



2018 SORNA Regional Workshop

Fundamentals of Setting Up a Tribal Sex Offender Registration
Program & Registering Offenders

OBJECTIVES

- Reflect on criteria for SORNA Tiering
- Acquire information on implementation requirements & who must register
- Develop an understanding of the SORNA Registration Process, tasks, & information sharing
- Set up & apply the requirements for a website and NSOPW participation
- Recognize how to recapture historical cases

SORNA – Title 1

- Title I, of the Adam Walsh Child Protection and Safety Act of 2006 (Public Law 109-248) (42 USC 16901 et seq)
 - Minimum standards
 - National Guidelines for Sex Offender Registration and Notification June 2008
 - Implementation Documents
 - Supplemental Guidelines 2011
 - Aims to close gaps and loopholes
 - Generally strengthens the nationwide network of registration programs.

Tiers of Offenses



Classification of Offenders

- Based on the conviction
- Different than “risk-based” classification
- Based upon a tier system
 - ... Charging of offenses is extremely important
 -Police reports and court documents are extremely important
- include certain basic criteria to aid in ease of classification

Tier Category Classification

- 3 Categories – Conviction elements NOT Risk level
- Categories Define:
 - Duration of registration
 - How long the offender remains registered
 - Frequency
 - How often the offender must appear in-person

TIERS OF OFFENSES

Tier	How Often to Appear	For How Long
Tier I**	Once a Year	15 years
Tier II	Every 6 Months	25 years
Tier III**	Every 3 Months	For Life
**Clean Record Exceptions		

SORNA Substantial Checklist & Final Guidelines Page 21-26

Tribal Convictions & Offenses

- Tribal courts are limited to 1 year sentences
 - Unless your tribe has adopted the TLOA extended sentences in which case you would tier your offenses according to SORNA
 - Unless your jurisdiction enhanced Tiering
- Tribes and other jurisdictions can
 - require more stringent registration and notification standards than those set forth in the SORNA

TIER I

- Offenses include whatever does not support a higher classification, including:
 - Misdemeanor registration offenses
 - Simple possession of child pornography



Tier I- Offenses

- If other than specified offenses against a minor
 - May be exempted from website disclosure.
 - Your jurisdiction will need to decide whether to post public notifications on Tier I offenders.
- “A sex offender other than a tier II or tier III sex offender.”

Tier I

- A sexual assault against an ADULT
 - That involves sexual contact
 - but NOT a completed or attempted sexual act
- HOWEVER....
 - A sexual assault of an Adult involving a completed or attempted sexual act is a TIER III
- See checklist for complete list

TIER II

- Offense “is punishable by imprisonment for more than 1 year.”
 - Use of minors in
 - prostitution and inchoate or preparatory offenses
 - involving sexual contact
 - a sexual performance
 - production or distribution of child pornography
 - Minor victim between age 13-18
 - Recidivism
 - See checklist for complete list

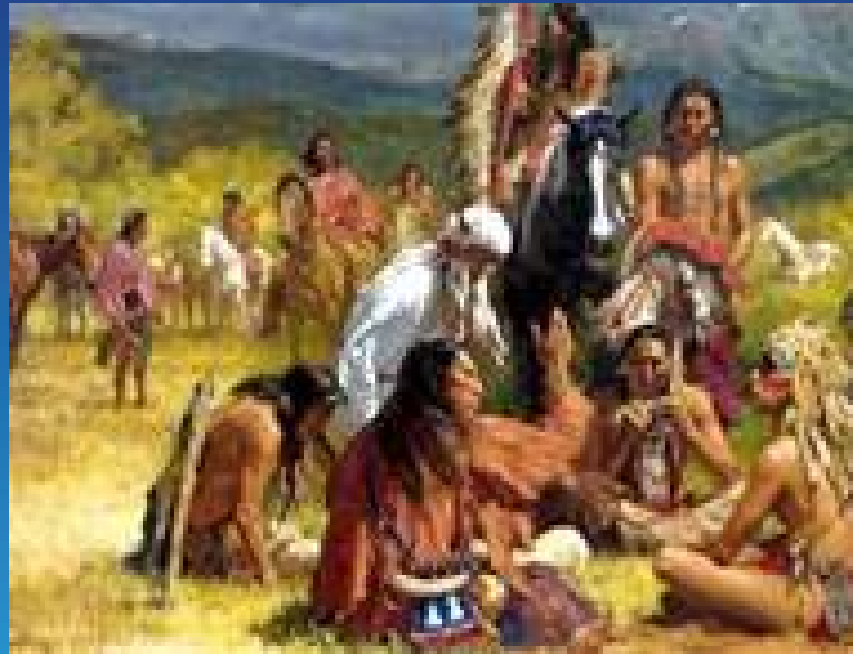
TIER III

- Offenses generally encompass
 - Rape or rape-like offenses
- Sexual assault involving sexual acts regardless of victim's age
- Sexual acts and contact offenses against children below the age of 13
- Non-parental kidnapping of minors &
 - Attempts or conspiracies to commit such offenses
- Recidivism requirements
- See checklist for complete list

QUESTIONS ON TIERING



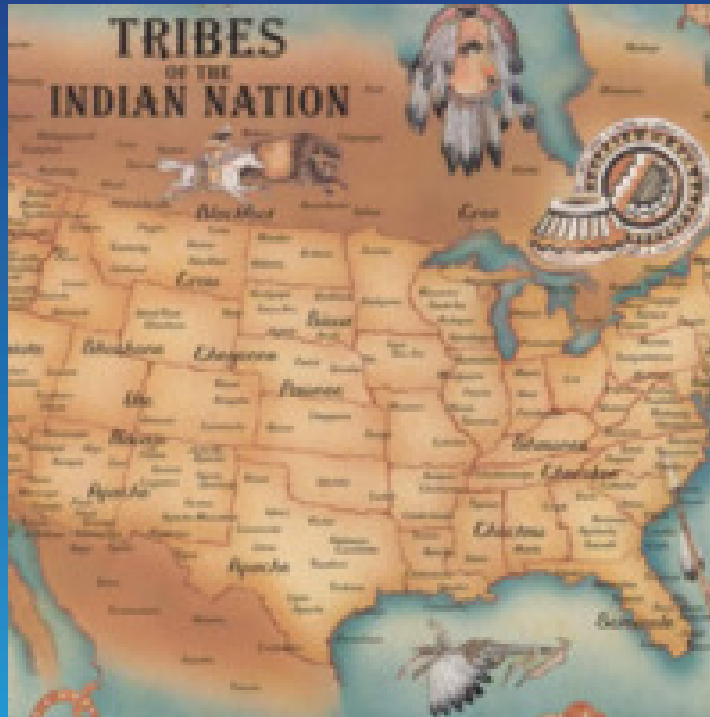
Who must register?



What convictions shall register?

- Anyone convicted of a sex offense, which is defined as “a criminal offense that has an element involving a sexual act or sexual contact with another...
 - ” (see 42 USC § 16911(5)).
- To include: State, local, tribal, foreign, or military offenses...
 - (see 42 USC § 16911(6)).
- Hence, all jurisdictions shall include the tribal convictions in their registries.

Which jurisdiction to register?



Offenders Register in which Jurisdictions?

- Where the offender
 - Convicted
 - Lives
 - Works
 - Attends School or College
- Offender Registers in each one of the impacted jurisdictions

Who must register with Tribe?



Who Must Register with the Tribe?

- A conviction of a sex offense within the tribe's Court
 - Even if NO intention to physically reside within convicting jurisdiction.
- Convicted offenders from any jurisdiction...
 - That Reside, are employed, or attend school within the exterior boundaries of the reservation
 - An offender on property owned by the tribe or trust land, regardless of location
 - Federal convictions, state, territory, military, certain foreign convictions, eligible tribal convictions

WHEN MUST OFFENDERS REGISTER?

- Before release from incarceration for the registration offense
- Within 3 business days of sentencing
 - for the qualifying registration offense
- Within 3 business days of
 - establishing residence, employment, or attending school based on foreign, federal, or military sentencing or release from incarceration

REGISTRATION PROCESS, UPDATES, CHANGES OF RECORD



Registration Procedures



Registration Process



- Offender must report in person.
- Must report to an established registration location where the offender resides, works, and goes to school

guidelines page 44 – initial registration

Registration Process

- Reporting in person
 - Allows for a current photograph
 - Provides ongoing updates and verification of all registration information

Offer Mobile Registration

- Offenders become medically incapable of showing up
 - Assisted Living, under doctors care
 - Hospitalized
- Mobility increases compliance

Types of registration tasks and/or Offender contacts

- Initial Registration
- New sexual offense conviction
- Update periodically according to Tiering schedules
- International Travel Notification
- Offender Changes info
 - Changes appearance
 - Relocates to another home or jurisdiction



INITIAL Registration

- Initial registration jurisdiction shall
 - Inform offender of his/her duties
 - Require the offender to read and sign forms and acknowledgements**

Registration

- IMMEDIATELY means within 72 hours of sentencing
 - PRIOR to release of custody
 - Within 72 hours of entering jurisdiction for work, school, or residency
- Forward this information to the impacted jurisdictions of residence, employment, or school
 - if different than the initial reporting jurisdiction

Forms and documents needed

- Obtain copies of any court orders, special conditions of release, or any restraining orders for your file.
 - Compare to what is on probation record, police reports, other registry info or other sources...

Every Contact

- Have offender “initial” and “sign” each box or space designated for their acknowledgements.*
- Make sure they actually sign the Registration form.
 - Witness it....



Figure 3

SEX OFFENDER ACKNOWLEDGEMENT FORM

Initials

1. I have been given a copy of the Sisseton-Wahpeton Oyate Notification and Registration Code and the Sisseton-Wahpeton Oyate Sex Offender Registration and Procedures Manual.

Initials

2. Individuals who have been convicted of a qualifying sex offense as outlined in the Sisseton-Wahpeton Oyate Sex Offender Notification and Registration Code and any jurisdiction pursuant to 75-02-01(K) must register as a sex offender with the tribe if:
- They were convicted by the tribe of the qualifying offense.
 - They were incarcerated by or with the tribe for the qualifying offense.
 - They reside within the original exterior boundaries of the reservation or otherwise reside on property owned by the tribal jurisdiction in fee or trust regardless of location.
 - They are employed (including volunteer work) by the tribe in any capacity or otherwise are employed within land owned within the original exterior boundaries of the reservation or on property owned by the tribe in fee or trust regardless of location.
 - They are a student, in any capacity, within land owned within the original exterior boundaries of the reservation or on property owned by the tribe in fee or trust regardless of location.
 - They visit for a period of 8 hours or more each visit within land owned within the original exterior boundaries of the reservation or on property owned by the tribe in fee or trust regardless of location.

Initials

3. Sex offenders required to register with the SWO SORO shall complete a sex offender registration form and shall otherwise provide the Registering Official with the following information: criminal history, date of birth, DNA samples, driver's licenses, identification cards, passports, and immigration documents, employment information, finger and palm prints, internet identifiers, name, phone numbers, picture, physical description, professional licensing information, address (residential and mailing), school information, social security number, temporary lodging information, conviction offense information, and vehicle information.

Initials

4. Pursuant to tribal and federal laws, anyone who is required to register with the SWO SORO shall do so in the following timeframe:
- If incarcerated, before release from imprisonment for the registration offense.
 - If not incarcerated, within 3 calendar days of sentencing for the registration offense, and
 - For foreign, federal, and military convictions, a sex offender must appear in person at the tribal police department within 3 calendar days of establishing a residence on the reservation or tribal property after either release from incarceration or, if not incarcerated, sentencing for purposes of complying with the Sisseton-Wahpeton Oyate Sex Offender Registration Code or the Federal Sex Offender Registration and Notification Act.

Initials

5. All sex offenders required to register with the SWO-SORO must immediately appear at the Sex Offender Registration Office in person to update any change to their name, residence (including termination of residence), employment, school attendance, vehicle information, temporary lodging, email addresses, telephone numbers, Instant Messaging addresses, and any other designation used in internet communications, posting, or telephone conversations. In the event of a change in temporary lodging, the sex offender shall immediately notify the jurisdiction in which the sex offender will be temporarily staying.

Initials

6. All sex offenders who are employed by the tribe in any capacity including volunteer or temporary employment or otherwise are employed on the trust land owned within the original exterior boundaries of the reservation or on property owned by the tribe in fee or trust regardless of location that change or

terminate their employment shall immediately appear in person at the SWO SORO to update that information.

initials

7. Any sex offender who is a student in any capacity within trust land owned within the original exterior boundaries of the Lake Traverse Reservation or on property owned by the tribe in fee or trust regardless of location or decides to change their school, or otherwise terminate their schooling, shall immediately appear in person at the SWO Sex Offender Registration Office to update that information.

initials

8. A sex offender who is or should be registered with the tribe shall at a minimum appear in person at in person at the SWO Sex Offender Registration Office for purposes of keeping registration current in accordance with the following time frames:
- a. For Category 1 offenders, once every year for 15 years from the date of conviction,
 - b. For Category 2 offenders, once every 180 days for 25 years from the date of conviction,
 - c. For Category 3 offenders, once every 90 days for the rest of their lives.

initials

9. At each in person verification a sex offender shall permit the SWO Sex Offender Registration Office to take a current photograph of the offender, and shall review existing information for accuracy.

initials

10. The following information, related to the sex offender, will be maintained on a national sex offender registry website: any registration violations, all sex offenses for which registration is required, address of employer, current photograph, physical description, residential address including habitual residences, all addresses of schools attended, and vehicle license plate number along with a description of the vehicle.

Initials

11. Pursuant to federal and tribal law, all sex offenders required to register with the tribe must appear in person at the SWO Sex Offender Registration Office 21 days in advance of any international travel, regardless of the length of time the sex offender will be outside of the United States, and provide any requested information about that travel to the SWO Sex Offender Registration Office.

Initials

12. Any failure to appear for registration, absconding, or other violation of either the Sisseton-Wahpeton Oyate Sex Offender Notification and Registration Code or the Federal Sex Offender Registration and Notification Act will result in criminal or civil sanctions, whether pursuant to Tribal, State or Federal law enforcement action.

I have read, or had read to me the above, and understand the Sisseton Wahpeton Oyate laws and regulations regarding my registration as a sex offender.

Offender Name (Printed)

Date: _____

Offender Name (Signature)

Date: _____

Registering Official Name (Printed)

Date: _____

Registering Official Name (Signature)

Date: _____

Name of Official completing Form	Department	Date Completed	Date entered into Public Registry

Every Contact

- Provide them a copy of the Law
- Have them sign a receipt for Law
 - Ask them “do you have any questions”
 - Ask them if they “understand everything”
- Use NCR forms or copy the registration form for the offender to take.

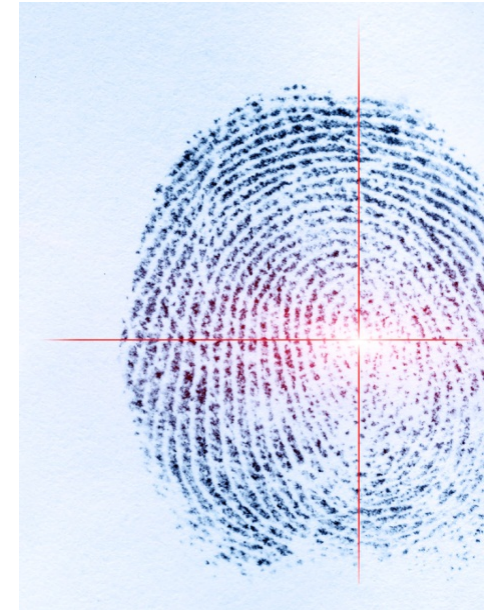
DIGITAL PHOTOS



- Photos – digitized format
- Cover sheet on first MUG shot &
 - use similar background each time
- Take full series of Digital Photographs including scars, marks and tattoos
 - Front with ID Sign, close up face, side profiles
- Take photos any time you feel they look slightly different in appearance

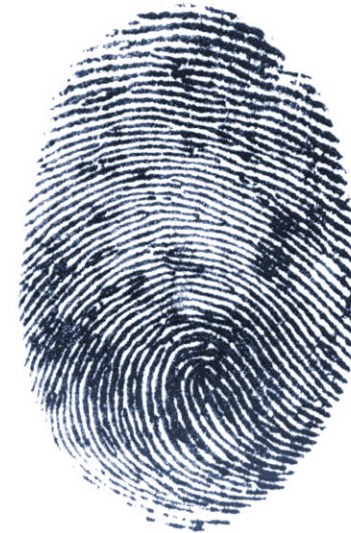
Fingerprints

- Jurisdictions MUST include in their registries a set of fingerprints and palm prints from each sex offender (see 42 U.S.C. § 16914(b)(5)).
- Maintain fingerprints and palm prints in digital format to facilitate immediate access and;
- Transmittal of information to various entities. Fingerprints to IAFIS and Palm Prints to FBI NGI- see SMART Office website. www.smart.gov for information



Submission of prints

- Submission of finger prints to IAFIS and of palm prints to the FBI Central Database, Next Generation
- Both of which are run by the CJIS of the FBI, is required by SORNA



Criminal History & NSOR submission

- National Crime Information System (NCIC)
 - Conviction of sex offense(s) and dispositions must be entered into NCIC within 72 hours of registration or update of a new offense conviction
- National Sex Offender Registry (NSOR)
 - Subfolder of NCIC
 - Houses the actual registration criteria
 - Maintained by FBI
 - Entries must be submitted within 72 hours

CHANGES / UPDATED RECORDS



Change of Information

- Offender must immediately report dates of any termination or loss of job or education, volunteer work, whether paid or not.
- Any change of residence **MUST** also be immediately reported by offender.
- Offender must change this information in person and in writing within 72 hours of the change

Periodic In-Person Show Ups

- In accordance with tier level assigned
- Put next appointment “in writing” for offender
 - on form or give offender a copy OR an appointment card.
 - Perhaps schedule them for several upcoming appointments
 - Photograph them at their appointments
 - and upload into your TTSORS and data bases

Periodic In-Person Show Ups

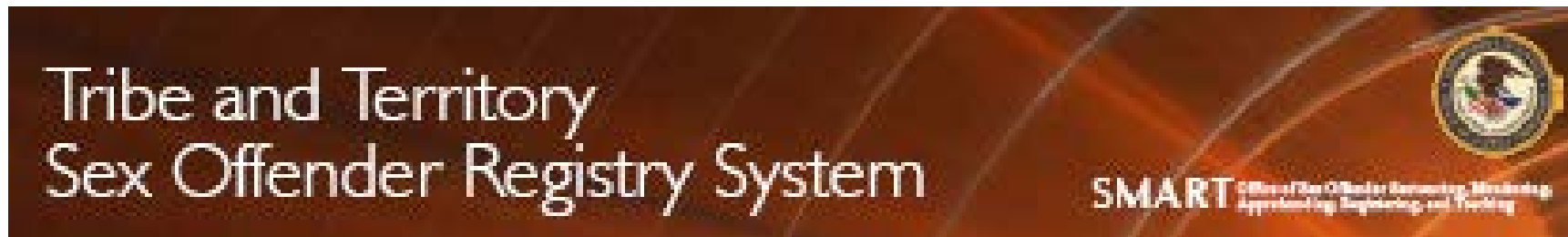
- Consider video appointments when you have a large tribe to serve or severe weather
- Set up similar to video court.
 - What other alternatives?
 - What if you have severe weather?
 - Allowances for no show if they are incapacitated

TTSORS, PORTAL & Your Agency Public Website



Website Registry Software

- Provides participation with Dru Sjodin NSOPW, and includes:
 - Ability to provide community notifications
 - E-mail address and telephone number search
 - Ability to collect all offender information required by SORNA
- Contact: Institute for Intergovernmental Research
(850) 385-0600 X222
AWA-Request@iir.com



TTSORS

- Your registry system will have:
 - Ability to provide community notifications.
 - Ability to collect all offender website information required by SORNA.
- Ongoing professional assistance is available to you.
- TTSORS is hosted and managed for you.
 - No IT infrastructure burden on the tribe or territory.
 - No IT staff required to manage the application.
 - Application and server updates are applied automatically

T.T.S.O.R.S. Public Website

- Public searches – only public info displayed
- Public notification via e-mail address
 - Public must know the zip code they want to search or name of offender
 - Public can sign up in multiple zip codes for automatic e-mail notifications
 - Public can also actively search geographic, by name, zip code, city, county, etc.

Warnings

- The site shall include a warning that information on the site should not be used to:
 - Unlawfully injure, harass, or commit a crime against any individual named in the registry or residing or working at any reported address
 - The warning shall note that any such action could result in civil or criminal penalties

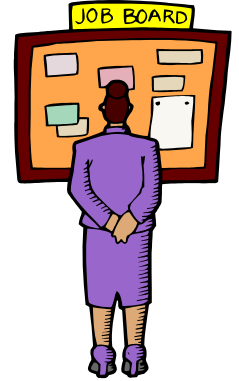
Required Public Information, Exempted Information and Website Notifications



Public Information

- The jurisdiction shall also include in the content of its own Internet site:
 - all field search capabilities needed for full participation in the Dru Sjodin National Sex Offender Public Website
- Picture and current identifiers
- NOT all information collected from an offender is public record
- Law Enforcement, Probation, and CPS need immediate access under investigation access

Public Information



- Full name or Tribal name (except sacred names)
- D.O.B., alias name,
- height, weight,
- Vehicle info and plate,
- Work address AND school address
- Conviction's and summary of offense,
- Probation or parole status and registration status.

Exemptions from Disclosure to Public:

- Identity of any victim of a sex offense;
- Social Security number of the sex offender;
- Any reference to arrests of the sex offender that did not result in conviction;
- Offender passport or immigration information
- E-mail or internet identifiers
- AND any other information exempted from disclosure by the Attorney General.

QUESTIONS?

