

VICTIMS ADVISORY GROUP

A Standing Advisory Group of the United States Sentencing Commission



T. Michael Andrews, Chair
Elizabeth Crahn
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July 31, 2018

United States Sentencing Commission
One Columbus Circle, N.E.
Suite 2-500, South Lobby
Washington, D.C. 20002

RE: VAG's Response to the Possible Policy Priorities for 2018-2019

Dear Chairman Pryor and Members of the Commission:

The Victims Advisory Group (VAG) appreciates the opportunity to provide a written response to the Commission's notice of proposed 2018-2019 possible policy priorities for the amendment cycle ending on May 1, 2019.

The VAG supports the Commission's efforts that began during last year's amendment cycle on the following topics: (1) continuation of its work with Congress and others to implement the recommendation of the Commission's 2016 report to Congress, Career Offender Sentencing Enhancements which includes any further change to the definition of "crime of violence" that could affect victims; (2) the study of Chapter Four, Part A (Criminal History) focusing on how the guidelines treat revocations under §4A1.2(k) for violations of conditions of supervision for conduct that does not constitute a federal, state or local offense; (3) the study of §1B1.13 (reduction in Terms of Imprisonment under 18 USC §3582(C)(1)(A) (Policy statement) as it relates to the Bureau of Prisons Director approving compassionate release for prisoners serving prison sentences from crimes committed against victims.

However, the VAG still has concerns regarding the Commission's efforts to examine the mandatory minimums including the elimination of the mandatory "staging" and the expansion of the "safety valve" language in 18 USC §3553(f). The VAG notes that drug offenses are not always considered victimless crimes as the provisions §2D1.1(b), Specific Offense Characteristics, identify enhancements to the base offense level in the event a victim was involved.

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Finally, the VAG has not identified any additional topics with an impact on victims that need to be addressed by the Commission for the 2018-2019 cycle. The VAG appreciates the opportunity to address these victim related issues in relation to the impact of offenses. We hope that our collective views will assist the Commission in its deliberations on these important matters of public policy.

Should you have any further questions or require any clarification regarding the suggestions, please feel free to contact us.

Respectfully,

A handwritten signature in black ink, appearing to read "T. Michael Andrews".

T. Michael Andrews
Chair
Victims Advisory Group
July 2018