



# NATIONAL CONGRESS OF AMERICAN INDIANS

October 20, 2014

United States Sentencing Commission  
Attention: Public Affairs – Tribal Issues Comment  
One Columbus Circle, NE, Suite 2-500, South Lobby  
Washington, DC 120002-8002,

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## Submitted Via Email

### RE: US SENTENCING COMMISSION REQUEST FOR PUBLIC COMMENT ON POSSIBLE FORMATION OF TRIBAL ISSUES ADVISORY GROUP

To Whom It May Concern:

On behalf of the National Congress of American Indians (NCAI), the oldest and largest organization representing American Indian and Alaska Native tribal governments, I thank the U.S. Sentencing Commission (USSC) for requesting comment on whether it should establish a Tribal Issues Advisory Group. In general, it is a best practice for any federal entity that deals substantially with issues that impact Indian tribes to have a mechanism for engaging tribal governments and other stakeholders in policy deliberations. Given this, we think the USSC would be well-served by creating a Tribal Issues Advisory Group.

As you know, the federal government plays a unique role in the administration of justice in Indian Country, and the guidelines promulgated by the USSC have a greater impact for tribal defendants and victims than they may have elsewhere. At the same time, criminal jurisdiction in Indian Country is incredibly complex and understanding the issues requires a high level of experience and expertise. A Tribal Issues Advisory Group would be able to examine these issues and offer guidance to the USSC. We would strongly encourage you to include representatives of tribal governments, and in particular tribal criminal justice professionals, on any Advisory Group.

As was outlined in the Request for Comment, there have been a host of recent developments in the administration of justice in tribal communities that are relevant to the work of the USSC. A Tribal Issues Advisory Group should have a broad enough charge to build on the work of the 2002 Native American Advisory Group related to disparities in sentencing, while also examining how actions taken by tribal courts should be treated in the Guidelines. We are particularly concerned that tribal court actions taken in domestic violence cases (both criminal convictions and civil protection orders) are not given the same treatment as actions taken by state courts. We hope that the Tribal Issues Advisory Group would be charged with examining this issue and would include individuals with expertise on violence against women.

We respectfully submit these comments for your consideration. If you have any additional questions, please contact NCAI Senior Policy Advisor Virginia Davis, [vdavis@ncai.org](mailto:vdavis@ncai.org) or (202) 466-7767.

Sincerely,

Jacqueline Pata  
*Executive Director*