

2A Maryland

2A@2AMaryland.org

House Bill 0425 Public Safety - Untraceable Firearms UNFAVORABLE

For several years, 2A Maryland has submitted Public Information Act (PIA) requests to six major law enforcement agencies seeking information on firearms, including so-called "Ghost Guns."

Despite the proponents' allegations that we are facing an imminent public safety crisis, only two law enforcement agencies (Howard County and Baltimore City) reported any data on these firearms. Most of the agencies either did not respond or reported they do not track so-called "Ghost Guns." (See Attachments 1-4)

In 1994, the hobgoblin was the so-called "assault pistol." The Maryland General Assembly reacted with a total ban on these firearms. The net result was that criminals who had previously not employed "assault pistols" to any great degree suddenly saw them as a street "status symbol" and many more of these firearms entered the criminal arena than would otherwise have happened. That the "status symbol" perception still exists was made obvious by the recent video of a criminal proudly displaying his "unserialized" handgun on social media.

This Committee would do well to view Ken Burns' excellent documentary on Prohibition and the Volstead Act. What was intended as a ban, had just the opposite effect. An industry which was subject to limited regulation evolved into the illegal bootlegging industry with homemade distilleries springing up across the country. What was open and controlled when legal went underground and proliferated under prohibition. Neighborhood bars stocked up on liquor. Bars that had closed at 2 AM were replaced with speakeasys which remained open all night. The consumption of alcohol increased nationwide. Organized crime recognized the opportunity to profit and stepped in to take advantage of this new-found enterprise by meeting the demand.

House Bill 0425 Unfavorable

The provisions of House Bill 425 are difficult to fathom. For example:

Page 4, Lines 11-18

§5-701 (H) "UNFINISHED FRAME OR RECEIVER" MEANS A FORGED, CAST, PRINTED, EXTRUDED, OR MACHINED BODY OR SIMILAR ARTICLE THAT:

- (1) HAS REACHED A STAGE IN MANUFACTURE WHERE IT MAY READILY BE COMPLETED, ASSEMBLED, OR CONVERTED TO BE USED AS THE FRAME OR RECEIVER OF A FUNCTIONAL FIREARM; **OR** (emphasis added)
- (2) IS **MARKETED OR SOLD** (emphasis added) TO THE PUBLIC TO BECOME OR BE USED AS THE FRAME OR RECEIVER OF A FUNCTIONAL FIREARM ONCE COMPLETED, ASSEMBLED OR CONVERTED.

Section 5-701 (H)(2) places law-making authority in the hands of Madison Avenue. Any object, no matter how innocuous, can become an "unfinished frame or receiver" by virtue of deceptive advertising and sales.

This entire bill is based upon the adoption of federal regulations which have yet to be enacted and may not be soon. Should the federal regulations not be enacted, or not contain provisions anticipated by the sponsor, the net result will be a ban on these firearms and the instant criminalization of an unknown number of law-abiding citizens.

This bureaucratic nightmare will also impact the 161 Maryland licensed firearm manufacturers (FFL) currently identified by the ATF. Exactly who will be the "manufacturer" is not clear. There are no protections for the FFLs against civil lawsuits which have become increasing popular among anti-gun organizations.

House Bill 425 will not impact criminals, nor will it enhance public safety or reduce crime. Criminals are already breaking the law when they purchase, possess, or carry a firearm. There is nothing in this Bill which will prevent criminals from conducting business as usual. Violation of this proposed new law is only a misdemeanor offense and is not likely to be prosecuted. At best, it will be a bargaining chip in striking a plea deal. This type of situation

House Bill 0425
Opposition

was noted by Delegate Attar during her testimony in support of her Bill to elevate straw purchases from a misdemeanor to a felony to make the offense more likely to be prosecuted.

However, to the law-abiding citizen, the prospect of a misdemeanor which carries a sentence which will prohibit the citizens from ever owning a firearm again is daunting. It seems clear that the real target of this Bill is not the criminal, but the law-abiding citizen.

We request this Committee return an unfavorable report on House Bill 425.

Respectfully,

John H. Josselyn 2A Maryland

Home-Built Handguns - Legal Acts vs. Prohibited Acts						
Under 21 Years	Under 21 Years of Age			Over 21 Years of Age		
Action Maryland Federal		Action	Maryland	Federal		
Possess 80% receiver	Legal	Legal	Possess 80% receiver	Legal	Legal	
Possess completed receiver	Legal *	Prohibited	Possess completed receiver	Legal	Legal	
Possess assembled handgun	Legal *	Prohibited	Possess assembled handgun	Legal	Legal	
Own the handgun	Prohibited	Prohibited	Own the handgun	Legal	Legal	
Transfer the handgun	Prohibited	Prohibited	Transfer the handgun	Prohibited	Prohibited	
Receive a handgun	Prohibited	Prohibited	Receive a handgun	Prohibited	Prohibited	
Possess transferred handgun Prohibited Prohibited Possess transferred handgun Prohibited Prohibited						
* must be su	pervised by	person 21	years of age or older §5-133 (d)	(2)		

Home-Built Handguns - Legal Acts vs. Prohibited Acts - Persons Currently Prohibited					
Under 21 Years	Under 21 Years of Age			of Age	
Action	Maryland	Federal	Action	Maryland	Federal
Possess 80% receiver	Legal	Legal	Possess 80% receiver	Legal	Legal
Possess completed receiver	Prohibited	Prohibited	Possess completed receiver	Prohibited	Prohibited
Possess assembled handgun	Prohibited	Prohibited	Possess assembled handgun	Prohibited	Prohibited
Own the handgun	Prohibited	Prohibited	Own the handgun	Prohibited	Prohibited
Transfer the handgun	Prohibited	Prohibited	Transfer the handgun	Prohibited	Prohibited
Receive a handgun	Prohibited	Prohibited	Receive a handgun	Prohibited	Prohibited
Possess transferred handgun	Prohibited	Prohibited	Possess transferred handgun	Prohibited	Prohibited

Home-Built Rifles - Legal Acts vs. Prohibited Acts						
Under 18 Years of Age			Over 18 Years o	of Age		
Action	Action Maryland Federal Action		Maryland	Federal		
Possess 80% receiver	Legal	Legal	Possess 80% receiver	Legal	Legal	
Possess completed receiver	Legal	Legal	Possess completed receiver	Legal	Legal	
Possess assembled rifle **	Legal	Legal	Possess assembled rifle **	Legal	Legal	
Transfer the rifle	Prohibited	Prohibited	Transfer the rifle	Prohibited	Prohibited	
Receive the rifle	Prohibited	Prohibited	Receive the rifle	Prohibited	Prohibited	
Possess transferred rifle	Prohibited	Prohibited	Possess transferred rifle	Prohibited	Prohibited	
** cannot be so-called a	ssault rifle co	onfiguration	Maryland Criminal Law Article §	4-301 & §4-	-303	

Home-Built Rifles - Legal Acts vs. Prohibited Acts - Persons Currently Prohibited						
Under 18 Years of Age			Over 18 Years	of Age		
Action	Maryland	Federal	Action	Maryland	Federal	
Possess 80% receiver	Legal	Legal	Possess 80% receiver	Legal	Legal	
Possess completed receiver	Prohibited	Prohibited	Possess completed receiver	Prohibited	Prohibited	
Possess assembled rifle	Prohibited	Prohibited	Possess assembled rifle	Prohibited	Prohibited	
Own the rifle	Prohibited	Prohibited	Own the rifle	Prohibited	Prohibited	
Transfer the rifle	Prohibited	Prohibited	Transfer the rifle	Prohibited	Prohibited	
Receive the rifle	Prohibited	Prohibited	Receive the rifle	Prohibited	Prohibited	
Possess transferred rifle	Prohibited	Prohibited	Possess transferred rifle	Prohibited	Prohibited	





2A Maryland

2A@2AMaryland.org

November 5, 2020

Colonel Woodrow Jones III, Superintendent Department of Maryland State Police 1201 Reisterstown Road Pikesville, MD 21208

PUBLIC INFORMATION ACT REQUEST

Re: Report on "Ghost Guns" Confiscated in Maryland

Dear Colonel Jones:

A recent funding request (copy attached) from a local gun control advocacy organization alleges "From January to September of this year, the Maryland State Police reported 22 ghost guns seized in Baltimore and 37 ghost guns seized in Montgomery County."

I hereby respectfully request copies of any reports and/or data which your agency may have compiled or received from other law enforcement agencies, including but not limited to Baltimore City and Montgomery County directly or indirectly relating to the existence and/or seizure of so-called "Ghost Guns".

The term "Ghost Guns" has no legal definition, for purpose of this request, "Ghost Guns" are those firearms which have never been marked with a serial number and were confiscated from some person other than the person who actually manufactured the regulated part.

Please feel free to contact me with any questions you may have regarding this request.

Respectfully,

John H. Josselyn

Attachment: Ghost Guns 10-05-2020.pdf

Marylanders to Prevent Gun Violence From:

Subject:

Ghost Guns

Date: Monday, October 05, 2020 9:01:56 AM



John

We're hard at work preparing for The Maryland General Assembly's 2021 legislative session. While we aren't ready to share our entire plan yet, we did want to give you a sneak peek at one effort we are focused on.

Last week you may have seen the article in the Washington Post about the George Mason University student who pleaded guilty to selling ghost guns. This is an increasing problem in Maryland. From January to September of this year, the Maryland State Police reported 22 ghost guns seized in Baltimore and 37 ghost guns seized in Montgomery County.

These guns, free of serial numbers, are a problem as they are untraceable, easily diverted to the underground market and sold to individuals who would not be able to pass a background check. That's why we intend to return to Annapolis to pass legislation regulating the sale of ghost guns.

Please consider donating so that we can support these efforts.



LARRY HOGAN
GOVERNOR

BOYD K. RUTHERFORD
LT. GOVERNOR

STATE OF MARYLAND MARYLAND STATE POLICE

1201 REISTERSTOWN ROAD PIKESVILLE, MARYLAND 21208-3899 410-486-3101 TOLL FREE: 1-800-525-5555 TDD: 410-486-0677

November 19, 2020



John H. Josselyn 2A Maryland

RE:

PIA 20-3412

1138359363

Copies of any reports and data received from law enforcement agencies related to the existence and/or seizure of Ghost Guns (January to September 2020)

Dear Requester:

While processing your information request, I was advised that the data posted to Marylanders to Prevent Gun Violence's (MDPGV) website, related to the numbers of Ghost Guns seized in Baltimore City (22) and Montgomery County (37), is inaccurate and was not reported by this Department. The numbers were allegedly provided by Montgomery County Assistant State's Attorney (ASA) Robert Hill. ASA Hill confirmed that the numbers were not provided by this Department nor the Baltimore Police Department.

In consideration of the above, are you still desirous of the requested information?

Sincerely,

Mark Urbanik PIA Coordinator From: Mark Urbanik -State Police-

To: <u>John H. Josselyn</u>
Subject: PIA 20-3412

Date: Thursday, January 07, 2021 3:27:34 PM

RE: PIA 20-3412

Dear Mr. Josselyn,

In response to your original request regarding the request for reports and or data compiled or received from other law enforcement agencies I offer the following information in response: The Maryland State Police has not compiled any data or reports directly or indirectly related to the seizure of ghost guns.

MSP does, however, complete reports when a firearm is seized regardless of whether or not the serial number was removed or did not exist in the first place. The information from those reports is not readily compiled and would require a manual search of every record to determine if the firearm had a serial number or if it was a ghost gun. That cost was previously quoted at \$4,860.80. If you would like the MSP to attempt this manual search please let us know at your convenience.

Sincerely,



Mark Urbanik

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2A MARYLAND

January 10, 2019

PUBLIC INFORMATION ACT REQUEST

PIAs SENT TO:

Anne Arundel County Police Department Maryland State Police

Baltimore City Police Department Montgomery County Police Department

Baltimore County Police Department Prince George's County Police Department

Dear:

Under the Maryland Public Information Act I hereby respectfully request the following firearms data and information for the years 2013 through 2018:

- 1. Firearms used in crime and recovered. Listed by year and type (rifle, pistol, revolver, shotgun, assault rifle).
- 2. Firearms used in crime which had serial numbers removed or otherwise obliterated. Listed by year and type (rifle, pistol, revolver, shotgun, assault rifle).
- 3. Firearms used in crime which never had a serial number (e.g. built from commercially produced 80% complete receivers) and which were produced by private individuals. Listed by year and type (rifle, pistol, revolver, shotgun, assault rifle).
- 4. Firearms used in crime which never had a serial number, which were produced from raw materials by private individuals. Listed by year and type (rifle, pistol, revolver, shotgun, assault rifle).
- 5. Firearms used in crime which were produced in whole in in part on a 3D printer of any description. Listed by year and type (rifle, pistol, revolver, shotgun, assault rifle).
- 6. Firearms used in crime which were produced on CNC machinery (other than by a licensed firearms manufacturer). Listed by year and type (rifle, pistol, revolver, shotgun, assault rifle).
- 7. Firearms used in crimes by year and type, which were used by the registered owner during the commission of the crime. Listed by year and type (rifle, pistol, revolver, shotgun, assault rifle).

NOTE: Prince George's Co. PD acknowledged but provided no info Montgomery Co. PD did not acknowledge or provide info

- 8. Firearms used in crimes by year and type, which were used by someone other than the registered owner during the commission of the crime. Listed by year and type (rifle, pistol, revolver, shotgun, assault rifle).
- 9. Firearms used in crimes by year and type listed by year and type (rifle, pistol, revolver, shotgun, assault rifle) which were stolen and subsequently returned to the lawful owner.
- 10. Firearms purchased in gun "buy back" operations between 2000 and 2018 inclusive. Listed by type (rifle, pistol, revolver, shotgun, assault rifle) and which were reported by the lawful owner as stolen.
- 11. Firearms purchased in gun "buy back" operations between 2000 and 2018 inclusive, listed by year and type (rifle, pistol, revolver, shotgun, assault rifle) which were reported by the lawful owner as stolen, or determined to be stolen, and which were returned to the lawful owner.
- 12. Your Departmental Policy and Procedures for returning stolen and subsequently recovered firearms to the lawful owner of record.

For the purpose of this request, the data requested on firearms is for numbers only. No serial numbers or descriptive information beyond the type of firearms listed above is requested. Data in Excel electronic format, if possible, would be most helpful.

Please feel free to contact me with any questions you may have.

Respectfully,

John H. Josselyn 410-733-4848 jhjosselyn@2AMaryland.org



BALTIMORE POLICE DEPARTMENT



Catherine E. Pugh Mayor

Police Commissioner

April 23, 2019

John H. Josselyn 8108 Kirkwall Court Towson, MD 21286

Re: MPIA Request 19 0096

Dear Mr. Josselyn,

On January 11, 2019 you submitted a request for public records to the Baltimore Police Department's ("BPD") Document Compliance Unit, for the following information:

Request #1. Firearms used in crime and recovered. Listed by year and type (rifle, pistol, revolver, shotgun, assault rifle).

Response: BPD has no responsive record. The Evidence Control Unit ("ECU") and the Firearms Analysis Unit ("FAU") are the Custodian of Records that would possibly have the information that you are requesting. Both Custodians don't share a database that collectively have the information that you are requesting. The ECU receives items into BPD custody and manage the storage of the items and many times, when firearms are brought in, no crime is associated with them. The firearms would be categorize as found firearms, firearms held for safekeeping, etc. and after they are in ECU custody, a crime may be associated with it, but ECU does not typically make changes to the status once received. So given this information, in order to provide the information that you are requesting, the Custodians would have to do a manually search of firearms used in a crime. And with that being said BPD would be creating a record, the PIA does not impose an obligation on a custodian to create a document that is responsive to a request. See MPIA Manual 14th Ed., October 2015, 3-44 (citing Yeager v. DEA, 678 F.2d 315, 324 (D.C. Cir. 1982)) ("[City] has no obligation to create records to satisfy a[n] [M]PIA request."); see also MacPhail v. Comptroller of Maryland, 178 Md. App. 115, 119 (2008) (explaining that pertinent Federal Freedom of Information Act ("FOIA") cases are "persuasive" authority in Maryland because the MPIA and the FOIA share "virtually identical" purposes.").

Request #2. Firearms used in crime which had serial numbers removed or otherwise obliterated. Listed by year and type (rifle, pistol, revolver, shotgun, assault rifle).

Response: BPD has no responsive record. ECU would be the Custodian of Records for this information. But ECU doesn't always track the serial numbers from firearms for different reasons, such as unable to locate, misinterpretation from the manufacturer, unknown if the firearm is old, or it may just not have a serial number. Giving a list of firearms with obliterated serial numbers from their database would not be accurate and could present a shewed representation of factual information.

Request #3. Firearms used in crime which never had a serial number (e.g. built from commercially produced 80% complete receivers) and which were produced by private individuals. Listed by year and type (rifle, pistol, revolver, shotgun, assault rifle).

Request #4. Firearms used in crime which never had a serial number, which were produced from raw materials by private individuals. Listed by year and type (rifle, pistol, revolver, shotgun, assault rifle).

Response #3 & #4: BPD has no responsive record. ECU and the FAU would be the Custodian of Records for this information but this information is not currently tracked in either ECU or the FAU. Obtaining this information is unlikely to occur with a time consuming process that would require a review and hand count of all firearms received during the time period requested. Privately manufacturing/producing a firearm for personal use from an 80% lower or raw materials is not illegal. Sharing tools, building in groups, or providing completed lower receivers ("LR") is illegal since The Bureau of Alcohol, Tobacco, Firearms and Explosives ("ATF") considers that manufactured for sale or distribution. FAU does not keep statistics on firearms received that appear to be produced from 80% LR's raw materials. The ATF may be a more reliable source for this information as they maintain lists of licensed firearms manufacturers.

Request #5: Firearms used in crime which were produced in whole in part on a 3D printer of any description. Listed by year and type (rifle, pistol, revolver, shotgun, assault rifle).

Request #6: Firearms used in crime which were produced on CNC machinery (other than by licensed firearms manufacturer). Listed by year and type (rifle, pistol, revolver, shotgun, assault rifle).

Response #5 & #6: BPD has no responsive record. ECU and the FAU doesn't track this information in their databases. The ATF may be a more reliable source for this information.

Request #7: Firearms used in crimes by year and type, which were used by the registered owner during the commission of the crime. Listed by year and type (rifle, pistol, revolver, shotgun, assault rifle).

Request #8: Firearms used in crimes by year and type, which were used by someone other than the registered owner during the commission of the crime. Listed by year and type (rifle, pistol, revolver, shotgun, assault rifle).

Response #7 & #8: BPD has no responsive record. This information is not currently tracked in either ECU or the FAU databases. FAU does not capture this information either because Firearms Examiners analyze the evidence (firearms, and discharged firearms evidence) to determine a source of common origin (i.e. did this bullet come from this firearm). Owner, Suspect, Victim information is not considered so it won't create a potential bias for criminal cases. This information would best be obtained from the State's Attorney's Office.

Request # 9: Firearms used in crimes by year and type listed by year and type (rifle, pistol, revolver, shotgun, assault rifle) which were stolen and subsequently returned to the lawful owner as stolen.

Response: BPD has no responsive records. ECU is the responsible party for conducting the background investigations and returning firearms to their rightful owners. When going back to Response #1, it is unknown how many of the firearms were involved in crimes as compared to those that were not involved in crimes. ECU maintains the custody of evidence as well as personal property not involved in a crime (safekeeping, found property, etc.). Firearms are returned when legally permissible.

Request # 10: Firearms purchased in gun "buy back" operations between 2013 and 2018 inclusive. Listed by year and type (rifle, pistol, revolver, shotgun, assault rifle).

Response: BPD has no responsive records. There is no information readily available because ECU's database does not track information from "buyback" operations, this information is handled differently. In the December 2018 "buyback" the total number of firearms received was 1,860 and the breakdown was as follows (855 Handguns, 431Shotguns, 510 Rifles and 64 Misc/Unknown. Firearms that were reported as stolen at the time of the buyback, as determined by personnel who were receiving the firearms at the buyback locations and ran the stolen check (0.59%) and the breakdown was as follows (7 Handguns, 2 Shotguns and 2 Rifles).

Request # 11: Firearms purchased in gun "buy back" operations between 2013 and 2018 inclusive, listed by year and type (rifle, pistol, revolver, shotgun, assault rifle) which were reported by the lawful owner as stolen, or determined to be stolen, and which were returned to the lawful owner.

Response: BPD has no responsive records This is an ongoing process and as of this date none have been returned to their lawful owner. During inventory for 1,860 firearms is a lengthy process, which is still ongoing. Information for the 2018 "buyback" will be contained in a final report when the entire operation is completed.

Request #12: BPD's Departmental Policy and Procedures for returning stolen and subsequently recovered firearms to the lawful owner of record.

Response: The Departmental Policy and Procedures for returning stolen and subsequently recovered firearms to the lawful owner of records is in a draft format and not completed. Once the draft is completed it will be released to the public.

You have the right under PIA § 4-1B-04 to contact the Public Access Ombudsman to mediate any dispute(s) you may have with this response. You may also, contest this response by filing a complaint for Judicial Review in Circuit Court pursuant to PIA § 4-362. Please refer to MPIA tracking # 19 0096 in any subsequent correspondence pertaining to this matter.

Sincerely,

Dana Abdul Saboor

Document Compliance Unit

Baltimore City Police Department



Anne Arundel County Police Department 8495 Veterans Highway Millersville, Maryland 21108 (410) 222-8050 www.aacounty.org/police



Timothy J. Altomare Chief of Police

January 23, 2019

John Josselyn 2A Maryland 8108 Kirkwall Court Townson, Maryland 21286

Dear Mr. Josselyn,

This letter is in response to your request dated January 11, 2019. Your request has been processed in accordance with the Maryland Public Information Act (MPIA), Annotated Code of Maryland, General Provisions Article § 4-101, et seq. (MPIA). Specifically, you have requested several types of information, all pertaining to firearms used in crimes and policy of return.

Upon search, the attached are all reports that we can produce pertaining to gun crime based on categorization and police report data. I have also enclosed our Department policies regarding release of firearms. Regarding all other listed items, data is not captured and/or indexed and is consequently not searchable on much of the very specific criteria you listed. Therefore, no records are responsive to those requests.

You may challenge any part of this response to your request by filing an action in the appropriate court of law pursuant to MPIA § 4-362. You may also contact the Public Access Ombudsman per MPIA § 4-1B-04.

Respectfully,

Christine Ryder

Custodian of Records

From: <u>Ernest Reitz</u>

To: <u>jhjosselyn@2AMaryland.org</u>

Cc: Vickie Wash

Subject: Public Information Request, #NR19-39

Date: Monday, June 17, 2019 12:57:47 PM

Attachments: MPIA #NR19-39.docx

Evidence Retention Field Manual.docx

Hello Mr. Josselyn,

Thank you for your patience as we queried multiple departments within the Baltimore County Police Department in an attempt to fulfill your public information request. After speaking to representatives of our Firearm Interdiction Team, Evidence Management Unit, Forensic Services

Section, and Crime Analysis Units we are unable to provide information for questions one (1) through eleven (11) of your request because that information is not tracked within our department.

We do not have an existing database that captures the information you are seeking. Question twelve (12) or your inquiry is available. I have attached a copy of the BCPD Field Manual which governs the return of seized property (i.e.: firearms). Please do not hesitate to contact me should you have any further questions.

Thank you,
Ernest M. Reitz, Esq.
Director, Legal Section
Baltimore County Police Department
700 East Joppa Road
Towson, Maryland 21286
(410) 887-2211
(410) 887-4933 (fax)
ereitz@baltimorecountymd.gov



















www.baltimorecountymd.gov

Request	Response	Notes
(1)Firearms used in crime and recovered.	This data is not tracked.	FIT only tracks the guns their section comes into contact with not all guns used in crime. Neith the Crime Analysis nor Evidence Management Units track this information.
(2)Firearms used in crime which had serial numbers removed or obliterated.	This data is not tracked.	u
(3)Firearms used in crime which never had a serial number and which were produced by private individuals.	This data is not tracked.	"
(4)Firearms used in crime which never had a serial number which were produced by raw materials by private individuals.	This data is not tracked.	"
(5)Firearms used in crime which were produced in whole or part on a 3D printer.	This data is not tracked.	u u
(6)Firearms used in crime which were produced on CNC machinery.	This data is not tracked.	u
(7)Firearms used in crime by year	This data is not tracked.	
and type, which were used by the registered owner during the commission of a crime.		u L
(8) Firearms used in crime by year and type which were used by someone other than the registered owner during the commission of a crime.	This data is not tracked.	и
(9)Firearms used in crimes by year and type, which were stolen and subsequently returned to the lawful owner.	This data is not tracked.	u
(10)Firearms purchased in gun 'buy back' operations between 2013 and 2018, inclusive. Listed by type and were reported by the lawful owner as stolen.	BCPD does not conduct a 'buy- back' program, nor do we track data from other jurisdiction 'buy- back' programs.	u
(11)Firearms purchased in gun 'buy back' operations between 2013 and 2018 inclusive. Listed by year and type which were reported by the lawful owner as stolen, or determined to be stolen, and which were returned to the lawful owner.	See response to #10 above.	"
(12)BCPD policy/procedure for returning stolen and subsequently recovered firearms to the lawful owner of record.	All stolen firearms are returned to lawful owner after a background check determines they are qualified.	See Field Manual Section 7-1.2



BOYD K. RUTHERFORD LT. GOVERNOR

STATE OF MARYLAND MARYLAND STATE POLICE

1201 REISTERSTOWN ROAD PIKESVILLE, MARYLAND 21208-3899 410-486-3101 TOLL FREE: 1-800-525-5555 T D D: 410-486-0677



January 29, 2019

Mr. John H. Josselyn 2A Maryland 8108 Kirkwall Court Towson, Maryland 21286

RE: Maryland Public Information Act Request concerning Firearms Data and Information (#19-0090)

Dear Mr. Josselyn:

The Maryland State Police has received your request under the Public Information Act (Annotated Code of Maryland, General Provisions Article §§ 4-101 through 4-601) seeking records related to firearms data and information. We received your request on January 16, 2019.

This letter is to inform you that while the Maryland State Police maintains large volumes of records, but we would have to do a hand search for the data that requested. The information that we have would be incomplete as to firearms used in every crime for the years 2013 through 2018 because the Gun Center does not have data for every crime committed with a firearm. I have attached the policy requested in number 10 of your request letter — the policy and procedures for returning stolen and subsequently recovered firearms to the lawful owner of record.

I am required to provide you with notice of the remedies available for review pursuant to GP §4-203. You may seek judicial review of this decision in the appropriate Circuit Court in accordance with GP §4-362. You may also seek dispute resolution in accordance with GP §4-1B-04.

Having supplied a partial answer to you requested, I will close your request in our Public Information Act System.

Sincerely

Rhea L. Harris

Public Information Act Coordinator

Attachments



2A Maryland

2A@2AMaryland.org

December 21, 2020

PUBLIC INFORMATION ACT REQUEST

Anne Arundel County Police Department Baltimore County Police Department Baltimore Police Department Howard County Police Department Montgomery County Police Department Prince George's County Police Department

Dear:

Under the Maryland Public Information Act, I hereby respectfully request the following firearms data and information for the years 2018 through 2020:

- 1. Number of firearms used in crime and subsequently recovered by your agency. Total numbers, by year and firearm type (rifle, pistol, revolver, shotgun, assault rifle).
- 2. Number of firearms used in a crime and subsequently recovered by your agency which had serial numbers removed or otherwise obliterated. Total numbers listed by year and type (rifle, pistol, revolver, shotgun, assault rifle).
- 3. Number of firearms used in crime and subsequently recovered by your agency which never had a serial number (e.g. built from commercially produced 80% complete receivers) which were subsequently completed by a private individual. Total numbers by year and type (rifle, pistol, revolver, shotgun, assault rifle).
- 4. Number of firearms used in crime and subsequently recovered by your agency which never had a serial number, which were produced from raw materials by a private individual. Total numbers by year and type (rifle, pistol, revolver, shotgun, assault rifle).
- 5. Number of firearms used in crime and subsequently recovered by your agency which were produced in whole in in part on a 3D printer of any description. Total numbers by year and type (rifle, pistol, revolver, shotgun, assault rifle).
- 6. Number of firearms used in a crime by the legal registered owner and subsequently recovered by your agency. Total numbers by year and type (rifle, pistol, revolver, shotgun, assault rifle).
- 7. Number of firearms used in crimes which were used by someone other than the legal registered owner and subsequently recovered by your agency Total numbers by year and type (rifle, pistol, revolver, shotgun, assault rifle).

- 8. The number of cases and the number of charges filed for the "Straw Purchase" of a regulated firearm. (Public Safety Articles §5-136 & §5-141)
- 9. The number of cases and the number of charges filed for the illegal transfer of a regulated firearm by private individuals. (Public Safety Article §5-124)
- 10. The number of cases and the number of charges filed for the possession of ammunition by a prohibited person. (Public Safety Articles §5-133 & §5-133.1)

For the purpose of this request, the data requested on firearms is for numbers only. No serial numbers or descriptive information beyond the type of firearms listed above is requested. Data in Excel electronic format, if possible, would be most helpful.

Please feel free to contact me with any questions you may have.

Respectfully,

John H. Josselyn

jhjosselyn@2AMaryland.org



HOWARD COUNTY DEPARTMENT OF POLICE

3410 Court House Drive, Ellicott City, Maryland 21043

Mr. John H. Josselyn jhjosselyn@2AMaryland.org

Dear Mr. Josselyn:

In response to your request under the Maryland Public Information Act §4-101 et. Seq. of the General Provisions Article of the Annotated Code of Maryland (PIA), for records relating to "firearms data and information for the years 2018 through 2020." Please find below the responsive data for items number 1,2,3,8,9, and 10.

Item 1 - Number of Incidents with Firearm

	HANDGUN	RIFFLE	OTHER FIREARM	SHOTGUN	INCIDENTS
2018	121	9	12	3	145
2019	133	9	18	6	166
2020	141	7	15	6	169

Item 2 - Serial Numbers Removed or Obliterated

	HANDGUN	RIFFLE	OTHER FIREARM	SHOTGUN	TOTAL
2018	3	0	0	1	4
2019	3	0	0	0	3
2020	1	0	0	0	1

Item 3 - Never Had Serial Number

	HANDGUN	RIFFLE	OTHER FIREARM	SHOTGUN	TOTAL
2018	2	0	0	0	2
2019	8	3	0	0	11
2020	7	0	0	0	7

Items 8 and 9 and 10 - Charges Filed

	PS §5-136	PS §5-141	PS §5-124	PS §5-133	PS §5-133.1
2018	0	0	0	42	19
2019	0	0	0	71	24
2020	0	0	1	53	16

TELEPHONE: 410-313-3200 FAX: 410-313-3295

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Anne Arundel County Police Department 8495 Veterans Highway Millersville, Maryland 21108 (410) 222-8050 www.aacounty.org/police



Timothy J. Altomare
Chief of Police

January 12, 2021

John Josselyn 2A Maryland

Dear Mr. Josselyn,

This letter is in response to your request dated December 20, 2020. Your request has been processed in accordance with the Maryland Public Information Act (MPIA), Annotated Code of Maryland, General Provisions Article § 4-101, et seq. (MPIA). Specifically, you have requested several types of information, all pertaining to firearms used in crimes and policy of return.

Upon search, most data sets that you have requested pertaining to information that we either do not collect or do not index in a searchable manner. I have attached three reports: Violent Crime with Guns, Stolen and Recovered Guns* and Count of Applied Selected Charges. Please note that the first two are YTD data for 2020. As we are not yet done validating police reports for that calendar year, the data is subject to change. Regarding the report of charges, please note that the data reflects what is in our system currently and does not include charges applied and later expunged by court order. Regarding all other listed items, no records are responsive to those requests. However, some unrelated data has been compiled by way of report review to provide certain elements for Anne Arundel County's Gun Violence Protection Task Force, which I have also included for reference should you be interested.

You may challenge any part of this response to your request by filing an action in the appropriate court of law pursuant to MPIA § 4-362. You may also contact the Public Access Ombudsman per MPIA § 4-1B-04.

Respectfully,

Christine Ryder

Custodian of Records

enc.

MPIA Firearms Data Request

#1) Firearms received by Type-This as specific as we break it down for reporting

	2018	2019	2020
Total	2713*	2214	2283
Semi Auto Handguns	1649	1378	1562
Revolvers	449	341	319
Long Arms (shotguns, rifles, etc.)	538	411	298
Other (Blank, starter, etc.	75	84	104

^{*}This gun total represents ~1800 guns from the gun buyback and are incorporated in the numbers.

#2) Firearms received with obliterated serial numbers

2018	2019	2020
106	69	50

#3 & #4) Firearms received that never had a serial number-Ghost Guns (80%'s and raw materials) we do not differentiate between the two

2018	2019	2020
12	48	143

#5) Firearms received that never had a serial number-3D printed guns. We had one as part of a gun from the buyback in 2018.

NOTE: THIS DATA FROM BALTIMORE CITY POLICE DEPARTMENT



April 2, 2021

VIA Electronic Mail

Mr. John H. Josselyn jhjosselyn@2AMaryland.org

Re: MPIA Request #NR21-18 – Request for all data information on firearms from BCoPD 2018 - 2020

Dear Mr. Josselyn:

On January 5, 2021, you submitted a public information request to the Baltimore County Police Department ("BCOPD") for firearms data and information for the years 2018 through 2020; more specifically for the items listed below. Your request was referred to the Baltimore County Office of Law for review and response. Your request is governed by the Maryland Public Information Act ("PIA"), Maryland Code, General Provisions Article ("GP"), §§ 4-101 *et seq.*

The ten (10) specific items are as follows:

- 1. Number of firearms used in crime and subsequently recovered by your agency. Total numbers, by year and firearm type (rifle, pistol, revolver, shotgun, assault rifle).
- 2. Number of firearms used in a crime and subsequently recovered by your agency which had serial numbers removed or otherwise obliterated. Total numbers listed by year and type (rifle, pistol, revolver, shotgun, assault rifle).
- 3. Number of firearms used in crime and subsequently recovered by your agency which never had a serial number (e.g. built from commercially produced 80% complete receivers) which were subsequently completed by a private individual. Total numbers by year and type (rifle, pistol, revolver, shotgun, assault rifle).
- 4. Number of firearms used in crime and subsequently recovered by your agency which never had a serial number, which were produced from raw materials by a private individual. Total numbers by year and type (rifle, pistol, revolver, shotgun, assault rifle).
- 5. Number of firearms used in crime and subsequently recovered by your agency which were produced in whole in in part on a 3D printer of any description. Total numbers by year and type (rifle, pistol, revolver, shotgun, assault rifle).
- 6. Number of firearms used in a crime by the legal registered owner and subsequently recovered by your agency. Total numbers by year and type (rifle, pistol, revolver, shotgun, assault rifle).
- 7. Number of firearms used in crimes which were used by someone other than the legal registered owner and subsequently recovered by your agency Total numbers by year and type (rifle, pistol, revolver, shotgun, assault rifle).

- 8. The number of cases and the number of charges filed for the "Straw Purchase" of a regulated firearm. (Public Safety Articles § 5-136 & § 5-141)
- 9. The number of cases and the number of charges filed for the illegal transfer of a regulated firearm by private individuals. (Public Safety Article § 5-124)
- 10. The number of cases and the number of charges filed for the possession of ammunition by a prohibited person. (Public Safety Articles § 5-133 and § 5-133.1)

BCoPD advised that the information you are requesting in numbers 1-7 are not captured in the manner you are seeking. BCoPD further advised that the Evidence Management Unit ("EMU") takes in weapons and associates them with specific cases; there is no way to determine if the weapons recovered/seized are actually those that were used in the crime. In many cases, multiple weapons are recovered when a warrant is served, but no database flags a weapon as the "weapon seen/used" in the offense. The EMU database does capture notes with regard to whether the weapon had a missing or obliterated serial number.

Accordingly, please find the attached excel spreadsheets BCoPD provided as responsive to your request. Also, BCoPD notes that the data provided captured both obliterated and missing serial numbers as weapons with "NO_SERIAL". Again, BCoPD advised it may not be the weapon seen or used in the crime.

As it pertains to numbers 8-10 of your request, BCoPD advised that States Attorney's Office is the custodian of the requested records. The contact information for the State's Attorney Office is:

John Cox, Deputy State's Attorney County Courts Building 401 Bosley Avenue, Room 511 Towson, Maryland 21204 jcox@baltimroecountymd.gov

Nothing in this response is intended to indicate that any records sought from BCoPD exist or to waive any privileges held by the BCoPD. You have the right under GP § 4-1B-04 to contact the Public Access Ombudsman to mediate any dispute(s) you may have with this response. You may also, contest this response by filing a complaint for Judicial Review in Circuit Court pursuant to GP § 4-362. Please refer to PIA tracking #NR21-18 in any subsequent correspondence pertaining to this matter.

Sincerely,

Alexa E. Ackerman

Alexa E. Ackerman Assistant County Attorney Baltimore County Office of Law

AEA/jad Attachment



COUNTY EXECUTIVE

PRINCE GEORGE'S COUNTY POLICE DEPARTMENT

8801 POLICE PLAZA
UPPER MARLBORO, MARYLAND 20772



Aug. 11, 2021

VIA ELECTRONIC MAIL

Mr. John H. Josselyn 2A Maryland 8108 Kirkwall Court Towson, MD 21286 jhjosselyn@2AMaryland.org

Re: MPIA Request

Dear Mr. Josselyn:

This is the final response from the Prince George's County Police Department. To your request for records made pursuant to the Maryland Public Information Act ("MPIA"). You were requesting the following documents;

- 1. Number of firearms used in crime and subsequently recovered by your agency. Total numbers, by year and firearm type (rifle, pistol, revolver, shotgun, assault rifle). **Those numbers are not kept in a traceable data base that fits your request.**
- 2. Number of firearms used in a crime and subsequently recovered by your agency which had serial numbers removed or otherwise obliterated. Total numbers listed by year and type (rifle, pistol, revolver, shotgun, assault rifle. **Those numbers are not kept in a traceable data base that fits your request.**
- 3. Number of firearms used in crime and subsequently recovered by your agency which never had a serial number (e.g. built from commercially produced 80% complete receivers) which were subsequently completed by a private individual. Total numbers by year and type (rifle, pistol, revolver, shotgun, assault rifle. Those numbers are not kept in a traceable data base. Those numbers are not kept in a traceable data base that fits your request.
- 4. Number of firearms used in crime and subsequently recovered by your agency which never had a serial number, which were produced from raw materials by a private individual. Total numbers by year and type (rifle, pistol, revolver, shotgun, assault rifle). **Those numbers are not kept in a traceable data base that fits your request.**
- 5. Number of firearms used in crime and subsequently recovered by your agency which were produced in whole in in part on a 30 printer of any description. Total numbers by year and type (rifle, pistol, revolver, shotgun, assault rifle). **Those numbers are not kept in a traceable data base that fits your request.**

- 6. Number of firearms used in a crime by the legal registered owner and subsequently recovered by your agency. Total numbers by year and type (rifle, pistol, revolver, shotgun, assault rifle). Those numbers are not kept in a traceable data base that fits your request.
- 7. Number of firearms used in crimes which were used by someone other than the legal registered owner and subsequently recovered by your agency Total numbers by year and type (rifle, pistol, revolver, shotgun, assault rifle). **Those numbers are not kept in a traceable data base that fits your request.**
- 8. The number of cases and the number of charges filed for the "Straw Purchase" of a regulated firearm. (Public Safety Articles §5-136 & §5-141) **Those numbers are not kept in a traceable data base that fits your request.**
- 9. The number of cases and the number of charges filed for the illegal transfer of a regulated firearm by private individuals. (Public Safety Article §5-124) **Those numbers are not kept in a traceable data base that fits your request.**
- 10. The number of cases and the number of charges filed for the possession of ammunition by a prohibited person. (Public Safety Articles §5-133 & §5-133.1) **Those numbers are not kept in a traceable data base that fits your request.**

In closing, you may seek judicial review of this decision pursuant to Maryland Code Ann., General Provisions, §4-362. You may also refer any concerns about this decision to the Public Access Ombudsman pursuant to GP § 4-1B-01 et seq. If you have any questions or need to contact me regarding this matter, I can be reached during normal business hours at (301) 516-5978.

Sincerely,

John 7. Mitchell

John T. Mitchell

Associate County Attorney



2A Maryland

2A@2AMaryland.org

November 8, 2021

PUBLIC INFORMATION ACT REQUEST

Anne Arundel County Police Department Baltimore County Police Department Baltimore Police Department Howard County Police Department Montgomery County Police Department Prince George's County Police Department

Dear:

Under the Maryland Public Information Act, I hereby respectfully request the following firearms data and information for the years 2018 through October 31, 2021:

- 1. Number of firearms recovered by your agency. Total numbers, by year and firearm type (rifle, pistol, revolver, shotgun, assault rifle).
- 2. Number of firearms recovered by your agency and which had serial numbers removed or otherwise obliterated. Total numbers listed by year and type (rifle, pistol, revolver, shotgun, assault rifle).
- 3. Number of firearms recovered by your agency and which never had a serial number (e.g. built from commercially produced "80% complete" receivers) which were subsequently completed by a private individual. Total numbers by year and type (rifle, pistol, revolver, shotgun, assault rifle).
- 4. Number of firearms recovered by your agency and which were produced in whole in in part on a 3D printer of any description. Total numbers by year and type (rifle, pistol, revolver, shotgun, assault rifle).
- 5. Number of firearms used in a crime by the legal registered owner and subsequently recovered by your agency. Total numbers by year and type (rifle, pistol, revolver, shotgun, assault rifle).
- 6. Number of firearms used in crimes which were used by someone other than the legal registered owner and subsequently recovered by your agency Total numbers by year and type (rifle, pistol, revolver, shotgun, assault rifle).

Failed to respond:

Baltimore County PD, Prince George's Co PD & Montgomery Co PD

For the purpose of this request, the data requested on firearms is for numbers only. No serial numbers or descriptive information beyond the type of firearms listed above is requested. Data in Excel electronic format, if possible, would be most helpful.

Please feel free to contact me with any questions you may have.

Respectfully,

John H. Josselyn

jhjosselyn@2AMaryland.org



ANNE ARUNDEL COUNTY POLICE DEPARTMENT

8495 VETERANS HIGHWAY
MILLERSVILLE | MARYLAND | 21108
(410) 222-8500 | www.aacounty.org



November 29, 2021

John Josselyn 2A Maryland

Dear Mr. Josselyn,

This letter is in response to your request dated November 8, 2021. Your request has been processed in accordance with the Maryland Public Information Act (MPIA), Annotated Code of Maryland, General Provisions Article § 4-101, et seq. (MPIA). Specifically, you have requested several types of information, all pertaining to firearms used in crimes and policy of return.

Upon search, most data sets that you have requested pertaining to information that we either do not collect or do not index in a searchable manner. As in the past, I have attached three reports: Violent Crime with Guns, Stolen and Recovered Guns and Count of Applied Selected Charges. Regarding the report of charges, please note that the data reflects what is in our system currently and does not include charges applied and later expunged by court order. Regarding all other listed items, no records are responsive to those requests. However, some unrelated data has been compiled by way of report review to provide certain elements for Anne Arundel County's Gun Violence Protection Task Force, which I have also included for reference should you be interested.

You may challenge any part of this response to your request by filing an action in the appropriate court of law pursuant to MPIA § 4-362. You may also contact the Public Access Ombudsman per MPIA § 4-1B-04.

Respectfully,

Christine Ryder

Custodian of Records

enc.





From: <u>Hurst, Kenneth</u>

To: jhjosselyn@2amaryland.org

Subject: MPIA 21 2343 Gun Numbers Request

Date: Tuesday, December 14, 2021 8:59:50 AM

Attachments: Gun Numbers Request.pdf

MPIA 21 2343 data.docx

Dear Mr. John Josselyn:

In reference to your request for gun numbers under MPIA 21 2343. Please see the attached which will satisfy this request.

Thank you

Ken Hurst Baltimore Police Department Operations Assistant II Document Compliance Coordinator Office of Legal Affairs 410-637-8684

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Baltimore City Police Department - MPIA Firearms Data Request

#1) Firearms received by Type-This as specific as we break it down for reporting

	2018	2019	2020	2021**
Total	2713*	2214	2283	2159
Semi Auto Handguns	1649	1378	1562	1567
Revolvers	449	341	319	220
Long Arms (shotguns, rifles, etc.)	538	411	298	300
Other (Blank, starter, etc.	75	84	104	25

^{*}This gun total represents ~1800 guns from the gun buyback and are incorporated in the numbers.

#2) Firearms received with obliterated serial numbers

2018	2019	2020	2021**
106	69	50	112

#3 & #4) Firearms received that never had a serial number-Ghost Guns (80%'s and raw materials) we do not differentiate between the two

2018	2019	2020	2021**
12	48	143	323

#5) Firearms received that never had a serial number-3D printed guns. We had one as part of a gun from the buyback in 2018.

^{**}The 2021 number is from Jan 1-Nov 30, 2021.



HOWARD COUNTY DEPARTMENT OF POLICE

3410 Court House Drive, Ellicott City, Maryland 21043

12/14/2021

Mr. John H. Josselyn jhjosselyn@2AMaryland.org

Dear Mr. Josselyn:

In response to your request under the Maryland Public Information Act §4-101 et. Seq. of the General Provisions Article of the Annotated Code of Maryland (PIA), for records relating to "firearms data and information for the years 2018 through October 31, 2021." Please find below the responsive data for items number 1,2,3, and 4.

Item 1 - Number of Firearms Recovered by your Agency

	Handgun Revolver/ Pistol	Rifle	Other Firearm	Shotgun	Total
2018	152	89	0	59	300
2019	188	87	0	54	329
2020	139	49	0	23	211
1/1/21 - 10/31/2021	139	45	0	25	209

Item 2 - Serial Numbers Removed or Obliterated

	Handgun Revolver/ Pistol	Rifle	Other Firearm	Shotgun	Total
2018	3	0	0	1	4
2019	3	0	0	0	3
2020	1	0	0	0	1
1/1/21 - 10/31/2021	1	0	0	0	1

Item 3 - Never Had Serial Number

	Handgun Revolver/ Pistol	Rifle	Other Firearm	Shotgun	Total
2018	2	0	0	0	2
2019	8	3	0	0	11
2020	7	0	0	0	7
1/1/21 - 10/31/2021	11	1	0	0	12

TELEPHONE: 410-313-3200 FAX: 410-313-3295

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HOWARD COUNTY DEPARTMENT OF POLICE

3410 Court House Drive, Ellicott City, Maryland 21043

Item 4 - 3D Printed

	Handgun Revolver/ Pistol	Rifle	Other Firearm	Shotgun	Total
2018	0	0	0	0	0
2019	0	0	0	0	0
2020	0	0	0	0	0
1/1/21 - 10/31/21	1	1	0	0	2

Please be advised that item numbers 5 and 6 will require a hand review of approximately six hundred eleven (611) incident reports. The estimated time it will take to review these reports is 38 hours.

Pursuant to the Act, you may be charged a reasonable fee for the search, preparation and reproduction of the requested records. By law, the first two (2) hours of labor costs are provided to you at no charge. The time expended complying with your request at this point is 2 hours. The review of the incident reports to obtain data for items 5 and 6 fee estimation is \$ 984.20. If you would like the Department to complete this research, and review of the incident reports to obtain the data requested in items 5 and 6, please submit a check or money order made payable to the Howard County Director of Finance for the total fee amount listed above, upon receipt the Department will begin the process of the review.

Please be advised that you have the right to judicial review of the denial of a part of a public record pursuant to Section §4-362 of the General Provisions Article by filing a petition in the Circuit Court for Howard County or in the Circuit Court in Maryland in which you reside or maintain a principal place of business. If you have any questions or concerns, please do not hesitate to contact me at 410-313-2280.

Sincerely,

Jeanne Upchurch Custodian of Record

Howard County Department of Police

JU/sha

TELEPHONE: 410-313-3200 FAX: 410-313-3295 WWW.HOWARDCOUNTYMD.GOV HCPD@HOWARDCOUNTYMD.GOV

