

SUBJECT: Allowing police to secure an EMS scene in another jurisdiction

COMMITTEE: Urban Affairs — favorable, without amendment

VOTE: 6 ayes — Talton, Wong, Menendez, A. Allen, Bailey, Rodriguez
0 nays
1 absent — Blake

WITNESSES: None

BACKGROUND: Health and Safety Code, ch. 774 allows cities and counties to enter into agreements with one another to provide emergency medical services (EMS) in the other's jurisdiction upon request.

DIGEST: HB 233 would allow cities and counties to include a provision in their interlocal EMS agreements to authorize a city's police officers to secure a scene to which the city's EMS personnel were responding.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2005.

SUPPORTERS SAY: HB 233 would help ensure the protection of EMS personnel responding to an emergency in another jurisdiction and thereby guarantee the promptest response possible for those needing emergency treatment.

EMS personnel currently may respond to an emergency in another jurisdiction upon request if the two jurisdictions have an interlocal agreement. In some cases, however, the safety of EMS personnel arriving at the scene of an emergency has been threatened, and they have had to wait until local law enforcement arrived and secured the scene before treating the injured party. The delay can be substantial, particularly in large, sparsely populated counties where it can take a long time for a sheriff to arrive, and seriously may compromise the health of a person needing immediate treatment, as well as the safety of the EMS personnel. Allowing cities and counties to include a provision in their interlocal

agreements authorizing a city's police to secure a scene to which their EMS personnel had been dispatched would provide these localities more flexibility to promptly and safely respond to these critical emergencies. The bill focuses on municipal EMS personnel because of several specific incidents in which a city's EMS personnel needed assistance and had to wait an extended period for a county sheriff to arrive when the city's police could have secured the scene much more quickly.

Although some police and sheriffs' departments already have local agreements allowing them to call upon one another in emergencies, many have been reluctant to create these agreements because of preoccupations with jurisdiction, local procedures, and other concerns. Moreover, these agreements typically add several layers of red tape and bureaucracy that may greatly delay the dispatching of an officer. Although respecting separate jurisdictions is important, the first priority ought to be the safety of EMS personnel and the health of those in their care. By authorizing local governments to place these provisions in their interlocal agreements, HB 233 would enable the cities and counties to allow EMS personnel to directly call upon their city's police, if necessary.

Although the procedures and policies of some law enforcement agencies may differ slightly, cities and counties could address these issues, as well as questions about officer accountability, in their interlocal agreements, just as they currently are addressed through inter-departmental agreements. While it is unlikely that any local government would consider placing this provision in an agreement without first discussing the issue with local law enforcement agencies, open meeting requirements would further ensure that these agencies were aware of and had an opportunity to contribute to any discussion about the desirability and feasibility of this cooperation.

**OPPONENTS
SAY:**

HB 233 is unnecessary and could create confusion or conflicts between local law enforcement agencies. These agencies already have the ability to enter into agreements to assist one another in emergencies — agreements in which they can determine how to deal with different policies and protocols. By contrast, cities and counties would not be required to consult with local law enforcement agencies in crafting interlocal EMS agreements. It also is unclear which entity would be liable for an officer's actions or misconduct that occurred in another jurisdiction.

OTHER
OPPONENTS
SAY:

Because the language of the bill specifically refers to a city's police officers being able to secure the scene of an emergency to which the city's EMS responded, it is not clear that a county sheriff could assist the county EMS while operating in the city if the need arose. All EMS personnel should be protected while in another jurisdiction, and the bill should be amended to make clear that cities and counties may include a provision in their interlocal agreements allowing law enforcement officers from either jurisdiction to secure a potentially dangerous scene to which their EMS had been dispatched.