



City Safe

A Guide To Assist In Training
Employees About:

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SAFE DRIVING IN EMERGENCY SITUATIONS

Inside this issue. . .

KMIT has dedicated this issue to our cities in order to give you an insiders look at what can be done to minimize the inherent risks involved with emergency response driving.

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City Safe is a publication of the League of Kansas Municipalities and the Kansas Municipal Insurance Trust for the purpose of educating and informing cities about loss control methods and risk management. Contents herein are not intended to provide specific legal or medical advice. Readers should seek advice on specific concerns from a qualified professional.

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Safe Driving

**By Mike Napolitano, Great Bend Fire Chief, and
Dean Akings, Great Bend Police Chief**

As a firefighter/EMT, you may find yourself driving an emergency vehicle to an accident scene with flashing lights and blaring sirens. Without warning, you suddenly collide with a car driven by a teenager as you enter a busy intersection. Similarly, as a police officer you may be engaged in a "hot pursuit" – an active attempt to apprehend a suspect when it is apparent that he/she is trying to escape by using high speed driving or other evasive techniques. In an attempt to avoid apprehension, the suspect loses control of the car and crashes into a telephone pole.

In both cases, lives may be lost, serious injuries may occur, families may be affected for a lifetime, and there may be serious repercussions for the driver of the emergency vehicle, the respective fire or police departments, and the municipality. Everybody loses when accidents of this nature take place, regardless of who is at fault.

Driving emergency vehicles today comes with tremendous responsibility. Consequently, *driving with due regard for the safety of all other persons should be at the forefront of safety discussions for all municipalities that provide emergency response.*

Kansas law outlines the rights, duties and liability of drivers of authorized emergency vehicles. K.S.A. 8-1506 states that 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 a fire alarm, is entitled to exercise the following privileges: The driver may, (1) stop or park wherever he/she needs to; (2) proceed past a red or stop signal or stop sign, but only after slowing down as necessary for safe operation; (3) exceed the maximum speed limits so long as the driver does not endanger life or property; (4) disregard regulations governing direction of movement or turning in specified directions; and, (5) proceed through toll booths on roads or bridges, without stopping for payment of tolls, but only after slowing down as necessary for safe operation and the picking up or returning of toll cards.

These privileges are granted to emergency vehicles *only when the vehicle is making use of appropriate audible and visual signals*, as identified by Kansas law.



It is clear that an emergency vehicle operator will not be protected by any provisions of the law from the consequences of his/her reckless disregard for the safety of others. Emergency vehicle operators driving in an emergency mode are held accountable to a higher standard of driving in the eyes of the law. Negligent driving that results in the

death or injury of another because the driver did not exercise a reasonable amount of care may result in very serious consequences. Basically, emergency vehicle operators are required to drive *better than any other driver on the road*.

Given that an emergency response may involve stress and concerns about the tasks that could be necessary upon arrival, to expect emergency vehicle operators to drive better than anyone else on the road may not seem fair. Some years ago, sirens were generally placed on top of emergency vehicles; now, they can be commonly found in the grill. This was done partly because of the hearing loss of the emergency responders, but also to better penetrate into other vehicles, so drivers would know when to pull over to the side of the road. Today, newer vehicles are increasingly being made with the capabilities of blocking out all outside noise. In addition, many vehicles now include stereo systems that will drown out any siren. And, drivers who are often distracted by cell phones, etc. These distractions make pulling over to the side of the road for an emergency vehicle increasingly less likely.

One area of great concern for any municipality is the high speed pursuit which creates tremendous civil liability exposure for police officers and other law enforcement agencies. Recognizing that there may be situations when a high speed chase cannot be avoided, it is equally important to understand that public safety and the safety of the officers themselves *cannot be compromised in any way*.

Many contemporary police procedures prohibit high speed pursuits when the situation is relatively minor, since the risks generally outweigh the importance of catching someone who has violated the law. If a high speed pursuit is necessary, it should closely follow the operational guidelines established by the department and *only under strict supervision*.

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For example, the City of Great Bend has established operational procedures for high speed “hot” pursuits. Its general provisions state the following:

“All pursuit and other emergency vehicle operations shall be conducted in accordance with the law. Pursuing officers shall always utilize both sirens and emergency lights. Officers shall drive with due regard for others’ safety in all pursuits; officers must remember that no assignment is of such importance, and no task shall be expedited with such emphasis, that safety principles become secondary. No tasks justify the reckless disregard of others’ safety, or of officer safety. Accordingly, departmental personnel will be held accountable for the consequences of disregard for safety.

Hot pursuit is justified only when officers know, or reasonably believe, a suspect presents a clear and imminent threat to the safety of other motorists; has committed or is attempting to commit a serious felony; or when the necessity of apprehension outweighs the level of danger created by a pursuit.”

Our operational procedures go on to outline the responsibilities of the primary police unit engaged in the pursuit, any secondary police units who may become involved, the communications center, the shift supervisor, etc.

The procedures also outline the factors that need to be considered in discontinuing a pursuit. These include:



- A clear and unreasonable danger to the officer or others exists. In these cases, danger outweighs the necessity for immediate apprehension.
- Identity of the suspect has been established with such a certainty that later apprehension and charging can be accomplished and there is no longer a need for immediate apprehension.
- Prevailing traffic, roadway, and/or environmental conditions indicate continuing the pursuit would be futile.
- The pursued vehicle’s location is no longer known.
- Police equipment failure occurs, such as loss of emergency lights and/or siren, loss of radio, and/or difficulty with essential vehicle systems such as brakes, steering, or other essential mechanical equipment.
- Termination of a pursuit does not prohibit following the formerly pursued vehicle at a safe speed, or remaining nearby to reinitiate pursuit if opportunity and conditions permit. However, such following or remaining in an area shall be done in accordance with traffic laws and shall not be considered an emergency or pursuit operation.

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Many departments today require written reports of high speed pursuits and conduct some type of investigation and review. In addition, technological advances have made it possible to collect and analyze data, utilize in-car cameras, etc. None of these advances mean much if pursuing officers are guilty of negligent disregard for the safety of others.

The same general guidelines for safe driving also apply to emergency responders who serve as firefighters/EMTs. Whether responding to the scene of an accident or a fire, there are guidelines established for the purpose of safe driving. These include:

- Responding to emergency calls using both lights and sirens and observing speeds that are safe and prudent and that do not put others at risk. Speed should be adjusted to the existing conditions of the road, weather, traffic and any other factors that may present a traffic hazard.
- Avoid backing a vehicle when possible. If backing is unavoidable, have someone serve as a guide. When a guide is not available, walk completely around the vehicle checking for obstacles before backing.
- Unless all lanes of traffic can be accounted for by the driver during an emergency response, all fire department vehicles are to come to a complete stop at all red lights, stop signs, or other negative traffic situations.
- Extreme caution should be used when approaching an emergency scene.

Further, our firefighter/EMTs are taught that while they are allowed to exceed the speed limit during an emergency response, they are in *no way relieved of the responsibility of driving with due regard for the safety of others.*

Recent tragedies involving accidents while responding to emergency scenes or engaging in hot pursuits point to several issues that need to be considered by Kansas municipalities.

- Law enforcement and fire departments should consider creating and maintaining systems to collect information on emergency responses.
- Policies and procedures should be reviewed and updated as necessary and may need to be made more restrictive.
- Proper training in safe driving techniques should be provided and reinforced if emergency responders are expected to make appropriate decisions.
- There must be support for written policies and procedures



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on the part of supervisors and upper management.

- When actions are found to be inappropriate, meaningful discipline should be applied.

Few areas of risk management have higher stakes.



ANNUAL MEETING



includes reception/refreshments

Monday 3:30

(immediately following afternoon seminars)

Name (city*) _____

*KMIT cities only; must be present to win

DOOR PRIZE CHANCE*

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