

## **POLICE – Firearms – Gun Control and Federal Legislation**

### **SUGGESTED RESPONSE:**

- I am very pleased that the federal government has announced an immediate ban on over 1,500 models and variants of assault-style firearms.
- There is absolutely no place for these types of weapons in Canada and this is an encouraging step in the necessary work to help reduce gun and gang violence here.
- The federal government has also promised legislation to enhance firearms safety including a buy-back program so we'll look forward to seeing what that will look like and what effects it will have on provincial policing resources.
- My ministry will continue corresponding with the federal government on these and other issues, particularly in the areas of safe access to firearms, access to ammunition, safe storage and improving information sharing across federal and provincial programs.
- We were also encouraged by the federal government's earlier legislation, Bill C71 – and in fact a number of the proposed federal changes mirror recommendations in the B.C. Illegal Firearms Task Force report including;
  - prevention of individuals suspected of posing a danger to themselves or others (including partners or children) from possessing or acquiring new firearms;
  - requirements that everyone importing ammunition show proof of a valid firearms license, and;
  - strengthening safe-storage laws pertaining to firearms.
- Released in November 2017, the IFTF Report provided findings and 37 recommendations to help our government respond to the public threats from illegal firearms in B.C.

- 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.
- To date, 26 recommendations in the report have been fully or partially achieved with many realized through the implementation of initiatives through provincial and federal funding as part of the comprehensive gun and gang strategy.
- Among them, we established a BC Firearms Investigation Assistance Team (BC-FIAT) which is seeing positive results.
- BC-FIAT has been providing enhancement information and coordination on illegal firearms for law enforcement, as well as developing enhanced capacity collection of forensic/ballistic evidence and new legislative tools for law enforcement.
- As well, CFSEU-BC has begun implementation of an Illegal Firearms Strategy to operationalize key recommendations from the IFTF report.

## **BANNING HANDGUNS**

- People deserve to feel safe in their communities and their neighbourhoods and what's happening with gun activity and violence is absolutely unacceptable.
- The Province has made significant investments for bolstering enforcement actions and other public safety measures to combat deadly opioids and illegal firearms.
- We've said that what is required is a multi-pronged approach, a long-term strategy with everybody on the same page - it's not going to be solved overnight.
- Gang and firearms related violence will not be solved by one action such as banning handguns. A comprehensive approach that includes prevention, regulatory and criminal enforcement and interagency information sharing and collaboration is required.
- It is important to note that firearm violence results from handguns, prohibited firearms and long guns. Some of these are sourced by criminals domestically (thefts and cottage industry manufacturing) and smuggled into Canada.

- Focussing on the trafficking and use of illegal firearms by those that have nefarious intent through intelligence led efforts remains a pragmatic and sustainable strategy.

**Background:**

Recent events in Nova Scotia in April, 2020 have brought the national issue of gun control, prohibition and public safety to the foreground.

On May 1, Prime Minister Trudeau announced the ban of over 1,500 models and variants of assault-style firearms. These models represent nine categories of firearms and two types identified by characteristic. Some of their components are also prohibited.

The newly prohibited firearms and components cannot be legally used, sold, or imported. Owners must also continue to safely store them and may only transfer and transport them under limited circumstances. These measures will remove dangerous firearms designed for military use from our communities and help ensure that Canadian families and communities no longer suffer from gun violence.

There will be a transition period of two years to protect owners of newly prohibited firearms from criminal liability while they take steps to comply with these new rules. This two-year amnesty order under the Criminal Code is in effect until April 30, 2022. There are exceptions under the amnesty for Indigenous peoples exercising Aboriginal or treaty rights to hunt, and for those who hunt or trap to sustain themselves or their families. These exceptions will allow for the continued use of newly prohibited firearms in limited circumstances until a suitable replacement can be found. By the end of the amnesty period, all firearms owners must comply with the ban.

The Government of Canada intends to implement a buy-back program as soon as possible to safely remove these firearms and to introduce legislation as early as possible, working with Parliament and through public consultation.

The BC Ministry of Public Safety has previously corresponded with the responsible federal minister concerning federal efforts to enhance firearms safety, particularly in the areas of safe access to firearms, access to ammunition, safe storage and improving information sharing across federal and provincial programs.

The Province of BC is in further consultation with the federal government to ensure deconfliction with any legislative or other measures undertaken by the province. Further recommendations contained in the IFTF report may be completed in BC, in coordination with the introduction of new legislation by the federal government.

We continue to consult with the federal Ministry of Public Safety on outstanding recommendations to achieve improved information sharing between the national Canadian Firearms Program and law enforcement agencies. The intent is to maximize intelligence and analytical capabilities related to illegal firearms and illegal firearms trafficking.

## **Quick Facts from the federal government May 1 news release:**

- In Canada, there are currently over 100,000 restricted firearms among the models that are now prohibited. This number does not include other newly-prohibited models that were not subject to registration requirements.
- An individual should not deliver a firearm to a police station without first making arrangements with a police officer for a safe and scheduled delivery or pick up. Individuals should not surrender their firearm while physical distancing requirements are in effect during the COVID-19 pandemic.
- Firearms owners must keep their firearms securely stored in accordance with the storage requirements until more information on the buy-back program is available.
- A Criminal Code amnesty is in place until April 30, 2022, to protect lawful owners from criminal liability and to enable them to comply with the law. Under the amnesty, the newly prohibited firearms can only be transferred or transported within Canada for specific purposes.
- Unless you are an Indigenous person exercising treaty rights to hunt or a sustenance hunter, you can only transfer or transport in accordance with the amnesty, such as to:
  - have them deactivated by an approved business
  - return them to a lawful owner's residence
  - export them lawfully
  - surrender them to police without compensation

Details about the May 1st announcement are also available on the Public Safety Canada website ( <https://www.publicsafety.gc.ca/cnt/cntrng-crm/frms/index-en.aspx> ) and Canadian Firearms Program website (<https://www.rcmp-grc.gc.ca/en/firearms/need-know-the-government-canadas-new-prohibition-certain-firearms-and-devices>).

A full list of affected firearms and devices is available in the Canada Gazette, Part II (<http://canadagazette.gc.ca/rp-pr/p2/2020/2020-05-01-x3/pdf/q2-154x3.pdf#page=67>).

## **FEDERAL BILL C-71 – AN ACT TO AMEND CERTAIN ACTS AND REGULATIONS IN RELATION TO FIREARMS:**

Bill C-71 received royal assent on June 21, 2019, which was the last step required to turn it into law. However only a very limited number of its provisions are currently in effect. Bill C-71 amends multiple sections of the Firearms Act, Criminal Code as well as other acts and regulations dealing with firearms. Most of the provisions of the legislation require an order-in-council (cabinet authority) before they can take effect including firearm sales, license verification and other restrictions. There are also funding approval for new systems and regulations for Parliament to review.

## **BC ILLEGAL FIREARMS TASK FORCE RECOMMENDATIONS:**

We have created an intelligence-led illegal firearms trafficking team — Expanding its mandate as the province's gang unit, the Combined Forces Special Enforcement Unit (CFSEU-BC) established and will lead a provincial illegal-firearms-focused strategy that includes cross-border

investigations into domestic and international firearms traffickers in partnership with Canada Border Services Agency (CBSA) and other law enforcement.

In conjunction with the Firearms Trafficking Team, CFSEU-BC established a centralized firearms intelligence hub to compile and analyse data that builds a comprehensive intelligence picture related to illegal firearms, aligned with our federal partners at the National Weapons Enforcement Support Team (NWEST) and the CBSA.

Using the targeted process known as PTEP (Provincial Tactical Enforcement Priority), CFSEU-BC is co-ordinating and leveraging all law enforcement to prioritize efforts against the use and trafficking of illegal firearms.

Enhancements to the PTEP program include making participation in the program a provincial Police Act standard and ensuring a province wide priority focus on firearms interdiction.

Classification, under the Firearms Reference Table, of previously unregulated receiver blanks that have been purchased online from the United States to build unregistered, unmarked and untraceable “ghost guns” are now classified as either a restricted or a prohibited firearm thus allowing them to be regulated, intercepted and investigated as any other restricted or prohibited firearm.

Enhanced access to law enforcement records for the Chief Firearms Office. This more fulsome access provides vital information for assessing the firearm licensing eligibility of new applicants and the renewal, or possible revocation, of existing license holders.

Enriched education and prevention programs for students on guns and gang violence delivered via the Ministry of Education’s new School/Police Provincial Protocol and enhanced ERASE (Expect Respect and a Safe Education) program. The Protocol clarifies roles and responsibilities for both police and school personnel when a threat event surfaces and it outlines authorities for the sharing of risk related information between agencies. ERASE is an existing successful provincial school program which will be expanded to include training modules on gang and gun violence prevention to better equip youth to resist getting involved in gang related activity.

Other IFTF recommendations being examined include: modification of firearms and use of imitation firearms; vehicle use in gun violence; expansion of Bar Watch or similar programs; looking at enhancing safe school programs; and working with the federal government on things like examining better ways to trace the history and movement of firearms.

The Report also identified a number of areas within federal jurisdiction including firearms legislation and legislation designed to prevent dangerous illegal firearms and firearm parts from entering Canada.

Recommendations in the report call for the federal government to review these recommendations and make changes that will assist law enforcement and the courts in effectively dealing with illegal firearms.