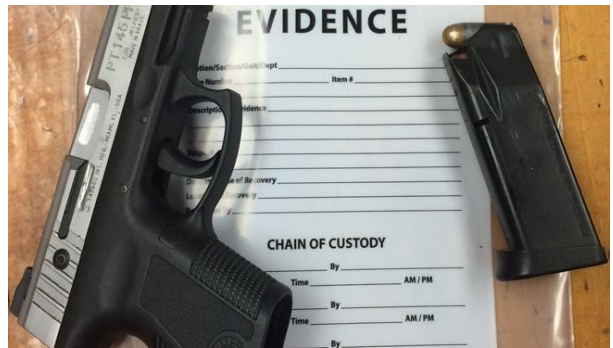
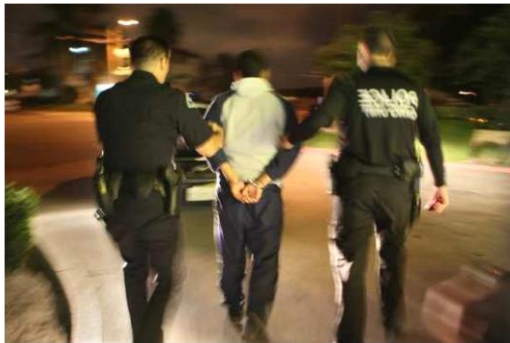


Gun Crime and Gun Arrests in Durham 2010 – 2015



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Abstract

The purpose of this report is to provide background and statistical information on gun crime arrests in Durham, North Carolina from 2010 to 2015 and suggest next steps for policy makers based on that information. The report was developed by performing a thorough analysis of gun crimes for the time period and conducting interviews with stakeholders in law enforcement and the court system. Interviews with individuals charged with gun crimes are included to provide an additional perspective of the issue. The goal of this report is to provide community leaders with relevant information that assists them in crafting policies that reduce the level of gun violence in Durham.

Keywords

Durham, gun crime, gun arrest, prosecution, gang, stolen weapon, repeat offender, Project Safe Neighborhoods

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- Alison Hutchens (DPD Forensic Services Lab Supervisor) for providing a tour of the forensics lab and explaining the gun testing equipment
- The five Durham County jail inmates who were willing to discuss the circumstances surrounding their arrests on gun charges

Background

Community leaders in Durham have been concerned about gun crime for some time and this concern was heightened as 2015 came to a close with record numbers of homicides and shooting-related injuries.¹ Gunshot victims are typically brought to the Duke Trauma Center for treatment. Duke Trauma Center does not publish the number of gunshot victims, but reports these confidential numbers at quarterly Project Safe Neighborhoods Steering Committee meetings.²

There was an unprecedented string of shootings in Durham from June to December of 2015. According to Interim Chief of Police Larry Smith, the Durham Police Department has identified 19 individuals (some of whom are involved in gang activity) who they believe are responsible for most of the shootings. This is consistent with report data that indicate a rather small and narrow band of individuals in Durham are involved in gun crime.

“Why was I carrying a gun? Because I sell drugs and I rob drug dealers. That’s why I carry a gun”
“Derrick” – inmate at Durham County jail

This report makes note of the numerous individuals arrested on gun charges more than one time. The elevated risk profile of this cohort can be illustrated by the January 18, 2016 murder in Efland, NC of a 22 year old Durham man who had been arrested in Durham at age 17 for assault with a deadly weapon with the intent to kill, and arrested again in Durham at age 19 for carrying a concealed weapon and possession of a stolen firearm.

Possession of a firearm illegally or using a firearm in the commission of a crime often leads to arrest. This report examines 853 gun arrests made by the Durham Police Department from January 2010, when Operation Bullseye³ was in full swing, to December 2015, when heavy policing of high crime and marginalized communities was

¹ According to the Durham Police Department, there were 42 homicides in 2015 (guns used in 70% of these) and persons being shot or suffering shooting-related injuries increased from 95 in 2014 to 198 in 2015

² Claudia McCormick (Trauma Program Director) provides these confidential reports to PSN

³ Further details on Operation Bullseye are provided later in this report

under increasing scrutiny. The report summarizes gun charges associated with these arrests, the age of offenders, drug involvement in the arrests and other factors.

Data for a portion of the report comes directly from the *Project Safe Neighborhoods (PSN)* section of the Durham Police Department website. It should be noted that PSN only lists arrests. In many cases, the

charges are dropped, a plea arrangement is made or the offender is found not guilty in court. PSN data does not include juveniles (those under the age of 16). Murder charges (even if a firearm was used) are not listed.⁴

“Just because it was my motel room doesn’t mean the gun was mine, you feel me? There were 4 other people in the room – it must have belonged to one of them”

“Terrell” – inmate at Durham County jail

While some statistical data is provided for all ages of those arrested for gun crimes, much of the data in this report will focus on younger offenders, particularly those between the ages 16 and 25.

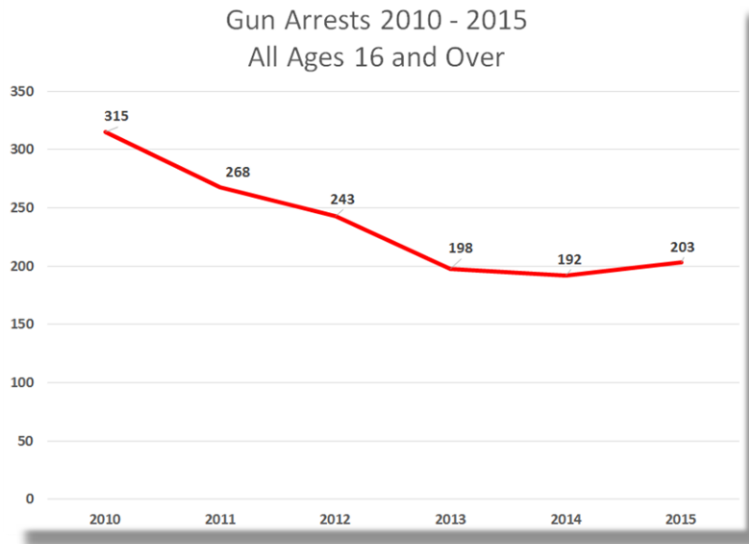
In an effort to provide a 360-degree perspective of gun crimes and gun arrests, interviews were conducted with prosecutors in the District Attorney’s office, forensic technicians of the Durham Police Department, inmates with gun charges in the Durham County jail and others.

⁴ For example, a 16 year old is currently in the Durham County jail on murder charges (with a firearm) but this arrest is not in the PSN “Gun Crime” records

Number of Gun Arrests (all ages 2010 – 2015)

Gun arrests have dropped approximately 36% during the study period, with a high of 315 arrests in 2010 to 203 arrests in 2015.

The notable drop in arrests is puzzling given the apparent increase in gun crime, but several factors may have impacted arrest numbers.



The Department of Justice, through a Comprehensive Anti-Gang Initiative (CAGI) grant in 2009, funded additional law enforcement personnel with the use of overtime funds for six officers to patrol the Bull's Eye area⁵ on Fridays and Saturdays from 8 p.m. to 2 a.m. This operation ran from late 2009 to early 2011 and resulted in

many gun arrests for the 2010 calendar year. A 23% drop in gun arrests corresponded with the end of the Bull's Eye Initiative.

Secondly, there has been an increased scrutiny of Durham Police Department's stop-and-search practices, practices that yielded a number of gun arrests and seizures of illegal firearms. The Southern Coalition for Social Justice and others raised concerns about the disparate rate of "consent-searches" of black males. It is possible that the heightened concern over, and scrutiny of these searches has resulted in far fewer person and vehicle searches conducted by patrol officers. Additionally, Durham Police officers have been required to obtain a person's written permission before undertaking a consent-search of a vehicle or building since October 1, 2014.

⁵ A 2-square mile area in NE Central Durham determined in 2007 to be responsible for the highest number of shots-fired calls, gang member residences and violent crimes committed with firearms

Prosecutors from the Durham District Attorney's office suggested that there may be fewer gun arrests due to discontinuation of the S.T.A.R.S (Strategies to Abate and Reduce Senseless violence) program in 2013.⁶ Designed to reduce violent crime, S.T.A.R.S. program notifications put law enforcement in contact with serious repeat offenders. Much like probation searches (also trending downward) these encounters would occasionally result in discovery of an illegal weapon or other weapon charges.

On the other hand, the overall decline in gun arrests during the study period may signal that progress is being made as the result of multiple community efforts.

One notable effort is the Project Safe Neighborhoods partnership with Durham County Gun Safety Team "*which comprised of representatives from various agencies (such as Durham County Health Department, North Carolinians Against Gun Violence, Religious Coalition for Non-Violent Durham, Durham Police Department, Duke Trauma Center, and the Durham County Sheriff's Office) that address gun safety. Projects organized by the Team include community education and campaigns to encourage gun owners to appropriately store and handle firearms. Team members provide outreach services to schools, churches, neighborhood organizations, businesses, and youth groups.*"⁷

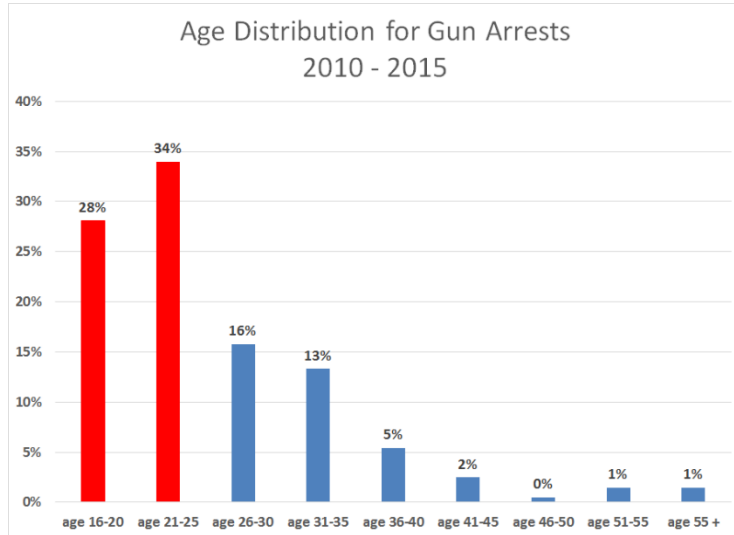
As noted elsewhere in this report, law enforcement believes that the majority of serious gun crime is perpetrated by a rather small number of individuals in the community, and by focusing policing efforts on this group these individuals are offered the choice of either changing their behavior or facing incarceration.

⁶ Based on conversation with ADA's Stormy Ellis, Tom Crosby and Brittney Edwards on January 6, 2016

⁷ PSN Monthly Newsletter for the Durham Community (January 2016)

Age Distribution of Gun Arrests

Individuals between the ages of 16 and 25 comprise 62% of gun arrests for the 6-year study period.



The range of ages is 16 at the lower end and 81 at the upper end of the distribution. These

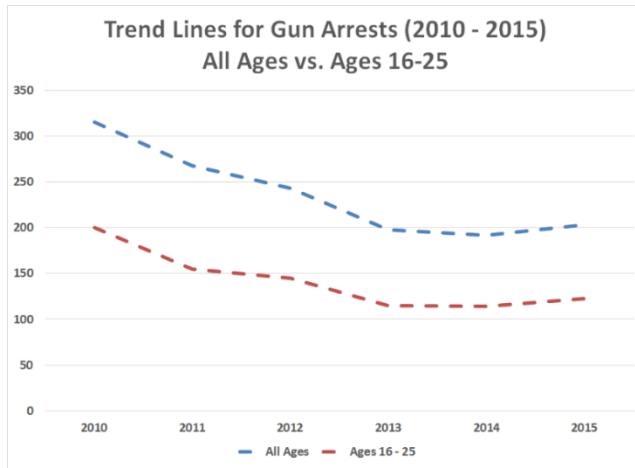
The most frequent age in the distribution (mode) is 19. In other words, more 19 year olds were arrested than any other age during the study period.

data suggest that the propensity

for gun crime decreases significantly after the age of 25, perhaps because at that age individual's lives have stabilized with employment (behavior change) or because of continued criminal activity, they are now incarcerated.

These data also seem to confirm the belief that most of the violent crime in Durham is committed by those age 25 and younger.⁸ When charted, it can be observed that gun arrests of the 16-25 cohort are trending downward in a fashion very similar to the downward trend of all ages.

⁸ Remember that this report does not include gun arrests of juveniles; if it did, the percentage used in this report (62%) would be higher



North Carolina and New York stand alone as states that consider 16 and 17 year olds adults. The table below illustrates the percentage of all gun arrests in the study period that involved 16 and 17 year olds.

An encouraging trend can be observed when looking at the percentage of the youngest offenders (16 and 17 year

olds), which dropped from 10.5% early in the study period to just below 5% as 2015 came to a close. If this trend continues as that cohort ages, Durham should see an overall reduction in gun crime and gun arrests.

Year	2010	2011	2012	2013	2014	2015
% gun arrests involving ages 16–17	10.5%	8.2%	5.3%	10.1%	5.7%	4.9%

Demographics of Age 16 – 25 Cohort

An examination of gun arrest records for those ages 16 to 25 indicates that 47 (6%) of those charged were female. Project Safe Neighborhoods data does not include racial demographics of those charged and does not indicate the address or police district where the offender resided at the time charges were filed.

Familiar Faces in the Age 16 – 25 Cohort

There were 853 arrests of individuals between the ages of 16 and 25 between 2010 and 2015 (1,346 total gun charges). Of that number, 97, or 11% were arrested more than one time.

This has been a source of frustration for law enforcement and prosecutors for some time in

Five individuals in the 16 – 25 cohort were victims of homicide during the study period. One homicide victim had been arrested on five different occasions on gun charges at the ages of 16, 17, 17, 18 and 18

Durham. Prosecutors indicate that “good” or “solid” cases are not all that common.

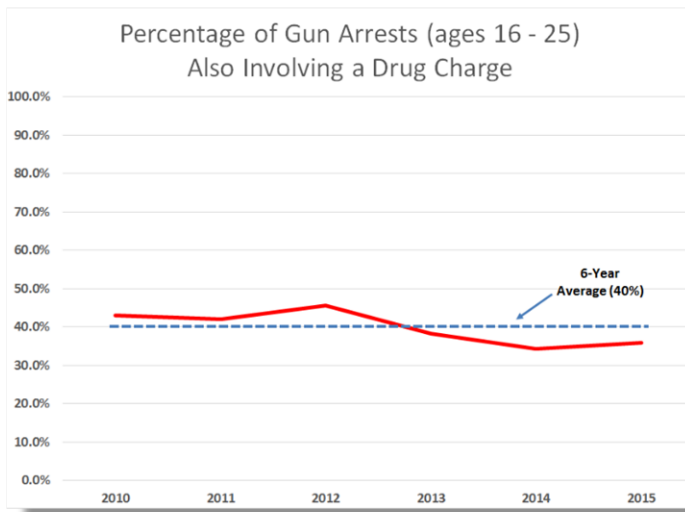
Consider the example of a gun thrown from a car containing four occupants. When the vehicle is stopped, all occupants deny that the weapon belonged to them. Without reliable fingerprints on the gun or a record of gun registration it can be very difficult to successfully prosecute any of the occupants.

The table below provides information on multiple gun arrests against individual in the age 16 to 25 cohort between 2010 and 2015.

1 gun arrest	2 gun arrests	3 gun arrests	4 gun arrests	5 gun arrests
756	76	16	4	1

Drug Charges and Gun Arrests

Approximately forty percent of gun arrests (ages 16 – 25) during the study period also included drug charges.



Some of the most common drug charges include *possession of a drug (marijuana, cocaine, Schedule II, Schedule IV, etc.)*, *possession with intent to sell or deliver*, and *possession of drug paraphernalia*.

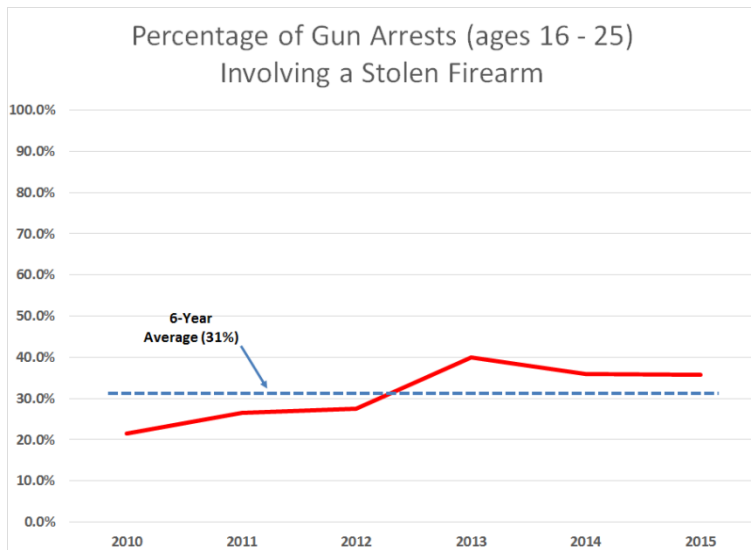
Of interest is the high number of drug charges that are accompanied by a *carrying a concealed weapon*

gun charge. Based on available data it appears that many of those who distribute or possess drugs are also carrying a weapon.

Stolen Guns

Stolen guns were involved in approximately one third of gun arrests (ages 16 – 25) during the study period.

For the past three years, the percentage of stolen gun involved in gun arrests has remained higher than the six-year average.



There appears to be a strong local market for firearms from stolen from homes or vehicles based on the number of gun arrests during the study period that involve a stolen firearm (255).

The receiving or possession of a stolen firearm is considered a felony in North Carolina, regardless of the firearm's value.⁹

According to the ATF, *“those that steal firearms commit violent crimes with stolen guns, transfer stolen firearms to others who commit crimes and create an unregulated secondary market for firearms, including a market for those who are prohibited by law from possessing a gun.”*¹⁰

The ATF goes on to note that thieves and illicit traffickers often obliterate the serial numbers of stolen firearms so that if it is later recovered by law enforcement, it cannot be identified as stolen or traced to the original purchaser. In 2012, pistols were the most common type of firearm stolen from a Federal Firearm Licensee (FFL).

File entries into the National Crime Information Center (NCIC) in 2012¹¹ indicate that North Carolina was fifth of the five states with the greatest number of firearms reported lost or stolen as reflected by NCIC entries. In that year, North Carolina reported 8,940 stolen firearms and 380 lost firearms for a total of 9,320.

⁹ North Carolina General Statute 14-72

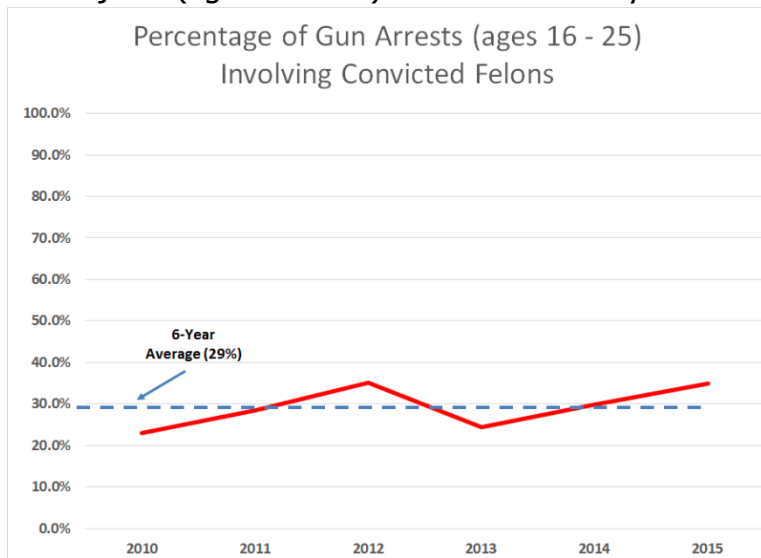
¹⁰ U.S. Department of Justice Bureau of Alcohol, Tobacco, Firearms and Explosives “2012 Summary: Firearms Reported Lost and Stolen

¹¹ The latest year this data was published

The states that recorded more lost or stolen firearms than North Carolina were Texas, Georgia, Florida and California.

Gun Charges Involving Convicted Felons

During the six-year period, an average of almost thirty percent of the arrests involved subjects (ages 16 – 25) who were already convicted felons.

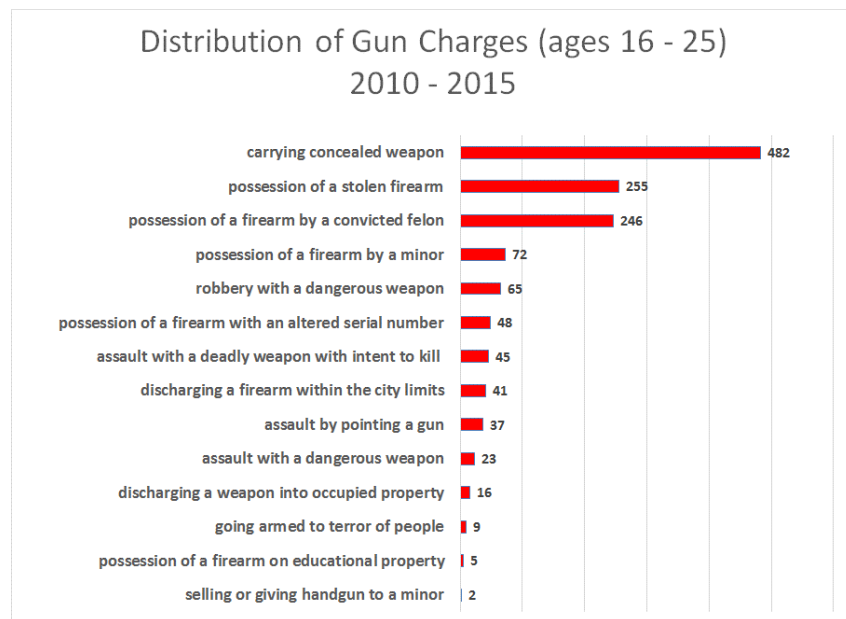


According to North Carolina General Statute 14-288.8(c) *“it shall be unlawful for any person who has been convicted of a felony to purchase, own, possess, or have in his custody, care, or control any firearm”*. When a person is charged under this section, records of prior convictions of any offense,

whether in the courts of this State, or in the courts of any other state or of the United States, shall be admissible in evidence for the purpose of proving a violation of this section. According to state law, *“every person violating the provisions of this section shall be punished as a Class G felon”*.

The data indicate that the percentage of convicted felons arrested for gun crimes in 2015 (35%) is higher than the 6-year average (29%).

Most Common Charges



As indicated by the chart, *carrying a concealed weapon (CCW)*¹² is by far the most frequent gun charge, followed by *possession of a stolen firearm* and *possession of a firearm by a convicted felon*.

North Carolina law strictly controls the ability of individuals to carry firearms concealed. By using the phrase “*concealed about his or her person*”, state law makes it illegal to have a weapon concealed not only on a person, but also within a person’s convenient control and easy reach. Carrying a concealed weapon (firearm) in North Carolina is a Class 2 misdemeanor punishable by 30 days to 6 months in jail. With a second offense the charge is elevated to a Class H felony¹³ which is punishable by incarceration of between 4 months to 25 months depending on circumstances.

The frequency of CCW charges, especially among younger offenders, prompts the question of why these individuals are armed. Interviews with inmates at the Durham County jail awaiting disposition on gun charges indicate that self-protection is a compelling factor.¹⁴ Certainly those involved in selling drugs or breaking into houses inherit a certain amount of risk that they believe can be mitigated by carrying a firearm.

¹² Here, and in all cases in this report, carrying a concealed weapon (CCW) refers to carrying a concealed *firearm*

¹³ North Carolina General Statute 14-269(a1)

¹⁴ An informal, unscientific survey with a very small sample size, but interesting to hear their perspective regardless

But it is apparent that many are carrying a gun illegally as they go about their daily activities, which might include riding the bus or visiting a friend's house.

James Johnson, former New York City police officer and currently the Executive Director of the Salvation Army's Boys and Girls Club, suggests that some carry a firearm for status.

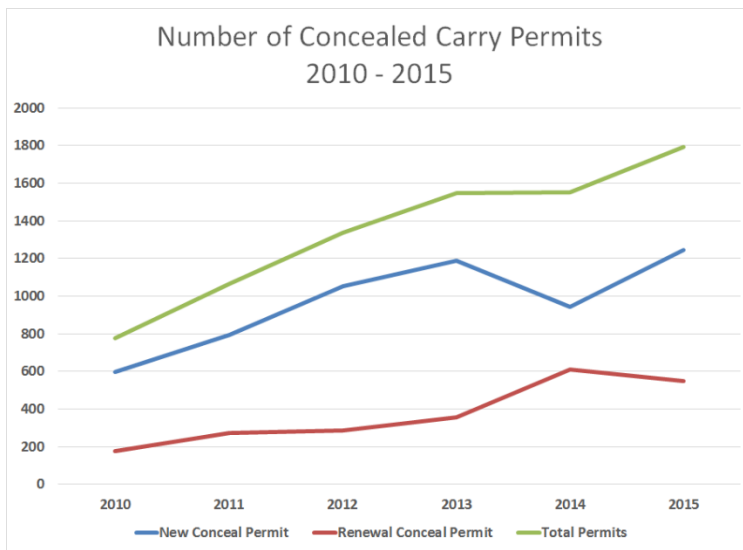
For teens especially, carrying a gun projects the image of attitude, toughness and the ability to survive in some areas of the community.

Toughness, attitude, projection of the image that "I will not be victimized"

Some of the reasons that teens may carry a gun

Conceal Carry Permits in Durham County

A steadily increasing number of Durham County residents applied for a conceal carry



permit or renewed a permit during the study period.¹⁵

This is reflective of national trends in conceal carry permits and whether more permits leads to less crime is a hotly debated topic nationally.

Reviewing gun crime data and gun permit data for Durham, it is difficult to draw any reliable

conclusions as to relationship or correlation between these two sets of data.

¹⁵ Concealed Carry Permit data provided by the Durham County Sheriff's Department

Seized Guns

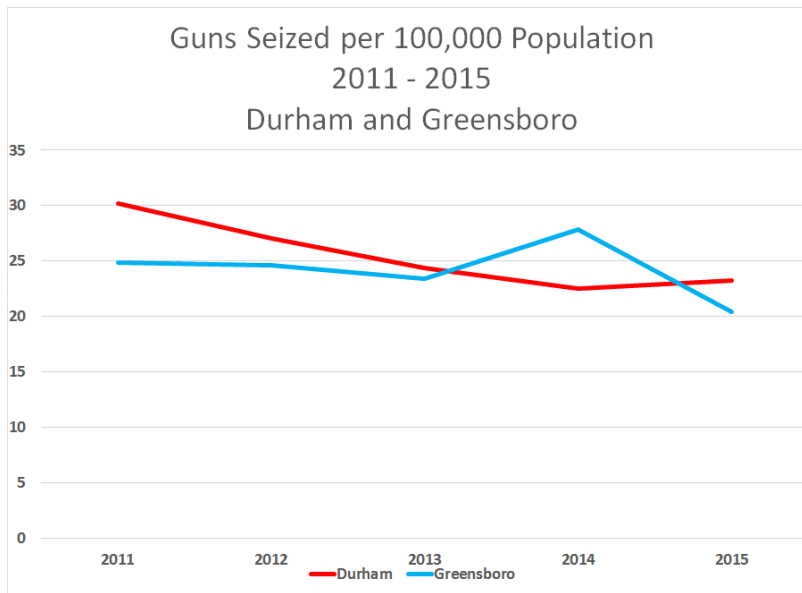
An average of 620 guns per year were seized by the Durham Police Department between 2011 and 2015.¹⁶ A comparison of gun arrest numbers (age 16 and over) and

Year	Guns Seized (DPD)	Gun Arrests (DPD)
2010	No data	315
2011	703	268
2012	642	243
2013	591	198
2014	567	192
2015	596	203

gun seizures for that same time period indicates that there was an average of 2.8 gun seizures for each gun arrest.

There are several possible reasons for the greater number of gun seizures than arrests.

These might include the seizure multiple guns at some arrests, seizures from those under age 16 (not included in number of gun arrests) or seizures that do not result in an arrest.



One way that law enforcement measures gun seizures is by calculating the number of guns seized per 100,000 population.

There is little data available as to what a national average or statewide average¹⁷ might be, but Durham numbers appear to be in line with numbers

from Greensboro, a North Carolina city somewhat similar to Durham in size and demographics.¹⁸

¹⁶ Data was not available for gun seizures in 2010

¹⁷ These numbers would probably vary widely, based on demographic and other conditions

¹⁸ Greensboro, NC data provided by Gina Smith, Crime Analyst for the Greensboro Police Department

Most firearms that are confiscated as part of a gun arrest in Durham are brought to the Forensic Services Division, located at the Central District Substation, 516 Rigsbee Avenue.

There, each firearm is test fired for shell casing comparison with the Integrated Ballistic Identification System (IBIS).¹⁹ IBIS has been adopted as the platform of the National



Integrated Ballistic Information Network (NIBIN) which receives oversight from the United States Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF). Information on approximately 100,000 guns used in crimes is analyzed at the 220 IBIS sites located across the continental United States.²⁰ This technology enables the imaging and

identification of large quantities of firearm evidence across a network of sites, as well as the automated identification of likely matching bullets or cartridge cases.²¹

The IBIS site closest to Durham is located at the North Carolina State Bureau of Investigation in Raleigh. State lab results from the IBIS site in Raleigh may take as long as two months to get back, suggesting a high work load at that location. The Durham Police Department is attempting to attain IBIS equipment of its own so the work can be done in-house with a shorter turn-around time.²²

Recent accreditation of the Forensic Services Division increases the level of confidence in on-site lab results, as each finding is verified by a "second set of eyes". The increased accuracy of forensics has a downside in that extra staff is now required in the lab and final results may be delayed pending the second review.

¹⁹ The casing/bullet recovery system pictured is located at Forensic Services on Rigsbee Street in Durham

²⁰ <http://www.nibin.gov/content/firearms/firearms-technology>

²¹ <http://www.ultra-forensictechnology.com/>

²² Based on conversation with Allison Hutchens, Durham Police Department Lab Supervisor on January 12, 2016

Next Steps

Based on the findings of this report, the following next steps are suggested.

1) ***Develop an effective and compelling video (and supporting material) that can be presented to Durham 7th graders which clearly illustrates the negative consequences of gun crime***

There appears to be a “normalization” of illegally carrying a concealed weapon in Durham, especially among those between the ages of 16 to 25. To offset this trend, Durham could replicate a successful program implemented by Cumberland County and Fayetteville Police Department called “*Decision Points*”.

The program was originally developed by the Marion County Prosecutor’s office in Indiana, and is a two-hour interactive classroom presentation facilitated by one or two law enforcement officers.

The team uses DVD’s photographs, case scenarios, personal stories and small group discussions to educate students about the medical and legal consequences of gun possession and gun related violence, as well as the positive alternatives available.

After applying for and receiving grant funding through the Governor’s Crime Commission, Fayetteville City PD spent a year developing the *Educating Kids about Guns (EKG)* program and related video.

All 7th graders and 9th graders in Cumberland County schools go through the curriculum which includes a pre-test, homework, writing exercises and a post test. Researchers from UNC-Greensboro collect data to gauge changes in student attitudes, beliefs and expected behaviors as impacted by the EKG program. Results to date have been very favorable.

The video storyline in Fayetteville revolved around a shooting at a house party.²³ The video storyline in Durham's video could center on tragic consequences associated with shooting into an occupied dwelling.

2) *Fund the DPD Forensic Lab at a level that ensures prompt testing and analysis of firearms*

Recent accreditation by the Forensics Services Division increases confidence in forensic findings, but also increases the amount of time to process seized firearms. Currently, shell casing comparison is accomplished using the Integrated Ballistic Identification System (IBIS). The IBIS site closest to Durham is located at the North Carolina State Bureau of Investigation in Raleigh, and state lab results from that site may take as long as two months to get back. This delay inhibits quick investigation and also leads to longer stays in the Durham County jail for suspects awaiting disposition of gun charges.

The ATF recommends a 48-hour turnaround for "timeliness of examination" and this would be a good target for Durham.

Summary

Arrests for gun crimes are trending downward in Durham. This may be a result of a different playing field for law enforcement (for example, the new restrictions on consent searches) that result in fewer arrests, or it may be an indication that fewer individuals are involved in gun crime since 2010, the beginning of the study period.

Data indicate that much of the gun crime is perpetrated by a rather small number of individuals between the ages of 16 and 25. Of immediate concern is the number of repeat offenders, convicted felons in possession of guns and stolen guns involved in these crimes.

²³ Fayetteville had seen an increase in large house parties attended by teens. Firearms were present at some of these parties resulting in shooting deaths and injuries