



THE UNITED STATES VIRGIN ISLANDS

OFFICE OF THE GOVERNOR
GOVERNMENT HOUSE

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340-774-0001

July 24, 2014

VIA U.S. First Class Mail

Ms. Dawn Doran, Acting Director
SMART Office/Office of Justice Programs
U.S. Department of Justice
810 7th Street, NW
6th Floor
Washington, ■■■ 20531

Re: Update on the Efforts of the United States Virgin Islands to Maintain its Substantial Implementation Status and to Implement the Remaining SORNA Requirements

Dear Ms. Doran:

This letter is in response to your correspondence dated April 17, 2014 and in accordance with the Supplemental Guidelines for Sex Offender Registration and Notification that are referenced in your letter. The Virgin Islands Department of Justice (the "Department"), on behalf of the Territory is committed to continue to work with the personnel of the United States Department of Justice's Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking ("SMART") to preserve our status as one of the United States jurisdictions that has substantially implemented the provisions of the Sex Offender Registration and Notification Act ("SORNA"), Title I of the Adam Walsh Child Protection and Safety Act of 2006. The Virgin Islands Department of Justice continues to work closely with other federal and local law enforcement agencies as well as other interested local non law-enforcement agencies to monitor, track and apprehend sex offenders in the Territory. Moreover, the Virgin Islands Sex Offender Registry's public website, which was established with the assistance of the SMART Office as part of the Territory and Tribe Sex Offender Registry System, continues to serve an integral role in the program, making it possible for the our residents to beware of known convicted sexual predators who reside in the Territory.

The United States Virgin Islands continues to substantially implement the requirements of SORNA. There have been no legislative changes to our local sex offender statute since July 27, 2013.

Of concern, as mentioned in my previous letter dated June 12, 2013, is that the new amendments to our local statute are being challenged by pending litigation in the Superior Court of the Virgin Islands. In that case, a sex offender is challenging the new requirements which now require him to register, when in the past he was not required to register on account of his conviction date having predated the effective date of the statute. He has requested that the Court have his name removed from the registry. Depending on the outcome of the case, additional amendments to the local statute may be required. We will continue to monitor the case.

Our substantial implementation status as an interim assessment is gratifying, but it is the objective of the Territory to fully implement the SORNA requirements. As we move forward, we have accomplished many of the goals set forth in my last correspondence. First, I am pleased to report that the Virgin Islands Sex Offender Program now has direct connectivity to the database of the Federal Bureau of Investigations (the "FBI"). All of the required information on all sex offenders who are registering with the Department is now being entered into this database. Second, we have hired an investigator to work with the program on the island of St. Croix. Third, the Territory is now submitting the finger and palm prints of all registered sex offenders to the FBI as required under SORNA. Finally, we have completed the policies and procedures that govern the operation of the Sex Offender Registry Program. This is a working document that we anticipate will require some changes as the program continues to evolve.

Additionally, the Department of Justice is in the process of conducting a public awareness campaign (to include the creation of posters, brochures and public service announcements) aimed at educating the members of the Virgin Islands community about the Sex Offender Registry Program and how the Sex Offender Registry can be utilized by these residents to afford them more protection.

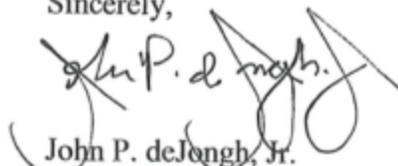
Notwithstanding the above, we continue to experience some challenges to our full implementation of the SORNA requirements. One challenge relates to our inability to access the re-allocated 2012 Byrne/JAG Grant Funds that were previously reduced by 10%. As you may recall, our request to reallocate this money was granted. The purpose of that request was to use the reallocated money to hire an individual on a temporary basis to assist with the creation of the policies and procedures and the overall enhancement of the Sex Offender Program. The 10% that was reallocated was directed to our Law Enforcement Planning Commission ("LEPC") to be distributed to us. However, the LEPC remains under restrictions because of their last audit and cannot gain access to the money. In the absence of this funding, we cannot hire the necessary individual, and in the absence of this individual, full implementation of SORNA has been made ever more difficult.

Another challenge relates to our inability to hire a qualified individual for the post of investigator for the program on St. Thomas. As stated in my previous letter, it is in part due to our decision to hire only individuals who possess the requisite police training. Our positive experience with the individual who was hired on the island of St. Croix and who meets this criterion, clearly supports this decision. The Attorney General is currently reviewing resumes of prospective employees.

Yet another challenge to our full implementation of the SORNA requirements concerns the submission of DNA samples to the FBI. The Virgin Islands Department of Justice currently does not collect DNA samples. Moreover, while the Virgin Islands Police Department does collect DNA samples for some arrestees, these samples are not submitted to the National Crime Information Center ("NCIC") for input into its databank. In fact, they are used only to compare the samples against the NCIC databank. Hence, the Department, through the Special Counsel to the Attorney General Monica Carbon Williams, is making the necessary arrangements to collect and submit the DNA samples to the FBI.

We have worked hard to ensure that the Territory retains its status as having "substantially implemented" the requirements of SORNA. Irrespective of the immediate challenges, and there will doubtless be many more in our future, we are confident that we will continue to enhance the Sex Offender Registry Program as required by law in order to achieve our goal of fully implementing the SORNA requirements. We look forward to continuing to work in partnership with your office to achieve these worthy ends.

Sincerely,



John P. deJongh, Jr.
Governor