

2016 NATIONAL SYMPOSIUM

ON SEX OFFENDER MANAGEMENT AND ACCOUNTABILITY

JULY 26-27 | KANSAS CITY MARRIOTT DOWNTOWN, KANSAS CITY, MO

ADAM WALSH ACT

10th

ANNIVERSARY

Increasing Collaboration Between Tribes, States and Federal Services

United States Marshals Service District of South Dakota
South Dakota Division of Criminal Investigation
Oglala Sioux Tribe Department of Public Safety
Little Traverse Bay Bands of Odawa Indians



SMART

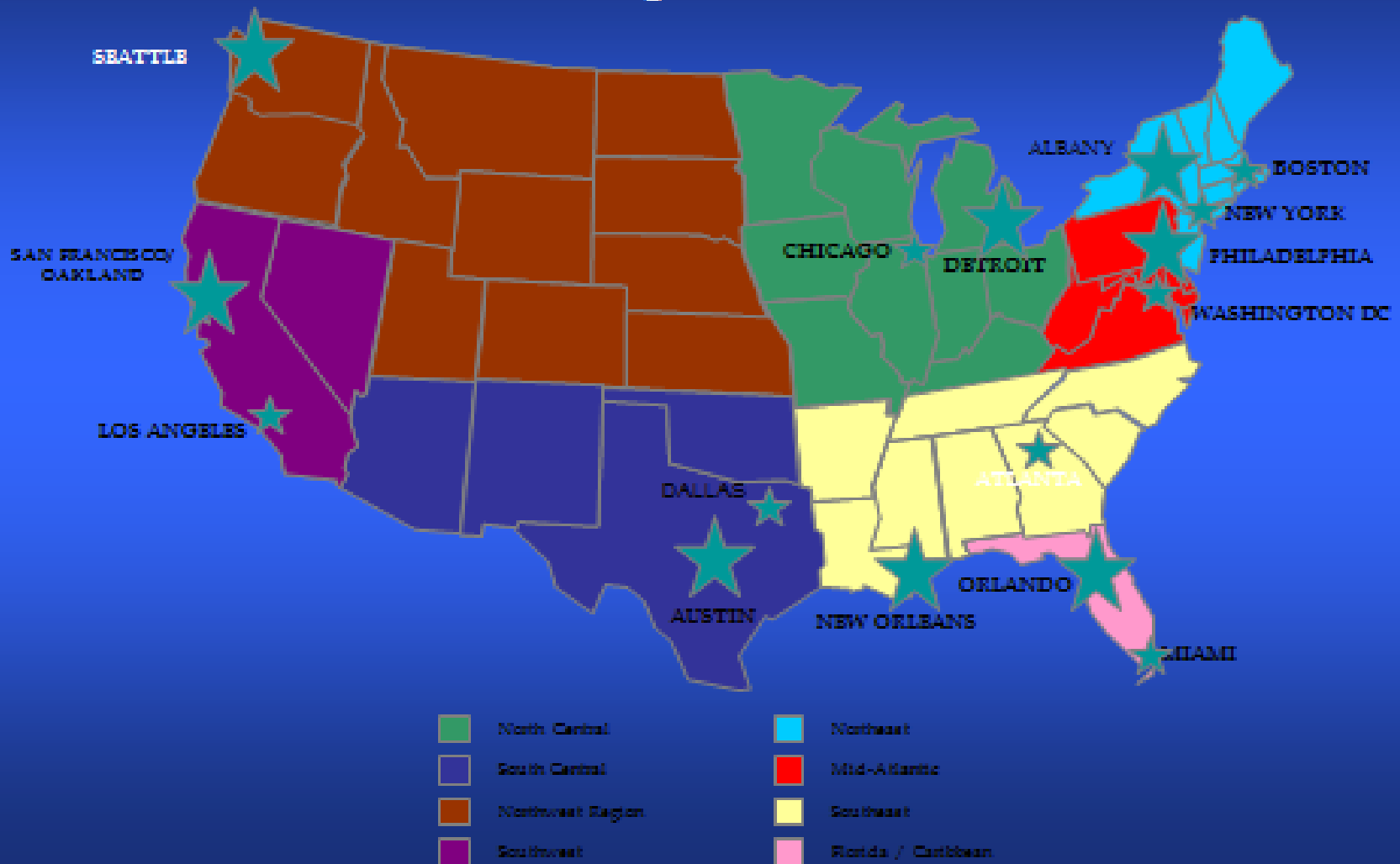
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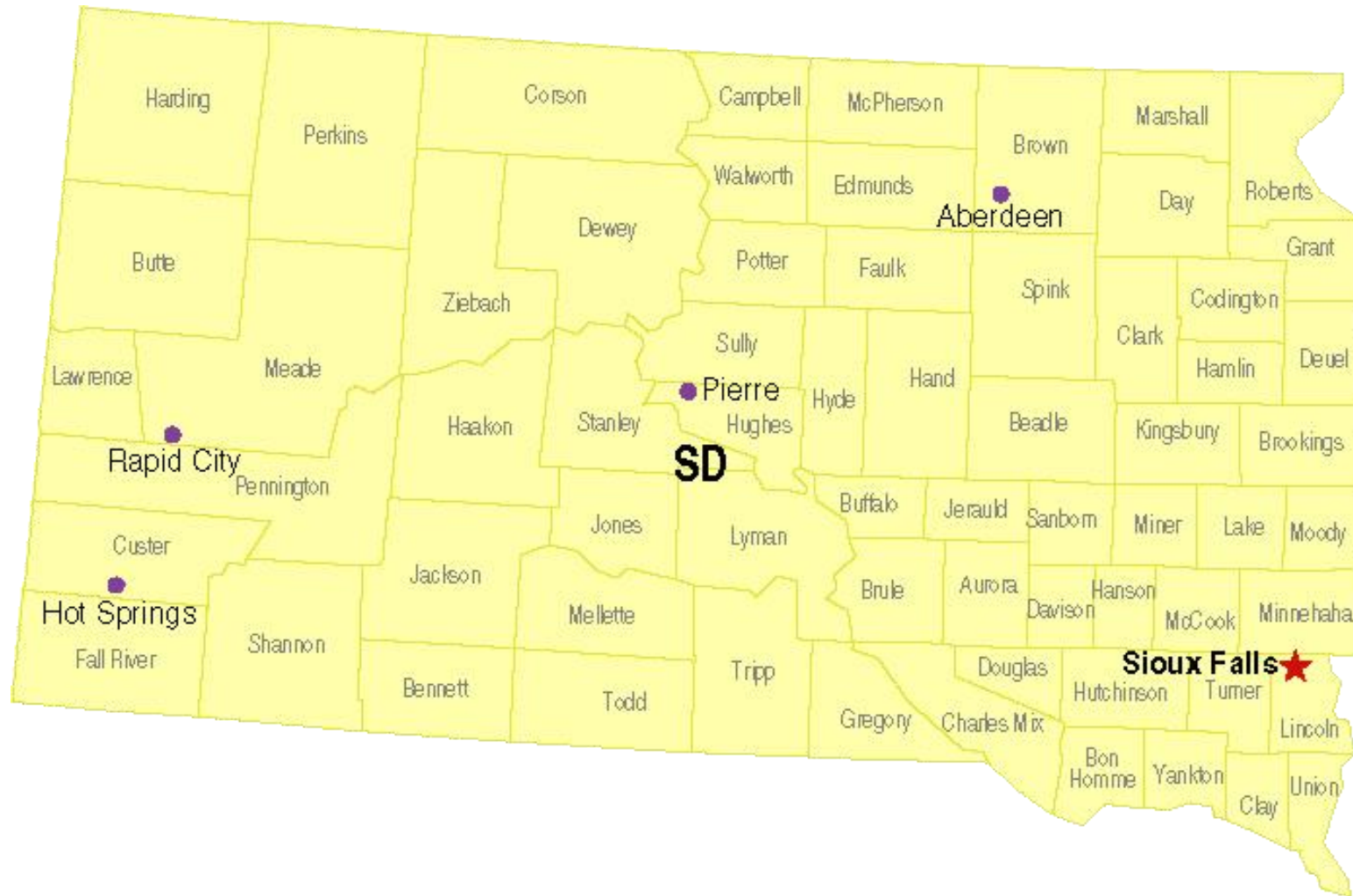


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Investigative Operations Division SOIB Regional Structure



United States Marshals Service District of South Dakota





- | | | |
|------------------|-------------|-------------------|
| Cheyenne River | Lower Brule | Sisseton Wahpeton |
| Crow Creek | Pine Ridge | Standing Rock |
| Flandreau Santee | Rosebud | Yankton |



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Elements of 18 USC 2250

The subject must be:

- **required to register under SORNA and**
- **a sex offender as defined for the purposes of SORNA by reason of a conviction under federal law, including the Uniform Code of Military Justice; under the law of the District of Columbia; under Indian Tribal Law, or under the law of any territory or possession of the US, or**
- **Travel in interstate or foreign commerce (or enter, leave or reside in Indian Country) and**
- **Knowingly fail to register or update registration as required by SORNA.**

Penalties

Chapter 109B-Sex
Offender and Crimes
Against Children
Registry

18 USC 2250
Failure to Register



-
- Shall be fined or imprisoned not more than 10 years, or both.
 - Mandatory supervision of 5 years following incarceration.

-
- (b) Affirmative Defense;
 - (1) Uncontrollable circumstances
 - (2) Subject did not contribute to the creation of such circumstances
 - (3) Individual complied as soon as circumstances ceased

(c) Crime of Violence

- Commits a crime of violence under Federal law, UCMJ, DC, Tribal law, territory or possession of the US,
- Shall be imprisoned for not less than 5 years and not more than 30 years.
- In addition and consecutive to the punishment provided in subsection (a)

U.S. Attorney's Office

- Makes the decision to prosecute a Walsh Act violation; they have wide discretion and considerable autonomy.
- USAO typically will consider severity of subject's offense, risk to the community and quality/quantity of evidence against the subject.
- USAO may also consider the willingness and ability of a state to prosecute a related violation, as well as the relative severity of the available state penalty.

USAO District of SD

- USAO dictates the criteria for prosecution of offenders identified under the Act.
- Offenders convictions for crimes against child/minor will take priority for consideration of prosecution.
- USAO may prosecute cases in either jurisdiction, where the subject is located/arrested and has failed to register as required.
- Generally, cases should be prosecuted in the jurisdiction where the subject is arrested.
- The violation meets the criteria of the elements described in the Act.

USMS ROLE



USMS Sex Offender Investigations Branch



- The specific role of the USMS in enforcing the Act is set out at 42 USC 16941(a), which states, in part, that the “Attorney General shall use the resources of Federal law enforcement, including the United States Marshals Service, to assist jurisdictions in locating and apprehending sex offenders who violate sex offender registration requirements.”

Key Missions

- *Assist* state, local, tribal and territorial authorities in the location and apprehension of non-compliant sex offenders
- Investigate violations of 18 USC 2250
- Assist in the identification and location of sex offenders relocated as a result of a major disaster

Key Partners

- Sex Offender Registries, State, Local and Tribal law enforcement
- NCMEC
- USAO
- ICAC Task Forces
- SMART Office
- DHS
- USPIIS
- USSS
- OJP – Bureau of Justice Assistance
- FBI
- Interpol

Implementation

- Investigative guidelines
- Training
- Sex Offender Investigations Coordinators
- Sex Offender Tracking Tools
- Coordination with State Sex Offender Registries, US Attorneys, National Center for Missing and Exploited Children

Investigative Resources

- Funding/Resources
- Sex Offender Investigations Coordinators
- National Sex Offender Targeting Center
- USMS Liaison to NCMEC
- State/Local/Tribal Partners

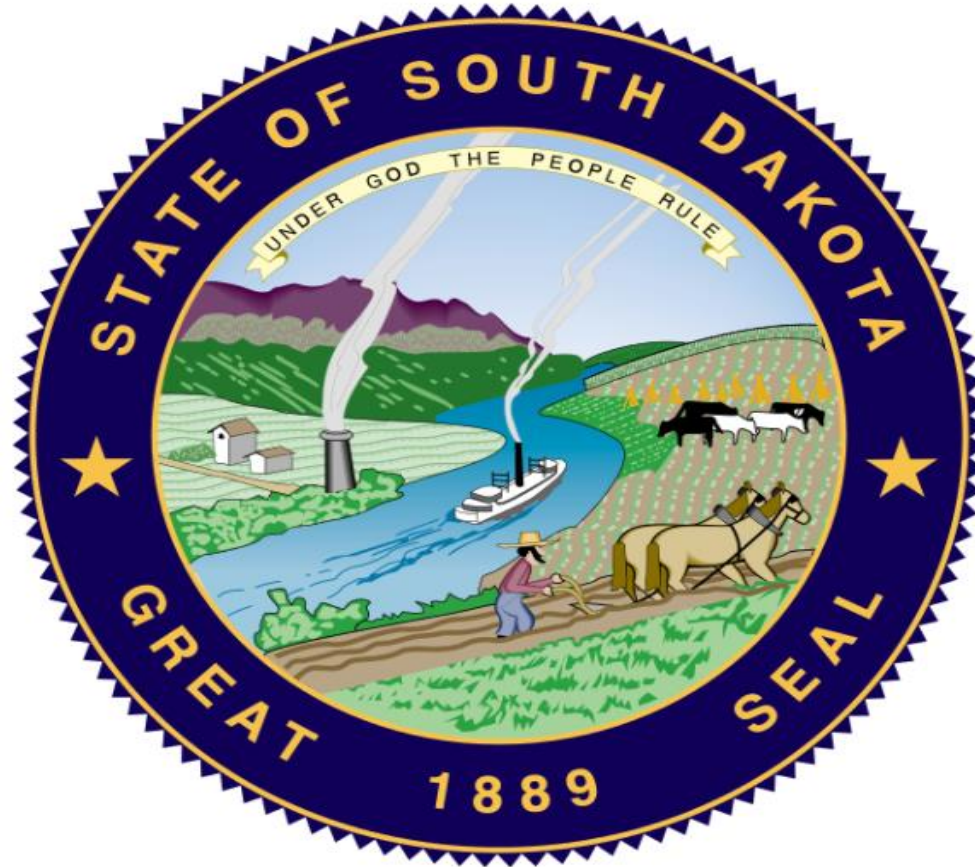
Thank You

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STATE OF SOUTH DAKOTA AND TRIBAL AGENCIES



NINE SOUTH DAKOTA TRIBAL AGENCIES

5 West River & 4 East River

WEST RIVER TRIBAL

AGENCIES:

- Standing Rock
- Cheyenne River
- Lower Brule
- Pine Ridge
- Rosebud

EAST RIVER TRIBAL

AGENCIES:

- Flandreau
- Yankton
- Crow Creek
- Sisseton



- | | | |
|------------------|-------------|-------------------|
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TRIBAL REGISTRY

- Sisseton/Wahpeton Oyate – OWN REGISTRY; registrants also register with the local law enforcement = Roberts County
- Yankton Sioux Tribal – OWN REGISTRY; registrants also register with the local law enforcement = Charles Mix County
- Flandreau Tribal- currently working with them in regards to a Joint Powers Agreement. Work in progress.
-

JOINT POWERS AGREEMENTS

- STANDING ROCK
- CHEYENNE RIVER
- CROW CREEK

NO JOINT POWERS AGREEMENTS

- ROSEBUD – SOIA
- OGLALA SIOUX / PINE RIDGE – SOIA
- LOWER BRULE TRIBAL – SOIA
- FLANDREAU SANTEE SIOUX – work in progress

Thank You

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Oglala Sioux Tribe – Department of Public Safety

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SMART



OST Department of Public Safety



- The OST-Department of Public Safety has been registering Sex Offenders since 2000 by creating Tribal Ordinance 00-27 “Ordinance of the Oglala Sioux Tribal council Establishing Mandatory Registration of Convicted Sex Offenders on the Pine Ridge Reservation”.
- Tribal Ordinance 05-14 amended Tribal Ordinance 00-27 “Ordinance of the Oglala Sioux Tribal Council Amending Ordinance No. 00-27, Establishing Mandatory Registration of Convicted Sex Offenders on the Pine Ridge Reservation to include Section F. Registration information for Offenders will be placed on the Oglala Sioux Tribe Department of Public Safety Website





OST Department of Public Safety



- In 2007, I was contacted by Peggy Nickerson, SD DCI Sex Offender Coordinator.
- Peggy informed me of the upcoming changes and invited me to the State meeting.
- So after this meeting. Tribal Council enacted the changes required by SORNA in Tribal Ordinance 07-11. “Ordinance of the Oglala Sioux Tribal Council Amending Ordinance 00-27 and Ordinance 05-14 Establishing Mandatory Registration of convicted Sex Offenders on the Pine Ridge Reservation.





OST Department of Public Safety



- In 2011 the Tribe enacted Ordinance No 11-12: “Ordinance of the Oglala Sioux Tribal Council electing to implement the Adam Walsh Act and the Sex Offender Registration and Notification Act (SORNA) and to submit Memorandum to the United States Department of Justice”.
- Also Ordinance No 11-13: “Ordinance of the Oglala Sioux Tribal Council adopting the Oglala Sioux Tribe Sex Offender Registration Code and Related Forms, Policies and Procedures





OST Department of Public Safety



- There are currently 104 registered Sex Offenders and 5 Non Compliant Sex Offenders
- In January of 2011, OST-Department of Public Safety and the US Marshals, set up the 1st Sex Offender Coordinated Compliance and Enforcement Review (SOCCER) in the State of South Dakota
- Since this time there has been an SOCCER in July 2014 and March 2016.
- The State Sex Offender Compliance Officer Peggy Nickerson, has been a great asset to my department. She was able to help me get all sex offenders within the Pine Ridge Reservation, registered and compliant.



Wopila (Thank You)

Denise Brings Him Back

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Little Traverse Bay Bands of Odawa Indians



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SEX OFFENDER REGISTRATION & NOTIFICATION Act (SORNA)

THE ADAM WALSH CHILD PROTECTION AND SAFETY ACT OF 2006

What Does This Mean to the Peoples of the United States?

- NATION-WIDE and COMMUNITY AWARENESS
- SAFETY / PROTECTION
- RECTIFICATIONAL BASED LAW
- TREATMENT for VICTIMS and OFFENDERS

SEX OFFENDER REGISTRATION & NOTIFICATION Act (SORNA)

Where Are We Now?

- United States Department of Justice, SMART Trainings – (Regional, Annual, TA Requests, TTSORS, JUST, Tribal Access Pilot Program) (*Federal*)
- STATE AGENCY TRAININGS – (Michigan State Police – Offender Watch) (*State*)

TWELVE FEDERALLY RECOGNIZED TRIBES IN MICHIGAN



SEX OFFENDER REGISTRATION & NOTIFICATION Act (SORNA)

What Has Happened In Michigan?

- TRIBAL COLLABORATION TRAINING (Tribes)
 - ✍ USDOJ Guidelines and Requirement Checklist for Tribes
 - ✍ Basic Information Sharing
 - ✍ Implementation Options
 - ✍ Strengths & Weaknesses ~ Hurdles / Successes
 - ✍ Use of Tools ~Kiosks, Reminder Notices, Community Notification
 - ✍ Multi-jurisdictional Registration

See <http://www.indianz.com/News/2015/016871.asp> for additional details on the collaboration meeting

SEX OFFENDER REGISTRATION & NOTIFICATION Act (SORNA)

Looking Into the Future?

- CONTINUATION WITH COLLABORATIVE EFFORTS
 - ✍ Meet on an Annual Basis
 - ✍ Create an Official Michigan Tribal SORNA Coalition
 - ✍ Incorporate Federal Grants Available for the Coalition
 - ✍ Address Accountability and Management (Re-Entry)

See <http://www.indianz.com/News/2015/016871.asp> for additional details on the collaboration meeting



Little Traverse Bay Bands of Odawa Indians

Miigwech (Many thanks)

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