

# LESB Model Vehicular Pursuit Policy

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## Executive Summary

Vehicular pursuits are a necessary and sometimes unavoidable part of law enforcement operations. They allow officers to apprehend dangerous individuals who refuse to stop, thereby protecting the community from further harm. At the same time, pursuits carry inherent hazards that must be managed responsibly.

The purpose of this Model Vehicular Pursuit Policy is to establish clear, statewide standards that promote consistent, safe, and effective practices across all Hawai'i law enforcement agencies. These standards emphasize the preservation of life, accountability, and the exercise of prudent officer judgment in the moment, supported by training, supervision, and after-action review.

This policy defines when pursuits are authorized, sets supervisory responsibilities, outlines conduct and termination criteria, and provides a framework for pursuit interventions. It also establishes requirements for training, reporting, and annual statewide review to ensure continuous improvement.

By providing uniform guidance while allowing agencies flexibility to adopt more restrictive measures as appropriate, this Model Policy supports both officer effectiveness and public safety. It recognizes that vehicular pursuits, when conducted under well-defined standards, remain an essential tool for law enforcement in Hawai'i.

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Adrian Dhakhwa, Chair  
Law Enforcement Standards Board

Victor R. McCraw, Administrator  
Law Enforcement Standards Board



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# Model Pursuit Policy

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## §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 willfully 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.

**“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.

### **§XX-3 Authorization to Pursue**

- (a) No law enforcement officer shall engage in a vehicular pursuit unless the following four conditions are met:
  - (1) The vehicular pursuit is necessary to identify or apprehend the person in the moving vehicle;
  - (2) 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;
  - (3) The pursuing law enforcement officer notifies a supervisor immediately upon initiating the pursuit, provided that:
    - (A) The supervisor oversees the pursuit; and
    - (B) 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
  - (4) 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:
    - (A) A felony offense within Hawaii Revised Statutes chapter 707 or 708 involving bodily injury or the threat thereof to another person;
    - (B) Any grade of offense involving the unlawful restraint of another person;
    - (C) Any felony sexual assault offense;
    - (D) Any offense of abuse of family or household members under section 709-906;
    - (E) Escape in any degree under sections 710-1020 and 710-1021;
    - (F) 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-9.

### **§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.

## **§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. Officers shall not place themselves in the path of the vehicle in order to justify discharging their firearm.

(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 initiating law enforcement agency declares termination of the pursuit;
- (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. Subsequent law enforcement agencies must independently evaluate whether the four conditions in XX-3 are met before joining a vehicular pursuit already initiated.

(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.

## **§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 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) 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 department of the attorney general . 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 search, the basis for the search, and the type of contraband or evidence discovered, if any.

(e) Within 30 days of receiving each law enforcement agency's report, the department of the attorney general shall provide the board with a copy. The Board shall publish a statewide report and analysis of vehicular pursuits to identify trends, improve training, and recommend policy improvements.

(f) Beginning January 1, 2027, each law enforcement agency shall make publicly available all of its policies, including procedures, general orders, special orders, regulations, and guidance, related to vehicular pursuits. Redactions shall only be permitted to the extent allowed by law. All policies shall include the month and year during which they were last updated. If a vehicular pursuit policy is adopted or revised, it shall be made publicly available within 30 days of the adoption, and a copy shall be furnished to the Board.

### **§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.

## Appendix A: Act 210 Crosswalk (Summary)

The Legislature, through Act 210, established clear requirements for statewide law enforcement vehicular pursuit policies. Each of these requirements has been carefully reviewed and incorporated into the LESB Model Policy where appropriate. This alignment demonstrates that the Board has taken legislative direction seriously, while also ensuring that the model policy remains practical and consistent with professional policing standards.

Act 210 Requirement	LESB Model Policy Section	Notes on Incorporation
<b>Purpose: sanctity of life, inherent danger</b>	§XX-1 Purpose and Philosophy	Adopted nearly verbatim from Act 210. The LESB policy begins with a clear statement that preservation of life is paramount, while also affirming that pursuits remain a necessary law enforcement tool when conducted under proper safeguards.
<b>Offense threshold (violent felonies, generally, OVUII, escape, etc.)</b>	§XX-3 Authorization to Pursue	Substantively aligned. The list of qualifying offenses has been cleaned up for clarity and consistency.
<b>Necessity, risk balancing</b>	§XX-3 Authorization to Pursue	Explicit language requires officers and supervisors to consider whether pursuit is necessary to identify/apprehend, and whether risks of pursuit outweigh the risks of escape. This mirrors Act 210.
<b>Supervisor oversight</b>	§XX-4 Supervisor Notification and Oversight	Required under the model policy. Supervisors must continuously evaluate pursuits in real time, may terminate at any point, and ensure compliance with policy and Act 210.
<b>Unit limits, common channel, plan to end pursuit</b>	§XX-5 Conduct of Pursuits; §XX-6 Termination; §XX-8 Interjurisdictional Pursuits	Explicitly incorporated. The model policy sets a default of two units (with supervisory flexibility), requires use of a common radio channel, and in §XX-6 mandates development of a plan to bring pursuits to a conclusion using available intervention options.
<b>Activation (lights, siren, BWC, MVR)</b>	§XX-5 Conduct of Pursuits	Required across all agencies. Officers must immediately activate lights, siren, body-worn camera, and mobile video recorder at the initiation of a pursuit.

Act 210 Requirement	LESB Model Policy Section	Notes on Incorporation
<b>Termination criteria</b>	§XX-6 Termination	Explicitly provided. Pursuits must end when risks outweigh necessity, when identity is established for later arrest, when communications are lost, or when ordered by a supervisor. Act 210 also requires officers to self-terminate and supervisors to order termination if statutory criteria are not met.
<b>Ban on firing at moving vehicles absent deadly force</b>	§XX-7 Prohibited and Restricted Tactics and Intervention Options	Incorporated consistent with Act 210. The model policy prohibits firearm discharge at or from moving vehicles unless deadly force is otherwise justified.
<b>Annual reporting to Attorney General</b>	§XX-10 Reporting and Review	Explicitly included. Agencies must complete after-action reports and preserve records. Annual pursuit data is reported to the Attorney General, while LESB uses the statewide data for analysis, training, and policy recommendations.

## **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 also affirming that pursuits remain necessary to protect the public. Hawai'i agency policies all emphasize risk vs. 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 in enforcement. Terms such as "primary unit," "secondary unit," and "supervisor" align with agency manuals (HPD, MPD, etc.), while "vehicle contact action" and "vehicle paralleling" are included to cover language used in Act 210 and national model policies.

### **§XX-3 Authorization to Pursue (*Rationale*)**

Act 210 imposes an offense threshold (violent felonies, OVUII, escape, etc.) and requires necessity and risk balancing. 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 uses necessity/risk balancing. Act 210 imposes strict requirements before a pursuit can be initiated.

### **§XX-4 Supervisor Responsibilities (*Rationale*)**

Act 210 requires immediate notification and supervisor oversight. Agency policies 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.

### **§XX-5 Conduct of Pursuits (*Rationale*)**

Act 210 requires activation of lights, sirens, BWC, and MVR; unit limits; and communication discipline. Agency policies align closely: HPD mandates lights/sirens, KPD requires BWC activation, MPD requires communications updates. This section harmonizes these requirements and establishes statewide baseline practices.

### **§XX-6 Termination of Pursuits (*Rationale*)**

Act 210 mandates clear termination criteria and requires both officers and supervisors to terminate if conditions are not met. Agency policies also emphasize termination when risks outweigh benefits, suspect ID is known, or communications are lost. This section incorporates those triggers while adding the Act 210 requirement that a plan to end the pursuit be developed as soon as practicable.

### **§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 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 deadly force threshold. This section sets prohibitions consistent with Act 210 and common Hawai'i practice (no ramming, no firearms at vehicles), while allowing agencies flexibility to authorize PIT, stop sticks, boxing-in, or aviation if permitted by their policies and training.

#### **§XX-8 Interjurisdictional Pursuits (*Rationale*)**

Act 210 requires common channel communications and supervisor oversight. Hawai'i's geography also involves shared jurisdiction (e.g., 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.

#### **§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, agency-level review boards, and annual statewide reporting to LESB. Many of the reporting requirements already exist under agencies' current policies.

#### **§XX-10 Training (*Rationale*)**

Act 210 requires biennial training. Agency policies mandate EVOC training and pursuit reviews (e.g., KPD remedial training if deficiencies are found). This section sets LESB's responsibility to establish minimum 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.