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SORNA Substantial Implementation Review Gila River Indian Community

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 Gila River Indian Community 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 Gila River Indian Community' SORNA substantial implementation packet and has found that the Gila River Indian Community has substantially implemented SORNA.

On July 26, 2011, the Gila River Indian Community submitted a substantial implementation package including background information on the tribe and its criminal justice system, courts, and police department, policies and procedures regarding sex offender registration, its sex offender registration law and other laws. In addition, email and phone correspondence with Gila River Indian Community Senior Assistant General Counsel, Rebecca A. Hall, 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 sections addressing the SORNA requirements. Under each section, we indicate whether the Gila River Indian Community 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 the Gila River Indian Community is encouraged to work toward rectifying 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.

¹The SMART Office had email and phone correspondence with Gila River Indian Community Senior Assistant General Counsel, Rebecca A. Hall, (520) 562-9760, rebecca.hall@gric.nsn.us.

I. Immediate Transfer of Information

SORNA requires that when an offender initially registers and/or updates his information in a jurisdiction, this initial registration information/updated information be immediately sent to other jurisdictions where the offender has to register, to NCIC/NSOR, and the jurisdiction's public sex offender registry website.

Despite the Tribe's efforts to submit this data to NCIC/NSOR, the State of Arizona does not authorize tribal agencies to submit data into NCIC through its system unless the tribe requires sex offenders to register concurrently with the State. This is not consistent with SORNA requirements. Additionally, FBI/CJIS does not have an alternative method that permits tribes to submit this necessary data to NCIC/NSOR. This obstacle prevents the Gila River Indian Community from entering information into NCIC/NSOR when initially registering a sex offender, when a sex offender indicates a change of residence, when a sex offender updates any information, when a sex offender is going to travel internationally, and/or if an offender absconds. The Gila River Indian Community does submit paperwork to the Arizona Department of Public Safety to have offenders entered into NCIC. Gila River Indian Community also updates its own website and provides community notifications when an offender's information changes. The Gila River Indian Community has indicated that when it can do so, it will directly enter all new, updated and recaptured sex offender information into the NCIC/NSOR, as required by SORNA.

At this time, the Gila River Indian Community is one of a number of tribes in Arizona that currently does not have a means to directly submit sex offender information to NCIC/NSOR. The SMART Office is aware that this obstacle is shared by other tribes in Arizona, and is involved in efforts to find short- and long-term solutions and alternatives for tribes in Arizona to input sex offender information into NCIC/NSOR. However, the SMART Office finds that the tribe has found a sufficient work around to address the requirements of this section.

II. Offenses that Must Be Included in the Registry

The Gila River Indian Community meets all of the SORNA requirements in this section.

III. Tiering of Offenses

The Gila River Indian Community meets all of the SORNA requirements in this section.

IV. Required Registration Information

The Gila River Indian Community meets all of the SORNA requirements in this section.

V. Where Registration is Required

The Gila River Indian Community meets all of the SORNA requirements in this section.

VI. Initial Registration: Timing and Notice

The Gila River Indian Community meets all of the SORNA requirements in this section.

VII. Initial Registration: Retroactive Classes of Offenders

The Gila River Indian Community meets all of the SORNA requirements in this section.

VIII. Keeping the Registration Current

The Gila River Indian Community meets all of the SORNA requirements in this section.

IX. Verification/Appearance Requirements

The Gila River Indian Community meets all of the SORNA requirements in this section.

X. Public Registry Website Requirements

The Gila River Indian Community meets all of the SORNA requirements in this section.

XI. Community Notification

The Gila River Indian Community meets all of the SORNA requirements in this section.

XII. When a Sex Offender Fails to Appear for Registration

The Gila River Indian Community meets all of the SORNA requirements in this section.

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

The Gila River Indian Community meets all of the SORNA requirements in this section.

XIV. Other Considerations

The SMART Office acknowledges the limitations with respect to NCIC for the Gila River Indian Community. Efforts continue to find short- and long-term solutions to this problem. The current lack of access to NCIC, however, will not be a barrier for a determination of substantial implementation for the Gila River Indian Community.

Conclusion

The Gila River Indian Community has put forth exceptional work and effort in adopting SORNA and enhancing its sex offender registration and notification system.