

Welcome everyone to the National Criminal Justice Training Center webinar. Our topic today is SORNA 101-- an overview for new SORNA coordinators. Presenters for today's session include Paul Fuentes, Lea Geurts, Margie Weaver, and Kevin Mariano. My name is Joann Joy, and I will be your moderator for today.

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Before we begin the presentation, we want to begin by opening in a good way. The image on the screen is representative of the Pacific Northwest Canoe Journey. The Canoe Journey is an annual event which Pacific Northwest tribes travel the ancestral highways of their cultures. It marks a revival of the traditional method of transportation, and is a significant cultural experience for participants.

Depending on distance, the trip can take up to a month. On arrival, visiting canoe families ask permission to land, often in their native languages. Traveling great distance requires all members of the canoe to work together to reach the destination. Let us first, reflect on this spirit of teamwork and collaboration as we begin our session today.

I'm pleased to introduce to you our presenters for today. Paul Fuentes and Margie Weaver are associates with the National Criminal Justice Training Center. Lea Geurts and Kevin Mariano are also with NCJTC as project coordinators. We are very fortunate to also have in attendance senior policy advisors from the SMART office, Juliana Grant and Marnie Dollinger. We are so pleased to have all of them with us today. With that, Paul, I'll turn the time over to you.

Thank you, Joann. I appreciate it. And just again, I'm so glad to be able to be on this call or be on this webinar. And thank you for all those who are in attendance. But we are looking at today's objectives. And as you'll see, we're going to cover the history and overview of the Sex Offender Registration and Notification Act, or SORNA, tiering requirements, registration requirements, and the Tribe and Territory Sex Offender Registry System, or TTSORS.

So as for the history and overview of the Sex Offender Registration and Notification Act-- so how did the Adam Walsh Act start? A colleague, a friend of mine, would have said nobody wanted it, nobody

asked for it, nobody asked for input. Some felt as though it was just another federal piece of legislation being shoved down the throats of the state's tribes and territories. And I can remember going to conferences early on and, especially from tribal members, asking why is it that tribes have to do the Adam Walsh Act?

And so we find or we can see that the Adam Walsh Act wasn't so much evolutionary, a piece of legislation-- or revolutionary, but more evolutionary. And so by that, we mean there are many laws that came across the country as a whole. And those laws built up what we now know as the Adam Walsh Act. And we'll be able to look at that in just a few minutes.

So there was a lot of legislation across the states, but few commonalities across the board. An example would be if you were a sex offender-- this was 10 or 15 years ago-- if you were a sex offender and you went to a different state, there would be little communication between those states. And so a sex offender could potentially live there and the community not know about it. And so that was a problem.

And as we look at what often drives the legislation in our community, we see that what drives legislation in our community many times is the media. But we see that high-profile cases of the dragged off of a playground, sexually assaulted, and murdered-- those are the types of stories a lot of times that really shape the core of parents and grandparents. Those are the types of stories that make national attention.

But, of course, we know that most sex offenses are committed by someone known to the victim, such as a caregiver, teacher, clergy, or coaches. But legislation, again, is driven by these high-profile cases, and today, we're going to look at three really quickly, although there are many, again, that played an impact on the Adam Walsh Act. But the three cases are going to be Jacob, Megan, and Adam.

The 1994 Jacob Wetterling Act; one fall evening in 1989, three boys from St. Joseph, Minnesota, Jacob, his brother, and friend-- they were coming back from a convenience store, where they went to go rent a movie, when a man wearing a stocking cap, mask, and armed with a weapon ordered the boys to throw their bikes into a ditch and lie face-down on the ground. He asked each boy questions, including their age, and ultimately tells Jacob's brother and friend to run into the woods and don't look back. They run away, but look back in the-- to see the masked man with a gun taking Jacob away. That was the last time, apart from his captor, that Jacob was seen alive.

We know that his mom became a huge advocate for child exploitation. And later on, in 1994, in honor of Jacob and his family, the 1994 Crimes Against Children Act was passed. And it mandated that all states and territories establish sex offender registration programs by 1997. But as you can see, at this point, the tribes are still not in the federal government's radar as far as this piece of legislation that passes.

And a little more about his story-- that in September, 2016-- so just a little over three years ago-- Minnesota authorities arrested Daniel Heinrich. He was a suspect in the disappearance of Jacob. They had him on child pornography charges. They questioned him and made a deal. And the deal was that he would let them know what happened to Jacob as long as he wasn't prosecuted. And so the authorities informed the family. And they accepted the deal.

The abductor confessed to kidnapping, sexually assaulting, and murdering Jacob. And so the Minnesota authorities later were able to go and find the bones in a pasture about 30 miles from where he was abducted. And so his abduction remained a mystery for almost 27 years. So as we think of the Adam Walsh Act, I really think that this case here, but more importantly, Jacob's life plays a big impact on what we know today as the Adam Walsh Act.

So let's go to our next person. And her name was Megan. So in July 29th of 1994, Megan Kanka-- she was a seven-year-old New Jersey girl. And she was playing in her neighborhood when a new neighbor lured her in, maybe saying, hey, here's some puppies, would you like to see some puppies?

But unbeknownst to Megan and, of course, her mom, that neighbor was a violent sex offender. He had just gotten out of prison. He had moved into the neighborhood. And so he takes Megan. He sexually assaults her. And he murders her by strangulation with a belt.

And so the people in the community became outraged. I'm sure they asked, how can this happen? How can this be? How can this happen in our community? We have a violent sex offender who moves into our neighborhood where children are playing around carefree and none of us know that there is a sex offender nearby. Shouldn't we know if a violent sex offender moves into our neighborhood?

So this murder attracted national attention and, subsequently, led to the introduction of Megan's Law in the state of New Jersey. And so this required the community notification. And if you're familiar with the sex offender registry programs across tribal country-- really, across the whole country and the territories-- we know that that community notification is a big piece of what we do.

And it also provided in Megan's Law that sex offenders were to notify the registries of any changes in

their address and employment. And so later, that addendum was made to the Jacob Wetterling Act. And then that was included in Megan's Law. So that's where Megan's Law comes from-- and the community notification.

So we'll go to our third story, and that's that of Adam. So in the summer of 1981, Adam and his mom go shopping at Hollywood Mall in Hollywood, Florida. His mom was looking at some lamps that were on sale. And so she lets Adam hang out near a kiosk, where there were some boys playing video games.

Later on, his mom returns to look for Adam. But she doesn't see him or any of the other boys around there. She asked the store manager, who informs her that a scuffle had broken out with the boys. I think they were arguing about whose turn it was next. And so the security guard of the store asked them to leave.

The security guard asked them if their parents were there. And most of the boys, who were probably older, said no. Later on, Adam's parents thought that maybe he was just too shy to speak up to say that his mom was actually in the store. But nonetheless, the security guard asked them to leave.

And so at some point a few weeks later, after they searched the mall-- and a few weeks later, they found his severed head in a drainage canal. And so his death, of course, garnered national interest as well. His mom and dad became huge advocates and co-founded the National Center for Missing and Exploited Children, NCMEC. His father, John Walsh-- a lot of us are maybe more familiar with him, as he was the host of the television program *America's Most Wanted* and also *In Pursuit with John Walsh*.

But it was through Adam's story and through the advocacy of many parents, including Adam's parents, that led to the passage of the Adam Walsh Act. And that was in 2006. And as part of that, it created SORNA and provided a baseline to build sex offender registration programs.

So again, before this time, different states were passing legislation. But there was no commonalities among the states. But through these cases that we just discussed, there began to be some structure to what people were doing across the country.

But Adam's definitely tied most of this together to what we-- the way registry programs now practices-- is, of course, based on this. But it created a registry in each state, tribe, and territory to apply identical criteria for posting offender data on the internet. And the act, of course, closes gaps and loopholes in sex offender management programs. And so we'll look a little bit into that in just a few minutes.

The Sex Offender Registration and Notification Act-- of course, it extends beyond the 50 states, as discussed, and the US territories and includes Indian tribes for the first time. And so many of you, especially if you've been working for your tribe for a while-- you may have remembered that in May 2007, at or around May, the Office of Justice Programs or US Department of Justice mailed out a letter to the tribes regarding the Adam Walsh Act and SORNA deadline. And in it, it said tribes had until July 27, 2007, to make an affirmative election to function as a registration jurisdiction. And if no choice is made by that date, the responsibility is automatically delegated to the state.

And so again, that's the first times that tribes-- for most tribes, it's the first time that they ever consider having a sex offender registration program in it. It was brought about because of receiving notice that this legislation had passed and that it was important for them to either elect to be a part of it or decide to be delegated. And of course, this expanded the sex offender registration requirement.

So of course, SORNA requires registration-- registered sex offenders to register and keep registration current in each jurisdiction where they live, work, and go to school. Again, before this time, it wasn't across the board. But now we know, of course, a lot of us just say it without even thinking. That's who we register-- is anyone who lives, works, or goes to school.

The other thing is offenders have to check in periodically. The law expands the amount of information available to the public. So there's now consistency on what information the public gets regarding the sex offender and, of course, changes the required minimum duration. For example, like a Tier 3 offender-- we know that that person is going to be on the registry system for life.

SORNA implementation update. So from our last account here, we see that there are 135 American Indian or Alaskan Native tribes who have implemented SORNA. 18 have been delegated to their state. And so I won't read the rest of it. But as you can see, the tribes have done an amazing job and worked really hard to get these programs going because, again, in many ways, the state was ahead of the curve because they had already had some legislation on the books. Other than one or two tribes, there was no one who had a sex offender registration program.

So to see now that there are so many tribes that have substantially implemented, I think, is an amazing-- and a testament to everyone's hard work. And again, that's why I think it's a great opportunity offered to be able to have these webinars or allow for tribes to get more information on this and to continue to close the gap so that our communities are safer. And so with that, I will pass it on to Lea.

Great. Thank you. It's an honor to be here virtually with everyone today. We're going to be discussing the tiering requirements. And as Paul had mentioned, SORNA provides a comprehensive set of minimum standards for sex offender registration. For the purposes of our conversation today, the information that we discuss will refer to those minimum guidelines, keeping in mind that the minimum guidelines establish the basement for, not the ceiling for substantial and ongoing implementation of your SORNA program.

The act classifies offenders based upon the severity of the sentencing provisions under the charging statute. This differs from risk-based classification, which we know some states to have been doing sex offender registration for a long period of time sometimes process. But for the purposes of Adam Walsh and for the SORNA act, it's strictly offense-based and doesn't use risk-based for classification purposes of offenses.

Offenders are classed based upon a tier system under the Adam Walsh Act. So the charging of offenses is extremely important. The elements of the offenses are important, especially when we look at our tribal court convictions. As we know, at times, the tribal courts may end up prosecuting particularly egregious offenses. And it's the offense criteria that assists with facilitating those particular kinds of classifications that we're going to talk about within the tiers here.

So as mentioned, SORNA requires that sex offenses be classified on the nature of the offense. The conviction established their baseline of a three-tier classification system-- Tiers 1, Tiers 2, and Tier 3.

Tier 1 offenses generally include only misdemeanor offenses and are not generally punishable by more than one year in jail, whereas Tier 2 and Tier 3 offenses are more serious offenses punishable by more than one year in jail. Tribes must ensure that sex offense convictions are tiered correctly, as each tier determines the duration of registration and how often the offender must appear in person.

As we can see from this chart, Tier 1 offenders must appear once a year for a period of 15 years. Tier 2 offenders must appear once every six months for a period of 25 years. And Tier 3 offenders must appear once every three months for life.

Tribal jurisdictions are generally afforded the option of tiering all of their tribal sex offenses as Tier 1 offenses regardless of the nature of the offense. This is because, generally, our tribal courts are ordinarily limited to imposing sentences just up to one year. This option, however, does not apply to tribes that have adopted enhanced sentencing to their registrable sex offenses under the Tribal Law and Order Act of 2010. And they would then tier in accordance with that level of offense.

Keep in mind, as I mentioned, we are talking about minimum requirements that SORNA establishment, the basement for, not the ceiling for. So for example, the tribal jurisdiction may find to best serve their community-- that even if it's a tribal offense and they say sexual crimes involving a child victim would result in the offender being a Tier 3 or lifetime registrant within the tribe's jurisdiction or even that the sex offenders within the tribe's jurisdictions are tiered at a higher level.

So when we explore Tier 1 a little bit more, Tier 1 is going to include any predicate offense that's included whatever does not support a higher classification. So this may include misdemeanors as registrable offenses. Some charges or offenses that may be included in there may be simple possession of child pornography. And then again, in general-- so the tribal court convictions are generally a Tier 1 as far as classification or as SORNA defines for minimum standards, keeping in mind that tribal and other jurisdictions can require a more extensive registration and notification requirement based on the nature of the offense or those other factors.

So once again, if a person was convicted of rape, for example, in the first degree in tribal court, it says that they may only get one year under SORNA. The tribe might evaluate that and say, well, where we have maybe a victim who's a minor or there's these egregious offenses, we can enhance that tier level based off of that offender. It just needs to be part-- and written into the SORNA code and into those policies and procedures.

Additionally, under Tier 1 offenses, there may be an option that the tribe deems that that's best to serve their community. Some offenders that may be able to be exempted from public website disclosure, keeping in mind that offenders with offenses against minors must be publicly posted.

And as we look at the Tier 2 it is an offense punishable by imprisonment for more than a term of one year. So again, we're moving out of those misdemeanors offenses. Some of those offenses may include offenses that involve minors, prostitution, some types of sexual contact or sexual performance, and then also offenses that don't support a higher classification, which may include those misdemeanor registration offenses and/or simple possession of child pornography, as we reviewed for the Tier 1 classifications.

And then our Tier 3 offenses generally encompass those offenses such as rape or rape-like offenses, sexual assault involving sexual acts regardless of the victim's age, and then sexual acts and contacts or offenses against children under the age of 13. This could also include, for example, non-parental kidnapping of minors and attempts or conspiracy to commit those offenses or, under here, if the tribe has determined to meet their community's needs-- that they're enhancing those tiering

requirements. This could also incorporate those persons identified through the tribal law and order code.

So that's pretty much, in a nutshell, how the tiering-- our phase 1, our phase-- or our Tier 1, our Tier 2, and our Tier 3. From this, we hope that there's an understanding that, at minimum, SORNA establishes those guidelines of our Tier 1 offenders are going to report a minimum of once a year for 15 years, our Tier 2 offenders are going to report twice a year for 25 years, and our Tier 3 offenders are going to report quarterly, or every three months, for the duration of their life.

At this point in time, I would like to pause for just a moment and see if anyone from our panel has any additional information that they would like to share or further discuss regarding any of the topics so far. Margie or Kevin, do you have any additions that you'd like to make at this time?

Yeah, I have one. Good morning, everybody. I appreciate being here. And I appreciate you all being here. In Oklahoma, which is where I am, one of our biggest challenges in determining these tiers is getting the supporting documentation for each offense because a lot of the offenders that are registering in our communities are coming from different jurisdictions where their convictions or sentencing happened.

So I would recommend asking the offenders and then also contacting the jurisdictions where they're coming from for not only the sentencing document itself, but supporting documents, probable cause affidavits, plead paperwork so that you actually have the facts of the offense. And that will help you figure out your tiering.

I'd also recommend keeping a list of those contacts, especially from jurisdictions that you communicate with often or that you have a lot of offenders moving from, because a lot of these offices tend to have turnover. And it's really good to keep an ongoing list for your staff and staff at that office-- keep communication with-- so that it makes it easier on you to be able to obtain those documents. That's all I have.

Great. Thank you, Margie. Kevin, did you have any additional insights into the tiering?

Lea, no. I do not have anything to add to it. Thank you.

Great. Thank you. So we're going to transition now to discussing registration requirements. And this is an area where you're going to hear and you've probably heard, for those of you that have been in SORNA for a period of time where individuals live, work, or go to school.

So who must register with the tribe? So it's important to recognize that initial registration, and Paul will go over this a little bit more in a later section-- but the jurisdiction of conviction will always initiate the initial registration. And then offenders must register in any jurisdiction where they live, work, or go to school within the boundaries of-- and within the boundaries of the reservation. So anywhere where they live, work, and go to school-- this can include property owned by trusts or or if it's trust land and includes federal convictions, state territory, military, certain foreign convictions, and then also those eligible tribal convictions.

I think it's important to note here where we stay where they live, work, or go to school, potentially, we could have offenders that are registering in multiple different jurisdictions. So for example, if we had an offender that was-- had a state conviction, served a period of incarceration-- the state, of course, would be responsible for initiating that initial registration.

But let's say that that offender is waiting to reenter into the tribal community. They would then need to register with the tribe, and then also in another jurisdiction if their place of employment or if they're going to school-- so they can potentially have to be required to register in multiple different jurisdictions, keeping in mind that the jurisdiction of conviction, regardless of residency, schooling, or work, would initiate that registration process.

So the convictions that we had discussed-- anyone convicted of a sex offense, defined as a criminal offense that has an element involving a sexual act or sexual contact with another-- and as I mentioned before, this includes state, local, tribal, and foreign military offenses. Therefore, all the jurisdictions shall include tribal convictions in their registries.

And I think that when we look at how SORNA evolved and what it was intended to do, it really is-- this is where we start identifying some of those gaps that, historically, our tribal communities were impacted by and faced-- that we had different loopholes where we had maybe sex offenders who were convicted in a state or across country and then they're moving to tribal lands. There wasn't a requirement for them to register or even notify our tribal communities that they could potentially pose harm.

And so this is where we start seeing incorporation of all of these different convictions or maybe we have multiple tribal court convictions on an individual who can pose a risk to other communities. And there wasn't that requirement for that information to be shared or, really, a platform or a framework for that sharing of information to take place. And so this is where we really start seeing some of those gaps that we know that have existed historically start being addressed.

As we transition, when we look at when offenders must register, it would be before released from their period of registration, if possible, and then within three business days of either sentencing of the qualifying registration offense or of establishing their residence, employment, or attending school based off of their foreign, federal, or military sentencing or their release from incarceration. So basically, what this is saying is that we want to try to capture these offenses-- offenders prior to them being released from their period of incarceration. If that's something that we're unable to do, we're wanting to be sure that they're reporting to any of those offices for their registrable offense where they reside, they're employed, or they're attending school, again, within those 30 business days.

So this is reinforcing what we had mentioned before. So again, just to recap, where the offender was convicted is going to initiate that registration, keeping in mind that if they're going to reside, live, or go to school within that jurisdiction of conviction, that may be all and one and the same. But if it's a different, the registration or jurisdiction of conviction-- and then where they live, work, attend school, including college-- also to emphasize that when we say lives, works, or goes to school, that doesn't necessarily mean that when we say they're working here-- if they're volunteering or they're working with some types of organization and maybe they're not getting a paycheck, maybe it's not a formal form of employment, but they're working for cash purposes, where it's not a documented job, per se, they would still be required to register within that jurisdiction.

That's the same thing incorporating all schools, not just traditional schools or education settings. So that can be any types of technical schools, any type that they're going for schooling, however broad that may be it's going to encompass that requirement for them to register within that jurisdiction.

So I'm going to go ahead and turn it over to Paul, who's going to talk a little bit more about the registration process and how we provide updates and changes to the registration information. Paul?

Thank you, Lea. So what we can imagine now is just maybe the day-to-day process of the individual who's a registering sex offenders. And so we're going to look at this registration process.

So one of the things to note on the registration process is that the offender must report in person. And so we've gone across the country, really. And sometimes, especially when new registering officials or officers come into the program, a lot of times, they may be under the impression that the offender can just call in or that the offender can write a note saying that they came by the office and not necessarily lay eyes on that person.

And so we know that the officer-- that it's important that they are conducting their meetings and in person. And we know that they have jurisdiction over a person when, as Lea said, the tribe either

convicted the individual or the individual lives, works, or goes to school. And so sometimes, I may get a call saying, hey, this person is a tribal member. I'm in Oklahoma. But they say this person is a tribal member who lives in Colorado. Shouldn't he register with your program?

And so at that time, I say, well, the tribe didn't convict him, we'll say, in this case. And he doesn't live here, work here, go to school here. So even though he is a tribal member, because he doesn't meet those requirements-- lives, works, or goes to school-- then that individual doesn't have to register with me.

But the same is true in reverse-- that if the person does live, works, or go to school there, but they're not a tribal member-- well, that part doesn't matter, whether they're a tribal member or not a tribal member, whether they're a tribe of any-- a member of any tribe or whether they're non-Indian at all. If someone who has committed a sex offense lives, works, goes to school has been convicted by our tribe, then in that case, that person must register with us. And so, again, that's what we're looking at. And of course, we're going to do that in person. That registration process-- I think you're good there.

But reporting in person-- so why is that so important? It's important for a number of reasons, but one of them is so that you can get a current photograph. And so we know that your code or your policies and procedures-- that the Adam Walsh Act provides that we needed to have current-- a current photo of the sex offender. And so you're going to want to do that, depending on your policies and procedures, probably at least annually, but definitely upon any physical change.

And some of our tribal policies and procedures say every single time that you meet with that person for verification and update initial registration-- at each of those times, a photo must be taken. And so you're really going to want to refer to your policies and procedures and/or code for that. And so you're going to want to do-- again, get the updates from the offender, any verifications.

The types of registration task and/or offender contacts-- and so we have the initial registration. And I'll talk a little bit more about that in just a second. We have people who have just been convicted maybe by the tribe for a new sexual offense.

And Lea talked about the necessity to register someone who's been recently convicted. You can have people coming in because they met their period, according to the tiering schedules, where they have to-- it's that time that they have to come in and verify their information-- for example, that Tier 3 offender who's coming in every three months. So that's one reason why someone could come into your office.

Another reason is for the international travel. And so we know that before someone travels out of the country-- that they're supposed to notify the registration office. And the registration office has some procedures to follow as far as filling the international travel notification form out and sending that to the US marshals. And so an offender would come in to your office because maybe they want to travel internationally.

And of course, for any change of information that occurs-- for example, going back to the Tier 3 offender, say they come today and they're due back in three months, but between now and then, they change their appearance. They may relocate to another residence. They may be going to another jurisdiction. They may have changed employment.

For any of those reasons, again, probably listed on your policies and procedures and/or code, that offender is going to have to come in even though, again, it hasn't been three months. Maybe it's only been 30 days. But they're going to have to come in and update that registration process.

And as a practice for us, and I think to not mess up with the TTSORS notification part, I think and we found that it's been important for us to maintain that three-month period. And so if that Tier 3 offender came in today-- they're due back in three months-- regardless of if they come in between there, they're going to keep that three-month schedule and then come back three months after that and not change that period every time that they come in. So I think holding onto that structure is an important part that, at least, has helped us in keeping track of our offenders and making sure that they come in when they're due.

So going back now to that initial registration-- so before-- I guess with all of our offenders, there is the initial time that they meet up with the registering official. I would say that that is the time that the officer is going to take the longest amount of time with that offender. I would say on average, it's at least an hour, if not a little bit longer.

The reason is because you have to get a lot of information on this round. You're getting their information plus you're doing an acknowledgment form. They're signing and reading those forms.

I don't think that we have it on this slide. But a lot of times, we'll show a form. And on the acknowledgment form where, after reading every section, the offender initials it or may sign to confirm that they read and that they understand and know their obligations as an offender--

Of course, we're going to take their photograph. And we're about to discuss prints and DNA in NSOR. You're going to gather all that information. And if they are what Lea talked about just a few minutes

ago about being dually registered-- that is, that they are registered with you as your tribe, but they're also registered maybe with a neighboring county-- maybe they live with the tribes, but they work in the county, or vice versa-- so in this case, the registering official is going to want to make sure that they forward all that information to any jurisdiction where that person lives, works, or goes to school. So all that is a part of the initial registration plus our next slide, the submission of prints.

Going across again, Indian country, I find that this is sometimes a hardship. It's difficult for some tribes to meet this requirement. And for me, in my day job, that was also a very difficult challenge for us as well.

The Adam Walsh Act, your code, probably your policies and procedures, require that you take the prints of the offender and that you send those prints to the FBI. But how is it that your tribe is executing this requirement?

So for us, we would have to send the individual to BIA. And BIA would go with him to Kingfisher to get their finger and palm prints. Kingfisher County-- their local sheriff's office would do that. And so BIA was kind of our middleman.

A lot of our offenders-- I would say most of our offenders-- were convicted by the state of Oklahoma. And so Margie will probably tell you that before they're released, this part has already been completed. And so our tribe, especially early on, was very fortunate that the FBI maintained the prints on a lot of our offenders. So what we mainly did was just confirm that the FBI indeed had their prints. But nonetheless, if not, that was our strategy.

Now, thankful to programs like the Tribal Access Program, we were able to get a kiosk and are able to do our own finger and palm printing. So some of you-- some of the tribes may be familiar with the Tribal Access Program, or TAP. But there's definitely information about that on the Smart Office website and the Department of Justice, or you can just Google "TAP" or "Tribal Access Program" and get more information about that. And so since receiving TAP, that's been our avenue for taking prints and submitting them.

Again, we're talking about an initial registration. And part of that-- we are going to want to take DNA. And so the submission of DNA to CODIS-- at first, our tribe-- 10 years ago or eight years ago, we didn't know how we would meet this requirement, either. But as a lot of tribes have come to know, it's really fairly easy. One can call the FBI and put in a order for kits and receive kits.

At one time, those kits-- the registering official had to take the swab on the offender and take the

DNA. But now, I think those kits allow for the offender to be able to do that themselves. But most of our policies and procedures would probably say once that part of collecting the DNA is executed-- that it be submitted to CODIS just as soon as possible. And so make sure to review that and to follow that.

And a suggestion that we give to our registering officials is that every time that they collect DNA and send it off-- that they do so according to their policies and procedures so that if, in the future, a case goes to court-- that they're able to say to the prosecutor and/or to the tribe or state that all those procedures were followed as written in your policies and procedures.

And so the last part that we're covering of this initial registration is the NSOR submission. Now, this is another requirement that was definitely very difficult for our tribe to meet. And as we go across the tribes, there are many tribes still who are uncertain about how this process is completed.

And so we know that NSOR-- that that is different than the website that one can go in, that the community can go in, and just do a general search on sex offenders. No, the NSOR is not that. It's the National Sex Offender Registry. And it's a file of about 21 files maintained by the FBI. And so it's important that each registering official be able to input information on their sex offender into this NSOR file.

And so for us, this, again, was a very difficult challenge for us to meet. We had to do it, as described earlier, through BIA, who did it through Kingfisher. And Kingfisher County-- their sheriff's office-- they still weren't the ones who input in the information. They forwarded that to the state of Oklahoma, to the Department of Corrections and their registration department. And that's when and where this information was being input into NSOR.

Again, thanks to programs like TAP, our tribe was able to-- is now-- has access to OpenFox Messenger and access to these FBI folders and, specifically, this NSOR so that our registering official can input that information. And we can stay up to date and do it immediately. So again, that's been a really great thing, to have TAP.

So let's go to our next discussion here, and that's over records updates and changes. And I alluded to some of that briefly earlier. We'll cover it just briefly with the next slide.

But I think emphasizing that even though each tier are to come in according to two-year law, the Tier 3 every three months or the Tier 1 once a year or whatever, it's important that the offender know and that you communicate, and probably communicate often, that it doesn't matter if they've met that

period yet where they're supposed to come and check in. They have to come in, anyways, in between those times if there's a change of information. And so if there is-- if they get terminated from their job, if they change their residence, it's important that they come in and notify you.

And the only other example I will give is that sometimes, you go out and do an address verification. You go to their home that's listed. And then you follow up because they-- you can tell that they don't live there. And the offender may say, well, I wasn't due back until May. That's when I was going to inform you.

But you can see there that that person is in violation. They should have informed you before they moved or within three days from their move. And so that's where, again, we need to inform and communicate that. And that's also in the acknowledgment form. And so they sign it, saying that they are going to comply.

So up until this point, we talked about the registration process. And that registration process is such an important part of the Adam Walsh Act. And when we think of the cases that we reviewed earlier, we see that it's so important for this registration process to be completed in accordance to the slides that we just shared and, of course, again, in accordance with your code and policies and procedures. But that is only, I would say, half of it. So half of it is registration. Our other obligation is that of community notification.

And so when the Adam Walsh Act came out and when tribes received that letter that I referred to earlier, it also said that they needed to provide a method for community notification. Well, you can imagine tribes who are receiving this information for the first time that they have to do a registry-- that that was going to be a monster of a task to be able to handle. And so you can imagine when they also see the community notification part-- how is it that we're going to be able to do that? But thanks to the efforts of the Department of Justice and the SmartOffice, they were able to provide tribes and territories with this Tribal and Territory Sex Offender Registration System, of which I'll probably refer to as TTSORS for the rest of the slides.

So what is TTSORS? Well, TTSORS allow tribes in US territories to be able to meet this Adam Walsh Act requirement of community notification. And so each registration can do far more above this as far as community notification goes. But at a minimum, they had to have a website and an ability for people to look this up on the web and also to receive notifications when sex offenders make changes. TTSORS provides that.

And so when you think of TTSORS, you have to think of it almost like two different websites that

you're looking at. So the first one for the registering official-- there is the administrative site. That is the site that one can go in and install or input information.

But the second web page, like I said, that we were considering like this-- just for this example is the part that is public-- so the part that a community member or maybe someone in a different tribal program-- they ask, hey, can you tell us who are on the registry? You may refer them to this part, the public part. You may say, just google our tribe sex offender registry. And it will come up. And so there is that part that is administrative and that part that is public.

And so for this, if you're new to SORNA, if you're new-- a new registering official, you want to make sure that you have your username and your password. We can give you information on that or you can go to the-- you can ask for support. So we'll be able to give you more information about that if you'll just want to write in a question, where can I get more information?

But you'll want to have an active username and password. Now it automatically makes some submissions into NSOR if you have the Tribal Access Program. And so that is an amazing part of TTSORS. But let's go to TTSORS as a public website.

So again, as a public website, this allows the public to do searches and to be able to see information. Not only that, but they can get a geographical radius and see where an offender lives at and be able to maybe look up their neighborhood or their tribal community and be able to see which offenders live by them.

And so you can see how important this is, especially where we considered Megan and Megan's Law. That is, whenever her neighbor, who had already had multiple offenses towards minors, sexual offenses towards minors-- when the community was alarmed that that neighbor had moved into the neighborhood and the community did not know about it-- well, that's where it's important to direct our community, our tribal community, to our TTSORS, where they can get this type of information.

So they can do it, again, based by their ZIP code or address. And so I think that having this, again, resource for the community is important. And it's important for our registering officials to push that information out into the community.

Let's go to the required public information, exemptions, and website notifications. So--

Hey, Paul?

Yes?

Can we do a quick check-in? I think up until this point, we've covered a lot of great information. Initially, we went over the tiering. And then most recent, when we talked about the registration-- again, initial registration, jurisdiction of conviction where folks live, work, go to school-- that information needs to be updated within three days-- kind of a process for that initial registration. And then, of course, you just covered the multipurpose tool of utilizing TTSORS.

I wanted to open up and ask of our panelists Margie and Kevin, who are still with us, if they had any additional insights or information to support any of those topics that they would like to share at this time or if there's been any questions pertinent to any of the areas that we've gone over that they would like to share.

Lea and Paul, I just had a quick-- just a quick note also that as you're collecting all the information and you're entering all the information into the system-- just to make sure that it's actually accurate information that you're entering into-- whether it's your fingerprints that you're collecting and you're putting that on the documents there-- that all that information is accurate. And make sure that you have the correct numbers as your ORI numbers, and so forth, that your department uses. But it's also good to have maybe even someone recheck the information if you have somebody that is familiar with submitting that information and so forth-- just wanted to make that note there.

Great suggestion. Thank you, Kevin.

We don't have anything, Lea. Thank you.

All righty, Paul. Thank you for that brief pause. And we'll go ahead and continue with the required public information and website notifications.

Thank you, Lea. And thank you, Kevin. That's definitely a great point and emphasis to make. Those that are putting information into NSOR-- we know that after a few days-- that they'll send a verification for us to verify that that information is correct. And so putting in that information correctly is so important, especially for those law enforcement officers who are out in the field who are going to go back and check and may need or rely on some of that information. And so it's important that that be accurate-- so very good.

So we're wrapping this part up of TTSORS and the community notification. But we do want to talk about required public information, exemptions, and website notifications.

And so exempt from public disclosure-- so of course, we don't want to have anything that has to do

with the victim's identity. We know that in tribal communities, a lot of them, especially if they're small, everyone may know the-- a victim or some of the details of what may have occurred in a case. And so we really don't want to do anything that would identify that victim's information.

Another thing you don't want to do is, of course, is to put their Social Security number out there. That, of course, is probably a very obvious reason why we shouldn't. But we don't want to make reference to any arrest that didn't result in a conviction. You don't want to put their passport information and then email or internet identifiers, any information exempt from disclosure by the Attorney General.

And so that piece of language is probably in your code and in the Adam Walsh Act as well. But we want to be cognizant of this and not, again, put this information out. And even, again, as you're practicing community notification, outside of the website, you want to make sure that nothing in your publications or in your discussions-- do you go in and discuss any of this stuff.

So let's go to public information. So of course, we know that-- what it should include, all fields needed to fully participate to cover the details into the National Sex Offender Public Website. Again, the National Sex Offender Public Website is different than what's-- what we discussed earlier as far as being in NSOR. So the National Sex Offender Public Website is where the public, anyone, at any time can go and search offenders throughout the country-- any tribe, any territory. That information would be there.

If the community wanted to search registration information specific to your tribe, then they can do a Google search and just put in your tribe and sex offender registration. But if they want to do this, this is probably a lot better. It's going to give them more information, the National Sex Offender Public Website. And so you're going to want to have their picture in the current identifiers.

And this is going to be a crucial part for your law enforcement, probation, Child Protection Services so that they can look and immediately get information. They can look at your registration website and immediately get information if they're concerned about an offender. Of course, they will probably call you and verify that information. But having it on there, especially after hours, is such an important part.

But let's look at public information. And so you're going to want to have the full name, the date of birth, any aliases, any nicknames, their height and weight. Other information that's public is their vehicle description, license plate information, work address, school address, convictions and summary of offenses, offender tier, whether that person is on probation, parole, or under supervision.

And there is a part on there that-- for their special status. And that allows the administrator to write in if that person has absconded or if they're incarcerated. And on the public website, they're able to see that information, too, and for so many reasons that that would be important-- that if they do know their whereabouts, they could call in and give a tip and let you know their whereabouts or so that they could know and take extra precautions in protecting their family because that offender has absconded.

So for all those reasons, again, the registration part of the sex offender registration is so important. But we also have to make sure we're putting in our efforts-- into community notification as well. I think that that wraps up my portion here. So I will hand this off to Joann, I believe.

Thank you, Paul. We'll just take a moment and ask our panelists if there's anybody who has anything additional to offer. Wonderful. With that, thank you, Paul, Margie, Lea, and Kevin, for the excellent presentation today and sharing your insight and knowledge with us.

We are now moving into the formal question and answer portion of our webinar. Let's also move to the next slide so that our presenters' contact information is displayed while we do the question and answer portion of the webinar.

Joann, I think that a question that comes up quite frequently that I'll pose to our panelists is, what do you think is one of the best methods for engaging with the community and letting them know that information regarding sex offenders residing in the community is available to them?

Lea, one of the ways that, I guess, from the law enforcement side-- would be maybe your community policing meetings would be one way or maybe in your community meetings-- that you can also participate and pass on the information, as well, too.

It's a great suggestion. Thank you.

Lea, I would also like to say that for our agency, which I work for the state, our agency posts a lot of stuff online. But then our statutes in our state also allow for community notifications through the mail or through actual law enforcement stopping at people's homes and notifying if a sex offender has moved into the community. And a lot of communities really appreciate having that access to the tribal law enforcement or probation offices and/or the local sheriff's office or local municipal police department. And they know that they can go and get that information or that the police will be accessible to them if they're concerned that somebody might live in their community or move in-- have moved into their community.

Another great suggestion-- and I think where both of the comments have gone is how vital and important it is to ensure that you're engaging at a community level within your communities and identifying the most appropriate way to share information. So if we know that folks might not have-- our community doesn't have constant access or readily available access to internet-- that maybe we're exploring other methodologies for sharing that information or making that public available. So thank you for that.

We do have an additional question. And I can read it to you now. Is there an additional way to ask Oklahoma DOC to add a question to releasing inmates if they will be living on a tribal area?

I think that question is probably best answered by me because I work for the Oklahoma Department of Corrections. I would recommend that that be suggested through the Sex Offender Registry Unit email address, which is on the website for Oklahoma, and probably similar in other jurisdictions as well.

But we do an annual review of all of our procedures. So that question can be submitted. We can consider that. I don't think it's ever been brought up before. But it's also difficult, I think, sometimes for our registrants or offenders to know exactly where they're moving into or for us to find out, especially if they're coming from an outside jurisdiction-- so the federal custody or something like that. So if there are suggestions from tribes in Oklahoma that they can give to the department with finding out what those boundaries of tribal locations are, that would be really helpful in letting us assist with notifying tribes when an inmate is releasing into a tribal community.

Excellent. Thank you very much. We do have a question from Ms. Wanda asking about juvenile sex offender registration and if and when that will be covered-- anybody who wants to address juvenile?

This is Paul. And we really covered just general sex offender registration today. I don't know that there are any plans for an additional webinar to just cover juvenile stuff. But I do know that we do have a few other webinars coming out, especially that one of-- I think we have one almost of-- about community notification. And we're able to talk about just-- if it's Chris, he does a little section on do you put juvenile information on the registry website or not.

And so I know that we have plans to cover not that specifically, but we talk a little bit about it. But of course, if there's a specific question that any tribe would have about juveniles, they're welcome to direct that to us or to the SmartOffice. But thank you for the question.

Thank you, Paul. We have an additional question from Cody. And it's more of a statement. But he says

that we've had people that were not aware they had to register with tribal law enforcement after release from DOC. So again, I think that probably goes back to notification. But if one of you wants to address that, maybe Kevin or Margie on that one as well--

I would say that most agencies from across the country that I'm aware of who are releasing someone from custody are required to do the registration packet with them before they release. And in that registration packet is usually the acknowledgment that Paul discussed earlier that tells them all of their requirements.

And that requirement includes that they have to register with the local law enforcement agency in the jurisdiction where they're going to reside, work, or go to school. It usually will say just-- ours only says local law enforcement. It doesn't say state, tribal, county sheriff. But it does notify them that they have to register with the one that's in charge of that jurisdiction. So they are notified of the requirement.

I would recommend that if a tribe has somebody who is coming from incarceration and a person is telling them they weren't notified that they contact the releasing agency and ask for a copy of the registration documentation because there's often going to be a document that the offender signed acknowledging their requirements. And that can potentially help with a prosecution of failure to register. And those are kept, for most releasing agencies, in a file that's accessible to anyone.

And this is Lea. And I think that I would just totally agree with what Margie said. And just to add on to that, I think it's also important that, as a registration jurisdiction-- that we're evaluating what our responsibility is to create that public notice that if sex offenders are entering the jurisdiction of the tribe, that the tribe may impose some additional registration requirement.

So for example, we know sometimes, there's different activities that might take place within our tribal communities-- public gatherings and sometimes different types of powwows, gaming. All of those types of recreational activities might draw tourists or folks from the outside who normally may not even be residing within the boundaries of the reservation, but where we may want to capture that information, depending on how our code goes. And so it really is important that outside of the notifying the offender upon the time of registration-- that the tribe is finding ways of communicating that with the offenders-- that if they need to check in with an office-- that that's public postedly-- or publicly.

I think for us, one example was on our fishing permits, we'd have folks that would come out and would stay long periods of time fishing or out at the lake. And so that was a notice that we've

incorporated onto the fishing licenses-- that if you're a registered sex offender and you're going to be out there for more than 24 hours, you need to notify our tribal police department that you're out there and where it is that you're going to be fishing or boating. And so it's really evaluating your community's setup and, really, who it is that you're wanting to ensure-- there's an awareness that they're within that community and will report in that direction as well.

Thank you, Margie and Lea. We have a question from Ms. Stacy. How do you remove someone from TTSORS? Say, for instance, in the case of an offender's death, what information do you keep and for how long?

This is Paul. And I think that I can help. But right now, I don't register our offenders. I did early on. But it's been a while since I've done that. But I do know in TTSORS, I think there's an option. We discussed earlier an option of absconded. I think there's also another option there for deceased.

And so I don't know that that option completely takes that individual-- takes them out completely from the public view. So maybe on that one, I think that-- other than the option to put deceased, to take them completely off of TTSORS, I think that that would be a question that TTSORS would be able to help so that their support would be able to help with the most.

So I don't think I know the specific answer on can you take someone completely-- I think you can. But the other thing to consider, I think, is what your policies and procedures say and/or code as far as records and how long you're maintaining those. Of course, that person is deceased. And your records can be different than what you're-- make available on your public website. But I would just give some consideration to that and then maybe put that request into TTSORS.

Great. Thank you, Paul. We have another question. And I'll warn our panelists it is a multi-segment question. Is the SORNA employee allowed to take photographs of the offender to take his or her clothes off? So it sounds like they're asking is-- are they in a position where they can ask the offender to remove items of clothing, perhaps, I would think, to show maybe tattoos, scars, or marks?

And then can the offender have a witness go in with him or her? So it's two-part on that. And then is the employee, SORNA officer, allowed to go to a private residence of work for an offender and post without residents' approval?

Let's just work off the first segment to that. Is a SORNA employee allowed to take photographs of the offender with his or her clothes off? And can the offender have a witness go in with him or her? Anybody with experience on that?

Well, the way the question is framed as far as taking their clothes off-- so that is-- if this were in person and we had more details, maybe it would be a little easier to navigate the question. But can we take pictures of scars and tattoos? So the code asked us to take pictures of the scars and tattoos. And so that's something that we should maintain in our records, too.

Can the offender have a witness there? We do a section on safety so that the registering official is safe and so that the offender is safe. Just depending, I think that that would depend a lot on just where registration is taking place and if that jeopardizes the safety of the offender and/or the registering officials.

So there's some considerations about safety that should be done. It may be better for the registering official to bring in another registering official and/or maybe the supervisor and-- so that if you need a witness as far as-- during that registration process, that it be done by another tribal employee or registering official, someone who has something to do or supervisory authority over the registering program. So that is the-- what I would say about the first part of that question.

And I think the only thing that I would add to that is these are great areas to have conversations around and to really evaluate are some of these questions-- for example, when we're saying, well, how are we going to do that-- so if we know that there's a request or requirement for us to take photographs and document tattoos, scars, or other markings that could help identify that particular offender, what is our process? And does that need to be incorporated into some type of written policy or expanded within our policies and procedures or our standardized options-- so really looking at that, especially when we talk about male or female.

When is it appropriate, like Paul had mentioned, to maybe have another register official, or even if we're the only person within our SORNA department, having someone maybe that's in law enforcement or in corrections coming to assist with ensuring that everyone is safe and that there's a level of comfort and that our process is consistent regardless of the individuals that we're encountering and always and first and foremost that when those types of questions come up-- that you're referring to your individual codes and your individual policies and procedures for guidance first.

Great. Thank you, Lea and Paul. This is a question that I know that we get with some regularity. So I do want to get to it. And it is from Chip. How would a SORNA officer acquire a TTSORS login for our department or SORNA officer?

We can provide the contact information. And if you give me just a moment, I might have it here. I think it's registryhelp@iir.com. But I will need to look that up. And basically, it would just be sending an email to them, letting them know your information, your jurisdiction, and that you're needing access to TTSORS. But they'll be some confirmation on their side-- and then send you some login information. But I will put up in the chat for that question to be answered with that particular email address in just a moment.

Wonderful, Lea. Thank you so much. I don't see any additional questions that have come in. So I will open it back up to the panel for any last-minute thoughts or information that you'd like to get out. Paul?

Sure. Well, I just wanted to just thank everyone who was able to join today. We appreciate it. And I just want you to keep in mind that this is a very general, basic information. But there are, of course, a lot more details and a lot of those gray areas or questions that registering officials may have. And so if you need additional help, please reach out to us. And I know that this COVID-19 situation has-- many of us are-- aren't able to travel and stuff like that. But when that changes, we'll be able to do that and/or if you need any form of coaching or mentoring, we have calls, a lot of times-- that we're meeting with tribes monthly by phone or bi-weekly. And we're able to offer some kind of mentorship or coaching, too.

And so, of course, we weren't able to cover everything. But we did want to give you a tool and a resource for-- especially for our new registering officials. And if you are new, thank you because you're putting in your work. And everything is going towards the greater goal of making your community safer and protecting children. So thank you.

Thank you, Paul. Margie?

Yes. To answer the question about if somebody is allowed to go to a private residence or work for an offender without approval of the resident, that's really going to depend on what jurisdiction you're in and what the laws are in that jurisdiction. But generically, verifying somebody's address is part of registration.

And knocking on someone's door is allowed, as far as I'm aware, and pretty much everywhere in the United States. Whether or not they answer your questions or open the door is really their response. And in certain jurisdictions or if the person is on probation or under or some other sort of guidelines-- parole, for instance-- there may be requirements that they have to allow you inside.

So that would really be a fact-specific question. And so I would recommend that if you're in a specific jurisdiction, you're having issues with verifying somebody's residence, that you look through the code or contact other law enforcement that you might be able to work with in the community. BIA, maybe, or even a marshal's office sometimes will work with you to do those compliance checks. And they may have different authority. But they may be able to join with you in the task force or some other sort of compliance-type group. That's what I know happens a lot in our communities. And so there may be resources, if your code doesn't allow it, for you to go ahead and have somebody help you with checking of residence.

Thank you, Margie. Lea?

I just want to thank everybody for your participation. And it's always been an honor to be able to engage and get through this, the difficult times that we're all facing. I just want to thank everybody for the hard work and the jobs that you do on a day-to-day basis and let you know how much you're appreciated. Thank you.

Thank you, Lea. Kevin?

Yeah. I just wanted to add a little bit more on that photograph in the question there. Just keep in mind that if you are going to update your photos or you get to collect the new photos that, obviously, the gender, if it's-- female to female, male to male, and if you have access to-- if it's a detention center, usually, you have somebody there that would know the regs and the rules and so forth. But again, referring back to your policies, procedures, and whatever you have in place is also a good thing to maybe check into, as well, too. But I just want to thank everyone for being on the webinar.

Thank you, Kevin. I do just want to say that Juliana Grant, who, again, we're very fortunate to have Juliana and Marnie, who are listening in. Juliana did provide the NSOPW registry support email to our group. And that is registrysupport@nsopw.gov. Again, she provided the NSOPW registry support email, registrysupport@nsopw.gov.

Thank you, again, to our group of presenters. This concludes the question and answer portion of the webinar. Thank you for joining us today. And have a great day.