

Response to Public Consultation on Gun Regulations – Joint Response from the Family Violence Death Review Committee, Suicide Mortality Review Committee and the Child and Youth Mortality Review Committee

Context

Over the period 2000-2015 there were 867 deaths recorded as caused by a firearm, of which 708 (82%) were recorded as self-inflicted. Firearms are used as the method in approximately 10% of all suicides in New Zealand, and this pattern has remained unchanged over the last 15 years (data from the IDI). Data from the Child and Youth Mortality Review Committee (CYMRC) dataset highlights that, between 2002 and 2020, there were 99 intentional self-harm gunshot fatalities in children and young people in Aotearoa.¹ In the period 2009 to 2018, the Family Violence Death Review Committee (FVDRC) recorded 258 family violence deaths.² Of these, 26 (10%) involved the use of a firearm. Where a firearm was used, there was an associated suicide in 7 death events, and multiple deaths recorded in 3 death events. For slightly over 50% of death events, the offender was a licensed gun holder.

Discussion – Safe Storage of Firearms (Section 5)

The proposed changes to the “General security of firearms” is made on the basis that it will enhance the likelihood that firearms are protected against theft. However, there is an equally strong argument for securing firearms safely for the protection of human life.

Evidence from the United States indicates that household level gun ownership is a strong determinant for gun injury.³ Households with guns present are at increased risk of homicide, suicide, and unintentional shooting, especially where young people are resident.⁴ Safe gun storage has been identified as “the potential to serve as a meaningful intervention to reduce gun-related injury”.^{5,6} The limitation of access to lethal methods is one of the most effective strategies for suicide prevention.⁷

The FVDRC, CYMRC and Suicide Mortality Review Committee (SuMRC) agree with proposals that will enhance the secured storage of firearms within households, within mobile homes, and when firearms are being transported. It is important (and necessary) to ensure that safe storage methods are used whether or not a licensed gun owner is currently residing in their permanent residence. The transport of firearms should be premised on the basis that, at all times, there will be compliant safe storage facilities. When guns are stored loaded, the risk of misuse increases dramatically, and even

¹ The Child and Youth Mortality Review Committee include deaths for children and young people aged 6 weeks to 24 years (inclusive).

² Family violence includes intimate partner violence, child abuse and neglect, and intrafamilial violence (including violence perpetrated by adult children against their parents, siblings, and other familial relationships).

³ Anglemeyer A, Horvath T, Rutherford G. The accessibility of firearms and risk for suicide and homicide victimization among household members: a systematic review and meta-analysis. *Ann Intern Med.* 2014;160(2):101–110.

⁴ Dahlberg LL, Ikeda RM, Kresnow M. Guns in the home and risk of a violent death in the home: findings from a national study. *Am J Epidemiol.* 2004;160(10):929–936.

⁵ Crifasi, C.K Doucette, M.L. McGinty, E.E. Webster, D.W. Barry, C.L. (2018) Storage Practices of US Gun Owners in 2016. *American Journal of Public Health* 108, 532-537, <https://doi.org/10.2105/AJPH.2017.304262>

⁶ Rowhani-Rahbar A, Simonetti JA, Rivara FP. Effectiveness of interventions to promote safe firearm storage. *Epidemiol Rev.* 2016;38(1):111–124

⁷ Zalsman et al. Suicide prevention strategies revisited: 10-year systematic review. *Lancet Psychiatry.* 2016;3:646-59

more so when the gun is also unlocked.^{8,9} Requiring separate storage of firearms and ammunition is important to reduce the risks of misuse.

The Committees believe that conditions of safe storage in permanent residences should equally apply to mobile homes and campervans. While Section 5.3 suggests that firearms stored in these vehicles would only be subject to the same security provisions when they are used as permanent homes, it is the belief of the Committees that mobile homes, campervans and other temporary residences allow firearms to be exposed to potentially unsafe storage for extended periods of time that are out of step with transportation to and from a destination. As highlighted in the paragraph above, this exposes the firearm both to theft, as well as misuse.

The simple imposition of gun storage regulations will not, on their own, promote responsible gun storage. Similarly, neither will guidance on security precautions (as outlined in section 5.7) ensure compliance. Implicit beliefs enhance gun owner’s openness to messages of safety (including safe gun storage). Where gun owners implicitly associate firearms with danger, they are more open to safety messages.¹⁰ Again, US-based research, has shown that gun safety training courses and family discussions promote safe gun storage. Those identified as the most effective communicators about gun safety were law enforcement, outdoors groups, and active duty military personnel.¹¹ It is the view of the Committees that the Commissioner should work with the Firearms Community Advisory Form and the Minister’s Arms Advisory Group to determine an effective approach, using appropriate communication strategies with members of gun owning communities, to enhance up-take of safe firearms messages. Such strategies should reinforce messages provided during the licencing process, including “a requirement that a license holder’s security measures are to be approved in writing by a member of Police, following an inspection, on a case-by-case basis” (page 38 of Proposed New Regulations). There is a strong preference from the Committees that the Police take an educative approach, where possible (and to a limit), rather than a punitive approach to encouraging safe storage of firearms.

Further, as noted by the CYMRC, “while there is a vast amount of information available on secure storage of firearms and separate storage of ammunition, there is a notable lack of information available to firearms owners around keeping the location of the key(s) to the gun safe secure and their whereabouts unknown to those unauthorized to access the firearms”. Due consideration could be given to the provision of firearms safety courses (as described above), in a process similar to that for driver licensing. This may ensure that those who are licensed to operate firearms are fully conversant in the safety measures required.

Discussion – Amendments to implement Royal Commission of Inquiry (Section 10)

The FVDRC supports the proposals to require applicants to provide a complete police history or criminal history check (for the previous 10 years), and the interviewing of family members or other close connections in other countries. In particular, the FVDRC supports contacting ex-spouses or ex-

⁸ Kposowa, A., Hamilton, D., & Wang, K. (2016). Impact of Firearm Availability and Gun Regulation on State Suicide Rates. *Suicide and Life-Threatening Behavior*, 46(6), 678-696. doi:10.1111/sltb.12243

⁹ Barber, C. W., & Miller, M. J. (2014). Reducing a suicidal person’s access to lethal means of suicide: a research agenda. *American journal of preventive medicine*, 47(3), S264-S272

¹⁰ Butterworth, S. E. (2020) The effects of culturally competent messaging on willingness to engage in firearms means safety. A Dissertation Submitted to the Graduate School, the College of Education and Human Sciences and the School of Psychology at The University of Southern Mississippi in Partial Fulfilment of the Requirements for the Degree of Doctor of Philosophy. From <https://aquila.usm.edu/cgi/viewcontent.cgi?article=2899&context=dissertations> Accessed 13 April 2021

¹¹ Crifasi, C.K Doucette, M.L. McGinty, E.E. Webster, D.W. Barry, C.L. (2018) Storage Practices of US Gun Owners in 2016. *American Journal of Public Health* 108, 532-537, <https://doi.org/10.2105/AJPH.2017.304262>

partners about fitness to possess a firearm. While this may result in increased compliance costs, it is the view of the Committee that firearms ownership and use is a privilege rather than a right.

The FVDRC also supports the inclusion of interviewing previous partners as a regulation rather than “standard practice”. There are examples within the FVDRC’s database where ad-hoc application of “standard practice” in the past has resulted in the views of ex-partners either being discounted or being provided with insufficient weighting. Due consideration should be given to weighting the views of previous partners. While there may be counterarguments to this point, citing the potential for malicious allegations, existing research suggests that claims of malicious allegations may have been over-exaggerated, and can be countered by effective investigation practices.¹²

There is some inconsistency in the information collected in the application form (section 10.2) and that which will be used to determine “fit and proper” status. The proposal is for the collection of information on ex-spouses or ex-partners, but not necessarily to interview the same (question 52c). There are situations where a current partner may feel less able to report concerns about their spouse/partner’s “fit and proper” status than a previous spouse or partner. It is the view of the FVDRC that, where possible, the views of both should be obtained. Should there be inconsistencies in the views, judicious questioning could establish the reason for these inconsistencies.

Discussion – the need for a comprehensive, public health approach to firearms access and use

“Firearm owners who attribute gun violence purely or predominantly to mental illness may be more likely to endorse inaccurate beliefs and unsafe behaviors with respect to firearms”.¹³

Firearms use is prevalent in suicide statistics. In comparison to others who have died by suicide, those who had died using a firearm were more likely to be Pākehā men (10% of those who die by suicide involving firearms are Māori), older and living rurally, and were less likely to have accessed care for mental health problems.¹⁴

Where firearms are used in the family violence context, death by suicide occurs in a minority of cases, and mental health concerns are rarely recorded. A 2014 consortium on gun violence and mental illness concluded that “restricting firearm access on the basis of certain dangerous behaviours is supported by the evidence; but restricting access on the basis of mental illness diagnoses is not”.¹⁵

The current approach to reducing gun violence in Aotearoa, like many western countries, is based on a legislative approach which focusses on restricting access and use of firearms. Where a criminal record does not preclude access to a firearm, current initiatives in Aotearoa are primarily focussed on using medical practitioners as an early warning system if there is concern over whether a person continues to be “fit and proper” to hold a gun licence. This shifts the nature of the relationship between the health practitioner and patient from one of health service provision, to one of policing (monitoring), and may result in individuals having less trust in the health system.¹⁶ To implement

¹² Douglas, H., Fell, E. Malicious Reports of Child Maltreatment as Coercive Control: Mothers and Domestic and Family Violence. *J Fam Viol* 35, 827–837 (2020). <https://doi.org/10.1007/s10896-019-00128-1>

¹³ Anestis, M. D., & Daruwala, S. E. (2020). The association between beliefs about the centrality of mental illness in gun violence and general firearm beliefs and behaviors. *Psychology of Violence*. Advance online publication. <https://doi.org/10.1037/vio0000366>

¹⁴ SuMRC data

¹⁵ McGinty EE, Frattaroli S, Appelbaum PS, et al. Using research evidence to reframe the policy debate around mental illness and guns: process and recommendations. *Am J Public Health*. 2014;104(11):e22–e26. doi:10.2105/AJPH.2014.302171

¹⁶ Kaufman, E. J. Richmond, T. S. (2020) Beyond band-aids for bullet holes: firearm violence as a public health priority. *Critical Care Medicine* 48(3) 391-397

such initiatives effectively requires an acknowledgement that, for medical professionals to be involved in firearms violence prevention, a strategic approach is required that includes:

- Understanding the dynamics of primary health care;
- An acknowledgement of the clinician-patient relationship, especially in rural communities;
- The development of an effective infrastructure for the recording of licence status and reporting where there are concerns (and when clinicians should become concerned);
- Detailed understanding of factors that may enhance concerns about firearms access and use (including, but not limited to, understanding coercive control in intimate partner relationships, and early warning signs of suicidality);
- Knowledge of the existence of firearms in the home.

In their original submission to the Arms Legislation Bill, the SuMRC recommended that:

...specific reference to mental health is removed from the legislation and replaced with reference to behaviour and cognitive and physical functioning. This will make it clear that it is the behaviour and functioning and not the diagnosis which is important to consider in permitting access to firearms.¹⁷

Effective, evidence-based guidelines aligned with a comprehensive training package are required for primary health practitioners if they are required to monitor “fit and proper” status for holding a gun licence.

Given that, as at 1 March 2021, there were 241,534 people who were active license holders in Aotearoa, the need for a comprehensive infrastructure to support these activities cannot be underestimated. The current number of active license holders does not consider children and young people who live in a property in which a licensed firearm is stored.

For medical professionals to effectively undertake such monitoring activities requires they interact with those licensed to use a firearm on a regular basis, and that they have firearms licensure at the forefront of their mind when interacting with patients. Consultation between the police and the medical community needs to be undertaken to understand how this will work in practice.

To ensure a comprehensive, public health approach to firearms access and use is taken, public health specialists in the United States are advocating for a multi-pronged approach:

As a public health community, we must design, test, and implement effective interventions at the environmental, policy, technological, and individual levels to prevent firearm violence. As a society, we must reckon with the conditions of inequality and disadvantage that feed violence through all means. This problem is so complex and so challenging because it involves so many aspects of society. But this challenge is also our greatest opportunity, as the solutions will come not just from clinicians, not just from policy makers, not just from members of the communities most affected, but from us all. (pg 397)¹⁸

Within Aotearoa, such recommendations would also acknowledge the ongoing impact of colonisation, including, and importantly, acknowledging the ongoing impact of unchecked

¹⁷ Suicide Mortality Review Committee (2019) Arms Legislation Bill. 23 October.

¹⁸ Kaufman, E. J. Richmond, T. S. (2020) Beyond band-aids for bullet holes: firearm violence as a public health priority. Critical Care Medicine 48(3) 391-397

privilege.¹⁹ Further, the significant contributions of early exclusion from the education system for the overall wellbeing of young people should be considered in more detail.²⁰ The recommendations for a public health approach places firearms licencing within a wider understanding of the social determinants of health. It therefore aligns gun licencing with other initiatives designed to reduce exposure to homicide and suicide.

¹⁹ Family Violence Death Review Committee. 2020. Sixth report | Te Pūrongo tuaono: Men who use violence | Ngā tāne ka whakamahi i te whakarekereke Wellington: Health Quality & Safety Commission

²⁰ Te Mauri The Life Force Rangatahi suicide report. Te pūrongo mōte mate whakamomori o te rangatahi. Published in March 2020 by the Health Quality & Safety Commission