

Jerome E. McElroy
Executive Director

**JUVENILE OFFENDERS
WITH WEAPON CHARGES**

Marian Gewirtz
Project Director

FINAL REPORT

October 2008

**JUVENILE OFFENDERS
WITH WEAPON CHARGES**

Marian Gewirtz
Project Director
and
Senior Research Analyst

Elyse J. Revere
Deputy Project Director
and
Junior Research Analyst

Research Assistance:

Raymond Caligiure
Graphics and Production Specialist

Justin P. Bernstein & Steve Mardenfeld
Research Assistants

Systems Programming:

Wayne Nehwadowich
Senior Programmer/Analyst

Aida Tejaratchi
Systems Programmer

Administrative Support:

Annie Su
Administrative Associate

October 2008

ACKNOWLEDGEMENTS

This report has benefited from the contributions of many colleagues at CJA. The author acknowledges the advice, information, and editorial suggestions from Jerome E. McElroy, Executive Director of CJA, and Richard R. Peterson, Director of the Research Department, as well as Mari Curbelo, Barbara Geller Diaz, Mary T. Phillips, Frank Sergi, Qudsia Siddiqi, and Freda Solomon. The author also thanks those who provided research and other assistance for this study: Justin P. Bernstein, Raymond Caligiure, Steven Mardenfeld, and Annie Su. Wayne Nehwadowich extracted the case-level, docket-level and indictment-level data from the CJA database for this study. Aïda Tejaratchi gathered the re-arrest data for this project from the hundreds of thousands of arrest records in the CJA database and programmed the re-arrest tallies.

The New York City Department of Juvenile Justice (DJJ) provided detailed data on the length of stay for the juveniles in this research. DJJ, of course, bears no responsibility for the methods of analysis used in this report or its conclusions.

The contribution of Elyse J. Revere, Deputy Project Director, has been invaluable, both to the effort to assemble the dataset as well as to the analysis of the data. As she prepares to leave CJA to pursue other professional interests, I want to take this opportunity to offer special thanks to her and express my deep appreciation. The research and reports on juvenile offenders in New York City were greatly enhanced by Elyse's knowledge and her analytical abilities.

The methodology, findings, and conclusions of the study, as well as any errors, omissions or misinterpretations, remain the sole responsibility of the Project Director.

TABLE OF CONTENTS

INTRODUCTION	1
I. DATA AND METHODOLOGY	2
A. The Research Sample	2
B. Sources of Data.....	2
C. Collecting Re-Arrest Data	3
D. Defining Weapon Charges	3
II. WEAPON-RELATED CHARGES	5
A. Borough Comparisons	5
B. Comparisons by JO Charge in Study Case.....	6
C. Gender and Age Comparisons.....	6
III. WEAPON-CHARGE CATEGORY COMPARISONS	7
A. Most Severe JO Charge	8
B. Comparisons of Demographic and Case Characteristics.....	8
1. Age and Gender	8
2. Prior Arrests and Prior Weapon Arrests	9
C. Court Processing.....	9
1. Release Conditions Set at Criminal Court Arraignment.....	9
2. Detention.....	10
3. Disposition	11
4. Sentences.....	12
5. Length of Case	13
6. Summary	14
IV. RE-ARREST.....	14
A. Total Re-Arrests	15
B. VFO Re-Arrests.....	16
C. Time to Re-Arrests	16
D. Stage of Case Processing at Re-Arrest	16
E. Most Severe Weapon Charge at Any Re-Arrest within Four Years at Risk	17
IV. MULTIVARIATE MODELS.....	18
Figure 1: Survival Function.....	19

A. Predicting Survival to the First Re-Arrest	20
MODEL 1: THE FIRST RE-ARREST MODEL	20
Figure 2: Re-Arrest Survival Function by Prior Gun	21
B. Predicting Survival to the First VFO Re-Arrest	22
MODEL 2: THE VFO RE-ARREST MODEL	23
C. Summary of Multivariate Findings	24
V. SUMMARY OF FINDINGS AND CONCLUSION	25
EXHIBITS	27
APPENDIX A JUVENILE OFFENSES	47

JUVENILE OFFENDERS WITH WEAPON CHARGES

INTRODUCTION:

The research discussed in this report explores the role weapons play in the picture of juvenile offenders processed in the adult courts in New York City. In accordance with New York State's Juvenile Offender (JO) Law, cases for 14- and 15-year old youths charged with selected serious felony offenses, and 13-year olds charged with second degree murder, are brought directly to the adult rather than the juvenile court for prosecution. Previous CJA research¹ on juveniles with cases disposed in the Supreme Court, the most serious of the JO cases, has documented a high likelihood of recidivism for these youth. This study, which is based on the same sample of JOs, compares juveniles with gun charges to those with other weapon charges and to those without weapon charges. The research addresses how these charges affect rates of re-arrest and length of time to first re-arrest and to the first violent re-arrest.

The research is designed to address several questions before concluding with a multivariate analysis of the long-term impact of weapon offenses on re-arrest among juvenile offenders:

1. What types of JO cases are associated with weapon offenses?
2. How do JO cases with different weapon offenses compare?
3. How do different weapon charges affect the processing of JO cases?
4. Do re-arrest rates vary by the type of weapon charge associated with a JO case?

This report is presented in several sections. The first section discusses the data and methodology used in the research and includes a description of the way the various weapon offense categories have been defined. The second section presents the frequency of weapon offenses and compares the frequencies by borough of prosecution, the most severe JO charge, the juvenile's prior arrest history, and the gender and age of the juvenile. The third section presents

¹ Gewirtz, Marian. *Adult-Court Processing and Re-Arrest of Juvenile Offenders in Manhattan and Queens*. The New York City Criminal Justice Agency, 2005, and

Gewirtz, Marian. *Recidivism Among Juvenile Offenders in New York City*. The New York City Criminal Justice Agency, 2007.

the weapon-offense category comparisons. These comparisons are intended to assess not only whether JO cases associated with different types of weapon offenses differ by the various case and demographic characteristics, but also whether they receive different treatment by the courts. The court outcome factors that are examined here include release rates at arraignment in the Criminal Court, detention status, disposition, sentences and length of case. The fourth section contains multivariate analyses using Cox regression to assess whether weapon-related charges affect re-arrest among JOs. Analyses focus separately on the first re-arrest and the first arrest for a violent felony offense (VFO). The report ends with a summary of the major findings and a conclusion.

I. DATA AND METHODOLOGY

A. The Research Sample

In New York City, if a juvenile is arrested for any one of 17 serious offenses (a complete list is contained in Appendix A) and is 13, 14 or 15 years old at the time of the offense (13 only if charged with homicide), the case is sent for review to the District Attorney's office in the borough in which the incident occurred. The prosecutor decides if there is sufficient evidence to support the filing of juvenile offender (JO) charges, and, if there is adequate evidence, the juvenile is processed in the adult court.² At any point during the adult Criminal Court process, a case may be removed to Family Court. The research includes all juveniles processed as JOs in the Supreme Courts in New York City between January 1997 and December 2000. Their court outcomes and re-arrests were tracked until January 31, 2005.

B. Sources of Data

The data for this study were drawn primarily from the CJA database. This database contains information about the arrest, case processing and case outcomes for most New York City arrestees, taken from the CJA pre-arraignment interview, the New York City Police Department's Online Booking System (OLBS), and the NYS Office of Court Administration (OCA) court appearance history files. For this research project, release status information was supplemented by information on pretrial detention provided by the New York City Division of

² See Gewirtz (2005) for a detailed discussion of JO case processing.

Juvenile Justice (DJJ). The NYS Department of Correctional Services (DOCS) Inmate Population Information Search on-line database was also consulted for prison release information in order to refine measurement of time at risk for re-arrest. Re-arrest and time-at-risk information were supplemented with data from the Division for Criminal Justice Services (DCJS).

C. Collecting Re-Arrest Data

Re-arrest data were collected from the date of the initial arrest through January 2005. Arrests for offenses that occurred while the juvenile was in custody, either pending the disposition of charges or serving a sentence, were not included. The complexity of the details of collecting re-arrest data for juveniles in New York State (NYS) and issues in studying recidivism are discussed in the first CJA report using this JO dataset (Gewirtz, 2005). The data presented here differ slightly from the citywide data presented in the 2007 recidivism report (Gewirtz, 2007) because further research revealed an additional re-arrest for one of the juveniles.

D. Defining Weapon Charges

In this study, a case was defined as having a weapon charge if any of the first four arrest charges or any of the first four charges entering the Supreme Court is a Penal Law Article 265 (Firearms and Other Dangerous Weapons) charge. Since the CJA database only includes the top four charges at either stage of case processing, JO cases with weapon charges on the study case or on the re-arrest will be undercounted if there are four or more non-weapon charges of higher severity. The weapon charge is rarely the top charge at either point in case processing. Only one percent of the JO study cases have a weapon charge as the top arrest charge, and just over one percent of the JO study cases have a weapon charge as the top charge entering the Supreme Court. There are only two PL 265 charges that are included among those for which a juvenile may be brought to the adult court for prosecution, 265.02 and 265.03, criminal possession of a weapon in the third degree, and second degree, respectively, and only when the weapon is possessed on school grounds. However, juveniles who are processed as adults for other offenses may be charged with weapon-related offenses in addition to the JO charge.

The study cases were categorized by the most severe weapon charge as follows:

<u>Penal Law #</u>	<u>Charge Description</u>	<u>Severity³</u>
GUN CHARGES: Gun Use		
265.08	Criminal use of a firearm in the second degree	C Felony
265.09	Criminal use of a firearm in the first degree	B Felony
GUN CHARGES: Gun Possession		
265.02	Criminal possession of a weapon in the third degree	D Felony
265.03	Criminal possession of a weapon in the second degree	C Felony
265.10	Manufacture, transport, disposition and defacement of weapons and dangerous instruments and appliances	A Misdemeanor or D Felony
NON-GUN WEAPON CHARGES:		
265.01	Criminal possession of a weapon in the fourth degree	A Misdemeanor
265.04	Criminal possession of a dangerous weapon in the first degree	B Felony
265.06	Unlawful possession of a weapon upon school grounds	Violation

The juveniles' prior arrests and re-arrests in the CJA database were also categorized by the type of the most severe weapon charge, but only the first four arrest charges were assessed. The following additional weapon offenses were among the arrest charges for the prior arrests or re-arrests, all categorized as gun-related charges:

265.11	Criminal sale of a firearm in the third degree	D Felony
265.12	Criminal sale of a firearm in the second degree	D Felony
265.13	Criminal sale of a firearm in the first degree	C Felony
265.14	Criminal sale of a firearm with the aid of a minor	D Felony
265.16	Criminal sale of a firearm to a minor	D Felony

³ Severity designations effective November 1, 1999.

II. WEAPON-RELATED CHARGES

The juveniles in this research were categorized by their most severe weapon-related offense at arrest or upon entering the Supreme Court. The ‘Gun Use + Gun Possession’ category combines juveniles charged with ‘gun use,’ penal law 265.08 and 265.09, and those charged with ‘gun possession,’ penal law 265.02, 265.03 or 265.10, and thereby includes all juveniles with any gun-related charges. The ‘Gun + Non-Gun Weapon’ category combines ‘Gun Use + Gun Possession’ with ‘Non-Gun Weapons,’ penal law 265.01, 265.04 and 265.06, and thereby includes all juveniles with any weapon-related charges. The exhibits also display a category, ‘No Weapon Charge,’ which includes all of the juveniles who faced a JO charge on the study case, but no weapon charges.

More than half of the juveniles in the study were charged with a weapon-related offense. As shown in Exhibit 1, more than a third of the juveniles were charged with a non-gun weapon offense (36%) and one in every five were charged with a gun offense. The juveniles who faced gun-related charges are further divided to distinguish gun possession from gun use. Gun possession (13%) was far more common than gun use (6%).

A. Borough Comparisons:

Weapon-related offenses were significantly more common among juveniles prosecuted in the Bronx (64%) than in the other boroughs of New York City, and these offenses were least common in Queens (47%, Exhibit 1). However, it is the non-gun weapon offenses that were significantly more frequent in the Bronx (43%) than in the other boroughs. Gun charges were significantly more common among juveniles in Brooklyn (28%), and were significantly less common among juveniles in Manhattan (13%) or Queens (12%).

There were significant borough differences in the proportion of juveniles charged with the use or possession of a gun as well. The Bronx, the borough with the highest proportion of juveniles charged with any weapon-related offense, and with the highest proportion charged with non-gun weapon offenses, also had the highest proportion of juveniles charged with gun use (11%). Gun-use charges were least common among the juveniles processed in Queens (2%). The high proportion of Brooklyn juveniles with gun-related charges was reflected in gun-

possession rather than gun-use charges: one in every five juveniles processed in Brooklyn faced a gun possession charge.

More than one in every eight juveniles (13%) had a weapon charge on a prior arrest, including four percent with a gun charge on a prior arrest (Exhibit 1). Brooklyn juveniles were significantly more likely to have at least one weapon charge on a prior arrest (19%) than were the juveniles in the other boroughs (except Staten Island where 28% of the 29 juveniles had at least one prior arrest with a weapon charge). Brooklyn juveniles were also significantly more likely to have a gun charge on a prior arrest (7%) than were the juveniles in other boroughs. Juveniles prosecuted in Queens were least likely to have a prior arrest with a weapon charge (7%) and were least likely to have a prior arrest with a gun charge (1%).

B. Comparisons by JO Charge in Study Case

As one might expect, juveniles whose most severe JO charge was murder or attempted murder were significantly more likely to also have a weapon charge (84%) and for that weapon charge to be a gun-related charge (58%) than were juveniles with other JO charges (Exhibit 2). Juveniles charged with murder or attempted murder also were significantly more likely to be charged with gun possession (35%) or gun use (22%). Conversely, juveniles charged with first-degree rape or first-degree sodomy were least likely to be charged with a weapon offense: none of these juveniles had a gun charge and only three had a non-gun weapon charge. Juveniles whose most severe JO charge was an assault were significantly more likely to have a non-gun weapon charge (53%) than were juveniles with other JO charges, and they were second only to the juveniles with rape or sodomy charges in the infrequency of gun charges (7%).

C. Gender and Age Comparisons

Male and female juveniles prosecuted in the Supreme Court differed significantly in the kinds of weapon charges they faced (Exhibit 3). Males were far more likely to be charged with a gun offense (21%, compared to only 6% of females), including both gun possession (14%, compared to 4%) and gun use (7%, compared to 2%). The female juveniles were significantly more likely to be charged with a non-gun weapon charge (44%) than were their male counterparts (35%). Male juveniles were slightly more likely to have any weapon charges on

their study case, but the difference was not statistically significant (56%, compared to 50% of the female juveniles).

Female JOs were less likely to have a prior arrest with a weapon-related charge than were male JOs (8%, compared to 14%), but the difference was not statistically significant (Exhibit 3).

Comparisons of 15-year-old juveniles with their younger counterparts show no significant differences in the proportions with a weapon charge or the proportions with non-gun weapon charges (Exhibit 3). However, 15-year olds were significantly more likely to face gun charges (22%, compared to 15% among 14-year-olds) and were significantly more likely to be charged with gun use (8%, compared to 3% among the younger juveniles).

Juveniles who were fifteen rather than fourteen years old at arrest were significantly more likely to have at least one prior arrest with a weapon charge (15%, compared to 11%, Exhibit 3).

III. WEAPON-CHARGE CATEGORY COMPARISONS

The weapon-charge category comparisons in this section are all based on the most severe weapon charge in the JO study case (Exhibits 4 through 17). The task of comparing juveniles with gun charges to those with other weapon charges and to those without a weapon charge produced a myriad of comparisons, especially since we were able to distinguish gun use from gun possession within the gun-charge category. The statistical significance of differences between JO cases with gun use and those with gun possession, or between JO cases with any gun charges and those with only non-gun weapon charges, or between JO cases with any weapon charges and those with no weapon charges are displayed in the exhibits within the relevant pair of cells as either 'ns,' 'p<.001' or 'p<.05.' The asterisks (*) denote the statistical significance of differences between JO cases in a particular category with the JO cases in all of the other categories combined. However, the percentage for the combination of all the other categories is not displayed within the exhibits. The statistical significance of the comparisons of the 'Gun + Non-Gun Weapon' category and the 'No Weapon Charge' category is, of course, by definition, always the same within the pair of cells as displayed and for each category compared to all other JO study cases.

A. Most Severe JO Charge

Exhibit 4 displays the JO charge distribution for each weapon-offense category. The juveniles whose charges on the study case included a gun offense were far more likely to be charged with murder or attempted murder than were juveniles with no weapon charges or those whose most severe weapon charge was a non-gun weapon offense. Roughly one in every four juveniles in the gun-use category and one in every five in the gun-possession category were charged with murder or attempted murder, compared to only six percent of those with non-gun weapon charges and less than three percent of those with no weapon charges.

Juveniles with gun charges on the study case were significantly less likely than those without gun charges to be charged with assault, robbery in the first degree, or rape or sodomy in the first degree. Juveniles with non-gun weapon charges on the study case were statistically more likely to be charged with assault or first-degree robbery than were juveniles who did not have non-gun weapon charges. Conversely, juveniles with non-gun weapon charges were statistically less likely to be charged with any other JO offenses on the study case. The juveniles who faced no weapon-related charges were significantly more likely to be charged with rape or sodomy, or robbery in the second degree and less likely to be charged with murder or attempted murder or robbery in the first degree. Juveniles who faced weapon charges as their most severe JO offense on the study case were, by definition, charged with a gun offense since only gun-related weapon offenses are included among the charges for which juveniles under the age of 16 can be prosecuted in the adult court.

B. Comparisons of Demographic and Case Characteristics

1. Age and Gender

Nearly nine of every ten juveniles processed in the Supreme Court were male, but the proportions of males among the juveniles in the gun-charge categories were significantly higher than in the total (96% or more) and the proportions of males in the non-gun weapon category were significantly lower (87%). Conversely, females comprise nearly eleven percent of the juveniles in this research, but they comprise over 13 percent of the juveniles with non-gun weapon charges and only three percent of juveniles with gun charges on their JO study case (Exhibit 5).

Similarly, two thirds of the juveniles were 15, rather than 14 years of age at the time of their arrest, but nearly three quarters of the juveniles with gun charges were 15. Most of the difference is attributable to the higher percentage of 15-year-olds in the gun-use category: 83 percent of the juveniles charged with gun use were 15 years old.

2. Prior Arrests and Prior Weapon Arrests

More than four of every ten juveniles processed in the Supreme Court had at least one prior arrest in the CJA database (Exhibit 6). Juveniles with at least one gun-related offense on the study case were significantly more likely to have at least one prior arrest (51%) than were other juveniles. The juveniles charged with gun use were significantly more likely to have two or more prior arrests: 30 percent of the juveniles in the gun-use category had two or more priors, compared to only 19 percent (data not shown) for all juveniles who were not charged with gun use on the study case.

Thirteen percent of the JOs had a prior arrest in the CJA database that included a weapon charge among the top four arrest charges. The juveniles who had a gun charge on the study case were significantly more likely to have a prior arrest with a weapon-related offense (21%) than were those who had only non-gun weapon charges (12%) or those in all non-gun categories combined (12%, data not shown).

Juveniles with a gun charge on their JO study case were also significantly more likely to have a prior arrest that included a gun charge (8%), compared to those in the non-gun weapon category (3%) and to those in all non-gun categories combined (3%, not shown). The gun-charge JOs were also more likely to have a prior arrest with a non-gun weapon offense (13%) than were juveniles who did not have a gun charge on the study case (9%, not shown).

C. Court Processing

1. Release Conditions Set at Criminal Court Arraignment

Most of the youth processed as juvenile offenders were detained on bail or remanded with no bail set at Criminal Court arraignment, the first appearance in the lower court (Exhibit 7A). As one might expect, juveniles who were charged with a gun-related offense were

significantly less likely to be released at that early stage of processing than were juveniles who did not face a gun-related charge (11%, compared to 25%).

It seemed possible that the relationship between the likelihood of release at arraignment and gun-related offenses might have been attributable to the high proportion of murder or attempted murder JO cases in the gun-related-charges category, since so few juveniles charged with murder or attempted murder are released that early. However, the relationship was still strong when the juveniles with these charges were excluded from the analysis (data not shown). When the analysis was restricted solely to the juveniles charged with first degree robbery, those who were also charged with a gun-related offense were less than half as likely to be released at arraignment as were their counterparts with no weapon charges or those with non-gun weapon charges (Exhibit 7B).

2. Detention

Detention was measured from the first day that the juvenile was admitted to the custody of the NYC Department of Juvenile Justice, to the date of release, summed across all admissions to custody on the sample case, including admissions to the NYC Department of Corrections in light of any subsequent arrest after the juvenile's 16th birthday. This includes days of detention through the date of disposition and, if the juvenile was in custody after disposition, through the date of sentencing.

The weapon charge category on the JO study case was strongly related to the likelihood of detention (Exhibit 7A). While the vast majority of the juveniles in JO cases spent some time in detention, only a quarter of the juveniles were never released from detention during case prosecution. However, nearly half of those in JO cases that included gun use and nearly four of every ten charged with gun possession were never released. Taken together, 43 percent of juveniles in cases with any gun charge were never released, compared to only 21 percent of those in cases with a non-gun weapon.

There were no significant differences in detention between juveniles in the gun use category and those in the gun possession category. Differences between juveniles with gun-related charges and those with non-gun weapon charges were statistically significant, supporting the premise that juveniles in cases with guns are treated more harshly than juveniles in non-gun weapon cases. Surprisingly, juveniles with any weapon charges (23%) were significantly less

likely to be detained throughout case processing than were those with no weapon charge (29%). It is important to keep in mind that the juveniles in the less severe weapon charge categories face serious JO charges. When the analysis was restricted solely to juveniles prosecuted for first degree robbery (Exhibit 7B), differences between gun-use and gun-possession cases were not statistically significant, differences between gun and non-gun weapon cases were strong and cases with any weapon charges differed little from those with no weapon charges.

3. Disposition

Conviction rates were very high for the youth processed as juvenile offenders in the Supreme Court (Exhibit 8). Nine of every ten JO cases resulted in conviction, and the rate did not vary significantly by weapon-charge category. The only significant differences shown in Exhibit 8 pertain to JO cases with gun charges. These cases showed a slightly lower rate of dismissal (2%, compared to 4% for cases with non-gun weapons and for all other categories combined) and slightly higher rate of acquittal (2%, compared to 1% or less).

Exhibit 8 shows that dispositions by trial were significantly more common among juveniles with gun-use charges (6%, compared to only 2 or 3% for all other categories). Dispositions by trial were also more common among juveniles charged with any gun-related charge (5%, compared to only 2% among those with non-gun weapon charges and about the same proportion for all other categories combined). An additional one percent of the juveniles in JO cases were on trial prior to disposition but were neither convicted by trial nor acquitted.⁴ Instead, the cases were dismissed or transferred to the Family Court after the trial began. When the proportion of JO cases in Supreme Court that come to trial are considered together, regardless of case disposition, juveniles with a gun charge were more likely to be tried (6%) than are juveniles with no gun charge (3%). This finding highlights the earlier findings concerning the relationship between gun use, gun possession, and JO charges of murder or attempted murder. More than a fifth of the JOs charged with murder or attempted murder were also charged with use of a gun, and more than half were charged with any gun offense (Exhibit 2). Similarly, more than a quarter of the JOs charged with gun use and 22 percent of those charged

⁴ We identified trial cases that were not disposed by conviction nor acquittal at trial by a hearing type of 'TJ' or 'T1J' at disposition or at the appearance prior to disposition.

with any gun offense, faced prosecution as a JO in Supreme Court on murder or attempted murder charges (Exhibit 4). Juveniles charged with murder or attempted murder account for 57 percent of the 30 JO cases disposed by trial and 43 percent of the 44 JO cases that were brought to trial (not shown). Nearly one in every five JOs charged with murder or attempted murder were brought to trial, compared to only two percent of those facing other charges (not shown).

4. Sentences

Half of the juveniles who were convicted in JO cases were sentenced to five years on probation⁵ with no incarceration time (Exhibit 9A). However, juveniles charged with gun use (32%), gun possession (37%), or any gun charges (35%) were significantly less likely to receive non-incarcerative sentences. Juveniles charged with any weapon offense were significantly less likely to receive probation-only sentences (47%) than were juveniles with no weapon charges (53%). Differences between gun-use and gun-possession cases were not statistically significant. When the analysis was restricted to juveniles charged with robbery in the first degree, the likelihood of a sentence to probation only still did not differ significantly between gun-use and gun-possession cases, and juveniles in non-gun weapon cases were still significantly more likely to be sentenced to probation only than were juveniles in cases that included gun charges. However, for juveniles charged with first degree robbery, the likelihood of a non-incarcerative sentence did not differ significantly by the presence or absence of a weapon charge (Exhibit 9B).

Eight of every ten juveniles sentenced in a JO case were granted Youthful Offender (YO)⁶ status (Exhibit 9A). However, sentenced juveniles in the ‘Gun Use + Gun Possession’ category were significantly less likely to receive YO status (67%) than were juveniles in the non-gun weapon category (84%). This was also true when only juveniles charged with first-degree robbery were considered: 74 percent of those with gun charges, but 87 percent of those with non-gun weapon charges, were granted YO status (Exhibit 9B). Among all sentenced juveniles, those charged with gun-use were significantly less likely to receive YO status (55%) than were those charged with gun possession (74%). Here, however, the difference is not apparent when only the JOs in first-degree robbery cases are considered. This finding reflects the high

⁵ Conditional and unconditional discharges are included here with sentences of probation.

⁶ If a juvenile offender is found to be a ‘youthful offender,’ the conviction is vacated and replaced by a youthful offender finding. A lighter sentence, one authorized for conviction at the E-felony level, is imposed.

proportion of juveniles with murder and attempted murder charges in the gun-use category. The data show that none of the 11 juveniles sentenced in murder cases with gun-use charges and only two of the eight juveniles sentenced in attempted murder cases with gun-use charges were granted YO status.

5. Length of Case

We measured length of case at several intervals in this report. In order to exclude from our tallies any delay caused by a juvenile failing to appear for a scheduled adjournment, the number of days from any missed appearance to the return was subtracted from each of the tallies as applicable. In this way, each tally measured the length of the case as it was processed rather than the delay contributed by the juvenile.

We focused on three aspects of length of case:

1. the number of months from the first appearance in Criminal Court to the last date in Supreme Court (the date of sentencing, if any, else the disposition),
2. the number of months from the first appearance in Criminal Court to the date of the disposition in Supreme Court, and
3. the number of months from the date of the disposition in Supreme Court to the date of the sentence in Supreme Court, if any.

As shown in Exhibit 10, JO cases that included charges of gun use took significantly longer to be completed (mean of 11 months, median of 9 months) than did JO cases that included charges of gun possession but not use (mean of 9 months, median of 7 months). Cases that involved the use of a gun took about two months longer than did cases that involved gun possession whether length of case was measured from the first appearance in Criminal Court or Supreme Court and whether the cases were tracked to disposition or to the last appearance. However, gun use and gun possession cases did not differ significantly in the time elapsed between disposition and sentence (mean of 4 months, median of 2 months).

Comparison of the length of case for JO cases with any gun charges and those with non-gun weapon charges showed no significant differences in any of the total length of case measures, but, once the JO was convicted, the cases with gun charges moved more quickly to sentencing (mean of 4 months, median of 2 months) than did those with non-gun weapon charges (mean of 6 months, median of 3 months).

There were no differences in length of case between JO cases with weapon charges and those with no weapon charges.

Some of the differences in length of case by gun use charge may reflect the greater likelihood of trials for JOs with gun charges. JO cases with gun charges (6%) were found to be significantly more likely to go to trial than were other cases (3%), although the difference is small (Exhibit 8). However, when mean length of case was calculated excluding JO cases that ever went to trial, cases that included a gun use charge took significantly longer to reach disposition than cases that did not include a gun use charge or cases with a gun possession charge. Also, even excluding cases that went to trial, cases with gun charges moved more quickly from disposition to sentence than did cases with no gun charge and than cases with non-gun weapons charges, and cases with non-gun weapon charges took significantly longer (data for non-trial cases not shown).

6. Summary

Like the typical JO, the typical juvenile with a gun charge on the study case is a male, 15-year old, charged with first- or second-degree robbery. The typical JO with a gun charge is more likely to be charged with murder or attempted murder and to have at least one prior arrest than are other juveniles. Juveniles with gun charges are more likely to be detained at their arraignment in Criminal Court and are more likely to be detained throughout case processing. Once these JOs are convicted, their cases move significantly more quickly to sentencing than do the cases for juveniles with non-gun weapon charges or no weapon charges. These juveniles are significantly more likely to be sentenced to imprisonment and less likely to receive YO status. In these ways, the cases with gun charges are among the most severe JO cases in New York City.

IV. RE-ARREST

Re-arrest data were collected for re-offenses that occurred between the date of the initial offense⁷ and January 31, 2005, for the juvenile offenders processed in the Supreme Court in any

⁷ Incident dates were available for less than half of the initial arrests but for roughly seven of every ten first re-arrests and first VFO re-arrests. For the remaining arrests and re-arrests, the date of the arrest was used in lieu of date of offense.

borough of New York City in 1997 through 2000. Time at risk to first re-arrest was calculated by subtracting the total number of days the juvenile spent in custody, whether pretrial detention or in accordance with an incarcerative sentence, from the start of case processing at the initial arraignment in Criminal Court to either the date of the first re-arrest or January 31, 2005. The at-risk period was standardized by including only juveniles who were at risk for re-arrest for four years or who were re-arrested within that time. The 33 juveniles who had no time at risk, the 90 juveniles who had less than four years at risk, and the four juveniles for whom time at risk could not be calculated (because of missing data) were excluded.

The focus on a standardized period of risk for re-arrest necessitated the exclusion of the re-arrests that took place while the juvenile was in custody. The first re-arrest arose from offenses that took place while the juvenile was in custody, either pending disposition or pending sentence on the sample arrest, for 33 of the juveniles, and the arrest in custody was the only re-arrest for 12 of these juveniles. The 12 juveniles whose first re-arrest was in custody, but who had no re-arrests during their at-risk period, were tallied as not re-arrested.

A. Total Re-Arrests

Most of the juvenile offenders in this research were re-arrested (Exhibit 11). The re-arrests include arrests across all charge severities, as well as those that were declined prosecution by the district attorney and those that were sent to the Family Court for prosecution for juvenile delinquency. They also include re-arrests at any stage of prosecution of the sample arrest, including post-sentencing. Among the juveniles who were at risk for re-arrest for at least four years, nearly eight of every ten were re-arrested. The four-year re-arrest rate ranged from 76 percent of the juveniles with no weapon charge to 82 percent among juveniles with gun charges. Although none of the differences in rates of re-arrest by weapon category were statistically significant for any category of number of years at risk for re-arrest, the re-arrest rate was higher for juveniles charged with gun use and lower for juveniles with no weapon charge at each yearly breakdown of time at risk from one year to seven years.

B. VFO Re-Arrests

Previous research on the re-arrest activity of the juvenile offenders in this study indicated that the most common single charge at the first re-arrest was PL 221.10, criminal possession of marihuana in the fifth degree, a B misdemeanor, which accounts for 15 percent of first re-arrests citywide. However, roughly half of first re-arrests were for felony-level offenses.

Given that the sample arrest was a violent felony for each of the juveniles included in this research, the high rate of re-arrest for a violent felony charge is not surprising. Fully half of the juveniles who were at-risk for a VFO for four years or more or who were re-arrested for a VFO within that time were re-arrested for a VFO (Exhibit 12). As was the case for the rate of re-arrest for any charge, the rate of VFO re-arrest was higher for juveniles with a gun use charge on the JO study case for each yearly category of time at risk from one to seven years. At three years or more at risk for a VFO re-arrest, juveniles with a gun use charge were significantly more likely to be re-arrested (54%) than were juveniles whose most severe weapon charge on the JO study case was a gun possession charge (38%).

C. Time to Re-Arrests

Exhibits 13 and 14 display time at risk to the first re-arrest and to the first VFO re-arrest, respectively, for each weapon charge category, for juveniles who were re-arrested within four years at risk. In each exhibit, the proportions re-arrested are presented for each discrete time-at-risk category as well as cumulatively. None of the differences in the cumulative time to re-arrest were statistically significant in Exhibit 13. In the VFO exhibit, however, the juveniles with gun use charges who were re-arrested within four years at risk were significantly less likely than juveniles in the other weapon categories combined to have been re-arrested for a VFO within three months at risk or less (6%, compared to 20%).

D. Stage of Case Processing at Re-Arrest

Few juveniles who were re-arrested within four years at risk were first re-arrested prior to the disposition of their case in the Supreme Court (16%) and about 18 percent of the juveniles were first re-arrested after entering a plea of guilty on their JO case, but before they were sentenced (Exhibit 15). Most (66%) of the juveniles who were re-arrested within four years were

first re-arrested after the close of case processing on their sample JO case. Juveniles with a gun charge on their study case were significantly more likely to be re-arrested after their study case was completed (73%) than were juveniles with non-gun weapon charges (62%).

The stage of case processing at the time of the first VFO re-arrest was nearly the same as the stage of case processing at the time of the first re-arrest on any charge (Exhibit 15). Few JOs who were re-arrested for a VFO charge within four years at risk were re-arrested before their study case reached disposition (16%) or between disposition and sentencing (17%), and most were re-arrested after case prosecution was completed (67%). Here, however, the difference between JOs with gun charges on their study case and those with non-gun weapon charges was statistically significant for VFO re-arrests between disposition and sentencing: Nearly one in every five JOs with a non-gun weapon charge on the study case but only ten percent of those with a gun charge were re-arrested for a VFO after conviction but before sentencing. Juveniles with a gun use charge on their study case who were re-arrested within four years at risk were significantly more likely to be re-arrested for a VFO after sentencing (84%), compared to all other JOs re-arrested for a VFO (66%, data not shown).

E. Most Severe Weapon Charge at Any Re-Arrest within Four Years at Risk

Juveniles who were prosecuted in the Supreme Court between 1997 and 2000 who were re-arrested before the close of data collection in January, 2005, were significantly more likely to face a gun charge on one of their re-arrests if they faced a gun charge on the study case (Exhibit 16). Nearly three of every ten juveniles with a gun-related charge, compared to only 21 percent of juveniles with non-gun weapon charges on the study case had a gun charge on one of their re-arrests. Similarly, juveniles whose most severe weapon charge on the study case was a non-gun weapon were significantly more likely to face non-gun weapon charges but no gun charges on their re-arrests (21%, compared to only 13% of juveniles with a gun charge on the study case and 14% for all juveniles with charges other than non-gun weapon offenses).

When the most severe weapon charge across all of the re-arrests by the type of weapon charge on the study case was analyzed for all JOs, regardless of whether or not the juvenile was re-arrested, only one finding was statistically significant: The most severe weapon-related re-arrest charge was more likely to be a non-gun weapon charge (16%) for juveniles with a non-gun

weapon charge on the study case than for juveniles with a gun charge on the study case or for all the other juveniles combined (both 10%). This finding is consistent with those discussed above that support a relationship between non-gun weapon charges on the study case and a re-arrest for a non-gun weapon charge.

The findings concerning the relationship between the type of weapon charge on the study case and the type of weapon charge at re-arrest must be viewed with caution because time at risk to re-arrest was calculated only to the first re-arrest and to the first VFO re-arrest. Time at risk was not calculated to the most severe weapon re-arrest. As shown in Exhibit 17, the JOs in this research who had a gun-related charge on the study case had significantly less time at risk (mean of 288 days) than did the juveniles whose charges included non-gun weapon offenses (mean of 359 days). Total time at risk for re-arrest was also significantly lower for JOs with a gun-related charge (mean of 288 days, as above) than for all of the JOs who did not have a gun-related charge (353 days, data not shown). The lower mean time at risk for re-arrest found for JOs with gun-related charges reflects earlier findings that these JOs were less likely to be released during prosecution and less likely to receive a non-incarcerative sentence.

IV. MULTIVARIATE MODELS

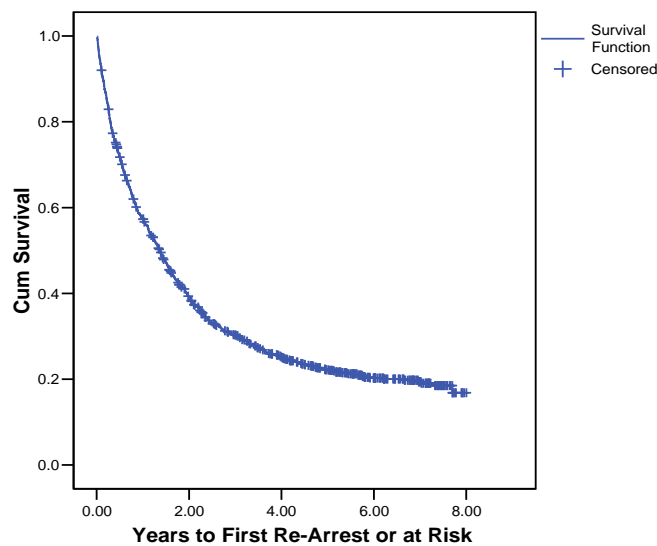
In this section, we present multivariate analyses of the factors that are associated with re-arrest among juvenile offenders in New York City and attempt to measure any independent effect of weapon charges on rates of re-arrest. The rationale for undertaking multivariate analysis is that, unlike descriptive comparisons, it yields information about, and takes into account, the impact on recidivism of all the variables included in the analysis.

The multivariate analysis uses Cox proportional hazards regression. This type of survival analysis examines how variables affect the hazard of failure over time, which in our models is the hazard of re-arrest over time. Separate models examine the first re-arrest and the first VFO re-arrest. All juveniles who were at risk of re-arrest are included in the analyses. In survival analysis terminology, “censored” cases occur if a juvenile is at risk for re-arrest but is not re-arrested during the data collection period. Information about censored cases is included in the analyses for the duration of the juvenile’s time at risk. These cases provide information about the factors that are associated with a lower hazard of re-arrest. Also, Cox modeling does not

require that we restrict analysis to cases with equivalent time at risk for re-arrest. Rather, it is possible to include all of the cases that were ever at risk for re-arrest.

The survival function presented in Figure 1 graphically illustrates the proportion of the juveniles in the study surviving without failure, by the number of years at risk, as well as censored cases. By definition, at time equal to zero, a full 100 percent (1.0 in the graph) survived, that is, had yet to be re-arrested. As time at risk elapsed, the proportion of juveniles surviving declined.

Figure 1: Survival Function



As in the previous research, a series of Cox regressions were performed in which many possible explanatory variables were included as potential predictors in order to identify factors associated with re-arrest. The potential factors included several different variations of the weapon charge variables discussed above, including measures of weapon offenses at prior arrests, on the JO study case, and new variables combining weapon charges on prior arrests and on the study case. The models were very similar to those described in the previous research on recidivism among juvenile offenders since the findings are based on the same dataset of juveniles processed in the Supreme Courts in New York City.⁸

⁸ Gewirtz, Marian. *Recidivism Among Juvenile Offenders in New York City*. The New York City Criminal Justice Agency, 2007.

A. Predicting Survival to the First Re-Arrest

The Cox regression model predicting the hazard of failure, i.e., first re-arrest, is presented below. A Cox model provides an estimate of the effect of variables on the hazard of failure after adjustment for other explanatory variables. It allows us to estimate the hazard (or risk) of re-arrest for juveniles, given their scores on predictive variables. A positive regression coefficient for an explanatory variable in a Cox model means that the hazard of re-arrest is higher for juveniles with higher values. The gender, prior criminal history and robbery variables all had positive coefficients. Thus, male juveniles had a significantly higher hazard of re-arrest, as do juveniles with more prior arrests and juveniles with robbery charges, given the other factors. Female juveniles, those with fewer prior arrests, and those with charges other than robbery survived longer before re-arrest. On the other hand, the private attorney variable had a negative coefficient, indicating that juveniles with private counsel at the first appearance in Supreme Court were at lower hazard for re-arrest. Each of these variables was a strong predictor. Each of them was significantly related to the hazard of re-arrest in every model in which they were included despite the presence or absence of any of the other possible explanatory variables.

Only one of the many variables that reflect the juvenile’s weapon charge experience contributed significantly to the model predicting the hazard of the first re-arrest. Surprisingly, juveniles with a prior arrest that included a gun charge survived longer until their first re-arrest than did juveniles who did not have a prior gun charge. Although one might have anticipated that prior participation in the criminal justice system at the level of a previous gun-related arrest would have been associated with a heightened proclivity to re-arrest, it appears that, given the gender, number of prior arrests, robbery charge on the study case, and type of attorney, the presence of a prior gun arrest constrained the hazard of re-arrest.

MODEL 1: THE FIRST RE-ARREST MODEL

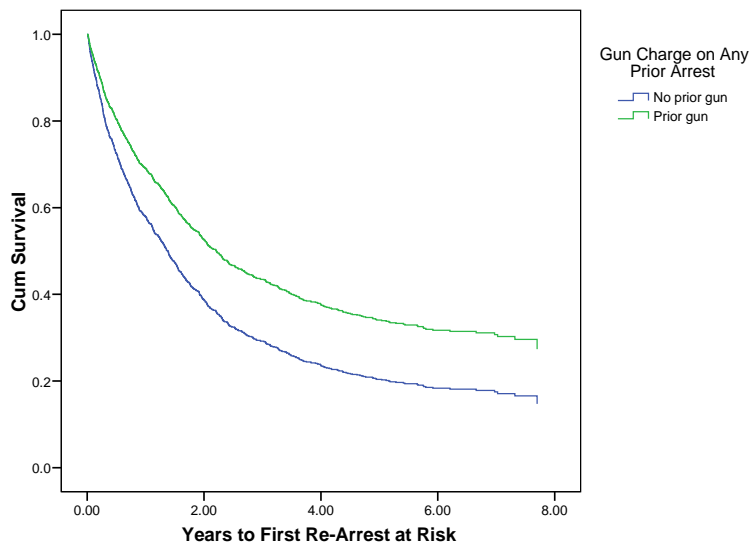
Predictor Variables	B	Odds Ratio	Survive Longer
GENDER (1=Male)	.644	1.904**	Females
PRIOR CRIMINAL HISTORY (# prior arrests in CJA database)	.182	1.199**	Fewer Priors
ROBBERY (1=Robbery) (First or second degree robbery charge at first appearance in Supreme Court)	.291	1.338**	Not Robbery

PRIVATE (1=Private) (Private attorney at first appearance in Supreme Court)	-.519	.595**	Private
PRIOR GUN (1=Prior Gun) (Gun charge on any prior arrest)	-.390	.677 *	Prior gun
Percent Re-Arrested	76%		
CHI-SQUARE (Number of cases)	118.009** (1,253)		

** Sig. p < .001 * Sig. p < .05

Figure 2 displays the re-arrest survival function by PRIOR GUN. Both the ‘prior gun’ and ‘no prior gun’ lines start at 1.0 in the upper left hand corner, indicating that all of the juveniles were surviving at zero days. The proportion of juveniles surviving decreases over time. The top line (green) represents the survival function for ‘prior gun’ juveniles. Juveniles with a gun charge on a prior arrest had a significantly higher survival function than those who did not, given the other explanatory variables.

Figure 2: Re-Arrest Survival Function by PRIOR GUN



The bivariate findings presented in the first half of this report showed a strong relationship between some JO charges and weapons. Specifically, gun charges were found to be significantly more common among juveniles charged with murder or attempted murder, and less

common among those charged with assault or sex offenses. Weapon (both gun and other weapons) charges also were significantly more frequent for juveniles charged with murder or attempted murder and were significantly less frequent for those charged with a sex offense. Although the numbers of juveniles in these charge categories are small, it seems possible that the relationship between weapons and charge could distort the Cox regression results. We repeated the full Cox analysis solely for the 932 juveniles charged with first or second degree robbery who had any time at risk for re-arrest, but the findings were the same as for the full research group, and the effects were about the same size.

The multivariate finding that survival is associated with a prior gun charge seems counterintuitive and is provocative. We hypothesized that the prior arrests with gun charges were probably among the most severe prior arrests, since the most severe charge on these cases was likely to be murder, attempted murder, or first-degree robbery. We hypothesized that juveniles who had such severe prior charges, whether in the adult or Family Court, who were then arrested for a JO offense, might constrain their own recidivism to avoid exacerbating their punishment. We also hypothesized that the juveniles with these severe prior charges in fact might have been less likely to be granted YO status at sentencing on their current study case. Since the sentence on the current case also reflects any re-arrests that occurred during prosecution of the study case, we excluded cases with re-arrests before sentencing and found that juveniles with prior gun charges were significantly less likely to receive YO status (57%) than were those whose prior arrests did not include a gun charge (74%). This suggests that juveniles might have been accurate in anticipating a more severe penalty on the current case as a consequence of the prior gun charge, but we cannot conclude that the finding reflects a deterrent effect.

B. Predicting Survival to the First VFO Re-Arrest

The Cox regression model predicting the hazard of the first VFO re-arrest was very similar to the model predicting the hazard of the first re-arrest. For the most part, the same variables were significant in both models, and the coefficients were about the same size and had the same signs. However, one difference was that two of the borough variables were significant in the VFO model. Specifically, juveniles initially processed in the Supreme Court in Brooklyn and in Queens had a significantly higher risk of VFO re-arrest than did juveniles citywide, after

taking into account the effects of the other significant explanatory variables⁹. A second difference was that none of the measures of the juvenile’s involvement with weapons was a significant factor.

MODEL 2: THE VFO RE-ARREST MODEL

Predictor Variables	B	Odds Ratio	Survive Longer
GENDER (1=Male)	.674	1.962**	Females
PRIOR CRIMINAL HISTORY (# prior arrests in CJA database)	.129	1.137**	Fewer Priors
ROBBERY (1=Robbery) (First or second degree robbery charge at first appearance in Supreme Court)	.505	1.657**	Not Robbery
PRIVATE (1=Private) (Private attorney at first appearance in Supreme Court)	-.601	.548**	Private
BOROUGH OF PROSECUTION			
Brooklyn	.253	1.288 *	.006 Not Brooklyn
Manhattan	.020	1.020	.843
Queens	-.101	.904	.317
Bronx	.219	1.244 *	.031 Not Bronx
Staten Island	-.390	.677	.128
Percent Re-Arrested	47%		
CHI-SQUARE (Number of cases)	84.185** (1,252)		

** Sig. p < .001 * Sig. p < .05

When the Cox analysis predicting survival to the first VFO re-arrest was repeated solely for juveniles charged with first or second degree robbery, the findings again revealed no significant effects for any of the measures of the juvenile’s involvement with weapons. That is, re-arrest for a VFO was not predicted by the juvenile’s weapon charge on the study case nor on a

⁹ It is important to note that “deviation” rather than “indicator” comparisons were used to measure the strength of the borough effects. Deviation contrasts assess the hazard of re-arrest in each borough, given the effects of the other predictors, against the citywide hazard. The remaining variables use indicator contrasts, where one of the categories must be excluded from the analysis and the hazard for each of the remaining categories is measured against the hazard for the excluded category.

prior arrest, nor on any of the ways the current and prior charges were coded to reflect the juvenile's relationship to weapons.

In an attempt to tease out any possible predictive strength from weapon-related factors, we conducted fresh analyses to predict survival to the first re-arrest that included a gun charge (all of which are VFOs) and to the first re-arrest that included any weapon charge. The findings (not shown) again identified the same four strong predictors of survival to re-arrest that have been highlighted repeatedly in this research (gender, prior criminal history, robbery charges, private attorney), but no measure of weapon or gun involvement, on current or prior cases, predicted survival to the first gun or weapon-related re-arrest.

C. Summary of Multivariate Findings

The focus of this study is on the effects of weapon-related charges on re-arrest among juveniles processed in the Supreme Court in the five boroughs of New York City. The working hypothesis was that juveniles who used or possessed guns or possessed other non-gun weapons, as reflected by their charges on the study case, would show a greater risk of re-arrest. It seemed likely that juveniles who were so strongly enmeshed in criminal activity that they possessed guns or other weapons would also be those at particularly high risk of continuing their criminal activity after their JO study case arrest. The data did not support that premise. Instead, after the effects of gender, prior criminal history, robbery charges and private counsel, none of the weapon-related variables had a significant effect in the hypothesized direction. The finding that a gun charge at a prior arrest decreased the hazard of re-arrest among the juveniles in this research remains thought-provoking, though the reasons for this are unclear.

It is important to note, however, that none of the community ties factors (length of residence, living with parents or legal guardian, telephone in home, school attendance, expecting someone at arraignment) had a significant effect. The charges at arrest, arraignment, and at the first appearance in the upper court (other than the robbery charges that are included and the prior gun variable that was associated with survival rather than re-arrest) had no significant impact, nor did the release status or bail amount at arraignment, or at the first appearance in the upper court. Of course, many variables that correlate with re-arrest could not be included since they

were not always temporally prior to re-arrest. Thus, measures of detention, sentence and conditions of sentence were excluded from the multivariate models.

V. SUMMARY OF FINDINGS AND CONCLUSION

This research documents the strong presence of weapon offenses in the juvenile offender cases in the Supreme Courts across the five boroughs of New York City. More than half of the juveniles were charged with a weapon-related offense. A fifth of the juveniles were charged with a gun offense, including 13 percent charged with gun possession but not use and six percent charged with gun use. Thirteen percent of the juveniles had a weapon charge on a prior arrest, including four percent with a gun charge on a prior arrest.

Gun charges were significantly more common on the study case among juveniles prosecuted in Brooklyn (28%), and were significantly less common among juveniles in Manhattan and Queens (13% and 12%, respectively). The juveniles processed in Brooklyn were also significantly more likely to have a gun charge on a prior arrest (7%) than were the juveniles in other boroughs.

Weapon charges and gun charges were most frequent among juveniles charged with murder or attempted murder and were least frequent among those charged with first-degree rape or sodomy. Male juveniles were far more likely to be charged with a gun offense than were female juveniles (21%, compared to 6%). Juveniles with a gun charge on the study case were more likely to have at least one prior arrest and to have a prior arrest with a gun charge.

There was a strong relationship between the type of weapon-related charge on the study case and detention during prosecution of the JO case. Disposition by trial was at least twice as common among juveniles with gun charges (6%) as among other juveniles. Juveniles who were charged with a weapon offense were significantly less likely to receive non-incarcerative sentences, and less likely to be granted YO status.

Re-arrest rates were high. More than three quarters of the juveniles were re-arrested within four years and half were re-arrested for a VFO in that time. Re-arrest rates were higher for juveniles charged with gun use and lower for juveniles with no weapon charges at each yearly breakdown of time at risk from one year to seven years, but none of the differences were statistically significant. Rates of re-arrest for a VFO were also higher for juveniles with a gun

use charge on the study case for each yearly category of time at risk from one to seven years, and the difference was significant at three years or more time at risk for a VFO.

We conducted multivariate analysis using Cox proportional hazards regression analysis to determine whether any of the weapon-related charges on the study case or on the prior cases were associated with the hazard of a re-arrest or with the hazard of a VFO re-arrest. The presence of a weapon offense on the study case or on the prior arrests did not increase the hazard of re-arrest. As was found in the previous research, the hazard of re-arrest and the hazard of a VFO re-arrest were higher for male juveniles, for juveniles charged with robbery, and for juveniles with a greater number of prior arrests. The hazard was lower for juveniles represented by private counsel as of the first appearance in the upper court.

The frequent involvement with weapons and the high rates of re-arrest that characterize the juvenile offenders in the Supreme Courts in New York City highlight the importance of research on these violent young offenders. However, our research indicates that the likelihood of re-arrest is not affected by involvement with weapons. It is clear that more research and more data are required to enhance our understanding of the factors and processes that keep so many JOs so heavily involved in criminal behavior.

Exhibit 1: Weapon Charges by Borough of Prosecution

Juvenile Offender Cases in Supreme Court 1997 – 2000

	BOROUGH OF PROSECUTION					
	Brooklyn	Bronx	Manhattan	Queens	Staten Island	Citywide
A. MOST SEVERE WEAPON CHARGE IN STUDY CASE	<u>%</u>	<u>%</u>	<u>%</u>	<u>%</u>	<u>%</u>	<u>%</u>
Gun Use	8	11**	4	2*	7	6
Gun Possession	20**	10*	9*	10	14	13
Gun Use + Gun Possession	28**	21	13*	12*	21	19
Non-Gun Weapon	29*	43*	39	35	28	36
Gun + Non-Gun Weapon	57	64*	52	47*	48	55
No Weapon Charge	43	36*	48	53*	52	45
Total (N of cases)	100 (416)	100 (283)	100 (304)	100 (258)	100 (29)	100 (1290)
B. MOST SEVERE WEAPON CHARGE IN PRIOR ARRESTS	<u>%</u>	<u>%</u>	<u>%</u>	<u>%</u>	<u>%</u>	<u>%</u>
Gun Use + Gun Possession	7**	2	3	1*	10	4
Non-Gun Weapon	11*	8	9	6*	17	9
Gun + Non-Gun Weapon	19**	10	12	7*	28*	13
No Weapon Charge	31	30	26	30	34	30
No Prior Arrest	50	60	62	63	38	57
Total (N of cases)	100 (416)	100 (283)	100 (304)	100 (258)	100 (29)	100 (1290)

* Sig. p < .05 compared to all other boroughs combined

** Sig. p < .001 compared to all other boroughs combined

Exhibit 2: Most Severe Weapon Charge in Study Case by JO Charge

Juvenile Offender Cases in Supreme Court 1997 – 2000

	MOST SEVERE JO CHARGE IN STUDY CASE						
	Murder or Attempted Murder	Assault	Robbery 1	Robbery 2	Rape 1 or Sodomy 1	Other	TOTAL
MOST SEVERE WEAPON CHARGE IN STUDY CASE	<u>%</u>	<u>%</u>	<u>%</u>	<u>%</u>	<u>%</u>	<u>%</u>	<u>%</u>
Gun Use	22**	3	5*	7	0*	9	6
Gun Possession	35**	4*	12	13	0*	27*	13
Gun Use + Gun Possession	58**	7**	17*	20	0**	36*	20
Non-Gun Weapon	26*	53**	44**	24**	4**	5**	36
Gun + Non-Gun Weapon	84**	60	60**	44**	4**	41*	55
No Weapon Charge	16**	40	40**	56**	96**	59*	45
Total (N of cases)	100 (99)	100 (131)	100 (683)	100 (255)	100 (66)	100 (56)	100 (1290)

* Sig. $p < .05$ compared to all other charge categories combined

** Sig. $p < .001$ compared to all other charge categories combined

Exhibit 3: Weapon Charges by Gender and Age

Juvenile Offender Cases in Supreme Court 1997 – 2000

	GENDER			AGE		
	Male	Female	TOTAL	Fourteen*	Fifteen	TOTAL
A. MOST SEVERE WEAPON CHARGE IN JO STUDY CASE	<u>%</u>	<u>%</u>	<u>%</u>	<u>%</u>	<u>%</u>	<u>%</u>
Gun Use	7 <i>p</i> < .05	2	6	3 <i>p</i> < .05	8	6
Gun Possession	14 <i>p</i> < .001	4	13	12 ns	14	13
Gun Use + Gun Possession	21 <i>p</i> < .001	6	20	15 <i>p</i> < .05	22	20
Non-Gun Weapon	35 <i>p</i> < .05	44	36	36 ns	35	36
Gun + Non-Gun Weapon	56 ns	50	55	52 ns	57	56
No Weapon Charge	44 ns	50	45	48 ns	43	45
Total (N of cases)	100 (1150)	100 (139)	100 (1289)	100 (438)	100 (851)	100 (1289)
B. MOST SEVERE WEAPON CHARGE IN PRIOR ARRESTS	<u>%</u>	<u>%</u>	<u>%</u>	<u>%</u>	<u>%</u>	<u>%</u>
Gun Use + Gun Possession	4 ns	1	4	3 ns	5	4
Non-Gun Weapon Charge	10 ns	7	9	8 ns	10	9
Gun + Non-Gun Weapon	14 ns	8	13	11 <i>p</i> < .05	15	13
No Weapon Charge	30 ns	24	30	26 ns	31	30
No Prior Arrest	56 <i>p</i> < .05	68	57	63 <i>p</i> < .05	54	57
Total (N of cases)	100 (1150)	100 (139)	100 (1289)	100 (438)	100 (851)	100 (1289)

* Includes three juveniles who were 13 years old at arrest.

ns = not significant

Exhibit 4: JO Study Charge

Juvenile Offender Cases in Supreme Court 1997 – 2000

	MOST SEVERE WEAPON CHARGE IN JO STUDY CASE						
	Gun Use	Gun Possession	Gun Use + Gun Possession	Non-Gun Weapon	Gun + Non-Gun Weapon	No Weapon Charge	<u>TOTAL</u>
MOST SEVERE JO CHARGE IN STUDY CASE	<u>%</u>	<u>%</u>	<u>%</u>	<u>%</u>	<u>%</u>	<u>%</u>	<u>%</u>
Assault	5 ns	3*	4** p < .001	15**	11 ns	9	10
Robbery 1	42* ns	48	46* p < .001	65**	58** p < .001	47**	53
Robbery 2	20 ns	20	20 p < .05	13**	16** p < .001	25**	20
Rape 1 or Sodomy 1	0* ns	0*	0** ns	1**	<1** p < .001	11**	5
Murder or Attempted Murder	27** ns	21**	22** p < .001	6*	12** p < .001	3**	8
Weapon	4* ns	7**	6** p < .001	0*	2** p < .001	0**	1
Other	2 ns	2	2 ns	1**	1** p < .001	6**	3
Total (N of cases)	100 (83)	100 (170)	100 (253)	100 (460)	100 (713)	100 (577)	100 (1290)

ns = not significant

* Sig. p < .05 compared to all other weapon categories combined

** Sig. p < .001 compared to all other weapon categories combined

Exhibit 5: Gender and Age

Juvenile Offender Cases in Supreme Court 1997 – 2000

	MOST SEVERE WEAPON CHARGE IN JO STUDY CASE						
	Gun Use	Gun Possession	Gun Use + Gun Possession	Non-Gun Weapon	Gun + Non-Gun Weapon	No Weapon Charge	<u>TOTAL</u>
GENDER	<u>%</u>	<u>%</u>	<u>%</u>	<u>%</u>	<u>%</u>	<u>%</u>	<u>%</u>
Male	96*	97**	97**	87**	90	88	89
Female	4*	3**	3**	13**	10	12	11
	ns		p < .001		ns		
Total (N of cases)	100 (83)	100 (170)	100 (253)	100 (459)	100 (712)	100 (577)	100 (1289)
AGE	<u>%</u>	<u>%</u>	<u>%</u>	<u>%</u>	<u>%</u>	<u>%</u>	<u>%</u>
Thirteen or Fourteen	17*	31	26*	35	32	37	34
Fifteen	83*	69	74*	65	68	63	66
	p < .05		p < .05		ns		
Total (N of cases)	100 (83)	100 (170)	100 (253)	100 (460)	100 (712)	100 (576)	100 (1289)

ns = not significant

* Sig. p < .05 compared to all other weapon categories combined

** Sig. p < .001 compared to all other weapon categories combined

Exhibit 6: Prior Arrests and Prior Weapon Arrests
 Juvenile Offender Cases in Supreme Court 1997 – 2000

	MOST SEVERE WEAPON CHARGE IN JO STUDY CASE						
	Gun Use	Gun Possession	Gun Use + Gun Possession	Non-Gun Weapon	Gun + Non-Gun Weapon	No Weapon Charge	<u>TOTAL</u>
A. PRIOR ARRESTS	<u>%</u>	<u>%</u>	<u>%</u>	<u>%</u>	<u>%</u>	<u>%</u>	<u>%</u>
None	49 ns	48*	49* p < .05	59	55 ns	60	57
1	21 ns	31*	27 ns	21	24 ns	22	23
2 or more	30* ns	21	24 ns	20	21 ns	18	20
Total (N of cases)	100 (83)	100 (170)	100 (253)	100 (460)	100 (713)	100 (577)	100 (1290)
B. MOST SEVERE WEAPON CHARGE IN PRIOR ARRESTS	<u>%</u>	<u>%</u>	<u>%</u>	<u>%</u>	<u>%</u>	<u>%</u>	<u>%</u>
Gun Use + Gun Possession	10* ns	8*	8** p < .05	3	5 ns	3	4
Non-Gun Weapon	12 ns	13*	13* ns	9	10 ns	8	9
Gun + Non-Gun Weapon	22* ns	21*	21** p < .05	12	15* p < .05	11*	13
No Weapon Charge	29 ns	31	30 ns	29	30 ns	29	30
No Prior Arrest	49 ns	48*	49* p < .05	59	55 ns	60	57
Total (N of cases)	100 (83)	100 (170)	100 (253)	100 (460)	100 (713)	100 (577)	100 (1290)

ns = not significant

* Sig. p < .05 compared to all other weapon categories combined

** Sig. p < .001 compared to all other weapon categories combined

Exhibit 7: Release and Detention Status by Most Severe Weapon Charge in Study Case

Juvenile Offender Cases in Supreme Court 1997 – 2000

A. For All JOs	MOST SEVERE WEAPON CHARGE IN JO STUDY CASE						
	Gun Use	Gun Possession	Gun Use + Gun Possession	Non-Gun Weapon	Gun + Non-Gun Weapon	No Weapon Charge	TOTAL
RELEASE STATUS AT CRIMINAL COURT ARRAIGNMENT	<u>%</u>	<u>%</u>	<u>%</u>	<u>%</u>	<u>%</u>	<u>%</u>	<u>%</u>
Released	10*	12**	11**	25	20*	25*	22
Detained	90*	88**	89**	75	80*	75*	78
	ns		p < .001		ns		
Total (N of cases)	100 (83)	100 (170)	100 (253)	100 (460)	100 (713)	100 (577)	100 (1290)
DETENTION STATUS	<u>%</u>	<u>%</u>	<u>%</u>	<u>%</u>	<u>%</u>	<u>%</u>	<u>%</u>
Never Held	4*	7*	6**	13	15*	10*	12
	ns		p < .05		p < .05		
Held and Released	47*	54*	51**	66*	62	61	62
	ns		p < .001		ns		
Never Released	49**	39**	43**	21*	23*	29*	26
	ns		p < .001		p < .05		
Total (N of cases)	100 (83)	100 (170)	100 (253)	100 (460)	100 (713)	100 (577)	100 (1290)

ns = not significant

* Sig. p < .05 compared to all other weapon categories combined

** Sig. p < .001 compared to all other weapon categories combined

Exhibit 7 Continued

B. For JOs Charged with First Degree Robbery	MOST SEVERE WEAPON CHARGE IN JO STUDY CASE						
	Gun Use	Gun Possession	Gun Use + Gun Possession	Non-Gun Weapon	Gun + Non-Gun Weapon	No Weapon Charge	TOTAL
RELEASE STATUS AT CRIMINAL COURT ARRAIGNMENT	<u>%</u>	<u>%</u>	<u>%</u>	<u>%</u>	<u>%</u>	<u>%</u>	<u>%</u>
Released	11*	15*	14**	29	25	30	27
Detained	89*	85*	86**	71	75	70	73
	ns		p < .05		ns		
Total (N of cases)	100 (35)	100 (81)	100 (116)	100 (297)	100 (413)	100 (270)	100 (683)
DETENTION STATUS	<u>%</u>	<u>%</u>	<u>%</u>	<u>%</u>	<u>%</u>	<u>%</u>	<u>%</u>
Never Held	3*	9	7*	15	13	18	15
	ns		p < .05		ns		
Held and Released	66	51*	55	67*	63	60	62
	ns		p < .05		ns		
Never Released	31	41**	38**	18*	24	22	23
	ns		p < .001		ns		
Total (N of cases)	100 (35)	100 (81)	100 (116)	100 (297)	100 (413)	100 (270)	100 (683)

ns = not significant

* Sig. p < .05 compared to all other weapon categories combined

** Sig. p < .001 compared to all other weapon categories combined

Exhibit 8: Final Disposition in Supreme Court

Juvenile Offender Cases in Supreme Court 1997 – 2000

	MOST SEVERE WEAPON CHARGE IN JO STUDY CASE						
	Gun Use	Gun Possession	Gun Use + Gun Possession	Non-Gun Weapon	Gun + Non-Gun Weapon	No Weapon Charge	<u>TOTAL</u>
A. DISPOSITIONS:	%	%	%	%	%	%	%
Convicted:							
Pled Guilty	92 <small>ns</small>	90	90 <small>ns</small>	92	91 <small>ns</small>	90	91
Tried – Found Guilty	4 <small>ns</small>	2	3 <small>ns</small>	1	2 <small>ns</small>	1	2
Subtotal Convicted	95 <small>ns</small>	92	93 <small>ns</small>	93	93 <small>ns</small>	91	92
Not Convicted:							
Dismissed	0 <small>ns</small>	2	2* <small>p = .05</small>	4	3 <small>ns</small>	5	4
Tried – Acquitted	2 <small>ns</small>	2	2* <small>p < .05</small>	<1	1 <small>ns</small>	<1	1
Transferred to Family Court	2 <small>ns</small>	4	3 <small>ns</small>	2	3 <small>ns</small>	4	3
Subtotal Not Convicted	5 <small>ns</small>	8	7 <small>ns</small>	7	7 <small>ns</small>	9	8
Total (N of cases)	100 (83)	100 (169)	100 (252)	100 (458)	100 (710)	100 (577)	100 (1287)

ns = not significant

* Sig. $p < .05$ compared to all other weapon categories combined

** Sig. $p < .001$ compared to all other weapon categories combined

Exhibit 8 Continued

	MOST SEVERE WEAPON CHARGE IN JO STUDY CASE						
	Gun Use	Gun Possession	Gun Use + Gun Possession	Non-Gun Weapon	Gun + Non-Gun Weapon	No Weapon Charge	<u>TOTAL</u>
B. DISPOSITIONS BY TRIAL:	<u>%</u>	<u>%</u>	<u>%</u>	<u>%</u>	<u>%</u>	<u>%</u>	<u>%</u>
Tried – Found Guilty	4 ns	2	3 ns	1	2 ns	1	2
Tried – Acquitted	2 ns	2	2 p < .05	<1	1 ns	<1	<1
Subtotal Disposed by Trial	6* ns	4	5* p < .05	2	3 ns	2	2
Non-Trial Dispositions	94	96	95	98	97	98	98
Total (N of cases)	100 (83)	100 (169)	100 (252)	100 (458)	100 (710)	100 (577)	100 (1287)
C. TRIALS:	<u>%</u>	<u>%</u>	<u>%</u>	<u>%</u>	<u>%</u>	<u>%</u>	<u>%</u>
Tried – Found Guilty	4 ns	2	3 ns	1	2 ns	1	2
Tried – Acquitted	2 ns	2	2 p < .05	<1	1 ns	<1	<1
Subtotal Disposed by Trial	6* ns	4	5* p < .05	2	3 ns	2	2
On Trial but Non-Trial Disposition	0 ns	1	1 ns	1	1 ns	1	1
Subtotal Trials	6 ns	5	6* ns	3	4 ns	3	3
Non-Trial Dispositions	94 ns	95	94* ns	97	96 ns	97	97
Total (N of cases)	100 (83)	100 (169)	100 (252)	100 (458)	100 (710)	100 (577)	100 (1287)

ns = not significant

* Sig. p < .05 compared to all other weapon categories combined

** Sig. p < .001 compared to all other weapon categories combined

Exhibit 9: Sentence in Supreme Court

Juvenile Offender Cases in Supreme Court 1997 – 2000

A. For All JOs	MOST SEVERE WEAPON CHARGE IN JO STUDY CASE						
	Gun Use	Gun Possession	Gun Use + Gun Possession	Non-Gun Weapon	Gun + Non-Gun Weapon	No Weapon Charge	<u>TOTAL</u>
SENTENCE:	%	%	%	%	%	%	%
Imprisonment	61** ns	54**	56** p < .05	37	44* p < .05	37*	41
Imprisonment and Probation	8 ns	9	9 ns	9	9 ns	10	9
Probation Only	32* ns	37*	35** p < .001	55	47* p < .05	53*	50
Total (N of cases)	100 (79)	100 (156)	100 (235)	100 (422)	100 (657)	100 (521)	100 (1178)
Sentence not available	-	-	-	3	3	6	9
Not convicted or disposition not available	4	14	18	35	53	50	103
	83	170	253	460	713	577	1290
CONDITIONS OF SENTENCE: All Sentences	%	%	%	%	%	%	%
Youthful Offender	55**	74*	67**	84*	78	82	80
Juvenile Offender	45** p < .05	26*	33** p < .001	16*	22 ns	18	20
Total (N of cases)	100 (78)	100 (155)	100 (233)	100 (421)	100 (654)	100 (519)	100 (1173)
CONDITIONS OF SENTENCE: Imprisonment or Imprisonment and Probation	%	%	%	%	%	%	%
Youthful Offender	34**	58	49*	65	58	62	60
Juvenile Offender	66** p < .05	42	51* p < .05	35	42 ns	38	40
Total (N of cases)	100 (53)	100 (97)	100 (150)	100 (195)	100 (345)	100 (242)	100 (587)

ns = not significant

* Sig. p < .05 compared to all other weapon categories combined

** Sig. p < .001 compared to all other weapon categories combined

Exhibit 9 Continued

B. For JOs Charged with First Degree Robbery	MOST SEVERE WEAPON CHARGE IN JO STUDY CASE						
	Gun Use	Gun Possession	Gun Use + Gun Possession	Non-Gun Weapon	Gun + Non-Gun Weapon	No Weapon Charge	<u>TOTAL</u>
SENTENCE:	<u>%</u>	<u>%</u>	<u>%</u>	<u>%</u>	<u>%</u>	<u>%</u>	<u>%</u>
Imprisonment	40 ns	57**	52** p < .05	34	39 ns	34	37
Imprisonment and Probation	11 ns	9	10 ns	10	10 ns	12	11
Probation Only	49 ns	34*	38** p < .05	56	51 ns	53	52
Total (N of cases)	100 (35)	100 (77)	100 (112)	100 (281)	100 (393)	100 (255)	100 (648)
Sentence not available	-	-	-	3	3	6	9
Not convicted or disposition not available	4	14	18	35	53	50	103
CONDITIONS OF SENTENCE: All Sentences	<u>%</u>	<u>%</u>	<u>%</u>	<u>%</u>	<u>%</u>	<u>%</u>	<u>%</u>
Youthful Offender	71	75	74*	87*	84	82	83
Juvenile Offender	29 ns	25	26* p < .05	13*	22 ns	18	17
Total (N of cases)	100 (35)	100 (77)	100 (112)	100 (291)	100 (393)	100 (254)	100 (647)

ns = not significant

* Sig. p < .05 compared to all other weapon categories combined

** Sig. p < .001 compared to all other weapon categories combined

Exhibit 10: Length of Case in Months

Juvenile Offender Cases in Supreme Court 1997 – 2000

	MOST SEVERE WEAPON CHARGE IN JO STUDY CASE						
	Gun Use	Gun Possession	Gun Use + Gun Possession	Non-Gun Weapon	Gun + Non-Gun Weapon	No Weapon Charge	<u>TOTAL</u>
First Appearance in Criminal Court to Last in Supreme Court							
Mean	11.0	9.0	9.6	11.6	10.9	11.2	11.0
Median	9.4	7.4	7.9	8.9	8.4	8.4	8.4
(N of cases)	(82) p < .05	(170)	(252) ns	(460)	(712) ns	(577)	(1289)
First Appearance in Criminal Court to Disposition in Supreme Court							
Mean	7.1*	5.1	5.8	5.1	5.4	5.4	5.4
Median	5.3	4.4	4.9	4.1	4.3	4.4	4.4
(N of cases)	(82) p < .01	(170)	(252) ns	(460)	(712) ns	(576)	(1288)
Disposition to Sentence in Supreme Court							
Mean	3.9	4.0*	4.0*	5.8*	5.2	5.2	5.2
Median	2.1	1.7	1.7	2.9	2.5	2.3	2.4
(N of cases)	(77) ns	(156)	(233) p < .001	(422)	(655) ns	(522)	(1177)

ns = not significant

* Sig. p < .05 compared to all other weapon categories combined

** Sig. p < .001 compared to all other weapon categories combined

Exhibit 11: Re-Arrest Rates by Number of Years at Risk¹ to First Re-Arrest

Juvenile Offender Cases in Supreme Court 1997 – 2000

	MOST SEVERE WEAPON CHARGE IN JO STUDY CASE													
	Gun Use		Gun Possession		Gun Use + Gun Possession		Non-Gun Weapon		Gun + Non-Gun Weapon		No Weapon Charge		<u>TOTAL</u>	
NUMBER OF YEARS AT RISK:	%	(N)	%	(N)	%	(N)	%	(N)	%	(N)	%	(N)	%	(N)
Four years	82	(66)	81	(140)	82	(206)	79	(432)	80	(638)	76	(530)	78	(1168)
Three years	77	(66)	74	(147)	75	(213)	72	(439)	73	(652)	70	(543)	72	(1195)
Two years	70	(69)	61	(153)	64	(222)	64	(443)	64	(665)	60	(553)	62	(1218)
One year	52	(71)	40	(156)	44	(227)	44	(451)	44	(678)	41	(561)	43	(1239)

Additional Periods of Time at Risk to First Re-Arrest

	Gun Use		Gun Possession		Gun Use + Gun Possession		Non-Gun Weapon		Gun + Non-Gun Weapon		No Weapon Charge		<u>TOTAL</u>	
	%	(N)	%	(N)	%	(N)	%	(N)	%	(N)	%	(N)	%	(N)
Five years	90	(62)	86	(134)	87	(196)	85	(411)	86	(607)	82	(511)	84	(1118)
Six years	95	(60)	93	(126)	94	(186)	90	(394)	91	(580)	88	(481)	90	(1061)
Seven years	97	(59)	95	(123)	96	(182)	96	(373)	96	(532)	94	(452)	95	(1007)

¹ Each at-risk category includes juveniles who were re-arrested within the time or were at risk for re-arrest for at least that long. For example, a juvenile who was re-arrested six months after release from pretrial detention will be tallied as a re-arrest at risk for six months and will therefore be included in the shortest ‘years at risk’ category. Juveniles who were still at risk for re-arrest after one year at risk are also included in the base of the ‘one year at risk’ category, even if they were eventually re-arrested. The base of the four years at risk category includes juveniles who were re-arrested by the time four years at risk elapsed or who were still at risk at that time. Juveniles who were not at risk or who could only be tracked for less than one year at risk with no re-arrest are not included in any at-risk category.

Exhibit 12: Re-Arrest Rates by Number of Years at Risk² to First VFO Re-Arrest

Juvenile Offender Cases in Supreme Court 1997 – 2000

	MOST SEVERE WEAPON CHARGE IN JO STUDY CASE													
	Gun Use		Gun Possession		Gun Use + Gun Possession		Non-Gun Weapon		Gun + Non-Gun Weapon		No Weapon Charge		<u>TOTAL</u>	
NUMBER OF YEARS AT RISK:	%	(N)	%	(N)	%	(N)	%	(N)	%	(N)	%	(N)	%	(N)
Four years	57	(56)	49	(125)	51	(181)	51	(391)	51	(572)	49	(492)	50	(1064)
Three years	54	(57)	38	(138)	43	(195)	42	(422)	43	(617)	43	(519)	43	(1136)
	<i>p < .05</i>													
Two years	39	(66)	28	(147)	32	(213)	34	(434)	33	(647)	34	(544)	34	(1191)
One year	27	(70)	18	(153)	21	(223)	24	(447)	22	(670)	23	(558)	23	(1228)

Additional Periods of Time at Risk to First VFO Re-Arrest

	Gun Use		Gun Possession		Gun Use + Gun Possession		Non-Gun Weapon		Gun + Non-Gun Weapon		No Weapon Charge		<u>TOTAL</u>	
	%	(N)	%	(N)	%	(N)	%	(N)	%	(N)	%	(N)	%	(N)
Five years	69	(48)	60	(109)	62	(157)	61	(345)	62	(502)	58	(441)	60	(943)
Six years	85	(39)	73	(90)	77	(129)	73	(296)	74	(425)	68	(382)	71	(807)
Seven years	92	(36)	82	(82)	85	(118)	90	(242)	88	(360)	85	(313)	87	(673)

² Each at-risk category includes juveniles who were re-arrested for a VFO within the time or were at risk for a VFO re-arrest for at least that long. For example, a juvenile who was re-arrested six months after release from pretrial detention for a first degree robbery offense will be tallied as a VFO re-arrest at risk for six months and will therefore be included in the shortest ‘years at risk’ category. Juveniles who were still at risk for a VFO re-arrest after one year at risk are also included in the base of the ‘one year at risk’ category, even if they were eventually re-arrested. The base of the four years at risk for VFO category includes juveniles who were re-arrested by the time four years at risk elapsed or who were still at risk at that time. Juveniles who were not at risk or who could only be tracked for less than one year at risk with no VFO re-arrest are not included in any at-risk category.

Exhibit 13: Time to First Re-Arrest for Juveniles Re-Arrested Within Four Years

Juvenile Offender Cases in Supreme Court 1997 – 2000

MOST SEVERE WEAPON CHARGE IN JO STUDY CASE														
	Gun Use		Gun Possession		Gun Use + Gun Possession		Non-Gun Weapon		Gun + Non-Gun Weapon		No Weapon Charge		<u>TOTAL</u>	
	%	Cum %	%	Cum %	%	Cum %	%	Cum %	%	Cum %	%	Cum %	%	Cum %
Three months or less	20	20	22	22	21	21	25	25	24	24	21	21	23	23
Over 3 months to 6 months	20	40	21	43	21*	42	15	41	17	41	14	35	16	39
Over 6 months to 1 year	28	68	12*	55	17	60	18	58	18	59	22	57	20	58
Over 1 year to 2 years	20	88	26	81	24	84	24	83	24	83	24	82	24	83
Over 2 years to 3 years	6	94	14	95	11	95	10	93	10	94	12	94	11	94
Over 3 years to 4 years	6	100	4	100	5	100	7	100	6	100	6	100	6	100
Total First Re-Arrests	100		100		100		100		100		100		100	
(N of cases)	(56)		(114)		(168)		(340)		(508)		(404)		(912)	
Mean	335		385		369		384		279		397		386	
Median	246		246		246		261		253		291		274	

* Sig. $p < .05$ compared to all other weapon categories combined

**Exhibit 14: Time to First VFO Re-Arrest for Juveniles Re-Arrested
for a VFO Within Four Years**

Juvenile Offender Cases in Supreme Court 1997 – 2000

	MOST SEVERE WEAPON CHARGE IN JO STUDY CASE													
	Gun Use		Gun Possession		Gun Use + Gun Possession		Non-Gun Weapon		Gun + Non-Gun Weapon		No Weapon Charge		<u>TOTAL</u>	
	%	Cum %	%	Cum %	%	Cum %	%	Cum %	%	Cum %	%	Cum %	%	Cum %
Three months or less	6*	6*	20	20	15	15	23	23	21	21	21	21	21	21
Over 3 months to 6 months	25	31	20	39	22	37	14	38	17	37	14	34	15	36
Over 6 months to 1 year	28*	59	5*	44	13	50	14	52	14	51	18	52	16	52
		<i>p < .05</i>												
Over 1 year to 2 years	22	81	23	67	23	72	21	73	21	73	25	77	23	75
Over 2 years to 3 years	16	97	20	87	18	90	16	90	17	90	16	93	16	91
Over 3 years to 4 years	3	100	13	100	10	100	10	100	10	100	7	100	9	100
Total First Re-Arrests	100		100		100		100		100		100		100	
(N of cases)	(32)		(61)		(93)		(201)		(294)		(243)		(537)	
Mean	401		501		466		460		462		444		454	
Median	281		409		366		323		331		334		334	

* Sig. $p < .05$ compared to all other weapon categories combined

**Exhibit 15: Stage of Case Processing at First Re-Arrest and at First VFO Re-Arrest
Within Four Years**

Juvenile Offender Cases in Supreme Court 1997 – 2000

	MOST SEVERE WEAPON CHARGE IN JO STUDY CASE						
A. FIRST RE-ARREST	Gun Use	Gun Possession	Gun Use + Gun Possession	Non-Gun Weapon	Gun + Non-Gun Weapon	No Weapon Charge	<u>TOTAL</u>
Before disposition	11	14	13	18	16	15	16
Between disposition and sentence	13	14	14	20	18	18	18
After case completion	76	72	73* p < .05	62*	66	67	66
Total Re-Arrests	100	100	100	100	100	100	100
(N of cases)	(56)	(114)	(168)	(340)	(508)	(404)	(912)
B. FIRST VFO RE-ARREST							
Before disposition	9	20	16	17	17	15	16
Between disposition and sentence	6	11	10* p < .05	19	16	17	17
After case completion	84*	69	74	63	67	68	67
Total VFO Re-Arrests	100	100	100	100	100	100	100
(N of cases)	(32)	(61)	(93)	(201)	(294)	(243)	(537)

* Sig. p < .05 compared to all other weapon categories combined

Exhibit 16: Most Severe Weapon Charge at Any Re-Arrest

Juvenile Offender Cases in Supreme Court 1997 – 2000

	MOST SEVERE WEAPON CHARGE IN JO STUDY CASE						
A. ALL RE-ARRESTS	Gun Use	Gun Possession	Gun Use + Gun Possession	Non-Gun Weapon	Gun + Non-Gun Weapon	No Weapon Charge	<u>TOTAL</u>
At least one re-arrest with a gun charge	35 ns	26	29 p < .05	21*	24 ns	28	26
At least one re-arrest with a non-gun weapon charge, but no gun charges	16 ns	12	13 p < .05	21*	18 ns	14	16
No weapon charges on any re-arrest	49 ns	62	58 ns	58	58 ns	58	58
Total Re-Arrests (N of cases)	100 (57)	100 (117)	100 (174)	100 (360)	100 (534)	100 (428)	100 (962)
B. ALL JO CASES							
At least one re-arrest with a gun charge	26 ns	20	22 ns	17	19 ns	21	20
At least one re-arrest with a non-gun weapon charge but no gun charges	12 ns	9	10 p < .05	16*	14 ns	11	12
No weapon charges on any re-arrest	36 ns	45	42 ns	46	45 ns	44	44
No Re-Arrests	26	26	26	21	22	25	24
Total JO Cases with Any Time at Risk (N of cases)	100 (77)	100 (159)	100 (236)	100 (453)	100 (689)	100 (568)	100 (1257)

ns = not significant

* Sig. p < .05 compared to all other weapon categories combined

** Sig. p < .001 compared to all other weapon categories combined

Exhibit 17: Total Time at Risk for Re-Arrest

Juvenile Offender Cases in Supreme Court 1997 – 2000

	MOST SEVERE WEAPON CHARGE IN JO STUDY CASE						
Number of Days at Risk	Gun Use	Gun Possession	Gun Use + Gun Possession	Non-Gun Weapon	Gun + Non-Gun Weapon	No Weapon Charge	<u>TOTAL</u>
Mean	283	290	288*	359	334	348	340
	ns		p < .05		ns		
Median	158	116	169	171	144	162	155
(N of cases)	(83)	(170)	(253)	(458)	(711)	(575)	(1286)

ns = not significant

* Sig. p < .05 compared to all other weapon categories combined

APPENDIX A

JUVENILE OFFENSES

Offense	Penal Law	Felony Class	Defendant Age
Aggravated sexual abuse in the first degree	130.70	B	14, 15
Arson in the first degree	150.20	A	14, 15
Arson in the second degree	150.15	B	14, 15
Assault in the first degree	120.10 (1) (2)	B	14, 15
Burglary in the first degree	140.30	B	14, 15
Burglary in the second degree	140.25 (1)	C	14, 15
Kidnapping in the first degree	135.25	A	14, 15
Attempted kidnapping in the first degree	110/135.25	B	14, 15
Possession of a weapon in the second degree	265.03*	C	14, 15
Possession of a weapon in the third degree	265.02 (4)*	D	14, 15
Manslaughter in the first degree	125.20	B	14, 15
Murder in the second degree	125.25 (1) (2) 125.25 (3)**	A A	13, 14, 15 14, 15
Attempted murder in the second degree	110/125.25	B	14, 15
Rape in the first degree	130.35 (1) (2)	B	14, 15
Robbery in the first degree	160.15	B	14, 15
Robbery in the second degree	160.10 (2)	C	14, 15
Sodomy in the first degree	130.50 (1) (2)	B	14, 15

* Added in November 1998, but only where the weapon is possessed on school grounds.

** But only where the underlying crime is also a JO offense.