

**Absentee Shawnee Tribal Police
Department**
Sex Offender Awareness Information



Frequently Asked Questions:

1. **Can a convicted sex offender live within 2000 feet of a school? (NO)**
2. **Does a convicted sex offender have to let law enforcement know where they live/work/go to school? (YES)**
3. **Can a convicted sex offender own or carry a firearm? (NO)**
4. **Are there penalties for a convicted sex offender who does not register? (YES)**
5. **How does a convicted sex offender register with law enforcement?**
6. **How long must a convicted sex offender continue to register or check in?**
7. **Are my children safe living/working around convicted sex offenders?**

A B S E N T E E
S H A W N E E T R I B E
O F O K L A H O M A

2025 S. Gordon Cooper Dr
Shawnee, Oklahoma 74801

Office: 405.275.3200

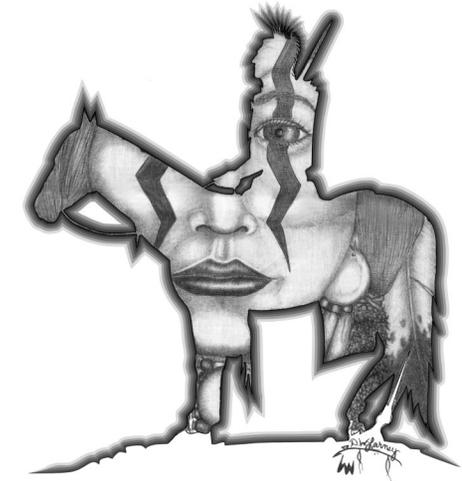
Fax: 405.878.4535

E-Mail: SORNA@astribes.com



**MAKING IT YOUR
BUSINESS TO KNOW**

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A W A R E N E S S





Absentee Shawnee Tribal Police Department Sex Offender Registration and monitoring

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 make certain information about offenders public. 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 web site with links to each state sex offender web site. That web site is known as The Dru Sjodin Nation Sex Offender Public Web Site.

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 up on the national sex offender registry radar. Certain courts in Public Law 280 states had found that state sex offender registry and notification laws were essentially civil regulatory in nature. 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 in to 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, in order 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 in order 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, this Tribe enacted the Absentee Shawnee Tribal Sex Offender Registration Code. Pursuant to that Code, any qualifying sex offender must register with the Tribe.

Who Must Register? Individuals subject to registration under the Code are *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 Tribal court for a qualifying offense. Offenders who reside within the exterior boundaries of the reservation** or otherwise reside on property owned by the Tribe in fee, restricted status or trust regardless of location, **are employed within the exterior boundaries of the reservation** or on property owned by the Tribe in fee, restricted status or trust regardless of location, **or who attend school within the exterior boundaries of the reservation** or on property owned by the Tribe in fee, restricted status or trust regardless of location .

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.

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

1. Notify tribal police,
2. Update the National Tribal Sex Offender Registry to reflect that the offender has absconded or is otherwise not capable of being located.
3. Update the NSOR to reflect the sex offender's status as an absconder or is otherwise not capable of being located.
4. Enter the offender in to the National Crime Information Center (NCIC) Wanted Person File.
5. Request a federal warrant for arrest of the offender.

Where Can I Find More Information?

If you or someone you know have any questions Or concerns, please contact the Absentee Shawnee Tribal Police Department via e-mail or by calling 405.275.3200.