

IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT
OF FLORIDA IN AND FOR THE COUNTY OF DADE

FALL TERM A.D. 1996

FINAL REPORT OF THE DADE COUNTY GRAND JURY

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CHILDREN AND GUNS: A CALL FOR GREATER ADULT RESPONSIBILITY

“A well regulated militia, being necessary to the security of a free State, the right of the people to keep and bear arms, shall not be infringed”

Second Amendment, Constitution of the United States of America

I. INTRODUCTION

In modern America, guns have played an important historical role as the homicide weapon of choice. Since 1920, over 1 million Americans have been killed by firearms. By contrast, all combat deaths post Civil War to the present have resulted in the demise of 567,000 Americans.¹ Firearm issues touch a special nerve in the American body politic. On this issue, Dade County is no different than most American communities. However, the impact of firearms is somewhat greater in Dade than elsewhere. Shamefully, our percentage of gun related homicides exceeds the national average. In 1996, 79 percent of Dade’s homicides were committed with a firearm.

Over the years, the meaning and intent of the right to bear arms have engendered tremendous debate and discussion throughout our nation and our community. Even among the 18 members of our grand jury, we found many strong differences of opinion on this issue. Individually, some of us are staunch supporters of a right to bear arms and desire no additional laws or governmental infringements upon it. Others of us fear the very existence of firearms and see no harm in simply banning them. Yet, separate from this controversial debate is the sad fact that crime in our society focuses upon firearms. Guns are the weapon of choice for most American criminals. According to the Federal Bureau of Investigation, in 1995 there were 13,673 Americans murdered with a firearm; 11,198 of these were committed with handguns. Guns are also the first line of defense chosen by many law abiding citizens seeking safety and protection from crime. For the purpose of our report, we did not feel the lawful possession of a firearm to be the appropriate topic. Nor did we feel the need to repeatedly condemn the use of a firearm by an adult in the commission of a crime. We chose instead a far different focus of concern.

Children acquiring guns, possessing guns and using guns brought a special horror to us during our review of the many cases presented to us for indictment this term. As Grand Jurors, as

parents and as residents of this community, we felt that children possessing guns is an issue too often left out of any serious gun related debate. The right to bear arms does not include allowing our children to arm themselves. In this regard, the issue is truly not the gun itself, but rather the hand holding the gun. Despite our divergent personal opinions about firearms, this is an issue upon which we all agreed.

No one could responsibly advocate giving guns to children. Not one of us would ever agree that allowing children to possess guns is what the framers of our constitution envisioned with their words in the Second Amendment. Yet, in fact, too many children in our community and our nation have guns and use them to commit terrible and often senseless crimes, often against other children. As grand jurors, we experienced this fact firsthand through some of the indictments we handed down this term.

- A 17 year old shot two store clerks during a robbery, then coldly executed one of the wounded victims as he lay on the ground.
- Two teenage boys fired their guns during an armed burglary and killed a 5 year old girl as she walked nearby.
- Attempting to steal a gasoline powered go cart, two 15 year olds shot the 17 year old driver in the head, paralyzing him.
- Failing to gain the affections of a 15 year old girl, a 15 year old boy borrowed a handgun from a friend, returned to the girl's home and fired 3 shots into the front door while she cowered inside.

We are certainly not alone in reeling from the shocks of juvenile gun violence. During our term, all of Dade County was horrified when a teenage girl shot a female classmate in the eye, outside of their school, reportedly over the affections of a boyfriend. All of South Florida was appalled when a Palm Beach County middle school student shot and killed another student, disposed of the gun and then calmly returned to his classroom. A few weeks ago, a local high school student shot a 14 year old in the thigh over a poker game. We are left to wonder whether, without having access to a gun, any of these situations would have escalated to such a horrendous result.

No responsible adult could argue that the children committing these crimes had a right to possess these guns. No responsible adult could avoid feeling horror and outrage at children using guns in this fashion. No responsible adult could countenance children having access to guns.

Sadly, too many children in our nation and in our community feel differently. This term, we reviewed the characteristics of children in our community who committed crimes with guns and compared them with those who did not. The results, to us, were shocking. We hope that, to our community, the information we have found will provide a much needed wake up call. We must stop the epidemic of violence that has engulfed our youth. To do so, we must start by disarming our children.

II. AVAILABILITY OF FIREARMS

Any debate concerning gun control usually centers upon the desirability or constitutionality of restrictions placed upon the lawful purchase or acquisition of a firearm. However, a child cannot *lawfully* purchase a firearm anywhere in the State of Florida. Restrictions upon the lawful sale of firearms therefore have little if anything to do with the manner by which our children arm themselves. It is no surprise then that, despite the limitations placed upon gun acquisition by current law, many crimes continue to be committed by children using firearms. Virtually every witness who appeared before us this term detailed the incredible ease with which firearms have become available to our children. They can get guns from friends or buy them from strangers. They can get guns by stealing or even renting them from other children who have them. They can get guns through burglaries of businesses, homes and cars. Guns are, in fact, so readily available to our children that in the personal experience of one 19 year old witness, acquiring a gun is “as easy as buying bubblegum”. He was 14 years old when he stole his first gun. Another 16 year old witness was just 11 when a friend helped him steal a “38 special” from a closet during a home burglary. Both of these children described the excitement of acquiring these guns as “fun” or “cool”. Both also exhibited a frighteningly high degree of knowledge about guns and the methods of illegally obtaining them. They told us we could easily find guns in the closets and bedrooms of homes and in the glove compartments or under the seats of cars. They advised us to only look for guns in homes on weekdays during daytime hours when no one is home. They even gave us a method to determine if the home is occupied before trying to break in. Simply knock on the door first and, they said, if someone answers, apologize by saying this must be the wrong house. As concerned as we were by this display of criminal proficiency, we were even more concerned by the cavalier attitude they displayed concerning the firearms they possessed. They did not appear worried in the least about the destructive and potentially deadly power they held in their hands.

They were also clearly not worried in the least about violating the legal restrictions Florida placed upon their gun ownership and possession.

This cavalier attitude about firearms is not just an issue here in Dade County, nor is it limited only to juveniles who have committed crimes. According to a 1993 Louis Harris survey of students in 96 elementary, middle and high schools nationwide, 15 percent reported carrying a handgun to school within the previous thirty days. In the 1987 National Adolescent Student Health Survey, 41 percent of the boys and 21 percent of the girls said they could get their hands on a handgun if they wanted one.² In August 1995, the Office of Juvenile Justice and Delinquency Prevention reported that 12 percent of the inner city area high school students they surveyed said they carried guns most of the time. Another 23 percent said they carried guns intermittently. A total of two-thirds of the entire survey group felt it would be easy for them to get a gun. Ominously, 28 percent felt that it was "okay to shoot someone who hurts or insults you".³ To preclude the escalation of searches of our children, effected through metal detectors and locker searches, it is essential that initial access to guns be minimized.

Our indictment this term of a 14 year old girl who stole an entire gun collection from a Dade County home highlighted for us the easy acquisition of firearms by children in our community. In this one crime, the following six weapons were stolen:

- 1- Politek AK-47 semi-automatic rifle
- 1- Ruger SS Mini 14 semi-automatic rifle
- 1- Safari Arms 45 caliber handgun
- 1- Smith and Wesson 686, .357 Magnum handgun
- 1- Smith and Wesson 422, 22 caliber handgun
- 1- Excam 41 caliber semi-automatic handgun

All but one of these firearms were in an unlocked closet in the master bedroom. The remaining handgun was found lying on the kitchen table. This teenage girl gave the two semi-automatic rifles to her 19 year old co-defendant. She sold the Smith and Wesson 22 caliber handgun for \$20.00 and a bag of marijuana. Police recovered the Smith and Wesson .357 Magnum and the Excam semi-automatic 41 caliber handgun from beneath the car seats of the vehicle she was occupying when arrested. Also in the vehicle was her book bag containing the bag of marijuana and a large quantity of ammunition. At the time of her arrest, this 14 year old and her companion had been displaying the guns to witnesses. They were also asking for directions to the nearest

convenience store, ostensibly for the purpose of committing an armed robbery. This combination of juvenile immaturity and firearms was a potentially deadly mixture that, fortunately, was detected and stopped before it could explode. Ominously, as of the date of our report, the four remaining firearms, including the AK-47 and the Ruger semi-automatic rifles, have not yet been recovered. They remain somewhere on the streets of our community.

The crime this girl committed, burglary of a home, is unfortunately not an uncommon crime in our community. Nor is the burglary of a car or a business uncommon either. Considering the testimony we had heard, and the case of the 14 year old girl we had indicted, we wondered how many firearms in Dade County are actually stolen this way. Unfortunately, we were unable to gather this information for all of Dade County. Many municipalities and their police departments do not collect such information. However, we were able to obtain detailed and specific information from the Metro-Dade Police Department, the agency responsible for the unincorporated portions of Dade County. Even considering that their burglary statistics relate to only one half of the population of Dade County, the numbers provided were astounding. Between 1989 and 1996, the Metro-Dade Police Department received a total of 10,823 reports of firearms stolen in burglaries. Each of these reports relates to an *incident* of burglary and not to the number of firearms actually stolen in *each* incident. Considering the case of the 14 year old girl, we feel we can safely assume that the number of firearms actually stolen is higher. Regardless, these numbers represent an arsenal of illegal guns flowing onto the streets of our community. These 10,823 reports also bolster witnesses' testimony that the *sources* of many of the firearms our children possess are our businesses, our homes and our cars.

TABLE I.: Firearms Reported Stolen in Unincorporated Dade County, 1989-1996

<u>Year</u>	<u>Reported Stolen From:</u>			<u>Total By Year</u>
	<u>Business</u>	<u>Residential</u>	<u>Vehicle</u>	
1989	98	1340	289	1,727
1990	99	1212	267	1,578
1991	71	1178	231	1,480
1992	79	972	168	1,219
1993	97	1036	252	1,385
1994	97	977	272	1,346
1995	62	767	268	1,097
1996	<u>41</u>	<u>643</u>	<u>307</u>	<u>991</u>
<i>Totals</i>	644	8,125	2,054	10,823

Interestingly, these records detail a decline in the total number of reports since 1994. It is also interesting to note that, while reports of firearms stolen from homes declined, the number reported stolen from cars actually increased. However, despite the decline in total reports, this continual flow of stolen firearms into our community remains incredibly high. Consider that the reports totaled “only” 991 in 1996, the lowest total for every year since 1989. Nevertheless, this number would still be enough to arm one out of every 333 students currently enrolled in the Dade County Public School System. It would still be enough to arm one out of every 14 juveniles that were arrested for a crime in Dade County that same year. To us, each and every one of these guns represents a ticking time bomb that could potentially land in the hands of children in our community.

III. A STUDY OF DADE COUNTY’S JUVENILE FIREARM OFFENDERS

Many witnesses have described to us the belief that a firearm, more than any other type of weapon, has the effect of emboldening the person who possesses it. Firearms appear to operate as an equalizer by replacing fear of physical confrontation with the detachment of distance and a lack of physical strength with the availability of deadly force. Considering the availability of illegally obtained firearms to children within our community, we felt a need to understand the impact upon the children in Dade County who criminally use or possess firearms. To do so, we obtained the records of all of Dade’s juvenile offenders arrested from 1993 through 1996. We then separated and compared those who used or possessed a firearm with those who did not. Our initial results showed that, in sheer numbers, juvenile firearm offenders represented a small percentage of all juvenile offenders, approximately 6 percent for both years. Additionally, again in sheer numbers, slightly fewer juveniles were arrested for gun related offenses in 1996 than in 1993.

Table II. Comparison of Dade County Juvenile Firearm Offenders with Non-Firearm Offenders

	<u>1993</u>	<u>1996</u>
Firearm	811	778
Non-Firearm	11,497	12,788

However, when we completed our comparison, we were shocked at what we found. Our analysis of Dade County juveniles who used or possessed firearms has uncovered a relatively small group of children who participated in a proportionally overwhelming percentage of our community's violent crimes. These children were also distinctly different from other juvenile offenders in the same years who did not use or possess firearms. For ease of presentation and understanding, we have consolidated our findings as follows:

- **As a group, Dade County's juvenile firearm offenders commit proportionally more serious and violent crimes than Dade's non-firearm juvenile offenders.**

There was a far greater number of non-firearm juvenile offenders in our study groups, 11,497 juveniles in 1993 and 12,788 juveniles in 1996. As a result, we were not surprised to find that the total number of crimes committed by this much larger population was greater when compared with the number of crimes committed by the group who used firearms. However, when we compared the most serious crimes committed by these two groups, we found the firearm group to be proportionally far more dangerous. Comparing homicides and attempted homicides committed in 1993 for instance, the 811 juveniles in the firearm group committed 18 homicides and 27 attempted homicides. In contrast, despite being *1,320 percent larger in size*, the juveniles in the 1993 non-firearm group committed 14 homicides and 28 attempted homicides. We found this same proportion to exist in 1996. That year there were 16 homicides and 19 attempted homicides committed by the 778 juvenile firearms offenders compared to the 15 homicides and 44 attempted homicides committed by the non-firearms group, *despite being a more than 1,540 percent larger group*. This pattern held true for other violent crimes as well. For example, 27 percent of the 1996 firearms group committed armed robberies in contrast to only 1 percent of the offenders in the much larger 1996 non-firearm group.

We also noted a marked increase in the number of violent crimes committed by juveniles with firearms when comparing the years of 1993 and 1996. In 1993, a total of 19 percent of the juvenile firearm offenders committed armed robberies. By 1996, the percentage committing armed robberies increased to 27 percent. In contrast, the most common offense committed by the non-firearm offenders in both 1993 and 1996 was burglary, a percentage that declined slightly from 14 percent in 1993 to 12 percent in 1996.

**Table III.: Comparison of Highest Crime Committed
1993 - 1996, As Percent of Total**

	<u>1993</u>		<u>1996</u>	
	<u>Firearm Group</u>	<u>Non-firearm Group</u>	<u>Firearm Group</u>	<u>Non-firearm Group</u>
<i>Homicide</i>	2%	<1%	2%	<1%
<i>Attempted Homicide</i>	3%	<1%	2%	<1%
<i>Armed Robbery</i>	19%	2%	27%	1%
<i>Strong-arm Robbery</i>	1%	4%	1%	4%
<i>Burglary</i>	1%	14%	1%	13%
<i>Agg. Battery</i>	8%	3%	9%	4%
<i>Grand Theft</i>	2%	1%	2%	1%
<i>All Others</i>	64%	75%	56%	78%

- **As a group, Dade County's juvenile firearm offenders are twice as likely to have a prior arrest than are juvenile offenders arrested for a non-firearm crime.**

Our analysis showed that juvenile offenders using firearms are a far different group of individuals than those arrested for a non-firearm crime. Of the Dade juveniles arrested for a non-firearm crime in 1993, 68 percent were first time offenders. In 1996 first time offenders represented 70 percent of the non-firearms group. The results were radically different for juveniles arrested for a firearm related offense. Among this group far fewer were first time offenders. Only 35 percent in 1993 and only 39 percent in 1996 had no history of prior arrests. There was a slight increase in the percentage of first time offenders arrested for gun crimes in 1996. However, in both years the firearms group consistently exhibited a greater likelihood of prior involvement with the Juvenile Justice System than did the non-firearms group.

TABLE IV. Comparison of Prior Arrest History, 1993-1996 As Percent of Total Group

<u>Number of Prior Arrests</u>	<u>1993</u>		<u>1996</u>	
	<u>Firearm Group</u>	<u>Non-firearm Group</u>	<u>Firearm Group</u>	<u>Non-firearm Group</u>
<i>None</i>	35%	68%	39%	70%
<i>1 - 5</i>	45%	26%	45%	25%
<i>6 - 10</i>	13%	4%	10%	3%
<i>11+</i>	7%	2%	6%	2%

- **As a group, Dade County's juvenile firearm offenders are twice as likely to be re-arrested within 30 days than are juvenile non-firearm offenders. They are also two and one-half times more likely to use a firearm in this new offense.**

When we analyzed the differences between our two groups concerning the likelihood of re-arrest, the results were frightening. Incredibly, in 1993, more than one-third and, in 1996, more than half of the juvenile firearm offenders had already been re-arrested after only 30 days. In contrast, the percentage of the non-firearms group that re-offended within 30 days, while also showing a substantial increase between 1993 and 1996, was consistently half as great as the firearms group.

TABLE V.: Comparison of Time Until Re-Arrest

<u>Days to Re-Arrest</u>	<u>1993</u>		<u>1996</u>	
	<u>Firearm Group</u>	<u>Non-Firearm Group</u>	<u>Firearm Group</u>	<u>Non-Firearm Group</u>
1 - 30	35%	16%	55%	28%
31 - 90	18%	19%	24%	28%
91 - 182	15%	16%	15%	23%

Even more significant to us was the dangerous pattern revealed when we analyzed the use of firearms in these newly committed crimes. Almost 50 percent of the juvenile firearms offenders used a gun to commit their new offenses. This is the direct opposite of the non-firearm group where 82 percent did *not* use a firearm in subsequent offenses.

**TABLE VI.: Comparison of Re-Arrests Committed With Firearms
As Percentage of Total Group**

<u>Re-Arrest With:</u>	<u>1993 Firearm Group</u>	<u>1993 Non-Firearm Group</u>
Firearm	49%	18%
No Firearm	51%	82%

Under Florida law, a juvenile offender may only be detained under certain limited circumstances. Included within these circumstances are felony crimes of violence or, if a felony is not a crime of violence, if the juvenile is “found to have been in possession of a firearm”⁴ Detention can include secure detention in Youth Hall, non-secure detention or home detention. Only secure detention would involve the juvenile equivalent of jail. In addition, as a general rule, the maximum period of time that a juvenile offender can be maintained in secure detention is 21 days from the date of arrest.⁵ Florida law does not permit detention, secure or otherwise, for a misdemeanor crime, solely because of the possession of a firearm.⁶ In view of these laws, and in view of our finding that 55 percent of the 1996 firearm group were re-arrested within 30 days, we

wondered what percentage of these re-arrests occurred during the 21 days after the date of arrest. When we re-analyzed these numbers , *we were astounded to find that virtually all of these new arrests occurred before the end of this 21 day period.*

- **In 1996, Dade County’s juvenile firearms offenders tended to be younger than those arrested for firearm offenses in 1993.**

A number of our predecessor grand juries have already identified a trend toward younger offenders entering the Juvenile Justice System. We discovered the same trend among the juvenile firearms offenders we studied. In 1993 and 1994, 21 percent of Dade’s juvenile firearm offenders were 14 years of age or younger. This percentage increased to 25 percent in 1995 and 28 percent in 1996. In contrast, the percentage of Dade’s non-firearm juvenile offenders aged 14 or younger went from 32 percent in 1993 to 34 percent in 1996. Ominously, between 1993 and 1996, we found the largest percentage increase in the firearms group to be among juveniles aged 12 or younger.

TABLE VII. Comparison In Changes of Age of Dade County’s Juvenile Firearm Offenders 1993 - 1996

<u>AGE</u>	<u>1993</u>	<u>1996</u>	<u>Percent of Change</u>
<i>12 or younger</i>	<i>19</i>	<i>35</i>	<i>+84%</i>
<i>13-14</i>	<i>147</i>	<i>186</i>	<i>+27%</i>
<i>15-16</i>	<i>391</i>	<i>343</i>	<i>-12%</i>
<i>17</i>	<i>254</i>	<i>214</i>	<i>-16%</i>

- **As a group, there has been an increase in the number of Dade County female juvenile firearm offenders between 1993 and 1996.**

We also noticed a trend among the Dade County juvenile firearm offenders with relation to gender. Between 1993 and 1996, the number of female juveniles arrested for firearm related offenses almost doubled. This is an alarming trend, considering that there are currently very few programs for female juvenile offenders in Dade County.

**TABLE VIII: Comparison of Dade County's Juvenile Firearm Offenders
by Gender, 1993-1996**

	<u>1993</u>	<u>1996</u>	<u>Percent of Change</u>
<i>Male</i>	767	703	- 8%
<i>Female</i>	<u>44</u>	<u>75</u>	<u>+71%</u>
<i>Total</i>	811	778	- 4%

IV. METHODS TO DISARM OUR CHILDREN

The availability of illegal firearms to children in our community is epidemic in scope. We must put an immediate end to this supply of guns. How many of us lawfully own firearms for our own personal protection and then leave them unlocked in closets or drawers while we are at work? How many of us have firearms "secured" in the glove boxes of our cars and then leave them there when we park them unattended on the street? How many of us can truly justify these relatively unsecured firearms as being for our personal protection when we are not physically there?

Based upon the information we have gathered and the testimony we have heard, we have reached one inescapable and shameful conclusion. When we legally arm ourselves for our own personal protection, we may be inadvertently arming the very persons we are seeking to protect ourselves against. The statistics from the Metro-Dade Police Department prove that a substantial number of stolen firearms come from our homes, our cars and our businesses. Our study of Dade's juvenile firearms offender proves their greater likelihood to commit crimes when firearms are in their possession. Together, these findings highlight the fact that a necessary component of any right to lawfully possess a firearm should be the requirement that we do so in a responsible manner. Therefore, when we, as adults, lawfully possess firearms, we owe a greater debt of responsibility to our community and our children to insure their unavailability to thieves or burglars.

Any firearms we keep in our homes must be maintained in a safe or other secure container to prevent their theft, especially when we are not at home. Any firearms we choose to legally keep in our cars must be secured in a locked compartment stronger than a glove box to prevent their theft, especially when we are not seated in that car. We recognize that some in our community may view such restrictions upon the lawful possession of firearms with disfavor. We

also recognize that, in some ways, we are asking law-abiding citizens to do more when it is the criminal who steals the guns. However, a gun is a uniquely deadly weapon. It can be hidden in a pants pocket, yet can kill from one mile away. We already require fences around swimming pools in our homes, tamper-proof caps on drugs that are sold in stores and children to sit in child safety seats in our cars. All of these “restrictions” are there to prevent the death or injury of a child. Considering the potential and actual harm firearms can cause, we think it would be inconceivable not to want to prevent their theft. The simple acts of personal responsibility we have outlined here can help reduce or even prevent the flow of illegal firearms into our community.

Reducing the availability of firearms is only one of the ways we can disarm our children. We must also effectively utilize our Juvenile Justice System to instill a strong sense of consequence in children who think possession of a firearm is “fun” or “cool”. With this in mind, we were amazed to learn that the possession of a firearm by a child in the State of Florida is only a misdemeanor. This makes the possession of a gun by a child the legal equivalent of spitting on the sidewalk or sleeping in public. This is the wrong message to send. Our study of Dade County’s juvenile firearm offenders proves the mere acquisition of a firearm can portend a powerful escalation of criminality. We must provide an equally powerful incentive against illegal firearm possession or use. Possession of a firearm by a minor must be changed to a felony level crime.

We are also greatly troubled by the current penalties Florida law proscribes for juveniles who offend with a firearm. A juvenile who is found to have committed any crime involving a firearm, other than mere possession, is only mandated to spend five days, for a first offense and ten days for subsequent offenses, in a secure detention facility. For mere possession, no legally mandated secure detention applies. The two juveniles who testified before us this term laughed at this “penalty”. They told us that, many times, a juvenile is held in secure detention for the maximum 21 days allowed by law before a trial is even scheduled to begin. This means that the five day or the ten day minimums would be considered served *even before* a juvenile is found to have committed the crime. We feel that this is a meaningless and empty penalty. We also feel it does absolutely nothing to deter a juvenile’s future illegal use of firearms. Our analysis of Dade’s juvenile firearm offenders revealed an incredible propensity to commit additional criminal acts using firearms. We think that our Juvenile Justice System must be given the tools to do more to

discourage these future firearm related offenses. In our efforts to combat violent juvenile crime in our community, our courts and our laws must send a message of zero tolerance for firearms in the hands of our children. Current Florida law relating to juveniles must be changed to *substantially* increase the penalties associated with the use and the possession of a firearm.

As we address the need to strengthen the consequences provided by our Juvenile Justice System, we also need to address the method by which this system deals with the juvenile firearm offender while awaiting trial. Our study of Dade County firearm offenders revealed a substantial majority were committing new crimes less than 30 days after being arrested. This is unacceptable. Clearly, the method by which they are released, and their supervision while awaiting court hearings, needs to be closely scrutinized. Juveniles who use or possess firearms are a distinctly different and far more dangerous group than all other juvenile offenders. These differences must be recognized and acted upon. It is incumbent upon those who work within our Juvenile Justice System to take this message to heart and devise different methods, or improve existing ones, to more adequately protect our community.

In Dade County, the most common juvenile court disposition upon a finding of guilt is community control, the juvenile equivalent of probation. When placed on community control, juvenile offenders are sent back into our community. Considering that community control is by far the largest juvenile disposition utilized by our Juvenile Justice System, it must be used to deter or even prevent the acquisition and possession of firearms by juveniles already known to have committed a crime. Other cities, most notably Boston, Massachusetts, have used the combined efforts of probation officers and local police to provide regular "sweeps" and searches of juvenile probationers. This has resulted in many arrests and seizures of illegal weapons, including firearms. These efforts have been credited with causing a substantial reduction in that city's juvenile homicide rate. In 1996, Boston did not have a single juvenile killed by a firearm. Integral to this "Boston Plan" is the ability for the police to arrest a juvenile for violating the terms and conditions of probation. This method has not yet been implemented here because Florida law does not presently allow the arrest of a juvenile for violating the conditions of community control. Unless the juvenile is caught in the process of committing a new crime, local police are currently completely helpless to enforce these conditions. Fortunately, this is about to change. During our term, the Florida Legislature enacted a law effective on October 1, 1997, providing the arrest

powers needed. The law also provides for secure detention in “consequence units” for violations of community control. Finally, our courts and our law enforcement community have been given some of the tools needed to adequately supervise these juvenile offenders. We congratulate our elected officials on their efforts to accomplish this much needed change. However, the current lack of a “consequence unit” in Dade County must be immediately addressed. Without this component, juveniles who violate community control can not be detained. This could make the arrest of these juveniles, and especially those possessing or using firearms, meaningless. We must not forget the need for swift and immediate consequences if we are to deter future criminality. We must also insure that juvenile offenders, especially those who have already offended with a firearm, do not feel that “we can’t do anything to them because they are just juveniles”⁷

¹ Office of Juvenile Justice and Delinquency Prevention, “Reducing Youth Gun Violence: An Overview of Programs and Initiatives”, p. 1, May 1996.

² National School Safety Center, Pepperdyne University, “Weapons in Schools”, p. 4.5, August 1993

³ Office of Juvenile Justice and Delinquency Prevention, “Juvenile Offenders and Victims: A National Report”, August 1995.

⁴ Chapter 39.044(2)(f), Florida Statutes, p. 381 (1995).

⁵ Chapter 39.044 (5)(b), Florida Statutes, p. 382 (1995).

⁶ Possession of a firearm by a minor is a misdemeanor under Florida law. See Chapter 790.22(3) and (5)(a), p. 1631, 1632, Florida Statutes (1995).

⁷ Final Report, Dade County Grand Jury, Spring Term A.D. 1995.

ACKNOWLEDGEMENTS

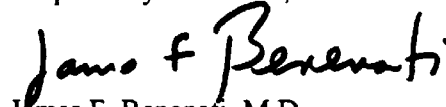
The commitment of six months for Grand Jury duty is difficult and requires that personal and professional sacrifices be made. One's initial instinct is that this commitment is not feasible and may not be of great value. By the end of the jury term, the consensus of opinion is that this is an enlightening experience and the ability to participate in local government is worthwhile and fulfilling. The jurors, representing a wide variety of ethnic and cultural backgrounds, were able to unify as a group and make decisions and explore issues of social relevance in our community. It has been a privilege to be able to participate in this process.

During the six month term, we were guided, educated and enlightened by the tireless efforts of Deputy Chief Assistant State Attorney Chet Zerlin. Mr. Zerlin has been open minded, honest and impartial to all of us. His efforts have been inspirational and he has demonstrated that he is a leader in our community.

The grand jury expresses their sincere gratitude to Rose Anne Dare, Administrative Assistant and Arthur Lewis, Bailiff, for their dedication and commitment in making the grand jury run efficiently. They managed innumerable administrative duties with a cheerful and friendly attitude. We also thank Angela Garcia, Clerk for the Grand Jury, for her professionalism in her work.

We are thankful to the Honorable Judge Judith L. Kreeger and State Attorney Katherine Fernandez Rundle for their interest and concerns for Dade County as a community. We gratefully acknowledge all of the dedicated law enforcement agencies of Dade County. Their often thankless efforts, professionalism and dedication has earned the respect of all.

Respectfully submitted,



James F. Benenati, M.D.
Dade County Grand Jury
Fall Term 1996

ATTEST:



Mark Ferguson
Clerk

Date: May 28, 1997