



# JAIBG

Juvenile Accountability Incentive  
Block Grants Program

## BULLETIN

May 2002

### *A Message From OJJDP*

The Federal legislation authorizing the JAIBG program called for the establishment of juvenile gun courts. Like its better known counterpart, the youth drug court, the juvenile gun court is a specialty court. Such courts feature small caseloads, frequent hearings, immediate sanctions, family involvement, and treatment services.

Juvenile gun courts are targeted interventions that expose youth charged with gun offenses to the ramifications of involvement in such acts. This Bulletin draws on the experiences of policymakers and practitioners involved with juvenile gun courts to describe their development. By way of illustration, it reviews the Jefferson County (AL) Juvenile Gun Court, which is supported by OJJDP.

The JAIBG program seeks to strengthen the capacity of the juvenile justice system to hold delinquents accountable. An effective juvenile gun court can advance that end for youth involved in gun-related offenses.

OJJDP

## Juvenile Gun Courts: Promoting Accountability and Providing Treatment

**David Sheppard and Patricia Kelly**

*This Bulletin is part of OJJDP's Juvenile Accountability Incentive Block Grants (JAIBG) Best Practices Series. The basic premise underlying the JAIBG program, initially funded in fiscal year 1998, is that young people who violate the law need to be held accountable for their offenses if society is to improve the quality of life in the Nation's communities. Holding a juvenile offender "accountable" in the juvenile justice system means that once the juvenile is determined to have committed law-violating behavior, by admission or adjudication, he or she is held responsible for the act through consequences or sanctions, imposed pursuant to law, that are proportionate to the offense. Consequences or sanctions that are applied swiftly, surely, and consistently, and are graduated to provide appropriate and effective responses to varying levels of offense seriousness and offender chronicity, work best in preventing, controlling, and reducing further law violations.*

*In an effort to help States and units of local government develop programs in the 12 purpose areas established for JAIBG funding, Bulletins in this series are designed to present*

*the most up-to-date knowledge to juvenile justice policymakers, researchers, and practitioners about programs and approaches that hold juvenile offenders accountable for their behavior. An indepth description of the JAIBG program and a list of the 12 program purpose areas appear in the overview Bulletin for this series.*

Although gun-related juvenile crime has decreased over the past few years, gun violence involving youth nevertheless remains at unacceptably high levels. Throughout the Nation, juvenile and family courts have been criticized for not providing appropriate sanctions and program services for young offenders involved in gun crimes (Butts and Harrell, 1998).

In response, the Nation's juvenile courts have begun to examine two objectives: how to (1) infuse juvenile courts with more accountability and stronger sanctions, and (2) develop more innovative judicial responses to nonviolent offenders overcrowding both court dockets and detention facilities (Shepherd, 1999). One

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innovative response has been the specialty court, characterized by small caseloads, frequent hearings, immediate sanctions, family involvement, and treatment services (Office of Juvenile Justice and Delinquency Prevention, 1999a). Drug courts for adults, and later for youth and families, were among these judicial pioneers.<sup>1</sup>

The juvenile gun court, another type of specialty court, intervenes with youth who have committed gun offenses that have not resulted in serious physical injury. Most juvenile gun courts are short-term programs that augment rather than replace normal juvenile court proceedings. This basic model of juvenile gun court is described in the first section of this Bulletin. Other juvenile gun courts, such as the court described in the second section of this Bulletin, do replace normal juvenile court proceedings. Only a few juvenile gun courts have been developed to date, but interest in them is growing rapidly.

This Bulletin focuses on JAIBG Program Purpose Area 8—the establishment of court-based juvenile justice programs that target young firearms offenders through the creation of juvenile gun courts for the adjudication and prosecution of these offenders. The purpose of this Bulletin is twofold:

- Share with local officials the experiences and perspectives of juvenile justice policymakers and practitioners who have been involved with juvenile gun court programs during the past several years to facilitate the development of constructive, well-conceived programs.
- Provide an indepth look at the Jefferson County (AL) Juvenile Gun Court—one effective gun court program supported by the

Office of Juvenile Justice and Delinquency Prevention (OJJDP) that expands on the basic gun court model described in the first section of this Bulletin.

## Basic Juvenile Gun Court Programs

### Indicators of Need

Local jurisdictions can determine the feasibility and possible utility of a gun court program for youth by assessing the extent of the problem of gun carrying among the juvenile population, the responsiveness of the existing juvenile justice system to this problem, and the degree of accountability that the system provides for these youth and their parents. Jurisdictions should also determine existing programs available to the court that address unlawful gun use and possession. This assessment of needs, which is carried out by a community planning group, is one of the first steps in developing a juvenile gun court (see summary of steps on this page and the detailed discussion of “Program Planning and Implementation” on pages 5–6).

### Caseload Review

The planning group begins by examining the extent of gun availability, possession, and use among youth in

its community. The group should study the court’s juvenile caseload from previous years, but it must do more than review the charges—it must also examine the facts underlying the charges and the social factors affecting the youth population (see, e.g., Arria, Wood, and Anthony, 1995; Kann et al., 1998).

Statistics from local hospital emergency rooms are another good source of information. If the statistics for gun injuries among youth indicate a victimization problem, a correlating problem of gun use among youth is probable (see Li et al., 1996).

Youth charged with gun offenses are the obvious target population for a gun court intervention. In addition, three other populations can benefit from a gun court program:

- Youth charged with other weapons offenses. Research has shown that use of weapons other than guns, particularly at an early age, is a strong risk factor for involvement with guns (Arria, Wood, and Anthony, 1995).
- Youth arrested for offenses not involving guns but who are found to be in possession of a gun at the time of arrest (simple firearms possession is not always charged).
- Youth with identified risk factors for criminal involvement with guns (gang membership, drug

### Steps in Developing a Juvenile Gun Court Program

- Assemble a planning group consisting of judges, probation officers, prosecutors, defense attorneys, and community members.
- Analyze indicators of need.
- Identify the target population and define program goals.
- Identify resources necessary to support the program.
- Develop procedures for gun court operation.
- Develop program management and monitoring capacity.
- Establish a plan for program evaluation.

<sup>1</sup> Juvenile drug courts are addressed in another Bulletin in the JAIBG series, *Juvenile Drug Court Programs* (Cooper, 2001).

dealing, availability of guns in the home, or arrest with an armed codefendant or co-respondent).

### Court Responsiveness and Accountability Mechanisms

Once the planning group determines the extent of the problem and identifies the target population, the next step is to review case outcomes to assess both the level of court responsiveness to the gun issue and the degree to which youth are being held accountable. To facilitate this process, the planning group may want to analyze the case outcomes of a sample of youth from the target population who appeared before the juvenile court in preceding years. This analysis should include:

- The time span from arrest to disposition (delays may be an indicator of a need for early intervention).
- The extent to which services were provided before disposition (and whether those services addressed the gun issue).
- A breakdown of findings after a guilty plea or trial, including an assessment of how often the original gun charge is included in the findings.
- An examination of sentencing patterns.

In addition, analysis should chart recidivist patterns for the target population in both the juvenile and criminal justice systems, with special attention paid to juvenile offenders' subsequent involvement with guns.

### Existing Resources

In determining whether existing resources are adequate to address the needs of the target population in a timely manner, the planning group should explore both court- and community-based programs, reaching out to a wide range of officials and providers (see Office of Juvenile Justice

### How Gun Court Programs Differ From the Traditional Juvenile Court

- Early screening and referral of juveniles who can benefit from the program.
- An expanded role for the judge as educator, not just adjudicator.
- Involvement of community members.

and Delinquency Prevention, 1996, 1999b). The planning group should consider program accessibility, number of openings, suitability for the targeted age group, cost, and demonstrated effectiveness. This assessment will allow the planning group to measure the extent and the effectiveness of existing resources and to identify the gaps, if any, that could be filled by a juvenile gun court program.

### Key Elements of a Juvenile Gun Court Program

Although tailored to the needs and resources of individual jurisdictions, juvenile gun court programs generally are characterized by certain elements.

### Goals of the Juvenile Gun Court Program

- Provide early intervention and greater accountability for juveniles charged with weapons offenses.
- Help juveniles involved in these offenses recognize—and use—nonviolent means to promote their safety and preserve and enhance their self-esteem.
- Effectively deliver to juveniles the message that gun violence hurts victims, families, and entire communities; guns cannot protect juveniles; being involved in gun violence will negatively affect juveniles' entire lives; and there are adults who care and can help them find nonviolent ways to solve problems.

### Principal Elements

Principal elements found in many juvenile gun court programs include the following:

- Early intervention—in many jurisdictions, before resolution of the court proceedings.
- Short-term (often a single 2- to 4-hour session), intensive programming.
- An intensive educational focus, using knowledgeable, concerned adults from the community to show youth the harm that can come from unlawful gun use (see Mercy and Rosenburg, 1998), the choices they can make regarding carrying and/or using guns versus nonviolent alternatives for resolving conflicts (see Arria, Wood, and Anthony, 1995; Ash et al., 1996), and the immediate response by adults in positions of authority that will result when youth are involved with guns.
- The inclusion of a wide range of court personnel and law enforcement officials—judges, probation officers, prosecutors, defense counsel, and police—working together with community members.

### Operational Elements

**The judge.** The judge is critical to the program's success, providing the

leadership necessary to lead the planning group and assemble the gun court team. The judge also should conduct the gun court intervention early in the proceedings. To demonstrate the seriousness with which the court regards unlawful gun possession, the judge also should take on an expanded role as educator.

**The gun court team.** Successful gun court teams include a variety of community members and juvenile justice professionals. The community members usually provide their time on a volunteer basis but may be organized by a paid coordinator. The variety of team members is important—a youth may connect with one person but not another, and variety ensures that most youth are reached.

The professionals address the problem from their perspectives—as police, detention officers, probation officials, prosecutors, or defense attorneys. Their involvement makes the system less impersonal and helps participating youth dispel negative stereotypes about people in such roles, particularly the police.

Community members should include those living with the consequences of gun use (e.g., victims and their relatives, trauma surgeons), older youth once involved with guns who have turned their lives around, community groups or professionals skilled at teaching nonviolent conflict resolution, and representatives from community-based organizations who can present appealing alternatives to risky activities. The message to the participants is there are adults who will hold them accountable for their behavior, who care what becomes of them, and who can help.

**Early intervention.** The hallmark of most programs is holding the gun court session as soon as possible after the arrest. Early intervention increases accountability and ensures that the lesson is taught before the act fades in the youth's memory. The timing

of the intervention depends on the process in the local jurisdiction. If court processing is lengthy and disposition generally occurs several months after the arrest, it may be best to link the intervention to a date soon after the intake hearing and, if the court opts for mandatory program attendance, make attendance a condition of release. If processing is rapid, then the intervention may possibly be included as a condition of probation.

**Target population.** The caseload review during the planning process (see page 2) should lay the groundwork for determining the target population in the jurisdiction. The review should provide information on the number of youth charged with gun offenses, the number of youth who possessed guns but were not charged, and the number at risk of using guns.

Existing gun court programs generally focus on low-level offenders (e.g., youth with first-time charges of gun possession) whom judges feel comfortable releasing to the community. Most exclude youth who caused serious injury and those who used guns in the commission of a serious offense.<sup>2</sup>

**Mandatory attendance.** In gun court programs in Detroit, MI, and Washington, DC, attendance is a condition of release, and release can be revoked and an arrest warrant issued if the youth fails to attend. In Indianapolis, IN, the program takes place after disposition as a condition of probation, and probation can be revoked if the youth fails to attend. A pilot program in New York, NY, relied on voluntary attendance; practitioners attributed the program's good results to early intervention (the arrest was still fresh in the youth's mind) and to reminder calls made by the program coordinator

<sup>2</sup> Exclusion of these youth is usually practical because they generally are detained or placed, and gun court programs for the most part target youth released to the community. Although creating a gun court in a detention context may present logistical challenges, a detained population might benefit from such a program.

the night before the program. Some programs also require or encourage parents to attend. Practitioners in Indianapolis report that parental participation is critical; their experience is that attitudes toward guns have their roots in the home environment, and the program provides an opportunity to educate both parents and youth.<sup>3</sup>

**Focus on education.** One goal of a gun court is to make youth aware of the potential consequences of unlawful firearms possession and break down their reliance on guns as a means of resolving disputes. Juvenile justice system professionals can talk about system consequences; however, community members who have suffered the consequences of criminal gun use are often the most persuasive. For example, a mother may tell the story of her child being killed by gunfire at a playground or a paraplegic may describe what it was like to be caught in a driveby shooting and what it is like to live with a disability every day. Some programs use morgue photographs of gunshot victims and tell the victims' stories. The goal is to make the consequences of weapons use real to the youth.

Another goal is to address and change the attitudes underlying a youth's decision to carry a gun. Practitioners and researchers both indicate that self-defense is the most common reason offered for possessing a gun (see Arria, Wood, and Anthony, 1995; Ash et al., 1996). Gun court programs try to teach participants alternative means of handling conflict.

Some programs stress the need to send positive messages. The Honorable Willie G. Lipscomb, Jr., creator of the Detroit Handgun Intervention Program (HIP), focuses his presentation on empowerment. He calls participants "ambassadors" and discusses with them how they must be part of the

<sup>3</sup> See Li et al., 1996, who report that most unintentional firearms injuries occur when youth are left unsupervised in the home.

solution, not only for their own problems but also for the bigger problems facing their communities.

### **Management and recordkeeping.**

To be successful, a gun court needs good management and excellent recordkeeping. Strong management is likely to ensure the organization needed to construct and maintain an effective gun court team. Because many gun courts rely on volunteers, a central coordinator is critical. Moreover, the coordinator can track program participants—beginning with attendance (to ensure accountability) and following through to outcomes (to track the program’s success).

## **Program Planning and Implementation**

Developing a juvenile gun court program generally requires addressing the following tasks and critical issues.

### **Tasks**

**Assemble a planning group.** Planning groups assess whether the jurisdiction needs a juvenile gun court (see “Indicators of Need,” page 2) and, if so, plan its implementation. Judicial leadership is critical in assembling the planning group, which should also include representatives from law enforcement; the probation office, prosecutor’s office, and public defender’s office; and the community. If possible, the group should also include social services professionals with a background in working with troubled adolescents.

Community participation is critical. The community not only provides the volunteers needed to operate the gun court; more important, it lends legitimacy to the gun court. Much of the impetus to institute gun courts comes from the community perception that traditional courts are not doing enough to address the problem. The planning group needs to reach out to the community and spread the

word that the courts are serious about taking responsibility and addressing the problem and are looking to the community for assistance and support.

The planning group may be split into two parts: (1) policymakers and (2) a working group that often relies on direct-line administrators and workers. The working group, with guidance from policymakers, should determine whether the jurisdiction could benefit from implementing a juvenile gun court (see next task). If the planning group determines that a juvenile gun court is warranted, it needs to meet frequently and regularly both before and after launching the program.

**Analyze indicators of need.** The planning group’s first step is to analyze indicators of need for a gun court program. As discussed in detail on pages 2–3, this analysis includes assessing the current problem, responsiveness of the justice system, and existing resources.

**Identify the target population and define program goals.** Once the planning group has completed its analysis and decided on implementation, the next step is to identify the target population, the program’s goals, and the indicators that will be used to determine the degree to which these goals are met.

**Identify resources.** As noted above, the planning group’s analysis provides baseline information on existing resources and gaps in resources. The principal resource needed for the gun court program is a range of knowledgeable and appropriate volunteers from the community. However, to coordinate the volunteers and ensure program tracking, hiring a coordinator may be necessary. In addition, depending on community resources, it may be necessary to hire a professional who specializes in teaching alternative conflict resolution, either to provide the service directly to program

participants or to train volunteers to provide the service.

**Develop procedures for gun court operation.** The working group, with the guidance and final approval of the policymakers, should develop a written set of operational procedures for the gun court. These procedures should specify the target population, the referral method, attendance policies, and sanctions for failure to attend the program.

**Develop program management and monitoring capacity.** The planning group must develop the capacity to manage the program and monitor the performance of individual participants and the program as a whole. Hiring or designating a program coordinator is strongly recommended. The group should agree on program goals and outcome measures, which the coordinator can use to track participant attendance and program activities in a way that will ensure that the gun court meets its goals.

**Establish a plan for program evaluation.** To assess the effectiveness of the gun court, the planning group must develop a program evaluation plan. The process of developing the program’s capacity for management and monitoring, described above, will be critical to developing its evaluation plan. For purposes of the evaluation, the planning group should identify the questions that need to be answered and the data that must be collected to answer the questions. The group also must assign responsibility for the evaluation to an outside evaluator.

### **Critical Issues**

**Timing the intervention.** The intervention should occur as near in time to the arrest as possible. Court calendar pressures often interfere with immediate scheduling, but the effectiveness of the intervention is lost if it is not implemented quickly.

### Compelling parental involvement.

Because youth tend to inherit their views about guns from their parents, parental enthusiasm for and participation in the program increase its effectiveness. Therefore, juvenile gun court practitioners should determine how best to involve parents.

Mandating parental involvement presents challenges to the court because gun court practitioners will have to

wrestle with the failure of some parents to participate. It is unclear whether incarcerating or imposing other sanctions on noncompliant parents would help or harm the parent-child relationship and the gun court program's effectiveness. If parents refuse to participate, most gun courts decide to proceed with the youth alone, although this method is less effective than if the parents participate.

Mandating parental involvement, however, is only one way to involve parents. Outreach efforts, marketing, and flexible court schedules to accommodate working parents can be successful strategies for some gun court programs.

### Potential Effects of the Program

#### Juvenile Justice System Components

Most gun courts act as supplementary court proceedings and do not otherwise alter the court process. However, these gun court programs do affect juvenile intake—the clearinghouse for program referrals. To ensure outreach to the entire target population, the intake worker must examine the facts underlying the charges, note when a gun was found in the youth's possession, and gather the information necessary to assess whether the youth is at risk for unlawful involvement with guns. This assessment should include questions about gang participation, drug dealing, availability of guns in the home, and presence of an armed codefendant or co-respondent.

#### Youth Affected

Juvenile gun courts are intended to promote greater accountability for gun possession and, in some cases, gun use. Accountability is increased by timing the intervention close to the point of arrest and by requiring participants to attend the gun court session. Moreover, gun court sessions allow participants to reflect on the possible consequences of their behavior through hearing the accounts of victims.

Gun court programs strive to help participating youth by:

- Stemming future gun possession.
- Reducing recidivism rates.

### Juvenile Gun Court Programs

Only a few juvenile gun courts following the basic gun court model currently exist; contact information for some of these courts is provided below.

Jurisdiction	Program	Contact
Detroit, MI	Detroit Handgun Intervention Program	Hon. Willie G. Lipscomb, Jr., Administrator Terrence K. Evelyn, Coordinator 36th District Court 421 Madison Avenue, Room 3017 Detroit, MI 48226 313-965-8730, ext. 3414
Indianapolis, IN	Program Project LIFE	Robyn Snyder, Director Division of Hiring, Training and Dispositional Alternatives Marion Superior Court, Juvenile Division 2451 North Keystone Avenue Indianapolis, IN 46218 317-924-7440
New York, NY	Weapons Court (Pilot)	Molly Armstrong Vera Institute of Justice 233 Broadway, 12th Floor New York, NY 10279 212-334-1300
Pima County, AZ	Firearms Awareness Training	Clint Stinson, Pima County Attorney Juvenile Court Center 2335 East Ajo Way Tucson, AZ 85713 520-740-2991
Washington, DC	Save Our Streets	Bebs Chorak, Deputy Director of Programs Street Law, Inc. 918 16th Street NW, Suite 602 Washington, DC 20006 202-293-0088, ext. 234

- Increasing participants' involvement in community-based programs.

## The Community

Another effect of the gun court program is providing the community with a response to a recognized problem. It also offers community members the opportunity to participate in the solution.

## Cost

In many cases, a gun court program's only major cost is hiring a coordinator; in some jurisdictions, the coordinator need only be part time. Other necessary resources often are free. For example, an unused courtroom, office, or classroom may be donated. The gun court program itself may be staffed by volunteers, and the educational materials (e.g., morgue photographs and films about weapons violence) can be gathered from public and private agencies. For relatively little cost, a juvenile gun court can go a long way toward addressing the issue of gun possession and use early in a juvenile's life.

## The Jefferson County Juvenile Gun Court

Although the gun court concept discussed thus far features a short-term, education-focused approach, that is by no means the only possible configuration, and communities may want to consider a different approach, based on their particular needs and resources. The Jefferson County Juvenile Gun Court<sup>4</sup> in Birmingham, AL, which has successfully reduced recidivism rates and helped reduce the violent crime

rate in the community, provides a good example of a more intensive and comprehensive approach. Core components of the Jefferson County program include a 28-day boot camp, a parent education program, a substance abuse program, intensive followup supervision, and community service.

In the early 1990s, Jefferson County faced high levels of gun-related juvenile violence and a troubling 53-percent increase in the number of juvenile gun offenses.<sup>5</sup> After reading about an adult gun court in Providence, RI, the Honorable Sandra Storm from the Jefferson County Family Court initiated a planning process to establish a juvenile version locally.<sup>6</sup> The Jefferson County Family Court is a centralized venue for handling all civil and criminal cases that involve youth—from violent juvenile crimes and status offenses to parental child abuse cases and custody disputes.

In January 1995, the judge held a town meeting to discuss the proposed initiative, inviting representatives from the criminal justice system, human services organizations, and government agencies and other key stakeholders. By April 1995, the core components of the gun court had been developed. With links to key agencies established, the family court reallocated funds and other resources to support the program.

Birmingham's gun court is part of the family court, which administers 24 programs that provide "wraparound" services to offenders and their families; most services are offered onsite. This centralization and the comprehensive services were considered key to the gun court's success.

The family court already had the statutory authority and judicial infrastructure for the proposed gun court in place. The court had a mandate to review incoming cases within 72 hours and try them within 10 working days ("swift" consequences); judges had the authority to impose mandatory detention of juvenile offenders, with judicial discretion as to whether juvenile cases were eligible for diversion ("sure" consequences); and Alabama's Department of Youth Services (DYS) provided access to 28-day boot camps and other appropriate facilities ("fair" consequences). Gun court planners added two additional features: intensive followup supervision by probation officers and "tracker personnel" (i.e., transition aides) and required parental involvement throughout the adjudication process.

Initially, the gun court was limited to youth from the city of Birmingham. In 1999, additional Federal funding from OJJDP made it possible to expand the program to the nearby city of Bessemer.

## Staffing and Services

### Staffing

Core staffing for the gun court program includes a hearing judge, two trial judges (one in Birmingham and the other in Bessemer), a director of programs, three probation officers, and a tracker. Local social services and government agencies provide staffing for many of the support services. A unique feature that distinguishes the gun court from other court-related programs is the pivotal role played by probation officers, who have expanded authority to recommend and provide sanctions and services. At every point in the process, probation officers are the central conduit for social services and other program referrals for the youth and their families.

<sup>4</sup> At the time this gun court was established, only a handful of court-based programs for juvenile gun offenders existed: Project LIFE (Lasting Intense Firearms Education), Indianapolis, IN; HIP, Detroit, MI; and the Juvenile Gun Program, Minneapolis, MN. For detailed descriptions of these programs, see profile numbers 45, 41, and 44, respectively, in *Promising Strategies To Reduce Gun Violence* (Office of Juvenile Justice and Delinquency Prevention, 1999b).

<sup>5</sup> 1990–1997 complaint statistics from the Family Court of Jefferson County, AL.

<sup>6</sup> See profile number 37 in *Promising Strategies To Reduce Gun Violence* (Office of Juvenile Justice and Delinquency Prevention, 1999b).

## Services

The probation officer—often in collaboration with a liaison from the Jefferson County Child Partnership, which offers mental health services to gun court offenders—develops a treatment plan based on information obtained during the intake process. The recommended services in the treatment plan become part of the terms of probation; because of the changing needs of the offenders and their families, modifications can be made at any time. Beyond the core program components discussed on pages 3–5, the young offenders also have access to a range of other family court services. The judge or a probation officer can initiate referrals to these services.

## From Arrest to Aftercare

### Arrest

Before the gun court was implemented, police officers usually did not arrest youth for gun possession; they released the youth to a parent without filing any charges. Now that the court is in place, however, police arrest youth for all gun-related offenses. First-time, nonviolent gun offenders age 17 and younger are eligible to participate in the program.<sup>7</sup> Offenders accused of more serious offenses involving guns (such as armed robbery and murder) are processed through the regular juvenile court or transferred to criminal court. The majority of gun charges referred to the gun court involve possession.

### Juvenile Court Intake and Detention Hearing

Following arrest, juvenile offenders are taken to the detention center, where they are fingerprinted and undergo comprehensive intake screening that includes drug testing.

<sup>7</sup>Occasionally, an exception may be made for second-time offenders if the offenses are nonviolent.

## Gun-Related Offenses

Birmingham youth can be arrested for the following gun-related offenses:

- **Gun found:** A gun was present but was not part of the primary charge (e.g., a police officer stops a youth for speeding and finds a gun in the glove compartment).
- **Gun in possession:** Possession of a gun was the primary or only charge. This includes “constructive possession,” which applies when a gun is present and several youth are nearby. The person who has clear and easy access to the gun is identified as the person who “possesses” that gun (e.g., if several youth are riding in a vehicle, the one who is closest to the gun is usually the one charged with possession). If police cannot determine who is in “constructive possession,” more than one youth can be arrested.
- **Gun used to menace:** A gun was used to frighten or harass someone.
- **Gun fired:** A gun was fired near people or into a home, building, or vehicle.
- **Gun used in crime:** A gun was used in the commission of a crime, such as murder, armed robbery, burglary, or assault.

About 95 percent of those charged plead “true”—equivalent to a guilty plea in criminal court—at their detention hearings. For those who do not plead, the court sets a trial date.

In Birmingham, almost all offenders are held at the detention center until trial or final disposition. In Bessemer, some youth may be released pending trial, particularly if they were not in direct possession of a firearm.

### Adjudication Hearing (Trial)

The gun court hears cases within 10 working days of referral. Those youth who plead or are found “true” are sentenced to the gun court program if they are considered at low risk for violent behavior. Youth at high risk for violent behavior are sent to a State detention facility.

### Disposition

**Boot camp.** Offenders attend the High-Intensity Training program, a 28-day boot camp run by Alabama’s DYS, as part of their sentence. The goal of this military-style program is “to develop and enhance positive behavior characteristics in delinquent

youth through counseling, and includes self-concept development, academics, and physical fitness in a highly structured, intensive program” (Alabama Department of Youth Services, n.d.). The court can add days or weeks to a youth’s stay for various infractions. Conversely, youth who demonstrate improvement receive progressively more privileges.

**Parent Education Program.** While youth attend boot camp, their parents attend the court’s 10-week Parent Education Program (PEP).<sup>8</sup> Part “scared straight,” part skills development, and part information and referral, PEP has been a central component of the gun court since it was established. The 90-minute weekly classes include presentations by the judge, county coroner, county sheriff, and mental health liaison. Presenters emphasize the seriousness of the gun charge and provide graphic information illustrating the impact and consequences of gun crimes on victims, perpetrators, and families. A local

<sup>8</sup>If a participating youth has two parents, both are required to attend.



United Way agency conducts parenting skills classes to improve youth-parent communication skills.

Parents who fail to complete the program may be arrested and jailed. Occasionally, parents may be excused from attending if they work two jobs. When youth return home from boot camp, they accompany their parents to PEP classes.

### Aftercare

**Intensive supervision.** Once youth return home from boot camp, they are subject to decreasing levels of supervision. In the first 30 days, they are under house arrest (except for going to school and work) and must adhere to an 8 p.m. curfew (8:30 p.m. on weekends). Youth must call their probation officers twice per week and their trackers twice per night.

Youth also are subject to unscheduled home visits by members of the Operation Nighttime Crime Eradicators team (the probation officer and a police officer or sheriff's deputy) to ensure compliance with the court's terms of probation. For minor infractions (e.g., violating curfews or being suspended from school), youth receive graduated sanctions that may include electronic monitoring or use of voice recognition telephone technology. More serious violations can result in revocation of probation and placement in a detention facility. After the first 30 days, assuming they have not committed violations, youth report to their probation officers and trackers less often and are monitored less frequently. Probation supervision can range from 6 months to as long as 2 years. If youth commit a second gun offense, they are placed in a secure detention facility.

**Adolescent Substance Abuse Program.** After they return from boot camp, all youth must participate in the Adolescent Substance Abuse Program (ASAP), which was developed by the Adolescent and Family

Services Division of the University of Alabama at Birmingham. ASAP counselors cover issues such as self-esteem, anger management, sexually transmitted diseases, and alcohol and drug abuse. When a youth has completed the 6-week program and passed six consecutive drug tests, the ASAP case is closed. Youth who repeatedly fail drug tests are transferred to the 12-week "DRUG FREE" program. If random screening shows that drug use persists, the youth can be sent to a residential program. After residential treatment is completed, the youth must pass up to three consecutive drug tests before completing ASAP.

**Community service.** In the past, youth in gun court programs were excluded from community service programs because their offenses automatically labeled them as dangerous to the community. The Jefferson County Juvenile Gun Court resolved this issue by having Birmingham police officers accompany the community service work teams during their assigned activities. One community service program is Teens Obtaining Positive Services (TOPS), which involves neighborhood cleanup and graffiti removal. Some organizations have hired youth following their TOPS placement.

### Discharge

After youth fulfill all of their probation requirements, they are discharged from the gun court program through a formal court order. If youth are not convicted of a felony or misdemeanor involving moral turpitude and are not adjudicated delinquent within a 2-year period, they may file a petition to have their records sealed. Once youth reach age 24, they can file a motion requesting destruction of their records.

### Program Outcomes

The University of Alabama at Birmingham's Center for Law and

Civic Education received OJJDP funding to analyze program outcomes during the first 4 years of the court's development. Evaluators compared case processing records and recidivism rates for three groups of juvenile gun offenders:

- **An intensive supervision group** of Birmingham youth with limited prior offenses who participated in the gun court's core intervention components, including intensive aftercare monitoring.
- **A nonintensive supervision group** of Birmingham youth with prior offenses who received only short commitments to the DYS detention center and who did not participate in the aftercare monitoring program.
- **A comparison group** of Bessemer youth who were arrested before the gun court program was extended to that city and who did not participate in the aftercare monitoring program.

Among the evaluators' findings were the following:

- The typical youth in the intensive supervision group was male (96 percent), between ages 11 and 17 (mean age of 15.5), African American (88 percent), and from a single-parent household (57 percent). Eighty-eight percent had been charged with gun possession.
- Youth in the intensive supervision group spent significantly less time on probation (an average of 10 months) than youth in the nonintensive supervision group (12 months) and comparison group (16 months). However, while on probation, most youth in the intensive group (98 percent) were placed on strict curfews, compared with only 9 percent of the nonintensive group and 18 percent of the comparison group.

- Participation in ASAP and other educational programs was significantly greater among intensive supervision youth (90 percent) than other youth.
- Parents of nonintensive supervision youth were less likely to participate in PEP (32 percent) than parents of intensive supervision youth (82 percent) and comparison youth (77 percent).
- The intensive supervision group had significantly lower levels of recidivism (17 percent) than the nonintensive supervision group (37 percent) and the comparison group (40 percent). Having a prior gun offense (common to youth in the nonintensive and comparison groups) increased the odds of recidivism.

Evaluators also analyzed trends in juvenile gun charges and overall violent crime rates since the gun court was implemented. Between 1995 and 1999, formal juvenile gun charges decreased by 54 percent in Birmingham; in Bessemer, there was a small but steady increase until 1997, after which gun charges began to decline. Violent crime rates in Birmingham decreased by 57 percent between 1995 and 1999, following steady increases during the preceding 5 years. Similarly, violent crime rates in Bessemer decreased by 54 percent during the same time period. Although reductions in violent crimes cannot be directly attributed to the gun court program, they may be attributable to the cumulative effect of this initiative and other youth violence reduction programs in Jefferson County.

### **Prevention Focus: Collaboration With Schools**

Probation officers and other gun court staff regularly visit the Bessemer and Birmingham schools (grades 5 through 12) to make presentations tailored to the age of the students. The family court is developing a computerized

system that will allow offender information to be shared with the county's 11 school districts and 26 law enforcement agencies. (It is already mandatory for the court to inform schools of all students who have committed felonies.)

### **Key Elements for Success**

The success of the Jefferson County Juvenile Gun Court is attributable to the following factors:

- **Judicial leadership.** The desire to establish the gun court came from “the top”—the presiding judge of the Jefferson County Family Court, who hears all juvenile cases.
- **Resource-rich judicial environment.** The family court provided several onsite resources and services contracted through local providers, such as educational programs and parenting classes. In addition, the gun court's juvenile offenders had access to services funded through Federal grants, including one from the U.S. Department of Health and Human Services' Substance Abuse and Mental Health Services Administration, which provided for psychiatric and other mental health services.
- **Systemwide collaboration.** Before establishing the gun court, the planning group conversed with key stakeholders from within and outside the criminal justice system. In addition, gun court staff joined with nonprofit organizations, government agencies, and others to secure important services for offenders and their families. In some cases, providers offered their services at no cost.
- **Coordinated services and case management.** Probation officers—who have the most sustained contact with juvenile offenders—took the lead in coordinating services. This type of case management, however, is only possible with small caseloads.

- **Mandatory parental education.** Although other jurisdictions have offered parent education sessions, the Jefferson County model is one of the few to require parental participation and to back up that requirement with the possibility of sanctions if parents do not comply.
- **Sensitivity to the local political landscape.** Rather than attempting to pass new laws to restrict gun use (laws that probably would have been defeated), the family court judge used existing laws and garnered informal support from local gun owners.
- **Early intervention and accountability.** The program's key stakeholders believe that by focusing on first-time gun offenders and offering intensive supervision strategies and other sanctions, the court has had a profound impact on younger offenders who have not yet become inured to involvement with the juvenile justice system.

### **Conclusion**

Juvenile gun courts operate under the assumption that the judicial system can play an important role in reducing firearms offenses through speedier dispositions, mandatory sentences, and intensive service delivery. One such court, the Jefferson County Juvenile Gun Court, builds on this basic model by addressing the problem comprehensively, intensively, and over the long term. First, it tackles the root causes of gun offenses by offering an array of services to address the conditions associated with unlawful firearms possession and use in individuals and families. Second, it is designed to provide frequent and intensive court contact with offenders for an extended period of time—up to 2 years. This process is likely to ensure that services are concentrated enough for the intervention to have an impact on the attitudes and behaviors of participating youth.

A major purpose of the JAIBG program is to strengthen the capacity of the juvenile justice system to hold young offenders accountable for their behavior. A juvenile gun court facilitates accountability by ensuring a more immediate response to gun possession than can be provided in many standard court systems. Through specialized treatment, it can also directly address the underlying reasons for gun possession, thereby discouraging future reliance on guns.

## For Further Information

For more information about the Jefferson County Juvenile Gun Court, please contact:

The Honorable Sandra Storm  
Jefferson County Family Court  
120 2d Court North  
Birmingham, AL 35024  
205-325-5530

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