

Senator Jeff Sessions
Questions for the Record
Stacia A. Hylton

1. The Marshals Service has the primary responsibility for compliance with the Adam Walsh Act in locating unregistered sex offenders. Based on your experience, what legal tools does the Service need to enforce the Adam Walsh Act?

First and foremost, our most valuable asset in enforcing the Adam Walsh Act is a highly-trained investigative workforce to ensure sex offenders comply with the Act. The Marshals Service is fortunate to have received enhanced resources to enforce the Act in recent years. The Marshals Service has used these resources to open its Sex Offender Targeting Center and to hire and train over 175 dedicated sex offender investigators.

Additional tools, such as the ability of the Marshals Service to secure its own administrative subpoena authority to obtain records, could help make sex offender investigations more productive. The Department and the Marshals Service fully support the mandates of the Adam Walsh Act and appreciates its importance to this Committee. I understand and appreciate that Senator Sessions recently introduced, and passed through this Committee, an amendment that would provide the Marshals Service with administrative subpoena authority for sex offender investigations. I understand that the Administration has not issued a position on the Sessions amendment. The Department of Justice, however, has expressed significant concerns about expanding the use of administrative subpoenas to obtain testimony. I support the aspect of the legislation that provides the Marshal Service with the authority to subpoena records. Should the Marshals Service be provided administrative subpoena authority to obtain records, it would join other federal agencies, such as the DEA and FBI, in having access to this useful investigative tool. In the case of the Marshals Service, administrative subpoena authority for records would be used to locate and apprehend fugitives. Some fugitives, including sex offenders, can be particularly difficult to locate, and additional timely access to their location information through, for example, subpoenaing records from service providers, can be critical to effecting a successful apprehension. The ability to use administrative subpoenas could directly and positively address this concern.

If confirmed, I will work within the Department of Justice and with Congress to ensure that we responsibly provide all the tools necessary to keep children safe. I will stand ready to use all available resources, both monetary and non-monetary, to meet this critically important objective.

2. Earlier this year, I spearheaded an initiative to enable the Marshals Service to pursue administrative subpoenas to locate such offenders and, in September, the Committee passed legislation including a provision to that effect.
 - a. How would administrative subpoena authority enable you to enforce the law more effectively?

The Marshals Service could potentially save valuable time in locating fugitives by being able to use an administrative subpoena to obtain records to ascertain location information.

Fugitives who know that federal law enforcement agents could be looking for them often change identities frequently and move from one place to another to avoid detection. Timely access to documents from service providers, such as motels, rental car companies, and communications providers, could keep these dangerous fugitives from being one step ahead of detection.

b. Do you believe that the Marshals Service can responsibly utilize administrative subpoenas?

If confirmed as the Director of the Marshals Service, I assure you that I would put the proper mechanisms in place to responsibly execute administrative subpoena authority for records. I would consult with law enforcement agencies that currently have this authority to establish best practices. I would ensure that the Marshals Service's Office of General Counsel participates in setting up a framework to ensure legal compliance, and I would direct appropriate training for any Deputy Marshal who would be authorized to use this authority. Finally, I would ensure that a senior level manager in the Marshals Service would be involved in every decision regarding individual requests to exercise this authority.