



Analysis of Massachusetts Firearms Related Offenses

An Overview of Firearms Related Offenses Arraigned in
Massachusetts Courts Between 2006 and 2008

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Highlights

An analysis was conducted on firearms related offenses arraigned in the Commonwealth between 2006 and 2008 using data from the Criminal History System's Board (CHSB). This report presents findings on the 26,723 firearms offenses charged in Massachusetts over the three year period.

Below are highlights of these findings.

- Fifty-one percent of all defendants charged with a firearms related offense were ages 17 to 24 (based on age at the time of first arraignment for a firearms related offense from 2006 to 2008).
- The overwhelming majority of defendants were male versus female (91% vs. 9%, respectively).
- White defendants were more common than any other racial/ethnic background (38%), compared to black (34%), Hispanic (22%), Asian (2%), or American Indian or Alaskan Native defendants (<1%).¹
- Female defendants were more likely to be white than any other race or ethnicity (46%), versus male defendants who were only slightly more likely to be white than black (37% vs. 35%, respectively).
- More than half (56%) of firearms related charges were dismissed or Not Prossed.²
- Only 13% of charges resulted in a term of commitment.
- As age of defendant increases, the likelihood of receiving a term of commitment decreased (18% for ages 18-24 vs. 6% for ages 50+).
- The following four firearm offense types accounted for 75% of all charges: Firearm ID Card, Possession of Firearm w/o Permit, Possession of Firearm, and Firearm Violation (Other).
- Twenty-seven percent of charges were arraigned in Suffolk County, followed by Hampden County (15%), Worcester County (12%), and Bristol County (10%).

¹ Please see Appendix B for race code definitions.

² Please see Appendix A for disposition definitions.

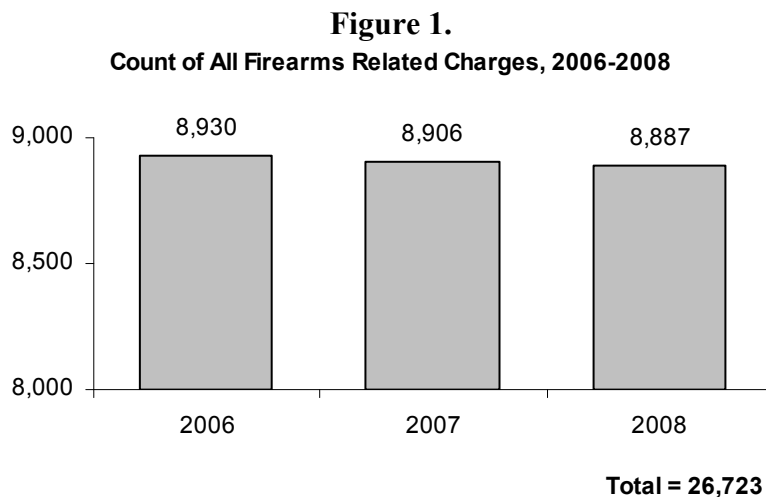
Data Overview

Created in 1972 by the Criminal Offender Record Information Act, the Criminal History Systems Board (CHSB) is the state agency responsible for maintaining the Criminal Justice Information System, an extensive law enforcement database containing state and interstate criminal history record information, missing and wanted person files, drivers' license and motor vehicle information, firearms licensing and gun sales transactions, and other critical criminal justice information. Using data collected through CHSB's Criminal Justice Information System, the Research and Policy Analysis Division (RPAD) analyzed firearms related offenses arraigned between 2006 and 2008 in Massachusetts. The goal of this analysis is to gain a better understanding of the prevalence and characteristics of firearm related offenses in the Commonwealth.

For the purposes of this report, RPAD staff used disposition data to designate a final sentencing classification for each charge. This final classification was necessary as the CHSB disposition data includes all progressions through the court system, including continuances, original findings, and, if applicable, subsequent violation convictions. The final classification allows for a more consistent analysis of all sentencing. The definitions for the final classifications can be found in Appendix A.

Please note, *with the exception of the "Defendant Characteristics" section of this report*, the analyses in this report are presented on charges, not incidents or individuals. While multiple charges may be amassed during the course of one incident, this report considers each charge separately, and not in conjunction with other charges that may have been incurred during the same incident. Additionally, for analyses presented on "Offense Details" each charge is not representative of one individual as an individual can be arraigned on multiple charges stemming from one or more incidents.

According to CHSB data, 7,959 individuals were arraigned on 26,723 firearms related offenses in Massachusetts between 2006 and 2008. The number of firearms related charges per defendant ranged from 1 to 164. As Figure 1 shows, the total count of charges remained relatively stable over the three year period.



Firearms Related Charges, by Defendant Characteristics

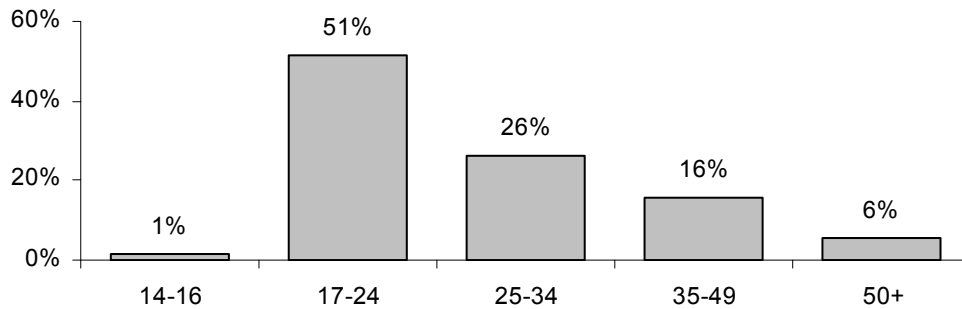
The analyses presented below are on defendants charged with firearms related offenses who were arraigned in Massachusetts courts from 2006 to 2008.

Age

The age of defendants charged with firearms related offenses ranged from 14 to 91.^{3,4} Figure 2 shows the percentage breakdown of defendants by age group. More than half of all defendants charged with a firearms related offense between 2006 and 2008 were ages 17 to 24 (51%), followed by defendants ages 25 to 34 (26%). Defendants ages 50 and older were relatively infrequent (6%).

Figure 2.

Percentage of Defendants Charged with Firearms Related Offenses, by Age Group

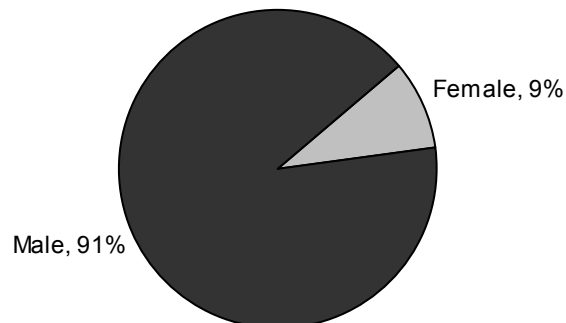


Gender

The vast majority of defendants charged with a firearms related offense were male (91%). Approximately 9% of defendants charged with a firearms related offense were female.

Figure 3.

Percentage of Defendants Charged with Firearms Related Offenses, by Gender



³ Data for charges involving juveniles under the age of 17 may be incomplete due to the confidentiality of delinquency cases and other factors.

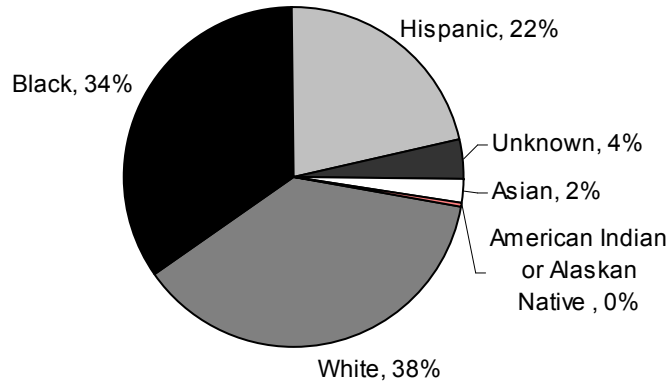
⁴ Defendant age is based on the age of the defendant at the time of first arraignment for a firearms related offense from 2006 to 2008.

Race

Figure 4 shows the racial breakdown of individuals charged with firearms related offenses. The largest percentage of defendants were white (38%), followed by black (34%), and Hispanic (22%). The smallest percentage of defendants were Asian or American Indian/Alaskan Native (3% and <1%, respectively).

Figure 4.

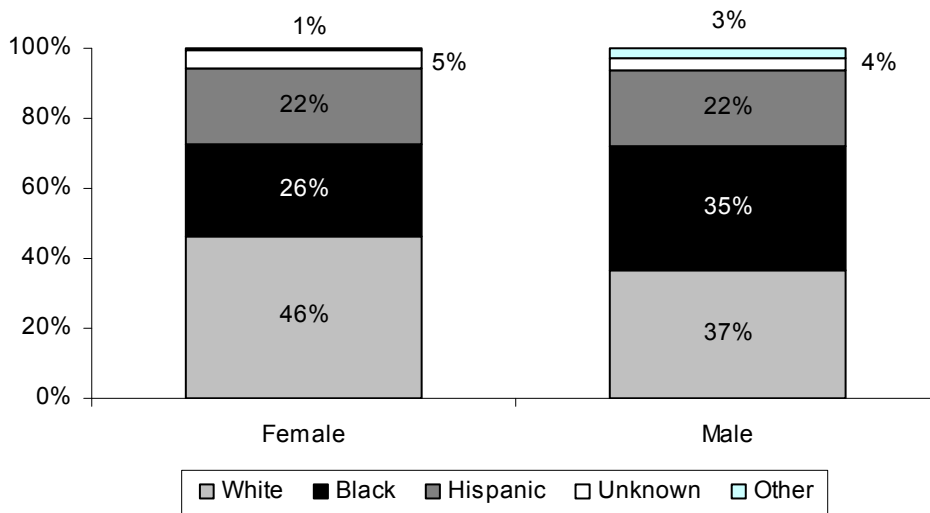
Percentage of Defendants Charged with Firearms Related Offenses, by Race



The racial breakdown by gender shows that female defendants were much more likely to be white than any other race or ethnicity (46%), while male defendants were only slightly more likely to be white than they were to be black (37% vs. 35%, respectively). Both genders were equally as likely to be Hispanic (22%).

Figure 5.

Percentage of Defendants Charged with Firearms Related Offenses, Race by Gender



Firearms Related Charges, by Offense Details

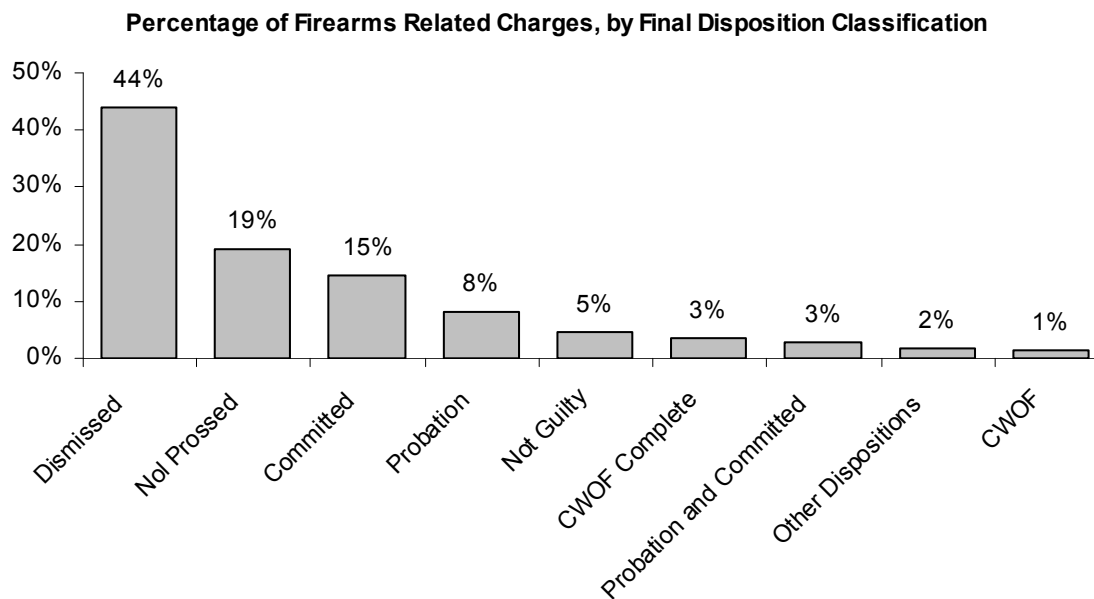
The following statistics are presented on charges, not incidents or individuals. Each charge is considered separately and not in conjunction with other charges (as they commonly occur).

Final Disposition Classification

Figure 6 shows the percentage of firearms related offenses by final disposition classification. It is important to note that while the disposition classification takes into account the severity of the offense, it also reflects other case factors, such as the criminal history of the defendant, to which we are not privy. As such, two identical firearms related charges may result in different sentencing outcomes based on factors that, for the scope of this project, are unknown. For final disposition classification definitions, please see Appendix A.

Of the 23,837⁵ firearms related charges that were disposed, 44% were *dismissed* and 19% were *Not Prossed*. Approximately 15% of charges resulted in a term of *commitment/incarceration*, while 8% of charges resulted in a term of *probation*.⁶ In 3% of charges the defendant served terms of both *incarceration and probation*.⁷ In 3% of charges the *Continued Without a Finding (CWOFF)* probation was completed successfully, thereby a *guilty* finding was never entered.

Figure 6.



*Chart does not include charges where disposition was pending or charges with missing/incomplete disposition data

⁵ This does not include the 1,285 charges where disposition was pending or the 1,601 charges that had missing/incomplete disposition data.

⁶ “Committed” refers to charges that resulted in a term of commitment at the time of sentencing.

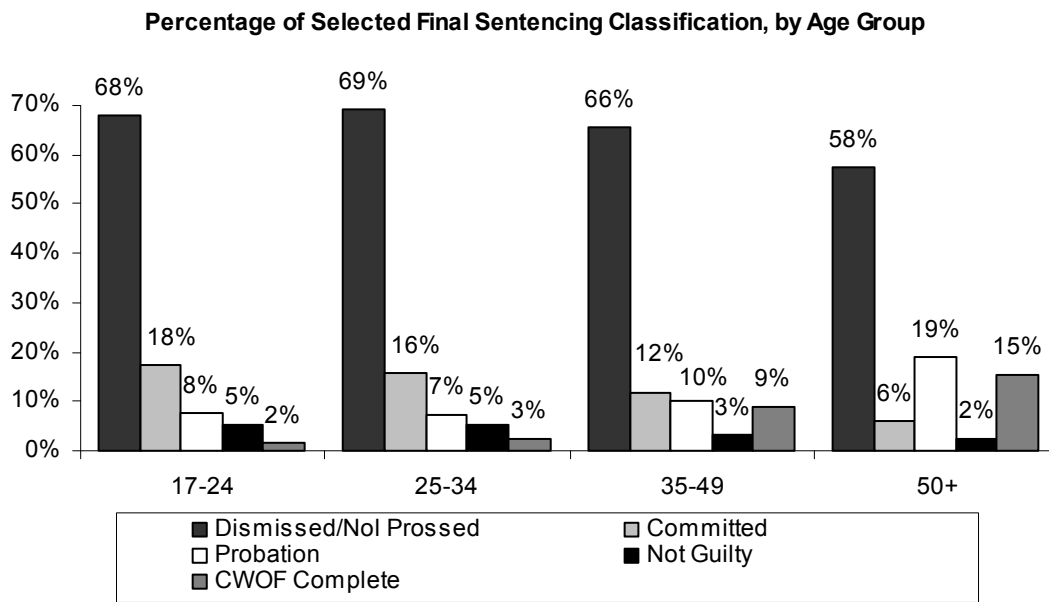
“Probation” refers to charges that resulted in a term of probation or a suspended sentence.

⁷ “Probation and Committed” refers to charges that resulted in a term of incarceration and a term of probation, such as a split sentence, or charges that resulted in a term of probation, suspended sentence, or CWOFF where the offender violated probation and then had to serve a term of incarceration.

Selected Final Disposition Classification, by Age Group

When broken down by age group of defendant, there is variation in final disposition classifications for firearms related offenses. Overall, the majority of firearms related charges for all age groups were dismissed or Nol prossed. Of those charges that were not dismissed or Nol prossed, the data suggest that as age increases (for defendants 17 and older) the likelihood of charges resulting in a term of incarceration decreases, while the percentage of probation as a final sentencing classification increases.⁸ The percentage of charges against defendants who ultimately completed their CWOFF probation successfully increased dramatically from defendants ages 17 to 24 to defendants ages 50 and older (2% vs. 15%, respectively). By comparison, the portion of charges that received a sentence of “not guilty” remained relatively stable over time.

Figure 6.



Selected Final Disposition Classification, by Gender

When broken down by gender, the data also suggest a disparity in final disposition classification for males and females. While the charges against both genders were frequently dismissed or Nol Prossed, the charges against female defendants were more likely to be dismissed or Nol Prossed than those charged to males (77% vs. 62%). Interestingly, firearms related charges against male defendants were much more likely to result in a term of commitment than those against females (16% vs. 4%).

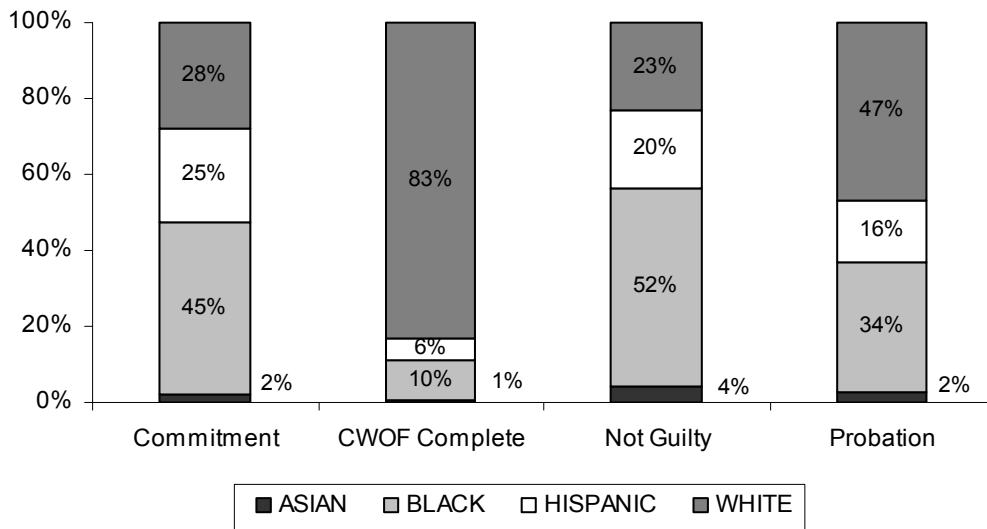
⁸ Statistics for charges against defendants age 14 to 16 was excluded from this analysis as data may be incomplete due to the confidentiality of delinquency cases and other factors.

Selected Final Disposition Classification, by Race/Ethnicity

Finally, the data suggest some disparity in final disposition classification by race/ethnicity.⁹ Firearms related charges that resulted in a term of commitment as a final disposition classification were more likely to involve black defendants (45%) than those of other races/ethnicities. However, more than half of charges that ultimately resulted in findings of not guilty also involved black defendants (52%). Nearly half of the charges that resulted in a term of probation involved white defendants (47%), followed closely by black defendants (34%). The overwhelming majority of charges that ended with a CWOFF complete classification involved white defendants (83%).

Figure 7.

Percentage of Selected Final Sentencing Classification, by Race/Ethnicity



⁹ Statistics for charges against “American Indian or Alaskan Native” defendants were omitted from this analysis as the sample size is so small. Statistics for charges against defendants of unknown racial/ethnic background have also been omitted from this analysis.

Offense Descriptions

According to the data, there were twenty-three firearm related offense types arraigned between 2006 and 2008. Of those twenty-three offense types, four offenses were responsible for 75% of all firearms related charges over the three year period.¹⁰

Table 1.

Firearms Related Offenses, by Top Four Offense Types

Firearms Related Offense Type	Count of Charges	% of Charges
Firearm ID Card	6,128	23%
Possession of Firearm w/o Permit	5,773	22%
Possession of Firearm	4,283	16%
Firearm Violation (other)	3,855	14%
Total Charges	20,039	75%

Court County

As expected, the five counties with the most populous cities in Massachusetts made up approximately 75% of the firearms related offenses arraigned in the Commonwealth’s district, superior, and federal courts. Approximately 27% of charges were arraigned in Suffolk County, followed by Hampden County (15%), Worcester County (12%), and Bristol County (10%). More specifically, firearms related charges were arraigned in Dorchester District Court, Springfield District Court, Roxbury District Court, and Suffolk Superior Court more often than other courts around the state (9%, 7%, 6%, and 6%, respectively).

Figure 8.

Percentage of Firearms Related Charges, by Court County

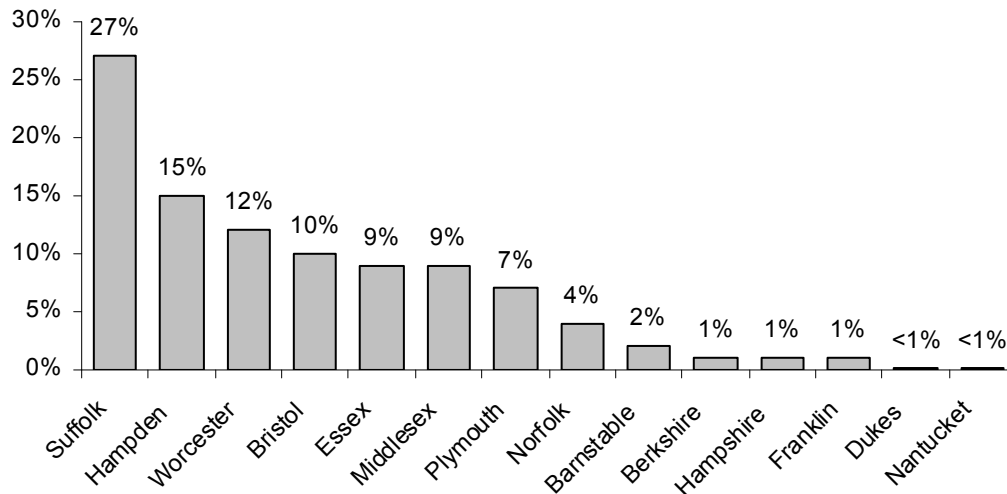
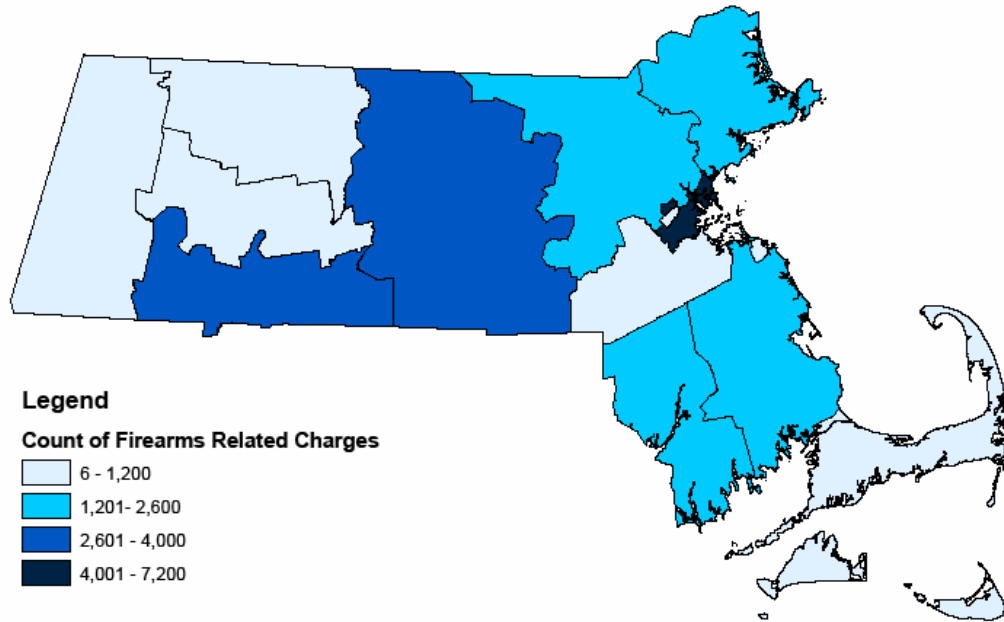


Chart does not include 278 (1%) charges that were arraigned in federal court

¹⁰ While statistics on the top four firearms related offense types are presented separately, it should be noted that these charges are very commonly incurred together.

The map below shows the distribution of firearms related charges by county where the charges were arraigned. As discussed above, Suffolk County had the highest number of firearms related charges, followed by Hampden and Worcester Counties.

Map 1.
Distribution of Firearms Related Charges, by County



Appendix A: Final Sentencing Classification Definitions¹¹

Committed	A term of incarceration imposed at the time of sentencing.
CWOF	Continued Without a Finding is not considered a conviction. Generally, if a defendant successfully completes a specified period of probation without incurring additional charges, a guilty finding is not made and the charges are dismissed.
CWOF Complete	Successful completion of CWOF probation, no guilty finding entered.
Dismissed	Dismissal of the charge. The court may dismiss a case for various legal reasons.
Missing	Missing or incomplete disposition data.
Nol Prossed	Nolle Prosequi, or “Nol Prossed”, is a statement filed by the Commonwealth indicating that the Commonwealth does not intend to pursue the prosecution.
Not Guilty	Finding by judge or jury that the evidence presented by the Commonwealth did not prove beyond a reasonable doubt that the defendant committed the crimes as charged.
Open	Disposition is pending; charge against defendant is still unresolved.
Other Dispositions	This category includes the following disposition codes: stay; dead; community service; closed; civil/fine; guilty (conviction of criminal charge without a period of incarceration or probation); and no probable cause.
Probation	A term of supervised or unsupervised probation. Includes straight probation and suspended sentence dispositions.
Probation and Committed	Terms of both incarceration and probation. Includes split sentences and charges that resulted in a term of probation, suspended sentence, or CWOF where the offender violated probation and then was committed to a term of incarceration.

¹¹ Some of these definitions are taken directly from a reference sheet provided by CHSB. Others are internal definitions used by RPAD to classify disposition data.

Appendix B: National Crime Information Center Race Code Definitions

**Asian or
Pacific Islander**

A person having origins in any of the original peoples of the Far East, southeast Asia, the Indian sub-continent or the Pacific Islands.

Black

A person having origins in any of the black racial groups of Africa.

**American Indian
or Alaskan Native**

A person having origins in any of the original peoples of the Americas and who maintains cultural identification through tribal affiliations or community recognition.

White

A person having origins in any of the original peoples of Europe, North Africa, or the Middle East.