May 2011[1]

SORNA Substantial Implementation Review
Grand Traverse Band of Ottawa and Chippewa Indians

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 Grand Traverse Band of Ottawa and Chippewa Indians (GTB) 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 GTB's SORNA substantial implementation packet and has found that GTB has substantially implemented SORNA.

GTB submitted a substantial implementation package that included the Grand Traverse Band of Ottawa and Chippewa Indians Sex Offender Registration and Notification Ordinance (Tribal Ordinance), the Grand Traverse Band of Ottawa and Chippewa Indians Policies and Procedures Manual (Procedures Manual), copies of registration forms, and a description of the tribal community. In addition, email and phone correspondence with Cindy Laurell, CASOM Project Director and Program Coordinator, filled in gaps in information and procedure. A policy and procedures addendum will address additional technical details, and certain statutory subsections relating to registerable federal offenses, the 21 day notice provision for international travel required by the SORNA Supplemental Guidelines, and a few specific references in the Sex Offender Code will be added by the legislature. The changes were submitted to the GTB legal department and they are expecting approval by May 30, 2011.

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 whether GTB meets the SORNA requirements of that section or deviates from the requirements in some way. In instances of deviation, we specify where the departure(s) from a particular requirement does not substantially disserve the purposes of that requirement.

While GTB is encouraged to work toward rectifying the few deviations from requirements in order to achieve full implementation of SORNA, this is not required for substantial implementation purposes. This report is an exhaustive review and is intended to detail every area in which the tribe has not met SORNA standards.

We encourage you to review the information below, share it with relevant stakeholders in the tribe, and get back in touch with us to develop a strategy to address these remaining issues.

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[1] This report was written to reflect the status of GTB's SORNA Implementation efforts as of May, 2011, the period when GTB was initially notified of the SMART Office's determination of substantial implementation.

I. Immediate Transfer of Information

GTB meets all of the SORNA requirements in this section.

II. Offenses that Must Be Included in the Registry

GTB 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 SMART Office has reviewed all statutes identified in the substantial implementation submission package and has identified GTB's placement of these statutes within the SORNA three tier levels. GTB correctly places its statutes within the minimum appropriate SORNA tiers, with the following exceptions:

- A report was shared with Cindy Laurell, GTB's CASOM Project Director and Program Coordinator, that reflects some minor definition errors and minor tiering issues. The SMART Office recommends that amendments be made to GTB' Sex Offender Registry and Notification Act to reflect the correct language. These are set for 30 day notice to the community before legislative action in June 2011.

- USC 2423(d)-will be added as a Tier 3.

- Definition of tribal lands will be changed for consistency to GTB tribal lands

- The definition of juvenile needs to be consistent throughout the Code to reflect the tribe's intent to only include 18 USC§ 2241 (a) & (b) as registerable offenses for juveniles adjudicated delinquent.

- The Code needs to reflect that registration is required for adults convicted of 18 USC § 2241 (a, b and c).

These deviations do not substantially disserve the purposes of the requirements in this section.

IV. Required Registration Information

GTB meets all of the SORNA requirements in this section.

V. Where Registration is Required

GTB meets all of the SORNA requirements in this section.

VI. Initial Registration: Timing and Notice

GTB meets all of the SORNA requirements in this section.

VII. Initial Registration: Retroactive Classes of Offenders

GTB meets all of the SORNA requirements in this section.

VIII. Keeping the Registration Current

GTB meets all of the SORNA requirements in this section.

IX. Verification/Appearance Requirements

GTB meets all of the SORNA requirements in this section.

X. Public Registry Website Requirements

GTB meets all of the SORNA requirements in this section. GTB posts offenders on their website located at https://gtb.nsopw.gov/.

XI. Community Notification

GTB meets all of the SORNA requirements in this section.

XII. When a Sex Offender Fails to Appear for Registration

GTB meets all of the SORNA requirements in this section.

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

GTB meets all of the SORNA requirements in this section.

XIV. Other Considerations

GTB enters data into both the Michigan MCJIN system and into its website. GTB is able to enter NCIC/NSOR data and scan fingerprints through the Michigan system and is using the Michigan State Laboratory for its DNA submissions.

Conclusion

GTB has put forth exceptional work and effort in adopting SORNA and enhancing its sex offender registration and notification system. The SMART Office is aware that there are pending legislative updates that require 30 days' notice to the community before the legislature can enact them. These legislative changes should be provided to the SMART Office once passed.