

JOSH GREEN, M.D.  
GOVERNOR  
KE KIA'ĀINA



JORDAN LOWE  
DIRECTOR

MICHAEL VINCENT  
Deputy Director  
Administration

JARED K. REDULLA  
Deputy Director  
Law Enforcement

SYLVIA LUKE  
LT GOVERNOR  
KE KE'ENA

STATE OF HAWAII | KA MOKU'ĀINA O HAWAII  
**DEPARTMENT OF LAW ENFORCEMENT**

*Ka 'Oihana Ho'okō Kānāwai*

715 South King Street  
Honolulu, Hawaii 96813

TESTIMONY ON HOUSE BILL 2748, HOUSE DRAFT 2

RELATING TO LAW ENFORCEMENT

Before the Senate Committees on

Public Safety and Intergovernmental and Military Affairs

and

Labor and Technology

Friday, March 15, 2024; 3:02 p.m.

State Capitol Conference Room 225, Via Videoconference

Testifier: Michael Vincent

Chairs Wakai and Lee, Vice Chairs Elefante and Inouye, and members of the Committees:

The Department of Law Enforcement (DLE) **opposes** House Bill 2748, House Draft 2.

This bill seeks to establish statewide vehicular pursuit policies for state and county law enforcement agencies and require the DLE to adopt rules for the collecting and reporting of data.

The DLE does not believe that this legislation is necessary. The primary concern with this bill is the specificity of the contents of a single policy among many policies found in our law enforcement agencies and communities. Chapter 139 establishes the Law Enforcement Standards Board which is charged the responsibility of providing programs and standards for training and certification of law enforcement officers. §139-2(a), HRS. Chapter 139 sets parameters for the composition and overall responsibilities of the Board, but generally does not mandate specific requirements for the Board to include standards established by the Board. The Legislature should continue to defer to

the work of the Board to set the standards for state and county law enforcement agencies.

The DLE currently has a comprehensive vehicle pursuit policy that complies with standards established by the Commission on Accreditation for Law Enforcement Agencies Inc. and the International Association of Chiefs of Police. While we have not reviewed other State and county law enforcement agency vehicle pursuit policies, we believe that they have similar policies in force. The requirements of this bill will not address issues of compliance with a particular policy which should be left to the specific agency or the courts in those cases.

Problematic with this bill is the addition of subsections (e) through (g) of the proposed new section that requires the DLE to promulgate rules regarding its vehicle pursuit policy as well as rules relating to the collection of vehicle pursuit reports from county and state law enforcement agencies which the DLE is then required to make available to the public. The DLE is not the appropriate agency to collect and disseminate the contemplated information because it is also a law enforcement agency subject to the provisions of this bill. However, the Attorney General is traditionally the State agency responsible for crime research, prevention, and education and would be staffed and prepared to meet this added responsibility.

The DLE requests that this measure be held by the committees or, if the Committees intend to pass the measure, the language of a Senate Draft 1 use the previous version of this bill (HB2748, HD1) with the removal of the requirement to adopt administrative rules.

Thank you for the opportunity to submit testimony in opposition to this bill.



STATE OF HAWAII ORGANIZATION OF POLICE OFFICERS  
" A Police Organization for Police Officers Only "  
Founded 1971

March 12, 2024

The Honorable Glenn Wakai, Chair  
The Honorable Brandon J.C. Elefante, Vice-Chair  
Senate Committee on Public Safety and Intergovernmental and Military Affairs  
Hawaii State Capitol, Rooms 407, 217

The Honorable Chris Lee, Chair  
The Honorable Lorraine R. Inouye, Vice-Chair  
Senate Committee on Transportation and Culture and the Arts  
Hawaii State Capital, Rooms 219, 210  
415 South Beretania Street  
Honolulu, HI 96813

Re: **HB 2748 HD2 - Relating to Law Enforcement – Statewide Vehicular Law Enforcement Pursuit Policies**

Dear Chairs Wakai and Lee, Vice-Chairs Elefante and Inouye, and Honorable Committee members:

I serve as the President of the State of Hawaii Organization of Police Officers (“SHOPO”) and write to you on behalf of our Union in **strong opposition** to HB 2748 HD2. We fully understand the Legislature’s intention to speak to the dangerousness of vehicular pursuits. However, establishing statewide vehicular law enforcement pursuit policies is simply not the answer and is unnecessary.

As you may or may not know, each of the county police departments have implemented motor vehicle pursuit policies that comply with standards established by the Commission on Accreditation for Law Enforcement Agencies, Inc. (“CALEA”). CALEA is nationally known as the gold standard benchmark in law enforcement and its accreditation seals are internationally recognized as the “Marks of Professional Excellence” for public safety agencies. Although the policies and training of each county police department have much in common, they also have special provisions and aspects tailored to each island’s unique demands and diverse communities. As such, a statewide policy would not appropriate. In addition, all county officers receive initial training in motor vehicle pursuits, along with annual refresher training and each county police department has its own policies and procedures addressing reporting of pursuits to command and administrative review for compliance.

We thank you for allowing us to be heard and to share our concerns on this bill and hope your committee will unanimously reject this bill.

Respectfully submitted,

ROBERT “BOBBY” CAVACO  
SHOPO President

RC jmo

**Main Office & Honolulu Chapter Office**  
1717 Hoe Street  
Honolulu, Hawaii 96819-3125  
Tel: (808) 847-4676 "84 SHOPO"  
www.shopohawaii.org Fax: (808) 841-4818

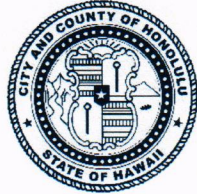
**Hawaii Chapter Office**  
688 Kinoole Street, Room 220B  
Hilo, Hawaii 96720-3877  
Tel: (808) 934-8405  
Fax: (808) 934-8210

**Kauai Chapter Office**  
3176 Oihana Street, Suite 104, Lihue  
Mailing Add: P. O. Box 1708  
Lihue, Hawaii 96766-5708  
Tel: (808) 246-8911

**Maui Chapter Office**  
1887 Wili Pa Loop, Suite 2  
Wailuku, Hawaii 96793-1253  
Tel: (808) 242-6129  
Fax: (808) 242-9519

POLICE DEPARTMENT  
KA 'OIHANA MĀKA'I O HONOLULU  
**CITY AND COUNTY OF HONOLULU**

801 SOUTH BERETANIA STREET • HONOLULU, HAWAII 96813  
TELEPHONE: (808) 529-3111 • WEBSITE: [www.honoluluupd.org](http://www.honoluluupd.org)



RICK BLANGIARDI  
MAYOR  
MEIA

ARTHUR J. LOGAN  
CHIEF  
KAHU MĀKA'I

KEITH K. HORIKAWA  
RADE K. VANIC  
DEPUTY CHIEFS  
HOPE LUNA NUI MĀKA'I

OUR REFERENCE **ST-TK**

March 15, 2024

The Honorable Glenn Wakai, Chair  
and Members  
Committee on Public Safety and  
Intergovernmental and Military Affairs  
The Honorable Chris Lee, Chair  
and Members  
Committee on Transportation and  
Culture and the Arts  
State Senate  
415 South Beretania Street, Room 225  
Honolulu, Hawai'i 96813

Dear Chairs Wakai and Lee and Members:

SUBJECT: House Bill No. 2748, H.D. 2, Relating to Law Enforcement

I am Stason Tanaka, Major of the Traffic Division of the Honolulu Police Department (HPD), City and County of Honolulu.


The HPD opposes House Bill No. 2748, H.D. 2, Relating to Law Enforcement.


The HPD opposes the proposal to establish statewide vehicular pursuit policies. Each county should be able to independently draft a policy based on their specific needs taking into consideration their training curriculum, available equipment, as well as their unique geographical layouts and communities. As it stands, each county has its own police academy with a curriculum based on their county's needs.

The HPD urges you to oppose House Bill No. 2748, H.D. 2, Relating to Law Enforcement. Thank you for the opportunity to testify.

APPROVED:

Sincerely,

  
Arthur J. Logan  
Chief of Police

  
Stason Tanaka, Major  
Traffic Division

**HAWAI‘I SENATE COMMITTEE ON PUBLIC SAFETY AND  
INTERGOVERNMENTAL AND MILITARY AFFAIRS**

**HEARING:**

Public Hearing on House Bill 2748 H.D. 2, March 15, 2024

**DATE OF TESTIMONY:**

March 14, 2024

**TESTIMONY OF THE POLICING PROJECT AT NYU SCHOOL OF LAW IN  
SUPPORT OF H.B. 2748 H.D. 2**

Dear Chair Wakai, Vice Chair Elefante, and Members of the Senate Committee on Public Safety and Intergovernmental and Military Affairs:

One of the best ways to ensure transparent, effective, and ethical policing is for the public to be democratically involved in setting expectations for police practices *before* police act, instead of *after* something has gone wrong.<sup>1</sup> Although sometimes necessary, police vehicle pursuits can be dangerous, posing risks of serious injury or death to members of the public and police officers. An increasing number of jurisdictions are setting forth clear rules in advance for agencies and officers to ensure officers are only engaging in pursuits when necessary and when the public safety benefits of such pursuits outweigh the risks. Hawai‘i should join these jurisdictions and pass H.B. 2748 H.D. 2 (“H.B. 2748”) to advance public safety and avoid needless fatalities and injuries.

We thus submit this testimony in support of H.B. 2748.

**H.B. 2748 Would Bring Much Needed Clarity and Regulation To Police Vehicle Pursuits**

Although there are scenarios in which police should pursue and apprehend people seeking to avoid a lawful traffic stop, a growing body of research indicates that not all police vehicle pursuits promote public safety, and that some pose an unreasonable risk of injury or death to officers and members of the public alike. Indeed, [a recent national study](#) reported that more than 3,000 people have died in vehicle pursuits in the past five years, including more than 500 bystanders. And, according to federal government estimates, police pursuits injured more than 52,000 people from

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<sup>1</sup> As part of its mission to advance democratic accountability in policing, the Policing Project has aided numerous states across the country in establishing and strengthening their policing statutes and regulations. In addition, our testimony is informed by the [American Law Institute’s Principles of Policing on police-involved pursuits](#).

2017 to 2021. While individuals in the vehicle being pursued or other nearby vehicles are most likely to die, a 2019 study found that officer deaths resulting from pursuit-related collisions accounted for five to six percent of all line-of-duty officer deaths each year.<sup>2</sup>

Importantly, the recent study also found that just one out of fifteen people killed during pursuits were chased for violent crimes. Most of the time, the study explained, officers are conducting chases at high speeds to stop drivers suspected of non-violent crimes or low-level driving infractions, like having a broken taillight or playing loud music. Consistent with the recent study's finding, [a 2021 study our organization conducted](#) found no evidence that restrictive pursuit policies produced more criminal activity.

To make matters worse, vehicle pursuits are also costly. The recent national study found that, in the past five years, local governments and insurers have paid more than \$80 million in settlements and judgments in lawsuits arising from pursuit-related injuries and death.

There is a better way. Following in the footsteps of jurisdictions across the country and recognizing the danger of vehicle pursuits, H.B. 2748 would smartly regulate vehicle pursuits, setting forth clear rules that only permit pursuits where the public safety benefits outweigh the potential harms to officers and members of the public described above. The bill, too, contains other commonsense measures such as requiring officers engaged in vehicle pursuits to (a) when feasible, communicate with other officers engaging in the pursuit; and (b) receive relevant training before engaging in such pursuits. The bill also laudably provides for the collection of data on all vehicle pursuits, which would enable law enforcement agencies, lawmakers, and members the public to meaningfully assess the efficacy of the new pursuit restrictions.

H.B. 2748 is consistent with best practices for vehicle pursuits. In light of the danger posed by vehicle pursuits, [a 2023 report by the Department of Justice and Police Executive Research Forum](#) urged police to limit pursuits to people who have committed a violent crime and pose an imminent threat to others.

The bill also laudably follows the lead of many other states and restricts officers from firing a weapon at a moving vehicle unless necessary to protect against an imminent threat of serious harm. Firing at a moving vehicle poses risks of serious injury and death not only to the people in the vehicle targeted but also to people in other surrounding and nearby vehicles, including police vehicles. Accordingly, the bill sensibly only permits firing a weapon when the public safety benefits outweigh the risks.

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<sup>2</sup> See Michael White, Lisa Dario, & John Shjarback, *Assessing dangerousness in policing: An analysis of officer deaths in the United States, 1970–2016*, 18 CRIMINOLOGY & PUB. POL'Y 11, 18 (2019).

### **Conclusion**

H.B. 2748 would bring much-needed clear regulation to police vehicle pursuits in Hawai'i and also wisely would restrict the dangerous police tactic of shooting a weapon at a moving vehicle.

Thank you for considering our testimony.



**HB-2748-HD-2**

Submitted on: 3/12/2024 6:45:37 PM

Testimony for PSM on 3/15/2024 3:02:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Summer McCallum	Individual	Support	Written Testimony Only

Comments:

I believe this bill is a great bill and I believe a lot of our county departments already have policies in place mirroring this bill. This bill would also hold the police departments more accountable for their officer's actions as well as revisiting their policies. I agree that officers should be EVOC certified but I believe the state should fund the county police departments for such courses if this bill requires each department/officer to be certified. I also strongly believe that each department if not already certified or trained, to use "stop sticks" (spike strips) in the event of a vehicular pursuit. If this bill becomes a law, the state should be responsible to fund the purchasing, training and certification of the use of "stop sticks".



**HB-2748-HD-2**

Submitted on: 3/13/2024 11:49:40 AM

Testimony for PSM on 3/15/2024 3:02:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Victor K. Ramos	Individual	Oppose	Written Testimony Only

Comments:

Oppose. The bill is not necessary. Every police department in the State of Hawaii have a vehicle pursuit policy that are consistent with "best practices" promoted by the Nationa Highway & Traffic Safety Administration.