



DEC 13 2016

Mr. Dennis R. YOUNG
1330 Ravenswood Drive SE
Airdrie, Alberta
T4A 0P8

Received
Dec 28th, 2016
DJ

Dear Mr. YOUNG:

This is further to our response on December 30, 2013 regarding your request under the *Access to Information Act*, which was received by this office on June 28, 2013, to obtain:

All procedures from 2013 to August 30, 2016, regarding what a police officer should do when he/she stops an individual with a firearm

Enclosed is a copy of all the information relevant to your request, which are disclosed in their entirety.

Please be advised that you are entitled to lodge a complaint with the Information Commissioner concerning the processing of your request within 60 days after the day that you become aware that grounds for a complaint exist. In the event you decide to avail yourself of this right, your notice of complaint should be addressed to:

Office of the Information Commissioner of Canada
30 Victoria Street, 7th Floor
Gatineau, Quebec K1A 1H3

Should you wish to discuss this matter further, you may contact Ms. Crystal Holub at 613-843-5216 or Crystal.Holub@rcmp-grc.gc.ca. Please quote the file number appearing on this letter.

Regards,

Supt. David Vautour
Access to Information and Privacy Branch
Mailstop #61
73 Leikin Drive
Ottawa, Ontario K1A 0R2

Royal Canadian Mounted Police
Gendarmerie royale du Canada

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Operational Manual

ROYAL CANADIAN MOUNTED POLICE

[Part 22 -- Table of Contents](#)

New Chapter: 2014-02-18

Bulletin

22.4. Firearms, Prohibited Weapons, Munitions, and Explosives

1. [General](#)
2. [Roles and Responsibilities](#)

[Related Links](#)

(For information regarding this policy, contact National Criminal Operations,
Contract and Aboriginal Policing.)

1. General

1. 1. Incidents involving firearms, prohibited weapons, munitions, and explosives are potentially high-risk situations.
1. 2. For incidents involving suspicious packages, see [ch. 14.6](#).
1. 3. For incidents involving explosives, see [ch. 33.3](#).
1. 4. Treat all firearms as "loaded" until proven otherwise.
1. 5. Only RMs or personnel who have completed or received credit for the [Canadian Firearms Safety Course](#) will handle firearms.
1. 6. Seized or exhibit firearms must be registered in accordance with the [Public Agents Firearms Regulations](#).
1. 7. Definitions for the following are found in [sec. 84, CC](#): Authorization, Prohibited Firearm, Prohibition Order, Registration Certificate and Restricted Firearm.

2. Roles and Responsibilities

2. 1. Member

2. 1. 1. General

2. 1. 1. 1. Query the seized weapon and associated person on CPIC, NCIC, and Canadian Firearms Registry Online (CFRO).
2. 1. 1. 2. Ensure that the firearm has been proven safe and rendered inoperable with a trigger lock or a plastic locking tie, i.e. zap strap.
2. 1. 1. 3. Complete form 5.2 - Report to a Justice when a weapon or a firearms permit is seized. See [sec. 117.04, CC](#).
2. 1. 1. 4. For a Firearms Interest to Police, CPIC entry, see [CPIC User Manual, III.4.1.1.5](#).

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2. 1. 1. 5. For information on tracing a firearm, see ch. 4.14.

2. 1. 1. 6. For an illegally imported firearm, follow *Customs Act* seizure outlined in App. 8-General-5. For disposal procedures, see App. 8-2-13.

2. 1. 2. Offence Committed

2. 1. 2. 1. To search and seize without a warrant, see sec. 117.02, CC.

2. 1. 2. 2. To search and seize with a warrant, see sec. 487, CC.

2. 1. 3. Prohibition Orders

2. 1. 3. 1. Seize by warrant under sec. 487, CC or without a warrant under sec. 117.02, CC, if a person in possession is prohibited by a court order under sec. 109, 110 or 111, CC.

2. 1. 3. 2. For information on Prohibition Orders, see ch. 4.13.

2. 1. 4. Public Safety - No Offence Committed

2. 1. 4. 1. To search and seize without a warrant, see sec. 117.04(2) and 117.04(3), CC.

2. 1. 4. 2. To search and seize with a warrant, see sec. 117.04(1) and 117.04(3), CC.

2. 1. 5. Failure to Produce Authorization

2. 1. 5. 1. Seize a firearm, prohibited weapon, restricted weapon, prohibited device, or prohibited ammunition from a person who fails to produce an authorization or license for possession. See sec. 117.03, CC.

2. 1. 5. 2. When a weapon, prohibited device, ammunition, or an explosive substance is seized under sec. 117.04(1) or (2), CC in the interest of public safety, the permit for the weapon is considered revoked by sec. 117.04(4), CC and sec. 5, Firearms Act, even if it is not found in the search and seizure.

2. 1. 6. Restricted and Prohibited Firearms

2. 1. 6. 1. Seize in accordance with sec. 117.03(1), CC, if the restricted or prohibited firearm is found at the place indicated on the registration certificate and the person fails to produce a registration certificate for inspection.

2. 1. 6. 2. Seize in accordance with sec. 117.03(1), CC, if a registration certificate is produced but the person is transporting or carrying the firearm without an authorization or is violating the conditions of the authorization to transport or carry.

2. 1. 6. 3. Seize in accordance with sec. 117.03 or 487, CC, if the firearm is registered but found elsewhere than at the place indicated on the registration certificate.

2. 1. 6. 4. Seize in accordance with sec. 117.02(1) or 487, CC, if the firearm is not registered and the person does not have an authorization to convey for registration/transport, or business permit to sell restricted weapons and if the person is in violation of authorization restrictions.

2. 1. 7. Explosives

2. 1. 7. 1. Due to the inherent danger involved in handling explosives and explosive devices, it is imperative to seek the assistance of a Police Explosive Technician (PET) at the onset of all cases involving explosives, suspected explosives, or bomb-making materials. Proceeding without the technician's assistance endangers public and member safety. See ch. 33.3.

2. 1. 7. 2. Handling, storage or disposal of explosives and explosive devices must be in accordance with ch. 14.6 and ch. 33.3.

NOTE: Every person who executes a warrant issued under sec. 487 or 487.1, CC, may seize any explosive substance that he/she suspects is intended to be used for an unlawful purpose, according to sec. 492, CC.

2. 1. 8. Application for Disposition

2. 1. 8. 1. Make an Application for Disposition, before a provincial/territorial court judge within 30 days of the seizure, regardless of any other charges anticipated or laid, when:

2. 1. 8. 1. 1. a seizure is made in the interest of public safety and it remains in the public interest that the person not possess a weapon; and

2. 1. 8. 1. 2. a weapon that cannot be lawfully possessed is seized. See sec. 117.05(1), CC.

NOTE: Failure to make an Application for Disposition within 30 days may result in the weapon being returned to the person from whom it was seized. See sec. 117.06(1)(a), CC.

2. 1. 8. 2. For Prohibition Orders, see ch. 4.13.

2. 1. 9. Disposal

2. 1. 9. 1. For reporting requirements relevant to the disposal of a firearm, see Public Agents Firearms Regulations and consult Divisional directives.


2. 1. 9. 2. Make certain the person relinquishing any weapon, firearm, prohibited device, ammunition, prohibited ammunition, or explosive substance for disposal signs a relinquishment of claim.

2. 1. 9. 3. Dispose of any weapon, firearm, prohibited device, ammunition, or prohibited ammunition in accordance with provincial legislation and divisional policy directives.

2. 1. 9. 4. A PET will dispose any explosive or bomb making material according to ch. 33.3.

2. 1. 9. 5. Record the destruction of the exhibit in the RMS as soon as practicable.

References

 New Chapter: 2014-02-18

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ROYAL CANADIAN MOUNTED POLICE

Part 4 -- Table of Contents

Amended: 2004-06-15

Bulletin

4.12. Firearm Licensing Enforcement Legislation

1. Seizure of Firearms

Related Links

2. Access to RCMP Records By Firearms Officers

(For information regarding this policy, contact National Contract Policing Br., Community, Contract and Aboriginal Policing Services Dir. at GroupWise address OPS POLICY HQ.)

1. Seizure of Firearms

1. 1. If you encounter an individual in possession of a firearm without proper licensing documentation, seize the firearm under Sec. 117.03 CC.

1. 2. Query the individual on the Canadian Firearms Registry On-line (CFRO) through CPIC, or contact the Chief Firearms Office (CFO) to confirm whether an application for a firearm licence is being processed.

1. 3. If proper documentation for possession is produced and no further action is being taken, return the firearm to the lawful owner under Sec. 117.03(2) CC.

1. 4. If the owner refuses to comply with the legal requirements, and no further action is being taken, bring the firearm before a judge for disposal under Sec. 117.03(3) CC.

2. Access to RCMP Records By Firearms Officers

2. 1. General

2. 1. 1. The Firearms Interest Police (FIP) category is a CPIC entry used to record data on a person involved in an incident as described in Section 5, *Firearms Act*. A person is ineligible to hold a firearm licence if to do so would be contrary to the interests of public safety. A chief firearms officer/delegate relies on the information contained in the operational file that supports the FIP entry in order to determine an individual's eligibility to obtain or continue to possess a firearm licence. To access this information, a firearms officer must complete form 3825 and submit it to the appropriate RCMP records keeper.

2. 2. Member

2. 2. 1. When form 3825 is submitted by a firearms officer, review the operational file and vet the information in accordance with IM App. IV-3-1.

2. 2. 2. The firearms officer must provide all of the occurrence numbers to be accessed. Do not disclose information from other files not requested, even if the subject is indexed.

2. 2. 3. Return the form by mail or by secure fax.

2. 3. Commander

s.16(1)(b)

2. 3. 1. When form 3825 is submitted by a firearms officer, see IM IV.3.G.18.

2. 3. 2. Ensure that the information required is returned promptly.

000293

1/29/2009

Airdrie, Alberta
February 11, 2014

MY FILE: 043

Ms. Suzanne Legault
The Information Commissioner of Canada
Place de Ville, Tower B
112 Kent Street, 7th Floor
Ottawa, Ontario
K1A 1H3

Dear Ms. Legault:

Re: COMPLAINT - RCMP ATI FILE: GA-1516-3-04021/13

Please find attached a copy of my original request to the RCMP dated June 17, 2013 and a copy of the RCMP's two page response dated December 31, 2013. The RCMP's response states: "Enclosed is a copy of all the information to which you requested." This statement is completely untrue. The two pages I received are two different versions of the same "Special bulletin for Police No. 84" and contain nothing related to the police procedures I requested.

The police procedures I requested or were referred to on page 20 of the Records of Decision of the Chief Firearms Officers Teleconference on April 10, 2012 I received from the RCMP in response to my ATI Act request #33 and RCMP File # A-2013-01118. For your easy reference I have provided a link to this response.
<https://nfa.ca/sites/default/files/RCMP%20ATI%20%20CFO%20Meeting%20Minutes%20April%2017%2C%202013.pdf>

One page 20 of the response it states: "*On the question of what a police officer should do when he/she stops and individual with a firearm the same procedures currently in place will still apply.*" My request specifically stated: "*ATI response page #20: Procedures when a police officer stops an individual with a firearm.*"

The RCMP response contained no such procedures. Please ask them to have another look. I would gladly pay the five dollar fee if they and you feel that it should apply..

Yours sincerely,

[Original signed by]

Dennis R. Young
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