



December 2011

SORNA Substantial Implementation Review Washoe Tribe of Nevada and California

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 Washoe Tribe of Nevada and California 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 Washoe Tribe of Nevada and California's SORNA substantial implementation packet and has found that the Washoe Tribe of Nevada and California has substantially implemented SORNA.

On April 18, 2011, the Washoe Tribe submitted a substantial implementation package that included several exhibits, including background information on the tribe and its criminal justice system, courts, and police department; policies and procedures regarding sex offender registration; the tribe's sex offender registration law; and other relevant additional laws. They provided forms and memoranda of agreement with other law enforcement agencies. In addition, email and phone correspondence with Anne Goldy the Sex Offender Registration Program Manager and Suzanne Garcia, Tribal Attorney filled in gaps in information and procedure, which informed our review.¹

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. With one exception that does not disserve the SORNA requirement in that section, noted in Section II, the Washoe Tribe meets the SORNA requirements.

I. Immediate Transfer of Information

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

¹The SMART Office had email and phone correspondence with Anne Goldy the Sex Offender Registration Program Manager and Suzanne Garcia, Tribal Attorney since late 2009.

II. Offenses that Must Be Included in the Registry

The Washoe Tribe has not included the following offenses under Title 31 of the Law and Order Code: 18 USC § 2422, 18 USC § 2423 and 5-50-030 (Washoe tribal offense for Promotion of Sexual Performance of a Minor). However exclusion of these offenses does not substantially disserve the purposes of this SORNA section.

III. Tiering of Offenses

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

IV. Required Registration Information

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

V. Where Registration is Required

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

VI. Initial Registration: Timing and Notice

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

VII. Initial Registration: Retroactive Classes of Offenders

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

VIII. Keeping the Registration Current

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

IX. Verification/Appearance Requirements

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

X. Public Registry Website Requirements

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

XI. Community Notification

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

XII. When a Sex Offender Fails to Appear for Registration

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

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

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

XIV. Other Considerations

The Tribe's substantial implementation submission followed very closely with the model code and their policy and procedures are exceptional. They have set a high standard for what forms and procedure should look like and it provides a thorough explanation of how an offender should be registered. The policy and procedures clearly detail what responsibilities their SORNET program has for registration, public posting, and information sharing. As the Washoe Tribe continues to implement SORNA, the SMART Office recommends adding the omitted offenses to their sex offender code.

Conclusion

The Washoe Tribe of Nevada and California has put forth exceptional work and effort in adopting SORNA and enhancing its sex offender registration and notification system.