

LESB Draft Model Vehicular Pursuit Policy

Executive Summary

Vehicular pursuits can be necessary to apprehend dangerous individuals who refuse to stop, but they also create significant risks that must be carefully managed.

This Model Vehicular Pursuit Policy establishes statewide standards to promote consistent, safe, and accountable practices across Hawai'i law enforcement agencies. It defines when pursuits are authorized, sets supervisory responsibilities, outlines conduct and termination criteria, and provides a framework for intervention, training, reporting, and review.

By providing uniform guidance while allowing agencies to adopt more restrictive measures, this policy supports both officer effectiveness and public safety. It recognizes that pursuits, while inherently dangerous, may be undertaken only in limited circumstances defined by Act 210 and must be conducted under strict standards to protect life and safety.

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Model Pursuit Policy

§XX-1 Purpose and Philosophy

The preservation of life and safety is the paramount consideration in any vehicular pursuit. Vehicular pursuits are inherently dangerous and shall only be undertaken when the necessity of immediate apprehension clearly outweighs the risks posed to the public, officers, and fleeing individuals.

§XX-2 Definitions

As used in this model policy, unless the context otherwise requires:

“Vehicular pursuit” means an attempt by a law enforcement officer in a law enforcement vehicle to stop a moving vehicle where the operator of the moving vehicle appears to be aware of the officer’s signal to stop and resists by increasing speed, making evasive maneuvers, or operating the vehicle in a reckless manner that endangers the safety of the community or law enforcement officers.

“Primary unit” means the law enforcement vehicle that initiates or assumes the lead role in a pursuit.

“Secondary unit” means the law enforcement vehicle designated to provide support to the primary unit during a pursuit.

“Supervisor” means a law enforcement officer who, by rank or assignment, is responsible for overseeing and directing the conduct of a vehicular pursuit.

“Vehicle contact action” means any action undertaken by a pursuing law enforcement officer that results in contact between a moving law enforcement vehicle and a pursued vehicle.

“Vehicle paralleling” means a deliberate tactic in which a law enforcement vehicle drives alongside the pursued vehicle while the pursued vehicle is in motion.

§XX-3 Authorization to Pursue

- (a) A vehicular pursuit may be initiated only when an officer reasonably believes, based on training and judgment, that immediate apprehension is necessary to protect the public or to prevent further serious criminal conduct.
- (b) In making the decision to initiate or continue a pursuit, an officer shall consider whether the pursuit is necessary to identify or apprehend the suspect and whether the risks of pursuit are less than the risks of allowing the suspect to escape.
- (c) Pursuits are generally justified when the suspect is reasonably believed to have committed, is committing, or is attempting to commit any of the following offenses:
 - (1) A felony offense involving physical injury, threat of physical injury, or significant risk of physical injury to a person;
 - (2) Kidnapping, unlawful imprisonment, or custodial interference in the first or second degree;
 - (3) Robbery in the first or second degree;
 - (4) A sexual offense;
 - (5) Assault in the first or second degree committed by a person operating a vehicle recklessly or without regard for the safety of others;
 - (6) Abuse of family or household members;
 - (7) Escape in the first or second degree;
 - (8) Operating a vehicle under the influence of an intoxicant.
- (d) While subsection (c) identifies the primary offenses for which pursuits are generally justified, it cannot encompass every circumstance that may present an imminent threat of death or serious bodily injury. In such extraordinary circumstances, a pursuit may be initiated only with real-time supervisor authorization and only when no other reasonable means are available to prevent the threatened harm. The pursuit shall be terminated once the imminent threat is resolved or alternative response options are available. This subsection shall not be interpreted to expand beyond the limitations of Act 210 and shall be applied narrowly.
- (e) The officer shall notify a supervisor without delay upon initiation of a pursuit, and the supervisor shall assume responsibility for oversight and may order termination at any time.
- (f) Each agency may adopt more restrictive criteria for initiating pursuits.

§XX-4 Supervisor Responsibilities

- (a) A supervisor, as defined in section XX-2, shall exercise oversight of a vehicular pursuit once notified of its initiation. An officer who initiates a pursuit shall notify dispatch without delay, and dispatch shall take established steps under agency policy to immediately contact a supervisor.
- (b) A supervisor who becomes aware of an active pursuit shall:
 - (1) Evaluate whether the pursuit should be continued or terminated, considering the nature of the offense, traffic and roadway conditions, and the overall risk to the public and officers;
 - (2) Limit the number of participating units, normally to a primary and secondary vehicle, unless additional units are specifically authorized;
 - (3) Ensure communications discipline and coordination, including inter-agency notifications where appropriate; and
 - (4) Order termination of the pursuit when the risks of continuation outweigh the necessity of immediate apprehension.
- (c) When a pursuing officer holds the rank or assignment of supervisor, that officer shall clearly verbalize their supervisory role and may make command decisions in the absence of a higher-ranking supervisor.
- (d) A supervisor shall not be held responsible for directing or terminating a pursuit until the supervisor has been notified of the pursuit in accordance with agency procedures or has otherwise become independently aware of the pursuit. Upon such notification or awareness, the supervisor shall immediately acknowledge oversight and assume command responsibilities as set forth in this section.
- (e) Following the conclusion of a pursuit, supervisors shall carry out the documentation and record-preservation responsibilities set forth in section XX-10.

§XX-5 Conduct of Pursuits

- (a) Officers engaged in a vehicular pursuit shall operate their vehicles with due regard for the safety of all persons. Officers shall continuously consider roadway, traffic, weather, and environmental conditions and shall adjust their driving accordingly.
- (b) Upon initiation of a vehicular pursuit, the pursuing officer shall immediately activate all emergency warning equipment required by agency policy, including lights, siren, body-worn camera, and mobile vehicle recording equipment, if so equipped. A vehicle that does not meet agency equipment requirements shall not be used to initiate or continue a pursuit except under circumstances expressly permitted by agency policy until a properly equipped unit assumes primary position.
- (c) Unmarked vehicles, motorcycles, and specialty vehicles may initiate a pursuit only when exigent circumstances require immediate action and no marked vehicle is available. Once a marked vehicle becomes available to assume the role of primary or secondary unit, the unmarked motorcycle, or specialty vehicle shall yield that role unless otherwise directed by a supervisor.
- (d) Pursuit communications should be maintained in accordance with agency policy. The primary unit, or the secondary unit when assigned, shall provide regular updates regarding the pursuit, including location, direction of travel, speed, suspect vehicle description, and any other relevant factors. Such updates shall be broadcast over the designated common channel whenever practicable.

§XX-6 Termination of Pursuits

(a) Officers engaged in a vehicular pursuit shall continually evaluate whether the pursuit remains justified in light of the circumstances. Termination shall be considered at every stage of the pursuit whenever changing conditions alter the balance of risk and necessity.

(b) Circumstances that may warrant termination of a pursuit include, but are not limited to:

- (1) The identity of the suspect has been established such that apprehension can be safely accomplished without immediate pursuit;
- (2) The risks created by continuing the pursuit, including risks to the public, officers, or the suspect, outweigh the necessity of immediate apprehension;
- (3) The pursuing vehicle sustains damage, experiences mechanical failure, or suffers loss of emergency warning equipment that makes continued operation unsafe or not in compliance with agency requirements; or
- (4) The pursued vehicle has been lost from view, communications with the pursuing units have failed, or aviation or other tracking resources have assumed surveillance of the suspect vehicle.

(c) A pursuit shall be terminated immediately when ordered by a supervisor exercising oversight of the pursuit.

(d) As soon as practicable after initiating a vehicular pursuit, the pursuing officer, supervising officer, or responsible law enforcement agency shall develop a plan to bring the pursuit to a conclusion through the use of available pursuit intervention options, techniques, or tactics approved by the applicable agency.

(e) Upon termination of a vehicular pursuit, officers shall:

- (1) Immediately deactivate all emergency warning equipment, including lights and sirens;
- (2) Resume normal vehicle operation in compliance with all traffic laws;
- (3) Notify dispatch of the termination location and equipment deactivation;
- (4) Disengage from following the path of the fleeing vehicle unless directed otherwise by a supervisor for officer safety or investigative purposes.

§XX-7 Prohibited and Restricted Tactics; Intervention Options

- (a) Officers shall not discharge firearms at, into, or from a moving vehicle, nor attempt to disable a vehicle by firearm, except when the use of deadly force is otherwise justified to protect against an imminent threat of death or serious bodily injury and no reasonable alternative exists.
- (b) Ramming or deliberately colliding with a pursued vehicle, outside of a controlled and authorized pursuit intervention tactic, is prohibited. Controlled vehicle tactics, including the precision immobilization technique or similar maneuvers, may be used only when the level of force is otherwise warranted, the tactic is expressly authorized by agency policy, and the officer has received current training in its application.
- (c) Vehicle paralleling, as defined in section XX-2, is prohibited during active pursuits due to the extreme risk it poses to officers, suspects, and the public.
- (d) Officers shall not engage in wrong-way driving against the flow of traffic during a pursuit except when exigent circumstances make such action immediately necessary to prevent imminent harm, and only with supervisor acknowledgment when practicable.
- (e) Tire deflation devices may be deployed only when specifically authorized by agency policy, when the officer has received current training in their deployment, when supervisor approval has been obtained when practicable, and when reasonable steps are taken to minimize risk to uninvolved motorists, pedestrians, or officers.
- (f) Roadblocks may be established only when expressly authorized by agency policy, only under circumstances that would otherwise justify the use of deadly force, and only when clearly visible and deployed in a manner consistent with officer and public safety.
- (g) Aviation and technology-based tracking resources may be used to monitor or substitute for a ground pursuit, consistent with agency policy and supervisor direction.
- (h) Nothing in this section shall be construed to require any agency to authorize use of a particular tactic. Each agency retains discretion to prohibit or impose stricter limitations on any tactic addressed in this section.

§XX-8 Interjurisdictional Pursuits

- (a) When a vehicular pursuit is likely to enter another jurisdiction or involves areas of shared geographical jurisdiction with another law enforcement agency, the pursuing officer shall notify dispatch without delay. Dispatch shall immediately notify the affected agency in accordance with established procedures.
- (b) Supervisors shall ensure that communications in interjurisdictional pursuits are conducted on a common channel whenever practicable, and that relevant updates are provided to all agencies involved.
- (c) Officers entering another jurisdiction or operating in an area of shared jurisdiction shall act in accordance with their own agency's pursuit policy and training, unless otherwise directed by a supervisor in coordination with the affected jurisdiction.
- (d) A pursuit shall be discontinued if:
 - (1) The affected primary jurisdiction requests termination;
 - (2) Necessary communications or coordination among the agencies cannot be maintained; or
 - (3) Continuation would conflict with the requirements of this chapter.
- (e) Fresh pursuit authority recognized under state law shall be exercised with due regard for public safety and inter-agency cooperation.
- (f) Each agency shall maintain written procedures for coordinating pursuits that cross into another jurisdiction or occur within shared jurisdictions, including communication protocols, supervisory responsibilities, and termination criteria.
- (g) Each agency shall adopt written procedures governing pursuits that may enter federal property, military installations, or airport operational areas. Such procedures shall include requirements for communication, coordination, and authorization from the controlling federal agency, and may permit immediate entry only when necessary to prevent imminent death or serious bodily injury.

§XX-9 Reporting and Review

- (a) Every vehicular pursuit shall be documented through an after-action report completed by each officer directly involved. The report shall include the circumstances of the initiation, conduct, termination, and outcome of the pursuit, and shall be submitted in accordance with the reporting timeframes established by agency policy.
- (b) The supervisor responsible for oversight of the pursuit shall ensure that all written reports are completed by the officers involved, that all audio, video, and digital records of the pursuit are preserved, and that all relevant evidence is collected and secured for administrative review and reporting.
- (c) Each pursuit shall be subject to timely supervisory review. Agencies shall establish procedures for command-level evaluation of pursuits, which may include review boards, command staff analysis, or other formal mechanisms, to determine compliance with policy, identify training needs, and recommend corrective action when warranted.
- (d) Pursuant to section 139-3(a), Hawaii Revised Statutes, as amended by Act 210, Session Laws of Hawaii 2024, each agency shall compile and submit standardized pursuit data to the attorney general in the manner prescribed by the Law Enforcement Standards Board. The Board shall establish reporting standards and procedures and shall review and analyze the submitted data to support training and policy evaluation. The attorney general shall publish an annual statewide report that includes pursuit statistics, identifies trends, and, when appropriate, makes recommendations for policy or training revisions.

§XX-10 Training

- (a) The Law Enforcement Standards Board shall establish minimum training standards on vehicular pursuits for all law enforcement recruits and for in-service training of officers and supervisors.
- (b) All officers and supervisors shall complete training on pursuit policy and procedures at intervals not to exceed two years. Training shall include policy review, decision-making, supervisory oversight, communication protocols, and any pursuit intervention tactics authorized by the officer's agency.
- (c) Each agency shall ensure that officers authorized to use pursuit intervention devices or techniques receive initial and recurrent proficiency training specific to those tools or tactics.
- (d) Officers who do not successfully complete required pursuit training, or who fail to demonstrate proficiency in pursuit policy knowledge, decision-making, or intervention techniques, shall not be authorized to participate in vehicular pursuits until completing remedial training prescribed by their agency and recognized by the Law Enforcement Standards Board as a condition of continued certification.

APPENDIX A: Act 210 (HB277 CD1) Crosswalk (Summary)

The Legislature, through Act 210 (HB277 CD1), established mandatory requirements for statewide vehicular pursuit policies. Each requirement has been reviewed and incorporated into the LESB Model Policy where applicable. This alignment reflects the Board's commitment to legislative intent while ensuring that the policy remains practical, enforceable, and consistent with professional policing standards.

HB277 CD1 / Act 210 Requirement	LESB Draft Policy Section	Notes on Incorporation
Purpose: sanctity of life, inherent danger	Executive Summary; §XX-1 Purpose and Philosophy	Act 210 language incorporated; policy now emphasizes preservation of life, inherent danger, and limited circumstances under strict standards.
Offense threshold (violent felonies, OVUII, escape, etc.)	§XX-3 Authorization to Pursue	Offense list from Act 210 adopted as "generally justified" circumstances. §XX-3(d) narrowed to apply only to imminent threats of death or serious injury, with supervisor authorization, to cover extraordinary cases not anticipated by (c).
Necessity, risk balancing	§XX-3 Authorization to Pursue	Explicit balancing test: pursuit only when risks of apprehension are less than risks of escape.
Supervisor oversight	§XX-4 Supervisor Responsibilities	Supervisors notified immediately, assume oversight, may terminate at any time.
Unit limits, common channel, plan to end pursuit	§XX-5 Conduct of Pursuits; §XX-6 Termination; §XX-8 Interjurisdictional Pursuits	Default limit of two units unless otherwise authorized. Common channel communications required. Plan to bring pursuit to conclusion required as soon as practicable.
Activation (lights, siren, BWC, MVR)	§XX-5 Conduct of Pursuits	Officers must immediately activate all emergency warning equipment required by agency policy.
Termination criteria; equipment deactivation	§XX-6 Termination	Termination triggers include risk outweighing necessity, known suspect identity, loss of vehicle or communications, or unsafe vehicle/mechanical failure. §XX-6(e) incorporates Act 210's explicit requirement: upon termination, officers shall deactivate emergency lights and sirens, resume normal driving, notify dispatch, and disengage.
Ban on firing at moving vehicles absent deadly force	§XX-7 Prohibited and Restricted Tactics	Incorporated verbatim.

HB277 CD1 / Act 210 Requirement	LESB Draft Policy Section	Notes on Incorporation
Ban on ramming / paralleling	§XX-7 Prohibited and Restricted Tactics	Ramming prohibited except under controlled PIT. Vehicle paralleling expressly prohibited (§XX-7(c)).
Annual reporting to Attorney General	§XX-9 Reporting and Review	Agencies must complete after-action reports and preserve records. Agencies submit standardized data to the Attorney General as prescribed by LESB. AG publishes statewide annual report. LESB analyzes data for training/policy improvement.
Biennial training	§XX-10 Training	LESB sets training standards. Officers and supervisors must complete training every two years. Officers not demonstrating proficiency may not engage in pursuits until remedial training is completed.

Appendix B: Section-by-Section Rationale

§XX-1 Purpose and Philosophy (Rationale)

Language reflects Act 210's statement on the sanctity of life and inherent dangers of pursuits, while affirming that pursuits remain necessary in limited circumstances to protect the public. Hawai'i agency policies all emphasize risk versus necessity, making this section a direct bridge between legislative concerns and established practice.

§XX-2 Definitions (Rationale)

Consistent with HRS/HAR drafting style, these definitions provide clarity and avoid ambiguity. Terms such as "primary unit," "secondary unit," and "supervisor" align with agency manuals (HPD, MPD, etc.). Definitions for "vehicle contact action" and "vehicle paralleling" ensure consistency with national model policies and provide clarity for prohibited tactics.

§XX-3 Authorization to Pursue (Rationale)

Act 210 imposes an offense threshold (violent felonies, OVUII, escape, etc.) and requires necessity and risk balancing. Hawai'i agency policies vary: HPD, MPD, and DLE allow officer judgment with supervisor oversight; KPD limits pursuits to violent felonies; HCPD bans specialty tactics but still applies necessity/risk balancing. This section embeds Act 210's offense list as "generally justified" circumstances. Subsection (d) adds a narrow exception for extraordinary, imminent life-threat situations not anticipated by subsection (c), requiring real-time supervisor authorization and termination once the threat is resolved. This provision ensures operational readiness without expanding beyond Act 210.

§XX-4 Supervisor Responsibilities (Rationale)

Act 210 requires immediate supervisor notification and oversight. Hawai'i agencies already reflect this: HPD has a Pursuit Review Board; KPD requires supervisor notification and OPS review; MPD and DLE mandate command oversight. This section mirrors those practices, while clarifying supervisors are accountable once notified or independently aware, ensuring fairness in oversight responsibilities.

§XX-5 Conduct of Pursuits (Rationale)

Act 210 requires activation of lights, sirens, BWC, and MVR, as well as unit limits and communication discipline. Hawai'i agency policies align closely: HPD mandates lights/sirens; KPD requires BWC activation; MPD requires communications updates. This section harmonizes these requirements, establishes baseline practices, and references agency policy for equipment standards, avoiding conflict over subsidized vehicles.

§XX-6 Termination of Pursuits (Rationale)

Act 210 mandates clear termination criteria and requires officers and supervisors to terminate when statutory conditions are not met. Agency policies emphasize termination when risks outweigh benefits, suspect ID is known, or communications are lost (HPD, HCPD, MPD, DLE). This section incorporates those triggers, adds explicit criteria for vehicle damage or equipment failure, and codifies Act 210's requirement for immediate deactivation of emergency lights and sirens upon termination (§XX-6(e)).

§XX-7 Prohibited and Restricted Tactics; Intervention Options (Rationale)

Act 210 prohibits firearm discharge at or from vehicles unless deadly force is justified. Agency policies vary on other tactics: HCPD bans all specialty tactics (PIT, stop sticks, ramming); MPD and KPD allow tire deflation devices but prohibit ramming and roadblocks; DLE prohibits PIT and stop sticks but allows roadblocks at the deadly force threshold. This section aligns with Act 210 and Hawai'i practices. It also explicitly prohibits vehicle paralleling, recognizing its extreme risk, and sets clear conditions for other tactics while allowing agencies discretion to impose stricter limitations.

§XX-8 Interjurisdictional Pursuits (Rationale)

Act 210 requires common-channel communications and supervisor oversight. Hawai'i's geography creates overlapping jurisdiction (HPD/DOCARE, DLE/county police). This section clarifies expectations for notification, communications, coordination, and termination when pursuits cross or overlap jurisdictions, while respecting fresh pursuit authority in state law. It also requires agencies to adopt procedures for pursuits that may enter federal property, military installations, or airport areas, ensuring coordination without exceeding LESB's statutory jurisdiction.

§XX-9 Reporting and Review (Rationale)

Act 210 requires annual reporting to the attorney general and mandates collection of pursuit data. Agency policies (HPD Pursuit Review Board, KPD OPS/EVOC review, DLE required forms) already include review mechanisms. This section consolidates those practices: after-action officer reports, supervisor responsibility for preserving records, command-level evaluation, and annual submission of standardized data. Agencies submit data to the attorney general in a format prescribed by LESB; the AG publishes the statewide report, while the Board uses the data for analysis, training, and policy development.

§XX-10 Training (Rationale)

Act 210 requires biennial training. Hawai'i agencies mandate EVOC and pursuit policy refreshers (e.g., KPD requires remedial training if deficiencies are found). This section sets the Board's responsibility to establish statewide training standards, require biennial training, and link proficiency to certification. Officers who do not complete training or fail to demonstrate proficiency in policy, decision-making, or tactics may not participate in pursuits until completing remedial training recognized by LESB as a certification requirement.

Appendix C: Purpose and Research Basis for the Model Policy

The Law Enforcement Standards Board's Model Vehicular Pursuit Policy was developed through review of statutory requirements, comparative analysis of pursuit policies from other jurisdictions, and examination of current policies used by Hawai'i agencies. The result is a policy that reflects legislative direction while aligning with professional policing standards.

1. Legislative Foundation

The foundation for the Model Policy is Act 210 (HB277 CD1, Session Laws of Hawai'i 2024). Act 210 requires the Board to adopt statewide standards for vehicular pursuits. It specifies offense thresholds, mandates supervisory oversight, establishes termination criteria, requires biennial training, and directs agencies to submit annual pursuit data to the attorney general. Each of these requirements is implemented in the corresponding section of the Model Policy.

2. Comparative Review

The Administrator conducted extensive comparative research, examining vehicular pursuit statutes and policies from over 40 jurisdictions nationwide. This analysis revealed consistent patterns across multiple policy elements: offense thresholds ranging from restrictive (violent felonies only) to discretionary (officer judgment); supervisor oversight models varying from mandatory real-time control to post-incident review; unit participation limits typically set at two vehicles with exceptions for specialized circumstances; termination criteria consistently emphasizing risk-benefit analysis; intervention tactics ranging from complete prohibition to controlled authorization with training requirements; and reporting structures from simple documentation to multi-tiered review boards. The research identified jurisdictions with particularly relevant approaches: Connecticut's mandatory statewide standards model, Illinois's balance between state guidelines and local implementation, California's comprehensive POST guidelines, and major metropolitan frameworks from New York, Chicago, Dallas, and Los Angeles. These findings informed every section of the Model Policy, from authorization criteria through training requirements.

3. Hawai'i Agency Policies

Policies from county police departments and the Department of Law Enforcement were also reviewed. While each agency's rules vary in detail, all emphasize balancing necessity against risk, requiring supervisor involvement, and restricting high-risk tactics. These shared elements were harmonized into a uniform statewide baseline standard while preserving the ability of agencies to adopt stricter measures if desired.

4. Board Deliberations

The draft policy was prepared by the Administrator and submitted to the Law Enforcement Standards Board for review.