



May 2012

SORNA Substantial Implementation Review Cherokee Nation

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 Cherokee Nation 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 Cherokee Nation SORNA substantial implementation packet and has found that the Cherokee Nation has substantially implemented SORNA.

On June 09, 2011, the Cherokee Nation submitted a substantial implementation package that included several exhibits, pending legislation to switch to an offense-based tiering structure, the Cherokee Nation Sex Offender Registration and Notification Act Policies and Procedures Manual; 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, subsequent email and phone correspondence with Chrissi Nimmo, Assistant Attorney General for the Cherokee Nation clarified some issues¹

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 that the Cherokee Nation meets the SORNA requirements of that section.

I. Immediate Transfer of Information

The Cherokee Nation meets all of the SORNA requirements in this section.

II. Offenses that Must Be Included in the Registry

The Cherokee Nation meets all of the SORNA requirements in this section.

¹The SMART Office had email and phone correspondence with Chrissi Nimmo, Assistant Attorney General of the Cherokee Nation in January, May, October and December 2011, and March and April 2012.

III. Tiering of Offenses

The Cherokee Nation meets or exceeds all of the SORNA requirements in this section.

IV. Required Registration Information

The Cherokee Nation meets all of the SORNA requirements in this section.

V. Where Registration is Required

The Cherokee Nation meets all of the SORNA requirements in this section.

VI. Initial Registration: Timing and Notice

The Cherokee Nation meets all of the SORNA requirements in this section.

VII. Initial Registration: Retroactive Classes of Offenders

The Cherokee Nation meets all of the SORNA requirements in this section.

VIII. Keeping the Registration Current

The Cherokee Nation meets all of the SORNA requirements in this section.

IX. Verification/Appearance Requirements

The Cherokee Nation meets all of the SORNA requirements in this section.

X. Public Registry Website Requirements

The Cherokee Nation meets all of the SORNA requirements in this section.

XI. Community Notification

The Cherokee Nation meets all of the SORNA requirements in this section.

XII. When a Sex Offender Fails to Appear for Registration

The Cherokee Nation meets all of the SORNA requirements in this section.

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

The Cherokee Nation meets all of the SORNA requirements in this section.

XIV. Other Considerations

The Cherokee Nation had enacted the Cherokee Nation Sex Offender Registration and Notification Act in 2008, and their Code and policy and procedures are exceptional. They were quick to make requested changes to bring them into SORNA compliance; subsequently, all of the omissions or issues have been resolved by the Tribe and are reflected in pages amended to the binder or in emails in the cover of the Substantial Implementation Package.

Conclusion

The Cherokee Nation has put forth exceptional work and effort in adopting SORNA and enhancing its sex offender registration and notification system.