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Testimony to the Maryland Senate Judicial Proceedings Committee

SB396 The Violent Firearm Offenders Act of 2022

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By Jason Johnson

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Members of the Senate Judicial Proceedings Committee:

My name is Jason Johnson and I served as the Deputy Commissioner of the Baltimore Police Department from 2016 and 2018 where I oversaw the Strategic Service Bureau and chaired the department's performance review. Previously, I served as a patrol officer and shift commander with the Prince George's County Police Department for over twenty years, rising to the rank of Major and leading the Department's Office of Legal Affairs and the Internal Affairs Division. I am currently the president of the Law Enforcement Legal Defense Fund, a nonprofit organization promoting effective and constitutional policing.

In my over two decades in law enforcement, I saw firsthand the havoc that criminals with guns can wreak on our streets. The toll in lives lost and shattered is shocking and the toll on the families and friends of those lost to gun-toting criminals is heartbreaking.

Sadly, if not for the failings of our criminal justice system, many of those murders would not have happened – many were preventable, if the killers had faced consequences for their previous, often firearms-related, crimes and had been “incapacitated” in jail or prison – unable to terrorize our streets.

Fortunately, the Violent Firearms Offenders Act of 2022 offers the legislature the opportunity to stem the bloodshed on our streets by giving law enforcement and prosecutors the tools to keep

these would-be killers behind bars longer, before they can take a life from another family in Maryland.

Homicides and nonfatal shootings rose dramatically across the country in 2020 and 2021. In Maryland, the rise between 2019 and 2020 was only 5.5% and Baltimore City actually saw 13 fewer homicides than the previous year.

But those figures obscure the City of Baltimore's persistently elevated levels of violence over the past few years – and the dramatic spike across other counties in Maryland.

In fact, Baltimore City has consistently been America's big city homicide capital for the last seven years and ranks among the world's deadliest cities per capita. Since 2015, nearly 2,400 residents¹ have been murdered or 1 out of every 250 inhabitants. While Baltimore is home to less than 10% of Marylanders, it accounts for six out of every ten of the state's murders and carjackings, half of its robberies, and a third of all aggravated assaults.²

While Baltimore's 338 killings in 2021 accounted for half the total murders in Maryland— it is not just Baltimore that is being ravaged by violence.

Violence has skyrocketed Prince George's and Montgomery counties in the past two years. Last year, Prince George's County saw its most homicides since 2007, and Montgomery County its highest figure in two decades. Murders in both counties more than doubled since 2019. Meanwhile, aggravated assaults (which include nonfatal shootings) jumped more than 20 percent in those two suburban counties. Carjackings and robberies are up as well.

The question, then, is why? Based on my decades in both law enforcement leadership and on the frontlines, the answer is that our current laws and procedures abet these dangerous, repeat offenders by releasing them on bail, failing to fully prosecute their crimes, imposing light sentences, and freeing them before their time was up.

Those systemic failures cannot be solved entirely by one piece of legislation, but the 2022 Violent Firearms Offenders Act (VFOA) goes a long way toward remedying the dangerous policies of leniency that allowed these individuals to rob, maim, and kill Marylanders.

Research has consistently shown that carrying firearms illegally is strongly linked to the likelihood of the possessor either committing violence or becoming a victim of it.³

According to a 2018 study by the state of Illinois' Criminal Justice Information Authority, those arrested for firearms-related crimes were twice as likely as those arrested for other crimes to be victims of homicide and usually by gun.⁴

In Baltimore from 2015 to 2021, 45% of homicide victims had prior firearms charges. Another 16% of murder victims – more than two hundred individuals – had been victims of nonfatal shootings before. In 2021, 11 victims were themselves suspected in homicides according to the police department's homicide analysis.⁵

The known perpetrators of violence have long criminal histories as well, each homicide suspect averages more than ten arrests and one gun-related arrest.

Since we only know about the suspects that we can identify – with only about one in three killings in Baltimore being solved each year – we know that 42% or nearly 300 of the murder suspects in the last seven years had a gun arrest. Assuming the same rate for all murderers, over 1,300 of Baltimore’s killers have been previously arrested for firearms offenses before the incident. That is a lot of lives unnecessarily lost if those cases had resulted in both being held without bond, convicted, and sentenced to longer prison terms.

And that is precisely what the VFOA seeks to fix by establishing a class of firearms offenses that preclude the offender from pretrial release and enhancing the type of crimes eligible for stricter sentencing.

Bail releases of violent firearms offenders are a particular problem but all too common and do result in unspeakable tragedy. Last June in Annapolis, Naval Academy mom Michelle Cummings came to town to celebrate her son’s induction into an institution dedicated to training those who defend us. But our system failed to defend Michelle Cummings from a dangerous criminal, Angelo Harrod, who shot at killed her while she sat on a hotel balcony. Harrod, who had a decade-long history of violence and carrying guns, was released on an ankle monitor in February 2021 despite being charged with assault, reckless endangerment, and a slew of gun-related charges which under this bill would have kept him behind bars. But Harrod removed his ankle bracelet in May – something he had done before when facing previous charges in 2017 – but could not be re-apprehended in time to prevent the senseless killing of the Naval Academy mom who had traveled from Houston for her son’s celebration.

Angelo Harrod’s case is all too common and calls out for change.

Additionally, the available penalties for firearm offenses in current laws are inadequate and ineffective in combatting the surge in violence.

The Baltimore Sun found in 2016 and 2017 that 43 percent of those convicted of a gun crime received less than a year in jail, and half had 50 percent or more of their sentence suspended. The average sentence, according to Baltimore City’s State’s Attorney Marilyn Mosby, was 16 months. Police data showed it to be less than six months.⁶

Those penalties do not stop or deter violent criminals, they rarely even delay them from committing violence.

In my experience, 99.9 percent of residents of Maryland’s violence-wracked communities are decent, hard-working people, it is only the tiny fraction of offenders who carry guns, deal drugs and fight over turf who commit the lion’s share of all the violence – so-called “trigger-pullers.” They need to be off our streets to stop the violence.

And it is important to note that locking up violent offenders or those disposed to violence is not and will not be a major driver in the prison population, leading to “mass incarceration.”

According to the Department of Justice, only 4% of the 1.2 million state prisoners were sentenced for weapons offenses compared to 58% for violent crimes and 14% for drug offenses.⁷

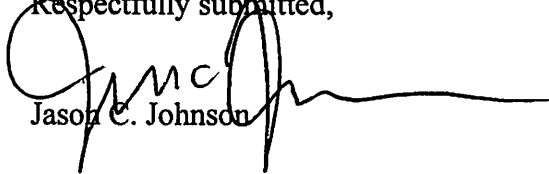
According to a 2021 Pew Research poll, the communities that supposedly worry about “mass incarceration” are most likely be concerned about gun violence with 93% of Black respondents and 71% of Hispanic respondents saying it is a “very big” or “moderately big” problem compared to only 64% of white respondents.⁸

Another poll last June by the Washington Post found that African Americans respondents believed that new stronger gun laws (76%) and stricter enforcement of current laws (75%) would reduce violent crime in America – twice the rate of white Americans.⁹

And Johns Hopkins researchers endorsed similar policies, concluding that an emphasis on the prosecution of high-risk firearm offenders is critical to reducing gun violence in Baltimore.¹⁰ We also have case evidence from other states and the federal government whose use of “focused deterrence” strategies targeting gun offenders with stiffer penalties and prosecutions successfully reduced gun violence.¹¹

It’s not just commonsense that taking the bad guys off the street will curb violence, it’s a fact. I urge you to support public safety by voting this legislation out of committee with a favorable report.

Respectfully submitted,



Jason C. Johnson

Notes:

¹ Baltimore Sun, “Baltimore Homicides” 2015-2022; <https://homicides.news.baltimoresun.com/>. (Jan 1, 2015-Feb 15, 2022) = 2380 homicides

² Maryland State Police, “Crime in Maryland 2020 Uniform Crime Report,” 2021 <https://mdsp.maryland.gov/Document%20Downloads/Crime%20In%20Maryland%202020%20Uniform%20Crime%20Report.pdf>; 2015-2020 data average

³ Oliphant SN, Mouch CA, Rowhani-Rahbar A, Hargarten S, Jay J, Hemenway D, Zimmerman M, Carter PM; FACTS Consortium. A scoping review of patterns, motives, and risk and protective factors for adolescent firearm carriage. *J Behav Med.* 2019 Aug;42(4):763-810. <https://pubmed.ncbi.nlm.nih.gov/31367939/>; Beidi Dong, Douglas J. Wiebe, Violence and beyond: Life-course features of handgun carrying in the urban United States and the

associated long-term life consequences, *Journal of Criminal Justice*, Volume 54, 2018, Pages 1-11.
<https://doi.org/10.1016/j.jcrimjus.2017.11.002>.

⁴ Devitt Westley, C., Kang, B., Sheridan, E., & Specker, J. (2018). Examining the recidivism of firearm offenders using state criminal history and mortality data. Chicago, IL: Illinois Criminal Justice Information Authority.
<https://icjia.illinois.gov/researchhub/articles/examining-the-recidivism-of-firearm-offenders-using-state-criminal-history-and-mortality-data>

⁵ Baltimore Police Department “Homicide Analysis,” data from report years 2015-2021

⁶ Luke Broadwater and Ian Duncan, “Baltimore Gun Offenders Vary, Sun Review Shows,” *The Baltimore Sun*, July 24, 2017, <https://www.baltimoresun.com/news/investigations/bs-md-ci-gun-bill-20170720-story.html>; Justin Fenton, “Arrests in Baltimore for Illegal Guns Often Lead to Dropped Charges or Little Jail Time,” *The Baltimore Sun*, October 22, 2016, <https://www.baltimoresun.com/news/crime/bs-md-ci-gun-arrest-prosecutions-20161022-story.html>

⁷ Department of Justice –Bureau of Justice Statistics, “Prisoners in 2020,” December 2021, <https://bjs.ojp.gov/content/pub/pdf/p20st.pdf>.

⁸ Pew Research Center, April 2021, “Amid a Series of Mass Shootings in the U.S., Gun Policy Remains Deeply Divisive,” <https://www.pewresearch.org/politics/2021/04/20/amid-a-series-of-mass-shootings-in-the-u-s-gun-policy-remains-deeply-divisive/#americans-living-in-urban-areas-are-much-more-likely-than-rural-americans-to-say-gun-violence-is-a-very-big-problem-in-the-country>

⁹ Washington Post-ABC News, Conducted June 27-30, 2021; https://www.washingtonpost.com/context/june-27-30-2021-washington-post-abc-news-poll/9f67b281-b289-4e67-a9e1-9515018d7e90/?itid=lk_inline_manual_44

¹⁰ Webster, Daniel et al, “Reducing Violence and Building Trust: Data to Guide Enforcement of Gun Laws in Baltimore,” Johns Hopkins University, June 2020; https://www.jhsph.edu/research/centers-and-institutes/johns-hopkins-center-for-gun-violence-prevention-and-policy/_docs/reducing-violence-and-building-trust-gun-center-report-june-4-2020.pdf

¹¹ Anthony A. Braga and David L. Weisburd, “Focused Deterrence and the Prevention of Violent Gun Injuries: Practice, Theoretical Principles, and Scientific Evidence,” *Annual Review of Public Health* 2015 36:1, 55-68; <https://doi.org/10.1146/annurev-publhealth-031914-122444>