



SORNA Webinar: The Role of the United States Marshals Service for Tribes Implementing SORNA

Presented by:

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Live transcript/captions available at
<https://www.streamtext.net/player?event=SMART>



Webinar Information



SMART

Office of Sex Offender Sentencing, Monitoring,
Apprehending, Registering, and Tracking

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Today's Presenters

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U.S. Marshals Service Sex Offender Investigations Branch (SOIB)



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Northeast Region

Webinar Objectives

- Recognize the role of the U.S. Marshals Service (USMS) as it pertains to absconded sex offenders
- Identify the mission and capabilities of the USMS Sex Offender Investigations Branch
- Identify the elements of a federal Failure to Register prosecution
- Understand the purpose and requirements of International Megan's Law

Foundation of the Sex Offender Investigations Branch (SOIB)



- The Sex Offender Investigations Branch (SOIB) was created following the passage of the Adam Walsh Child Protection and Safety Act (AWA) in July 2006.
- The SOIB's role is to carry out the USMS responsibilities in connection with the AWA in three critical areas. To ensure the safety of communities and children across the country, the USMS implemented an enforcement strategy for these responsibilities.

SOIB Mission

The USMS performs 3 distinct missions pursuant to AWA:



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

State/Local Assistance

The USMS will assist jurisdictions in locating and apprehending sex offenders who violate sex offender registration requirements



- State/Local Failure to Register (FTR) warrants
- Use of federal resources
- Collateral Lead requests allow for the use of our nationwide network of law enforcement agencies

Fugitive Task Forces

The USMS has the unique ability to adopt state/local warrants and work them throughout the United States, and even internationally



- The USMS has Fugitive Task Forces throughout the United States composed of Deputy US Marshals and specially deputized state/local law enforcement officers known as Task Force Officers (TFOs).
- These Fugitive Task Forces have been designated to locate and apprehend fugitives.
- This includes non-compliant sex offenders with an active FTR warrant.

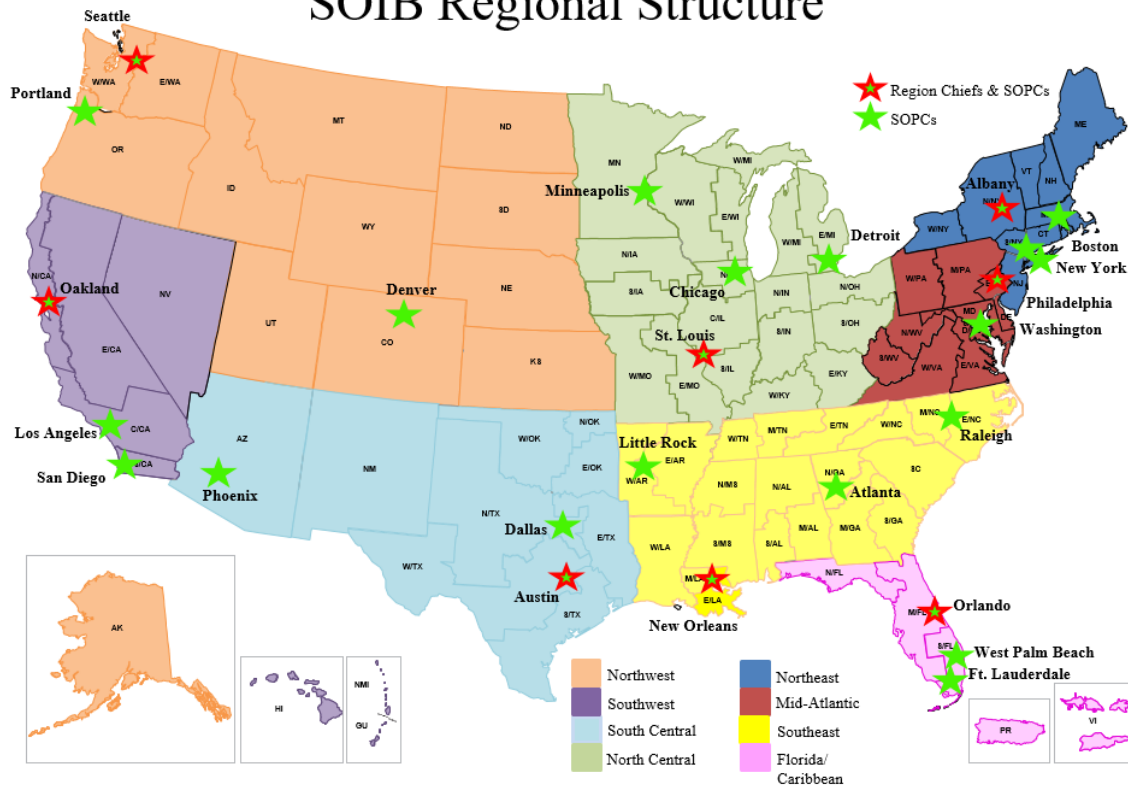
Enforcement/Compliance Operations

SOIB utilizes two types of operations to accomplish its mission:

1. Enforcement Operation – USMS coordinates with one or more jurisdictions to arrange a warrant sweep targeting fugitives with active FTR warrants.
 2. Compliance Operation – USMS coordinates with one or more jurisdictions to arrange a compliance check of their sex offender population.
- As part of these operations, the SOIB can provide much needed equipment and funding for overtime for the state/local agencies participating.

SOIB Region Map

SOIB Regional Structure



What are the elements of an Adam Walsh Act criminal violation?

See 18 U.S.C. §2250(a) :

- A sex offender required to register
- An underlying federal sex offense conviction (Federal law, Uniform Code of Military Justice, District of Columbia, Indian Tribal Law or the law of a territory or possession of the U.S.), OR an underlying state sex offense conviction and travel in interstate or foreign commerce
- A knowing failure to register or update registration

International Megan's Law

- On February 8, 2016, President Obama signed the International Megan's Law (IML)
- IML specifically codified a SORNA guideline to require sex offenders to provide certain information about their intended international travel
- 21-day travel notification
- The law was enacted in an effort to protect children from sexual abuse and exploitation, to include sex tourism and sex trafficking

International Megan's Law (*cont.*)

- Allows violators to be prosecuted under 18 USC 2250 (b)
- The USMS vigorously investigates potential IML violations while working alongside the Department of Homeland Security and Customs and Border Protection
- The law is still relatively new and the USMS has dealt with challenges in successful federal prosecutions

Marshals Service Activity (July 2006 – July 2020)

- Approx. 36,914 AWA investigations initiated
- More than 6,548 AWA warrants issued
- Approx. 5,274 AWA warrant arrests
- More than 107,027 State Registration Violations cleared by USMS arrest



Major Disaster Assistance

- SOIB is also tasked with assisting in the identification and location of sex offenders relocated as a result of a major disaster.
- When major disasters occur, the Marshals Service has sought to limit opportunities for sex offenders to fall out of compliance with SORNA.
 - 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.

Major Disaster Assistance



- The Marshals Service can deploy a number of Deputy U.S. Marshals to the affected region 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 deployable teams to respond to the affected areas to assist with tracking displaced sex offenders.

National Sex Offender Targeting Center (NSOTC)



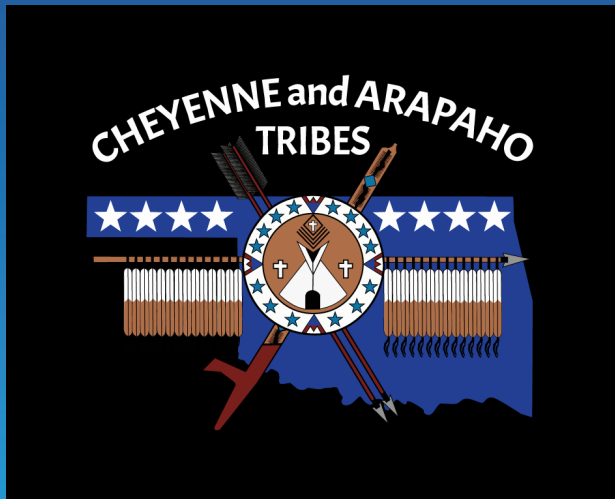
- USMS established NSOTC in September of 2009 to serve as an interagency intelligence and operations center
- NSOTC works in conjunction with the National Center for Missing and Exploited Children (NCMEC) and the Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking (SMART) to assist all levels of law enforcement to identify, locate, and prosecute non-compliant sex offenders.
 - Analysts provide critical information to sex offender investigations coordinators (SOICs), as well as other law enforcement officers (LEOs), when investigating sex offender cases.



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Collaborative Tribal and U.S. Marshal Service Efforts and Successes



Paul Fuentes

Theresa Faris

Cheyenne and Arapaho Tribes

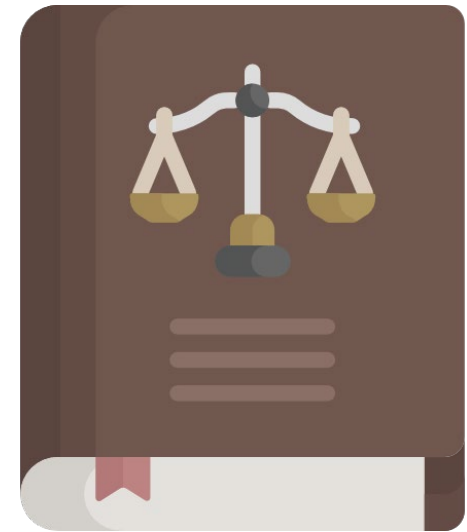
Procedures for Absconded Sex Offenders



- The registering agency receives information that a sex offender has absconded, i.e., has not registered at all or has moved to some unknown place other than the registered place of residence, the SRO shall investigate with the assistance of police, whether BIA, tribal, FBI, US Marshals Services (USMS), or other local law enforcement agency as needed to determine if the sex offender has actually absconded.

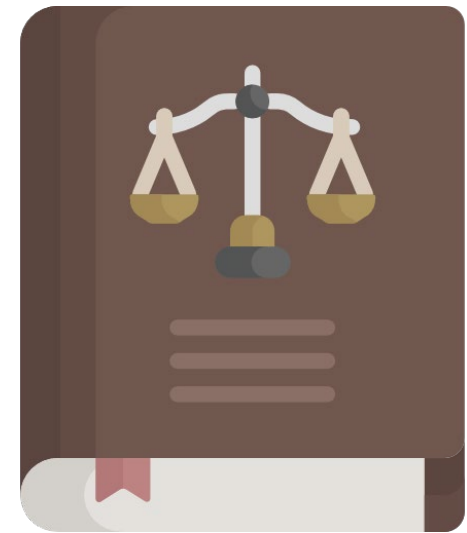
Procedures for Absconded Sex Offenders (Continue-1)

- The registering agency shall make an effort to determine if the sex offender has actually absconded. In the event no determination can be made, the SRO shall ensure all other appropriate law enforcement agencies are notified.



Procedures for Absconded Sex Offenders (Continue-2)

- If the information regarding an absconder is received through notice from another jurisdiction or federal authorities, the notifying agency shall be informed by the SRO that the sex offender has failed to register.



Procedures for Absconded Sex Offenders – Action Steps

If an absconded sex offender cannot be located, then the registering agency shall take the following steps:

- The SRO shall update the Sex Offender Registry and Public Sex Offender Registry website to reflect the sex offender has absconded or is otherwise unable to be located
- The SRO shall notify the U.S. Marshals Service



Procedures for Absconded Sex Offenders – Action Steps *(cont.)*

- The SRO shall seek a warrant for the sex offender's arrest; the U.S. Marshals Service or FBI may be contacted in an attempt to obtain a federal warrant for the sex offender's arrest.
- The SRO shall update NSOR to reflect the sex offender's status as an absconder, or is otherwise unable to be located
- The SRO shall enter the sex offender into the NCIC Wanted Person File



Successful Prosecution Against Absconded Sex Offenders

The Wanderer

- Left tribal jurisdiction without providing notice to tribal registry or new jurisdiction

Master of Deception

- Initially registered in Washington, registered in Kansas, but living and working on tribal land



Successful Prosecution Against Absconded Sex Offenders *(cont.)*



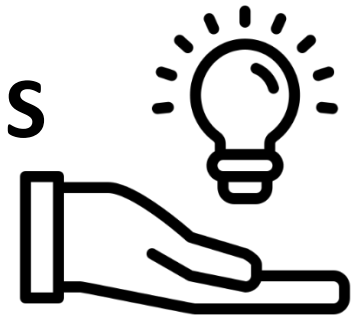
The Defiant One

- Entered tribal jurisdiction without informing original registry, refused to register with tribe

The Fugitive

- Wanted for lewd indecent or lewd acts with a child under sixteen (16)

Takeaways from Working with the US Marshals Services



- The USMS were willing to accompany the tribal registry in conducting address verification checks
- The USMS were able to bridge the relationship gap between the tribe and state
- The USMS and prosecutor served as a guide during the prosecution
 - The tribal registry was interviewed by the Public Defender's Office
 - The Tribal registry records were examined and available to the prosecutor and public defender as evidence

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