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AN EXPLORATORY STUDY ON THE USE OF FIREARMS IN CRIMINAL INCIDENTS IN TORONTO

Lee Axon and Sharon Moyer

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EXECUTIVE SUMMARY

This report describes the findings of an exploratory study on the presence and use of firearms in criminal incidents in Toronto. The two offences selected for investigation were firearms homicides and robberies; the research also obtained data on criminal occurrences where firearms were seized by Toronto Police. Throughout this report, emphasis is placed on handgun incidents. As the only research on this topic undertaken in Canada, the study represents a first step towards documenting the presence and type of firearms involved in crimes. Its overall purpose is to assist in the development of firearms control legislation and policy.

Methodology

The main data source for this research was Toronto Police occurrence files. Information on three types of criminal occurrences were obtained from a review of 593 police occurrence files maintained in police headquarters: all homicides by firearms from 1991 to 1993 inclusive; a sample of 1993 firearms robberies; and, a sample of a wide range of criminal occurrences which resulted in the seizure of one or more firearms in 1993. Because of special interest in the legality of handguns coming into police possession, *all* 550 handguns seized by the Toronto Police in 1993 were traced by means of the Firearms Registration and Administration Section of the RCMP. The purpose of the search was to determine the extent to which these weapons were registered and, hence, "legal" firearms.

Firearms Information in Police Files

It was found that occurrence reports routinely completed by line police officers rarely contain information on the origins or prior circulation of firearms used in homicides, robberies, and in incidents where firearms are seized. A second finding was that a large minority of "guns" used in criminal incidents are air or pellet guns and other replica firearms. This finding is an important one because it shows that generally available data on the use of firearms in crimes (e.g., Uniform Crime Report statistics on armed robbery) reflect a mix of real guns, replicas, and air and pellet guns.

Firearms Homicide

There were about 70 homicide *incidents* involving firearms in Toronto in the three years under investigation and data were available on 67 incidents (29 in 1991; 16 in 1992; and 22 incidents in 1993). Firearms homicide accounted for approximately one-third of Toronto homicides during this time period — a proportion that is very similar to the country as a whole.

Almost two-thirds of firearms homicides were cleared. Handguns by far predominated in Toronto firearms homicides, with over 70 percent of incidents involving handguns; this is higher than the 1992 figure for Canada (about 50 percent of homicides were by firearms). One-half of firearms homicides where the gun was recovered involved "illegal" firearms; that is, guns that are unregistered restricted handguns, prohibited firearms such as sawed off shotguns, smuggled, stolen, or otherwise illegally obtained. Friends, criminal associates, and persons with no known relationship to the offender made up the large majority of victims in firearms homicides. Unfortunately, occurrence files did not contain explicit information on the motive for the homicide. As other research has found, almost two-thirds of persons charged as a result of the homicide had a past history of criminal convictions.

Firearms Robbery

In 1993, police reported almost 1,500 incidents of "robbery with guns" and this category accounted for about 30 percent of all robberies in that year. In the study sample, 31 percent of firearms robberies were cleared by charge. The most common targets of firearms robberies were business and commercial premises such as fast food restaurants and other services that have long hours of operation. The firearm used in the incident was recovered in only seven percent of robberies. The evidence suggests that a substantial proportion of robberies with guns — estimated at 36 percent at a minimum — do not involve real firearms, but rather air or pellet guns and imitation firearms. Although police files lacked detailed information on the origins of the guns even when they were recovered, it was estimated that "illegal" firearms were carried by robbers in a least one-half of the robberies involving real guns.

A firearm was discharged in only five percent of robberies, and the same percentage resulted in one or more victims requiring medical treatment. However, the injuries were caused by the firearm in only one-half of the cases resulting in victim injury. In only 1.5 percent of the firearms robbery sample was a victim shot. Even though only a very small number of persons were hurt, handgun robberies tended to result in victim injuries in larger proportions than did robberies involving other types of guns.

Over 90 percent of firearms robbers were charged with section 85, "use of a firearm during the commission of an indictable offence". Two-thirds of apprehended robbers had a history of previous convictions, and one-quarter were young offenders. Air and pellet gun, replica firearm, and long gun incidents disproportionately involved young offenders.

Firearms Seizure Incidents

This study collected data on a random sample of 254 incidents where guns were seized by police following investigation into a report of a criminal occurrence. In one-half of firearms seizures, the suspect was in possession of a firearm or a firearm-like weapon, but was not actively threatening others with it; in 37 percent, threats or actual firing of the gun occurred; the remaining 11 percent of incidents were firearms robberies and firearms suicides. Over 85 percent of firearms seizure incidents were cleared by a charge being laid.

Of all firearms seized, 33 percent were air or pellet guns. If these types of guns are excluded, long guns accounted for 51 percent of seizures, 40 percent were handguns, and 9 percent were sawed off long guns. In two-thirds of incidents there was evidence of an "illegal" gun being present, and this figure rises to over 90 percent when handgun incidents are examined separately. In almost all handgun cases, "illegality" was determined by the laying of the charge of possession of a restricted weapon not registered to the person in possession.

The most frequently laid charge in handgun incidents was possession of a restricted weapon (88 percent of cases); in other real gun incidents, it was "unsafe storage" (37 percent); and in air or pellet gun cases, the most common charge was possession of a weapon dangerous to the public peace (56 percent). Fully one-half of persons charged in these incidents had a prior record.

The Registration Status of Seized Handguns

With the assistance of officials of the national registry of restricted weapons, an attempt to trace all 550 handguns seized by Toronto Police in 1993 was made. Almost one out of five handguns seized by police during the investigation of crime were not traceable because of a missing serial number; the evidence suggests that the serial numbers were deliberately obliterated to avoid tracing the origin of the firearms. About 60 percent of *traceable* handguns, including recovered handguns that were not linked to a criminal occurrence, were not registered in the national registry. While these findings represent only one year in one city, they do suggest that a large proportion of handguns recently in circulation, at least in Toronto, were not legally registered.

1.0 INTRODUCTION

This research report describes the findings of an exploratory study on the use of firearms in criminal incidents in the largest metropolitan area of Canada. The two offences selected for investigation were firearms homicides and robberies; the research also obtained data on criminal occurrences where firearms were seized by members of the Metropolitan Toronto Police. Throughout this report, emphasis is placed on handgun incidents.

1.1 Objectives

There were three objectives to this research. First, the Department of Justice Canada wanted to determine what information on the types and origins of firearms used in crimes is typically available in police occurrence files. Of particular interest were data on the ownership of firearms in criminal incidents and the "legality" of the guns. This report is therefore the product of a feasibility study to assess whether routine police reports include policy-relevant information on the "provenance" of firearms used in crimes in one large urban community.

The second objective was to describe the type of firearms employed in homicides and robberies, the characteristics of the incidents where they were used, and the types of charges laid as a result of the firearms-related occurrence.

Third, the study was designed to ascertain whether the handguns recovered by the Toronto Police were registered with the national registry of restricted weapons maintained by the Royal Canadian Mounted Police. The intent here was to determine one key aspect of "legality" – whether the handguns that come into police possession were registered.

As the only research conducted to date in Canada with these objectives, this study represents a first step towards documenting the presence and type of firearms involved in crimes. Its overall purpose is to assist in the development of firearms control legislation and policy.

1.2 The Current Environment

This study was undertaken in an environment in which there have been renewed calls by many members of the public for stricter control on firearms; in large part, this is a response to recent tragic shootings of innocent by-standers and police officers. In addition, some major police departments, including the Toronto Force, have reported an apparent increase in the number of illegal firearms circulating on the streets —

presumed to have been smuggled into Canada from the United States. As the Auditor General of Canada (1993) pointed out, the ready availability of smuggled guns has the potential to undermine the achievement of the objectives of firearms control in Canada.

Moreover, gun control laws are in the process of change. The Firearms Control Task Group of the Department of Justice Canada, and other officials involved in the development of firearms policy and programs, require information on which to base forthcoming amendments to the *Criminal Code of Canada*, announced by the Minister of Justice in early 1994. This research is a preliminary effort to meet some of these needs for quantitative data on the criminal misuse of firearms.

1.3 Caveats on the Study Findings

The findings from this research cannot be generalized to other communities in Canada. Toronto is the largest urban area in the country and has many distinct features in addition to its size. Furthermore, the study is exploratory and not definitive, in that it provides a one-time "snapshot" of two highly visible crimes involving firearms – homicides and robberies. Because of resource limitations, no analyses of trends over time were possible. The sample of firearms robberies and gun seizures was limited to one year (1993). Although three years of data on firearms homicides were obtained, this time frame (1991-1993) is insufficient for any trends in the use of firearms to emerge.

Despite these circumstances, the information in this report could be used as a "baseline" for future research on firearms misuse in Toronto; also, the same methodology and data collection instruments could be applied to other jurisdictions in order to compare the Toronto situation with that of other jurisdictions.

1.4 Specific Research

The following research issues were identified by the Department of Justice:

- To what extent do police files contain information on whether suspects in firearms offences legally or illegally possess the weapons used?
- What are the sources of these firearms?
- In the case of illegally held firearms, do police files contain information on whether the firearm was

- obtained without a Firearms Acquisition Certificate (a certificate required for all persons wanting to acquire a firearm)?
 - taken from another member of the household in which the suspect resides?
 - borrowed or stolen?
 - purchased from a friend, acquaintance or illegal dealer?
 - smuggled into Canada?
 - a prohibited weapon?
 - an unregistered restricted handgun?
 - a registered firearm, but the person in possession had no permit to carry the firearm?
 - in the possession of a person who was currently prohibited by court order from possessing a firearm?
- What types of firearms are used in homicide and robbery, and what types of guns are seized by police?

This feasibility study was intended to document the advantages and disadvantages of data collection using police files, and to provide information that may assist in the collection of such information in the future, perhaps through special studies. It was recognized from the outset that, in all likelihood, data from occurrence files would not be able to answer all the research issues outlined above.

1.5 The Organization of this Report

The next chapter describes the methodology used by this research; most of the data were collected from occurrence files of the Metropolitan Toronto Police Force. The third chapter, on the origins of firearms used in crime, describes the extent to which information on the provenance and type of firearms is found in routine police files. The fourth and fifth chapters contain the analyses of firearms homicides and firearms robberies, respectively. In the sixth chapter, we describe the characteristics of firearms seizure incidents. Chapter seven presents the findings from the search for handgun registration information. The final chapter briefly summarizes the main findings.

2.0 METHODOLOGY

There were three main components to this research: the collection of primary data from the (paper) occurrence files of the Metropolitan Toronto Police; informal interviews with police officers knowledgeable about the "street" firearms situation; and the tracing of all handguns seized in 1993, by means of checks with the Firearms Registration and Administration Section of the RCMP.

2.1 The Occurrence File

A total of 593 occurrence files was coded for the file component of this research. This section describes the methods used to design the data collection instrument, and to sample and analyze Metropolitan Toronto Police files.

2.1.1 Design of the Data Collection Forms

A small sample of occurrence files was reviewed to obtain information on the typical data contained in them. A draft coding manual was designed by one of the principal investigators after this initial review. Based on the research questions for this study, approximately 75 items were developed. The responses to some items were drawn from the Homicide Database and the revised Uniform Crime Reporting System, both maintained by the Canadian Centre for Justice Statistics. This coding manual was then pretested on 35 occurrences by the co-principal investigator and the research assistant. After the pretest, the coding manual was revised and a coding form (from which the data were to be keyed) developed.

The main sections of the data collection instrument are:

- background data on the incident: the type of incident; month and year; division involved; what information was in the file (e.g., narrative of the incident, whether there was an "Arrest" form); and whether the incident was cleared.
- characteristics of the firearms: number of guns involved in the occurrence; the type, action (semi-automatic or single action) and legal status of two weapons involved (e.g., registerable, prohibited); any indication of the provenance of the gun(s); whether the firearm was discharged; number of guns recovered; and whether any gun had its serial number erased.
- incident characteristics: the number of suspects; the victim-offender relationship; the target (for robberies); number of victims; the number

of victims hurt and the source of the injuries; the location of the incident; alcohol or drug involvement; whether there was any illegal drug involvement; the value of goods stolen in robbery incidents; whether the police response was reactive or proactive; the number of suspects apprehended; whether the incident involved a domestic dispute; and (for seizure incidents) whether the police found the gun after a search with or without a warrant.

- characteristics of persons charged: the number of persons charged; the number of charges and details for up to three persons charged, including up to five detailed charge types; the legal status of the accused; prior record: whether there was any evidence on file that the person was a drug dealer, had any prior prohibitions against firearms, or was mentally disordered; has a Firearms Acquisition Certificate; is a young offender; and was prohibited from possessing firearms as a result of the offence.

2.1.2 The Sample

Three distinct types of incidents were focused on in this study: firearms homicides, firearms robberies and occurrences involving firearms recovered by police. We established at the outset of this research that the main interest in the file study was the collection of information on the incident. The unit of analysis is, therefore, the occurrence or incident, not the victim. This means, for example, that the number of firearms homicide incidents is smaller than the number of firearms homicide victims reported by the Toronto police. This issue is explained in detail below.

2.1.2.1 Firearms Homicide

The information system of the Metropolitan Toronto Police provided the research team with a list of occurrence numbers of homicides involving guns for the three years from 1991 to 1993. According to this listing, there were:

- 37 persons murdered by firearms in 1991. Two files were not available: one occurrence with one victim and another incident with three victims. Two incidents for which information was available had three victims and two had two victims. Data were collected on 29 homicide *incidents*.
- 18 victims of firearms homicide in 1992. One occurrence was apparently miscoded; it was a theft under \$1,000 incident. One occurrence involved two victims. A total of 16 firearms homicide *incidents* were

captured.

- 25 persons killed with a gun in 1993. However, one occurrence was as theft under case (presumably the result of miscoding), one occurrence involved two victims and one file was not found, making a total of 22 *incidents* on which data were obtained.

One problem was encountered in coding the homicide occurrence files: perhaps for reasons of security, there was little information in the general occurrence files for about one-third of the homicide incidents. Files that were still under investigation or proceeding in court were kept separately and not made available to this research. In order to supplement the limited information on file, the homicide squad was asked for additional data on these incidents. This procedure provided more information, but a number of cases still lacked complete details, particularly on questions such as gang or drug involvement.

2.1.2.2 Firearms Robbery

The information system of the Toronto Police Force gave this research a listing of 1,466 occurrence numbers for "robberies with guns" for 1993. Beginning from a random start, every fifth occurrence was selected for coding. A total of 272 robberies was coded – 18.6 percent of the total population of firearms robberies for 1993.

2.1.2.3 Firearms Seizures

In the Toronto Force, officers are instructed to complete a "Property Recovered – Firearms" form for all seizures/recoveries of firearms, firearm-like weapons such as air and pellet guns, facsimiles (replica firearms), and ammunition. Each recovered item is tagged and, if possible, linked to a general occurrence by cross-referencing it to an occurrence number. The Firearms Registration Unit of the Toronto Force obtained a computer listing of every item seized in 1993. There were approximately 3,000 items on this list. Every tenth item was sampled, excluding items where there was no occurrence number (a relatively small proportion of the total) and items where the occurrence did not involve a criminal incident (termed "F" occurrences for "found" firearms).

A total of 254 seized firearm occurrences were coded. Six of these incidents proved to be investigations of firearms suicides, 23 were firearms robberies not captured in the "firearms robbery" sample, and the remaining 225 were a variety of weapons-related incidents, ranging from young persons shooting pellet guns to handgun seizures occurring as a result of a search warrant.

2.1.3 Coding and Analysis

The data were coded by the co-principal investigator and an experienced research assistant who had participated in the design of the coding form and in the pretest. The data were keyed by a professional data entry firm and analyzed using a major social science statistical package, SAS. For most analyses, the three samples – homicide, firearms robberies and seizures of firearms – were kept separate since they represent different types of incidents and sampling frames.

2.2 Interviews

Interviews with experienced police officers were conducted in order to add further information to the statistics developed for occurrence files data. In total, 25 officers were interviewed, representing the following areas: two Toronto divisions with the most frequent criminal use of firearms; the homicide, major crimes, hold-up, intelligence and drug units; and members of the "Gun Runner" Project.

2.3 Data on Seized

Because of particular interest in the legality of handguns seized by police, *all* handguns seized by the Toronto Police in 1993 were traced by means of the Firearms Registration and Administration Section of the RCMP. The purpose of this component of the research was to find out the extent to which these weapons were registered (and, presumably, "legal" firearms). While budget constraints precluded going back to the occurrence files for the 543 recovered handguns (in order to determine whether the persons in possession of the firearms were the same persons to whom they were registered), the registration data does provide some information on the circulation of unregistered, and perhaps smuggled, handguns.

3.0 THE ORIGINS AND TYPES OF FIREARMS INVOLVED IN CRIMINAL INCIDENTS

One purpose of this research was to determine the extent to which Toronto occurrence files contain information on the origins of firearms involved in crimes. This section combines all study samples (N = 593) in order to provide a general overview of the type of data that are found in routinely completed police occurrence reports.

3.1 Firearms Ownership

In 15 percent of the 593 files, there was some indication of the "ownership" of the firearm (legal or illegal).

3.2 Where the Firearm was Obtained

Overall, there was an indication where the gun came from in about ten percent of incidents involving real firearms. Indication that the firearm was smuggled was found in only two files.

Four percent of occurrences involving real firearms mentioned that the firearm was stolen. This information was obtained either from a check of the make and serial number of the gun on the national police computer (CPIC) or, less often, from the accused who told police that the gun was stolen.

In another four percent of incidents, there was indication on file that the gun had been borrowed or bought illegally (or, in one case, reportedly found by railway tracks).

Occurrence files very rarely stated that the investigating officers had asked the suspect where the gun was obtained (in reality, police may ask more often, but not record the question or the answer in the occurrence file). The most common response by suspects was that the firearm was purchased from a stranger, on the street, or in a bar. The absence of a full and frank response to this question is not surprising since most accused persons realize that they would be providing police with evidence to lay additional charges (assuming that the firearm was illegally obtained).

3.3 When the Firearm was Obtained

In only four percent of all 593 occurrences was there information on when the firearm

was obtained by the person in possession of the gun. The time frame ranged from 1945 to a few days prior to the incident.

3.4 Prior Circulation of the Firearm

This information was found in only three files – one percent of the incidents involving real guns.

3.5 Firearms Acquisition Certificates

Information on whether the person in possession of the firearm had a Firearms Acquisition Certificate (FAC) was found in 18 percent of occurrences involving real guns: in 16 percent it was indicated that the person did not have an FAC, and in 2 percent (seven cases), the person in possession had such a Certificate. The FAC information was usually obtained because a suspect was charged with the offence of acquiring a firearm without an FAC.

3.6 Unregistered Restricted Firearms

In Toronto, police laid a s.91(1) charge ("possession of a restricted weapon for which the person does not have a registration certificate") in almost every handgun incident (over 90 percent). This issue is addressed in more detail later in this report.

3.7 The Presence of Real Firearms in Criminal

One of the unexpected findings of this research was the extent to which firearms used in robbery and firearms seized by police were not "real" firearms; that is, they were air or pellet guns, starters pistols, replicas or other facsimiles, such as a lighter in the shape of a gun. These weapons are readily available, and do not require a Firearms Acquisition Certificate to purchase. Many are manufactured to resemble real firearms precisely – to the extent that they cannot be differentiated from real guns unless closely inspected. While air and pellet guns can injure, most injuries in this study were not serious; in the study sample, swelling was the most common complaint of victims injured by such weapons.

Of the incidents termed "robberies with guns" by the information system of the Metropolitan Police, there were grounds for assuming that a real firearm was involved in one-fifth of the cases. This information was known because the firearm was

recovered, because it had been fired, or because the witnesses were certain that the weapon was a real firearm. This issue of real and fake firearms is discussed in greater detail in the "Firearms Robbery" section.

As described in the "Methodology", officers in Toronto complete a form for all firearms and firearm-like weapons recovered or seized in the course of their investigations of criminal incidents. The sample of firearms seizures was drawn from a computer listing of the weapons itemized on these forms. In our sample, 65 percent of "guns" seized were real firearms, and the remaining 35 percent were air/pellet guns, starters pistols, and other imitation firearms. In many of these latter cases, offensive weapons charges were laid. Although air and pellet guns are not (what we have termed) real firearms, their possession and use are subject to a number of charges in the *Criminal Code*, including "use of a firearm in the commission of an indictable offence" (s.85), "carrying a concealed weapon" (s.89), and "pointing a firearm" (s.86).

Thus, a substantial proportion of firearm incidents – an unknown proportion in the case of firearms robberies, and over one-third of firearms seizures – did not involve real firearms. This finding is an important one, since it illustrates that generally available statistics on the use of firearms in crime (e.g., UCR statistics on armed robbery) reflect a mix of real guns, replicas, and air/pellet guns.

3.8 Summary

This section has shown that police occurrence files infrequently include information on the origins or prior circulation of firearms used in homicides, robberies, and in incidents where firearms are seized. It is therefore recommended that future research efforts on the origins of guns used in crime try to tap other sources for this information. One possibility is to design a special survey that would ask police to complete a form that includes such data every time a real firearm is seized. Alternatively, it may be possible to redesign the "firearms recovered" forms used by most police departments to include information on the provenance of the firearm, in order to encourage officers to enquire about the origins of recovered guns and to remind them to do routine procedures (e.g., checking whether the handgun is registered, whether the gun is stolen) before completing their investigation.

The second finding of this section is that a large minority of "guns" used in criminal incidents were air guns and replicas. This finding will be discussed in greater detail later in this report.

4.0 FIREARMS

From 1991 to 1993, the Toronto Police reported about 70 homicide occurrences involving firearms and some information was available on 67 incidents. Firearms homicides made up approximately one-third of all homicides during this time period — a figure that is similar to the national statistics on homicide.

4.1 Clearance

Just over one-half of homicide incidents (55 percent) were cleared by a charge being laid; 34 percent were not cleared; and, ten percent were "cleared otherwise". The latter were murder-suicides (that is, murder – usually of a family member or close friend – followed by the suicide of the offender). The clearance rate did not greatly vary over the three years for which data were collected: it was 62 percent in 1991, 75 percent in 1992, and 64 percent in 1993.¹

4.2 Types of Firearms

More than one firearm was involved in 12 percent of the incidents. Information is available on 75 firearms:

- one "firearm" was in fact a replica gun (the offender had the real gun, the victim had the fake);
- 72 percent of guns were handguns;
- 7 percent were sawed-off long guns; and,
- about 20 percent were rifles and shotguns.²

There was no change over the three years in the types of firearms – handguns were involved in 72 to 77 percent of homicides, depending on the year. The proportion of handgun use in Toronto homicides is higher than in Canada as a whole: in 1991 and 1992, about 50 percent of all firearms homicides in Canada involved handguns. One reason for this difference from the national picture may be the differential availability of handguns and long guns in highly urban versus less urban areas. Perhaps, too, the types of incidents may play a part – few homicides in Toronto were domestic in nature. Recent research on domestic firearms homicide has found that handguns are used much less often than are long guns (Dansys Consultants Inc., 1992).

¹ Of course, clearance rates may change as more cases become resolved through the laying of charges.

² Firearms, unspecified as to type, were classified in this category.

4.2.1 Firearms Recovered

Only 45 percent of homicide files indicated that police had recovered the firearm used in the incident. The actual proportion may be higher; more guns may have been recovered as a result of the investigation, but that information was not recorded in the occurrence files used as the data source for this research.

4.2.2 "Illegality" of the Firearms"

A composite variable was constructed to determine if there was any evidence in occurrence files on the "illegality" of the firearm – i.e., whether it was smuggled, stolen, borrowed or illegally purchased, prohibited, or an unregistered restricted firearm. Overall, there was evidence of "illegality" in 25 percent of the 67 homicide files. However, when we examined the proportion of homicide incidents where a firearm was recovered (29 incidents), the proportion increases to 52 percent.³ This figure may still underestimate the use of illegal firearms in homicide; there could be more complete information on the firearms used in the full investigation files, to which we did not have access.

Therefore, in one-half of the homicides where guns were recovered, there was an indication that the firearm was not "legal" – either in terms of its nature (e.g., prohibited weapons such as sawed-off long gun, unregistered restricted handgun), erased serial number, its provenance (e.g., smuggled); or, least likely, the status of the person in possession of the firearm, who may have obtained the firearm without a Firearms Acquisition Certificate.

4.2.3 Relationships between the Use of Handguns and Other Characteristics of the Homicide Incident

Handgun homicides were no more likely to be cleared by a charge being laid than were homicides involving other firearms. It is noteworthy, however, that fewer of the seven murder-suicides involved a handgun than did the other homicides (57 percent and 77 percent, respectively); as already mentioned, the murder-suicides all involved victims who were family members or close friends.⁴ There was also a marginal

³ Of the 20 handgun homicides where a gun was recovered, 25% (5) of the handguns were unregistered, according to occurrence files. Again, this is probably an underestimate.

⁴ However, this relationship is not statistically significant; chi-square = 1.262, df = 1, p = .26.

difference in the types of firearms used in domestic versus non-domestic homicides: 68 percent of the 9 incidents with family members as victims involved a handgun, compared to 83 percent of the 18 friend/acquaintance shootings, and 90 percent (9 out of 10 cases) of the homicides where the victim was apparently a criminal associate of the offender.

4.3 Victims

There were 73 persons killed in the 67 incidents. In addition, 16 persons were wounded by the firearms, most seriously enough to be admitted to hospital (see below, "Persons Injured").

Occurrence files did not identify the relationship between the offender and the victim in one-quarter of cases; in most of these instances, no suspect had been apprehended at the time of data collection and the case was "not cleared".⁵ Of the cases where the victim-offender relationship was known:

- friends and acquaintances were the victims in 36 percent of incidents
- strangers, such as victims of robberies, and bystanders at shooting sprees, made up 26 percent of victims;
- 20 percent of incidents involved criminal associates of the suspect(s);⁶ and,
- 18 percent were family members (12 percent were in a spousal relationship with the offender).

Table 1 compares the victim-suspect relationship in Toronto firearms homicides to that for Canada in 1992, the most recent year for which Homicide Survey data are available (Ogrodnik, 1994). Of cases where this relationship is known, Toronto victims of shooting homicide are less likely to be in a familial relationship than are victims in Canada as a whole (18 versus 32 percent); conversely, apparent stranger-to-stranger homicides were more often found in firearms homicides in Toronto than in the whole country (26 percent compared to 16 percent).

4.4 Persons Injured

In the majority of cases, the gun was fired more than once. In one out of five

⁵ From the files, it appeared that several cases where the victim-offender relationship was "not known" might well be classified as criminal associate or stranger-to-stranger homicide.

⁶ Homicide officers observed that they have seen an increase in such homicides over past years and relate the increase largely to drug dealing.

incidents, other persons were injured in addition to those killed.⁷ The very large majority of other persons hurt in the incident were admitted to hospital for treatment and most (16 persons) were shot, rather than hit by the gun (one person) or hurt by other means (one person).

Table 1

THE RELATIONSHIP BETWEEN THE VICTIM AND SUSPECT:
TORONTO FIREARMS HOMICIDES COMPARED TO ALL HOMICIDES
IN CANADA

	Toronto 1991-93	----- Canada 1992 -----	
	Firearms Homicides %	All Homicides %	Firearms Homicides ⁸ %
Family member	18	32	34
Friends and acquaintances, including criminal associates	56	52	53
Stranger, no known relationship	26	16	13
Total percent	100	100	100
Total number	50	584	174

⁷ It was observed by one police respondent that the death rate from shootings could well be higher except for the fact that in a large metropolitan area such as Toronto, there is quick access to excellent emergency treatment.

⁸ This column was compiled by the Research and Statistics Directorate, Department of Justice Canada, March 2, 1994. Data were originally extracted from the Homicide Database, maintained by the Policing Services Program, Canadian Centre for Justice Statistics (CCJS). Numbers may not agree with previous publications of the CCJS because the database is regularly updated with new information on homicide incidents.

4.5 Charges Laid

There was one suspect in one-half of the homicide incidents; in 10 percent of cases three or more suspects were identified; in 24 percent, the number of suspects was not known. Persons were charged in 55 percent of the incidents, and of incidents where charges were laid, two or more persons were charged in four out of ten cases.

4.5.1 Types of Charges Laid

In the 37 homicide incidents where someone was charged, the following charges were laid:

- first degree murder – 37 charges
- second degree murder – 16 charges
- manslaughter – 3 charges
- attempted murder – 24 (these charges were laid when victims other than the deceased were injured)
- robbery – 2 charges.

A small number of weapons-related charges were laid as a result of the investigation into the homicide:

- possession of a prohibited weapon – 4 charges
- pointing a firearm – 1 charge
- unsafe storage, display, etc. – 1 charge
- delivery of a firearm to a person without a Firearms Acquisition Certificate – 1 charge.

It is important to note that weapons charges are infrequently laid because of the seriousness of homicide: many officers see no point in laying much less serious charges when murder is involved. Furthermore, in their charging practices, police often respond to their perceptions of what would happen to the charge in court; firearms charges in a homicide case would quite possibly be plea bargained away or withdrawn by the Crown. Most of the weapons charges were laid against persons other than the primary homicide suspects.

4.5.2 Persons Charged

In all, about 100 charges were laid against the 60 persons charged as a result of police investigations into firearms homicides.

When the criminal history was known, 65 percent of persons charged had prior convictions. This proportion is very similar to that reported for the country as a whole (Wright, 1992). While over one-half had no current legal involvement, one-fifth were currently awaiting trial on other charges, and another 13 percent were on probation or parole. Occurrence files suggested that at least 12 percent of suspects charged were involved in illegal drug dealing. A small proportion of persons charged (seven percent of the total) were young offenders. According to occurrence files, a very small proportion (two percent) of persons charged had been prohibited from possessing a firearm prior to the incident.

The criminal history of persons charged in Toronto firearms homicides changes somewhat when the type of firearm is controlled. All of the seven persons charged in sawed-off long gun homicides had prior convictions, compared to 68 percent of persons charged in rifle and shotgun incidents, and 59 percent of those charged in handgun homicides. One out of six (17 percent) of the suspects charged in handgun incidents apparently were drug dealers, while no persons charged in the other types of firearms homicides were involved in this activity.⁹

4.6 Motives in Firearms Homicide

Occurrence files to which access was provided were very circumspect – and many times altogether silent – on the motive for the homicide. In particular, the question of illegal drug dealing was rarely mentioned in occurrences even though other evidence (such as the presence of a pager on the body of the murder victim) would suggest that drugs may have been involved. Overall, only seven percent of case files contained some indication that illegal drugs were involved.

4.7 Summary

Almost two out of three homicides by firearms were cleared by police. From 1991 to 1993, handguns by far predominated in Toronto firearms homicides, with over 70 percent involving handguns. Although the analysis was hampered by missing data in police occurrence files, one-half of firearms homicides where the gun was recovered

⁹ Again, these data may be underestimates.

involved "illegal" firearms; that is, guns that are unregistered restricted firearms, prohibited firearms, smuggled, stolen, or otherwise illegally obtained. Family members were the victims in fewer than one-fifth of firearms homicides and this proportion is lower than for all homicides in Canada. Friends, criminal associates, and persons with no known relationship to the offender made up the large majority of victims of firearms homicide. Police files rarely contained information on the motive for the firearms homicide. Weapons-related charges were infrequently laid in homicides. As other research has found, almost two-thirds of suspects charged in homicides had a prior offence history.

5.0 FIREARMS ROBBERY

In 1993, there were almost 1,500 incidents of "robbery with guns" according to the Metropolitan Toronto Police information system. This research took a random sample of almost 20 percent of these incidents. Robbery with guns accounted for roughly 30 percent of all robberies in 1993.

5.1 Clearance Rate

In the study sample, the proportion of firearms robberies cleared by charge was 31 percent and this figure is the same as that for Ontario for 1992 (Canadian Centre for Justice Statistics). A small proportion of incidents were "cleared otherwise" (e.g., the offender was known, but already in jail on other charges). Therefore, two-thirds of firearms robberies were not cleared at the time of data collection.

5.2 Targets

There was a wide range in the type of targets of firearms robbery.

- Business and commercial premises were targeted in 48 percent of incidents: the single most common target was the corner or convenience store (14 percent). Restaurants (especially those which sell fast food), video stores, pharmacies, and other commercial premises made up 17 percent of the total. Business premises, such as hotels, were the targets in one-tenth of robberies. Not surprisingly, these targets were often premises that have late hours of operation.
- Banks were victims in 9 percent of robberies, and in two incidents (0.7 percent of the total), the security guards of armoured truck companies, such as Brink's, were targeted.
- One-third of robberies had individuals as the ultimate target, including persons not known to the offender(s) such as victims of anonymous muggings (19 percent of the total); taxi drivers (3 percent) and other individuals known to the offenders (12 percent). In the last category are included persons who carry large amounts of cash and others such as delivery persons (Pizza Pizza was a common target) who were set up for a robbery.
- In 7 percent of firearms robberies, the home of the victim was the apparent target.
- Other targets, such as subway stations, made up 2 percent of the total.

5.3 Value of Goods

The median (midpoint) of the value of goods stolen in firearms robberies was \$400. The mean value was much higher – at over \$5,500 – because a small number of incidents involved thefts of large amounts, and they skew the mean upwards.

5.4 Types of Firearms

Witnesses reported only one firearm in over four-fifths of robberies. Recovery of the weapon used is infrequent, with only seven percent of robbery incidents resulting in police recovery of the gun(s). This factor becomes important when we try to determine the types of firearms used in Toronto robberies.

5.4.1 The Presence of Real Firearms

Firearms robberies differ in one very important respect from the other types of crimes described in this report: in many instances, there is no firm evidence one way or another whether the firearm is "real" or not. In our examination of occurrences entered in the Toronto Police information system as "robbery with guns", we soon became aware that some incidents did not involve firearms in the customary sense of the term.¹⁰ Although witnesses would describe what appeared to be a real firearm, subsequent investigation would sometimes reveal that the "firearm" was in fact a facsimile – an air or pellet gun or a starters pistol, for example. For this reason, we took care to classify the guns in terms of whether there was any evidence to support the conclusion that the gun was a real firearm. If not, we classified the gun as "unknown whether real or fake".

Most robbery victims lack the opportunity to determine if the weapon is a real firearm or a replica and very wisely assume that the weapon is capable of deadly fire. To victims these guns appear real. Even if the firearm later proves to be a fake gun, victim trauma at the time of the incident is the same as if the gun were deadly.

However, for other purposes, it is important to be able to estimate whether replica

¹⁰ One of the definitions of "robbery" in the *Criminal Code* is stealing "from any person while armed with an offensive weapon or imitation thereof" (s.343(d)). The Uniform Crime Reporting Manual, prepared by the Canadian Centre for Justice Statistics for use by police departments, defines "firearms robbery" both as "weapons used known to be a firearm" and "firearm was simulated and the suspect not arrested" (1988: 3.24).

firearms are used extensively in robbery. Firearms robbery statistics are often employed as indicators of the availability of firearms on the street and their use in criminal activity. Furthermore, changes over time in the incidence of firearms robberies have been used in assessing the effectiveness of gun control legislation (e.g., Scarff 1983; DuWors, 1992).

In 70 percent of firearms robberies in 1993, it was not determined whether the gun was real or a replica.¹¹ There are two sources of information which help to clarify, at least in part, the situation with regard to the use of replica firearms in robbery:

- In 7 percent of the sample of robberies with guns, the firearm was recovered by the police.
- A small number of firearms robberies were included in our sample of gun seizure incidents, discussed below.

Combining these two sources of information on the 47 *recovered* firearms employed in robbery, we find that:

- 43 percent of the firearms were handguns;
- 36 percent were replicas including air and pellet guns;
- 13 percent were sawed-off long guns; and,
- 8.5 percent were rifles and shotguns.

Care should be taken in extrapolating these figures to all firearms robbery. For example, it may well be that the cases where guns were recovered were atypical in some respect. However, from the available data it does appear that at least 36 percent of weapons used in firearms robberies were not "real" firearms.

5.4.2 "Illegality" of the Firearms

In the small number of occurrences where firearms were recovered (7 percent of the total), there was evidence of use of "illegal" firearms in over one-half (52 percent) of the cases – i.e., guns which were unregistered, prohibited, stolen, or the person in possession did not have a Firearms Acquisition Certificate. Five of the six handguns recovered by police were unregistered, according to police files.

¹¹ And, as cited earlier, the file gave a clear indication that the weapon was a "real" firearm in only 20 percent of firearms robberies; the remaining 10 percent were clearly replicas or air/pellet guns.

5.4.3 Relationship between Types of Firearms and Other Characteristics of the Robbery

It will be recalled that the clearance rate was 31 percent of the firearms robbery sample. However, 78 percent of robberies involving air/pellet guns or other facsimiles were cleared by charge; this can be compared to 60 percent of cases involving handguns, 50 percent of long gun incidents, but only 18 percent of cases where it was not known whether the gun was real or fake. These differences in clearance rates – among incidents involving fake guns versus real guns versus unknown if real or fake weapons – are so large that we suspect that the type of offenders involved in each category of incident may also differ. There is other evidence, presented below, that these latter incidents may involve offenders who are more experienced in criminal activity as well as being better able to avoid apprehension by police than are others.

5.5 Persons Injured

A firearm was discharged in only five percent of robberies. No long guns or sawed-off long guns were fired, but a gun was fired in 22 percent of handgun incidents and in 7 percent of air/pellet gun incidents.

About one-fifth (21 percent) of robberies resulted in victim injuries. In most cases (14 percent of the total), the injuries were minor in nature requiring no medical treatment.

In four percent of occurrences, outpatient treatment was required and in one percent, the person most seriously injured had to be hospitalized. (These data exclude robberies which ended in homicide, of which there were a small number in 1993.) As the data in the last paragraph would suggest, most victims were not hurt by shooting – in one-half of the cases where victims were hurt the injury was caused by other means.

In the sample as a whole, 1.5 percent of firearms robberies resulted in someone being shot, and 7.5 percent involved victims being hit by the gun. (See Table 2, below.)

The number of victims varies by whether the gun is real or a fake. Only 7 percent of fake gun incidents involved two or more victims, whereas multiple victims were found in 20 percent of long gun robberies, and 27 percent of handgun robberies. It may be that robbers with real guns are more confident in dealing with more than one victim than are those who carry replicas.

There are statistically significant differences in the seriousness and source of injuries when real gun robberies (about 20 percent of the total) are compared to robberies where either (a) it was known that the firearm was imitation, less than 10 percent; or (b) it was *not* known whether the firearm used was real or an imitation, 70 percent. Table 2 collapses the last two types of incidents for ease of presentation. Although the number of known real gun robberies is relatively small, it appears that injuries are

more likely to occur when real guns are involved when we compare these incidents to other robberies. It is also apparent that more serious injuries occur when a handgun is used: almost one out of five (19 percent) handgun robberies resulted in victims requiring medical treatment, compared to 4 percent of long gun robberies, and 3 percent of all other "firearms" robberies. One out of eight (12.5 percent) handgun robberies resulted in a victim being shot, whereas no one was shot in the other incidents. In other incidents injuries were sustained by victims hit by a gun ("pistol whipped") or by other means.

Precisely how these data should be interpreted is not certain. One possibility is that robbery incidents with real guns involve more violent offenders than do others; another is that, because handgun robberies (in particular) are more likely to have multiple victims, someone is more likely to be injured.¹² Other research has shown that "victim management" is a critical aspect of robbery events (Harding, 1993). Perhaps inability to control the victims was a factor in the real gun occurrences. Quite a different interpretation of the data in Table 2 is that most of the "all other robberies" category may be made up of air or pellet guns and replicas, with the result that serious injury would be less likely.

¹² United States data suggest that victims are less likely to be injured when the perpetrator has a gun (Roth, 1994). Additional Canadian research would be needed to confirm these Toronto findings.

Table 2

PERSONS INJURED IN REAL FIREARMS
VERSUS OTHER ROBBERIES

	Real Handgun Robberies %	Other Real Gun Robberies %	All Other Robberies %	Total %
Seriousness of injuries				
No person injured	62.5	61.5	85.9	80.7
Minor injuries, no treatment required	18.8	34.6	10.7	14.0
Outpatient treatment only	9.4	3.8	3.4	4.2
Admitted to hospital	9.4	0.0	0.0	1.1
Total percent	100.1	99.9	100.0	100.0
Total number	32	26	206	264
Chi-square = 36.35, df = 6, $p < .001$ (but note some small expected values)				
Source of injuries				
No person injured	62.5	61.5	85.5	80.4
Injured, not by firearm	12.5	23.1	8.7	10.6
Injured by firearm				
Shot	12.5	0.0	0.0	1.5
"Pistol whipped"	12.5	15.4	5.8	7.5
Total percent	100.0	100.0	100.0	100.0
Total number	32	26	207	265
Chi-square = 40.88, df = 6, $p < .001$ (but note some small expected values)				

Thus, although serious injuries to robbery victims occurred infrequently, victims of handgun robberies were more at risk of injury than were other victims.

5.6 Charges Laid

Firearms robbery is a group activity in many cases: witnesses reported three or more suspects in 28 percent of robberies, and there was more than one suspect in 65 percent of the cases sampled. Multiple suspects were most often observed in long gun incidents (over 90 percent), and least often in occurrences involving air/pellet guns and other facsimiles (57 percent).

Three out of ten firearms robberies resulted in persons being charged: in 57 percent one suspect was charged, in 29 percent two persons were charged, and in 14 percent of robberies three or more suspects were charged.

5.6.1 Types of Charges Laid

Robbery charges were laid in 95 percent of cases where someone was charged; there was also a small number of other types of charges laid (e.g., assault and possession of stolen property). Multiple robbery charges were laid in about 40 percent of cases cleared by charge.

Over three-quarters of firearms robberies involved a weapons-related charge. A total of 143 weapons charges were laid against the 128 persons charged. The most common charge was s. 85(1), use of a firearm during the commission of an indictable offence. Overall, 55 percent of robberies cleared by charge resulted in this charge being laid. In cases where a real firearm was involved, the proportion rose to over 80 percent. In addition to the 86 charges of use of a firearm in the commission of an indictable offence, other weapons charges were:

- possession of a weapon or imitation/weapons dangerous to the public peace – 22 percent of cleared cases (27 charges)
- pointing a firearm – 4 percent of cleared cases (5 charges)
- unsafe storage, display, transportation, etc. – 4 charges
- possession of a prohibited firearm – 2 charges
- acquisition of firearm without FAC – 2 charges
- finding a prohibited or restricted weapon without giving to police – 2 charges
- possession of a firearm while prohibited by order – 1 charge.

The small number of *handgun* robberies are of special interest, given the focus in this report on handgun misuse. There was clear evidence in the police files of "illegal" guns in only 42 percent of handgun robberies. The primary evidence of such "illegality" was possession of a restricted handgun not registered to the person in possession — this charge was laid in 37 percent of the cleared handgun robberies.

5.6.2 Persons Charged

Two-thirds of robbery suspects who were apprehended and charged had a prior record. More than one-quarter (28 percent) were currently awaiting trial for other current charges, and 17 percent were on probation or parole. Three offenders (two percent of persons charged) had previously been prohibited from possessing firearms.

One-quarter of those charged were young offenders. Recent Canada-wide data on persons charged in all robberies show that young offenders accounted for 16 percent of those accused of robbery; however, in Ontario, in 1992, 35 percent of persons charged in firearms robberies were young persons (Canadian Centre for Justice Statistics).

When we explore the relationship between the type of firearm used and the characteristics of persons charged, two interesting findings emerge. Persons charged in incidents where it was not determined whether the firearms was real or fake were *more likely* to have a prior record than were others, and were far *less likely* to be young offenders. It is possible that this group are more experienced criminals, who – even though apprehended by police – are sufficiently astute as to avoid being caught with the weapon in their possession and to refuse to inform police the type of weapon utilized. It is also logical that this group would be older than persons charged in other incidents (only 11 percent were under 18 years of age).

Robberies where the gun was known to be an air/pellet gun or other facsimile were more likely to involve young offenders (46 percent) than were handgun robberies (21 percent). Long gun robberies had a similar proportion of young persons charged (50 percent) as did the fake gun robberies.

5.7 Summary

The clearance rate for firearms robbery was 31 percent in 1993. The most frequent targets of these robberies were business and commercial premises such as fast food restaurants and other services that have long hours of operation. The "firearm" was recovered in only seven percent of robberies. The evidence suggests that a large proportion of robberies with guns — estimated at 36 percent at a minimum — do not involve "real" firearms, but air or pellet guns and other imitation firearms. This finding is not to underplay the impact on victims, who are often too frightened to determine whether the firearm is a real or a fake. However, it does draw into question the use of firearms robbery figures as indicators of the incidence of real firearms

circulating among street and other criminals. Although police files frequently lacked detailed information on the origins of firearms (even when they were recovered), "illegal" firearms were carried in at least one-half of the robberies involving real guns. A firearm was discharged in only five percent of robberies, and the same percentage resulted in one or more victims requiring medical treatment. However, the injuries were caused by the firearm in only one-half of cases resulting in victim injury. In only 1.5 percent of firearms robberies was a victim shot. Even though only a very small number of persons were hurt, handgun robberies tended to result in victim injuries in larger proportions than did robberies involving other types of guns. Over 80 percent of firearms robbers were charged with s. 85, "use of firearm during the commission of an indictable offence". Two-thirds of apprehended robbers had a history of previous convictions, and one-quarter were young offenders. Air/pellet gun, replica firearms, and long gun robberies disproportionately involved young offenders.

6.0 FIREARMS SEIZURES

In addition to firearms homicides and robberies, this research also obtained data on a random sample of 254 incidents where guns were seized by police following investigation into a reported criminal occurrence (general occurrences). For purposes of describing the different types of seizure incidents, the following categories were developed:

- Seizures where the suspect was not actively threatening or firing the weapon. The suspect was in "passive" possession of the firearm. These incidents accounted for one-half of all seizure incidents.
- Seizures resulting from incidents where the suspect was threatening others or even actually discharging the gun; 37 percent of gun seizure incidents came to police attention for this reason.
- Nine percent of seizures resulted from police investigations of robberies.
- Two percent of seizure incidents came to police attention upon investigation of a firearms suicide.

6.1 Clearance Rate

Seizure incidents were almost always cleared: 87 percent were cleared by charge and 8 percent were cleared otherwise (e.g., the suspect was too young to be charged; there was no point in laying a charge; the occurrence was a suicide). The high clearance rate is not surprising since, when police are in possession of a weapon, there is often a variety of charges which can be laid. Moreover, many seizures were incidental to the investigation of other types of crimes (e.g., drug dealing or discharging the weapon), which would usually result in charges.

6.2 Types of Firearms

Because more than one firearm or firearm-like weapon was seized in about one-third of the incidents, information is available on a sample of 325 firearms — about 20 percent of weapons seized by Toronto police officers in 1993. Approximately equal proportions of air/pellet pistols/replica firearms and long guns were seized (33 percent and 34 percent, respectively); 27 percent were handguns, and 6 percent were sawed off long guns. Therefore, about two-thirds of firearms were real guns. Looking only at the real guns, we find that rifles and shotguns comprised 51 percent of seized firearms; 40 percent were handguns; and 9 percent were sawed-off long guns. Thus, even in a large urban area such as Toronto, rifles and shotguns constituted a majority of firearms coming into police possession as a result of a criminal incident.

6.2.1 "Illegal" Firearms

A composite variable was used to determine the extent to which "illegal" firearms were used in gun incidents in Toronto. One or more of the following indicators was used to determine the "illegality": evidence of smuggled, stolen or prohibited guns, possession of a restricted firearm, gun borrowed or bought illegally, serial numbers erased, or the person in possession of the firearm does not have a Firearms Acquisition Certificate. Of seizure incidents involving real guns, there was evidence of illegal firearms in 68 percent of occurrences.

6.2.2 "Illegal" Handguns

One-third of all occurrences cleared by charge involved a handgun; one-half of real gun incidents had at least one handgun on the scene. According to information in police files, 95 percent of handgun incidents involved an "illegal" firearm. The most common reason for labelling an incident in this way is that the handgun was in the possession of someone who lacked a registration certificate (s.91(1)) of the *Criminal Code*. Also noteworthy is that, in 18 percent of handgun cases, a handgun had a missing serial number.

6.3 Location

In almost two-fifths of seizure incidents, the firearms were recovered from the offender's home; in nine percent of cases the incident occurred in the victim's home. One-third of firearms seizure incidents occurred in public, out of doors – for example, in a park or parking lot, or on the street.

6.4 Persons Injured

The gun was fired in about 20 percent of incidents, and in 7 percent it was fired six or more times. Pellet/air gun incidents were almost twice as likely as other incidents to involve discharging of the gun (38 percent were fired compared to 20 percent of handguns and 13 percent of long guns).

In 11 percent of cases one or more victims sustained injuries, but medical treatment was required in only 2 percent of the incidents. Overall, five percent of seizure incidents involved someone being shot and one percent of occurrences involved victims being pistol whipped.

When we divide the sample by the type of weapons used, there was a slight and statistically insignificant tendency for handgun incidents to result in more serious injuries than did other seizure occurrences – five percent of handgun incidents resulted in a victim requiring medical treatment, compared to one percent of other incidents.

6.5 Charges Laid

Almost 90 percent of seizure occurrences ended with charges being laid. Typically only one person was charged, but three or more suspects were charged in 12 percent of incidents.¹³

6.5.1 Types of Charges Laid

In 85 percent of seizure incidents one or more weapons-related charge was laid. Handgun incidents were especially likely to involve a weapons charge (97 percent did so). The overall average was 2.3 weapons charges per case, and two-fifths of seizure occurrences involved three or more weapons charges. As Table 3 shows, the most frequently laid weapons charges in handgun incidents cleared by charge were:

- possession of a restricted firearm without a registration certificate — 88 percent of cleared handgun occurrences
- possession of a weapon dangerous to the public peace — 27 percent
- unsafe storage, display, etc. — 25 percent
- possession of a prohibited firearm — 21 percent.

In incidents involving real long guns, the weapons charges laid included:

- unsafe storage, display, etc. — 37 percent of long gun cases
- possession of a weapon dangerous to the public peace — 25 percent.

Finally, the most frequent type of charge occurring in cases where the "firearm" was an air/pellet gun or other facsimile was possession of a weapon/imitation dangerous to the public peace, laid in 56 percent of such incidents.

Table 3

FIREARMS SEIZURE INCIDENTS: WEAPONS-RELATED CHARGES LAID

¹³ Compared to other incidents, a larger percentage of handgun cases resulted in more than one person being charged (chi-square = 17.17, df = 1, p<.001).

AS A RESULT OF THE INCIDENT

	Real Handgun Incidents	Other Real Gun Incidents	Air/Pellet Gun, Other Facsimile Incidents
	%	%	%
Pointing a firearm, s.86(1)	11.0	9.6	19.5
Negligent handling of firearms, s.86(2)	9.6	2.7	6.5
Storage, displays, handles, transports firearms, contrary to regulations, s.86(3)	24.7	37.0	5.2
Possession of a weapon or imitation weapon dangerous to the public peace, s.87	27.4	24.7	55.8
Possession of a prohibited weapon, s.90(1)(2)	20.5	15.1	6.5
Possession of a restricted weapon, s.91(1)(2)(3)	87.7	6.8	0.0
Acquisition of firearm with no FAC, s.97(3)	2.7	12.3	0.0
Total number of incidents cleared by charge	73	73	77

Note: The totals add up to more than 100% because many incidents involved more than one weapons charge.

The proportion of unsafe storage charges is notable, because this charge was only introduced into the *Criminal Code* in January 1993. Although some officials have expressed concern that many police officers are unaware of the new offence, in Toronto the charge appears to be laid with some frequency — in three out of ten cases involving real firearms.¹⁴ In fact, almost one-half (48 percent) of cases involving three or more firearms resulted in this charge being laid. While occurrence files contained no information on the "gun collector" status of persons possessing firearms, it does appear that the more firearms involved in an incident, the greater the likelihood that an unsafe storage charge will be laid.

¹⁴ Unsafe storage charges only apply to real firearms.

While weapons offences were by far the most common category of charges laid, seizure incidents also resulted in a wide variety of other types of charges. For example:

- Assault charges were laid in 28 percent of all seizure incidents.
- Uttering death threats/threatening bodily harm charges were laid in 14 percent of incidents.
- Property charges were laid in 15 percent of occurrences.
- Drug charges resulted in only 13 percent of seizure cases.

6.5.2 Persons Charged

More than one person was charged in approximately 30 percent of gun seizure occurrences.

One-half of persons charged in seizure occurrences had a prior record; 30 percent were either awaiting trial on other charges, or were on probation or parole. Five percent of charged suspects had previously been prohibited from possessing a firearm.

One-quarter of suspects against whom charges were laid were under the age of 18 at the time of the offence. There was evidence on file that 13 percent of all offenders dealt in drugs.

Persons charged as a result of handgun and sawed-off long gun incidents were marginally more likely to have prior convictions than were others (53 percent versus 43 percent), and were considerably more likely to have a history of drug dealing (23 percent versus 5 percent). Almost half (47 percent) of the persons charged in air/pellet gun incidents were young offenders compared to 14 percent of handgun incidents, 27 percent of sawed-off long gun incidents and only 6 percent of rifle/shotgun incidents.

6.6 Other Characteristics of Seizure Incidents

In the seizure sample as a whole, police search powers were involved in 18 percent of the cases. The research also examined whether police actions were reactive or proactive in seizures of firearms. In all seizure incidents, one-third of cases involved a proactive police response. Illegal drug involvement was apparent in 12 percent of the cases overall. In 11 percent of all seizure incidents a domestic dispute precipitated the police intervention.

6.7 Summary

In one-half of firearms seizures, the suspect was in possession of a firearm or firearm-like weapon, but was not actively threatening others with it; in 37 percent, threats or actual firing of the gun occurred; the remaining incidents (11 percent) were firearms robberies not captured in the robbery sample, and firearms suicides. The very large majority of seizure incidents were cleared by a charge being laid. Of all firearms seized, 33 percent were air or pellet guns. Excluding these fake guns, long guns accounted for 51 percent of all seizures, 40 percent were handguns, and 9 percent were sawed off long guns. In two-thirds of occurrences, there was evidence of "illegal" guns, and this figure rose to 95 percent when handgun incidents were examined separately. In most handgun cases, "illegality" was determined by the laying of the charge of possession of a restricted weapon. Victims were rarely seriously injured in seizure incidents (two percent overall required medical treatment). The most frequently laid weapons charge in handgun incidents was possession of a restricted weapon (88 percent); in other real gun incidents, it was unsafe storage (37 percent); and in air/pellet gun cases, the most common charge was possession of a weapon dangerous to the public peace (56 percent). Fully one-half of persons charged had a prior record. Police search powers were used in almost one-fifth of incidents; the recovery of the firearm occurred as a result of proactive behaviour by police in one-third of seizures; illegal drug involvement was found in 12 percent of incidents; and, in 11 percent of cases, a domestic dispute was involved.

7.0 THE REGISTRATION STATUS OF SEIZED HANDGUNS

Quite a different topic is investigated in this chapter — what proportion of handguns seized in Toronto in 1993 were registered in the national registry of restricted weapons. As mentioned in the "Introduction" to this study, police have reported a seeming upswing in the number of handguns illegally imported into the country from the United States. This change has been associated with the growth of the illegal drug trade. The purpose of tracing all handguns seized in one calendar year is to determine the extent to which illegal handguns are circulating in Toronto.

7.1 General and Found Occurrences

Most of this report has focused on firearms recovered as a result of an investigation into a criminal incident and on crimes involving firearms. In the terminology of the Metropolitan Toronto Police, these incidents are "general occurrences". However, a large number of firearms come into police possession in other ways. These weapons are held by police temporarily or in some cases destroyed. They are not linked to a general occurrence; rather, they are recorded in police files as "found occurrences" ("F" occurrences). A review of a sample of the "F" occurrences revealed that handguns come into police possession in a variety of circumstances, including:

- literally found handguns turned into police by the finder (10 percent);
- handguns brought in for registration, where an issue delayed registration (10 percent);
- guns deposited with police for destruction or for safekeeping until the former owner's estate is settled (41 percent);
- handguns seized by police until their owner has arranged for safe storage facilities (7 percent);
- handguns which should have been cross-referenced to a general occurrence because they involved an investigation into crimes (14 percent); and,
- handguns temporarily held by police for other reasons, such as guns seized from United States citizens who had ignored, or not known of, Canada's gun control laws (18 percent).

After consultation with Toronto Police, it was decided to include both the handguns recovered in crimes and those arising from an "F" occurrence in the search of the RCMP registry of restricted firearms, so that a picture of *all* handguns coming into police possession in a one year period could be obtained.

7.2 The Number of Handguns Seized

Approximately 550 handguns were recovered by police in 1993. Just over one-half (51 percent) of the handguns came to police attention as a result of an "F" occurrence (described above), 45 percent were linked to a general occurrence (i.e., a criminal incident), and for the remaining handguns (4 percent of the total), the gun's origin was not recorded on the data source.

7.3 The Situations in Which Handguns Were Seized

This research lacked the time and resources to return to all 550 occurrence files of seized handguns. However, in the "firearms seized" sample (described in the last chapter), 32 percent of the general occurrences involved handguns, and we grouped the types of incidents into three categories. Extrapolating these figures to the total number of handguns recorded in general occurrences in 1993: 58 percent of handgun incidents were cases where the suspect was in "passive" possession of the gun; 27 percent involved a suspect actively threatening himself or others with the gun; and, 15 percent were firearms robberies.

7.3.1 The Types of Handguns

Of all handguns coming into police possession, 58 percent were semi-automatics and 42 percent were revolvers. There was a large, and statistically significant difference in the types of handguns seized as a result of a criminal occurrence and those that were not (Table 4). Seven out of ten handguns linked to a crime were semi-automatics. In contrast, five out of ten handguns not linked to a general occurrence were semi-automatic weapons. The difference between the two groups is not unexpected, since a substantial proportion of handguns arising from an "F" occurrence are inherited weapons brought in for destruction, and other older guns. More interesting is the finding that 70 percent of handguns recovered during a criminal investigation were semi-automatics, which tend to have higher firepower.

Table 4

TYPES OF HANDGUNS SEIZED BY TYPE OF OCCURRENCE

	General Occurrences %	"F" Occurrences %	Unknown Type of Occurrence %	Total %
Revolver	29.7	51.8	42.9	41.8
Semi-automatic	70.3	48.2	57.1	58.2
Total percent	100.0	100.0	100.0	100.0
Total number	232	276	35	543

Chi-square = 25.25, df = 2, p < .001

Note: As explained in the text, general occurrences are reports of actual criminal incidents; "F" (for found) occurrences are not linked directly to a crime.

7.4 Are Handguns Registered?

All handguns in private hands in Canada are required to be registered with the Firearms Registration and Administration Section (FRAS) of the RCMP. This agency provides an on-line search capability accessible to all police departments in Canada. From a listing of all handgun seizures, most of which contained the make, calibre and serial number of the seized handgun, an RCMP officer attached to FRAS conducted a search to find out whether the handgun was currently registered with FRAS.¹⁵

7.4.1 Untraceable Handguns

Sufficient information was available on the list of seized handguns to trace registration for 83 percent of the guns. The most common reason why a search was not feasible was the absence of a serial number on the data source; a serial number is critical information required by the national database. In 63 percent of the 92 cases where a search was impossible, the serial number was missing from the data source received from the Metropolitan Toronto Force. As is well known, firearms offenders frequently remove serial numbers to prevent police from tracing the source of the

¹⁵ The on-line system contains firearms currently registered; when firearms are destroyed by police, the registration information is removed from the system.

weapon. While we cannot be sure that the serial numbers were deliberately erased (as opposed to inadvertent omission of the number by clerical staff), the evidence suggests that the identity of some handguns had been deliberately obliterated by the current or previous owner. One reason for this conclusion is the large difference between the proportion of missing serial numbers on handguns recovered as a result of a criminal occurrence versus handguns recovered under other circumstances (the so-called "F" occurrences):

- 18.5 percent of all handguns seized as a result of a crime, and linkable to that crime, had no serial numbers on the data source, compared to
- only 4 percent of handguns coming into police possession for other reasons.

The second reason for concluding that the serial numbers have been deliberately removed is that, in the "firearms seized" sample, described in the last chapter, almost exactly the same proportion of handguns had no serial numbers (18 percent).

7.4.2 Traceable Handguns

Overall, 40 percent of the 451 traceable handguns recovered by Toronto police were registered with the national registry, and 60 percent were unregistered. There was a statistically significant difference between handguns seized during a criminal investigation and handguns recovered in other ways: 30 percent of handguns linked to a crime were registered, compared to 48 percent of the other handguns coming into police possession. To put this finding differently, 70 percent of recovered handguns used in Toronto crimes were unregistered, possibly smuggled or illegally obtained in other ways.¹⁶ (See Table 5.)

The proportion of unregistered firearms not linkable to crimes (the "F" occurrence column in Table 5), at 52 percent, is somewhat higher than anticipated. In part, this might be an artifact of the timing of the study. By the time of the research, some of the handguns had been destroyed by police; this information was provided to FRAS, whose staff then removed all registration information from the on-line computer system.

Table 5

WAS THE HANDGUN REGISTERED? BY TYPE OF OCCURRENCE

¹⁶ At the time of study, it was not possible to determine whether the registered handguns had been stolen or not. Once recovered by police, reports of stolen handguns are removed from the CPIC information system.

	General Occurrences %	"F" Occurrences %	Unknown Type of Occurrence %	Total %
Registered handguns	30.3	47.9	35.5	40.1
Not registered handguns	69.7	52.1	64.5	59.9
Total percent	100.0	100.0	100.0	100.0
Total number	178	242	31	451

Chi-square = 13.52, df = 2, p< .002

Note: General occurrences are reports of actual criminal incidents; "F" occurrences involve so called "found" firearms which are not usually directly linked to a crime.

It is worth mentioning that three incidents accounted for 21 percent of the 124 cases of unregistered handguns. These 26 handguns were manufactured by Bryco, and are commonly referred to as "Saturday night specials". The implication of this finding is that we cannot equate the number of unregistered handguns with the number of criminal incidents.

Also noteworthy is that there was no difference in the registration rate of revolvers and semi-automatics.

7.5 Summary

When limiting the analysis to handguns involving crime, almost one out of five handguns seized by police as a result of a criminal occurrence were not traceable because the serial number was missing. Seven out of ten traceable handguns were unregistered. When the two findings are combined, three-quarters (76 percent) of handguns linked to a crime were "illegal", either because of missing serial numbers or because they were unregistered. In the last chapter it was reported that about 90 percent of handgun seizures resulted in a charge of possession of a restricted weapon; presumably, many of those apprehended by police with a registered handgun were not the persons to whom the handgun was registered.

8.0 SUMMARY AND IMPLICATIONS

This research looked at firearms homicide, firearms robbery, and a sample of occurrences where firearms and firearm-like weapons were seized. In addition, all handguns seized by the Toronto Police in 1993 were traced in order to discover whether they were registered in the national registry of restricted weapons.

Handguns were used in over 70 percent of firearms homicides occurring in Toronto between 1991 and 1993. The proportion of handguns carried by robbers is not known. The very limited evidence available suggests that over one-half of *real* gun robberies possibly involved handguns. (It must be emphasized that in only 20 percent of "firearms" robberies was there clear evidence that a real gun was involved. All robberies where a victim observes what appears to be a gun are classified as firearms robberies by the police, even when no suspect is apprehended and no firearm found.) In the sample of gun seizure occurrences, less than half of the real guns recovered by police were handguns; one explanation for this finding is that a number of long gun seizure incidents involved many long guns whereas typically handgun seizures involved only one or two handguns. In summary, firearms homicide and robbery — two of the most salient (to the public, to the police) crimes involving guns — involved more handguns than rifles and shotguns. However, long guns accounted for the majority of real firearms seized by police in Toronto in 1993.

One of the main objectives of this research was to determine whether routinely completed police records contain information on the origins and "legality" of firearms used in criminal activity. In general, the answer is "no" — most occurrence records contained no information on whether the firearm was smuggled, purchased illegally in other ways (e.g., from dealers selling guns illegally), or borrowed from an acquaintance or household member. However, there was some information on the question of "legality", usually obtainable from the charges laid and, on occasion, from remarks made by investigating officers in the occurrence report. The following data should therefore probably be regarded as estimates of the use of "illegal" firearms in crime in Toronto: homicide, 52 percent of incidents where a firearm was recovered; robbery, 52 percent of the small number of incidents where a firearm was recovered; and firearms seizure occurrences, 68 percent of real gun incidents.

Another focus of this research was the nature of the charges laid in firearms incidents. In Toronto, police lay weapons charges with some frequency. In slightly more than 80 percent of robberies with real guns, the charge of "use of a firearm in the commission of an indictable offence" was laid. The occurrence files used as the data source for this study do not include sentencing information, so there are no data on the manner in which section 85 charges were processed by the courts. Sources other than occurrence files would have to be used in order to discover how section 85 charges are processed in the Toronto criminal courts.

In real gun seizures, about 30 percent of cases resulted in someone being charged with

the new (January 1993) charge of unsafe storage. Four out of five *handgun* incidents involved the charge of possession of a restricted weapon; other charges frequently laid were possession of a weapon dangerous to the public peace and unsafe storage. In *long gun* incidents, the unsafe storage charge was most common (37 percent), followed by weapons dangerous (25 percent); in 12 percent of long gun cases a suspect was charged with acquisition of a gun without a Firearms Acquisition Certificate.

The majority of persons charged in firearms incidents had a prior record of some kind. Regrettably, occurrence files did not usually include information on the nature of the prior record, so it was not possible to differentiate persons with histories of weapons offences, violence, or drug offences.

Using a computer listing of all handguns seized in Toronto in 1993 as the data source, a search for handgun registration data was undertaken with the cooperation of the Firearms Registration and Administration Section of the RCMP. Almost one-fifth of handguns seized were untraceable because their serial numbers had been erased. Seven out of ten traceable guns linked to criminal incidents were not registered, suggesting that they were smuggled or illegally obtained in other ways.

In conclusion, the weight of the evidence from this Toronto research suggests that many handguns incidents involved handguns of illegal provenance. However, this is the first study of its kind in Canada, and no information is available from other jurisdictions or other time periods with which to compare the findings. That is, there is no context within which to place these Toronto data. Similar studies should be undertaken in other large urban areas with reported firearms problems, such as Montreal and Vancouver, in order to find out how "typical" is the Toronto situation in 1993.

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