



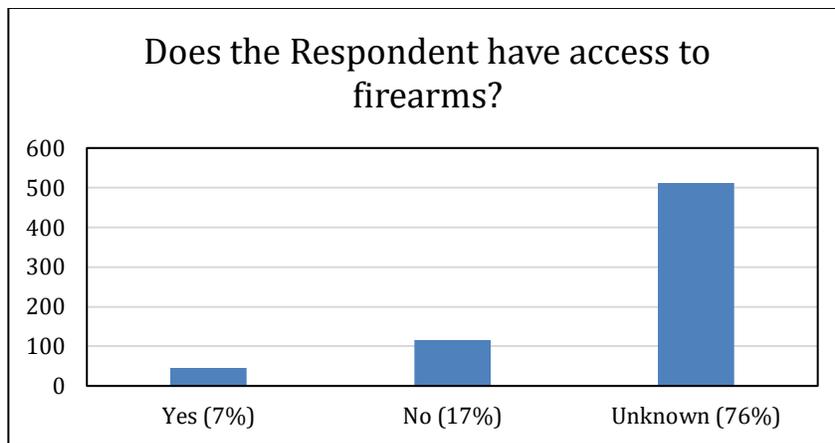
## Guns, Judges, and Domestic Violence Victims

### Data from Protective Order Cases

Within protective order cases, we use the legal terms “petitioner” and “respondent” to refer to alleged victims and alleged abusers respectively.

1. During protective order hearings, judges asked the petitioner or respondent if the respondent has firearms in **46% of cases**. This number comes from adding together how often a judge asks the respondents if they have firearms and how often a judge asks petitioners if their respondents have access to firearms.

- However, **76% of the time it is unknown** whether or not the respondent has access to firearms. This means that, despite asking about guns in almost half of all protective order cases, there is no due diligence to find out whether or not the respondent does in fact have access to firearms. This can have deadly implications for victims. This percentage comes from aggregating numbers of all order dispositions: denied, dismissed, final, temporary.

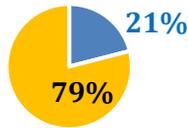


2. In **79% of cases** that resulted in a final protective order, judges stated that the respondent must turn in and may not possess firearms. What is important to note with this data is that we only track *how many times* judges do this, not whether they are doing it *correctly*. By our standards, correctly informing respondents would mean outlining exactly how, when, and where firearms must be relinquished in order to comply with the protective order requirements. Additionally, there is no way for us to know whether or not the respondents are actually relinquishing their firearms as required by law.

3. It is also important to note that, with some exceptions, respondents with a final protective order against them are prohibited from possessing or accessing handguns and assault weapons. **Any violation of a protective order is a criminal offense and may also have gun disqualifying implications.**

## Data from Criminal Cases

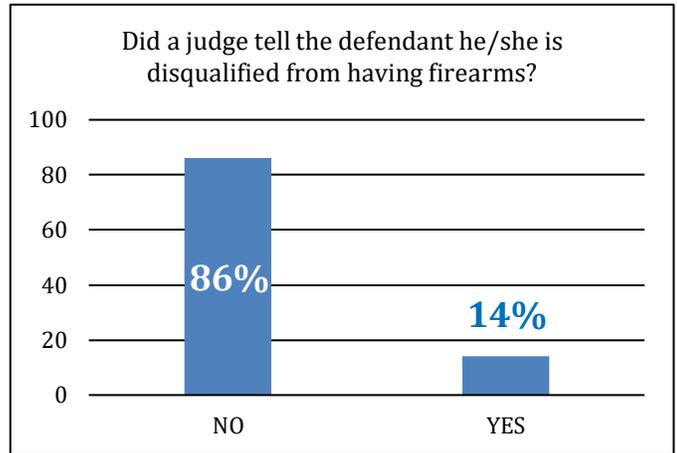
### All 693 Court Watch Criminal Cases



- Criminal cases that HAVE a conviction (146 out of 693)
- Criminal cases that DO NOT have a conviction (547 out of 693)

1. Under the Maryland Criminal Code, a conviction or guilty plea for certain crimes require defendants to relinquish and not access firearms. Common gun penalty crimes in our database include assault, reckless endangerment, stalking, harassment (including telephone misuse and revenge porn), and certain cases of malicious destruction of property. **Since October 2018, only 21% of the criminal hearings our monitors observed resulted in a conviction (either guilty plea or were found guilty) of at least one charge.** This is important because a conviction means a judge may be required to inform the defendant of gun penalties. Whether or not the crime is gun disqualifying is determined by multiple factors, such as a defendant’s full criminal history. Therefore, what is gun disqualifying for one defendant might not be for another; this is a determined by the prosecution.

2. When a defendant is guilty of a crime that has gun penalties, Maryland law requires that defendants are informed they cannot own or access firearms. **Our numbers show that judges only told defendants they are disqualified from owning or accessing firearms in 14% of criminal cases with a conviction.** Because our court monitors do not have access to a complete history of defendants while observing, we are unable to know exactly how many are convicted of gun disqualifying charges. However, this 14% is still important because it shows in the majority of cases that defendants are not advised if they can still legally access firearms as a result of their convictions. Given this complexity, we recommend judges tell *each* defendant whether or not they can access firearms upon conviction *regardless of being a gun penalty charge*. This will ensure those charges that *do* require relinquishment are always addressed.



3. Because judges informed defendants they are required to relinquish firearms 14% of the time, we also wondered whether or not judges are ensuring the defendants understand exactly what relinquishment entails. Here is what we found:

