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Description of document: United States Marshals Service (USMS) Sex Offender Targeting Center Reports, 2014\*

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\*Note: Records are undated but dates up to 2014 are mentioned in the text

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U.S. Department of Justice

United States Marshals Service

Office of General Counsel

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2604 Jefferson Davis Hwy.  
Alexandria, VA 22301

August 7, 2014

VIA E-MAIL

**Re: Freedom of Information Act Request No. 2014USMS25612, Subject: Sex Offender Targeting Center Reports**

This letter will serve as a response to your Freedom of Information Act Request seeking records from this Agency.

Pursuant to your request, the Marshals Service conducted a search of its National Sex Offender Targeting Center (NSOTC) and located 43 documents responsive to your request.

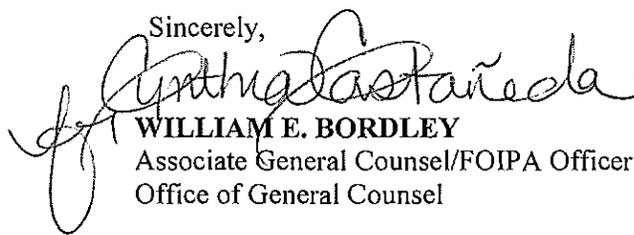
The NSOTC does not generate monthly reports.

The 43 documents are being released to you and are enclosed herein. However, certain portions of the documents are being withheld pursuant to the Freedom of Information Act, 5 U.S.C. § 552 (FOIA), Exemption (7)(C) and the Privacy Act, 5 U.S.C. § 552a, Exemption (j)(2). Exemption (7)(C) of the FOIA withholds from disclosure records or information compiled for law enforcement purposes to the extent that the production of such records or information could reasonably be expected to constitute an unwarranted invasion of personal privacy. Exemption (j)(2) of the Privacy Act protects material related to the enforcement of criminal laws including efforts to prevent, control or reduce crime or to apprehend criminals.

If you are dissatisfied with my action on this request, you may appeal by writing to the Director, Office of Information Policy, (OIP) United States Department of Justice, Suite 11050, 1425 New York Avenue, NW, Washington, D.C. 20530-0001. Your appeal must be received by OIP within 60 days of the date of this letter. Both the letter and the envelope should be clearly marked "Freedom of Information/ Privacy Act Appeal." In the event you are dissatisfied with the results of any such appeal, judicial review will thereafter be available to you in the United States District Court for the judicial district in which you reside or have your principal place of business, or in the District of Columbia.

For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of the FOIA. See 5 U.S.C. § 552c (2006 & Supp. IV (2010)). This response is limited to those records that would be subject to the requirements of the FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist.

Sincerely,

A handwritten signature in black ink, appearing to read "William E. Bordley". The signature is written in a cursive style with a large, looping initial "W".

**WILLIAM E. BORDLEY**  
Associate General Counsel/FOIPA Officer  
Office of General Counsel

Enclosures

**Adam Walsh Act – Public Law 109-248**

**Section 635 Annual Report to Congress on Enforcement of Registration Requirements**

The Adam Walsh Child Protection and Safety Act of 2006 (AWA, the Act, or Adam Walsh Act) was signed into law on July 27, 2006. The Act is designed to protect the public from sexual exploitation and violent crime; prevent child abuse and child pornography; promote Internet safety; and honor the memory of Adam Walsh and other crime victims. The Sex Offender Registration and Notification Act (SORNA), Title I of AWA, was enacted to inform and protect the public from convicted sex offenders by establishing a comprehensive national system for the registration of those offenders.

Since the enactment of AWA, the Department of Justice (DOJ) has made significant progress in implementing the Act. New programs have been implemented, a new office has been established to assist in the national management of sex offenders, and novel prosecutions have occurred as the result of new statutory authority. Over time, states, territories, tribes, local units of government, the United States Marshals Service (USMS), the Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking (SMART), the Criminal Division of DOJ (particularly the Child Exploitation and Obscenity Section (CEOS)), the Executive Office of U.S. Attorneys (EOUSA) and the Federal Bureau of Investigation (FBI) will use the data compiled for this report to evaluate resource allocation, strategic planning and decision making regarding sex offender management and the ongoing implementation of SORNA. Jurisdictions may also use the data included in this report to evaluate the effectiveness of sex offender registration and apprehension efforts, and the effectiveness of prosecutions under 18 U.S.C. § 2250 as well as prosecutions under corresponding state/territory/tribal statutes. In addition, the report will assist jurisdictions in their understanding of the duties and responsibilities of the SMART Office in relation to SORNA, the ongoing nature of SORNA implementation, and the consequences for jurisdictions that fail to substantially implement SORNA.

As more jurisdictions move toward the implementation of the requirements of SORNA, additional data will become available. Federal and non-federal jurisdictions should see an increase in prosecutions pursuant to failure-to-register offenses under both 18 U.S.C. § 2250 and non-federal statutes. Indeed, as more sex offenders are identified as failing to register pursuant to SORNA requirements, the USMS has become even more active in its apprehension efforts. In addition, as jurisdictions continue submitting implementation packages and materials to the SMART Office, more information will become available about the status of jurisdictions' implementation efforts as well as funding, training and technical assistance needs across the nation. This sixth report to Congress reflects the information that has been collected and received through May 1, 2013.

**(1) Use of the United States Marshals Service to Assist in Locating and Apprehending Sex Offenders who Fail to Comply with SORNA**

The United States Marshals Service (USMS) is the lead federal law enforcement agency responsible for investigating sex offender registration violations and related offenses under AWA, including violations of 18 U.S.C. § 2250.

The USMS has three distinct missions pursuant to the Adam Walsh Act:

Assisting state, local, tribal, and territorial authorities in the location and apprehension of non-compliant sex offenders;

Investigating violations of 18 U.S.C. § 2250 and related offenses; and

Assisting in the identification and location of sex offenders relocated as a result of a major disaster.

**National Sex Offender Targeting Center**

To assist with the above missions under AWA, USMS established the National Sex Offender Targeting Center (NSOTC) in September 2009. The NSOTC serves as an interagency intelligence and operations center supporting all levels of law enforcement with the identification, investigation, location, apprehension, and prosecution of non-compliant offenders. 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 the National Center for Missing and Exploited Children's (NCMEC) Sex Offender Tracking Team. Both groups work together to generate tactical and strategic intelligence support for sex offender investigations. USMS' 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 NSOTC works in conjunction with NCMEC and the SMART Office to assist all levels of law enforcement to identify, locate, and prosecute non-compliant sex offenders. NSOTC has worked with numerous agencies to provide cross-training and sharing of information among Departments working on these issues. USMS and NCMEC personnel are assigned to the Targeting Center, along with an agent from the Department of State's Diplomatic Security Service (DSS). The Department of the Army has also detailed one Military Police officer to the Targeting Center to assist in locating sex offenders in the U.S. military. In addition, the NSOTC has assigned an intelligence analyst to the Department of Homeland Security's Customs and Border Protection Targeting Center and a Senior Inspector to INTERPOL's Human Trafficking and Child Protection Division to track and verify information on sex offenders who travel abroad.

NCMEC has re-located its Sex Offender Tracking Team to the NSOTC to assist with sex offender investigations. NSOTC also has assigned a liaison to the SMART Office.

The NSOTC is the entity by which the USMS coordinates international issues that are specific to fugitive sex offenders and sex offender registration laws and works closely with INTERPOL and DSS to track sex offenders traveling abroad. In February 2011, an agreement was created between the NSOTC, DSS and INTERPOL that established a notification system of U.S. sex offender travel. As a result, INTERPOL sends a copy of the country notification to the DSS crime liaison office, which is forwarded to the appropriate RSO in the receiving country. The USMS and other agencies, including the FBI, DSS, and Immigrations and Customs Enforcement's (ICE) "Angel Watch" program are copied on the notifications in order to maintain communication between the agencies. If there is a reply back to INTERPOL from a country asking for investigative information, the request is sent to the USMS Senior Inspector at INTERPOL, who obtains the information for the foreign National Central Bureau. This is an important step forward in expanding our participation around the world to meet the growing challenges of tracking non-compliant sex offenders who travel internationally. In August 2012, the USMS Senior Inspector at INTERPOL began receiving notifications from ICE of the "Angel Watch" sex offenders who were identified at Customs and Border Protection as traveling internationally. These notifications are also sent to the USMS intelligence analyst sitting at the Customs and Border Protection National Targeting Center so that a standard Travel Notification Form can be completed and sent to INTERPOL. This new process closes a loophole and allows the USMS to send INTERPOL notices to both the NCBs and RSOs as per our agreement.

Additionally, the NSOTC worked with INTERPOL and the SMART Office to develop a "Notification of International Travel" form for officials to fill out and forward to the NSOTC when a registered sex offender intends to leave the country.

In July 2012, ICE amended their alien deportation/removal forms to add a specific warning about violating SORNA. This section titled "Special Notice to Sex Offenders" notifies those convicted of a sex offense that if they return to the United States, they are required to register as a sex offender or they will be in violation of 18 U.S.C. § 2250. All persons being deported or removed are required to sign this form. This change by ICE is a major step forward in addressing the issue of deported sex offenders and is the culmination of years of negotiations between the USMS and ICE.

The NSOTC created an initiative to identify and locate convicted sex offenders who failed to comply with registration requirements following discharge from the United States Armed Forces. This initiative identifies former service members who committed sexual based offense(s) while on active duty in the United States Armed Forces. Subsequent to their arrest and conviction, these offenders failed to comply with registration requirements of the state in which they now reside. Through planning and coordination between the NSOTC and the Military Correctional Branch, the military's notification procedure has been expanded to also include the USMS/NSOTC when military convicted sex offenders are released from custody. The NSOTC reviews these

notifications and sends them to the Sex Offender Investigations Coordinator (SOIC) in the appropriate USMS district, who in turn coordinates this information with local sex offender registration authorities in order to identify possible 18 U.S.C. § 2250 cases. In the first half of FY 2013, the NSOTC processed 285 sex offenders who had been released from the military corrections system. 196 (68.8%) were found to be compliant with sex offender registration requirements, 29 (10.2%) were found to be non-compliant and are pending investigation (3 arrests were made), and 60 (21%) are pending final assessment.

The NSOTC worked in conjunction with the Department of Defense in an attempt to modify the Department of Defense Form 2791, Notice of Release/Acknowledgement of Convicted Sex Offender Registration Requirement (DD Form 2791) to reflect the current SORNA requirements. This modification is intended to aid the offender in understanding the importance of timely registration. On March 11, 2013, the DoD codified new policy which directs military corrections facilities to notify the USMS NSOTC of the release of military sex offenders. Such notification had previously been directed by the DoD via a memorandum issued to military corrections facilities. Department of Defense Instruction (DoDI) 1325.07 - Administration of Military Correctional Facilities and Clemency and Parole Authority codifies this directive as official military policy for all branches of service.

The NSOTC worked with the DoD OIG to prepare a report for the office of the Under Secretary of Defense pertaining to DoD policy on sex offender registration, tracking, and reporting. Representatives from the DoD OIG met with NSOTC leadership and discussed actual and perceived gaps in DoD policy pertaining to sex offender registration, tracking, and reporting. The NSOTC provided the DoD OIG with a report providing recommendations for future DoD policy development.

The NSOTC has worked with the Department of Defense and each individual service branch to become the direct conduit for providing USMS investigators with legal documents regarding convictions. These documents are used for prosecutions of sex offender registry violations.

At the request of the DoD, the NSOTC will provide assistance to the Army Audit Agency (AAA) with their data match request. The NSOTC will help with identifying employees who work for the Department of the Army Child Development Centers and who may be registered or non-registered sex offenders. This is in direct response to recent controversies highlighted in the media (including the *Washington Post*) of employees who have been found working at the Child Development Centers and have a history of child abuse.

The NSOTC worked with each military service branch to identify and locate fugitive military deserters wanted in connection with sex offense related criminal activity. Each branch has agreed to participate and provided information necessary to assist them with locating personnel who committed a sexual offense and then deserted from the military and are still at large. The NSOTC conducts an analysis and provides military law enforcement with the most probable location of the offender if he/she is located.

### Adam Walsh Act Missions

In addition to its work through the National Sex Offender Targeting Center, the USMS fulfills its missions under the Adam Walsh Act as follows:

#### *Assisting state, local, tribal, and territorial authorities in the location and apprehension of non-compliant sex offenders*

The USMS has been aggressive in assisting federal, state, tribal, local, and foreign law enforcement agencies in locating and apprehending fugitive sex offenders. To perform these duties effectively and to avoid duplication of effort, the USMS works closely with its law enforcement partners, as well as with NCMEC.

In furtherance of this mission, the Sex Offender Investigations Branch (SOIB) created an Adam Walsh Act 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. The second training program was held in June 2012 for 53 state and local law enforcement officers from 19 states. The Sex Offender Investigations Branch had scheduled several additional training classes but had to postpone them due to budget constraints. Two classes are currently planned for FY 2014.

Following the enactment of AWA in 2006, the USMS established its Sex Offender Apprehension Program and designated a program management office (SOIB) at the USMS Headquarters to direct and coordinate the implementation of the Act within the agency. The USMS also assigned a full-time liaison to NCMEC, and designated a Sex Offender Investigations Coordinator (SOIC) in each district office and Regional Fugitive Task Force to establish and maintain effective contacts with sex offender registration authorities, corrections officials, and other law enforcement agencies throughout the country.

USMS SOICs are required to coordinate sex offender enforcement with all necessary law enforcement partners in their districts, including registering agencies, local law enforcement, Assistant U.S. Attorneys, U.S. Probation, and local prosecutors. SOICs bridge the gap between law enforcement and the state registries and acquire the evidence necessary to apprehend and prosecute unregistered fugitive sex offenders. They provide their state/local partners a conduit for funding for enforcement activities and are a source of expertise in organizing fugitive sex offender apprehension initiatives.

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 434 missing children and arrested 350 fugitives. The USMS worked with NCMEC to develop a process that automatically

notifies the SOICs assigned to NCMEC when a sex offender is associated with a missing child case. After reviewing the case, the SOICs send the information to the NSOTC for further action if appropriate. This expedited process is helping recover children more quickly.

### ***Investigating violations of 18 U.S.C. § 2250 and related offenses***

The USMS has initiated numerous investigative operations nationwide which targeted non-compliant offenders. These operations include activities ranging from locating fugitive offenders, to verifying their compliance with SORNA and initiating cases following violation of 18 U.S.C. § 2250.

Since inception of the Adam Walsh Act to present (July 26, 2006 – May 1, 2013), the USMS has completed 1,059 sex offender operations with 14 currently underway or soon to commence. These operations were conducted in conjunction with 5,415 state and local agencies and over 21,407 state and local officer participants.

In July 2010, the Sex Offender Investigations Branch launched Operation Guardian, which targeted 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 initiative under which various operations targeting regional, national, and international offenders will be conducted. During Operation Guardian, 444 dangerous sex offenders were targeted for apprehension, and to date the USMS has located or arrested 427 of those individuals. Operation Guardian is scheduled to conclude in May 2013.

In FY 2012, Deputy U.S. Marshals and their task force partners arrested 12,266 sex offenders. The USMS opened 3,169 section 2250 investigations and issued 646 warrants for violations, resulting in the arrest of 568 fugitives.

In FY 2013 to date (October 2012-April 2013), Deputy U.S. Marshals and their task force partners arrested 6,637 sex offenders. The USMS initiated 2,035 section 2250 investigations and issued 371 warrants for violations, resulting in the arrest of 318 fugitives wanted on the charge of Failure to Register as a Sex Offender, a violation of 18 U.S.C. § 2250.

### ***Assisting in the identification and location of sex offenders relocated as a result of a major disaster [42 U.S.C. 16943]***

In the face of major disasters, the Marshals Service has sought to limit opportunities for sex offenders 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.

The USMS has coordinated efforts with the Federal Emergency Management Agency (FEMA) to develop a plan to identify and locate sex offenders displaced as a

result of a major disaster. Both agencies have signed a memorandum of understanding that will give the USMS access to FEMA's relocation database, which is used when moving large groups of people during emergency situations.

When other major storms have occurred, the Marshals Service deployed a number of 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 SOIB organized investigators into deployable teams of SOICs to respond to the affected areas to assist with tracking displaced sex offenders.

In October 2012, the USMS assisted with the response to Hurricane Sandy in New York and New Jersey and provided immediate "on the ground" assistance with life and safety issues. The USMS supported the Federal Law Enforcement, Emergency Support Function (ESF 13) Missions in the New York and New Jersey area. The ESFs are responsible for coordinating Federal interagency support for a Federal response to an incident.

During this period, USMS representatives made contact with State and Local Sex Offender Registry contacts regarding relocated sex offenders. In November 2012, the Suffolk County Police Department (SCPD) requested assistance from the USMS in locating hundreds of displaced sex offenders throughout the county. The USMS worked with the Federal Emergency Management Agency (FEMA) to conduct a data comparison utilizing FEMA disaster assistance records to obtain information on the current location of displaced sex offenders in the District of New Jersey (D/NJ), Southern District of New York (S/NY), and Eastern District of New York (E/NY).

In December 2012, the USMS SOIB, E/NY SOIC, and SCPD conducted Operation Shore Restore, a week long compliance and address verification operation which focused on approximately 400 sex offenders in Suffolk County. During phase 1 of the operation, the USMS and its partners verified 400 offenders affected by the hurricane and determined that approximately 41 offenders were unaccounted for. Phase 2 focused on additional compliance exams and execution of failure to register warrants generated in phase 1. In addition, investigators conducted an additional 150 address verifications and arrested 10 offenders (9 state, 1 federal) for failure to register.

## **(2) The Use of 18 U.S.C. § 2250 to Punish Offenders**

The United States Attorneys' Offices (USAOs) recognize the grave risk that unregistered sex offenders pose, especially to children, and aggressively prosecute SORNA violations using Title 18, United States Code, Section 2250.

SORNA went into effect in 2006. In the five years following that enactment, the number of SORNA prosecutions steadily increased each year. During the first year, FY 2007, the USAOs went from zero prosecutions to 158. Number of prosecutions increased to 270 cases in FY 2008, 281 cases in FY 2009, 330 cases in FY 2010, and 613 cases in FY 2011. In FY 2012, the number of prosecutions decreased slightly from the previous

year, to 571 cases. Through the end of April of FY 2013, USAOs have already filed 329 cases against 329 defendants. Since the enactment of SORNA, USAOs have filed a total of 2,552 cases against 2,614 defendants and a total of 1,930 defendants have been convicted.<sup>1</sup> Of the 1,930 defendants who have been found guilty of SORNA offenses so far, 1,721 (89.2%) have been sentenced to prison terms.

There are several examples of recent, noteworthy prosecutions in FY 2013:

████████████████████

████████████████████, 51, from Bloomington, Illinois, was sentenced on March 21, 2013, in the Central District of Illinois, to a term of 77 months of imprisonment for failure to register as a sex offender. ██████████ was also ordered to remain on federal supervised release for the remainder of his life following completion of his prison sentence.

According to court documents, ██████████ was released from the Illinois Department of Corrections in November 2000, after serving two concurrent sentences of 28 years in prison for four rapes committed in January and February 1987, less than three months after his release from prison for two rape convictions in 1983.

b7C

Furthermore, while on bond in McLean County, Illinois, from November 2011 to February 13, 2012, ██████████ traveled from Illinois to Michigan to live with a single mother he met on the Internet. At the time, ██████████ was on bond pending sentencing for his second violation in McLean County for violation of the sex offender registration requirement.

The government sought and was granted a sentence greater than the advisory guideline range of 33-41 months recommended by the U.S. Sentencing Commission Guidelines for the offense. The government argued that the sentencing guidelines used to determine ██████████'s case criminal history calculation under-represented the seriousness of his criminal history and the likelihood of his continued criminal conduct.

The charge against ██████████ was investigated by the USMS in the Central District of Illinois and the Bloomington Police Department.

████████████████████

████████████████████, 27, of Sullivan County, Tennessee, was sentenced on April 2, 2013, in the Eastern District of Tennessee, to serve 30 months in prison for failure to register as a sex offender. In 2011, ██████████ was sentenced by the Sullivan County Criminal Court to serve 10 years of probation, and ordered to wear an electronic monitoring device, for solicitation to commit aggravated sexual battery on a 12-year-old child. This required him to register as a sex offender. After transferring his probation to Hawkins County, Tennessee, ██████████ removed the device and fled from his probation officer. When Hawkins County sheriff's deputies located him in November 2011, he attempted to attack them,

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<sup>1</sup> These numbers include actual data from FY 2007 through April 30, 2013. Conviction data does not include defendants who entered into a plea agreement where they agreed to plead to a different charge in exchange for the government's dismissal of a section 2250 charge.

resulting in gunshot wounds to [REDACTED] chest. After the monitoring device was reinstalled on [REDACTED] he removed it a second time and fled to Roxanna, Illinois, where U.S. Marshals arrested him in April 2012.

During sentencing, the judge noted that communities are entitled to notice that a convicted sex offender has entered the community. He further remarked that [REDACTED] attempt to attack the Hawkins County officers and his removal of the electronic monitoring devices demonstrated a profound lack of respect for the law and law enforcement officers. Incarceration was needed because the 10-year state court probationary sentence was not effective. The judge noted that the obvious need to protect the public from [REDACTED] justified a sentence at the top of the sentencing range. b7C

The indictment and subsequent conviction of [REDACTED] were the result of an investigation conducted by the Sullivan County, Tennessee Sheriff's Office, Hawkins County, Tennessee Sheriff's Office, and USMS.

[REDACTED], 80, of Rochester, N.Y., was sentenced on February 7, 2013, in the Western District of New York, to 33 months in prison and five years of supervised release following his conviction for failure to register as a sex offender. [REDACTED] was a Level III sex offender as a result of a conviction for a rape involving a 17-year-old Rochester girl in 1981. [REDACTED] was also previously convicted of attempted rape for a case involving a 6-year-old Rochester girl. b7C

In 2009, [REDACTED] became the primary suspect in an unsolved, 1972 rape and murder case involving a blind Rochester woman. Shortly after being contacted by Rochester homicide detectives, the defendant disappeared. He was eventually located by the USMS almost a year later living in Sarasota, Florida where he had failed to register as a sex offender. [REDACTED] was returned to New York to stand trial for the murder and was acquitted by a Monroe County jury in March of 2011. He was taken into Federal custody thereafter and has remained in prison.

The sentencing was the culmination of an investigation on the part of the USMS under the direction of Marshal Charles Salina and the Rochester Police Department.

### (3) Detailed Explanation of Each Jurisdiction's Compliance with SORNA

The SMART Office routinely corresponds with all 50 states, the five principal U.S. territories, the District of Columbia and the 170 Indian tribes seeking to substantially implement SORNA regarding their ongoing implementation efforts.

Section 124(b) of SORNA (42 U.S.C. § 16924(b)) allowed all registration jurisdictions to apply for two, one-year extensions to implement SORNA. On May 26, 2009, the Attorney General, in response to a request by Congress, exercised his authority to extend the deadline for all registration jurisdictions to July 27, 2010. After the first extension, five jurisdictions substantially implemented SORNA: Ohio, Confederated Tribes of the Umatilla Reservation, Confederated Tribes and Bands of the Yakama

Nation, Delaware, and Florida. During the second year, South Dakota and Guam substantially implemented SORNA. The remaining jurisdictions, with the exception of one tribe, submitted detailed extension requests for a final statutory extension to July 26, 2011. All requesting jurisdictions received a final extension to July 27, 2011. The states and territories that have not yet substantially implemented continue to face a funding penalty until the jurisdiction reaches substantial implementation. Tribes that are able to show that they are capable of implementing within a reasonable amount of time have been granted additional time. *See following sections.*

To date, 16 states, three territories, and 47 Indian tribes have substantially implemented SORNA. Many additional jurisdictions have continued to submit implementation packages or are in various stages of implementation. Currently, there are 73 additional substantial implementation tribal packets pending or under review.

Please see attached charts for detailed status of continuing state, territory and tribal efforts towards implementation:

**(4) Detailed Description of Efforts to Ensure Compliance and Notification of Any Funding Reductions**

AWA, specifically Section 146 (42 U.S.C. § 16946), established the SMART Office in the Department of Justice's Office of Justice Programs (OJP). The SMART Office is one of many agencies tasked with protecting the public from sex offenders. As authorized by SORNA, the SMART Office is designated as the lead federal agency to:

Administer the standards for SORNA set forth in Title 1 of the AWA;

Administer grant programs relating to sex offender registration and notification and other grant programs authorized by AWA, as directed by the Attorney General;

Cooperate with and provide technical assistance to states, units of local government, tribal governments, and other public and private entities involved in activities related to sex offender registration or notification or other measures designed for the protection of children or other members of the public from sexual abuse or exploitation; and

Perform such other functions as the Attorney General may delegate.

Laura Rogers, the first Director of the SMART Office, was appointed in 2006 and resigned at the end of her term in January 2009. Deputy Director Dawn Doran assumed the position of Acting Director. On July 6, 2009, Linda M. Baldwin was appointed as Director of the SMART Office. In addition to the Director, Deputy Director and Associate Director, the SMART Office is staffed by four Policy Advisors, two Grant Management Specialists and an Administrative Officer.

In a comprehensive approach to maximize efforts towards nationwide implementation of SORNA, the SMART Office identified outreach to implementing jurisdictions and concerned national organizations representing implementing members as a top priority. Key objectives identified as necessary to help jurisdictions achieve timely compliance included: conducting continuing review of materials submitted by jurisdictions and providing detailed feedback; providing ongoing specialized training and technical assistance; hosting an annual National Workshop on SORNA implementation; hosting

numerous national and regional trainings specifically for Indian Country; providing grant funds towards costs of implementation of SORNA; and developing resources, software and documents to be used by both states and tribes as they work to implement SORNA as well as workshops dedicated to these resources, such as the SORNA Portal Information Sharing Working Group and the Tribe and Territory Sex Offender Registry System Users Conference.

The SMART Office has ensured that resources and information about SORNA are made available to the general public. This public outreach has occurred over the years through briefing critical stakeholders; providing training and technical assistance through webinars, conducting presentations, teleconferences and other methods to reach stakeholders, responding to public inquiries; maintaining the SMART Office Web site ([www.SMART.gov](http://www.SMART.gov)) and official email address ([AskSMART@usdoj.gov](mailto:AskSMART@usdoj.gov)); as well as collaborating with OJP and DOJ partners to maximize information sharing on SORNA, such as the Executive Office of United States Attorneys (EOUSA), the Child Exploitation and Obscenity Section (CEOS) the United States Marshals Service (USMS), the United States National Central Bureau (USNCB)/ INTERPOL - Washington, the Federal Bureau of Investigation (FBI), the Bureau of Justice Assistance (BJA), the National Institute of Justice (NIJ), the Office of Juvenile Justice and Delinquency Prevention (OJJDP), the Office for Victims of Crime (OVC), and the Bureau of Justice Statistics (BJS).

In addition to the trainings hosted by the SMART Office detailed above, SMART Office staff have trained participants at multiple international, national, regional, and local venues on various issues related to SORNA. These included membership meetings of the National Governors Association, the National Association of Attorneys General, the National Criminal Justice Association, the National Conference of State Legislatures, the National District Attorneys Association, the National Association of Prosecutor Coordinators, the National Congress of American Indians, the American Indian Justice Conference, the United South and Eastern Tribes and SEARCH. Additionally, SMART staff have trained on SORNA related issues at national and international conferences such as the Tribal Justice, Safety and Wellness Conference, the American Probation and Parole Association Conference, OJJDP's Amber Alert Symposium and OJJDP's Child Protection in Indian Country Conference, OVC's Indian Nations Conference, the Dallas Crimes Against Women Conference, the Dallas Crimes Against Children Conference, the Internet Crimes Against Children Conference, the Ontario Sex Offender Registration and Management Conference, the Sex Offender Investigation Coordinator trainings at the National Center for Missing and Exploited Children, the Multi-Jurisdictional Law Enforcement Conference, the Child Sexual Predator Program Conference, the Association for the Treatment of Sexual Abusers, the American Society of Criminology and numerous military trainings for the Army, Navy and Marines both domestically and overseas. In addition to SORNA related training and technical assistance to both jurisdictions and grantees, SMART staff also responds to thousands of inquiries from the general public, federal and state legislatures and the media on sex offender issues and trains in these areas as well.

Unfortunately, training opportunities were severely limited over the past year, due to budgetary constraints. In addition to not participating in many of the annual conferences listed above this year, SMART was unable to hold its annual SORNA Workshop for the

SORNA registry jurisdiction officials or its Annual Symposium on Sex Offender Management and Accountability. SMART staff also had to decline to travel to jurisdictions to assist with training and implementation efforts.

The SMART Office published the Spring edition of its newsletter, *SMART Watch*. This edition is available at [www.smart.gov/smartwatch/13\\_spring/index.html](http://www.smart.gov/smartwatch/13_spring/index.html). These newsletters highlight ongoing activities, resources, funding opportunities, and upcoming events, as they are related to the work of the SMART Office and SORNA implementation activities as well as other sex offender management efforts and activities by the SMART Office. *SMART Watch* has been the recipient of two separate awards, the MarCom Award and the Communicator Award.

The SMART Office has provided articles for the Child Exploitation and Obscenity Section's Quarterly Newsletter as well as U.S. Attorney newsletters. Additionally, SMART has submitted materials on SORNA for the upcoming fourth edition of the National District Attorneys Association's *Investigation and Prosecution of Child Abuse*.

The SMART Office released the Supplemental Guidelines for Sex Offender Registration and Notification in January, 2010 (see [www.smart.gov/pdfs/SORNAFinalSuppGuidelines01\\_11\\_11.pdf](http://www.smart.gov/pdfs/SORNAFinalSuppGuidelines01_11_11.pdf)). The SMART Office has also released 15 Implementation Documents (see [www.smart.gov/pdfs/SORNA\\_ImplementationDocuments.pdf](http://www.smart.gov/pdfs/SORNA_ImplementationDocuments.pdf)) to clarify certain SORNA implementation issues and continues to update these documents as needed. SMART continues to provide training on the Tribal and Territory Sex Offender Registry System (TTSORS) and Sex Offender Registry Tool (SORT) and developed and posted multiple resources on the SMART Office Web site to assist jurisdictions in their implementation efforts, including a revised Tribal Model Code that incorporated changes from the Tribal Law and Order Act, guidance for tribes on submission of implementation packets, a Policy and Procedures Guideline for tribes, applications for states and territories for reallocation of Byrne/JAG penalty funds, application for tribes for additional reasonable time for implementation, and a revised SORNA checklist.

In May 2011, the SMART Office released the procedure by which states and territories that were working towards compliance but unable to meet the July 2011 deadline could request a reallocation of their Byrne/JAG funding penalty to work towards SORNA compliance efforts. For the first funding cycle, 34 of the 39 states and territories that did not meet the deadline requested and received reallocation of their entire penalty amount back to their state or territory to fund their ongoing SORNA implementation efforts. In FY 2012, a total of \$5,581,535 in funding was reallocated back to the states and territories for SORNA implementation projects. For this second funding cycle in FY 2013, 33 of the remaining 38 states and territories have requested reallocation of their penalty amount to fund ongoing SORNA implementation efforts in their jurisdictions.

In 2012, the Government Accountability Office (GAO) conducted an extensive review of SMART's efforts with regard to SORNA implementation over this reporting period, which culminated in a report issued in February 2013 titled *Sex Offender Registration and Notification Act: Jurisdictions Face Challenges to Implementing the Act, and Stakeholders Report Positive and Negative Effects*, <http://www.gao.gov/assets/660/652032.pdf>. This report was the result of numerous

meetings and interviews with multiple agencies involved in SORNA implementation. It was limited to states, territories and the District of Columbia, however, GAO intends to conduct a separate review of efforts with regard to tribal implementation.

GAO also conducted a review of federal agency activities with regard to international tracking of sex offenders. *See later section.*

## **A. SORNA IMPLEMENTATION EFFORTS**

### **1. Compliance packets**

Please see attached charts for detailed status of submission of implementation packets and reviews for each state, territory and tribe.

### **2. Denial or Grant of Any Extensions to Comply with SORNA**

On May 26, 2009, the Attorney General granted a blanket one-year extension to all registration jurisdictions. Prior to this announcement, one-year extensions had been requested by, and granted to, 126 Indian Tribes, 48 States, the District of Columbia, and all 5 U.S. Territories.

In 2010, the SMART Office granted a second and final one-year extension to 247 of the 248 SORNA jurisdictions to July 26, 2011. One tribe did not request an extension.

In 2011, the SMART Office determined that 15 states and two territories met the July 27 deadline. The following year, the SMART Office determined that a total of 16 states and three territories met the July 27, 2012 deadline. While the SMART Office continues to review the many tribal submissions received by the Office to date, thus far, the SMART Office has determined that 47 tribes have substantially implemented SORNA. An additional 73 tribes have submitted substantial implementation packages for review and more are expected shortly. The remaining tribes have been granted additional time to implement. Currently, there are a total of 170 tribes that have substantially implemented or are continuing to work on implementing SORNA's requirements.

### **3. Software**

The Adam Walsh Act renamed the National Sex Offender Public Registry the Dru Sjodin National Sex Offender Public Website (NSOPW). NSOPW is a search engine that provides comprehensive sex offender data from all 50 states, the District of Columbia, and participating U.S. territories and tribes. Since its launch in 2005, millions of parents, employers and other concerned residents have utilized the Website as a safety resource, identifying location information on sex offenders residing, working, and going to school not only in their own neighborhoods but in other nearby states and communities as well.

A critical element for jurisdictions who are working to substantially implement SORNA is the development and maintenance of a public sex offender registry Web site. Section 123 of SORNA directed the Attorney General to "develop and support software to enable jurisdictions to establish and operate uniform sex offender

registries and Internet sites.” Since June 2006, the SMART Office has operated under a cooperative agreement with the Institute for Intergovernmental Research (IIR) to maintain NSOPW, as well as develop a series of software tools to assist registration jurisdictions in their efforts to substantially implement SORNA. The tools were first provided in July of 2008. The following tools have been developed in conjunction with NSOPW, and are available free of charge to the registration jurisdictions:

- a. SORNA Exchange Portal: The SORNA Exchange Portal was created to facilitate information sharing between the sex offender registries. One of the primary resources on the Portal is the Offender Relocation Tasks service. The Offender Relocation Tasks resource has been created so jurisdictions can share information about offenders that are relocating from one jurisdiction to another. The Portal includes automated alerts that are sent to the registry staff to help ensure offenders comply with their registration requirements. The Portal also includes additional resources that will increase the collaboration and information sharing between registration jurisdictions. All registration jurisdictions have access to the SORNA Exchange Portal, as do certain federal agencies (such as USMS and FBI). In addition, jurisdictions have been strongly encouraged to utilize the Portal when notifying the USMS of a sex offender who intends to engage in international travel.
- b. Mapping and Geocoding: The SMART Office has provided all registration jurisdictions with access to a mapping and geocoding service to assist them with implementing certain SORNA provisions where mapping and geocoding are needed. The mapping and geocoding service will allow information about registered sex offenders to be delivered to the public in a more useful way. The public will be able to view where sex offenders reside, work, or attend school relative to places they recognize and frequent, including their home, work, school, church, etc.
- c. Community Notification System: A community notification system has been developed so the public can request to be notified electronically whenever a registered sex offender moves within a designated radius of an address they specify. The community notification system offers a proactive alert to the public, providing requestors access to the requested information without having to search for it. The public will be able to register for community notifications on the registration jurisdictions’ public registry Web sites.
- d. Historical Statutes Archive: The SMART Office developed a historical statutes archive to provide jurisdictions with the ability to properly classify a sex offender who registers in a jurisdiction other than the conviction jurisdiction. The archive is housed within the SORNA Exchange Portal and all registration jurisdictions have access to its contents. When a sex offender registers in a jurisdiction other than the conviction jurisdiction, the statutory language can be used to ensure that the offender is classified properly in the new jurisdiction. Furthermore, it can be used to assist classifying offenders who are “recaptured” for registration and

must register based on old, not easily obtained offenses. The database also provides a way for the registration jurisdiction to access the text of the statute the offender was convicted under, as it was written when the conviction occurred, so it can be posted on the offender's public registry record. The federal and military sex offense portions of the archive are complete, and the historical statutes for the states and territories were completed in early 2012.

- e. Tribe and Territory Sex Offender Registry System: The Tribe and Territory Sex Offender Registry System (TTSORS) was designed to assist the tribes and territories in implementing SORNA registry system requirements. It is a two-part system, and functions as an administrative registry system as well as a public sex offender registry website which is connected to the National Sex Offender Public Website (NSOPW). Management and update access to this system is restricted—only tribe and territory agencies responsible for the management and registration of sex offenders have access to TTSORS. TTSORS, as well as training on the system, is provided free of charge to SORNA tribes and territories by the SMART Office. With TTSORS, eligible jurisdictions do not need to develop or purchase any special information technology systems to have a SORNA-compliant registry system. To use TTSORS, all that is needed is a computer with Internet access.
- f. The Sex Offender Registry Tool: The Sex Offender Registry Tool (SORT) is a sex offender management application provided by the SMART Office at no cost to assist states in implementing SORNA's registry system requirements. SORT makes the registry setup and maintenance process as efficient and effective as possible.

SORT serves a dual purpose: it provides local registration agencies with their own specialized public sex offender registry websites and functions as the state-level administrative registry system. The SORT application improves information-sharing capabilities by providing electronic community notifications, allowing automatic participation with the Dru Sjodin National Sex Offender Public Website, creating sex offender registration files that comply with the National Information Exchange Model to be shared between jurisdictions, and enabling law enforcement to locate sex offender registration information by searching on any field or combination of fields.

Local jurisdictions can customize their public website's design by selecting from six available templates or by creating their own template. They also can access the centralized system so that the state's sex offender registry information is always up to date. State registry personnel can validate any information entered or modified in the system before it is made available to the public. Each state can modify or expand the application as needed using the source code provided. Ongoing technical assistance and support are not available; individual jurisdictions that elect to install and use SORT must maintain the system.

#### **4. U.S. Military**

The SMART Office continues to collaborate closely with representatives from the Department of Defense, Department of the Army, and Department of the Navy as those agencies attempt to implement a system of registration and tracking of sex offenders who are either enlisted in the armed forces or for whom the Department of Defense is otherwise responsible (*e.g.*, dependents, civilian employees, and contractors). SMART Office staff continues to coordinate with the Army Officer detailed to the United States Marshals Service's National Sex Offender Targeting Center on a number of issues, as well as to provide technical assistance to military staff worldwide on SORNA issues via email or telephone calls. In addition, SMART Office staff have been interviewed multiple times by the Inspector General's Office for the Department of Defense as that agency seeks to develop a comprehensive policy for detecting, tracking, and registering sex offenders who are officers, enlisted, dependents, reservists, civilian employees or contractors in the Department of Defense.

Representatives of the Department of Defense, Department of the Army, Department of the Navy and United States Coast Guard are also active members of the International Working Group (see "Other Initiatives" Section below). SMART Staff trained prosecutors, victim service staff, defense attorneys at both the Marine Corps Base Quantico and at a training held by the Marine Corps in Charleston, South Carolina on the Sex Offender Registration and Notification Act (SORNA) and the application of its provisions to offenders tried and convicted in military courts. SMART Office staff also trained attorneys and investigators from the DOD IG on SORNA and on best practices in the investigation of child sexual abuse cases.

#### **B. IMPLEMENTATION IN INDIAN COUNTRY SECTION 127**

AWA permitted, for the first time, federally recognized Indian tribes to be included within the definition of "jurisdiction" for purposes of sex offender registration and notification. Section 127 of SORNA affords non-PL 280 Indian tribes (where the federal government may assume criminal jurisdiction over major felonies including sex offenses) a choice between functioning as registration jurisdictions or delegating registration and notification responsibilities to the states in which they are located. SORNA required that this decision be made by "tribal resolution or other enactment" on or before July 27, 2007. The SORNA Supplemental Guidelines, issued in January 2011, provide a timeline for newly recognized tribes to elect whether to become SORNA registration jurisdictions. At the passage of the AWA there were 562 federally recognized tribes in the United States. Of those, 212 were eligible under AWA to make a registry election. As of the statutory election deadline (July 27, 2007), 198 of these tribes elected to function as a registration jurisdiction. Since then, an additional 14 tribes have voluntarily "opted out", delegating their SORNA registration function to the states where they are located. As of May 1, 2013, 13 additional tribes have had their responsibilities

for sex offender registration and notification delegated to the states in which they are located by operation of law. This was done only after extensive outreach utilizing a delegation procedure that the SMART Office developed in consultation with tribal leaders and others. As of May 1, 2013, there are 170 tribes, nations, or pueblos implementing SORNA.

Each tribe that elects to become a registration jurisdiction has essentially the same sex offender registration and notification functions and responsibilities as a state. SORNA provides that tribes may enter into cooperative agreements with a state(s) for pooling or sharing these functions and responsibilities. A consortium of tribes may also work together to form a sex offender registry and implement SORNA in that manner. Tribes also have the option of rescinding a previous election to function as a registration jurisdiction. If such a rescission occurs, the registration function is delegated to the state(s). The SMART Office engaged in extensive outreach to the tribes before the initial July 26, 2010 deadline, resulting in 189 of 190 tribes requesting and being granted an extension of time to implement SORNA until the July 2011 deadline. The SMART Office continued to engage in outreach to the tribes in order to provide training and technical assistance for them. A guidance document detailing what must be submitted in an implementation package was distributed to the tribes at the SORNA National Workshop held in Washington, DC in January 2011. Additionally, the document was mailed to the tribal leaders and emailed to the points of contact for all SORNA tribal representatives.

As of the July 2011 implementation deadline, 100 tribes had submitted substantial implementation packages for review by the SMART Office. SORNA provides that tribes may be granted additional time to implement if the Attorney General determines that they could do so in a reasonable amount of time. Tribes were informed about the process by which they could request this additional amount of time and those tribes that were continuing to work on implementation submitted detailed requests for this additional reasonable amount of time to implement SORNA. Since July 2011, an additional 38 implementation packages have been submitted for review by those tribes. Based on the SMART Office review of the 138 substantial implementation packages received to date, 47 tribes have been determined to have substantially implemented SORNA, and the balance of the submissions are still under review.

The SMART Office has continued to provide free resources and training to assist tribes with SORNA implementation. For example, a number of tribes had previously expressed concerns about satisfying SORNA's requirement that all registration jurisdictions maintain a public sex offender Web site, due to concerns associated with the costs and expertise of establishing a public website. In response, the SMART Office created a tribal template Web page and provided training and software free of charge. The end result was TTSORS, a software template that enables tribes to easily and cost-effectively create sex offender registries and public websites for their communities, thereby meeting the requirements of SORNA. (See Software section for more details). As a TTSORS user, the tribe will automatically participate with the Dru Sjodin National Sex Offender Public Website (NSOPW), the only government registry

website that links public, state, territory, and tribal sex offender registries from one national search site. Community notification is another important feature offered through TTSORS. During this reporting year the SMART Office, through their grantee, the Institute for Intergovernmental Research, provided training on utilizing TTSORS to tribes at a national conference in Wisconsin. The training focused on the operation of TTSORS and on the SORNA Exchange Portal system developed by IIR for the SMART Office. A presentation was also provided at this training by SMART staff on specific issues related to implementation in Indian country. Training books and a resource CD were provided. As of May 1, 2013, 103 tribes have public sex offender websites connected to NSOPW, 98 of which utilize TTSORS.

In addition, the SMART Office developed a Model Tribal Sex Offender Registration Code. The Model Code was developed with the assistance of nine respected Indian lawyers and tribal attorneys from around the country. The Model Code provides tribes with SORNA compliant language for tribal leaders to consider as they work to draft and enact new tribal codes that will enable them to implement SORNA. The SMART Office released a revised Model Code to reflect the SORNA Supplemental Guidelines and the Tribal Law and Order Act as well as modified the substantial implementation checklist. The SMART Office also created a guidance document for the tribes to provide direction when compiling and submitting a substantial implementation package as well as an outline for creating policy and procedures.

The SMART Office has continued to conduct extensive outreach, training and technical assistance with individual tribes as well as with national, regional, and local tribal organizations. For example, the SMART Office worked extensively with the FBI to create a process by which tribes who cannot submit DNA from registering sex offenders to the state, could submit directly to the FBI. The SMART Office is also spearheading efforts with multiple components within DOJ to provide tribes the ability to enter NCIC/NSOR data and to enhance their capacity to submit finger and palm prints to the FBI.

The SMART Office also has a pilot project that was created to assist tribes that cannot submit fingerprints electronically through the state that they are located in to the FBI's Integrated Automated Fingerprint Identification System (IAFIS), either due to state statutory bars or cost prohibitions associated with the state's hardware requirements. The SMART Office, through an Inter-Agency Agreement with Justice Management Division, has provided booking stations to 5 tribes selected by the SMART Office. These tribes are submitting fingerprints electronically to IAFIS through the federal fingerprint system, the Joint Automated Booking System (JABS). An additional 2-3 tribes will be selected to participate in the pilot project.

When possible, the SMART Office works in conjunction with other agencies to present at their national trainings or workshops in order to ensure maximum outreach and cost effectiveness. The SMART Office has presented at two Tribal Justice, Safety and Wellness Conferences, and has also conducted numerous tribal consultation sessions in relation to SORNA. The SMART Office has also presented at OJP's Office of Victims

of Crime (OVC)'s Indian Nations Conference in Palm Springs, CA, the American Indian Justice Conference in Traverse City, MI, the Native American Law Enforcement Association National Training in Las Vegas, NV, as well as Fox Valley Technical College's Multi-Jurisdictional Conference in Green Bay, WI. The SMART Office also provided faculty development training for consultants working with technical assistance grantees in order to enhance the assistance that is available to support tribes implementing SORNA. When resources permit, SMART Office personnel travel, on invitation from tribal leaders, to provide personal technical assistance and training. For example, SMART Office personnel traveled to Washington State to provide a tribal and state training and technical assistance session in order to facilitate a discussion about how the state can work with and provide support to tribal efforts to implement SORNA. SMART Office personnel also provided in-person technical assistance session with the Santo Domingo Pueblo to discuss implementation obstacles and solutions and how to best utilize grant funding and comply with grant funding reporting requirements. Additionally, SMART office staff traveled to the Navajo Nation upon request from the tribe to assist their team with their complex implementation efforts.

In order to provide support to tribal jurisdictions, the SMART Office conducted several outreach efforts to encourage tribal entities to apply for Adam Walsh Act grants. In FY2012, 32 tribal jurisdictions received this assistance. In addition, in order to be able to provide more personalized technical assistance and training to the large number of SORNA tribes, the SMART Office, through its grantee, Fox Valley Technical College (FVTC), trained a team of consultants to provide technical assistance to tribal jurisdictions implementing SORNA. In addition, SMART and FVTC held regional workshops and onsite technical assistance sessions in order to provide opportunities for SORNA tribes to meet face to face with the SMART office and trained consultants to facilitate assistance in preparing and submitting detailed implementation packages to the SMART Office. Workshops and sessions were held in Arizona, Michigan, New Mexico, Oklahoma, Eastern and Western Washington, and Wisconsin. Materials have been developed to further assist tribes with implementation. The consultants also have provided tribal specific technical assistance upon request and as resources allow.

The SMART Office maintains a tribal leader distribution list and a SORNA points of contact distribution list for every SORNA tribe, which are used to send updated information and email blasts related to SORNA implementation issues.

### **C. GRANT PROGRAMS**

*Support for Adam Walsh Act Implementation Grant Program:* Since FY 2007, the SMART Office has awarded over \$52 million through the Support for Adam Walsh Act Implementation Grant Program to assist states, territories, and tribes that are implementing SORNA's requirements. To date, 135 SORNA jurisdictions have applied for and received funding through this program, of which 91 are tribal. (See attached charts for amounts provided to each SORNA jurisdiction thus far.) Funds under the AWA Implementation Grant Program have been used to support a variety of projects

necessary to permit a jurisdiction to implement SORNA's requirements, such as improvements to jurisdictions' IT infrastructure, equipment necessary to transfer registry information, efforts to digitize criminal history records, training for registry officials, and personnel and consultants hired to assist with the development of SORNA-compliant registration and notification programs.

In FY 2012, the SMART Office awarded \$13.692 million in direct funding to 56 jurisdictions under the Program. Grantees included 23 states, 1 territory and 32 tribes. Funds granted to tribal jurisdictions in FY 2012 represented 52% of all funds granted and 72% of all awardees.

The SMART FY 13 Support For Adam Walsh Act Implementation Grant Program solicitation has already been issued and is now closed; a total of 47 applications were submitted that were eligible for review, representing 28 state jurisdictions, the District of Columbia, 3 territories and 15 tribal jurisdictions. It is anticipated that all FY 2013 SMART Office grants will be awarded by September 30, 2013.

*The Dru Sjodin National Sex Offender Public Website (NSOPW):* Since 2008, the SMART Office has continued to support NSOPW, which the AWA directed be maintained by the Attorney General to allow the public to obtain information about registered sex offenders from a single website. In FY 2012, the SMART Office granted a supplemental award of \$898,842 to the Institute for Intergovernmental Research for maintenance and operation of NSOPW, and in FY 2013, the SMART Office issued a competitive solicitation which closed on April 11, 2013.

*Other Grant Awards to Support Jurisdiction's SORNA Implementation Activities and to Identify and Support Evidence Based Sex Offender Management Programs:*

Since 2011, the SMART Office has awarded \$500,000 through its SORNA Tribal Training and Technical Assistance Grant, which has provided critical assistance to the 170 tribes working to implement SORNA. The SMART Office will continue to provide this assistance through the FY 2013 SORNA Tribal Training and Technical Assistance Program competitive solicitation, which closed on April 11, 2013.

In FY 2012, the SMART Office highlighted the need to support evidence based practices in the field of sex offender management by funding several new projects. The SMART Office awarded \$2.15 Million to support an evaluation of the Sex Offender Treatment, Intervention and Progress Scale (SOTIPS), a promising 16-item dynamic risk scale to aid clinicians and community supervision officers in identifying and monitoring the supervision and treatment needs of adult sex offenders. In partnership with the National Institute of Justice, the SMART Office sought to replicate previous study findings and to further evaluate the effectiveness of SOTIPS. In connection with this evaluation, the SMART Office also awarded funding to two jurisdictions interested in implementing SOTIPS, and a SOTIPS training and technical assistance grantee to ensure correct application of SOTIPS and support for the overall study.

Also in FY 2012, the SMART Office awarded \$871,000 to support a limited number of Circles of Support and Accountability (COSA) project sites. The COSA model is a supervision strategy involving community participation to ensure support, community integration and accountability of sex offenders returning to the community post incarceration. Under this funding opportunity, the SMART Office supported two project sites and a technical assistance provider to develop and implement the COSA model.

In an effort to further promote innovation and best practices in the field of sex offender management, the SMART Office awarded \$150,000 through its FY 2012 Fellowship Development Program to focus on enhancing the capacity of the SMART Office to provide guidance and support to state, local and tribal jurisdictions who are working to integrate victim-centered approaches in sex offender management. The SMART Sex Offender Management Fellow is working with the various program offices in the Office of Justice Programs, the Office on Violence Against Women, and national agencies serving victims of sexual assault and exploitation to identify experts, research, best practices and programs related to sexual assault and victim services. The SMART Office has decided to continue its fellowship program in FY 2013 and has released the SMART FY 2013 Fellowship Development Program competitive solicitation that will close on June 3, 2013. The additional fellowships will focus on education and prevention and the treatment and reentry services needs of Indian Country.

*Programs to Support Treatment for Juveniles with Sexual Behavior Problems:* In 2008, the SMART Office awarded over \$4.36 million to support juvenile treatment programs targeting different age groups in residential and non-residential settings. Since FY 2010, in collaboration with the Office of Juvenile Justice and Delinquency Prevention, the SMART Office has provided support for an innovative model for delivering evidence-based, comprehensive management and intervention strategies to address the sexual behavior problems of youth. In FY 2012, the SMART Office provided \$250,000 to support the technical assistance for sites implementing this model. In FY 2013, the SMART Office will be providing \$800,000 to support additional technical assistance to project sites and an evaluation of the model.

#### **Other Adam Walsh Act Activities**

**International Tracking of Sex Offenders Working Group:** Section 128 of the Adam Walsh Act, as supplemented by the Final SORNA guidelines, directed the Attorney General, in consultation with the Secretary of State and the Secretary of Homeland Security, to develop a system of tracking sex offenders entering and departing the United States. The SMART Office has convened and chaired the International Tracking of Sex Offenders Working Group (IWG) since 2008 to address this issue. Participants include representatives from SMART, the Child Exploitation and Obscenity Section of the Criminal Division of the Department of Justice, the Office of Legal Policy of the Department of Justice, the United States Marshals Service, INTERPOL-Washington, the Federal Bureau of Investigation, Immigration and Customs Enforcement, Customs and Border Protection, the State Department's Passport Services and Visa Services Offices, and the Department of Defense, among others. In December

2010, the SMART Office issued a White Paper detailing the efforts of the International Working Group and its strategy for complying with the mandate in AWA Section 128. It can be located here:

<http://www.smart.gov/pdfs/InternationalTrackingofSexOffendersWorkingGroup.pdf>.

In August 2012, the SMART Office drafted a Progress Report in to update the status of the efforts described and proposed in the White Paper.

The SMART Office has routinely met with multiple participating component offices in order to fully implement the International Sex Offender Tracking System, and continues to coordinate efforts to that end. The FBI's Criminal Justice Information Service's Advisory Policy Board is in the final stages of implementing the system of automatic notifications routed through the National Sex Offender Registry (NSOR) which will provide immediate notifications to registration jurisdictions and the National Sex Offender Targeting Center in a significant number of situations when a registered sex offender seeks to enter or depart the country. Also, the Supplemental Guidelines for Sex Offender Registration and Notification, which were issued in January 2011, require any SORNA-implementing jurisdiction to provide notice to offenders of their obligation to report to the registration official with documentation about any international travel at least 21 days prior to the travel and then report that information to the United States Marshals' National Sex Offender Targeting Center (NSOTC), who will then immediately forward that information to any and all relevant domestic and foreign law enforcement officials (via INTERPOL-Washington). Approximately half of the States and Territories are now providing such notices, and all of the Tribes which have substantially implemented are providing such notifications.

In February of 2013, the Government Accountability Office (GAO) issued a report titled *Registered Sex Offenders: Sharing More Information Will Enable Federal Agencies to Improve Notifications of Sex Offenders' International Travel* (GAO-13-200), <http://www.gao.gov/assets/660/652194.pdf>. SMART Office staff met with GAO staff on multiple occasions throughout the year, gathered requested information and provided pertinent answers to GAO questions throughout the compilation of this report. The report describes the efforts of the working group member agencies to develop a system of tracking sex offenders entering and departing the United States and GAO had no recommendations for the SMART Office.

The most recent meeting of the International Tracking of Sex Offenders Working Group took place in March of 2013. In addition to a review of the activities mentioned above, the members of the group provided updates on how they are manually sharing information about registered sex offenders entering and leaving the United States, as well as on strategies to improve their respective information-sharing processes. INTERPOL-Washington and ICE's Child Exploitation Investigation Unit provided information as to what they are doing currently to analyze the patterns of registered sex offenders who enter and leave the United States as well as information on notifications made through their international information sharing channels. Members were able to identify new methods for collaboration, especially in the sharing of information regarding registered offenders.

**National Registry of Substantiated Cases of Child Abuse:** Section 633 of the Adam Walsh Act directed the Secretary of Health and Human Services (HHS), in

consultation with the Attorney General, to create a national registry of substantiated cases of child abuse and neglect. HHS met with SMART Office staff for input on a feasibility report. The SMART Office provided comments and review on subsequent drafts of the feasibility study. The SMART Office reviewed and commented on the final proposed draft, which has now been completed and submitted by HHS. SMART met with HHS again in early 2012 to discuss the final draft and next steps for HHS with regard to this effort. HHS released the final feasibility study to Congress in September 2012.

### **Conclusion**

Over the past seven years, the Department of Justice has made significant progress in assisting jurisdictions to implement SORNA. The United States Marshals Service continues to deploy many resources towards the enforcement of SORNA and the U.S. Attorneys are making significant progress in prosecution of these cases. The SMART Office was established to assist jurisdictions (states, DC, territories and tribes) in the national implementation of SORNA and has developed guidelines, software and numerous other resources to help jurisdictions implement SORNA. Over the coming year, the SMART Office will continue to assist jurisdictions as they continue the work of substantially implementing SORNA as directed by Title I of the Act, and the USMS and Executive Office of U.S. Attorneys will continue to pursue tracking, enforcement and novel prosecutions of SORNA violations.

**Adam Walsh Act – Public Law 109-248**

***Section 635 Annual Report to Congress on Enforcement of Registration Requirements***

The Adam Walsh Child Protection and Safety Act of 2006 (AWA, the Act, or Adam Walsh Act) was signed into law on July 27, 2006. The Act is designed to protect the public from sexual exploitation and violent crime; prevent child abuse and child pornography; promote Internet safety; and honor the memory of Adam Walsh and other crime victims. The Sex Offender Registration and Notification Act (SORNA), Title I of AWA, was enacted to inform and protect the public from convicted sex offenders by establishing a comprehensive national system for the registration of those offenders.

Since the enactment of AWA, the Department of Justice (DOJ) has made significant progress in implementing the Act. New programs have been implemented, a new office has been established to assist in the national management of sex offenders, and novel prosecutions have occurred as the result of new statutory authority. Over time, states, territories, local units of government, Indian tribes, the United States Marshals Service (USMS), the Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking (SMART), the Criminal Division of DOJ (particularly the Child Exploitation and Obscenity Section (CEOS)), the Executive Office of U.S. Attorneys (EOUSA) and the Federal Bureau of Investigation (FBI) will use the data compiled for this report to evaluate resource allocation, strategic planning and decision making regarding sex offender management and the ongoing implementation of SORNA. Jurisdictions may also use the data included in this report to evaluate the effectiveness of the USMS, EOUSA, CEOS, FBI and the SMART Office as vital partners in sex offender registration and apprehension efforts, and the effectiveness of prosecutions under 18 U.S.C. § 2250 as well as prosecutions under corresponding state/territory/tribal statutes. In addition, the report will assist jurisdictions in their understanding of the duties and responsibilities of the SMART Office in relation to SORNA, the timeline for SORNA implementation, and the consequences for jurisdictions that fail to substantially implement SORNA.

As more jurisdictions move toward the implementation of the requirements of SORNA, additional data will become available. Federal and non-federal jurisdictions should see an increase in prosecutions pursuant to failure-to-register offenses under both 18 U.S.C. § 2250 and non-federal statutes. Indeed, as more sex offenders are identified as failing to register pursuant to SORNA requirements, the USMS has become even more active in its apprehension efforts. In addition, as jurisdictions continue submitting implementation packages and materials to the SMART Office, more information will become available about the status of jurisdictions' implementation efforts as well as funding, training and technical assistance needs across the nation. This fifth report to Congress reflects the information that has been collected and received through May 1, 2012.

**(1) Use of the United States Marshals Service to assist in locating and apprehending sex offenders who fail to comply with SORNA.**

The United States Marshals Service (USMS) is the lead federal law enforcement agency responsible for investigating sex offender registration violations and related offenses under AWA, including violations of 18 U.S.C. § 2250.

The USMS has three distinct missions pursuant to the Adam Walsh Act:

- Assisting state, local, tribal, and territorial authorities in the location and apprehension of non-compliant sex offenders;
- Investigating violations of 18 U.S.C. § 2250 and related offenses; and
- Assisting in the identification and location of sex offenders relocated as a result of a major disaster.

**National Sex Offender Targeting Center**

To assist with the above missions under AWA, USMS established the National Sex Offender Targeting Center (NSOTC) in September 2009. The NSOTC serves as an interagency intelligence and operations center supporting all levels of law enforcement with the identification, investigation, location, apprehension, and prosecution of non-compliant offenders. 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 the National Center for Missing and Exploited Children's (NCMEC) Sex Offender Tracking Team. Both groups work together to generate tactical and strategic intelligence support for sex offender investigations. USMS' 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.

USMS and NCMEC personnel are assigned to the Targeting Center, along with an agent from the Department of State's Diplomatic Security Service (DSS). 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 an intelligence analyst to the Customs and Border Protection Targeting Center and a Senior Inspector to INTERPOL's Child Exploitation Human Trafficking Division. These employees work to track and verify information on sex offenders who travel abroad. NCMEC has created a Sex Offender Tracking Team at the Targeting Center to assist with sex offender investigations. The NSOTC works in conjunction with NCMEC and the SMART Office to assist all levels of law enforcement to identify, locate, and prosecute non-compliant sex offenders.

The NSOTC is the entity by which the USMS coordinates international issues that are specific to fugitive sex offenders and sex offender registration laws and works closely with INTERPOL and DSS to track sex offenders traveling abroad. The NSOTC learned that the U.S. State Department Regional Security Officers (RSOs) stationed abroad were not receiving notification of U.S. sex offender travel and coordinated with INTERPOL to create a system to notify DSS of U.S. sex offender travel to the RSOs' areas of responsibility. In February 2011, an agreement was created between the NSOTC, DSS and INTERPOL. As a result, the USMS Senior Inspector at INTERPOL sends a copy of the country notification to the DSS crime liaison office, which is forwarded to the appropriate RSO in the receiving country. The new agreement with DSS and INTERPOL is an important step forward in expanding our participation around the world to meet the growing challenges of tracking non-compliant sex offenders who travel internationally.

Additionally, the NSOTC worked with INTERPOL and the SMART Office to develop a "Notification of International Travel" form for officials to fill out and forward to the NSOTC when a registered sex offender intends to leave the country.

The NSOTC began an initiative to identify and locate convicted sex offenders who failed to comply with registration requirements following discharge from the United States Armed Forces. This initiative, *Operation Tarnished Service*, identifies former service members who committed sexual based offense(s) while on active duty in the United States Armed Forces. Subsequent to their arrest and conviction, these offenders failed to comply with registration requirements of the state in which they now reside. Through planning and coordination between the NSOTC and the Military Correctional Branch, the military's notification procedure has been expanded to also include the USMS/NSOTC when military convicted sex offenders are released from custody. The NSOTC will review these notifications and send them to the Sex Offender Investigations Coordinator (SOIC) in the appropriate USMS district, who will coordinate this information with local sex offender registration authorities in order to identify possible 18 U.S.C. 2250 cases.

The NSOTC is working in conjunction with the Department of Defense in an attempt to modify the DD 2791 to reflect the current SORNA requirements. This modification is intended to aid the offender in understanding the importance of timely registration. The NSOTC is also working with DOD to update the AR 190-9, Absentee Deserter Apprehension Program and Surrender of Military Personnel to Civilian Law Enforcement Agencies. In addition, the NSOTC is working with the Department of Defense and each individual service branch to directly provide USMS investigators with legal documents regarding convictions. These documents are used for prosecutions of sex offender registry violations.

### Adam Walsh Act Missions

In addition to its work through the National Sex Offender Targeting Center, the USMS fulfills its missions under the Adam Walsh Act as follows:

#### *Assisting state, local, tribal, and territorial authorities in the location and apprehension of non-compliant sex offenders*

The USMS has been aggressive in assisting federal, state, local, and foreign law enforcement agencies in locating and apprehending fugitive sex offenders. To perform these duties effectively and to avoid duplication of effort, the USMS works closely with its law enforcement partners, as well as with NCMEC.

To further advance the USMS's mission to assist state, local, tribal and territorial authorities in locating and apprehending non-compliant sex offenders, the Sex Offender Investigations Branch (SOIB) created an Adam Walsh Act 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. The Sex Offender Investigations Branch plans to conduct an additional state and local training class in June 2012.

Following the enactment of AWA in 2006, the USMS established its Sex Offender Apprehension Program and designated a program management office (SOIB) at the USMS Headquarters to direct and coordinate the implementation of the Act within the agency. The USMS also assigned a full-time liaison to NCMEC, and designated a SOIC in each district office and Regional Fugitive Task Force to establish and maintain effective contacts with sex offender registration authorities, corrections officials, and other law enforcement agencies throughout the country.

USMS SOICs are required to coordinate sex offender enforcement with all necessary law enforcement partners in their districts, including registering agencies, local law enforcement, Assistant U.S. Attorneys, U.S. Probation, and local prosecutors. SOICs bridge the gap between law enforcement and the state registries and acquire the evidence necessary to apprehend and prosecute fugitive unregistered sex offenders. They provide their state/local partners a conduit for funding for enforcement activities and are a source of expertise in organizing fugitive sex offender apprehension initiatives.

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 363 missing children and arrested 279 fugitives. The USMS recently worked with NCMEC to develop a process that automatically notifies the SOICs assigned to NCMEC when a sex offender is associated with a missing child case. After reviewing the case, the SOICs send the information to

the NSOTC for further action if appropriate. This expedited process is already helping recover children more quickly.

***Investigating violations of Title 18 U.S.C. § 2250 and related offenses***

The USMS has initiated numerous investigative operations nationwide which targeted non-compliant offenders. These operations include activities ranging from locating fugitive offenders, to verifying their compliance with SORNA and initiating cases following violation of Title 18 U.S.C. § 2250.

Since inception of the Adam Walsh Act to present (July 26, 2006 – May 1, 2012), the USMS has completed 664 sex offender operations with 75 currently underway or soon to commence. These operations were conducted in conjunction with 3,866 state and local agencies and over 15,190 state and local officer participants.

In July 2010, the Sex Offender Investigations Branch 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. During Operation Guardian, 444 dangerous sex offenders were targeted, and to date the USMS has located or arrested 386 of those individuals.

In FY 2011, Deputy U.S. Marshals and their task force partners arrested 12,144 sex offenders. The USMS opened 2,720 Title 18 U.S.C. § 2250 investigations and issued 730 warrants for violations, resulting in the arrest of 586 Adam Walsh Act fugitives.

In FY 2012 to date (October 2011-April 2012), Deputy U.S. Marshals and their task force partners have arrested 7,182 sex offenders. The USMS has initiated 1,768 Title 18 U.S.C. § 2250 investigations and issued 381 warrants for violations, resulting in the arrest of 345 fugitives wanted on Title 18 U.S.C. § 2250 charges.

***Assisting in the identification and location of sex offenders relocated as a result of a major disaster [42 U.S.C. 16943]***

As we have gained a greater understanding about the nature of sex offenders, the Marshals Service has sought to limit opportunities for sex offenders 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.

The USMS has coordinated efforts with the Federal Emergency Management Agency (FEMA) to develop a plan to identify and locate sex offenders displaced as a result of a major disaster. Both agencies have signed a memorandum of understanding that will give the USMS access to FEMA's relocation database, which is used when moving large groups of people during emergency situations.

When other major storms have occurred, the Marshals Service deployed a number of 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 SOIB organized investigators into deployable teams of SOICs to respond to the affected areas to assist with tracking displaced sex offenders.

In Spring 2011, the SOIB responded to areas in the Southeast and North Central Regions recently affected by natural disasters.

- In Alabama, which was affected by tornadoes on April 27, 2011, the SOIB-Southeast Region, Northern District of Alabama, and Gulf Coast Regional Fugitive Task Force is providing assistance to the counties hardest hit by tornado damage by locating their unaccounted-for sex offenders. The USMS assisted the Tuscaloosa Police Department Sex Offender Registry Unit in the accounting/location of 75-120 registered sex offenders.

- In areas facing flooding from the Mississippi River, the SOIB-Southeast Region reached out to the SOICs in the Southern and Northern Districts of Mississippi, the Western, Middle, and Eastern Districts of Louisiana, the Eastern District of Arkansas, and the Western District of Tennessee as well as Louisiana State Police with guidance and offers of assistance. The N/MS conducted a compliance operation in two of the affected counties, Bolivar and Coahoma Counties. This operation, named Operation Riverside, was conducted May 31--June 2, 2011, and targeted 96 registered sex offenders. Six arrests were made for failure to register as a sex offender.

- In Missouri, which was hit by tornadoes on May 22, 2011, the SOIB-North Central Region was in contact with the Western District of Missouri and the Missouri State Police (MSP), which oversees the registry. While neither ended up requesting assistance, the SOIB was ready to deploy if needed.

**(2) The Use of 18 U.S.C. § 2250 to Punish Offenders**

The United States Attorneys' Offices recognize the grave risk that unregistered sex offenders pose, especially to children, and aggressively prosecute SORNA cases investigated by USMS.

The number of SORNA prosecutions has increased each year since the statute went into effect in 2006. During the first year, FY 2007, the United States Attorneys' Offices went from zero prosecutions to 158. That number increased to 270 cases in FY 2008, 281 cases in FY 2009, 330 cases in FY 2010, and 613 cases in FY 2011. There have been 117 cases already filed against 119 defendants during the first three months of FY 2012. Since the enactment of SORNA, the United States Attorneys' Offices have filed 1,769 cases against 1,823 defendants, with an overall conviction rate of just under 77.5 percent. The conviction rate has significantly increased, however, with an 89.8 and 94.6 percent conviction rate in FY 2011 and FY 2012, respectively. Of the 1,143 defendants who have been found guilty of SORNA offenses so far, 1,025 have been sentenced to prison.

Two examples of successful prosecutions include:

████████████████████ 38, of Chipley, Florida, was sentenced on January 24, 2012, in the Middle District of Alabama, to serve 110 months in federal prison for failing to register as a convicted sex offender and for knowingly possessing child pornography. b7C

The investigation of ██████████ began in December 2010, when officers with the Houston County (Alabama) Sheriff's Office received a tip that marijuana was being cultivated on a piece of property in Cottonwood, Alabama. When officers arrived, they found dozens of marijuana plants growing inside a homemade greenhouse and ██████████ in possession of the property. Investigators subsequently learned that, in 2004, ██████████ had been convicted in the State of Florida for engaging in unlawful sexual activity with two 17-year-old girls. Under the federal Sex Offender Registration and Notification Act, and as a result of his convictions, ██████████ was required to register as a convicted sex offender in the jurisdiction in which he lived. The United States Marshals Service was able to determine that ██████████ had been living at the Cottonwood address since March 2010, and that he had not notified the authorities in either Alabama or Florida.

When questioned, ██████████ admitted that he had not registered as a sex offender in Alabama and further admitted that he was in possession of child pornography. A laptop computer and several CDs that were seized from his trailer were later analyzed and found to contain over three dozen videos depicting children as young as infants and toddlers being sexually abused. The National Center for Missing & Exploited Children was able to identify the child victims in nine of the videos ██████████ possessed. ██████████ agreed to pay \$1,000 in restitution to one of the victims. ██████████ will spend the rest of his life on supervised release, with tight restrictions on his ability to interact with minors or use a computer. The sentencing court also ordered ██████████ to seek treatment for substance abuse and sexual offending, both while he is in prison and after he is released.

The investigation of this case was conducted by the Houston County Sheriff's Office, the United States Marshals Service for the Middle District of Alabama, and the

Montgomery field office of the Department of Homeland Security – Homeland Security Investigations.

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██████████, of Walnut Creek, California, was sentenced on March 2, 2012, in the Northern District of California to serve 85 months in federal prison and pay \$6,000 in restitution for committing a crime of violence while failing to register as a sex offender. The defendant was also ordered to serve a five-year period of supervised release upon his release from federal custody. ██████████ pleaded guilty on Oct. 14, 2011, to one count of committing a crime of violence while failing to register as a sex offender, in violation of Title 18, United States Code, Section 2250(a) and (c). According to a plea agreement, ██████████ a sex offender based on a 2008 conviction for annoying or molesting a child in violation of California Penal Code Section 647.6(a)(1), admitted that he moved from North Carolina to California in January, 2009. He also admitted that he failed to update his sex offender registration to reflect this move. ██████████ admitted that the reason for his move to California was to have sex with a girl who was under the age of 16, and that he had sexual intercourse with the girl after having failed to register as a sex offender. ██████████ met the child victim while he was stationed at Fort Bragg, N.C. After communicating with her via the internet and a webcam for about one month, ██████████ traveled to California to meet her, and he admitted to having sex with her eleven times. ██████████ began communicating with the child victim only one month after having been convicted for another sex crime involving children.

b7C

This successful prosecution resulted from an investigation by the United States Marshals Service, with the assistance of the Walnut Creek Police Department and the Cumberland County Sheriff's Office in Cumberland County, North Carolina.

**(3) Detailed Explanation of Each Jurisdiction's Compliance with SORNA**

Section 124(b) of SORNA (42 U.S.C. § 16924(b)) allowed all registration jurisdictions to apply for two, one-year extensions to implement SORNA. On May 26, 2009, the Attorney General, in response to a request by Congress, exercised his authority to extend the deadline for all registration jurisdictions to July 27, 2010. After the first extension, five jurisdictions substantially implemented SORNA: Ohio, Confederated Tribes of the Umatilla Reservation, Confederated Tribes and Bands of the Yakama Nation, Delaware, and Florida. During the second year, South Dakota and Guam substantially implemented SORNA. The remaining jurisdictions, with the exception of one tribe, submitted detailed extension requests for a final statutory extension to July 26, 2011. All requesting jurisdictions received a final extension to July 27, 2011. The states and territories that have not yet substantially implemented will begin facing a funding penalty until the jurisdiction reaches substantial implementation. Tribes that were able to show that they were capable of implementing within a reasonable amount of time were granted additional time. *See following sections.*

To date, fifteen states, two territories, and twenty-seven Indian tribes have substantially implemented SORNA. Many additional jurisdictions have continued to submit implementation packages or are in various stages of implementation. Currently, there are 87 additional substantial implementation tribal packets pending review.

The SMART Office routinely corresponds with all 50 states, the five principal U.S. territories, the District of Columbia and all 172 Indian tribes regarding their ongoing implementation efforts.

Please see attached charts for detailed status of continuing state, territory and tribal efforts towards implementation.

**(4) Detailed Description of Efforts to Ensure Compliance and Notification of Any Funding Reductions**

AWA, specifically Section 146 (42 U.S.C. § 16946), established the SMART Office in the Department of Justice's Office of Justice Programs (OJP). The SMART Office is one of many agencies tasked with protecting the public from sex offenders. As authorized by SORNA, the SMART Office is designated as the lead federal agency to:

- Administer the standards for SORNA set forth in Title 1 of the AWA;
- Administer grant programs relating to sex offender registration and notification and other grant programs authorized by AWA, as directed by the Attorney General;
- Cooperate with and provide technical assistance to states, units of local government, tribal governments, and other public and private entities involved in activities related to sex offender registration or notification or other measures designed for the protection of children or other members of the public from sexual abuse or exploitation; and
- Perform such other functions as the Attorney General may delegate.

On January 20, 2009, Laura Rogers, the first Director of the SMART Office, resigned, and Dawn Doran became the Acting Director. On July 6, 2009, Linda M. Baldwin was appointed as Director of the SMART Office. In addition to the Director, Deputy Director and Associate Director, the SMART Office is staffed by five Policy Advisors, two Program Specialists, one Grant Management Specialist and an Administrative Officer, as well as a contractor liaison from the United States Marshals Service.

In a comprehensive approach to maximize efforts towards nationwide implementation of SORNA, the SMART Office identified outreach to implementing jurisdictions and concerned national organizations representing implementing members as a top priority. Key objectives identified as necessary to help jurisdictions achieve timely compliance included: conducting continuing review of materials submitted by jurisdictions and providing detailed feedback; providing ongoing specialized training and technical assistance; hosting an annual National Workshop on SORNA implementation; hosting numerous national and regional trainings specifically for Indian Country; providing grant funds towards costs of implementation of SORNA; and developing resources, software and documents to be used by both states and tribes as they work to implement SORNA as well as workshops dedicated to these resources, such as the SORNA Portal Information Sharing Working Group and the Tribe and Territory Sex Offender Registry System Users Conference both held during this reporting period.

The SMART Office has ensured that resources and information about SORNA are made available to the general public. This public outreach has occurred through briefing

critical stakeholders; providing training and technical assistance through webinars, conducting presentations, teleconferences and other methods to reach stakeholders, responding to public inquiries; maintaining the SMART Office Web site ([www.SMART.gov](http://www.SMART.gov)) and official email address ([GetSMART@usdoj.gov](mailto:GetSMART@usdoj.gov)); as well as collaborating with OJP and DOJ partners to maximize information sharing on SORNA, such as the Executive Office of United States Attorneys (EOUSA), the United States Marshals Service (USMS), the United States National Central Bureau (USNCB)/ INTERPOL - Washington, the Federal Bureau of Investigation (FBI), the Bureau of Justice Assistance (BJA), the National Institute of Justice (NIJ), the Office of Juvenile Justice and Delinquency Prevention (OJJDP), the Office for Victims of Crime (OVC), the Bureau of Justice Statistics (BJS) and the Community Oriented Policing Services (COPS).

In addition to the trainings hosted by the SMART Office detailed above, SMART Office staff have trained participants at multiple international, national, regional, and local venues on various issues related to SORNA. These included membership meetings of the National Governors Association, the National Association of Attorneys General, the National Criminal Justice Association, the National Conference of State Legislatures, the National District Attorneys Association, the National Association of Prosecutor Coordinators, the National Congress of American Indians, the United South and Eastern Tribes and SEARCH. Additionally, SMART staff have trained on SORNA related issues at national and international conferences such as the Tribal Justice, Safety and Wellness Conference, the American Probation and Parole Association Conference, OJJDP's Amber Alert Symposium and OJJDP's Child Protection in Indian Country Conference, the Dallas Crimes Against Women conference, the Dallas Crimes Against Children Conference, the Internet Crimes Against Children Conference, the Ontario Sex Offender Registration and Management Conference, the Sex Offender Investigation Coordinator trainings at the National Center for Missing and Exploited Children, the Multi-Jurisdictional Law Enforcement Conference, the Child Sexual Predator Program Conference, the Association for the Treatment of Sexual Abusers, the American Society of Criminology and numerous military trainings for the Army, Navy and Marines both domestically and overseas. In addition to SORNA related training and technical assistance to both jurisdictions and grantees, SMART staff also responds to thousands of inquiries from the general public, federal and state legislatures and the media on sex offender issues and trains in these areas as well.

The SMART Office published the Spring edition of its newsletter, *SMARTWatch*. This edition is available at [http://www.smart.gov/smartwatch/12\\_spring/index.html](http://www.smart.gov/smartwatch/12_spring/index.html). These newsletters highlight ongoing activities, resources, funding opportunities, and upcoming events, as they are related to the work of the SMART Office and SORNA implementation activities as well as other sex offender management efforts and activities by the SMART Office. *SMARTWatch* has been the recipient of two separate awards, the MarCom Award and the Communicator Award.

The SMART Office has provided articles for the Child Exploitation and Obscenity Section's Quarterly newsletter as well as US Attorney newsletters. Additionally, SMART has been requested to submit materials on SORNA for the upcoming fourth

edition of the National District Attorneys Association's *Investigation and Prosecution of Child Abuse*.

The SMART Office released the Supplemental Guidelines for Sex Offender Registration and Notification in January, 2010 (see [http://www.smart.gov/pdfs/SORNAFinalSuppGuidelines01\\_11\\_11.pdf](http://www.smart.gov/pdfs/SORNAFinalSuppGuidelines01_11_11.pdf)). The SMART Office has also released 15 Implementation Documents (see [http://www.smart.gov/pdfs/SORNA\\_ImplementationDocuments.pdf](http://www.smart.gov/pdfs/SORNA_ImplementationDocuments.pdf)) to clarify certain SORNA implementation issues and continues to update these documents as needed. SMART continues to provide training on the Tribal and Territory Sex Offender Registry System (TTSORS) and Sex Offender Registry Tool (SORT) and developed and posted multiple resources on the SMART Office Web site to assist jurisdictions in their implementation efforts, including a revised Tribal Model Code that incorporated changes from the Tribal Law and Order Act, guidance for tribes on submission of implementation packets, a Policy and Procedures Guideline for tribes, applications for states and territories for reallocation of Byrne/JAG penalty funds, application for tribes for additional reasonable time for implementation, and a revised SORNA checklist.

In January 2011, the SMART Office hosted its annual Workshop on SORNA Implementation in Washington, DC. Two representatives from each of the then 248 SORNA jurisdictions were invited to attend free of charge. Additionally, because of weather related travel issues, the SMART Office provided a live internet stream of the entire Workshop to those unable to attend in person. The SMART Office conducted a day of training, including panels, question and answer periods, and workshops between tribes and states to provide essential information-sharing issues related to SORNA implementation and to provide a full forum before the upcoming SORNA deadline.

In May 2011, the SMART Office released the procedure by which states and territories that were working towards compliance but unable to meet the July 2011 deadline could request a reallocation of their Byrne/JAG funding penalty to work towards SORNA compliance efforts. To date, 34 of the 39 states and territories that did not meet the deadline have requested, and been approved for, reallocation of their entire penalty amount back to their state or territory to fund their ongoing SORNA implementation efforts.

## **A. SORNA IMPLEMENTATION EFFORTS**

### **1. Compliance packets**

Please see attached charts for detailed status of submission of implementation packets and reviews for each state, territory and tribe.

### **2. Denial or Grant of Any Extensions to Comply with SORNA**

On May 26, 2009, the Attorney General granted a blanket one-year extension to all registration jurisdictions. Prior to this announcement, one-year extensions had been requested by, and granted to, 126 Indian Tribes, 48 States, the District of Columbia, and all 5 U.S. Territories.

In 2010, the SMART Office granted a second and final one-year extension to 247 of the 248 SORNA jurisdictions to July 26, 2011. One tribe did not request an extension.

In 2011, the SMART Office determined that 15 states and two territories met the July 27 deadline. In addition, the SMART Office is still reviewing the many tribal packets received. To date, the SMART Office has determined that 27 tribes have implemented, with 84 more packets submitted for review and more expected shortly. Additionally, numerous tribes have been granted additional time to implement. Currently, there are 172 total SORNA tribes.

### 3. Software

A critical element for jurisdictions who are working to substantially implement SORNA is the development and maintenance of a public sex offender registry Web site. Section 123 of SORNA directed the Attorney General to “develop and support software to enable jurisdictions to establish and operate uniform sex offender registries and Internet sites.” Since June 2006, the SMART Office has operated under a cooperative agreement with the Institute for Intergovernmental Research (IIR) to develop a series of software tools to assist registration jurisdictions in their efforts to substantially implement SORNA. The tools were first provided in July of 2008. The following tools have been developed, and are available free of charge to the registration jurisdictions:

- a. SORNA Exchange Portal: The SORNA Exchange Portal was created to facilitate information sharing between the sex offender registries. One of the primary resources on the Portal is the Offender Relocation Tasks service. The Offender Relocation Tasks resource has been created so jurisdictions can share information about offenders that are relocating from one jurisdiction to another. The Portal includes automated alerts that are sent to the registry staff to help ensure offenders comply with their registration requirements. The Portal also includes additional resources that will increase the collaboration and information sharing between registration jurisdictions. All registration jurisdictions have access to the SORNA Exchange Portal, as do certain federal agencies (such as USMS and FBI). In addition, jurisdictions have been strongly encouraged to utilize the Portal when notifying the USMS of a sex offender who intends to engage in international travel.
- b. Mapping and Geocoding: The SMART Office provided all registration jurisdictions with access to a mapping and geocoding service to assist them with implementing certain SORNA provisions where mapping and geocoding are needed. The mapping and geocoding service will allow information about registered sex offenders to be delivered to the public in a more useful way. The public will be able to view where sex offenders reside, work, or attend school relative to places they recognize and frequent, including their home, work, school, church, etc.
- c. Community Notification System: The community notification system has been developed so the public can request to be notified electronically whenever a

registered sex offender moves within a designated radius of an address they specify. The community notification system offers a proactive alert to the public, providing requestors access to the requested information without having to search for it. The public will be able to register for community notifications on the registration jurisdictions' public registry Web sites.

- d. Historical Statutes Archive: The historical statutes archive provides jurisdictions with the ability to properly classify a sex offender who registers in a jurisdiction other than the conviction jurisdiction. It is housed within the SORNA Exchange Portal and all registration jurisdictions have access to its contents. When a sex offender registers in a jurisdiction other than the conviction jurisdiction, the statutory language can be used to ensure that the offender is classified properly in the new jurisdiction. Furthermore, it can be used to assist classifying offenders who are "recaptured" for registration and must register based on old, not easily obtained offenses. The database also provides a way for the registration jurisdiction to access the text of the statute the offender was convicted under, as it was written when the conviction occurred, so it can be posted on the offender's public registry record. The federal and military sex offense portions of the archive are complete, and the historical statutes for the states and territories were completed in early 2012.
- e. Tribe and Territory Sex Offender Registry System: The Tribe and Territory Sex Offender Registry System (TTSORS) was designed to assist the tribes and territories in implementing SORNA registry system requirements. It is a two-part system, and functions as an administrative registry system as well as a public sex offender registry website which is connected to NSOPW. Management and update access to this system is restricted—only tribe and territory agencies responsible for the management and registration of sex offenders have access to TTSORS. TTSORS, as well as training on the system, is provided free of charge to SORNA tribes and territories by the SMART Office. Eligible jurisdictions do not need to develop or purchase any special information technology systems to have a SORNA-compliant registry system. To use TTSORS, all that is needed is a computer with Internet access.
- f. The Sex Offender Registry Tool: The Sex Offender Registry Tool (SORT) is a sex offender management application provided by the SMART Office at no cost to assist states in implementing SORNA's registry system requirements. SORT makes the registry setup and maintenance process as efficient and effective as possible.

SORT serves a dual purpose: it provides local registration agencies with their own specialized public sex offender registry websites and functions as the state-level administrative registry system. The SORT application improves information-sharing capabilities by providing electronic community notifications, allowing automatic participation with the Dru Sjodin National Sex Offender Public Web site, creating sex offender registration files that comply with the National

Information Exchange Model to be shared between jurisdictions, and enabling law enforcement to locate sex offender registration information by searching on any field or combination of fields.

Local jurisdictions can customize their public Web site's design by selecting from six available templates or by creating their own template. They also can access the centralized system so that the state's sex offender registry information is always up to date. State registry personnel can validate any information entered or modified in the system before it is made available to the public. Each state can modify or expand the application as needed using the source code provided. Ongoing technical assistance and support are not available; individual jurisdictions that elect to install and use SORT must maintain the system.

#### **4. U.S. Military**

The SMART Office continues to collaborate closely with representatives from the Department of Defense, Department of the Army, and Department of the Navy as those agencies attempt to implement a system of tracking and registration of sex offenders who are either enlisted in the armed forces or for whom the Department of Defense is otherwise responsible (*e.g.*, dependents and contractors). SMART Office staff coordinated with two Army Officers detailed to the United States Marshals Service's National Sex Offender Targeting Center on a number of issues, including the revision of DD 2791, which is the notice form provided to offenders convicted of sex offenses under the Uniform Code of Military Justice.

SMART staff provided technical assistance regarding SORNA's detailed requirements to the Department of the Army as they worked to revise their relevant regulations regarding sex offenders. SMART staff also provided technical assistance to Navy staff responsible for screening individuals to determine if they are registered sex offenders. Representatives of the Department of Defense, Department of the Army, and Department of the Navy are also active members of the International Working Group (see "Other Initiatives" Section below). SMART Staff made two presentations at the Army's Sexual Harassment/Assault Response and Prevention Summit in 2012 and also presented at Marine Corps Base Quantico to defense attorneys and prosecutors from the Department of the Navy and Marine Corps on the Sex Offender Registration and Notification Act (SORNA) and the application of its provisions to offenders tried and convicted in military courts.

#### **B. IMPLEMENTATION IN INDIAN COUNTRY SECTION 127**

AWA permitted, for the first time, federally recognized Indian tribes to be included within the definition of "jurisdiction" for purposes of sex offender registration and notification. Section 127 of SORNA affords non-PL 280 (where the federal government prosecutes major felonies including sex offenses) Indian tribes a choice

between functioning as registration jurisdictions or delegating those functions to the states in which they are located. Per SORNA, this decision had to be made by “tribal resolution or other enactment” on or before July 27, 2007. (The SORNA Supplemental Guidelines issued in January 2011 provides a time line for newly recognized tribes to elect whether to become SORNA registration jurisdictions). At the passage of the AWA there were 562 federally recognized tribes in the United States. Of those, 212 were eligible under AWA to make a registry election. As of the statutory election deadline, 198 tribes elected to function as a registration jurisdiction. Since then 14 tribes have voluntarily “opted out”, delegating their SORNA registration function to the states where they are located. As of May 1, 2012, 12 tribes have had their responsibilities for sex offender registration and notification delegated to the states in which they are located by operation of law after extensive outreach during a delegation procedure that the SMART Office developed in consultation with tribal leaders and others. As of May 1, 2012, there are 172 tribes, nations, or pueblos implementing SORNA.

Each tribe that elected to function as a registration jurisdiction has essentially the same sex offender registration and notification functions and responsibilities as a state. SORNA provides that tribes may enter into cooperative agreements with a state(s) for pooling or sharing these functions and responsibilities. A consortium of tribes may also work together to form a sex offender registry and implement SORNA. Tribes have the option of rescinding a previous election to function as a registration jurisdiction. If a rescission occurs, the registration function is delegated to the state(s). The SMART Office engaged in extensive outreach to the tribes before the July 26, 2010 deadline, resulting in 189 of 190 tribes requesting and being granted an extension of time to implement SORNA until the July 2011 deadline. The SMART Office continued to engage in outreach to the tribes in order to provide training and technical assistance for them as the SORNA implementation deadline approached. A guidance document detailing what needed to be submitted in an implementation package was distributed to the tribes at the SORNA National Workshop held in Washington, DC in January 2011. Additionally, the document was mailed to the tribal leaders and emailed to the points of contact for all SORNA tribal representatives.

As of the July 2011 implementation deadline, 100 tribes had submitted substantial implementation packages for review by the SMART Office. SORNA provides that tribes may have an additional amount of time to implement if the Attorney General determines that they could do so in a reasonable amount of time. Tribes were informed about the process by which they could request this additional amount of time. The remaining tribes that were working on implementation submitted detailed requests for this additional reasonable amount of time to implement SORNA and an additional 14 implementation packages have been submitted for review by those tribes. To date, 27 tribes have been found to have substantially implemented SORNA, with many more reviews underway.

In this reporting year, the SMART Office has continued to provide free resources and training to assist tribes with implementing SORNA. For example, a number of tribes had previously expressed concerns about satisfying SORNA’s requirement that all registration jurisdictions maintain a public sex offender Web site, due to concerns

associated with the costs and expertise of establishing a public website. In response, the SMART Office created a tribal template Web page and provided training and software free of charge. The end result was TTSORS, a software template that enables tribes to easily and cost-effectively create sex offender registries and public websites for their communities, thereby meeting the requirements of SORNA. (See *Software* section for more details). As a TTSORS user, the tribe will automatically participate with the Dru Sjodin National Sex Offender Public Web site (NSOPW), the only government registry website that links public, state, territory, and tribal sex offender registries from one national search site. Community notification is another important feature offered through TTSORS. The SMART Office, through their grantee, the Institute for Intergovernmental Research, provided training on utilizing TTSORS to 125 tribes at regional trainings. The training focused on the operation of TTSORS and on the SORNA Exchange Portal system developed by IIR for the SMART Office. A presentation was also provided at each training by SMART staff on specific issues related to implementation in Indian country. Training books and a resource CD were provided. IIR and the SMART Office provided a national TTSORS training in Asheville, NC in April, 2012, to 178 tribe and territory participants. This training provided both a beginner and advanced track. A presentation was also provided by the SMART Indian Country Senior Policy Advisor. As of May 1, 80 tribes have public sex offender websites connected to NSOPW, 79 of which utilized TTSORS.

In addition, the SMART Office developed a Model Tribal Sex Offender Registration code. The Model Code was developed with the assistance of nine respected Indian lawyers and tribal attorneys from around the country. The Model Code provides tribes with SORNA compliant language for tribal leaders to consider as they work to draft and enact new tribal codes that will enable them to implement SORNA. The SMART Office released a revised Model Code to reflect the SORNA Supplemental Guidelines and the Tribal Law and Order Act as well as modified the substantial implementation checklist. The SMART Office also created a guidance document for the tribes to provide direction when compiling and submitting a substantial implementation package as well as an outline for creating policy and procedures.

The SMART Office has continued to conduct extensive outreach, training and technical assistance with individual tribes as well as with national, regional, and local tribal organizations. For example, the SMART Office worked extensively with the FBI forensics lab to create a process by which tribes who cannot submit DNA from registering sex offenders to the state, could submit directly to the FBI. The SMART Office is also spearheading efforts with multiple components within DOJ to provide tribes the ability to enter NCIC/NSOR data and to enhance their capacity to submit finger and palm print to the FBI.

The SMART Office also has a pilot project that was created to assist tribes that cannot submit fingerprints electronically through the state that they are located in to the Integrated Automated Fingerprint Identification System (IAFIS), either due to state statutory bars or cost prohibitions associated with the state's hardware requirements. The SMART Office, through an Inter-Agency Agreement with Justice Management Division,

has provided booking stations to 3 tribes selected by the SMART Office. These tribes are submitting fingerprints electronically to IAFIS through the federal fingerprint system, the Joint Automated Booking System (JABS). An additional 3-5 tribes will be selected to participate in the pilot project.

When possible, the SMART Office works in conjunction with other agencies to present at their national trainings or workshops in order to ensure maximum outreach and cost effectiveness. The SMART Office has presented at two Tribal Justice, Safety and Wellness Conferences, and has also conducted numerous tribal consultation sessions in relation to SORNA. The SMART Office has also presented at OJP's Office of Victims of Crime (OVC)'s Indian Nations Conference in Palm Springs, CA as well as Fox Valley Technical College's Multi-Jurisdictional Conference in Green Bay, WI. When resources permit, SMART Office personnel travel, on invitation from tribal leaders, to provide personal technical assistance and training. For example, an in-person technical assistance session was held with the Santo Domingo Pueblo to discuss implementation obstacles and solutions and how to best utilize grant funding and comply with grant funding reporting requirements. Additionally, SMART office staff traveled to the Navajo Nation upon request from the tribe to assist their team with their complex implementation efforts.

In order to provide support to tribal jurisdictions, the SMART Office encouraged tribal entities to apply for Adam Walsh Act grants through multiple outreach efforts. In 2012, 38 tribal jurisdictions applied for this assistance. In addition, in order to provide more personalized technical assistance and training to the large number of SORNA tribes, the SMART Office, through its grantee, Fox Valley Technical College (FVTC), trained a team of consultants to provide technical assistance to tribal jurisdictions implementing SORNA. In addition SMART and FVTC held five regional workshops in order to provide opportunities for SORNA implementing tribes to meet face to face with the SMART office and their consultants in order to prepare and submit detailed implementation packets. Workshops were held in New Mexico, Arizona, Eastern and Western Washington, and Oklahoma. Materials have been developed to further assist tribes with implementation. The consultants also have provided tribal specific technical assistance upon request and as resources allow.

The SMART Office maintains a tribal leader and SORNA points of contact distribution list for every SORNA tribe that is used to send updated information and email blasts related to SORNA implementation issues.

### **C. GRANT PROGRAMS**

In FY 2011, the SMART Office awarded \$8.1 million in funding to 35 jurisdictions for the purpose of supporting SORNA implementation. Grantees included 10 states, 2 territories and 23 tribes. The decrease in funding from \$11 million in FY 2010 to \$9 million in FY 2011 allowed the SMART Office to fund limited applications submitted under the Support for Adam Walsh Act Implementation Grant Program. This resulted in 29 percent reduction of awards made in FY 2011 as compared to FY 2010. However, the SMART Office was able to use program funds to award a training and technical assistance grant in the amount of \$500,000 to support SORNA implementation

work in tribal jurisdictions. To date, the SMART Office has awarded approximately \$38 million in Adam Walsh Act Implementation grant funding to jurisdictions. See attached charts for amounts provided to SORNA jurisdictions thus far.

FY 2012 grant activities have included the release of the SMART FY 2012 Support For Adam Walsh Act Implementation Grant Program competitive solicitation that closed on April 3, 2012, the SMART FY 2012 Promoting Evidence Integration in Sex Offender Management: Implementation of Sex Offender Treatment, Intervention and Progress Scale (SOTIPS) for Implementing Sites and its Training and Technical Assistance Program competitive solicitations that will close on May 31, 2012. In addition, the SMART Office released its FY 2012 Promoting Evidence Integration in Sex Offender Management: Circles of Support and Accountability for Project Sites and TTA Project competitive solicitations which will close on May 31, 2012. In an effort to promote innovation and best practices in the field of sex offender management, the SMART Office also released the SMART FY 2012 Fellowship Development Program competitive solicitation that will close on June 5, 2012.

With reference to the Support For Adam Walsh Act Implementation Grant Program solicitation, a total of 67 applications were submitted that were eligible for review, representing 23 state jurisdictions, 2 territories and 42 tribal jurisdictions. The SMART Office received 84 percent less eligible applications in FY 2012 as compared to FY 2011. It is anticipated that all FY 2012 SMART Office grants will be awarded by September 30, 2012.

The SMART Office continues to support the Dru Sjodin National Sex Offender Public Website (NSOPW) through grant funding and will issue a supplement award of \$898,842 in FY 2012 to the Institute for Intergovernmental Research for maintenance and operation of NSOPW.

#### **Other Adam Walsh Act Activities**

**International Tracking of Sex Offenders Working Group:** Section 128 of the Adam Walsh Act, as supplemented by the Final SORNA guidelines, directed the Attorney General, in consultation with the Secretary of State and the Secretary of Homeland Security, to develop a system of tracking sex offenders entering and departing the United States. The SMART Office has convened and chaired the International Tracking of Sex Offenders Working Group (IWG) since 2008 to address this issue. Participants include representatives from SMART, the Child Exploitation and Obscenity Section of the Criminal Division of the Department of Justice, the Office of Legal Policy of the Department of Justice, the United States Marshals Service, INTERPOL-Washington, the Federal Bureau of Investigation, Immigration and Customs Enforcement, Customs and Border Protection, the State Department's Passport and Visa Services Offices, and the Department of Defense, among others. In December 2010, the SMART Office issued a White Paper detailing the efforts of the International Working Group and its strategy for complying with the mandate in AWA Section 128. It can be located here:

<http://www.smart.gov/pdfs/InternationalTrackingofSexOffendersWorkingGroup.pdf>.

The SMART Office is currently drafting a Progress Report to update the status of the efforts described and proposed in the White Paper.

The SMART Office has routinely met with multiple participating component offices in order to fully implement the International Sex Offender Tracking System, and continues to coordinate efforts to that end. Although not yet implemented, the FBI's Criminal Justice Information Service's Advisory Policy Board has adopted a proposal to enable automatic notifications routed through the National Sex Offender Registry (NSOR) between and among federal agencies as well as local registry officials in a significant number of situations when a registered sex offender seeks to enter or depart the country. Also, the Supplemental Guidelines for Sex Offender Registration and Notification, which were issued in January 2011, require any SORNA-implementing jurisdiction to gather information about any registered sex offender intending to travel abroad at least 21 days prior to that travel, and then report that information to the United States Marshals' National Sex Offender Targeting Center (NSOTC), who will then immediately forward that information to any and all relevant domestic and foreign law enforcement officials (via INTERPOL-Washington). In light of this requirement, INTERPOL-Washington, NSOTC and the SMART Office have created a fillable PDF form that registry officials can use to send offender information directly to NSOTC. The SMART Office, NSOTC, and INTERPOL-Washington have distributed this form to registry and law enforcement officials nationwide. In addition, the SMART Office has published an Implementation Document that provides guidance on what international travel information jurisdictions need to collect from registered sex offenders, and how jurisdictions can submit that information to NSOTC.

The most recent meeting of the International Tracking of Sex Offenders Working Group took place in March 2012. In addition to a review of the activities mentioned above, the members of the group updated each other on some of the ways in which they are manually sharing information about registered sex offenders entering and leaving the United States, as well as on the ways in which they are working to improve their respective information-sharing processes. Other agencies, including INTERPOL-Washington and Customs and Border Protection, provided information as to what they are doing to currently interdict registered sex offenders as they enter and leave the United States. In all instances, members were able to identify ways in which other agencies can assist in their work, especially in the sharing of information regarding registered offenders. The meeting ended with the group members creating a "wish list" of resources that they would like to have as they continue their work in this field.

At the meeting, the SMART Office also provided a brief update on its work to facilitate improved information sharing between jurisdictions in the United States and Canada regarding registered offenders who cross the border. In 2012, SMART Office staff made a presentation to the Sex Offender Registration and Management Conference in Niagara Falls, Ontario, Canada. In addition, the SMART Office is currently gathering information from various tribal jurisdictions that border Canada as to how information regarding sex offenders who travel across the border via tribal lands is presently shared. With this information, the SMART Office intends to engage local and federal agencies in the United States and Canada to work on ways to enhance communication between these jurisdictions.

**National Registry of Substantiated Cases of Child Abuse:** Section 633 of the Adam Walsh Act directed the Secretary of Health and Human Services (HHS), in consultation with the Attorney General, to create a national registry of substantiated cases of child abuse and neglect. HHS met with SMART Office staff for input on a feasibility report. The SMART Office provided comments and review on subsequent drafts of the feasibility study. The SMART Office reviewed and commented on the final proposed draft, which has now been completed and submitted by HHS. SMART recently met with HHS again to discuss the final draft and next steps for HHS with regard to this effort.

### **Conclusion**

Over the past six years, the Department of Justice has made significant progress in assisting jurisdictions to implement SORNA. The United States Marshals Service continues to deploy many resources towards the enforcement of SORNA and the U.S. Attorneys are making significant progress in prosecution of these cases. The SMART Office was established to assist jurisdictions (states, DC, territories and tribes) in the national implementation of SORNA and has developed guidelines, software and numerous other resources to help jurisdictions implement SORNA. Over the coming year, the SMART Office will continue to assist jurisdictions as they continue the work of substantially implementing SORNA as directed by Title I of the Act, and the USMS and Executive Office of U.S. Attorneys will continue to pursue tracking, enforcement and novel prosecutions of SORNA violations.