

MEMORANDUM

TO: José

FROM: Neera

RE: Disruption of Illegal Gun Markets for Youth

Rationale

As a next step in our efforts to deal with youth access to illegal guns, I thought we may want to focus on disrupting markets in which youth buy guns. More specifically, we could strengthen our efforts to target the black market in guns. These efforts could work in conjunction with or in place of our current proposals on kids and guns.

Causes of Increased Gun Possession by Youth

The drug trade and its concomitant intense violence has increased the level of fear in many crime-ridden communities. This fear has led to increased reliance on weaponry - traffickers and bystanders in these areas, many of them young and not particularly mature, have armed themselves. For instance, in a Tulane University study that surveyed high school students in four troubled minority communities, it was found that more than a third carried guns at least occasionally. Forty one percent of these students said that obtaining guns was "no problem at all" and they paid well below retail prices for the guns they bought on the street.

And the more kids arm themselves, the greater the chance of shootings, and the more readily kids arm themselves - thus, the cycle of violence. Mix in youthful impulsiveness and the result is a surge of murders by juveniles. Indeed, guns and especially handguns have played a major role in the steep increase in such murders. Since 1984, the number of juveniles killing with a gun has quadrupled, while the number of killings with all other weapons has virtually remained constant.[Fox, Trends in Hand Gun Use, 3/96]

In short, many of the newly armed young people in crime-ridden communities are simply scared. They carry guns for their protection. According to a study of juvenile gun use in the Atlanta area, when asked about their feelings about carrying guns, 40% of respondents said they felt safer.[Journal of the American Medical Association, Gun Acquisition and Use by Juvenile Offenders, 6/12/96]

Less readily available weaponry would ease tensions and diminish the deadliness of incidents. Making access to guns much more difficult for juveniles would definitely decrease the random violence that causes so much concern to people.

Background on Federal Legislation

Federal gun legislation mainly affects new weapons sold by federally licensed dealers. The laws do not reach many older guns, nor small-scale private dealers, and they do not create the record-keeping and transfer protocols required to monitor and control the movement of guns. And of course, the purchase and possession of handguns by juveniles are already illegal.

Access to Guns at the Local Level

The black market in guns is, for the most part, local. Guns are readily available through local sources: they can be stolen from homes of gun dealers, or purchased from licensed and unlicensed dealers and resold. For example, in a study of incarcerated juveniles in Atlanta asked, the juveniles were asked what advice they would give a friend who wanted to obtain a gun in a hurry. The most common recommendation was to buy one on the street (57%), followed by stealing (19%), borrowing (9%), trading (6%), or buying from a gun store or pawn shop through an adult intermediary (4%).[Journal of the American Medical Association, Gun Acquisition and Use by Juvenile Offenders, 6/12/96]

Market Disruption as Part of the Solution

At the local level, strategies and tactics routinely deployed against other threats to public safety are strikingly absent from the gun-crime landscape. Given the opportunity, police are willing to make firearms arrests, but such charges tend to be incidental to other enforcement activities.

However, we can apply market disruption approaches developed in community policing circles and deployed with great effectiveness against street drug markets to the gun market. Over the past decade, several cities plagued by serious street drug problems have successfully interfered with street trafficking so that the markets ceased to function.

For example, police in Tampa, Florida mounted a model operation known as QUAD (Quick Uniform Attack on Drugs) which combats a widespread crack problem on the streets. They made it difficult for buyers to find dealers by intensifying enforcement to keep dealers on the move. They used community allies to locate and report new street dealing sites and drug stashes. Posing as dealers, police pulled 'reverse stings' and arrested buyers, making other buyers feel vulnerable. Officers interfered with business by loitering around dealing sites, used local ordinances to clear crowds from known trafficking areas, and cooperated with city authorities to knock down abandoned houses and shut down businesses used for dealing. Six months into QUAD, public dealing was virtually extinct. The disruption had caused, in relatively short order, the near collapse of the street market. [Testimony Before the Senate Judiciary Committee, Robert L. Smith, Public Safety Administrator, City of Tampa, Florida, Impact of Crime Bill on Drug Enforcement, 10/5/94]

While gun markets may be more difficult to define than drug markets, a disruption strategy for the youth gun market may still succeed.

Other Policy Initiatives / Model Programs:

Some of these ideas have been tested in the successful Boston Gun Project. However, for the most part they have not been tried anywhere. Because this is such a local issue, we may want to take the demonstration project or grant approach.

1. Joint Liability - Laws making adults who sell guns to kids jointly liable for crimes committed with those guns. The liability need not be the same for the adult selling the gun as it would be for the juvenile who commits the crime with the gun; for example, an adult who sold a gun to a juvenile who later committed a murder may get reckless homicide or manslaughter. The idea here is similar to drunk driving laws which make partially liable those who allow the drunk person to drive.
2. Plea Bargains - Police/prosecutors could offer juvenile offenders caught with guns plea bargains based on naming their supplier. We may be able to work on this at the United States Attorney level or help set up a model program in a city.
3. Asset Forfeiture - Pass laws allowing asset forfeiture for dealing guns to minors, so that the profits made from selling guns to juveniles will be forfeited.
4. Civil Abatement - To the extent that stores, bars, and other businesses were fronting for youth dealers, civil abatement proceedings could shut them down.
5. Attacking Security of Buyers -- Police could mount stings, work with parole and probation officers to intensify supervision of kids who are court-involved for gun offenses, and negotiate protocols for street searches with representatives of troubled communities.

The mounting of any concerted effort to crack down on juvenile gun markets itself would be a deterrent: in many jurisdictions, buying and selling in the youth black market is a largely risk-free enterprise, and a clever operation (including a community actively mobilized against guns) could hope to raise participants' sense of vulnerability considerably. Indeed, Boston has recently started its crack down on youth access to guns through the Boston Gun Project and it has led to remarkable decreases in violent crime by juveniles -- not a single juvenile has been killed by a gun in over a year and a half.

Local Needs, Local Approaches

Central to making any market disruption strategies work will be detailed, timely information on particular youth gun markets. We have already taken this first step through the Youth Crime Gun Interdiction Initiative. And we know that police can tap many sources of information when tracing gun sellers, such as kids, offenders, parents and community sources, and gun dealers and gun regulators.

Benefits

An effective youth market strategy might serve to split the adult market off from the youth market, leaving illicit dealers still in the gun business but unwilling, or substantially less willing, to deal to kids. It might, along with other efforts to fight fear, arrest the spiralling juvenile arms race. Given the juvenile death toll, and the special contribution of armed kids to the disruption of troubled communities, that would be a positive development.