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SORNA Substantial Implementation Review Kalispel Tribe of Indians

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 Kalispel Tribe of Indians 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 Kalispel Tribe of Indians' SORNA substantial implementation packet and has found that the Kalispel Tribe of Indians has substantially implemented SORNA.

On July 21, 2011, the Kalispel Tribe of Indians submitted a substantial implementation package including background information on the tribe and its criminal justice system, courts, and police department, policies and procedures regarding sex offender registration, its sex offender registration law and other laws, as well as forms and memoranda of agreement with other law enforcement agencies. In addition, email and phone correspondence with Kalispel Tribe of Indians' Paralegal, Juliet Campbell, filled in gaps in information and procedure, which informed our review.¹

Our review of these materials follows the outline of the SMART Office Substantial Implementation Checklist-Revised, which contains 14 sections addressing the SORNA requirements. Under each section, we indicate whether the Kalispel Tribe of Indians 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.

While the Kalispel Tribe of Indians is encouraged to work toward rectifying deviations from requirements in order to achieve full implementation of SORNA, this is not required for substantial implementation purposes. This report is an exhaustive review and is intended to detail every area in which the tribe has not met SORNA standards.

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

¹The SMART Office had email and phone correspondence Juliet Campbell, Paralegal, Kalispel Tribe of Indians 509.789.7605, jcampbell@kalispeltribe.com

I. Immediate Transfer of Information

SORNA requires that when an offender initially registers and/or updates his information in a jurisdiction, this initial registration information/updated information be immediately sent to other jurisdictions where the offender has to register, to NCIC/NSOR, and the jurisdiction's public sex offender registry website.

Despite the Tribe's efforts to submit this data to NCIC/NSOR, the State of Washington does not authorize tribal agencies to submit data into NCIC through its system unless the tribe requires sex offenders to register concurrently with the State. This is not consistent with SORNA requirements. Additionally, FBI/CJIS does not have an alternative method that permits tribes to submit this necessary data to NCIC/NSOR. This obstacle prevents the Kalispel Tribe of Indians from entering information into NCIC/NSOR when initially registering a sex offender, when a sex offender indicates a change of residence, when a sex offender updates any information, when a sex offender is going to travel internationally, and/or if an offender absconds. The Kalispel Tribe of Indians does update its own website, however, and will provide community notifications when an offender's information changes. The Kalispel Tribe of Indians has indicated that when it can do so, it will enter all new, updated and recaptured sex offender information into the NCIC/NSOR, as required by SORNA.

At this time, the Kalispel Tribe of Indians is one of a number of tribes in Washington that currently does not have a means to submit sex offender information to NCIC/NSOR. The SMART Office is aware that this obstacle is shared by other tribes in Washington, and is involved in efforts to find short- and long-term solutions and alternatives for tribes in Washington to input sex offender information into NCIC/NSOR. Due to these structural obstacles, the Kalispel Tribe of Indians cannot meet the SORNA requirements in this section. However, the SMART Office finds that the tribe has currently sufficiently addressed the requirements of this section because no workable solution exists that would permit the Kalispel Tribe of Indians to submit data to NCIC/NSOR and because the tribe has indicated that it will submit this data to NCIC/NSOR when a future solution is developed.

Jurisdictions that have substantially implemented SORNA have a continuing obligation to maintain their system's consistency with SORNA standards. When a solution becomes available, the Kalispel Tribe of Indians will be required to demonstrate that its registration systems, policies, procedures and necessary laws or codes are updated to reflect submissions to NCIC/NSOR.

II. Offenses that Must Be Included in the Registry

The Kalispel Tribe of Indians meets all of the SORNA requirements in this section.

III. Tiering of Offenses

The Kalispel Tribe of Indians meets all of the SORNA requirements in this section.

IV. Required Registration Information

The Kalispel Tribe of Indians meets all of the SORNA requirements in this section.

V. Where Registration is Required

The Kalispel Tribe of Indians meets all of the SORNA requirements in this section.

VI. Initial Registration: Timing and Notice

The Kalispel Tribe of Indians meets all of the SORNA requirements in this section.

VII. Initial Registration: Retroactive Classes of Offenders

The Kalispel Tribe of Indians meets all of the SORNA requirements in this section.

VIII. Keeping the Registration Current

The Kalispel Tribe of Indians meets all of the SORNA requirements in this section.

IX. Verification/Appearance Requirements

The Kalispel Tribe of Indians meets all of the SORNA requirements in this section.

X. Public Registry Website Requirements

SORNA requires that each jurisdiction maintain a public sex offender registry website and publish certain registration information on that website. SORNA also requires that certain information not be displayed on a jurisdiction's public registry website.

SORNA also requires that a jurisdiction's web site be listed on the Dru Sjodin National Sex Offender Public Web site (NSOPW). At this time, the Kalispel Tribe of Indians has a public web site (<http://kalispeltribe.nsopw.gov/>), which is listed on NSOPW but does not have any offenders listed because no registered sex offenders have been identified at this time that live, work or go to school on tribal lands.

XI. Community Notification

The Kalispel Tribe of Indians meets all of the SORNA requirements in this section.

XII. When a Sex Offender Fails to Appear for Registration

The Kalispel Tribe of Indians meets all of the SORNA requirements in this section.

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

The Kalispel Tribe of Indians meets all of the SORNA requirements in this section.

XIV. Other Considerations

The SMART Office acknowledges the limitations with respect to NCIC for the Kalispel Tribe of Indians. Efforts continue to find short- and long-term solutions to this problem. The current lack of access to NCIC, however, will not be a barrier for a determination of substantial implementation for the Kalispel Tribe of Indians.

Conclusion

The Kalispel Tribe of Indians has put forth exceptional work and effort in adopting SORNA and enhancing its sex offender registration and notification system.