

March 9, 2026

Chairperson Senator LaMountain and Members of the Senate Judiciary
Members of the Senate Judiciary Committee
SenateJudiciary@rilegislature.gov

In support of S2161, BAIL ON 32

Dear Chairperson LaMountain and Members of the Senate Judiciary Committee:

My purpose in writing is to support S2161, Bail on 32. If passed, this bill will, at long last, require courts to grant bail or personal recognizance to people on probation who are, for whatever reason, once again incarcerated. Passage of the bill would be a step toward restoring due process to the Rhode Island probation system.

As you may know, the American penitentiary system is among the worst and most vindictive in the world. The human right violations of this system are well-documented.¹ The penal system impacts mostly the poor and among them disproportionately people of color and indigenous people. We list as some of the most deplorable characteristics of the penal system the following:

Incarceration Rates: The United States has the highest incarceration rate in the world. Despite having only about 4% of the global population, the United States houses roughly 20% of the world's prisoners;

Lengthy Sentences: The United States justice system often imposes lengthy prison sentences, including mandatory minimum sentences and three-strikes laws, which can lead to individuals serving extended periods behind bars;

Privatization: The United States has a significant presence of correctional facilities operated by private companies under government contracts. Clearly, this results in conflicts of interest;²

Focus on Punishment: The United States system emphasizes retribution rather than rehabilitation and reintegration into society;

Overcrowding: Many prisons in the United States are overcrowded;

Socioeconomic and Racial Disparities: As mentioned, the American penitentiary system disproportionately incarcerates the poor and even more so people of color and indigenous people; and

Alternatives to Incarceration: Compared to other countries, the United States neglects alternative forms of punishment or diversion, such as restorative justice, community service, or drug treatment programs.

With respect to some of these characteristics many states in the United States do much worse than Rhode Island, but

- Rhode Island has the among the highest rate of probation in the county;
- Rhode Island also has among the longest average probation sentences.

¹See, for instance, items 16, 33, 34, 48, 53, and 66, of <https://tinyurl.com/alston-human-rights-report>

²See, for instance, item 43 of <https://tinyurl.com/alston-human-rights-report>

- Rhode Island also is among the top ten states for recidivism.

As to recidivism, we know that long probation sentences do not reduce this. Obviously, the well-documented arbitrary and capricious nature of Rhode Island probation system is utterly unacceptable.

In sum, please pass BAIL ON 32 without delay.

Respectfully submitted,

A handwritten signature in black ink that reads "M.P. Nightingale". The signature is written in a cursive style with a large, prominent initial "M".

Peter Nightingale
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