

Progress in addressing audit findings from the 2019 firearms buy-back and amnesty

In 2020, following implementation of the nationwide Firearms Amnesty and Buy-back Scheme (the Scheme), the Office of the Auditor-General (OAG) conducted a performance audit to understand how well New Zealand Police (Police) had managed and operated the Scheme.

OAG concluded Police managed the scheme well, although noted more work needed be done to improve firearms information and understand the extent to which it had made New Zealand safer. Two years on, OAG requested that Police report back about how OAG's recommendations and improvement opportunities are being addressed.

The specific recommendations and improvement opportunities highlighted in OAG's performance audit report, *Implementing the firearms buy-back and amnesty scheme* (May 2020), were:

Recommendation 1: Engagement

Build on engagement with firearms owners and licensed firearms dealers gained during the firearms buy-back and amnesty scheme to further strengthen relationships and build trust and confidence in how the current and further firearms regulatory framework is implemented.

Recommendation 2: Information

Improve the information used to support regulatory responsibilities for firearms and firearms owners, and management of that information.

Recommendation 3: Impact

Design and implement a framework to evaluate the extent to which changes to firearms regulations have made New Zealander safer, including taking steps to find out what level of compliance with the scheme has been achieved, and publicly report the findings of future evaluations to ensure that Parliament, and the public have trust and confidence in their administration of firearms legislation.

Improvement opportunities: Close out

Continue to report publicly on the performance of the scheme until completed processing of the applications for endorsements to use newly prohibited firearms for a limited range of purposes. Then report to Parliament about the final outcomes of the scheme.

This document outlines actions taken by Police related to the recommendations and improvement opportunities, and the impact those actions have had on the firearms community and the safety of New Zealand.

OAG's audit related to the first Amnesty and Buy-back Scheme, responding to arms legislation passed in 2019. A broader package of reforms was passed in 2020, and a second Amnesty and Buy-back, run between February 2021 and May 2021. The new legislation provided additional powers for Police regarding firearms management, including establishment of a Firearms Registry. These changes collectively, coupled with ongoing policing activity, work together to provide greater visibility of firearms within the community and reduce the availability of firearms to non-licence holders, therefore reducing the risk of harm from misuse and criminal use of firearms.

How has Police used the results from the performance audit?

OAG's performance audit supported Police's continuous improvement approach to delivering and closing out the Scheme, while also informing the approach to the second Amnesty and Buy-back, and ongoing firearms regulatory activities.

In response to the performance audit, as well as findings from the Royal Commission of Inquiry (RCOI) and additional legislative changes coming into effect, Police has made significant progress towards improving engagement with the firearms community, enhancing the quality of information to support regulatory activities and establishing a framework to better understand the impact of firearms regulatory activities over the long term.

The subsequent sections of this report describe both tangible improvements already made in each of these areas, as well as plans for further improvements relating to the implementation of a Firearms Registry, establishment of an independently-branded firearms business unit with dedicated national and District-based resource, and operationalising other legislative changes. Collectively these changes will enable greater focus, visibility and quality controls to improve public confidence and contribute to safety outcomes for New Zealand.

Improvement Opportunities: Close out

Continue to report publicly on the performance of the scheme until completed processing of the applications for endorsements to use newly prohibited firearms for a limited range of purposes. Then report to Parliament about the final outcomes of the Scheme.

Context

When OAG's report was finalised in early 2020, applications for an endorsement to retain prohibited firearms and magazines were still under consideration. Policies and processes were still being developed to guide information applicants needed to provide to support Police decisions on legitimate use of prohibited firearms. In some cases thorough investigation was required to ensure approvals aligned with the intent of the legislation. Police was also aware that decisions taken in the initial endorsement cycle would be precedent-setting for an enduring process.

Endorsements, and all other processing relating to the Scheme, have since been completed. The endorsement processing team are now entering the first endorsement renewal cycle, while continuing to process new endorsement applications as part of their day-to-day operations.

Summary of key actions

- Processing of all applications relating to newly prohibited firearms, including endorsements, dealer stock and unique prohibited items has been completed for the first and second Amnesty and Buy-Backs.
- Detailed national and District collection information is publicly available on Police's website as at February 2020 (more recent collection information for the second Amnesty and Buy-Back is also available).
- The Minister of Police was briefed on the Scheme in June, September and December 2020; and in May 2021.

*One endorsement application from the first Amnesty and Buy-back remains under litigation with the Courts.

Impact

Proactive public reporting throughout the Scheme reduced the number of Official Information Act (OIA) requests responses required in relation to the Scheme, and the transparency likely provided confidence in the way the Scheme was managed.

Recommendation 1: Engagement

Build on engagement with firearms owners and licensed firearms dealers gained during the firearms buy-back and amnesty scheme to further strengthen relationships and build trust and confidence in how the current and further firearms regulatory framework is implemented.

Context

The way in which the Scheme was implemented reflected an empathetic and collaborative approach with firearms owners, licensed dealers, and the wider community, while recognising the need for independent and objective decision-making when it comes to enforcing firearms legislation.

Police have maintained and continued to strengthen these relationships through their approach to the second Amnesty and Buy-back; use of reference groups to inform and co-design changes to firearms regulation; partnering with dealers on communication and safety improvement initiatives; proactive engagement with dealers in relation to import permits; and development of a survey to track public trust and confidence in Police's regulation of firearms across different stakeholder cohorts.

Summary of key actions

- **Second Amnesty and Buy-back** – Police proactively engaged with dealers and the firearms community to ensure awareness and encourage participation in the second Amnesty and Buy-back, and took a case management approach which improved the experience for firearms owners.
- **Firearms reference groups** – Police have worked closely with groups that represent different cohorts of the firearms community, including the Recreation Firearms User Working Group, Firearms Community Advisory Forum (FCAF) and the Range Coordination Group. These groups have been used as a sounding board for new initiatives, have provided input into firearms manuals and guidebooks - including the *Range Manual*, *Secure Storage Guide for Firearms and Ammunition* and the *Firearms Safety Code*. Police is also engaging both FCAF and non-FCAF members to co-design and test the new firearms website to optimise the user experience.
- **Partnering with dealers** – Police have partnered with dealers on key safety improvement initiatives, including implementation of an online licence checker for dealers to quickly validate licence status before selling a firearm. Police has also collaborated with dealers to distribute communications to their customer databases to support broad awareness of upcoming legislative change.
- **Proactive engagement with dealers** – Police is in regular and active communication with the major firearms importers in relation to permitting decisions. Communication is proactive when import permits are refused, outlining the rationale for refusal which can result in the permit request being withdrawn, avoiding a lengthy dispute process.
- **Public trust and confidence survey** – A trust and confidence survey has been conducted, gathering perspectives from both the general public and the firearms community on confidence in Police's management of firearms licensing in the community. The survey will provide a baseline measure of public trust and confidence and, over time, enable tracking of trust and confidence trends.
- **Firearms stakeholder management** – Police's new firearms business unit includes Director level responsibility for partnerships and engagement with a dedicated team. A comprehensive stakeholder assessment has been conducted and identified explicit relationship owners, who will play a critical role in maintaining stakeholder confidence as significant policy changes and service improvements are rolled out in the coming years.

Impact

Police's ongoing engagement with representative groups and dealers continues to inform the way firearms services are delivered and legislation changes are operationalised, both in terms of optimising user experience and providing an effective channel for communicating changes that impact the broader firearms community. The trust and confidence survey will soon provide a quantitative measure to ascertain whether Police's actions are translating into increased trust and confidence, over time, within the firearms community and the general public.

Recommendation 2: Information

Improve the information used to support regulatory responsibilities for firearms and firearms owners, and management of that information.

Context

Prior to the implementation of the Scheme, Police was not required to hold information about most firearms held by licensed users. Of the information that was held (in relation to those firearms formerly defined as E-category), the Scheme surfaced some underlying information and data quality issues – some due to limitations in the legislation's construct, others indicating opportunities to improve user training.

Recent law changes now provide the mandate for a Firearms Registry, which will be implemented in mid-2023, then populated over the course of five years as licences and endorsements are due for renewal and licence holders undertake firearms-related activities. This will significantly enhance the quantity and quality of firearms information available. The establishment of the registry will enable Police to track the transfer of ownership of firearms. Both the seller and buyer of firearms will be required to inform Police when a change in possession has occurred. This was a key limitation relating to the tracking of MSSAs which had been declared as converted to A

category firearms then on-sold in that configuration; or, in the case of items transferred through the permit-to-possess process, the item being endorsed against the buyer's licence but not removed from the seller's licence.

In the short-term, Police has continued to improve its processes through updating existing firearms records, investing in staff training, quality assurance checks, developing more comprehensive application forms, and implementing new system functionality to enable more comprehensive and structured collection of firearms related information.

Summary of key actions

- **Updates to existing firearms records** – An extensive reconciliation exercise was undertaken to account for all E-category firearms previously recorded by Police, and those handed in as part of the Scheme, including following all investigative leads for firearms that did not correspond to those handed in as part of the Scheme. Police's core system was updated to reflect the findings from this investigative work.
- **Training to improve information quality** – Police has delivered training on video interviewing for independent referees (that is, those not directly related to or living with the applicant) and released self-guided training for recording firearms information. Effective interview training has also been scheduled for all Arms Officers and Vettors, to be delivered in May 2022 as part of a wider learning and development programme.
- **Quality assurance and improvement framework (QAIF)** – A comprehensive QAIF process has been implemented, which involves all firearms licence applications being peer reviewed by an Arms Officer, with any contentious files (e.g. those with possible mental health concerns) being considered by a District Review Panel before a firearms licence is issued. Additionally, District Managers conduct random spot checks to ensure compliance and actively follow-up where additional training is required.
- **More comprehensive licence application** – The firearms licence application form has been updated to record more information on a firearms licence applicant, including mental health checks and ex-partner interviews.
- **Information collection interface** – A new firearms system interface has been implemented to support more comprehensive and structured collection of firearms related data, creating a more user-friendly and intuitive process for arms staff.
- **Lessons learned informing design of the Firearms Registry** – Key lessons learned from the Scheme and other operational activity are being considered and incorporated in the design of the Firearms Registry, including a detailed firearms taxonomy (building on the Scheme's pricelist), extensive data cleansing and controls to ensure that each registered firearm is unique, linked to a single possessor.

Impact

Once fully implemented in 2028, the Firearms Registry will provide a significant uplift in data quantity, quality and Police's ability to track legally held firearms within the community - a key aspect of better understanding the landscape as a basis for informing future policy decisions. In the interim interventions have improved the quality of data held within existing systems by improving inputs and reducing user error.

Recommendation 3: Impact

Design and implement a framework to evaluate the extent to which changes to firearms regulations have made New Zealander safer, including taking steps to find out what level of compliance with the scheme has been achieved, and publicly report the findings of future evaluations to ensure that Parliament, and the public have trust and confidence in their administration of firearms legislation.

Context

The intent behind prohibiting military style semi-automatics (MSSAs), high-capacity magazines, and certain types of ammunition, was to make New Zealand safer. The Scheme administered by Police provided the opportunity for people in possession of those firearms at the time the law changed, to hand them in without fear of judgement or prosecution, while being compensated where possession was legal. Following the Scheme and subsequent legislation changes, Police then had greater ability to prevent these types of firearms, parts, and ammunition coming across the border, and seize them when they are encountered through day-to-day policing activities.

Police has established a dedicated task force focussed on firearms harm prevention and enforcement, primarily seeking to reduce the number of prohibited firearms in the community held by non-law-abiding citizens.

Prior the law change, Police was not required to maintain records of this cohort of firearms, parts and ammunition, so does not have a baseline figure against which to definitively assess compliance with the Scheme. In December 2019 the New Zealand Institute of Economic Research (NZIER) was engaged to provide advice as to whether an accurate baseline could be achieved. NZIER concluded: *“even with significant investment ... confidence in the estimated prohibited stock is likely to remain low because, the ease of using parts to modify weapons make the boundaries between prohibited and non-prohibited highly permeable and import tariff categories don’t map readily onto what is and isn’t prohibited.”* Given this, Police has advanced no further work to refine the baseline figure, in order to ascertain compliance with the Scheme. Effort has focussed instead on designing a framework to understand of the current state of prohibited firearms, to the extent possible, and designing a Firearms Registry and supporting operating model to ensure a robust record of all legally-held firearms in the future.

To ascertain the extent to which firearms regulations have made New Zealand safer, Police engaged a consulting firm to develop a Firearms Systems Model. The Model has been designed to help Police better understand the interrelated components of a complex system, by mapping system flows and how they relate to the presence of firearms and firearms-related harm. In time, Police should be able to identify signals of positive change, indicating the effectiveness of interventions on the presence of firearms and firearms-related harm, and establish more robust hypotheses about how the system will behave in response to proposed future interventions.

Ascertaining causality between safety outcomes and legislation change and other Police interventions with a high degree of confidence is challenging in the context of a complex system, whereby not all parts are visible or able to be accurately quantified, and where there are multiple interconnected forces affecting the presence of firearms and firearms-related harm. Nonetheless, the objective is to build a more comprehensive and robust data set that yields insight into how the system operates, meaning over time confidence in cause-and-effect assessments will be more reliable, albeit never definitive due to the inherent nature of systems.

Summary of key actions

- **Firearms seizures and import prevention** – By prohibiting MSSAs and their associated parts and ammunition, police now have the power to seize and prevent imports, reducing the potential number of high-risk firearms in the community.
- **Firearms Systems Model** – The conceptual Model has been designed identifying the key flows impacting the presence of firearms and firearms-related harm, which will provide deeper understanding of the system over time.
- **Information capture** – Information continues to be captured on firearms that are encountered through day-to-day policing activity, which coupled with information on contextual factors identified in the Model, will enable greater insight into the causal factors contributing to a safer New Zealand over time.

Impact

Prevented imports and the number of seizures provide positive indicators that the legislation has been effective. Had the legislation not been changed, those firearms could now exist in the community. Measuring Scheme compliance and the overall safety of New Zealand will always be fraught with imperfect information, but the Firearms Systems Model, once implemented, will provide an evidence-based foundation upon which future legislation, policy decisions and other interventions can be made and measured.