

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

- Gang members are not born, they are bred. The conditions in which many children in Toronto live are appalling and many families in Toronto face significant challenges. 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.
- The high school drop out rate has reached 30% and is much higher for young men in some neighborhoods.
- 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. Currently the system is used 5000 times a day by police. Last year 3000 affidavits were produced with information from the system to aid in prosecution.
- 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. The Toronto Police Service has already assigned more officers to some of the city's toughest neighbourhoods. In August, 2005, Chief Bill Blair of the Toronto Police redeployed 100 officers from desk jobs to patrolling duties on street. He also welcomed 95 new constables from the police academy.

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 FACs and only handguns were registered. Access to the system was during business hours via the telephone. Access is now online and integrated with CPIC. Over 90% of gun owners and 85% of legal guns are registered. Currently the firearms licensing and registration system is queried over 5000 times a day by police

Several hundred affidavits based on the information in the system have been used to prosecute firearm crimes, in the last two years, a significant increase in volume from the old system. Moreover, in 2004, there were 34,140 prohibition orders from possessing a firearm issued by the court. Ontario was on top of the list with 14,987 prohibition orders.

The System Has Been Used To Prevent Crime And Illegal Trafficking

In Winnipeg, police traced a gun seized during an investigation back to a local gun collector. Police discovered that several of the collector's guns, were unaccounted for, including a number of sub-machine guns which are assumed to have been stolen and sold on the street. In another incident the registry triggered an investigation of a large and sophisticated smuggling ring in May 2000 in Toronto. Likely destined for the illegal market, nearly 23,000 firearms and their components were seized.

A homicide squad in Quebec had a suspect in the murder of a police officer under surveillance and subsequently arrested him and conducted a search. They seized a firearm and the National Weapons Enforcement Support Team (NWEST) traced the firearm back to Tennessee. The gun belonged to a truck driver who traveled extensively to Canada and usually brought several guns with him to sell in Canada.

In spite of claims to the contrary, Toronto Police routinely uses the federal firearms registry as a tool in their investigations. The first two years that the Canadian Firearms Centre registry was in operation, the Toronto Police obtained 423 sworn affidavits via the registry on whether or not guns were legally registered. The affidavits were requested to allow police to obtain search warrants or as evidence to use in court cases to prove that individuals were illegally in possession of firearms or that they had sold registered guns on the black market. Over the same period, other Ontario public agencies used the system 179 times to prepare affidavits.

Overall, more than 5,060 affidavits have been provided by the Canadian Firearms Registry to support the prosecution of firearms-related crime and court proceedings. Between January 1, 2005 and September 30, 2005 the Registry prepared 1,660 affidavits. 2,260 affidavits were produced in 2004; building on 1,150 in 2003; and 380 in 2002

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.