

ACLU OF RI POSITION: SUPPORT

**TESTIMONY ON 24-H 7048,
RELATING TO CRIMINAL PROCEDURE – SENTENCE AND EXECUTION
April 11, 2024**

The ACLU of Rhode Island is strongly supportive of this legislation, which would require the consideration of the status of a defendant either as a parent or as a caregiver for an elderly, terminally ill, or disabled family member at their sentencing and allow for the presentation of a “family impact statement” as a component of the sentencing process. This bill is compassionate in its recognition not only that a strong familial structure encourages rehabilitation and prevents recidivism, but that instituting the procedures contained in the legislation can prevent the harmful, reverberating effects that incarceration has on both the incarcerated individual and their children and family members.

It is worth noting that nationwide, “nearly half (47%) of the approximately 1.25 million people in state prison are parents of minor children, and about 1 in 5 (19%) of those children is age 4 or younger,” and research has indicated that “children of incarcerated parents face formidable cognitive and health-related challenges throughout their development.” Additionally, the impact of being an incarcerated parent is more likely to affect incarcerated women rather than men.¹

The incarceration of a parent, regardless of how long it is for, can uproot a child’s life, causing unpredictable changes in housing and education, and severely limit the access that child has to the important emotional support that a parent provides. And, on the flipside, being separated from one’s child obviously causes a parent turmoil and anguish.

This legislation additionally permits the use of a “family impact statement” in examining the role the defendant may have in acting as a caregiver for an elderly, terminally ill, or disabled family member. Especially for vulnerable individuals, who may require complex medical care and a caregiver with a strong background on their unique and individual needs as it relates to their health, separation from a trusted family member because of incarceration can harmfully impact their support structure and cause similarly emotional turmoil for the incarcerated caregiver.

In short, this bill recognizes the severe impact that incarceration can have on the family structure and aims to address the harms that familial separation by way of incarceration has on both the justice-involved individual and their children or family members. In doing so, however, it still leaves it within the complete discretion of the court – with input from victims – as to whether to reduce a sentence for any given offender. For all these reasons, we urge support for this legislation.

¹ Nationwide, “women in state prisons are more likely than men to be a parent of a minor child (58% of women, compared to 46% of men); “women were...more likely to have been living with their children prior to their imprisonment,” with “about 52% of women with minor children report[ing] living with their child(ren) at the time of their arrest, compared to 40% of men”; and “women were more likely to lead a single-parent household, as 39% of incarcerated mothers of minors lived with children but no spouse, compared to 21% of fathers.” https://www.prisonpolicy.org/blog/2022/08/11/parental_incarceration/