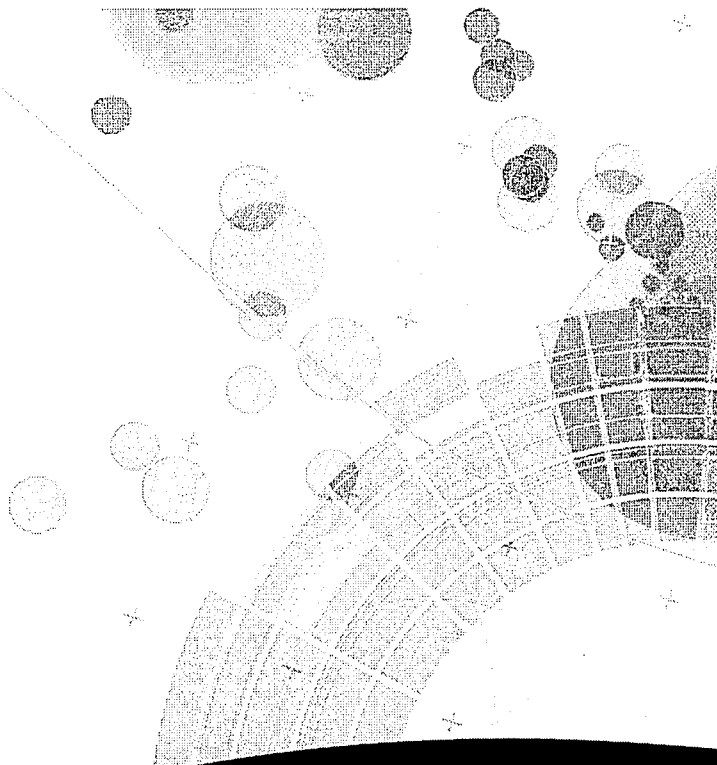





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The background of the upper half of the page features a series of overlapping circles and a grid pattern, creating a complex, abstract design.

Firearm trafficking and organised criminal gangs: Progress report for Milestone 1



This report is being submitted to fulfil the progress reporting obligations as specified in clause 16 of the Funding Deed. The findings described in the report are not for further distribution.

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Glossary

AIP	Air pistol
AIR	Air rifle
BPR	Black powder revolver
COM	Combination firearm
DER	Derringer
HMG	Heavy machine gun
LMG	Light machine gun
PBP	Pistol black powder
PDB	Pistol double barrel
PMB	Pistol multi barrel
PSA	Pistol semi-automatic
PSS	Pistol single shot
RBA	Bolt action rifle
RBP	Rifle black powder
REV	Revolver
RLA	Rifle lever action
RPA	Rifle pump action
RRC	Rifle revolving carbine
RSA	Rifle semi-automatic
RSF	Rifle select fire
RSS	Rifle single shot
SBA	Shotgun bolt action
SDB	Shotgun double barrel
SLA	Shotgun lever action
SMG	Sub-machine gun
SOU	Shotgun over and under
SPA	Shotgun pump action
SSA	Shotgun semi-automatic
SSB	Shotgun single barrel

Introduction

Despite strict regulations on the import, ownership, use, transfer and storage of licit firearms, there exists in Australia a potentially large pool of illicit firearms, some of which are stockpiled and used by organised crime. Australia is a signatory to the UN Protocol Against the Illicit Manufacturing and Trafficking of Firearms, Their Parts and Components and Ammunition, and is thus obliged to find measures to handicap the illegal trade in firearms and their diversion into the illicit market.

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Aims

The study is to examine current legislative, procedural and technological systems with relation to firearm registration and tracing to identify loopholes and gaps facilitating the diversion of firearms into the illegal market. s37

. It will also aim to provide some evidence for how organised crime relies on these vulnerabilities, the types of firearms they favour and the possible source of the illicit firearms they possess. The research is being undertaken as a collaborative project involving the Australian Institute of Criminology (AIC), the Australian Crime Commission (ACC) and the Australian Federal Police (AFP).

This report summarises the preliminary results (see below) for the first component of the study, which was to examine the firearms found in possession of organised criminal gangs and identify methods by which those firearms entered the illicit market. s47B

The preparatory guide will be used to inform the second and third stages of the study which will examine in more detail established and new methods for firearm, firearm parts and ammunition trafficking and improved procedures to trace firearms.

The project was approved by the AIC Human Research Ethics Committee on 19 May 2010.

Methods

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Characteristics and dynamics of firearm trafficking

Firearm trafficking in its most general sense, and as defined in the UN Protocol Against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, refers to the 'import, export, acquisition, sale, delivery, movement or transfer of firearms, their parts and components and ammunition' from or across state or territory borders, without the authority of the site of distribution or receipt. The term can also be used to describe the 'rapid and intentional diversion of (firearms) from legal to illegal commerce' (Wright et al. 2010: 353), without necessarily the movement of firearms across a physical border. In their study of illegal firearm markets in the US, Pierce et al. (2004: 392) emphasised that the 'complexity' of these markets and the paucity of information about how illicit firearm markets operate 'presents substantial challenges to policy makers and law enforcement agencies in disrupting supply'.

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Types of markets

Three primary firearm markets exist in Australia.

- The first, or licit, market comprises all firearms that have been registered with the relevant Commonwealth, state or territory authority and held by an owner with the appropriate licence(s) to possess and use the specified firearm(s).
- The second market or 'grey market' comprises unregistered firearms. Prior to the 1996 National Firearms Agreement (NFA), only handguns had to be registered; mandatory long-arm registration varied between the jurisdictions. Grey market firearms are those firearms that should have been either registered or surrendered (for restricted models) in gun buybacks, but were not. In some cases this was probably because the owner chose, for any number of reasons, not to comply with the new legislative requirements but in others because the firearms had been misplaced, lost or forgotten about. Grey market firearms are not held, used or conveyed for criminal purposes but have been identified as eventually ending up in the illicit market.
- The illicit market is the third market and comprises any firearm that has been illegally imported into Australia, illegally manufactured in Australia or diverted from the licit or grey market. Illicit firearms may be used in criminal activities.

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Illicit market suppliers and consumers

The trafficking of illicit firearms in Australia is not considered organised in structure (Alpers & Twyford 2003; Mouzos 1999; Kerlatec 2007; Qld CMC 2003, cited in Qld CMC 2004). Rather it is dominated by a collection of criminal gangs, in which illicit firearm trafficking is run as a side-business to the primary criminal venture (eg the drugs market), and small networks or individual operators, such as rogue dealers, who move illicit firearms around by word of mouth. Outlaw motorcycle gangs (or OMCGs) are frequently nominated by law enforcement agencies and in the media for their role as suppliers in the illicit firearms trade but little has been stated about other organised crime involvement.

The consumers of the illicit market are effectively the same group again, consisting of persons, gangs or more sophisticated entities acquiring firearms to commit crime, for protection of themselves or their assets, or for stockpiling purposes (see below). It is fair to assume that few, if any, consumers of the illicit firearms market sit outside criminal networks but it is quite probable there are collectors or other firearm fanciers who might look to the illicit market for restricted firearms if they wish to acquire them.

There is a predilection for handguns amongst the criminal fraternity, in acquisition and to use to commit crime (Blumstein 1995; Braga et al. 2002; Hales et al. 2006; Kleck & Wang 2009; Smith et al. 2010; SOCA 2006; Spapens 2007; Williams & Poynton 2006; Wright & Rossi 1994; Wright et al. 2010). While the large-scale, cross-border trafficking franchises are occupied with the movement of military-style firearms and other firearms, there is 'limited use' for such items in domestic criminal enterprise (UNODC 2010: 129). Military-style firearms do permeate the domestic illicit market but they are bought for different reasons (eg stockpiling), and (generally) do not feature in the commission of crime. Handguns dominate firearm-perpetrated violent crime statistics from the US (FBI 2008), UK (Smith et al. 2010) and Canada (Beattie 2009), and despite differential rates of firearm-perpetrated crime in these jurisdictions. This is not the case in New Zealand where long-arms are often used in the commission of violent crime but this finding could be related to the relative scarcity of handguns, compared to long-arms, in this country (Newbold 1999).

In Australia, the number of victims of firearm-perpetrated homicide (ie. murder and manslaughter) has declined by more than half between 1989–90 and 2006–07 (Dearden & Jones 2008) but the predominance of handgun-perpetrated homicide, as a proportion of all firearm-perpetrated homicide, has grown. The number of handgun homicides committed each year is still very small but between 1992–93 and 2006–07 the percent of all firearm-perpetrated homicides using a handgun rose from 17 to 48 percent (Bricknell 2008b; Dearden & Jones 2008). Data on weapon use from the National Armed Robbery Monitoring Program is less conclusive, and as it is based on recall information from victims of armed robbery, there is a risk of firearm misidentification. Nonetheless, while handguns were used in just 10 percent of armed robberies in 2007, they were used against 70 percent of victims of armed robbery when the type of firearm could be identified (Smith & Louis 2010).

Hales et al. (2006) have differentiated between two types of 'gun culture' that sustains the illicit firearms market in the UK. The first is the instrumental criminal firearm culture where firearms are obtained specifically for offensive criminal purposes, armed robbery being the most common criminal pursuit. The second is the complex criminal firearm culture, in which firearms

are procured for often a mix of offensive, defensive and symbolic functions. It is the latter group of purchasers that Hales et al. (2006) have argued as becoming the dominant culture in illicit firearm ownership and use, and who are often connected to, or immersed within, the illicit drugs market. This is a credible scenario for Australia too and may help to explain the type of firearms that comprise the illicit firearm market here.

Handguns, as noted earlier, are the firearm of choice for many criminal groups. Handguns are preferred by the very fact they are concealable, and with some models, have large magazine capacities (Blumstein 1995; Hales et al 2006; Lizotte et al 2000; Wright & Rossi 1994). Long-arms, in particular sawn-off shotguns, are chosen probably because of general availability but also because of the intimidatory effect they produce on victims (Hales et al. 2006; Newbold 1999). Select-fire firearms hold a 'symbolic value' among criminal users that 'conform(s) to gangster stereotype(s)' (Hales et al. 2006: 55); their power and quick reloading capacities are equally attractive.

Access to the illicit firearm market, or a broader selection of items, usually depended on the extent and strength of criminal connections and length of service in criminal enterprise (Hales et al 2006; Newbold 1999). Older, established consumers tended to be more technically savvy and more discerning in their choice of firearm. Younger or less experienced purchasers were less knowledgeable about firearms and possibly more impulsive in their selection (Cook et al. 2006; Hales et al. 2006).

The reasons for acquiring illicit firearms can be related to the 'gun cultures' described before. Some firearms are bought primarily to commit a criminal offence. Others, particularly handguns, are acquired for self-defence or protection and, for younger users, as status symbols (Blumstein 1995; Bricknell 2008b; Cook et al. 2006; Hales et al 2006; Lizotte et al 2000). Cook et al. (2006) noted that gang members often possessed firearms so that their rivals knew they had a firearm – just showing someone your firearm was sufficient for being left alone. Self-defence and the avoidance of future victimisation were regularly mentioned by gang members involved in the drugs market, particularly those at the retail end of the market. Then there are purposes related to establishing and maintaining control of illegal economic activities (Markowski et al. 2009), such as handling territorial disputes and 'sanctioning' acts of trespass (Hales et al. 2006). Finally, there is the acquisition of firearms for stockpiling, to be used when and if more serious skirmishes arise. It is for stockpiling that the military-style firearms may most likely be trafficked and purchased for.

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Table 2: Firearm classification according to the National Firearms Agreement 1996

Category A

air rifles
rimfire rifles (excluding self-loading)
single- and double-barrelled shotguns

Category B

muzzle-loading firearms
single shot, double-barrelled and repeating action centre-fire rifles
break-action shotgun/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 five rounds
pump-action shotguns with a magazine capacity no greater than five rounds

Category D (Prohibited except for official purposes)

self-loading centre-fire rifles
self-loading shotguns and pump-action shotguns with a capacity of more than five rounds
self-loading rimfire rifles with a magazine capacity greater than 10 rounds

Category H

all handguns, including air pistols

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The figure consists of four bar charts arranged in a 2x2 grid. The top row represents females, and the bottom row represents males. Each chart shows the percentage of respondents for different age groups. The x-axis for all charts is 'Age Group' with categories: 18-24, 25-34, 35-44, 45-54, 55-64, 65-74, 75-84, and 85+. The y-axis is 'Percentage' ranging from 0 to 100. The bars are black, and the background is white. The charts show that for females, the highest percentage is in the 25-34 age group, while for males, the highest percentage is in the 35-44 age group.

Age Group	Female (%)	Male (%)
18-24	10	10
25-34	35	25
35-44	25	35
45-54	20	25
55-64	15	20
65-74	10	15
75-84	5	10
85+	5	5

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Discussion

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The *Firearms Act 1996* (NSW) as originally enacted required firearm barrels, but not frames or receivers, to be registered under Part 3 (Registration of Firearms) of the Act. The exemption of frames and receivers meant handguns without barrels could be sold without having to observe regulations on firearm disposal, and frames/receivers could be purchased without need to register them. This opened up opportunities to convert or build up new handguns using non-registrable parts purchased in NSW with parts purchased elsewhere. Among the amendments prescribed in the *Firearms Amendment (Trafficking) Act 2001 No 24* (NSW) was the stipulation that registration now 'applies to every firearm frame and firearm receiver in the same way as it applies to a firearm' (s93(1)).

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Appendix

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