

Legislative Findings and Testimony on Structural Risks of an MPD–FBI Joint Terrorism Task Force Memorandum of Understanding

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Executive Summary

This testimony evaluates governance, legal, and operational risks associated with a Memorandum of Understanding (MOU) between the Maui Police Department (MPD) and the Federal Bureau of Investigation (FBI) Joint Terrorism Task Force (JTTF). The Minnesota Bureau of Criminal Apprehension (BCA) precedent demonstrates that federal agencies can unilaterally revoke cooperation and exclude state investigators from evidence in federal investigations [5, 3].

1 Legislative Findings

1.1 Finding 1: Federal Agencies Can Unilaterally Rescind Joint Investigations

In January 2026, the FBI revoked a joint investigation with the Minnesota Bureau of Criminal Apprehension (BCA) and designated itself the sole investigative authority, excluding state investigators from evidence and case files [3].

1.2 Finding 2: State Agencies May Be Excluded From Evidence and Case Materials

Minnesota officials reported that the BCA could no longer access evidence, interviews, or investigative materials, forcing withdrawal from the investigation [4].

1.3 Finding 3: Federal Supremacy Limits State and Local Oversight

Federal officials asserted exclusive jurisdiction over investigations involving federal agents, implicating constitutional federal supremacy and limiting state authority [6, 7].

1.4 Finding 4: MOUs Do Not Guarantee Transparency or Accountability

Even where joint task force agreements exist, federal agencies retain control of classified information and investigative outcomes, potentially preventing state prosecutors and oversight bodies from obtaining findings [2].

1.5 Finding 5: Joint Task Force Participation May Dilute Local Governance

Local officers deputized into federal task forces may operate under federal command structures and policies superseding local law and oversight [1].

2 Legal Testimony

2.1 Statement of Structural Risk

Any MPD–FBI JTTF MOU is structurally asymmetric. Federal supremacy, sovereign immunity, and classification authority permit the FBI to withdraw cooperation, restrict information, or override local governance without enforceable remedies available to Maui County [6].

2.2 Minnesota Precedent

The Minnesota case demonstrates that joint investigative frameworks can be rescinded unilaterally by the FBI, excluding state investigators and effectively nullifying joint authority in practice [5, 3].

2.3 Implications for Maui County

If MPD participates in the FBI JTTF under standard federal terms, Maui County should assume the following governance risks:

1. **Unilateral federal limitation or termination of cooperation.** Federal agencies may curtail joint participation or access to materials, limiting County oversight and independent review [5].
2. **Restricted evidence access for state or County prosecutors.** Exclusive federal control of evidence and files can impede state-level prosecutorial decisions [4].
3. **Limited enforceability of local oversight requirements.** Federal sovereign immunity and supremacy doctrines reduce local ability to enforce transparency obligations [6].

4. **Operational control concentrated federally.** JTTF structures are FBI-led and coordinated, affecting command-and-control and information flows [2].
5. **Transparency and civil-liberties tensions.** Secrecy requirements can conflict with local governance expectations and public accountability [1].

3 Strategic Reality Check: Hard Constraints

3.1 Legal Constraints

- Supremacy Clause preemption of state and local authority [6].
- Federal sovereign immunity preventing enforcement of MOU terms in state court [7].
- Federal classification authority limiting disclosure of intelligence and evidence.

3.2 Operational Constraints

- Lead-agency structure concentrating operational control federally [2].
- Evidence custody asymmetry, where federal agents collect and retain evidence.

4 Declaration of Generative AI and AI-Assisted Technologies

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5 Conclusion

Participation in the FBI JTTF under standard federal terms constitutes a delegation of local law enforcement authority into a federal command structure with limited enforceable oversight by Maui County. The Minnesota precedent illustrates that joint cooperation can be curtailed and evidence access restricted, undermining independent state or local review [5, 3].

References

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