

The number of violent crimes involving guns has been exaggerated by
an over-inclusive definition of gun crime

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By using an over-inclusive definition, Statistics Canada has exaggerated the number of violent crimes that involve guns. The result is that gun violence appears to be four times more frequent than it really is. In 2013 (the most recent year statistics are available) Statistics Canada reports that there were 5,027 “firearms-related” incidents out of 263,054 violent crimes (i.e., 2% of violent crimes). Clearly, gun violence isn’t prevalent. But even that small share exaggerates the frequency that a gun was actually used to commit a violent crime. A Special Request I made to Statistics Canada late in 2014 revealed that a gun was actually used in just 1,194 violent crimes in 2013. Gun violence only occurred in one-quarter of “firearms-related” crimes and in just 0.5% of violent crimes.

Without looking too closely at the definition, it is easy to confuse “firearms-related” crime with incidents of actual gun misuse. They are not identical. Statistics Canada defines “firearms-related” crime” as when “a gun is present during the commission of the crime.” Just “present,” not “used.” This means that a crime may be “firearms-related” even though the gun was not directly involved in committing the crime or injuring the victim. It was just found somewhere at the scene of the crime. In accordance with the Uniform Crime Reporting rules, if no matter what other weapons might be at the crime scene, if a firearm is among them it is automatically considered “the most serious weapon present.” Thus, if a firearm is recovered at the crime scene, even if the victim was injured with another weapon, then the incident is classified as “firearms-related” by Statistics Canada.

Despite the superficial logic, the definition of “firearms-related” violent crime is over-inclusive because it implies firearms are involved in criminal violence more often than they actually are. Statistics Canada justifies their definition by assuming that some victims, knowing that a firearm is in the house somewhere, could feel threatened by the possibility that the aggressor might go get the gun. The mere existence of a firearm is considered intimidating. According to this view, a firearm is an implicit threat even if it is stored downstairs under lock and key. While this is certainly possible, it is doubtful that it is true very often. This assumption is excessively inclusive. It is unwarranted to simply assume that all firearms in any household or other environment are a threat. In this formulation, a firearm is close to becoming a magical totem.

In part, the reasonableness of the definition of “firearms-related” incidents hinges upon the definition of “present during the commission of the crime.” By this phrase, Statistics Canada means that the police found a firearm near where a violent crime was committed. This could be very close to the perpetrator, on his person, or anywhere in the general vicinity. There is no set definition as to the area covered or the distance from the actual crime in order for the firearm to be classified as “present.” The firearm might have been found in the same room, or in the same residence, or in a yard or the street outside. Even if it was found outside, perhaps during a later police investigation, it could be determined that

a weapon is “present during the commission of a crime.” Unfortunately, Statistics Canada does not ask the police to report these details.

The Statistics Canada definition is unreasonably broad because it means that every violent crime committed in a gun-owning household automatically becomes a “firearms-related” crime. Regardless of the nature of the violent crime, all that is required to fall under the definition is for someone in the household to own a gun. The criminal code may define a firearm as a weapon, but a firearm is just another tool and may not be any more intimidating than a butcher knife or axe or baseball bat. While such a definition may be appropriate in some situations, because quite clearly a gun can be used as a weapon, it is nevertheless unreasonable to automatically assume that a violent crime committed in household with a gun is “firearms related.”

An example shows the absurdity of the Statistics Canada definition. If two people get into a dispute where one punches the other hard enough for the police to be called, it becomes a “firearms-related” crime if an old Lee Enfield is found in the basement. For all anyone knows the firearm may have been stored there and forgotten for years. The old rifle might only have been found by the police after a thorough search during a later investigation, but it still could be included as “present during the commission of the crime.” For legal reasons, the definition of “crime scene” isn’t restricted. Still, it is excessive for Statistics Canada to decide that, because the victim could conceivably have imagined the firearm to be threatening, the crime automatically becomes “firearms-related.”

In order to probe more deeply into the relationship between so-called “firearms-related” violent crime and the actual criminal misuse of firearms, I submitted a Special Request to Statistics Canada for data to be drawn from the UCR2 incident-based survey, (the Uniform Crime Survey is a microdata file) for 2009 through 2013. Statistics Canada delivered a national survey drawn in January 2015 that included data from all provinces and territories in Canada, with the exception of Quebec. Quebec was excluded because of the unacceptably large proportion of incidents where the most serious weapon present was reported as unknown in that province. This omission may be corrected at a later date.

As can be seen in this table, “firearms-related” crime is roughly four times greater than the frequency with which firearms were used to cause criminal injuries in each of the past five years.

Two distinct classifications are presented in this table: The Most Serious Weapon Present and Weapon Causing Injury. A firearm is classified as the Most Serious Weapon Present if a firearm is found at the scene during the commission of a violent criminal incident, whether or not there are other weapons present. It is not the use of the weapon that is indicated by this element but the presence of the most serious type of weapon. “Weapon” is defined as: anything used or intended for use in causing or threatening death or injury to persons whether designed for such purpose or not. According to the criminal code firearms are always weapons. This definition of “weapon” also includes the use of physical force and verbal or gestured threats of injury. A firearm is classified as the Weapon Causing

Injury when the police identify a firearm as the weapon used in the commission of the violent crime.

Table 1. Comparing Violent Crimes where a “Firearm was Present “with Violent Crimes where the “Firearm Caused Injury”

	2009	2010	2011	2012	2013	5-year Total
Violent crimes	323,758	322,481	299,671	288,783	263,054	
Firearm Causing Injury	1,882	1,457	1,317	1,371	1,194	7,221
Firearm Present	7,322	6,007	5,707	5,768	5,027	29,831
Ratio	3.89	4.12	4.33	4.21	4.21	4.13

Sources: Violent crimes from “Police-reported crime statistics in Canada, 2013,” *Juristat*; “Most Serious Weapon Present” and “Weapon Causing Injury,” from Special Request, UCR2, microdata file, extract drawn, January 2015.

For a province-by-province comparison of Statistics Canada’s “firearms-related” crime with the frequencies of the actual criminal misuse of a firearm see Table 1A, which compares “The Most Serious Weapon Present” and “Weapon Causing Injury” for provinces and territories. (www.sfu.ca/~mauser/Table1A).

Conclusions

The Statistics Canada definition is far more inclusive than the means the police prefer to use in deciding if a firearm is used in the commission of the crime. In the 1990s the RCMP even protested the inflated statistics, arguing that the government was “misrepresenting RCMP firearms statistics by overstating the number of firearms involved in violent crimes.” On July 21, 1997, then RCMP Commissioner J.P.R. Murray’s wrote to the Deputy Minister of the Department of Justice, “It is of particular concern that the Minister of Justice and the Canadian Association of Chiefs of Police relied on these statistics while Bill C-68 was being processed in Parliament as evidenced by statements in the report, ‘Illegal Firearm Use in Canada’.” (See the 1998 news releases by Garry Breitkreuz, MP).

References

Breitkreuz, Garry MP. RCMP Commissioner says Justice Department Misrepresented Statistics for Firearms and Violent Crime During Debate of C-68. March 9, 1998
<http://www.garrybreitkreuz.com/breitkreuzgpress/guns55.html>

Breitkreuz, Garry MP. “Number of Firearms ‘Involved in Crimes’ Still in Dispute,” The Justice Dept. says RCMP firearms statistics are “simply not possible” – RCMP Commissioner disagrees. April 28, 1998.
<http://www.garrybreitkreuz.com/breitkreuzgpress/guns8.html>

Boyce, Jillian, Adam Cotter and Samuel Perreault. “Police-reported crime statistics in Canada, 2013.” *Juristat*, Canadian Centre for Justice Statistics, 23 July 2014