Juvenile delinquency, adult firearm access, and crime outcomes: New research evidence to balance risk and rights, with implications for policy and law

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Duke University School of Medicine

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Duke University School of Law

Joyce Foundation Lunch-and-Learn Webinar
November 23, 2021 from noon to 1pm ET

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JDAGS research team

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Guanyu Tong

Sponsors
Joyce Foundation
Fund for a Safer Future – New Venture Fund

University of Vermont
William Copeland

Data Suppliers
State agencies in Delaware, North Carolina, and Virginia

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[Dr. Jeff Swanson’s presentation begins here]
Policy question to ponder: Should a juvenile crime record disqualify an adult from purchasing and possessing firearms in the United States and, if so, for how long?
Age matters: the majority of U.S. homicide perpetrators are aged 17-29 years

53% of homicides in 2020 were perpetrated by individuals aged 17-29

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Age-based gun restrictions matter: U.S. suicide rates per 100,000 in 2019, by age and firearm involvement

Eligible to purchase handgun from licensed dealer?
- No
- Yes

No change
68% increase

165 attributable excess deaths of 21 year-olds in 2019

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*Non-firearm suicides*
- 19 years: 7.4
- 20 years: 8.4
- 21 years: 8.6

*Firearm suicides*
- 19 years: 6.4
- 20 years: 5.9
- 21 years: 9.9
Rationale for categorical age-based gun restrictions

- Assumption of higher risk in the general population of individuals in transition from adolescence to adulthood, due to:
  - Immaturity
  - Irresponsibility
  - Lack of judgment
Rationale for categorical age-based gun restrictions

• Assumption of higher risk in the general population of individuals in transition from adolescence to adulthood, due to:
  o Immaturity
  o Irresponsibility
  o Lack of judgment

• Evidence of higher risk in juveniles with a history of violent offending:
  o Past violence is the best predictor of future violence
1960s-era juvenile justice reform proposal

“Give youthful criminals an incentive to reform by removing the infamy of their social standing... a legislative provision for the eradication of a record of conviction or adjudication upon...the passage of a period of time without further offense. It is not simply a lifting of disabilities attendant upon conviction and a restoration of civil rights....It is rather a redefinition of status, a process of erasing the legal event of conviction or adjudication, and thereby restoring to the regenerate offender his status quo ante.”

Contemporary policy of erasure of juvenile court records

“....For purposes of the law, a person with an erased criminal record does not have a criminal record. He is ‘deemed to have never been arrested’ within the meaning of the general statutes with respect to the proceedings so erased and may so swear under oath’ (CGS § 54-142a). Because of this, he is not subject to the gun laws that apply to felons.”

Juvenile justice reform creates a public safety dilemma...

A record of a serious crime can deny a person the opportunity to participate in civic and community life. **Expungement** of such a record can extend or restore to a former youthful offender the ability to ...

- Vote
- Rent an apartment
- Get a student loan
- Get a job -- become a licensed professional

Expungement of a juvenile crime record provides a fresh start for at-risk youth at the portal of adulthood.

Juvenile justice reform creates a public safety dilemma...

A record of a serious crime can deny a person the opportunity to participate in civic and community life. *Expungement* of such a record can extend or restore to a former youthful offender the ability to ...

- Vote
- Rent an apartment
- Get a student loan
- Get a job -- become a licensed professional
- **BUY AN ASSAULT RIFLE**

Expungement of a juvenile crime record provides a fresh start for at-risk youth at the portal of adulthood, but... if this includes the immediate right to purchase and possess firearms, there are public safety concerns.


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Policy dilemma:

How to “remove the infamy of their social standing,” without providing a powerful weapon of violence to young people with a history of serious violent behavior. Ethical tension exists between two goals in public policy on firearms rights for adults with juvenile crime records:

1. Society should restore civil rights to former juvenile offenders; and
2. Society should protect the public by limiting access to firearms for people at risk of harming themselves or others.
States vary widely in firearm access policies applied to adults with juvenile justice records

Does state generally prohibit guns from adults with juvenile offense records?

- **No.**
- **Yes.**

- DE: Age 25
- VA: Age 29
- NC: Age 18
Juvenile Delinquency and Adult Gun Sales (JDAGS): A comparative research study in three states with different minimum age standards for legal firearm access by former juvenile offenders

Aims: In each of three states with different age restrictions for firearm purchase by adults with a juvenile crime record:

1. Assemble a longitudinal dataset comprised of linked administrative records measuring firearm-related adverse outcomes in a large cohort of juvenile offenders;

2. Analyze these data to test policy effectiveness;

3. Apply this information to formulate policy recommendations.
## Big-picture differences between JDAGS study states

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Juvenile arrest rates (ages 10-17) per 100,000 population in 2019 in JDAGS states and the U.S. as a whole

- Aggravated assault
- Robbery
- Larceny
- Drug abuse
- Weapons

Delaware  North Carolina  Virginia  United States

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During the period covered by the JDAGS study, North Carolina was the only state where juveniles as young as 16 could be automatically prosecuted as adults and sent to prison if convicted. In 2017, NC lawmakers approved the “Raise the Age” law, increasing the minimum age from 16 to 18.

Prior to 2017: Did state automatically prosecute 16 and 17 year-olds as adults?

- No.
- Yes.

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Firearm-involved violent crime arrests per 100,000 per year, ages 18-24: Delaware and North Carolina cohorts with a felony-equivalent juvenile delinquency adjudication at age 14-15 and general population age-peer comparator estimates.

- **Study population**
  - Delaware: 3,200 (16x higher than general population)
  - North Carolina: 2,000 (13x higher than general population)

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Firearm-involved violent crime arrests per 100,000 per year, ages 18-24:
NC cohort with a felony-equivalent juvenile delinquency adjudication at age 14-15

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Summary of key preliminary findings and conclusions

• Study results from two states to date are consistent with a risk-based rationale for legally restricting young adults with a serious juvenile crime record from accessing firearms, at least until later into the decade of their 20s--but these restrictions alone are insufficient to reduce firearm-related injury and mortality in the target population.

• Merely having these restrictions on the books is not sufficient to deter all gun-related crime in very high-risk populations, given the robust alternative supply of firearms that persons involved in criminal activity can easily access without undergoing a background check.

• Expanded comprehensive, background checks and a supply-side policy focused on understanding and interrupting informal or illegal firearm markets is needed, in order for age-based point-of-sale restrictions to be most effective in actually preventing adverse firearm-related outcomes.

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[Dr. Brett Gardner’s presentation begins here]
University of Virginia Law Core

- Legal consultation to identify and interpret statutes in each state that influence firearm disability
  - Who can access firearms in each state? And when can they?
  - Which offenses restrict access to firearms, in what populations, for what type of firearms, and for how long?

- Define and code *crime outcomes* in each state
  - Which statutory offenses, or categories of offenses are likely indications of: a) gun-involved crime; b) possibly gun-involved crime...
  - What offenses are violent?
  - How best to standardize crime outcomes across states?

- Nationwide review of relevant state statutes

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Background

• Variation in state policies governing firearm access

• Variation in state policies governing juvenile delinquency

• Firearm access among those with histories of juvenile delinquency
A Nationwide Survey of State Statutes

• Summarize and catalog state laws addressing firearm access among those with histories of delinquency

• Develop a typology of state laws to represent patterns in approaches to firearm restrictions affects former juvenile offenders

• Explore state-level associations between states’ classification in the typology, and their political inclination and firearm fatality rate
Method

Review publicly available secondary databases and relevant statutes in each state

• **Minimum Age**
  - Purchase > Possession
  - Handguns > Long guns

• **Juvenile Delinquency**
  - Half of states restrict firearm access according to past delinquency \((n = 28)\)
  - Notable variation in:
    - Qualifying offenses
    - Length of restriction
    - Restriction method (i.e., age limits vs. waiting periods)

• **Delinquency Record Expungement**
  - Petition required in most states \((n = 32)\)
  - Variation in length of time until eligible
  - Often unknown whether expungement restores firearm access

• **Criminal Court Jurisdiction**
  - Most states identify minimum age of prosecution \((n = 33)\)
  - Ages range from 7 to 15

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Juvenile Firearm Access Typology

• **Age-related restrictions**
  • Has the state prescribed minimum ages for purchase/possession of handguns/long guns above 18?
    • 21 states

• **Behavior-related restrictions**
  • Does the state disqualify individuals with delinquency histories from accessing firearms?
    • 28 states
## State Typology

<table>
<thead>
<tr>
<th>Age-based Firearm Restriction</th>
<th>Behavior-based Firearm Restriction</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Young adult age <em>does not</em> disqualify</td>
<td></td>
<td></td>
</tr>
<tr>
<td>No restrictions</td>
<td>Juvenile delinquency <em>does not</em> disqualify</td>
<td>Behavioral restrictions only</td>
</tr>
<tr>
<td><em>n</em> = 15 (29.4%)</td>
<td><em>n</em> = 15 (29.4%)</td>
<td><em>n</em> = 30 (58.8%)</td>
</tr>
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<td></td>
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<tr>
<td>Age restrictions only</td>
<td>Behavioral &amp; age restrictions only</td>
<td><em>n</em> = 21 (41.2%)</td>
</tr>
<tr>
<td><em>n</em> = 8 (15.7%)</td>
<td><em>n</em> = 13 (25.5%)</td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td><em>N</em> = 51 (100%)</td>
</tr>
<tr>
<td><em>n</em> = 23 (49.1%)</td>
<td><em>n</em> = 28 (54.9%)</td>
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Typology Associations

• The state typology is associated with:
  • Political affiliation
  • Broader state firearm laws
  • Firearm death rates
  • Poverty, mental illness, gun ownership

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<td>Young adult age does not disqualify</td>
<td>86.7% Republican - weakest firearm laws</td>
<td>53.3% Republican - weak firearm laws</td>
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<td>71.4% Democratic - strict firearm laws</td>
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Equifinality

Kentucky
• 18 year minimum age of handgun purchase/possession
• Felony-equivalent offenses = permanent disqualification

Oregon
• 18 year minimum age of handgun purchase/possession
• Felonies and select misdemeanors = 4-year waiting period

States may arrive at similar firearm laws based on quite different reasoning
• Stricter firearm restrictions due to “tough on crime” vs. “tough on guns” attitudes
• Lenient firearm restrictions due to “gun rights” vs. “restorative justice” attitudes
Summary

• Three primary methods to limit firearm access to those with juvenile delinquency history
  • Minimum age of access
  • Limit access to those with history of delinquency
  • Increased waiting periods for expungement/ineffective expungement

• Notable variation and complexity in state laws
  • Same individual who commits same act might experience quite different outcomes depending on state of residence

• State typology helps simplify this complex topic, but additional research is needed

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[Dr. Josie Caves Sivaraman’s presentation begins here]
A comparison of two states:

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North Carolina and Delaware

Felony-equivalent offense

Age

14 15 16 17 18 19 20 21 22 23 24 25 26 27 28

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North Carolina and Delaware

Felony-equivalent offense

North Carolina: gun prohibited

The 14-15 year old cohort
North Carolina and Delaware

The 14-15 year old cohort

Felony-equivalent offense

North Carolina: gun prohibited

Delaware: gun prohibited

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North Carolina and Delaware

The 14-15 year old cohort

Felony-equivalent offense

North Carolina: gun prohibited
Delaware: gun prohibited

Age
14 15 16 17 18 19 20 21 22 23 24 25 26 27 28

State policies diverge

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North Carolina and Delaware

The 14-15 year old cohort

Felony-equivalent offense

North Carolina: gun prohibited
Delaware: gun prohibited

Arrest for Violent Offense
- Firearm
- Non-firearm

State policies diverge

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North Carolina and Delaware

The 14-15 year old cohort

Felony-equivalent offense

North Carolina: gun prohibited

Delaware: gun prohibited

State policies diverge

Age

14 15 16 17 18 19 20 21 22 23 24 25 26 27 28

Delaware: gun prohibited

North Carolina: gun prohibited

Felony-equivalent offense

The 16-17 year old cohort

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North Carolina and Delaware

The 14-15 year old cohort

- North Carolina: gun prohibited
- Delaware: gun prohibited

The 16-17 year old cohort

- Felony-equivalent offense
- North Carolina: gun prohibited
- Delaware: gun prohibited

Included people born in:
- NC 1990-1995
- DE 1982-1995

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## 14-15 year olds

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<td>Black</td>
<td>570 (60%)</td>
<td>2,707 (56%)</td>
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<td>White</td>
<td>380 (40%)</td>
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<td>Other</td>
<td>0 (0%)</td>
<td>252 (5.2%)</td>
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Baseline

14-15 year olds

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# Outcomes

**14-15 year olds**

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<td>Firearm</td>
<td>223 (23%)</td>
<td>1,098 (23%)</td>
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<tr>
<td>Violent</td>
<td>722 (76%)</td>
<td>2,846 (59%)</td>
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<td>200 (21%)</td>
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*Strong rationale for firearm prohibition*
Age Trends: 14-15 year olds

Delaware: violent firearm arrest

More restrictive firearm law

North Carolina: violent firearm arrest

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Age Trends: 14-15 year olds

However:

- Many people become gun disqualified during follow up
  - Adult felony offense
  - Domestic violence offenses
  - Drug offences
Odds of violent firearm arrest: 18-24 years vs <18 years
More restrictive firearm law

Delaware has:
- higher rates of violent arrests compared to North Carolina
- slower declines in violent arrests compared to North Carolina
- a similar pattern of decline of violent firearm and non-firearm arrests, compared to North Carolina

Odds of violent firearm arrest:
18-24 years vs <18 years

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Firearm disqualification

14-15 year olds

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<td>North Carolina</td>
<td>36%</td>
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<td>Delaware</td>
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* During age 18-24, 2/3 of the people being arrested for violent firearm crimes were already disqualified from firearm possession due to another firearm restrictive policy.*

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Firearm disqualification

### 14-15 year olds

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</tbody>
</table>

*During age 18-25, 2/3 of the people being arrested for violent firearm crimes were already disqualified from firearm possession due to another firearm restrictive policy.*

### 16-17 year olds

<table>
<thead>
<tr>
<th></th>
<th>18-24 years of age</th>
<th></th>
<th>24-27 years of age</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Eligible Arrests</td>
<td>Eligible Time</td>
<td>Eligible Arrests</td>
<td>Eligible Time</td>
</tr>
<tr>
<td>North Carolina</td>
<td>41%</td>
<td>50%</td>
<td></td>
<td>14%</td>
</tr>
<tr>
<td>Delaware</td>
<td>50%</td>
<td>65%</td>
<td></td>
<td>10%</td>
</tr>
</tbody>
</table>

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Summary of key preliminary findings and conclusions

• Study results from two states to date are consistent with a risk-based rationale for legally restricting young adults with a serious juvenile crime record from accessing firearms, at least until later into the decade of their 20s--but these restrictions alone are insufficient to reduce firearm-related injury and mortality in the target population.

• Merely having these restrictions on the books is not sufficient to deter all gun-related crime in very high-risk populations, given the robust alternative supply of firearms that persons involved in criminal activity can easily access without undergoing a background check.

• Expanded comprehensive, background checks and a supply-side policy focused on understanding and interrupting informal or illegal firearm markets is needed, in order for age-based point-of-sale restrictions to be most effective in actually preventing adverse firearm-related outcomes.

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