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*

INSTITUT NATIONAL
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DU QUÉBEC

Québec

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Direction du développement des individus
et des communautés

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FOREWORD

In Québec, firearm-related deaths have for a long time been regarded as a major public health problem. Moreover, a specific measure in the *2003-2012 Québec Public Health Program* (MSSS, 2008) targets this problem, which consists in supporting the elaboration and application of legislative and regulatory measures aimed at making firearms less accessible to individuals who are likely to misuse them, e.g. suicides and homicides linked to conjugal violence.

On November 4, 2009, a majority of MPs in the Canadian Parliament voted in favour of Bill C-391 (Government of Canada, 2009) at second reading. This bill seeks to eliminate the compulsory registration of non-restricted firearms. The Institut national de santé publique du Québec (Institut) is concerned with the possible impact on public safety of the bill's adoption. For this reason, the Institut has asked to participate in the deliberations of the committee responsible for analyzing Bill C-391.

The Institut national de santé publique du Québec is a centre of expertise and reference centre in the realm of public health in Québec. Within the framework of its duties and functions, the Institut elaborates background papers and scientific opinions on an array of questions that can affect Quebecers' health. These publications are based on evidence. They are primarily intended to inform the authorities concerned of the impact of existing or anticipated public policy on the health and well-being of the population. It is in this context that the Institut wishes to share its conclusions on the anticipated impact of Bill C-391 from the standpoint of the health and safety of Canadians.

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INTRODUCTION

Firearm-related deaths are a significant public health problem in Canada. Over the past 30 years, the Canadian Parliament has implemented a number of measures to alleviate this problem. Most of these measures focus on the control of non-restricted firearms such as rifles and shotguns. These measures were implemented gradually following the adoption of three bills, i.e. Bill C-51 (in 1977), Bill C-17 (in 1991), and Bill C-68 (in 1995). Since 1998, following the adoption of Bill C-68, all owners of non-restricted firearms have been required to hold a licence to possess firearms and to register each firearm that they own.

In recent years, several bills have been tabled with a view to eliminating the compulsory registration of non-restricted firearms. The most recent proposal is Bill C-391, the *Act to amend the Criminal Code and the Firearms Act* (Government of Canada, 2009). More specifically, Bill C-391 proposes to eliminate the obligation for individuals and businesses to register the non-restricted firearms, such as rifles and shotguns, that they own. The bill will be put to a decisive vote following an analysis by members of the House of Commons Standing Committee on Public Safety and National Security. The adoption of this bill would mean that non-restricted firearms are no longer included in the Canadian Firearms Registry. The licence to possess firearms would, however, still be compulsory, as well as the Firearm Safety Course.

This brief analyses the problem of firearm-related deaths from the standpoint of public health. This analysis focuses on: (1) the extent of firearm-related deaths in Canada; (2) access to firearms as a risk factor for death; (3) the impact of the measures implemented following the adoption of Bill C-68 on the number of firearm-related deaths; (4) the indissociable nature of the licence to possess firearms and the registration of non-restricted firearms; and (5) the acceptability of the operating cost of the non-restricted firearms registration system from the standpoint of prevention. The key observations stemming from this analysis are presented in the conclusion and in support of the Institut's recommendations.

1 MOST FIREARM-RELATED DEATHS ARE SUICIDES AND INVOLVE NON-RESTRICTED FIREARMS

The number of firearm-related deaths in Canada has declined significantly over the past 30 years. In 1979, 1416 deaths were linked to firearms (Wilkins, 2005), compared with 832 deaths in 2005 (Statistics Canada, 2010), a 41% decrease.

Between 2000 and 2005, firearms caused, on average, 819 deaths each year in Canada, equivalent to 2.6 deaths per 100 000 inhabitants (Table 1). Suicide is by far the leading cause of firearm-related deaths and accounts for over 76% of all victims. Nine out of 10 firearms victims are males.

Table 1 Number and average annual firearm-related death rates, by sex, age and intention, in Canada (2000 to 2005)

	Annual average	%	Rate (100 000 inhabitants)
Total	**819**	**100**	**2.6**
Sex			
Male	759	92.3	4.9
Female	60	7.7	0.4
Age (years)			
0-14	9	1.0	0.2
15-24	128	15.6	3.1
25-44	277	33.8	2.9
45-64	282	34.4	3.7
65 or over	123	15.0	3.2
Intention			
Suicides	625	76.3	2.0
Homicides	155	18.9	0.5
Accidents	24	3.0	0.1
Police operations	7	0.9	0.02
Undetermined	8	0.9	0.02

Source: Statistics Canada, 2010.

Most firearm-related deaths in Canada are caused by rifles or shotguns, which are non-restricted firearms. In fact, this type of firearm appears to account for roughly 85% of suicides (Bureau du Coroner du Québec, 2010) and 17% of firearm-related homicides (Statistics Canada, 2009a). This proportion is 24% in the case of homicides between spouses (Statistics Canada, 2009b).

Most suicide victims suffer from mental health problems such as depression (Nock et al., 2008; Nordentoft, 2007; Gould et al., 2003; Moscicki, 2001) or are contending with personal problems, e.g. young people experiencing a crisis, or drug addiction (Gouvernement du Québec, 1998; Gouvernement du Québec, 1997). For individuals grappling with this type of problem, access to a firearm is a “facilitating” factor to give concrete expression to their suicidal thoughts. This is also true of homicides between spouses. In fact, this type of homicide often involves couples facing marital difficulties or a breakdown in their relationship (Statistics Canada, 2006). In such instances, access to a firearm makes it easier to carry out

homicidal thoughts. This type of homicide can also be accompanied by infanticide or the aggressor's suicide (Statistics Canada, 2005). It should be noted that three-quarters of firearm-related suicides (Bureau du coroner du Québec, 2010) and one-quarter of firearm-related conjugal homicides are apparently perpetrated in the victims' homes (MSP, 2007).

Overall, these data show that most firearm-related deaths are suicides and involve non-restricted firearms. Moreover, they reveal that the problem of firearm-related deaths concerns, above all, individuals grappling with personal, marital or health problems rather than the criminal milieu. It is also apparent that the home is the main site of firearm-related deaths, which makes it an important intervention target from the standpoint of prevention.

2 THE ACCESSIBILITY OF A FIREARM IS A KEY RISK FACTOR FOR DEATH, ESPECIALLY IN THE HOME

There are apparently roughly 8 million firearms in circulation in Canada (Canadian Firearms Centre, 2005). In December 2009, just over 1.8 million individuals held licences to possess firearms. The number of registered firearms stood at 7.5 million, 91% of them non-restricted, 6% restricted, and 3% prohibited (Royal Canadian Mounted Police, 2010). According to the latest data available, there is at least one firearm in an estimated 17% of Canadian households (GPC Research, 2001).

Several studies in the scientific literature reveal that the percentage of households nationwide that possess at least one firearm is linked positively to national firearm-related suicides and homicides (Killias, 1993; Shenassa et al., 2004; Guralnick et al., 2007). Several studies focusing on individuals (case-control studies) have also shown that the presence of a firearm in the home significantly increases the risk among the occupants of the household of death by shooting (Shenassa et al., 2004). For example, the findings of two studies conducted in the United States reveal that individuals living in a home where there is a firearm are 4.7 times more at risk of suicide (Kellerman et al., 1992) and 2.7 times more at risk of homicide (Kellerman et al., 1993) than individuals living in a home where no firearms are present. Moreover, the members of a household in which a firearm is present are 22 times more likely to die by shooting (suicide, homicide or accident) than to kill an intruder with a firearm to protect themselves (Kellerman et al., 1998). In other words, these findings show that the presence of a firearm in the home poses more of a threat of injury than it offers a means of protecting the members of the household. It has also been shown that the presence in the home of a firearm increases the risk of homicides between spouses (Sorenson, 2006).

The storage of firearms also affects the risk of firearm-related death in the home. In fact, several studies have shown that safe firearms storage reduces the risk of firearm-related suicide among young people and adults (Grossman et al., 2005; Shenassa et al., 2004; Kellerman et al., 1992) and the risk of accidental firearm-related death among children and adolescents (Grossman et al., 2005). These studies reveal an independent protective effect for each of the following storage practices: (1) the firearm is not loaded; (2) the firearm is locked with a separate device or under lock and key in a compartment; and (3) ammunition is locked up with the firearm or stored in a location separate from the firearm. These storage practices make firearms less accessible to individuals likely to misuse them. This type of effect can be especially useful in respect of children, e.g. a young child who finds a firearm in a closet, but also in the case of “impulsive” (non-premeditated) suicides or the case of a suicidal individual who does not own a firearm. According to the available data, nearly half of suicides appear to be “impulsive” (Grossman et al., 2005; Shenessa et al., 2006) and nearly one-third of individuals who use a firearm to commit suicide do not own the firearm (St-Laurent and Tennina, 2000). It seems all the more relevant to make firearms less accessible to suicidal individuals bearing in mind that this type of weapon is the most effective way to end one’s life (the case fatality rate for firearms is 96.5%) (Shenessa et al., 2003).

These data reveal that access to firearms is an important risk factor for suicide, homicide and accidental death and that millions of Canadians are exposed daily to this risk factor. Several measures have been implemented in Canada since 1977 to make firearms, especially non-restricted ones, less accessible to individuals who are likely to misuse them. More specifically, these measures are designed to prevent ill-intentioned individuals or individuals who display personal or mental health problems from acquiring or possessing a non-restricted firearm or to promote the safe use and storage of this type of firearm. The following section examines the measures implemented following the adoption of Bill C-68.

3 THE MEASURES IMPLEMENTED FOLLOWING THE ADOPTION OF BILL C-68 HAVE SIGNIFICANTLY REDUCED THE NUMBER OF FIREARM-RELATED DEATHS IN CANADA

Measures implemented

The adoption in 1995 of Bill C-68 made it compulsory for all owners of non-restricted firearms, i.e. rifles and shotguns, to obtain a licence to possess firearms and to register each of the firearms in their possession. The two measures came into force in December 1998. The deadline for obtaining a licence renewable every five years at a cost of $60 was January 1, 2001 and the deadline for obtaining a non-renewable registration certificate at a cost of $10 was January 1, 2003. It should be noted that the licence to possess firearms and registration have been compulsory since 1932 for the owners of handguns (restricted firearms). By analogy, the licence to possess firearms can be likened to the licence to drive a motor vehicle and the registration certificate for firearms, to the vehicle registration. Just as the obligation to possess a driver's licence and a registration certificate does not prevent anyone from owning and driving a motor vehicle, the obligation to hold a licence to possess firearms and a registration certificate for firearms does not prevent anyone from possessing and using a firearm for lawful purposes such as hunting, shooting and collecting.

The licence to possess firearms is granted after the verification of the applicant's personal history and judicial record and confirmation is obtained from two individuals from the applicant's circle that there is no reason to prevent the applicant from possessing a firearm. Legal and common-law spouses with whom the applicant has lived during the previous two years may also be contacted to ascertain whether this application for a licence worries them. This selection process is intended to prevent ill-intentioned individuals or individuals experiencing a crisis such as conjugal violence or mental health problems such as depression from gaining access to a firearm. The applicant for a licence to possess firearms must also show that he has followed a Firearm Safety Course. The licence to possess firearms is necessary in order to register a non-restricted firearm.

One key aspect of Bill C-68 is that it reaches all owners of non-restricted firearms by making compulsory the licence to possess firearms and the registration of the firearms owned. Prior to this statute, only individuals who had acquired a new non-restricted firearm starting in 1979 were obliged to possess a firearms acquisition certificate (the owners of firearms acquired before 1979 were exempted). In 1998, it was estimated that only one-third of non-restricted firearms owners possessed a firearms acquisition certificate. In other words, Bill C-68 made it possible to target all non-holders of a firearms acquisition certificate, who represented the majority of non-restricted firearms owners. It thus became possible to verify the personal histories and judicial records of these new applicants for licences, obtain the approval of the people around them, and verify their knowledge of firearms safety and handling. Moreover, the obligation to register non-restricted firearms revealed the number and type of firearms in the possession of all owners of such firearms.

Impact of the measures implemented

Between 1995 and 1997, the period preceding the coming into force of Bill C-68, there were, on average, 1098 firearm-related deaths in Canada each year (Hung, 2006), compared with 819 deaths between 2000 and 2005 (Statistics Canada, 2010), a 25% decrease.

A study was conducted recently to assess the impact on homicides and suicides in Canada of the measures implemented following the adoption of Bill C-68. The study specifications make it possible to take into account the downward trend observed since 1974 in homicide and suicide rates and the concomitant impact of other factors, i.e. annual per capita alcohol consumption, the proportion of men between 15 and 24 years of age, the proportion of population growth attributable to immigration, the unemployment rate, and the proportion of the population made up of Aboriginal peoples (Gagné, 2008). The findings reveal that the annual firearm-related homicide rate declined 0.17 per 100 000 inhabitants after the coming into force of Bill C-68. This reduction occurred primarily in respect of homicides involving rifles and shotguns. Bill C-68 has not affected homicides committed with restricted or prohibited firearms. As for the annual firearm-related suicide rate, it has fallen by 0.81 per 100 000 inhabitants. The findings of this study also show that no substitution effect has occurred following the adoption of Bill C-68, i.e. lower firearm-related suicide and homicide rates have not been offset by an increase in suicides and homicides committed by other means.

The changes that Gagné (2008) observed in homicide and suicide rates have been transposed in terms of a reduction in the numbers of homicides and suicides Between 1998 and 2004, the coming into force of Bill C-68 is associated,on average, with a reduction of 50 firearm-related homicides and 250 firearm-related suicides per year in Canada.

4 THE LICENCE TO POSSESS FIREARMS AND THE REGISTRATION OF NON-RESTRICTED FIREARMS ARE TWO NECESSARY, COMPLEMENTARY MEASURES

Figure 1 presents a model that explains the impact of the two main measures implemented following the adoption of Bill C-68, i.e. the obligation for all owners of non-restricted firearms to hold a licence to possess firearms and to register each of the firearms that they own. The information collected in conjunction with an application for a licence to possess firearms, e.g. the owner's name and address, and when a non-restricted firearm is registered, e.g. the model and serial number, are compiled in the Canadian Firearms Registry, which is available at all times to the police. This information is important because it establishes a link between each registered firearm and its owner, which is essential from the standpoint of prevention.

In fact, the possibility of linking each firearm to its owner encourages firearms owners to comply with the regulations in force in Canada concerning the purchase, storage, sale, loan or donation of a firearm (Figure 1). The possibility of linking each weapon to its owner also supports the police in performing their duties, e.g. to carry out a prohibition order on firearms possession involving an individual in distress, to identify the owner of a found weapon, or to control illegal weapons. The result is a reduction in the number of weapons that are improperly stored, lost, illegally owned or kept in the home. Consequently, non-restricted firearms are less accessible to individuals who are likely to misuse them, such as children (accidental death) or individuals who are distressed or who display a mental health problem (suicide and homicide).

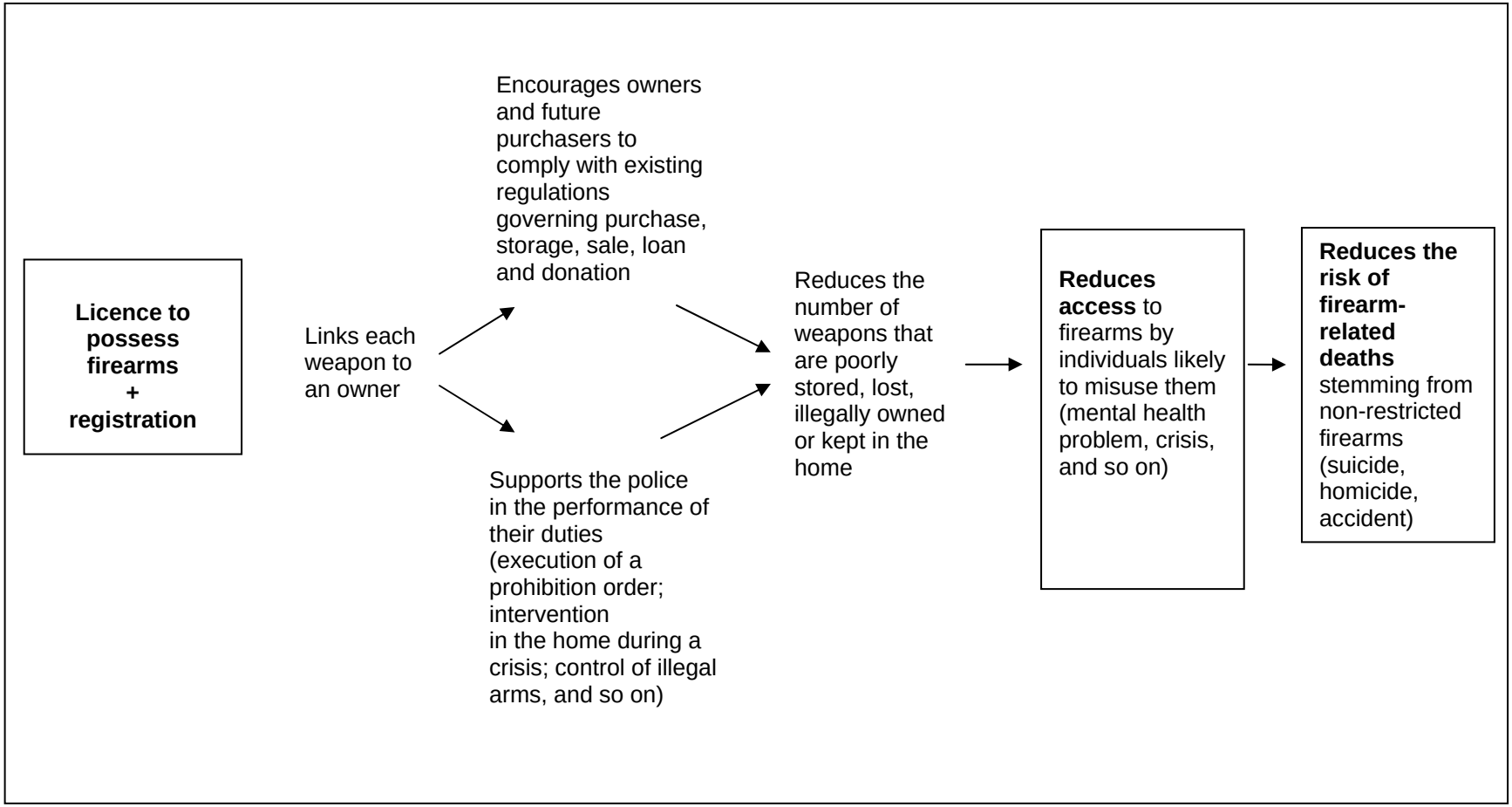
In this model, the licence to possess firearms and the registration of non-restricted firearms are presented as two complementary measures. It is worth noting that the Supreme Court of Canada acknowledged the complementarity of these two measures in a judgement concerning the constitutionality of the *Firearms Act* (Supreme Court, 2000: judgement). The judgement states that:

> [t]he registration provisions cannot be severed from the rest of the Act. The licensing provisions require everyone who possesses a gun to be licensed; the registration provisions require all guns to be registered. 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.

Moreover, the Supreme Court states in this judgement that all firearms are by their very nature dangerous and that:

> while ordinary guns are often used for lawful purposes, they are also used for crime and suicide, and cause accidental death and injury. Guns cannot be divided neatly into two categories – those that are dangerous and those that are not dangerous. All guns are capable of being used in crime. All guns are capable of killing and maiming. It follows that all guns pose a threat to public safety. (paragraph 45)

Figure 1 Explanatory model of the impact of the licence to possess firearms and the registration of non-restricted firearms on the reduction in firearm-related deaths



5 THE CURRENT COST OF OPERATING THE CANADIAN NON-RESTRICTED FIREARMS REGISTRATION SYSTEM IS WARRANTED GIVEN ITS USEFULNESS

It is difficult to accurately ascertain the cost of implementation of the non-restricted firearms registration system. In fact, the data available concern the implementation of the Canadian Firearms Program, which is not confined to the registration of firearms. According to the Auditor General of Canada (2006), the program's implementation appears to have cost $945 million, although the global program's operating cost in 2007-2008 stood at $63 million. Of this amount, only $9.1 million was allocated to the registration of firearms, which covers all categories of firearms and not just non-restricted ones (Royal Canadian Mounted Police, 2010).

The data available for 2009 reveal that police officers consult the Canadian Firearms Registry over 11 000 times a day, on average (Royal Canadian Mounted Police, 2010). The main reasons for consultation are: an owner's name (n=7650) or address (n=2843); the serial number of a weapon (n=318); the licence number (n=185) or the registration certificate number (n=19). In 2007, Canadian Firearms Centre (Royal Canadian Mounted Police, 2007) surveyed a sampling of 500 police officers who were likely to consult the Canadian Firearms Registry in the course of performing their duties (patrol officers in general services, criminal investigators and supervisors). The response rate to the questionnaire was 82% (408/500): 65% of the respondents said they use the Registry daily; 69% indicated that the outcome of their research in the Registry had altered the way they approached service calls; and 74% said that, in their experience, the outcome of searches in the Registry proved useful during major operations.

Moreover, as we noted in section 3, the coming into force of Bill C-68 was associated, on average, with a reduction of 300 firearm-related deaths a year between 1998 and 2004. Of course, these avoided deaths are inestimable for the individuals concerned, their families and the people around them. However, with the tabling of Bill C-391, it seems worthwhile to estimate the extent of the costs saved in respect of the reduction of these 300 deaths. In 1993, the estimated average cost of each firearm-related death in Canada stood at $1 044 653 (Miller, 1995), equivalent to $1 415 731 in 2010 dollars (Bank of Canada, 2010). This estimate takes into account costs related to healthcare, funeral services and police operations (direct costs) and to costs related to the loss of productivity of the deceased individual, his family circle and society (indirect costs). Based on these data, we estimate at over $400 million a year the costs saved in respect of the reduction of 300 deaths associated with the coming into force of Bill C-68. It should be noted that this amount does not take into account costs stemming from the loss of quality of life for the victim's family circle (Miller, 1995), nor costs engendered by non-fatal injuries.

These data show that the Canadian Firearms Program was costly to implement ($945 million) but that the annual operating costs of the Canadian Firearms Registry, which is a component of this program, are relatively low ($63 million), in particular the cost of firearms registration ($9.1 million). These data also reveal that the annual operating costs of

the registration system ($9.1 million) are an investment rather than an expenditure, bearing in mind the Canadian Firearms Registry's usefulness to the police, the reduction in the number of deaths associated with the coming into force of Bill C-68, and the costs thus avoided (over $400 million) each year since 1998.

CONCLUSION

The coming into force of Bill C-68 is associated, on average, with a reduction of 250 suicides and 50 homicides each year, equivalent to nearly one death per day. The two main measures implemented following the adoption of Bill C-68 are the obligation for all owners of non-restricted firearms to hold a licence to possess firearms and the obligation to register each of the firearms that they own. These two measures link each weapon to its owner, which encourages non-restricted firearms owners to comply with the regulations in force, e.g. the storage, sale, loan or donation of a firearm, and to support the police in the performance of their duties, e.g. the execution of a prohibition order concerning the possession of a firearm and, in so doing, to make this type of weapon less accessible to individuals likely to misuse them, such as children, depressive individuals or individuals experiencing a crisis. The Supreme Court of Canada has recognized the indissociable nature of these two measures (licence and registration).

The measures implemented following the adoption of Bill C-68 target all owners of non-restricted firearms and not just individuals linked to the criminal milieu. Such coverage is important for at least three reasons. First, as the Supreme Court of Canada has emphasized, all firearms are dangerous by their very nature and we cannot divide them into two categories, i.e. those that are dangerous and those that are not. Second, the scientific literature clearly shows that a firearm's accessibility is an important risk factor for suicide, homicide and accidental death, in particular in the home. Third, most firearm-related deaths are suicides, involve non-restricted firearms and occur in the victims' homes.

The adoption of Bill C-391 would abolish the compulsory registration of non-restricted firearms and, consequently, eliminate the Canadian Firearms Registry, information on this type of firearm, including the number and type of firearm that each owner possesses, and each weapon's serial number. In the absence of this information, it would no longer be possible to link each firearm to its owner, which would curtail the scope of the measures implemented following the adoption of Bill C-68 and, consequently, the effectiveness of these measures in preventing firearm-related deaths in Canada.

In short, Bill C-68's effectiveness stems from interaction between two components, i.e. the licence to possess firearms and the registration of non-restricted firearms. Consequently, it strikes us as perilous to eliminate from this statute one of its essential components, all the more so as the registration of a non-restricted firearm once during its whole useful life implies very few drawbacks.

RECOMMENDATION

Bearing in mind that:

1. the vast majority of firearm-related deaths are suicides and do not involve the criminal milieu;
2. the coming into force of Bill C-68 is associated, on average, with a reduction of 300 firearm-related deaths in Canada each year, including 250 suicides;
3. the compulsory registration of non-restricted firearms is one of the key measures implemented following the adoption of Bill C-68;
4. the Canadian non-restricted firearms registration system is solidly established and operational;
5. most of the non-restricted firearms now in circulation in Canada have already been registered;
6. the current operating cost of the registration system is relatively low ($9.1 million) in relation to the hundreds of lives saved and the avoided costs ($400 million) each year since Bill C-68 came into force;
7. the registration of a non-restricted firearm does not prevent its owner from using it legitimately, e.g. for hunting and shooting, but is intended instead to make non-restricted firearms less accessible to individuals likely to misuse them, such as children and depressive individuals.

The Institut national de santé publique du Québec recommends:

that the firearms control measures implemented following the adoption of Bill C-68, including the obligation for all non-restricted firearms owners to register each of the weapons that they possess, be integrally maintained.

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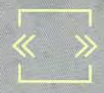

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