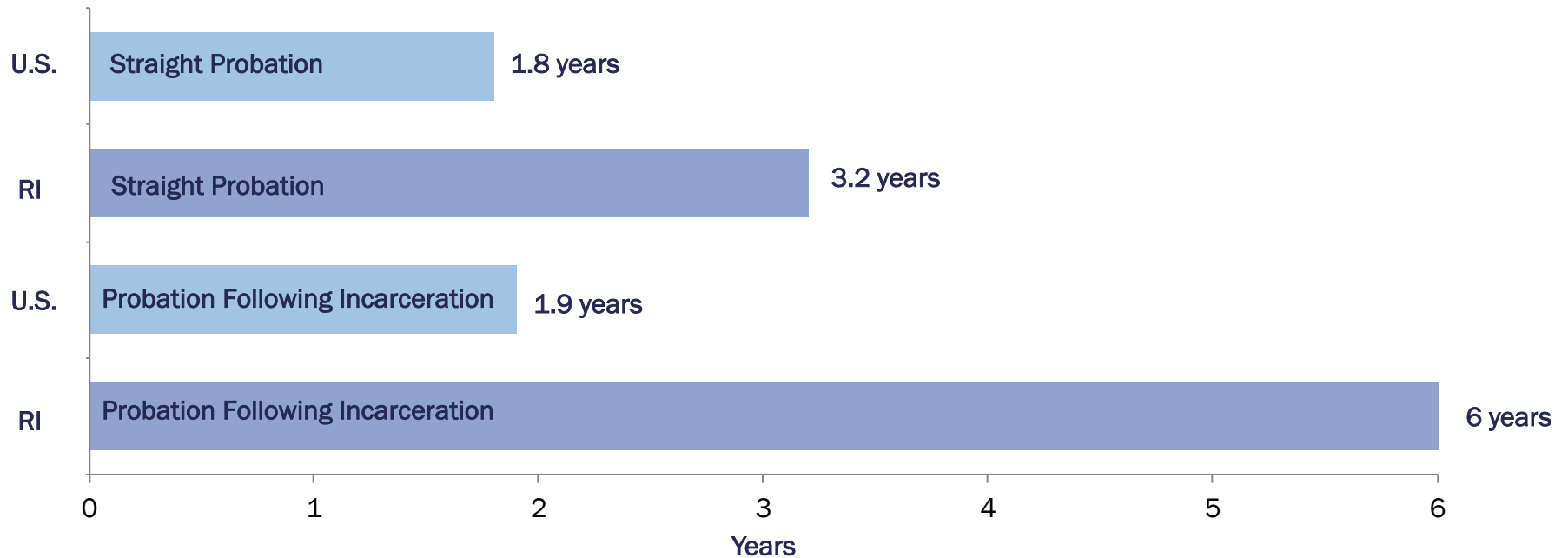
Rhode Island had the second-highest probation rate in the nation in 2015.

More than 23,000 people were on probation, which resulted in a probation rate of 1 in 20 adult men and 1 in 6 adult black men.¹

Long probation terms (see Figure 1) and outdated probation policies contributed significantly to the number of people incarcerated in the state. An estimated 64 percent of prison admissions in 2015 were due to probation or parole violations.² In 2014, the Rhode Island Department of Corrections (RISD) estimated that, without action, the state's prison population would grow 11 percent by 2025, requiring Rhode Island to spend \$28 million in additional operating and staffing costs.³

To address these challenges, Rhode Island state leaders requested and received support from the U.S. Department of Justice's Bureau of Justice Assistance (BJA) and The Pew Charitable Trusts in May 2015 to employ a Justice Reinvestment approach with intensive technical assistance from The Council of State Governments (CSG) Justice Center. The state established the bipartisan, interbranch Justice Reinvestment Working Group to review data analyses of its criminal justice system and discuss and develop policy options for criminal justice policy changes in the state.

FIGURE 1. Average Length of Probation Terms for People Convicted of Felony Offenses Nationally and in Rhode Island, 2015



Justice Reinvestment Findings

Under the direction of the 27-member Justice Reinvestment Working Group, CSG Justice Center staff conducted a comprehensive analysis of extensive data collected from various state agencies. A number of key findings emerged:

1

High probation rate and lengthy probation terms. Although Rhode Island had a low incarceration rate, the state had the second-highest probation rate in the country. Probation terms for people released from Adult Correctional Institutions (ACI) averaged six years—three times longer than the national average, and beyond the three-year time period when people are most likely to recidivate.⁴

2

Majority of people not actively supervised. The majority (87 percent) of people serving sentences in Rhode Island were on probation, but less than 40 percent of the 23,000 people on probation were actively supervised.⁵

3

Lack of evidence-based practices. Evidence-based practices to reduce recidivism, such as cognitive behavioral treatment and intermediate responses to probation violations (e.g., increased contact with probation officers, stricter curfews, drug testing, etc.), were not used.

4

Insufficient supervision for high-risk people. High-intensity supervision, treatment, and programming were not prioritized for people on probation who were assessed as having high needs and being at a high risk of reoffending.

5

Lack of pretrial risk assessments. Pretrial risk assessments and behavioral health screenings were not conducted and therefore were not part of judicial decision-making regarding diversion options, such as deferred sentences and district court diversion programs, and treatment needs.

6

Unclear diversion requirements. Eligibility and other requirements for existing diversion options were unclear; therefore, these options were not utilized to their full potential.

As a package, the proposed policies were estimated to avert the projected growth in Rhode Island's ACI population by 9 percent, reduce the number of people who are actively supervised on probation by 46 percent, and reduce active caseloads per probation officer from 155 to 76 cases between FY2017 and FY2021.

changes increased the standard of proof for probation violations, created a mechanism for early probation termination, and set a sentencing benchmark of three years for people convicted of nonviolent felony offenses who are sentenced to probation.

In 2016, during the JRI process, several probation-related policy changes were enacted by the Rhode Island Superior Court to the Supreme Court Rules of Criminal Procedure and Superior Court Sentencing Benchmarks in 2016. These

Summary of Legislation

In addition to the court rules changes in 2016, Rhode Island enacted House Bills (HB) 5063, 5064, 5065, 5115, 5117, and 5128 in 2017, which included parts of the Justice Reinvestment policy framework developed by the Justice Reinvestment Working Group.⁶ The bills received significant bipartisan support from the Rhode Island General Assembly and were signed into law by Governor Gina M. Raimondo in October 2017. The bills included the following changes:

Modernize probation and parole policies and practices, including judicial decision-making related to supervision (HB 5065 and 5117).

- Require the use of risk and needs screening and assessments and behavioral health assessments to inform decisions regarding probation and parole supervision intensity, case management, and treatment objectives.
- Focus supervision resources on people who are assessed as being at a high risk of reoffending.
- Mandate training for supervision officers on the use of risk and needs assessments as they pertain to supervision practices, sanctions, and incentives.
- Require probation violation hearings to be held within 30 days of arrest unless waived by the defendant.

Create more opportunities for people who have substance addictions or mental illnesses to receive treatment in the community (HB 5064).

- Allow for the creation of a Superior Court diversion program. Once established, the program would allow the court to administer rules whereby defendants could participate in substance use screening, community service, and counseling, and comply with other reasonable conditions as alternatives to incarceration, as necessary.

Expand benefits for victims of crime (HB 5063).

- Ensure that victims of crime will be reimbursed for a greater variety of expenses, such as those related to obtaining medical or counseling services or participating in funeral services.
- Give victims more time to report crimes for which they are eligible to receive reimbursement.

Establish a “batterer’s intervention program” (BIP) fund (HB 5065).

- In addition to establishing a BIP fund, this legislation mandates that the BIP follow evidence-based practices that can reduce the risk of future violent behavior.

Create a graduated penalty structure for felony property crimes (HB 5115).

- Clarify the definitions for felony, misdemeanor, and petty misdemeanor and amend the penalties for certain assault and larceny offenses.

Require data monitoring for Justice Reinvestment policies (HB 5128).

- Require the RIDOC, in conjunction with the Office of Management and Budget, to collect and report on key metrics of the Justice Reinvestment policy package from 2017–2022, including outcomes at different decision points in the criminal justice system.

Looking Ahead

Executive Order 18-04 established the Justice Reinvestment Executive Oversight Council (EOC).

The EOC is responsible for overseeing the implementation of the Justice Reinvestment legislation. CSG Justice Center staff have been working closely with the EOC and other officials in the state to assist in developing administrative rules and implementing the policies laid out in the Justice Reinvestment legislation.

End Notes

1. Danielle Kaeble and Thomas P. Bonczar, *Probation and Parole in the United States, 2015* (Washington, DC: Bureau of Justice Statistics, U.S. Department of Justice, 2016), 17.
2. Sean Rosenmerkel, Matthew Durose, and Donald Farole, Jr., *Felony Sentences in State Courts – 2006 Statistical Tables* (Washington, DC: Bureau of Justice Statistics, U.S. Department of Justice, 2006); CSG Justice Center analysis of FY2012 RIDOC probation stock data.
3. Wendy Ware and Roger Ocker, “Rhode Island Department of Corrections (RIDOC) Ten-Year Prison Population Projections Brief, FY2015–2025,” (Denver: The JFA Institute, 2014).
4. Ibid.
5. CSG Justice Center analysis of RIDOC data; email correspondence between CSG Justice Center and RIDOC, September 2015.
6. CSG Justice Center, *Justice Reinvestment in Rhode Island: Analysis and Policy Framework* (New York: CSG Justice Center, 2016), 4–5.

This project was supported by Grant No. 2013-ZB-BX-K002 awarded by the Bureau of Justice Assistance. The Bureau of Justice Assistance is a component of the Office of Justice Programs, which also includes the Bureau of Justice Statistics, the National Institute of Justice, the Office of Juvenile Justice and Delinquency Prevention, the Office for Victims of Crime, and the SMART Office. Points of view or opinions in this document are those of the author and do not necessarily represent the official position or policies of the U.S. Department of Justice. To learn more about the Bureau of Justice Assistance, please visit bja.gov.



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The Council of State Governments (CSG) Justice Center is a national nonprofit organization that serves policymakers at the local, state, and federal levels from all branches of government. The CSG Justice Center's work in Justice Reinvestment is done in partnership with The Pew Charitable Trusts and the U.S. Department of Justice's Bureau of Justice Assistance. The views expressed herein are those of the author(s) and do not necessarily reflect the views of The Pew Charitable Trusts. For additional information about Justice Reinvestment, please visit csgjusticecenter.org/jr/.



Research and analysis described in this report has been funded in part by The Pew Charitable Trusts public safety performance project. Launched in 2006 as a project of the Pew Center on the States, the public safety performance project seeks to help states advance fiscally sound, data-driven policies and practices in sentencing and corrections that protect public safety, hold offenders accountable, and control corrections costs. To learn more about the project, please visit pewtrusts.org/publicsafety.

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