

**NEW MEXICO CRIMINAL JUSTICE
STATISTICAL ANALYSIS CENTER**

Working Paper No. 27

**CONTROLLING NEW MEXICO
JUVENILES' POSSESSION
OF FIREARMS**

April 1998

This project was supported by the Justice Research and Statistics Association under a grant from the Bureau of Justice Statistics' National Criminal History Improvement Program.

This Working Paper provides research information for the New Mexico Criminal and Juvenile Justice Coordinating Council.

Points of view in this document are those of the authors and do not necessarily represent the official position or policies of the Justice Research and Statistics Association, the Bureau of Justice Statistics, or the New Mexico Criminal and Juvenile Justice Coordinating Council.

**UNIVERSITY OF NEW MEXICO
INSTITUTE FOR SOCIAL RESEARCH**

Project Directors

Gary LaFree, Ph.D.

Christopher Birkbeck, Ph.D.

Data Collection and Analysis:

Luis Gabaldón, M.A., J.D., Senior Researcher

Andrea Bassin, M.A., Researcher

Martha Fernández, Research Assistant

Legal Research

Melissa Pacheco, J.D., Researcher

Additional Research Support

Kristine Denman, M.A., Researcher

Aki Takeuchi, M.A., Researcher

Nora Wilson, Program Specialist

Additional Administrative Support

Stella Anagnostakos, Staff Assistant

Jeff Mix, Research Assistant

The following report was prepared by Christopher Birkbeck.

This project could not have been completed without the significant support of the following agencies and individuals:

New Mexico Department of Children, Youth and Families

Heather Wilson, former Secretary
Dennis Taylor, Director, Juvenile Justice Division
Leroy García, Juvenile Justice Division
Robert Sena, Assistant General Counsel
Eloy Mondragón, former Acting Director, New Mexico Boys's School
Judith Haberlee, New Mexico Boys' School
Doug Mitchell, Director, Youth Development and Diagnostic Center
Brenda Perry, Youth Development and Diagnostic Center
Robert Silva, Bernalillo County Juvenile Probation Office
Carlton Liggins, Valencia County Juvenile Probation Office

Albuquerque Police Department

Ron Reeves, Director, ProCops Division
Roy Turpen, Director, Planning and Special Projects

Bernalillo County Juvenile Detention Center

John Dantis, Director
Robert Pacheco, Program Director

Bernalillo County District Attorney's Office

Jeff Romero, District Attorney
Todd Heisey, Assistant District Attorney

Belen Police Department

Lawrence Romero, Chief

Los Lunas Police Department

Nick Balido, Chief

Thirteenth Judicial District Attorney's Office

Mike Runnels, District Attorney
Casey Courtney, Paralegal

Valencia County Sheriff's Office

Juan Julian, Sheriff

EXECUTIVE SUMMARY 1

1. INTRODUCTION 5

1.1 The Problem of Juvenile Firearms Use 5

1.2 Juvenile Access to Firearms and Its Control 6

1.3 The Problem to be Studied 7

1.4 Sources of Data 8

2. LEGISLATION CONTROLLING JUVENILE ACCESS TO FIREARMS 10

2.1 The Conditions Under Which Juveniles May Keep, Carry, or Use Guns 10

2.2 Penalties For Illegal Possession, Carrying And Use of Firearms 11

2.3 Knowledge of the Laws 12

3. JUVENILE DELINQUENTS' EXPERIENCES WITH FIREARMS 14

3.1 First Contact with Firearms 14

3.2 Access to Firearms 14

3.3 Sources of Firearms and Methods of Obtainment 15

3.4 The Costs of Guns 17

3.5 The Time it Takes to Get a Gun 17

3.6 Preferences for Firearms 17

3.7 Keeping and Carrying Guns 19

3.8 Using Guns Against Others 20

3.9 On the Receiving End: Guns Used Against Juveniles 23

3.10 In Sum: Juveniles' Experiences With Firearms 25

4. CONTROLLING JUVENILE POSSESSION AND USE OF FIREARMS 26

4.1 The Incidence of Police and Prosecutorial Actions Regarding Firearms 26

4.2 Incidents Leading to Arrest on Firearms Charges 28

4.3 Legal Responses to Juveniles Arrested or Referred for Firearms Offenses 34

4.4 Summary: Patterns of Control 41

5. OPINIONS REGARDING THE CONTROL OF JUVENILE ACCESS TO FIREARMS 42

5.1 Families 42

5.2 Schools 44

5.3 The Police 47

5.4 The Courts 49

5.5 How to Stop Juveniles Carrying Guns 51

5.6 In Sum 51

6. CONCLUSIONS AND RECOMMENDATIONS 53

6.1 Legal Control of Juvenile Access to Firearms 53

6.2 Enforcing the Law 56

6.3	Non-legal Strategies for Reducing Juvenile Access to Firearms	57
7.	BIBLIOGRAPHY	59
	APPENDIX A: PROTOCOL FOR INTERVIEWS WITH JUVENILE DELINQUENTS	61
	APPENDIX B: SELF-REPORT QUESTIONNAIRE FOR JUVENILE DELINQUENTS	63
	APPENDIX C: PROTOCOL FOR INTERVIEWS WITH CRIMINAL JUSTICE PROFESSIONALS	71
	APPENDIX D: DATA COLLECTION FORM FOR INCIDENTS INVOLVING JUVENILES AND FIREARMS	73
	APPENDIX E: DATA COLLECTION FORM FOR TRACKING JUVENILES ARRESTED FOR FIREARMS-RELATED INCIDENTS	75

FIGURES

PAGE #

Figure 1: How Easy is it for Kids to Get Guns? 14

Figure 2: How Did You Get the Gun?..... 16

Figure 3: What Kind of Guns do Kids Like/Use?18

Figure 4: Where Do Kids Carry Guns? 20

Figure 5: Most Kids Who Carry Guns..... 20

Figure 6: Did Someone Ever Use a Gun Against You? 23

Figure 7: Juvenile Gun Owners and Non-owners Compared26

Figure 8: Juveniles Frisked, Arrested and Charged for Gun Possession 27

Figure 9: Manner of Police Involvement in the Situation, by Location of Incident 28

Figure 10: Younger and Older Suspects Compared for Time and Location of Incident and Manner of Police Involvement 29

Figure 11: Incidents With and Without Victims Compared for Location and Manner of Police Involvement31

Figure 12: Incidents With and Without Victims Compared by Type of Offense..... 31

Figure 13: A Breakdown of Incidents by Selected Characteristics 33

Figure 14: Outcomes of 135 Incidents Involving Firearms 35

Figure 15: Outcomes of 135 Incidents 35

Figure 16: Disposition of Juvenile Arrests 38

Figure 17: Arrest and Disposition Charges, by Type of Offense 39

Figure 18: Arrest and Disposition Charges, by Type of Charge 39

Figure 19: Type of Sanction by Type of Offense40

Figure 20: Type of Sanction by Type of Charges40

Figure 21: Families and Control of Juveniles and Firearms42

Figure 22: Schools and Control of Juveniles and Firearms45

Figure 23: Police and Control of Juveniles and Firearms47

Figure 24: The Courts and Control of Juveniles and Firearms 49

EXECUTIVE SUMMARY

Objective and Method

- Juveniles represent a high-risk group for which the immediate availability of guns may have a significant impact on rates of violent crime.
- This study compares patterns of firearms possession among juvenile delinquents with current efforts to enforce firearms possession laws against juveniles in New Mexico.
- Our objective is to increase the currently very sparse knowledge regarding the control of juvenile firearm possession, and to identify any opportunities for improving control strategies.
- Our study is based on:
 - A review of federal and state laws pertaining to juveniles and firearms.
 - Structured interviews with 24 juvenile delinquents in confinement.
 - A self-report questionnaire administered to 380 juvenile delinquents in confinement.
 - Structured interviews with 15 criminal justice professionals.
 - Information on 135 incidents that led to the arrest of one or more juveniles on firearms charges.
 - Case processing information for 212 juveniles, most of whom were involved in the 135 incidents cited previously.

Legislation Controlling Juvenile Access to Firearms

- Both federal and New Mexico laws permit the use of firearms by juveniles for training, target practice and hunting, usually under the supervision of adults.

- Juveniles may keep or carry a loaded rifle or shotgun (longer than 12") at their place of residence; in a car; and on school premises (for training or classes).
- Juveniles may use handguns for training, marksmanship and hunting.
- Illegal possession of firearms by juveniles is mainly defined by a variety of misdemeanor offenses. Unlawful carrying of a deadly weapon on school premises, or of a firearm in licensed liquor establishments, are fourth degree felonies.
- Juvenile delinquents did not display a comprehensive or exact knowledge of the laws relating to juveniles and firearms. If anything, they tended to perceive the law as more restrictive than it actually is.
- Criminal justice professionals most frequently cited the 1994 handgun law. However, even some criminal justice professionals made erroneous statements regarding the laws that control juvenile possession of firearms.

Juvenile Delinquents' Experiences with Firearms

- The average age at which juveniles first handled a gun was eleven years, and the average age at which they first kept or owned a gun was 12.5 years.
- More than 90% of the juveniles reported that firearms were readily accessible to them.
- Delinquents appeared to have acquired firearms primarily from people they knew or with whom they were acquainted. Theft was probably not a major direct source of firearms; while legitimate gun outlets, such as gun dealers and pawn shops, played only a very small role in directly supplying juveniles with firearms.

-
- Automatics and semi-automatics, sawed off shotguns and revolvers were the weapons of choice.
 - Juveniles were likely to keep guns either on their person, or in the two private or semi-private spaces (home and car) most closely associated with daily activities.
 - Juveniles report that they are most likely to carry guns at parties, hanging out on the street, and when going to steal something or to buy and sell drugs.
 - 68.8% of survey respondents claimed that they had used a gun against another person at some point in their lives. The average number of times they reported doing so was 7.7.
 - Guns were most likely to be used against others when there was a threat of harm, or a desire to retaliate. Gun use for kicks or to reinforce self-image did not appear to be very frequent.
 - More than three quarters of survey respondents reported that someone had used a gun against them. This had occurred an average of 5.9 times.
 - Cumulatively, the results suggest that our respondents were, with some regularity, entering potentially conflictive situations where the other participants were also carrying guns and equally likely to use them.

It is very easy to obtain a gun if you know the right people to ask. However, if I were to just walk down there and try to obtain a gun, there is a high likelihood that I would end up having my money taken, because they would not trust me on the streets. You have to know the right people.

- Juvenile Interviewee

Controlling Juvenile Possession and Use of Firearms

- 64.3% of incidents known to the police were initiated by a call from citizens; in the other 35.7% of cases, the police were checking on suspicious behavior.
- While all incidents involved firearms, 25.2% of incidents did not result in a firearms charge, but led to charges for a violent, property, drug or other offense.
- There were three typical ways in which incidents came to the notice of the police:
 - The first type of incident was initiated by a violent offense where a firearm was present, or a property offense where a firearm was lost. The incident was likely to occur on private property and result in one or more victims who called the police.
 - The second type of incident arose when police were patrolling the street, or other publicly accessible areas and came across individuals who gave reasonable grounds for a stop-and-search procedure. These incidents led to arrest for firearms offenses only, or for charges where a firearms offense was the most serious.
 - The third type of incident arose when police were called to publicly accessible spaces. There were no victims, and the resulting charges were for firearm, drug or other offenses.
- One fifth of incidents were dropped because charges were not filed after arrest. Additionally, one fifth of incidents were dropped after charges had been filed. Incidents occurring in residences and other private spaces, and incidents where witnesses were present, were significantly more likely to be dropped before reaching adjudication. Paradoxically, these

incidents may have contained fewer of the elements necessary for successful prosecution.

- About one quarter of juveniles had the charges against them rejected before filing, and a further 31% had their case dropped after charges were filed. About 45% of juveniles proceeded to formal adjudication, in almost all cases by entering a guilty plea. Only one juvenile was acquitted after an adjudication hearing.
- Juveniles arrested on charges other than a firearms offense were more likely to have their case rejected prior to filing.
- 84.8% of juveniles found guilty were sentenced to probation. The primary sanctions were six months of probation under a consent decree and 24 months of regular probation. Confinement was only used for about one in ten juveniles, and was used almost exclusively for cases that did not result in firearms charges.

Opinions Regarding the Control of Juvenile Access to Firearms

- Both juveniles and criminal justice professionals were of the opinion that the detection of firearms possession and use by juveniles is quite difficult.
- Both the juvenile respondents and the criminal justice professionals thought that the disposition to control (and the effectiveness of control) depended on the individual. Schools were perceived to be the most concerned about juveniles' firearms use. Families and the police were not perceived to be very effective in controlling juvenile firearm use and some juveniles even suggested that the police were sometimes not very interested in enforcing controls.

Some families work harder at controlling their kids' access to weapons. It just depends on the family. Some will back up the police department; some don't care what their kids do; and others deny that their kid has done anything and actually blame the police department.

- Police Officer

Conclusions and Recommendations

- Clarification of the boundary between legitimate and illegitimate juvenile access to firearms might serve to reinforce the actions of those who must enforce the law, as much as it would serve to reduce the interest among juveniles in illegal contact with firearms. Two specific recommendations are as follows:
 - Revise the existing statutes, so as to provide a clear indication of the permissible contact with firearms, by addressing the type of weapon, the circumstances under which the weapons may be carried and used, and the uses to which they may be put.
 - Standardize the seriousness of juvenile firearms violations.
- The mere existence of laws does not guarantee compliance with them. Enforcement is a matter of great importance. There is no evidence from our study that cases involving firearms are prosecuted or adjudicated at a lower rate than other offenses. Given that cases arising from police checkups have a greater probability of prosecution than cases arising from calls made by citizens, we make the following recommendation:

-
- Increase police monitoring of situations where juveniles are likely to be carrying firearms illegally, and urge police to arrest and refer all juveniles discovered with illegal firearms.
 - Improved or increased control strategies are not the only solution to the problem of juveniles' illegitimate contact with guns. Attention must also focus on the substantial motivation among some juveniles to carry firearms in violation of the law. The primary motivation for juveniles to carry firearms appears to be rooted in a social environment (not necessarily or entirely exclusive to juveniles) where conflicts are quite frequent and firearms represent a standard resource for their management and resolution. This motivational complex is probably best challenged through neighborhood and gang (or youth group) outreach programs.
 - While control is not the only solution to the firearm problem, our study suggests that the possibility for improving current control initiatives should not be overlooked.

1. INTRODUCTION

1.1 The Problem of Juvenile Firearms Use

Within the extensive and ongoing national debate over access to firearms and the relationship between firearms and violence, juveniles have received comparatively little attention. Perhaps this is because the main focus of the debate has involved a political confrontation over the right “to bear arms,” and juveniles are rarely represented in debates over rights. Thus, legislation aimed at curbing arms acquisition or use (see, for example, Kruschke, 1995), research examining patterns of gun ownership and use (see, for example, Wright and Rossi, 1986), and studies of the relationship between guns and crime (see, for example, Cook, 1983; Kleck, 1991), have generally focused on adults, or have not specifically examined juveniles.

However, in recent years national crime trends have indicated that more attention should be focused on juvenile possession of firearms. While overall crime rates are stable or even declining (U.S. Department of Justice, Federal Bureau of Investigation, 1997), juvenile violent crime has been increasing. Thus, between 1984 and 1993, arrests for violent juvenile offenses rose by nearly 68%. From 1992 to 1993 alone, arrests of juveniles for violent crime increased by 6%, for homicides by 14% and for weapons violations by 12%. Adult changes in these categories were minimal, except for weapons violations, which also increased by 7% (U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention, 1995a:1). In 1991, juveniles were responsible for 19% of all crimes reported to the National Crime Victimization Survey (U.S. Department of

Justice, Office of Juvenile Justice and Delinquency Prevention, 1995b) and in 1993, juveniles represented 13.4% of all arrests for violent crime (U.S. Department of Justice, Bureau of Justice Statistics, 1995).

At least some of this increase in violent crime can be attributed to the increased availability of firearms. Blumstein (1995) found that between 1985 and 1992 the rate of juvenile homicide and the number of juvenile homicides committed with guns both doubled. While homicides committed with a gun accounted for about 60% of all juvenile homicides committed in 1984, they accounted for about 80% of juvenile homicides committed in 1991. As Blumstein points out, the recent increase in the number of juvenile homicides is entirely attributable to an increase in gun homicides, because non-gun homicides have remained stable.

The relationship between guns and juvenile homicide would not have been predicted from research focusing on overall crime rates. Following an extensive review of the available research, Kleck (1991:203) concludes: “the assumption that general gun availability positively affects the frequency or average seriousness of violent crimes is not supported.” However Kleck also notes that gun ownership among high-risk subsets of the population may increase rates of violence. Juveniles appear to be a high-risk subset. Blumstein (1995) hypothesizes that the rapid increase in juvenile homicide rates was caused by the recruitment of adolescents into the crack markets of the 1980's, where they were armed with guns that subsequently diffused into the larger juvenile community. Blumstein also notes that young people are more likely than adults to be reckless and unrestrained when handling deadly weapons, particularly

during disputes. They “transform what once would have been fist fights with outcomes no more serious than a bloody nose into shootings with much more lethal consequences because guns are present” (Blumstein, 1995:6). Thus, rates of juvenile violent crime represent a dramatic exception to recent national crime trends and juvenile weapons use appears to play a significant role in fueling violent crime, particularly homicide.

1.2 Juvenile Access to Firearms and Its Control

Studies of juvenile firearms possession, ownership and use, suggest that guns are carried by a small but significant minority. For example, a 1990 Centers for Disease Control national survey found that about 5% of students in grades 9-12 reported carrying a weapon during the previous 30 days, while a longitudinal study of urban youth in Rochester, New York, found that 7% of boys owned an illegal gun by 10th grade (U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention, 1995b). Similarly, Callahan and Rivara (1992) found that 6.4% of a sample of Seattle high school students reported owning a handgun and approximately half of them had carried a handgun to school at some time. Finally, Sheley and Wright (1993) conducted a self-report survey of male juvenile offenders and inner-city high school students in four states. They found that 83% of the offenders and 22% of the students owned at least one gun. (See, also, U.S. Department of Justice, National Institute of Justice, 1995).

Acquisition of firearms does not appear to be difficult for juveniles. Callahan and Rivara (1992) found that 34% of the students in their sample thought that handguns are easily accessible. In Sheley and Wright’s (1993)

survey, 70% of the inmates and 41% of the students felt that they could get a gun “with no trouble at all.” Sheley and Wright also asked where juveniles would get a gun if they needed one, and where they had obtained their most recent handgun. They found that most had obtained, or would obtain, firearms from family, friends or “the street.” Sheley and Wright concluded that controlling juvenile access to firearms at the point of retail sale would be ineffective, because juveniles rarely obtain their guns through that kind of outlet.

Sheley and Wright’s conclusion is not dissimilar to many studies that have examined gun control. Kleck (1991:392), reporting the cumulative findings of previous research, comments that “a credible case for efficacy in reducing violence has not yet been made for any major type of gun control.” More recently, Jacobs and Potter (1995) examined the Brady Law and concluded that even a relatively strict adherence to its regulatory provisions is unlikely to slow the flow of handguns to ineligible persons. Thus, merely legislating a response to the problem is probably not a viable solution.

It makes sense that the law only limits
handguns, because it is so difficult...to
limit kids’ use of rifles and shotguns....
- Police officer

More researchers agree, however, that law enforcement and prosecutorial efforts to target those who carry guns illegally could discourage illegal use and reduce the availability of firearms. For example, Kleck (1991:441) advocates increased street searches and arrests for unlawful carrying of weapons, and Wilson (1994) argues that the most

effective way to reduce illegal gun carrying is to take guns away from people who are carrying them (see, also, Jacobs and Potter, 1995:119). An experiment in Kansas City, involving greater proactive policing in a high crime rate area during a six month period, in fact resulted in a 65% increase in gun seizures and a 49% decline in gun crimes (Sherman, Shaw and Rogan, 1995). By employing a strategy of this kind, a positive impact might therefore be achieved on rates of gun carrying and gun use among one of the groups we have already identified as high-risk: juveniles.

This is a relatively new proposal, but one which is worth exploring. In particular, it leads us to consider the extent to which the police and prosecutors are currently enforcing the laws controlling acquisition and carrying of firearms. Perhaps surprisingly, research on gun control has rarely examined this topic. For example, in the extensive bibliography cited by Kleck in his major review of the field, no more than four studies specifically address the topic of gun law enforcement (these are, Brill, 1977; Bendis and Balkin, 1979; Moore 1980; Bordua et al., 1985). Based on this small amount of research, it appears that police agencies rarely enforce gun laws. Thus, Brill (1977) found that although some departments make far more arrests and confiscations than others, the average sworn officer detects a gun crime about once every two or three years. Moore (1980) found that most weapons arrests were the result of citizens' complaints to the police, and although a large minority of arrests were also due to "on view" observations, almost no arrests were the result of police investigations. However, Bordua et al. (1985) did find that a substantial portion of weapons arrests were not simply the by-product of an arrest for some other kind of crime.

With regard to prosecutorial activity, even less is known. Bendis and Balkin (1979) concluded, based on a study of gun law prosecutions in Chicago courts between 1966 and 1973, that the majority of gun charges are dropped, or otherwise fail to result in a conviction. However, Kleck (1991) points out that a substantial portion of arrests for any type of crime fail to lead to conviction, and gun law cases may be no different in this regard. Kleck also notes that prosecutors may be faced with significant due process restrictions when attempting to prosecute gun law cases.

1.3 The Problem to be Studied

A review of existing firearms research indicates that much could be gained by studying the control of juvenile possession (including carrying) of deadly weapons. Juveniles represent a high-risk group for which the immediate availability of guns may have a significant impact on rates of violent crime. While regulations controlling access may have little direct effect on the availability of firearms for juveniles, much more might be achieved by attempting to detect and prosecute the illegal possession of guns. However, little research has been conducted on the enforcement of possession laws, and none on the enforcement of these laws against juveniles. The present study examines current efforts to enforce firearms possession laws against juveniles in New Mexico.

Our research examines three interrelated aspects of the juvenile firearm problem:

- The federal and New Mexico laws that prohibit juvenile access to some firearms and control juvenile access to others.

- Juveniles’ experiences with firearms, focusing particularly on patterns of access and use among the most serious juvenile delinquents.
- Police and prosecutorial enforcement of firearms legislation against juveniles, and the problems that affect enforcement.

Our objective is to increase the currently very sparse knowledge regarding the control of juvenile firearm possession, and to identify any opportunities for enforcing the laws with increased effectiveness.

1.4 Sources of Data

Our study is based on several sources of data:

- **A review of federal and New Mexico laws pertaining to juveniles and firearms.**
- **Structured interviews with 24 juvenile delinquents in confinement** (at the Bernalillo County Detention Center, the New Mexico Boys’ School, the New Mexico Girls’ School and the Youth Development and Diagnostic Center). The interviews focused on juveniles’ history of contact with firearms, and their perceptions of efforts to control juvenile firearm possession and use. (See Appendix A) Interviewees ranged in age from 15 to 19 years, with an average age of 16.9 years. These interviews will be referred to as “juvenile interviews” in the following text.
- **A self-report questionnaire administered to 380 juvenile delinquents in confinement** (at the New Mexico Boys’ School, the New Mexico Girls’ School and the Youth Development

and Diagnostic Center). The questionnaire addressed the juveniles’ personal histories of contact with firearms, their perceptions of juvenile firearms possession and use, and their perceptions and opinions regarding efforts to control juvenile firearms possession and use. (See Appendix B) Respondents ranged in age from 13 to 20, with an average age of 16.5 years. Ninety percent of respondents were male and 10% were female. Sixty seven percent of respondents were hispanic, 14% white, 8% black, 6% american indian, 1.7% asian, and 3.1% were of other ethnic origin. Respondents had lived an average of 12.7 years in New Mexico and reported an average of 11.8 arrests prior to their current confinement. The most serious offense leading to their current confinement was as follows:

<u>OFFENSE</u>	<u>%</u>
Violent	45.6
Property	32.0
Drug	5.5
Public	15.7
Other	1.1
[Valid Responses = 362]	100

- **Structured interviews with 15 criminal justice professionals in Bernalillo and Valencia Counties** (representing police and sheriff’s departments, district attorneys’ offices, public defenders and juvenile probation officers). The interviews addressed history of personal contact with firearms, opinions about juveniles and firearms, and perceptions and

opinions regarding control of juveniles and firearms. (See Appendix C) These interviews will be referred to as “criminal justice professional interviews” in the following text.

- **Information on 135 incidents occurring between 1/31/96 and 7/29/97 in Bernalillo and Valencia Counties, that led to the arrest of one or more juveniles on firearms charges.** The information describes the offenses, the suspects, victims and witnesses. (See Appendix D)
- **Information on 212 juveniles involved in the incidents recorded in Bernalillo and Valencia Counties (see above).** The information describes the key aspects of case processing (types of charges, dispositions and sentences). (See Appendix E)

My mom didn't want me to carry a gun, but she couldn't do much about it. My father never knew. He would have taken it away. They did not approve of me carrying a gun, so I just hid it from them and when I would get in trouble I just told them that it was the other kid's gun and I was holding it for them.

- Juvenile Interviewee

2. LEGISLATION CONTROLLING JUVENILE ACCESS TO FIREARMS

Access to firearms by juveniles (i.e., persons under 18 years of age) is controlled by both federal and state laws. Here we focus most attention on the latter because they provide the legislative basis for the police and prosecutorial activity described in Section 4 of this report. In addition, according to the criminal justice professionals that we interviewed, juveniles are usually prosecuted for firearms offenses under New Mexico state laws.

Both the United States and New Mexico constitutions proclaim the right of all citizens to bear arms; however the New Mexico Constitution is more specific in its terms. Thus, citizens of New Mexico may:

“...keep and bear arms for security and defense, for lawful hunting and recreational use and for other lawful purposes, but nothing herein shall be held to permit the carrying of concealed weapons.” (*Constitution of New Mexico*, Art. II, § 2)

The level of control differs somewhat by age group, because juveniles are subjected to more restrictions than adults regarding the type of firearm that they can carry or use, and the circumstances in which firearms may be used.

2.1 The Conditions Under Which Juveniles May Keep, Carry, or Use Guns

Both federal and state laws permit the use of firearms by juveniles for training, target practice and hunting, usually under the supervision of adults. These legal provisions

are congruent with widely held opinions regarding the permissible, appropriate, or even desirable, contact between juveniles and firearms. Thus, hunting with firearms is a popular activity among adults, and it is considered acceptable to train and educate juveniles in the ways of hunting, just as juveniles are trained to drive automobiles. Similarly, marksmanship is considered to be a specialized and skilled sport, which can begin at a pre-adult age with appropriate supervision.

The provisions in the New Mexico statutes that affect juvenile access to firearms are as follows:

Rifles and Shotguns

To be classified as rifles or shotguns, firearms must have a barrel that is at least twelve inches long. Juveniles may **keep** or **carry a loaded** rifle or shotgun:

- At their place of residence.
- In a car, or other private means of conveyance, for lawful protection of their own or another person’s property. [NMSA 1978 § 30-7-2, para. 1]
- On school premises, provided that they are engaged in:
 - military training programs
 - state-authorized hunter safety training programs
 - classes or other activities involving the carrying of a deadly weapon. [NMSA 1978 § 30-7-2.1]

Juveniles may **carry** an **unloaded** rifle or shotgun (longer than 12") anywhere that it is not prohibited by law.

Juveniles may **use** a rifle or shotgun:

- when supervised by a parent, legal guardian or a responsible adult designated by the parent or guardian; or
- while hunting, and carrying a certificate that indicates successful completion of a hunter training course.

[*NMSA 1978 § 17-2-33*]

Handguns

Juveniles may **carry unloaded** handguns if they are traveling to or from activities in which they are legally permitted to use a handgun.

Juveniles may **use** handguns if:

- they attend a hunters' safety course or a handgun safety course;
- they are target shooting at an established range;
- they participate in an organized competition involving handguns;
- they participate in or practice for a performance by tax exempt organizations;
- they are engaged in legal hunting or trapping activities; or
- they are on real property under the control of their parents, grandparents or legal guardians and are being supervised by same.

[*NMSA 1978 § 30-7-2.2*]

Purchasing Firearms

The New Mexico criminal code contains no specific provisions regarding purchase of firearms, except to allow New Mexico residents to purchase firearms in states contiguous to New Mexico, and residents of contiguous states to purchase firearms in New Mexico [*NMSA 1978 § 30-7-9*]. Thus, state law appears to control purchase indirectly

through regulations for carrying firearms. However, federal law [*18 USC 922*] limits purchase in the following ways:

- The minimum age for buying shotguns, rifles and ammunition is 18 years.
- The minimum age for buying handguns is 21 years.

There are no licensing registration requirements for firearms buyers in New Mexico, only for sellers.

2.2 Penalties For Illegal Possession, Carrying And Use of Firearms

Conditions other than those specified in Section 4.1 under which rifles, shotguns and handguns are kept, carried or used by juveniles are illegal. The crimes arising from illegal possession, carrying and use of firearms by juveniles are as follows:

- Unlawful carrying of a deadly weapon (petty misdemeanor). [*NMSA 1978 § 30-7-2*]
- Unlawful carrying of a deadly weapon on school premises (fourth degree felony). [*NMSA 1978 § 30-7-2.1*]
- Unlawful possession of a handgun (misdemeanor). [*NMSA 1978 § 30-7-2.2*]
- Unlawful carrying of a firearm in licensed liquor establishments (fourth degree felony). [*NMSA 1978 § 30-7-3*]
- Negligent use of a deadly weapon (petty misdemeanor). [*NMSA 1978 § 30-7-4*]
- Unlawful possession of a firearm on a bus (misdemeanor) [*NMSA 1978 § 30-7-13*]
- Unlawful hunting or shooting by a juveniles (petty misdemeanor). [*NMSA 1978 § 17-2-33*]

A juvenile charged for any of these offenses is adjudicated as a delinquent, unless the offense is accompanied by one or more violent

offenses that lead to the designation of the juvenile as a youthful offender or serious youthful offender. Youthful offenders may be given adult or juvenile sentences by the children’s court. Serious youthful offenders are tried and sentenced in criminal court.

2.3 Knowledge of the Laws

Knowledge of the law may be a key prerequisite for compliance and enforcement. Thus, it is useful to ask how much is known regarding the laws that govern juvenile access to firearms.

We asked our self-report survey respondents how much they thought juveniles know about gun laws in New Mexico.

Do You Think Kids Know The Gun Laws in New Mexico?

Answer	%
Yes, a lot	15.5%
Yes, a little	29.3%
No, not much	37.0%
No, not at all	18.2%
[Valid Responses = 368]	100%

Responses were almost equally distributed between positive (44.8%) and negative (55.2%), suggesting that there is no clear perception regarding juveniles’ knowledge of firearms laws. A stronger conclusion from these results is that two thirds of the juveniles selected “a little” or “not much” as their responses. Thus, juveniles were thought to know something, but not everything about firearms laws.

In order to gather additional information, we asked the 24 juvenile interviewees to tell us what laws govern juveniles’ access to and use of firearms. Only three (12.5%) said they knew nothing about the laws. Five (20%) merely said that juveniles cannot have guns. Another six juveniles (25%) accompanied the general statement that juveniles cannot have guns with additional specifications regarding the age limits on purchasing or carrying firearms, or the sentences for illegal firearms possession. The remaining ten juveniles (42%) referred only to specific provisions, such as those just mentioned.

As is perhaps to be expected, the interviewees gave very varied, but generally sparse responses to our question. The most detailed answer was as follows:

“It is against the law to carry a gun into a liquor establishment. It is also illegal to carry a gun on an airplane. It is illegal for a minor to possess a firearm under the age of 19, and an individual cannot purchase a firearm until the age of 21.”
[Juvenile Interview No. 2]

And the following was the most tentative answer:

Q. Do you know anything about the laws on kids and guns? If so, what does the law say?
A. “Not really. Kind of. I know that to conceal a weapon like in your pants, it has to be registered. I don’t know if a kid is allowed to have a gun or not. I guess if your parents buy it for you. Maybe if it is not concealed.”
[Juvenile Interview No. 23]

Clearly, our juvenile interviewees did not display a comprehensive or exact knowledge of the laws relating to juveniles and firearms. But if anything, they tended to perceive the law as more restrictive than it actually is. Thus, a total of eleven interviewees made the general statement that “kids cannot have guns,” which is not correct. Only three interviewees mentioned the hunting laws and the fact that juveniles are allowed to use guns while hunting. And several others made incorrect statements about restrictions or sanctions that do not exist in law. For example:

“... you must be 21 years of age in order to get a permit to buy a gun.”

[Juvenile Interview No. 4]

“If you are under 18 you get five years if you are carrying one, or if it is not registered.”

[Juvenile Interview No. 15]

“Anyone under the age of 18 cannot possess a gun. But at the age of 12 you can have a 12 gauge shotgun.”

[Juvenile Interview No. 7]

But if juveniles were not comprehensive or exact in their knowledge of the law, neither were the criminal justice professionals that we interviewed. Thirteen of the 15 interviewees responded to our question about the law. Three (23%) cited no specific legal provision, and the others gave answers of varied content and specificity. The most frequent reference was to the handgun law, mentioned by seven (54%) of the interviewees. Four interviewees mentioned the restrictions on carrying firearms on school property and two mentioned the law controlling hunting. In some cases, we encountered erroneous statements about the law. For example, one interviewee thought that the handgun provisions apply to people under age 18 (in fact, they apply to people under age 19). And two interviewees made the broad statement that juveniles cannot possess firearms.

General and inexact knowledge of the law, both among private citizens and criminal justice professionals, is probably common to many areas of control and not simply restricted to the question of juveniles and firearms.

3. JUVENILE DELINQUENTS' EXPERIENCES WITH FIREARMS

In this section of the report we use information from the self-report survey administered to juvenile delinquents to construct a profile of their experiences with firearms, occasionally supplementing it with information drawn from the interviews with delinquents.

3.1 First Contact with Firearms

For most juvenile delinquents, contact with firearms clearly began at a young age. Among the delinquents that we interviewed, the average age at which they had first handled a gun was eleven years.

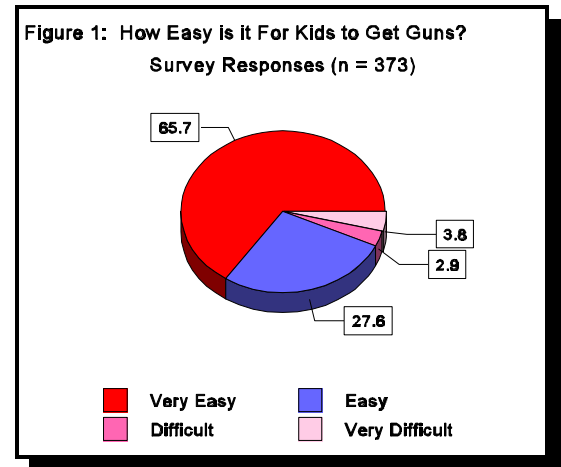
Of course, contact with a gun is likely to precede possession of a gun. In our self-report survey of delinquents, 82% said that they had owned or kept a gun at some time prior to confinement. The average age at which they first owned or kept a gun was 12.5 years, and 85% of these juveniles had done so by age 14. Age of first gun possession did not vary significantly by sex or ethnic group, but varied slightly and significantly by respondents' age and arrest history. Thus:

- Juveniles 17 years of age or older reported an average age of 12.8 years for first gun possession, compared to 12.1 years for juveniles aged twelve to 16 ($p = .0068$). This could indicate either that older juveniles recall first gun possession at a slightly later age, or that younger juveniles began to own or keep guns at a slightly lower age than their older counterparts.
- Juveniles with ten or more arrests reported a lower average age of first gun possession (12.1 years) than juveniles with less than ten arrests (12.9 years). Whether the age of first gun possession affects a juvenile's total number of arrests, or whether the

total number of arrests indicates a tendency toward problematic behavior (including carrying guns) cannot be determined from these data.

3.2 Access to Firearms

Only 4.5% of the delinquents that we interviewed said that they had never handled a gun and 55% said that they had used a gun frequently. While most delinquents were likely to have handled a gun at some point in their lives, possession of a gun on a more stable basis (i.e., owning or keeping a gun) was slightly more restricted, but still widespread. As we indicated in the previous section, 82% of our survey respondents reported that they had owned or kept at least one gun at some point prior to their confinement. Respondents reported an average of 8 guns owned or kept, again suggesting that experience with firearms among this group is both widespread and frequent.



Both the interview and survey responses suggest that access to guns was relatively easy, and this tentative conclusion was confirmed in responses to a direct question about access. Ninety three percent of the respondents in the self-report survey (see Figure 1), and 92% of the juveniles we directly interviewed felt that it was easy for juveniles to obtain guns.

3.3 Sources of Firearms and Methods of Obtainment

Juveniles that reported having owned or kept a gun prior to confinement were asked in the self-report survey who they had obtained them from. The answers were as follows:

<u>Where did you get the gun?</u>	<u>%</u>
Friend	43.4%
Drug dealer	17.4%
Parent/relative	14.2%
Smuggler	5.7%
Gun/pawn shop	4.6%
Other	9.6%
[Valid Responses = 281]	100%

Clearly, the most frequent source of guns was friends. When parents and relatives are added in, we see that nearly 60% of juveniles reported obtaining guns through affective social networks. Illicit networks (drug dealers, smugglers) were cited by almost one quarter of respondents. Juveniles under confinement for one or more drug charges might have been expected to mention drug dealers as a source of guns more frequently than other juveniles, but a separate analysis revealed that there was no significant difference between juveniles charged with drug and non-drug offenses in terms of the source of guns ($X^2 p = .12501$). Finally, a small number of respondents (13) cited gun or pawn shops as the source of their guns.

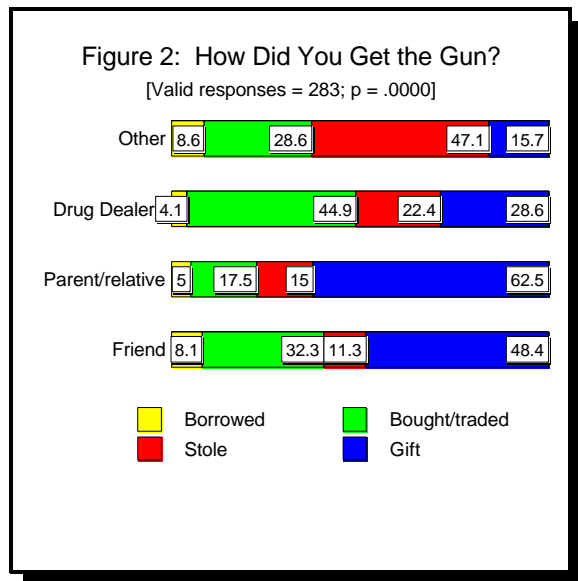
Before any implications can be drawn regarding the source of guns, it is also necessary to consider the method of acquisition. Respondents listed the following means of obtaining a gun:

<u>How did you get the gun?</u>	<u>%</u>
Borrowed	6.5%
Bought/Traded	29.0%
Stole	29.0%
Gift	35.5%
[Valid Responses = 307]	100%

Acquisition was distributed almost evenly between buying or trading, stealing, and being given the gun. When method of acquisition is compared with the source of the gun, some significant and predictable differences emerge (see Figure 2). Thus:

- 48.4 % of guns coming from friends and 62.5% of guns coming from parents or relatives were obtained as gifts.
- 44.9% of guns obtained from drug dealers were bought or traded.
- 47.1% of guns obtained from other sources (and 62% of guns obtained from gun or pawn shops) were stolen.

However, the significant relationship between the method of acquisition and the source of the guns is offset somewhat by the inherent variability in the data, indicating that some guns were acquired by each method from each source.



We also asked the survey respondents to say where they thought that kids in general obtain their guns, and how they obtain them. The answers did not square entirely with responses about the acquisition of their own guns:

<u>Where do kids get guns?</u>	<u>%</u>
Friend	35.7%
Drug dealer	26.5%
Parent/relative	5.5%
Smuggler	15.5%
Gun/pawn shop	8.9%
Other	7.8%
[Valid responses = 691]	100%
More than one possible answer.	

Respondents thought that kids in general relied somewhat less on affective networks and somewhat more on illicit networks for

obtaining guns. Additionally, they thought that almost no juveniles acquired guns as gifts, despite the fact that 35.5% reported that their own guns had been acquired that way.

<u>How do kids get guns?</u>	<u>%</u>
Borrowed	4.6%
Bought/traded	41.4%
Stole	53.0%
Gift	1.1%
[Valid Responses = 370]	100%

When we examined the responses given by the 24 juvenile delinquents who were interviewed, we observed a somewhat similar pattern. Thus, 38.5% of the juveniles reported that they had obtained guns from friends or acquaintances, and 15.4% that they had obtained guns from other members of their family. Twenty seven percent reported obtaining the gun from a drug dealer, illicit gun dealer or “on the street,” but only 11.5% reported obtaining the gun from a burglary (while 7.6% of guns were reportedly obtained from other sources). Almost half (43.5%) the guns were bought or traded, and the rest were borrowed, stolen or received as gifts in almost equal proportions. However, when we asked these juveniles where they thought that kids in general obtain guns, their responses downplayed the role of friends (24.5%) and family (6.1%), gave about equal emphasis to “the street” as a source of weapons (32.4%), and gave greater emphasis to the role of burglaries as a source of firearms (30.6%), while 8.2% mentioned other sources of acquisition.

It therefore appears that both our survey respondents and interviewees had a perception of gun acquisition by juveniles that was not entirely congruent with the cumulative results of their own patterns of acquisition. Specifically, our samples tended to view illicit sources (particularly theft) as somewhat more important, and affective networks as somewhat less important sources of guns for juveniles in general, than was actually the case for their own firearm acquisitions.

To conclude, despite the variability evident in the responses we have just analyzed, there are also some underlying generalities:

- Delinquents appeared to be acquiring firearms primarily from people they knew or with whom they were acquainted. Friends and peers were apparently somewhat more important sources of guns than drug dealers, illicit gun dealers or other people “on the street.”
- Theft was probably not a major direct source of firearms for juveniles (although they may have borrowed, bought, traded for, or received as gifts guns that were previously stolen).
- Legitimate gun outlets, such as gun dealers and pawn shops played only a very small role in directly supplying juveniles with firearms, which is obviously related to the prohibition on selling arms to juveniles. When juveniles obtained firearms from these sources, it was frequently by means of theft. Otherwise, they had to persuade an adult to buy the gun for them.

3.4 The Costs of Guns

In the interviews with delinquents, six talked about the costs of guns. Prices mentioned varied from \$15 to \$200, but most ranged from \$20 to \$40. Following is one response:

Q. How easy or difficult is it to get guns?

A. “Pretty easy. The drug dealers will sell to anybody and they are cheap. Around \$20 to \$50 for any kind of gun.”
[Juvenile Interview No. 14]

3.5 The Time it Takes to Get a Gun

In the self-report survey, we asked respondents how long it would take a juvenile to get a gun if he or she wanted one. Their answers confirm the perception that guns were readily accessible:

- 70.6% thought that a juvenile could get a gun within one day.

- 12.8% thought that it would take two days.

- Only 16.6% thought that it would take longer than two days to get a gun.

3.6 Preferences for Firearms

About two thirds (68.8%) of our survey respondents reported that they had used a gun against someone prior to confinement. When asked the type of gun last used, the results were as follows:

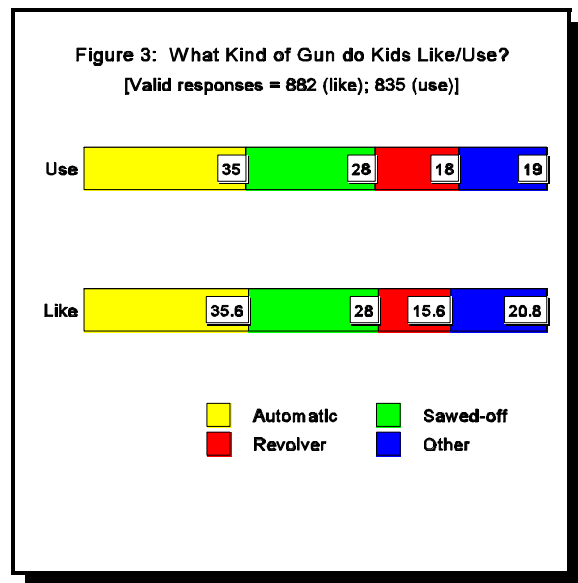
<u>Type of Gun Used Against Someone Else</u>	%
Automatic, or semi	53.6%
Sawed-off shotgun	17.1%
Revolver	15.1%
Military style rifle	6.0%
Regular shotgun	4.8%
Hunting Rifle	2.4%
BB Gun	0.4%
Other	0.8%
[Valid Responses = 252]	100%

An even higher percentage of juveniles (80.2%) reported that someone had used a gun against them at some point prior to confinement. Although it may have been difficult to identify the gun used against them, more than 90% of these juveniles gave an answer regarding its type:

<u>Type of Gun Used By Someone Else</u>	%
Automatic, or semi	43.2%
Sawed-off shotgun	12.1%
Revolver	27.8%
Military style rifle	2.6%
Regular shotgun	7.0%
Hunting Rifle	2.2%
BB Gun	1.5%
Other	3.6%
[Valid Responses = 273]	100%

Despite some variations, the responses indicate that automatics and semiautomatics, sawed off shotguns and revolvers were the weapons of choice in encounters experienced by juveniles, accounting for more than 80% of the weapons used by or against someone.

We also asked about the kinds of guns that respondents thought kids in general “liked” and “used” (see Figure 3). The answers were very similar for both categories, and once again, automatics and semiautomatics, sawed off shotguns and revolvers were cited as the firearms of choice.



As a final check on juveniles’ preferences for firearms, we consulted the data referring to 135 incidents occurring in Bernalillo and Valencia counties that led to the arrest of one or more juveniles on firearms charges. The breakdown of guns confiscated by the police was as follows:

<u>Type of Gun Confiscated</u>	<u>%</u>
Automatic, or semi	53.5%
Sawed-off shotgun	4.1%
Revolver	19.7%
Shotgun	7.1%
Hunting	9.4%
Military	0.8%
BB Gun	4.7%
[Total Guns Confiscated = 127]	100%

These findings confirm the popularity of automatics, semiautomatics and revolvers for juveniles, but suggest that sawed-off shotguns were either less frequently carried and used than juveniles claimed, or were less frequently carried or used in incidents that led to encounters with the police.

3.7 Keeping and Carrying Guns

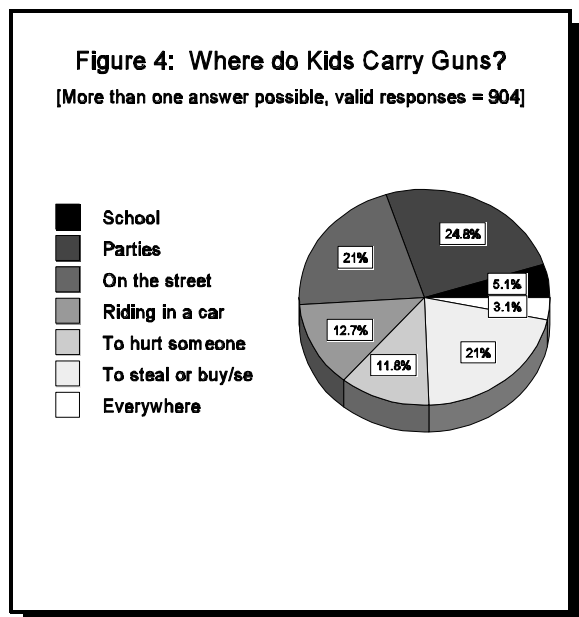
We asked our survey respondents to indicate where, in their opinion, juveniles keep guns. The answers were as follows:

<u>Where Do Kids Keep Guns?</u>	
<u>PLACE</u>	<u>%</u>
Bedroom	36.3%
Elsewhere at home	5.2%
Car	22.0%
School lockers	1.1%
Empty buildings, or parks	3.6%
With a friend	3.6%

Carry on person	24.2%
Other	4.0%
[Valid responses = 364]	100%

About 40% of the respondents thought that juveniles mostly keep their guns at home (mainly in their bedrooms), but nearly a quarter thought that guns are mostly stored in cars. Very few respondents thought that juveniles keep guns in school lockers, empty buildings, or parks. However, one quarter of the respondents thought that juveniles mostly carry guns on their person. These results indicate that juveniles were likely to keep guns either on their person or in the two private or semi-private spaces (home and car) most closely associated with daily activities.

We next asked the survey respondents where juveniles are most likely to carry guns (see Figure 4). The three principal responses were: at parties, hanging out on the street, and when going to steal something or to buy or sell drugs. Other situations that form a considerable part of many juveniles' daily activities (i.e., school, and riding in a car) were not mentioned very frequently. Parties and "hanging out" both offer opportunities, perhaps, to show the gun in an attempt to impress friends and acquaintances. However, both parties and time on the street could involve potential dangers because of conflicts that may ensue with rivals. This possibility, and the fact that more than 30% of the respondents also cited illicit situations (hurting someone, stealing, and buying or selling drugs) suggests that guns may have been carried more for self-defense than simply for show.



When we asked our interviewees where kids carry guns, their answers were quite similar to the survey responses. Thus, parties and “the street” were cited most frequently (23.8% and 21.4% respectively) while schools and cars were mentioned relatively infrequently (7.1% and 9.5% respectively). The only major difference between the interview and survey responses was that interviewees were less likely to cite illicit situations (9.5%) and more likely to state that juveniles carry guns “everywhere” (16.7%).

Finally, we asked our survey respondents to indicate how often juveniles carry guns (assuming they have one).

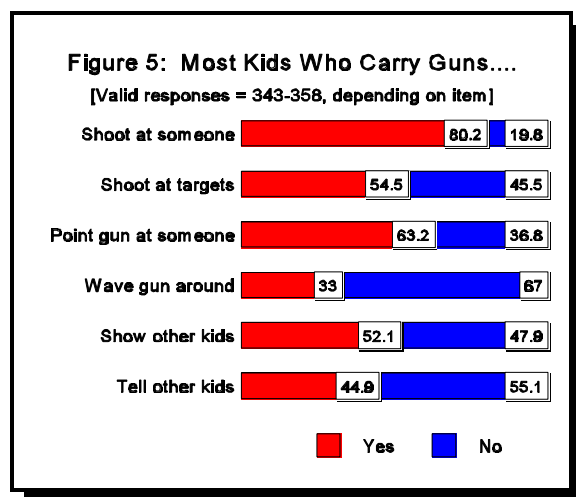
- 87.2% thought that juveniles carry them all or most of the time.
- Only 10.6% thought that juveniles carry guns only when they think they are going to use them.
- And only 2.2% thought that juveniles almost never carry guns.

In sum:

- Guns are likely to be kept in the private or semi-private spaces connected with juveniles’ daily activities.
- Guns are especially likely to be carried by juveniles at parties, on the street, or when engaging in other illicit activities; perhaps mainly for protection.
- Guns are likely to be carried most of the time that juveniles are in the situations just mentioned.
- Keeping or carrying guns at school does not appear to be very prevalent.

3.8 Using Guns Against Others

We asked our survey respondents to tell us what most juveniles who carry guns would likely do with them (Figure 5).



About half of the respondents thought that juveniles with guns show them to other juveniles, and tell them about it, or use the gun in target practice. Almost two thirds thought that juveniles will point a gun at someone, and 80% thought that juveniles will shoot at someone. There was no significant difference on these items between juveniles who had previously possessed a gun and those who had

not, except for opinions about shooting at someone. On the latter item, juveniles who had previously possessed a gun were also somewhat more likely [$p = .03745$] to think that juveniles with guns will shoot at someone. Whether this difference arose because juveniles who previously had guns were partly basing their response on their own willingness to shoot at someone, or because these juveniles had acquired weapons as a protection against other juveniles whom they perceived to be very willing to shoot at someone, cannot be determined from these data.

While responses suggest mixed opinions regarding the incidence of the less serious behaviors associated with carrying a gun (such as telling others about it), it is striking that the majority of respondents thought that juveniles who carry guns would use them against someone.

We also asked our survey respondents why juveniles use guns. Their answers indicate that the primary motivation is protection, followed by the need to get revenge:

<u>Why do Kids Use Guns?</u>	<u>%</u>
For Protection	33.0%
To get revenge	21.6%
To get money	14.1%
For Respect	13.5%
To look cool/tough	10.0%
Other	7.8%
[Valid responses = 851]	100%
More than one possible answer.	

Protection and revenge can be considered “reactive” motives, in that they reflect responses to the threat, or incidence, of harm by others. More generally, they imply the existence, or potential existence, of conflicts with others. Between them, protection and revenge - which we will group as conflict management strategies - accounted for more than half the motives for carrying guns cited by our respondents. Motives relating to image and status (to gain respect, to look cool or tough) were also present but only represented about one quarter of responses. Finally, a blatantly predatory motive for using a gun - to get money - only represented 14% of the reasons cited by our respondents.

The different motives mentioned by the respondents should not necessarily be considered mutually exclusive, because one may have several reasons for doing something (including using a gun). Thus, the best interpretation of these responses is probably that conflict management is considered to be the primary motive for using guns, image reinforcement is a secondary motive, while overtly predatory intentions are not a frequent motive.

People will stay away from you if you carry a gun.
- Juvenile Interviewee

Turning now to personal gun use, 78.4% of our survey respondents had used a gun at least once during the two years prior to their most recent arrest. We asked these respondents how many times they had used the gun in different ways:

How Many Times in the Last Two Years Did You.....?

	No	Yes	Avg. Times
Do target practice	24%	76%	18.0
Wave the gun around	52%	48%	7.1
Point gun at someone	23%	77%	7.2
Shoot at someone	23%	77%	7.4
Use for other purpose	45%	55%	6.2

Slightly more than three quarters of these respondents had used the gun for target practice, or in pointing and shooting at someone. Among those who used the gun for target practice, the average was 18 times over the two year period, which was equivalent to once every six weeks. Target practice was obviously more frequent than pointing or shooting a gun at someone, which averaged just over seven times in the two year period, or the equivalent of once every three and a half months. Still, this average reported frequency of confrontational episodes involving firearms was undoubtedly much higher than it would be for general samples of juveniles. Even allowing for some inevitable mistakes and exaggeration in our respondents' estimates, the frequency with which delinquents reported having used a gun against someone in the two years prior to arrest is cause for concern.

As indicated previously in this report, 68.8% of all survey respondents claimed that they had used a gun against another person at some point in their lives. The average number of times that they reported doing so was 7.7, which was very similar to the frequency of pointing or shooting a gun at someone during

the two years prior to arrest. The similarity is explained by the fact that most juveniles who had used a gun against someone had done so during the previous two years.

We asked survey respondents who had ever used a gun against someone to tell us their motive for doing so most recently:

<u>Why Did You Use A Gun?</u>	%
For protection	31.8 %
To get revenge	32.6%
To kill, attack, overpower	19.5%
Just happened	4.7%
Other	11.4%
<i>[Coded from 256 free-form answers]</i>	100%

The results indicate that protection and revenge were the main reasons cited for using a gun against someone. If we consider that the third most frequent reason given for gun use (to kill, attack or overpower someone) would likely have arisen in conjunction with a situation requiring protection or inducing a perceived need for revenge, it is clear that in the great majority of cases (84%) juveniles claimed that they used a gun for conflict management. When we compare these results on actual gun use with our respondents' perceptions of why juveniles use guns (see page 21), an interesting difference emerges. Specifically, our respondents identified image (to gain respect; to look cool or tough) as a motive for gun use among juveniles about one quarter of the time; but they never mentioned concerns about image when giving the motive for their own gun use.

There is additional evidence that self-consciousness regarding image is not entirely absent when juveniles use guns; however, neither is its presence very strong. We asked survey respondents who had ever used a gun against someone to tell us how they felt about using the gun in the most recent encounter:

<u>How Did You Feel About Using the Gun?</u>	<u>%</u>
Angry	24.2%
Excited	19.0%
Powerful	18.5%
Thrilled	10.9%
Respected	12.1%
Afraid	9.3%
Amused	5.2%
Cool	0.8%
[Valid responses = 256]	100%

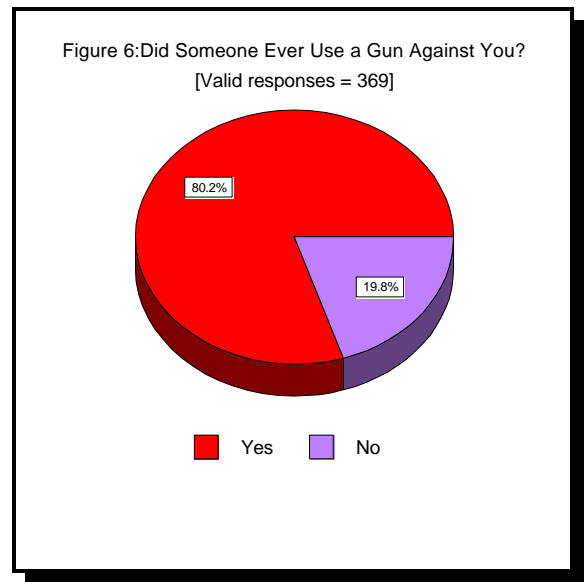
As the previous responses indicate, almost 13% of juveniles felt respected or “cool” when using the gun. However, the predominant reactions related to emotions, rather than image. Almost 30% of the respondents referred to thrill or excitement, and about one quarter said that they were angry. Only 9% indicated that they were afraid. Thus, while the primary motivator for gun use appeared to be conflict management, the attendant emotions were not always fear and anger, but excitement.

Girls feel more protected being with you when you have a gun.
 - Juvenile Interviewee

In sum:

- Juveniles with guns were apparently very likely to use them against someone else.
- Guns were most likely to be used against others when there was a threat of harm, or a desire to retaliate. In other words, gun use was closely tied to conflictive situations. Gun use “for kicks” or to reinforce self-image did not appear to be very frequent.

3.9 On the Receiving End: Guns Used Against Juveniles



More than three quarters of our survey respondents reported that someone had used a gun against them (Figure 6). This kind of confrontation had occurred an average of 5.9 times; somewhat less than the frequency with which our respondents reported pointing or shooting a gun at someone else (7.7 times). Nevertheless, the frequencies are still similar enough to suggest that these juveniles were interacting with others who were also armed and almost equally likely to use the gun.

When asked why a gun had been used against them on the most recent occasion, the responses were as follows:

<u>Why Was A Gun Used Against You?</u>	%
For protection	6.1%
To get revenge	21.2%
Rival gang	38.5%
To kill, attack, overpower	16.2%
Just happened	6.8%
Other	11.2%
[Valid responses = 278]	100%

When these results are compared with the reasons given for using a gun against someone else (see page 22), some differences emerge. Most notably, our respondents were far more likely to claim that they used a gun for protection (38.1%), than to claim that someone else had used a gun against them for protection (6.1%). In addition, rival gangs appeared as the primary explanation of gun use against the juvenile, whereas gangs were not specifically mentioned when explaining their own gun use. Clearly, our respondents were portraying themselves more as victims of aggression than as aggressors.

Finally, we asked survey respondents how they felt when the gun was used against them:

<u>How Did You Feel When The Gun Was Used Against You?</u>	%
Angry	55.9%
Excited	6.1%
Powerful	1.7%
Thrilled	3.4%
Respected	0.0%
Afraid	26.8%
Amused	5.1%
Cool	1.0%
[Valid Responses = 295]	100%

Anger was the most frequent response followed by fear, both indicating the potential for escalation in a conflict as these emotions would trigger the desire for protection or revenge. Few respondents were thrilled or excited by someone using a gun against them, but those emotions more frequently accompanied their own gun use.

The broad conclusion to be drawn is that gun use against our sample of survey respondents was linked predominantly to situations of conflict, in a manner very similar to the circumstances surrounding their own use of guns against others. Cumulatively, the results suggest that our respondents were, with some regularity, entering potentially conflictive situations where the other participants were also carrying guns and equally as likely to use them. Whether or not different gang affiliations represented the source of the conflict, it is likely that any clear distinction between aggressors and defenders would have been difficult in these situations.

3.10 In Sum: Juveniles' Experiences With Firearms

Most juveniles saw and handled guns before reaching adolescence, and began owning or keeping guns at age 12. Access to firearms was reportedly very easy, and the most important source was family and friends. The most popular guns were automatics, semiautomatics, revolvers and (possibly) sawed-off shotguns.

Juveniles report that guns are carried most of the time, particularly at parties and on the street. If the gun is not kept on the person, then it is likely stored in a car, or at home - generally somewhere that is semi-private, but within reach.

More than two thirds of the juveniles claimed that they had used a gun against someone, and more than three quarters reported that someone had used a gun against them. Gun use was closely tied to conflictive situations, rather than to primary concerns with self-image.

4. CONTROLLING JUVENILE POSSESSION AND USE OF FIREARMS

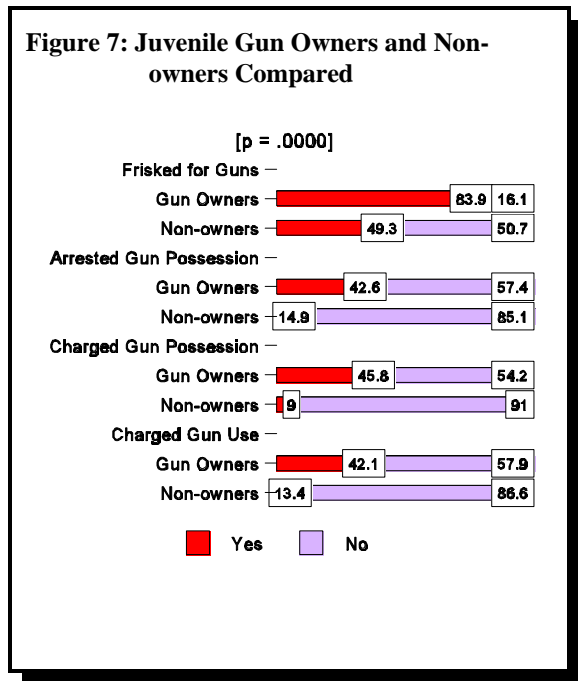
In this section, we examine police, prosecutorial and judicial control of juvenile firearms possession and use. First, we look at the incidence of police and prosecutorial actions regarding firearms among our sample of juvenile delinquents in confinement. Second, we report the information relating to 135 incidents from Bernalillo and Valencia counties in which police arrested one or more juveniles on firearms charges. Third, we track the actions taken regarding the 212 juveniles involved in those incidents, following each case through to its final disposition.

4.1 The Incidence of Police and Prosecutorial Actions Regarding Firearms

As we noted in Section 3 of this report, 95.5% of the delinquents in our survey indicated that they had handled a gun, and 82% that they had owned or kept a gun at some point prior to their current confinement. We also asked respondents if they had ever been frisked for guns by the police, arrested or charged with gun possession, or charged for gun use. The results were as follows:

	<u>%</u> <u>Yes</u>	<u>%</u> <u>No</u>
Frisked by Police	77.7%	22.3%
Arrested for gun possession	37.7%	62.3%
Charged with gun possession	39.3%	60.7%
Charged with gun use	37.0%	63.0%

More than three quarters of respondents had been frisked for guns by the police, and slightly more than one third had been arrested or charged for gun possession and use. Figure 7 shows that juveniles who had owned or kept guns were significantly more likely to have been the target of police and prosecutorial action, presumably because those who owned or kept guns were also more likely to carry and use them.



While there is no necessary link between frisking, arrests and charges, the information presented in Figure 8 strongly suggests that such a link exists. Thus, 90% of arrests for gun possession were reported by juveniles who had at some point been frisked for guns; and 87% of charges for gun possession were reported by juveniles who also reported arrests for gun possession. By contrast, charges for gun possession were least likely to be reported by juveniles who had never been frisked by the

Figure 8: Juveniles Frisked, Arrested and Charged for Gun Possession

Total = 380									
Frisked	Yes					No			
	295					85			
Arrested	Yes		No			Yes		No	
	129		166			14		71	
Charged	Yes	No	Yes	No		Yes	No	Yes	No
	121	8	15	151		8	6	5	66

police or arrested for gun possession. There are two possible links between frisking and arrests. First, frisking may have translated directly into arrests for weapons possession. Second, frisking may have been associated with greater levels of police surveillance of juveniles that led to more arrests for offenses where a gun was carried or used.

Further information on the enforcement of firearms laws against juveniles can be gained by examining the offenses leading to the current period of confinement, as reported by the delinquents in our survey. Fifty five juveniles (14.5% of the whole sample) reported a weapons possession charge among the offenses leading to confinement.

Unfortunately the police are usually involved after the crime has been committed.
 - District Court Judge

As the following table shows, a weapons charge constituted the sole offense for only eight of those juveniles:

<u>Charges</u>	<u>No.</u>	<u>%</u>
Weapons only	8	14.5%
Weapons + Violent	24	43.6%
Weapons + Property	12	21.8%
Weapons + Drugs	3	5.5%
Weapons + Other	8	14.5%
Total	55	100%

Most weapons charges arose in conjunction with charges for one or more additional offenses, primarily violent crimes. The fact that most weapons charges were associated with other offenses suggests that juveniles charged only with weapons offenses may usually be sentenced to probation rather than confinement. This pattern is confirmed by the data presented in Section 4.3.2.

4.2 Incidents Leading to Arrest on Firearms Charges

Our sample of 135 incidents in Bernalillo and Valencia counties that led to the arrest of one or more juveniles on firearms charges provides additional information on the way in which police control of juveniles is shaped.

Incidents were distributed about evenly by time and place of occurrence. Thus:

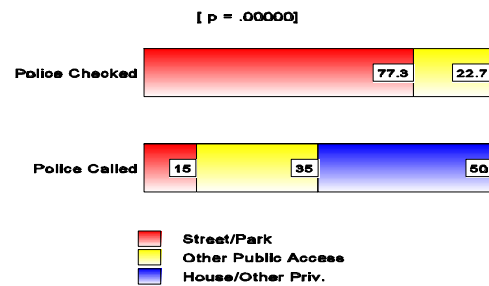
- 46.5% of incidents occurred during the day, and 53.5% at night.
- 36.9% of incidents occurred on the street (or in parks), 30.0% in other publicly accessible places, and 33.1% in houses or other private property.

In 64.3% of the incidents, police were responding to a specific call from citizens; in the other 35.7% of cases, they were checking on suspicious behavior. As Figure 9 shows, the manner in which the police became involved in the situation varied significantly by location.

Half of the calls for police intervention originated from houses or other private property, but no routine checks were conducted in those places. However, more than three quarters of incidents where the police checked up on someone occurred on the street. This pattern is congruent with established practices of police intervention, where entry to private property requires either

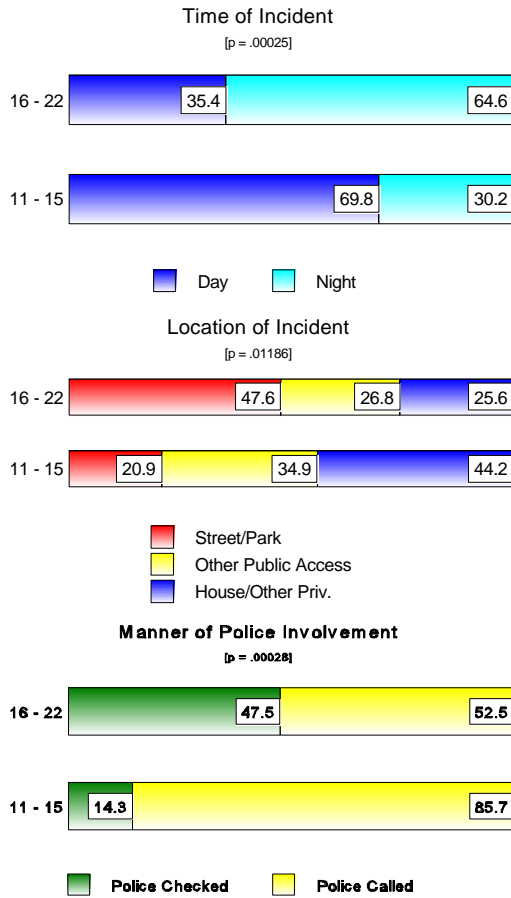
a call for assistance or a search warrant. By contrast, reasonable suspicions regarding individuals in public places may be sufficient grounds for the police to check those individuals.

Figure 9: Manner of Police Involvement in the Situation, by Location of Incident



Two thirds of the incidents involved only one suspect, while the other third involved between two and five suspects. The average age of suspects in each incident was 16.1 years, and average ages ranged from 11 to 22.5 years. As Figure 10 shows, when we compare incidents where the average age of suspects was 11 to 15 years, with incidents where the average age of suspects was 16 to 22 years, some significant differences emerge. Younger suspects were far more likely to be involved in daytime incidents, in incidents that occurred in houses or other private spaces, and in incidents where the police were called. The older suspects were more likely to come into contact with the police through checkups on the street, or in other public places, at night.

Figure 10: Younger and Older Suspects Compared for Time and Location of Incident and Manner of Police Involvement



Only 10 incidents (7.4%) involved female suspects, and in nine of these no male suspects were involved. Three quarters of the incidents involved hispanic suspects, and about two thirds (68.6%) of the incidents involved only hispanic suspects. There were no significant differences between incidents with or without hispanic suspects, except that incidents with

hispanic suspects were much more likely to have been initiated by police checkups ($p = .01008$). About one quarter of incidents involved suspects that the police considered to have gang affiliations, but gang related incidents did not differ significantly from other incidents in time and location of the incident, or manner of police involvement.

The police recorded one or more charges arising from each incident. While all incidents involved one or more firearms, 25.2% of incidents did not result in a firearms charge, but led to charges for a violent, property, drug or other offense. The following incident is a typical example:

Police were called to a residence where a burglary had taken place. No forcible entry was visible, but several items were taken including firearms. Footprints were followed to where several of the items were located. The babysitter's grandsons and a friend had apparently not gone to school, but had obtained access to the keys and entered the residence and burglarized it. The suspects admitted to the crime and were arrested.

*[Incident No. 113.
Arrest charges: aggravated burglary and larceny theft.]*

Forty four incidents (32.6%) resulted in firearms charges only. The following is an example:

Over the radio, the officer heard of a shooting in the vicinity of Allsup's. A description was given of the vehicle leaving the scene, which was spotted and stopped by the officer. The driver admitted shooting into the air at Allsup's when rival gang members shot at his vehicle. The driver gave verbal consent to search the vehicle and the firearm was located behind a speaker in the door. The driver admitted the firearm was his. He was arrested and the passenger was released.

*[Incident No. 14.
Arrest charges: minor in possession of a firearm.]*

The remaining 57 incidents (42.2%) led to charges for both firearms and other offenses.

We ranked offenses from most to least serious in the following order: violent, property, drugs, firearms and other. The most serious offense arising from each incident was as follows:

Type of Offense	No.	%
Violent	26	19.3%
Property	23	17.0%
Drugs	12	8.9%
Firearms	66	48.9%
Other	8	5.9%
Total	135	100%

The nature of the most serious event associated with each incident reflects some interesting differences in the types of event that became known to the police. Thus, the most serious incidents were undoubtedly those where a violent offense was charged, because the offense generally derived from the use of a firearm. In incidents leading to an arrest for a property crime, the firearm was less likely to have been used than stolen. However, both violent and property offenses imply the presence of a victim, who would likely call the police. By contrast, incidents that led to arrest on drug or firearm charges would be less likely to have involved a victim and more likely to have begun as a police checkup. Thus, we should expect to find that victims were more likely to be present in incidents leading to arrests for violent and property crimes. Similarly, the police would most likely have been called to situations where victims were present, but would probably have entered many victimless incidents through a checkup rather than in response to a call.

The majority of incidents (60.7%) did not involve victims. When incidents are classified by whether or not they involved victims some significant differences emerge in terms of characteristics analyzed previously (see Figures 11 and 12).

When victims were present:

- The incident was much more likely to have occurred in a house or other private space.
- In most cases the police were called to the incident.
- Very few of the incidents resulted in weapons-only charges, while most resulted in a charge for a violent or property offense.

Figure 11: Incidents With and Without Victims Compared for Location and Manner of Police Involvement

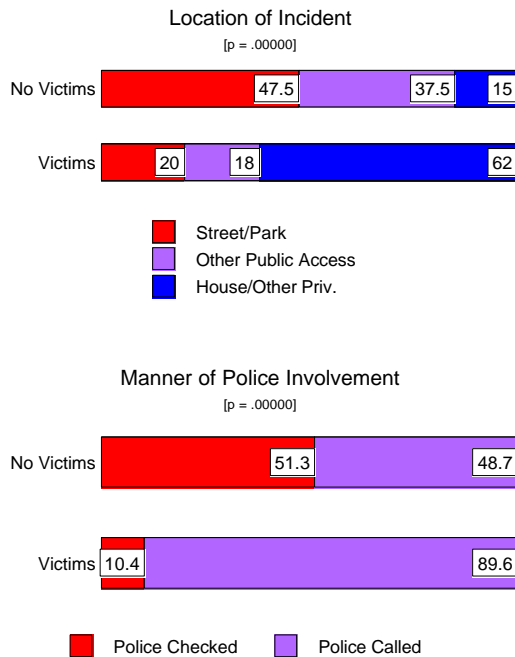
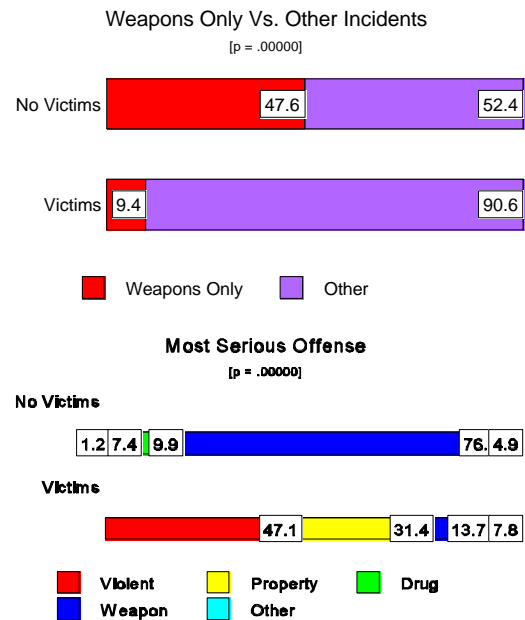


Figure 12: Incidents With and Without Victims Compared by Type of Offense



These findings confirm our speculations regarding the nature of incidents, the presence or absence of victims and the manner in which the police entered the situation.

We were able to obtain information for 66 of the 70 victims that were involved in the 53 incidents with victims:

- The average age of victims was 25.7 years, with a range from 1 to 67.
- 68.3% of victims were male and 52.1% were hispanic.

When we compared victims by gender and ethnicity, no significant differences emerged in relation to time, location, or type of offense, nor in the age of suspects involved in the

incident and their possible gang affiliation. However, when we compared younger victims (up to 20 years of age) with older victims (21 or more), we found that:

- Younger victims were more likely than older victims to be involved in incidents that occurred in areas of public access, while older victims were more likely to be involved in incidents occurring in houses or other private property [$p = .02585$].
- Younger victims were more likely than older victims to be involved in incidents where a violent crime occurred, while older victims were more likely to be involved in incidents where a property crime occurred [$p = .00002$].

In sum, the information on incidents from Bernalillo and Valencia counties suggests that there are two typical ways in which incidents arise and come to the notice of the police:

- The first type of incident is initiated by a violent offense where a firearm is present, or a property offense where a firearm is lost. The incident is likely to occur on private property and results in one or more victims who call the police. The police may make an arrest at the scene of the crime or some time after that.
- The second type of incident does not begin with an offense against another person. Rather, while patrolling the street or other areas of public access, the police come across individuals who - by their behavior, or potential links to a recently occurring incident - give reasonable grounds for a stop-and-search procedure. Thus, these incidents are initiated by police checkups and lead to arrests on charges for firearms offenses only, or on charges where a firearms offense is the most serious.

To explore these “typical” incidents, Figure 13 (on the next page) shows a breakdown of incidents by four variables: most serious offense, presence or absence of victims, location of the incident and manner of police involvement. The bottom row of the figure shows the frequency of 24 different types of incidents defined by these variables. Many of the types have few or no cases, but three have substantial concentrations of cases. Thus:

- Police were called to 23 incidents involving violent or property offenses, which occurred in houses or other private spaces and resulted in one or more victims.
- 29 incidents were initiated by a police checkup on the street. No victims were

involved and the resulting charges were for firearm, drug or other offenses.

Both of these groups of incidents are congruent with our speculations regarding typical ways in which incidents arise and come to the notice of the police. However, there is a third group of incidents that also occurred with substantial frequency:

- Police were called to 19 incidents that occurred in public accessible spaces, but involved no victims and resulted in charges for firearm, drug or other offenses.

When we examined these incidents, we found that ten of them occurred in schools, six in malls or business premises and three in other publicly accessible locations. The incidents indicate the importance of monitoring by concerned individuals, who detect potentially problematic behavior in areas open to the public but under institutional jurisdiction, and subsequently bring the matter to the attention of the police.

(This space left blank intentionally.)

Figure 13: A Breakdown of Incidents by Selected Characteristics

[Numbers may not tally exactly due to missing values]

Total = 132

Offense	Violent/Property 47												Other 85											
	Victims? Yes 40						No 7						Yes 11			No 74								
Location	Street		Pub. Acc.		House		Street		Pub. Acc.		House		Street		Pub. Acc.		House							
	7		5		26		2		2		3		3		3		4		35		28		9	
Manner of Police Involvement	C	F	C	F	C	F	C	F	C	F	C	F	C	F	C	F	C	F	C	F	C	F	C	F
	4	2	4	1	23	0	0	2	1	1	3	0	2	1	3	0	4	0	5	29	19	8	9	0
					I														ii	iii				

* C = Police Called

F = Police Checkup

AN EXAMPLE OF THE MOST FREQUENTLY OCCURRING TYPES OF INCIDENT

I [Incident 76]

Officers were called to a residence where the victim was confronted by two teens he knew, who asked for \$5 at gunpoint. The victim reacted and blocked the gun, at which time it discharged. The teens ran away, threatening to kill the victim's family if he called the police. They also shot at his vehicle. Police arrested the teens.

ii [Incident 31]

Officers on routine patrol pulled over a vehicle with expired tags and noticed an open container in the vehicle. The subjects were asked to exit the vehicle and were frisked. Finding bullets in one of the subject's pockets, officers asked where the gun was, and were told that the gun was under the seat. Police arrested both teens.

iii [Incident 56]

Officers were dispatched to a High School, where it was reported that two male subjects had been waving a gun out of a car window in the parking lot. When officers arrived, the subjects were in the custody of campus security. A pellet gun and semi-auto handgun had been found in the car. Both teens were arrested.

4.3 Legal Responses to Juveniles Arrested or Referred for Firearms Offenses

The typical procedure for dealing with juvenile offenders is as follows. Once a juvenile has been arrested for any crime (including weapons offenses) or status offense, the case is referred to the juvenile probation office. Some cases of juvenile misconduct may also be referred directly to the probation office. If the probation officer decides that a formal, adjudicated, disposition is required, the case is forwarded to the prosecutor's office. In other cases, the probation officer may decide on an informal disposition, or may drop the case. The children's court attorney in the prosecutor's office studies the case and decides whether or not to file charges. If charges are not filed, the case is dropped. If charges are filed, the case proceeds to one or more hearings in children's court. The result of these hearings is a finding of guilt or innocence. When the juvenile is found guilty, a sentence is imposed by the children's court judge.

Under exceptional circumstances, juveniles may be tried and/or sentenced as adults. Thus, juveniles 15 to 18 years of age who are charged with first degree murder are tried in adult court as "serious youthful offenders." Juveniles 14 to 18 years of age who commit other serious crimes are tried in juvenile court as "youthful offenders," and may be sentenced to either the adult or juvenile correctional systems.

In order to examine legal responses to juveniles arrested or referred for unauthorized weapons possession or use, we collected information to track 172 juveniles involved in

the 135 incidents described in the previous section. In addition, we found records for an additional 40 juveniles who were adjudicated for offenses involving firearms in Bernalillo and Valencia counties during the same time period (1/1/96 and 7/31/97). We were unable to locate arrest reports for the latter juveniles, and many may have been referred to juvenile probation officers without an initial arrest. None of the 212 juveniles in our sample was tried as a serious youthful offender, and only one was tried and sentenced as a youthful offender.

In the following sections, we examine the evolution and outcomes of these firearms cases. We focus first on decisions regarding incidents and subsequently on decisions regarding juveniles.

4.3.1 The Outcomes of Incidents

When juvenile probation officers and children's court attorneys are deciding whether or not to proceed with a case, their primary focus is most likely the alleged offense and the quality of the evidence linking the suspects to the offense. If the nature of the alleged offense is unclear, or if the evidence is not strong, the probation officer may not refer the case to the prosecutor's office, or the children's court attorney may decline to pursue the case. Following arrest, cases may exit the juvenile justice system in one of three ways:

- Charges are not filed in juvenile court by the children's court attorney. This may happen when juvenile probation officers do not refer the case to the prosecutor's office, or when the children's court attorney reviews the case and decides not to file charges.

- The case may be dropped by the children’s court attorney after charges are filed.
- The case is adjudicated and leads to a finding of guilt or innocence.

The decision to proceed with or drop a case is made for each and every juvenile involved in an incident. When charges are dropped against all juveniles involved in an incident, the incident itself can be considered to have been dropped. Thus, it is possible to return to the 135 incidents described in the previous section and compare incidents that were dropped in subsequent case processing with incidents that resulted in the adjudication of one or more juveniles.

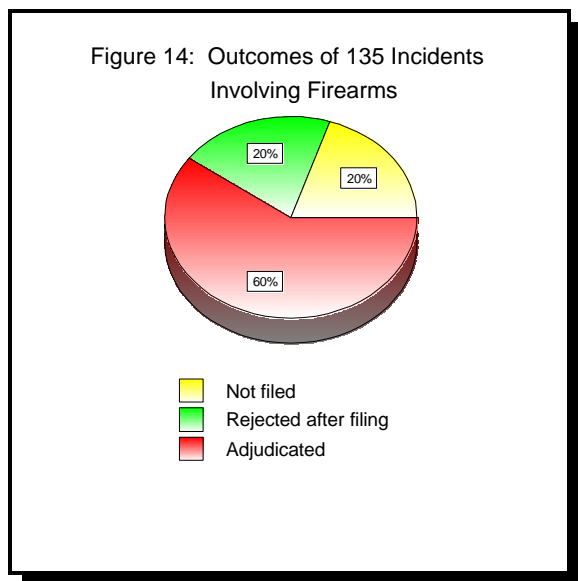
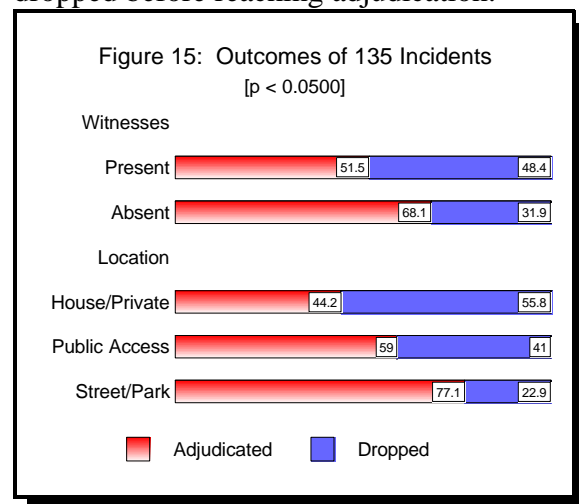


Figure 14 shows that one fifth of incidents were dropped because charges were not filed after arrest. Additionally, one fifth of incidents were dropped after charges had been filed by the children’s court attorney. Sixty percent of incidents resulted in adjudication of at least one juvenile involved in the incident.

We combined incidents that were dropped before or after charges were filed and compared them with incidents that resulted in adjudication. Adjudicated incidents did not differ from dropped incidents on the type of offense or on the presence/absence of victims. However, as Figure 15 shows, incidents occurring in residences and other private spaces, and incidents where witnesses were present, were significantly more likely to be dropped before reaching adjudication.



Initially, this finding might seem odd, because incidents occurring in houses or other private spaces might look to be more serious, and the presence of witnesses would presumably strengthen the chances of successful case prosecution. However, a closer examination of the incidents suggests that they were finally dropped for one or more of the following reasons:

- For some incidents, records show that the the nature of the offense was unclear, especially whether or not there was a firearms offense. The following is an example:

The officer was called to a residence by a mother and her boyfriend, who were concerned because they found a shotgun in plain view in the son's bedroom. The son came home and said that he was keeping the gun for a friend. The son was arrested.

[Incident No. 47]

- For other incidents, the records show that the case was dropped because there was insufficient evidence linking the suspects to the offense:

A woman called the police after discovering that her handgun was missing. Her daughter had invited friends over, and these were listed as suspects because there were no signs of forcible entry, and they had been the only persons in the residence at the time.

[Incident No. 109]

- Finally, in a few incidents, the victim did not want to press charges:

Two boys were drinking and got into a fight, when one boy pulled a rifle on the other. Neither wanted to press charges for battery against the other.

[Incident No. 88]

These incidents, and others that were dropped, suggest that some information provided by citizens to the police was not specific enough to allow a successful prosecution of the case. Citizens may have called the police out of concern over juvenile access to firearms, when no offense had been committed; or they may have been unable to call the police at the time when clear evidence of an offense, or of the suspect's involvement, was available. Alternatively, victims may have called the police but later declined to follow through with the case.

Section 4.2 showed that calls to the police regarding incidents in private or publicly accessible spaces were an important source of cases for the police. However, the information presented here suggests that such calls were less likely to result in cases that ended in adjudication than calls regarding incidents on the street, or incidents arising out of a checkup initiated by officers on the street. Paradoxically, incidents reported from residences or other private spaces, and incidents with witnesses present, may have contained fewer of the elements necessary for successful prosecution.

4.3.2 The Outcomes for Juveniles

We also tracked the 212 juveniles in our sample from arrest to disposition (case rejected, juvenile acquitted, or juvenile convicted). We first examined the rate at which different kinds of offense “fell out” of the system. Figure 16 shows the outcomes for all juveniles, also broken down by the most serious offense and the type of charges at arrest. About one quarter of juveniles had the charges against them rejected before filing, and a further 31% had their case dropped after charges were filed. While these juveniles did not proceed to formal adjudication, they may have been subject to an informal disposition assigned by a juvenile probation officer. About 45% of the juveniles proceeded to formal adjudication, in all but two of the cases by entering a guilty plea. Of the two juveniles who went to a hearing to determine guilt, one was found guilty and the other was acquitted. Both the proportion of cases that are rejected before reaching adjudication, and the overwhelming preponderance of guilty pleas among cases that are not rejected, are features typical of most offenses, most defendants and most jurisdictions. Thus, although we do not have directly comparable data, information for Bernalillo County in 1990 shows that 47.3% of adult arrestees did not have charges filed against them, and a further 15.9% were dropped from prosecution after charges were filed. About 37% of arrestees were adjudicated, most of whom entered guilty pleas, while less than 2% went to trial and only 0.3% were acquitted (New Mexico Criminal Justice Statistical Analysis Center, 1992). The rates of adjudication and conviction shown in Figure 16 are somewhat higher than those found previously for adults in Bernalillo County, however, the range of offenses

included in both studies is different. The data for Bernalillo County show that rates of adjudication and conviction increase with the seriousness of the offense, and the offenses included in Figure 16 are likely to be among the more serious offenses committed by juveniles.

When case processing is examined by the most serious offense at arrest, no significant differences emerged between different types of offense, either in the decision to file charges ($p = .36957$) or the decision to proceed from filing to adjudication ($p = .53216$). However, the type of charges was significantly associated with the decision to file charges ($p = .01580$), but not with the decision to proceed from filing to adjudication ($p = .65033$). As Figure 16 shows, the rate of filing was highest against juveniles charged with both firearms and other offenses, intermediate for juveniles charged only with firearms offenses, and lowest for juveniles who were not charged with firearms offenses.

Next, we examined the changes in charges as juveniles proceeded from arrest to filing to adjudication. We summarize these changes here by comparing arrest charges with disposition charges for the 80 juveniles for whom information was available. Figure 17 show that there was considerable variation in charges from arrest to disposition when the two are compared for type of offense. Thus, 45 juveniles were arrested and adjudicated for the same offense, but 35 (43.8%) were arrested for one offense and adjudicated for another. Assuming that violent offenses were the most serious and “other” offenses the least serious, Figure 17 shows that 25 juveniles had charges changed from more serious to less serious between arrest and disposition, but

Figure 16: Disposition of Juvenile Arrests

	Total	Rejected before Filing	Filed	Rejected after Filing	Adjudicated		
					Guilty Plea	Found Guilty	Acquitted
All Offenses	212 100%	52 24.5%	160 75.5%	65 30.7%	93 43.9%	1 0.9%	1 0.9%
By Most Serious Offense at Arrest (n = 167)							
Violent	38 100%	14 36.8%	24 63.2%	10 26.3%	13 34.2%	1 2.6%	0 0.0%
Property	25 100%	10 40.0%	15 60.0%	6 24.0%	9 36.0%	0 0.0%	0 0.0%
Drug	18 100%	3 16.7%	15 83.3%	7 38.8%	8 44.4%	0 0.0%	0 0.0%
Weapons	82 100%	23 28.0%	59 72.0%	21 25.6%	37 45.1%	0 0.0%	1 1.2%
Other	4 100%	2 50.0%	2 50.0%	2 50.0%	0 0.0%	0 0.0%	0 0.0%
By Type of Arrest Charges (n = 167)							
Weapons Only	56 100%	18 32.1%	38 67.8%	11 19.6%	25 44.6%	1 1.8%	1 1.8%
No Weapons	43 100%	20 46.5%	23 53.5%	10 23.3%	13 30.2%	0 0.3%	0 0.0%
Mixed	68 100%	14 20.5%	54 79.5%	25 36.8%	29 42.6%	0 0.0%	0 0.0%

Figure 17: Arrest and disposition charges, by type of offense

Arr.	Disposition				
	Viol.	Prop	Drug	Fire	Other
Viol	6	1		6	3
Prop	2	6			2
Drug				63	4
Fire	1	3	2	27	8

Figure 18: Arrest and disposition charges, by type of charge

Arrest	Disposition		
	Fire Only	No Fire	Mixed
Fire Only	18	5	4
No Fire	3	13	
Mixed	11	20	6

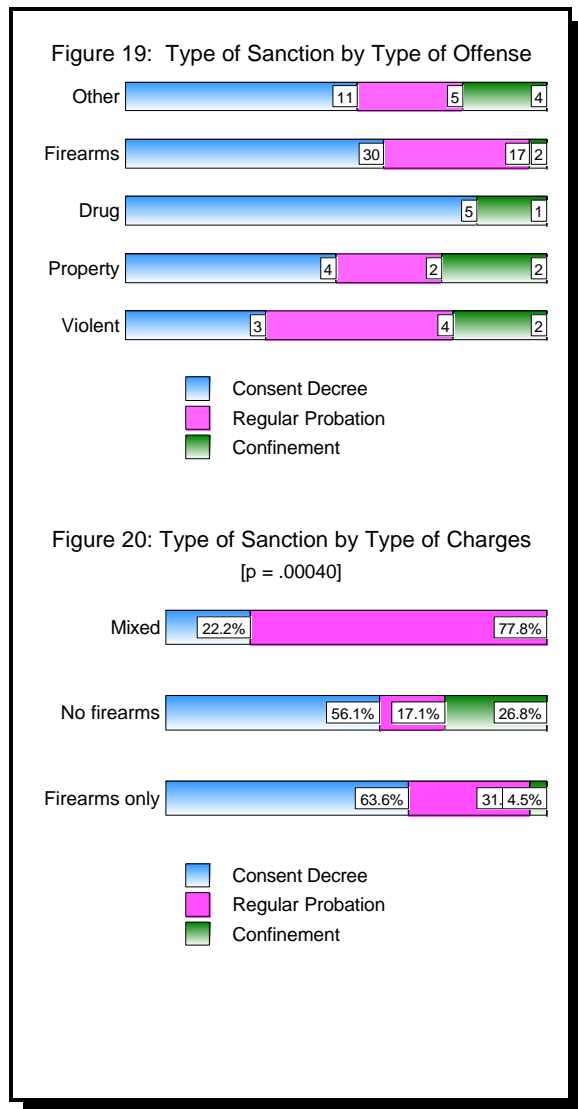
only 8 had charges changed from less serious to more serious. Both the amount and direction of variation in charges between arrest and disposition is probably typical of many cases involving other kinds of offense and other kinds of defendant. Figure 18 shows that juveniles arrested for both firearms and other offenses were much more likely than other juveniles to have their charges changed between arrest and adjudication. The charges were about twice as likely to be adjudicated as a non-firearms case than as a firearms-only case. It is not clear why these “mixed” charges were subject to more variation than the two other types of case.

Finally, we examined the sentences imposed for 92 of the 94 juveniles who were adjudicated as guilty (information on the sentences for the other two juveniles was not available). The different types of sentence imposed for these juveniles were as follows:

- **Time waiver:** up to six months of unsupervised probation (in this sample, all time waivers were for six months).
- **Consent decree:** up to six months of supervised probation (in this sample, all consent decrees were for six months).
- **Regular probation:** up to two years of supervised probation (in this sample, all terms of regular probation were 24 months).
- **Confinement:** up to two years in a juvenile facility (in this sample, the modal confinement sentence was twelve months).
- **Community service:** in this sample, from 20 to 100 hours (mean, 50.5 hours).
- **Mediation.**
- **Fine:** in this sample, one juvenile was fined \$100, and five juveniles were listed as being fined 1 cent.

<u>Principal Sentence</u>	<u>No.</u>	<u>%</u>
Time Waiver	3	33%
Consent Decree	47	51.1%
Regular Probation	28	30.4%
Confinement	10	10.9%
Community Service	2	2.2%
Mediation	1	1.1%
Fine	1	1.1%
Total	92	100%

The previous chart shows that the principal sentence imposed in the overwhelming majority of cases was some form of probation. Thus, 84.8% of juveniles were sentenced to a time waiver, a consent decree or regular probation. The primary sanctions were six months of probation under a consent decree and 24 months of regular probation. Confinement was only used for about one in ten juveniles.



Figures 19 and 20 show the type of sanction imposed for different kinds of offense and different kinds of charges. The number of cases in each category is quite small in Figure 19, and numbers are presented instead of percentages because percentage variations across categories could be misleading. For the same reason, no statistical test was applied to Figure 19. Thus, while the variation in the sanctions imposed for different kinds of offense look to be quite large, we cannot determine - with the available sample size - whether these apparent variations are statistically significant.

Figure 20 shows the variation in type of sanction by type of charges that were adjudicated for each juvenile. The smaller number of categories, with a relatively higher number of cases in each category, allows a test for statistically significant differences between different types of charges. Figure 20 shows that there were significant differences in the type of sanction imposed for different types of charges. Most notably, confinement was used most frequently (and almost exclusively) for cases that - while arising from incidents where firearms were present - did not result in adjudicated firearms charges. Cases involving firearms and other charges had the highest proportion of sentences to regular probation; and cases that involved only firearms charges had the highest proportion of sentences to consent decrees. Given that the severity of the sanction is often linked to the severity of the offense, we can assume that some of the most serious offenses were not solely firearms offenses, but offenses involving a firearm.

4.4 Summary: Patterns of Control

When we integrate the results presented in Section 4, several generalizations emerge:

- In most cases, juveniles' potential or actual illegal involvement with firearms became known to the police before it became known to probation officers or prosecutors.
- In two thirds of incidents, police knowledge of juveniles' potential or actual illegal involvement with firearms derived from calls made by citizens.
- Many of the calls made by citizens originated from residences. These calls often concerned violent or property crimes that also involved a firearm. Such incidents were less likely than others to result in prosecution. However, when juveniles were prosecuted and convicted for these incidents, they were more likely to be sentenced to confinement.
- In one third of incidents, police knowledge of juveniles' potential or actual illegal involvement with firearms derived from check-ups initiated on the street or in other publicly accessible spaces. These incidents generally resulted in arrest, and subsequent charges, solely for weapons offenses (or where the weapons offense was the most serious charge). Such incidents were more likely than others to result in prosecution, and the juveniles involved in them were most likely to be sentenced to probation.
- Rates of rejection and dismissal of charges against the juveniles involved in firearms-related incidents did not look very different from rates of rejection and dismissal for adult defendants (on all types of crime) reported in an earlier study of Bernalillo County.

We take possession of the firearm and run the weapon to make sure it is not stolen. We find out why the kid has the gun and if it is in violation of the statute. The statute states that the kid cannot have a handgun but can have a rifle. The problem is that, due to the circumstances of the statute, we cannot always make an arrest.

- Police Officer

5. OPINIONS REGARDING THE CONTROL OF JUVENILE ACCESS TO FIREARMS

We asked our three sets of respondents to give us their opinions regarding the control of juvenile access to firearms. We focused our questions on institutions that clearly play a role in the control of juvenile problem behavior: families, schools, the police and the courts.

5.1 Families

As Figure 21 shows, no one thought that families were doing a great deal to control juvenile access to firearms. Only 13.7% of the self-report respondents thought that parents were doing a lot; while only 17.4% of the juvenile interviewees and 23.1% of the criminal justice professionals thought that families were definitely doing much. More than a quarter of the self-report respondents, more than a third of the juvenile interviewees and almost two thirds of the criminal justice professionals thought that parents and families were doing nothing.

When we examined the juvenile interviews, some of the characteristics of parental control or tolerance regarding guns became more apparent. One juvenile reported that his parents did not pay much attention:

“No, the families don’t do much. The most my mom ever said was to stay away from guns, and that was all. My dad didn’t care; just told me to be careful with the gun.”
[Juvenile Interview No. 1]

Figure 21: Families and Control of Juveniles and Firearms

A. Self-Report Survey
Do You Think Parents Do Much to Control Kids and Guns?

	%
Yes, a lot	13.7
Yes, a little	26.4
No, not much	33.5
No, not at all	<u>26.4</u>
[Valid responses = 364]	100.0

B. Juvenile Interviews
Do You Think Families Do Much to Control Kids and Guns?

	%
Yes, definitely	17.4
Only sometimes	43.5
No	<u>39.1</u>
[Valid responses = 23]	100.0

C. Criminal Justice Professional Interviews
Do You Think Families Do Much to Control Kids and Guns?

	%
Yes, definitely	23.1
Only sometimes	15.4
No	<u>61.5</u>
[Valid responses = 13]	100.0

By contrast, most juveniles that we interviewed felt that parents were quite concerned to control access to guns:

“I don’t know about other families, but my mom would take the gun away from me. She cared a lot about what was happening to me and the crowd that I hung out with.”
[Juvenile Interview No. 9]

However, it is clear that concern for guns did not translate very easily into effective control:

“My mom was pretty strict with me. I wasn’t allowed to bring any guns into the house (so I just left them in the car). My mom wouldn’t get involved in any of the deals.....”
[Juvenile Interview No. 11]

The impression given by these juveniles is that, although parents may be concerned about access to guns, there is not a lot that they can do to prevent it.

As Figure 21 shows, the criminal justice professionals were the most pessimistic regarding the role of parents and families. Most felt that parents were contributing to the problem posed by juveniles with firearms for one or more of the following reasons:

- Failure to instill moral values.
- Failure to teach the appropriate safeguards for handling firearms.
- Failure to monitor juveniles’ behavior.
- Hostility to police and probation officers when the juveniles are arrested or referred for delinquency.

The following is a typical example of the criminal justice professionals’ perspective on families:

“The families are not doing anything to control kids with guns, and this is precisely where the most help is needed. Most kids with criminal backgrounds come from dysfunctional families. The parents are not aware of what their child is doing and are very removed from their child’s life. Because parents are not even aware of what their children are up to, it makes it very difficult to prevent the children from acquiring and using firearms.”

*[Criminal Justice
Profession Interview No.
12]*

However, one criminal justice professional had recently changed his viewpoint:

“At one time, I thought that the families were part of the problem of controlling juveniles and the crimes they commit with guns. It seemed that the mom and dad were either in jail or strung out. But lately, my theory has been thrown off. I’ve seen a lot of good families, middle class, who are genuinely concerned about their child and the problem child is just a bad kid.”

[Criminal Justice Professional Interview No. 10]

While criminal justice professionals and juvenile delinquents may differ somewhat in the amount of concern over juvenile access to firearms that they attribute to parents, both might agree that there is not always a lot that parents can do to control their children.

5.2 Schools

Figure 22 shows that most respondents thought that schools are doing more than families to control juvenile access to firearms. More than 40% of the self-report survey respondents and one half of criminal justice professionals thought that teachers or schools were doing a substantial amount. Only the juvenile interview respondents were more negative about the role of schools, assessing their efforts in much the same way as they assessed the efforts of families.

When we examined juvenile interviewee responses, we again gained further insight regarding the nature of control in schools. Some interviewees thought that school authorities had little concern for firearms, as in the following example:

“The schools are not going to do anything about kids and guns. They rarely pay attention to what is going on. A lot of the kids would bring guns to the alternative school I went to, and smoke joints around the teachers, and they didn’t even care or notice.”

[Juvenile Interview No. 12]

However, the more prevalent view was that schools are concerned about firearms but unable to do a great deal. Several juveniles pointed out that teachers and other school personnel can only take action if they know, or have a reasonable suspicion, that someone has a firearm. A frequent source of information are the students themselves:

“I never got caught in school. But I didn’t always carry my gun in school because if people know that you have a gun they will talk and tell everybody and then the teachers will find out, I didn’t want to get caught in school.”

[Juvenile Interview No. 14]

Figure 22: Schools and Control of Juveniles and Firearms

A. Self-Report Survey

Do You Think Teachers Do Much to Control Kids and Guns?

	%
Yes, a lot	41.9
Yes, a little	25.8
No, not much	21.0
No, not at all	<u>11.3</u>
[Valid responses = 372]	100.0

B. Juvenile Interviews

Do You Think Schools Do Much to Control Kids and Guns?

	%
Yes, definitely	18.2
Only sometimes	36.4
No	<u>45.5</u>
[Valid responses = 22]	100.0

C. Criminal justice professional Interviews

Do You Think Schools Do Much to Control Kids and Guns?

	%
Yes, definitely	50.0
Only sometimes	41.7
No	<u>8.3</u>
[Valid responses = 12]	100.0

But even with such high monitoring, which is dissuasive to some juveniles, others pointed out that the schools are restricted in the measures that they can take to identify and respond to juveniles with firearms:

“Most people carry guns at school and the schools can do very little about the problem. The school can only search the juvenile’s person or locker if they have a reasonable suspicion. They can ask to search the car or backpack, but the kid can refuse the search and by the time that the cops are called, they can leave the school property and get rid of the gun.”

[Juvenile Interview No. 1]

Most of the criminal justice professionals that we interviewed felt that the schools do as much as they can to control the presence of firearms. As one interviewee put it:

“The schools have a greater amount of control [than the courts] over kids and guns. This is because schools have parental authority and can search the juveniles, lockers, school bags, and vehicles if they have reasonable suspicion that the juvenile possesses a firearm on school property.”

[Criminal Justice Professional Interview No. 5]

Another pointed out that schools take a strong stand against firearms:

“The schools don’t deal with kids who are caught with firearms or caught committing an offense with a firearm on school grounds. It used to be that a kid caught with a gun on a school campus would receive a two to three week suspension. Now the kids are suspended for the remainder of the school year.”
[Criminal Justice Professional Interview No. 7]

However, some criminal justice professionals also recognized the limits to control by schools. One problem is the lack of resources:

“Some schools...have installed metal detectors, conduct routine searches of lockers and persons, and generally have enforced tighter security on the school property. However,...while the updated security measures are helpful, many schools cannot afford [them].”
[Criminal Justice Professional Interview No. 11]

Another problem is that the schools can only effectively control behavior on school grounds:

“As far as acquiring guns, there is little that the schools can do.”
[Criminal Justice Professional Interview No. 12]

“There is very little that the schools can do to control kids with guns.”
[Criminal Justice Professional Interview No. 4]

However, one interviewee saw a role for schools in influencing juvenile contact with firearms outside of school:

“Schools can educate juveniles about the dangers of guns and the legal ramifications of using guns.”
[Criminal Justice Professional Interview No. 6]

Overall, both the juvenile delinquents and the criminal justice professionals appeared to agree that school authorities take the problem of firearms very seriously. However, both groups also recognized that there are limits - set by the law and by the available resources - to what schools can do in response to the problem.

5.3 The Police

Figure 23 shows that the police received about the same rating as families in their efforts to control juveniles and firearms.

Figure 23: Police and Control of Juveniles and Firearms

A. Self-Report Survey

Do You Think The Police Do Much to Control Kids and Guns?

	%
Yes, a lot	19.1
Yes, a little	21.8
No, not much	33.2
No, not at all	<u>25.9</u>
[Valid responses = 367]	100.0

B. Juvenile Interviews

Do You Think The Police Do Much Control Kids and Guns?

	%
Yes, definitely	9.1
Only sometimes	27.3
No	<u>63.6</u>
[Valid responses = 22]	100.0

C. Criminal justice professional Interviews

Do You Think The Police Do Much to Control Kids and Guns?

	%
Yes, definitely	30.8
Only sometimes	38.5
No	<u>30.8</u>
[Valid responses = 13]	100.0

Almost all of the juvenile interviewees pointed out that the police face substantial problems in controlling access to, and use of, firearms among juveniles. One interviewee summed up the problems very well:

“There is not much that cops can do. When they pull up at a party, all of the guys give their guns to their girlfriends to hold because the cops don’t search the girls. When the cops are around, they will toss their guns in the bushes or somewhere. It is really difficult for the cops and the cops have to catch them in the act of possessing or using a gun in order to charge them on a gun-related offense.

However, there are many instances where the cops will just stop and search the kid if he looks suspicious. My cousin was talking at a pay phone and a cop thought he looked suspicious, so he stopped and frisked him, finding a gun. In another instance, my friend’s gun was sticking through a worn spot in his pants and the cops saw the gun. My friend was charged with possession of a gun. Unfortunately for the cops, there are many opportunities to ditch the guns prior to being caught, and there are so many guns available that it is no hardship to lose a gun. For every gun confiscated, there are six more out there.”

[Juvenile Interview No. 1]

While many juvenile interviewees viewed the police as doing their best under difficult circumstances, five mentioned a more worrying scenario in which the police came across juveniles with firearms but did not take legal action. These instances are worth quoting:

“Once, the police showed up and found my 9mm gun. They accused me and tried to get me to admit that it was my gun. They took me in the back of the house and hit me around a bit and called me a ‘maggot.’ In the end, they just took the gun away and didn’t even report it.”

[Juvenile Interview No. 4]

Q. Do you think the police do much to control kids with guns?

A. I don’t think so. Most of the time they give them back to you. They don’t want to write no paperwork or take you in. Once, the police pulled us over and found a gun under the driver’s seat. We were all under 18. The police took the magazine and bullets out of the gun and then gave it back to us.”

[Juvenile Interview No. 14]

“...there were several times we had been stopped with major guns and they just looked at them and left. If they find drugs they do take those. But then they will just leave. No ticket or nothing. There are a lot of crooked cops. They get tired of doing paperwork. Sometimes they will just take the gun and not charge you. But they don’t do anything to stop it.”

[Juvenile Interview No. 24]

“[The police] frisk. Sometimes they just give you back the gun. When we were at ---- Park and we were shooting my friend’s grandmother’s .22 revolver, they just took the bullets and returned the gun to my grandmother.”

[Juvenile Interview No. 15]

It’s just like the war on drugs. [The police] can’t do nothing. I don’t think they really tried. They give guns back. The Brady Bill didn’t do nothing.”

[Juvenile Interview No. 20]

These comments, from juveniles at different institutions talking to different interviewers, are sufficiently frequent to suggest that the police may not always arrest or cite juveniles found with firearms.

Many criminal justice professionals also felt that the police face substantial obstacles when confronting the problem of juveniles and firearms, especially because of the limits to search and seizure procedures:

“...it is very difficult to identify juveniles who carry guns. Unless there is a reasonable suspicion, the police can’t just stop and search a juvenile. The same standard for adults applies to juveniles with regards to search and seizure. The police are further hampered by the fact that juveniles wear loose clothing so as to conceal guns. This is one of the reasons why kids wear the ‘baggy pants with big pockets’ look.”
[Criminal Justice Professional Interview No. 5]

Thus, both juvenile delinquents and criminal justice professionals recognized that the police face substantial impediments in controlling juveniles and guns. While some of the criminal justice professionals (specifically, representatives of police agencies) argued that the police are doing all that they can, the comments from some juveniles indicate that legal proceedings may not always have been initiated by the police against juveniles found with firearms.

Figure 24: The Courts and Control of Juveniles and Firearms

A. Self-Report Survey
When Judges Sentence Kids for Having Guns, Do You Think They Are.....?

	%
Very soft	3.8
Soft	8.2
Tough	43.6
Very tough	<u>44.4</u>
[Valid responses = 365]	100.0

B. Juvenile Interviews
Do You Think The Courts Do Much To Control Kids and Guns?

	%
Yes, definitely	12.5
Only sometimes	54.2
No	<u>33.3</u>
[Valid responses = 24]	100.0

C. Criminal justice professional Interviews
Do You Think The Courts Do Much to Control Kids and Guns?

	%
Yes, definitely	0.0
Only sometimes	53.8
No	<u>46.2</u>
[Valid responses = 13]	100.0

5.4 The Courts

Figure 24 shows that the juveniles in our self-report survey overwhelmingly perceived judges as adopting a tough response to juveniles adjudicated for firearms possession

or use. By way of contrast, few juvenile interviewees and no criminal justice professionals thought that the courts were definitely doing something to control juveniles and firearms, although more than half of each group thought that the Courts “sometimes” control the problem.

Further examination of the juvenile interviews provides a more detailed perspective on juveniles’ perceptions of the courts. Most basically, juveniles thought that judicial responses to firearms cases are very varied. Several interviewees thought that the Courts vary their responses by the seriousness of the offense:

“While the penalties are not that great for just possessing a gun, the courts are handing out harsher penalties for shooting people or gangbanging.”
[Juvenile Interview No. 9]

However, some interviewees attributed the variation in sentences to factors other than the seriousness of the offense:

“The courts appear to be pretty tough on kids with gun charges. However, sometimes it depends on the judge’s mood and your looks.”
[Juvenile Interview No. 4]

And some interviewees felt that the courts were not tough enough in all cases:

“Sometimes the judge just slaps you on the hand and puts you on probation. I had fifteen referral charges before they sent me here.”
[Juvenile Interview No. 14]

The impact of sentences on subsequent behavior was also seen as variable:

“It depends on the person. If someone is ruthless, then they will be that way no matter how tough the courts are on offenders. But if someone wants to change their life for the better, then the punishments by the courts means something and are a wake up call to the individual to change their lifestyle.”
[Juvenile Interview No. 8]

The criminal justice professionals were even less certain than the juveniles about the contribution of courts to the control of firearms. Several interviewees noted that the courts can only do something about the cases that reach them, and that they therefore must deal with juveniles “after the fact.” From this perspective, sentences imposed by juvenile courts are presumably of little help in confronting the problem. However, some interviewees also expressed a concern regarding the perceived lenient nature of measures taken by the courts:

“In general, the court system is too lenient and is not sending a serious message to juveniles about the consequences of the crimes they are committing.”
[Criminal Justice Professional Interview No. 2]

In general, therefore, both juvenile delinquents and criminal justice professionals saw the courts as producing varied and sometimes questionable responses to juveniles firearms cases. While they recognized that the courts could sometimes hand down tough sentences, they were less certain that courts always provide appropriate and consistent responses to juveniles adjudicated for a firearms offense.

5.5 How to Stop Juveniles Carrying Guns

In our self-report survey, we also asked respondents what they thought might be effective in stopping juveniles carrying guns. Their answers were quite varied:

	%
Kids should control each other	16.9%
Stop gangs	12.1%
Parents should control their kids	11.6%
Control gun\pawn shops	11.9%
Arrest kids that carry guns	6.2%
Judges should give tougher sentences	9.6%
Teachers should control	2.5%
Stop drug trafficking	2.5%
Nothing can be done	19.8%
Other	6.9%
[Valid Responses = 354]	100%

Cumulating different answers, we see that informal control strategies were cited more frequently than formal control mechanisms. Thus, about 41% of the respondents felt that strategies using juveniles themselves, or their families, or strategies to control gangs would be most effective. About 30% of respondents cited legal strategies, such as more arrests and tougher sentences. Finally, almost one fifth felt that nothing can be done to stop juveniles carrying guns.

5.6 In Sum

Both juveniles and criminal justice professionals were of the opinion that the detection of firearms possession and use by juveniles is quite difficult. Firearms are easy to conceal, to abandon, or to store in places close to situations that might require their use; and the law places restrictions on the power of police officers and school authorities to search and seize weapons. For these reasons, families may be better placed to monitor firearms possession among their children, and the comments of some of our juvenile interviewees indicate that other students are an important source of detection in schools. And it may also be for these reasons that our juvenile survey respondents cited informal strategies for controlling gun possession more frequently than strictly legal responses.

Additionally, both the juvenile respondents and the criminal justice professionals thought that the disposition to control (and the effectiveness of control) varied across control agents, and there was some agreement between their ratings of each agent. Thus, schools were perceived to be the most concerned about juvenile firearms use, although they cannot do a great deal about the

problem outside of the school environment. Families and the police were not perceived to be very effective in controlling juveniles, and some juveniles even suggested that the police are sometimes not very interested in enforcing controls. Finally, the courts were perceived to have a variable response to the problem. They could sometimes impose tough sanctions, but a tough response was not always predictable.

6. CONCLUSIONS AND RECOMMENDATIONS

Our task in this study has been to compare patterns of juvenile firearms possession with efforts to enforce firearms laws against juveniles in New Mexico. The primary source of data on juvenile firearms possession were the delinquents confined in New Mexico's juvenile facilities. Our information regarding firearms possession and use therefore derives from the most serious delinquents and should not be considered representative of all juveniles in the state. However, our data illustrate experiences with firearms among the group that may well be most likely to acquire and use them in illegal ways. The primary source of data on the enforcement of firearms laws were the records of actions taken by the police, probation officers, prosecutors and the courts in response to juveniles involved in firearms incidents in Bernalillo and Valencia counties. While these juveniles, and the incidents they were involved in, cannot be considered as representative of cases occurring across the state, many of the most serious cases occur in these two counties, which contain the state's largest urban area (Albuquerque) and some of its dormitory settlements.

Our ultimate objective in this study is to identify any opportunities for enforcing firearms laws with increased effectiveness, and to that objective we now turn our attention. In so doing, we consider three dimensions of control: the laws themselves; enforcement of the laws; and non-legal strategies for reducing the illegal possession and use of firearms among juveniles.

6.1 Legal Control of Juvenile Access to Firearms

Contrary to the expressed beliefs of some juveniles (and even some of the criminal justice professionals that we interviewed), carrying and using a firearm by a person under 18 is not necessarily illegal. Juveniles may carry and use rifles or shotguns, and even handguns, under circumstances permitted by the law. Thus, the law attempts to reflect the public's values in relation to firearms by distinguishing between appropriate and inappropriate possession and use.

Reading the New Mexico statutes, talking to criminal justice professionals and also to members of the public, it is clear that there is some general agreement about the appropriate occasions on which juveniles may carry or use firearms. Thus, hunting and marksmanship have been defined and defended as legitimate activities for juveniles to engage in with firearms, often under the supervision of a parent or other responsible adult. In contrast, carrying and using a firearm (especially handguns) on many other occasions is seen as illegitimate, because juveniles are likely to harm themselves or others.

At night I kept the gun under my pillow, but I still prayed I would not need it. Sometimes I would hesitate because I wouldn't want to get caught. It's a stressing thing to have a gun, but you're afraid when you don't have one. There would be less violence if nobody had one.

- Juvenile Interviewee

However, as New Mexico's criminal law has evolved to address the problem of juveniles' illegitimate use of firearms, piecemeal additions have resulted in a demarcation between legal and illegal behaviors that is sometimes vague or potentially inconsistent. Until quite recently, the principal provisions regarding firearms possession and use referred to unlawful carrying of a deadly weapon (dating from 1953) and did not distinguish between adults and juveniles. In 1971, the Hunter Training Act was passed out of the evident concern to improve training and safety among juveniles who engage in hunting.

It was not until 1987 that juvenile firearms use was recognized as potentially problematic, with the enactment of legislation to prohibit carrying a deadly weapon on school premises. Most recently, in 1994, further legislation was enacted to prohibit almost all carrying and use of handguns by persons under 19 years of age. The 1987 law placed restrictions on one of the **places** where juveniles could previously carry firearms; the 1994 legislation restricted the **type** of firearm that could be carried. The cumulative result was to make inroads on juveniles' freedom to carry and use firearms, but not in a systematic way. By failing to address comprehensively the types of firearm, the places where they can be used, and the uses to which they can be put, recent legislative initiatives have created a potentially blurred line between legitimate and illegitimate uses of firearms by juveniles.

For example, juveniles can still carry loaded shotguns or rifles at home or in their car, for purposes of protection. On the one hand, this is at odds with the philosophy that appears to underlie the recent initiatives to limit juvenile access to firearms to hunting and

marksmanship. On the other, it is ironic that the juveniles who arouse most concern over their gun use - those surveyed in this study - cite protection as one of the primary motives for carrying and using a firearm. The law apparently says that it is acceptable to defend themselves with rifles and shotguns, but not with handguns. This kind of "fine" distinction is probably not intended and certainly looks hard to defend. The objective should be to try and dissuade juveniles from using any kind of deadly weapon as a means of conflict resolution.

Additionally, inconsistency is apparent in the degree of seriousness attributed to unacceptable behaviors. Thus, carrying a deadly weapon on school premises is classed as a fourth degree felony, but unlawful carrying of a handgun is defined as a petty misdemeanor. However, it would appear to be more consistent to class almost all juvenile violations of firearms norms at the same level, because the essential nature of illegitimate firearms possession arguably derives from the combination of a weapon and any inappropriate set of circumstances.

These considerations therefore lead us to suggest that some benefit could be derived from clarifying the boundary between legitimate and illegitimate possession of firearms by juveniles and standardizing the seriousness of illegal firearms possession. The benefit essentially consists of sending a clearer message regarding acceptable and unacceptable juvenile contact with firearms. While juveniles might initially be thought of as the primary audience for this message, we see its significance somewhat differently.

Although some prevention of illegal firearms possession by juveniles is likely to result from legislative reform, a considerable body of research - relating either to firearms or to other matters - shows that laws in and of themselves do not guarantee compliance with the norms they enshrine. Moreover, according to our modest survey of knowledge regarding firearms statutes, an appreciable number of juveniles already believe that access to firearms is more limited than is, in law, the case. Thus, legislative clarification regarding appropriate contact with firearms may merely confirm what many juveniles already believe. While legislative change may have some dissuasive impact on juveniles' interest in firearms, we see at least as much benefit deriving from the impact of legislation on criminal justice professionals, who must enforce the laws. Our study suggests that criminal justice professionals do not necessarily have an exact or correct appreciation of the boundary between legal and illegal juvenile contact with firearms. Additionally, it is noteworthy and interesting that, for several of the professionals we interviewed, the most salient points of reference were the 1994 handgun statute and the 1987 statute prohibiting deadly weapons on school premises. Rather than view the salience of this legislation as obvious (after all, the legislation is recent and aimed at juveniles), we prefer to interpret it as a significant organizing framework within which criminal justice professionals have adapted their responses to juveniles and firearms. Clarification of the boundary between legitimate and illegitimate juvenile access to firearms might therefore serve to reinforce the actions of those who must enforce the law, as much as it would serve to reduce the interest among juveniles in illegal contact with firearms.

Based on these considerations, we offer two suggestions for legislative reform:

1. Revise the existing statutes, so as to provide a clear indication of the permissible contact with firearms, by addressing the type of weapon, the circumstances under which weapons may be carried and used, and the uses to which they may be put.

Although a number of different proposals might be developed, one that appears congruent with recent trends in New Mexico's legislation is to limit juvenile contact with any kind of firearm to legally permissible hunting and marksmanship activities. In effect, further restrictions would be placed on juveniles, because they would not be allowed to carry rifles and shotguns (loaded or unloaded) for protection.

2. Standardize the seriousness of juvenile firearms violations.

As we have already pointed out, carrying a deadly weapon on school premises is classed as a fourth degree felony; but unlawful carrying of a handgun is classed as a misdemeanor. While we take no position regarding the specific level of seriousness that should be attributed to juvenile firearms violations, we suggest that all firearms offenses arising from the possession of an inappropriate weapon in inappropriate circumstances should be classed at the same level of seriousness.

6.2 Enforcing the Law

Most juveniles know that possession of weapons is illegal in many, if not all, circumstances. Yet despite this, our survey of juvenile delinquents in New Mexico indicates that contact with firearms is extensive and often begins before adolescence. The most popular firearms, at least among the juveniles we surveyed, were handguns and sawed-off shotguns (the former, almost never permitted; the latter, always illegal). Moreover, juveniles reported that firearms were easily available, either from friends and family, or through cheap purchases that could be made on the street. Clearly, as we commented in the previous section, the mere existence of laws does not guarantee compliance with them. Enforcement is a matter of great importance.

Our examination of police, prosecutorial and judicial actions in response to illegal access to firearms among juveniles indicates that enforcement faces some significant challenges, but it is not a hopeless task.

The principal challenge faced by enforcers is, of course, the difficulty of detecting juveniles who are in illegal possession of firearms. According to our survey information, juveniles tend to keep firearms in semi-private spaces (at home or in the car) that are closely associated with daily activities. Presumably, the firearms can be accessed at these locations with relative ease and thus may not need to be carried at all times. In addition, firearms (especially handguns) are relatively easy to conceal, particularly with adolescents' current fashion preferences; and several of our juvenile interviewees commented that it is quite easy to discard a firearm before the police have had a chance to search them. Constitutional

restrictions on search and seizure quite properly mean that the police cannot check residences, cars, or persons unless they have a reasonable suspicion that an illegal weapon is present. Officers must therefore rely greatly on visual sightings, yet guns are rarely displayed.

Given this difficulty, it is no surprise that our study found that two thirds of incidents that became known to the police resulted from calls made by citizens who had observed juveniles with firearms. Only one third of incidents were detected through police checkups, and none of those checkups took place in residences or other private spaces. Thus, the public was a prime source of information for the police. Paradoxically, however, incidents that were reported from residences and incidents with witnesses present, were **less** likely than others to lead to adjudication. Many of the incidents reported from residences led to charges for something other than a firearms violation, and juveniles arrested on these charges were more likely than others to see their charges rejected before adjudication. While incidents arising out of police checkups on the street were less frequent, they were more likely to lead to adjudication.

Our findings suggest that many citizens - perhaps more as potential victims, as school personnel or as business representatives, than as parents - may be active monitors of potentially illegitimate juvenile involvement with firearms. Thus, their calls represent an important source of information to the police, although they may have been unable to call the police in at a time when clear evidence of an offense, or of the juvenile's involvement, was available. However, incidents arising from

police checkups (activated by reasonable suspicions) also provide an important source of cases - cases that are somewhat more likely to result in adjudication.

In general, there is no evidence from our study that cases involving firearms (either as the sole offense, or in combination with other offenses) are prosecuted or adjudicated at a lower rate than other offenses. Thus, once a case is initiated by an arrest, the chances that the juvenile justice system will adjudicate the charges and designate an appropriate response (usually some form of probation) are no lower for firearms offenses than they are for other kinds offense.

Given that firearms offenses do not appear to be more difficult to prosecute than other kinds of offenses, and given that police checkups appear to lead to a greater probability of prosecution, some benefit may well be derived from continued and increased efforts by the police to monitor situations in which juveniles may be in illegal possession of firearms. In arguing this, we are **not** advocating any police activity that would overstep the constitutional limits to search and seizure. Rather, we are advocating increased attention to situations where firearms may be present, such that more legitimate searches may be undertaken by the police, along the lines of the Kansas City experiment. As the latter project showed, greater proactive policing resulted in increased gun seizures and fewer gun crimes. The benefits to be derived from this kind of initiative are probably twofold: reduced availability of firearms (even if only temporary), and increased dissuasion among juveniles for carrying or replacing firearms. Our suggestion is therefore as follows:

3. Increase police monitoring of situations where juveniles are likely to be carrying firearms illegally, and urge police to arrest and refer all juveniles discovered with illegal firearms.

Our survey of delinquents indicates that some juveniles are likely to carry weapons with them when on the street or going to parties (especially in cars), as much for protection as for wanton intent to harm others. These are situations to which the police could pay special attention, in an attempt to detect and dissuade firearms possession. Given that some of the delinquents we interviewed narrated incidents where the police discovered them with firearms but did not confiscate the guns or make an arrest, the police should also be urged to arrest and refer all juveniles found with illegal firearms.

6.3 Non-legal Strategies for Reducing Juvenile Access to Firearms

While we have devoted considerable attention to legislative initiatives and enforcement of firearms legislation, we are under no illusion that improved or increased control strategies such as these represent the only solution to the problem of juveniles' illegitimate contact with guns. Clarifying the boundary between permissible and inappropriate access to guns, and monitoring as closely as possible the situations in which juveniles typically carry guns, are likely to make some impact on juvenile behavior. However, these measures, by themselves, are unlikely to counter the substantial motivation among some juveniles to carry firearms in violation of the law.

What initially may have been an attraction with weapons as “bad” or dangerous, or may have begun in an almost unexceptional way as part of increasing juvenile participation in drug trafficking (with its attendant weaponry for protection and enforcement), appears now to have become almost a matter of necessity. While our survey respondents acknowledged that firearms may be touted for image or used while committing other crimes, it is striking that the primary motivation they cited for carrying and using guns was protection. Looking a little deeper we noted that the juveniles reported using guns against others about as frequently as guns were used against them; that juveniles attributed their own use to the need for protection, and gun use by others to gang rivalries and the attempt to get revenge. We concluded, in short, that the distinction between aggressors and defenders is probably difficult and perhaps meaningless. The broader phenomenon that drew our attention was that our respondents were apparently, and with some regularity, entering potentially conflictive situations where the other participants were also carrying guns and equally as likely to use them. The primary motivation for each juvenile to carry a firearm therefore appears to be rooted in a social environment (not necessarily or entirely exclusive to juveniles) where conflicts are quite frequent and firearms represent a standard resource for their management and resolution. To attack the motivation to carry firearms, attention must focus on the generation of conflicts, and on the use of firearms as resources for conflict management.

As Sheley and Wright expressed it:

“Ultimately...convincing...juveniles...not to own, carry, and use guns requires convincing them that they can survive in their neighborhoods without being armed, that they can come and go in peace, that their unarmed condition will not cause them to be victimized, intimidated, or slain.” (1995:161)

This challenge is probably best met through neighborhood and gang (or youth group) outreach programs.

In sum, strategies for improving the control of juvenile access to firearms are probably best combined with strategies more directly aimed at changing the motivation to carry firearms. While control is not the only solution to the problem, our study suggests that the possibility for improving current control initiatives should not be overlooked.

7. BIBLIOGRAPHY

- Bendis, Paul, and Steven Balkin (1979) "A look at gun control enforcement." *Journal of Police Science and Administration* 7:439-48.
- Blumstein, Alfred (1995) "Violence by young people: Why the deadly nexus?" *National Institute of Justice Journal* No. 229, August:2-9.
- Bordua, David, et al. (1985) *Operation and Effects of Firearm Owner Identification and Waiting Period Regulation in Illinois*. Urbana, IL: University of Illinois, Department of Sociology.
- Brill, Steven (1977) *Firearm Abuse: A Research and Policy Report*. Washington, DC: Police Foundation.
- Callahan, Charles M., and Frederick P. Rivara (1992) "Urban high school youth: A school-based survey." *Journal of the American Medical Association* 267(22):3038-3042.
- Cook, Philip J. (1983) "The influence of gun availability on violent crime patterns." Pp. 49-90 in *Crime and Justice: An Annual Review*, volume 4, edited by Michael Tonry and Norval Morris. Chicago: University of Chicago Press.
- Jacobs, James B., and Kimberly A. Potter (1995) "Keeping guns out of the "wrong" hands: The Brady Law and the limits of regulation." *The Journal of Criminal Law and Criminology*, 86(1):93-120.
- Kleck, Gary (1991) *Point Blank. Guns and Violence in America*. New York: Aldine de Gruyter.
- Kruschke, Earl R. (1995) *Gun Control: A Reference Handbook*. Santa Barbara, CA: ABC-CLIO.
- Moore, Mark H. (1980) "The police and weapons offenses." *Annals of the American Academy of Political and Social Science* 452:22-32.
- New Mexico Criminal Justice Statistical Analysis Center (1992) *Tracking Felony Offenders in New Mexico: The Pilot Program and Results*. Albuquerque, NM: New Mexico Criminal Justice Statistical Analysis Center, University of New Mexico.
- Sheley, Joseph, and James D. Wright (1993) *Gun Acquisition and Possession in Selected Juvenile Samples*. Washington, DC: U.S. Department of Justice, National Institute of Justice, Research in Brief series.
- Sheley, Joseph, and James D. Wright (1995) *In the Line of Fire*. New York: Aldine de Gruyter.
- Sherman, Lawrence W., James W. Shaw and Dennis P. Rogan (1995) *The Kansas City Gun Experiment*. Washington, DC: National Institute of Justice. Research in Brief.
- U.S. Department of Justice, Bureau of Justice Statistics (1994) *Criminal Victimization in the United States: A National Crime Victimization Survey Report*. Washington, DC: U.S. Department of Justice, Bureau of Justice Statistics.
- U.S. Department of Justice, Bureau of Justice Statistics (1995) *Sourcebook of Criminal Justice Statistics - 1994*. Washington, DC: U.S. Department of Justice, Bureau of Justice Statistics.
- U.S. Department of Justice, Federal Bureau of Investigation (1994) *Crime in the United States, 1993: Uniform Crime Reports*. Washington, DC: U.S. Department of Justice, Federal Bureau of Investigation.

-
- U.S. Department of Justice, National Institute of Justice (1995) *Arrestees and Guns: Monitoring the Illegal Firearms Market*. Washington, DC: U.S. Department of Justice, National Institute of Justice, Research Preview series (September).
- U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention (1995a) *Guide for Implementing the Comprehensive Strategy for Serious, Violent and Chronic Juvenile Offenders*. Washington, DC: U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention.
- U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention (1995b) *Juvenile Offenders and Victims: A National Report*. Washington, DC: U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention.
- Wilson, J.Q. (1994) "Just take away their guns." *New York Times*, March 20.
- Wright, James D., and Peter H. Rossi (1986) *Armed and Considered Dangerous: A Survey of Felons and Their Firearms*. New York: Aldine de Gruyter.

**APPENDIX A: **PROTOCOL FOR INTERVIEWS WITH JUVENILE
DELINQUENTS****

BACKGROUND QUESTIONS

1. How old are you?
2. Where were you born?
3. Where have you lived most of the time?
4. Can you tell me a bit about your family
 Did you grow up with your biological mother and father?
 How many brothers and sisters do you have?
 What was it like growing up for you?
5. How did you come to be at this facility?

HISTORY OF CONTACT WITH FIREARMS

1. Can you remember when was the first time you saw a real gun?
 [Describe the circumstances (who, where, what, when)]

 Did you think or feel anything in particular when you saw the gun? What?
2. Have you ever handled a gun yourself?
 [Describe first time,, if remembered and the circumstances (who, where, what, when)]

 Did you think or feel anything in particular when you handled the gun? What?
3. How often have you handled or used a gun?
 What for? [Instances/Examples]
 What did you think/feel in these circumstances?
 When did you last use a gun?[if appropriate]
 What for?
 How did you get the gun? [who, where, what, when]
 What happened to the gun afterward?

OPINIONS ABOUT JUVENILES AND FIREARMS

1. How many kids have guns, or access to them?
2. Where do kids get guns from?
3. How easy or difficult is it for kids to get guns?
4. Why do kids carry guns or use them?
5. Where or when are you most likely to find kids with guns?
6. What does a gun do for a kid's image?
7. Should kids be allowed to have guns? When? Why?

POLICE, PROSECUTORS AND KIDS-AND-GUNS

1. Do you know anything about the laws on kids and guns? If so, what does the law say?
2. Do you think the police do much to control kids with guns? Do you think the courts do? Do the Schools? Families?
3. Have you ever been stopped or arrested by the police because you had a gun or because you had used a gun? If yes describe:
 What did the police/others say about it?
 Were you charged for a weapons offense?
 Were you charged for something?

AFTER INTERVIEW QUESTIONS:

1. What was the most threatening situation you have ever been in?
2. What did you tell the Judge when you were charged for?

APPENDIX B: SELF-REPORT QUESTIONNAIRE FOR JUVENILE DELINQUENTS

1. How old are you? _____ years old
2. What is your sex? (*Check one*) 1. Male _____ 2. Female _____
3. What is the last grade in school you finished? _____ grade
4. Where were you born? Country _____
State _____
City _____
5. Altogether, how long have you lived in New Mexico? _____ years
6. How would you best describe yourself? (*Check only one*)
1. _____ White 4. _____ American Indian
2. _____ Black 5. _____ Asian
3. _____ Hispanic 6. _____ Other
7. Altogether, how many times have you been arrested? _____ times
8. Altogether, how many times have you been sentenced to YDDC or Springer? _____ times
9. Have you ever been charged with gun use? (*check one*) 1. Yes _____ 2. No _____
10. Have you ever been charged with gun possession? (*check one*) 1. Yes _____ 2. No _____
11. Have you ever been frisked by the police looking for guns? (*check one*) 1. Yes _____ 2. No _____
12. Have you ever been arrested for gun possession? (*check one*) 1. Yes _____ 2. No _____

13. **What crimes were you charged with when you were sentenced to this facility the most recent time? Explain both the main and related charges.**

14. **When you were arrested by the police for your present charge, how did you explain to them why you did what you did? (check only one)**

- | | |
|---|---------------------------------------|
| 1. _____ I didn't do it | 7. _____ No one would be hurt |
| 2. _____ I was mad | 8. _____ They deserved what they got |
| 3. _____ I lost control | 9. _____ Revenge |
| 4. _____ I did it for fun | 10. _____ I didn't say anything |
| 5. _____ No one would care about what I did | 11. _____ Something else. What? _____ |
| 6. _____ I had to defend or protect myself | |

15. **How easy or difficult is it for kids to get guns? (Check one)**

1. _____ Very easy 2. _____ Easy 3. _____ Difficult 4. _____ Very difficult

16. **What kind of guns do you think kids in New Mexico like best? (check the three most likely)**

- | | |
|--|-------------------------------|
| 1. _____ Revolver | 6. _____ Military style rifle |
| 2. _____ Automatic or semi-automatic gun | 7. _____ BB gun |
| 3. _____ Regular shot gun | 8. _____ Home-made gun |
| 4. _____ Sawed-off shotgun | 9. _____ Other |
| 5. _____ Hunting rifle | Explain _____ |
| | _____ |

17. **What kind of guns do you think kids in New Mexico use most? (check the tree most likely)**

- | | |
|--|-------------------------------|
| 1. _____ Revolver | 6. _____ Military style rifle |
| 2. _____ Automatic or semi-automatic gun | 7. _____ BB gun |
| 3. _____ Regular shot gun | 8. _____ Home-made gun |
| 4. _____ Sawed-off shotgun | 9. _____ Other |
| 5. _____ Hunting rifle | Explain _____ |
| | _____ |

18. Have you ever owned or kept a gun? (check only one)

1. Yes _____ **If you answered yes continue with the following four blue questions.**
2. No _____ **If you answered no, skip the next four blue questions and continue with the next black question.**

18.1 How many guns have you owned or kept? (Please give a number)
_____ guns.

18.2 How old were you when you first owned or kept the gun?
_____ years old

18.3 How did you get the gun? (check only one)

1. _____ I borrowed it
2. _____ I bought or traded for it
3. _____ I stole it
4. _____ Someone gave it to me

18.4 Who did you get the gun from? (check only one)

1. _____ I borrowed it
2. _____ Parent/relative
3. _____ Smuggler
4. _____ Gun Shop
5. _____ Pawn Shop
6. _____ Drug Dealer
7. _____ Someone else. Who? _____

19. How do kids in New Mexico mostly get guns? (Check only one)

1. _____ They borrow them
2. _____ They buy or trade for them
3. _____ From stealing
4. _____ From gift

20. Who do kids get the guns from? (check up to three)

1. _____ Friends
2. _____ Parent/relative
3. _____ Smuggler
4. _____ Gun Shop
5. _____ Pawn Shop
6. _____ Drug Dealer
7. _____ Someone else. Who? _____

21. If kids want to get guns, how long does it take to get one? (check only one)

1. _____ One day
2. _____ Two days
3. _____ Three days
4. _____ A week
5. _____ Two weeks
6. _____ A month or more

22. Where do kids mostly keep their guns? (check only one)

- | | |
|----------------------------------|---------------------------------------|
| 1. _____ In their bedroom | 5. _____ In a car |
| 2. _____ Somewhere else at home | 6. _____ In empty buildings or parks |
| 3. _____ With a friend | 7. _____ Somewhere else. Where? _____ |
| 4. _____ In their school lockers | _____ |

23. Why do kids use guns? (check up to three)

- | | |
|-----------------------------|---|
| 1. _____ To get revenge | 6. _____ To show they are a good shot |
| 2. _____ To get money | 7. _____ To hurt strangers |
| 3. _____ For protection | 8. _____ To look cool |
| 4. _____ For respect | 9. _____ To look tough |
| 5. _____ Friends carry them | 10. _____ For another reason. What? _____ |
| | _____ |

24. When/where are kids most likely to carry guns? (check up to three)

- | | |
|---------------------------------------|---|
| 1. _____ At school | 5. _____ Where they are going to hurt someone |
| 2. _____ At parties | 6. _____ When they go to steal something, or to buy or sell drugs |
| 3. _____ In the street, hanging out | 7. _____ Some other time. When? _____ |
| 4. _____ When they're riding in a car | _____ |

25. If a kid has a gun, how often do they carry it? (check only one)

- | | |
|---------------------------|--|
| 1. _____ All the time | 3. _____ Only when they think they are going to use it |
| 2. _____ Most of the time | 4. _____ Almost never |

26. Most kids who carry guns:

- | | | |
|---------------------------|--------------|-------------|
| Tell other kids about it. | 1. Yes _____ | 2. No _____ |
| Show other kids the gun. | 1. Yes _____ | 2. No _____ |
| Wave the gun around. | 1. Yes _____ | 2. No _____ |
| Point the gun at someone. | 1. Yes _____ | 2. No _____ |
| Shoot at targets. | 1. Yes _____ | 2. No _____ |
| Shoot at someone. | 1. Yes _____ | 2. No _____ |

27. Have you used a gun against someone? (check only one)

1. Yes _____ **If you answered yes, answer the following four blue questions.**

2. No _____ **If you answered no, skip the next four blue questions and continue with the next black question.**

27.1 How many times have you used a gun against someone?

_____ times

27.2 During the most recent time, what type of gun did you use? (Check only one)

- | | |
|--|---------------------------------|
| 1. _____ Revolver | 6. _____ Military style rifle |
| 2. _____ Automatic or semi-automatic gun | 7. _____ BB gun |
| 3. _____ Regular shot gun | 8. _____ Home-made gun |
| 4. _____ Sawed-off shotgun | 9. _____ Other What kind? _____ |
| 5. _____ Hunting rifle | _____ |

27.3 During the most recent time please describe, in your own words, why you used the gun.

27.4 How did you feel about using the gun? (check only one)

- | | |
|------------------|--------------------|
| 1. _____ Excited | 5. _____ Powerful |
| 2. _____ Amused | 6. _____ Thrilled |
| 3. _____ Afraid | 7. _____ Cool |
| 4. _____ Angry | 8. _____ Respected |

28. In the past two years before your last arrest, how many times did you ?

- Wave the gun around a group of people _____ (times)
Point a gun at someone _____ (times)
Shoot a gun for target practice _____ (times)
Shoot a gun at someone _____ (times)
Use a gun for something else _____ (times). What for? _____

29. Did some one ever use a gun against you? (check only one)

1. Yes _____ If you answered yes, continue with the following four blue questions.

2. No _____ If you answered no, skip the next four blue questions and continue with the following black question.

29.1 How many times has someone used a gun against you?

_____ times.

29.2 What kind of gun was used against you during *the most recent time*? (check only one)

- | | |
|--|-------------------------------|
| 1. _____ Revolver | 6. _____ Military style rifle |
| 2. _____ Automatic or semi-automatic gun | 7. _____ BB gun |
| 3. _____ Regular shot gun | 8. _____ Home-made gun |
| 4. _____ Sawed-off shotgun | 9. _____ Other Explain _____ |
| 5. _____ Hunting rifle | _____ |

29.3 During *the most recent time* a gun was used against you, please explain in your own words why they used the gun.

29.4 How did you feel when the gun was used against you? (check only one)

- | | |
|------------------|--------------------|
| 1. _____ Excited | 5. _____ Powerful |
| 2. _____ Amused | 6. _____ Thrilled |
| 3. _____ Afraid | 7. _____ Cool |
| 4. _____ Angry | 8. _____ Respected |

Yes, a lot Yes, a little No, not much No, not at all

30. Do you think kids know the gun laws in New Mexico? (check only one) _____ _____ _____ _____

31. Do you think parents do much to control their children's use of guns? (check only one) _____ _____ _____ _____

32. Do you think teachers do much to control kids and guns? (check only one) _____ _____ _____ _____

33. Do you think the police do much to control kid's use of guns? (check only one) _____ _____ _____ _____

34. When judges sentence kids for having guns, do you think they are (*check only one*)

1. _____ Very Soft 2. _____ Soft 3. _____ Tough 4. _____ Very Tough

	None of them	Some of them	Most of them	All of them
35. Among the kids you know, how many own or keep guns?	_____	_____	_____	_____
36. Of kids who carry guns in cars, how many get arrested?	_____	_____	_____	_____
37. Of the kids that carry a gun to a party, how many of them get arrested?	_____	_____	_____	_____
38. Of the kids that carry guns to school, how many get arrested?	_____	_____	_____	_____
39. Of the kids that carry guns how many of them get arrested when they point a gun at another kid in an argument?	_____	_____	_____	_____
40. Of the kids that carry guns, how many of them get arrested when they wave the gun around in public?	_____	_____	_____	_____
41. Of the kids that carry guns, how many of them get arrested when they point the gun at a stranger?	_____	_____	_____	_____
42. Of the kids that carry guns, how many of them get arrested when they shoot at someone and miss?	_____	_____	_____	_____
43. Of the kids that carry guns how many get arrested when they shoot at and hit someone?	_____	_____	_____	_____

44. When you were taken into the Court for your Present charge, what did you say?
(check only one)

- | | |
|--|---------------------------------------|
| 1. _____ I didn't do it | 7. _____ No one would be hurt |
| 2. _____ I was mad | 8. _____ They deserved what they got |
| 3. _____ I lost control | 9. _____ Revenge |
| 4. _____ I did it for fun | 10. _____ I didn't say anything |
| 5. _____ No one would care
about what I did | 11. _____ Something else. What? _____ |
| 6. _____ I had to protect myself | |

45. Which of the following do you think would be the best way to get kids to stop carrying guns? (check only one)

- | | |
|--|--|
| 1. _____ Arrest kids that carry guns | 6. _____ Stop gangs |
| 2. _____ Parents should control their
kids | 7. _____ Teachers should control kids at
school |
| 3. _____ Stop drug trafficking | 8. _____ Kids should control each other |
| 4. _____ Control gun shops and pawn
shops | 9. _____ Something else? What? _____ |
| 5. _____ Judges should give tougher
sentences | |

46. Feel free to write anything else that you think is important about kids and guns.

**APPENDIX C: **PROTOCOL FOR INTERVIEWS WITH CRIMINAL JUSTICE
PROFESSIONALS****

NAME:
POSITION:
DATE:

General Questions

1. How long have you been in this job?
2. What tasks do you have as part of your job?
3. What other jobs have you worked in?
4. How often does your job require you to deal with kids?

Controlling Juveniles' Access to Firearms

1. What laws exist to control juveniles' access to and use of firearms?
2. Do you think the police do much to control kids with guns?

Courts?

Schools?

Families?

3. Have you been involved in cases where kids have been found with guns?

How many a year?

What is the typical outcome of these cases?

In these cases, are kids charged for weapons offenses, or charged for something else?

4. What problems affect the control of kids and guns?
5. Do you have any suggestions for changing the way kids and guns are controlled?

Opinions About Juveniles and Firearms

1. How many kids have guns, or access to them?
2. Where do kids get guns from?
3. Why do kids carry guns or use them?
4. Where or when are you most likely to find kids with guns?
5. What does a gun do for a kid's image?
6. Should kids be allowed to have guns?

When?

Why?

History of Contact with Firearms

1. Can you remember the first time you saw a real gun?
Did you think or feel anything in particular when you saw the gun? What?
2. Do you remember the first time you handled a gun?
3. How often have you handled or used a gun?
4. Do you own any guns? If so, how many?
5. When did you last use a gun?

APPENDIX D: DATA COLLECTION FORM FOR INCIDENTS INVOLVING JUVENILES AND FIREARMS

1. **County:** 1.1 Bernalillo _____ 1.2 Valencia _____ 2. **Case number:** _____

3. **Date of offense(s)** _____ 4. **Time:** 4.1. Day _____ 4.2. Night _____

5. **Location of Incident:**

5.1 Street/Park _____ 5.2. Public Access premises _____ 5.3. House/Private Premises _____

6. **Date of police report** _____ **By:** 6.1. Police called _____ 6.2. Routine check _____

7. **Description of the offense(s) (Total)** _____

7.1. Offense _____ 7.2. Statute _____ 7.3. F/M _____

7.4. Offense _____ 7.5. Statute _____ 7.6. F/M _____

7.7. Offense _____ 7.8. Statute _____ 7.9. F/M _____

7.10. Offense _____ 7.11. Statute _____ 7.12. F/M _____

8. **Suspects (Total)** _____

8.1 Age _____ 8.2. Sex _____ 8.3. Ethnicity _____ 8.4. Gang related (y/n) _____

8.5 Age _____ 8.6. Sex _____ 8.7. Ethnicity _____ 8.8. Gang related (y/n) _____

8.9 Age _____ 8.10. Sex _____ 8.11. Ethnicity _____ 8.12. Gang related (y/n) _____

9. **Type of gun (Total)** _____

9.1 Brand _____ 9.2. Model _____ 9.3. Caliber _____

9.4 Brand _____ 9.5. Model _____ 9.6. Caliber _____

10. **Description of facts** (*Briefly state what happened: when, where, through whom it was known and under what circumstances the gun related incident occurred. Describe any related offenses*).

11. **Victims** (Total): _____

11.1. Age _____ 11.2. Sex _____ 11.3. Ethnicity _____ 11.4. Gang related (y/n) _____

11.5. Age _____ 11.6. Sex _____ 11.7. Ethnicity _____ 11.8. Gang related (y/n) _____

11.9. Age _____ 11.10. Sex _____ 11.11. Ethnicity _____ 11.12. Gang related (y/n) _____

12. **Witnesses** (Total): _____

12.1. Age _____ 12.2. Sex _____ 12.3. Ethnicity _____ 12.4. Gang related (y/n) _____

12.5. Age _____ 12.6. Sex _____ 12.7. Ethnicity _____ 12.8. Gang related (y/n) _____

12.9. Age _____ 12.10. Sex _____ 12.11. Ethnicity _____ 12.12. Gang related (y/n) _____

12.13. Age _____ 12.14. Sex _____ 12.15. Ethnicity _____ 12.16. Gang related (y/n) _____

13. **Further information in the Field Officer Report:** (*Please write whatever complementary information that is relevant for the case, including information from supplement reports or recommendations/remarks by the police officer*):

**APPENDIX E: DATA COLLECTION FORM FOR TRACKING JUVENILES
ARRESTED FOR FIREARMS-RELATED INCIDENTS**

Police Case # _____

JPPO Case # _____

DA Case # _____

Cause # _____

1.1 Name _____

1.2 SS # _____

2. Police Charges: Total: _____

2.1 Offense _____ Code _____ 2.2. Date _____

2.3 Offense _____ Code _____ 2.4. Date _____

2.5 Offense _____ Code _____ 2.6. Date _____

3. JPPO Suggested Charges: Total: _____

3.1 Offense _____ Code _____ 3.2. Date _____

3.3 Offense _____ Code _____ 3.4. Date _____

3.5 Offense _____ Code _____ 3.6. Date _____

4. Charges rejected by DA office: Total: _____
(Because of lack of evidence)

4.1 Offense _____ Code _____ 4.2. Date _____

4.5 Offense _____ Code _____ 4.4. Date _____

4.6 Offense _____ Code _____ 4.6. Date _____

5. Charges filed by DA Office: Total: _____ 5.0 Date _____

5.1 Offense _____ Code _____

5.2 Offense _____ Code _____

5.3 Offense _____ Code _____

6. DA Disposition Decision:

6.1. Plea bargain: yes _____ 6.2 no _____ 6.3. nolle prosequi _____ 6.4. case rejected _____

7. Juvenile Category:

7.1 Delinquent _____ 7.2 Youthful Offender _____ 7.3 Serious Youthful Offender _____

8. Court Disposition: 8.0 Date _____

9. Offenses: *(List the counts)*

9.1. _____ Code _____ G/NG _____ Trial _____ Plea _____ Acquittal _____

9.2. _____ Code _____ G/NG _____ Trial _____ Plea _____ Acquittal _____

9.3. _____ Code _____ G/NG _____ Trial _____ Plea _____ Acquittal _____

10. Category of Disposition:

10.1. As juvenile _____ 10.2. As adult _____

11. Sentence: *(Select all that apply)*

11.1. Time waiver (up to 6 mos. Non supervised probation) _____ 11.2. Months _____

11.3. Consent Decree (up to 6 mos. Probation) _____ 11.4. Months _____

11.5. Confinement (as a juvenile) _____ 11.6. Months _____

11.7. Jail (as an adult) _____ 11.8. Months _____

11.9. Incarceration (as an adult) _____ 11.10. Months _____

11.11. Regular probation _____ 11.12. Months _____

11.13. Community service _____ 11.14. Hours _____

11.15. Restitution _____ 11.16. Dollars _____

11.17. Mediation _____

12. Further remarks on court disposition:

(Note any relevant questions or remarks addressed by the Judge, the District Attorney or the Defense Counselor)
