



July 2, 2012

## **SORNA Substantial Implementation Review Keweenaw Bay 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 Keweenaw Bay 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 Keweenaw Bay Indian Community's SORNA substantial implementation packet and has found that the Keweenaw Bay Indian Community has substantially implemented SORNA.

On June 30, 2011, Keweenaw Bay Indian Community 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 tribal representatives filled in gaps in laws and procedure.

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 Keweenaw Bay Indian Community meets the SORNA requirements of that section.

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

Keweenaw Bay Indian Community meets all of the SORNA requirements in this section.

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

Keweenaw Bay Indian Community meets all of the SORNA requirements in this section.

### **III. Tiering of Offenses**

SORNA requires that offenses be classified based on the nature of the offense of conviction. The SMART Office has reviewed all statutes identified in the substantial implementation submission package and has identified Keweenaw Bay Indian Community's placement of these statutes within the SORNA three tier levels. Keweenaw Bay Indian

Community correctly places its statutes within at least the minimum appropriate SORNA tiers, with the following exceptions:

- **18 U.S.C. §2243 (Sexual Abuse of a Minor or Ward).** An early version of the model tribal code provided by the SMART Office listed 18 U.S.C. 2243 as a Tier 2 offense; however the Adam Walsh Act requires that this is categorized and treated as a Tier 3 offense. In March 2011, the SMART Office issued corrections to Tiers 2 and 3 in the revised model code, which is available online here: [http://www.smart.gov/pdfs/MTSOR\\_Code.pdf](http://www.smart.gov/pdfs/MTSOR_Code.pdf).

The SMART Office recommends that amendments be made to Keweenaw Bay Indian Community's Sex Offender Registry and Notification Act to reflect the correct tier.

While Keweenaw Bay Indian Community does not meet the SORNA tiering requirement for this offense, this deviation does not substantially disserve the purposes of the requirements in this section.

#### **IV. Required Registration Information**

Keweenaw Bay Indian Community meets all of the SORNA requirements in this section.

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

Keweenaw Bay Indian Community meets all of the SORNA requirements in this section.

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

Keweenaw Bay Indian Community meets all of the SORNA requirements in this section.

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

Keweenaw Bay Indian Community meets all of the SORNA requirements in this section.

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

Keweenaw Bay Indian Community meets all of the SORNA requirements in this section.

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

Keweenaw Bay Indian Community meets all of the SORNA requirements in this section.

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

Keweenaw Bay Indian Community meets all of the SORNA requirements in this section.

## **XI. Community Notification**

Keweenaw Bay Indian Community meets all of the SORNA requirements in this section.

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

Keweenaw Bay Indian Community meets all of the SORNA requirements in this section.

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

Keweenaw Bay Indian Community meets all of the SORNA requirements in this section.

## **XIV. Other Considerations**

Keweenaw Bay Indian Community's substantial implementation submission followed very closely with the model code and their policy and procedures outline all required procedures. Except as described above, all omissions or issues have been addressed by Keweenaw Bay Indian Community and additional documentation of any changes made, as appropriate, have been added to the Substantial Implementation Package.

## **Conclusion**

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