

Illegal Firearms Task Force

Final Report



A report to the
Minister of Public Safety and
Solicitor General of British Columbia
September 30, 2017

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LETTER OF TRANSMITTAL

September 30, 2017

The Honourable Mike Farnworth
Minister of Public Safety & Solicitor General
Parliament Buildings
P.O. Box 9044, Stn Prov Govt
Victoria, BC V8W 9E2

Dear Minister:

I am pleased to provide you with the final report of the Task Force on Illegal Firearms.

The Task Force was appointed to investigate and report findings and recommendations that would help the Government of B.C. respond to the public threats posed by the use of illegal firearms in the province. This report outlines our findings and presents for your consideration the actions that we believe would be effective and actionable within the context of the law enforcement, educational and social conditions prevailing in B.C. today.

Among its key recommendations, the Task Force proposes that B.C. adopt a firearms-focussed approach that would align the priorities of the intelligence, enforcement and regulatory agencies dealing with illegal firearms to focus on those who acquire, possess, traffic and use illegal firearms. The infrastructure for this approach already exists within B.C.'s law enforcement agencies.

The Task Force also proposes an innovative approach that would tackle the threat to the public posed by the use of firearms in motor vehicles. This approach would develop initiatives based on promoting road safety by imposing sanctions up to the seizure of a driver's licence and vehicle when they are used in conjunction with illegal firearms.

The Task Force received information relating to a wide variety of specific circumstances and makes several recommendations to deal with issues relating to policing, legislative and policy changes, education and prevention.

The Task Force also heard and supports a variety of strategies for preventing firearms violence through better sharing of information and community intervention in cases involving domestic violence, mental health, suicide and related social issues.

I would like to express my sincere thanks to the members of the Illegal Firearms Task Force, who provided time from their very busy schedules to contribute to our meetings and to research the material for this report. Additionally, I would like to thank the many persons

who have given their valuable time through countless personal and telephone meetings and through the sharing of material and best practices from across Canada.

The submissions and recommendations of the many contributors were greatly enhanced and corroborated by the literature review conducted by Dr. Irwin Cohen and his team from the University of the Fraser Valley in 2016. I would like to thank Dr. Cohen and the University of the Fraser Valley for their work, and also for Dr. Cohen's continued participation in the Task Force for the duration of its work.

The project was led by Tom Steenvoorden, Director, Policing and Security Branch, Ministry of Public Safety & Solicitor General. It was managed by Loretta Smith, A/Director, Policing and Security Branch, Ministry of Public Safety & Solicitor General. Their leadership and participation were instrumental in the completion of this report.

The project also benefited greatly from the many contributions of Richard Banner from Polestar Communications Inc.

It is my sincere hope that this report, its recommendations and continued engagement with the many dedicated experts who participated in it will provide an outline for systemic action. These recommendations support new and innovative approaches, as well as ongoing activities, to combat illegal firearms and the violence that results from their use in B.C.

It has been a privilege to work with the many dedicated professionals who act so tirelessly to prevent illegal firearm violence and defend public safety in B.C. and Canada.

Sincerely,



Wayne Rideout, M.O.M

(RCMP Assistant Commissioner) Retired

Illegal Firearms Task Force

EXECUTIVE SUMMARY

British Columbia continues to experience troubling and highly dangerous incidents of firearms violence that have resulted in numerous deaths and injuries. Highly public and brazen acts, often linked to organized crime and gangs, place innocent members of the public at risk, create fear, hardship and tragedy for the individuals and communities affected, and impose substantial burdens on public resources.

The Government of B.C., in an enhanced provincial strategy to combat guns and gangs, convened an Illegal Firearms Task Force to make recommendations for action to the B.C. Minister of Public Safety & Solicitor General.

The Task Force, consisting of provincial experts with a wide range of experience in managing illegal firearms and organized crime, reviewed and analyzed the existing published research, interviewed numerous individuals and organizations, and conducted community consultations around B.C. It reviewed the information presented and developed recommendations addressing both specific issues that had been identified and broad strategic approaches.

Four themes

The recommendations fall into four themes:

Theme #1: Strategic Approaches

Coordinating and focussing the efforts of the diverse agencies that work to reduce crime and enhance public safety will ensure the most effective use of resources and the greatest impact in limiting the availability and use of illegal firearms. Action categories include:

- **An illegal firearms-focussed approach** – Alignment of existing and enhanced resources in order to improve outcomes relative to illegal firearms trafficking, their availability to criminals and the manner in which they are used by organized crime
- **Road safety and illegal firearms** – Road safety initiatives to reduce the incidence of illegal firearms possession in motor vehicles and the concurrent use of illegal firearms and motor vehicles to carry out organized crime violence
- **Provincial Tactical Enforcement Priority** – Leveraging the innovative and unique capabilities of the Provincial Tactical Enforcement Priority model to maximize intelligence, disruption and enforcement of illegal firearms traffickers and the targeting of those who use firearms to support violent organized crime activity
- **Firearms tracing hub and labs** – The enhanced and timely analysis of all recovered firearms and the determination of their potential association with crime to provide investigative information and strategic intelligence
- **Alignment of law enforcement policy** – The alignment and modernization of law enforcement policy with the education of law enforcement officers and Crown

prosecutors to realize strategic objectives related to illegal firearms trafficking and the use of illegal firearms in violent crimes

- **“Bar Watch” programs** – Expansion of a successful Vancouver program to deter and mitigate gang and firearms violence within licenced liquor establishments throughout the province

Theme #2: Legislative Initiatives

Firearms possession and the criminal use of firearms are primarily governed by federal legislation. The Task Force has made several recommendations related to the enhancement of federal legislation and the creation of provincial legislation in order to reduce the risks of illegal firearms use. Action categories include:

- **Quebec’s mass shooting and firearms violence mitigation: A model for provincial actions** – Legislation that enhances the ability of law enforcement and partner agencies to identify and prevent firearms violence through the timely sharing of information
- **Imitation firearms** – Legislation to control the access and use of readily available imitation firearms; to limit their risk to communities, first responders and those who possess them; and to disrupt early patterns of illegal firearms use by youth
- **Straw purchasers and point-of-sale recordkeeping** – Legislation requiring sellers to keep records of firearms sales (not a central registry), enhancing the ability of judicially authorized law enforcement to trace crime guns, collect firearms trafficking intelligence and deter firearms traffickers
- **Manufacture of untraceable firearms** – Legislation to prohibit access to unmarked firearms parts and parts that can be assembled into illegal firearms

Theme #3: Education and Prevention

Focussed efforts by a wide range of stakeholders and agencies working with the public, industry and communities will create awareness, build resilience and reduce the acquisition, availability and use of illegal firearms in B.C. communities. Action categories include:

- **Safe schools, student and parent education** – Leveraging existing school-based programs to disrupt potentially violent antisocial behaviour, including the use of firearms, and to ensure the understanding of educators and parents on the factors and indicators related to violence prevention
- **Community-based programs – Rural and First Nations communities** – Tailored community-based strategies designed to recognize the specific risks associated with communities in which firearms are readily available and which experience violence and organized crime involving firearms
- **Canadian Firearms Program compliance strategies** – Enhancing compliance efforts pursuant to the firearms regulations designed to prevent and deter illegal firearms trafficking

- **Registration issues from the former Restricted Weapons Registration System** – Initiatives to reduce the large number of restricted and prohibited firearms that are not in compliance with current registration requirements and no longer under the oversight of the Canadian Firearms Program

Theme #4: Data Collection and Information Sharing

The purposeful collection of intelligence from a variety of sources will inform prevention, enforcement and disruption efforts by all stakeholders against the trafficking, possession and use of illegal firearms. The Task Force has made recommendations in two action categories, including:

- **Intelligence and data quality** – Assigning a lead intelligence agency and data warehouse to coordinate all intelligence collection, assure data quality and facilitate analysis related to the trafficking, possession and use of illegal firearms
- **PRIME-BC access by all key stakeholders** – Providing necessary access to B.C.'s own Police Record Information Management System (PRIME-BC) to key agencies engaged in illegal firearms prevention, enforcement and disruption

The findings of the Task Force are summarized below in this executive summary, and described in greater depth in the full report and appendices that follow.

* * *

This report is organized into six parts including:

- Background
- Literature Review
- Gangs and Organized Crime in B.C.
- Findings and Recommendations
- Complementary Broad-based Prevention and Awareness Strategies
- Conclusion

There are also five appendices:

- Appendix 1: Recommendations of the Illegal Firearms Task Force
- Appendix 2: Members of the Task Force
- Appendix 3: Individual Consultations
- Appendix 4: Literature Review
- Appendix 5: Acronyms

INTRODUCTION

Purpose of the Task Force

The number of firearms offenses has continued to decline in B.C. since the early part of this century. Nonetheless, recent spikes in firearms-related homicides and attempted homicides related to gang violence and the drug trade have led B.C. residents to grow increasingly concerned with gun violence in their communities.

In response, the Government of B.C. in April 2016 announced several initiatives as part of an enhancement to B.C.'s Guns and Gangs Strategy. Funding and other initiatives were provided to bolster public safety in communities that have experienced spikes in violent gang activity. These initiatives took a three-pillar approach focussed on:

- Supporting effective enforcement and prosecution
- Furthering community safety and public engagement
- Expanding laws and sanctions targeting illegal guns and gang violence, profits and property

The announcement built on the existing Guns and Gangs Strategy through integrated police teams, anti-gang initiatives and police- and community-led programs that engage and educate at-risk youth. In announcing the strategy, the Ministry of Public Safety & Solicitor General pointed out that:

- In 2015, there were over 2,000 incidents involving the criminal use of firearms in B.C.
- These incidents included such offences as homicide, attempted homicide, robbery, assault, uttering threats, break and enters and careless use
- During the investigation of these incidents, over 3,000 illegal firearms were seized by law enforcement personnel

One initiative under the approach was the creation of an Illegal Firearms Task Force to study and strengthen provincial and federal programs related to illegal firearms. The key objectives of the Task Force were to:

- Examine current provincial and federal legislation, interdiction and enforcement policies
- Identify gaps and needs to combat illegal possession and illegal use of firearms within B.C.
- Develop a report with key findings and recommendations to be presented to the Minister of Public Safety & Solicitor General

For the purposes of this Task Force, illegal firearms are:

- Firearms that were illegally acquired or possessed
- Firearms that were used in the commission of a crime or suspected of being used in a crime
- Firearms that were illegally modified or have an obliterated serial number

The focus of the Task Force was on the possession, use and trafficking of illegal firearms and the use of legal firearms in illegal and harmful ways.

The Task Force did not examine lawful possession or use of firearms.

Methodology

The Task Force was made up of senior subject matter experts from a wide variety of agencies and organizations responsible for the enforcement and administration of firearms legislation. Many also were responsible for the prevention, enforcement and investigation of violent crimes resulting at least in part from the use of illegal firearms. The Task Force also benefitted from the participation of municipal community safety managers, schools and provincial health and education agencies. (See Appendix 2 for a list of Task Force members.)

The Task Force conducted initial research by contacting a wide range of individuals from law enforcement and community backgrounds to explore the nature of the issue. It also commissioned a review of published literature from members of the University of the Fraser Valley on the strategies and processes that have been used in Canada and internationally to reduce or remove illegal firearms from circulation. (See Appendix 4.) Research, discussion and analysis were based on data up to March 31, 2017.

Members of the Task Force met frequently to review existing programs and practices and the results of ongoing research and consultations. The Task Force also convened community consultation meetings around B.C., in Victoria, Surrey, Kelowna, Williams Lake and Prince George, to gather additional information and advice. In addition, the Task Force interviewed experts from organizations across Canada and representatives of U.S. law enforcement agencies to learn about practices and experiences from other jurisdictions.

Members of the Task Force drafted recommendations based on the experience and practices of their organizations, their own expert knowledge and the research and advice received during consultations. The Task Force reviewed proposed recommendations at its meetings. The final recommendations represent the best, considered advice to the Government of B.C. on practical actionable strategies to control and reduce the use of illegal firearms within the conditions that currently exist in the province of B.C.

Focus

The Task Force worked to identify the risks associated with illegal firearms and to develop pragmatic solutions that build on existing programs and strategies. It also identified the need for legislative changes, ranging from existing legislation that has not yet been put into effect to amendments to the *Criminal Code* and the *Firearms Act* (Canada). The Task Force also identified areas in which provincial legislation could reduce the risks of illegal firearms use.

The Task Force sought to understand the successes and strategies employed elsewhere in Canada and in the world. Many of the recommendations are based on an understanding of the way in which illegal firearms are central to organized crime groups, gangs and criminals. The unique circumstances of organized crime in B.C. confirmed the need to rely on strategies specific to B.C.'s problem.

In addition to the firearms violence carried out by organized crime and gangs, the Task Force focussed on many specific issues relating to illegal firearms and strategies, including:

1. Illegal firearms trafficking
2. Theft of firearms and their use in crime
3. The possession and use of firearm parts that have no identifying marks
4. The increased presence and antisocial use of imitation firearms
5. Mandatory tracing of crime guns
6. Road safety issues related to gangs, illegal firearms and vehicles
7. Enhanced regulatory compliance
8. Formerly legal firearms that have not been registered and are now illegal
9. Alignment of intelligence and access to meaningful data and performance metrics
10. Sustained cross-border activities
11. A firearm-focussed approach and priority
12. Strategic policy development
13. Education of law enforcement officers and Crown prosecutors
14. Innovative technology
15. Mass shooting prevention
16. Safe schools
17. Prevention and education strategies
18. Community engagement programs
19. Links to health, suicide and domestic/family violence

Many of the recommendations of the Task Force relate to more than one risk area.

Contents of the report

The report is organized into six sections:

- A background section, including:
 - An snapshot of the current firearms regulatory regime
 - A discussion of the structure of policing in B.C. and Canada, with a particular focus on law enforcement agencies that play key roles in restricting illegal firearms
 - A brief review of the governance mechanisms for policing in B.C.
 - Examples of related law enforcement activities beyond B.C.
- A brief summary of the University of Fraser Valley literature review (See Appendix 4)
- Review of recent trends relating to gangs and organized crime in B.C., including:
 - A discussion of the unique features of gangs and organized crime in the province
 - A summary of the development of B.C.'s enforcement strategies
 - The evolution and current state of organized crime in B.C. and policing responses to it
- Findings and recommendations
 - A review of the issues related to 16 topic areas under four themes
 - Recommendations to respond to each of the topic areas
- Complementary broad-based prevention and awareness strategies
 - Previous reviews or legislative initiatives into illegal firearms
 - Working groups that could be formed to assist the implementation in specific topic areas
 - Initiatives to improve public awareness of issues relating to illegal firearms
 - Discussion of questions relating to the enforcement and prosecution of offenses relating to illegal firearms in B.C.
 - Discussion of broad initiatives to prevent firearms violence through cross-ministry coordination and prevention activities
 - Review of technological advances that could be of interest in future strategies to control illegal firearms
- Conclusions

There are also five Appendices including:

- Appendix 1: Recommendations of the Illegal Firearms Task Force
- Appendix 2: Members of the Task Force
- Appendix 3: Individual Consultations
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BACKGROUND

The B.C. Coroners Service reports that in 2015 B.C. had 132 deaths involving firearms, the highest number since 2008 (See table below). These are almost entirely homicides and suicides. Few of these fatalities tend to be from accidental or other causes.

Total Firearms-related Deaths in B.C.

	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016 [*]
Accidental	2	3	6	0	1	3	3	2	2	2	2
Homicide	30	35	48	56	34	21	20	21	29	25	24
Suicide	78	67	79	70	80	67	79	86	81	103	85
Undetermined	0	0	1	1	0	0	1	0	1	2	0
Total	110	105	134	127	115	91	103	109	113	132	111

SOURCE: B.C. Coroners Service, Fire Arms Related Deaths in BC, 2006-2016 (YTD). September 2017.

* 2016 data is incomplete and may change subject to on-going investigation.

Firearms regulation

The lawful importation, ownership, use and sale of firearms in Canada are governed by a variety of federal legislation including the *Firearms Act* (Canada) and regulations, the *Criminal Code* and a variety of other federal and provincial legislation.

A number of law enforcement and regulatory agencies oversee and enforce laws related to firearms. The Canadian Firearms Program (CFP), managed by the RCMP, administers the *Firearms Act* (Canada) and regulations. Chief Firearms Officers (CFOs) have the authority under the *Firearms Act* (Canada) to approve, refuse or revoke individual and business firearms licences, authorizations to transport and carry, and approvals of shooting clubs and ranges.

The CFP administers and manages restricted and prohibited firearms through its licensing and registration requirements. Persons lawfully possessing prohibited and restricted firearms must be qualified to possess them. The continued possession, location, sale or transfer of the firearm is tracked through the CFP.

Restricted firearms include:

1. Handguns that are not prohibited
2. Semi-automatic, centre-fire rifles and shotguns with a barrel shorter than 470 mm
3. Rifles and shotguns that can be fired when their overall length has been reduced by folding, telescoping or other means to less than 660 mm
4. Firearms restricted by *Criminal Code* regulations

Prohibited firearms include:

1. Handguns with a barrel length of 105 mm or less and handguns that discharge .25 or .32 calibre ammunition
2. Rifles and shotguns that have been altered by sawing
3. Fully automatic firearms
4. Converted automatic firearms
5. Firearms prohibited by *Criminal Code* regulations

Non-restricted firearms or ordinary rifles and shotguns are not subject to registration. Often known as “long guns,” they are commonly used for hunting, sporting or other lawful purposes. Any individual who has obtained a Possession and Acquisition Licence (PAL) can acquire a long gun. Many sporting goods and firearm retailers routinely advertise them for sale. When a long gun is sold in Canada, retailers are not required to record the buyer’s identification or PAL, or the make, model and serial number of the firearm. Long guns cannot be traced by law enforcement and are not subject to regulatory oversight.

The CFP reports the following numbers of possession and acquisition licences and restricted and prohibited firearms registered in B.C. as of May, 2016 (See tables below).

Valid licences by class of firearms

Licences	Non-restricted	Restricted	Prohibited	Total
Possession and Acquisition Licence	151,755	110,142	8,930	270,827
Minor Licence	808	0	0	808
Total	152,563	110,142	8,930	271,635

Source: Canadian Firearms Program, Firearms Profile for British Columbia, May 2016.

Valid registered, restricted and prohibited firearms by class and type

Firearm Type	Restricted	Prohibited	Total
Handgun	136,056	22,875	158,931
Rifle	11,747	1,810	13,557
Commercial Version	484	74	558
Submachine Gun	3	444	447
Other	50	204	254
Total	148,340	25,407	173,747

Source: Canadian Firearms Program, Firearms Profile for British Columbia, May 2016.

Law enforcement and regulation

Many government departments, community, health, education and social service agencies, as well as policing and intelligence bodies, play key roles in restricting illegal firearms and protecting public safety in B.C.

Public Safety Canada

Public Safety Canada coordinates federal departments and agencies responsible for national security and the safety of Canadians. It also works with other levels of government, first responders, community groups, the private sector and other nations to promote safety and security initiatives.

Public Safety Canada oversees several agencies reporting to the Minister of Public Safety and Emergency Preparedness, including the Canada Border Services Agency (CBSA) and the RCMP.

B.C. Ministry of Public Safety & Solicitor General

B.C.'s Ministry of Public Safety & Solicitor General has responsibility for public safety, policing and crime prevention in the province, including a wide variety of additional initiatives such as the Civil Forfeiture Office, anti-violence programs, the B.C. Coroners Service and RoadSafetyBC.

National Police Services

The National Police Services (NPS), administered by the RCMP, provides supporting services for all police agencies. These include the Criminal Intelligence Service Canada (CISC) and its provincial bureaus. In B.C., the bureau is Criminal Intelligence Service B.C. (CISBC), which collects intelligence and reports on organized crime provincially.

While Canada has a national strategy to combat terrorism, which aligns various agencies and activities, Canada does not have a similar national strategy to combat organized crime. Law enforcement agencies and Public Safety Canada prioritize strategies created through committees consisting of senior leadership in the province and representatives of all major agencies, including the RCMP.

RCMP federal force

The RCMP is Canada's federal police force, responsible for enforcing federal statutes across the province. This responsibility includes border integrity, national security, drug enforcement, serious and organized crime, financial crime, diplomatic and VIP protection, air carrier security and international policing. CBSA shares responsibility for federal law enforcement and border integrity.

Federal policing, through international organized crime strategies, plays a key role in combatting organized crime and illegal firearms violence.

Federal policing resources located in B.C. report to the commanding officer of the B.C. RCMP, but have accountability to the RCMP national headquarters for delivery of nationally prioritized investigations.

Over the past six years, a series of federal budget reductions, starting with the federal Deficit Reduction Action Plan, resulted in year-over-year reduction of human resources and the dispersal of federal enforcement officers into other responsibilities. These reductions and the priority placed on terrorism prevention and investigation have influenced federal policing in B.C.

Given the high percentage of illegal firearms sourced from the U.S., sustainable cross-border partnerships are critical. This often involves working with the U.S. Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), which traces U.S. manufactures from the serial number on a firearm, and often leads to American distributors, retailers and gun shows or to Canadian distributors or retailers.

Federal policing resources to support CBSA and U.S. policing agencies that interdict illegal firearms and respond to organized crime is critical.

National Weapons Enforcement Support Team

The RCMP's National Weapons Enforcement Support Team (NWEST), a branch of the Canadian Firearms Program, provides investigative assistance to law enforcement agencies investigating firearms offenses, under the direction of the national headquarters. It also provides guidance to officers on investigations and education to frontline officers in RCMP and municipal detachments. Working with the Canadian Firearms Program Chief Firearms Officer and the police of jurisdiction in a Safe City initiative, NWEST identifies holders of lapsed licences for restricted firearms and seeks voluntary compliance with existing regulations.

In 2015, NWEST found 2,468 substantive firearm incidents in B.C. law enforcement records management systems. It found a total of 3,195 firearms seized by law enforcement agencies, as detailed in the table.

Firearms seized by law enforcement in B.C. in 2015

	Rifles	Shotguns	Pistols	Other	Pellet, etc.
Lower Mainland District	520	256	199	97	86
North and South District	924	257	145	26	65
Island	385	118	65	24	28
Total	1829	631	409	147	179

Source: Canadian Firearms Program, Criminal Use and Seizures of Firearms in British Columbia, 2015.

Combined Forces Special Enforcement Unit – B.C.

Several integrated police units and structures operate throughout the province to provide specialized police services through multi-agency collaboration. This allows more effective work across jurisdictions, efficiency of operations, enhanced information-sharing and consolidation of efforts.

The Combined Forces Special Enforcement Unit–B.C. (CFSEU-BC) has a mandate to target, investigate, prosecute, disrupt and dismantle the organized crime groups and individuals that pose the highest risk to public safety due to their involvement in gang violence. It is made up of police officers and civilian specialists from several municipal, RCMP and other law enforcement agencies.

The Organized Crime Agency of B.C. (OCABC) is responsible for providing designated policing and law enforcement to reduce and eliminate organized crime and other significant criminal activity in B.C. Operating under the command structure of the CFSEU-BC, it is a designated police agency with its own contingent of sworn law enforcement officers and civilian personnel. With dedicated permanent positions, its staff are not subject to returning to other law enforcement agencies, and can maintain a high level of expertise within the agency.

Real Time Intelligence Centre

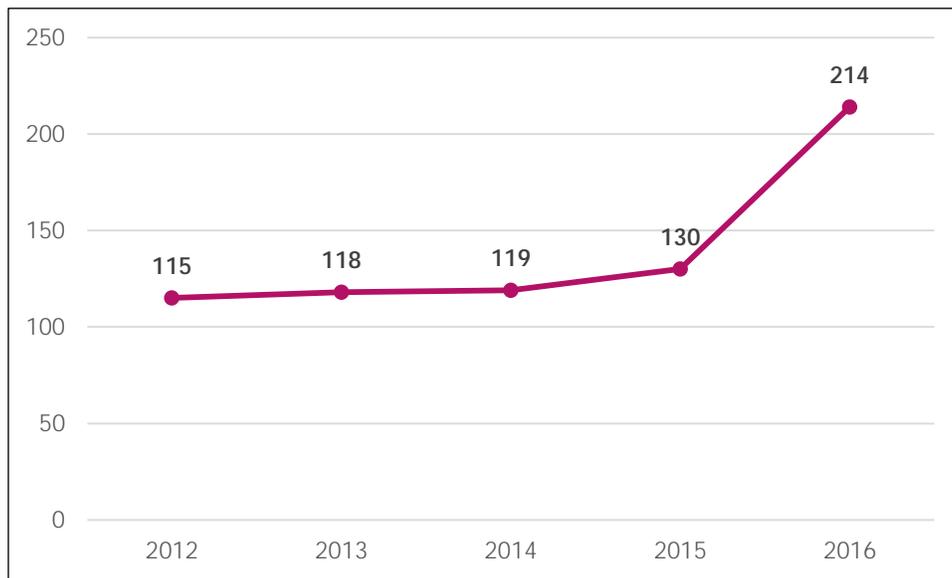
B.C.'s Real Time Intelligence Centre (RTIC) is an integrated unit that includes resources from the RCMP, municipal police and other key federal and provincial agencies. Its mandate is to enhance public safety by providing real-time operational support to frontline police officers and investigators, particularly during incidents that pose a substantial risk to public safety, such as firearms incidents, gang violence, murders, assaults, armed robberies and acts of terrorism.

Canada Border Services Agency

The Canada Border Services Agency (CBSA) manages the access of people and goods to and from Canada by providing integrated border services at land-border crossings, international airports and marine sites, as well as international mail processing centres.

By federal agreement, CBSA is responsible for investigating firearms smuggling that occurs through a CBSA port of entry, while the RCMP is responsible for investigating firearms smuggling elsewhere. Countering firearms smuggling is one of the top enforcement priorities of CBSA. In 2016, CBSA in the Pacific Region (BC and the Yukon), seized 214 smuggled firearms and laid charges against 63 individuals for smuggling firearms.

The number of seizures involving firearms is increasing in the Pacific Region.



Firearms Seizures – CBSA Pacific Region, 2016

Source: Canada Border Services Agency, unpublished data.

Canadian Firearms Program and B.C. Chief Firearms Officer

The Canadian Firearms Program (CFP) administers the *Firearms Act and Regulations* (Canada), provides specialized supports to law enforcement and encourages firearms safety. The RCMP is responsible for managing the CFP. Each provincial and territorial government chooses whether to administer the program itself. Previously, the province of B.C. administered the program, but since 2002 it has opted for federal administration. Thus, the Chief Firearms Officer (CFO) in B.C. holds a federal position and designation and not a provincial one.

The CFP CFOs rely primarily on information from police and the courts, self-disclosure and unsolicited reports to determine if an applicant is eligible for a licence. Courts inform the CFO of all firearms prohibition orders made, varied or revoked, and the CFO acts immediately on court orders to revoke valid documents and refuse pending applications. Additionally, in B.C., the CFO has access to the provincial Protection Order Registry and B.C. Review Board orders that contain firearms conditions.

Police data systems generate Firearms Interest Police (FIP) events to alert CFOs of information that may be relevant to licence eligibility. CFP staff can only query police file numbers associated with FIPs, but if they become aware of other police records relating to an individual, they must submit a request for disclosure.

RCMP Provincial Police Force

The Government of British Columbia contracts the RCMP to act as B.C.'s Provincial Police Force. The Provincial Police Force includes detachment policing and provides local police services to municipalities under 5,000 population and unincorporated (rural) areas throughout the province. These services include uniformed patrols, response-to-call duties, investigative services, community-based policing, traffic enforcement and administrative support to provincial detachments.

The Provincial Police Force also provides the capacity to target organized crime, gang violence and serial crimes; resolve high-risk incidents; enforce traffic regulations on all provincial highways; and provide security and policing services for large-scale community events and emergencies.

The RCMP Provincial Police Force receives an annual mandate letter from the B.C. Minister of Public Safety & Solicitor General, and provides an annual performance report outlining its accomplishments related to strategic objectives. The Provincial Force incorporates provincial priorities and federal priorities to form an RCMP strategic plan. All branches of the Force contribute to the plan, delivering performance outcomes.

The Provincial Force contributes to and complies with provincial policing standards (described below).

Municipal policing

Municipalities with a population of 5,000 or more must assume responsibility for their own police services, either through their own municipal police department or by contract with an existing police service. Municipal police departments provide services in 12 B.C. municipalities. RCMP municipal forces provide services in 62 municipalities. Many municipal police services have their own investigative and intelligence specialists who are well versed in gangs and organized crime.

Other policing

Several other agencies provide policing for specific purposes, including the South Coast British Columbia Transit Authority Police Service (SCBCTAPS) and the Canadian National and Canadian Pacific railway police forces. The RCMP also provides enhanced police services at the Vancouver International Airport.

A First Nations policing program provides accountable and effective policing services that are culturally sensitive and responsive to the particular needs of First Nations communities.

Policing governance and standards

A wide variety of agreements, regulations and legislation determines how B.C.'s police forces receive direction.

The B.C. Provincial Police Services Agreement

The Governments of Canada and B.C. set out the duties and responsibilities of the RCMP in B.C.'s provincial and municipal policing services through a 20-year Provincial Police Service Agreement (PPSA). Under the agreement, the Province and participating municipalities establish the level of resources, budget and policing priorities in consultation with the RCMP. The RCMP is responsible for delivering on the policing priorities within the established budget.

The 2012 PPSA defines specific terms of accountability and governance, enhanced reporting and meaningful consultation.

B.C. policing standards

B.C.'s Director of Police Services has the power under the *Police Act* (B.C.) to establish policing service standards. These standards create specific baselines for all B.C. police, which each agency's training, policy and service delivery must meet or exceed.

B.C. Association of Chiefs of Police

The B.C. Association of Chiefs of Police (BCACP) is the primary police management association in the province, mirroring similar structures throughout Canada. It takes part in the Canadian Association of Chiefs of Police (CACP). Both the CACP and BCACP address key policing issues in setting policies and standards, making recommendations for improvement and coordination among agencies.

Canadian Association of Chiefs of Police

The Canadian Association of Chiefs of Police (CACP) works to support and promote efficient law enforcement and to protect the security of the people of Canada. The CACP is a national association, but its interests and concern have relevance to police at municipal, regional, provincial and federal levels.

The CACP works through the activities and special projects of its committees and through active liaison with various levels of government responsible for law and policing. It receives reports on initiatives and committee work at its annual conference, and votes on resolutions. In many cases, these form the basis of the association's ongoing work.

Key CACP members participate in the International Association of Chiefs of Police (IACP).

Beyond B.C.

The experience of law enforcement agencies beyond B.C. provides perspective on the control of illegal firearms within the province. The Task Force contacted a wide range of Canadian law enforcement agencies, as well as U.S. law enforcement.

Agencies across Canada have a variety of intelligence and investigative structures to combat organized crime and illegal firearms. With the exception of Ontario, most were

similar to B.C. in that they used dedicated investigative teams to target organized crime and gang activity but had few resources specifically dedicated to illegal firearms.

Most agencies make public safety threats resulting from gun violence a priority, but most firearms seizures generally arise from drug investigations or other activities. Firearms investigations are driven by intelligence, analysis, and source development. Most agencies enjoyed strong relationships with Crown prosecutors and used existing organized crime provisions within the *Criminal Code* to disrupt the trajectory, influence and power of crime groups. This approach reduces overall high-risk violent crime, but requires complex strategies and techniques, disclosures and prosecutions.

The Ontario approach

Following a dramatic and very public increase in the use of firearms related to gang and organized crime activity, Ontario established a highly focused approach, creating the Integrated Gun and Gang Task Force (IGGTF) within the Greater Toronto Area. The IGGTF is a gang-focussed enforcement unit that targets illegal firearms, using a fully coordinated approach, aligning available regulatory data, intelligence gathering, analysis and proactive targeting to interdict the use and source of illegal firearms. The IGGTF includes significant growth in the number of dedicated Crown prosecutors who work collaboratively throughout investigations and prosecutions.

The IGGTF uses several street teams highly knowledgeable in the *Criminal Code* and *Firearms Act (Canada)* to carry out numerous “mini-projects” that result in short-term seizures and charges while avoiding long-term complex investigations tied to mega-trials.

In addition, project teams engage in larger projects pursuing the most prolific and dangerous organized crime groups with partner agencies.

Ontario has also created a Firearms Investigative Analysis Unit and a Centre of Forensic Sciences, with a firearms and tool mark section. These units conduct forensic firearms examinations and eliminate reliance on RCMP forensic laboratories.



Toronto police recovered nine illegal firearms in January 2017, resulting in 107 firearms charges, including trafficking, against three people.

United States

United States authorities assist Canadian law enforcement in a variety of cross-border operations. U.S. agencies share information and meet to discuss strategies and operations.

Literature review

Dr. Irwin M. Cohen and Kevin Burk, of the University of the Fraser Valley, Centre for Public Safety and Criminal Justice Research, conducted a literature review of strategies and processes that have been tried in Canada and internationally to reduce or remove illegal firearms from circulation, particularly from offenders. They examined research that evaluates legislative attempts, police-led and community-led programs, and tactics or interdictions designed to address the issue of illegal firearm possession and use. They found that current evidence is generally inconclusive and suffers from a range of methodological challenges and limitations that make it extremely difficult to assess the utility and effectiveness of current policies and intervention programs to reduce firearm-related violence.

However, certain legislation and other initiatives do show some promise. For example, some national and international research has suggested that legislation restricting the type of firearms that individuals can acquire, as well as laws restricting who can legally acquire a firearm, has reduced the volume of firearms-related violence and suicide. Australia had 13 mass shootings in the 18 years prior to legal changes restricting access to firearms in 1996 and 2002. Similarly, across Australia, the rate of firearm-related homicides declined between 1995 and 2006 from a rate of 0.37 per 100,000 in 1996 to 0.15 in 2006, a decrease of 59 per cent. There was no evidence that other weapons replaced firearms.

Some countries, such as Britain and Australia, have had tremendous success with amnesties and buyback programs when they included some form of incentive for turning in a firearm, extended over a one-year time period, and clearly informed the public about the nature and scope of the amnesty.

Education programs to teach people, especially children and youth, about gun safety had mixed results. To improve the likelihood of success, practical education and training programs must be well designed, properly implemented and effectively evaluated to ensure that they are achieving their objectives.

Significantly, the research literature does demonstrate that gun violence can be reduced by the police when they engage in sustained, strategic and intelligence-led enforcement practices to target prolific offenders and gangs, and locations where gun violence occurs.

The authors conclude that, "While Canadian's rate of firearms-related violence is comparatively low, continuing to develop and implement effective legislation, educating the public about gun safety, and supporting enforcement strategies against offenders and gang members who carry and use firearms, straw purchasers, and illegal firearms importers and sellers will assist in ensuring that firearm-related violence continues to decline."

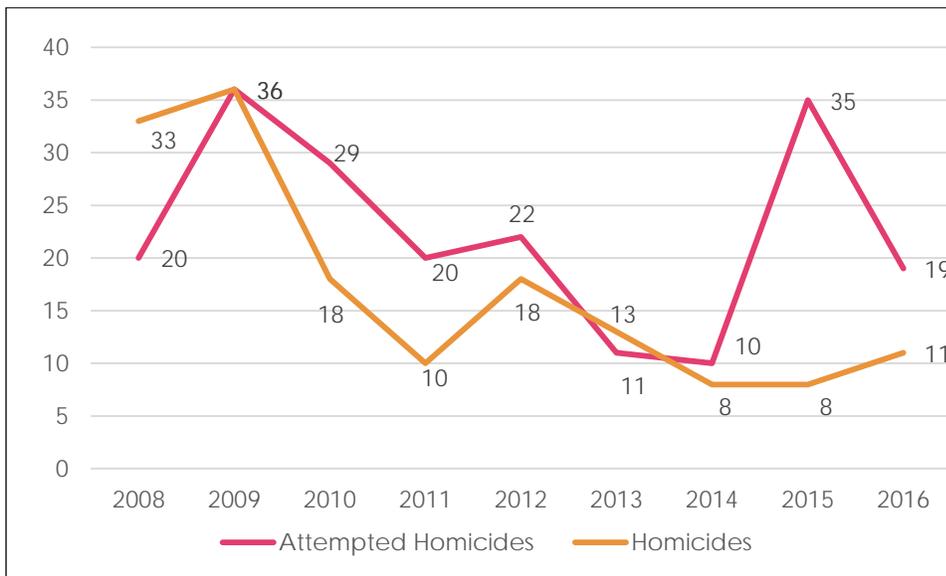
See Appendix 4 for the full literature review.

GANGS AND ORGANIZED CRIME IN B.C.

Recent Trends

Since the mid- to late-1990s, a unique form of criminal gang emerged in B.C.'s Lower Mainland, using firearms in acts of extreme violence to manage sophisticated criminal enterprises and a lucrative but localized drug trade. Competition for territory resulted in violent turf wars, execution-style homicides and open-air shootings that in some cases caused harm to uninvolved members of the public.

Gang-related Homicides and Attempted Homicides in B.C.



Source: Combined Forces Special Enforcement Unit, unpublished data.

Organized crime in B.C.

B.C. gangs sell drugs. High-level organized crime figures operating at the international and national level, such as outlaw motorcycle gangs, traditional organized crime, and newer formations originally based in Russia, the Middle East and Latin America, exist in B.C., as in all jurisdictions in Canada. They facilitate the production, transportation and distribution of illegal products. They supply resources and weapons to lower-level crime groups, such as those operating in B.C., and then manage and launder the profits. Open-air violence and the use of illegal firearms emerge from this lower-level activity and from efforts to control and grow a market.

Illegal firearms are readily available and routinely used by organized crime in B.C. Gang members often choose modern sophisticated handguns and assault weapons. Multiple shots are typically fired when firearms are used. Location, collateral damage and risk to the public are not considerations.



Homicide detectives investigate the fatal shooting of known gang member in Vancouver.

A unique gang culture

According to CFSEU-BC and experts on the Task Force, typically in North America, gangs have emerged from within marginalized neighbourhoods suffering from a plethora of socioeconomic challenges. In the U.S., the availability of firearms has fuelled open-air violence and the “drive-by shooting.” The lower availability of firearms in Canada generally limited the level and type of violence associated with firearms.

By contrast to the American experience, many B.C. gangs that formed in the 1990s and early 2000s, particularly in the Lower Mainland, developed among middle-class families. Gang members were often groups of friends, who grew up together and attended the same schools, sharing connections through common community links.

Young men in B.C. gangs had advanced criminal sophistication. They were advantaged by lifelong childhood loyalties and a community that feared them and defaulted to silence. While police almost always identified those responsible, criminal prosecutions were challenging and gang crime had a low clearance to charge rate. Day-to-day acts of violence also compromised long-term sustained enforcement actions when officers were forced to intervene to disrupt the violent activities.

Advances in enforcement

Gang violence has received ongoing priority by police leaders. To overcome a multi-jurisdictional and fragmented response to gang violence, B.C. developed integrated units

and a single police record management system. Joint Task Force operations were created to investigate crimes and crime groups.

Investigations using advanced investigative techniques, protected witnesses and co-accused who have agreed to give evidence in exchange for sentencing considerations resulted in complex cases. These cases took years to conclude and strained the resources of the prosecution service, the law enforcement community and the courts.

Evolving gangs and organized crime

By 2007, previous alliances were breaking down in favour of “melting pot” groups, in which membership was achieved through criminal prowess and propensity for violence rather than longstanding loyalty. Some gangs became highly sophisticated criminal organizations, routinely using sophisticated illegal firearms capable of massive damage.

Within organized crime, high-level international groups facilitate production, importation and distribution of narcotics. These high-level groups often control the laundering of profits derived from illicit markets. They facilitate mid-level organized crime groups directly and indirectly.

Mid-level organized crime groups establish the control over geography. Like legitimate businesses and corporations, they often seek to network and expand their enterprises within the province and throughout the country. Many of these mid-level groups exhibit high levels of sophistication, coordination, power and influence over their criminal markets. They were often able to elude prosecution.

Lower-level organized crime also exists within B.C., taking various forms depending on where it exists. These groups operate at a level of sophistication above street gangs but below the mid-level groups prevalent in B.C. They operate “dial-a-dope” drug lines across smaller areas and engage in acts of violence to maintain their territory and to support of a sense of gang pride and unity. They are often driven by bravado and a misguided sense of entitlement and pride, and have become increasingly brazen and reckless in their acts of violence.

In addition to the urban centres of B.C., low-level organized crime groups have emerged in rural areas, exhibiting the more traditional indicators of street gangs, made up of youth who operate low-level drug lines and use violence to support local drug trafficking.



A gang member was shot and killed in a busy downtown Vancouver hotel restaurant in front of dozens of shocked patrons.

A home-grown enforcement strategy

Enforcement agencies developed greater collaboration and re-tasked units such as the Combined Forces Special Enforcement Unit (CFSEU-BC) with a provincial mandate and funding for effective investigations focussed on organized crime. CFSEU-BC and local units began a high-visibility campaign to interdict and disrupt gang members in public areas, prosecute outstanding crimes such as homicides and to infiltrate crime groups. Other teams used advanced intelligence gathering and coordination to move against organized crime groups before they could carry out acts of violence. CFSEU-BC also established a robust anti-gang strategy and gang exit campaign to divert youth from a gang lifestyle.

Individual police departments used a variety of localized programs, such as Vancouver's Bar Watch program, which bans those who have been known to carry illegal firearms from licensed establishments, and an Abbotsford public awareness campaign to build community support and disrupt organized crime.

Three-tier approach

In 2012, the RCMP reorganized its specialized investigative and integrated teams under one command structure, allowing for a three-tier approach to organized crime to coordinate federal, provincial and municipal resources.

Federal resources

Federal resources target national and international figures with direct connections to B.C. gangs, who provide services such as smuggling, money laundering, drug trafficking, importation and exportation. Federal activities include operations outside the country to disrupt organized crime.

Provincial initiatives

Provincial RCMP units target vulnerable points within B.C. organized crime to convict key criminal figures. Proactive efforts disrupt organized crime activities and are leading to additional apprehensions. The prosecutor's service has created an organized crime team that works closely with investigators as cases advance. Expanded funding has supplemented organized crime programs. The number of organized crime homicides has dropped and the number of gang members charged has increased.

Law enforcement recently developed a Provincial Tactical Enforcement Priority (PTEP) model, managed by CFSEU-BC, which engages every law enforcement agency in the province. PTEP coordinates the collection of intelligence and focusses strategic efforts. Province-wide awareness allows law enforcement to disrupt activities in multiple locations and leverage vulnerabilities that may exist. The strategy disrupts targets before they rise to levels of power and interdicts numerous offenders each year.

In 2016, 96 agencies across B.C. participated in PTEP, including the Canada Border Services Agency and the Correctional Services of Canada. During the same period, CFSEU-BC, as part of its contribution to the PTEP initiative, laid 128 charges, made 45 arrests, seized 3 vehicles, 11 firearms, made 32 drug seizures and seized \$112,000 in cash.

Municipal strategies

Similar strategies are being employed at the local level. Working internally or collectively with units such as CFSEU-BC, municipal law enforcement uses improved intelligence and a variety of enforcement strategies to coordinate a prolific offender targeting strategy and interdict those involved in the illegal use of firearms.

FINDINGS AND RECOMMENDATIONS

The Illegal Firearms Task Force worked with law enforcement, government and non-government stakeholders to identify risks associated with illegal firearms and those who use them for violent criminal activity in B.C. and Canada. The Task Force has focussed on the significant public safety threat created by illegal firearms and their trafficking and use by criminals, while respecting the rights of lawful firearms owners.

The following section reviews the full findings and recommendations of the Task Force, based on four primary themes:

- **Theme #1: Strategic Approaches**
- **Theme #2: Legislative Initiatives**
- **Theme #3: Education and Prevention**
- **Theme #4: Data Collection and Information Sharing**

Theme #1: Strategic Approaches

Coordinating and focussing the efforts of the diverse agencies that work to reduce crime and enhance public safety will ensure the most effective use of resources and the greatest impact in limiting the availability and use of illegal firearms. Action categories include:

- **An illegal firearms-focussed approach** – Alignment of existing and enhanced resources in order to improve outcomes relative to illegal firearms trafficking, their availability to criminals and the manner in which they are used by organized crime
- **Road safety and illegal firearms** – Road safety initiatives to reduce the incidence of illegal firearms possession in motor vehicles and the concurrent use of illegal firearms and motor vehicles to carry out organized crime violence
- **Provincial Tactical Enforcement Priority** – Leveraging the innovative and unique capabilities of the Provincial Tactical Enforcement Priority model to maximize intelligence, disruption and enforcement of illegal firearms traffickers and the targeting of those who use firearms to support violent organized crime activity
- **Firearms tracing hub and labs** – The enhanced and timely analysis of all recovered firearms and the determination of their potential association with crime to provide investigative information and strategic intelligence
- **Alignment of law enforcement policy** – The alignment and modernization of law enforcement policy with the education of law enforcement officers and Crown prosecutors to realize strategic objectives related to illegal firearms trafficking and the use of illegal firearms in violent crimes

- **“Bar Watch” programs** – Expansion of a successful Vancouver program to deter and mitigate gang and firearms violence within licenced liquor establishments throughout the province

Theme #2: Legislative Initiatives

Firearms possession and the criminal use of firearms are primarily governed by federal legislation. The Task Force has made several recommendations related to the enhancement of federal legislation and the creation of provincial legislation in order to reduce the risks of illegal firearms use. Action categories include:

- **Quebec’s mass shooting and firearms violence mitigation: A model for provincial actions** – Legislation that enhances the ability of law enforcement and partner agencies to identify and prevent firearms violence through the timely sharing of information
- **Imitation firearms** – Legislation to control the access and use of readily available imitation firearms; to limit their risk to communities, first responders and those who possess them; and to disrupt early patterns of illegal firearms use by youth
- **Straw purchasers and point-of-sale recordkeeping** – Legislation requiring sellers to keep records of firearms sales (not a central registry), enhancing the ability of judicially authorized law enforcement to trace crime guns, collect firearms trafficking intelligence and deter firearms traffickers
- **Manufacture of untraceable firearms** – Legislation to prohibit access to unmarked firearms parts and parts that can be assembled into illegal firearms

Theme #3: Education and Prevention

Focussed efforts by a wide range of stakeholders and agencies working with the public, industry and communities will create awareness, build resilience and reduce the acquisition, availability and use of illegal firearms in B.C. communities. Action categories include:

- **Safe schools, student and parent education** – Leveraging existing school-based programs to disrupt potentially violent antisocial behaviour, including the use of firearms, and to ensure the understanding of educators and parents on the factors and indicators related to violence prevention
- **Rural and First Nations communities** – Tailored community-based strategies designed to recognize the specific risks associated with communities in which firearms are readily available and which experience violence and organized crime involving firearms
- **Canadian Firearms Program compliance strategies** – Enhancing compliance efforts pursuant to the firearms regulations designed to prevent and deter illegal firearms trafficking
- **Registration issues from the former Restricted Weapons Registration System** – Initiatives to reduce the large number of restricted and prohibited firearms that are

not in compliance with current registration requirements and no longer under the oversight of the Canadian Firearms Program

Theme #4: Data Collection and Information Sharing

The purposeful collection of intelligence from a variety of sources will inform prevention, enforcement and disruption efforts by all stakeholders against the trafficking, possession and use of illegal firearms. The Task Force has made recommendations in two action categories, including:

- **Intelligence and data quality** – Assigning a lead intelligence agency and data warehouse to coordinate all intelligence collection, assure data quality and facilitate analysis related to the trafficking, possession and use of illegal firearms
- **PRIME-BC access by all key stakeholders** – Providing necessary access to B.C.'s own Police Record Information Management System (PRIME-BC) to key agencies engaged in illegal firearms prevention, enforcement and disruption

THEME #1: STRATEGIC APPROACHES

An illegal firearms-focussed approach

Background

Strategies against those who possess, traffic and use illegal firearms cannot be examined in isolation from the strategies and structures to combat organized crime and gangs.

As described elsewhere in this report, B.C. has experienced acts of violence from all levels of organized crime. Criminal organizations are often highly sophisticated in their ability to obtain firearms and use them to support and expand their criminal enterprises. An enforcement and intelligence approach in which dedicated teams focus a range of resources on illegal firearms use can have an impact in restricting organized crime and enhancing public safety.

Organized crime networks are linked through the province, and strategies to combat them must also be province-wide and multi-pronged. Law enforcement must identify and exploit vulnerabilities within the operations of organized crime. Sustained, coordinated, province-wide strategies to enhance enforcement and simultaneously disrupt the operations of organized crime will have the greatest affect.

Preventing ongoing and future firearms violence by organized crime requires an approach designed to solve historical crimes when possible and to concurrently disrupt threats through federal, provincial and municipal investigations. B.C. has followed this strategy in relation to criminal violence for several years, and has developed powerful centralized mechanisms to disrupt organized crime and exploit emerging vulnerabilities. This strategy has significantly increased law enforcement impacts on gangs and crime prevention.



A gang member and his bodyguard were shot to death in front of shocked workers in a targeted execution at a busy Burnaby hotel.

A diverse range of agencies play key roles in disrupting the use of illegal firearms by organized crime in B.C.

- RCMP Federal Policing is responsible for border integrity, national security, drug enforcement, serious and organized crime and financial crime. Federal policing plays a key role in combatting organized crime and illegal firearms violence.

- The Canada Border Services Agency (CBSA) is responsible for investigating firearms smuggling that occurs through a CBSA port of entry. Countering firearms smuggling is one of CBSA's top enforcement priorities.
- Sustained cross-border partnerships with U.S. agencies such as the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) are critical to respond to the illegal firearms sourced from the U.S.
- The National Weapons Enforcement Support Team, Western Region, (NWEST) fills a strategic role and provides support to investigative and front-line units but does not have sufficient size to internally mount complex proactive investigations.
- The Combined Forces Special Enforcement Unit – British Columbia (CFSEU-BC), tasked with targeting organized crime and gang violence, has led the way in integration and collaboration. With the Organized Crime Agency of B.C. (OCABC) and its partner agencies, it coordinates and complements local resources as well as significant self-contained capacity, including investigative units and expertise.
- Many police departments and RCMP detachments have formed their own highly skilled organized crime and gang teams.

Unlike the rest of Canada, a province-wide system with existing relationships and established performance indicators is already entrenched in the Provincial Tactical Enforcement Priority (PTEP) model. PTEP coordinates the collection of intelligence from all corners of B.C., analyzes it and aligns law enforcement activities. The development of PTEP provides a unique opportunity to set priorities focussed on illegal firearms, adding them to the existing model in a “plug and play” fashion.

B.C. also enjoys a very high level of cooperation between law enforcement agencies and benefits from government support for agencies that combat organized crime, as well as relationships maintained through the British Columbia Association of Chiefs of Police and the Canadian Association of Chiefs of Police.

As the University of the Fraser Valley literature review states, “The research literature also demonstrates that gun violence can be reduced by the police when they engage in sustained, strategic, and intelligence-led enforcement practices that target prolific offenders and gangs, and prolific locations where gun violence occurs.” Despite the existing organized crime capacity within multiple federal, provincial and municipal organizations, an enhanced approach would strengthen public safety.

Response and rationale

The threat to public safety resulting from the use of illegal firearms by organized crime requires provincial coordination of a strategy and related enforcement, led by a central organization that can oversee all intelligence, targeting, performance tracking and accountability.

Facing similar challenges relating to gangs and illegal firearms, Ontario established a provincial weapons enforcement unit and later the Integrated Gun and Gang Task Force

(IGGTF) as a sub-unit of the Toronto Police Service Organized Crime Enforcement Unit. It is fully integrated with Crown prosecutors, who work collaboratively throughout the investigation and prosecution. Its goal is a fully coordinated approach aligning available regulatory data, intelligence gathering, analysis and enforcement to interdict the use and source of illegal firearms.

Lead agency

Given the strong links between the public safety threat created by illegal firearms, organized crime and gangs in B.C., the Illegal Firearms Task Force recommends that the CFSEU-BC lead and coordinate a B.C. firearms-focussed strategy.

CFSEU-BC is already the provincial agency with the greatest intelligence and self-contained resources from which to lead and implement operations against illegal firearms. It provides a strong foundation for province-wide intelligence gathering, investigation and disruption of the use of illegal firearms, particularly their use by organized crime. CFSEU-BC works closely with partner agencies to maximize results.

While NWEST will play a critical role in any illegal firearms-focussed approach, as a federally-funded strategic intelligence and expert support team, it cannot lead and coordinate a provincial enforcement effort.

By federal agreement, CBSA is responsible for investigating firearms smuggling occurring through a CBSA port of entry, while the RCMP is responsible for investigating firearms smuggling between the CBSA ports of entry. However, competing national pressures and resource challenges, combined with the strategic need to focus on high-level organized crime, make it very difficult for RCMP federal policing in B.C. to lead and coordinate initiatives against firearms with existing resources. Federal policing, including the participation of CBSA, will nevertheless be a critical element in cross-border efforts.

Several specific conditions support the recommendation that CFSEU-BC lead the firearms-focussed approach:

- CFSEU-BC is fully integrated and has links to all federal and provincial agencies, including cross-border partnerships.
- CFSEU-BC has self-contained expertise and operational support teams.
- CFSEU leads and manages the PTEP, facilitating performance metrics and accountability.
- A police board governs CFSEU-BC.
- CFSEU-BC is almost fully provincially funded.
- CFSEU-BC has 11 federal police positions within the unit.
- By establishing some or all of the firearms-focussed personnel as permanent staff of the OCABC within CFSEU-BC, they gain stability and continuity of expertise, avoiding diversions when national priorities change.
- CFSEU-BC leads a well-established anti-gang strategy, "End Gang Life," which uses prevention, education and gang exit strategies and could form a model for prevention and education strategies related to illegal firearms.

Firearms-focussed strategy

A provincial focus on illegal firearms would strengthen a comprehensive understanding of the way illegal firearms are trafficked, acquired, transported and used.

The PTEP targeting process will ensure sustained awareness and assessment of efforts. Adding firearms traffickers and the seizure of illegal firearms to the PTEP process, as described elsewhere in this report, will ensure that all policing agencies in B.C. give priority to the illegal firearms focus.

A firearms-focussed approach can be achieved through ministerial direction, service standards, BCACP agreement, dedicated operational funding, policy enhancement, training, communication and reporting requirements.

While NWEST and the Canadian Firearms Program must maintain a national lens on firearms intelligence, they should also be permanently connected with CFSEU-BC.

CFSEU-BC would benefit from enhanced federal resources to support cross-border operations. Using federal resources within CFSEU-BC ensures clarity and continuity of a firearms-focussed strategy, and allows other federal resources to focus on national security and high-level organized crime.

Including CBSA within the illegal firearms-focussed teams would help limit the smuggling of firearms across Canada's borders.

Capacity

Using existing resources alone will subvert CFSEU-BC's ability to maintain its current momentum. Additional provincial and federal policing resources, as well as expanded CBSA investigative capacity, would allow CFSEU-BC to conduct short-term project investigations targeting domestic and foreign illegal firearms traffickers and those who illegally use firearms. These teams would ensure sustained capacity to support local law enforcement agencies and U.S. law enforcement, as well as actions based on intelligence from NWEST and the CFP.

These resources would strengthen existing provincial and federal organized crime and gang capacity in B.C. This would give B.C. the benefits of existing organizations and partnerships and add the firearms-focussed capacity that has been successful in Ontario.

Existing municipal and provincial resources can be leveraged through dedicated federal and provincial operational plan funding targeting illegal firearms.

Federal contributions

In the Prime Minister's Mandate Letter to the federal Minister of Public Safety and Emergency Preparedness, he directed that the Minister, "take action to get handguns and assault weapons off our streets."

Similarly, in the section of the 2016 Budget titled *Taking Action Against Guns and Gangs*, the federal government committed that the Minister of Public Safety and Emergency Preparedness would "work with his counterparts to develop a strategy to support ongoing

efforts to make it harder for criminals to get and use handguns and assault weapons, and to reduce guns and gangs violence.”

The direction in the Mandate Letter is aligned with the commitment in the current government’s pre-election promise to “provide \$100 million each year to the provinces and territories to support guns and gangs police task forces to take illegal guns off our streets and reduce gang violence.”

Funding from the federal government to support the measures recommended by the Task Force would help ensure the timely and effective implementation of a firearms-focussed strategy and assist B.C.’s existing and future Guns and Gangs Strategy.

Recommendations

The Task Force recommends that:

1. The B.C. Ministry of Public Safety & Solicitor General should consider prioritizing illegal firearms trafficking and use by:
 - 1.1. Supporting the Combined Forces Special Enforcement Unit (CFSEU-BC) to become the lead agency for coordinating a provincial illegal firearms-focussed strategy and cross-border illegal firearms investigations in partnership with the Canada Border Services Agency and other law enforcement agencies
 - 1.2. Ensuring province-wide and cross-border application of the firearms focus in the PTEP process
 - 1.3. Working with the federal Ministry of Public Safety and Emergency Preparedness to request the participation of the Canada Border Services Agency in B.C.’s illegal firearms-focussed approach
 - 1.4. Working with the federal Ministry of Public Safety and Emergency Preparedness to provide additional funding for provincial and dedicated federal resources, Canada Border Services Agency investigators, operational funding, administrative and technical support and capital costs within CFSEU-BC, consistent with the commitment provided by the federal government

Road safety and illegal firearms

Background

B.C. has experienced firearms violence involving vehicles. The Lower Mainland Drive-by Shooting Study by the Combined Forces Special Enforcement Unit analyzed approximately 1,000 shootings between 2008 and 2015 in Metro Vancouver. It concluded that over 100 of the shootings were drive-by shootings.

Approximately one in every three victims in a gang-related homicide or attempted homicide is targeted when inside, outside or near a motor vehicle. Drive-by shootings appear to be becoming more common in gang warfare. Drive-by shootings that targeted other vehicles (vehicle-to-vehicle) resulted in the highest number of victims.

The automobile has long been involved in illegal gang activity. In the 1920s, Capone and his gangsters created and developed the drive-by shooting by using the automobile. In the 1930s, Bonnie and Clyde had initial criminal success with the automobile. More recently, ... the drive-by shooting has become such an important social problem that it is being studied by the medical profession as well as by social scientists. The gang car is a moving hazard, a mobile crime scene, and plays a central role in gang mobility.

— J.O. Henkel and P.L. Reichel, *The Driver's License: A Suggested Gang Suppression Strategy*, *Journal of Gang Research*, 9(4), 2002

Threats to individuals and the public

Illegal firearms in vehicles present public safety threats in several distinct ways:

- Threats of death or injury from firing firearms into or from vehicles
- Threats of death and injury resulting from dangerous driving by organized crime members involved in shootouts
- Threats to first responders and innocent bystanders during a response
- Threats from individuals fleeing police when they have illegal firearms in a vehicle
- Threats from organized crime members who use vehicles to carry out illegal activities

Often, organized crime members in B.C. use their vehicles to locate and attack rivals. Conflicts can escalate into firearms violence between individuals and from one vehicle to another. Organized crime has engaged in many "drive-by shootings," recklessly firing high-powered illegal firearms into residences, businesses and vehicles.

Many murders occur when one group lures its target to a meeting under the pretence of drug exchanges or negotiations. Two vehicles pull up beside each other, conversation may begin and illegal firearms are used to execute the victim or victims through an open vehicle window.

In several instances, these types of shootings and murders have occurred in highly public areas in which the threat to innocent persons was exceptionally high.

On August 14, 2011, at approximately 2:40 pm, a well-known organized crime figure was gunned down while seated in the passenger seat of a white Porsche Cayenne in the front valet parking entrance at the Grand Okanagan Resort in Kelowna. Two men, both with strong organized crime affiliations, and two women were in the Porsche although no one else was killed. A Ford SUV approached the Porsche on the passenger side and started shooting. The suspect shooters then exited the Ford SUV with at least one assault rifle and began to shoot into the Porsche from the sides and rear. Pedestrians including children and vehicles were present at the time of the shooting.

— CFSEU-BC

On April 24, 2013, the Surrey RCMP received a complaint of multiple shots fired at a man in a mall parking lot as he exited a gym and got into his car parked near a coffee shop. The area was heavily populated at the time. The victim, who died from gunshot wounds, had appeared on multiple gang intelligence files since 2006, in the presence of the Hells Angels and UN gang.

— CFSEU-BC

On February 8, 2009, a close associate of the Red Scorpions organized crime group, was shot while sitting in his vehicle



parked in front of a grocery store in Langley, B.C. He died as a result of his injuries. Investigators determined that those involved in his murder had hunted him for several weeks, searching for his vehicle. Numerous innocent bystanders were placed at risk from

gunfire and from the assailants who fled the scene in their own vehicle.

— CFSEU-BC

When organized crime attempts to murder rivals in a vehicle, the public is at risk of misidentification. In several B.C. incidents, organized crime mistook a vehicle and its occupants as rivals, only to determine after firing numerous bullets that it was an innocent third party.

Open-air gunfire also includes vehicles speeding away from a threat in a highly erratic manner, representing an extreme risk to public safety.

Victims of gunfire have frantically driven themselves to hospital or colleagues have dropped off wounded friends desperate to receive emergency medical attention for wounds, while also fleeing from assailants.

Some organized crime members use their vehicles for criminal purposes, but also provide that same vehicle to family for later use. This places their families at risk from a rival group targeting the vehicle rather than the individual.



An innocent mother was killed in an execution-style murder in which her spouse was the target. Her child was in the back seat of the vehicle.

— CFSEU-BC

Firearms attacks by and on organized crime create a risk to innocent members of the public using public roads.

Mobility and organized crime

As a result of the PTEP process and local organized crime enforcement, B.C. has an unprecedented awareness of organized crime and its connections across the province. At any given time, multiple operations are ongoing to disrupt the violence perpetrated by organized crime groups.

Several sections of the *Criminal Code* address the illegal possession and transport of firearms. Prosecution requires establishing possession of the illegal firearm by a specific individual, with sufficient evidence to provide a “substantial likelihood of conviction,” the charge approval standard in B.C. This standard is challenging when an illegal firearm is found in a vehicle occupied by several individuals or in a hidden area or compartment within the vehicle. Without forensic evidence such as fingerprints or DNA, charges cannot be advanced. While the firearm is often seized, the vehicle occupants are not disrupted for any significant time.

All levels of organized crime routinely operate vehicles that may be targeted by rival groups. They also use alternative vehicles, such as stolen, leased or rented cars, in planned attacks or in support of their crimes, sometimes using a nominee such as a family member, a friend or an indebted associate as a registered owner of a vehicle.

Knowing that they may be targeted by rivals, organized crime members often carry illegal firearms in whatever vehicle they are operating. The presence of firearms in vehicles, where they may be used offensively or defensively in rivalries and feuds, represents a risk to public safety.

Flight from police

Organized crime members who possess illegal firearms often flee from police stops. Over 2015 and 2016, Surrey RCMP recorded 643 incidents of failing to stop or fleeing from police.

Often, the fleeing vehicle is recovered abandoned a distance away. Investigators then attempt to identify the drivers and occupants and the activity that precipitated the pursuit.

Flight from police is a dangerous activity that represents a risk both to the occupants of the vehicle, innocent third parties and law enforcement personnel.

Response and rationale

The use of vehicles by organized crime to transport illegal firearms and to commit acts of violence is a risk to public safety. It is also a vulnerability point in organized crime operations.

The Task Force has recommended various strategies to address illegal firearms directly. The Task Force also recommends companion strategies aimed at the transportation of illegal firearms, their use from vehicles and the disruption of the use of vehicles in these crimes. These are based on the principle that the use of vehicles to carry illegal firearms on roadways is a crime and a road safety hazard. In brief, these include:

- Removing driver's licence and vehicle registration privileges from those who use vehicles to carry illegal firearms in support of organized crime, including members of organized crime groups, their nominees, associates or family members
- Removing the insurability of the small proportion of drivers and businesses that use vehicles to carry illegal firearms in support of organized crime
- Using and enhancing existing proceeds of crime and civil forfeiture laws to seize vehicles used to carry illegal firearms in support of organized crime
- Working with legitimate vehicle lease and rental businesses to develop strategies to prevent the use of vehicles by organized crime
- Improving collaboration and cooperation between agencies to identify and disrupt drivers who create a risk to the public by carrying illegal firearms in vehicles on public roadways

There is no simple path to implement these recommendations, which are innovative and unique. However, the simultaneous interdiction of illegal firearms and the disruption of those using vehicles to support their violent activity would have a considerable effect in increasing public safety and reducing gun violence.

Road safety legislation

Criminal laws govern many aspects of the illegal use of firearms. In addition, the possession and use of illegal firearms in vehicles poses a road safety risk that would be minimized by companion provincial strategies to disrupt and prevent the activity.

B.C. has adopted legislative strategies to mitigate the road safety hazards of impaired driving. While the *Criminal Code* defines numerous offences related to impaired driving, provincial legislation enabling an immediate roadside licence suspension and seizure of the vehicle results in significant reductions in impaired driving fatalities and injuries.

Individuals associated with organized crime use their vehicles on B.C.'s roadways to transport illegal firearms, hunt rivals, conduct drive-by shootings, and engage in mobile gun battles and contract murders. They are a similar threat to public safety on the roads.

British Columbia's road safety plan adopts a comprehensive Safe System Approach to road safety, including safe road users, safe vehicles, safe roadways and safe speeds. It encourages new ideas and best practices, and flexibility in support of new ideas.

The road safety community will adopt a comprehensive Safe System Approach to road safety. Our collective actions will focus on all factors that contribute to protecting road users. This includes promoting safe road users, safe vehicles, safe roadways and safe speeds. ... To increase road safety, we will encourage new ideas and best practices. We will also remain flexible to allow for these new ideas to flourish

—*B.C. Road Safety Strategy, 2015 and Beyond*

As discussed elsewhere in this report, Toronto has experienced organized crime and gang firearm violence similar to that in B.C. Its Gangs and Guns Task Force targets this violence through a variety of strategies.

The Greater Toronto area has suffered numerous acts of firearms violence, including drive-by shootings, homicides and murders of innocent victims. To enhance police powers to disrupt and prevent firearms violence, Ontario Member of Provincial Parliament for Eglinton-Lawrence, Mike Colle, introduced Bill 24, a private members bill to amend the *Highway Traffic Act* (Ontario), with provisions that ban driving with an unlawful handgun. Bill 24 has not been enacted, but MPP Colle continues to promote the value of the bill.

Bill 24, An Act to amend the Highway Traffic Act and the Civil Remedies Act, 2001 to promote public safety by prohibiting driving in a motor vehicle with an unlawfully possessed handgun.

172.2 (1) ***No person shall drive on a highway a motor vehicle in which there is an unlawfully possessed handgun.***

(2) *Every person who contravenes subsection (1) is guilty of an offence and on conviction is liable to a fine of not less than \$2,000 and not more than \$10,000 or to imprisonment for a term of not more than six months, or to both, and in addition the person's driver's licence may be suspended,*

(4) *If a police officer believes on reasonable and probable grounds that a person has committed an offence under subsection (1), the officer shall,*

- (a) request that the person **surrender his or her driver's licence**; and
- (b) **detain the motor vehicle** until it is impounded under clause (6) (b).

Administrative seven-day vehicle impoundment

(6) Upon a motor vehicle being detained under clause (4) (b), the motor vehicle shall, at the cost of and risk to its owner,

be removed to an impound facility as directed by a police officer; and

- (b) be impounded for seven days from the time it was detained under clause (4) (b).

The California Penal Code, Section 26100 PC, has a range of criminal offences related to shootings from vehicles. It not only creates a specific offence related to drive-by shootings and sentencing enhancements for the shooters, but it also focusses on people who knowingly allow a passenger to bring a gun into their vehicle or to discharge a gun from within it. The owner of the car, the driver of the car or anyone else in the vehicle aiding and abetting the shooter in a drive-by shooting can face fines and prison.

Arizona Revised Statute 13-1209 relating to drive-by shootings revokes the driver's licence for one to five years of anyone who discharges a weapon from a motor vehicle at a person, another occupied motor vehicle or an occupied structure.

The Australian government has legislated a maximum 16-year jail term for firing at a dwelling from a vehicle.

The *Traffic Safety Act* (Alberta), section 173, provides for the roadside seizure of a vehicle following criminal charges related to prostitution.

The *Armoured Vehicle (B.C.) and After-Market Compartment Control Act* (B.C.), sections 7 and 10, makes it unlawful to possess unlicensed armoured vehicles in the province. This legislation was developed to disrupt mid- to high-level organized crime members from operating armoured vehicles to support their criminal activity.

The same Act also prohibits the use of sophisticated hidden compartments within vehicles from operating on B.C. roadways. Such hidden compartments were almost exclusively used by organized crime to transport illegal firearms and narcotics. They allowed organized crime to travel with secreted firearms with little fear of detection by law enforcement.

To promote road safety and mitigate the risks created by individuals shooting on public roads, B.C. should review the wide variety of precedents already in place, and develop a road safety approach that targets this activity.

Revocation of insurance

Road safety could also be improved by suspending or revoking insurance on vehicles and the insurability of persons associated with organized crime, as well as lease and rental companies engaged in supplying vehicles to organized crime members for use in crime.

B.C. can reliably and defendably identify persons associated with organized crime using the Provincial Tactical Enforcement Priority (PTEP) model. As proposed elsewhere, extending the PTEP model to include the transport of illegal firearms will help identify individuals and nominees who register, rent or lease vehicles on behalf of organized crime, as well as lease and rental companies that provide vehicles to them.

Collaboration between ICBC, RoadSafetyBC and law enforcement on this issue could lead to reduced illegal firearms violence on public roadways.

Insurance Vehicle Regulation (B.C.)

Breach of conditions

55 (1) *In this section, "insured" means an insured as defined in section 42, 63, 65, 78 or 148.1 (1) and includes an insured under an additional product certificate or a fleet reporting certificate issued under section 168.*

*(1.1) **The corporation is not liable to an insured who breaches a condition of this section or is deemed under subsection (7.1) or (8) to have breached a condition of section 49 and Part 6.***

(3) An insured shall not operate a vehicle for which coverage is provided under section 49 or 49.3 (1) (a) and (c), Part 6 or 7, or Division 2 of Part 10 (a) if the insured is not authorized and qualified by law to operate the vehicle

(a) for an illicit or prohibited trade or transportation,

(b) to escape or avoid arrest or other similar police action, or

(d) in a race or speed test.

*(7.1) An insured shall be deemed to have breached a condition of section 49 and Part 6 where the injury, death, loss or damage in respect of which his claim is made is caused by or results from **an intentional act of violence committed by the insured**, while sane, by means of a vehicle.*

Proceeds of crime and civil forfeiture

The *Criminal Code* and *Controlled Drug and Substances Act* (Canada) allows for the seizure and forfeiture of "offense related property." Property that is intrinsic to the crime qualifies for seizure and potential forfeit. Making a case requires supporting evidence, approval of Crown counsel and a variety of legal processes, including the long-term

storage of the property until trial. If a conviction is obtained on the substantive criminal offence, Crown prosecutors can seek to have the seized proceeds forfeited.

The concurrent use of an illegal firearm and a vehicle in a drive-by shooting would qualify for seizure and forfeit. However, criminal forfeiture is rarely pursued because of the complexity of proceedings and the length of time involved.

The B.C. Civil Forfeiture Office provides an alternative approach related to provincial jurisdiction. Under the authority of the *Civil Forfeiture Act* (B.C.), the Office operates independently of the criminal courts, but can support organized crime investigators. The Office must prove on a balance of probability that an asset is either a proceed or an instrument of crime to obtain forfeiture. Once established, the defendant must demonstrate why the asset should not be forfeited, based on interest of justice considerations.

Alberta has enacted a presumption that cash exceeding \$10,000 found near drugs is connected to crime. In effect, this puts a reverse onus on the owner of the money to argue that the funds are not the proceeds of crime.

In response to increased organized crime and gang violence, the Surrey RCMP has used focused interdiction and enforcement efforts on known violent individuals. The detachment also works with the City of Surrey to target residences and businesses known to be associated with violence.

The Surrey Detachment Asset Forfeiture Unit uses the proceeds of crime provisions of the *Criminal Code* and the *Civil Forfeiture Act* (B.C.) to help combat violence in Surrey. It has identified several independent rental car companies that have provided significant numbers of vehicles to organized crime members. According to investigators, these companies operate on a cash basis, with little record keeping and few limits on potential renters. They are, in effect, wilfully and purposely blind.

The Surrey Asset Forfeiture Unit focusses its efforts in the following areas:

1. Working with ICBC to re-evaluate fleet insurance for rental car companies repeatedly associated with organized crime
2. Working with the City of Surrey to evaluate the company's business licence
3. Investigating the company as a party to an offence and prosecuting where applicable
4. Working directly with independent rental car companies to identify vehicles associated with crime and gain their cooperation to improve their business practices
5. Pursuing civil forfeiture of vehicles associated with organized crime activity

The unit reports several barriers to disrupting the use of vehicles in support of organized crime violence:

1. An absence of regulation on lease and rental vehicle businesses
2. An absence of regulation setting minimum records and retention periods to allow law enforcement to determine who is in possession of a vehicle

3. A lack of processes to identify nominee owners and to streamline seizure and forfeiture procedures when the nominee owner has no personal or financial interest in the property
4. An inability to levy significant fines related to nominee owners and vehicle lessees
5. The need for improved processes to reduce the lengthy storage periods for seized property and the cost of that storage

To support more effective use of civil forfeiture to control illegal firearms and disrupt organized crime, law enforcement personnel would benefit from training on the forfeiture of vehicles under B.C. and federal laws. For example, police who identify hidden compartments in a vehicle could seize it under the *Armoured Vehicle and After Market Compartment Control Act* (B.C.) and do not require the presence of drugs or firearms, but they need to know how to identify the hidden compartments and how to meet the requirements for seizure.

The Task Force has identified areas of vulnerability worthy of further examination. Disrupting freedom of movement represents an opportunity to exploit vulnerabilities that inherently exist in organized crime and to protect innocent motorists and residents from a significant threat.

Recommendations

The Task Force recommends that:

2. The B.C. Ministry of Public Safety & Solicitor General and the B.C. Ministry of Attorney General should consider developing road safety strategies that mitigate the risk to the public when illegal firearms are possessed or used in vehicles for violent and criminal acts. Such strategies, including proposing amendments where appropriate, should focus on:
 - 2.1. Possession and transport of illegal firearms in vehicles
 - 2.2. The use of a vehicle as a platform to locate and attack others
 - 2.3. Possession of a vehicle that is the subject of organized crime attack by others
 - 2.4. The use of a vehicle in a flight from police by an individual associated with organized crime
 - 2.5. A nominee who is registering vehicles on behalf of persons associated with organized crime for use in illegal activity
 - 2.6. A company that knowingly leases or rents vehicles to persons associated with organized crime for use in illegal activity
3. The B.C. Ministry of Public Safety & Solicitor General and the B.C. Ministry of Attorney General should consider developing road safety initiatives through amendments to legislation that enable:
 - 3.1. The roadside seizure of a driver's licence, and subsequent driving prohibition, for any person associated with violent or organized crime who is operating a vehicle containing an illegal firearm

- 3.2. The roadside seizure of a vehicle containing an illegal firearm when the vehicle is operated or owned, directly or indirectly, by a person associated with organized crime
- 3.3. The forfeiture of a vehicle involved in a flight from police:
 - a) In cases where police can demonstrate a connection between the driver and organized crime
 - b) In cases where police can demonstrate a connection between the owner and organized crime
- 3.4. The seizure of a vehicle, pursuant to the *Civil Forfeiture Act* (B.C.) when individuals associated with organized crime are found in a vehicle carrying an illegal firearm or in a flight from police, and in the event of such a seizure placing the burden of proof on the owner of the vehicle to show that the seizure is unreasonable
4. The B.C. Association of Chiefs of Police and the Civil Forfeiture Office should work with stakeholders to consider enhancing the impact of civil forfeiture on organized crime by creating provincial policies and protocols to ensure provincial agencies use civil forfeiture mechanisms where appropriate to remove vehicles associated with organized crime from public roads.
5. The B.C. Ministry of Public Safety & Solicitor General and the B.C. Ministry of Attorney General should consider creating a Rental Vehicle Working Group that includes stakeholders from law enforcement, vehicle rental and lease industry associations, the Insurance Corporation of B.C., municipalities and the Civil Forfeiture Office to determine a feasible manner to collect and coordinate information and evidence for a number of possible initiatives, including:
 - 5.1. Identifying businesses known to lease or rent vehicles to persons associated with organized crime
 - 5.2. Reviewing the business licence of businesses that can be demonstrated to lease or rent vehicles to persons associated with organized crime
 - 5.3. Prohibiting individuals (nominees) from knowingly registering, leasing or renting vehicles on behalf of persons associated with organized crime when it can be demonstrated that the individuals (nominees) have done so in the past or intend to do so in the future
 - 5.4. Exploring options to require valid identification by vehicle leasing and renting customers, to record and retain the information and to make it available for law enforcement with judicial authorization
 - 5.5. Training staff on indicators of and response to the rental of a vehicle for criminal purposes
6. The B.C. Ministry of Public Safety & Solicitor General and the B.C. Ministry of Attorney General should consider reviewing the road safety, injury and monetary ramifications of insurance claims associated with vehicles and organized crime, and where

feasible and appropriate develop policy and legislative changes to use breach of coverage regulations to revoke:

- 6.1. Personal vehicle insurance when an individual can be demonstrated to have operated a vehicle to support organized crime
- 6.2. Fleet insurance when a vehicle rental or lease business can be demonstrated to have a pattern of renting or leasing vehicles to persons associated with organized crime

Provincial Tactical Enforcement Priority

Background

The Provincial Tactical Enforcement Priority (PTEP) model is the most effective tool for coordinating a policing response to organized crime and illegal firearms in B.C. It was developed specifically to meet the challenges in the province and produces measurable results. It coordinates the collection of intelligence from all corners of B.C., analyzes it and identifies current and anticipated organized crime participants, forming the foundation for future strategic efforts.

The PTEP process is not only a coordinated strategic process targeting current violent organized crime groups or individuals, but also a proactive tool for targeting those heading toward greater involvement in gang violence. It also provides detailed assessments of the impact that police activities have on criminal groups under investigation.



Illegal firearms seized with drugs and cash in an Abbotsford investigation of organized crime in 2016.

The PTEP process

The PTEP process began in the Lower Mainland in December 2012 and now includes participation from all municipal police departments, the Canada Border Services Agency, Correctional Service of Canada and the four districts within the RCMP E Division. Ninety-six policing agencies collectively take enforcement actions against identified threats.

Province-wide awareness of targets allows law enforcement to disrupt activities by one group at multiple locations across the province simultaneously. It also provides opportunities to take advantage of vulnerabilities that may exist in less sophisticated groups.

Members of organized crime groups that are very unlikely to be dissuaded from a criminal path by traditional prevention methods are identified for possible inclusion in PTEP. This methodology allows for the disruption of targets before they rise to positions from which they can advance violence and create public risk. It ensures that numerous offenders are interdicted each year.

Organized crime investigators work on PTEP targets on an annual cycle and share responsibility for targets throughout the province. This allows forces to prioritize resources against those most likely to commit acts of violence in support of organized crime.

All policing agencies in B.C. are invited to submit individuals or groups identified as posing a risk to public safety due to gang violence. These submissions are analyzed in conjunction with all available intelligence resulting in a coordinated and defensible targeting model that is aligned with provincial and national activities.

At the onset of every PTEP cycle, each agency is invited to submit current and emerging threats. Threat submissions are individuals or groups who have a nexus to gangs and violence and represent the most significant threat of gang violence. These threats can be localized or spread throughout various jurisdictions. Identifying multi-jurisdictional threats supports policing agencies that do not have sufficient resources to target the individual or group.

All threats submitted are added to PTEP for that cycle and analyzed, and each agency selects one or more targets for action. Each agency commits to making its targets a priority for an intelligence probe or enforcement action over a six-month period. PTEP collects data to follow up on outcomes and measure success.

The Combined Forces Special Enforcement Unit (CFSEU-BC) manages PTEP. Tactical operations are funded through the agency of jurisdiction or in partnership with provincial or federal operational budgets. In 2016, the Province of B.C. provided additional funding to PTEP for its further development and sustainability.

Disruption

Government and policing managers require statistics on crimes and results, creating a demand for detailed assessments of the impacts of police activities on criminal groups. Traditional measures do not answer these questions well.

At the same time, police investigators are focussing increasingly on disruptive activities, in addition to traditional prosecutions. Reactive policing with a prosecutorial focus is not the only strategy for reducing criminality and the risk to the public. Intelligence-led investigators now seek to disrupt criminality by preventing crime or by reducing its impact.

For these reasons, disruption has become a key performance indicator, alongside traditional arrest and seizure figures. However, the lack of an available tool to meaningfully assess and quantify disruption made it difficult to measure policing success.

PTEP has created the capacity to assess and anticipate the impact of actions against target groups.

Response and rationale

The development of PTEP provides a unique opportunity to establish policing priorities for illegal firearms. B.C.'s PTEP process already makes use of a province-wide system, existing

relationships and established performance indicators. The PTEP model allows the Province to easily add illegal firearms to the priorities for strategic objectives.

Adding illegal firearms to the PTEP model will allow the coordination of policing resources across the province, using the most effective organizational tool to focus on interdicting the use of illegal firearms. It also allows effective monitoring of participants' activities and assessment of results as their activities continue. It can be supported and strengthened to target illegal firearms directly, and to target the organized crime activities that lie behind the most serious illegal firearms threats.

Recommendations

The Task Force recommends that:

7. The Board of Directors of the Combined Forces Special Enforcement Unit of B.C. should consider supporting illegal firearm interdiction as a priority for the Provincial Tactical Enforcement Priority (PTEP) process.
8. The B.C. Ministry of Public Safety & Solicitor General should continue on-going work to make PTEP participation a *Police Act* (B.C.) service standard for all law enforcement agencies in B.C.
9. The Board of Directors of the Combined Forces Special Enforcement Unit of B.C. should consider supporting illegal firearms and firearms trafficking performance indicators within the PTEP process, including disruption of the transport of illegal firearms; disruption of the use of personal, leased and rental vehicles in support of firearms violence; intelligence gathering; and outcomes and disruption indicators.

Firearms tracing hub and labs

Background

The forensic examination and certification of recovered firearms is fundamental to any illegal firearms strategy. Law enforcement may recover firearms directly or in the course of other investigations, such as violent crimes, drug trafficking or gang investigations. They may also be recovered through gun amnesties or routine non-criminal recoveries. When sufficient evidence exists, charges may be advanced, and if there is insufficient evidence the firearm may be seized and destroyed.

Firearms identification

When a firearm is recovered and a prosecution is authorized, the Crown must establish evidence that the recovered firearm is a firearm as defined in section 2 of the *Criminal Code*. Delays have a negative impact on firearms investigations and prosecutions and on the willingness of Crown counsel to prosecute firearms offenses.

The RCMP crime lab has historically provided this certification through an affidavit. Over recent years, the RCMP forensic labs have been reduced from six labs to two, creating delays in firearms examination. The RCMP is currently working on strategies to prioritize submissions to the firearms lab and produce required



Arsenal of illegal firearms, including a sawed-off shotgun and two silencers, seized in Abbotsford in 2016.

analysis.

The 2016 Supreme Court of Canada decision in *R. v. Jordan*, 2016 SCC 27, established tolerance levels for the delay of court processes, and resulted in acquittals and stays of proceedings on major prosecutions.

The National Weapons Enforcement Support Team (NWEST) has attempted to reduce the delay by assisting with section 2 certifications, conducting 600 certifications in western Canada in 2015. This disrupts NWEST's capability in other critical areas.

The Vancouver Police Department has supported its own firearms expert for many years, and has achieved rapid section 2 certification and serial number examination.

Firearms tracing

While there is no current requirement for agencies to trace recovered or seized firearms, all seized and recovered firearms should be traced in order to build intelligence and uncover evidence. However, NWEST has estimated that approximately 30% of crime guns are not submitted for tracing.

Many recovered illegal firearms and crime guns have the serial number on the firearm obliterated through grinding or other means. Forensic specialists can often raise obliterated serial numbers, potentially allowing crime guns to be traced and sources potentially identified.

The tracing of a firearm is complex and involves tracking the firearm from point of manufacture, through importation and delivery, to the distributor and retailer. Investigators can trace firearms domestically if the firearm is subject to *Firearms Act* (Canada) regulations or they can call on the U.S. ATF for unregistered firearms with a serial number. These traces can lead to U.S. distributors, retailers and gun shows or to Canadian distributors or retailers. With licensed restricted and prohibited firearms, tracing can continue to the owner through records in the Canadian Firearms Program.

Long guns traced to U.S. distributors and retailers can often be traced further, as many states have mandatory point-of-sale record-keeping, allowing the trace to identify the initial buyer. In Canada, ownership records for long guns end when the retailer receives shipment of inventory.

Although tracing can provide both evidence for prosecution and strategic and tactical intelligence, there is no comprehensive strategic analysis on the trace results of recovered or seized guns. B.C. law enforcement organizations would benefit from coordinated policy regarding the recording, reporting and analysis of seized firearms.

Response and rationale

Tracing provides potential evidence on the sources of specific crime guns. It also develops strategic and tactical intelligence. Strategic intelligence provides understanding of the sources of illegal firearms and other vulnerabilities as well as patterns related to type and make, smuggling and traffickers.

Tracing is a laborious undertaking. When successfully completed, any intelligence obtained should be used to complete and pursue criminal investigations.

The Toronto Police Service Integrated Gangs and Guns Task Force prioritizes the interdiction of illegal firearms. The Province of Ontario has established its own Centre of Forensic Science. Ontario requires the province-wide tracing of all firearms. It has established dedicated expert capacity to facilitate rapid tracing, certification and examination of all recovered firearms in Ontario. It also advances all possible cross-border investigations involving ATF traces and prosecutions.

This effort, particularly when completed in a timely fashion, significantly strengthens ongoing investigations and greatly assists in province-wide intelligence gathering and analysis to identify firearms traffickers.

The federal government, as noted in the discussion of recommendations on a firearms-focused approach, stated its commitment to work with the provinces to reduce guns and gang violence. The provincial government would benefit substantially from an investment of federal funding to enhance provincial initiatives. Funding from the federal government to support a B.C. firearms tracing hub and enhance existing forensic laboratory capacity will assist B.C.'s existing and future guns and gangs strategy.

Recommendations

The Task Force recommends that:

10. The B.C. Ministry of Public Safety & Solicitor General should consider working with the federal Ministry of Public Safety and Emergency Preparedness to seek support from the federal government to increase current firearms forensic capacities that will meet the on-going needs of law enforcement and prosecution by developing:
 - 10.1. A provincial firearms tracing hub to provide timely province-wide certification, analysis and tracing
 - 10.2. Enhanced capacity in RCMP laboratories, improved analysis response times and assured performance consistent with a firearms-focused approach

Alignment of law enforcement policy

Background

Agency policy is the foundation from which strategy can be implemented and measured. While policy exists within individual agencies, provincial public safety issues resulting from illegal firearms trafficking, possession and use would benefit from aligning policies to achieve a consistent approach among all stakeholder agencies.

Developing detailed, specific policies, supported by training for officers and Crown counsel, would permit more consistent, effective application of existing firearms laws and enhance public safety.

A review of existing firearms-related policies for the RCMP and six municipal police forces found that these policies were generally up to date with current legislation and no significant gaps between agencies existed. However, opportunities remain to focus policies more specifically on the various contexts of illegal acquisition and use that the Task Force has explored.

Response and rationale

Stakeholder agencies should review and refresh their policies to ensure they focus on investigating all incidents that involve firearms, imitation guns and theft of firearms, particularly where an incident may involve illegal possession, transfer or use, potential diversion to criminal markets, or a potential threat to public safety.

British Columbia policies concerning violence in relationships are among the most comprehensive in Canada, strictly limiting police discretion to protect victim and public safety. They also feature detailed explanations of the application of legislation and related investigative procedures. Similar approaches are reflected in policies on missing persons and work underway in the area of mental health.

A similar approach to criminal activity involving firearms would enhance interdictions, seizures, charges, prohibitions and sentencing. The elevated risk associated with firearms supports the need for a strict policy approach.

Recommendations

The Task Force recommends that:

11. The B.C. Ministry of Public Safety & Solicitor General should consider working with the B.C. Association of Chiefs of Police, the Canadian Firearms Program Chief Firearms Officer, law enforcement agencies and others to develop comprehensive and aligned province-wide enforcement policies relating to the possession, trafficking and use of illegal firearms.

“Bar watch” programs

Background

Bar or restaurant watch programs address the risk to the public posed by presence of individuals known to be associated with serious or violent criminal activities. These individuals gather, conduct business and socialize in bars and restaurants and, in several cases, they have engaged in violence resulting in injury or death, frequently due to the illegal use of firearms. Among the most noteworthy was the shooting at a nightclub in Vancouver in 2003 in which three people were killed, including an innocent bystander. This occurred in a broader context of gang-related shootings that were occurring throughout the Lower Mainland at the time.



Police records show that in 2015 and 2016, over 500 gang members and individuals associated with guns and violence were told to leave premises. Each ejection reduces the burden on the bar managers, the risk to bar patrons and the risk of a chance encounter with rivals that could involve innocent third parties.

Bar watch programs are intended to identify patrons with a violent or criminal history and exclude them from bars and restaurants. In Vancouver’s Bar Watch program:

- Participation is indicated by a clearly displayed sign or decal. Participation by owners is voluntary and subject to a detailed agreement. Police act on behalf of the restaurant or bar under the authority of the *Trespass Act* (B.C.).
- The agreement defines an inadmissible patron, based on lifestyle and associations that pose a direct or indirect risk to patrons. Police are responsible for identifying, investigating and determining if an individual or group fits the definition.
- The program is applied consistently. A participating business contacts police immediately when inadmissible patrons seek entry. When police notice inadmissible patrons, they are ejected immediately. Because police act on behalf of the business, staff are not exposed to the risk of confronting these individuals or groups directly and avoid later retribution.

Alberta and Manitoba have bar watch programs based on provincial gaming and liquor legislation, which empowers police to exclude any person believed to be associated with a gang.

Response and rationale

A program such as bar watch, which could be adapted for urban and small-town settings, could provide an effective tool in reducing the use of illegal firearms in places frequented by people with a violent history or gang affiliations. However, opinions differ regarding the legal authority for such programs.

Alberta and Manitoba are currently responding to challenges to their programs, which allege a discretionary application of the gang provisions in the provincial statutes.

The lack of specific legislation on the public safety threat posed by the presence of persons who are likely to be associated with firearms violence limits the broader use of such programs. Legislation, however, would require a fulsome assessment of civil liberties and other challenges. These may involve the articulation around identification; threats to public safety; and authorities for ejection. For example, is the threat to public safety the same across the province or is it specific to particular locations or areas targeted by intelligence?

Similarly, while Vancouver's Bar Watch has support from the owners of many bars and restaurants, that support relies on the well trained and highly professional approach of the enforcement teams. This approach would be a challenge in a province-wide program delivered by over 6,000 officers with varying levels of experience and resources. Delivering a bar watch program consistently and safely in varied municipalities or across the province would require that police officers be supported by training, criminal intelligence and standard operating procedures with clearly articulated grounds for action.

Recommendations

The Task Force recommends that:

12. The B.C. Ministry of Public Safety & Solicitor General should consider obtaining a legal opinion on the adequacy of the *Trespass Act* (B.C.) and the *Liquor Control and Licensing Act* (B.C.) for the purposes of existing bar watch and comparable programs.
13. If the legal opinion, referred to in recommendation 12, supports the adequacy of the acts, the B.C. Ministry of Public Safety & Solicitor General should consider partnering with the B.C. Association of Chiefs of Police and bar and restaurant owners to examine possible expansion of bar watch programs to communities where they are warranted, in a manner that ensures proper articulation of risk to public safety and consistent application of authorities.
14. Alternatively, if the legal opinion, referred to in recommendation 12 finds that the acts do not support the use of the Bar Watch program, the B.C. Ministry of Public Safety & Solicitor General should consider collaborating with relevant ministries responsible for the acts, and should propose amendments to existing legislation that would better address public safety issues posed by the presence of individuals with a gang-related or violent past whose mere presence presents a serious threat to public safety.

THEME #2: LEGISLATIVE INITIATIVES

Quebec's firearms violence mitigation law: A model for provincial actions

Background

Quebec has faced firearms attacks that have drawn calls for effective action to curb the threats of illegal firearms use. In response, the province has enacted legislation in several areas of provincial jurisdiction, balancing public safety with the obligations it imposes. Quebec's Bill 9, An Act to protect persons with regard to activities involving firearms and amending the Act respecting safety in sports, provides a model that B.C. could follow in its spirit and intent.

Bill 9 addresses the risks of the illegal use of firearms in violence and potential violence in public places and use of gun ranges and shooting clubs by potentially dangerous persons.

Quebec's Bill 9 addresses risks such as:

- The threat of mass school, public transportation and public venue shootings, driven by a variety of health and antisocial behaviours
- Intimidating, stalking and threatening others, both by adults and youth, directly or through social media, including the demonstration of firearms possession
- The use of firearms at gun ranges by organized crime and gang members and violent criminals
- Complex barriers to information and intelligence sharing between agencies
- Misunderstandings among law enforcement, professionals, parents and others about their responsibilities to report imminent or potential firearms violence

Mass shootings

Firearms violence can occur anywhere. Several mass shootings have occurred in Canada over the last two decades. The acts themselves often result in death and injury to many, massive police responses and a significant negative effect on a community's sense of safety. Mass shootings often result in the death of the suspect and post-occurrence investigations, inquests and inquiries. Numerous government and non-government agencies assess their pre-event awareness and response to the perpetrator's behaviours and retroactively assess missed opportunities to change the course of events.

Four people were killed and seven others injured in a shooting spree in La Loche, Saskatchewan, on January 22, 2016. Two boys, said to be the suspect's cousins, were killed at their home, and two teachers were killed at the La Loche Community School. A 17-year-old male suspect was apprehended and placed into custody.

—CBC, “La Loche shooting leaves four dead”

Contrary to common misperceptions, research relied upon by many agencies including Safe Schools programs and the U.S. Secret Service, has shown that, in most cases, an offender has given indicators of intent to commit violence in social media, group activities and in personal comments and behaviours. This forms the basis of effective programs such as Violence Threat Risk Assessment. Often, there was more than one indicator, a progression or a pattern of indicators, all of which went unnoticed or unreported to those who could assess and react to the threat. In many cases, people were aware of threatening behaviour through social media, but failed to report it to agencies that could intervene. The link between social media and other threat indicators is highly critical to early identification and mitigation.

Issues related to mental health, substance abuse, radicalization and violence in relationships have led to highly tragic acts of firearms violence. The Task Force believes Bill 9 demonstrates how provincial legislation can help mitigate predictable violent occurrences through mandatory reporting by designated institutions. These requirements enhance accountability and ensure a systemic response to the legal notification requirement. Mandatory and timely information sharing among stakeholders creates opportunities to prevent firearms violence.

Mandatory notification of firearms in public institutions

The first part of Quebec’s Bill 9 attempts to mitigate risk by prohibiting anyone from being in possession of a firearm in designated institutions, such as schools, government buildings, hospitals and sporting facilities, or on public or school transit. It requires staff to immediately notify the police if they become aware of a firearm on the premises, or the intent to use a firearm for violence or bring a firearm to a designated institution, irrespective of other confidentiality obligations. By requiring immediate notification, Bill 9 maximizes the opportunity to disrupt any threat.

Bill 9 also protects designated institution officials, professionals and managers from prosecution for acts performed in good faith in accordance with the act.

Canadian Firearms Program

The Canadian Firearms Program Chief Firearms Officer currently may receive information from health workers, social workers, police or other authorities alerting officers that a firearms licence holder may pose a threat to public safety because of a mental health condition or

similar issues. However, many health workers and others believe that a patient's confidentiality and rights to privacy prevent them from sharing information about potential threat indicators. Without such information, firearms officers may have no basis on which to review the licence of someone with unstable mental health. Quebec's Bill 9 authorizes health professionals to report information about threats to the police. As described elsewhere in this report, such information should be available to the Chief Firearms Officer through the PRIME-BC police information database to allow officers to review the licence of a firearms holder and to revoke the licence if appropriate.

Denying criminals access to shooting ranges

Members of criminal organizations who are not licenced to possess firearms have been observed by CFSEU surveillance using lawful gun ranges to train with firearms. The provisions of Quebec's Bill 9 can be used to disrupt criminals.

Quebec's Bill 9 reinforces restrictions in the *Firearms Act* (Canada) and regulations, and adds a requirement that ranges must also keep records of users, and that club members must practice at least once per year or pass a competency test to maintain membership. B.C. could also use these requirements to disrupt criminals.

The Bill regulates target shooting with restricted and prohibited firearms in shooting clubs and shooting ranges by requiring operators to obtain a licence, comply with safety regulations, and keep a register of users of the facilities. It also requires that anyone wanting to engage in target shooting be a member of a shooting club, meet the conditions for continued membership and obtain an attestation of competency in the safe use of firearms.

Response and rationale

Following the model of Quebec's Bill 9 would create several significant benefits for B.C. The mandatory notification provisions would:

- Close information gaps and clarify responsibilities in the event of a firearms threat in schools and similar places
- Provide early warning of potential shooting threats and may provide time to intervene before conditions become dangerous
- Lead to province-wide systemic risk mitigation protocols

The notification to the Chief Firearms Officer would provide relevant information that could be used to assess when to refuse or revoke a possession and acquisition licence in the interests of public safety.

The shooting ranges and clubs provisions would:

- Deter individuals from using shooting ranges and clubs in preparing to use firearms for illegal purposes
- Encourage the operators of shooting ranges and clubs to be alert to potential illegal firearms use and give them a clear way to respond

Recommendations

The Task Force recommends that:

15. The B.C. Ministry of Public Safety & Solicitor General should consider adopting aspects of Quebec's Bill 9, either by proposing amendments to the *Firearm Act* (B.C.) or by creating new legislation.

Imitation firearms

Background

Imitation firearms, as we use the term in this report, include firearms that closely resemble real firearms. Imitation firearms may be known as BB guns, pellet guns, spring guns or airsoft guns and have a projectile velocity under 152.4 metres per second. Projectiles come in a variety of forms, weights and configurations. Such devices are legal to import and possess.

Imitation firearms can be considered a firearm under the *Criminal Code* if used in the commission of a crime.

While most imitation firearms are not defined in the *Criminal Code*, a select category of air guns that exceed the maximum allowable velocity are subject to the same licence, registration and safe handling regulations that apply to conventional firearms, and are not subject to the recommendations in this report.

Imitation firearms are an emerging public safety issue in B.C. and Canada because they resemble real firearms and are largely unregulated. Users can acquire them easily without proof of age, licence or competency. Many are virtually indistinguishable from real firearms such as military assault rifles, machine guns and handguns. They are available for purchase at retail outlets across



Canada and online. Some retailers limit sales to persons 18 years old and above, but many have no restrictions on sales.

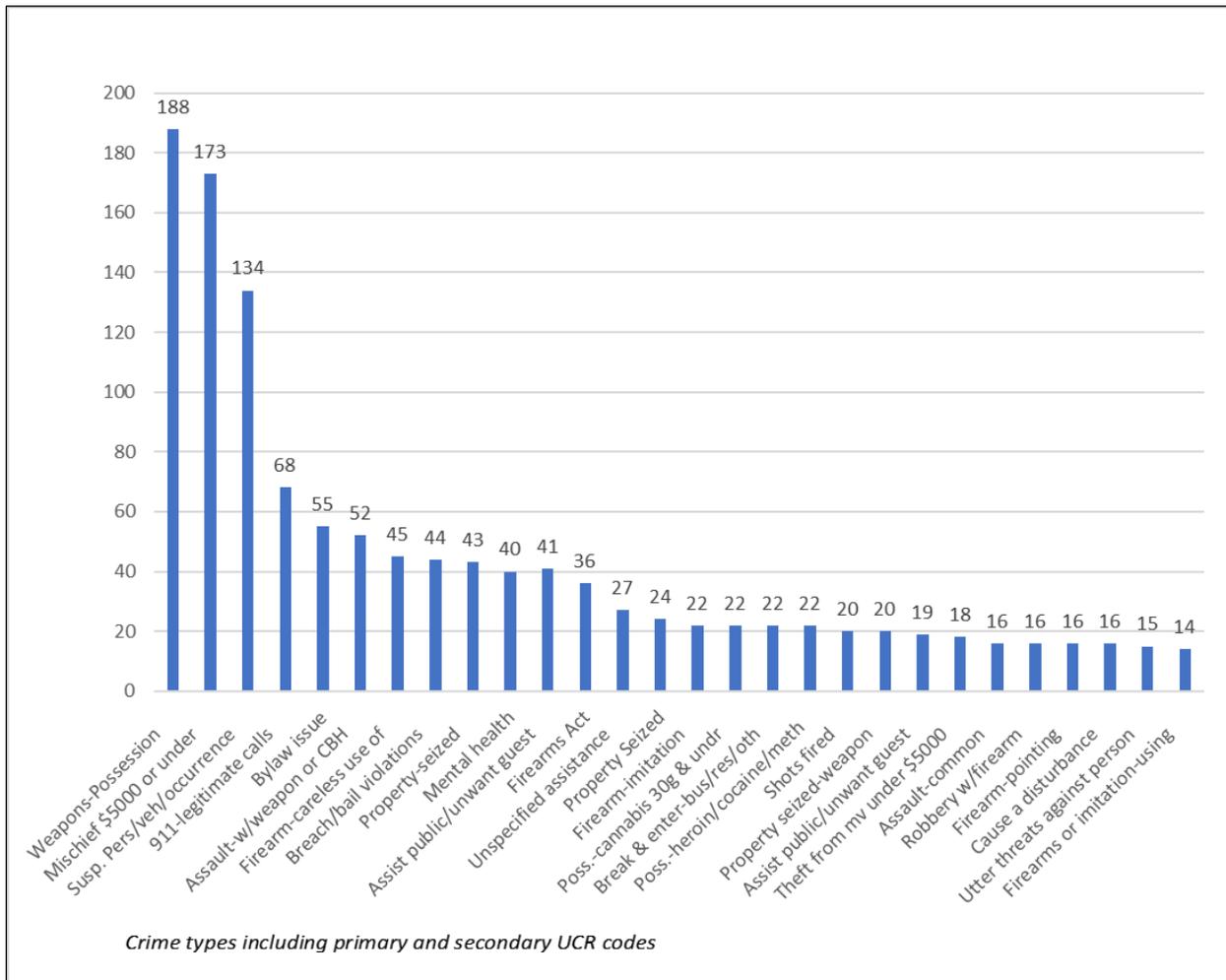
Statistics from the National Weapons Enforcement Support Team show that imitation firearms are encountered in the hands of criminals. Criminals may obtain pellet pistols or airsoft pistols to make people think they are carrying a real firearm. This ruse is used for street-level extortion, robbery and personal protection from other criminals, and to intimidate victims when committing an offence.

Imitation guns can be used by owners (often youth) in public spaces, such as parks and on or near roadways. They are difficult to distinguish from real firearms.

In B.C., there is no age requirement on the sale of air-powered guns.

Response and rationale

In 2016, the National Weapons Enforcement Support Team, Western Region (NWEST), studied Lower Mainland law enforcement occurrences with imitation, airsoft and pellet guns. The study found 1,228 occurrences in which these firearms were directly or indirectly involved.



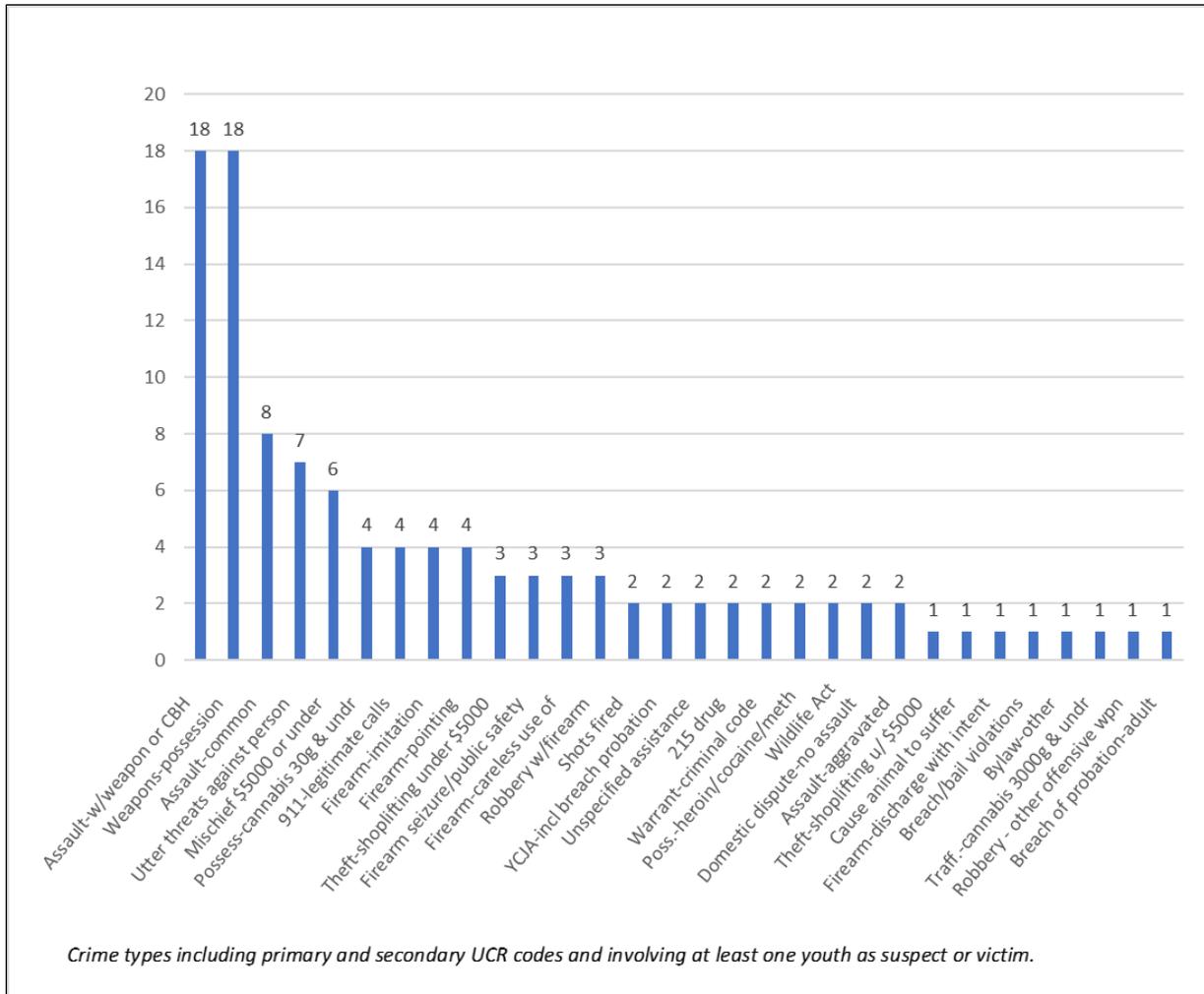
Top Imitation Firearm Occurrences, Lower Mainland, 2016

Source: National Weapons Enforcement Support Team, unpublished data.

These occurrences include the full spectrum of offenses and calls for service. They included 188 instances of weapons possession, 40 related to mental health calls, 22 related to possession of narcotics, 52 associated with assault causing bodily harm and 16 with robbery.

In addition, when suspects are charged with violent offences, they are often released from custody on conditions prohibiting their possession of firearms, among other conditions. Some offenders will seek to obtain an imitation firearm to continue their criminal lifestyle without breaching the release condition against carrying firearms.

NWEST broke down its statistics further to examine occurrences involving youth.



Top Imitation Firearm Occurrences involving Youth, Lower Mainland, 2016

Source: National Weapons Enforcement Support Team, unpublished data.

In the Task Force’s regional consultations, law enforcement, school district and community representatives reported similar types of occurrences. They also described a growing trend by youth to display real or imitation firearms or to pose with them on social media. In some cases, these images were part of social media threats or intimidation, while others appeared to reflect a misguided and unrealistic fascination with firearms and gang culture.

Police calls involving apparent firearms

Calls from the public related to imitation firearms are often dispatched as “man with a gun” calls. Often, these reports describe real-looking military-style rifles, pistols and revolvers.

Untrained witnesses, and even highly trained police officers, are often unable to distinguish between real and imitation firearms without close inspection.

These occurrences may take place in public areas, such as schools, community centres, malls, hospitals and parks, as well as on public transit and in taxis. While these calls often turn out to involve imitation firearms, they have many ramifications:

- Responders must deploy a priority response to eliminate any apparent threat to the public and to responding officers. Tragically, a responder may fire on a person possessing an imitation firearm.
- Priority response involves risk, as responders move to the threat as fast as possible, with a risk of vehicle collision and injury to the public and to first responders.
- High-risk responses require a commitment of resources that can include emergency response teams, a command and control centre and crisis management protocols.
- The response can become the subject of oversight investigations, public, media and judicial scrutiny.
- The response may cause lockdowns of schools and public areas, with stress to students, parents and others.
- These occurrences can result in public confidence issues and negative community and media attention.

Youth, schools and gateway usage

The Task Force heard from parents who permit, educate and oversee their children in the acquisition and use of imitation firearms, such as airsoft and pellet guns. Many use air guns to teach gun safety and security, and they control and monitor where and when the guns are used. This ideal situation is not universal.

Other parents view imitation firearms as harmless toys or useful for target practice, while some are simply unaware that their children possess them at all. The absence of parental engagement and a fulsome awareness of potential uses and associated dangers of imitation firearms creates a public safety risk.

The Surrey Safe School program has seized numerous imitation firearms from students on school grounds. Other districts report similar, but less frequent, occurrences and have seen students carry imitation firearms in the broader community.

In certain circumstances, possessing an imitation firearm in or near a school can meet the required threshold for criminal prosecution, particularly possession to support other criminal behaviour, such as assault, uttering threats or trafficking in narcotics.

The use of an imitation gun at a young age as a source of power, intimidation or retaliation, or for protection, should be considered "gateway usage." A youth of 13 or 14 years of age who uses an intimidation gun at school, in a public place or on social media, or who openly displays firearms, is of significant concern.

As the youth evolves and antisocial activity progresses, the youth may search for and obtain a real firearm to support the same types of antisocial activity, as well as increased

criminal and organized crime activity. Youth in such circumstances should be the focus of interventions to prevent and end the path toward criminal activity.

Recommendations

The Task Force recommends that:

FEDERAL LEGISLATION

16. The B.C. Ministry of Public Safety & Solicitor General should consider working with the federal Ministry of Public safety and Emergency Preparedness to propose amendments to the *Firearms Act* (Canada) to:
 - 16.1. Restrict to persons 18 years or older the acquisition of imitation firearms that are neither firearms nor replicas as defined in the *Criminal Code*
 - 16.2. Restrict to persons 18 years or older the possession of imitation firearms that are neither firearms nor replicas as defined in the *Criminal Code*, unless the person is under the direct supervision of a person over the age of 18 or is the valid holder of a Minor's Permit issued by the Canadian Firearms Program
 - 16.3. Require all sellers of imitation firearms to verify proof of age and record the purchaser's identity for all sales
 - 16.4. Require all sellers of imitation firearms to attach to the item information on the capabilities, the potential for injury and possible lethality of the item
 - 16.5. Restrict the places in which imitation firearms can be possessed, and specifically to prohibit possession of an imitation firearms in schools, community centres, public venues, public institutions, parks, roadways, public transit and taxis

PROVINCIAL LEGISLATION

17. In the event that the federal Ministry of Public Safety and Emergency Preparedness is not able to propose the amendments as recommended in Recommendation 16, the B.C. Ministry of Public Safety & Solicitor General should consider proposing amendments the *Firearm Act* (B.C.) to:
 - 17.1. Restrict to persons 18 years or older the acquisition of imitation firearms that are neither firearms nor replicas as defined in the *Criminal Code*
 - 17.2. Restrict to persons 18 years or older the possession of imitation firearms that are neither firearms nor replicas as defined in the *Criminal Code*, unless the person is under the direct supervision of a person over the age of 18 or is the valid holder of a Minor's Permit issued by the Canadian Firearms Program
 - 17.3. Require all sellers of imitation firearms to verify proof of age and record the purchaser's identity for all sales
 - 17.4. Require all sellers of imitation firearms to attach to the item information on the capabilities, the potential for injury and possible lethality of the item
 - 17.5. Restrict the places in which imitation firearms can be possessed, and specifically to prohibit possession of imitation firearms in schools, community centres, public venues, public institutions, parks, roadways, public transit and taxis

Straw purchasers and point-of-sale recordkeeping

Background

Historically, most crime guns were smuggled into Canada from the U.S. Over the past three years in B.C., however, approximately 60 per cent were sourced in Canada, according to data from the National Weapons Enforcement Support Team (NWEST). NWEST attributes this trend to changes in firearms legislation in states such as Washington and Oregon requiring recordkeeping at the point of sale for all firearms, which allows tracing to identify a purchaser.

In Canada, there is no national legislation to require record keeping for sales of non-restricted firearms. Unlike many American states, sellers need not keep any records of sales of non-restricted firearms. Purchasers can re-sell, trade or give away a firearm without keeping records. Without sales records, crime investigators often cannot trace the ownership of crime guns, even when gun registration numbers allow them to trace their



183 firearms seized in a firearms-trafficking investigation in 2013 in Tatla Lake, B.C.

manufacture and shipping to an individual retailer.

Domestically sourced firearms may be stolen in residential and commercial break-ins or legally acquired by “straw purchasers” and diverted to illegal use. A straw purchaser is someone with no criminal record, criminal history or association, who has a possession and acquisition licence (PAL) and legally purchases firearms on behalf of others who have no PAL. The National Weapons Enforcement Support Team reports an increase in the number of legally purchased firearms that were diverted to the illicit market. Many have been recovered in criminal investigations. Straw purchasers may falsely report purchased and diverted weapons as stolen if they become the subject of an investigation.

Response and rationale

A sales record of firearms sales, accessible to investigators pursuant to judicial authorization, would assist in identifying and tracing crime guns and traffickers in illegal firearms.

Point-of-sale recordkeeping, similar to that required under Canada's *Explosives Regulations*, section 261, which requires sellers of certain explosive materials to record the name and address of the buyer and information about the products sold, would help tracing crime guns and deter illegal trafficking. In a similar way, the *Metal Dealers and Recyclers Act and Regulations* (B.C.), as well as municipal bylaws regulating pawnbrokers, requires certain businesses to record users' names and other information in order to disrupt and trace thefts and mitigate risks to public safety.

Point-of-sale recordkeeping would help link straw purchasers and illegal firearms traffickers to crime guns. It would disrupt and deter illegal transfers by increasing the risk of detection to straw purchasers. It would align with U.S. regulations, further disrupting illegal cross-border trading of firearms.

It would also close an intelligence gap and assist investigations by creating opportunities to trace firearms, identify illegal traffickers and focus strategic intelligence.

A national requirement for firearms sellers to keep sales records would provide uniform and effective standards across Canada. To minimize information gaps, the requirement should include private sales and sales at gun shows or trade shows. To ensure compliance, records should be subject to inspection under the Canadian Firearms Program.

Recommendations

The Task Force recommends that:

FEDERAL LEGISLATION

18. The B.C. Ministry of Public Safety & Solicitor General should consider working with the federal Ministry of Public Safety and Emergency Preparedness to propose amendments to the *Firearms Act* (Canada) that require businesses, dealers and individuals selling non-restricted firearms to keep point-of-sale records, which could be made available to law enforcement pursuant to judicial authorization on a case-by-case basis and subject to regulations governed by the Canadian Firearms Program.

PROVINCIAL LEGISLATION

19. In the event that the federal Ministry of Public Safety and Emergency Preparedness is not able to propose the amendments as recommended in Recommendation 18, the B.C. Ministry of Public Safety & Solicitor General should consider proposing amendments to the *Firearm Act* (B.C.) that require businesses, dealers and individuals selling firearms to keep point of sale records, which could be made available to law enforcement pursuant to judicial authorization on a case-by-case basis and subject to regulations governed by the Canadian Firearms Program.

Manufacture of untraceable firearms

Background

Receiver blanks

In B.C. and across Canada, regulators and police are finding firearms that bear no identifying marks, often in the possession and use of criminals. The *Firearms Act* (Canada) makes it illegal to own or transfer restricted or prohibited firearms unless they have a unique serial number.

The absence of identifying markings indicates that firearms were likely manufactured from unfinished lower receivers and aftermarket components, commonly referred to as receiver blanks or 80% guns. Makers of receiver blanks often market them in kits with all the tools and jigs required to make them into fully functional guns, which are potentially unregistered and untraceable restricted or prohibited firearms.

Unregistered firearms, when completed with receiver blanks, are referred to as "ghost guns." Completion kits are unregulated and can be

purchased without a PAL from sporting goods stores or the internet. Because they are not completed, they have been difficult to define as firearms, pursuant to the *Criminal Code* or the *Firearms Act*.

Some components are made to match parts for real firearms with parts from pellet pistols. Suppliers also sell components to make firearms fire in a fully automatic mode (as a machine gun) and sell sound suppressors or silencers.



Handgun receiver advertised for Internet sale, complete with tools for assembly to complete assembly.



An attempted murder took place on August 2015 in Richmond, B.C., and police seized an unmarked/un-serialized 1911 .45 semi-automatic handgun.

Response and rationale

Although initially sold as non-functioning machine parts, receiver blanks are easily available over the internet. They can be obtained by youths and people who are ineligible for a PAL. According to the *Washington Post*, a shooter who killed six people in 2013 used a semiautomatic AR-15 rifle made from unregistered parts.

Existing laws on firearms need to be updated to clarify when receiver blanks should be considered firearms subject to registration and licensing, and when they should be restricted from import or sale.

Recommendations

The Task Force recommends that:

20. The B.C. Ministry of Public Safety & Solicitor General should consider working with the federal Ministry of Public Safety and Emergency Preparedness to propose amendments to the definition of a firearm in Section 2 of the *Criminal Code*, substantially as follows:

“Firearm” means a barreled weapon from which any shot, bullet or other projectile can be discharged and that is capable of causing serious bodily injury or death to a person, and includes any frame or receiver of such a barreled weapon and anything that can be adapted for use as a firearm, *including blank castings of frames or receivers not yet capable of holding various firing components.*

21. The B.C. Ministry of Public Safety & Solicitor General should consider working with the federal Ministry of Public Safety & Emergency Preparedness to propose federal legislation that restricts the import, export and sale of all receiver blanks.

THEME #3: EDUCATION AND PREVENTION

Safe schools, student and parent education

Background

Education and schools offer an opportunity to identify and prevent a broad range of antisocial behaviour and victimization. They also represent an opportunity to promote positive social behaviour, kindness and empathy and acceptance of a diverse society.

Young people may give the first public indications of antisocial behaviour in schools. While occasionally such incidents may involve the illegal use of real firearms, far more frequently they involve easily available imitation firearms used to enhance a personal image, to threaten or simply to match a media stereotype.

On a number of instances throughout B.C., students have brought firearms into schools, some real but almost exclusively imitation firearms.

The use of such firearms to intimidate other students is illegal in itself. They are also very difficult to distinguish from real firearms, and can lead to a frightening and dangerous emergency response. In some cases, they may normalize the use of weapons and progress to the future use of firearms in criminal activities.

The *School Act* (B.C.) does not prohibit imitation firearms from schools, although, some school districts have policies that do prohibit real or intimidation weapons. The recommendations in this report on imitation firearms would prohibit possession of imitation firearms in schools and restrict their

acquisition to those over the age of 18 years.

A province-wide Safe Schools program has been designed to identify and mitigate risks associated with a broad range of antisocial and potentially violent behaviours by students. It helps identify potential threats and offers solutions to a wide range of antisocial behaviours. Broad-based school and student safety programs can both avoid firearms threats in schools and divert students away from a trajectory toward violent crime.



Imitation firearm seized from student at a Surrey high school.

Legislation

Neither the *School Act* (B.C.) nor any other act expressly outlines how school officials, conscious of privacy concerns, can or should communicate and manage risks with law enforcement, government and community agencies, or with other stakeholders and School Safe programs.

Privacy concerns lead to potential confusion, particularly in jurisdictions where incidents such as possession of imitation firearms at school are rare and relationships and knowledge are untested. Rural communities and school districts where legal firearms ownership and hunting are intrinsic face additional challenges.

The only reference to public safety within the *School Act* (B.C.) is found at:

“Division 6 – Offences

- 177 (1) A person must not disturb or interrupt the proceedings of a school or an official school function.
- (2) A person who is directed to leave the land or premises of a school by a principal, vice principal, director of instruction or a person authorized by the board to make that direction
- (a) Must immediately leave the land and premises, and
- (b) Must not enter on the land and premises again except with prior approval from the principal, vice principal, director of instruction or a person who is authorized by the board to give that approval.

While not specific, section 125 (6) of the *Youth Criminal Justice Act* (Canada) may provide authority for school, community and law enforcement partners to share critical information to mitigate risk and assist youth who are on a path to violence and other antisocial behaviour. This provision is helpful but insufficient. Numerous government portfolios and other agencies need to be engaged and coordinated to reduce chronic risk and build long-term solutions.

125 (6) The provincial director, a youth worker, the Attorney General, a peace officer or any other person engaged in the provision of services to young persons may disclose to any professional or other person engaged in the supervision or care of a young person — including a representative of any school board or school or any other educational or training institution — any information contained in a record kept under sections 114 to 116 if the disclosure is necessary

- (a) to ensure compliance by the young person with an authorization under section 91 or an order of the youth justice court;
- (b) to ensure the safety of staff, students or other persons; or
- (c) to facilitate the *rehabilitation of the young person*.

The Public Schools Act of Manitoba is more specific with respect to public safety and makes it an offence to carry an offensive weapon to school:

“Prohibition regarding offensive weapons

- 236 (1) Unless authorized by a school board, it is an offence to carry to school an offensive weapon as defined in the *Criminal Code*.
- (2) Where a pupil commits an offence, under subsection (1), the pupil if he is of the age of majority, or his parent or guardian if he is under the age of majority, is liable, on summary conviction, to a fine of not less than \$10. and not more than \$100.

Quebec’s Bill 9 addresses many issues associated with illegal firearms offences in schools, as well as threat mitigation and communication between agencies.

This bill prohibits the possession of firearms in the buildings and on the grounds of childcare facilities and educational institutions and in conveyances used for public transportation and school transportation. By government regulation, any other institution may be added to those listed in the bill.

Under this bill, the personnel of educational institutions, public transportation and school transportation drivers and admission attendants and persons responsible for shooting clubs and shooting ranges are required to report to police any behaviour indicating that an individual may endanger the safety of the individual or another person by the use of a firearm.

Certain professionals are authorized to report such behaviour despite obligations of confidentiality and professional secrecy.

Bill 9 protects designated institution officials, professionals and managers from liability associated to “good faith” acts.

The Quebec legislation addresses both schools and other public institutions, including places and transportation used by students before and after school, thereby increasing the effectiveness of efforts aimed at students.

B.C. has no age requirement on the sale of imitation firearms, pellet or airsoft guns and the *School Act* (B.C.) does not prohibit them from schools. The Task Force makes additional recommendations in the section on imitation firearms.

Response and Rationale

The B.C. Safe Schools ERASE (Expect Respect and a Safe Education) Bullying Strategy is designed to help prevent, identify and stop harmful behaviours connected to students, staff or the school community – both in person and online. ERASE includes training on bullying prevention and School-based Violence Threat Risk Assessment (VTRA). ERASE promotes the identification of a broad range of antisocial behaviour and calls on stakeholders including

law enforcement, family, government and community programs to de-escalate any path to violence, mitigate risk and provide long-term support to youth and their families.

Safe School programs seek to identify and understand threat indicators from students, family, school officials and the community members who identify indicators through direct contact, group activities or social media. The link between social media and other threat indicators is highly critical to early identification and mitigation.

Schools can react to imminent concerns in partnership with law enforcement agencies, including urgent school lockdowns. More often, they engage a variety of resources to understand indicators, investigate them collaboratively and develop a comprehensive plan of action.

The ultimate goal of early identification, interdiction and disruption of potential violence by an individual is the disruption of their dangerous path and the safety of innocent victims. Fully engaged safe school programs connected to community experts and law enforcement can use the individual and collective experiences to inform and implement broad prevention and awareness efforts that will positively affect an entire community and generation.

The delivery and capacity of this program is always subject to the personnel and resources of the individual school district as well as the scope, depth and engagement of the supporting law enforcement, government and community partners within a region.

School risk prevention, communication and coordination

The Task Force has seen excellent examples of schools, law enforcement agencies and communities working together to mitigate firearms and other threats.

Consultations in Williams Lake, B.C., showed a coordinated school, community and law enforcement initiative to address violent gang activity in the region using the Communities That Care (CTC) model, as described elsewhere in this report. It brings together the elements of the Safe Schools program with its School-based Violence Threat Risk Assessment tools and builds community awareness and intervention to provide a comprehensive solution and support.

As a rural community in which firearms play an important role, the Williams Lake school district offers the Conservation and Outdoor Recreation Education (CORE) firearms training program as a high school elective. CORE is designed for individuals wishing to obtain their first B.C. resident hunting licence. It focusses on seven areas of study: firearms, bird identification, animal identification, habitat identification, hunter ethics, regulations and survival and first aid.

The Surrey Wraparound Program (Wrap) is a partnership between the Surrey School District, RCMP and the City of Surrey. It aims to positively attach youth to their school, community and home by building a trusting and positive relationship. Parents, caregivers and/or guardians are included in goal setting, while helping to build a positive lifestyle and self-worth for youth. Surrey Wrap has two dedicated RCMP members who build a positive and

trusting relationship with youth. Wrap is interconnected with Surrey Safe Schools, facilitating risk mitigation, predictive analysis, prevention and long-term solutions.

The common theme in these successful programs is timely and effective communication, under clear and established guidelines and protocols, between all stakeholder agencies to predict, prevent and mitigate risk associated with illegal firearms and other antisocial activities on school properties or associated with students.

In addition, the Safe Schools program, in partnership with law enforcement, government and non-government stakeholders, represents a foundation from which risk is identified and, more importantly, the antisocial behaviours can be redirected to more positive and productive paths.

School education, prevention and communication

In addition to the ability of schools to identify risks and threats through a well-developed Safe Schools program, schools represent the best opportunity to educate youth and their parents on the dangers of illegal firearms and gangs. School-based educational programs should focus on three areas:

- Students
- Parents
- Teachers and administrators

By enhancing the existing ERASE program, schools can bring information about organized crime, gangs and firearms to all students. A school-based education program helps to prevent involvement in gangs and violence, build resilience and promote social responsibility, conflict resolution and acceptance of diversity. A program of this type, supported by positive role models, corporate sponsors and high-profile spokespersons, would enhance current efforts in B.C. to properly represent the diversity, unique causal factors and realities of B.C.'s organized crime problem.

Such a program would reach youth who are vulnerable and at risk but also those unaffected youth who are in a position to identify peers at risk, report threat indicators and support others. Properly delivered and sustained education and resilience building programs will over time reduce the allure of the gang lifestyle and expose it for what it is.

The Safe Schools and VTRA programs also give educators and partners the opportunity to engage parents whose children have been identified as having threat indicators.

Education of parents through public forums is critical but challenging. Wide-reaching parental education and awareness of the many causal factors and indicators related to organized crime and gang involvement is necessary. However, while public forums and focus groups for parents may be well attended, they are often attended by socially concerned citizens and victims who are law-abiding.

Parents may be unaware of the complex challenges facing their children as a result of factors such as recent immigration to Canada, relocation from within Canada and a wide range of language, social, health and economic challenges. Parents may not recognize risk

indicators, such as possession of an imitation firearm or unexplained access to money. Strategies need to focus these parents.

Organized crime and gangs reach to all corners of the province, from the Lower Mainland of B.C. to the most rural communities in B.C. In some cases, they offer the attraction of an affluent lifestyle, while others are based on poor opportunity, poverty and despair. Hub communities see disproportionately high impacts from gang crime when the violence of regional crime affects residents of central rural communities.

Teachers and school administrators in every district would benefit from consistent training and information about B.C.'s organized crime, gang and firearm challenges. In particular, this training should address how youth move towards criminal involvement, the indicators to watch for and the opportunities to alter a negative trajectory. The Safe Schools initiative offers a foundation from which to deliver a broad-based education and prevention program targeting both youth and parents.

The critical factor is recognition and action by those best positioned to act. Action means engaging the many resources required, furthering, fully investigating and taking effective action in a timely manner. With young people, this often means teachers and school administrators who know the indicators of a problem, how to engage the youth and how to address the challenge.

Schools play a critical role in preventing violent antisocial activity in the lives of children and youth. They can change the trajectory of youth who are on a path to a violent gang lifestyle through strategies premised on information sharing and coordination of comprehensive community-based services.

Recommendations

The Task Force recommends that:

22. The B.C. Ministry of Public Safety & Solicitor General should consider working with the relevant ministries to develop a clear and authoritative statement of the law relating to information sharing for schools, law enforcement, health professionals, youth and family services, other government agencies and other public institutions, which describes their responsibility for sharing information when there is a threat or imminent danger that outweighs any right to privacy.
23. The B.C. Ministry of Education should consider ensuring that:
 - 23.1. All public and independent school jurisdictions continue to enhance their safe school programs and participate in ministry-sponsored School-based Violence Threat Risk Assessment (VTRA) training with specific attention to imitation and real firearms

- 23.2. All schools and school districts engage the support and involvement of law enforcement, government, non-government and community agencies in VTRA training and the VTRA process
- 23.3. Training in the ERASE Strategy be enhanced to support:
 - a) Building resilience among youth to gangs and violence
 - b) Enhancing awareness and engagement of parents including indicators of “gateway” usage
 - c) Ensuring education and consistent engagement of teachers and school administrators
- 23.4. School curricula be enhanced to support development and participation in positive firearms training, such as the Conservation and Outdoor Recreation Education (CORE) program where appropriate, supplemented by positive modeling

Community-based programs – Rural and First Nations communities

Violence resulting from the use of illegal firearms and the growth of organized crime and gangs now involves all areas of British Columbia. As discussed elsewhere in this report, organized crime and gangs exist primarily to profit from the illegal drug trade and related criminal enterprises, as well as to provide a sense of identity and belonging. Rural and isolated communities are not immune to the violence and public safety risk that results.

Hub cities such as Williams Lake and Prince George provide institutions, services and an economic centre that brings both positive and negative impacts from local and nearby rural communities, as well as from transient populations. Hub municipalities experience the impacts of violent organized crime from within and outside of their boundaries, and must develop regional programs in partnership with rural and First Nations communities.

The centralized regional institutions and programs of hub cities, including schools, may also represent an opportunity to overcome the geographic challenges.

Successful community initiatives are founded on a culturally appropriate community-based consultative approach. Regional consultations highlighted that public safety initiatives related to illegal firearms and gang prevention, described throughout this report, can be integrated in broader programming. By leveraging the support of community leaders, community elders and other positive role models, such programs can assist rural and First Nations communities with prevention and resilience building efforts. Many existing programs already focus on directing at-risk youth away from lifestyles involving gangs and illegal firearms.

Many rural and First Nations communities have firearms embedded in the fabric of their communities and daily lives. Hunting, fishing and outdoor activities with legal firearms are integral. The widespread presence of firearms is a potential risk to public safety as those firearms can become available through theft or other unlawful means and diverted to criminals. Crime guns in these areas are often stolen locally.

Building awareness of the diversion of legal firearms to criminal use, combined with education about safe use and storage in support of hunting and other culturally relevant activities, provides a positive approach to public safety.

Current programs

Consultations in Williams Lake identified positive programming designed to identify and engage community resources in issues including gang and violence prevention in their communities:

- Communities That Care (CTC) uses a community-based, prevention-focussed approach to promote positive, healthy behaviour among youth while understanding

the root causes of negative behaviour such as substance abuse, crime and violence. It addresses risk factors rather than intervention with individuals who are already involved in problem behaviours. In Williams Lake, nearly 50 individuals are involved in Communities That Care, as well as representatives from health, education, justice, social and other agencies.

- The Punky Lake Wilderness Camp, operated by the Tsilhqot'in and Southern Carrier Nations, offers a one-day firearms program to teach respect for firearms and the harm they can cause. Members of the local RCMP detachment take part to engage community leaders in positive discussions about social responsibility and respect.

Community wellness models similar to Communities That Care have been undertaken in other jurisdictions. While not rural-specific models, they can have application in regional settings:

- The Saskatchewan Hub Model, which originated in Prince Albert, Saskatchewan, in 2011, draws on the expertise of community agencies to address complex human and social problems before they become policing problems. It focusses on early, multi-disciplinary preventive intervention, supported by evidence-based risk and outcome evaluations. Data shows a decline in police-community problems and greatly enhanced collaboration and communication between police and other community agencies.
- The Surrey Mobilization and Resiliency Table (SMART) was modelled after the Hub approach. SMART brings diverse agencies together to mitigate risk before a crisis occurs in the lives of individuals and families in Surrey's City Centre. It includes human service professionals from a variety of disciplines including: law enforcement, corrections, housing, health, social services, income assistance and education. They meet weekly to review cases where there is a high risk of harm, victimization or criminality and, if needed, can develop and execute a rapid response intervention plan within 24 to 48 hours.
- The Surrey Wraparound Program (Wrap), as described previously, is a partnership between the Surrey School District, RCMP and the City of Surrey. It aims to positively attach youth to their school, community and home by building a trusting and positive relationship. Parents, caregivers and/or guardians are included in goal setting, while helping to build a positive lifestyle and self-worth for youth. Wrap is interconnected with Surrey Safe Schools, facilitating risk mitigation, predictive analysis, prevention and long-term solutions.
- The Vancouver Aboriginal Community Policing Centre (VACPC) provides a safe place to discuss justice and safety issues in Vancouver and offers culturally based prevention and intervention programs.
- The Vancouver Police Department's "Yo Bro" program targets gangs, guns and drugs through programs for at-risk youth and provides mentorships for youths transitioning to high school. Its "Hey Girl" initiative focusses on young girls who may be drawn to the gang lifestyle.

The B.C. RCMP First Nations Community Policing Services has members in the First Nation Policing Program who are directly involved in First Nations communities throughout B.C. The RCMP has a First Nations gang coordinator, but currently has no expert to work proactively on firearms education and safety.

The Vancouver Police Departments Diversity and Aboriginal Policing Section also works to provide cultural competencies for frontline members and youth gang prevention programming.

Response and rationale

The Task Force has made a suite of recommendations relating to the interdiction of illegal firearms and the reduction of the harm they cause. Local law enforcement, working in partnership with their communities, has and will continue to be essential to addressing the problems of illegal firearms and the attraction of young people to gangs and organized crime. Community engagement models represent a foundation from which communities can tailor programming to predict, prevent and disrupt youth from illegal firearms, violence and gangs.

Police, the Canadian Firearms Program Chief Firearms Officer and other social services, in consultation with rural and First Nations communities, should maximize the use of community-based programming where appropriate to provide positive models and points of contact that can intervene before a risk of firearms violence or other harms develop.

Supporting programs for rural and First Nations communities would build resilience and resistance to crime. Where appropriate, and in consultation with rural and First Nations communities, such programs should include awareness and education about the safe and lawful use and storage of firearms, firearms acquisition and trafficking, the use of illegal firearms and their nexus to organized crime. A key element of such programs should be support from police and other community stakeholders.

Recommendations

The Task Force recommends that:

24. The B.C. Ministry of Public Safety & Solicitor General should consider enhancing early intervention programs in communities, aimed at identifying youth at risk at the earliest possible opportunity and changing behaviour through community-based interventions, where appropriate. The CTC, HUB and SMART programs provide useful models for community intervention programs.
25. The Chief Firearms Officer, firearms retailers and the B.C. Ministry of Public Safety & Solicitor General should consider improving community awareness on the safety, security, theft and criminal diversion of legal firearms by supporting culturally appropriate information and education programs.

26. In consultation with rural and First Nations communities, the B.C. Ministry of Public Safety & Solicitor General and the B.C. Ministry of Education should consider enhancing and supporting programs for youth tailored to schools that service rural and First Nations communities, with supporting parental and community education, regarding all aspects of legal and illegal firearms, gangs and organized crime.

27. In consultation with First Nations communities, the B.C. RCMP First Nations Community Policing Services should consider designating an officer to undertake ongoing proactive work in relation to legal and illegal firearms, the laws relating to firearms, and their nexus to organized crime in Aboriginal communities.

Canadian Firearms Program compliance strategies

Background

The vast majority of gun owners comply with the licensing and registration requirements managed by the Canadian Firearms Program (CFP).

The Canadian Firearms Program (CFP) is an operational division within the RCMP's Policing Support Services, which since May 2006 has had responsibility for administration of the *Firearms Act* (Canada) and the CFP. CFP supports all domestic and international police services in regard to firearms registration information and licensing of individuals and businesses. It provides police and other organizations with information and expertise vital to preventing and investigating firearms crime and misuse. This information helps distinguish between legal and illegal firearms, as well as lawful and unlawful owners and trafficking of firearms.

The *Firearms Act* (Canada) and its regulations, specifically the Firearms Records Regulations, establish the basic framework for the Canadian Firearm Information System (CFIS), the official repository for licence and registration information for the CFP. The Canadian Police Information Centre (CPIC) interfaces with CFIS to provide timely information to CFP Chief Firearms Officers (CFOs) making decisions about client licensing and continuous eligibility, and to police officers enforcing the *Criminal Code*.

The CFP today has five directorates:

- The Firearms Regulatory Services Directorate is responsible for individual and business licensing under the *Firearms Act* (Canada). It works closely with the ten CFOs in Canada and the Registrar of Firearms. The Registrar is responsible for the issuance, refusal and revocation of firearms registration certificates and carriers' licences, as well as the regulations pertaining to import and export permits for firearms when they come into force.
- The Firearms Service Delivery Directorate in Miramichi, New Brunswick, consists of a call centre and processing facilities, where Canada *Firearms Act*-related applications are received and processed, and firearms licence cards are printed.
- The Firearms Investigative and Enforcement Services Directorate manages the National Weapons Enforcement Support Team, Canadian National Firearms Tracing Centre and the unit that maintains a reference table of all known firearm makes and models.
- The Firearms Business Improvement Directorate manages the CFP's automated systems, databases, and websites.
- The Firearms Management and Strategic Services Directorate provides advice on policy and communications, prepares the annual Commissioner's report.

Under the *Firearms Act* (Canada), CFOs can refuse an application or revoke a possession and acquisition licence (PAL) based on the officer's assessment of the licence holder's risk to public safety. For example, the CFO can consider drug offences, unsafe firearm use and storage, violent behaviour and potential risks to others. Firearms registration applications can be refused and registrations revoked for the same reasons.

CFOs rely primarily on information from police and the courts when applying eligibility provisions. Self-disclosure and unsolicited reports from family members, friends or colleagues may also bring relevant information to light. In addition, CFOs maintain working relationships with other federal, provincial and territorial government bodies who may hold other relevant information

Some members of organized crime groups and their associates are known to possess a PAL. Access to a PAL allows them to procure firearms and ammunition without having to resort to external sources. To avoid registering a restricted firearm, OCG members can purchase non-restricted firearms.

The constantly evolving methods of organized crime and the ability of criminals to exploit vulnerabilities within firearms regulations require open-minded and effective links between regulation and enforcement. Combining law enforcement experience with the expertise of firearms regulators will create the most effective approaches to reducing the illegal firearms violence in B.C. and Canada.

Response and rationale

Firearms Trafficking

In addition to the acquisition of restricted and prohibited firearms by members and associates of organized crime, firearms traffickers (discussed elsewhere in this report) have become a factor in domestically sourced illegal firearms. Individuals with no criminal record and possessing a firearms licence can legally acquire firearms and divert them to criminal markets. In some cases, they acquire firearms specified by others who cannot legally possess them. In other cases, they buy several firearms of the same type and calibre and sell them at a profit to criminals.

Guns purchased by a Courtenay man sentenced on firearms charges have turned up in several criminal cases, including a shooting and two home invasions. The Combined Forces Special Enforcement Unit raided the house and storage locker of Bryce McDonald, a Hells Angels associate. Police found just 19 firearms, both restricted and unrestricted, even though records showed McDonald had purchased 49 restricted guns since getting his licence in 2009.

B.C. Supreme Court Justice Robin Baird said McDonald had lied when asked what happened to the missing guns. "Mr.

McDonald knows perfectly well where these guns have gone, but he has refused to tell the truth about it," Baird said.

—*Vancouver Sun*, December 9, 2016

Non-restricted or "long gun" firearms traffickers are difficult to track as this class of firearms do not require registration. Deterrence, prevention and enforcement strategies relative to registered and restricted firearms are described in the "point of sale" recommendations within this report.

Information sharing

The Canadian Firearms Program is currently exploring ways to improve the identification and reporting of potential criminal activities to local law enforcement, as information sharing between the CFP (regulatory) and law enforcement (criminal) agencies needs to be improved. The current partitioning of information collected for regulatory purposes and for law enforcement intelligence gathering and criminal investigations creates a gap.

This limit on information sharing results in an incomplete picture for both enforcement and regulators. Information held by both the CFP and law enforcement can be critical to investigating illegal firearms trafficking and the supply of illegal firearms to violent criminals. The CFP needs access to police records management systems to meet its regulatory mandate and police need access to regulatory information in order to identify those persons with criminal intent related to the possession, trafficking and use of illegal firearms.

Effective cooperation and information sharing between the CFP and law enforcement can identify individuals who represent a risk to public safety and limit their access to firearms.

The nature of firearms control requires connectivity and alignment to ensure public safety, with processes carefully designed to address the needs of both regulation and enforcement.

The CFP has recently developed a new protocol to detect abnormal firearms acquisition patterns, which could allow the enforcement community to identify criminal activity. Beginning in March 2017, CFP intelligence analysts will review reports provided by Chief Firearms Officers to identify potential straw purchasers or domestic traffickers. Reports will identify multiple purchases of top crime firearms within short periods, and will be customizable to add other variables. Following an analysis of the data and cross-referencing checks with enforcement databases that are not available to regulatory bodies, potential straw purchasers and domestic traffickers will be reported to local law enforcement through the regional NWEST representatives.

The assessment and implementation of this promising pilot project will require the involvement of the CFP, major law enforcement agencies and the Canadian Association of Chiefs of Police.

Compliance

Effective information sharing and synergy between the CFP and its law enforcement partners can ensure timely intelligence-led investigations and prosecutions against illegal firearms traffickers and disrupt the supply of illegal firearms to violent criminals.

The National Weapons Enforcement Support Teams (NWEST) are regionally positioned law enforcement experts that provide support to operational police units. Many NWEST officers are embedded with investigative teams to assist investigations as firearms experts. Their current capacity does not allow NWEST to independently mount complex investigations targeting sophisticated organized crime targets.

The investigation of organized crime trafficking in and use of illegal firearms is often subject to the availability and competing priorities of the federal, provincial and local resources capable of conducting long term complex investigations and prosecutions. The current limitations on sharing critical information between the CFP and enforcement further limit complex investigations against firearms traffickers and organized crime.

Ensuring compliance with the *Firearms Act* (Canada), particularly when related to individuals displaying indicators of firearms trafficking, would reduce the criminal use of firearms without impacting lawful gun owners.

The regulation of any enterprise requires compliance activities. Compliance strategies for firearms should ensure both licensing and registration as legislated and also the disruption of illegal firearms possession and trafficking.

Weak compliance tools result in non-compliance. Organized crime and other criminals exploit vulnerabilities caused by weak compliance. The threat posed to public safety resulting from organized crime and gun violence creates a need to ensure effective compliance tools related to firearms.

Remarkably, notwithstanding that all of the handgun purchases made by Mr. Winchester were made from only two stores; notwithstanding that forty-seven handguns were purchased over just a five month period; and notwithstanding that these purchases were all made by one person, namely Mr. Winchester, these purchases do not appear to have raised any concerns at either of these stores. Even more remarkably, notwithstanding the number of handguns purchased over this fairly short time period by a single person, these purchases also do not appear to have raised any concerns with the Canadian Firearms Registry Office.

—Nordheimer J., *R. v. Andrew Winchester*, 2014 ONSC 2591

Inspections under the Firearms Act (Canada)

While the experts in the CFP are best positioned to design and implement compliance strategies and recommend any specific legislative change to facilitate compliance efforts, one tool discussed by the B.C. Illegal Firearms Task Force was the use of intelligence-led compliance inspections.

The CFP's inspection program could in future focus more on intelligence-led investigations where there are indicators of illicit intent.

For example, domestically sourced firearms may be stolen in residential and commercial break-ins or legally acquired by "straw purchasers" and diverted to illegal use. A straw purchaser is someone with no criminal record, criminal history or association, who has a possession and acquisition licence (PAL) and legally purchases firearms on behalf of others who have no PAL. Law enforcement agencies throughout Canada have reported an increase in the number of legally purchased firearms that were diverted to the illicit market. Many have been recovered in criminal investigations. Straw purchasers may falsely report purchased and diverted weapons as stolen if they become the subject of an investigation.

The *Firearms Act* (Canada) (sections 101 to 104) authorizes inspections related to restricted and prohibited firearms solely for the purpose of ensuring compliance with the *Firearms Act* (Canada) and regulations, not for the purpose of criminal enforcement or investigation. To inspect a dwelling house, an inspector must have reason, give notice and receive permission from the owner, or must receive judicial authorization.

Private dwelling house inspections are limited to firearms collectors, owners of at least one prohibited firearm and owners of 10 or more firearms of any classification. An inspector can order that a firearm that is not readily available be produced within a reasonable time to verify the description or to confirm registration.

If the *Firearms Act* (Canada) permitted inspections when two or more restricted firearms were present or where there were specific public safety concerns, inspectors could confirm the presence of firearms and disrupt trafficking in the firearms that are most desirable to organized crime.

Entry into a dwelling should be limited and carefully managed while enabling an inspection regime that can confirm the presence of registered firearms at the address they are registered to and their safe storage in compliance with regulations.

Inspections are a type of compliance activity that could reduce firearm trafficking, by direct disruption as well as by the deterrence that they create. The existing Act limits inspections of individual firearms owners, and inspection of individuals is rare.

Performance metrics

All law enforcement agencies engage in strategic plans designed to reduce crime and enhance public safety. All law enforcement agencies produce and report to government oversight bodies on their performance related to strategic objectives. Increasingly

performance metrics are able to effectively measure outcomes, including the reduction and absence of crime assessed against the enforcement activities and the effectiveness of a program.

The CFP produces robust metrics related to the management of its data and the use of its systems in support of enforcement. The CFP also closely tracks its management of firearm licences and revocations.

The addition of performance metrics related to compliance efforts by the CFP would provide additional valuable information from which to analyze the scope and depth of illegal firearms trafficking in Canada and the effectiveness of any current or future compliance efforts by the CFP.

Compliance efforts form an important component of any regulatory framework. Understanding how people attempt to exploit regulations is critical in creating compliance efforts to mitigate illicit opportunists.

The violence and crime resulting from illegal firearms cannot be disrupted by law enforcement efforts alone. A strategic effort is required, aligning the objectives and measurable performance outcomes of enforcement and regulatory agencies.

Recommendations

The Task Force recommends that:

28. The federal Ministry of Public Safety and Emergency Preparedness should consider enhancing the Canadian Firearms Program through development of compliance and deterrence strategies under the authority of the current or amended *Firearms Act* (Canada).
29. The Canadian Association of Chiefs of Police, the Canadian Firearms Program and the Canada Border Services Agency should consider working collectively to:
 - identify opportunities to coordinate mandates and legislative authorities
 - create preventative illegal firearms strategies
 - improve enforcement efforts and compliance with regulations
 - develop performance metrics that meet both the regulatory program and law enforcement objectives
30. The federal Ministry of Public Safety and Emergency Preparedness should consider clarifying information sharing between the Canadian Firearms Program and law enforcement agencies to remove barriers and ensure that each agency can effectively achieve its mandate with appropriate safeguards.

Registration issues from the former Restricted Weapons Registration System

Background

Handguns and certain other firearms have required registration in Canada as restricted firearms since 1934. The Restricted Weapons Registration System (RWRS) was the repository for information on restricted and prohibited firearms until the *Firearms Act* (Canada) mandated the transfer of registration information to a new Canadian Firearms Registration System in 1998. The *Criminal Code* section 84(1) defines restricted and prohibited firearms.

Owners of restricted and prohibited firearms that were registered in the former RWRS were required to re-register their firearms in the Canadian Firearms Information System by January 1, 2003, to update the information and link it to their licence.

All registration certificates issued under the previous legislation, prior to December 1, 1998, expired on December 31, 2002. Restricted and prohibited firearms registered under previous legislation had to be re-registered under the *Firearms Act* (Canada) by that date. Individuals had to re-register their restricted and prohibited firearms as soon as possible or dispose of them lawfully. Individuals wishing to register restricted or prohibited firearms after January 1, 2003, must complete a paper application form and account for the firearms' provenance. The Registrar of Firearms then decides on a case-by-case basis whether the firearm can be registered or must be disposed of.

Much of the old data is unreliable, but the National Weapons Enforcement Support Team estimates that nationally thousands of restricted firearms may need to be registered, many of which exist in B.C.

The absence of regulatory oversight over so many firearms creates potential public safety risks as the health and circumstances of previously lawful owners may have changed.

Response and Rationale

Unregistered restricted and prohibited firearms create a risk of diversion to organized crime, as well as a risk of random and targeted theft of firearms. In 2015, 942 stolen firearms were reported to RCMP and independent police agencies in the province. They increase the risk that previously registered firearms will be used in domestic violence, suicide and acts of sudden violence resulting from those living with deteriorating mental health issues and dementia. They also represent a risk to law enforcement, first responders and care providers who are unaware of the presence of a firearm.

Firearms that are categorized as restricted and prohibited are the most desired by organized crime and gangs in B.C., as the ability to conceal them and their technical sophistication, lethality and rate of fire make them a desired crime gun.

A previously registered firearm under the Restricted Weapons Registration System from Surrey, B.C., was used in 2014 in the murder of a family of six in Edmonton, Alberta. Firearms previously registered in the Restricted Weapons Registration System show up at crime scenes.

—National Weapons Enforcement Support Team

Firearms amnesties

B.C. residents can turn over unwanted and unauthorized firearms, ammunition and weapons to police agencies during gun amnesties such as the month-long amnesty in October 2016, which resulted in the surrender of 1,184 firearms and thousands of rounds of ammunition. Firearms owners can surrender ammunition or weapons, including imitation firearms and replicas, by contacting their local police, who will visit their residence to pick up the firearms.

The gun amnesty removes firearms from the community, eliminating the risk of weapons falling into the hands of criminals or being part of a tragic act of violence.

Amnesties provide the public with a safe way to dispose of unwanted firearms, ammunition and weapons that have not been used in a criminal offence, regardless of classification, without facing weapons-related *Criminal Code* charges.

After the passing of the *Firearm (Amendment) Act* of 1997, the British government created an amnesty program that included a 150 million GBP (\$250 million CAD) compensation program to buy back privately owned handguns... [The program resulted] in the voluntary surrender and destruction of more than 162,000 weapons and over 700 tons of ammunition. This initiative was said to contribute to an 80% decrease in firearm-related suicides and homicides, reducing the number of households with a firearm by 50%, and reducing the overall number of firearms in circulation by 20%.

Australia had another government-funded buyback program, where more than 70,000 handguns were surrendered by the public. When tallying up the firearms surrendered in the 1996-1997 and 2002 buyback programs, along with an additional 219,000 firearms surrendered that did not fall under the compensation program, nearly one million firearms were collected and destroyed in Australia between 1996 and 2003.

—*Irwin M. Cohen and Kevin Burk, A Literature Review on Illegal Firearms, University of the Fraser Valley, November 2016*

Safe City initiatives

The B.C. RCMP has undertaken several Safe City initiatives, which aim to educate firearms owners on current laws regarding the registration of restricted and prohibited firearms.

Police officers from local RCMP detachments, supported by the National Weapons Enforcement Support Team (NWEST) and Combined Forces Special Enforcement Unit (CFSEU-BC), visit the owners of restricted and prohibited firearms whose registrations have expired. They inform firearms owners about the current firearms registration requirements, as some do not know that they have weapons that require registration or re-registration, and encourage registration or the safe surrender of expired restricted or prohibited firearms.

A concentrated effort with concurrent mainstream and social media awareness programs should increase rates of compliance or relinquishment of unwanted and illegal firearms.

Recommendations

The Task Force recommends that:

31. The federal Ministry of Public Safety and Emergency Preparedness should consider implementing a public awareness campaign concerning the licensing requirements for possessing firearms and the legal requirement to register restricted and prohibited firearms.
32. The B.C. Ministry of Public Safety & Solicitor General should consider continuing to offer provincial firearms amnesties and encourage Safe City programs, offered by the National Weapons Enforcement Support Team, both to support re-registration where possible and to decrease firearms availability to illicit markets and criminal use in the future.
33. The B.C. Association of Chiefs of Police and the Canadian Firearms Program Chief Firearms Officer should consider working together to create guidelines for investigations of restricted and prohibited firearms that remain unregistered.

THEME #4: DATA COLLECTION AND INFORMATION SHARING

Intelligence and data quality

Background

Strategic and tactical intelligence is critical to effectively implement any strategy against organized crime and those who possess, use and traffic in illegal firearms.

Meaningful specific data, accessible in centralized data storage, is equally essential for the targeting, management and assessment of programs in response to illegal firearms use.

Diverse agencies and priorities

Currently, agencies with differing focusses and strategies gather criminal intelligence in B.C. Information on illegal firearms is held by federal, provincial and municipal agencies in disparate databases, programs and investigative files, managed by intelligence and operational units and regulatory agencies. Various provincial ministries, including Education, Health and Children and Family Development, may also hold knowledge of potential threats and risks.

While these numerous agencies gather and assess intelligence for their specific needs, the information can be inaccessible to other agencies that could meet their responsibilities more effectively and efficiently if they had access.

Cross-border intelligence sharing is also critical. Specific firearms trends and the manner in which criminals and organized crime use and traffic firearms form a significant component of the B.C. illegal firearms intelligence picture. On October 9, 2009, the B.C. Minister of Public Safety & Solicitor General and the Chief of the Washington State Patrol signed a letter of understanding to enhance cooperation in cross-border intelligence and enforcement by a wide variety of agencies on both side of the border. At an annual intelligence meeting, senior police leaders from both countries share emerging trends and intelligence about organized crime, terrorism and cross-border smuggling. Several agencies with an illegal firearms mandate attend the meeting, and can use it to enhance operations by subordinate units on both sides of the border.

Response and rationale

B.C. can improve its use of existing information to create a comprehensive intelligence picture on illegal firearms and their use by organized crime and synthesize information on illegal firearms. Much of the needed data collection infrastructure already exists; it simply needs to be better integrated.

Intelligence collection should be a deliberate practice. The goal is to maintain continual organizational awareness of high-priority intelligence that will paint a picture of the threat landscape as it evolves.

Intelligence is critical in assessing risk to public safety and allocating resources. Increasingly, targeted enforcement attempts to disrupt the trajectory of organized crime well in advance of violent activities. Directed intelligence gathering – that is, the purposeful gathering and analysis of intelligence relating to a particular problem or group – can provide a predictive ability to exploit vulnerabilities, rather than simply explain what has already occurred. This approach requires tightly managed and timely intelligence from a broad range of sources.

National and provincial organized crime strategies should include effective coordination of Intelligence gathering. This allows investigators to prioritize limited resources appropriately and later assess the level of disruption to an organized crime group.

Data collection

Nationally, police agencies use several records management systems (RMS) to record and report police investigations. The Canadian Centre for Justice Statistics (CCJS), in co-operation with police agencies, collects police-reported crime statistics through the Uniform Crime Reporting Survey (UCR), which indicates the incidence and characteristics of crime in Canada and captures detailed data describing incidents, victims and accused.

A number of reports provide firearm statistics extracted from RMS data. Reports describe, among other things: substantive firearms incidents; detachment areas; seized firearm types; and types of offence by primary UCRs.

To be most useful, these statistics should be compiled monthly. As well, this data could be further detailed to include variables such as:

- Action (e.g., single shot, semi-automatic, automatic)
- Cartridge/Caliber (e.g., 9 mm, .22)
- Ammunition type (e.g., full-metal jacket, hollow-point, buck shot)
- Serial number (e.g., intact, obliterated, none [e.g., kit gun])
- Accessories (e.g., suppressors, extended magazines)
- Location (e.g., residence, business, vehicle)
- Specific location (e.g., closet, hidden compartment)
- Event characteristics (e.g., drive-by shooting)

The Combined Forces Special Enforcement Unit of B.C. provides data for every district in the province identifying cities with the highest frequency of shooting incidents. This data on firearm seizures and shots fired would provide a more complete picture if it was interlaced with other types of data as listed above.

This sort of information can allow public safety agencies to study firearms crime and gain insight, including the underlying causes and social determinants of this behaviour. Exploring links between criminal offences (e.g., homicides, home invasions), firearm types and the way firearms were used (e.g., brandish, pistol whip, discharge) will add further understanding of firearm crimes.

In addition, if analysts had more victim information, they could learn about daily, weekly or seasonal attack patterns and forecast what a future victim of gun violence might look like, among other things. Time and location can help determine high-risk locations and when a simple wave of gang violence is actually an all-out war. This is similar to the analysis CFSEU-BC does with its gang homicide and attempted homicide victims, but would include all firearms victimizations.

Strategy alignment

With very few exceptions, illegal firearms and those who use and traffic in them threaten public safety. To identify and interdict illegal firearms, users and traffickers, and to distinguish them from lawful owners, firearms regulators and enforcement agencies need to work together and make effective use of intelligence. Barriers to sharing data between agencies should be dismantled within appropriate limits.

A centralized intelligence hub for the collection and analysis of all firearms information would make coordination of firearms intelligence more efficient and effective. This hub should connect key stakeholders with experienced and sustainable expertise on firearms. The existing B.C. Combined Forces Special Enforcement Unit, with the support and expertise of the National Weapons Enhanced Support Team, has the ability to manage such a hub efficiently.

A collaborative firearms intelligence network could prioritize investigations and risks and implement strategic disruption as well as tactical prevention. Aligned with the needs of regulatory and enforcement agencies, and supported by directed intelligence gathering, it would enable stakeholder access to critical databases and the timely sharing of intelligence. A centralized firearms data hub would allow the analysis necessary to advance and defend intelligence-led prevention, disruption and enforcement specific to firearms.

It would also assist in providing data to the national intelligence picture. The absence of complete B.C. data has a potentially detrimental effect on the prioritization of high-level organized crime investigations in B.C. and the allocation of financial and human resources within law enforcement. Focused, timely intelligence would help ensure priorities reflect the realities of B.C.'s crime picture.

In addition, a firearms hub would help ensure consistent reporting of firearms offences. It could educate law enforcement agencies on accurate use of Uniform Reporting of Crime codes, facilitating the identification of trends and linkages.

The Combined Forces Special Enforcement Unit should serve as the intelligence hub and data warehouse for all firearms-related offences and provide analytical support for police investigating firearms-related offences in real time or as part of a project.

Recommendations

The Task Force recommends that:

34. The Board of Directors of the Combined Forces Special Enforcement Unit of B.C. should consider supporting the creation of a centralized firearms intelligence hub and data warehouse with the ability to build a comprehensive intelligence picture related to firearms, managed by the B.C. Combined Forces Special Enforcement Unit and closely aligned with the National Weapons Enforcement Support Team and the Canada Border Services Agency, supported by the Real Time Intelligence Centre.
35. The B.C. Ministry of Public Safety & Solicitor General should consider creating a committee of analytical subject matter experts to recommend to the federal Ministry of Public Safety & Emergency Preparedness the data and software required to maximize the intelligence and analytical capabilities related to illegal firearms and illegal firearms trafficking.
36. The B.C. Ministry of Public Safety & Solicitor General should continue to engage in regular cross-border and intra-provincial intelligence meetings on illegal firearms, firearms traffickers and firearms tracing, and support and encourage sustained participation by key stakeholders.

PRIME-BC access by key stakeholders

Background

PRIME-BC is a B.C.-owned and operated system that provides police members with access to records at fixed and mobile workstations. It facilitates information and intelligence sharing among other agencies throughout Canada using the Police Information Portal (PIP) and the Canadian Police Information Centre (CPIC). PRIME-BC was created to help policing agencies share information and overcome barriers resulting from distinct policing responsibilities and jurisdictions.

Agencies such as CBSA and the Chief Firearms Officer do not have full and timely access to PRIME-BC. This makes identifying trends and links between events, organizations and individuals a difficult task.

Ensuring that key stakeholders have access to police information is essential to identify, understand and investigate illegal firearms trafficking.

Limitations on access affect agencies dealing with illegal firearms, including the Canada Border Services Agency (CBSA) and the Canadian Firearms Program (CFP).

Canadian Firearms Program – Chief Firearms Officer

Chief Firearms Officers have limited query access to PRIME-BC. Since a policy change in 2012, employees are limited to querying by police file numbers that are associated with Firearms Interest Police (FIP) flags. They are not permitted to query PRIME-BC by name and date of birth.

FIP flags are generated from PRIME-BC and similar systems to alert CFOs of information that may be relevant to an applicant or licence holder's eligibility under the *Firearms Act* (Canada). As a result of inconsistencies in the data entry or the automated process, firearms officers may not know of a significant police file and issue a licence or leave an existing licence valid without being able to fully review the circumstances.

The past practice of querying a firearms licence applicant or client by name and date of birth virtually eliminated the risk of missing pertinent files that had been miscoded. This ensured that every file of importance was located before a decision was made.

Canada Border Services Agency

Access to PRIME-BC is key to identify and target illegal firearms traffickers. Access issues affect partners including the Canada Border Services Agency (CBSA).

In particular, the Task Force believes that CBSA needs PRIME-BC access in order to investigate the intended recipients of international firearms shipments, including shipments involving online sales of firearms and firearms blanks or parts and new firearms technology.

CBSA currently has PRIME-BC access through specific Joint Force Operations agreements, but that access does not provide the broader real-time access to support the interdiction of firearms at ports of entry and related investigations and intelligence activities.

For example, ghost guns (unfinished and unidentifiable firearms, discussed elsewhere) shipped from the U.S. and elsewhere contribute to the availability of illegal firearms in Canada. The ability to query PRIME-BC in real time to investigate intended recipients, particularly where large or repeat shipments are noted, can help identify criminal associations for interdiction and investigation.

The Canadian Police Information Centre, Canada's national police database, provides law enforcement agencies access to information on various matters, including firearms and criminal intelligence.

A past assessment of CBSA's access to PRIME-BC relied on CPIC policy to define law enforcement agencies that had access to PRIME-BC. That historical assessment limited access to only those agencies designated as CPIC Category 1 agencies.

The CBSA is not a CPIC Category 1 agency.

The limitation on PRIME-BC access is also based on the *Freedom of Information and Protection of Privacy Act (B.C.)* (FOIPPA). Under FOIPPA, public bodies may not share private information, but section 33.1(2) permits law enforcement agencies to disclose personal information to another law enforcement agency, defined in Schedule 1 of the Act.

The FOIPPA manual provides further guidance on what are considered to be law enforcement agencies. In reference to FOIPPA S.33.1(2), Interpretation Note 16 states that a "law enforcement agency is an agency whose primary function is law enforcement." Public bodies that have some law enforcement responsibilities but whose primary function is not law enforcement are not law enforcement agencies for the purposes of section 33.1(2).

Interpretation Note 16 does not include CBSA as a law enforcement agency, although its U.S. equivalent, the former U.S. Immigration and Naturalization Service (now Immigration and Customs Enforcement and Customs and Border Protection) is included.

CBSA is currently being denied access to PRIME-BC as a result of historical interpretation of mandates and function. CBSA's evolving role as a law enforcement agency should be recognized. The Task Force believes that providing CBSA access to PRIME-BC would help ensure a coordinated response to firearms traffickers and the importation of illegal firearms in B.C.

No known definitive obstacles exist to exclude CBSA from access to PRIME-BC.

Response and Rationale

Security of police information and protection of privacy require thoughtful restrictions on access to police and other databases. However, these restrictions can hamper agencies that require speedy and complete access to police information to mitigate risks to public safety. While certain restrictions may have been justified in particular circumstances in the

past, they should be reviewed regularly to ensure that they do not prevent agencies from effectively responding to newly emerging threats and changing practices.

In addition, current restrictions on access to data prevent firearms officers from properly assessing the holders of and applicants for a firearms licence, contributing to a proliferation of illegal firearms and risk of firearms violence.

Speedy and reliable access to Canadian police databases helps to identify and prevent risks to public safety, supports an intelligence-led targeting of current and potential offenders, and ensures a focussed and efficient use of police and regulatory resources.

Recommendations

The Task Force recommends that:

37. PRIMECorp and the B.C. Association of Chiefs of Police should consider ensuring PRIME access for Canada Border Services Agency and the Chief Firearms Officers who work with law enforcement in support of comprehensive risk-informed strategies that focus on the illegal use of firearms.

COMPLEMENTARY BROAD-BASED PREVENTION AND AWARENESS STRATEGIES

The Illegal Firearms Task Force consulted with specialists at the local, provincial and national levels with expertise on law enforcement, regulation, education and health. These consultations resulted in the Task Force's recommendations to prevent the illegal trafficking, possession and use of firearms.

Each substantive recommendation can be enhanced and supported by complementary public awareness and education strategies. In addition, many of the topic areas would be greatly strengthened by calling on the assistance of working groups made up of key stakeholders with specific experience and expertise. This section outlines some broad strategies and approaches that would complement the recommendations of the Task Force.

Previously examined recommendations and unrealized legislative change

Inspection of firearms imports

Inspection and verification of firearms imported to Canada relies primarily on the importers' own reports.

The 1995 *Firearms Act* (Canada) requires businesses wishing to import firearms to have valid licences to import the class of firearm being imported and to apply to Global Affairs Canada for an import permit. The importer does not need to have firearms registration certificates in advance for the firearms being imported.

Upon import, Canada Border Services Agency (CBSA) sends all firearm imports for secondary inspection and validates the firearms importer's business licence and other relevant documents. Based on the examination of the documents, the shipment and any other investigations, CBSA will permit or deny entry of the shipment.

Once released by CBSA, the firearms importer must self-verify the received firearms, validate each one against an RCMP firearms reference table and then register the firearms with the firearms registrar. Most firearms importers have their own verifiers. Importers must complete verifications within a time described as "reasonable."

Firearms inspections require a high level of expertise to distinguish firearm types, models and compliance with existing regulations. Without advance registration by firearms businesses and importers, inspectors cannot reliably validate the contents of a shipment. As a result, the process usually relies on self-verification by the firearms business or importer, and self-reporting to the Registrar of Firearms of the content of the shipment, the legality and the compliance of the imported firearms.

Individuals must register restricted firearms with the Canadian Firearms Program before they can be brought into Canada and present CBSA with their possession and acquisition licence, registration certificate and an authorization to transport issued by the Canadian Firearms Program.

In addition, restrictions in the *Firearms Act* (Canada) and regulations prevent firearms officers from sharing or receiving information regarding non-restricted firearms with CBSA and Global Affairs Canada.

These issues make the current importation process vulnerable to exploitation. While inspections of businesses by the Canadian Firearms Program encourage accurate and compliant reporting, diversion of firearms to the illicit market and organized crime remain a concern, as does the ability to import types and classes of firearms outside of the current regulation.

Bill C-42 amended the *Firearms Act* (Canada) and the *Criminal Code* in 2015, including revisions regarding importation. Bill C-42 will close information gaps, but it has not yet been proclaimed. The Library of Parliament, *Legislative Summary*, says:

New section 42.2 of the Firearms Act imposes an obligation on businesses importing a prohibited or restricted firearm to complete a prescribed form and submit it to the Registrar of Firearms before the importation and to a customs officer before or at the time of the importation. The Registrar and a customs officer may provide each other with any form or information received through this process (clause 10). Under new section 83(1)(d.1) of the Firearms Act, the information provided to the Registrar under section 42.2 is to be kept in the Canadian Firearms Registry (clause 15).

Bill C-42 makes a related amendment to section 107(5) of the Customs Act to allow federally or provincially appointed public servants to provide customs information to other federally or provincially appointed public servants for the sole purpose of the administration or enforcement of the Firearms Act (new section 107(5)(k.1) of the Customs Act).

To curtail an illegal firearm supply in Canada, CBSA and the Canadian Firearms Program need to be able to share information regarding firearms that may be imported for illegal purposes or that may be converted to prohibited firearms by being altered.

Firearms marking

Canada's *Firearms Marking Regulations*, passed into law in 2004, was scheduled to come into force on June 1, 2017 (and has now been deferred to December 1, 2018). The *Firearms Marking Regulations* follow the *UN Firearms Protocol*, which Canada has signed.

This new measure will require that:

- Identifiable markings be stamped on firearms
- Domestically manufactured firearms bear the name of the manufacturer, serial number and a Canadian designation
- Imported firearms carry the last two digits of the year of import

When it takes effect, this measure will support law enforcement investigations by assisting in the tracing of firearms.

Currently, CBSA can share certain information with Global Affairs Canada. However, gaps in legislation restrict the ability of the Registrar of Firearms to fully share information with CBSA and Global Affairs Canada (and vice versa) regarding the importation of firearms that could affect Canada's public safety.

Canada has enacted legislation to more effectively control firearms imports and allow the tracing of firearms. However, some critical provisions are not yet in effect. To prevent illegal imports and the diversion of legal firearms into illegal markets, the existing legislation should be put into effect as soon as practicable.

Members of the Task Force advocate for the implementation of these new laws.

Working groups

Federal/Provincial/Territorial Coordinating Committees

Public Safety Canada coordinates federal departments and agencies responsible for national security and the safety of Canadians. It also works with other levels of government, first responders, community groups, the private sector and other nations to promote safety and security initiatives.

The Federal/Provincial/Territorial Coordinating Committee of Senior Officials, Criminal Justice (CCSO-Criminal) provides the primary vehicle for collaboration among officials on criminal justice and public safety issues.

The coordinating committee reports to federal, provincial and territorial deputy ministers responsible for justice and public safety. It undertakes analysis and makes recommendations to support policy and legislative issues that are of joint concern to all levels of government. It works with the support of many working groups, one of which is a working group on firearms.

The challenges and solutions to firearms trafficking, illegal firearms and firearms use in violent criminal activity transcend the individual responsibilities of government. For this reason, the current working group on firearms would be a valuable mechanism to further examine and implement the recommendations in this report, particularly in areas that involve multi-jurisdictional issues or that would be strengthened by a coordinated approach across Canada. It could assist in coordinating distinct approaches in different jurisdictions, and in sharing successful approaches among government agencies that can benefit from the experience of others.

The active and fully engaged participation of the existing Federal/Provincial/Territorial Coordinated Committee of Senior Officials Working Group on Firearms would assist in implementing the recommendations in this report where inter-jurisdictional action would be more effective than action within B.C. alone.

Domestic firearms trafficking

Firearms retailers can often identify indicators that a purchase is not likely to be legitimate, but they and their staff would benefit from additional assistance in recognizing and reporting irregularities. Training in how to recognize fraudulent possession and acquisition licences (PALs) would also reduce the diversion of legal firearms to criminal use.

A provincial gun dealers advisory group, working in partnership with the National Weapons Enforcement Support Team and the Chief Firearms Officer, could combine industry, enforcement and regulatory knowledge to create ongoing employee training resources and create a dedicated reporting line for industry staff.

Public awareness

Cross-border firearms awareness

The Task Force discussed enhancing border actions to prevent smuggling of illegal firearms and the transportation of firearms lawfully possessed by American owners as they travel to Canada. In a significant number of cases, border agents seize firearms from Americans who are not aware of gun ownership limitations in Canada.

Public information and education would minimize seizures of this type, including:

- Cross-border outreach with U.S. authorities and firearms retailers, associations, trade shows and industry publications
- Signs near Canadian land entry points aimed at Americans and distinguishing U.S. law from Canadian firearms law, placed along highways well back from border points



Personal firearms seized from American travellers by CBSA at Pacific Highway Region ports of entry have increased by 116% in 2016.



Advice to U.S. tourists at Windsor/Detroit border crossing

Theft of firearms

Theft of firearms from residences, businesses and vehicles continues to be a problem in B.C. In 2015, 942 stolen firearms were reported to RCMP and independent police agencies in the province. Many of these stolen firearms are diverted to criminal organizations and used in violent crime. Broad public awareness regarding firearms security and the potential use of stolen firearms should be refreshed on a regular basis through public information campaigns. Such a campaign could include reminder pamphlets to firearms owners when they renew a hunting licence or purchase ammunition.

Members of organized crime also target individuals who lawfully possess firearms, adding to the need for enhanced security measures. Easy access to firearms can be a contributing factor in the success of suicide attempts, domestic violence and accidental injury and death. Continued safety training, public awareness and innovative strategies designed to ensure firearm security and safety would help address these issues.

Illegal firearm-focussed Crime Stoppers campaigns

B.C.'s Crime Stoppers program has and will continue to be a strong tool for law enforcement, the victims of crime and crime prevention. However, for Crime Stoppers to be an effective tool, it needs to accurately reflect the realities and methods currently being used to traffic, possess and use illegal firearms. More importantly, its campaigns and media presentations must reflect the organized crime and gang culture that exists in B.C., which are distinct from common imagery and misconceptions about crime.

Imitation firearms

The Task Force recommends the creation of provincial legislation establishing age requirements for the purchase of imitation firearms and restricting the places in which they can be possessed and used. In support of this legislation, the Canadian Firearms Program Chief Firearms Officer and related agencies should develop and implement a public awareness strategy highlighting the provisions of the new legislation. This should include point-of-sale and other educational material designed to inform parents, educators and youth on the safe carrying and use of imitation firearms, the dangers associated with them, and the concerns related to their concurrent use in antisocial behaviour.

The prosecution of organized crime and illegal firearms

Successful investigations of organized crime that lead to charges by Crown prosecutors require extremely complex disclosure and ongoing support to prosecutors over several years. “Mega-prosecutions” have become normal, creating enormous pressures on prosecutors and the courts.

While disruption and prevention are valuable strategies, criminal prosecution and sentencing remain the only means to diminish the risk that some individuals and groups present to public safety. In this, the role of Crown prosecutors is critical.

In B.C., prosecutors, known as Crown counsel, decide whether to approve a charge for prosecution. In making this decision, they examine the evidence to determine whether there is a substantial likelihood of conviction, and if so, whether a prosecution is required in the public interest. Crown counsel make these decisions as independent officers of the courts.

Any successful provincial effort at reducing organized crime and firearm violence will require a sustained and coordinated approach by all the participants in the legal system.

Relationship with police agencies

The independence of both the investigative and prosecutorial functions is important to the administration of justice. In particular, the police must be free to conduct investigations and to form their own theories and opinions about an offence. The police have a unique and well-recognized role, which they exercise in cooperation with Crown counsel.

The investigation and prosecution of organized crime and violent firearm offences is highly complex. The investigations required to develop admissible evidence sufficient for prosecution and trial are daunting.

In a 2016 report, “Championing Positive Change, Findings of the Review of the B.C. Prosecution Service,” the reviewer found:

*[The police] are not trying to alter the practice, legislated for in the Crown Counsel Act, that Crown Counsel approve charges. **They are merely seeking early focussed legal advice on challenging issues within an investigation or a fuller explanation for a decision.***

Embedded Crown prosecutors

Many law enforcement agencies elsewhere in Canada, and specialized investigative units such as organized crime and homicide divisions, have embedded Crown prosecutors who provide advice and guidance on very complex aspects of the law and judicial authorizations. Embedded Crown prosecutors assess the implications to prosecution of evidence gathering techniques. Equally, their awareness of the evidence facilitates an informed and streamlined charge approval. In the Ontario approach to illegal firearms and gangs and guns, each enhancement of law enforcement capacity within the province came with corresponding growth in the Crown Prosecutors Service.

Major Case Management (MCM) principles arising from the Bernardo investigation review, conducted by Mr. Justice Archie Campbell in 1996, support the real-time engagement of Crown prosecutors in complex investigations. All B.C. law enforcement agencies follow MCM protocols and systems.

B.C. does not use embedded Crown prosecutors. B.C. has developed special major crime prosecutors well versed in the law and issues pertaining to complex cases. They represent a significant advance in addressing complex prosecutions against organized crime in B.C., but their resources and capacity are limited.

Cooperation and collaboration through mechanisms such as the Major Case Management process, or on a model like the Domestic Violence Plan, can allow Crown prosecutors to more effectively support actions against organized crime and illegal firearms, while maintaining the prosecutorial independence that is central to B.C.'s justice system.

The provincial Domestic Violence Plan provides a current working example of an initiative in which law enforcement agencies, Crown prosecutors and other provincial agencies work together to combat violence in domestic relationships. Policy SPO 1 of the B.C. Crown Counsel Policy Manual describes appropriate procedures for prosecutors on a wide range of issues relating to spousal violence, including charge assessment, witnesses, bail, release orders and sentencing. The collaboration between Crown, law enforcement and other agencies provides a model of a constructive relationship that recognizes the independent roles of each agency, while focussing on the paramount objective of ending a serious public harm.

Violence resulting from illegal firearms in B.C. could be reduced through strategies and procedures to promote effective collaborative relationships between law enforcement and Crown prosecutors on investigations and prosecutions against organized crime and firearms violence.

Cross-ministry coordination and prevention strategies

Background

In its stakeholder and regional consultations, the Task Force heard from individuals and groups concerned about the availability of firearms to people living with mental and physical health conditions, suicidal thoughts, domestic and family violence, including many with co-existing addictions or patterns of problematic substance use.

While these issues often involve legal possession of firearms, they represent an opportunity to reduce unnecessary deaths and injuries from firearms.

The B.C. Coroners Service reports on the total number of deaths in B.C. involving firearms, by category (See table below).

Total Firearms-related Deaths in B.C.

	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016 [*]
Accidental	2	3	6	0	1	3	3	2	2	2	2
Homicide	30	35	48	56	34	21	20	21	29	25	24
Suicide	78	67	79	70	80	67	79	86	81	103	85
Undetermined	0	0	1	1	0	0	1	0	1	2	0
Total	110	105	134	127	115	91	103	109	113	132	111

SOURCE: B.C. Coroners Service, Fire Arms Related Deaths in BC, 2006-2016 (YTD). September 2017.

* 2016 data is incomplete and may change subject to on-going investigation.

The Ministry of Public Safety & Solicitor General, Ministry of Health and Ministry of Children and Family Development each have roles related to concerns brought to the Illegal Firearms Task Force.

The issues of firearms and mental health, aging, domestic violence, suicide and problematic substance use are multi-faceted and largely outside the expertise and capacity of the Task Force. Individuals with mental illness are three times more likely to interact with police than the general population. They are more likely to be victims of violence than perpetrators. Approximately one-third of contact with police involves the use of substances.

The Ministry of Health and Ministry of Children and Family Development work with ministries, agencies and experts to proactively reduce violence and self-harm. For example, the Ministry of Health, in partnership with the Ministry of Justice, is developing a provincial toolkit to guide health authorities and police agencies in the development of joint local protocols and agreements at several interface points, including mobile crisis response, information sharing and other joint interfaces. The risks of illegal possession and use of firearms should be considered in relation to the work currently underway.

The information gap created by the end of the Restricted Weapons Registration System, described in this report, adds to this issue. Many (now illegal) firearms remain in the community, and may be in the hands of individuals with declining physical and mental health. The health of these gun owners may also prevent safe storage and handling practices.

Suicide

Suicide is the second most common cause of death for Canadians between 10 to 34 years of age, and the ninth most common overall. The B.C. Coroners Service indicates that firearms account for a significant number of suicides among young people (See table below).

Firearms Deaths in B.C. by Age Group, Suicide, 2006 – 2015

	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016 [*]
10-19	2	2	4	5	8	7	3	2	4	6	3
20-29	7	12	11	5	5	8	5	6	9	10	5
30-39	5	6	7	4	7	6	10	10	6	10	9
40-49	12	10	9	9	15	6	8	10	8	10	12
50-59	11	14	10	13	17	9	17	17	19	23	11
60-69	14	12	15	16	10	14	15	18	17	19	23
70+	27	11	23	18	18	17	21	23	18	25	22
Total	78	67	79	70	80	67	79	86	81	103	85

SOURCE: B.C. Coroners Service, Fire Arms Related Deaths in BC, 2006-2016 (YTD). September 2017.

* 2016 data is incomplete and may change subject to on-going investigation.

Beyond the suicide risk in the general population, suicide has been identified as extreme among Aboriginal youth.

Youth suicide is an urgent issue for First Nations and Inuit youth in Canada. While there is much variation among communities, overall rates are high. Suicide rates are five to seven times higher for First Nations youth than for non-Aboriginal youth. Suicide rates among Inuit youth are among the highest in the world, at 11 times the national average.

—Health Canada, *First Nations and Inuit Health*, Suicide Prevention

In Aboriginal and rural communities, these suicide rates are a particular concern. Firearm use in Aboriginal communities is historically based on a culture built around hunting for food.

In rural communities, firearm use is widely and deeply valued for both food and for recreation.

Firearms are frequently available in homes, and sometimes poorly secured. Even young people and non-hunters commonly have easy access to firearms in times of crisis. While gun safety practices may be taught, they do not eliminate risks in a mental health or suicidal crisis.

Suicide attempts involving firearms are far more likely to be effective than attempts using other means.

As expected, the chance of a successful suicide attempt is greatly increased when a firearm is used. For example, nearly all suicide attempts with a firearm (96%) result in the individual dying compared to just 6.5% of overdose suicide attempts (Snider et al., 2009). Research conducted by Lester (2000) and Bridges and Kunselman (2004) examining the effect of firearm availability on suicide, concluded that, as a result of the reduction of firearms because of the implementation of stiffer gun control, the use of firearms in suicides declined after 1995.

—*Irwin M. Cohen and Kevin Burk, A Literature Review on Illegal Firearms, University of the Fraser Valley, November 2016*

Aging

B.C.'s aging population represents an additional pressure in relation to mental health, firearms and suicides. Some elderly individuals have legally possessed firearms for many years. Deteriorating health, isolation and despair have resulted in acts of violence, suicide or both among the elderly. Almost 43% of all deaths recorded as suicides by the B.C. Coroners Service in 2015 involved people aged 60 or more.

The risk among those with declining mental health sometimes goes beyond suicide to include the spouses and family, co-workers, care providers and first responders.

RCMP say a couple found dead in their home last week in Enderby died as a result of a murder-suicide. They believe the man murdered the woman before killing himself. Investigators found a single firearm during an examination of the scene, and determined there is no evidence pointing to anyone else being involved.

—Trevor Nichols, Murder-suicide in Enderby, Kelowna Now

Families and care providers working with B.C.'s aging population need awareness, training and clearly defined procedures linked to partner agencies that can assist. Signs of deteriorating mental health and indicators of suicidal or violent action may require intervention, referral to partner agencies and the development of safety plans that, among other strategies, reduce access to firearms. Appropriate strategies can build on existing programs to enhance training, improve understanding of firearms by policy makers and frontline workers and ensure timely referral to law enforcement and the Canadian Firearms Program (CFP) Chief Firearms officer.

Initiatives to counter suicide

B.C.'s local health authorities engage in regional and community-based initiatives to counter suicide. Connections between local health authorities and broader government and non-government community groups, such as the Williams Lake Communities That Care program described elsewhere in this report, help ensure early identification of emerging concerns, including thoughts about suicide or violence, particularly among young people.

In addition to proactive community-based prevention strategies, coroner's inquests examining suicide deaths have identified the need for cross-ministry strategies to reduce communication and information barriers, and to inform and coordinate the professionals, community services and family members who can intervene with persons considering suicide.

A 2016 coroner's inquest heard testimony and made 25 recommendations following the deaths of three persons from suicide (none of which involved firearms). The recommendations reflect the need to enhance communication between stakeholders from a variety of ministries, to reduce information-sharing barriers and to work collaboratively to mitigate risk and stop preventable deaths. The recommendations are relevant to many issues concerning suicide, mental health and firearms.

Globe and Mail reporter Andrea Woo summarized the recommendations in a September 16, 2016, article, "Coroner's inquest recommends shift in B.C.'s approach to suicide."

A coroner's inquest into the deaths of three people who died by suicide shortly after leaving a Fraser Valley hospital, where they were admitted for mental-health reasons, has issued more than two dozen recommendations in hopes of preventing similar deaths.

*The recommendations include **implementing systematic and evidence-based suicide-prevention initiatives**; a program to **educate all health-care staff on privacy laws regarding the sharing of health-care information**; and a policy **that involves family in mental-health and addiction treatment**.*

The inquest heard from parents who said they were denied involvement in their adult children's mental-health treatment and left feeling unsupported after their deaths;

from physicians and paramedics who spoke of gaps and shortcomings in the mental-health-care system; and from [suicide prevention expert Johnny] Morris, who said a paradigm shift is needed to effectively prevent suicide.

*The five-person jury adopted a recommendation suggested by both presiding coroner Donita Kuzma and Mr. Morris: for the provincial and federal health ministries to consider mandating the implementation of **systematic and evidence-based suicide-prevention initiatives**. An example of this would be to create a system of checks and balances so that patients are screened for suicide risk at multiple touch points during care.*

*The jury also recommended several health colleges, including the College of Physicians and Surgeons of B.C., to consider mandating the **annual training and retraining of all staff on privacy laws related to the sharing of health-care information**. It also recommended the Fraser Health Authority consider implementing a family involvement policy similar to one in place at Vancouver Coastal Health.*

During the inquest, the jury heard that the Freedom of Information and Protection of Privacy Act was not written with health care in mind. Health-care workers worried about running afoul of the legislation can be reluctant to involve well-meaning family members in a patient's treatment plan – a consequence attributed to what Mr. Morris termed "privacy paralysis."

Recommendations from the coroner's inquests into recent suicide deaths detail the requirements of a multi-ministry approach to suicide prevention. The Ministry of Public Safety & Solicitor General, Ministry of Health and the Ministry of Children and Family Development are responding to these recommendations. Law enforcement leaders and the CFP Chief Firearms Officer can give valuable advice in the development of their policies and procedures.

In addition, Quebec's Bill 9, discussed extensively elsewhere in this report, would create legislative support for the inquest recommendations and existing and future programs.

Means restriction

Key strategies related to suicide prevention and firearms include development and coordination of "means restriction" strategies and safety protocols by key government and non-government stakeholders.

Means restriction strategies attempt to identify a person in crisis and reduce access to highly lethal methods of suicide. Gun owners can easily access a firearm in the home and use it in a moment of extreme crisis. Reducing the availability of lethal suicide tools such as firearms can allow emotions to cool and leave time to seek help, or for others with training to intervene.

Reducing the availability of highly lethal and commonly used suicide methods has been associated with declines in suicide rates of as much as 30% to 50%.

—Catherine W. Barber and Matthew J. Miller, *Reducing a Suicidal Person's Access to Lethal Means of Suicide, A Research Agenda*, *American Journal of Preventive Medicine*, 2014, Volume 47, Issue 3, S264 - S272.

Limitation of access to lethal methods used for suicide – so-called means restriction – is an important population strategy for suicide prevention. Many empirical studies have shown that such means restriction is effective. Although some individuals might seek other methods, many do not; when they do, the means chosen are less lethal and are associated with fewer deaths than when more dangerous ones are available.

—Paul SF Yip et al., *Means restriction for suicide prevention*, *The Lancet*, Volume 379, Issue 9834, 2393 – 2399.

The early involvement and communication between health care professionals, community health care workers, community social services, law enforcement and the CFP Chief Firearms Officer is essential in effective “means restriction” involving firearms.

The Crisis Line Association of B.C., contracted by the Provincial Health Services Authority, offers a link to regional crisis lines for callers from across the province. Its 24-hour crisis and information line has standardized protocols ensuring coordination with law enforcement agencies when appropriate. Protocols include an assessment of the means to suicide available to a caller and notification of police if these include a firearm.

The Gatekeeper Program

The *Gatekeeper program* is one example of a community-based program in which individuals could benefit from awareness about firearms risk mitigation and means restriction.

B.C. and other North American communities use the Gatekeeper program to systematically identify high-risk adults, particularly those who are isolated, living alone and in need of assistance. These programs can identify troubled adults, who often do not self-refer, whose families are unable or unwilling to intervene, and whose activities are indicators of their problems. Gatekeepers are non-traditional referral sources such as care workers and volunteers, property managers, retail staff, postal carriers, school personnel and similar

workers who, through their regular activities, encounter isolated seniors or potentially at-risk youth and adults. Gatekeepers take training to identify and refer at-risk individuals, including those with a risk of committing suicide or violence. They are often able to observe behavioural changes that could indicate a risk for violence or suicide. By reporting their observations, they can initiate actions to reduce risks, such as an assessment of the presence of firearms.

Many individuals and community agencies can help identify people at risk. Training and information on suicide prevention and basic forms of firearms risk assessment would be beneficial for family members, in-home care workers and home care staff.

Domestic violence

The Provincial Office of Domestic Violence (PODV) is accountable for improving coordination and collaboration between various government ministries, community and anti-violence sectors, and for strengthening the province's systemic response to domestic violence. PODV's mandate, as a central coordinating office, is to work with community, cross-ministry and Crown corporation partners and provide expertise and leadership to improve and strengthen services and supports for children, youth, women and families who experience domestic violence.

In February 2014, PODV released the three-year Provincial Domestic Violence Plan. The plan works in harmony with the Violence Free BC Strategy (VFBC), which is a blueprint for addressing violence against women in B.C. over the next decade. The plan is the result of government, public and anti-violence stakeholder consultations and includes a commitment to monitor, evaluate, report progress and consult with stakeholders to support a coordinated, systemic approach to domestic violence.

The B.C. Coroners Service reports that from 2003 to 2013, Canada had an average of 87 intimate partner homicides a year, and 83 in 2014. Between 2001 and 2011, Canada had an average of 21 murder-suicides per year, many of them involving intimate partner homicides. (B.C. Coroners Service Death Review Panel: A Review of Intimate Partner Violence Deaths, 2010-2015, November 2016.)

Protection orders are available under the *Family Law Act* (B.C.) to persons, including children, who are at risk of family violence. A protection order may include any terms the court considers necessary to protect the person's safety, including limiting the possession of weapons or firearms. Protection orders issued under the *Family Law Act* (B.C.) are normally flagged for the attention of the CFP Chief Firearms Officer, who can refuse or revoke a possession and acquisition licence to an individual named in the order.

As a result of questions raised by the Task Force, the Office of Domestic Violence and the CFP Chief Firearms Officer became aware that protective intervention orders under the *Child, Family and Community Service Act* are not flagged for the attention of the Firearms Officer. The Office of Domestic Violence and the CFP Chief Firearms Officer have begun discussions to correct this information gap.

B.C.'s Ministry of Children and Family Development and the Ministry of Health are collaborating in the "Safe Relationships – Safe Children" program to reduce risk to families and children through early assessment of persons suffering from mental health issues. Patients are assessed for suicide and the presence of "means" during assessment and treatment. The objective is to include potential risk to the patient's family and children in the assessment process.

Information barriers

Some suicide and health professionals believe that their patients' right to privacy bars them from sharing information with family and community support workers about individuals' violent or suicidal thoughts. Family and support workers can provide valuable help to people in a crisis, or equally important, remove access to lethal means of violence or suicide, if they are aware of the potential threat and how to respond.

Physicians and health care providers can play a key role in violence and suicide prevention. They are often the first to hear of an individual's thoughts related to violence or self-harm. They may also become aware of a patient's desire to obtain firearms or of inappropriate use of firearms in a patient's possession. A 2013 coroner's inquest recommended the removal of any firearms from a person who has been arrested under the *Medical Health Act* (B.C.). Restricting firearms as a means of violence or suicide requires immediate risk analysis and timely communication with family and public officials, such as law enforcement agencies and the CFP Chief Firearms Officer, who can temporarily or permanently remove the firearm.

Concerns about permissions and privacy currently form a barrier to appropriate responses. For example, the CFP Chief Firearms Officer can assess a licence-holder's suitability for a firearms licence only if it receives information from others who know of the licence-holder's status. This represents a fraction of cases requiring additional investigation.

If concerns are identified, the CFP Chief Firearms Officer sends clients a medical disclosure form to give health care practitioners permission to release information. Even with a signed release from their patients, many health care practitioners are hesitant to provide detailed information or opinions. They do not want to be held responsible if their opinion contributes to a decision to refuse or revoke a licence.

While physicians and health care providers are not currently obligated by legislation to share information related to violence and self-harm involving firearms, they do have obligations related to drivers. Physicians and designated health care providers in B.C. are obligated by law to report a patient who may be unfit to drive, pursuant to Section 230 of the *Motor Vehicle Act* (B.C.), if a patient has a medical condition that makes it dangerous for the patient to drive a motor vehicle and the patient continues to drive after being warned of the danger.

Physicians and health care providers cannot make subjective decisions related to privacy and risk. They need clearly defined obligations, training, support and connections to partner agencies to trigger existing programs, proactive means restriction and the development of safety plans. A comprehensive approach will require enhanced information sharing and clear rules on when and to whom information may be shared.

A variety of programs and specific processes, many of them very effective, exist already to mitigate risks by people suffering a mental health crisis and who have access to firearms. The Ministry of Health should continue to support coordinated discussions by health professionals, subject matter experts and health and public safety partners.

Coordinated policy on health care and firearms

B.C.'s sixth Justice Summit, in June 2016, drew leaders from B.C.'s justice and public safety sector, along with experts in the areas of mental health and addictions, to discuss the challenges faced by those with mental health or problematic substance use issues when they interact with the criminal justice system.

With an emphasis on the justice system's response and points of co-ordination with mental health and addictions services, Justice Summit participants discussed priority areas of work to improve outcomes for those within the system. Participants encouraged innovation and collaboration across sectors and identified areas where proposals can be developed for recommended action plans at the next summit.

—“Mental health, substance use focus of B.C.'s sixth Justice Summit,”
B.C. Ministry of Justice, June 16, 2016

These summits represent an opportunity for law enforcement leaders and the CFP Chief Firearms Officer to educate stakeholders about firearms use and illegal firearms in Canada. Participation in this forum would build links and improve practices and protocols between law enforcement, regulators, health care providers and social support agencies.

B.C.'s Ministry of Health estimates that approximately 800,000 B.C. residents receive treatment for mental health issues such as depression, anxiety and problematic substance use through health authority services. Health care providers have direct contact with most of B.C.'s population. They can identify and respond to risks, including activities to support the prevention of firearm violence and suicide.

The Ministry of Health is championing an Integrated Health Care approach, involving primary care services in certain programs. This approach recognizes the need to bring

together multiple ministries and stakeholders in order to address complex health and social challenges.

A variety of health, government and community-based programs could benefit from awareness about firearms risk mitigation and means restriction. Many individuals and community agencies can help identify people at risk. They need to work together to ensure broad awareness of signs of deteriorating mental health, and to develop safety plans that, among other strategies, reduce access to firearms as a means of suicide or violence.

Given the importance of early information and multi-agency collaboration, the Canadian Firearms Program would benefit from the development of companion strategies. For example, strategies should acknowledge the temporary nature of some health conditions, and assure individuals in crisis and their families that removal of firearms is not absolute and that cherished firearms will not be destroyed. Such policies could improve confidence in the program and increase self and third party reporting.

Preventable deaths resulting from legal and illegal firearms should be the subject of annual reviews with representatives of the Ministry of Health, the Provincial Office of Domestic Violence, the Office of the Senior's Advocate, the National Weapons Enforcement Support Team, the CFP Chief Firearms Officer and any other relevant agencies. These meetings would facilitate information sharing and the provision of services related to suicide and violence prevention, identify any information or service gaps and initiate the steps needed to eliminate them.

Technological advances

A number of technological advances offer some potential to assist in controlling the illegal use of firearms, although all have significant limitations.

Smart-gun technology: Biometric scanners and RFID systems

Fingerprint scanning technology uses a small fingerprint scanner on the grip of a firearm. When held in a natural position, the thumb or finger is scanned, unlocking the firearm for use. The scanner prevents misuse of firearms that are not secured with a firearm safe or trigger lock, which is often the case for firearm owners concerned with personal safety. It also prevents the use of a stolen firearm. It appears that some developers plan to release firearms with fingerprint scanners soon, although users have made several criticisms.

- The scanner was sometimes slow or unreliable in reading the fingerprint, making the firearm slow to unlock.
- The location of the scanner could require users to look down to properly place the thumb on the scanner.
- Users may need to fire the gun from a non-standard position or may not have time to properly place their hand on the grip in an emergency, a particular concern for law enforcement and military personnel.

A similar system would use radio-frequency identification (RFID), rather than fingerprint scanners, similar to RFID chips found in many new motor vehicle keys. These RFID chips, installed on objects like a watch or a ring, would unlock the firearm only when nearby, and would secure the firearm without conventional locks. This technology will likely be available sometime in the future, although if the RFID chip were lost, the firearm would be unusable.

Similar technologies are also being developed for gun safes, racks and other storage systems to allow quick access to a stored firearm in an emergency.

Both systems have potential, particularly the RFID system, which is already widely used in the automobile industry. However, few, if any, are available on the market.

Both systems are aimed at the safe storage of firearms, which is already a responsibility of firearm owners in Canada. Further, ownership of a firearm for personal safety is not an acceptable reason for a firearms licence in Canada, so firearm owners have no good reason to leave a firearm unsecured. Neither system appears to provide safe storage better than a gun safe or physical trigger lock, except in preventing the use of a stolen firearm. However, it would be difficult to require that all guns owned have an RFID chip or fingerprint system installed or to require this technology on all firearms manufactured or sold.

Gunshot-locating microphones and surveillance

Gunshot-locating systems, which use an array of microphones installed around a specific area, can triangulate the source of a gunshot with a high degree of accuracy (generally within a metre). These systems are typically used in high crime areas that have frequent shootings, and also have military applications. When used as a public safety tool, gunshot-locating systems are typically used alongside other technologies, such as closed circuit television systems (CCTV), and automatic licence plate reading systems (ALPR). Typically, an intelligence centre monitors these systems and processes the information for police officers.

Gunshot-locating microphones can activate any CCTV cameras in the area, allowing police to track a suspect in real time, and providing video evidence that can be used in court. If linked to ALPR, the system can track and monitor vehicles in the area and send information directly to police on the road.

Gunshot-locating systems are used in several major U.S. cities with serious crime issues, such as Boston, Chicago, Los Angeles, New York and Washington D.C., and most are also linked to extensive CCTV systems in the city. Law enforcement agencies, including the U.S. Federal Bureau of Investigation, describe them as an important tool for fighting gun violence. For example, the Washington, D.C., police department stated that their gunshot-locating system helped them make nine arrests related to illegal gun use in 2008, and logged up to 50 random gunshots a week in 2007.

Microphone systems would raise privacy issues, particularly as they are generally linked to an extensive CCTV network. Community members may feel that they are under constant surveillance and have no privacy. Cost for initial setup and ongoing maintenance would be significant.

Gunshot-locating systems could be useful in specific geographical areas when used in conjunction with other tools, such as closed circuit cameras and automatic licence plate reading systems. When analysts gather and process all this information, it could provide very valuable intelligence to police.

The use of drones or unmanned aerial vehicles

Police in Canada and the U.S. currently use drones in specific circumstances, such as when examining the scene at a motor vehicle crash, conducting search and rescue operations, and managing high-risk incidents. They could also potentially assist police investigating offences in which a firearm is discharged.

Police could deploy a drone to fly a pattern or hover over a municipality, taking high-resolution photographs every second over a large area. A drone such as the one developed by Persistent Surveillance Systems in the U.S. could fly at a height that would not be seen or heard at ground level. When police know when and where a firearm was discharged, they could download and analyse the drone's pictures, both back in time to see the development of the incident and forward in time to see where the shooter(s) go after the incident. Several challenges limit the police use of drones, however, from privacy

concerns to internal police policies and regulations on the use of drones over populated areas and near aerodromes.

3D printers

3D printers can now duplicate gun parts using digital software available on the internet. These printers can produce illegal firearms capable of discharging live ammunition, and carry no serial numbers. While they may be able to fire only one to three shots before the heat of the bullet damages the firearm, they have been recovered following violent crimes.

3D printers can also replicate gun parts from metal. This will allow the printing of firearms capable of repetitive deadly fire, similar those made by commercial manufacturers.



Polymer 3D-printed handgun



Metal handgun made from 30 3D-printed components after firing 50 rounds,

The use of 3D printers to print parts for restricted or prohibited firearms is of growing concern. Restricting their use to make harmful, illegal products has various precedents.

Monitoring technological advances

Several large gun trade shows, particularly in the U.S., display new weapons, ammunition and technology. To monitor emerging trends in gun technology, such as 3D printers, polymers and tools to get around current gun restrictions or prohibitions, police should have overt and covert representatives attend these shows and report their findings to partners, including law enforcement and intelligence agencies, NWEST, CBSA and others.

In addition, the Ministry of Public Safety & Solicitor General would benefit from an advisory committee that would meet regularly to review issues related to technology and firearms, and to ensure that police and other public safety agencies are aware of technological advancements in firearms manufacturing and in tools to prevent and respond to firearm-related violence.

CONCLUSION

The Illegal Firearms Task Force was created as part of B.C.'s enhanced Guns and Gangs Strategy to examine new approaches to address illegal firearms for B.C.

The Task Force included senior experts from federal, provincial and municipal law enforcement agencies, the Canada Border Services Agency, the Canadian Firearms Program Chief Firearms Officer, the Directors of Public Safety from the cities of Surrey and Burnaby, and members of the Ministry of Education and Surrey school district Safe Schools programs.

Members of the Illegal Firearms Task Force met regularly to learn from each other and to examine risks associated with illegal firearms. Task Force meetings were supported by regional consultations including a variety of interested agencies, individuals and groups from Vancouver Island, Kelowna, Williams Lake and Prince George. In addition, many individual consultations were conducted with subject matter experts across Canada.

The Illegal Firearms Task Force did not examine lawful firearms possession or use and fully recognizes the rights of law-abiding firearms owners.

Firearms and organized crime

The Illegal Firearms Task Force has focussed primarily on the way illegal firearms are acquired, modified, transported and used by criminals and organized crime groups. B.C. enjoys formidable coordinated investigative and enforcement capacity targeting organized crime and gangs. Much progress has been made in recent years to reduce violence from organized crime. Enhancing this existing capacity by focussing on illegal firearms would allow B.C. to further reduce violence.

Understanding and responding to the evolving challenge of organized crime requires comprehensive intelligence gathering, the sharing of information between stakeholder agencies and access to relevant data bases. To be efficient and effective, intelligence gathering, analysis and sharing should be managed by an experienced lead agency, such as the Combined Forces Special Enforcement Unit, working closely with the many contributing illegal firearms stakeholder agencies.



A known gang member was shot in his vehicle in June 2016 in a parking lot in Richmond.

The use of motor vehicles by organized crime groups to transport illegal firearms, target rivals, perpetrate shootings and engage in car-to-car gunfire has become a significant public safety concern. Several innocent persons have been killed as a result of being misidentified in a car as a rival gang member. Vehicles fleeing gunfire from rivals, speeding to hospital with injured occupants and fleeing from routine police stops have become common. In addition to a firearms-focussed approach, the Task Force recommends a companion “Road Safety” strategy to deter and disrupt the use of illegal firearms in motor vehicles by organized crime. This approach would require coordinated initiatives and new legislation, but would provide valuable tools to limit the dangerous use of illegal firearms in vehicles.

Despite the significant advances in combatting organized crime and the violence that results from it, significant challenges remain. Targeted enforcement and prevention, supported by legislation and regulation, will increase the impact that has already been achieved, resulting in reduced violence, fewer shootings, more charges and seizures and fewer youth entering gang life.

Broader issues

Firearms are also used illegally by people living with domestic and family violence, suicidal thoughts, and mental health conditions, including addictions or patterns of problematic substance use. Firearms play a central role in many public safety issues, requiring both focussed strategies and multi-agency responses to early identification, prevention and, where appropriate, enforcement and disruption.

The Illegal Firearms Task Force advocates numerous specific actions, as well as a systemic, firearms-focussed approach to align and coordinate the work of disparate agencies. The approaches used to reduce the incidents and impacts of domestic and family violence and to ensure effective investigation of missing persons in British Columbia are examples of similar approaches.

The Task Force has attempted to connect and take advantage of the work of existing provincial ministries and local programs. Preventing youth involvement in gangs and the use of firearms can build on a variety of firearms education, community and industry actions. Identifying potential firearms violence requires communication among a wide variety of health care providers, educators, social assistance and law enforcement agencies, which already work with people in our communities. Sharing tools and an understanding of threat indicators can reduce preventable violence. Improved communication, clarity about privacy restrictions, consistent training and common policies between and within agencies will help align efforts towards public safety.

Provincial legislation could also restrict the use of imitation firearms and their presence in public places such as schools. Initiatives should also educate parents and industry retailers on the impacts of imitation firearms, their potential in crime and their threat to community safety.

Intelligence collection and analysis is central in the identification of firearms traffickers and smugglers. Mandatory tracing of crime guns, timely forensics and systematic crime lab work not only assists reactive investigations but forms critical intelligence. Intelligence-led compliance activities, enforcement and project investigations must focus on domestic and foreign illegal firearms traffickers and those who possess firearms for unlawful purposes. These activities also strike an optimal balance with the rights of lawful firearms owners.

Meaningful performance metrics by the Canadian Firearms Program, combined with metrics gathered by the lead intelligence agency, will provide an annual report card, allowing decision makers to assess the impacts of past efforts and the evolution of future initiatives.

The Illegal Firearms Task Force supports the enactment of outstanding amendments to federal legislation that will close potential gaps related to the import of firearms. The Task Force recommends considering amendments to federal legislation that will enhance investigation, enforcement and compliance activities to disrupt and deter firearms traffickers and to restrict the availability of firearms parts that are often used to support crime. The Task Force supports legislation from other provinces that close information gaps and protect those who share essential information about potential threats.

The Task Force conducted extensive analysis in making its 37 recommendations, reviewing B.C.'s social and law enforcement context and insights from Canada and the U.S. Additional policy and program development details are available to support any future work to increase public safety by minimizing the use of illegal firearms.

With support from all three levels of government and a modern enforcement structure, B.C. can take on current challenges and evolve to meet future threats.

APPENDICES

Appendix 1: Recommendations of the Illegal Firearms Task Force

Appendix 2: Members of the Task Force

Appendix 3: Individual Consultations

Appendix 4: Literature Review

Appendix 5: Acronyms

Appendix 1: Recommendations of the Illegal Firearms Task Force

The Task Force recommends that:

THEME #1: STRATEGIC APPROACHES

An illegal firearms-focused approach

1. The B.C. Ministry of Public Safety & Solicitor General should consider prioritizing illegal firearms trafficking and use by:
 - 1.1. Supporting the Combined Forces Special Enforcement Unit (CFSEU-BC) to become the lead agency for coordinating a provincial illegal firearms-focused strategy and cross-border illegal firearms investigations in partnership with the Canada Border Services Agency and other law enforcement agencies
 - 1.2. Ensuring province-wide and cross-border application of the firearms focus in the PTEP process
 - 1.3. Working with the federal Ministry of Public Safety and Emergency Preparedness to request the participation of the Canada Border Services Agency in B.C.'s illegal firearms-focused approach
 - 1.4. Working with the federal Ministry of Public Safety and Emergency Preparedness to provide additional funding for provincial and dedicated federal resources, Canada Border Services Agency investigators, operational funding, administrative and technical support and capital costs within CFSEU-BC, consistent with the commitment provided by the federal government

Road safety and illegal firearms

2. The B.C. Ministry of Public Safety & Solicitor General and the B.C. Ministry of Attorney General should consider developing road safety strategies that mitigate the risk to the public when illegal firearms are possessed or used in vehicles for violent and criminal acts. Such strategies, including proposing amendments where appropriate, should focus on:
 - 2.1. Possession and transport of illegal firearms in vehicles
 - 2.2. The use of a vehicle as a platform to locate and attack others
 - 2.3. Possession of a vehicle that is the subject of organized crime attack by others
 - 2.4. The use of a vehicle in a flight from police by an individual associated with organized crime
 - 2.5. A nominee who is registering vehicles on behalf of persons associated with organized crime for use in illegal activity
 - 2.6. A company that knowingly leases or rents vehicles to persons associated with organized crime for use in illegal activity
3. The B.C. Ministry of Public Safety & Solicitor General and the B.C. Ministry of Attorney General should consider developing road safety initiatives through amendments to legislation that enable:
 - 3.1. The roadside seizure of a driver's licence, and subsequent driving

- prohibition, for any person associated with violent or organized crime who is operating a vehicle containing an illegal firearm
- 3.2. The roadside seizure of a vehicle containing an illegal firearm when the vehicle is operated or owned, directly or indirectly, by a person associated with organized crime
 - 3.3. The forfeiture of a vehicle involved in a flight from police:
 - a) In cases where police can demonstrate a connection between the driver and organized crime
 - b) In cases where police can demonstrate a connection between the owner and organized crime
 - 3.4. The seizure of a vehicle, pursuant to the *Civil Forfeiture Act* (B.C.) when individuals associated with organized crime are found in a vehicle carrying an illegal firearm or in a flight from police, and in the event of such a seizure placing the burden of proof on the owner of the vehicle to show that the seizure is unreasonable
4. The B.C. Association of Chiefs of Police and the Civil Forfeiture Office should work with stakeholders to consider enhancing the impact of civil forfeiture on organized crime by creating provincial policies and protocols to ensure provincial agencies use civil forfeiture mechanisms where appropriate to remove vehicles associated with organized crime from public roads.
 5. The B.C. Ministry of Public Safety & Solicitor General and the B.C. Ministry of Attorney General should consider creating a Rental Vehicle Working Group that includes stakeholders from law enforcement, vehicle rental and lease industry associations, the Insurance Corporation of B.C., municipalities and the Civil Forfeiture Office to determine a feasible manner to collect and coordinate information and evidence for a number of possible initiatives, including:
 - 5.1. Identifying businesses known to lease or rent vehicles to persons associated with organized crime
 - 5.2. Reviewing the business licence of businesses that can be demonstrated to lease or rent vehicles to persons associated with organized crime
 - 5.3. Prohibiting individuals (nominees) from knowingly registering, leasing or renting vehicles on behalf of persons associated with organized crime when it can be demonstrated that the individuals (nominees) have done so in the past or intend to do so in the future
 - 5.4. Exploring options to require valid identification by vehicle leasing and renting customers, to record and retain the information and to make it available for law enforcement with judicial authorization
 - 5.5. Training staff on indicators of and response to the rental of a vehicle for criminal purposes
 6. The B.C. Ministry of Public Safety & Solicitor General and the B.C. Ministry of Attorney General should consider reviewing the road safety, injury and monetary ramifications of insurance claims associated with vehicles and organized crime, and where feasible and appropriate develop policy and legislative changes to use breach of coverage regulations to revoke:
 - 6.1. Personal vehicle insurance when an individual can be demonstrated to have operated a vehicle to support organized crime

- 6.2. Fleet insurance when a vehicle rental or lease business can be demonstrated to have a pattern of renting or leasing vehicles to persons associated with organized crime

Provincial Tactical Enforcement Priority (PTEP)

7. The Board of Directors of the Combined Forces Special Enforcement Unit of B.C. should consider supporting illegal firearm interdiction as a priority for the Provincial Tactical Enforcement Priority (PTEP) process.
8. The B.C. Ministry of Public Safety & Solicitor General should continue on-going work to make PTEP participation a *Police Act* (B.C.) service standard for all law enforcement agencies in B.C.
9. The Board of Directors of the Combined Forces Special Enforcement Unit of B.C. should consider supporting illegal firearms and firearms trafficking performance indicators within the PTEP process, including disruption of the transport of illegal firearms; disruption of the use of personal, leased and rental vehicles in support of firearms violence; intelligence gathering; and outcomes and disruption indicators.

Firearms tracing hub and labs

10. The B.C. Ministry of Public Safety & Solicitor General should consider working with the federal Ministry of Public Safety and Emergency Preparedness to seek support from the federal government to increase current firearms forensic capacities that will meet the on-going needs of law enforcement and prosecution by developing:
 - 10.1. A provincial firearms tracing hub to provide timely province-wide certification, analysis and tracing
 - 10.2. Enhanced capacity in RCMP laboratories, improved analysis response times and assured performance consistent with a firearms-focused approach

Alignment of law enforcement policy

11. The B.C. Ministry of Public Safety & Solicitor General should consider working with the B.C. Association of Chiefs of Police, the Canadian Firearms Program Chief Firearms Officer, law enforcement agencies and others to develop comprehensive and aligned province-wide enforcement policies relating to the possession, trafficking and use of illegal firearms.

“Bar Watch” programs

12. The B.C. Ministry of Public Safety & Solicitor General should consider obtaining a legal opinion on the adequacy of the *Trespass Act* (B.C.) and the *Liquor Control and Licensing Act* (B.C.) for the purposes of existing bar watch and comparable programs.
13. If the legal opinion, referred to in recommendation 12, supports the adequacy of the acts, the B.C. Ministry of Public Safety & Solicitor General should consider partnering with the B.C. Association of Chiefs of Police and bar and restaurant owners to examine possible expansion of bar watch programs to communities where they are warranted, in a manner that ensures proper articulation of risk to

public safety and consistent application of authorities.

14. Alternatively, if the legal opinion referred to in recommendation 12 finds that the acts do not support the use of the Bar Watch program, the B.C. Ministry of Public Safety & Solicitor General should consider collaborating with relevant ministries responsible for the acts, and should propose amendments to existing legislation that would better address public safety issues posed by the presence of individuals with a gang-related or violent past whose mere presence presents a serious threat to public safety.

THEME #2: LEGISLATIVE INITIATIVES

Quebec's mass shooting and firearms violence mitigation: A model for provincial actions

PROVINCIAL LEGISLATION

15. The B.C. Ministry of Public Safety & Solicitor General should consider adopting aspects of Quebec's Bill 9, either by proposing amendments to the *Firearm Act* (B.C.) or by creating new legislation.

Imitation firearms

FEDERAL LEGISLATION

16. The B.C. Ministry of Public Safety & Solicitor General should consider working with the federal Ministry of Public Safety and Emergency Preparedness to propose amendments to the *Firearms Act* (Canada) to:
- 16.1. Restrict to persons 18 years or older the acquisition of imitation firearms that are neither firearms nor replicas as defined in the *Criminal Code*
 - 16.2. Restrict to persons 18 years or older the possession of imitation firearms that are neither firearms nor replicas as defined in the *Criminal Code*, unless the person is under the direct supervision of a person over the age of 18 or is the valid holder of a Minor's Permit issued by the Canadian Firearms Program
 - 16.3. Require all sellers of imitation firearms to verify proof of age and record the purchaser's identity for all sales
 - 16.4. Require all sellers of imitation firearms to attach to the item information on the capabilities, the potential for injury and possible lethality of the item
 - 16.5. Restrict the places in which imitation firearms can be possessed, and specifically to prohibit possession of an imitation firearms in schools, community centres, public venues, public institutions, parks, roadways, public transit and taxis

PROVINCIAL LEGISLATION

17. In the event that the federal Ministry of Public Safety & Emergency Preparedness is not able to propose the amendments as recommended in Recommendation 16, the B.C. Ministry of Public Safety & Solicitor General should consider proposing amendments to the *Firearm Act* (B.C.) to:
- 17.1. Restrict to persons 18 years or older the acquisition of imitation firearms that are neither firearms nor replicas as defined in the *Criminal Code*
 - 17.2. Restrict to persons 18 years or older the possession of imitation firearms that

are neither firearms nor replicas as defined in the *Criminal Code*, unless the person is under the direct supervision of a person over the age of 18 or is the valid holder of a Minor's Permit issued by the Canadian Firearms Program

- 17.3. Require all sellers of imitation firearms to verify proof of age and record the purchaser's identity for all sales
- 17.4. Require all sellers of imitation firearms to attach to the item information on the capabilities, the potential for injury and possible lethality of the item
- 17.5. Restrict the places in which imitation firearms can be possessed, and specifically to prohibit possession of imitation firearms in schools, community centres, public venues, public institutions, parks, roadways, public transit and taxis

Straw purchasers and point-of-sale recordkeeping

FEDERAL LEGISLATION

- 18. The B.C. Ministry of Public Safety & Solicitor General should consider working with the federal Ministry of Public Safety and Emergency Preparedness to propose amendments to the *Firearms Act* (Canada) that require businesses, dealers and individuals selling non-restricted firearms to keep point-of-sale records, which could be made available to law enforcement pursuant to judicial authorization on a case-by-case basis and subject to regulations governed by the Canadian Firearms Program.

PROVINCIAL LEGISLATION

- 19. In the event that the federal Ministry of Public Safety and Emergency Preparedness is not able to propose the amendments as recommended in Recommendation 18, the B.C. Ministry of Public Safety & Solicitor General should consider proposing amendments to the *Firearm Act* (B.C.) that require businesses, dealers and individuals selling firearms to keep point of sale records, which could be made available to law enforcement pursuant to judicial authorization on a case-by-case basis and subject to regulations governed by the Canadian Firearms Program.

Manufacture of untraceable firearms

FEDERAL LEGISLATION

- 20. The B.C. Ministry of Public Safety & Solicitor General should consider working with the federal Ministry of Public Safety and Emergency Preparedness to propose amendments to the definition of a firearm in Section 2 of the *Criminal Code*, substantially, as follows:

"Firearm" means a barreled weapon from which any shot, bullet or other projectile can be discharged and that is capable of causing serious bodily injury or death to a person, and includes any frame or receiver of such a barreled weapon and anything that can be adapted for use as a firearm, *including blank castings of frames or receivers not yet capable of holding various firing components.*

21. The B.C. Ministry of Public Safety & Solicitor General should consider working with the federal Ministry of Public Safety & Emergency Preparedness to propose federal legislation that restricts the import, export and sale of all receiver blanks.

THEME #3: EDUCATION AND PREVENTION

Safe schools, student and parent education

22. The B.C. Ministry of Public Safety & Solicitor General should consider working with the relevant ministries to develop a clear and authoritative statement of the law relating to information sharing for schools, law enforcement, health professionals, youth and family services, other government agencies and other public institutions, which describes their responsibility for sharing information when there is a threat or imminent danger that outweighs any right to privacy.
23. The B.C. Ministry of Education should consider ensuring that:
- 23.1. All public and independent school jurisdictions continue to enhance their safe school programs and participate in ministry-sponsored School-based Violence Threat Risk Assessment (VTRA) training with specific attention to imitation and real firearms
 - 23.2. All schools and school districts engage the support and involvement of law enforcement, government, non-government and community agencies in VTRA training and the VTRA process
 - 23.3. Training in the ERASE Strategy be enhanced to support:
 - a) Building resilience among youth to gangs and violence
 - b) Enhancing awareness and engagement of parents including indicators of “gateway” usage
 - c) Ensuring education and consistent engagement of teachers and school administrators
 - 23.4. School curricula be enhanced to support development and participation in positive firearms training, such as the Conservation and Outdoor Recreation Education (CORE) program where appropriate, supplemented by positive modeling

Community-based programs – Rural and First Nations communities

24. The B.C. Ministry of Public Safety & Solicitor General should consider enhancing early intervention programs in communities, aimed at identifying youth at risk at the earliest possible opportunity and changing behaviour through community-based interventions, where appropriate. The CTC, HUB and SMART programs provide useful models for community intervention programs.
25. The Chief Firearms Officer, firearms retailers and the B.C. Ministry of Public Safety & Solicitor General should consider improving community awareness on the safety, security, theft and criminal diversion of legal firearms by supporting culturally appropriate information and education programs.
26. In consultation with rural and First Nations communities, the B.C. Ministry of Public Safety & Solicitor General and the B.C. Ministry of Education should consider enhancing and supporting programs for youth tailored to schools that service rural

and First Nations communities, with supporting parental and community education, regarding all aspects of legal and illegal firearms, gangs and organized crime.

27. In consultation with First Nations communities, the B.C. RCMP First Nations Community Policing Services should consider designating an officer to undertake ongoing proactive work in relation to legal and illegal firearms, the laws relating to firearms, and their nexus to organized crime in Aboriginal communities.

Canadian Firearms Program compliance strategies

28. The federal Ministry of Public Safety and Emergency Preparedness should consider enhancing the Canadian Firearms Program through development of compliance and deterrence strategies under the authority of the current or amended *Firearms Act* (Canada).
29. The Canadian Association of Chiefs of Police, the Canadian Firearms Program and the Canada Border Services Agency should consider working collectively to:
- identify opportunities to coordinate mandates and legislative authorities
 - create preventative illegal firearms strategies
 - improve enforcement efforts and compliance with regulations
 - develop performance metrics that meet both the regulatory program and law enforcement objectives
30. The federal Ministry of Public Safety and Emergency Preparedness should consider clarifying information sharing between the Canadian Firearms Program and law enforcement agencies to remove barriers and ensure that each agency can effectively achieve its mandate with appropriate safeguards.

Registration issues from the former Restricted Weapons Registration System

31. The federal Ministry of Public Safety and Emergency Preparedness should consider implementing a public awareness campaign concerning the licensing requirements for possessing firearms and the legal requirement to register restricted and prohibited firearms.
32. The B.C. Ministry of Public Safety & Solicitor General should consider continuing to offer provincial firearms amnesties and encourage Safe City programs through the National Weapons Enforcement Support Team, both to support re-registration where possible and to decrease firearms availability to illicit markets and criminal use in the future.
33. The B.C. Association of Chiefs of Police and the Canadian Firearms Program Chief Firearms Officer should consider working together to create guidelines for investigations of restricted and prohibited firearms that remain unregistered.

THEME #4: DATA COLLECTION AND INFORMATION SHARING

Intelligence and data quality

34. The Board of Directors of the Combined Forces Special Enforcement Unit of B.C.

should consider supporting the creation of a centralized firearms intelligence hub and data warehouse with the ability to build a comprehensive intelligence picture related to firearms, managed by the B.C. Combined Forces Special Enforcement Unit and closely aligned with the National Weapons Enforcement Support Team and the Canada Border Services Agency, supported by the Real Time Intelligence Centre.

35. The B.C. Ministry of Public Safety & Solicitor General should consider creating a committee of analytical subject matter experts to recommend to the federal Ministry of Public Safety and Emergency Preparedness the data and software required to maximize the intelligence and analytical capabilities related to illegal firearms and illegal firearms trafficking.
36. The B.C. Ministry of Public Safety & Solicitor General should continue to engage in regular cross-border and intra-provincial intelligence meetings on illegal firearms, firearms traffickers and firearms tracing, and support and encourage sustained participation by key stakeholders.

PRIME-BC access by key stakeholders

37. PRIMECorp and the B.C. Association of Chiefs of Police should consider ensuring PRIME access for Canada Border Services Agency and the Chief Firearms Officers who work with law enforcement in support of comprehensive risk-informed strategies that focus on the illegal use of firearms.

Appendix 2: Members of the Task Force

Core Members	Title	Branch/Division
C/Supt. Dave Attfield	Chief Superintendent	Royal Canadian Mounted Police
D/Chief Cst. Lyle Beaudoin	Deputy Chief Constable	Delta Police Department, B.C. Association of Municipal Chiefs of Police
Insp. Martin Bruce	Inspector, Organized Crime Section	Vancouver Police Department
Dr. Irwin Cohen	Associate Professor, Senior University Research Chair, RCMP Crime Reduction Director	Centre for Public Safety and Criminal Justice Research, University of the Fraser Valley
Dave Critchley	Director of Public Safety and Community Services	City of Burnaby
Insp. Ian Daniels	Officer in Charge, National Weapons Enforcement Team	Royal Canadian Mounted Police
John Dyck	Executive Director, Operations Branch	Canada Border Services Agency
A/Commr. Kevin Hackett	Assistant Commissioner	Combined Forces Special Enforcement Unit, B.C.
Terry Hamilton	Chief Firearms Officer, B.C. and Yukon	Royal Canadian Mounted Police/Canadian Firearms Program
Cpl. Paul Hodges	Acting i/c Operations	National Weapons Enforcement Support Team
Jennifer McCrae	Assistant Deputy Minister	Student Safety Branch, B.C. Ministry of Education
Rob Rai	Manager, Safe Schools Department	School District #36 (Surrey)
Dr. Terry Waterhouse	Public Safety Director	City of Surrey
Harold Wuigk	Assistant Director, Operations Branch	Canada Border Services Agency
Loretta Smith	A/Director Policing Operations Support	Policing and Security Branch, Ministry of Public Safety & Solicitor General

Tom Steenvoorden	Director – Public Safety Initiatives	Policing and Security Branch, Ministry of Public Safety & Solicitor General
Wayne Rideout	Wayne Rideout Consulting	Task Force Lead
Richard Banner	Polestar Communications Inc.	Task Force Writer

Wayne Rideout, Task Force Lead

Assistant Commissioner Wayne Rideout M.O.M. (Retired)

Retired Assistant Commissioner Wayne Rideout was a member of the RCMP for 34 years. From 2011 until his retirement in 2016, he served as the Officer in Charge of Criminal Operations for Investigative Services and Organized Crime (ISOC) for the RCMP in B.C., Canada (“E” Division). The position included oversight of a wide variety of specialized investigative units within Federal Serious and Organized Crime, Covert Operations, Support Services, Criminal Intelligence, the National Security Enforcement Team, the Combined Forces Special Enforcement Unit, and the Provincial Major Crime Unit.

Prior to this appointment, Wayne served as the Deputy Criminal Operations Officer (Contract) for RCMP “E” Division, and had oversight of the provincial policing operations for B.C. including Major Crime, First Nations Policing, Emergency Response and Preparedness, Provincial Communication Centres, Traffic Services, Marine Services and the Island, South East and North Districts. Assistant Commissioner Rideout was the primary RCMP liaison with the Provincial Government through a number of committees and contractual structures during this period.

He served two and a half years as Operations Officer at Surrey Detachment (Canada’s largest RCMP Detachment) managing uniform policing operations including Patrol, Traffic, Youth, District Community Policing and Professional Standards.

Between 2003 and 2008, Wayne was Officer in Charge of the Integrated Homicide Investigation Team (IHIT), a unit responsible for the investigation of homicides, missing persons in which foul play is suspected, and police-involved death or serious injury incidents in 25 RCMP detachments and municipal police agencies throughout the Lower Mainland of B.C.

Assistant Commissioner Wayne Rideout was a member of the B.C. Association of Chiefs of Police and the Canadian Association of Chiefs of Police. He sat on a number of significant provincial and federal committees on policing standards, policing oversight, intelligence, organized crime and national security. He is a graduate of the Leadership in Counter-Terrorism program (LinCT). He is a recipient of the Governor General of Canada’s Member of the Order of Merit of Police Forces.

Appendix 3: Individual consultations

Inspector Darren Campbell Assistant Commissioner Jim Gresham	RCMP National Headquarters, Contract Policing B.C. RCMP, Investigative Services and Organized Crime
Special Agent Jim Huskey	Bureau of Alcohol, Tobacco, Firearms and Explosives
Dr. Sarah Thompson	Associate Professor, Department of Criminology, Ryerson University
Assistant Commissioner Bill Fordy	B.C. RCMP, Lower Mainland District Commander and former Officer in Charge, Surrey RCMP
Assistant Commissioner Brenda Butterworth-Carr	Criminal Operations Officer for the B.C. RCMP
Superintendent, Gordon Sneddon	Toronto Police Service Organized Crime Unit, Gangs and Guns Unit
Inspector William Klym	Deputy Director, Organized Crime, Biker Enforcement Unit & Provincial Weapons Enforcement Unit, Organized Crime Enforcement Bureau, Ontario Provincial Police
Sergeant Colby McGowan MPP Mike Colle	Manitoba RCMP Member of the Provincial Legislature, Ellington- Lawrence, Ontario
Chief Superintendent Sean Bourrie	B.C. RCMP, Federal Policing
Chief Superintendent Brian Cantera	B.C. RCMP, Intelligence and Support Services
Inspector Chad Coles	Alberta Alert, RCMP
Staff Sergeant Jean Ratté	NWEST Quebec
Scott Macfarlane	Senior Counsel, Insurance Corporation of B.C.
Ben Shotton	Special Investigations, Insurance Corporation of B.C.
Chris Fairbridge	Special Investigations, Insurance Corporation of B.C.
Corporal Rebecca Parslow	Surrey RCMP, Asset Forfeiture Team
Sergeant John Uzelac	Surrey RCMP, Asset Forfeiture Team
Peter Sloy	Executive Director, National Lead for Security & Justice Sector, Deloitte Canada
Keva Glynn	A/Executive Director, Mental Health & Substance Use, B.C. Ministry of Health
Alain Paquet	Public Safety Canada
Christopher Kelly	Policy Advisor, Public Safety Canada
Sandy Biggerstaff	Executive Director, Crisis Centre B.C.
Phillip Twatel	B.C. Civil Forfeiture Office

Dr. David Klonsky

Associate Professor, University of B.C.,
Department of Psychology

Ken Lamontagne

Director, Strategic Intelligence Analysis, RCMP,
Criminal Intelligence Service of Canada

Theresa Campbell

Safe Schools Together

Appendix 4: Literature review

Appendix 4 is available in a separate file, ***A Literature Review on Illegal Firearms.pdf***.

Appendix 5: Acronyms

A	APS	Aboriginal Policing Services
	ALPR	Automatic Licence Plate Reading Systems
B	BCACP	B.C. Association of Chiefs of Police
C	CACP	Canadian Association of Chief of Police
	CBSA	Canada Border Services Agency
	CCJS	Canadian Centre for Justice Statistics
	CCTV	Closed Circuit Television
	CFIS	Canadian Firearm Information System
	CFO	Chief Firearms Officer
	CFSEU-BC	Combined Forces Special Enforcement Unit BC
	CISBC	Criminal Intelligence Service BC
	CISC	Criminal Intelligence Service Canada
	CORE	Conservation and Outdoor Recreation Education
	CPIC	Canadian Police Information Centre
	CPS	Community Policing Service
	CROP	Criminal Operations Officer
	CSC	Corrections Services of Canada
	CTC	Communities That Care
D	DAPS	Diversity and Aboriginal Policing Section
E	ERASE	Expect Respect and a Safe Education
F	FOES	Firearms Operations and Enforcement Support
	FIP	Firearms Interest Police
	FNCPS	First Nations Community Policing Services
	FSOC	Federal Serious and Organized Crime
I	IHIT	Integrated Homicide Investigation Team
	ISOC	Investigative Services and Organized Crime
M	MPSA	Municipal Police Service Agreement (between RCMP and B.C.)
	MPUA	Municipal Police Unit Agreement

N	NPS	National Police Service
	NSP	National Security Program (RCMP)
	NWEST	National Weapons Enforcement Support Team
O	OCABC	Organized Crime Agency-BC
	OCG	Organized Crime Gang
	OMG	Outlaw Motorcycle Group
P	PAL	Possession and Acquisition Licence
	PPSA	Provincial Police Service Agreement (with RCMP)
	PRIME-BC	Police Records Information Management Environment for BC
	PSS	Policing Support Services, RCMP
	PTEP	Provincial Tactical Enforcement Priority
R	RFID	Radio-frequency Identification
	RMS	Records Management System
	RWRS	Restricted Weapons Registration System
	RTIC-BC	Real Time Intelligence Centre-B.C.
S	SMART	Surrey Mobilization and Resiliency Table
U	UCR	Uniform Crime Reporting
V	VPD	Vancouver Police Department
	VACPC	Vancouver Aboriginal Community Policing Centre
	VTRA	Violence Threat Risk Assessment