

SORNA Implementation Policy and Procedures Guide

The SMART Office has developed this guide to assist tribes with creating their own policy and procedures manual to describe their sex offender registration and notification program. This guide should only be used as a starting point for developing policy and procedures for a specific tribe. It should not be used as a template, but rather, as a tool to assist with creating a program specific policy and procedures manual. It is advisable for the policy and procedures manual to track the order of the tribe's sex offender code, however it should not be a copy of the code rather it should describe how all the functions of the tribe's sex offender notification and registration program will be carried out by the designated staff.

If a tribe has entered into one or more Memoranda of Understanding (MOUs) for a substantial portion of its sex offender program, a policy and procedures manual describing tribal procedures is still necessary but it will have different components than those described below.

For specific examples, you may refer to copies of policy and procedure documents that some Tribes have uploaded to the SORNA Exchange Portal. Visit the [SMART Office website \(www.smart.gov\)](http://www.smart.gov) for more information on the SORNA Exchange Portal.

A. Criminal Justice Functions

1. Police Department

- Describe your Police Department (BIA, contract, tribal, etc.).
- Explain who is designated to handle the law enforcement aspects of sex offender registration and notification.
- If the tribal or BIA police department are the registration agency, describe how the registration function is carried out.
- If the police department will handle only those police oriented functions, then note which agency will be responsible for sex offender registration and detail how the police oriented functions will be performed (i.e. Fingerprinting, DNA collection, NCIC/NSOR and all federal databases). (Participation in submission of data to these databases may expand police functions beyond specific SORNA registration and notification).
- If the tribe has contracted or entered into an MOU for the police functions, describe how these registration requirements will be completed and by whom.

2. Tribal Court (if applicable)

- Describe your Tribal Court procedures relating to sex offender registration.
- Describe your procedures for providing notice to sex offenders of their obligation to register any place they live, work or go to school:
 - Before they plead guilty for a registerable offense; or
 - When found guilty of a registerable offense
- Include any forms that will be utilized by the court for providing notice and recording.

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3. Probation Department (if applicable)

- Describe the probation department's role in identifying offenders who must be recaptured for registration.
- Describe the probation department's role in managing sex offenders, including but not limited to address verification or enforcement activities.

4. Jail

- If the tribe has a jail, include procedures for completing registration of previously convicted offenders who must be recaptured for registration.
- If the tribe does not have a jail but contracts with a county or other tribal jail, include the procedures developed in collaboration with those jails regarding notice:
 - Notice to the offenders (collaborate on notice forms)
 - Notice to the tribe of offender release to tribal land
- Procedures should be in place that facilitates the relay of information to the tribe from state, county and federal prisons that release sex offenders to its jurisdiction to ensure that the tribe is duly notified upon the release of any sex offenders who must be registered with the tribe.

5. Businesses

- Describe how businesses will be notified that employees must register.
- Describe how businesses will cooperate with sex offender registration program to notify employees of their obligation to register.
- If business practices exempt registered sex offenders, reference and include copies of those exclusions and policies.

B. Registration Process and/or Program

1. Registration

- Describe which offenders need to register, including those who live, work or go to school within the jurisdiction.
- Explain how offenders that need to be recaptured will be identified and registered, including how information will be obtained from states regarding registered sex offenders who live on tribal land who must now register with the tribe.
- Define the responsible registrar/responsible office.
- Describe the duties of the registrar. Detail what information will be collected and how it will be recorded and digitized.
- Describe circumstances (changes) that require re-registration.
- Identify where registration will take place.
- Describe which offenders will need to register or re-register and when initial registration will occur.

2. Registerable Offenses

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- Reference the section of your tribe's code that specifies when and how offenders will register according to their Tiers (Tiers I, II and III - if tribe uses all three tiers).
- Detail who is responsible for assignment of Tier.
- Reference what forms or additional processes will be utilized to capture the necessary data. Include details on how eligible offenders will be recaptured that are (if duplicative information from above, no need to repeat):
 - In jail
 - On community supervision
 - Previously registered with State who now must register with tribe
 - Previously unregistered offenders that now must register with the tribe
 - Convicted of a new offense

3. Monitoring Registered Offenders

- Describe how the registration will be kept current and monitored:
 - Frequency of updating and how offenders will be notified
 - Process for follow-up
- Include procedure by which sex offenders will be notified of their requirement to provide all necessary updates, including:
 - Temporary lodging
 - 21 day notice of intent to travel internationally
- Describe the registration process, including acknowledgment form and registration checklist, to include:
 - Required information to be collected by registry officials
 - Required information prohibited from public disclosure

4. Enforcement of Registration

- Describe the enforcement procedures that will be used in the event a registered offender fails to appear for registration.
- Describe the enforcement procedures that will be used when an offender has absconded, including coordination with USMS.
- If entering into an MOU with a county for registration and notification, include procedures for coordinating enforcement activities.
- Describe criminal penalty for failure to register (reference sex offender code).
- Describe how civil penalties will be enforced or cross reference relevant tribal code
- Describe how any reductions in registration obligations will take place.

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C. Public Sex Offender Website

- Provide the URL of the tribe's public website.
- Provide the name of the tribe's public website.
- If not live, provide the projected go-live date for the site.
- Identify if the tribe will use the TTSORS Registry system.
- If not utilizing TTSORS, explain how the site is/will be connected to the NSOPW.
- Include agreements and or contracts for the system the tribe will be utilizing.
- If the tribe will be submitting sex offender data to a county or state for entry into that jurisdiction's public website, include MOU's and procedures describing these processes.
- Describe who will be entering data into the registry and public website and who will be responsible for all updates.
- Describe how the tribe's public website comports with the SORNA requirements described in the tribe's code.

D. Community Notification

- Describe how the public can request email notification of sex offender registration information.
- Describe any additional programs that will be used to inform and educate the public, schools, or other entities regarding the existence of sex offenders who are living in/returning to the community.
- Describe how law enforcement notifications will take place and who will be notified.

E. SORNA Exchange Portal

- Describe how the tribe will manage use of the Exchange Portal (see Supplemental Guidelines).

F. Data Collection, Submission, and Updating

- Describe which law enforcement agency will be responsible for collecting and submitting law enforcement criminal justice data and information:
 - NCIC/NSOR information/data entry
 - Fingerprint submission to IAFIS
 - Palm Print submission to FBI Next Generation
 - DNA collection and submission to CODIS

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G. MOUs, Cooperative Agreements and Policies

- Include copies of these documents, where applicable.
- Describe how any services provided through an MOU or Cooperative Agreement will interface with the tribe's sex offender registration program.
- Include if applicable:
 - Cross-deputization agreements
 - Notification agreements with jails/prisons
 - Contracts or agreements for web services
 - Intergovernmental agreements or cooperative agreements with other tribes, counties, state or federal agencies

H. Forms

- Include copies of any:
 - Tribal court notification forms
 - Sex offender acknowledgement form
 - Registration forms
 - Absconson documents
 - International Travel Forms
 - Any other relevant documents or forms concerning sex offenders and sex offender registration

I. Optional Considerations

- Though not required by SORNA, please describe any policies or procedures relating to the following:
 - Exclusion (if excluding or banishing sex offenders who are convicted by tribal court, the offender must initially register with the tribe and all relevant notifications must be made by the tribe to the receiving jurisdiction)
 - Banishment
 - Residency restrictions
 - Process for address verification
 - Description of any comprehensive approach the tribe will use to monitor offenders, protect victims/community members, and to keep the community informed

Any other policies or procedures that pertain to how the tribe will protect the community from sex offenders, including community education, outreach to victims, or other efforts specific to the tribe.