

# Felon in Possession of a Firearm Jail Bookings in Durham, NC (2020)



Abstract:  
142 individuals were booked into the Durham County Detention Center with at least one charge being “Felon in Possession of a Firearm” in 2020. This report provides extensive information on those individuals, their charges and their prior convictions. The intent of this report is to suggest that, in a year where 318 people were shot in Durham, current gun laws and sanctions don’t do enough to discourage illegal gun possession.

Prepared for:  
The Gang Reduction Strategy Steering Committee of Durham, North Carolina in support of their continuing effort to reduce gang and gun violence in Durham

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## Acknowledgements

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**Rob Lang** (Assistant US Attorney – Middle District of North Carolina)

## Introduction

In Durham, there were an average of more than 14 shooting incidents per week during 2020 (966 total). A total of 318 people were shot.

This report provides information on the 142 individuals who were booked into the Durham County Detention Center in 2020 with at least one charge being “felon in possession of a firearm”. The report serves as a follow-up to a [previous report to the Steering Committee](#) entitled “*Felons with Firearms in Durham NC*” published in August 2019.

The sheer volume of those arrested on this charge in 2020, along with their current and past records of firearm violations, may support the local perception that current gun laws and associated penalties are not a deterrent to illegal gun possession.

An example that illustrates this issue is the October 22, 2020 arrest of Armand Lewis-Langston on charges of possession of a firearm by a felon and a drug charge. He was released the same day with a \$25,000 bond. On November 28, 2020 he was charged with assault with a deadly weapon inflicting serious injury, conspiracy to commit murder, and attempted murder in an incident where an off-duty law enforcement officer was shot.

A second example is the cover photo which shows Antonio Davenport, a Durham man, brandishing a firearm. At the time this was posted on Instagram, Mr. Davenport was a convicted felon, but he appears to have no concern about being viewed on social media with a firearm by at least 6,500 viewers. Not long after this post, Mr. Davenport was arrested in connection with the shooting death of a 9-year-old Durham child and he remains incarcerated in the Durham County Detention Center awaiting trial on murder and other charges, including Possession of a Firearm by a Felon. Social media has a powerful influence on people of all ages in Durham and elsewhere. A college-age reviewer<sup>1</sup> of this document noted, “*from my perspective and being a young adult when you look at individuals who have a high fan base who flash off/ post their guns their follow base doesn’t quite understand the gravity of their actions and especially if they are a*

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<sup>1</sup> Janeth Bonilla Maldonado (NCCU student)

*felon*". The glorification and normalization of guns on social media has a profound impact on our younger citizens.

## Data Collection

Data for this report comes from two on-line sources that are publicly available, [Durham County's Inmate Population Search](#) and [NC Department of Public Safety Offender Public Information](#).

Jail bookings for the charge of "felon in possession of a firearm" were searched daily over the course of 2020. Individuals with that charge were then researched on the NC Department of Public Safety database to gain information on previous convictions, time served in the North Carolina state prison system and probation/parole status.

## Demographics of Those Arrested

The table below provides information on race/ethnicity of those arrested.

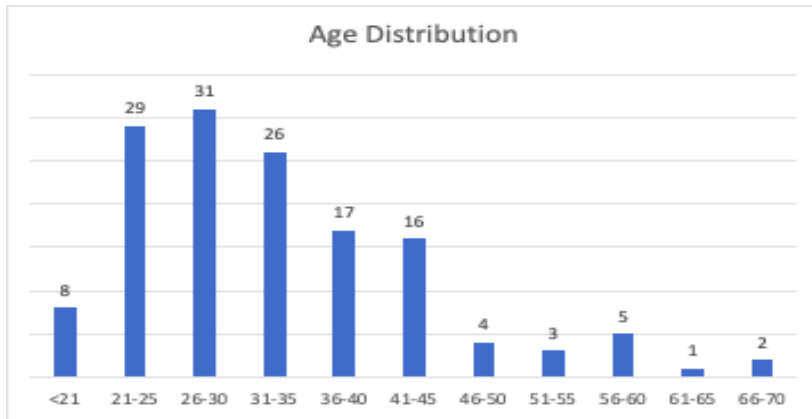
<b><u>Race/Ethnicity</u></b>	<b><u>Number</u></b>	<b><u>Percentage</u></b>
Black/African American	128	90.1%
White	10	7.0%
American Indian	3	2.1%
Hispanic/Latino	1	0.7%

The numbers and percentages may be indicative of racial disparities that exist in the criminal justice system. For example, past practices may have resulted in a higher number of Black/African American males being arrested and convicted on felony charges than their counterparts.<sup>2</sup>

Ages of those arrested ranged from 17 to 70, with the average age being 33 and the most frequent age (mode) being 30. The chart below provides information on the age distribution of those arrested.

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<sup>2</sup> Racial inequities in the criminal justice system are acknowledged in this report, but are not the topic of this report



Data shows that 42% (60 individuals) were between the ages of 21 and 30. Also of interest is the percentage (52%, 74 individuals) of those arrested who were over the age of 30. This may be an indication that many older felons persist in illegally possessing weapons regardless of past incarceration or current sanctions.

### Additional Charges at Time of Jail Booking

Most (131/142, or 92%) of those booked into the Durham County Detention Center for the felon in possession of a firearm charge in 2020 had additional charges at the time of arrest. These varied from homicide to minor drug charges.

Of concern is the high percentage of those (66%) who were charged with additional gun crimes. These crimes ranged from “carrying a concealed weapon” to “discharging a weapon into an occupied building”.

Of greater concern is that 1 out of 4 of those with additional charges were ***in possession of a stolen weapon***. This suggests that felons who are prohibited from purchasing or being in possession of a firearm are a premium market for stolen firearms or are heavily involved in gun thefts. Further examination of how the firearms were stolen may lead to a potential target hardening strategy, such as having legal gun owners properly secure firearms in safes or at least locking their vehicles.

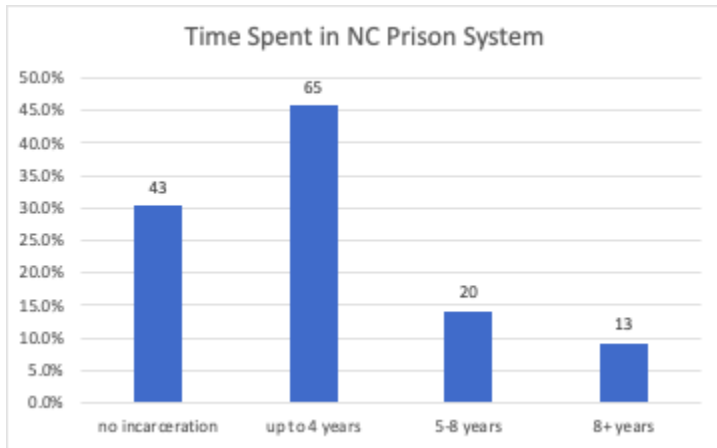
### Probation Status of Those Arrested

Records from the NC Department of Public Safety Offender Public Information website indicate that 36 of the 142 (25.4%) arrested were on active Probation. It is unknown whether these individuals were arrested as part of a Probation search or under other circumstances.

## Incarceration Records of Those Arrested

Of those arrested, 70% (99 of 142) had previously been incarcerated in the North Carolina state prison system. Sentences served ranged between 2 months and 282 months, with the average amount of time served being 49 months (just over 4 years).

The chart below provides information on incarceration records.



## Amount of Time Between Prison Release and Jail Booking for Felon/Firearm Charge

The amount of time between prison release and jail booking for felon/firearm charges ranged from less than one month to 296 months (24 years), with an average time of 54 months (4.5 years).

The chart below provides information on time from release to time of arrest for felon/firearm charges.



Data indicate that 58% of those booked with felon/firearm charges, who had spent time in a NC prison, had been out of prison less than 4 years.

## History of Previous Convictions

The NC Department of Public Safety Offender Information website was used to identify previous convictions, and these were grouped into the following categories:

- Drug Crime
- Assault Crime
- Gun Crime
- Violent Crime (these are homicide, rape, robbery and aggravated assault)

The table below provides additional information on previous convictions of those booked into the Durham County Detention Center in 2020 with the charge of “Felon in Possession of a Firearm”.

<u>Conviction Category</u>	<u>Number</u>	<u>Percentage</u>
Drug Crime	74	52.1%
Assault Crime	75	52.8%
Gun Crime	76	53.5%
Violent Crime	73	51.4%
Gun crime AND Violent Crime	60	42.2%
All 4 Crime Categories	23	16.2%

The finding that more than half of those booked had previous convictions for gun crimes or violent crimes is an alarming statistic. This confirms long-known criminal justice research finding that a small percentage of individuals with criminal records commit a large percentage of the violent crime.

## Recommendations

The following recommendations are suggested based on the findings of this report. These recommendations may appear punitive in nature, but current responses to gun crime such as rallies, marches and calls to “put the guns down” have not had the desired impact as evidenced by the record number of people shot in Durham in 2020.

1. **Stop giving a free pass to those who violate existing gun laws.** This is especially important for juveniles. Recent data released by the NC Department of Public Safety identified “Possess Handgun by a Minor” as the third most common juvenile complaint (31 charges) filed in District 14 (Durham County) in 2020. It was exceeded only by “Break or Enter a Motor Vehicle” (62 charges) and “Robbery with a Dangerous Weapon” (101 charges). Swift and immediate intervention is needed

with gun-involved juveniles for the community's safety *and the safety of the juvenile*. Consider the example mentioned in a [2016 report on Durham gun crime](#) where a young man was arrested on gun charges at the ages of 16, 17, 17 and at 18. Soon after his last arrest he was shot and killed at a convenience store.

2. **Identify (and then resolve) reasons why gun cases are dismissed.** In some cases, it may be that the narrative in the arresting officer's report was incomplete or that evidence was mishandled. Training for writing detailed gun arrest reports and evidence handling is available through Project Safety Neighborhoods and the Federal Government's Gun Violence Reduction Strategy.
  
3. **Ratchet up Probation searches of some offenders who have multiple gun charges over time.** In North Carolina, those on Probation, Parole or Post-Release Supervision are subject to searches without a warrant. A Probation Officer may search the probationer's person, vehicle or residence while the. Probationer is present. A law enforcement officer may search a probationer's person or vehicle (not premises), but only under the circumstances of reasonable suspicion. Some probationers may be deemed high risk to search and law enforcement may be requested to assist for safety reasons.
  
4. **Bring as many cases to Federal Court as possible.** Possession of a firearm by a felon is prohibited by North Carolina law and Federal law. Durham law enforcement agencies have a cooperative relationship with the US Attorney's Office NC Middle District. In a January 14, 2021 Project Safe Neighborhoods Training Webinar, staff<sup>3</sup> from the United States Attorney's Office – Eastern District of North Carolina noted the following benefits of Federal prosecution:
  - Grand Jury
  - Cases move quickly
  - Increased likelihood of detention
  - No parole – defendants serve their time
  - Mandatory sentences for certain offenses
  - Limited chance of plea offer to lessen offense
  - Just punishment based on sentencing guidelines and relevant conduct

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<sup>3</sup> Jane J. Jackson, Jake J. Pugh, Daniel Smith and Tom Crosby were members of the USAO – Eastern District who developed the list of benefits

5. **Resume “call-ins” of violent gun offenders.** “Focused deterrence” or calling in repeat and violent offenders has been shown to be effective in many communities. Those called in are offered the chance to be connected with resources and services that will help them make necessary changes. Those who do not take advantage of community resources and continue endangering the community face increased enforcement and prosecution. Research shows that those locations that follow the Project Safe Neighborhood Focused Deterrence Policing Model with fidelity have significant violent crime reductions. Consider “target hardening” based on the data.
  
6. **Advocate for harsher penalties for gun theft and possession of stolen guns.** Many of the firearms used in shootings are stolen. The community needs to be reminded of best practices to keep firearms from being stolen out of homes and vehicles, and those caught stealing firearms or being in possession of a stolen firearm need to face stricter consequences. State legislators who represent Durham are encouraged to review this important issue and to propose legislation designed to strengthen existing laws.
  
7. **Perform an aggressive review of who posts bond for this charge and if the bond is ever forfeited.** Often repeat offenders pay a bonding company a set amount per week so that they are released quickly.

## Summary

A significant number of individuals (142) were booked into the Durham County Detention Center in 2020 and charged with “Felon in Possession of a Firearm”. More than half had previous convictions for violent crime. Two thirds of them were charged with additional gun crimes including homicide and shooting into occupied property. 31 of them were in possession of a stolen weapon.

With a record number of people being shot in 2020 (318), Durham is looking for answers to the gun violence problem. This report, with its recommendations, suggests that focusing on those who possess firearms while prohibited from doing so - especially those with repeated and violent offenses, may be a concrete step in the right direction.