

## **The questionable value of full firearm registration**

### **Introduction**

The creating of lists of chattels owned by individuals is common in a society, and is often thought to be useful for returning lost or stolen property, as a preventative measure for some types of crime, and as a tool for resolving crimes after the event. The 1920 Arms Act in New Zealand, required registration of all privately-owned firearms. This system was entirely paper-based, it persisted until the advent of the 1983 Arms Act, which licensed the “fit and proper” person, the user, and not the firearm.

The advent of computers are thought to considerably ease the listing (“registration”) of things like motor vehicles, dogs, and of course, firearms. Often proposed by those who believe that among the benefits, will be a reduction in violent offending with firearms, firearm registration has few benefits, and many costs to a society. It is worthwhile exploring other registration systems before we see how it has worked around the world.

### **The devil is in the detail**

The keeping of up-to-date records of anything, even money, sets many problems for those charged with the task of keeping tabs on the resource.

### **Money – and accountants**

Accountants routinely keep records of monies, both public and private, yet the daily newspapers often record details of unlawful transactions where ill-intentioned people choose to make off with other people's money. These thefts, frauds and 'finagles' often show ingenuity which relies upon the honesty of others as the perpetrators flout the trust placed upon them, as the continued existence of the Financial Markets Authority demonstrates. Simply put, offenders find ways of stealing money despite rigorous and frequent accounting, often being discovered after they've unwisely flaunted their ill-gotten gains, the detection more circumstantial than direct.

Even those repositories of wealth, banks, fall victim to the depredations of those charged with honest currency manipulations, as past offenders like Bernie Madoff and Nick Leeson attest.

### **Motor vehicle registration**

Motor vehicle registration, for motor vehicles to be used on public roads, ensures all motor vehicle users contribute towards the Accident Compensation Corporation, which pays out sums of money for casualties of motor vehicle accidents. In addition, it offers a recording system for noting the ownership of the motor vehicle, and changing the motor vehicle registration when buying another vehicle is part of the ritual.

Unfortunately, more than 20,000 motor vehicles are reported stolen annually in New Zealand, surprising when it is considered that motor vehicles, apart from motor cycles, are normally four wheeled, weigh approximately 1,500 kgs are usually at least 1.5 m wide in width, a metre high, and three or more meters in length (Police, 2015). In short, they are large and hard to conceal, but approximately 20,000 of the 4.5 million vehicles (0.4%) are reportedly stolen annually (NZTA, 2015).

It is clear that motor vehicle registration is less than successful as a deterrent to thieves, and the official records indicate that motor vehicle misuse, in all forms of offending, from parking, to driving under the influence of liquor, to the intentional driving over or into another road user, is relatively commonplace. This also suggests that motor vehicle registration does little to deter offending in these ways either. If the incidence of theft of unregistered motor vehicles was to be compared with that for registered motor vehicles, there might be some basis for debate, but unregistered motor vehicles are either intended for off-road use, or are held by those 'evaders' who have no intention of registering them, despite planning to use them on New Zealand roads

Motor vehicle registration then, is both a fund-raiser as well as a record-keeping system, but when some 20,000 vehicles are reported stolen annually (out of a motor vehicle fleet of 4.5 million), this is less than 0.5 percent of motor vehicles, so perhaps motor vehicle registration could be argued to be successful as a crime control measure for 99.5% of the time? Perhaps this is what led to the creation of the VIN system, where a vehicle identification number is issued, and stamped into a body panel (usually the firewall behind the engine compartment) of the vehicle, but it is understood that the burglary of more than one VIN issuing office and the theft of VIN machinery may have compromised the entire system.

### **Dog registration**

The registration of dogs has been raised by some proponents as being another success story. Dog registration is practised to ensure fund raising for territorial local authorities, and was in the past used to regain control over hydatids, and latterly false hydatids, both of which were argued to be threats to New Zealand's exports. The system also allows the notation of the breed of dog, in an attempt to ensure that potentially threatening breeds are identified, to pressure to be applied to discourage their breeding, even their keeping.

The effectiveness of dog registration might be judged from the approximately 475,000 registered, and comparing the number of reported maulings undertaken by dogs (Dogsafety NZ, 2015). Expressed as a percentage, the almost 12,000 attacks reported in 2014 (Binning, 2015) amount to

2.46, so clearly registration alone seems to confer only limited protection from dog attack. Maybe it makes it easier to trace the owner? However, who knows the number of unregistered dogs in New Zealand? And another question might well be, if a dog is unregistered, what does this reveal about the motivation of its owner?

### **Firearm registration**

Firearm registration has been urged by its proponents as creating a disincentive for offending with firearms. Historically, the 1920 Arms Act required registration of all arms, after fears of Bolshevik uprisings in post-World-War 1 Europe spread to New Zealand, and industrial unrest (at times perceived to be driven by Bolshevik elements) had taken place before, during and after the war. Paper-based, it soon broke down, so that by 1929, the need to register shotguns was relaxed.

A major review of the firearm registration system was undertaken by the Police during the 1970s, and by 1982, the report found that although it had been ‘comforting’ to know it had existed, an error rate of more than 30% had been noted, and it reportedly had not been used to solve any major crime of violence involving firearms. As a result of this, the Police decided that registration of the chattel was a waste of police resources and sought user licencing as a means of achieving control of the private ownership of firearms (NZ Police, 1982).

In case it is thought that the Police review was deficient, it might be as well to explore the logical steps required for a firearm registration system to be of value in solving a crime:

- A firearm must be involved in an offence.
- It must be left at the crime scene.
- The Police must recover and retain the firearm.
- The perpetrator was not arrested at the crime scene or on the basis of information unrelated to the firearm (if it was, the information would have been redundant).
- The firearm recovered from the crime scene was the one used in the offence.
- The firearm found at the crime scene was in the possession of the offender at the time of the offence, or belonged to him/her.
- The firearm has previously been recorded correctly in the registration system
- The owner supplied his correct name, leading the Police to the offender.

All of these conditions must be met for the system to work.

The 1983 Arms Act brought user-licensing into effect for a lifetime arms licence, but in 1990, a licensed arms owner who had repeatedly displayed bizarre behaviours beforehand, attracting Police attention beforehand, inflicted multiple homicides with semi-automatic firearms, near Dunedin. This violence, which rocked the nation, reportedly arose from a sense of grievance possessed by the arms owner, but the possibility of ‘copycat offending’ cannot be discounted, given the news media coverage which multiple shooting homicides which occurred overseas attracted. Some of these took place in countries with far stricter firearm controls than New Zealand, and led to calls to “do something”. These were implemented in 1994 as the 1992 Arms Amendment Act took effect.

The 1992 Arms Amendment Act required registration of some shoulder arms known as military-style semi-automatic firearms (MSSAs). These have proved difficult to catalogue for legal purposes and some intriguing descriptions of the features have resulted. The arms licence became a ten-year one, and personal vetting for suitability to own firearms of all kinds became more structured than before.

Since then, and despite multiple homicides taking place around the world, (involving building arsons, poisonings, stabbings, explosions, or firearms), it is generally accepted that all of these incidents remain unlawful. Nonetheless, the tendency has been only for the laws relating to firearm ownership to be changed in the face of these multiple homicides.

During the submission period for an Arms Amendment Bill (No 2), public notices were placed in all major national daily newspapers, seeking information about any benefits of full firearm registration. Placed by the New Zealand Council for Firearm Owners (COLFO) in the early 2000s, no responses were received. This followed the enormous expenses reportedly incurred by the establishment of full firearm registration in Australia (some A\$650 million), the abandoned firearm registry in Canada (where the Auditor-General was unable to fully account for the costs incurred, but reported they approximated C\$2 billion) and a recent scrapping of an ammunition registry for handgun ammunition in Maryland, which reportedly cost over US\$5 million but which, after 15 years of trialling, never helped to solve a crime for which the authorities did not already hold the handgun. Maryland state authorities found that the only certainty a positive match could assure was that the firearm had used the cartridge case stored in its inventory. Usually, they found the firearm had been stolen, and even if the police held the offender, the dilemma remained about who stole it, and when (Gmail, 2015)

## Discussion

Expectations for the degree of law-breaking vary across the spectrum of human endeavour. In highway traffic engineering, for example, 85% of motorists are anticipated to be travelling at or below the open road speed limit, and the remaining 15% drive at a higher speed, implying a form of tolerance for their excess speed. Clearly, the percentage is far, far smaller where accounting for misappropriated monies are concerned, particularly public monies. And as mentioned earlier, 2.46 of the number of dogs registered are known from ACC records to attack someone, in contrast to the 0.4% of registered motor vehicles reported stolen annually in New Zealand.

If we consider firearm misuse in New Zealand, the figures are far, far lower. The present author estimated firearm casualty numbers for the seven year period 2000 – 2006, and found the figures shown in Table 1.

**Table 1:** Total annual New Zealand firearm casualty numbers, all causes, 2000 - 2006

<b>Casualty source</b>	<b>Injury</b>	<b>Fatality</b>	<b>Total casualty</b>
<b>Unintentional shooting (1)</b>	Approximately 60	Approximately 2.2	Approximately 62.2
<b>Violent crime (2)</b>	Approximately 120	Approximately 15	Approximately 135
<b>Intentional self-harm (3)</b>	Approximately 25	Approximately 50	Approximately 75
<b>TOTAL</b>	<b>Approximately 205</b>	<b>Approximately 68</b>	<b>Approximately 273</b>

**Notes:** (1) Invoking ACC claim numbers which are approximately 4 to 6 times greater than those obtained from Police and NZ Mountain Safety Council sources. ACC are unwilling to release the data at present but these figures parallel those found from earlier research (Forsyth, 1985) and similar dichotomies found in road traffic and industrial accidents reported. Reported hospital admissions support these numbers too, although they also contain some imprecision.

(2) The involvement of firearms in violence in Police statistics indicates mere presence, not necessarily actual use of the firearm in the commissioning of the offence.

(3) Using pre-1980 data for non-fatal attempts at suicide by firearm shows a total of 25 from a total of 2,400 non-fatal attempts overall. Since then, non-fatal attempts have approximately doubled by more recent research (Ministry of Health 2006a, 2008) shows that firearm misuse in suicide has halved, so the attempts made by firearm are presumed to have remained constant in the face of a doubling of overall attempts made at suicide.

**Source:** Forsyth (2013)

It would be possible to express the casualty numbers as a percentage of the number of firearms estimated to be in New Zealand. This is currently thought to be approximately 1.3 million (Forsyth 2013), so an overall annual casualty rate from all causes of firearm misuse shown in Table 1 amount to 0.02%. In comparison, with a New Zealand motor vehicle fleet of 4.5 million and casualties from motor vehicle misuse of the order of 11,500, this provides a percentage of casualty to motor vehicle of 0.25, an increase by a factor of 12 over the values for firearm casualties (Ministry of Transport, 2015).

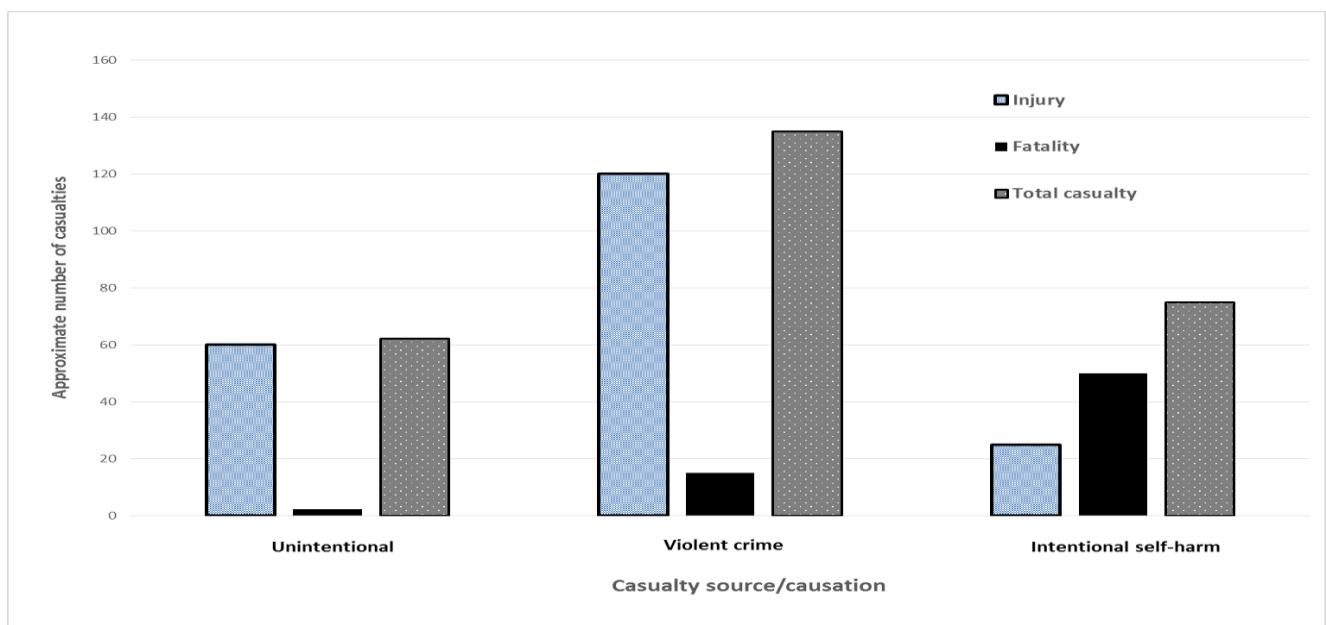
Table 2 shows the firearm casualty figures expressed as rates per 10,000 population, a method which relates the number of incidents to the mean annual population. This is a method that is commonly used in social studies. Road traffic casualty data routinely provide these rates per 100,000 population, and for fatalities, the most recent data is approximately 6 per 100,000, and expressed per 10,000, is 0.6. For injuries, the values are approximately 260/100,000, that is 26/10,000. Overall road traffic casualty rates, combining fatalities and injuries, amount to 266 per 100,000, and 26.6/10,000 (Statistics New Zealand, 2015). It may be seen then that firearm casualty rates are far below those arising from motor vehicle accidents.

**Table 2:** Total annual New Zealand firearm casualty rates per 10,000 population, 2000 - 2006

<b>Casualty source</b>	<b>Injury</b>	<b>Fatality</b>	<b>Total casualty</b>
<b>Unintentional shooting</b>	0.149	0.005	0.156
<b>Violent crime</b>	0.299	0.037	0.336
<b>Intentional self-harm</b>	0.062	0.124	0.187
<b>TOTAL</b>	0.510	0.169	0.679

Source: Forsyth (2013)

Figure 1 plots the data from table 1:



**Figure 1:** Annual firearm casualty numbers by cause, 2000 – 2006.

Figures for accidental falls in New Zealand are approximately 0.7/10,000. Casualties for unintentional firearm shootings are well below those for accidental drowning (approximately 0.1/10,000). Historically, when full shoulder arm registration applied (pre-1984), the rates were approximately five to ten times higher, but numerous other factors have been found to have contributed to the reduction in casualties. Among these have been an emphasis upon firearm safety

education, and a reduction in travel times (including the advent of helicopters for casualty recovery) which has enhanced victim survival (Forsyth, 2013).

The experiences of other nations where firearm registration has been tried has been conspicuously unsuccessful. The persistence with which politicians continue to pursue such expensive, yet ineffectual solutions, points once again to the triumph of hope over reality. Criminals, by definition, do not obey the law, and expectations they will bother to register their firearms before offending are hopelessly unrealistic. Although it is suggested criminals source their firearms from otherwise lawful sources, just as they source their motor vehicles, it is suggested the rate at which they do this is far below the motor vehicle theft rate.

Hypothesizing that registration will provide a disincentive for ill-intentioned licensed firearm owners from selling their firearms to those not licensed to have them, is like suggesting that motor vehicles of lower power-to-weight ratios will offer lower speeding offence rates, particularly in urban areas. And the firearm legislation, quite properly, prohibits such transactions, on pain of forfeiture of arms licence. Such measures also apply to arms dealers, holders of licences endorsed for arms dealing, who transgress in a similar manner. Worse, the creation of more arms controls effectively creates more offences, so reported rates of “firearm offences” increase. That these are transgressions of technical, rather than violent nature, means nothing to the vigorous proponents of a firearm registry system. The net effect on violent crime is minimal, as Fine (1988) found.

## **Conclusions**

Like many other forms of wishful thinking, pinning hopes for reducing firearm-armed violence by introducing law changes are completely unrealistic. Creating a full firearm registration system would be expensive, and perhaps worse, although creating an impression of doing “something” for the public good, provides nothing towards it, and actually increases firearm offending by creating more offences.

Ensuring licence holders remain “fit and proper” by continued use of the current vetting system, with referees made accountable by the present legislation, is the way to continue.

## References

- Binning, E. (2015), 11708 dog attacks on Kiwis last year – ACC. New Zealand Herald, [www.nzherald.co.nz](http://www.nzherald.co.nz), downloaded 26/11/2015.
- Dogsafety NZ (2015), [www.dogsafety.govt.nz](http://www.dogsafety.govt.nz), downloaded 18/11/2015.
- Fine, J.D. (1988), *Gun Laws - Proposals for Reform*. Sydney, Australia: The Federation Press.
- Forsyth, C. (2013), *New Zealand Firearms – An exploration into firearm possession, use and misuse in New Zealand*, Wellington, New Zealand. New Zealand National Heritage Trust.
- Gmail (2015), Maryland: The Happy Death of a Bad Idea. <https://mail.google.com/mail/u/0/?ui=2&ik=253704c47&view=pt...>, downloaded 13/11/2015.
- Ministry of Transport (2015), Motor Vehicle Crashes in New Zealand 2014. <http://www.transport.govt.nz/research/roadcrashstatistics/motorvehiclecrashesinnewzealand/>, downloaded 27/11/2015.
- Statistics New Zealand (2015), [http://www.stats.govt.nz/browse\\_for\\_stats/snapshots-of-nz/nz-social-indicators/Home/Individual%20safety%20and%20security/m-v-casualties.aspx](http://www.stats.govt.nz/browse_for_stats/snapshots-of-nz/nz-social-indicators/Home/Individual%20safety%20and%20security/m-v-casualties.aspx), downloaded 27/11/2015.