



No. 151

The Licensing and Registration Status of Firearms Used in Homicide

Jenny Mouzos

This path-breaking study examines licensing and registration status of offenders and firearms used in homicide.

In 1998/99, Australia had 64 firearm homicides, the lowest number since the National Homicide Monitoring Program commenced at the Australian Institute of Criminology a decade ago. On a population basis, this works out at a rate of 3 firearm homicides per million population. In contrast, the United States, whose crime rate (other than homicide) is generally no higher than Australia's, had 9143 known firearm homicides in 1998—on a population basis, 41 per million, 14 times the Australian rate. This is powerful evidence on the significance of firearms in homicide.

This report finds that since 1997 licensed firearms owners were not responsible for over 90 per cent of firearm-related homicides. Most (over 90%) firearms used to commit homicides were not registered and their owners not licensed.

Adam Graycar
Director

Between 1 July 1989 and 30 June 1999, just under 1 in 4 homicide victims were killed with a firearm. Although most homicides in Australia are not committed with a firearm, a number of events have sparked public outcry and have led to significant changes in the regulation of firearms. One such event was the Port Arthur incident in which 35 people lost their lives to semi-automatic firearms.

In the aftermath of the Port Arthur incident in April 1996, the Australasian Police Ministers' Council, comprising Federal, State, and Territory Governments, reached the Nationwide Agreement on Firearms (NAF). Among other things, this agreement required the nationwide registration of all firearms and the licensing of firearms owners. Firearms applicants are required to have a "genuine reason and need for owning, possessing or using a firearm", and they are also required to:

- Be aged 18 years and over.
- Be a fit and proper person.
- Be able to provide identity through a system similar to that required to open a bank account, that is, a 100-point system requiring passport or multiple types of identification.
- Undertake adequate safety training.

Each Australian state and territory has also established an integrated licence and firearms registration system, usually maintained by the Firearms Registry branch in each police jurisdiction.

Given that firearms controls are a contentious issue, it was not surprising that during the weeks, months, and years that followed the introduction of the new firearms regulations, many are still questioning whether these regulations will reduce the illegal use of firearms, especially in the commission of homicide. In other words, are those offenders who have committed firearm-related homicide in Australia the individuals who complied with legislation introduced as part of the NAF, obtained a firearms licence, and registered their firearm(s)? This paper seeks to examine the licensing and registration status of firearms used to commit homicide.

Data Sources

The present study analyses data held as part of the National Homicide Monitoring Program (NHMP) at the Australian Institute of Criminology. The NHMP was established in 1990. It routinely col-

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lects data on all homicides coming to the attention of police services throughout Australia. At the time of this study, the NHMP has data on a total of 3150 homicide incidents that occurred in Australia between 1 July 1989 and 30 June 1999. These incidents were perpetrated by 3481 identified offenders and have resulted in the death of 3386 victims. It should be noted that some incidents involve more than one victim and/or offender.

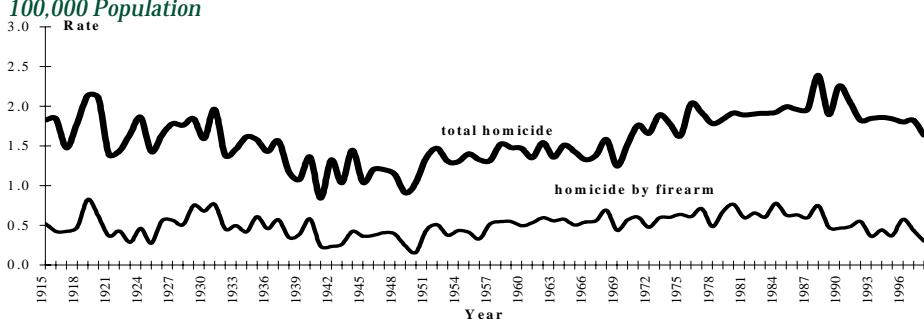
Additional information was sought from state and territory police services through their firearms registries. Spreadsheets outlining the details of firearm-related homicide incidents were sent to each police service requesting some details contained in the NHMP database, such as the type of firearm used in the homicide to be checked for accuracy. Information was also requested on the licensing and registration status of firearms used in each homicide incident. In other words, for each firearm-related homicide, we requested information on whether the firearm used in the incident was licensed to either the victim or the offender, and whether the same firearm was registered to either the victim or the offender. Once such information was received from each jurisdiction, it was entered into the NHMP database.

Trends in Firearm-Related Homicide

Between 1915 and 1998, the rate of firearm homicide has fluctuated from as low as 0.16 per 100,000 population in 1950 to as high as 0.78 in 1984 (see Figure 1). The most recent year recorded a firearm homicide rate of 0.30 per 100,000 population. In retrospect, it appears that notwithstanding some year to year fluctuations, the rate of firearm-related homicide has been declining over the past twenty years.

Based on data contained in the NHMP database, between 1 July 1989 and 30 June 1999 there were 808 homicide victims killed with a firearm, an average of about 81 persons killed per year.

Figure 1: AUSTRALIA, 1915 to 1998: Total Homicide and Homicide by Firearm, Rate per 100,000 Population



Source: ABS, *Causes of Death, Annual Unit Record Files, 1915 to 1998*.

During this period, the average rate of firearm homicide was 0.45 per 100,000 population. In the most recent years, the firearm homicide rate appears to have stabilised. This is evident when firearm-homicide as a percentage of the total number of homicides is examined (Figure 2). Overall, there appears to be a slight declining trend in the proportion of victims killed with a firearm.

The occurrence of multiple-victim homicide can significantly impact on the victimisation rate and victim tally for that particular year and jurisdiction. The most dramatic example is shown in Figure 3, where the effect of the 35 victims of Port Arthur on the victim tally for that year and jurisdiction is most evident. Most importantly, however, Australia has recorded no mass murders¹ in each of the 2 years after the Port Arthur incident (Mouzos, 2000, forthcoming).

As previously mentioned, about 1 in 4 homicide victims are killed with a firearm in Australia. A jurisdictional comparison reveals that there are differences across Australian jurisdictions in terms of firearm homicides as a proportion of all homicides (Table 1). Firearms are less common instruments of homicide in Western Australia, Northern

Territory, and the Australian Capital Territory. The use of firearms in homicide is higher in Tasmania (60.0% of victims were killed with a firearm, this includes the Port Arthur victims or 36.7% excluding the Port Arthur victims), Victoria (26.4%), and New South Wales (25.5%).

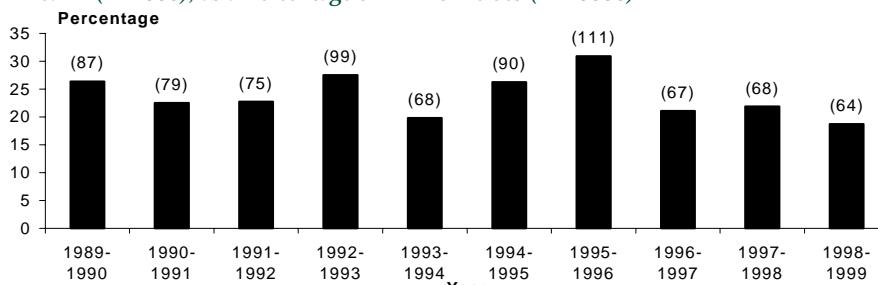
The International Situation

The following two sections will discuss the results of a review of international literature on the type of firearms most commonly used to commit violent offences, and the licensing and registration status of these firearms.

Type of Firearms Used in Violent Offences

International figures indicate that there are wide variations in the use of firearms to commit homicide (see Table 2). For example, in the United States 65 per cent of homicide victims were killed with a firearm (US Department of Justice 1999), whereas in England and Wales only 8 per cent of homicide victims were killed with a firearm (Home Office 1998). However, irrespective of the frequency in which firearms are used as lethal weapons, it appears that a handgun is the most common firearm misused.

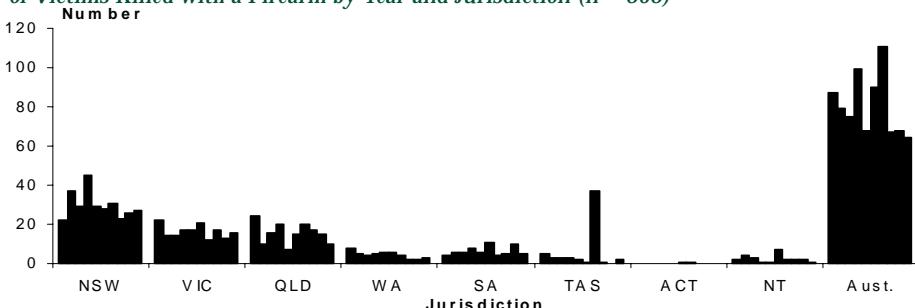
Figure 2: AUSTRALIA, 1 July 1989 to 30 June 1999: Homicide Victims Killed by a Firearm (n = 808), as a Percentage of All Homicides (n = 3386)



Total Number of Homicide Victims Killed with a Firearm each year shown in brackets.

Source: National Homicide Monitoring Program, Australian Institute of Criminology.

Figure 3: AUSTRALIA, STATES and TERRITORIES, 1 July 1989 to 30 June 1999: Number of Victims Killed with a Firearm by Year and Jurisdiction (n = 808)



Source: National Homicide Monitoring Program, Australian Institute of Criminology.

Licensing and Registration Status of Firearms

Although there is a lack of data on the legality/illegality of firearms used in crime, it has been suggested that most firearms used in crime are illegally, rather than legally, held (Home Office 1998, p. 60). Below is an overview of 3 relevant studies.

A special study was carried out by the Home Office during 1996, where they examined firearms used in homicide in England and Wales. They asked police forces for information on all firearm homicides in the period 1992-94 (Home Office 1998). There were 196 relevant homicides, with information available on whether the firearm was legally held or not for 151 homicides. It was found that in 15 per cent of the homicides, the firearms were legally held by the perpetrator (22 cases), or by the victim (1 case). In 6 homicides, there was evidence to suggest that the firearm used had been stolen. These were very likely to have been legally held by the owner (Corkery 1994, cited in a Home Office study of stolen firearms showed that of those which were recovered, virtually all were licensed). Therefore, in

total at least 29 of the 196 firearm homicides (15%) were legally held by someone—either the perpetrator, the victim, or an original owner from whom the firearm had been stolen.

In an exploratory study on the use of firearms in criminal incidents in Toronto (Axon and Moyer 1994), it was found that of the 67 incidents of firearm homicide between 1991 and 1993, only 29 incidents involved a firearm that had been recovered. Based only on the available information, there was clear evidence to suggest that the gun was illegally held by the offender in 52 per cent of cases. According to the study, “illegality” was defined by the nature of the gun (for example, prohibited or a restricted gun that was unregistered) or the status of the possessor (for example, the offender did not have a Firearms Acquisition Certificate (FAC) before acquiring the gun, or the offender was under a prohibition order). However, the authors did note that “illegal possession could be higher; for example, police reports did not routinely indicate whether the offender was required to have, and did have, a valid FAC” (p.x).

These studies suggest that it is the unlicensed offenders with illegal or unregistered firearms that most commonly commit firearm-related homicide. In other words, “responsible” licensed firearms owners were least likely to commit homicide. However, in contrast, the findings of a New Zealand study appear to contradict this assumption.²

Alpers and Morgan (1995) identified all New Zealand firearm homicides in the 3-year period 1992-94, and they obtained further information via the use of a standardised questionnaire that police completed on each shooting incident. During this period, 29 firearm homicide incidents occurred, which resulted in the deaths of 40 victims and 9 perpetrators. An analysis of the additional information obtained revealed that of all 40 victims, 21 (52.5%) of the victims were killed by a licensed sporting shooter. Of these, 13 (62%) were shot by a close family member or a current partner who held a licence. The remaining 19 victims (47.5%) who were killed with a firearm were killed by unlicensed individuals with stolen, sawn-off, or otherwise “illegal” firearms.

In addition, the study reported that in 9 of 40 cases (22.5%), there was evidence to suggest that the method of storage used by the licensed owner of a stolen or converted firearm was a factor in its availability to the perpetrator. In 8 out of these 9 cases (89%), police reported that “the firearm was taken without permission from insecure storage which breached the Arms Regulations at the time. Only one firearm stolen for a killing was securely stored according to the law when taken” (p. 2).

In summary, a review of international literature reveals 3 consistent findings:

- Handguns are the firearms most commonly used to commit firearms-related homicide.
- Offenders of firearm-related homicide are usually unlicensed.
- The firearms used to commit homicide are most often illegal, that is, they are unregistered, stolen, or modified in some way.

Table 1: AUSTRALIA, STATES and TERRITORIES, Firearm Homicide as a Percentage of Total Homicide, 1989-90 to 1998-99

| State/Territory | Total Homicides | Number of Firearms Homicides | Firearm Homicides as a % of Total Homicides |
|------------------------------|-----------------|------------------------------|---|
| New South Wales | 1165 | 297 | 25.5 |
| Victoria | 618 | 163 | 26.4 |
| Queensland | 701 | 154 | 22.0 |
| Western Australia | 334 | 45 | 13.5 |
| South Australia | 269 | 65 | 24.2 |
| Tasmania | 95 | 57 | 60.0 |
| Australian Capital Territory | 15 | 2 | 13.3 |
| Northern Territory | 188 | 25 | 13.3 |
| Australia* | 3385 | 808 | 23.9 |

* Excludes one homicide where jurisdiction was not stated.

Source: National Homicide Monitoring Program, Australian Institute of Criminology.

Table 2: International Comparisons, Latest Year: Total Homicides and Firearm-Related Homicides^(a)

| Country | No. of Homicide Victims | No. of Firearms-Homicide Victims | Firearm-Homicide Rate per Million Population | Number of Victims Killed with a Handgun | Firearm Homicide Victims as a % of Total Victims | Handgun Homicide Victims as a % of Total Firearm Homicide Victims |
|------------------------------------|-------------------------|----------------------------------|--|---|--|---|
| Australia (1998/99) ^(b) | 341 | 64 | 3 | 27 | 18.8 | 42.2 |
| USA (1998) | 14,088 | 9,143 | 41 | 7,361 | 64.9 | 80.5 |
| Canada (1998) | 555 | 151 | 5 | 70 | 27.2 | 46.4 |
| New Zealand (1998) | 56 | 4 ^(c) | 1 | 0 | 7.4 | 0.0 |
| England & Wales (1997) | 738 | 58 | 1 | 38 | 8.0 | 65.5 |

^(a) Calculated from official statistics produced by each country.

^(b) National Homicide Monitoring Program, Australian Institute of Criminology.

^(c) One victim was killed with an automatic/semi-automatic assault rifle, and the 3 other victims were killed with .22 rifles (one was sawn-off) (Central Investigation Bureau Support Group 1999).

The next section will examine whether Australia follows the international patterns relating to the types of firearms most commonly used to commit homicide, and the licensing and registration status of the firearms and the offenders of homicide.

The Australian Situation

Types of Firearms Used to Commit Homicide

Classification of firearms used in homicide according to the licence categories as outlined in the NAF is available only for those homicides recorded since 1 July 1992.

Between 1 July 1992 and 30 June 1999, just under half of all firearms used to commit homicide in Australia were Category A firearms ($n = 238$) (see Figure 4). Categories A and B firearms are accessible for a range of sporting, recreational, and occupational purposes. While Categories C and D firearms are restricted to a much more limited range of defined sporting, occupational, and official purposes. Category H firearms are limited to sporting and occupational purposes. In contrast to international research, handguns were used in only just over a quarter of all firearms homicides in Australia ($n = 137$).

However, since the introduction of the NAF in 1996, there appears to have been a noticeable increase in the proportion of homicides committed with handguns (Category H firearms) (Figure 5). In 1998/99, 42.2 per cent (27 out of 64) of firearm-related homicides were committed with a handgun, compared to 16.5 per cent in 1992/93 (14 out of 85³), and 13.0 per cent (13 out of 100⁴) in 1995/96. These findings suggest that with the licensing,

registration, and storage requirements imposed by the new firearms regulations, the availability and access to firearms in Categories B to H for some persons has been significantly restricted or limited. In other words, such persons may not be deemed to be "a fit and proper person", hence prohibiting them from obtaining a firearms licence and a firearm(s) legitimately. As a consequence, these individuals turn to illegitimate means of firearms acquisition, especially firearms that are easily concealable firearms, such as handguns. This may have possibly contributed to the dramatic rise in handgun homicides recorded in Australia in the last few years.

As a result of a declining trend overall in the use of firearms to commit homicide, the rise in the use of handguns has subsequently been followed by a decline in the use of Categories A and B firearms. The use of Categories C and D firearms has remained relatively stable over the years.

Licensing and Registration Status of Firearms

Although the nationwide requirements for licensing and registration of firearms were introduced in 1996, State and Territory laws were not uniformly amended. However, by May 1997 each jurisdiction had implemented the new firearms regulations. It is also important to note that the firearms amnesty for Categories C and D firearms was extended to 30 September 1997. Taking these issues into consideration, the following analyses will focus only on firearm-related homicides committed on or after 1 July 1997 to 30 June 1999.

An analysis of the licensing and registration status of firearms used in homicide between 1 July 1997 and 30 June 1999 reveals that the overwhelming majority of these firearms were not registered and the offenders of homicide were not licensed firearms owners (Figure 6).

Of the 117 homicide offenders who used firearms to commit homicide, only 11 (9.4%) homicide offenders were licensed firearms owners with registered firearms (Figure 6). In other words, licensed firearms owners were not responsible for the majority of firearm-related homicides. These findings are consistent with international research.

During this 2-year period, 5 homicide victims were killed by an unlicensed offender who had used a firearm that was registered to the victim (who was also a licensed firearm owner).

In the few cases where licensed firearms owners used a registered firearm to kill, 80 per cent of the registered firearms used were Category A or B firearms. Not one handgun used in homicide was registered.

Policy Implications

On a positive note, this paper has presented data indicating a declining trend in the number of victims killed with a firearm. Also, it was reported that in the last 2 years (1997/98 to 1998/99) there have not been any mass murders in Australia; a first since the inception of the NHMP back in 1989. However, some of the findings outlined in this paper raise a number of policy implications. Since the proportion of handguns used to commit homicide in Australia has noticeably

increased since the introduction of the new firearms regulations, this suggests a different pattern of firearm use by offenders. Offenders tend to use firearms that are easily concealable and available on the black market, such as handguns.

It was also found that the majority of firearms used to commit homicide were not registered, and the perpetrators of firearm-related homicide were not licensed firearms owners. This last finding indicates that the regulatory regime seems to have made it difficult for irresponsible, or otherwise unsuitable, individuals to legitimately obtain a firearm. In other words, those who commit homicide in Australia are individuals who have circumvented legislation and will be least likely to be affected if further restrictions on firearms ownership are introduced. Any further restrictions will most likely affect individuals who are the law-abiding shooters in Australia who have already "made significant sacrifices in furtherance of public safety" (Carcach and Grabsky 1997, p.6).

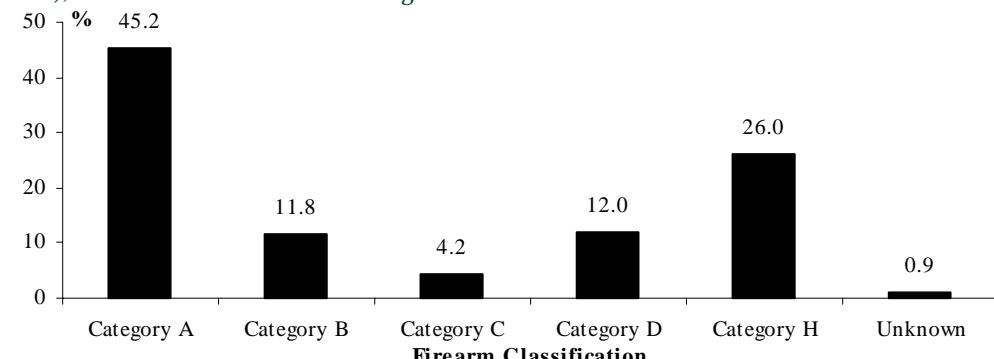
However, these findings suggest an alternative direction for policy. As those who engage in firearm-related violence in Australia are least likely to register their weapons or comply with appropriate licensing procedures, the preventative efforts would need to be directed at curtailing the supply of firearms to such persons. In other words, policy would need to consider the following:

- Greater enforcement relating to the storage of legal firearms.
- Illicit trafficking in firearms.

Storage of Firearms

One of the main methods of illegal acquisition of firearms by individuals is through theft from gun dealers, owners, or others (Mouzos 1999). Although this study did not specifically examine whether the firearms used to commit homicide had been stolen from licensed owners, other research does indicate that the "bulk of ... guns available on the

Figure 4: AUSTRALIA, 1 July 1992 to 30 June 1999: Firearm-Related Homicide (n = 527*), Distribution of Victims According to Class of Firearms



*Excludes 40 homicides where information as to the class of firearm was not recorded.

Category A: air rifles, rimfire rifles (excluding self-loading), and single- and double-barrelled shotguns.

Category B: muzzle-loading firearms, single shot, double-barrelled and repeating action centre fire rifles, and break action shotguns/rifle combinations.

Category C (*prohibited except for occupational purposes*): self-loading rimfire rifles with a magazine capacity no greater than 10 rounds, self-loading shotguns with a magazine capacity no greater than 5 rounds, and pump action shotguns with a magazine capacity no greater than 5 rounds.

Category D (*prohibited except for official purposes*): self-loading centre-fire rifles, self-loading shotguns, pump action shotguns with a capacity of more than 5 rounds, and self loading rimfire rifles with a magazine capacity greater than 10 rounds.

Category H (*restricted*): all handguns, including air pistols.

Source: National Homicide Monitoring Program, Australian Institute of Criminology.

black market have been originally stolen from legitimate owners" (Newbold 1999, p. 75).

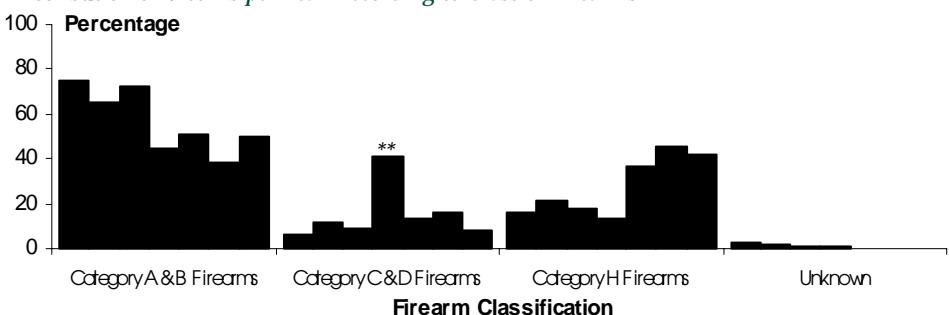
Current provisions in Australia require that Licence Categories A and B firearms be stored in a locked receptacle constructed of either hard wood or steel, and that Licence Categories C, D, and H firearms be stored in a locked, steel safe (Rath and Griffith 1999). Given that thefts from firearms owners serve as one source of firearms for illicit traffickers, it is important that firearms owners comply and store their firearms according to set regulations. This in effect may contribute to the reduction of opportunistic thefts, rendering securely stored firearms less accessible. Also, a greater focus should be directed towards enforcement and monitoring of compliance.

Thefts from gun dealers are also another source of firearms for illicit traffickers. In July 1999, it was reported that about 350 working handguns and 250 handgun frames and other weapons parts were stolen from an army disposal store in the mid-North of South Australia (Oakley 1999). A theft of this magnitude highlights the dangers associated with stockpiling such weapons and the increased vulnerability of such stores in terms of "potential targeting" by illicit traffickers. This leads one to question whether there is a "genuine need" for some firearms dealers to maintain such high levels of stock.

Illicit Trafficking in Firearms

Recently, a number of policy initiatives have been introduced to aim at those involved in the

Figure 5: AUSTRALIA, 1 July 1992 to 30 June 1999: Firearm-Related Homicide (n=527*), Distribution of Victims per Year According to Class of Firearms

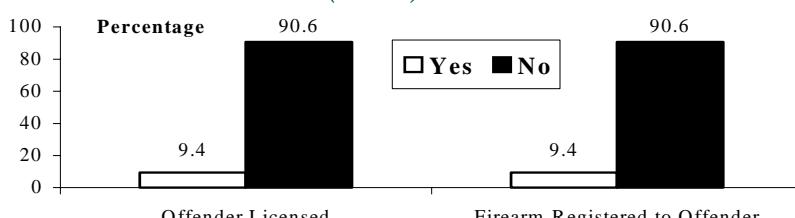


*Excludes 40 homicides, information on the class of firearm was not recorded due to unidentified offenders and where firearms have not been recovered.

**Includes the 35 victims of Port Arthur who were killed with 2 Category D firearms.

Source: National Homicide Monitoring Program, Australian Institute of Criminology.

Figure 6: AUSTRALIA, 1 July 1997 to 30 June 1999: Licensing and Registration Status of Firearms Used to Commit Homicide (n = 117)



Source: National Homicide Monitoring Program, Australian Institute of Criminology.

illicit trafficking in firearms. In mid-2000, the Federal Government will enact tougher penalties to deter people from importing prohibited goods such as firearms. This regime shifts from a single offence (currently \$50,000) to a 3-tiered system with criminal sanctions of up to 10 years jail and/or a \$250,000 fine (*Customs Criminal Sanctions and Other Measures Act 2000* (Cth)).

In addition, the New South Wales Police Service has established a specialised law enforcement unit—the Firearms Trafficking Program (FTP)—to focus specifically on the tracing of recovered firearms and the identification, investigation, and prosecution of those involved in the illicit trafficking in firearms. Recent media reports indicate that the FTP has seized more than 300 illegal firearms and allegedly uncovered a highly organised criminal syndicate with interstate connections distributing weapons in country New South Wales. According to the report “the syndicate is allegedly involved in the illicit trafficking of high powered handguns and gun parts” (Walker 1999, p. 41).

Lastly, Australia is also involved, under the auspices of the United Nations Ad Hoc Committee on the Elaboration of a Convention against Transnational Organised Crime, in developing a protocol on illicit manufacturing of and trafficking in firearms. A wide range of international regimes used to assist in the detection, prevention, and investigation of illicit firearms manufacturing and trafficking activity are being examined. The regimes include internationally agreed measures for permanently marking firearms, licensing and recording of all import/export

movements, and seizure of illicit firearms.

Regardless of policy initiatives introduced, the findings outlined in this paper indicate that there will always be individuals who will attempt to circumvent legislation for illicit purposes. Licensing and registration provisions have made it more difficult for irresponsible, or otherwise unsuitable, persons to acquire a firearm legally. This has resulted in their turning to illegitimate means to acquire firearms and poses compliance challenges for law enforcement. Given the current situation, a stronger emphasis needs to be placed on initiatives targeting illicit firearms trafficking and on compliance regarding the storage of firearms.

Notes

¹ In accord with Fox and Levin (1998) and Douglas et al. (1992), “mass murder” defined here as 4 or more victims.

² However, in a personal communication with the first author, Philip Alpers (on 28/02/00), it was indicated that had a different time period been chosen, then the results would have more than likely concurred with previous research undertaken in other countries.

³ Where information on the class of firearm was known.

⁴ Where information on the class of firearm was known.

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