

Remarks by USMS Deputy Director David L. Harlow on the 10-year Commemoration of Adam
Walsh Act
SMART Symposium
July 27, 2016

Thank you Lou for your kind introduction.

I am so pleased to be here and to witness again firsthand the incredible work being done by many different, yet all vital, agencies and organizations.

Through the continuous hard work of the Department of Justice's Sex Offender Sentencing, Monitoring, Apprehending, Registering and Tracking (SMART) Office and this Symposium, progress continues to be made to obstruct the violent and destructive behavior of sexual predators worldwide.

The SMART Office was created in the same legislation that gave the U.S. Marshals its responsibilities under the Adam Walsh Act. Together, we have formed a tremendous partnership that has not only assisted the states in combating the problem of non-compliance, but we have tackled larger worldwide issues.

Of course, our partnership with the National Center for Missing and Exploited Children (NCMEC) is extremely important, without whom none of this would exist. NCMEC is well established as the preeminent resource for assisting law enforcement in safeguarding children.

Other vital partnerships I would like to mention is of course INTERPOL, U.S. Customs and Border Protection, Immigration and Customs Enforcement, the Department of State, the U.S. Military, tribal partnerships throughout the Country, and numerous research and community organizations.

This afternoon as we recognize the 10-year anniversary of the Adam Walsh Act, I am so proud to have been a part of this evolutionary process that was critical in moving our country forward in pursuing justice and protecting our children.

When President Bush signed the Adam Walsh Child Protection and Safety Act into law on July 27, 2006, the 25th anniversary of Adam's abduction and murder, it became a federal crime for convicted sex offenders to fail to register with their local authorities. I want to begin by acknowledging the incredible leadership and perseverance that John Walsh showed getting this legislation passed, and the fact that he was able to turn such a personal tragedy into a calling that has likely saved thousands of children and other potential victims from harm. Virtually the entire Country and now the world recognizes John Walsh as the "Championing Father" who brings inspiration and comfort to all who have been touched by his story. He is a personal hero of mine.

The U.S. Marshals Service was designated by the Act as the agency to lead the national effort to detect, track down and arrest these non-compliant offenders. We are pleased to work with our partners at NCMEC and the SMART Office in executing this important mission. And we

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especially value our relationships with registration officials and our state, local, and tribal law enforcement partners throughout the country.

We could not be more proud of our role in enforcing the Adam Walsh Act. It is a mission that we are passionate about, from me personally to every Marshals Service employee I've met who has taken on a role in this mission. Let me tell you why:

Registration provides information which allows people to protect themselves, their children and their neighbors. It also provides a critical tool which helps law enforcement respond to sex crimes. Registration has been associated with, or led to, widespread increase in public safety.

1. Research shows that sexual crimes reported to police decline by an average of 13% within a jurisdiction after enacting a registry.
 - This finding is consistent across thousands of jurisdictions, and has been replicated across multiple high-quality and peer-reviewed studies published in scholarly journals.
2. Research shows registrants are more than 10 times as likely to be arrested for a new sex crime as those not on the registry. To be clear, that does not mean most registrants will be rearrested for a new sex crime. But it does mean registrants represent far more risk than the general public.
3. Research, and press reports, have documented a number of instances in which the registry has led to the detection and prevention of sexual crimes. For example:
 - In February 2014, a former sheriff's deputy in Colorado saw a man who appeared to be watching children from his car, which was parked outside an elementary school. The former deputy recognized the man from his image on the sex offender registry. The registrant, who had a previous conviction for sexually assaulting children, was interviewed by police. They determined that he was there looking for the "perfect" girl to lure into his car. He was arrested;
 - Earlier this month, in Ohio, a law enforcement officer recognized a registered sex offender who was driving a car full of children in a parade. Investigation found he had been left in charge of those children for several days as their "adult mentor" was prepping for the parade. He was a child sex offender, on parole, with a no-contact order for children. He was arrested.

Similar stories have emerged from across the nation. It is not guaranteed that these offenders would have committed a sexual assault if they had not been recognized, but it appears that in each case the offender was far out of legal bounds, that he knew this, and that he was pursuing opportunities and access to potential victims. Investigations in each case led to the determination that there was probable cause for arrest. It is unlikely that these crimes would have been detected without the registry.

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We will rarely know the names of the near-victims saved by registries, and this is precisely the point. The registry helps the public identify and respond to risk; it offers a way to intervene before plans toward sexual assault are carried through. In those cases we do not have to learn a new name like Megan Kanka, Jacob Wetterling, or Adam Walsh. As the above list of arrests show, the registry has helped in the detection of crime. From a law enforcement perspective, and for much of the public, that makes registries extremely valuable.

The U.S. Marshals Service is very proud to have the Adam Walsh mission. We are proud because we are a data driven agency, and the data shows that the registry makes sense. Scientific research shows us that the registry is comprised of dangerous individuals and associated with increased public safety. We can point to myriad examples in which the registry has played a role in preventing sexual crimes.

It is clear that the registry is controversial, and that there are some legitimate challenges or hardships implied by this policy. It is important to take criticisms seriously, and we do that here at the U.S. Marshals Service. However, as a “data driven” agency, we have come to find many of the criticisms of the registry without merit or exaggerated.

As one example, a recent and widely reported study by an advocacy group concluded that perhaps 200,000 registrants—one third of the registry—were under the age of 18. They also argued that the majority of these crimes were hardly the serious predatory sexual offenses legislators intended. Rather, these were primarily Romeo & Juliet liaisons—consensual affairs between similarly aged teenagers. Collectively, they argue, these facts challenge the legitimacy of registration.

The USMS holds a copy of the National Sex Offender Registry data, and so our statisticians have examined this question in depth. What did they find?

- There are fewer than 2,000 juveniles on the registry today.
- These 2,000 do not appear to be Romeo & Juliet cases. Among cases in which victim age is reported, we see 80% of those victims were below age 10. The average victim was 8 and half years old.
- Additional research that we’ve conducted, and published in peer reviewed scientific journals, shows that less than 1% of all sex-crime arrests by police are for “Romeo & Juliet” liaisons. Even if every arrest for those crimes resulted in a conviction and requirement to register, these individuals would still comprise less than 1% of the registry.
- Incidentally, that research also shows that statutory rape in general is unlikely to comprise more than a trivial portion of registrants—it is not a large portion of sex crimes coming to law enforcement’s attention. And those statutory rape cases which do come to police attention have an average of 10 years age difference between victim and offender.

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No policy is perfect and we recognize that there is work that can, and is, being done to make the registry more effective, efficient, and fair. Critical voices and ideas are an important pathway by which improvements are made. But we must be careful to weight those criticisms carefully against data and evidence. The evidence to date shows us that our work together has indeed been valuable.

Now that I've told you why we are so proud to have this mission, I would like to tell you what we've done, specifically, to accomplish it:

As an agency, we have embraced the authorities of the Act and developed new tools and methods to help us enforce the mission, in addition to strengthening our partnerships.

In 2006, the USMS established the Sex Offender Investigations Branch (SOIB) to carry out its three major responsibilities established by the Adam Walsh Child Protection and Safety Act:

1. Assisting state, local, tribal and territorial authorities in the location and apprehension of non-compliant and fugitive sex offenders;
2. Investigating violations of the act for federal prosecution; and
3. Assisting in the identification and location of sex offenders who have moved as a result of a major natural disaster.

We have 94 Deputy U.S. Marshals conducting sex offender investigations on a full-time basis. In addition, the Sex Offender Investigations Branch has a permanently-assigned Deputy U.S. Marshal at NCMEC to manage USMS involvement in missing child cases.

In 2009, the USMS also established the National Sex Offender Targeting Center to act as an interagency intelligence and operations center. The Targeting Center is comprised of experienced sex offender investigators and USMS personnel, analysts from NCMEC's Sex Offender Tracking Team, and full-time liaison personnel from the Department of State's Diplomatic Security Service and the United States Army. Additionally, the NSOTC maintains ongoing relationships with many agencies and organizations that contribute resources and information that support the investigations of non-compliant sex offenders.

The NSOTC and its partners work together to enhance law enforcement's capabilities to identify, locate, arrest, and prosecute those offenders who continue to prey on our communities.

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What is the result of this effort?

Since its inception, the SOIB has planned and executed more than 2,300 sex offender compliance and enforcement operations. During these operations the USMS has partnered with state, local, tribal, and territorial law enforcement partners to conduct more than 330,000 compliance checks.

Since the Adam Walsh Act was signed into law, the Marshals Service has arrested more than 105,000 fugitive sex offenders, including 37,000 wanted on state/local warrants for failure to register. The USMS initiated more than 25,000 federal Adam Walsh Act investigations, and arrested approximately 4,000 individuals for violation of the Act.

Since the passage of the Adam Walsh Act, the USMS has safely recovered more than 680 missing children and arrested 560 of their abductors.

While these numbers are impressive, remember that more than 700,000 registered sex offenders live in the United States. USMS analyses show that, *on any given day*, approximately 30,000 have warrants for their arrest. Nearly 1,000 of these are for *new* contact-sex crimes or homicides.

These numbers are stunning in and of themselves. And they reflect a one day snap shot. They would be even more alarming if summed across an entire year.

Despite these challenges, I assure you that the U.S. Marshals Service is up to the task of building on our successes afforded by the Act. We will continue to work with our partners at NCMEC and SMART to protect the public from non-compliant sex offenders through enforcement of registration laws.

Thank you for all you do to make and keep our communities safe, and thank God for the Adam Walsh Child Protection and Safety Act.