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## Testimony to the Senate Committee on Judiciary in Support of SB 45 February 6, 2019

Chairman Wilborn, Vice Chairman Rucker, Ranking Member Miller, and Committee Members,

The Johnson County Sheriff's Office asks for your support of SB 45. This bill was requested by the Sheriff's Office and we refer to it as "Brandon's Law." It is a response to a tragedy that occurred on September 11, 2016. Master Deputy Brandon Collins had pulled over a vehicle at approximately 1:30 a.m. on northbound U.S. 69 near West 143rd Street. The vehicle had a light that was not working. The vehicle contained a woman, her husband, and their daughter.

Within minutes of the stop, a pickup truck slammed into the back of the patrol car, engulfing it in flames. The sound of the impact woke up nearby residents. They reported the noise was as "loud as thunder."

The dispatcher attempted to contact Deputy Collins but received no response. There is nothing more chilling to a law enforcement officer than **not** hearing an officer on a call for service answer his or her radio. You hope for the best, perhaps the officer is in an area where the radio isn't getting the call, or the reply isn't getting out, but your heart begins to race. Your breathing quickens, and you feel a chill run down your spine – until you hear that officer's voice. However, on that early September morning his voice wasn't heard.

According to Johnson County Sheriff's Sergeant Christopher Mills, a close friend of Brandon's, who responded that morning to the last known location of Deputy Collins, what he saw is indelibly etched into his mind. Brandon's patrol vehicle had been struck by a truck. Brandon's "body was severely maimed and burned beyond recognition." Brandon is survived by his wife, and two daughters. He had celebrated one of his daughter's birthday just hours before going to work. He is missed by his family, his friends, and his colleagues of the Johnson County Sheriff's Office.

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The occupants of the car that Master Deputy Collins had stopped were also injured. The man in the stopped car said that Brandon “was laughing and being playful with his daughter,” during the contact with them at their car. He said Brandon had just got back to his patrol car and then there was a “big explosion.” He went to try and help but the heat was too intense. The family credits Master Deputy Collins with saving them from further injury because of the way his patrol vehicle was parked - to shield the family’s vehicle from danger.

The man who drove a pickup truck into the back of Brandon’s patrol car with an impact that caused the car to burst into flames and explode ran away from the scene of the crash. K-9 units were dispatched and located him a short time later. He had been able to flee the area while intoxicated, and relatively uninjured. Sobriety testing done by officers who responded to the scene discovered the Brandon’s killer had a blood alcohol content twice the legal limit. Further investigation revealed he had a prior conviction of DUI. Eighteen months later, he received a sentence of twelve years and six months. With good time and program credits, he can be out in about half that time. Immigration and Customs has placed a detainer on him and he will be deported to Mexico upon completion of his sentence.

Contrast the result of Brandon’s case with that of Houston Police Officer Kevin Will. He was struck and killed by a drunk driver as he investigated another accident on May 29, 2011.<sup>1</sup> Other officers were present – the crash scene was cordoned off – and a VW Beetle passed some of the officers at a high rate of speed. These officers attempted to warn Officer Will, who was further down the road working the crash, of the approaching vehicle but were not successful. The car struck Officer Will and killed him. Investigation of the crash revealed the driver was intoxicated and was accelerating when he hit the officer. The only reason he stopped was the impact with Officer Will caused severe damage to his windshield and that, in turn caused injury to the driver. He couldn’t see because of the blood on his face. This killer was sentenced to fifty-five years in prison.

SB 45 will bring proportionality to crimes of this nature. It enhances the sentence if the person injured or killed is a "public safety sector employee." This is a new term and is defined in the bill as *“an employee of any law enforcement office, sheriff's department, municipal fire*

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<sup>1</sup> <http://www.hpdblog.com/2014/10/end-of-watch-kevin-will-story.html> Accessed Feb. 2, 2019.

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*department, volunteer and non-volunteer fire protection association, emergency management department, public works department or other similar public or private agency, while actually engaged in official duties of the department or agency.”*

An incident that causes injury to a public safety sector employee is a Severity Level 3 person felony if it is an aggravated battery. It is a Severity Level 4 person felony if it is a battery. If the incident kills a public safety sector employee, the penalty is a Severity Level 2 person felony. These penalties are more indicative of the serious nature of these crimes.

At the sentencing hearing, Brandon’s mother submitted a written statement. It was read by Captain Mark Rokusek. In it she had written that, “Every day I wake up with my heart aching for my son. There is not enough space in my heart for hatred, only longing for my son,” she said.

“This isn’t about hate. This is about justice,” our captain told the judge. He asked the judge to consider the maximum sentence for Brandon’s killer. The maximum sentence was imposed under Kansas law; penalties for three aggravated battery/DUI and for the killing of Master Deputy Brandon Collins. While that sounds like a severe penalty it amounted to twelve and half years – not counting good time or program credits that could lessen the sentence.

The Johnson County Sheriff’s Office echoes those sentiments. This isn’t about hate. This is about justice. Justice for the men and women who put on their uniform every day or every night, go to work to help their fellow man, and don’t come home. This is to remember Master Deputy Brandon Collins. Please recommend SB 45 favorably for passage.

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