

13-year-old girl charged with felony for finger gun threat at middle school

OVERLAND PARK, Kan. — A student has been charged with a felony following an incident at a Kansas middle school.

“If someone makes a direct threat to another person to do harm to another person, that is considered a criminal threat and that would be a felony,” Johnson County District Attorney Steve Howe said.

Although Howe couldn’t speak to specifics in this case, he told WDAF what his office takes into account in these kinds of situations.

“Trust that there are a lot of people who do this all the time, making informed decisions based on all the facts,” Howe said.

Police arrested the 13-year-old girl on September 18 after investigators say she made a threat at Westridge Middle School with her finger.

Shawnee Mission School District spokesperson David Smith said there was no actual weapon found — it was a finger pointed like a gun.

Overland Park Police say the girl’s actions were confirmed by two other students. A school resource officer with the department made the arrest.

“In most instances, an individual with that kind of charge would be eligible for some kind of diversion plan,” Howe said. “It would be extremely difficult, almost impossible, under the current juvenile justice system to actually send them to the correctional facility for that type of behavior because it is such a low-level offense, it would not meet the criteria needed.”

Howe couldn’t speak on the 13-year-old’s history, like if she had any prior offenses. He did say criminal history and public safety issues are considered when making a decision to file charges.

When asked if charging the teen with a felony seemed extreme, Howe referenced

last year's school shooting in Florida, which left 17 dead.

"I think law enforcement and schools understand that we need to address bad behavior," Howe said. "Not be heavy-handed but at the same time, address that bad behavior and prevent it from getting worse."

The Overland Park Police chief said that too often there are reports of violence in schools and inevitably questions about what should or should have been done to prevent the tragedy.

In Kansas, it's illegal for a juvenile to possess a firearm, Howe said, but even in a school setting that is a misdemeanor. A threat constitutes a more serious criminal charge.

"It seems a little bit of an anomaly that you would think that having the actual gun that would be a more serious charge, but in fact, it's the actual threat," Howe said. "And it's something that maybe we need to look at with the legislature and reconcile that."

Howe said the teen has a closed hearing at the Juvenile District Court within the next couple weeks.

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