

# VICTIMS ADVISORY GROUP

To the United States Sentencing Commission

Russell P. Butler, Chair



T. Michael Andrews  
Jennifer Bishop-Jenkins  
Paul G. Cassell  
Elizabeth Cronin\*  
Kimberly Garth-James  
Meg Garvin  
Ruth Jewell  
James R. Marsh  
Virginia C. Swisher

\*Membership starts Jan, 2015

October 20, 2014

Dear Judge Saris and Members of the Commission:

The Commission has circulated for public comment the possible formation of the Tribal Issues Advisory Group (TIAG). The Victims Advisory Group (VAG) is pleased to offer our comments on this very important group. Because our group's focus on crime victims' issues, we will focus our comments on the impact of crime victims in Indian Country.

## **VAG Recommends the Permanent Formation of the TIAG**

The Victims Advisory Group (VAG) recommends the formation of the TIAG on a continuing basis. There has been considerable amount of legislation affecting Indian Country, including the recent reauthorization of VAWA 2013 that allows prosecution of non-Indians in Tribal Court. The TIAG would allow a forum to discuss and address ongoing legislative and sentencing concerns in Indian Country

The VAG recommends that membership in the TIAG should include Native people well versed in Indian Law, and Tribal Law, with close attention paid to tribal sovereignty. Membership should also include representation from the Tribal Elder community, Tribal justice system, Tribal law enforcement, and Tribal victim service providers. The VAG further recommends that membership should have geographical representation from Federally recognized large, medium and small tribes, including Native Alaskans and Native Hawaiian.

The VAG recommends that the scope of the TIAG should examine sentencing issues as it pertains to victims' rights and the safety of victims in Indian Country, especially when considering early and conditional release. In addition the TIAG should examine the lack of notice and the lack of consultation to victims with regard to plea agreements and the inclusion or non-inclusion of conditions of supervised release to protect the safety of victims. In light of improvements to tribal justice systems, the VAG further recommends that the TIAG examine prior convictions in tribal court so they can be given the same weight as prior convictions in state and local courts for sentencing purposes as crimes occurring inside the United States. Last, we hope that there will be a liaison of the TIAG to the VAG in order to maximize coordination to better inform the Commission of future potential recommendations.

## **Conclusion**

We want to thank the Commission for considering our views on this proposed formation of the Tribal Issues Advisory Group (TIAG). We look forward to working with the Commission to insure that the needs and concerns of crime victims are fully reflected in the Sentencing Guidelines.