



STATSCAN IS DEVELOPING A NEW 'STANDARDIZED DEFINITION OF CRIME-GUN'

Selected comments on the definition of "crime gun"

By Gary A. Mauser and Dennis R. Young – January 2020

On January 8, 2020, Statistics Canada provided this updated list of the Draft Recommendations that formed part of their paper entitled: *Assessing The Feasibility Of Additional Data Collection On The Criminal Use Of Firearms: CACP Police Information Statistics Committee* by Sarah Johnston-Way provided to us by [Public Safety Canada in response to Access to Information Act File A-2019-00184](#) dated December 16, 2019.

Recommendation 1: That UCR be updated to capture whether, and how many firearm(s) have been seized, stolen or recovered in a criminal incident.

Recommendation 2: That UCR be updated to include some firearm characteristics fields for violent firearm-related offences.

Recommendation 3: That the CACP POLIS Committee develop a standardized definition of 'shooting or discharge of firearm', with the CACP Special Purpose Firearms Committee a view of working toward including a variable in the UCR to capture shootings.

Recommendation 4: That the Police Information Statistics Committee of the Canadian Association of Chiefs of Police together with the Special Purpose Firearms Committee develop a **standardized definition of crime-gun** and review the current definition of a firearm related offense in the UCR against this standardized definition to ensure consistency.

Recommendation 5: That Public Safety Canada advance national data collection on the origin of firearms by creating a requirement that all crime-guns seized or recovered by police be submitted for tracing.

Recommendation 6: That UCR be updated to include a field on the origin of firearms seized or recovered in violent criminal incidents.

Recommendation 7: That Public Safety Canada undertake qualitative research to study a sample of incarcerated offenders convicted of firearms related-offences to determine how they sourced their firearms.

Recommendation 8: That careful consideration be given by Public Safety Canada to publically releasing, on an annual basis, existing information on the number and location of straw purchasers identified, and the number of firearms seized as a result of these investigations.

Recommendation 9: That Public Safety Canada and the Canadian Association of Chiefs of Police clearly communicate the public safety value of amending current police data collection practices and policies to capture more specific information to the Canadian policing community and its leaders, in an effort to secure support for the required investment in officer training, time and effort.

SELECTED COMMENTS ON THE DEFINITION OF "CRIME GUN"

By Gary A. Mauser and Dennis R. Young – January, 2020

We argue here that the most appropriate definition of "crime gun" is the traditional definition that is used by the United States, the United Kingdom, and has been used by the Canadian police, as illustrated by the 2007 Ontario Provincial Weapons Enforcement Unit (PWEU):

A “crime gun” is any firearm:

That is used, or has been used in a criminal offence;

That is obtained, possessed or intended to be used to facilitate criminal activity;

That has a removed or obliterated serial number.

By the phrase “used in a criminal offence,” this definition distinguishes between a ‘criminal activity’ that involves violence or a threat of violence and administrative offences, such as illegal firearm possession or an expired firearms licence.

A few remarks about a new definition of “crime gun” being considered by Statistics Canada that have been drawn from the paper, “Critique of 2014 FIEDS Annual Report, by Gary Mauser and Dennis Young, posted on SSRN, https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3002744

After we had a chance to study the [2014 Annual Report prepared by the Canadian Firearms Program, Firearms Investigative & Enforcement Services Directorate \(FIEDS\), Firearms Operations and Enforcement Support Unit \(FOES\)](#) we discovered that the claims of the police derive from FIEDS’s ersatz definition of “crime guns.” [The RCMP decided to reconsider their original ‘no records’ response to our Access to Information Act request](#) after MP Bob Zimmer was able to pry a copy of the report out of RCMP headquarters and the Information Commissioner of Canada appealed the RCMP decision on our behalf.

The 2014 Annual Report was the source of all their statistics and that Inspector Chris McBryan, Officer in Charge of NWEST in Western Canada used the distorted statistics to brag publicly: “It is a fact that the majority of gun related crimes in our communities are committed with guns that are domestically sourced.”

BACKGROUND

Approximately, 2.2 Million Canadians (primarily hunters and sport shooters) legally own firearms and keep them safely in their homes, according to the RCMP.

Statistics Canada reported that in 2012, outside of Quebec, there were about 5,575 violent crimes that were “firearms related” (2% of all violent crimes); and a firearms caused an injury in 1% of violent crimes. (Firearms and violent crime in Canada, 2012, *Juristat*).

This same *Juristat* issue also reported that in 2012 there were 14,000 administrative offences involving firearms. According to a Special Request to Statistics Canada very few of these were accompanied by another charge involving violence. (<https://justiceforgunowners.ca/most-gun-crimes-are-paper-crimes/>).

CRITIQUE

The RCMP National Weapons Enforcement Support Team (NWEST) appears to have abandoned the traditional definition of “crime guns” and instead relies on an expanded definition of “crime gun” that adds administrative crimes to the traditional criteria.

The new police definition of “crime gun”:

A firearm is a crime gun if it meets any one of the following criteria: “any firearm that is illegally acquired, suspected to have been used in crime (includes found firearms), has an obliterated serial number, illegally modified

(e.g., barrel significantly shortened). (Page 10 of the 2014 FIESD - Firearms Investigative and Enforcement Services Directorate - Report).

By mixing together illegal acquisition with the use or suspected use of a firearm in a crime blurs the distinction between administrative and violent crimes. This definition breaks with the traditional usage of the term “crime gun.”

The 2012 Annual Statistical Report by the Toronto Police Services provided the RCMP’s traditional definition: GLOSSARY OF TERMS - Crime Gun: The RCMP National Weapons Enforcement Support Team (NWEST) defines

a crime gun as “any firearm that is illegally possessed, used in crime or suspected to have been used in a crime, or has an obliterated serial number”. <http://www.torontopolice.on.ca/publications/files/reports/2012statsreport.pdf>

The term “illegal acquisition” in the FIESD definition glosses over important distinctions, not only because it includes “found guns,” but also because it mixes smuggling, theft, with lapsed permits. These are dramatically different violations and confuses life-long law-abiding Canadians charged with an administrative violation as if they were violent criminals.

The term “found guns” is a “trash can” category. One description is:

Found firearms not immediately linked to a criminal occurrence are referred to the Suspicious Firearms Index. Law enforcement officers may come into possession of firearms suspected of being associated with criminal activity, but which are not the subject of an active investigation. These typically include found and seized firearms where no charges are pending.¹

Examples of “found guns” would be the 609 firearms seized in 2013 during the High River flooding, or firearms found during mental health or domestic altercations at a private residence (even when a firearm was not involved, but was found in a later search). To automatically classify all “found guns” as “crime guns” is over inclusive, because the firearm might not have been involved in a crime. This is particularly true of the owner had a firearms licence.

Considering administrative crimes on a par with violent crimes is a direct result of Bill C-68 that criminalizing the simple possession of a firearm and allowing the police to include law-abiding firearms owners on CPIC along with violent criminals. This practice is fundamentally wrong because it exaggerates the threat to public safety of administrative crimes and obscures potentially valuable information.

These false or exaggerated claims allow the police to justify cracking down on Canadians who allow their permits to lapse. Even if absent minded, they are not a serious threat to public safety. It is wrong to focus police efforts on citizens who commit minor administrative offences.

The traditional Canadian definition of “crime gun” is the one that has long been used by a variety of Canadian police agencies: e.g., Toronto Police Services, Tactical Analysis Unit, part of the Firearms Support Services Directorate of the Canadian Firearms Program, Ontario Provincial Weapons Enforcement Unit (PWEU), and the Vancouver Police.

The FIESD definition contrasts starkly with the traditional Canadian definition of a “crime gun,” as illustrated by the 2007 Ontario Provincial Weapons Enforcement Unit (PWEU):

A “crime gun” is any firearm:

That is used, or has been used in a criminal offence;

¹ Heemskirk, Tony and Eric Davies. A report on illegal movement of firearms in British Columbia. PSSG-09-003. 2009 <http://www2.gov.bc.ca/assets/gov/law-crime-and-justice/criminal-justice/police/publications/independent/special-report-illegal-movement-firearms.pdf>

That is obtained, possessed or intended to be used to facilitate criminal activity;
That has a removed or obliterated serial number.

This definition assumes that ‘criminal activity’ involves violence or a threat of violence and does not simply include administrative offences, such as non-violent firearm possession.

This was the traditional Canadian definition prior to FIESD’s redefinition of the term and was formerly relied upon by many if not all police agencies. For example:

Antonowicz Consulting, use the traditional definition of “crime gun” in their analysis in, “Firearms Recovered by Police: A Multi-Site Study,” TR1997-6e, Canadian Firearms Centre, Department of Justice Canada, Ottawa, Ontario, July 1997.

Firearms Tracing and Enforcement Program, Ontario Police, Toronto Police Services, and Tactical Analysis Unit, Firearms Support Services, Directorate, Canadian Firearms Program, as reported by Heemskirk and Davies, 2008.

Axon and Moyers also use the traditional definition of “crime gun” in their analysis in their study, “An exploratory study of the use of firearms in criminal incidents in Toronto.” WD-1994-19e. Department of Justice Canada.

The Toronto Police Services (TPS) report an analysis of “crime guns” collected between January 1, 2003 through September 9, 2003.² See also the TPS 2004 report.

This FIESD definition also differs from international standards. Neither the United States and the United Kingdom have accepted the FIESD definition of “crime gun.” Police forces such as the Scotland Yard and the Home Office in England, the ATF and the FBI in the United States continue to rely upon the traditional definitions.

The BATF [definition](#):

“‘Crime gun’ includes any firearm used in a crime or suspected to have been used in a crime.” “Crime” in turn means a criminal victimization.

The UK Office for National Statistics makes [similar distinctions](#):

“Offences involving firearms” encompass any notifiable offence recorded by the police where a firearm has been fired, used as a blunt instrument or been used as a threat. Firearm possession offences, where the firearm has not been used in the course of another offence, are not included in this analysis.

The ONS definition is the one used by the British Home Office.

The definition of “crime guns” is important because “crime guns” are just a small portion of the guns the police recover during a year due to amnesties, investigations into attempted or actual suicides, mental health crises, and family violence incidents. The police use “crime guns” in part to set priorities on domestic disputes or organized crime (and associated drug gang violence). And of course, to determine the importance they accord to administrative violations.

² Minutes of the public meeting of the Toronto Police Services Board held on January 22, 2004. #P8.