



December 2018

## **SORNA Substantial Implementation Review Blackfeet Nation**

The U.S. Department of Justice, Office of Justice Programs, Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking (SMART) would like to thank the Blackfeet Nation for the extensive work that has gone into its effort to substantially implement Title I of the Adam Walsh Act, the Sex Offender Registration and Notification Act (SORNA). The SMART Office has completed its review of the Blackfeet Nation's SORNA substantial implementation packet and has found that the Blackfeet Nation has substantially implemented SORNA.

On January 6, 2016, the Blackfeet Nation submitted a substantial implementation package that included the Sex Offender Registration Code, policies, procedures and registration and notification forms. The SMART Office issued a clarification memo that provided guidance on how to fill gaps in code and policies in order to meet SORNA standards. In September 2018, the tribal council approved a revised code, policies and procedures, and submitted these to the SMART Office. Email, phone correspondence and site visits with the Blackfeet Nation informed this finding.

The review of these materials follows the outline of the SMART Office Substantial Implementation Checklist-Revised, which contains 14 sections addressing the SORNA requirements. Under each section, we indicate that the Blackfeet Nation meets the SORNA requirements of that section.

### **I. Immediate Transfer of Information**

SORNA requires that when an offender initially registers and/or updates his or her information in a jurisdiction, that the initial registration information or updated information be immediately sent to other jurisdictions where the offender has to register, as well as to the National Crime Information Center's National Sex Offender Registry (NCIC/NSOR) and the jurisdiction's public sex offender registry website.

The Blackfeet Nation meets all of the SORNA requirements in this section.

### **II. Offenses That Must Be Included in the Registry**

SORNA requires that certain federal, military and foreign offenses are included in a jurisdiction's registration scheme. In addition, SORNA requires that the jurisdiction capture certain sex offenses, both offenses from its jurisdiction and from other SORNA registration jurisdictions, in its registration scheme. SORNA also requires that certain adjudications of delinquency are included in a jurisdiction's registration scheme.

The Blackfeet Nation meets all of the SORNA requirements in this section.

### **III. Required Registration Information**

SORNA requires that the jurisdiction collect certain pieces of information from and for each offender that it registers, and requires that the jurisdiction keep that registration information, in a digitized form, in its registry.

The Blackfeet Nation meets all of the SORNA requirements in this section.

### **IV. Where Registration Is Required**

SORNA requires that the jurisdiction register an offender if the jurisdiction is the one in which he or she is convicted or incarcerated. In addition, SORNA requires that the jurisdiction register offenders who reside, work or attend school in the jurisdiction.

The Blackfeet Nation meets all of the SORNA requirements in this section.

### **V. Initial Registration: Generally**

SORNA requires that when an offender is incarcerated within the jurisdiction, registration must occur before release from imprisonment for the registration offense. Similarly, when an offender is sentenced within the jurisdiction, but not incarcerated, SORNA requires that registration occur within three business days of sentencing. Finally, when an offender has been convicted, sentenced or incarcerated in another jurisdiction (including federal or military court), the jurisdiction must register the offender within three business days of the offender establishing residence, employment or school attendance within the jurisdiction. SORNA also requires that, during the initial registration process, the jurisdiction inform the offender of his or her registration duties and require the offender to acknowledge in writing that he or she understands those duties.

The Blackfeet Nation meets all of the SORNA requirements in this section.

### **VI. Initial Registration: Retroactive Classes of Offenders**

SORNA requires each registration jurisdiction have a procedure in place to recapture three categories of sex offenders: 1) those who are currently incarcerated or under supervision, either for the predicate sex offense or for some other crime; 2) those who are already registered or subject to a pre-existing sex offender registration requirement under the jurisdiction's law; and 3) those who re-enter the jurisdiction's criminal justice system because of a some other felony conviction (whether or not it is a sex offense).

The Blackfeet Nation meets all of the SORNA requirements in this section.

## **VII. Keeping the Registration Current**

SORNA requires that when a sex offender resides in a jurisdiction, he or she must immediately appear in person to update his or her name, residence, employment, school attendance and termination of residence. SORNA also requires that when an offender resides in a jurisdiction, he or she must immediately update any changes to his or her email addresses, internet identifiers, telephone communications, vehicle information and temporary lodging information.

When an offender works in a jurisdiction, but does not reside or attend school there, SORNA requires that the offender immediately appear in person to update employment-related information. When an offender attends school in a jurisdiction, but does not reside or work there, SORNA requires that the offender immediately appear in person to update school-related information.

SORNA also requires that when an offender resides in a jurisdiction and intends to travel outside the United States, he or she must notify the residence jurisdiction at least 21 days in advance of such travel.

In addition, SORNA requires that when an offender notifies the jurisdiction of his or her intent to relocate to another country to live, work or attend school, that the jurisdiction do three things: immediately notify any other jurisdiction where the offender is either registered, or is required to register, of that updated information; immediately notify the United States Marshals Service; and immediately update NCIC/NSOR.

The Blackfeet Nation meets all of the SORNA requirements in this section.

## **VIII. Offense Tiering and Verification/Appearance Requirements**

SORNA requires offenses be classified based on the nature of the offense of conviction and that offenders register for a duration of time, and make in-person appearances at the registering agency, based on the tier of the offense of conviction.

In addition, SORNA creates certain requirements under which a jurisdiction can allow an offender to have a reduced registration period.

The Blackfeet Nation requires all sex offenders to register as tier III for life and imposes the same registration verification requirements on all sex offenders regardless of the severity of the underlying registerable sex offense.

### **A. Offense Tiering**

The Blackfeet Nation requires sex offenders to register as tier III, reporting quarterly for life.

B. Duration of Registration

SORNA requires offenders register for a duration of time based on the tier of the offense of conviction. Specifically, SORNA requires tier I offenders register for 15 years, tier II offenders register for 25 years and tier III offenders register for life.

The Blackfeet Nation requires that offenders register as tier III, which requires quarterly reporting for life.

C. Frequency of Registration

SORNA requires offenders make in-person appearances at the registering agency based on the tier of the offense of conviction. Specifically, SORNA requires tier I offenders appear once a year, tier II offenders appear every six months and tier III offenders appear every three months.

The Blackfeet Nation requires that offenders appear in person quarterly at the tribe's sex offender registration department for purposes of verification and keeping their registration current.

D. Reduction of Registration Period

SORNA creates certain requirements under which a jurisdiction can allow an offender to have a reduced registration period.

The Blackfeet Nation permits a tier III offender to have his or her period of registration reduced to 25 years if he or she was adjudicated delinquent of an offense as a juvenile that required tier III registration and he or she has maintained a clean record for 25 consecutive years.

E. Clean Record Requirement

Under SORNA, a registered sex offender has a clean record if he or she has satisfied certain requirements.

A sex offender registered with the Blackfeet Nation has a clean record if he or she has satisfied the following requirements: 1) he or she has not been convicted of any offense, for which imprisonment for more than one year may be imposed; 2) he or she has not been convicted of any sex offense; 3) he or she has successfully completed, without revocation, any period of supervised release, probation or parole; and 4) he or she has successfully completed an appropriate sex offender treatment program certified by the tribe, another jurisdiction, or by the Attorney General of the United States.

The Blackfeet Nation meets all of the SORNA requirements in this section.

**IX. Public Registry Website Requirements**

SORNA requires each jurisdiction maintain a public sex offender registry website and publish certain registration information on that website. SORNA also requires that certain information not be displayed on a jurisdiction’s public registry website.

The Blackfeet Nation meets all of the SORNA requirements in this section.

**X. Community Notification**

SORNA requires that each jurisdiction disseminate certain initial and updated registration information to particular agencies within the jurisdiction. In addition, SORNA requires that each jurisdiction also disseminate certain initial and updated registration information to the community.

The Blackfeet Nation meets all of the SORNA requirements in this section.

**XI. When a Sex Offender Fails to Appear for Registration**

SORNA requires that when a jurisdiction is notified that a sex offender intends to reside, be employed or attend school in its jurisdiction, and that offender fails to appear for registration as required, that the jurisdiction receiving that notice inform the originating jurisdiction (the jurisdiction that provided the initial notification) that the sex offender failed to appear for registration.

The Blackfeet Nation meets all of the SORNA requirements in this section.

**XII. When a Jurisdiction Has Information That a Sex Offender May Have Absconded**

SORNA requires that when a jurisdiction has information that a sex offender may have absconded, that the jurisdiction take certain actions to investigate the absconder and notify various law enforcement agencies.

The Blackfeet Nation meets all of the SORNA requirements in this section.

**XIII. Other Considerations**

There are no additional considerations.

**Conclusion**

The Blackfeet Nation has put forth exceptional work and effort in substantially implementing SORNA and enhancing their sex offender registration and notification system.