

# Prohibited Possessors and the Law: How Inmates in Los Angeles Jails Understand Firearm and Ammunition Regulations



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*Using data from 140 interviews with individuals detained in the Los Angeles County Jail system, this article examines what gun offenders know about gun and ammunition regulation in California. Though most respondents had a consistent, albeit general, understanding of the regulations limiting gun acquisition and possession, analysis suggests that their understanding of ammunition restrictions was more limited. Our sample's awareness of firearms law is especially important to consider given that they are the very population targeted by firearms regulations and prohibitions at the local, state, and federal level. By examining what detained offenders know about firearms laws, we can better theorize about individual gaps in legal knowledge and the realistic expectations for how understanding of the law can affect behavior.*

**Keywords:** firearms policy, guns, ammunition, deterrence, legal knowledge

California and its municipalities—especially Los Angeles (LA)—have some of the most restrictive laws in the United States regulating gun and ammunition sale, possession, and use.

Some research has investigated the effectiveness of certain gun policies within the state (Pierce, Braga, Wintemute 2015; Wintemute 2013; Wintemute et al. 1998), yet no study has

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examined what California firearms users *actually* know about state or citywide gun and ammunition laws. As has been demonstrated in other regulatory contexts, like the welfare system (see, for example, Gustafson 2011; Kidwell and Gottlober 1999), such legal knowledge is critical to understanding the process by which restrictive regulations might work to discourage illegal behavior. Given the array and complexity of California's laws governing guns and ammunition, few firearms users could be expected to have complete knowledge of such regulations. However, such laws are based, at least partially, on the twofold premise that individuals are aware of the general existence of laws along with the consequent sanctions, and that the threat of sanctions will affect an individual's behavior. Indeed, basic awareness of the law is a fundamental principle of general deterrence theory—in order for people to be discouraged from violating laws, they need to know both that the law exists and that there is a risk of being sanctioned.

Using data from 140 in-depth, qualitative interviews, this article takes a bottom-up approach to examining gun law by asking what individuals detained on gun-related charges in the Los Angeles County Jail system know about the legal landscape of gun and, especially, ammunition regulation in California. Particularly, we ask how participants understand the gun and ammunition laws that regulate and punish their behavior. Although this preliminary analysis cannot temporally establish legal knowledge as to who would have been deterred, it does raise important questions about how messaging of law might be improved. Specifically, we relate our findings to deterrence theory and discuss how the legal knowledge (or lack of it) among gun users can inform firearm regulations and prohibitions, especially those designed to restrict access to ammunition, a particular focus of this article, and an area where the knowledge of our interview subjects was comparatively limited. Further, our findings pertaining to respondents' legal knowledge warrants future study across different categories of gun and ammunition users, including both prohibited and nonprohibited users.

General deterrence theory assumes that individuals are aware of what constitutes unlaw-

ful behavior, the risks of apprehension, and the severity of punishment (Cook 1980; Gibbs 1975; Nagin 1998; Paternoster 1987; Zimring and Hawkins 1973). But in the case of ammunition regulations, assumptions may be more tenuous than those regarding firearm regulations. Those familiar with the Boston Gun Project and the similar programs it spawned, such as the federally funded Project Safe Neighborhoods program, know the story of Freddie Cardoza, a notorious career criminal and gang member from Boston who was suspected of being the trigger man on multiple shootings (Kennedy, Braga, and Piehl 2001, 14, 37). Though the state lacked the cooperation of witnesses and victims needed to bring a case against Cardoza, the police caught a break when Cardoza incriminated himself in the presence of two officers of the Boston Police Department. On the basis of a single offense, he was ultimately sentenced to nineteen years and seven months in federal custody. What serious offense was it that led to Cardoza's arrest and incarceration? Cardoza was casually flipping a single .45 caliber bullet. Given that the broad legal definition of *firearm* applies to ammunition as well as to guns, Cardoza might as well have been found in possession of a pistol. Indeed, the broad definition gave the Boston police the discretion to interpret and apply the law in a way that apparently surprised Cardoza.

It is difficult to believe that Cardoza, or any other prohibited possessor, would have treated a pistol as cavalierly, essentially pulling it out and emulating the gun slingers of the wild-west by spinning a firearm on his fingers while taunting the local sheriff. But if one reads the federal complaint, this is exactly what he is said to have done. As he was approached by two police officers, he removed the bullet and began flipping it in the air and catching it as one might do with a coin. Although we do not know what exactly motivated Cardoza in this case, we do know that the law failed to deter his illegal behavior. Because he had been able to successfully evade punishment for more serious offenses prior to this incident, we can infer that the law failed because Cardoza was simply unaware of the ammunition prohibition to begin with, and that by extension of this gap in knowledge, was unaware of both the risk

of apprehension and punishment. As we discuss later, this lack of knowledge should not be surprising given the incongruence between the policies and regulations in place to ensure that firearms remain out of the hands of prohibited possessors and the efforts to monitor and control ammunition purchases.

In the instant study, we interviewed those most likely to have some knowledge of firearms regulations and sanctions—individuals with known firearms-related charges—to better understand what they knew about the law as they faced legal sanctioning. Our sample's awareness of firearms law is especially important to consider given that they are the very population targeted by many of the firearms regulations and prohibitions at the local, state, and federal level. By examining what detained offenders know about firearms laws, we can begin to theorize about both gaps in legal knowledge and the realistic expectations for how legal knowledge will affect behavior.

The central finding discussed in this article is that though most respondents had a consistent, albeit general, understanding of the regulations limiting gun acquisition and possession, their understanding of ammunition restrictions was far more limited.

#### FEDERAL REGULATION OF FIREARMS AND AMMUNITION

Most of the federal laws governing the sale, purchase, and possession of firearms and ammunition set forth with the passage of the Gun Control Act of 1968 treated firearms and ammunition similarly. Anyone falling into the class of prohibited possessor was restricted from purchasing or possessing either, age restrictions applied equally, and interstate commerce was banned for both firearm and ammunition sales. As with firearms sales, a license was required to manufacture, import, or distribute ammunition. Dealers were also required to maintain basic sales information on ammunition transactions. However, most of these regulations, especially those governing ammunition, were repealed with the passage of the Firearm Owners Protection Act of 1986. Licenses were only required for the manufacture or importation of ammunition and not the sale of ammunition. Furthermore, dealers

were no longer required to keep data on ammunition transactions, and the interstate ban was lifted. Still, at the federal level, the age restriction remains, and those prohibited from possessing firearms are also prohibited from purchasing and possessing ammunition.

The one aspect of regulation that distinguishes firearm from ammunition transactions at the federal (and state) levels also helps put the Freddie Cardoza case into perspective: no mechanisms are in place to ensure that prohibited possessors cannot access ammunition. Whereas the Brady Act of 1994 required federally licensed firearm dealers, more accurately federal firearms licensees (FFLs), to conduct background checks to complete the sale of a firearm, the sale of ammunition carries no such requirement at the federal level. At the time of this study, only four states had created licensing requirements for firearm purchases that also extended to ammunition purchases: Connecticut, Illinois, Massachusetts, and New Jersey. New York State had also adopted an instant background check requirement for ammunition purchase to supplement their existing regulations, but as James Jacobs and Zoe Fuhr discuss in a recent analysis, implementation has been uneven and inconsistent due to financial and technical obstacles (2016). Local jurisdictions, including Los Angeles, have also adopted more restrictive policies meant to dissuade prohibited possessors from purchasing and possessing ammunition.

#### FIREARM AND AMMUNITION LAWS IN CALIFORNIA

California has some of the most stringent state regulations relating to gun purchase, possession, and sale. In fact, according to the Law Center to Prevent Gun Violence (LCPGV), California has been consistently rated as the most restrictive state since 2010 (Law Center to Prevent Gun Violence 2013, 2015). Table 1 uses LCPGV data to compare select firearm regulations for the ten most restrictive states as well as for the three states bordering California. When compared with other highly regulated states, California's regulatory landscape is distinguishable in three key ways: it is notably *more* restrictive in limiting the number of firearms that can be purchased and in imposing

**Table 1.** State Laws Regulating Transactions of Guns and Ammunitions

	California	Connecticut	New Jersey	Maryland	New York	Massachusetts	Hawaii	Illinois	Rhode Island	Delaware	Arizona	Nevada	Oregon
	Most Restrictive States										Borders California		
Sales or transfer regulations	✓	✓	✓	✓	✓	✓	✓	x	✓	✓	x	x	x
Dealer licences	✓	✓	✓	✓	✓	✓	✓	x	✓	✓	x	x	x
Records of sales	✓	✓	✓	✓	✓	✓	✓	x	x	x	x	x	x
Multiple firearms per month	✓	x	✓	✓	x	x	x	x	x	x	x	x	x
Waiting periods	✓	x	✓	✓	x	x	✓	✓	✓	x	x	x	x
Background check regulations on non-FFL dealers	✓	✓	✓	✓	x	x	✓	✓	x	x	x	✓	✓
Any regulated background check	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	x	✓	✓
Specific background checks	✓	✓	x	✓	✓	✓	✓	✓	✓	✓	x	x	✓
All dealers	✓	✓	x	x	✓	x	x	x	✓	✓	x	x	x
Select firearms and gun shows	x	x	x	✓	x	x	x	✓	x	x	x	x	✓
Thirty-day permit to purchase	x	x	x	x	x	✓	✓	x	x	x	x	x	x
Guns and ammunitions restrictions	✓	✓	✓	✓	✓	✓	✓	x	x	x	x	x	x
Assault weapons	✓	✓	✓	✓	✓	✓	✓	x	x	x	x	x	x
Large capacity	✓	✓	✓	✓	✓	✓	✓	x	x	x	x	x	x
50 caliber rifle	✓	✓	✓	✓	✓	✓	✓	x	x	x	x	x	x
License to sell ammunition	x	✓	✓	✓	✓	✓	x	✓	x	x	x	x	x

Source: Authors' tabulation based on data from Law Center to Prevent Gun Violence (2013).

**Table 2.** Gun-Related Enhancement Laws and Dispositions

Crimes	Additional Sentence
Gang crime while carrying a firearm (12021.5(a)PC)	1, 2, or 3 years
Gang crime while carrying a firearm and detachable magazine (12021.5(b)PC)	2, 3, or 4 years
Felony while armed with firearm (12022(a)1PC)	1 year
Felony while armed with assault weapon, machine gun or .50 caliber rifle (12022(a)2PC)	3 years
Possession of narcotics with a firearm (12022(C)PC)	3, 4, or 5 years
Co-offender of possessor of narcotic with a firearm (12022(d)PC)	1, 2, or 3 years
Felony while armed with firearm with metal or armor piercing ammunition (12022.2(a)PC)	3, 4, or 10 years
Sexual offense using firearm (12022.3(a)PC)	3, 4, or 10 years
Sexual offense armed with firearm (12022.3(b)PC)	1, 2, or 5 years
Furnish a firearm to another person during commission of felony (12022.4(a)PC)	1, 2, or 3 years
Use of firearm during felony (12022.5(a)PC)	3, 4, or 10 years
Use of an assault weapon or machine gun during felony (12022.5(b)PC)	5, 6, or 10 years
Assault with a firearm used from a vehicle (12022.5(d)PC)	3, 4, or 10 years
Assault with an assault weapon or machine gun from vehicle (12022.5(d)PC)	5, 6, or 10 years
Use of firearm during murder, mayhem, kidnapping, robbery, carjacking, assault with intent to commit a felony, assault with a firearm on a peace officer or firefighter, rape, sodomy, lewd act on a child, oral copulation, sexual penetration, assault by a prisoner, holding a hostage by a prisoner, and any felony punishable by death or prison for life (12022.53(b)PC)	10 years
If firearm discharged (12022.53(C)PC)	20 years
If causes death or great bodily injury (12022.53(d)PC)	25 years to life
Discharge a firearm from a vehicle causing death or great bodily harm during felony (12022.55PC)	5, 6, or 10 years

Source: Authors' tabulation based on Sentence Enhancements, Cal. Penal Code § 12201-12022.95 (2014).

restrictions on high-powered rifles (earning the state its “high regulation” reputation), but notably *less* so on ammunition sales than other similarly restrictive states.<sup>1</sup> Other than these few differences, California gun laws appear to be comparable in their restrictiveness to many of the largest northeastern states. Note, however, that firearm and ammunition regulations in the states surrounding California are some of the least restrictive.

California laws also impose sentencing enhancements related to the use of firearms dur-

ing the commission of different offenses. Table 2 presents specific enhancements related to firearm possession and use along with the potential additional sentencing dispositions associated with each action. These enhancements are designed to deter individuals (prohibited or not) from using, or even carrying, a firearm during the commission of an offense.

City and county governments, like state governments, have considerable leeway in regulating gun transactions within their jurisdictions, producing further variation within and across

1. At the time of data collection, Proposition 63—which creates a background check requirement for ammunition purchase across the state—had not yet been passed. Since passage of this law, California has become one of the most restrictive states on ammunition laws.

**Table 3.** Gun Regulations in the City of Los Angeles and Surrounding Large Cities

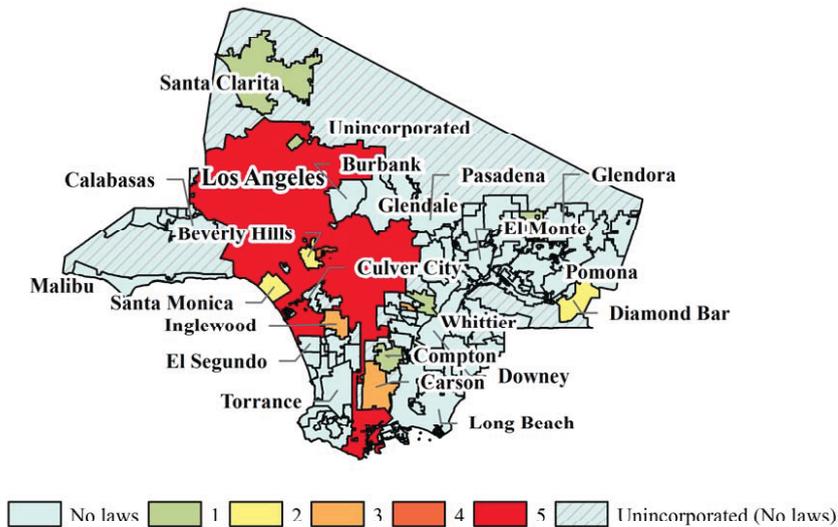
	Long Beach	Glendale	Santa Clarita	Pomona	Torrance	Pasadena	El Monte	Downey	Inglewood
<b>Firearms</b>									
Sales or transfers									
Permit to sell	✓					✓	✓		
No sales of ultracompact firearms-accessories									
No "swap meet" sales or purchases of firearms									
Possession or use									
Reporting of theft or loss to police within forty-eight hours									
No disposing in trash or public place									
No gun parts in airports									
No false or secret compartments in vehicles									
Safe storage (locked container or trigger lock) or within close proximity and control of owner									
<b>Ammunition</b>									
Sales or transfers									
Permit to sell									
No retail sales seven days prior and on January 1 and July 4									✓
No sales of ammunition clips									✓
No sales of .50 caliber ammunition									
Reporting requirements for purchase									
Date, name, address, date of birth			✓						✓
State ID number			✓						✓
Signature			✓						✓
Fingerprint									✓
Records maintained onsite for two years			✓						✓
Records transferred electronically to police department within five days									
Possession or use									
No possession of large-capacity magazines									
No disposing in trash or public place									
Property abatement against unlawful weapons	✓								

Source: Authors' tabulation based on city municipal codes as of March 2016.

state lines. For instance, Los Angeles County includes eighty-eight cities, many of which have their own laws regarding the sale, purchase, and possession of firearms and ammunition. The City of Los Angeles (LA) imposes a broad range of restrictions that go beyond those enacted either elsewhere in the county

or elsewhere in the state.<sup>2</sup> Table 3 presents LA municipal code laws regarding firearms and ammunition that go beyond state and county regulations and also compares these laws to the municipal codes of several surrounding large cities. This comparison highlights both the restrictiveness of LA municipal codes and

2. "LA" refers to the City of Los Angeles and not other cities within Los Angeles county bounds.

**Figure 1.** Geographical Distribution of Restrictiveness of Ammunition Sales Regulations

Source: Authors' calculations from city municipal codes.

Notes: Not shown on the map are the cities of Lancaster and Palmdale situated northeast of Santa Clarita. Scores reflect the number out of five categories of ammunition regulations each city has implemented. The categories are: permits to sell ammunition, sale period and/or type of ammunition restrictions, ammunition logs, fingerprint requirement for ammunition sales, and electronic transfer of ammunition logs to the police department.

the variability of gun restrictions at the local level.

LA is especially restrictive regarding the purchase of ammunition. In the city, ammunition sellers must possess a license, and purchasers are required to provide a valid state ID and leave a fingerprint impression. The seller must also maintain a record of all transactions including the purchaser's personal information (name, date of birth, gender, address, and ID number) as well as the type of and quantity of ammunition purchased. Information on each transaction is entered into an electronic database that is transferred to the police department within five days. The city also imposes restrictions on the sales of certain types of ammunition and prohibits ammunition sales for the week leading up to both the Fourth of July and New Year's Eve.

Figure 1 contextualizes these city regulations within the context of the variety of ammunition laws across Los Angeles County. Each city was given a score from 0 to 5, 0 indicating that the city did not have laws that went

beyond that of the state or federal regulations on ammunition. A municipality's score was increased by one point for each of the following requirements: license to sell ammunition, restriction of sales during particular times of the year, ammunition sales log, fingerprints taken at the time of purchase, and electronic transfer of records to local law enforcement.

The unevenness of the legal landscape at the local level can have potentially serious implications for the effectiveness of even the clearest, most restrictive, and best enforced laws. For instance, restrictive regulations in one area can be undermined when a prohibited possessor is able to cross into a neighboring municipality with less restrictive laws in order to purchase ammunition. This assumes, of course, that those targeted by local laws are aware both that their status as a prohibited possessor applies to ammunition purchase and possession and that there are local variations in laws regulating the purchase of ammunition. However, as we discuss later, our respondents seemed to have limited knowledge

of ammunition law overall, be it federal, state, or local law.

## METHODS

The data presented in this article were collected as part of a multicity project focused on examining the contours of the illegal firearms market from the perspective of detained gun offenders. Interviews were conducted at four Los Angeles County jails between January and October of 2014, including a first phase of eleven pilot interviews. Based on a sampling criteria of eighteen offenses associated with firearm possession, the LA County sheriff generated rosters of all individuals currently detained on at least one of the qualifying charges (see table A1).

Rosters were generated on a biweekly basis, and potential interview participants were randomly selected from these lists, provided they were above the age of eighteen and did not have a mental health designation. In total, the research team sampled 215 detainees and interviewed 140, yielding a refusal rate of 34.9 percent. In terms of race/ethnicity, our sample was overwhelmingly male and of color. Black respondents were slightly overrepresented relative to the jail population (45 percent). Overall, however, our sample is reflective of the general LA County jail population, which is 31 percent black, 49 percent Hispanic, 15 percent white, and 3 percent Asian (Austin et al. 2012; for additional demographics, see table A2).

Interviews were conducted by a trained team of five doctoral students, were audio recorded, and lasted between 45 and 120 minutes. Respondents were given a \$10 jail-issued vending card for their participation, regardless of whether the interview was completed. Interviewers asked respondents to discuss their perceptions of and experiences with: gun access and illegal gun acquisition in their community; community safety and gun violence; gangs; law enforcement; and gun and ammunition laws. Anonymity was of paramount concern because of the respondents' legal vulnerability as an (often pretrial) incarcerated population. Respondents were therefore not asked to provide specific details about their most recent case, nor did the LA County Sheriff's Department provide such individualized data. Any informa-

tion recorded about a participant's current legal status or charge was provided voluntarily and not corroborated with official data; we cannot therefore provide a detailed analysis of how charges varied across the entire sample.

However, we were able to obtain self-report information on a majority of respondents' prohibited possessor status. In all, 82.86 percent ( $n=116$ ) of respondents reported that they could not legally possess a gun because of a prior felony or other legal restrictions, 7.14 percent ( $n=10$ ) reported that they were legally able to possess a gun, and 10 percent ( $n=14$ ) of respondents provided no information or unclear information relevant to their status. In comparison, approximately 96 percent of possible respondents in our sampling frame were charged with at least one violation related to being a prohibited possessor. The vast majority of respondents, therefore, should technically have some baseline knowledge about being prohibited from both guns and ammunition given their legal status. However, the level and depth of understanding of the regulations varies among respondents—particularly when it comes to ammunition.

All interviews were transcribed verbatim and analyzed with TAMS Analyzer Software. The team took a modified grounded theory approach to develop analytic codes inductively from the data (Abbott 2004; Charmaz 2008; Strauss and Corbin 1990). After the initial pilot phase of interviewing, members of the research team refined and added questions to the interview instrument based on emergent findings and observations from the field. After conducting interviews, the team then broadly coded transcripts of participants' interviews thematically. Key areas of interest for the instant analysis included respondents' knowledge of gun and ammunition laws, knowledge of sanctions associated with violating gun and ammunition laws, and experiences with gun and ammunition laws and sanctions. Subsequent analysis focused on the specific types of regulations noted by respondents, the frequency with which respondents mentioned each type of regulation, and the varied types of punishments that might be imposed for violations of regulations (for sample questions, see table A3). The specificity of respondents'

legal knowledge varied considerably by the type of law and its related punishments.

### **FINDINGS: PATTERNS OF LEGAL KNOWLEDGE**

Our interviews reveal different patterns of knowledge within three sub-categories of firearm-related laws: gun regulations, ammunition regulations, and punishments for violating these regulations. The legal knowledge our respondents articulated was based on both their lived and vicarious experience with the law, which might have included: legal gun or ammunition purchases, interactions with police and the courts, prior gun-related convictions, being arrested, and serving time in jail. A majority of respondents had a general understanding of state and federal restrictions on gun purchase and possession. However, respondents' knowledge of more local-level regulations and sanctions, especially local ammunition regulations, was both more limited and less consistent. Respondents also perceived punishment for violating gun regulations—but not for violating ammunition regulations—as a relatively certain and relatively severe outcome. Moreover, their knowledge of the sentences likely to be imposed for violating gun possession and use regulations was generally accurate; again, however, they knew little about the potential sentences likely to be imposed for ammunition violations.

#### **General Understandings of Gun Regulations**

Our respondents revealed a basic, but relatively imprecise knowledge of gun acquisition and possession regulations. Of our 140 respondents, nearly 86 percent ( $n=120$ ) openly discussed at least one aspect of law that regulated gun possession and ownership. Among the remaining twenty respondents, the interviewer did not raise this question during early pretests ( $n=11$ ), and the remaining nine respondents declined to discuss the subject. All the percentages in this section therefore reflect the population of 120 respondents who indicated some knowledge of gun regulations, not the total sampled group. Among these 120 respondents, we coded knowledge of twelve aspects of gun regulations (listed in table 4 in descending order of their overall frequency).

Prohibition of acquisition and possession, based on an existing criminal record, was by far the most common regulation mentioned and described by respondents: 80.8 percent ( $n=97$ ) indicated some knowledge of this prohibition. Their knowledge was accurate, if fairly generalized. For instance, one respondent said: “I know you can buy it in the shop but you’ve got to . . . have a clean record” (Respondent 59). In another interview, a respondent explained, “I know you can’t have a record; I know that. You’ve got to be eighteen and this and that. That’s all I really know” (Respondent 95). That respondents in jail on firearms-related charges were aware of prohibited possessor regulations is perhaps unsurprising, given that prohibited possession was the regulation most likely associated with their arrest and one that would continue to affect them postincarceration (for a list of sampled charges, see table A1).

The second most common regulation mentioned was the requirement for licensure, permit, or registration to legally possess a gun ( $n=37$ , or 30.8 percent). Additionally, 17.5 percent ( $n=21$ ) of respondents discussed parole or probation status—as distinct from having a criminal record—as prohibiting legal firearm purchase or possession. Fewer than 5 percent of respondents discussed either the minimum age required for gun purchase, waiting periods, skills tests, or other valid identification requirements for legal gun purchase or possession in California.

Though these findings suggest that respondents are aware of their prohibited status for gun acquisition and possession, there was less consistent reporting of other gun laws. This abbreviated legal knowledge may imply that respondents' knowledge of the law stops once their status as illegal possessors is made known to them. The notion that respondents only refer to laws on a need-to-know basis is reinforced by our analysis of ammunition regulations.

#### **(Non-)Specific Knowledge of Ammunition Regulations**

Although the majority of respondents (69 percent) were able to discuss some aspect of the federal, state, and local laws regulating the pur-

**Table 4.** Aspects of California Gun Laws Discussed by Respondents

	Frequency	Percentage <sup>a</sup>
Criminal record restricts legal gun purchase or possession	97	80.83
License, permit, registration, or paperwork required for legal purchase or possession	37	30.83
Parole or probation restricts legal gun purchase or possession	21	17.50
Specific retail stores named for available legal gun purchase	7	5.83
Minimum age requirement for legal gun purchase	5	4.17
Gang member or injunction restricts legal purchase or possession	4	3.33
Waiting period required for legal gun purchase	3	2.50
Skills test, classes, training required for legal gun purchase	2	1.67
Identification required at time of gun purchase	2	1.67
Background check required at time of gun purchase	1	0.83
Fingerprinting required at purchase	1	0.83
Legal gun purchase available ordering online	1	0.83

Source: Authors' calculations.

<sup>a</sup> Respondents who discussed California gun law (n=120). Not cumulative because respondents often cited multiple aspects of law

chase or possession of guns, they were generally less familiar with ammunition regulations (56 percent, n=79). Importantly, those who did discuss ammunition regulations revealed fewer and less consistently accurate details about those regulations than those who discussed gun regulations. There are, of course, a few possible explanations for these substantive differences in knowledge.

First, research has described the relative ease with which prohibited possessors can access firearms in LA's illicit gun market (Chesnut et al. 2016). This might render the need to access the legal ammunition market unnecessary and explain respondents' lack of familiarity with ammunition regulations. On the other hand, that there are fewer legal mechanisms restricting ammunition purchase than gun purchase might actually increase the likelihood that a prohibited possessor would attempt to access the legal market.

Second, our respondents might have only known about the implications of the crimes with which they were charged, and, as mentioned, our data does not allow us to determine which of our respondents were caught and charged with gun possession versus ammunition possession, or both. On the other hand, based on self-reported areas of residence, we do know that 55.7 percent of our respondents

lived within LA city limits before their incarceration (n= 78), and 37.9 percent (n=53) lived outside the city, so they were subject to a variety of possible ammunition regulations. Given that ammunition regulations vary across Los Angeles County, we indicate where relevant whether respondent knowledge of these laws is consistent with those corresponding to their place of residence. In asking respondents about both ammunition and gun regulations, we sought to analyze these potential explanations of comparative knowledge and better understand prohibited possessors' knowledge of local ammunition laws.

The most noticeable distinction between respondents' descriptions of guns and of ammunition was relative availability and accessibility. Whereas respondents rarely identified specific retail sources where guns could be obtained legally, they described ammunition as readily obtainable from legitimate retailers. One respondent said, for example, "You can go buy bullets from Wal-Mart. Or what's it called, Big 5, or whatever. [You can] buy bullets anywhere" (Respondent 10). Table 5 lists the locations respondents identified as available legal sources in order of the frequency with which the location was mentioned. Respondents most commonly reported the retailers Big 5 Sporting Goods and Wal-Mart (though not all

**Table 5.** Locations Where Ammunition Can Be Purchased

	Frequency	Percentage <sup>a</sup>
Big 5 Sporting Goods	31	39.24
Wal-Mart (department store)	14	17.72
Gun store (not specified)	8	10.13
Turner's Outdoorsman (sporting goods)	4	5.06
Sporting goods store (not specified)	4	5.06
Gun show	2	2.53
Big Lots (department store)	1	1.27
Online	1	1.27
Target (department store)	1	1.27

Source: Authors' calculations.

<sup>a</sup>Respondents who discussed California gun law (n=120). Not cumulative because respondents often cited multiple aspects of law.

Wal-Mart stores in Southern California actually sell ammunition). Interestingly, Turners Outdoorsman—the only chain retailer in Los Angeles County that focuses on firearm sales—was named by a comparatively small portion of respondents (5 percent versus 39 percent for Big 5 Sporting Goods). Respondents also reported generic sources such as gun stores, sporting goods stores, and gun shows. However, these were reported much less frequently than chain retailers.

Respondents' characterizations of ammunition as widely legally available contrasted sharply with those of guns as simply not legally available to them, primarily because of their known legal status as a prohibited possessor. Indeed, many respondents signaled that "It's easier to get ammunition than it is weapons" (Respondent 57), with one even stating that getting ammunition is the "easiest thing in the world" (Respondent 104). One factor that might have contributed to this facility of access, at least in the eyes of Respondent 104, was that he could walk into his local Wal-Mart, show his ID, and walk out with a box of bullets, no questions asked. In fact, despite understanding that he could not legally possess a gun, this respondent stated that he only bought ammunition *legally*, thus showing how the comparatively lax regulations in his local area (Lancaster) did not affect his willingness to illegally possess ammunition. On the other hand, for some, going through a legitimate retailer was seen as unnecessary, because of the perception

that "ammo is passed out, like candy" on the streets (Respondent 39). This finding of ammunition as easy to procure is essentially the opposite from what researchers recently found among jailed gun offenders in Chicago, where bullets are apparently much more difficult to acquire than guns (Cook, Parker, and Pollack 2015).

Among those seventy-nine respondents who discussed some aspect of ammunition law, only nine kinds of regulations were mentioned. These are listed, in order of frequency, in table 6. The only one mentioned with some consistency (n=40, 50.6 percent) is the requirement that a current form of photo identification be presented at the time of purchase. Three respondents (3.8 percent), however, incorrectly stated that identification was *not* required to purchase ammunition. For instance, one said confidently that anyone could go in and buy ammunition because "[gun store owners] already thinking that you got that gun, so [they] gonna give it to you without having to do that fingerprinting, all that stuff" (Respondent 47). Indeed, he went even further to say that "all you need is money." As a resident of the City of LA, this respondent was wrong not only about the lack of any official identification requirement, but also about the fingerprinting requirement.

Some of the respondents understated the restrictions on ammunition purchases. Others overstated them. Fourteen (17.7 percent) erroneously reported that purchasing ammunition

**Table 6.** Aspects of California Ammunition Laws Discussed by Respondents

	Frequency	Percentage <sup>a</sup>
<b>Identification requirement</b>		
ID required at time of purchase	40	50.63
No ID required at time of purchase	3	3.80
<b>Criminal record, background check requirements</b>		
Criminal record restriction	14	17.72
No background check at purchase	5	6.33
<b>Age requirement</b>		
Minimum eighteen years old	9	11.39
Minimum twenty-one years old	2	2.53
"Old enough" (minimum age)	1	1.27
No minimum age	1	1.27
<b>License or permit requirements</b>		
None required at purchase	3	3.80
Required at purchase	2	2.53
<b>Ammunition logs</b>		
Ammunition purchase recorded	3	3.80
No record of ammunition purchase or untraceable	2	2.53
<b>Ammunition amount restrictions</b>		
Restriction on amount purchased at once	2	2.53
No restriction on amount purchased at once	1	1.27
<b>Miscellaneous</b>		
Possession of ammunition not illegal or not a weapon	3	3.80
No waiting period to purchase	2	2.53
Restriction on type purchased at once	1	1.27

Source: Authors' calculations.

<sup>a</sup>Respondents who discussed California ammunition law (n=79). Not cumulative because respondents often cited multiple aspects of law.

required a background check. Respondent 37, for example, explained that "you can't have no record because they're going to look up to see if you got a record. If you got any type of robbery records or shooting records they're not going to sell you nothing. They're not going to give you a break. They might call the police on you." It could very well be that this respondent's knowledge of gun regulations led him to this conclusion, but he ultimately misrepresented the ammunition regulations operating in his immediate community: although one must show proper identification and leave behind a thumbprint when purchasing ammunition within city boundaries, retailers do not run Brady background checks or call the po-

lice. Only a few respondents (6.3 percent, n=5) were accurate in their understanding, reporting that an individual with a criminal record could technically purchase ammunition because background checks are not required.

Several other ammunition regulations were noted, though with much less frequency. As indicated in table 6, 15.2 percent (n=12) of respondents reporting any knowledge of ammunition regulations indicated that there was an age requirement for ammunition purchases, with age limits ranging from "old enough" to eighteen to twenty-one. Respondents also mentioned miscellaneous laws on ammunition purchases, some of which were valid and some of which were not. For example, several

correctly noted that retailers maintain ammunition purchase records and that there are restrictions on the types of ammunition that one can purchase at a store. However, some also incorrectly believed that a permit or license was needed for ammunition purchase, that the amount of ammunition a person can buy is limited, and that waiting periods apply.

Overall, our respondents' understanding of ammunition laws varied, reflecting an inaccurate or incomplete view of the law. Whereas it might not be surprising that members of a sample consisting primarily of prohibited possessors are aware that they cannot acquire firearms legally, it is noteworthy that these same individuals appear to be relatively uninformed about ammunition regulations. Nowhere in the United States is it legal for a prohibited possessor to purchase ammunition. Therefore, the variability in the restrictiveness of local regulations *should* be irrelevant because prohibited possessors should arguably be aware of their status restriction. However, our findings suggest that respondents perceive gun and ammunition restrictions as two distinct issues even if the law, for all intents and purposes, does not treat them as such.

### Understandings of the Law That Punishes

Our respondents were able to describe in specific (if not always accurate) terms the punishment they would experience if the police caught them with a gun. Their knowledge of the punishment they might encounter was, in fact, more detailed than that of the underlying gun (and ammunition) regulations for which they might be punished. Respondents' descriptions of legal consequences included knowledge of the specific charges they might face, possible sentencing enhancements, precise sentence lengths, and even the percentage of sentenced time they would likely serve.

The majority of respondents (80.7 percent,  $n=113$ ) were aware of the consequences of being caught with a gun by the police (see table 7). Only six indicated not knowing what would happen. Information from twenty-one is coded as "missing." Of the 113 respondents who were aware of the potential consequences of being caught with a gun, nearly all (86.7 percent,  $n=98$ ) identified incarceration as the conse-

**Table 7.** Consequences Reported of Being Caught with a Gun by Police

	Frequency	Percentage <sup>a</sup>
Incarceration	98	86.73
Arrested or charged	6	5.31
Shot by police	6	5.31
Missing	3	2.65

Source: Authors' calculations.

<sup>a</sup>Respondents who discussed consequences of being caught with a gun ( $n=113$ ).

quence. Other consequences respondents cited included being arrested or criminally charged (5.3 percent,  $n=6$ ) and being "shot by the police" (5.3 percent,  $n=6$ ), which Respondent 114 described as follows:

More than likely . . . they're going to take you to jail. They aren't going to let you go. They are going to take you to jail because they feel like you are a threat, and they might shoot you, the police, depending on how they feel about it.

Respondents who reported incarceration as the expected consequence of police apprehension were also asked whether they knew any additional information, such as the specific charge or the amount of time they might serve. Among the subgroup who both self-reported having criminal records and described incarceration as the consequence of police catching them with a gun ( $n=72$ ), more than two-thirds described detailed knowledge of possible criminal charges or duration of associated sentences (69.4 percent,  $n=50$ ). Respondents like Number 56 described the ways that being caught with a gun could translate into a particular punishment:

Possession of a firearm, a CCW [carrying a concealed weapon] the law stipulates that if you didn't use that gun to commit a crime, you were just in possession of it, sixteen, two, and three. For sixteen months will add two and a half or three and a half, three being the max, sixteen being the least. So you're looking at the most eighteen months in prison or in the county jail.

But, as Respondent 56 continues, final sentencing length is contingent on additional factors such as the defendant's specific criminal history:

Some people who get caught with a gun . . . get probation. Some people who get caught with a gun will get like a county lick. So it varies but if you have a strike on your record and you get caught with a gun that's sixteen, two and three, doubles up to a thirty-two and eighty-four or eighty-five or six with eighty-five. Doubles up.

He then continued to identify the spectrum of possible sentence enhancements that might be imposed on a person in possession of an illegal gun:

Then you got gun enhancements—just certain type of gun enhancements, like you got a ten-year gun enhancement, fifteen-year gun enhancement. Then if you use a gun for a crime and it's loaded like it's not loaded like a full clip like one in the brain, ready to squeeze that's like ten years automatically, fifteen years automatically, ain't no way around it. So it all depends.

In sum, respondents described punishment as individualized—imposing, as Respondent 56 characterized it, “different strokes for different folks.” Indeed, under state and federal laws, sentences can vary according to offense type, offense history, and one's assumed propensity for committing future harm, as Respondent 48 explained: “It would [d]epend on . . . how bad my record is, if they think I need to stay in because I'm a menace to society . . . if you're fighting or stabbing people, [versus] you know raping them.” Taken together, respondents' knowledge of the law suggested that punishment—consisting of multiple years of incarceration—was relatively certain should they be apprehended.

This articulation of the multiple forms that their punishments might take contrasts sharply with discussions of regulatory laws, generally described as binary categories pivoting on whether the purchase of guns or ammunition was legal or illegal (depending on the

respondents' status as a prohibited possessor). However, in both California and the City of Los Angeles, the laws governing gun, and especially ammunition, purchases are far more detailed than respondents described. Given that our respondents were either awaiting sentencing or had recently completed the sentencing process, it is perhaps unsurprising that they had more robust knowledge of the punishments they might face, having broken the law, than of the laws they had broken in the first place.

When it came to the punishments associated with ammunition possession, however, respondents' reported both a lack of knowledge concerning ammunition law and an overall astonishment at the severity of sanctions they experienced specific to ammunition law. For instance, Respondent 79 described his shock that, after being caught with five rifle bullets in his pocket, he was facing prison time for a charge of “felon in possession of ammunition”:

Not only did I get arrested, but they hit me with a very severe sentence, and I'm now for the first time in my life going to prison. . . . It really shocked me, really surprised me. . . . I got stopped by the cops. . . . It was gonna be just a routine check. It wasn't gonna be a problem, issue at all, and now it'll be [nineteen months] before I'm free.

Even after his arrest, the scope of the consequences for possessing ammunition as a prohibited possessor was not entirely clear to this respondent: “People kept telling me, ‘Oh, it's not a big deal. It's not a big deal. You didn't have a gun.’ Even one of the cops told me, ‘Ah, it's not a big deal.’ Then it turned out to be a big deal.” Reminiscent of the Cardoza case, this respondent's lack of knowledge of ammunition restrictions meant that he did not realize he was engaging in a prohibited behavior, and so was alarmed by the consequences of his actions. (Even his description of police officers' reactions reveals the potential discretion at play in enforcing the law, again similar to the Cardoza case.) This respondent's surprise suggests that, had he known both that the ammunition regulations existed and had consequences, he might have behaved differently.

In a similar situation, another respondent described his experience of unknowingly violating his probation *or* parole, due to the seizure of a decorative bullet during a routine home search:

The charge I have is a possession of ammunition. It was just one bullet that I had in my house that when the police came to search my house, they decided to charge me for it, because I'm not supposed to have it I guess but that's something I've had for like the past five years, it was sitting up on my wall as decoration. (Respondent 25).

Although it is not clear whether this respondent was prohibited because of prior felony convictions or other legal restrictions (such as probation, parole, or restraining order), what is clear is that he was unaware that he could not legally possess ammunition. One could argue that had he known, he would have gotten rid of the bullet, or at the very least removed it from plain view, so that it would not immediately implicate him during a police search.

Unaware of the potential serious consequences of storing ammunition in his home beforehand, one respondent disclosed the circumstances of his current case to us:

They searched my townhouse. I have no furniture—nothing. For two hours. They find a bullet. I have no weapons charges on my record. Never been to prison for a gun. Never been, you know, nothing. I went to court. It was a charge of possession of a firearm—ex-felon with a firearm because since I have a bullet I must have a gun. They never found one. . . . They want to give me six years, eight months for a bullet. . . . I'd been out five years, and it's like in a way I feel like well I thought I was doing right, you know? Getting, you know, myself together, and everything that I worked for in these last five years has been taken away from me—was taken away from me overnight. . . .

So, it's mine though. But I'm like—I'm trying to figure out what crime did I commit? Well, possession of ammunition. Well, I didn't have possession. You guys found it. You know, but anyways, because me person-

ally possession means they found it on my person. So, that's what I'm here for. It's just, once again, it just all falls on the fact that I'm an ex-felon. I have a history, you know, but no gun charges. (Respondent 112)

As in the previous examples, this respondent knew the bullet was present, yet was unaware of the associated consequence. In this instance, he believed his particular history as a nongun offender should exclude him from any ammunition sanctioning. He also disagreed with the severity of the sanction he was facing, given the actual ammunition offense: "six years, eight months for a bullet." Further, he goes on to criticize the punishment levied against him by contesting the meaning of possession and describing the charges against him as a proxy for status, not offense. Although we do not know how many individuals in our sample experienced predicaments like those of the previous respondents, these examples poignantly reveal how a lack of legal knowledge can undermine the effectiveness of firearms regulations, moot the potential deterrent effects of legal sanctions, and even compromise an individual's perceived legitimacy of the law.

## DISCUSSION

As David Kennedy puts it, "while criminal justice agencies are very much in the business of, as the phrase goes, 'sending signals,' they in practice often send those signals in obscure, incoherent, ineffective, and even self-defeating ways" (1996, 463). These signals come in the shape of new enforcement strategies and sentencing policies that are often complex, inconsistently enforced, and sometimes simply implausible in their stated goals (such as "zero-tolerance" policies). Together, these signals and policies decrease the likelihood that any specific offender will be deterred. Theorists have had seemingly endless debates about how to manipulate both the elements of deterrence theory—certainty, severity, and celerity—and the dosage of these elements in order to ensure compliance with the law (Kennedy 2009). As elusive as answers to these debates have been, there is one fundamental principle of deterrence theory that seems rather immutable, and perhaps as a result is often taken for granted:

“That which is not known simply cannot deter” (479).

This article examines what firearm offenders do and do not know, detailing how they understand and navigate California’s complex layering of gun and ammunition restrictions and sanctions. Specifically, we were interested in understanding the breadth and depth of our respondents’ knowledge of gun and ammunition law. The study’s use of detained gun offenders may not allow us to reach broad conclusions about the potential deterrent effect of these laws in the general population. However, we do believe that our findings have important implications for firearms law by focusing on the critical first stage of deterrence: awareness of the law. Additionally, by sampling from an often underreached population (jail detainees), this study provides a baseline understanding of firearm legal knowledge among a group that by definition should have accurate, standardized information of firearms law, given their recent apprehension and adjudication. Yet as our findings suggest, knowledge about gun and ammunition law is incomplete even among a population that should arguably know. This central finding should generate pause among scholars and policymakers because awareness of the law is a key tenet of deterrence-based policies. That is, how can we expect individuals—and prohibited possessors in particular—to be deterred from illegally possessing guns and ammunition if they are not aware of the laws to begin with? Additional studies are needed to assess whether and how specific and general knowledge of firearms law factors into an individual’s decision to illegally possess ammunition or guns, but the present analysis provides an important first step by examining gun and ammunition law from the perspective of those who were not deterred.<sup>3</sup>

However, as a result of our sampling among jail detainees, we have no way of knowing whether our respondents’ knowledge about

the law predates their current incarceration or is a result of their most recent experience with the law. Their knowledge, then, may be significantly greater than that of those who have not been arrested, charged, and incarcerated for violations related to guns and ammunition, if only because of the direct (as opposed to vicarious) and recent nature of their experiences with the law. In this context, that most of our respondents were well aware of the gun restriction associated with their status as prohibited possessors is not entirely shocking.

On the other hand, significant gaps remained in respondents’ knowledge of gun regulations in California (such as age requirements, licensing, and the like). Again, this may simply be related to the nature of our sample, dominated by prohibited possessors. After all, all you need to know once you are prohibited is that you are prohibited. Future studies should therefore examine the extent to which general gun regulations are understood among those who are not prohibited possessors, particularly in a place like California, where gun owners must navigate a complicated web of restrictions.

One of the most significant gaps in our respondents’ knowledge was about ammunition laws. Our sample, although aware that they were excluded from buying or possessing guns, knew very little about the restrictions regarding ammunition, in either Los Angeles County broadly, or within the high regulation jurisdiction of the City of LA. Respondents’ lack of awareness of ammunition regulations, especially relative to gun regulations, can be explained in a number of ways. First, because we have no way of verifying whether offenders were charged with gun or ammunition violations, it could be that the unevenness in knowledge is an artifact of differential *ex post facto* experience—if you have not been caught violating ammunition law, you may have less knowledge of the regulations. Second, it could be that the high geographic variability in ammu-

3. This is especially relevant given existing research suggesting that gun violence tends to involve a relatively small number of known offenders within any given neighborhood (Papachristos, Braga, and Hureau, 2012; Papachristos and Kirk 2015; Papachristos, Meares, and Fagan 2007; Papachristos and Wildeman 2012); in other words, understanding those who know the law but are not deterred is important to designing (more) effective regulations.

nition law in Los Angeles County impeded our respondents' abilities to obtain full and accurate information about the law. In some jurisdictions, such as the City of LA, ammunition transactions are, short of a background check and waiting period, treated almost as restrictively as gun transactions. But in neighboring jurisdictions, ammunition can be found and readily purchased in most sporting goods stores, and even in superstores like Wal-Mart. The unevenness of regulations in such geographically proximate areas may reinforce the idea that possessing ammunition is "not a big deal," as Respondent 79 noted.

Third, lax enforcement of ammunition regulation may also explain the lack of awareness about these regulations. Until 2015, ammunition transactions in the City of LA were recorded on paper forms, which is how other jurisdictions that mandate the use of ammunition logs continue to maintain their records. According to the Los Angeles Police Department (LAPD) gun unit officers, the archaic paper system meant that officers would need to periodically drive to the various FFLs that sell ammunition and collect the forms. For the logs to be useful, the officers in the "gun unit" would need to manually run each individual purchaser to determine whether they were a prohibited possessor and then decide whether to seek a warrant or arrest those who had violated the laws.<sup>4</sup> Although research has demonstrated that prohibited possessors continue to purchase ammunition (Tita et al. 2006), the personnel hours needed to run every single purchaser is beyond the thinly stretched resources of the LAPD.

In April 2015, the collection of the ammunition log format moved from paper to digital. However, the only savings realized in this transition is that officers no longer need to drive to the stores to collect the logs, as they are now electronically submitted. To determine whether a particular transaction involved a prohibited

possessor, the members of the gun unit must still manually run the criminal history of the purchaser. According to preliminary data the LAPD shared with our research team, as of the end of January 2016, more than fifty-five thousand ammunition transactions had been recorded, but background checks had been run on less than 1 percent of the ammunition purchases. The inconsistent regulations across Los Angeles County, in combination with the lax enforcement of ammunition restrictions, may well influence how prohibited possessors perceive the availability of ammunition and the likelihood of getting caught buying it. In sum, it could well be that ammo laws are being enforced less than gun laws, and so people are both at less risk of experiencing them (low certainty of enforcement) and know less about them, thus limiting their deterrent effect. More analysis of what police are doing—and not just what prohibited possessors know and experience—could be an important topic for future research.

Although limitations in our data prevent us from disentangling when and from where respondents acquired their legal knowledge, our findings have important implications for the theory of deterrence, individual experiences of punishment, and the practical implementation of firearm regulations. Deterrence theory assumes that people who violate the law have accurate information about the law and the subsequent consequences, thereby equipping them to make a rational decision. However, our data reveal that individuals often have no, incomplete, or inaccurate information about firearms law, particularly ammunition law—even after having been punished for firearm-related offenses.

For gun laws, unlike for ammunition laws, the prerequisites for deterrence to operate effectively did appear to be present: participants in our study—especially those whose criminal records rendered them prohibited possessors—had enough information about the law to

4. Jacobs and Fuhr point out that one of the major problems with applying background checks to ammunition is that federal law prohibits the use of the National Instant Criminal Background Check System to check whether one is disqualified from being able to purchase (2016). Therefore, states interested in applying such a requirement must create their own database of those prohibited from buying ammunition. Also, it is not possible to electronically check the criminal backgrounds of lists of individuals electronically. Instead of batch checking, each individual must be entered individually.

know that they could not legally purchase, possess, or carry a firearm and that, should they be caught violating those laws, the punishment imposed would be certain and often severe. However, given that our sample was constructed from those members of the jail population who were there for firearms-related charges, their knowledge of the laws and consequences did not appear to dissuade them from unlawfully possessing a gun.

It is unclear from our data whether respondents' legal knowledge about gun laws was acquired before or after their most recent gun charge. What we do know is that our respondents discussed multiple experiences with the criminal justice system over time, as well as knowledge of multiple regulations and multiple punishment possibilities, suggesting that their knowledge was not based solely on the charge they were facing when we spoke with them. Moreover, results from prior analyses using the same data suggest that respondents both knew about gun laws prior to being arrested, going to jail, and participating in an interview with us and were not deterred from violating these laws, in spite of their knowledge. Findings from that analysis also suggest that extralegal factors, such as direct and indirect experience with gun victimization, as well as fear of violence from both police and gang members, weighed more heavily than legal factors in respondents' cost-benefit analysis (Barragan et al. 2016). Thus, when considered in this context, deterrence-related factors, like certainty and severity, might have only a marginal, if not negligible, impact on decision making.

### RESEARCH AND POLICY IMPLICATIONS

Acknowledging the importance of both legal knowledge and the context within which decisions to violate the law are made, we offer several research and policy recommendations. To start, to better understand which deterrence-related components are more or less consequential for gun offending behavior, studies should examine whether and how much the certainty and severity of punishment works to deter potential offenders. These studies should also consider how other contextual factors, like police interactions, police legitimacy, and experiences with gun victimization, might medi-

ate the impact of legal knowledge of certainty and severity of punishment for individual gun behavior. Additionally, studies should examine how detained offender perceptions of gun law compare with perceptions of gun law among nondetained populations, thus allowing for a more complete assessment of how the law does or does not deter illicit gun behavior in different contexts. If such studies replicate our findings that offenders are not aware of the regulations in the first place (ammunition regulations), or are aware of the regulations and the punishments, yet violate the law anyway (gun regulations), then alternative interventions deserve further consideration.

We also suggest that ammunition law warrants increased attention in the firearms literature. An important aspect of deterrence theory is that, for a policy to deter criminal behavior, it must first alter individual perceptions of risks of engaging in that behavior through effective communication of the threat of punishment, visibility of actors responsible for enforcing the law, and evidence of the actual enforcement of the law (see, for example, Apel 2013; Nagin 1998; Waldo and Chiricos 1972). Moreover, perceptions of the risk of sanctions are likely to be influenced by extensive media coverage and vicarious experiences of punishment by peers and family members (Apel 2013; Stafford and Warr 1993). The lax regulations on the sale of ammunition in the Los Angeles area, and the variability from one jurisdiction to the next, could potentially undercut the deterrent effect of firearms laws. The inconsistency of the law may lead to both misunderstandings and the creation of loopholes, which enable individuals to circumvent the law. Perhaps more important, the high variability of laws may cause those targeted by the laws to perceive arbitrariness in regulation and enforcement. This study provides a preliminary window into understanding these issues, but further research is warranted to more thoroughly disentangle how the unevenness of ammunition regulation and enforcement impacts knowledge of firearms law and illicit gun behavior both within California and beyond.

An obvious policy solution would be to implement laws and enforcement tools that rival those used for gun sales and to ensure that

those laws would be the same for all jurisdictions. At the time of this study, California legislators had attempted to adopt ammunition purchase regulations similar to those in Los Angeles, which are arguably some of the most stringent in the state. Legal disputes impeded statewide passage of such regulations. However, in November 2016, the state approved Proposition 63, a comprehensive ammunition regulation measure requiring all federally licensed dealers to perform background checks on individuals purchasing ammunition. Although the state's new ammunition regulatory measures will take one to two years to go into effect, our findings suggest a need to investigate how greater uniformity in ammunition law might affect both individual knowledge about ammunition regulation and gun-related behaviors among California residents. Yet such studies also have implications beyond the ammunition context because they can help inform scholarly and policy understandings on the benefits and limitations of policies that standardize previously disparate legal landscapes.

Last, our data suggest that ammunition regulations may have an untapped deterrent value worthy of further study. Prior policy efforts have suggested that directly “retailing” a regulation and punishment message to prohibited possessors might effectively deter high-risk individuals from possessing firearms (Braga and Weisburd 2012; Braga et al. 2001; Kennedy 1996; Tita et al. 2004; Wallace et al. 2016). Although additional study of the specific mechanism by which “retailing the message” to a specific few leads to widespread deterrence is necessary (Gravel and Tita 2015), including ammunition laws in this emergent conversation about preventative strategies may be especially fruitful. First there is the potential that universal background checks could prevent gun violence by stopping a purchase, which in turn prevents an imminent use. Second, messaging could lead to a better general understanding of both who can legally purchase and possess ammunition and what the legal ramifications are of being found unlawfully possessing either. Enforcement of ammunition regulations will not keep all motivated prohibited possessors from accessing ammunition, but as one of a menu

of policies and regulations, it could contribute to the goal of reducing gun violence.

### Limitations

Several limitations about participants' knowledge of the law in the present study warrant discussion. First, because laws in California can vary by jurisdiction (city, county, state), it is possible that individuals have incomplete knowledge about the laws governing their immediate neighborhood (a more restrictive city area versus a less restrictive county area, for instance). We also do not have exact address information from the participants (because we prioritized protecting their anonymity), so we cannot determine whether the information they provided is indeed accurate and reflective of the laws governing the communities where they lived before incarceration. Thus it is nearly impossible to determine whether respondents' understandings—or lack thereof—of gun and ammunition laws are the result of having specific knowledge of local laws, or of a more general understanding of local, state, and federal laws governing firearms.

Furthermore, respondents' comparatively limited knowledge of the laws regulating the purchase of ammunition may be explained by their unfamiliarity with the ammunition purchase process. Several respondents indicated that the guns they had purchased in the underground market came with ammunition, and others described the bullets as readily available in their communities. Together, these realities may render the need to purchase ammunition through regulated channels moot, which, in turn, decreases the need to understand the set of laws that govern this behavior. It is therefore perhaps of little surprise that respondents demonstrated the least understanding of ammunition laws.

Yet, unlike guns, which respondents knew they could not walk into a store to buy, respondents correctly identified the range of local stores where ammunition could be readily purchased. We take this to mean that regardless of their actual experiences, respondents in general perceived that regulation of the purchase of ammunition is far less restrictive than regulation of guns themselves—and that there are comparatively fewer ways to violate

these laws and to trigger the associated punishments.

### CONCLUSION

Overall, the findings presented here provide an important first step in grasping how offenders who have been subject to arrest and punishment make sense of a complicated web of gun and ammunition regulations within their communities. Our findings suggest that inconsistent regulations across jurisdictions, a lack of knowledge of some laws, and a willingness to violate them in spite of a perception that

the punishment will be certain and severe compromise the practical implementation of deterrence-based firearms prohibitions. As state, local, and national conversations about firearm regulations move forward, it is important for policymakers and scholars to thoughtfully consider the role that legal knowledge plays in deterring illicit gun behavior, both among prohibited and nonprohibited possessors. Absent such study, it is incredibly difficult to know whether firearms restrictions are indeed effective at impacting individual behavior.

### APPENDIX

**Table A1.** Current Charges of Sampled Participants

	Percentage
<b>Felon with firearm</b> 29800(A)(1)PC; 12021PC; 12021(A)1PC;12021(C)1PC;12021(E)PC	96.51%
<b>Concealed carry firearm</b> 12025(A)1PC; 12025(A)2PC	41.00
<b>Prohibited possessor with ammunition</b> 30305(A)1PC	14.80
<b>Assault with firearm</b> 245(A)(2)PC	14.50
<b>Assault with semiautomatic firearm</b> 245(B)PC	2.80
<b>Carrying loaded firearm</b> 12031(A)1PC	2.60
<b>Carrying firearm</b> 12020(A)PC	2.30
<b>Possession short-barreled rifle or shotgun</b> 33215PC	1.20
<b>Armed during felony</b> 12022.2PC	0.10
<b>Prohibited transaction</b> 12072(D)PC	0.10

*Source:* Authors' calculation from data provided by the Los Angeles County Sheriff's Office.

*Note:* Per our agreement with the Institutional Review Board, we had to delete any identifying information, including booking numbers, once a potential participant was approached to participate in the study. As a result, this table includes information of participants that were randomly sampled but not interviewed. It was not possible to differentiate between our participants and those who could not be approached or refused without access to their booking numbers. The California Penal Code sections referenced in this table were taken from the information provided to us for sampling purposes. Firearm related penal code sections were moved to a different section in 2012 and therefore some of the sections in the current table reflect sections used prior to these changes.

**Table A2.** Demographics of Respondents

	Male (n=129)		Female (n=11)		Total (n=140)	
	Frequency	Percentage	Frequency	Percentage	Frequency	Percentage
<b>Age (years)</b>						
≤ 20	12	9.30	3	27.27	15	10.95
21-30	69	53.49	4	36.36	73	52.14
31-40	33	25.58	2	18.18	35	25.00
41-50	9	6.98	1	9.09	10	7.14
≥ 51	4	3.10	—	—	4	2.86
Missing	2	1.55	1	9.09	3	2.14
Range	19-66		18-44		18-66	
Median age	26		27.5		27	
Mean age	29.21		28		29.12	
<b>Race-ethnicity</b>						
Black	62	48.06	2	18.18	64	45.71
Hispanic or Latino/a	44	34.11	6	54.55	50	35.71
White	4	3.10	1	9.09	5	3.57
Multiracial	7	5.43	1	9.09	8	5.71
Other	6	4.65	—	—	6	4.29
No response	6	4.65	1	9.09	7	5.00
<b>Education</b>						
High school not completed	42	32.56	3	27.27	45	32.14
High school diploma or GED	49	37.98	6	54.55	55	39.29
Some college	35	27.13	1	9.09	36	25.71
College degree	1	0.78	—	—	1	0.71
Missing	2	1.55	1	9.09	3	2.14
<b>Gang affiliated?</b>						
Yes	61	47.49	4	36.36	65	46.43
<b>Have been shot at?</b>						
Yes	52	40.31	3	2.73	55	39.29
<b>Know someone shot at?</b>						
Yes	68	52.71	7	63.64	75	53.57

Source: Authors' calculations.

**Table A3.** Sample Interview Questions

Question Category	Sample Questions
Guns	How might someone get a gun in your community? What if someone can't go to the store? How did you get this gun?
Ammunition	How about ammo? If you go to the store, what do you need to do in order to buy ammo? How did you get ammunition for this gun?
Punishment	Before this arrest, were you allowed to carry a gun? Why or why not? What happens if the police catch you with a gun? What would you get charged with? How much time will you get? What does this depend on?

Source: Authors' tabulation.

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