



July 2011

SORNA Substantial Implementation Review Iowa Tribe of Oklahoma

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 Iowa Tribe of Oklahoma 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 Iowa Tribe of Oklahoma's SORNA substantial implementation packet and has found that the Iowa Tribe of Oklahoma has substantially implemented SORNA.

On April 14, 2011, the Iowa Tribe of Oklahoma submitted a substantial implementation package that included eleven 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 relevant additional laws, as well as forms and memoranda of agreement with other law enforcement agencies. In addition, email and phone correspondence with Linda Shipley, Court Administrator, and Deena James, Communications Supervisor with the Iowa Tribal Police Department, filled in gaps in information and procedure, which informed our review.¹

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 whether the Iowa Tribe of Oklahoma meets the SORNA requirements of that section or deviates from the requirements in some way. In instances of deviation, we specify where the departure(s) from a particular requirement does not substantially dissuade the purposes of that requirement.

While the Iowa Tribe of Oklahoma is encouraged to work toward rectifying deviations from requirements in order to achieve full implementation of SORNA, this is not required for substantial implementation purposes. This report is an exhaustive review and is intended to detail every area in which the tribe has not met SORNA standards.

We encourage you to review the information below, share it with relevant stakeholders in the tribe, and get back in touch with us to develop a strategy to address these remaining issues.

¹The SMART Office had email and phone correspondence with Linda Shipley and Deena James in July 2011.

I. Immediate Transfer of Information

The Iowa Tribe of Oklahoma meets all of the SORNA requirements in this section.

II. Offenses that Must Be Included in the Registry

The Iowa Tribe of Oklahoma 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. The SMART Office has reviewed all statutes identified in the substantial implementation submission package and has identified the Iowa Tribe of Oklahoma's placement of these statutes within the SORNA three tier levels. The Iowa Tribe of Oklahoma correctly places its statutes within at least the minimum appropriate SORNA tiers, with the following exceptions:

- **18 U.S.C. §2243 (Sexual Abuse of a Minor or Ward).** An early version of the model tribal code provided by the SMART Office listed 18 U.S.C. 2243 as a Tier 2 offense; however the Adam Walsh Act requires that this is categorized and treated as a Tier 3 offense. In March 2011, the SMART Office issued corrections to Tiers 2 and 3 in the revised model code, which is available online here: http://www.smart.gov/pdfs/MTSOR_Code.pdf.

The SMART Office recommends that amendments be made to Iowa Tribe of Oklahoma's Sex Offender Registry and Notification Act to reflect the correct tier.

While Iowa Tribe of Oklahoma does not meet the SORNA tiering requirement for this offense, this deviation does not substantially disserve the purposes of the requirements in this section.

IV. Required Registration Information

The Iowa Tribe of Oklahoma meets all of the SORNA requirements in this section.

V. Where Registration is Required

The Iowa Tribe of Oklahoma meets all of the SORNA requirements in this section.

VI. Initial Registration: Timing and Notice

The Iowa Tribe of Oklahoma meets all of the SORNA requirements in this section.

VII. Initial Registration: Retroactive Classes of Offenders

The Iowa Tribe of Oklahoma meets all of the SORNA requirements in this section.

VIII. Keeping the Registration Current

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

SORNA also requires that when an offender resides in a jurisdiction but indicates to the state that he/she intends to travel outside the United States, that the offender 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 intent to relocate to another country to live, work or attend school, or of his 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.

The documentation submitted by the Iowa Tribe of Oklahoma does not contain any reference to the requirement for 21-day advance notice for international travel. The Iowa Tribe of Oklahoma has indicated an intention, however, to rectify this omission.

The SMART Office has determined that this deviation does not substantially disserve the purposes of this requirement.

IX. Verification/Appearance Requirements

The Iowa Tribe of Oklahoma 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.

SORNA also requires that a jurisdiction's web site be listed on the Dru Sjodin National Sex Offender Public Web site (NSOPW). At this time, the Iowa Tribe of Oklahoma has a public web site, but it is not yet or listed on NSOPW. The Iowa Tribe of Oklahoma has indicated that they are in the process of finalizing their web site and are arranging for it to be listed on NSOPW on or before August 15, 2011.

The Iowa Tribe of Oklahoma does not meet all of the SORNA requirements in this section at this time; however, the tribe understands that having their public web site listed with NSOPW is an obligation they must meet, and the SMART Office will follow up on August 15, 2011 and any point necessary thereafter to ensure this takes place.

The SMART Office has determined that the Iowa Tribe of Oklahoma has not substantially disserved the purposes of this requirement.

XI. Community Notification

The Iowa Tribe of Oklahoma meets all of the SORNA requirements in this section.

XII. When a Sex Offender Fails to Appear for Registration

The Iowa Tribe of Oklahoma meets all of the SORNA requirements in this section.

XIII. When a Jurisdiction has Information that a Sex Offender may have Absconded

The Iowa Tribe of Oklahoma meets all of the SORNA requirements in this section.

XIV. Other Considerations

The Iowa Tribe of Oklahoma is sophisticated in their information sharing systems and arrangements to transmit the required information to organizations such as IAFIS, the FBI, and to update NCIC/NSOR. An existing treaty with neighboring tribe Kickapoo of Oklahoma could significantly improve Kickapoo's information sharing and ability to substantially implement SORNA. Further, correspondence with tribal representatives indicates that all issues that were identified by the SMART Office, including all those identified in this review, will be addressed by September 1, 2011. The SMART Office will follow up with the tribe to ensure progress on these issues.

Conclusion

The Iowa Tribe of Oklahoma has put forth exceptional work and effort in adopting SORNA and enhancing its sex offender registration and notification system. However, there are provisions identified in this report that should be addressed in order for the Iowa Tribe of Oklahoma to fully implement SORNA.

We encourage you to continue your efforts towards fully implementing the provisions of SORNA. If at any time you require assistance or clarification on implementation, do not hesitate to contact the SMART Office.