

Firearms in Criminal Hands

By SSANZ

Two shooting incidents by criminals and firearm seizures as a result of drug raids, which it is claimed netted 14 semi automatic military type rifles, in early March 2016 has lead to calls from politicians, interest groups and media for a review of Firearms in New Zealand. This will play into the hands of some who sit to one side of firearms issues waiting to promote their agenda. It will also suit the Police and their Minister as they are already going through the process of revising the firearms legislation and will be able to quickly announce that their new Bill will solve this problem. What New Zealanders have to be careful about is that new laws that place restrictions on law abiding licensed firearm owners will do absolutely nothing to solve the problem of guns in the hands of criminals. As has been evidenced overseas, legislators are quick to introduce firearms laws that give the appearance of acting on an issue but in reality only affect already compliant firearm users and do little to solve the issues of organised and gang crime.

There are two types of firearm generally reported as used in criminal acts: shotguns (often sawn off) and sporting rifles (often .22 or of an older bolt action type). Recent seizures have seen more of a third type, namely military type semi automatic rifles, such as AR 15 or AK derivatives.

– Shotgun and rifle firearms of choice of NZ criminal (Newbold, 1999).

- Firearms reported seized under the provisions of the Arms Act 1983:

rifles	36%	(n=508)
shotguns	25%	(n=347)
pistols	5%	(n=70)
cut down rifle	1%	(n=21)
MSSA	2%	(n=25)
airgun	29%	(n=405)
Total seized: 1,413		

(New Zealand Police. Report on seizures under Arms Act 1983, 2004-2006)

Being a largely rural country with a strong outdoor and hunting culture there are many of the first two types of firearm (shotgun and hunting rifle) on farms and in homes around New Zealand. It is therefore not surprising that a number of these types circulate within the criminal fraternity, either stolen or purchased on the black market, since other than when sold by a dealer there is no requirement for a record of transactions for these firearms. Few stolen firearms are ever recovered by Police. Since the ban on lead shot the value of older shotguns has dropped to a point that they are almost worthless and can be bought for a few dollars.

To consider how the third type (military type semi automatics) is acquired by criminals it is first necessary to look at the history of these firearms in New Zealand. Following the mass shooting at Aramoana in 1990 the government of the day sought to restrict the availability of semi automatic rifles by inventing a new category called MSSA (Military Style Semi Automatic) and defined it by a number of cosmetic features (1992 Arms Amendment Act). Ownership of an MSSA required a special reason to own and an endorsed licence (E) with additional character checks and security requirements and all such firearms were registered. Imports of MSSA are strictly controlled.

In the years that followed manufacturers complied with the law by removing the cosmetic features that defined them as MSSA rifles and supplied them in sporting configuration as the law allowed. These could then be sold to those with a standard licence and were no longer registered. There has since been an influx of imported semi automatic rifles into New Zealand as licensed shooters enthusiastically embrace the modern technology that these rifles offer.

Thus poorly worded legislation that defined the MSSA and the inability of Police to lawfully control the adaptation or import of firearms that can now avoid this classification has resulted in the proliferation of what the media like to call “military style assault rifles” among licensed owners.

How then are criminals getting this third category of firearm, that is causing such concern? First by stealing from licensed owners, and obviously Police should have a record of all such thefts. Organised gangs can also persuade their “clean” associates (such as Peter James Edwards who was detected and pled guilty to supplying firearms to unlicensed persons as well as supplying Methamphetamine) to buy sporting configured firearms legally, modify them illegally, and then supply them as required to their criminal friends. Because of the higher cost and more in depth vetting of owners restricted firearms, including MSSAs, have rarely feature in criminal acts.

It should be noted that many of the firearms displayed from the most recent drug raid were new and of a type that can only be imported with a police approved permit and are then registered to the owner. This would suggest that these arms were purchased overseas and smuggled into the country along with the drug materials. With the large sums of money to be made in drug dealing and the fact that only a small percentage of containers (about 10%) are physically checked at the border this would appear to be the most likely source of these firearm.

While small time criminals may arm themselves with firearms obtained on the black market or from opportunist thefts it is most likely that organised criminals in the drug trade will obtain their more lethal firearms through their drug smuggling network. No amount of stricter controls imposed on law abiding licensed firearm owners will solve either problem.

What is required is harsher penalties for criminal use or possession of any firearm or weapon to be added to run consecutive to any sentence imposed for other offences. At the same time more resources need to be made available for border surveillance and Police resolution of firearms thefts.

Types of Firearms collected as part of a search												
Type	2005	%	2006	%	2007	%	2008	%	2009	%	Total	%
Rifle Calibre	200	36	173	33	205	44	234	42	279	35	1091	37
Rifle Cut Down	13	2	8	2	23	5	8	1	12	1	64	2
Rifle - Airgun	58	10	61	12	54	11	83	15	110	14	366	13
Imitation Rifle	1	0	6	1	2	0	4	1	151	19	164	6
Shotgun	137	25	143	27	88	19	101	18	110	14	579	20
MSSA	9	2	11	2	11	2	9	2	7	1	47	2
Handgun-Revolver	8	1	6	1	1	0	12	2	12	1	39	1
Handgun - Airgun	50	9	64	12	34	7	63	11	87	11	298	10
Handgun-Pistol	25	5	18	3	12	3	20	4	21	3	96	3
Imitation Handgun	36	6	22	4	23	5	25	4	8	1	114	4
Other	18	3	16	3	18	4	2	0	9	1	63	2
	555	100	528	100	471	100	561	100	806	100	2921	100

Source NZ Police - More recent data not yet available