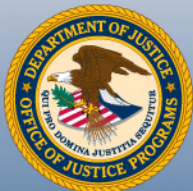


SMART

**Office of Sex Offender Sentencing, Monitoring,
Apprehending, Registering, and Tracking**



SMART Office Update on SORNA Implementation

**FACJJ Meeting
December 2, 2010**

**Linda M. Baldwin
Director, SMART Office
Office of Justice Programs
U.S. Department of Justice**



The Adam Walsh Child Protection and Safety Act of 2006

Title I: Sex Offender Registration and Notification Act (SORNA)

Purpose: To establish a comprehensive set of minimum standards for sex offender registration and notification and to facilitate information sharing between jurisdictions regarding sex offenders.



SORNA Timeline

Adam Walsh Act Effective – July 2006

SMART Office Opened – December 2006

Attorney General Regulation – February 2007

Final Guidelines Issued – June 2008

First Implementation Deadline – July 2009

AG issued one-year blanket extension in May 2009

First two jurisdictions implement SORNA – September 2009

Ohio

Confederated Tribes of the Umatilla Reservation

Proposed Supplemental Guidelines Published – May 2010

Second Implementation Deadline – July 2010

Final Implementation Deadline – July 2011



Implementation Update

- **Current Tally**

Four States – Ohio
– Delaware
– Florida
– South Dakota

Two Tribes – Conf. Tribes of the Umatilla Reservation
– Conf. Tribes and Bands of the Yakama Nation

- This is not the full picture!



Fuller Picture of Progress re. SORNA Implementation

- Out of 52 remaining states, territories and DC:
 - Communications with all 53
 - Extension requests submitted from all
 - 16 substantial implementation reviews
 - 21 preliminary or partial reviews
 - 15 some information submitted
- 31 tribes have also submitted materials
 - Extension requests received from 189 out of 190 remaining
 - 125 tribes have participated in TTSORS training
- How we did this: shift in focus; more outreach (more staff)



Barriers to Implementation: Outreach and Response

- Extensive interaction by AAG Robinson in Fall 2008 with organizations representing interests of implementing jurisdictions
 - over 90 meetings with state/local groups
- Heard comments
 - attention given to jurisdictions' desire for more flexibility



Addressing SORNA Implementation Issues

- From July 2009 to January 2010, SMART Office conducted extensive review of SORNA implementation issues
 - Outreach to/Feedback from jurisdictions and constituencies
 - SMART review of additional issues
- Proposals to address implementation issues (27)
 - Proposed Supplemental Guidelines** (May 2010)
 - SMART Office Implementation Documents (April 2010)
 - Improved inter- and intra-agency coordination
 - Greater flexibility within constraints of Guidelines
- Remaining issues required Congress to act



SORNA Guidelines Overview

- **SORNA enacted:** July 27, 2006
- **First Set of Guidelines**
 - Proposed: May 17, 2007
 - Finalized: July 2, 2008
- **Supplemental Guidelines**
 - Proposed: May 14, 2010
 - Comment Period Ended: July 14, 2010
 - Finalized: Goal: December 2010



Topics Addressed in Supplemental Guidelines

1. Juvenile Delinquents
2. Internet Identifiers
3. International Travel
4. Domestic Information Sharing
5. Acknowledgement (Notice) Forms
6. Ongoing Implementation Assurance
7. Retroactive Classes
8. Newly Recognized Tribes



Juveniles Adjudicated Delinquent of Aggravated Sexual Assault-Type Crimes

- Old Requirement
 - Mandatory Posting on Public Sex Offender Registry Website
- New Requirement
 - Discretionary Posting on Public Sex Offender Registry Website



SORNA Implementation Documents

- Issued: April 8, 2010
- Guidance and Clarification
 - Will be updated on an as-needed basis
- On the SMART Website:
 - [Topics in SORNA Implementation](#)
- http://www.ojp.usdoj.gov/smart/pdfs/sorna_docs.pdf



SORNA Implementation Documents

1. Substantial Implementation
2. Byrne JAG Reductions
3. In-Person Verification
4. Community Notification
5. Risk Assessment
6. Homeless and Transient Offenders
7. Text of the Registration Offense
8. Military Offense Registration
9. Fingerprints and Palm Prints
10. Tribal Convictions
11. State and Tribal Information Sharing
12. Tribal Jurisdiction
13. Tribal Election, Delegation to the State, and Right of Access



Improved Inter/Intra-Agency and Intergovernmental Coordination

- Submission of SORNA-required Information to National Databases
 - DNA to CODIS
 - Fingerprints to IAFIS
 - Access to NCIC
- Notice to Tribes from Correctional Facilities Upon Release
- Tracking Sex Offenders Leaving or Entering the United States
- Greater State-Tribal Coordination



Principal Remaining Issues

- Costs
- Implementation deadline
- Juvenile registration
- Conviction-based tiering
- Exclusion of PL-280 tribes
- Tribal/State coordination



Costs of SORNA Implementation

- Start-up implementation costs
 - updating existing IT and operating systems
 - recapture of offenders (one-time expense)
 - for tribes: new registration and notification systems
 - litigation
- Ongoing administrative costs
 - more frequent updates/in-person verification
 - enforcement
 - increased incarceration



Costs of SORNA Implementation (cont.)

- Specific cost estimates are needed
 - each state's costs will vary
 - published studies are misleading
- Ohio costs: approx. \$400,000
 - excludes cost of litigation
 - Ohio's existing system was fairly advanced
- OJP is working on a cost model to assist with calculation of registration and notification cost



Grants:

Adam Walsh Act Implementation Program

2007 - \$11.8M

2008 - \$3.9M

2009 - \$4.7M

2010 - \$9.8M All awards released by 9/30/2010

Total to date: \$30.2M

2011 - \$20M* In the President's Budget; would be first direct allocation for AWA implementation

*Not yet appropriated – We are operating under a continuing resolution



Grants:

CASOM and OJJDP grants

2007 - \$4.4M Juvenile Sex Offender Treatment and Capacity Building
(AWA funds)

2008 - \$3M CASOM Training and Technical Assistance

2009 - \$2.8M CASOM Training and Technical Assistance

2010 - \$2M CASOM demonstration grants

\$1M CASOM training and technical assistance

\$250,000 Youth with Sexual Behavior Problems Training and
Technical Assistance

Total Awarded to date: \$13.5M

2011 - \$3.5M*

*Not yet appropriated



Impending SORNA Deadline

The approaching deadline is motivating jurisdictions to take on the difficult work of SORNA implementation

However, five-year timeframe has been very tight:

- SORNA implementation is complex
- SORNA implementation is costly



Registration of Juveniles

Misinformation still exists regarding the scope of SORNA's juvenile registration requirement

- The Guidelines narrowed the scope of the juvenile registration requirement to only those juveniles 14 years or older adjudicated delinquent for committing (or attempting or conspiring to commit) offenses under laws that cover:
 - engaging in a sexual act with another by force or the threat of serious violence (see 18 U.S.C. 2241(a)); or
 - engaging in a sexual act with another by rendering unconscious or involuntarily drugging the victim
- Many states currently register juveniles for many more offenses than SORNA would require
- Despite SORNA's application to only this narrow pool of juvenile offenders, some jurisdictions may be unwilling to reverse their long-standing juvenile justice policies that do not permit registration of juveniles.



Conviction-Based Tiering

Some jurisdictions currently tier based on a process that includes a risk assessment

- Very few jurisdictions use a risk assessment tool to determine a sex offender's registration tier.
- Risk assessment may be used within a SORNA registration program
 - To move offenders to higher tiers
 - To determine levels of supervision
 - To inform level and type of public notification beyond public website posting

The definition of “substantial implementation” does not permit a jurisdiction to ignore the crime of conviction and use a risk assessment instead; accordingly, some jurisdictions will have to change their tiering method in order to implement SORNA.



Work in Sex Offender Management

- Registration and notification are just two key tools in efforts to keep the public safe from sex offenders.
- Community education and prevention
 - SMART Office has made materials accessible through NSOPW
- Other important components: investigation, prosecution, sentencing, corrections and reentry policies, treatment, victim services and supervision practices.
 - Traditionally not standard across jurisdictions
 - Need for development and sharing of best practices
- **Sex Offender Management Planning and Assessment Initiative**



SMART Office Staff

Linda Baldwin	Director
Dawn Doran	Deputy Director
Stephanie LoConto	Senior Policy Advisor
Scott Matson	Senior Policy Advisor
Lori McPherson	Senior Policy Advisor
Allison Turkel	Senior Policy Advisor for Indian Country
Juli Ana Grant	Program Specialist for Indian Country
Samantha Opong	Program Specialist
Jackie O'Reilly	Program Specialist
Victoria Jolicoeur	Grant Specialist
Debra Saunders	Administrative Officer

