



SORNA Substantial Implementation Package Submission

Guidance for Tribes

In order for the SMART Office to make a SORNA “substantial implementation” determination, all eligible registration jurisdictions must submit an implementation package for review. The SMART Office policy advisor assigned to the review must be able to contact a designee from the jurisdiction who can answer questions, complete omissions and make corrections to the submission. Contact information for this person should be included with the submission.

Format for Substantial Implementation Submission: A complete substantial implementation package will require the submission of many documents. We recommend that this information come in a binder with a table of contents referencing the materials included. Further, the Substantial Implementation Checklist should be included with references to where in the binder or specific section a component can be found. If possible, submitting codes, Policy and Procedures manuals and forms electronically (on disc, thumb drive or via email) is helpful for quickly relaying comments. The Package should be addressed to Linda Baldwin, Director, SMART Office, 810 7th Street, NW, Washington, DC 20531.

List of Items That Should Be Included With Substantial Implementation Package: The attached list is not exhaustive -- there may be additional documents specific to certain jurisdictions that will be necessary to include as well. For ease of reference, the list is broken down into three general categories:

- 1) Background Information about the tribe and the tribe’s criminal justice system.
- 2) Information about the tribe’s registration process and/or program.
- 3) Documents that must be attached to the Substantial Implementation Checklist to show how the tribe has met SORNA’s requirements.

For clarification or further guidance please contact the SMART Office: *Allison Turkel* allison.turkel@usdoj.gov 202-305-2117 or *Juli Ana Grant* juliana.grant@usdoj.gov 202-514-7768.

Background Information About the Tribe and the Tribe's Criminal Justice System

- Introduction and Table of Contents (format can vary).
- Description of the community: This should include a description of the tribal land, population (tribal and non tribal) businesses (type, size, location and how business will be notified of obligation of employees to register), number of schools (attendees, tribal or other), and any other information the community thinks is relevant to its implementation of SORNA.
- Description of the criminal justice and law enforcement infrastructure:
 - Is there a police department(s), if so what kind, BIA, contract, tribal, etc?
 - Number of sworn officers? Are they cross-deputized with county or state?
 - Is there a tribal court?
 - Is there a probation department?
- Tribes with tribal courts need to have notice provisions and forms that the court utilizes when taking a guilty plea from an eligible offender or after conviction for a registerable sex offense. This notice must include notice of the offender's obligations to register any place they live, work or go to school.
- If the tribe has a tribal jail, the package must contain information about how registration and/or notification will be handled and how other jurisdictions will be notified of an offender's release to a different jurisdiction. If there is not a tribal jail, the package must contain information about where offenders are housed and how the tribe will be notified when offenders are released to tribal land. Copies of agreements with state(s) on notification of registered offenders and offenders leaving jail.

Information about the Tribe's Registration Process and/or Program

- Description of the tribe's registration program, including where registration will take place, and who is the responsible registrar.
- A description of which offenders have been identified for registration or re-registration. This is to include eligible offenders in jail, on community supervision, and those registered with another jurisdiction that now must be registered with the tribe. (Tribes will need to contact the state

registration authorities to identify which offenders now registered with the state reside in Indian Country and details should be provided as to how the tribe intends to notify these offenders of their obligation to register with the tribe). The description should also include any other offenders the tribe's sex offender code will include as registerable.

- Description and URL of the public website the tribe has chosen to use and the projected date when it will go live. This should include contracts and/or use agreements with the entity providing the web service, as well as validation that the site will be connected to the National Sex Offender Public Website (NSOPW). There is a free tool, the Tribal and Territory Sex Offender Registry System (TTSORS) that was developed by the SMART Office to help tribes set up a registry and public website. If you need further information, please contact the SMART office.

The SORNA Substantial Implementation Checklist and Attachments

- A completed SORNA Substantial Implementation Checklist with page references included.
- A Sex Offender Registration and Notification Code (not merely a copy of the Tribal Model Sex Offender Code) specific to the tribe. Must include all the SORNA minimum registerable offenses included in the checklist, SORNA, and the guidelines and supplemental guidelines. If the tribe is entering into agreements for most registration functions, a Code may not be necessary but a Policy and Procedures document will be. The tribe should also consider if is necessary to update their criminal code, procedures, court procedures and sex offender registry code pursuant to adoption of extended sentencing under the Tribal Law and Order Act (TLOA).
- The package must contain the portions of any tribal criminal codes that are relevant to SORNA. A copy of any other applicable statutes should be included as well (for example, exclusion codes).
- The package must include a Policy and Procedures "manual" describing all tribal specific aspects of the tribe's sex offender registration and notification program. For tribes entering into MOU's or in a tribal consortium, a Policy and Procedures document must be submitted that describes all aspects of implementation of SORNA. This should include a description of how notice of registration obligations and registration location will be provided to offenders. Enforcement agreements should also be included.

- All forms that will be utilized for registration and notification should be included, including the sex offender acknowledgement form that is required by the Supplemental Guidelines.
- Copies of any MOU's, intergovernmental agreements, or cooperative agreements with other tribes, counties, state or federal agencies for information sharing or other registration requirements. (if you have entered into any of these). Included in this information should be descriptions of:
 - How DNA will be taken and submitted to CODIS
 - How sex offender data will be entered in NCIC/NSOR for all purposes
 - How fingerprints will be submitted for entry in IAFIS
 - Procedures for enforcement if applicable to the type of agreement.
- Include any agreements with Federal agencies including, but not limited to, USMS, BIA, FBI, Interpol, and Bureau of Prisons (BOP).
- The package must describe what will be done to address community notification. If utilizing TTSORS, email notification to the public meets the SORNA minimum standard, however, tribes can be creative with regard to how they will actually notify their communities about the implementation of sex offender registration in their communities and specific notices concerning sex offenders.
- If a tribe is entering into a consortium with other tribes, each tribe **MUST** submit a substantial implementation package to the SMART Office. Much of the paperwork will be the same or will contain shared agreements. Each tribe, however, will need some form of Policy and Procedures manual to guide tribe-specific directives and notification. Implementation is an on-going responsibility, thus these agreements may change over time and any alteration or update to such agreements should be sent to the SMART Office.
- Please include any other information relevant to implementation of SORNA in your jurisdiction.