

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

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 why the Model Policy effectively achieves the Legislature's public safety objectives while ensuring operational excellence 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 implements this requirement by:

- Embedding Act 210's offense list as circumstances where pursuits are "generally justified" (§XX-3(c))
- Requiring officers to "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" (§XX-3(b))
- Mandating continuous evaluation throughout pursuits with termination when "risks outweigh necessity" (§XX-6)

The policy's risk-balancing language explicitly implements Act 210's statutory standard while providing the operational framework officers need to apply it effectively under dynamic conditions.

Professional Implementation Flexibility

Section XX-3(d) addresses extraordinary circumstances that may present an imminent threat of death or serious bodily injury not encompassed by subsection (c). In such 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 must be terminated once the imminent threat is resolved or alternative response options are available. The policy explicitly states this subsection 'shall not be interpreted to expand beyond the limitations of Act 210 and shall be applied narrowly.

This provision:

- Addresses extraordinary circumstances presenting imminent threats of death or serious bodily injury that no statutory list can anticipate
- Requires real-time supervisor authorization before pursuit initiation
- Permits pursuits only when no other reasonable means exist to prevent threatened harm
- Mandates immediate termination once the imminent threat resolves or alternative response options become available
- Explicitly prohibits interpretation beyond Act 210's limitations and requires narrow application

This provision operationalizes Act 210's risk-balancing requirement under extraordinary circumstances while imposing stricter procedural safeguards than the statute requires. The real-time supervisor authorization and mandatory termination provisions ensure this flexibility serves Act 210's safety objectives.

This flexibility enables agencies to address unique operational challenges while maintaining Act 210's safety focus. Our research across several states demonstrates that successful jurisdictions employ similar frameworks recognizing that effective pursuit governance requires professional standards supporting statutory requirements rather than rigid compliance mechanisms that may compromise both safety and effectiveness.

The Model Policy's supervisory authorization requirement, mandatory termination provisions, and identical risk-balancing standard make §XX-3(d) more restrictive than Act 210's baseline requirements. This provision operationalizes the statute's safety objectives rather than undermining them.

Supervisory Oversight and Accountability

The Model Policy exceeds Act 210's basic oversight requirements by:

- Mandating immediate supervisor notification (§XX-4(a))
- Requiring continuous supervisory evaluation with authority to order termination (§XX-4(b))
- Establishing clear command responsibilities and decision-making protocols
- Ensuring accountability through comprehensive documentation requirements (§XX-10)

Act 210's supervisor notification requirement becomes operationally effective through these professional standards establishing how supervisors exercise oversight responsibilities.

Equipment Activation and Operational Standards

Section XX-5(b) requires immediate activation of all emergency warning equipment, including lights, siren, body-worn camera, and mobile vehicle recording equipment. This explicitly implements Act 210's equipment activation requirements. Section XX-6(e) then codifies Act 210's termination requirements by mandating that upon termination, officers shall immediately deactivate all emergency equipment, resume normal vehicle operation in compliance with all traffic laws, notify dispatch of the termination location and equipment deactivation, and disengage from following the path of the fleeing vehicle.

Why Professional Standards Enhance Statutory Compliance

Training Requirements That Build Competency

Act 210's risk-balancing requirements cannot be met through statutory language alone. Section XX-11 establishes comprehensive training standards ensuring officers develop the judgment and decision-making skills necessary to:

- Evaluate whether pursuits are necessary to identify or apprehend suspects
- Assess whether safety risks of failing to apprehend exceed pursuit risks
- Apply Act 210's requirements effectively under stress
- Implement termination decisions safely

Research across several states demonstrates that effective pursuit governance integrates statutory frameworks with professional training rather than relying solely on compliance mechanisms.

Continuous Evaluation as Statutory Requirement

Act 210's language requiring officers to determine that pursuit risks are justified cannot be a one-time decision. Pursuit conditions change rapidly—light traffic becomes heavy, weather deteriorates, suspect behavior escalates. The Model Policy's requirement for "continuous evaluation" (§XX-6(a)) implements Act 210's safety objectives by ensuring risk assessments remain current throughout pursuits.

Alternative Tactics Supporting Public Safety

Section XX-7 provides a framework for safe deployment of intervention options that can achieve Act 210's objectives through enhanced tactical effectiveness. By establishing clear standards for tire deflation devices, controlled vehicle tactics, and aviation support, the policy enables officers to conclude pursuits more safely while achieving apprehension goals.

Professional Standards and Statutory Implementation

Act 210 establishes a risk-balancing standard requiring 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.' This is a professional judgment standard that must be applied across varying circumstances through comprehensive training, supervisory oversight, and accountability mechanisms.

Section XX-3(d) applies this identical risk-balancing framework to extraordinary circumstances while adding procedural requirements the statute does not mandate: real-time supervisor authorization, limitation to situations where no other reasonable means exist, and immediate termination once threats resolve. This approach produces safer outcomes by ensuring officers can apply Act 210's standard competently under all dangerous conditions they may encounter.

National Consensus Supporting This Approach

Every state examined in our comprehensive research employs similar integration of statutory requirements with professional standards:

- **California** Penal Code §13519.8 mandates POST development of "uniform, minimum guidelines" that agencies adapt to local needs
- **Connecticut** establishes uniform statewide standards while preserving agency flexibility for additional restrictions
- **Indiana** requires all agencies to incorporate LETB standards while maintaining operational effectiveness
- **Kentucky** mandates agency policies "based on seriousness of offense and risk to public" with professional implementation guidance

The International Association of Chiefs of Police emphasizes that pursuit policies must "balance the need to apprehend against the risk posed to public safety"—exactly what the Model Policy achieves through professional standards supporting Act 210's requirements.

Measurable Success in Hawaii

Hawaii agencies already demonstrate that professional standards produce the safety outcomes Act 210 seeks:

- Hawaii County Police Department reports "continued decline in vehicle pursuit frequency" through enhanced training and professional oversight
- All agencies maintain comprehensive review systems ensuring policy compliance
- Professional approaches have achieved restrictive pursuit practices without compromising public safety

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.

Professional standards ensure officers can apply Act 210's risk-balancing standard competently through evidence-based operational guidance and effective supervision. This approach represents proven pursuit governance supported by successful implementation across all 50 states and decades of law enforcement research, achieving the safety outcomes the Legislature intended while maintaining operational effectiveness.