



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

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

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WRITTEN TESTIMONY  
SB 2780

Written Testimony of:

John F. Tobon  
Special Agent in Charge  
Homeland Security Investigations

March 28, 2022

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

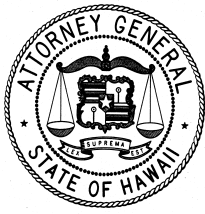
(HSI) is the largest investigative arm of the U.S. Department of Homeland Security and has the second largest number of special agents/criminal investigators in the federal government and in the State of Hawaii. Our investigative priorities include combatting cyber and financial crime, countering human 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.



U.S. Immigration  
and Customs  
Enforcement



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

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**ON THE FOLLOWING MEASURE:**

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

**BEFORE THE:**

HOUSE COMMITTEE ON JUDICIARY AND HAWAIIAN AFFAIRS

**DATE:** Tuesday, March 29, 2022                      **TIME:** 2:00 p.m.

**LOCATION:** State Capitol, Room 325, Via Videoconference

**TESTIFIER(S):** Holly T. Shikada, Attorney General, or  
Lance Goto, Deputy Attorney General

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Chair Nakashima 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.

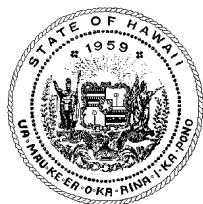
ICE-HSI, the criminal investigations component of ICE, is now the principle investigative arm of the Department of Homeland Security.

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.

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. \_\_\_\_\_

**WRITTEN TESTIMONY ONLY**

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

By  
Max N. Otani, Director

House Committee on Judiciary and Hawaiian Affairs

Representative Mark M. Nakashima, Chair  
Representative Scot Z. Matayoshi, Vice Chair

Tuesday, March 29, 2022; 2:00 p.m.  
State Capitol Conference Room 325  
Via Videoconference

Chair Nakashima, Vice Chair Matayoshi, and Members of the Committee:

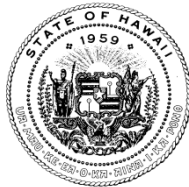
The Department of Public Safety (PSD) supports Senate Bill (SB) 2780, which updates the list of federal agencies whose law enforcement officers may make arrests for certain offenses under state law.

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.

DAVID Y. IGE  
GOVERNOR



TESTIMONY BY:

JADE T. BUTAY  
DIRECTOR

Deputy Directors  
ROSS M. HIGASHI  
EDUARDO P. MANGLALLAN  
PATRICK H. MCCAIN  
EDWIN H. SNIFFEN

STATE OF HAWAII  
DEPARTMENT OF TRANSPORTATION  
869 PUNCHBOWL STREET  
HONOLULU, HAWAII 96813-5097

March 29, 2022  
2:00 p.m.  
State Capitol, Teleconference

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

House Committee on Judiciary and Hawaiian Affairs

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The Department of Transportation (DOT) **supports the intent** of this bill as stated because it updates and provides clarity for the various current Federal agencies as mentioned.

Thank you for the opportunity to provide testimony.

**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

March 28, 2022

Representative Mark Nakashima  
Chairperson and Committee Members  
Committee on Judiciary & Hawaiian Affairs  
415 South Beretania Street, Room 325  
Honolulu, Hawai`i 96813

RE : SENATE BILL 2780, RELATING TO THE POWER OF ARREST  
HEARING DATE : March 29, 2022  
TIME : 2:00 P.M.

Dear Representative Nakashima:

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

POLICE DEPARTMENT  
CITY AND COUNTY OF HONOLULU

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



RICK BLANGIARDI  
MAYOR

RADE K. VANIC  
INTERIM CHIEF

OUR REFERENCE TN-GK

March 29, 2022

The Honorable Mark M. Nakashima, Chair  
and Members  
Committee on Judiciary and Hawaiian Affairs  
House of Representatives  
Hawaii State Capitol  
415 South Beretania Street, Room 325  
Honolulu, Hawaii 96813

Dear Chair Nakashima 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:

A handwritten signature in black ink, appearing to read "Rade K. Vanic", is written over a horizontal line.

Rade K. Vanic  
Interim Chief of Police

Sincerely,

A handwritten signature in black ink, appearing to read "Tate Nojima", is written in a cursive style.

Tate Nojima, Captain  
Narcotics/Vice Division



Eric W. Gill, Financial Secretary-Treasurer

Gemma G. Weinstein, President

Godfrey Maeshiro, Senior Vice President

March 28, 2022

Committee on Judiciary & Hawaiian Affairs  
Representative Mark Nakashima, Chair  
Representative Scot Matayoshi, Vice Chair

### **Testimony in opposition to SB2780**

Chair Nakashima, Vice Chair Matayoshi and members of the Committee,

Thank you for the opportunity to testify **in opposition to SB2780**. UNITE HERE Local 5 represents over 11,500 people working in the hotel, food service and health care industries throughout Hawaii.

Among other things, SB2780 would allow ICE-Homeland Security Investigations to arrest individuals suspected of committing an “offense against public order”. Per HRS §711, such offenses can include making unreasonable noise, or impeding or obstructing, for the purpose of begging or soliciting alms, any person in any public place or in any place open to the public. The determination of whether or not a person has committed such offenses can be subjective. We do not support granting ICE the power to make these subjective determinations. We therefore cannot support the bill as written.

Recent scrutiny of ICE operations nationwide has uncovered serious deficiencies in the organization’s treatment of asylum seekers and detainees, some of the most vulnerable people in society. It would be irresponsible of us to further empower the agency without these problems being resolved in a way that ensures they will not continue and will not happen again. ICE has a significant history of mistreating people in its custody at more than one or two facilities. It also has a history of targeting activists who speak up about this mistreatment. ICE has committed human rights violations without being held meaningfully accountable.

For example:

- ICE allowed a corrupt doctor to perform unwanted hysterectomies on many women in its custody. After a whistleblower stepped forward, several of the victims were deported prior to the federal investigation that followed.

“At least 17 women treated by a doctor alleged to have performed unnecessary or overly aggressive gynecological procedures without proper informed consent remain in detention at Irwin County Detention Center, a privately run facility in Georgia housing U.S. Immigrations and Customs Enforcement detainees, according to a briefing and written materials submitted by attorneys and advocates to Senators in a closed-door meeting on Capitol Hill. The total number of women known to have been seen by the doctor since 2018 who say they underwent or were pressured to undergo unnecessary treatments has risen to 57 — a higher number than previously known — according to the group of lawyers.”

– from “Number of Women Alleging Misconduct by ICE Gynecologist Nearly Triples,” *The Intercept*, 10/27/2020. <https://theintercept.com/2020/10/27/ice-irwin-women-hysterectomies-senate/>

- The organization has allegedly targeted other whistleblowers as well. See:



“Faith Under Fire: A Pastor’s Legal Fight Against CBP Exposes a Reckless Surveillance Operation,” *The Intercept*, 3/6/2022. <https://theintercept.com/2022/03/06/cbp-border-surveillance-migrant-caravan/>

“ICE Settles With Immigrant Rights Leader Who Sued Over First Amendment Violations,” *The Intercept*, 2/24/2022. <https://theintercept.com/2022/02/24/ice-ravi-ragbir-deportation-first-amendment/>

“Across the U.S., Trump Used ICE to Crack Down on Immigration Activists,” *The Intercept*, 11/1/2020. <https://theintercept.com/2020/11/01/ice-immigration-activists-map/>

- ICE threatened to expose asylum-seekers to COVID.

“Three Cameroonian asylum-seekers locked up at the Pine Prairie ICE Processing Center in Louisiana say that a U.S. Immigration and Customs Enforcement guard threatened to expose them to Covid-19 if they failed to obey his orders and submit to a transfer. The guard made the threat clear, Clovis Fozao, one of the detained men, told *The Intercept*: If the detained migrants didn’t submit, they would be transferred to Bravo-Alpha, the detention unit where coronavirus-positive detainees are held in quarantine.”

– from “ICE Threatened to Expose Asylum-Seekers to Covid-19 if They Did Not Accept Deportation,” *The Intercept*, 2/6/2021. <https://theintercept.com/2021/02/06/ice-covid-threat-asylum-deportation/>

- ICE has largely failed to protect people in its custody from getting COVID. See:  
“COVID Cases in Prisons and ICE Immigration Jails Surpass 250,000,” *Truthout*, 12/16/2020. <https://truthout.org/articles/covid-cases-in-prisons-and-ice-immigration-jails-surpass-250000/>
- According to a report by the Detention Watch Network, “More than 200 people have died in ICE custody since the creation of the Department of Homeland Security (DHS) in 2004. In Fiscal Year (FY) 2020, 21 people died in ICE detention. Even excluding deaths due to COVID-19, FY2020 was the deadliest year for people detained by ICE since 2005.”  
– from “Hotbeds of Infection: How ICE Detention Contributed to the Spread of COVID-19 in the United States,” *Detention Watch Network*, December 2020. [https://www.detentionwatchnetwork.org/sites/default/files/reports/DWN\\_Hotbeds%20of%20Infection\\_2020\\_FOR%20WEB.pdf](https://www.detentionwatchnetwork.org/sites/default/files/reports/DWN_Hotbeds%20of%20Infection_2020_FOR%20WEB.pdf)

The Detention Watch Network report makes clear this is neither a new or COVID-specific problem:

“Detention Watch Network has previously documented the egregious conditions that typify immigration detention, including lack of access to basic hygienic products, inadequate food, abuse, and medical neglect.<sup>15</sup> Public health officials have long warned infectious disease spreads rapidly through the system. In 2019, ICE had to place 5,200 people in quarantine — or about one in every 10 detained people at the time — for exposure to mumps and chicken pox. Advocates attributed the outbreaks to inadequate medical care in a lawsuit against the agency. ICE has repeatedly failed to appropriately respond to outbreaks of contagious diseases. In October 2018, the Texas Department of State Health Services reported five confirmed cases of mumps among immigrants transferred between two ICE detention centers. By August 2019, there were 898 reports of mumps cases in 57 facilities. According to the Center for Disease Control and Prevention (CDC), 84 percent of patients were exposed while in custody.”

– from “Hotbeds of Infection: How ICE Detention Contributed to the Spread of COVID-19 in the United States,” *Detention Watch Network*, December 2020. [https://www.detentionwatchnetwork.org/sites/default/files/reports/DWN\\_Hotbeds%20of%20Infection\\_2020\\_FOR%20WEB.pdf](https://www.detentionwatchnetwork.org/sites/default/files/reports/DWN_Hotbeds%20of%20Infection_2020_FOR%20WEB.pdf)

- In support of the re-election of Donald Trump, ICE abused its power and acted in a partisan political manner by announcing planned targeted arrest operations in so-called “sanctuary cities” prior to the 2020 elections.

"Immigration and Customs Enforcement officers are expected to carry out targeted arrest operations in "sanctuary cities" across the country next month, three U.S. officials with knowledge of the matter told The Washington Post. Two of the officials said this is more of a political messaging campaign rather than a major ICE operation, and acting Homeland Security Secretary Chad Wolf is expected to travel to one of the targeted cities to amplify President Trump's claims that he is a "law and order president" who is doing more to protect Americans than their local leaders."

– from "ICE reportedly planning operations in 'sanctuary cities' ahead of election," *The Week*, 9/29/2020. <https://theweek.com/coronavirus/1009759/new-zealand-announces-5-step-plan-to-reopen-countrys-borders-after-nearly-2>

- Many other abuses have taken place.

"Blanco is one of three medically vulnerable immigrants held at Stewart who say they were subject to excessive force by guards amid the coronavirus pandemic. All three incidents follow a pattern: After detainees demanded medical attention, guards threw them to the floor. Two of the immigrants were using wheelchairs at the time, and guards hurled them out of the chairs nonetheless."

- from "Immigrants at Privately Run ICE Detention Center Were Thrown Out of Wheelchairs When They Asked for Medical Help", *The Intercept*, 7/23/2020. <https://theintercept.com/2020/07/23/ice-guards-excessive-force-sick-immigrants/>

In some cases the abuses relate to private contractors, but ICE should be held responsible for their ongoing conduct.

"For months, community members have demanded ICE protect detained immigrants from Covid-19 and release them immediately," said Adelina Nicholls, executive director of the Georgia Latino Alliance for Human Rights and member of Georgia Detention Watch. "Instead, detention centers, including for-profit facilities, ramp up their use of violent, paramilitary, SWAT-like teams, such as SORT, to repress immigrants in detention centers that are speaking out about the horrendous conditions and lack of protections during this global pandemic."

- from "ICE's Immigration Detainees Protested Lack of Coronavirus Precautions — and SWAT-like Private-Prison Guards Pepper-Sprayed Them", *The Intercept*, 5/5/2020. <https://theintercept.com/2020/05/05/ice-stewart-immigration-detention-coronavirus-protest-pepper-spray/>

Please oppose SB2780.

Thank you for your consideration.



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hicoalitionforimmigrantrights@gmail.com

**LATE**

**COMMENTS on SB2780  
RELATING TO THE POWER OF ARREST**

**COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS**

Rep. Mark M. Nakashima, Chair

Rep. Scot Z. Matayoshi, Vice Chair

Hearing Date: 3/29/2022

While SB2780 (Relating to the Power of Arrest) and its companion, HB1584, seem relatively straightforward, a simple switching of department names to better reflect the capacity of USCIS vs DHS, we are concerned that the arrest powers to be granted to the HSI division of ICE are overly broad and could have unintended consequences. As a coalition representing more than 25 immigrant-serving or immigrant-led organizations we are keen to help the state and counties preserve and build trust with immigrant populations. This bill, as currently written, could create a chilling effect among communities that are already reluctant to bring issues of abuse or crime forward to the police.

Below are some comments that were shared with us by immigration experts who follow these types of laws across the country.

"I think this bill is dangerous and problematic. It would authorize HSI to arrest people for, among other things, disorderly conduct, failure to disperse, and unlawful assembly, which would essentially permanently authorize DHS intervention in protests the way the Trump Administration did in 2020. I don't believe it is the norm for HSI to be authorized to operate as a general peace officer."- Comments from an immigration attorney at a national lawyers guild.

We recognize that our current police force is understaffed and that, by nature of our island geography, it is helpful to be able to rely on additional forces for support. To that end, we respectfully ask you to consider some alternative language that has been drafted by attorneys who are experts in these agreements that might achieve both the aim of having more resources AND preserving trust in immigrant communities. We respectfully offer two potential alternatives that would achieve these goals.



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hicoalitionforimmigrantrights@gmail.com

## PROPOSED ALTERNATIVE LANGUAGE

### *Option 1: Joint Task Force Model*

#### **§803-16 Officer of United States Customs and Border Protection Service or **Homeland Security Investigations of Immigration and Customs Enforcement; joint task forces.****

~~Citizenship and Immigration Services; arrest powers.~~ An officer of the United States Customs and Border Protection Service **and of Homeland Security Investigations** ~~the Citizenship and Immigration Services,~~ without a warrant, **may form a joint task force with any Hawai'i police or sheriff department provided that:**

(1) The agencies agree upon and, unless it would endanger the safety of officers involved in an ongoing, active investigation, make public a memorandum of understanding, which must specify:

- A. The purpose of the joint task force and the scope of the investigation or investigations the task force will conduct;
- B. Its duration, including a clear end date upon which the agreement will end; and
- C. The body or bodies responsible for oversight of the joint task force.

### *Option 2: Narrowing the Scope*

#### **§803-16 Officer of United States Customs and Border Protection Service or **Homeland Security Investigations of Immigration and Customs Enforcement; joint task forces.****

~~Citizenship and Immigration Services; arrest powers.~~ An officer of the United States Customs and Border Protection Service **and of Homeland Security Investigations,** without a warrant, may arrest a person if:

(1) The officer is on duty;

(2) One or more of the following situations exists:

(A) The person commits an assault or other crime involving physical harm, defined and punishable under chapter 707, against the officer or against any other person in the presence of the officer;

~~(B) The person commits an offense against public order, defined and punishable under chapter 711, in the presence of the officer;~~



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(B) The officer has probable cause to believe that a crime as provided in subparagraph (A) ~~or~~  
~~(B)~~ has been committed and has probable cause to believe that the person to be arrested has committed the crime;

(D) The officer has probable cause to believe that a **violent** felony has been committed and probable cause to believe that the person to be arrested has committed the felony **and that exigent circumstances exist**; or

(E) The officer has received information by written, telegraphic, teletypic, telephonic, radio, or other authoritative source that a law enforcement officer holds a warrant for the person's arrest **and that exigent circumstances exist**; and

(3) The Director of the Hawaii district office for the Customs and Border Protection Service, or **Homeland Security Investigations** and the Hawai'i Attorney General ~~the Citizenship and Immigration Services, as the case may be,~~ certifies to the State that the officer has received proper training within the agency to enable that officer to enforce or administer this section. [L 1980, c 201, §1; am L 2008, c 95, §2]

Thank you for your support and consideration,

Catherine Chen, Co-chair, Hawai'i Coalition for Immigrant Rights

Liza Ryan Gill, Co-chair, Hawai'i Coalition for Immigrant Rights

**LATE**

**ACLU**

Hawai'i

Committee: House Judiciary and Hawaiian Affairs  
Hearing Date/Time: Tuesday, March 29, 2022 at 2:00 p.m.  
Place: Conference Room 016 and Via Videoconference  
Re: **Testimony of the ACLU of Hawai'i: Opposition to SB 2780 Relating to the Power of Arrest**

Dear Chair Nakashima, Vice Chair Matayoshi and members of the Committee:

The ACLU of Hawai'i offers comments in opposition to **SB 2780 Relating to the Power of Arrest**. This proposed measure would update the list of federal agencies whose law enforcement officers may make arrests for certain offenses under state law by adding United States Immigration and Customs Enforcement Homeland Security Investigations and deleting United States Citizenship and Immigration Services from the list.

First and foremost, the ACLU of Hawai'i objects to the pervasive cruelty and suffering in ICE facilities, and advocates for ICE to end its reliance on immigration detention and invest in community-based alternatives to detention.

We also advocate for divestment from policing that reduces the role, resources and power of police and reinvestments in the communities disparately impacted and harmed by police.<sup>1</sup> This applies to holding the system of immigration enforcement accountable too – as both systems include surveillance, overmilitarization, and violence primarily inflicted on communities of color by the Department of Homeland Security.<sup>2</sup>

While the ACLU of Hawai'i does not have concerns about the bill provisions changing the names of the departments to more accurately reflect the capacity of USCIS vs. DHS, we **strongly oppose provisions of this bill that would expand the arrest powers granted to the HSI division of ICE.**

Currently, each county within Hawai'i has a police department to fulfill various duties, including, but not limited to identifying and apprehending persons committed criminal offenses, preserving life and liberty, protecting the constitutional rights of citizens, and maintaining respect for the rule of law by proper enforcement thereof.

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<sup>1</sup> <https://www.aclu.org/news/topic/transformational-public-safety-reducing-the-roles-resources-and-power-of-police/>

<sup>2</sup> DHS was created after 9/11, and its sub-agencies [Immigration and Customs Enforcement](#) (ICE) and [Customs and Border Protection](#) (CBP) have been funded at record-breaking levels by Congress since their inception. DHS is funded [more](#) than all federal law enforcement agencies combined, and these agencies often collaborate with state and local law enforcement and funnel resources such as training, funding, and equipment to local police departments.

Chair Rhoads and Members of the Committee

March 29, 2022

Page 2 of 2

**The proposed bill is problematic and dangerous because it authorizes HSI to operate as “general peace officers” and arrest people for alleged criminal offenses such as unlawful assembly, disorderly conduct, and failure to disperse. In effect, this measure would authorize DHS intervention in protests similar to the tactics employed by the Trump Administration in 2020.**

Moreover, County police in Hawai'i have the training and responsibility of determining who is eligible for arrest under state law. However, **this bill would allow federal officials to interpret state law – an area that HSI does not have the training, nor expertise.**

Expanding policing and the power of arrest will further terrorize immigrant communities and scare crime victim-survivors and witnesses from cooperating, thus undermining public safety.

Thank you for the opportunity to submit testimony relating to SB2780. **Please defer this measure.**

Sincerely,

Carrie Ann Shirota  
Policy Director  
ACLU of Hawai'i

*The mission of the ACLU of Hawai'i is to protect the fundamental freedoms enshrined in the U.S. and State Constitutions. The ACLU of Hawai'i fulfills this through legislative, litigation, and public education programs statewide. The ACLU of Hawai'i is a non-partisan and private non-profit organization that provides its services at no cost to the public and does not accept government funds. The ACLU of Hawai'i has been serving Hawai'i for over 50 years.*

American Civil Liberties Union of Hawai'i  
P.O. Box 3410  
Honolulu, Hawai'i 96801  
T: 808.522.5900  
F: 808.522.5909  
E: [office@acluhawaii.org](mailto:office@acluhawaii.org)  
[www.acluhawaii.org](http://www.acluhawaii.org)

**SB-2780**

Submitted on: 3/26/2022 2:46:44 PM

Testimony for JHA on 3/29/2022 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Gerard Silva	Individual	Oppose	Written Testimony Only

Comments:

This will crate to much confusion!!