

## Chapter 39

# Forensic Psychological Perspectives on Youth Gang Involvement in Juvenile Fire Setting and Bomb Making Weapons Cases: Forensic Perspective Youth Gangs Fire Setting and Weapons

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### ABSTRACT

*The purpose of this chapter is to explore issues related to gang-affiliated youth's use of JFSB behavior as a weapon. Too often, the critical analysis of JFSB is circumscribed to the act with little or no consideration of a clinical forensic weapons use motivation. In this case, successful efforts to identify and isolate the origins of such events are more contingent upon a deeper understanding of the subtle processes that explain this particular kind of weapons use by juvenile gang members.*

### INTRODUCTION

The media accounts of juvenile gang use of juvenile fire setting behavior (JFSB) have been around for decades. There is periodical documentation in a 1958 Denver, Colorado newspaper that arson was being used as a means to initiate juvenile gang members. Juvenile gang members admitted that “in order to gain gang membership they were told to set a fire (Ludington Daily News, 1958).” Despite widespread media attention and the high risk to life and property, juvenile fire setting and bomb making is an area of that has received very little professional consideration from law enforcement and forensic psychology.

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There is clear and convincing evidence that criminal justice and forensic psychological experts must engage in an informed dialogue that is aimed at helping communities better understand the full scope of the issues accompanying this juvenile justice population.

The purpose of this chapter is to explore issues related to gang-affiliated youth's use of fire and bombs as weapons. Too often, the critical analysis of JFSB, particularly gang related juvenile fire setting and bomb making behavior (GR-JFSB) is circumscribed to the act itself with little or no consideration of a clinical forensic weapons use motivation. In this case, successful efforts to identify and isolate the origins of such events are more contingent upon a deeper understanding of the subtle processes that explain this particular kind of weapons use by juvenile gang members.

## **OVERVIEW OF A CASE INVOLVING GANG RELATED JUVENILE FIRE SETTING AND BOMB MAKING BEHAVIOR**

Tuco, aka "Pyro," is a 14-year-old male of mixed ethnicity. His mother is first generation Mexican-American and his father is of European ancestry. He has been identified as a member of a local neighborhood gang WSV. He is currently residing in juvenile hall, but prior to the instant offense for which he was detained, he was residing in a two-bedroom apartment with his mother and extended family members. Tuco was referred for a psychological evaluation focused on his use of fire as a weapon; fire was used during the attempted homicide of a rival gang member from the local neighborhood gang NSD. The fire resulted in the deaths of three individuals, and as such this case may be tried under the California special circumstances for capital murder, and the street gang-sentencing enhancement. Due to his age, this case is not eligible for a death penalty sentence, even if Tuco stands trial as an adult.

The records indicate at 2am, on a Thursday morning during the summer, Tuco met with four members of WSV to plan a retaliation against Anthony, a 13-year-old-male member of NSD. Members of WSV had attempted to assault Anthony earlier in the day, but were driven off by bystanders in the park across from Anthony's home. The members of WSV collectively decided that Tuco should be the one to exact revenge because he had initiated the first altercation. The previous week Tuco and Anthony had a verbal altercation when Anthony had ridden his bicycle across WSV territory to visit his relative. The other four members stood lookout as Tuco snuck into the backyard of Anthony's family home, a two-story duplex with wood siding and shake shingle roof.

As California was in the middle of a drought, the yard was dry and scrub had grown up in dense patches around the 6' wooden privacy fence surrounding the back of the property. Tuco brought a small plastic jug of gasoline and a lighter with him. In the back yard he found an empty beer bottle and a rag, with which he fashioned a crude Molotov cocktail. Tuco poured the gasoline on the wooden back porch, and some patio furniture, and then used a discarded newspaper as a torch to set fire to the porch. As soon as the porch ignited, he ran. Tuco set the rag in the beer bottle on fire as he came around the front of the house, then threw the device at the front door of the duplex apartment. He stated later, he did this "because [he] needed them [the WSV at the park] to see I really did it."

The fire engulfed both sides of the duplex within minutes. Anthony's uncle was able to get Anthony and Anthony's niece out of the house. Anthony's 85-year-old grandmother, his 42-year-old mother, and a 5-year-old girl in the next-door residence perished in the fire. Two firefighters were severely injured in the process of attempting to rescue the three remaining victims.

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