

Title 4A – Criminal Code
Chapter 4 – Notification Regarding Registered
Sex Offenders

Sec.

- 4A-04.010 Swinomish Registered Sex Offender Website
- 4A-04.020 Notification to the Community
- 4A-04.030 Notification to Schools
- 4A-04.040 Notification to Other Law Enforcement Agencies

Enacted:

Swinomish Indian Code, Ord. 331 Adopting STC Title 4A – Registration of Sex Offenders, (4/1/14), BIA (4/14/14)

Repealed:

The portion of Ord. 224 which created STC Title 4, Chapter 14, (4/1/14), BIA (4/14/14)

4A-04.010 Swinomish Registered Sex Offender Website.

(A) Website Use, Maintenance, and General Requirements

- (1) The Swinomish Police Department shall use and maintain a public sex offender registry website, which may be known and referred to as the “Swinomish Registered Sex Offender Website”.
- (2) Links. The Swinomish Registered Sex Offender Website shall include links to community safety and education resources regarding sex offenders.
- (3) Instruction. The Swinomish Registered Sex Offender Website shall include instruction on how a person can seek correction of information that the individual contends is erroneous.
- (4) Warnings. The Swinomish Registered Sex Offender Website shall include a warning that the information contained on the website should not be used to unlawfully injure, harass, or commit a crime against any individual named in the Swinomish Registered Sex Offender Website or residing or working at any reported addresses and that any such action could result in civil or criminal penalties.
- (5) Search Capabilities. The Swinomish Registered Sex Offender Website shall have the capability of conducting searches by (1) name; (2) county, city, and/or town; and (3) zip code and/or geographic radius. The Tribe shall include in the design of Swinomish Registered Sex Offender Website all field search capabilities needed for full participation in the Dru Sjodin National Sex Offender Public

Website, which is the public website maintained by the Attorney General of the United States Pursuant to 42 U.S.C. §16920, and shall participate in that website as provided by the Attorney General of the United States.

(B) Required and Prohibited Information

(1) Required Information. The following information shall be made available to the public on the Swinomish Registered Sex Offender Website:

- (a) The name of the registered sex offender, including all aliases;
- (b) A current photograph of the registered sex offender;
- (c) The physical description of the registered sex offender;
- (d) The residential address and, if relevant, a description of habitual residence of the registered sex offender;
- (e) The address of the registered sex offender's employer(s);
- (f) All addresses of schools attended by the registered sex offender;
- (g) The registered sex offender's vehicle license plate number along with a description of the vehicle;
- (h) The sex offense(s) for which the offender is currently registered;
- (i) All sex offenses for which the registered sex offender has been convicted; and
- (j) Notice that an offender is in violation of his or her registration requirements or cannot be located.

(2) Prohibited Information. The following information shall not be available on the Swinomish Registered Sex Offender Website: any arrest that did not result in conviction; the registered sex offender's phone numbers, internet identifiers, social security number, and travel and immigration documents; and the identity of the victim.

(C) Witness Protection. For registered sex offenders who are under a witness protection program, the Swinomish Police Department may honor the request of the United States Marshals Service or other agency responsible for witness protection by not including the original identity of the offender on the Swinomish Registered Sex Offender Website.

4A-04.020 Notification to the Community.

- (A) The Swinomish Police Department shall ensure there is an automated community notification process in place that ensures the following:
- (1) Upon a sex offender's registration or update of information with the Tribe, the Swinomish Registered Sex Offender Website is immediately updated; and
 - (2) The Swinomish Registered Sex Offender Website has a function that enables the general public to request an e-mail notice that will notify them when a registered sex offender becomes a resident, employee, or student on the Swinomish Reservation, within a specified zip code, or within a certain geographic radius. This e-mail notice shall include the registered sex offender's identity so that the public can access the Swinomish Registered Sex Offender Website for the new information.
- (B) The Swinomish Police Department shall also ensure that the community is notified through:
- (1) Publication in the Tribe's newsletter of the registered sex offender's registration information that is or will be on the Swinomish Registered Sex Offender Website; and
 - (2) Publication of a registered sex offender notification poster in the Swinomish Youth Center and Swinomish Social Services buildings.

4A-04.030 Notification to Schools.

- (A) Upon receiving notice that a registered sex offender will be a student or employee at a school or institution of higher education, the Swinomish Police Department must notify, within three business days, the school district and the school principal or institution's department of public safety and shall provide that school or department with the person's:
- (1) Name and any aliases used;
 - (2) Complete residential address;
 - (3) Date and place of birth;
 - (4) Place of employment;
 - (5) Crime for which convicted;
 - (6) Date and place of conviction;
 - (7) Social security number;
 - (8) Photograph; and

- (9) Risk level classification.
- (B) A principal or department receiving notice under this subsection must disclose the information received from the Swinomish Police Department as follows:
 - (1) If the student is classified as a Risk Level II or III offender, the principal shall provide the information received to every teacher of the student and to any other personnel who, in the judgment of the principal, supervises the student or for security purposes should be aware of the student's record;
 - (2) If the student is classified as a Risk Level I offender, the principal or department shall provide the information received only to personnel who, in the judgment of the principal or department, for security purposes should be aware of the student's record.
- (C) The Swinomish Police Department shall notify the applicable school district and school principal or institution's department of public safety whenever a student's risk level classification is changed or the Swinomish Police Department is notified of a change in the student's address.

4A-04.040 Notification to Other Law Enforcement Agencies.

- (A) Whenever a registered sex offender registers or updates his or her information with the Tribe, the Swinomish Police Department shall:
 - (1) Monitor and utilize the SORNA Exchange Portal for inter-jurisdictional change of residence, employment, or student status;
 - (2) Immediately update NCIC/NSOR;
 - (3) Immediately notify any agency, department, or program within the Tribe that is responsible for criminal investigation, prosecution, child welfare, or sex offender supervision functions, including but not limited to the Swinomish Police Department, Tribal prosecutor, Tribal probation, and, if applicable, the FBI and Swinomish Family Services;
 - (4) Immediately notify any and all other jurisdictions where the sex offender is registered and all other jurisdictions in which the registered sex offender is currently or is going to be a resident, employee, or student;
 - (5) Immediately notify National Child Protection Act agencies, which includes any agency responsible for conducting employment-related background checks under section 3 of the National Child Protection Act of 1993 (42 U.S.C. §5119a) when a sex offender registers or updates registration; and

- (6) Enter or update information posted on the Swinomish Registered Sex Offender Website.

- (B) Failure to Appear. In the event a registered sex offender fails to register as required by this Title, the Swinomish Police Department shall immediately inform the jurisdiction that provided notification that the registered sex offender was to commence residence, employment, or school attendance with the Tribe that the registered sex offender has failed to appear for registration.

- (C) Absconded Registered Sex Offenders. That in the event the Swinomish Police Department receives information that a registered sex offender has absconded, the Swinomish Police Department shall make an effort to determine if the registered sex offender has actually absconded, seek a warrant for the registered sex offender's arrest if it is determined that the registered sex offender cannot be located, and ensure that the appropriate law enforcement agencies, U.S. Marshals Service, the Swinomish Registry and Swinomish Registered Sex Offender Website, NCIC/NSOR, and NCIC Wanted Person File have all been notified and updated.