



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
KA 'OIHANA O KA LOIO KUHINA
THIRTY-THIRD LEGISLATURE, 2025**

ON THE FOLLOWING MEASURE:

H.B. NO. 277, H.D. 2, RELATING TO VEHICULAR PURSUIT.

BEFORE THE:

SENATE COMMITTEES ON TRANSPORTATION AND CULTURE AND THE ARTS
AND ON PUBLIC SAFETY AND MILITARY AFFAIRS

DATE: Monday, March 10, 2025

TIME: 3:01 p.m.

LOCATION: State Capitol, Room 225

TESTIFIER(S): Anne E. Lopez, Attorney General, or
Mark S. Tom, Deputy Attorney General

Chairs Lee and Elefante and Members of the Committees:

The Department of the Attorney General (Department) provides the following comments.

The purpose of this bill is to establish within the Hawaii Revised Statutes (HRS) a statewide vehicular law enforcement pursuit policy.

The Department believes this bill may be premature. In 2018 the Legislature passed House Bill No. 2071, which was enacted as Act 220, which statutorily created the Law Enforcement Standards Board (LESB) within chapter 139, HRS. The LESB is an eighteen-member board that is responsible for the certification of county police officers, state public safety officers, and employees of the Departments of Transportation, of Land and Natural Resources, of Taxation, and of the Attorney General with police powers. The powers and duties of the LESB are outlined in section 139-3, HRS, and were subsequently expanded in 2020 through Act 47 with the addition of paragraph (12) requiring the LESB to "[r]eview and recommend statewide policies and procedures relating to law enforcement, including the use of force." The Legislature provided full funding for the LESB's administrator and support staff beginning in Fiscal Year 2023-2024. After a diligent search, the LESB hired Administrator Victor McCraw in June 2024. Administrator McCraw began work for the LESB in October 2024.

Based on the duties already specified for the LESB by the Legislature through section 139-3(12), HRS, the Department recommends that the Committee allow the LESB and Administrator McCraw to work with stakeholders in creating a more comprehensive statewide vehicular pursuit policy prior to any codification.

Thank you for the opportunity to testify on this matter.

OFFICE OF INFORMATION PRACTICES

STATE OF HAWAII
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250 SOUTH HOTEL STREET, SUITE 107
HONOLULU, HAWAII 96813
TELEPHONE: 808-586-1400 FAX: 808-586-1412
EMAIL: oip@hawaii.gov

To: Senate Committee on Transportation and Culture and the Arts

From: Carlotta Amerino, Director

Date: March 10, 2025, 3:01 p.m.
State Capitol, Conference Room 225

Re: Testimony on H.B. No. 277, H.D. 2
Relating to Relating to Vehicular Pursuit

Thank you for the opportunity to submit testimony on House Bill 277, which would establish a vehicular pursuit policy for law enforcement agencies. The Office of Information Practices (OIP) takes no position on the substance of the bill but offers **comments** on how this bill would affect the public's access to records.

Page 10, lines 15-21, heightens the standard for law enforcement agencies to withhold or redact portions of their vehicular pursuit policy. House Bill 277 proposes to allow law enforcement agencies to redact information only if:

- (1) Allowed under the state's open records law, the Uniform Information Practices Act, chapter 92F, Hawaii Revised Statutes (HRS) (the UIPA);
and
- (2) "The redacted material, if made public, would *substantially and materially undermine ongoing investigations or endanger the life or safety of officers or members of the public.*"

(Emphasis added).

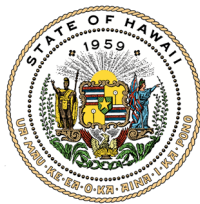
The UIPA provides law enforcement agencies with a limited ability to withhold vehicular pursuit policies. Under the frustration exception at section 92F-13(3), HRS, predominately internal policies may be withheld or redacted only when public disclosure would “significantly risk circumvention” of the policy or law and thus frustrate a legitimate government purpose. Applying the current standard, OIP concluded that only a portion of a police department’s motor vehicle pursuit policy could be redacted on the basis that its disclosure would significantly risk circumvention of the law. OIP Op. Ltr. No. 95-13.

If House Bill 277 passes, it will no longer be enough for law enforcement agencies to show that public disclosure would essentially let persons pursued know what needs to happen to make a police officer stop chasing them. Law enforcement agencies will also have to show that public disclosure would substantially and materially undermine an ongoing investigation, or endanger the life or safety of others. The issue of whether vehicle pursuit policies should be subject to a heightened standard of non-disclosure is a policy decision for the Legislature to decide.

House Bill 277 also makes the reports collected under proposed section 139-__ (e) public. Section 139-__ (h) requires law enforcement agencies to de-identify suspects from the report by leaving out “the name, address, social security number, or other unique personal identifying information of the persons pursued.” This policy is consistent with the UIPA because it allows agencies to protect the suspects’ significant privacy interest in their personal information under section 92F-13(1), HRS, while still allowing for better public understanding of vehicular pursuits.

Thank you for considering OIP’s testimony.

JOSH GREEN, M.D.
GOVERNOR
KE KIA'ĀINA



MIKE LAMBERT
DIRECTOR

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

JARED K. REDULLA
Deputy Director
Law Enforcement

TESTIMONY ON HOUSE BILL 277, HOUSE DRAFT 2
RELATING TO VEHICULAR PURSUIT
Before the Senate Committee on
TRANSPORTATION AND CULTURE AND THE ARTS
PUBLIC SAFETY AND MILITARY AFFAIRS
Monday, March 10, 2025, 3:01 PM
State Capitol Conference Room 225 & Videoconference
Testifiers: Mike Lambert

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

The Department of Law Enforcement (DLE) appreciates the opportunity to provide comments on House Bill 277, House Draft 2, which seeks to establish a comprehensive statewide vehicular pursuit policy for law enforcement agencies. While we recognize the importance of standardized pursuit policies to enhance public safety and officer accountability, we have concerns regarding the bill's approach and its potential impact on law enforcement operations.

DLE recommends that the Law Enforcement Standards Board (LESB) be the entity to address this issue, as it is already tasked with developing statewide policies and standards for law enforcement agencies. The LESB's role in setting law enforcement training and operational guidelines makes it the appropriate body to evaluate and establish best practices for vehicular pursuits in coordination with stakeholders.

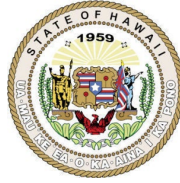
Additionally, DLE is concerned that the limiting language in the bill may unduly restrict law enforcement's ability to initiate pursuits, potentially preventing officers from effectively apprehending suspects in critical situations. While clear guidelines are essential, any restrictions must balance public safety concerns with the necessity for law enforcement to respond appropriately to evolving and dynamic incidents.

We appreciate that the bill outlines a phased implementation timeline, which would allow for training, resource allocation, and system development. However, we recommend further discussion on the feasibility of implementation and the potential impact on law enforcement operations across jurisdictions.

DLE remains committed to promoting professional and accountable law enforcement practices and looks forward to working collaboratively with stakeholders to ensure that any pursuit policy supports both public safety and effective policing.

Thank you for the opportunity to provide comments on this measure.

JOSH GREEN, M.D.
GOVERNOR



STATE OF HAWAII
LAW ENFORCEMENT STANDARDS BOARD
425 QUEEN STREET
HONOLULU, HAWAII 96813

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GARY SUGANUMA
CRAIG TANAKA

VICTOR R. MCCRAW
ADMINISTRATOR

March 8, 2025

Chair Chris Lee
Senate Committee on Transportation and Culture and the Arts
Chair Brandon J.C. Elefante
Senate Committee on Public Safety and Military Affairs
State Capitol, Conference Room 225
415 S. Beretania Street
Honolulu, Hawaii 96813

Re: H.B. No. 277, H.D. 2, Relating to Vehicular Pursuit.

Chair Lee, Chair Elefante, and Members of the Committees:

The Law Enforcement Standards Board (LESB) currently opposes HB277, which proposes to establish a statewide vehicular pursuit policy for law enforcement agencies in Hawaii. While we recognize the importance of ensuring safe and responsible vehicular pursuits, the LESB believes that HB277 is unnecessary and premature at this time.

The LESB was established in 2018. In 2020, Act 47 amended HRS §139-3 to impose the additional duty of having to “review and recommend statewide policies and procedures relating to law enforcement, including the use of force.” Given this statutory responsibility, the LESB is tasked with examining issues such as vehicular pursuit policies across all law enforcement agencies in the state.

The LESB is actively considering the issue of a statewide vehicular pursuit policy. At its March 6, 2025 meeting, LESB members were given the relevant policies of the county and state law enforcement agencies, as well as a copy of HB277, and the NYU Policing Project’s model policy for their consideration.

Rather than adopting a legislative mandate without the benefit of full research and stakeholder input, the LESB respectfully requests the opportunity to conduct a

Chair Chris Lee
Chair Brandon J.C. Elefante
HB 277 Relating to Vehicular Pursuit.
March 9, 2025
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comprehensive, data-driven review of vehicular pursuit policies before any statewide policy changes are codified into law. Each county and state law enforcement agency has existing pursuit policies, and the Board is best positioned to thoroughly assess, compare, and develop recommendations that reflect best practices and the unique needs of Hawaii's jurisdictions.

Although well-intentioned, as currently written, HB277 allows for absurd results. For example, a law enforcement officer would be unable to engage in a vehicular pursuit if a gunpoint robbery occurred in broad daylight in front of multiple witnesses. Nor would the officer be allowed to engage in a vehicular pursuit if teachers reported a child was kidnapped during after school pickup. In these situations, while both would be classified as felony offenses under chapter 707, neither offense "involves physical injury to the person of another" (page 2, lines 1-3). This cannot be what was intended.

For all of these reasons, the LESB does not support the passage of HB277. Instead, we are prioritizing this issue as part of our statutory mandate and would like to ensure that any recommended changes to vehicular pursuit policies are made in a way that is consistent, well-researched, and informed by law enforcement professionals and community stakeholders. We would ask you to defer HB277.

Sincerely,

Adrian Dhakhwa
Chairperson
Hawaii Law Enforcement Standards Board

LATE

HB-277-HD-2

Submitted on: 3/10/2025 9:40:02 AM

Testimony for TCA on 3/10/2025 3:01:00 PM

Submitted By	Organization	Testifier Position	Testify
Jeremie Evangelista	Testifying for Hawaii (County) Police Department	Oppose	Remotely Via Zoom

Comments:

The Hawai'i (County) Police Department has submitted written testimony in opposition to HB 277 HD2 Relating to Vehicular Pursuit. We will be testifying via Zoom and available to answer questions.

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

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RICK BLANGIARDI
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ARTHUR J. LOGAN
CHIEF
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KEITH K. HORIKAWA
RADE K. VANIC
DEPUTY CHIEFS
HOPE LUNA NUI MĀKA'I

OUR REFERENCE BA-TK

March 10, 2025

The Honorable Chris Lee, Chair
and Members
Committee on Transportation and
Culture and the Arts
The Honorable Brandon J.C. Elefante, Chair
and Members
Committee on Public Safety and
Military Affairs
State Senate
415 South Beretania Street, Room 225
Honolulu, Hawai'i 96813

Dear Chairs Lee and Elefante and Members:

SUBJECT: House Bill No. 277, H.D. 2, Relating to Vehicle Pursuit

I am Blake Arita, Acting Captain of the Traffic Division of the Honolulu Police Department (HPD), City and County of Honolulu.

The HPD opposes House Bill No. 277, H.D. 2, Relating to Vehicle Pursuit.


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. 277, H.D. 2, Relating to Vehicle Pursuit, and we appreciate the committee's consideration on these concerns.

Thank you for the opportunity to testify.

APPROVED:

Sincerely,


Arthur J. Logan
Chief of Police


Blake Arita, Acting Captain
Traffic Division

Committee: TCA/PSM
Hearing Date/Time: Monday, March 10th 2025, at 3:01pm
Place: Conference Room 225 & Via Videoconference
Re: **Testimony of ACLU of Hawai'i in SUPPORT of H.B. 277 H.D. 2
Relating to Vehicular Pursuit**

Dear Chair Lee, Chair Elefante, and Committee Members:

The American Civil Liberties Union of Hawai'i **SUPPORTS H.B. 277 H.D. 2** which provides a much-needed policy on vehicular pursuit for law enforcement officers, and basic protection against the miscarriage of justice by those entrusted with public safety.

The current lack of standardized pursuit policies across Hawaii's law enforcement agencies creates unnecessary risks and potential for abuse of police discretion. Implementing basic requirements for pursuits to be authorized and for documenting them afterwards are common sense measures to protect citizens against the use of force that officers are entrusted with.

Guidance issued by the Department of Justice and the Police Executive Research Forum found that *"the high-speed chase is not—nor should it be—a routine part of law enforcement work. The safety of fleeing suspects, their passengers, pursuing officers, and uninvolved bystanders are too important to risk on a regular basis."*¹ Across the country, oversight bodies are calling for vehicular pursuit policies that provide standards for how officers engage in pursuits, especially given the tremendous harm these chases pose to officers, suspects, and innocent individuals nearby.² Los Angeles, Phoenix, and Orlando have all reduced police chases without crime escalating.³ Most of the time, police pursuits begin with minor violations rather than violent crimes. Police pursuit fatalities also exacerbate existing racial disparities in the criminal justice system. Black Americans, for example, are disproportionately killed in police pursuits each year and are twice as likely to start over non-violent crimes or minor offenses.⁴

The passage of H.B. 277 H.D. 2 is supportive of the Law Enforcement Standards Board (LESB), which was created in 2018 by H.B. 2071. Absent a statute, LESB only has authority to make recommendations.⁵ H.B. 277 H.D. 2 not only provides a pursuit policy but requires law enforcement agencies to adopt policies consistent with the LESB's model (§139(i)(3)). Current departments are largely redacted, making oversight from the public incredibly difficult. The standards for police pursuit do not need to be confidential. In fact, the standards for police use of force should be made explicit to the public. While officers will need to make decisions that the public may not always agree with, the basis for their decision making should be something that the public is aware of and can hold them accountable to.

¹ <https://portal.cops.usdoj.gov/resourcecenter/content.ashx/cops-r1134-pub.pdf>

² <https://boltsmag.org/after-deadly-car-chases-san-diego-police-oversight-body-wants-to-restrict-pursuits/>

³ <https://dcjusticelab.org/library/policing/car-chases/>

⁴ <https://www.usatoday.com/pages/interactives/blacks-killed-police-chases-higher-rate/>

⁵ The powers and duties of the LESB are outlined in section 139-3, HRS, and were subsequently expanded in 2020 through Act 47 with the addition of paragraph (12) requiring the LESB to "[r]eview and recommend statewide policies and procedures relating to law enforcement, including the use of force." (Testimony of the Attorney General, 2.26.25 before JHA)



In 2021, four Honolulu police officers were involved in a vehicle pursuit that injured six people. Harms included one passenger being paralyzed from the waist down (a 14 year old) and another being in a vegetative state/coma for months after the crash.⁶ The Honolulu Police Department, (“HPD”), claimed that it would revisit and review its vehicular pursuit policy.⁷ However, in January of 2024, a bystander suffered a facial fracture, hemorrhaging, a concussion and other injuries after being struck by a police vehicle during a police chase by HPD.⁸ Although the LESB claims it will promulgate standards, it has made no significant efforts to do so. Nor is it likely that doing so be in the interest of board members. For example, the current HPD Chief, Arthur “Joe” Logan, is also a member of LESB. **It is difficult to expect meaningful oversight to come unbidden from the very actors who need to be overseen. The legislature is fully within its rights and its responsibility to set forth H.B. 277 H.D. 2, which respects the expertise of the LESB while providing necessary safeguards to public safety.**

H.B. 277’s reporting requirements will create much needed transparency and allow for meaningful public oversight of pursuit practices. The inclusion of clear limitations on firing weapons at moving vehicles will keep the public safer and provide a check against a “shoot first, ask questions later” mindset that harms uninvolved third parties and threatens due process rights of suspected individuals.⁹ **The ACLU of Hawai'i asks that you support H.B. 277 H.D. 2.**

Sincerely,

Nathan Lee, Policy Legislative Fellow
Carrie Ann Shirota, Policy Director

The mission of the ACLU of Hawai'i is to protect the fundamental freedoms enshrined in the U.S. and State Constitutions. The ACLU of Hawai'i fulfills this through legislative, litigation, and public education programs statewide. The ACLU of Hawai'i is a non-partisan and private non-profit organization founded in 1965 that provides its services at no cost to the public and does not accept government funds.

⁶ <https://www.civilbeat.org/beat/trial-of-officers-charged-in-makaha-pursuit-continued-to-june-3/>

⁷ <https://www.civilbeat.org/2021/11/hpd-says-it-will-take-a-fresh-look-at-its-vehicle-pursuit-policy/>

⁸ <https://www.civilbeat.org/2024/01/man-who-says-he-was-hit-by-police-suv-and-beaten-during-fatal-chase-sues-hpd/>

⁹ <https://www.nytimes.com/2021/11/06/us/police-traffic-stops-shooting.html>

**HAWAI'I SENATE COMMITTEE ON TRANSPORTATION AND CULTURE AND THE
ARTS AND SENATE COMMITTEE ON PUBLIC SAFETY AND MILITARY AFFAIRS**

HEARING:

Public Hearing on House Bill 277, March 10, 2025

DATE OF TESTIMONY:

March 9, 2025

**TESTIMONY OF THE POLICING PROJECT AT NYU SCHOOL OF LAW IN SUPPORT OF
H.B. 277**

Dear Chair Lee, Chair Elefante, Vice Chair Inouye, Vice Chair Wakai, and Members of the Senate Committee On Transportation And Culture And The Arts, and the Senate Committee On Public Safety 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.¹ Currently, though, police pursuits are almost always dealt with after the fact, with little guidance offered to law enforcement officers on the front end. But police vehicle pursuits are highly dangerous, posing risks of serious injury or death to members of the public and police officers, rendering front-end regulation necessary. 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 immense risks. Hawai'i should join these jurisdictions and pass H.B. 277 to advance public safety and avoid needless fatalities and injuries.

¹ 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, and [has published a model state statute](#) on vehicle pursuits. In addition, our testimony is informed by the [American Law Institute's Principles of Policing on police-involved pursuits](#).

A. Vehicle Pursuits Are Dangerous and Costly

A growing body of research indicates that most police vehicle pursuits do not promote public safety, and that far too many 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. Among these tragic incidents was a pursuit-related [crash in Honolulu that killed three innocent bystanders](#) who were waiting at a crosswalk. And, according to federal government estimates, police pursuits injured more than 52,000 people from 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 more than five percent of all line-of-duty officer deaths each year.² Although there are scenarios in which police should pursue and apprehend people seeking to avoid a lawful traffic stop, pursuits undoubtedly create extreme risk to police, bystanders, and the public at large.

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.

The limited data available on pursuits in Hawai'i is unfortunately consistent with this national data. For example, [a review of pursuits](#) on Oahu found that nearly one-third of pursuits between 2017 and 2019 involved a documented collision and 42% of those collisions caused injury. And Hawai'i police appear to be too often engaging in dangerous chases for low-level offenses: for example, in 2020 on Oahu, only 18% of pursuits started over an alleged felony offense.

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. For example, in Oahu, a 2021 pursuit started because of a noise violation caused a crash, seriously injuring the pursued driver, who endured a six-week

² 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).

coma and suffered traumatic brain injury. This pursuit sparked a settlement in which the City and County of Honolulu [paid the driver \\$12.5 million](#).

B. H.B. 277 Would Limit Dangerous and Unnecessary Vehicle Pursuits

There is a better way. In light of the danger posed by vehicle pursuits, [a comprehensive 2023 report on vehicle pursuits by the Department of Justice and Police Executive Research Forum](#) urged police to only pursue vehicles in narrow circumstances. The PERF working group that developed the report's recommendations consisted of the National Highway Traffic Safety Administration's Director of Office of Safety Programs, ten different police chiefs and lieutenants hailing from states as varied as Nevada, South Carolina, and Texas, and an academic expert on vehicle pursuits. The working group determined that the risks of pursuits were only justified when a driver or passenger in the vehicle is reasonably suspected of committing a violent crime, or, in very limited situations, for vehicles driven by reckless or impaired drivers.

Jurisdictions across the country have taken heed. With [the support of the NYC Police Benevolent Association](#) (the largest municipal police union in the country), [NYPD recently adopted](#) a restrictive pursuit policy in which police are prohibited from chasing vehicles unless someone in the vehicle is suspected of having committed a violent crime. A growing number of states and agencies have adopted similarly restrictive pursuit laws and policies, including the state of New Jersey, Washington D.C., the Michigan State Police, and law enforcement agencies in Boise, Boston, Detroit, Miami, and New Orleans.

Following these jurisdictions and agencies' footsteps and recognizing the danger of vehicle pursuits, H.B. 277 would smartly regulate vehicle pursuits, setting forth clear rules that only permit pursuits for particular serious crimes and traffic infractions, where the public safety benefits outweigh the potential harms to officers and members of the public. The bill, too, contains other common-sense measures such as requiring officers engaged in vehicle pursuits to communicate with other officers engaging in the pursuit and receive relevant training before engaging in such pursuits. The bill also laudably requires police departments to collect data on all vehicle pursuits, which would enable departments, lawmakers, and members the public to meaningfully assess the efficacy of this new pursuit policy. H.B. 277 will make permitted pursuits less dangerous.

The bill also follows the lead of many other states and restricts officers from firing a weapon at or from 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 other people nearby, including police officers. Accordingly, the bill sensibly only permits firing a weapon when the public safety benefits outweigh the risks.

C. This Legislature Should Not Completely Defer to the LESB to Regulate Pursuits

Some opposing this bill may acknowledge that statewide pursuit standards are appropriate, but assert that the Law Enforcement Standards Board (LESB) should set statewide pursuit standards instead of this legislature. But the LESB lacks the tools this legislature has to enforce the standards or the authority to impose the bill's important data collection and transparency requirements. Nor does the LESB have the power to require departments to change their policies: it only has authority to "[r]eview and recommend statewide policies." Haw. Rev. Stat. § 139-3(12).³

Moreover, a dangerous vehicle pursuit is just like a serious use of force: both are intended to further public safety but too often unnecessarily endanger lives. This legislature has recently and repeatedly passed legislation requiring departments statewide to adopt particular use of force standards, *see, e.g.*, Haw. Rev. Stat. §§ 139-10, 803-7, even though the LESB has the authority to recommend statewide use of force policies. It is equally appropriate for this policymaking body to protect the lives of officers and the public by requiring departments statewide to adopt pursuits standards.

And H.B. 277 still makes significant use of LESB's expertise, tasking the board with issuing a model pursuit policy consistent with the bill's requirements, and deferring to the LESB to issue guidance on pursuit intervention tools and tactics, which are generally not regulated in the bill.

Indeed, the bill just sets a floor, an essential floor given that one of the only Hawai'i departments that publishes the core provisions of its pursuit policy does not comply with the best practices set forth by the Department of Justice and Police Executive Research Forum.⁴ [The Honolulu Police Department permits pursuits](#) for *any* crime or

³ And though reducing the danger of pursuit policies like Honolulu's requires urgent action, LESB, established in 2018, has yet to issue its implementing regulations.

⁴ The [Hawai'i Police Department pursuit policy](#) is partially publicly available, but we were unable to review its core components because they are redacted. H.B. 277 commendably would require county police departments to publish their policies with limited redactions.

traffic infraction, no matter how low-level, and tasks officers with conducting a complex balancing test on the fly when deciding whether to pursue. In contrast, the policy set forth in H.B. 277 draws the line in advance, creating clarity for officers in fast-moving situations. [One review](#) found that agencies who leave the pursuit decision up to officer discretion, as Honolulu does, engage in eight times as many pursuits as those with a policy that discourages or prohibits certain pursuits.

The tragic result of overly relaxed pursuit policies is more avoidable injuries and deaths. For instance, before 2018, Milwaukee had a restrictive pursuit policy akin to H.B. 277, but in 2018 it loosened its pursuits policy to give officers more discretion. [Pursuits more than doubled](#), increasing from a little over 400 to more than 1,000 per year, with pursuit-related injuries tripling and deaths increasing as well. Similarly, after the Little Rock Police Department relaxed a restrictive chase policy, pursuit-related crashes ballooned, [going from a low of 6 in 2016 to 32 in 2020](#).⁵

D. We Recommend Strengthening the Bill By Making Two Amendments

To strengthen the bill, we recommend making two amendments:

First, section (a)(1) of the bill currently authorizes pursuits when someone in the vehicle is reasonably suspected of committing a felony that involves physical injury, a sexual offense, or driving under the influence, among other offenses. We recommend amending the bill to ensure that crimes like kidnapping and armed robbery are included among the crimes for which officers could initiate a pursuit, even when physical injury does not result. This could be accomplished by 1) adding the statutory sections that cover kidnapping and robbery⁶ to the list of offenses in (a)(1), and 2) amending a(1)(A) to permit pursuits for all felonies that involve "physical injury to the person of another" *or the threat, or significant risk, of physical injury to the person of another*.

Second, the bill currently tasks the Department of Law Enforcement with collecting and analyzing the pursuit data gathered by the police departments. Although an understandable selection, we instead recommend tasking the crime prevention and justice assistance division of the Attorney General's office (the "Division") with that responsibility. That division is state's federally-designated Statistical Analysis Center,

⁵ Because of the urgency of reform and the fact that existing Hawai'i pursuit policies do not comply with best practices, it also would be inadvisable to completely defer to local departments to establish their own pursuit policies without any state regulation.

⁶ Part IV of chapter 707 and Part V of chapter 708.

and already in the practice of collecting policing and crime data. Moreover, the Department of Law Enforcement employs law enforcement officers and is itself required to collect and report data under H.B. 277. It thus would be more appropriate for Hawai'i's departments to report the pursuit data they collect to a more neutral third-party agency, the state's Statistical Analysis Center.

Conclusion

H.B. 277 would save lives and prevent serious injuries by bringing much-needed clear regulation to police vehicle pursuits in Hawai'i. The bill also wisely would restrict dangerous police tactics like shooting a weapon at or from a moving vehicle. We urge the committees to pass this bill.