



The Honorable William H. Pryor, Jr., Acting Chair
United States Sentencing Commission
1 Columbus Circle, NE, Suite 2-500, South Lobby
Washington, DC 20002-8002
August 10, 2018

Attn: Public Affairs – Priorities Comment

Dear Judge Pryor:

[WE GOT US NOW](#) is an national organization formed by, led by and about children and young adults impacted by parental incarceration. Since our inception in 2017, our goal is to identify, visibilize, and mobilize others who experienced parental incarceration. We have began to build a nationwide community amongst the historically invisible population of children and young adults with incarcerated parents in an effort to help our often overlooked population speak to our experiences, accomplishments, resiliency and simultaneously uplift our healing while creating multimedia content to support decarceration and keeping families connected.

We urge the USSC to take into consideration the segment of our population that is **most overlooked, children and young adults with parents in federal prison facilities**. Founder/CEO of WE GOT US NOW, Ebony Underwood states, “Mass incarceration is a tsunami that has swept across the United States destroying communities and ripping apart families for over 3 decades. After my father’s incarceration, I didn’t speak about his whereabouts despite the fact that he was a positive influence in my life and one of my biggest supporters. My shame caused me to suffer in silence and not openly share the love I had for my father. Loving a parent should never be something to be ashamed of.”

The collateral consequences of mass incarceration’s destructive behavior are the children left traumatized by the experience of having a parent ripped away, resulting in feelings of abandonment and loss while grappling with the stigma and shame of having a parent who has committed a crime. Traumatized, stigmatized and ashamed children and young adults impacted by parental incarceration are known as an invisible and underserved population; their voices aren’t part of national dialogues around justice, incarceration, criminalization, public health, and innovative social justice solutions. By no fault of their own, these young people are left wounded, and without voice and community with which to heal.

We Got Us Now strongly supports the Commission's proposal to conduct studies of the operation of §5H1.6 (Family Ties and Responsibilities with respect to the loss of caretaking or financial support of minors) and whether the Bureau of Prisons is following the Commission's encouragement to file a motion for compassionate release whenever "extraordinary and compelling reasons" exist as part of its policy priorities for the 2018-2019 amendment cycle.

Federal Judges appear to be eager to examine ways to mitigate the harms of parental incarceration on children. In the United States Sentencing Commission's report of March 2003, it is reported that more than half of both district and circuit court judges "would like to see more emphasis at sentencing placed on ... the offender's family ties and responsibilities."

Yet little is known about the specific impacts of incarceration on the children of people sentenced to serve time in our federal prison system. How many children are impacted? What type of information about the convicted individual's family ties and responsibilities do federal judges seek? How might the Sentencing Guidelines be amended to allow more judicial discretion when considering the appropriate sentence for a father or mother with minor children?

We urge that the USSC, in undertaking its research assessment of the scope of the problem, consider whether the guidelines should be amended to provide judges more authority to depart from a recommended guideline sentence range when appropriate to address the needs of children whose parents are facing a federal conviction.

Additionally, we urge that the USSC consider the utility of a family impact statement. A pre-sentence investigation report that includes an analysis of family impact empowers judges to make informed sentencing and supervision decisions that take into account the potential consequences for a defendant's children and, as appropriate, may recommend an alternative sentencing options that is both warranted in light of a parent's offense, as well as suitable for meeting the needs of their children. For example, in Washington State, the Family and Offender Sentencing Alternative (RCW9.94A.655) provides a community based diversion program for parents at sentencing as well as an opportunity to serve the last year of one's sentence in the community parenting children. Since Washington State has developed its Family Offender Sentencing Program, other states are following suit, including Massachusetts and Oregon.

Parental incarceration will affect individuals, their families and our communities for years to come. In sum, we urge the USSC to undertake a research project to determine the scope of the problem, and to determine how federal court judges might best mitigate the detrimental impacts on children's mental, emotional and physical well being while maintaining public safety.

Sincerely,

WE GOT US NOW