LAW AND CONTEMPORARY PROBLEMS

FOREWORD

PHILIP J. COOK[*]

Between 1984 and 1991, the homicide-commission rate by adolescents tripled and the rate by youths aged eighteen to twenty-four doubled.[1] Homicide-victimization rates for these age groups increased by similar proportions. In fact, youths are now killing and being killed at rates far higher than at any other time this century.

In seeking to understand what went wrong, we find several clues in the crime statistics. First, while the youth homicide rates were rising dramatically, the victimization and commission rates for those over twenty-four were actually declining. Whatever the cause, then, the effect appears to have been confined to younger cohorts, especially teenagers. Second, gun use among violent teenagers became far more prevalent during this period; indeed, all of the increase in homicides for that group can be attributed to guns. Put simply, the gun-toting kid has become a far-greater threat to the public (and especially to other youths) during the last decade than ever before.

This symposium was organized in response to these trends, with the objective of stimulating new thinking about policy interventions that might be effective in discouraging violence-prone youths from obtaining, carrying, and using guns. The Harry Frank Guggenheim Foundation sponsored a two-day conference during September 1995, which brought together some of the contributing authors and several other scholars and policy analysts (Susan Ginsburg, Arthur Kellermann, Colin Loftin, Mark Kleiman, and Mark Moore), as well as James Hester, Joel Wallman, and Karen Colvard from the Foundation. Seven of the articles included in this issue of *Law and Contemporary Problems* were presented at the conference and benefitted from the comments of the participants.

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    * Terry Sanford Distinguished Professor of Public Policy Studies, Sanford Institute of Public Policy, Duke University.

    1. Philip J. Cook & John H. Laub, *The Unprecedented Epidemic of Youth Violence* (working paper 1996).

Six particularly noteworthy themes emerged during the conference. They are developed by the articles in this issue.

1. For a variety of reasons, the appropriate mix of policies to combat youth violence is different from the appropriate mix for adult violence.

As Franklin Zimring points out, youths are immature and hence less culpable than adults for harm they do to others. Zimring also notes that lawmakers have attempted to preempt lethal violence by placing special restrictions on juvenile access to guns. An emphasis on preemption over punishment is a common-sense response to youthful immaturity. Preemption is likely to be more effective than a strictly punitive approach, because adolescents are impulsive and more subject to the influence of immediate opportunities and barriers to action than they are influenced by the uncertain and long-delayed consequences of arrest and conviction.

As an interesting example of the attenuated rights and responsibilities accorded adolescents, Richard Rosenfeld and Scott Decker describe a program in St. Louis in which a special unit of the police department seeks parental permission to search the houses of crime-involved youths without a warrant, promising that while any guns uncovered in the search will be confiscated, no criminal charges will result. This program has been well received by the parents, who apparently welcome the police as allies in asserting some control over their teenage sons.

2. Guns have transformed youth violence and in particular made it more lethal.

Jeffrey Fagan and Deanna Wilkinson provide a brief history of youth gangs, suggesting that the routine use of guns in gang conflict is a relatively new phenomenon. They explore the ways in which guns influence youthful tactics for seeking personal safety, enhanced reputation with peers, and related goals. They describe the "scripts" by which youths initiate and settle conflicts and explain that these scripts are transformed when a gun is present or easily accessible.

When guns are the instrument for conducting violent encounters, the likelihood that someone will die is multiplied. In that sense, guns play a direct causal role in the homicide epidemic. This point is made with particular force in the articles by Alfred Blumstein and Daniel Cork, and by Zimring, and is implicit in the others.

3. Gun carrying and use have spread from one group to another like a contagion.

Blumstein and Cork note that the epidemic of youth homicide began with young black males, most likely in connection with the introduction of crack cocaine in one city after another during the mid-1980s. The guns that are an essential tool of that trade diffused to other groups in subsequent years, with deadly results.

David Hemenway and his co-authors document the current prevalence of gun carrying by adolescents by use of a survey of seventh- and tenth-grade

students in two cities. Interestingly, most of the respondents would prefer to live in a gun-free environment, but the fear engendered by the prevalence of guns among their peers may persuade some of them to obtain a gun for self-protection. This result may be the crucial mechanism in the contagion of gun carrying.

4. In structuring interventions to reduce gun carrying and use, there is an entire spectrum of possible opportunities for interventions.

It is often said that regulating availability of guns is futile or worse, since the regulations may in practice be easily circumvented by youths and criminals. James Leitzel and I challenge this view, arguing that it fails to acknowledge the close economic links between the primary (regulated) market and the informal, off-the-books markets. As a result of these links, some kinds of regulations may "pass through" from one market to the other, with good effect in restricting access by dangerous people.

Christopher S. Koper and Peter Reuter consider the prospects for effective supply-reduction interventions based on lessons from the long-running war on drugs. They conclude that while it may be possible to reduce the flow of guns into the prohibited sector by regulating licensed dealers and discouraging theft, the prospects for directly interdicting the secondary market are not good; the transactions that make up that market are too rare and diffuse. Where there is some structure to this market, as with drug dealers who also deal in guns, direct policing may prove beneficial.

Based on their work with law-enforcement agencies in Boston, David Kennedy, Anne Piehl, and Anthony Braga provide evidence in favor of routine intelligence gathering on illicit trafficking, including scofflaw dealers and street sources. By identifying the trafficking pipelines that supply particular groups, it may be possible to custom-fit trafficking disruption strategies.

Law-enforcement practice may also be directed to reducing possession, carrying, and use of guns. The St. Louis intervention is designed to increase the cost of possession by creating some chance that an illicit gun, even one kept at home, will be confiscated. Blumstein and Cork mention the bounty offered by Charleston police for information leading to confiscation of an illicit gun, noting that one effect would be to discourage kids from brandishing their guns in public. Kennedy and his co-authors recount the development of a new program in Boston designed to deter violence by gangs by sending a clear message that violence will result in a coordinated crackdown by the police and other criminal justice agencies.

What role can technology play? Sam Kamin discusses the use of metal detectors to search for weapons in public places. He describes the shortcomings of this method and points out the legal and technical difficulties with emerging alternatives. While metal detectors in portals may be useful for protecting schools, even the newest scanning devices are not much help in facilitating police searches on the street; they resolve neither the practical nor the constitutional problems.

5. Law-enforcement innovations to reduce gun use should be subject to careful evaluation.

Rosenfeld and Decker note that the St. Louis intervention has been successful in confiscating a number of guns through warrantless searches but suggest that a complete evaluation would require a close look at the extent to which the kids obtain replacements for the confiscated guns. In Boston, Kennedy has been involved from the beginning in helping plan a concerted law-enforcement effort against gun violence, with ongoing evaluation intrinsic to the effort. In these and other interventions, the task of evaluation goes beyond assessing what "works," although that is hard enough. Measuring the costs is also important, including the qualitative costs associated with such matters as community relations and individual rights.

6. The effort to separate kids and guns does not confront the "root causes" of violence, but accepts the goals of saving lives and reducing fear as worthy in themselves.

Fagan and Wilkinson note that very high levels of violence have been a feature of inner-city life since the late 1960s. Two generations of children growing up in these neighborhoods have known nothing else. Seeking a fundamental improvement in the conditions that engender and sustain this violence is surely important. But there is no contradiction between that long-term effort and the immediate concerns of harm reduction that motivate this symposium. And it is clear that the homicide rate is not precisely dictated by these fundamental conditions of poverty, drug abuse, lack of adult supervision and guidance, media violence, and so forth. The doubling and tripling of the youth homicide rate during the late 1980s were not the result of dramatic short-term changes in such "root-cause" variables, though surely those causes created the potential for this epidemic. Rather, the proximate cause is to be found in the influx of guns into these neighborhoods and the changing "scripts" of violence.

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It is important that we learn what lessons are to be had from this tragic epidemic. This symposium is a beginning, but it still leaves us unsure about why the epidemic began when it did, and even more puzzled about why youth-violence rates are now (late 1996) declining again. What seems clear is that the challenge of heading off the next epidemic is not just a matter of collective will and resources; there is also a critical shortage of information and understanding. For policy researchers, the dynamics of youth violence is an important intellectual frontier; for the American public, it represents the greatest threat to the health and well-being of our youth.