



Re: House Bill 2278, Felony for Firearm Theft

Dear John Rubin and Committee Members,

I am a twelve year veteran with the Leavenworth Police Department and started my career as a patrol officer. Through the course of my career I was promoted/transferred to the drug enforcement unit. In doing so I became proficient in the art of drug investigations. The vast majority of my investigations yielded state convictions for drug offenders and firearm violators as well as many Federal convictions for the same or similar offenses regarding drug and gun crimes. I received a promotion to the rank of Sergeant in March of 2011 and was assigned to supervise our drug enforcement unit. I am also a member of the Special Weapons and Tactics Team and have done so for approximately 8 years now. As a S.W.A.T. officer I have also encountered individuals who possess firearms that they have used during the commission of drug crimes as well as possessed them when they have taken them as trade for narcotics. Typically these firearms are generally stolen from homes. Sometimes these firearms go unreported because the owners do not know the serial numbers to them or they are criminals themselves who are not lawfully allowed to possess them hence not reporting them to the police. As an individual in my line of work firearms are always a serious concern. Recently, when I entered a home in connection with a search warrant my life was placed in danger by an individual who pointed a 9mm pistol toward me and my fellow S.W.A.T. team members. This resulted in me discharging my weapon and wounding the occupant of the home. When the search of the home was completed investigators uncovered several homemade bombs and over 22 firearms and large quantities of narcotics. In the past week we had a burglary occur in a home while the home owner was hospitalized in the Veterans Administration Hospital. Under the current law the individual who burglarized the home could be charged with a felony of burglary if we are successful in proving they were in fact guilty of burglarizing the dwelling. However the current law states that the individual who is in possession of these stolen guns can only be charged with a misdemeanor (possession of stolen property) unless the gun value exceeds more than one thousand dollars. This possesses another problem because value of such items is typically seen in the eyes of the beholder. In the end the individual will probably only be charged with the misdemeanor we previously discussed. In this particular case, we have yet to determine who actually is responsible for the burglary of the firearms; luckily we have recovered the vast majority of the firearms with the exception of several handguns without any being used to commit new crimes. I can tell you from personal experience we see stolen firearms in possession of many of our criminals. When we receive reports of burglaries, a goodly number of them report weapons being stolen from their home and/or vehicle. As current head of the drug enforcement unit, I can state for a fact that most drug dealers carry a firearm, including the person that pointed a gun at me. Often time's firearms recovered from these drug dealers turn out to be stolen, often from burglarized homes from our communities or neighboring jurisdictions. I absolutely see a need to be more vigilant in pursuing those who possess these firearms with the furtherance of their criminal activities. This bill will be a step in the right direction for providing stricter laws and punishments for those who choose to engage in these illegal activities.

Sincerely,

Neil Vogel
Sergeant Leavenworth Police Department

Leavenworth Police Department

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