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June 26, 2015

The Honorable Gina M. Raimondo
Office of the Governor
82 Smith Street
Providence, RI 02903

RE: VETO 15-S 132A and H-5158A

Dear Governor Raimondo:

The ACLU of Rhode Island urges you to veto S-132A and H-5158A, which would significantly increase the amount of time that inmates convicted of first or second degree murder would be required to serve before being eligible for parole. This legislation runs counter to basic rehabilitative goals of sentencing, undermines the role of the Parole Board, and carries a steep price tag for Rhode Island taxpayers.

The current law, along with Rhode Island Parole Board standards, provides meaningful and appropriate discretion to consider the individual circumstances of each case before a determination of parole eligibility is made. That discretion in considering a person's eligibility for parole serves an extremely important safety-valve function.

An 18-year-old youth who compulsively commits a heinous crime certainly deserves appropriate punishment, but if he is given a 75-year sentence, will justice always be served by keeping him incarcerated after he turns 55 years old, as these bills would require? By preventing the Parole Board from being able to consider individual circumstances of an offender after a substantial amount of time has already passed before their release can be considered, this bill undermines both that agency's crucial role in the criminal justice system and the rehabilitative goals of prison.

Further, because of the distinctions the legislation makes between those sentenced to life and those sentenced to a definite term in prison, the legislation could lead to the bizarre situation where a person sentenced to life could be eligible for parole sooner than a person given a long, but non-life, sentence.

The legislation also comes at a high financial cost to the state. With the cost of incarceration estimated at \$40,000 or more per inmate per year, keeping a handful of offenders unnecessarily locked up for an extra ten or more years, based on this mandate, will cost taxpayers a substantial amount of money that could be much better spent by the state.

It has long been our view that the costs associated with increased prison sentences should be given the same scrutiny as any other legislation that has fiscal consequences for the state – whether it involves public education, assistance to low-income families, or expansion of social services. Unfortunately, sentencing bills like S-132 and H-5158 are too often given a free ride despite their consequential fiscal costs. In this instance, absolutely no fiscal note was prepared by the legislature in considering this legislation. That is unconscionable. There is no compelling reason for such a discrepancy, and in a time of fiscal austerity, legislation directly affecting the Department of Corrections' budget should not be free of fiscal scrutiny. "War on crime" measures may seem popular, but their financial consequences can be enormous.

Because this legislation amounts to an unnecessary and costly interference with the parole system and the criminal justice system's interest generally in rehabilitation, we urge you to veto these bills.

Thank you for considering our views.

Sincerely,

Steven Brown
Executive Director

cc: David Cruise