



Written Testimony on Senate Bill 62
House Committee on Transportation

Prepared by
Lieutenant Stephen E. La Row
Kansas Highway Patrol

March 12, 2019

The Kansas Highway Patrol (KHP) appreciates the opportunity to provide written testimony in support of Senate Bill 62. This bill would exempt police vehicles engaged in certain actions from audible or visual signal requirements set forth in K.S.A. 8-1506, 8-1720, and 8-1738.

Currently, law enforcement officers throughout the state are responding to a variety of calls for service and critical incidents that require the use of lights and sirens. The use of emergency lights and sirens is the preferred practice when responding to most critical incidents. Our emergency equipment gives advanced notice to the public that an emergency response is underway and that they shall yield the right-of-way according to K.S.A. 8-1530. However, this is not the best response when conducting basic traffic enforcement.

Officers conducting traffic enforcement will typically observe a violation, pull out into traffic, and increase speed to overtake a vehicle. The officer will not activate their emergency equipment right away. Instead the officer must speed above the posted speed limit to catch up to the violator and begin to collect information and determine if a traffic stop is still warranted. The officer will run the license plate to discover if the owner is wanted or if the vehicle is stolen. Other information such as Amber Alerts and Silver Alerts will also be available.

Collecting this information prior to initiating a traffic stop with emergency equipment is critical to the safety of the officer. For example, officers may learn information before any contact is made that will alert them to the need for backup, or that they are about to deal with a danger to the public.

Giving advanced notice to a suspect with the immediate use of lights and sirens can have unintended consequences. The suspect will have a considerable lead to flee and avoid capture. License plate information will not be obtained and any suspect information that could have been gained for an arrest in the future would be lost.

Senate Bill 62 does not eliminate or erode officers' responsibilities from the consequences of reckless disregard for the safety of others. Instead it gives clear guidance to law enforcement on how to proceed past a red traffic-control signal (page 1 line 36,) and at what speeds are acceptable while conducting law enforcement actions (page 2 line 3.) Senate Bill 62 supports what is already a successful and nationwide practice being conducted daily on Kansas' roadways.

It is also important to note that while Senate Bill 62 provides legal clarification, it does not limit departmental policies. Policies vary from agency to agency and are often specific to geographical boundaries, and the mission of the law enforcement agency. Tactics that may work for a rural sheriff's office may not be appropriate for a

police department in a dense metropolitan area. Law enforcement leaders are still able to decide if further policy restrictions are needed and they will know what is required by state statute.

In closing, the Kansas Highway Patrol fully supports Senate Bill 62, because it offers clear guidance and will help in the Kansas Highway Patrol's mission to apprehend and bring to justice those who utilize Kansas highways for criminal activity.

###