



July 2011

SORNA Substantial Implementation Review Pueblo of Isleta

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 Pueblo of Isleta 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 Pueblo of Isleta's SORNA substantial implementation packet and has found that Pueblo of Isleta has substantially implemented SORNA.

On January 7, 2011, Pueblo of Isleta submitted a substantial implementation package that included the Pueblo of Isleta Sex Offender Registration and Notification Ordinance (Tribal Ordinance), the Pueblo of Isleta Policies and Procedures Manual (Procedures Manual), copies of registration forms, and a description of the tribal community. In addition, email and phone correspondence with Pablo Padilla, Tribal Attorney, filled in gaps in information and procedure, which informed our review.¹ Amendments to the Tribal Ordinance and Procedures Manual were received on July 18, 2011. The Tribal Ordinance, both in its initial form and updated, largely follow the Model Tribal Code provided by the SMART Office, and, as such, provides comprehensive coverage of SORNA's requirements.

Our review of these materials follows the outline of the SMART Office Substantial Implementation Checklist-Revised, which contains 14 relevant sections addressing the SORNA requirements. Under each section, we indicate whether Pueblo of Isleta 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 Pueblo of Isleta is encouraged to work toward rectifying the few 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 state has not met SORNA standards.

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

I. Immediate Transfer of Information

Pueblo of Isleta meets all of the SORNA requirements in this section.

¹The SMART Office had email and phone correspondence with Pablo Padilla in June 2011.

II. Offenses that Must Be Included in the Registry

Pueblo of Isleta 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 Pueblo of Isleta's placement of these statutes within the SORNA three tier levels. Pueblo of Isleta correctly places its statutes within the minimum appropriate SORNA tiers, with the following exception:

- **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 the Pueblo of Isleta's Sex Offender Registry and Notification Act to reflect the correct tier.

While Pueblo of Isleta 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

Pueblo of Isleta meets all of the SORNA requirements in this section.

V. Where Registration is Required

Pueblo of Isleta meets all of the SORNA requirements in this section.

VI. Initial Registration: Timing and Notice

Pueblo of Isleta meets all of the SORNA requirements in this section.

VII. Initial Registration: Retroactive Classes of Offenders

Pueblo of Isleta meets all of the SORNA requirements in this section.

VIII. Keeping the Registration Current

Pueblo of Isleta meets all of the SORNA requirements in this section.

IX. Verification/Appearance Requirements

Pueblo of Isleta meets all of the SORNA requirements in this section.

X. Public Registry Website Requirements

Pueblo of Isleta meets all of the SORNA requirements in this section.

XI. Community Notification

Pueblo of Isleta meets all of the SORNA requirements in this section.

XII. When a Sex Offender Fails to Appear for Registration

Pueblo of Isleta meets all of the SORNA requirements in this section.

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

Pueblo of Isleta meets all of the SORNA requirements in this section.

XIV. Other Considerations

The Pueblo's Tribal Council amended the Pueblo of Isleta Sex Offender Registration and Notification Ordinance and the Pueblo of Isleta Policies and Procedures Manual to address issues identified in our initial review. A copy of these amendments was received on July 18, 2011. The amended Tribal Ordinance and Procedures Manual demonstrate that the Pueblo of Isleta meets the standards for substantial implementation of SORNA.

Conclusion

Pueblo of Isleta has put forth exceptional work and effort in adopting SORNA and enhancing its sex offender registration and notification system. There is, however, one provision identified in this report that should be addressed in order for Pueblo of Isleta to fully implement SORNA.

We encourage you to contact the SMART Office once you have had the opportunity to review and discuss our findings and have developed a strategy for addressing the identified deviation from SORNA.