

January 18, 2018

HB 2439
Proponent Testimony of: Kevin and Patricia Vogel
Kansas House Corrections and Juvenile Justice Committee

May 31, 2016 Caitlin Vogel, 24, was tragically killed by a drunk driver.

We are her parents, Kevin & Patricia Vogel.

Caitlin lived with us. She was so proud to have received her BA degree and was loving her job as Autism Instruction Assistant. She deeply loved her family and friends and was passionate about living a healthy lifestyle. She loved life!

May 31st was a Tuesday....When I arrived home that evening, Caitlin was getting ready to go out to run errands and grab some dinner. We talked for a while about her new job location for summer school and how she needed to leave earlier in the mornings since her travel time was more than expected. She was of course wearing one of my shirts & I told her I was planning to wear that shirt tomorrow...we laughed because she always borrowed my clothes & as usual she says: nothing will happen to your shirt Mom :) We talked about our day; she asked where Dad was (he had gone to a Royals game with his friend Tim); I told her I was hoping to watch the game with her....but since she already had plans she would be home around "10ish". Caitlin knew to not give me an exact time because she knew I would worry if she wasn't home at that exact time and I learned to not worry if at 10:30 she wasn't home yet because I knew she would call or text if she was running later than expected.

Around 10:00 I decided to take my shower because I knew Caitlin would jump in the shower as soon as she got home. As I was getting out of the shower, I felt a horrible pain in my heart and thought I was going to get sick....I looked at the clock and then I could faintly hear Caitlin's voice calling me...MOM....it was 10:15pm....

As a mom, you just know that something terrible has happened. I tried to call Caitlin but no answer...I tried to text her, but no response....I tried to convince myself I was overreacting. I played this game with myself until Kevin got home....I told him I was worried about Caitlin. He tried to be reassuring but all my instincts could not let it go. I kept trying to reach her....it was getting later & later and I finally text a couple of her friends to see if maybe she stopped there or if they had heard from her....they had not.

I was waiting and watching for Caitlin to pull into the driveway...it was well after midnight when I saw some lights at the end of the driveway and for a split second I was like thank god she's home....but she wasn't; and it wasn't a car either, it was someone walking around with flashlights. I woke Kevin up to go see who was outside...I didn't want to go with him but I watched from the door for a few minutes & realized it was the police, so then I walked out to

the driveway. I immediately asked where Caitlin was & they said that we needed to go inside. I said NO because I knew that they were going to tell me something terrible had happened to my baby girl. I was right, my worst fear had become a reality and my nightmare began.

A drunk driver had hit Caitlin's car and she was pronounced dead at the scene. Time of death 10:22pm.

When life events occur and you have no control, you do whatever you can to regain control. You will do anything to make sure a tragedy such as Caitlin's death doesn't ever happen again. You hope with all your heart that no family has to ever experience the torment, the sadness, the never-ending emptiness you feel when your only daughter is killed by a drunk driver. We miss our Caitlin...there are days when I just don't think I will make it through, but I close my eyes & see her face, her smile and hear her laugh and I hear her telling me she is fine...and then our new reality, our lives without Caitlin go on....

The drunk driver that killed Caitlin was not injured at all; not even a scratch. As it turned out, he should not have been driving a car that was not equipped with an interlock device. He made a conscious decision to drive his friend's car that night.

When events in life overwhelm us, all we have left is reason. HB 2439 is our chance at reason. It is our chance to hold accountable those drivers who have a blatant disregard for the restrictions placed upon them for the privilege of driving after a DUI conviction. If we cannot change the behavior of these drivers, then we must increase the penalties for interlock violation when the driver kills another in a drunk driving crash. These drivers must know that the interlock is a safeguard intended to protect all drivers and they simply cannot be ignored.

Since there is no way to monitor all the drivers required to have an interlock and no way to ensure they do not drive another vehicle without an interlock, then we must increase the penalties. There must be significant consequences, significant jail time for these drivers that don't follow the law that has allowed them to continue driving.

As Caitlin's parents, we support HB 2439 and respectfully ask that you pass this bill.

We must try to get justice for those who cannot get it for themselves.