



July 1, 2013

## **SORNA Substantial Implementation Review Colorado River Indian Tribe**

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 Colorado River Indian Tribe (CRIT) 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 Colorado River Indian Tribe's SORNA substantial implementation packet and has found that the Colorado River Indian Tribe has substantially implemented SORNA.

On June 7, 2011, the Colorado River Indian Tribe submitted a substantial implementation package that included several exhibits, including background information on the tribe and its criminal justice system, courts, and police department; policies and procedures regarding sex offender registration; the tribe's sex offender registration law; and other relevant additional documents. They provided forms and memoranda of agreement with other law enforcement agencies. In addition, email and phone correspondence with tribal representatives filled in gaps in laws and procedure. A revised code was passed in early 2013 and forms the foundation of this report.

Our 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 Colorado River Indian Tribe 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 NCIC/NSOR and the jurisdiction's public sex offender registry website.

Despite CRIT's efforts to submit this data to NCIC/NSOR, the State of Arizona Access Integrity Division does not authorize tribal agencies to submit data into NCIC through its system unless the tribe requires sex offenders to register concurrently with the state. This is not consistent with SORNA requirements. Additionally, FBI/CJIS does not have an alternative for tribes to submit this necessary data to NCIC/NSOR. This obstacle prevents CRIT from entering information into NCIC/NSOR when initially registering a sex offender, when a sex offender indicates a change of residence, when a sex offender updates any information, when a sex offender is going to travel internationally, and/or if an offender absconds. CRIT does update its

own website, however, and provides community notifications when an offender's information changes.

At this time, CRIT is one of a number of tribes in Arizona that currently does not have a means to submit sex offender information to NCIC/NSOR. The SMART Office is aware that this obstacle is shared by other tribes in Arizona, and is involved in efforts which have recently resulted in a long-term solution for tribes in Arizona to input sex offender information into NCIC/NSOR. CRIT is aware of this long-term solution and is pursuing an MOU to take advantage of this expanded access.

Due to structural obstacles, CRIT cannot meet the SORNA requirements in this section at this time. However, the SMART Office finds that the tribe has currently sufficiently addressed the requirements of this section because no workable solution currently exists that would permit CRIT to submit data to NCIC/NSOR at this time and because the tribe has indicated that it is aware of and is planning to enter into an MOU in order to take advantage of the access now provided by Arizona.

Jurisdictions that have substantially implemented SORNA have a continuing obligation to maintain their system's consistency with SORNA standards. CRIT will be required to demonstrate that its registration systems, policies, procedures and necessary laws or codes are updated to reflect submissions to NCIC/NSOR when such an MOU is entered in order to ensure continuing implementation of SORNA.

The SMART Office has considered the above deviation from SORNA's requirement, and has determined that it does not substantially disserve the purposes of this requirement.

## **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 Colorado River Indian Tribe meets all of the SORNA requirements in this section.

## **III. Tiering of Offenses**

SORNA requires that offenses be classified based on the nature of the offense of conviction.

Colorado River Indian Tribe has only one tier of offenses. All offenses require registration for life and appearance for in-person verification every 90 days.

The Colorado River Indian Tribe meets all of the SORNA requirements in this section.

#### **IV. 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 Colorado River Indian Tribe meets all of the SORNA requirements in this section.

#### **V. Where Registration is Required**

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

The Colorado River Indian Tribe meets all of the SORNA requirements in this section.

#### **VI. Initial Registration: Timing and Notice**

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 registration duties and require the offender to acknowledge in writing that he understands those duties.

The Colorado River Indian Tribe meets all of the SORNA requirements in this section.

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

SORNA requires that 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 reenter the jurisdiction's criminal justice system because of a conviction for some other felony crime (whether or not it is a sex offense).

The Colorado River Indian Tribe meets all of the SORNA requirements in this section.

#### **VIII. 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 Colorado River Indian Tribe meets all of the SORNA requirements in this section.

## **IX. Verification/Appearance Requirements**

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

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

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

### **A. Duration of Registration**

The Colorado River Indian Tribe requires all offenders to register for life.

### **B. Frequency of Registration**

The Colorado River Indian Tribe requires all offenders to make in-person verification appearances every 90 days.

### **C. Reduction in Registration Period**

The Colorado River Indian Tribe does not provide for any reduction in registration period.

### **D. Conclusion**

The Colorado River Indian Tribe meets all of the SORNA requirements in this section.

## **X. Public Registry Website Requirements**

SORNA requires that 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 Colorado River Indian Tribe meets all of the SORNA requirements in this section.

## **XI. 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 Colorado River Indian Tribe meets all of the SORNA requirements in this section.

## **XII. 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 Colorado River Indian Tribe meets all of the SORNA requirements in this section.

## **XIII. 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 Colorado River Indian Tribe meets all of the SORNA requirements in this section.

#### **XIV. Other Considerations**

The Colorado River Indian Tribe is aware of the recent progress made by the State of Arizona regarding submission of NSOR information to the FBI via Arizona's system and is pursuing an MOU to take advantage of this expanded access.

#### **Conclusion**

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