

NCJTC

National Criminal Justice Training Center
Fox Valley Technical College

SORNA Tribal Regional

SORNA Overview for New SORNA Coordinators

Indian Country SORNA Training and Technical Assistance Program

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SMART

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

Objectives

- History and overview of the Sex Offender Registration and Notification Act (SORNA)
- Tiering requirements
- Registration requirements
- Tribe and Territory Sex Offender Registry System (TTSORS) public website

History and Overview of the Sex Offender Registration and Notification Act

Getting to SORNA

The Adam Walsh Act, which includes the Sex Offender Registration and Notification Act, evolved as a result of—

- High-profile sexual assault cases
- Intense media attention
- Federal legislative concerns
- Need for uniformity

1994: Jacob Wetterling Act

Crimes Against Children Act of 1994 mandated that—

- All states and territories establish sex offender registration programs



1996: Megan's Law

1996 amendment to the Wetterling Act required—

- States to establish a system of community notification
- Sex offenders to notify of address and employment changes



2006: Adam Walsh Act's SORNA

- Provides a baseline for sex offender registration and notification
- Closes gaps and loopholes in prior federal legislation



Sex Offender Registration & Notification Act

- Title I of the Adam Walsh Child Protection and Safety Act of 2006 (Public Law 109-248)
- Extends registration jurisdictions beyond the 50 states, the District of Columbia and the principal U.S. territories, to include participating federally recognized Indian tribes
- Expands sex offender registration requirements

SORNA

- Requires registered sex offenders to register and keep registration current in each jurisdiction where they live, work or go to school.
- Requires sex offenders to provide more extensive registration information.
- Requires sex offenders to make periodic in-person appearances to verify and update their registration information.
- Expands the amount of information available to the public regarding registered sex offenders.
- Changes the required minimum duration of registration for sex offenders.

SORNA Implementation Update

- 135 American Indian or Alaska Native Tribes have substantially implemented
- 18 have been delegated to their respective state
- 12 have systems on par with their surrounding state, but are not yet fully implemented
- Approximately 6 are still working on implementation, and 1 is deferred
- 18 states and four territories have implemented

Tiering Requirements

Offender Classification

- Based on the conviction
- Different than “risk-based” classification
- Based upon a tier system
 - Offense charging is extremely important
 - Police reports are extremely important
- Include certain basic criteria to facilitate classification

Tier Category Classification

- 3 Categories
 - Conviction elements, NOT risk level
- Categories define—
 - Duration: 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 tribe has adopted the Tribal Law and Order Act
- SORNA jurisdictions, including tribes, can require more stringent registration and notification standards than those set forth in SORNA

Tier I

- “A sex offender other than a tier II or tier III sex offender.”
- Offenses include whatever does not support a higher classification—
 - Misdemeanor sex offenses
 - Simple possession of child sexual exploitation materials (CSEM, e.g., child pornography)



Tier I: Offenses

- Some tier I offenders might be exempt from public website disclosure:
 - Offenders with offenses against minors must be publicly posted

Tier II

- Offense “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 CSEM
 - victims between ages 13-18
- Recidivism for tier I offense

Tier III

- Offenses generally encompass—
 - Rape or rape-like offenses
 - Sexual assault involving sexual acts regardless of victim age
 - Sexual acts and contact offenses against children under 13
- Nonparental kidnapping of minors (including attempts and conspiracies)
- Recidivism for tier II offense

Registration Requirements: Who, What, When, Where

Who Must Register With the Tribe?

- A conviction of a sex offense within the tribe's court
 - Even if no intention to physically reside in convicting jurisdiction
- Convicted offenders from any jurisdiction:
 - That live, work or go to 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 and eligible tribal convictions

What Convictions Require Registration?

- Anyone convicted of a sex offense, defined as “a criminal offense that has an element involving a sexual act or sexual contact with another...”(see 34 U.S.C. § 20911(5)).
- Includes state, local, tribal, foreign and military offenses (see 34 U.S.C. § 20911(6)).
- Hence, all jurisdictions shall include tribal convictions in their registries.

When Must Offenders Register?

- Before release from incarceration for the registration offense (if possible)
- Within 3 business days—
 - Of sentencing for the qualifying registration offense
 - Of establishing residence, employment or attending school based on foreign, federal or military sentencing, or release from incarceration

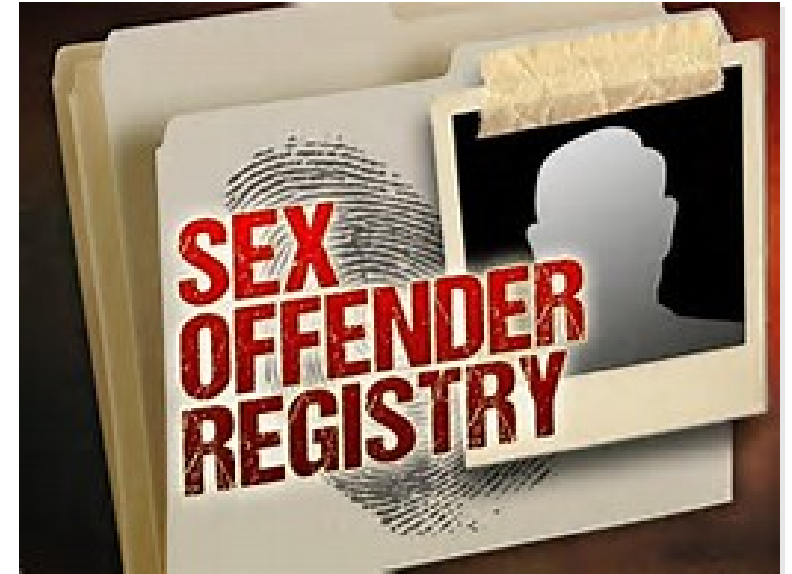
Which Jurisdictions Register?

- Where the offender was—
 - Convicted
 - Lives
 - Works
 - Attends school, including college
- Offender registers in each one of the impacted jurisdictions



Registration Process, Records Updates and Changes

Registration Process



Registration Process

- Offender must report in person
- Must report to an established registration location where the offender lives, 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

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 information
 - Changes appearance
 - Relocates to another residence
 - Jurisdiction

Initial Registration

- Initial registration jurisdiction shall—
 - Inform offender of his/her duties
 - Require the offender to read and sign forms and acknowledgements
 - Forward this information to the impacted jurisdictions of residence, employment and school, if different than the initial reporting jurisdiction

Submission of Prints

- Jurisdictions must include in their registries a set of fingerprints and palm prints from each sex offender (see 34 U.S.C. § 20914(b)(5))
- Submit fingerprints and palm prints to FBI's Next Generation Identification (NGI) database using the Tribal Access Program (TAP) workstation

Submission of DNA to CODIS

- Registering agencies should check to see if the offender has a DNA sample in CODIS
- If not collected, or if unsure, collect a DNA sample using an approved kit
- Submit to CODIS
 - Direct mail-in to the FBI
 - Submission to a state level DNA lab for admission to CODIS

NSOR Submission

- National Sex Offender Registry (NSOR)
 - Maintained by FBI, subfolder of National Crime Information Center (NCIC)
 - Houses the biographical registration data, such as offender name, alias, date of birth, address, vehicle information, and more.
 - Accessible by law enforcement and authorized criminal justice agencies nationwide
 - New registration, updated registrations and verifications must be submitted immediately (within 72 hours)
 - As a TAP participant, Northern Arapaho and Eastern Shoshone now have direct access to NSOR

Records Updates and Changes

Change of Information

- Offender must immediately report—
 - Dates of any termination or loss of job, education or volunteer work (paid or unpaid)
 - Any change of residence
- Offender must report this information in person and in writing within 72 hours of the change

Tribal & Territory Sex Offender Registry System

Tribe & Territory Sex Offender Registry System

TTSORS is multipurpose:

- Administrative registry
- Public sex offender registry website
- Participation with Dru Sjodin NSOPW.gov
- Direct submission to NSOR

TTSORS Administrative Registry

- Includes SORNA information collection requirements
- Provides community notifications
- Allows email address and telephone number searches
- Capability to submit directly to NSOR if the tribe is participating in the TAP

TTSORS Public Website

- For public searches, only the public information is displayed
- Public can search by name, geographic radius, ZIP code, city or county.
- Public notification via email address
 - Sign up for notification based on address or ZIP code
 - Public can sign up for automatic email notifications of multiple addresses/ZIP codes

Required Public Information, Exemptions and Website Notifications

Exempt From Public Disclosure

- Victim identity
- Social Security number of the sex offender
- Any reference to arrests that did not result in conviction
- Offender passport or immigration information
- Email or internet identifiers
- Any other information exempted from disclosure by the Attorney General

Public Information

- The jurisdiction's public website should also include
 - all fields needed for full participation in the Dru Sjodin National Sex Offender Public Website (NSOPW.gov)
 - picture and current identifiers
- Law enforcement, probation and child protection services need immediate access under investigation access.

Public Information

- Full name or Tribal name (except sacred names)
- Date of birth
- Alias name
- Height
- Weight

Public Information

- Vehicle description and license plate information
- Work address
- School address
- Convictions and summary of offense(s)
- Offender tier
- Probation, parole or supervision (if applicable)
- Special status: absconded or incarcerated

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Questions?