

Administrator’s Statement in Support of the LESB Model Vehicular Pursuit Policy

To: Chair Adrian Dhakhwa and Board Members

From: Victor R. McCraw, Administrator

Date: October 9, 2025 (*Revised October 30, 2025*)

Re: Supporting Statement for LESB Model Vehicular Pursuit Policy

Purpose

The LESB Model Vehicular Pursuit Policy implements Act 210’s statutory requirements through a professional standards framework consistent with proven national best practices. This statement explains how the Model Policy fulfills the Legislature’s public safety objectives while ensuring operational consistency across Hawaii’s law enforcement agencies.

How the Model Policy Implements Act 210

Offense Thresholds and Risk Balancing

Act 210 requires officers to determine that “the safety risks of failing to identify or apprehend the person are greater than the safety risks of the vehicular pursuit.” The Model Policy operationalizes this standard by embedding Act 210’s enumerated offense list as the only circumstances where pursuits are generally justified, requiring continuous evaluation, and mandating termination when risk exceeds necessity.

Extraordinary Circumstances Exception – §XX-3(d)

Section XX-3(d) was originally drafted to address imminent threats of death or serious bodily injury not listed in Act 210. Because Act 210 creates a closed and exhaustive list of qualifying offenses, any language that could authorize pursuit outside that list constitutes an absolute contradiction. The section must therefore be revised or deleted to preserve full statutory compliance.

The Model Policy recognizes that certain extraordinary circumstances may involve an immediate and direct threat of death or serious bodily injury, where the statutory framework for vehicular pursuits intersects with an agency’s separate standards for use of force. In such circumstances, the governing principles of officer decision-making transition from pursuit authorization under Act 210 to the established standards for use of deadly force.

Nationally recognized guidance affirms that when the risk to human life reaches a level that would justify the use of deadly force, the governing framework appropriately transitions from pursuit considerations to the established standards for use of force. The International Association of Chiefs of Police (IACP) Policy Center states:

“When the risk to human life reaches the point that deadly force would be justified, the situation is no longer governed by a pursuit policy but by the department’s use-of-force policy, which imposes a separate and stricter threshold of justification.”

(Source: IACP Policy Center, Vehicular Pursuits, revised 2023.)

Lexipol guidance similarly explains:

“Pursuit and use-of-force policies serve different purposes. When a fleeing suspect poses an immediate threat that would justify deadly force, the incident transitions from a pursuit decision to a use-of-force decision governed by separate standards and reporting.”

(Source: Lexipol Law Enforcement Policy Manual, Vehicular Pursuits and Use of Force, 2023 edition.)

The U.S. Department of Justice, National Institute of Justice, likewise confirms:

“Deadly force, including force intended to end a pursuit, must meet the constitutional standard of objective reasonableness under the Fourth Amendment. Pursuit policies should make clear that deadly-force considerations override pursuit-continuation decisions when imminent threat exists.”

(Source: U.S. Department of Justice, National Institute of Justice, Police Use of Force Policy and Training, NIJ 300877, 2022.)

By integrating this distinction, the Model Policy maintains Act 210’s statutory limitations on pursuit authority while reaffirming that when deadly force becomes lawfully justified, officer actions are guided by constitutional and departmental deadly-force standards. This ensures operational clarity and consistency with established national best practices.

This placeholder is reserved for language acknowledging the statutory limit while describing permissible emergency coordination or alternate response measures that do not expand pursuit authority beyond Act 210.

Supervisory Oversight and Accountability

The Model Policy defines notification, oversight, and documentation processes to make Act 210's supervisory requirements operational. These provisions are implementation details only and are not intended to controvert Act 210 in any way.

Equipment Activation and Termination Standards

The Model Policy is intended to uphold Act 210's absolute requirement that, once a pursuit is terminated, all emergency vehicle operations must cease and officers must disengage from the fleeing vehicle. Any reference in § XX-6(e)(4) to post-termination actions for "officer safety or investigative purposes" shall not be interpreted as authorization to continue following or re-engaging with the suspect vehicle.

Post-termination responsibilities are limited to lawful, non-pursuit functions necessary to protect public and officer safety and to maintain communication and coordination. These include notifying dispatch of the termination location, confirming deactivation of emergency equipment, complying with traffic laws, relaying information on last known direction of travel when directed by a supervisor, and assisting in safe scene management.

National professional standards reinforce this distinction. The International Association of Chiefs of Police advises that, after termination, officers should "*obey all traffic laws, turn off all emergency equipment, inform communications personnel of the termination, and turn their vehicles in another direction of travel away from where the suspect's vehicle was last seen heading.*" (IACP Law Enforcement Policy Center, *Vehicular Pursuits*, 2023.)

Lexipol guidance adds that "*once a pursuit has been terminated, involved officers should disengage and refrain from following unless directed to a specific location for coordination or scene safety by a supervisor.*" (Lexipol Law Enforcement Policy Manual, *Vehicular Pursuits*, 2023 edition.)

Recommended Model-Policy Clarification (for revision of § XX-6(e)(4))

*"After termination, officers shall not continue following the fleeing vehicle under any circumstance. **Any subsequent movements must be for communication, coordination, or safety purposes only, such as clearing intersections, relaying direction of travel, or positioning away from the pursuit path when directed by a supervisor.** These actions shall not be construed as continuation or renewal of pursuit."*

Operational Clarifications

The following provisions represent operational guidance consistent with Act 210 and are not contradictions:

- Supervisor Responsibility Timeline (§XX-4(d)) – defines command succession and oversight timing.
- Unmarked Vehicle Usage (§XX-5(c)) – provides internal standards where Act 210 is silent.
- Wrong-Way Driving (§XX-7(d)) – establishes safety restrictions not addressed in the statute.
- Controlled Vehicle Tactics / PIT (§XX-7(b)) – clarifies permissible control tactics while upholding the statute’s prohibition on ramming.

Each of these provisions is an operational clarification that supports Act 210’s implementation with not intent to alter or expand its meaning.

Training and Continuous Evaluation

Sections XX-6(a) and XX-11 reinforce Act 210’s judgment standard by requiring ongoing training and real-time reassessment of risk during pursuits, directly supporting statutory compliance and officer competency.

Conclusion

The LESB Model Vehicular Pursuit Policy implements Act 210 effectively by providing the professional framework necessary to achieve the statute’s public safety objectives. Comprehensive training, continuous supervisory oversight, real-time risk evaluation, and robust accountability mechanisms translate the statute’s requirements into safe, competent practice.

The draft policy incorporates all legislative requirements of Act 210 and integrates professional standards that promote consistent statewide application without altering or expanding statutory limits. Provisions identified for refinement will be addressed through the normal drafting and review process to ensure clarity and alignment with the final version of Act 210.

This approach reflects proven pursuit governance supported by successful implementation across multiple jurisdictions and decades of law-enforcement research, achieving the safety outcomes the Legislature intended while maintaining operational effectiveness.