

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.