

CANADIAN RESOURCE
CENTRE FOR VICTIMS
OF CRIME



CENTRE CANADIEN DE
RESSOURCES POUR LES
VICTIMES DE CRIMES

May 24, 2018

Bill C-71 – Firearms Regulations and Public Safety

Dear Members of the Standing Committee on Public Safety and National Security:

The Canadian Resource Centre for Victims of Crime (CRCVC) respectfully urges the Members of the Standing Committee on Public Health and National Security to consider violence prevention and the cost of victimization, specifically violence against women, in consideration of Bill C-71 and its proposed amendments to certain Acts and Regulations in relation to firearms in Canada.

The Canadian Resource Centre for Victims of Crime (CRCVC) provides support and guidance to individual victims and their families in order to assist them in obtaining needed services and resources, and advances victims' rights by presenting the interests and perspectives of victims of crime to Government, at all levels. We also strive to foster heightened public awareness of victims' issues, conduct research in the field of victimology and promote exchanges between professionals at the local, provincial and national level. The CRCVC helps victims of violence and has extensive experience with victims of gun violence.

CRCVC acknowledges and respects the legitimate use of firearms in Canada for law enforcement, the military, hunting for food and sporting activities. But the misuse of firearms outside these realms imposes a significant public health burden and inflicts vast social and economic costs on Canadians. Fundamentally, CRCVC does not oppose the lawful use of firearms but we do believe that the priority must be placed on public safety given the terrible costs firearms violence exacts on individuals, families and communities.

Gun violence is often gendered: most women killed by their partners are killed with long guns. Most police officers killed in the line of duty are killed with long guns. There are many statistics, but here's a fact that's commonly overlooked: Most of the women who live with firearms in the home have said knowing the guns were there made them fearful for their safety — and most women living with gun owners, like most Canadians, support stronger gun laws. According to expert, Dr. Barbara Kane, "Firearm-related injury and death continue to be a serious problem in Canada and in my province of British Columbia. As a psychiatrist working in a rural area, I see the impact of access to guns all too frequently. Firearms misuse imposes a tremendous burden on the health of Canadians in terms of deaths, disabling injury and emotional trauma. All

firearms injuries and deaths are preventable. Effective gun control can help to reduce the incidence of gun deaths and injuries and contain violence, as numerous studies and statistics show.”

A report just released from the Toronto Police Service shows that for the first time in decades, the majority of handguns recovered in crime in Canada’s largest city originated in Canada not the USA. What does this mean? It is hard to say but it appears that the last decade’s erosion of our gun laws is having a direct and measurable impact. Over the last ten years the number of privately owned restricted weapons in Canada has almost doubled. Since 2004, restricted weapons, principally handguns, in Canada have doubled to 795,854 in 2015 (compared with 384,888 in 2004) and there are now more than 1 million restricted and prohibited weapons (including military assault weapons). There are suggestions that this is the result of less rigorous screening as well as the erosion of the authority of police and firearms officers to apply the law rigorously. Every illegal gun begins as a legal gun and by doubling the stock of legal handguns while relaxing controls we increase the risk that legal guns will be sold illegally, stolen or diverted to illegal markets.

The amendments proposed in Bill C-71 reverse some of measures which weakened Canada’s gun control regime. We support the law in principle, and in particular the measures which strengthen licensing, restore controls on sales of unrestricted firearms, reinforce the prohibition of civilian possession of military weapons and strengthen controls on restricted and prohibited firearms. However, we believe that the law should go further and support amendments to restore provisions that were introduced in 1977 which, ironically, are stronger than what is proposed in this draft legislation.

Rationale

The link between accessibility of guns and levels of violence has been demonstrated in a number of contexts. Rates of lethal violence correlate with the availability of firearms. Rates of gun ownership and gun violence tend to rise and fall in tandem. Canada’s gun laws work. When comparing Canada and the United States, the murder rates without guns are roughly comparable, but murder rates with guns are six times higher in the United States (3.0 compared to 0.49 per 100,000) and murder rates with handguns are seven times higher un the United States (2.16 compared to 0.31 per 100,000). Since 2012, the federal government has introduced major changes that weaken firearms legislation. In response to these changes, leading injury prevention, public health, and public safety experts, as well as women’s safety groups, have flagged the risks to public safety that arise.

In 2016, the most recent year for which statistics are available, Canada recorded 611 homicides, of which 223 (36.5 percent) were by shooting, an increase over 2012, when 548 homicides occurred, with 171 (31.2 percent) by shooting.¹ This represented the third consecutive year in which both the number and rate of firearm-related homicides in Canada increased.

Controlling the availability of firearms is fundamental to crime prevention approaches that identify firearms as a facilitator of crime and violence. Situational crime prevention suggests that limiting access can reduce the occurrence and lethality of such crimes. While highly motivated

¹Statistics Canada. “Homicide survey, primary methods used to commit homicide, Canada” Accessed online: <http://www5.statcan.gc.ca/cansim/a26?lang=eng&retrLang=eng&id=2530002&&pattern=&stByVal=1&p1=1&p2=37&tabMode=dataTable&csid=>

individuals with homicidal intent may find ways to acquire a gun regardless of the laws or other measures in place to reduce access, less-motivated individuals will be denied access to lethal weapons. This is particularly important as impulsivity and ease of access play major roles in preventable suicides and domestic homicides.

Legally owned, easily accessible rifles and shotguns are the guns of choice in domestic violence and women's safety experts and front-line shelter workers have repeatedly said that controlling access to all firearms is crucial to preventing avoidable deaths. Every year in Canada, more than 100,000 women and children leave their homes to seek safety in a shelter. Gun violence is present in many of these cases, taking such forms as intimidation, control and homicide. Studies and coroner inquests have shown that rates of homicide in domestic violence situations increase significantly when there is a firearm in the home. "Long guns" — rifles and shotguns — are the guns most likely to be used in domestic violence situations. Women's safety experts and front line women's organizations have repeatedly spoken out on the importance of gun control in reducing the risk that dangerous people will have access to guns.

Being a victim of gun violence is not limited to incidents that result in injury or death and for every crime or injury that is reported to the police, many more are not. Firearms are not only used to kill, they are also used to coerce, intimidate, injure, and subjugate victims. A gun does not have to be fired to inflict serious psychological damage. Around the world and in Canada, the prominence of firearms used in the cycle of violence against women and children has been repeatedly documented.²

Gun violence has significant economic and social costs. It is estimated that the cost of death and injury in the mid-nineties was \$6.6 billion per year.³ A Justice Canada report estimated the cost of gun crime at \$3.1 billion per year, a figure that excludes important costs that researchers could not estimate, such as costs stemming from the effects on the mental health of victims or of those who have lost a loved one, and on community safety.⁴ This estimate also excludes suicides, which are the cause of a large majority of gun deaths in Canada, and unintentional injuries (e.g. accidental discharge of firearms) that place a significant burden on our publicly-funded health care system. In 2006, the Small Arms Survey singled out Canada's gun law for its significant impact on reducing gun death and injury in Canada, and estimated the decrease in gun injuries and gun deaths since 1995 as saving up to \$1.4 billion Canadian dollars a year.⁵

Law enforcement officials have warned that the loopholes created by these changes facilitate illegal trafficking and make it harder to prosecute perpetrators of trafficking. Organized crime networks, terrorists and criminals will take the path of least resistance to obtain guns, and it is only a matter of time before these weaknesses are exploited. Now that non-restricted firearms are untraceable, it is much easier for those who want to remain undetected to acquire an unlimited number of guns, including powerful semi-automatics and sniper rifles, without any flags being raised. Recent studies in Toronto and BC have indicated that for the first time in

² Graduate Institute of International and Development Studies (2014). *Small Arms Survey 2014: Women and Guns*. Chapter 1, In *War and Peace, Violence against women and girls*.

³ Miller, T.R. & Cohen, M.A. (1997) "Costs of gunshot and cut/stab wounds in the United States with some Canadian Comparisons," *Accid. Anal. Prev.* (29): 329-41; abstract at www.ncbi.nlm.nih.gov/pubmed/9183471 as cited in "Reasonable control: gun registration in Canada (Editorial)," *Canadian Medical Association Journal (CMAJ)* February 18, 2003.

⁴ Department of Justice Canada: Research and Statistics Division. 2012. *The Economic Impact of Firearm-related Crime in Canada, 2008*. Ottawa: Department of Justice.

⁵ Graduate Institute for International Studies Geneva. (2006) *Small Arms Survey 2006: Unfinished Business*. (Oxford University Press, USA), in Chapter 8: "The Instrument Matters: Assessing the Costs of Small Arms Violence." Available at www.smallarmssurvey.org/publications/by-type/yearbook/small-arms-survey-2006.html

decades, more firearms recovered in crime originated in Canada than were smuggled in from the USA.

The Canadian Resource Centre for Victims of Crime and its partners believe that strengthened regulatory measures are justified to prevent these unnecessary human tragedies and mitigate their public safety impacts and social and economic costs.

Recommendations:

Strengthening controls on firearms reduces victimization and enhances public safety. The Canadian Resource Centre for Victims of Crime supports Bill C-71's and would like to see it go further. To this end, the Canadian Resource Centre for Victims of Crime urges the Members of the Standing Committee on Public Health and National Security to embrace the following recommendations in consideration of Bill C-71:

- Adopt an approach that prioritizes public safety and violence prevention, focusing on the reduction of risk and harm to Canadians;
- Recognize and support those measures in the Bill that strengthen public health and public safety protections, including the verification of licenses, the referral of classification of firearms to the RCMP, the restoration of discretion to the chief provincial firearms officer, providing access to the registry data for the Province of Quebec, and extending the licensing screening period to 10 years;
- Place special emphasis on securing within the Bill reassertion of the principle that military assault weapons, the misuse of which has extraordinary potential for negative public health and public safety impact, are prohibited for ownership by civilians; and, that classification of restricted and prohibited firearms is updated urgently through Orders in Council based on recommendations from the RCMP and police services experts;
- Broaden the scope of the framing of the Bill to reflect understanding that a coherent and balanced public safety strategy must address not only "gangs and guns" but directly and actively entail measures respecting violence against women, suicide and political violence, including requirements that the RCMP and provincial Chief Firearms Officers enforce the law rigorously to protect the health and safety of women, with specific regard to the checking of references;

Specific Amendments:

The Canadian Resource Centre for Victims of Crime sees the licensing provisions of the legislation as the foundation to effective firearms regulation and the screening processes associated with this to be fundamental to reducing the risk that individuals who are a threat to themselves or others will get access to firearms. While the existing regulations and forms provide broad scope for assessing risk for domestic violence, suicide, political violence and crime, the proposed criteria in the law are defined quite narrowly and should be amended to align better with the intention of the law which is and has been to ensure that, according to the section entitled "Public Safety".

5 (1) A person is not eligible to hold a licence if it is desirable, in the interests of the safety of that or any other person, that the person not possess a firearm.

Criteria

(2) In determining whether a person is eligible to hold a licence under ss (1), a chief firearms officer or, on a reference under section 74, a provincial court judge shall have regard to whether the person, within the previous five years,

o (a) has been convicted or discharged under section 730 of the Criminal Code of

- (i) an offence in the commission of which violence against another person was used, threatened or attempted,*
- (ii) an offence under this Act or Part III of the Criminal Code,*
- (iii) an offence under section 264 of the Criminal Code (criminal harassment), or*
- (iv) an offence relating to the contravention of subsection 5(1) or (2), 6(1) or (2) or 7(1) of the Controlled Drugs and Substances Act;*
- (b) has been treated for a mental illness, whether in a hospital, mental institute, psychiatric clinic or otherwise and whether or not the person was confined to such a hospital, institute or clinic, that was associated with violence or threatened or attempted violence on the part of the person against any person; or*
- (c) has a history of behaviour that includes violence or threatened or attempted violence*

This section should be amended to ADD (d) or for any other reason is considered a threat to themselves or other. This will specify that a broader range of issues or circumstances may be considered, including but not limited to the concerns of a spouse or family member, and that references are contacted.

Controls on sales of unrestricted firearms

- It is critical that this legislation restore controls respecting the sale of rifles and shotguns that were in place in 1977 requiring the licensed firearms dealer to record the Firearms Acquisition Certificate (now License) number, make model and serial number of firearms, and subject these records to annual inspection. These provisions enabled police to inspect records as needed to trace firearms without additionally authorization while requiring a warrant for more in depth investigations for example when conducting a criminal investigation of a firearms dealer.

Controls on handguns

Handguns and other restricted weapons are deemed to be particularly dangerous because of their concealability or fire power and therefore are subjected to additional controls. Handguns are not used for hunting nor are they used by farmers to protect their livestock from predators. Not only should restricted weapons permits be issues only after careful assessment of the legitimate purposes claimed by the applicant (livelihood, member of a shooting range, bona fide gun collector) but their movements should be carefully controlled to reduce the chances of misuse, theft or diversion.

- Ensure the controls on handguns as restricted and prohibited weapons are reinstated through the restoring of strict issuance of Authorizations to Transport (ATT). Previous legislation allowed restricted and prohibited weapons to be transported between two or more defined locations; this was amended to issues ATTs allowing them to be transported to any gun club or range in the owner's province of residence, with no compensating measures to check proliferation or mitigate the risk of diversion. Restricted and prohibited weapons need to be strictly regulated and should only be transported between pre-defined locations.

Other measures which are important to public safety, which should be addressed through this legislation or other means:

- Owners of multiple firearms present an increased risk to public safety because of the potential for theft and diversion. Therefore they should be subject to higher levels of scrutiny – for example safe storage inspection with notice of collections of more than 25 firearms. We also recommend that the Committee consider introducing mechanisms to track stockpiling;

- Require health care professionals and others to report to the RCMP or provincial Chief Firearms Officers individuals who are a threat to themselves or others and who should not have access to firearms paralleling current provincial legislation on drivers' licenses;
- Extend the mandatory reporting by health care professionals of firearms injuries, for example which is in place in some provinces, to a national reporting requirement;
- Restore transparent firearms data collection and analysis, evidence based policies and public education about the public health and public safety risks of firearms;
- Establish requirements for investment in youth and primary prevention services, and services for victims of gun violence and their families; and,
- Provide appropriate mechanisms to address non-powder firearms which are a significant threat particularly to children.