



## Neah Bay Public Safety

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10/02/17

U.S. Sentencing Commission  
Officer of Legislative and Public Affairs

Honorable Tribal Issues Advisory Group,

I am Chief of Police Jasper N. Bruner of the Neah Bay Public Safety in Neah Bay, WA. for the Makah Tribe. I have reviewed the proposed amendment and with to provide the following comments of the document.

I will first start with section (A) Tribal Court Convictions. We are bound by our own sentencing up to one year as you are well aware of. It does not appear that we are going to opt in to TLOA or PL 113-4 due to the requirements and lack of funding to support the expansion of the service.

I personally would like to see that tribal court conviction be recognized during the sentencing process and be a consideration for upward departures at the presiding judge's digression. This does not have to be a wide gap or expansion during sentencing but one that allows the consideration and opportunity for this upward departure.

At times, the only hope of any justice we have is relying on the fiduciary duty of the US Attorney Generals Office in handling severe cases. Allow the Judges that at times have a lifetime of experience to apply this wisdom and digression as warranted. A requirement that could be added is that a time line of the tribal convictions could be added, crimes committed, repeat offender, and documentation for the past convictions be present at the time of sentencing or during the review period prior to the judge's decision.

TLOA and PL 113-4 are great steps in furthering Native American Tribes Criminal Authority is still does little for the tribes that do not or cannot opt in. I understand the TAIG concern and hesitation using tribal convictions but do not agree. Should there be a simple training and monitoring process that courts could complete to address this concern, with little to no cost to the tribes.

Proposed Amendment: 4A1.3. Departures Based on Inadequacy of Criminal History Category (Policy Statement) (a) (B) "more than one year", this is s a reference to Tribes that have opted in to TLOA in which there jurisdiction has been expanded. This is an exclusion for the tribes that have not opted in and are still working with the up to one year conviction limitations. (3) Prohibition of considering prior arrest record for a purposed upward departure is a limitation that should be given to the Judges with its own limitations in the point calculations.

This could work in both the Upward and Downward Departures giving those options and limitations. They need not be drastic but need to be allowed. With all these

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things said, I still believe in the US Justice System and at times rely on it heavily to complete a job that we do not have the authority to exercise due to the limitations that we have to deal with.

Thank you for the opportunity to provide comment on this most important subject matter.

Sincerely,

Chief Jasper Bruner

A handwritten signature in blue ink, appearing to read "J Bruner", is written over the typed name.

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