



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

April 2003

**Evaluation Division
Policy Integration and Coordination Section**



TABLE OF CONTENTS

EXECUTIVE SUMMARY	i
1. INTRODUCTION.....	1
1.1 Brief Historical Overview and Progression of Firearms Control in Canada	1
1.2 Overview of Current Firearms Control (Bill C-68 – 1995 Firearms Legislation)	3
1.3 Relationship Between Current Firearms Control Legislation and the CFP	5
1.4 Objectives of the Canadian Firearms Program.....	6
1.5 Purpose and Scope of the Implementation Evaluation.....	7
1.6 Implementation Evaluation Framework and Methodology.....	8
1.7 Report Outline	11
2. OVERVIEW OF THE CANADIAN FIREARMS PROGRAM.....	13
2.1 Legislative Component.....	13
2.2 Regulatory Component.....	15
2.3 Summary of Legislative and Regulatory Components.....	17
2.4. Program Component.....	18
3. FINDINGS	21
3.1 Program Implementation.....	21
3.2 Program Coordination.....	30
3.3 Success of the Design and Implementation of the CFRS	33
3.4 Licensing and Firearm Registration Processes	37
3.5 Communications	43
3.6 Legislative Training.....	44
3.7 Canadian Firearm Safety Courses	45
3.8 <i>Aboriginal Peoples of Canada Adaptations Regulations (Firearms)</i>	46
3.9 Research	47
4. CONCLUSIONS AND LESSONS LEARNED	49
4.1 Program Implementation.....	49
4.2 Program Coordination.....	52
4.3 Success of the Design and Implementation of the CFRS	53
4.4 Licensing and Firearm Registration Processes	54
4.5 Communications	55
4.6 Legislative Training.....	56
4.7 Canadian Firearm Safety Courses	57
4.8 <i>Aboriginal Peoples of Canada Adaptations Regulations (Firearms)</i>	57
4.9 Research	58

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.
- 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.

1. INTRODUCTION

In order to situate the Canadian Firearm Program's (CFP) implementation evaluation findings and conclusions, an appreciation is required of: *a)* the Program's origin; *b)* current firearms control legislation; *and, c)* the purpose of the evaluation. This is best achieved by briefly reviewing the history and progression of firearms control in Canada, examining the relationship between current firearms control (introduced by C-68: *An Act Respecting Firearms and Other Weapons*) and the Program, and reviewing the scope and intent of this implementation evaluation.

1.1 Brief Historical Overview and Progression of Firearms Control in Canada

The history of firearms control in Canada is rather extensive, dating back to early Confederation. This statement is best evidenced by the fact that pre-1892, Justices of the Peace had the authority to impose a six-month jail term for anyone carrying a handgun if the person did not have reasonable cause to fear assault against life or property. Furthermore, in 1892, Canada's first *Criminal Code* required individuals to have a basic permit (known as a "certificate of exemption") to carry a pistol unless the owner had cause to fear assault or injury. This first *Criminal Code* also created an offence to sell a pistol to anyone under 16 years of age while requiring vendors who sold pistols or air guns to keep a record of the purchaser's name, the date of the sale, and information that could identify the gun.

Although there were a series of firearms control measures introduced between 1913 and 1969, those of significant importance include:

- **1934:** The first real registration requirement for handguns was created. Prior to this handgun registration requirement, when a permit holder bought a handgun, only the individual who issued the permit was notified. The new handgun provisions required non-centralized records identifying the owner, the owner's address, and the firearm. Registration certificates

were issued and records were kept by the Commissioner of the Royal Canadian Mounted Police (RCMP) or by police departments that provincial Attorneys General had designated as firearms registries.

- **1951:** Under the Commissioner of the RCMP, the registry system for handguns was centralized for the first time. Additionally, automatic firearms were added to the category of firearms that had to be registered.
- **1968-1969:** The categories of “firearm,” “restricted weapon,” and “prohibited weapon” were created for the first time. This resolved confusion over specific types of weapons and allowed for the creation of specific legislative controls for each of the new categories. The new definitions included powers to designate weapons to be prohibited or restricted by Order-in-Council. The requirement that each restricted weapon have a separate registration certificate took effect in 1969.

Post-1969, there were three major amendments to federal legislation governing firearms. These amendments were introduced in 1977 (Bill C-51), 1991 (Bill C-17), and 1995 (Bill C-68).

The 1977 firearms control legislation (Bill C-51) established the first general screening process for prospective firearm owners. This was accomplished through the introduction of a statutory requirement stipulating that anyone who wishes to acquire a firearm must first obtain a Firearms Acquisition Certificate (FAC). Possession of a valid FAC entitled its holder to legally purchase any non-restricted or restricted firearm. An FAC could be refused if an applicant had: *a*) a criminal record for any violent offence within the previous five years; *b*) been treated for a mental disorder involving violence; *and/or c*) a history of any other violent behaviour. The 1977 amendments also introduced requirements for Firearms and Ammunition Business Permits (i.e., licensing of firearms businesses), created mandatory and discretionary judicial weapons prohibition orders, introduced new definitions for prohibited and restricted weapons, provided for wider police search and seizure powers, established basic rules for gun collectors, introduced regulations for safe handling and storage for businesses, broadened the definition of a prohibited weapon, and established a range of new firearms-related criminal offences along with more severe penalties.

Subsequent to the 1977 firearms control provisions, the 1991 firearms control legislation (Bill C-17) was introduced and largely strengthened many of the 1977 measures, including:

- More stringent and detailed FAC screening procedures, which involved: applicants having to provide a photograph and two references; imposing a mandatory 28 day waiting period to obtain an FAC; and, expanding the application form (for the purposes of having applicants

provide more background information). As well, applicants had to show knowledge of the safe handling of firearms.¹

- Increased penalties for firearm-related crimes, new *Criminal Code* offences (including longer and more extensive use of weapons prohibition orders), and new definitions for prohibited and restricted weapons.
- Clearly defined regulations for the safe storage, handling, and transportation of firearms that were extended to include individuals (versus being only applicable to businesses).
- Prohibition of large-capacity magazines for automatic and semi-automatic firearms, and automatic firearms that had been converted to avoid the prohibition introduced by Bill C-51 (as existing owners of the converted automatic firearms were exempted). Also, most paramilitary rifles and some types of non-sporting ammunition became prohibited or restricted as a result of a series of Orders-in-Council.

1.2 Overview of Current Firearms Control (Bill C-68 – 1995 Firearms Legislation)

Following the 1993 federal election, the Federal Government indicated its intention to proceed with additional measures, including a universal licensing system that would apply to all owners and a universal registration system that would apply to all firearms. Discussions over policy options culminated with the drafting of Bill C-68 (*An Act Respecting Firearms and Other Weapons*), which was tabled in the House of Commons on February 14, 1995, and received Royal Assent in December 1995.

Bill C-68 brought about several changes in firearms controls. Major changes included:

- *Criminal Code* amendments providing harsher penalties for certain serious crimes where firearms are used (for example: kidnapping, murder, etc.) and classifying most .25 and .32 calibre handguns, as well as those with a barrel length of 105mm or less, as prohibited firearms;
- The creation of the *Firearms Act*, to take the administrative and regulatory aspects of the licensing and registration systems out of the *Criminal Code*;
- A new licensing system to replace the FAC system (with licences being required to possess and acquire firearms, and to buy ammunition); and,

¹ To demonstrate knowledge, “non-grandfathered” applicants had to pass a test or a firearms safety course approved by a provincial Attorney General, or a Firearms Officer had to certify that the applicant was competent in handling firearms safely. Moreover, Bill C-17 required that safety courses had to cover firearm laws as well as safety issues. It should be noted that both of these Bill C-17 provisions came into force in 1994.

- The registration of all firearms, including rifles and shotguns.

The central component of the 1995 firearms control measures is the *Firearms Act*. The *Act* and related regulations control the acquisition, possession, use and movement of firearms, other weapons, devices, and ammunition. More specifically, the *Firearms Act* requires individuals to have a licence to possess or to acquire a firearm, and to acquire ammunition and crossbows.² The *Act* also requires businesses to possess a licence if they are to engage in activities related to firearms, other weapons, devices, and/or ammunition. In addition, every firearm must be registered.³ It is important to note that a transitional period allows for gradual implementation of the law; individuals had until January 1, 2001, to obtain a firearms licence (or a document deemed to be a licence, such as a valid FAC), and had until January 1, 2003, to register their firearms.

The *Act* and the related regulations also control the movement of firearms and other regulated items. For instance, the *Firearms Act* states that an appropriate authorization is required whenever individuals move restricted or prohibited firearms from one authorized location to another.

In addition, the *Firearms Act* sets out conditions for the importation and exportation of firearms and other regulated items by individuals and businesses. A customs officer must confirm all imports and exports of firearms by individuals. In the case of businesses, they must obtain from the Registrar⁴ an authorization to import or export⁵.

Certain requirements also have to be fulfilled when firearms are transferred from one person to another (a transfer occurs when a firearm is sold, bartered, or given to another person or business). Before a transfer occurs, the transferor is required to provide the Chief Firearms

² Firearm licences are to be renewed every five years. It should be noted that at the time of the writing of this report, the crossbow acquisition requirement had not yet been implemented.

³ A firearm registration certificate is valid for as long as the registration certificate holder owns the firearm. If the firearm is sold or given to another person or business, the firearm must be registered to the new owner.

⁴ The “Registrar” is the official appointed to run the Canadian Firearms Registry (CFR), which houses all firearm registration data, and forms part of the Canadian Firearms Registration System (CFRS). Currently, the Registrar is responsible for firearms registration, business import and export authorizations, and licences for interprovincial or international carriers. It should be noted that at the time of the writing of this report, Bill C-10A (*An Act to amend the Criminal Code (firearms) and the Firearms Act*) was before the House of Commons. Provided it receives Royal Assent, the role/functions of the Registrar would be slightly modified due to the fact that: *a*) export permits issued by the Department of Foreign Affairs and International Trade (DFAIT) under the authority of the *Export and Import Permits Act* would be deemed to be authorizations to export; *and, b*) carrier licences would be issued exclusively by the Registrar.

⁵ At the time of the writing of this report, the requirement for businesses to obtain an import or export authorization from the Registrar was not yet in force.

Officer (CFO)⁶ with certain information, to ensure that the transferee is eligible to acquire the firearm, and to obtain the CFO's authorization for the transfer. Once the firearm transfer has been approved, a registration certificate for the transferred firearm is issued to the new owner.

The *Firearms Act* and its regulations, particularly the *Firearms Records Regulations*, establish the basic framework for the Canadian Firearms Registration System (CFRS). This automated information system supports the processes in the *Act*, and contains information dealing with licences, authorizations, firearm registration certificates, and weapons prohibition orders. Furthermore, the CFRS contains information relating to the *Firearms Act* (including its regulations) and Part III of the *Criminal Code*.⁷ Of significant importance from a public safety standpoint, the CFRS is the vehicle through which 'continuous eligibility' screening is performed on individuals who possess a valid firearms licence. This is a rather important function as it provides a means to constantly determine whether or not a licensed firearm owner (or an individual applying for a licence) may pose a threat to public safety. Partners involved in the administration and enforcement of the *Firearms Act*, its regulations, and Part III of the *Criminal Code* generally have access to the CFRS.

In order to ensure compliance with all of these requirements, the *Firearms Act* contains powers of inspection. As well the *Act* creates new offences to enforce the licensing, authorization and registration requirements, and the duty that people have to assist inspectors.

1.3 Relationship Between Current Firearms Control Legislation and the CFP

As a result of the firearms control changes introduced by Bill C-68, the Department of Justice Canada (DOJ) established the CFP. The CFP was created for the purpose of supporting the implementation and administration of the 1995 firearms control elements. This multi-jurisdictional⁸ and multi-federal Departmental program places special emphasis on licensing all firearm owners and users, and on registering all firearms.

⁶ The CFO is the person (in a province or territory) in authority for the *Firearms Act* and regulations, who is responsible for: licences (individual and business); authorizations to transport; authorizations to carry; other tasks related to the possession of firearms; and, the administration of the *Firearms Act*. If Bill C-10A receives Royal Assent, CFOs would no longer be notified or be required to approve: *a*) transfers of non-restricted firearms; *nor b*) business to business transfers.

⁷ The information contained in the CFRS directly relates to Section 5 of the *Firearms Act*.

⁸ 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., to "opt-out"), the "Federal Minister" (i.e., the federal Minister of Justice) assumes their responsibility and administers it on their behalf.

The management of the CFP, including the overall responsibility for its implementation, rests with the DOJ's Canadian Firearms Centre (CFC), which was established in 1996. Due to its mandate, the CFC has been and continues to be involved in a variety of activities related to the CFP, including: development and maintenance of the CFRS; stakeholder and partner consultations, regulatory development processes; public affairs; communications; managing the Central Processing Site (CPS)⁹ and outsourcing any related temporary (i.e., as needed) processing sites; developing and providing legislative training materials; providing and managing CFO services within opt-out jurisdictions¹⁰; and, developing the Canadian Firearms Safety courses¹¹.

1.4 Objectives of the Canadian Firearms Program

All three major recent amendments to federal legislation governing firearms (C-51, C-17, and C-68) have been generally underlain by the same three basic principles: 1) deterrence of the misuse of firearms; 2) general controls on persons given access to firearms; *and*, 3) controls placed on the availability of specific types of firearms.

As a result, it is not surprising that the essence of the principles are reflected in the overall policy objectives of the CFP, which include:

- Maintaining the non-violent character of Canada;
- Preserving the health and personal safety of Canadians;
- Preventing the criminal misuse of firearms;
- Reducing firearm suicides and accidents; and
- Improving cost-recovery and cost-effectiveness.

⁹ The CPS located in Miramichi, New Brunswick, is intended to reduce the burden that firearm-related administrative duties placed on policing agencies (as was the case under previous firearms control legislation). The CPS provides a variety of services, including: application processing (data entry for individual licence applications, firearms registration applications, and firearm transfer applications); data entry of safety training course reports; output processing services (printing of licence cards, registration certificates, notices to applicants, etc.); records management for centrally-processed applications; fees management services for centrally processed applications; public information management services via its "1-800" line (general inquiries, business transactions – including the transfer of firearms and technical support); and, other related functions (mail processing, providing assistance to individuals who are completing application forms, etc.). It should be noted that the province of Quebec maintains a regional processing site in Montreal that essentially parallels the same duties and functions of the CPS, with the exception of producing the licence cards and registration certificates.

¹⁰ Refer to footnote #8.

¹¹ There are two courses: the Canadian Firearm Safety Course (CFSC) and the Canadian Restricted Firearms Safety Course (CRFSC).

1.5 Purpose and Scope of the Implementation Evaluation¹²

The purpose of this evaluation is to provide preliminary early results on the success and challenges of program implementation. This is accomplished by reviewing and assessing the implementation of the key aspects of the 1995 firearms legislation and regulations, and the related program (i.e., the CFP). The period of analysis for this evaluation is from as far back in the CFP's history as possible (examining the Program retrospectively when and where feasible), up to and including September 2002.¹³

It is important to note that this evaluation is on the entire CFP (not solely on areas where the CFC 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 CFC.

Similar to other implementation evaluations, the evaluation is intended to allow for corrections and improvements to be made to the program itself, as well as to the performance information being collected as part of the program. Moreover, due to the program's rather lengthy transitional and implementation periods, the evaluation is also intended to document the lessons learned associated with this initiative.¹⁴

This 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.¹⁵ Outcomes and impacts associated with the CFP will not be possible to determine until: *a)* sufficient time has elapsed since its full implementation; *and, b)* the associated databases and surveys (e.g., Homicide Survey, Uniform Crime Reports, Causes of Death Survey, Hospital

¹² An implementation evaluation is also commonly referred to as a "formative evaluation" or "process evaluation" and focuses primarily on program activities and outputs.

¹³ One of the challenges associated with this evaluation was locating key informants who had been involved in the CFP for a relatively lengthy period of time and/or very early into the Program's development, and could thus recollect events that occurred during the early evolution of the Program.

¹⁴ Aside from providing a written account of implementation experiences and potential lessons learned, an implementation evaluation may also provide a context for understanding a program's outcomes. If, for example, anticipated impacts of an initiative are not achieved after a reasonable amount of time, it is important to consider whether this is due to the initiative's design, or if it could be the result from how specific components of an initiative have been implemented. Simply stated, an implementation evaluation may provide a context for understanding an initiative's impacts.

¹⁵ This form of enquiry is commonly referred to as a "summative" or "impact evaluation." It is anticipated that this type of evaluation (examining the impacts of the CFP) will be somewhat similar in scope and design as "A Statistical Analysis of the Impacts of the 1977 Firearms Control Legislation (ED1996-1e)" {Department of Justice Canada: 1996}.

Morbidity Survey, etc.) have captured a sufficient amount of longitudinal data post-implementation.

1.6 Implementation Evaluation Framework and Methodology

In 1998, the DOJ finalized an evaluation framework for the 1995 firearms legislation.¹⁶ The framework includes a strategy for the implementation evaluation, primarily addressing program design and structure.

Prior to commencing this evaluation, the framework was revisited for the purposes of extracting appropriate evaluation issues and related questions. Based on the review of Program files and associated documentation, and discussions with individuals involved with the CFP, some of the framework's evaluation questions were eliminated (as their relevancy was questionable) and other questions were added for the purposes of addressing issues that have arisen since the finalization of the framework. As a result, the implementation evaluation issues are as follows:

1. Success in implementing the program as planned;
2. Coordination among federal and provincial/territorial partners;
3. Success in integrating operational and program components¹⁷;
4. Success of the design and implementation of the CFRS;
5. Licensing and firearm registration processes;
6. Extent to which communications supports program delivery and increases awareness among firearm owners;
7. How well police, firearm officers, and court officials are informed and trained vis-à-vis firearm legislation and regulations; and,
8. How well 'other' CFP components (e.g., Canadian Firearm Safety courses, *Aboriginal Peoples of Canada Adaptations Regulations (Firearms)*, and Program research) were implemented by the CFC and/or its Program partners.

¹⁶ Refer to "1995 Firearms Legislation Evaluation Framework" {Department of Justice Canada: 1998}.

¹⁷ Although this issue was examined by the implementation evaluation, upon completion of data collection and analysis, it was determined that the findings and conclusions associated with this evaluation issue were more appropriately integrated into other sections of the report. This evaluation issue, therefore, does not appear in the findings or conclusion sections.

1.6.1 Data Collection Methods and Sources

The evaluation involved a combination of mixed methods and data sources, specifically:

- a review (i.e., content analysis) of key Program files and documents;
- key informant interviews; and,
- the extraction of quantitative information from the CFRS.

As is indicated in Section 1.5 “Purpose and Scope of the Implementation Evaluation”, the Program file/document review was beneficial in reviewing and updating the evaluation framework’s questions and issues. The review also is a key means of supplementing the information gleaned from the key informant interviews. Moreover, it provides a longitudinal understanding of the CFP’s historical evolution and the related implementation environment.

The key informant interviews were comprised of over 90 interviews, drawn from the following groups¹⁸:

- CFC staff;
- CPS staff;
- Representatives of federal departments involved in the CFP (i.e., RCMP¹⁹, Canada Customs and Revenue Agency (CCRA), and the Department of Foreign Affairs and International Trade (DFAIT));
- CFOs, Firearm Officers (FO), and staff of the office of the CFO from both opt-in and opt-out jurisdictions²⁰;
- Representatives involved in the criminal justice system;
- Representatives from policing agencies – including police instructors/trainers;
- Canadian Firearm Safety course Master instructors and instructors;
- Members of the Minister’s User Group²¹;

¹⁸ The respondents were not chosen randomly as they were purposely selected for the depth and breadth of their knowledge and experience in relevant areas of the CFP.

¹⁹ The RCMP is involved in the CFP in a variety of manners outside that of their operational policing duties, specifically: a) the Registrar of the CFR is an RCMP officer, appointed by the Commissioner of the RCMP; b) the CFR is a component of National Police Services (NPS), which is administered by the RCMP on behalf of the Canadian policing universe; c) other NPS databases (specifically, the Canadian Police Information Centre (CPIC) and Firearms Interest Police (FIP) database) provide data to the CFRS; and, d) the NPS Forensic Laboratory Services provides technical expertise on firearms.

²⁰ In the opt-out jurisdictions (i.e., those provinces that elected not to administer the *Firearms Act*), interviews were conducted with federal FOs that reported to a federal Chief Firearms Officer (i.e., the individual with CFO responsibilities and administrative authorities within an opt-out jurisdiction).

- Members of Aboriginal groups; and,
- Business owners.

Site visits (for the purposes of conducting interviews) were carried out in all ten provinces, specifically:

- St. John's, Newfoundland
- Halifax, Nova Scotia
- Charlottetown, Prince Edward Island
- Fredericton and Miramichi, New Brunswick
- Montreal, Quebec
- Ottawa, Toronto, and Orillia, Ontario
- Winnipeg, Manitoba
- Regina, Saskatchewan
- Edmonton and Calgary, Alberta
- Vancouver, Victoria, Surrey, and Langley, British Columbia.

The purpose of extracting quantitative information from the CFRS is to develop an appreciation of the CFP's operational activities and outputs.

1.6.2 Challenges with Data Collection Methods and Sources

As with any evaluation (whether it be an implementation study or an outcome/impact study), there are associated challenges with the selected methods and data sources. Bearing this in mind, this report relies heavily on the perceptions of the key informants, and is therefore based primarily on the informants' personal experiences and attitudes (as is the case when any evaluation conducts key informant interviews). The goal of the evaluation is to identify patterns

²¹ The User Group on Firearms (often referred to as the Minister's User Group) is a part-time volunteer consultative body to the Minister of Justice and Attorney General of Canada. The Group was established in 1995 (when C-68 was given Royal Assent). The User Group provides advice on the development and implementation of the various components of the CFRS and, from time to time, may also be consulted on other issues relating to the implementation of the CFP. The Group provides a non-governmental perspective to ensure that the registration system is effective, efficient, and convenient to use, and meets the needs of the various users including the police, collectors, firearms businesses, competitive target shooters, firearms safety instructors, firearms officers, and sustenance and recreational hunters.

and report the explanations respondents provide for their views in order to capture the overall picture that emerges from their comments.²²

The primary limitation of interviews is the reliance on opinion, which is supplemented with other evidence where possible. As a result, the findings and conclusions presented are subject to individual respondents' personal experiences and thus they should be interpreted within this light.

1.7 Report Outline

Chapter two presents a brief overview of the CFP and highlights Program areas and elements that are of particular interest in regards to this evaluation. The following section (chapter three) contains evaluation findings, organized along the implementation evaluation issues (as is indicated in Section 1.5, "Implementation Evaluation Framework and Methodology") while also containing some quantitative data pertaining to the Program's activities and outputs. The final chapter (four) contains the implementation evaluation's conclusions and lessons learned.

²² This evaluation found that in some instances there were differing interpretations of phenomena and/or Program events – often due to an individual's interest in the Program and/or their personal beliefs in regards to firearms control in general. As a result, some sections in the report present observations that are somewhat divergent by nature. Additionally, there were challenges associated with conducting an implementation evaluation on a program with such a lengthy and complex transitional period.

2. OVERVIEW OF THE CANADIAN FIREARMS PROGRAM

There are three main components of the CFP: legislative, regulatory, and program. Although each of these components were briefly described or touched upon in chapter one, the main purpose of chapter two is to provide additional details about the CFP to allow for an understanding and appreciation of the Program's elements and complexity. In addition, this chapter attempts to outline: *a)* the division of jurisdictional powers and responsibilities within the Program; *and, b)* how Program delivery occurs.

2.1 Legislative Component

The legislative component of the CFP refers to the overall legislative framework for the Program as enacted by Parliament and embodied in the 1995 firearms legislation (C-68). There are four key elements of the CFP's legislative components: tougher penalties for criminal firearms use, enhanced border controls, prohibition of a wider range of firearms, and owner/user licensing and firearms registration.

2.1.1 Tougher Penalties for Criminal Firearms Use

Amendments that were made to Part III of the *Criminal Code* (as a result of C-68) impose a mandatory minimum sentence of four years in prison in addition to a mandatory prohibition against possession of a firearm or restricted or prohibited weapon upon conviction of any of ten violent offences with a firearm. The ten offences are: criminal negligence causing death, manslaughter, attempted murder, causing bodily harm with intent, sexual assault with a weapon, aggravated sexual assault, kidnapping, hostage taking, robbery, and extortion. As was the case pre-C-68, use of a firearm in the commission of any other indictable offence (as per Section 85 of the *Criminal Code*) continues to carry a mandatory minimum term of one year in prison for a first offence (to be served consecutive to the main offence sentence); however, the Section was

expanded to include imitation firearms. Numerous other *Criminal Code* provisions were amended (including trafficking and unauthorized possession of firearms and ammunition), punishments generally were made more severe, and new offences were added.

In addition to mandatory weapons prohibition orders against individuals convicted of the most serious violent offences, mandatory prohibitions are to be imposed for various other offences including drug smuggling and criminal harassment (i.e., stalking). A maximum ten-year discretionary prohibition order against possession of any firearm may be made for any other firearms-related offence or an offence where violence was used, threatened, or attempted. Furthermore, proactive prohibition orders may also be made for any cohabitant of a prohibited individual where that individual may otherwise have access to firearms.

2.1.2 Enhanced Border Controls²³

Under the 1995 firearms legislation, every firearm that enters or leaves Canada requires either: *a)* an import or export authorization for commercial use; *or b)* a Customs declaration for personal use. This allows all cross-border movement of firearms to be tracked. Non-residents entering into Canada with a firearm(s) may be issued renewable authorisations that are valid for 60 days. New *Criminal Code* provisions (introduced by C-68) for knowingly importing or exporting a firearm without authorisation carry a mandatory minimum one year sentence.

2.1.3 Prohibition of a Wider Range of Firearms

The statutory definition of prohibited weapon was expanded to include most .25 and .32 calibre handguns as well as all handguns with a barrel length of 105mm or less. This redefinition was intended to prohibit those handguns that are compact, easily concealed, often cheaply made, and without a recognized legitimate sporting purpose. It is important to note that individuals who were in possession of these firearms who also possessed a valid registration certificate(s) on February 14, 1995, were “grandfathered”, allowing them to maintain possession of these firearms.

²³ Most components described in this section are not yet in force – the exception being the non-resident importing provisions.

2.1.4 Owner/User Licensing and Firearms Registration

A central component of the CFP is firearm owner/user licensing and the registration of all firearms in Canada. The licensing system screens applicants who wish to acquire firearms as well as owners of existing firearms. Anyone who wishes to acquire a firearm or additional firearms is required to pass the appropriate Canadian Firearm Safety course(s) (or be alternatively certified) and involves mandatory spousal notification prior to the issuance of the Possession and Acquisition licence (PAL).²⁴ The intent of licensing is to ensure that firearms are kept out of the hands of individuals who pose a potential public safety risk.

The intent of universal firearm registration is to link owners to their firearm(s) as a means of ensuring accountability. With registration, firearm owners should be more likely to ensure that their firearms are safely stored and to quickly inform police if their firearms are lost or stolen.²⁵ An additional anticipated benefit of registration is to contribute to firearm-related crime investigation and related firearm tracing.

2.2 Regulatory Component

Section 117 of the *Firearms Act* establishes the specific areas enabling the Governor in Council to make regulations that supplement or more precisely define the terms and administrative procedures of the legislation itself. They include:

- *Firearms Licences Regulations*
- *Non-Prohibited Ammunition Transfer Document Regulations*
- *Firearms Registration Certificates Regulations*
- *Conditions of Transferring Firearms and Other Weapons Regulations*
- *Public Agents Firearms Regulations*
- *Firearms Fees Regulations*
- *Aboriginal Peoples of Canada Adaptations Regulations (Firearms)* (for an outline of these regulations, refer to section 2.2.1)
- *Authorizations to Transport Restricted Firearms and Prohibited Firearms Regulations*

²⁴ Up to January 2001, firearm owners who did not intend to acquire additional firearms were allowed to apply for a Possession Only Licence (POL). POL applicants did not have to pass a safety course and spousal notification was not a requirement.

²⁵ In addition, *Criminal Code* amendments introduced by the 1995 firearms legislation made it an offence not to report a lost, missing, or stolen non-restricted firearm (prior to the amendment, it was only an offence if the firearm was restricted or prohibited).

- *Authorizations to Carry Restricted Firearms and Certain Handguns Regulations*
- *Special Authority to Possess Regulations (Firearms Act)*
- *Storage, Display, Transportation and Handling of Firearms by Individuals Regulations*
- *Storage, Display and Transportation of Firearms and Other Weapons by Businesses Regulations*
- *Gun Shows Regulations*
- *Shooting Clubs and Shooting Ranges Regulations*
- *Firearms Records Regulations*
- *Importation and Exportation of Firearms Regulations (Individuals), and*
- *Authorization to Export or Import Firearms Regulations (Businesses).*

In addition to the regulations under the *Firearms Act*, some firearm-related regulatory authorities are contained within the *Criminal Code*. The authorities of note include:

- *Prescribing Antique Firearms*
- *Prescribing Certain Firearms and other Weapons, Components and Parts of Weapons, Accessories, Cartridge Magazines, Ammunition and Projectiles as Prohibited or Restricted*
- *Prescribing Public Officers*
- *Repealing Certain Orders and Regulations made under the Criminal Code*
- *Prescribing Exclusions from Certain Definitions of the Criminal Code (International Sporting Competition Handguns), and*
- *Order Declaring an Amnesty Period.*

2.2.1 Aboriginal Peoples of Canada Adaptations Regulations (APCAR) (Firearms)

As part of the *Firearms Act Regulations*, the federal government introduced the *Aboriginal Peoples of Canada Adaptations Regulations (Firearms)* to ensure that the *Firearms Act* could be applied in ways that uphold the objectives of the law, while respecting traditional Aboriginal culture and lifestyle. These adaptations apply in most areas of the legislation, as follows:

2.2.1.1 APCAR – Licensing

- Licensing applications must indicate whether the applicant wishes to have the *Adaptations* applied to his/her application. For the *Regulations* to apply, the applicant must indicate

membership in one of Canada's Aboriginal groups (First Nations, Inuit, or Métis), be a member of an Aboriginal community, and engage in traditional hunting practices of the community.

- Applicants that cannot read or write English or French may apply for a licence orally or through an interpreter (in either instance, the information must be transcribed onto the prescribed form).
- During the accreditation process to determine licence eligibility, recommendations from Elders and community leaders must be considered by CFOs.
- Where conditions of use are attached to a licence by a CFO, information from Elders and community leaders must be considered in light of how such conditions may affect participation in traditional hunting.
- Aboriginal persons under the age of 12 can obtain a licence to use a firearm to engage in traditional hunts.

2.2.1.2 APCAR – Canadian Firearm Safety Courses

- Applicants for PALs normally must pass the appropriate Canadian Firearm Safety course test(s). Applicants that qualify under the APCAR who are Elders or who cannot take the course due to time, location, or cost need not take the standard course or test to apply for a PAL. This being said, the applicant must still satisfy the CFO that he/she is aware of firearms safety and of applicable laws by way of being alternatively certified. Minors who are unable to take the test (for the above stated reasons) may also be alternatively certified.

2.3 Summary of Legislative and Regulatory Components

The 1995 firearms legislative and regulatory components (outlined in Sections 2.1 “Legislative Component”, and 2.2 “Regulatory Component”) fall into two broad areas: measures to deter the misuse of firearms and measures to control access to firearms. Table 1 (following page) provides a high level overview.

2.4. Program Component

2.4.1 Federal Responsibilities

As is mentioned earlier in the report, the CFP is a multi-jurisdictional and multi-federal Departmental program. In regards to federal components and responsibilities, Section 1.3 (“Relationship Between Current Firearms Control Legislation and the CFP”) outlined the CFC’s CFP responsibilities and role. The Registrar’s function (and the related role of the RCMP) within the Program was highlighted within part of Section 1.2, “Overview of Current Firearms Control (Bill C-68 – 1995 Firearms Legislation)” (*NB*: the Registrar’s responsibilities are outlined in footnote #4 and the RCMP’s role within the Program is summarized in footnote #18). Section 2.1.2 “Enhanced Boarder Controls”, summarizes the role of CCRA within the Program.

Table 1: Summary of Legislative and Regulatory Components	
Measures	Main features
To deter misuse of firearms	Use offences Possession offences Trafficking and import/export offences Offences relating to lost, destroyed, and defaced firearms Offences relating to assembling automatic firearms Enhanced border and smuggling controls Prohibition of a wider range of firearms
To control access to firearms	Licences for individuals Screening of licence holders Business licences Firearm registration Safety training course requirements Licensing and registration offences Regulations on transferring firearms Reducing access to certain types of firearms Regulations on storage, displaying, and transporting firearms Authorizations to Transport Restricted Firearms and Prohibited Firearms Regulations Authorizations to Carry Restricted Firearms and certain Handguns Regulations Authorizations to Export or Import Firearms Regulations (Businesses) Firearms Registration Certificates Regulations Shooting Clubs and Shooting Ranges Regulations Gun Shows Regulations Special Authority to Possess Regulations (Firearms Act) Public Agents Firearms Regulations Prohibition orders

2.4.2 Provincial Responsibilities

Within the legislative framework underlying the CFP, 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 CFC) assumes their responsibility and administers it on their behalf through the appointment of a federal CFO. 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.²⁶

Specifically, opt-in provinces (via their CFO, who is the designated person in a province in authority for the *Firearms Act* and regulations) are responsible, within their own jurisdiction, for:

- Licensing (related to individuals, businesses, shooting clubs and ranges, and minors) and ‘continuous eligibility’ activities (including secondary investigations²⁷, tertiary investigations²⁸, final licensing decisions, and reference hearings if required);
- Regular inspections and/or audit of businesses and organizations (including shooting clubs and ranges);
- Support for the delivery of Canadian Firearm Safety courses (including alternative safety course certification, instructor certification and monitoring);
- Transfer approvals for firearms;
- Issuance of authorizations (to transport, to carry, and special authority to possess); and,
- Ongoing liaison with clients and stakeholders.

²⁶ On April 1, 2002, British Columbia opted-out of the Program and, as a result, the CFC (via the federal Minister of Justice) commenced administering the *Firearms Act* on its behalf. It should be noted that opt-in jurisdictions are reimbursed by the CFC (as per Section 95 of the *Firearms Act*) for costs incurred as a result of their participation in administering the *Firearms Act*.

²⁷ Secondary screening involves the analysis of ‘hits’, or potential matches to CPIC records that have not been excluded automatically by the Accreditation System or excluded manually by the Accreditation Unit staff of the CFR. The potential matches reviewed are a result of accreditation performed on a new licence application or ‘continuous eligibility’ screening performed on those who already hold a firearms licence. Secondary screening consists of obtaining additional information on the potential matches to CPIC records by querying regional police incident-reporting databases, court or provincial databases, and by contacting police, other agencies or individuals directly for information (as per CPIC services policy).

²⁸ If a ‘hit’, or definite match of an applicant or a firearms licence holder to a relevant CPIC record, cannot be resolved within a CFO office, a field investigation will take place. Individuals who hold firearm officer delegations sufficient to permit them to make approval, refusal, or revocation recommendations or decisions for any documents within the CFO’s authority, conduct these investigations. Investigations involve personal interviews with applicants, firearm licence holders, neighbours, family, police, court officials, social workers, co-workers, and any other persons relevant to the investigation.

To summarize federal-provincial responsibilities, the opt-in provincial jurisdictions are responsible for the above-mentioned operational items. All other matters pertaining to the CFP (including the opt-out jurisdictions) are the responsibility and are within the purview of the Federal Government.

3. FINDINGS

This chapter presents the findings of the evaluation. Results are organized into sections corresponding with the main evaluation issues: program implementation, program coordination, CFRS design and implementation, licensing and firearm registration processes, communications, legislative training, and other program components (Canadian Firearm Safety courses, APCAR and research).

3.1 Program Implementation

This section addresses the issue of success in implementing the CFP as planned.

3.1.1 The Context of Implementation

The implementation of the 1995 firearms legislation was an extraordinarily complex task. Even under ideal circumstances, it would be difficult to implement a national program to licence all firearm users (initially estimated at two to three million) and to register all firearms (initially estimated at seven to nine million) while simultaneously developing the technology and infrastructure required to process and manage this information. However, the circumstances were far from ideal. Among the factors complicating the implementation of the 1995 firearms legislation were:

- The Federal Government is responsible for the firearms legislation, overall management of the Program, and delivery of a wide range of Program elements whereas the provincial governments are responsible for certain elements pertaining to the administration of the legislation. While this kind of split responsibility periodically creates tensions between the two levels of government, normally the situation works reasonably well for justice matters. However, some provinces supported the firearms legislation, while others were opposed. Some examples of issues that arose include: several provinces took the question of the

constitutional validity of the 1995 firearms legislation to the Supreme Court of Canada; some provinces opted out of the legislation, which in turn resulted in the Federal Government having to assume the administration of the *Firearms Act* within their jurisdictions and incur unanticipated costs; and, Ontario agreed to implement licensing, but indicated their opposition to universal firearm registration.

- The DOJ, which is responsible for the implementation of the CFP, did not have the operational program delivery experience that would have prepared it for the complexities that arose during the implementation of the 1995 firearms legislation, nor did it have personnel to staff the large multifaceted program. New employees had to be hired and trained, and alternate means had to be found to do a large majority of the CFRS technical work. As an example, early into Program implementation, the DOJ did not have the internal capacity to staff the CPS. As a result, it contracted with Human Resources Development Canada (HRDC) to develop and staff the site.
- There was a relatively organized and extremely vocal opposition to the 1995 firearms legislation. Much of this opposition came from some gun owners who felt that the legislation was a violation of their rights.
- The implementation of the CFP largely depended on the timely development of a very complex computer system (i.e., the CFRS) that would handle rapid processing of an enormous volume of applications. The system would have to integrate multiple functions and a variety of users with each user having different levels of administrative authority within the Program. Moreover, the CFRS would also have to interact with other systems/databases that supply required information while having the appropriate security measures in place.
- The CFP had a very high profile. This increased the pressure to implement the Program under a variety of short timeframes. At least in hindsight, the initial implementation time lines and the ambiguous net estimate of \$85 million to implement the CFRS were quite unrealistic and damaged the credibility of the Program.

Many of the implementation problems that will be discussed in this report were caused by these factors. Ultimately, the individuals involved in the delivery of the CFP were able to overcome some of these challenges and accomplish their licensing targets, but the process was not a smooth one.

It should be noted that throughout the remainder of the report, an effort is made to distinguish between the situation during the early stages of the implementation and the situation at the later stage when the CFP was at a more advanced stage of operation.

3.1.2 Did the CFP Meet Its Overall Implementation Objectives?

In order to determine the degree to which the CFP met its overall implementation objectives²⁹, a review of key Program data is required. Quantitative information extracted from the CFRS (up to and including September 2002³⁰) indicates:

- There were 2.1 million individuals in the firearms database (representing 90% of the estimated number of firearm owners).
- The database contained:
 - 1.3 million valid Possession Only Licences (POL);
 - 480 000 valid Possession and Acquisition Licences (PAL);
 - 85 000 valid FACs; and,
 - 5 700 valid Possession Licences for Minors.
- Since December 1998, enhanced screening of firearm licence applicants and ‘continuous eligibility’ checks had led to the refusal or revocation of over 7 000 firearm licences. For illustrative purposes, this translates into 50 times more revocations compared to the total for the last five years under the 1991 firearms legislation.
- Four months before the firearm registration deadline, over two thirds of licensed firearm owners had participated in firearm registration:
 - 1.1 million firearm owners had at least one registration certificate in the CFRS; and,
 - 4.3 million unique firearms had been registered in the CFRS.
- The ‘spousal/public safety’ 1-800 line had received over 26 000 calls, often for the purposes of: *a)* providing a warning about a potential licence holder/applicant; *and/or b)* reporting a crime.
- The Canadian Firearms Registry On-line (CFRO)³¹ was receiving an average of 1 500 queries per day.

²⁹ For a broad discussion of the Program’s key implementation objectives, refer to Section 1.2 “Overview of Current Firearms Control (Bill C-68 – 1995 Firearms Legislation)”.

³⁰ As is indicated on the title page of this document and in Section 1.5 “Purpose and Scope of the Implementation Evaluation”, the period of analysis for the evaluation is up to and including September 2002. As a result (and for the purposes of ensuring consistency within the report), the quantitative information presented is reflective of the same time period (i.e., up to and including September 2002).

³¹ CFRO is a function of CPIC, which enables police officers to search certain data in the CFRS. As an example, the CFRO is able to alert police officers to the possible presence of firearms at a specific address, by querying an address, a telephone number or a name (corporate or individual).

The primary goal of the CFP has been to implement the *Firearms Act* and associated regulations efficiently and effectively. Administrative data (up to September 2002) suggest that: *a*) approximately 90% of the estimated number of firearm owners have complied with the licensing requirements; *and, b*) four months before the firearms registration deadline, almost two-thirds of the estimated number of firearms had been registered. While the implementation of the CFP faced many difficulties, the broad implementation objectives of the CFP have been largely achieved.

While the CFP met its implementation goals, the process has been difficult. Initial time lines for Program implementation have often not been met, and Program costs have steadily escalated.

3.1.3 Successes in Implementing the CFP

3.1.3.1 Licensing and Firearm Registration

As just noted, while the implementation process was not smooth, the licensing implementation goals were largely achieved. Program officials are confident that by September 2002, over 1.8 million licences, representing approximately 90% of the estimated number of firearms owners, had been issued.³² This is a major achievement, as early implementation difficulties created a substantial risk that the implementation target of licensing firearm owners would not be met. Among these implementation difficulties were: problems with the CFRS, early resistance among some gun owners to the lengthy and complicated licensing form, high rates of user error on submitted licence application forms, opposition to the Program in general, gun owners being unaware of their legal obligations, and a tendency among owners to delay applying until the last minute rather than submitting applications ahead of time. These problems were recognized by Program personnel and dealt with effectively. The licence application form was simplified and shortened, communications approaches for the general public were improved, the administrative system for applications was streamlined, and an intensive licensing outreach program was initiated.

Several of the lessons learned from the licensing phase were applied to firearm registration processes. As an example, registration application forms were shortened and simplified. In

³² Some interviewees were skeptical that the 90% figure had actually been achieved. For example, one respondent indicated that in one jurisdiction, the number of licences issued were higher than the estimated number of firearm owners. Unfortunately, there is no perfectly accurate method of determining the actual number of owners (hence, the reliance on estimates); therefore, diverging opinions on the percentage of licensed firearm owners cannot be easily resolved.

order to avoid a last-minute deluge of registration applications, batches of licence holders were sent registration application forms at intervals throughout the year and told that the registration fee would be waived if they submitted the application within 60 days. Even though registration is a more controversial feature than licensing, these new procedures have ensured that almost two-thirds of those licensed registered firearms many months ahead of the January 1, 2003 deadline.

3.1.3.2 Public Safety

Ultimately, the purpose of the CFP is public safety. While the Program's impact on public safety will have to await an outcome/impact evaluation, many interviewees noted features of the CFP that should have an impact on the criminal misuse of firearms, and firearm deaths (including suicides) and injuries. Specifically:

- **‘Continuous Eligibility’:** One of the most innovative features of the CFP is ‘continuous eligibility.’ Rather than just doing background checks at the time of licensing and licence renewal (as was the case with previous firearms control), the CFRS is dynamic and is continuously updated as new information comes to the attention of the police and courts concerning the misconduct of licence holders. Thus the file of a person who has a licence will be flagged and reviewed if: *a) that person commits certain types of offences; b) certain court orders are issued against him/her; and/or c) they pose a potential threat to public safety.*
- **Canadian Firearm Safety courses:** The Canadian Firearm Safety courses have been an unqualified success. With few exceptions, interviewees (including those who were not supporters of the CFP) spoke very highly of the courses. It was noted that the courses had been designed by individuals with broad experience in firearms safety training and had been implemented after broad consultation with key stakeholders. While there were some minor concerns about specific aspects of the courses, the following comments were typical: *“This is the best safety course in the world. It is recognized and being studied internationally,”* and *“If one thing has been done right in this program, this is it. We will see the benefits as this generation grows up. Fewer people will be killed.”* It is important to note that some of the lessons of the safety training (e.g., the need for safe storage of firearms and ammunition) are also reinforced by the CFP's legislative components and should therefore also have an impact on the misuse of firearms. The CFC's safety training group was important to the success of the Program's implementation, in part because their work helped to address opposition to the Program as it pertained to public safety.

- **Licence Refusals and Revocations:** The Program has made a major contribution to public safety through refusals and revocations that result from the licence screening process. Even though the refusal and revocation rates are relatively low³³, the law has been useful in helping to keep firearms out of the hands of individuals who should not have them. Several respondents noted that rejection rates increased late in the licensing process (i.e., approaching January 1, 2001) as higher-risk individuals finally applied and as the rate of application increased. Almost all interviewees who were involved in Program delivery felt that licence applicant screening was better and more thorough than what was in place under previous firearms control legislation.
- **Legislative Training:** The CFC developed legislative training material for its own staff and for individuals involved in the CFP (e.g., police officers, prosecutors, businesses, justices of the peace, etc.). Interviewees were very positive about the quality of the materials and felt that the content of the materials was applicable to their daily tasks/roles within the CFP.

3.1.4 Challenges to Implementing the CFP

The evaluation revealed a number of issues that posed challenges to the Program's implementation, specifically:

- Deficiencies and changes to Program delivery structure;
- Opposition to firearms control;
- Opting-out by several jurisdictions;
- Overall Program complexity;
- Delays in developing the *Firearms Act* regulations;
- Technical challenges with the CFRS;
- Lack of internal communication;
- Public confusion and high rates of user error on application forms; and,
- Escalating Program costs.

³³ It is worth noting that because of the large number of licence applicants, even a low rejection rate will mean that significant numbers of individuals will be denied legal access to firearms.

3.1.4.1 Deficiencies and Changes to Program Delivery Structure

Key informants, including CFC personnel, offered the nearly unanimous view that the CFCs structure in the early years of the CFP was poorly designed. Interviewees indicated that at the outset of the Program in 1995, concern over the failure of some large information technology (IT) projects led to the creation of a ‘split path’ management structure with separate policy and operations branches reporting to an Assistant Deputy Minister (ADM) acting as a part-time manager. The CFC and CFP was only one of the many duties of the manager; therefore, full-time management and oversight of the Program was simply not possible.³⁴

Earlier in this chapter, some of the reasons why the implementation of the CFP was extremely challenging were noted. The decision to attempt to accomplish the implementation of the CFP without a full-time senior Chief Executive Officer (CEO) was a significant factor. The Program required a full-time CEO to establish and sustain organizational goals; to negotiate (at a senior level) with the many partners involved in the delivery of the Program; to ensure that the CFC was externally and internally accountable; and, to ensure that the different elements of the CFP worked together to achieve their common objectives. Without strong central leadership and coordination, there was a tendency by the CFC to allow processes and costs to escalate in order to meet the interests of the different parties involved in the Program. Given the diverse interests involved in the CFP, this situation significantly contributed to the delays and cost overruns. As one respondent noted: *“There were too many actors involved... Partnerships were good, but they led to over-complexity.”*

Adding to the challenges presented by the ‘split path’ management structure was a ‘consensus approach’ to program management. The ‘consensus approach’ led to the accommodation of a large number of often diverging views/opinions and interests into the early design and decision-making processes of the CFP. This in turn resulted in: *a)* overly complex regulations; *and b)* an equally large and complex IT system (i.e., the CFRS). The search for consensus had a cascading effect on the entire implementation of the CFP. As an example, the length of time taken to develop the regulations created unforeseen time pressures to implement other aspects of the CFP (for example: the CFRS, communications materials, legislative training packages, etc.).

Finally, with licensing deadlines looming and Program costs escalating, the management structure of the CFC was modified and the approach to program management changed. Many of

³⁴ While some of the respondents were critical of the decision to separate the policy and operations branches, it was also mentioned that there is nothing inherently wrong with this separation, as long as both branches reported to a full-time Chief Executive Officer (CEO) who could ensure that their work was coordinated and that there was internal accountability.

those interviewed reported that when the CFC did receive a full-time CEO with a strong mandate to move ahead with the implementation and a different philosophy to the Program's management/decision-making, the situation changed very quickly. Simply stated, the CFC became more focused on fulfilling Program implementation requirements (as an example, application forms were simplified as the licensing deadline approached).

3.1.4.2 Opposition to Firearms Control

Perhaps the earliest and most obvious challenge to the CFP was the very vocal and relatively organized opposition to the legislation among many firearms owners. This opposition caused the CFC to spend a great deal of time addressing the critics of, and disinformation pertaining to, the Program. Overcoming this opposition and the challenges associated with it was not only an operational challenge, but led to increased implementation costs as well.

3.1.4.3 Opting-out by Several Jurisdictions

Several of the provinces chose to opt-out of administering the *Firearms Act*. This increased Program delivery costs and there is a belief that it may have hurt the perceived credibility of the Program. Moreover, the challenge heard in the Supreme Court of Canada pertaining to the constitutionality of the *Firearms Act*, while ultimately unsuccessful, diverted significant CFC human and financial resources from the implementation of the CFP.

3.1.4.4 Overall Program Complexity

The CFP is applying a complex piece of legislation that spawned a complex set of regulations. The quest to build a strong and robust Program led to the creation of a data management system (i.e., the CFRS) that was very large and complex. In effect, a very complex piece of legislation led to equally complex regulations, which in turn led to an overbuilt/overcomplicated data management system and ultimately resulted in a very complex Program to deliver.

3.1.4.5 Delays in Developing the *Firearms Act* regulations

The length of time taken to develop the regulations created unforeseen time pressures to implement other aspects of the CFP. Those responsible at the CFC for the development of the CFRS, communications materials, and legislative training materials, were forced to develop their components/materials prior to the finalization of the regulations in order to meet tight implementation timetable deadlines. This resulted in a need for numerous revisions and workarounds.

Interviewees had some difficulties identifying the reasons why it took so long to develop the regulations, but among the reasons cited were the need for consultation with the various stakeholders (not all of whom supported the legislation), the complexity of the Program, the lack of a full-time CEO at the CFC, and the vocal and relatively organized opposition to the legislation. Finally (and perhaps most importantly), the fact that the regulations had to be reviewed by Standing Committees led to significant delays in completing them.

3.1.4.6 Technical Challenges with the CFRS

Many of the key informants mentioned the technical challenges and problems with the CFRS as a serious obstacle to the implementation of the CFP. The rushed development process, as noted in Section 3.1.4.5 (“Delays in Developing the *Firearms Act* regulations”), was believed to be a major contributor to these problems. Users of the CFRS commonly identified long wait times for processing and even complete system failures early into the development of the CFRS.

3.1.4.7 Lack of Internal Communication

A number of interviewees observed that the various work groups at the CFC often operated in isolation, resulting in challenges to coordination of effort in the implementation process. There is a belief that for a relatively new program, there was a high degree of ‘stove-piping’/compartmentalization and as a result, the CFC was not working as an effective unit. It is quite likely that this situation was perpetuated and aggravated by the ‘split path’ management structure. With the appointment of a CEO to oversee the Program, the CFC work units were reorganized and integrated, improving internal communication.

3.1.4.8 Public Confusion and High Rates of User Error on Application Forms

The complexity of the Program, combined with numerous changes to Program implementation deadlines, fees, etc., contributed to confusion among some firearms owners and the general public. Interviewees noted that despite the various communications efforts employed during Program implementation, a substantial number of firearm owners still did not understand their responsibilities under the *Firearms Act*. This issue will be dealt with in more detail in Section 3.4 (“Licensing and Firearm Registration Processes”) and Section 3.5 (“Communications”). Also, the complexity of the initial licensing and firearm registration forms confused applicants and thus resulted in high rates of user error.

3.1.4.9 Escalating Program Costs

Key informants observed that all of the CFP implementation challenges (as outlined in this Section, “Challenges to Implementing the CFP”), in addition to their adverse effects on effective and efficient implementation, added to the overall cost of the Program.

3.2 Program Coordination

This section presents the evaluation findings related to coordination, cooperation, and communications among the various jurisdictions and partners involved in the implementation of the CFP.

3.2.1 Federal/Provincial Coordination

One of the most critical parts of the CFP was the relationship between the federal and provincial governments. While the Program involves federal legislation, regulations, and components, the provinces are responsible for certain elements of the CFP. The normal strains of this shared responsibility (which is common within the Canadian justice system) were exacerbated in the case of the CFP because the views of the provincial partners towards the Program ranged from enthusiastic support to overt hostility. As but one example, during the Program’s implementation process, several provinces had opted-out of the Program and several were challenging the constitutionality of the legislation before the Supreme Court of Canada.

Despite these tensions, relationships between the federal departments and the opt-in provinces were reasonably effective. Several respondents described the Partnership Consultation Committee (PCC) as a vital component of the implementation process. This Committee included members of the CFC, RCMP, CCRA, and representation (normally through the CFO) from the opt-in provinces. The provincial CFOs had a significant voice on the Committee and felt they had a great deal of input into the overall Program and the associated regulations. As a result of the Committee, there was very frequent contact between federal and provincial officials – normally they met monthly and had conference calls weekly. At times, there were daily conference calls.

In addition to the senior-level coordination represented by the PCC, a wide variety of other committees were dealing with information systems, firearm safety course training, Aboriginal issues, and many of the other facets of the Program. Most of the Program partners were relatively satisfied with the operation of these committees. Interviewees particularly mentioned their positive experiences with the Technical Committee and the Operational Managers' Committee, which enabled the CFC to get feedback from the users of the CFRS.

While nearly all of the CFOs were pleased with their involvement in the early stages of the Program, as implementation progressed, there was less of a requirement for the CFC to consult with them. After the reorganization of the CFC in 2000 (i.e., the adoption of the CEO model), tasks became much more focused on the daily details of implementation rather than on planning and program development.³⁵ The role of the CFOs became more of an operational one, and there was less consultation between the CFC and the opt-in provinces.

While some of the CFOs recognized that this was part of the normal evolution of the Program, others felt that the Centre no longer considered them partners and that Program decisions were being made without sufficient consultation. Several CFC interviewees felt that Program implementation had to be streamlined and that since the Federal Government was both responsible for and funding the Program, they should be able to set Program policy and make Program decisions. These strains between the federal and opt-in provincial officials have been exacerbated by financial issues, as several of the CFOs feel that the Federal Government is moving too quickly toward 'steady state' funding, and others are concerned that they do not receive sufficient warning of new funding levels to be able to make the necessary adjustments in staff.

³⁵ Some of this shift in focus may be attributable to the general evolution/development of the Program.

Although there are tensions between the federal and provincial partners in the Program, these are certainly not unique and are perhaps inevitable in a federal system with shared responsibilities for justice matters. However, respondents on both sides of the issue felt that there was room to find common ground.

3.2.2 Inconsistent Delivery

Many key informants noted that the Program is not being interpreted and applied consistently across jurisdictions.³⁶ This is not necessarily problematic – one advantage of the federal system is that legislation can be adapted to meet local circumstances, needs, and resources rather than being applied in an inflexible manner across a very large and diverse country. Conversely, the case can be made for trying to ensure that standards are not radically different within Canada.

One of the provincial interviewees took a very balanced view of this issue: *“We could use more coordination... We could standardize more; the work processes in the provinces should be more similar – some of them can be quite unique. But I want to stress that one centralized service provider would not be a good thing. We would lose the local focus and knowledge. We should review our policies and try to standardize.”*

Among the Program delivery differences mentioned by the key informants were: some jurisdictions show less discretion in enforcing the legislation than others; replica guns are treated differently; the interpretation of some of the regulations varies (e.g., Authorization to Transport); different procedures are followed at the two processing sites (the CPS and the Quebec Processing Site³⁷); and, there are diverse delivery models and different costs for the Canadian Firearm Safety courses.

3.2.3 Authorization To Transport (ATT) and Authorization To Carry (ATC)

The other issue to be considered in this section relates to the fact that ATTs and ATCs are issued on a provincial basis (as is set out in the legislation). In certain circumstances, this can make crossing provincial boundaries problematic. Examples cited included traveling across the

³⁶ This is not unique to the CFP, but is an inevitable consequence of the division of powers within a federal state. To give just one other example, within the provisions of federal legislation, the provinces/territories have each established different types of programs/services to meet the needs of divorcing and separating parents.

³⁷ Refer to footnote #8.

country for a gun show or shooting competition, and armoured car employees who travel amongst several provinces and who may have the occasion to work from different sites. Due to the fact that the provinces are responsible for ATTs and ATCs, an additional administrative burden can be created for individuals and companies that travel across Canadian provincial borders, and at times, the ATT and ATC regulations can be interpreted differently in one provincial jurisdiction versus another.

3.2.4 Other Federal Departments

Overall, key informants from the federal departmental partners in the CFP indicated that coordination was good. It was observed that early into the Program's implementation, the CFC did not necessarily have a complete understanding of the specific operations of the other federal departments, which led to a 'one size fits all' approach in dealing with the federal partners.

As the Program evolved and implementation progressed, so did the CFC's understanding of the federal partners' operations and structure, and as a result, the degree of federal coordination improved.

3.3 Success of the Design and Implementation of the CFRS

This section examines the overall implementation of the CFRS. While the CFRS experienced serious problems at the outset, most users are now satisfied that it is capable of meeting operational requirements. The prevailing opinion is that for the considerable amount of money invested into the CFRS, it should be more stable and user-friendly. Key informants noted that it is very complicated to utilize, it cost far more than predicted, and it still does not have optimal functionality. Additionally, users mentioned a number of specific technical challenges to the system, which are outlined in the subsections below.

3.3.1 Level of Satisfaction with the CFRS

Key informants reported that they were not satisfied with the CFRS early into its development; however, it has now reached a state where they are mostly satisfied. They indicated that users became familiar with the system and that it is ultimately able to meet operational requirements and meet the objectives of the legislation. It should be noted that the system can be rather slow

at times, particularly during peak-use periods. Firearm officers in the field (i.e., without access to main servers and high-speed lines) are often unable to gain access to the system and must call their regional office to get access to CFRS data/information.

3.3.2 Completeness of Data/Links to Data

CFRS users indicated that the system contains most of the information necessary to support the objectives of the CFP, with a few exceptions. First, it was reported that ATT and ATC information is not contained in the CFRS, but is contained externally in a separate off-line software application. This has the potential to raise/introduce logistical and operational problems. For example, if police stop someone who is transporting a restricted firearm to a gun club, the police are unable to verify the ATT via the CFRO and as a result, they have to call the CFO.

Additionally, not all jurisdictions are electronically connected to provincial court databases, meaning that prohibition orders are not automatically captured and entered into the CFRS. In many provinces, courts send hard copies of orders to the office of the CFO and then they are subsequently entered manually into the CFRS. Key informants believe that they are receiving most prohibition orders from the courts, but would prefer that the information be electronically linked/transferred to the CFRS to ensure that no information is lost and/or that no lag time between order and entry exists.

3.3.3 Satisfaction with the CFRO

Police key informants are satisfied with the CFRO and indicated that they are able to get the information they require for their day-to-day activities. Police users observed that when making a query on the way to a residential call, the system only generates a list of firearm registration certificate numbers. As a result, each individual registration certificate number has to be queried in order to know what specific kinds of firearms are in a residence. Police officers are interested in knowing what types of firearms may be located in a residence, and sufficient time to query specific firearm-type information is not always available.

3.3.4 The Firearms Interest Police (FIP) Database³⁸

In essence, continuous eligibility is a major component of the CFP and, likewise, FIP is a major component of continuous eligibility. There would appear to be several issues that threaten the effectiveness of FIP. First, policing agencies do not follow consistent procedures for entering FIP data. Some agencies were reported to be entering data for incidents that were seen as being irrelevant to firearms ownership. Second, anytime a FIP file is modified in any way by the originating policing agency, it generates another or duplicate FIP hit or flag, which may have to be investigated by a CFO. The net result could be dozens of hits or flags for one individual, which in turn may place a great burden on CFO office personnel. The main concern expressed over this issue is that relevant risk data could be overlooked among the large amounts of irrelevant/duplicate data. Third, personal identifying information that is contained in FIP is often inexact (for example, surname and first initial only) and therefore could apply to a number of individuals. This necessitates detailed follow-up on other police databases, and CFOs reported some difficulties in gaining access to this information. The issue of access to police data is discussed further below.

3.3.5 Access To Police Data

Related to the FIP issue, is a reported barrier to gaining access to some police information required to investigate FIP hits. For example, in RCMP jurisdictions, CFOs reported that in order to determine whether an incident warrants further action with respect to a firearms licence, they require access to certain screens of the RCMP Police Information Retrieval System (i.e., the RCMP's electronic file management) database.

In response to issues raised by the Privacy Commissioner³⁹, the RCMP in some jurisdictions is not allowing CFOs to view police information directly. The current practice in some RCMP jurisdictions involves the CFO making a written request to an RCMP Detachment and subsequently the necessary information is retrieved, vetted, and then provided to the CFO. This

³⁸ This CPIC database holds information, recorded in local police systems, on individuals who potentially pose a risk to public safety and may not be eligible to hold a firearms licence under Section 5 of the *Firearms Act*. Examples of Section 5 criteria include: *a*) convictions or discharges for certain offences, especially offences associated with violence; *b*) treatment for mental illness associated with violence; *and c*) a history of violent behaviour.

³⁹ In the August 2001 final report of the "Review of the Personal Information Handling Practices of the Canadian Firearms Program," the Privacy Commissioner noted, "Firearms Officers have very broad powers and discretion to investigate and gather personal information about applicants. Access to police information should be tightened. Firearms Officers should only have access to information that is relevant to their duties."

is a cumbersome and time-consuming process since RCMP Detachments often do not have designated personnel to perform this task. As a result, there are instances where the CFO does not receive the requested information at all. This lack of direct access to police information (as it pertains to Section 5 of the *Firearms Act*) may jeopardize the value of FIP and negatively affect secondary and/or tertiary licence investigations. It was noted that often, access to police information might depend on personal relationships between CFO office personnel and the policing agency.

3.3.6 Accuracy of CFRS Data

Key informants were of the opinion that the data in the CFRS is accurate. It was noted that there still might be some duplicate records of owners, but nothing to the extent that it could compromise public safety. As is indicated in Section 3.3.4 “The Firearms Interest Police (FIP) Database”, there are some concerns with the accuracy of the data in the FIP database⁴⁰. It is perceived that better direction and standards for police will facilitate the entry of accurate and complete information.

3.3.7 Data on Identification of Non-Restricted Firearms⁴¹

Upon initial registration, firearm identification and classification data entered into the CFR pertaining to non-restricted firearms that are owned by individuals is screened based on the data contained in the Firearm Reference Table (FRT)⁴². Although this process uniquely identifies⁴³

⁴⁰ As is indicated in footnote #19, the FIP database forms part of the NPS, which is administered by the RCMP. It is important to note that data is entered directly by policing agencies into FIP. As a result, neither the CFC nor the RCMP have direct control over how the data is entered.

⁴¹ This discussion is limited to individually owned non-restricted firearms because: *a*) all restricted/prohibited firearms registration information is verified upon initial registration; *b*) all firearms (restricted or non-restricted) within business inventories are to be verified and registered by January 1, 2003; and *c*) any new imports and any firearms registered to a business are to be verified prior to registration. It is important to note the substantive difference between firearm registration verification (i.e., inspecting the firearm and ensuring that the firearm identification and classification information on the registration certification is accurate) and firearm registration screening (comparing the data submitted by the firearm owner against the information contained within the Firearm Reference Table).

⁴² The FRT is an electronic database maintained by the CFR that consists of approximately 60 000 descriptions of firearms. The database is the primary reference point for firearm identification and classification, and for the verification of firearm registration information by the Verifiers Network (for information on the Network, refer to Section 3.4.3 “The Verifiers Network”).

⁴³ Firearms are uniquely identified by ensuring that the firearms’ serial number, in combination with the make and model (or make only if the model isn’t available), distinguishes the firearm from all others. In instances where this is not possible, a Firearm Identification Number (FIN) must be affixed to the firearm by way of a FIN sticker, or by stamping or engraving the FIN onto the firearm.

the non-restricted firearm and ensures its proper classification based on the information submitted by the firearm owner, the information is not verified until the registration certificate (i.e., ownership) for the firearm is transferred from one individual to another post-January 1, 2003 (whether via private sale, barter, sold or given to a firearm business, etc.). As a result, until the registered individually owned non-restricted firearms change ownership post-January 1, 2003, registration information on these firearms remains unverified and as such, the accuracy of the registration data is open to question.

The consensus among several key informants is that unverified non-restricted firearm registration identification data may not be accurate, 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 (i.e., as these types of firearms get transferred from the original registrant to the subsequent owner), individually owned non-restricted firearm registration data will become verified and the accuracy of the registration information will be confirmed.

3.3.8 Consistency of Owner Screening

Informants were virtually unanimous in their belief that the licensing procedures established under the CFP provide more consistent, thorough, and enhanced screening compared to the previous legislation (most notably, due to ‘continuous eligibility’).

3.4 Licensing and Firearm Registration Processes

Many of the broader issues related to licensing and firearm registration processes have been dealt with in previous sections. Key challenges to achieving compliance with licensing and firearm registration, processing sites, firearms verification, and the findings regarding lessons learned during the licensing process are contained within this section.

3.4.1 Challenges to Achieving Full Compliance with Licensing and Registration

3.4.1.1 Application Forms

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 their length was reduced to one page for a POL and two pages for a PAL. This had a significant positive impact on licensing compliance rates and on the accuracy of information that was entered on the application forms. Fewer errors meant that application processing time was much faster, and as a result, changing the forms was one of the key factors in achieving licensing implementation goals.

3.4.1.2 Fees

There is general agreement among informants that fees for licensing, firearm registration, and firearm transfers were an impediment to legislative compliance for many firearm owners. The reduction and/or waiving of fees directly resulted in increased compliance, although some informants thought that fee changes led to more firearms owners and users adopting a ‘wait and see’ approach in anticipation of more fee changes. Potentially, the Program’s move away from a full cost recovery approach provided a symbolic incentive for firearm users and owners to comply, in addition to the practical financial incentive.

3.4.1.3 Fear of Confiscation

Some of the more vocal opponents of the 1995 firearms legislation identified the number one concern of firearm owners as the unsubstantiated belief that the universal registration of firearms is a precursor to the confiscation of firearms.⁴⁴ This fear was identified as a major obstacle to compliance with both the licensing and the firearm registration provisions of the CFP. A number of CFC interviewees indicated that they were aware of this concern among a substantial number of firearm owners.

⁴⁴ Respondents that held this belief felt that Section 84 of the *Criminal Code* (prohibiting certain non-sporting short-barreled handguns) supported their view that the Federal Government eventually intended to confiscate firearms, even though the Federal Government did provide a specific rationale for this section of the *Code* and included a “grandfather” clause (Section 12(6) of the *Firearms Act*) that exempted current owners of the firearms.

3.4.1.4 Future Costs

Another related concern among some firearm owners was that fees could be used in the future to affect an inflationary prohibition. That is, some owners fear that fees will rise to the point that some individuals will no longer be able to afford to own firearms. Some CFP opponents believe that this concern provides another disincentive to compliance, particularly with firearm registration.

3.4.2 Processing Sites

There were a number of problems that were experienced by the two processing sites (the CPS and the Quebec site) early into the implementation of the CFP. Most of these are well known as a result of the media attention that they received. Specific examples included: licences being sent to the wrong person, licences with incorrect information, and licences with the incorrect photographs. Key informants believed that these errors were part of the normal development of any program of this magnitude with such a large number of application forms to process. This is likely the case, but these normal errors were aggravated by the initial problems that have been discussed throughout this report, including the frequent delays in Program implementation and the perceived need to get the CFRS operational before the system was completely ready. Additionally, the contract arrangement with HRDC led to difficulties in making CPS staff directly accountable, and there were some strains between CPS management and the HRDC employees.

The CPS has since instituted standardized processing procedures and training for CPS staff. This was supplemented by the implementation of quality control procedures, and as a result, processing errors have become much less common.

Business owner interviewees expressed concerns in dealing with the CPS – largely centred around their provision of service to their customers. It was reported that the time required for firearm transfer requests to be processed by the CPS can be excessive. Telephone wait times to get through to CPS personnel were often reported to be 20 minutes or more⁴⁵, and subsequent

⁴⁵ It should be noted that the average “business hotline” wait time is much lower.

wait times for approval of the transfer (particularly for restricted firearms) have sometimes taken days or even weeks.⁴⁶

Businesses whose employees are armed, largely armoured car companies, face particular problems as a result of licensing processing delays.⁴⁷ Some reported experiencing a two-month waiting period for newly hired employees to obtain a licence since few applicants already hold a PAL for restricted firearms. Even those applicants who are previously licensed must typically wait two to four weeks for an ATC application to be processed.

Businesses dealing in auctions or at gun shows reported problems with firearm transfers and obtaining ATTs, particularly in the evenings or on weekends, when most auctions and shows take place.⁴⁸ Therefore, at such times, customers purchasing firearms must travel back to the seller once the authorization or registration certificate is issued.

An ongoing problem is the fact that there are two processing sites (a third, located in Ottawa when the volume of work demands it) and they do not have standardized operations. There is a belief that the Quebec site and the temporary processing site in Ottawa could benefit from the experience of the CPS (in turn improving their efficiency), but this knowledge and experience is essentially being ignored. Informants believe that the CFC should have taken the initiative to apply lessons learned at the CPS to the other processing sites.

In a related processing issue, key informants from police 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 FAC applicants). The opinion of the policing personnel interviewed is that under C-68, the processing work is being done by dedicated processing site staff and is thus reducing firearm-related administrative duties on front-line officers. This greater clarity of roles, separating administration from enforcement, was a positive change. This is a rather significant evaluation finding as one of the CFP's goals was to reduce the firearm-related administrative burden placed on policing personnel.

⁴⁶ The amount of time taken for the approval of firearm transfers can be dependent upon the office of the CFO (as they may be involved in the approval process). Some key respondents noted that these wait times of days or weeks for firearms transfer approvals are much shorter than what was typically experienced under the previous (i.e., 1991) firearms control legislation.

⁴⁷ In the instance of licence and authorization processing, the amount of time required to process an application can be dependent upon the office of the CFO (due to their involvement in the approval process).

⁴⁸ Refer to footnote #47.

3.4.3 The Verifiers Network

The wide variety and number of firearms in existence poses a challenge for the purposes of firearm registration. The Verifiers Network consists of approximately five thousand volunteers who have extensive knowledge of firearms and was created to verify the make, model, and serial number of firearms for the purposes of registration. Individuals able to meet the entrance criteria and complete a one-day training course become approved verifiers and receive a copy of the FRT.

Although the Verifiers Network was initially a robust initiative, the consensus among key informants was that Network related activity has diminished over time and that its current status is questionable. Some respondents indicated that while individuals were trained to become accredited verifiers, some did it for their own purposes – possibly for reasons connected to their occupation or simply because they wanted to obtain a copy of the FRT.

On a related subject to the Verifiers Network, the FRT is believed to be a useful tool, though not necessary complete. Some key informants noted that it may never be complete, given the nearly infinite number of combinations and permutations of firearms. Other users indicated that it is rather complex as a result of attempting to make it forensically correct.

3.4.4 Lessons Learned from the Licensing Phase

3.4.4.1 Simplify

The initial licence application problems (i.e., high rates of applicant error) were caused by trying to collect too much information from applicants by using a long and complex application form. The shortening and simplification of the licence application forms (in 2000) resulted in a much more efficient application process with much lower rates of user error. The redesign of the licence and firearm registration application forms are examples of taking full advantage of a lesson learned.

3.4.4.2 Last-minute Compliance

A large number of firearm owners did not comply with the legislative licensing deadline until the last possible moment. It was observed that in the absence of inducements, individuals would not

apply in a well-distributed manner, nor well before the deadline. The CFC's regional targeted mail outs of firearm registration applications to licence holders and the fee waiver period were intended to address this tendency. The staggered mail out with the 60-day 'no-fee' registration period was seen as a direct result of a lesson learned.

3.4.4.3 Prepare

Despite the incentives for early compliance, the licensing phase has shown that a substantial number of owners would not register firearms until the last minute. It is vital to be fully prepared for the pre-deadline firearm registration rush as was demonstrated during the licensing phase deadline rush. Examples of lessons learned included ensuring that: *a)* extra phone staff are in place for peak demand; *and b)* scripts are prepared for telephone staff that anticipate common last-minute inquiries/concerns.

3.4.4.4 Minimize Need For Manual Data Entry

Key informants noted that many processing problems resulted from manual data entry errors. The subsequent use of the Internet for firearm registration applications and the use of scanning technology for paper application forms are instances of this lesson learned.

3.4.4.5 Ensure That Clientele Know What They Need To Know To Comply

A significant initial amount of non-compliance with the licensing legislative deadline was the result of confused firearm owners. The proactive marketing and outreach activities in the later stages of the licensing phase were a key factor to achieving the high level of compliance with the legislative deadline. The applicability of this lesson learned to the firearm registration phase of the Program's implementation is somewhat limited; as it is highly unlikely extensive outreach activities will be required.⁴⁹

⁴⁹ Informing licence holders of their obligations vis-à-vis registration is a rather straightforward task due to the fact that mail outs to each licence holder directly informs him/her of what is required on their behalf.

3.5 Communications

Interviewees representing the federal partners all reported that they are well aware of their responsibilities under the *Firearms Act* and that the level of communication within the Program is sufficient. The provincial partners indicated that the goals and plans for the CFP were well communicated to the partners early into the Program's development and that they are fully aware of their responsibilities within the CFP. However, as the Program shifts from implementation to 'steady state' operations, some of the provincial partners now believe that inter-governmental communications have deteriorated.

Most key informants believe that firearm owners and members of the general public are as well informed as is realistically possible. Some felt that at the beginning of the Program, there was an overemphasis on enforcement (targeting non-compliant firearm owners) and an under emphasis on communicating the Program's goal of increased public safety for all Canadians. There is an overall belief that this enforcement approach created a degree of resentment among some firearm owners and may have contributed to some degree of non-compliance with the CFP. The CFC recognized that this initial communications approach may be problematic and as a result, later material (expounding the public safety benefits) was much more acceptable to firearm owners.

Several respondents mentioned an area where they would like to see more effective communications from the CFC – specifically, communicating the results of court decisions.⁵⁰ There is a need for the Centre to communicate the results of court decisions in the various jurisdictions to all applicable Program personnel. For example, it is difficult for someone in Prince Edward Island to be aware of *Firearm Act*-related court decisions in one of the western provinces. It would appear that some of the best sources of information regarding *Firearms Act*-related court decisions and Program implementation developments are web sites maintained by opponents of the firearms legislation.

Throughout the implementation of the Program, firearm owners have been provided with a great deal of information. It should be noted however, that despite all of the CFC's communications efforts, many owners still do not fully understand their responsibilities under the *Firearms Act*. The main point of confusion centers on the difference between licensing and firearm registration. It should be highlighted that while some owners truly do not understand, others take little interest in, or deliberately ignore readily available information.

⁵⁰ Subsequent to the completion of the key informant interviews, it was observed that the CFC's dissemination of court decision information had greatly improved.

Opponents of the CFP have been and continue to communicate a great deal of disinformation about the Program. Examples include informing firearm owners that the legislation was a precursor to confiscation and that warrantless searches of homes could be conducted without warning. Such disinformation promoted the notion that the CFP is an unreasonable intrusion into the affairs of legitimate gun owners rather than being a reasonable public safety initiative. Overall, interviewees believe that the CFC could have more effectively countered inaccurate and unsubstantiated statements about the Program.

3.6 Legislative Training

Legislative training was one of the more positive aspects of the CFP's implementation. Overall, the legislative training materials were very well received and were viewed as being comprehensive. Responses specific to the various key informant groups are contained in the subsections below.

3.6.1 Police

Of the key informants from policing agencies, very few reported that they had received CFC legislative training materials. Rather, policing agencies reported developing their own training materials for the *Firearms Act*. Several agencies have developed a specific module dealing with firearms legislation for their recruits – often in the form of a self-study package (due to the fact that there is no space in the recruit training syllabus to add additional items to classroom training). Policing agencies that do not have a separate CFP-related training package reported that their recruits receive standard *Criminal Code* instruction, which includes a section relating to the enforcement of firearms legislation. Most of the agencies that were interviewed also had provisions for *Firearms Act* in-service training for active officers.

Police interviewees found the CFC legislative training manuals and materials to be useful. For example, the field handbook and laminates were said to be very practical. For ease of distribution, some agencies mentioned that they would like to receive legislative training material in an electronic format.

While most police interviewees believe that their officers know what is required to enforce the *Act*, some noted that the complexity of the legislation might pose challenges. That being said (and as the interviewees highlighted), police are accustomed to learning and enforcing new

legislation. While there may be an initial learning curve, this situation is no different from having to enforce any new piece of legislation.

3.6.2 CFOs

All but one of the CFOs interviewed had received legislative training materials from the CFC. The content and training materials were rated as being very good. The lack of ongoing legislative training for CFO office personnel was identified as the only area of concern.⁵¹ Interviewees indicated that they would appreciate a legislative training package for new personnel who now only receive on-the-job training as required. Moreover, interviewees felt that a well-maintained self-study package would ensure that a comprehensive and consistent standard of training is achieved.

3.6.3 Court Personnel

Interviews with key informants who have knowledge of the various facets of the criminal justice system indicate that overall, few court officials have received legislative training materials. A limited number of prosecutors have asked for presentations on the legislation, but the requests are not widespread. The exception appears to be in Ontario, where there are dedicated Crowns who have been trained in the legislation.

3.7 Canadian Firearm Safety Courses

Key informants expressed unanimous approval of the courses. The course materials were highly rated by all, as was the overall content of the course. One minor concern was that the non-restricted/restricted course split has resulted in too much overlap between the two courses.

Firearm safety course instructors reported that students have expressed an overwhelming approval of the courses. Often, even those who did not want to take the course initially were glad that they did by course end. As an example, results of a safety course satisfaction survey

⁵¹ Although the CFC was responsible for providing initial legislative training materials to the offices of the various CFOs, there appears to be some question relating to who is responsible for the training of new CFO employees and/or those that had already received training.

administered in New Brunswick indicated that nearly 90% of students rated the course as “above average” or “excellent.”

While the safety courses themselves are viewed positively, key informants expressed concern over the lack of consistency in delivery models across Canada. Due to the fact that course delivery is a CFO’s responsibility⁵², delivery agents and course fees vary across Canada. This lack of consistency in delivery can lead to course fees becoming a barrier (e.g., where private instructors provide the course on a for-profit basis) for many firearm owners.

3.8 Aboriginal Peoples of Canada Adaptations Regulations (Firearms)

Key informant opinion was mixed with respect to the existing Aboriginal adaptation regulations. To some CFOs, these regulations are a secondary consideration – the overriding issue is making decisions based on assessment of risk. For example, they noted that there are already provisions for attaching conditions to a licence in certain circumstances, and as a result, the regulations are unnecessary in this type of scenario.

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. The most common concern expressed was related to the number and complexity of forms required for Aboriginal people to have the regulations apply.

A number of the adaptation regulations are intended to allow Elders and other Aboriginal community members engaged in traditional hunting lifestyles to obtain a licence without undue hardship. To qualify, they must successfully answer a questionnaire on hunting safety and demonstrate their ability to handle firearms safely. There would appear to be some problems with the translation of the questionnaire wording.⁵³ Moreover, the requirement for the applicant to demonstrate various firing positions can present problems for elderly Aboriginal individuals. The demonstration can work, but as one instructor with experience in this area indicated, if the demonstration is done completely and conscientiously, it can be very time consuming.

⁵² It should be noted that CFOs are responsible for the designation of safety course instructors; therefore, they are not directly involved in course delivery per se.

⁵³ This issue was compounded by the functional illiteracy rates of 50-75% (in French and English) are common on reserves.

Interestingly, for firearm safety reasons, some Aboriginal peoples would prefer that their community members take the complete Canadian Firearms Safety course(s); however, it should be noted that this could be very difficult to arrange in remote areas.

Aboriginal key informants were satisfied with much of the Program but had two major concerns that relate to the current debate over treaty rights and the status of First Nations communities. First, a number of Aboriginal leaders claim that hunting is a traditional lifestyle and cultural issue for Aboriginal people, and is a right that is guaranteed by treaty. Second, many are not pleased with the definition and interpretation of sustenance hunting and basically feel that all Aboriginal people should be considered sustenance hunters (and as a result, should not be charged fees associated with licensing and/or firearm registration).

3.9 Research

Research played an important role in the early evolution of the CFP and had a rather significant profile. For example, the personal history screening questions on the licensing application forms are grounded in extensive research regarding personal risk indicators as they relate to public safety. Up until 1998, the research unit at the CFC produced a variety of research reports intended to support the development and implementation of firearms policy.

Cuts to research commencing in 1999 and subsequent cuts may have negatively affected the implementation of the Program by limiting insight into key policy issues. At the time this evaluation was conducted, policy and Program research had been reduced to the point of being virtually non-existent and as a result, there is a very limited capacity to conduct research that can proactively feed into policy development processes.

4. CONCLUSIONS AND LESSONS LEARNED

4.1 Program Implementation

Overall, to date, the CFP has met its implementation objectives

One key finding is that by September 2002, over 90% of firearm owners had complied with the licensing requirements. This was achieved at higher than expected cost and after a very difficult implementation period; however, one of the fundamental objectives of the Program has been met. Lessons learned in the licensing phase have been applied to the firearm registration process, and as a result, over two-thirds of all licence holders had participated in firearm registration – well ahead of the January 1, 2003 deadline.

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 have been widely praised and will help to ensure that firearms are used and stored in a safe manner.

The CFC developed a very successful legislative training program to ensure that those involved implementing the legislation were able to do so effectively. Finally, despite many problems and difficulties, the CFRS is meeting operational demands.

As the Program makes the transition from implementation to ‘steady state’, it faces additional challenges. Improvements must be made in a number of areas, and the Program will have to adjust with the changes proposed in Bill C-10A, provided the legislation passes. The CFC must remain cognizant of the fact that there are a significant number of unlicensed persons who own firearms, and it is likely that many firearms will remain unregistered after January 1, 2003.

Serious missteps can occur if the CFC does not maintain the management structure, personnel, and resources necessary to fulfill the CFP's complete implementation. An important question will be what level of resources are necessary to address the outstanding implementation issues and to maintain 'steady state' operations without compromising the public safety aspects of the legislation.

The initial management structure of the CFP contributed to some of the implementation difficulties

There is ample evidence to support the conclusion that the 'split path' management structure (i.e., separate policy and operations branches reporting to a part-time manager) 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 (and compounding its effects), the 'consensus approach' to program management (i.e., search for consensus philosophy) hampered direct action on, and often aggravated CFP implementation challenges. The search for consensus had a cascading effect on the entire implementation of the CFP. As an example, the length of time taken to develop the regulations created unforeseen time pressures to implement other aspects of the Program (for example: CFRS, communications materials, legislative training packages, etc.). The effects of the 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 CEO establishing and sustaining organizational goals while also consolidating accountability and responsibility within the Program, where possible).

Another critical message emerging from this evaluation is that, even after the change in management structure, the CFC was implementing legislation and regulations that many viewed as being overly complex. This complex program has offered and will continue to offer a variety of challenges to the CFC and the Program partners, and it is highly probable that even with the adoption of the CEO model, challenges will continue to arise.

Public lack of understanding of the CFP continues to be a challenge

Despite the CFC's extensive communications efforts, there is evidence that a substantial number of firearm owners still do not understand their responsibilities under the *Firearms Act*.⁵⁴ Many

⁵⁴ There is a good possibility that this is partially due to individuals not willing to comply with the provisions of the *Firearms Act*.

still do not comprehend the difference between licensing and firearm registration, and many are not aware of the options available for disposing of their firearms if they do not have a licence.

The management restructuring was a key factor in the eventual success of the licensing phase

The introduction of the CEO management structure and new program management philosophy was largely responsible for overcoming a variety of difficulties that the Program was experiencing and revitalized the implementation of the Program. Without this change, it is questionable whether it would have been possible to reach the licensing compliance rate that was eventually attained.

Many firearm owners are now in violation of the law

A comparison of Federal Government estimates of gun ownership with the number of licences issued indicates that by September 2002, over 90% of firearms owners have complied with the requirements of the *Firearms Act*. While there are some diverging views on the accuracy of this estimate, there is little argument over the fact that a fair number of firearm owners have not complied with the legislation. Even if the government estimate is extremely accurate, over 200 000 firearm owners are in violation of the law⁵⁵.

The CFP has placed an added administrative burden on many different types of firearm-related businesses

There is a general lack of understanding of the Program's full impact on the workload of various firearms-related businesses. As well as coping with certain CFP-related administrative requirements imposed on their own businesses, many businesses are dealing with customer requests for information and assistance on complying with the legislation and regulations. There would be an overall benefit to the CFP if there were a greater appreciation of the types of CFP-related issues that the various firearm businesses (e.g., firearm retailers, security companies, movie-related suppliers, etc.) encounter while conducting their day-to-day operations within the parameters of the 1995 firearms legislation.

⁵⁵ It should be noted that some firearm owners might have disposed of their firearms since the survey was conducted.

4.2 Program Coordination

There are conflicting views about the role of the opt-in provinces in the CFP as it pertains to CFP policy and overall Program development

From the inception of the Program, there have been tensions between the CFC and opt-in provincial personnel – in particular the CFOs. The CFC’s early attempts to create partnerships and an initially inclusive approach to Program management gave the provincial jurisdictions significant influence within the CFP during its early evolution.

When the CFC adopted the CEO model and shifted away from the ‘consensus approach’ to program management, the opt-in jurisdictions’ level of influence within the Program diminished. This reduction of opt-in jurisdiction influence (in the area of CFP policy and overall Program decisions/development) continues to be a point of contention between the Program partners. For the CFC, 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 CFP.

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 two very different approaches to federal-provincial coordination taken during the implementation of the CFP each brought their own challenges to effective and efficient Program implementation. It will be a challenge to maintain clear federal control of all policy aspects of this Program while also taking advantage of the operational experience and infrastructure that has been developed within the opt-in jurisdictions. In this vein, several of the CFOs indicated that they would like to see a strategic plan that outlines the way ahead for the CFP.

CFC dissemination of information to opt-in CFOs has slowed

The information flow from the CFC to the offices of the opt-in CFOs has been reduced dramatically since the fall of 2000, coinciding with the introduction of the new management structure and the move towards ‘steady state’ operations. Whether or not the provincial partners are completely included in Program decision-making processes, there would appear to be a need to keep them apprised of Program developments and decisions.

Program implementation is not consistent across the jurisdictions

There is ample evidence that the CFP is not being implemented uniformly across the country, though this is not uncommon when there are two levels of government (federal and provincial) responsible for implementing and administering a national program. CFOs are interpreting the regulations under the *Firearms Act* differently, and as a result firearm owners are receiving somewhat non-uniform treatment.

On the one hand, the ability of provincial CFOs to respond to local factors is one of the strengths of the Program. However, the credibility of the CFP is somewhat threatened by the perception that certain elements are being non-uniformly interpreted and enforced. A key lesson is that in the absence of standards and uniform policies for Program implementation and administration, it is difficult to deliver a federal program fairly consistently across the country.

The federal partnerships appear to be satisfactory

The relationship between the CFC, CCRA, DFAIT, and the RCMP appears to be stable and effective. This is partly 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.

4.3 Success of the Design and Implementation of the CFRS

The CFRS is performing an important public safety role

Compared to the system that was in place to support the 1991 firearms legislation (i.e., the regime under which FACs were issued), under the CFRS: *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.

The CFRS is operational, but still requires improvement for optimal performance

While the CFRS is functioning adequately, it still requires improvement for optimal performance. If the CFRS is ever to be replaced or significantly overhauled, an understanding of the problems and issues of the past will be valuable in the future. It will be important to document the lessons learned from the initial development of the CFRS if a new system is to be

designed so that the challenges encountered during implementation are not reproduced in the completion of firearm registration ‘load up’ or in the eventual ‘steady state’ maintenance phase of the CFP.

There are potential challenges to ‘continuous eligibility’

Perhaps the greatest strength of the CFP is the creation of a mechanism to continuously monitor firearm owners for behaviours that may pose a risk to public safety. ‘Continuous eligibility’ partially relies on the FIP database being accurate and up to date, and this is often not the case. A review of FIP policies and procedures (and communicating the correct procedures to the Canadian policing community) is essential to identify and correct the current situation.⁵⁶

Unverified firearm registration identification data may not be able to be used to its full potential

The consensus among several key informants is that 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 (i.e., 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.

4.4 Licensing and Firearm Registration Processes

Some processing sites need to improve efficiency

The Quebec processing site (and the Ottawa site – when operational) is less efficient and more prone to error than the CPS. Quality management processes instituted at the CPS were effective in dealing with similar problems. If the other processing sites are to continue operation, they need to learn from the experience and expertise of the CPS. Inordinate delays to process applications and highly publicized errors will continue to attract negative publicity and could future damage the credibility of the Program with the general public.

⁵⁶ Refer to footnote #40.

The status of the Verifiers Network is not clear

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.

Lessons learned in licensing will assist with firearm registration

A number of valuable lessons were learned during the licensing phase of the CFP's implementation, and most have already been applied to the firearm registration phase. The one exception is the lesson that marketing and outreach are valuable tools for increasing compliance with firearm registration. Since most firearms owners have now self-identified through licensing, outreach and marketing activities do not need to be as extensive as they were in the earlier stages of Program implementation. Nonetheless, some outreach may still be required to ensure that all current owners are fully aware of their responsibilities and that new owners are educated about their responsibilities.

4.5 Communications

Communications efforts need to continue

A substantial number of firearm owners have not yet complied with the licensing requirement, and there is still 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 should continue to be practical

There is ample evidence to indicate that firearm owners respond well to practical information regarding how to comply with the requirements of the legislation. There is a substantial amount of anecdotal evidence that initial approaches, which were thought to be more emotional than practical, served to stiffen opposition to the CFP. Communications that emphasize assisting owners in every way possible to comply with the *Firearms Act* in order to improve public safety are deemed to be quite effective.

Strong statements will reassure firearm owners

For some firearm owners, the fear of confiscation is one of the factors associated with non-compliance with the requirements of the *Firearms Act*. Firm commitments that 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.

Another issue is that the prohibited handgun and unregistered restricted firearm amnesty⁵⁷ has not covered non-restricted firearms. It is apparent that neither the CFC nor the police are interested in charging anyone who wishes to turn over his/her non-restricted firearm(s), yet owners might not be aware of this. A clear statement is required, that unlicensed individuals wishing to dispose of their firearms may do so without fear of legal repercussions (unless, of course, the firearm has been used in the commission of an offence).

4.6 Legislative Training

Legislative training has generally been a success

Legislative training was one of the more positive aspects of the CFP's implementation. The legislative training materials were highly rated and were viewed as being comprehensive. Other training materials (i.e., police field handbook and laminates, etc) were also highly rated.

There is a need for ongoing legislative training materials

The legislative training materials provided early in the implementation of the CFP were valuable to those who received them. One overall concern is that with Program staff turnover and potential changes to the legislation and regulations, additional training materials will be required. In addition, there may be a need to proactively target members of the court system as part of a training strategy.

⁵⁷ The amnesty allowed individuals to dispose of certain prohibited handguns that they cannot legally possess. Moreover, the amnesty also provided an additional period of time for individuals in possession of unregistered restricted firearm(s) to register the firearm(s) without fear of repercussion.

4.7 Canadian Firearm Safety Courses

The Canadian Firearm Safety courses are notable successes

The success of the firearm safety courses was a highlight of the CFP's implementation. It demonstrated that safety is a core issue upon which all stakeholders agree. The course materials are superior, and the method of instruction is effective. The success of the safety courses could well become a rallying point in the future promotion of the Program.

Fees can be a barrier to firearm safety training

Safety is a central feature of the CFP, and the CFP safety courses are now recognized as an international standard for firearm safety training. Access to the course, therefore, should be maximized. In jurisdictions without set fees, and particularly in areas with little competition among safety instructors, costs for the safety courses can be prohibitive.⁵⁸

Widely varying fees across Canada are most likely not appropriate for a course that is required to satisfy criteria defined by federal legislation and forms part of a national program.

4.8 Aboriginal Peoples of Canada Adaptations Regulations (Firearms)

Certain Aboriginal adaptation regulations receive limited use by some CFOs

For most CFOs, public safety supercedes the application of the Aboriginal adaptation regulations and as a result, certain regulations receive limited use. For example, while a license eligibility investigation is taking place, an Aboriginal firearm applicant (who has met all the conditions for the adaptation regulations to apply to him/her) can submit, and the CFO must consider, any recommendations from an Elder or leader of the applicant's community about the importance of traditional hunting to the applicant. Many CFOs fail to see why they should expose an Aboriginal community to a potential safety risk that would not be accepted in a non-Aboriginal community; therefore, the utility of this specific regulation (and some others) come into question.

⁵⁸ It is paramount to be cognizant of the fact that safety course delivery is essentially CFO responsibility, and as such, the CFC has little to no influence on how the course is delivered in the opt-in jurisdictions.

4.9 Research

Research can provide important ongoing support to the policy development process and provide empirical grounding for a number of aspects of the CFP and the rationale underlying it. Early into the CFP initiative, the CFC 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 CFC'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 CFP; however, unless research resource levels are significantly augmented, this is highly unlikely.