



# Department of Justice

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STATEMENT OF  
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REGISTERING,  
AND TRACKING (SMART) OFFICE  
U.S. DEPARTMENT OF JUSTICE

BEFORE THE  
HOUSE JUDICIARY COMMITTEE  
SUBCOMMITTEE ON CRIME, TERRORISM, AND HOMELAND SECURITY  
UNITED STATES HOUSE OF REPRESENTATIVES

ENTITLED  
“THE REAUTHORIZATION OF THE ADAM WALSH ACT”

PRESENTED

February 15, 2011

Mr. Chairman, Ranking Member Scott and Members of the Subcommittee: I am pleased to have the opportunity to discuss the Department of Justice's work to implement the Sex Offender Registration and Notification Act (SORNA). We appreciate this Subcommittee's interest in this issue.

My name is Linda Baldwin and I am the Director of the Sex Offender Sentencing, Monitoring, Apprehending, Registering and Tracking (SMART) Office within the Department's Office of Justice Programs (OJP). The SMART Office has the primary responsibility, within the Department, of assisting states, territories and tribes in implementing SORNA. Of course, we would also like to recognize that the bulk of the work on SORNA implementation has been, and will continue to be, carried out by the state, tribal and local jurisdictions.

As the Subcommittee is aware, the work of the SMART Office is a part of the Department's multi-level efforts to assist in the implementation of the Adam Walsh Child Protection and Safety Act of 2006. The United States Marshals Service (USMS) is actively working on the enforcement provisions of the Adam Walsh Act. I am honored to be here today with USMS Director Hylton, who has been an invaluable partner. I am also grateful for the work of the Federal Bureau of Investigation in running the National Sex Offender Registry and working with law enforcement to collect necessary data on sex offenders and the many United States Attorneys who are actively prosecuting federal failure to register cases. Together we are working to fulfill the promise of the Adam Walsh Act.

I also want to acknowledge Ernie Allen and the Sex Offender Tracking Team (SOTT) at the National Center for Missing and Exploited Children. Their work in this area has been essential.

Today I will briefly discuss the current status of SORNA implementation; the efforts by the SMART Office to help states, tribes and territories with implementation; and some of the remaining barriers SORNA jurisdictions face.

I am happy to report that the states of Ohio, Florida, Delaware and South Dakota, the Confederated Tribes of the Umatilla Indian Reservation, the Confederated Tribes and Bands of the Yakama Nation and the US territory of Guam have substantially implemented SORNA. We are cautiously optimistic that many more states, territories and tribes will follow suit by the implementation deadline of July 27, 2011. To date, 47 states, the District of Columbia, 5 territories and 41 tribes have submitted materials to the SMART Office for review and technical assistance. The SMART Office has reviewed and responded to all but the most recent of these submissions, and has sent official reports to 35 states, one U.S. territory and four tribes.

The SMART Office is providing resources and guidance to states, territories and tribes for SORNA implementation. Since Fiscal Year (FY) 2007, we have dedicated more than \$39 million in grants, training and other resources to the field. In fact, 43 states, 3 U.S. territories and 58 Indian tribes have received funding under the SMART Office Support for Adam Walsh Act Implementation Grant Program. Additionally, the Community Oriented Policing Services (COPS) Office has provided funding to local jurisdictions, and the Office on Violence Against Women has

supported tribes, specifically for SORNA implementation purposes. The Department has issued Guidelines, Implementation Documents and Supplemental Guidelines addressing, among other things, obstacles cited by jurisdictions as impeding implementation. Last month, as we have each year since the Adam Walsh Act was passed, we held a national workshop on SORNA implementation for representatives from each of the implementing jurisdictions. The workshop addressed issues such as implementation costs, available resources and the implications of the upcoming deadline.

As you know, SORNA addressed gaps in registration programs that are the result of variations in laws, policies, and information-sharing and technology systems. Prior to SORNA, these gaps made it possible for sex offenders to move from one jurisdiction to another and evade registration requirements. In part to address those gaps, the Act permitted, for the first time, 212 tribal nations to elect to become SORNA registration jurisdictions, and of those 192 tribes have chosen to do so. Most of these tribes are working to become connected to our national network of law enforcement and public information-sharing regarding sex offenders. Accordingly, in addition to the direct assistance we have provided to jurisdictions regarding their laws and policies, the SMART Office has provided numerous resources to help address information-sharing and technology gaps.

One example is the Tribe and Territory Sex Offender Registry System (TTSORS), which is available free of charge to all SORNA tribes and territories. TTSORS can serve as both the administrative registry system and the public sex offender website system needed for tribes and

territories to comply with SORNA. Jurisdictions that decide to use TTSORS do not have to purchase any special information technology (IT). They do not need to hire any IT staff or bear the burden of developing an IT infrastructure to run a sex offender registration and notification system. All they need to have in place is basic Internet access. Currently 229 people representing 125 tribes have attended a TTSORS training. One hundred and ten tribes and territories are already using or testing TTSORS, and 46 of those are using TTSORS as their production sex offender management system and public sex offender website.

We have developed a similar system to help states called the Sex Offender Registry Tool (SORT), which, like TTSORS, is available free of charge. Also like TTSORS, SORT can serve as an administrative registry system. It offers local registration agencies their own public sex offender Web site system that is needed to meet SORNA requirements and provides electronic community notifications to other law enforcement agencies and the public. Currently ten states have expressed interest in utilizing SORT and three have begun projects to customize SORT for their jurisdictions' implementation.

In addition, the SMART Office has developed the SORNA Exchange Portal to help states, territories and tribes share information about sex offenders who are relocating between jurisdictions or are required to register in more than one jurisdiction. The Portal also provides an easy way for states, territories and tribes to share ideas and crucial information such as contacts, announcements, and historical files. The Portal can be fully integrated into existing sex offender management systems, TTSORS, and SORT. We currently have 382 Portal users -- representing 50 states, two

U.S. territories, the District of Columbia, 37 Indian tribes, U.S. Marshals, and other federal law enforcement agencies -- and reports have shown that use of the Portal continues to increase.

The SMART Office also administers the Dru Sjodin National Sex Offender Public Website (NSOPW), the public's link to information regarding registered sex offenders across the country. At this time, all 50 states, the District of Columbia, 3 U.S. territories and 22 tribal nations have sex offender public websites linked to NSOPW. The SMART Office continues to work with jurisdictions to provide additional offender information to NSOPW so that new search functionality and more offender information can be made available to NSOPW users.

These technology tools, facilitated through the efforts of the SMART Office and embraced by all of the jurisdictions, have furthered one of the primary goals of SORNA – to create a backbone of information-sharing regarding sex offenders between jurisdictions.

The SMART Office is in constant contact with the states, tribes and territories to monitor their progress. As I mentioned, seven jurisdictions have substantially implemented SORNA and we expect many more to follow suit. It's worth noting that many jurisdictions that have not fully implemented SORNA have made great strides. Mr. Chairman, your home state of Wisconsin has improved its website capabilities and developed a work plan to address areas where laws and regulations are not SORNA-compliant. Iowa has strengthened information-sharing capabilities with agencies both within and outside of the state. The states of Maryland, Missouri, and Wyoming have implemented all but one or two key provisions of SORNA. Another state stands ready to implement

upon the resolution of a U.S. District Court injunction. And Maine has developed a relationship with local US Marshals to share information and track down non-compliant offenders. These are just a few examples.

Our goal is to ensure that as many jurisdictions as possible achieve SORNA implementation by the July 27, 2011, deadline. In 2009, the Department issued a blanket one-year extension. Last year, the Department required that any jurisdiction that wished to receive one final statutory extension submit a detailed extension request and all of the remaining jurisdictions took advantage of that opportunity, with the exception of one tribe that did not request an extension despite extensive outreach. After a careful review, the SMART Office granted extensions to all those who submitted a request.

Despite our best efforts, and despite the efforts of many on the state, local, and tribal level who are working very hard on this issue, some serious barriers remain. To better understand and explain the nature of these barriers, the SMART Office has categorized them as either specific or general. Specific barriers include opposition to specific SORNA requirements, such as juvenile registration, retroactivity, conviction-based tiering, or public notification. General barriers, on the other hand, include government turnover, public opposition (including strong advocacy groups opposed to SORNA), resistance to change, or legislative fatigue. For a few jurisdictions, the anticipated costs associated with SORNA implementation remain a primary reason for states' failure to pass required legislation.

To respond to the Committee's request for as much detailed information as possible, the SMART Office has compiled this information, as reported by each state, territory and the District of Columbia, into a document, which is submitted as an attachment to this testimony. In reviewing this material, we ask the Committee to keep in mind that the information provided is only as accurate as the information we have received from our jurisdictional contacts, who primarily work on this issue from within the executive branch of state government. Additional information is also available upon request.

The barriers that the 192 SORNA tribes are facing are similar to those that the states are facing, with some variations: most of the tribes face challenges related to establishing sex offender registration and notification systems for the first time, including the elements involved in the establishment of new infrastructure, such as hardware, software, personnel, training, and coordination. Another obstacle for some tribes is the difficulty in meeting information-sharing standards. While some of the tribes have more infrastructure in place than others, many face large costs related to both start-up and ongoing registration and notification activities.

To assist the jurisdictions in overcoming certain barriers to implementation, the SMART Office developed the Supplemental SORNA Guidelines and SORNA Implementation Documents. These resources clarified or provided the jurisdictions with greater flexibility in how they can meet SORNA's requirements, in particular, the juvenile registration and retroactivity requirements. Because we are only at the beginning of many jurisdictions' first legislative cycle following the issuance of these documents, however, it is too soon to tell how many additional jurisdictions will



now be able to pass legislation based on these and other clarifications and changes.

Most states are in the position of having to change their existing laws in order to meet SORNA's requirements. As you would expect, this legislative process can vary widely based on each state's statutory, economic and political situation. Many states have introduced bills in their legislatures that would move them towards substantial implementation of SORNA. It is, of course, difficult to predict, from state to state, which ones will be successful in enacting legislation and which ones will not.

The Adam Walsh Act requires that jurisdictions that do not substantially implement SORNA by the July 27, 2011 deadline and who receive Edward Byrne Justice Assistance Grant (JAG) Program funding from the Department of Justice will suffer a 10 percent reduction in this funding. The Adam Walsh Act does provide the ability for these funds to be returned to their jurisdiction to support SORNA implementation efforts. OJP is presently developing policies and procedures to ensure that such funds are reallocated to any jurisdiction that can demonstrate those funds will be used to support continued SORNA implementation efforts, thereby avoiding any reduction to the total amount of Byrne/JAG funding received by that jurisdiction.

Tribes, many of which do not receive direct Byrne/JAG funding, face a different penalty for non-implementation. Tribes that have not substantially implemented SORNA by the deadline, and cannot show that they will be able to do so within a reasonable period of time thereafter, will face delegation of their registration and notification functions to the state or states in which they are

located. Many tribes are concerned about the loss of sovereignty that any such delegation would create. For this reason, and because the tribes are in a unique situation having to develop their registration and notification systems from scratch in an often less developed criminal justice information-sharing environment, the SMART Office has provided specially focused technical assistance for the tribes, including the development of a Model Code, the TTSORS system mentioned earlier, and individualized group and on-site technical assistance made possible through a SMART Office grant. In addition, the SMART Office is continuing to work through a number of barriers to information-sharing that require greater amounts of coordination between the tribes and local, state or governmental agencies.

I would like to assure the Subcommittee that the Department is committed to helping each and every jurisdiction meet the implementation deadline. For the balance of the implementation time period and beyond, the SMART Office will continue to provide financial support (contingent upon the availability of funding), training and technical assistance, and other tools and resources to the SORNA jurisdictions. We will continue to work to develop the seamless web of public sex offender websites and law enforcement information-sharing envisioned by SORNA.

This concludes my statement, Mr. Chairman. Thank you for the opportunity to testify today. I welcome the opportunity to answer any questions you or Members of the Subcommittee may have.

**State/DC/US Territories SORNA Implementation Status  
January 31, 2011**

| <b>Jurisdiction</b>  | <b>Contact Agency</b>  | <b>Barriers</b>   | <b>Feedback from SMART</b>  | <b>AWA Funding</b> |
|----------------------|--|---|---|--------------------|
| Alabama              | Department of Public Safety                                      |   | Preliminary substantial implementation review (2009); Offense Tiering review (2008); Community Notification review (2008) | \$792,500          |
| Alaska               | Department of Public Safety                                      | Juvenile requirements; In-Person Verification                                       |   | \$0                |
| American Samoa       | Department of Public Safety                                      |   |   | \$0                |
| Arizona              | Department of Public Safety                                      | In-Person Verification; Website Display; juvenile requirements                      | Substantial implementation review (2008); Additional preliminary review (2010)  | \$0                |
| Arkansas             | Crime Information Center/<br>Attorney General                    | Juvenile requirements; retroactivity  | Review of proposed legislation (2010); review of proposed legislation (2008)  | \$531,500          |
| California           | Department of Justice;<br>California Emergency Management Agency | Verification Frequency; Community Notification                                      | Preliminary substantial implementation review (2010)  | \$303,295          |
| CNMI                 | Department of Public Safety                                      |   | Review of proposed legislation (2010)   | \$0                |
| Colorado             | Division of Criminal Justice Services                            | Duration of Registration; Required Registration Information; Community Notification | Substantial implementation review (2010)  | \$467,801          |
| Connecticut          | The State Police   | Juvenile registration   | Review of proposed legislation (2011)   | \$387,725          |
| Delaware             | Attorney General   |   | Substantial implementation (2010)   | \$385,017          |
| District of Columbia | Attorney General/<br>Mayor's Office                              | Juvenile registration   |   | \$0                |

| Jurisdiction | Contact Agency  | Barriers                                      | Feedback from SMART  | AWA Funding |
|--------------|---|---|--|-------------|
| Florida      | Florida Department of Law Enforcement                           |   | Substantial Implementation (2010)  | \$1,703,724 |
| Georgia      | Criminal Justice Coordinating Council                           | Juvenile Registration, Retroactivity          |  | \$277,994   |
| Guam         | Attorney General  |   | Substantial implementation review (2009); review of proposed legislation (2010); substantial implementation (2011)           | \$0         |
| Hawaii       | Attorney General  | Juvenile registration; in-person verification | Preliminary substantial implementation review (2010)   | \$600,000   |
| Idaho        | Bureau of Criminal Investigation                                |   | Review of proposed legislation (2008)  | \$0         |
| Illinois     | Attorney General/State Police                                   | Juvenile registration; retroactivity          | Review of proposed legislation (2010)  | \$358,663   |
| Indiana      | Department of Correction  | Tiering, juvenile requirement; retroactivity  | Offense Tiering review (2010)  | \$902,978   |
| Iowa         | Division of Criminal Investigation, Department of Public Safety | Retroactivity                                 | Offense Tiering review (2008); substantial implementation review (in-progress).  | \$521,400   |
| Kansas       | Bureau of Investigation   |   | Constitutional conflict review (2009); review of proposed legislation (2011)   | \$396,785   |
| Kentucky     | Justice and Public Safety Cabinet/ State Police                 | Juvenile registration                         | Offense Tiering and juvenile statute review (2009); review of proposed legislation (2010)                                    | \$231,609   |
| Louisiana    | Attorney General  |   | Preliminary substantial implementation review (2008)   | \$549,786   |
| Maine        | Attorney General's Office; Maine State Police                   |   | Constitutional conflict review (in-progress)   | \$360,733   |
| Maryland     | Department of Public Safety                                     | Juvenile requirements                         | Preliminary substantial implementation review (2009); review of proposed legislation-2010; substantial implementation (2011) | \$440,206   |

| <b>Jurisdiction</b> | <b>Contact Agency</b>  | <b>Barriers</b>  | <b>Feedback from SMART</b>   | <b>AWA Funding</b> |
|---------------------|--|--|--|--------------------|
| Massachusetts       | The Sex Offender Registry Board, and the Executive Office of Public Safety | Retroactivity; public website and offender verification requirements; registration information collected | Substantial Implementation review (2010)   | \$362,243          |
| Michigan            | State Police   |  | Review of proposed legislation (2010)  | \$541,423          |
| Minnesota           | Bureau of Criminal Apprehension  | Cost; risk-assessment system   | Offense Tiering review (in progress).  | \$507,273          |
| Mississippi         | Department of Public Safety  | Retroactivity  | Preliminary substantial implementation review (2008); review of proposed legislation and offense tiering review (2009) | \$309,000          |
| Missouri            | State Highway Patrol   |  | Substantial implementation review (2009); review proposed legislation- 2010  | \$489,974          |
| Montana             | Division of Criminal Investigation   | Tiering, Required Registration Information, Community Notification                                       | Preliminary substantial implementation review (2010)   | \$0                |
| Nebraska            | The Nebraska State Patrol  | Juvenile registration  | Substantial Implementation review (2010)   | \$372,648          |
| Nevada              | Department of Public Safety  |  | Substantial implementation review (2009)   | \$432,994          |
| New Hampshire       | New Hampshire State Police   | Juvenile registration  | Offense Tiering review - 2008; preliminary substantial implementation review (2010)                                    | \$300,000          |
| New Jersey          | Attorney General   | Offense Tiering vs. risk assessment  | Preliminary review (2008); offense tiering review (2010)   | \$219,038          |
| New Mexico          | Department of Public Safety  | Juvenile Requirements, Offense Tiering vs. risk assessment   | Offense Tiering review (2010); Preliminary review legislation— 2011 (in progress)                                      | \$135,330          |
| New York            | Department of Criminal Justice/Office of Sex Offender Management           | Offense Tiering vs. risk assessment; juvenile requirements; tribal issues                                | Offense Tiering review (2009); preliminary substantial implementation review (2010)                                    | \$596,698          |

| Jurisdiction        | Contact Agency   | Barriers   | Feedback from SMART  | AWA Funding |
|---------------------|--|--|--|-------------|
| North Carolina      | North Carolina Department of Justice; State Bureau of Investigation    |  |  | \$263,109   |
| North Dakota        | North Dakota Office of Attorney General                                | Offense Tiering vs. risk assessment; posting all required offenders on public registry website |  | \$775,000   |
| Ohio                | Attorney General   |  | Substantial implementation (2009)  | \$229,699   |
| Oklahoma            | District Attorney Council/ Department of Corrections                   |  | Offense Tiering review (2008); Preliminary substantial implementation review (2010); review of proposed legislation (2011) | \$205,584   |
| Oregon              | Oregon State Police  | Costs; inclusion of offenses; offense Tiering; required information                            |  | \$455,720   |
| Pennsylvania        | State Police   | Juvenile registration  | Offense Tiering review (2009)  | \$780,825   |
| Puerto Rico         | Department of Justice  | Juvenile registration  | Review of proposed legislation (2010)  | \$183,040   |
| Rhode Island        | Rhode Island Office of the Attorney General; Rhode Island State Police |  | Review of proposed legislation (2010)  | \$203,060   |
| South Carolina      | South Carolina Law Enforcement Division                                |  | Offense Tiering Review (2011); Substantial Implementation review in progress   | \$485,567   |
| South Dakota        | Office of the Attorney General   |  | Substantial implementation (2010)  | \$176,803   |
| Tennessee           | Tennessee Bureau of Investigation                                      | Juvenile registration  | Review of current and proposed legislation (in progress)   | \$264,571   |
| Texas               | Department of Public Safety  | Offense Tiering vs. risk assessment; costs   | Offense Tiering review (2009)  | \$781,990   |
| U.S. Virgin Islands | Department of Justice  |  |  | \$463,030   |

| <b>Jurisdiction</b> | <b>Contact Agency</b>  | <b>Barriers</b>  | <b>Feedback from SMART</b>  | <b>AWA Funding</b> |
|---------------------|--|--|---|--------------------|
| Utah                | Department of Corrections                                      | Offense Tiering; juvenile registration; community notification | Substantial implementation review (2010)  | \$906,463          |
| Vermont             | Department of Public Safety                                    | Juvenile registration  |   | \$150,000          |
| Virginia            | Virginia State Police; Virginia Office of the Attorney General | Juvenile registration; tiering; in-person appearances          | Substantial implementation review (2010)  | \$38,155           |
| Washington          | Governor/Sex Offender Policy Board                             | Offense Tiering vs. risk assessment                            | Offense Tiering review (2010); preliminary substantial implementation review (2010) | \$0                |
| West Virginia       | Division of Criminal Justice Services                          | Juvenile registration  |   | \$0                |
| Wisconsin           | Wisconsin Department of Corrections                            | In-person verification   | Tiering Review (2011)   | \$256,447          |
| Wyoming             | Division of Criminal Investigation                             | Juvenile requirements  | Substantial implementation review (2010)  |                    |