



July 2011

SORNA Substantial Implementation Review Upper Skagit 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 Upper Skagit 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 Upper Skagit Indian Tribe's SORNA substantial implementation packet and has found that Upper Skagit Indian Tribe has substantially implemented SORNA.

On March 30, 2011, the Upper Skagit Indian Tribe submitted a substantial implementation package that included the tribe's sex offender ordinance, procedures manual, and a detailed description of their community. In addition, email and phone correspondence with Jeff Schuster, Tribal Attorney, filled in gaps in information and procedure, which informed our review.¹ The Upper Skagit Indian Tribe's Sex Offender Registration Ordinance largely follows 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 that the Upper Skagit Indian Tribe meets the SORNA requirements of that section.

I. Immediate Transfer of Information

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

II. Offenses that Must Be Included in the Registry

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

III. Tiering of Offenses

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

¹The SMART Office had email and phone correspondence with Jeff Schuster, Tribal Attorney, in June 2011.

IV. Required Registration Information

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

V. Where Registration is Required

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

VI. Initial Registration: Timing and Notice

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

VII. Initial Registration: Retroactive Classes of Offenders

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

VIII. Keeping the Registration Current

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

IX. Verification/Appearance Requirements

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

X. Public Registry Website Requirements

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

XI. Community Notification

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

XII. When a Sex Offender Fails to Appear for Registration

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

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

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

XIV. Other Considerations

On June 30, 2011, the SMART Office received a scanned copy of an agreement between Upper Skagit Tribal Police Department and Skagit 911 dated February 2011 which demonstrates the appropriate level of NCIC access for SORNA's requirements. The tribe has obtained and has procedures on how to utilize the FBI-provided DNA sample collection and mailing kits to submit DNA to FBI/CODIS. It also has obtained and developed procedures on how to utilize the fingerprint mailing kits. Additionally, the tribe immediately addressed issues for clarification identified in our initial review and amended their tribal ordinance to meet SORNA's standards.

Conclusion

Upper Skagit Indian Tribe has put forth exceptional work and effort in adopting SORNA and enhancing its sex offender registration and notification system.