

Maryland Policy Report

No 2020-01

March 5, 2020

PUBLIC SAFETY AND BALTIMORE'S INADEQUATE RESPONSE TO GUN CRIME

BY SEAN KENNEDY

THE CITY OF BALTIMORE IS IN CRISIS. Crime levels, especially murders, have risen dramatically since the 2015 “Freddie Gray” riots. The Baltimore Police Department suffers from a severe manpower shortage, low morale, frequent leadership turnover (five chiefs in four years), a debilitating corruption and abuse of power scandal, the terms of a federally-imposed consent decree, and frequent criticism from local elected officials.

The department sheds more officers annually than it recruits and makes 48% fewer arrests than it did five years ago. Meanwhile, Marilyn Mosby, the city State’s Attorney, prosecutes significantly fewer charged subjects, loses in court more often, and settles for shorter sentences than her predecessor. The result in large swaths of the city is a breakdown in public safety, community trust in authorities, and law and order.

This paper examines Baltimore’s response to gun violence and the prosecution of firearms-related crime in context of offender data, police resources, and prosecutorial outcomes.

BACKGROUND

In the first two months of 2020, there were 51 homicides in Baltimore City—90% by gun. In 2019, a record-breaking year for murder in Baltimore saw 348 murders, or 58 per 100,000 (the highest rate for any large city in the U.S.); 314 (90%) were by firearms, according to the Baltimore Police Department’s homicide analysis.

Over the past five years (2015-2019), there have been 1660 homicides in Baltimore meaning one out of every 350 city residents has been murdered.

In 2018, Maryland tallied 490 homicides state-wide, and of those, 63% (309) occurred in Baltimore, though the city only comprises 11% of the state population.

In the last five years (2015-2019), 1,660 homicides have occurred in Baltimore and the annual toll has climbed 65% since 2014’s 211 murders. To put that in perspective, roughly one out of every 350 city residents were murdered in this period.

KNOWN OFFENDERS

Homicide offenders are often previously known to law enforcement and have extensive felony criminal records.

Of the 294 BPD identified homicide suspects in 2017, 2018, and 2019:

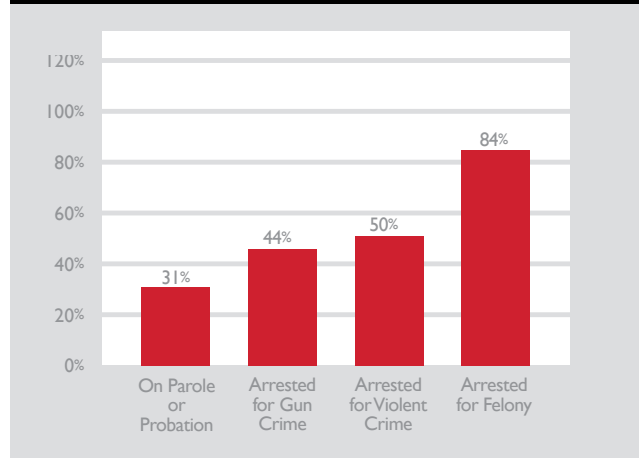
- 84% had felony records
- 50% had violent crime arrests
- 65% had drug arrests
- 44% had gun-related arrests
- 31% were on parole or probation at the time
- 21% were known gang or drug crew members

That reflects only known offenders, since Baltimore Police make arrests in a third of their cases.

But the authorities know more about high-risk offenders than the homicide analysis demonstrates. In September 2016, State’s Attorney Marilyn Mosby revealed the existence of what other jurisdictions call a “strategic subject list”—a compendium of dangerous, violent offenders or “trigger pullers” with 602 names.

This “public enemies” list may have informed two joint local, state, and federal taskforce sweeps in spring 2018 and spring 2019, Operations “7 Sentries” and “7 Sentinels.” The sweeps arrested 523 individuals with the aid of Baltimore Police, the Baltimore County Sheriff’s Office, Maryland State Police, the U.S. Department of

FIGURE 1 BALTIMORE HOMICIDE SUSPECTS ARE DANGEROUS CONVICTED FELONS



Source: Baltimore Police Homicide Analysis, 2017-2019

Justice, the Federal Bureau of Alcohol, Tobacco, and Firearms, and U.S. Marshals.

The current legal status of those arrested remains unknown at this time including, whether they were prosecuted locally or federally for their crimes.

With a 35% murder clearance rate, Baltimore Police need twice as many homicide investigators to solve the annual toll of killings.

UNDER-POLICING GUN VIOLENCE

According to the 2018 Baltimore Police staffing study, the department has 400 fewer officers than it needs. The problem is worsening as the department attrition rate exceeds the number of new hires.

With an average clearance rate of 35%, the homicide division lacks the necessary number of detectives to solve the annual toll of murders. According to the police department’s own staffing study, the city needs twice as many homicide investigators and must allow them to exclusively focus on killings—something they currently lack the resources to do. The Citywide Shooting Unit, which was charged with investigating 2019’s 770 non-fatal shootings, has only 26 detectives and is burdened by extensive unrelated duties as well.

The forensics crime lab is so severely backlogged that it processes only one piece of evidence for every two submitted for examination. In gun cases, the forensics

staff processes 1,100 fewer firearms cases than the police submit each year.

PROSECUTION AND OUTCOMES

Maryland state law (Public Safety Code 5-133) specifies that those convicted of violent or drug-related felonies are “disqualified” from possessing a firearm and subject to a mandatory minimum of five years in prison, up to 15 years.

A person may not possess a regulated firearm if the person was previously convicted of:

- (i) a crime of violence; (ii) a violation of § 5-602, § 5-603, § 5-604, § 5-605, § 5-612, § 5-613, or § 5-614 of the Criminal Law Article; or (iii) an offense under the laws of another state or the United States that would constitute one of the crimes listed in item (i) or (ii) of this paragraph if committed in this State.
- (2)(i) Subject to paragraph (3) of this subsection, a person who violates this subsection is guilty of a felony and on conviction is subject to imprisonment for not less than 5 years and not exceeding 15 years. (ii) The court may not suspend any part of the mandatory minimum sentence of 5 years.
- (iii) Except as otherwise provided in § 4-305 of the Correctional Services Article, the person is not eligible for parole during the mandatory minimum sentence.

Often, those eligible for the five-year “felon in possession” charge are not being sentenced and serving the mandatory minimum set out by current law.

According to the Maryland Department of Legislative Services analysis of HB356, “The Violent Firearms Offenders Act,” only a tiny fraction (6%) of filed charges resulted in a prison “intake.”

In fiscal year 2019, 8583 violations of PSC 5-133 were filed in district and circuit court in Maryland and resulted in only 505 prison intakes by the Department of Corrections—1 out of 17 cases filed.

In Baltimore City in 2016-2018, under Marilyn Mosby:

- 875 “felon in possession” (CJIS 1-1609) cases were filed by police
- 417 (36%) were dropped or (nolle prosequi) by the SAO
- 139 (16%) cases were lost (not guilty, acquittal, dismissal) or set aside (stet/not sent to jury)
- 233 (27%) resulted in a guilty verdict or plea for that gun offense

Baltimore’s gun crimes sentencing outcomes varied widely (2016-2017) per The Baltimore Sun’s analysis.

- 43% received less than a year in jail
- 50% had half their sentences suspended
- 16 months was the average sentence Mosby claimed
- 6 months was the average sentence per police
- 13% received no jail whatsoever

CONCLUSION

Baltimore can and must address its crime epidemic and public safety crisis or continue a trend toward irreversible decline. Its police department must be well-resourced, wholly accountable, and professionalized. State and federal resources are needed to immediately imprison the most dangerous and violent offenders. The city prosecutor’s office must be compelled to pursue cases. Its outcomes should be scrutinized, and where appropriate circumvented by state-level prosecution teams to ensure cases are vigorously pursued. These strategies can and will make Baltimore safer if the will exists to implement them.

As Baltimore’s economy and educational system lag behind its peer cities and surrounding metropolitan areas, its tax base continues to shrink as needs mount. But the primary and immediate need is to ensure safety and instill trust in the justice system. Those twin and inextricably linked objectives take primacy over every political desire and civic goal in Baltimore.

SEAN KENNEDY is a visiting fellow at the Maryland Public Policy Institute.

1. The Baltimore Sun, “Baltimore Homicides,” <https://homicides.news.baltimoresun.com/?range=2020&cause=shooting>
2. Tim Prudente, “2019 Closes with 348 Homicides in Baltimore, Second-Deadliest Year on Record,” The Baltimore Sun, January 1, 2020, <https://www.baltimoresun.com/news/crime/bs-md-ci-cr-2019-homicide-final-count-20200101-jnauumukbdh3edsyypsm3he-story.html>
3. Federal Bureau of Investigation, Crime in the United States 2018, Table 5, <https://ucr.fbi.gov/crime-in-the-u.s/2018/crime-in-the-u.s.-2018/topic-pages/tables/table-5>
4. Baltimore Police Department, Homicide Analysis, Year End Report: 2017, 2018, and 2019
5. CBS Baltimore, “Baltimore Authorities Announce New Unit to Target Violent, Repeat Gun Offenders,” September 14, 2016, <https://baltimore.cbslocal.com/2016/09/14/baltimore-authorities-announce-new-unit-to-target-violent-repeat-gun-offenders/>
6. Tim Prudente, “264 Arrested in Crackdown on Violent Fugitives in Baltimore, Hogan and U.S. Marshal Announce,” The Baltimore Sun, March 27, 2019, <https://www.baltimoresun.com/news/crime/bs-md-ci-fugitives-arrested-20190327-story.html>; U.S. Marshals Service, “56-day Operation in Baltimore Yields Hundreds of Arrests,” February 23, 2018, <https://www.usmarshals.gov/news/chron/2018/022318.htm>
7. Police Foundation, “Baltimore Police Department Staffing Study,” August 2018, <https://www.baltimorepolice.org/sites/default/files/General%20Website%20PDFs/BPD%20Staffing%20Study%20Report%20for%20Website.pdf>
8. Jessica Anderson, “Baltimore Police Applications Spike During ‘Comeback’-Themed Campaign, but Attrition Still Outpacing Hiring,” The Baltimore Sun, October 19, 2019, <https://www.baltimoresun.com/maryland/baltimore-city/bs-md-ci-recruitment-20191009-eqdlxj7gzvamxgds-g5otgqccsq-story.html>
9. The Washington Post, “Murder with Impunity,” July 24, 2018, <https://www.washingtonpost.com/graphics/2018/investigations/unsolved-homicide-database/?city=baltimore>
10. Baltimore Police Department, “Part 1 Victim Based Crime Data, Shootings for 2019,” <https://data.baltimorecity.gov/Public-Safety/BPD-Part-1-Victim-Based-Crime-Data/wsfq-mvij>; Police Foundation, “Baltimore Police Department Staffing Study,” p. 83
11. Maryland Public Safety Code, Section 5-133; <https://codes.findlaw.com/md/public-safety/md-code-public-safety-sect-5-133.html>

ABOUT THE MARYLAND PUBLIC POLICY INSTITUTE Founded in 2001, the Maryland Public Policy Institute is a nonpartisan public policy research and education organization that focuses on state policy issues. Our goal is to provide accurate and timely research analysis of Maryland policy issues and market these findings to key primary audiences. ■ The mission of the Maryland Public Policy Institute is to formulate and promote public policies at all levels of government based on principles of free enterprise, limited government, and civil society. ■ In order to maintain objectivity and independence, the Institute accepts no government funding and does not perform contract research. The Maryland Public Policy Institute is recognized as a 501 (C) (3) research and education organization under the Internal Revenue Code.