

Bill would increase warrant requirements, limit police investigations for murder, drug sales, and child sex crimes

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SB 178, known as the California Electronic Communications Privacy Act, passed 39-0 by the California Senate on June 2, 2015, would build new hurdles for police agencies investigating murder, big drug sales and child sex crimes. SB178 would require California law enforcement to obtain a search warrant or wiretap order before searching a person's smartphone, laptop or other electronic device or accessing information stored on remote servers. The bill, co-authored by Sen. Mark Leno (D-San Francisco) and Sen. Joel Anderson (R-San Diego), also would protect locational information stored on smartphones and other devices, unless police officers show probable cause to a judge.

SB178 is now pending in the California Assembly, and faces an uncertain future. Governor Brown vetoed similar legislation last year, and law enforcement agencies around the state oppose the bill.

"I would rather see them concentrate on water in California and other issues we've got that are major rather than bills like this that are redundant," commented Fresno County Sheriff Margaret Mims. "We already have state and federal laws to cover this."

"Law enforcement won't be able to drive by your vehicle and get information from your cellphone, get photos from your cellphone, get emails from your cellphone, get banking information from your cellphone," says legal analyst Jeff Hammerschmidt. He studies how law enforcement uses technology. "They would be required to get a warrant to get that type of information.

Hammerschmidt notes San Bernardino County sheriff deputies have admitted using Stingrays (electronic devices used to pinpoint a cellular telephone's location) more than 300 times without a warrant in the last year and a half.

"Private investigators will continue to have an increased role in cases like this," says John A. DeMarr, P.I., a licensed California private investigator since 1988. www.demarr.com

"Private investigators can work cases like this directly with attorneys, and also independently," says DeMarr. "Private investigators often have relationships with law enforcement officers, both in the jurisdiction where the investigation is proceeding, and elsewhere. The private investigator is ideally positioned to bring together the right legal representation, experts, police sources and witness interviews."

"It is important for a party lacking access to the law enforcement investigation to move independently to secure investigative help. And to find someone who can act quickly, accurately and professionally,"

cautions DeMarr.

To learn more about what a private investigator can do in a case of alleged illegal acts, contact John A. DeMarr, P.I., at (877) 433-6277.

Or go to: www.demarr.com

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