



# Major County Sheriffs of America

1450 Duke Street, Alexandria, Virginia 22314 • mcsheriffs.com

June 23, 2020

The Honorable Lindsey Graham  
Chairman  
Committee on the Judiciary  
United States Senate  
Washington, DC 20510

Dear Chairman Graham,

On behalf of the Major County Sheriffs of America (MCSA) who collectively serve over 120 million people in over 100 of America's largest counties, I write in support of your bill to improve the ability for law enforcement to access encrypted digital evidence when a search warrant is issued. MCSA has called for such legislation for several years as our investigators have increasingly been blocked from accessing critical inculpatory and exculpatory evidence in cases involving all types of victims.

The terrorist who killed Navy personnel at Pensacola Naval Air Station in late 2019 was the latest high-profile case that demonstrated the need for your legislation. In that case, it took over four months for highly trained and well-resourced FBI and national security personnel to access the contents of the terrorist's cell phone. When they finally saw the contents, there was very actionable information clearly tying the suspect to foreign terrorist groups.

Our agencies – and the other 18,000 agencies nationwide – deal with lower profile criminal investigations every single day in which the victims are just as deserving of justice and innocent suspects are just as deserving of exoneration. We don't have anywhere near the training, technical tools, or other resources to help us get what justice demands. In an increasing number of cases our investigators are simply never able to access critical evidence.

Your legislation would create very reasonable requirements for companies to comply with legal orders pursuant to search warrants. It would also authorize the establishment of much-needed training programs to equip our investigators with skills and knowledge to appropriately obtain digital evidence. MCSA has argued consistently over the years that just because evidence is digital, that does not mean that a search warrant and judge's order should be deemed worthless. Your bill would be a much-needed update to federal law to account for 21st Century challenges and realities.

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MCSA understands that strong encryption is vital and indispensable for personal, commercial, and government communications and computing. We do not support weakening encryption. We do not support indiscriminate searches of devices or communications. We do support the Fourth Amendment, the Fifth Amendment, and due process. And we do support the rights of crime victims and the rights of wrongfully accused people. That is why we support your bill and will work to educate all Members of the Senate and House about its importance to our agencies and the citizens we serve.

Thank you for your continued leadership on this critical issue.

Sincerely,

Peter J. Koutoujian  
Sheriff, Middlesex County  
President, Major County Sheriffs of America

