

# WICHITA POLICE DEPARTMENT

## POLICY NO. 605

<b>SUBJECT: EMERGENCY VEHICLE OPERATIONS</b>	
<b>Effective Date: 8-8-2019</b>	<b>Distribution: All Personnel</b>
<b>Reviewed/Approved Date: 8-8-2019</b>	<b>Review Date: July 2020</b>
<b>Approved By: Executive Staff</b>	<b>Amends/Rescinds 05-16-2017</b>
<i>This policy is for departmental use only and does not apply in any criminal or civil proceeding. This policy should not be construed as creation of a higher legal standard of safety or care in an evidentiary sense with respect to third party claims. Violations of this policy will only form the basis for departmental administrative sanctions. Violations of law will form the basis for civil and criminal sanctions in a recognized judicial setting</i>	

### I. PURPOSE

The purpose of this policy is to establish guidelines for sworn employees of the Wichita Police Department to follow when they are operating a departmental vehicle in an emergency response or a pursuit situation.

### II. POLICY

Emergency vehicle operations present hazards and risks that can be life threatening and should be conducted only in accordance with the provisions of applicable law and Wichita Police Department policy. While it is the duty and responsibility of department personnel to apprehend offenders, officers should use discretion in emergency vehicle operations. Officers should also continually use discretion in evaluating the benefit of immediate apprehension compared to the risk of property damage or personal injury to the pursuing officers and the general public. Ultimately, each emergency response and/or pursuit will be judged upon the reasonableness of participants' actions. The Department will make every effort to provide continuing training regarding this policy. The Department will also provide education to the community youth regarding the potential ramifications of police chases.

### III. PROCEDURES

#### A. Legal Requirements Under State Law

Statue 8-1506: Authorized emergency vehicles; rights, duties, and liability of drivers thereof.

1. The driver of an authorized emergency vehicle, when responding to an emergency call or when in the pursuit of an actual or suspected violator of the law, or when responding to but not upon returning from a fire alarm, may exercise the privileges set forth in this section, but subject to the conditions herein stated.
2. The driver of an authorized emergency vehicle may:
  - a. Park or stand, irrespective of the provisions of this article;

- b. Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation;
  - c. Exceed the maximum speed limit so long as such driver does not endanger life or property;
  - d. Disregard regulations governing direction of movement or turning in specified directions; and
  - e. Proceed through toll booths on roads or bridges without stopping for payment of tolls, but only after slowing down as may be necessary for safe operation and the picking up or returning of toll cards.
3. The exemptions herein granted to an authorized emergency vehicle shall apply only when such vehicle is making use of an audible signal meeting the requirements of K.S.A. 8-1738 and visual signals meeting the requirements of K.S.A. 8-1720, except that an authorized emergency vehicle operated as a police vehicle need not be equipped with or display a red light visible from in front of the vehicle.
  4. The foregoing provisions shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all person, nor shall such provisions protect the driver from the consequences of reckless disregard for the safety of others. History: L. 1974, ch.33, § 8-1506; L. 1977, ch. 43, § 1; July 1.

#### **B. Authorized Emergency Vehicles**

1. Only those vehicles equipped with emergency lights and an authorized siren will be authorized as emergency vehicles.
2. Vehicles not equipped with emergency equipment as provide in Section B1 will not be operated in an emergency manner. Should an officer become aware that his/her vehicle's equipment is defective it will not be operated as an emergency vehicle and shall be taken to Central Maintenance for repair.

#### **C. Authority To Operate As An Emergency Vehicle**

1. The Wichita Police Department permits authorized emergency vehicles to be operated in an emergency manner [10-39, with lights and siren]:
  - a. In response to a call designated 10-39, where the protection or preservation of life is a consideration, and/or;
  - b. During the immediate pursuit of an actual or suspected violator or the law;
  - c. When specifically authorized in emergency situations.
2. The following are emergency situations where the use of a 10-39 response [with lights and siren] is authorized:

- a. Calls designated as an Officer In Trouble;
  - b. Pursuit of a violator where the momentary use of either/or both emergency lights and siren are necessary to alert other traffic, and/or to command the operator in violation to stop;
  - c. Pursuit of a violator wherein the violator refuses to stop and the continuing use of both emergency lights and siren are necessary to warn others of hazardous conditions;
  - d. An officer knows or has reasonable suspicion to believe that the fleeing suspect is committing, has committed or attempted to commit a violent criminal act as defined herein;
  - e. Violent Criminal Acts (Homicides, Rape in progress, Aggravated Assaults in progress, Robberies in progress and incidents in which individuals are in an active physical altercation);
  - f. Burglary in progress with suspect(s) on scene;
  - g. Vehicle collisions with injuries or fatalities; and
  - h. Active incidents involving a person with a gun that is making threats towards individuals or when shots have been fired.
3. Considerations for emergency responses(10-39) and pursuits (10-32):
- a. The decision to initiate an emergency response or pursuit shall lie primarily with the officer after considering the elements of this policy. These considerations shall include, but are not limited to, the crime for which the suspect is wanted, the need to apprehend immediately, traffic/pedestrian density and volume, weather/road conditions, time of day, type of area, knowledge of the offenders identity and danger to community if not immediately apprehended, alternate means of apprehension, existence of possible innocent third party inside fleeing vehicle, and the risk the pursuit poses to the community.
  - b. The officer and supervisor should continually assess the risks associated with an emergency response or pursuit (time of day, traffic, and weather conditions and distance to call).
  - c. Supervisors may authorize the use of an emergency response or pursuit not listed in this policy when necessary.

#### **D. Operation of Emergency Vehicles**

1. Authorized operators include only on-duty commissioned members of the Department.
2. All members of the Department who operate a motor vehicle must possess a valid Kansas Motor Vehicle Driver's License.
3. Manner of operation:

- a. Both the emergency lights and the siren will be used at all times while operating 10-39.
- b. Hold 10-39 responses to the essential minimum, and end a 10-39 response at the earliest feasible time.
- c. The driver of an authorized emergency vehicle may proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation and when emergency lights and siren are used (K.S.A. 8-1506).
- d. The driver of an authorized emergency vehicle, when emergency lights and siren are used, may exceed the maximum speed limits so long as the driver does not endanger life or property.
- e. The driver of an authorized emergency vehicle, when emergency lights and siren are used, may disregard regulations governing direction of movement or turning in specified directions.
- f. No authority exists to drive contrary to traffic regulations if lights and sirens are not being utilized.
- g. An officer will not escort a private vehicle 10-39 without approval from the Field Services Deputy Chief or his/her designee.
- h. The above provisions shall not relieve any officer driving an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor do these provisions protect the officer from the consequences of reckless disregard for the safety of others.

**E. Requirements of Officer Involved:**

1. Any officer that initiates a pursuit should immediately notify the dispatcher with the following critical information:
  - a. Unit number
  - b. Location, direction of travel, and speed
  - c. Reason for pursuit
  - d. Description of vehicle, occupant(s), and suspect identity if known
  - e. Other information necessary to justify the pursuit
2. Except as modified below, no more than three vehicles should be involved in a pursuit: the pursuing unit, one (1) support unit, and a supervisor. In absence of a supervisor actively involved in the pursuit, only two (2) vehicles are allowed. If possible, the controlling supervisor should not be involved in the actual pursuit.
3. The pursuing officer may request, and the controlling supervisor may approve, additional units to join the pursuit if it is reasonably believed that the number of officers in the primary and secondary units will not be sufficient to safely effect the arrest of the suspect(s).
4. Vehicles that have prisoners, witnesses, and suspects, complainants, or non-police personnel aboard should not become engaged in pursuits.

5. If visual contact is lost, other than momentarily, or if unfavorable weather, road, traffic, or vehicle conditions exist, the pursuit should be discontinued.

**F. Requirements of Supervisors Involved**

1. During pursuits, the controlling supervisor should be the supervisor who assumes control of the pursuit. If the controlling supervisor becomes actively involved in the pursuit, he/she should request that another supervisor take over command of the pursuit.
2. The controlling supervisor should obtain as much information as feasible to help determine why the vehicle is fleeing.
3. Supervisors should monitor the pursuit to ensure that only those officers authorized participate.
4. The controlling supervisor or higher ranking officer may order a pursuit discontinued when known circumstances or facts do not justify continuing the pursuit.
5. Anytime a police vehicle has an accident while running 10-39 the Field Supervisor shall initiate an administrative investigation under WPD Regulation 5.212 which is separate and distinct from the Accident Review Board.

**G. Requirements of the Dispatcher**

1. The dispatcher will transmit all available information pertinent to the pursuit to other police units.
2. The dispatcher will immediately identify the appropriate field supervisor and designate him/her as the controlling supervisor.
3. The dispatcher will advise pursuit vehicles of any known or potential hazards in the path of the pursuit such as accidents, street closures, etc.
4. Dispatchers will attempt to run a 10-28 on the suspect tag if time allows.
5. If it becomes evident the pursuit might cross into another dispatch area having different radio frequency, the originating dispatcher will ensure the appropriate dispatcher is aware of the chase and officers in the area are advised. The chase will then be simulcast on both channels. Officers involved in the chase will remain on the channel the chase originated. This dispatcher will then activate the "Alert Tone" to warn officers under his/her control that emergency radio traffic will be forthcoming.

## H. General Pursuit Termination Guidelines

1. A vehicle pursuit will be terminated:
  - a. Immediately, when ordered by a supervisor.
  - b. If visual contact is lost other than momentarily, or if unfavorable weather, road, traffic, or vehicle conditions warrant.
  - c. When there is a clear and unreasonable danger to the officer or the public.
  - d. When the offender can be sufficiently identified so an apprehension can be safely made at a later time, unless probable cause exists to believe the fleeing suspect poses an imminent threat or danger to the public.
2. Action to take when a pursuit is terminated prior to apprehension:
  - a. Termination will be broadcast to the dispatcher
  - b. Officers will turn off emergency equipment and drive according to city ordinance and state law.
  - c. Officers involved will promptly acknowledge the order to terminate the pursuit.

## I. Reporting Requirements

1. At the conclusion of each pursuit, officers will:
  - a. Obtain an incident number if the pursuit was unrelated to any other incident, and prepare an Incident Report classified as “Evading Arrest” [Code 2305]. This report will be prepared regardless of whether the suspect escaped or was arrested.
  - b. Give Case Desk personnel the “Evading Arrest” code when cutting the case if the pursuit was related to another incident in addition to the code and classification of the original incident and these codes will be documented on the Incident Report.
  - c. Enter the incident into the Blue Team under “Vehicle Pursuit”, completing all required information, and forward this incident to your immediate supervisor for approval.
2. The Incident Report will fully describe the details of the pursuit, and the actions taken by the officers involved. Information contained in the Incident Report will be used by detectives to develop a case against an offender who may have escaped. This information may result in the suspect being arrested at a later time.

## J. Prohibited Practices

1. Pursuit vehicles should not pass another pursuit vehicles without a supervisor’s permission.

2. No officer should intentionally make vehicle-to-vehicle contact without controlling supervisor's permission.
3. Officers will not shoot a vehicle with the intent of disabling the vehicle. Any discharge of a firearm must be in compliance with use of force regulations.
4. Roadblocks will not be established without a supervisor's approval [see policy 607]
5. Pursuit vehicle should not pursue a vehicle the wrong way on a controlled access highway.

**K. Inter-Jurisdictional Pursuit**

1. Leaving our jurisdiction:
  - a. The pursuing officer shall notify the dispatcher, before leaving his/her jurisdiction.
  - b. The primary pursuit vehicle shall remain the primary vehicle in other jurisdictions when possible.
  - c. Upon being notified that the pursuit will be entering another agency's jurisdiction, the dispatcher shall forward all critical information to that agency.
2. Entering our jurisdiction (or not limited by WPD) a supervisor will:
  - a. Obtain the critical information from the dispatcher
  - b. Determine if the pursuit is within policy and if not, prohibit WPD involvement in the immediate pursuit.
  - c. Provide the appropriate direction to officers.

**L. Evaluation, Critique, and Review Procedures**

1. Through the Early Intervention System the appropriate Bureau Commander should review every pursuit, which is initiated by their personnel.
2. All pursuit cases involving serious injury or death will be reviewed by an entity outside of the Wichita Police Department (i.e.—District Attorney's office, Kansas Highway Patrol, etc.)
3. The Field Services Division Commander will meet with Staff to review all pursuit data collected during the year and make appropriate recommendations. The following will be reviewed:
  - a. Information regarding suspect drivers including age, sex, race, driving

- records, etc.
- b. Departmental tenure for involved officers
- c. All other information noted on the departmental chase form.

#### M. Stop Sticks

1. Officers shall not interrupt established emergency radio traffic to ask permission for deployment. Authorization for the pursuit by the controlling supervisor implies permission to deploy Stop Sticks. The use of Stop Sticks is viewed as a controlled method to terminate a pursuit.
2. Stop Sticks should only be deployed by officers who have been trained in their deployment and shall be used in accordance with the training.
3. If possible, officers deploying Stop Sticks shall immediately advise dispatch and pursuing units of the deployment location.
4. Patrol Vehicle Placement:
  - a. The patrol vehicle shall be parked in a position that does not interfere with the path of the violator. The deployment location shall not be considered a roadblock (see Policy 607).
  - b. An officer deploying stop sticks should be prepared to use barriers, such as guardrails, abutments, bridges, or overpasses, to provide protection during deployment.
  - c. The Patrol vehicle may be used to provide limited cover as a last resort. Officer(s) must take a position that will not put them in harm's way if the patrol vehicle is struck. Patrol vehicles do not provide adequate safety for officers in the area of a fleeing vehicle.
5. Officer Positioning
  - a. The officer should identify potential escape routes for their safety when deploying stop sticks. (Alley, side road, etc.)
  - b. Deployment locations should have adequate visibility in all directions to enable the officers deploying the "Stop Stick" device to observe and react to the pursuit and other traffic.
6. Deployment of "Stop Sticks"
  - a. The "Stop Sticks" will be pre-loaded in the black nylon sleeve with the cord reel attached in the storage position inside the trunk or hatch of designated Wichita Police vehicles.
  - b. Officers certified and trained in the use of "Stop Sticks" may respond to a location ahead of the projected path of the pursuit and set up a deployment location. If possible, immediately advise dispatch and



- pursuing units of the deployment location. The deployment shall only be done in accordance with this policy.
- c. Officers **shall not** overtake or attempt to overtake (pass or attempt to pass) as suspect vehicle to deploy the “Stop Sticks” device. The “Stop Stick” tire deflation device **shall not** be thrown or dropped out of moving police vehicles.
  - d. Remove the “Stop Stick” unit along with the attached cord reel from the patrol vehicle.
  - e. Close the trunk if time permits. The trunk should be closed so emergency lights are visible and not blocked.
  - f. Officers should deploy stop sticks from a place of safety by throwing them across the road, using a sidearm throw.
  - g. **Do not** attach the reel to yourself or wrap the line around your hand. This can lead to serious injury.
  - h. The deploying officer should pull the Stop Sticks into position, allowing passing traffic to drive over the stop stick cord. After the last vehicle has passed over the cord, and just prior to the suspect vehicles approach, the deploying officer should pull the stop sticks into the path of the suspect vehicle. Officers should make every reasonable effort to avoid other vehicles in the area.
  - i. Immediately after the suspect has driven over, or passed the Stop Sticks, the officer should make every effort to pull the device out of the way of the pursuing police units.
  - j. Officers deploying “Stop Sticks” **should not** use them in locations in which the geographical configuration would increase the risk of injury to the suspect or others. This would include roadways bounded by steep descending or ascending embankments, curves, bridges, or other locations where the safety of proceeding or opposing traffic cannot be reasonably assured.
  - k. Stop Sticks are only to be used on motor vehicles, cars, trucks, etc. They **are not** to be used on motorcycles, mopeds, or a vehicle with less than 4 wheels unless the use of deadly force can be justified.
  - l. “Stop Sticks” **should not** be used on vehicles transporting hazardous materials. Utilizing tire deflation devices on these types of vehicles involve additional risks, requiring further consideration prior to deployment.

#### 7. After Deployment of “Stop Sticks”

- a. After the successful use of “Stop Sticks” a supervisor, designated to maintain them in their respective patrol bureau, will complete the Stop Stick Pursuit Reporting Form. The designee will also be responsible for processing the necessary paperwork to ensure replacement of the “Stop Sticks”.

#### 8. Maintenance

- a. A supervisor in each of the four patrol bureaus will be designated by his/her respective bureau commander to maintain, inventory, and replace “Stop Sticks”.