U.S. Marshals Service

U.S. Marshals Service and the Adam Walsh Act

Pete Amico
Sex Offender Investigations Coordinator
District of Montana
This presentation will cover topics related to the U.S. Marshals Service and its efforts to work with state, local, tribal and other federal agencies to identify, locate and apprehend unregistered or non-compliant sex offenders and investigate violations of 18 USC §2250

The second part of the presentation will focus on discussing some common mis-perceptions with sex offender registration and will highlight some significant differences with state sex offender registration requirements and public websites, including who has to register, what duration, and who is posted on public websites.
• Adam Walsh Child Protection and Safety Act of 2006

• USMS Responsibilities under the act
  • 18 USC 2250
  • State and Local Fugitives
    • Location of Fugitives after a natural disaster

• Compliance Checks

• 11 years after SORNA

• Common misperceptions
Fugitive Sex Offenders
• For the purposes of this presentation, the term “Fugitive Sex Offender” is used to describe convicted sex offenders that have a duty to register under state law, federal law or both.

• This is different than someone who has not been convicted and is wanted pursuant to a warrant for committing a sexual based offense.

• The USMS does not investigate new criminal sexual acts
Generally we can place fugitive sex offenders into three categories:

- Those who violate only state law
- Those who violate both state and federal law
- Those who violate only a federal law
Adam Walsh Child Protection and Safety Act of 2006
**Adam Walsh Act**

- Enacted into law in 2006
- Commonly called the “Adam Walsh Act” or “AWA”
- Consists of seven “Titles” that address a number of issues related to sex offenses and sex offenders
• Title I is the Sex Offender Registration and Notification Act, or “SORNA” for short.

• Among other things, it established what was termed as a comprehensive set of national guidelines for sex offender registration.

• It created federal criminal penalties for individuals who fail to comply with registration requirements.

• Tasked the Attorney general with interpreting and determining certain aspects of SORNA.
Provides that the “Attorney General shall use the resources of Federal law enforcement, including the United States Marshals Service, to assist jurisdictions in locating and apprehending sex offenders who violate sex offender registration requirements”
USMS Responsibilities Under the AWA
U.S. Marshals have three primary authorities under the act:

1. Investigate violations of the federal law requiring sex offenders to register.

2. Assist state and local law enforcement agencies in locating and apprehending unregistered sex offenders.

3. Assist state and local agencies in locating sex offenders after a large natural disaster, such as a hurricane or tornado.
1. Investigate violations of the federal law requiring sex offenders to register, 18 USC §2250
18 USC 2250

(a) In General.-Whoever-

(1) is required to register under the Sex Offender Registration and Notification Act;

(2)(A) is a sex offender as defined for the purposes of the Sex Offender Registration and Notification Act by reason of a conviction under Federal law (including the Uniform Code of Military Justice), the law of the District of Columbia, Indian tribal law, or the law of any territory or possession of the United States; or

(B) travels in interstate or foreign commerce, or enters or leaves, or resides in, Indian country; and

(3) knowingly fails to register or update a registration as required by the Sex Offender Registration and Notification Act; shall be fined under this title or imprisoned not more than 10 years, or both.
(New in February 2016)

“(b) INTERNATIONAL TRAVEL REPORTING VIOLATIONS. –Whoever-

“(1) is required to register under the Sex Offender Registration and Notification Act (42 U.S.C. 16901 et seq.);

“(2) knowingly fails to provide information required by the Sex Offender Registration and Notification Act relating to intended travel in foreign commerce; and

“(3) engages or attempts to engage in the intended travel in foreign commerce;

Shall be fined under this title, imprisoned not more than 10 years, or both.”

Additional punishments include supervised release (essentially federal probation) from 5 years up to life.
For federal prosecution:

- The individual’s registration requirement has to exist under SORNA, not just the state law.

- The violation must be a violation of what SORNA requires, not only what the state requires.

- Their must be a federal nexus—either interstate travel or a federal, tribal, military sex offense conviction.

What about tribal code/law? Tribal code FTR?
• USMS investigators have initiated investigations into over 28,831 Adam Walsh Act violations.

• Since program inception in 2006, over 5,346 federal warrants have been issued for violations of 18 USC 2250
2. Assist state and local law enforcement agencies in locating and apprehending unregistered sex offenders.
• Even if there is no potential federal law violation, the US Marshals Service continues to pursue fugitives wanted on state or local warrants for violating sex offender registration laws.

• This is accomplished by our nationwide network of Fugitive Task Forces, our Foreign Field Offices located overseas and our International Investigations Branch who works with Interpol and foreign governments.
Since passage of the AWA in July 2006, over 107,300 fugitive sex offenders have been arrested.

Approximately 7,574 fugitive sex offenders this fiscal year (Oct. 1, 2016-Present)
Case Example #1: Jeremy CONLIN

- 2005- Convicted of Sexual Assault of a Child in Texas.
- November 2014-Released from prison in Texas and moves to Washington DC where he registers.
- November 2014-Registers in Maryland.
- On January 8, 2017, attempts to travel to Mexico and is denied entry based on previous sex offense conviction.
- On January 9, 2017, was returned to the United States via air, scheduled to return to Austin, Texas with a connection through Dallas.
- Upon arrival in Dallas, he does not take the connecting flight to Austin and instead takes a Greyhound bus from Dallas to Nashville, TN.
- His movements were tracked to Pennsylvania, New York, Illinois, Indiana and ultimately Wisconsin.
- US Marshals were searching local campgrounds and state parks for Conlin and his girlfriend.
- He is involved in a vehicle pursuit in Wisconsin and charged with eluding and failure to register.
Case Example #2: Operation Return, “Amanda ROJAS”

- Operation Return is a collaborative initiative between the USMS, the NYS Division of Criminal Justice Services Office and State Probation Department in 15 counties in NY State.

- The purpose was to coordinate the location, apprehension and return of NY SORA Level 2 and 3 probation absconders for prosecution on outstanding Violations of Probation and/or other criminal charges including violating the Adam Walsh Child Protection Act.

- The counties would assign Assistant District Attorneys to act as liaisons to refer cases to the USMS for Investigation. These liaisons would coordinate extraditions when necessary, prosecution of the VOP or any other applicable state criminal charges.

- Upon apprehension out of NY State, DCJS would reimburse the counties reasonable expenses the counties would incur in returning the offender to the appropriate local jurisdiction. In some cases when it was financially prudent, the counties would use the USMS JPATS COOP program to return the offenders. The counties would pay the USMS and DCJS would reimburse the counties the cost of returning the offender.
Case Example #2: Operation Return, “Amanda ROJAS” (cont.):

• 2010- ROJAS convicted of Rape of a Child (14 year old male victim) in Ithaca, NY
• Sentenced to 6 months in jail/10 years probation and classified a Level 2 Sex Offender in NY State with a lifetime registration requirement.
• On September 11, 2013 ROJAS was arrested by the Dryden NY PD for FTR. ROJAS failed to appear in court and a bench warrant (adjoining counties only) was issued for her arrest on November 3, 2013.
• The Ithaca Police Department issued a probation violation warrant on November 6, 2013, extradition adjoining counties only.
• On July 2, 2014 the warrant was accepted as an Operation Return case and referred to USMS.
• On February 11, 2015 ROJAS was arrested by the USMS in Brooklyn NY. ROJAS was found hiding inside the wood frame of a bed.
• On May 13, 2015 ROJAS was sentenced to 3 years state prison/10 years post release supervision for the VOP and 1 to 3 years state prison for the FTR as a Sex offender Conviction.
• Eastep Case

• Wordell Case

• Recent Compliance Operations in MT
3. Assist state and local agencies in locating sex offenders after a large natural disaster, such as a hurricane or tornado.
- Hurricane Katrina
- Hurricane Sandy
- Moore, OK tornado
Compliance Checks
Serve a dual purpose:

- Assists in identifying non-compliant sex offenders.
- Local agencies validate their information.

The USMS can provide guidance, assistance and other resources to state, local or tribal agencies for compliance operations.

Due to our nature as a federal law enforcement agency and the regulatory nature of maintaining sex offender registries, the USMS has some limitations on level of participation.

Since 7/26/2006:

2,758- Compliance Operations conducted with our state, local and tribal partners
After the Act

• 11 years after the enactment of the AWA, there are still many gaps that SORNA was intended to close.

• 17 SORNA Compliant States, 3 US Territories, 108 Tribal Entities.

• Many states have implemented certain aspects of SORNA, but not enough to be considered substantially compliant.

• There is no federal sex offender registration system- sex offender registration is accomplished at the state, local and tribal level.
After the Act

- Essentially 2 systems—the SORNA Guidelines and the states’ laws.

- For federal prosecution of an offender, the offense has to be a violation of what SORNA requires, not what the state or tribe requires.

- For SORNA compliant states, one has to confirm that the requirements violated are not more stringent than SORNA.

- For non-SORNA states, one has to confirm that 1) the violation is of what SORNA requires and 2) that the offender doesn’t have an affirmative defense (couldn’t register).
Common Misperceptions and Fallacies
Common Misperceptions

- All convicted Sex Offenders have to register
- All registered sex offenders appear on a states’ internet site
- Sex Offenders all register for the same duration
• Washington: If you are convicted out of state, you are required to register for life.
• Minnesota: Public registry website displays information only on “level 3 offenders” and offenders deemed non-compliant (for more than 30 days)
• 17,589 offenders registered
• Currently 397 registrants on the website
• 7 registrants whose address is listed as unknown
Oregon: Approximately 29,082 registered in the state.

Approximately 742 offenders are listed on the public website.
• West Virginia-If you are required to register in another state and move to WV, you are required to register even if the offense wouldn’t be registerable if committed in WV.
Wisconsin: The state requires anyone whose underlying crime was committed in Wisconsin must register in Wisconsin even if they live and register in another state or country.
New Hampshire: The state does not require anyone whose underlying crime was convicted as a juvenile to register in the state.
Massachusetts: The state gives public access to information on Level 2 & 3 offenders but does not for Level 1.

Homeless offenders are required to register every 60 days.
Maine: The state does not require anyone whose underlying crime was convicted internationally to register.

Offenders must give notice to the registry of any international travel plans.
• Illinois: Any offender that moves to IL has to register for life. Offenders convicted in Illinois are either 10 or lifetime.
Rhode Island: The state adopts the registration period for those whose convictions were in another state that have moved to RI.

Anyone convicted of Child Pornography is required to sign a 4\textsuperscript{th} amendment waiver to have their devices subject to search.
New York: The state sends registration forms to offenders even after the move out of NY to provide the registry with their updated address as long as the offenders are willing to continue to complete and return the forms.
• New Jersey: A conviction for possession of Child Pornography is not a registerable offense in New Jersey.
• Louisiana: Every person convicted of or who pleads guilty to a sex offense specified in R.S. 24:932, is prohibited from using or wearing a hood, mask or disguise of any kind with the intent to hide, conceal or disguise his identity on or concerning Halloween, Mardi Gras, Easter, Christmas, or any other recognized holiday for which hoods, masks, or disguises are generally used.
• Louisiana: It shall be unlawful for any person convicted of or who pleads guilty to a sex offense specified in R.S. 24:932 to distribute candy or other gifts to persons under eighteen years of age on or concerning Halloween, Mardi Gras, Easter, Christmas, or any other recognized holiday for which generally candy is distributed or other gifts given to persons under eighteen years of age.
• Florida: Sexual offenders/predators MUST maintain registration for the duration of their life.
• Those designated as predators report quarterly in person-other report 2 times per year
USMS Resources

- Liaison with National Center for Missing and Exploited Children
- Missing Child Unit
- National Sex Offender Targeting Center
- Sex Offender Tracking Team
- State and Local Investigator Training
- Operation funding and support
Questions?