



September 29<sup>th</sup>, 2020

The Honorable Jerrold Nadler  
Chairman, Committee on the Judiciary  
U.S. House of Representatives  
Washington, D.C. 20515

The Honorable Jim Jordan  
Ranking Member, Committee on the Judiciary  
U.S. House of Representatives  
Washington, D.C. 20515

Dear Chairman Nadler & Ranking Member Jordan,

On behalf of the National District Attorneys Association (NDAA), Major County Sheriffs of America (MCSA), Major Cities Chiefs Association (MCCA), and Association of State Criminal Investigative Agencies (ASCIA), we write to express concerns with H.R. 5227, the *Technology in Criminal Justice Act of 2019*.

NDAA, MCSA, MCCA, and ASCIA continue to work with lawmakers and our Federal partners to improve the ability of State and local law enforcement to access and analyze digital evidence. We appreciate the bill sponsors' efforts to address this important issue and increase the dialogue surrounding the modernization of digital evidence procedures. This bill as introduced would help in some ways, but several improvements would help address some of the key issues relating to the challenge that law enforcement and prosecutors face when accessing and analyzing digital evidence.

First, the *Technology in Criminal Justice Act* would authorize grants for entities that provide training and technical assistance to law enforcement, but it would not authorize grants for State and local agencies themselves to build technical capacity. We encourage the sponsors to modify the bill to ensure a portion of the newly authorized grant funding focuses directly on assisting State and local law enforcement with building digital evidence capacity.

In addition, the bill does not properly incorporate existing procedures from the National Domestic Communications Assistance Center (NDCAC) that are vital to the work of State and local law enforcement. Rather, the legislation establishes a new office within the Department of Justice (DOJ) and a new Center of Excellence for Digital Forensics that would duplicate the work already being done by the NDCAC to assist our members in handling digital evidence. We suggest that the sponsors authorize these functions directly at the NDCAC.

Further, under the bill, State and local prosecutor and law enforcement agencies are not afforded a clear process to provide feedback and input into processes that will directly impact the work of investigators, meaning the voices of the organizations handling these digital evidence challenges

are minimized. We recommend changing the bill to require consultation with relevant State and local prosecutor and law enforcement officials, their representative organizations, and other relevant subject matter experts to develop guidance and best practices. Moreover, the advisory board created by the bill should include qualified law enforcement leaders who are actively focused on digital evidence issues. The current requirement that board members be “non-governmental leaders” could prevent active duty State and local law enforcement and prosecutors from serving on the board.

Without addressing the concerns of the State and local law enforcement community, including those above, the proposed legislation will not adequately address the ability of our members to handle the digital evidence that is often a key component of the investigative and prosecutorial process.

We appreciate your willingness to work on this important issue and look forward to working with you and your staff to improve this legislation moving forward.

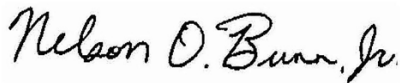
Sincerely,



Kimberly Wagner  
Executive Director  
Major County Sheriffs of America



Laura Cooper  
Executive Director  
Major Cities Chiefs Association



Nelson Bunn  
Executive Director  
National District Attorneys Association



Louis Grever  
Executive Director  
Association of State Criminal Investigative Agencies

Cc:

The Honorable Val Demings

The Honorable Conor Lamb

The Honorable John Rutherford

The Honorable Brian Babin