

News Advisory

From the Rhode Island Judiciary



Superior Court rules changes address probation

March 16, 2016: The Rhode Island Judiciary announced today that it is seeking public comment on proposed changes to the Superior Court Rules of Criminal Procedure and the Superior Court Sentencing Benchmarks that address probation sentencing. The proposed rules changes are in response to recommendations arising out of the Rhode Island Justice Reinvestment Working Group convened last summer by Governor Gina Raimondo.

Supreme Court Chief Justice Paul A. Suttell applauded the Governor's efforts to bring together a wide array of stakeholders in the criminal justice system in order to better rehabilitate offenders, reduce criminal recidivism, and increase public safety. "Thanks to Governor Raimondo's initiatives and with the technical assistance of the Council of State Governments, the executive, legislative and judicial branches of government, working together, have an opportunity to achieve meaningful reform to our probation system," Suttell said.

The Superior Court this week approved rules changes that must be confirmed by the Supreme Court following a period of public comment. Among the highlights, the proposed rules changes create an entirely new process whereby probationers may petition the court for early termination of their probation. In addition, the proposed revisions establish "preponderance of the evidence" as the evidentiary standard for probation revocation hearings. The Superior Court Sentencing Benchmarks have been revised to include a new benchmark category of "probation" and provide that a term of probation should not exceed three years unless substantial and compelling circumstances exist.

Public comment must be submitted to the Clerk of the Supreme Court by April 12, 2016.

The Council of State Governments found in 2015 that 23,000 people were on probation in Rhode Island, the second highest rate in the nation. The average length of probation terms for those leaving the Adult Correctional Institutions was six years. Probation sentences outpace the resources of the Department of Corrections and caseloads are so high that no meaningful supervision to lower recidivism rates is occurring, the Council reported. As a result, failure rates are high.

In the summer of 2015, Governor Raimondo appointed a study group co-chaired by Chief Justice Suttell and retired Superior Court Associate Justice Judith C. Savage to examine ways to improve probation outcomes. Superior Court Presiding Justice Alice B. Gibney,

District Court Chief Judge Jeanne E. LaFazia and Superior Court Magistrate John J. Flynn were group members, which also included policy-makers in the legislature, public defender's office, law enforcement, corrections, probation and parole, prosecution, mental health and community organizations.

Presiding Justice Gibney appointed a working group of Superior Court judges and magistrates who reviewed the rules and presented proposed changes to the full court, a majority of whom endorsed the revisions.

In a related move, Gibney announced that she has appointed a working group to conduct a comprehensive review of the existing Superior Court Sentencing Benchmarks, which were last revised in 1998.

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