

*United States Sentencing Commission*  
**TRIBAL ISSUES ADVISORY GROUP**

*Honorable Ralph Erickson, Chair  
One Columbus Circle N.E.  
Suite 2-500, South Lobby  
Washington, D.C. 20002*



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August 8, 2018

Hon. William William H. Pryor, Jr., Acting Chair  
United States Sentencing Commission  
One Columbus Circle, NE  
Suite 2-500 South Lobby  
Washington, DC 20002

**Re: Public Comment on Priorities for Amendment Cycle**

Dear Judge Pryor:

On behalf of the Tribal Issues Advisory Group, we submit these comments on the Commission's Proposed Priorities for Amendment Cycle. We offer comment on only two of those proposed priorities: (5) Recidivism and (9) Miscellaneous Issues.

**1. Recidivism**

TIAG supports continued study of recidivism, its causes, and possible interventions to reduce it. TIAG also encourages the Commission to look at certain issues that may be unique to Indian Country. The operation of reentry programs and specialized courts such as drug courts is particularly critical for Indian Country. TIAG members observe that treatment and intervention resources are often scarce in Indian Country due to geographic isolation, population sparsity, and limited resources. Many tribal courts are implementing specialized courts, culturally based intervention programs, and other interventions with reported success. TIAG believes that targeted study of these programs and possible best practices as part of the recidivism study may be of real value for courts serving Indian Country.

**2. Miscellaneous Issues – Family Ties and Responsibilities U.S.S.G. § 5H1.6**

TIAG supports study of departures under U.S.S.G. § 5H1.6 for unique family ties and responsibilities. While TIAG urges caution against wholesale revisions to this departure or its language, we believe that it has particular relevance in Indian Country. In many Indian communities, it is common to have extended family ties based on both biology and affinity. As an example, in many communities that TIAG members work in, “grandparents” (both biological and by identity) care for large numbers of extended family members. So too, the obligation runs up the age chain for younger members of the community caring for many elderly members of their family and community. These ties grow both from cultural mores and from practical

necessity in communities with limited housing, employment, and health care options. As a result, the concerns of "unique" family ties and responsibilities behind § 5H1.6 may manifest with greater frequency or in ways unique to Indian Country. TIAG believes that efforts should be made to analyze these unique circumstances in the study of this issue.

TIAG appreciates the attention of the Commission to these issues and the opportunity to provide comment.

Very truly yours,



Ralph R. Erickson, Chair