



SAC AND FOX NATION

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2016 MAR -2 P 1:48

SAC AND FOX NATION
CHARLOTTE CARTWRIGHT
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BY

DEPUTY

RESOLUTION SF-16-100

SAC AND FOX NATION
REGULAR BUSINESS COMMITTEE MEETING
SAC AND FOX RESERVATION
STROUD, OKLAHOMA

FEBRUARY 18, 2016

FILED
DATE Feb 22, 2016

SECRET
SAC & FOX NATION
Mary J. McCarroll

A RESOLUTION APPROVING THE SAC AND FOX NATION POLICE DEPARTMENT SEX OFFENDER NOTIFICATION AND REGISTRATION ACT POLICIES AND PROCEDURES

WHEREAS, the Business Committee of the Sac and Fox Nation met in a Regular meeting held the 18th of February, 2016; there being a quorum present, and

WHEREAS, the Business Committee is authorized to transact business and act on behalf of the Sac and Fox Nation pursuant to the Constitution and laws of the Nation, and

WHEREAS, the Sac and Fox Nation is required to comply with the Federal Sex Offender Notification and Registration Act (SORNA) with regards to the registration and notification of any sex offenders on the Sac and Fox Nation trust lands which meet the requirements of the act as administered by the United States Department of Justice; and

WHEREAS, the Business Committee of the Sac and Fox Nation finds that it is necessary to enact the Sac and Fox Nation Police Department Sex Offender Notification and Registration Policies and Procedures to be in substantial compliance with the requirements and regulations of the DOJ.

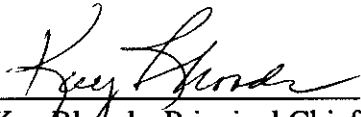
NOW, THEREFORE BE IT RESOLVED THAT the Business Committee of the Sac and Fox Nation does hereby enact the Sac and Fox Nation Police Department Sex Offender Notification and Registration Policies and Procedures as attached hereto; and

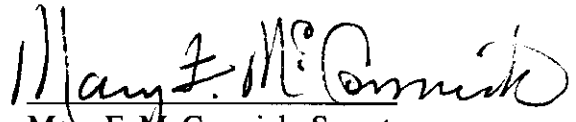
NOW, THEREFORE BE IT FURTHER RESOLVED, ENACTED AND ORDAINED THAT this resolution and the Sac and Fox Nation Police Department Sex Offender Notification and Registration Act Policies and Procedures shall be effective upon the filing of the resolution with the Office of the Secretary and the Office of the Court Clerk

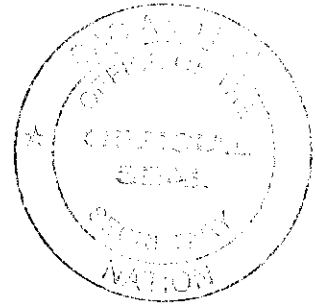
of the Sac and Fox Nation.

CERTIFICATION

WE, Kay Rhoads, Principal Chief and Mary McCormick, Secretary of the Sac and Fox Nation do hereby certify **Resolution SF-16-100** to be true and exact as approved by the Business Committee in a Regular meeting held at the Sac and Fox Reservation, Stroud, Oklahoma on the 18th day of February, 2016, by the vote of: Kay Rhoads - yes; Don W. Abney - yes; Mary McCormick - yes; Jared King - yes; Robert E. Williamson - yes.


Kay Rhoads, Principal Chief
Sac and Fox Nation


Mary F. McCormick, Secretary
Sac and Fox Nation



Sac and Fox Nation Police Department

Sex Offender Registration and Notification Policy and Procedure

I. PURPOSE

The intent of this policy is to implement the federal Sex Offender Registration and Notification Act (SORNA) (Title I of Public Law 109-248) and shall be interpreted liberally to comply with the terms and conditions of SORNA as presently written or hereafter amended.

II. POLICY

It is the policy of this department that all Sex Offender Registrations made by departmental personnel shall be conducted professionally and in accordance with established legal principles. In furtherance of this policy, all officers of this department are expected to be aware of, understand, and follow the laws governing registration and tracking of Registered Sex Offenders.

III. DEFINITIONS

The definitions contained in the Sac and Fox Nation Sexual Offender Registration and Notification Code shall apply to this Policy. In addition, the following terms are used in this Policy/Procedures and are defined as follows:

A. Tier I Offenses:

1. Sac and Fox Nation Criminal Code § 217(b) or (c) (Peeping Tom)
2. Sac and Fox Nation Criminal Code § 222 (Non-Parental False Imprisonment, victim under 18 years of age)
3. Sac and Fox Nation Criminal Code § 233(b) (Sexual Abuse of a Ward, victim 18 years of age or older)
4. Sac and Fox Nation Criminal Code § 234(a) (Abusive Sexual Contact, victim 18 years of age or older)
5. 21 O.S. § 681 (Assault with intent to commit a felony, if the offense involved sexual contact with a victim 18 years of age or older)
6. 21 O.S. § 843.1 (Caretaker abuse or neglect, when sexual contact or sexual exploitation is involved)
7. 21 O.S. § 852.1 (Child endangerment, if the offense involved sexual abuse of a child)
8. 21 O.S. § 1024.2 (Purchase, procurement, or possession of child pornography)
9. 21 O.S. § 1040.12a (Aggravated possession of child pornography)
10. 18 U.S.C. § 1801 (video voyeurism of a minor)
11. 18 U.S.C. § 2252 (receipt or possession of child pornography)

12. 18 U.S.C. §2252A (receipt or possession of child pornography)
13. 18 U.S.C. §2252B (misleading domain names on the internet)
14. 18 U.S.C. §2252C (misleading words or digital images on the internet)
15. 18 U.S.C. §2422(a) (coercion to engage in prostitution)
16. 18 U.S.C. §2423(b) (travel with the intent to engage in illicit conduct)
17. 18 U.S.C. §2423(c) (engaging in illicit conduct in foreign places)
18. 18 U.S.C. §2423(d) (arranging, inducing procuring or facilitating the travel in interstate commerce of an adult for the purpose of engaging in illicit conduct for financial gain)
19. 18 U.S.C. §2424 (failure to file factual statement about an alien individual) or
20. 18 U.S.C. §2425 (transmitting information about a minor to further criminal sexual conduct)

B. Tier II Offenses:

1. Sac and Fox Nation Criminal Code § 233(b) (Sexual Abuse of a Ward, victim 16 or 17 years old)
2. Sac and Fox Nation Criminal Code § 234(a) (Abusive Sexual Contact, victim 12 years of age or older)
3. Sac and Fox Nation Criminal Code § 235 (Sex Trafficking of Children, victim under 18 years of age)
4. Sac and Fox Nation Criminal Code § 236(b) (Coercion & Enticement)
5. Sac and Fox Nation Criminal Code § 237 (Transportation of Minors)
6. Sac and Fox Nation Criminal Code § 238 (Indecent Proposal to a Minor)
7. Sac and Fox Nation Criminal Code § 239 (Sexual Communication with a Minor)
8. Sac and Fox Nation Criminal Code § 240 (Sexual Battery of a Minor)
9. 21 O.S. § 681 (Assault with intent to commit a felony, if the offense involved sexual contact with a victim 13 -17 years of age)
10. 21 O.S. § 885 (Incest, if victim 16 or 17 years of age)
11. 21 O.S. § 1021 (Obscene or indecent writings, pictures, etc. or solicitation of minors)
12. 21 O.S. § 1021.2 (To procure or cause minors to participate in obscene or indecent writings)
13. 21 O.S. § 1021.3 (Guardian-parents-custodians consent to participation of minor in obscene writings, pictures)
14. 21 O.S. § 1040.8 (Publication, distribution, or participation of child pornography.
15. Placement of this statute in Tier I does not meet SORNA requirements)
16. 21 O.S. § 1040.13 (Importing or distributing obscene material or child pornography)
17. 21 O.S. § 1040.13a (Soliciting sexual conduct or communication with a minor by use of technology)
18. 21 O.S. § 1087 (Procuring a child under 18 years of age for prostitution, lewdness, or other indecent acts)

19. 21 O.S. § 1088 (Inducing, keeping, detaining, or restraining for prostitution a child under 18 years of age)
20. 21 O.S. § 1123(B) (Sexual battery to a person over 16 years of age)
21. 21 O.S. § 1123(A) (Lewd or indecent proposals or acts to a child under 16 years of age, if the victim is 13 years of age or older)
22. 18 U.S.C. §1591 (sex trafficking by force, fraud, or coercion)
23. 18 U.S.C. §2244 (abusive sexual contact, where the victim is 13 years of age or older)
24. 18 U.S.C. §2251 (sexual exploitation of children)
25. 18 U.S.C. §2251A (selling or buying of children)
26. 18 U.S.C. §2252 (material involving the sexual exploitation of a minor)
27. 18 U.S.C. §2252A (production or distribution of material containing child pornography)
28. 18 U.S.C. §2260 (production of sexually explicit depictions of a minor for import into the United States)
29. 18 U.S.C. §2421 (transportation of a minor for illegal sexual activity)
30. 18 U.S.C. §2422(b) (coercing a minor to engage in prostitution)
31. 18 U.S.C. §2423(a) (transporting a minor to engage in illicit conduct)
32. 18 U.S.C. §2423(d) (arranging, inducing procuring or facilitating the travel in interstate commerce of a minor for the purpose of engaging in illicit conduct for financial gain)

C. Tier III Offenses:

1. Sac and Fox Nation Criminal Code § 221 (Non-Parental Kidnapping, victim under 18 years of age)
2. Sac and Fox Nation Criminal Code § 231 (Aggravated Sexual Abuse)
3. Sac and Fox Nation Criminal Code § 232 (Sexual Abuse)
4. Sac and Fox Nation Criminal Code § 233(a) (Sexual Abuse of a Minor)
5. Sac and Fox Nation Criminal Code § 233(b) (Sexual Abuse of a Ward, victim under 16 years of age)
6. Sac and Fox Nation Criminal Code § 234(c) (Abusive Sexual Contact)
7. 21 O.S. § 681 (Assault with intent to commit a felony, if the offense involved a sexual act or sexual contact with a victim under 13 years of age)
8. 21 O.S. § 741 (Kidnapping)
9. 21 O.S. § 843.1 (Caretaker abuse or neglect when a sexual act is involved)
10. 21 O.S. § 865 (Trafficking in children, if offense involved sexual abuse or sexual exploitation)
11. 21 O.S. § 885 (Incest, if victim under 16)
12. 21 O.S. § 888 (Forcible sodomy)
13. 21 O.S. § 891 (Child stealing, if offense involved sexual abuse or sexual exploitation)
14. 21 O.S. § 1123(A) (Lewd or indecent proposals or acts to a child, victim under 13 years of age)
15. 21 O.S. § 1114 (Rape in the first degree)
16. 21 O.S. § 1116 (Rape in the second degree)

17. 21 O.S. § 7115 (Abuse or neglect of child/child beating, when sexual abuse or sexual exploitation is involved)
18. 18 U.S.C. §2241 (aggravated sexual abuse)
19. 18 U.S.C. §2242 (sexual abuse)
20. 18 U.S.C. §2243 (sexual abuse of a minor or ward)
21. Where the victim is 12 years of age or younger, 18 U.S.C. §2244 (abusive sexual contact)

D. "Resides": for the purposes of the Sexual Offender and Notification Code, a sex offender "resides" within the lands of the Sac and Fox Nation if that person:

1. Owns, rents, or regularly occupies a home on the lands of the Sac and Fox Nation;
2. Regularly sleeps (more than five days in a sixty-day period) on the lands of the Sac and Fox Nation;
3. Enters the lands of the Sac and Fox Nation and intends to be on the lands of the Sac and Fox Nation for any purpose for five consecutive days or longer, calculated beginning with the first day.

IV. PROCEDURE

A. Any Sex Offender required to register pursuant to Sac and Fox Nation Sexual Offender Registration and Notification Code shall be subject to this policy and adhere to the following procedures. All Tribal Police Employees shall adhere to the following registration procedure.

B. Any Sex Offender required to register pursuant to Sac and Fox Nation Sexual Offender Registration and Notification Code shall be registered in accordance with its terms, *regardless* of whether the offender is required to register in any other jurisdiction (including the State of Oklahoma).

1. It is possible that an offender might not be required to register by the State of Oklahoma, but still be required to register with the Sac and Fox Nation. Offenders in the Sac and Fox Nation Jurisdiction shall be required to check all applicable registration standards and register with all agencies when required.

2. If an offender has questions about their duties to register under the laws of the State of Oklahoma, the offender should be directed to speak either with their attorney or with the local county sheriff where they reside.

C. If a sex offender has received a Sex Offender Level Assignment from the Oklahoma Department of Corrections, the Sac and Fox Nation Tribal Police Department may take that into consideration in determining how to best monitor the sex offender in the community, but it *will not affect* how long or how frequently the offender is required to register with the Sac and Fox Nation.

D. All sex offenders shall complete his/her registration IN PERSON at the Sac and Fox Nation Police Department, **356159 East 926 Road, Stroud, OK 74079**.

V. IDENTIFYING OFFENDERS REQUIRED TO REGISTER

A. Because the requirement to register is retroactive and many law enforcement agencies might have knowledge and/or custody of a sex offender who would be required to register under the Sac and Fox Nation Sexual Offender Registration and Notification Code, the following procedures shall be adhered to by personnel of the Sac and Fox Nation Police Department as they execute their duties under its terms.

B. The Sex Offender Registration Officer shall ensure that there is ongoing and regular communication between the Sac and Fox Nation Tribal Police Department and the Sheriff's Offices of Lincoln, Payne, and Pottawatomie Counties in order to ensure that all offenders required to register under the laws of the Sac and Fox Nation are detected and registered in a timely manner.

C. There are five different mechanisms by which sex offenders might become known to the Sac and Fox Nation Police Department:

- Incarcerated Sex Offenders (previously convicted)
- Offenders Currently on Probation (previously convicted)
- Currently Registered Offenders (previously convicted)
- Offenders Re-entering the System
- Other Known Offenders

1. Incarcerated Sex Offenders

a) In order to determine if a sex offender has ever been convicted of a sex offense in any court, Sac and Fox Nation Police Department personnel shall review the current roster/list of persons incarcerated in the Lincoln County Jail, Pottawatomie County Jail, Payne County Jail or Oklahoma State Detention Facilities based at least in part on a conviction from the Sac and Fox Nation Court, including incarcerated tribal members in state or federal facilities who are known to the Sac and Fox Nation Police Department who have been convicted of a sex offense. This review shall include the individual's full criminal history, including Tribal, state, and federal offenses.

b) In order to streamline the communication between the U.S. Attorney's Office for the Western District of Oklahoma, Sac and Fox Nation Police Department Personnel shall maintain regular contact with the

Tribal Liaison in the U.S. Attorney's Office. Their phone number is (405) 553-8700.

c) If a sex offense is reflected in the criminal history and the individual is not already registered with the Sac and Fox Nation, the Sac and Fox Nation Police Department personnel shall obtain information concerning that offense and determine if the individual is required to be registered under the Sac and Fox Nation Sexual Offender Registration and Notification.

d) For those who are required to register or re-register, Sac and Fox Nation Police Department personnel shall ensure that all necessary information is obtained and that the offender's name and information are entered into the registry as described in the section on "Initial Registration", below.

e) The initial registration of all such previously convicted incarcerated sex offenders shall be completed within ninety (90) days of the implementation of these policies and procedures.

2. Offenders Currently on Probation

a) In addition to reviewing the current list of incarcerated individuals, Sac and Fox Nation Police Department personnel shall review the list of individuals on probation in the Tribal justice system to determine if any of them has any prior convictions for sex offenses in any jurisdiction for which they presently are not registered.

b) If a sex offense is reflected in the criminal history and the individual is not already registered with the Sac and Fox Nation, Sac and Fox Nation Police Department personnel shall obtain information concerning that offense and determine if the individual is required to be registered under the Sac and Fox Nation Sexual Offender Registration and Notification Code.

c) For those who are required to register or re-register, Sac and Fox Nation Sexual Offender Registration and Notification Code personnel shall ensure that the procedures regarding initial registration are followed.

d) The initial registration of all such previously convicted sex offenders who are currently on probation shall be completed within ninety (90) days of the implementation of these policies and procedures.

3. Currently Registered Offenders

a) Sac and Fox Nation Police Department personnel shall review, with the State of Oklahoma or its designees (including but not limited to the county sheriff offices for Lincoln, Payne, and Pottawatomie Counties), the record of all individuals currently registered as sex offenders who live,

work, or attend school on lands subject to Sac and Fox Nation jurisdiction to determine if additional information must be obtained or adjustments made to their registration status pursuant to the requirements of the Sac and Fox Nation Sexual Offender Registration and Notification Code.

b) If such an offender is subject to the provisions of the Sac and Fox Nation Sexual Offender Registration and Notification Code and has not previously appeared for registration at the Sac and Fox Nation Police Department, the Sac and Fox Nation Police Department shall notify that offender of their registration responsibilities under the Sac and Fox Nation Code, and conduct a registration visit, as follows:

c) Notice to the offender of an appointment time for initial registration shall be sent via certified mail, return-receipt requested or, in the alternative, served on the offender in-person;

d) If the offender appears at the scheduled time for their registration visit, an initial registration visit as described in section VII, below, shall take place;

e) If the offender does not appear at the scheduled time, a second notice of appointment time shall be sent to the offender via certified mail, return-receipt requested. If the offender appears at the scheduled time, an initial registration visit as described in section VII, below, shall take place.

f) If the offender does not appear after the second mailed notice, a Sac and Fox Nation Police Officer shall attempt to make an in-person contact with the offender at the address of record. If the offender is present, the officer shall follow the procedure in VII(b)(3)(b).

g) If the officer cannot make contact with the offender, the Officer shall initiate an absconder investigation in accordance with the procedures detailed in this manual.

h) The initial registration of all such previously convicted sex offenders currently registering with another jurisdiction shall be completed within ninety (90) days of the implementation of these policies and procedures.

4. Offenders Re-Entering the System

a) Sac and Fox Nation Police Department personnel shall establish a procedure whereby the Tribal Prosecutor notifies the Sac and Fox Nation Police Department when a person with a sex offense in their criminal history is being prosecuted by the Tribe.

b) If a sex offense is reflected in the criminal history and the individual is not already registered with the Sac and Fox Nation, Sac and Fox Nation

Police Department personnel shall obtain information concerning that offense and determine if the individual is required to be registered under the Sac and Fox Nation Sexual Offender Registration and Notification Code.

c) The Sac and Fox Nation Police Department shall ensure that at the offender's next available court appearance, said offender is served with a *Notification Form* and, if not incarcerated, an *Appointment Scheduling Form*. If the offender is incarcerated, the registering official shall utilize the procedure listed in section (V)(A), below.

5. Other Known Offenders

a) If the Sac and Fox Nation Police Department knows of individuals with prior sex offense convictions who otherwise have not been registered as required by the Sac and Fox Nation Sexual Offender Registration and Notification Code, the Sac and Fox Nation Police Department shall:

(1) Investigate that individual's Tribal, state, and federal criminal history to determine if s/he is obligated to register with the Tribe under the Sac and Fox Nation Sexual Offender Registration and Notification Code;

(2) Ensure that the sex offender is advised of his/her registration responsibilities by way of the Notification Form and scheduled for a registration appointment as detailed in section IV(D)(2), above; and

(3) Ensure that all necessary information is obtained and is entered into the registry as described in section VII, below.

VI. DURATION OF REGISTRATION

A. Tier I Offenders are required to register for a total period of fifteen (15) years from the date of their release from incarceration or sentencing for the relevant sex offense, whichever is later. The period shall be tolled for any period of time that the offender is incarcerated or has absconded from their registration responsibilities.

B. Tier II Offenders are required to register for a total period of twenty-five (25) years from the date of their release from incarceration or sentencing for the relevant sex offense, whichever is later. The period shall be tolled for any period of time that the offender is incarcerated or has absconded from their registration responsibilities.

C. Tier III Offenders are required to register for life.

D. The limitations of the case of *Starkey v. Dep't of Corrections* and its progeny do not apply to any offender required to register by the Sac and Fox Nation.

VII. GENERAL REQUIREMENTS

The Sac and Fox Nation Police shall ensure the following:

1. That sufficient registration and notification forms are obtained from the for use in the registration of sex offenders by the Sac and Fox Nation Police;
2. That the Sac and Fox Nation Police has the most recent forms, policies and procedures, and statutes available to facilitate the registration of sex offenders by the Sac and Fox Nation Police;
3. That the Sac and Fox Nation Police Department has sufficient means and methods to obtain both fingerprints and palm prints from offenders by: FBI Fingerprint Cards (FD-249) and Palm Print Cards, by referring the offenders to Lincoln County to obtain these prints or by onsite electronic scanning of offender's finger and palm prints when that service is available.
 - a) To order revised FD-884 (7-02-10) (Palm print) and revised FD-884a (7-02-10) (Supplemental Finger and Palm print) cards at no charge from the FBI, contact the Fingerprint Supply Center at 304-625-3983 or visit this website: www.fbi.gov/hq/cjisd/forms/orderingfps.htm.
 - b) If referral to Lincoln County is made for any offender, the Sac and Fox Nation Police Department will provide the offender with all required information for that referral and assist the offender in making their appointment.
 - c) If an offenders prints are to be taken by electronic means, the Sac and Fox Nation Police Department shall provide the offender with an appointment, including the date and times, for the offender to present himself for this process.
4. That the Sac and Fox Nation Police Department has sufficient DNA Database Entry Kits to facilitate the registration of sex offenders by the Sac and Fox Nation Police;
 - a) To receive DNA kits and instructions for use, contact the FBI DNA Database Unit at 301-251-7324.

VIII. PRIOR TO REGISTRATION

- A. There are three types of registration visits:

1. Initial Registration Visit – for all offenders required to register – use the *Sac and Fox Nation Registration Form*.

i. Any offender wishing to attend a Sac and Fox Nation Tribally sponsored celebration or event (including but not limited to Pow Wows, Dances, family fishing days or Governing Council) shall be required to notify the Sac and Fox Nation of his/her intention to attend, along with the dates of attendance and complete the Sac and Fox Nation Initial Registration process at least seven (7) business days prior to the event.

a. Offenders who cannot be present at the Sac and Fox Nation for Initial registration at least seven (7) days prior to the event may obtain permission from the Chief of the Sac and Fox Nation Police Department to register closer to the event if good cause is shown.

2. Periodic In-Person Check-In Visit – for all offenders, at every visit after the initial registration visit – use the *Verification Form*.

3. Change of Information Visit – for a sex offender who makes any kind of change(s) to his/her initial registration information – use the *Change of Information Form*, unless another form is appropriate (e.g., International Travel Form).

B. The Sac and Fox Nation Police Department will ensure the following actions occur prior to any registration visit:

1. To the extent possible, that an appointment is scheduled in advance for the registrant to appear for an Initial Registration visit, a Change of Information visit, and/or a Periodic In-Person Check-In visit. Some flexibility in hours may be allowed for various reasons, including unexpected release of inmates needing to register, patrol officer contact with an absconder, major offender emergencies, or absence of Sac and Fox Nation Police Department personnel.

a) If an offender appears for registration without having scheduled an appointment, the officer should do the following:

(1) If the officer has the time and resources to conduct the registration visit immediately, the officer should do so;

(2) If the officer does not have the time and resources to conduct the registration visit immediately, the officer should take the following steps:

(a) Secure the following information from the offender on the Unscheduled Visit Information Form:

(i) Name

- (ii) Date of Birth
 - (iii) Social Security Number
 - (iv) Residence Address
 - (v) Conviction Information
 - (vi) Probation Status
 - (vii) Registration Status
- (b) Schedule an initial registration visit within two (2) business days via the Appointment Scheduling Form.

2. The length of the appointment will include time for the sex offender to complete the appropriate registration forms, time for the registrant to read through Sac and Fox Nation Sexual Offender Registration and Notification Code, and time for Sac and Fox Nation Police Department personnel to complete the actual registration process. It is estimated that an Initial Registration visit may take at least several hours.

3. Prior to the offender's Initial Registration visit, Sac and Fox Nation Police Department personnel should prepare and become familiar with the offender's file both for personnel safety and for formulation of proper questioning of the offender. Sac and Fox Nation Police Department personnel shall request information from any relevant court, law enforcement agency, probation/parole, jail records, risk assessments, etc., to become familiar with the offender's background, including any offense(s) for which the offender has been convicted. A review of background information should include any sexual offense(s) committed and methodology in the event that the sex offender attempts to minimized his/her crime.

4. Sac and Fox Nation Police Department personnel should read and familiarize themselves with the information requested and contained in all registration forms, as is necessary to facilitate the registration process.

5. Additionally, prior to the offender's visit, Sac and Fox Nation Police Department personnel shall check the following sources (along with any other appropriate sources, including state, county, tribal, or federal officials) and print and maintain in the offender's file any information contained therein for possible information about the offender:

- a) The SORNA Exchange PORTAL (<https://portal.nsopr.gov>);
- b) The Oklahoma Public Sex Offender Registry Website (<https://sors.doc.state.ok.us/svor>);
- c) The Dru Sjodin National Sex Offender Public Website (www.nsopw.gov); and
- d) VineLink (www.vinelink.com).

6. If an offender has copies of registrations from other agencies, the Sac and Fox Nation Officer shall collect copies of those documents for the offender's file.

7. If a sex offender currently is on Probation, Sac and Fox Nation Police Department personnel will request that the assigned Probation Officer attend the Initial Registration process.

8. Prior to the registrant's arrival at the Sac and Fox Nation Police Department Office, Sac and Fox Nation Police Department personnel will ensure that a warrant check has been completed as the registrant might arrive at the Sac and Fox Nation Police Department Office with an active warrant. If there is a warrant, these procedures shall be followed:

- a) Sac and Fox Nation Police Department personnel shall arrange for an Officer to be present when the offender arrives,
- b) The Officer shall place the offender in custody upon the offender's arrival,
- c) Sac and Fox Nation Police Department personnel shall complete the sex offender registration process, and
- d) The Officer shall execute the warrant.

IX. INITIAL REGISTRATION

The officer conducting the initial registration for a sex offender will take the following actions when an individual presents themselves for their initial registration visit with the Sac and Fox Nation Police.

A. Administrative Actions

1. Prior to the offender's arrival, open a hard copy file with the name, date of birth, and any other necessary information about the offender on the label;

(1) If the offender chooses to attend a Nation Sponsored Event (as described in VIII(a)(1)(i), the Sac and Fox Nation Police Department Shall inform them that they must complete registration at least seven (7) business days prior to the event date or they will not be able to attend the celebration or event.

2. Prior to the offender's arrival, secure the following items needed to complete the registration process;

- (1) The Registration Form;
- (2) The Notification Form;

(3) The Sac and Fox Nation Police Sex Offender Registration Checklist;

(4) Collection of the Offenders Fingerprints by any of the following methods:

(a) **FBI Fingerprint Card FD-249;**

(b) referral/coordination with Lincoln County; or

(c) electronic collection when available.

(5) Collection of the offenders Palm prints by any of the following methods

(a) **FBI Palm Print Card FD-884 and/or FD-884a;**

(b) referral/coordination with Lincoln County; or

(c) electronic collection when available.

(6) DNA Submission Kit.

3. Ensure that the offender's identity is verified by photo identification;

4. If the offender has a copy of his sex offense conviction and sentencing orders with him, the officer shall make a copy of the orders. The originals shall be returned to the offender, and the copies retained in the offender's registration file.

5. If the offender does not have in their possession the orders referenced in (4) above, inquire of the offender the details of the registerable sex offense for which they were convicted, including:

a) Jurisdiction (tribe, state, county, city);

b) Name of Court

c) Date of Conviction

d) Code Section of offense(s) of conviction

6. If the offender does not have in their possession the orders referenced in (4) above, the offender shall still be registered as described below, but Sac and Fox Nation Police personnel shall contact any necessary authorities within 24 hours in order to request the official conviction and sentencing documents for the offender. Once the documents are received, Sac and Fox Nation Police personnel shall review them to ensure that the information provided by the offender was accurate and to make any necessary revisions. Police personnel may contact either the Governor's Office or Attorney General's Office for assistance in interpretation.

X. COMPLETION OF REGISTRATION FORM

A. Registration involves completing the four-page *Registration Form*, completing the *Notification Form*, collection of fingerprints in an approved method(see section X(B)(5), below), taking palm prints on the in an approved method, collecting a DNA sample, and the taking of a photograph.

B. The registering official shall follow the following procedures to complete the initial registration process:

1. Using an original and current *Registration Form*, complete the form with the sex offender's information.
2. Ensure that the sex offender signs the *Registration Form* where required.
3. The officer shall also sign the *Registration Form* where required.
4. The officer shall take a digital photograph of the offender in the following manner:
 - a) The offender's photograph shall be in color and in a digital format.
 - b) The original photograph shall be printed and retained by the Sac and Fox Nation Police in the offender's hard copy file.
5. The officer shall secure a copy of the offender's fingerprints in the following manner:
 - a) Secure a FBI Fingerprint Card (FD-249);
 - (1) Use an individual approved by the Sac and Fox Nation Police Department to complete the fingerprint sections of the card;
 - (2) Completing all data fields on the FBI Fingerprint Card is not necessary. Note than in the charge/citation field, enter "sex offender registration" and in the disposition field enter "released." Only one fingerprint card is needed.
 - (b) by referring the offender to Lincoln County for collection of the fingerprints in a manner which has been approved by the Lincoln County Sherriff's department; or
 - (c) through the crossmatch system capture of the offenders fingerprints where the fingerprint is captured, digitized into an electronic format and

stored by the Sac and Fox Nation Police Department for reference (if available).

6. The officer shall secure a copy of the offender's palm prints in the following manner:

a) Secure an FBI Palm Print Card (FD-884);

(1) Use an individual approved by the Sac and Fox Nation Police Department to complete the palm print sections of the card;

(2) Complete the required data fields on the FBI Palm Print Card.

(b) by referring the offender to Lincoln County for collection of the palm prints in a manner which has been approved by the Lincoln County Sherriff's department; or

(c) through the crossmatch system capture of the offenders fingerprints where the fingerprint is captured, digitized into an electronic format and stored by the Sac and Fox Nation Police Department for reference (if available).

7. The officer shall secure a sample of the offender's DNA in the manner prescribed in on the Instruction Sheet for National DNA Database Entry, and submit said sample in the manner prescribed by the Instruction Sheet.

XI. COMPLETION OF NOTIFICATION FORM

A. The officer shall provide the notification form to the offender and ask the offender to review the form.

B. The officer shall read the notice form to the offender, if the offender has trouble reading it.

C. The officer shall ensure that the sex offender signs the registration notice form.

D. Additionally, the offender shall provide a right thumb print (inked) next to his/her signature.

E. The officer shall also sign the registration notice form.

F. The officer shall give the offender a copy of the fully signed notification form, retain the original copy in the offender's file, and scan the fully signed notification form in to the administrative database.

XII. FINAL PROCESSING OF NOTIFICATION FORM AND REGISTRATION FORM

- A. The official conducting notification and initial registration must immediately scan a copy of the completed and signed notification and registration forms in to the administrative database.
- B. The original copies of all forms shall be retained by the notifying official and secured in the offender's hard copy file.
- C. A copy of all completed forms shall be given to the offender, including the notification form.
- D. No later than the close of the next business day after an offender initially registers, the registering officer shall take the following actions:
 - a) Send the offender's DNA sample to the FBI, by certified mail return receipt requested, in the manner outlined on the Instruction Sheet for National DNA Database Entry.
 - b) Submit the offender's fingerprints and palm prints to the Lincoln County Sherriff's department for entry into the FBI system.
 - c) Submit a copy of the offender's registration form and photograph to the Lincoln County Sheriff for entry in to FBI system;
 - d) Update the offender's information in the administrative database and enable posting of all appropriate information about the offender on the Sac and Fox Nation's Public Sex Offender Registry Website;
- E. Complete the Sac and Fox Nation Police Sex Offender Registration Checklist and place it in the offender's hard copy file; and
- F. Secure the offender's hard copy file in the offices of the Sac and Fox Nation Police.

XIII. HOMELESS OR TRANSIENT OFFENDERS

- A. When a homeless/transient sex offender comes in to register (that person does not have a fixed, permanent address), Sac and Fox Nation Police Department personnel shall register the homeless sex offender by asking him/her to provide "a more or less specific description" of where s/he habitually lives. The address may be shown by listing the offender's vehicle license plate as well...for example: "UXC452 (living in car)" or "UCX452 (living under Carson River Bridge at Riverview)".

B. A homeless/transient sex offender shall report, in person, once every seven (7) days to the Sac and Fox Nation Police Department. Each time the offender reports to the Sac and Fox Nation Police Department, he shall complete *Homeless—Location Verification Form*.

C. Upon completion of the *Homeless—Location Verification Form*, the registering official shall:

1. Provide a copy of the form to the offender;
2. Place the original of the Homeless—Location Verification Form in the offender's hard copy file;
3. Give the offender notice of the next verification appearance, which shall be seven (7) days after the present appearance; and
4. Retain the hard copy of the completed Homeless-Location Verification Form in the offender's file, and scan the completed form in to the administrative database.

D. If a homeless/transient sex offender does not show up for his/her appointment, Sac and Fox Nation Police Department personnel shall send an Officer to attempt to locate this individual in his/her prospective or previously-identified habitual living area.

1. If Law Enforcement has not made contact with the offender within three (3) times over a twenty-four (24) hour period of time, the individual shall be listed as an Absconder and the procedures in the section governing Absconders, below, shall be initiated.

E. At least one time each month, the Sac and Fox Nation Police Department shall visit the described location where the homeless/transient offender habitually lives to verify the location of the offender.

F. At each of these visits, the Sac and Fox Nation Police Department personnel conducting the location verification shall complete a *Homeless—Location Verification Form*. Immediately following the verification check, the registering official shall place the original of the *Homeless—Location Verification Form* in the offender's hard copy file and scan the completed form in to the administrative database.

XIV. PERIODIC IN-PERSON CHECK-IN VISIT

A. Use the *Periodic In-Person Check-In Visit Form* whenever the offender comes into the Sac and Fox Nation Police Department for his/her regular visit and there have been NO changes in the offender's information and/or appearance.

B. It is the responsibility of the offender to appear in person at the Sac and Fox Nation Police Department in order to keep all information current at all times once initially registered.

C. However, Sac and Fox Nation Police Department personnel shall notify the offender via U.S. mail approximately 3-4 weeks in advance that the offender needs to schedule an appointment to appear in person to verify their information per the registration requirements of the Sac and Fox Nation Sexual Offender Registration and Notification Code.

D. Every Offender living, working or attending school on Sac and Fox Nation lands shall be required to appear in accordance with the tier of their offense for an in-person check-in visit. Tier I offenders must appear one time a year, Tier II offenders must appear every six months, and Tier III offenders must appear every three months.

E. In addition to any scheduled in-person check-in visit, a Sac and Fox Nation Police Department Officer or designee may make an unscheduled visit to an offender in order to verify their address and/or any other information -- this visit can take place at the offender's home, work, school, or any place away from the Sac and Fox Nation Police Department.

F. Any registered offender shall provide the Sac and Fox Nation Police Department with a notice of international travel at least twenty-one (21) calendar days prior to that travel.

1. The notice shall include the destination(s), duration of the travel and all other pertinent information.

G. Any registered offender SHALL inform the Sac and Fox Nation Police Department seven (7) business days prior to their attendance at any tribally sponsored celebration or event (including but not limited to Pow Wows, Dances, Family fishing days and Governing Council Meetings) of their intention to attend, the dates of attendance and any other pertinent information.

H. When the offender appears for their in-person check-in visit, ask the offender if there have been changes in his/her original registration information, including new tattoos, scars, marks, and/or amputations:

1. If the answer is YES, skip the remainder of this section and go to the section on 'Change of Information Visit'. Otherwise, continue below with (b), below.

2. If there have been NO changes in the offender's original registration information, continue with the following:

- a) Check the offender's identification (front and back) for positive I.D. and note this on the form.
- b) Give the *Periodic In-Person Check-In Visit* Form to the Offender who must read, verify, and acknowledge the information contained therein, and also the following:
 - c) That the offender has reviewed and verified that his/her required information already on file with the Sac and Fox Nation Police Department is accurate and agrees that that information still or is now current and truthful; and
 - d) That the offender has not made any changes to the information s/he provided on the Initial Registration Form (or subsequent Change of Information Forms) and therefore, today, has NOT used a Sac and Fox Nation Police Department *Change of Information Form*; and
 - e) Additionally, the offender shall sign the *Periodic In-Person Check-In Visit* form and provide a right thumb print (inked) next to his/her signature.

XV. CHANGE OF INFORMATION VISIT

- A. The offender is required to personally appear at the Sac and Fox Nation Police Department in order to report a change of, or to, any previously-provided information, including the offender's appearance.
- B. The offender shall schedule an appointment for this visit.
- C. Sac and Fox Nation Police Department personnel shall ensure that the following procedures are completed when the offender comes in to change their information:
 - 1. Verify the offender's identification information (front and back of card(s)) for positive I.D. and note this on the form.
 - 2. Use a Change of Information Form for this visit if it is a general change of information being provided. If the offender is updating their temporary lodging, use the *Temporary Lodging Update Form*. If the offender is providing notice of international travel, use the *International Travel Notification Form*.
 - 3. If the change of information/update visit is due to a NEW or subsequent sex crime conviction, Sac and Fox Nation Police Department personnel must conduct a NEW, in-person interview and registration in order to document all the details and recollections of this offender's new conviction.

4. Either the officer or the registrant can fill in all requested information relating to a change of information, including change of residence address, temporary or overnight address(s), employment, email and/or instant messaging addresses and Internet identifiers, school attended or worked at, all vehicles owned or operated, physical appearance, additional convictions, etc.. If something does not apply (there were no changes), mark "N/A" (for "not applicable") in the box.

5. If the offender has provided temporary lodging information, Sac and Fox Nation Police Department personnel must immediately notify the jurisdiction in which the offender temporarily (for more than seven (7) days) will be staying. This notification must be sent through the PORTAL which is located at: <https://portal.nsopr.gov>.

6. If the offender is travelling internationally, Sac and Fox Nation Police Department personnel must immediately notify the National Sex Offender Targeting Center of the United States Marshals Service via the form designated for this purpose on the PORTAL which is located at <https://portal.nsopr.gov>.

7. Additionally, the offender shall sign any completed form (including the *Change of Information Form*, *Temporary Lodging Form*, or *International Travel Notification Form*) and provide a right thumb print (inked) next to his/her signature.

8. Sac and Fox Nation Police personnel shall immediately place all of the above documentation into the sex offender's paper case file.

9. Sac and Fox Nation Police personnel shall Immediately enter any and all changes into the administrative database, public registry website, and submit any changed or updated information to the Lincoln County Sherriff for entry in to NSOR.

10. Sac and Fox Nation Police personnel shall ensure that any changes of information are sent to other registration jurisdictions in which the offender also is required to register -- this is done through the Exchange PORTAL which is located at: <https://portal.nsopr.gov>. For this notification and any other in this section, Sac and Fox Nation Police personnel may also use any other means of communication (phone, email, etc.) as may be appropriate.

XVI. ABSCONDED SEX OFFENDERS

A. If the Sac and Fox Nation Police personnel receive information that a sex offender has absconded or otherwise failed to register as required by the Sac and Fox Nation Sexual Offender Registration and Notification Code, the Sac and Fox Nation Police shall make an effort to determine if the sex offender has actually absconded.

B. If the information indicating the possible absconding came through notice from another jurisdiction or federal authorities, they shall be informed that the sex offender has failed to appear and register.

C. If an absconded sex offender cannot be located then the Sac and Fox Nation Police shall take the following steps:

1. Update the registry to reflect the sex offender has absconded or is otherwise not capable of being located,
2. Notify the U.S. Marshals Service for the Western District of Oklahoma,
3. Seek a warrant for the sex offender's arrest. The U.S. Marshals Service or FBI may be contacted in an attempt to obtain a federal warrant for the sex offender's arrest,
4. Contact the Lincoln county sheriff or US Marshalls to request that they update NCIC and the NSOR to reflect the sex offender's status as an absconder, or is otherwise not capable of being located, and
5. Contact the Lincoln county sheriff or US Marshalls to request that they enter the sex offender into the National Crime Information Center Wanted Person File.
6. Utilize the notification features of the SORNA Exchange Portal, as appropriate.

XVII. SORNA EXCHANGE PORTAL

A. The registering officer or designee shall update and maintain the Sac and Fox Nation's access to the SORNA Exchange Portal.

B. The public registry website used by the Sac and Fox Nation will be enabled with an email notification system whereby individuals can request information about initial and updated registrations.

1. The Sac and Fox Nation police department will receive these requests and process them through the TTSORS system.

XVIII. MISCELLANEOUS

A. Death of a Sex Offender

1. It may come to the attention of Sac and Fox Nation Police Department personnel that a sex offender may have died when that person fails to appear for a scheduled appointment. Sac and Fox Nation Police Department personnel shall, as a matter of sound policy, promptly update the information in the registry and NSOR

and notify any other jurisdiction in which the offender was required to register to reflect the registrant's death.

B. Notifying Tribal Business of Employee's Obligation to Register

1. Tribal businesses are required to give notice to an employee who is a registered sex offender of that offender's obligation to register as a sex offender.

2. The Human Resources Department shall notify Sac and Fox Nation Police Department personnel of any new hire and shall provide the following to Sac and Fox Nation Police Department:

a) the name and contact information of the new employee (to include phone numbers and mailing address) and

b) the name of the business where the employee will be working (including phone number, mailing address, and manager name).

c) The Sac and Fox Nation Police Department Office shall send an *Employer Notification Letter* to the business notifying them of their obligation to inform the employee of their obligation to register as a sex offender.

d) The term "employee" includes, but is not limited to, Contract, Volunteer, Temporary, Intermittent, Emergency, Probationary, Regular, and Seasonal Employees.

3. Sac and Fox Nation Police Department personnel shall send this notice (*Community Notice Flyer*) to all Sac and Fox Nation Businesses on an annual basis (October 1 of each year) notifying the business of their obligation to provide general notice to all employees of the obligation of sex offenders to register with the Sac and Fox Nation.

4. Responsibilities of Sac and Fox Nation Businesses

a) Each business (including any government agency) is required to post a notice that provides general information to all employees of the obligation of sex offenders to register with the Tribe.

b) This notice may be posted on somewhere at the business premises, i.e., on the employees' bulletin board, windows or doors or other public locations.