



June 2013

SORNA Substantial Implementation Review Shoshone-Paiute Tribes of the Duck Valley Indian Reservation

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 Shoshone-Paiute Tribes of the Duck Valley Indian Reservation (Shoshone-Paiute Tribes) 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 Shoshone-Paiute Tribes' SORNA substantial implementation packet and has found that the Shoshone-Paiute Tribes has substantially implemented SORNA.

On July 25, 2011, the Shoshone-Paiute Tribes submitted a substantial implementation package that included (1) Background information for the Shoshone-Paiute Tribes; (2) History of the Shoshone-Paiute Tribe's Court; (3) Memorandum of Understanding with Bureau of Indian Affairs Law Enforcement; (4) Memorandum of Understanding with State of Idaho and Shoshone-Paiute Tribes; (5) Guide to the Idaho Sex Offender Registration Program; (6) Memorandum of Understanding with State of Nevada and Shoshone-Paiute Tribes; (7) Shoshone-Paiute tribal Sex Offender Registration Ordinance (8) Shoshone-Paiute Tribes Law and Order Code; (9) Shoshone-Paiute Policies and Procedures Manual for Sex Offender Registration; (10) Shoshone-Paiute Tribes Standard Operating Procedures for Sex Offender Registration; (11) Shoshone-Paiute Tribes Ordinance 2003-SPO-09 (Judiciary Code), 99-SPO-03 (Domestic Violence), 2004-SPO-01 (Children's Code); (12) Shoshone-Paiute Tribes Probation Policies and Procedures; (13) Shoshone-Paiute Tribes Community Notification of Registration of Convicted Sex Offenders. In addition, email and phone correspondence with Lisa Jim, SORNA Director for Shoshone-Paiute Tribes and Joan Wilson, attorney with Sonosky, Chambers, Sachse, Miller & Munson, LLP 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 that Shoshone-Paiute Tribes 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.

¹The SMART Office had email and phone correspondence with Lisa G. Jim, SORNA Director, 208-871-7067, 775-757-2318, jim.lisa@shopai.org.

The Shoshone-Paiute Tribes 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 Shoshone-Paiute Tribes 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 Shoshone-Paiute Tribes 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 Shoshone-Paiute Tribes 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 Shoshone-Paiute Tribes 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 Shoshone-Paiute Tribes 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 Shoshone-Paiute Tribes 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 Shoshone-Paiute Tribes 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

- (1) For “Tier 1” offenders, once every year for 15 years from the time of the release from custody for a sex offender who is incarcerated for the registration offense or from the date of sentencing for a sex offender who is not incarcerated for the registration offense.
- (2) For “Tier 2” offenders, once every 180 days for 25 years from the time of release from custody for a sex offender who is incarcerated for the registration offense or from the date of sentencing for a sex offender who is not incarcerated for the registration offense.
- (3) For “Tier 3” offenders, once every 90 days for the rest of their lives.

B. Frequency of Registration

- (1) For “Tier 1” offenders, once every year for 15 years from the time of the release from custody for a sex offender who is incarcerated for the registration offense or from the date of sentencing for a sex offender who is not incarcerated for the registration offense.
- (2) For “Tier 2” offenders, once every 180 days for 25 years from the time of release from custody for a sex offender who is incarcerated for the registration offense or from the date of sentencing for a sex offender who is not incarcerated for the registration offense.
- (3) For “Tier 3” offenders, once every 90 days for the rest of their lives.

C. Reduction in Registration Period

- (1) A Tier 1 offender may have his or her period of registration reduced to 10 years if he or she has maintained a clean record for 10 consecutive years;
- (2) A Tier 3 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 3 registration and he or she has maintained a clean record for 25 consecutive years.

D. Clean Record Requirement

- (1) He or she has not been convicted of any offense, for which imprisonment for more than 1 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 Shoshone-Paiute Tribes 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 Shoshone-Paiute Tribe opted to enter into a Memorandum of Agreement with the State of Idaho and with the State of Nevada. Through this MOA, the States fulfill the website requirements. However, Idaho does not meet the minimum requirements of SORNA in part because they do not make employer information available. The Shoshone-Paiute Tribe will make employer information available through the SORNA Director at the SORNA office in order to compensate for the current gap in Idaho's system. The Tribe will memorialize this policy in the policies and procedures document currently being created.

The Shoshone-Paiute Tribes 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 Shoshone-Paiute Tribes Reservation 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 Shoshone-Paiute Tribes 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 Shoshone-Paiute Tribes meets all of the SORNA requirements in this section.

XIV. Other Considerations

Conclusion

The Shoshone-Paiute Tribes of the Duck Valley Indian Reservation has put forth exceptional work and effort in substantially implementing SORNA and enhancing its sex offender registration and notification system.