



August 2019

SORNA Substantial Implementation Review Cocopah Indian Tribe

The U.S. Department of Justice, Office of Justice Programs, Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking (SMART) applauds Cocopah Indian Tribe 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 Cocopah Indian Tribe's SORNA substantial implementation materials and has found that Cocopah Indian Tribe has substantially implemented SORNA.

On July 13, 2011, Cocopah Tribal Police Department submitted a substantial implementation package that included the Cocopah Sex Offender Ordinance, the tribe's sex offender registration policies and procedures and various supporting documents. On February 27, 2019, Cocopah Indian Tribe submitted the revised Cocopah Sex Offender Ordinance and a Cocopah Tribal Council resolution enacting the tribe's current sex offender registration ordinance. In addition, email and phone correspondence with Cocopah Indian Tribe chairperson and Cocopah Tribal Police Department chief of police informed our review.

Our review of these materials follows the outline of the SMART Office Substantial Implementation Checklist-Revised, which contains 13 sections addressing the SORNA requirements. Under each section, we indicate that Cocopah Indian Tribe meets the SORNA requirements of that section.

This report is an exhaustive review based on the totality of materials received from Cocopah Indian Tribe. The report details every area in which Cocopah Indian Tribe meets the requirements of SORNA. Cocopah Indian Tribe will be required to annually certify to the SMART Office continuing implementation of SORNA.

I. Immediate Transfer of Information

SORNA requires that when an offender initially registers and/or updates his or her information in a jurisdiction, 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 (NCIC) National Sex Offender Registry (NSOR) and the jurisdiction's public sex offender registry website.

The State of Arizona has agreed to receive NSOR data from tribal agencies for purposes of submission to NCIC through its system. Arizona has indicated that it will be able to facilitate the tribal jurisdictions' automated entries into NCIC/NSOR once the state system is updated and functional. In the interim, Cocopah Indian Tribe entered into a memorandum of agreement with the Arizona Department of Public Safety (AZDPS), whereby AZDPS manually enters tribal sex

offender registration information into NCIC/NSOR on a temporary basis until the updates to the state system are completed.

The SMART Office finds that Cocopah Indian Tribe provisionally meets all of the SORNA requirements in this section with the understanding that once Arizona makes the necessary hardware, software and training available, Cocopah Indian Tribe will immediately use this conduit to NCIC/NSOR or another conduit that enables submission to NCIC/NSOR; update all policy, procedure and forms to reflect the process for entry of all registered sex offender data to NCIC/NSOR and enter such data.

II. Offenses That Must Be Included in the Registry

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

Cocopah Indian Tribe meets all of the SORNA requirements in this section.

III. Required Registration Information

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

Cocopah Indian Tribe collects fingerprints and palm prints and submits those materials electronically to the Arizona Automated Fingerprint Identification System for forwarding to the Federal Bureau of Investigation (FBI) for inclusion in the relevant federal database.

Cocopah Indian Tribe meets all of the SORNA requirements in this section.

IV. Where Registration Is Required

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

Cocopah Indian Tribe meets all of the SORNA requirements in this section.

V. Initial Registration: Generally

SORNA requires 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 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, 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.

Cocopah Indian Tribe 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: those who are currently incarcerated or under supervision, either for the predicate sex offense or for some other crime; those who are already registered or subject to a pre-existing sex offender registration requirement under the jurisdiction's law; and 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).

Cocopah Indian Tribe meets all of the SORNA requirements in this section.

VII. Keeping the Registration Current

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

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

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

In addition, SORNA requires when an offender notifies the jurisdiction of intent to relocate to another country to live, work or attend school, or intent to travel to another country, the jurisdiction must 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.

Cocopah Indian Tribe 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.

A. Offense Tiering

The SMART Office has reviewed all statutes identified in the substantial implementation submission package and has identified Cocopah Indian Tribe's placement of these statutes within the SORNA three tier levels. Cocopah Indian Tribe correctly places its statutes within at least the minimum appropriate SORNA tiers.

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.

Cocopah Indian Tribe requires that offenders register for the following duration of time after their release from incarceration or sentencing: Tier I offenders register for 15 years, Tier II offenders register for 25 years and Tier III offenders register 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.

Cocopah Indian Tribe requires that offenders appear in person at the Cocopah Tribal Police Department for purposes of verification and keeping their registration current from the time of release from custody (for a sex offender who is incarcerated for the offense) or from the date of sentencing (for a sex offender who is not incarcerated for the offense), as follows: Tier I, every 12 months; Tier II, every six months; and Tier III, every three months.

D. Reduction of Registration Periods

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

Cocopah Indian Tribe permits a Tier I offender to have his or her period of registration reduced to 10 years if he or she has maintained a clean record for 10 consecutive years. A Tier III offender may 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 Requirements

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

A sex offender registered with Cocopah Indian Tribe 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 90 days 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.

Cocopah Indian Tribe 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.

Cocopah Indian Tribe meets all of the SORNA requirements in this section.

X. Community Notification

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

Cocopah Indian Tribe meets all of the SORNA requirements in this section.

XI. When a Sex Offender Fails to Appear for Registration

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

Cocopah Indian Tribe 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, the jurisdiction take certain actions to investigate the absconder and notify various law enforcement agencies.

Cocopah Indian Tribe meets all of the SORNA requirements in this section.

XIII. Additional Considerations

There are no additional considerations.

Conclusion

Cocopah Indian Tribe has put forth exceptional work and effort in substantially implementing SORNA and enhancing its sex offender registration and notification system.