



The Ploughshares Monitor

Autumn 2009, volume 30, no. 3

Small arms and domestic violence: The situation in Canada

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In June 2009 Canadian groups, including Project Ploughshares, joined those in 85 other countries in marking the Global Week of Action Against Gun Violence. Coalition for Gun Control President Wendy Cukier (IANSA 2009) noted,

Although gun violence takes different forms in different countries, there is a common theme: where there is easy access to firearms, there are higher rates of women and children killed with guns. The Global Week of Action is a good opportunity to draw attention to the fact that in spite of the differences, whether in Canada, South Africa, Australia, Trinidad or Brazil we share common goals: safe communities.

Gun-related domestic violence in Canada

At the end of 2007, there were 1.8 million valid firearm licences and 7.2 million firearms registered in Canada—91 per cent of them non-restricted firearms, i.e., rifles and shotguns (RCMP 2007). While most gun owners in Canada do not abuse their partners, when a gun is present in the home, the risk of physical harm, threats, and intimidation to family members increases. The great majority of victims of firearm-related domestic violence are women.

The rate of spousal homicide¹ against females was between three and five times higher than the rate against males between 1977 and 2006, although rates for both sexes were declining (Statistics Canada 2008). Between 1985 and 1994 guns, usually shotguns and rifles, were the most frequently used weapons in female spousal homicides (40 per cent of all cases) (Leesti 1997). Between 1997 and 2006 30 per cent of female victims of spousal homicide were shot (Statistics Canada 2008).

Firearms use in domestic violence is higher in rural areas and smaller communities where gun ownership is positively valued for its use in such activities as hunting, ranching, and pest control. In New Brunswick, 51 per cent of females killed by their partners between 1988 and 2009 were shot, the majority with rifles and shotguns. Women experiencing domestic violence in rural areas also reported significant threats and intimidation with firearms (Doherty 2009).

The Firearms Act as a tool to prevent domestic violence

Canada's firearms control legislation specifically restricts access to guns by confirmed and potential perpetrators of domestic violence. The 1995 Firearms Act and its supporting regulations require:

- licensing of all firearm owners and users, with renewals every 5 years;
- registration of all firearms;
- background checks and screening of licence applicants for risk factors for suicide, mental stability, and domestic abuse;
- notifying current and previous spouses of the past two years when individuals apply for a licence so that they may voice concerns for their safety or the safety of others; and
- courts to notify the Chief Firearms Officer of all firearms prohibition orders.

The licensing and registration information is contained in the Canadian Firearms Information System (CFIS). Every day CFIS checks the Canadian Police Information Centre (CPIC), a computerized central database on crimes and criminals, for any new public safety risk (e.g., charges, court prohibitions). Reports are forwarded to the appropriate Chief Firearms Officer.

The Firearms Registry, a subset of CFIS, links each registered firearm with its licensed owner and is searchable by police. It provides officers real-time access to information about the presence of firearms in the home and has been used an average of 10,288 times a day so far in 2009 (RCMP 2009a).

A firearms licence can be revoked if the licensee is involved in an act of domestic violence. If an individual is taken into custody for abusing a spouse, premises can be searched, guns can be seized, and the individual can be prohibited from owning or acquiring firearms pending trial. However, in practice, this procedure is subject to interpretation by the front-line police officers. Furthermore, it is not public policy for the Crown to request and be granted a firearms ban for everyone convicted of domestic violence. This wide discretion is illustrated by a high-profile murder-suicide in New Brunswick in 2007:

James McCurdy, 50, shot his common-law wife Karen Buchanan, 45, in their Oak Bay home before turning the shotgun on himself. During their 10- to 12-year abusive relationship, McCurdy has been before the courts three times with charges of assault on Buchanan. He pleaded guilty to charges of assault in 2001 and again in 2002.... The prosecutor's office said he was never prohibited from owning a weapon. The RCMP noted none of the charges were weapons-related. (Cumby, 2007)

The gun control divide

Two bills tabled in the current session of Canada's Parliament seek to eliminate registration of non-restricted firearms (rifles and shotguns). The bills' supporters argue that the long gun registry has little benefit to public safety. They contend that

- the licensing requirement and the registration of restricted and prohibited firearms are sufficient to deny gun access to persons who present a real threat to public safety;
- unregistered handguns and prohibited weapons that are mostly smuggled from the United States are the guns used in criminal activity; and

- long gun owners are mainly law abiding citizens who use firearms for legitimate purposes.

Opponents of the bills argue that registration

- allows the police to know the number of firearms a person owns;
- facilitates the tracking of guns to their registered owners and reduces the diversion of legal firearms to the illicit market;
- promotes better accountability and compliance with safe storage by firearms owners; and
- provides law enforcement officials with ownership information that helps to enforce firearm prohibition orders, facilitate investigations, and assess risks when responding to calls, especially those involving domestic disputes.

According to a statement by the Canadian Association of Chiefs of Police (2009), “All guns are potentially dangerous, all gun owners need to be licensed, all guns need to be registered, and gun owners need to be accountable for their firearms.” Indeed the first ever report on national gun-seizure statistics² shows that non-restricted firearms, mostly rifles and shotguns, made up 74 per cent of the 8,261 guns seized from owners who were either violent, had threatened violence, or were subject to a prohibition order. Forty-three per cent of the guns seized were registered in the Firearms Registry (MacLeod 2009).

Recommendations

Between 1991 and 2006, the use of shotguns and rifles in homicides declined by 65 per cent because of stricter controls (Statistics Canada 2008). Should the long gun registry be eliminated, women and children will be among the biggest losers. But they won't be the only ones. Rifles and shotguns are the guns most often used to kill, and are involved in domestic violence, suicides, accidents, and the murders of police officers.

To further address the current situation of domestic gun-related violence, the following are recommended:

- increased public awareness about the domestic violence provisions of the Firearms Act;
- better education and training of law enforcement officers on guns as instruments of control, abuse, and intimidation in domestic violence situations and on risk assessment;
- automatic prohibition of firearms when an individual is arrested and charged in relation to a domestic call;
- a firearms ban for those convicted of domestic violence;
- research into the gun culture and the demand for guns in Canada that can be used to guide future gun control policy and the development of specific strategies to reduce gun violence and promote personal and community safety;
- a reexamination of the three amnesties granted by the government since 2006 to allow firearm owners additional time to obtain proper licensure and register their non-restricted firearms; and
- regular updating and maintenance of firearms classifications as new types of firearms come into the market.

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Notes

1. Spousal homicides involve people in registered marriages and common-law unions (including same-sex spouses), as well as those separated or divorced.
2. The report comes as a result of the public agency regulations that came into effect at the end of October 2008, requiring police and public agencies to report on firearms in their possession. The statistics compiled cover November 2008–April 2009. See RCMP 2009b & MacLeod 2009.

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