



Albuquerque, New Mexico

September 11, 2019

Sheriff Russell Shafer
Quay County Sheriff's Department
301 South 3rd St.
Tucumcari, NM 88401

Dear Sheriff Shafer:

This is to notify you that the Quay County Sheriff's Department (QCSD) is in violation of the New Mexico Sex Offender Notification and Registration Act (SORNA). We urge that you become familiar with the limitations of your office as it relates to SORNA and train your deputies and staff properly. The relevant language regarding the limitations of a sheriff is, "The department, cities, counties, home rule municipalities and other political subdivisions of the state shall not require a sex offender to report or to register more frequently or to provide information not required by the Sex Offender Registration and Notification Act..." See 29-11A-9(A).

Even though this limitation became effective July 1, 2013, your office is continuing a practice of imposing requirements on registrants that are not codified in statute. Thus, they are unlawful.

In violation of SORNA, we have been sent employment forms that your department is requiring registrants to take to their employers to be filled out and returned to them. These are listing their convictions and other specifics not allowed under 29-11A-4(K) NMSA. This too is an additional obligation beyond the scope of the statute and is in direct violation of the 10-year non-publishable provisions. While a registrant is required to notify his employer pursuant to 29-11A-4(K)NMSA, the statute only prescribes "...the sex offender shall disclose his status as a sex offender in writing to his employer, supervisor or person similarly situated." This practice needs to cease and desist immediately.

We do recognize that your duties as sheriff require you to enforce SORNA. Those duties are clearly set forth in 29-11A-4 NMSA. Those statutory requirements are not subject to a sheriff imposing his/her own additional obligations because he/she feels it might be a better policy than the legal obligations required of a sex offender.

We request that you communicate your position to us within 10 days of this letter as it is our sincere hope to avoid litigation on this matter.

We respectfully put all parties on notice that all records need to be preserved in this matter.

This notice is in accordance with NMSA 1978, § 41-4-16, providing written notice to Risk Management Division within the allotted time to provide notice of a pending Tort claim against the Quay County Sheriff's Department.

Sincerely,



Ashley Cloud, Esq.
Staff Attorney
Liberty & Justice Coalition

cc: NM Association of Counties
Risk Management Division
Department of Public Safety