



*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  
HB 1584

Written Testimony of:

John F. Tobon  
Special Agent in Charge  
Homeland Security Investigations

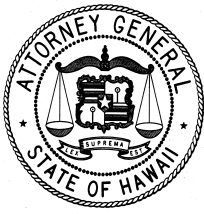
March 14, 2022

ICE - Homeland Security Investigations (HSI) fully supports HB 1584.

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.



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

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**ON THE FOLLOWING MEASURE:**

H.B. NO. 1584, RELATING TO THE POWER OF ARREST.

**BEFORE THE:**

SENATE COMMITTEE ON PUBLIC SAFETY, INTERGOVERNMENTAL, AND  
MILITARY AFFAIRS

**DATE:** Tuesday, March 15, 2022 **TIME:** 1:00 p.m.

**LOCATION:** State Capitol, Room 229 and 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.

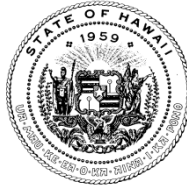
ICE-HSI, the criminal investigations component of ICE, is now the principle investigative arm of the Department of Homeland Security.

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



**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 15, 2022  
1:00 p.m.  
State Capitol, Teleconference

**H.B. NO. 1584**  
**RELATING TO THE POWER OF ARREST**

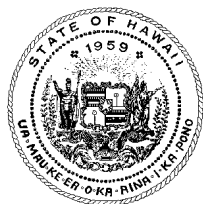
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Senate Committee on Public Safety, Intergovernmental, and Military Affairs

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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.



STATE OF HAWAII  
**DEPARTMENT OF PUBLIC SAFETY**  
1177 Alakea Street, 6<sup>th</sup> 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

**WRITTEN TESTIMONY ONLY**

No. \_\_\_\_\_

TESTIMONY ON HOUSE BILL 1584  
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

Tuesday, March 15, 2022; 1:00 p.m.  
State Capitol Conference Room 229  
Via Video Conference

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

The Department of Public Safety (PSD) supports House Bill (HB) 1584, 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 HB 1584, which would add HSI to the list of federal agencies that may make arrests for certain offenses under state law and respectfully request that the Committee on Public Safety, Intergovernmental, and Military Affairs pass HB 1584.

Thank you for the opportunity to testify on this measure.

**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 14, 2022

Senator Clarence K. Nishihara  
Chairperson and Committee Members  
Committee on Public Safety, Intergovernmental and Military Affairs  
415 South Beretania Street, Room 229  
Honolulu, Hawai`i 96813

RE : HOUSE BILL 1584, RELATING TO THE POWER OF ARREST  
HEARING DATE : March 15, 2022  
TIME : 1:00 P.M.

Dear Senator Nishihara:

The Hawai`i Police Department **strongly supports** House Bill 1584 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.

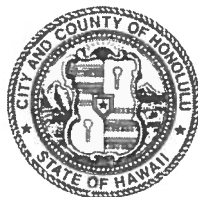
It is for these reasons, we urge this committee to approve this legislation. Thank you for allowing the Hawai`i Police Department to provide comments relating to House Bill 1584.

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 15, 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, Room 229  
Honolulu, Hawaii 96813

Dear Chair Nishihara and Members:

SUBJECT: House Bill No. 1584, 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 House Bill No. 1584, 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 House Bill No. 1584, Relating to the Power of Arrest, and we thank you for the opportunity to testify.

APPROVED:

A handwritten signature in dark ink, appearing to be "R. Vanic", written over a horizontal line.

*For* Rade K. Vanic  
Interim Chief of Police

Sincerely,

A handwritten signature in dark ink, appearing to be "T. Nojima", written over a horizontal line.

Tate Nojima, Captain  
Narcotics/Vice Division

**HB-1584**

Submitted on: 3/12/2022 3:45:17 PM

Testimony for PSM on 3/15/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Gerard Silva	Individual	Oppose	Written Testimony Only

Comments:

The illegals have to be removed they are the biggest problem and the cause of most crimes in Hawaii!!