



February 2019

SORNA Substantial Implementation Review Ute Indian Tribe of the Uintah & Ouray 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 Ute Indian Tribe of the Uintah & Ouray Reservation (Ute 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 the Ute Indian Tribe's SORNA substantial implementation materials and has found that the Ute Indian Tribe has substantially implemented SORNA.

On October 30, 2013, the Ute Indian Tribe submitted a substantial implementation package that included the Ute Indian Tribe Sex Offender Registration Ordinance, the tribe's sex offender registration policies, procedures and various related forms. Subsequent to collaboration with the SMART Office, the Ute Indian Tribe submitted final revisions to its substantial implementation materials on August 27, 2018. In addition, email, phone correspondence and in-person meetings informed our review.

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 the Ute 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, the initial registration information or updated information be immediately sent to other jurisdictions where the offender has to register, as well as to the National Crime Information Center (NCIC) National Sex Offender Registry (NSOR) and the jurisdiction's public sex offender registry website. The Ute SORNA Department has access to enter sex offender registration information into NCIC/NSOR directly through the Utah Criminal Justice Information Service.

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

II. Offenses That Must Be Included in the Registry

SORNA requires certain federal, military and foreign offenses are included in a jurisdiction's registration scheme. In addition, SORNA requires the jurisdiction capture certain sex offenses, both offenses from its jurisdiction and from other SORNA registration jurisdictions, in its registration scheme. SORNA also requires certain adjudications of delinquency are included in a jurisdiction's registration scheme.

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

III. Tiering of Offenses

SORNA requires 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 Ute Indian Tribe's placement of these statutes within the SORNA three tier levels. The Ute Indian Tribe correctly places its statutes within at least the minimum appropriate SORNA tiers.

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

IV. Required Registration Information

SORNA requires the jurisdiction collect certain pieces of information from and for each offender it registers, and requires the jurisdiction keep that registration information, in a digitized form, in its registry.

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

V. Where Registration Is Required

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

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

VI. Initial Registration: Generally

SORNA requires 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 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, during the initial registration process, the jurisdiction inform the offender of his or her registration duties and require the offender to acknowledge in writing that he or she understands those duties.

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

VII. Initial Registration: Retroactive Classes of Offenders

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

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

VIII. Keeping the Registration Current

SORNA requires 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 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 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 the offender immediately appear in person to update school-related information.

SORNA also requires 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 Ute Indian Tribe meets all of the SORNA requirements in this section.

IX. Verification/Appearance Requirements

SORNA requires 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.

A. Duration of Registration

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

Ute Indian Tribe requires that offenders register for the following duration of time after their release from incarceration or sentencing: tier I offenders register for 15 years, tier II offenders register for 25 years and tier III offenders register for life.

B. Frequency of Registration

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

Ute Indian Tribe requires that offenders appear in person at the Ute Indian Tribe SORNA Department for purposes of verification and keeping their registration current from the time of release from custody (for a sex offender who is incarcerated for the offense) or from the date of sentencing (for a sex offender who is not incarcerated for the offense), as follows: tier I, every 12 months; tier II, every six months; and tier III, every three months.

C. Reduction of Registration Period

The Ute Indian Tribe permits a tier I offender to have his or her period of registration reduced to 10 years if he or she has maintained a clean record for 10 consecutive years. A tier III 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 III registration and he or she has maintained a clean record for 25 consecutive years.

D. Clean Record Requirements

A sex offender registered with the Ute Indian Tribe has a clean record if he or she has satisfied the following requirements: 1) he or she has not been convicted of any offense for which imprisonment lasted more than 9 months; 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 Ute Indian Tribe meets all of the SORNA requirements in this section.

X. Public Registry Website Requirements

SORNA requires 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 Ute Indian Tribe meets all of the SORNA requirements in this section.

XI. Community Notification

SORNA requires each jurisdiction disseminate certain initial and updated registration information to particular agencies within the jurisdiction. In addition, SORNA requires each jurisdiction also disseminate certain initial and updated registration information to the community.

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

XII. When a Sex Offender Fails to Appear for Registration

SORNA requires 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, 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 Ute 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 when a jurisdiction has information that a sex offender may have absconded, the jurisdiction take certain actions to investigate the absconder and notify various law enforcement agencies.

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

XIV. Additional Considerations

There are no additional considerations.

Conclusion

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