



Committee: Hawaii Law Enforcement Standards Board  
Hearing Date/Time: Thursday, September 11, 2025 at 10:00am  
Place: ELD Conference Room & Via Videoconference  
Re: Testimony of the ACLU of Hawai'i OPPOSED to Draft Model  
Statewide Vehicular Pursuit Policy

Dear Chair Dhakhwa and Board members:

The ACLU of Hawaii supported the passage of ACT 210 earlier this year as clear guardrails for how and under what conditions law enforcement engages in vehicular pursuits. The law also provides greater transparency and public oversight of law enforcement in this area.

This is why we have concerns about the draft policy being considered by this Board today.

ACT 210 states clearly that, “no law enforcement officer shall engage in a vehicular pursuit unless” four conditions are all met<sup>1</sup>:

- “[T]he officer has a reasonable suspicion to believe that a person in the vehicle pursued is attempting to commit, has committed, or is committing one or more of” nine listed types of offences clearly outlined.
- The pursuit be necessary to identify or apprehend the individual in question.
- Failure to apprehend or identify the individual are greater than the safety risks of a vehicular pursuit; and
- The pursuing officer notifies a supervisor immediately upon initiating the pursuit.

The law is also clear that if any one of these conditions is not met, the officer is prohibited from engaging in any vehicular pursuit. The draft policy before the Board today seeks to undermine, or undo entirely, the policy set out in ACT 210.

Specifically, the draft policy provides for vehicular pursuits “in other circumstances where the agency policy authorizes it and the officer, in consultation with a supervisor, determines that the need for immediate apprehension outweighs the risks of pursuits.”

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<sup>1</sup> ACT 210 Session Laws of Hawaii 2025 §139(a)

Further, the draft policy as proposed will certainly create confusion among law enforcement officers as it deviates broadly from the law as signed by the Governor. ACT 210 requires that officers turn off emergency lights and sirens upon terminating a pursuit. The draft policy provides no such requirement.

Finally, the new law only allows officers to engage in pursuits if the “pursuit is necessary to identify or apprehend” the individual and the person in question “poses a serious risk of harm to others and the law enforcement officer reasonably believes that, under the circumstances, the safety risks of failing to identify or apprehend the person are greater than the safety risks of the vehicular pursuit.”

By contrast, the draft policy simply requires that officers should “consider” these factors.

We appreciate the Board’s work on this issue, but urge the members and staff to return to the drawing board to create a policy that more closely mirrors ACT 210 as signed into law, rather than advance this draft that undermines and contradicts the law and will undoubtedly create confusion that could endanger both residents and officers.

Mahalo for the opportunity to testify.

Sincerely,

*Josh Frost*

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*The mission of the ACLU of Hawai‘i is to protect the fundamental freedoms enshrined in the U.S. and State Constitutions. The ACLU of Hawai‘i fulfills this through legislative, litigation, and public education programs statewide. The ACLU of Hawai‘i is a non-partisan and private non-profit organization that provides its services at no cost to the public and does not accept government funds. The ACLU of Hawai‘i has been serving Hawai‘i for over 50 years.*

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