

Costs of Gun Violence and the Impact on Victims

**In reference to Bill C-19
An Act to amend the Criminal Code and the Firearms Act**

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Background

Bill C-19 proposes to amend the Criminal Code and the Firearms Act, including legislative measures to repeal the requirement that non-restricted firearms (rifles and shotguns) be registered once to their legitimate owner; to repeal mandatory licence checks essential to ensuring that only those with valid licenses are able to legally purchase firearms; to delete the data on 7 million non-restricted firearms currently registered and to turn back the clock 30 years in not requiring that sales of non-restricted firearms be recorded.

In recent years, in the many debates linked to the gun registry, we have heard little acknowledgement that incalculable human suffering has resulted from the misuse of firearms, whether criminal, accidental or self-inflicted. Fatalities and traumatic injuries are listed as statistics with no attempt to assess the enormous loss to our society, our communities, and our families. It is time that we shift the focus of the debate from the “rights” of gun owners to the rights of the public to safety. In particular, the role of legally owned firearms in domestic violence against women and children must be acknowledged.

Victims have been at the forefront of the battle to strengthen Canada’s gun control legislation since the beginning and we applauded the passage of the Firearms Act in 1995. The measures passed were aimed at preventing tragedies and considering the rights of Canadians to safety.

In 1993 we presented the de Villiers petition to the government signed by 2.5 million Canadians. It noted that crimes of violence against the person were abhorrent and that here were especially vulnerable people; children, women, the disabled. While many changes have been made and deficiencies are still being addressed, there is more to be done to protect Canadians.

We have appeared in front of a number of committees, we have spoken in the media, we have written to elected officials. We fought all the way to the Supreme Court of Canada to defend our gun laws and we are not going to stop now.

While we agree with the proposal to improve certain aspects of the system, let me remind you that it should not be done at the expense of lives. There are still too many victims of gun violence across the country. Gun violence is a complex social problem, which needs a comprehensive set of solutions. Strong controls on firearms are part of that solution.

Regardless of victim support, victim services or kind words, it is our conviction that no life should be forfeit, no injury tolerated and no vulnerable people held hostage in Canada when it is largely preventable. Those of us who have suffered want to prevent others from experiencing what we have experienced.

Canada's gun control legislation in its current form is the result of at least six public inquests that have emphasized the importance of licensing and registration as a means of preventing future tragedies. The measures included in the Firearms Act are important in preventing violence.

In a democratic society we must weigh the right of its people to safety and freedom from fear against the requirement that gun owners be licensed and that long guns be registered, one time only and free of charge.

Myths & Facts About Gun Control in Canada

Myth # 1 - "Duck guns" and "family guns" are not dangerous

Fact: My daughter was killed with a "duck gun", so were too many other victims

- All guns are lethal if mishandled and need to be strictly regulated. "Duck guns" threaten, injure and kill too. Consider for example:
 - 14 young women in the Montreal massacre, in 1989, perpetrated by a killer with no criminal record but a record of unstable behaviour, who committed suicide;
 - Scott Farion, 17, of Edmonton, murdered in 1994 by two young offenders who had stolen 15 handguns and a couple of rifles from a gun collector;
 - Renee Nina Joynson, 23, of Niagara Falls, Ontario, shot and killed in 1999 with a legally owned rifle by an acquaintance, who was being treated for depression;
 - Vikki Ferrando, 30, shot in 1999, in Victoria B.C. by her common-law spouse with his father's rifle "borrowed" after heavy drinking and attempting suicide;
 - Robert Dagenais and his wife Bonnie shot and killed in 2002, when they were fatally shot at their cottage in Val-des-Monts, Quebec with a stolen rifle;
 - In 2006, Francine Mailly and her three children Jessica, Brandon and Kevin were shot by her estranged husband with a .22-calibre rifle in Cumberland, Ontario. Police had been called to the family home repeatedly.
 - Bill and Helene Regier were shot at their Mount Carmel, Ontario farmhouse in 2007 with a loaded rifle stolen from a nearby farm.
 - In October 2007, a 16 year old girl was shot in the head by her 17 year-old ex-boyfriend in Regina, Saskatchewan, with a stolen rifle. The girl lost one eye, the hearing in her right ear, experienced paralysis on one side of her face, some brain damage and had to relearn how to walk, speak, chew and swallow.
 - Heidi Ferguson was shot by her estranged husband at her Orangeville, Ontario home in 2009. An avid hunter and gun collector, it is believed that he later turned the gun on himself;
 - Joan Hanson, her daughter and granddaughter were shot by her estranged husband who then turned the rifle on himself at her rural home in northern Alberta in 2009. Financial pressure is believed to have been a motive.

- In 1991, Nina de Villiers and Karen Marquis were shot and killed by a sexual predator with his own rifle, which he had recently used to terrorize and threaten

another of his victims in a violent sexual assault. He then turned that same gun on himself. The Inquest into his death, and five others, called for a gun registry. The one clear message that continues to emerge from terrible tragedies whether criminal, accidental or self-inflicted is that of the Coroner: *What we learn from one may save the lives of many.*

- Rifles and shotguns are the guns most often used in domestic violence, suicides and accidents and in the murder of police officers.
- There are three mechanisms in which availability of firearms increases violence. Guns instigate violence. Guns facilitate violence. Guns intensify violence. It must be recognized that firearms are designed to kill. The fact that firearms may be used for sporting, collecting or other pursuits cannot deny their inherent dangerousness. Any system of firearms control must take this basic fact into account.
- The presence of firearms in the household continues to be the leading cause of suicide in young men, a lethal weapon in family violence, a cause of intimidation and terror in children, accidental injury and death. Much of which is never publicly reported.
- While there are more guns in rural areas and the west, and more opposition to gun control, there are also higher rates of gun death and injury, often involving rifles and shotguns. Domestic violence, suicide and murders of police officers with firearms occur more often, on a per capita basis, in rural communities. For example in New Brunswick, 51 per cent of females killed by their partners between 1988 and 2009 were shot, most of them by rifles and shotguns. Women experiencing domestic violence in rural areas also report significant threats and intimidation with firearms.¹ Women were more likely to express concern for their safety when the firearms owners were not licensed and the firearms not registered or safely stored.²
- Rifles and shotguns are powerful weapons that when misused can be lethal or cause and serious injuries. For example, a single semi-automatic rifle, a Ruger Mini-14, was used to murder 14 young women and injured 27 in a 22 minute time span at Montreal's Ecole Polytechnique. This gun is still sold as a non-restricted "hunting" rifle.

Myth #2- Registration does not work. Licensing the gun owner is sufficient.

Fact: Public inquests have repeatedly recommended licensing and registration to help reduce the risk of dangerous people having access to guns.

- Six separate inquests called for licensing and registration of firearms and made many recommendations for strengthening screening processes and reducing the renewal period. These are:
 - 1) the inquest into the suicide of Jonathan Yeo, with a history of mental illness, who killed Nina de Villiers and Karen Marquis with a legally owned

- rifle, while on bail for a violent sexual assault on another stranger, at gun point, before committing suicide;
- 2) the inquest into the murder of the Kassonde children, who were killed by their father, who had a history of domestic violence, with a legal rifle before committing suicide;
 - 3) the inquest into the OC Transpo shootings again by a legal gun owner with a legal rifle before committing suicide;
 - 4) the murder of sportscaster Brian Smith by a man with a legally owned rifle and who had a history of mental illness;
 - 5) the inquest into the murder of Arlene May, killed by her former partner with a legally owned rifle made specific references to the need for mandatory licence checks;
 - 6) the inquiry into the Vernon massacre where a handgun club member killed his wife and 7 members of his family before committing suicide;
- Victims fought all the way to the Supreme Court of Canada to defend the law that was forged in death and misery. In June 2000, in its unanimous 9-0 decision, the Supreme Court of Canada stated: "*The registration provisions cannot be severed from the rest of the Act. (...) These portions of the Firearms Act are both tightly linked to Parliament's goal of promoting safety by reducing the misuse of any and all firearms. Both portions are integral and necessary to the operation of the scheme.*"³
 - The UN Special Rapporteur on Violence against Women and the Special Rapporteur on Human Rights and Small Arms emphasized that states which do not adequately regulate firearms are failing to meet their obligations under international law, particularly with respect to the safety of women and children.⁴⁵⁶
 - In Canada, the Court has repeatedly ruled that it is a privilege, not a right, to own a firearm. Our loved ones had rights: Section 7 of the charter says everyone has the right to life, liberty and the security of the person. Gun owners have a privilege, the same as anyone who drives a car. With that privilege comes responsibility and accountability. Responsible gun owners respect the law and realize how potentially lethal firearms can be.
 - There cannot be effective gun control without information about who owns what guns. Just as registration of cars makes for safer highways and streets in our country, registration will identify gun owners, attach each gun to its lawful owner, and track the movement of all guns. Registering all firearms holds gun owners accountable for their firearms and reduces the chances that legally owned guns will be diverted to unlicensed owners. Registration is essential to enforcing licensing that reduces the risks that dangerous people will have access to weapons. The gun registry has aided police investigations. Controls over legal guns are essential to preventing diversion and choking off the illegal supply.
 - Without registration, it is not possible for police to ensure that all firearms are removed from a gun owner who has had his license revoked. In 2009, for example, 3,900 non-restricted firearms were registered to individuals at the time their licences were revoked.⁷ It would also be impossible to properly enforce

prohibition orders. Access to firearms is one of the top ten risk factors in domestic homicide. The Ontario Domestic Violence Death Review Committee found that access to or possession of firearms is an indicator of an increased risk of lethality to a woman and controlling access to firearms has been cited repeatedly as one recommendation out of many aimed at preventing domestic homicides.⁸ We know Canada's gun control law is helping us making progress but improvements are also needed to ensure that the law is used to remove guns where there are risks.

Myth #3- "The registry is an expensive and bureaucratic nightmare that has never saved a single Canadian life."⁹

Fact: What are the costs of human life? Gun Violence costs Canadians \$6.6B a year. It is the victim who bears 47% of the costs. \$4 million a year to register all firearms is a pittance.

It is true gun control is not cheap. But neither is gun violence. If we look to the United States, we can very soon see the costs of inadequate controls on firearms. Costs must be put into perspective. The old system cost \$30 million a year and it was flawed. The costs of gun violence in Canada have been estimated at \$6.6 billion dollars per year.¹⁰ A single murder investigation costs \$500,000 quite apart from the other costs.

- Victims of violence are not covered by any insurance policy. They bear not only the financial costs but the ongoing effects on their mental health, disabilities, relationships, and employment as well.
- The lethality of guns and the traumatic injuries which they cause should fully be considered.
- The Canadian Institute for Health Information in 2004-2005 estimated that on average each patient stay cost almost \$7,000 for treating those patients admitted to hospital for at least one night. This did not include the cost of emergency care, day surgery, long-term care, hospital clinics or fee-for-service payments to physicians.
- On April 21, 2004, Louise Russo was shot and paralyzed while purchasing takeout food at a sandwich shop. She was the innocent victim of a drive-by shooting. The bullet that exploded in her spine was from a stolen rifle. Following acute care hospitalization, Louise spent six months as an inpatient in a rehab centre where she continued as an outpatient. Pain, spasms and other complications of Louise's injury became a daily part of life. Paraplegia and life in a wheelchair are particularly challenging for Louise, as she has always been the primary caregiver for daughter, Jenna, who has a severe disability and she now has to employ others to assist her.
- What draws less public attention are the victims who survive with life-altering disabilities. These people can face a lifetime of physical, emotional,

psychological and financial stress. And that doesn't begin to address the impact on their families and society.

- In the fall of 2005 in response to WHO's call for public health to take a lead role in violence prevention the Ontario Public Health Association, the Canadian Public Health Association, representatives from the federal government and a host of other organizations met to initiate plans for a national strategy on violence prevention. While governments, coalitions and communities organize prevention strategies, survivors of violent crime who have sustained disabilities face the challenge of moving on with their lives. Gun Control through licensing and registration should surely be one of those strategies.
- In JustResearch No. 12 the Department of justice stated that: *"it is impossible to put an accurate price on the loss of social cohesion in a high-crime community, or the impact on the life of family members of homicide victims, or the suffering of children who grow up with their parents incarcerated."*
- The proposed dollar value of a lost human life has been conservatively estimated at \$5 million.¹¹
- In 2007, 400 fewer people were killed with firearms than in 1995 in Canada. According to the 2006 Small Arms Survey, the decrease in gun injuries and deaths since the gun registry's inception are worth nearly \$1.4 billion annually.
- The indirect costs of gun violence and gun intimidation and harassment should also be taken into account. The effects of criminal harassment on the victim can be profoundly debilitating. Victims describe their lives as one of total dysfunction. They are consumed with fear, immobilized by a lack of information, and frustrated and demoralized as a result of limited support and resources. Their personal terror is aggravated by this lack of comprehension, leaving victims feeling helpless and marginalized, overwhelmed with anger, fear, and a sense of betrayal.¹²
- Going forward, the principal costs relate to screening and licensing gun owners, not registering guns. The RCMP estimates, that if the registration of rifles and shotguns were discontinued, it would save only \$4 million per year.¹³
- Gun control is an essential investment. Despite the opposition and the roadblocks put in the government's path, 2 million gun owners are licensed and 7 million firearms are registered. What sense would it make to dismantle it now? What would the opponents put in its place? What would that cost us? Not only in dollars and cents but also in terms of human lives and suffering? It may be too late for us, but what we learned from our tragedies could save the lives of other Canadians.¹⁴

Myth #4- The registry is useless, it needs to be scrapped.

Facts: Scrapping the registry will not save money. It will not satisfy critics. It will negate all the gains that have been made in preventing more victims of gun violence.

- It is indisputable that firearm death and injury have fallen in recent years, particularly those involving rifles and shotguns. Stronger laws will not prevent all tragedies but make it more difficult for dangerous people to get access to firearms. Gun violence is a complex social problem which needs a comprehensive solution. Strong controls on firearms are part of that solution.
- Police officers access the gun registry on average 17,402 times a day¹⁵, during investigations and to take preventative action. The registry has been used to remove guns from dangerous people including in cases of domestic violence. Many high-profile crimes have been solved thanks to Canada's gun law.
- The gun registry has provided over 18,000 sworn statements to support the prosecution of firearms-related crime.¹⁶
- It is invaluable for police providing information to the courts on bail orders in high-risk domestic violence cases.
- It identifies the party responsible for storage of the weapon as well as for ensuring that the weapon is not lent, given or sold to someone who is not deemed suitable to have access to a gun.
- It places the onus on the licensed gun owner to voluntarily remove weapons from the home if there is violent behaviour, depression or other signs of mental instability.
- The gun registry that is supported by all major public safety groups in the country including policing, public health, women's groups and front-line shelters such as the Canadian Association of Chiefs of Police, the Canadian Paediatric Society, the Canadian Association of Emergency Physicians, women's groups and victim groups, to name a few. None of these bodies stand to gain personally by their support. Instead they are dedicated to the well-being of our society and because of grim experience in the violent realities of their professions they recognise the need for a reduction in access to legally owned weapons.

Myth #5 – Selling guns to the unlicensed will still be illegal, so checking the validity of their licence will not affect their access to guns.

Facts: Without mandatory licence checks, it will be easier for dangerous people to get access to guns, and next to impossible to hold those who sell them guns to account.

- Under C-19, a seller will only need to have “no reason to believe” that the purchaser is not authorized to do so. They will have no obligation to verify, making it much easier for those with revoked or forged licences, or without a licence at all, to buy a gun. It will be next to impossible to prove that the seller should have known better, therefore making it impossible to hold anyone to account for selling a firearm to an unlicensed individual.
- According to the RCMP, 12,247 licences have been revoked since 2005, with a further 2,723 applications for a licence refused.¹⁷
- There have been instances in the past, including the murder of Arlene May, who was killed by her former partner Randy Iles, who then turned the gun on himself, where people with revoked licences retained the paper copy and were able to purchase guns. The coroner’s inquest into Ms. May’s killing identified the lack of verification as a major flaw in the previous system.
- A spokesperson for the department of Public Safety told Maclean’s magazine that the reasoning for this is to reduce the administrative burden for gun owners, and that a seller might still “physically inspect” a person’s licence or “have personal knowledge” of their licence status. This “administrative burden”, consists of a simple online check for gun dealers and a quick phone call to the Canadian Firearms Program for regular individuals.
- In most circumstances, it will be impossible to prove what someone believed or what they should have believed. In testimony in front of this Committee, lawyer Solomon Friedman, who is in favour of looser gun control laws, said that while a court may read the Minister’s reassurances that this will not lead to lax controls by gun sellers, it would not be a deciding factor. He stated that the onus will be on the Crown to prove that the transferee was not allowed to acquire the weapon. It is possible that the court could decide that due diligence is required, but there is no knowing what that will include.
- If the onus is on the Crown to prove that a person knew something, what onus will be on the seller to prove that they did not know? Would the fact that the government is deliberately removing the mandatory nature of licence verification influence the courts to accept a lower standard than they might otherwise have applied?
- An example of a possible situation. A merchant sells a rifle to someone to whom they had previously sold a gun six months earlier. At that time, they verified their licence was valid. In the mean time, the man was charged with

domestic violence, his licence revoked and guns removed. The dealer is not aware of the buyer's recent legal problems but remembers selling him a gun without issue previously. Going on memory, he sells the gun this time without verifying the licence. This person then uses the gun to threaten or even kill his wife. How would the Crown prove in this case that the seller should have believed the person to be unlicensed?

- Thousands of private sales of firearms take place in Canada every year. The average person who decides to sell their guns on Craigslist will not know what to look for to detect a fraudulent licence or may think that the law calls for a low standard of verification.
- Sellers who do choose to verify a licence are expressly forbidden from keeping a record of it. Would it not be useful to know if dangerous people are trying to acquire weapons? Would a gun dealer who checked the licence status and then refused to sell a gun to a person they strongly suspected to be dangerous, be then forbidden from reporting to police that a potentially violent or unbalanced person was trying to buy a gun if they are unable to record the attempt? After a tragedy involving an unlicensed gun owner, it will not be possible to know that they were known to be trying to buy firearms. Would such information not be useful to police in their investigations? And after such a tragedy, if a responsible gun dealer had verified a licence, refused a sale and kept a record to protect themselves in case something happened, would they then be charged for breaking the law if they gave this information to the police to help in their investigation?
- Many sellers may retain a high standard of verification. Others may not. An unlicensed person will just have to keep trying until they find someone who 'believes' they are licensed.

Recommendations

Considering the evidence and facts mentioned in this document, we recommend that:

- The committee votes to terminate Bill C-19.
 - 1) Long gun registration is an essential part of Canada's gun control law and should be maintained. Licensing the gun owner together with registration of each weapon establishes accountability for the weapon and the responsibility for its safe storage.
 - 2) Mandatory licence checks are essential to ensuring that only those with valid firearms licence are able to acquire legal firearms. Without these checks, individuals under prohibition order, or whose licence has been revoked for public safety concerns, or with a fake licence would have the capacity to purchase non-restricted firearms
 - 3) There are no sound reasons to delete the data on 7 million registered non-restricted firearms. This information is a tool that can assist police investigations and help them press charges.
 - 4) Also to assist police investigations and to trace the origin or ownership of firearms used in the commission of a crime, the Bill should be amended to reinstate the requirement for businesses to maintain records of all transactions involving the sale, purchase or disposal of non-restricted firearms (including serial number of the firearm sold and the name and address of the purchaser).
- The government should update the list of restricted and prohibited weapons which serve no legitimate purpose for hunting or target shooting, and include the Ruger Mini-14 that many countries classify as assault weapon.
- We are willing to support some compromises provided they do not affect public safety. Proposals to waive fees associated with firearm registration permanently, while removing financial resources from the program, are a reasonable compromise with gun owners. So is the introduction of a non-criminal supplementary offence for the failure to register one firearm one time only.
- We are also calling for a national information campaign to educate Canadians on all the salient issues mentioned above as part of a National Public Health Strategy as well as part of a Violence Prevention Strategy. No registration program can function successfully without current, informed, accurate information consistently delivered.

For too long Canadians, any one of whom could be the next victim, have been deluged with inaccurate, dated and inflammatory information which has gone unchecked by the governments of this country. Our lives and safety deserve more than that.

End Notes

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- ⁴ Special Rapporteur on violence against women, its causes and consequences (U.N. Doc. E/CN.4/1996/53, §32-33)
- ⁵ Special Rapporteur on human rights and small arms (U.N. Doc. E/CN.4/Sub.2/2002/39; 5/ 2002)
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- ¹¹ Zhang, Ting. (2011) Costs of Crime in Canada, 2008. Department of Justice, cat. no. rr10-05e http://www.justice.gc.ca/eng/pi/rs/rep-rap/2011/rr10_5/index.html
Appendix D, Table 2
- ¹² Graduate Institute for International Studies Geneva. Small Arms Survey 2006. Oxford University Press, USA; Revised edition (August 3, 2006)
- ¹³ Peter Hall consultant for the RCMP "Risks and Benefits of Proposed Firearms Legislation," 2009
- ¹⁴ The Caveat Report, November 1998. Available at: http://www.caveat.org/downloads/CaveatReport_nov98.pdf
- ¹⁵ RCMP. "Facts and Figures – July-September. 2011," 30 September 2011. Available at: http://www.rcmp-grc.gc.ca/cfp-pcaf/facts-faits/archives/quick_facts/2011/se-eng.htm
- ¹⁶ RCMP, (2010); RCMP, Canadian Firearms Program. (2009) Commissioner of Firearms 2008 Report. Ottawa: RCMP.
- ¹⁷ RCMP, Canadian Firearms Program. (2011) Commissioner of Firearms 2010 Report. Ottawa: RCMP. Table 10: Number of Firearms Licence Refusals and Revocations <http://www.rcmp-gc.ca/cfp-pcaf/rep-rap/2010-comm-rpt/canada-eng.htm>