

TRIGGERING EFFECTIVE GUN CONTROL

Following the misty trail of illegal firearms



by Ryan Siegmund

Every day police officers risk confronting culprits with guns which could have been taken off the street with better enforcement, according to the National Weapons Enforcement Support Team (NWEST).

NWEST was established primarily to assist police agencies in shutting down the illegal movement of firearms and share knowledge and resources. In the past, a lack of knowledge on how to process illegal firearms has hindered police attempts to get guns off the street.

"Before, most police agencies would not trace a firearm to find out the origin of it, where it came from and how it got to where they had the opportunity to seize it," says Bob Frolic, NWEST director. "What we are saying is, one gun could be the missing link in identifying a gun trafficker..."

"If we just take the gun and put it in a vault and eventually destroy it – really we are not doing an effective job."

Canada's first national firearms enforcement support team, NWEST specializes in supporting criminal investigations but also offers training, lectures, analytical assistance, serial number recovery techniques, firearms identification, access to specialized databases and expert court witnesses.

"What we wanted to do was to take a more pro-active approach and shut down the sources of the illegal movement of firearms," says Frolic. "If we can shut down a trafficker or an illegal gun dealer and show a pattern that these guns are showing up in a certain area – that is what it is all about."

Information about illegal firearms must be followed up by front line officers, notes Frolic. "In Ontario we had a pretty good handle on the firearms problem but we didn't have a connection to all the other provinces – now we do. Now we have a national point of contact dealing with firearms trafficking in Canada.

"The bottom line from our world is, if we keep reacting to crimes – that's all we will ever do in this country."

Origins

Launched and managed by the Ontario Provincial Police in 1994, the provincial weapons enforcement unit (PWEU) was the first dedicated response to illegal firearms in the country. When the federal government rewrote the firearms legislation in 1995, the Canadian Firearms Centre (CAFC) looked to Ontario when developing ways to help police combat firearms problem across the country.

As a result, the CAFC developed the National Working Group on the Illegal Movement of Firearms, which empowered a 'core group' to research the scope of firearms crime in Canada. The group made presentations to various police agencies, reviewing enforcement, identification and tracing of firearms.

Frolic, then with PWEU and a member of the core group, says it was pretty evident at that time the firearms act wasn't clearly understood, especially the processes available to police to bring successful prosecutions forward. There wasn't one national agency with a system that could readily identify a firearm for police or advise them on legal processes.

"Nor was there a clear understanding of what a 'trace' meant, or even how to access the Canadian system on querying firearms licensing and registration," he adds.

After their review, the core group informed CAFC that, for firearms legislation to be effective, investigative expertise had to be offered to police. As a result, the federal government decided in Jan. 2001 to fund the NWEST program to assist front line officers in effective firearms enforcement.

The decision was supported by the provincial and Canadian chiefs of police associations and the Canadian Police Association (CPA).

Today the program has 34 'go to' members – provincial, municipal and federal police officers in the majority of Canada's largest police services. NWEST is headquartered in Mississauga, Ontario and has regional offices in Victoria, BC and Montreal, Que. It assisted police with roughly 4,500 files last year.

NWEST was originally housed within the Federal Department of Justice, however the program and responsibility was transferred to the National Police Service (NPS), under the stewardship of the RCMP, by a federal order-in-council in April, 2003. The National Police Service was a natural fit for NWEST, as it provides essential, front-line support services to law enforcement in Canada and abroad and has become an internationally recognized model of integrated policing.

Tracing and firearms identification

When NWEST follows up on seized firearms, it is primarily interested in identifying the source, since guns in Canada generally don't stay in one particular area. Prior to its establishment, there was no system that could track firearms and link them to other crimes.

The search in Canada begins with the last registered owner, but many non-registered firearms have been traced to the United States. Frolic says it's like a fingerprint, and tracing the firearm to its original point of sale, beginning with the manufacturer.

NWEST has improved upon this tactic by developing a good working relationship with the US Bureau of Alcohol, Tobacco and Firearms (ATF), which traces firearms seized in Canada back to the manufacturer or retailer. This initiative looks to identify gun dealers or 'straw purchasers'; people who buy firearms in the US on behalf of criminals who smuggle them into Canada to traffic.

Firearms enforcement is very much a specialized field, Frolic maintains. In the past, he says police tended to be solely interested in prosecuting those involved in firearm related crimes, shying away from processing the firearms; "but if you do it day in, day out – it's not a hard process," he says.

"We are finding now that if a police officer in Canada recovers a gun, they just call NWEST in their area of jurisdiction and we will walk them through the process. It makes

it a lot easier for them because we were missing a lot of information before that we are not missing now.”

Firearms identification is another area of expertise lacking in the past that is provided by the team on a regular basis, with the assistance of the Firearms Reference Table (FRT) CD-ROM. Developed by the RCMP, it includes photos, history and classifications.

Public agent regulation

The Firearms Act Public Agent Regulations, scheduled to come into effect Sept. 30, will require all police agencies to report to the firearms registrar, within 30 days, all firearms that come into their possession. “That will be a wealth of information for intelligence and analytical processes,” says Frolic. “With that, all firearms will be queried, traced and we will have an extremely good handle on the firearms movement in this country.”

“Guns that used to fall through the cracks of enforcement – we are now going to know about them and we are going to get that information quickly. Before, we wouldn’t know about some of the guns until somebody did an audit of their vault and checked the results with investigators.”

Frolic says police would recover stolen property, including firearms, and put them on one property record report. Now most agencies track firearms separately and the information is easily retrievable.

“With the public agent regulation we will know exactly where they are and how many there for every enforcement agency in Canada – it’s a huge step.”

Most major police services now have a system to track firearms and/or have a separate repository for them. Before NWEST though, Frolic says, most police agencies couldn’t push a button and determine how many firearms they had in their vault.

“That’s what our (NWEST) members have been doing in their respected services across Canada,” says Harvey Williams, NWEST firearms investigations specialist. “They are making sure they are getting into those vaults and checking them so that we are up to date.”

Gun registry

CPIC and the Canadian Firearms Registry On Line (CFRO) is a useful starting point for NWEST in attempting to identify gun owners and discover how their firearms ended up at crime scenes. The new CFR on-line system is used roughly 2,000 times a day. Frolic says some have questioned whether it has actually prevented much crime.

“How can you identify or prove a negative? Every time we get a gun off the street, it potentially could have caused a lot of havoc,” he says. “Most criminals would retain these firearms until they become too hot or they would have no need for it any longer.”

The system is all about accountability and responsibility, he says, adding that, before the registry, anyone could sell guns without being held responsible or accountable. NWEST is now finding that a lot of firearms are being thrown away because people do not want to

register them.

“To purchase a firearm legally in this country requires that you be trained and tested in safety and have basic knowledge about firearms. Criminals must rely on either stealing one or trying to smuggle one into the country.”

The costs of implementing the firearms program has been severely criticized. Frolic says it has its purpose and is a useful tool in criminal investigations involving firearms. Without the full firearms package, including licensing, registration and ongoing eligibility, we would be taking a giant step backwards, he says, adding he’d hate to think about what it would be like if there were no firearms control.

NWEST does not have a database at present, other than reports it has assisted with

and collected. Williams says a global database would be an effective tool, however he notes such a large scale operation is not an easy process to implement.

“That capability to link them is there within the system, it’s just a matter of international agreements between countries being met,” he explains.

One global initiative is the Integrated Ballistic Identification System (IBIS), which is currently in 29 countries. It can link casings and bullets to a specific firearm and was used in the Washington sniper case. Ottawa, Montreal and Toronto currently have IBIS, and there are plans to expand it to Vancouver, Regina and Halifax.



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International firearms trafficking school

NWEST coordinates an international trafficking school where police can learn about firearm issues and how to better combat the illegal trade. Japan, China, South Africa, Bosnia and the US all made presentations at the last meeting, which was held in Halifax.

"When a lot of these countries do their presentations, it's interesting to find out a lot of them have similar problems to what we have," says Frolic. "A major problem with firearms identification globally is trying to track the movement of firearms. The OAS agreement and UN agreement are trying to mark small arms so that firearms that end up in different countries can be identified."

NWEST is planning to host another session in Victoria this spring and anticipates at least 18 countries will participate.

"It's all about sharing and talking about how to proceed and what tools are available to us to make it a lot easier for the front line officer."

New initiatives

NWEST does not take the lead in an investigation because of a lack of personnel, though that is a goal because of the large number of files that need to be followed up. Frolic says the agency is a victim of its own success in that it's becoming harder to keep up with the ever increasing number of requests for assistance.

"The more front line officers realize the tools that are available to them that make their job easier – we are going to get a lot more calls. Eventually, in a perfect world I suppose, once everybody is trained, it will make our job a lot easier getting illegal guns off the street – 'cause that is really what we are trying to do."

"There are so many other areas of importance we have to look at, like coordinated training with prosecutors and making sure the judges are aware of all the provisions associated with firearms."

The government has given NWEST a vote of confidence by pledging funding through 2009.

Prohibited magazines



by Dave Brown

Stemming the flow of illegal firearms onto the streets of Canada is an important job. Illegal firearms are often accompanied by prohibited magazines and it usually takes only a few moments to determine if additional charges are possible when encountering illegal weapons.

Under Canada's Firearms Act, certain high capacity magazines, other than for police and military use, are considered "prohibited devices." In general terms, all handgun magazines are restricted to ten rounds capacity. All semi-automatic centerfire rifle and shotgun magazines are restricted to five rounds capacity.

Handgun magazines

- All action types: Maximum regulated capacity = 10 rounds

Rifle and shotgun magazines

- Semi-automatic centerfire rifles: Maximum regulated capacity = 5 rounds
- Semi-automatic shotguns: Maximum regulated capacity = 5 rounds

Magazine capacity not regulated

- All rimfire rifles
- All bolt-action rifles and shotguns
- All lever-action rifles and shotguns
- All pump-action rifles and shotguns
- M1 Garand rifles

There are other exemptions in the regulations dealing with certain specific and historical firearms. Provinces also regulate magazine capacity for hunting activities.

The regulations apply to both box and tubular-type magazines. Some magazines have numbers marked against holes to show at a glance how many cartridges are loaded, but these numbers cannot be used to determine the maximum capacity. Larger capacity magazines may have been altered to comply with the regulations. To test the capacity, simply load actual cartridges designed for the magazine into it.

Additionally, some legal ten-round capacity handgun magazines or five-round rifle magazines may hold an additional cartridge if the spring is very tightly compressed, but a magazine loaded in such a way cannot be properly seated into a firearm with the action closed. To be considered a prohibited device, magazines must clearly contain more than the regulated capacity and leave enough room to properly seat.

New semi-automatic rifles that use handgun magazines are being introduced into the Canadian market, and questions are currently being raised about their magazine status. A detailed reading of the regulations show that the ten-round capacity limit applies to magazines designed for handguns, not what the magazines are currently inserted into. This means that some jurisdictions view ten-round handgun magazines in semi-automatic rifles to be legal.

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