Welcome, everyone, to the National Criminal Justice Training Center webinar. Our topic today is sex offender registration code, policy and procedures, and form development. Presenters for today's session include Paul Fuentes, Margie Weaver, and myself, your host, Chris Lobanov-Rostovsky. I will also serve as the moderator for today.

Before we begin the presentation, there are some items I need to go over. Please note that today's webinar is scheduled for two hours. This is slightly different than previous webinars, and we wanted to call your attention to this difference. We hope this increase in time will provide sufficient time for questions on this important topic.

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I'd like to welcome you again to our webinar. I'm pleased to introduce you to our presenters for today. Paul Fuentes is an Associate with the National Criminal Justice Training Center. He also serves as a Court Administrator for the Cheyenne and Arapaho tribes in Oklahoma. Margie Weaver is an Assistant General Counsel for the Oklahoma Department of Corrections and is an Associate with the National Criminal Justice Training Center.

And again, my name is Chris Labonov-Rostovsky, and I am also an Associate with the National Criminal Justice Training Center, as well as a Licensed Clinical Social Worker and the Program Director for the Colorado Sex Offender Management board. I'm going to now shift the presentation over to the first of the three presenters today. And so Margie Weaver, Margie, you are up in terms of getting us started in this very important webinar for today.

Thank you, Chris. And thank you all for joining us today. And we hope that we can provide you all with some valuable and useful information in your tribe's moving forward and developing code policy and procedures reforms as necessary to comply with your requirements. And our first slide of course is going to go over our objectives.

The main objectives for today are to discuss the development of a registration code that meets the

requirements for SORNA substantial implementation while still meeting the needs of your particular tribe. Identify the methods to develop policies and procedures that will guide the operation of the registration unit, and inform the public and the offender of the process for registration, and also to understand how to create forms that will provide the information needed to implement the policies, procedures, and code.

The basis for the need for the code, the policies, and procedures, of course, is the Sex Offender Registration and Notification Act. It's Title I of the Adam Walsh Child Protection and Safety Act of 2006. We put this in there so that if you need to refer back to the actual law, you can go and find that pretty easily. And it's also important to note that SORNA provides a comprehensive set of minimum standards for sex offender registration and notification of the United States, but it doesn't set all of the standards that you can make in development of your code or policies, procedures. It's the minimum standard. It's the bar that you have to meet in order to substantially implement the requirements.

So next, we're going to move into the actual thought process for going through code, policy, procedure, and form development. The first phase of starting the process of development in any capacity is information gathering, and particularly for developing code. We have a couple of things that we think are important for you to consider when you're starting that process.

First is, of course, to pull the current code that you have. Determine what methods your organization has used or requires in order to change code, because those logistical steps are going to be required and going to be important to how you move forward in developing code that meets your legal requirements while also complying with what your tribe wants. If you have a current code, you'll need to pull the law that you're trying to implement into your code and compare it with what your current code is. Make sure that any proposed changes are going to be what's needed to comply with the law, but also what's feasible for your organization.

Next, the tribe should determine what the code needs to have to provide your government, your victims, your community and the offenders, whether it be social service needs, accountability for your organization, as well as the offenders, all of the aspects that might play in, and it's important to get all those involved that can help you determine what those needs may be.

And continuing to information gather-- once you have all the documents that you know you're going to need moving forward, or that you think you're going to need moving forward, we recommend that you contact the tribal attorney, any leadership that you have that may want to be involved in the

process or are required to be involved in the development process, and also your legislative personnel, because you're going to have to present your code for approval and your legislative person may be the person that's going to help you do that presentation, and you want to have them have some investment in what they're presenting, and including them in that process is going to be very important.

And make sure, again, that you review the federal law to make to determine what is required to be in your code. Fortunately there's a model code, and a lot of our presentation later is going to go through what that model code provides, and it will give you an outline, where to start, things that are best to include in your code and your policy and procedures.

Next, we recommend that you research what provisions have been successful. You can do this by contacting subject matter experts either inside of your organization or your community or outside. You can check with other jurisdictions, you can check with other legal authorities and you can ask them what have you seen in your development or in your practice that has been successful, also what hasn't been successful, what challenges have you had, what litigation has come of these different provisions that you've put in your code or your policy and procedures, so that you can try to learn from others' mistakes, and also so you don't have to reinvent the wheel when you're developing your code.

Next, we're going to go into actually starting to create a code. So first you're going to look at who's the best person to author any code or changes. That may be laid out in your current code. It may tell you exactly who the author required is. So you're going to have to pull that person, of course. Or, your agency may have some flexibility in who's going to develop the code or who is actually going to write the code. So make sure you pull all those required individuals in.

And then think about who could provide the most benefit in the development. It may be that you have probation officers or law enforcement in your community or in your organization that are going to be required to fulfill parts of the code, and so you want to pull those players in and include them so that, one, you're making sure that the code is feasible, that you can actually enforce what it is, and then also to have them, again, invest in what's going on and have a personal stake and whether or not it's enforced properly.

So next, have a checks and balances. Stakeholders who are going to look at what you've drafted and give you realistic, constructive criticism on that. And that can be people, again, who are involved, maybe your SORNA clerk who's just doing data entry or helping with offender registration, or it could

be community leaders who are engaged in your ritual and they want to be able to look and see if the code is going to impact the way that the ritual might take place.

Next, and I think the most important step, is creating a draft code. Many of us know Mark Twain. He's known for saying the secret of getting ahead is getting started. So put something down on paper. Doesn't matter how much of a skeleton it is, but once you start going you're more likely to produce. So get something down on paper.

Next is coordinate with the SMART office. So once you're in the actual writing process for your code, contact the SMART office, ask your program manager if they can give somebody to you or give you a contact that will make sure that what you're developing is going to meet all of the legal requirements.

After you've drafted your draft of the code, the next part that you need to really consider is how this is going to be presented to your government for approval. So you need to take into consideration a couple of different things that maybe you are thinking about or maybe you just hadn't thought about because you've never had to present a code to government before.

You need to determine who the person is that will be presenting the code. You need to make sure that whoever that person is well versed in the need for the code and what the requirements are. That goes back to including your legislative personnel into your committee for your development. They're going to be fully aware of what you're doing, why you're doing it, what the legal requirements are so they can present to your government and be able to answer necessary questions. They're also going to understand likely the needs of your operation. And if it's not going to be your legislative person that's presenting the draft code, then whoever your presenter is, make sure that they're versed in just the generic operations of presentation, and then what the requirements are for getting something approved.

So make sure that you're aware of the traditions and expectations during a presentation. So in some organizations, it may be that a particular person is preferred to present, or there are rules that only allow members of the government to present. And so you'll have to seek a member of your government to step in and present on your behalf. So make sure that you know what those requirements are, and make sure that you comply with them, because any small defiance of a requirement might cause disengagement from the government actors who are supposed to be looking at approving your procedure, or they might not respect what you're asking as much as they could. So be prepared to have subject matter experts.

I know in my own job that when our state legislature meets and has committee meetings, or even interim studies related to our sex offender registration laws, I'm often contacted and asked to come and sit through those committee meetings or their interim studies and either present information, or just be there to answer questions on the impacts of the legislation that they're proposing or the things that we've seen that have caused problems in the past. Also, make sure that if you do get your proposal approved that you take the proper steps to get it published properly, and also to notify the public and your community and your organization of what those changes are, because we want to make sure that everybody's following the current procedure or the current code and that they know that something has changed.

So once you have an approved code, you can move into actually implementing that code, and implementing that code starts with developing policy and procedure that allows for step-by-step direction on how that code is going to be implemented. So you're going to look at your code and determine which agencies within your organization or within your tribe are going to be necessary for enforcing those code provisions. Are you going to have administrative officers who do data entry? Are you going to have probation officers who are doing compliance on registration? Are you going to have BIA who steps in and assists with other parts of your implementation?

So try to figure out who all of those necessary pieces are going to be, and then make sure that you determine who you're going to hold responsible for implementation. So when you're developing your policy and procedure, if your code isn't specific to say "this office is going to be responsible for development of policy and procedure," make sure that your policy and procedure tells the reader who is going to be responsible and who they can contact if there are issues with a written policy and procedure. So then take all of those people and bring them together. Put them at a table so that they can talk about how this development can move forward in a positive way.

Next, the best step is to explore your existing policies, procedures, and those of other entities who are similar to yours, or who could provide you with helpful provisions or things that have been successful in other organizations. So you can do that by contacting other offices that you know, other tribes, other state or municipal organizations that have similar SORNA requirements or sex offender registration programs.

You need to make sure that you're not using the examples that you get from other places as your go-to, because your organization, your community, your tribe is going to differ from every other organization or tribe. And so we want to make sure that your development is respective of what your community needs. So also, of course, use the SMART office model tribal code as a guide. That will

help you with implementation and drafting of policies and procedures. As I mentioned earlier, you want to make sure that you're tailoring your policies and procedures to your community, your government structure, and how everything functions in a successful way for you.

OK. Next, when you're turning the code into the policies and procedures, as I mentioned earlier, get a draft down. Getting started is always the hardest part. Once you start, you're going to have momentum to move forward. Make sure that your policies and procedures are plain language. Policy and procedure is something that your brand-new employee stepping into your organization should be able to pull, read, and go, OK, I understand what the task I'm required to do is and how to do that task. And also, if I'm an offender or a community member who wants to understand how the sex offender registration compliance is being administered, I can pull that policy or procedure and read it and go, OK, this is how it works. Now I understand and I can inform my family who either is aware that a sex offender's come into the community, or who may have a sex offender in the family and they want to make sure they're supportive of both the offender and being compliant, but also of the tribe as a whole being a member of that tribe.

So make sure that you specify the duties, that being the requirements of the offender as well as the requirements of the staff, so everybody knows what their role is and what's required of them. And make sure that they can be followed by responsible personnel or agencies.

So for instance, if you're going to require that one particular unit sends out letters to offenders, you need to make sure that that unit is set up with the capability to print envelopes, to print letters, and to cover mailing costs. I know that seems elementary, but it really is things that you need to figure out. Because if you task a unit with something and they have no means to follow through with that requirement, then you end up with a not feasible procedure. So make sure that you're looking at what really are the basic logistical requirements for them to follow through with what you're setting into policy for them to be required to accomplish.

Next, you want to make sure that your policies are strong. And the best way to do that is to make sure that they communicate who, what, when, where, and how. Again, as I mentioned with your code development, make sure that you coordinate with the SMART office. They can help review everything that you're proposing before it becomes issued or public. And make sure that you're doing what you need to comply with your requirement. And then make sure that you present the policies and procedures to the appropriate authority or government body for approval.

Back to the slide earlier with presenting code, know who your audience is when you're going for

approval. Make sure that you're prepared in that presentation to tell them why the policies are written this way. If there's something that you know was a challenge in drafting the policy and procedure, be prepared that they're going to see that same challenge and you're going to need to be able to step up and answer to how you're going to meet that challenge.

So once you've got your policies and procedures written, just generic step-by-step-- can you move to the next slide? OK. The next step you're going to do-- you're going to look at determining what forms you need to use in your policy and procedure. So you're going to look to your code, you're going to look to your policy and procedure to determine what forms are going to be needed to carry out those requirements.

When you're looking at that, you're going to have to look at what information do you need to gather. For sex offender registration, that's going to be, of course, a registration form. It's going to be something that tells you who the offender is, what offense did they commit, maybe the age of their victim, where they're going to live, all of those sorts of things. You're going to need to look at who's going to fill those forms out. Is the offender going to fill them out? Is a staff member going to fill them out? Who needs to sign the documents? You're also going to look at where those forms are going to need to be submitted. Who in your agency, your organization is going to accept those forms? Who's going to be responsible for inputting the information, those forms, and for storing those forms, and how are they going to be stored?

So additionally, one of the things you're going to need to look at is who can translate your forms if that's needed. I know a lot of communities now are very diverse, and you have offenders who come to your community speaking multiple languages. And in tribal settings specifically, you may have a tribal language that's often used, and it would be beneficial for your members, but also beneficial to keep that language alive by having a form that's in your traditional language, and then also having it in languages that are spoken often in the community, so English, Spanish, and others depending on where your community is.

So next in your form development, make sure that you use your organization's letterhead or formal template that you use for all of your forms, because you want the form to meet the standard that your tribe already upholds, and you want it to look official. You want, when somebody looks at it, to know, oh, this is an official form. I need to pay attention and I need to be clear in how I respond, I need to write legibly, all of those things. And make sure you put a title in the form so that when you're referring to a form, the person that you're talking to, whether it be the offender, or a community member, or a stakeholder, that they know exactly what form you're looking at and how they can find

it.

Make them simple and easy to read. Make sure that you have enough space in all of your areas where somebody is going to have to fill part of the form out so that they can write legibly, because your staff is going to be required to read that information and be able to determine what data has been input into the form. Make sure that you're not using a lot of underlines, bold, all capital letters unless it's absolutely necessary, because it's going to draw away from other parts of the form. So if it needs to bring attention, you can do that, but try to stray away from that, because it's a form where everything needs to be filled out and completed.

Make sure that your forms have a large enough font and/or that they can be manipulated for somebody who may struggle with reading. So if you have an electronic form that can be zoomed in or zoomed out, that's great. But also make sure that you're going to be able to make a larger print form if necessary for somebody who has vision impairment.

And lastly on this in this thought process, make sure that you're ordering your forms logically. Most often that's done and within your policy and procedure. So wherever you start in your policy procedure, as you get to a place where a form needs to be, that would be or form A. Form B would be next. Otherwise, you could do it in the process of how you think somebody would come in to submit it. So you might have a step one form, a step two form, step three form, whatever works best for the actual function of your organization.

Next when you're developing forms, make sure that you remove any nonessential questions or fields. You're taking up space. You're adding additional duties. I know one of the things that I have seen and talked about is vehicles on registration forms, because if you have the vehicle information, you generally have to put it into NCIC. But if you don't have the vehicle information, it may be required of your code. And so make sure that you're looking and seeing what is required and whether or not it's necessary for the duties you have to fulfill.

Make sure that you clearly explain any question. If you have residence on your form, make sure that you tell them what residence means. You're going to be in that place for more than three days, or you're going to stay within the tribal lands, or you're going to work in a tribal employer. Make sure that you put that information down. So make sure that they're efficient. So if you can limit the pages, that's always helpful, of course.

And then make sure that you have signature lines and initial sections for each form. I can attest to this. Just recently I had an instance in my own employment where a form was published without a

signature line. People started filling it out and submitting it without a signature. We needed the signature for the particular form, and we had to go back and republish the form with the proper signature line. It was just an oversight or a technical issue when it actually got published. And then we had to go back to all of those people who had already completed the form and say, we're sorry this got pushed out. So make sure that you're checking and verifying that everything has a signature line.

And then, also, if you're going to digitize your forms, which, a lot of agencies are moving towards using tablets or internet submission of forms, make sure that that is double checked. Like I said, you might lose a line or lose a very important provision in translation from the Word document to PDF. So make sure that you're checking that and having somebody review it.

Moving on, after you've developed everything and everything's moving forward, you're starting to utilize your policy and procedure, your forms, you're following your code, you still have to make sure that those are reviewed and updated on a regular basis. A lot of organizations that I'm familiar with do an annual basis, and that can be calendar year, that can be from when the procedure or code was implemented, or it could be based on the legislative session. Make sure that you have somebody who's responsible for that regular review and that they're held accountable for making sure that it's updated. And then, also, contact the SMART office to make sure that you're getting communication when there's something that may need to be changed your code or in your policy or procedure so that you're still substantially implementing your requirement.

Next, during that maintenance, that review process, you're going to look at whether or not there have been any changes to the law or case law that would require revision. So in my job for the Department of Corrections, I'm actually tasked with annual review of the sex offender registration policy and procedure. And so when the legislative action comes out, usually in May, I'll get a notification, or I'll have been following the state legislature and I'll know this provision is being changed.

In the last year, we had his new offense added to our sex offender registration. So when that comes down, I have to pull the procedure, propose a draft of the procedure, and make sure that it gets pushed out before the law becomes effective. And so I have a couple of deadlines that I pay attention to in doing that, and I'm not the only one who does that. Our registration unit also is integral into that part of things.

So we also have a tendency to have litigation over sex offender registration. I might have a case-- for

instance, last year we had a case dealing with our residency law. And I had to pull the procedure and draft a revision, because that case, the decision in that case actually changed the way that we have to enforce the registration record or the residency requirements in our state.

So last, I would say that make sure that you're-- I mentioned this already, but it's one of the most important elements-- make sure that you have somebody who's assigned to do the updating in the review of those, and make sure that they're going to follow through with that review, because you don't want to end up in a situation where you haven't updated your code or policy or procedure and the law has moved forward, and now you're not in compliance with what you're required to do.

OK. So last for me are resources. All of these are things that you can use as resources to help you with your development of your code, with development of your policy and procedure, with development of your forms. And take advantage of the resources that you have. Resources are there for a reason. Don't be afraid to ask for help. Most of the time, when you build a relationship with another organization or tribe, state government office, whoever it may be, that means that they're going to also feel comfortable coming to you. And then that makes that network that you have bigger and stronger and allows for better implementation and follow through.

So I think now I'm going to pass along to Paul. So good afternoon, Paul.

Hi, Margie. Well, thank you so much. Margie, you did a really good job just giving an overview of how to make changes to the code, policies and procedures, and forms. And having gone and visited multiple tribes throughout the last few years, for me, that's kind of where it starts is just looking at the paperwork, and then seeing what our actions are, if they match what the code says or the policies and procedures. So is the registry program doing what the policies and procedures say, or are they going outside of that because the policies and procedures are incomplete?

And so then I think there we're able to identify that there is a change that's needed in the policies and procedures, or an update on the code, or even our forms. And so I really think that this is extremely relevant to all of our registry programs out there and for those working in tribal government to work with the laws and updating that.

So I'm excited about this portion, and I'm going to start off, and then in the middle there, Chris is going to take it over. But going back to-- so on this, the revised model tribal sex offender registry code. And there's a publication on the SMART website that Margie had made reference to, and it's the tribal sex offender registration code. And then we're following the 2017 revised version. I think that's the most updated code.

And so about that, again, that is on the website. So it's a model code that's already been prepared, and it should just serve as a guide for tribes. And if you think about 10 years ago, whenever tribes were tasked with creating a registry and creating a code, that was very overwhelming for a lot of tribes. I know it was overwhelming for us. So when the first version of the model code came out, that was really helpful for us, and we used it as a guide. We implemented a few other things, but really, that served as our guide.

But I think it's important to know that each jurisdiction is unique. And again, there may be areas where you need to go a little further than what the code provides, or there may be some areas you know that the code just really reflects. The model code really reflects what your tribe is doing. But to take the moment and to go through that process of determining that.

Another thing that I think is important is that sometimes-- I think for us, for example, I forgot when the first code that we passed was, but it was just important in getting a code passed. And then we were able to evaluate our program for a few years and realize that that code needed some revisions. And it was a lot easier, then, that time to go get our code revised than it was just to pass the first time.

So sometimes you need something on the books, and you can use this time, like Margie said, whether it be annually that you're determining when you make updates to the code or policies and procedures, but to be able to make those and continue to adapt those three things-- the code, the policy, and the forms-- to what is true of your tribe in the present day.

We can go to the next slide. And just one more time, just making that emphasis that the model code is not necessarily meant to be used as is, but to be modified according to your tribe's needs. We can go to the next slide.

OK. So the model code covers these sections which are general matters, terminology and registerable offenses, tiering of offenses, required information, registration, public sex offender registry website, immunity, crimes and civil sanctions. And so going forward, we're going to use this format. Whereas Margie spoke very broadly about the things that we need to do, we're kind of zeroing in now on the code, so code considerations, and then I'll present some example policies and procedures, and then where forms apply, we'll make mention of that. So we're going to cover each of these sections. We're going to cover the code considerations and then example policy and procedures.

OK. So the first section is general matters, and we'll go right into the code considerations. So a lot of us on our code in the general matter section, we have a title section of our code. I'm going to make this kind of point for both this code part and also for under the creation of the registries, and that is for us to know what the title of our code is, and for us not to use a code interchangeably between saying it's a code or an act, I think we need to see what the title is and really stay true to that title in all the rest of your publications or your forms.

And so sometimes we will write a code, and then later on we'll refer to it as an act. But I think we should refer to it in whatever way the title is. And if you don't have a code, I mean, if you don't have-- if you're a tribe and you don't have a code on it, again, this is kind of the first thing that we're looking at is a title in this section.

Another thing that a lot of tribes have is the purpose. I think that having the overarching go in the mission of the code is so important there. A lot of codes I've seen even include kind of like the historical context as far as kind of talking about the specific legislations that led to the Adam Walsh Act, and then how it applies to the tribe. So a lot of times, that's done under purpose, and I think that that's a really good thing to have so that 10 years from now, 20 years from now, if tribal members are curious about that, or if your legislation is wondering why that's there, or if your program gets a complaint and they're wondering why does this program even exist, I think that that's a really good part to keep so that everyone remembers why it all started.

So the creation of the registry, this is another thing where I see people use different names for themselves. So sometimes they will call their program the SORNA office, and then they'll call it the Sex Offender Registration Program. And so you'll have forms or policies and procedures that use all kinds of names to identify the entity or the program that was designated to operate the registry program. And so that they code names a registry program is important, and that we stay true to that name and continue to use it throughout all the publications I think is important.

So who does this code apply to? So what lands are we talking about? And then what offenders are we talking about? And so all of that should be considered under the general matters of code. Again, you don't have to have a general matters, but we are going through this example in the format of the model code. They provide that. But at some place, you would want your code to answer those types of questions.

And so now we're going to go right into an example of policy and procedure language that could be found in our code. Now, before I do that, though, Margie made an important note of our policies and

procedures should answer like the who, what, when, where, why how. So they don't always do that in every section, but together, that piece, that document should be able to describe all of those things. And if it doesn't, then it makes it really hard for a new employee to come in and know what they're doing.

So here I'm making reference to section 1.03A of the code provides that the sex offender registry program is responsible for establishing the sex offender registry, and that the sex offender registry shall maintain and operate the registry pursuant to the provisions of the code. We also have the tribe's sex offender registry appoints a sex offender registration and notification, SORNA, registration official, so for now on known as an SRO, as point person to oversee SORNA required tasks.

Now, we have an example of, depending on your tribe, you may identify with one or the other. But the SROs are law enforcement officers who carry out administrative and law enforcement functions of the registry. So that would be true of yours if you're law enforcement probably. And then the second option is SROs are civilians who carry out all administrative functions of the registry and work collaboratively with law enforcement to enforce the code.

And so this is just an example of language that you can kind of come back and refer to, but a lot of tribes, it's the law enforcement who are doing both functions, as an administrator and law enforcement. Or, some tribal programs are civilians who are just doing the paperwork, the administrative work, but the actual enforcement lies within the BIA or your law enforcement. So that is an example there of policies and procedures that you may find in this general matters section.

OK. To the next section-- terminology and registerable offenses. So some code considerations are definitely on the definitions to keep the terms consistent throughout your code and policies and procedures. So you don't want to give the code a definition of employee that isn't the same definition that you provide in the policies and procedures, because that would cause some confusion. And so I think this section is so important. I think it's for the registering officials to learn the definition of an employee, because a lot of times, people don't think that that would include a volunteer, but it does, and contract employees.

Offenders-- a definition that includes both convicted and sentenced. So a lot of times, that is a surprise to tribal members. They think this person has a history of sexually abusing people, but they've never been convicted or sentenced. So having that definition is important. And then the residence I think is also important. Of course, that's going to have addressed the length of time in that location. But a lot of codes use the term "habitually lives or sleeps." And so for some prosecutors

that may be a challenge to prove "habitually lives or sleeps," because what does that mean? And if your code is a little bit general in that section, then you can always use your policies and procedures to say the interpretation that we give to that is they're there for seven days, and that they sleep there for seven days in a two-week span or a month span. So being able to provide those definitions are really important.

And then the second part of this section is the registerable offenses. And in this part, you're kind of just listing all of the registerable offenses. So you'll see the tribal, federal, foreign, military, juveniles, even state offenses. And then usually there's an indication or there's some language there showing that we show reciprocity with other jurisdictions and that we expect those jurisdictions to kind of do the same. So kind of like a full faith and credit.

Let's go to the example part. So there's a lot of sections on here and a lot of language that policy and procedures will carry, but I'm just going to pull this section out of the 2.2 registerable offenses. And you can see that the SRO, so the registering official, is to obtain a copy of the offender's conviction and sentence to determine if the offender is subject to registration and other requirements as provided by the code. The SRO shall find that all individuals who have been convicted for or convicted for an attempt or conspiracy to commit any of the following offenses must register with the tribe. And then I even have a reference there of code section 2.02.

But you can see that this language is describing who? The SRO. It's describing how to obtain a copy of the offender's conviction. It's describing what this person is going to have to register with the tribe. So it takes it a lot further than what the code provides in and of itself, and it's describing some of those features-- the who, what, when, where, why, and how.

Let's go to the next section. And this is the section on tiering of offenses. And so under code consideration-- so what your code could have in this area. So of course it's going to list the offenses in the tribal criminal code. Early on, when we were doing our code for the SORNA, our registration code, we also noted that we needed to update the criminal code to include a lot of these offenses. And so some tribes never did that. That's something that a tribe would need to explore or would probably explore as far as do you need to enhance the criminal code so that these sections can be identified in the SORNA code.

So set out the tier level for each offense. So Chris I know will share with us just in just a few minutes on some of his experience with tiers, but our tribe has the one, the tier one, tier two, tier three. But there are tribes who put everyone as a tier three. And that is going above and beyond the Adam

Walsh Act, and that is perfectly fine to do. Again, that's up to your tribe to make that determination.

So determine what tribal agency will advise the public and offenders of the tier assignment. So again, early on, we decided that it was the sex offender registration program, and that would be an SRO who makes this determination. And then explain the tier requirements. So how you're going to explain to the sex offender when they're supposed to come in, that part of the code should be in there, that a tier three is going to come in every three months, for example.

So let's go to the example part now of the policy and procedure. So this is the example on chapter three, tiering of offenses. And again, this chapter is huge, and there's multiple pages on policies and procedures. I'm just pulling out a couple sections. But it says pursuant to the code, a sex offender shall be assigned a particular tier. Section 3.01 of the code defines three tiers of sex offenders. Each tier is based on the elements of the offenses in which the offender was convicted. The SRO shall determine the offense for which an individual was convicted and tier the offense in accordance to the code. The tier classification given shall correspond directly to the required frequency and duration of the in-person appearance. So that is an example of policies and procedures that would kind of match the code.

So I would just take a second to bring in Chris. And Chris, did you have any information or something that you were thinking about as far as this section goes on tiering?

Yes. Thank you, Paul. And you mentioned it a few seconds ago that I think people and tribes sometimes will elevate the requirements above the minimum SORNA requirement. And that, as Paul said, it's totally allowable. So I've worked with a number of tribal jurisdictions that just wanted all of the registrants to be tier three. And we're not going through it here, but that requires the more frequent check-ins, and it requires the longer lasting registry.

And so when SORNA was set up, it was set up in a way to try to kind of shuffle the groups of registrants into three categories-- those who have lesser requirements in terms of registry and perhaps do not receive the level of public notification, up until and through those who received the highest and the longest-lasting and the most frequent registry requirements and notification requirements. And for jurisdictions that have a lot of registrants, this allows I think for some efficiency in terms of managing registry requirements.

But a number of tribal communities, you may have a small number of registrants. And so it may be manageable to do everyone as a tier three offender. It also allows you then to have that frequent check in with the registrant and for the public to be aware of the registrant. And so I think that I've

seen tribes who have done that variation of exceeding the minimum requirement of SORNA as a way of putting a higher level accountability on the registrant, as well as to be providing more transparent and accessible information to the public.

Now, it's not required that you do that. The requirement for SORNA is outlined here, where you classify the registration offenses into different categories based on the severity of the offense. It's typically the higher level felony charges have the higher registry requirements. The lower level charges have the lesser registry requirements.

We also know that with tribal convictions, there are limitations on the length of time someone can be incarcerated. And so tribal convictions could end up in a tier one category even though the offense can be quite serious and severe. And so I think tribes have used that as a way of enhancing their own registry requirements for their own convictions within tribal court, if that's an option for you as well. So I think those are all things to consider as you're looking at code, policy, and procedure related to tiering of offenses. And this is something definitely you'd probably want to have some discussion with policymakers and potentially even tribal governments to see what the philosophy of the tribal government should be in that regard.

So Paul, those are a few thoughts that I have in my experiences in doing this. Thank you.

Thank you so much, Chris. And I think that that's right on, and it made me think of, too, some tribes will receive an offender from, say, the state or from another state, and a lot of times the SRO or the SORNA official is making the determination on the tier according to what they were tiered in the state. But you can see in this example of the policies and procedures, it really rests on the tribe to make that determination based on their code and their policies and procedures so that if someone from the state is identified as a tier two in the state, or I think there's even states that have like a tier zero, it doesn't mean when they step on the tribe that they're going to be that tier two or that they're going to be that tier zero. They're in the tribal jurisdiction, and they're going to have to submit to the code as it is written in the policies and procedures. So that, I think, is the tribe's ability to exercise sovereignty in their jurisdiction.

So definitely keep that in mind. And for the SROs out there, people working the registry, even though the person comes from the state, again, analyze them according to your code and according to your policies and procedures. So thank you so much, Chris.

And then we can go now to the required information. So this is a section, again, in the model code, and I'm going to cover some code considerations. So information required to complete a registration-

- so these are some of the things that are required to complete that initial registration. You're going to need to collect their name, their address, offense, state of sentencing, physical characteristics, vehicle information, employment, internet identifiers through DNA and fingerprinting. So somewhere in the code you need to have had identified that this is the information that you need.

I think at our last webinar, I talked about a friend of mine who's registering people. But there there's one offender who will come to the sessions, they'll come to the verifications or the initial registration when he did that, but he does not want to give the information. So he shows up in person but isn't willing to give this information. So in essence, he's not registering, because the code clearly provides that this information needs to be collected under an initial registration, and then later on verification purposes. And then the frequency and duration of registration and verification.

We can go to the next slide. Also applicable in this section would be the advising or the consideration of travel. A lot of people who pass the code early on didn't have reference to traveling and traveling internationally, and there were a lot of tribes who had to update their code to include this section. And so that would need to be on there. Also that of the in-person appearance. So we still get offenders who say, hey, can I just call in? I'm making this change. Can I call in? And the answer is no, they have to do that in person.

There should be language on the acknowledgment form, or some people call it the notice of duty to register. And of course, like I said, we talked earlier about how important it was to have those signatures on forms. And so to have that. And then, of course, if there's any juvenile registration notification requirements, that would all be important to have on this part of the code, or at least somewhere in the code.

Now I'm going to pull again a few examples of policies and procedures, just example language that would be applicable here. So on this one is section 4.01, the general requirements, and then section A under duties. So after having determined that an individual's required to register with the tribe and the tier to which the individual is to be assigned, the SRO shall ensure that all required information is collected, stored, and shared as provided in the policies and procedures.

Let's go to the next section. So on digitization, a hard file shall be created for each sex offender, and a hard copy of all the forms shall be retained in that file. When a sex offender makes his or her initial registration appearance, the SRO shall create a file as part of that registration process. The SRO shall contain either originals or copies of forms and other documents generated during the registration process.

And then it goes on to talk about having those forms, and then about some-- these are under the form sections, and a few attachments that we've included in this webinar, but the initial registration checklist. So there's a lot of tribes that have a form of a checklist. And so we have an example there for you, and also of the activity log. So an activity log is kind of like a case note. So you may have a form of a case note to say, hey, this person called in at this time in this day, and you're maintaining those type of case notes. We had a section on enforcement. And having these types of documents are so important in that a new SRO coming in maintains that practice is important as well.

Let's go to the next section. So when you get a chance, you can look at that. But essentially, I'm providing some language here on having a consistent format on having a chart name. And so with this one, we're saying that each chart named shall begin with an S for sex offender followed by an A or J for adult or juvenile, M or F for male or female, and then we have their initials of their name, the offender's name, and then we have their birth date. And so at the end, someone whose name is John Adam Smith born on February 6, 1981, their chart name is going to look like that, the SAM-JAS-020681.

And so I think it's important that we're even distinguishing this type of stuff and that we're not just putting an offender's name on a file, but we're creating a system that all of the SROs, present and in the future, will follow. And it also provides a little bit of confidentiality there. If you're working on a file and someone walks in, I think that that's a better practice than just putting the individual's name.

Let's go to the next section. So on the photograph area, I think on this part of the policies and procedures, what we're kind of distinguishing or identifying is that in total, there are three photographs-- the front and of the left profile and right profile. And then it's saying that you're also taking the photos of tattoos or scars or identifying marks.

So having this language, again, you can't just be like, oh, the code says you have to take a picture, so we're taking pictures. I think it's good that the policies and procedures that that's all lined out so that if someone new comes along, they can fulfill those duties. And the last example I have on the policies and procedures part is just that section on the acknowledgment form. And the emphasis or maybe a note that is included here that I think is important is that if someone doesn't appear like they're able to read the acknowledgment form, that that is read to them, and that the offender has a place to sign at the end. And then it's been discussed on this or multiple trainings if you're having them sign after each section.

And I've even heard the practice of some tribes to read the acknowledgement form out every time to

every offender. And if that's what you do, I think that that's great. I think that your policies and procedures should reflect that. So if you're ever in court on this, if you're ever looking for a conviction, I think that the prosecutor would really feel much more better if you're able to say, this is our policies and procedures and we always do it this way.

So I will close out my talk with this on the examples. So these are some form examples that we've kind of discussed in these sections. The registration form-- so most of you have one and are familiar with it. The acknowledgment form-- the same thing. An initial registration checklist-- having visited multiple tribes, I see that a lot of people have that. And then an activity log or case note. We have an example there. Again, these are just guides, just examples, but I think some way of keeping a case note on your work as an SRO is so important.

So with that, I will pass this over to Chris to talk on registration.

Thank you, Paul. And Paul was just referring to these examples of the forms. That is one of the handouts that we included in the dialog box over there. So we thought about trying to show the images of the forms in this PowerPoint presentation, but it seemed a little clunky to do that. So we just decided to give you copies of all these forms.

So again, these are forms that you can use. You can modify them. Make sure you customize them to your specific registry requirements and your specific tribe, but we wanted you to have those as a resource. Because again, you don't have to reinvent the wheel with SORNA. A lot of other folks, very smart folks, have done a lot of work and SORNA as you've seen with the SMART office and the model code and the policies and the procedures and the forms. All of this stuff is out there. And so get a hold of it, and then just figure out how to modify it and personalize it for you.

So moving on to section five of this model code policy procedure process, we're now going to talk about registration. And registration obviously a sort of one of the key fundamental components of SORNA. It's in the name-- Sex Offender Registration and Notification Act. Without it, it would be like SONA or something like that. So obviously this needs to be a central component of your policy and procedure and your code here, and to think about how you're going to operationalize the registration process in your code, your policy, and your procedure, and your form.

So here are some considerations, some code considerations from the model code to think about things such as-- What do you have to do to register an offender? Where is that offender going to register? When are they going to register? These are all of the things that you want to very

specifically prescribe in your code. The reason for that is, again, because if an offender fails to register, fails to do these things, then there is a clear violation of the code, and the offender can be held accountable for that. But you want to think about those specific details of the registration nuts and bolts as part of your code.

And in particular, I wanted to mention about where you register someone, thinking about where the registry function is going to take place. This is a challenge for many tribal communities where multiple tribal agencies are located in the same building. There was one tribe that I worked with where the mental health office and victim services was in the same office of the same building as the law enforcement office and where the offenders were registering. And this could have a real chilling effect on victims being able to seek out services.

So we talked about that and came up with a solution where the offenders were coming in a different door and the registration process was very specifically prescribed. So thinking about, again, the whats and the wheres and the whens of registration is really important. And then if there's any change in registry, that must be documented, and then there must be notification to the registrant. We can't hold registrants accountable for the requirements unless we notice them. And so if there's a change in the code a change in the requirement, then there should be a new adjustment in their notice to register and they must sign off on that next time. Because without that signing off, then you don't have the documentation and the evidence to prosecute for that failure to register a situation.

And so making sure that the offenders know what their requirements are, what they have to do to update information as well. So if they change residences or they change employment, what does the code say in terms of how they do that? Do they have to come in immediately? How do they notice you? What does that look like?

And then talking specifically in the code about consequences of failure to register. This is a new crime. I mean, in many of the tribal codes for many years, we've had codes related to sex assault, but now we have this new crime of failing to register. And so the consequences of that need to be spelled out, and the registrant needs to be aware of that. I mean, hopefully that'll be a deterrent for the registrant in terms of, gosh, I don't want to end up in that kind of a situation. So I'm going to lawfully register. But we obviously know that some of those folks may not do that. So you want that spelled out, though, in your code.

So here's an example of a policy and procedure that goes with that code. And so thinking about when the initial registration takes place, and particularly for those offenders who are incarcerated, how is

that going to happen prior to their release from incarceration? So who is doing that registry? What is the agency responsible for that? Some jurisdictions may use corrections personnel for that. Others may use their SORNA registering official for that. But it needs to be prescribed. Who's responsible? There's nothing worse than having a specific code and no specific policy and procedure about who's supposed to do something, and then nobody does it. So making sure that that is specifically put in into the policies and procedures.

And then, again, this is an example where this is a model policy and procedure, but you need to customize it, putting in the name of the tribe. I mean, unfortunately I've seen situations where tribes would take the model code and the policies and procedures and submit them, but they didn't customize them and they didn't personalize them. So you have to make sure that at the very least you're putting the name of your tribe and the responsible agency in there. But I'm guessing each tribe has unique needs as far as registry and notification. So make sure you're going through this model policy and procedure and making those adjustments for your specific tribe.

And here is another policy and procedure example in terms of timing of registration, and again, specifically for incarcerated offenders. And so who's doing the sentencing? What are the requirements for registry? How is the offender noticed about that? Who's responsible for handling that, particularly if they're going to leave the tribal community and go away, say, to prison, bureau of prisons, or something like that for a period of time? We want to make sure that all of that has been addressed prior to that.

So during the court process, let's make sure that the offender is well aware of what those registration requirements are upon their release from incarceration, because again, there needs to be that clear notice in advance, and they need to sign off on that in terms of what those responsibilities are. And also, who is doing it? Is it going to be the corrections officials upon the days before their release, or how is that going to happen? When is the reporting requirement for them to have to come into your offices or registering official and to make that registration upon their release? So this all needs to be prescribed in the policies and procedures.

And then here are some examples of some of those forms that go with this registration requirement. So Paul referenced the noticed to registry register form. There's also update forms where that person can update the registration requirements. And there's forms both for the registrant as well as for the SORNA registering official to track all of this stuff. And then there's for employment, because SORNA requires also, in addition to registering around the residents of the registrant, they also need to register related to their employment and to related to school. And so this declaration of employment

can be very helpful in tracking that, both in terms of getting the registration information, and also then sharing that information across the tribal community, perhaps to tribal HR or other agencies that are responsible for that. And so you want to make sure that you have all of these forms put together, you have a packet of materials for each registrant, each registrant is filling out the forms that they need to be filling out, you're keeping records of those, possibly in a paper file in addition to this information being uploaded into your registry system as well.

So now we're going to move on to another sort of major component. This is the public notification component, or the N in SORNA. And so this is another very-- I mean, these are all critical pieces, but this is a pretty important one as well in terms of operating the public sex offender registry website. And there is a model out there that was put out by funding from the SMART office and our partners at IIR where they developed the TTSORS application, and that is available to tribes at no cost. So I'm assuming most of you-- I looked at the list of registration and saw a number of the people that we've known for a long time. Some of our frequent flyers are out there. But if you happen to be new to SORNA, there is information out there and resources. You don't have to like be a programmer to develop your own website.

So this is another critical component in terms of core considerations for code related to developing the public sex offender registry website. Which agency is going to handle this? And one of the things is that there's got to be the ability to obviously access the internet and to have internet connectivity. I've seen where sometimes agencies that are responsible for doing this information upload don't have registry internet access, or machines are put in buildings that don't have the capability for internet. And so be thinking about which agency can do this. And are the IT capabilities available for that?

And then what information is going to be received through this process, and sort of what information is required, and how are those updates going to be made, in particular put into the tribe's registry website? And then there also has to be this connection to the national sex offender public website, or NSOPW, as it's referred to. So NSOPW is the National Sex Offender Public Website, and all of the individual, tribal, and state registries are all connected to that. And that allows for a search at a national level of all of the registries around the country. So it's not enough for you to just make sure that the information is loaded into yours, but working to make sure that there is that connectivity with NSOPW.

Now, the TTSORS site I believe is already has that connection in place, but if you're going to do your own registry, you need to make sure that that connection takes place. And then making sure that

there is this search function where people can search your registry. So I live in this area and I know that in tribal communities, these are hard becomes sometimes there's not street names or street addresses and things like that, but geo-searches by area.

And so there needs to be a capacity within the registry to do a search, because when the public searches, they want to search for those registrants who are around them in the area. And we also know that there's a lot of crossover between different registries because of checkerboarded lands and things like that. So maybe providing some guidance on the tribal website that this is limited to those tribal registrants, and for information about surrounding county, say, registrants that here's where you can search or connect. Or again, they can connect through NSOPW for that as well. So these are all sort of considerations for the registry website that need to be a part of your specific code.

And then there's some additional requirements here. I think Paul was starting to list some of the registry required information. And so on this slide it talks about what is required information from a registrant, both stuff that can be put on the registry as well as stuff that is prohibited from being put on the registry. So the code needs to specify what information goes where or doesn't go where, because otherwise then there's no guidance about how that happens.

And so while on the one hand, we want to be very open and transparent with tribal community members about certain information, there's other information that are more specific identity related information, social security number, whatever it might be that we don't want to put up on the sex offender registry. So having that specifically spelled out in the code is really helpful. And then it's also important for the registrant to know that too. And then the public also knows what information it's going to get. It's going to get information about residence, work, and school, but there's other information they're not going to get. So having that all spelled out is helpful for the registrant and accountability purposes, helpful for the staff who are doing the work in terms of doing all of this, and helpful for the public in terms of what they can expect in terms of this information.

So in terms of community notification, we did a session earlier in this series about community notification. I'd refer you to the recording of that if you didn't get a chance to hear that. There are a bunch of recorded sessions that we've been doing in this series, and I think they've been very, very well done. And so I would encourage you to take a look at them. I think there can be some helpful information. But as far as community notification, who does the notification? What information is going to be provided? What are they going to notify? It's kind of back to that same thing Margie and Paul we're talking about, sort of the who, what, when, why, how. Again, that needs to be spelled out in

terms of community notification.

We want the registrant to have full visibility on what information is going to be shared so that there's no surprises. And we know that sometimes registrants can be somewhat litigious. And so we want to make sure that everything's very clearly spelled out so that they know what's expected of them and what's going to happen.

Another critical issue, and this was talked about in our very earliest introduction to SORNA one, but is making sure that the registry information is not only housed in the local website, the local registry program for the tribe, but is also uploaded and connected to the National Crime Information Center, NCIC, and the National Sex Offender Registry. And so just by entering it into TTSORS, it does not automatically go there. You have to make sure that there is access to NCIC. Your tribe may have that. If so, terrific. There is the TAP program out there that can help you to get that access if you don't have it. But if you don't have it and you don't have the TAP system, then you may need to look for some other entity, perhaps the state or local Sheriff's department or some other entity that can enter that information for you and on your behalf. And you may need to get a memorandum of understanding to make sure that that happens.

And so again, this section in code talks about the requirements for both the registry as well as for community notification and what information is going to be accessible. And then as a tribe, the minimum requirement is the website notification and the email alerts and the geo-search. But if there's a more active type of notification that you want to do when an offender comes back to the community-- holding a community meeting or, in this virtual age, having some kind of a web-based meeting or something like that-- that can be spelled out in your code as well.

So here is an example of the policy and the procedure related to this website discussion. So it talks about TTSORS and having that internal registry system for the tribe, whether it's TTSORS or something else. If you're going to go the TTSORS route, you work with the training and technical assistance provider, IIR, and they will help provision your tribe into that system and get you what you need to get started.

They can also help customize it for you so that it has your tribal seal, tribal information, your specific tribe's code and responsibilities and things like that. So you want to have a policy and procedure that talks about the management of this issue and have this information built into your policies and procedures, again, as Paul said, so that when if there's a new personnel, somebody else coming in, they'll be able to recreate it. Or, if there's questions about it, the public can understand it, the

registrant can understand it, and that your tribal leadership understands it too. Unfortunately, even though tribal leadership passes codes, sometimes they may not have awareness of the nuts and bolts of the policies and the procedures. And so having it written down with who's responsible for what can be a good accountability measure for you. It can provide you with protection as well.

So here are some of the form samples for this section related to the website. There's the data form to enter information into NCIC, the updated registration form, particularly to notify other agencies. So there's a method to be able to notify other agencies. There's a thing called the portal as well where you can put information into the portal, and this portal can then share that information with another jurisdiction so if one of your registrants is moving somewhere else, you can notify related to that. And then the international travel, also, form that Paul was referring to. So these are all form examples in there that you can use in terms of operationalizing and implementing this website code and the policies and procedures that you've developed related to this.

So we're going to now move on and talk about the next section of the model code, and that is immunity. And so as we think about this, we are all doing a criminal justice and a public safety job here. We have to have some protections for ourselves in terms of being able to do that. And it's important that that's built into the code for our protection and so that people have awareness of what our responsibilities are.

So we have a responsibility to carry out the registration functions per the code, per the policies and procedures in good faith. And if we do that, then we should have that protection from civil liability for being able to do that. On the other hand, if we do something in bad faith, then sort of all bets are off at that point. But there is this component of immunity, sovereign immunity, where things cannot be held against the government without the government's consent. And so if that's in the code, then that provides that protection. It provides the protection so from top to bottom, from leadership on down to the SORNA registering official to everybody, to the agencies that are involved.

I know as myself, as someone who has worked in government for a while and who has been involved with this sex offender registration and management world, that I've been personally sued a few different times. And so having this protection for me I think at the end of the day, it didn't stop people from filing a frivolous lawsuit or something like that, but it was very much a protection for me.

So I think I'm making sure that you-- and this is where you definitely want the lawyers. I'm not a lawyer. I don't play one on TV. I'm actually going to invite Margie into this conversation here in a second, because she's far more knowledgeable about this stuff than I am. But making sure that you

have a provision within your code for this immunity clause is really, really an important one. Margie, anything that you would jump in on this with or add?

Chris, I'd say you hit the nail on the head with this one. Having this provision in your code is of utmost importance. It protects your tribe. It protects every actor involved from your organization standpoint. It also gives a sense of authority to your staff, knowing that they can do their job the way that they're trained, that they're going to be protected in doing that, makes them more confident in what they're doing. And it also shows the offenders in the community this is an important aspect of what you do and that the government isn't going to let somebody just come in and challenge it and give up their opportunity to defend themselves. And so I think it's one of the most important parts of the code for purposes of protecting your sovereign immunity as well as your employees' and your agents' immunity from any sort of liability.

Thank you, Margie. I appreciate that input, and I think that confidence piece is really important. We're doing a very important job for our communities here, and we want to be able to do that with confidence and with feeling safe for ourselves. We did one of these webinars also on personal safety issues. This is sort of legal safety, but there's also one that we did on personal safety that you can go back and check out if you're interested.

So next section we're going to now talk about from the model code is crimes and civil sanctions. So adding this into your code as well, what are those specific crimes, and what are the specific penalties that go with crimes? And we already have the sex crimes in, but now there's this new category of crime related to registration responsibility. So say having a failure to register a crime and a sanction related to that. And this can also include some kind of penalties and crimes for others who are not registrants who may enable or run interference or cause problems so that the offender is not lawfully registering as well.

So looking at, again, the code considerations for this-- identifying what are the specific criminal penalties as well as the civil penalties that go with these various requirements. What could happen to people if they don't do these things? We'd love to just put people on the honor system and ask them to do it, but we know that there needs to be a threat of penalty hopefully in order to keep people in compliance related to this. There's also this issue of customs, traditions, and banishment exclusion. Just to be very clear, these are not components of SORNA. There's not a requirement to banish as part of SORNA. These are just considerations that need to be thought about, because I know in tribal communities these are very important things. And so how are you going to manage those things? How are you going to manage the registrant's engagement in these customs and traditions, for

example? And what are the consequences and sanctions, for example, if they don't follow the procedures and the requirements?

And then the final thing is talking about the barriers to lawful registration. So having very clearly prescribed what is a violation of the registry requirement. Absconding and not coming in for the registry is one of them, but it also could be coming in and providing false information as well. I'm registered over here when in fact I'm living over there. And so that that is part of a failure to register. And then that reference I made of somebody lying to a peace officer saying this is true when, in fact, it is not true. All of those things need to be prescribed specifically in your code.

So here are the policies and procedures that go along with these criminal penalties. So having it prescribed in terms of what the penalty is. Specifically noting what the requirements are. I mean, you can't penalize someone unless the requirements are specified. So the address verification requirements-- what is it that the registrant is required to do? What is their tier? And as a result, how often do they have to be verifying their registry information? And so and then if they're not where they say they are, what's going to happen in those situations? So you want that all very clearly prescribed.

And this may bring in the issue of sort of which jurisdiction is responsible for enforcement of these things. Now, if you're in a tribal community and you have tribal law enforcement, it may be your own law enforcement agency. Some tribes use the Bureau of Indian Affairs in terms of that law enforcement function. Sometimes it has to be the federal government that does it. And sometimes there is a cooperative agreement where state and local law enforcement might do the enforcing there. So having that specifically prescribed, and that's going to have to be specific for your tribal community, because each tribe is very, very different in terms of how this all works.

So here are the form examples that go with this. So there's an address verification letter. So you're sending out a notice to the registrant. Verify this. You have to come in and verify this information. How are you communicating that? The absconder notification letter that you're sharing with other jurisdictions related to that special rules and conditions of the sex offenders. All of those things, there's form examples for you. So you can check those things out and use those as you think is appropriate.

So what we're going to do now is we're going to shift over and do a little panel discussion amongst the three of us and just ask some questions here. And if anybody has any questions that you would like to ask, feel free to put them in the chat. And maybe when we're done with this panel discussion,

we can take up any questions you might have as well too. So if there's something we've missed, we haven't covered, you've got a unique circumstance that you want to chat with us about, feel free to put that in and we'll be glad to try our best.

But for now, I'm going to go ahead and invite our panel into this discussion. So this first question is, where is the best place to start in developing code, policies, and procedures and forms? And Margie, you want to jump in on this one?

Yes. Thank you, Chris. I want to mention, you were talking about putting questions down, there's a question box on should be on the right hand side of your screen. If you want to put your questions in there. As far as I understand, you won't necessarily see each other's questions. So you don't have to worry about asking a question. Just those of us involved will see the questions. We will provide an answer, of course.

When you're looking at the best place to start and developing code, policies, and procedures, being the legal person in the room, the law is always the first place you're going to start. In tribal communities, it's going to look a little different maybe than in other governmental organizations because you're going to have to look at your tribal law. But for purposes of SORNA you're going to also have to look at the federal law requirements. And then depending on how your tribal lands are interspersed with the state government, you may also have to look at your state laws.

I know in Oklahoma, for instance, the state government asserts that a tribal member living on tribal land has to register with the tribe, but also needs to register with the state because they're going to be interacting and moving around the state, and it needs to be on the state registry. So make sure that you're looking at all of those laws. And then, also, pulling in your current code to make sure that you know what it is that you're going to be modifying or updating.

Does anybody else have other input on that question?

Paul, anything from you?

Not that I would add. I mean, I just think everything that Margie just got through saying, and then really at the beginning of her section. Just I think all those kind of points that she leaned into were really important. But yes, just getting the current law that's there, and also, which was already talked about, but just the resources that are out there, getting those. And then what I do often is just like mesh a lot of things together, plus with my own ideas and our own tribal recommendations and that. But I think all that is important in order to have a strong code or policy or forms. Thank you.

Thanks, Paul. And the only thing I would add is I think the SMART office is a great resource for this as well. They're really easy to work with. They're nice people, and I would encourage you to reach out to them. If you're starting from scratch and you have to develop a code-- I think most of us are probably beyond that at this point-- but if that's where you are, or if you're needing to make some adjustments in order to maintain your substantial implementation, or there's a new law like International Megan's Law that's coming out, talk to the SMART office. And I think they can help also in terms of what do you need to be thinking about in terms of your code, policies and procedures, and forms.

So thank you, Margie and Paul, for that. The second question that we have is, updating code or policies and forms is time consuming. How do you make the time? Paul Fuentes, how do you make that time?

Well, that part is really difficult, especially if you're like most people who work for tribes. You're doing multiple things. But some of the things that I do that I think is kind of helpful is I maintain a list. So it could be in a conversation with the prosecutor that he doesn't feel the code addresses is a certain part. Or, it could be with our SRO, our SORNA registering official. It could be that you know she makes a complaint or identifies an area that isn't so-- that either the code or the policies don't describe very well, or may not even have it at all. That's where I would kind of put those ideas or those notes on to a notepad that I have.

And then so I kind of have a list of the things that I know need to be changed. But other things-- I think it just depends I guess who your supervisor is or how it works for your tribe, but whether it be with a group or an individual, asking, can I work one day off-campus to really focus on that? Because if you come into the office, you know you're going to get pulled multiple directions. And you're just going to be, whether it be through emails, or phones, or personal visits, your day's going to go and you're not going to be able to get anything done. And a lot of this requires a lot of concentration. So I would just see if you can't work outside of the office. Or, if you're working in a group, assigning each group member or breakout groups a section of the code. But just breaking it down so that it's not one big piece that you're having to do you know in a month, but just kind of sections that you can really focus on. And then bring that back to the group, and then kind of put it together, and then evaluate it at that time. But the making the time for it is just something you've got to be determined to do, and then just really kind of block your schedule and take it on. That's it for me.

I was going to say, I mean, aren't we all kind of working from home, at least at various points already? But that's another story, right? We don't want to talk about that. But I think yeah, getting some dedicated time to do it, and maybe just a block of time too. I was thinking like maybe even

convening a group of people and doing a little bit of strategic planning, and kind of just working at it. You're not going to be able to draft everything in a meeting like that, but you may be able to brainstorm and delegate out some of those responsibilities. Unless you're a one-person shop, at which point then it's all on you, but hopefully there's some other people that will help.

Margie, anything you wanted to add related to that one?

I did want to mention, one of the best things you can do is write in your policy or procedure that a review will happen at a certain time or on a certain increment of time. Because if it's in something that is going to hold you accountable during an audit, you're going to figure out a way to get it done. So we had it written into ours that there's an annual review, and we have a procedure office that will hammer us home. Your procedure's due for review. You need to submit it by this date. So we know we have to get it done. So making review of it accountable is something that I would recommend.

So you're waiving that immunity on that one, huh, Margie?

Just internally.

Thank you, Margie. I appreciate it. Thank you, Paul. Question number three. What other sex offender codes should our tribe consider implementing? Paul, you want to kick us off on that one?

Well, I think that that's a question for each tribe to think about-- what works with them. But for us, there's I think two things that are a little bit unique, and that is a residency restriction. So there are tribes out there that have a residency restriction. That's not part of SORNA. That's not mandated, but it's just our tribe going what we felt was not only above and beyond, but we felt would help protect the community. So the residency restriction. And another thing that we have that's unique is a registration fee. So each offender has a registration fee that really we'd use to allow them to waive if they'll enter into some form of re-entry or treatment. But that registration fee is there if they choose not to do that.

So those are things that are unique to us. But there are the loitering restrictions. There is of course the different things that would require the banishment, or maybe restrictions that are outlined in the code on ceremonies. Now, that's something our tribe has chose to-- that the ceremonial people that are chiefs, that they are the ones who make that determination, and that's really governed by them. But that's something that each tribe can consider.

But I think what's most important is just that each tribe look and say what are they trying to

accomplish by this, and then is it enforceable I think is important. So I think that that kind of sums up what my thoughts are on that one, Chris.

Thanks, Paul. And I'm glad you mentioned about what Cheyenne and Arapahoe has been doing as far as reentry and building in some other accountability and structure. I know many of the tribal partners that I've worked with have wanted to have that sort of an add on. It's not a required part of SORNA, but making sure that registrants come back to the community in a good way with support and accountability. And so building those in to code, and you've come up with a creative way.

I know there's another one of my partners out there. I saw that your name was on the registry list, and he's come up with a very creative way. So coming up with creative ways to get people to incentivize them to participate in these types of programs through the registry requirements can be great. Margie, anything else you'd want to add on that one?

I think you all have covered for this one.

Thank you, Margie. So question number four. And I'm sorry about that a little going back and forth between the two slides. I think my computer got possessed there for just a second. Question number four-- Did you find it challenging to obtain leadership approval for the code changes? So we'll ask Chris that. Well, thank you, Chris. I appreciate that question. I'm just trying to lighten it up. We're well into this thing. So hopefully you're smiling and laughing along with me.

Anyway, the consistency of leadership issue is a real issue in many tribal communities that I've worked with. Getting that approval, you have it today, and then a new set of leadership comes in and something changes and there is a different philosophy that's put out. And so making sure that you have that support, and it's on the record too. I think it's harder for one, say, tribal council to change a direction if it was sort of in the record previously. But I've certainly seen where there's challenges related to getting that support for the SORNA program and the code changes.

Tribal sovereignty is a big issue, and so many times, folks that are very focused on that may have a problem with the federal government directing registry requirements, and that's where you want to talk about how this benefits the community to do this. So we're not doing it just because the feds tell us to do it. We're doing it to benefit our community members, and that's why we're doing it.

There's also a real stigma connected to registry, and I've certainly seen situations where leaders all of a sudden don't want the registry requirements to be as rigorous, say, if it's affecting someone that they know, someone that's within their family. And so how do you make sure that you are getting that

leadership and keeping that leadership can be a real challenge. I think the best way was what Margie was talking about at the beginning, which was doing that formalized presentation, getting the support of the tribal leadership, maybe having a champion. I think if you have one council member, say, who is willing to champion, maybe as a part of your multidisciplinary group. If you have somebody on the inside with you, I think that can be very helpful as well. And then making sure that obviously you have tribal attorney and legal counsel support as well.

Anything, Paul or Margie, that comes to your mind in terms of obtaining leadership approval?

I think you've covered it.

Chris, I'll just add that I do feel for anyone with this question, because that's a very difficult time when there are political changes, or the changes in key leadership. But just approaching them and informing them of those challenges. And another thing that we've had to do is include our policy advisor and ask that they help, or that they send an email, or that they do any of that type of stuff to help advocate for the code, and they've always been willing and able. So that's what I wanted to add, Chris.

Thank you, Paul. I appreciate that. Question five, and I'll take this one as well, is sort of what other tribal agencies should be involved in the development of policies and procedures. I really think that SORNA implementation needs to be a multi-disciplinary, multi-agency process. And a few of the people, or the few of the agencies, that I have found particularly important in my work has been human resources in terms of what are the limitations for employment, the tribal attorney, the courts, if there is a tribal court, prosecutors, tribal probation, and law enforcement.

If those folks can be involved, then you can make sure that everybody is on the same page in terms of what the registration requirements are, and also who's doing what. I mentioned about corrections and maybe corrections being involved in some of the registration requirements. So if corrections is not at the table, I think you're going to be hard pressed to ask them to do something. Whereas if they're there, I think you can. And so developing these policies and procedures so that each of the agencies is involved and knows what their roles are I think can be pretty helpful. Anything anyone else would like to add?

Chris, an ally for us has been Head Start in our child care daycare. They've always been a part of our discussions, and they've always had some very insightful either language or thoughts for us to consider. So I would just say there may be some allies out there that don't come to mind at first, but who could be real advocates for your program and help include key areas to either the code or

procedures.

I'd like to piggyback on what Paul said and say try to be inclusive and open-minded. Because when I got involved in dealing with our registration unit and our legislation almost 10 years ago, I had no idea how many other agencies there were. I mean, just getting connected with the tribes from the state government perspective, and also like our commission on children and youth has become an active advocate for our cause. And really trying to build a network of support around what you're doing, and all of those smaller pieces will actually build a really firm foundation for making sure that you can carry out your job.

Thank you, Margie. And thank you, Paul. The final question that we have for our panel discussion, and then we'll have time for a few questions from you all-- what resources, person, or agency was most helpful to you in developing code, policies, procedures, and forms? Margie.

First, the SMART office. If you don't regularly contact the SMART office, make a point to, because they're going to be the most informative resource you have. They're going to be able to tell you what you need to do. And they're going to be able to offer some resources to help you accomplish what's required of you, and also what your goals may be. Trainings, resources like those are also invaluable. The next thing that I think aside from meeting your requirements is the staff that are going to be involved in actually implementing your code, your policy, and procedure. If you don't have staff that understand their job and are comfortable doing their job and know what they're supposed to do, you're not going to function well. And so make sure that you support your staff and that you utilize them. And take into consideration their input and how your operations is supposed to function. And then last, I'd point out legal is always important. Make sure that you're protected, and make sure you're protecting everyone around you too.

This is a time where you actually want the attorneys around. Right, Margie?

Absolutely. And we kind of want to be around for this part.

Paul, anything you would add?

Chris, I would just want to point out two publications that are also on the SMART website, but they were really helpful for us in creating our policies and procedures. And one of them is that SORNA implementation of policy and procedures guide. So that was really important, and it gave me a lot of areas and thoughts to consider when we created our policy and procedures. And then the other thing is the guide on SORNA implementation in Indian country. And I know when we go out to other tribes,

usually we take a number of those kind of little booklets and give those out. But those are two documents that you can find on the SMART website that would be really, really helpful in addition, of course, to the model code. Thank you, Chris.

Thank you, Paul. Thank you, Margie, as well. So thank you to Paul and Margie for joining me in this excellent presentation. Sounds a little self-serving for me to say that. I'll think Paul and Margie for their excellent presentation-- I've been OK hopefully-- for discussion and for sharing insight and knowledge with us.

We're now moving into the question and answer portion of the webinar. So if you have any questions, feel free to type them into the question box, which is located at the right side of your screen. You may need to click on the orange arrow to open the dialog box. Margie, do you see any questions out there that anyone would like to pose to us?

We've answered some of the questions, but I am going to bring up a couple of the questions that were sent in that I think we can either elaborate on, or that we haven't approached yet. The first one is, "What are some other community notification ideas that you've seen implemented or that your organization has utilized?" Paul, can you start us out on that one?

Sure. Well, of course, the minimal standard Chris kind of talked to, and we've had other webinars on it. So I won't cover those. But beyond that I think would be we often do-- like, we use global email here a lot. So we have, I don't know, 2,000 employees at our tribe. And so oftentimes we'll send an email, it goes to global, and it's sent to everyone. And usually that just varies on either just regular program information, or it could be that we're just giving the registry website link, or it could be that we're providing a notice to register. And so we'll send that out.

Some other things is just like we do have community meetings at least a couple of times a year. But I know the one we had scheduled for the spring got canceled because of COVID, but we usually have the meetings. And then the other thing that we do is in our tribal, we have a tribal Tribune newspaper, and that comes out two times a month. And we will oftentimes provide the same information there that I discussed, which is either the registry website, or program updates. Or, if we do address verifications, we'll say 10 address verifications, and eight people passed, and two people didn't. Or, just that we went out with BIA and just kind of do something like a boost, a PR boost, or something like that. So just to always kind of keep our program out there, those are kind of some of the avenues that we have chosen to do the community notification.

And Margie, if I could just add, I've also worked with one tribe where they actually had a weekly radio

show and would share information during that radio show. And I, of course, always advocate for the idea of interacting with the community through public education meetings and things like that. And we did do a webinar on that. So if the person who asked about that question is interested, you can go to the NCJTC website, and that would be available where you could listen to the recorded version that talks all about that topic. But I think Paul's were great suggestions.

Thank you both for that input. Another question we got talks about having an offender who has to travel for his or her job, and they're wanting some sort of accommodation to not have to report at the exact time of reporting requirement, or not have to report in-person at all. And they kind of asked if you have any suggestions for dealing with that sort of offender?

Paul, do you have any instances where you've dealt with something similar in your tribe?

No, I don't think us specifically. We had someone working at the casino as a contract employee. Because he wasn't always there, he didn't want to register with us. But he was notified-- I think there's a provision in our code-- we didn't touch upon that here, but there is a provision on there that if you don't register like you're supposed to, you can lose your employment. And so because that portion was in our code, it was kind of easy to convince him that if he didn't register with us like he's supposed to, he's going to lose that contract with the casino. So I think that that would be the closest thing that I could think of. But talk with your prosecutor and see how that can be enforced would be my suggestion as far as a good starting point.

And Paul, I have a couple of thoughts, Margie too. Perhaps if they're due to come in next Tuesday and they're going to be on a work trip or something, have them come in early. I mean, so long as they meet their minimum requirement, have them come in. And if the person is truly wanting to be accountable, then they shouldn't have a problem in being willing to come in. So it seems to me that as a SORNA registering official that we could be have some flexibility, but there are the minimum standards in terms of contact.

But I also know that during this period of COVID that some of our registry partners have done some things differently, perhaps different than face-to-face and things like that. So I think there are mechanisms to try and meet this person's needs. And I guess the question I would have would be just, are they really wanting to be accountable, and so therefore we'll work with them, or are they just looking to kind of dodge responsibilities, at which point I would probably be less inclined to be flexible with them. So Margie.

I'd point out, too, and having dealt with some of this, and especially during the pandemic with office

struggles, is that if you're going to make some sort of arrangement that lets an offender come in early or come in late, that you're communicating that with other authorities. So for instance, our registry unit was notified by offenders during this pandemic that some of the local law enforcement offices were just closed. And the statute requires us to provide their verification letter and them to show up in person to register, and they were unable to do that, and then we weren't getting sent the verification letter. So they go delinquent on the state registry. And so communicating those with local authorities, and then also with the Marshal's office specifically.

In this instance, if he's traveling across state lines, then there's federal law at play here too. So you may need to reiterate to him that it's not just your tribal code that's at play here, but also federal law, and he or she can be subject to prosecution outside of just your authority. So that may give a little bit more teeth to pushing an offender who doesn't really want to comply into complying.

So the last question that I don't think we've covered is just that we've talked a lot about policy and procedure and updating it. And keeping it current. And they ask, in order to keep track of versions of the policy, the code, or the forms, do you recommend a practice that should be implemented?

So I'm going to touch on that first just with how our organization does it. As I mentioned, we have a procedures office, and they're tasked with not only keeping us on task and getting their procedures reviewed regularly, but they also maintain a repository for the old versions of the procedures. And sometimes that's really important, because you might need to explain what changed in a new version versus a prior version. Or, if there's litigation involved, you're going to need the policy and procedure code that existed at the time of the occurrence involved in the lawsuit. So you should definitely have somebody who's accountable for keeping those versions and for making sure that they're easy to locate and easy to determine which version was in effect at what time.

And Margie, I would just add maybe keeping track of those things by date as well. So dating. I know we're assuming most of us are doing stuff through digital files, Word documents, things like that. So starting out with the date for each document. That way you can sort through if you need to know, well, what was the law in 2017 or whatever, you don't just want SORNA I, SORNA II, SORNA III, but maybe by putting the date on it. But yeah, definitely keeping that.

I get calls all the time saying, well, this person is looking for this law at this time. Can you pull that document? And so to have that readily accessible is helpful.

I agree. Thank you, Chris. Thank you, Paul. Thank you for everybody joined us. I know Chris may have

a couple of other things to go over really quick, but that's the last question.

Thank you, Margie. I appreciate that. And I would like to thank you and Paul for this excellent presentation. And this concludes the question and answer portion of this webinar. And so if you're interested in some of the trainings that we referenced today. You can go to our website. For here, I would just encourage you to reach out to the SMART office if you have additional training and technical assistance needs moving forward. So thank you very much for joining us today, and we wish you a great day.