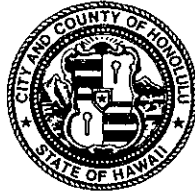


POLICE DEPARTMENT
CITY AND COUNTY OF HONOLULU

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OUR REFERENCE LH-NTK

March 22, 2011

LATE TESTIMONY

The Honorable Will Espero, Chair
and Members
Committee on Public Safety, Government
Operations, and Military Affairs
The Senate
State Capitol
Honolulu, Hawaii 96813

Dear Chair Espero and Members:

Subject: House Bill No. 1008, H.D. 2, Relating to the Power of Arrest

I am Lester Hite, Captain of the Criminal Investigation Division of the Honolulu Police Department, City and County of Honolulu.

The Honolulu Police Department opposes House Bill No. 1108, H.D. 2, Relating to the Power of Arrest, in its current form. Passage of this bill would make all evidence recovered by a federal law enforcement officer inadmissible in state courts.

While the intent of this bill appears to ensure the greater protections granted to the citizens of Hawaii by our state legal system, the effect of this bill as written would be to exclude all evidence recovered by a federal agent at the time of an arrest, although that evidence would normally be admissible in state courts.

It may be better to clarify that the Rules of Evidence for Hawaii courts shall apply to any evidence recovered by a federal agent in any case being heard in a state court.

The Honorable Will Espero, Chair
and Members
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March 22, 2011

The Honolulu Police Department urges you to oppose House Bill No. 1108,
H.D. 2, Relating to the Power of Arrest.

Thank you for the opportunity to testify.

Sincerely,

Lester Hite
LESTER HITE, Captain
Criminal Investigation Division

APPROVED:

DC RL Murr

FOO

LOUIS M. KEALOHA
Chief of Police