

## **Implementation Issues**

Laws are only words on paper unless they are backed up with strong implementation. In addressing gun violence an integrated strategy is critical. It must address primary prevention but also ensure that the laws are applied and backed up by the courts.

### **Primary Prevention is Critical to Prevent Gun Violence**

- Gang members are not born, they are bred. Preventing gun violence in the future requires investments now.
- As with cancer, early intervention is most effective. Once the problem has emerged it is much more difficult to “treat” it.
- Addressing the root causes of violence requires a long term investment in families and children and providing opportunities for young people.
- Effective primary prevention is multi-sectoral with health care providers, schools, faith organizations and community organizations being absolutely fundamental.

### **Ensure Implementation of Existing Laws.**

- Carefully screen and license firearm owners to reduce the chances people who are a risk get guns. Continuous eligibility monitoring helps remove guns from people who are a threat to themselves or others.
- Register guns to increase gun owner accountability and reduce the chances of diversion of legal guns to illegal markets. Registration also supports law enforcement in taking preventative action and in prosecuting illegal possession. In 2010, the Canadian Firearms Registry On-line (CFRO) was consulted 14,032 times a day by police<sup>1</sup>. In 2007 alone, 3,606 affidavits were produced with information from the system to aid in prosecution.<sup>2</sup>
- Control the sale of ammunition.
- Enforce safe storage laws.
- Monitor gun collectors and dealers

### **Collect and Destroy Unwanted, Unused and Illegal Firearms**

Reducing the supply of unwanted, unused and illegal firearms is important. Mechanisms include amnesties, weapons collection and police inventory management processes. Voluntary weapons collection programs also provide an educational function.

### **Public Education**

Ensuring the community and all professionals understand the risks associated with firearms and the opportunities for intervening when there are risks is critically important. For example, health professionals and domestic violence workers need to query access to firearms when dealing with domestic violence and youth at risk. Parents and partners need to recognize the risks and know who to call to get help. Youth need to be encouraged to report illegal firearms. Project Trident in London's public education campaign resulted in a significant increase in firearms being reported to police and improved clearance rates in homicide cases.

### **Stronger Controls at the Border**

Since 9/11 discussions of security and safety have tended to focus on reassuring Americans that Canadians are not a threat to their security. We need to be equally concerned about the threats to Canada's security that US guns pose. Strengthening, not relaxing, border controls is needed. Both the Canadian Police Association and the Canadian Association of Police Boards called on the government to consider impacts on the security of Canadians of initiatives to relax border controls. In addition, discussions of relaxing border controls in the interests of trade have failed to recognize that as you facilitate the movement of legal goods you also facilitate the movement of illegal ones. It is notable that 10% of the guns recovered at the border are carried by truckers. Easily concealed handguns can be purchased for \$50 to \$100 in the U.S. and sold here for over \$1000 or more. Most are being traced back to states such as Ohio and Florida with lax gun control laws. Recent reports indicate that Americans

bringing guns into Canada may be simply held until they pay a \$500 fine. Often charges are laid under the Canada Customs Act rather than the Criminal Code when guns are brought into the country illegally. Clearly, smuggling needs to be treated more seriously.

### **Community Leadership on Dealing with the Gun Problem**

It is critically important that community leaders avoid sound-bite oriented policies in response to tragedies and encourage the community to work together to address the problems. In recent years, there have been a number of high profile cases where those entrusted to lead in dealing with the problem of firearms in the community have not set a particularly good example in the use of their own firearms. It is critical that leaders not confuse their personal interests with their professional responsibilities.

### **Prioritize Community Based Policing**

Information is the lifeblood of policing - it is key to understanding the problems of violence, to solving criminal investigations and to prosecuting cases successfully. Building relationships between police and the community is essential not simply improving sense of security and cooperation. There are no cookie-cutter solutions – all strategies need to be developed and implemented with regard to the local context. The shootings in Toronto are a particularly complex issue because of a lack of trust in some communities. Better cooperation would help the police in their investigation and would lead to more arrests. For instance, a Toronto resident lent his bike to a police officer in order to help nab two men. The suspects were arrested and it turned out that a loaded 9-mm semi-automatic handgun was found inside the car. The police are expecting such help from the community in order to curb gun violence.

### **Increase Targeted Policing**

There is considerable evidence that targeted policing can produce results in high crime neighbourhoods. Identifying "hot-spots" and increasing police patrols has been effective in terms both of improving the sense of security in these neighbourhoods and in suppressing crime.

### **Provide Tools for Police and Prosecutors**

Real time access to information about who owns which firearms is critical to support police efforts to reduce risk, to identify and lay charges for illegal possession of firearms and to successfully prosecute firearm offences. Under the old system only 1/3 of gun owners had Firearms Acquisition Certificate (FAC) and only handguns were registered. Access to the system was during business hours via the telephone. Access is now online and integrated with the Canadian Police Information Center (CPIC). As of September 2010, 1.8 million gun owners had valid gun licence and 7.5 million legal guns were registered, 6.8 million of them non-restricted firearms. In 2010 the Canadian firearms registry online (CFRO) was queried over 14,000 times a day by police.<sup>3</sup> Several thousand affidavits based on the information in the system have been used to prosecute firearm crimes, a significant increase in volume from the old system.<sup>4</sup> Moreover, in 2009, there were 279,104 prohibition orders from possessing a firearm issued by the court.<sup>5</sup>

### **The System Has Been Used To Prevent Crime and Illegal Trafficking**

For example<sup>6</sup>:

In 2009, the Canadian Firearms Program's NWest received a call from another police agency seeking guidance in applying certain offence sections of the Firearms Act. NWest queried the Canadian Firearms Registry Online and found an individual who resided in the jurisdiction had previously registered 18 newly imported firearms of the same make and model. This same person was advertising on the Internet to sell these firearms to other individuals and businesses. Shortly after an investigation was initiated, the Canadian Border Services Agency (CBSA) intercepted a shipment of 30 firearms of the same make and model by the same individual. The 18 registration certificates issued to the individual were revoked, a decision later upheld by the provincial court in Ontario and the subject was convicted and received a 10-year firearms prohibition.

A municipal police service contacted NWEST for assistance in preparing and executing a warrant after receiving confidential-source information about the location of three shotguns, a machine pistol and a 9mm handgun. A total of nine firearms were located: a machine gun, a 9mm handgun and seven shotguns. The handgun was later traced and identified as having been stolen in another city and province eight years earlier.

NWEST conducted checks to determine the firearms licensing and registration status of a subject who had barricaded himself inside his residence. Canadian Firearms Registry Online showed the subject had a valid firearms licence and four long guns registered to him. This information was relayed to investigators on the scene outside the subject's residence and allowed them to make a better-informed decision. Police subsequently entered the residence with heightened caution and recovered five firearms - four registered to the individual and one registered to a relative.

Police received a call from a concerned family at their residence, seeking assistance in taking away a family member's firearms as he was depressed and despondent. Officers located a number of long guns, and queried Canadian Firearms Registry Online before leaving with them. They discovered there were an additional 21 firearms registered to the individual that no other family members were aware of. The officers remained on site until they obtained a search warrant, proceeded with the search and found the additional 21 firearms hidden in various parts of the house, along with 45,000 rounds of ammunition.

### **Strengthen Support for Collaborative Law Enforcement and Training**

Targeted enforcement efforts and coordinated projects like the RCMP's NWEST are important for tracking and prosecuting gun traffickers. It includes enforcement representatives from federal, provincial and municipal agencies located in each province. It works closely with its counterparts in the US on illicit firearms issues, particularly US Customs and the Alcohol, Tobacco and Firearms Administration (ATF). In Ontario the Provincial Weapons Unit provides similar functions. Targeted intelligence to help identify hot spots and trafficking routes as well as investigations and prosecutions is important to closing down gunrunners.

NWEST also stresses the importance of training ALL police officers on the risks associated with guns, the importance of checking for the presence of firearms (including querying the registry and interviewing), the means for removing them from at risk situations, and the importance of collecting investigative information such as routinely asking "WHERE DID THEY GET THE GUN?."

### **Training for Prosecutors and Awareness for Judges**

Ensuring that prosecutors are familiar with the full range of offences and the appropriateness of them is important. Often charges are not laid, for example, for violations of safe storage offences. The appropriate application of prohibition orders and immediate execution of them in the cases of legal firearm owners are critically important, especially in cases of domestic violence.

### **Justice System Reforms**

Appropriate sentences - prohibition orders, application of mandatory sentences for general deterrence, etc. may have an impact. In general, certainty of punishment is a clearer deterrent than severity of punishment. Canada's 1995 legislation included mandatory 4-year sentences for a variety of gun crimes. We need to examine current sentencing practices, including the effects of plea bargains, before calling for changes to sentencing laws. We also need to examine the effects of longer sentences and special courts. Project Exile, which included special federal courts for gun crime in Richmond, Virginia did not produce the results anticipated.

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<sup>1</sup> RCMP. Facts and Figures (July - September 2010) Canada Firearms Program. <http://www.rcmp-grc.gc.ca/cfp-pcaf/facts-faits/index-eng.htm>

<sup>2</sup> RCMP. Canadian Firearms Program. February 2010. <http://www.rcmp-grc.gc.ca/pubs/fire-feu-eval/eval-eng.pdf>

<sup>3</sup> RCMP. Facts and Figures (July - September 2010) Canada Firearms Program. <http://www.rcmp-grc.gc.ca/cfp-pcaf/facts-faits/index-eng.htm>

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<sup>4</sup> RCMP. Canadian Firearms Program. February 2010. <http://www.rcmp-grc.gc.ca/pubs/fire-feu-eval/eval-eng.pdf>

<sup>5</sup> RCMP. Commissioner of Firearms - 2009 Report . 2010. <http://www.rcmp-grc.gc.ca/cfp-pcaf/rep-rap/2009-comm-rpt/report-rapport-eng.pdf>

<sup>6</sup> Ibid.