



RI LAW = "GUILTY UNTIL PROVEN INNOCENT"

BAIL ON 32

RHODE ISLAND'S RULE 32F VIOLATES DUE PROCESS

CAMPAIGN

RHODE ISLAND PROBATION FACTS

THE SMALLEST STATE HAS

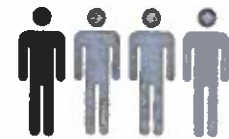
#2 HIGHEST AVERAGE PROBATION RATE IN THE USA (2018)

- 2X THE NATIONAL RATE
- 2-8X HIGHER THAN SURROUNDING STATES

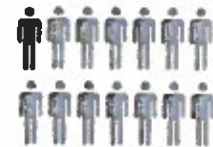
LONG PROBATION ≠ LOWER RECIDIVISM

RI'S AVERAGE PROBATION SENTENCE LENGTH IS THE **3RD** HIGHEST IN THE COUNTRY

4TH HIGHEST RECIDIVISM RATE (2022)



1 IN 4 DEFENDANTS ARE BLACK (2022)



HOWEVER, **1 IN 14** RHODE ISLAND RESIDENTS ARE BLACK

61%-66% ALLEGED PROBATION VIOLATORS DENIED BAIL BY RI JUDGES (2024)

Under Rhode Island District Court Rule 32F, you may be violated for simply "failing" to keep the peace or remain on good behavior." This means that individuals on probation face reincarceration for offenses that would normally never warrant jail time.

IN FY 2024 RIDOC REPORTED 30% OF PRETRIAL COMMITMENTS (260 PEOPLE) WERE ALLEGED PROBATION VIOLATORS COSTING YOU **\$65,461.00**



IN THE USA:



66% OF PROBATIONERS EARN LESS THAN \$20,000/YEAR

30%

OF PROBATIONERS ARE BLACK, DESPITE MAKING UP 13% OF THE GENERAL POPULATION

31

AVG. DAYS SPENT AWAITING HEARINGS, DESPITE A 10-DAY LIMIT FOR BEING HELD WITHOUT BAIL (2015)

People accused of a 32F probation violation can be held in the Adult Correctional Institution (ACI) without bail for **up to 10 days** pending a hearing.

A 2015 study found that, in practice, people are actually held for an average of **31 days** while awaiting their hearings, and that alleged probation violators are **30% of all pretrial admissions** to the ACI.

HOW DOES A 32F VIOLATION WORK?

THERE ARE TWO KINDS OF VIOLATIONS:

1. TECHNICAL

Individuals can receive a technical violation if they fail to meet a condition of their probations. For example: meeting with their PO or a negative drug screen.

2. NEW CHARGES

Individuals can also be violated for "failing to keep the peace," which includes any kind of arrest or new charge.

IF YOU ARE ON PROBATION AND RECEIVE A NEW CHARGE, THIS INITIATES A TWO PART PROCESS: ONE FOR THE NEW CHARGE, AND ONE FOR THE PROBATION VIOLATION.

In the morning after your arrest, you will be arraigned on the new charge.

You may or may not receive bail on the charge, depending on the seriousness of the offense.

The prosecutor may offer a plea at this time, potentially in exchange for dropping the violation. The prosecutor on the charge may or may not be in conversation with the prosecutor on the violation.

If you do not take a plea, the case will continue on the new charge until it is resolved.

In the afternoon, you will go to a different courtroom and see a different judge and prosecutor on the violation.

It is highly unlikely that you, your lawyer, or your probation officer will have an opportunity to weigh in on the circumstances at this preliminary hearing.

In 61% to 66% of cases, the judge denies accused probation violators bail. You will be taken to the ACI.

You will stay at intake for at least ten business days (2 weeks) before a violation hearing and an opportunity to defend yourself. This may stretch into a month or longer, depending on your lawyers availability and circumstances in the courts.

You will potentially be sentenced to more jail time at the violation hearing, regardless of the status of the new charge.

If you are later cleared on the charges, the violation can be reopened for your release.



REMEMBERING CAROL PONA



MARCH 11, 1959 – MARCH 28, 2023

In RI, it's up to judges to decide whether people who violate probation can be released on bail.

That rule keeps many people stuck in a cycle of reincarceration, including one woman who spent the last few months of her life in state custody. On March 28, 2023, 64-year-old Carol Pona passed away from cancer while being released from the ACI.

**SCAN THE QR CODE TO READ
ABOUT CAROL PONA'S STORY:**



Bill H6041 and S733 is asking the courts to give alleged probation violators BAIL on the violation if the new charge is not a "crime of violence"

SOURCES

1. Harvard Law Review. The Right to Be Free from Arbitrary Probation Detention. 2022.
2. Justice Reinvestment in Rhode Island: Analysis and Policy Framework. 2016
3. Pew Foundation. States Can Shorten Probation and Protect Public Safety. 2020.
4. Rhode Island Department of Corrections. Fiscal Year 2019 Annual Population Report. 2019.
5. Virginia Department of Corrections. State Recidivism Comparison. 2022.
6. <https://www.datapandas.org/ranking/recidivism-rates-by-state>

The Right to Be Free from Arbitrary Probation Detention

VOLUME 135 ISSUE 4 FEBRUARY 2022 SEE FULL ISSUE

DOWNLOAD

IN 2010, THE NEW YORK POLICE DEPARTMENT ARRESTED SIXTEEN-year-old Kalief Browder on suspicion of stealing a backpack. ¹ New York City jailed Browder for three years without trial on Rikers Island, where he endured abuse by guards and other inmates and spent nearly two years in solitary confinement. ² Though Browder's case was ultimately dismissed, his confinement was punishing. In 2015, Browder hanged himself. ³ Since Browder's tragic death, waves of activism pushed New York to restrict long-term solitary confinement, ban solitary entirely for anyone under the age of twenty-two, and eliminate money bail for most misdemeanors and nonviolent felonies. ⁴ But the bail reform would not have helped Browder, and little attention has been paid to why. For most of the three years, Browder was not held on money bail: he was stuck on Rikers because he was suspected of violating his probation. ⁵

When someone is charged with a crime, the government can detain them prior to conviction on proof that release would either (1) interfere with the administration of

justice or (2) pose a danger to the community. ⁶ Indeed, the Supreme Court has explained that the “fundamental nature” of a person’s “strong interest in liberty” requires that a governmental deprivation of that liberty have a “legitimate and compelling” justification that is “narrowly focuse[d]” on the purpose of the deprivation. ⁷ Likewise, when the state seeks to civilly commit someone to a mental institution, it can overcome the “constitutional right to freedom” ⁸ pursuant only to a “carefully limited” and “sharply focused” legislative scheme requiring clear and convincing proof of dangerousness due to mental illness. ⁹ For the government to deprive someone of physical liberty, it must follow fair procedures — and it must also have a legitimate and compelling reason that is narrowly focused on the purpose of the confinement.

But no substantive justification is constitutionally required to jail any of the nearly four million adults ¹⁰ on probation in this country if they are charged with a probation violation. Once a probationer is suspected of committing a new criminal offense (a “substantive violation”) or a noncriminal violation of a probation condition (a “technical violation”), their probation officer can trigger revocation proceedings. ¹¹ Though the process differs by jurisdiction, the Supreme Court has mandated two hearings: a preliminary detention hearing and a final revocation hearing. ¹² In the preliminary hearing, probationers are routinely detained until the final hearing based solely on allegations of a violation. ¹³ As a result, probationers charged with a new crime can be granted pretrial release in the criminal proceeding just to be detained in the separate probation revocation proceeding. ¹⁴ Preliminary probation detention can last for weeks or months. And in cases like Browder’s, where the probation detainer is tied to an underlying criminal charge, the incarceration can last years, even though the government never had to substantively justify the detention in the first place. ¹⁵

Though probation is often seen as a way to combat mass incarceration, in some jurisdictions most people in jail are there because they are suspected of violating probation. ¹⁶ In Philadelphia, for example, over fifty-six percent of the jail population was held on a probation detainer in September 2018. ¹⁷ And because probation is now the most common criminal sentence in the United States, the specter of probation detention hangs over the nearly four million adults living under probation supervision. ¹⁸ In the United States, “liberty is the norm” ¹⁹ — unless you are on probation. ²⁰

This Note argues that there is a substantive due process right to be free from arbitrary probation detention. ²¹ This right derives from the Fourteenth Amendment’s protection of liberty and the corresponding requirement that deprivations of fundamental rights satisfy strict scrutiny. ²² Physical liberty is undoubtedly a fundamental right, no less so when someone is serving a sentence of probation. ²³ Though the Supreme Court has explained that the liberty of a probationer is conditioned on abiding by the terms of

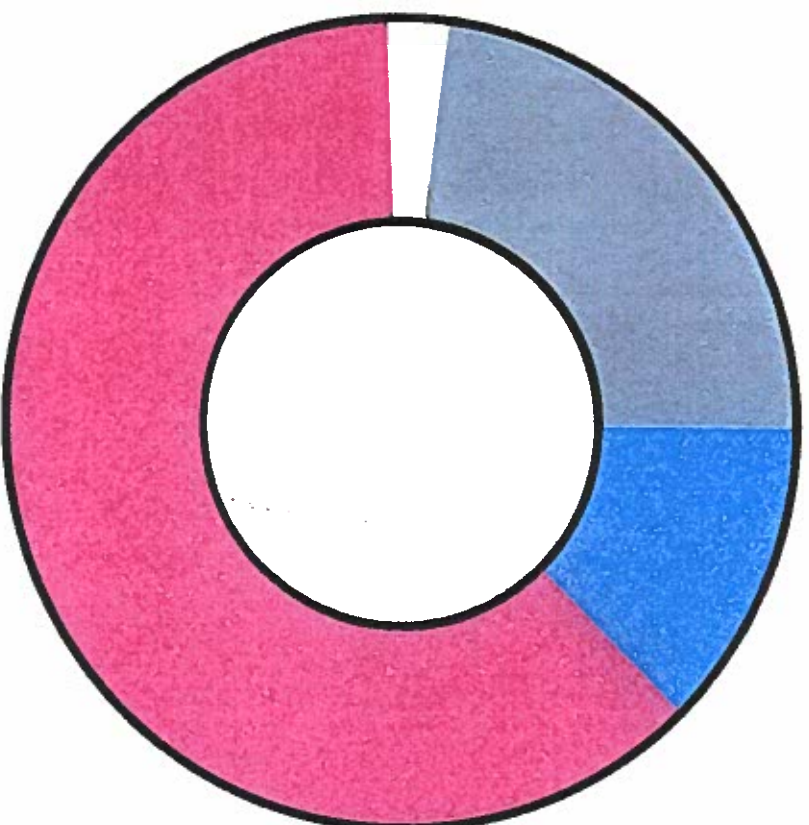
We encourage you to read the rest of the article by looking up

[The Right to Be Free from Arbitrary Probation Detention - Harvard Law Review](#)

Or going to:

<https://harvardlawreview.org/print/vol-135/the-right-to-be-free-from-arbitrary-probation-detention/#:~:text=This%20Note%20argues%20that%20there%20is%20a%20substantive,that%20a%20probationer%E2%80%99s%20liberty%20interest%20is%20not%20fundamental.>

Judge decisions [non-white] 2023-2024



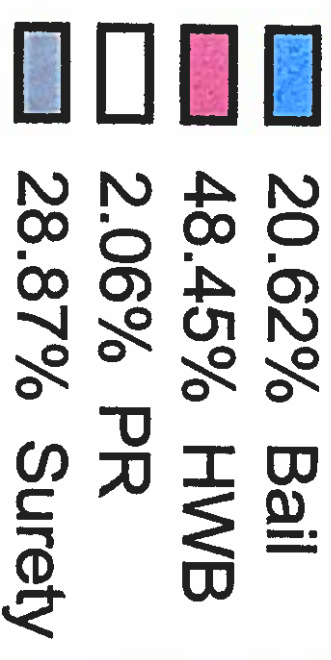
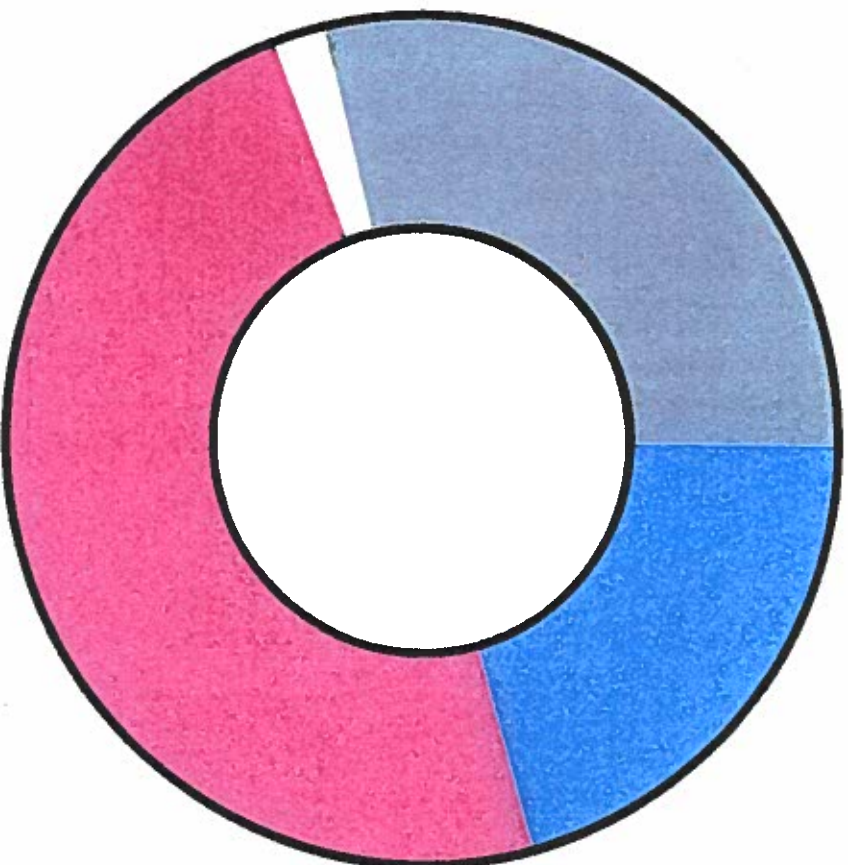
<div></div>	12.45%	Bail
<div></div>	61.90%	HWB
<div></div>	2.56%	PR
<div></div>	23.08%	Surety

HWB = Held without
Bail
PR = Personal
Recognizance

Case total=273

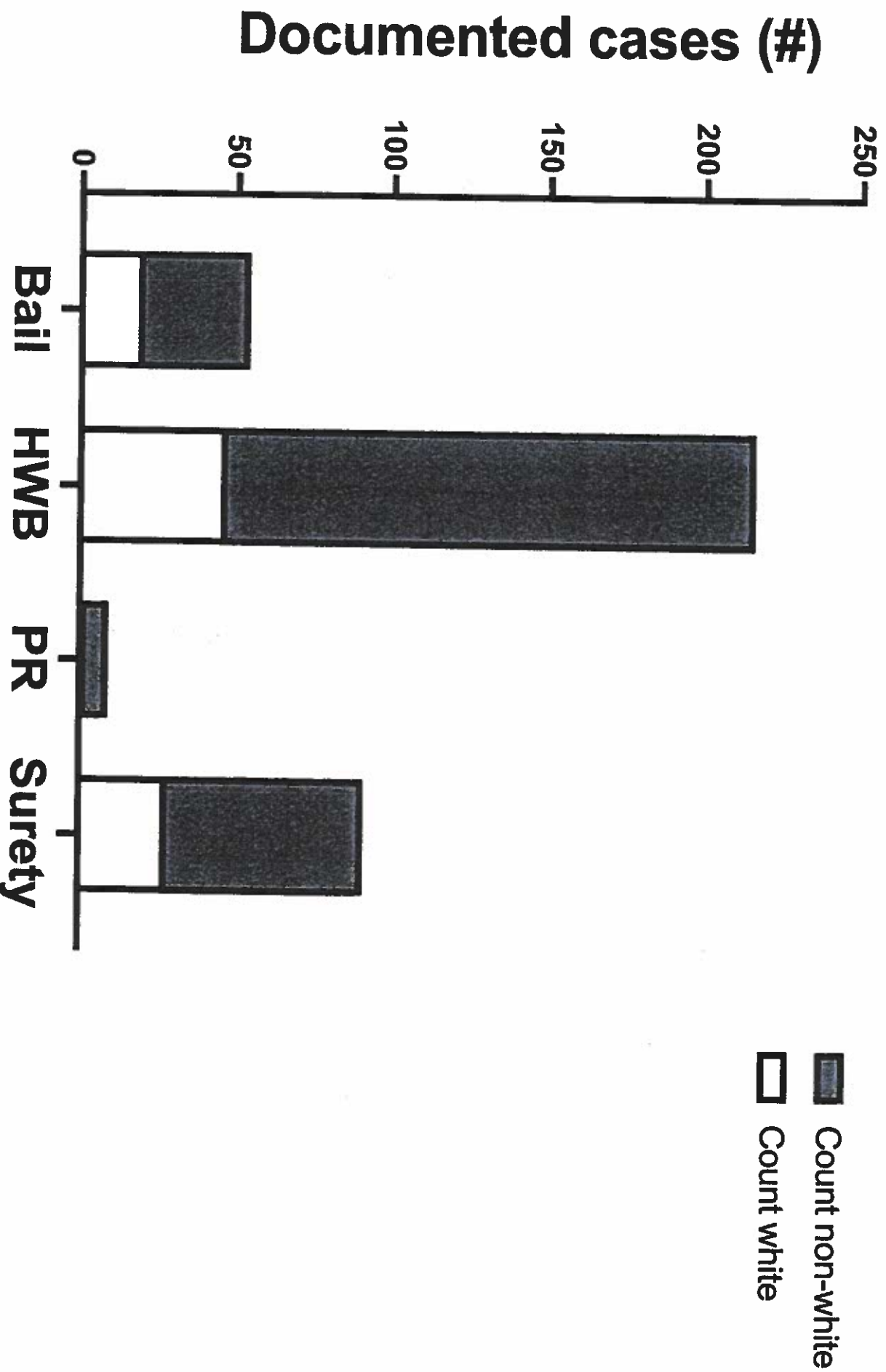
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Judge decisions [white] 2023-2024

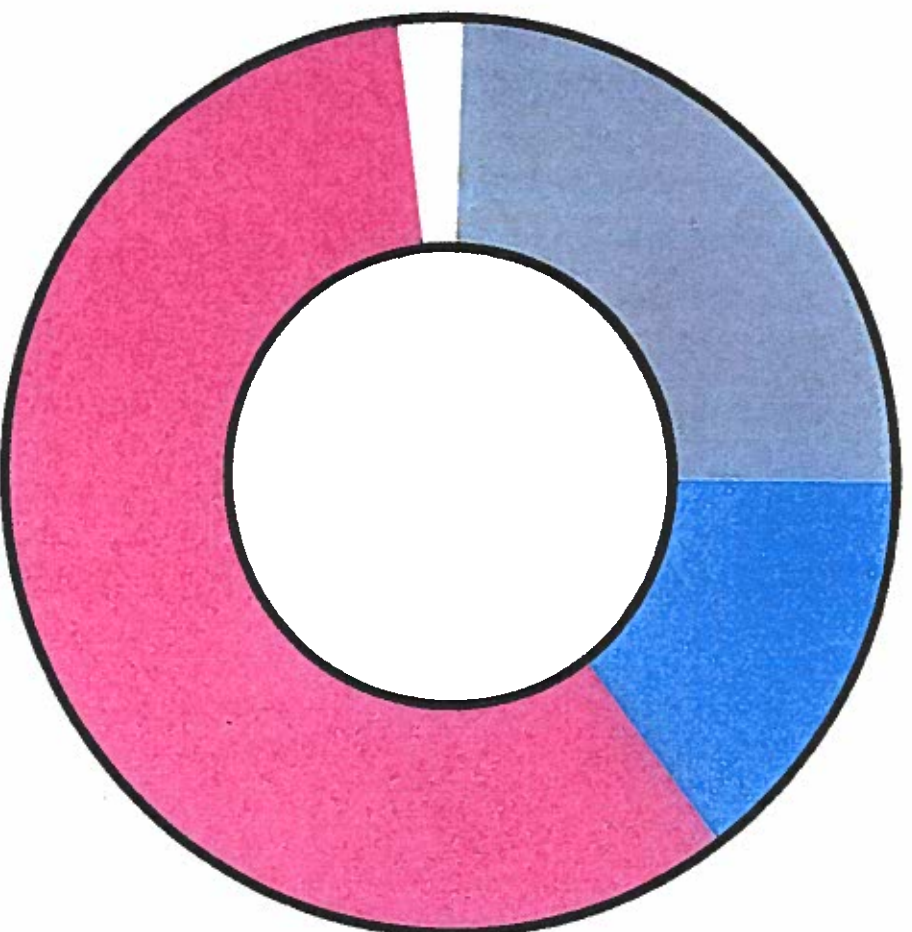


Case total=97

Judge decisions 2023-2024



Judge decisions 2023-2024



Case total=370

BAIL ON 32

We write as a coalition of Rhode Island grassroots and advocacy organizations, faith leaders, businesses, and community members in support of Bills S733 and H6041, which state that the courts shall grant bail on all probation violations pending a violation hearing except for when the new charge is a "crime of violence".

The courts champion the logic that we, the people, are innocent until proven guilty. Under Rhode Island's 32F ruling, however, the justice system continually denies people on probation their basic right to due process, violating and incarcerating individuals for "failing to keep the peace"; poorly substantiated accusations; or charges that normally would not warrant jail time. Many of these offenses are related to poverty and substance use, demonstrating the state's lack of investment in harm-reducing methods of rehabilitation and reintegration.

Our courts legally incarcerate people for up to ten business days awaiting a violation hearing, during which our community members lose employment, housing, and even custody of their children - stability that is hard won for those of us facing discrimination around conviction histories. Our system allows for violations to be cleared only after this period of incarceration, once an individual has already suffered traumatic losses.

By threatening people on probation with incarceration and no real opportunity to contest new charges or the violation, the courts coerce individuals into plea deals and extended sentences. Rhode Island has the second highest probation rate and the third longest average sentence in the country; coupled with our violation process, this means that Rhode Islanders are constantly ensnared in the prison system. Our recidivism rate - the fourth highest nationwide - reflects this. For communities already targeted by poverty and racialized policing, our system strips away the little accountability we can access within the court system.

Is relentless carceral punishment our preferred mode of peacekeeping? If not, Rhode Island is long overdue for change. Allowing Rhode Islanders to fight violations from within their communities, instead of behind bars, is one small step towards reforming our broken probation system.

We call on you to pass Bills S733 and H6041 without delay or amendment.

Signed,

Direct Action for Rights and Equality

ACLU RI

Alliance to Mobilize Our Resistance (AMOR)

Amos House

Black and Pink Providence

Center for Health and Justice Transformation

COYOTE RI

FANG Collective

George Wiley Center

Groundwork RI

Latino Policy Institute

Michael A. DiLauro, Esq., The Just Criminal Justice Group

New Urban Arts

OpenDoors RI

Project Weber/RENEW

Reentry Campus Program

RI Association for Addiction Professionals

RI Center for Justice

RI Coalition to End Homelessness

RI Interfaith Coalition to Reduce Poverty

RI Poor People's Campaign

RI State Council of Churches

RI Womxn's Action Initiative

RI Working Families Party

Showing Up For Racial Justice RI

Sisters of Mercy of the Americas Justice Team

Stop Torture RI Coalition

Substance Use Policy Education and Recovery PAC

United Way of RI

VICTA

White Coats For Black Lives, Alpert Medical School Chapter

BAIL ON 32

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Is relentless carceral punishment our preferred mode of peacekeeping? If not, Rhode Island is long overdue for change. Allowing Rhode Islanders to fight violations from within their communities, instead of behind bars, is one small step towards reforming our broken probation system.

Bills S2733 and H6041 would require the courts to grant bail on all probation violations pending a violation hearing. As Rhode Islanders, we call on you to pass Bills S2733 and H6041 without delay or amendment.

Danielle Cole	02809
Tarshire Battle	02909
Isaac Slevin	02912
Nélari Figueroa Torres	02912
Emily Dix Thomas	02908
Catherine R Van Amburgh	02903
Beatrice McGeoch	02852
Melonie Perez	02905
AJ Vincelli	02921
Lucy	02871
Rosemary Raygada	02904
Jane Congleton	02908
Ella Satish	02906
Daniel Parra	02906
Matthew Rios	02903
Jono Harrison	02903
Isis Van Putten	02906
Olivia nyberg	02906
Iman Sigman	02903
Evie Dumont	02861
Alexis	11226
Nicole Snyder	02809
Dr. Matt Perry	02907
Nia Monteiro	02906
Rebecca B Garfield	02860
Mimi Budnick	02907
Becca Bender	02909
Laura Borth	02860
Anna Bonesteel	02860
Fran Webber	02840
Olivia Krommes	02860
Jessica Minker	02909
M Feibelman	02906
Susan Chakmakian	02920
Jennifer S Lima	02852
Sara Wordell Duggan	02906
Sara Wordell Duggan	02906
Domhnall S Height	02888
Katherine Lacasse	02910
Adam D'Amico	02909
Kathryn McNamara	02860
Julie Talbutt	02909
Theo Greenblatt	02840
Rev. Duane Clinker, Pastor Mathewson	02910
Howard Voss-Altman	02906

Isabel Chin	02906
Christina Dewey	02903
Nondas Hurst Voll	02908
Em McManamy	02906
Heideh Shadravan	02886
Poe Johnson	02908
Francis Strickler	02860
Erin Nantais	02860
Adria Marchetti	02919
Sheila	02904
Libby Merrill	02914
Jamal mansarat	02860
Gabriela Villasenor	02908
Greg Abrams	02860
Billy Wirasnik	02907
Ali Steinberg	02909
Allison Trionfetti	02907
Ashley Mantanico	02909
Beka Yang	02906
Robert whittaker	02888
Vicki kearns	02888
Kevin Fitzpatrick	02909
Susan Rohwer	02908
Daniel Rodriguez	02908
Jenn Steinfeld	02908
Isabel Diaz	02908
arielle narva	02906
Jamie Uretsky	02908
ban on 32F, because it is an unfair law,	02914
Amber Kelley Collins	02879
Breanna Canning	02905
Janelle Haire	02905
Dally Dixon	02908
Christian Torre	02906
Kristine Alach	02906
Judith Burr	02816
Harriet Low	02809
Emily Thomas	02908
Nicholas Cooper	02907
Allyson Trull	19119
Jaeyon Jo	02909
Jim Kingston	02906
Sim Fournier	02906
Ashlee Dennis	02907

Anne-Marie Wolfe	02906
Alan Vukas	02818
Jesus Ramos	02909
Elizabeth Mellen	02909
Maya Malik	02908
Regina DeAngelo	02813
Rachel Burgos	02907
Bartolo Roig	02906
Melanie Patterson	02906
Erin Nantais	02906
Cynthia Lucas	02910
VINCENT LUCAS (3rd)	02910
Jesse Capece	02865
Latoya Walmaley	02904
Jim Kingston	02906
Sage Morgan-Hubbard	02905
Lance Eaton	02905
Rebecca Shays	02906
Alyssa Quito	02878
Latoya	02904
Elizabeth Meyer	02909
Ariadna Lozano	02864
Norah Levinson	02906
Willow Giannotti	02903
Kaitlyn Amaral	02893
Melanie Patterson	02907
Ellen Zahniser	02907
Julia Sanches	02907
Becca Bender	02909
Leonard Jefferson	02809-1366
Gregory Greco	02916
Jackie Kennedy-Scholl	02807
Tyrone Scholl	02907
Carmen Gonzalez	02861
Brashani Reece	02141
Anusha Alles	02908
Angelique Lehman	02809
Scott Evans	02911
Meko Lincoln	02907
Sofia Sacerdote	02906
Eli	02909
Joann Manning	02904
MJ Robinson	02908
Penina	02908

Hanna Exel	02908
Coco Wolfgang	02908
Jenn Steinfeld	02908
Lauren Faria	02915
Erin White	02908
Terrell Jefferson	15216
Chelsea Mangold	02908
Nat Brennan	02908
Alijah Case	02860
Tom Beresford	02906
William Iederer	02915
Hilary Wang	02709
Pam Montes	02907
MG	02852
Zachary Weindel	02905
Jeffrey Yoo Warren	02903
Killa Munoz	02908
Sydney Pellegrino	02814
an talatinian	02909
Rachel Perry	02903
Xava De Cordova	02889
Alison Yoder	02904
Emma Kahn	02906
Nicholas Englehart	02888
Jai Chavis	02906
Laurel Leake	02906
Sophia Brooks-Randall	02906
Isabel Irizarry	02903
Patrick	02889
Mikaela Thiboutot	02916
Patch Tseng-Puterman	02908
Jessica Mahan	02906
Alex West	02906
Kristina Lembesis	02860
Allison Horrocks	02865
Maxime Pitchon	02909
Jesse Barrett	02908
Sarah Kinnane	02860
Catherine Van Amburgh	02919
Mary Evans	02909
Matthew Derby	02860



DIRECT ACTION FOR RIGHTS AND EQUALITY

MEETING TYPE:

Signatures for 32 F Petition

DATE:

PRINT NAME/ Nombré	ADDRESS/CITY/STATE/ZIP	Phone/TELEPHONO	EMAIL Correo Electronico	I AM ALREADY A MEMBER	I WANT TO BECOME A MEMBER	I WOULD LIKE A NEWSLETTER - BY MAIL OR EMAIL
Conina SAN	118 Mohawk Ave Wanawick, RI 02880	774-581-5794	csanmed@gmail.com			
Tommy D. Dunder	17 Suncoast Circle Pawtucket, RI	401-619-8888				
Candlyn Clarke	24 Suncoast Highway Pawtucket, RI	401-261-4472				
Robert R. Kim	28 Day St Pawtucket, RI	346-260-1340 401-346-2603				
Dan Clark	20 Federal St Pawtucket, RI	815-909-5005	jjclarksclark@gmail.com			<input checked="" type="checkbox"/>
Kayla Silva	20 Federal Street Pawtucket, RI	401-398-9474	kaylasilva@gmail.com			<input checked="" type="checkbox"/>
Israel W. Hightower	296 Sayles St Pawtucket, RI	401-542-9882				
Ray G. Geronzi	1029 Plainfield St Pawtucket, RI	401-338-3813				
Tanisha Prank	Fales St Central, RI	401-436-7622				
William Moreno	23 De Soto St Providence, RI	401-332-0107				<input checked="" type="checkbox"/>

Bail On 32 Sign On

Name	Email	Zip Code	Phone # if you would like to get involved with campaign	Are you on Probation?	Comments on our Probation System
JESSINA LEONARD	JESSINA.LEONARD@GMAIL.COM	02906		no	
Lenny Farnholt	lenny.farnholt@gmail.com	02909	804 426 7889	no	
Alistair Liptak	helloalstair@protonmail.com	02871	401.924.2359	NO	
Jessica Minter	jessicaminter@gmail.com	02909		no	
Ian Lyle	ian.lyle.ct@gmail.com	02909			
Nika Ficano	nikaficano@gmail.com	02909		no	
ellen tuzzolo	ellen.tuzzolo@gmail.com	02905	519 593 7044	NO	it's horrific
Phoe Mackessy	phoe.f.folun@gmail.com	02903	409 438 5705	no	
Yirada Escalto	escaltoyirada@gmail.com	02904	347-598 1763	NO	NO
Keyira Taylor	Taylorkeyira@yahoo.com	02401	401-479 9952	NO	NO
Chandelle Wilson	wilson.chandelle@gmail.com	02907	401 545 1935	NO	it's not working the way it should be
KABaxter		02911		NO	NOT FAIR
Helen Dukes	helenedukes@gmail.com	02906	401-935 9735	NO	" "
LUCAS		02901	401 311-113	NO	
Troy Hoffert	troyhoffert@gmail.com	02905	585 3720	NO	
John Carter					
Pete Carrillo	Brennerbarto@gmail.com	0289		NO	
Brennerbarto	Brennerbarto@gmail.com				
Wesley Dufko	Wesley Dufko@gmail.com				
Kevin Conlan	Kevin Conlan@gmail.com	02907		NO	
William Dyer	NO	02803	"	"	
Cefun My	Cefun My@gmail.com	02806	401 516-0838	NO	
Kevin Conlan	Kevin Conlan@gmail.com	02907	401-339 347	NO.	

④

Bail On 32 Sign On

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