



**CANADIAN FIREARMS PROGRAM
IMPLEMENTATION EVALUATION
(to September 2002)
Summary Report**

April 2003

**Evaluation Division
Policy Integration and Coordination Section**



CANADIAN FIREARMS PROGRAM IMPLEMENTATION EVALUATION

EXECUTIVE SUMMARY

INTRODUCTION

The purpose of this implementation evaluation is to provide preliminary early results on: *a)* the success and challenges of program implementation; *and, b)* lessons learned. The period of analysis for the evaluation is from as far back in the Canadian Firearm Program's history as possible, up to and including September 2002.

The evaluation is on the entire Program (not solely on areas where the Canadian Firearms Centre has direct control and/or responsibility). Similar to other subject matter where there is a division of power and responsibility between the federal and provincial governments, some findings and conclusions are beyond the legislative authority/jurisdiction of the Canadian Firearms Centre.

The evaluation does not examine any of the outcomes/impacts of the legislation with respect to preventing the criminal misuse of firearms or preventing firearm accidents and suicides. Outcomes and impacts associated with the Canadian Firearms Program will not be possible to determine until: *a)* sufficient time has elapsed since its full implementation; *and, b)* the associated databases and surveys have captured a sufficient amount of longitudinal data post-implementation.

BACKGROUND

The 1995 firearms legislation (Bill C-68) brought about several changes in firearms controls. Major changes included:

- *Criminal Code* amendments providing harsher penalties where firearms are used and classifying most small calibre handguns, as well as those with short barrel lengths, as prohibited firearms;
- A new licensing system to replace the Firearms Acquisition Certificate system (with licences being required to possess and acquire firearms, and to buy ammunition);
- The registration of all firearms, including rifles and shotguns; and,
- The creation of the *Firearms Act*, to take administrative and regulatory aspects of the licensing and firearm registration systems out of the *Criminal Code*.

As a result of the firearms control changes introduced by Bill C-68, the Department of Justice Canada established the Canadian Firearms Program. The Program was created for the purpose of supporting the implementation and administration of the 1995 firearms control elements. This multi-jurisdictional and multi-federal Departmental program places special emphasis on licensing all firearm owners and users, and on registering all firearms.

The management of the Program, including overall responsibility for its implementation, rests with the Department of Justice Canada's Canadian Firearms Centre, which was established in 1996. Due to its mandate, the Centre has been and continues to be involved in a variety of activities related to the Program, including: development and maintenance of the Canadian Firearms Registration System; stakeholder and partner consultations; regulatory development processes; public affairs; communications; managing the Central Processing Site and outsourcing any related temporary processing sites; developing and providing legislative training materials; providing and managing Chief Firearm Officer services within opt-out jurisdictions; and, developing the Canadian Firearms Safety courses.

Other federal departments involved in the Program include the Royal Canadian Mounted Police, Canada Customs and Revenue Agency, and the Department of Foreign Affairs and International Trade.

Within the legislative framework underlying the Canadian Firearms Program, other than in the territories, the authority to administer the *Firearms Act* resides with the "provincial minister." In the instances where the "provincial minister" decides not to administer the *Act* (i.e., is an opt-out jurisdiction), the federal Minister of Justice (via the Canadian Firearms Centre) assumes their responsibility and administers the *Act* on their behalf. At the time of the writing of this report, the provincial jurisdictions that are currently administering the *Firearms Act* (i.e., are an opt-in jurisdiction) include Nova Scotia, Prince Edward Island, New Brunswick, Ontario, and Quebec. These opt-in provinces are responsible, within their own jurisdiction, for:

- Licensing and 'continuous eligibility' activities;
- Regular inspections and/or audit of businesses and organizations;
- Support for the delivery of Canadian Firearm Safety courses;
- Transfer approvals for firearms;
- Issuance of authorizations; and,
- Ongoing liaison with clients and stakeholders.

All other matters pertaining to the Canadian Firearms Program (including the opt-out jurisdictions) are the responsibility and are within the purview of the Federal Government.

METHODOLOGY

The evaluation involved a combination of mixed methods and data sources, including: a review of key Program files and documents, key informant interviews, and the extraction of quantitative information from the Canadian Firearms Registration System.

Altogether, over 90 interviews were conducted with key stakeholders across Canada. These interviews included: Canadian Firearm Centre staff; Central Processing Site staff; representatives of federal departments involved in the Program; Chief Firearm Officers,

Firearm Officers, and staff of the office of the Chief Firearm Officers; representatives involved in the criminal justice system; representatives from policing agencies; Canadian Firearm Safety course Master instructors and instructors; members of the Minister's User Group; members of Aboriginal groups; and, business owners.

KEY FINDINGS AND LESSONS LEARNED

Program Implementation

Overall, to date, the Canadian Firearms Program has met its implementation objectives. By September 2002, over 90% of firearms owners had complied with licensing requirements. This was achieved at higher than expected cost and after a very difficult implementation period. Lessons learned from the licensing phase have been applied to the firearm registration process. As a result, by September 2002, over two-thirds of all licence holders had participated in firearm registration – well ahead of the January 1, 2003 deadline.

Issues that posed challenges to the Program's implementation included: opposition to firearm control; opting-out by several jurisdictions; overall Program complexity; delays in developing the *Firearms Act* regulations; technical challenges with the Canadian Firearms Registration System; lack of operational program experience at the Department of Justice Canada; and, public confusion and high rates of user error on the initial licence and firearm registration application forms.

The Program has put into place a number of measures that should improve public safety. There have been a significant number of licence refusals and revocations, implying that at least some of the people who should not have firearms will not have easy access to them. The 'continuous eligibility' feature of the Program will help to ensure that firearms are kept away or removed from people whose behaviour suggests that they (or they might) pose a threat to public safety. The Canadian Firearm Safety courses will help to ensure that firearms are used and stored in a safe manner.

The initial management structure of the Canadian Firearms Centre contributed to some of the Program's implementation difficulties. The 'split path' management structure in place at the outset of the Program was one of the factors that delayed the efficient and effective implementation of the CFP. In addition to the 'split path' structure, the 'consensus approach' to program management hampered direct action on, and often aggravated Program implementation challenges. The effects of the management structure and approach to managing the Program were felt in nearly every aspect of the Program's implementation until the management restructuring exercise took place (i.e., having a full-time Chief Executive Officer establishing and sustaining the Centre's organizational goals while also consolidating accountability and responsibility within the Program, where possible). The management restructuring exercise was a key factor in the eventual success of the licensing phase of the Program.

Despite extensive communications efforts, a substantial number of firearm owners do not fully understand their responsibilities under the *Firearms Act*. Moreover, many firearm owners are now in violation of the law (by September 2002, over 200 000 owners had not complied with the legislation by obtaining a licence).

Program Coordination

The relationship between federal departments appears to be stable and effective. This is partially attributable to the fact that federal departments are used to acting in concert on a large horizontal initiative and do not experience the same challenges as federal-provincial relationships.

During the early evolution of the Program, opt-in jurisdictions had significant influence within the Program. When the Canadian Firearms Centre adopted the Chief Executive Officer model and shifted away from the 'consensus approach' to program management, the opt-in jurisdictions' level of influence within the Program diminished. As the Program prepares for 'steady state' mode, there are conflicting views about the role of the opt-in provinces in the Program as it pertains to Program policy and overall Program development. For the Canadian Firearm Centre, there is an issue of weighing the value of provincial buy-in into the Program against the value of full federal control of all policy aspects of the Program. The key lesson in the area of program coordination to emerge from this evaluation is that federal-provincial roles and responsibilities within a program's policy development process need to be clearly articulated at the outset.

The Program is not being implemented and applied uniformly across the country, though this is not uncommon when there are two levels of government responsible for administering and implementing a national program. On the one hand, the ability of provincial Chief Firearm Officers to respond to local factors is one of the strengths of the Program. However, the credibility of the Program is somewhat threatened by the perception that certain elements are being non-uniformly interpreted and enforced. Examples of inconsistent Program delivery are: some jurisdictions show less discretion in enforcing the legislation than others; replica guns are treated differently; the interpretation of the regulations varies; different procedures are followed at the two main processing sites; and, there are diverse delivery models and different costs for the Canadian Firearm Safety courses.

A key lesson is that in the absence of standards and uniform policies for program implementation and administration, it is difficult to deliver a program fairly consistently across the country.

Success of the Design and Implementation of the Canadian Firearms Registration System

While the Canadian Firearms Registration System experienced serious problems at the outset, most users are now satisfied that it is capable of meeting operational requirements. Compared to the system that was in place to support the 1991 firearms legislation, under

the System: *a)* the screening of licence applicants is notably enhanced while also being much more thorough; *and, b)* real-time ‘continuous eligibility’ checks are seen to substantially enhance public safety. To summarize, the System is performing an important public safety role.

Most System users are satisfied with the relative completeness and accuracy of data and links to data, with the major exception being Authorizations to Transport and Authorizations To Carry, which are contained externally in a separate off-line software application. In addition, not all jurisdictions are electronically connected to provincial court databases, meaning that prohibition orders are not automatically captured and entered into the System.

While the Canadian Firearms Registration System is functioning adequately, it still requires improvement for optimal performance. Moreover, ‘continuous eligibility’ partially relies on the Firearms Interest Police database being accurate and up to date, and often this is not the case.

Police who use the Canadian Firearms Registry On-line are satisfied with it, and are generally able to get the information that they require for their day-to-day activities. Ideally, the police would prefer not to have to query each individual registration certificate number; rather, they would prefer if this information was automatically generated.

Unverified non-restricted firearm registration identification data may not be forensically correct and as such, there is a possibility that in certain circumstances, the registration data might not be able to conclusively identify the ownership of a non-restricted firearm. It should be noted that even though this currently is the case, over time (as these types of firearms get transferred from the original registrant to the subsequent owners), individually owned non-restricted firearm registration data will become verified and the accuracy of the registration information will be confirmed.

Licensing and Firearm Registration Processes

Licence application forms were initially too long and complex (e.g., eight pages) and this discouraged compliance and resulted in high rates of user error. Application forms were eventually streamlined and this had a significant positive impact on licensing compliance rates and on the accuracy of information that was entered on the application forms.

The Quebec processing site (and the Ottawa site – when operational) is less efficient and more prone to error than the Central Processing Site. Quality management processes instituted at the Central Site were effective in dealing with similar problems.

Key informants from policing agencies reported that the new legislation and associated processing sites, has reduced the administrative burden placed on them (as under previous firearms control legislation, they were responsible to screen Firearm Acquisition

Certificate applicants). This is a rather significant finding as one of the Program's goals was to reduce the firearm-related administrative burden placed on policing personnel.

The Verifiers Network was initially a robust initiative, but it appears to have lost momentum over time. Although there are approximately five thousand volunteers who are approved verifiers, the current status of the Network is open to question.

A number of valuable lessons were learned during the licensing phase of the Program's implementation, and most have already been applied to the firearm registration phase.

Communications

Most key informants believe that firearm owners and members of the general public are as well informed as is realistically possible. That being said, a substantial number of firearm owners have not yet complied with the licensing requirement, and there still is a degree of confusion amongst firearm owners between licensing and firearm registration. As a result, there would appear to be a need for continued communications efforts targeted towards firearm owners. Communications efforts should continue to be practical as firearm owners respond well to practical information regarding how to comply with the requirements of the legislation.

For some firearms owners, the fear of confiscation is one of the factors associated with non-compliance with the requirements of the *Firearms Act*. Firm commitments that firearm confiscation is not the intent of the legislation, that fees will not become an obstacle to lawful firearms ownership, and that the rights of legitimate firearm owners will be respected would probably help to mitigate the fears of some firearm owners.

Legislative Training

Legislative training was one of the more positive aspects of the Program's implementation. The legislative training materials were highly rated and were viewed as being comprehensive.

With Program staff turnover and potential changes to the legislation and regulations, additional training materials may be required. In addition, there may be a need to proactively target members of the court system as part of a training strategy.

Canadian Firearm Safety Courses

The success of the firearm safety courses was a highlight of the Program's implementation. The course materials are superior, the method of instruction is effective, and it is well received by students. The safety courses are now recognized as an international standard for firearm safety training.

In jurisdictions without set course fees, and particularly in areas with little competition among safety instructors, costs for the safety courses can be prohibitive.

Aboriginal Peoples of Canada Adaptations Regulations (Firearms)

To some Chief Firearm Officers, the Aboriginal adaptation regulations are a secondary consideration – the overriding issue is making decisions based on assessment of risk. As a result, certain Aboriginal adaptation regulations receive limited use by some Chief Firearm Officers.

Aboriginal respondents had no serious objections to the regulations themselves, but they noted that the exceptions contained within the regulations need to be applied very carefully and should therefore consider input from the community.

Research

Early into the Program, the Canadian Firearms Centre had a rather proactive, robust, and well established research function that adequately supported the overall Program. Two to three years ago, cuts to research funding and personnel reduced the Centre's research capacity and its ability to support policy development and decision-making processes.

Objective and thorough research should play a key role in the evolution and future of the Program; however, unless research resource levels are significantly augmented, this is highly unlikely.