

**WRITTEN TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
THIRTY-FIRST LEGISLATURE, 2022**

ON THE FOLLOWING MEASURE:

S.B. NO. 2780, RELATING TO THE POWER OF ARREST.

BEFORE THE:

SENATE COMMITTEE ON JUDICIARY

DATE: Tuesday, March 1, 2022 **TIME:** 9:30 a.m.

LOCATION: State Capitol, Via Videoconference

TESTIFIER(S): **WRITTEN TESTIMONY ONLY.**
(For more information, contact Lance Goto,
Deputy Attorney General, at 586-1160)

Chair Rhoads and Members of the Committee:

The Department of the Attorney General supports this bill.

This bill would amend section 803-16, Hawaii Revised Statutes (HRS), to update the list of federal agencies whose law enforcement officers may make arrests for certain offenses under state law by adding the United States Immigration and Customs Enforcement-Homeland Security Investigations (ICE-HSI) and removing the United States Citizenship and Immigration Services (USCIS) from the list. The bill would also update and accurately reflect the proper titles of the heads of the district offices for the listed federal agencies and the name of the United States Customs and Border Protection (CBP).

Act 201, Session Laws of Hawaii 1980, codified as section 803-16, HRS, conferred the power to arrest under state law on officers of the United States Customs Service and the Immigration and Naturalization Service. This law provided additional protection at state airports and harbors by authorizing customs and immigration agents to assist in maintaining law and order.

In 2003, the Department of Homeland Security was created. Twenty-three agencies were established under that Department, including United States Immigration and Customs Enforcement (ICE), CBP, and USCIS. These agencies include the law enforcement arms of the former United States Customs Service and the Immigration and Naturalization Service.

ICE-HSI, the criminal investigations component of ICE, is now the principle investigative arm of the Department of Homeland Security.

Act 95, Session Laws of Hawaii 2008 (Act 95), amended section 803-16, HRS, in an attempt to address the creation of the new federal agencies. It also created section 803-17, HRS, which grants arrest powers to deputies of the United States Marshal Service. While Act 95 granted authority to deputy marshals, and amended section 803-16, HRS, to include CBP and USCIS, it did not include ICE-HSI. Furthermore, by including USCIS, it included an agency that does not have the authority to make arrests under federal law. Only ICE-HSI and CBP have that law enforcement authority.

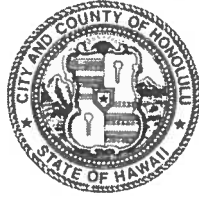
Granting limited arrest powers under state law to federal agents of ICE-HSI will allow them to provide support to state and county law enforcement efforts, especially in certain times of need. State and county law enforcement must rely on federal law enforcement cooperation and support for natural disasters, joint law enforcement task force efforts, and major or national events.

The Department of the Attorney General respectfully requests the passage of this bill. Thank you for the opportunity to testify.

POLICE DEPARTMENT
CITY AND COUNTY OF HONOLULU

801 SOUTH BERETANIA STREET · HONOLULU, HAWAII 96813
TELEPHONE: (808) 529-3111 · INTERNET: www.honolulu-pd.org

RICK BLANGIARDI
MAYOR



RADE K. VANIC
INTERIM CHIEF

OUR REFERENCE **TN-GK**

March 1, 2022

The Honorable Karl Rhoads, Chair
and Members
Committee on Judiciary
State Senate
Hawaii State Capitol
415 South Beretania Street
Honolulu, Hawaii 96813

Dear Chair Rhoads and Members:

SUBJECT: Senate Bill No. 2780, Relating to the Power of Arrest

I am Tate Nojima, Captain of the Narcotics/Vice Division of the Honolulu Police Department (HPD), City and County of Honolulu.

The HPD supports Senate Bill No. 2780, Relating to the Power of Arrest.

The HPD supports granting limited arrest powers for the agents of the Homeland Security Investigations (HSI), U.S. Immigration and Customs Enforcement. The HSI provides an important partnership as well as essential resources that assists the HPD in complex investigations. Granting appropriate arrest powers to HSI agents are essential to our local law enforcement efforts.

The HPD urges you to support Senate Bill No. 2780, Relating to the Power of Arrest, and we thank you for the opportunity to testify.

APPROVED:

Handwritten signature of Rade K. Vanic in black ink, written over a horizontal line.

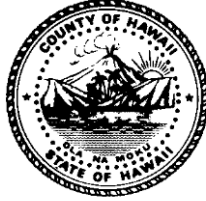
Rade K. Vanic
Interim Chief of Police

Sincerely,

Handwritten signature of Tate Nojima in black ink, consisting of stylized initials and a surname.

Tate Nojima, Captain
Narcotics/Vice Division

Mitchell D. Roth
Mayor



Paul K. Ferreira
Police Chief

Kenneth Bugado, Jr.
Deputy Police Chief

County of Hawai`i

POLICE DEPARTMENT

349 Kapi`olani Street • Hilo, Hawai`i 96720-3998
(808) 935-3311 • Fax (808) 961-8865

February 25, 2022

Senator Karl Rhoads
Chairperson and Committee Members
Committee on Judiciary
415 South Beretania Street
Honolulu, Hawai`i 96813

RE : SENATE BILL 2780, RELATING TO THE POWER OF ARREST
HEARING DATE : March 1, 2022
TIME : 9:30 A.M.

Dear Senator Rhoads:

The Hawai`i Police Department **strongly supports** Senate Bill 2780 that seeks to update the list of federal agencies whose officers may make arrests for certain offenses under state law by adding the United States Immigration and Customs Enforcement-Homeland Security Investigations (HSI) and removing the Citizenship and Immigration Services (CIS) from the list.

Throughout the State of Hawai`i, all of the County Police Departments have a collaborative working relationship with our Federal Partners, one of which being the U.S. Immigration and Customs Enforcement - Homeland Security Investigations (HSI). It is only through this collaboration that we are able to strengthen our efforts in combating illicit drug and criminal activity throughout the State.

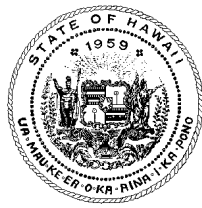
Currently, HSI has a presence here on Hawai`i Island with a resident Special Agent who works very closely with members from our department in conducting investigations and prosecuting individuals involved in criminal activity, such as illicit drugs and sex exploitation of minors. Therefore, it is essential that HSI Special Agents to have state arrest authority whenever participating in joint local law enforcement agency-led operations. This bill will allow the appropriate federal officers, with clear law enforcement power, to provide arrest support to state and county law enforcement agencies.

It is for these reasons, we urge this committee to approve this legislation. Thank you for allowing the Hawai`i Police Department to provide comments relating to Senate Bill 2780.

Sincerely,

PAUL K. FERREIRA
POLICE CHIEF

DAVID Y. IGE
GOVERNOR



STATE OF HAWAII
DEPARTMENT OF PUBLIC SAFETY
1177 Alakea Street, 6th Floor
Honolulu, Hawaii 96813

MAX N. OTANI
DIRECTOR

Maria C. Cook
Deputy Director
Administration

Tommy Johnson
Deputy Director
Corrections

Jordan Lowe
Deputy Director
Law Enforcement

No. _____

TESTIMONY ON SENATE BILL 2780
RELATING TO THE POWER OF ARREST.

By
Max N. Otani, Director

Senate Committee on Judiciary
Senator Karl Rhoads, Chair
Senator Jarrett Keohokalohe, Vice Chair

Tuesday, March 1, 2022; 9:30 a.m.
Via Videoconference

Chair Rhoads, Vice Chair Keohokalohe, and Members of the Committees:

The Department of Public Safety (PSD) supports Senate Bill (SB) 2780, which updates the list of federal agencies whose law enforcement officers may make arrests for certain offenses under state law.

Federal law enforcement agencies greatly contribute to the safety and security of our community. Specifically, Homeland Security Investigations (HSI) has always been a strong partner with state and county law enforcement agencies and has provided an immeasurable amount of support to law enforcement in Hawaii.

For this reason, PSD supports SB 2780, which would add HSI to the list of federal agencies that may make arrests for certain offenses under state law.

Thank you for the opportunity to testify on this measure.



LATE

*Homeland Security Investigations
Office of the Special Agent in Charge*

U.S. Department of Homeland Security
595 Ala Moana Blvd
Honolulu, HI 96813

WRITTEN TESTIMONY
SB 2780

ICE - Homeland Security Investigations (HSI) fully supports SB 2780.

(HSI) is the largest investigative arm of the U.S. Department of Homeland Security and has the second largest number of special agents/criminal investigators in the federal government and in the State of Hawaii. Our investigative priorities include combatting cyber and financial crime, countering human trafficking and child exploitation, promoting public safety via efforts to curb drug trafficking and gun violence, and ensuring national security by protecting U.S. commerce and sensitive technologies from being exploited by our strategic enemies.

HSI special agents have broad federal authorities granted under 19 USC 1589a, to carry a firearm, execute warrants and processes, and make arrests without a warrant. They undergo continuous and rigorous tactical and legal training, in the skills of identifying probable cause, effectuating an arrest, and use of force.

HSI special agents work extensively with law enforcement officers of the State of Hawaii on investigations targeting transnational organized criminal activity. These investigations often involve violations of both federal and state criminal law. The sophistication of the methods employed by criminal organizations in the state of Hawaii make it essential for HSI special agents to have state arrest authority as we do our part to help stem the impact of criminality and protect the citizens of the state of Hawaii.

Respectfully,

A handwritten signature in blue ink, appearing to read "J. F. Tobon".

John F. Tobon
Special Agent in Charge



U.S. Immigration
and Customs
Enforcement