



**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:**

SENATE COMMITTEE ON PUBLIC SAFETY, INTERGOVERNMENTAL, AND  
MILITARY AFFAIRS.

**DATE:** Thursday, February 3, 2022      **TIME:** 1:10 p.m.

**LOCATION:** State Capitol, Via Videoconference

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

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Chair Nishihara 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.

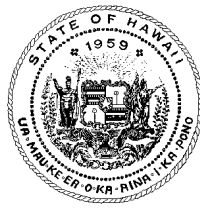
ICE-HSI, the criminal investigations component of ICE, is now the principle investigative arm of the Department of Homeland Security.

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**  
919 Ala Moana Boulevard, 4th Floor  
Honolulu, Hawaii 96814

**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 Public Safety, Intergovernmental,  
and Military Affairs

Senator Clarence K. Nishihara, Chair  
Senator Lynn DeCoite, Vice Chair

Thursday, February 3, 2022; 1:10 p.m.  
Via Video Conference

Chair Nishihara, Vice Chair DeCoite, 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.

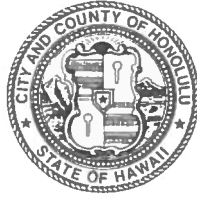
Federal law enforcement agencies greatly contribute to the safety and security of our community. Specifically, Homeland Security Investigations (HSI) has always been a strong partner with state and county law enforcement agencies and has provided an immeasurable amount of support to law enforcement in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

POLICE DEPARTMENT  
CITY AND COUNTY OF HONOLULU

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



RICK BLANGIARDI  
MAYOR

RADE K. VANIC  
INTERIM CHIEF

OUR REFERENCE TN-GK

February 3, 2022

The Honorable Clarence K. Nishihara, Chair  
and Members  
Committee on Public Safety,  
Intergovernmental, and Military Affairs  
State Senate  
Hawaii State Capitol  
415 South Beretania Street  
Honolulu, Hawaii 96813

Dear Chair Nishihara and Members:

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

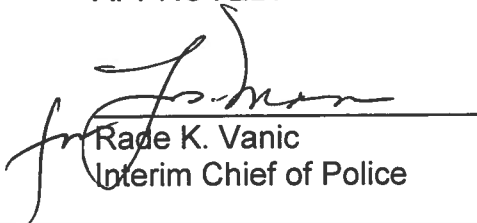
I am Tate Nojima, Captain of the Narcotics/Vice Division of the Honolulu Police Department (HPD), City and County of Honolulu.

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:

  
Rade K. Vanic  
Interim Chief of Police

Sincerely,

  
Tate Nojima, Captain  
Narcotics/Vice Division



*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

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.

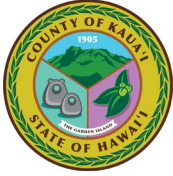
Respectfully,

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



**DEREK S.K. KAWAKAMI**, MAYOR  
**MICHAEL A. DAHLIG**, MANAGING DIRECTOR

# POLICE DEPARTMENT COUNTY OF KAUAI



**TODD G. RAYBUCK**, CHIEF OF POLICE  
**STAN R. OLSEN**, DEPUTY CHIEF OF POLICE

Testimony of Todd G. Raybuck  
Chief of Police  
Kauai Police Department

January 31, 2022

Before the  
Committee on Public Safety, Intergovernmental, and Military Affairs  
February 3, 2022, 1:10 pm  
via Videoconference

In consideration of  
Senate Bill 2780  
Relating to the Power of Arrest

Honorable Chair Nishihara, Honorable Vice Chair DeCoite, and Members of the Committee:

The Kauai Police Department (KPD) **strongly supports** passage of Senate Bill 2780, which updates the list of federal agencies whose law enforcement officers have the powers to arrest under state law.

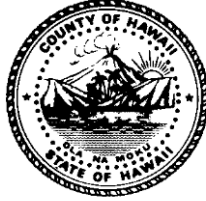
The U.S. Immigration and Customs Enforcement - Homeland Security Investigations (HSI) is a critical federal partner to law enforcement across the state. The Kauai Police Department participates with and receives necessary support from HSI to investigate crimes ranging from narcotics to sexual exploitation of minors. The partnership between HSI and KPD has proven beneficial in the identification and arrest of violent and predatory offenders making our community safer.

Senate Bill 2780 will grant HSI limited arrest powers, under state law, and promote greater partnerships and collaboration between state and county law enforcement agencies.

For the foregoing reasons, KPD strongly supports passage of Senate Bill 2780. Thank you for your time and consideration.



**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

January 31, 2022

Senator Clarence K. Nishihara  
Chairperson and Committee Members  
Committee on Public Safety, Intergovernmental, and Military Affairs  
415 South Beretania Street  
Honolulu, Hawai`i 96813

RE : SENATE BILL 2780, RELATING TO THE POWER OF ARREST  
HEARING DATE : FEBRUARY 3, 2022  
TIME : 1:10 P.M.

Dear Senator Nishihara:

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