



February 2011

SORNA Substantial Implementation Review Prairie Band Potawatomi 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 Prairie Band Potawatomi 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 Prairie Band Potawatomi Nation's SORNA substantial implementation packet and has found that the Prairie Band Potawatomi Nation has substantially implemented SORNA.

On July 16, 2011, the Prairie Band Potawatomi Nation submitted a substantial implementation package that included several exhibits, including background information on the Nation and its criminal justice system, courts, and police department, policies and procedures regarding sex offender registration, the Nation's sex offender registration law and relevant additional laws, as well as forms for registering offenders. In addition, email and phone correspondence with Vivien Olsen, Tribal Attorney, and Officer John Hurla, Prairie Band Potawatomi Tribal Police, 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 Prairie Band Potawatomi Nation meets the SORNA requirements of that section or deviates from the requirements in some way. This report is an exhaustive review and is intended to detail every area in which the Nation has not met SORNA standards.

We encourage you to review the information below, share it with relevant stakeholders in the Nation, and get back in touch with us to develop a strategy to address these remaining issues.

I. Immediate Transfer of Information

The Prairie Band Potawatomi Nation meets all of the SORNA requirements in this section.

II. Offenses that Must Be Included in the Registry

¹The SMART Office had email and phone correspondence with Vivien Olsen and John Hurla in November 2011.

The Prairie Band Potawatomi Nation meets all of the SORNA requirements in this section.

III. Tiering of Offenses

The Prairie Band Potawatomi Nation meets all of the SORNA requirements in this section.

IV. Required Registration Information

The Prairie Band Potawatomi Nation meets all of the SORNA requirements in this section.

V. Where Registration is Required

The Prairie Band Potawatomi Nation meets all of the SORNA requirements in this section.

VI. Initial Registration: Timing and Notice

The Prairie Band Potawatomi Nation meets all of the SORNA requirements in this section.

VII. Initial Registration: Retroactive Classes of Offenders

The Prairie Band Potawatomi Nation meets all of the SORNA requirements in this section.

VIII. Keeping the Registration Current

The Prairie Band Potawatomi Nation meets all of the SORNA requirements in this section. However, we have suggested that the Nation consider an edit to Section 15-11-18 (A) to delete the sentence “In the event the sex offender will be traveling outside of the United States for more than 7 days, the Tribal Police Department or designee shall immediately provide this information to INTERPOL.” Such notice to INTERPOL is not necessary under SORNA.

IX. Verification/Appearance Requirements

The Prairie Band Potawatomi Nation meets all of the SORNA requirements in this section.

X. Public Registry Website Requirements

The Prairie Band Potawatomi Nation meets all of the SORNA requirements in this section.

XI. Community Notification

The Prairie Band Potawatomi Nation meets all of the SORNA requirements in this section.

XII. When a Sex Offender Fails to Appear for Registration

The Prairie Band Potawatomi Nation meets all of the SORNA requirements in this section.

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

The Prairie Band Potawatomi Nation meets all of the SORNA requirements in this section.

XIV. Other Considerations

The registration forms in the Substantial Implementation Package make reference to a national registry. We request these references be changed to more accurately reflect the Prairie Band Potawatomi Nation's sex offender registry or NCIC, depending on what is appropriate. The mistaken reference to a "national registry" does not amount to a deviation from a SORNA requirement. We request that the change be made as soon as possible, however, to prevent confusion.

Conclusion

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