



Department of Justice

STATEMENT OF

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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

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I would like to thank Chairman Sensenbrenner, Ranking Member Scott, and the members of this committee for holding this important hearing. I know everyone working on Adam Walsh Act cases at the Marshals Service appreciates the Committee's interest in this issue, and we welcome the opportunity to update you on our work. I am also proud to offer testimony on this panel with two individuals who work every day to keep children from harm's way: Linda Baldwin of the SMART office, and Ernie Allen from the National Center for Missing and Exploited Children. The Marshals Service will continue to collaborate with their organizations as we comprehensively address all the challenges in carrying out the Act.

Background

This committee showed tremendous leadership in working with the full House and Senate to pass the Adam Walsh Act five years ago. The Act added an important mandate to the mission of the Marshals Service. This landmark legislation strengthened nationwide standards for sex offender registration, and made the failure to register with authorities a federal crime (see 18 U.S.C. § 2250). The Marshals Service has three key missions under the Adam Walsh Act: to assist state, local, tribal, and territorial authorities in the location and apprehension of non-compliant sex offenders; to investigate violations of the criminal provisions of the Act (18 U.S.C. § 2250), and to identify and locate sex offenders displaced as a result of a major disaster.

As mandated by the Adam Walsh Act, a sex offender must periodically appear in person before a registering agency. Tier I offenders (the least serious offenders) are required to check in in-person once a year and are required to register for 15 years. Tier II offenders are required to check-in twice a year and must register for 25 years. Tier III offenders, the most serious offenders, must report in person four times a year and register for the remainder of their lives.¹ Failing to comply with these registration requirements is a felony, as noted above, and these cases represent the vast majority of warrants handled by our deputies in the Sex Offender Investigations Branch.

The Marshals Service considers anyone who fails to register or provides inaccurate information to a registering authority as a potential threat to the public, particularly children, but we prioritize our investigations to go after the "the worst of the worst." The National Center for Missing and Exploited Children estimates that over 728,000 sex offenders reside in the United States, of which more than 100,000 are classified as non-compliant or unregistered. In July 2010, the Sex Offender Investigations Branch of the Marshals Service launched Operation Guardian, which targets the five most dangerous non-compliant sex offenders in each District around the country. The targets were assessed based on their danger to the public, while paying particular attention to those who had previously victimized minors. Operation Guardian is the first operational tasking under the non-compliant investigative strategy known as Project Sentinel, a multi-faceted, long-term strategy under which various operations targeting regional, national, and international offenders will be conducted. A recent success story for one Operation

¹ The registration period for Tier I offenders may be reduced to 10 years, and the registration period for Tier III offenders registered on the basis of juvenile delinquency adjudications may be reduced to 25 years, if they maintain "clean records" as provided in the Act.

Guardian fugitive highlights the importance of targeting the worst known offenders. One of Texas' top ten sex offenders was found in Monterrey, Mexico last October. He had cut off the monitoring device around his ankle in 2002 and fled to Mexico. He was charged with the failure to register as a sex offender after he was found guilty of several violent sexual assaults in the San Antonio area. By targeting him through Operation Guardian, the Marshals Service brought the full weight of international, federal, state and local law enforcement resources and intelligence to bear to locate the fugitive and take him into custody. It is a tribute to the men and women of the Marshals Service as well as local law enforcement in San Antonio that this fugitive has been apprehended and will no longer pose a threat to the community.

Progress Since 2006

After passage of the Adam Walsh Act, the Marshals Service immediately responded. Though funding through appropriations did not occur until 2008, upon passage of the legislation, the Marshals Service worked to integrate the goals of the legislation into its mission. In October 2006, the Marshals Service conducted Operation FALCON III in partnership with hundreds of state and local law enforcement entities. In that one week operation alone, we apprehended 1,659 sex offenders, 971 of whom were unregistered or otherwise out of compliance with their registration requirements. We also safely recovered one missing child and arrested a sex offender while he was babysitting three young children. The Marshals Service conducted additional FALCON operations in 2007, 2008, and 2009, during which 5,677 sex offenders were arrested.

Since July 27, 2006, the Marshals Service initiated 7,949 sex offender investigations; 1,448 warrants have been issued for federal registration violations; 1,124 Adam Walsh Act fugitives have been arrested; and 1,203 warrants for registration violations have been cleared through arrest of the offender by the Marshals Service. We have arrested 43,709 fugitive sex offenders since the law's inception. As an agency, the Marshals Service will continue to look for new and innovative ways to accomplish our mission under the Adam Walsh Act.

To continue producing results, the Marshals Service focuses on developing a skilled workforce of both operational and support staff to advance the mission of the Sex Offender Investigations Branch. The Marshals Service has trained some deputy U.S. marshals as Sex Offender Investigations Coordinators (SOICs) to serve on the front lines to track and apprehend non-compliant sex offenders and liaise with state and local law enforcement officials. We also have sought to ensure that leadership in each District office, not just those working exclusively on sex offender cases, understand the importance of these investigations. Our goal is to train all Marshals Service criminal investigators on sex offender investigations. By training the individuals who work on sex offender investigations every day as well as those who may have limited exposure to those cases by virtue of their other assignments or management duties, the Marshals Service will ensure that everyone in each District is aware of the importance of the mission to track and monitor unregistered or non-compliant sex offenders.

National Sex Offender Targeting Center

The National Sex Offender Targeting Center (NSOTC) was established in Fall 2009 to support the mission of the U.S. Marshals Service under the Adam Walsh Act. The NSOTC functions as an interagency intelligence and operations center to assist with identifying, investigating, locating, apprehending, and prosecuting non-compliant, unregistered fugitive sex offenders. The Targeting Center collaborates with the National Center for Missing and Exploited Children (NCMEC) and the Department of Justice's Sex Offender Sentencing, Monitoring, Apprehending, Registering and Tracking (SMART) Office to support all levels of law enforcement in pursuing unregistered and non-compliant sex offenders. Other federal agencies are represented at the Targeting Center, including the Department of State's Diplomatic Security Service. The Department of the Army also detailed two officers to the Targeting Center to assist in locating sex offenders in the U.S. military. In addition, the NSOTC assigned its intelligence analysts to the Customs and Border Protection Targeting Center and INTERPOL's Child Exploitation Human Trafficking Division. These analysts work with NSOTC investigators to track and verify information on sex offenders who travel abroad.

In November 2010, the NSOTC began an initiative to identify, locate, register, and/or apprehend convicted sex offenders who failed to comply with registration requirements following discharge from the U.S. military. This initiative, entitled Operation Tarnished Service, identifies former service members who have committed sexually based offenses while on active duty. Subsequent to their arrest, confinement and conviction, these offenders failed to comply with registration requirements of the state in which they now reside. The NSOTC is working in conjunction with NCMEC and military, federal, state, and local law enforcement to ensure the offenders are registered or if in violation, that they are located and prosecuted.

The Targeting Center is comprised of three units: Operations, Intelligence, and Behavioral Analysis. The Operations Unit supports regional and local sex offender apprehension initiatives, provides resources for the investigation and prosecution of sex offender registration violations, coordinates the Marshals Service's response to major incidents involving sex offenders, and coordinates international law enforcement efforts regarding sex offenders. The Intelligence Unit includes members of the Marshals Service's Criminal Intelligence Branch and NCMEC's Sex Offender Tracking Team. Both groups work together to generate tactical and strategic intelligence support for sex offender investigations. Our Behavioral Analysis Unit (BAU) provides investigative and operational support to Marshals Service investigators, particularly in identifying and apprehending non-compliant sex offenders. The BAU also assists outside law enforcement with cold case reviews, including solved or unsolved homicides where the murder appears to be sexually motivated.

The BAU plays an integral role in the way the Marshals Service understands and investigates fugitive sex offenders. One study authored by the head of the BAU, Dr. Michael L. Bourke, found that among 155 sexual offenders serving time for child pornography charges in a federal prison's residential sex offender treatment program, many had directly sexually abused children as well. Moreover, this abuse was not disclosed prior to treatment. The study concluded that "the number of reported victims known at the end of treatment, among all

offenders, was 1,777, an average of 13.56 victims per offender.”² It is noteworthy to realize that the universe of victims was so large in these cases, given that most people inaccurately conclude that those who possess child pornography do nothing more than simply view these images. The *Butner Study* indicates these offenders also commit contact violations, which often go unreported. Armed with this knowledge, the Marshals Service is better able to investigate these individuals, identify all the crimes which may have been committed, and ensure justice is served.

The BAU prepares behavioral assessments and psychological insights into the minds of suspects and offenders, which help our deputies in the field understand a subject’s patterns and motivations, hone interview and interrogation techniques, develop investigative strategies, and identify particular risks of violence associated with arresting a fugitive sex offender. In some cases, these offenders can be extremely violent toward law enforcement. One need only look at the recent shooting in St. Petersburg, Florida on January 24, 2011 to see how volatile these situations can become. The fugitive in that case was sought on a charge of aggravated battery. He was also a sex offender who had failed to register with state authorities. When located by task force officers, the fugitive opened fire, killing two St. Petersburg Police officers and wounding a Deputy U.S. Marshal.

In addition to conducting behavioral analyses of subjects and offenders, the BAU helps develop protocols for Deputy U.S. Marshals, law enforcement officers, judges, lawyers, court reporters, and other individuals who work in the field of sex crime investigations and frequently come into contact with child victims or who are required to view sexually explicit images of children for investigative purposes. In rare cases, Deputy U.S. Marshals enter a home looking for a fugitive only to discover him in the act of abusing a child. These difficult and potentially traumatizing incidents pose unique challenges to maintaining a healthy workforce. The BAU developed a program to monitor individuals who may be at risk for long-term psychological harm associated with this line of work. As an agency, we then can provide these employees with the services and support they may need to minimize the negative impacts of their difficult jobs.

International Ramifications

The Marshals Service’s partnerships with other law enforcement agencies to track down unregistered and non-compliant sex offenders do not end at our borders. We actively engage with our colleagues domestically and in other countries to apprehend non-compliant sex offenders traveling internationally. We actively participate in the International Tracking of Sex Offenders Working Group (chaired by SMART) comprised of multiple agencies within the Department of Justice, Department of Homeland Security, Department of State, and Department of Defense, and have a lead role on many of those initiatives to develop a comprehensive tracking system for registered sex offenders as they enter and leave the country. In March 2010 the Marshals Service’s National Sex Offender Targeting Center participated in the Wanted Child Sex Offender Initiative, run by the G-8 countries to identify and apprehend wanted child sex offenders from each member country. The G-8 includes representatives from the United States,

² Bourke, M. & Hernandez, A. (2009). The ‘Butner Study’ redux: A report of the incidence of hands-on child victimization by child pornography offenders.. *Journal of Family Violence*, 187, 183-191.

the United Kingdom, Canada, France, Germany, Italy, Japan, and Russia. Consider the case of John Edward Hamilton, one of the United States' ten most wanted sex offenders and a target of the Wanted Child Sex Offender Initiative. Hamilton had pled guilty in 2009 to two counts of aggravated sexual battery of a child, two counts of indecent liberties with a child, and one count of crimes against nature with a minor before he fled the United States. An INTERPOL Red Notice was issued soon thereafter. The notice, which was sent to every country in Europe, eventually led to his arrest in August 2010 when he was captured in Poland. These partnerships are instrumental to locate wanted sex offenders. The Marshals Service is proud of its relationships with foreign law enforcement and has actively expanded our reach and participation around the world to meet this growing challenge. In June 2010, the Marshals Service hosted international law enforcement liaisons from 13 embassies at the Targeting Center and provided them with an overview of the Marshals Service's role in apprehending non-compliant sex offenders. This meeting led to increased cooperation and coordination with these 13 countries.

The Marshals Service engages in other international partnerships which help effect the return of sex offenders abroad. In January 2011, the Department of State's Diplomatic Security Service notified the Targeting Center that a sex offender had been working as a contractor in Iraq. Members of the Marshals Service's Major Crimes Task Force in Baghdad and the Regional Security Officer coordinated on the case, which led to the contractor's return to the United States. The suspect was wanted in Norfolk, Virginia for child rape. In another case, a suspect wanted in Oregon for five counts of child sexual abuse was arrested in December 2010 when he arrived back in the United States at Los Angeles International Airport after he had traveled to Thailand. This suspect's arrest resulted from the collaboration with the Royal Thai Police. In a third example, the Diplomatic Security Service in Bangkok, Thailand contacted the Targeting Center with information on a suspect wanted in Alabama for first degree rape, first degree sodomy, and sexual abuse of a child under 12 years old. In this case, the Royal Thai Police arrested the suspect and Marshals Service personnel escorted him to the United States.

The circumstances regarding each fugitive sex offender are unique, and the Marshals Service works closely with foreign law enforcement officials to ensure the appropriate level of coordination and participation in an ongoing investigation. However, each of these examples from recent months demonstrates the value of domestic and international partnerships: continued collaboration between the law enforcement entities at home and abroad leads to successful apprehensions of wanted sex offenders.

Federal, State, Local, and Tribal Partnerships

Many of our investigations of non-compliant and unregistered sex offenders involve multiple jurisdictions. An offender may have been convicted and required to register in one state, only to move to another where he does not comply with registration requirements. A current case investigated by the Marshals Service demonstrates how some sex offenders are able to evade registration requirements. In 2000, a man was arrested in Florida on nine counts of lewd and lascivious assault on a child under the age of 16. These charges stemmed from the reports of two young girls who claimed they had been sexually abused by their mother's

boyfriend. The man pled no contest and was sentenced to three years in prison. He was released from prison in December 2002. Upon his release and pursuant to state law, he was required to register any changes to his employment or residence address within 48 hours. In January 2003, the offender moved to Alabama and twice updated his address of record. He was required to appear in person every six months to verify his information and continued to list an address in Alabama as his residence. In December 2010, this sex offender was stopped by Customs and Border Protection agents and sent to secondary screening at the international airport in Seattle, Washington. He was scheduled to fly to Manila and return to the United States a few weeks later. A search of his suitcase revealed three children's coloring books, candy, and \$1,500 in U.S. currency. The offender told the agents the items were for his girlfriend's daughter. He also told agents he had been working and living in Everett, Washington for the past two years. Upon learning about this incident, the Marshals Service verified the sex offender's residence and employment information he provided to the CBP agents and contacted authorities in Alabama. Law enforcement in Alabama verified that the sex offender still shows up in person for his required check-in every six months but that at every site visit the Sheriff's Office had done, the sex offender's brother claimed he was out. The offender never registered in Washington State. Our deputies have used all of this information to build a case against this offender in the hope that he will never have the opportunity to victimize a child again.

The Marshals Service works with state, local, and tribal authorities to build relationships that help ensure sexual abuse and misconduct are properly reported. In April 2010, the Marshals Service launched Operation Last Frontier in rural Alaska. This effort is a combined law enforcement and community outreach initiative aimed at training civilians to identify and notify law enforcement when sex crimes have occurred. Non-compliant sex offenders in these remote areas are also targeted for arrest and prosecution. Given the complexity of investigating and adjudicating sexual abuse cases in rural areas, not the least of which includes the fact that many are accessible only via air or sea, the Marshals Service worked with Alaska State Troopers to create a program responsive to the needs of Alaska native villages. Our combined efforts and resources will go further in successfully monitoring and apprehending these offenders in this challenging environment.

As we have gained a greater understanding about the nature of sex offenders, the Marshals Service has sought to limit opportunities sex offenders may take to abscond from justice. For example, in the aftermath of Hurricane Katrina publicly available reports noted several thousand sex offenders had been displaced from Louisiana and the surrounding area, yet few had updated their last known address and other required information with the sex offender registry in their new jurisdictions. To prevent losing track of such a large population, the Marshals Service is working with the Federal Emergency Management Agency to ensure information on sex offenders displaced as a result of a major disaster is shared between agencies.

When other major storms such as Hurricane Ike have occurred, the Marshals Service deployed a number of our Deputy U.S. Marshals to the affected regions to reestablish a law enforcement presence and ensure displaced sex offenders comply with their obligation to register at any new address. To increase its response to displaced sex offenders during times of natural

disasters, the Sex Offender Investigations Branch organized investigators into deployable teams of SOICs to respond to the affected areas to assist with tracking displaced sex offenders.

The Sex Offender Investigations Branch (SOIB) also created a training program for state and local sex offender investigators. Instruction is focused on investigating and prosecuting federal criminal violations of the Adam Walsh Act and resources are provided to state and local investigators to assist in carrying out this effort. The first training program was held in November 2010, during which 46 state and local law enforcement officials from 43 different jurisdictions in the United States and Canada were in attendance. This training helped advance the Marshals Service's mission to assist state, local, tribal and territorial authorities in locating and apprehending non-compliant sex offenders. The SOIB plans to conduct two state and local training classes for Spring 2011.

In addition to its work in tracking down non-compliant sex offenders, the Marshals Service also assists NCMEC in safely recovering missing children. SOIB investigators target missing child cases when a felony warrant is outstanding for the abductor or companion of an abducted, missing, or endangered child. This partnership teams fugitive hunters from the Marshals Service with NCMEC's resources as the nation's clearinghouse for missing children. Since the program's inception in 2005, SOIB investigators have safely recovered 237 missing children and arrested 184 fugitives. In July 2010, NCMEC sent a missing child case to Marshals Service investigators in Arkansas. The case involved an unlawfully present Mexican immigrant and wanted fugitive who abducted his 18 month-old son from the boy's mother. Along with kidnapping, the fugitive was wanted on a number of outstanding warrants, including an alleged sex offense involving a 14 year-old girl and various other violations under assumed names. The fugitive fled to Georgia where he threatened to abscond to Mexico with the child if the mother contacted law enforcement. The Marshals Service helped locate and arrested the fugitive, returning the child to his mother unharmed.

As we have learned time and time again, the hours immediately following the abduction of a child are critical. Every effort should be made to locate children to protect them from harm, and the Marshals Service is committed to reducing any delays in an investigation. Once we receive information relating to the location of a wanted sex offender, we act quickly to ensure no children are in danger. Tools to remove red tape and streamline investigations would be welcomed at the Marshals Service. I hope to work with Congress to eliminate any roadblocks in allowing for swift investigations to locate these offenders. Legislation providing the Department of Justice the power to issue administrative subpoenas in cases of unregistered or non-compliant sex offenders would move in this direction. Such legislation was considered by both the House and Senate Judiciary Committees during the last session of Congress. Should this authority be granted, the Marshals Service could ensure that its fugitive investigators could quickly respond to new information about the location of a non-compliant or unregistered sex offender.

Looking Forward

Our operational tempo continues to increase as the Marshals Service refines our investigative mission and expands our partnerships with law enforcement at all levels of

government and abroad. For Fiscal Year 2010, the Marshals Service received a total of \$48.1 million for Adam Walsh Act enforcement, and we have seen a substantial return on this investment. These funds meant additional positions and improvements to information technology and infrastructure to support complex investigations. But most importantly, these resources helped bring some of the most violent sexual offenders to justice. The Marshals Service hopes to continue this trend of robust enforcement and we will work closely with Congress to ensure we do all we can to keep our communities safe and make certain that sex offenders are compliant with all applicable federal, state, and local laws.