



September 2012

SORNA Substantial Implementation Review Mississippi Band of Choctaw 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 the Mississippi Band of Choctaw Indians (MBCI) 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 MBCI's SORNA substantial implementation packet and has found that the MBCI has substantially implemented SORNA.

On June 10, 2010, the MBCI submitted a substantial implementation package that included several exhibits, including background information on the MBCI and its criminal justice system, courts, and police department; policies and procedures regarding sex offender registration; the MBCI's sex offender registration law; MOU's with the State and other relevant additional laws. After considerable edit and updates, a new substantial implementation package was submitted to the SMART Office on June 15, 2012 which contained a newly enacted MBCI sex offender code, updates policy and procedures and forms. In addition, the SMART Office had email and telephone correspondence with Melissa Carlton, Deputy Attorney General, and Libby Cajoleas, Registry Consultant. 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 MBCI meets the SORNA requirements of that section.

I. Immediate Transfer of Information

The MBCI meets all of the SORNA requirements in this section.

II. Offenses that Must Be Included in the Registry

The MBCI meets all of the SORNA requirements in this section.

III. Tiering of Offenses

The definitions of Military Offenses within the MBCI Tier 1, Tier 2, and Tier 3 definitions cross reference the Model Code sections and not the MBCI Code sections. (32-1-1-21(b), 32-1-1-22(b) and 32-1-1-23(b)).

This does not disserve the SORNA requirement and MBCI meets all of the SORNA requirements otherwise in this section

IV. Required Registration Information

The MBCI meets all of the SORNA requirements in this section.

V. Where Registration is Required

The MBCI meets all of the SORNA requirements in this section.

VI. Initial Registration: Timing and Notice

The MBCI meets all of the SORNA requirements in this section.

VII. Initial Registration: Retroactive Classes of Offenders

The MBCI meets all of the SORNA requirements in this section.

VIII. Keeping the Registration Current

The MBCI meets all of the SORNA requirements in this section.

IX. Verification/Appearance Requirements

The MBCI meets all of the SORNA requirements in this section.

X. Public Registry Website Requirements

The MBCI meets all of the SORNA requirements in this section.

XI. Community Notification

The MBCI meets all of the SORNA requirements in this section.

XII. When a Sex Offender Fails to Appear for Registration

The MBCI meets all of the SORNA requirements in this section.

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

The MBCI meets all of the SORNA requirements in this section.

XIV. Other Considerations

The MBCI's substantial implementation submission followed very closely with the model code yet reflects their unique community and registration system. Their policy and procedures are very thorough. MBCI has an MOU with the State of Mississippi for submission, testing and CODIS entries for their DNA. MBCI has a terminal and submits its NCIC/NSOR data directly through the State of Mississippi. MBCI has a LiveScan device and scans finger and palm prints to the State of MS. In the course of working on SORNA implementation, MBCI became aware that the State was not submitting these prints to the requisite CJIS databases. MBCI has pursued this issue and if the State will not submit the prints then the Tribe will scan, print and mail them to FBI (CJIS).

All of the omissions or issues have been taken care of by the MBCI and are reflected in pages amended to the binder or in emails in the cover of the Substantial Implementation Package.

Conclusion

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