



May 2021

SORNA Substantial Implementation Review Kootenai Tribe of Idaho — Revised

The U.S. Department of Justice, Office of Justice Programs, Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking (SMART) thanks Kootenai Tribe of Idaho (Kootenai Tribe) for its continued 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 revised review of Kootenai Tribe’s SORNA substantial implementation materials and has determined that Kootenai Tribe continues to substantially implement SORNA.

In April 2011, the SMART Office found that Kootenai Tribe substantially implemented SORNA by primarily relying on a memorandum of agreement with the state of Idaho for registration and community notification purposes. In 2019, the SMART Office issued a revised review for the state of Idaho¹ that updated the sections where Idaho does not meet SORNA requirements. To maintain substantial implementation of SORNA, Kootenai Tribe passed a new registration and notification code and revised its policies and procedures to compensate for the areas where Idaho does not meet SORNA requirements. In February 2021, at the request of Kootenai Tribe, the SMART Office initiated a revised review to reflect the tribe’s new code and updated policies and procedures. In addition to the new and updated materials, email and phone correspondence with Kootenai Tribe and Idaho State Police informed our review.

This review is exhaustive and details each area in which Kootenai Tribe has met SORNA standards. This review follows the outline of the Sex Offender Registration and Notification Act Substantial Implementation Checklist – Revised (2020), and contains 11 sections addressing the SORNA requirements. Each section indicates that Kootenai Tribe meets the SORNA requirements of that section.

I. Immediate Notification and Exchange of Information

SORNA requires that when an offender initially registers and/or updates their information in a jurisdiction, that the initial registration information or updated information be immediately sent to each jurisdiction(s) where the offender has to register — where the offender lives, works and/or goes to school — through the SORNA Exchange Portal or other means, as well as sent to the National Crime Information Center’s National Sex Offender Registry (NCIC/NSOR) and the jurisdiction’s public sex offender registry website. Notification must also be provided to appropriate law enforcement agencies, supervision agencies and any agency responsible for conducting employment-related background checks under 34 U.S.C. § 40102(a) in each jurisdiction where the offender is registered.

¹ For more information on SORNA implementation by the state of Idaho, see the [“SORNA Substantial Implementation Review, State of Idaho — Revised.”](#)

Through the tribe's code, policies and procedures, and the memorandum of agreement with the state of Idaho, Kootenai Tribe meets all of the SORNA requirements in this section.

II. Offenses That Must Be Included in the Registry

SORNA requires that a jurisdiction capture certain sex offenses, both from the jurisdiction itself and from other SORNA registration jurisdictions, in its registration scheme. In addition, SORNA requires certain federal, military and foreign offenses be included in a jurisdiction's registration scheme. SORNA also requires that certain adjudications of delinquency be included in a jurisdiction's registration scheme.

The state of Idaho registers sex offenders who live, work or go to school on tribal land based on the Kootenai Tribal Sex Offender Registration and Notification Act, which includes the state and federal offenses required by SORNA that are not a part of Idaho's registration scheme.²

Through the tribe's code, policies and procedures, and the memorandum of agreement with the state of Idaho, Kootenai Tribe meets all of the SORNA requirements in this section.

III. Required Registration Information

SORNA requires the jurisdiction collect certain information from, and for, each offender that it registers, and requires that the jurisdiction keep that registration information in its registry, in a digitized form.

The state of Idaho provides Kootenai Tribe with forms to submit information to the Idaho Sex Offender Registry. In addition, Kootenai Tribe collects certain information, including SORNA required information that the state of Idaho does not collect, and makes that information available to the public through the Kootenai Tribal Police Department. Kootenai Tribe requires the collection of the following information:

- Photographs
- Copies of identification cards, including tribal identification information
- Employment information
- Vehicle information, including location where vehicles are kept
- International travel information
- Any additional information as required by the United States Attorney General

Through the tribe's code, policies and procedures, and the memorandum of agreement with the state of Idaho, Kootenai Tribe meets all of the SORNA requirements in this section.

² For more information on state and SORNA offenses included in Idaho's registration scheme, see Section II of the ["SORNA Substantial Implementation Review, State of Idaho — Revised."](#)

IV. Where Registration Is Required

SORNA requires the jurisdiction register an offender if the offender was convicted or incarcerated in that jurisdiction. In addition, SORNA requires that the jurisdiction register offenders who live, work or go to school in the jurisdiction.

Through the tribe's code, policies and procedures, and the memorandum of agreement with the state of Idaho, Kootenai Tribe meets all of the SORNA requirements in this section.

V. Initial Registration: Generally

SORNA requires registration of an offender who is incarcerated within the jurisdiction before release from imprisonment for the registration offense. Similarly, when an offender is sentenced in the jurisdiction, but not incarcerated, SORNA requires registration within three business days of sentencing. Additionally, when an offender has been convicted, sentenced or incarcerated in another jurisdiction (including federal or military court), the jurisdiction must register the offender within three business days of the offender establishing residence, employment or school attendance within the jurisdiction. Finally, SORNA requires that, during the initial registration process, the jurisdiction inform the offender of their registration duties and require the offender acknowledge in writing that they understand those duties.

Through the tribe's code, policies and procedures, and the memorandum of agreement with the state of Idaho, Kootenai Tribe meets all of the SORNA requirements in this section.

VI. Initial Registration: Retroactive Classes of Offenders

SORNA applies to sex offenders convicted prior to the enactment of SORNA or its implementation in the jurisdiction, if they are prisoners, supervisees or registrants at the time of implementation, or if they reenter the system because of subsequent criminal convictions.

Through the tribe's code, policies and procedures, and the memorandum of agreement with the state of Idaho, Kootenai Tribe meets all of the SORNA requirements in this section.

VII. Keeping the Registration Current

SORNA requires registered sex offenders immediately appear in person to the registering agency in their jurisdiction of residence to update their name, residence, employment, school attendance and termination of residence. SORNA also requires sex offenders immediately update the registering agency in their jurisdiction of residence about any changes to their email addresses, internet identifiers, telephone communications, vehicle information and temporary lodging information.

When an offender works in a jurisdiction, but does not reside or attend school there, SORNA requires 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 the offender immediately appear in person to update school-related information.

SORNA also requires that, when an offender intends to travel outside the United States, the offender notify the registering agency in their jurisdiction of residence at least 21 days in advance of such travel.

In addition, SORNA requires that, when an offender notifies the jurisdiction of intent to relocate to another country to live, work or attend school, or intent to travel to another country, the jurisdiction must do three things: 1) immediately notify any other jurisdiction where the offender is either registered or is required to register of that updated information; 2) immediately notify the United States Marshals Service; and 3) immediately update NCIC/NSOR.

Through the tribe's code, policies and procedures, and the memorandum of agreement with the state of Idaho, Kootenai Tribe meets all of the SORNA requirements in this section.

VIII. Offense Tiering and Verification/Appearance Requirements

SORNA requires offenses be classified into three tiers based on the nature and seriousness of the offense, the age of the victim, and the extent of the offender's recidivism and that the tier of the conviction offense determines the duration of registration and frequency of in-person appearances.

Kootenai Tribe registers sex offenders based on its code and not through the MOA with Idaho. Kootenai Tribe's code requires that offenders register for the following duration of time after their release from incarceration or sentencing: tier I offenders register for 15 years, tier II offenders register for 25 years, and tier III offenders register for life.

A. Offense Tiering

The SMART Office has reviewed all relevant Kootenai Tribe statutes and has identified the tribe's classification of these statutes within the tiering policy structure created by SORNA.

Kootenai Tribe tiers its statutes in accordance with SORNA.

B. Duration of Registration

SORNA requires offenders register for a duration of time based on the tier of the offense of conviction. Specifically, SORNA requires tier I offenders register for 15 years, tier II offenders register for 25 years, and tier III offenders register for life.

Kootenai Tribe's duration of registration requirements conform with SORNA requirements.

C. Frequency of Registration

SORNA requires offenders make in-person appearances at the registering agency based on the tier of the offense of conviction. Specifically, SORNA requires tier I offenders appear once a year, tier II offenders appear every six months, and tier III offenders appear every three months.

Kootenai Tribe's frequency of registration requirements conform with SORNA requirements.

D. Reduction of Registration Periods

SORNA allows jurisdictions to reduce registration periods for eligible offenders who meet certain requirements.

Kootenai Tribe's allowance for reduced registration periods conforms with SORNA requirements.

E. Clean Record Requirements

Under SORNA, a registered sex offender has a clean record if they have satisfied certain requirements.

Kootenai Tribe's clean record requirements conform with SORNA requirements.

Kootenai Tribe meets all of the SORNA requirements in this section.

IX. Public Registry Website and Community Notification Requirements

SORNA requires 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 published on a jurisdiction's public registry website. Additionally, SORNA requires each jurisdiction disseminate certain initial and updated registration information to schools, public housing agencies, and social service entities responsible for protecting minors, and the community through an automated notification system.

A. Public Registry Website

SORNA requires offender information be published on the jurisdiction's public registry website within three business days. In addition to being able to search for a specific offender by name, the jurisdiction's sex offender website must also be searchable by ZIP code or geographic radius.

Kootenai Tribe deviates from SORNA public registry website requirements. The tribe relies on the state of Idaho to post all sex offenders living within Kootenai Tribe's land on the Idaho State Police sex offender public website. The state of Idaho posts offenders according to Kootenai Tribe's code and in accordance with Idaho law. However, Idaho does not meet the SORNA requirements in this section because state law prohibits posting employer information on its public website. To compensate for Idaho's deficiency, the Kootenai Tribal Police Department collects sex offenders' employment information and posts it prominently in public places for the tribal community's awareness.

B. Community Notification

The jurisdiction's public sex offender registry website must include a function to allow members of the public and organizations to request email notification when sex offenders move into, or start employment or school within, a ZIP code or geographic radius specified by the requester.

Kootenai Tribe's community notification provisions deviate from SORNA in that the tribe primarily relies on the state of Idaho for community notification. Idaho deviates from SORNA requirements in this section because while Idaho allows individuals to sign up and receive email alerts whenever a sex offender listed on the public sex offender registry website moves into or out of a location, it does not share employer addresses. The Kootenai Tribal Police Department therefore collects sex offenders' employment information and posts it prominently in public places for the tribal community's awareness.

These deviations, including Kootenai Tribe's alternate method of posting sex offenders' employer information, do not substantially disserve the purposes of the SORNA requirements in this section.

X. **Enforcement of Registration Requirements**

SORNA requires that jurisdictions take measures to enforce registration requirements and engage in practical procedures for investigating and dealing with absconders.

A. Failure to Appear for Registration

SORNA requires that when a jurisdiction is notified of a sex offender's intent to live, work or go to school in its jurisdiction, and that offender fails to appear for registration as required, the receiving jurisdiction must inform the originating jurisdiction (the jurisdiction that provided the initial notification) that the sex offender failed to appear for registration.

Through the tribe's code, policies and procedures, and the memorandum of agreement with the state of Idaho, Kootenai Tribe meets all of the SORNA requirements in this section.

B. Absconders

SORNA requires that, when a jurisdiction has information that a sex offender may have absconded, the jurisdiction take certain actions to investigate the absconder and notify various law enforcement agencies.

Through the tribe's code, policies and procedures, and the memorandum of agreement with the state of Idaho, Kootenai Tribe meets all of the SORNA requirements in this section.

XI. **Additional Considerations**

There are no additional considerations.

Conclusion

Kootenai Tribe has put forth exceptional effort in substantially implementing SORNA and enhancing its sex offender registration and notification system. Kootenai Tribe will be required to certify annually to the SMART Office continuing implementation of SORNA.