



September 2011

## **SORNA Substantial Implementation Review The Osage Nation**

The U.S. Department of Justice, Office of Justice Programs, Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking (SMART) would like to thank the Osage Nation for the extensive work that has gone into its effort to substantially implement Title I of the Adam Walsh Act, the Sex Offender Registration and Notification Act (SORNA). The SMART Office has completed its review of the Osage Nation's SORNA substantial implementation packet and has found that the Osage Nation has substantially implemented SORNA.

On April 13, 2011, the Osage Nation submitted a substantial implementation package that included a detailed letter to SMART Office Director Linda Baldwin, including background information on the tribe and its criminal justice system, courts, and police department, policies and procedures regarding sex offender registration, the tribe's sex offender registration law and relevant additional laws, as well as forms and memoranda of understanding and memoranda of agreement with other law enforcement agencies. In addition, email and phone correspondence with Officer Brian Herbert, Osage Nation Sex Offender Registration Office, filled in gaps in information and procedure, which informed our review.<sup>1</sup>

The review of these materials covers the outline of the SMART Office Substantial Implementation Checklist-Revised, which contains 14 sections for tribal jurisdictions addressing the SORNA requirements. Under each section, we indicate whether the Osage Nation meets the SORNA requirements of that section or deviates from the requirements in some way. In instances of deviation, we specify where the departure(s) from a particular requirement does not substantially disserve the purposes of that requirement.

We encourage you to review the information below, share it with relevant stakeholders in the Osage Nation, and get back in touch with us to develop a strategy to address any remaining issues.

### **I. Immediate Transfer of Information**

The Osage Nation meets all of the SORNA requirements in this section.

### **II. Offenses that Must Be Included in the Registry**

The Osage Nation meets all of the SORNA requirements in this section.

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<sup>1</sup>The SMART Office had email and phone correspondence with Officer Brian Herbert, Osage Police Department, 918-287-5259, bherbert@osagetribe.org, in July and August of 2011.

### **III. Tiering of Offenses**

The Osage Nation meets all of the SORNA requirements in this section.

### **IV. Required Registration Information**

The Osage Nation meets all of the SORNA requirements in this section.

### **V. Where Registration is Required**

The Osage Nation meets all of the SORNA requirements in this section.

### **VI. Initial Registration: Timing and Notice**

The Osage Nation meets all of the SORNA requirements in this section.

### **VII. Initial Registration: Retroactive Classes of Offenders**

The Osage Nation meets this requirement.

### **VIII. Keeping the Registration Current**

SORNA requires that when an offender resides in a jurisdiction, the sex offender must immediately appear in-person to update his or her name, residence, employment, school attendance, and termination of residence. When an offender works in a jurisdiction, but does not reside or attend school there, SORNA requires that the offender immediately appear in-person to update employment-related information. When an offender attends school in a jurisdiction, but does not reside or work there, SORNA requires that the offender immediately appear in-person to update school-related information.

SORNA also requires that when an offender resides in a jurisdiction, that sex offender must immediately update any changes to his or her email addresses, internet identifiers, telephone communications, vehicle information, and temporary lodging information.

SORNA also requires that when an offender resides in a jurisdiction but indicates to the state that he/she intends to travel outside the United States, that the offender notify the residence jurisdiction at least 21 days in advance of such travel.

In addition, SORNA requires that when an offender notifies the jurisdiction of his intent to relocate to another country to live, work or attend school, or of his intent to travel to another country, the jurisdiction must do three things: immediately notify any other jurisdiction where the offender is either registered, or is required to register, of that updated information; immediately notify the United States Marshals Service, and immediately update NCIC/NSOR.

The Osage Nation includes language about international travel, but limits the notice to be provided only in cases where the sex offender intends to commence living, working or going to school outside of the United States. A clarification memo has been issued and Officer Herbert intends to make the necessary changes to include all sex offenders wishing to travel outside of the United States for any purpose at the next council meeting.

**IX. Verification/Appearance Requirements**

The Osage Nation meets all of the SORNA requirements in this section.

**X. Public Registry Website Requirements**

The Osage Nation meets all of the SORNA requirements in this section.

**XI. Community Notification**

The Osage Nation meets all of the SORNA requirements in this section.

**XII. When a Sex Offender Fails to Appear for Registration**

The Osage Nation meets all of the SORNA requirements in this section.

**XIII. When a Jurisdiction has Information that a Sex Offender may have Absconded**

The Osage Nation meets all of the SORNA requirements in this section

**XIV. Other Considerations**

The SMART Office has not identified any additional considerations associated with The Osage Nation's implementation of SORNA's requirements

**Conclusion**

The Osage Nation has worked diligently and comprehensively to implement SORNA in a way that makes sense for their community. It is the conclusion of the SMART Office that the Osage Nation has substantially implemented SORNA.