

Final Submission

Access to Firearms & Regulatory Impacts

Prepared by:

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Perspective of the Canadian Coalition for Firearm Rights (CCFR)

This final report is an updated version of our preliminary report as very little has changed concerning the fact pattern of the mass casualty event. The CCFR takes very seriously its role in this inquiry, and thus will focus on this tragedy alone. We believe this is what families of the victims, the residents of the affected communities and Canadians expect.

The CCFR was given standing as a participant in the Mass Casualty Commission's inquiry around questions regarding access to firearms and any influence Canada's firearm regulation system may have had. Overall, the CCFR will provide insight and commentary to the following questions:

- What were the origins of the various firearms the perpetrator both had in his possession and had ancillary access to?
- How did the perpetrator obtain his firearms?
- Did Canada's regulatory system mitigate the perpetrator's ability to commit his crimes?
- What were the failures of Canada's regulatory system around firearms?
- What regulatory opportunities exist to prevent or mitigate similar events in the future?
- What other insights can benefit the conversation around access to firearms in similar situations?

Relevant Information Concerning the Perpetrator

The perpetrator was not licensed to own firearms¹. The perpetrator had no known connection to the (legal) firearms community. The perpetrator considered going through the licensing system in Canada, after which it is possible, he could have had legal access to the same or similar firearms domestically that he used in the mass casualty event². The perpetrator was involved in cross-border smuggling activities and had a reputation for unusual and violent behavior going back beyond a decade. There are numerous witness reports of the perpetrator being in possession of many different firearms over several years.

The Perpetrator's Firearms

According to Commission documents³, the perpetrator had direct possession of several firearms during the mass casualty event. The following is a summary of the firearms and relevant points concerning these firearms

1. Glock 23, semi-automatic handgun
 - a. A prohibited firearm in Canada though similar firearms can be owned with the appropriate licensing and strict usage and storage requirements.
 - b. This firearm was obtained illegally in the United States, illegally smuggled over the Canadian border, and was illegally possessed and used in Canada⁴.

2. Ruger P89, semi-automatic handgun
 - a. A (currently) restricted firearm in Canada, can be owned with the appropriate licensing and strict usage and storage requirements. Restricted firearms are registered in Canada.
 - b. This firearm was obtained illegally in the United States, illegally smuggled over the Canadian border, and was illegally possessed and used in Canada⁵.

3. Colt LE Carbine (AR-15), semi-automatic rifle
 - a. Prior to May 1, 2020, this rifle was a restricted firearm in Canada, and could be owned with the appropriate licensing and strict usage and storage requirements. This is currently a prohibited firearm in Canada. Restricted and prohibited firearms are registered in Canada.
 - b. This firearm was obtained illegally in the United States, illegally smuggled over the Canadian border and was illegally possessed and used in Canada⁶.

4. Ruger Mini 14, semi-automatic rifle
 - a. Prior to May 1, 2020, this rifle was a non-restricted firearm in Canada, and could be owned with the appropriate licensing and strict usage and storage requirements. This is currently a prohibited firearm in Canada.
 - b. This firearm was obtained illegally in Canada via fraud and was illegally possessed and used in Canada⁷.
 - c. It is unknown if this firearm had been directly used against any of the victims.

5. Smith & Wesson 5946, semi-automatic handgun
 - a. A (currently) restricted firearm in Canada, can be owned with the appropriate licensing and strict usage and storage requirements. Restricted firearms are registered in Canada.
 - b. This firearm was an RCMP-issued weapon, illegally obtained through the attack against Cst. Heidi Stevenson and was illegally possessed and used in Canada⁸.

The perpetrator also had ancillary access to a Remington 870, pump-action, 12-gauge shotgun that was found at his warehouse in Portapique. The building had been burned⁹. Investigators were unable to trace this firearm to determine how the perpetrator came into possession of it.

Canada's Regulatory System

Even though at points during the mass casualty event, the perpetrator had possessed five firearms, he primarily made use of two. These were the Glock 23 (a handgun) and the Colt LE Carbine (a semi-automatic rifle). These firearms were both illegally obtained in the United States and smuggled into Canada. Clearly, his possession of any other firearm made no demonstrable difference in any aspect of the events of April 18th and 19th, 2020.

Licensing

The perpetrator attended a Canadian Firearms Safety Course, a requirement to apply for a firearms license in Canada¹⁰. He passed the course but did not apply for a license. Assuming the perpetrator did not have a previous criminal record, he would not have been disqualified for approval. He was, however, well-known in the community for unusual and violent behavior. If his references were called during the application process, he may have been flagged for review or deemed ineligible. In the perpetrator's case, it seems he found it easier and or more desirable to obtain his firearms illegally. Based on witness accounts of the myriad of firearms he reportedly possessed over the years, unlawfully obtaining and keeping firearms wasn't something he found particularly challenging.

Clearly, the licensing system in Canada did not, and could not play any part in preventing or mitigating the mass casualty event.

Possession Offenses

In Canada, no one without a specific license or authorization by other authority can be in possession of a firearm. In other words, every unlicensed individual is banned from possessing a firearm by default. Unauthorized possession of a firearm, and while knowing its possession is unauthorized are serious criminal offenses. It's clear that none of these offenses or their penalties deterred the perpetrator. Thus, these regulations had no effect in preventing or mitigating the mass casualty event.

Public Safety Complaint System

There is much talk at present in Canada regarding the need for so-called "Red Flag" laws. These laws have existed for decades in Canada and provide for the seizure of firearms in cases of concern for public safety including laying out grounds for search warrants. The law also allows for warrantless searches in circumstances considered exigent. These laws can be found in Section 117 of the Criminal Code of Canada.

These tools were not used by police at any opportunity despite serious and repeated public complaints against the perpetrator. These existing laws may have had a potential effect on preventing or mitigating the mass casualty event. The failure was systemic in nature, a failure of law enforcement to utilize existing regulation.

Firearm Registration

The two firearms the perpetrator used most often could have been replaced with similar firearms available in Canada. Firearms comparable to the ones he used would have been restricted in Canada and therefore registered.

After a complaint to police against the perpetrator for issuing a death threat towards his own parents in 2010, a firearm registry search was performed¹¹.

Of course, the search came up with no registered firearms. A registry search under the perpetrator's name would return no registered firearms even if it were performed today. Firearm registration in Canada had no effect in preventing or mitigating the mass casualty event.

Magazine Capacity Limits

In Canada, firearm magazine capacities are limited for some firearms. Magazines designed for centerfire, semi-automatic rifles and shotguns are limited to five rounds. Magazines designed for handguns are limited to 10 rounds. All of the relevant magazines in the perpetrator's possession were standard capacity. Meaning, they held more than the prescribed (legal) number of rounds. It's apparent they were illegally imported via smuggling from the United States. Note, that even if he couldn't obtain magazines from the United States, firearm magazines are uncomplicated and can be easily made with 3D printers. Magazine capacity limit regulations had no effect in preventing or mitigating the mass casualty event.

The Proliferation of Firearms

The facts in this case are similar to the overwhelming majority of firearm-related homicides and assaults in Canada. These crimes are committed with illegally acquired firearms, mainly smuggled from the United States. No one knows how many firearms there are in circulation, though some estimates assume roughly 370 million in the United States and up to 20 million in Canada. There is no practical way to rid North America of illicit firearms, it just isn't possible. Individuals like the perpetrator will always have access to firearms regardless of what prohibitions exist in Canada. Reducing, preventing or addressing violence in society should be a focal point in the Commission's final report.

Firearm prohibitions are a reflex by many in the face of events like these. Prohibitions and regulation did nothing to prevent or mitigate this mass casualty event. But worse, prohibitions exclusively affect the law-abiding and put the public at risk.

Self Defence

Canadians legally own firearms for good and sufficient reasons and have since well before the confederation of our country. Canadians' own firearms for hunting, sport shooting, collecting and are uniquely suited for purposes of self defence in the rare cases it becomes necessary. We have seen many examples of this, good citizens who are alive having made the decision to use a firearm in self defence and living to share the experience. In reality, there are many variables involved in a favorable outcome in these types of situations. Concerning the mass casualty event, most of the interactions the perpetrator engaged in during his crime spree presented little opportunity for self-defence when an unsuspecting public was being approached or visited by what appeared to be a calm, uniformed police officer driving a vehicle that looks identical to a police cruiser. Although, there was one interaction that is worth considering, the perpetrators attendance at the home of Adam and Carole Fisher.

Adam Fisher was an acquaintance of the perpetrator. They had visited each other at their homes and spoke specifically about their interests. It's unknown if they talked about firearms though the perpetrator was well known to share information about his firearms, show them and in some cases threaten others with them¹². It is reasonable to assume that the perpetrator knew Adam Fisher was a gun owner since they specifically spoke about being outdoorsmen.

During his prolonged attack, the perpetrator drove into the driveway of Adam and Carole Fisher's home and retrieved a firearm from his mock police car¹³. The Fishers saw him and recognized him as the perpetrator as they were aware of who he was by that time. Mr. Fisher removed a shotgun from his safe and loaded it. The perpetrator did not enter the Fisher's home, nor did he set it on fire as he did to others. The perpetrator quickly left; the Fishers were the only people to survive an interaction with him.

Is it possible the perpetrator remembered Adam Fisher was a gun owner? This is speculative, but what isn't, is that if the perpetrator had forced his way into the home, it's highly likely that his rampage would have ended there. Again, this is a non-controversial, unassailable reality, and worth considering. If the Fishers were prohibited from owning firearms, they may very well have fallen victim to the perpetrator as others did. Again, firearm prohibition did not, and would not affect the perpetrator at any level.

Regulatory Reform & Closing Thoughts

Due to the unambiguous, physical nature of the mass casualty event, no changes in control of firearms, magazines or firearm accessories will have any effect in preventing or mitigating future events of this kind. This tragic event involved people and actions that exist outside of our regulatory and societal system. It was a physical impossibility for any authority to be present at the time and place of each shooting. These attacks happen in seconds and in no more than minutes. No regulation in Canada or the United States comes in to play in any meaningful way. The only variable in these situations is the ability for an individual to defend themselves against attack, at the time of the attack. This is an unavoidable, physical reality, though a difficult conversation in Canada.

In response to the mass casualty event, the Liberal Government enacted a sweeping ban of firearms in Canada. This crime was not carried out with firearms sourced in Canada. It is important to realize that if a total ban on all firearms existed in Canada throughout the last century, this event would have played out in precisely the same way, with one possible exception; Adam and Carole Fisher may have lost their lives to the perpetrator.

In other individual situations involved in these particular attacks, the possibility of self defence would have likely been negatively affected because of the perpetrator's detailed impersonation of a police officer.

Equally damaging was the lack of notification to the public that the perpetrator was impersonating police. If these two issues weren't present, it's reasonable to assume some, if not many, would not have fallen victim to the perpetrator.

Recommendations

The Canadian Coalition for Firearm Rights makes the following recommendations:

1. As smuggling was the method the perpetrator used to obtain his firearms, we recommend the government work with relevant officials in focusing on reducing smuggling of firearms across the Canada\US border.
2. As two potential victims are alive today as a possible result of their ability and willingness to defend themselves, we recommend the government refrain from discouraging citizens from exercising their right to self defence under the Charter of Rights and Freedoms.
3. The CCFR recommends that a policy change be enacted to place an onus on local law enforcement to notify the public in the event of spree violence of any kind when it is occurring in the community. The "Amber Alert" system and social media accounts would be reasonable mechanisms to consider.

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Footnotes

¹ Sec 93, Mass Casualty Commission, Foundational Document "Firearms" COMM0046252_0029

² Sec 90, Mass Casualty Commission, Foundational Document "Firearms" COMM0046252_0029

³ Mass Casualty Commission, Foundational Document "Firearms" COMM0046252

⁴ Sec A, Mass Casualty Commission, Foundational Document "Firearms" COMM0046252_0030

⁵ Sec B, Mass Casualty Commission, Foundational Document "Firearms" COMM0046252_0036

⁶ Sec C, Mass Casualty Commission, Foundational Document "Firearms" COMM0046252_0039

⁷ Sec D, Mass Casualty Commission, Foundational Document "Firearms" COMM0046252_0046

⁸ Sec C, Mass Casualty Commission, Foundational Document "Firearms" COMM0046252_0049

⁹ Sec 195, Mass Casualty Commission, Foundational Document "Firearms" COMM0046252_0053

¹⁰ Sec 91 & 93, Mass Casualty Commission, Foundational Document "Firearms" COMM0046252_0029

¹¹ Sec 16, Mass Casualty Commission, Foundational Document "Firearms" COMM0046252_0009

¹² Multiple sections throughout, Mass Casualty Commission, Foundational Document "Firearms" COMM0046252_0009

¹³ A Glenholme Couple's Close Call with a Mass Murderer, Halifax Examiner March 31, 2022