

Opposition to House Bill 1340

Mr. Chairman, members of the house judiciary committee, my name is Jesse Jahner, and I am the elected Sheriff of Cass County, North Dakota. I am strongly opposed to House Bill 1340. The way that House Bill 1340 is written will severely limit law enforcement's ability to conduct community-oriented policing, interact with our citizens and our business, and hinder our ability to conduct criminal investigations to include homicide investigations, human trafficking investigations, narcotics investigations and provide public safety. In North Dakota Century Code Title 11, which outlines the duties of the Sheriff, it states that the Sheriff shall preserve the peace, prevent all affrays and breaches of the peace which come to the Sheriff's Knowledge, serve all processes or notices in the manner prescribed by law to name a few. House Bill 1340 takes away the Sheriff's duties as has been assigned constitutionally in the State of North Dakota.

I have worked with the Cass County Sheriff's Office for 22 years. I am both a State and National certified Police Instructor. I have received over 3,000 hours of specialized training. I have provided 2,200 hours of Peace Officer Standards Training Board training hours to officers in the States of North Dakota, Minnesota, and South Dakota. During my time at the Sheriff's Office, I have had the very fortunate opportunity to serve as a Sergeant and Captain overseeing personal and property crime investigations, narcotics investigations, human trafficking investigations, and gang investigations. While leading these Investigative Units, I have written and applied for several search warrants. I am not sure if this is the intent of the sponsor of this bill but given my experience, I feel I can provide several examples of where house bill 1340 would severely limit law enforcement's ability to serve our citizens in North Dakota and provide public safety.

Points of House Bill 1340

-Law Enforcement Officer may not enter private land unless the law enforcement officers receive permission from the landowner or lessee.

(The definition of private land, in my opinion, has the same meaning as private property. The definition of private property is land not owned by the government or dedicated to public use.)

Exceptions to House Bill 1340

- Probable cause exists that a violation of the law has occurred, is occurring, or is about to occur.
- A search warrant has been issued
- Responding to an emergency situation, accident, or other threat to public safety

Definition of Reasonable Suspicion – is a lesser standard than probable cause but is more than a hunch or speculation. The officer must articulate specific facts that, taken together with rational inference,

would reasonably warrant that officer to believe a crime had occurred, is occurring, or is about to take place.

Define of Probable Cause – is a lesser standard than beyond a reasonable doubt but is more than a suspicion. Officer must be able to show that facts and circumstances within the officer's control and any knowledge gained from reasonably trustworthy information warrant a reason to believe that an offense has been or is being committed. Corroborating information, information an officer can show exists or prove.

4th Amendment to the United States Constitution Already Exists

Protects Individuals against unreasonable search and seizures and states that no warrants shall be issued unless there is probable cause. People have the right to be secure in their persons, houses, papers, and effects.

Scenarios Of Law Enforcement Services Highly Impacted

- Duties of the Sheriff will be extremely impacted.
 - Civil process service/Cass County serves approximately 10,000 papers a year
- Community Oriented Policing
 - Interactions with our businesses and citizens
 - Conducting after business and door checks
 - Stopping in to see how we can better serve our businesses/eating at a café/using a restroom/fueling our vehicles
 - Off-duty interactions
 - Proactive policing impacted/checking on burglaries, suspicious activity
 - Anonymous complaints
- Investigations
 - knock and talks/witnesses suspects
 - Unattended death investigations
 - 911 hang-ups
 - Welfare checks