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Blyden-Sponsored Bill to Expand Arrest Powers for Legislature's Officers Dies in Committee

Despite Sen. Marvin Blyden's push to empower legislative officers with arrest authority for subpoena enforcement, strong opposition from VIPD leadership and fellow senators—citing legal, political, and constitutional concerns—halted the bill in committee.

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Nelcia Charlemagne **June 06, 2025**

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Senator Marvin Blyden. By. V.I. LEGISLATURE.

Senator Marvin Blyden's attempt to strengthen the powers of the Legislature's enforcement officers failed to gain the support of his colleagues, prompting his draft bill to be held in committee.

Bill 36-0020 would authorize the Legislature's Police Chief and Sergeant-at-Arms to arrest someone who neglects or refuses to appear before the Legislature in obedience to subpoena. Other legislative security officers with peace officer status would also be authorized to do so.

Senator Blyden argued that such legislation “affirms and clarifies the arrest powers of the Legislature's Capital Police in reference to persons who ignore or neglect or neglect an order to appear pursuant to a legislative subpoena.” The current iteration of the V.I. Code requires the Legislature to issue an order to the territorial police to enforce subpoenas, and the only entity recognized as territorial police is the V.I. Police Department.

Senator Blyden pointed out that “this language was written decades before the legislature had its own sworn peace officers.” He argued, “It is high time, I believe, that we update the law to reflect the fact that we have our own peace officers, and it is even more important that we preserve the power of the Legislature to gather information and carry out its role.”

The top brass of the VIPD disagreed. Assistant Commissioner Sean Santos contended that “this bill raises serious legal, operational and public safety concerns.” According to Mr. Santos, “it is exceedingly rare for legislative police personnel to possess unilateral arrest powers in subpoena enforcement.” Instead, he emphasized the role of the “courts or local state law enforcement” in executing those duties.

Contrary to Blyden’s sentiments, Mr. Santos told lawmakers that preserving the status quo “maintains separation of powers and ensures individuals have the right to contest a subpoena before facing detention.” He foresaw “potential for abuse and politicization.” The appearance of “political motivation,” he said, “undermines public trust in democratic institutions.” For the VIPD, enforcement of subpoenas should remain “neutral” and implementing Bill 36-0020 could have the unintended consequence of “weakening transparency.”

Several lawmakers joined Mr. Santos in opposing either portions of the proposed legislation, or the bill in its entirety.

“I must oppose this piece of legislation on the grounds that it is legally redundant,” declared Senator Kenneth Gittens. He noted that “under Title Five of the Virgin Islands code that all sworn peace officers in the Virgin Islands already have the authority to effect arrest for failure to comply with lawful subpoenas.” He warned the bill’s sponsor against “risk of confusion and conflict.”

Like Mr. Santos, he commented on the “political optic” associated with the bill and the potential to be considered an “overreach by the Legislature.” Instead, he urged his colleagues to “focus on enforcement and not expansion.”

Meanwhile, Senator Franklin Johnson shared his observation that the current system of enforcement has not failed. He recalled that previous issuances of subpoenas have always been successful. “This process that we have here, it works, and if it works, don't break it, don't fix it, leave it, let it continue,” was his recommendation. “I did two, and both of them showed up.”

“I could see where this could murky the waters there,” remarked Senator Avery Lewis. He, like other lawmakers, was on the fence.

Despite Senator Blyden’s impassioned plea for support, lawmakers voted to hold the bill in committee at the call of the chair, Senator Clifford Joseph.