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

11  
12 JOHN DOE #1 et al.,

13 Plaintiffs,

14 vs.

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

17 Defendants.

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

**DECLARATION OF ACTING DEPUTY  
ASSISTANT DIRECTOR PATRICK J.  
LECHLEITNER**

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22 I, Patrick J. Lechleitner, declare as follows:

23 1. I serve as the Acting Deputy Assistant Director (DAD) for the Cyber Crimes  
 24 Division within the U.S. Department of Homeland Security (DHS), U.S. Immigration and  
 25 Customs Enforcement's (ICE) Homeland Security Investigations (HSI). In this capacity, I am  
 26 responsible for strategic planning, national policy implementation, and the development and  
 27 execution of operational initiatives. The Cyber Crimes Division provides investigative services  
 28 to ICE HSI Special Agents located throughout the United States and abroad. These services

1 include oversight of the ICE HSI Cyber Crimes Center (C3), to address transnational  
2 cybercrime threats and the criminal exploitation of the Internet through specialized units which  
3 focus on cybercrime, computer forensics, and child exploitation investigations, and the ICE HSI  
4 Forensic Laboratory.

5 2. I am aware that plaintiffs in the above-captioned lawsuit seek to enjoin certain  
6 notification provisions of the International Megan's Law. I submit this declaration to describe  
7 longstanding proactive investigative and enforcement activities to notify destination countries of  
8 individuals with convictions for sexual crimes against children who have traveled or are  
9 traveling in foreign commerce. The statements I make herein are based on my personal  
10 knowledge and on facts and information provided to me in the course of my official duties.

11 3. Each year, over a million children are exploited in the global commercial sex  
12 trade. For the minors involved, these acts have devastating consequences, which may include  
13 long-lasting physical and psychological trauma, disease, drug addiction, unwanted pregnancy,  
14 malnutrition, social ostracism and possibly death. U.S. citizens are involved in child sex  
15 tourism crimes each year, and it remains a priority for ICE HSI to apprehend and prosecute U.S.  
16 citizens who engage in sexual acts with minors in foreign countries.

17 4. While International Megan's Law provides additional legal authority for ICE  
18 HSI to provide notifications on traveling child sex offenders and creates an "Angel Watch  
19 Center" within C3, Operation Angel Watch has been in effect for many years pursuant to  
20 existing statutory and regulatory authority.

21 5. Angel Watch began in 2007 as an operation within ICE HSI in our Los Angeles  
22 office to target known child sex offenders traveling from the Los Angeles International Airport  
23 to Southeast Asian countries known for sex tourism. After seeing the success of the operation,  
24 it was moved to ICE HSI headquarters in 2010 and became a national operation. The Operation  
25 is focused on reducing the risk of child sex tourism posed by U.S. citizens and lawful permanent  
26 residents.  
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1           6.     The purpose of Operation Angel Watch is to identify those who have been  
2 convicted of sexual crimes against children and who have upcoming international travel plans  
3 and, when appropriate, to notify law enforcement and/or border security officials in the  
4 destination country.

5           7.     Operation Angel Watch has operated under pre-existing statutory and regulatory  
6 law enforcement authorities and bilateral agreements with foreign governments. ICE HSI relies  
7 on Customs Mutual Assistance Agreements (CMAAs) to facilitate information sharing under  
8 Operation Angel Watch. These CMAAs are agreements between the United States and other  
9 governments which specifically provide for the confidential treatment of information shared  
10 with foreign customs services. There are currently 76 CMAAs in place, many of which cover  
11 popular child sex tourism destinations.

12           8.     Operation Angel Watch's notification process begins when air carriers submit  
13 passenger manifests, as required by regulation, for multiple law enforcement and national  
14 security purposes. Operation Angel Watch uses the passenger manifest data to conduct  
15 automated queries against the National Sex Offender Registry (NSOR), which is part of the  
16 National Crime Information Center (NCIC) database, to identify traveling U.S. citizens or  
17 lawful permanent residents convicted of sex crimes against minors.

18           9.     DHS further reviews each positive match to ensure that the individual was  
19 convicted for a crime against a child. If not clearly stated in the NSOR record, or on the  
20 publicly available state sex offender websites, the individual's criminal history is reviewed to  
21 further ensure the conviction involved a child victim.

22           10.    C3 does not make blanket notifications for all U.S. citizens or lawful permanent  
23 residents planning international travel who are identified by DHS as having a conviction  
24 involving a minor. Rather, C3 uses discretion after reviewing relevant information to determine  
25 which matches more strongly suggest intended child sex tourism.

26           11.    Relevant information about the traveling child sex offender's underlying  
27 conviction and impending international travel that is considered when determining whether to  
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1 make a notification may include, but is not limited to: the nature of the underlying offense, the  
2 age of sex offender at the time of the underlying offense, the amount of time that has passed  
3 since the conviction, any subsequent criminal history, the pervasiveness of child sex tourism in  
4 the destination country, and the purpose of the impending international travel. If the relevant  
5 facts do not suggest potential child sex tourism, DHS will take no further action regarding the  
6 individual. If the relevant facts suggest potential child sex tourism, C3 will then send the  
7 traveling sex offender's information to the ICE HSI Attaché office or to other DHS employees  
8 servicing the destination country.

9 12. Information will be sent to an ICE HSI Attaché office only if the traveling child  
10 sex offender has a current sex offender registration requirement as provided in the NSOR  
11 record. C3 does not send notifications concerning individuals whose sex offender registration  
12 requirement has expired or has otherwise been expunged.

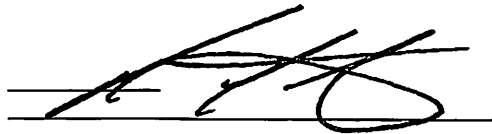
13 13. The ICE HSI Attaché office decides if, how, and what information will be shared  
14 with the host country. While Operation Angel Watch currently functions as a referral program,  
15 transmitting information to foreign counterparts and not advocating for the country to take any  
16 specific action, the program plays a crucial role in ICE HSI's mission to identify, prevent and  
17 investigate child exploitation crimes – and dismantle such criminal networks. The sharing of  
18 information can and does result in the United States being notified of a U.S. citizen or lawful  
19 permanent resident engaging in acts that violate U.S. law, allowing ICE HSI to pursue further  
20 investigative action within its recognized mission space.

21 22 14. While the International Megan's Law requires the establishment of an Angel  
23 Watch Center, the notification process described in § 4(e) of the International Megan's Law is  
24 essentially the same process already underway through Operation Angel Watch. The Angel  
25 Watch Center will be established as a component of C3, and C3 will therefore continue to  
26 conduct reviews and analysis of relevant information on international travelers matching the  
27 NSOR. Likewise, C3 will make notifications in the same manner it has been successfully doing  
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1 for years under Operation Angel Watch, and will continue to exercise its discretion regarding  
2 when it is appropriate to make such notifications.

3 15. If the injunction requested by the plaintiffs were to impact (directly or indirectly)  
4 Operation Angel Watch as it currently functions, ICE HSI's ability to help prevent child sex  
5 tourism would be at immediate risk of harm. Any action to halt or limit these activities risks  
6 harm to U.S. children and children abroad. Stopping the notification process on travel by U.S.  
7 persons also risks the loss of reciprocal information on child sex offenders who travel to the  
8 United States.

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10 I declare under penalty of perjury under the laws of the United States that the foregoing is true  
11 and correct and that this declaration was executed on March 4, 2016.

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16 Patrick J. Lechleitner  
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