



NATIONAL
POLICE
FEDERATION

FÉDÉRATION
DE LA POLICE
NATIONALE

SUBMISSION TO THE STANDING COMMITTEE ON PUBLIC SAFETY AND NATIONAL SECURITY

BILL C-21: AN ACT TO AMEND CERTAIN ACTS AND TO MAKE CERTAIN CONSEQUENTIAL AMENDMENTS (FIREARMS)

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Photo sources: NPF social media

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ABOUT NPF

The National Police Federation (NPF) is the sole certified bargaining agent representing approximately 20,000 Members of the Royal Canadian Mounted Police (RCMP) across Canada and internationally. The NPF is the largest police labour relations organization in Canada; the second largest in North America and is the first independent national association to represent RCMP Members.

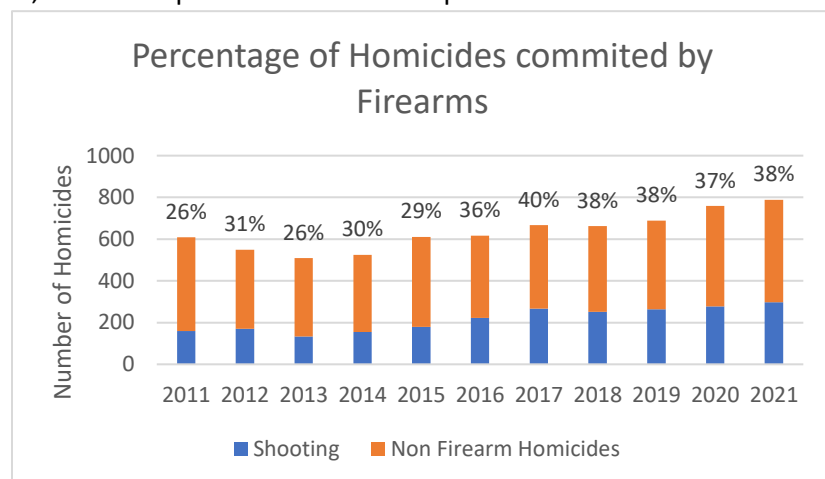
The NPF is focused on improving public safety in Canada by focusing on increasing resources, equipment, training, and other supports for our Members. Better resourcing and supports for the RCMP will enhance community safety and livability in the communities we serve, large and small, across Canada.

SITUATIONAL ANALYSIS

All violent crime indexes in Canada have been increasing exponentially, including firearms offenses. According to Public Safety Canada (PSC) there has been an 81 percent increase in violent offences involving guns since 2009.¹ In 2020, Statistics Canada reported 3,544 firearms offenses overall, a 15 percent increase compared to 2019, and an 84 percent increase compared to 2010.²

From 2018 to 2020 the number of firearm-related homicide victims have also risen from 251 to 277.³ This continues the long-term trend from 2013 to 2020, which saw a 91 percent increase in the rate of firearm-related homicides.⁴

Handguns continue to be the most used firearm in homicides. Approximately 60 percent of homicides in 2018 were committed using a handgun, which are already prohibited or restricted.⁵ In 2020, there were 8,344 victims of crime where a firearm was present during the commission of the offence, representing a 15 percent increase from the previous year.⁶ Firearm-related crimes have, unfortunately, increased for 8 out of 9 years since 2013.⁷



While nationwide data remains to be collected, it is the experience of many law enforcement agencies that most of these guns are illegally obtained. It is important to note, however, that data about firearms traced in Canada and their origins is limited. Canada shares the world's longest undefended border with the world's largest manufacturer of small arms - the United States. As an example, during the April 2020 mass shootings in Nova Scotia that killed 22 people, including RCMP Constable Heidi Stevenson, three of the four firearms used were illegally obtained from the United States.⁸

Gang-related violence is another issue that is also quickly escalating. Since 2013, gang-related homicides in Canada's largest cities have almost doubled. Almost three-quarters (72%) of the 148

gang-related homicides reported in 2020 were committed with a firearm and gang activity was confirmed or suspected in 39% of all firearm-related homicides that year. In 2020, 20 percent of the 743 homicides in the country were linked to organized crime and gangs.⁹ Gangs and organized crime are a major contributor to smuggling weapons and the illegal sale of firearms. Group or individual criminal enterprises are often multi-dimensional, cross jurisdictional, and involve more than one type of illegal commodity or criminal behavior. Law enforcement tactics have evolved from focusing on commodity-based investigation and enforcement to focusing on the underlying issues driving criminality and activity-based investigations.

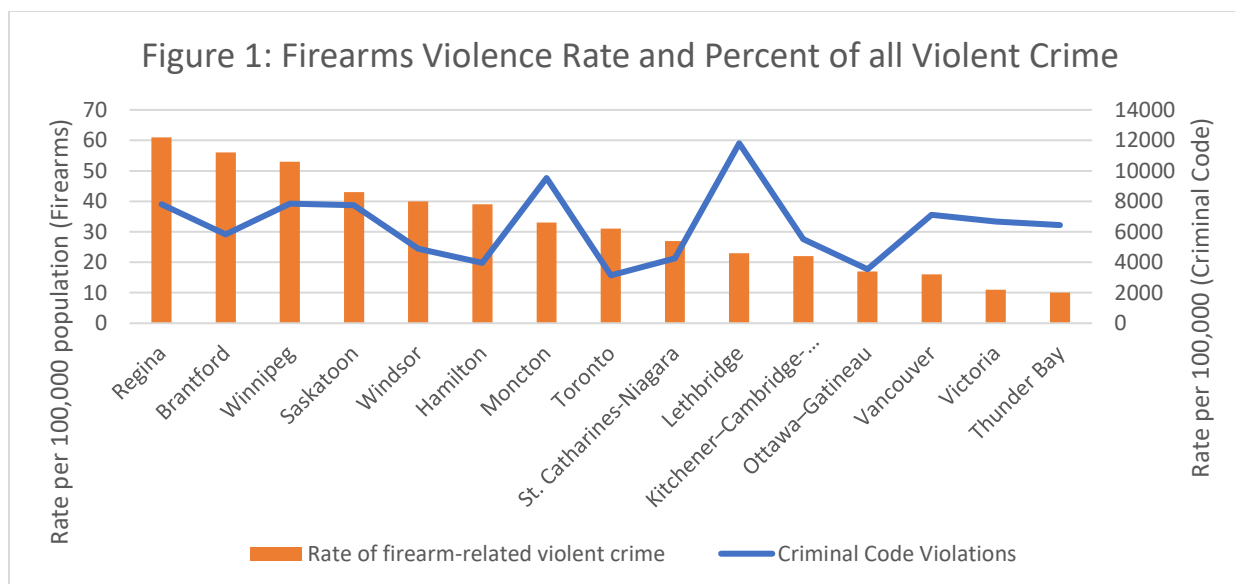
This multi-dimensional approach has yielded the greatest benefit to public safety and should be an important factor in tackling these issues. However, activity-based investigations demand significant resources and dedicated units, while RCMP officers remain under-resourced and are required to cover a wide range of responsibilities already.

FIREARM VIOLENCE & POLICE RESOURCES

Firearm violence is a complex issue that requires a holistic government approach, that includes other aspects, such as community and social programs, criminal justice system improvements, and healthcare resources. This should not be treated as a firearm violence issue only – this is a socio-economic and broader law enforcement matter. The Government of Canada needs to widen its focus, as Bill C-21 narrowly focuses on the “tool” and not the criminality surrounding it. Firearms are simply a tool of criminality. By only addressing the tool, then you are failing to address the root problems, and the criminal perpetrator will continue to offend and victimize with different tools or in complete disregard of the legislation as criminals do obtain firearms illegally today.

Over the past few years, the Violent Crime Severity Index (CSI) in Canada has increased. Between 2020 and 2021 it rose 5% primarily due to a steady rise in sexual assaults. The rise in level 1 sexual assaults accounted for 40% of the increase in Violent CSI. Overall, 1% of violent crimes committed by a current or former spouse or other intimate partner in 2020 were firearm-related.¹⁰ We welcome Bill C-21’s inclusion of “red flag” law, and “yellow flag” law. However, while firearms licenses will identify an owner in one of these situations there is no method of confirmation of the number or type of non-restricted firearms in a home due to the lack of firearms registry. For this reason, it will be difficult to identify firearms that should be confiscated. Additionally, it should be noted that it will put additional pressures on police services who will need to remove or seize a firearm from an individual subject to an emergency weapons prohibition order or ensure that the firearm is surrendered, collected, and tagged by law enforcement.

The NPF supports Bill C-21’s increase in sentencing penalties for firearms smuggling and trafficking. This legislation presents an opportunity to start addressing and tackling gun violence in Canada, by creating a unique system. However, the legislation primarily targets legal firearm owners who have followed the regulations as opposed to addressing the root causes of firearm violence and violent crime in general.



Source: Trends in firearm-related violent crime in Canada, 2009 to 2020, Canadian Centre for Justice and Community Safety Statistics, Statistics Canada. Table 35-10-0177-01 Incident-based crime statistics, by detailed violations, Canada, provinces, territories, Census Metropolitan Areas and Canadian Forces Military Police

As indicated in the figure above, in Canada, the jurisdictions with the highest rates of firearms-related violent crime also have relatively high rates of crime in general.¹¹ Reducing firearm violence is a key issue and should absolutely remain a priority for the federal government. Canada already has a strict licensing regime for firearm purchases and the changes proposed in the legislation unfortunately do not address issues of organized crime and gang violence, illegal weapon smuggling, systemic causes of crime or emerging threats such as 3D printed and “ghost” guns.

While the growing prevalence and threat of illegal firearms in Canada is generally acknowledged, data on the origins of firearms is lacking and greater resources are needed to better understand and address this critical issue. Without it, governments and law enforcement agencies are unable to make informed decisions and legislative and regulatory amendments that target the root causes of gun crime. To that end, Bill C-21 does not address criminal activity, illegal firearms proliferation, gang crime, illegal guns crossing the border or criminal use of firearms. The NPF would caution that it diverts extremely important personnel, resources, and funding away from addressing the more immediate and growing threat of criminal use of illegal firearms.

In October 2022, the First Ministers of Justice and Public Safety from across Canada met. Following this discussion, most provinces and territories came together to call on the federal government to urgently address the increase in violent crimes, including those committed with firearms and other weapons, stable funding for the Guns and Gangs Violence Action Fund, prevent illegal firearms from entering Canada and the illegal manufacturing of ghost guns, and that these efforts and additional resources needed focus towards illegal firearms and criminal interdiction.¹²¹³

Police services need to proper human and financial resources. Without adequate resources, increased police mandates apply additional pressures to uphold and maintain public safety. The government needs to recognize the importance of providing additional support to law enforcement

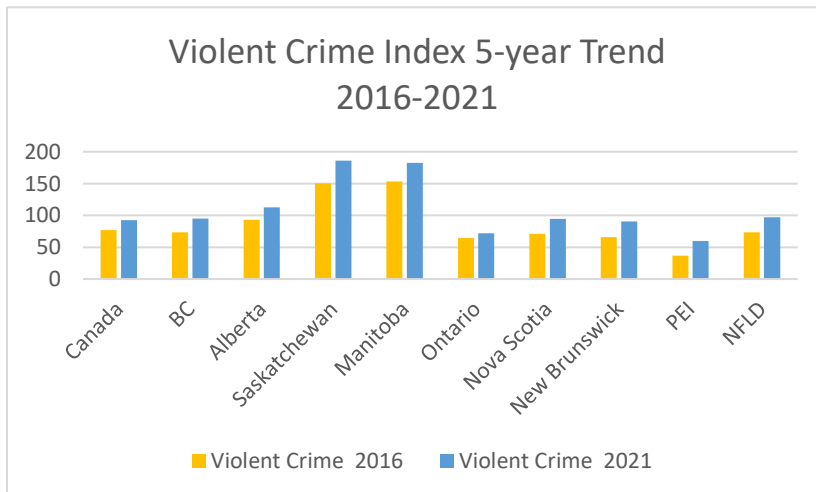
officers to ensure that they can focus on public safety and crime prevention. This legislation must be accompanied by additional resources to RCMP Members and police services across Canada.

We appreciate the commitment made in Budget 2021, for the CBSA, and the RCMP to enhance Canada's firearm control framework. However, considering the rapid increase in gun and gang violence, more investments are required to ensure a manageable workload for our Members and that current staffing challenges are addressed to meet the mandate of Bill C-21.

The NPF supports a fact-based approach to protecting public safety and prevention of gun violence. The safety of the public and RCMP Members is of utmost importance. Government programs should target crime reduction capabilities that are centered in law enforcement investigative strategies rather than measures that do very little to address their goal to increase public safety.

Since 2017, the federal government has invested \$327.6 million over five years to support initiatives that reduce gun violence and criminal gang activity under the Initiative to Take Action Against Gun and Gang Violence. The Government of Canada also invested an additional \$8 million over four years in the Youth Gang Prevention Fund beginning in 2019. In 2022, the government launched the \$250 million Building Safer Communities Fund, aimed at supporting local initiatives that prevent gun and gang violence and help young people make good choices. These programs are needed with sustained investments. However, there remains no publicly available evaluation of all government efforts in combating gun violence and youth involvement in crime to determine specific root causes to align future investments and legislative changes.

In fact, according to Statistics Canada, between 2016 and 2021, while the above funding was in place, the Violent Crime Index across provinces rose 30%. When looking at major urban cities, the Violent Crime Index rose only 11%. During the same time, the Crime Severity Index (CSI) rose 10% across the country.¹⁴



This data further outlines the complexities of addressing gun violence. Bill C-21 should be amended to include a three- and five-year reporting mechanism to evaluate effectiveness of legislation, regulations, implementation of accompanying funding and programs, and analysis impacts on CSI, violent crime, youth violent crime and firearms-related crime.

The NPF recommends:

1. Amendment to Bill C-21 to include a three- and five-year mandatory reporting mechanism to use evidence-based reporting to evaluate the reduction of violent crime and firearms-related crime across the country.

2. Further allocation of human and financial resources to tackle officer staffing challenges and chronic under-funding of programs to ensure the mandate, program needs, and resources required from RCMP Members in the implementation of Bill C-21 are sufficient and do not place additional burden on officer resources.

FIREARM TRACING & DATA

As part of concrete actions to tackle gun violence, the government should develop uniform standards for tracing firearms involved in the commission of a crime, ensuring that police services are adequately resourced to enhance tracing capabilities. The 2022 *“Trends in firearm-related violent crime in Canada”* report cautions that there is little information currently collected about firearms used in crime, such as details about the exact type of gun, who owned it, how it was stored, or whether the owner was licensed. Of particular concern, there is currently little information available to determine the source of firearms used in crime: for example, whether a gun used in a crime was stolen, illegally purchased, or smuggled into the country. This information is sometimes not recorded by police services, recorded inconsistently or, in some cases, the information is simply not available.¹⁵

In Statistics Canada’s 2022 submission to the Public Safety and National Security Committee, the agency noted that not all firearms recovered as part of a police investigation are sent for tracing. While the RCMP has a National Firearms Tracing Centre, there is no requirement for municipal, provincial, or even RCMP detachments to send firearms for tracing unless they need to be used as evidence in court, therefore there is no national database of firearms.¹⁶ In 2020, only 39% of firearms used in firearm-related homicides were recovered, and of those only 69% were sent for tracing.¹⁷ This creates a gap where municipal, provincial, and federal police agencies fail to enter required information into police databases related to seized or found firearms.¹⁸ Significant effort, resources, training, and equipment will be required to close this gap.

The Canadian National Firearms Tracing Centre processes tracing requests for national and international law enforcement agencies, but the center does not collect statistics on illegal guns as it falls outside its mandate.¹⁹ Rather, it determines the history of a gun connected to a criminal investigation and uses that information as potential evidence in court. The information is not retained, rather it is sent back to the police of jurisdiction.

The NPF is encouraged by initiatives such as the *Regulations Amending Certain Regulations Made Under the Firearms Act*, that aim to improve the tracing capabilities of non-restricted firearms.²⁰ However, while efforts to improve tracing are welcome, this issue is much more complex, as, in most cases of crimes involving firearms, the guns are already prohibited and/or illegally obtained. This issue requires a broader approach to effectively tackle firearms offenses.

Aside from information about crime guns, there are several additional gaps in our knowledge of the nature of firearm-related violence in Canada. The extent to which organized crime is involved in firearm-related violence is currently unclear. Patterns in the ethnicity, Indigenous identity (except for

homicide data), and socioeconomic characteristics of both victims and persons accused of firearm-related violence are also unknown.²¹

To fully understand gun crime and firearms use within Canada, we would need to do more tracing on a larger scale. The benefits associated with tracing firearms are significant for the fight against gun crime and gang violence. Evidence-based firearm controls are a vital step for ensuring that the use of firearms is as safe as possible.

The NPF recommends:

3. The Government of Canada update the federal firearms program to require police agencies to submit for tracing firearms that were acquired by police in relation to criminal activity.
4. National standards be created for collecting information by police agencies to ensure data consistency and subsequent research into trends is consistent.

BORDER SECURITY

Stopping the illegal flow of firearms into Canada will help to prevent gun crime. Firearms trafficking is a serious problem, one that law enforcement agencies can't combat on their own. Partnerships across jurisdictions, judges, prosecutors, government officials, in collaboration with law enforcement are necessary to facilitate information sharing and to discovering illegal gun trafficking patterns and crime syndicates.

While the RCMP and CBSA are intercepting many illegal firearms at the border, gun crimes are still becoming more prevalent, and without adequate resourcing, firearms will continue making their way into Canada. As an example, due to challenges created by the pandemic, the B.C. RCMP Federal Border Integrity Program had to deploy additional personnel to increase police presence and enforcement between the ports of entry. This increase in resources resulted in over 600kg of drugs and 14 firearms seizures.²²

In 2020, 3,818 firearms were recovered in Canada and traced back to a source in the USA.²³ In the 2021-2022 fiscal year, the CBSA seized 1,203 firearms and 73,101 other prohibited weapons, up from 548 firearms and 51,910 other prohibited weapons the year before²⁴. Even without the adequate resources, the RCMP, in coordination with provincial, municipal, and Indigenous police services, the CBSA and support teams such as the National Weapons Enforcement Support Team, have seized hundreds of illegal firearms.²⁵

In addition, many of the components of firearms are legal to import on their own, and now those parts that are not legal for import can be 3D printed with designs found online. As noted in the NPF's previous submission to this committee on Gun Violence, these firearms are untraceable and present an easy way for organized crime to obtain them.²⁶ In the Vancouver Police Department's submission, they recommend the regulation of the sale and possession of these components that can be used to manufacture firearms privately. Currently only the receiver is subject to regulation and can be 3D printed or modified from an airsoft weapon.²⁷ The NPF supports this recommendation.

Despite tireless work by the RCMP, firearms are still trafficked into Canada. There must be tools for deterring individuals from committing serious crimes related to firearms and drug trafficking, considering the serious harm these criminal activities inflict on vulnerable communities. As drug markets in Canada continue to increase, so too will organized crime, firearms usage, and illegal importation.

The NPF recommends:

5. Enhance the RCMP's Border Integrity Program to enable dedicated proactive RCMP investigative weapons enforcement activity and the dismantling of gang and organized crime involved in smuggling firearms.
6. Develop a National Operational Investigative Program.
 - a. A unified program led by the RCMP, to provide adequate support for firearms control in Canada. Support, control, and investigative tools would be concentrated in one place.
 - b. Implementing a strategy to curb the proliferation of illegal firearms manufacturing through the establishment of a dedicated multi-jurisdictional task force on Component Assembly Guns within the Program.
 - c. Provide sufficient funding for the personnel and resources needed to create, administer, and manage this national program.
7. Regulate the import and sale of firearm components that can be used in the 3D printing of firearms.

YOUTH AND GANGS

Bill C-21 should also focus on keeping communities safe by improving public understanding about the risks of gun violence, working with community leaders, and reducing easy access to firearms, especially for at-risk individuals.

However, the proposed legislation fails to address the increasing concern over the involvement of younger persons in shootings and the risks that youth might face from gun violence. In Toronto, in 2021, the average age of persons involved in shootings, either as an accused or suspect, or as a person of interest, dropped from 25 to 20 years of age.²⁸ It is estimated there are over 400 street gangs operating in Canada. The majority of them use violence to further their criminal activities. A lot of their activities are high visibility crimes.²⁹ Gang activity is often linked with illegal drug trafficking and competition for control of the illegal drug trade. In 2021 there were 1,109 drug trafficking offenses linked to organized crime, a 51% increase from 2017 when there were 733 incidents.³⁰

The demand in Canada for fentanyl and methamphetamine, as well as other drugs, fosters competition between gangs and organized crime, and encourages, even further, a potential increase in violence and youth involvement. A 2021 report from the Criminal Intelligence Service Canada, highlighted that over 2,600 Organized Crime Groups continue to contribute to the increasing number of fentanyl-related deaths, methamphetamine addiction, and firearms related violence.³¹

A whole-of-government approach is required to address gun and gang activity and investments in diverting youth from joining these gangs must be an essential part of the plan. Law enforcement agencies, governments, schools, social services, neighbourhood leaders and community organizations need to work together to identify and implement effective tools and programs focused on youth at risk of gun violence. There needs to be investment ensuring youth in rural and remote communities, who have less access to programs, do not become involved in organized crime. In many remote areas, local RCMP Members are the only available resource these young people may interact with. The government should recognize the importance of increasing police resources to combat violence, with particular emphasis on enhancing youth and young adult gang diversion efforts, while encouraging greater diversity in police services.

The NPF welcomes investments in community safety, such as investments in gang prevention initiatives. These investments are much needed. In 2021, for example, almost a quarter of Canada's homicide victims were linked to gang violence and organized crime. Funding community safety efforts goes a long way to preventing these crimes. Bill C-21 and following regulations should focus on tackling systemic issues that allow gun and gang violence to take place. This legislation is an opportunity to create a unique system to deal with this issue, by strengthening border controls, imposing stronger penalties to combat firearms smuggling and trafficking, and thereby reducing the presence of illegal firearms in Canadian communities and the frequency of them being used to commit criminal offences.

The NPF recommends:

8. The Government of Canada increase youth diversion programs from gang culture as a measure to prevent gun violence and divert youth away from the criminal justice system.
9. Increase police resources to combat gang violence, with a focus on enhancing youth and youth gang diversion efforts.
10. Increase access to necessary diversion programs in rural and remote areas to reduce racialized youth and Canadians in the prisons.
11. The Government of Canada recognize serious crimes involving firearms and drug trafficking should bear serious penalties given their large threat to public safety, that violent offenders should be kept off the streets, and that a public health response is needed with increased program funding and police resources.

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