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Presentation to the Standing Committee on Public Safety and National Security

C-71 - An Act to amend certain Acts and Regulations in relation to firearms

Remarks by: Directeur Mario Harel (President, CACP), Supt. Gord
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May 29, 2018

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Mr. Chair, members of this distinguished committee. Once again I would like to thank-you for having the Canadian Association of Chiefs of Police present to you today. My name is Mario Harel, and I appear before you as President of the CACP.

I am joined by Supt. Gordon Sneddon who has acted as a firearms advisor to the CACP in addition to his responsibilities at Toronto Police Service looking after Organized Crime Enforcement.

I can't speak to the extremes within this debate where ultimately more guns and more firepower are somehow acceptable while to others the only solution is to prohibit all firearms.

I can only speak to what I believe are a far majority of citizens, who are law-abiding and who balance their individual privileges with the broader right of society.

They understand and support regulations which, as best as possible, place a priority on public safety and the protection of the most vulnerable amongst us.

They, in my view, represent the very premise of what I believe is a just and responsible society.

We believe the Minister of Public Safety has appropriately conveyed a very disturbing trend of gun violence which continues to occur in Canada despite lowering crime rates. Specifically, between 2013 and 2016, there has been a 30% increase in criminal incidents involving firearms. Gun

homicides are up by greater than 60%. Intimate partner and gender-based violence involving the use of a firearm is up by one-third.

Gang related homicides, a majority involving guns, are up by two-thirds. Break-ins for the purpose of stealing guns are up 56%. In 2016, 31% of all gun-related homicides involved the use of non-restricted firearms.

Without action, we do not see any changes to this growing trend. We need protections to help mitigate the impact of the worst outcomes of gun violence, even if those protections place requirements on law-abiding firearm owners.

It is important to state up-front, we support this legislation not because it is panacea to fight gun violence, but because it is part of an overall strategy to help prevent victimization by way of a firearm.

To the best of our ability, we need to minimize the opportunities overall for criminals to continue to reek havoc on our streets, not only in major centers like Toronto and Vancouver, but throughout Canada.

There is no doubt that further action is required and we, as police leaders, will be developing a broader position in the future.

I would like to highlight a few of the areas of the bill which we believe are very important and offer a few amendments to further strengthen it. I do so from the lens of law enforcements core responsibilities, “the safety and security of all Canadians.”

Eligibility to hold a firearms license:

This legislation changes enhanced background checks on those seeking to acquire firearms beyond 5-years so the applicant's **full record**, as it relates to violence and criminal behaviour, can be taken into account.

We are very supportive of this change and, in fact, we would support calls for physicians to be required to advise authorities if, in their expert opinion, they felt that a person should not be in possession of a firearm for the safety of themselves or the public. This is much like the concept of revoking a driver's licence given health concerns.

License Verification:

The requirement that when a non-restricted firearm is transferred, the buyer must produce his/her firearms license and the vendor must verify its validity is critical in our view.

Currently license verification is voluntary and, unfortunately, non-restricted firearms are being sold or given to individuals without appropriate verification taking place. Too often we witness these firearms getting into the hands of those who are subject of prohibition orders or bound by recognizance. This is particularly noticeable when it comes to domestic violence cases.

Additionally we have seen cases where a stolen or fraudulently obtained license was used in online sales to purchase firearms.

As domestic firearms trafficking cases increase this will also allow police to better identify mass purchases of firearms

where the purchase patterns suggests illegal resale of firearms.

The ability to trace non-restricted firearms that have been used in crime will be improved.

Record-Keeping by Vendors:

Most reputable businesses are already doing this for their own purposes.

Since the end of the long gun registry the police have been effectively blind to the number of transactions by any licensed individual relating to non-restricted firearms.

The absence of such records effectively stymies the ability to trace a non-restricted firearm that has been used in crime. The tracing of a crime gun can assist in identifying the suspect of a crime and criminal sourcing (trafficking network).

When the serial number is known, the Canadian National Firearms Tracing Centre (CNFTC) can provide the information about the vendor where the originally sale took place. A Production Order must still be used to obtain the information about the buyer from the vendor

The CACP submits the standard to obtain such a specific order be amended from “reasonable grounds” to “reason to suspect.”

In the United States, it is interesting to note that they federally mandate each store to track and keep the records of sales. The US authorities also state one of their biggest

issues is the sale of firearms through the secondary market i.e. gun sales that are not recorded.

Transportation of prohibited and restricted firearms:

The CACP appreciate and support this change as a positive step. With the change to the legislation it means that discretion is afforded to the Chief Firearms Officer in determining limitations on the transporting of firearms.

It was our view that the prior change that allowed automatic authority to transport was too broad and allowed too much latitude for abuse.

In practical terms it allowed the license holder to carry the firearm at all times if they were not forthcoming about their purpose and intent.

It also allowed for a false defense to be articulated at trial suggesting that the firearm was being transported to a border crossing, a gun show, and a gunsmith. In short it provided an escape route to a person who is willing to break the law.

Restoring a system in which Parliament defines the classes but entrusts experts in the Royal Canadian Mounted Police (RCMP) to classify firearms.

We support elected officials determining firearm classes, however, we must rely on the professional expertise provided by the RCMP to classify firearms and do so without political influence. Their only impartiality lies in public safety

which, as I stated earlier, must be given priority over individual privileges.

The CACP also welcomes clarification of section 115 of the Criminal Code relating to automatic forfeiture. This clarifies that court orders to take firearms out of the hands of criminals and unsafe persons include any of the firearms already held by law enforcement.

Allow me to finish with the following.

We respect the debate that has occurred and the opposition of our views by those who simply want to hunt and engage in the sport of shooting. We do not wish to punish law abiding citizens for the actions of criminals, however, we want law abiding citizens to accept their responsibilities and adhere to a set of laws and regulations targeted towards the safety and security of all Canadians.

Firearms are increasingly showing up on our streets, gang members show no quandary at all in terms of callously using a firearm in an attempt to settle scores. Domestic violence, where firearms are used continues to grow. We have more than 500 gun-related suicides each year.

In too many cases, when disputes arise, firearms are being used. We see that happening south of our border. We need to put in measures to ensure it does not happen here in Canada.

Thank-you.

