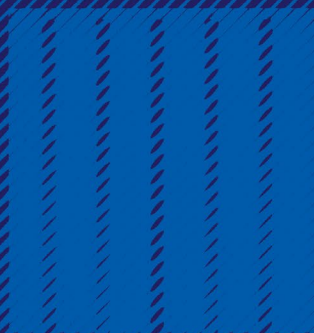


Blueprint for Smart Justice
Rhode Island



Blueprint *for* Smart Justice Rhode Island

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Executive Summary

Over the past five decades, the United States has dramatically increased its reliance on incarceration, in large part because of a failure to reconcile problems of drug addiction, mental illness, poverty, and inadequate education with effective and strategic nonpunitive public policy. As a result, the United States currently incarcerates more people, both in absolute numbers and per capita, than any other nation in the world. Millions of lives have been upended and families torn apart. The mass incarceration crisis has transformed American society, damaged families and communities, and wasted trillions of taxpayer dollars.

We all want to live in safe and healthy communities, and our criminal legal policies should be focused on the most effective approaches to achieving that goal. But the current system has failed us. It's time for the United States to significantly reduce its reliance on incarceration, and instead invest in alternatives and approaches that are better designed to break the cycle of crime and recidivism and help people rebuild their lives.

The ACLU's Campaign for Smart Justice is committed to transforming our nation's criminal legal system and building a new vision of safety and justice. The Campaign is dedicated to cutting the nation's incarcerated population in half and combating racial disparities in the criminal legal system.

To advance these goals, the Campaign partnered with the Urban Institute to conduct a two-year research project to analyze the kinds of changes needed to cut the number of people in prison in each state by half and reduce racial disparities in incarceration. In every state, Urban Institute researchers identified primary

drivers of incarceration and predicted the impact of reducing prison admissions and length of stay on state prison populations, state budgets, and the racial disparity of those imprisoned.

The analysis was eye-opening.

In every state, we found that reducing the incarcerated population by itself does little to diminish racial disparities in incarceration — and in some cases would worsen them. In Rhode Island — where, in 2017, the adult Black incarceration rate of the sentenced population was nine times higher than the state's adult white sentenced incarceration rate, and the Latino rate more than three times higher¹ — simply reducing the number of people imprisoned will not reduce in any meaningful way the racial disparities within the prison system. These findings confirm for the Campaign that urgent work remains for advocates, policymakers, and communities across the nation to focus on efforts like policing and prosecutorial reform that are specific to combating these disparities.

Between 1980 and 2008, Rhode Island's incarcerated population² rose by a staggering 429 percent. It began to dip between 2008 and 2018, declining by 29 percent, although the incarcerated population in 2018 was still nearly four times larger than it was in 1980.³ There were also 22,611 people under the Rhode Island Department of Corrections (RIDOC) community corrections supervision in 2018, and as of 2016, Rhode Island had the second highest adult probation supervision rate in the nation at 2,680 per 100,000 adults.⁴ One in six adult Black men in the state was on probation in 2015.⁵ Since then, there have been changes

in court rules and a legislative package was passed to partially address this issue.⁶

In 2018, 13,271 people were admitted to correctional facilities in Rhode Island, including both people entering with sentences and those who were awaiting trial.⁷ 53 percent of men and 66 percent of women who entered a correctional facility that year had either been charged with, or convicted for, a nonviolent or drug-related offense.⁸ Until 2016, there were no caps on felony probation terms, leading to a large number of individuals bound to extremely long probation sentences.⁹ This was partially addressed by the state Supreme Court in June 2016, which announced the adoption of a three-year probation term cap for certain nonviolent offenses.¹⁰ Still, probation rates are high. For example, in Woonsocket, a city on the northern edge of the state, one in eight men aged 30-34 was on probation or parole in 2018.¹¹

In 2015, about one in five (18 percent) people in the sentenced population was serving time for a property offense. Other common offenses that year included assault (14 percent), drug offenses (13 percent), and robbery (12 percent).¹² In 2009 and 2012, Rhode Island legislators changed some of the laws related to sentencing for drug offenses, but as of June 2018, 11 percent of the sentenced population was serving time for a drug offense.¹³

Sentence lengths have contributed to the size of Rhode Island's incarcerated population. The average sentence imposed on people committed to Rhode Island correctional facilities in 2018 was 23 months – 31 percent longer than the average in 2008.¹⁴

Black Rhode Islanders are severely impacted by mass incarceration in the state. Despite only accounting for 6 percent of the state's adult population, they made up 29 percent of the sentenced population in 2017.¹⁵ Latino Rhode Islanders also suffer disproportionately. In 2017, the adult Latino incarceration rate of the sentenced population was more than three times higher than the adult white sentenced incarceration rate.¹⁶ Mental health and drug treatment needs are also prevalent in Rhode Island correctional facilities. RIDOC reports 70–90 percent of its population have substance abuse

histories, of whom 20 percent have issues with opioid use,¹⁷ and RIDOC reports that 15–20 percent of its incarcerated population is “severe[ly] and persistently mentally ill.”¹⁸

So, how can Rhode Island begin to address these concerning facts?

By eliminating cash bail, Rhode Island would significantly reduce its rates of pretrial detention, meaning that people who face charges would not have to face the difficult choice of taking a plea deal or fighting their case from behind bars. The state – which has shown great initiative with its medication-assisted treatment program in prisons – should also expand its mental health and substance use disorder treatment programs, and offer alternative-to-incarceration programs that include support services. Reducing the number of probation and parole revocations, which are often the result of technical violations rather than criminal activity, would also keep people from entering a correctional facility needlessly, as would expanding the three-year cap on probation terms to all offenses.

The state should also make efforts to end the school-to-prison pipeline by reducing the use of school suspension and use of law enforcement personnel inside schools, and ensuring compliance with current statutes that require school districts to mitigate racial disparities in suspensions. The General Assembly should also enact legislation that addresses police practices and procedures that lead to discriminatory treatment, such as the use of pretext traffic stops, and demand accountability from police departments with racially disparate rates of stops and searches.

Expanding judicial discretion and creating an oversight body to conduct independent judicial sentencing reviews would help to ensure that racial disparities in criminal justice procedures are addressed. Rhode Island also has an opportunity to reform parole so that it is easier for people to earn time off their sentences. For older prisoners, expanding compassionate release would ensure that people are not held in correctional facilities long past the point that they are likely to commit a crime, and for formerly incarcerated individuals, providing comprehensive and expansive

support structures after they are released and removing state-imposed barriers to occupational licensing are critical to supporting reintegration and reducing recidivism. A detailed list of ways Rhode Island can reduce the number of people in its prisons and jails can be found in this report under the sections entitled “Reducing Admissions” and “Reducing Time Served.”

Ultimately, the answer is up to Rhode Island’s voters, communities, policymakers, and criminal legal advocates as they move forward with the urgent work of ending Rhode Island’s obsession with incarceration.

The State of the Rhode Island Prison System

The number of people incarcerated in Rhode Island increased by 429 percent from 1980 to its peak in 2008 before declining by 29 percent between 2008 and 2018. In spite of this decline, the 2018 incarcerated population of 2,748 people was nearly four times (276 percent) as large as it was in 1980.¹⁹

In 2008, Rhode Island participated in the Justice Reinvestment Initiative²⁰ to address its rapidly growing incarcerated population. The resulting legislation and subsequent decision to repeal some mandatory minimum sentences in 2009 contributed to declines in the incarcerated population.²¹ Despite a decade of fairly steady population decline, the Rhode Island Department of Corrections (RIDOC) has projected that the population of people serving sentences will begin to slowly grow again, increasing by about 3 percent between 2018 and 2028.²²

AT A GLANCE

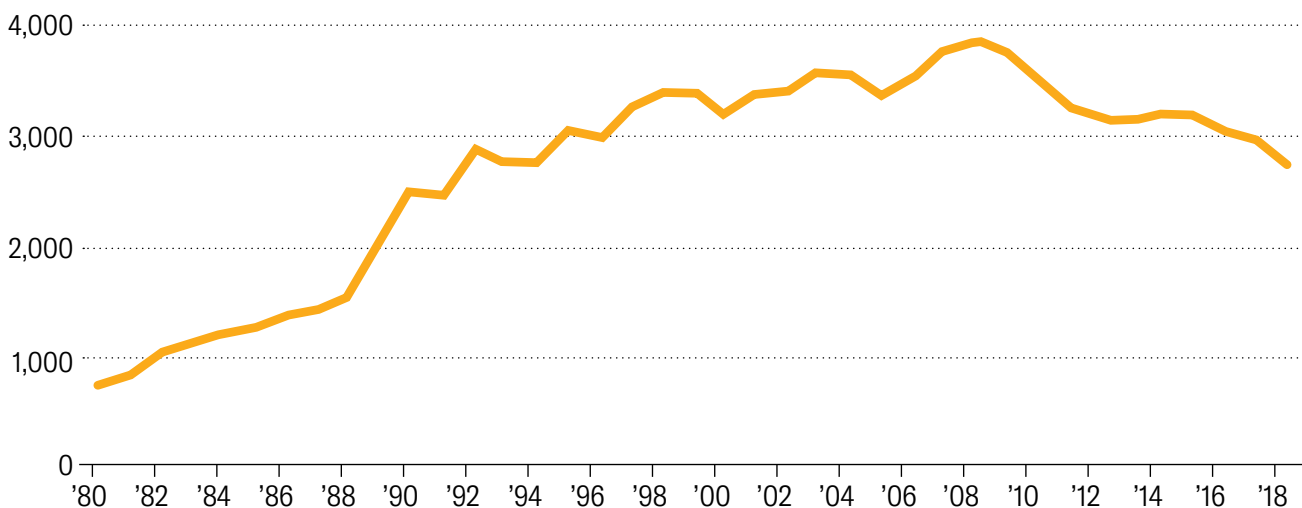
RHODE ISLAND CORRECTIONAL FACILITIES

Rhode Island's 2018 incarcerated population of 2,748 people was nearly **four times larger** than it was in 1980.

In spite of recent reforms, the population of people serving sentences is projected to increase by about **3 percent** between 2018 and 2028.

In 2015, **1 in 20** adult men in Rhode Island, and 1 in 6 Black men, were on probation.

RHODE ISLAND INCARCERATED POPULATION



In addition to people incarcerated in state facilities, RIDOC supervised 22,611 people on community supervision²³ across the state in 2018. Although the RIDOC community corrections population declined by 18 percent between 2008 and 2018, Rhode Island still relies more heavily on probation than nearly any other state.²⁴ In 2016, Rhode Island had the second highest adult probation supervision rate of any state in the nation at 2,680 per 100,000 adults.²⁵ This rate was 83 percent higher than Connecticut's, which held the next highest probation rate among New England states that year and ranked 16th in the nation.²⁶

In 2015, one in 20 adult men in Rhode Island was on probation. This rate was much higher for Black men – one in six adult Black men in Rhode Island was on probation that year.²⁷ The state's exceptionally high supervision rate influenced changes to court rules in 2016 and the passage of a legislative package in 2017.²⁸

What Is Driving People Into Correctional Facilities?²⁹

Because Rhode Island has a unified corrections system, the state oversees both pretrial admissions

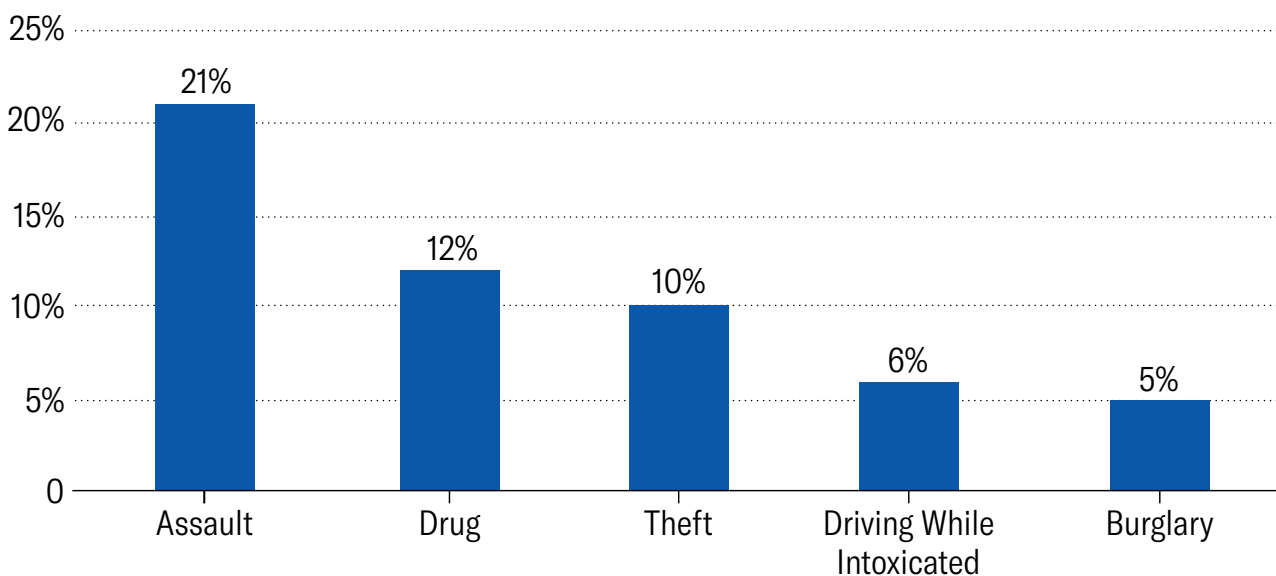
to incarceration as well as admissions for people who have been sentenced to serve time. In 2018, 13,271 people were admitted to correctional facilities in Rhode Island, including both people entering with sentences and those awaiting trial.³⁰ In 2017, 76 percent of commitments³¹ were for people awaiting trial and 24 percent were for people serving sentences.³²

In 2018, 53 percent of men and 66 percent of women entered Rhode Island correctional facilities for charges or convictions categorized as nonviolent or drug-related.³³

Of the people entering a RIDOC facility with sentences in 2015, assault was the most common offense type, accounting for one in five (21 percent) people admitted with a sentence that year. Other common offenses that contributed to sentenced admissions to Rhode Island correctional facilities in 2015 included drug offenses (12 percent), theft (10 percent), driving while intoxicated (6 percent), and burglary (5 percent).³⁴

Between 2007 and 2017, overall admissions to Rhode Island state facilities declined by 26 percent, driven in part by a 32 percent decline in sentenced admissions.³⁵

RHODE ISLAND ADMISSIONS TO INCARCERATION FOR SENTENCES BY TOP OFFENSE TYPES (2015)



AT A GLANCE

RHODE ISLAND JAIL AND PRISON POPULATION

In 2018, **53 percent** of men and **66 percent** of women entered Rhode Island correctional facilities for charges or convictions categorized as nonviolent or drug-related.

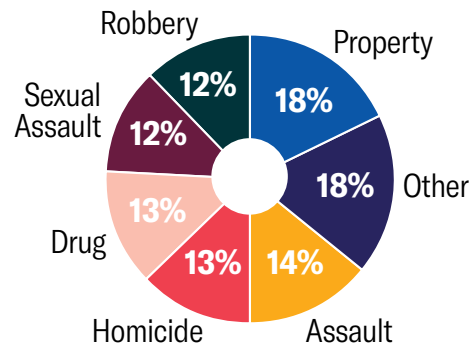
In June 2018, **24 percent** of people incarcerated in Rhode Island were being held pretrial and had not been convicted of a crime.

The number of people serving time for drug sentences in Rhode Island declined by **32 percent** between 2005 and 2015.

Until 2016, Rhode Island had no caps on felony probation terms, contributing to extremely long probation sentences in the state.³⁶ As of 2015, the average probation term following incarceration for people convicted of felonies was six years, three times the national average.³⁷ Exceptionally long probation sentences can contribute to high rates of revocation to correctional institutions. As of June 2018, over a quarter (29 percent³⁸) of people serving time for sentences in Rhode Island correctional facilities were admitted for violations of probation or parole – the majority of whom were revoked from probation rather than parole.³⁹

In June 2016, Rhode Island’s Supreme Court announced the adoption of a three-year probation term cap for certain nonviolent offenses.⁴⁰ Still, as of June 2018, one in every 51 adult residents in Rhode Island was on probation or parole, including one out of every 29 men.⁴¹ Rates vary across Rhode Island communities. For instance, in Woonsocket, a city with a mean per capita income of \$22,747 between 2013 and 2017, one in eight men aged 30–34 was on probation or parole in 2018.⁴²

RHODE ISLAND SENTENCED INCARCERATED POPULATION BY OFFENSE TYPE 2015



The Current Incarcerated Population

As of June 2018, 24 percent of people incarcerated in Rhode Island were being held pretrial and had not been convicted of a crime. Of those held pretrial in 2018, 20 percent of men and 26 percent of women were held on drug charges, and an additional 13 percent of men and 22 percent of women were held on other charges categorized as nonviolent.⁴³

The remaining 2,241 people in correctional facilities, who had been convicted and were sentenced, are referred to hereafter as the “sentenced population.” In the 2018 sentenced population, 36 percent of men and 60 percent of the women were serving time for an offense not characterized as violent or sex-related.⁴⁴

In 2015, about one in five (18 percent) people in the sentenced population was serving time for a property offense. Other common offenses of the sentenced population that year include assault (14 percent), homicide (13 percent), drug offenses (13 percent), sexual assault (12 percent), and robbery (12 percent).⁴⁵

Rhode Island reformed its drug laws by repealing mandatory minimum sentences for certain drug offenses in 2009 and eliminating incarceration sentences for possession of small amounts of marijuana in 2012.⁴⁶ These reforms contributed to a 32 percent decline in people serving time for drug sentences between 2005 and 2015.⁴⁷ Still, as of June 2018, 11

percent of the sentenced population were serving time for a drug offense.⁴⁸

A lack of access to treatment options and reentry support for people who have served time in Rhode Island correctional facilities means many are subsequently rearrested and returned to prison. Of people released from serving sentences in Rhode Island correctional facilities in 2014, 50 percent were resentenced to a correctional facility within three years of their release, 57 percent of whom were reincarcerated due to a probation or parole violation.⁴⁹

Why Do People Stay in Correctional Facilities for So Long?

As in many states, long sentence lengths have contributed to the size of Rhode Island's incarcerated population. The average sentence imposed on people committed to Rhode Island correctional facilities in 2018 was 23 months, 31 percent longer than the average in 2008.⁵⁰ Between 2008 and 2018, sentences grew for many offense types; for example among sentence lengths over six months, the average sentence for drug-related offenses grew 16 percent, and the average sentence for offenses categorized as violent grew 8 percent.⁵¹

Many people with sentences in Rhode Island prisons are serving long terms. In June 2018, 50 percent of the sentenced population in Rhode Island correctional facilities was serving sentences of over five years, including 34 percent serving sentences over 10 years.⁵² At that time, 11 percent⁵³ of the sentenced population was serving a life sentence.⁵⁴

Rhode Island's criminal code includes a harsh "three strikes" provision that adds up to 25 years to any sentence of more than one year handed down to a person who has been previously sentenced to prison for felony offenses two or more times.⁵⁵ Additionally, between 2000 and 2017, the Rhode Island General Assembly codified more than 170 new crimes and increased penalties for many existing ones.⁵⁶

The proportion of people released to parole is dropping, and the proportion of people serving their

AT A GLANCE

LENGTH OF INCARCERATION

50 percent of the sentenced population in Rhode Island correctional facilities was serving sentences of over five years in June 2018.

Between 2000 and 2017, the Rhode Island General Assembly codified **over 170** new crimes.

Of the 3,257 people released from serving sentences in 2017, only **284 people** were released to parole.

entire sentences, or "maxing out," is rising. Of the sentenced population released in 2017, 88 percent was released due to expiration of sentence, compared to 82 percent in 2007.⁵⁷ The proportion of parole release considerations that were granted declined between 2008 and 2014, dropping by 44 percent to 22 percent.⁵⁸ In 2017, of the 3,257 people released from serving sentences, only 284 people were released to parole.⁵⁹ A recent 50-state study of parole policies that assessed whether states offer adequate opportunities for parole and have fair and transparent parole processes gave Rhode Island an "F" grade. Notable deficient criteria that contributed to this score included a lack of a periodic mandatory review or appeal process after a parole denial, and no presumptive parole policies.⁶⁰

Who Is Incarcerated

Black Rhode Islanders: Incarceration in Rhode Island has a disproportionate impact on communities of color. As of 2017, the adult Black incarceration rate of the sentenced population in Rhode Island was nine times higher than the state's adult white sentenced incarceration rate. Black people accounted for 29 percent of the sentenced population but only 6 percent of the state's adult population.⁶¹

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DEMOGRAPHICS

Black people accounted for **29 percent** of Rhode Island's sentenced population in 2017 but only 6 percent of the state's adult population.

The adult Latino sentenced incarceration rate was more than **3 times higher** than the adult white sentenced incarceration rate in 2017.

55 percent of men and **65 percent** of women in Rhode Island's sentenced population in 2018 were parents.

Latino Rhode Islanders: Rhode Island's Latino population is overrepresented in the state's correctional facilities. In 2017, the adult Latino incarceration rate of the sentenced population was more than three times higher than the adult white sentenced incarceration rate. As of 2017, Latino people accounted for 25 percent of the sentenced population in Rhode Island and only 13 percent of the state's adult population.⁶²

Female Rhode Islanders: In June 2018, women made up 5 percent of the sentenced incarcerated population and 8 percent of people held pretrial in Rhode Island. At that time, nearly half (48 percent) of the women in the sentenced population were serving time for an offense categorized as nonviolent, and an additional 8 percent were serving time for a drug offense.⁶³

The proportion of incarcerated people who are women has grown over the last few decades: Women made up 4 percent of Rhode Island's incarcerated population in 2016, approximately double the percentage from 1980.⁶⁴ The median age of sentenced women in Rhode Island has also increased, from 34 years old in 2008 to 36 years old in 2018.⁶⁵

Older Rhode Islanders: Though generally considered to pose a negligible risk to public safety,⁶⁶

the number of people in the sentenced population in Rhode Island who are 55 years old and older increased by 68 percent between 2005 and 2015.⁶⁷ As of June 2018, people aged 50 and older accounted for one in five people in the sentenced population.⁶⁸

Parents in Rhode Island: The majority of people in the Rhode Island sentenced population have at least one child. In 2018, 55 percent of men and 65 percent of women in the sentenced population were parents, with an average of two children each.⁶⁹ Children of incarcerated parents may encounter increased emotional, physical, educational, and financial challenges due to a parent's incarceration.⁷⁰

Education and Employment in Rhode Island: In 2018, 34 percent of men and 27 percent of women in the sentenced population had less than a 12th grade education. That same year, 52 percent of men and 63 percent of women serving sentences in Rhode Island correctional facilities were unemployed at the time they become incarcerated.⁷¹

People With Mental Health and Substance Use Disorders

Mental health treatment needs are prevalent in Rhode Island correctional facilities. RIDOC reports that 70–90 percent of its population have significant substance abuse histories, of whom 20

AT A GLANCE

MENTAL HEALTH AND SUBSTANCE USE DISORDER

70–90 percent of Rhode Island's correctional population reportedly have substance use histories, and 20 percent have issues with opioid use.

15–20 percent of the RIDOC incarcerated population is described as "severe[ly] and persistently mentally ill."

AT A GLANCE

BUDGET

General fund corrections spending in Rhode Island grew **211 percent** between 1985 and 2017.

Rhode Island spent **\$212 million** from its general fund on corrections in 2017.

Depending on the facility in which the person is held, the cost to taxpayers per incarcerated person can be more than **\$183,000** annually.

percent have issues with opioid use.⁷² Additionally, RIDOC describes 15–20 percent of its incarcerated population as “severe[ly] and persistently mentally ill,” and approximately 40 percent of the population is prescribed psychotropic medication. In 2018, RIDOC established an 18-bed Residential Treatment Unit at the High Security Center to respond to the increase in people entering RIDOC facilities with severe mental health needs.⁷³

Budget Strains

As incarceration in Rhode Island has risen, so has the cost burden. Rhode Island spent \$212 million from its general fund on corrections in 2017, accounting for 6 percent of the state’s general fund expenditures. These costs grew 211 percent between 1985 and 2017, forcing tradeoffs with other state priorities such as general fund spending on higher education, which declined 14 percent over the same period of time.⁷⁴ In 2018, Rhode Island spent between \$58,943 and \$183,411 per incarcerated person annually, depending on the facility in which they were housed.⁷⁵

In addition, the return on investment for incarceration has been poor, and many people released from Rhode Island’s correctional facilities are reincarcerated.⁷⁶

Ending Mass Incarceration in Rhode Island: A Path Forward

Mass incarceration is a result of many systems failing to support our communities. To end it, we must develop policies that better address inadequacies throughout education, health care, and economic systems – to name a few. There are many potential policy changes that can help Rhode Island end its mass incarceration crisis, but it will be up to the people and policymakers of Rhode Island to decide which changes to pursue. To reach a 50 percent reduction, policy reforms will need to reduce the amount of time people serve in prisons and reduce the number of people entering jail and prison in the first place.

Reducing Admissions

To end mass incarceration, Rhode Island must break its overreliance on prison as a means of holding people accountable for their crimes. Evidence indicates that prisons seldom offer adequate solutions to wrongful behavior. In fact, imprisonment can be counterproductive, increasing cycles of harm and violence and failing to provide rehabilitation for incarcerated people or adequate accountability to the survivors of crime.⁷⁷ Here are some strategies:

- **Eliminate cash bail:** Rhode Island can significantly reduce its rates of pretrial detention by eliminating its use of cash bail. Far too often, people who cannot afford their bail will end up in jail for weeks, months, or, in some cases, years as they wait for their day in court. When this happens, the criminal justice system leaves them with a difficult choice: take a plea deal or fight the case from behind bars. While detained pretrial, research shows many people face significant collateral damage, such as job loss or interrupted

education.⁷⁸ After even a short stay in jail, taking a plea deal sounds less burdensome than losing everything, which is likely why evidence shows that pretrial detention significantly increases a defendant's risk of conviction.⁷⁹

The current cash bail system harms people of color in particular. Research shows that people of color are detained at higher rates across the country when unable to meet bail, and that courts set significantly higher bail amounts for them.⁸⁰ In order to significantly reduce pretrial detention and combat racial disparities, the Rhode Island General Assembly should eliminate cash bail and limit pretrial detention to the rare case where a person poses a serious, articulable threat to another person or is a clear flight risk, the purported rationale for bail in the first place.

- **Expand treatment – mental health:** Mental health diversion is an effective way to redirect people with disabilities out of the criminal legal system and into supportive community treatment. Diversion programs have been shown to be effective for people charged with both nonviolent and violent offenses.⁸¹ When implemented effectively, diversion reduces arrests, encourages voluntary treatment in the community, and saves money.⁸² Effective diversion programs coordinate with community services that provide a wide range of substantial, quality wraparound treatments and supports for people with disabilities to access housing, employment, and intensive, individualized supports in the community. After an initial investment in community supports, diversion

programs have the potential to save jurisdictions large amounts of money.⁸³ A significant roadblock to the implementation of expanded mental health programs is a lack of funding for comprehensive mental health support. The General Assembly must prioritize such funding.

- **Expand treatment — addiction:** Substance use disorders are often underlying drivers of a substantial number of crimes, particularly more serious offenses such as robbery and assault. Addressing substance use through treatment rather than incarceration can more effectively reduce crime and reincarceration.⁸⁴ Rhode Island is the only state to screen every person that enters the correctional system for opioid use disorder.⁸⁵ In addition to offering drug counseling, state prisons currently utilize a medication-assisted treatment program that offers people a choice of medications to treat opioid addiction, and allows them to continue addiction treatment after their release. This program effectively prevents recidivism and lowers the chance of a fatal overdose following an individual's release. Between 2016 to 2017, the number of recently incarcerated individuals who had a fatal drug overdose dropped by 61 percent. Given the success of this program since its inception, the General Assembly should increase investment in statewide addiction treatment.
- **Alternatives to incarceration:** Several types of alternative-to-incarceration programs have shown great success in reducing both violent and nonviolent criminal activity. Programs offering support services such as substance use treatment, mental health care, employment, housing, health care, and vocational training have significantly reduced recidivism rates for participants.⁸⁶ For crimes involving violence, restorative justice programs — which are designed to hold responsible people accountable and support those who were harmed — can be particularly promising. When they are rigorous and well-implemented, these processes have not only been demonstrated to reduce recidivism for defendants,⁸⁷ they have also been

shown to decrease symptoms of posttraumatic stress in victims of crime.⁸⁸ Prosecutors and judges who embrace these solutions can fulfill their responsibilities to the public safety and to supporting victims in their healing — and can often generate far better results than imprisonment can deliver. Other successful models include programs that divert people to treatment and support services before arrest. Lawmakers can explore such interventions at multiple phases in the system, whether through decriminalization or as alternatives to arrest, charges, or incarceration.

- **Improve community supervision:** Community supervision is intended to be an alternative to incarceration, a mechanism for early release and an opportunity to lower recidivism through effective reentry practices. Yet, many state probation and parole practices perpetuate mass incarceration. With the second highest adult probation rate in the nation, the Rhode Island General Assembly has a particular opportunity to ensure that probation is used only as a prison alternative and is not widening the net of system-involved people. To significantly lower the number of people on supervision, the Rhode Island Supreme Court or General Assembly should expand the three-year cap on probation terms to all offenses and increase mechanisms for early termination. Further, they should expand parole eligibility and other release mechanisms. There is also a need for more effective discharge planning. Too often, individuals released from prison — particularly those with a history of mental health disorders — are released to homelessness, without connections or appointments with community mental health providers.
- **Reduce probation and parole revocations:** Too often, people revoked from supervision are sent to prison for technical violations, not because they have committed a new crime. For people under supervision, missing curfew or lack of employment

could result in incarceration. Racial disparities are stark in revocation decision-making. One study found that Black probationers had their status revoked at significantly higher rates than white and Hispanic probationers.⁸⁹ The Rhode Island General Assembly should implement a system of graduated sanctions for probation and parole violations, ensuring that responses are proportional. Incarceration should be prohibited in cases of technical violations. The General Assembly should also amend the current law that allows a person to be detained for 10 days without bail and allows a 30-day period for a hearing to determine, by a preponderance of the evidence, whether a violation has occurred.⁹⁰ The General Assembly should end prehearing incarceration, require a hearing within seven days, and increase the standard of proof to clear and convincing evidence. It should also provide appointed counsel at revocation hearings.

Parole revocations for technical violations are often due to physical or mental disabilities. Currently, parole and probation officers are required to provide reasonable accommodations so that parolees and probationers with disabilities have an equal opportunity to comply with the requirements of parole.⁹¹ Proper training of parole officers and greater awareness of, and advocacy for, these requirements could significantly reduce the number of technical violations.

- **Support decriminalization:** The Rhode Island General Assembly consistently introduces bills to criminalize behavior that previously would not have led to incarceration. Between 2000 and 2017, the Rhode Island General Assembly created more than 170 new crimes. The General Assembly needs to move away from a culture of criminalization, stop expanding the criminal code, and look at alternatives to incarceration. As a first step, it should require the preparation of a prison impact statement for any bill that

proposes either a new prison sentence or an increase in a current sentence.

- **Prosecutorial reform:** Prosecutors are the most powerful actors in the criminal justice system, with the ability to wield the power of the state against an individual to deprive that person of life, liberty, and property. The initial decision of whether to charge someone with a crime and, if so, what and how many, has a major impact on every aspect of a person's experience with the system, not least of which is the amount of time someone faces and eventually serves incarcerated. There should be some mechanism for the state to review and assess those decisions overall to ensure that these decisions are made appropriately and fairly.
- **Support reintegration for formerly incarcerated people:** In order to decrease recidivism and increase opportunities for formerly incarcerated people, the Rhode Island General Assembly should consider legislation and programs that assist individuals in the transition back into their daily lives. A critical step in this effort would be addressing the barriers that state law currently places in the way of individuals with criminal backgrounds who seek an occupational license. Dozens of licensed occupations in Rhode Island have some sort of conviction-related barrier codified by law, and every year, legislation is introduced to include more barriers – no matter how old or irrelevant that criminal record may be. Rhode Island should enact legislation to reform the occupational licensing process and the hurdles it imposes on justice-involved individuals seeking employment.
- **Expand judicial discretion:** The General Assembly should refrain from passing any criminal laws that carry a mandatory prison sentence. After years of eschewing this poor sentencing practice, the General Assembly has taken a major step backward by adding mandatory sentences to certain crimes. The General Assembly can statutorily encourage a presumption against incarceration for some

offenses, or limit the circumstances in which a judge is required to impose a prison sentence as opposed to community supervision, especially for drug offenses. Judges must have a variety of options at their disposal besides imprisonment, allowing them to order treatment, mental health care, restorative justice, or other evidence-based alternatives to incarceration. These programs should be available to the court in all or most cases, regardless of the severity of the offense or someone's prior criminal history. In enacting such programs, however, it is critical to ensure that are truly alternatives to incarceration, and not net-widening requirements for people who would otherwise not be sent to prison.

- **End the school-to-prison pipeline:** The overuse of school suspension, along with an escalating number of law enforcement personnel in the form of school resource officers, can increasingly thrust a sizable proportion of marginalized students onto a path that criminalizes normal adolescent behavior. In 2016, the Rhode Island General Assembly passed a law intended to prohibit the use of out-of-school suspensions for minor disciplinary infractions. While use of out-of-school suspensions has significantly decreased since then, the data show that an inordinate number of students continue to receive suspensions for minor misconduct, such as disrespect, insubordination, and disorderly conduct. Further, a considerable disparity remains between the suspension rates for students of color and students who are white, and between students with Individualized Education Plans (IEP) and students without IEPs. Black students are particularly affected by this disparity. Rhode Island must continue to examine the factors that can shuttle individuals toward incarceration before they become adults, and hold school districts accountable for the unnecessary suspension of students. Schools must also limit the authority of school resource officers to arrest students for conduct that can and should be handled in-house. The state must also assume responsibility for ensuring compliance with

current statutes that require school districts to examine their suspension rates for racial disparities and report on the steps being taken to address and mitigate these disparities.

- **Address racial profiling:** Data over almost two decades, dating back to 2001, consistently demonstrate that Black and Latino drivers are more likely than whites to be stopped and searched by police, even though they are less likely to be found with contraband when searched. These stops and searches lead to racially disproportionate arrests and imprisonment⁹² for minor offenses that would otherwise never have occurred if traffic enforcement were conducted in an impartial manner. The General Assembly should enact legislation that addresses police practices and procedures that lead to this discriminatory treatment, including but not limited to the collection and public reporting of data on routine investigatory activities and funding to incentivize the adoption of policies and programs that prohibit racial profiling.

Reducing Time Served

Reducing the amount of time people serve, even by just a few months, can lead to many fewer people in Rhode Island prisons. Here's how:

- **Sentencing reform:** The General Assembly can amend Rhode Island's criminal code to reduce sentencing ranges, including and especially for drug offenses, burglary and other property offenses, robbery, public order offenses, and assault. A comprehensive examination of Rhode Island's criminal laws has not been performed in more than 40 years, and the General Assembly should be tasked with the recodification of criminal laws with the goal of reducing arbitrary penalties, reclassifying offenses as misdemeanors rather than felonies, and adjusting and amending criminal sentencing statutes.

- **Judicial sentencing reviews:** Expanding judicial discretion provides judges with a variety of options aside from incarceration and can provide opportunities to depart from overly punitive pretrial, supervision, and sentencing outcomes. However, this discretion can also contribute to racial disparities. The governor should issue an executive order and provide necessary resources to create an oversight body to conduct independent judicial sentencing reviews to ensure that judges do not issue longer sentences to racial minorities, and to monitor other issues susceptible to racial bias in criminal justice procedures.
- **Stop increasing sentences:** Currently, the General Assembly passes bills every session that substantially increase prison sentences for crimes already on the books or create new, duplicative criminal offenses with longer prison sentences. The Rhode Island General Assembly should stop increasing sentencing penalties and should require the preparation of a prison impact statement before any legislation proposing such increases is considered. Because the General Assembly rarely decreases, but often increases, the sentence length for existing crimes, this could be an effective method for reducing the amount of time that individuals serve. Additionally, the General Assembly should completely remove or limit the application of sentencing enhancements. Current law does not differentiate among offenses that trigger enhancements based on severity, so legislators should adopt a more restricted approach, such as repealing laws that allow judges to impose up to an additional 25 years to supplement the sentence for the offense under consideration. The General Assembly should also repeal mandatory minimums, such sentencing mandates for robbery and burglary. Today, burglary, a property crime, imposes a mandatory five-year prison sentence and could result in as much as a life in prison.
- **Parole reform:** Improving parole and release policies and practices to ensure that eligible

people are paroled more quickly and more often is another key way to reduce the amount of time people spend in prison. Rhode Island's extremely low parole rate also means that individuals are leaving prison without supervision, making their readjustment more difficult and increasing the burdens of reintegration. The Rhode Island General Assembly should enact presumptive parole laws and remove the financial burden of supervision fees from people on parole. The parole board should create parole guidelines for decision-making coupled with strong transparency and a robust appeals process.

- **Earned time/earned credit reform:** Rhode Island should consider expanding the availability of earned credits against a prison sentence through participation in educational, vocational, and other opportunities. Currently, incarcerated individuals can earn up to two days credit for every month of employment.⁹³ The General Assembly should pass policies that would expand upon these opportunities and allow individuals to accrue more earned time. This law also states that an individual may earn 10 days off of their sentence for each month of good behavior while incarcerated. To strengthen this policy, the General Assembly should provide 30 days of credit for every 30 days of compliance, and eliminate the exemptions that exist for earning good time.
- **Compassionate release:** The Rhode Island General Assembly should expand access to compassionate release from prison. The state's prison population is rapidly aging, in large part due to decreasing rates of parole release grants. Keeping aging and seriously injured or ill people incarcerated significantly taxes prison resources. Studies have shown that incarcerating an older (50 and above) person costs double what it costs to incarcerate a younger person.⁹⁴ What is more, keeping older people behind bars does not serve the goal of incapacitation, as studies have clearly shown that as people age, their propensity to commit crime significantly declines.⁹⁵ There is also clear evidence showing

that older persons have much lower rates of recidivism than their younger counterparts.⁹⁶

Reducing Racial Disparities

Reducing the number of people who are imprisoned in Rhode Island will not on its own significantly reduce racial disparities in the prison system.

People of color (especially Black, Latinx, and Native American people) are at a higher risk of becoming involved in the justice system, including living under heightened police surveillance and being at higher risk for arrest. This imbalance cannot be accounted for by

disparate involvement in illegal activity, and it grows at each stage in the justice system, beginning with initial law enforcement contact and increasing at subsequent stages, such as pretrial detention, conviction, sentencing, and post-release opportunity.⁹⁷ Focusing on only one of the factors that drives racial disparity does not address issues across the whole system.

Racial disparity is so ingrained in the system that it cannot be mitigated by solely reducing the scale of mass incarceration. Shrinking the prison population across the board will likely result in lower imprisonment rates for all racial and ethnic populations, but it will not address comparative disproportionality across populations. For example, focusing on reductions

TAKING THE LEAD

Police: They are generally the first point of contact with the criminal justice system. The practices that police employ in communities can shape the public's view of and trust in that system. Police can decide whether to arrest people and how much force to use during encounters with the public. Police departments can also participate in diversion programs, which enable officers to divert people into community-based intervention programs rather than into the criminal justice system.

State lawmakers: They decide which offenses to criminalize, what penalties to include, how long sentences can be, and when to take away discretion from judges. They can change criminal laws to remove prison as an option when better alternatives exist, and they can also fund the creation of new alternatives, including diversion programs that provide supported housing, treatment, and vocational training. Additionally, they can take steps to sufficiently fund mental health and substance use treatment so it is available for people who need it before they encounter the criminal legal system.

Parole Board: The Parole Board must provide meaningful opportunities for release in a fair and transparent manner, and consider the factors that lead to so few individuals being granted parole. Parole provides an opportunity to ensure an individual's smooth transition back into society, rather than releasing them with no supervision whatsoever.

Judges: They often have discretion over pretrial conditions imposed on defendants, which can make a difference. Individuals who are jailed while awaiting trial are more likely to plead guilty and accept longer prison sentences than people who are not held in jail pretrial. Judges can also have discretion in sentencing and should consider alternatives to incarceration when possible.

Prosecutors: They make decisions on when to prosecute an arrest, what charges to bring, and which plea deals to offer and accept. They can decide to divert people to treatment programs (for example, drug or mental health programs) rather than send them to prison. And they can decide not to seek enhancements that greatly increase the length of sentences.

to prison admissions and length of stay in prison is critically important, but those reforms do not address the policies and practices among police, prosecutors, and judges that contribute greatly to the racial disparities that plague the prison system.

New Jersey, for example, is often heralded as one of the most successful examples of reversing mass incarceration, passing justice reforms that led to a 26 percent decline in the state prison population between 1999 and 2012.⁹⁸ However, the state did not target racial disparities in incarceration and, in 2014, Black people in New Jersey were still more than 12 times as likely to be imprisoned as white people – the highest disparity of any state in the nation.⁹⁹

Ending mass incarceration is critical to eliminating racial disparities, but it is insufficient without companion efforts that take aim at other drivers of racial inequities outside of the criminal justice system. Reductions in disparate imprisonment rates require implementing explicit racial justice strategies.

Some examples include:

- Ending overpolicing in communities of color
- Evaluating prosecutors' charging and plea bargaining practices to identify and eliminate bias
- Investing in diversion and community-based alternatives to detention in communities of color
- Reducing the use of pretrial detention and eliminating wealth-based incarceration
- Ending sentencing enhancements based on location (e.g., drug-free school zones and public property, such as parks and public housing)
- Reducing exposure to reincarceration due to revocations from supervision
- Requiring racial impact statements before any new criminal law or regulation is passed and requiring legislation to proactively rectify any potential disparities that may result from new laws or rules

- Eliminating considerations in the legal system that disproportionately target people of color, such as discriminatory gang sentencing enhancements
- Addressing any potential racial bias in risk assessment instruments used to assist decision-making in the criminal justice system
- Requiring school districts to limit the authority of school resource officers to arrest students
- Encouraging judges to use their power to dismiss cases that originate with school officials or on school grounds when the matter may be adequately addressed through school disciplinary or regulatory processes to avoid incarcerating children during their most formative years
- Eliminating or significantly reducing fines and fees, which effectively criminalize poverty
- Shifting funding from law enforcement and corrections to community organizations, job creation, schools, drug and mental health treatment, and other social service providers
- Strengthening laws that would reduce racial profiling by barring police practices and procedures that lead to discriminatory traffic enforcement

Reducing Disability Disparities

The rates of people with disabilities in the U.S. criminal system is two to six times those of the general population.¹⁰⁰ In particular, people with psychiatric disabilities are dramatically overrepresented in jails and prisons across the country.¹⁰¹

- People showing signs of mental illness are twice as likely to be arrested as people without mental illness for the same behavior.¹⁰²
- People with mental illness are sentenced to prison terms that are, on average, 12 percent longer than other people in prison.¹⁰³

“Merely reducing sentence lengths, by itself, does not disturb the basic architecture of the New Jim Crow. So long as large numbers of African Americans continue to be arrested and labeled drug criminals, they will continue to be relegated to a permanent second-class status upon their release, no matter how much (or how little) time they spend behind bars. The system of mass incarceration is based on the prison label, not prison time.”¹⁰⁹

— From *The New Jim Crow*, Michelle Alexander

- People with mental illness stay in prison longer because they frequently face disciplinary action from conduct that arises due to their illness — such as attempted suicide or acting out — and they seldom qualify for early release because they are not able to participate in rehabilitative programming, such as educational or vocational classes.¹⁰⁴

Furthermore, sentencing reforms appear to leave people in prison with psychiatric disabilities behind. In recent years in California, for example, the prison population has decreased by more than 25 percent following a court order, but the number of people with a serious mental disorder has increased by 150 percent — an increase in both the rate and the absolute number of incarcerated people with psychiatric disabilities.¹⁰⁵

Screening tools to evaluate psychiatric disabilities vary by state and jurisdiction, but the most reliable data indicate that more than half of jail populations and close to half of prison populations have mental health disabilities.¹⁰⁶ Statistics from RIDOC corroborate this problem in Rhode Island. The fact that people with mental health disabilities are arrested more frequently, stay incarcerated longer, and return to correctional facilities faster is not due to any inherent criminality related to psychiatric disabilities. It arises in part because of the lack of accessible and appropriate

mental health treatment in the community; in part because of incorrect perceptions of dangerousness by police, prosecutors, and judges; and in part because correctional staff and probation officers fail to recognize and accommodate disability.

Many incarcerated people with disabilities are also people of color, and efforts to reduce racial disparities must go hand in hand with efforts to reduce disability disparities.¹⁰⁷ Not surprisingly, many of the strategies to reduce disability disparities are similar to approaches that reduce racial disparities. Some examples include:

- Examining and repealing criminal laws that have a particular and discriminatory impact on individuals with disabilities. For example, in 2017, despite protest from the mental health community, the Rhode Island General Assembly made the “hazardous accumulation of animals,” or “hoarding,” a criminal offense that carries a potential five-year prison sentence for the death of an animal under these circumstances.
- Investing in pre-arrest diversion:
 - Creating behavioral health centers, run by state departments of health, as alternatives to jails, or emergency rooms for people experiencing mental health crises or addiction issues
 - Training dispatchers and police to divert people with mental health issues who commit low-level nuisance crimes to these behavioral health centers. Jurisdictions that have followed this approach have significantly reduced their jail populations.¹⁰⁸
- Ending arrest and incarceration for low-level public order charges, such as drinking in public, loitering, and sleeping on the street. If needed, refer people who commit these crimes to behavioral health centers.
- Requiring prosecutors to offer diversion for people with mental health and substance use disabilities who are charged with low-level crimes

- Evaluating prosecutors' charging and plea bargaining practices to identify and eliminate disability bias
- Investing in diversion programs and alternatives to detention designed for people with disabilities, including programs that provide supportive housing, wraparound services, and mental health supports
- Reducing the use of pretrial detention while increasing reminders of court dates and other supports to ensure compliance with pretrial requirements
- Reducing reincarceration due to parole or probation revocations through intensive case management, disability-competent training for officers on alternatives to incarceration and reasonable modifications to requirements of supervision, and no return to incarceration for first and second technical violations
- Addressing bias against mental disabilities in risk assessment instruments used to assist decision-making in the criminal justice system
- Shifting funding away from law enforcement and corrections into supportive housing, intensive case management, schools, drug and mental health treatment, community organizations, job creation, and other social service providers

of color in Rhode Island's prisons. The proportion of Black, Latino, Native American, and Asian Rhode Island residents imprisoned would remain roughly the same, while the proportion of white people in Rhode Island prisons would increase by 1.6 percentage points. This emphasizes the need to develop policies that specifically combat racial disparities moving forward.

To chart your own path to reducing mass incarceration in Rhode Island, visit the interactive online tool at <https://urbn.is/ppf>.

Forecaster Chart

There are many pathways to cutting the prison population in Rhode Island by 50 percent. To help end mass incarceration, communities and policymakers will need to determine the optimal strategy to do so. This table presents one potential matrix of reductions that can contribute to cutting the state prison population in half by 2025. The reductions in admissions and length of stay for each offense category were selected based on potential to reduce the prison population, as well as other factors.

Taken together, the changes in this table would not address the disproportionate incarceration of people

CUTTING BY 50%: PROJECTED REFORM IMPACTS ON POPULATION, DISPARITIES, AND BUDGET

Impact Compared to 2025 Baseline*				
Offense category**	Policy outcome	Prison population impact	Impact on racial and ethnic makeup of prison population***	Cost savings****
Drug offenses	<ul style="list-style-type: none"> Institute alternatives that end all admissions for drug possession (84 fewer people admitted) Reduce average time served for drug distribution and other drug offenses by 50% (from 1.35 to 0.67 years) Institute alternatives that reduce admissions for drug distribution and other drug offenses by 50% (92 fewer people admitted) 	10% reduction (267 fewer people)	White: 6.6% increase Black: 4.8% decrease Hispanic/Latino: 6.3% decrease Native American: 2.8% increase Asian: 0.2% decrease Other: 3.6% increase	\$10,451,808
Public order offenses*****	<ul style="list-style-type: none"> Reduce average time served by 50% (from 0.39 to 0.2 years) Institute alternatives that reduce admissions by 50% (452 fewer people admitted) 	9.91% reduction (265 fewer people)	White: 3.1% decrease Black: 1.8% increase Hispanic/Latino: 3.7% increase Native American: 3.7% decrease Asian: 8.2% increase Other: 13.7% decrease	\$10,466,700
Assault	<ul style="list-style-type: none"> Reduce average time served by 50% (from 0.55 to 0.28 years) Institute alternatives that reduce admissions by 30% (201 fewer people admitted) 	8.97% reduction (240 fewer people)	White: 0.1% increase Black: 0.2% decrease Hispanic/Latino: 0.1% increase Native American: 2.8% increase Asian: 2.2% decrease Other: 1.9% decrease	\$9,651,781

Impact Compared to 2025 Baseline*

Offense category**	Policy outcome	Prison population impact	Impact on racial and ethnic makeup of prison population***	Cost savings****
Robbery	<ul style="list-style-type: none"> Reduce average time served by 50% (from 3.05 to 1.52 years) Institute alternatives that reduce admissions by 20% (15 fewer people admitted) 	5.38% reduction (144 fewer people)	White: 1.2% increase Black: 2.1% decrease Hispanic/Latino: 0.3% increase Native American: 0.8% increase Asian: 0.1% increase Other: 3.7% increase	\$5,415,222
Theft	<ul style="list-style-type: none"> Reduce average time served by 50% (from 0.47 to 0.23 years) Institute alternatives that reduce admissions by 40% (117 fewer people admitted) 	3.56% reduction (95 fewer people)	White: 1.3% decrease Black: 1% increase Hispanic/Latino: 1.4% increase Native American: 9.2% decrease Asian: 1.2% decrease Other: 3.7% increase	\$3,864,038
Burglary	<ul style="list-style-type: none"> Reduce average time served by 50% (from 1.48 to 0.74 years) Institute alternatives that reduce admissions by 30% (28 fewer people admitted) 	3.5% reduction (93 fewer people)	White: 0.4% decrease Black: 0.3% increase Hispanic/Latino: 0.5% increase Native American: 8.5% decrease Asian: 0.8% increase Other: 0.5% decrease	\$4,086,967
Other property offenses*****	<ul style="list-style-type: none"> Reduce average time served by 50% (from 0.34 to 0.17 years) Institute alternatives that reduce admissions by 40% (115 fewer people admitted) 	2.56% reduction (68 fewer people)	White: 1% decrease Black: 0.8% increase Hispanic/Latino: 0.6% increase Native American: 1.3% decrease Asian: 2.6% increase Other: 2.6% increase	\$2,652,822

Impact Compared to 2025 Baseline*

Offense category**	Policy outcome	Prison population impact	Impact on racial and ethnic makeup of prison population***	Cost savings****
Weapons offenses*****	<ul style="list-style-type: none"> Reduce average time served by 50% (from 0.93 to 0.47 years) 	2.31% reduction (62 fewer people)	White: 1.9% increase Black: 1.5% decrease Hispanic/Latino: 1.5% decrease Native American: 2.4% increase Asian: 1.7% decrease Other: 0.6% decrease	\$2,144,459
Other violent offenses	<ul style="list-style-type: none"> Reduce average time served by 50% (from 1.68 to 0.84 years) Institute alternatives that reduce admissions by 40% (12 fewer people admitted) 	1.32% reduction (35 fewer people)	White: 0.5% decrease Black: 0.2% decrease Hispanic/Latino: 1.0% increase Native American: 1.3% increase Asian: 1.3% increase Other: 1.3% increase	\$1,313,306
Fraud	<ul style="list-style-type: none"> Reduce average time served by 50% (from 1.02 to 0.51 years) Institute alternatives that reduce admissions by 40% (19 fewer people admitted) 	1.28% reduction (34 fewer people)	White: 0.8% decrease Black: 0.3% increase Hispanic/Latino: 1.2% increase Native American: 1.3% increase Asian: 1% decrease Other: 1.3% increase	\$1,381,557
DWI	<ul style="list-style-type: none"> Reduce average time served by 20% (from 0.27 to 0.21 years) Institute alternatives that reduce admissions by 50% (105 fewer people admitted) 	1.27% reduction (34 fewer people)	White: 0.8% decrease Black: 0.6% increase Hispanic/Latino: 0.6% increase Native American: 1.3% increase Asian: 0.7% decrease Other: 1.3% increase	\$1,305,725

Impact Compared to 2025 Baseline*

Offense category**	Policy outcome	Prison population impact	Impact on racial and ethnic makeup of prison population***	Cost savings****
Motor vehicle theft	<ul style="list-style-type: none"> Reduce average time served by 50% (from 0.9 to 0.45 years) Institute alternatives that reduce admissions by 40% (10 fewer people admitted) 	0.61% reduction (16 fewer people)	White: 0.2% increase Black: 0.3% increase Hispanic/Latino: 1% decrease Native American: 0.6% increase Asian: 0.6% increase Other: 0.6% increase	\$621,656

*The baseline refers to the projected prison population based on historical trends, assuming that no significant policy or practice changes are made.

**The projections in this table are based on the offense that carries the longest sentence for any given prison term. People serving prison terms may be convicted of multiple offenses in addition to this primary offense, but this model categorizes the total prison term according to the primary offense only.

*** This column represents the percent change in the share of the prison population made up by each racial/ethnic group. It compares the proportion of the population made up by a group in the 2025 baseline prison population to the proportion of the population made up by that group when the reform scenario is applied. We then calculate the percent change between those two proportions. Racial and ethnic disproportionality is traditionally measured by comparing the number of people in prison of a certain race or ethnic group to the number of people in the state's general population of that same group. For example, nationally, Black people comprise 13 percent of the population, while white people comprise 77 percent. Meanwhile, 35 percent of people in state or federal prison are Black, compared to 34 percent who are white. While the proportion of people in prison who are Black or white is equal, Black people are incarcerated at nearly three times their representation in the general population. This is evident in Rhode Island, where Black people made up 29 percent of the sentenced incarcerated population in 2017 but constituted only 6 percent of the state's total adult population.

****Note: Cost impact for each individual policy change represents the effect of implementing that change alone and in 2015 dollars. The combined cost savings from implementing two or more of these changes would be greater than the sum of their combined individual cost savings, since more capital costs would be affected by the population reductions.

***** Some public order offenses include drunk or disorderly conduct, escape from custody, obstruction of law enforcement, court offenses, failure to comply with sex offense registration requirements, prostitution, and stalking, as well as other uncategorized offenses.

***** Some other property offenses include stolen property trafficking, vandalism, property damage, criminal mischief, unauthorized vehicle use, and trespassing.

***** Some weapons offenses include unlawful possession, sale, or use of a firearm or other type of weapon (e.g., explosive device).

Total Fiscal Impact

If Rhode Island were to implement reforms leading to the changes above, 1,353 fewer people would be in prison in the state by 2025, a 50.68 percent decrease. This would lead to a total cost savings of \$163,350,979 by 2025.

Methodology Overview

This analysis uses prison term record data from the National Corrections Reporting Program to estimate the impact of different policy outcomes on the size of Rhode Island's prison population, racial and ethnic representation in the prison population, and state

corrections spending. First, trends in admissions and exit rates for each offense category in recent years are analyzed and projected out to estimate a baseline state prison population projection through 2025, assuming recent trends will continue. Then, a mathematical model is used to estimate how various offense-specific reform scenarios (for example, a 10 percent reduction in admissions for drug possession or a 15 percent reduction in length of stay for robbery) would change the 2025 baseline projected prison population. The model allows for reform scenarios to include changes to the number of people admitted to prison and/or the average length of time served for specific offenses. The model then estimates the effect that these changes would have by 2025 on the number of people in prison, the racial and ethnic makeup of the prison population,

and spending on prison. The analysis assumes that the changes outlined will occur incrementally and be fully realized by 2025.

All results are measured in terms of how outcomes under the reform scenario differ from the baseline projection for 2025. Prison population size impacts are measured as the difference between the 2025 prison population under the baseline scenario and the forecasted population in that year with the specified changes applied. Impacts on the racial and ethnic makeup of the 2025 prison population are measured by comparing the share of the prison population made up by a certain racial or ethnic group in the 2025 baseline population to that same statistic under the reform scenario and calculating the percent change between these two proportions. Cost savings are calculated by estimating the funds that would be saved each year based on prison population reductions relative to the baseline estimate, assuming that annual savings grow as less infrastructure is needed to maintain a shrinking prison population. Savings relative to baseline spending are calculated in each year between the last year of available data and 2025, and then added up to generate a measure of cumulative dollars saved over that time period.

Endnotes

- 1 U.S. Census Bureau, “Annual Estimates of the Resident Population by Sex, Age, Race, and Hispanic Origin for the United States and States,” 2017 population estimates; Rhode Island Department of Corrections, *Fiscal Year 2017 Annual Population Report* (October 2017), <http://www.doc.ri.gov/administration/planning/docs/FY17%20Annual%20Population%20Report.pdf>.
- 2 Rhode Island has a unified correctional system, meaning that all people who are incarcerated pretrial and serving sentences are under the jurisdiction of the state. For the purposes of this Blueprint, “incarceration” refers to the total population under the jurisdiction of the Rhode Island Department of Corrections (RIDOC).
- 3 Rhode Island Department of Corrections, *Report on the Rhode Island Department of Corrections’ Population FY 1976–FY 2016* (June 2017), <http://www.doc.ri.gov/administration/planning/docs/RIDOC's%20Population%20FY1976%20-%20FY2016.pdf>; Rhode Island Department of Corrections, *Fiscal Year 2018 Annual Population Report* (October 2018), <http://www.doc.ri.gov/administration/planning/docs/FY18%20Annual%20Population%20Report%20-%20Rev%20-%20Feb%202019.pdf>. Note: Refers to population averages across fiscal years.
- 4 Danielle Kaeble, *Probation and Parole in the United States, 2016* (Bureau of Justice Statistics, April 2018), <https://www.bjs.gov/content/pub/pdf/ppus16.pdf>; U.S. Census Bureau, “Annual Estimates of the Resident Population by Sex, Age, Race, and Hispanic Origin for the United States and States,” 2016 population estimates. Note: Estimated rates for Georgia and Michigan were calculated by the Urban Institute for ranking purposes.
- 5 The Council of State Governments Justice Center, *Justice Reinvestment in Rhode Island: Analysis and Policy Framework* (June 2016), https://csgjusticecenter.org/wp-content/uploads/2016/06/JusticeReinvestment_RhodeIsland.pdf.
- 6 The Council of State Governments Justice Center, *Justice Reinvestment in Rhode Island: Modernizing Supervision Practices* (December 2018), <https://csgjusticecenter.org/wp-content/uploads/2018/12/RI-JR-Summary-of-Legislation.pdf>.
- 7 Rhode Island Department of Corrections, *Fiscal Year 2018 Annual Population Report* (October 2018), <http://www.doc.ri.gov/administration/planning/docs/FY18%20Annual%20Population%20Report%20-%20Rev%20-%20Feb%202019.pdf>. Note: Refers to fiscal year.
- 8 Rhode Island Department of Corrections, *Fiscal Year 2018 Annual Population Report* (October 2018), <http://www.doc.ri.gov/administration/planning/docs/FY18%20Annual%20Population%20Report%20-%20Rev%20-%20Feb%202019.pdf>. Note: Refers to fiscal year. Offense breakdowns in this Blueprint are based on the most serious, or “controlling,” offense for which a person in prison is serving time. Some people in prison are serving time for multiple convictions and are categorized here only under the controlling offense types.
- 9 Lara Montecalvo, Kara Maguire, and Angela Yingling, “No Exit, No End: Probation in Rhode Island,” *Roger Williams University Law Review* 21, no. 2 (April 2016): 316-354, https://docs.rwu.edu/cgi/viewcontent.cgi?article=1591&context=rwu_LR.
- 10 Katie Mulvaney, “RI Supreme Court Approves Probation Sentencing Overhaul,” *Providence Journal* (June 23, 2016), <https://www.providencejournal.com/news/20160623/ri-supreme-court-approves-probation-sentencing-overhaul>.
- 11 Rhode Island Department of Corrections, *Fiscal Year 2018 Annual Population Report* (October 2018), <http://www.doc.ri.gov/administration/planning/docs/FY18%20Annual%20Population%20Report%20-%20Rev%20-%20Feb%202019.pdf>; U.S. Census Bureau, *QuickFacts*, 2017.
- 12 BJS, National Corrections Reporting Program (2015)
- 13 Rhode Island Department of Corrections, *Fiscal Year 2018 Annual Population Report* (October 2018), <http://www.doc.ri.gov/administration/planning/docs/FY18%20Annual%20Population%20Report%20-%20Rev%20-%20Feb%202019.pdf>. Note: This percentage is an approximation.
- 14 Rhode Island Department of Corrections, *Fiscal Year 2018 Annual Population Report* (October 2018), <http://www.doc.ri.gov/administration/planning/docs/FY18%20Annual%20Population%20Report%20-%20Rev%20-%20Feb%202019.pdf>; Rhode Island Department of Corrections, *Population Report FY2008* (2008), <http://www.doc.ri.gov/administration/planning/docs/FY08%20Population%20Report.pdf>. Note: Refers to fiscal year.
- 15 U.S. Census Bureau, “Annual Estimates of the Resident Population by Sex, Age, Race, and Hispanic Origin for the United States and States,” 2017 population estimates; Rhode Island Department of Corrections, *Fiscal Year 2017 Annual Population Report* (October 2017), <http://www.doc.ri.gov/administration/planning/docs/FY17%20Annual%20Population%20Report.pdf>.
- 16 U.S. Census Bureau, “Annual Estimates of the Resident Population by Sex, Age, Race, and Hispanic Origin for the United States and States,” 2017 population estimates; Rhode Island Department of Corrections, *Fiscal Year 2017 Annual Population Report* (October 2017), <http://www.doc.ri.gov/administration/planning/docs/FY17%20Annual%20Population%20Report.pdf>.
- 17 “Substance Abuse Treatment Services,” Rhode Island Department of Corrections, http://www.doc.ri.gov/rehabilitative/health/behavioral_substance.php.
- 18 “Mental Health Services,” Rhode Island Department of Corrections, http://www.doc.ri.gov/rehabilitative/health/behavioral_mental.php.
- 19 Rhode Island Department of Corrections, *Report on the Rhode Island Department of Corrections’ Population FY 1976–FY 2016* (June 2017), <http://www.doc.ri.gov/administration/planning/docs/RIDOC's%20Population%20FY1976%20-%20FY2016.pdf>; Rhode Island Department of Corrections, *Fiscal Year 2018 Annual Population Report* (October 2018), <http://www.doc.ri.gov/administration/planning/docs/FY18%20Annual%20Population%20Report%20-%20Rev%20-%20Feb%202019.pdf>. Note: Refers to population averages across fiscal years.
- 20 The Justice Reinvestment Initiative (JRI) is a data-driven approach to state criminal justice reform that seeks to control corrections costs and reinvest savings in practices demonstrated to improve safety. Rhode Island first engaged in JRI in 2008, resulting in the enactment of House Bill 7204. Rhode Island reengaged in the JRI process in 2015, successfully passing legislation in 2017 through House Bills 5063, 5064, 5065, 5115, 5117, and 5128. (The Council of State Governments Justice Center, *Justice Reinvestment in Rhode Island: Overview* (July 2015) <https://csgjusticecenter.org/wp-content/uploads/2018/12/RI-JR-Summary-of-Legislation.pdf>; The Council of State Governments Justice Center, *Justice Reinvestment in Rhode Island: Modernizing Supervision Practices* (December 2018), <https://csgjusticecenter.org/wp-content/uploads/2015/07/RhodeIslandOverview.pdf>)
- 21 Rhode Island Department of Corrections, *Report on the Rhode Island Department of Corrections’ Population FY 1976–FY 2016* (June 2017), <http://www.doc.ri.gov/administration/planning/docs/RIDOC's%20Population%20FY1976%20-%20FY2016.pdf>.
- 22 Rhode Island Department of Corrections, *Fiscal Year 2018 Annual Population Report* (October 2018), <http://www.doc.ri.gov/administration/planning/docs/FY18%20Annual%20Population%20Report%20-%20Rev%20-%20Feb%202019.pdf>. Note: refers to fiscal years.
- 23 Note: The RIDOC community corrections population includes people on probation, parole, and home confinement.
- 24 Rhode Island Department of Corrections, *Fiscal Year 2018 Annual Population Report* (October 2018), <http://www.doc.ri.gov/administration/planning/docs/FY18%20Annual%20Population%20Report%20-%20Rev%20-%20Feb%202019.pdf>, citing the Bureau of Justice Statistics, *Probation and Parole in the United States, 2016* (April 2018), <https://www.bjs.gov/content/pub/pdf/ppus16.pdf>. Note: Refers to fiscal year.

- 25 Danielle Kaeble, *Probation and Parole in the United States, 2016* (Bureau of Justice Statistics, April 2018), <https://www.bjs.gov/content/pub/pdf/ppus16.pdf>; Danielle Kaeble, *Probation and Parole in the United States, 2015* (Bureau of Justice Statistics, December 2016), <https://www.bjs.gov/content/pub/pdf/ppus15.pdf>; U.S. Census Bureau, “Annual Estimates of the Resident Population by Sex, Age, Race, and Hispanic Origin for the United States and States,” 2016 population estimates. Note: Adult probation rates for Georgia and Michigan are not available for 2016, so this analysis uses the 2015 rates for those two states.
- 26 Danielle Kaeble, *Probation and Parole in the United States, 2016* (Bureau of Justice Statistics, April 2018), <https://www.bjs.gov/content/pub/pdf/ppus16.pdf>; U.S. Census Bureau, “Annual Estimates of the Resident Population by Sex, Age, Race, and Hispanic Origin for the United States and States,” 2016 population estimates. In this analysis, New England includes Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont.
- 27 The Council of State Governments Justice Center, *Justice Reinvestment in Rhode Island: Analysis and Policy Framework* (June 2016), https://csgjusticecenter.org/wp-content/uploads/2016/06/JusticeReinvestment_RhodeIsland.pdf.
- 28 The Council of State Governments Justice Center, *Justice Reinvestment in Rhode Island: Modernizing Supervision Practices* (December 2018), <https://csgjusticecenter.org/wp-content/uploads/2018/12/RI-JR-Summary-of-Legislation.pdf>.
- 29 Admissions reflect the number of people entering Rhode Island correction facilities in a given year, while the total correction facilities population refers to the total number of people incarcerated at a given time.
- 30 Rhode Island Department of Corrections, *Fiscal Year 2018 Annual Population Report* (October 2018), <http://www.doc.ri.gov/administration/planning/docs/FY18%20Annual%20Population%20Report%20-%20Rev%20%20Feb%202019.pdf>. Note: Refers to fiscal year.
- 31 Note: In 2017, there were 12,956 separate commitment events representing 8,117 people. In that period, 1,583 people were admitted on at least two separate occasions.
- 32 Rhode Island Department of Corrections, *Annual Commitment and Release Report, Calendar Year 2017* (2018), <http://www.doc.ri.gov/administration/planning/docs/2017%20Annual%20Commits%20and%20Release%20Report.pdf>. Note: This calculation uses 9,905 as the total awaiting trial commitments, which varies from the number reported elsewhere by RIDOC. This calculation includes male and female populations so that awaiting trial and sentenced commitments add up to the total (12,956) reported by RIDOC.
- 33 Rhode Island Department of Corrections, *Fiscal Year 2018 Annual Population Report* (October 2018), <http://www.doc.ri.gov/administration/planning/docs/FY18%20Annual%20Population%20Report%20-%20Rev%20%20Feb%202019.pdf>. Note: Refers to fiscal year.
- 34 Bureau of Justice Statistics (BJS), National Corrections Reporting Program, 2015.
- 35 Rhode Island Department of Corrections, *Annual Commitment and Release Report, CY 2007* (2008), <http://www.doc.ri.gov/administration/planning/docs/Commit-Release%20Report%20CY07%20-%20Color%20non-brochure.pdf>; Rhode Island Department of Corrections, *Annual Commitment and Release Report, Calendar Year 2017* (2018), <http://www.doc.ri.gov/administration/planning/docs/2017%20Annual%20Commits%20and%20Release%20Report.pdf>.
- 36 Lara Montecalvo, Kara Maguire, and Angela Yingling, “No Exit, No End: Probation in Rhode Island,” *Roger Williams University Law Review* 21, no. 2 (April 2016): 316-354, https://docs.rwu.edu/cgi/viewcontent.cgi?article=1591&context=rwu_LR.
- 37 The Council of State Governments Justice Center, *Justice Reinvestment in Rhode Island: Modernizing Supervision Practices* (December 2018), <https://csgjusticecenter.org/wp-content/uploads/2018/12/RI-JR-Summary-of-Legislation.pdf>.
- 38 Note: RIDOC publishes demographic and offense data breakdowns in percentages by male and female categories. In those cases, the percentages in this Blueprint are calculated by multiplying percentages by each gender’s subtotal and adding the two to obtain totals. Thus, percentages of the total population are approximations where noted.
- 39 Rhode Island Department of Corrections, *Fiscal Year 2018 Annual Population Report* (October 2018), <http://www.doc.ri.gov/administration/planning/docs/FY18%20Annual%20Population%20Report%20-%20Rev%20%20Feb%202019.pdf>.
- 40 Katie Mulvaney, “RI Supreme Court Approves Probation Sentencing Overhaul,” *Providence Journal* (June 23, 2016), <https://www.providencejournal.com/news/20160623/ri-supreme-court-approves-probation-sentencing-overhaul>.
- 41 Rhode Island Department of Corrections, *Fiscal Year 2018 Annual Population Report* (October 2018), <http://www.doc.ri.gov/administration/planning/docs/FY18%20Annual%20Population%20Report%20-%20Rev%20%20Feb%202019.pdf>.
- 42 Rhode Island Department of Corrections, *Fiscal Year 2018 Annual Population Report* (October 2018), <http://www.doc.ri.gov/administration/planning/docs/FY18%20Annual%20Population%20Report%20-%20Rev%20%20Feb%202019.pdf>; U.S. Census Bureau, QuickFacts, 2017. Note: Mean per capita income is reported in 2017 dollars.
- 43 Rhode Island Department of Corrections, *Fiscal Year 2018 Annual Population Report* (October 2018), <http://www.doc.ri.gov/administration/planning/docs/FY18%20Annual%20Population%20Report%20-%20Rev%20%20Feb%202019.pdf>. Note: A number of people are classified under offense type “other” and thus cannot be categorized under either violent or nonviolent offenses.
- 44 Rhode Island Department of Corrections, *Fiscal Year 2018 Annual Population Report* (October 2018), <http://www.doc.ri.gov/administration/planning/docs/FY18%20Annual%20Population%20Report%20-%20Rev%20%20Feb%202019.pdf>. Note: A number of people are classified under offense type “other” and thus cannot be categorized under either violent or nonviolent offenses.
- 45 BJS, National Corrections Reporting Program, 2015.
- 46 Ram Subramanian and Ruth Delaney, *Playbook for Change? States Reconsider Mandatory Sentences* (Vera Institute of Justice, February 2014), <https://www.prisonpolicy.org/scans/vera/mandatory-sentences-policy-report-v2b.pdf>; An Act Relating to Food and Drugs—Uniform Controlled Substances Act, Rhode Island S. 2253 (2012).
- 47 BJS, National Corrections Reporting Program, 2015.
- 48 Rhode Island Department of Corrections, *Fiscal Year 2018 Annual Population Report* (October 2018), <http://www.doc.ri.gov/administration/planning/docs/FY18%20Annual%20Population%20Report%20-%20Rev%20%20Feb%202019.pdf>. Note: This percentage is an approximation.
- 49 Rhode Island Department of Corrections, *CY14 Recidivism Brief* (June 2018), <http://www.doc.ri.gov/administration/planning/docs/RIDOC%20CY2014%20Recidivism%20Brief.pdf>.
- 50 Rhode Island Department of Corrections, *Fiscal Year 2018 Annual Population Report* (October 2018), <http://www.doc.ri.gov/administration/planning/docs/FY18%20Annual%20Population%20Report%20-%20Rev%20%20Feb%202019.pdf>; Rhode Island Department of Corrections, *Population Report FY2008* (2008), <http://www.doc.ri.gov/administration/planning/docs/FY08%20Population%20Report.pdf>. Note: Refers to fiscal year.
- 51 Rhode Island Department of Corrections, *Fiscal Year 2018 Annual Population Report* (October 2018), <http://www.doc.ri.gov/administration/planning/docs/FY18%20Annual%20Population%20Report%20-%20Rev%20%20Feb%202019.pdf>; Rhode Island Department of Corrections, *Population Report FY2008* (2008), <http://www.doc.ri.gov/administration/planning/docs/FY08%20Population%20Report.pdf>. Note: Less than 2 percent of the sentenced population in 2018 is missing sentencing data.

- 52 Note: These percentages are approximations.
- 53 Note: This figure includes 220 people sentenced to life and 30 people sentenced to life without parole. Of those sentenced to life, 16 are from other states or are incarcerated in Rhode Island under shared jurisdiction.
- 54 Rhode Island Department of Corrections, *Fiscal Year 2018 Annual Population Report* (October 2018), <http://www.doc.ri.gov/administration/planning/docs/FY18%20Annual%20Population%20Report%20-%20Rev%20%20Feb%202019.pdf>. Note: Less than 2 percent of the sentenced population in 2018 is missing sentencing data.
- 55 Rhode Island General Laws § 12-19-21.
- 56 American Civil Liberties Union of Rhode Island, *Rhode Island's State-to-Prison Pipeline: How "Tough-on-Crime" Lawmaking Results in Overcriminalization and Mass Incarceration* (January 2018), http://riaclu.org/images/uploads/2018_report_StatehouseToPrison_FullReport.pdf.
- 57 Rhode Island Department of Corrections, *Annual Commitment and Release Report, Calendar Year 2017* (2018), <http://www.doc.ri.gov/administration/planning/docs/2017%20Annual%20Commits%20and%20Release%20Report.pdf>; Rhode Island Department of Corrections, *Annual Commitment and Release Report, CY 2007* (2008), <http://www.doc.ri.gov/administration/planning/docs/Commit-Release%20Report%20CY07%20-%20Color%20non-brochure.pdf>.
- 58 The Council of State Governments Justice Center, *Justice Reinvestment in Rhode Island: Overview* (July 2015), <https://csgjusticecenter.org/wp-content/uploads/2015/07/RhodeIslandOverview.pdf>.
- 59 Rhode Island Department of Corrections, *Annual Commitment and Release Report, Calendar Year 2017* (2018), <http://www.doc.ri.gov/administration/planning/docs/2017%20Annual%20Commits%20and%20Release%20Report.pdf>.
- 60 Jorge Renaud, *Failure Should Not Be an Option: Grading the Parole Release Systems of All 50 States* (Prison Policy Initiative, February 2019), https://www.prisonpolicy.org/reports/grading_parole.html.
- 61 U.S. Census Bureau, "Annual Estimates of the Resident Population by Sex, Age, Race, and Hispanic Origin for the United States and States," 2017 population estimates; Rhode Island Department of Corrections, *Fiscal Year 2017 Annual Population Report* (October 2017), <http://www.doc.ri.gov/administration/planning/docs/FY17%20Annual%20Population%20Report.pdf>.
- 62 U.S. Census Bureau, "Annual Estimates of the Resident Population by Sex, Age, Race, and Hispanic Origin for the United States and States," 2017 population estimates; Rhode Island Department of Corrections, *Fiscal Year 2017 Annual Population Report* (October 2017), <http://www.doc.ri.gov/administration/planning/docs/FY17%20Annual%20Population%20Report.pdf>.
- 63 Rhode Island Department of Corrections, *Fiscal Year 2018 Annual Population Report* (October 2018), <http://www.doc.ri.gov/administration/planning/docs/FY18%20Annual%20Population%20Report%20-%20Rev%20%20Feb%202019.pdf>.
- 64 Rhode Island Department of Corrections, *Report on the Rhode Island Department of Corrections' Population FY 1976–FY 2016* (June 2017), <http://www.doc.ri.gov/administration/planning/docs/RIDOC's%20Population%20FY1976%20-%20FY2016.pdf>. Note: Refers to average across fiscal years.
- 65 Rhode Island Department of Corrections, *Population Report FY 2008* (2008), <http://www.doc.ri.gov/administration/planning/docs/FY08%20Population%20Report.pdf>; Rhode Island Department of Corrections, *Fiscal Year 2018 Annual Population Report* (October 2018), <http://www.doc.ri.gov/administration/planning/docs/FY18%20Annual%20Population%20Report%20-%20Rev%20%20Feb%202019.pdf>.
- 66 American Civil Liberties Union, *At America's Expense: The Mass Incarceration of the Elderly* (June 2012), <https://www.aclu.org/report/americas-expense-mass-incarceration-elderly?redirect=criminal-law-reform/report-americas-expense-mass-incarceration-elderly>.
- 67 BJS, National Corrections Reporting Program, 2015.
- 68 Rhode Island Department of Corrections, *Fiscal Year 2018 Annual Population Report* (October 2018), <http://www.doc.ri.gov/administration/planning/docs/FY18%20Annual%20Population%20Report%20-%20Rev%20%20Feb%202019.pdf>.
- 69 Rhode Island Department of Corrections, *Fiscal Year 2018 Annual Population Report* (October 2018), <http://www.doc.ri.gov/administration/planning/docs/FY18%20Annual%20Population%20Report%20-%20Rev%20%20Feb%202019.pdf>.
- 70 Eric Martin, "Hidden Consequences: The Impact of Incarceration on Dependent Children," *National Institute of Justice Journal* no. 278 (May 2017), <https://www.ncjrs.gov/pdffiles1/nij/250349.pdf>.
- 71 Rhode Island Department of Corrections, *Fiscal Year 2018 Annual Population Report* (October 2018), <http://www.doc.ri.gov/administration/planning/docs/FY18%20Annual%20Population%20Report%20-%20Rev%20%20Feb%202019.pdf>.
- 72 "Substance Abuse Treatment Services," *Rhode Island Department of Corrections*, http://www.doc.ri.gov/rehabilitative/health/behavioral_substance.php.
- 73 "Mental Health Services," Rhode Island Department of Corrections, http://www.doc.ri.gov/rehabilitative/health/behavioral_mental.php.
- 74 National Association of State Budget Officers, *State Expenditure Report series*, <https://www.nasbo.org/reports-data/state-expenditure-report/state-expenditure-archives>.
- 75 Rhode Island Department of Corrections, *Fiscal Year 2018 Annual Population Report* (October 2018), <http://www.doc.ri.gov/administration/planning/docs/FY18%20Annual%20Population%20Report%20-%20Rev%20%20Feb%202019.pdf>.
- 76 Rhode Island Department of Corrections, *CY14 Recidivism Brief* (June 2018), <http://www.doc.ri.gov/administration/planning/docs/RIDOC%20CY2014%20Recidivism%20Brief.pdf>.
- 77 Danielle Sered, *Accounting for Violence: How to Increase Safety and Break Our Failed Reliance on Mass Incarceration* (New York: Vera Institute of Justice, 2017), https://storage.googleapis.com/vera-web-assets/downloads/Publications/accounting-for-violence/legacy_downloads/accounting-for-violence.pdf.
- 78 Meghan Sacks and Alissa R. Ackerman, "Pretrial Detention and Guilty Pleas: If They Cannot Afford Bail They Must Be Guilty," *Criminal Justice Studies* 25, no. 3 (July 2012): 265-278, <https://doi.org/10.1080/1478601X.2012.705536>.
- 79 Evidence has shown that pretrial detention puts the defense at a disadvantage and weakens a defendant's bargaining position during plea negotiations. Evidence has also indicated that a person is more likely to plead guilty to a crime if she is detained pretrial. See Will Dobbie, Jacob Goldin, and Crystal S. Yang, "The Effects of Pretrial Detention on Conviction, Future Crime, and Employment: Evidence from Randomly Assigned Judges," *American Economic Review* 108, no. 2 (February 2018): 201-240, <https://www.aeaweb.org/articles?id=10.1257/aer.20161503>; Juleyka Lantigua-Williams, "Why Poor, Low-Level Offenders Often Plead to Worse Crimes," *The Atlantic* (July 2016), <https://www.theatlantic.com/politics/archive/2016/07/why-pretrial-jail-can-mean-pleading-to-worse-crimes/491975>.
- 80 See John Wooldredge, "Distinguishing Race Effects on Pre-Trial Release and Sentencing Decisions," *Justice Quarterly* 29, no. 1 (March 2011): 41-75, <https://doi.org/10.1080/07418825.2011.559480>; Stephen Demuth, "Racial and Ethnic Differences in Pretrial Release Decisions and Outcomes: A Comparison of Hispanic, Black, and White Felony Arrestees," *Criminology* 41, no. 3 (August 2003): 873-908, <https://doi.org/10.1111/j.1745-9125.2003.tb01007.x>; Ian Ayres and Joel Waldfogel, "A Market Test for Race Discrimination in Bail Setting," *Stanford Law Review* 46, no. 5 (May 1994): 987-992, <https://ianayres.yale.edu/sites/default/files/files/A%20Market%20Test%20for%20Race%20Discrimination%20in%20Bail%20Setting.pdf>.
- 81 Henry J. Steadman and Michelle Naples, "Assessing the Effectiveness of Jail Diversion Programs for Persons with Serious Mental Illness and

- Co-Occurring Substance Use Disorders,” *Behavioral Sciences & the Law* 23, no. 2 (March/April 2005): 163-170, <https://doi.org/10.1002/bsl.640>.
- 82 Alexander J. Cowell, Nahama Broner, and Randolph Dupont, “The Cost Effectiveness of Criminal Justice Diversion Programs for People with Serious Mental Illness Co-Occurring With Substance Abuse,” *Journal of Contemporary Criminal Justice* 20, no. 3 (August 2004): 292-315, <https://journals.sagepub.com/doi/10.1177/1043986204266892>.
- 83 Henry J. Steadman, Lisa Callahan, Pamela Clark Robbins, Roumen Vesselinov, Thomas G. McGuire, and Joseph P. Morrissey, “Criminal Justice and Behavioral Health Care Costs of Mental Health Court Participants: A Six-Year Study,” *Psychiatric Services* 65, no. 9 (September 2014): 1100-1104, <https://doi.org/10.1176/appi.ps.201300375>.
- 84 Gary A. Zarkin, Alexander J. Cowell, Katherine A. Hicks, Michael J. Mills, Steven Belenko, Laura J. Dunlap, and Vincent Keyes, “Lifetime Benefits and Costs of Diverting Substance-Abusing Offenders From State Prison,” *Crime & Delinquency* 61, no. 6 (November 2012): 829-850, <https://journals.sagepub.com/doi/abs/10.1177/001128712461904>.
- 85 Andrea Hsu and Ari Shapiro, “Rhode Island Prisons Push to Get Inmates the Best Treatment for Opioid Addiction,” NPR (November 19, 2018), <https://www.npr.org/sections/health-shots/2018/11/19/668340844/rhode-island-prisons-push-to-get-inmates-the-best-treatment-for-opioid-addiction>.
- 86 Mark S. Umbreit, Robert B. Coates, and Betty Vos, “Victim-Offender Mediation: Three Decades of Practice and Research,” *Conflict Resolution Quarterly* 22, nos. 1-2 (2004), 279-303; National Council on Crime & Delinquency, *Scaling Restorative Community Conferencing Through a Pay for Success Model: A Feasibility Assessment Report* (Oakland, CA: NCCD, 2015), https://www.nccdglobal.org/sites/default/files/publication_pdf/rj-pfs-feasibility-report.pdf.
- 87 Mark S. Umbreit, Robert B. Coates, and Betty Vos, “Victim-Offender Mediation: Three Decades of Practice and Research,” *Conflict Resolution Quarterly* 22, nos. 1-2 (2004), 279-303; National Council on Crime & Delinquency, *Scaling Restorative Community Conferencing Through a Pay for Success Model: A Feasibility Assessment Report* (Oakland, CA: NCCD, 2015), https://www.nccdglobal.org/sites/default/files/publication_pdf/rj-pfs-feasibility-report.pdf.
- 88 Caroline M. Angel, Lawrence W. Sherman, Heather Strang, Barak Ariel, Sarah Bennett, Nova Inkpen, Anne Keane, and Therese S. Richmond, “Short-Term Effects of Restorative Justice Conferences on Post-Traumatic Stress Symptoms Among Robbery and Burglary Victims: A Randomized Controlled Trial,” *Journal of Experimental Criminology* 10, no. 3 (September 2014): 291-307, <https://doi.org/10.1007/s11292-014-9200-0>.
- 89 See Jesse Jannetta, Justin Breaux, Helen Ho, and Jeremy Porter, *Examining Racial and Ethnic Disparities in Probation Revocation* (The Urban Institute, 2014), <https://www.urban.org/sites/default/files/publication/22746/413174-Examining-Racial-and-Ethnic-Disparities-in-Probation-Revocation.PDF>.
- 90 Rhode Island General Laws § 12-19-9.
- 91 Americans with Disabilities Act of 1990, Public Law 101-336, 108th Congress, 2nd session (1990).
- 92 “Data Shows Racial Profiling Increasing in Searches During Motor Vehicle Stops,” American Civil Liberties Union of Rhode Island (December 15, 2014), <http://riaclu.org/news/post/data-shows-racial-profiling-increasing-in-searches-during-motor-vehicle-sto>.
- 93 Rhode Island General Laws § 42-56-24.
- 94 B. Jaye Anno, Camelia Graham, James E. Lawrence, and Ronald Shansky, *Correctional Health Care: Addressing the Needs of Elderly, Chronically Ill, and Terminally Ill Inmates* (U.S. Department of Justice, National Institute of Corrections, 2004), <https://info.nicic.gov/nicrp/system/files/018735.pdf>.
- 95 See Travis Hirschi and Michael Gottfredson, “Age and the Explanation of Crime,” *American Journal of Sociology* 89, no. 3, 552 (November 1983), <https://www.jstor.org/stable/2779005>.
- 96 American Civil Liberties Union, *At America’s Expense: The Mass Incarceration of the Elderly* (June 2012), <https://www.aclu.org/report/americas-expense-mass-incarceration-elderly?redirect=criminal-law-reform/report-americas-expense-mass-incarceration-elderly>.
- 97 See, for example, Katherine B. Spencer, Amanda K. Charbonneau, and Jack Glaser, “Implicit Bias and Policing,” *Social and Personality Psychology Compass* 10, no. 1 (January 2016): 50–63, <https://doi.org/10.1111/spc3.12210>; Besiki Kutateladze, Vanessa Lynn, and Edward Liang, *Do Race and Ethnicity Matter in Prosecution? A Review of Empirical Studies* (New York: Vera Institute of Justice, June 2012), https://storage.googleapis.com/vera-web-assets/downloads/Publications/do-race-and-ethnicity-matter-in-prosecution-a-review-of-empirical-studies/legacy_downloads/race-and-ethnicity-in-prosecution-first-edition.pdf; Tushar Kansal, *Racial Disparity in Sentencing: A Review of the Literature*, ed. Marc Mauer (Washington, D.C.: Sentencing Project, January 2005), <https://www.opensocietyfoundations.org/sites/default/files/disparity.pdf>; see, for example, Michael Pinard, “Collateral Consequences of Criminal Convictions: Confronting Issues of Race and Dignity,” *New York University Law Review* 85, no. 2 (May 2010): 457–534; Lisa Stolzenberg, Stewart J. D’Alessio, and David Eitle, “Race and Cumulative Discrimination in the Prosecution of Criminal Defendants,” *Race and Justice* 3, no. 4 (August 2013): 275–299, <http://raj.sagepub.com/content/3/4/275.abstract>.
- 98 Marc Mauer and Nazgol Ghandnoosh, *Fewer Prisoners, Less Crime: A Tale of Three States* (Washington, D.C.: Sentencing Project, 2015), <https://sentencingproject.org/wp-content/uploads/2015/11/Fewer-Prisoners-Less-Crime-A-Tale-of-Three-States.pdf>.
- 99 Ashley Nellis, *The Color of Justice: Racial and Ethnic Disparity in State Prisons* (Washington, D.C.: Sentencing Project, 2016), <https://www.sentencingproject.org/wp-content/uploads/2016/06/The-Color-of-Justice-Racial-and-Ethnic-Disparity-in-State-Prisons.pdf>.
- 100 Doris J. James and Lauren E. Glaze, *Special Report: Mental Health Problems of Prison and Jail Inmates* (BJS, September 2006), <https://www.bjs.gov/content/pub/pdf/mhppji.pdf>; Jennifer Bronson and Marcus Berzofsky, *Special Report: Indicators of Mental Health Problems Reported by Prisoners and Jail Inmates, 2011-12* (BJS, June 2017), <https://www.bjs.gov/content/pub/pdf/imhprj1112.pdf>; Jennifer Bronson, Laura M. Maruschak, and Marcus Berzofsky, *Special Report: Disabilities Among Prison and Jail Inmates, 2011-12* (BJS, December 2015), <https://www.bjs.gov/content/pub/pdf/dpji1112.pdf>.
- 101 Doris J. James and Lauren E. Glaze, *Special Report: Mental Health Problems of Prison and Jail Inmates* (BJS, September 2006), <https://www.bjs.gov/content/pub/pdf/mhppji.pdf>; Jennifer Bronson and Marcus Berzofsky, *Special Report: Indicators of Mental Health Problems Reported by Prisoners and Jail Inmates, 2011-12* (BJS, June 2017), <https://www.bjs.gov/content/pub/pdf/imhprj1112.pdf>.
- 102 Linda A. Teplin, *Keeping the Peace: Police Discretion and Mentally Ill Persons* (National Institute of Justice Journal, July 2000): 12, <https://www.ncjrs.gov/pdffiles1/jr000244c.pdf>.
- 103 Michael Romano, *The Prevalence and Severity of Mental Illness Among California Prisoners on the Rise* (Stanford Justice Advocacy Project, 2017), <https://www-cdn.law.stanford.edu/wp-content/uploads/2017/05/Stanford-Report-FINAL.pdf>.
- 104 Michael Romano, *The Prevalence and Severity of Mental Illness Among California Prisoners on the Rise* (Stanford Justice Advocacy Project, 2017), <https://www-cdn.law.stanford.edu/wp-content/uploads/2017/05/Stanford-Report-FINAL.pdf>.
- 105 Michael Romano, *The Prevalence and Severity of Mental Illness Among California Prisoners on the Rise* (Stanford Justice Advocacy Project, 2017): 1–3, <https://www-cdn.law.stanford.edu/wp-content/uploads/2017/05/Stanford-Report-FINAL.pdf>.
- 106 Doris J. James and Lauren E. Glaze, *Special Report: Mental Health Problems of Prison and Jail Inmates* (BJS, September 2006), <https://www.bjs.gov/content/pub/pdf/mhppji.pdf>; Jennifer Bronson and

Marcus Berzofsky, *Special Report: Indicators of Mental Health Problems Reported by Prisoners and Jail Inmates, 2011-12* (BJS, June 2017), <https://www.bjs.gov/content/pub/pdf/imhprpji1112.pdf>.

107 Doris J. James and Lauren E. Glaze, *Special Report: Mental Health Problems of Prison and Jail Inmates* (BJS, September 2006), <https://www.bjs.gov/content/pub/pdf/mhppji.pdf>.

108 John Buntin, "Miami's Model for Decriminalizing Mental Illness in America," *Governing* (August 2015), <http://www.governing.com/topics/public-justice-safety/gov-miami-mental-health-jail.html>; Michael T. Compton, Roger Bakeman, Beth Broussard, Dana Hankerson-Dyson, Lethesia Husbands, Shaily Krishan, Tarianna Stewart-Hutto, Barbara M. D'Orio, Janet R. Oliva, Nancy J. Thompson, and Amy C. Watson, "The Police-Based Crisis Intervention Team (CIT) Model: II. Effects on Level of Force and Resolution, Referral, and Arrest," *Psychiatric Services* 65, no. 4 (April 2014), <https://doi.org/10.1176/appi.ps.201300108>; Michael T. Compton, Masuma Bahora, Amy C. Watson, and Janet R. Oliva, "A Comprehensive Review of Extant Research on Crisis Intervention Team (CIT) Programs," *Journal of American Academy of Psychiatry Law* 36, no. 1 (March 2008), <http://jaapl.org/content/36/1/47.long>.

109 Alexander, Michelle. *The New Jim Crow: Mass Incarceration in the Age of Colorblindness*. New York: [Jackson, Tenn.]: New Press; Distributed by Perseus Distribution, 2010. Print.

