

TESTIMONY BEFORE THE SENATE COMMITTEE  
ON INTERGOVERNMENTAL AFFAIRS

February 9, 2006

**RE: S.B. No. 2073-RELATING TO THE POWER OF ARREST**

Chair Ige and Members of the Committee:

My name is Jay Bieber and I am submitting written testimony in support of this bill. I am submitting this testimony as a resident of Hawaii and private individual and do not represent the views of any law enforcement agency.

The purpose of this bill is to permit certain federal law enforcement officers to arrest individuals for violations of certain state laws.

The state of Hawaii has an unused available resource in its federal law enforcement officers. These individuals work in the neighborhoods in our state everyday investigating criminal cases, seeking out wanted individuals and interacting with members of the community. By granting additional powers to federal law enforcement officers you are giving a tool to assist them in conducting their investigations, and you are also making use of the available resource by allowing federal officers to take a more active role when they see criminal acts occurring in their community.

Often federal agents come into contact with state fugitives or witness criminal behavior during the course of their duties that may be violations of state laws. When these situations occur federal officers occasionally act, but quite frequently they choose not to involve themselves because they are concerned about whether they have proper authority to arrest, or the potential criminal charges they face if the situation becomes violent and they acted without authority.

To give a few examples, based upon actual situations, of when this bill may be applied:

FBI agents investigating a bank robbery are traveling to a residence to interview a witness. While approaching the residence they notice an individual climbing out of the window of the home next door. The individual is holding articles that appear to belong inside the residence. Agents arrest and detain the individual, and notify county police of the incident.

Deputy Marshals, while searching for a fugitive, travel to a location that the fugitive is known to frequent. While there they come into contact with several of the fugitives associates. After checking the state computer one of these individuals is identified as a having an outstanding warrant for assault. The deputies arrest the individual and transport him to the appropriate facility for state processing.

While walking in the Federal Building parking lot two secret service agents observe a couple exiting from a bus at a nearby bus stop. The couple appears to be in a loud argument that attracts the attention of several people in the area. The bus driver also exits the bus and informs the agents, who have approached to investigate, that he observed the male strike the female with a closed fist and that he has called the police. The agents separate the couple before the argument escalates, and discover that the male did indeed strike the female. The agents arrest the male and await the arrival of area police.

This statute would affect approximately 150 federal law enforcement officers throughout the state of Hawaii. Its purpose is to in no way diminish the authority or role of the county and state law enforcement organizations, but to increase the law enforcement presence in the neighborhoods and communities of Hawaii.

I ask for your favorable support of this bill. Thank you.