

**THIRTY-SIXTH LEGISLATURE OF THE U.S.
VIRGIN ISLANDS
COMMITTEE ON HOMELAND SECURITY,
JUSTICE AND PUBLIC SAFETY
Chairman: The Honorable Clifford A. Joseph Sr.
Virgin Islands Police Department
St. Croix, USVI
June 5th, 2025**

BILL NO. 36-0024 (Sponsored by: Senator Marvin A. Blyden)

Mr. Chairman, distinguished members of the Senate, thank you for the opportunity to testify today in this matter. I am Sean A. Santos, Acting Assistant Commissioner of Police of the Virgin Islands Police Department. On behalf of Police Commissioner Mario M. Brooks I submit this testimony in opposition of Bill No. 36-0020, which seeks to amend Title 2 of the Virgin Islands Code, Chapter 1, Section 6, by allowing the Police Chief of the Legislature; the Sergeant-of-Arms; or any security officer of the legislature; who has peace officer status, to arrest a person who neglects or refuses to appear before the Legislature in obedience to subpoena.

While I recognize and support the Legislature's authority to compel testimony and maintain order within its chambers, this bill raises serious legal, operational, and public safety concerns.

We respectfully urge that this legislation not be approved, based on the following rationale: Across the United States, it is exceedingly rare for legislative police personnel to possess unilateral arrest powers in subpoena enforcement. Most state legislatures, and even the U.S. Congress, rely on judicial or executive branch agencies, such as the courts or local/state law enforcement, to enforce subpoenas and manage contempt proceedings.

For example, in **California, Texas, New York, and Florida**, enforcement of legislative subpoenas requires court involvement and due process protections. This maintains separation of powers and ensures individuals have the right to contest a subpoena before facing detention.

The Congressional Research Service (CRS) notes that while Congress has the inherent authority to enforce subpoenas however criminal contempt proceedings are referred to the Department of Justice, and civil enforcement occurs through the courts not through Capitol Police action.

Potential for Abuse and Politicization

Granting legislative officers arrest power over subpoena noncompliance opens the door to **political retaliation**, selective enforcement, or suppression of dissent. Even the appearance of political motivation in enforcing legislative subpoenas undermines public trust in democratic institutions. Enforcement of subpoenas should remain neutral and detached from legislative politics. Allowing legislative appointees to execute arrests risks politicizing what should be a strictly judicial or administrative function.

Alternative Legal Remedies Exist

The Virgin Islands Legislature already possesses legal tools to address subpoena noncompliance:

- The matter may be referred to the **Attorney General** for criminal contempt proceedings.
- A court may issue a **bench warrant** for the individual's arrest following a due process hearing.
- These mechanisms preserve the **constitutional separation of powers** while ensuring enforceability.

Impact on Community-Legislature Relations

Authorizing legislative officers to perform arrests could have a chilling effect on civic engagement, especially in our local community, who in most cases are already wary of government overreach. The perception of legislative intimidation could discourage residents, both white and blue collar, from participating in hearings, providing testimony, or attending meetings ultimately weakening transparency and democratic governance.

Conclusion

In closing, while we acknowledge the Legislature's vital oversight role, the proposed bill introduces **unnecessary risks, lacks national precedent**, and raises **serious legal and civil rights concerns**. It would be more prudent to reinforce existing subpoena enforcement procedures through judicial or law enforcement partnerships ensuring public accountability, due process, and institutional integrity.

I urge this body to consider these risks and vote against the passage of Bill No. 36-0020. Thank you for your time and consideration. We will remain on standby to welcome any questions from the committee.