

Senate Standing Committee on Judiciary

SB 7 Driving Under the Influence

Thank you Senator Owens and members of the Committee for allowing me to testify today. My name is Christopher Mann and I am in a unique position to speak about the benefits of the proposed DUI legislation presented in SB 7. As a police officer, I arrested countless drunk drivers. As a police officer, I was also the victim of a drunk driver. Since then I have both defended and prosecuted drunk drivers in my short time as a licensed attorney in the state of Kansas. I don't think you will find anyone else with more extensive real world, practical experience than I have on this topic. That is what I am going to give you today, not statistics, not rhetoric, I am going to give you the real world examples of how this new law will work to keep our citizens safe.

I proudly served the citizens of Lawrence, Kansas as a police officer for six years. During this time, I arrested countless drunk drivers. I arrested people ranging from college students making stupid decisions to hard core alcoholics with extensive histories. The only difference being, the more seasoned offenders often told me that their attorneys instructed them to refuse every test. This essentially turned our legal system into a game. One suspect in particular, probably one of the most intoxicated people I have ever encountered successfully used this tactic to avoid a conviction despite my attempts to the contrary. She drove on the wrong side of the road for over 1 mile, while I followed with lights and sirens blaring, through the city of Lawrence before coming to a stop. That would have been her 5th DUI. But, there was not enough evidence. This new law would close the loophole that allows less than ethical attorneys to help their clients circumvent the law. That is the real world.

Even as a police officer, had you asked me nine years ago what I thought of toughening laws for first-time offenders, I cannot honestly tell you what I would have said. But, I stand here before you with a very personal, very painful perspective. Despite some of the rhetoric you have certainly heard from opponents of this law, it is not just the hard core offenders that cause injuries and loss for their victims. While on duty as a police officer in Lawrence, Kansas I was personally the victim of a first-time offender.

With most of the city asleep and the bars long closed, I was on patrol on the east side of town. I had just cleared from a radio call when I saw a SUV turn in front of me and drive away without any taillights. My partner and I turned on our lights and sirens and stopped the car. It was while I was standing outside of the car that I was hit. I was slammed like a rag doll against the SUV we had stopped and landed nearly 30 feet to the side of the road, narrowly missing a fire hydrant. Pieces of my uniform were strewn throughout the road. When the shock wore off, the pain was intense.

It is truly a miracle that I am here to talk to you today. After leaving the hospital, I spent several days in bed, unable to walk. The trauma had caused serious long-term internal injuries to my right leg and back. After extensive physical therapy, I made several attempts to come back to work, leading to more physical therapy, painful steroid injections, and medications. The last time I ever put on my uniform, I was found in the police station bathroom vomiting from the pain, trying to get back to the job that I loved.

The actions of this first-time offender took away the career that I loved; he took away my identity, even my very courage to go on. This was the lowest time in my life, retired at the age of 27, in constant pain,

with little hope of recovery. I am better today, but my wife will attest that not every day is a picnic. I have lived with this pain for nine years, still unable to get out of bed some days. This is the real world.

So, I ask you, is this new law too tough on first time offenders? Is one extra year of blowing into a tube to make sure they don't hurt anyone else too much for them to bear? Ladies and gentlemen, this is the very least we should do. I considered asking if you would enact this law if there was a chance that it would keep you or someone you loved from feeling the pain that I or other victims have felt, but it is difficult to truly feel someone else's pain. To know their struggles. So, I ask you to trust me, I have been there, I am the unfortunate recipient of this real world experience for you. If you knew this kind of pain you would enact this law. That is the real world.

I went back to law school with an eye towards prosecution, but I know that to be a truly good practitioner you must know your opponent. So I have personally defended drunk drivers while working with a small defense law firm. I have seen the real life impact of lengthy suspensions on first-time offenders. The interlock devices are an ingenious method to provide the safety the public needs without overburdening the legal system with numerous driving while suspended convictions from those who live in a community without public transportation. I have seen several clients who have no other option, but to risk driving and there is nothing to stop them from doing it while intoxicated. The interlock devices combined with a short suspension and lengthy restriction period not only helps to make sure the drivers are sober, but it allows to travel to work so they might earn the funds necessary to make proper restitution to victims and other legal payments to our cash strapped system. I have no sympathy for these defendants, but that is the real world.

I also have interned in a prosecutor's office where I was personally involved in cases with repeat offenders. After someone has become a repeat offender, we can safely assume that what our laws are doing are not deterring these people from reoffending. I have personally seen them walk out of the courtroom on one charge only to reoffend the same day. This is the real world.

Lengthy prison sentences and license revocation is a start to keeping the public safe. Without physically keeping these people off of the roads, it is just a matter of time before they reoffend, with possible dire consequences for the public. While my personal sympathy for these offenders is non-existent, I know that we must also spend the money to provide these people with extensive counseling and therapy to help keep them and the public safe. That is the goal of these laws. And trust me, you want to keep yourself and others from the pain of being one of their victims.

Ladies and gentlemen, you will hear statistics and rhetoric, ideology and exaggeration about this law, probably coming from both sides. I can tell you that as someone who has personally made the arrest, felt the pain of the victim, defended and prosecuted the accused, this law is a sound and necessary start to the strengthening of Kansas DUI laws. I ask you to cast aside the rhetoric, listen to the real world. Thank you.

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