

Criminal

To curb gun violence in Toronto, we need to stop flow of illegal weapons

By **Jasmine Daya**



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(July 30, 2018, 11:39 AM EDT) -- When hosting a barbecue in your own backyard, taking your children to the playground or going out to dinner with friends and family on a summer evening can get you wounded or killed, we have a serious problem with guns and gun violence. The availability of guns coupled with random shootings in our neighbourhoods has undermined the safety and security of Torontonians.

As a personal injury lawyer representing victims of shootings in Toronto, and a mother of three children, I have some thoughts on our recent crime wave. And we need to focus on the fact that guns don't have legs; they are transported by humans. Guns are a global problem. And they're hugely profitable.

A handgun that is procured legally in the U.S. retails for US\$500. That same gun procured illegally may be sold for \$4,000 on the streets of Canada in the hands of criminals, gangs and the mentally ill. This black market in guns in Canada has been operating for more than a decade.

By June 25, 2018, there were 199 shootings in Toronto this year, up from 170 this time last year, according to police statistics. These statistics don't include the recent month and the devastating Greektown tragedy on Sunday, July 22, around 10 p.m. where Faisal Hussain, a 29-year-old Toronto resident described by his family as suffering from severe mental health problems, shot and killed a 10-year-old girl, shot and killed an 18-year-old woman and wounded 13 more before killing himself.

Ontario Premier Doug Ford offered up "thoughts and prayers" for the victims of the Greektown shooting, followed by additional funding for mental health, about \$1.9 billion over 10 years.

Toronto Mayor John Tory wants to ban all handguns in Toronto. "Why does anyone in this city need to have a gun at all?" said Tory. Gun bans have worked to reduce mass shootings in Australia, Germany and Britain.

As Mark Towhey, former chief of staff to the late Toronto Mayor Rob Ford, wrote on his blog (Towhey was with the Canadian army from 1983 to 1997), "Gun control won't solve our violence problem." Canada already has strict gun procurement, gun ownership, gun storage and gun transportation laws. About two million Canadians are gun owners and abide by our gun laws.

Toronto's police chief Mark Saunders says that half of the firearms used in criminal offences are legal Canadian weapons that have been sold by or stolen from their owners. The gun used by Hussain was, reports say, a .40-calibre Smith & Wesson stolen from a Saskatchewan gun shop in 2016, according to Global News. The question we should be asking ourselves is, how did Hussain get that gun?

Equally important, where is the other half of the gun supply coming from? Answer: They are being smuggled in from the U.S., according to the *Globe and Mail*. The U.S. has between 300 million and 400 million guns, with more being manufactured with each mass shooting — so Americans can protect themselves from the next mass shooter! Mexico's drug cartels also get 70 per cent of their guns from the U.S., according to the *Washington Post*.

Unfortunately, criminals and gangs don't tend to follow gun laws.

As Towhey points out, the vast majority of gun violence in Canada is gang-related. Federal and provincial governments need to work together to arrest gang members and prosecute them. And we need to strengthen our borders to prevent illegal guns from being smuggled into Canada. That takes political will, some additional spending and massive co-operation and information sharing among municipalities, provinces, states and border security of all countries.

In May 2018, Toronto police intercepted at Cornwall, Ont., a cache of 60 brand new handguns from Florida that were being delivered to Toronto streets. It was a huge effort; this is what it's going to take.

Today, anyone in Ontario who is a victim of crime can apply to the Criminal Injuries Compensation Board (CICB). This is a government program that provides compensation for pain and suffering, income loss and cost of care needs to those who have been victims of crime up to a maximum of \$25,000.

If you have been a victim of crime, you may also have the ability to sue and the award you obtain may very well be greater than the compensation provided by the CICB, depending on various factors.

I have handled several cases involving victims of crime. The worst of these cases involve damage inflicted by guns.

A young girl — a client of mine — suffered a gunshot wound to the leg while at a Toronto nightclub, shattering her femur requiring surgery and leaving her with permanent hardware inside her leg, unsightly scars, pain, weakness and other limitations in addition to psychological impairment. The physical and mental anguish this young girl suffered from and continues to suffer from as a result of a night out on the town with a girlfriend is deeply upsetting.

The CICB enabled my client access to funds to cover her while she was unable to work and funded physical and psychological treatment. I had a personal injury claim against the nightclub and upon successful resolution of the lawsuit, my client had more than adequate funds to reimburse the CICB as well as take care of her future needs.

I cannot take away an injured victim's pain. I won't even pretend to fully appreciate how an injured victim must feel, but I can be their voice and pursue every possible avenue to determine if there was negligence on any party that can be pursued by way of a civil lawsuit. Our legal system's objective is to compensate you financially to make you whole again. Right now, we have a flawed system.

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