



A Newsletter about the Firearms Control Legislation

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Introducing Chief Provincial Firearms Officers

Helen Pedneault
British Columbia

Henry Vanwyk
Ontario



Helen Pedneault didn't have the benefit of a learning curve when she became Director of Security Programs on December 5, 1991, the same day Parliament passed Bill C-17. It was strictly a baptism by fire.

"It was a tough implementation overall because we were not able to

predict where the pressures would be," says Helen Pedneault. For instance, British Columbia is home to about 25 percent of the practical shooting population in Canada. In anticipation of large capacity magazine restrictions, members of the shooting community held a phone-in campaign in December 1992. "Some callers would tie up the phone lines for half an hour. It was especially difficult for staff who were put in the position of having to defend the legislation, and debate the usefulness of gun control in Canada."

Some stages of the implementation were surprisingly smooth. Earlier this year, a few technical questions about safe storage were raised by collectors, but otherwise it was quiet.

For the most part, public and media reaction was tied to specific events, and one of the most striking indications was the number of phone calls received around key implementation dates. For instance, the number of phone



According to the Chief Provincial Firearms Officer for Ontario, two factors have dictated the office agenda during the implementation of the Firearms Control Program: the federal timetable of key dates and the response from the public.

Ontario has 10 million people served by 112 police services with 18,000 officers, and 187 Ontario Provincial Police (OPP) detachments with 4,550 officers.

Henry Vanwyk is an Inspector with the OPP and has been the province's Chief Provincial Firearms Officer since January 1990. He was able to anticipate to some extent the impact the legislation would have on the workload of the office. Unfortunately, it was nearly impossible to predict public reaction to particular regulations or to identify patterns in public enquiries until the issues actually emerged — a simple proposed word change in a regulation could spark as many as 2,000 enquiries in a month.

Experience shows that it takes six months after an implementation date for the workload to settle down on that issue. In Ontario, calls are still coming in on amnesty follow-up, paramilitary weapons regulations, and standards for genuine gun collectors, for instance.

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Firearms Safety Education Program to be proclaimed on January 1, 1994

On June 28, 1993, the Minister of Justice announced that the implementation of the mandatory Firearms Safety Education Program had been postponed until January 1, 1994. The proclamation was extended to provide additional time for the federal government to finalize the curriculum and produce course materials and for the provinces and territories to train instructors and set up administrative procedures. Once the legislative provision is proclaimed into force, all applicants for a Firearms Acquisition Certificate (FAC) will be required to successfully complete a course or test in the safe handling and use of firearms and in the laws relating to firearms. These courses or tests will be approved by the Attorney General/Solicitor General in the province in which the course or test is administered.

The provinces and territories have yet to decide whether to grandfather

certain provincially sanctioned courses or tests previously taken by an applicant. Also, firearms officers have been given the discretion to certify FAC applicants who have owned a firearm since January 1, 1979 as competent if they are able to satisfy certain regulatory requirements. This provision will be used in rare and exceptional circumstances. The applicant could still be called upon to take the written test to demonstrate personal knowledge of firearms safety and the laws relating to firearms.

One of the most challenging and time-consuming tasks was training approximately 600 individuals whom the provinces and territories can designate as Master Instructors and who will, in turn, train about 4,000 instructors to conduct the firearms safety education course or test for FAC applicants in their respective provinces or territories.

During the three-day master training sessions, held across Canada from April to July, future Master Instructors reviewed the course curriculum, the student and instructor manuals, as well as the teaching aids. One advantage of meeting with such a large number of instructors was that they became a focus group, and suggested many improvements. The edited and simplified teaching material will reflect the expert advice of provincial/territorial officials, interested groups and individuals, and trained instructors.

More information about firearms safety education courses is available through your Chief Provincial or Territorial Firearms Officer.

Helen Pedneault British Columbia

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calls per week increased from the usual 150 to 443 when the first set of amendments became law on August 1, 1992. There were sometimes as many as 800 calls in a week, levelling out at about 550.

Although Ms. Pedneault predicts that the number of telephone calls will never go down to pre-legislation numbers, she and the nine staff members reporting to her on gun control are now able to devote more attention to the routine but important tasks of producing procedures for police and dealing with Crown counsel.

Helen also expects that in the coming months a closer relationship will be forged with gun clubs through such continuing communi-

cations with her office as answering letters and attending speaking engagements.

"The first year and a half was spent fighting fires. I'm now looking forward to the next two years to build a solid process to manage change."

As plans are being finalized for the introduction of the Firearms Safety Education Program, Helen Pedneault's philosophy on this aspect of the legislation sums up her approach to the entire process: "These are important issues, and we'll be as ready as we can for the coming-into-force dates. We'll have to make the process better as we go along."

Erratum

The previous issue of *Aiming for Safety* (March 1993) incorrectly described the procedure for making an appeal when an application for a Firearms Acquisition Certificate (FAC) is refused.

The firearms officer will notify an applicant in writing if an FAC application is refused, noting the reason for the refusal, and provide the applicant with copies of sections 100 (subsections 5 to 13) and 106 of the *Criminal Code*.

The applicant may make a written request, within 30 days, that the firearms officer refer the opinion to a provincial court judge. Upon receiving such a request for a review, the firearms officer must arrange for a hearing.

Gun Availability and Firearms Suicides

Sharon Moyer and Peter J. Carrington
University of Waterloo, July 1992

This study examined suicides committed with firearms to identify common characteristics in cases. As firearms officers determine whether to issue an FAC, or as police investigators consider whether to apply for a firearms prohibition order, this information could contribute to the prevention of suicide.

The research suggests that previous gun control legislation (1977) has had an effect in reducing firearms suicides. Several findings should help to focus suicide prevention efforts. For instance, young people, those with alcohol problems, and individuals who are undergoing several stressful events appear most at risk, especially in rural areas. These individuals should be targeted by programs of public education, safe handling and safe storage.

The findings of this study, along with those of a study on domestic homicides and firearms (see March 1993 issue of *Aiming for Safety*) should help police to better understand who should be prevented from obtaining a Firearms Acquisition Certificate and under what circumstances firearms should be removed from individuals.

Copies of this report may be obtained by writing to: Publications Coordinator, Research Section, Department of Justice, Room 913, 222 Queen Street, Ottawa, Ontario, K1A 0H8.

Police Response to Domestic Violence: A Study of the Use of Criminal Code Provisions Relating to Firearms

Colin Meredith and Chantal Paquette
ABT Associates of Canada, June 1991

The purpose of this study was to determine whether the firearms provisions in the *Criminal Code* were being used by the police to prevent domestic murders. Generally, it was found that although police officers across Canada know how to use the firearms provisions in the investigation of domestic complaints, they in fact use them only sporadically.

The authors discuss the implications of this research for police training and practice. They suggest that in responding to domestic calls, officers should always be aware of the history of previous calls to a residence and of any previously noted firearms. They also state that ... *police policy and training in relation*

to domestic violence should encourage greater use of the search and seizure, and prohibition powers in responding to domestic calls, especially where a risk of further escalating violence is perceived. Officers should be made aware that violence is often part of an ongoing pattern of behaviour in troubled households and that firearms pose a real, if infrequently realized, threat to the safety of abused women.

Copies of this report may be obtained by writing to: Publications Coordinator, Research Section, Department of Justice, Room 913, 222 Queen Street, Ottawa, Ontario, K1A 0H8.

Henry Vanwyk Ontario

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Whenever it was possible to identify common problems or patterns in public enquiries, guidelines were developed for police so that consistent information would be given to people across the province. One of the most frustrating situations for staff dealing with the public was when callers had received conflicting information about regulations from different sources, or when people posed hypothetical questions. "Regardless of how much information is given," Henry Vanwyk remarks, "people still have questions because they regard their situation as unique."

Even with the final regulations to be proclaimed in January,

Henry Vanwyk predicts that it will be at least August, 1994 before things quiet down. "The legal element is only one part of the implementation of Bill C-17. The workload caused by the Bill won't permit us to go back to being a simple caretaker operation. Staff are still exceedingly challenged by volume." The plans for the next year include catching up on policy development, defining more provincial standards, such as increasing training qualifications, and rewriting guidelines that haven't been touched since 1978.

Firearms Acquisition Certificate System implemented

During 1992, the Firearms Control Task Group funded the design and development of an automated information system to assist Chief Provincial/Territorial Firearms Officers in the management and issuance of Firearms Acquisition Certificates (FACs). The automated information system uses state-of-the-art technology to address all aspects of the administration of the new FAC program.

Its major features include:

- daily cash/financial tracking and management;
- FAC information/database management, including data collection and photo and signature imaging;
- search and enquiry;
- FAC card issuance with mailing enclosures;
- monthly reporting to police agencies;
- monthly financial revenue reporting;
- monthly and semi-annual statistical reporting;
- integrated and independent training facility; and
- backup and recovery procedures.

In January 1992, the Department of Justice consulted with the CP/TFOs on system requirements as part of the joint nature of the project. Because of several project constraints, Supply and Services Canada advised the Department to opt for the Solutions Procurement process. A Request for Proposal was issued in March 1992. Nine responses were received and IBM Canada was selected in April as the prime contractor.

Between April and December 1992, IBM Canada and DataCard Canada went through the following project stages: project definition, development of a prototype, applica-

tion testing, system demonstrations to the provinces and territories, system installation, and training for about 65 users in 12 locations.

By January 1, 1993, the automated Firearms Acquisition Certificate System (FACS) was successfully installed in all CP/TFO offices to support the legislation that went into effect on the same date. It will remain as one system in 12 locations, and its software and equipment will not be used for other purposes.

Due to the success of the FACS, the Department conducted a series of demonstrations during April 1993 which were attended by more than 100 people representing the RCMP, the Canadian Police Association, the Canadian Association of Chiefs of Police, and many federal departments. All came to discover the Department's secret to implementing a complicated information system in a short time frame.

Phase II

In May, the task group began the second phase of the project, which involves defining new requirements for functions that were not developed during the initial phase of the system as well as requirements to support new components of the legislation which are scheduled to come into effect in 1994.

The enhancements to the system, which will hopefully be completed before the end of 1993, include the automation of the Firearms Safety Training program information, the management and issuance of Business Permits related to firearms sales and service, and the issuance of corporate FACs.

New regulations implemented on May 1

A number of firearms businesses are affected by two new regulations which came into force on May 1, 1993.

Corporate registration of restricted weapons

Certain corporations are now permitted to register restricted weapons. Among the small number of businesses in Canada that are affected by the amendment are those which use restricted weapons for film and theatrical productions, transport securities or other valuables, or develop and test products related to firearms, such as ammunition.

Previously, registration certificates were issued to individual employees rather than to businesses, and restricted weapons had to be re-registered each time an employee left the corporation.

This amendment will simplify administrative workloads for affected businesses and the RCMP's Firearms Registration and Administration Section by reducing the number of transactions required.

Increase in business permit fees

Permit fees for firearms and ammunition businesses have been increased, the first change to the fee schedule since 1978. The increase is to offset the rising provincial costs of administration relating to police inspection and the issuance of permits to businesses. The new fee schedule ranges between \$25 and \$850 depending on the type of business and the volume of transactions.

The registration of restricted weapons

Issuing restricted weapon registration certificates is an important and essential aspect of Canada's firearms control legislation. The Commissioner of the RCMP has the statutory authority to maintain a registry of every registered restricted weapon in Canada, and to issue, refuse, or revoke a registration certificate. Some details and steps in the registration process may vary, depending on the jurisdiction and individual case, but it remains very much a meticulous process.

The applicant

A restricted weapon registration certificate will only be issued to an applicant who holds a valid Firearms Acquisition Certificate (FAC), is 18 years or older, and resides in Canada. The restricted weapon can only be acquired

- to protect life;
- for use in a lawful profession or occupation;
- for use in target practice through a provincially approved shooting club or according to conditions attached to the permit; or
- to form part of a gun collection or to be classified as a relic.

Permit to convey

A person who purchases or acquires a restricted weapon must obtain a permit to convey the restricted weapon between the point of purchase or acquisition and the office of the local registrar of firearms for examination. Usually, 24 hours is allowed to convey the weapon. However, sufficient time is allowed if the applicant does not reside in the area of the registrar, and a reasonable extended period is allowed for mail-order sales. If the applicant does not reside in the area, an information copy of the Application to Register (C-300) will be forwarded to the local registrar.

It is a statutory requirement for the firearms dealer to possess the purchaser's Permit to Convey as well as the original FAC before a restricted weapon can be mailed, shipped or delivered to that person, even if the weapon is being sent to a police agency to forward to the purchaser.

Application to register

Form C-300 is completed by the local registrar by recording the FAC number; the applicant's full name, date of birth and usual dwelling house or ordinary place of business where the weapon will be kept; an indication if the dwelling house and place of business are the same; and the postal code. The registrar will also determine whether the applicant has any additional restricted weapons, so that the address on existing certificates can be verified and updated.

Registrars must also complete a section of Form C-300 on the description of the restricted weapon, including such information as the serial number, name of the manufacturer or make, model, type, action, calibre, shots, and barrel length. Every restricted weapon must bear a serial number that distinguishes it from other restricted weapons.

Applicants are advised that correct, registered identification is to their advantage in case of loss or theft. This information is also required for the central registry of the RCMP to enable officers to identify the firearm and ensure that it is not a prohibited firearm, as these cannot be registered.

Local registrars may be expected to personally examine each firearm at the time the application to register the firearm is being completed. This is not mandatory: provincial and local authorities may implement procedures to allow a local registrar to forward a registration application to the RCMP when satisfied that the particulars are accurate by means other than a personal examination of the firearm. Incomplete or inaccurate information submitted by local authorities on a registration application would be returned by the RCMP. From an administrative standpoint, having each firearm examined by the local registrar generally serves to minimize the filing of inaccurate applications, which reduces costs and delays for both the RCMP and the applicants.

Screening the applicant

Local, provincial and Canadian Police Information Centre (CPIC) index checks are then conducted to determine whether any relevant information about the applicant has been added since the FAC was issued.

CPIC checks will identify all criminal convictions unless an individual has been pardoned, warrants, restraining orders, refusals and prohibitions. When screening an applicant, local registrars will consider such criteria as maturity, attitude, behaviour, associates, recent convictions or criminal activities.

The fact that an applicant may have a criminal record does not automatically eliminate registration if, for example, offences do not reflect acts of violence or the illegal use of firearms. However, any applicant who makes a false or misleading statement either orally or in writing, or knowingly fails to disclose any information that is relevant to an application for a registration certificate is guilty of an offence. If issuance is recommended despite the knowledge of a criminal record, sufficient detail must be supplied to support the recommendation.

Recommendations for or against the issuance of a registration certificate and the reasons for the decision, stated on the application, are then forwarded by the local registrar to the Commissioner of the RCMP.

If Form C-300 is "not supported" by the local registrar, the application is still forwarded to the Commissioner of the RCMP as required by section 109(7) of the *Criminal Code*. The Commissioner then sends a letter to the applicant stating that the "reason" to register is not supported by the local registrar and advising that the applicant has the right to appeal the decision. (The Department of Justice represents the Commissioner in any court proceedings if an appeal is lodged.) If the local registrar "supports" the reason but does not "recommend" issuance, then after considering all the reports and addressing prohibition under section 100(4) of the Code, the Commissioner may "refuse" to issue via subsection 112(3). Each case is judged on its own merit.

Until a registration certificate is issued, the restricted weapon will be retained by the police or the vendor. Approximately three weeks can be expected from the date the Form C-300 is forwarded by the local registrar to the time the applicant receives the registration certificate in the mail.

Need more information?

If you are unclear on any of the new firearms control laws, contact your local firearms registrar, firearms officer or police service. You may also write to the Firearms Control Task Group, Department of Justice, 222 Queen Street, Ottawa, Ontario, K1A 0H8.
Facsimile: (613) 941-1991.

Brochures:

- Firearms Acquisition Certificates
- Safe Storage, Display, Handling and Transportation
- Barrel Length and Antique Firearms
- Genuine Gun Collectors
- Weapons Prohibited and Restricted by Order-in-Council

Resource materials:

- Part III, Firearms and Offensive Weapons, *Criminal Code*
- Annual Firearms Report (1992)
- Weapons Prohibited or Restricted by Order-in-Council Reference Manual
- Copies of the firearms regulations

Firearms training videos:

Focus on Firearms Legislation

All the key components of the new legislation are summarized in this video, including: new offences, sentencing and prohibition orders, barrel length, antique firearms, converted fully automatics, genuine gun collectors, new FAC rules, Minor's Permits, and regulations concerning the safe storage, display, handling and transportation of firearms.

Safe Storage, Display, Handling, and Transportation Regulations

For both firearms owners and the police, this video presents a visual, understandable explanation of firearms storage, display, handling and transportation regulations for both non-restricted and restricted firearms.

Firearms Acquisition Certificates: Procedures

This video is an excellent tool for law enforcement officers responsible for the administration of FACs and Minor's Permits. It provides a detailed step-by-step explanation of the firearms officer's role from an initial request for firearms, and throughout the application process to the issuance or refusal of the FAC.

Firearms Identification

Learn to identify various types of firearms. This video describes in detail the differences between non-restricted, restricted and prohibited firearms, and how they are classified under the *Criminal Code*. It will be of particular interest to the police, firearms business dealers and gunsmiths.

Firearms Business Permits

How does a prospective firearms business obtain approval? Firearms business inspectors will be particularly interested in this video which tracks the application process

from an initial telephone call from a prospective business, to the completion of forms, the inspection of the business, and finally, the approval or refusal of its application.

Restricted Weapons Registration: Procedure and Permits

This video describes the procedures to be followed to register restricted weapons and issue related certificates and permits. It also highlights the role of the Commissioner of the RCMP and the RCMP Firearms Registration and Administration Section (FRAS) in the registration process. This video will interest firearms registrars and firearms officers involved in the registration of restricted weapons.

Search, Seizure and Prohibition Orders

The particular video is a detailed, yet clear definition of the *Criminal Code* provisions concerning the search and seizure of firearms, and how they can be used more effectively by police officers. It also explains the greater scope that has been given to the courts in issuing prohibition orders, and how police officers can use these legislative provisions more frequently in the interest of individual and public safety.

Firearms Deactivation

A mainly technical, but simple explanation of deactivating firearms is provided in this video, which will be of particular interest to gunsmiths and police forensics experts. The examples use an Israeli I.M.I. "UZI" submachine gun and a 357 Magnum LLAMA Comanche 3 revolver, among others. A deactivation guide is provided with the video.

Verification of Firearms Deactivation

This video provides a technical explanation on how to verify the deactivation of firearms, using the key examples of the previous video. The deactivation of other types of firearms and a simple deactivation guide are provided with the video. Those persons responsible for inspecting firearms for proper deactivation are sure to learn from this video.

Genuine Gun Collectors

Do you want to become a genuine gun collector? This video outlines the new legal obligations that must be satisfied in order to collect restricted weapons. It also reviews how owners of converted fully automatics were allowed to keep these weapons prior to October 1, 1992.

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