



Police Department

Date: January 28, 2019
To: House Judiciary Committee
Re: Removing the duty of the driver of an authorize emergency vehicle to drive with due regard for the safety of all others.

Chairman Rep. Fred Patton, Vice Chairman Rep. Bradley Ralph, and members of the Committee:

On behalf of the Wichita Police Department, thank you for the opportunity to provide testimony in support of House Bill No. 2065, and thank you for taking up this very important issue. The City of Wichita supports proposed amendments to K.S.A. 8-1506 regarding the operation of emergency vehicles by law enforcement officers. The proposed amendments clarify the duties and responsibilities of law enforcement officers regarding the operation of emergency vehicles.

Recently, the Kansas Court of Appeals interpreted K.S.A. 8-1506 to create a duty on law enforcement officers to individuals when involved in a police pursuit. The result of the decision was to impose liability on governmental entities in situations where emergency personnel were negligent. Such a result is contrary to the public purpose behind the Kansas Tort Claims Act which provides exceptions for liability for certain police and discretionary functions.

Immunity for these types of police activities is necessary to give officers the necessary discretion to pursue fleeing suspects for the protection of members of the community.

The proposed amendments would require law enforcement officers to operate vehicles in a safe manner, but enable cities to argue why a particular pursuit should qualify for sovereign immunity under the discretionary exception to the Torts Claims Act.

The City of Wichita urges passage of this legislation.

Gordon Ramsay
Chief of Police