

# MENTAL HEALTH COMMISSION

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## **Would a Prohibited Persons Register Reduce Gun Death and Injury?**

One proposal to reduce gun-related death and injury is the establishment of a register of prohibited persons – a “black list” of citizens suspected of mental instability or anti-social behaviour. These people could then be denied a firearms licence. Despite years of promotion by pro-gun lobby groups world-wide, no country or state has created such an additional register. In New Zealand, reasons for rejecting this proposal include:

- Existing registers already prevent hundreds of thousands of people from owning guns
- These could only be substantially enlarged by adding names on mere suspicion
- Such a list would unjustly stigmatise and discriminate against people with mental illness, who are no more likely than others to kill or injure another person with a gun
- Even if every person with a history of mental illness and/or violent crime was locked away, about eight in ten future gun killers would remain at large
- Such a list could encourage licensed gun owners to avoid responsibility for gun violence
- Without a register of *firearms*, police have no way of ensuring that a prohibited person has surrendered all his guns. Gun violence does not require a firearms licence – only a firearm

## **Hundreds of Thousands Already Prohibited**

Any person with a history of mental illness is already prohibited from possessing a gun.<sup>1</sup> All licensed gun owners are now being re-vetted by police to ensure that they are “fit and proper” to own firearms. Next-of-kin and referees are asked to report signs of unstable behaviour, substance abuse, family violence etc. If a licence is denied on these or other grounds, the applicant is recorded in the police computer system as being unsuitable to own firearms.

Unlike Australia, Canada, Britain and the United States, New Zealand has no statutory list of criminal convictions which automatically preclude citizens from holding a firearms licence and owning guns. Instead, internal police guidelines are invoked to add “about 1,000”<sup>2</sup> citizens each year to the existing national list of prohibited persons. This often follows convictions for violent crime, firearm offences and the like.

NZ Police also maintain “Person of Interest” files on tens of thousands of New Zealanders with less serious, or no convictions. These are regularly used to deny firearms licences to those whose reported behaviour or connections suggest they are not fit and proper to own guns. Both proven and suspected mental illness are commonly flagged “M1” in these files.

By 1998, police estimate that 117,400 gun owners will have had their firearms licence revoked for failure to comply with the current relicensing scheme.<sup>3</sup>

As a result, the names of hundreds of thousands of adult New Zealanders are already listed on police-maintained registers of people prohibited from possessing firearms.

## **No Need for an Additional Register**

Supporters of a new register suggest that names should be added to it as follows:

- By encouraging health professionals to report to police the names of those suffering from diagnosed mental illness. This would not require the creation of a new register.
- By adding anyone reported by health professionals as showing “known markers of psychiatric illness.” According to one gun lobby group, these are: “depressive symptoms, alcohol or drug abuse, dysfunctional family background and antisocial behaviour.”<sup>4</sup>
- By adding anyone reported by a member of the public as having acted violently, irrationally or even suspiciously

The first measure is a possibility now under discussion among medical, legal and privacy professionals. The remaining two would create an extended “black-list,” relying not on diagnosed mental illness but merely anecdotal accounts of strange or suspect behaviour. Any such collection of rumours could encourage even more stigmatisation of people with mental illness. To be effective it would also have to log rumours of family violence and alcohol abuse.

Ironically, the group most likely to be offended if police were to search private property and seize firearms on such flimsy grounds could be those law-abiding gun owners whose intent in suggesting a prohibited persons register was to point the finger at others.

## **Blaming People with Mental Illness for Gun Violence**

Despite efforts to portray them otherwise in the media, those with a history of mental illness are no more likely to kill another person than the average member of the population.<sup>5</sup> Police homicide figures show that:

- Alcohol is four times more likely to be a precipitating factor than mental illness
- A shooting victim is ten times more likely to be killed by a family member, partner or ex-partner than by a person with a history of mental illness
- Previously law-abiding, licensed gun owners shoot between four and ten times as many victims as do people with a history of mental illness
- Only four to twelve percent of victims are shot by a killer with a psychiatric history

This means that even if we could lock away all those individuals labelled as “criminals and the mentally ill,” the people still at large would include those who are historically responsible for 80-90% of gun homicides.

For these and other figures and references, please refer to the Mental Health Commission fact sheet *The People Most Likely to Kill with a Gun* (May, 1997).

## **Prohibiting People Does Little to Remove Guns**

To regard gun violence as a “crime” problem is to dismiss most gun deaths. Almost nine in ten fatal shootings are suicides or unintentional killings.<sup>6</sup> It seems unlikely that creating another register to prevent people from obtaining a firearms licence would reduce either of these death tolls. Gun suicides, shooting accidents and homicides all rely on the easy availability of a gun, not a firearms licence.

## **Experts Agree: Mental Illness is No Predictor of Violence**

Among those experienced in the field, previous mental illness is regarded as an unreliable predictor of future dangerousness. One of the definitive textbooks on the topic concludes:

“Sociopathy, alcoholism and drug dependence are the psychiatric disorders characteristically associated with serious crime. Schizophrenia, primary affective disorders, anxiety neurosis, obsessional neurosis, phobic neurosis and brain syndromes are not.”

– Guze, Samuel. *Criminality and Psychiatric Disorders*. Oxford Press, New York. 1976

A well-known American criminologist writes:

“There are no universally accepted medical or psychiatric definitions of mental illness, drug addiction, or alcoholism. Those definitions on which some experts manage to agree are too vague to be useful for legal purposes, making prohibitions based on them unconstitutional... Most mentally ill persons have no record of violence. Even among those so seriously ill as to require psychiatric hospitalisation, only a minority have an official record of violence in the form of an arrest for a violent crime... Even within this minority, many are already denied legal access to or possession of a gun by virtue of a criminal conviction. There is therefore little factual basis for a broad legal presumption of risk to the public applied indiscriminately to the mentally ill population as a whole, with corresponding prohibitions on firearms acquisition or possession.”

– Kleck, Prof. Gary. “Policy Lessons from Recent Gun Control Research.” In: Nisbet, Lee. *The Gun Control Debate - You Decide*. Prometheus Books, 1990; 153

## **Many Killers Would Not Feature on Any Register**

Even if an established register had existed of all Australians and New Zealanders with a previous history of mental illness and/or violent crime, at least ten recent mass gun killers would have escaped a mention. These include Martin Bryant, David Gray, David Bain, Wade Frankum and Julian Knight. As Martin Bryant was unlicensed, even adding his name to a list simply because he had a low IQ would not have prevented the world’s worst gun massacre.

## **Other Countries Have Rejected the Idea**

Britain, Canada and the United States have already rejected gun lobby proposals for a prohibited persons register. Warning of the impossibility of reliably predicting who will be violent in future, the Royal Australian and New Zealand College of Psychiatrists told an Australian inquiry into gun control: “The vast majority of homicides are carried out by people who are psychologically indistinguishable from the general population prior to the event.”<sup>7</sup>

The leader of the Australian Shooters’ Party wrote of a national meeting of Police Ministers:

“It's also reassuring that the Police Ministers did not pursue an earlier suggestion that psychiatric reports be obtained on suspect people; and that people showing signs of mental imbalance or disturbance be required to produce a certificate of mental health,

or be entered on a register. Such a scheme was always utterly unworkable, and to suggest it was to show a lack of understanding of psychiatry. The College of Psychiatrists rejected it out of hand.”

– John Tingle, MLP. Leader, Australian Shooters’ Party  
Guns Australia, Sep-Oct 1993; 10-11

## Licensing Needs a Register of Guns to Work

Even if a person becomes unsuitable for gun ownership, police cannot be certain of the number of guns they should be seizing. To reliably enforce a prohibited persons register, a family violence order – or indeed the current system of gun-owner licensing – police should be able to access a record of the guns owned. Yet almost alone among similar nations, New Zealand keeps no record of 97% of privately held firearms. A register of *firearms* is regarded by the NZ Police Association, the NZ Medical Association and the Mental Health Commission as a prerequisite for effective enforcement of gun control legislation.

## The Gun Lobby Continues to Mislead

By blaming a small group of disadvantaged people for more than their share of killings, pro-gun lobby groups hope to divert attention from other causes of gun death and injury. These factors include family violence, alcohol abuse and licensed gun ownership far more often than they do mental illness. By giving credence to this calculated campaign, media reports do an injustice to a minority of New Zealanders who are responsible for no more gun deaths per capita than the population as a whole.

Professor Paul Mullen, one of the most prominent forensic psychiatrists in Australasia (he examined Martin Bryant, among others) has written: “The attempt to derail public concern over the availability of firearms onto a debate about whether those with a history of psychiatric illness should have access to such weapons is an outrageous piece of calculated prejudice.”<sup>8</sup>

Ironically, while promoting the seizure of guns from a small minority, the same gun lobby group recommends that New Zealand homeowners should arm themselves with guns for “self protection.”<sup>9</sup> Any such trend would undoubtedly lead to even more death and injury.

Philip Alpers, June, 1997

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<sup>1</sup> S24(b), Arms Act (1983); Coote, Insp. John. Coordinator, Firearms Licensing. “Fit And Proper: General Criteria.” NZ Police National HQ. Wellington, 13 Mar 1993; 5

<sup>2</sup> Coote, Insp. John. Coordinator, NZ Police Firearms Licensing. *NZ Doctor*, 15 May 1996.

<sup>3</sup> “Review of Firearms Control in New Zealand.” NZ Police National HQ. Wellington, May 1996; 12.

<sup>4</sup> Beltowski, Dr Lech. Vice president, Sporting Shooters Assn. of NZ. *NZ Doctor*, 20 Mar 1996

<sup>5</sup> Hafner H, Boker W. *Crimes of Violence by Mentally Abnormal Offenders*. Cambridge Univ. Press, 1982

<sup>6</sup> Norton R, Langley J. ‘Firearm Related Deaths in New Zealand 1978-87’. *NZ Med J* 1993; 106:463-5

<sup>7</sup> Andrews, Dr William. Chairman, NSW branch, Royal Australian & New Zealand College of Psychiatrists. NSW Select Committee Upon Gun Law Reform, Oct 1991. Sydney Morning Herald, 1 Dec 1991

<sup>8</sup> Mullen, Paul. Director, Forensic Psychiatry Services, Health and Community Services, Victoria. Personal correspondence, 25 Aug 1995

<sup>9</sup> Beltowski, Dr Lech. Vice president, Sporting Shooters Assn. of NZ. NZ Press Association, 19 Mar 1997