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January 27, 2014

Re: Testimony to House Corrections and Juvenile Justice Committee In Support of HB 2442

Chairman Rubin and Committee Members,

As the County Attorney of Leavenworth, we have seen an upturn of criminals attempting to flee and elude law enforcement officers in the last few years. In my years of practice I have handled several flee and eluding cases, and they are the most concerning for the safety of our officers and citizens in the community. These crimes generally involve someone with no regard for anyone but themselves, driving at a crazy speed in neighborhoods doing whatever they can to flee from law enforcement. I would estimate the majority of the transgressors are repeat offenders. Most of the time, the only punishment they are looking at is probation or a very short amount of prison time. Police officer's protocol due to the safety of others and themselves is to stop pursuit if this activity goes too long or is unsafe. We have still been able to get convictions in these cases because the officer can identify the driver as he passed as a regular transgressor. Yet, this frustrates the officer to put their safety at risk and potential harm to others and find that they are back on the street doing it again. For these reasons, we would like to see House Bill 2442 passed. This bill will help us get serious punishment to those that continue to violate this law. We want the message to get across to these people that the reward of possibly eluding the police is not worth risk.

Here are examples of cases relating to fleeing and attempting to elude officers in the last few years:

Orlando Anderson stole a car in Kansas City, Missouri, and fled from police at speeds exceeding 120 miles per hour on I-70 westbound on a work day in rush hour traffic. Anderson was detained in Douglas County after his tires were shredded and he bailed out of the car and ran on foot. Anderson had a criminal history score of "B," and at sentencing he faced 13 to 15 months in prison. Anderson had a prior conviction of fleeing from officers which occurred in 2012. Under the proposed amendment in HB 2442, Anderson would have instead faced 37 to 41 months in prison.

Franklin Dougherty fled from officers eight times between 2011 and 2012. Dougherty had been convicted of fleeing/eluding at least twice within one year of these other offenses. During one of these incidents, Dougherty sped through a school zone at more than 100 mph. Dougherty was apprehended in Wyandotte County after he lost control of his car and crashed. Dougherty had a criminal history score of "A," and at sentencing he faced only 15 to 17 months in prison. Under the proposed amendment in HB 2442, Dougherty would have faced 122 to 136 months in prison.

In late 2012, a sixteen-year-old, J.R., fled from police. Police stopped their pursuit because of Orr's reckless driving, but Orr continued fleeing and crashed into a minivan carrying a family of five. The father was critically injured and was hospitalized for several months following this incident. Under the present statute, Orr would have been given probation were it not for the aggravated battery charges against the five victims.

In late 2012, Da'More Goodwin broadsided another car as he attempted to flee/elude from police. The other car was occupied by a mother and her two children. Following the crash, Goodwin then ran to a nearby home where he broke down the door and ran inside. The home was occupied by an elderly woman who feared for her life. Goodwin was tackled by police and detained at gunpoint. Were it not for the other charges, Goodwin would have been presumptive probation for the fleeing/eluding charge.

These repeat offenders are dangerous persons who demonstrated that they would gladly risk the lives of innocent persons in exchange for a chance to escape from justice. Under today's sentencing provisions, the penalty for fleeing/eluding is far less than the potential benefit of escaping from justice. The KCDAAs support HB 2442 because it would discourage repeat offenders from engaging in dangerous high speed pursuits.

Sincerely,

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