

NLWJC - Kagan

DPC - Box 011 - Folder 039

Crime - Sex Offender Directive

Crime - sex offender directive



Jose Cerda III

09/17/97 12:25:29 PM

Record Type: Record

To: Elena Kagan/OPD/EOP, James A. Dorskind/WHO/EOP, Kent Markus/DOJ/GOV @ DOJ
cc: Leanne A. Shimabukuro/OPD/EOP, Emily Bromberg/WHO/EOP
Subject: sex offender letter

Esteemed Colleagues:

Attached please find what I take to be the final version of the sex offender/technology letter to the govs. I don't think it differs much from what was sent around last week -- minor justice edits only -- but some of the circumstances surrounding the letter/directive have changed significantly.

1. The House Judiciary Committee marked up and passed important amendments to the Jacob Wetterling Act that will help States and the Administration in implementing the sex offender registry. These amendments, which go beyond the scope of our intended directive, are likely to be tacked on to an appropriations bill, and Justice does not want to jeopardize their passage by issuing an overlapping/competing directive now that the legislation has moved forward. ✓

2. The letter to the govs focuses not only on the registry, but on other important technology pieces. While Rahm was most concerned with the sex offender language, we've also included other language that's important to a long-term Brady fix, child care background checks and other information sharing. As a result of the positive response we've gotten from the AG's letter to the govs -- and because of the increasing importance of these other related issues -- Justice wanted to make sure they we're also part of the letter.

Thus, unless anyone has any concerns, I suggest we work to clear and send the President's letter this week, and that we hold on the directive until we see what happens with the Wetterling amendments bill. Ultimately, we may lose the opportunity to do the directive, but the legislation moving forward on the Hill will help us even more.]

Jose'

----- Forwarded by Jose Cerda III/OPD/EOP on 09/17/97 10:45 AM -----

Leanne A. Shimabukuro 09/17/97 10:44:27 AM

Record Type: Record

To: Jose Cerda III/OPD/EOP
cc:
Subject: sex offender letter

I have made the changes proposed by Justice. As we discussed the sex offender directive language was deleted. Also, the number of states participating in the sex offender registry is now 11 and the letter now says the Compact will be transmitted to Congress the same day as the letter is sent. Forward this draft as appropriate.]

DRAFT

Dear Governor _____ :

The continuing explosion of new technologies gives us a groundbreaking opportunity to work together to link our federal and state law enforcement efforts in ways we never thought possible even a few years ago. For example, we are now able to track the whereabouts of convicted sex offenders to prevent them from committing new crimes. If we continue to coordinate our efforts, I am convinced that American public safety will benefit significantly.

From the historic 1994 Crime Act through the National Crime Prevention and Privacy Compact that I will soon submit to Congress, my Administration has strived to pass legislation to harness computers and other technology for the public good. Many of our states' governors have played crucial roles in fighting to pass this legislation, and I thank you again for that assistance. Although these laws are an important foundation for federal and state cooperation, the new technologies can do only what we commit them to do, and we still need to do much more -- including exchanging criminal records between states for employment checks on workers in occupations that deal with children, and using incident-based crime reports to help police solve specific types of repeated crime, such as church arson or serial murder. Federal and state governments must forge a close partnership to realize the full potential of these new technologies. I am prepared to take actions to intensify our federal efforts in the coming months, but I will need your help in order to ensure our success in several initiatives.

In June of 1996, I directed the Attorney General to develop a national sexual predator and child molester registration system to link the sex offender registration and notification systems being developed in all 50 states. The Interim national sex-offender registry became operational earlier this year, and the Attorney General recently wrote to enlist your assistance. I am encouraged that eleven states have already loaded their information on sex offenders onto the system, with many of you pledging to do so within the next few months. I am grateful for any help you can provide in making this *national* sex offender registration system a reality.

I am today submitting to the Congress the National Crime Prevention and Privacy Compact to facilitate the exchange of criminal records using an FBI index of state-maintained criminal information

that states can access nationwide. The Compact would standardize policies for sharing of criminal records for purposes such as pre-employment background checks for child care workers and school bus drivers. It would improve access to criminal records and save the states and the federal government money by avoiding duplication of effort. I hope I can count on your support of the Compact as it moves through your State legislature.

Many Federal laws --including the Brady Handgun Violence Prevention Act, the Violence Against Women Act, and the Child Protection Act --contain provisions to help states automate and improve their criminal records, especially to block handgun sales to prohibited gun purchasers and allow for easy identification of criminal offenders subject to "three strikes" laws. The Department of Justice's Bureau of Justice Statistics (BJS) stands ready to help states reach this goal through the National Criminal History Improvement Program. BJS has already awarded more than \$150 million to states, with a total of \$226 million authorized. I urge your State to take full advantage of this program.

As you know, the FBI's Uniform Crime Reporting Program gives us data that help us measure our progress in reducing crime. The next generation of UCR, the National Incident-Based Reporting System, will usher in a new era of crime data -- so that we can tell for example, that a crime was a hate crime, an incident of domestic abuse, or a crime directed at a child. Such information will help law enforcement agencies identify local and national trends, and lead to quicker arrests of violent offenders. The Justice Department is working with states, counties, and cities to expand the NIBRS. I hope that you will lend your support to this effort.

With your State's active participation, we can make significant progress in all of these initiatives. Your personal involvement is key in making this happen. I look forward to working with you to achieve our mutual goal -- using new technologies to make America safer for all our citizens.

Sincerely,

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directive

Leanne A. Shimabukuro 06/04/97 12:04:53 PM

Record Type: Record

To: Jose Cerda III/OPD/EOP, Elena Kagan/OPD/EOP

cc:

Subject: sex offender directive

I'm giving you both revised versions of the sex offender directive. As you may (or may not) recall, a previous version of the sex offender directive had gone through an expedited clearance about one month ago. At the time, Staff Secretary's office raised concerns about two things:

1. The first three background paragraphs of the directive were nearly identical to a directive from one year ago; and
2. The term "federal and military sex offenders" used throughout the directive sounded like a legal term of art, which it is not.

Phil Caplan suggested condensing the first three paragraphs of the directive, and changing the language on "federal and military sex offenders."

I've been working with Justice to do both, and the new version reflects these changes. I've also attached the old version of the directive which shows how the language has been changed. I've indicated where I re-inserted part of one sentence that is lined out in the old version.

Please review and let me know if you have changes. I would like to get this version cleared through ASAP since it looks like we may be doing this before next Thursday's hearing on Wetterling. Thanks!

Elena- I'm sticking this on the fax to you.