

DC-W_SB327_FAV.pdf

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Daniel J. Carlin-Weber
SB327 Public Safety – Permit to Carry, Wear, or Transport a Handgun – Qualifications
Favorable
2/10/2022

I am a professional firearms instructor and advocate of responsible firearms handling and ownership. I teach through my Baltimore City-based company, C-W Defense, and hold numerous credentials related to firearms instruction including being recognized as a Qualified Handgun Instructor by the Maryland State Police. Since 2016, I have taught Marylanders from all walks of life how to safely operate firearms and the responsibilities that come with them. I come before you today to urge a favorable report for Senate Bill 327.

SB327 would add the language, “such as PERSONAL PROTECTION, SELF-DEFENSE, OR” to Public Safety Article 5-306 (a)(6)(ii), thus allowing a citizen who otherwise qualifies for a permit to be granted one for their personal defense. The rigorous 16-hour training component, fees, background checks, fingerprints, and other requirements of applying for a Wear and Carry Permit must still be met. Since 1972’s gun control legislation, demanded by then-Governor Mandel, applying for a Wear and Carry Permit requires that an applicant have a “good and substantial reason to wear, carry, or transport a handgun.” What constitutes “good and substantial reason” has been the center of debate for many, many years, but it is without dispute that the requirement denies the typical Marylander the ability to lawfully carry a handgun beyond their front door. Maryland’s current law demands that only special or favored classes of citizens can protect themselves in public with the “quintessential self-defense weapon.” *District of Columbia v Heller*, 554 U.S., 570 (2008). Business owners (or employees in certain circumstances), top-secret security clearance holders, and other government employees including law enforcement are the only people generally deemed worthy of having this ability. Those who have been subjected to

targeted crimes *might* be able to get a permit with enough documentation, but even then, this supposes that the person survives whatever threat they were faced with.

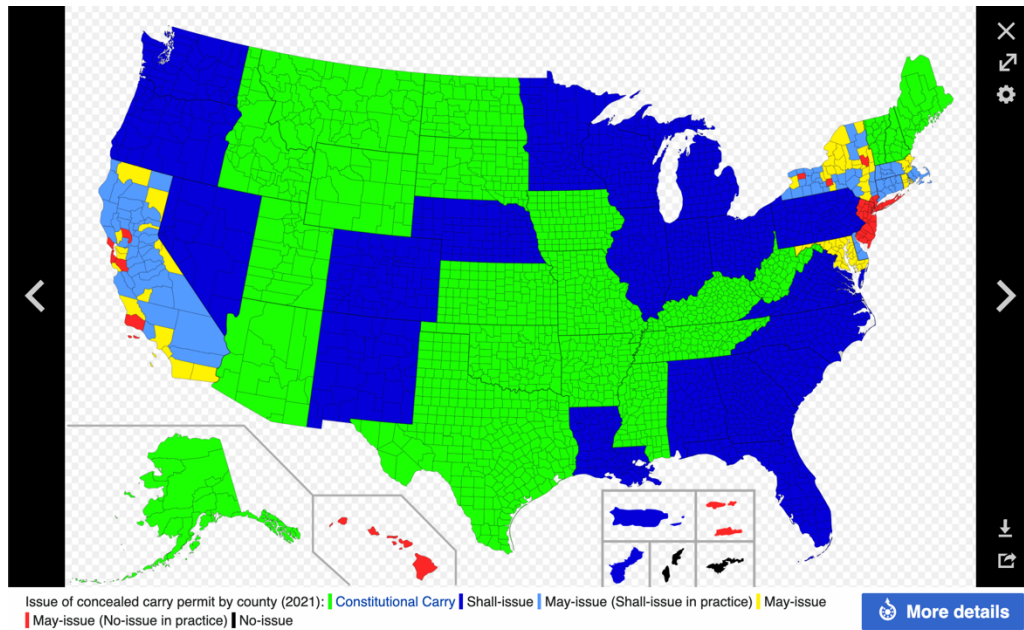


Figure 1 - Map of US by counties' practices of issuing carry permits. Areas in green do not require permits to carry concealed firearms in public at all. Graphic sourced from Wikipedia https://en.wikipedia.org/wiki/Concealed_carry_in_the_United_States

Maryland is one of only a handful of places that choose who gets a permit based on their socio-economic class (because how else would one describe a system where the exercise of a right is predicated on whether the person is a business owner or government agent?). With few exceptions, forty-four states, the District of Columbia, and even Puerto Rico do not subjectively dictate which citizens are more valuable than others. Some states like California and New York defer to local authorities to decide who gets permits, with some areas being relatively permissive with issuance and others practically granting none at all.

Every bordering jurisdiction of Maryland generally issues carry permits to law-abiding citizens without the need for applicants to be deemed special in some way. The District of

Columbia once had a system based largely on Maryland's, but their "good reason" requirement, practically identical to Maryland's "good and substantial reason," was found to be unconstitutional under the 2nd Amendment in *Wrenn v District of Columbia*, 864 F.3d 650 (D.C. Circ. 2017). Today, anyone who is not prohibited by law from possessing a firearm is eligible for a permit to carry a handgun in public in D.C. *Applying for a License to Carry a Handgun*, Metropolitan Police Department, <https://mpdc.dc.gov/page/applying-license-carry-handgun>.

In Pennsylvania, at least 1 in every 10 adults is licensed to carry a firearm. *Concealed Carry Permit Holders Across the United States: 2019*, John R. Lott, https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3463357. Applicants need not provide proof of training but are required to pay a small fee and pass a background check. *Carrying Firearms in Pennsylvania*, Pennsylvania State Police, <https://www.psp.pa.gov/firearms-information/Pages/Carrying-Firearms-in-Pennsylvania.aspx>. Pennsylvania recognizes some out-of-state permits and allows carrying a concealed handgun without a Pennsylvania permit inside a vehicle *only* if the carrier has a permit to carry from anywhere within the United States. Pennsylvania does not require a permit to carry firearms unconcealed.

Delaware does still require that applicants be of 'good moral character,' but generally, issues permits to all those who complete the State's requirements and who are not prohibited from possessing firearms. Delaware also recognizes several out-of-state carry permits and allows the open carrying of a handgun without needing a permit whatsoever. *Concealed Deadly Weapons*, Delaware Courts, <https://www.courts.delaware.gov/superior/weapons.aspx>.

Virginia issues carry permits to all applicants not prohibited by law from owning firearms with proof of some form of training and Virginia recognizes active carry permits issued by any jurisdiction in the United States. *Firearms / Concealed Handguns*, Virginia State Police, <https://www.vsp.virginia.gov/Firearms.shtm>.

West Virginia requires no permit at all for people over the age of 21 to carry firearms openly or concealed within its borders. Those who do must still not be prohibited by law from possessing firearms. West Virginia does still issue carry permits to those who seek them. *Gun Reciprocity / Frequently Asked Questions*, West Virginia State Attorney General's Office, <https://ago.wv.gov/gunreciprocity/Pages/FAQ.aspx>.

Some might wonder what Maryland would look like if more citizens were legally carrying guns. Many generally think of Texas as the wild west of gun ownership, but reality shows otherwise. As of December 31st, 2020, Texas had 1,626,242 License to Carry holders (for perspective, that is more than a fifth of Maryland's entire population who are licensed to carry in the state of Texas) *Active License/Certified Instructor Counts As of December 31, 2020*, Texas Department of Public Safety, <https://www.dps.texas.gov/rsd/LTC/reports/ActLicAndInstr/ActiveLicandInstr2020.pdf>.

There were 26,304 criminal convictions in all of Texas in 2020. Of those convictions, permit holders were responsible for just 144 or 0.547% of all convictions. That means 1,626,098 permit holders weren't responsible for 99.5% of all convictions that year. *Conviction Rates for Handgun License Holders Reporting Period: 01/01/2020 - 12/31/2020*, Texas Department of Safety, <https://www.dps.texas.gov/RSD/LTC/Reports/ConvictionRatesReport2020.pdf>.

The overwhelming majority of permit holders in Texas and elsewhere are peaceable people who abide by the law and follow good judgment while carrying a firearm every day in public. Nothing makes Texans any better, more mature, or more worthy of having access to the ability to protect themselves than Marylanders do and indeed, Marylanders deserve just that.

It is long past time to end Maryland's classist system of selecting who gets to protect themselves in public and all this debate may become moot soon enough.



Figure 2 - The crowd outside of the US Supreme Court on the morning of November 2nd, 2021, before oral argument was held in *NYSRPA v. Bruen*. Dick Heller, defendant in the landmark *District of Columbia v. Heller* stands at the bottom right of the frame with a red cap on.

Supporters of this bill and similar bills proposed year after year have warned that it's likely the United States Supreme Court would take up a 2nd Amendment challenge against a scheme like Maryland's, and sure enough, they did just that. On November 2nd, 2021, the Court heard oral argument in *New York State Rifle and Pistol Association v. Bruen*, 20-843. Argument audio and transcript are available via Oyez.com: <https://www.oyez.org/cases/2021/20-843>. The plaintiffs are challenging New York's requirement that one demonstrate "proper cause" to be issued a license or permit to carry a handgun in public, as well as the time, place, and manner restrictions placed upon the permits. These requirements are indistinguishable from Maryland's "good and substantial reason" requirement and restrictions the State Police place upon permits that limit validity only when doing certain things at certain times and places. While it can be fraught to guess which way a case will be decided based on the questions asked by the Justices at oral argument,

there's little doubt that New York's Solicitor General, Brenda Underwood, and Principal Deputy Solicitor for the United States, Brian Fletcher were met with deep skepticism over the defense of the State's requirements. Notably, Chief Justice Roberts seemed curious about how a constitutional right could be dependent on one demonstrating a need to have it:

Brian H. Fletcher:

As to the general question about Heller, we agree completely that the Court ought to apply the method from Heller, which we, like I think all the parties, take to be look to the text, history, and tradition of the Second Amendment right, and we're applying that now to a somewhat different issue with the benefit of somewhat broader materials. Now, as to the question about why you have to have a showing of need, I think the problem with Mr. Clement's formulation is that it assumes the conclusion. If you had a right, the Second Amendment conferred a right to carry around a weapon for possible self-defense just because an individual wants to have one available, then, obviously, you couldn't take away that right or make it contingent upon a discretionary determination. But the whole question is whether the Second Amendment right to keep and bear arms confers that right to have a pistol with you for self-defense even absent a showing of demonstrated need.

John G. Roberts, Jr.:

Well, I'm not sure that's right.

I mean, you would -- regardless of what the right is, it would be surprising to have it depend upon a permit system. You can say that the right is limited in a particular way, just as First Amendment rights are limited, but the idea that you need a license to exercise the right, I think, is unusual in the context of the Bill of Rights.

Brian H. Fletcher

So I -- I agree with that, but I think I heard even Mr. Clement in response to a question from Justice Kavanaugh say he doesn't have a quarrel with licensing regimes in general. And I think what that is one illustration of is that the Second Amendment has a distinct history and tradition and that the way to be faithful to the Second Amendment is to be faithful to that history and tradition and not to draw analogies to other rights with -- with their own histories and traditions.

John G. Roberts, Jr.

Well, there's licensing and there's licensing.

Maybe it's one thing to say we need to check, make sure you don't have a criminal record, make sure that -- all the --

Brian H. Fletcher

Right.

John G. Roberts, Jr.
-- all the other things you can check on, but not that we assume you don't have a right to exercise your -- your --

Brian H. Fletcher
So I guess --

John G. Roberts, Jr.
It's hard to say it without saying it, exercise your right under the Second Amendment, and you've got to show us that -- that you do.

It is also worth reading the amicus brief submitted by the Black Attorneys for Legal Aid and the Bronx Defenders in support of the plaintiffs in *NYSRPA* to get a glimpse of how schemes like Maryland's are physically enforced. <https://bit.ly/3LdnJZn>. The votes *NYSRPA* have already been cast and someone at the Court is writing an opinion right now. It will likely be delivered not long after *Sine Die* and the State Police could very well be no longer able to legally require that applicants demonstrate "good and substantial reason" before they're issued a permit to carry a handgun. This body won't be able to reconcile with its self-inflicted past of criminalizing the ability for average people to carry handguns for their defense until an entire year from now. The State can get ahead of the imminent embarrassment and inevitable costs related to litigation for the denial of these rights by passing this bill.

I urge a favorable report.



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Right to Carry.pdf

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THE SENATE OF MARYLAND ANNAPOLIS, MARYLAND 21401

SB 327 – Public Safety – Permit to Carry, Wear, or Transport a Handgun – Qualifications

February 10, 2022

Chairman Smith, Vice Chairman Waldstreicher, and members of the Judicial Proceedings Committee,

This bill specifies that personal protection or self-defense constitute a good and substantial reason for issuance of a permit to carry, wear, and transport a firearm.

This bill protects the fundamental right of Marylanders to keep and bear arms for personal protection. In *D.C v. Heller*, the Supreme Court held that citizens have the right to possess handguns for self-defense. This protection should apply both inside and outside the home. In *Wrenn v. D.C.*, the U.S Circuit Court of Appeals for the District of Columbia ruled that the District of Columbia's "good reason" requirement for a carry permit was unconstitutional. As a result of this ruling, D.C is now a "Shall Issue" jurisdiction.

This bill would essentially make Maryland a Shall Issue state. Forty-two states and D.C are Shall Issue jurisdictions. Fourteen states have Constitutional Carry, meaning that they do not require a permit to carry, wear, or transport a handgun. None of these laws have resulted in an increase of violent crime in these states.

Maryland has the 3rd most restrictive gun laws in the nation. Only New Jersey and Hawaii have more restrictive laws. California and New York allow county sheriffs to determine if a person has a good and substantial reason and therefore have a lot of counties that are Shall Issue in practice. Maryland's extremely restrictive law is not making the state safer. In fact, since 2013 the Maryland General Assembly has passed several pieces of legislation adding more gun control in the state of Maryland. However, the murder rate in Maryland has continued to rise since 2014, after it had been steadily decreasing since 2006.

SB 327 will protect the 2nd Amendment Rights of Marylanders without impacting public safety, thus I respectfully ask you to give it a favorable report.

SB327 Sponsor Witness Signup Form_2022.pdf

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Position: FAV

Senate Standing Committee
Sponsor Witness Form

This form must be emailed to the Committee Manager for the Committee hearing the bill. For bill hearings scheduled on or before February 11th by 10:00 am two (2) business days in advance of the scheduled bill hearing. For bill hearings beginning on February 14th by 10:00 am one (1) business day in advance of the scheduled bill hearing. Please include the date of the bill hearing and the bill number in the subject line.

Hearing Date: February 10, 2022

Bill Number: SB 327

Lead Proponent Name: Bill Painter

Organization:

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Panelist Name: Mark Pennak

Organization: Maryland Shall Issue

E-mail Address: mpennak@marylandshallissue.org

Phone Number: 301 873 3671

Panelist Name:

Organization:

E-mail Address:

Phone Number:

Please also submit, along with this document:

- Any audio-visual presentation the sponsor wishes to show during his or her presentation.
- Any special requests for bill order. Please note, the Committee will do its best to accommodate requests.

Contact information for the Committee Managers:

Budget and Taxation: kim.landry@mlis.state.md.us

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Katie_Novotny_FAV_SB327.pdf

Uploaded by: Katie Novotny

Position: FAV

Written Testimony of Katie Novotny in support of SB327

08 February 2022

I am a member of Multiple Gun Rights organizations. Maryland Shall Issue, Associated Gun Clubs, Maryland State Rifle and Pistol Association, and the National Rifle Association. I am a certified Range Safety Officer with the NRA. I compete in multiple shooting events such as Steel Challenge, 3-gun, small bore, and vintage military rifle matches. I am an avid firearms collector. I support SB327.

Currently, 41 states and DC have Shall Issue laws, and 21 states have Permitless Carry. Clearly Maryland is on the wrong side of history here. As more states move towards liberal licensing practices, we have more data proving that concealed carry holders do not contribute to crime. The January 2019 study published by the American College of Surgeons found this conclusion: "This study demonstrated no statistically significant association between the liberalization of state level firearm carry legislation over the last 30 years and the rates of homicides or other violent crime. Policy efforts aimed at injury prevention and the reduction of firearm-related violence should likely investigate other targets for potential intervention." <https://www.sciencedirect.com/science/article/abs/pii/S107275151832074X>

There is data available for many states crime rates before and after the introduction of shall issue permitting. Florida, and especially Dade County, tracked crime rates and other relevant data from the time they enacted carry reform in 1987 until August 31, 1992. They stopped at that point because it was clear there was no need to because of how rare incidents with permit holders were. The numbers from this study were as follows: A total of 6 permit holders were convicted of perpetrating crimes with firearms; Just 13 permit holders used their firearms to thwart or attempt to thwart crimes; and there was no known incident of a permit holder intervening in an incompetent or dangerous manner, such as shooting an innocent bystander by mistake. This data was taken from the study titled "Shall Issue": The New Wave of Concealed Handgun Permit Laws" <http://www.davekopel.org/2A/LawRev/Shall%20Issue.pdf>

Currently Maine, Vermont and New Hampshire are rated as the three safest states, and they are all Constitutional Carry. From 2014 to 2018, Illinois had an average of over 189,000 active permits. Over that same period, no one has been convicted of committing a crime with his permitted concealed handgun. <https://crimeresearch.org/2018/06/illinois-more-evidence-that-concealed-handgun-permits-holders-are-extremely-law-abiding/> In 2017, Milwaukee, Wisconsin's police union president stated that they had not arrested even one permit holder since they went shall issue in 2011.

Studies also show that concealed carry permit holders are more law abiding than even police officers. <https://www.dailywire.com/news/report-concealed-carry-permit-holders-are-most-law-aaron-bandler> Firearms violations rates for police officers are at 16.5 per 100,000. In Texas and Florida, for permit holders, that rate is only 2.4 per 100,000.

It is abundantly clear that there is no public safety reason to restrict firearm licenses to law abiding citizens. Furthermore, it has been proven unconstitutional in *Wrenn v. District of Columbia*. That case struck down DC's "good reason" requirement, making DC Shall Issue. It is only a matter of time before the same happens in Maryland.

This state only issues permits to those with "good and substantial" reasons. Aside from working as security, and some other narrow allowances, the method most popularly used in my experience, is by proving you carry large sums of money or valuable property, and proving you own a business. Yet this state only allows deadly force to defend your person, not your possessions. You may be issued a permit because of your possessions, but you may not use it because of them. You may use deadly force to defend your person, but you may not be issued a permit because of that, with the exception of proving you have specific, credible threats. The ordinary danger of living or working in some of the nation's most violent neighborhoods does not apply. The law-abiding citizens of this state deserve to protect themselves against the ever-growing violence in our urban areas.

Finally, with the upcoming decision expected in *NYSRA v. Bruen* which is likely to strike down New York's "Good reason" requirement, which is nearly identical to Maryland's permitting scheme, this is likely to not matter. The decision to strike down the unconstitutional and discriminatory requirement is forthcoming.

Because of these reasons above, I request a favorable report.

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MSI Testimony on SB 327 final.pdf

Uploaded by: Mark Pennak

Position: FAV



February 10, 2022

**WRITTEN TESTIMONY OF MARK W. PENNAK, PRESIDENT, MSI,
IN SUPPORT OF SB 327**

I am the President of Maryland Shall Issue (“MSI”). Maryland Shall Issue is an all-volunteer, non-partisan organization dedicated to the preservation and advancement of gun owners’ rights in Maryland. It seeks to educate the community about the right of self-protection, the safe handling of firearms, and the responsibility that goes with carrying a firearm in public. I am also an attorney and an active member of the Bar of the District of Columbia and the Bar of Maryland. I recently retired from the United States Department of Justice, where I practiced law for 33 years in the Courts of Appeals of the United States and in the Supreme Court of the United States. I am an expert in Maryland Firearms Law, federal firearms law and the law of self-defense. I am also a Maryland State Police certified handgun instructor for the Maryland Wear and Carry Permit and the Maryland Handgun Qualification License and a certified NRA instructor in rifle, pistol, personal protection in the home, personal protection outside the home, muzzleloading, as well as a range safety officer. I appear in support of SB 327.

This bill would amend MD Code, Public Safety, § 5-306(b)(6)(ii) to specify that “self-protection,” or “self-defense” is a basis for finding a “good and substantial” reason for the issuance of a Maryland Wear and Carry Permit. The bills leave unaltered the rest of Section 5-306, including leaving unchanged the rigorous training requirements of 16 hours of instruction that includes a live fire component that “demonstrates the applicant’s proficiency and use of the firearm.” Also unchanged is the requirement that the State Police conduct a background investigation using the applicant’s fingerprints, and the requirement that the State Police find that the applicant “has not exhibited a propensity for violence or instability that may reasonably render the person’s possession of a handgun a danger to the person or to another,” found at § 5-306(b)(6)(ii).

Stated briefly, there are powerful reasons to enact this bill into law. Section 5-306, as administered by the State Police, is unconstitutional without these amendments. The Maryland requirement of a “good and substantial reason” is on borrowed time in the courts, including in a pending case challenging Maryland’s law. Should Maryland lose in such litigation, the attorneys’ fees award against Maryland under 42 U.S.C. §1988, will prove quite expensive. Moreover, as John Hopkins University’s most recent study (attached) documents, illegal carry by otherwise law-abiding citizens for self-defense is very common in Baltimore. These individuals should be accorded an opportunity to carry legally, so as to obtain the training and legal instruction presently mandated by Maryland law. The amendments to Maryland’s law in this bill would make that possible. As explained below, the status quo in Baltimore is utterly untenable.

The Constitutional Issue:

In *District of Columbia v. Heller*, 554 U.S. 570 (2008), the Supreme Court held that citizens have the right to possess operative handguns for self-defense. *Heller* also made clear that the right belongs to every “law-abiding, responsible citizen[]”. *Heller* 554 U.S. at 635. The rights guaranteed by the Second Amendment are fundamental and are, therefore, applicable to the States by incorporation under the Due Process Clause of the 14th Amendment. See *McDonald v. City of Chicago*, 561 U.S. 742, 768 (2010) (“[c]itizens must be permitted to use handguns for the core lawful purpose of self-defense.”). In striking down a law burdening that core right, the Supreme Court recognized “the handgun to be the quintessential self-defense weapon.” *Heller*, 554 U.S. at 629. The Seventh Circuit has thus held that the Second Amendment applies with full force outside the home. *Moore v. Madigan*, 702 F.3d 933 (7th Cir. 2013). As Judge Posner explained, “the Supreme Court has decided that the amendment confers a right to bear arms for self-defense, inside.” *Id.* at 942. Accordingly, “[t]o confine the right to be armed to the home is to divorce the Second Amendment from the right of self-defense described in *Heller* and *McDonald*.” *Id.* at 937. As a result of the decision in *Moore*, Illinois enacted “shall issue” legislation, thus converting that State into a “shall issue” jurisdiction.

Most recently, the United States Court of Appeals for the District of Columbia Circuit applied these principles to strike down the “good reason” requirement for a carry permit imposed by D.C. law. *Wrenn v. District of Columbia*, 864 F.3d 650 (D.C. Cir. 2017). In so holding, the court stressed that the “core” of the Second Amendment protected “the individual right to carry common firearms beyond the home for self-defense—even in densely populated areas, even for those lacking special self-defense needs.” (*Id.* at 661). That meant, the court explained, that “the Second Amendment must enable armed self-defense by commonly situated citizens: those who possess common levels of need and pose only common levels of risk.” (864 F.3d at 664). Under this test, the Court reasoned that the District’s [good reason] regulation completely prohibits most residents from exercising the constitutional right to bear arms as viewed in the light cast by history and *Heller I* (at 665) and that “the good-reason law is necessarily a total ban on most D.C. residents’ right to carry a gun in the face of ordinary self-defense needs, where these residents are no more dangerous with a gun than the next law-abiding citizen.” (*Id.*). The court thus concluded that the “good reason” requirement was categorically invalid without undertaking any level of scrutiny because “no tiers-of-scrutiny analysis could deliver the good-reason law a clean bill of constitutional health.” (*Id.* at 666). The District of Columbia sought rehearing en banc from the full D.C. Circuit, but that petition was denied without a dissent on September 28, 2017. Fearing a loss at the Supreme Court, the D.C. Government decided not to file a petition for a writ of certiorari.

Under *Wrenn*, D.C. is now a “shall issue” jurisdiction, just like 42 states in the United States. That decision in *Wrenn* also creates a direct conflict with the Fourth Circuit’s decision that sustained Maryland’s “good and substantial reason” requirement. *Woollard v. Gallagher*, 712 F.3d 865, 876 (4th Cir.), *cert. denied*, 134 S.Ct. 422 (2013), as well as posing direct conflicts with prior court decisions sustaining the “good cause” laws in the few states that still impose this requirement. These circuit conflicts are presently before the Supreme Court on a writ of certiorari granted by the Supreme Court in *NYSRPA v. Bruen*, No. 20-843, *cert. granted*, 141 S.Ct. 2566 (2021), a case involving a challenge to New York’s “good cause” requirement for carry permits. That case was orally argued before the Court on November 3, 2021, and awaits a decision by the Court. The issue is also currently pending before the Fourth Circuit Court of Appeals *Call v. Jones*, No. No. 21-1334 (4th Cir.), where

plaintiffs have directly challenged Maryland “good and substantial” reason requirement. That case is being held in abeyance pending a decision in *Bruen*. MSI is a party to that litigation.

We believe that it is highly likely that the Supreme Court will, in *Bruen*, strike down the New York “good cause” requirement. If the Court should so hold, then Maryland’s equivalent requirement of a “good and substantial” reason will also fall. The *Bruen* Court also may well make clear that the “text, history and tradition” test is controlling in determining the constitutionality of gun control legislation – not tiers of scrutiny. Four members of the Supreme Court recently employed this text, history and tradition approach in *NY State Rifle & Pistol Ass’n, Inc. v. City of New York*, 140 S.Ct. 1525 (2020), where a majority of the Court held that the case was mooted by the repeal of the offending City of New York ordinance. See *id.* at 1526 (Kavanaugh, J.) (concurring in judgment of mootness, but agreeing with Justice Alito’s discussion of *Heller* and *McDonald* on the merits); *Id.* at 1540-41 (Alito, J., dissenting from the judgment of mootness but noting further on the merits that the City’s ordinance violated the Second Amendment under *Heller* and *McDonald*). Justice Thomas made the same point very recently in another case. *Rogers v. Grewal*, 140 S.Ct. 1865, 1868 (2020) (Thomas, J., dissenting from denial of certiorari). See also *Heller v. District of Columbia* (i.e. “*Heller II*”), 670 F.3d 1244, 1269 (D.C. Cir. 2016) (Kavanaugh, J., dissenting) (“In my view, *Heller* and *McDonald* leave little doubt that courts are to assess gun bans and regulations based on text, history, and tradition, not by a balancing test such as strict or intermediate scrutiny.”).

With Justice Barrett now joining the Court, we believe that a solid majority of the Court will adhere to these principles. See *Kanter v. Barr*, 919 F.3d 437, 452-53 (7th Cir. 2019) (Barrett, J., dissenting). Indeed, in *Wrenn*, the D.C. Circuit applied this text, history and tradition test in striking down the carry statute enacted by the District of Columbia. The DC statute that was invalidated was modeled after the Maryland statute and was thus substantively identical to the Maryland statute. The conflict between Maryland’s law and *Wrenn* is direct and unavoidable. A decision by the Supreme Court in *Bruen* will likely resolve this split by adopting the approach taken in *Wrenn*. That result will doom Maryland’s “good and substantial reason” requirement.

In short, the legal framework for state gun control laws is under heavy legal attack. Indeed, if *Bruen* rejects “tiers of scrutiny,” then many of Maryland’s gun control statutes might well fall as well, including much of the Gun Safety Act of 2013, which is currently being challenged in court. See *MSI v. Hogan*, No. 21-2107 (4th Cir.) (challenging Maryland’s Handgun Qualification License requirement and presently being held in abeyance in the Fourth Circuit pending *Bruen*); *Bianchi v. Frosh*, No. 21-902 (SCt) (petition for certiorari pending in a case challenging Maryland’s ban on so-called assault weapons). See also *ANJRPC v. Bruck*, No. 20-1507 (SCt.) (challenging New Jersey’s ban on so-called large capacity magazines, presently being held in the Supreme Court pending *Bruen*). At a minimum, Maryland should cut its losses for fees and costs in *Call*, and enact this bill into law.

“Shall Issue” Is Not A Public Safety Concern:

Forty-two states and the District of Columbia are “shall issue” jurisdictions. Indeed, currently 20 other states have Constitutional Carry -- Alaska, Arizona, Arkansas, Idaho, Iowa, Kansas, Kentucky, Maine, Montana, Mississippi, Missouri, New Hampshire,

Oklahoma, South Dakota, Tennessee, Texas, Utah, Vermont, West Virginia and Wyoming - do not require carry permits at all. See <https://handgunlaw.us/>. None of these laws have resulted in an increase of violent crime in these states. For example, Pennsylvania is a “shall issue” state, with over 1,000,000 carry permits issued. Yet, according to the 2019 FBI statistics, Pennsylvania’s violent crime rate was 306.4 per 100,000 inhabitants while Maryland’s violent crime rate is 454.1 per 100,000 inhabitants. <https://ucr.fbi.gov/crime-in-the-u.s/2019/crime-in-the-u.s.-2019/topic-pages/tables/table-5>. Pennsylvania was thus well below the violent crime rate of the United States (383.4 / 100,000) while Maryland was far above it at 454.1 /100,000. (Id.). The corresponding number for Virginia, another “shall issue” state, was even better than Pennsylvania, with a violent crime rate of only 208.0 / 100,000. (Id.). By contrast, the violent crime rate of the Baltimore-Columbia-Towson MSA was terrible at 698.7 per 100,000, one of the very worst among MSAs in the United States. <https://ucr.fbi.gov/crime-in-the-u.s/2019/crime-in-the-u.s.-2019/topic-pages/tables/table-6>. Plainly, Maryland’s restrictive laws have not worked to control violent crime. The definition of insanity, often attributed to Albert Einstein, “is doing something over and over again and expecting a different result.”

Even gun control advocates admit that permit holders are the most law-abiding persons in America, with crime rates a fraction of those of commissioned police officers. https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3233904. The most recent study (January 2019) published by the American College of Surgeons (hardly a gun group) found that there was “no statistically significant association between the liberalization of state level firearm carry legislation over the last 30 years and the rates of homicides or other violent crime.” <https://www.sciencedirect.com/science/article/pii/S107275151832074X>. The FBI has found that permit holders have stopped violent crime repeatedly. Specifically, the FBI found that out of the 50 mass shooting incidents studied, “[a]rmed and unarmed citizens engaged the shooter in 10 incidents. They safely and successfully ended the shootings in eight of those incidents. Their selfless actions likely saved many lives.” FBI, Active Shooter Incidents in the United States in 2016 and 2017 at 8. Available at <https://www.fbi.gov/file-repository/active-shooter-incidents-us-2016-2017.pdf/view>.

Armed self-defense works. A 2013 review by the National Research Council reveals that crime victims who resist with a gun are less likely to suffer serious injury than victims who either resist in other ways or offer no resistance at all. INST. OF MED. AND NAT’L RSCH. COUNCIL, PRIORITIES FOR RESEARCH TO REDUCE THE THREAT OF FIREARM-RELATED VIOLENCE 15-16 (Alan I. Leshner et al. eds., Nat’l Acads. Press 2013) (“Studies that directly assessed the effect of actual defensive uses of guns ... found consistently lower injury rates among gun-using crime victims compared with victims who used other self-protective strategies”). “Defensive use of guns by crime victims is a common occurrence,” and “[a]lmost all national survey estimates indicate that defensive gun uses by victims are at least as common as offensive uses by criminals.” (Id. at 15). Available at <https://doi.org/10.17226/18319>.

Baltimore:

In June of 2020, Johns Hopkins University released its study of violent crime in Baltimore. See Webster, et al, REDUCING VIOLENCE AND BUILDING TRUST Data to Guide Enforcement of Gun Laws in Baltimore. (Copy attached). This Study should be required reading for every Member of the General Assembly and it is attached hereto in its entirety for that reason. The Study found: “In Baltimore neighborhoods most impacted by gun

violence, residents lack faith in BPD's ability to bring individuals who commit violence to justice. **Perceived risk of being shot and perceptions that illegal gun carrying is likely to go unpunished lead some residents to view gun carrying as a necessary means for self-defense.**" (Id. at 5).

Certainly, there is ample reason to fear violence in Baltimore. As the Johns Hopkins study further states: "The surge in gun violence in Baltimore starting in April 2015 resulted in a more-than-twofold increase in the number of annual Baltimore homicide cases that have failed to result in the arrest of a suspect based on data reported by BPD and compiled by The Washington Post." (Id. at 28). Indeed, the police and State's Attorney record for successfully prosecuting illegal possession of firearms can only be fairly described as abysmal:

Publicly available data indicate that from May 1, 2015, through May 31, 2019, there were 10,600 cases in which individuals were charged with illegal firearm possession. Note that there can be multiple individuals within a given case. These gun charges primarily fall into one of four crime categories (as defined by the SAO): felon in possession; prohibited person (not a felon) in possession; drug trafficking while in possession of a firearm; or illegal wear, carry, or transport. Among all 10,600 cases, 4,387 (41.4%) resulted in a guilty or probation before judgment disposition as a result of a defendant's initial illegal firearm possession charge (2,182 or 20.6%) or different illegal firearm possession charge (2,205 or 20.8%) received thereafter. Nine percent (960) resulted in a guilty disposition as a result of a charge within a different category than the four primary crime types examined. In 1,109 cases in which an individual was charged with illegal firearm possession while trafficking drugs, only 108 (9.7%) had a guilty or probation before judgment disposition as a result of that charge and 528 (47.6%) pled guilty on another charge. Just under half (44.9%) of the cases in which someone was initially charged with illegal possession of a firearm did not yield a guilty disposition for any charge in state courts. The most common disposition for illegal gun possession charges is *Nolle Prosequi* (charge dismissed by the prosecutor) or *Stet* (charge deactivated), accounting for 33.7% of dispositions across the four categories of gun charges (Table 1). (Id. at 20).

These numbers are highly instructive. The extremely large number of cases (10,600 cases in a 4-year period) makes clear that illegal gun possession is rampant in Baltimore, notwithstanding Maryland's draconian gun control laws. Equally noteworthy is that nearly half of the cases involving an illegal gun possession charge do not yield a guilty disposition on any charge, not even on the illegal possession charge. Even when the charges stick, the Hopkins Study finds that "[f]or illegal wear, carry, or transport of a firearm charges, 30% had no time suspended but 40% had 91–100% suspended and an additional 18% had 81–90% of their sentence suspended. For illegal possession by a prohibited person with no prior felony convictions, 35% had no incarceration time suspended while 36% had 91–100% of their sentence suspended." (Id. at 22). The high percentage (44.9%) of cases that result in no guilty disposition suggests either that arrests were illegal or that the State's Attorney's Office simply isn't prosecuting these crimes with any degree of vigor. See Study at 21.

As Johns Hopkins finds, people are finding it necessary to arm themselves for self-protection in Baltimore. The State should issue permits for self-defense so as to allow law-abiding persons to protect themselves without becoming criminals. As the Study states: "[G]un carrying is often a defensive behavior, particularly where violent crime is common.

Incarceration for unlicensed gun carrying in this context can be both unjust and counter to public safety due to the criminogenic effects of being incarcerated.” (Study at 24). It is irrational to expect an otherwise law-abiding person to forego armed self-defense where the perceived need for self-defense is very high and the community trust in the police is very low. It is equally senseless and counterproductive to saddle such people with criminal records. It makes far more sense to encourage these individuals to get the intensive firearms training already required by Maryland’s permit law and allow them to obtain carry permits so that they may carry legally. After all, self-defense is, as *Heller* and *McDonald* hold, a fundamental right.

Gun Control and Racism:

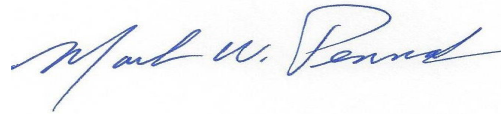
Finally, it is indisputable that Maryland’s restrictive carry laws are legacy of slavery. It was not until 1809 that Maryland prohibited any carry of weapons, but that legislation criminalized only the carrying of a weapon “with the intent feloniously to assault any person.” Archives of Maryland 570:94. Any carry, concealed or open, with no permit required, was still legal as long as it was without felonious intent. In 1831, in reaction to the Nat Turner Rebellion in Virginia, Maryland enacted a statewide law that requires free blacks (only) to obtain a license from a local court for possession or carry (open or concealed) of firearms. Archives of Maryland, 213:448. Maryland did not ban any type of carry for other citizens until 1866, when it banned concealed carry, but still allowed open carry. Archives of Maryland 389:468-9. This law was likely passed as a result of the assassination of President Lincoln in 1865, and the abolition of slavery at the 1864 Maryland Constitutional Convention. Since blacks could no longer be directly legislated against, the 1831 law was dropped and the concealed carry prohibition was made general – but could be selectively enforced.

In 1884, Maryland changed its law to once again permit concealed carry, providing that concealed carry was illegal only when arrested and charged with another crime. Archives of Maryland, 390:522-3. That approach likewise allowed discriminatory enforcement. The most likely reason for this enactment was that it was thought that 1866 total ban was unconstitutional. In 1904, after more than 300 years of legal concealed carry for non-black Maryland citizens, with no permit required, concealed carry is again made illegal in Maryland, but this time with the exception for “carrying such weapon as a reasonable precaution against apprehended danger.” Archives of Maryland 209:4025-6. The exception again allowed selective enforcement, while keeping it from being a total ban. It was not until 1972 that open or concealed carry of handguns was banned without a permit from the State Police. Archives of Maryland, 708:48-51. This law was likely a reaction to the Baltimore Race Riots of 1968, and is strikingly similar in its licensing requirements to the 1831 legislation that licensed carry by freed blacks.

The common thread that runs throughout this history is racist fears. This history matters legally because, as discussed above, the appropriate test under the Second Amendment is one of text, history and tradition. Maryland’s history is typical of gun control nationwide. See Clayton E. Cramer, *The Racist Roots of Gun Control*, 4 Kan. J.L. & Pub. Pol’y 17, 20 (1995) (“The various Black Codes adopted after the Civil War required blacks to obtain a license before carrying or possessing firearms or bowie knives These restrictive gun laws played a part in provoking Republican efforts to get the Fourteenth Amendment passed.”). That reality was also noted in *Heller*, 554 U.S. at 614–16, and by Justice Thomas in concurring in *McDonald*, 561 U.S. at 844-847. That is a legacy of shame. Law-abiding

persons of all races, not just the privileged few, should be allowed to protect themselves legally. For all these reasons, we urge a favorable report.

Sincerely,

A handwritten signature in blue ink, reading "Mark W. Pennak". The signature is fluid and cursive, with the first name "Mark" and last name "Pennak" being more prominent than the middle initial "W.".

Mark W. Pennak
President, Maryland Shall Issue, Inc.
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REDUCING VIOLENCE AND BUILDING TRUST

Data to Guide Enforcement of Gun Laws in Baltimore

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EXECUTIVE SUMMARY

This report is the product of the Reducing Violence, Building Trust: Data to Guide Gun Law Enforcement in Baltimore project. Researchers from the Johns Hopkins Center for Gun Policy and Research (JHCGPR) collected and analyzed data relevant to the enforcement of laws restricting the possession of firearms by prohibited individuals and unlawful carrying of concealed firearms to provide data-driven recommendations for more fair and effective practices. The project was designed to help inform the response to the dual crises in Baltimore—extraordinarily high rates of gun violence, and gun law enforcement practices that, in some cases, have violated the law and more generally weakened community members’ trust in the police. In 2017, Baltimore experienced its highest homicide rate on record during two out of the past three years and had the highest murder rate among cities with a population greater than 500,000 in the U.S.¹ Homicides declined in 2018, but in 2019, Baltimore’s per capita homicide rate eclipsed the 2017 record, ending the year with 348 total homicides (58.6 per 100,000 population). Nine out of 10 homicides (291) in the city were committed with firearms. The number of nonfatal shootings in 2019, 771, was also higher than that seen in the past five years.²

Because illegal gun possession is often a precursor to shootings, making arrests for illegal gun possession has long played a prominent role in the Baltimore Police Department’s strategy to combat violent crime. While BPD arrests for drug-related crimes have plummeted by 70% from 2014 to 2019, arrests for weapons violations, principally illegal possession of firearms, have changed relatively little during that time period. Police units focused on illegal gun carrying in hot spots for shootings

have helped to reduce shootings, but less focused enforcement practices have not always translated into measurable reductions in violence.³ Past efforts to get illegal guns off the streets and deter illegal gun possession without adequate oversight enabled civil rights violations, facilitated alarming criminal activity by BPD’s Gun Trace Task Force, and increased distrust of the police in many communities. These practices and their aftermath have lasting and harmful implications for public safety and justice. They also motivate current efforts by BDP to facilitate reforms and build trust with community members in compliance with the Consent Decree.

Researchers from JHCGPR drew from a variety of sources of data from Baltimore and studies from other cities to summarize key findings concerning proactive gun law enforcement practices—legal issues, impacts of police stops and searches on individuals, impacts on gun violence, community members’ views on the appropriateness of police practices and their desire for greater police accountability, and measures some law enforcement agencies are taking to improve the effectiveness and prevent abuses from proactive gun law enforcement. The report cites prior systematic and expert reviews of relevant research, especially the 2018 report by the National Academies of Sciences, Engineering, and Medicine’s committee on proactive policing.^a Several sources of data from Baltimore were used, including: 1) findings from a recent JHCGPR report on the effects of law enforcement and city-led strategies on gun violence³; 2) the United States Department of Justice’s City of Baltimore Consent Decree and reports from the selected Independent Monitor;

^a The Committee on Proactive Policing: Effects on Crime, Communities, and Civil Liberties was appointed by the National Academies of Sciences, Engineering, and Medicine to carry out this task.

3) new data from court records on case dispositions for cases involving charges for illegal firearm possession; and 4) household surveys and focus group interviews with residents living in some of Baltimore's neighborhoods most impacted by gun violence. The JHCGPR study team sought to identify promising models for effective and fair proactive gun law enforcement through interviews with law enforcement officials in 24 other jurisdictions.

This report provides 13 specific research findings relevant to eight recommendations informed by evidence that is intended to guide future proactive gun law enforcement efforts capable of reducing crime and enhancing community confidence and trust.

FINDINGS

1. The number of BPD arrests for illegal gun possession in a police post does not appear to impact shootings in that post, but deployment of specialized teams in hot spots for shootings did reduce gun violence in those locations.
2. BPD's gun law enforcement strategy has historically prioritized stop-and-search practices with insufficient training and oversight to prevent racial profiling.
3. The vast majority of residents in communities most impacted by gun violence are concerned about illegal gun carrying in their neighborhoods.
4. For communities most vulnerable to gun violence, BPD's stop-and-search practices elicit fear and distrust and are inconducive to public safety.
5. BPD lacks the technical infrastructure to monitor how officers engage in stop-and-search practices, resulting in missed opportunities for intervention, professional development, and disciplinary action.
6. From May 2015 through May 2019, 4 out of every 10 charges for illegal firearm possession in Baltimore City resulted in a formal disposition outcome (e.g., guilty plea, conviction, or probation before judgment). Reasons for the remaining gun charges being dropped or defendants being found not guilty are collected by the State's Attorney's Office of Baltimore (SAO), but the data are not routinely shared with police or the public.
7. Sentences for individuals without felony convictions charged with illegal firearm possession in Baltimore City often result in little or no prison time; however, individuals with felony convictions and those engaged in drug trafficking charged with illegal firearm possession tend to receive sentences lasting 5 years or longer.
8. Increasing the certainty that violators experience consequences for committing gun crime is more important and cost-effective in reducing crime than increasing the length of sentences.
9. Evidence-informed behavioral interventions that could reduce violence among illegal gun possessors are generally lacking in Baltimore and elsewhere.
10. There is widespread citizen support for improved internal monitoring of the outcomes from each officer's arrests for illegal gun possession.

11. Community members are eager to participate in police oversight efforts and many associate improved data transparency with increased trust.
12. In Baltimore neighborhoods most impacted by gun violence, residents lack faith in BPD's ability to bring individuals who commit violence to justice. Perceived risk of being shot and perceptions that illegal gun carrying is likely to go unpunished lead some residents to view gun carrying as a necessary means for self-defense.
13. Focused deterrence programs have successfully reduced gun violence in many other cities, but implementation problems in Baltimore may have prevented public safety benefits.
3. Using the data system developed from Recommendation 2, BPD and SAO should identify priority cases to review and carry out steps to improve outcomes (e.g., providing officers with feedback, training, or disciplinary actions when appropriate).
4. BPD and SAO should make comprehensive data related to stops, searches, arrests, and the dispositions of charges involving illegal possession of firearms available to the public.
5. BPD should concentrate its proactive gun law enforcement on individuals at highest risk for violence involvement and support these efforts by collecting data that reflect indicators of risk for each person charged with illegal possession of a firearm.

RECOMMENDATIONS

1. BPD should incorporate a focused, proactive gun law enforcement strategy instead of promoting the broad use of stop-and-search practices by patrol officers, emphasizing practices that are:
 - Driven by intelligence,
 - Focused on individuals at highest risk for violence involvement,
 - Led by small teams of experienced officers trained in constitutional policing,
 - Conducted with close supervision and oversight to ensure that officers adhere to the highest professional standards, and
 - Carried out in ways that promote trust between communities and police.
2. BPD and SAO should partner to develop a robust data-informed system incorporating input and intel from those engaged at all levels of the criminal justice system so that gun-related crimes may be evaluated from arrest to prosecution outcome.
6. The Mayor's Office of Criminal Justice should work with community-based organizations and academic experts to develop, implement, and evaluate a program to reduce the risk of an individual previously charged with illegal gun possession from committing gun-related crimes.
7. Baltimore should implement a focused deterrence program to reduce gun violence that is appropriately targeted and effectively communicated, delivers promised services, involves respected community voices, and delivers swift and certain justice in response to violence.
8. BPD and SAO should develop a strategic plan for improving the identification, arrest, and prosecution of shooters that is data-driven and informed by the best scientific evidence.

EVIDENCE ON PROACTIVE GUN LAW ENFORCEMENT IN U.S. CITIES

WHAT IS PROACTIVE GUN LAW ENFORCEMENT?

Law enforcement officers can conduct investigatory stops of individuals when there is probable cause to believe or even a “reasonable suspicion” to believe that an individual is doing something illegal or is about to do something illegal. Under such circumstances, police are lawfully permitted to temporarily detain and subsequently pat down the individual to determine if they possess a concealed weapon.⁴ This practice is viewed by many as a reasonable protective search when exercised in accordance with the law. Over time, this practice has been referred to by a broad variety of terms (e.g., Terry pat-down, Terry search, stop and frisk, Terry frisk, etc.). Police sometimes search vehicles coincident with a traffic violation when they observe something in the vehicle suggesting illegal behavior (e.g., they see or smell illegal drugs or spot a firearm). For purposes of clarity and consistency, we will refer to these kinds of policing practices throughout this report as stop-and-search practices as they pertain to both pedestrians and vehicles.

Broad use of stop-and-search practices and other proactive strategies to curb illegal gun possession, remove illegally possessed guns from the streets, and incarcerate persons involved in gun violence are often part of a law enforcement agency’s strategy to reduce gun violence. In such cases, patrol officers or specialized gun violence suppression units are often encouraged to enforce laws for minor crimes (e.g., public drinking, minor traffic violations) and be hypervigilant of signs indicative of concealed firearm carrying.

IMPACTS OF PROACTIVE GUN LAW ENFORCEMENT ON VIOLENT CRIME

Use of stop-and-search practices carried out by patrol officers as part of a violent crime suppression strategy has been the subject of several studies, many of which focus on stop-and-search practices by the New York Police Department. A study examining the association between recorded stops and searches with robberies and burglaries across the NYPD’s 75 precincts controlled for key correlates of neighborhood violence and found no association between stop-and-search reports and these crimes.⁵ Using more advanced statistical methods and finer units of spatial and temporal measurement, one team of researchers found evidence of a small, yet statistically significant, crime-deterrent effect of *stop-and-search* practices on *overall crime*.⁶ Unfortunately, this study did not disaggregate the outcome measure

into specific categories of crimes and, thus, did not estimate the impact of stop-and-search practices on gun violence. Variation in arrests for illegal firearm possession are a reasonable proxy for the use of stop-and-search practices in areas where gun violence is common. A study analyzing firearm arrests and shootings in Philadelphia found that, on average, an arrest for illegal firearm possession in a given block lowered the probability of shootings in an area up to two blocks away from the arrest by 28% to 47% for up to three days after the arrest.⁷

In 2013, NYPD's stop-and-search practices were ruled unconstitutional by a federal judge. Subsequently, NYPD leadership committed to ending such practices. NYPD's data indicate a dramatic drop in stop-and-search practices beginning in 2013. No formal evaluation of the impact of this policy change has been published, but murders and other violent crime in New York City did not increase and are now at historic lows.

The effects of stop-and-search practices in New York may not be generalizable to other cities that have far more guns, illegal gun carrying, gangs, or other conditions that increase risks for gun violence. The Chicago Police Department has historically focused great attention on arrests for illegal gun possession and taking guns off the street. Chicago police recover more guns involved in a crime than any other law enforcement agency in the U.S. In the fall of 2015, the Chicago Police Department responded to legal pressure from the American Civil Liberties Union to stop engaging in unconstitutional stop-and-search practices. Chicago police subsequently reported a dramatic 80% drop in street stops between November 2015

and January 2016, a reduction that continued through the end of the year. Homicides in Chicago rose dramatically in January 2016, shortly after the sharp decline in street stops, and continued through the end of 2016. A 2018 study examined potential explanations for this sudden and large increase in Chicago's homicide rate and provides compelling evidence that the sharp decline in street stops by Chicago patrol officers played a key role in the surge in shootings.^{8,b}

Why would similarly sharp drops in street stops contribute to sharp increases in homicides in Chicago and have no apparent effects in New York? Prior to any change in policies regarding stop-and-search practices, it is important to consider that structural conditions and the culture of violence in New York are distinct from those in Chicago. These two cities differ in their gun crime rate, number of police officers, and population patterns.⁸ In 2016, Chicago's homicide rate (27.8) was more than seven times higher than that of New York (3.9) and the rate of homicides involving a firearm demonstrates starker disparity—Chicago's rate of 25.1 was 11 times higher than New York's rate of 2.3 that year.^{9,10} New York's Police Department had 25% more sworn officers than Chicago's Police Department in 2016. While New York had 153 law enforcement employees per homicide, Chicago had only 17.^{8,10} Although recording gang membership is fraught with bias, Chicago appears to have a far larger problem with violent gangs than New York—less than one-fourth of New York homicides were gang-related in 2016, while more than two-thirds were gang-related in Chicago in 2016.^{8,9} For these reasons, illegal gun carrying is likely to have played a larger role in Chicago's violent crime than has been the case in New York.

^b The video of Laquan McDonald's fatal shooting by a Chicago police officer was released soon after the sharp downturn in CPD stops began and prompted many protests against Chicago police. Such incidents often reduce the willingness of community members to report crime to police and are correlated with spikes in crime.

When firearm homicide rates were peaking in many U.S. cities in the early 1990s, many police departments formed and deployed specialized units in the places where shootings were concentrated to proactively enforce laws against illegal possession of concealed firearms. Unit officers were trained how to identify cues indicating that someone was carrying a concealed firearm. In some cases, these units focused on specific individuals within their deployment zone who had a history of involvement in violent crime. Researchers at George Mason University published a 2012 systematic review of studies designed to estimate the impact of these and related interventions. Their review confirms that among U.S. studies, gun crime in intervention areas declined by 29% to 71% coincident with specialized gun unit deployment.¹¹ A study of the impact of proactive gun law enforcement teams working in hot spots for crime in Houston, Texas, also provided evidence that focused proactive gun law enforcement reduced shootings.¹²

EFFECTS OF AGGRESSIVE PROACTIVE GUN LAW ENFORCEMENT ON CIVIL RIGHTS

When police departments encourage patrol officers to frequently employ stop-and-search practices as a tactic to suppress crime, violations of civil rights often occur, especially if training, monitoring, and accountability systems are weak.¹³ Some scholars doubt that strategic use of stop-and-search practices by police departments is possible without simultaneously promoting unconstitutional activity such as unlawful searches or racial profiling.¹³ Others contend that strategic use of stop-and-search practices can be justified when officers are provided sufficient supervision and training that emphasizes the importance of constitutional policing.¹⁴

The 2018 National Academies of Sciences, Engineering, and Medicine's review of proactive policing determined there was no scientific evidence to support that the use of stop-and-search practices and other proactive gun law enforcement tactics increased unconstitutional policing.¹⁵ However, those police departments that aggressively advance proactive gun law enforcement strategies and subsequently incentivize rampant stops of persons and vehicles to search for guns and drugs also tend also to have officers who habitually commit Fourth Amendment violations.^c Such occurrences have resulted in consent decrees or other legal actions requiring police departments to strengthen data collection procedures, monitor stop-and-search activity, train officers in constitutional practices, and adopt additional policies designed to curtail police misconduct and protect civil liberties.

^c The Fourth Amendment to the U.S. Constitution reads as follows: "The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized."

OTHER CONCERNS AND EFFECTS ON COMMUNITY ABOUT PROACTIVE GUN LAW ENFORCEMENT PRACTICES

Trusting relationships between police and the communities that they serve are vital to public safety. When broadly applied, stop-and-search practices evoke distrust and weaken community-police relations. Surveys of youth in New York City and St. Louis found that their exposure to stop-and-search practices by police, especially in situations where youth questioned the legality and fairness of the interaction, was associated with seeing police as less legitimate.^{16,17} Perceptions of eroded police legitimacy can decrease compliance with the law and willingness to share information with law enforcement.^{18,19} Neighborhood residents, particularly young African-American males, subject to frequent and aggressive stops and searches, internalize this treatment as a chronic source of stress that has been associated with elevated symptoms of anxiety and experiences of trauma.²⁰ Men who are most impacted report high levels of worry, fear, frustration, and resentment due to being frequently stopped by police.²¹⁻²⁸

While intensive proactive gun law enforcement in high-crime areas has reduced shootings in the short term, overly aggressive use of these tactics over time can elevate violence if residents of crime hot spots become more fearful and less trusting of police.^{29,30} Such breakdowns in trust in police can make it hard to arrest and successfully prosecute individuals who commit violence; and this, in turn, can increase gun violence. Fear of being shot by individuals with a history of violence is a powerful motivator for carrying a firearm,³¹⁻³³ perpetuating high rates of gun violence. That is why some researchers contend that law enforcement must enhance collective efficacy^{34,35} and improve community perceptions of police legitimacy³⁶⁻³⁹ in order to effect long-term change and sustain public safety.

FINDINGS ON HOW U.S. CITIES ARE SEEKING TO IMPROVE PROACTIVE GUN LAW ENFORCEMENT WITHOUT UNCONSTITUTIONAL POLICING

For this project, in-depth, structured interviews were conducted with key informants from 24 city police departments across the U.S. between December 2017 and March 2018. Each participating law enforcement agency assigned one or multiple informants including detectives, sergeants, lieutenants, captains, majors, commanders, and assistant and deputy chiefs. The informants were primarily composed of representatives knowledgeable of their respective department's gun-related enforcement activities and typically were associated with investigations bureaus, organized crime divisions, or specialized gang or gun units. The 35-item interview guide consisted of questions related to each agency's gun law enforcement policies and practices.^d The information below summarizes findings gathered through those interviews.

To ensure the quality and sustainability of proactive gun law enforcement, several cities emphasized the importance of arresting and prosecuting individuals at high risk for violence involvement by either shifting entirely from a place-based to person-based approach or finding a healthy balance between the two. Such an approach is guided by the collection and analysis of intelligence data about specific individuals or small sets of individuals rather than crime suppression activities directed at many people in areas where shootings are concentrated. Study informants stressed the value in regularly sharing intel-driven findings departmentwide and with other criminal justice partners.

In these interviews, several individuals reflected that an agency's shift from place- to person-oriented policing facilitated increased officer accountability and enhanced community trust. In practice, this involves updating technology systems such that data collection and analysis methods are purely electronic, and officers are incentivized to report stop-and-arrest data with broad demographic and situational details and apply the same vigor (e.g., response time, evidence processing, and canvassing) to gun-involved calls regardless of whether or not an injury or fatality ensues. Data are subsequently integrated across a variety of platforms (e.g., field interview forms, body-worn camera video, license plate readers, automatic vehicle locators, gunshot detection, surveillance cameras, outstanding warrants, disposition outcomes, computer-aided dispatch, geographic information systems, and social media scans), time- and place-tracked at the individual officer level, and transparently shared via community-accessible data platforms.

As a result, law enforcement agencies seek to accomplish important objectives simultaneously; officer performance and behavior are systematically audited while intelligence profiles for individuals at high risk for violence involvement are developed. One agency attributed 85% of illegal gun seizures to be from individual-specific intelligence following their department's place- to person-based strategic shift. Another noted a similar trend, estimating that 60% of gun seizures stem from person-based intelligence while 40% come from officers finding

^d See Appendix A for more details about this project including a summary of key findings, methods employed for key informant interviews, list of participating city law enforcement agencies, and key informant characteristics.

them on the street during normal patrol; this same agency commented on past instinct to hire more cops, assign overtime, and flood hot spots with stops and searches, reflecting that it eroded community relations and made residents feel “under siege.” They stressed that while a person-based approach is labor intensive, drawing on data of individual suspects can dramatically reduce retaliatory violence and, in effect, enhance public safety and community trust.

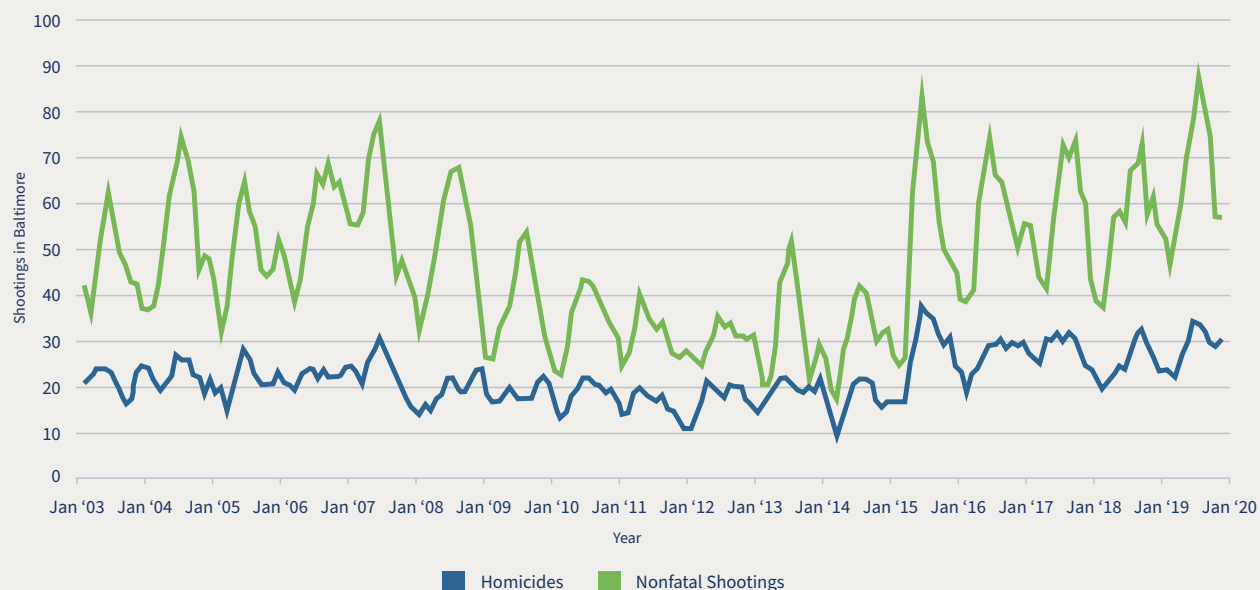
Syncing and cross-referencing these various data streams create a natural system of checks and balances. When these policies are publicized, and comprehensive data becomes publicly accessible, agencies report increased participation from and improved relationships with communities served. In response to consent decrees or other external pressures, more law enforcement agencies are developing and using early intervention systems to identify problematic patterns of officer behavior such as unwarranted stop-and-search practices. USDOJ has supported EIS, deeming them integral to long-term, sustainable organizational reform, and stressed EIS must be regularly reviewed by leadership in order to be truly effective.⁴⁰

Agencies interviewed provided insight into how EIS policies and procedures that both improve crime reduction efforts and comprehensively hold officers accountable for their actions—positive or negative—should be implemented. Improved information systems were commonly articulated as key to quality investigations and honest monitoring of officer performance. Agencies discussed that quality early intervention systems incorporate cross-referenced stop-and-arrest data, officer-level training histories, and civilian complaints so that officer performance can be systematically audited, flagged for review, and receive leadership attention when appropriate. However, informants stressed that new methods of data integration and EIS adaptations should be introduced in tandem with adequate training to ensure user operability and encourage supervisors to pair oversight with meaningful interventions that, in addition to discipline, offer counseling and training to correct poor behavior and prevent unlawful practices.

BALTIMORE'S RECENT HISTORY WITH GUN VIOLENCE AND GUN LAW ENFORCEMENT

Based on BPD data⁴¹ for the years 2003–2009,^e Baltimore has experienced an average of 248 homicides and 605 nonfatal shootings per year. Baltimore's gun violence increased dramatically immediately after the civil unrest that followed the in-custody death of Freddie Gray in April 2015 (Figure 1). Gun violence in Baltimore disproportionately affects African-American males living in neighborhoods that are highly segregated by race, where poverty and unemployment are highly concentrated and distrust in the police is common.

Figure 1: Homicides and Nonfatal Shootings, Monthly Average for Baltimore City, 2003–2019



^e Through 2015, data were obtained directly from BPD. In 2016 and onward, data were obtained through OpenBaltimore.

Baltimore’s high rate of gun violence has many root causes, but an important cause is the illegal possession of firearms, especially among persons with a history of violence. Arresting such individuals for illegal gun possession, recovering illegal guns, and issuing warnings against illegal gun possession have been common tactics used as part of BPD’s violence reduction strategy for many years. Such efforts were embedded within a “zero-tolerance” strategy of patrol officers during the early 2000s and specialized gun squads operating under a Violent Crimes Task Force. Former Police Commissioner Frederick Bealefeld made going after “bad guys with guns” the focus of BPD’s violent crime strategy from 2007 to 2012 and deemphasized arrests for illegal drug possession and sale. Arrests for illegal weapon possession offenses were stable from 2008 to 2014 while arrests for drug-related offenses dropped steadily and continue to trend downward (Figures 2 to 3). Two specialized gun units were formed in the summer of 2007 under Bealefeld—a Violent Crime Impact Section (VCIS) that deployed detectives to hot spots for shootings to make arrests for illegal gun possession and the Gun Trace Task Force (GTTF) whose mission was originally to investigate and arrest those who were supplying criminals with guns. The GTTF soon shifted its primary focus to arresting individuals illegally possessing guns.

Figure 2: Weapon Possession Arrests, Monthly Average for Baltimore City, 2003–2019

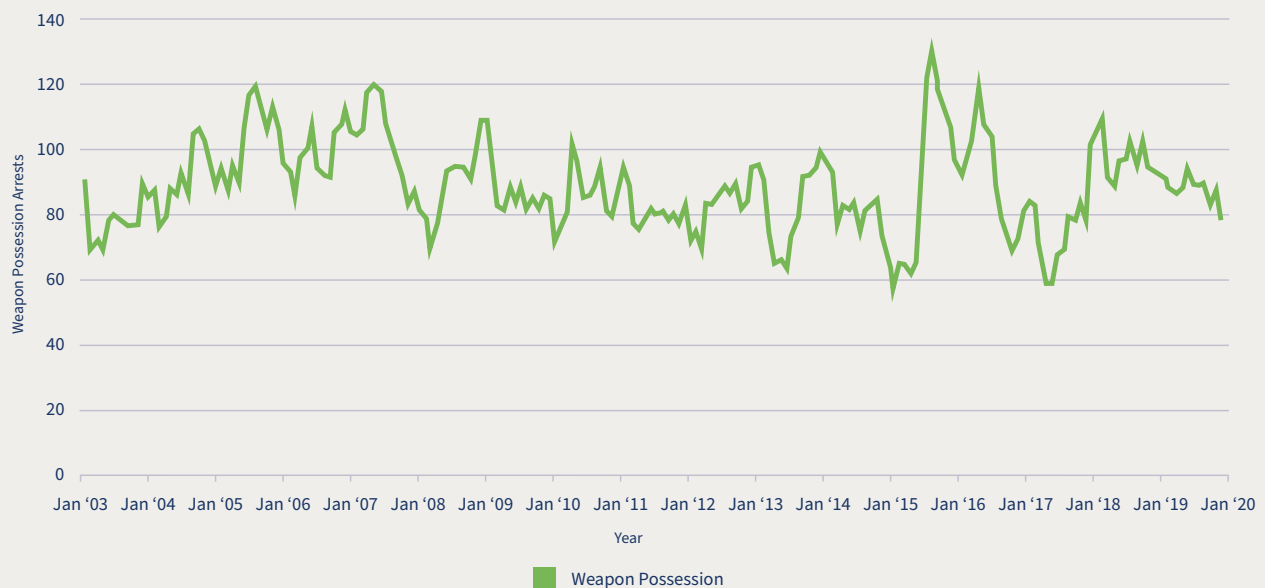
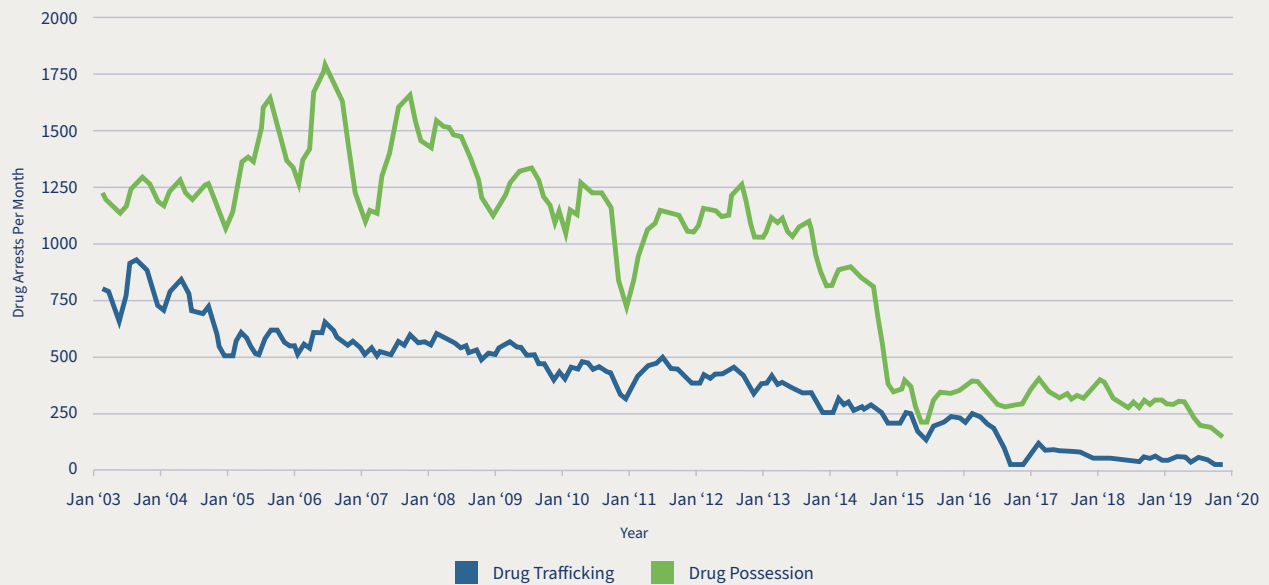


Figure 3: Drug Arrests, Monthly Average for Baltimore City, 2003–2019



An important distinction between VCIS and GTTF was that the GTTF was not assigned to operate in a specific geographic area for an extended period. This made it impossible to assess any impact that GTTF might have on violent crime. However, abuses by some VCIS officers led to lawsuits against the city and may have damaged relationships between police and communities. VCIS was scaled back and then ultimately disbanded in 2012 by former Baltimore City Police Commissioner Anthony Batts. The early 2019 convictions of officers serving in the GTTF for a long list of serious crimes underscore how gun law enforcement activities, if not closely monitored, can lead to civil rights violations and other crimes that deeply harm public trust in BPD.

DATA AND FINDINGS FROM BALTIMORE

Our investigation of the impact of proactive gun law enforcement in Baltimore on violent crime was guided by research we completed in January 2018.³ To assess community perceptions and attitudes relevant to proactive gun law enforcement in Baltimore, we conducted community surveys and focus groups in parts of East and West Baltimore that are part of the city's Violence Reduction Initiative (VRI). The survey was developed to assess community perceptions of the BPD including neighborhood safety, collective efficacy, interactions with police, transparency, and quality. We collected 200 survey responses between January and March 2018.^f The focus group guide was informed by findings from the community survey. Focus group topics included perceptions of police, quality of interactions, issues with police accountability, and trust. We leveraged relationships with well-established community-based organizations to recruit participants for four focus groups with 7–10 community members each in August 2018.^g

To assess BPD's law enforcement capabilities and practices relevant to effective and constitutional gun law enforcement, we reviewed BPD's history of policing strategies and their associated impacts on crime within the context of civil liberty and constitutional practices. Specifically, we drew upon USDOJ's 2016 investigation⁴² into BPD's pattern of unconstitutional practices in addition to the subsequent evaluations performed as required by the Consent Decree issued in 2017 as a result of the USDOJ investigation. Pursuant to this reform agreement, an independent collective now comprises the BPD Monitoring Team, which has been tasked with delving into the details of BPD's

organizational operation and policy structures.⁴³ The National Police Foundation's inventory and analysis of the department's internal technology systems⁴⁴ were also reviewed.

The impact proactive gun law enforcement has on public safety is likely to be determined partly by whether gun-related arrests lead to sanctions that temporarily remove individuals who commit gun violence from communities or otherwise serve as a deterrent to gun violence. If arrestees and others learn that there is often no consequence for illegally possessing firearms, they may be emboldened and commit additional gun crimes. Prosecutors may drop gun charges for a variety of reasons including agreements that defendants plead guilty to other charges, uncertainty surrounding the nexus of the gun to the defendant, illegal searches, or concerns of evidence planting. The share of gun cases that are being dismissed due to illegal searches is a proxy indicator of whether officers are engaged in unconstitutional policing practices. For these reasons, we gathered data on dispositions for cases in which the defendant was charged with one of the four categories for violations of state laws concerning illegal firearm possession: felon in possession, prohibited person not a felon, drug trafficking with a firearm, and illegal wear/carry/transport of a firearm. In this study, we examined cases charged between May 1, 2015, and May 31, 2019, that were obtained from partners at Harvard who collected Baltimore charge disposition data using Maryland Judiciary Case Search. The illegal possession categories were determined based on Criminal Justice Information System codes for those categories used in Baltimore City.^h

^f See Appendix B for a complete description of the community survey methods and detailed results.

^g See Appendix C for a complete description of methods for the community focus groups and detailed themes that emerged from the analysis.

^h Felon in possession was made up of charges with CJIS code 1 1609. Prohibited person not a felon was made up of charges with CJIS codes 1 1106 and 1 5285. Drug trafficking with a gun was made up of CJIS codes 1 0487 and 1 0493. Wear/carry/transport of a gun was made up of CJIS codes 1 0175 and 1 5212.

FINDING 1

The number of BPD arrests for illegal gun possession in a police post does not appear to impact shootings in that post, but deployment of specialized teams in hot spots for shootings did reduce gun violence in those locations.

Our findings from prior research studies of Baltimore demonstrate mixed effects of proactive gun law enforcement strategies, which is similar to findings from other U.S. cities. In our 2018 study involving analysis of monthly trends in homicides and nonfatal shootings across police patrol posts in Baltimore between 2004 and 2017, a 1-month lag in arrests for weapons violationsⁱ was unrelated to shootings within a post after controlling for other factors.^{3,45,j} However, deployment of the Violent Crime Impact Section (VCIS), detective units focused on violent individuals and illegal gun possession, in violent hot-spots was associated with a 13% reduction in homicides and a 19% reduction in nonfatal shootings in hot spot locations.³

FINDING 2

BPD's gun law enforcement strategy has historically prioritized stop-and-search practices with insufficient training and oversight to prevent racial profiling.

The 2016 USDOJ investigation⁴² found that BPD officers were often unconstitutional and excessive in their use of stops and searches. Officers had “minimal training and insufficient oversight from supervisors or through other accountability structures.” USDOJ reported that during 2010–2015, BPD recorded approximately 300,000 pedestrian stops by officers resulting in less than 4% being issued a citation or being arrested. For years, BPD encouraged aggressive proactive gun law enforcement and rewarded officers and commanders based on the number of arrests for weapons violations and gun seizures. This approach, absent sufficient training and oversight to prevent illegal stop-and-search practices and ensuing arrests, created conditions in which officers often violated Fourth Amendment protections against unreasonable search and seizure. African Americans are disproportionately impacted by these practices. BPD is addressing this issue with a new training curriculum for officers on proper, lawful stop-and-search practices that was recently released for public comment.^k

ⁱ The vast majority of weapons violations involve illegal possession (wear, carry, transport) of firearms.

^j Because police use of stop-and-search practices generating arrests for illegal gun possession also generate arrests for drug law violations, it is worth noting that increases in drug arrests within a post and month were correlated with more shootings in a post the following month.

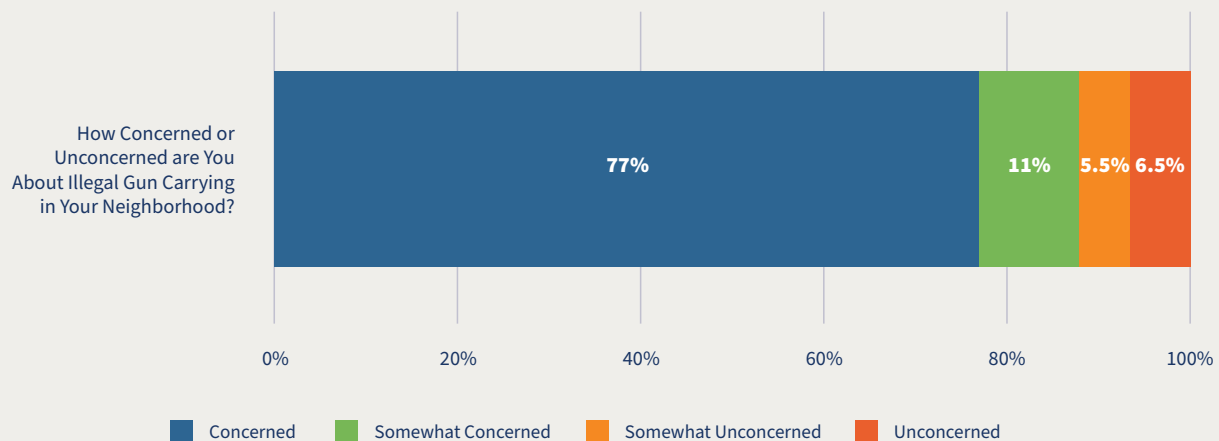
^k Proposed BPD policies, plans, and procedures under review, instructions for public feedback, and public comment time period information can be found via the BPD Monitoring Team's official website: <https://www.bpdmonitor.com/public-feedback>.

FINDING 3

The vast majority of residents in communities most impacted by gun violence are concerned about illegal gun carrying in their neighborhoods.

Seventy-seven percent of our survey respondents in neighborhoods with high levels of gun violence indicated they were concerned about illegal gun carrying in their neighborhood (Figure 4).

Figure 4: Community Concern for Illegal Gun Carrying



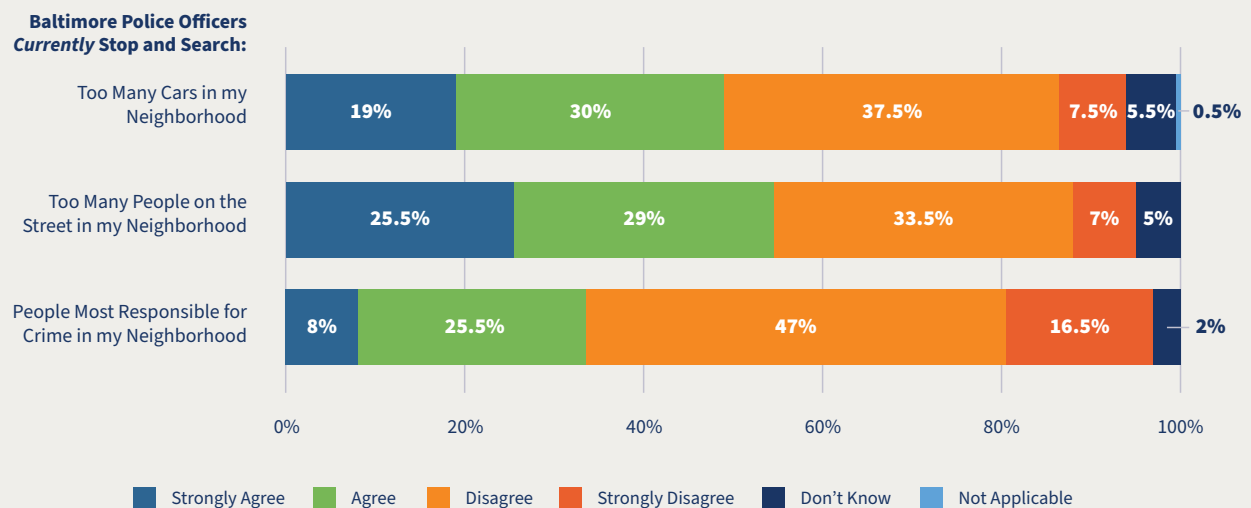
FINDING 4

For communities most vulnerable to gun violence, BPD's stop-and-search practices elicit fear and distrust and are inconducive to public safety.

There is widespread concern regarding BPD's excessive stop-and-search practices in communities most impacted by gun violence. Despite high levels of concern about illegal gun carrying, about half of the respondents believe BPD conducts too many stops and searches of both people (54.5%) and vehicles (49%). Importantly, nearly two-thirds of survey participants did not think that BPD stops individuals who are most responsible for crime in their neighborhood (Figure 5). Concerns go beyond the number of stops and searches. Sixty-two percent of respondents indicated that, if they were on a jury and heard an officer's testimony about finding a gun on someone, they were unlikely to believe an officer without video evidence. When asked what impact it would have if BPD stopped conducting stops and searches in their neighborhood, respondents were twice as likely to believe that the change would lead to fewer shootings rather than more shootings (27% vs. 13.5%). Most (56.5%) believed that changes in BPD's stop-and-search practices would not impact shootings.

Our focus group interviews revealed that some residents perceive police officers as threats to community safety and well-being. Focus group participants described having either personally experienced or observed police practices in their neighborhood such as harassment or evidence planting and perceived these practices as resulting from a corrupt system that ignored or even rewarded poor behaviors by police. They expressed views that policing needed to be done in a way that demonstrated care and service rather than an expression of police power over the community. Deep concerns and dissatisfaction with BPD’s aggressive stop-and-search practices have also been documented in the USDOJ’s 2016 report and by the BPD Monitoring Team in charge of evaluating BPD’s compliance relevant to Consent Decree reforms.

Figure 5: Community Perceptions of BPD Stop-and-Search Practices



FINDING 5

BPD lacks the technical infrastructure to monitor how officers engage in stop-and-search practices, resulting in missed opportunities for intervention, professional development, and disciplinary action.

Baltimore lacks quality data on police stops. BPD's Policy 1112,^l Field Interviews, Investigative Stops, Weapons Pat-Downs and Searches, obliges officers to systematically document every civilian encounter except Voluntary Contacts,^m regardless of whether a traffic, civil, or criminal citation is issued. It outlines criteria by which each category of civilian interaction is justified, and prescribes specific, time-sensitive documentation. Policy 1112 also recommends supervisors review officers' documentation of stops before the end of a shift, but no later than 72 hours after a civilian encounter has occurred.ⁿ Proposed new officer training covers this policy.

The National Police Foundation's comprehensive inventory of BPD's informational technology systems⁴⁴ found several system problems and procedural deficiencies for tracking officer performance and activity. NPF found that BPD's system of collecting, reviewing, and using data is cumbersome, noting that arrest data and crime statistics differ across various siloed systems. BPD has no mechanism to validate whether officers turn in the correct number of stop tickets and stop receipts can take up to a month to be entered into BPD's Record Management System. As of May 2018, BPD had a backlog of 40,000 pedestrian stop receipts. For stops resulting in an arrest, there is no automated chain of review, nor is notice provided to supervisors to ensure officers are adhering to agency policy and acting in accordance with the law.

In 2018, the BPD Monitoring Team reviewed BPD's infrastructure, policies, and practices relevant to officers' stop-and-search practices. They refer to such practices as stop, search, arrest activity (S/S/A). Their findings include the following:

BPD also does not ensure that its officers routinely document S/S/A activity; voluntary contacts, field interviews and stops often appear to go unreported. Moreover, this incomplete S/S/A is stored in multiple, disparate, decentralized information silos. Until BPD revamps or replaces its RMS so that the system efficiently captures and facilitates analysis of all S/S/A data, it will be exceedingly difficult to evaluate BPD's S/S/A activity and fully assess BPD's progress toward compliance with the S/S/A requirements of the Consent Decree. Moreover, it will be exceedingly difficult for BPD to perform self-evaluations of its S/S/A activity. The

^l The purpose of Policy 1112, Field Interviews, Investigative Stops, Weapons Pat-downs, and Searches, is to ensure that BPD conduct all civilian interactions in accordance with the civil liberties secured and protected by the U.S. Constitution, federal and state law, as well as internal BPD policy. It guides BPD on how to justly interact with and enhance trust between BPD and the community it serves and instructs BPD leadership on best practices for responding, reviewing, and documenting officer activity related to civilian interaction.

^m Policy 1112 defines Voluntary Contact as a "non-investigative consensual encounter between a BPD member and one or more person(s) with the intent of engaging in a casual and/or non-investigative conversation (e.g., chatting with a local business owner or resident). The person(s) is free to leave or decline any request by the member at any point."

ⁿ BPD's Policy 1112 has undergone a series of revisions per USDOJ Consent Decree requirements. Policy 1112 was most recently approved on October 31, 2018, by the Court-Ordered Monitoring Team. BPD has since made additional revisions but is not yet approved. Their most recent draft of the policy was publicly published on December 16, 2019.

inefficiencies of this data collection and record-keeping system for S/S/A activity — particularly in the age of real-time, electronic field-based reporting — ... underscore the near-impossibility of performing meaningful data-driven supervision, review and analysis of the performance of individual officers and of trends and patterns within units, within districts, and Department-wide... Monitoring Team members observed multiple glaring errors [in S/S/A reports] that the reviewing supervisor had not corrected.⁴³

In their evaluation of BPD's information technology systems, the NPF reports, "BPD lacks IT policies and procedures. Where they do exist, policies and procedures are often not followed nor enforced." Database standards and documentation are lacking, resulting in unreliable data.⁴⁴ The NPF reports that BPD's system of records management is irreparably convoluted and alarmingly out of date.

FINDING 6

From May 2015 through May 2019, 4 out of every 10 charges for illegal firearm possession in Baltimore City resulted in a guilty plea, conviction, or probation before judgment.^o Reasons for gun charges being dropped or defendants being found not guilty are collected by the SAO, but the data are not routinely shared with the police or the public.

Publicly available data indicate that from May 1, 2015, through May 31, 2019, there were 10,600 cases in which individuals were charged with illegal firearm possession. Note that there can be multiple individuals within a given case. These gun charges primarily fall into one of four crime categories (as defined by the SAO): felon in possession; prohibited person (not a felon) in possession; drug trafficking while in possession of a firearm; or illegal wear, carry, or transport. Among all 10,600 cases, 4,387 (41.4%) resulted in a guilty or probation before judgment disposition as a result of a defendant's initial illegal firearm possession charge (2,182 or 20.6%) or different illegal firearm possession charge (2,205 or 20.8%) received thereafter. Nine percent (960) resulted in a guilty disposition as a result of a charge within a different category than the four primary crime types examined. In 1,109 cases in which an individual was charged with illegal firearm possession while trafficking drugs, only 108 (9.7%) had a guilty or probation before judgment disposition as a result of that charge and 528 (47.6%) pled guilty on another charge. Just under half (44.9%) of the cases in which someone was initially charged with illegal possession of a firearm did not yield a guilty disposition for any charge in state courts. The most common disposition for illegal gun possession charges is *Nolle Prosequi* (charge dismissed by the prosecutor) or *Stet* (charge deactivated), accounting for 33.7% of dispositions across the four categories of gun charges (Table 1).

Interpreting these disposition outcomes is difficult without systematic recording of the reasons for gun charges being dropped or defendants being found not guilty. Cases being dropped due to uncertainty

^o Under Maryland law, probation before judgment refers to a defendant being placed on probation before a judgment has been entered in their case. This means that the individual has not been found guilty of the crime with which they have been charged.

surrounding the nexus between the gun that was recovered by law enforcement and the defendant are likely to be common due to the nature of arrest circumstances. For example, a firearm recovered from the floor of a motor vehicle with three occupants that is not registered to any of those occupants cannot be tied to any single individual beyond a reasonable doubt. There may also be justifiable reasons to drop charges against someone deemed to be of low risk, to reduce harms associated with incarceration. Of greater concern are cases that are dropped due to questions about the legality of the search or possible evidence planting. There are other reasons connected to problems with evidence, inconsistencies in charging documents and body-worn camera evidence, or plea agreements for a defendant providing information relevant to other criminal investigations.

Table 1: Outcomes for Illegal Firearm Possession Charges in Baltimore City, 2015–2019

	Felon in Possession (n = 2,303)	Prohibited Person (Not a Felon) in Possession (n = 3,058)	Drug Trafficking While in Possession (n = 1,109)	Illegal Wear, Carry, or Transport (n = 4,130)
Pled or Found Guilty or Probation Before Judgment on Specified Charge	578 - 25.1%	497 - 16.3%	108 - 9.74%	999 - 24.2%
Pled or Found Guilty on a Different Illegal Firearm Possession Charge	413 - 17.9%	810 - 26.5%	326 - 29.4%	656 - 15.9%
Pled or Found Guilty on a Different Charge (Not Illegal Firearm Possession)	207 - 9.0%	398 - 13.0%	202 - 18.2%	646 - 15.6%
Not Guilty or Acquittal Granted	191 - 8.3%	120 - 3.9%	28 - 2.5%	253 - 6.1%
Nolle Prosequi or Stet	873 - 37.9%	955 - 31.2%	418 - 37.7%	1,330 - 32.2%
All Other Outcomes*	41 - 1.8%	278 - 9.1%	27 - 2.4%	246 - 6.0%

**All other outcomes may include: remanded to juvenile court, dismissed, not sent to jury, incompetent to stand trial, or other lesser-seen outcomes.*

Improving case outcomes—preventing illegal searches and increasing the odds of illegal gun possession resulting in some consequence—requires supervisors for police and prosecutors to have data to identify and correct problems as well as reinforce best practices. The Baltimore City State’s Attorney’s Office has an internal database in which prosecution outcomes and the reasons for dismissing charges are recorded by the prosecutor working the case. However, there has been no policy by the SAO to routinely share these data with BPD.

The National Police Foundation’s evaluation gleaned key insights into BPD and SAO interactions with one another on cases. The National Police Foundation reports that when a case is dismissed, prosecutors typically do not provide feedback regarding disposition outcomes and that data related to arrests and charges in the state system is incomplete.⁴⁴ The National Police Foundation recommended

that BPD establish a data sharing agreement with the state for offender case management information and suggests that “BPD should retain a copy of all cases submitted to Maryland and receive real time updates to Maryland’s database as a case moves through the justice system and is adjudicated.”⁴⁶

Quality of evidence is crucial to successful prosecution of gun-related crimes, regardless of the outcome. Unfortunately, BPD’s system of collecting, storing, and reporting evidence from crimes presents opportunities for error and injustice. The National Police Foundation found that approximately half of BPD’s 3,000,000 items in physical evidence repository were unaccounted for in the department’s official evidence tracking software.⁴⁴ For evidence items properly accounted for, the data are inaccessible to the SAO, so prosecutors cannot easily view evidence location, forensic services performed, or item chain of custody.

FINDING 7

Sentences for individuals without felony convictions or other prohibiting conditions charged with illegal firearm possession in Baltimore City often result in little or no prison time, but individuals with felony convictions and those engaged in drug trafficking charged with illegal firearm possession tend to receive sentences lasting 5 years or longer.

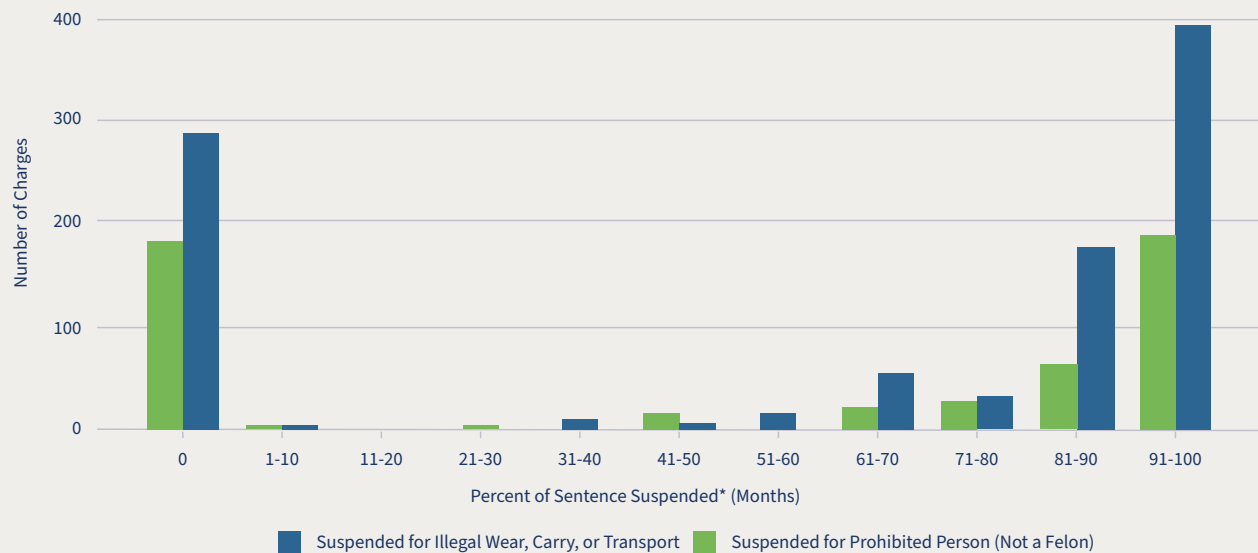
The distribution of the percent of the incarceration sentence that was suspended for two of the gun charge categories shows clusters on each end (Figure 6). For illegal wear, carry, or transport of a firearm charges, 30% had no time suspended but 40% had 91–100% suspended and an additional 18% had 81–90% of their sentence suspended. For illegal possession by a prohibited person with no prior felony convictions, 35% had no incarceration time suspended while 36% had 91–100% of their sentence suspended. There was much less variability and more severe penalties for sentencing for felon in possession charges and for firearm possession while trafficking in controlled dangerous substances, violations that have mandatory minimum length for sentences.

Table 2: Sentencing for Illegal Firearm Possession Charges Among Baltimore City Cases, May 2015 to May 2019

Illegal Firearm Possession Crime Category as Defined by SAO	Probation Only	Average Incarceration Sentence (months)	Average Incarceration Sentence Suspension (months)	Average Incarceration Sentence* minus Suspended Time (months)
Felon in Possession (n = 604)	1 (0.2%)	89.7	27.1	62.4
Prohibited Person (Not a Felon) in Possession (n = 512)	22 (4.3%)	50.5	26.8	21.5
Drug Trafficking While in Possession (n = 115)	1 (0.9%)	100.1	29.5	69.7
Illegal Wear, Carry, or Transport (n = 1,023)	128 (12.5%)	28.1	17.5	7.1

* Probation-only sentences included as no time incarcerated.

Figure 6: Distribution of Sentence Suspension Among “Illegal Wear, Carry, or Transport”



*Probation-only cases added as 100% incarceration sentence suspended.

FINDING 8

Increasing the certainty that violators experience consequences for committing gun crime is more important and cost-effective in reducing crime than increasing the length of sentences.

There are two schools of thought about the appropriate response to illegal gun possession. One notes that illegal gun possession, particularly for repeated charges, is predictive for subsequently being charged with murder,⁴⁷ and long prison sentences deter such behavior while keeping dangerous individuals off the streets. Another view is that gun carrying is often a defensive behavior, particularly where violent crime is common. Incarceration for unlicensed gun carrying in this context can be both unjust and counter to public safety due to the criminogenic effects of being incarcerated. The evidence suggests that, if there are deterrent effects from long prison sentences, those effects are small and costly.⁴⁸ A recent study⁴⁹ of New York State's 2006 law that increased the mandatory minimum sentence for illegally possessing a firearm from 1 year to 3.5 years examined changes in violent crime in New York and found that the law was associated with an 11% decrease in robberies during the first four years the law was in place.^p These effects were exclusive to robberies committed with a firearm. The law did not change rates of murder or aggravated assaults. Massachusetts' Bartley-Fox Law, enacted in 1975, mandated a 1-year prison term for unlicensed carrying of firearms and a 2-year sentence for violent crimes committed while possessing a firearm. Findings from several studies using different methods show mixed results but provide some evidence of modest declines in gun-related violence associated with the law.^{47,50} Any deterrent effect from the mandatory

minimum sentence for illegal firearm carrying cannot be decoupled from the simultaneous increase in penalties for committing a violent crime with a firearm.⁵¹ The evidence is unclear whether increased penalties for illegal firearm possession by felons targeted for federal prosecution in Richmond, Virginia's Project Exile program launched in 1997 led to reductions in homicide.⁵²

Drawing from a much broader range of research on incarceration, policing, and crime deterrence,^{47,50,51} economist Steven Durlauf and criminologist Daniel Nagin drew three conclusions⁴⁸: 1) The marginal deterrent effect of increasing lengthy prison sentences is modest at best; 2) imprisonment,^{47,50,51} compared with noncustodial sanctions such as probation, does not prevent reoffending and often has a criminogenic effect on those who are imprisoned; 3) increased visibility of police, especially in hot spots for gun violence, tends to have larger marginal deterrent effects than increased incarceration. Related to the second conclusion listed above, there is strong evidence that increasing the certainty of penalties for reoffending, even with very short-term incarceration, can significantly deter reoffending.⁵³

^p The researchers only examined the first four years the law was in place in order to focus on the deterrent effects of the law rather than the combined effects of deterrence and incapacitation (offenders being behind bars).

FINDING 9

Evidence-informed behavioral interventions that could reduce violence among illegal gun possessors are generally lacking in Baltimore and elsewhere.

Because having been charged with illegal firearm possession is a risk factor for committing future lethal violence⁴⁷ and many who have convictions for such offenses in Baltimore return to communities, effective behavioral interventions for persons with a history of gun offenses are needed to prevent reoffending. Roca, an anti-violence program in Baltimore, is reaching some of this population with behavioral interventions that draw upon cognitive behavioral theory of behavior change that has been effective in many programs designed to reduce violence and criminal offending.⁵⁴ However, Roca focuses exclusively on high-risk youth, ages 16–25 years, with an intensive program that can last up to four years. There is a much larger population of persons found guilty of illegal firearm possession in Baltimore than what Roca can currently reach with its program model. We have yet to find a program shown to reduce repeat offending by persons convicted of illegal gun possession, but programs could be developed that draw upon the components of other interventions shown to reduce violence by individuals at high risk for violence involvement, such as applications of cognitive behavioral theory and hospital-based violence prevention programs for victims of gun violence.⁵⁵⁻⁵⁷

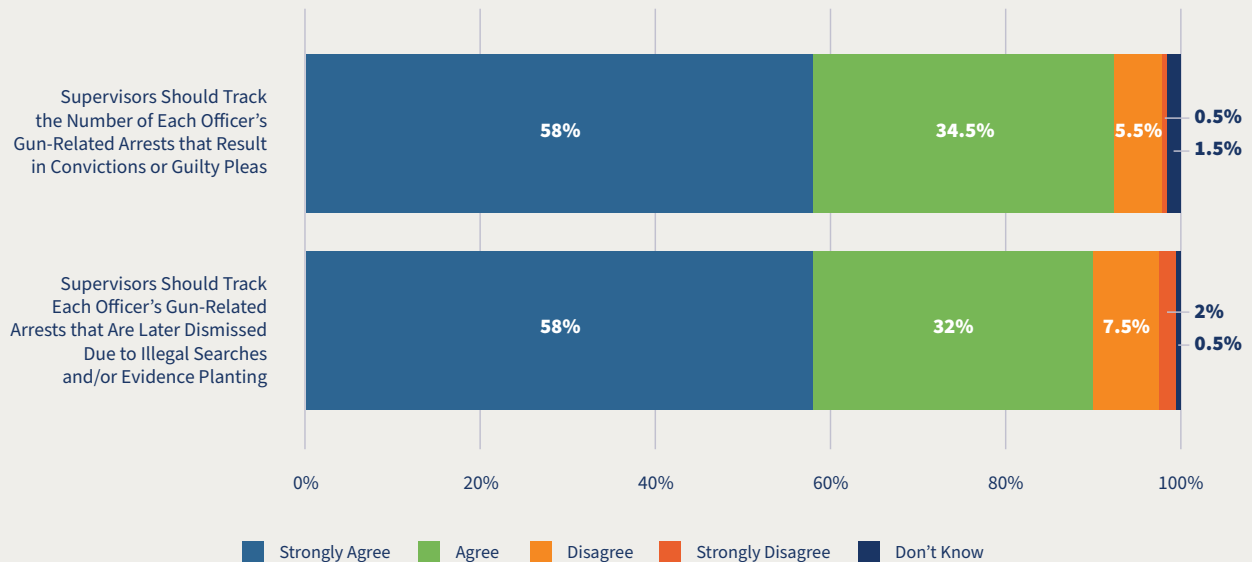
FINDING 10

There is widespread citizen support for improved internal monitoring of the outcomes from each officer's arrests for illegal gun possession.

The overwhelming majority of the community survey respondents favor internal monitoring by BPD leadership of each officer's gun-related arrests; 90% expressed support for tracking each officer's gun-related arrests later dismissed due to illegal searches or evidence planting, and 92.5% expressed support for tracking those resulting in convictions or guilty pleas (Figure 7). Relatedly, 70% of those surveyed believed that formal complaints submitted against BPD officers would not be fairly investigated. Lack of police accountability was discussed at length by community focus group participants. Participants stated that BPD culture prioritizes power and control over understanding and protecting the communities BPD serves. An overwhelming sense of powerlessness reverberated throughout these conversations, and our community survey results support a similar sentiment.

Figure 7: Community Support for Internal Monitoring of Officers for Gun-Related Arrests and Case Outcomes by BPD Leadership

For Monitoring Purposes:

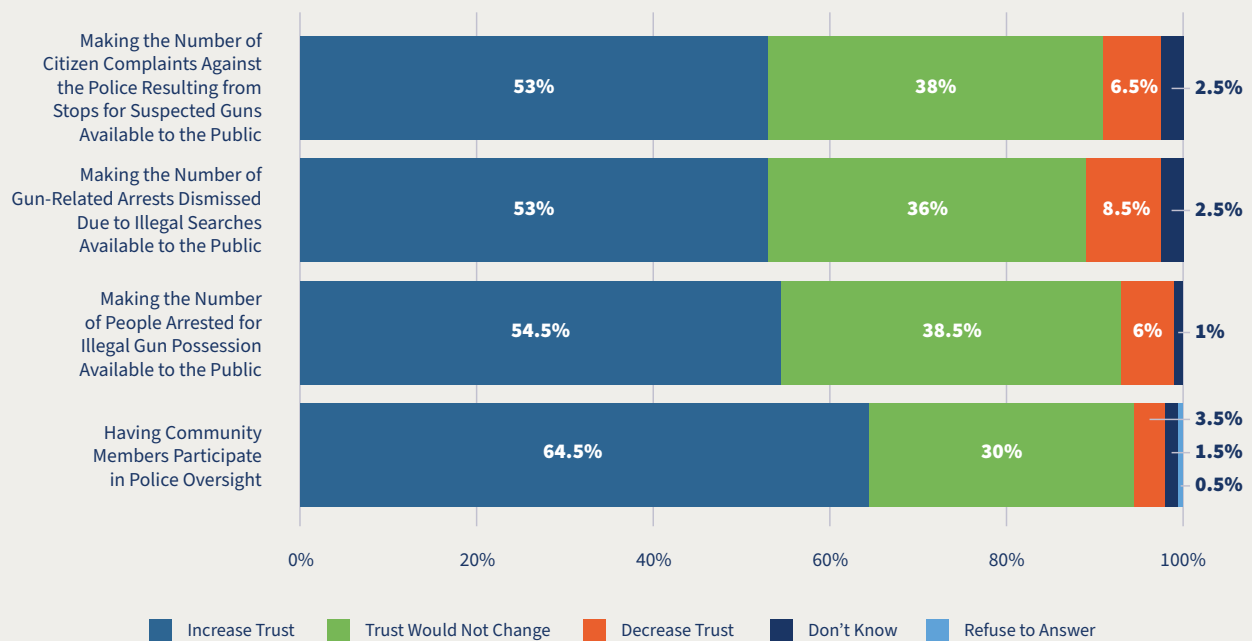


FINDING 11

Community members are eager to participate in police oversight efforts, and many associate improved data transparency with increased trust.

Community survey responses demonstrate important insight into how Baltimore residents most impacted by gun violence want to engage with systems of officer accountability. The majority of survey respondents indicated that additional opportunities for civilian involvement and access to information would positively impact their trust in BPD's gun law enforcement efforts: 64.5% said having community members participate in police oversight would increase trust in police. Just over half indicated that making the number of arrests dismissed due to illegal searches and the number of citizen complaints against officers result from stops-and-searchers publicly accessible would enhance their trust in police (Figure 8).

Figure 8: Community Perceptions of Oversight Efforts and Associated Impact on Trust



FINDING 12

In Baltimore neighborhoods most impacted by gun violence, residents lack faith in BPD's ability to bring individuals who commit violence to justice. Perceived risk of being shot and perceptions that illegal gun carrying is likely to go unpunished lead some residents to view gun carrying as a necessary means for self-defense.

The surge in gun violence in Baltimore starting in April 2015 resulted in a more-than-twofold increase in the number of annual Baltimore homicide cases that have failed to result in the arrest of a suspect based on data reported by BPD and compiled by *The Washington Post* (Figure 9).⁵⁸⁻⁶⁰ During 2015–2017, 25% (252 of 1,002) of Baltimore homicides were closed by an arrest, down from an average of 41% during 2007–2014 and well below the national average. A large majority of homicides committed in Baltimore neighborhoods most impacted by violence do not result in the shooter's arrest. In 2019, 31.2% of murders in Baltimore were cleared by an arrest or for other reasons such as the suspect's death. Nonfatal shootings have an even lower rate of closure by arrest than do homicides. Of course, arrests in these violent crimes do not guarantee successful prosecution due to the many challenges with these cases (e.g., witness intimidation and recanting). Increased resources and coordination of homicide investigations can produce significant increases in arrests for homicides.⁶¹

Shooters who are not brought to justice contribute to increased violence and the proliferation of illegal gun carrying. Our focus group participants expressed that Baltimore was unsafe in ways that threatened their survival. Feelings of insecurity were driven both by the frequency and lethality of violent crime and, for

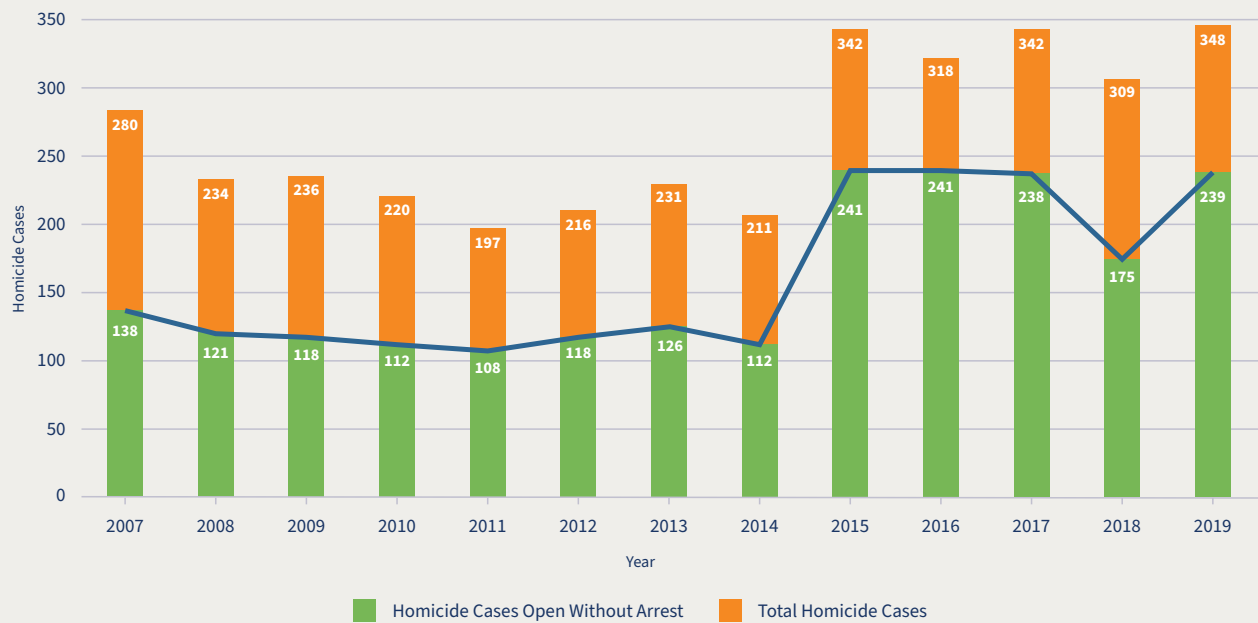
some, concerns of being victimized by police. Studies from a number of U.S. cities have consistently found that gun violence is a highly concentrated problem involving a very small percentage of people who commit violence mostly in a small percentage of blocks in a city.⁶² Some within this group are responsible for multiple shootings that lead to retaliatory shootings and fear-driven gun carrying. However, the majority (64%) of residents we surveyed in areas plagued by gun violence in East and West Baltimore expressed that BPD officers do not stop those most responsible for violent crime in their neighborhood. Also, half of the participants reported that when shots are fired in their neighborhood, officers are slow to respond.

Many attributed these conditions to racial discrimination and to BPD's lack of understanding and appreciation for the communities they serve. For example, 52% of survey respondents indicated BPD officers are disrespectful when interacting with people in their neighborhood and 68% reported that BPD officers use force in unwarranted situations.

Increased resources and coordination of homicide investigations can produce significant increases in arrests for homicides.⁵⁷ However, a review of practices that distinguished law enforcement agencies with the best homicide

clearance rates underscored the importance of thorough canvassing of the neighborhood with patrol officers who had established trust in the neighborhood. This groundwork of trust led to discussions with community members that yielded tips that were critical to the investigations.⁶³

Figure 9: Baltimore City Homicide Cases with Open/No Arrest Disposition Outcomes, 2007–2019



FINDING 13

Focused deterrence programs have successfully reduced gun violence in many other cities, but implementation problems in Baltimore may have prevented public safety benefits.

Many cities have gone away from zero-tolerance policing and broad stop-and-search tactics and instead implemented focused deterrence initiatives directed at reducing gun violence. Interventions that more narrowly target the small fraction of a city's residents who drive gun violence such as focused deterrence have arguably the strongest record of consistently making substantial reductions in shootings among other interventions to address gun violence. Implemented appropriately, focused deterrence programs should lead to fewer negative encounters between police and community members than is the case with broad use of stop-and-search practices in policing.^{64,65} Baltimore has implemented this strategy before without success; however, several problems with program implementation have been identified that, if corrected, could lead to more favorable results. For example, the focused deterrence program implemented in Baltimore during 2014–2017 may not have identified the individuals at highest risk for involvement in gun violence, and the program was not positioned to meet the human service needs of the individuals being engaged.^{62,66}

A recent systematic review of focused deterrence interventions across the U.S. noted factors believed to have impeded program effectiveness including police scandals that harmed community trust in police and inability of law enforcement agencies to effectively collaborate with each other.⁶⁴ Oakland, California, has had great success with group violence intervention by connecting it to police reforms, leading to greater accountability to communities, community leaders' support for the program and its narrow focus on those at highest risk for involvement in gun violence, respectful engagement with those at high risk, relationship-based social services, and partnership-based program management.^{67,68}

RECOMMENDATIONS

RECOMMENDATION 1

BPD should incorporate a comprehensive proactive gun law enforcement strategy instead of promoting the broad use of stop-and-search practices by patrol officers, emphasizing practices that are:

- **Driven by intelligence,**
 - **Focused on individuals at high risk for violence involvement,**
 - **Led by small teams of experienced officers trained in constitutional policing,**
 - **Conducted with close supervision and oversight to ensure that officers adhere to the highest professional standards, and**
 - **Carried out in a way that promotes trust between communities and police.**
-

Broad use of stop-and-search practices are inconsistent with constitutional policing and the establishment of productive community-police relations. Short-term public safety benefits from such practices are uncertain and long-term harms can be substantial. Attuned to the harmful effects of broadscale stop-and-search tactics and to research showing that a very small proportion of individuals are responsible for the violence, law enforcement agencies are changing their proactive gun law enforcement strategies. Person-oriented approaches informed by robust intelligence, data from surveillance technology, and, in some cases, sophisticated analytics (e.g., crime and reoffending prediction, offender-victim social network analysis) have yielded success. Paired with appropriate training as well as internal and external accountability structures, highly targeted proactive gun law enforcement can enhance public safety without eroding community trust.

RECOMMENDATION 2

BPD and the State’s Attorney’s Office of Baltimore should partner to develop a robust data-informed system incorporating input and intel from those engaged at all levels of the criminal justice system so that gun-related crimes may be evaluated from arrest through to prosecution outcome.

Currently, case dispositions and reasons for charges being dismissed are recorded by the SAO but these data are not shared with BPD. To identify problematic practices such as illegal searches and to improve the quality of proactive gun law enforcement, prosecutors and police should have an integrated, shared database. This database should be used to track the reasons that charges are dropped, and to identify officers or units who have a significant share of their gun-related arrests lead to dismissed charges due to problematic searches or evidence. Aggregated data from this database should be made public in order to assess progress and promote accountability.

RECOMMENDATION 3

Using the data developed from Recommendation 2, BPD and SAO should identify priority cases to review and carry out steps to improve outcomes (e.g., providing officers with feedback and training or pursuing disciplinary actions when appropriate).

Officers and detectives should receive training on how to effectively collect data, process evidence, and strategically manage caseloads for desirable prosecution outcomes. In turn, policies and procedures by which case data is updated, communicated, and used to advance shared objectives have the potential to advance procedural justice and restore community trust in the legitimacy of the criminal justice system.

RECOMMENDATION 4

BPD and SAO should make comprehensive data related to stops, searches, arrests, and the dispositions of charges involving illegal possession of firearms available to the public.

BPD officers do not collect, report, nor use data consistently across the department—improvements must be made to ensure data are comprehensive, accurate, and publicly accessible in accordance with USDOJ guidelines and with sensitivity to community concerns. All stop, search, and arrest data should include officer identification, subsequent prosecution outcomes, and link to civilian complaints. In this way, data transparency invites the opportunity for public oversight and, in turn, sets a standard for lawful, legitimate police behavior endorsed by department leadership.

RECOMMENDATION 5

BPD should concentrate its proactive gun law enforcement on individuals at high risk for violence involvement and support these efforts by collecting data that reflect indicators of risk for each person charged with illegal possession of a firearm.

The impact of proactive gun law enforcement depends on whether those who are arrested with firearms are linked to prior violence. BPD should track indicators of risk connected to the arrest (e.g., ballistics test shows the gun was used in a shooting, suspect has prior charges for crimes involving violence or firearms, suspect is a person of interest in a murder, nonfatal shooting, or armed robbery).

RECOMMENDATION 6

The Mayor's Office for Criminal Justice should work with community-based organizations and academic experts to develop, implement, and evaluate a program to reduce the risk of an individual previously charged with illegal gun possession from committing gun-related crimes.

Individuals who have been convicted of or plead guilty to charges of illegal gun possession are at elevated risk for committing gun violence or being a victim of gun violence absent effective intervention. Roca, an anti-violence program, provides intensive outreach and support for positive behavior change among young people at high risk for violence involvement, but most individuals who commit gun crimes are older than 25 years of age, and the number of individuals found guilty of illegal gun possession is much larger than what the program can currently handle.

RECOMMENDATION 7

Baltimore should implement a focused deterrence program to reduce gun violence that is appropriately targeted, effectively communicated, delivers promised services, involves respected community voices, and delivers swift and certain justice in response to violence.

Focused deterrence programs (also known as Group Violence Intervention) have consistently led to significant reductions in gun violence in cities across the U.S., and some have recently incorporated strategies to promote procedural justice. This method is a more effective, efficient, and potentially more just approach to reducing gun violence than is the broad use of stop-and-search for weapons. Deterring illegal possession of firearms by individuals at high risk for violence involvement, identified for focused deterrence interventions, should be a priority.

RECOMMENDATION 8

BPD and SAO should develop a strategic plan for improving the identification, arrest, and prosecution of shooters that is data-driven and informed by the best scientific evidence.

Such plans will consider how to effectively use a Crime Gun Intelligence Center model, enhanced detective staffing and supervision, use of video surveillance, and enhanced attention to witness protection.

CONCLUSION

Policing that deters illegal gun possession by individuals at high risk for involvement in violence reduces shootings, especially in the short term. But broad use of stop-and-search practices that are unconstitutional or otherwise harmful to innocent people not at high risk for violence involvement are counterproductive to the promotion of public safety, justice, and public trust in police. Rather than push officers to increase the number of gun-related arrests, BPD should focus on improving the quality of gun-related arrests (legal searches, meticulous evidence collection); concentrating on violent individuals; developing systems to identify and correct officers' practices that yield bad outcomes from proactive gun law enforcement; and enhancing transparency with respect to key metrics to promote public accountability. BPD's efforts to improve their gun law enforcement practices would be aided by prosecutors' sharing data on case dispositions and reasons for gun charges being dropped. Importantly, BPD's policies and practices relevant to proactive gun law enforcement should be acceptable to communities and be used as part of a broader strategy to apply evidence-based strategies to prevent gun violence.

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APPENDIX A

KEY INFORMANT INTERVIEWS WITH CITY LAW ENFORCEMENT AGENCIES ON PROACTIVE GUN LAW ENFORCEMENT

Summary of Participating City Law Enforcement Agencies Included in Key Informant Sample

	U.S. Cities Population 100,000 – 1,000,000	Members of “What Works Cities”	Cities Contacted	Cities that Completed Interview
West Region	113	39	11	3 Albuquerque, New Mexico Portland, Oregon Seattle, Washington
South Region	101	49	21	13 Charlotte, North Carolina Chattanooga, Tennessee Durham, North Carolina Fort Worth, Texas Greensboro, North Carolina Little Rock, Arkansas Louisville, Kentucky Miami, Florida Nashville, Tennessee Norfolk, Virginia Oklahoma City, Oklahoma Tulsa, Oklahoma Washington, DC
Northeast Region	23	9	4	2 Boston, Massachusetts Syracuse, New York
Midwest Region	48	26	11	6 Cincinnati, Ohio Kansas City, Kansas Kansas City, Missouri Milwaukee, Wisconsin Minneapolis, Minnesota Wichita, Kansas
Total	285	123	47	24
West Region	40%	32%	23%	13%
South Region	35%	40%	45%	54%
Northeast Region	8%	7%	9%	8%
Midwest Region	17%	21%	23%	25%
Population (mean)	227,384	307,076	476,209	456,356
Population (median)	160,614	229,426	439,886	442,329
Homicides per 100,000 (median)	4.7	5.6	10.3	8.8

KEY INFORMANT INTERVIEW GUIDE

Identification

1. Can you begin by providing your name, summarizing your experience within this or other departments, and giving your current position and the responsibilities it entails?

General

2. In what kinds of interactions does your department seize illegal guns?
→ (e.g., Terry stops, traffic stops, searches of residences, responses to information from tip-lines...)
3. Thinking about the total universe of guns that your department seizes, about what share come from each type of interaction?
4. Are there any parts of your department that have primary responsibility over the performance of these activities?
5. Are plainclothes officers involved in any way?
6. To what degree would you say your department prioritizes enforcement of illegal gun possession relative to other crimes, and in what ways do you focus on it?
→ (e.g., is a special unit addressing it? Do you invest additional resources in enhancing gun possession cases for prosecution? Are specific metrics on arrests or gun seizures calculated for a regular report or meeting? If so, what are those metrics and processes? Are these a regular fixture at Compstat meetings?)

7. Are some illegal gun possession cases more important to public safety than others, and if so, how well does your department's available intelligence allow you to focus enforcement efforts on them?
→ What share of your gun-related arrests stem from intelligence on specific high-risk individuals versus from vehicle stops or street stops by patrol officers?

Training

8. Are any of these enforcement activities covered in your department's procedure manual or patrol guide?
→ For each, what are the most critical concepts covered?
9. In your department have there been any recent directives to clarify guidance on these practices?
10. Has your department covered these subjects in roll-call trainings or annual in-service trainings?
→ Were any materials produced for those trainings?
11. Is any guidance provided to officers to help them understand Constitutional limitations depending on the circumstances?
→ (e.g., for requests for information, common law right of inquiry, stop question and frisk, and arrests.)

12. Are there any other special circumstances or location in which a gun seizure might occur for which officers need specific guidance or training?

→ (e.g., within a private housing development, an airport, a Native American reservation, etc.)

13. How are officers trained to assess when “reasonable suspicion” is sufficient to conduct a stop?

14. Does your department require specific training on racial bias, and if so, by what process?

15. Does your department require specific training on procedural justice, and if so, by what process?

Documenting Encounters

16. In light of your description of your department’s illegal gun enforcement practices, I now want to delve into the documentation for each type of encounter. For each [traffic stop], what is the officer required to document? (Repeat for [street stop], [search warrants], [other categories from Q2].)

→ Is the officer required to document the race of the person they engage with?

→ If the officer is required to describe the circumstances of the encounter, does it provide a checklist or require a narrative description?

17. Who reviews these forms and on what occasions? Do they review the completeness of the form or its content? What do they look for?

18. Are these forms ever made into data, such that an analyst can review patterns in them as

a whole? How are those data structured?

19. Are these data ever audited? What types of analyses are conducted?

→ (e.g., compared by squad?)

20. Are these data made publicly available?

21. Does your department have body-worn cameras, and if so, is footage ever reviewed in the context of assessing performance of these gun-related enforcement activities?

Gathering Evidence and Tracking Disposition

22. Do you have any standardized protocol for how evidence is collected during or after a gun seizure?

→ (e.g., photographing the weapon where it was found; swabbing it for genetic material; canvassing for CCTV footage; inputting the gun in eTrace and NIBIN)

23. After an arrest, does your department have any subsequent interactions with the prosecutor?

→ (e.g., requests for additional evidence, etc.)

24. Does your department have a means and/or regular practice of tracking the resolution of gun arrests?

→ (e.g., reviewing arrests that are dismissed by the prosecutor)

25. Do supervisors have some responsibility for how many gun arrests result in pleas or prosecution, and if so, how do they track their performance?

→ (e.g., are reports on case dispositions generated for supervisors?)

Engaging Community

26. With regard to Academy training of new officers (specifically with regard to gun enforcement), are members of the community at all involved in offering their viewpoint?
27. Has your department ever held a public meeting to discuss your crime gun enforcement practices?
→ (e.g., was the meeting explicitly organized around guns, or did that topic arise organically?)
28. Has your department sought public input about these processes?
→ (e.g., through focus groups, from advocacy groups, etc.)
29. To the extent you conduct any major gun operation or takedown, is there any public engagement with communities afterwards?
30. To the extent there are citizen complaints stemming from stops and searches for illegal guns, what if any systems are in place for reviewing and responding?
31. Are data on citizen complaints linked to data on searches, making it possible to identify problematic practices, be it by search-type, neighborhood, or personnel?

Concluding Observations

32. Are there any other notable activities your department undertakes with regard to enforcing illegal gun possession?
33. Have your policies substantially changed over the last five or so years?
34. Are there any notable opportunities for improvement to current procedures as you experience them?
→ (e.g., are there any challenges to sustaining these practices indefinitely?)
35. Are there any peer agencies you think have the best policies and practices who we should attempt to interview?

APPENDIX B

COMMUNITY HOUSEHOLD SURVEYS ON PROACTIVE GUN LAW ENFORCEMENT

Questions

What are community perceptions of the Baltimore Police Department (BPD)? How do they rate the quality of their interactions with BPD? What strategies could positively impact community trust of BPD? How well is BPD doing relative to before Freddie Gray's death and the subsequent unrest?

Approach

We conducted household-level surveys in the Violence Reduction Initiative (VRI) zones located in East and West Baltimore. Research Assistants went door-to-door during weekend daylight hours in the VRI zones to collect one response per household. The surveys asked questions on six topics: 1) perceptions of neighborhood; 2) general perceptions of BPD; 3) resident response to crime (collective efficacy); 4) interactions with BPD; 5) transparency of BPD arrests; and 6) quality of policing post-Freddie Gray's death. Respondents were compensated \$25 for their time.

Results

We approached 2,980 houses across the two VRIs. 1,298 were vacant, and at 1,083 houses no one answered the door. Of the 598 occupied houses where someone answered, 47 requested the RAs come back later, one was not eligible, and 351 were not interested. We gathered 200 surveys for a response rate of 33%. The results of the surveys are presented by topic area in tables below.

Perceptions of Neighborhood (N = 200)

HOW SAFE OR UNSAFE DO YOU FEEL WALKING ALONE IN YOUR NEIGHBORHOOD AT NIGHT?

Safe	24%
Somewhat safe	38.5%
Somewhat unsafe	18.5%
Unsafe	19%

HOW CONCERNED OR UNCONCERNED ARE YOU ABOUT ILLEGAL GUN CARRYING IN YOUR NEIGHBORHOOD?

Concerned	77%
Somewhat concerned	11%
Somewhat unconcerned	5.5%
Unconcerned	6.5%

WHEN SHOTS ARE FIRED IN YOUR NEIGHBORHOOD, HOW QUICKLY OR SLOWLY DO THE POLICE RESPOND?

Quickly	14%
Somewhat quickly	33.5%
Somewhat slowly	33%
Slowly	17%
Don't know	2.5%
Refuse to answer	N/A

IF MORE OF YOUR NEIGHBORS CARRIED GUNS, DO YOU THINK YOUR NEIGHBORHOOD WOULD BE MORE OR LESS SAFE?

More safe	12.5%
Somewhat more safe	19.5%
Somewhat less safe	21.5%
Less safe	44.5%
Don't know	1.5%
Refuse to answer	0.5%

Perceptions of BPD (N = 200)

THE BALTIMORE POLICE DEPARTMENT IS EFFECTIVE AT ARRESTING VIOLENT CRIMINALS IN MY NEIGHBORHOOD

Strongly agree	12.5%
Agree	37%
Disagree	35%
Strongly disagree	13.5%
Don't know	1.5%
Refuse to answer	0.5%

BALTIMORE POLICE OFFICERS ARE STOPPING THE PEOPLE MOST RESPONSIBLE FOR CRIME IN MY NEIGHBORHOOD

Strongly agree	8%
Agree	25.5%
Disagree	47%
Strongly disagree	16.5%
Don't know	2%
Not applicable	1%

Perceptions of BPD (N = 200)

BALTIMORE POLICE OFFICERS ARE RESPECTFUL WHEN THEY INTERACT WITH PEOPLE IN MY NEIGHBORHOOD

Strongly agree	7.5%
Agree	38.5%
Disagree	31.5%
Strongly disagree	20.5%
Don't know	2%
Refuse to answer	N/A

BALTIMORE POLICE OFFICERS USE FORCE ONLY WHEN NECESSARY

Strongly agree	7%
Agree	21.5%
Disagree	41.5%
Strongly disagree	27%
Don't know	2.5%
Refuse to answer	0.5%

BALTIMORE POLICE OFFICERS STOP-AND-SEARCH TOO MANY PEOPLE ON THE STREET IN MY NEIGHBORHOOD

Strongly agree	25.5%
Agree	29%
Disagree	33.5%
Strongly disagree	7%
Don't know	5%
Not applicable	N/A

BALTIMORE POLICE OFFICERS STOP-AND-SEARCH TOO MANY CARS IN MY NEIGHBORHOOD

Strongly agree	19%
Agree	30%
Disagree	37.5%
Strongly disagree	7.5%
Don't know	5.5%
Not applicable	0.5%

A FORMAL COMPLAINT AGAINST A BALTIMORE POLICE OFFICER WOULD BE INVESTIGATED FAIRLY AND OBJECTIVELY

Strongly agree	9%
Agree	16.5%
Disagree	44%
Strongly disagree	26.5%
Don't know	3.5%
Not applicable	0.5%

Response to Crime (collective efficacy) (N = 200)

IF THE BALTIMORE POLICE DEPARTMENT STOPPED CONDUCTING STOP-AND-SEARCH IN MY NEIGHBORHOOD, THE FOLLOWING WOULD HAPPEN:

More people would get shot	13.5%
It would stay the same	56.5%
Less people would get shot	27%
Don't know	2.5%
Refuse to answer	0.5%

IF THE BALTIMORE POLICE DEPARTMENT STOPPED CONDUCTING STOP-AND-SEARCH IN YOUR NEIGHBORHOOD, HOW WOULD IT AFFECT YOUR PERCEPTION OF THE BALTIMORE POLICE OFFICERS IN YOUR NEIGHBORHOOD?

My feelings would get better	20.5%
My feelings would stay the same	62%
My feelings would get worse	15%
Don't know	2%
Refuse to answer	0.5%

HOW LIKELY OR UNLIKELY ARE YOU TO CALL THE POLICE IF SOMEONE IS CARRYING A GUN ON THE STREET?

Very unlikely	12%
Unlikely	19.5%
Likely	36.5%
Very likely	30%
Don't know	2%
Refuse to answer	N/A

HOW LIKELY OR UNLIKELY ARE YOU TO CALL THE POLICE IF SOMEONE SHOWS A GUN IN A THREATENING MANNER?

Very unlikely	7%
Unlikely	15%
Likely	37.5%
Very likely	39.5%
Don't know	0.5%
Not applicable	0.5%

HOW LIKELY OR UNLIKELY ARE YOU TO CALL THE POLICE IF YOU SEE SOMEONE HIDING A GUN IN A PUBLIC PLACE?

Very unlikely	13%
Unlikely	21.5%
Likely	34.5%
Very likely	30%
Don't know	0.5%
Refuse to answer	0.5%

Interactions with BPD (N = 200)

WITHIN THE PAST 6 MONTHS, HAVE YOU BEEN STOPPED BY THE BALTIMORE POLICE FOR A TRAFFIC VIOLATION?

Yes 12%

No 88%

THE POLICE OFFICER I HAD CONTACT WITH TREATED ME WITH RESPECT (N = 24)

Strongly agree 8%

Agree 50%

Disagree 38%

Strongly disagree 4%

DID THE OFFICER USE MORE FORCE THAN NECESSARY? (N = 24)

Yes 17%

No 83%

WITHIN THE PAST 6 MONTHS, HAVE YOU BEEN STOPPED BY THE BALTIMORE POLICE FOR HANGING OUT?

Yes 13.5%

No 86.5%

WERE YOU ARRESTED? (N = 27)

Yes 22%

No 78%

DID THE OFFICER SEARCH THE VEHICLE? (N = 24)

Yes 25%

No 75%

DID THE POLICE OFFICER EXPLAIN THE SEARCH? (N = 6)

Yes 17%

No 83%

DO YOU THINK THE SEARCH WAS JUSTIFIED? (N = 6)

Yes 0%

No 100%

THE POLICE OFFICER I HAD CONTACT WITH TREATED ME WITH RESPECT (N = 27)

Strongly agree 0%

Agree 22%

Disagree 56%

Strongly disagree 22%

DID THE OFFICER PAT YOU DOWN TO SEE IF YOU WERE CARRYING A WEAPON? (N = 27)

Yes 67%

No 33%

Interactions with BPD (N = 200)

WITHIN THE PAST 6 MONTHS, HAVE YOU BEEN ARRESTED BY BALTIMORE POLICE FOR CARRYING A GUN?

Yes 0.5%

No 99.5%

THE POLICE OFFICER I HAD CONTACT WITH TREATED ME WITH RESPECT (N = 1)

Strongly disagree 100%

DURING THE PAST 6 MONTHS, HAVE YOU SEEN BALTIMORE POLICE OFFICERS STOP-AND-SEARCH OTHER PEOPLE IN YOUR NEIGHBORHOOD?

Yes 66.5%

No 33%

Refuse to answer 0.5%

HOW MANY TIMES? (N = 133)

1-2 times 23%

3-5 times 36%

More than 5 times 41%

DURING THE MOST RECENT STOP-AND-SEARCH THAT YOU WITNESSED, DID THE OFFICER USE MORE FORCE THAN NECESSARY? (N = 133)

Yes 41%

No 56%

Don't know 3%

IF YOU WERE SERVING ON A JURY, HOW LIKELY OR UNLIKELY ARE YOU TO BELIEVE A BALTIMORE POLICE OFFICER'S TESTIMONY ABOUT FINDING A GUN ON SOMEBODY WITHOUT VIDEO EVIDENCE?

Very unlikely 29.5%

Unlikely 32.5%

Likely 23.5%

Very likely 10%

Don't know 3.5%

Refuse to answer 0.5%

Not applicable 0.5%

Transparency of BPD Arrests (N = 200)

SUPERVISORS SHOULD TRACK EACH OFFICER'S GUN-RELATED ARRESTS THAT ARE LATER DISMISSED DUE TO ILLEGAL SEARCHES OR EVIDENCE PLANTING

Strongly agree 58%

Agree 32%

Disagree 7.5%

Strongly disagree 2%

Don't know 0.5%

SUPERVISORS SHOULD TRACK THE NUMBER OF EACH OFFICER'S GUN-RELATED ARRESTS THAT RESULT IN CONVICTIONS OR GUILTY PLEAS

Strongly agree 58%

Agree 34.5%

Disagree 5.5%

Strongly disagree 0.5%

Don't know 1.5%

HOW WOULD HAVING COMMUNITY MEMBERS PARTICIPATE IN POLICE OVERSIGHT AFFECT COMMUNITY TRUST IN WHAT BALTIMORE POLICE OFFICERS ARE DOING TO COMBAT GUN VIOLENCE?

Increase trust 64.5%

Trust would not change 30%

Decrease trust 3.5%

Don't know 1.5%

Refuse to answer 0.5%

HOW WOULD HAVING PROSECUTORS REVIEW ALL BODY CAMERA VIDEOS OF GUN ARRESTS TO IDENTIFY ANY PROBLEMS AFFECT COMMUNITY TRUST IN WHAT BALTIMORE POLICE OFFICERS ARE DOING TO COMBAT GUN VIOLENCE?

Increase trust 79.5%

Trust would not change 17%

Decrease trust 3%

Don't know 0.5%

HOW WOULD MAKING THE NUMBER OF PEOPLE ARRESTED FOR ILLEGAL GUN POSSESSION AVAILABLE TO THE PUBLIC AFFECT COMMUNITY TRUST IN WHAT BALTIMORE POLICE OFFICERS ARE DOING TO COMBAT GUN VIOLENCE?

Increase trust 54.5%

Trust would not change 38.5%

Decrease trust 6%

Don't know 1%

HOW WOULD MAKING THE NUMBER OF ARRESTS DISMISSED DUE TO ILLEGAL SEARCHES AVAILABLE TO THE PUBLIC AFFECT COMMUNITY TRUST IN WHAT BALTIMORE POLICE OFFICERS ARE DOING TO COMBAT GUN VIOLENCE?

Increase trust 53%

Trust would not change 36%

Decrease trust 8.5%

Don't know 2.5%

HOW WOULD MAKING THE NUMBER OF CITIZEN COMPLAINTS AGAINST THE POLICE RESULTING FROM STOPS FOR SUSPECTED GUNS AVAILABLE TO THE PUBLIC AFFECT COMMUNITY TRUST IN WHAT BALTIMORE POLICE OFFICERS ARE DOING TO COMBAT GUN VIOLENCE?

Increase trust 53%

Trust would not change 38%

Decrease trust 6.5%

Don't know 2.5%

Quality of Policing Post-Freddie Gray (N = 200)

WHEN YOU CONSIDER HOW THINGS WERE BEFORE THE DEATH OF FREDDIE GRAY, DO YOU THINK THE BALTIMORE POLICE DEPARTMENT IS DOING A BETTER JOB, THE SAME, OR WORSE AT LISTENING TO THE CONCERNS OF COMMUNITY MEMBERS?

A better job 33%

The same job 46%

A worse job 20%

Don't know 1%

WHEN YOU CONSIDER HOW THINGS WERE BEFORE THE DEATH OF FREDDIE GRAY, DO YOU THINK THE BALTIMORE POLICE DEPARTMENT IS DOING A BETTER JOB, THE SAME, OR WORSE AT COMMUNICATING BETTER ABOUT POLICE ACTIVITIES?

A better job 32%

The same job 49.5%

A worse job 18%

Don't know 0.5%

WHEN YOU CONSIDER HOW THINGS WERE BEFORE THE DEATH OF FREDDIE GRAY, DO YOU THINK THE BALTIMORE POLICE DEPARTMENT IS DOING A BETTER JOB, THE SAME, OR WORSE AT HANDLING SUSPECTS IN POLICE CUSTODY?

A better job 30%

The same job 46.5%

A worse job 22%

Don't know 1%

Refuse to answer 0.5%

WHEN YOU CONSIDER HOW THINGS WERE BEFORE THE DEATH OF FREDDIE GRAY, DO YOU THINK THE BALTIMORE POLICE DEPARTMENT IS DOING A BETTER JOB, THE SAME, OR WORSE AT HOLDING POLICE OFFICERS ACCOUNTABLE FOR ILLEGAL ACTIVITY?

A better job 40%

The same job 32%

A worse job 28%

WHEN YOU CONSIDER HOW THINGS WERE BEFORE THE DEATH OF FREDDIE GRAY, DO YOU THINK THE BALTIMORE POLICE DEPARTMENT IS DOING A BETTER JOB, THE SAME, OR WORSE AT RESPONDING TO COMPLAINTS ABOUT OFFICER BEHAVIOR?

A better job 36%

The same job 37%

A worse job 26%

Don't know 1%

WHEN YOU CONSIDER HOW THINGS WERE BEFORE THE DEATH OF FREDDIE GRAY, DO YOU THINK THE BALTIMORE POLICE DEPARTMENT IS DOING A BETTER JOB, THE SAME, OR WORSE AT HANDLING PEACEFUL PROTESTS OR DEMONSTRATIONS IN A FAIR AND SAFE MANNER?

A better job 37%

The same job 45%

A worse job 17%

Don't know 1%

APPENDIX C

COMMUNITY FOCUS GROUPS FOR UNDERSTANDING COMMUNITY SOLUTIONS FOR PROACTIVE GUN LAW ENFORCEMENT

Background

The purpose of these focus groups was to understand community solutions for proactive gun law enforcement by assessing community perceptions and attitudes relevant to proactive gun law enforcement in Baltimore City and understanding community views of the police. Focus group findings will be used to inform policies and procedures for the Baltimore City Police Department to support its efforts to reduce gun violence in Baltimore.

Methods

Four focus groups with a total of 31 community members were held in July and August 2018. Two focus groups each were held in East and West Baltimore. Participants included African American/black men and women aged 18 years and older. Participants were recruited from community organizations supporting community residents with workforce development programs. Each focus group was semistructured, allowing the facilitator to follow up on questions or points of discussion as needed. Focus groups were between 61 minutes and 75 minutes long (average: 71 minutes). The focus groups were recorded and

professionally transcribed; each transcript was verified by a research assistant.

Analysis was informed by grounded theory using thematic analysis techniques. Emerging themes from the focus group data were identified during the first read-through of the transcripts using the research aims and questions as an initial framework. The emerging themes and subthemes were identified during subsequent readings of the transcripts. These themes were triangulated with notes and observations collected by two research assistants who observed the focus groups (three focus groups had two RAs, one focus group had one RA).

High-Level Thematic Findings

COMMUNITY SAFETY

Focus group participants were split among feeling safe and unsafe in their communities; the feelings of safety depended on the situation. However, participants broadly felt that Baltimore was unsafe in ways that threatened their survival:

Woman 1: Because if you got n--- out here robbing n---, you got n--- out here killing n---. All types of stuff. Raping people. Ain't none of that

s--- safe, simple as that. The world ain't safe, period. Especially not Baltimore. <laughs>

Woman 3: And you're basically in survival mode.

Woman 1: Yeah. –conversation between two women, West

Man 3: Like what Mo was saying, innocent people is dying down here in Baltimore and it's like I don't feel safe because, like, this one situation I knew — everybody probably know about this seven-year-old girl that got shot and killed on, I think, Edmondson Avenue. And that's just been on my mind lately, because she was an innocent child that didn't have nothing to do with nothing and now she dead and gone. It's just — crazy and sad to me that you can't even walk these streets and be innocent without having to worry about do I need to look over my shoulder or look around me? Because I'm scared. Or when I walk out my door or my building or wherever you living at, you know, you scared to walk out, because you don't know if you going to get hit by a stray bullet or something. You know, so, I don't feel safe and that's what I'm going to say. –Man, East

These feelings were discussed as being driven by individual and institutional factors. Individual factors of safety were driven by knowing the people they were around and having relationships with people in their communities. Participants described feeling the safest with people they know or around people they grew up with. However, even then, those participants perceived that they could not feel completely safe or that they could let their guards down:

I feel safe in any environment or any community that I'm in. I think you have to be aware, though, like I said earlier, I think similar to what you're saying is you have to think — being in these environments that some of us are from, we know, like you said anything can go left at any time. So you're aware that that can happen, being aware of that, it kind of keeps you on edge. So yeah, I'm safe, but I'm still not relaxed. –Man, East

Institutional factors of safety involved the police and their role in the participants' perceptions of safety. This mainly focused on police behaviors, such as harassment and general treatment of citizens when interacting with them. Although discussions of police harassment centered on how the police targeted and treated citizens, one woman (East) asked if other women in the focus group had experiences with police harassment, such as police following them because they were romantically interested in them, and told her story of this happening to her. This experience contributed to her feeling less safe in her community.

A few participants described feeling unsafe in their communities because of a lack of police response and a community culture around “snitching”/not sharing information with the police:

I don't, because I live in McCullough Homes. You know, yeah. So, it's a lot of shooting down there, you know what I'm saying? And I've got kids down there. So, they be outside playing and stuff and I don't want them getting shot or, you know, just like and calling the police, they don't do nothing down there. You know what I'm saying? They might go check things out,

go by there, but you know ain't nobody going to snitch. You know what I'm saying? So, no, I don't feel safe. –Man, West

When asked about what safety means to them or what would make them feel safer, participants had various responses. Some responses centered on feeling comfortable in their own skin:

That's what I meant by being myself without consequence. Because I shouldn't have to change how I dress. I shouldn't have to change how I look. I shouldn't have to cut my dreads off, I shouldn't have to do any of that. Why can't you respect me for being a human being? Because that's what I am. –Man, East

Others discussed not having to be constantly on guard. In both the East and the West, some participants felt that leaving Baltimore City could possibly make them feel safer, but described this with mixed feelings:

But, no, it's not safe. I got a one-year-old son and I'm trying to do the best I can to move us out of here. Like, I'm ready to go. Like, I'm not necessarily got to move out of Baltimore, but I need to go to the county, because I feel a little bit more safe over at the county. But, then again, I don't, because I live in the county right now at this second and the police are not on our side as African Americans, just point blank, period. –Woman, East

A few participants felt that they would be safer if the laws and legal landscape protected them if they needed to defend themselves. In this context, participants believed that there may be situations in their communities where they need

to defend themselves, friends, or family members, but would be punished if they attempted to do so:

Self-defense law. That would make me feel safer. Being able to defend myself — without getting in trouble — in a situation without having to do fifteen years in jail for it, because of the city that we live in. You can't fight somebody, go head up and think that it's over. –Woman, East

PERCEPTIONS OF POLICE

Participants in both the East and West focus groups perceived that the police were ineffective in their communities. Many participants agreed that the police do not do much to keep their communities safe or protected:

In that system, they know what they put their self into when they took that oath to get that badge. They know what they doing. It's not, "Oh, we just going to go out here and protect the community," because they ain't protecting nothing. –Man, West

Some participants thought that while police officers were not doing the part of their job where they should be protecting the community, they would fulfill other job requirements, such as making arrests, in order to exercise their power over the community:

They more so looking to not even do their job, but they'll lock somebody up. They'll make somebody — like, when you come into the presence of a police officer — I'm not going to say all of them, but most of them, it's just like, you get the vibe of "I'm here to mess your day up." –Man, East

Some participants thought that the police were ineffective in their communities because they were undertrained, did not know their communities, or did not understand the law:

Taking the people that trying to join the police academy, they need to do a real test. You don't — people that be police officers, they don't even know the law. And some people they get into positions, they don't even know the law. –Man, East

Many participants perceived that police do not view residents in their communities as people deserving of protection. Several participants discussed the police fearing the communities, which leads to unfair police treatment and behaviors. A few participants questioned the officers' abilities to protect their communities due to this fear and why they were so afraid of those they were sworn to protect:

I don't get that. How do you fear something you're supposed to be protecting? –Woman, West

Several participants described experiences with police officers where they felt they were disrespected by how officers interacted with them:

... they always going to be judgmental about what we doing. For real, they always going to want to pull up and act stupid towards us instead of just being patient, polite and just saying, like, "Hey, look. Y'all can't do this right here, man. Just go sit on the porch somewhere or something like that." Instead, they going to just jump out. "Hey, don't go nowhere. Hey, come here." Yeah, and for real, that's — I don't know, it's a whole lot. <laughs> It's a whole lot for real. –Man, West

Participants described perceptions of being dismissed by the police as reflected by response times because of race or other perceptions about their communities:

Man 1: They're not there when you need them.

Woman 2: Yeah, like the timing is off. You can call — I'd say at the most, like, you can call the police and say, "Oh, I got a situation —" like she said: It's all about the area. You can call and say you got a situation, they going to show up forty-five minutes, hour later. But if you call and hang up and they don't know why they — if and how on the other line, it could be elderly or a white person or whatever they may think —

Q: Mm-hm.

Woman 2: — they come quick <snapping fingers sound>. "Did somebody call? What's going on? Did somebody call?" –conversation between a man and woman, East

And then, like I say, neighborhood. I feel as though the problem — they take their time coming to certain neighborhoods. Like, when they know it's a murder in a regular murder neighborhood, they take their time, because they're going, "They going to die anyway." –Woman, East

They also described this perception as a result of how the police treat them when they do respond:

Because I called the police for an incident, this man was being racist, I end up getting in trouble. He was trying to lock me up for being aggressive, telling me I'm too aggressive. I'm just talking to the man. –Woman, East

Some participants in both the East and West acknowledged that many community members do not respectfully treat the police. They believed that, at times, a citizen's disrespect of the police feeds into the police disrespecting citizens when they interact with each other.

Participants in both the East and West believed that police culture shapes how they interact with citizens in their communities. Some described police as their own gang and shared feelings that police are more interested in protecting themselves than the communities:

Woman 1: I think because they under oath, I think they believe in a certain way of treating the public in general. Like, even though you got your good officers, I think they have, like, their oath and I think it's like a secret society. That's just my mindset of it.

Man 2: Listen, just like how we got every other gang out here, you got to think about when they police, they are in a gang. That is a gang.
—conversation between a woman and man, West

Many participants agreed that the police culture, and the broader criminal justice system, is corrupt. Corruption included factors related to just consequences for poor police behaviors, police officers being involved in illegal gun or drug trades, and officers falsely accusing citizens of crimes:

Man 1: Listen, hear me out. I'm not disputing what you're saying. I'm saying you can prove whatever you want, but does that mean you're going to get served justice for it?

Woman 2: No, it don't! Because the whole justice system is corrupt, to be honest. —conversation between a man and woman, West

I was going to say same thing that they just said. Like, the whole — to me, the entire system is corrupt. You have judges who are just as corrupt and with the cops there's nothing to go in the storage unit. They just file it "Missing." And you done sent it over to your cousin's who go do this, that, and the third — and then they just give it back and you put it back and act like nothing happened. That's how I think it is. Like, it's the cops. The judges, the law system is shaky, too. —Woman, East

Participants from the East and West groups described incidents where the police accused them or someone they know of possession of drugs or having done other criminal activity. Planting guns or drugs on civilians was a concern, or an actual experience, shared across participants in both the East and the West:

Each one sitting at this table, we all knew that one crooked-ass police officer that will pull out on us or even plant one on us. We all knew that one police officer. —Woman, West

Several participants perceived that police officers stereotype citizens without taking the time to understand them or believe them when they tell them what they're doing. This type of interaction also shaped perceptions of safety in their communities:

Man 1: <laughs> As I say, I don't feel the same, because the police are not patient. Like one time I was sitting on the corner. I wasn't doing nothing but drinking a juice. I just left out the store. But they thought I was a drug dealer so they approached me and they said you got to move. So I said, "Well, the person at the store said I could sit out here and drink my drink."

And he said, “Well, this is a drug area, so you have to move. If not, I might be forced to lock you up because I believe you’re a drug dealer and you’re dealing drugs on the street.” Right. Instead of being patient and actually going inside the store and asking the man, oh, did he say it’s okay for you to stay right there, yeah, stuff like all that.

Woman 1: They just want to be an ass.

Man 1: Yeah, they just want to be ignorant and impatient. And that’s why I believe I’m not safe at any time. He could have just took his gun out because he thought I was going to take something out anyway. –conversation between a man and woman, West

Participants also perceived that the police do not do much to pursue criminals, especially when crime is happening right in front of them. However, participants do believe that because of the police culture, police will pursue criminals if something happened to a fellow officer. However, some participants described positive interactions with the police. For example, several participants in both the East and West focus groups described experiences where the police saw them committing a crime, but gave them a warning or just talked with them instead of arresting them. These types of experiences helped participants identify some police officers who were willing to get to know them and perceived as different and more community-oriented from other officers:

But you know, they have to have some level of understanding, like, “Okay, a blunt? I’m not going to lock you up over no blunt. That’s crazy. You know what I mean? Just put it out, or I’ll take it and just go on, man.” You know what I’m saying? That kind of interaction

has to be had. And then like he said, “Now, I know that dude is cool!” So if I see him again, I’m like, I might not run up to him and hug or something, but I’m like, “That’s the cool officer, you know what I’m saying? Like he cool. So people like y’all don’t talk, “You know, he a bad police.” Like, “Nah, that’s my man! He let me get off with a blunt a couple times.” –Man, East

But some of these interactions were described as exceptions to the broader police culture or were described as how things were in the past and were not necessarily applicable to the present:

Because once upon a time, like my mother telling me stories, like back in the day when she was young and our age, whatever. And how the police would be out really walking. Like walking around, helping out. Helping people clean up their streets and helping the elderly with their trash, if they had to take their trash out. Like doing stuff that civil servants would do! Like y’all here to help and I mean serve the community, but y’all don’t. Like y’all really hurt the community more than y’all help it. –Man, East

Woman 3: It hasn’t always been like this.

Woman 1: No, it hasn’t. It hasn’t, but.

Woman 3: No. I was on, I used to live on Greenmount Avenue and the police officers around there, they interacted with the kids. You know, they never, like they’re saying, you know, was violent or ignorant towards the kids and they would even say to the drug dealers, “Look. When you see me, respect me and move.” –conversation between two women, West

CRIME-RELATED COMMUNITY PROBLEMS

Participants described gun violence as one of a few important problems in their communities. Other common problems discussed were mental health and drug addiction. While gun violence was identified as a problem in their communities in both the East and West, participants shared different perspectives on the roles of guns within their communities. Some participants felt that guns and gun violence were a means of survival within an environment designed against them. These perceptions of survival were described as surviving threats from other community members and as protection from the police and other government powers and to ensure their rights. When described in this context, participants did not feel that guns in general or unlicensed guns were a problem:

Woman 1: Yeah, with the cops you need a gun because that's the first thing they're going to pull out is "Bam, n---, pop-pop."

Man 3: The reason why I say we need our guns, because it's bigger plans that our government has. That's why they're taking our guns away from us, why they took our right to bear arms away from us.

Man 1: Brother, they don't even need our guns.

Man 3: Because what they got planned for us —

Man 1: <laughs>

Man 3: They don't want us to be able to protect ourselves. —conversation between two men and a woman, West

That's the whole point. And then it's just — when I say I need a gun, it's not just to be waving it or carrying it around or anything. That's to protect my rights. —Man, East

Participants did distinguish between legal and illegal guns. They understood the process of obtaining legal guns but also described the reasons behind owning illegal guns in the city, mainly as a means of survival and feeling safe. Having illegal guns was perceived as a part of their culture and as a necessity at times:

Sometimes I feel as though it's necessary to have a gun, because stuff can go south and all that. You know, get a gun license and all that. But at the same time, it's still — even if you know, you know, when a man had a gun license when he got shot by the police and all that. It's just all that stuff come into play. It's just — safe? Me being safe? I just need a gun. That's what I think, because even if I show somebody the laws and all that, or when it come[s] to police, or just people, it just — it's just definitely I just need it. That's how I feel. —Man, East

But at the same time, some people have them for their own protection. And the way you get it is just the way you get it! —Woman, West

Some participants described their perceptions of how easy it is to obtain a gun illegally in the city. They discussed knowing who in the neighborhood would supply them with an unlicensed gun for cash. Several participants also perceived that the police department is responsible for the flow of illegal guns in their communities. This perception was held generally across both the East and the West:

Man 3: I think for the most part, because it's so much crooked stuff going on with the Baltimore Police Department I think just like they do drugs when they get the drugs off the street — but I know we're talking about the guns right now — I think all of that stuff is basically getting pushed out the back door. I think they pushing it out the back door and —

Woman 2: That's what they're doing.

Man 3: — they just throwing it right back on the street and that's how the guns and stuff — the guns and drugs and stuff it keeps recycling, because they keep pushing it. When they make it to the police, they just pushing it right back out the door. —conversation between a man and woman, East

It's like, "Bro, c'mon, like if we can't — if half the families in Baltimore can't hardly provide a decent meal for they family, how you think they got the resources to go buy all these big ass guns just popped up in the City?" It's gotta be somebody at a higher place that's bringing it on in here! That's like "All right, here, but you ain't get it from me." That's giving to the middle man or the little guy, like, "Here, here take that. You didn't get it from me, but bring my money back when it's time to bring my money back." —Man, East

Others described illegal guns as a problem because they perceive an increase of people obtaining guns illegally. They described knowing who in their communities they can buy a gun from without having to go through the legal process:

Some participants discussed the idea that police and the government were responsible for illegal guns in their communities because of the types of guns that were being used in crimes, such as military-grade weapons and other large guns:

Man 1: That's military!

Man 2: We got that from ya'll!

Man 1: This military equipment, how did they —

Man 2: We're not stupid!

Man 1: — how did it get in the streets?

*Woman 1: How did they get in our city?
—conversation between two men and a woman, West*

But the people that can — if you take every individual that will take out the time to go get their license and go get the permit, everything that they need, legit'ly, to get a gun versus somebody just saying, "Okay, you know what? We going to bypass some steps. We going to go over and buy it next door, give them two- three hundred dollars and buy the gun off of him," I think that that's a problem, because it's more people doing that. And I feel like the size of the gun getting pushed out the back door, it's a lot easier — I guess I'm trying to say it's a problem because it's easy for people to just go out on the street and just buy a gun and they know they don't have to go into a pawn shop or a gun store and go through the paperwork and take two weeks for the process to get done, before you can get your gun or whatever like that. So, yeah, I feel like it's a major problem. —Man, East

Following up on this perception, a woman described illegal guns as a problem because people do not receive training to safely operate the guns they obtain, resulting in tragic results for innocent residents. Several participants in both the East and West focus groups discussed the recent killing of a 7-year-old girl due to gun violence. This was associated with people lacking the knowledge to safely operate guns as well as perceptions around those committing violent crimes as not caring whom they shoot and kill.

While participants generally understood and valued the role of gun licensing (i.e., being able to trace a bullet to a weapon and its owner), some felt that having a license does not help them because of the lack of rights citizens may have when using a legal gun, especially in self-defense:

So, it's like — but, then again, if you do have a license, what's that going to do? You don't have no self-defense. So, you can have a license, shoot somebody, still go to jail fifteen years. So, it really doesn't matter whether you have a license or not. –Woman, East

RACE AND RACISM

All participants were black/African American. In all four discussions, race and racism were discussed implicitly and explicitly. While participants did describe safety as being comfortable in their own skin, most perceived that their own skin color sometimes prevents them from being safe or being able to exercise their rights due to racism:

And people that got the right to get the guns are — all the black people I know that is even in security, they got to do ten more times of thing just to get a gun than the next person. –Man, West

Some participants compared their experiences with the police to how white citizens are treated when interacting with the police. For example, participants described how white citizens could commit a crime or murder multiple people and be brought in peacefully, but a black citizen who is perceived by the cops as having a weapon but is unarmed is shot and killed by the police:

It was a little white kid just recently shot up a school, like, probably like two months ago and they brought him in. Then here come a black person bring a gun to school and now he doing, like, at least fifty years. I don't understand that. –Woman, West

Participants also discussed how in their own communities, police react to the same behaviors exhibited by black and white citizens differently. This was perceived as a result of racial stereotyping:

Woman 1: I feel like it's a race thing. I'm, like, I'm not saying it to be smart, but that's how half of these cops take it. "Oh, they black so, oh, yeah, they selling drugs about this, that and the third." But if they see somebody white standing on a corner, "Oh, they not doing that, they just standing there." And they could be doing the same thing we doing.

Man 1: Or they're a fiend, automatically.

Woman 1: Yeah. They not going to say nothing to them, but they going to come up to us. "Oh, what are you doing?" Okay, you see the — You see another person standing right here that's doing the same thing but you're not saying nothing to them. –conversation between a woman and man, West

However, when discussing how police respond to situations or interact with citizens in their communities, some participants made the distinction between racism and power. A few participants believed that the police interacted with them negatively not because they were black citizens, but because of the power police perceived they had due to the badge. This leads to mistrust of the police as an institution, even when interacting with black officers:

Woman 1: It's really — I said that to make that point, because that's another reason why you don't trust them. Then it's usually — then you get a black officer and a white officer and usually the white officer be on your side, before the black officer —

Man 1: Right, right.

Man 2: For real!

Woman 1: Honestly! This is something we go through.

Man 2: That's what I was saying! It's not even a race thing!

Woman 1: No!

Man 2: It's power! —conversation between a woman and man, East

COMMUNITY-IDENTIFIED SOLUTIONS

Increasing police presence was not identified nor generally accepted as a solution to gun violence or improving community safety. In general, participants had little faith that the Baltimore City Police Department, as currently structured,

could do much to reduce gun violence or be a part of the solution to gun violence because of perceptions of a corrupt system:

Like I don't think the police can be a part of like solving gun violence, because like for so long the Gun Task Force, I was robbed by the Gun Task Force in 2014 leaving work, and they took all my cash, and I was a bellman. Like there is the idea of what Baltimore City Police is now, they have to — like it has to be dismantled, and like reconstructed, because you have kids who saw the uprising in 2015 that like still have trauma from tanks being on their block. Like it has to be completely deconstructed and rebuilt as if it's community-based. Almost run with like a CEO instead of someone from a police mind. Has to be someone running from like a community standpoint. Like so I think that Baltimore City Police as it currently exists cannot be a part of the solution, because they don't even solve the crimes that happen right now. And so it has to be like a whole new approach to what actually police in neighborhoods is. —Man, East

Some believed that increasing police presence would lead to more problems in the community:

I just feel like the more police ya'll put out there, the more problems ya'll going to put out there. —Woman, East

While the idea of increasing police presence was generally unaccepted, the idea that if police presence were to increase, it should be done in a way that did not display state power was mentioned in a conversation in a West focus group:

Man 1: Not patrol in vests and guns, but like, just casual, police T shirt, you know what I

mean? Maybe a little vest or something and some shorts. A hat, a cap, a police cap and he's just chilling. He's, you know what I mean, he's patrolling the same way.

Man 2: Right.

Man 1: Make it seem more like he's a person. Because we really, I feel like in this city we don't look at them as people. –conversation between two men, West

One proposed solution to address illegal guns was record expungement. Because many community members believed a gun was necessary for protection in the city, they were forced to obtain guns illegally due to their records. If they were able to have their records expunged, they may pursue legal routes to owning guns:

I mean, honestly, it's a solution, but the thing about the solution is it's about records, record expungement, who gets the right to get guns. You get what I'm saying? –Man, West

Participants did not believe the police department could do much to establish trust with them and other adults in their communities. However, participants did believe that the police could be successful in rebuilding community trust through relationship-building with the younger generations:

If they really want to make that difference and get that fear out of community, it's — they can't do it with us. We grown. Their best bet is to get — blend in with the new generation. The young kids. –Man, West

Get a better relationship! A better relationship instead. Like she said, the time where

everybody — you gotta — we don't trust them. You feel me? You're going to have to build that relationship with the young ones so, basically, in the future it's not going to be — the divide wouldn't be as bad. Because it's like we get the street vibe as soon as we get that a police is bad. You feel me? If you start that relationship with the young ones, maybe in the future it wouldn't be like that. –Man, East

Some participants thought that the police could improve their image within the community through activities that show that the police care about the community's well-being, rather than just treating being an officer as simply a job:

Like they could do, it could be something as simple as having a day where the police officer makes sure that you don't have to get out of your car to put your gas in your car. It could be something as simple as them being in the grocery stores at the bagging sections bagging up people's groceries. –Man, West

Participants believed that gun violence could be reduced in their communities by restoring recreational activities and increasing accountability. Most participants agreed that violence is a problem in Baltimore because citizens have nothing to do or productive ways to spend their time in the city due to the elimination of recreational activities, such as those sponsored by the Police Athletic League. Many participants described building relationships with officers when they were younger because they would spend time at the PAL center after school or participate in other community activities with the police:

If they had that — When I was a kid, that s--- that's going on now, ain't wasn't going on then. Why? Because we was at the PAL. —Woman, West

But if they made a more effort to being part of the community, like back when I was younger, like when I was in my teenage years, they had the PAL Center, where they used to come pick us up from the Rec Center and take us — well, come pick us up and take us over to the Rec Center, and they be in there playing games with us, and helping us with our homework and all that. You know, and then we'll — the program, the great program that used to help us stay out the gangs, the little gangs. You remember that? —Man, East

Most participants did not perceive that increasing police presence would be effective in addressing violence. Some thought that increasing police presence would lead to more of the same because of the corrupt culture within the police department. Improving community-police relationships and fostering communication channels were perceived as keys to improving overall safety and should be a component of the police department's strategy to address violence. For example, one participant (West) asked if there would be more conversations such as the one held during the focus groups, but with the police department or Baltimore City government, reflecting a desire to be heard by the police and elected officials who are tasked with serving citizens. This desire was also echoed by a few participants in the East focus groups.

A part of building relationships is police officers knowing their community. Some described different police officers patrolling their

neighborhoods, preventing opportunities for the officer patrolling their communities from getting to know them:

Man 1: So, you recognize people because you see them on a day-to-day. Every day it could be a different cop in your neighborhood. So, you gotta kind of always —

Man 2: That's a fact.

Man 1: Sometimes, you just got to get familiar with people. —conversation between two men, West

Others discussed police officers growing up in other communities and other states and not understanding or knowing the residents in the communities they patrol. This leads to misunderstandings and avoidable negative outcomes when interacting with the community:

Because they don't know — like, I would say that they don't know the people. They don't know how we react and how we act. And I would say, basically, our aggressive talk might come off to an officer that's not from here the wrong way and they might think that we are presenting to them a threat. You feel me? —Man, East

Participants perceived that when officers know their communities, positive interactions are more likely to occur:

It's simple. It's telling we got to really pull up more people and just be like, "I'm not here to arrest you or nothing." Like, "I'm just here to really tell you — " Yeah. That's some real policing and that's the only — now, they probably been there for a while. That's the only

way you're going to catch a police officer when he's doing what he's supposed to do, is when he in control of everybody and he been here for some years — really pull up on a group of kids doing what they used to do, just sit down and have a conversation with them. –Woman, West

Some participants suggested that the police should foster environments where residents can feel they can be themselves, which would help them feel safer in their communities. They would like the police to understand the citizens they are sworn to protect, such as understand their means of expression and ways of communication as a cultural norm, not a threat. For example, one participant (East) shared his frustration with having to dress a certain way to not be perceived as a threat, not only by police, but also broader society.

A few participants discussed encouraging children to become police officers. Some shared their own desires to become officers when they were younger; those desires waned as they became older due to police behavior, culture, or their perceptions of the impacts officers were having in their neighborhoods:

Man 146: I said when I was eight I wanted to be a cop, but then my mother, she really explained to me what cops was. So, yeah, that was dead.

Q: And what was that explanation?

Man 146: As a black man in America, she basically said if you really want to be a cop and all that, there's going to be times where you see basically a white cop, you're — a person above you and all that stuff — they're going to do something you won't like and you're going to have to

choose right then in that moment, if you want to pretend to do this and be a cop in that state of brotherhood or be who you really are, follow what your heart saying, "This is wrong," this, that and the other. And she really let me know that at eight years old. So, I couldn't do it. –Man, East

Some participants also perceived that officers fail to encourage children to pursue a career as an officer in Baltimore because of the lack of efforts to build relationships with kids. They believed that if officers built those relationships and encouraged children to become officers in their communities, that would improve safety and citizen-police relationships:

Man 2: I just think that'd solve the whole issue, whoever, a young kid that's in our neighborhood, they want to be a police officer, encourage that! It's good. It's good to be a police officer. But that's the thing like the police that come and the police nowadays they don't know us. And they use that. You know what I'm saying?

Man 4: "I don't care about you. I don't know you!"

Man 2: Yeah, they don't understand. They could probably try. –conversation between two men, East

One solution participants discussed is increasing accountability for police misbehavior by equally applying the law to citizens and officers. Participants in both the East and the West believed that the police were not being held accountable for their behaviors when they violate laws:

You know. That's just how I feel. You're not the judge. When you shoot that person, you're

the judge. I decide if you live or die. Paid time off, that's it. Manslaughter? No, you murdered someone! –Man, West

They described the police as having a different set of rules than the community and using their state authority to behave in ways that ignores or violates the law:

We follow the law; they above it. –Man, West

Because I hate the way cops that use their authority. They use it as though they're above the law. No! You have to obey the law just how I have to obey the law. Like they take it upon themselves just because they have a badge, they think they can come over here and harass you and just mess with you, and leave like everything is supposed to be that way. –Man, East

Participants also perceived that police officers pick and choose which laws and protocols they will follow when interacting with citizens. This perception was especially strong in reference to body cameras:

They are allowed to — they can turn their camera on and off when they want to. They can pick stuff out of the video to make us look as though we started it, we initiated, and we are the violent ones when it's the police who are the ones doing everything. And we just trying to defend ourselves and defend our lives. –Woman, West

Some participants believed police accountability could increase through the use of media to highlight police misbehavior with the same intensity as citizens who commit crimes:

Let's ostracize the cases. Like, when a black person get locked — or a criminal gets locked up for a crime they do and they go on the media and they're on TV, put then post in the same box. That he killed — put him on the Internet for a month! Put him on the news for a month! They're not doing that! They'll get killed — the police kill somebody, they get paid leave and you don't hear about them no more. –Man, West

Other community-identified solutions focused on training. Some participants perceived that the police needed new and more training to learn how to work with and protect the communities they serve. Some participants thought that police officers should also be trained on dealing with their own anger or mental health issues; this was because participants perceived that police officers' personal issues shaped how they interact with the community:

Everybody on the police department need to take an anger management class, meditation or something. Because they need to Zen and come here and restart. Because a lot of them be already mad at the world. And you cannot be mad at the world with a gun and a badge. Like you can't. Because that's just straight going to go to your head. "Oh, I got a gun and a badge, I do whatever I want now. Oh, I'm mad my wife ain't talking to me, I'm going to go lock this little thing up!" All right? Why? Because your life ain't hap — you ain't happy with your life, you going to go make somebody else life horrible, just because you ain't get what you wanted. Like and that's what a lot of police both do. Like they'll be happy at home, and they come bring that to their job. –Man, East

One concern repeated in both the East and the West is the idea that the police are not trained on how to approach citizens without fear and addressing that fear could improve policing in the city. Some participants, especially male participants, discussed the police being afraid of them; that fear was perceived as a barrier to positive police interactions:

First of all, it starts with a lot with this Baltimore City Police, period. First, they need to train these people on how to handle and endure situations like that. When they're coming to making calls, they already riled up, they don't even know what's—they scared any old way. So, if y'all not getting the proper training for this or that, how do y'all expect to handle situations when they hit you all in the lap? That's why a lot of people getting shot, a lot of people getting killed, right or wrong. –Man, West

Several participants discussed increasing residents' knowledge and understanding of police protocols, laws, and citizens' rights when interacting with the police. Some wondered why most residents do not know or understand their own rights and city/state laws and connected that ignorance to their interactions with police or the criminal justice system:

A lot of people in our own community don't really know the law. So, some people are in jail, because they don't know the law. –Woman, East

BARRIERS TO PROGRESS

Many participants perceived police as a symbol of state power, not people. They also believe they are perceived by police as criminals, not people. Perceptions appear to be a problem

that must be addressed to not only improve community-police relations, but also to begin to tackle community violence. One participant stated that the current narrative around both their communities and police officers prevents the fostering of safer communities and better citizen-police relationships.

Broader social structures, including racism and police culture, will also present challenges to improving safety, crime, and violence in Baltimore. As described above, several participants expressed beliefs around racism playing a role in unfair treatment by the police and the broader criminal justice system.

Summary

Findings from these focus groups reveal several factors that should be considered when forming policies and practices around policing in Baltimore City. These factors include perceptions about the police, their purpose, and their effectiveness in the communities they serve, the role of knowledge about the law among both citizens and officers, public accountability for poor police behavior, applying the law equally to citizens and officers, and the importance of relationship-building and safe spaces to participate in positive activities in their communities, especially among the youth. Race and racism do play a role in how the community perceives police and their behaviors, but the issue of police authority and power is also significant. Findings suggest that these factors should be seriously considered to support and foster safer communities and improve citizen-police relationships in Baltimore City.

SB0327_Nicholas_DeTello.pdf

Uploaded by: Nicholas DeTello

Position: FAV

Nicholas DeTello

SB327 Public Safety – Permit to Carry, Wear, or Transport a Handgun – Qualifications

Favorable

2/10/2022

I am a Software Developer, Eagle Scout, family man, as well as a Civil Rights Enthusiast. I have voted independently, I am currently registered as a Libertarian, and I have a diverse set of views (some left, some right). These include but are not limited to: equality, limiting abuse of police power, protection of minority groups (such as my direct LGBT family) and decriminalization of victimless crimes (drug possession, exercising civil rights, etc.). I am also a firearms owner currently unable to legally carry a handgun in public under the current law, and I find the current requirements to be arbitrary and capricious; for these reasons I urge a favorable report of Senate Bill 327.

Too often I find myself testifying against bills in Annapolis; this is usually due to proposed bills being used as tools to enhance the overreach of already far too-powerful Law Enforcement Agencies. I would testify the same way even if it was overreach in Austin, Texas or Phoenix, Arizona. Many of the answers to the problems in this country are not solved by giving police more ways to arrest and jail citizens. Often the opposite is true; officer badge cams, repealing qualified immunity, decriminalization of victimless crimes, favoring rehabilitation over incarceration are all positives in my book. That's exactly why this bill is so important; I strongly support empowering citizens and taking harsh/unnecessary laws off the books.

Speaking personally on this bill, I feel the current carry permit requirements are so difficult to qualify for, such that only the affluent or privileged can attain it. My only viable options at this moment are to open a business or get a top-secret security clearance; both of which I do not currently have, but I could see attaining in the next few years. Could you say the same for most of your constituents? Adding "personal protection" and "self-defense" as potential carry permit qualifications would level the playing field, truly improving equality in this state.

To conclude, there are many reasons to vote favorably on this bill (and unfavorably on others).

This bill would make the existing carry permit requirements less arbitrary and capricious, it would empower citizens *instead* of strengthening an already too-powerful police-state, and it would bring equality to your constituents.

For these reasons I urge you to vote favorably on Senate Bill 327.

A handwritten signature in black ink that reads "Nicholas DeTello". The script is cursive and fluid, with the first name "Nicholas" and last name "DeTello" clearly legible.

Nicholas DeTello

ndetello@hotmail.com

MD Senate Bill 327 - 2022.pdf

Uploaded by: Paul Cheakalos

Position: FAV

Written Testimony Supporting Maryland Senate Bill 327

Paul Cheakalos
Montgomery County, District 19
Support for Senate Bill 327

February 8, 2022

Thank you for allowing me to express my concerns regarding Senate Bill 327. I am writing to ask you to support Senate Bill 327, which will allow personal protection and/or self-defense a “good and substantial” reason to carry a firearm in Maryland.

Currently, 42 states, plus the District of Columbia are considered shall-issue, with 21 as constitutional carry states (with a few additional states pending legislation). A Maryland resident can obtain a permit from multiple “shall-issue” states (including Utah, Virginia, Florida, and DC) by meeting the minimum requirements, which typically include attending a training course and having a clean criminal record with no history of violence; however, Maryland requires a “good and substantial” reason beyond self-defense to allow a resident to carry.

Having taken several firearms safety courses, including Maryland’s HQL course, I can safely argue that proper firearm training can help reduce, if not, eliminate gun-related accidents, so I support keeping the Maryland State Police approved course as a requirement for certification. I also support Maryland’s current Wear and Carry requirements listed on the State Police website under the “Who Should Apply” section, **with the exception of bullet 6**, which requires a “...good and substantial reason to wear, carry, or transport a handgun...”¹

Safety is extremely important to me and my family. According to CountyStat (Montgomery County’s Performance Management and Data Analytics page²), the average response time to a 911 call is about 8.21 minutes (about 10 minutes nationwide). In an emergency, every second counts. Allowing individuals to carry will allow immediate protection from danger, as opposed to waiting for help (in certain situations, even a few seconds may be too late, or an individual may not have the opportunity to call for help, especially in the presence of an aggressor).

While I understand Maryland intends to keep us safe with tough permit laws, I find that tougher laws tend to favor the criminal. For example: a law-abiding citizen will follow the law; however, a criminal will most likely ignore the law and continue to use illegally obtained firearms in a crime with zero remorse. Therefore, it would be counterproductive to keep laws that prohibit law-abiding citizens from carrying a legally obtained firearm for self-defense.

In conclusion, I strongly urge the Maryland Senate to issue a favorable report for Senate Bill 327. Thank you again for giving me the opportunity to express my concerns.

Sincerely,

Paul Cheakalos
Montgomery County – District 19

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<https://mdsp.maryland.gov/Organization/Pages/CriminalInvestigationBureau/LicensingDivision/Firearms/WearandCarryPermit.aspx>

² <https://reports.data.montgomerycountymd.gov/stat/goals/qucz-i7xn/vkh3-qxu6/aiwx-jr7x>

2022-02-10 SB 327 (Oppose).pdf

Uploaded by: Hannibal Kemerer

Position: UNF

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STATE OF MARYLAND
OFFICE OF THE ATTORNEY GENERAL

FACSIMILE NO.

WRITER'S DIRECT DIAL NO.

410-576-6584

February 10, 2022

To: The Honorable William C. Smith, Jr.
Chair, Judicial Proceedings Committee

From: Office of the Attorney General

Re: SB0327 – Public Safety – Permit to Carry, Wear, or Transport a Handgun –
Qualifications – **Letter of Opposition**

The Office of the Attorney General urges the Judicial Proceedings Committee to unfavorably report Senate Bill 327, Senator Ready's bill to establish personal protection or self-defense as good and substantial reasons to carry, wear, or transport a handgun in Maryland.

Senate Bill 327 would undercut Maryland's existing firearms laws by enabling anyone who claims they need a gun for personal protection to obtain a license. Under current law, someone can obtain a handgun qualification license ("HQL") if they have "not exhibited a propensity for violence or instability that may reasonably render [their] possession of a handgun a danger to the person or to another; and has good and substantial reason to wear, carry, or transport a handgun, such as a finding that the permit is necessary as a reasonable precaution against apprehended danger." If enacted, SB 327 would undermine this careful balance and make firearm possession ubiquitous.

For all of the foregoing reasons, the Office of the Attorney General urges the Committee to unfavorably report Senate Bill 327.

cc: Senator Ready & Committee Members

(Final) Opposition to SB327 2022.pdf

Uploaded by: Karen Herren

Position: UNF



**Testimony in Opposition to Public Safety - Permit to Carry, Wear, or
Transport a Handgun - Qualifications**

SB 327

**Legislative Director Karen Herren, JD
Marylanders to Prevent Gun Violence**

February 10, 2021

Dear Chair Smith, Vice-Chair Waldstreicher, and Distinguished Members of the Committee,

Marylanders to Prevent Gun Violence is a statewide, grassroots organization dedicated to reducing gun deaths and injuries throughout the state of Maryland. MPGV has a particular focus on reducing urban gun violence and gun suicide. **We urge the committee for an UNFAVORABLE report on Senate Bill 327 which seeks to loosen the requirements for authorization of a carry, wear, or transport of a handgun permit in the State of Maryland.**

SB 327_MNADV_OPP.pdf

Uploaded by: Melanie Shapiro

Position: UNF



BILL NO: Senate Bill 327
TITLE: Public Safety - Permit to Carry, Wear, or Transport a Handgun – Qualifications
COMMITTEE: Judicial Proceedings
HEARING DATE: February 10, 2022
POSITION: **OPPOSE**

The Maryland Network Against Domestic Violence (MNADV) is the state domestic violence coalition that brings together victim service providers, allied professionals, and concerned individuals for the common purpose of reducing intimate partner and family violence and its harmful effects on our citizens. **MNADV urges the Senate Judicial Proceedings Committee to issue an unfavorable report on SB 327.**

Higher rates of firearm ownership correlate to a higher rate of domestic violence homicide according to a 2019 study.¹ There is a 65% higher incidence rate of domestic firearm homicide in the states with the highest firearm ownership compared to states with lower ownership rates.² Since women are the most common victims of domestic violence homicide, they are most at risk with increased gun ownership.³ Black women are disproportionately the victims of domestic violence homicide with a firearm with an estimated 51.3% of Black adult female homicides found to be related to intimate partner violence.⁴ The risk of homicide for women increases by 500% with the presence of a gun in the home.⁵

A “good and substantial reason” to obtain a handgun permit requires more than the amorphous fear proposed in SB 327. It is defined in COMAR as “[w]hether the permit is necessary as a reasonable precaution for the applicant against apprehended danger.”⁶ In the often-cited case of *Snowden v. Handgun Permit Review Board*, the Court of Special Appeals upheld the denial of a wear, carry, transport permit for an individual who was involved in anti-drug and anti-crime activities and reported that another person overheard a threat made against Mr. Snowden by unidentified men.⁷ The Court of Specials Appeal opined that [i]f we accept Snowden's reasoning there would never be a time when a

¹ Kivisto, A.J., Magee, L.A., Phalen, P.L., Ray, B.R. (2019). Firearm ownership and domestic versus nondomestic homicide in the U.S. American Journal of Preventive Medicine, Abstract: [https://www.ajpmonline.org/article/S0749-3797\(19\)30197-7/fulltext#articleInformation](https://www.ajpmonline.org/article/S0749-3797(19)30197-7/fulltext#articleInformation)

² Merovsh, Sarah. “Gun Ownership Rates Tied to Domestic Homicides, but Not Other Killings, Study Finds,” NY Times, (July 22, 2019) <https://www.nytimes.com/2019/07/22/us/gun-ownership-violence-statistics.html>

³ *Id.*

⁴ Petrosky, E., Blair, J.M., Betz, C.J., Fowler, K.A., Jack, S.P.D., & Lyons, B.H. (2017). Racial and ethnic differences in homicides of adult women and the role of intimate partner violence - United States, 2003-2014. MMWR. Morbidity and Mortality Weekly Report, 66(28), 741-746. Retrieved from <https://www.cdc.gov/mmwr/volumes/66/wr/pdfs/mm6628a1.pdf>.

⁵ The National Domestic Violence Hotline, Retrieved 1/29/21, <https://www.thehotline.org/resources/safety-planning-around-guns-and-firearms/>

⁶ COMAR 29.03.02.03(B)(13).

⁷ *Snowden v. Handgun Permit Review Bd.*, 45 Md. App. 464, 413 A.2d 295, 298 (Md. Ct. Spec. App. 1980).

For further information contact Melanie Shapiro ■ Public Policy Director ■ 301-852-3930 ■ mshapiro@mnadv.org



lawful person, fearful of his safety, would be denied a permit to carry a gun. Any vague threat would be sufficient to cause apprehension and, thus, the right to have a permit to carry a handgun.”⁸ That is the very intent and likely impact of SB 327.

The fiscal note for this bill predicts that SB 327 will increase new handgun permit applications by approximately 100,000 in fiscal 2023. The Department of Legislative Services used Wisconsin’s experience as a comparable. When their law changed in 2012 an additional 99,000 carry permits were received. Washington, D.C. similarly experienced an increase when their law changed. Since 2017 when the District of Columbia eliminated the “good cause” requirement to obtain a wear, carry, transport handgun permit there have been 4,808 permits approved in Washington, D.C.⁹ This is in stark contrast to the 123 permits granted prior to the change in statute.¹⁰ Maryland’s wear, carry, or transport handgun law is well-balanced and allows for those that can demonstrate a good and substantial reason to obtain a permit. With the knowledge that the presence of guns increases the risk of domestic violence homicide MNADV is deeply concerned about the potential impact of SB 327 for victims of domestic violence.

The Supreme Court stated in *District of Columbia v. Heller* that “[l]ike most rights, the right secured by the *Second Amendment* is not unlimited.”¹¹ Current Maryland law sets reasonable standards to obtain a permit to wear, carry, or transport a handgun. Senate Bill 327 seeks to vastly expand the current standards regarding whom may be granted a permit to carry, wear, or transport a handgun. Pursuant to Md. PUBLIC SAFETY Code Ann. § 5-306(a)(6)(ii), a person must have a “good and substantial reason to wear, carry, or transport a handgun, such as a finding that the permit is necessary as a reasonable precaution against apprehended danger.” SB 327 would change the “good and substantial reason” standard to allow anyone who wants a permit to carry, wear or transport a handgun to obtain one under the guise of personal protection or self-defense, but for those limited categories of persons who are specifically excluded in statute.

For the above stated reasons, the **Maryland Network Against Domestic Violence urges an unfavorable report on SB 327.**

⁸ *Id.*

⁹ Marrimow, Ann E. and Hermann, Peter, “Thousands of People Have Obtained Permits to Carry Loaded, Concealed Guns in Public in D.C.” (March 13, 2020). https://www.washingtonpost.com/local/dc-politics/good-reason-no-longer-needed-to-carry-a-concealed-gun-in-dc/2017/10/06/85a21084-aaa0-11e7-92d1-58c702d2d975_story.html

¹⁰ *Id.*

¹¹ *District of Columbia v. Heller*, 554 U.S. 570, 626 (2008).

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