

Testimony in Support of S-2161 - Reasonable Bail for Alleged Probation Violators
Senate Committee on Judiciary
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The Economic Progress Institute strongly supports Senator Kallman's S-2161, which would make the bail process more reasonable and more just for individuals on probation. This legislation would end the practice of holding individuals for up to 14 days (including weekends) without any hearing or opportunity to post bail, which is arguably a violation of constitutionally protected due process rights.

Every individual deserves a justice system that upholds fairness, equity, and respect for individual rights. However, the current statute undermines these principles by permitting the state to detain individuals without bail for an extended period, often leading to lengthy periods of incarceration regardless of innocence or guilt. Not only does the statute permit the state to hold people without an opportunity for bail, a study in 2015 found that, in practice, people are held for an average of 31 days while awaiting their violation hearings, and that alleged probation violators are 37% of all pretrial admissions to the ACI.

These figures present a serious equity issue for communities of color, who are far more likely to be disproportionately impacted by the criminal justice system. According to a Rhode Island state-commissioned study, Latino and Black drivers were significantly more likely to experience traffic stops by the police. The study found that when police conducted searches on White individuals, they were more likely to discover illegal contraband compared to searches of Black and Latino individuals.¹ Additionally, according to research done by New York University, Black individuals are far more likely to be wrongly stopped by the police and were searched 1.5 to 2.5 times as often as White individuals.² Black communities disproportionately bear the burden of this policy; Black men represent only 1 in 20 of the state's population but represent 1 in 6 of those on probation.

Individuals in poverty unnecessarily suffer even more by being held without opportunity for bail. Being locked up for what might be a minor concern can result in someone losing their job or housing, making the cycle of poverty even more difficult to escape. Also, the expense of incarcerating individuals while they await trial places a significant financial burden on the state. In FY2023, it costs the state \$453.28 per day per inmate to incarcerate someone at a minimum-security facility, resulting in a total cost of \$4,532.80 for just ten days. In FY2023, the state

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¹ <https://www.providencejournal.com/story/news/2020/08/14/annual-study-has-consistently-found-racial-disparities-in-ri-traffic-stops-now-study-is-set-to-end/113962644/>

² <https://www.nyu.edu/about/news-publications/news/2020/may/black-drivers-more-likely-to-be-stopped-by-police.html>

spent a total of \$19,346,853 for those on probation and parole.³ Additionally, despite being the smallest state in the nation, Rhode Island rivals larger states in probation rates. According to the Prison Policy Initiative, Rhode Island has the second highest rate of people on probation in the country.^[1]

^[1] https://www.prisonpolicy.org/reports/correctionalcontrol2023_data_appendix.html

Enacting S-2161 would make the criminal justice system more just, equitable, and less devastating for those with alleged probation violations. We strongly urge passage of this legislation.

³ <https://doc.ri.gov/media/566/download?language=en>