

Program Narrative

I. Statement of the Problem

The federally recognized Prairie Band Potawatomi Nation (PBPB) resides on 77,000 acres in the northeast quadrant of the State of Kansas. The rolling flint hills of the PBPB reservation, is located entirely within Jackson County, Kansas. Twenty-six miles south is the state capital of Topeka and 80 miles to the southeast is Kansas City, Missouri.

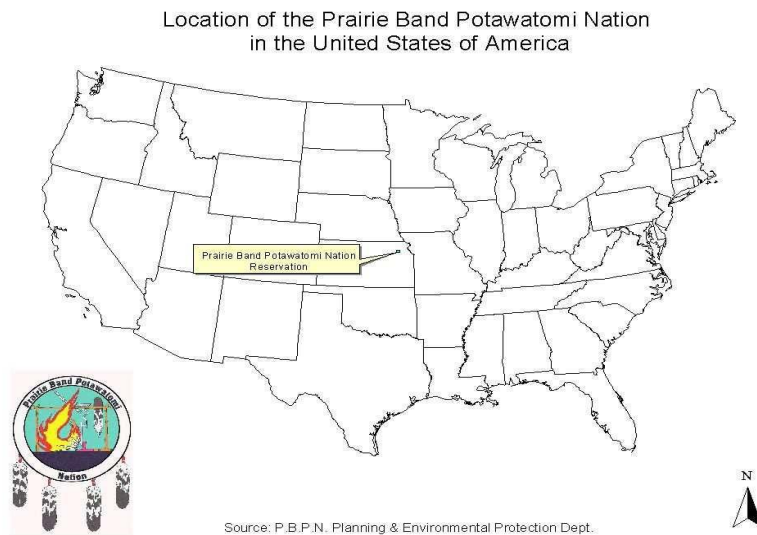


Figure 1-PBPB in the United States

The rural area is home to 1,469¹ residents including 869 of the 4,841² enrolled Tribal members. The total population for the project service area (Jackson County and adjacent counties) is 252,288 individuals.³ All four federally recognized tribes of Kansas (Prairie Band Potawatomi Nation, Iowa Tribe of Kansas and Nebraska, Kickapoo Nation in Kansas, and the

¹ 2010 US Census American Indian and Alaska Native Summary File DP-1 Profile of general Population and Housing Characteristics Prairie Band of Potawatomi Nation Reservation, KS

² Bureau of Indian Affairs, 2005 American Indian Population and Workforce

³ 2010 US Census Profile of General Population and Housing Characteristics Profile Data for counties including: Brown, Jackson, Jefferson, Nemaha, Pottawatomie, and Shawnee.

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Sac & Fox Nation in Kansas) are located within the seven (7) county service areas (Jackson,

Brown, Atchison, Jefferson, Shawnee, Pottawattomie, and Nemaha) as is the capital city of

Topeka, Kansas. The total American Indian population of the seven (7) counties is 8,228. The

PBPN maintains the largest land base of the four (4) rural reservation communities.

The PBPN has an established constitutional government with all adult members serving as the General Council. Seven (7) members are elected to fill positions on the Tribal Council in staggered four-year terms. Positions include: Chair, Vice-Chair, Secretary, Treasurer, and three (3) member-at-large positions. The Tribal Council represents the General Council in the management of the daily operations of the tribal government. The below chart visualizes the components of the tribal government structure.

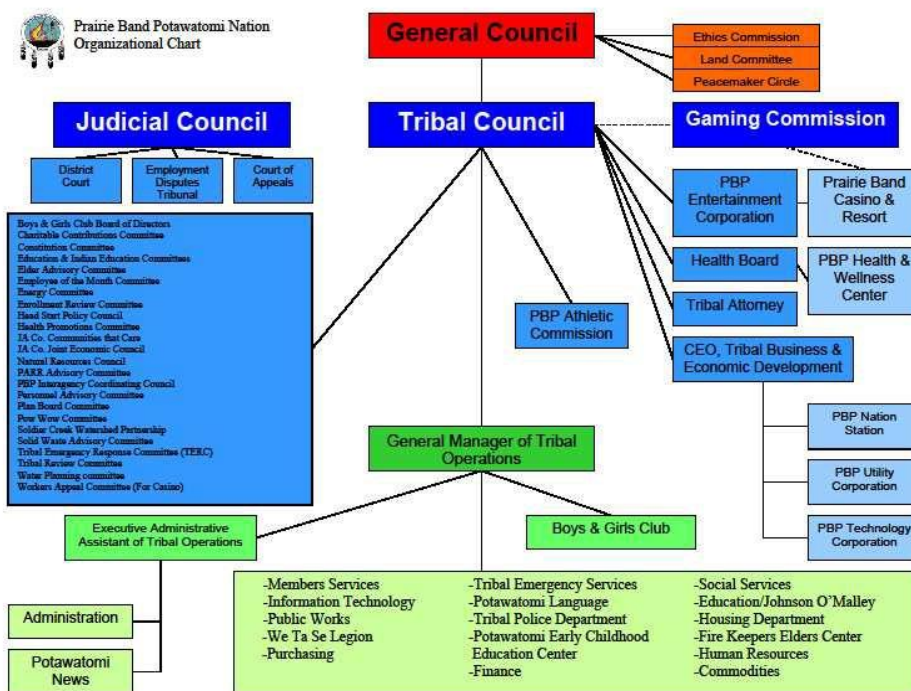


Figure 2- Organizational Structure of the PBPN

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The PBPB is committed to providing comprehensive and supportive programs that protect and nurture the culture, promote education and sustain the health and quality of life for all PBPB members. As such, the PBPB has developed and successfully operated many programs that address issues that threaten the health, safety and well-being of the community. A few of these programs include the Tribal Police Department, Tribal Fire & EMS service, Tribal Health & Wellness Clinic, Child Care & Head Start Center, Boys & Girls Club of the PBPB, Environmental Protection and Planning and a comprehensive Social Services program. Implementing the Adam Walsh Act is essential in continuing to protect and enhance the security and safety of children and families living and working within the jurisdiction of the PBPB by assuring the tribal community and officials are aware of sex offenders residing, working or attending school within the reservation boundaries.

Violent crime in Indian Country is more than twice the national average. On some Native American Reservations is it twenty times the national average. An astounding thirty percent of Indian and Alaska Native women will be raped in their lifetimes.⁴ Tribal Nations are disproportionately affected by violent crime and sex offenses in particular from both Indian and non-Indian perpetrators; consequently, the conduct and presence of convicted sex offenders in Indian Country threatens the political integrity, economic security, health and welfare of tribal Nations even to the point of imperiling the subsistence of tribal communities.

The PBPB is applying for the funding from the US Department of Justice, Office of Justice Programs' Sex Offender Sentencing, Monitoring, Apprehending, Registering and Tracking (SMART) Office Adam Walsh Implementation Grant specifically focusing on enhancing the program under program area number four which include providing support for

⁴ National Intimate Partner and Sexual Violence Survey, 2010 Summary Report, National Center for Injury Prevention and Control, Division of Violence Prevention.

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coordinated interagency efforts to substantially implement SORNA. Although, the PBPN has successfully implemented SORNA in 2011; the PBPN is currently requesting \$150,000.00 dollars to enhance the inter-judicial cooperation with the state of Kansas and to improve information sharing infrastructure by utilizing the Live-Scan finger and palm print system.

- a. Describe the challenges the jurisdiction faces in maintaining ongoing compliance with SORNA:

Although, qualified personnel are in place to plan and implement the comprehensive sex offender registration and management program, the PBPN does not have the available funding to establish the hardware and software systems necessary to capture, store, analyze or submit offender biometric or DNA data. Nor does the PBPN have funding available to train personnel responsible for assuring SORNA compliance and sex offender registration and management with the updated laws and regulation regarding SORNA. Therefore, the PBPN's lack of funds is creating barriers to ensure the PBPN's success of being compliant with the SORNA requirement that are necessary for our jurisdiction in maintaining ongoing compliance.

- b. How will the challenges be addressed by the strategy that will be funded by the grant:

Currently, the PBPN conducts their background checks on a fingerprint card and mail via US Postal service to the Federal Bureau of Investigation, which is a process that may take 6 months to a year. In order to alleviate the current barriers and time frame challenges the PBPN faces to ensure compliance with the SORNA requirements that are necessary for our jurisdiction. The PBPN would remarkably improve the inter-judicial cooperation and be able to send the fingerprint data electronically to the state of Kansas while expanding information sharing

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infrastructure with the utilization of the Live-scan finger and palm print system. The state of Kansas would then forward the fingerprint information electronically to the Federal Bureau of Investigation that will in turn minimize the length of time to process the fingerprint of a sexual offender. The FBI will implement palm print and supplemental print search capabilities as part of its Next Generation Identification (NGI) effort.

The PBPN has already obtained 3 bids to purchase the Live-scan finger and palm print system. **(See attached bids)**

According to the Prairie Band Potawatomi Nation Law and Order codes (Section 15-11-7) Finger and Palm Prints. The Tribal Police Department or designee shall obtain, and a covered sex offender shall provide, both finger and palm prints of the sex offender in a digitized format.

- c. Describe steps taken to assess and analyze their current sex offender registration and notification systems in relation to SORNA ongoing compliance:

Community Notification

Law Enforcement Notification. Whenever a sex offender registers or updates his or her information with the tribe, the Tribal Police Department shall:

- 1) Monitor and utilize the SORNA Exchange Portal for inter-jurisdictional change of residence, employment or student status.
- 2) Immediately update NCIC/NSOR.
- 3) Immediately notify any agency, department, or program within the tribe that is responsible for criminal investigations, prosecution, child welfare or sex offender supervision functions, including but not limited to, police, whether BIA, Tribal or FBI, Tribal Prosecutors, and Tribal Probation.

- 4) Immediately notify any and all other registration jurisdictions where the sex offender is registered due to the sex offender's residency, school attendance, or employment.
- 5) Immediately notify National Child Protection Act agencies, which includes any agency responsible for conducting employment-related background checks under section 3 of the National Child Protection Act of 1993 (42 U.S.C. 5119a) when a sex offender registers or updates registration.

Notification is also updated on the Prairie Band Potawatomi Nation's Sex Offender Registry website: <http://pbpnation.nsopw.gov/>.

d. Detail ongoing jurisdiction efforts to address maintaining compliance:

The PBPN has implemented the Prairie Band Potawatomi Nation Sex Offender Registry and website to provide for inter-jurisdictional collaboration in order to promote the safety, well-being and peace of the PBPN's community and reservation. The PBPN Tribal Council also approved the Prairie Band Potawatomi Police Department Policy and Procedures for the PBP Sex Offender Registry.

On July 16, 2011, the PBPN submitted a substantial implementation package that included several exhibits, including background information on the PBPN and its criminal justice system, courts, and police department, policies and procedures regarding sex offender registration, the PBPN's sex offender registration law and relevant additional laws, as well as forms for registering offenders.

The U.S. Department of Justice, Office of Justice Programs, Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking (SMART) would like to thank

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the PBPN for the extensive work that has gone into its effort to substantially implement Title I of the Adam Walsh Act, the Sex Offender Registration and Notification Act (SORNA). The SMART Office has completed its review of the Prairie Band Potawatomi Nation's SORNA substantial implementation packet and has found that the PBPN has substantially implemented SORNA.

- e. Identify deficits or problems encountered as well as needs identified in order to substantially maintain compliance:

The deficits and problems encountered during the implementation of SORNA is the longevity of the time frame that it take to process background checks on a fingerprint card and mail via US Postal service to the Federal Bureau of Investigation, which is a process that may take 6 months to a year. In order to alleviate the current barriers and time frame challenges, the need for the PBPN to ensure compliance with the SORNA requirement that are necessary for our jurisdiction is establish the inter-judicial cooperation and be able to send the fingerprint data electronically to the state of Kansas while expanding information sharing infrastructure with the utilization of the Live-scan finger and palm print system.

II. Project Design and Implementation

- a. Project Goals and Objectives:

Goal 1. Enhance the safety and security of the PBPN's reservation population by registering and monitoring sex offenders living, working or going to school within the reservation's boundaries.

Objective 1. Comply with the comprehensive strategic plan for implementation of the Adam Walsh Act within the PBPN's jurisdiction in compliance with 100% of SORNA

Objective 2. 100% of identified required hardware and software systems will be bid and orders placed within 3 month of the grant award. Information technology staff, purchasing agents and law enforcement personnel will work cooperatively to identify vendors, solicit bids, place orders and receive and install systems.

Objective 3. 100% of front-line users will be familiarized with the strategic plan, approved tribal codes, policies, procedures, regulations, data collection tools, hardware and software systems within 1 month of hardware, software and network systems established functionality.

Objective 4. The Live-Scan finger and palm print system program will be functional and prepared to register all offenders living, working or going to school within the PBPB's jurisdictional boundaries in accordance with the established schedule no later than 6 months after the system is purchased.

b. How the project will enhance ongoing SORNA compliance:

The grant project will secure a more efficient and effective method of finger printing by implementing the Live-scan finger and palm print system. Thus, opening up the inter-judicial cooperation and be able to send the fingerprint data electronically to the state of Kansas and Federal Bureau of Investigation, while ensuring the compliance with SORNA requirements.

c. Identify each SORNA requirement that will be enhance:

The SORNA requirements that will be enhanced include:

- o Immediate Transfer of Information
- o Where Registration is required

- Initial Registration: Timing and Notice

III. Organizational Capabilities & Competencies^[1]

The PBPN has an established organizational chart with all members of the tribe serving as members of the general council. Tribal members elect tribal council members to serve a four-year term, to represent them in the management of the daily operations of the tribal government.

The Prairie Band Potawatomi have structured their Finance Department to use generally accepted Accounting practices in accordance with Office of Management and Budget (OMB) Regulatory guidance and OMB Circular A-133. An Audit of the most recent year financial activity is attached as an appendix to this grant request. An organizational chart for the PBPN is attached.

a. Financial Management

The Tribal Treasurer is an elected tribal official with the responsibility of the Comptroller who supervises the Finance Department and twenty-one (21) FTE staff. The Finance Department will ensure that the financial management policy is honest, fair, objective, and truthful with sound principles and responsible accountability of Tribal Resources to its membership and any given regulatory agency as mandated. The Finance Department includes a Grants and Contract Specialist who maintains generally accepted accounting practices in accordance with Office of Management and Budget (OMB) Regulatory guidance and OMB Circular A-133 to ensure that grant programs meet or exceed all program requirements, including submission of quarterly and annual financial reports. For the past four years the tribe has

Robb, D, Zerrer,V., Prager, D., Organizational Capabilities and Qualifications are taken from a compilation of writings by Diane Robb and Veronica Zerrer under direction of Mr. David Prager. Organizational Capabilities and Qualifications sections are submitted with each grant proposal that is sent out by the NATION. The information is factual, does not change, and is required by all granting agencies to be submitted as written. This section is not open to creative writing changes, and is the **only** section of this proposal that has been reproduced.

successfully received audits with no significant findings. The Tribe will maintain outstanding appropriate financial management and internal control policies and procedures to ensure the Federal funds are managed according to Federal regulations.

b. Procurement and Contract Management

The PBPN Finance Department has a centralized Purchasing Department established by the Tribal Council. These departments have the authority to question all requisitioned materials as to the suitability and intended use to ensure that the best interests of the PBPN will be served.

The Purchasing Department is comprised of general agents with authority to make such purchasing arrangements as are usual and necessary. The Purchasing Department follows prescribed policies that will meet 24 CFR part 85 and 24 CFR 1003, and serves to be honest, fair, and objective in allowing feasible and practical competition among the general public regardless of municipal, private or preferred vendors. In addition, the policy specifically states that all purchases by any department shall be processed through the Tribal Purchasing Department and must be handled in accordance with procedures as established in the PBPN Purchasing Manual.

The following provides compliance detail for the Finance and Purchasing Departments:

24 CFR 85.36 - "Procurement"

- "PBPN" uses procurement procedures for Tribal and Federal Funds. The Project Coordinator and Executive Director oversee performance of contracts. Generally contracts withhold final payment upon approval of complete services and final inspection.
- "PBPN" uses GSA and State contracts where applicable to get the best pricing
- The "PBPN" will procure 3 bids on all items.

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- The PBPN has written procurement policies
- Justification must be provided for selecting vendors that are not the low price bid (ex. Knowledge of our continuation of an existing product, past performance, availability of products, and etc.)

24 CFR 85.20 - "Standards for Financial Management Systems"

- The "PBPN" has written accounting policies and procedures
- The "PBPN's" accounting program readily provides information for financial reports
- The "PBPN" separates all financial activity (departments/awards) on accounting system.
- The "PBPN" Maintains supporting documentation to financial activities in the Finance Department
- The "PBPN" takes yearly inventory
- All procurement takes place through program director, Procurement Department, and the Finance Department.
- Budget Clerk monitors all purchase requests for availability of funds before purchase is made.
- Contract Specialist monitors procurement requests to check for compliance with OMB Cost Principles (OMB A-8?) to make sure cost is allowable
- The "PBPN" receives all funding on reimbursement basis, unless advance of funds is initiated by the Federal Agency.

The PBPN is committed to providing comprehensive and supportive programs that

protect and nurture the culture, promote education and sustain the health and quality of life for all PBPB members. As such, the PBPB has developed and successfully operated many programs that address issues that threaten the health, safety and well-being of the community. A few of these programs include the Tribal Police Department, Tribal Fire & EMS service, Tribal Health & Wellness Clinic, Child Care & Head Start Center, Boys & Girls Club of the PBPB, Environmental Protection and Planning, and a comprehensive Social Services program.

c. Need for Federal Assistance

The PBPB has committed significant time, energy, resources, and efforts toward reducing crime; toward taking a stand against violence against women, children, and the elderly; and toward steadfastly protecting the PBPB's inherent sovereignty by continually increasing capacities to exert jurisdiction as defined in the constitution. Law and order are key components of any capable jurisdiction and the PBPB has made great strides in increasing capacities in all components of its justice and related systems. However, the reality is, we still have a long way to go. The PBPB's general fund is not capable of supporting the program without federal assistance. Without federal assistance we are unable to continue moving forward in identifying and implementing strategies to comprehensively address the most serious crime, prevention, and victimization issues we face of which holding offenders accountable and ensuring victim safety are at the forefront.

d. Description of roles and responsibilities of key personnel:

██████████ – Lieutenant – ██████████ has been employed by the PBPB as a certified law enforcement officer for the past 2.5 years. ██████████ oversees all investigations of alleged complaints within the boundaries of the Prairie Band Potawatomi Reservation and oversees the

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work of Lead Dispatcher/Sex Offender Registration Coordinator in the implementation and continuation of SORNA requirements.

██████████ - Lead Dispatcher/Sex Offender Registration Coordinator – ██████████ has been employed with the Prairie Band Potawatomi Nation for the past 13 years and has more than 5 years of law enforcement supervisory experience. ██████████ will manage the project under the supervision of the Lieutenant; his duties will include but are not limited to; complete reports, grant reporting, offender reporting, offender welfare checks, monitoring the budget, attend training, and submit deliverables.

██████████ – Tribal Attorney – ██████████ has been employed by the PBPB Tribal Council as an attorney for the past 2 years. ██████████ maintains a Juris Doctorate from Washburn University. She is familiar with the Adam Walsh Act and will be primarily responsible for assuring the developed tribal codes, policies, procedures; minimum training requirements and data collection tools comply with SORNA minimum standards.

██████████ – Information Technology Manager – ██████████ has been employed with the PBPB for the past 10 years. He maintains a degree in Computer Information Systems he received from Topeka Technical College in 1998. ██████████ will be primarily responsible for the technological infrastructure of the program.

██████████ – Grants and Contract Specialist - ██████████ has been the PBPB's Grants and Contracts Specialist for over five (5) years. ██████████ will provide financial reporting and maintenance to assure that the program will comply with all federal regulations in regards to the grant funds. She will ensure that all quarterly financial reports are completed in a timely manner.

IV. Plan for Collecting the Data Required for this Solicitation's Performance Measures:

- Outcome 1. *The PBPN will have complied with 100% SORNA minimum standards. This outcome will be evidenced by written and approved SORNA Substantial Implementation Review by meeting SORNA requirement at 100%.*
- Outcome 2. *100% of jurisdiction personnel responsible for sex offender registration and notification will have been familiarized with the tribal codes, policies, procedures, data collection tools, and trained in the use and function of hardware and software systems necessary to comply with 100% of SORNA minimum standards. This outcome will be evidenced by training agendas, sign-in/out sheets and individual certifications of completion in each personnel training file.*
- Outcome 3. *The PBPN will have identified and implemented necessary hardware, software and network systems to collect, store and submit sex offender live-scan finger and palm prints along with other data required to comply with 100% of SORNA minimum standards for the tribal jurisdiction. This outcome will be evidenced by the hardware, software and network systems and connections physically in place within the law enforcement program along with the network capabilities to transmit data electronically to the registry.*
- Outcome 4. *100% of sex offender's registration information collected by the tribal jurisdiction will be electronically accessible for inclusion in compliant sex offender registries. This outcome will be evidenced by fully digital offender records including live scan finger and palm print captures, digital photographs and collection of offender data within database software fields specifically designed for SORNA compliance.*

Outcome 5. *The PBPN will have identified known sex offenders required to register by federal, state or tribal law as a sex offender who are currently living, working or going to school within the PBPN's jurisdictional boundaries. This outcome will be evidenced by registered sex offenders within the PBPN's jurisdiction.*

Outcome 6. *The PBPN will be prepared to register 100% of known sex offenders living, working or going to school within the reservation's jurisdictional boundaries. This outcome will be evidenced by certification the PBPN has complied with SORNA minimum requirements pertaining to the tribal jurisdiction, including but not limited to: established tribal codes, policies, procedures, data collection tools, physical hardware, software and network systems, and training and certification procedures.*