

## **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 Oder 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.<sup>1</sup>

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

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

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**

- (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**