

**STATE OF RHODE ISLAND**

**IN GENERAL ASSEMBLY**

**JANUARY SESSION, A.D. 2017**

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**J O I N T   R E S O L U T I O N**

**RESPECTFULLY REQUESTING THAT ALL BRANCHES OF STATE GOVERNMENT  
CONTINUE TO COLLABORATE ON POLICY ACTIONS AND INVESTMENTS TO  
IMPLEMENT THE FINDINGS AND RECOMMENDATIONS OF THE JUSTICE  
REINVESTMENT INITIATIVE FACILITATED BY THE COUNCIL OF STATE  
GOVERNMENTS JUSTICE CENTER**

Introduced By: Senators McCaffrey, Coyne, Lynch Prata, Jabour, and Metts

Date Introduced: January 11, 2017

Referred To: Senate Judiciary

1           WHEREAS, Rhode Island state leaders from all three branches of government requested  
2 technical assistance in analyzing and making policy recommendations on the state's criminal  
3 justice system. In preparing its analyses, the Council of State Governments (CSG) Justice Center  
4 reviewed an extensive amount of data from multiple state agencies and spoke with nearly 300  
5 individuals, agencies, and organizations to help guide and inform an understanding of policies  
6 and practices in Rhode Island; and

7           WHEREAS, The study revealed that people sentenced to post-release probation serve  
8 terms that are three times longer than the national average; that two out of three people on  
9 probation in the state have already served more than three years, after which time recidivism  
10 declines significantly; and as a result of the exceptionally large number of people on probation  
11 and the lengthy terms they are serving, probation officers are overwhelmed and are unable to  
12 provide meaningful supervision that reduces recidivism and improves public safety; and

13           WHEREAS, The following descriptions and purposes are important principles for  
14 criminal sentencing:

- 15           • Probation is a period of supervision that should be imposed for the period of time when  
16 the probationer's risk of recidivism is the greatest, because probation is more capable of  
17 reducing recidivism than incarceration is; and the purpose of probation is to reduce the  
18 likelihood that the probationer will engage in criminal conduct, hold the probationer

1           accountable, and ensure that the probationer complies with the court’s judgment;

- 2           • A suspended sentence is a sentence that the court imposes for a set period of time, the  
3           execution of which is suspended, to allow a defendant to perform a period of probation;  
4           and the purpose of a suspended sentence is to set an appropriate term of potential  
5           imprisonment that the defendant may be required to serve in the form of revocation or  
6           sanction for violations of probation;
- 7           • Because a suspended sentence results in a criminal conviction and all of its collateral  
8           consequences, whereas probation does not, a suspended sentence should only be used in a  
9           situation where a conviction is deemed necessary and appropriate; and
- 10          • Imprisonment is a punishment through deprivation of liberty, and that imprisonment  
11          should be imposed only when necessary as punishment, or for public safety, or as a  
12          sanction for a serious probation violation, and in any case for the shortest term necessary  
13          to achieve the particular purpose; and

14           WHEREAS, The study revealed that in FY 2015, felony probation violators served an  
15          average of 10.5 months for technical violations and 13 months for new charges, while  
16          misdemeanor probation violators served approximately 2 months for either technical or new  
17          offense violations, on average; and

18           WHEREAS, Incentives and sanctions should be used to motivate compliance and  
19          positive behavior by people under supervision according to research showing the behavior-  
20          change potential of incentives for compliance, along with swift, certain, and proportionate  
21          sanctions for violations; and

22           WHEREAS, Sanctions should be considered with recognition that behavior change, in  
23          particular for people with behavioral health challenges such as addiction or mental illness, is a  
24          gradual process, punctuated by relapse, rather than with an expectation of total compliance at all  
25          times; and

26           WHEREAS, In response to these and other challenges, the CSG Justice Center, in  
27          collaboration with the Rhode Island Justice Reinvestment Working Group, developed a proposal  
28          to modernize sentencing and probation supervision policies; strengthen probation practices and  
29          the quality of community-based programs to reduce recidivism; and assess and divert people at  
30          the pretrial stage, when appropriate; and

31           WHEREAS, Rhode Island’s state leaders agreed that high rates of failure among  
32          probationers in the state are costly and undermine public safety; and

33           WHEREAS, Although the CSG Justice Center worked collaboratively with the Rhode  
34          Island Justice Reinvestment Working Group, the group did not vote to endorse the policy

1 framework, and although the policy framework has been put forth to the General Assembly for  
2 their consideration, the CSG Justice Center is aware that any resulting legislation may include  
3 compromises, meaning some policy options may be altered or not adopted; now, therefore be it

4           RESOLVED, That this General Assembly of the State of Rhode Island and Providence  
5 Plantations hereby respectfully requests that all branches of state government continue to  
6 collaborate on policy actions and investments to implement the findings and recommendations of  
7 the Rhode Island Justice Reinvestment Project facilitated by the Council of State Governments  
8 Justice Center; and be it further

9           RESOLVED, That the Secretary of State be and hereby is authorized and directed to  
10 transmit duly certified copies of this resolution to the Honorable Gina Raimondo, Governor of the  
11 State of Rhode Island, and the Honorable Paul A. Suttell, Chief Justice of the Rhode Island  
12 Supreme Court.

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