



RHODE ISLAND PAROLE BOARD

GUIDELINES 2023

Board Members

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Bonita Cade PhD., JD

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**Rhode Island Parole Board
GUIDELINES**

TABLE OF CONTENTS

1.1 PURPOSE	3
1.2 STATUTORY AUTHORITY	3
1.3 DEFINITIONS	3-4
1.4 PROCEDURES	4-6
A. Submission of Materials	
B. Parole Plans	
C. Waivers/Continuances	
D. Reconsideration - Timing	
E. Pending Charges	
1.5 COMPONENTS OF THE PAROLE STANDARDS	6-10
A. Discipline	
B. Risk Assessment	
C. Aggravating Factors	
D. Mitigating Factors	
E. Sexual Offenses	
F. Special Parole Considerations for Persons Convicted as Juveniles	
G. Review of Standards/Guidelines	
1.6 VICTIMS OF CRIME.....	10
1.7 RECORDING OF HEARINGS.....	10
1.8 OUT-OF-STATE INMATES.....	11
1.9 REVOCATION OF PAROLE.....	11
1.10 ACTIONS BY CHAIR	12
1.11 PUBLIC RECORDS.....	12
1.12 COMMUNITY SUPERVISION FOR CHILD MOLESTATION OFFENSES.....	12-13
1.13 PAROLE COMPLIANCE CREDITS.....	14
1.14 EARLY TERMINATION OF PAROLE SUPERVISION.....	14-16

Rhode Island Parole Board GUIDELINES

1.1 PURPOSE

- A. The mission of the Rhode Island Parole Board is to enhance public safety, contribute to the prudent use of public resources and consider the safe and successful re-entry of offenders through discretionary parole.
- B. The purpose of this document is to adopt standards to be used by the Board in evaluating individual applications for parole and to establish, within the range of parole eligibility set by statute, the portion of a sentence which should be served depending on the likelihood of recidivism as determined by a validated risk assessment and the Board's independent case analysis and shall serve as guidelines for the Board in making individual parole determinations.
- C. The board shall consider the applicable standard before rendering a decision on a parole application, and may make a determination at variance with that standard only upon a finding that the determination is warranted by individualized factors, such as the character, criminal history, and attitudes of the applicant that bear on the likelihood to reoffend, the conduct of the applicant while incarcerated, including meaningful participation in a risk-reducing program and substantial compliance with the rules of the institution, and risk reducing behavior and the criteria set forth in R.I. Gen. Laws § 13-8-14.
- D. In each case where the Parole Board grants an application prior to the time set by the applicable standard or denies an application on or after the time set by that standard, the Board will set forth in writing the rationale for its determination.

1.2 STATUTORY AUTHORITY

These guidelines are promulgated pursuant to R.I. General Laws § 13-8-14.1.

1.3 DEFINITIONS

As used herein:

- A. "Department of Corrections", "RIDOC", or "DOC" means the Rhode Island Department of Corrections.
- B. "Dynamic factors" means factors that may change over time, and which reflect characteristics the offender has demonstrated since being incarcerated such as age, education level, custody assignment, prior disciplinary conduct in the prior 24 months.
- C. "LSI-R" means the Level Service Needs Inventory (Revised). "LS/CMI" means Level of Service/Case Management Inventory. Case management and assessments that measures the risk and need factors of late adolescent and adult offenders.

Rhode Island Parole Board GUIDELINES

- D. "Rhode Island Parole Board", "Parole Board", or "Board" means the Rhode Island Parole Board.
- E. "Risk-reducing program" means a program that adheres to those elements that are shown in research to reduce recidivism.
- F. "Security Risk Group" or "SRG", as identified and defined by the Department of Corrections, means a member of a Security Risk Group (SRG) because of the nature of the crime(s), associations, institutional records, notoriety, knowledge and/or backgrounds or an exceptionally high level of media attention.
- G. "Static factors" means those factors that do not change over time such as criminal history, the sentenced/commitment offense, prior felony convictions, history of violent or assaultive convictions, status on probation or parole at the time of admission to the Adult Correctional Institutions.
- H. "Street time" means the time between the release of the prisoner under the parole permit and the prisoner's return to the adult correctional institutions or the women's division of the adult correctional institutions under order of the Board.
- I. "Victim" is one who has sustained personal injury or loss of property directly attributable to the criminal conduct for which the inmate has been incarcerated.

1.4 PROCEDURES

A. Submission of Materials – Timing

All submissions to the Parole Board by an inmate or on behalf of an inmate from a person or party outside of the Department of Corrections, including submissions by attorneys, must be in writing and must be received by the Parole Board Office prior to the first day of the month of the inmate's scheduled parole hearing. The Board will be under no obligation to consider any material not submitted within the timeframe under this section.

Materials and documents submitted to the Board shall include the full name and contact information of the person making the submission, as well as a reference to the inmate's name; and may be mailed or faxed to:

**RHODE ISLAND PAROLE BOARD
40 Howard Avenue
Cranston, RI 02920
FAX (401) 462-0915**

Rhode Island Parole Board GUIDELINES

B. Parole Plans

All parole plans should include an updated job offer, which must be notarized, or on official company stationery; a residence letter, which shall contain the address and phone number of the residence with a brief statement by the occupant/ property owner indicating a willingness to have the parole candidate reside at that location; and, any or all, supportive letters and certificates of program completion.

C. Waivers/Continuances

An inmate may continue or waive their right to be considered at an Initial Parole Hearing (i.e. the first parole hearing eligibility date as calculated by the Department of Corrections), and may also continue a scheduled Reconsideration Hearing, and must do so in writing at least two months prior to the scheduled hearing, and on a waiver form provided by the Department of Corrections. This timing requirement is due to statutory notifications that must be made by the Board prior to hearing. Reconsideration hearings are discretionary and set by the Parole Board and requests to continue such hearings will be subject to approval by the Board, which may adjust a continuance date based on scheduling needs.

D. Reconsideration – Timing

1. If the Board votes to deny parole, the Board, in its discretion, may deny parole without further reconsideration or the Board may afford an inmate another opportunity, at a reasonable interval, to present evidence of changes in the factors previously used in the formation of the Board's decision. If a majority of the Board sitting as a subcommittee cannot agree on setting a reconsideration hearing or on denying parole without reconsideration, the vote shall default to reconsideration and the Chairperson shall be authorized to schedule a reconsideration hearing at an interval proportionate to the time remaining on the inmate's sentence. In cases where reconsideration is set, the interval time for reconsideration shall not exceed six (6) years.
2. This provision on reconsideration hearings shall operate prospectively and not retroactively to any matter adjudicated by the Board prior to December 5, 2015.
3. Notwithstanding the above, in all cases where the inmate was a youthful offender at the time of the offense for which s/he is serving, if the Board denies the inmate's initial application for parole, and if the Board in its discretion also votes to reconsider the inmate for parole release at a future date, then the timeframe for said reconsideration shall not exceed three (3) years. As used in this section, youthful offender is defined as a person who was twenty-two (22) years of age or younger at the time the offense was committed.

Rhode Island Parole Board GUIDELINES

4. The Board may for good cause, stated on the record, adjust any of the timeframes under this section.

E. Pending Charges – Continuation

In order to protect an accused's right against self-incrimination and to allow the Parole Board to fairly consider all information concerning an inmate, the parole consideration hearing for any inmate who has a pending criminal charge(s) may be continued until disposition of the charge(s) is completed.

1.5 COMPONENTS OF THE PAROLE STANDARDS

A. Discipline

Substantial observance of the rules of the institution.

1. The Parole Board will view negatively any significant institutional disciplinary record and generally will not parole an inmate unless he or she has had no infractions in the prior six (6) months. The Board may, for any inmate who is in disciplinary confinement at the time of their scheduled parole consideration hearing, continue said hearing for a minimum of three (3) months following the inmate's scheduled release from disciplinary confinement.

B. Risk Assessment

1. The Rhode Island Parole Board has adopted an automated, validated risk assessment instrument as per R.I. Gen. Laws § 13-8-14.1(a). The risk assessment score is not presumptive to parole release or denial but is one factor considered by the Board.
2. The risk assessment instrument takes into consideration static and dynamic factors. The following matrix, adopted by the Board in December 2016, balances the offense severity and risk assessed.
3. The Parole Board will also refer to an inmate's LS/CMI or LSI-R needs assessment, when available, to assist with condition setting or program referral.

Rhode Island Parole Board GUIDELINES

Parole Risk Assessment Matrix

Offense Severity	Risk Level		
	High Risk	Moderate Risk	Low Risk
Highest	5	4	4
High	5	4	3
Moderate	4	3	2
Low/Moderate	4	3	1
Low	3	2	1

1 – Parole recommended.

2 – Parole recommended at next hearing unless significant aggravating factors exist.

3 – Parole recommended unless significant aggravating factors exist, provided appropriate parole plan in place. Require appropriate programming in community for moderate or high-risk cases. Consider LSI-R or LS/CMI scores).

4 – Not recommended for parole unless significant mitigations factors present, absence of significant aggravating factors. If granted parole, appropriate programming in community for moderate and high-risk cases (consider LSI-R or LS/CMI scores). Higher supervision in the community should be considered.

5 – Not recommended for parole – focus on risk reduction programming (consider LSI-R or LS/CMI scores).

NOTE: The parole risk assessment does not measure risk for sexual recidivism and the Parole Board may rely on risk assessment by the Sexual Offender Board of Review or validated sex offender risk assessment tools prepared for the Board in applicable cases.

Rhode Island Parole Board GUIDELINES

C. Aggravating Factors

In addition to an offender's risk assessment score, the Parole Board may consider any other factor that detracts from serious parole release consideration, including but not limited to

1. Negative institutional conduct/behavior.
2. The failure to complete or early termination from required or recommended programming.
3. Failure or termination from in a Work Release Program.
4. Nature of the offense as it relates to the parole candidate's motivation for committing the offense, their role in the offense, level of violence used, the amount of loss and/or injury to the victim, and the degree of sophistication evidenced in the offense.
5. Unfavorable re-entry preparation or plan.
6. Pattern of parole supervision failure.
7. Special concerns of the victim(s) or community.
8. Status in a Security Risk Group as it impacts the re-entry plan.
9. Escape
10. Sexual predatory activities
11. Any other factor determined by the Parole Board in its discretion that detracts from serious parole release consideration.

D. Mitigating Factors

In addition to an offender's risk assessment score, the Parole Board may consider any other factor that enhances serious parole release consideration, including but not limited to:

1. Appropriate participation and success in Work Release Program where available.
2. Completion of required or recommended programming.
3. Favorable and realistic re-entry plan.
4. Strong community support.

Rhode Island Parole Board GUIDELINES

5. Within 12 months of Sentence Completion Date.
 6. Any other factor determined by the Parole Board in its discretion that enhances serious parole release consideration
- E. Sexual Offenses
1. An inmate sentenced for sexual offense(s) will not generally be seriously considered for parole until they have successfully taken part in the sex offender treatment program (SOTP) while serving their sentence. In considering such cases, the Board may also consider the recommendation of the SOTP when evaluating an inmate for potential release on parole. The Board should also consider, when available, the inmate's risk for sexual recidivism level as assessed and assigned by the Rhode Island Sex Offender Board of Review (RI SOBR).
 2. All inmates sentenced to a life sentence(s), or for crime(s) involving death or sexual assault or molestation, or other cases designated by the Board shall be required to cooperate with the parole board designated licensed mental health professional or psychiatrist/psychologist who may be asked to complete a comprehensive examination or assessment to determine if the inmate is at high risk to reoffend or to offer a mental health assessment. The Board may consider recommended conditions for release and post-release counseling as per this or other evaluations/assessments.
- F. Special Parole Considerations for Persons Convicted as Juveniles
1. When a person who is serving a sentence imposed as the result of an offense or offenses committed when he or she was less than eighteen years of age becomes eligible for parole pursuant to applicable provisions of law, the Parole Board shall ensure that the procedures governing its consideration of the person's application for parole make certain that he or she is provided a meaningful opportunity to obtain release and shall adopt rules and guidelines to do so that are consistent with existing case law.
 2. During a parole hearing involving a person described in subsection (1) of this section, in addition to other factors required by law or under these Guidelines to be considered by the Parole Board, the Board shall also take into consideration the diminished culpability of juveniles as compared to that of adults, the hallmark features of youth and any subsequent growth and increased maturity of the prisoner during incarceration. The board shall also consider the following:
 - a. A review of educational and court documents;
 - b. Participation in available rehabilitative and educational programs while in prison;
 - c. Age at the time of the offense;

Rhode Island Parole Board GUIDELINES

- d. Immaturity at the time of the offense;
- e. Home and community environment at the time of the offense;
- f. Efforts made toward rehabilitation;
- g. Evidence of remorse; and
- h. Any other factors or circumstances the Board considers relevant

G. Review of Standards/Guidelines

Each calendar year in May, the Parole Board shall hold an annual public meeting to review and update these Standards and Guidelines. (see RIGL 11-8-14.1)

1.6 VICTIMS OF CRIME

- A. To ensure that victims of crime who meet with the Parole Board feel free to express their opinions and feelings about an inmate's application for parole and possible release from prison without concern about possible retribution (from the inmate or any other party) or invasion of their privacy
 - 1. Victims who request a meeting with the Parole Board may meet with the Board privately.
 - 2. The Parole Board will not inform inmates that victims met with the Board, without consent from victims.
 - 3. Media coverage may be present only with the consent of the victim(s)
 - 4. In homicide cases or death-resulting cases, a member of the immediate family of the deceased victim shall be afforded the right created by this section. Where the victim is a minor, the victim's parent and/or legal guardian, shall have the right created by this section their right of providing victim impact under these Guidelines.
- B. § 1.6 of this Part is intended to comply with R.I. Gen. Laws § 12-28-2 (Victim's Rights), which requires that all crime victims be treated with dignity, respect and sensitivity in all phases of the process. § 1.6 of this Part is consistent with R.I. Gen. Laws Chapter 42-46, which recognizes as a legitimate exception any discussions of the physical or mental health of a person or persons.

1.7 RECORDING OF HEARINGS

The Rhode Island Parole Board shall make all efforts to audio-record inmate hearings and records of such hearings shall be maintained by the Board Administrator for a period of three (3) years and shall not be deemed a public record.

Rhode Island Parole Board GUIDELINES

1.8 OUT-OF-STATE INMATES

Inmates voluntarily serving out of state who are eligible for parole consideration by the Board will be considered *in absentia*, unless they request tele-conferencing or videoconferencing (if available), subject to the discretion of the Parole Board. Per Rhode Island law, as amended from time to time, eligible inmates who have been involuntarily transferred out of state may apply to the Rhode Island Department of Corrections for a return to Rhode Island for their scheduled Board hearing as provided under applicable Rhode Island law.

1.9 VIOLATIONS/REVOCAION OF PAROLE

- A. The Parole Board considers any violation of the conditions of parole to be a very serious matter. After parole revocation as per R.I. Gen. Laws §13-8-18, it will be solely within the discretion of the Parole Board to determine whether the inmate will be reconsidered for parole release during the same sentence and, if so, the length of time the inmate will serve before any such reconsideration.
- B. Per R.I. Gen. Laws 13-8-19, the Parole Board may choose to credit or revoke all or part of the time while released under the permit from the original sentence (“street time”), taking into consideration the seriousness of the violation that prompted revocation. If a parolee is returned to the Adult Correctional Institution on a new criminal charge/sentence the Board may have discretion to revoke up to all of the parolee’s street time while under parole supervision. If a parolee is returned to the Adult Correctional Institution for technical violation(s) of parole not amounting to a new criminal charge(s), the Board may have discretion to revoke up to half of the parolee’s street time while under parole supervision, and, in both instances, may take into consideration any history of violations while under parole supervision. The Board may make a decision outside of this guideline when justice so requires provided the Board sets forth in writing the rationale for its determination.
- C. **Expedited Parole Revocation Procedure:** Consistent with R.I. Gen. Laws 13-8-18.1 (k), the Parole Board may utilize an expedited revocation procedure for parole violations not involving new criminal offenses, where there is no dispute as to the charged violation, and the parolee charged with such violation freely admits to the violation and accepts the appropriate sanction imposed. The Chairperson may act for the Board between meetings on all such agreed-upon expedited revocations subject to ratification by the Board as per Section 1.10.

1.10 ACTIONS BY CHAIR

The Chairperson of the Rhode Island Parole Board is authorized to act for the Board between scheduled meetings in rescinding warrants, administratively approving discharge plans ordered by the Board, adjusting the timeframe set for reconsideration

Rhode Island Parole Board GUIDELINES

hearings in the interests of justice and consistent with these Guidelines, amending parole permits and other matters related to the supervision of parolees or any other administrative matter that may require action between meetings and that do not involve the official act of granting or revoking parole not otherwise allowed by statute or these guidelines. Any such actions are subject to ratification by the Board or a subcommittee thereof at a scheduled meeting.

Actions required between meetings, including approval of a parole detention warrant issued under R.I. Gen. Laws 13-8-18 for alleged violations of parole, may be approved by the chairperson or, in the absence or conflict of the chairperson, by any other duly appointed member of the Parole Board.

1.11 PUBLIC RECORDS

It is the policy of the Parole Board not to release any information obtained from documents or records, which are not deemed to be public records pursuant to the provisions of R.I. Gen. Laws § 38-2-2 *et. seq.* Parole Board records relating to an individual inmate or victim are exempt from public disclosure.

1.12 COMMUNITY SUPERVISION FOR CHILD MOLESTATION OFFENSES

- A. In accordance with Title 13, chapter 8 of the Rhode Island General Laws of 1956, as amended, a person convicted of first-degree child molestation pursuant to §11-37-8.1 or second-degree child molestation pursuant to §11-37-8.3 shall be subject to Community Supervision upon the person's completion of any prison sentence, suspended sentence, and/or probationary term imposed as a result of that conviction. Said person under community supervision shall be under the jurisdiction, supervision, and control of the Rhode Island Parole Board in the same manner as a person under parole supervision.
- B. The Parole Board is authorized on an individual basis to establish any conditions of community supervision that may be necessary to ensure public safety as well as to promote the rehabilitation of the person, including requirements to:
 - 1. Observe the laws of the State Rhode Island and of the United States and of every jurisdiction where the offender may be. Keep the peace and be of good behavior.
 - 2. Not leave the State of Rhode Island without the written permission of your parole officer.
 - 3. Reply promptly to any communication from the Probation & Parole division or any authorized representative of the Parole Board.
 - 4. Carry out all instructions of your parole officer, report as directed and permit him/her to visit your residence and place of employment whenever he/she

Rhode Island Parole Board GUIDELINES

deems such visits necessary.

5. Immediately inform your parole officer if you are arrested or charged with any criminal offense.
 6. Not own or possess firearms or weapons of any description.
 7. Not contact minors unless expressly approved by your parole officer.
 8. Comply with all sex offender registration requirements as provided by law.
 9. Engaged in sex offender specific counseling with a recognized treatment provider in the field and compliance with all conditions thereof.
- C. The initial terms and conditions of community supervision, as above, may be revised, altered, and amended by the Parole Board at any time and could include additional conditions, including but not limited to Global Positioning System (GPS), sex offender registration, counseling or other condition(s) that may be necessary to ensure public safety as well as to promote the rehabilitation of the person.
- D. Violations of community supervision constitute a misdemeanor offense under R.I. General Laws 13-8-33 which provides: “[a]ny person who violates a condition of community supervision shall be guilty of a separate offense and, upon conviction, shall be sentenced to no more than one year in prison; provided, if the violation also constitutes a criminal offense the term of imprisonment shall be consecutive to any sentence received for the commission of the new offense.”
- E. Violations of community supervision may be submitted by the Department of Corrections to the Rhode Island State Police for action; except that violations of community supervision not involving a new criminal offense or offenses, where there is no dispute as to the charged violation, and the person charged with such violation freely admits to the violation and accepts the appropriate sanction imposed, may be submitted to the Parole Board and addressed in expedited manner (consistent with Section 1.9 and 1.10 above) with intermediate sanctions including modification of the terms and conditions of community supervision going forward. Decisions by the chairperson on such expedited violations of community supervision shall be subject to ratification by the Board as per Section 1.10.

1.13 PAROLE COMPLIANCE CREDITS

- A. As used in this section, and unless otherwise provided by law, the following words shall, unless the context clearly requires otherwise, have the following meanings:

Rhode Island Parole Board GUIDELINES

1. "Compliance," the absence of a finding by a parole officer or the parole board of a violation of the terms or conditions of a permit or conditions of parole supervision set by the Rhode Island parole board.
 2. "Compliance credits," credits that an eligible parolee earns through compliance with parole board-ordered conditions of parole supervision; provided, however, that the credits shall operate to reduce the length of parole supervision.
 3. "Eligible parolee," any offender who is currently serving a term of post-incarceration parole supervision except any such person serving a sentence of a violation of R.I. Gen. Laws § 11-5-1 (where the specified felony is murder or sexual assault), § 11-23-1 (murder), § 11-26-1.4 (kidnapping of a minor), § 11-37-2 (first-degree sexual assault), § 11-37-8.1 (first-degree child molestation), or § 11-37-8.3 (second-degree sexual assault).
- B. As provided in General Laws § 13-8-11, on the first day of each calendar month after July 1, 2021, an eligible parolee shall earn five (5) days of compliance credits if the eligible parolee served on parole without any documented behavior that could constitute a violation of the terms and conditions of parole for the prior calendar month. Any compliance credits so granted and not rescinded pursuant to guidelines set forth by the parole board shall reduce the period of time that a parolee is subject to the jurisdiction of the parole board under §13-8-9.
- C. Compliance credits shall not be awarded and shall be suspended while a warrant is pending for an alleged violation of parole. The parole board may rescind any award of compliance credits upon a revocation of parole.
- D. Per R.I. General Law 13-8-11(e), the award or rescission of credits by the parole board shall not be the subject of judicial review and shall not alter the ability of the parole board to revoke parole.
- E. The department of corrections shall keep a record of eligible parolee's sentence, including the person's end of supervision date based on earned credits for compliance with the terms and conditions of parole.

1.14 EARLY TERMINATION OF PAROLE SUPERVISION

These guidelines for the early termination of parole supervision effectuate the purpose of RI General Laws § 13-8-35, "to provide a mechanism for eliminating supervision on parole, in deserving cases, consistent with the rehabilitative and reentry needs of the parolee and the promotion of public safety." See R.I. General Laws § 13-8-35

- A. Upon its own motion or upon request of a parolee the parole board may terminate supervision of an eligible parolee before the sentence expires:

Rhode Island Parole Board GUIDELINES

1. Seven (7) years after releasing a person on supervision, and at least annually thereafter, the parole board shall review the status of the parolee to determine the need for continued supervision. The parole board shall also conduct a status review whenever the supervision officer recommends early termination of the parolee's supervision. Parolees or supervision officers requesting termination of supervision must do so on a form approved by the parole board chairperson.
 2. Seven (7) years after releasing a prisoner on supervision, excluding a parolee serving a life sentence for first- or second-degree murder, the parole board shall terminate supervision over the parolee unless the parole board determines, after a hearing in accordance with this chapter, that the supervision should not be terminated because there is a likelihood that the parolee will engage in conduct violating any criminal law. If the parole board does not terminate supervision under this subsection, the parolee may request a hearing annually thereafter, and the parole board shall conduct an early termination hearing at least every two (2) years.
 3. In calculating the two-year (2) and seven-year (7) periods provided in this section, the parole board shall not include any period of parole before the recent release, or any period served in confinement or any other sentence.
 4. A parolee may not appeal an adverse decision under this section.
- B. Termination of supervision is indicated if the parolee:
1. Has been on supervised parole for the required period;
 2. Has observed all the laws within and without the state;
 3. Has been employed and remains employed at the time of the request; and
 4. Has completed seven (7) continuous years of supervision and is free from an incident of new criminal behavior or serious parole violation.
- C. As used in this section, the term an "incident of new criminal behavior" or "serious parole violation" includes a new arrest or report of a parole violation, if supported by substantial evidence of guilt, even if no conviction or parole revocation results. The parole board shall not terminate supervision until it determines the disposition of a pending criminal charge.
- D. Case-specific factors that may justify a departure either above or below the early termination may relate to the current behavior of the parolee, or the parolee's background and criminal history.

**Rhode Island Parole Board
GUIDELINES**

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