



DENNIS R. YOUNG
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Airdrie, Alberta
October 4, 2018

MY FILE: ONT-013A

Ontario Information and Privacy Commissioner
2 Bloor Street East, Suite 1400
Toronto, ON
M4W 1A8

Dear Commissioner:

Re: Complaint about Fees Assessed and Waiver Request Denied – Toronto Police Service FOIP File: 19-2480

Reference is being made to your Request for Additional Information Or Fee Payment (Appeal MA19-00655) dated September 30, 2019. Please find enclosed a cheque in the amount of \$25.00 payable to the Ontario Minister of Finance as requested. Please also find enclosed: (1) a copy of my original FOIP request dated May 21, 2019, (2) a copy of the letter dated September 4, 2019 from the TPS assessing a fee of \$300.00, (3) a copy of my letter to TPS dated September 13, 2019 requesting the fees be waived, (4) a copy of the TPS letter dated September 18, 2019 denying my fee waiver request.

I inadvertently assigned the same file number ONT-013 to two of my Ontario FOIP files. I have assigned an A and a B to my files to keep them straight during this appeal process:

TORONTO POLICE SERVICE FOIP – ‘CRIME GUN’ STATISTICS FOR 2018 - FILED MAY 20, 2019 – MY FILE: ONT-013A TPS FOIP FILE: 19-2480

ONTARIO SOLICITOR GENERAL FOIP (OPP & CFO) – MARK JONES FIP FILES - MY FILE: ONT-013B - FILED JULY 24, 2019 ONT FILE: SOLGEN-A-2019-03536

I wish to proceed with a complaint about the Toronto Police Service denial of my fee waiver request pursuant to both Subsection (b) *Financial Hardship* and Subsection (c) *Records requested will Benefit Public Health and Safety*.

SUBSECTION (B) FINANCIAL HARDSHIP

Please find attached a copy of a letter dated August 24, 2018 that I received from Mr. P. McGee, Coordinator, Access and Privacy Section, Toronto Police Service (TPS FOIP File: 2018-2061, My File: ONT-007). I provided an explanation of our medical concerns as they were described to me by my oncologist and surgeon at the time, Mr. McGee graciously waived the full \$250.00 processing fees previously assessed. He did not ask for “...documentation, that this fee would cause financial hardship...” What is so different about our situation now than it was in 2018 that Mr. McGee reversed himself? Plus Mr. McGee has not given me information with regard to the type of ‘documentation’ that he would accept. (i.e. our tax returns? our medical receipts for 2018?). How much private, personal and confidential information do we have to provide? How much harder do our lives have to get before the Toronto Police Service will be convinced that paying an extra \$300 represents a ‘hardship’ for us? And finally, I requested a fee waiver on two sections of the Act, not just the one with respect to ‘financial hardship’. You will note, Mr. McGee did not address the points I made justifying a waiver of fees under subsection (c) *Records requested will Benefit Public Health and Safety*. Even if your investigation determines that Mr. McGee has justification for denying my fee waiver under subsection (b) he just still accept the overwhelming evidence I have provided to justify a fee waiver under subsection (c).

SUBSECTION (C) RECORDS REQUESTED WILL BENEFIT PUBLIC HEALTH AND SAFETY.

Back in 2018, the Toronto Police Service provided a comprehensive response to my request for their crime gun statistics. I posted their response on my personal website: <https://dennisryoung.ca/2018/08/30/toronto-police-release-crime-gun-stats-2007-2017/>. This 2018 FOIP response received wide coverage in the media (see the links below). All I am requesting is the updated 'crime gun' statistics for the year 2018. If Mr. McGee has a case make that there is no public health and safety reasons that would justify releasing these statistics and his refusal to waive these fees, then he should provide me and you with his rationale.

The federal government doesn't collect these data on crime guns I requested so the public has no where else to turn except to local police services for the information. The federal government no longer charges search and processing fees but that hardly matters if they don't collect the statistics the public needs regarding the sources of crime guns to make better decisions about how best to combat the criminal use of firearms and protect both public and police safety. Given the problems expressed most recently by your Chief of Police, the Mayor and the Prime Minister regarding the criminal use of guns in Toronto, I believe the release of this information would be considered a most beneficial public service.

Yours sincerely,

[Original signed by]

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SUPPORTING DOCUMENTATION

MARCH 6, 2019 - RCMP DOES NOT DEFINE 'CRIME GUNS'

RCMP ATIP RESPONSE TO QUESTIONS ON 'CRIME GUN' STATISTICS

EXCERPT: "Please note that items 1,2 and 5-12 produced no records, as the RCMP does not define 'crime guns', and therefore cannot provide statistics relating to 'crime guns'."

RCMP Response dated Feb 25, 2019 Received March 6, 2019 by Dennis R. Young

<https://dennisryoung.ca/2019/03/07/rcmp-does-not-define-crime-guns/>

JANUARY 5, 2019 - MATT GURNEY: DESPITE A CORRECTION, CANADA'S GUN CONTROL DEBATE IS STILL TAINTED BY BAD INFORMATION

EXCERPT #1: Policing and reporting are both supposed to be about the truth. The police and the CP had combined to put out inaccurate information, and that inaccurate information was driving public debate. At minimum, a correction, or some comparable acknowledgement, was absolutely required. Canadians have spent four months having a debate, including public consultations, based in part on bad information. Information that was known to be bad months ago, but that went uncorrected until two days after Christmas, when news readership is typically way, way below usual levels.

EXCERPT #2: But there is simply no evidence that there is a worsening problem among lawful Canadian handgun owners, the people targeted by the proposed ban — in effect, held up as partially responsible for tragic deaths and senseless crimes. The Toronto police numbers don't show it. Nationally, the Public Safety Ministry has conceded that it has no data to support claims by Minister Ralph Goodale that domestic owners now provide the majority of crime guns. That entire narrative, embraced wholeheartedly by the mayor and somewhat more cautiously by federal Liberals, is based on bad information that should not have been reported. To call all this disappointing would be an understatement. In an era when news organizations all over the world are being accused of peddling fake news, and when every police force recognizes the challenge of retaining public trust, this is absolutely appalling. By Matt Gurney, Radio Host 640 Toronto, Global News January 5, 2019 <https://globalnews.ca/news/4815321/despite-a-correction-canadas-gun-control-debate-is-still-tainted-by-bad-information/>

SEPTEMBER 15, 2018 - MORE THAN A THIRD OF TORONTO POLICE 'CRIME GUNS' AREN'T

FIREARMS - **EXCERPT:** *The data show 469, or 65 percent, of the 726 "crime guns" seized by Toronto police in 2017 were counted among the three classes of firearms in the Firearms Act: "Non-restricted," "Restricted" or "Prohibited." That leaves 35 percent that weren't firearms regulated by the Firearms Act.* **THE GUN BLOG** - SEPTEMBER 15, 2018 <https://thegunblog.ca/2018/09/15/more-than-a-third-of-toronto-police-crime-guns-arent-firearms/#more-18961>

SEPTEMBER 6, 2018 - MATT GURNEY: DATA SHOWS TORONTO'S GUN 'SURGE' NEVER HAPPENED

This CP article's central claim has been at the centre of our gun control debate this summer, and has been cited as a secondary source ... I don't even know how many times. But the article's central claim, of a surge in domestic crime guns, is bad. Inaccurate. Wrong. And that bad, inaccurate and wrong information is now at the core of an important and contentious public policy debate. By Matt Gurney, Radio Host, 640 Toronto - Global News September 6, 2018 <https://globalnews.ca/news/4428617/matt-gurney-toronto-gun-crime-statistics/>

STATSCAN ATIP CONFIRMS: SOURCE OF CRIME GUNS UNKNOWN

Access to Information Response dated May 16, 2018 – Received June 26, 2018

<https://dennisryoung.ca/2018/06/26/statscan-atip-response-source-crime-guns-unknown/>

"THE CANADIAN FIREARMS INFORMATION SYSTEM DOES NOT COLLECT THE REQUESTED

INFORMATION." Firearms Seized by Police that are: "(iii) domestically sourced, (iv) smuggled into Canada"

<https://dennisryoung.ca/2018/06/23/key-evidence-missing-responses-bill-c-71-order-paper-questions/>

AUGUST 18, 2018 – TORONTO SUN: SMOKE AND MIRRORS WON'T STOP GANGS AND GUNS

In reality, data supplied by Toronto Police to the Sun shows the 50% figure only refers to firearms deemed “crime guns” that are traceable. In fact, only about 20% of the crime guns seized last year were domestically sourced and less than 9% of all the firearms seized in 2017 were sourced to Canada. The misleading 50% figure is based on the total number of traceable “crime guns” seized by cops between 2014 and 2017, which on average accounted for 31% of all firearms seized. By Chris Doucette - August 18, 2018 <https://torontosun.com/news/local-news/bullets-and-bloodshed-smoke-and-mirrors-wont-stop-gangs-and-guns>

AUGUST 17, 2018 – NATIONAL POST: THE LIBERALS ARE PLAYING DISHONEST GAMES WITH STATS TO CRACK DOWN ON LEGAL GUN OWNERS - While the Liberal party sees gun control as a possible 'wedge' issue, StatsCan simply has no evidence to support their claims. By Gary Mauser and Vincent Harinam - August 17, 2018 Gary Mauser is professor emeritus at Simon Fraser University. Vincent Harinam is an incoming Ph.D. student at Cambridge University. <https://nationalpost.com/opinion/the-liberals-are-playing-dishonest-games-with-stats-to-crack-down-on-legal-gun-owners>

AUGUST 15, 2018 – NATIONAL POST: THE TRUTH IS NO ONE KNOWS WHERE THE GUNS THAT KILL ARE COMING FROM - The difficulty is that police can usually trace — at best — less than half of crime guns. By Christie Blatchford - August 15, 2018 <https://nationalpost.com/opinion/christie-blatchford-the-truth-is-no-one-knows-where-the-guns-that-kill-are-coming-from>

NEW TORONTO POLICE SERVICES FOIP 'CRIME GUNS' – MAY 20, 2019

MY FILE: ONT-013

Reference is being made to the response provided by the Toronto Police Service response to FOIP File: 2019:2061 dated August 24, 2018 <https://dennisryoung.ca/2018/08/30/toronto-police-release-crime-gun-stats-2007-2017/>

For the year 2018, please provide copies of records with the following information about firearms seized and crime guns:

1. The most current definition of a 'crime gun';
2. Total number of firearms seized for (a) Crimes and (b) Non-Crimes;
3. Total number of firearms surrendered to police (i.e. during a buy-back or amnesty, turned in voluntarily for destruction, issued with 'quit claim' receipts, etc);
4. Total number of crime guns seized that were: (a) 'used in a criminal offence'; (b) 'suspected of being used in a criminal offence'; (c) 'obtained, possessed, or intended to be used to facilitate criminal activity'; (d) 'serial number removed, altered or obliterated'; (e) 'adapted for use as a firearm';
5. Total number of firearms that were recorded as 'found';
6. Total number of firearms destroyed;
7. Total number of firearms reported stolen from (a) individuals and (b) businesses;
8. Total number of 'crime guns' seized that were reported as stolen from (a) licensed gun owners or (b) licensed businesses;
9. Total number of 'crime guns' seized from licensed gun owners or licensed businesses (a) for a violent crime, (b) for an administrative or paper firearms crime (i.e. expired license, current address not reported, Authorization to Transport violation, error on registration certificate, registered firearm not at correct address; etc);
10. Total number of 'crime guns' seized that you attempted to trace;
11. Total number of 'crime guns' seized that were successfully traced;
12. Total number of 'crime guns' seized that were successfully traced to the U.S.A;
13. Total number of 'crime guns' seized that were successfully traced to Canada;
14. Total number of 'crime guns' seized that were traced to a licensed gun owner;
15. Total number licensed gun owners charged with providing a 'crime gun' to a criminal;
16. Total number of 'crime guns' seized that were (a) restricted, (b) prohibited, or (c) non-restricted;
17. Total number of 'crime guns' seized that were registered (a) restricted, (b) prohibited (c) non-restricted and
18. Total number of 'crime guns' seized by type of firearm (i.e. rifle, shotgun, handgun, toy gun, replica, sawed-off gun, sub-machine gun, machine gun, etc).

Toronto Police Service
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