

Dear Chairperson McEntee and members of the committee,

My name is James Gomes and I am writing to express my strong support for H7651, which seeks to create a fairer process for individuals accused of probation violations under Rule 32F.

I have experienced the issues with the current process myself. I was locked up for a charge I did not commit, but was told I have to go to my probation violation hearing before dealing with the charge. I was then informed that they don't have to show proof of me being guilty, just that I did not keep the peace, meaning I got cuffs slapped on my wrist while being on probation. I am put between a rock and a hard place, because if I don't take a deal, go to my violation hearing and lose, I have the whole five years hanging over my head. If I lose at the violation hearing but beat the charge, the charge will be dropped but the violation stands - I would be incarcerated for the violation regardless of if the charges are dropped.

Currently, individuals accused of probation violations can be held in detention for long periods without charges before their hearings, often without a meaningful opportunity to return to their families, jobs, housing, or treatment. This situation can result in the loss of employment, custody of children, and stable housing, even before any violation is proven. This bill would help restore due process, ensuring that detention is not the automatic response to a probation violation.

This proposal is important because it balances public safety with fairness, requiring courts to consider specific factors such as the nature of the violation, the individual's probation history, criminal record, and potential risk to public safety before making decisions about detention or bail. By providing a more individualized approach, the bill recognizes that not every violation warrants automatic detention. People should have the opportunity to remain in the community, especially when they are making efforts to comply with their supervision. Detaining individuals without bail before their case is heard only punishes them prematurely, making it harder for them to succeed. I urge the committee to pass H7651 to ensure that Rhode Island's probation system is fair, effective, and grounded in due process.

Thank you for your time and consideration.

Submit to:

[Housejudiciary@rilegislature.gov](mailto:Housejudiciary@rilegislature.gov)