



Report to the Subcommittee on Crime,
Terrorism, Homeland Security, and
Investigations, Committee on the
Judiciary, House of Representatives

November 2014

SEX OFFENDER REGISTRATION AND NOTIFICATION ACT

Additional Outreach and Notification of Tribes about Offenders Who Are Released from Prison Needed

GAO Highlights

Highlights of [GAO-15-23](#), a report to the Subcommittee on Crime, Terrorism, Homeland Security, and Investigations, Committee on the Judiciary, House of Representatives

Why GAO Did This Study

According to DOJ, tribal nations are disproportionately affected by violent crimes and sex offenses in particular. In 2006, Congress passed SORNA, which introduced new sex offender registration and notification standards for states, territories, and eligible tribes. The act made special provisions for eligible tribes to elect either to act as registration jurisdictions or to delegate SORNA functions to the states in which they are located. GAO was asked to assess the status of tribes' efforts to implement SORNA and the challenges they face doing so.

This report addresses, among other things, (1) the extent to which eligible tribes have retained their authority to implement, and for those that did, describe their implementation status and (2) implementation challenges tribes that retained their authority reported, and steps federal agencies have taken or could take to address these challenges. GAO reviewed data on eligible tribes' implementation status; conducted a survey of tribes that retained their authority; and interviewed federal, state, and local officials.

What GAO Recommends

GAO recommends that, among other things, the SMART Office encourage states to notify tribes about offenders who plan to live, work, or attend school on tribal land upon release from prison. GAO also recommends that BIA reach out to all tribes that retained their authority to determine what, if any, assistance they would like from BIA. DOJ and Interior concurred.

View [GAO-15-23](#). For more information, contact Eileen R. Larence at (202) 512-8777 or larencee@gao.gov.

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SEX OFFENDER REGISTRATION AND NOTIFICATION ACT

Additional Outreach and Notification of Tribes about Offenders Who Are Released from Prison Needed

What GAO Found

Most eligible tribes have retained their Sex Offender Registration and Notification Act (SORNA) implementation authority and have either substantially implemented the act or are in the process of doing so. As of August 2014, 77 percent (164 of the 214) of eligible tribes had retained their implementation authority. Tribes that lacked the resources, among other factors, to implement SORNA either delegated their own authority, or the SMART Office delegated the tribe's authority, to a state. According to the Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking (SMART Office)—the office SORNA established within the Department of Justice (DOJ) to administer and assist jurisdictions with implementing the law—43 percent (71 of 164) of tribes that retained their authority to implement SORNA have substantially implemented the act; the SMART Office has not yet made a final determination on 43 percent (70 of 164); and 13 percent (22 of 164) have not submitted complete packages. The SMART Office determined that 1 tribe has not yet substantially implemented SORNA.

In GAO's survey of tribes that retained their authority, the four most frequently reported implementation challenges included inability to submit convicted sex offender information to federal databases, lack of notification from state prisons upon the release of sex offenders, lack of staff, and inability to cover the costs of SORNA implementation. Federal agencies have taken steps to address these challenges, but more could be done. For example, DOJ and the Bureau of Indian Affairs (BIA) within the Department of the Interior (Interior) have formed a working group to better coordinate federal efforts to address tribes' difficulties submitting convicted sex offender information to federal databases. However, some states have not notified tribes—those that retained their SORNA authority, as well as ineligible and delegated tribes—when sex offenders who will be or have been released from state prison register with the state and indicate that they intend to live, work or attend school on tribal land, as SORNA requires; and while the SMART Office has taken some actions, more could be done to encourage states to provide notification to tribes. Such notification would help tribes identify and monitor sex offenders who live on their lands and enforce tribal laws pertaining to sex offenders. The SMART Office, U.S. Marshals Service, and BIA provided financial assistance, equipment, and staff to help tribes address their resource needs. However, BIA offered assistance only to tribes for which BIA provides direct law enforcement services, which account for only 20 percent of the tribes that retained their SORNA implementation authority, even though BIA is responsible for assisting and advising all federally recognized tribes regarding their law enforcement and public safety needs. Taking steps to ascertain what, if any, resource or other needs all tribes that retained their authority may have could better position BIA to support the tribes' efforts to implement the act.

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Abbreviations:

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| AWA | Adam Walsh Act Implementation Grant Program |
| BIA | Bureau of Indian Affairs |
| BOP | Bureau of Prisons |
| CJIS | Criminal Justice Information Services Division |
| CODIS | Combined DNA Index System |
| COPS | Community Oriented Policing Services |
| CSA | CJIS Systems Agency |
| DOJ | Department of Justice |
| FBI | Federal Bureau of Investigation |
| IAFIS | Integrated Automated Fingerprint Identification System |
| JAG | Justice Assistance Grant |
| JMD | Justice Management Division |
| JUST | Justice Telecommunications System |
| MOA | memorandum of agreement |
| NCIC | National Crime Information Center |
| NSOR | National Sex Offender Registry |
| OJP | Office of Justice Programs |
| OJS | Office of Justice Services |
| ORI | Originating Agency Identifier |
| OTJ | Office of Tribal Justice |
| PROTECT | Prosecutorial Remedies and Other Tools to End the Exploitation of Children Today |
| SMART Office | Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking |
| SORNA | Sex Offender Registration and Notification Act |
| TTSORS | Tribe and Territory Sex Offender Registry System |
| USMS | U.S. Marshals Service |

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November 18, 2014

The Honorable F. James Sensenbrenner
Chairman
The Honorable Robert C. Scott
Ranking Member
Subcommittee on Crime, Terrorism, Homeland Security, and
Investigations
Committee on the Judiciary
House of Representatives

In 2009, the United States Attorney General launched a Department of Justice (DOJ) initiative on public safety in tribal communities and identified combating violence against women and children in tribal communities as one of the department's priority goals. According to DOJ, tribal nations are disproportionately affected by violent crime, particularly violent crime against women. Starting in 1994, Congress passed several laws that required states to establish sex offender registries—which are systems that enable law enforcement officials to monitor convicted sex offenders who live in the state, and to establish notification systems to alert the public about these offenders.¹ Since these sex offender registration and notification laws applied only to states and territories, there were public safety concerns that convicted sex offenders would move to tribal lands to avoid registration. To protect the public, including

¹The Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act (Wetterling Act), Pub. L. No. 103-322, tit. XVII, subtit. A, 108 Stat. 1796, 2038-42 (1994), provided a national baseline for sex offender registration programs. This affected matters such as defining the offenses that require registration and the duration of registration periods, requiring periodic verification of the registered address, continued registration of sex offenders when they move from one state to another (if the new state had a registration requirement), and community notification. In the years subsequent to the enactment of the Wetterling Act, Congress passed a series of amendments to this federal legislation, which in part reflected and promoted trends and developments in individual states' registration programs. Key legislative amendments were enacted by Megan's Law, Pub. L. No. 104-145, 110 Stat. 1345 (1996); the Pam Lychner Sexual Offender Tracking and Identification Act of 1996, Pub. L. No. 104-236, 110 Stat. 3093; the Jacob Wetterling Improvements Act, Pub. L. No. 105-119, § 115, 111 Stat. 2440, 2461-67 (1997); Protection of Children from Sexual Predators Act, of 1998, Pub. L. No. 105-314, 112 Stat. 2974; the Campus Sex Crimes Prevention Act, Pub. L. No. 106-386, § 1601, 114 Stat. 1464, 1537-38 (2000); and the Prosecutorial Remedies and Other Tools to End the Exploitation of Children Today (PROTECT) Act, Pub. L. No. 108-21, 117 Stat. 650 (2003).

tribal nations, from sex offenders, in 2006, Congress passed the Sex Offender Registration and Notification Act (SORNA) as Title I of the Adam Walsh Child Protection and Safety Act (Adam Walsh Act).² SORNA sought to introduce comprehensive standards to make state and territory sex offender registration systems more uniform. It also provided certain tribes the opportunity to create sex offender registration and notification systems where, for most tribes, these systems did not previously exist. The initial statutory deadline for implementing SORNA was July 2009—3 years after the Adam Walsh Act was enacted. However, given that none of the jurisdictions had substantially implemented SORNA by the original deadline, the Attorney General exercised his authority under SORNA to authorize two 1-year extensions of the deadline to July 2011.³

SORNA establishes that federally recognized tribes, with the exception of those tribes that are subject to the criminal jurisdiction of a state, under a specific federal statute, are eligible to implement the act.⁴ SORNA grants authority to the states where ineligible tribes are located to implement the act on behalf of these tribes. In 2013, we reported that 19 of 56 states and territories had substantially implemented SORNA.⁵ We noted that a majority of nonimplemented jurisdictions reported that generating the political will to incorporate the necessary changes to their state laws and related policies or reconciling legal conflicts between SORNA and state laws were among the greatest challenges to implementation. Since our 2013 report, the Office of Sex Offender Sentencing, Monitoring, Apprehension, Registering, and Tracking (SMART Office)—the office responsible for administering the standards for SORNA implementation—has determined that 1 additional state has substantially implemented SORNA.

²Pub. L. No. 109-248, tit. I, 120 Stat. 587, 590-607 (2006).

³See 42 U.S.C. § 16924(b).

⁴42 U.S.C. § 16927(a)(1), (a)(2)(A). Federally recognized tribes are eligible to receive federal funding and services. Under 42 U.S.C. § 16927(a)(2)(A), tribes that are subject to the criminal jurisdiction of a state under 18 U.S.C. § 1162 are not eligible to implement the act. Tribes subject to state criminal jurisdiction under section 1162 are located in 6 states: California, Minnesota, Nebraska, Oregon, Wisconsin, and Alaska. In addition, the Kickapoo Traditional Tribe of Texas is also subject to state criminal jurisdiction pursuant to section 1162 and is therefore ineligible to implement SORNA. See 25 U.S.C. § 1300b-15.

⁵GAO, *Sex Offender Registration and Notification Act: Jurisdictions Face Challenges to Implementing the Act, and Stakeholders Report Positive and Negative Effects*, [GAO-13-211](#) (Washington, D.C.: Feb. 7, 2013).

Recognizing that tribes may vary in their capacities for discharging the sex offender registration and notification functions, SORNA made special provisions for eligible tribes to elect either to act as registration jurisdictions or to delegate their registration and notification functions to the states.⁶ SORNA requires delegation for tribes subject to state criminal jurisdiction pursuant to 18 U.S.C. § 1162, tribes that do not elect to implement SORNA, and tribes that the Attorney General determines have not substantially implemented the act and are not likely to become capable of doing so within a reasonable amount of time.⁷

Considering the unique circumstances tribes face with eligibility and capability to implement the act, you asked us to assess the status of tribes' efforts to implement SORNA and the challenges they face with implementation. Specifically, this report addresses the following questions:

- To what extent have eligible tribes retained their authority to implement SORNA, and for those that did, what is their implementation status?
- What implementation challenges, if any, have tribes that retained their authority to implement SORNA reported, and what steps have federal agencies and others taken or could they take to address these challenges?
- To what extent are states incorporating ineligible and delegated tribes into their state sex offender registration and notification systems?

To address our first objective, we reviewed the SMART Office's data of eligible tribes' implementation status as of August 2014 to identify (1) tribes that have retained their authority to implement SORNA, (2) tribes that have delegated their implementation authority to a state, and (3) tribes whose implementation authority the SMART Office delegated to a state. To address the reliability of the SMART Office's data on tribes' implementation status, among other steps, we obtained written responses to our questions on how SMART Office representatives who use and maintain the data ensure the data's reliability. We found the data

⁶Pursuant to section 127 of SORNA, designated federally recognized Indian tribes were entitled to elect to become SORNA registration and notification jurisdictions or to delegate the responsibility to the jurisdiction or jurisdictions within which the territory of the tribe is located. See 42 U.S.C. § 16927(a)(1).

⁷42 U.S.C. § 16927(a)(2).

sufficiently reliable for the purpose of identifying tribes' SORNA implementation status. In addition, we surveyed the SORNA points of contact for each of the tribes that retained their authority to implement SORNA to obtain more detailed information on these tribes' implementation status. We received responses from 80 percent (129 of 161) of all tribes surveyed.⁸

To address our second objective, we interviewed legal advisers and management officials from the SMART Office, the Office of Tribal Justice (OTJ), the U.S. Marshals Service (USMS), and the Federal Bureau of Investigation (FBI), as well as the Bureau of Indian Affairs (BIA) within the Department of the Interior, to determine the implementation challenges tribes have reported and steps the agencies, the tribes, and others have taken to address these challenges.⁹ In addition, we interviewed FBI Criminal Justice Information Services Division (CJIS) management and program officials to determine CJIS policies and procedures for granting tribes access to federal criminal justice databases, which CJIS manages and are required for SORNA implementation. We also interviewed state and tribal, as well as local, law enforcement officials from 5 states—Florida, Michigan, Nevada, New York, and Oklahoma. We selected these 5 states because each contains territory of tribes that retained their authority to implement SORNA, and the states vary with regard to their SORNA implementation status and geographic diversity. In addition, we interviewed management and law enforcement officials from the two BIA Office of Justice Services (OJS) regional districts that are responsible for most of the direct service tribes that retained their authority to implement

⁸At the time of our survey, 166 tribes had retained their authority to implement SORNA. We did not survey 5 of the 166 because, according to the SMART Office, these tribes are either newly recognized tribes and have not elected whether or not they want to implement SORNA, or are still in the process of acquiring land. These tribes include the Cayuga Nation, the Delaware Tribe of Indians, the Samish Indian Nation, and the Shinnecock Indian Nation. We also did not survey the Onondaga Indian Nation because tribal officials told us that at the time of our survey they were in the process of delegating their SORNA authority to the state and had not taken any actions to implement the act. For more details of our survey results see GAO, *Sex Offender Registration and Notification Act: Survey of Federally Recognized Tribes on Implementation of the Act* (GAO-15-30SP, November 2014), an E-supplement to GAO-15-23, (Washington, D.C.: Nov. 18, 2014).

⁹USMS is responsible for locating and apprehending noncompliant convicted sex offenders, while the FBI is responsible for operating the National Sex Offender Registry, the database for registering convicted sex offenders.

SORNA.¹⁰ We discussed with these officials what, if any, assistance they have provided to tribes with regard to SORNA implementation. Although the perspectives we obtained from our interviews with these state, BIA, and tribal officials are not generalizable, the interviews provided insights regarding the challenges that tribes face with implementing SORNA and actions that federal agencies have taken or could take to address the challenges.

We also included questions in our survey of tribes that retained their authority to implement SORNA about the types and extent of challenges the tribes experienced with SORNA implementation; steps the tribes are taking to address the challenges; and the funding and other assistance the tribes have received or could receive from federal, state, or local law enforcement agencies to assist them with implementing the act. To determine if any additional actions could address such challenges, we compared our survey results against SORNA provisions as well as the National Guidelines for Sex Offender Registration and Notification (National Guidelines).¹¹

To address our third objective, we interviewed state SORNA and sex offender registry officials from all 6 states where ineligible tribes are located as well as 8 ineligible tribes—at least 1 each from the 6 states. We selected the tribes based on whether they submitted a resolution to implement SORNA in spite of their ineligibility, and the challenges the states in which the tribes are located reportedly faced with SORNA implementation.¹² The information from these interviews enabled us to determine if these states include the ineligible tribes in their state SORNA registration and notification systems, as SORNA requires, as well as to identify the challenges, if any, the states and tribes face with having the states implement SORNA on the tribes' behalf. We also interviewed tribal

¹⁰The Bureau of Indian Affairs provides direct services, such as law enforcement services, to certain tribes, commonly referred to as direct service tribes, that do not operate certain programs themselves. See 25 U.S.C. §§ 450f, 2802(c)(1).

¹¹73 Fed. Reg. 38,030 (July 2, 2008). DOJ issued these guidelines in support of jurisdictions' efforts to implement the act. The guidelines outline measures jurisdictions must implement in order for the agency to determine that they have "substantially implemented" SORNA.

¹²SORNA required eligible tribes wishing to implement the act to submit a resolution within a year of the act's enactment, electing to implement the law themselves as opposed to delegating their authority to implement to a state. 42 U.S.C. § 16927(a)(1)(A), (a)(2)(B).

leaders from 4 delegated tribes that opted out or were delegated by the SMART Office, and solicited perspectives of sex offender registry officials in the 15 states to which tribes' SORNA authority has been delegated.

To supplement the information we received from our interviews as well as our survey of tribes that retained their authority, we interviewed officials from three relevant national associations: the National Congress of American Indians, the International Association of Chiefs of Police, and the National Criminal Justice Association, to obtain their perspectives on the challenges that tribes face with implementation, and the actions that the SMART Office and others have taken to address these challenges. We selected these associations because they represent the interests of tribal communities or state and local law enforcement agencies that assist jurisdictions, including tribes, with SORNA implementation.

We conducted this performance audit from September 2013 to November 2014 in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives. Appendix I includes more details about our scope and methodology.

Background

SORNA Requirements

The purpose of SORNA is to protect the public from convicted sex offenders and offenders against children by providing a comprehensive set of sex offender registration and notification standards.¹³ These standards require convicted sex offenders to register prior to their release from imprisonment or within 3 days of their sentencing, if the sentence does not involve imprisonment. Further, the standards require these

¹³Under SORNA, a convicted sex offender must be informed of his or her registration obligations, initial registration shall take place prior to the offender being released from prison, and registration information is to be immediately forwarded to any other jurisdiction in which the sex offender is required to register. 42 U.S.C. §§ 16911(10)(H), 16913(b)(1), 16917(a), 16921(b). Sex offenders who are not sentenced to a term of imprisonment are to register not later than 3 business days after being sentenced. 42 U.S.C. § 16913(b)(2).

offenders to register and keep the registration current in the jurisdictions in which they live, work, and attend school. SORNA implementing jurisdictions are to maintain a jurisdiction-wide sex offender registry and website and adopt registration requirements that are at least as strict as those SORNA established. Convicted sex offenders are required to continue to update or verify their registration information, the duration and frequency of which depends on the seriousness of the crimes they committed. For example, SORNA requires a lifetime registration for convicted offenses in the most serious class such as aggravated sexual abuse (tier III), a 25-year registration for many felony sex offenses or sexual exploitation crimes with minors (tier II), and a 15-year registration for convicted offenses that do not support a higher classification such as possession of child pornography (tier I). SORNA requires in-person appearances depending on the convicted sex offender's tier classification (tier I annually, tier II semiannually, and tier III quarterly) at established registration locations to update or verify registration information.¹⁴

Under the act, implementing jurisdictions are to submit basic identifier information for each convicted sex offender, such as the offender's name, Social Security number, and address to the FBI's National Sex Offender Registry (NSOR), which is a subfile of the National Crime Information Center (NCIC).¹⁵ In addition, these jurisdictions are to submit the sex offender's fingerprints to the Integrated Automated Fingerprint Identification System (IAFIS), the sex offender's palm prints to the National Palm Print System (NPPS), and a DNA sample to the Combined DNA Index System (CODIS).¹⁶ According to FBI officials, FBI CJIS has authorized state CJIS Systems Agencies (CSA) to determine which

¹⁴For the standards described in this paragraph, see 42 U.S.C. §§ 16911-16913, 16915-16916, 16918.

¹⁵NCIC is a computerized index of criminal justice information (i.e., fugitives, stolen properties, and missing persons) that is available to authorized federal, state, local, territorial, and tribal law enforcement and other criminal justice agencies 24 hours a day, throughout the year. NSOR is a national database within NCIC that authorized federal, state, local, territorial, and tribal law enforcement officials can use to access information on registered sex offenders throughout the United States.

¹⁶IAFIS is a national automated fingerprint identification and criminal history system maintained by the FBI that provides automated fingerprint search capabilities, electronic image storage, and electronic exchange of fingerprints. CODIS, also maintained by the FBI, is a multilevel database where DNA profiles can be stored and searched. The FBI's National Palm Print System is a centralized repository for palm print data that law enforcement can access nationwide to solve crimes.

entities within their states, including tribes, can access these federal criminal databases.¹⁷ The implementing jurisdictions are also to provide information from the registry about the sex offender to (1) appropriate law enforcement agencies (including probation agencies), and each school and public housing agency, in each area in which the individual resides, is an employee, or is a student; (2) each jurisdiction where the sex offender resides, is an employee, or is a student; (3) each jurisdiction from or to which a change of residence, employment, or student status occurs; and (4) any organization, company, or individual who requests such notification, among others.¹⁸

Tribes' SORNA Eligibility

Under SORNA, 353 of the 566 federally recognized tribes are ineligible to implement the act, while 214 tribes are eligible.¹⁹ SORNA based tribes' eligibility on whether the tribe is subject to the criminal jurisdiction of a state under section 1162 of title 18, United States Code, making those tribes that are subject to such jurisdiction ineligible to implement the act.²⁰ Section 1162 gives states criminal jurisdiction over offenses committed by or against Indians in the areas of Indian country within 6 states—Alaska,

¹⁷A CSA is the agency responsible for the administration and usage of the CJIS Division Programs for a state.

¹⁸42 U.S.C. § 16921(b). SORNA defines *jurisdiction* as any of the 50 states, the District of Columbia, Puerto Rico, Guam, American Samoa, the Northern Mariana Islands, the U.S. Virgin Islands, and federally recognized tribes implementing SORNA under 42 U.S.C. § 16927. See 42 U.S.C. § 16911(10).

¹⁹The sum total of eligible tribes (214) and ineligible tribes (353) is 1 tribe greater than the total number of federally recognized tribes (566) because the Minnesota Chippewa Tribe, for SORNA purposes, was split into two eligibility categories. One component of the tribe—the Bois Forte Band (Nett Lake)—became eligible because the state retroceded jurisdiction to this band only, while other components of the tribe remained ineligible.

²⁰See 42 U.S.C. § 16927(a)(2)(A).

California, Minnesota, Nebraska, Oregon, and Wisconsin.²¹ Accordingly, tribes are generally ineligible to implement SORNA for tribal lands located within these states. The states are responsible for incorporating these tribal lands in state-wide SORNA implementation efforts.

SORNA provided tribes 1 year from its July 27, 2006, enactment, to choose—by resolution or other enactment of the tribal council or comparable governmental body—to either retain the tribe’s SORNA implementation authority and act as a registration jurisdiction or delegate the tribe’s registration and notification functions to the state.²² Delegation, however, is automatic for a tribe that did not affirmatively elect to implement the act itself prior to July 27, 2007. SORNA authorizes tribes that retained their implementation authority to enter into cooperative agreements with states and decide which functions to maintain or delegate to the state. The Attorney General can also delegate a tribe’s SORNA registration and notification functions to a state if the Attorney General determines that the tribe has not substantially implemented the requirements of SORNA and is not likely to become capable of doing so within a reasonable amount of time.

Federal Role in Sex Offender Registration and Notification

SMART Office

SORNA established the SMART Office within DOJ to both assist jurisdictions in implementing the act, such as by providing technical

²¹18 U.S.C. § 1162(a). Section 1162, however, does not give the state criminal jurisdiction over the Red Lake Reservation of Minnesota, the Warm Springs Reservation of Oregon, and the Metlakatla Indian Community of the Annette Islands Reservation in Alaska. In addition to these three statutory exceptions, the Secretary of the Interior is authorized to accept retrocession of jurisdiction by a state. See 25 U.S.C. § 1323(a). For example, Wisconsin retroceded state jurisdiction over the Menominee Reservation pursuant to the Menominee Restoration Act, Pub. L. No. 93-197, 87 Stat. 770 (1973) (codified at 25 U.S.C. §§ 903-903f); Menominee Indian Reservation in Wisconsin; Acceptance of Offer to Retrocede Jurisdiction, 41 Fed. Reg. 8516 (Feb. 27, 1976); *State v. Webster*, 338 N.W.2d 474, 476-77 (Wis. 1983). Accordingly, the tribes located on these reservations, as well as tribes subject to retrocession of state criminal jurisdiction, are eligible to implement SORNA. The Kickapoo Traditional Tribe of Texas is also subject to state criminal jurisdiction in accordance with section 1162, and is therefore ineligible to implement SORNA. See 25 U.S.C. § 1300b-15.

²²42 U.S.C. § 16927(a).

assistance and grant funds, and administer the standards for determining whether jurisdictions have implemented the law.²³ Eligible jurisdictions submit a substantial implementation package that outlines their implementation efforts for SMART Office review. The package can include tribal laws pertaining to sex offender registration administrative policy and procedures, and the jurisdiction's public sex offender website, among other things. The SMART Office developed the SORNA Substantial Implementation Checklist tool (described in app. II) that jurisdictions can use to prepare the package.

After reviewing the package, the SMART Office determines whether the jurisdiction has "substantially implemented" or "not substantially implemented" the minimum requirements of SORNA. To do so, the SMART Office must follow the standards set forth in the (1) act; (2) SORNA National Guidelines, issued in July 2008; and (3) Supplemental Guidelines for Sex Offender Registration and Notification (Supplemental Guidelines), issued in January 2011.²⁴ The substantial implementation standard does allow for some latitude, and accordingly, the National Guidelines require the SMART Office to consider, on a case-by-case basis, whether jurisdictions' rules or procedures substantially implement SORNA.

United States Marshals Service

Pursuant to SORNA, DOJ has designated the U.S. Marshals Service as the lead federal agency in three key missions: to assist state, local, tribal, and territorial authorities in the location and apprehension of noncompliant convicted sex offenders; to investigate violations of the criminal provisions of the act; and to identify and locate convicted sex offenders displaced as a result of a major disaster. USMS has designated a senior inspector in each of its 94 district offices to carry out the agency's SORNA responsibilities.

Bureau of Indian Affairs

Within the Department of the Interior (Interior), the Bureau of Indian Affairs is responsible for supporting tribes in their efforts to ensure public safety and administer justice within their reservations, as well as to provide related services directly or to enter into contracts or compacts with federally recognized tribes to administer the law enforcement

²³42 U.S.C. § 16945.

²⁴See 76 Fed. Reg. 1630, 1636-39 (Jan. 11, 2011).

program.²⁵ To that end, BIA's Office of Justice Services investigates major federal crimes, including sexual offenses, committed on, or involving, Indian country. OJS provides oversight and technical assistance to tribal law enforcement programs.

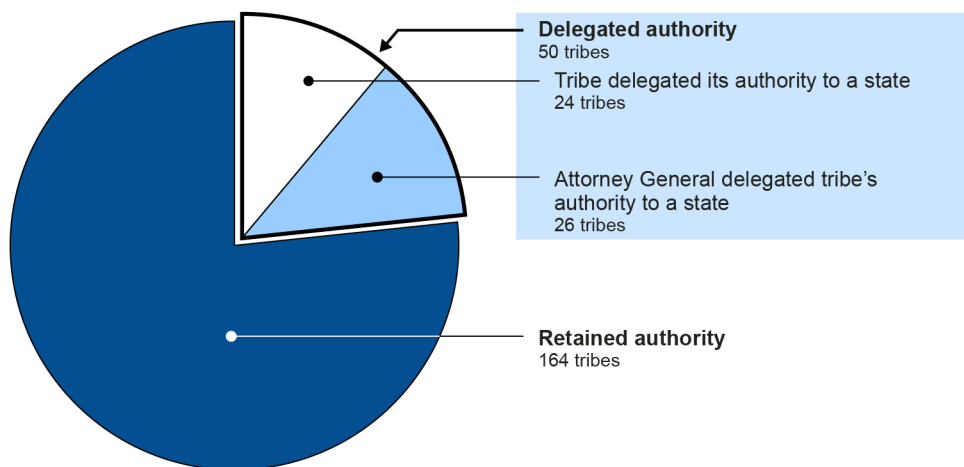
**Most Eligible Tribes
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²⁵Under the Indian Self-Determination and Education Assistance Act of 1975, as amended, federally recognized tribes can enter into self-determination contracts and self-governance compacts with the federal government to take over administration of certain federal programs previously administered on their behalf. Pub. L. No. 93-638, 88 Stat. 2203 (codified as amended at 25 U.S.C. §§ 450-458ddd-2). Self-determination contracts allow tribes to assume responsibility for managing the program's day-to-day operations, with BIA providing technical oversight to ensure that the tribe meets contract terms, as opposed to BIA administering the program on their behalf. Self-governance compacts transfer to tribes the administration of the program and provide the tribes with some flexibility in program administration. For both self-determination contracts and self-governance compacts, the Secretary of the Interior negotiates and enters into written annual funding agreements with the governing body of the tribe, which specifies the Interior program that the tribe will administer, the tribe's and Interior's obligations, and the funds being transferred to the tribe.

Most Eligible Tribes Retained Their Implementation Authority, and Tribes That Lacked the Resources or Did Not Take the Necessary Steps toward Implementation Had Their Authority Delegated

As of August 2014, 164 of the 214 (nearly 77 percent) eligible tribes had retained their authority to implement SORNA, while the remainder did not retain their authority because they either elected to delegate their authority to a state (24 tribes) or the SMART Office delegated their authority to a state (26 tribes), as shown in figure 1.

Figure 1: Eligible Tribes That Have Retained and Delegated Their Authority to Implement the Sex Offender Registration and Notification Act (SORNA), as of August 2014



Source: GAO analysis of Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking data. | GAO-15-23

According to SMART Office representatives, the agency delegated the SORNA implementation authority of 26 tribes primarily because the tribes (1) chose not to delegate their authority although they did not plan to implement the act, because they thought delegating their authority was equivalent to relinquishing their sovereignty; (2) indicated that they lacked the necessary resources to implement the act in a reasonable amount of time; or (3) were nonresponsive to the SMART Office’s repeated inquiries to gauge the tribes’ interest in implementing the act. Our interviews with tribal council and law enforcement officials from 2 of the 24 tribes that elected to delegate their authority to a state similarly revealed that these tribes chose to delegate their authority because they did not have the necessary resources to implement the act.²⁶ Furthermore, officials from 1

²⁶We selected 2 tribes from the states we had already selected for our review. We did not interview the remaining 22 tribes.

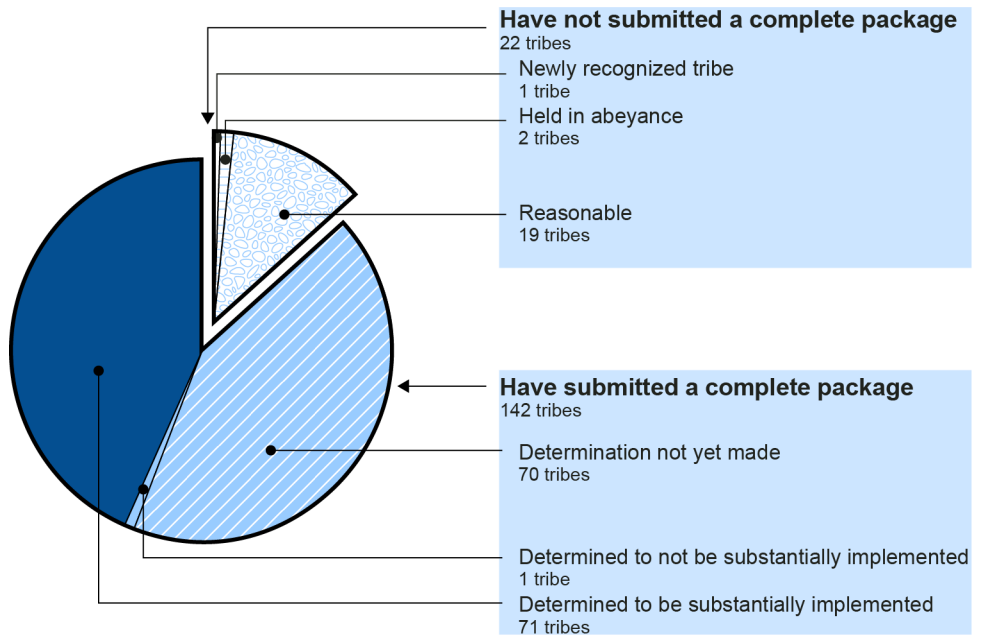
tribe stated that implementation did not seem worth the expense for their tribe considering the small number of tribal members, the fact that none of the tribal members live on tribal land year-round, and the remote location of their tribal land.²⁷

SMART Office Determined That 43 Percent of Tribes That Retained Their Authority Have Substantially Implemented SORNA, and Nearly 43 Percent More Are in Process

According to the SMART Office, 43 percent (71 of 164) of tribes that retained their authority to implement SORNA have substantially implemented the act; nearly 43 percent (70 of 164) have submitted an implementation package, but the SMART Office has not yet made a determination; and 13 percent (22 of 164) have not submitted a complete package. The SMART Office has determined, to date, that 1 tribe has not substantially implemented SORNA, as shown in figure 2 and appendix III. For the implementation status and location of all eligible tribes, see figure 3.

²⁷SORNA requires law enforcement officials to continually monitor registered sex offenders to ensure that offenders comply with the terms of their registration. See 42 U.S.C. §§ 16916, 16922. Where offenders are located in areas considered as remote, this may pose access challenges for monitoring officials.

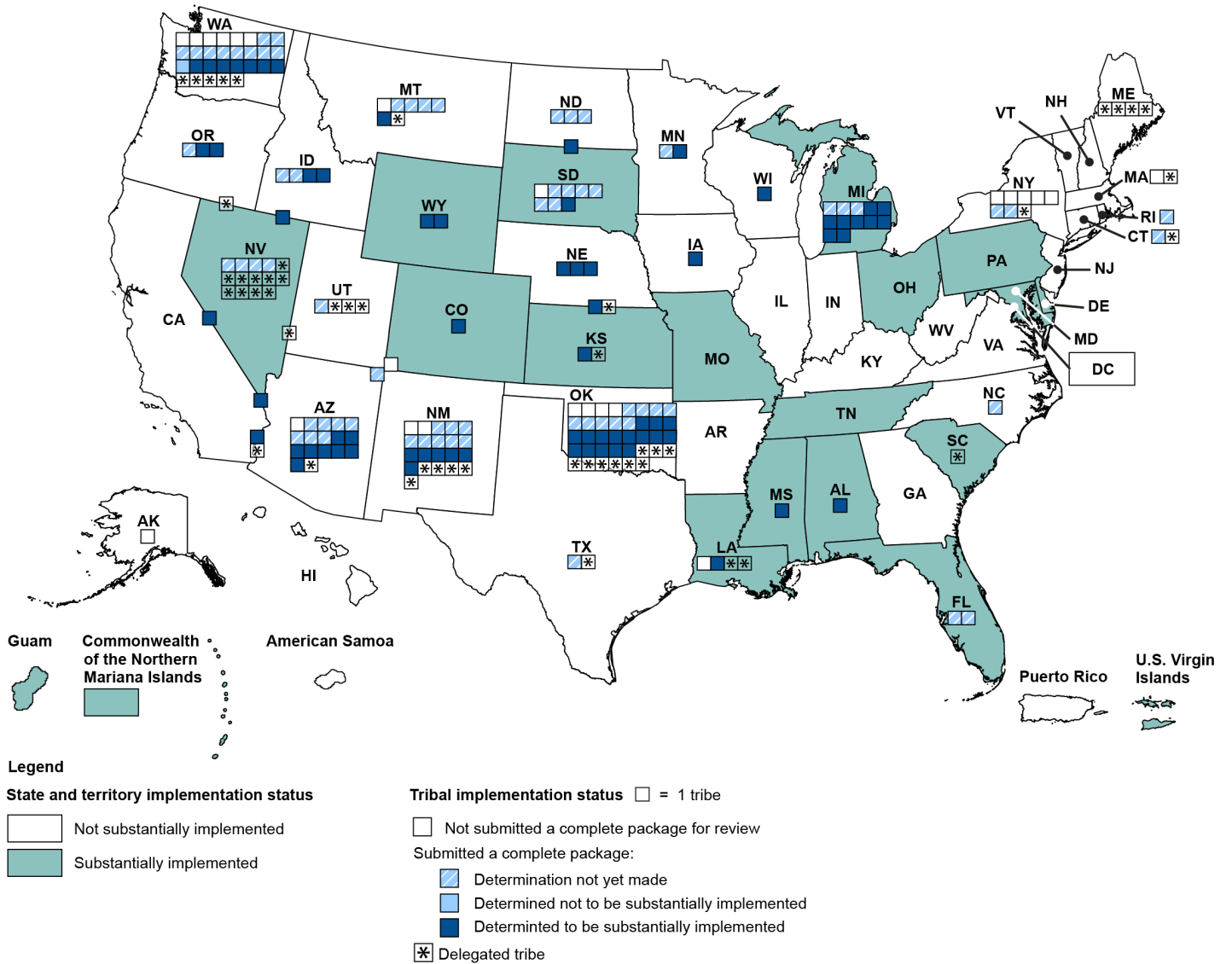
Figure 2: Implementation Status of Tribes That Have Retained Their Authority to Implement the Sex Offender Registration and Notification Act (SORNA)



Source: GAO analysis of Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking data. | GAO-15-23

Note: Of the 22 tribes that have not yet submitted a complete package, 2 tribes are being “held in abeyance” because they are in the process of acquiring land. The SMART Office has granted an implementation deadline extension to 19 other tribes that it determined can implement the act in a “reasonable” amount of time.

Figure 3: Sex Offender Registration and Notification Act (SORNA) Implementation Status of States and Eligible Tribes, as of August 2014



Source: GAO analysis of Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking data; Map Resources (map). | GAO-15-23

According to the SMART Office, the number of tribes that have submitted implementation packages for review as well as the number of tribes that have substantially implemented SORNA continue to increase.

Representatives of two of the three tribal and law enforcement associations we interviewed in January 2014 said that the number of tribes that had substantially implemented SORNA—at the time, 49 tribes—was far greater than what these representatives said that they expected, given the magnitude of the implementation challenges that tribes face, such as limitations with information sharing, a high staff turnover, and the lack of cooperation between tribes and local law enforcement. We discuss such challenges and steps to address them in detail later in this report. According to the tribes that have submitted an implementation package for review that responded to our survey, it took a majority of these tribes 2 years to submit a complete implementation package to the SMART Office for review. SMART Office representatives said that it takes the office, on average, 6 months from the time it receives a tribe’s package to begin reviewing it. This is because the office’s review depends on a number of factors, such as the availability of SMART Office staff to review implementation packages. At the time of our review, SMART Office representatives indicated that there were three policy advisers on staff to review implementation packages. Additionally, the time it takes for the SMART Office to determine a tribe’s implementation status depends on how quickly the tribe can address any issues the SMART Office identifies in its review and can be affected by factors such as the frequency with which a tribal council meets, and thereby can address the office’s questions.

Nineteen of the 22 tribes that have not submitted an implementation package responded to our survey and provided a variety of reasons why they have not done so, as well as an estimate of when they expect to do so. Specifically, 7 of the 19 tribes did not submit a package because they are in the process of amending their tribal codes, 4 tribes indicated that they needed additional time to complete and submit their packages, and 3 others either currently have agreements or are in the process of entering into agreements with state and local law enforcement agencies to assist with SORNA implementation.²⁸ Fourteen of the 19 tribes plan to submit a package by the end of calendar year 2014, 2 tribes expect to submit a package in calendar year 2015 or later, and 3 tribes are uncertain about when they will submit a package.

²⁸Additional reasons why tribes did not submit a package included staff turnover (2 tribes), lack of cooperation from federal or state partners (2 tribes), and prioritizing other law enforcement issues (1 tribe).

SMART Office representatives stated that the office has granted each of these 22 tribes additional time to submit its package. SMART Office representatives said that they have not set a final deadline for tribes to substantially implement SORNA and that the office will continue to work with every tribe that shows interest and is working on implementing the act.

Federal Agencies Have Helped Tribes Address Challenges, but Some States Do Not Notify Tribes about Registered Offenders Who Plan to Live, Work, or Attend School on Tribal Land upon Release from State Prison

About 76 percent of tribes that retained their authority to implement SORNA reported experiencing at least one major or minor challenge to implementing the act. These tribes most frequently reported inability to submit convicted sex offender information to NCIC and NSOR as a major challenge. DOJ and BIA, as well as state and local law enforcement agencies, have taken actions to help address these challenges. However, additional steps to ensure that states notify tribes about registered sex offenders who plan to live, work, or attend school on tribal lands upon release from state prison, and to identify what, if any, assistance tribes may need in order to implement SORNA, would help further address tribes' challenges.

Tribes Most Frequently Reported Lack of Access to NCIC, Lack of Notification when Convicted Sex Offenders Are Released, and Insufficient Staff

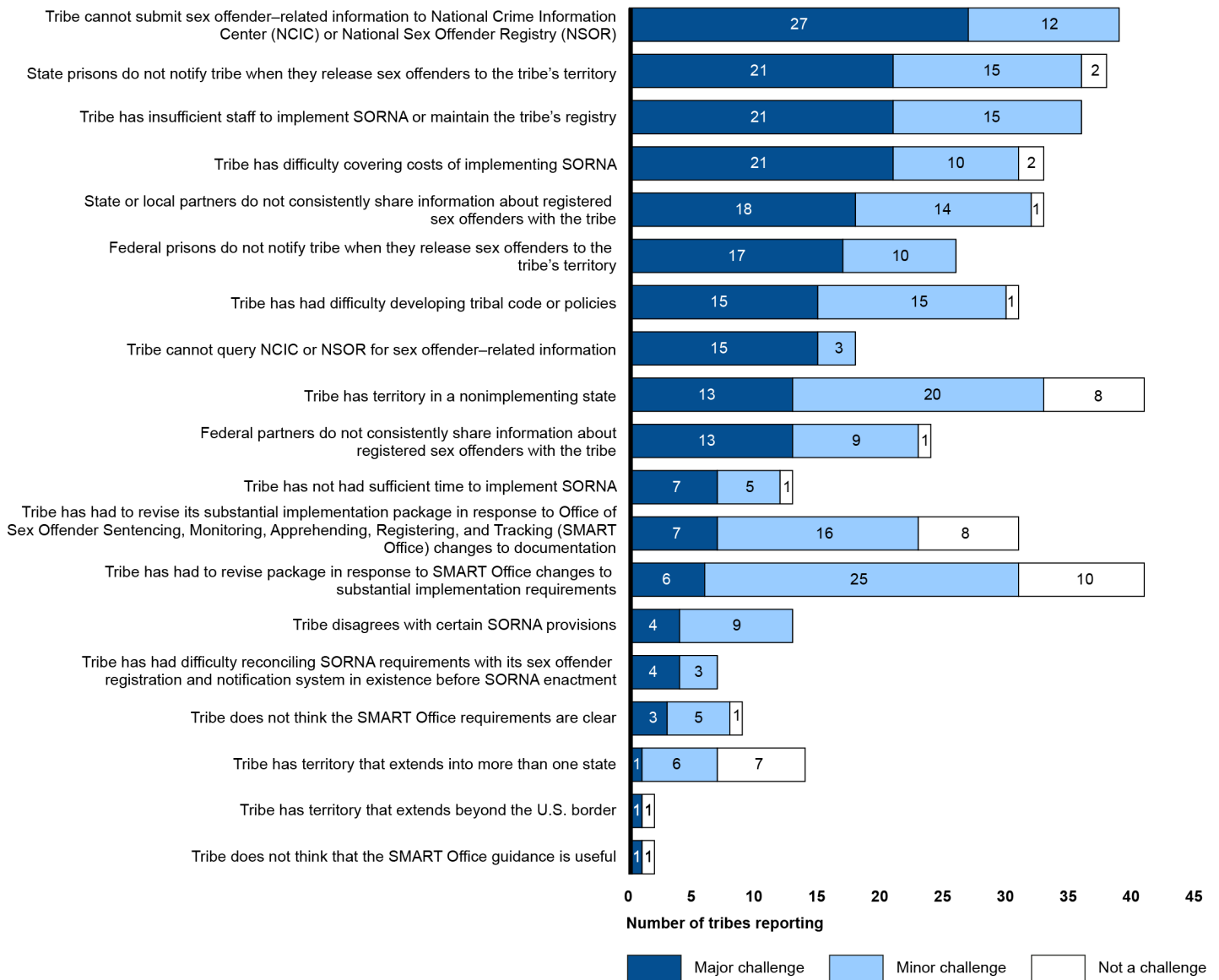
Tribal officials from 98 of the 129 tribes (76 percent) that retained their authority to implement SORNA and responded to our survey questions on challenges to implementing SORNA reported that their tribes experienced at least one major or minor challenge to implementing the act.²⁹ As shown in figure 4, the major challenges tribes most frequently reported included inability to submit convicted sex offender information to NCIC or NSOR; lack of notification from state prisons about sex offenders who indicate that they plan to live, work, or attend school on tribal lands; insufficient

²⁹Our survey presented a list of 19 factors that could pose a challenge to tribes' implementation of SORNA. For each factor, we asked tribes to check whether the factor applied to them, and if so, if it posed a major challenge, a minor challenge, or no challenge to SORNA implementation. We also provided tribes the opportunity to identify other challenges in an open comment box.

staff; and inability to cover costs to implement SORNA or maintain the tribe's registry.

Figure 4: Most Common Factors Tribes Reported to Be a Major Challenge, Minor Challenge, or Not a Challenge to Implementation of the Sex Offender Registration and Notification Act (SORNA)

Challenges



Source: GAO analysis of tribes' survey responses. | GAO-15-23

Note: In our survey, we asked tribes to indicate whether each factor indicated in the graphic applied to their tribe, and if so, whether it was a major, a minor, or not a challenge to SORNA implementation. This graphic does not include the number of tribes that indicated whether or not the factor applied to them. Instead, this graphic includes only the number of tribes that indicated whether the factor was a major or a minor challenge, or not a challenge, to SORNA implementation. The median number of major challenges that tribes reported was 3 and the maximum was 12. In contrast, the median number of minor challenges that tribes reported was 2 and the maximum was 8.

DOJ and BIA Have Formed a Working Group to Better Coordinate Federal Efforts to Address Tribes' Difficulties Submitting Convicted Sex Offender Information to NCIC or NSOR

Under SORNA, as well as DOJ's National Guidelines for SORNA Implementation, jurisdictions are to provide convicted sex offender information for inclusion in NSOR, which is part of NCIC.³⁰ However, 39 of the 129 (about 30 percent) tribes that responded to our survey reported difficulties meeting this requirement as a major or minor challenge to SORNA implementation.

These tribes, as well as the federal, state, and tribal sex offender registry and law enforcement officials we interviewed, cited reasons why some tribes do not submit convicted sex offender information to NCIC or are able to do so only with the assistance of other state and local law enforcement agencies.³¹

- *Cost of NCIC access.* Ten tribes that responded to our survey reported that they cannot cover the associated costs for NCIC access. According to federal, state, and tribal officials, these costs can include purchasing servers or NCIC terminals, the cost of the required high-speed Internet connection, or the fees required to obtain NCIC access.
- *Requirements for submitting information to NCIC.* Thirteen tribes reported that they do not meet certain requirements for submitting information to NCIC. CJIS has established requirements that all law enforcement agencies seeking to submit information to federal criminal justice databases must meet in order to ensure the quality and the security of criminal justice data entered into these databases. For example, some tribes do not meet CJIS requirements because they do not have a criminal justice agency (police force, court, etc.) or

³⁰42 U.S.C. §§ 16919, 16921(b)(1)

³¹Of the tribes that responded to our survey, 58 reported that they are able to submit sex offender information to NSOR, but only with the assistance of another federal, state, or local law enforcement agency. They are not able to submit this information on their own.

an officer available 24 hours, 7 days a week to respond to any inquiries about persons or property included in NCIC.

- *State statutes or policies.* Twelve tribes reported that state statutes or policies prevent them from submitting to NCIC through the states' criminal justice information systems. According to FBI officials, CJIS Systems Agencies determine which entities within their states, including tribes, can access these federal criminal databases through state systems. However, some states, such as New York, have statutes or policies prohibiting CSAs from granting tribal law enforcement entities access to their state switches and, therefore, to NCIC through such switches.³²

According to DOJ officials, the public safety benefit of including convicted sex offender information in NSOR is that if a law enforcement officer comes into contact with an individual, such as through a traffic stop or an arrest, the officer can query NCIC and learn that the individual is a convicted sex offender and potentially determine if the offender is in compliance with registration requirements. The officer can also enforce any requirements that the officer's jurisdiction may have with regard to convicted sex offenders. For example, according to tribal officials, some tribal jurisdictions banish convicted sex offenders from their lands or prohibit offenders from living or working within proximity to schools or day care centers.

Federal and state, as well as local, law enforcement agencies have undertaken efforts to help address such barriers, although the efforts have some limitations, as discussed below.

Memorandums of agreement (MOA). Federal, state, and local law enforcement agencies have entered into memorandums of agreement with tribes, whereby these law enforcement agencies generally agree to enter convicted sex offender information into NSOR on behalf of the tribes. For example, 28 of 129 (about 22 percent) tribes that responded to our survey reported that county or local law enforcement enters information in NSOR for their tribe, while another 7 tribes indicated that BIA enters this information for them. However, the DOJ and BIA officials

³²See, e.g., N.Y. Crim. Proc. Law § 1.20(34) (McKinney 2014) (tribal law enforcement officers are not specifically listed as persons considered "police officers" under New York law). State switches enable access to federal and state databases.

and representatives from the National Criminal Justice Association and the National Congress of American Indians that we interviewed noted that not all tribes have good relationships with state or local law enforcement agencies, and that these agencies may not be willing to assist the tribes. In addition, according to DOJ, tribal, and local law enforcement officials, when another law enforcement agency enters information into NSOR on behalf of a tribe, the information is often not associated with the tribe because state or local law enforcement agencies frequently use their own Originating Agency Identifier number (ORI), as opposed to the tribe's number, in NSOR.³³ As a result, the convicted sex offender appears in NSOR as having registered with the entity that submitted the information as opposed to the tribe.

Representatives we interviewed from the SMART Office and CJIS, as well as local and tribal law enforcement, stated that these data entry practices can also lead to imprecise data in NSOR. For example, at our request, CJIS identified 22 tribes as having a total of 247 registered sex offenders in NSOR. However, 120 of 129 tribes that responded to our survey reported that they had a total of 2,167 registered sex offenders on their lands. According to CJIS officials, this discrepancy should not pose a public safety threat because an officer querying an individual in NCIC will know immediately if the individual is a convicted sex offender. Further, CJIS and USMS officials said that the FBI and USMS generally do not use NSOR as their primary source for informing decisions, such as funding or resource allocation for sex offender related operations.

Collaboration to remove state barriers to tribes' NCIC access. The SMART Office has collaborated with state and tribal officials in three states to successfully address state policies preventing tribes in these states from submitting information to NSOR through the state criminal justice database. SMART Office representatives told us that until recently, tribes in Arizona and Washington were unable to submit convicted sex offender information to NSOR because of various state statutes or policies. SMART Office representatives reportedly worked closely with state and tribal officials to provide alternative conduits that will allow tribes to submit convicted sex offender information directly to NSOR. SMART Office representatives also reported that they have tried to persuade

³³FBI CJIS assigns an Originating Agency Identification number to each agency that it has granted access to federal criminal databases so as to easily link the information to a particular agency.

officials in at least 2 other states to implement similar solutions, but without success.

Justice Telecommunications System (JUST). DOJ, with the assistance of the Office of Tribal Justice and the Justice Management Division (JMD), established JUST in 2010 as a pilot project to provide tribes that meet FBI requirements with NCIC access. OTJ representatives said that DOJ provided \$1 million for the pilot under the Community Oriented Policing Services (COPS) Office and has used approximately \$250,000 to provide 21 tribes with NCIC access—6 of which are eligible to implement SORNA.³⁴ According to OTJ, all tribes that have requested NCIC access through JUST thus far have received access. OTJ representatives said that the JUST funding covers tribes' costs for access fees as well as other licensing and transaction fees; however, tribes will have to pay these fees on their own once the remaining \$750,000 for JUST runs out. According to OTJ and JMD representatives, for JUST to become a viable and long-term solution for tribes' lack of NCIC access, DOJ will need to identify and secure a more sustainable source of funding. Identifying sustainable sources of funding, according to these officials, is one of the goals of the Tribal Public Safety Working Group, discussed below.

Tribal Public Safety Working Group. DOJ officials reported that, in addition to the efforts described above, DOJ and BIA established the Tribal Public Safety Working Group in 2014; it consists of representatives from BIA, OTJ, JMD, CJIS, the Office on Violence Against Women, Executive Office for U.S. Attorneys (EOUSA), the SMART Office, and other Office of Justice Programs (OJP) component agencies to identify which tribes lack access to federal databases and to work on the appropriate solution based on the unique circumstances of each tribe.³⁵ According to OTJ officials, the working group held its kickoff meeting on

³⁴The COPS Office is a DOJ component agency that seeks to advance the practice of community policing in state, local, and tribal law enforcement agencies. COPS does its work principally by sharing information and making grants to police departments around the United States.

³⁵The Office on Violence Against Women, a component of DOJ, is responsible for providing federal leadership in developing the national capacity to reduce violence against women and administer justice for and strengthen services to victims of domestic violence, dating violence, sexual assault, and stalking. The Office of Justice Programs, within DOJ, provides leadership to federal, state, local, and tribal, justice systems, by disseminating state-of-the art knowledge and practices on crime-fighting strategies across America, and providing grants for the implementation of these strategies.

May 12, 2014, and has established both short-term and long-term goals. In the short term, OTJ representatives said that by using information from outreach efforts and other existing sources, the working group plans to determine the extent to which each tribe has or wants access to all federal criminal databases, and the unique solution based on the circumstances of each tribe. OTJ representatives reported that the working group's long-term goals include identifying sustainable funding sources; identifying best practices for addressing specific barriers; evaluating potential systematic solutions, such as establishing a federal CSA for tribes; and reviewing federal rules and regulations to identify those that should be revised to remove any regulatory barriers to tribes' access to federal criminal databases.

The Tribal Public Safety Working Group's plans and initial activities are in line with addressing the types of barriers to NCIC access that tribes identified. However, given that the Tribal Public Safety Working Group is in its early planning phase, it is too early to evaluate how its efforts will help provide tribes with access to NCIC.

Additional SMART Oversight of, and Outreach to, States Could Help Ensure That Relevant Tribal Jurisdictions Are Notified about Registered Sex Offenders Who Have Indicated That They Will Be Moving to Tribal Land upon Release from State Prisons

Of the 129 tribes that responded to our survey, 41 (approximately 32 percent) reported that their state prisons had not notified them when the prisons released a sex offender to the tribes' lands.³⁶ In addition, about half of these 41 tribes reported that lack of notification when offenders are released from state prisons was a major challenge to SORNA implementation, with some consequences. Tribal officials that we interviewed and that responded to our survey reported instances of offenders on tribal lands that may not be monitored or registered as required because they had not been notified of the offenders' release from prison.³⁷ For example, one tribal law enforcement official told us that he learned of a convicted sex offender with an extensive criminal record who was released from prison and lived on the tribe's land from anonymous letters the official received. He said that because his tribe received no notification from state prison officials about this sex offender, the sex offender had lived on the tribe's territory unmonitored for over a year.

A consequence of not being notified about registered sex offenders who plan to live, work, or attend school on tribal land upon release from state prisons that tribal officials highlighted was that they may not be able to enforce their own laws governing the extent to which convicted sex offenders can live, work, or attend school in their communities. For example, a state tribal liaison officer told us that 9 of the 29 tribes in his state have laws that ban all sex offenders or restrict the types of sex offenders allowed to live on the tribes' lands. Similarly, officials from 2 tribes we interviewed said that their tribes either did not allow convicted sex offenders to live on the tribes' lands or had more stringent laws than states regarding the proximity of a convicted sex offender's residence to a school. Absent notification from states about registered sex offenders who plan to live, work, or attend school on tribal lands upon release from state prison, tribal authorities would not be aware of the presence of convicted sex offenders on their lands and therefore would be unable to enforce tribal law.

³⁶Three of the 41 tribes that indicated that lack of notification from state prisons was a factor that applied to them did not identify whether the lack of notification was a major challenge, a minor challenge, or not a challenge.

³⁷We interviewed sex offender registry and SORNA officials in 10 states where tribes that have retained their authority are located, and the officials told us that they include convicted sex offenders who live, work, or attend school on tribal lands in the state sex offender registry.

Under SORNA, initial registration of a convicted sex offender is to take place prior to the offender being released from prison, and the registration jurisdiction must immediately forward the offender's registration information to any other jurisdiction in which the sex offender is required to register.³⁸ However, according to the SMART Office, in many states, the state prison is not a SORNA registering entity and therefore does not register the sex offender or notify other relevant registration jurisdictions prior to the offender's release. In these instances, the sex offender's initial registration may not take place until after the offender is released from prison and through a state registering entity, such as a county sheriff's office. In instances when a sex offender informs a state registering entity—whether that be the state prison, a county sheriff's office, or another agency—that he or she plans to live, work, or attend school on tribal land, under SORNA, notification must be sent to tribes that retained their SORNA implementation authority.³⁹

Reasons Why Some States Do Not Notify Tribes

State prison and registry officials who responded to our requests for information provided two reasons why their states do not notify tribes when a registered offender indicates that he or she will be living, working, or attending school on the tribe's land upon release from prison. In some cases, resolving these barriers may be difficult, but in other cases, there are promising practices that could help states to address barriers to notifying tribes. First, 10 of the 20 states that responded to our inquiry said that they do not have laws or policies that require that tribes be

³⁸42 U.S.C. §§ 16911(10)(H), 16913(b), 16917(a), 16921(b). Sex offenders who are not sentenced to a term of imprisonment are to register not later than 3 business days after being sentenced. 42 U.S.C. §16913(b)(2). In addition, the SMART Office has interpreted the requirement to forward sex offenders' registration information "immediately" to mean within 3 business days. See 73 Fed. Reg. 38,030, 38,044, 38,060.

³⁹See 42 U.S.C. §§ 16913, 16921. Under SORNA, for ineligible and delegated tribes, such notification would go to the jurisdiction carrying out the tribes' SORNA functions. We will discuss the notification requirements pertaining to these tribes later in this report. Regarding tribes that retained SORNA implementation authority as well as ineligible, and delegated tribes, notification would also go to the law enforcement agencies, schools, and public housing agencies located on the tribes' land. 42 U.S.C. § 16921(b)(2).

notified.⁴⁰ Of the 41 tribes that reported that state prisons had not notified them, 22 are located in these states. In the absence of state laws or policies regarding notification to tribes, states may leave it up to the discretion of local law enforcement agencies, which may conduct the initial registration of the sex offender, to decide whether they will notify tribes. However, as discussed earlier, several federal, state, and tribal officials we interviewed acknowledged that not all tribes have cordial relationships with their local law enforcement organizations. As a result, this method of notification may not be effective for all tribes.

Second, it can be difficult for state prisons, in particular, to determine if the address that the offender has identified as that person's residence is located on tribal lands. According to state, local, and tribal officials we interviewed, unlike other jurisdictions, such as cities or counties, tribal lands are not always clearly identifiable by a ZIP code or even a city name. However, the Federal Bureau of Prisons manages this challenge by asking the offender whether the address is located on tribal lands as part of the prison release procedures. In regard to federal notification requirements, officials from the Bureau of Prisons said that they have removed law-enforcement-sensitive information from their notifications. As of May 2014, they can now send prisoner release notifications to both tribal law enforcement and tribal sex offender registry officials to ensure

⁴⁰Even though notification to tribes is a SORNA requirement, as we reported in February 2013, some states have had to amend existing state laws or enact new laws in order to implement certain SORNA provisions. See [GAO-13-211](#). We contacted officials in 25 states to determine whether these states require their state departments of corrections or appropriate registration officials to notify tribes that have retained their authority to implement SORNA, prior to releasing a sex offender who plans to live, work, or attend school on tribal lands. These 25 states included (1) states where tribes that responded to our survey identified as having not been notified about registered sex offenders who indicated that they would be living, working, or attending school on tribal lands upon release from prison; (2) states that have substantially implemented SORNA and also have tribes that have retained their authority to implement SORNA within their borders; and (3) states whose officials we contacted previously to conduct other audit work. Officials from 20 of the 25 states responded to our requests for information.

Ensuring Substantially
Implemented States Are
Notifying Tribes

that all tribes are notified when a sex offender is released from federal prison, as required by federal law.⁴¹

Of the 30 states that have tribes that retained their authority within their borders, the SMART Office has determined that 10 have substantially implemented SORNA. This means that these states should be notifying tribes; however, 2 of the 10 states are not. In addition, 9 of the 41 tribes located within 6 of the substantially implemented states reported that state prisons had not notified them. Because the SMART Office is responsible for determining the extent to which states are implementing SORNA, it is in a position to verify whether these states are complying with this notification requirement. The SMART Office requires a state to demonstrate how it plans to notify tribes that retained their authority as part of its implementation review.⁴² However, the SMART Office granted substantial implementation to 7 states that did not demonstrate how they planned to notify tribes that retained their authority within their borders. SMART Office representatives stated that they granted substantial implementation to these states because, at the time of their review, all or some of the tribes within these states' borders had not yet implemented SORNA. Therefore, these states were unable to provide the SMART

⁴¹Pursuant to 18 U.S.C. § 4042, notice shall be provided to state, tribal, and local jurisdictions where one who is required to register under SORNA, is released from prison or sentenced to probation. Federal Bureau of Prisons (BOP) officials reported that the agency implemented a new policy in May 2014 to ensure the agency complies with the statutory requirements regarding notification of sex offenders' release. According to BOP officials, the new policy requires that federal correctional facilities are to mail and fax or e-mail copies of the Prisoner Release Notification form (BP-A0710) to the chief law enforcement officer and sex offender registration official(s) of the tribe when releasing a prisoner convicted of a sex offense. Federal correctional facilities are also to provide this information to the SORNA contact in the state where the tribe has territory, local law enforcement officials who are in proximity to the tribe, as well as federal probation officials in the state.

⁴²To assist jurisdictions to develop, organize, and submit their substantial implementation package materials, the SMART Office developed the SORNA Substantial Implementation Checklist tool. To complete the checklist, states must identify the specific statute or regulation that is to fulfill each SORNA requirement, including forwarding sex offender information to other relevant SORNA jurisdictions. The SMART Office also requires that states that have a tribe or tribes eligible to implement SORNA located within their boundaries provide MOAs or other information-sharing agreements to facilitate notification of sex offender release. For states that have substantially implemented SORNA, the SMART Office uses this information as the basis for an additional section titled "Tribal Considerations" in these states' Substantial Implementation Review reports.

Office with plans for how they would notify these tribes until the tribes implemented SORNA themselves.

Also, according to SMART Office representatives, under the flexibility built into SORNA, the SMART Office may determine that a state has substantially implemented the law if lack of notification to tribes was the only area of noncompliance. This is because even though the tribe may not be aware of a convicted sex offender living on its land, it is likely that state or local law enforcement officials have registered and are aware of the sex offender, and can take steps to monitor the offender.⁴³ However, the SMART Office still expects substantially implemented states to notify tribes following registration of a sex offender who plans to live, work, or attend school on tribal land.

The SMART Office has opportunities to continue to work with substantially implemented states to ensure that they meet this notification requirement. According to SMART Office representatives, the office conducts annual compliance reviews to evaluate the extent to which substantially implemented jurisdictions remain in continued compliance. The office issued its substantial implementation assurance guidance that details the types of information that a SMART Office evaluator is to request when conducting these annual reviews, such as whether the state has signed any new MOAs with tribes. However, the guidance does not require that the evaluator request information on whether and how the state, or a designated agency within the state, notifies tribes following registration of a convicted sex offender who will be, or has recently been, released from state prison and indicates that he or she plans to live, work, or attend school on tribal land. By amending its substantial implementation assurance guidance, the SMART Office could better ensure that substantially implemented states are in compliance with SORNA requirements to notify tribes that retained their authority, thereby enabling these tribes to enforce their own laws pertaining to convicted sex offenders.

Encouraging Nonimplementing States to Notify Tribes

The SMART Office is also in a position to encourage states that have not yet substantially implemented SORNA to make efforts to implement certain provisions of the law, such as the requirement to notify tribes. This

⁴³Tribes may have MOAs with local law enforcement officials who authorize these officials to carry out certain law enforcement functions on tribal lands.

is particularly important considering that we found that 7 of 12 nonimplementing states that have tribes that retained their SORNA authority and that responded to our inquiry do not notify tribes. Furthermore, 22 of the 41 tribes that reported state prisons had not notified them are located within these 7 states. The SMART Office has provided guidance and conducted outreach to encourage tribes, once they take responsibility for registering convicted sex offenders, to coordinate with their respective states to ensure that the tribes are notified about sex offenders who plan to live, work, or attend school on their lands upon release from state prison. According to SMART Office representatives, the agency has issued a policies and procedures manual that calls for tribes to, among other things, establish procedures that ensure that the tribe receives notification about a sex offender who is released from a state, county, or local jail, and has indicated that he or she will be living, working, or attending school on tribal land. SMART Office representatives also reported that they have widely encouraged tribes, as a best practice, to contact relevant state, county, and local officials to ensure that these officials are aware that the tribe is a registering jurisdiction and the officials have the tribe's current information on who should receive notifications. SMART Office representatives reported conducting some outreach to states as part of the substantial review process, but acknowledged that more could be done to encourage states to provide notification to tribes. SMART Office representatives said that, prior to our review, they were not aware of tribes' concerns that states were not notifying tribes about sex offenders who were released from prison and planned to live, work, or attend school on tribal lands. Therefore, these representatives did not think it was necessary at the time to provide any additional guidance to the states.

Nevertheless, given our survey results, it may be beneficial for the SMART Office to expand upon its existing outreach efforts to encourage states to develop mechanisms to notify tribes that retained their SORNA implementation authority. SMART Office representatives told us that they often reach out to law enforcement and sex offender registry officials located in both implementing and nonimplementing states and that officials from these states attend various SORNA training events and conferences that the SMART Office sponsors. The representatives agreed that they could use these existing outreach efforts to educate states on the importance of, and best practices for, notifying tribes about sex offenders who have indicated that they plan to live, work, or attend school on tribal lands upon release from state prison. In doing so, the SMART Office will help ensure that implementing, as well as nonimplementing, states have the information they need to effectively

notify tribes, and that tribes have the information they need to identify and monitor convicted sex offenders who live, work, or attend school on their lands, and to enforce their laws governing the extent to which convicted sex offenders can live, work, or attend school in their communities.

Additional BIA Outreach to Tribes to Identify the Help They Need and That BIA Can Provide Could Assist Tribes with SORNA Implementation

Insufficient staff and difficulty covering the costs of SORNA implementation were each cited by 21 of 129 (16 percent) tribes as major challenges. Several tribal and federal officials, as well as subject matter experts that we interviewed, also reported that insufficient staff and the costs of SORNA implementation were major challenges that tribes faced when implementing SORNA. For example, BIA and SMART Office representatives and representatives from the National Congress of American Indians told us that because the majority of tribes did not have sex offender registries prior to SORNA, many tribes have not had the necessary resources for conducting sex offender registration, such as office space, staff, and equipment, and therefore would have had to incur significant costs to acquire these resources. In addition, the sex offender registry official from a tribe that has substantially implemented SORNA reported that his tribe spent approximately \$173,000 over a period of 2 years to fund his salary, purchase the information technology infrastructure required to set up the tribe's sex offender registry, and acquire a fingerprint scanner. In addition, according to BIA officials and subject matter experts staff turnover can result in large lapses in some tribes' SORNA implementation programs, when staff often leave their positions without providing documentation of past efforts toward implementing the law, requiring incoming staff to start the tribe's implementation efforts anew. For example, according to representatives from the National Criminal Justice Association, 1 tribe has experienced up to six turnovers for its SORNA coordinator position.

DOJ and BIA reported the following as ways in which their agencies have provided tribes with financial assistance, equipment, and staff to help address challenges related to limited resources:

- The SMART Office provided \$23.69 million in Adam Walsh Act Implementation Grant Program (AWA) funds to 125 tribes from fiscal years 2008 to 2013 and \$1.92 million in Edward Byrne Justice

Memorial Discretionary Grants Program funds to 17 tribes in fiscal year 2008 to assist with SORNA implementation.⁴⁴

- The SMART Office also has provided tribes with training and technical assistance related to SORNA implementation as well as numerous tools, including a customizable web-based tool—the Tribe and Territory Sex Offender Registry System (TTSORS)—for tribes to use to set up their sex offender registries and public websites.
- USMS has provided manpower and equipment to assist tribes with conducting operations to ensure convicted sex offenders are complying with their sex offender registration requirements.⁴⁵
- BIA OJS assisted 19 tribes with SORNA implementation tasks, such as providing input on the tribes’ draft sex offender codes, assisting tribes with installing or configuring the tribes’ registry systems (i.e., TTSORS), and assisting tribes with identifying and implementing alternative means of submitting information to federal criminal databases.

In our survey, 7 tribes reported receiving assistance from BIA, 33 from USMS, and 69 from the SMART Office and almost all of the tribes that reported they received assistance from these three agencies characterized the agencies’ assistance as very useful or moderately useful. In addition, tribal leaders we interviewed reported that Byrne and AWA grants have assisted tribes with offsetting the cost of SORNA implementation. Tribal officials responsible for implementing SORNA for 5 tribes reported that their tribes received AWA grant funds and had used the funds to cover various implementation expenses including hiring additional staff, purchasing necessary equipment, and covering fees to query or submit information on convicted sex offenders to federal criminal databases (20 of the 26 tribes that reported challenges with covering SORNA implementation costs and insufficient staff had received AWA grant funds).

⁴⁴The Byrne Justice Memorial Discretionary Grants Program is a key provider of federal criminal justice funding to state and local jurisdictions. Established to streamline justice funding and grant administration, the Byrne JAG Program allows states, tribes, and local governments to support a broad range of activities to prevent and control crime based on their own local needs and conditions. See 42 U.S.C. §§ 3750-3758. The Adam Walsh Act Implementation Grant Program assists jurisdictions eligible to implement SORNA with developing or enhancing programs designed to implement the law. See 42 U.S.C. §§ 16925(c), 16945(c)(2).

⁴⁵Federal, state, tribal, and local law enforcement agencies conduct compliance operations to ensure sex offenders within a certain area reside at their registered address or are otherwise compliant with sex offender registration laws.

A number of tribes that responded to our survey reported that they would like additional assistance from each of the three federal agencies. Specifically, 40 tribes reported that they would like additional assistance from the SMART Office, 30 tribes reported that they would like additional assistance from BIA, and 22 tribes reported that they would like additional assistance from USMS. However, most of the tribes that reported wanting additional assistance from SMART and USMS had already received assistance from these two agencies, and found the assistance to be useful. On the other hand, most of the tribes that reported wanting additional assistance from BIA reported that they had not received any prior assistance from BIA and raised concerns about this. Specifically, 26 tribes that responded to our survey indicated that either BIA did not offer assistance to them at all (14 tribes), they were unsure of the assistance BIA could offer (6 tribes), or that BIA did not provide the assistance they requested (6 tribes). Tribes did not report that the SMART Office or USMS had not offered them assistance or had refused their request for assistance.

Unlike the SMART Office and USMS, BIA does not have an explicit role for SORNA implementation. However, BIA is statutorily responsible for enforcing federal law and, with the consent of the tribe, tribal law in Indian country.⁴⁶ Further, the agency is responsible for developing and providing training and technical assistance to tribal law enforcement, and for consulting with tribal leaders to develop regulatory policies and other actions that affect public safety in Indian country— responsibilities that are related to tribes' implementation of SORNA.⁴⁷ Moreover, BIA serves as the law enforcement agency for the 40 direct service tribes, 33 of which have retained their authority to implement SORNA.⁴⁸

According to BIA OJS officials, BIA OJS districts have reached out to select tribes that retained their SORNA implementation authority.

⁴⁶25 U.S.C. § 2802(c)(1).

⁴⁷25 U.S.C. § 2802(c)(9), (12).

⁴⁸Tribes with self-governance compacts operate their tribal law enforcement agencies themselves, tribes with self-determination contracts perform criminal investigation and police services under BIA oversight, and direct service tribes receive all law enforcement services directly from BIA. In some cases, the tribe provides uniformed police services and BIA continues to provide criminal investigation services. According to BIA, SORNA-related functions, such as arresting sex offenders who fail to comply with registration requirements, are the responsibility of uniformed police rather than criminal investigators.

However, these officials acknowledged that BIA OJS has not made a concerted effort to offer assistance to all tribes that retained their authority because, according to a senior BIA OJS official, BIA's initial outreach was limited only to tribes that were on a list the agency had received from the SMART Office of tribes that had elected to implement SORNA at the time, and therefore did not include all tribes that subsequently retained their authority to implement.⁴⁹ As of July 2013, BIA reported that it had contacted each of the 33 direct service tribes that retained their SORNA implementation authority to determine the tribes' implementation status and what, if any, assistance the tribes would like to have from BIA. BIA OJS reported that the agency provided some form of assistance to 19 of the 33 tribes that the agency contacted. Specifically, BIA OJS reported that it had provided office space to 2 tribes, purchased a fingerprint scanner for another tribe, and assigned officers to 5 tribes to implement or perform some or all aspects of the tribes' sex offender registry and notification systems, and provided technical assistance to the remaining 14 tribes. BIA OJS's officials stated that some tribes refused OJS's offer and others did not respond at all to the offer.⁵⁰

Subsequently, BIA OJS officials reported that the agency conducted another round of outreach to tribes in preparation for a meeting with GAO, in August 2014. However, BIA reached out to only the 33 direct service tribes that had retained their authority but had not yet implemented SORNA and did not contact the remaining 131 tribes that have retained their authority to implement SORNA—71 of which have not yet implemented the law. Furthermore, BIA OJS officials reported that they asked each of the 33 tribes where the tribes were in the implementation process, what challenges they are currently facing, and what if any, assistance BIA had previously offered the tribes, but did not ask what additional help these tribes would like to receive from BIA OJS.

SMART Office representatives said that in addition to tribes' lack of access to NCIC, lack of BIA assistance is the second most frequently reported SORNA implementation challenge that tribes have

⁴⁹The BIA OJS senior official did not recall when the SMART Office provided BIA with the initial list of tribes that had retained their SORNA implementation authority.

⁵⁰The types of additional assistance these tribes indicated they would like from BIA include funding, equipment, or the manpower to perform at least some aspects of their sex offender registry programs.

communicated to the SMART Office. A BIA OJS senior official stated that the agency could better support tribes that choose to retain their SORNA implementation authority, and attributed the agency's challenges in providing this assistance to several factors. First, according to the senior BIA official, tribes experience high staff turnover and incoming staff are often unaware of assistance that BIA may have offered in the past. Therefore, the BIA OJS senior official stated, it is important for BIA to reach out to tribes more than once. Second, the BIA senior official also said that not all BIA field officers have received training on SORNA or how to assist tribes with SORNA implementation. BIA officials said that the agency is working on providing training to its officers so that they have the base knowledge on assisting tribes with SORNA implementation. This training, BIA officials added, will be open to all tribal police chiefs and mandatory for BIA police chiefs.

Third, because BIA conducted outreach to 33 and not all 164 tribes that retained their authority to implement SORNA, BIA may not be aware of the needs of the tribes it has not contacted. BIA officials acknowledged that they could expand their outreach to include all tribes that retained their authority to implement SORNA, including tribes for which the agency does not provide direct services. Taking steps to ascertain what, if any, resource or other needs all tribes that have not implemented SORNA may have could better support the tribes' efforts to substantially implement the act, and thereby better ensure monitoring of convicted sex offenders on tribal lands.

States Are Including Convicted Sex Offenders from Ineligible and Delegated Tribes, but States Are Not Consistently Notifying Tribes about Offenders Who Indicate That They Plan to Live, Work, or Attend School on Tribal Lands

Those states with tribes that are not implementing SORNA—that is, tribes that are not eligible to implement SORNA and tribes whose implementation authority was delegated to a state—reported that the states are including convicted sex offenders on these tribes’ lands in the states’ own sex offender registration and notification systems. However, states are not consistently notifying these tribes about registered sex offenders who plan to live, work, or attend school on tribal lands upon release from state prison—similar to the problem we discussed earlier that tribes that retained their implementation authority experienced. As a result, some ineligible and delegated tribes are unaware of convicted sex offenders on their lands, in which case they are not able to take actions they deem appropriate to ensure public safety, such as banning certain sex offenders from living on their land.

States Are Including Convicted Sex Offenders from Ineligible and Delegated Tribes in State Registries and Generally Reported No Challenges in Doing So

Under SORNA, states are responsible for registering convicted sex offenders who live, work, or attend school on the territory of tribes that have not retained SORNA implementation authority, which are ineligible tribes subject to state criminal jurisdiction under 18 U.S.C. § 1162, as well as tribes whose SORNA functions have been delegated to a state.⁵¹ We found that states have incorporated ineligible and delegated tribes into state sex offender registries, as required.

With respect to ineligible tribes, we interviewed sex offender registry and SORNA officials in the 6 states where these tribes are located, and they told us that they include convicted sex offenders who live, work, or attend school on tribal lands in the state sex offender registry and had mostly experienced no challenges in doing so. Tribal officials from 7 of 8 ineligible tribes we interviewed confirmed that the states had incorporated convicted sex offenders who live on their lands into the state sex offender registry. An official from the remaining ineligible tribe was not aware of

⁵¹42 U.S.C. § 16927; 73 Fed. Reg. at 38,039.

any efforts by the state to include sex offenders who live, work, or attend school on the tribe's land into the state's sex offender registration system.

Officials from 5 of the 6 states where we conducted interviews also reported that their states had experienced no challenges with incorporating convicted sex offenders from ineligible tribes into the state sex offender registry. These state officials reported that for registration purposes, convicted sex offenders on tribal land are required to report to the tribe, a nearby county or city to register. Officials from 3 of the 5 states added that they treat tribes like any other local jurisdiction. Sex offender registry officials we interviewed from the sixth state said that many tribes in their state are located in remote areas, and this poses a challenge for convicted sex offenders located on tribal lands to travel to the nearest county to register. The remote location of these tribes also makes it difficult for county law enforcement to monitor convicted sex offenders to ensure that they are complying with the terms of their registration. According to tribal and sex offender registry officials from this state, the state has tried to address the location challenge by giving offenders who live in remote areas the choice to register in person, by mail or fax and having the tribal community complete forms to verify the addresses of tribal members who are registered sex offenders.

With respect to delegated tribes, SORNA and sex offender registry officials from 10 of the 12 states with these tribes that provided written responses to our questions reported that the states incorporate or expect to incorporate convicted sex offenders from delegated tribes into their state sex offender registry, as required.⁵² However, officials from 5 of the 12 states reported difficulties doing so. These included contacting but not receiving a response from tribes and resolving differing requirements between state laws and SORNA regarding registration of sex offenders and community notification. Nevertheless, we found that states were able to overcome these challenges and register and monitor offenders, as required.

⁵²According to GAO's analysis of data from the SMART Office, there are 15 states with delegated tribes; however, officials from only 13 states responded to our inquiry, including 1 official who incorrectly reported that the state had not been delegated authority for any tribe and had no delegated tribes. Therefore, we received valid responses from only 12 states.

States Are Not Consistently Notifying Ineligible and Delegated Tribes about Registered Sex Offenders Who Plan to Live, Work, or Attend School on Tribal Land upon Release from Prison

We reported earlier in this report that some states are not notifying tribes that retained their SORNA implementation authority following registration of a sex offender who plans to live, work, or attend school on tribal land upon release from state prison. Similarly, sex offender registry officials we interviewed from 3 of the 6 states where ineligible tribes are located told us that they do not notify ineligible tribes, and officials from 7 of the 12 states with delegated tribes that responded to our inquiry reported that they also do not notify tribes. Officials from the remaining 3 states where ineligible tribes are located were unsure or did not state whether they notified ineligible tribes while officials from the remaining 5 states with delegated tribes said that they provide tribes with this information.

The specific SORNA provision that requires such notification to ineligible and delegated tribes is section 121(b)(2). It states that immediately after a convicted sex offender registers or updates a registration, an appropriate official in the registration jurisdiction—in this instance, the state—shall provide the information in the registry (other than information exempted from disclosure by the Attorney General) about that offender to all appropriate law enforcement agencies, as well as schools, and public housing agencies, in each area where the offender resides, works, or attends school.⁵³ Therefore, states should notify all ineligible and delegated tribes that have a law enforcement agency, a school, or a public housing agency when a convicted sex offender registers with the state and plans to live, work, or attend school on tribal land. Of the 50 delegated tribes, 22 have a police department, at least 10 have schools, and 38 have public housing.⁵⁴ Similarly, of the 353 ineligible tribes, 17 have their own police department, at least 165 have schools, and 323 have public housing. Yet, states are not consistently notifying these tribes about sex offenders who were released from state prison and registered or updated a registration with the state indicating that they will be living, working, or attending school on tribal lands, as SORNA requires. Without such notification, tribes may be unaware, as noted earlier in this report, of the presence of convicted sex offenders on their lands and may be unable to enforce tribal law and ordinances related to sex offenders.

⁵³42 U.S.C. § 16921(b). The SORNA National Guidelines interpret “immediately” as within 3 business days. See 73 Fed. Reg. at 38,060.

⁵⁴We obtained data from the Department of Education specifically regarding only public schools located on tribal lands, therefore, there may be additional tribes that have private schools on their lands; however, we did not obtain this information.

States are not providing notification to ineligible and delegated tribes that have police departments for a couple of reasons. First, 1 state has determined that tribal law enforcement agencies do not meet the state's definition of a law enforcement agency, in which case the state would not provide this notice. Second, in the absence of state laws or policies to notify tribes, some states let the counties decide on their own whether or not to notify tribal law enforcement, but as we reported earlier in this report, this could be a concern if the tribal and county law enforcement officials do not have a good working relationship.

With respect to the requirement that states notify schools and public housing agencies, the National Guidelines indicate that it is potentially challenging for states to proactively notify schools and public housing agencies because of problems such as identifying comprehensive lists of recipients and maintaining up-to-date contact information for each school and public housing agency. For example, Oklahoma has approximately 1,800 public schools. SMART officials stated that California and Alaska, which have the vast majority of ineligible tribes, might find it particularly challenging. Therefore, the National Guidelines allow states to satisfy the requirement to immediately notify schools and public housing agencies, as well as other community and social service organizations, by posting information on the state's sex offender public website within 3 days of the offender's registration or update, provided that the website includes an automatic notification function whereby requesters may receive e-mails when new information pertaining to a ZIP code or geographic radius area is available.⁵⁵ However, this poses challenges. First, tribes can only search by name, ZIP code, county, city or geographic radius, and as we discussed previously, it would be difficult for the tribe to know whether a convicted sex offender who lives within the same ZIP code as the tribe actually lives on tribal land. Second, some states have opted not to include all convicted sex offenders on their public websites, as SORNA allows. For example, jurisdictions can exclude information about tier I offenders whose victims were not minors.⁵⁶

Also, with regard to tribes, an alternative to directly notifying the school or public housing agency located on tribal land could be that the state notify the tribal council or another entity that the tribe deems appropriate. Given

⁵⁵See 73 Fed. Reg. at 38,061.

⁵⁶42 U.S.C. §§ 16911(1)-(3), 16918(c)(1).

the relatively small number of tribes in most states, the number of tribes is likely to be much lower than the number of public housing agencies and schools, making it easier to obtain contact information on tribes and notify them of released offenders. For example, Nevada has 673 public schools, but only 11 delegated tribes, and is the state with the greatest number of delegated tribes. States with ineligible tribes, however, may have a larger number of tribes and find it more difficult to contact each tribe. For example, Alaska and California in particular could find it difficult considering that 226 and 108 ineligible tribes have territory in these states, respectively.

According to the SMART Office, it has taken steps to inform both implementing and nonimplementing states about tribes whose authority has been delegated to the state, and has provided states with points of contact for these tribes. However, the SMART Office has not explicitly advised states, as part of these efforts, to notify delegated tribes about registered sex offenders who intend to live, work, or attend school on tribal land upon release from state prison. Given that the SMART Office conducts annual compliance reviews of implementing states and conducts ongoing outreach to implementing as well as nonimplementing states on a range of SORNA issues, the office is well positioned to provide explicit guidance to states regarding the necessary steps to implement SORNA's notification requirement for ineligible and delegated tribes. Also, through its outreach and compliance reviews, the SMART Office has the opportunity to consult with states on steps they can take to overcome some of the barriers that make it difficult for states to provide these notifications. Such efforts on behalf of the SMART Office would enable ineligible and delegated tribes to take actions they deem necessary to ensure public safety when a convicted sex offender is released from state prison and has registered or updated a registration indicating that he or she will be living, working, or attending school on their lands.

Conclusions

SORNA sought to enhance public safety, in part, by requiring eligible tribes to develop their own sex offender registration and notification systems to help address concerns about convicted sex offenders avoiding registration by moving to tribal lands. Considering that many tribes did not have their own sex offender registration systems prior to SORNA, tribes faced a number of challenges in implementing the act, such as lack of access to federal criminal justice databases and difficulty covering implementation costs. Several agencies provided assistance to help tribes address these challenges, but according to tribes that responded to

our survey, additional assistance and communication, particularly from BIA, would be beneficial. Also, as part of the SMART Office's annual compliance review of implementing states, and ongoing outreach with implementing and nonimplementing states, determining whether states are notifying tribes that retained their authority about convicted sex offenders who initially register or update a registration indicating that they will be living, working, or attending school on tribal land upon release from state prison could help ensure that tribes are aware of and can monitor convicted sex offenders in their communities. Further, taking additional actions to ensure that states notify all tribes, including ineligible and delegated tribes, would better position tribes to enforce their own laws and policies regarding sex offenders who live, work, or attend school on their land. Further, these actions would enhance DOJ's initiative to increase public safety in tribal communities by providing the federal support these communities need to overcome the unique law enforcement challenges they face, which, as noted by the Attorney General in his 2009 launching of the initiative, had resulted in unacceptable rates of violence against women and children in tribal communities.

Recommendations for Executive Action

To help ensure that tribes that retained their SORNA implementation authority, as well as ineligible and delegated tribes, are notified when convicted sex offenders who intend to live, work, or attend school on tribal land initially register or update a registration, we recommend that the Assistant Attorney General for the Office of Justice Programs direct the SMART Office to take the following two actions:

- Amend its substantial implementation assurance guidance to require its evaluators to determine whether substantially implemented states are notifying tribes that retained their authority to implement SORNA, as well as ineligible and delegated tribes, as required, and use this information in the office's ongoing outreach to the states.
- Encourage implementing as well as nonimplementing states, as part of the office's ongoing outreach to these states, to develop policies and procedures to notify tribes that retained their authority to implement SORNA, as well as ineligible and delegated tribes, about convicted sex offenders who registered or updated a registration with the state—either prior or subsequent to their release from state prison—and indicated that they will be living, working, or attending school on tribal lands. As part of this outreach and to help states overcome any barriers to notifying tribes, educate state officials on

best practices for overcoming barriers to notifying tribes that the SMART Office has identified.

To help determine what additional assistance tribes may need to help them toward SORNA implementation, we recommend that the Director of the Bureau of Indian Affairs direct each Office of Justice Services district office to contact the tribes within its district that have retained their implementation authority to determine if the tribes would like BIA to assist them with SORNA implementation efforts. For tribes that would like assistance from BIA, where possible, BIA should provide this assistance or refer the tribe to other resources.

Agency Comments and Our Evaluation

We provided a draft of this report to Interior and DOJ for review and comment. We received written comments from DOI via e-mail and from DOJ in a formal letter, which is reproduced in full in appendix IV. DOI and DOJ agreed with our recommendations in their comments. We also received technical comments from DOJ, which are incorporated throughout our report as appropriate.

In comments that DOI provided via e-mail on October 21, 2014, the department agreed with our recommendation that BIA direct each OJS district office to contact the tribes within its district that have retained their implementation authority, to determine if the tribes would like BIA to assist them with SORNA implementation efforts. DOI noted that the department plans to send correspondence to each of these tribes to determine if the tribes need BIA assistance with SORNA implementation and will provide the necessary assistance to these tribes, considering the department's authority, access, and resources. Further, DOI stated that it will reach out to states and other entities outside of OJS's control that may be posing challenges to tribes' ability to comply with SORNA. We believe that these are beneficial steps that, once fully implemented, would address our recommendation and help address resource or other needs that have made it difficult for some tribes to substantially implement the act.

In addition to taking actions to address our recommendation, DOI also identified additional efforts that BIA OJS has under way to help ensure tribes are able to implement SORNA. For example, BIA OJS has renewed its relationship with the SMART Office so as to receive internal policy and procedure updates, as well as training opportunities for OJS employees on SORNA.

DOJ agreed with our recommendation that the SMART Office amend its substantial implementation assurance guidance to require its evaluators to determine whether substantially implemented states are notifying tribes that retained their authority to implement SORNA, as well as ineligible and delegated tribes. The department also noted in its response that the SMART Office will continue to propose individualized solutions for jurisdictions with legislation or public policy practices that inhibit or prohibit working with tribal law enforcement.

DOJ also agreed with our recommendation to encourage implementing as well as nonimplementing states to develop policies and procedures to notify all tribes about sex offenders who would be living, working, or attending school on tribal lands, either prior or subsequent to their release from state prison. In its letter, DOJ noted that the SMART Office will request in future substantial implementation reviews that states provide information on how state incarceration facilities notify tribes when sex offenders are released and have indicated that they will be living, working, or attending school on tribal land. Accordingly, the SMART office will use the information solicited from these reviews in its ongoing outreach to implementing as well as nonimplementing states to help improve their communication with tribes. DOJ stated that to the extent possible, the department will encourage the sharing of sex offender information through the SORNA Exchange Portal—the tool that facilitates the exchange of information about sex offenders moving to other SORNA jurisdictions—as well as through extensive outreach and education to states on how they can use public notification to share information with ineligible and delegated tribes that do not have access to this portal. We believe that, once implemented, these actions would address our recommendations and enhance tribes' ability to receive the notification they need in order to enforce their laws pertaining to sex offenders.

Although DOJ agreed with our recommendations, the department expressed concerns that our report is not responsive to the primary challenge that tribes that responded to our survey identified—that is, an inability to submit sex offender information to federal criminal databases. However, we noted in this report that at the time of our review, DOJ and BIA had established a Tribal Public Safety Working Group to identify which tribes lack access to federal databases and to work on the appropriate solution based on the unique circumstances of each tribe. We believe that it is too soon to evaluate the effectiveness of the working group's current efforts, given that the group is in its early planning phase.

We are sending copies of this report to the appropriate congressional committees, the Attorney General, the Secretary of Interior, and other interested parties. This report is also available at no charge on GAO's website at <http://www.gao.gov>.

If you or your staff have any questions, please contact me at (202) 512-8777 or larencee@gao.gov. Contact points for our Offices of Congressional Relations and Public Affairs may be found on the last page of this report. Staff acknowledgments are provided in appendix IV.

A handwritten signature in black ink that reads "Eileen R. Larence". The signature is written in a cursive style with a long, sweeping underline.

Eileen R. Larence
Director, Homeland Security and Justice Issues

Appendix I: Objectives, Scope, and Methodology

Our objectives for this report were to address the following questions:

- To what extent have eligible tribes retained their authority to implement the Sex Offender Registration and Notification Act (SORNA), and for those that did, what is their implementation status?
- What implementation challenges, if any, have tribes that retained their authority to implement SORNA reported, and what steps have federal agencies and others taken or could take to address these challenges?
- To what extent are states incorporating ineligible and delegated tribes into their state sex offender registration and notification systems?

To address our first two objectives, we surveyed tribal officials whom the Office of Sex Offender Sentencing, Monitoring, Apprehension, Registering, and Tracking (SMART Office) identified as being responsible for implementing the act in the 164 tribes that retained their authority to implement SORNA.¹ These officials included tribal chiefs as well as representatives of tribal police departments and court systems. We used the survey to identify the implementation status of tribes that retained their authority to implement SORNA; the challenges they face with implementation; and the steps that tribes, as well as state, local, and federal government entities, are taking or could take to address implementation challenges. Additionally, we used the survey to obtain the tribal officials' perspectives on the SMART Office's guidance and the criteria it used to determine whether or not a jurisdiction has substantially implemented SORNA. We collaborated closely with a GAO social science survey specialist and conducted an expert review as well as pretests with 4 tribes that retained their authority to implement SORNA; doing so helped us to develop and refine our survey questions, clarify any ambiguous portions of the survey, and identify any potentially biased questions. We launched our web-based survey on April 1, 2014, and closed out the survey on June 30, 2014. Login information for the web-

¹At the time of our survey, 166 tribes had retained their authority to implement SORNA. We did not survey 4 of the 166 because, according to the SMART Office, these tribes are either newly recognized tribes that have not elected whether or not to implement SORNA, or are still in the process of acquiring land. These tribes include the Cayuga Nation, the Delaware Tribe of Indians, the Samish Indian Nation, and the Shinnecock Indian Nation. We did not also survey the Onondaga Indian Nation because tribal officials told us at the time of our survey that they were in the process of delegating their SORNA authority to the state and had not taken any actions to implement the act.

based survey was e-mailed to all participants, and we sent three follow-up e-mail messages to all nonrespondents and contacted the remaining nonrespondents by telephone. We received responses from 80 percent (129 of 161) of all tribes surveyed. Not all survey respondents provided answers to all survey questions.² Because the survey was conducted with all tribes that retained their authority to implement SORNA, there are no sampling errors. However, the practical difficulties of conducting any survey may introduce nonsampling errors. For example, differences in how a particular question is interpreted, the sources of information available to respondents, or the types of people who do not respond can introduce unwanted variability into the survey results. We included steps in both the data collection and data analysis stages to minimize such nonsampling errors. We also made multiple contact attempts with nonrespondents during the survey by e-mail and telephone. Since this was a web-based survey, respondents entered their answers directly into the electronic questionnaire, eliminating the need to key data into a database, minimizing error. We examined the survey results and performed computer analyses to identify inconsistencies and other indications of error. A second independent analyst checked the accuracy of all computer analyses.

To address our first objective, we also reviewed the SMART Office's data on eligible tribes' implementation status to identify (1) tribes that have retained their authority to implement SORNA, (2) tribes that have delegated their implementation authority to a state, and (3) tribes whose implementation authority was delegated to a state by the SMART Office. To assess the reliability of the SMART Office's data on tribes' implementation status, we (1) obtained written responses to our questions on how SMART Office representatives who use and maintain the data ensure the data's reliability; (2) checked the data for missing information, and obvious errors; and (3) compared the data regarding tribes' responses against our survey questions regarding their implementation status and, where applicable, interviewed SMART Office officials to determine the reason(s) for and resolve any differences. We found the data to be sufficiently reliable for the purpose of identifying tribes' SORNA implementation status. We also used our survey to determine how long it

²An electronic supplement to this report provides the survey results. See GAO, *Sex Offender Registration and Notification Act, : Survey of Federally Recognized Tribes on Implementation of the Act* (GAO-15-30SP, November 2014), an E-supplement to GAO-15-23, (Washington, D.C.: Oct. 16, 2014).

took tribes to prepare and submit a complete implementation package for SMART Office review, the reasons why some tribes have not submitted a complete package, and when the latter anticipate submitting a complete package.

To address our second objective, we interviewed Department of Justice (DOJ) headquarters officials from the SMART Office, Office of Tribal Justice (OTJ), U.S. Marshals Service (USMS), and the Federal Bureau of Investigation (FBI), as well as Bureau of Indian Affairs (BIA) officials within the Department of the Interior, to determine the implementation challenges tribes have reported and steps the agencies, the tribes, and others have taken to address the challenges. In addition, we interviewed FBI Criminal Justice Information Services Division (CJIS) officials to determine CJIS policies and procedures for granting tribes access to federal criminal justice databases, which are required for SORNA implementation. We also interviewed state, tribal, as well as local law enforcement officials from 5 states—Florida, Michigan, Nevada, New York, and Oklahoma. We selected these 5 states because each contains territory of tribes that retained their authority to implement SORNA and because the states vary with regard to their SORNA implementation status and geographic diversity. In each of the 5 states, we interviewed CJIS System Agency (CSA) officials, the designated state SORNA contact, or state sex offender registry officials to obtain information about state laws, policies, and procedures for granting tribes access to federal criminal justice databases. We also interviewed tribal leaders from 9 eligible tribes in these 5 states—5 of these tribes retained their authority to implement SORNA. We selected the 9 tribes based on factors such as the tribes' implementation status, whether the tribes are direct service tribes, and whether the tribes have agreements for SORNA implementation with any local law enforcement agencies, as well as the challenges that the SMART Office and others reported that these tribes face with implementation.³ In addition to the 5 states, we contacted officials in 20 states to determine whether these states require their state departments of corrections or registries to notify tribes that have retained their authorities to implement SORNA upon releasing a sex offender who plans to live, work or attend school on tribal lands. Officials from 15 of the 20 states responded to our request. These 15 states plus the 5 we visited

³The Bureau of Indian Affairs provides direct services, such as law enforcement services, to certain tribes, commonly referred to as direct service tribes, that do not operate certain programs themselves. 25 U.S.C. §§ 450f, 2802(c)(1).

included states identified by tribes that responded to our survey as those that do not notify tribes upon releasing sex offenders who plan to live, work, or attend school on tribal lands, as well as states that have substantially implemented SORNA and also have tribes that have retained their authority to implement SORNA. Finally, we interviewed officials from four local law enforcement agencies in proximity to the selected tribes and with whom the tribes had an agreement for SORNA implementation, as well as officials from the two BIA Office of Justice Services (OJS) regional districts with the most direct service tribes that are implementing SORNA to determine what, if any, assistance they have provided the tribes with SORNA implementation. Although the perspectives we obtained from our interviews with these state, BIA, and tribal officials are not generalizable, they provided insights regarding the challenges that tribes face with implementing SORNA and actions that have or could be taken to address the challenges.

We also included questions in our survey of tribes that retained their authority to implement SORNA about the types and extent of challenges the tribes experienced with SORNA implementation; steps the tribes are taking to address the challenges; and the funding and other assistance the tribes have received or could receive from the SMART Office, USMS, BIA, and state or local law enforcement agencies to assist them with implementing the act. In addition, we obtained information from our survey that enabled us to identify tribes that have the required access to the National Crime Information Center (NCIC) and the National Sex Offender Registry (NSOR), and the reasons why some tribes do not have this access.⁴ To determine if any improvements are needed to address any of the challenges tribes identified with SORNA implementation, we compared our survey results against SORNA provisions as well as the National Guidelines for Sex Offender Registration and Notification.

To address our third objective, we interviewed state SORNA and sex offender registry officials from all 6 states where ineligible tribes are located as well as 8 ineligible tribes—at least 1 each from these 6 states.

⁴NCIC is a computerized index of criminal justice information (i.e., criminal record history information, fugitives, stolen properties, and missing persons) that is available to authorized federal, state, and local law enforcement and other criminal justice agencies 24 hours a day, throughout the year. NSOR is a national database within the FBI's NCIC that authorized federal, state, local, territorial, and tribal law enforcement officials can use to gain access to information on registered sex offenders throughout the United States.

The information from these interviews enabled us to determine if these states include the ineligible tribes in their state SORNA registration and notification systems, as SORNA requires, as well as to identify the challenges, if any, the states and tribes face with having the states implement SORNA on the tribes' behalf. We selected the tribes based on their SORNA implementation status, whether they submitted a resolution to implement SORNA in spite of their ineligibility, and the challenges the tribes reportedly faced with SORNA implementation.⁵ We also interviewed tribal leaders from 4 tribes that opted out of SORNA and delegated their registration and notification functions to the state, and solicited responses to written questions from sex offender registry officials in the 15 states to which tribes' authority have been delegated, to determine how states are incorporating delegated tribes into their state sex offender registration and notification systems, as SORNA requires.

To supplement the information we received from our interviews as well as our survey of tribes that retained their SORNA authority, we interviewed officials from three relevant national associations: the National Congress of American Indians, the International Association of Chiefs of Police, and the National Criminal Justice Association, to obtain their perspectives on SORNA eligibility criteria, the SMART Office's delegation criteria and process, the challenges that tribes face with implementation, and the actions that the SMART Office and others have taken to address these challenges. We selected these associations because they represent the interests of tribal communities or state and local law enforcement agencies that assist jurisdictions, including tribes, with SORNA implementation.

We conducted this performance audit from September 2013 to November 2014 in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

⁵SORNA required eligible tribes wishing to implement the act to submit a resolution within a year of the act's enactment, electing to implement the law themselves as opposed to delegating their authority to implement to a state. 42 U.S.C. § 16927(a).

Appendix II: SORNA Substantial Implementation Checklist Tool

The Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking (SMART Office) has developed the Sex Offender Registration and Notification Act (SORNA) Substantial Implementation Checklist tool to be used by jurisdictions in developing, organizing, and submitting a substantial implementation package for review. While not intended to be a definitive guide to SORNA's full implementation requirements, the SORNA checklist is organized into 14 sections covering the major requirements of the law, as shown in table 1.

Table 1: Titles and Descriptions of the 14 Sections of the Sex Offender Registration and Notification Act (SORNA) Substantial Implementation Checklist Tool and Implementation Reports

| Section | Basic tenets of covered requirements |
|---|--|
| I. Immediate Transfer of Information | <ul style="list-style-type: none"> Initial and updated registration information must be immediately sent to other jurisdictions where an offender has to register, to relevant federal law enforcement authorities, and to the jurisdiction's public sex offender website. |
| II. Offenses That Must Be Included in the Registry | <ul style="list-style-type: none"> Certain federal, military, and foreign offenses must be included in a jurisdiction's registration scheme, as well as certain sex offenses for which juveniles were adjudicated as delinquent. A jurisdiction must capture certain sex offenses, both offenses from its jurisdiction and from other SORNA registration jurisdictions, in its registration scheme. |
| III. Tiering of Offenses | <ul style="list-style-type: none"> Offenses must be classified based on the nature of the offense of conviction, established through a baseline three-tier classification system. |
| IV. Required Registration Information | <ul style="list-style-type: none"> A jurisdiction must collect certain pieces of information from and for each offender that it registers and keep that registration information in a digitized form in its registry. |
| V. Where Registration Is Required | <ul style="list-style-type: none"> A jurisdiction must register an offender if the jurisdiction is the one in which the offender is convicted or incarcerated. In addition, SORNA requires that the jurisdiction register offenders who reside, work, or attend school in the jurisdiction. |
| VI. Initial Registration: Timing and Notice | <ul style="list-style-type: none"> When an offender is incarcerated within the jurisdiction, registration must occur before release from imprisonment. When an offender is sentenced within the jurisdiction, but not incarcerated, registration must occur within 3 business days of sentencing. When an offender has been convicted, sentenced, or incarcerated in another jurisdiction (including federal or military court), registration must occur within 3 business days of the offender establishing residence, employment, or school attendance within the jurisdiction. During initial registration, the offender must be informed of his or her registration duties and acknowledge in writing that he or she understands those duties. |
| VII. Initial Registration: Retroactive Classes of Offenders | <ul style="list-style-type: none"> A jurisdiction must have a procedure in place to recapture three categories of sex offenders: <ul style="list-style-type: none"> those currently incarcerated or under supervision, those already registered or subject to a preexisting registration requirement, and those who reenter the jurisdiction's criminal justice system because of a conviction for some other felony (whether or not it is a sex offense). |

**Appendix II: SORNA Substantial
Implementation Checklist Tool**

| Section | Basic tenets of covered requirements |
|---|--|
| VIII. Keeping the Registration Current | <ul style="list-style-type: none"> • A registered sex offender must appear in person to update certain changes to required registration information, and must immediately provide changes to other pieces of registration information. • When an offender intends to travel outside the United States, that person must notify the residence jurisdiction at least 21 days in advance. • When a jurisdiction receives notice of an offender's intent to relocate or travel to another country, that jurisdiction must immediately notify any other jurisdiction where the person is required to register, notify the U.S. Marshals, and update the National Sex Offender Registry within the National Crime Information Center. |
| IX. Verification/Appearance Requirements | <ul style="list-style-type: none"> • Offenders must register for a duration of time and make in-person appearances at the registering agency based on the tier of the offense of conviction. |
| X. Registry Website Requirements | <ul style="list-style-type: none"> • A jurisdiction must maintain a public sex offender registry website and publish certain registration information on that website, such as the offender's name, address information, the sex offense for which the offender is registered, and a current photograph. • Certain information must not be displayed on a jurisdiction's public registry website, such as the offender's Social Security number or the identity of the victim. |
| XI. Community Notification | <ul style="list-style-type: none"> • A jurisdiction must disseminate certain initial and updated registration information to (1) particular agencies within the jurisdiction and (2) the community. |
| XII. Failure to Register as a Sex Offender: State Penalty | <ul style="list-style-type: none"> • Each jurisdiction, other than a federally recognized Indian tribe, must provide a criminal penalty that includes a maximum term of imprisonment that is greater than 1 year for the failure of a sex offender to comply with its registration requirements. |
| XIII. When Sex Offender Fails to Appear for Registration | <ul style="list-style-type: none"> • When a jurisdiction is notified that a sex offender intends to reside, be employed, or attend school in its jurisdiction, and that offender fails to appear for registration as required, the jurisdiction receiving that notice must inform the originating jurisdiction (the jurisdiction that provided the initial notification) that the sex offender failed to appear for registration. |
| XIV. When a Jurisdiction Has Information that a Sex Offender May Have Absconded | <ul style="list-style-type: none"> • When a jurisdiction has information that a sex offender may have absconded, the jurisdiction must take certain actions to investigate the absconder and notify various law enforcement agencies. |

Source: Department of Justice: Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking (SMART Office) | GAO-15-23.

Note: If a state has a tribe or tribes located within its boundaries that have elected to implement SORNA, the SMART Office also requests that these states provide additional information, such as an explanation of the working relationship with the relevant SORNA tribe(s), when submitting a substantial implementation package for review.

Appendix III: Extent to Which Eligible Tribes Have Implemented the Sex Offender Registration and Notification Act (SORNA)

According to the Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking (SMART Office), the 214 tribes that are eligible to implement SORNA are located in 33 states; of these states, 11 have substantially implemented SORNA. As of August 2014, the SMART Office has determined that 164 tribes have retained their authority to implement SORNA, while the remainder did not retain their authority because they either elected to delegate their authority to a state (24 tribes) or the SMART Office delegated their authority to a state (26 tribes). Of the tribes that have retained their authority to implement the act, 71 tribes have substantially implemented SORNA; 70 tribes have submitted a complete package, but the SMART Office has not yet made a determination; 22 tribes have not submitted a complete package; and 1 tribe has not substantially implemented the act.

Table 2: Implementation Status of Eligible Tribes and Their Corresponding States, as of August 2014

| State | Number of tribes | Tribe | Implementation authority | SORNA implementation status |
|-------------------------|--------------------|--|--------------------------|-----------------------------|
| Alabama | 1 | | | ● |
| | | Poarch Band of Creeks | Retained authority | ● |
| Alaska | 1 | | | □ |
| | | Metlakatla Indian Community | Retained authority | ▣ |
| Arizona | 21 | | | □ |
| | | Ak-Chin Indian Community Council | Retained authority | ⊙ |
| | | Cocopah Tribal Council | Retained authority | ⊙ |
| | | *Colorado River Indian Tribes | Retained authority | ● |
| | | Fort McDowell Yavapai Nation | Retained authority | ● |
| | | ~*Fort Mojave Indian Tribe | Retained authority | ● |
| | | Gila River Indian Community | Retained authority | ● |
| | | Havasupai Tribe | Retained authority | ⊙ |
| | | Hopi Tribe | Retained authority | ● |
| | | Hualapai Indian Tribe | Retained authority | ● |
| | | Kaibab Band of Paiute Indians | Retained authority | ⊙ |
| | | ~ Navajo Nation | Retained authority | ⊙ |
| | | Pascua Yaqui Tribe | Retained authority | ● |
| | | *Quechan Tribe of the Fort Yuma Indian Reservation | Delegated (SMART) | n/a |
| | | Salt River Pima-Maricopa Indian Community | Retained authority | ● |
| San Carlos Apache Tribe | Retained authority | ▣ | | |

**Appendix III: Extent to Which Eligible Tribes
Have Implemented the Sex Offender
Registration and Notification Act (SORNA)**

| State | Number of tribes | Tribe | Implementation authority | SORNA implementation status |
|--------------|-------------------------|---|---|------------------------------------|
| | | San Juan Southern Paiute tribe of Arizona | Delegated Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking (SMART Office) | n/a |
| | | Tohono O'odham Nation | Retained authority | ● |
| | | Tonto Apache Tribe | Retained authority | ◉ |
| | | White Mountain Apache Tribe | Retained authority | ◉ |
| | | Yavapai-Apache Nation | Retained authority | ● |
| | | Yavapai-Prescott Indian Tribe | Retained authority | ◉ |
| Colorado | 2 | | | ● |
| | | Southern Ute Indian Tribe | Retained authority | ● |
| | | ~ Ute Mountain Ute Tribe | Retained authority | ◻ |
| Connecticut | 2 | | | ◻ |
| | | Mashantucket Pequot Indian Tribe | Retained authority | ◉ |
| | | Mohegan Indian Tribe of Connecticut | Delegated (Tribe) | n/a |
| Florida | 2 | | | ● |
| | | Miccosukee Indian Tribe | Retained authority | ◉ |
| | | Seminole Tribe of Florida | Retained authority | ◉ |
| Idaho | 5 | | | ◻ |
| | | Coeur D'Alene Tribe | Retained authority | ◉ |
| | | Kootenai Tribe of Idaho | Retained authority | ● |
| | | Nez Perce Tribe | Retained authority | ◉ |
| | | Shoshone-Bannock Tribes of the Fort Hall Reservation | Retained authority | ● |
| | | ~ Shoshone-Paiute Tribes of the Duck Valley Reservation | Retained authority | ● |
| Iowa | 1 | | | ◻ |
| | | Sac & Fox Tribe of the Mississippi in Iowa | Retained authority | ● |
| Kansas | 4 | | | ● |
| | | *Iowa Tribe of Kansas & Nebraska | Retained authority | ● |
| | | Kickapoo Tribe of Indians of the Kickapoo Reservation in Kansas | Delegated (Tribe) | n/a |
| | | Prairie Band of Potawatomi Nation | Retained authority | ● |
| | | *Sac and Fox Nation of Missouri in Kansas and Nebraska | Delegated (SMART) | n/a |
| Louisiana | 4 | | | ● |
| | | Chitimacha Tribe of Louisiana | Retained authority | ● |

**Appendix III: Extent to Which Eligible Tribes
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| State | Number of tribes | Tribe | Implementation authority | SORNA implementation status |
|---------------|-------------------------|---|---------------------------------|------------------------------------|
| Maine | 4 | Coushatta Tribe of Louisiana | Delegated (Tribe) | n/a |
| | | Jena Band of Choctaw Indians | Delegated (Tribe) | n/a |
| | | Tunica-Biloxi Tribe | Retained authority | ☐ |
| | | | | ☐ |
| | | Aroostook Band of Micmacs | Delegated (SMART) | n/a |
| | | Houlton Band of Maliseet Indians | Delegated (Tribe) | n/a |
| | | Passamaquoddy Tribe | Delegated (SMART) | n/a |
| Massachusetts | 2 | Penobscot Indian Nation | Delegated (SMART) | n/a |
| | | | | ☐ |
| | | Mashpee Wampanoag Tribe | Delegated (Tribe) | n/a |
| Michigan | 12 | Wampanoag Tribe of Gay Head / Aquinnah | Retained authority | ☐ |
| | | | | ● |
| | | Bay Mills Indian Community | Retained authority | ● |
| | | Grand Traverse Band of Ottawa and Chippewa Indians | Retained authority | ● |
| | | Hannahville Indian Community | Retained authority | ● |
| | | Keweenaw Bay Indian Community | Retained authority | ● |
| | | Lac Vieux Desert Band of Lake Superior Chippewa Indians | Retained authority | ⊙ |
| | | Little River Band of Ottawa Indians | Retained authority | ⊙ |
| | | Little Traverse Bay Bands of Odawa Indians | Retained authority | ● |
| | | Match-e-be-nash-she-wish Band of Pottawatomis Indians of Michigan | Retained authority | ● |
| | | Nottawaseppi Huron Band of the Potawatomi | Retained authority | ● |
| | | Pokagon Band of Potawatomi Indians | Retained authority | ⊙ |
| Minnesota | 2 | Saginaw Chippewa Indian Tribe of Michigan | Retained authority | ● |
| | | | | ☐ |
| | | Minnesota Chippewa Tribe Bois Forte Band | Retained authority | ● |
| Mississippi | 1 | Red Lake Band of Chippewa Indians of Minnesota | Retained authority | ⊙ |
| | | | | ● |
| Mississippi | 1 | Mississippi Band of Choctaw Indians | Retained authority | ● |
| | | | | ● |
| Montana | 7 | | | ☐ |

**Appendix III: Extent to Which Eligible Tribes
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| State | Number of tribes | Tribe | Implementation authority | SORNA implementation status |
|----------|------------------|---|--------------------------|-----------------------------|
| | | Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation | Retained authority | ◉ |
| | | Blackfeet Tribe of the Blackfeet Indian Reservation of Montana | Retained authority | ◻ |
| | | Chippewa Cree Tribe of the Rocky Boy's Reservation | Retained authority | ● |
| | | Confederated Salish & Kootenai Tribes of the Flathead Reservation | Delegated (Tribe) | n/a |
| | | Crow Tribe of Montana | Retained authority | ◉ |
| | | Fort Belknap Indian Community of the Fort Belknap Reservation of Montana | Retained authority | ◉ |
| | | Northern Cheyenne Tribe | Retained authority | ◉ |
| Nebraska | 3 | | | ◻ |
| | | Omaha Tribe of Nebraska | Retained authority | ● |
| | | Santee Sioux Nation | Retained authority | ● |
| | | Winnebago Tribe of Nebraska | Retained authority | ● |
| Nevada | 19 | | | ● |
| | | ~Confederated Tribes of Goshute Reservation | Delegated (SMART) | n/a |
| | | Duckwater Shoshone Tribe | Delegated (Tribe) | n/a |
| | | Ely Shoshone Tribe of Nevada | Retained authority | ◉ |
| | | *Fort McDermitt Paiute & Shoshone Tribes of the Fort McDermitt Indian Reservation | Delegated (SMART) | n/a |
| | | ~ *Fort Mojave Indian Tribe | Retained authority | ● |
| | | Las Vegas Tribe of the Paiute Indians of the Las Vegas Colony | Delegated (SMART) | n/a |
| | | Lovelock Paiute Tribe of the Lovelock Indian Colony | Delegated (SMART) | n/a |
| | | Moapa Band of Paiute Indians of the Moapa River Indian reservation | Delegated (SMART) | n/a |
| | | Paiute-Shoshone Tribe of the Fallon Reservation and Colony | Delegated (SMART) | n/a |
| | | Pyramid Lake Paiute Tribe | Retained authority | ◉ |
| | | Reno-Sparks Indian Colony | Retained authority | ◉ |
| | | ~Shoshone-Paiute Tribes of the Duck Valley Reservation | Retained authority | ● |
| | | Summit Lake Paiute Tribe | Delegated (SMART) | n/a |
| | | Te-Moak Tribe of Western Shoshone Indians of Nevada | Retained authority | ◉ |
| | | Walker River Paiute Tribe | Delegated (Tribe) | n/a |

**Appendix III: Extent to Which Eligible Tribes
Have Implemented the Sex Offender
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| State | Number of tribes | Tribe | Implementation authority | SORNA implementation status |
|--------------|-------------------------|--|---------------------------------|------------------------------------|
| | | *Washoe Tribe of Nevada and California | Retained authority | ● |
| | | Winnemucca Indian Colony of Nevada | Delegated (SMART) | n/a |
| | | Yerington Paiute Tribe | Delegated (SMART) | n/a |
| | | Yomba Shoshone Tribe | Delegated (SMART) | n/a |
| New Mexico | 23 | | | □ |
| | | Jicarilla Apache Nation | Retained authority | ● |
| | | Kewa Pueblo (Pueblo of Santo Domingo) | Retained authority | ◉ |
| | | Mescalero Apache Tribe | Retained authority | ● |
| | | Ohkay Owingeh | Retained authority | ● |
| | | Pueblo of Acoma | Retained authority | ● |
| | | Pueblo of Cochiti | Retained authority | ◉ |
| | | Pueblo of Isleta | Retained authority | ● |
| | | Pueblo of Jemez | Retained authority | ◉ |
| | | Pueblo of Laguna | Retained authority | ◉ |
| | | Pueblo of Nambe | Delegated (Tribe) | n/a |
| | | Pueblo of Picuris | Delegated (SMART) | n/a |
| | | Pueblo of Pojoaque | Delegated (Tribe) | n/a |
| | | Pueblo of San Felipe | Retained authority | ▣ |
| | | Pueblo of San Ildefonso | Retained authority | ◉ |
| | | Pueblo of Sandia | Delegated (Tribe) | n/a |
| | | Pueblo of Santa Ana | Retained authority | ● |
| | | Pueblo of Santa Clara | Retained authority | ◉ |
| | | Pueblo of Taos | Retained authority | ◉ |
| | | Pueblo of Tesuque | Retained authority | ▣ |
| | | Pueblo of Zia | Delegated (SMART) | n/a |
| | | ~ Navajo Nation | Retained authority | ◉ |
| | | ~ Ute Mountain Ute Tribe | Retained authority | ▣ |
| | | Zuni Tribe of the Zuni Reservation (Pueblo Zuni) | Retained authority | ◉ |
| New York | 8 | | | □ |
| | | Cayuga Nation | Retained authority | ◇ |
| | | Oneida Nation of New York | Retained authority | ◉ |
| | | Onondaga Nation | Retained authority | ▣ |
| | | Saint Regis Mohawk Tribe | Retained authority | ◉ |
| | | Seneca Nation of Indians | Delegated (Tribe) | n/a |
| | | Shinnecock Indian Nation | Retained authority | ▣ |

**Appendix III: Extent to Which Eligible Tribes
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| State | Number of tribes | Tribe | Implementation authority | SORNA implementation status |
|----------------|-------------------------|---|---------------------------------|------------------------------------|
| | | Tonawanda Band of Seneca | Retained authority | ☐ |
| | | Tuscarora Nation | Retained authority | ☐ |
| North Carolina | 1 | | | ☐ |
| | | Eastern Band of Cherokee Indians | Retained authority | ⊙ |
| North Dakota | 4 | | | ☐ |
| | | Spirit Lake Tribe | Retained authority | ⊙ |
| | | ~ Standing Rock Sioux Tribe | Retained authority | ● |
| | | Three Affiliated Tribes | Retained authority | ⊙ |
| | | Turtle Mountain Band of Chippewa | Retained authority | ⊙ |
| Oklahoma | 38 | | | ☐ |
| | | Absentee-Shawnee Tribe of Indians of Oklahoma | Retained authority | ● |
| | | Alabama-Quassarte Tribal Town | Delegated (SMART) | n/a |
| | | Apache Tribe of Oklahoma | Delegated (SMART) | n/a |
| | | Caddo Nation of Oklahoma | Retained authority | ⊙ |
| | | Cherokee Nation | Retained authority | ● |
| | | Cheyenne-Arapaho Tribes of Oklahoma | Retained authority | ☐ |
| | | Chickasaw Nation | Retained authority | ● |
| | | Choctaw Nation of Oklahoma | Delegated (Tribe) | n/a |
| | | Citizen Potawatomi Nation | Retained authority | ● |
| | | Comanche Nation | Retained authority | ● |
| | | Delaware Nation | Retained authority | ⊙ |
| | | Delaware Tribe of Indians | Retained authority | △ |
| | | Eastern Shawnee Tribe of Oklahoma | Retained authority | ⊙ |
| | | Fort Sill Apache Tribe of Oklahoma | Delegated (SMART) | n/a |
| | | Iowa Tribe of Oklahoma | Retained authority | ● |
| | | Kaw Nation | Retained authority | ● |
| | | Kialegee Tribal Town | Delegated (SMART) | n/a |
| | | Kickapoo Tribe of Oklahoma | Retained authority | ● |
| | | Kiowa Indian Tribe of Oklahoma | Retained authority | ⊙ |
| | | Miami Tribe of Oklahoma | Retained authority | ● |
| | | Modoc Tribe of Oklahoma | Retained authority | ● |
| | | Muscogee (Creek) Nation | Retained authority | ● |
| | | Osage Nation | Retained authority | ● |
| | | Otoe-Missouria Tribe of Indians | Retained authority | ☐ |
| | | Ottawa Tribe of Oklahoma | Retained authority | ⊙ |

**Appendix III: Extent to Which Eligible Tribes
Have Implemented the Sex Offender
Registration and Notification Act (SORNA)**

| State | Number of tribes | Tribe | Implementation authority | SORNA implementation status |
|----------------|-------------------------|--|---------------------------------|------------------------------------|
| | | Pawnee Nation of Oklahoma | Retained authority | ☐ |
| | | Peoria Tribe of Indians of Oklahoma | Retained authority | ⊙ |
| | | Ponca Tribe of Indians of Oklahoma | Delegated (Tribe) | n/a |
| | | Quapaw Tribe of Indians | Retained authority | ⊙ |
| | | Sac and Fox Nation | Retained authority | ⊙ |
| | | Seminole Nation of Oklahoma | Retained authority | ● |
| | | Seneca-Cayuga Tribe of Oklahoma | Retained authority | ● |
| | | Shawnee Tribe | Delegated (SMART) | n/a |
| | | Thlopthlocco Tribal Town | Delegated (Tribe) | n/a |
| | | Tonkawa Tribe of Indians of Oklahoma | Retained authority | ⊙ |
| | | United Keetoowah Band of Cherokee Indians in Oklahoma | Retained authority | ● |
| | | Wichita and Affiliated Tribes | Delegated (SMART) | n/a |
| | | Wyandotte Nation | Retained authority | ● |
| Oregon | 3 | | | ☐ |
| | | Burns Paiute Tribe | Retained authority | ⊙ |
| | | Confederated Tribes of the Umatilla Indian Reservation | Retained authority | ● |
| | | Confederated Tribes of the Warm Springs Reservation | Retained authority | ● |
| Rhode Island | 1 | | | ☐ |
| | | Narragansett Indian Tribe | Retained authority | ⊙ |
| South Carolina | 1 | | | ● |
| | | Catawba Indian Nation | Delegated (SMART) | N/A |
| South Dakota | 9 | | | ● |
| | | Cheyenne River Sioux Tribe of the Cheyenne River Reservation | Retained authority | ⊙ |
| | | Crow Creek Sioux Tribe of the Crow Creek Reservation | Retained authority | ⊙ |
| | | Flandreau Santee Sioux Tribe of South Dakota | Retained authority | ⊙ |
| | | Lower Brule Sioux Tribe of the Lower Brule Reservation | Retained authority | ⊙ |
| | | Oglala Sioux Tribe | Retained authority | ⊙ |
| | | Rosebud Sioux Tribe | Retained authority | ⊙ |
| | | Sisseton - Wahpeton Oyate of the Lake Traverse Reservation | Retained authority | ● |
| | | ~ Standing Rock Sioux Tribe | Retained authority | ● |

**Appendix III: Extent to Which Eligible Tribes
Have Implemented the Sex Offender
Registration and Notification Act (SORNA)**

| State | Number of tribes | Tribe | Implementation authority | SORNA implementation status |
|----------------------------|-------------------------|--|---------------------------------|------------------------------------|
| Texas | 2 | Yankton Sioux Tribe of South Dakota | Retained authority | ⊙ |
| | | Alabama-Coushatta Tribes of Texas | Retained authority | ⊙ |
| | | Ysleta del Sur Pueblo of Texas | Delegated (Tribe) | n/a |
| Utah | 7 | ~ Confederated Tribes of Goshute Reservation | Delegated (SMART) | n/a |
| | | ~ Navajo Nation | Retained authority | ⊙ |
| | | Northwestern Band of Shoshone Nation | Delegated (Tribe) | n/a |
| | | Paiute Indian Tribe of Utah | Delegated (SMART) | n/a |
| | | Skull Valley Band of Goshute Indians | Delegated (Tribe) | n/a |
| | | Ute Indian Tribe | Retained authority | ⊙ |
| | | ~ Ute Mountain Ute Tribe | Retained authority | ▣ |
| Washington | 29 | Confederated Tribes and Bands of the Yakama Nation | Retained authority | ● |
| | | Confederated Tribes of the Chehalis Reservation | Retained authority | □ |
| | | Confederated Tribes of the Colville Reservation | Retained authority | ⊙ |
| | | Cowlitz Indian Tribe | Delegated (Tribe) | n/a |
| | | Hoh Indian Tribe | Delegated (Tribe) | n/a |
| | | Jamestown S’Klallam Tribe | Delegated (Tribe) | n/a |
| | | Kalispel Tribe of Indians | Retained authority | ● |
| | | Lower Elwha Klallam Tribe | Retained authority | ● |
| | | Lummi Tribe of the Lummi Reservation | Retained authority | ⊙ |
| | | Makah Indian Tribe of the Makah Indian Reservation | Retained authority | ⊙ |
| | | Muckleshoot Indian Tribe | Retained authority | ▣ |
| | | Nisqually Indian Tribe | Retained authority | ▣ |
| | | Nooksack Indian Tribe | Retained authority | ⊙ |
| | | Port Gamble S’Klallam Tribe | Retained authority | ⊙ |
| | | Puyallup Tribe of the Puyallup Reservation | Retained authority | ⊙ |
| | | Quileute Tribe | Retained authority | ▣ |
| Quinault Indian Nation | Retained authority | ● | | |
| Samish Indian Nation | Retained authority | ◇ | | |
| Sauk-Suiattle Indian Tribe | Retained authority | ⊙ | | |

**Appendix III: Extent to Which Eligible Tribes
Have Implemented the Sex Offender
Registration and Notification Act (SORNA)**

| State | Number of tribes | Tribe | Implementation authority | SORNA implementation status |
|-----------|------------------|--|--------------------------|-----------------------------|
| | | Shoalwater Bay Indian Tribe | Retained authority | ◉ |
| | | Skokomish Indian Tribe | Retained authority | ● |
| | | Snoqualmie Indian Tribe | Delegated (Tribe) | n/a |
| | | Spokane Tribe of the Spokane Reservation | Retained authority | ● |
| | | Squaxin Island Tribe | Retained authority | ◉ |
| | | Stillaguamish Tribe of Indians of Washington | Delegated (Tribe) | n/a |
| | | Suquamish Indian Tribe of the Port Madison Reservation | Retained authority | ◻ |
| | | Swinomish Indian Tribal Community | Retained authority | ◉ |
| | | Tulalip Tribes of Washington | Retained authority | ◉ |
| | | Upper Skagit Indian Tribe | Retained authority | ● |
| Wisconsin | 1 | | | ◻ |
| | | Menominee Indian Tribe of Wisconsin | Retained authority | ● |
| Wyoming | 2 | | | ● |
| | | Arapaho Tribe of the Wind River Reservation | Retained authority | ● |
| | | Shoshone Tribe of the Wind River Reservation | Retained authority | ● |

Source: GAO analysis of SMART Office data | GAO-15-23

Legend:

n/a = not applicable.

*Tribe = the tribe has territory in another state, but is ineligible to implement SORNA in that state.

~Tribe = the tribe has territory in multiple states and is eligible to implement SORNA in each of those states. Thus, the tribe is represented under multiple states.

● = Substantially implemented

◉ = Submitted a complete package, determination not yet made

◻ = Not substantially implemented

◻ = Not submitted a complete package for review

◊ = Held in abeyance

△ = Newly recognized tribes

Appendix IV: Comments from the Department of Justice



U.S. Department of Justice

Office of Justice Programs

OCT 29 2014

Washington, D.C. 20531

Ms. Eileen Larence
Director
Homeland Security and Justice Issues
Government Accountability Office
441 G Street, NW
Washington, DC 20548

Dear Ms. Larence:

Thank you for the opportunity to review and comment on the draft Government Accountability Office (GAO) report entitled, "Sex Offender Registration and Notification Act (SORNA): Additional Outreach and Notification of Tribes when Offenders are Released from Prison Needed" (GAO-15-23). The Office of Justice Programs (OJP) appreciates the GAO's work in planning and conducting this review and issuing the draft report.

The Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking Office (SMART Office) has worked extensively with the tribes to meet the minimum requirements of SORNA that were set out by Congress, despite the challenges identified in the GAO report. We remain committed to supporting the efforts of all SORNA jurisdictions, and to the extent possible by law, non-SORNA jurisdictions such as ineligible and delegated tribes, in order to expand the comprehensive seamless web of sex offender registration and notification systems necessary to enhance public safety envisioned by SORNA.

On the first page of the draft report, GAO describes its survey and the four most frequently reported implementation challenges, including: 1) inability to submit convicted sex offender information to federal databases; 2) lack of notification from state prisons upon the release of sex offenders; 3) lack of staff; and 4) inability to cover the costs of SORNA implementation. We are concerned that the report title, "SORNA: Additional Outreach and Notification of Tribes when Offenders are Released from Prison Needed," does not convey the breadth of the challenges expressed in the report, the information GAO gathered from the survey of the tribal jurisdictions, nor the entirety of GAO's recommendations. Further, the draft report is not responsive to the significance of the primary challenge identified by the tribes surveyed by GAO – the inability to submit sex offender information to federal databases, and it does not reflect all of the successes that tribes have had in implementing SORNA and protecting their communities and building sex offender registry systems from the ground up.

The draft GAO report contains two Recommendations for Executive Action, one of which contains two actions directed to the Department's Office of Justice Programs (OJP). For ease of review, the recommendations are restated in bold text below and are followed by OJP's response.

To help ensure that tribes that retained their SORNA implementation authority, as well as ineligible and delegated tribes, are notified when convicted sex offenders who intend to live, work, or attend school on tribal land initially register or update a registration, we recommend that the Assistant Attorney General for the Office of Justice Programs direct the SMART Office to take the following two actions:

- 1. Amend its substantial implementation assurance guidance to require its evaluators to determine whether substantially implemented states are notifying tribes that retained their authority to implement SORNA, as well as ineligible and delegated tribes, as required, and use this information in the office's ongoing outreach to the states.**

In response to the Recommendation for Executive Action, the SMART Office will expand the information requested in the implementation assurance process to note whether tribal law enforcement agencies are included in notification to law enforcement. As discussed with GAO during the audit, the SMART Office staff continuously makes adjustments to the implementation assurance process as more tribes and states substantially implement SORNA, and/or states attempt to meet the needs of the tribes located within their borders. In addition, the SMART Office will continue to propose individualized solutions for jurisdictions with legislation or public policy practices that inhibit, or prohibit, working with tribal law enforcement.

During the early stages of implementation, many tribes were not able to be notified of sex offenders' movements because their registration and notification systems were still in development. As noted in the report, the states that have substantially implemented SORNA were not penalized initially if notification to certain tribes was not yet occurring. However, the SMART Office has always required, and will continue to require, that all substantially implemented jurisdictions use the SORNA Exchange Portal.

Pursuant to the SORNA mandate, the primary responsibility for implementing SORNA in the territory of ineligible and delegated tribes falls to the states in which the tribe(s) are located. As such, ineligible and delegated tribes will not receive the notifications that SORNA-implementing jurisdictions receive because they do not have access to the SORNA Exchange Portal, which is the tool that facilitates the sharing of information about sex offenders relocating to other SORNA jurisdictions. Nonetheless, it is incumbent upon states to include ineligible and delegated tribes in their community notification efforts required by SORNA. However, the SMART Office, through its outreach to states, will encourage states to include ineligible and delegated tribes in community notification efforts.

2. **Encourage implementing as well as non-implementing states, as part of the office's ongoing outreach to these states, to develop policies and procedures to notify tribes that retained their authority to implement SORNA, as well as ineligible and delegated tribes, about convicted sex offenders who registered or updated a registration with the state—either prior or subsequent to their release from state prison—and indicated that they will be living, working, or attending school on tribal lands. As part of this outreach and to help states overcome any barriers to notifying tribes, educate state officials on best practices for overcoming barriers to notifying tribes that the SMART Office has identified.**

In response to the Recommendation for Executive Action, the SMART Office will request in future SORNA substantial implementation reviews that states provide information about how tribes within the states are being notified by state incarceration facilities when a sex offender is released and has indicated that s/he will be living, working, or attending school on tribal land. The SMART Office will also request this information in future SORNA substantial implementation assurance reviews.

The SMART Office will use the information obtained during the implementation reviews to further its longstanding efforts to assist both implementing and non-implementing states to improve communication with tribes, as well as continue working with tribes to improve their communication with states. In addition, the SMART Office will continue to include information in its outreach to both state and tribal jurisdictions about how better to facilitate and enhance communication and overcome the barriers to notifying tribes.

With regard to encouraging states to develop policies and procedures on notification of offenders being released from incarceration facilities, as discussed with GAO during the audit, state incarceration facilities develop their own policies about which jurisdictions receive notice and how that notice is given, and are not required to meet the expectations of the Department of Justice. However, to the extent that the law allows, the SMART Office encourages the exchange of information by jurisdictions via the SORNA Exchange Portal and through extensive outreach and education about how to use public notification.

If you have any questions regarding this response, you or your staff may contact Jeffery A. Haley, Acting Director, Office of Audit, Assessment, and Management, at (202) 616-2936.

Sincerely,



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Appendix V: GAO Contact and Staff Acknowledgments

GAO Contact

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Staff Acknowledgments

In addition to the contact named above, Kristy Love, Assistant Director, and Edith Sohna, Analyst-in-Charge, managed this engagement. Orlando Copeland, Michael Lenington, Alicia Loucks, and Leah Marshall made significant contributions to the report. Frances Cook, Katherine Davis, Michele Fejfar, Eric Hauswirth, Kirsten Lauber, Sasan J. Najmi, and Jerome Sandau also provided valuable assistance.

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