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 9 **UNITED STATES DISTRICT COURT**
NORTHERN DISTRICT OF CALIFORNIA
 10 **OAKLAND DIVISION**

11 JOHN DOE #1 et al.,)

12)
 13 Plaintiffs,)

14 vs.)

15 JOHN KERRY, in his official capacity as)
 Secretary of State of the United States, et al.)

16 Defendants.)

Case Number: 4:16-cv-00654-PJH

DECLARATION OF ERIC C. MAYO

17)
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 19)
 20)
 21 I, Eric C. Mayo, declare as follows:

22 1. I am a Senior Inspector of the United States Marshals Service (USMS), assigned
 23 to the National Sex Offender Targeting Center (NSOTC). USMS is the lead agency charged
 24 with federal enforcement of sex offender registration requirements. The USMS created the
 25 NSOTC in 2009 as the office primarily responsible for the coordination of such enforcement
 26 activities. My responsibilities as a Senior Inspector in this office include coordinating
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1 cooperative efforts between the NSOTC and other federal agencies regarding the provision of
2 international notifications of traveling sex offenders.

3 2. I am aware that plaintiffs in the above-captioned lawsuit seek to enjoin certain
4 notification provisions of the International Megan's Law. I submit this declaration to describe
5 longstanding efforts by USMS and the United States National Central Bureau, INTERPOL
6 (INTERPOL-USNCB) to notify destination countries regarding planned international travel by
7 registered sex offenders. The statements I make herein are based on my personal knowledge and
8 on facts and information provided to me in the course of my official duties.

9 3. While the International Megan's Law provides additional authority for USMS to
10 provide notifications regarding traveling sex offenders, USMS, in cooperation with
11 INTERPOL-USNCB, has operated a Traveling Sex Offender (TSO) notification program since
12 at least 2011 under existing authorities.

13 4. The Sex Offender Registration and Notification Act (SORNA) directs the
14 Attorney General, in 42 U.S.C. § 16941(a), to "use the resources of Federal law enforcement,
15 including the [USMS], to assist jurisdictions in locating and apprehending sex offenders who
16 violate sex offender registration requirements." Pursuant to its law enforcement authority,
17 USMS also enforces 18 U.S.C. § 2250, a provision added by SORNA which imposes criminal
18 penalties on those who knowingly fail to register or update a registration as required by
19 SORNA.
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21 5. The Attorney General's Supplemental Guidelines issued in 2011 pursuant to
22 SORNA generally require States and other jurisdictions with sex offender registries to direct
23 their registrants to notify the registry 21 days in advance of any intended foreign travel. 76 Fed.
24 Reg. 1630, 1637-38. Pursuant to 42 U.S.C. § 16921(b), upon receipt of notification, the registry
25 must then notify USMS of the registrant's planned travel. See 76 Fed. Reg. at 1637. Since 2012,
26 a standard notification form has been used for this purpose. The USMS NSOTC reviews the
27 notification form for accuracy and completeness.
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1 6. In connection with its law enforcement mission to enforce 18 U.S.C. § 2250, and
2 pursuant to its law enforcement authority to share information among law enforcement
3 agencies, the USMS then transmits the biographical, itinerary, and conviction information of the
4 TSO to INTERPOL-USNCB. INTERPOL-USNCB then sends a notification message, akin to
5 electronic mail, to the destination country, providing limited, concise information of the
6 intended travel and the nature of the TSO's conviction. The notification does not include any
7 recommendation to the destination country regarding how to use the provided information.

8 7. In some instances, USMS is not notified of intended travel by a registered sex
9 offender because the sex offender does not report the intended travel, or because the registration
10 jurisdiction does not collect international travel notifications or does not forward the
11 information to USMS. In the event the registry does not notify USMS, USMS may use
12 information obtained by coordinating with DHS, which shares with USMS the names of
13 subjects identified as registered sex offenders via a match between passenger information and
14 information in the National Sex Offender Registry (NSOR). A USMS NSOTC employee
15 detailed to the facility where these comparisons are made attempts to determine if a TSO is
16 traveling without having made the requisite advance notification, potentially in violation of
17 federal or state registration requirements.

18 8. During the process described in the preceding paragraph, USMS NSOTC
19 telephonically contacts the registry to verify that the traveling individual is in fact still required
20 to register and that the information provided to USMS NSOTC based on the comparison of
21 passenger information with NSOR information is accurate. If there is sufficient time in advance
22 of the intended travel, USMS NSOTC offers to complete the international notification form, if
23 the state/jurisdiction authorizes USMS to do so. If the registry indicates that the individual is
24 not required to register, or if the registry objects to providing an international notification,
25 USMS NSOTC does not proceed with an international notification. Otherwise, provided that the
26 registry has confirmed that the individual is subject to registration requirements, USMS NSOTC
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1 then sends the information to INTERPOL-USNCB to make the international notification.
2 INTERPOL-USNCB then notifies the destination country as described above.

3 9. As part of the cooperation between INTERPOL member countries, INTERPOL-
4 USNCB also receives and processes reciprocal TSO notifications from member INTERPOL
5 countries regarding convicted sex offenders in those countries who intend to travel to the United
6 States. When received, INTERPOL-USNCB immediately forwards these notifications to DHS,
7 which has sole jurisdiction to make determinations relevant to admissibility into the United
8 States.

9 10. While the International Megan's Law sets forth details regarding required
10 cooperation between the USMS and the Angel Watch Center that is to be established within the
11 Department of Homeland Security, Homeland Security Investigations, the notification process
12 described in § 5 of the International Megan's Law is essentially the same process already
13 underway through the USMS's TSO international notification program. The USMS anticipates
14 continuing to use notifications provided by registries as well as passenger information provided
15 by DHS in order to identify registered sex offenders planning international travel and to send
16 information about such individuals to INTERPOL-USNCB and the Angel Watch Center to
17 provide international notifications via their respective channels.
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19 11. If the existing TSO international notification program were required to halt as a
20 result of an injunction issued in this litigation, convicted sex offenders who are already required
21 to register with sex offender registries in this country would be able to cross international
22 borders without notice to the destination country as described above—ending a practice that has
23 been in place since 2011. An injunction that impacts the existing international notification
24 program would also harm efforts to encourage information sharing between the United States
25 and other countries, potentially affecting the willingness of other countries to cooperate in
26 providing reciprocal notifications regarding sex offenders seeking to travel to the United States.
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1 I declare under penalty of perjury under the laws of the United States that the foregoing
2 is true and correct and that this declaration was executed on March 4th, 2016.
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6 Eric C. Mayo
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