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ACLU OF RI POSITION: SUPPORT

TESTIMONY ON 23-S 405, AN ACT RELATING TO CRIMINAL PROCEDURE – SENTENCE AND EXECUTION March 28, 2023

The ACLU of RI is strongly supportive of this legislation, which would require the consideration of the parental status of a defendant 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 consideration that a strong familial structure not only encourages rehabilitation and prevents recidivism, but that instituting the procedures contained in the legislation can prevent the harmful, reverberating effects that incarceration can have on both the incarcerated individual and their children.

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. 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.”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 similarly can cause turmoil and anguish, as visitation between an incarcerated parent and their child is often emotionally challenging and burdensome for both parent and child.

In short, this bill recognizes the disproportionate harm that incarceration can cause to the family structure and aims to address the harms that familial separation by way of incarceration has on both the justice-involved parent and their children. For these reasons, we urge support for this legislation.

Thank you for your consideration of our views.

¹ https://www.prisonpolicy.org/blog/2022/08/11/parental_incarceration/