

U.S. Department of Justice

Office of Justice Programs

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



The Sex Offender Registration and Notification Act (SORNA)

A guide on SORNA implementation
in Indian Country

SMART

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

U.S. Department of Justice
Office of Justice Programs
810 Seventh St. NW
Washington, DC 20531

Office of Justice Programs
www.ojp.gov

**Office of Sex Offender Sentencing, Monitoring,
Apprehending, Registering, and Tracking**
www.smart.gov

Published April 2016

The SMART Office protects the public by supporting the national implementation of a comprehensive sex offender registration and notification system.

The Office of Justice Programs provides federal leadership in developing the nation's capacity to prevent and control crime, administer justice, and assist victims. OJP has six components: the Bureau of Justice Assistance; the Bureau of Justice Statistics; the National Institute of Justice; the Office of Juvenile Justice and Delinquency Prevention; the Office for Victims of Crime; and the Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking.

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Introduction

The SMART Office is offering this guide to provide sex offender registration personnel in Indian Country with useful information to assist in efforts toward implementing or continuing implementation of SORNA. This guide also contains links to helpful templates and guidance documents designed to assist tribes with the implementation process. Senior policy advisors are available to answer any questions or address any concerns that you may have:

AskSMART@usdoj.gov
202-514-4689

Sex offender registration and community notification are important parts of a nationwide commitment to improving the safety of our communities. We look forward to assisting you as your tribal jurisdiction works toward becoming an essential component of the seamless web of public sex offender databases and law enforcement information-sharing systems that SORNA envisions.

What Is SORNA?

SORNA refers to the Sex Offender Registration and Notification Act, which 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. SORNA aims to close potential gaps and loopholes that existed under prior law and strengthens the nationwide network of sex offender registration and notification programs. Specifically, SORNA—

- Extends the jurisdictions in which registration is required beyond the 50 states, the District of Columbia, and the principal U.S. territories, to also include certain federally recognized Indian tribes
- Incorporates a comprehensive group of sex offenders and sex offenses for which registration is required
- Requires sex offenders to register and keep their registration current in each jurisdiction in which they reside, work, or go to school
- Requires sex offenders to provide more extensive registration information
- Establishes a three-tier framework for classifying sex offenders
- Requires sex offenders to make periodic in-person appearances to verify and update their registration information
- Expands the amount of information available to the public regarding registered sex offenders
- Changes the required minimum duration of registration for sex offenders
- Creates a new federal offense for failure to register

What does the SMART Office do?

The Adam Walsh Act created the SMART Office within the Department of Justice, Office of Justice Programs, to administer the federal standards for sex offender registration and notification, administer the grant programs authorized by the Adam Walsh Act, and coordinate related training and technical assistance. The SMART Office is available to assist your jurisdiction in implementing SORNA as well as provide guidance and solutions for related sex offender management issues.

Duties of a “SORNA Registration Official”

Because SORNA implementation is complex and involves a variety of different requirements, many tribal jurisdictions find it helpful to designate a point person—often referred to as a “SORNA Registration Official” (SRO)—to oversee all required tasks. The exact duties of an SRO will vary from tribe to tribe. Some SROs are also law enforcement officers for the tribe, in which case the SRO may be able to personally complete the law enforcement duties required under SORNA, such as fingerprinting

offenders. Other SROs are civilians who carry out all of the non-law-enforcement functions, such as posting offender information to the public registry website, and work collaboratively with a law enforcement agency to carry out law enforcement tasks. Regardless of whether the SRO is collecting the information directly or having another agency perform the task, the SRO should serve as a coordinator and ensure that all the information has been collected and uploaded into the tribe’s registry and required federal databases.

SORNA “In-Person” Registration Requirements

SORNA requires that a registered sex offender periodically appear in person to verify and update certain registration information according to the following duration and frequency requirements:

- Tier I offenders must appear once a year for 15 years.
- Tier II offenders must appear once every 6 months for 25 years.
- Tier III offenders must appear once every 3 months for life.

Sex offenders must initially register in person, regardless of whether the offender is registering where he lives, works, or goes to school. Further, SORNA requires an in-person appearance by the offender when updating certain registration information, such as residence address.

Where To Register: Registration Jurisdictional Issues

SORNA requires that sex offenders initially register in the jurisdiction of conviction. Thereafter, they must register in any jurisdiction where they—

- live,
- work, and
- go to school.

When must initial registration be carried out?

Incarcerated sex offenders must be registered before their release from imprisonment whereas non-incarcerated sex offenders must be registered within 3 business days of sentencing for the registration offense. If convicted, sentenced, or incarcerated in another jurisdiction, then registration must take place within 3 business days of the sex offender establishing a residence, employment, or school attendance in your jurisdiction.

Tribal and state lands

Some tribal lands are arranged in a patchwork around state or county land. In such instances, tribes are responsible for registration functions on land subject to their law enforcement jurisdiction, and a state is responsible for registration functions on land subject to its law enforcement jurisdiction.

It is possible that a sex offender will have to register in multiple registration jurisdictions. For example, if a sex offender lives in Michigan, works in Indiana, and goes to school in Ohio, he would have to register with officials in each of these jurisdictions and keep his registration current in each. Similarly, a sex offender may work in Tulsa, Oklahoma and live in Osage Nation. He would thus have to register with officials in both Oklahoma and Osage Nation. In this instance, if the offender stops working in Tulsa and takes up employment in Osage Nation, he would have to notify the Oklahoma authorities of the termination of his employment in Tulsa and notify Osage that he now works in Osage Nation.

A sex offender may also reside, be employed, or go to school exclusively in a tribal jurisdiction. If so, the offender would register only with the tribal jurisdiction.

Contact the SMART Office with any questions about where an offender should be registered.

Who Must Register With a Tribal Jurisdiction?

All adult sex offenders convicted of a registerable sex offense must register, regardless of whether the offender is a native, non-native, or tribal member. There must be a conviction, not merely an arrest or accusation. Juveniles convicted as adults must also register, as well as certain juveniles adjudicated delinquent of particular sex offenses. [See “*Juvenile Offenders and SORNA*,” page 22.]

Previously registered offenders

If an offender moves out of your jurisdiction and no longer is required to register with your tribe, you may still retain that offender’s information in your administrative database or public registry website.

It is possible that a sex offender will have to register in multiple registration jurisdictions.

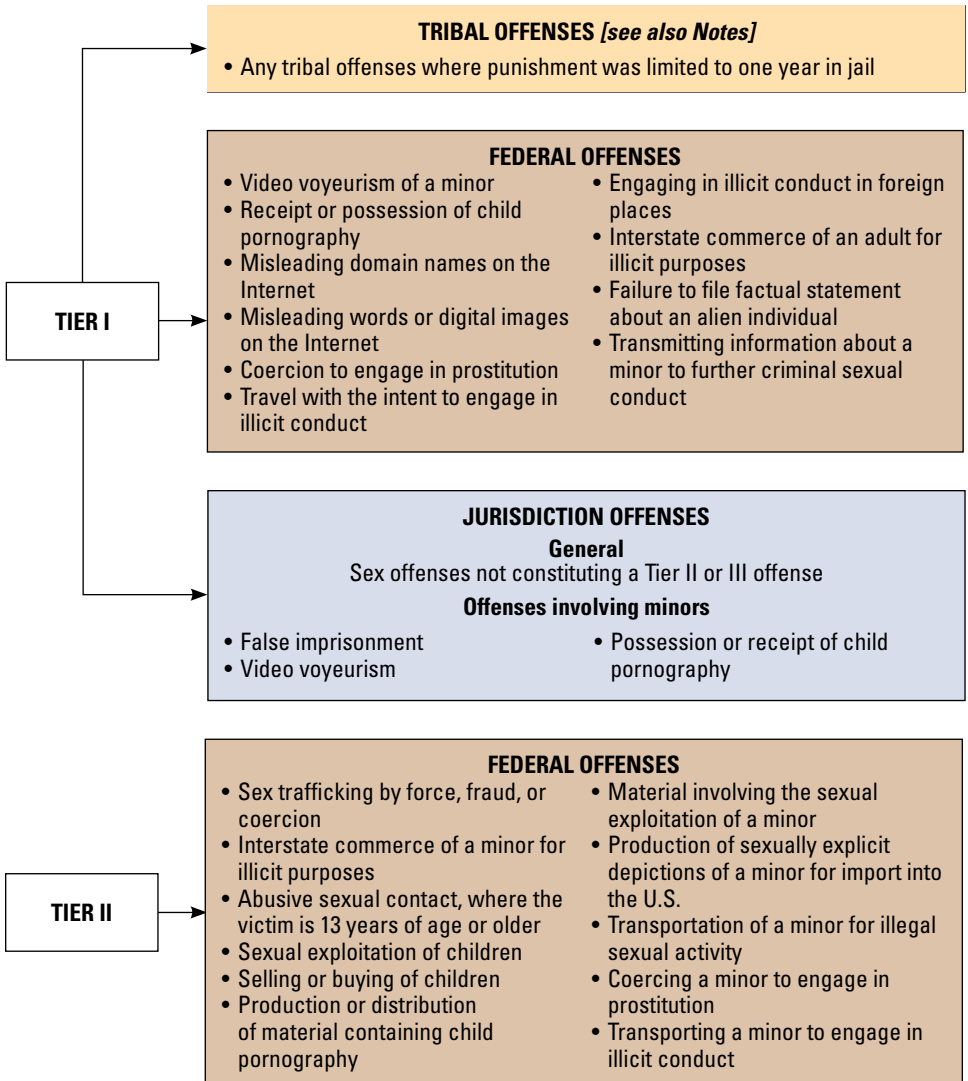
Offenses involving consensual sexual conduct—“Romeo & Juliet” exception

An offense involving consensual sexual conduct is NOT a sex offense for purposes of SORNA and is therefore not required to be registered if the victim is an adult (unless the adult is under the custodial authority of the offender at the time of the offense) or if the victim is at least thirteen (13) years old and the offender is not more than four (4) years older than the victim.

Tiering Offenses

SORNA requires that sex offenses be classified based on the nature of the offense of conviction, established through a baseline three-tier classification system. Tier I offenses generally include only misdemeanor offenses not punishable by more than 1 year in jail—whereas Tier II and Tier III offenses are more serious offenses punishable by more than 1 year in jail. Tribes must ensure that sex offense convictions are tiered correctly. The SRO or tribal prosecutor is typically responsible for assessing sex offense convictions and determining the appropriate tier.

TIERING OFFENSES



**TIER II
(CONT.)**

JURISDICTION OFFENSES

Offenses involving minors

- Use of minors in prostitution
- Enticing a minor to engage in criminal sexual activity
- Nonforcible sexual act with a minor 16 or 17 years old
- Sexual contact with a minor 13 years of age or older
- Use of a minor in a sexual performance
- Production or distribution of child pornography

Recidivism and felonies

Any sex offense that is not a first sex offense and that is punishable by more than one year in jail

FEDERAL OFFENSES

- Aggravated sexual abuse
- Sexual abuse
- Sexual abuse of a minor or ward
- Where the victim is 12 years of age or younger, abusive sexual contact

TIER III

JURISDICTION OFFENSES

General

- A sexual act with another by force or threat
- A sexual act with another who has been rendered unconscious
- A sexual act with another or involuntarily drugged, or who is otherwise incapable of appraising the nature of the conduct or declining to participate

Offenses involving minors

- Nonparental kidnapping of a minor
- Sexual contact with a minor 12 years of age or younger
- A sexual act with a minor under the age of 16 (but see "Romeo & Juliet" exception, page 7)

Recidivism and felonies

Any sex offense that is punishable by more than one year in jail where the offender has at least one prior Tier II offense

Notes:

Tribal offenses: Where the tribe has enacted enhanced sentencing under the Tribal Law and Order Act, tier tribal offenses similarly to federal or jurisdiction offenses.

State offenses: Tier state offenses similarly to federal or jurisdiction offenses.

Military offenses: Tier military offenses under section 115 (a)(8)(C)(i) of Public Law 105-119 similarly to federal or jurisdiction offenses.

Foreign offenses: Tier qualifying foreign offenses similarly to federal or jurisdiction offenses.

Tiering tribal convictions

Tribes are generally afforded the option of tiering all of their tribal sex offenses as Tier I offenses regardless of the nature of the offense. This is because tribal courts are ordinarily limited to imposing sentences of up to one year in jail. This option does not apply to tribes that have adopted enhanced sentencing to their registerable sex offenses under the Tribal Law and Order Act of 2010.

Required Registration Information

During registration, the SRO or other designated official must obtain all of the following information from sex offenders required to register with the tribe:

- **Name**
 - Full primary given name
 - Any and all nicknames, aliases, and pseudonyms
 - Any and all ethnic or tribal names by which the sex offender is commonly known (this does not include any religious or sacred names not otherwise commonly known)
- **Date of Birth**
 - The SRO should obtain the sex offender’s actual date of birth and any other date of birth used by the sex offender.
- **Social Security Number**
 - This includes purported Social Security numbers
- **Phone Number(s)**
- **Picture**
 - The SRO should take a photograph of the sex offender during every scheduled appearance (unless the offender’s appearance has not changed significantly).
 - Every 90 days for Tier III offenders
 - Every 180 days for Tier II offenders
 - Every year for Tier I offenders
- **Physical Description**
 - The SRO should note an accurate physical description of the offender with distinct characteristics, including identifying marks, scars, tattoos, etc.
 - Consider taking photographs of any distinct markings.
- **Driver’s Licenses, Identification Cards, Passports, and Immigration Documents**
 - Make sure to obtain a photocopy of *all* of the sex offender’s valid driver’s licenses issued by any jurisdiction, tribal enrollment card(s), passport(s), and any and all immigration documents used by the sex offender.

Digitization and electronic database requirement

All required registration information must be, at a minimum, maintained in a digitized format and in an electronic database.

- **Residence Address**
 - This includes any location regardless of description that identifies where the sex offender *habitually* resides regardless of whether it pertains to a permanent residence or location otherwise identifiable by a street or address.
- **School Information**
 - Name and address of each school where the sex offender is or will be a student
- **Employment Information**
 - Employment includes any and all places where the sex offender is employed in any means, including volunteer and unpaid positions.
 - Obtain the name and address of employer.
- **Criminal History**
 - Date of all arrests
 - Date of all convictions
 - Status of parole, probation, or supervised release
 - Registration status
 - Outstanding arrest warrants
- **DNA Sample** [*See “DNA Collection and Submission,” page 12.*]
 - The SRO should first determine whether the sex offender’s DNA is already contained in the Combined DNA Index System (CODIS). This can either be done by contacting the state DNA laboratory if tribal DNA submissions are sent through the state or contacting the Federal Bureau of Investigation Laboratory for direct submissions.
- **Fingerprints/Palm Prints** [*See “Fingerprints and Palm Prints,” page 14.*]
 - Fingerprints and palm prints must be submitted to the FBI Next Generation Identification Program (NGI).
- **Internet Identifiers**
 - Any and all email addresses used by the sex offender
 - Any and all instant message addresses and identifiers
 - Any and all other designations or monikers used for self-identification in Internet communications or postings, including social network identifications such as Twitter accounts
- **Professional Licensing Information**
 - All licensing information that authorizes the sex offender to engage in an occupation or carry out a trade or business (e.g., state bar license)

Offense information

In addition to information obtained from the sex offender, the SRO must obtain the text of each provision of law defining the criminal offense for which the sex offender is registered.

■ Vehicle Information

- This includes vehicles for work or personal use—including land vehicles, aircraft, and watercraft.
 - License plate numbers
 - Registration numbers of identifiers
 - Description of the vehicle (i.e., color, make, model, year)
 - Permanent or frequent location where the vehicle is kept

■ Temporary Lodging

- Whenever a registered sex offender will be absent from his residence temporarily—for at least 7 days*—the following information must be collected:

- Identifying information of the temporary lodging locations including addresses and names (e.g., hotel name)
- Dates the sex offender will be staying at each temporary lodging location
- Consult your tribe’s code to determine how far in advance of travel the offender is required to provide this information and whether it must be in person

“Immediate” transfer of information

The initial or updated registration information must be *immediately* sent to other jurisdictions where the offender is required to register, as well as to the national crime databases and the tribe’s public sex offender registry website. SORNA defines “immediately” as within 3 business days.

- International Travel [See “Information Required for Notice of International Travel,” page 16.]

DNA Collection and Submission

SORNA requires DNA samples to be taken from sex offenders for purposes of analysis and entry into the FBI’s CODIS database, during the registration process, if DNA has not been taken and submitted previously. Some states are working with SORNA tribal jurisdictions to take, preserve, and submit DNA samples from sex offenders for entry into CODIS and to complete all of the requisite follow-through that occurs on a match between an offender and a forensic profile (known as a “cold hit”). Where such cooperation and coordination exists, SORNA tribal jurisdictions should include memorandums of agreement (MOA), or cooperative agreements, regarding DNA

*This is the minimum requirement based on SORNA. The exact number of days will depend on your tribe’s code.

submissions as part of their substantial implementation submission to the SMART Office. [See “SORNA Substantial Implementation,” page 23.] Tribes are encouraged to work with the states to establish procedures for this SORNA DNA requirement.

Some states, however, are precluded by state statute, regulation, or policy from accepting and processing DNA samples directly from tribal law enforcement entities. Because of this, the SMART Office has worked with the FBI DNA Database Unit (FDDU) to establish a federal “workaround” wherein eligible tribal jurisdictions may submit DNA directly to the FDDU. Tribal jurisdictions that choose to use this federal submission process must be able to take DNA samples according to the directions and standards set by the FBI and complete the required FBI form, which must include, among other items, data on each sex offender’s conviction and personal information, two fingerprints, and valid and verifiable agency contact information. The procedures for taking the sample must be followed diligently and all submissions must be complete to ensure that the submissions can be tested and the data entered into CODIS. The FBI provides the DNA sample kits free of charge to SORNA tribal registration jurisdictions. The FBI has a manual on their website on how to take and submit a DNA sample with the supplied kits: www.fbi.gov/services/laboratory/biometric-analysis/federal-dna-database.

Cold hits

Be aware that a sex offender DNA submission could result in a cold hit, and cooperation with other investigation agencies—including the FBI, U.S. Marshals Service, state and local law enforcement, and tribal police—may be necessary.

Private labs

Contracting with a private laboratory is not sufficient for DNA submission for sex offender registration purposes because private laboratories cannot submit their DNA profiles to CODIS.

How to order FBI DNA kits

DNA kits can be ordered from the FBI website at forms.fbi.gov/buccal-collection-kit-re-order-form. For information on the requirements for utilizing the DNA system established by the FDDU, please contact Lisa Grossweiler at 703-632-7440 or via email at lgrossweiler@fbi.gov. For general inquiries please call the FDDU main number 703-632-7529.

The FBI provides the DNA sample kits free of charge to SORNA tribal registration jurisdictions.

The SMART Office has worked with the FBI DNA Database Unit (FDDU) to establish a federal “workaround” wherein eligible tribal jurisdictions may submit DNA directly to the FDDU.

Do tribes need to retain DNA samples?

There is no need to retain DNA samples; samples should be taken and submitted for analysis.

Fingerprints and Palm Prints

SORNA requires that jurisdictions include in their registries a set of fingerprints and palm prints from each sex offender. Jurisdictions must maintain fingerprints and palm prints in digital format in order to facilitate immediate access and transmittal of information to various entities.

However, the requirement to maintain fingerprints and palm prints in digital format does not mean that jurisdictions must use digital print-taking devices to obtain registered sex offenders’ prints. Rather, to meet this requirement, jurisdictions may *either*—

1. Use digital print-taking devices to obtain registered sex offenders’ fingerprints and palm prints.
2. Take rolled, inked prints, which the jurisdiction then scans and uploads.

While digital prints will generate an immediate alert to the user that the prints will be accepted by the Next Generation Identification (NGI) system, rolled, inked prints that are scanned will not. The submission of finger and palm prints to NGI, which is run by the Criminal Justice Information Services (CJIS) of the FBI, is required by SORNA.

Tribal SORNA jurisdictions using digital print-taking devices (LiveScan) should consider selecting a device that interfaces with the state system through which they are submitting their prints for upload to NGI. Tribes that will scan or roll prints for mailing directly to CJIS may order fingerprint cards free of charge. See www.fbi.gov/services/cjis/fingerprints-and-other-biometrics/ordering-fingerprint-cards-and-training-aids.

How to order FBI fingerprint cards

To obtain fingerprint cards, you must have an Originating Agency Identifier (ORI) number. If you do not already have an ORI number, you can request one by contacting the FBI’s CJIS Division Systems Access Group, at 304-625-4543. Once you have obtained an ORI number, complete the CJIS Fingerprinting Supply Requisition Form 1-178, which is available at www.fbi.gov/services/cjis/fingerprints-and-other-biometrics/ordering-fingerprint-cards-and-training-aids. If you have questions, contact CJIS Fingerprint Supply Center at 304-625-3983.

The SMART Office has posted numerous FBI documents on its website to assist tribal jurisdictions in capturing and submitting finger and palm prints. These include—

How to order fingerprint cards and training aids
www.smart.gov/pdfs/HowToOrderFPCards.pdf

How to complete fingerprint card
www.smart.gov/pdfs/HowToCompleteFPCard.pdf

Guidelines for capturing palm prints and supplementals
www.smart.gov/pdfs/palmprints_fbi_guidance.pdf

Submitting Offender Information Into NCIC/NSOR

SORNA requires that when an offender initially registers or updates his or her information in a jurisdiction, that initial registration information or updated information be immediately submitted to the National Sex Offender Registry (NSOR), which is a subfolder of the National Crime Information Center. NCIC/NSOR is operated and maintained by the FBI's CJIS division.

Many tribal jurisdictions have agreements in place, such as MOAs, with various state and local law enforcement agencies in order to access and submit offender information into NCIC/NSOR. Some tribal jurisdictions have their own access and are able to submit directly. Keep in mind that having read-only access to NCIC/NSOR is insufficient. A tribal jurisdiction must be able to submit and update offender information.

If you are uncertain of whether your tribe has access to NCIC/NSOR, contact your tribe's designated law enforcement agency. Even if there is an MOA in place with another entity to provide NCIC access, review the MOA to be certain that it includes submitting registered sex offender information into NSOR. An MOA for NCIC access may have been executed prior to a tribe implementing a SORNA program and therefore may not cover submitting registration information. If this is the case, consider working with your tribe's legal counsel to amend the MOA.

Be aware!

Inputting offender information into TTSORS [see page 21], Offender Watch, or any other registry system will NOT automatically submit information into NCIC/NSOR.

Tribal Access Program

The U.S. Department of Justice recently launched the Tribal Access Program (TAP) in an effort to provide tribal jurisdictions with direct access to federal databases, including NCIC/NSOR. For more information on TAP, contact TribalAccess@usdoj.gov.

Information Required for Notice of International Travel

SORNA* requires that a registered sex offender inform his or her residence jurisdiction of any intended travel outside of the United States at least 21 days prior to that travel. The residence jurisdiction must then notify the U.S. Marshals Service's National Sex Offender Targeting Center (USMS-NSOTC) with the intended travel information. The residence jurisdiction must also update NCIC/NSOR. The other information-sharing requirements of SORNA apply to this information as well, including updating NCIC/NSOR.

Advance notice

Unlike temporary lodging, any and all international travel—regardless of trip length—requires that registered sex offenders inform their jurisdiction at least 21 days in advance of their trip.

Jurisdictions must collect the following information regarding a registered sex offender's intended international travel:

■ Identifying Information

- Full name
- Aliases
- DOB
- Sex
- FBI number (for domestic law enforcement use only)
- Citizenship
- Passport number and country

■ Travel information

- Destination(s)
 - Dates/places of departure, arrival, and return (if applicable), including the name of the city/town that is the point of departure from each country
 - Means of travel (air, train, ship)
 - Itinerary details (when available) including the name of the airport/train station/port, the flight/train/ship number, the time of departure, the time of arrival, and information about any intermediate stops

*As augmented by the Supplemental Guidelines for Sex Offender Registration and Notification (January 2011).

- Purpose(s) of Travel
 - Business
 - Deportation
 - Military
 - Relocation
 - Other (specify)
- Criminal Record
 - Date and city, state, or jurisdiction of conviction
 - Offense(s) of conviction requiring registration
 - Victim information (age/gender/relationship)
 - Registration jurisdiction(s) (state, tribe, or territory)
- Other
 - Contact information within destination country
 - Notifying agency and contact information

How to notify the U.S. Marshals

Jurisdictions are strongly encouraged to make this notification by way of the “Notification of International Travel Form” on the SORNA Exchange Portal, which is available free of charge to all registration jurisdictions. [See “SORNA Exchange Portal,” page 18.] As an alternative, jurisdictions may directly submit the “Notification of International Travel Form” to the USMS-NSOTC at **IOD.NSOTC@usdoj.gov**, with a subject line of “Sex Offender Travel Notification.” Questions about this process may be directed to the USMS-NSOTC at 202-616-1600. Once a notification is made, USMS-NSOTC will provide the information to INTERPOL Washington, which will communicate the information to law enforcement partners at the intended foreign destinations of travel.

Digital copies or photocopies of all pertinent travel documents should be made at the time such information is collected. If such documents are not available, the jurisdiction should collect identifying information on those documents (for example, for a passport, the passport number and country of issuance). Jurisdictions should note that any information provided might be communicated to foreign law enforcement officials, as is deemed necessary.

In addition to notifying the U.S. Marshals, jurisdictions are free to directly notify other appropriate law enforcement agencies of an offender’s intended international travel when and if circumstances necessitate, by whatever means the jurisdiction determines is appropriate.

SORNA Exchange Portal

SORNA requires jurisdictions to share information about sex offenders who are relocating between jurisdictions or required to register in more than one jurisdiction. The SORNA Exchange Portal was developed by the SMART Office to meet this objective and it has been expanded to provide sex offender registration personnel an Internet-based community in which to share information. Each registration jurisdiction has access to its own individual site and information can be exchanged through a variety of means, including discussion boards, document and file sharing, event calendars, historical statutes databases, and offender relocation tasks.

SROs should have policies and procedures in place to regularly access the SORNA Exchange Portal. Setting up automated, customized alerts is highly recommended.

Community Notification Requirements

SORNA requires that registration jurisdictions immediately provide any initial or updated information about a sex offender to numerous agencies that fall under specific categories. Each category is addressed below, with direction as to how jurisdictions may substantially implement its terms.

Remember to update contact information

SROs must be certain the point of contact information for their jurisdiction is up-to-date in the SORNA Exchange Portal. If it is not, another jurisdiction may be attempting to notify the wrong person of a relocating offender or sending the information to an incorrect email address.

How to access the SORNA Exchange Portal

To access the SORNA Exchange Portal, you must have a user name and password. To receive this information, email a request to ***AWA-Request@iir.com***. Once you receive your user name and password, you may log onto the portal at ***https://portal.nsopw.gov***.

TTSORS

SORNA Community Notification Requirements are already included in the Tribe and Territory Sex Offender Registry System (TTSORS). As a TTSORS user, your registry system will be able to provide community notifications. *[See "Tribe and Territory Sex Offender Registry System," page 21.]*

Immediately after a sex offender registers or updates a registration, the SRO should make sure the information is provided to:

1. *The Attorney General, who shall include that information in the National Sex Offender Registry or other appropriate databases.*

To meet this requirement, jurisdictions must immediately forward any information to NCIC/NSOR.

2. *Appropriate law enforcement agencies, schools, and public housing agencies.*

Jurisdictions may sufficiently notify these agencies by:

- i. ensuring that their police departments, sheriffs' offices, prosecution offices, and probation/parole offices have access to the law enforcement portion of their sex offender registry; and
- ii. utilizing an email notification system, as discussed in (5) below.

In conjunction with the SMART Office, many jurisdictions have developed alternative methods for complying with this section.

3. *Each jurisdiction where the sex offender is required to register.*

To meet this requirement, jurisdictions must ensure that there is a mechanism in place through which they can transmit registration information to any other jurisdiction where an offender is required to register. This capacity must include not only states, territories, and the District of Columbia, but also every federally recognized Indian tribe that has elected to operate as a SORNA registration jurisdiction. Utilizing the SORNA Exchange Portal will satisfy this requirement. [See "SORNA Exchange Portal," page 18.]

4. *Any agency responsible for conducting employment-related background checks.*

To meet this requirement, jurisdictions must check within their own governmental structure to determine:

- i. which agencies conduct such background checks; and
- ii. how to ensure that those background checks will capture the registration information submitted by the sex offender to the registering agency.

5. *Social service entities responsible for protecting minors; volunteer organizations in which contact with minors or other vulnerable individuals might occur; and any organization, company, or individual who requests such notification.*

Jurisdictions may sufficiently meet the requirements of this category of community notification by doing all of the following:

- i. immediately update the jurisdiction's sex offender public website when a sex offender either registers or updates his or her registration information;

- ii. establish an email notification system for the jurisdiction’s sex offender public website, which initiates a notification when an offender relocates (to include residence, work, and/or school address) in or out of a particular ZIP code or geographic radius; and
- iii. automatically email an individual who properly registers for the notification system the identity of the sex offender when such a relocation occurs, and reflect the relocation on the jurisdiction’s sex offender public website.

Public Website

The SRO is typically responsible for maintaining the tribe’s public sex offender registry website. You should ensure that the tribe’s public website is immediately updated with the required registration information. *[If your tribe uses TTSORS, see “Tribe and Territory Sex Offender Registry System,” page 21.]* If a tribe has an MOA with a state or other entity to use their public website, the SRO should be following up to check that the state is actually posting the required information. When posting registration information, make certain that prohibited information is not publicly posted.

Minimum Required Information	Prohibited Information
<ul style="list-style-type: none"> 1) Name of offender 2) Physical description of offender 3) Current photo 4) Residence address 5) Employment address 6) School address 7) Vehicle information 8) All sex offenses for which the offender has been convicted 9) Sex offense(s) for which the sex offender is registered 10) Notice that the offender is not in compliance and/or has absconded 	<ul style="list-style-type: none"> 1) Any arrest information that did not result in a conviction 2) Social Security number 3) Identity of the victim 4) Travel and immigration documents 5) Internet identifiers

Tribe and Territory Sex Offender Registry System

The Tribe and Territory Sex Offender Registry System (TTSORS) is provided by the U.S. Department of Justice (DOJ) and the SMART Office to assist tribes and territories in implementing SORNA registry system requirements. Management and update access to this system is restricted—only tribe and territory agencies responsible for the management and registration of sex offenders have access to TTSORS.

TTSORS serves a dual purpose. TTSORS functions as the administrative registry system AND as the public sex offender registry website system for your jurisdiction.

TTSORS is provided free of charge by the SMART Office so your jurisdiction does not need to develop or purchase any special information technology systems to have a SORNA-compliant registry system. All that is needed to use TTSORS is a computer with Internet access.

TTSORS is hosted and managed for you, and ongoing professional assistance is available to you. Technical assistance is only a phone call or an email away.

SORNA requirements are already included in TTSORS. As a TTSORS user, your jurisdiction will automatically participate with NSOPW and with the SORNA Exchange Portal. Your registry system will be able to—

- Provide community notifications.
- Collect all offender information required by SORNA.
- Share information with other SORNA jurisdictions.

Your website will be unique to your jurisdiction. You can customize the look of your public website. There are also custom offender information fields that can be tailored to collect additional information as needed.

NSOPW

The Dru Sjodin National Sex Offender Public Website (NSOPW) is the only government system to link public state, territory, and tribal sex offender registries from a national search site. Make certain that your tribe's public website is linked to NSOPW at www.NSOPW.gov. If it is not, contact the Institute for Intergovernmental Research at AWA-Request@iir.com.

How to get started

To get your tribe or territory started, send a request to the Institute for Intergovernmental Research via email to AWA-Request@iir.com or call 850-385-0600, extension 222.

Juvenile Offenders and SORNA

SORNA requires that jurisdictions register juveniles convicted as adults as well as juveniles adjudicated delinquent of certain sex offenses.

A common misconception is that SORNA requires jurisdictions to register all juveniles who are adjudicated delinquent for sex offenses. In fact, SORNA requires juvenile registration only if the juvenile was at least 14 years old at the time of the offense and was adjudicated delinquent for committing (or attempting or conspiring to commit) a sexual act (generally speaking, a forcible penetration offense) with another by force, by the threat of serious violence, or by rendering unconscious or drugging the victim.

Because of the severity of these offenses, these juvenile sex offenders are categorized as Tier III offenders under SORNA and are subject to duration and in-person verification requirements applicable to all Tier III offenders.

Although SORNA requires registration for juveniles adjudicated delinquent of certain sex offenses, SORNA allows registration to be terminated after 25 years for those maintaining a clean record.

SORNA does not require that registry officials treat their juvenile sex offenders as they would adult registrants. Jurisdictions have the discretion to exempt juveniles from their public sex offender website. Jurisdictions also have the discretion to establish different procedures for juveniles that recognize the different needs of juvenile offenders. For example, a jurisdiction may adopt different locations or protocols for their in-person appearances.

Jurisdictions have the discretion to exempt juveniles from their public sex offender website.

Failure To Appear for Registration

When a tribal jurisdiction receives notice that an offender is relocating to that tribe to reside, work, or attend school, and then that sex offender fails to appear for registration, the tribe (typically the SRO) must take the following step:

- Immediately inform the jurisdiction that provided the initial notification that the sex offender failed to appear.

If the tribe receives information that the offender has absconded, SORNA requires the following steps be taken:

- Determine whether the offender has actually absconded.
- If no determination can be made, inform tribal police or designated law enforcement agency to attempt to locate the offender.

If the absconded offender cannot be located, then take the following steps:

- Update the public sex offender registry website to note that the offender is an absconder.
- Notify the U.S. Marshals.
- Seek a warrant for the sex offender's arrest.
- Update NCIC/NSOR and note that the offender is an absconder.
- Enter offender information into the Wanted Person File in NCIC.

SORNA Substantial Implementation

Tools & Resources

The SMART Office has developed a number of tools that can assist tribal jurisdictions in developing SORNA programs and submitting a substantial implementation package:

SORNA Substantial Implementation Package Submission Guidance for Tribes. This document lists what should be included in the substantial implementation package, contact information, and the format and method of submission.

www.smart.gov/SubImplementation

Policies and Procedures Guide. This was developed to assist tribes with creating their own policy and procedures manual.

www.smart.gov/PPManual

Model Tribal Sex Offender Registration Code/Ordinance. This is a sample sex offender registration code. It is not intended to be adopted verbatim and should be tailored to the circumstances of each particular tribal jurisdiction.

www.smart.gov/pdfs/Model-Tribal-Code_508.pdf

Substantial Implementation Checklist. This provides step-by-step guidance in measuring compliance with SORNA's basic requirements.

www.smart.gov/sorna_tools_materials.htm

Tribal Training & Technical Assistance

The SMART Office's training and technical assistance team can provide support to tribes on substantial implementation of SORNA, as well as a variety of sex offender management issues. Typical methods of assistance have included conference calls, webinars, peer-to-peer support, and onsite support through training and community outreach events.

The SMART Office also funds the National Criminal Justice Training Center, which provides a range of training and technical assistance programs that can be tailored to meet the needs of your particular tribe. Consultants can assist with code development, policies and procedures drafting, sustainability planning, re-entry and treatment services, and engaging the community in education and prevention of sex offenses.

If your tribal jurisdiction is interested in training and technical assistance opportunities, please contact the SMART Office at your earliest convenience.

More about SORNA

More information about SORNA is available on the SORNA main page, www.smart.gov/sorna.htm

