



Department of Sociology & Criminal Justice

1900 W. Olney Ave.  
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The Honorable Carlton W. Reeves  
Chair  
United States Sentencing Commission  
One Columbus Circle, NE  
Suite 2 500, South Lobby  
Washington, D.C. 20002

February 14, 2023

Dear Judge Reeves and Members of the Commission,

Thank you for the opportunity to offer public comment on the proposed amendment to the First Step Act of 2018 (FSA) in USSG §1B1.13. As an associate professor of sociology and criminal justice at La Salle University in Philadelphia, it is with great enthusiasm that I would like to detail my support for the expanded use of compassionate release.

First, I would like to offer my support for the proposed amendment's Family Circumstances section, which appropriately acknowledges the invaluable roles of people incarcerated as parents to their own children and caretakers to elderly loved ones. Some scholars have pointed out that parental separation from children due to mass incarceration is on a scale not seen in American society since chattel slavery.<sup>1</sup> We have decades of evidence confirming the negative impacts of parental incarceration on children's health and wellbeing<sup>2</sup> and future involvement in the justice system.<sup>3</sup> The incarceration of any family member also diminishes the family's financial status<sup>4</sup> and

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<sup>1</sup> Alexander, M. (2012). *The New Jim Crow: Mass Incarceration in the Age of Colorblindness*. NY: The New Press.  
Gaynes, E. & Krupat T. (2018). "Minimizing the Impact of Parental Incarceration." In *Decarcerating America: From Mass Punishment to Public Health*, edited by E. Drucker. NY: The New Press.

<sup>2</sup> Wildeman, C., Goldman, A.W., & Turney, K. (2018). "Parental Incarceration and Child Health in the United States." *Epidemiologic Reviews*, 40, 146-156.

Turney, K., & Goodsell, R. (2018). "Parental Incarceration and Children's Wellbeing." *The Future of Children*, 28, 147-164.

<sup>3</sup> Ng, I.Y.H., Sarri, R.C., & Stoffregen, E. (2013). "Intergenerational Incarceration: Risk Factors and Social Exclusion." *Journal of Poverty*, 17, 437-459.

Zhao, Q., Cepeda, A., Chou, C-P., & Valdez, A. (2020). "Maternal Incarceration Trajectories and the Intergenerational Transmission of Imprisonment: A Nationwide Study." *Children and Youth Services Review*, 118, 1-8.

Foster, H. & Hagan, J. (2015). "Punishment Regimes and the Multilevel Effects of Parental Incarceration: Intergenerational, Intersectional, and Interinstitutional Models of Social Inequality and Systemic Exclusion." *Annual Review of Sociology*, 41, 135-158.

<sup>4</sup> deVuono-Powell, S., Schweidler, C., Walters, A., & Zohrabi, A. (2015). *Who Pays? The True Cost of Incarceration on Families*. Ella Baker Center.

Geller, A., & Franklin, A. W. (2014). "Paternal Incarceration and the Housing Security of Urban Mothers." *Journal of Marriage and the Family*, 76, 411-427.

harms family members' psychological well-being.<sup>5</sup> While an individual's crime may have negatively impacted their community, removing that individual from their community also removes all of the positive impacts that individual may have had as a parent, caregiver, member of a local church, community volunteer, and so forth.<sup>6</sup> And considering the significant racial and ethnic disparity in the federal prison system, we know that these negative family and community impacts of mass incarceration disproportionately impact Black and Hispanic Americans.<sup>7</sup>

As such, the proposed amendment's expansion of the family circumstances that would qualify for compassionate release is certainly a commendable step in the right direction. However, with all the evidence on the negative impacts of incarceration on families, I would like to suggest the Commission also consider expanding the eligibility criteria in this section to include not only circumstances in which an incarcerated individual is the *only* available caregiver or parent, but also circumstances in which there is substantial evidence that the incarcerated individual plays a particularly unique and valuable role in their family.

Second, I would like to offer my support for the proposed amendment's Victim of Assault section, which would grant compassionate release eligibility to incarcerated individuals who have experienced serious bodily injury as a result of sexual or physical abuse from a corrections officer or other Bureau of Prisons (BOP) employee. A solid body of evidence confirms the negative impacts of victimization during incarceration on future psychological distress<sup>8</sup> as well as recidivism.<sup>9</sup> The potential use of compassionate release to increase the likelihood of accessing physical and mental health treatment in the community, away from the environment in which someone was victimized, may help to mitigate these negative impacts of victimization. However, these negative effects exist regardless of whether the person was victimized by a BOP employee or by someone else

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Schwartz-Soicher, O., Geller, A., & Garfinkel, I. (2011). "The effect of Paternal Incarceration on Material Hardship." *Social Services Review*, 85, 447-473.

<sup>5</sup> Green, K.M., Ensminger, M.E., Robertson, J.A., & Juon, H.S. (2006). "Impact of Adult Sons' Incarceration on African American Mothers' Psychological Distress." *Journal of Marriage and Family*, 68, 430-441.

Sexton, T. L. (2016). "Incarceration as a Family Affair: Thinking beyond the Individual." *Couple and Family Psychology: Research and Practice*, 5, 61-64.

<sup>6</sup> Clear, T. (2007). *Imprisoning Communities: How Mass Incarceration Makes Disadvantaged Communities Worse*. NY: Oxford University Press.

<sup>7</sup> Roberts, D.E. (2004). "The Social and Moral Cost of Mass Incarceration in African American Communities." *Stanford Law Review*, 56, 1271-1305.

Wagner, P. & Kopf, D. (2015). *The Racial Geography of Mass Incarceration*. Prison Policy Initiative.

<sup>8</sup> Hochstetler, A., Murphy, D., & Simons, R. L. (2004). "Damaged Goods: Exploring the Effects of Victimization on Released Prisoners' Distress." *Crime & Delinquency*, 50, 436-457.

Johnson Listwan, S., Colvin, M., Hanley, D., & Flannery, D. (2010). "Victimization, Social Support, and Psychological Well-Being : A Study of Recently Released Prisoners." *Criminal Justice and Behavior*, 37, 1140-1159.

<sup>9</sup> Taylor, C.J. (2015). "Recent Victimization & Recidivism: The Potential Moderating Effects of Family Support." *Violence & Victims*, 30, 342-360.



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incarcerated. As such, expanding this category to include victimization from others incarcerated may be worthy of consideration.

I'd like to conclude with a bit of a bolder perspective to consider. The Sentencing Reform Act grants the US Sentencing Commission authority to determine what should qualify as "extraordinary and compelling reasons" to justify compassionate release. What more extraordinary and compelling reason for compassionate release exists than our nation's current status of mass incarceration, which is historically and geographically unprecedented. No society ever in time, ever on the planet has ever locked up its citizens like the United States has in recent decades. That alone, in my opinion, calls for a massive reimagining of how we define extraordinary and compelling.

Thank you again for this opportunity to offer comment and for your thoughtful attention to these critical reforms.

Sincerely,

A handwritten signature in cursive script that reads "Caitlin Taylor".

Caitlin J. Taylor, Ph.D.

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