

Brief to the Standing Committee on Public Safety and National Security regarding the firearm legislation Bill C-71:

The need to restrict the accessibility of firearms to prevent gun violence

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By: Gladys Osien in collaboration with Zero Gun Violence Movement and Communities for Zero Violence

SUMMARY

We present this brief to the Standing Committee on Public Safety and National Security to provide the perspective of parents and community leaders that work on the front lines of the gun violence crisis. Gun violence in Canada is a problem, though the issue is complex, it is centred around one main problem –accessibility. Keeping firearms away from individuals who use them irresponsibly. The goal is to prohibit individuals from using firearms to harm, to threaten, to intimidate, or to kill.

In some communities, obtaining a gun is easier than getting a job. Any society in which this is a reality, is a failing society. There is a need for leadership in the gun crisis, to inform the public, to uplift communities affected by senseless and violent killings and to make key legislative changes that would have a measurable impact on the lives and safety of others. We are asking for actions in the legislation but also in the research. The statistics on gun crime and gun possession are dated. The latest report from statistics Canada on gun-associated deaths are from 2012. While it is true that we are in better shape than the United States, we can do better. It is time that we make gun violence a priority.

The brief is divided in four subjects: 1) Eliminating the black market 2) More oversight in the purchasing of firearms, 3) Targeting transportation of firearms across our borders 4) Funding Community Organizations. Each section outlines what can be done to make Canadians feel safer. It is our hope that the committee will consider the perspectives presented and make the appropriate changes and consideration so that everyone who lives in this country can feel safe. We cannot allow individuals to be confronted, defenseless on the other side of a weapon intended to kill.

The Zero Gun Violence Movement is a collaboration of over 40 different community organizations, agencies and programs. The ZGVM works closely with Communities for Zero Violence, an organization created by mothers whose children were victims of homicides in the city of Toronto. Together, the groups are spreading awareness of the violent crisis in Toronto, and are working to reduce gun violence across the city and the Greater Toronto Area.

*“If the 22 year old that killed my son didn’t have a gun in his backpack,
my son would be here today”*

These are the words of mother and cofounder of Communities for Zero Violence, Kelly. The accessibility to a lethal weapon took the life of her child who was murdered on the streets of Toronto, on Yonge and Bloor at age 18. He was killed by a complete stranger, the crime was not gang related. This was a senseless act of violence that turned deadly because the perpetrator had, in his possession, a lethal weapon.

While this event would destroy most people, Kelly along with community leaders, parents advocates and other concerned citizens, is devoted to making a change to ensure that firearms do not end up in the hands of the wrong people. Limiting accessibility to firearms will save lives. The purpose of this brief is to provide perspective, to offer some solutions with the goal of eventually minimizing gun violence in Canada.

We are not the United States of America, the ownership of a firearm is not a constitutional right in Canada. Owning a firearm in Canada is a privilege, and should be treated as such. Though deaths due to gun violence are still overwhelmingly greater in the United States than it is in Canada--we still have a problem.

It is hard not to compare our gun-related crime rate to the United States. The latest statistics show that the United States has the highest rate of civilian gun ownership in the world with an estimated range of 83-97 firearms per 100 people compared to 25-38 in Canada¹. As far as gun-ownership per population, we are closer to Germany, Sweden and Saudi Arabia². Gun sales in America typically spike after mass shooting incidents. Just last year, there were 347 mass shootings in the United States³. Although, gun ownership in Canada is significantly lower than America, Canada is not immune to mass shootings.

Large-scale shootings is what inspired individuals like Louis March who founded the Zero Violence Movement. The Eaton Centre and Danzig shootings in 2012 triggered an awakening, the shootings that collectively killed 4 and injured 31 were only six weeks apart. It was then that March called for a community meeting with youth organizations to figure out what could be done to “stop the madness”, the senseless shooting of people. In collaboration with similar minded organizations, with a clear goal of ending

¹ Aaron Karp, “Small Arms Survey: Civilian Firearms” (2006), online: <<http://www.smallarmssurvey.org/fileadmin/docs/A-Yearbook/2007/en/full/Small-Arms-Survey-2007-Chapter-02-EN.pdf>> at p 47.

² Aaron Karp, “Small Arms Survey: Civilian Firearms” (2006), online: <<http://www.smallarmssurvey.org/fileadmin/docs/A-Yearbook/2007/en/full/Small-Arms-Survey-2007-Chapter-02-EN.pdf>> at p 47.

³ Gun Violence Archive, “Mass Shootings”, online: <<http://www.shootingtracker.com/>>.

gun violence, the organization took on the issue, asking 1) whether it was possible to achieve zero gun violence and 2) what it would take. A 90-day campaign became a permanent movement created to make a meaningful and lifesaving impact.

Part of addressing the issue of gun violence in Canada is recognizing that we are at a crisis. Gun violence is a serious issue. We need to see political leadership. We need to see a will and courage to address the gun violence problem itself. Though the summit held March, provided a great start, the conversations around gun violence need to be consistent. The efforts to cease the cycle of violence and the solutions to end gun violence must come from coordinated government actions. Although the current law is a positive step, we need action, and we need legislation that supports these actions. We believe that the key to preventing violent acts involving firearms is limiting their accessibility. This can be achieved through targeted legislative changes and appropriate funding in programs.

1. ELIMINATE THE BLACK MARKET OF FIREARMS: GUN SUPPLY NEEDS TO BE CLOSELY MONITORED

In some communities, young people are still saying that it is easier for them to get guns than it is to get jobs. This is problematic. When a dangerous weapon is more accessible to young people than jobs and opportunities to contribute to the economy and to our communities, we are failing as a society.

PENALTIES ON ILLEGAL SALE OF GUNS

The government needs to take measures to stop the sale of guns in the black market. This can be done in a number of ways, for instance, by imposing strict penalties on licensed gun owners that sell in the black market and imposing a lifetime ban for any licensed gun owner who has resold their firearm in an illegal market.

LIMITING NUMBER OF GUNS PURCHASED

There needs to be legislation around the number of guns purchased per person, to identify individuals who purchase with the intent to distribute. Limiting the amount of firearm per household to ensure that purchased guns are not re-sold in the black market by legal gun owners is reasonable. This type of restriction applies the same logic as our current laws, which fairly assume that the possession of a large amount of prohibited substances likely means that there is an intent to distribute and as such, deserve stricter penalties.

Limiting the number of guns per household may mean having to wait longer before buying a gun to ensure that all of the checks have been performed thoroughly. In Canada, obtaining a firearm license (Possession and Acquisition License) is described as “easy”, all it takes is the completion of a Canadian

Firearms Safety Course and sending an application form⁴. Canadians can obtain a license in a few weeks, and after that can purchase a gun right away. Other countries like Australia have imposed a 28-day waiting period before a gun is even purchased. This would be effective in Canada to ensure appropriate comprehensive background checks, identify licensed individuals connected to violent crimes and potentially identify purchasers who are not buying solely for their own personal use.

During the House debate on Bill C-71, some members of parliament referred to a firearm as a “tool”. Though it is true that firearms are used as a tool in certain circumstances, in all circumstances, it is a lethal weapon. We need to take necessary and comprehensive steps to ensure that the licensed firearms does not end up in the wrong hands in the first place. Some may argue that these measures are inconvenient and moot, but these are lifesaving changes that are needed to prioritize safety.

2. MORE OVERSIGHT IN THE PURCHASING OF FIREARMS

In our current system, an individual needs a license to purchase their firearm—but what do individuals have to do to keep this privilege? We need monitor those who have access to firearms. A lifetime check is a good step, but we need more precise and targeted laws that address situations in which a legal gun increases the risk of safety.

In our current law, those who have been convicted of a violent act may be restricted from purchasing a firearm. However, there is a grey area, leaving out for example: individuals with restraining orders, or individuals that consistently demonstrate aggressive behaviour that do not quite constitute a crime. There is a provision in the law that speaks to restricting firearms to individuals treated for mental disorders with violence, but leaves the door opened to individuals who are untreated. There are gaps in our current legislation that renders the lifetime background check ineffective because it is not precise enough and not targeted enough to address the current issues around gun violence.

Gun ownership is a privilege, and like any privilege in can be taken away, any type of irresponsible violent behaviour should be grounds to remove an individual’s access to guns. The government needs to be accountable to the sale of firearms, and do their part in ensuring not only that retail records are kept but also taking the extra step of reinforcing the rules; making sure that owners still have the guns they purchased and are storing their firearms correctly.

⁴ “How to Get a Gun in Canada”, (2015), online: <<http://www.howtogetagun.ca/>>

INCREASING RESEARCH AND STATISTICS

We need accurate and current statistics on gun-related crimes and incidents. Statistics keeps us informed and allows us to assess the credibility of changes we implement in the law as well as make appropriate inferences and decisions. The latest report on firearm-related deaths, from Statistics Canada is from 2012. The figures in that report are dated and not useful in assessing the current state of gun violence in Canada. Studies that analyzed the rates of firearm violence within the context of gun control are outdated and over 20 years old⁵. There is no current research that allows us to evaluate our gun-laws and measure their subsequent impact on our society. We need to see consistent statistics to be able to identify trends. We have to see a detailed picture of what gun violence and gun crime looks like in Canada. Making this happen means allocating funds for gun violence research and prioritizing the monitoring of firearm related deaths, incidents and accidents.

Public reporting is not just important from a statistics and program planning point of view but also to inform the public. Individuals need to understand what gun violence is. Public Service Announcements are an effective way to communicate the effect and impact of gun violence, the government has been successful in changing the culture around certain behaviours, for example, texting and driving. A similar approach can be undertaken for gun violence so that those who are considering any type of gun-related violence are deterred by the consequences.

3. TARGET THE TRANSPORTATION OF FIREARMS ACROSS BORDERS

The current legislation targets the transportation of legal firearms. The transportation of firearms amongst licensed gun owners is important. However, the transport of firearms across borders is a key issue on the accessibility of illegal firearms and should be addressed in the new legislation.

On average, the Canadian Border Services Agency seizes 569 firearms a year from 2011-2016. Every year the numbers of restricted and prohibited firearms seized increases. In 2015, for example out of

⁵ Antoon Leenars and Lester David, "Gun control and rates of firearms violence in Canada and the United States: a comment" (1994) 36:4 Canadian Journal of Criminology.

Robert J Mundt, "Gun control and rates of firearms violence in Canada and the United States" (1990) 32:1 Canadian Journal of Criminology.

Antoon Leenars and Lester David, "The effects of gun control on the accidental death rate from firearms in Canada" (1997) 28:3 Journal of Safety Research.

the 825 firearms seized at the border 21% were restricted, and 38% were prohibited. The next year, 28% were restricted and 52% were prohibited⁶.

According to reports, Canadians returning home pose a significant risk re-entering the country with an undeclared firearm for illicit use. One in every seven seizures of undeclared firearms from Canadian residents uncovers firearms that were used in a crime, suspected of being used in a crime or had their serial number destroyed⁷. We need to invest in our borders to ensure that illegal firearms do not go through. This may involve improving technology to detect weapons, and most importantly increasing capacity for CBSA agents who are performing the searches, and overall providing more resources to ensure that illegal firearms do not enter the country.

To reinforce this, the government needs to allocate some funds in increasing the amount of resources that are currently at the border, we need more agents monitoring reinforcing the rules, and seizing illegal weapons, and we need to consider strict penalties and liability for individuals who enter the country with illegal firearms.

4. FUNDING COMMUNITY ORGANIZATIONS

The government has committed to spend \$327.6 million over five years, and \$100 million annually thereafter. To address the issue of gun violence in Canada we need to address the structural and socio-economic conditions that contribute to the gun violence problem. This can be done by funding community programs that work with communities at risk, individuals and families that are targets of gun crime.

It is also important that we include in these discussion and programs the incarcerated population. Individuals who have previously been incarcerated are at high risk for repeating crimes. Programs that can help the incarcerated population not only helps to end a cycle of criminal behaviour but also helps leaders understand better how to limit gun-related crimes. Inmates provide another perspective and allows us to gather statistics and share an open dialogue on gun-related crimes to find solutions that can have measurable impact.

We hope that the government with the funds allocated to address the issue of gun violence will consider robust evaluation of the programs, to identify what works and what does not work. The goal is not to throw

⁶ Nicholas Johnson, "CBSA Internal Report" (21 December 2017), The Gun Blog, online: <<https://thegunblog.ca/2017/12/21/cbsa-internal-report-shows-border-agents-seize-569-guns-per-year/>>.

⁷ Dennis Young, "CBSA Report: 1.6 Million Dollars Worth of Firearms Seized" (7 December 2017), Dennis Young (blog), online: <<https://www.scribd.com/document/352544300/Canadian-Resident-Firearms-Seizures>>.

the money at the problem, but it is to fund programs that are sustainable and can have a measurable impact on communities who are susceptible to violence.

In conclusion, the Zero Gun Violence Movement is truly committed to being a part of the solution in reducing gun violence and hope that the new legislation and funding will help build safe communities, not for some, but for all.