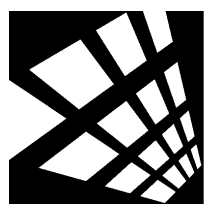
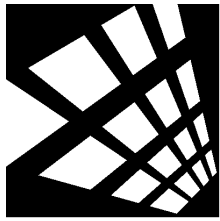




From Punishment to Prevention: A Better Approach to Addressing Youth Gun Possession



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This report was written by Richard A. Mendel, Senior Research Fellow at The Sentencing Project with research assistance from Youth Justice Advocacy Fellow Annalisa Fratantoni. The author is grateful to colleagues Kristen Budd, Nazgol Ghandnoosh, Kara Gotsch, and Josh Rovner for their generous support in the editing process. The Sentencing Project is especially grateful to Amy Borrer and others at the Gault Center for their multifaceted assistance in conducting the survey of public defenders and other youth justice professionals.

The Sentencing Project promotes effective and humane responses to crime that minimize imprisonment and criminalization of youth and adults by promoting racial, ethnic, economic, and gender justice.

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EXECUTIVE SUMMARY

Reducing gun violence should be an urgent priority in the United States. However, imposing harsh consequences for all adolescent gun possession cases harms urban youth of color disproportionately without benefits for community safety. Other approaches to reducing gun violence are far more equitable and effective.

Surveys find that roughly 5% of youth in the United States ages 12 to 17 – more than a million young people – carry a firearm each year.¹ This high rate of gun possession is not new. Despite a significant uptick in gun sales during the pandemic, the share of U.S. youth who carry guns has held steady in recent years.²

Yet, amid a wave of alarming news coverage about youth violence³ and a sizeable uptick in gun violence against youth since 2012,⁴ youth arrests⁵ and court referrals⁶ for weapons possession – cases in which carrying a weapon, not brandishing it or using it to commit other crimes, is the most serious charge facing a young person – have been rising sharply since the start of the pandemic. A disproportionate and growing share of these cases involve Black youth,⁷ even though rates at which youth carry guns do not vary widely by race.⁸ Justice system responses for youth referred to court on weapons possession charges have grown increasingly punitive over the past decade, especially for black youth.⁹

Taken together, these trends present a vexing challenge. The continuing high rate of gun possession among youth is troubling, because adolescents' immaturity can lead to impulsive behavior and poor decision making. Also, higher rates of gun possession are associated with more gun violence in communities.

Given these realities, it may seem like common sense to aggressively prosecute and punish youth who carry firearms. However, a careful look at the evidence points in the opposite direction.

Unlike gun possession, which is widespread in all areas of the country, actual gun violence is highly concentrated

geographically,¹⁰ and it is committed primarily by a very narrow segment of the youth and young adult population.¹¹ Most youth who carry weapons do not use them to threaten others or to commit crimes.

Rather than keeping us safer, aggressive law enforcement and inflexible and punitive court responses to youth gun possession are likely to worsen gun violence and other crime by youth. Meanwhile, inflexible punitive responses to adolescent gun possession damage young people's futures, and they exacerbate the justice system's already glaring racial disparities.

The most promising approaches to reduce gun violence involve comprehensive initiatives in which courts work with community partners to address the reasons why youth and young adults obtain guns, and whole communities mobilize to engage and intervene with youth and young adults who are at maximum risk for gun violence.¹²

Which Youth Carry Guns and Why?

Youth who carry firearms vary widely in their risks to commit gun violence. Many who are not involved in serious delinquency carry firearms for defensive purposes, because it's common among their peers, or because they feel an extra need for self-protection tied to experiences of trauma. Another large cohort of youth who carry firearms are involved in delinquency but do not use their weapons to threaten others or commit crimes. A very small group of youth are engaged in serious criminal activity and are at extreme risk for gun violence.¹³

“Gun violence amongst teenagers is a major problem and has led to many tragic incidents. [My county] does not have any formal programming that specifically addresses rehabilitation for juvenile gun offenders. Kids accused of gun possession are placed on a GPS; if they do well, then they stay in the community, and if they do poorly, then they go to placement. Some kids go on to reoffend because they live in neighborhoods where they do not feel safe walking around unarmed. None of our systems are addressing this issue.”

– Public defender in a suburban county outside of Philadelphia

Current Justice System Responses to Youth Gun Possession Are Highly Punitive – and Have Been Getting More So

For this report, The Sentencing Project conducted a national survey of public defenders and other youth justice system professionals, reviewed national data trends on youth arrests and weapons possession cases, and examined state and local court practices for handling youth gun possession cases. Specifically, we focused on cases where gun possession was the most serious charge, meaning that the young person did not fire their weapon, use it to commit a carjacking or other robbery, or brandish their weapon or use it to threaten others. The evidence shows:

- Inflexible and punitive responses to youth gun possession are commonplace. In our national survey, which resulted in 74 completed responses from 34 states and the District of Columbia, more than half the respondents (57%) characterized the courts’ handling of gun possession cases in their jurisdictions as “a major concern.”
- The share of gun possession cases resulting in diversion, where alleged misconduct is addressed outside of the formal justice system, has fallen nationally in recent years, while the use of detention has increased.¹⁴ In many state and local justice systems, youth arrested on gun possession charges are being categorically denied opportunities for diversion.
- In many jurisdictions, all youth arrested on gun charges – even in cases when they are arrested only for possession, not for threatening others with their weapons or using them as part of any other offense – are being placed in locked detention facilities.
- In many jurisdictions, it is common for youth to be transferred to adult court for gun possession charges.
- Few jurisdictions offer constructive interventions for youth accused of gun possession.

Punitive Responses to Youth Gun Possession Are Counterproductive and Inequitable

Given the varied reasons why youth carry firearms and the vastly different risks posed by different categories of youth, a one-size-fits-all approach to gun possession cases is ineffective and harmful. For most youth arrested on gun possession charges, research makes clear that punitive responses are counterproductive:

- **Transfers to adult court lead to worse recidivism outcomes than retaining youth in juvenile court**, and transfers are especially unwarranted for youth with little or no prior involvement in delinquency.¹⁵
- **Placing youth in locked detention centers pending their court dates leads to worse public safety and youth development outcomes**, and they should be used only for youth who pose a substantial risk to public safety.¹⁶
- **Diversion tends to yield much better outcomes than formal court processing**, especially (but not only) for youth with minimal involvement in delinquency and less risk to reoffend.¹⁷
- **Aggressive policing of gun possession and inflexible prosecution of gun possession cases exacerbates racial disparities in the justice system.**
- **Aggressive policing and inflexible prosecution in gun cases also harm police-community relations** and undermine young people's trust in police and respect for the justice system.¹⁸

Recommendations: How Youth Justice Systems Can Better Handle Youth Gun Possession Cases and Work With Communities to Address Gun Violence

To limit the number of young people who carry firearms and especially to reduce youth gun violence, several practices show far greater promise than punitive and inflexible responses to gun possession in the justice system.

- **Make diversion an option in gun possession cases** rather than mandating formal prosecution for all cases, particularly when youth have no prior records.
- **Where possible, develop targeted diversion programs specifically for youth facing gun possession charges.** Such programs can be highly effective, but detention remain scarce.¹⁹
- **Substantially narrow the use of detention for youth accused of gun possession and stop transferring youth to adult court for gun possession.** Transfers should never be authorized, and detention should only be used in cases where youth arrested on gun charges pose a significant risk to commit serious new offenses or to abscond.

In addition, the courts should embrace comprehensive approaches to gun violence that mobilize whole communities to engage and support youth and young adults at highest risk.²⁰

- **Undertake effective community violence interruption efforts in areas where gun violence is widespread.** America's gun violence problem is highly concentrated geographically,²¹ and it typically involves only a small number of individuals even within high crime neighborhoods.²² Strategic partnerships between law enforcement and community organizations to reduce gun violence have shown marked success in many cities.²³ In 2022, the federal budget allocated \$300 million in grants to support these efforts; however, in April 2025 the Trump Administration terminated many of the funded programs, rescinding more than \$150 million in much needed funding.²⁴
- **Invest in state-of-the-art cognitive behavioral interventions for youth at high risk for gun violence.** Programs that help youth improve thinking and judgment skills have substantially lowered violence among youth at high risk.²⁵
- **Adopt and enforce common sense rules to limit young people's access to firearms**, including reasonable gun control laws and strong rules requiring the safe storage of firearms.

WHY WORRY ABOUT THE JUSTICE SYSTEM'S RESPONSE TO YOUTH GUN POSSESSION?

The time has come for justice systems across the country to re-examine their approach to youth gun possession.

This challenge is urgent because gun possession among America's youth remains widespread and worrisome. Although the share of youth carrying weapons does not appear to have increased in recent years,²⁶ the number of youth arrested on gun possession charges has risen significantly, and weapons possession represents a growing share of cases entering our nation's juvenile courts. Also, court responses to youth gun possession are inextricably linked to the nation's challenge to reduce gun violence, which has harmed increasing numbers of children and adolescents over the past dozen years.²⁷

Part One of the report explains in more detail why the challenges around youth gun possession are urgent and

timely. Subsequent sections of the paper address five key questions:

- Which youth are carrying firearms, and why?
- How do youth justice systems in the U.S. currently handle gun possession cases?
- Why is punitive and inflexible treatment of youth gun possession cases – the current norm in justice systems nationwide – counterproductive?
- How can youth justice systems better address youth gun possession cases?
- What other promising strategies can communities employ to minimize youth gun possession?

A Note to the Reader About Weapons Possession Offenses

This report focuses on the handling of youth who are arrested or referred to delinquency courts strictly for weapons possession—carrying a handgun or other firearm—not for more serious offenses in which youth brandish their weapon or use it to threaten others or commit other crimes. All of the data included in the report, both on arrests and court referrals for weapons possession, only include cases in which weapons possession was the young person's most serious alleged offense.

Youth Gun Possession Is a Serious Issue

Youth gun possession is widespread. Gun possession has been common among U.S. youth for decades. Two surveys, the Youth Risk Behavior Survey (YRBS) and the National Survey on Drug Use and Health (NSDUH), both show that youth gun possession is widespread among white, Black, and Latino youth.²⁸ NSDUH finds 5% of youth ages 12 to 17 report carrying a handgun in the past year.²⁹ In a nation with 26 million youth in this age group,³⁰ that translates to more than one million youth carrying firearms. The two surveys offer conflicting answers on whether the share of U.S. youth carrying firearms is increasing: NSDUH shows a rise in youth gun possession since 2021 (after declining from 2017 to 2021), while YRBS shows a decline since 2017.³¹

Youth gun possession is dangerous. This high rate of gun possession among youth is worrisome for several reasons.

- **Studies consistently find that high rates of gun possession contribute to gun violence.** At the state level, high rates of gun possession are tightly correlated with high rates of youth gun violence.³²

Also, communities where gun possession is common suffer far higher rates of overall violence than socioeconomically comparable communities with lower rates of gun possession.³³

- **Easier access to firearms in the U.S. has led to dramatically higher gun fatalities among youth when compared to other advanced democracies.**³⁴ For instance, one recent study found that the U.S. firearm death rate among children and adolescents was 37 times the average among 12 other high-income countries.³⁵ American youth firearm deaths by suicide and unintentional injuries also far exceed those in other nations.³⁶
- **Adolescent behavior and brain development research underscore the urgency to minimize adolescents' access to firearms.** Youth who carry firearms are much more likely than other youth both to be victimized by and to commit gun violence.³⁷ Because their brains are still developing, teens are less able than adults to exercise good decision-making, weigh the consequences of their actions, resist peer pressure, and avoid risky behaviors.³⁸

“We have a major issue with individuals leaving firearms in unlocked vehicles and unsecured. Instead of penalizing adults who are irresponsible gun owners, the State of Florida has decided to harshly punish juveniles in possession of firearms. Almost every single gun offense no matter whether or not this is the juvenile's first time touching the delinquency system is being direct-filed to adult court. Fourteen- and fifteen-year olds with no history and first-time offenses are being direct-filed to adult court.”

– Public defender in Florida

Youth Arrests and Juvenile Court Cases Are Increasing, With Growing Disparities

Weapons possession³⁹ represents an increasing share of cases in youth justice systems nationwide. The increase has been especially large for Black youth.

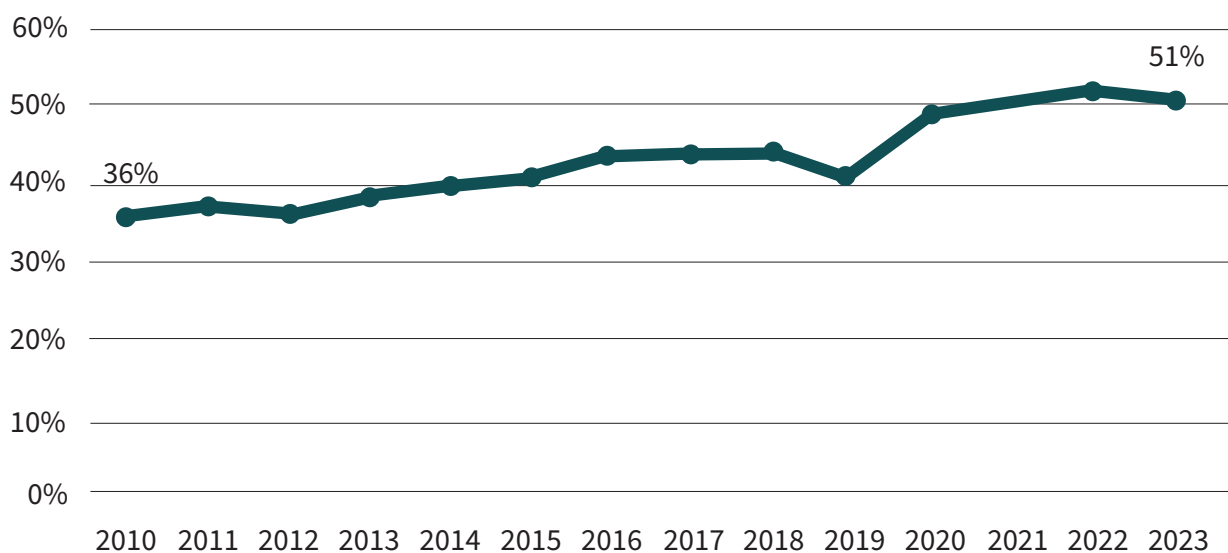
A recent rise in weapons possession arrests. In 1995, more than 43,000 young people were arrested for illegally carrying or possessing weapons. By 2019, fewer than 12,000 youth were arrested on weapons charges – down nearly three-fourths. However, youth weapons arrests have risen rapidly since the end of the pandemic. In 2023, more than 17,000 youth were arrested on weapons charges.⁴⁰

More weapons cases in juvenile court. Paralleling the drop in arrests, the number of youth referred to juvenile delinquency courts on weapons charges nationally declined every single year from 2006 to 2020, falling from over 43,000 to 12,200.⁴¹ However, weapons possession referrals rebounded up to 19,000 in 2022.⁴²

State and local data also point toward increases in youth weapons possession cases. In Florida, gun possession arrests increased by 45% between fiscal years 2018-19 and 2022-23, even as all other arrests fell by 19%.⁴³ In Texas, court referrals involving firearms grew by 51% between 2018 and 2023 while all other referrals fell.⁴⁴ Likewise Maryland,⁴⁵ South Carolina,⁴⁶ and Hamilton County (Cincinnati), Ohio⁴⁷ have also seen substantial increases in weapons arrests for teens in recent years.

Increasing racial disparities in weapons possession cases. Black youth's share of weapons possession arrests has grown from 36% in 2010 to 51% in 2023 (Figure 1). Similarly, racial disparities in weapons possession cases in juvenile courts have also increased markedly: after hovering at or below 40% from 2014 to 2019, the share of weapons cases involving Black youth rose to 49% in 2021.⁴⁸

Figure 1: Black Youth Share of U.S. Juvenile Weapons Arrests



Source: FBI Uniform Crime Reports (2010-2023)

Gun Violence Has Been Claiming More Young Victims in Recent Years

Gun violence causes substantial and increasing harm to America's youth, especially youth of color. Gunshot wounds recently overtook car accidents as the number one cause of death for U.S. children and adolescents.⁴⁹ In 2022, gunshots took the lives of 2,526 young people⁵⁰ – nearly twice as many as in 2012.⁵¹ The vast majority (90%) involved children ages 10 to 17.⁵² An increasing share of youth firearm deaths nationwide result from gun assaults, rather than suicides or accidents (Figure 2).⁵³

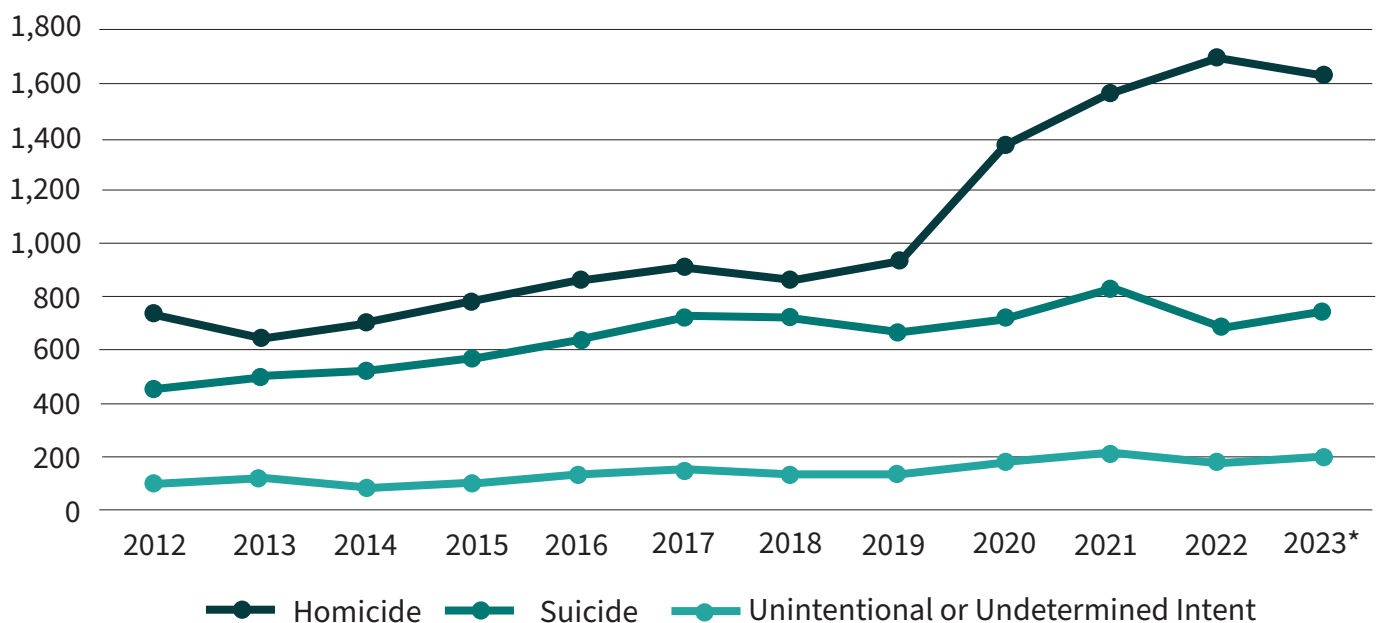
Non-fatal gunshot injuries have also been rising,⁵⁴ and they cause substantial and growing harm to the physical and mental health of U.S. youth.⁵⁵ Gun violence also creates indirect harm⁵⁶ through the trauma experienced by millions of U.S. children and youth who see or hear gunshots in their communities each year⁵⁷ or have a friend or family member murdered.⁵⁸ Youth exposed to gun vi-

olence in childhood are significantly more likely to carry firearms⁵⁹ and to commit acts of violence than comparable youth who are not exposed.⁶⁰

The harms from gun violence afflict youth of color disproportionately, and they are heavily concentrated among youth living in neighborhoods with high poverty levels. Nationwide, nearly half (48%) of all youth killed by firearm violence in 2022 were Black.⁶¹ More than half of all gun homicides from 2020 to mid-2024 occurred in neighborhoods that are home to only 6% of the U.S. population – primarily urban neighborhoods with concentrated poverty populated predominantly by people of color.⁶² Youth of color are also far more likely than their white peers to witness gun violence.⁶³

Addressing these disturbing trends in youth gun violence presents an urgent health and public safety priority. Ensuring that the courts handle youth gun possession cases effectively must be part of the solution.

Figure 2: Firearm Deaths in the U.S. Among Children Under 18, By Cause



* Data for 2023 are provisional.

Source: Data from 2012-2020 from Centers for Disease Control and Prevention, National Center for Health Statistics. National Vital Statistics System, Mortality 1999-2020 on CDC WONDER Online Database, released In 2021. Data from 2021-2023 from Centers for Disease Control and Prevention, National Center for Health Statistics. National Vital Statistics System, Provisional Mortality on CDC WONDER Online Database. Data are from the final Multiple Cause of Death Files, 2018-2022, and from provisional data for years 2023-2024.

WHICH YOUTH CARRY FIREARMS AND WHY?

Crafting effective responses to youth gun possession is possible only after considering the characteristics of youth who carry firearms, their reasons for doing so, and their relative risk to commit gun violence.

Youth gun possession is common among many demographic groups. Though Black youth, and to a lesser extent Latino youth, are far more likely than white youth to be gunshot victims, gun possession is not concentrated heavily among youth living in central city urban neighborhoods, and rates of gun carrying do not vary dramatically by race, ethnicity, or geography. The most recent National Survey on Drug Use and Health (in 2023) showed that carrying a handgun was more prevalent among white youth than Black youth, and equal between Non-Hispanic white youth and Latino youth.⁶⁴ Youth in rural and smaller metro areas were also more likely to carry handguns than youth in larger metro areas.⁶⁵ Likewise, in the most recent Youth Behavior Risk Survey (2023), Black high school students were no more likely to carry guns than their white peers.⁶⁶

Only a small fraction of youth who carry guns use them to commit violent crimes. Whereas survey data indicate that more than a million youth carry firearms each year,⁶⁷ these youth commit fewer than 8,000 serious gun crimes each year, according to a report published by the nonpartisan Council on Criminal Justice in 2024 citing data from the National Incident-Based Reporting System.⁶⁸

Many youth acquire guns for self-defense or as a consequence of fear and trauma, not to threaten or victimize others. Surveys that ask young people whether and why they carry weapons show that, in most cases, youth gun possession is motivated by a desire for self-defense rather than an intent to commit violent crimes or

engage in delinquent conduct. For instance, a majority of the 13 studies reviewed by Oliphant and colleagues in 2019 found that young people's primary motive to carry firearms was "a perceived need for protection/self-defense."⁶⁹

- **Trauma and victimization:** Many youth who carry weapons are themselves victims, and youth gun possession is linked to a variety of family and community factors beyond their control. Youth who have been exposed to trauma as children – such as experiencing physical abuse, having a family member incarcerated, or having a family member with a substance abuse problem – are far more likely to carry firearms as adolescents.⁷⁰ Exposure to multiple types of traumatic experiences is especially predictive of gun possession in adolescence.⁷¹ Being bullied or victimized by other youth also increases young people's likelihood to possess firearms.⁷²
- **Exposure to violence:** Youth gun possession arrests are higher in neighborhoods beset by crime and violence where residents lack faith in police and the justice system to protect them.⁷³ Many youth who carry weapons have been victims of violent crime or have had family members victimized.⁷⁴
- **The role of delinquent peers:** Youth who associate with delinquent peers, and those who are involved in the delinquency court system or connected to gangs, are more likely to carry firearms than their peers. But even these youth report that the choice to carry weapons – or to affiliate with a gang – is motivated most often by a desire for self-protection.⁷⁵ These youth often report

that, due to lack of opportunity in the main-stream economy, they are forced to participate in the underground economy and don't trust the police to protect them.⁷⁶

Youth who carry firearms vary widely in their reasons and risks for involvement in gun crimes. Youth who carry weapons typically fall into one of three categories:

- One large group includes youth who are not involved in serious delinquency but carry firearms for defensive purposes, because it's common among their peers, or because they feel an extra need for self-protection rooted in experiences of trauma. These youth typically pose little risk for committing gun violence. "Not all adolescents carry guns for use in illegal activity," wrote criminologist Lacey Wallace. "[T]here are many adolescents who own weapons and never carry them to school or use them for illicit purposes."⁷⁷

- Another large group of youth are involved in some degree of delinquency, or they associate with peers who are involved in delinquency,⁷⁸ but they do not use their weapons to threaten others or commit crimes.
- Finally, a very small group – less than 1% – are engaged in serious criminal activity and are at extreme risk for gun violence.⁷⁹ As one recent report concluded, "Analyses in a variety of cities have found that small networks of individuals -- sometimes as little as a couple hundred in a city of millions -- are involved in most of the city's shootings."⁸⁰

The circumstances faced by these three categories of youth differ substantially, and their likelihoods to commit gun violence are vastly unequal. Therefore, it is senseless for justice systems to treat all gun possession cases the same.

"Many youth are being held in detention for simple CCW [carrying a concealed weapon] or Improperly Handling a Firearm in a Vehicle. Many counties have automatic holds for youth with any [gun] offense. The dangers of detention for what now is essentially a status offense (Ohio has passed much more lax gun laws recently) runs counter to [the Juvenile Justice and Delinquency Prevention Act] and decades worth of research about the dangers of detention."

– Public defender in Ohio

YOUTH JUSTICE SYSTEMS' TREATMENT OF GUN POSSESSION CASES IS PUNITIVE – AND HAS GOTTEN MORE SO

To gather data about youth justice systems' handling of cases of youth arrested for gun possession, The Sentencing Project partnered with the Gault Center, formerly the National Juvenile Defender Center, to conduct a survey of public defenders and other youth justice system professionals across the country.⁸¹ We received completed survey forms from 74 respondents in 34 states and the District of Columbia. More than half (57%) reported that they see the courts' handling of gun possession cases in their state as "a major concern." Another 26% of respondents deemed the state's handling of gun possession cases as a "moderate concern."

The survey also asked about state and local policies and practices regarding opportunities for diversion or informal processing of gun possession cases, the use of detention for gun possession cases, and transfers of youth to adult courts in gun possession cases. The survey responses predominantly expressed dissatisfaction: Most respondents (70%) indicated that they do not know of any positive or effective state or local policies or practices for handling youth gun possession cases. Just 22% answered that they are aware of any constructive approaches. By contrast, 70% reported being aware of harmful or counterproductive policies and practices in their jurisdiction for addressing youth gun possession cases.

In addition to analyzing this survey data, The Sentencing Project reviewed national data on youth weapons arrests and court cases and examined state and local approaches to handling youth gun possession cases. This inquiry yielded several findings.

Punitive Responses to Youth Gun Possession Are Common in Many State and Local Justice Systems

Many states and many local justice systems treat youth who are referred to courts on gun possession charges harshly, even when these youth have no prior history of delinquency or gun possession, do not score as high risk to offend, and have not threatened anyone with their weapons or used their weapons in a crime.

Few youth arrested on gun possession charges are diverted from court. Diversion, where alleged misconduct is addressed outside of the formal justice system, is a common practice in youth justice and has been for decades. Nationwide, just under half of all cases referred to juvenile courts on delinquency cases are handled informally.⁸² Also, an increasingly compelling body of research shows that diversion from court leads to far more favorable outcomes, including lower likelihood of future justice system involvement and better success in school and employment.⁸³ Yet several survey respondents who commented about the availability of diversion opportunities stated that, due either to state laws or local court customs, youth referred to court on firearm possession charges were routinely denied diversion opportunities.

Just two survey respondents identified active programs or practices offering diversion for youth charged with gun possession. One, in New Mexico, noted that the state has only one gun diversion program, and it has a months-long waiting list. The other, in Massachusetts, explained that "only one of our 14 county District Attorneys has been known to divert simple gun possession cases, and even that is a rarity."

Public Defenders Explain How Diversion is Prohibited or Prevented for Youth Facing Gun Charges in Their States

Arizona	“The state used to offer diversion for first time offenders, now all youth are petitioned into court.”
Connecticut	Gun possession charges against youth are considered “serious juvenile offenses” and are ineligible for informal processing outside of court. ⁸⁴
Michigan	While there is no statewide rule or statute, “It is commonly understood that there will be a formal petition” in all gun cases.
South Carolina	“Our prosecutors refuse to divert any gun charges.”
Utah	“State law now requires diversion for youth accused of most misdemeanors; ⁸⁵ however, diversion is specifically prohibited for youth charged with a misdemeanor gun possession charge.” ⁸⁶

In most jurisdictions, virtually all youth arrested on gun charges, even possession, are placed in locked detention cells. Of the 48 survey respondents who provided information on the use of detention for gun possession cases, 44 (92%) said that detention is imposed in all or the vast majority of cases. Some of these respondents said that the use of detention was required under a detention assessment instrument, others noted that detention was mandated by a state law or a formal rule or policy, and the largest share said that detention was typically ordered as a matter of custom by prosecutors, judges or probation personnel. A defender in South Carolina reported that “Offenses involving weapon possession result in de facto automatic detention, which has contributed to the overcrowding and dangerous conditions at our state detention facility. Gun detentions and commitments disproportionately affect minority youth.” A survey respondent in Connecticut reported that “When a gun is involved, however minimal (mere possession in car or on person), youth are detained regardless of assessed level of risk to the public.”

In September 2023, New Mexico’s governor signed an order mandating detention for all youth arrested for any offense involving a firearm.⁸⁷ In the first three months after the order went into effect, nearly one third of the youth detained statewide would previously have been allowed to remain at home pending their court dates.⁸⁸

Some youth face felony charges for gun possession in juvenile court even if they have not threatened anyone with their weapons or used them for delinquent purposes. Twelve survey respondents expressed concern that many youth in their jurisdictions are facing felony charges for gun possession even in situations where they did not wield or threaten anyone with their weapon or use it in the commission of other offenses. In Utah, under a 2024 law change, handgun possession by youth is now a felony.⁸⁹ In Florida, as of 2024, first-time gun possession charges for youth remain a misdemeanor; however, subsequent offenses are now classified as felonies.⁹⁰ Likewise in Georgia, a second gun possession offense for minors is considered a “designated felony act” that requires a 36-month commitment to state custody, including up to 18 months of restrictive confinement in a state youth correctional facility.⁹¹

Many youth are transferred to adult court for gun possession. In New York, for instance, 16- or 17 year-olds accused of weapons possession are automatically charged as if they were adults. So are the vast majority of 13- to 15-year-olds arrested for gun possession in New York City (and many youth in other parts of the state) due to rules mandating transfers for possessing weapons within 1,000 feet of a school.⁹² In Maryland, state laws require that weapons possession cases for 16-

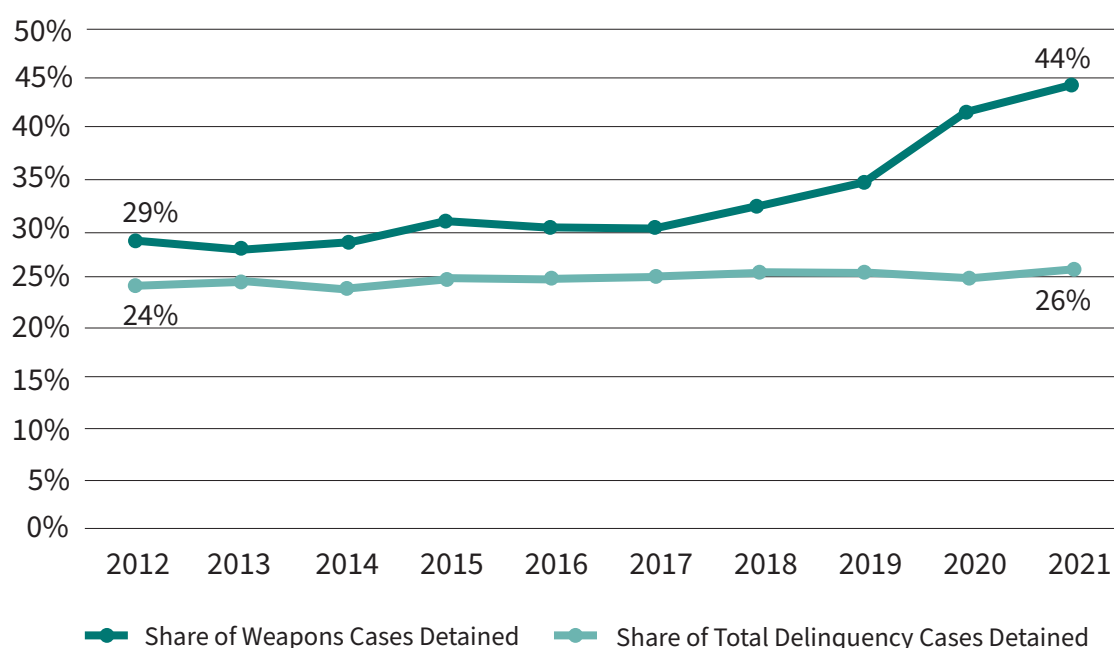
and 17-year-olds originate in adult court. These cases are typically waived back to juvenile court⁹³ after youth spend months in locked detention.⁹⁴ In Indiana, charges against youth over 15 for carrying a handgun are automatically waived to adult court.⁹⁵ In Illinois, youth 15 and older are excluded from juvenile court (and automatically charged as adults) if charged with “Aggravated Unlawful Use of a Weapon,” which under state law includes any unlawful possession of a firearm.⁹⁶

Few jurisdictions offer constructive programming for youth accused of gun possession. The Sentencing Project’s scan of policies and practices for handling youth gun possession cases revealed very few examples of state or local programs designed to intervene positively in the lives of youth caught with firearms. None of the survey respondents identified intervention programs in their jurisdictions to address the reasons behind youths’ decisions to obtain and carry weapons or to help youth avoid impulsive decisions if they do carry weapons.

The Justice System’s Response to Gun Possession Has Been Getting Even More Punitive

National data show that youth justice systems grew more punitive towards youth referred to court on weapons possession charges in the years before the pandemic. Formal court processing (instead of diversion) grew from 57% of weapons cases in 2005 to 67% in 2021, the last year for which data are available. From 2012 to 2021, juvenile courts also increased the share of weapons cases in which youth were placed into detention from 28% to 44%, while the likelihood of detention for other offenses remained flat (Figure 3).⁹⁷

Figure 3. Share of Youth Detained (2012-2021): Weapons Cases vs. Total Delinquency Cases



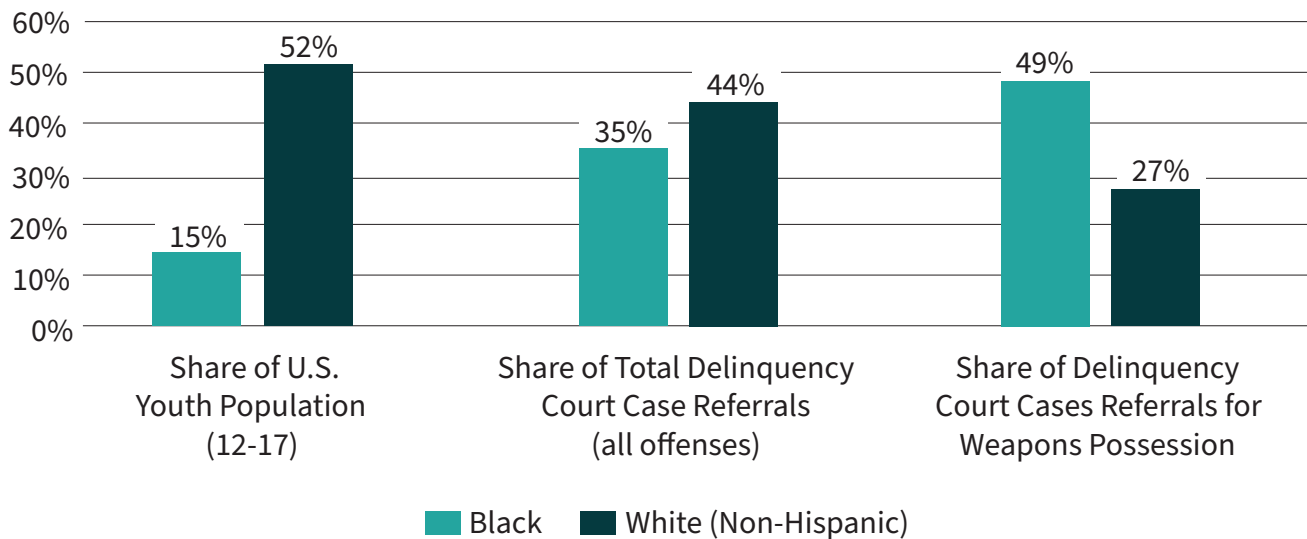
Source: Puzzanchera, C., Sladky, A., and Kang, W. (2023). Easy Access to Juvenile Court Statistics: 1985-2021. National Center for Juvenile Justice.

THE JUSTICE SYSTEM'S PUNITIVE APPROACH TO YOUTH GUN POSSESSION IS COUNTERPRODUCTIVE AND INEQUITABLE

The available evidence makes clear that inflexible and punitive responses to youth gun possession in court are ineffective policy as well as racially unjust. Specifically, the research makes clear that:

- **Transfers to adult court lead to worse outcomes.** Decades of research show that trying youth in adult courts and punishing them in adult corrections systems does not reduce reoffending behavior.⁹⁸ However, transfers to adult court leave youth with a criminal record that will limit their opportunities for a lifetime. Transfers deny youth access to the age-appropriate education and mental health programming resources available in the juvenile justice system. Transfers are especially unjustified for youth charged with gun possession.
- **Placing youth in locked detention centers pending their court dates is often counterproductive and unnecessary.** Measured against comparable youth who are allowed to remain at home pending their court dates, youth who are detained have three times the likelihood of placement into correctional institutions for the initial offense, higher likelihood of returning to court on subsequent charges, and far greater chance of dropping out before completing high school.⁹⁹ Locked detention should therefore be imposed only for youth whose weapons possession poses significant risk to public safety.
- **Diversion tends to yield much better outcomes than formal court processing,** especially for youth with minimal involvement in delinquency. Research shows that, compared with comparable youth who have engaged in similar misconduct but are not prosecuted in court, youth who enter the court system are more likely to reoffend, and they are far less likely to succeed over time in school or employment.¹⁰⁰ Involvement in the justice system has been especially counterproductive for youth with little or no prior involvement in delinquency and low risk to reoffend.¹⁰¹
- **Aggressive policing and inflexible prosecution of youth gun possession exacerbates disparities.** Rates of gun possession among Black and white youth are similar nationwide.¹⁰² Yet even though Black youth represented just 15% of the nation's youth population, juvenile court data show that nearly half (49%) of all youth referred to juvenile courts on weapons charges in 2021 were Black.¹⁰³ White youth, who make up 52% of the youth population, were involved in just 27% of delinquency court weapons cases.¹⁰⁴ While it's true that Black youth are far more likely to be killed by gun violence, that by no means justifies glaring disparities in arrests and court referrals for gun possession. Among all demographic groups, the vast majority of youth who choose to carry firearms are not involved in gun violence, and the evidence makes clear that punitive responses for gun possession do nothing to protect the public.

Figure 4. Race Disparities in Youth Gun Possession Cases (2021)



Sources: Puzzanchera, C., Sladky, A., and Kang, W. (2024). “Easy Access to Juvenile Populations: 1990-2022.” National Center for Juvenile Justice; Puzzanchera, C., Sladky, A., and Kang, W. (2023). “Easy Access to Juvenile Court Statistics: 1985-2021.” National Center for Juvenile Justice.

- **Aggressive policing and inflexible prosecution of gun possession offenses harms police-community relations** and reduces the effectiveness of the justice system. “Typical police tactics meant to confiscate firearms and decrease violence, such as high levels of pretextual vehicle stops or pedestrian stop and frisks, have not been shown to reduce gun violence,” one recent study found. “Such tactics instead work to alienate communities, as these actions feel invasive and focused on the wrong people. The resulting lack of trust perpetuates unwillingness to cooperate and share information, making it even more difficult to solve shootings in many of these communities.”¹⁰⁵

“The majority of my cases charged in adult court, and especially those remaining in the adult court system, are firearm cases. All the youth charged are Black and Latinx and most of the time the police don't have a good reason to stop them... Probation won't offer informal adjustment [diversion] on [gun] cases.”

– Public defender in New York City

HOW YOUTH JUSTICE SYSTEMS CAN BETTER HANDLE YOUTH GUN POSSESSION CASES

To limit the number of young people who carry weapons and reduce the harms that result from youth access to firearms, several court practices show far greater promise than inflexible and punitive responses that currently predominate in youth justice systems nationwide.

Recommendation: Allow diversion as an option in gun possession cases.

Diversion from the justice system improves young people's likelihood of succeeding in school and avoiding future involvement in the justice system.¹⁰⁶ It therefore makes little sense for justice systems to continue mandating formal prosecution of all youth caught in possession of a firearm. Rather, diversion should be the presumption for youth with no delinquency history facing first time gun possession charges, and diversion should be considered for other youth facing gun possession charges.

Recommendation: Where possible, develop tailored diversion programs to work with youth facing gun possession charges.

In addition to allowing the cases of youth accused of gun possession to be handled informally, youth justice systems should develop targeted diversion programs specifically for youth who carry guns.

Diversion programs specifically targeted to youth accused of gun possession are scarce. The Sentencing Project has identified such programs operating in only a handful of jurisdictions nationwide, including Chatham County (Savannah), Georgia,¹⁰⁷ Clayton County, Georgia,¹⁰⁸ Denver, Colorado,¹⁰⁹ Miami-Dade, Florida,¹¹⁰ New

York City,¹¹¹ and Tampa, Florida.¹¹² However, diversion programs can be more effective for many youth apprehended with guns than standard approaches involving pre-trial detention, punitive prosecution, and GPS monitoring or incarceration. Likewise, studies in the adult justice system also find that diversion programs for gun possession yield promising results.¹¹³ (See textbox on Gun Diversion Programs for Youth on p.17)

“Over the past two years there has been a rapid increase in the number of possession/disorderly-conduct-with-a-weapon cases. The state used to offer diversion for first time offenders, now all youth are petitioned into court... Also alarming, is the court and probation has taken a harsher stance with these youth.”

– Public defender in Arizona

Recommendation: End mandatory detention for youth accused of gun possession and transfer of youth to adult court for gun possession.

Stop compulsory detention for all gun possession cases. Detention should only be used in cases where youth pose a significant risk to commit serious new offenses or to flee rather than appear for their scheduled court dates. When courts use objective screening tools to guide detention decisions, gun possession should be considered a significant risk factor, but it should not be weighted so heavily that detention becomes a forgone conclusion whenever a youth is found in possession of a firearm.

Stop transferring youth to adult court based on gun possession charges. State and local justice systems should end the practice of transferring youth to adult court; however, transfers are especially problematic for youth who are accused only of weapons possession and have not used a weapon to threaten others or commit a more serious offense.

Gun Diversion Programs for Youth

In **Tampa**, an organization called Safe and Sound Hillsborough has been offering a diversion program since 2022 for youth charged with weapons possession.¹¹⁴ Over the course of six months, program participants visit a trauma center, emergency room, and a morgue. They meet with people affected by gun violence as well as individuals formerly incarcerated for gun violence. Youth take part in evidence-based cognitive behavioral therapy groups where they learn anger management, perspective-taking, and other skills critical for mature decision making. The youth are also assigned mentors and receive academic support. Among 204 youth who had completed the program by December 2024, 168 (82%) had avoided a new charge for one year (if discharged by December 2023) or for a shorter period (if discharged more recently).¹¹⁵

In **Denver** the district attorney's office created the Handgun Intervention Program in 2021 for youth referred to court on gun possession charges. Participating youth attend weekly meetings for seven weeks, as well as bi-weekly court hearings. Youth receive training on cognitive behavioral skills, listen to the stories of gun violence survivors, and meet and engage with police officers. In their final group session, participants deliver presentations describing what they have learned in the program and stating their goals for the future.¹¹⁶ As of December 2024, the program had served about 60 youth in ten cohorts. An outcome evaluation of the program is underway. Preliminary data show that, as of December 2024, 90% of youth in the first eight cohorts had been successful in avoiding a new charge in delinquency court.¹¹⁷

PROMISING STRATEGIES TO MINIMIZE YOUTH GUN POSSESSION AND TO REDUCE YOUTH AND YOUNG ADULT GUN VIOLENCE

Increasingly, public health experts agree that the most effective strategies to reduce gun violence among both youth and young adults are not found in law enforcement and court prosecution. Rather, the most promising strategies seek to identify and address the reasons why youth and young adults obtain guns and become involved in gun crimes,¹¹⁸ and to intervene strategically with the limited population of young people at greatest risk for gun violence.

“[Because] the majority of violent crime in any given city is committed by a very small percentage of high-risk individuals, a more strategic approach to gun-related cases is needed,” concluded a recent report by the Giffords Law Center to Prevent Gun Violence, “one that includes as many off ramps as possible for individuals who do not actually pose a threat to their communities.”¹¹⁹ These off-ramps are especially important for youth.

Recommendation: Develop, fund and support effective community violence interruption efforts in areas where gun violence is widespread.

America’s gun violence problem is highly concentrated geographically,¹²⁰ and even within high crime neighborhoods only a small number of people – typical young men – comprise most of both the shooters and the victims.¹²¹

Violence interruption initiatives aim to break the cycle of violence in these neighborhoods. Typically, these efforts involve partnerships between law enforcement and community organizations, which often employ social workers as well as “credible messengers” – individuals with experience in the justice system, many of them formerly incarcerated – who work directly with young men at highest risk for gun crimes.

These initiatives have a proven track record in reducing gun violence. For instance, violence interruption initiatives have been credited with reducing youth homicides by 63% in Boston; lowering group (or gang-member) homicides by 32% in New Orleans and 41% in Cincinnati; decreasing gun violence injuries by 50% and 37% in the East New York and South Bronx sections of New York City;¹²² and reducing average monthly shootings by 73% in New Haven, Connecticut.¹²³ In Sacramento, California, the Advance Peace violence interruption program targeted 50 youth and young adults at high risk for perpetrating gun violence.¹²⁴ Participants received daily support from a credible messenger mentor, developed life plans, earned \$1,000/month stipends, and received other support such as cognitive-behavioral therapy, anger management, and substance abuse treatment. At the end of the 18-month program, 90% had no new gun charges; further, gun violence dropped 18% citywide, and 29% in one targeted neighborhood.¹²⁵

Based on these promising results, the federal government established a Community-Based Violence Intervention and Prevention Initiative in 2022, allocating \$300 million for violence intervention programming, training, evaluations, and related research.¹²⁶ However, in April 2025, the U.S. Department of Justice announced the termination of 373 justice department grants, with total project costs of \$820 million,¹²⁷ including \$153 million for violence intervention programs and related research.¹²⁸ In a May 2025 report, the nonpartisan Council on Criminal Justice concluded that: “these funding cuts put public safety at risk and undermine hard-won reductions in violent crime.”¹²⁹

Recommendation: Invest in state-of-the-art cognitive behavioral interventions for youth at high risk for gun violence.

Adolescents are at heightened risk for delinquent conduct due to lack of emotional and psychological maturity: the parts of the brain that control judgement, perspective-taking, and impulse control do not develop fully until age 25.¹³⁰

Cognitive-behavioral therapies that help young people accelerate the development of their thinking skills and improve their judgement are among the most effective strategies for reducing youth offending.¹³¹ Offering these interventions to youth at high risk offers a promising and important opportunity for reducing gun violence. In Baltimore and multiple sites in Massachusetts, Roca, Inc., has been offering individualized cognitive behavioral treatment along with mentoring and a variety of other supports to youth at high risk for gun violence, with very promising results.¹³² In Chicago, several programs offer-

ing cognitive behavioral therapies have proven highly effective in reducing young people’s likelihood of committing violent crimes.¹³³ These models should be replicated or adapted in many other jurisdictions to reduce gun violence. The federal government should provide more funding for these efforts, rather than defunding them.

Recommendation: Adopt and enforce common-sense rules to limit young people’s access to firearms.

States and local jurisdictions should adopt reasonable gun control laws that reduce the availability of firearms that might fall into the hands of youth and rules requiring the safe storage of firearms to minimize young people’s access to weapons.

Studies find that gun control laws requiring universal background checks on gun sales, banning assault weapons, prohibiting gun sales to individuals at high risk for violence, or limiting gun carrying in public places lead to lower rates of gun violence, as well as less youth gun possession.¹³⁴ For instance, two recent studies have found that youth gun possession is lower in states with stricter gun control regulations.¹³⁵

Laws requiring safe storage of weapons – keeping firearms locked away unloaded, and stored separately from ammunition – have been shown to significantly reduce both homicides and suicides among young people.¹³⁶ Also, multiple studies have found that when family physicians provide families with brief counseling on gun safety during routine pediatric check-ups, children’s access to firearms falls significantly.¹³⁷

CONCLUSION

The evidence provided in this report shows that our nation's youth justice systems are failing when it comes to youth gun possession. In many states and localities, youth justice systems are handling youth gun possession cases with inflexible punitiveness.

Clear and compelling evidence shows that involving youth in the justice system, locking them in detention facilities, and prosecuting them in adult courts all tend to increase their likelihood of reoffending and returning to the justice system. These approaches to gun possession exacerbate racial disparities and make communities

less safe. Especially for those without any prior history in the justice system – they make youth less successful and more dangerous as well. Far better to divert many gun possession cases away from the justice system, to help youth build their maturity in decision making, and to address young people's reasons for choosing to carry a weapon in the first place. In addition, the evidence is overwhelming that the most effective strategies to reduce youth gun violence involve intensive interventions for the very narrow segment of youth (and young adults) who are at maximum risk for gun violence.

“My concern is punishing the juvenile where instead education and information could be more beneficial,” wrote a public defender in Minnesota. “I do not think kids realize/appreciate the true risk of carrying around guns. Just adding a felony on their record with probation does little to change that.”

– Public defender in Minnesota

APPENDIX

YOUTH AND GUN POSSESSION SURVEY

For this report, The Sentencing Project prepared the following survey questionnaire about handling of gun possession cases in the nation's youth justice systems. In September 2024, Gault Center emailed the survey to the 108 members of its national advisory board and its nine regional advisory boards, and to the Gault Center's larger mailing list of more than 1,000 youth defenders and other youth justice professionals nationwide.

Overview Questions

1. How concerned are you about how your state's juvenile justice system is handling the cases of youth arrested for gun possession -- not for using a gun in another offense, but simply for possessing or carrying a gun?

- ☐ Not at all concerned
- ☐ Minor Concern
- ☐ Moderate Concern
- ☐ Major Concern

2. If you view how your state's juvenile justice system is handling youth gun possession arrests as a moderate or major concern, can you describe the nature of your concern briefly (number of cases, state laws or policies, local court practices, racial/ethnic disparities, other)?

State policy questions

3. Does your state have a juvenile justice statute or a statewide court rule or practice that requires or encourages youth arrested for gun possession (as their most serious charge) to be transferred to adult court?

- ☐ Yes
- ☐ No
- ☐ I don't know

4. If yes, please describe and include a link or citation if available:

5. Does your state have a juvenile justice statute or a statewide court rule or practice requiring or encouraging that youth arrested for gun possession (as their most serious charge) be held in juvenile detention?

- ☐ Yes
- ☐ No
- ☐ I don't know

6. If yes, please describe and include a link or citation if available:

7. Does your state have a juvenile justice statute or a statewide court rule or practice requiring or encouraging that youth arrested for gun possession (as their most serious charge) be formally petitioned (with no diversion or informal processing)?

- ☐ Yes
- ☐ No
- ☐ I don't know

8. If yes, please describe and include a link or citation if available:

9. Are you aware of rules in local courts (many jurisdictions and/or large jurisdictions) requiring transfer, detention, or formal processing for youth referred to delinquency court for simple gun possession?

- ☐ Yes
- ☐ No
- ☐ I don't know

10. If yes, please describe and include a link or citation if available:

Policy/practice questions

11. Are you aware of any policies or practices being applied statewide or by local jurisdictions in youth gun possession cases that you think are harmful or counterproductive?

- ☐ Yes
- ☐ No
- ☐ I don't know

12. If yes, please describe and provide a link with information about the policies or practices if available.

13. Finally, and most important for our study, are you aware of any policies or practices being applied state-wide or by local jurisdictions in youth gun possession cases that you think are positive or effective?

- ☐ Yes
- ☐ No
- ☐ I don't know

14. If yes, please describe and provide a link with information about the policies or practices if available.

Data questions (scope of the problem)

15. Do you have or are you aware of any data on the number of youth arrested and referred to juvenile court who face gun possession as their most serious charge, or the trend in these arrests over time? If so, can you please share the data with us or point us to the source?

- ☐ Yes
- ☐ No

16. If yes, please provide a link and/or any other source information here.

17. Do you have or are you aware of any data on the number of youth in detention whose most serious charge is gun possession, or recent trends in the use of detention for gun possession?

- ☐ Yes
- ☐ No

18. If yes, please provide a link and/or any other source information here.

ENDNOTES

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²⁰ Organizations supporting comprehensive approaches to youth gun violence include: American Academy of Family Physicians; American Academy of Pediatrics; American Psychological Association; Johns Hopkins University Center for Gun Violence Solutions; Joyce Foundation; National Academy of Medicine; and the U.S. Surgeon General.

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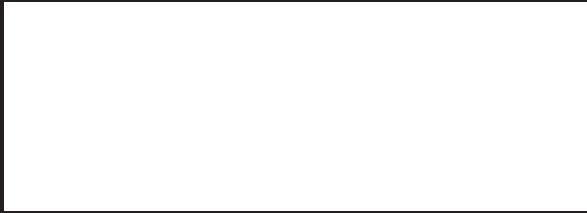
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