

# COALITION

for Gun Control / pour le contrôle des armes

[www.guncontrol.ca](http://www.guncontrol.ca)

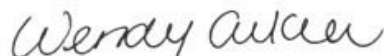
March 26, 2012

Ms. Shaila Anwar  
Committee Clerk  
Standing Committee on Legal and Constitutional Affairs  
Senate of Canada  
K1A 0A6

Dear Ms. Anwar,

Thank you again for the opportunity to appear before the committee last week and for your assistance in accommodating my schedule and arranging the testimony by video link. I appreciate this opportunity to respond to clarify some points that were raised following my presentation to the committee on Bill C-19 on March 15, 2012.

Yours truly,



Wendy Cukier  
President, Coalition for Gun Control  
Selected as one of 25 *Transformational Canadians* (2010), recipient of the *Canadian Labour Congress Making a Difference in People's Lives Award* (2011), *Prix des policiers du Québec* (2007), *Canadian Criminal Justice Public Education Award* (2000), *Canadian Public Health Association Award of Merit* (1996), *YWCA Woman of Distinction* (1996)

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## 1. Firearms Licence

The process to obtain a non-restricted firearms licence is the same Canada-wide. The Honourable Senator Dagenais mentioned the requirement that one goes to its local police station to apply for a licence. It should be noted that this is not a requirement for non-restricted firearms in any province. Quebec however strengthened its processes on restricted firearms following the introduction of the Anastasia law and requires this for restricted firearms only.

It was also alleged that there have not been any evidence of fraudulent licences and no reason to believe there would be in the future. In fact, there are documented cases of forged firearms licences<sup>1</sup> despite the fact that they have little use in helping purchase firearms as the seller is currently required to verify the licence's validity. It is reasonable to expect that without this safety check, the black market for fake firearms licence will flourish.

## 2. Police use of the long-gun registry

Lawyer Solomon Friedman presented two cases alleging that these officers were killed because they relied on faulty information from the long-gun registry. In fact:

- Laval Police officer Daniel Tessier was killed during a home raid by a restricted firearm. It was reported that the legal handgun owner who shot him did not report his change of address.<sup>2</sup>
- Laval Police Constable Valerie Gignac was shot by one bullet fired from a "non-restricted" gun that went through a front door, her bulletproof vest and a notepad. Laval police chief compared the powerful .338-calibre rifle that was used to an "elephant gun". The coroner's inquest into her death reinforces the need to verify firearms licences for validity. Since Dec. 1 1998, sellers had to call the transfer in and register the gun to the new buyer. However, her killer was able to purchase the gun used at a rural gun show around 2001, despite a revoked licence. The seller's failure to check the licence's validity undercuts the argument that gun sellers will always do the right thing and call in to check a licence. Presumably a known seller would have not sold his guns to a prohibited buyer knowing that they could be traced back to him. With registration and licence checks, there might have been information to track the seller — still unknown today — and charge him appropriately.

## 3. Records of Sales

International treaties require that countries maintain records on firearms. The European Union has finalized its implementation and ratification plans of the international Firearms Protocol. When asked how Canada plans to ratify this agreement, Minister Toews responded that the committee should speak to an international expert on this. As it is unclear whether Canada plans to ratify the agreement and develop alternative mechanisms that will be more costly and not as effective or comprehensive as the current system. We encourage the Committee to seek the input of the Department of Foreign Affairs on this issue.

Committee members questioned whether it is already a requirement under the Income Tax Act to record the serial number of firearms. We understand that it can be done on a voluntary basis, and that other information could be recorded to fulfill the requirement of *"A brief description of the goods or services"*.<sup>3</sup> We further note that there is no requirement to write the address of the purchaser and that these records are only required to be kept for six years.

## 4. Empirical Evidence Supporting Canada's Gun Control laws

- The rate of death involving guns is the lowest it has been in over 40 years. In fact, **400 fewer Canadians died of gunshots** in 2007 (723) compared to 1995 (1125). (See figure 1)

- Public health studies have assessed the impact of the Firearms Act. For example the *Institut de santé publique du Québec* has concluded that the Firearms Act has led to **250 fewer suicides and 50 fewer homicides annually** in Canada.<sup>4</sup> Subsequent studies not only confirm those initial findings but have extended them, and identify another more specific area where the Firearms Act has been helping in **reducing spousal homicides**.<sup>5</sup>
- Since the long-gun registry and its related requirements for safe storage of guns were introduced, youth suicide rates by firearms have declined in relation to suicide rates by other means.<sup>6</sup> While **the rate of suicide with firearm has drop 48% since 1995**, the rate of suicide without firearm has remained stable. (See figure 2) Studies have concluded that the drop in suicide has not lead to an increase in suicide by other means.<sup>7</sup>
- Rates of **robbery committed with firearms have plummeted (43%)** while rates of robbery committed by other means have decreased only by 9%.
- **Murders with rifles and shotguns have decreased dramatically, from 61 in 1995 to 29 in 2009.**<sup>8</sup> Researches on crimes have concluded that stronger controls on firearms were followed by a significant drop in the number of homicides committed with a gun and that no tactical displacement was observed.<sup>9</sup>
- Non-restricted rifles and shotguns are the guns most likely to be used in domestic violence situations. Studies in Ontario and elsewhere have shown that, in abusive relationships, the risk of a woman being murdered increases substantially when firearms are readily available.<sup>10</sup> Canada's firearms legislation was designed to reduce the risk that abusive spouses will have access to firearms by improving screening (including spousal notification) and registering firearms. It also makes it easier to remove firearms when risks are identified. The rate of **women murdered with firearms by their intimate partner has decreased by 69%** since 1995.<sup>11</sup>
- While rates of homicide without firearms are comparable between Canada and the U.S., rates of homicides with firearms are 6.4 times higher in the U.S. (See figure 3 and table 1)

## 5. Auditor General of Canada's Report and Testimony

Former Auditor General Sheila Fraser reaffirmed to the Standing Committee on Public Safety and National Security May 27, 2010<sup>12</sup> and specified:

- Her department has not conducted detailed audit on the program since 2006 and did not audit the effectiveness of the program or the social implications of the firearms policy as this is not in their mandate.
- It was expected that the total costs of the program was to reach \$1 billion by the end of the 2004-2005 fiscal year.
- In its 2006 audit, the Auditor General found that the government had made satisfactory progress in recording and reporting the full costs of the program. It was noted at that time that the annual expenditures had decreased to \$71 million in the 2004-05 fiscal year.
- The 2006 audit discussed the quality of the data<sup>13</sup> and recommended that resources were to be devoted to check all records for entry errors and completeness. Instead of improving the accuracy of the data, the amnesty leads to further degradation of the data — particularly the addresses of firearms owners.

**4.59** *A 1994 study commissioned by the Department of Justice found that, in the RWRS, many of the records for restricted and prohibited firearms were outdated or incorrect. However, owners who had registered in the CFIS were not required to confirm or update information provided previously. Confirmation of information would have strengthened the quality of data in the CFIS.*

**4.60** *In 2002 we reported that to reduce the burden of the Canadian Firearms Program's requirements and to increase registration, the government had approved a more flexible standard for describing firearms. As a result, the Centre relied on applicants to describe their firearms with reasonable accuracy. It did not physically verify descriptions provided by applicants at the time of registration, and the registration process did not require information such as model or exact barrel length. The Centre expected to correct and complete firearm records at the time that the firearm is transferred.*

## 6. Negative Effects of the Amnesty

In 2006 the government declared an amnesty for gun owners who failed to renew their licenses or register their firearms. The amnesty was extended for one year in 2007, 2008, and 2009. On April 22, 2009, the House of Commons voted in favour of a motion to end this amnesty. It was renewed again in 2010, and for two years in 2011. The amnesty covers gun owners who have failed to register their non-restricted firearms and those who have failed to renew their licence and who weren't screened for risk factors. The amnesty:

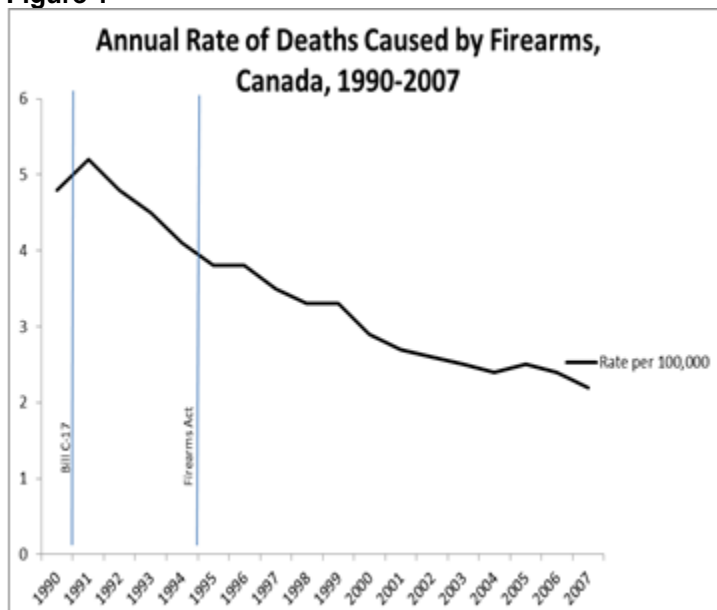
1. **Undermines respect for the law.** The amnesty penalizes the law abiding gun owners who regardless of their personal views complied with the legislation in a timely fashion. It also encourages groups and individuals that publicly flout the law.
2. **Undermines the integrity of the data in the Firearms Registration System.** The need to improve the accuracy of the data contained in the registry was a point raised in the 2006 report of the Auditor general of Canada in the chapter "Data quality needs to be addressed": "*4.64 Canada Firearms Centre should ensure that its new information system will be able to provide management with the performance information it needs to run the Canadian Firearms Registry*". Frequent renewals are a way to keep firearm owners' addresses up to date. Information on long guns is self-reported, and only verified when guns are transferred. Instead of improving the accuracy of the data, the amnesty will lead to further degradation of the data -particularly the addresses of firearms owners- putting police officers and the public at risk. The 2008 Commissioner's Report reported "*To encourage compliance, a partially filled renewal application is mailed to the client for completion 90 days prior to expiry. In 2008, a total of 309,161 licences of individuals in possession of firearms (Possession Only Licences and Possession and Acquisition Licences) required renewal. Of these, 66,006 were not renewed. Many of the non-renewals occurred because the licence holders did not advise the CFP of their address changes. Overall, 27,859 renewal notices were returned as undeliverable.*"<sup>14</sup>
3. **Prevents screening for risk factors of violence and suicide.** Licensing gun owners is an essential measure to keep guns away from potentially abusive spouses, and individuals with a history of violence. The license renewal process is essential to allow for re-screening on a regular basis for violence and suicide related risk factors that are not currently in police databases, reducing the chances that dangerous people will have access to guns. For example, a substantial proportion of men who kill their partners have either criminal records or a history of psychiatric treatment. In many of these cases, other members of the community have known that these threats and acts of violence were occurring. Screening and licensing firearm owners reduces the risks that dangerous people will have access to weapons, and registration is essential to enforcing licensing.
4. **Prevents police from removing firearms and charging potentially dangerous people.** In our consultations with police, we have learned that there are many cases where police have apprehended individuals with illegal long guns, including powerful semi-automatics as well as shotguns, and have been unable to proceed with charges because of the amnesty. Arthur Dagenais (father of Curtis Dagenais who is charged with killing two RCMP officers) was charged with obstructing justice while police officers were actively trying to locate his son. Charges for possession of illegal firearms against him were stayed because of the amnesty.<sup>15</sup> In Laval, Quebec, a couple was charged with 21 counts each of possession of illegal firearms (11 hunting rifles), charges which were later dropped after the accused countered that hunting rifles didn't have to be included in the gun registry.<sup>16</sup> As far as we know, there has been no assessment of how often the amnesty has hampered police investigations and prosecutions.

## 7. Facts on the Costs of the Program

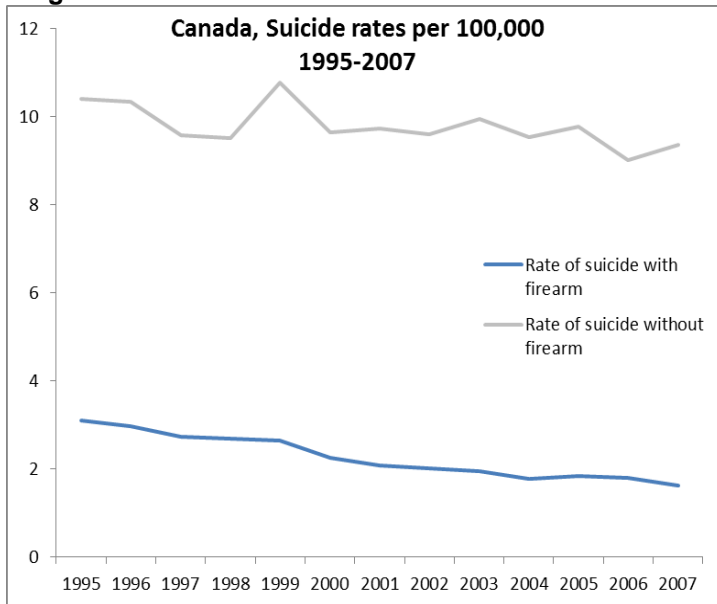
- Eliminating the long-gun registry will not refund the financial investment to set it up, nor will it save billions of dollars in the future.
- The costs of maintaining the registration of rifles and shotguns are modest. **An independent cost-benefit analysis for the RCMP has estimated that scrapping the registry would save less than \$4 million per year.**<sup>17</sup> The Deputy Commissioner of the RCMP has confirmed that the long-gun registry makes up approximately 20% of the workload.<sup>18</sup>
- The bulk of the costs of the Firearms Program are for licencing gun owners and screening them for risk factors of violence and suicide.
- Comparatively, police associations have given evidence that it is approximately the cost of a complex murder investigation and public health advocates have argued that it is dwarfed by the annual costs of firearm death and injury, estimated at \$6.6 billion annually in 1995. According to the 2006 Small Arms Survey, the decrease in gun injuries and deaths since the inception of the Firearms Act are worth nearly \$1.4 billion annually.<sup>19</sup>
- Since 2006, the government has waived fees given up associated with gun licence renewal, estimated at \$21 million in lost revenues in 2011 alone.<sup>20</sup>
- The costs of C-19 are unknown but could be substantial. The government has not said what the implementation costs of C-19 will be or how it will proceed with deleting the data. Due to the way the system is built, this could be a time-consuming, expensive process.
- The Quebec government has vowed to take the federal government to court to protect the gun registry data. Rather than cooperate, the government has refused. This will likely lead to an expensive and drawn out court battle.
- Police associations have repeatedly warned that C-19 will make their investigations more difficult and more expensive.

## Appendix

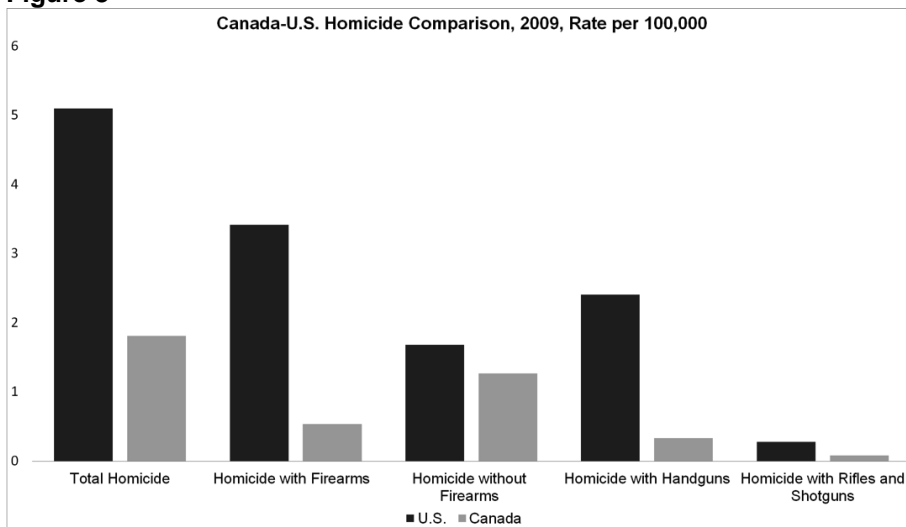
Figure 1



**Figure 2**



**Figure 3<sup>21</sup>**



**Table 1**

**Canada-US Comparison**

2009	Canada	US	Comparison US vs Cda
Total Homicide	610	13,636	
Rate of Homicide	1.81 per 100,000	5.1 per 100,000	2.8x
Total Homicide with Firearms	179	9,146	
Rate of Homicide with Firearms	0.53 per 100,000	3.42 per 100,000	6.4x
Homicides without Guns	431	4,490	
Rates of Homicides without Guns	1.27 per 100,000	1.68 per 100,000	1.3x
Handgun Homicides	112	6,452	
Rates of Handgun Homicides	0.33 per 100,000	2.41 per 100,000	7.3x
Homicides with Rifle and Shotgun	29	766	
Rates of Homicides with Rifle and Shotgun	0.08 per 100,000	0.28 per 100,000	3.5x

<sup>1</sup> Hanon, Andrew. (2010) "Fake firearms licences seized," QMI News, June 24.

<http://cnews.canoe.ca/CNEWS/Crime/2010/06/24/14497076.html>

<sup>2</sup> "Safety board report assails Laval police" Montreal Gazette, October 23, 2008.

[http://www.canada.com/story\\_print.html?id=b8b89e93-30ee-4ebc-bebe-0adb16993ce7&sponsor=](http://www.canada.com/story_print.html?id=b8b89e93-30ee-4ebc-bebe-0adb16993ce7&sponsor=)

<sup>3</sup> Canada Revenue Agency. Invoice Requirement. <http://www.cra-arc.gc.ca/tx/bsnss/tpcs/gst-tps/bspsbch/itc-cti/nvc-eng.html>

<sup>4</sup> Lavoie, Michel, Pilote, Ruth, Maurice, Pierre, Blais, Étienne. (2010) Brief Submitted to the House of Commons Standing Committee on Public Safety and National Security Concerning Bill C-391, the Act to amend the Criminal Code and the Firearms Act. Québec: Institut national de santé publique.

[http://www.inspq.qc.ca/pdf/publications/1090\\_MemoireProjetLoiC391ArmesFeu\\_VA.pdf](http://www.inspq.qc.ca/pdf/publications/1090_MemoireProjetLoiC391ArmesFeu_VA.pdf)

<sup>5</sup> Testimony by Étienne Blais, Criminologist and Associate Professor, School of Criminology, University of Montreal, to the Standing Committee on Public Safety and National Security on Thursday, November 24, 2011.

<sup>6</sup> Dr. Katherine Austin, Canadian Paediatric Society, Testimony at SECU, May 27, 2010.

<sup>7</sup> Gagné Marie-Pier (2008) L'effet des législations canadiennes entourant le contrôle des armes à feu sur les homicides et les suicides. Mémoire présenté à la Faculté des études supérieures. Août.; Étienne Blais, Marie-Pier Gagné, Isabelle Linteau, « L'effet des lois en matière de contrôle des armes à feu sur les homicides au Canada, 1974–2004 », Revue canadienne de criminologie et de justice pénale, Vol. 53, No. 1, janvier 2011.

<sup>8</sup> Kwing Hung, "Firearms Statistics Updated Tables," January 2006; Sarah Beatty and Adam Cotler, "Homicide in Canada 2009," Statistics Canada, Juristat Vol. 30, no.3, October 2010.

<sup>9</sup> For exemple: Étienne Blais, Marie-Pier Gagné, Isabelle Linteau, « L'effet des lois en matière de contrôle des armes à feu sur les homicides au Canada, 1974–2004 », La Revue canadienne de criminologie et de justice pénale, Vol. 53, No. 1, janvier 2011.

<sup>10</sup> Ontario Office of the Chief Coroner. (2002) Quoted in *Toronto Star*, 1 April 2004, p. A8. Some of its more recent *Domestic Violence Death Reviews: Case Reviews of Domestic Violence Deaths* reports available at

[www.mcscs.jus.gov.on.ca/english/DeathInvestigations/office\\_coroner/PublicationsandReports/DVDR/DVDR.html](http://www.mcscs.jus.gov.on.ca/english/DeathInvestigations/office_coroner/PublicationsandReports/DVDR/DVDR.html) place access to firearms among the top 10 risk factors; see also Campbell JC, Webster D, Koziol-McLain J, et al. (2003) "Risk factors for femicide in abusive relationships: results from a multisite case control study," *American Journal of Public Health*, 93:1089-97.

<sup>11</sup> Statistics Canada, Canadian Centre for Justice Statistics, Homicide Survey.

<sup>12</sup> Testimony by Sheila Fraser, Auditor General of Canada, to the Standing Committee on Public Safety and National Security on May 27, 2010.

<http://www2.parl.gc.ca/HousePublications/Publication.aspx?DocId=4562004&Language=E&Mode=1&Parl=40&Ses=3#Int-3185570>

<sup>13</sup> Auditor General of Canada. 2006 May Status Report. Chapter 4. [http://www.oag-bvg.gc.ca/internet/English/parl\\_oag\\_200605\\_04\\_e\\_14961.html#ch4hd4c](http://www.oag-bvg.gc.ca/internet/English/parl_oag_200605_04_e_14961.html#ch4hd4c)

<sup>14</sup> RCMP. "2008 Commissioner Report." 2009.

<sup>15</sup> Betty Ann Adam, "Dagenais fights for seized property," The Star Phoenix, October 24, 2007.

<sup>16</sup> Paul Cherry, "On trail of tax fraud Millions were hidden, court papers charge, The Gazette, April 10, 2009.

<sup>17</sup> Peter Hall for RCMP Canada/ Canadian Firearms Program. (2009) Risks and Benefits of Proposed Firearms Legislation. Ottawa: PLEIAD Canada.

<sup>18</sup> Standing Committee on Public Safety and National Security, November 2, 2006.

<http://www.parl.gc.ca/HousePublications/Publication.aspx?DocId=2470593&Mode=1&Parl=39&Ses=1&Language=E>

<sup>19</sup> Small Arms Survey 2006, Chapter 8 The Instrument Matters: Assessing the Costs of Small Arms Violence. Available on-line at <http://www.smallarmssurvey.org/fileadmin/docs/A-Yearbook/2006/en/Small-Arms-Survey-2006-Chapter-08-EN.pdf>

<sup>20</sup> MacCharles, T. "Conservatives give up \$21 million in waived gun fees," Toronto Star, March 25, 2011.

<sup>21</sup> Beatty, Sarah, Cotter, Adam. (2010) "Homicide in Canada, 2009," Juristat 30 (4). Ottawa: Statistics Canada.; U.S. Department of Justice. (2010) 2009 Crime statistics, Expanded Homicide Data. FBI.