



Department of Justice

STATEMENT FOR THE RECORD

OF

**JOHN F. CLARK
DIRECTOR
UNITED STATES MARSHALS SERVICE**

PRESENTED TO THE

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

FOR THE HEARING ENTITLED

**“SEX OFFENDER REGISTRATION AND NOTIFICATION ACT (SORNA):
BARRIERS TO TIMELY COMPLIANCE BY STATES”**

**HEARING DATE:
MARCH 10, 2009**

Mr. Chairman and Members of the Subcommittee, thank you for the opportunity to submit my testimony for the record concerning the U.S. Marshals Service and our enforcement of the Adam Walsh Act. Parents everywhere count on the U.S. Marshals Service to catch the depraved individuals who prey on young and innocent children, bringing the guilty to justice and in doing so possibly preventing future crimes.

Why do we need the U.S. Marshals Service to catch fugitives?

The U.S. Marshals Service was created in 1789, and our country has turned to our elite agency in times of crisis and in times of peace. Most of our work goes on sight unseen. When we successfully protect judges and witnesses, nothing happens. If we keep prisoners safe and healthy, no one hears about it. If we help the Iraqis and Afghans build the basis for their criminal justice system, no one is aware. Most of the time, if we do our jobs right, our success is outside of the public eye. However, there is one exception. Our major mission that makes the daily news is our fugitive mission.

Arresting bad guys always makes headlines, but fugitives are a unique type of criminal whose arrests deserve not only the headline, but the whole front page. Our justice system is rooted upon the principle of accountability. But when a dangerous fugitive flees to avoid arrest, that principal of accountability is broken. The fact is that there are hundreds of thousands of dangerous criminals—murderers, drug dealers, gang bangers, and child sexual predators who have active arrest warrants issued by local, State or federal authorities. They do not want to face justice and they run. At this point, as the founders of our country designed it, the Marshals get involved.

Deputy U.S. Marshals locate and arrest more than 100,000 fugitives every year. We recruit Deputy U.S. Marshals who have a passion and a knack for protection, security, and investigations. Investigating fugitives is a specialty of which we are extremely proud.

Fugitive sex offenders – their victims are all innocent children

Our nation became truly aware of the child sexual predator with the horrific death of Adam Walsh, who was murdered almost 30 years ago. Since then, the list of child victims has grown longer. Though we continue to grapple with Adam, Megan, Jessica, and Dru's deaths, every state in the nation has adopted the concept that registries are crucial to monitoring the child sex predator and preventing future victims. However, time after time we learned that registering these criminal deviants was not enough. We had to link our registries together to enable us to track their unfettered movement. With the Adam Walsh Act, "failure to register" became a federal crime, a law for the U.S. Marshals to enforce.

U.S. Marshals responsibilities under the Adam Walsh Act

The United States Marshals Service is the lead law enforcement agency responsible for investigating sex offender registration violations and related offenses in connection with a violation of the Adam Walsh Child Protection and Safety Act, Public Law 109-248, which was signed by former President Bush on July 27, 2006.

Pursuant to the Adam Walsh Act, the U.S. Marshals Service is authorized:

- to assist state, local, tribal and territorial authorities in locating and apprehending noncompliant and fugitive sex-offenders;
- to investigate violations of the Act and build criminal investigations for violations of the Act for federal prosecution; and
- to identify, locate and apprehend sex offenders who travel outside of their registered area as a result of a major disaster.

We have the training, the skills, and the commitment to fulfill this mission. We established a Sex Offender Investigations Branch to lead, administer and manage our Sex Offender Apprehension Program. We have trained nearly 300 Deputies in specialized sex offender investigations, and established a Behavioral Analysis Unit, run by a Chief Psychologist, to study the offenders and help us predict movements and trends. In addition we co-located one of our finest Deputy U.S. Marshals at the National Center for Missing and Exploited Children, because so many of the victims start out as missing children.

The U.S. Marshals Service achieves results. Since the Adam Walsh Act became law, we have assisted our state and local law enforcement counterparts in arresting over 23,000 noncompliant and fugitive sex offenders. Deputy U.S. Marshals opened almost 3,000 federal investigations which led to nearly 600 arrests. Studies show the recidivism rate of sexual predators is extraordinarily high, which may be an explanation why so many sex offenders fail to comply with the law.

We have more to do

The National Center for Missing and Exploited Children estimates that there are approximately 100,000 convicted sex offenders who have not registered. So while 600 federal arrest warrants sounds impressive, we have only scratched the surface.

With additional resources, we hope to train and dedicate many more Deputy U.S. Marshals to sex offender investigations. With resources, we will establish and staff a National Sex Offender Targeting Center, which is designed to be a clearing house—one-stop shopping—for states and local law enforcement to share information and coordinate sex offender operations and analysis.

Like other categories of fugitives, many sex offenders often hope to escape capture and continue to feed their deviancy by fleeing the United States. After all, potential victims are everywhere. So as we continue to increase our enforcement mission

in the United States, it will be essential for us to establish an international coalition with the five other countries who have recognized and organized sex offender registries: Canada, France, the United Kingdom, Australia, and Ireland.

Conclusion

There is no doubt about it: sex offender registries have been incorporated into our justice system because they further critical public safety purposes. By making “failure to register” a federal crime, locating these criminals becomes the responsibility of the U.S. Marshals.

Mr. Chairman, thank you again for your diligence in bringing these issues to light and for fighting for additional resources so the Deputy U.S. Marshals can focus on enforcing the Adam Walsh Act and bringing unregistered sex offenders to justice. By doing so, you are placing importance on protecting our children.