

## House Bill 1270

My name is Jesse Jahner, and I am the Elected Sheriff of Cass County, North Dakota. I have worked with the Cass County Sheriff's Office for 22 years. I currently sit as a board member on the North Dakota Peace Officer and Standards Training Board (POST), Crime Victim Services Board, and am the Vice-Chair of the Dakota Territories Sheriff's Association. I write in strong opposition to House Bill 1270. House Bill 1270 would pose extreme challenges to how law enforcement conducts criminal investigations to include narcotic investigations, human trafficking investigations, domestic violence investigations, and murder investigations. The bill also causes problems with one-party consent and will pose difficulties for law enforcement and its ability to use body cameras. Regular sex offender checks by law enforcement will become extremely difficult or nonexistent. Finally, the bill will make it hard for law enforcement to plan out and execute high-risk law enforcement search warrants in a safe manner to protect the public.

Surreptitious Intrusion already exists in North Dakota Century Code. The amendment adds particular equipment and tactics typically used by law enforcement or private investigators. This seems to be specifically drafted to limit law enforcement's ability to conduct criminal investigations and provide public safety. Law enforcement does not use these tools on citizens unless illegal activity is reported to them. A person is suspected of it, or it is known that an individual is involved in criminal activity. The other reason law enforcement may use these tools is to perform well-being checks.

The Fourth Amendment to the United States Constitution already protects our citizens against unreasonable search and seizures. Also, this bill conflicts with North Dakota Century Code on the duties of the

Sheriff. North Dakota Century Code states that the Sheriff's responsibilities include serving civil process papers and serving arrest warrants, to name a few. If this bill is approved, public safety and the ability to locate, interview, and solve these cases will be extremely difficult. Some may wonder why we would not get a search warrant. A search warrant can only be obtained by developing probable cause, not through reasonable suspicion. Here are examples of the limits this bill would put on law enforcement.

- During narcotic investigations - surveillance is done to corroborate information, gather additional information through photographs, video, and sometimes audio to achieve probable cause. This bill would eliminate that.

- During Human Trafficking Cases - surveillance is done to corroborate information, gather additional information through photographs, video, and sometimes audio to achieve probable cause. This bill would eliminate that.

- Conducting sex offender checks - surveillance is done to corroborate information, gather additional information through photographs, video and sometimes audio to keep track of a sex offender's whereabouts and make sure they are residing at their reported address.

- To use body cameras on private property, law enforcement would have to ask for permission while called to an address to investigate criminal activity. At that point, in most cases, the suspect would probably tell them no.

- Duties of the Sheriff, serving civil process papers – Deputies usually conduct surveillance and observe on to properties to determine if the person they are looking for resides at the address. They would no

longer be able to do this based on this bill. They could not get a search warrant as it would not meet probable cause. The Cass County Sheriff's Office alone serves approximately 10,000 civil actions per year.

-Duties of the Sheriff, serving arrest warrants – Deputies usually conduct surveillance and observe on to properties to determine if the person they are looking for resides at the address. They would no longer be able to do this based on this bill, and they could not get a search warrant as it would not meet probable cause unless they physically see the individual on the property. The Cass County Sheriff's Office alone serves approximately 4,500 arrest warrants per year.

-Law Enforcement Agencies typically conduct surveillance, take photographs, conduct video surveillance to put together operational plans to execute high risk, high potential for violence, search warrants. This is done to protect the surrounding citizens, suspects, and officers. This would be a huge public safety issue.

-If a well-being check is reported to law enforcement by a family member who doesn't live on the property or in the area and wants law enforcement to check on the individual, upon arriving at the address if we were unable to get the individual to come to the door we could not investigate the activity further by observing or surveilling the property. Law enforcement would have to leave.

-Murder Investigations – law enforcement could not surveil, observe, take photographs, or video a murder suspect's property while trying to gather evidence to obtain probable cause to get a search warrant. If the suspect agreed to be interviewed on their property, we would have to tell them that we were audio recording them, at which point they would probably not provide a statement.

These are just a few examples of many where law enforcement's hands would be tied with this bill. I respectfully ask that this bill does not move forward in order to allow law enforcement the opportunity to investigate criminal activity and to continue to provide public safety to our citizens.

Respectfully,

Jesse Jahner

Cass County Sheriff