

61.298 Required written police pursuit policies -- Subjects to be addressed -- Filing with Justice and Public Safety Cabinet -- Officers' written confirmation of receipt -- Annual review -- Purpose.

- (1) As used in this section, "law enforcement agency" means:
 - (a) Any public agency that employs a police officer as defined in KRS 15.420 or a special law enforcement officer as defined in KRS 61.900;
 - (b) Any public agency that is composed of or employs other public peace officers; and
 - (c) Any elected or appointed peace officer who is authorized to exercise powers of a peace officer as defined in KRS 446.010.
- (2) On or before January 1, 2021, each law enforcement agency of this state shall adopt, implement, enforce, and maintain written policies that establish standards and procedures for the vehicular pursuit of any person who has violated or is suspected of violating the laws of this state. The policy shall create guidelines for determining when the interests of public safety and effective law enforcement justify the initiation or termination of a vehicular pursuit. The policy shall address the following subjects:
 - (a) The definition of pursuit that will be governed under the law enforcement agency's policy;
 - (b) Decision-making criteria or principles that are designed to assist peace officers in determining whether to initiate a pursuit. The criteria or principles may include but shall not be limited to:
 1. The potential for harm or potential danger to others if the fleeing individual evades or escapes immediate custody;
 2. The seriousness of the offense committed or believed to be committed, by the fleeing individual or individuals, prior to the officer activating emergency equipment;
 3. If the officer has a reasonable and articulable suspicion that the driver or an occupant of the vehicle in which they are fleeing represent a clear and present danger to the public safety;
 4. Safety factors that pose a risk to peace officers, other motorists, pedestrians, or other third parties;
 5. Vehicular or pedestrian traffic safety and volume;
 6. Weather and vehicle conditions;
 7. Potential speeds of the pursuit; and
 8. Consideration of whether the identity of an offender is known and could be apprehended at a later time;
 - (c) Responsibilities of the pursuing peace officer or officers, including pursuit tactics and when those tactics are appropriate for use by the officer or officers;
 - (d) Procedures for designating the primary pursuit vehicle and for determining the total number of vehicles that are permitted to participate at one (1) time in the

pursuit;

- (e) Coordination of communications during the pursuit, including but not limited to responsibilities of the pursuing officer to communicate with his or her communications center at the commencement of a pursuit regarding the location, direction of travel, reason for the pursuit, and ongoing status reporting during the pursuit;
 - (f) A requirement that there is supervisory control of the pursuit, including the responsibilities of command staff or other supervisors during the pursuit, if a supervisor is available;
 - (g) The circumstances and conditions where the use of pursuit intervention tactics, including but not limited to blocking, ramming, boxing, and roadblock procedures may be employed;
 - (h) Decision-making criteria or principles that are designed to assist peace officers in making an ongoing determination during the course of the pursuit of whether to continue the pursuit or to terminate or discontinue it. The criteria or principles may include but shall not be limited to:
 - 1. The potential for harm or potential danger to others if the fleeing individual evades or escapes immediate custody;
 - 2. The seriousness of the offense committed or believed to have been committed by the individual or individuals that are fleeing;
 - 3. Safety factors that pose a risk to peace officers, other motorists, pedestrians, or other third parties;
 - 4. Vehicular or pedestrian traffic safety and volume;
 - 5. Weather and vehicle conditions;
 - 6. Speeds of the pursuit;
 - 7. Consideration of whether the identity of an offender is known and could be apprehended at a later time; or
 - 8. Where the officer has a reasonable and articulable suspicion that the driver or an occupant of the vehicle in which they are fleeing represent a clear and present danger to the public safety;
 - (i) Procedures for coordinating the pursuit with other law enforcement agencies, including procedures for interjurisdictional pursuits; and
 - (j) A process for reporting and evaluating each pursuit by the law enforcement agency.
- (3) The policy adopted by a law enforcement agency may be a model policy that has been endorsed by a national or state organization if the model complies with subsection (2) of this section and other laws of this Commonwealth.
- (4) Upon the initial adoption of the policy, a law enforcement agency shall cause a full copy of its policy to be filed with the Justice and Public Safety Cabinet, which shall maintain a list of law enforcement agencies that have complied with the requirements of this section.
- (5) Each law enforcement agency shall receive and maintain written confirmation from

each officer in its employment that he or she has received a copy of the policy, and that he or she has received instruction or training specific to the law enforcement agency's policy.

- (6) Any policy adopted pursuant to this section shall be reviewed annually and may be revised at any time by the agency adopting it. The agency shall cause a full copy of any revised policy to be filed with the Justice and Public Safety Cabinet within ten (10) days of its adoption.
- (7) The requirements of this section are solely intended to direct law enforcement agencies to adopt, implement, enforce, and maintain written vehicular pursuit policies and outline the subjects of these policies. This section shall not be interpreted or construed to:
 - (a) Mandate the actions of individual peace officers of a law enforcement agency during any particular pursuit;
 - (b) Restrict a law enforcement agency from adopting additional policy requirements, including policies that limit or prohibit vehicular pursuits; or
 - (c) Create any civil liability upon peace officers, law enforcement agencies, or any public agency for the process of creating the vehicular pursuit policies or the process of documenting compliance with the vehicular pursuit policies.

Effective: July 15, 2020

History: Created 2020 Ky. Acts ch. 97, sec. 1, effective July 15, 2020.

Legislative Research Commission Note (7/15/2020). 2020 Ky. Acts ch. 97. sec. 5 provides that this statute may be cited as Jill's Law.