



**BALTIMORE CITY COUNCIL  
PUBLIC SAFETY AND  
GOVERNMENT OPERATIONS  
COMMITTEE**

**Mission Statement**

*On behalf of the Citizens of Baltimore City, the Public Safety and Government Operations will be responsible for matters concerning public safety, including, but not limited to; emergency preparedness, police services, fire/EMS, and the executive, administrative, and operational functions of the city government and libraries.*

**The Honorable Mark Conway  
Chairman**

**PUBLIC HEARING**

**Wednesday, March 2, 2022  
2:00 PM**

**Council Bill: 21-0055R  
Informational Hearing –  
Holding Gun Offenders Accountable**

## CITY COUNCIL COMMITTEES

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Sharon Green Middleton, Chair  
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Mark Conway  
Ryan Dorsey  
Antonio Glover  
Odette Ramos  
Robert Stokes  
*Staff: Jennifer Coates*

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Kristerfer Burnett  
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Isaac “Yitzy” Schleifer  
Robert Stokes  
*Staff: Marguerite Currin*

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*Staff: Matthew Peters*

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Kristerfer Burnett  
Mark Conway  
Eric Costello  
Sharon Green Middleton  
Odette Ramos  
James Torrence  
*Staff: Richard Krummerich*



**BILL SYNOPSIS**

**Committee: Public Safety and Government Operations**

**Bill 21-0055R**

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**Informational Hearing – Holding Gun Offenders Accountable**

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*Sponsor: Councilman Robert Stokes*

*Introduced: August 16, 2021*

**Purpose:**

For the purpose of inviting the Baltimore City State’s Attorney, the Police Commissioner of the Baltimore Police Department, the Director of the Mayor’s Office of Neighborhood Safety and Engagement, representatives from the Law Department, and representatives from the Bureau of Budget and Management Research to come before the City Council to discuss the prevalence of gun violence in the city, and how the establishment of a dedicated gun court could serve to better track these cases, make outcomes of these gun crimes more consistent, and deter people from having illegal weapons.

**Effective:** N/A

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**Agency Reports**

Law Department	
States’ Attorney’s Office	
Police Department	
Office of Neighborhood Safety and Engagement	
Department of Finance	

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## Analysis

### Background

The nation's first Gun Court was established in the Providence, Rhode Island, Superior Court in September 1994 with legislation that created a separate Gun Court calendar and required that any case involving a gun be scheduled for trial within 60 days of completion of discovery. Before Gun Courts, sentences were imposed in only 67% of cases, and the average time of disposition was 518 days. An analysis of the data that was collected between September 1994 and October 1998, of the 866 cases assigned to the Gun Court calendar, 794 had been concluded, 82 percent of which resulted in sentences, and case disposition time had been reduced by 311% to 126 days.

In most instances, three distinct metrics are used to measure the effectiveness of Gun Courts: its ability to better track gun cases, making outcomes of these gun crimes more consistent, and they aim to deter people from having illegal weapons. Now, while those metrics lay the foundation for how well gun courts are performing, each jurisdiction implements their program in a different way as seen below:

- Providence instituted its gun court to speed up the criminal justice process so that cases would come to trial before defendants could disappear.
- New York City started their gun court program to expedite the handling of gun-related cases with the intent to move gun-related offenses through the criminal justice system more swiftly and efficiently in order to get those who have committed gun-related crimes off the streets as quickly as possible.
- Rochester, New York (Monroe County) established gun courts to create a separate trial part within the judicial system that would focus specifically on illegal guns, with the thought that one Judge presiding over all of the gun possession cases would provide more efficiency and consistency to the process.
- Philadelphia's gun court model closely resembles the drug court model, by providing those who plead guilty with access to social services while requiring them to submit to extensive monitoring.

The Gun Court process also allows for more consistency with the outcome of trials. Because these specialized courts are staffed by the same Judges, Government Attorney's and Public Defenders on a regular basis they have the ability to focus on one set of issues, which gives them a little more expertise on that topic. Also, when you put all these cases together under the same process, it becomes easier to distinguish between defendants who are likely to commit acts of violence in the future and those who aren't.

### Gun Court Infrastructure

Former Police Commissioner Bill Bratton stated, "In New York City, gun courts work to employ "the precision model" by drilling down – instead of basically suspecting one million minority males and stopping them every year, gun courts would allow law enforcement to focus on understanding who it is within the community who are committing these crimes and focus attention on them."

#### Mayor's Office of Performance and Innovation

This office will be creating a Stat system for the Group Violence Reduction Strategy (GVRS) to maintain the intensive, uninterrupted focus required to achieve and sustain reductions in gun violence. Using the GVRS Stat program, it will assess progress towards violence-reduction goals, and stakeholders will be able to review data on the quality of implementation and solve operational challenges.

Police Department

The Baltimore Police Department is creating a Group Violence Unit to support the successful implementation of the Group Violence Reduction strategy. Rather than simply making arrests, officers who are part of this specific unit will work in partnership with the Mayor’s Office of Neighborhood Safety and Engagement, the State’s Attorney’s Office, federal partners, and community-based organizations to make referrals and hold people committing violence accountable.

Baltimore City States’ Attorney’s Office – Gun Violence Enforcement Division

The Gun Violence Enforcement Division (GVED) is responsible for investigating and prosecuting crimes of violence committed with a firearm; complex multi-defendant cases involving gun violence; and mastering all relevant gun enforcement laws. The prosecutors in this division work closely with their law enforcement counterparts, and are on call twenty-four hours a day, seven days a week. In the event of a non-fatal shooting, a GVED prosecutor assigned to the area in which the crime occurred is assigned the case. They will work with the primary detective on case development to include, making themselves available to interview witnesses, provide legal guidance and, if necessary, travel to the crime scene.

**Baltimore City’s Gun Problem**

Data Submitted to the Public Safety and Government Operations Committee on January 5, 2022 (information reflects Year-to-Date totals as of that date):

	<b>2021</b>	<b>2020</b>
<b>Homicides</b>	338	335
<b>Shootings</b>	729	721
<b>Gun Arrests</b>	1,388	1,443

When evaluating homicide data and the prevalence of guns in the commission of that crime over the last seven years the evidence is listed in the chart below:

	<b>Homicide Totals</b>	<b>Homicide by Shooting</b>	<b>Percentage of Homicides by Gun</b>
<b>2021</b>	338	293	86.6%
<b>2020</b>	335	298	88.9%
<b>2019</b>	348	309	88.7%
<b>2018</b>	309	274	88.6%
<b>2017</b>	342	299	87.4%
<b>2016</b>	318	275	86.4%
<b>2015</b>	342	299	87.4%

**Senate Bill 622/Chapter 335 of 2019 - Report on Crime Firearms Study**

As required by Senate Bill 622/Chapter 335 of 2019, the Governor’s Office of Crime Prevention, Youth, and Victim Services issued the following publication, *Report on Crime Firearms Study*. This report provides information on crime firearms that resulted in an arrest between October 1, 2019 and September 30, 2020. In the report, data was compiled and analyzed from the Maryland Gun Center which is located within the Maryland Department of State Police Criminal Enforcement Division. The Maryland Gun Center assist local law enforcement with “gun enforcement/gun violation reduction efforts.” Through its mission, the Center serves as a 24/7 statewide firearms enforcement center making available the screening/vetting

of every gun case in Maryland to ensure that offenders are systematically held accountable for their crimes and that any necessary follow-up is addressed in a consistent and disciplined manner.”

Some of the findings and recommendations that were produced from that report are listed below:

- Findings:
  - 61.8% of gun crime cases occurred in Baltimore City and Prince George’s County;
  - Over 76% of gun case charges, that were recommended by the Center, are still pending;
  - The most common charge associated with crime firearm cases is illegal possession;
  - Over half of all recovered crime firearms, identified by the ATF, originated out-of-state;
  - Over 53% of in-State crime firearms were recovered from the purchaser’s county of residence;
  - There is variation in the 10 states as it relates to legislation;
  - Maryland’s average time-to-crime was 11.41 years, compared to the national average of 8.29 years; and
  - The majority of all crime firearms were committed by individuals who were prohibited from owning a firearm.
  
- Recommendations:
  - Provide additional support for the Maryland Gun Center to include increasing staffing levels;
  - Establish a statewide database for the tracking of all crime firearms;
  - Require law enforcement agencies to report information on any gun-related crime to the Maryland Gun Center; and
  - Enact legislation that mandates a “one stop shop” for the screening and vetting of gun cases in Maryland to ensure that offenders are systematically held accountable.

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### **Additional Information**

#### **Information Source(s):**

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Analysis by: Samuel Johnson  
Analysis Date: February 28, 2022

Direct Inquiries to: (410) 396-1091

**CITY OF BALTIMORE  
COUNCIL BILL 21-0055R  
(Resolution)**

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Introduced by: Councilmembers Stokes, McCray, Bullock, Glover, Ramos, Porter, Cohen  
Introduced and read first time: August 16, 2021

Assigned to: Public Safety and Government Operations

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REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Baltimore Police Department,  
Department of Finance, Mayor's Office of Neighborhood Safety and Engagement, State's  
Attorney's Office

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A RESOLUTION ENTITLED

A COUNCIL RESOLUTION concerning

**Informational Hearing - Holding Gun Offenders Accountable**

FOR the purpose of inviting the Baltimore City State's Attorney, the Police Commissioner of the Baltimore Police Department, the Director of the Mayor's Office of Neighborhood Safety and Engagement, representatives from the Law Department, and representatives from the Bureau of Budget and Management Research to come before the City Council to discuss the prevalence of gun violence in the city, and how the establishment of a dedicated gun court could serve to better track these cases, make outcomes of these gun crimes more consistent, and deter people from having illegal weapons.

**Recitals**

Guns have played a role in too many crimes in Baltimore City for far too long. For the seventh consecutive year we are on pace to surpass the grime milestones of 300 homicides. Statistics show that 85% of the murders that are committed in the City are done by perpetrators using illegal firearms. In June of 2021, the Baltimore Police Department reported that there had been 162 homicides, 330 shootings, and 705 gun arrests this year. The presence and usage of illegal firearms will continue to be a leading cause of destruction in our communities if punishment for these crimes isn't swift and certain for offenders. In addition to in-court adjudication, gun court is characterized by pre-trial and post-trial services.

In an effort to curve this epidemic we should consider creating specialized gun courts. The nation's first gun court was established in Providence, Rhode Island in September 1994. The main intent of gun court is to move gun-related offenses through the criminal justice system more swiftly and efficiently in order to get those who have committed gun-related crimes off the streets as quickly as possible.

Gun court judges only hear cases involving illegal firearm possession, aggravated assaults, burglaries, and robberies that involve the use of guns, while other, more serious gun-related offenses, such as homicides are separated out. By consolidating these types of offenses under 1

EXPLANATION: Underlining indicates matter added by amendment.  
~~Strike out~~ indicates matter stricken by amendment.

## Council Bill 21-0055R

1 specialized program, the assets needed for prompt adjudication, and the coordination of efforts  
2 by numerous agencies and non-profit organizations in reducing the number of illegal guns on the  
3 streets of Baltimore could be improved.

4 In this informational hearing the Council would like a briefing on the legal parameters of  
5 establishing a gun court program in Baltimore City, an overview of the work that the State's  
6 Attorney's Gun Violence Enforcement Division does, and to learn what internal systems the  
7 Police Department has in place to track firearms cases from arrest through prosecution.

8 **NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF BALTIMORE,** That the City  
9 Council invites the Baltimore City State's Attorney, the Police Commissioner of the Baltimore  
10 Police Department, the Director of the Mayor's Office of Neighborhood Safety and Engagement,  
11 representatives from the Law Department, and representatives from the Bureau of Budget and  
12 Management Research to come before the City Council to discuss the prevalence of gun violence  
13 in the city, and how the establishment of a dedicated gun court could serve to better track these  
14 cases, make outcomes of these gun crimes more consistent, and deter people from having illegal  
15 weapons.

16 **AND BE IT FURTHER RESOLVED,** That a copy of this Resolution be sent to the Mayor, the  
17 Baltimore City State's Attorney, the Police Commissioner of the Baltimore Police Department,  
18 the Director of the Mayor's Office of Neighborhood Safety and Engagement, the City Solicitor,  
19 the Director of the Department of Finance, and the Mayor's Legislative Liaison to the City  
20 Council.



**PUBLIC SAFETY AND  
GOVERNMENT OPERATIONS  
COMMITTEE**

**AGENCY REPORTS**

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CITY OF BALTIMORE

BRANDON M. SCOTT  
Mayor



DEPARTMENT OF LAW

JAMES L. SHEA  
100 N. HOLLIDAY STREET  
SUITE 101, CITY HALL  
BALTIMORE, MD 21202

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October 25, 2021

The Honorable President  
Members of the City Council  
c/o Natawna Austin, Executive Secretary  
409 City Hall  
Baltimore, MD 21202

RE: City Council Bill 21-0055R – Informational Hearing - Holding Gun Offenders Accountable

Dear President and Members:

You have requested the advice of the Law Department regarding City Council Bill 21-0055R. City Council Bill 21-0055R is for the purpose of inviting the Baltimore City State's Attorney, the Police Commissioner of the Baltimore Police Department, the Director of the Mayor's Office of Neighborhood Safety and Engagement, representatives from the Law Department, and representatives from the Bureau of Budget and Management Research to come before the City Council to discuss the prevalence of gun violence in the City, and how the establishment of a dedicated gun court could serve to better track these cases, make outcomes of these gun crime cases more consistent, and deter people from having illegal weapons.

In general, Art. III, Sec. 9 of the City Charter and Art. 1, Sec. 1-4 gives the City Council authority to call before it, department heads and other City officials to inquire about the operation of City agencies and to investigate complaints and allegations regarding City operations.

The Law department does not have any proposed legislation to review as this bill is only a resolution of the City Council asking for more dialogue on this topic. From the general description of the subject matter, however, there are two areas of concern should legislation be pursued. Those concerns are preemption by the State and federal governments over gun legislation and the authority of local governments to establish courts.

### **Preemption**

In Maryland, it is very clear that local governments are preempted from legislating on a wide array of gun related subjects.

Md. Crim. Law Art., §4-209 expressly preempts regulation of handguns, rifles and shotguns. It states

(a) Except as otherwise provided in this section, the State preempts the right of a county, municipal corporation, or special taxing district to regulate the purchase, sale, taxation, transfer, manufacture, repair, ownership, possession, and transportation of:

- (1) a handgun, rifle, or shotgun; and
- (2) ammunition for and components of a handgun, rifle, or shotgun.

The State law does allow a local government to regulate guns under limited conditions such as with respect to minors, and law enforcement in that jurisdiction and within 100 yards of a park, church, school, public building, and other place of public assembly. § 4-209(b)(1). In addition, a county, municipal corporation, or special taxing district may not prohibit the teaching of or training in firearms safety, or other educational or sporting use of the items listed in subsection (a) of this section. § 4-209(b)(2). In general, Crim Law Art. Title 4 is full of State regulation of guns. In addition, there is also significant regulation of guns at the federal level which also preempts state and local laws.


### **Authority to Create a Local Gun Court.**

Md. Constitution, Art. IV, §1 gives the power to create courts in Maryland to the Court of Appeals. “The Judicial power of this State is vested in a Court of Appeals, such intermediate courts of appeal as the General Assembly may create by law, Circuit Courts, Orphans' Courts, and a District Court.” Judicial power in Maryland is vested entirely and exclusively in courts enumerated in Maryland Constitution. Const. art. 4, §1. *Maryland Aggregates Ass'n, Inc. v. State*, 655 A.2d 886, 337 Md. 658(1995) certiorari denied 115 S.Ct. 1965, 514 U.S. 1111, 131 L.Ed.2d 856. Judicial function may be exercised only by those courts enumerated in Constitution. Const. art. 4, § 1. *Shell Oil Co. v. Supervisor of Assessments of Prince George's County*, 1975, 343 A.2d 521, 276 Md. 36 (1975). In the Courts and Judicial Proc. Art., the State courts are designated and the judicial powers are vested by law in those courts. In contrast, there is no mention of any authority in the Mayor and City Council to create a court in the likeness of the existing state courts or to allow such a court to exercise powers reserved to State courts regarding gun offenses.

Council Bill 21-0055R is an appropriate resolution to initiate this process and request appropriate officials to attend to discuss efforts and measures being taken to develop and implement plans and strategies to stop gun violence. Any legislation that may result would need authorization from the General Assembly or other legislative action by the General Assembly to create a “gun court” and provide for its powers and procedures.

The Law Department approves Council Bill 21-0055R for form and legal sufficiency as it is a valid method of inviting City officials to discuss this matter.

Sincerely yours,



Elena R. DiPietro  
Chief Solicitor

cc: James L. Shea, City Solicitor  
Darnell Ingram, Deputy Solicitor  
Stephen Salsbury, Chief of Staff  
Matthew Stegman, Presidents' Office  
Nikki Thompson, President's Office  
Nina Themelis, MOGR  
Hilary Ruley, Chief Solicitor  
Victor Tervalva, Chief Solicitor  
Ashlea Brown, Assistant Solicitor  
Dereka Bolden, Assistant Solicitor  
Avery Aisenstark, Legislative Reference

<b>FROM</b>	NAME & TITLE	Robert Cename, Budget Director <i>R. Cename</i>	CITY of <b>BALTIMORE</b> <b>MEMO</b>	
	AGENCY NAME & ADDRESS	Bureau of the Budget and Management Research Room 432, City Hall		
	SUBJECT	City Council Bill 21-0055R – Informational Hearing-Holding Gun Offenders Accountable		

DATE:

**TO**

The Honorable President and  
Members of the City Council  
City Hall, Room 400

October 22, 2021

The Department of Finance is herein reporting on City Council Bill 21-0055R, Informational Hearing-Holding Gun Offenders Accountable, the purpose of which is to hear from the Baltimore City State’s Attorney’s Office, Baltimore Police Department, and Mayor’s Office of Neighborhood Safety and Engagement and discuss gun violence and the possible impact of establishing a dedicated gun court.

In 2020, the Baltimore Police Department (BPD) seized more than 2,500 guns associated with crimes. More than 80% of these guns came from outside of the City, with more than 60% coming from outside of Maryland. The City is working to address the inflow of illegal guns by establishing a Firearms Intelligence Unit in BPD that will investigate sources of illegal guns and work with the Everytown for Gun Safety program to create a real-time crime gun data portal.

Gun courts originated in Providence, Rhode Island and are designed as “problem solving courts”, similar to drug courts. Gun courts across the country operate in various ways depending on the specific concerns of the jurisdictions, but generally focus on either speeding up the criminal justice process for gun crimes or reducing recidivism and providing access to social services for offenders.

Establishing such a court in Baltimore would require the coordination of the State’s Attorney’s Office, Circuit Court, and Sheriff’s Office, which all receive a majority of their funding from the City. Any new program would require additional resources for all agencies.

The Department of Finance will attend the hearing for this Resolution and respond to any fiscal inquiries.

cc: Henry Raymond  
Natasha Mehu  
Nina Themelis

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CITY OF BALTIMORE

Shantay Jackson  
*Director*



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MAYOR'S OFFICE OF  
NEIGHBORHOOD SAFETY & ENGAGEMENT  
100 Holliday Street, Rm 341  
Baltimore, Maryland 21202  
[monse.baltimorecity.gov](http://monse.baltimorecity.gov)

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February 16, 2022

Honorable President and Members of the Baltimore City Council  
City Hall, Room 400  
100 N. Holliday Street  
Baltimore, Maryland 21202

**RE: City Council Bill 21-0055R  
Informational Hearing - Holding Gun Offenders Accountable**

Dear Council President Mosby and Members of the City Council:

The Mayor's Office of Neighborhood Safety and Engagement (MONSE) appreciates the opportunity to discuss the City's efforts to hold gun offenders accountable. MONSE is committed to developing and improving strategies to reduce violence by holding repeat violent offenders accountable and increasing coordination amongst law enforcement, corrections and supervision, victim services, and community partners at the local, state, and federal levels.

**Gun Courts**

In collaboration with the Baltimore City State's Attorney's Office, MONSE has held exploratory conversations around establishing a gun court with administrators of gun courts in Brooklyn, NY and Philadelphia, PA. Recognizing both the great promise and challenges of establishing and operating a gun court, discussions around establishing a gun court in Baltimore City have moved to the recently reconstituted Criminal Justice Coordinating Council. A workgroup focused on the backlog of cases in the courts is exploring the feasibility of establishing a gun court in hopes of increasing the swiftness and certainty of holding gun offenders accountable.

**Community Supervision**

Mayor Scott and MONSE have been working with members of the Baltimore City Delegation in Annapolis to pass legislation to increase resources and oversight for community supervision by state agencies including Parole & Probation. Research indicates that individuals are most at risk to reoffend within the first 10-18 months, and that the initial months of supervision are most crucial for making stability-building connections to services and supports. This has prompted leading research and policy groups from across the political spectrum to recommend shorter supervision terms in order to focus scarce resources on offenders at highest risk of gun violence and the period of time most relevant for public safety.

## **Unserialized Firearms**

Last week, Mayor Scott joined BPD Commissioner Harrison in testifying in favor of Attorney General Frosh's bill regulating "ghost guns." House Bill 425 regulates unserialized firearms and certain unfinished frames and receivers. Anyone found in possession of unserialized firearms or certain parts used to make them is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding \$10,000, or both.

On the streets of Baltimore City, untraceable handguns that bypass the federal background check system have become the weapon of choice. Over the past three years, the number of "ghost guns" recovered from crime scenes has grown exponentially. The Baltimore Police Department seized 30 unserialized firearms in 2019, 128 in 2020, and well over 300 in 2021.

These firearms are increasingly being used by violent criminal networks because they are currently not required to have a serial number or other unique identifying information. When law enforcement recover an unserialized gun at a crime scene, they offer little evidentiary value because they are so difficult to trace. This bill does not seek to ban all build kits and penalize hobbyists and legal gun owners. The bill clearly explains the requirements for serializing the firearm and balances constitutional rights with the public safety threat of unserialized guns.

## **Straw Purchase Penalties**

In collaboration with the Mayor's Office of Government Relations, MONSE also provided testimony in Annapolis to strengthen penalties for knowingly being a participant in a straw purchase of a firearm by elevating the crime from a misdemeanor to a felony. Straw purchases are the most common way firearms are diverted into the illegal gun market. A straw purchase is when a prohibited purchaser, such as a convicted felon, uses individuals with clean criminal records who can pass a background check to purchase firearms on their behalf. Both academic research and the hard-earned expertise of law enforcement in Baltimore and across the country suggests that supply-side approaches of stronger enforcement such as increasing the penalties for straw purchases will lead to fewer prohibited individuals from accessing firearms.

## **Group Violence Reduction Strategy**

In preparation for the launching the Group Violence Reduction Strategy (GVRS) pilot in the Western District, we collaborated with academic experts to conduct a systematic analysis of all homicides and shootings in the Western District. The data shows that a very small number of extremely high-risk people are involved in gun violence and the people at the center of gun violence are mostly well known to the criminal justice system. We also confirmed that serious gun violence is generated by disputes involving members of groups, or social networks, involved in criminal activity and these groups are relatively small but generate a bulk of serious violence and face high victimization risks. Finally, we learned that there is strong overlap between victim and offender populations.

This analysis confirms that Baltimore City must focus on the relatively small number of group-involved individuals who are already known by the criminal justice system and generate a bulk

of serious violence. Fortunately, GVRS, also known as focused deterrence, is a proven evidence-based initiative designed to reduce exactly this type of serious violence by communicating a credible deterrent threat, engaging a wide range of agencies and partners to focus on this group at extreme high risk of being involved in violence, and holding gun offenders accountable.

In partnership with the Baltimore Police Department (BPD) and the State's Attorney's Office (SAO), MONSE has launched the Group Violence Reduction Strategy with the first custom notification taking place on January 21, 2022. The strategy works by engaging directly with those most intimately involved in and affected by violence, and leveraging an intentional collaboration between law enforcement, social services, and community members, who collectively co-sign and deliver an anti-violence message to stop the shooting. When implemented with fidelity, GVRS can achieve what few other strategies can: reducing homicides and non-fatal shootings, while simultaneously minimizing the criminal justice footprint and empowering communities in the co-production of public safety.

Respectfully submitted,

Shantay A. Jackson  
Director, Mayor's Office of Neighborhood Safety and Engagement

cc: Sunny Schnitzer, Deputy Mayor, Public Safety  
Nina Themelis, Legislative Liaison, Mayor's Office of Government Relations  
Natasha Mehu, Director, Mayor's Office of Government Relations