



March 2012

## **SORNA Substantial Implementation Review Sac & Fox of the Mississippi in Iowa (Meskwaki)**

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 Sac & Fox of the Mississippi in Iowa (Meskwaki) 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 Sac & Fox of the Mississippi in Iowa (Meskwaki) SORNA substantial implementation packet and has found that the Sac & Fox of the Mississippi in Iowa (Meskwaki) has substantially implemented SORNA.

On July 12, 2011, the Sac & Fox of the Mississippi in Iowa (Meskwaki) submitted a substantial implementation package that included 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 relevant additional laws. In addition, email and phone correspondence with Lead Prosecutor, Michael Marquess, filled in gaps in information and procedure, which informed our review.<sup>1</sup>

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 Sac & Fox of the Mississippi in Iowa (Meskwaki) 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 Sac & Fox of the Mississippi in Iowa (Meskwaki) 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 if you need assistance developing a strategy to address outstanding issues.

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<sup>1</sup>The SMART Office had email and phone correspondence with Lead Prosecutor, Michael Marquess, [prosecutor.legal@meskwaki-nsn.gov](mailto:prosecutor.legal@meskwaki-nsn.gov)

## **I. Immediate Transfer of Information**

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

From the package submitted and an email exchange with the Lead Prosecutor, it was clarified that while the Tribe has its own ORI number, there is not a terminal from which NCIC/NSOR information can be directly submitted. However, the Tribe is a member of the Tama County Emergency Communications Board and the staff of the Emergency Communications Center will input the SORNA information by request. There is a form that the Tribe completes and submits to Emergency Communications to accomplish the SORNA requirement.

## **II. Offenses that Must Be Included in the Registry**

The Sac & Fox of the Mississippi in Iowa (Meskwaki) meets all of the SORNA requirements in this section.

## **III. Tiering of Offenses**

The Sac & Fox of the Mississippi in Iowa (Meskwaki) meets all of the SORNA requirements in this section.

## **IV. Required Registration Information**

The Sac & Fox of the Mississippi in Iowa (Meskwaki) meets all of the SORNA requirements in this section.

## **V. Where Registration is Required**

The Sac & Fox of the Mississippi in Iowa (Meskwaki) meets all of the SORNA requirements in this section.

## **VI. Initial Registration: Timing and Notice**

The Sac & Fox of the Mississippi in Iowa (Meskwaki) meets all of the SORNA requirements in this section.

## **VII. Initial Registration: Retroactive Classes of Offenders**

The Sac & Fox of the Mississippi in Iowa (Meskwaki) meets all of the SORNA requirements in this section.

## **VIII. Keeping the Registration Current**

The Sac & Fox of the Mississippi in Iowa (Meskwaki) meets all of the SORNA requirements in this section.

## **IX. Verification/Appearance Requirements**

The Sac & Fox of the Mississippi in Iowa (Meskwaki) meets all of the SORNA requirements in this section.

## **X. Public Registry Website Requirements**

SORNA requires that each jurisdiction maintain a public sex offender registry website and publish certain registration information on that website. SORNA also requires that certain information not be displayed on a jurisdiction's public registry website.

SORNA also requires that a jurisdiction's web site be listed on the Dru Sjodin National Sex Offender Public Web site (NSOPW). At this time, the Sac & Fox of the Mississippi in Iowa (Meskwaki) has a public web site (<http://meskwaki.nsopw.gov/>) with 11 registered offenders.

## **XI. Community Notification**

The Sac & Fox of the Mississippi in Iowa (Meskwaki) meets all of the SORNA requirements in this section.

## **XII. When a Sex Offender Fails to Appear for Registration**

The Sac & Fox of the Mississippi in Iowa (Meskwaki) meets all of the SORNA requirements in this section.

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

The Sac & Fox of the Mississippi in Iowa (Meskwaki) meets all of the SORNA requirements in this section.

#### **XIV. Other Considerations**

Regarding the international travel requirement, the Tribe's substantial implementation package was unclear. After conversations and emails with the Lead Prosecutor, the process was clarified. The Tribe agrees to notify the United States Marshals Service of any notice of foreign travel provided by an offender, and agrees the information must be provided to the jurisdiction in which the offender is required to register and the jurisdiction to which he or she is traveling. The most immediate way to clarify and ensure the enforcement of these provisions was to revise the Tribe's Policies and Procedures Manual. The language will also be clarified in the Tribe's Code; however, there is a slow legislative process. The Tribe is currently working on a comprehensive overhaul of the Tribal Criminal Code and will make the clarification on international travel part of the amended language.

#### **Conclusion**

The Sac & Fox of the Mississippi in Iowa (Meskwaki) put forth exceptional work and effort in adopting SORNA and enhancing its sex offender registration and notification system.