

Justice Reinvestment in Rhode Island

Overview



JULY 2015

Background

In May 2015, Governor Gina Raimondo, Chief Justice Paul Suttell, Senate President M. Teresa Paiva Weed, House Speaker Nicholas Mattiello, Senate Minority Leader Dennis Algieri, House Minority Leader Brian Newberry, and the Rhode Island Department of Corrections (RIDOC) Director A.T. Wall requested support from The Pew Charitable Trusts (Pew) and the U.S. Department of Justice's Bureau of Justice Assistance (BJA) to engage in a "justice reinvestment" approach to reduce corrections spending and reinvest savings in strategies that can reduce recidivism and increase public safety. In partnership with Pew and BJA, the Council of State Governments (CSG) Justice Center will provide intensive technical assistance to help collect and analyze data and work with state leaders to develop appropriate policy options for Rhode Island.

Rhode Island first employed the justice reinvestment approach in 2008, which resulted in the enactment of House Bill (HB) 7204.¹ Since implementing this legislation, the state's incarcerated population declined 17 percent between 2008 and 2014, and three-year recidivism rates decreased 6 percent for people released from incarceration in 2009.² In 2012, the RIDOC received additional BJA funds through the Second Chance Act for recidivism-reduction efforts that focused on evidence-based programming within the correctional facilities.³

Rhode Island state officials have decided the time is ripe to engage in a justice reinvestment approach again—as successful as the undertaking was in 2008, policymakers decided at that time not to make policy changes that

altered the state's probation system. State officials now agree that reforming the probation system will be a fruitful area of focus. Furthermore, because the state operates a unified correctional system, state officials also seek to analyze population and admission trends for people who are awaiting trial.⁴

Governor Raimondo issued an executive order in July 2015 to establish a bipartisan, interbranch Justice Reinvestment Working Group, which calls on representatives from all three branches of government and stakeholders to study the state's criminal justice system using the justice reinvestment approach. Chief Justice Suttell and Judge Judith Savage have been identified as the co-chairs of the working group.

Under the direction of the working group, CSG Justice Center staff will conduct a comprehensive analysis of extensive data sets collected from various relevant state agencies and branches of government.⁵ CSG Justice Center staff will also convene focus groups and conduct interviews with people working on the front lines of Rhode Island's criminal justice system. Based on these exhaustive quantitative and qualitative analyses, the working group will develop policy options, which will be designed both to reduce corrections spending and increase public safety, for the General Assembly's consideration by early 2016.

This overview highlights some recent criminal justice system trends in Rhode Island. The working group will explore these issues, and many others, in greater depth in the coming months.

Criminal Justice System Trends in Rhode Island

The RIDOC budget accounts for almost half of all state costs associated with public safety, but only a small portion of the total RIDOC budget goes to probation and parole services.

- In FY2014, total state costs related to public safety were \$408.5 million, which included expenditures for RIDOC (45 percent), the Department of Public Safety (24 percent), the Judiciary (22 percent), the Office of the Attorney General (6 percent), and the Office of the Public Defender (3 percent).⁶
- Only about 8 percent (or \$15 million) of RIDOC’s budget was allocated to probation and parole services in FY2014, which amounts to about \$5 per day per probationer or parolee.⁷

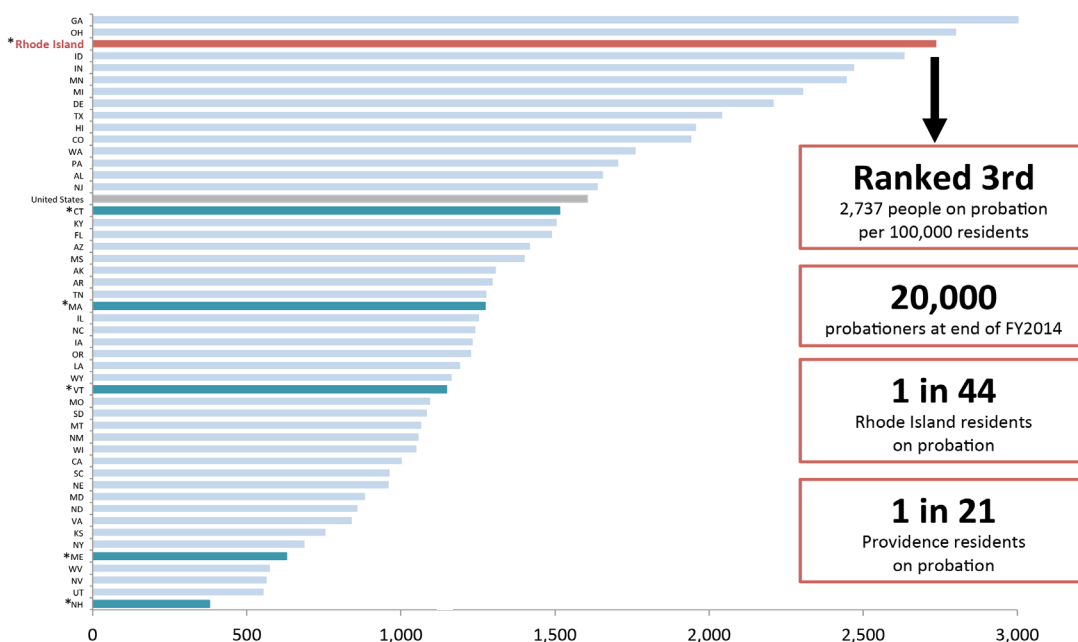
Although Rhode Island’s average daily sentenced population in the Adult Correctional Institutions (ACI) declined between 2004 and 2014, it is projected to grow over the next 10 years.⁸

- Between FY2004 and FY2014, the state’s average daily sentenced population in the ACI decreased by 10 percent, from 2,745 to 2,477 people.⁹
- Between FY2014 and FY2024, however, the state’s average daily sentenced population in the ACI is projected to increase 12 percent, from 2,477 to 2,766 people.¹⁰

Rhode Island has a greater percentage of residents under probation supervision than almost any other state in the nation.

- In 2013, Rhode Island had the third highest probation rate in the nation, with 2,737 people on probation per 100,000 adult residents, compared with the national probation rate of 1,605 people per 100,000 adult residents. In comparison to other New England states, New Hampshire had 379 people on probation per 100,000 adult residents while Connecticut had 1,515 people per 100,000 adult residents.¹¹
- At the end of FY2014, roughly 20,000 people were on probation supervision in Rhode Island, which represents 1 in 44 adult residents. The number of people on probation is even higher in Providence, the state’s capital, where 1 in 21 adult residents were under probation supervision in FY2014.¹²
- In 2014, the average caseload per probation officer in Rhode Island was 116 “active” cases.¹³ In the same year, approximately 60 percent of the probation population (14,123 people) were “banked,” or inactively supervised.¹⁴

FIGURE 1. STATES’ ADULT PROBATION RATES, 2013¹⁵



Ranked 3rd
2,737 people on probation per 100,000 residents

20,000
probationers at end of FY2014

1 in 44
Rhode Island residents on probation

1 in 21
Providence residents on probation

¹⁵Six states in the New England area: Rhode Island, Connecticut, Massachusetts, Vermont, Maine, and New Hampshire

Nearly half of Rhode Island's sentenced admissions to the ACI are people who have been revoked from probation or parole supervision.

- In FY2014, probation violators made up about 43 percent (or 1,603 people) of the state's sentenced admissions to the ACI. Among these probation violators, 64 percent were reincarcerated for new charges and 35 percent were reincarcerated for technical violations of the conditions of their supervision.¹⁶
- In the same year, parole violators made up 4.8 percent (or 180 people) of the state's sentenced admissions to the ACI. Among these parole violators, 17 percent were reincarcerated for new charges and 76 percent were reincarcerated for technical violations of the conditions of their supervision.¹⁷

Rhode Island's index crime rate has historically been below the national average. Among the New England states, however, Rhode Island has the highest total index crime rate.¹⁸

- In 2013, Rhode Island's total index crime rate of 2,699 reported crimes per 100,000 residents was somewhat below the U.S. total index crime rate of 3,099 reported crimes per 100,000 residents.¹⁹ However, the state's total index crime rate was the highest in New England that year.
- Rhode Island's index property crime rate was 2,422 reported crimes per 100,000 residents in 2013, which was the highest of the New England states that year. In comparison to other New England states, the property crime rate in Massachusetts in 2013 was 2,051 reported crimes per 100,000 residents, while Connecticut's property crime rate was 1,974 reported crimes per 100,000 residents.²⁰

A significant percentage of the ACI population is awaiting trial and these admissions have dramatically increased in recent years.

- In FY2014, 25 percent of the ACI population was awaiting trial.²¹
- Admissions to the ACI of people awaiting trial increased between FY2004 and FY2007, decreased steadily between FY2007 and FY2013, then sharply increased by 12 percent between FY2013 and FY2014, from 11,139 people to 12,506 people.²²

Rhode Island's parole grant rate decreased significantly in recent years.

- Between 2008 and 2014, the parole grant rate for all parole release hearings held decreased from 39 percent to 22 percent.²³
- During this same period, Rhode Island's parole population decreased 17 percent, from 551 to 456 people.²⁴

Statewide recidivism rates declined between 2004 and 2009, but the recidivism rate remains high.

- Of the people who were released from the ACI in 2004, 54 percent returned within three years.²⁵
- Of the people who were released from the ACI in 2009, 48 percent returned within three years.²⁶

The Justice Reinvestment Approach

Step 1: Analyze data and develop policy options

Under the direction of the Justice Reinvestment Working Group, CSG Justice Center staff will conduct a comprehensive analysis of crime, arrest, pretrial release, conviction, sentencing, probation, incarceration, behavioral health, parole, and recidivism data, using hundreds of thousands of individual data records. Examples of analyses that will be conducted include: probation, parole, and incarcerated population trends; length of time served in incarceration and on supervision; statutory and administrative policies; and availability of treatment and programs to reduce recidivism. Furthermore, to the extent data are available, CSG Justice Center analysis will assess how felony sentencing trends impact probation, parole, and incarcerated populations, and explore contributors to recidivism trends. The analyses will result in findings related to the sources of correctional population growth, correctional bed capacity, and effectiveness of agency policies and procedures.

To incorporate perspectives and recommendations from across the state, the CSG Justice Center will collect input and recommendations from criminal justice system stakeholders, including the Office of the Attorney General, the Office of the Public Defender, judges, police chiefs, probation and parole officers, behavioral health treatment providers, victims and their advocates, formerly incarcerated individuals and their advocates, and others. The Justice Reinvestment Working Group, in collaboration with CSG Justice Center staff, will review the analyses and develop data-driven policy options focused on increasing public safety and reducing spending on corrections. Policy options will be available for the General Assembly's consideration by early 2016.

Step 2: Adopt new policies and put reinvestment strategies into place

If the policy options are enacted as legislation, CSG Justice Center staff will work with Rhode Island policymakers for a period of up to 24 months to implement the new policies. This assistance will help ensure that related programs and system investments achieve projected outcomes and are implemented using the latest research-based, data-driven strategies. CSG Justice Center staff will develop implementation plans with state officials, provide policymakers with frequent progress reports, and deliver testimony to relevant legislative committees. Rhode Island will have the opportunity to apply for additional federal grant funding to meet important one-time implementation needs, such as upgrading information technology and ensuring fidelity to evidence-based practices.

Step 3: Measure Performance

Finally, CSG Justice Center staff will continue to assist Rhode Island officials to identify metrics to assess the impact of enacted policies on pretrial, probation, parole, and incarcerated populations, including recidivism rates, and to develop strategies to monitor these outcomes. Typically, this includes a spreadsheet of multiple indicators that make it easy for state leaders to track the changes occurring in various components of the state's criminal justice system.

Notes

1. [HB 7204](#) standardized the calculation of earned time credits, established risk reduction program credits, and required the use of risk assessments to inform parole release decisions.
2. Rhode Island Department of Corrections (RIDOC), "[Population Report FY2009](#)," (Providence: RIDOC, 2010); RIDOC, "[FY2014 Annual Population Report](#)," (Providence: RIDOC, 2015); RIDOC, "[2009 Recidivism Study: Three-Year Follow Up](#)," (Providence: RIDOC, 2013). RIDOC uses recidivism rates and defines recidivism as a person released from sentence at RIDOC and returned to RIDOC as a sentenced inmate.
3. In 2012, RIDOC received a [Statewide Recidivism Reduction \(SRR\) grant](#) through the Second Chance Act.
4. Rhode Island has a unified correctional system, in which those awaiting trial and sentenced to incarceration are under the jurisdiction of RIDOC. Furthermore, all costs associated with public safety are the state's responsibility, including municipal police training and community corrections programs.
5. Because Rhode Island has a unified correctional system, data that would typically be sought from local governments is housed on the state level.
6. Rhode Island Budget Office, "[FY2014 Budget as Enacted](#)," (Providence: Rhode Island Budget Office).
7. *Ibid.* The cost per day per probationer or parolee only includes "active" cases, which RIDOC defines as the highest supervision intensity level that regularly meets with a probation or parole officer.
8. RIDOC's correctional facilities are collectively referred to as the Adult Correctional Institutions (ACI), and include five male correctional facilities and two female correctional facilities.
9. RIDOC, "[Annual Report 2004](#)," (Providence: RIDOC, 2005); RIDOC, "[FY2014 Annual Population Report](#)."
10. Wendy Ware and Roger Ocker, "RIDOC Ten-Year Prison Population Projections Brief, FY2015-FY2025," (Denver: The JFA Institute, 2014).
11. Erinn Herberman and Thomas Bonczar, "[Probation and Parole in the United States, 2013](#)," (Washington, DC: Bureau of Justice Statistics, 2014). The most recent data available for probation rates across the nation is from 2013. The New England states include Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont.
12. RIDOC, "[Adult Probation and Parole: Offenders Living in RI Communities as of 06-30-14](#)," (Providence: RIDOC, 2014); The per capita statistics exclude probationers who were out of the state or held in the ACI.
13. RIDOC, "[RIDOC Overview Presentation: Roger Williams University Symposium](#)," (Providence: RIDOC, 2015).
14. RIDOC, "RIDOC Overview Presentation: Roger Williams University Symposium"; RIDOC defines "banked" cases as the lowest supervision intensity level that rarely meets with a probation officer, if at all.
15. Adult probation rates per 100,000 residents. Herberman and Bonczar, "Probation and Parole in the United States, 2013"; RIDOC, "Adult Probation and Parole: Offenders Living in RI Communities as of 12-31-14"; Oklahoma did not provide data on probation rates for the 2013 BJS report; Georgia's probation rate may overstate the number of persons under probation supervision because the agency that reports county data has the capacity to report probation cases and not the number of persons under supervision.
16. RIDOC, "RIDOC Overview Presentation: Roger Williams University Symposium"; in FY2014, one percent of probation violators were revoked for unknown reasons.
17. RIDOC, "RIDOC Overview Presentation: Roger Williams University Symposium"; email correspondence and analysis between RIDOC and CSG Justice Center, May 2015; In FY2014, 7 percent of parole violators were revoked for unknown reasons.
18. The most recent data available for crime rates across the nation is from 2013.
19. U.S. Department of Justice, Federal Bureau of Investigation, [Unified Crime Report Data Online](#); Index crimes consist of crime categories collected by law enforcement and reported to the FBI as part of the Uniform Crime Reporting Program and considered representative of the most serious crimes. The crime categories are violent crimes of murder and non-negligent manslaughter, forcible rape, robbery, and aggravated assault, and the property crimes of burglary, larceny-theft, and motor vehicle theft.
20. *Ibid.*
21. RIDOC, "RIDOC Overview Presentation: Roger Williams University Symposium."
22. CSG Justice Center analysis of RIDOC FY2004-FY2014 awaiting trial admissions to ACI.
23. Email correspondence and analysis between RIDOC and CSG Justice Center, June 2015; the parole grant rate is calculated by dividing the number of paroles granted by the number of parole hearings held; RIDOC reports on parole grants prior to FY2008 were not accessible at the time this report was released.
24. RIDOC, "[Population Report FY2008](#)," (Providence: RIDOC, 2009); RIDOC, "[FY2014 Annual Population Report](#)."
25. RIDOC, "[2004 Recidivism Study: Three-Year Follow Up](#)," (Providence: RIDOC, 2005).
26. RIDOC, "[2009 Recidivism Study: Three-Year Follow Up](#)."



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The 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. These efforts have provided data-driven analyses and policy options to policymakers in 22 states. For additional information about Justice Reinvestment in Rhode Island, please visit [csjusticecenter.org/ri](#).

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