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SORNA Webinar

Sex Offender Registration Code, Policy and Procedures,
and Form Development

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Indian Country SORNA Training and Technical Assistance Program

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SMART

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

Today's Presenters

Christopher Lobanov-Rostovsky

Associate – NCJTC
lobanovr@fvtc.edu

Paul Fuentes

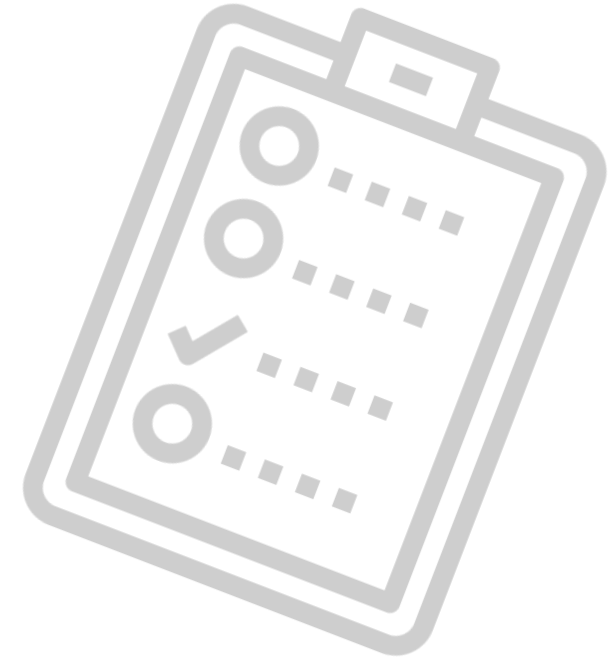
Associate – NCJTC
fuentes@fvtc.edu

Margie Weaver

Associate – NCJTC
rickseck@fvtc.edu

Objectives

- Discuss development of registration codes that meet SORNA standards and tribal needs
- Describe methods for policy and procedure development
- Explain how to create forms needed to implement policies, procedures and codes



Sex Offender Registration and Notification Act

- The Sex Offender Registration and Notification Act is Title I of the Adam Walsh Child Protection and Safety Act of 2006 (Public Law 109-248).
- SORNA provides a comprehensive set of minimum standards for sex offender registration and notification in the United States.



Code, Policies, Procedures & Form Development

Information Gathering for Code Development

- It is important to review the current code before moving to develop a new code.
- If a current code exists, it will need to be compared to federal law and to proposed code changes to determine what changes need to be made.
- The tribe should determine what needs should be met by the code for the government, victims and the community, while holding offenders accountable.



Information Gathering for Code Development (*cont.*)



- Connect with tribal attorney, leadership and/or legislative personnel.
- Review federal law to determine what is required
- Review model code.
- Research what provisions have been successful.
- Discuss with subject matter experts, or other jurisdictions, to determine what provisions have been successful, and which provisions have led to previous legal challenges.

Creating and Reviewing a Draft Code



- Determine the best person to author any new code or changes; consider forming a committee.
- Have checks and balances – stakeholders who are willing to review and give input on proposed code.
- Create a draft code.
- Coordinate a review with the SMART Office to ensure SORNA compliance before presenting to tribal government.

Presenting Proposed Code to Government for Approval

- The person who will present the code for voting must be well-versed in the need for the code and requirements.
- The presenter will need to know the operations of government.
- Be aware of traditions and expectations during the presentation.
- Know any rules of order that exist.
- Be prepared and have subject matter experts available to answer questions.

If approved, make sure proper steps are taken for publication and public notification of new code provisions.



Identify Key Players for Policy & Procedures



- Review code to determine which agencies will be necessary for enforcing code provisions.
- Determine what personnel will be responsible for implementation.
- Bring all effected parties into the discussion.

Explore Existing Policies & Procedures

- Obtain similar policies and procedures from other jurisdictions to use as a helpful guide/model.
 - Should not be used as is
 - Use the SMART Office Model Tribal Code as a guide
- Each community should tailor policies and procedures for its specific needs.



Turning Code Into Policies & Procedures



- Prepare a draft that can be revised: Getting started can be the hardest part.
- Use plain language.
- Specify registration and notification duties.
- Make sure the procedures can be followed by the responsible personnel or agencies.

Turning Code Into Policies & Procedures (*cont.*)

- Strong policies and procedures communicate who, what, when, where, why and how.
- Coordinate a review with the SMART Office to ensure compliance before presenting to tribal government.
- Present policies and procedures to the appropriate authority or government body for approval.



Determine What Forms Are Needed



- Review code and procedures to determine what forms are needed to carry out the requirements:
 - What information will need to be gathered?
 - Who will need to complete the forms?
 - Where will the forms be submitted?
 - Who will retain the forms?
- Determine who will translate the forms, if needed.

Form Development

- Use your organization's letterhead
- Title the forms
- Make forms simple and easy to read
 - Avoid overemphasizing text with all caps, bold, Italics or underlining
 - Use an easy to read font and large enough font size
- Order the forms logically



Form Development (*cont.*)

- Remove non-essential questions or fields
 - Ask what is required
- Provide a clear explanation in each question or field
- Make forms efficient to maximize the speed and accuracy
- Ensure forms have sections for appropriate signatures and initials
- Digitization of forms



Maintaining Code, Procedures & Forms



- Code, procedures and forms should be regularly reviewed and updated
 - Review annually or in accordance with your legislative session
- Work with the SMART Office to determine what revisions may be necessary for substantial implementation

Maintaining Code, Procedures & Forms *(cont.)*



- Have there been any changes to the law or case law that would require a revision?
 - This should be done as soon as the change in the law is applicable.
- Assign the task of updating the procedures and forms to a specific job or role.

Resources

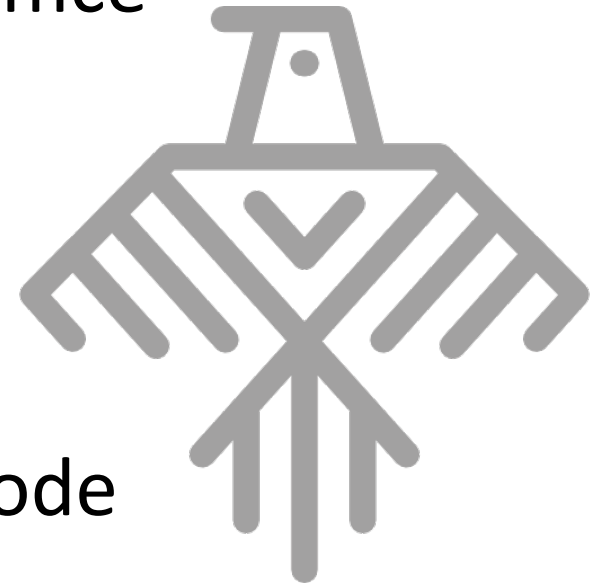
- SMART Office
- Revised Model Tribal Sex Offender Registry Code
- National Criminal Justice Training Center
- Other tribes
- State registry units



Code Considerations and Policies, Procedures and Form Examples

Revised Model Tribal Sex Offender Registry Code

- The model code is provided by the SMART Office for use in implementing SORNA.
- The code can serve as a guide to full implementation.
- SORNA implementation is unique to each jurisdiction and adoption of a sex offender code should reflect the unique laws, processes, population, land and traditions of each tribe.



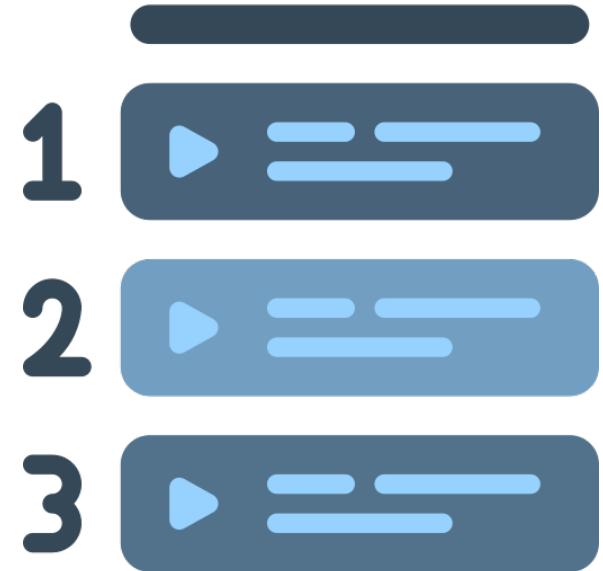
Revised Model Tribal Sex Offender Registry Code (*cont.*)



- The model code is not meant to be used as-is, but rather to be modified to meet the needs of each tribe, while providing suggestions to help the tribe move toward substantial implementation.

Sections of the Model Code

- General Matters
- Terminology and Registerable Offenses
- Tiering of Offenses
- Required Information
- Registration
- Public Sex Offender Registry Website
- Immunity
- Crimes and Civil Sanctions



General Matters

Code Considerations: General Matters



- Title – name your code (e.g., “Sex Offender Registration Act/Code” or “SORNA Code”)
- Purpose – a preamble to the act describing the tribe’s overarching goal and mission for the code
- Creation of registries – assign units to administer operations, and manage the registry
- Applicability – what land areas and offenders will be covered by the code

P&P Example: Section 1.03 Creation of Registries

A. Sex Offender Registry

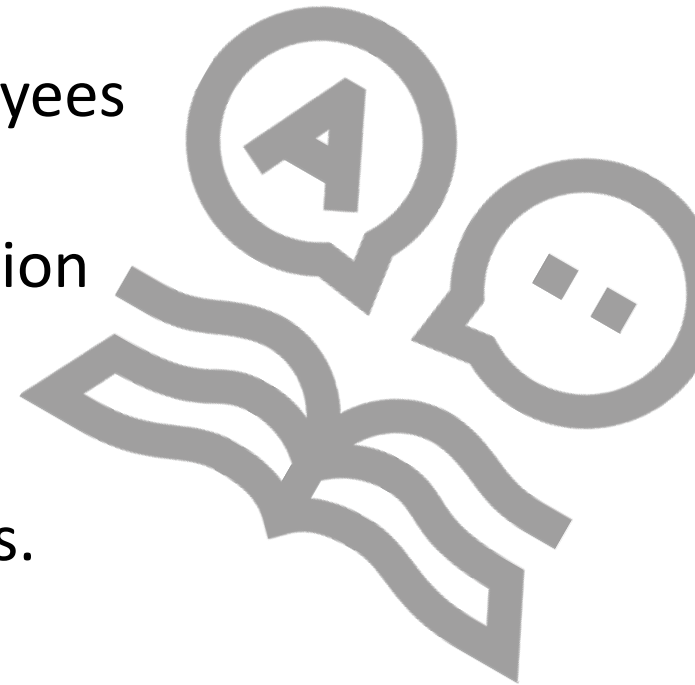
- Section 1.03, A of the Code provides that the [Responsible Agency Name] is responsible for establishing the [Name of Tribe Sex Offender Registry]. The [Name of Tribe Sex Offender Registry] shall maintain and operate the registry pursuant to the provisions of the Code.
- The [Name of the Tribe Sex Offender Registry] appoints a Sex Offender Registration and Notification Act (SORNA) Registration Official (SRO) as point person to oversee SORNA-required tasks. [Insert 1: SROs are law enforcement officers who carry out administrative and law enforcement functions of the registry.] [Insert 2: SROs are civilians who carry out all administrative functions of the registry and work collaboratively with law enforcement to enforce the Code.]



Terminology and Registrable Offenses

Code Considerations: Terminology and Registerable Offenses

- Definitions
 - Define keywords that are specific to the tribe or that must be included. Keep these terms consistent throughout your code and policies and procedures:
 - Employee – includes volunteers and contract employees
 - Offenders – convicted and sentenced
 - Residence – address and length of time in that location
- Registerable Offenses
 - List the offenses that require registration.
 - Indicate reciprocity of offenses from other jurisdictions.



P&P Example: Section 2.02 Registerable Offenses

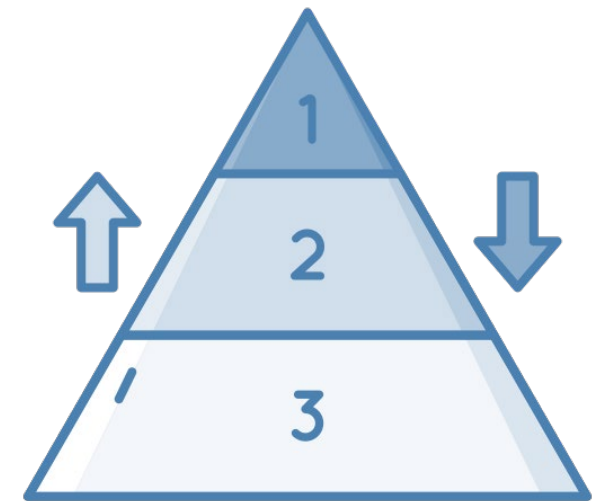


- The SRO is to obtain a copy of the offender's conviction and sentence to determine if the offender is subject to registration and other requirements as provided in the code. The SRO shall find that all individuals who have been convicted for, or convicted for an attempt or conspiracy to commit, any of the following offenses must register with the [Name of the Tribe] (Code, Section 2.02)

Tiering of Offenses

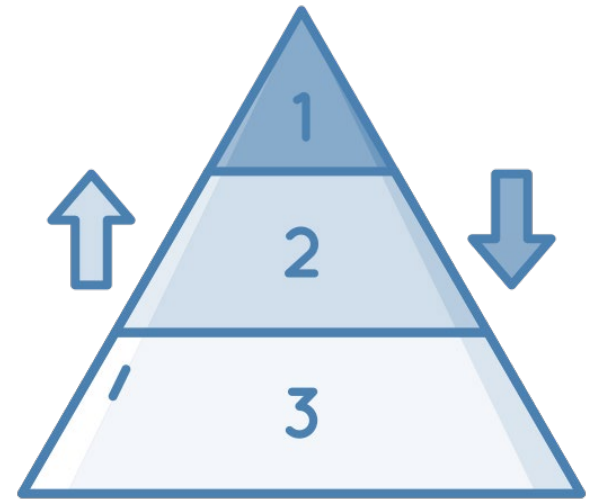
Code Considerations: Tiering Offenses

- List offenses in tribal criminal code that fall within the SORNA tiers
- Set out the tier level for each offense
 - Identify any additional tiering for repeat offenders
- Determine the tribal agency that will advise the public and offenders of the tier assignments
- Explain the tier requirements
 - Reporting requirements (frequency, duration)
 - Verification letters
 - Updates to registry information



P&P Example: Chapter 3 Tiering Of Offenses

- 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 offense for 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 in-person appearances (Code, Section 4.02).



Required Information

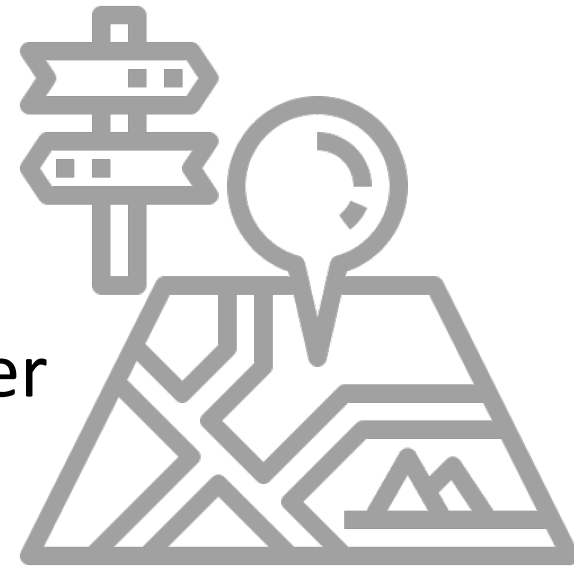
Code Considerations: Required Information



- List the information required for a complete registration:
 - Name, address, offense, date of sentencing, physical characteristics, vehicle information, employment and internet identifiers
 - DNA and fingerprinting
- Frequency and duration of registration and verification

Code Considerations: Required Information (*cont.*)

- Advise of requirements for travel – interstate and international
- In-person appearances
- Acknowledgement Form or Notice of Duty to Register
 - Signature requirement
- Juvenile registration and notification requirements



P&P Example: Section 4.01

General Requirements A. Duties

- After having determined an individual is 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 by this P&P.



P&P Example: Section 4.01

General Requirements B. Digitization

- A hard file shall be created for each sex offender and a hard copy of all forms shall be retained in that file. When a sex offender makes his/her initial registration appearance, the SRO shall create a file as part of the registration process. The SRO shall contain either originals or copies of forms and other documents generated during the registration process. The file should at a minimum contain the Acknowledgment Form, Registration Form and text of the provision of law defining the criminal offense. For the SRO's use, each file shall contain an Initial Registration Checklist (Attachment Insert Letter), Update Registration Information Checklist (Attachment Insert Letter) and Activity Log (Attachment Insert Letter) to confirm that all steps of the registration have been completed and to document all activities that occur. The file shall be located and maintained in a secured area.

P&P Example: Section 4.01

General Requirements (*cont.*)

- Electronic files and hard files of each individual sex offender shall share the same chart name. The chart name shall consist of three strings of characters separated by hyphens. The first sequence shall commence with S for sex offender, followed by an A or a J for adult or juvenile, and an M or F for male or female. The second sequence are the initials of the name of the sex offender. The third sequence is the date of birth of the sex offender (MMDDYY). For example, an adult male sex offender named John Adam Smith born on February 6, 1981, shall be given the chart name: SAM-JAS-020681.

P&P Example: Section 4.01 General Requirements

E. Registration Information, 3. Photograph



- The SRO shall take three photographs of all sex offenders registered with the [Responsible Agency Name]. The first photograph shall be of the face area. The second photograph shall be of the offender's left profile. The third photograph shall be of the offender's right profile. If offender has tattoos, identifying scars or other identifying markings, the SRO shall also take photographs of these markings.

P&P Example: Section 4.04 Sex Offender Acknowledgement Form

- The purpose of the Acknowledgement Form is so that each sex offender understands the laws and regulations regarding the sex offender's registration as a sex offender. The sex offender shall read the form stating that the duty to register has been explained to them by the [Responsible Agency Name] and that the sex offender understands the registration requirement. If it is clear to the SRO that the sex offender is having a hard time reading the form or otherwise cannot read it, the SRO shall read the form to the individual and clearly note on the form that the official read it to the offender. The sex offender shall sign the form conceding that the sex offender understands the registration requirement.

Form Examples

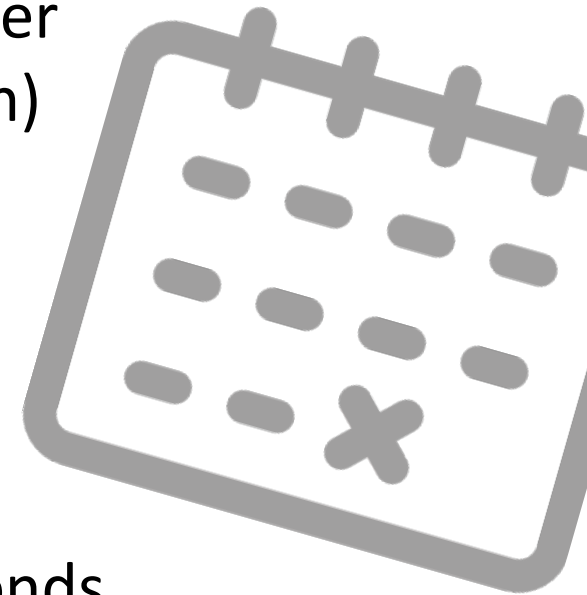
- Registration Form
- Acknowledgment Form
- Initial registration checklist
- Activity log



Registration

Code Considerations: Registration

- Where the offender will be required to register
- When the offender is first required to register (i.e., 3 days after sentencing, or within 30 days prior to release of incarceration)
- SORNA-compliant codes are retroactive
 - Advise offender what that means
- Explain what is required to keep registration current
 - Change in residence or employment, etc.
- Explain what will occur if an offender fails to appear or absconds



P&P Example: Section 5.02 Timing Of Registration

A. Timing, 1. Incarcerated Sex Offenders

- The SRO shall complete an initial registration of a sex offender within the following timeframes:
 - A person incarcerated by the [Name of Tribe] for a covered sex offense must initially register with the [Responsible Agency Name] prior to release. The specific interpretation of “prior to release” this P&P adopts is that the initial registration procedures for an incarcerated sex offender must be carried out no less than 3 business days prior to release.

P&P Example: Section 5.02 Timing Of Registration

A. Timing, 1. Incarcerated Sex Offenders (*cont.*)

- The SRO shall biweekly request a court listing of those sentenced to incarceration by the [Name of the Tribe Tribal Court]. The SRO shall review the list. If the [Name of Tribe] convicted an individual on the list of a covered sex offense, the SRO shall coordinate with the prison to schedule a date and time to register the offender. The SRO shall register the sex offender in accordance to Chapter 5, Section 5.02, B of this P&P.
- Should the [Name of Tribe] incarcerate the person out of state, the SRO shall serve a Notification of Registration (Attachment Insert Letter) to the sex offender. The sex offender must appear in person to register with the [Responsible Agency Name] within 3 business days from his release date.

Form Examples

- Notice to Register
- Update registration information checklist
- Update registration information form
- Declaration of Employment for Convicted Sex Offender



Public Sex Offender Registry Website

Code Considerations: Public Sex Offender Registry Website

- Assign administration of the website to a specific office/unit
 - Develop any necessary disclaimers for the website
 - Determine the search capabilities of the website
 - Maintain Dru Sjodin National Sex Offender Public Website connection



The screenshot displays the 'SMART' (Sex Offender Monitoring, Assessment, Reporting, and Training) website interface. At the top, it features the Department of Justice logo and the text 'DRU SJODIN NATIONAL SEX OFFENDER PUBLIC WEBSITE'. A navigation bar includes links for HOME, SEARCH, SAFETY AND EDUCATION, ABOUT NSOPW, FAQs, and ABOUT DRU, along with an 'ESPAÑOL' button and social media icons for Twitter and Facebook. The main content area is divided into two search sections: 'SEARCH NSOPW' and 'SEARCH BY NAME'. The 'SEARCH NSOPW' section includes a map background and a text box stating: 'Search sex offender registries for all 50 states, The District of Columbia, U.S. Territories, and Indian Country.' Below this is an 'Advanced Search' button. The 'SEARCH BY NAME' section has input fields for 'First Name' and 'Last Name', and a 'Name Search' button. The 'SEARCH BY LOCATION' section has input fields for 'Address', 'City/Town', a state dropdown menu (currently showing 'Alabama'), and a distance dropdown menu (currently showing '1 Mile'), with a 'Location Search' button.

Code Considerations: Public Sex Offender Registry Website (*cont.*)

- Required information
 - Name, physical description, offense, photograph, residential address, employer, vehicle, school and notice that the sex offender is in violation if cannot be located or absconded
- Prohibited information
 - Social Security number, travel and immigration document numbers, identity of victim and internet identifiers

Cheyenne and Arapaho Tribes of Oklahoma
Sex Offender Registry

Home Name Search Geographical Search Community Notifications FAQs Resources Contact Us

Welcome to the Cheyenne and Arapaho Tribe's public sex offender website. The purpose of this website is to provide information to the public about registered sex offenders residing, visiting, working or going to school within the Cheyenne and Arapaho Tribal jurisdiction pursuant to the Cheyenne and Arapaho Sex Offender Registration Code:4L-RS-2012-06-005 and pursuant to Public Law 109-248, also known as the Adam Walsh Child Protection and Safety Act of 2006.

Sex Offender Quick Search*

Enter a first name and last name; then press Search.

FIRST:

LAST:

[SUBMIT](#) OR [Geographical Search](#)

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Code Considerations: Community Notification

- Assign responsibility for community notification
 - Decide what information will be provided in the community notification
- National Crime Information Center/National Sex Offender Registry file updates
- Notification to jurisdiction and agencies of residence/school/employer
- Notification when an offender changes residence



P&P Example: Section 6.01 A. Website

- The Tribe uses TTSORS as the sex offender management system. To assist tribes and territories in implementing SORNA registry system requirements, the U.S. Department of Justice and the SMART Office provide TTSORS.
- TTSORS functions as the administrative registry system and can be accessed by opening the web browser and going to <https://ttsors.nsopw.gov/>. On the system login form for the TTSORS administrative site, users should enter their email address and the password. To receive a username and password, email registrysupport@nsopw.gov. For more information, please see the Tribe and Territory Sex Offender Registry System Quick Start Guide.
- The [Name of Tribe] public registry website can be found at [https://\[Name of Tribe\].nsopw.gov/](https://[Name of Tribe].nsopw.gov/). The [Name of Tribe] public registry website has the capability of conducting searches by name, county, city, town, ZIP code and geographic radius.

Form Examples

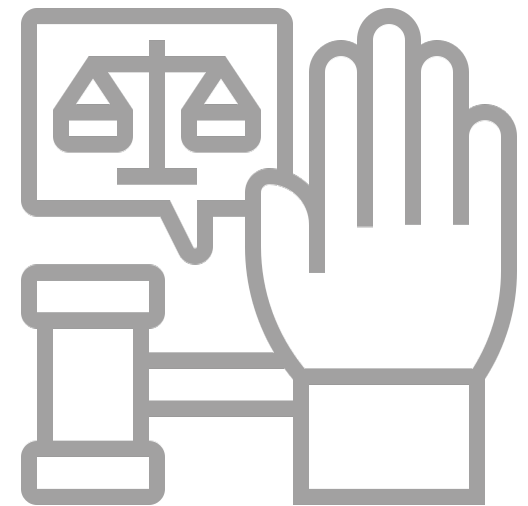
- Sex offender NCIC data form
- Updated registration information notification form (agency to agency)
- Sex offender records search
- Notification of international travel



Immunity

Code Considerations: Immunity

- No waiver of sovereign immunity: The code shall not be construed as a waiver of sovereign immunity for the tribe, its departments, agencies, employees or agents.
- Good faith
 - Any person acting in good faith under the terms of the code shall be immune from any civil liability arising out of such actions.



Crimes and Civil Sanctions

Code Considerations: Crimes and Civil Sanctions

- Criminal penalty
- Civil penalty
 - Employer
- Customs, traditions and banishment/exclusion; these would include sanctions or services that are not required by SORNA, but serve the tribal community interest
- Barriers to lawful registration
 - Absconder
 - Providing false information
 - Assisting in eluding investigation/registration



P&P Example: Section 8.01 Failure To Register As A Sex Offender And Other Offenses A. Criminal Penalty, D) Enforcing Address Verifications

- When having jurisdiction over a person due to residency, the [Responsible Agency Name], with the assistance of police, whether BIA, tribal, FBI, U.S. Marshals Service, or other local law enforcement agency as needed, shall conduct address verifications. Address verifications shall at a minimum be conducted once a year for tier I sex offenders, every 6 months for tier II sex offenders, and every 3 months for tier III sex offenders. In the event a sex offender does not live or appears not to live at the registered address, the [Responsible Agency Name] shall take all appropriate follow-up measures including those outlined above in Section 5.05, A of the Code.

Form Examples

- Address verification letter
- Absconder notification letter
- Special rules and conditions for sex offenders



Panel Discussion Questions

- Where is the best place to start in developing code, policies, procedures and forms?
- Updating code, policies and forms is time-consuming; how do you make the time?
- What other sex offender codes should our tribe consider implementing?
- Did you find it challenging to obtain leadership approval for the code changes?
- What other tribal agencies should be involved in the development of policies and procedures?
- What resources, person or agency was most helpful to you in developing code, policies, procedures and forms?

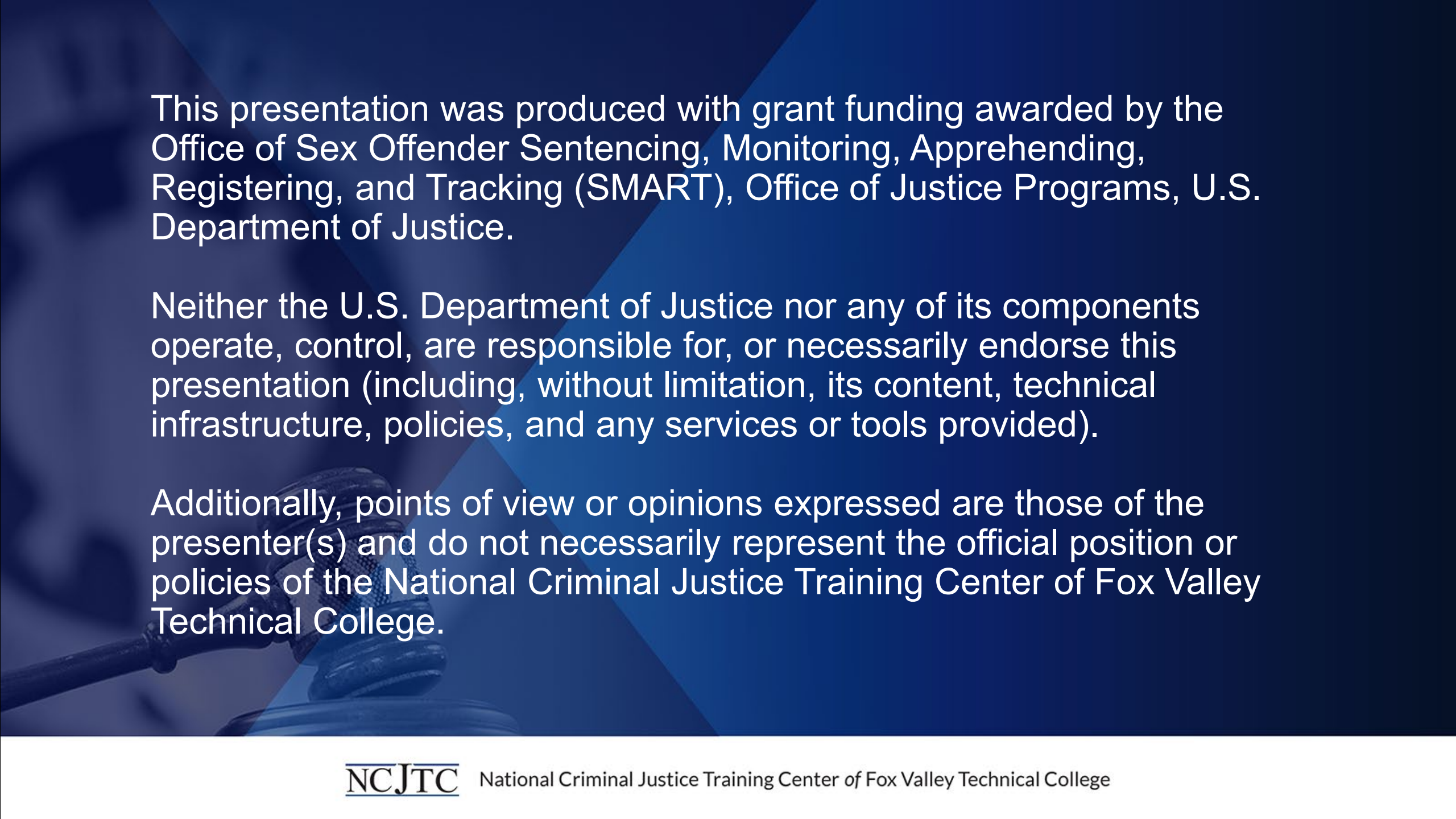




Chris Lobanov-Rostovsky
lobanovr@fvtc.edu

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rickseck@fvtc.edu



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