Raquel Maria Warley

JUVENILE HOMICIDE

Fatal Assault or Lethal Intent?

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LFB Scholarly Publishing LLC
El Paso 2011

Library of Congress Cataloging-in-Publication Data

Warley, Raquel Maria, 1969-
Juvenile homicide : fatal assault or lethal intent? / Raquel Maria Warley.
p. cm.
Includes bibliographical references and index.
ISBN 978-1-59332-480-3 (hardcover : alk. paper)
1. Juvenile homicide--United States. 2. Violence in adolescence--United States. I. Title.
HV9067.H6W37 2011
364.1520835'0973--dc23

2011020659

ISBN 978-1-59332-480-3

Printed on acid-free 250-year-life paper.

Manufactured in the United States of America.

Criminal Justice
Recent Scholarship

Edited by
Marilyn McShane and Frank P. Williams III

A Series from LFB Scholarly

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Acknowledgments

I would like to express the deepest appreciation to Michael Smith, Irwin Epstein, Bernadette Hadden, Andrea Savage, Susan Crimmins, and Karin Elliot Brown for their guidance and support throughout this endeavor. Thanks to the National Institute on Drug Abuse (NIDA) for generously funding the Learning About Violence Among Adolescents (LAVIDA) project. Without their financial support, neither the original nor the present research would have been possible. Likewise, I am thankful to the youth who participated in the study. Their contribution made this inquiry feasible; moreover, their candor has added to the knowledge-base and will hopefully be used to save lives!

I am thankful to the wonderful men in my life—Jeffrey Warley, Jason Warley, Robert Miree, and Donald Law.

Special thanks to Cecil Whitmore, Sr.; your insight and input has enhanced my perspective, particularly concerning the adaptive nature of gang violence. I also give thanks to my mother, Regina Warley; and extend my deepest appreciation to Michelle Hood and Geraldine Law for nurturing me through the toughest years of my life. Finally, this book, as well as my life, is dedicated to my daughter, Royale Ashli Warley, whom I love so much!

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CHAPTER 1:

Juvenile Homicide: A Definition of the Problem

INTRODUCTION

The killing of one human being by another is an egregious offense against society and public law. Be that as it may, youthful homicide offending is an obvious violation of propriety. The American conception of childhood is opposed to the notion of children engaging in such aberrant and forceful behavior. Still, juveniles in this country commit hundreds of homicides each year (Horowitz, 2000; Fox and Zawitz, 2007; Benekos and Merlo, 2008, 2010). Over the past few decades this phenomenon has become a major public concern, and recent school shootings in California, Colorado, Georgia, Arkansas, and Mississippi have solidified public fear (Lane, Cunningham, and Ellen, 2004; McGee, Carter, Williams and Taylor, 2005; Brennan and Moore, 2009).

Certainly, teen murder is not a monolithic event. There are different types of adolescent homicide, namely, mass murder, such as those by school shootings; familicide; thrill killing; acts of murder motivated by cultural hate; and urban street homicide. In addition, the correlates of juvenile murder are likely determined by the type of homicide (Lennings, 2004; Allen and Lo, 2010). That is, the demographic, predisposing, and situational characteristics of lethal school violence are distinct from those involved when young people kill their family members. Likewise, the correlates of drive-by murders and common street homicide in inner cities differ from those associated with homicides that result from hate crimes or thrill killings.

Notwithstanding the variations, urban street killing is by far the most commonly occurring type of juvenile (and adult) homicide in the

United States (Anderson, 1997; Blumstein and Cork, 1996; Blumstein, 1995b; Cook and Laub, 1998; Harries, 1997; Prothrow-Stith, 1991; Center for Disease Control and Prevention [CDC], 2007; Molnar et al., 2009). Inasmuch as trends consistently indicate that most victims and perpetrators of homicide are male[1] (Bureau of Justice Statistics, 2007; Harries, 1997; Meithe and Regoeczi, 2004; Wolfgang, 1958; Yonas, O'Campo, Burke, Peak, and Gielen, 2005), many homicide scholars presume that these events may be related to male honor contests (e.g. Daly and Wilson, 1988, 2001; Harries, 1997; Levi, 1980; Luckenbill, 1977; Meithe and Regoeczi, 2004; Polk, 1993; Wilkinson and Fagan, 1996; Wilson and Daly, 1985; Wolfgang, 1958; Brezina, Agnew, Cullen, and Wrtie, 2004; Piquero and Sealock, 2010; Wilkinson, McBryde, Williams, Bloom, and Bell, 2009; Brennan and Moore, 2009). In these situations, lethal violence results from discreet conflicts between two or more males, followed by physical confrontations (Jacob, 2004; Rich and Grey, 2005; Kubrin and Weitzer, 2003; Stewart, Schreck and Brunson, 2008; Stretesky and Pogrebin, 2007).

Studies also have documented that potential outcomes from these assaultive encounters range from no injury to death (Kleck and McElrath, 1991; Brennan and Moore, 2009; Rich and Grey, 2005). Ipso facto, acknowledging the similarities between homicide and aggravated assault is necessary to developing a full understanding of youthful homicide offending. Conceptualizing these events as different points on a continuum of potential outcomes for violent encounters suggests a more refined understanding of the relationship between antecedent variables and deadly events. Despite this awareness, there is a lack of empirical observations of and substantive literature on both the relationship between masculinity and juvenile lethality, as well as the situational factors that determine death from assault in violent encounters involving juvenile male perpetrators.

Juvenilization of Lethal Violence

As evidenced by arrest data collected by the Federal Bureau of Investigations, long term trends and patterns in youthful homicide in the United Sates remained stable from 1976 through 1987 (Fox and Zawitz, 2007). Beginning in 1987, however, and up to the time of 1994, there was an epidemic outbreak of lethal violence among adolescents (Blumstein, 1995a, 1995b; Cook and Laub, 1998, 2002; Fagan, Zimring, and Kim, 1998; Swisher and Latzman, 2008; Spano and

Boland, 2010). During this period, homicide arrest rates dramatically increased for persons under age 18, from 17 arrestsper 100,000 persons nationwide to 31 per 100,000 (Fox and Zawitz, 2007). More strikingly, though, the proliferation of juvenile murder was attended by a much smaller increase for the 18 to 24 age cohort and a decline in homicide arrest rates for the 25 and older cohort (Blumstein 1995a, 1995b; Blumstein and Rosenfeld, 1999; Cook and Laub, 1998, 2002; Miethe and Recogeczi, 2004; Fox and Zawitz, 2007).

Historically, increases in the size of the juvenile population have been a strong predictor of both youth and overall crime (Smith and Feiler, 1995). Heide (1999), however, rejects the idea that changes in the juvenile population led to the proliferation of lethal violence among adolescents from the late 1980s to the early 1990s, since this population was actually declining during the epidemic period. Still, in spite of the population decline for this cohort, Smith and Feiler (1995) discovered that arrest rates for juveniles during the aforementioned time period, far exceeded any rates generated by the juvenile cohort of the baby boom generation.

There were other important demographic differences and changes during the epidemic period. Firstly, the outbreak of juvenile homicide offending was concentrated among males. Male juvenile arrest rates went from 7.6 offenders per 100,000 persons nationwide in 1984 to 16.8 per 100,000 by 1993 (Heide, 1996). Secondly, African Americans experienced significant increases in homicide arrest rates. African American juvenile arrest rates went from 45.2 offenders per 100,000 persons nationwide in 1984 to 62.3 per 100,000 in 1993 (Heide, 1996). Finally, guns contributed greatly to the dramatic increase in juvenile homicide offending rates. During this epidemic period, gun homicides increased 229% among the 10 to 17 age cohort, with no change in nongun homicides for this group (Blumstein 1995b; Blumstein and Cork, 1996; Blumstein and Rosenfeld, 1999; Cook and Laub, 2002; Zimring, 1997, 1998).

Since 1994, juvenile homicide arrest rates have dropped precipitously (Blumstein, 1995a; Blumstein and Rosenfeld, 1999; Butts and Travis, 2002; Gonzalez, 2001; Heide, 1999; Herrenkohl et al., 2001; Shumaker and McKee, 2001; FBI, 2007; CDC, 2007; Benekos and Merlo, 2008, 2010). The Bureau of Justice Statistics (2007) indicated that juvenile homicide offending went from 4,593 incidents in 1994 to 1,672 by the year 2005. In spite of the drop in incidence and

prevalence, juvenile arrest rates for murder have increased since 2005 (Benekos and Merlo, 2010; Swisher and Latzman, 2008. Moreover, the juvenile homicide rate in the United States is among the highest of other industrialized nations (Hagan and Foster, 2001; Kuhn, Nile, O'Brien, Withers, and Hargarten, 1999; Staub, 1996). An investigation by Hagan and Foster (2001), for instance, showed that the homicide rate for juveniles in this country is six times that of Canada's.

Fatal Assault or Specific Intent to Kill

The rapid growth and decline, as well as the general incidence and prevalence of fatal violence among juveniles have been attributed to two conditions in particular. First and foremost, juvenile homicide rates have been linked to gun availability, weapon carrying, and firearm use (Blumstein, 1995b; Blumstein and Cork, 1996; Blumstein and Rosenfeld, 1999; Cook and Laub, 2002; Zimring, 1997, 1998; Vaugh et. al, 1996; Gonzalez, 2001; Kahn et. al, 1998; Lizotte and Sheppard, 2001; Sheley and Wright, 1993; Black and Hausman, 2008; Wilkinson et al., 2009; Brennan and Moore, 2009; Spano and Bolland, 2010, Nielsen, Martinez, and Rosenfeld, 2005). Access to handguns place juveniles at greater risk for homicidal behavior inasmuch as it encourages higher risk criminal offending, inspires arms races among rival gang members and drug traffickers, facilitates violent behavior in poorly controlled children, and intensifies routine conflicts and fist fights (Cornell, 1993; Gonzelez, 2001; Canada, 1996; Stretesky and Pogrebin, 2007; Nielsen et al., 2005; Yonas et al., 2007; Allen and Lo, 2010).

Levels of gun violence in the United States, however, are not evenly distributed. For certain, sex is a risk marker for both firearm offending and victimization (Black and Hausman, 2008; Wilkinson et al., 2009 Brennan and Moore, 2009). It is common knowledge that most of the people who are killed or physically injured by guns are male. It is also generally known that males are more likely than females to use guns in acts of violence and other predatory crimes. The concentration of gun violence in the African American community has also remained an empirical fact. For almost four decades, homicides involving firearms have been the leading cause of death for African American adolescents in this country (Fox and Zawitz, 2007). In fact, the Nation Center for Injury Prevention and Control (2008) posited that young Black males are 18 times more likely than the general population

to fall victim to gun homicide. This population is also more likely, on average, to use handguns in the course of violent attacks or other predatory crimes (Harries, 1997; Black and Hausman, 2008; Allen and Lo, 2010; Nielsen et al., 2005). In their thesis, *Guns, youth violence, and social identity*, Fagan and Wilkinson (1998) argued that youth gun violence has become more prevalent and more concentrated demographically and spatially among African American adolescents in urban communities.

Gun ownership, carrying, and use are related to a range of delinquent and criminal behaviors. Gun possession is common among young males involved in drug trafficking, robbery, and other criminal endeavors (Brennan and Moore, 2009). Still, the reasons for gun possession among teens are varied and complex. Scholars in the field of violence insist that possession of weaponry goes beyond crime-oriented ownership for many disadvantaged youths (Anderson, 1994, 1998; Fagan and Wilkinson, 1998; Vaughan et. al, 1996; Wilkinson and Fagan, 1996; Black and Hausman, 2008; Harcourt, 2006; Stretesky, Pogrepin, Unnithan and Vendor, 2007; Wilkinson et al., 2009; Spano, Rivera, and Bolland, 2010). In high crime neighborhoods possession of a firearm also serves a tactical purpose for survival. Many researchers have convincing data indicating that juveniles primarily carry guns for personal safety and protection reasons (Blumstein, 1995; Boyum and Kleinman, 2003; Sheley and Wright, 1993; Vaughan et. al, 1996; Brennan and Moore, 2009; Khoury-Kassabri, Astor, and Benbenishty, 2007; Spano and Bollan, 2010). Perceptions and experiences of vulnerability in their immediate social worlds lead youth to risky actions, like gun ownership, carrying, and use.

Research also reveals that firearms have an aesthetic value for many inner city adolescent males. In particular, ethnographic studies by Wilkinson and Fagan (1996), Anderson (1997), and Oliver (2001) indicate that guns afford disadvantaged youth feelings of worth and bring them status in their communities (see also: Wilkinson et al., 2009; Stretesky and Pogrebin, 2007). Regardless of the circumstances, however, gun ownership in general and gun carrying in particular are obvious preconditions for their use in homicide and other violent crime.

Blumstein's diffusion theory (1995a, 1995b), which is currently the most popular explanation in social science for the dramatic increase in juvenile homicide rates between the mid-1980s and the early 1990s (see Blumstein and Cork, 1996; Blumstein and Rosenfeld, 1999; Heide,

1997; O'Brien et al., 1999; Prothrow-Stith, 1991),[2] makes reference to the impact of gun availability, ownership, and carrying on the juvenilization of lethal violence. Other scholars are of the same opinion and, like Blumstein, they postulate that in typical circumstances juvenile recklessness translates the presence of a gun into homicide (Fagan and Wilkinson, 1998; Hagan and Foster, 2001; Hardwick and Rowton-Lee, 1996; Massey, 2005; Wilkinson and Fagan, 1996; Black and Hausman, 2008; Wilkinson et al., 2009; Felson, Deane, and Armstrong, 2007). This theory is compatible with the general notion that homicide is fundamentally nothing more than a fatal assault—that is, a physical attack that escalated beyond the projected course of action (e.g. Wolfgang, 1958; Harries, 1997; Block, 1977; Block and Block, 1991; Luckenbill, 1977; Brookman, 2003, Kleck and McElrath, 1991; Weaver et al., 2004; Polk, 1998). This speculation, however, is in opposition to the other assumed cause of the growth in youthful homicide: offender lethality (Bennette, DiIulio, and Water, 1996).

While many homicide theorists suppose that murder is commonly a result of chance and not the intention to kill, other students of homicide believe that a large number of killings are done by design (Felson and Messner, 1996; Felson and Steadman, 1983; Miethe and Regoeczi, 2004; Nielsen et al., 2005). It is argued that the presence of lethal intent increases the likelihood of death from assault. Proponents of the lethal intent thesis proclaim that weapon choice generally mediates the relationship between offenders' specific intent to kill their victims and the outcome of assaultive encounters. They admit it is probable that people who wish to kill their victims will use more lethal weapons, namely firearms, to accomplish the task. When a firearm is not available, however, they maintain that people who intend to kill their victims will compensate by using more force and/or targeting more vital areas of the body to achieve their destructive goal. Nevertheless, fatal outcome is primarily a function of the offender's specific intent to do lethal harm.

Both propositions are plausible. Moreover, the weapon instrumentality effect hypothesis and the lethal intent thesis are both open to dispute since lethal intent is not well-researched in general (Brennan and Moore, 2009; Nielsen et al., 2005), and the intervening and interactive effects of offenders' intent, weapon instrumentality, and severity of outcome in assaultive violence have not been assessed in particular (Brennan and Moore, 2009). In the juvenile homicide

literature, this discourse is almost entirely absent. In the general/adult literature, the significance of lethal intent as a determinant of death from assault and the relationship among intent, weapon, and outcome is certainly minimized. In the vast majority of tests of weapon instrumentality, as well as studies of gun density and homicide rates, the matter of offenders' intent is ignored. Where intent is considered, it is usually included as a confounding variable. In the few research models where offenders' intent has been measured and analyzed, there are critical methodological flaws concerning conceptualization, operational definitions, the unit of analysis, and statistical strategies. Moreover, to the extent that gun homicide is largely a male activity (Bailey, 2000; Polk, 1999; Wolfgang, 1958; Harries, 1997; Meithe and Regoeczi, 2004; Black and Hausman, 2008; Wilkinson et al., 2009), the lack of empirical observations into firearms, offenders' specific intent to do harm, and death from assault as related conditions in practices of male violence is another deficiency in the state of knowledge.

Policy and Practice Implications

The estimated number of murders involving juvenile offenders fell 65% between 1994 and 2005 (Fox and Zawitz, 2007). Still, adolescents are involved in hundreds of murders each year in the United States (Swisher and Latzman, 2008; Benekos and Merlo, 2008; Merlo and Benekos, 2010). The economic and social costs of juvenile homicide are excessive. Lethal violence by adolescents affects the social functioning of individuals, groups, and communities; as well as their capacity to meet their needs, to self-actualize, to realize their value, and to perform their function in society. Above and beyond this are the public expenditures for medical care, legal defense, law enforcement, and incarceration, in addition to the larger cost to society in terms of productivity losses for homicide victims and institutionalized offenders (see Payne and Button, 2009; Welsh, Loeber, Stevens, Stouthamer-Loeber, Cohen, and Farrington, 2008).

Policy makers, largely attribute the rapid growth and decline, as well as the general incidence and prevalence of lethal violence among juveniles to patterns of firearm availability and use, to a cohort of juvenile "super-predators" (Bennett et al., 1996), and to a lenient and ill-equipped juvenile justice system. Inasmuch as policy and programming are established on theory about root causes, it is not surprising

that public policy has been fashioned on gun control and the retribution and punishment approach.

Evaluating Gun Violence: Supply and Demand

Violence among youth in this country has been the subject of discourse for more than two decades. Inasmuch as firearms are involved in a substantial proportion of homicides involving juvenile perpetrators (Zimring, 1996; Fagan and Wilkinson, 1998; Meithe and Regoeczi, 2004; Kubrin and Hertig, 2003; Bailey, 2000; Brennan and Moore, 2009; Black and Hausman, 2008; Wilkinson et al., 2009; Spano and Bolland, 2010; Nielsen et al., 2005), gun violence in particular has been the focus of public concern. In response to growing perceptions of an increase in gun possession and gun violence by young people, nearly every state in the union has adopted youth violence prevention and intervention programs to reduce juvenile gun violence. The decisions and actions behind most of these policies and practices, however, have largely been influenced by criminology and the criminal justice system—as opposed to the fields of sociology and forensic social work.

As determined by legal instruction, gun violence prevention and intervention efforts have two overarching objectives: 1) control the sale and distribution of firearms to individuals under the age of consent and 2) prevent and deter juveniles from seeking to acquire and use guns. Policies and programs that attempt to disrupt the flow of firearms to adolescents represent a supply side approach to reducing juvenile gun assault. Demand side strategies, on the other hand, endeavor to deter gun acquisition and criminal intent among youth. Together, these regulatory and enforcement actions attempt to reduce the availability of guns to youth and, hence, the use of firearms in juvenile criminal offending.

Currently, there are many initiatives at the federal, state, and city levels that seek to restrict systematic trafficking of firearms to criminals and juveniles (Braga and Pierce; 2005; Piquero, 2005). Neighborhood-based prevention and intervention programs, such as Operation Ceasefire in Boston (Braga and Pierce, 2005), the Kansas City Gun Project (Sherman and Rogan, 1995), the Oakland Gun Tracing Project (Calhoun, Dodge, Journel, Zahnd, 2005), and Operation Gun Stop in New York City (Golden and Almo, 2004), are the essence of supply side welfare policies. These protection-focused strategies use policing approaches as the framework for uncovering complex mechanisms and