

The Shooting Sports Trust

Home Office Research Study 298 of 2006.

Gun Crime

The market in and use of illegal firearms

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A Critique by Colin Greenwood

Purpose of the Study

1. According to an explanatory page, Home Office Research Studies are reports on research undertaken by or on behalf of the Home Office and their purpose is to “*improve policy making, decision taking and practice in support of the Home Office purpose and aims, to provide the public and Parliament with information necessary for informed debate and to publish information for future use*”.

2. Research Study 298 of 2006 (‘the Report’) was commissioned by the Home Office but carried out by three researchers from the University of Portsmouth, Institute of Criminal Studies. The report is subject to the standard Home Office caveat that “*The views expressed in this report are those of the authors, not necessarily those of the Home Office (nor do they reflect Government policy)*”. That caveat appears on other publications including official crime statistics and the like. In this case, however, the authors acknowledge the oversight of two apparently senior members of the Home Office Research and Development staff as well as two other named members and ‘a number of others’ within the Home Office. These acknowledgements support a view drawn from much of the Report that despite the caveat, Home Office influence was very strong.

3. The study runs to 156 pages with an added ‘Executive Summary’ of eighteen pages which appears to be used, not so much as a summary, which could have been achieved in very few pages, but to repeat and emphasise certain aspects of the main Report in a manner that can appear to propagandise comments that may have been prejudged in conformity with long existing Home Office policies. As examples, the conclusions about imitation firearms reflect policies first set out in the 1973 Home

Office Green Paper “*The Control of Firearms in Great Britain*” (Cmnd 5297), Paragraph 121 and already form part of the Violent Crime Reduction Act 2006 (VCR Act) which was a published Bill when the Report was being prepared. Similarly, conclusions about shotgun ammunition may reflect Home Office policies dating from the 1973 Green Paper at Paragraph 83. Constantly repeated and wholly unsupported references to shotguns stolen in domestic burglaries might be thought to be propaganda supporting a view that security requirements or the system of controls on shotguns are inadequate.

4. Whilst the 1973 Green Paper is not cited in the bibliography and may not have even been seen by the researchers, it remains an *éminence grise* that appears still to be a major factor in the thinking in some parts of the Home Office. It is difficult to resist the conclusion that this thinking, if not the text of the Green Paper has been communicated to the researchers.

5. It is impossible to resist the conclusion that this Study was intended to influence thinking, to provide a dubious justification for the VCR Act and to prepare the ground for further restrictions on legally held firearms and particularly shotguns.

Scope

6. The research is extremely limited in its scope. It is not concerned with ‘Gun Crime’ in general but with interviews of a small group of 80 offenders recently sentenced to imprisonment and still in prison. The narrow scope of the study is emphasised by listing the groups that were excluded:

- (i) Only offenders between 18 and 30 were considered.
- (ii) Those under 17 were excluded because they are to form the basis for a different study.
- (iii) Dangerous offenders in high security prisons were excluded.
- (iv) Convicted persons not sentenced to imprisonment were excluded.
- (v) No consideration was given to cases where offenders were not imprisoned or were not prosecuted.
- (vi) No consideration was given to undetected crimes, even though a previous study Morrison and O’Donnell (1994)¹ (also funded by the Home Office and cited in the bibliography of the Report) was based on in depth interviews with 88 offenders but also included the study of 1,100 police reports of crimes.

- (vii) The study focussed on only four police areas which collectively account for half the 'gun crime' in England and Wales.
- (viii) Researchers appear to have made no attempt to contact those who examine seized weapons, to refer to the National Firearms Database, or to consult police dealing with ongoing cases that would have given important information about sources of firearms.

7. The study is therefore concerned with a small and identifiable sub group of society which is heavily involved in the illicit drug trade, with urban lifestyles and particularly with the nightclub scene. There was a disproportionate involvement with gangs and gang violence, and a number of interviewees had been victims as well as offenders in violent crime.

8. The Report has provided possibly important data on sociological, demographic and other aspects of this group which might be useful in targeting offenders. It might also provide some information about the use of illegal firearms by a very restricted group. It does not identify the market except in terms of the final 'retail' transaction. It most certainly provides no evidence for future legislation or operational action to contain or reduce the criminal use of firearms.

References

9. The very limited references cited in this research may also give an indication of the narrow range of background study and the nature of the approach to the topic. Many of the documents cited are Home Office statistical studies cited under the names of the individual authors rather than under a Home Office reference. The greater part of the remainder represent a strangely biased selection that conforms to the pattern of thinking demonstrated in the past by the Home Office Research, Development and Statistics Directorate and particularly supporting the frequently stated RDS position that there is a direct connection between levels of legal gun ownership and rates of armed crime.

10. In considering existing research evidence, the authors appear to be heavily biased in favour of a small number of researchers favoured by the Home Office in previous publications (for example the submission to the Cullen Inquiry in 1996). At page nine the authors seek to dismiss international research into gun crime, and particularly that emanating from the United States, on grounds of differing firearms ownership rates, cultural attitudes, etc. It is therefore difficult to understand

the claim that “*Also of relevance are a number of international comparative studies, for example examining the relationship between firearm availability and gun-related crime (e.g. Killias 1993²)*”. A footnote refers back to Squires 2000³. Squires notes the very serious criticisms of Killias whose supposed international research used a telephone survey to provide levels of gun ownership and whose estimate of guns available in Switzerland dismissed the self loading rifles held at home by virtually every Swiss male on the ground that they were not suitable for use in crime and in any event, ammunition was secured from use. In fact the rifles are very short and have a folding stock and the ammunition is issued wrapped in plastic film. Whatever the validity of the criticisms of Killias, it is an isolated and dated study which was not directly relevant to the current study and reference to it appears to do no more than promote a long standing Home Office attitude.

11. Reference is made to the excellent study by Morrison and O’Donnell which covered very much the same ground. The fact that very little has changed is not mentioned, though such a fact must raise questions about the efficacy of measures taken by police and politicians to deal with the problem.

12. Morrison and O’Donnell take a quite different approach to their references, citing, for example the ground breaking 1986 study by Wright and Rossi⁴ who studied the responses of 2,000 offenders in the first attempt at analysing armed crime by means of interviews with offenders. Morrison and O’Donnell suggest that the Wright and Rossi study “*stands apart in terms of its breadth and depth*” but the authors of the study under review ignore them.

13. Morrison and O’Donnell also cite a significant number of references in this field from respected sources in Australia, The United States, Canada and elsewhere, as well as from Britain. The potential list is now much longer and it is impossible to understand how this 2006 research could commence without background study of many more works across a wider field.

Impact of Legislation

14. The authors consider the impact of firearms legislation at page 10. They note that, “*The level of gun crime recorded by the police in England and Wales particularly involving handguns and imitation firearms, has increased significantly since the late 1990s against a background of highly restrictive legislation. Although some argue that this suggests the legislation particularly the two Firearms*

(Amendment) Acts of 1997 has failed the counterfactual argument – the picture today if legislation had not been enacted – is unknown.” The authors further claim that the fact that the actual status of the firearm used in crime has not been proven in many cases further supports their view. In this they seem to adopt the standard Home Office response to suggestions that legislation has been or will be ineffective.

15. At Page 114 the authors claim that their findings “*suggest that the UK’s highly restrictive controls do significantly constrain the ability of criminals to obtain [firearms]. This raises an important hypothetical question, “What the position would be if the legislation had not been enacted”. For example, apparent changes to criminal cultures and the criminal economy . . . appear to have increased the demand for illegal firearms. Had these changes occurred in an environment that was more permissive of firearms ownership, it could be argued that the picture today might be much more grave.*”

16. It might be wondered why the late 1990s are used as a starting point for the statistical argument since the increase has been ongoing since the 1960s and marked since 1980 when the use of firearms in robbery topped the 1,000 mark. The argument that the effect of legislation cannot be judged because we cannot know what would have happened if there had been no legislation seems to be commonly heard from the Home Office, but if it were true any evaluation of new legislation must be a wasted effort.

17. Politicians spend a great deal of time claiming that one aspect or other of their policies has had a significant beneficial effect on levels of crime and disorder and criminologists spend much time seeking to evaluate the result of changes in policy or law.

18. The 1997 legislation deprived 57,000 people of their property, removed 160,000 handguns from circulation and cost many millions of pounds in compensation. If the effects of that legislation can not be evaluated, then the whole discipline of criminology is a waste of time. If the ban on handguns had any effect in protecting the public, the date on which it came into effect must be reflected in figures for homicide and robbery involving a pistol. The figures for England and Wales for six years before and after 1997 are shown below.

19. The pattern of pistol use in homicide is progressively upwards whilst the pattern in robbery shows that the numbers were falling but then rose sharply, only

to fall back again. The only conclusion is that the ban imposed by the 1997 Act was simply an irrelevance.

Homicides

Year	Total Homicide	Total ¹ Firearms	Shotgun	Sawn-off Shotgun	Pistol
1991	725	55	25	7	19
1992	681	56	20	5	28
1993	675	74	29	10	35
1994	727	66	22	14	25
1995	753	70	18	10	39
1996	679	49	9	8	30
1997	753	59	12	4	39
1998*	731	49	4	7	32
1999	761	62	6	13	42
2000	850	73	12	2	47
2001	858	97	20	1	59
2002	1045	81	20	3	40
2003	858	68	7	4	35

Robberies

Year	Total Robbery	Firearms ¹ Robbery	Shotgun	Sawn-off shotgun	Pistol
1991	45,323	5296	381	650	2988
1992	52,894	5827	406	602	3544
1993	57,845	5918	437	593	3605
1994	60,007	4104	274	373	2390
1995	68,074	3963	235	281	2478
1996	74,035	3617	224	232	2316
1997	63,072	3029	121	178	1854
1998 ²	66,172	2973	138	193	1814
1999	84,277	3922	138	217	2561
2000	95,154	4081	98	199	2700
2001	121,375	5323	143	201	3841
2002	108,045	4776	101	174	3332
2003	101,195	4117	98	148	2799

¹The total firearms column includes a small number of 'other firearms' that do not appear in the following columns.

² From 1998 the figures are for the financial year to 1st April of the following year.

20. Conversely, the Firearms (Amendment) Act 1988 imposed new and substantial further requirements on the grant of both firearm and shotgun certificate, though the latter were much more severely restricted. The effect on certificate numbers was immediate, apparent and sustained.

Numbers of Shotgun and Firearm Certificates
England, Wales and Scotland

Year	Shotgun Certificates	Firearm Certificates
1983	867684	197718
1984	882958	198507
1985	905531	198550
1986	928479	198562
1987	950369	197430
1988	971102	193809
1989	952154	182903
1990	877865	175164
1991	800085	170288
1992	761343	168182
1993	751881	169875
1994	740441	172821
1995	722574	174020

21. It might be possible to conclude that the law has an immediate effect on the law abiding, but that criminals, by definition, do not obey the law.

The Market in Illegal Firearms

22. Chapter 4 purports to provide information about the market in illegal firearms. Table 4.1 indicates that 41 of the 106 weapons used by interviewees were real handguns, 21 were shotguns and six were automatic weapons. The four handguns listed as blank firers might be added to the 13 imitations to give a total of 17 in that class.

23. Despite a considerable amount of anecdote and comment, the Report has to conclude that the 80 offenders obtained their 106 firearms through their loose criminal contacts. At Page 44 it is concluded that, *“Criminal Contacts are pre-eminent in determining the ease with which illegal firearms can be obtained (their availability); the better connected someone is, both in terms of numbers and seniority of contacts, the easier it is to get hold of a gun. One implication of this is that a very well connected criminal will be able to obtain an illegal firearm even when overall supply is low, while someone without the necessary connections may find it difficult to obtain an illegal firearm even when supply is relatively high.*

24. It is concluded (Page 45) that, *“importantly, it seems that in most cases guns are sold under closed market conditions; informal referencing systems are used in which guns are sold only to people known to the seller, or introduced by people*

known to the seller. There are suggestions, however, that in some areas guns, notably converted imitations, are being sold more indiscriminately, including to young offenders, resulting in highly volatile local criminal culture.”

25. Elsewhere it is said, *“It appears that the number of criminals who have access to a firearm is much greater than the numbers owning their own firearm, guns being shared, borrowed, or indeed rented out.”*

26. This amounts to direct evidence from the 80 interviewees and accords with the 1994 findings of Morrison and O’Donnell, Paragraph 154, *“The majority of robbers who used a real firearm said that they had bought the weapon from a friend.”*

27. But Morrison and O’Donnell go on to say, *“Very few offenders knew anything about the origins of their weapons apart from the nature of its immediate source. They insisted that such questions simply were not asked when transactions of this kind were being arranged.”* They then go on to cite a small number of sources but it is clear that offenders were simply repeating what they had been told. They do not offer more than a broad and speculative statement about original sources.

28. The present authors agree with the statement that offenders did not know anything about the origins of their weapons but, though the quality of their evidence is no better and perhaps even much worse, they seek to speculate about the original sources. Under the heading ‘Firearm Supply’ at page 41, they say, *“Broadly, eight mechanisms exist by which firearms may come to be possessed and/or used illegally, of which all but the first and sixth were referred to in the 80 interviews.*

- i) ‘Administrative’ offences such as failing to renew a firearm certificate.*
- ii) Legally-owned firearms or imitation firearms used in an illegal manner by their lawful owner; e.g. an air weapon used to intentionally injure someone; an imitation firearm used in a robbery.*
- iii) Misappropriated legally-owned firearms used illegally; e.g. a shotgun burgled from the home of a shotgun certificate holder and then used in crime.*
- iv) Legally purchased imitation and deactivated firearms and airguns illegally converted to fire live ammunition.*
- v) Firearms that have legitimate origins in the UK that have been retained illegally; e.g. armed service weapons; handguns not surrendered after the ban introduced by the Firearms Acts of 1997.*
- vi) Firearms that are prohibited in the UK that have been legally imported by registered firearms dealers but which are then diverted into criminal hands. This*

might arise, for example, if a prohibited firearm is imported to be deactivated but is then kept in a 'live' condition or if a firearm imported to be subsequently exported goes missing in the interim.

vii) Firearms that have been illegally imported/smuggled into the UK from overseas; e.g. by criminal networks or armed service personnel returning from overseas service with 'battlefield trophies'. This also includes illegal imitation and other firearms such as readily convertible blank firers and CS sprays which can be purchased from international retailers.

viii) Firearms that have been improvised or illegally manufactured from scratch."

29. There is nothing in the paper to suggest how this list was compiled. It clearly did not come from interviewees because at least two of the items are not mentioned by them. Some of the items may have come from police sources but others are confused and unclear. At best this list seems to be a confused mish-mash put together largely on the basis of speculation.

30. Item i) can hardly be a major source of supply to criminals. Firearms and shotguns are individually recorded on certificates and in police records. A person who fails to renew must account to the police for each firearm. Police pursue these matters with great vigour.

31. Item ii) might have been clearer if it had referred to those weapons that are not subject to statutory control and may be legally owned by any adult who is not a prohibited person. The phrase legally owned will be confused with 'licensed'. This seems to be duplicated in item iv, both items refer to the same class of firearm (see below).

32. Item iii) refers to stolen firearms but cites shotguns and the phrase is used time after time throughout the paper in precisely the form that it is used in this quotation or in relation to availability of firearms, cost of weapons and other subjects. The wording is such that it is impossible to avoid the conclusion that the authors are seeking to illustrate a special, and possibly new, problem with shotguns stolen from domestic premises.

33. No evidence is provided about the number of shotguns stolen, whether that number is increasing or decreasing, or about whether the guns used in crime were obtained in this way. The logic appears to be (i) a number of shotguns are stolen from residential properties each year and (ii) some robbers use shotguns, therefore stolen shotguns are used by all or most of one class of robbers. Key steps in the process of

logic are ignored and the end product is a fallacy. The matter will be more fully discussed below under the headings “Shotguns” and “Choice of Weapons”.

34. Item iv) relates to imitation firearms, deactivated firearms and converted airguns. It does not draw attention to the fact that since the 1995 specifications for deactivation took effect, conversion of deactivated firearms has virtually ceased, nor does it mention that the 2003 Anti Social Behaviour Act imposed a ban on the type of air weapon that had been most frequently converted.

35. An important caveat relating to imitation firearms should have been highlighted, but is almost glossed over at page 53 when it is said that ‘*several offenders describe having used imitation firearms when they could have got real firearms*’ and they refer briefly to findings in two previous studies.

36. Morrison and O’Donnell allocate five pages of their 1994 study to this problem and they found that 90% of replica users made a conscious decision to use that weapon and 75% claimed that they could have obtained a real firearm. They concluded that replicas were not a weapon of second choice but had been deliberately selected because they were considered satisfactory for the task.

37. If that is correct there were serious implications for the Violent Crime Reduction Bill which was before Parliament as the research was in progress and which the Report seems to endorse. With a view to reducing the use of imitation firearms in crime, the VCR Act seeks to ban the sale, etc, of realistic imitation firearms. The evidence is that, if it were successful, a large number of robbers who would have used imitation firearms might feel compelled to use the real firearms which, on the evidence presented in this Report and previous reports are readily available to them. Such a possibility should at least have been considered by the researchers.

38. Item v) is difficult to understand. Since the end of World War I, that is before controls on firearms were introduced in 1920, service weapons have been owned by the Ministry of Defence, and any retained or transferred by service personnel must therefore have been stolen. When the ban on handguns was introduced the police had complete details of every firearm that was legally held and were able to check that all had been surrendered. There were isolated cases in which a disgruntled owner said that he had exported or destroyed a weapon, but produced no proof of that. The number involved was minute and there has been no evidence of any such weapon having been used in crime.

39. Item vi) implies that registered firearms dealers import firearms and divert them into criminal hands. The police maintain detailed check on firearms dealers, visiting their premises, checking stock and checking the detailed records that dealers must keep. They also cross check those records with suppliers and recipients of weapons. This item may be a misinterpretation of the evidence referred to at page 56 which highlighted a case of one dealer whose deactivated MAC10 sub machine guns were found to have been re-converted and to evidence that a small number of other deactivated sub machine guns had been found. At neither entry do the authors make it plain that such reactivations have not taken place with weapons deactivated to new specifications laid down in 1995.

40. Items vii and viii appear to reflect sources of illegal firearms but, apart from saying that none of their interviewees had mentioned firearms under items i and vi, the authors make no attempt to quantify the various sources.

41. The attempt to list and explore the sources of firearms that feed the illegal market amounts to little more than speculation and provides no basis for conclusions. The best evidence is that a closed market is fed from a number of different sources and that those sources change, as do the sources of every other market. If demand exceeds supply, or if one source dries up or is limited in some way, new sources will be found.

42. It is clear that the more professional criminal will obtain any class of weapon that he wishes to have, (Page 44 – *“For a well connected criminal, this can mean having access to a selection of firearms that can be bought relatively cheaply.”*) whilst the less well connected may have some difficulty in obtaining a firearm. However, the fact that many crimes are committed with non-firing imitation firearms does not reflect any difficulty in obtaining real firearms but is often a matter of considered choice by the offender. The report adds nothing to the evidence already available in that field.

Costs of Illegal Firearms

43. Suggestions about the cost of firearms on the illegal market are based on the information supplied during the research, but some of the interviewees appear to have been speculating. The researchers do not appear to consider the prices of similar firearms in a legitimate retail market. If there was still a legitimate retail market for pistols in this country, a good quality 9mm self loading pistol would retail

at about £800 whilst a specialist weapon could cost £1,000 or more. To note at Page 32 that a new 9mm Glock or Beretta might cost £1,000 to £1,400 on the illegal market shows a modest mark-up for the illegality and in any market would be considered as a measure of ready availability.

44. The evidence about costs of firearms seems unreliable, but the authors speculate that *“For those with the necessary contacts, around £100 will buy a stolen shotgun and £1,000 – around the price of an ounce of crack cocaine – will buy a new 9mm with ammunition. Whether it should be a cause for concern that these prices are not higher remains unresolved as the economics of the market in illegal firearms continue to be partially obscured.”* It is suggested that the evidence presented about costs is a clear indication of a small market that is well supplied.

45. Similarly, there are anecdotal comments about the cost of illegal ammunition. The proposition set out at Page 56 that ammunition has a limited shelf life is not correct. Stored even moderately well metallic ammunition can last for fifty years or more. 9mm ammunition on the legal market might cost £18 to £20 per hundred rounds and the suggestion reported at page 57 that a box of .45 ammunition might cost £2,000 to £3000 is farcical. There is no indication of the size of ‘box’ referred to, but commercial ammunition is usually supplied in boxes of fifty rounds. Other statements in the Report refer to unspecified ‘boxes of ammunition’, or a ‘full clip’ for a handgun (anything from 6 to 20), or a ‘set’ for a “385 magnum” [probably 357 Magnum].

46. What is said here provides no reliable information about the cost of ammunition and may do no more than indicate that criminals rarely fire very much ammunition and do not need to purchase it in quantity.

Shotguns and Shotgun Ammunition

47. The shotgun appears to be singled out for notoriety in the Report, often on the basis of words that may of themselves not be condemnatory, but when repeated time and time again amount to an indictment against existing controls on shotguns or the behaviour of shotgun owners.

48. The reference above at Page 41 is mentioned in the Summary at Page x, but without the unnecessary reference to shotguns. At Page xi the reference is to leakage from legitimate sources, *for example shotguns obtained during burglaries*. Also at Page xi is a bulleted reference to leakage from legal sources ; *particularly*

relevant to shotguns. At page xii, it is said, that shotguns *tend to be chosen because of their availability and intimidatory value; they appear to be the weapon of choice for more serious armed robbers.* In the same entry, reference is made to two widely different values to the criminal market, £50 to £200 and £700 to £800 and again it is said that the *low price appears to result from ongoing leakage from legitimate sources* and ammunition is relatively easy to obtain. At xiv there is reference to a legal loophole allowing shotgun ammunition to be transferred to non certificate holders. The comments are repeated and emphasised, *inter alia*, at Pages 44, 47, 60 and 170.

49. Importantly the Report notes without comment the fact that in 2005/06 shotguns represented only 3% of firearms used in crime (Page 5); that shotgun use in crime has fallen from 642 cases in 1998/99 to 598 cases in 2005/04 (Table 1.2); that only one interviewee reported involvement in a burglary in which a shotgun was stolen (Page 37); that pistols were used by interviewees twice as frequently as shotguns (Page 40).

50. About 2,000 firearms are stolen each year but half of these are air weapons not subject to licensing, a further 400 or so are starting guns or imitation firearms also not subject to licensing. In 2005/06, 243 shotguns were stolen, and that figure has been declining steadily from 728 in 1995. The locations from which they were stolen include various non-residential premises and motor vehicles, though the greater number were stolen from residential premises. There is no record of the number of guns recovered, and no way of establishing the motives of the thief. Best British shotguns are extremely valuable, costing up to £50,000 each whilst other shotguns cost many thousands of pounds. Many of these will be stolen as items of value rather than as weapons. At the bottom end of the scale, an un-named, low grade hammer gun or low grade boxlock hammerless gun will have virtually no commercial value.

51. It seems virtually certain that some stolen guns end up as guns for criminal use, but it would be quite wrong to suggest that all or even most of them do. Consultation with those responsible for examining firearms used in crime or consulting those responsible for the relatively new National Firearms Database would have shown that sawn off shotguns used in robbery are disproportionately old hammer guns, some dating from as far back as the end of the 19th century, as well as some old hammerless guns. Most pre-date the controls on shotguns that were started in 1967 and many are out of proof and may not legally be sold. Cheap hammer guns and box-

lock shotguns, even if legally held, have little or no value on the legitimate commercial market.

52. The proposition that the shotgun appears to be the weapon of choice for more serious armed robbers is both interesting and misleading. The shotgun is certainly not the weapon of choice for armed robbers. In 1998/99 shotguns were used in 331 robberies against the 1,814 robberies in which a pistol was used. In 2005/06 the figures were 221 against 2888. Injuries caused by shotguns in 2005/06 were 11 fatal, 76 serious and 67 slight. For pistols it was 22 fatal, 241 serious and 761 slight.

53. The researchers qualified their statement about shotguns by saying that they were the weapon of choice amongst *the more serious* robbers, but they do not say how they quantified the 'serious' and, obviously, 'non-serious' robbers.

54. There is no evidence that shotguns stolen in domestic robberies are disproportionately the source of firearms used in crime. There is evidence that *some* robbers use a shotgun as their preferred weapon, but it is equally clear that others choose a pistol and others choose to use an imitation firearms. These points will be elaborated upon later.

55. Comments about the supposed ease with which shotgun ammunition is obtained are equally ill-considered. References in the Report to the background of the offenders show that all of them must be prohibited persons to whom no form of ammunition may lawfully be supplied (not even one air gun pellet). The person supplying shotgun cartridges to such a person commits a serious offence (S21(6) Firearms Act 1968).

56. The suggestion of a loophole in the law may not, therefore, be accurate. It must be noted that, on the evidence of the Report, criminals rarely fire their guns so that a small number of cartridges will last for a long time. It is suggested that ammunition has a limited shelf-life, but that is simply not so if the ammunition has been kept even moderately well. Ammunition used in crime is often found to be very old and may predate the system of control on shotgun ammunition which was established in 1988. Having regard to the fact that 220 million shotgun cartridges are sold in Britain each year and are used under a wide variety of circumstance, the creation of a system that would stop the leakage of even a tiny number would be quite impossible.

57. The inference that stolen firearms and disproportionately stolen shotguns are a major source of firearms used in crime, or that there is some new and

serious problem concerning shotguns stolen in residential burglaries is not justified by any evidence. However, the comments made are certain to be interpreted in that way, and will create further pressures on the large number of legal owners of shotguns.

58. In terms of the prior supply chain, the report adds nothing but speculation that fails to identify the source or sources with any of the precision that would allow effective action to be considered.

Choice of Weapons

59. The use of firearms in crime is rising and nothing yet done by way of recent legislation has had any demonstrable impact. Hidden in this Report, though not forming any of the conclusions, is one factor that must be considered before the problem can be understood. In broad terms criminals continue to obtain, with considerable ease, the weapons that they think best suit their needs. The Report considered that those criminals with the right contacts have no difficulty in obtaining good quality modern pistols and that those who feel the need to have a sub machine gun obtain those quite easily. It also concludes that some robbers prefer a shotgun for their crimes and have no difficulty in obtaining one. Morrison and O'Donnell note that some such robbers use unloaded shotguns to avoid killing or causing serious injury to their victims.

60. The conclusions in the Report about imitation firearms are ambiguous, but taken with the conclusions of Morrison and O'Donnell, it is clear that a large majority of those who use imitation firearms in robbery do so from choice. They could have obtained a real gun. The imitation is not a weapon of second choice for most of its users.

61. The conclusion to be drawn from this is that, apart perhaps from entry level criminals who do not have criminal contacts, those who use firearms in crime, choose the weapon that they believe best suits their purpose and are in no way inhibited by systems of regulation. As crime levels rise, the market place is filled and, as one source dries up, another is established.

62. It is unfortunate that information was not obtained from Forensic Science sources, from the National Firearms Database or from police about ongoing cases. Using the researchers' technique of citing a "Case Study", it may be found that a case that came to fruition and was reported in the press after the Report was published illustrates the point. Pistols designed to fire teargas (and so prohibited in

this country) were bought in Russia and taken to Lithuania (an EU country) where they were converted into very good quality 9mm self loading pistols. They were brought into the UK by a clothing importer and distributed to criminals complete with a silencer and forty rounds of ammunition. A Lithuanian who has a criminal record was arrested in North London in May 2006 when he had 18 of the pistols complete with silencers, and 748 rounds of ammunition in a hold-all. The engineer in Lithuania was found to have a further 106 pistols in his stock. The total number of these pistols that reached UK criminals is not known but reports indicate that the pistols had been used in a number of murders prior to the arrest of those involved.

63. The particular avenue disclosed by this excellent police operation has been closed, though many of the guns illegally imported will remain on the market for many years to come. When demand creates the right price, fresh avenues will open.

Preventing Gun Crime

64. Chapter Six of the Report contains the researcher's ideas for "Preventing Gun Crime". Few of the suggestions can be linked to the evidence adduced from their interviewees. Whilst the Report, at Page 9, dismisses US based research relating to firearms crime on the grounds of the differences in gun ownership rates, cultural attitudes, etc, it is reported at Page 105 that some US literature on tackling illegal firearms crime is 'useful'.

65. The researchers use their reference to convertible imitation firearms to endorse the VCR Act 2006 and suggest trying to educate criminals that such things may be dangerous!. They fail to note that convertible imitation firearms have been classed as 'real' firearms since 1982, but a system for examining and classifying these items had fallen into disuse.

66. Their reference to realistic imitations is ambivalent. They suggest that such imitations facilitate the commission of crime by those who cannot obtain real firearms, though they do not cite any evidence to this effect. They make reference to the fact that imitations may be the weapon of choice in many cases but down-play the importance of this and do not mention the Morrison and O'Donnell figure of 90% of imitation users who made a conscious decision to use that weapon and 75% who could have obtained real firearms.

67. In considering 'home made' ammunition, they first fail to quantify the problem and then pick up the idea in the VCR Bill about a 'loophole' that allows

criminal to buy tools and components to make ammunition. In fact, the VCR Bill was changed to impose controls only on primers. The Government may have realised that the problem was not as it had been assumed and that, in any event, loading tools can easily be contrived. The authors also suggest imposing controls on blank cartridges without realising that hundreds of millions are used each year in a vast range of legitimate activities.

68. The authors also suggest that the 'loophole' in controls on shotgun ammunition should be closed to reduce the supply of shotgun ammunition to criminals. The supposed leakage has not been sufficiently studied nor has there been any examination of the logistics of seeking to control 220 million cartridges per year in the hope of preventing a minute leakage. It has already been explained that any such suppliers offend against existing law.

69. In dealing with the criminal justice system, the researchers make a number of suggestions which seem to be based on no more than their own view. They do not link their opposition to mandatory sentences to any of the evidence they supply.

70. On policing they set out two points. One is that the police should seek to better understand the communities they police, taking advantage of Independent Advisory Groups. Such groups are currently much in vogue, but there is no evidence to suggest that they have a significant effect. Certainly, there is no evidence in the Report which proves their value. They also indicate that many offenders expressed concern that armed police might shoot them, but they do not suggest how unarmed police should tackle potentially armed offenders. The researchers do not consider whether there is a need for more active policing.

71. Noting the significance of gangs in perpetuating violence the authors suggest that "*there may be scope for mediation [between gangs] to address grievances before they reach a violent solution.*" They do not suggest who should mediate and how such mediation might work. Perhaps they intend that police should undertake this work rather than engage in such law enforcement as would disrupt the gangs.

72. They finally suggest at Page 100, in relation to drug dealing where one of the involved parties is at risk because of debts, "*A public health/harm reduction approach would seek to minimise levels of such violence, which implies supporting criminals, for example where they are subject to violence or at risk because of debts owed to other criminals. This might include the provisions of safe houses analogous*

to witness protection schemes". Protection schemes are very costly in terms of police resources and funds. The public reaction to the idea that criminals are to be protected by the police as they go about their business would not sit well with the general public who get precious little protection from these same criminals.

73. As a means of preventing gun crime, the totality of the suggestions made offer no prospect of imposing any control on a serious situation.

74. In a series of so called conclusions, the authors continue to expound their theory that current firearms legislation is effective and they challenge the 'simplistic interpretation' of recorded gun crime statistics. It seems that they seek changes to crime recording systems so that, for instance, they would be better able to distinguish between crimes involving real or imitation firearms.

75. As a means of establishing the precise level of any crime in any one year, criminal statistics are quite crude. They are almost equally crude for comparison from one year to the next. But the failings of the system cannot easily be remedied and in some cases cannot be remedied at all. A gun seen by a victim but not recovered may be real or imitation and those recording the crime simply do their best with the information they have. In any one year a significant number of crimes are not reported and reporting levels might change because of police activity.

76. Taken over a period of years, however, all these flaws tend to be relatively constant factors and whilst the change from one year to the next is not reliable, a consistent trend over ten years or more will provide a picture that is accurate for all practical purposes. In recent years attempts to improve crime statistics have resulted in changes that make it impossible to make comparisons over the longer period and which confuse important trends. The recording of criminal damage has changed to such an extent that the figures are quite useless; the recording of firearm injuries has also changed but that change has impacted on minor injury to a greater extent than it has impacted on major injuries and has very little impact on the recording of fatalities. The most important purpose that the recording of crime can serve is to provide broad evidence of trends over time. To continually change the system in the hope of greater accuracy is counter productive.

77. The final conclusion reached in this paper is that there is need for much more research in this field. Perhaps that is the case, but this present Report does not support the case well.

References:

1. Morrison S and O'Donnell I (1994) *Armed Robbery: a study in London*. Occasional Paper No 15, Centre for Criminological Research, University of Oxford.
2. Killias M (1993) *Gun Ownership, Suicide and Homicide: An International Perspective/*. In *Understanding Crime and Experience of Crime and Crime Control*, UNCRI Publication 49. Rome.
3. Squires P *Gun Culture or Gun Control*. London. Routledge.
4. Wright J D and Rossi P H (1986) *Armed and Considered Dangerous: A Study of Felons and Their Firearms*. New York: Aldine de Gruyter.

Finalx