

# LESB Draft Model Vehicular Pursuit Policy

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## 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.

Prepared and submitted to Chair Adrian Dhakhwa by Administrator Victor R. McCraw

**REVISED 12/5/25** - For review and discussion by the Law Enforcement Standards Board on December 11, 2025.

Adrian Dhakhwa, Chair  
Law Enforcement Standards Board

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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"** or "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 appears to wilfully resist or ignore the officer's attempt to stop the vehicle by increasing speed, making evasive maneuvers, or operating the vehicle in a reckless manner that endangers the safety of the community or law enforcement officer. Following a vehicle whose operator fails to yield to the law enforcement officer's signal to stop for a brief period of time no longer than is necessary to obtain basic information about the vehicle and its occupants shall not constitute a pursuit if both the law enforcement officer and the moving vehicle operator continue to substantially obey all other traffic laws during the brief period the officer is following the operator, and the officer reasonably believes that briefly following the vehicle would not increase the threat that either the operator's or the officer's driving poses a danger to the safety of the public or other 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.

**Commented [VM1]:** Added "or 'pursuit'" as alternate term - Changed "resists" to "appears to wilfully resist or ignore the officer's attempt to stop the vehicle" - Changed "law enforcement officers" (plural) to "law enforcement officer" (singular) - Added entire second sentence regarding brief following not constituting pursuit (mirrors Act 210 language)

**“Vehicle contact action”** means any action undertaken by a pursuing law enforcement officer intended to result 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.

**Commented [VM2]:** “that results” to “intended to result” (matches Act 210 statutory language)

## §XX-3 Authorization to Pursue

(a) No law enforcement officer shall engage in a vehicular pursuit unless the following four conditions are met:

a. The vehicular pursuit is necessary to identify or apprehend the person in the moving vehicle;

b. The person poses a serious risk of harm to others and the 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;

c. The pursuing law enforcement officer notifies a supervisor immediately upon initiating the pursuit, provided that:

i. The supervisor oversees the pursuit; and

ii. The pursuing officer, in consultation with the supervisor, considers alternatives to the vehicular pursuit, the justification for the pursuit, and other safety factors including but not limited to speed, weather, traffic, road conditions, and the known presence of minors in the pursued vehicle; and

d. The pursuing law enforcement officer has a reasonable suspicion to believe that the person in the vehicle to be pursued is attempting to commit, has committed, or is committing one or more of the following:

i. A felony offense within Hawaii Revised Statutes chapter 707 or 708 involving bodily injury or the threat thereof to another person;

**Commented [VM3]:** Complete restructure to mirror Act 210’s four-condition framework - Removed subsections (a)-(e) discretionary language - Removed subsection (d) “extraordinary circumstances” exception entirely - Offense list now uses Act 210’s precise statutory language and references - Changed “sexual offense” to “felony sexual assault offense” (excludes SA4 and Indecent Exposure per Chair’s comment) - Moved “Each agency may adopt more restrictive criteria” to subsection (b)

- ii. Any grade of offense involving the unlawful restraint of another person;
- iii. Any felony sexual assault offense;
- iv. Any offense of abuse of family or household members under section 709-906;
- v. Escape in any degree under sections 710-1020 and 710-1021;
- vi. Any offense involving operating a vehicle under the influence of an intoxicant;

(b) 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) Continuously 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 or identification.
- (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) Upon notification, 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) Upon initiation of a vehicular pursuit, the pursuing officer shall immediately activate all emergency warning equipment, including lights, siren, body-worn camera, and mobile vehicle recording equipment, if so equipped.
- (b) 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.
- (c) Pursuit communications shall 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.
- (d) 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.

**Commented [VM4]:** Swapped order of (a) and (b) - Simplified activation language by removing "required by agency policy" - Removed sentence about vehicles not meeting equipment requirements

**Commented [VM5]:** Swapped order of subsections (c) and (d)

**Commented [VM6]:** Comma added for clarification

## §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; or
- (3) 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.

These circumstances should also be considered during the initial decision whether to pursue.

- (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, including by avoiding the path of the vehicle.
- (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) 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 bodily injury, and only with supervisor acknowledgment when practicable.

(d) 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.

(e) 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.

(f) Aviation and technology-based tracking resources may be used to monitor or substitute for a ground pursuit, consistent with agency policy and supervisor direction.

(g) 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)

## SXX-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.

**Commented [VM7]:** Replaced general reporting language with Act 210's 13-point detailed reporting requirements - Added new subsection (e) for Board's statewide report responsibility

(d) Every year each law enforcement agency shall compile and submit a report of all vehicular pursuits conducted in the prior year by law enforcement officers employed by that law enforcement agency to the Law Enforcement Standards Board. The report shall include, at a minimum, the following information for each vehicular pursuit:

(1) The reason for the pursuit, including the offenses that served as a basis for the pursuit;

(2) The date, start time, and end time of the pursuit;

(3) The start and end locations of the pursuit;

(4) A summary of the circumstances surrounding the pursuit, including but not limited to the number of law enforcement officers involved, the number of law enforcement vehicles involved, weather conditions, the type of law enforcement vehicles and pursued vehicles involved (e.g., motorcycle or sedan), and maximum speeds;

(5) Whether a body-worn camera was worn and active for the duration of the pursuit;

(6) Whether a dashboard camera was present and active for the duration of the pursuit;

(7) Whether the pursuit resulted in a crash or collision; injury requiring medical treatment; or death to a law enforcement officer, a driver or passenger in the pursued vehicle, or an uninvolved third party;

(8) If the pursuit resulted in a crash or collision, injury requiring medical treatment, or death, a description of the accident and details of each law enforcement officer, driver or passenger, or uninvolved third party injured or killed, including the type and severity of the injuries sustained by each, if any;

(9) Why and how the pursuit was discontinued or terminated, including whether the law enforcement officer used any pursuit intervention tactics or tools, and if so, which tactics or tools;

(10) Unique identification numbers for each pursuing and supervising law enforcement officer;

(11) If a citation was issued, the violations cited;

(12) If an arrest was made, the offense charged; and

(13) Whether the law enforcement officer searched the person or any property, and, if so, the type of contraband or evidence discovered, if any.

(e) The Board shall publish a statewide report and analysis of vehicular pursuits to identify trends, improve training, and recommend policy improvements.

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**Commented [VM8]:** Formatting Error - disregard visible content here

#### **§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) The Law Enforcement Standards Board shall collect and analyze statewide vehicular pursuit data submitted under section XX-9. Based on this analysis, the Board shall publish an annual report that includes pursuit statistics, identifies trends, and, when appropriate, makes recommendations for training or policy revision.

**Commented [VM9]:** The November 6 version's subsection (d) about remedial training proficiency has been replaced with the Board's data analysis and annual report responsibility. The remedial training concept is incorporated into the rationale appendix instead.

**SUMMARY OF KEY SUBSTANTIVE CHANGES (from 11/6/2025 LESB Meeting Version)**

1. **§XX-2 Definitions:** Expanded “Vehicular pursuit” definition to match Act 210’s statutory language, including the “brief following” exception. Modified “Vehicle contact action” definition.
2. **§XX-3 Authorization to Pursue:** Complete restructure to Act 210’s four-condition framework. Removed “generally justified” discretionary language and “extraordinary circumstances” exception. Now uses mandatory “shall not engage unless” language.
3. **§XX-4 Supervisor Responsibilities:** Added “Continuously” to evaluation requirement; added “or identification” to termination standard; simplified subsection (d).
4. **§XX-5 Conduct of Pursuits:** Reordered subsections; simplified equipment activation language.
5. **§XX-6 Termination of Pursuits:** Removed vehicle damage/mechanical failure termination trigger; added “consider during initial decision” language.
6. **§XX-7 Prohibited Tactics:** Added “including by avoiding the path of the vehicle” language; changed “imminent harm” to “imminent bodily injury”; removed standalone vehicle paralleling prohibition.
7. **§XX-8 Interjurisdictional:** Removed federal property provision.
8. **§XX-9 Reporting:** Replaced general language with Act 210’s detailed 13-point reporting requirements.
9. **§XX-10 Training:** Replaced remedial training language with Board annual report responsibility.
10. **REMOVED APPENDICES:** Simplified the model policy document. Rationale explained in prior version appendices *may be added later* after major revisions are complete. The revision of information, terminology, and illustrative tables is not practical during this stage of revision.

*Document prepared for LESB Administrator Victor R. McCraw December 5, 2025*