

S.O.R.N.A

Sex Offender Awareness Information

What happens when a sex offender does not register?

Any time an offender's location cannot be verified, whether by failing to initially register or by apparently leaving their address of record, officers shall abide by the following procedures.

In the case of individuals who fail to initially appear for registration, the officer shall immediately inform the jurisdiction that provided notification that the sex offender was to commence residency, employment, or school attendance with the Tribe that the sex offender failed to appear for registration.

If an officer receives information that a sex offender has absconded, the police shall make an effort to determine if the offender has absconded. Upon confirmation of an offender having absconded, the officer shall;

1. Notify Cheyenne River Sioux Tribal Police Department and any other appropriate law enforcement agency;
2. Sex Offenders shall notify SORNA then we contact the jurisdiction through the SORNA exchange portal.
3. Update the National Tribal Sex Offender Registry to reflect that the offender has absconded or is otherwise not capable of being located;
4. Update the NSOR to reflect the sex offender's status as an absconder or is otherwise not capable of being located;
5. Enter the offender into the National Crime Information Center (NCIC) Wanted person file; and
6. Request a federal warrant for the arrest of the offender by issuing the Absconson Notification Letter.

PROGRAM STAFF

Bonnie La Claire, B.S., CRJ,
M.S. AJS, Project Coordinator

Braden Dupris

Compliance Officer

LeeAnne Knight

Compliance Officer



Office location

707 Jefferson Street, Suite #2

Eagle Butte, SD. 57625

Office: 605-964-1710/1711

Fax# 605-964-1712

E-mail: crstsrna@gmail.com

SORNA Sex Offender Registration & Notification Act

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

Department of Justice

SORNA AWARENESS

BROCHURE

Cheyenne River Sioux Tribe

SORNA BROCHURE

Sex Offender Awareness Information

In 1994 the United States Congress passed the Jacob Wetterling Crimes against Children and Sexually Violent Offender Registration Act. This act established guidelines for states to track sex offenders by requiring them to confirm a sex offender's place of residence annually for ten years after release, or quarterly for the rest of their lives, if the sex offense was a violent sex crime.

In 1996 the Jacob Wetterling Act was amended by what is commonly known as Megan's Law. This amendment provided for the public disclosure and dissemination of certain information from sex offender registries. As a result, state and local law enforcement were required to publicize certain information about offenders. In 2003 the Prosecutorial Remedies and Other Tools to end the Exploitation of Children Today (PROTECT) Act was passed, which, in part, required the Department of Justice to maintain a sex offender website with links to each state sex offender website. That website is known as The Dru Sjodin Nation Sex Offender Public Website.

Finally, in 2006 the Adam Walsh Child Protection and Safety Act was passed. Between the passage of the Jacob Wetterling Act in 1994 and the Adam Walsh Act in 2006, tribes came upon the national sex offender registry radar. Certain courts in Public Law 280 states found that state sex offender registry and notification laws were essentially civil regulatory. Due to the nature of federal Indian law, this meant that states had no jurisdiction to impose their sex offender laws on tribal lands, thereby creating a gap in the national registry system. Consequently, Title I of the Adam Walsh Act sought to close that gap by requiring tribes to either opt into the national registry system or have their jurisdiction over such matters transferred to states. Title I is what is known as the Sex Offender Registration and Notification Act (SORNA).

Unfortunately, neither tribes nor states were consulted in the development of the Adam Walsh Act, and

SORNA in particular. Consequently, there are many unanswered questions and clear gaps in the law. However, to ensure they maintained their sovereign authority over sex offense registration and notification tribes were required to pass resolutions declaring their intent to implement the requirements of SORNA by July 2007. 198 tribes across the nation did so. However, the Act further required that those tribes substantially implement the requirements by July 2009. Whereas states have had at least ten years of experience in developing and maintaining sex offender registries, most tribes have not. Furthermore, the guidelines for implementing the Act were not finalized until July 2008. Thus, tribes have had one year to develop and implement a comprehensive sex offender registry to maintain their sovereignty over such matters. This policy and procedures manual is a critical component of this tribes' implementation of SORNA.

In furtherance of implementing the requirements of SORNA, the Cheyenne River Sioux Tribe (hereinafter "the tribe") enacted the Cheyenne River Sioux Tribe Sex Offender Registration Code (hereinafter "CRST SORNA Code") on July 12, 2012. Pursuant to that code, any qualifying sex offender must register with the Tribe.

Who must register? The applicability of this Code is **not limited** to individuals who have been convicted or sentenced by the tribal court, **nor** to tribal members or Indians in general. The following individuals **MUST** register with the Tribe, including all individuals who have been convicted and sentenced by the Cheyenne River Sioux Tribal court for a qualifying offense and all other individuals convicted and sentenced for a qualifying offense by any court of competent jurisdiction.

Offenders, including visiting sex offenders indenting to stay on the reservation overnight or longer, or who reside within the territorial jurisdiction of the Cheyenne River Sioux Tribe or who otherwise reside on property owned by the Tribe in fee or trust regardless of location, or who are employed within the territorial jurisdiction of the Tribe or who enter property owned by the Tribe in fee or trust regardless of location, or who are employed anywhere in any capacity by the Tribe, its agencies, departments including Tribally-owned or operated businesses and commercial enterprises, or who attend school within with territorial

jurisdiction of the Tribe or on property owned by the Tribe in fee or trust regardless of location.

The CRST Sex Offender Registration Code, Title 88, Chapter 1, the entitled: "Information Required in Registration" further requires:

The sex offender shall provide the following information to the appropriate Tribal official for inclusion in the sex offender registry: a. the name of the sex offender

(Including any alias used by the individual); b. The Social Security number of the sex offender; c. The address of each residence at which the sex offender resides or will re-side; d. The name and address of any place where the sex offender is an employee or will be an employee; e. The name and address of any place where the sex offender is a student or will be a student; f. the license plate number and a description of any vehicle owned or operated by the sex offender;

Any of the information required by the Attorney General [of the United States]. The Code also mandates that sex offender registrants provide a DNA sample.

Where Can I Find More Information?

For more information please contact the

CRST SORNA Office at (605) 964-1710/1711

Email: crstSORNA@gmail.com

Website: <http://cheyenneriver.nspw.gov/>