

DEPUTY SHERIFFS' ASSOCIATION OF SAN DIEGO COUNTY



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March 10, 2023

The Honorable Nick Schultz
Chair, Assembly Committee on Public Safety
1020 N Street, Room 111
Sacramento, CA 95814

RE: AB 358 (Alvarez) Technology Reform for Access to Crime Evidence – SUPPORT

Dear Chair Schultz,

The Deputy Sheriffs' Association of San Diego County supports AB 358, which seeks to address an important gap in the California Electronic Communications Privacy Act (CalECPA) by ensuring that law enforcement can access digital devices under limited circumstances to protect victims and investigate critical incidents without unnecessary procedural delays.

AB 358 allows timely access to electronic devices in two specific scenarios:

1. Deceased Victims – When a device is found with a deceased individual and law enforcement reasonably believes it belongs to the decedent, they can access it to determine cause of death and identify next of kin.
2. Recording or Tracking Devices – With the consent of an individual who finds a recording or tracking device in a space where they have a reasonable expectation of privacy (e.g., their home or vehicle), law enforcement may access the device to protect the individual from stalking or abuse.

The need for this legislation is particularly urgent in the context of the ongoing fentanyl overdose crisis and the rise of technology-facilitated stalking and abuse. Current law often delays investigations, leaving families without closure and survivors vulnerable to ongoing harm. AB 358 is a compassionate solution that balances public safety with privacy rights.

For these reasons, The Deputy Sheriffs' Association of San Diego County strongly supports AB 358. We urge the Legislature to pass this bill to protect Californians and ensure justice for victims and their families.

Sincerely,

MIKE O'DEANE
President
Deputy Sheriffs' Association of San Diego County