



August 10, 2018

The United States Sentencing Commission  
1 Columbus Circle, N.E.  
Washington, DC 20544

Dear Members of the Commission:

Pursuant to the Federal Register Notice found at 83 F.R. 30477, the American Conservative Union Foundation (“ACUF”) submits this comment in full support of the proposed priorities of the U.S. Sentencing Commission (“the Commission”) for the 2018-19 Amendment Cycle. In particular, ACUF is pleased that the Commission is going to undertake “a study of the operation of §5H1.6 (Family Ties and Responsibilities (Policy Statement)) with respect to the loss of caretaking or financial support of minors.”

ACUF believes that the harm caused by a sentence of incarceration should never exceed the harm caused by the crime for which a defendant is being sentenced. This is especially true when a criminal defendant is the primary caregiver and/or means of support for minor children.

Decades of research documenting the detrimental impact of parental incarceration on children has shown a correlation between parental incarceration and adverse outcomes for children.<sup>1</sup> For example, Cambridge University’s Institute of Criminology has conducted a series of studies on this topic. Their research shows that parental imprisonment is associated with children having three times the likelihood of engaging in anti-social behavior and experiencing even more negative outcomes as they grow to adulthood (*e.g.*, school failure, unemployment, underemployment, criminogenic behavior, etc.). Taking into account the impact of parental incarceration on a child could slow the intergenerational cycle of poverty and crime that has plagued our cities for decades.

Those who break the law must be held accountable for their actions. In doing so, courts should be empowered to fashion a sentence that advances the four primary goals of the criminal justice system – retribution, deterrence, incapacitation and rehabilitation. Within that context, however, our criminal justice system must be able to mitigate the collateral consequences impacting those who have done nothing wrong. Allowing judges to take into account family ties and responsibilities when making sentencing determinations will do just that.

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<sup>1</sup> For more information on the impact of parental incarceration on children, please see correspondence from the *American Conservative Union Foundation, Justice Strategies, Right on Crime, Cut50* and the *R Street Institute* submitted to the U.S. Sentencing Commission on July 9, 2017, which can be found at: [http://justice.acu.foundation/acuf\\_and\\_others\\_ask\\_sentencing\\_commission\\_to\\_research\\_impact\\_of\\_parental\\_incarceration](http://justice.acu.foundation/acuf_and_others_ask_sentencing_commission_to_research_impact_of_parental_incarceration).

Thank you for the opportunity to comment on this critical matter. Should you have any questions, please feel free to contact me at: 202-347-9388.

Sincerely,

A handwritten signature in black ink, appearing to read 'D. Safavian', with a long horizontal flourish extending to the right.

David H. Safavian, Esq.

*Deputy Director*

*American Conservative Union Foundation Center for Criminal Justice Reform*