

January 6, 2020

Dennis Young
1330 Ravenswood Dr. SE
AIRDRIE AB T4A 0P8

Dear Dennis Young:

**Re: Complaint - Adequate Search
Vancouver Police Department File FOI 19-0222A
OIPC File F19-79525**

On July 18, 2019, you complained to this office that the Vancouver Police Department (VPD) failed to make every reasonable effort to assist and respond openly, accurately and without delay, as required by section 6 of the *Freedom of Information and Protection of Privacy Act* (FIPPA).

As the Investigator assigned to this matter, I have the delegated authority to make findings and recommendations in respect of this complaint.

Background

On February 23, 2019, you submitted a request for various statistical information related to firearms/guns seized to VPD.

On May 6, 2019, the VPD responded to your request stating that it reviewed available VPD records and datasets to determine whether the requested information exists, if the information could be compiled and whether the compiled information will be incomplete or accurate.

Upon review, the VPD determined that it may be possible to manually review files and extract data, however, that method would not likely provide you with the data you requested. In addition, in the VPD's view section 6 of FIPPA does not require that level of manual data entry.

On May 7, 2019, you wrote to the VPD stating that you believed that the VPD has some firearm statistics as indicated by the various articles you provided web links to.

On May 8, 2019, the VPD responded by thanking you for the background information and that it would make inquiries and respond back to you.

On July 18, 2019, you complained to our office that the VPD did not provide any of the information you requested. That every police department in Canada keeps stats on crime guns and that all the VPD did was refer you to The National Weapons Enforcement Support Team (NWEST) which has produced "bogus stats" for Western Canada. You ask that the VPD conduct a proper search for the statistics you requested.

Issue

The issues are whether the VPD met its obligations under section 6(1) of FIPPA in providing a complete response and must the VPD create the records under section 6(2) (a) of FIPPA.

Discussion

I have spoken to the VPD about your complaint and asked for details on how the search for records was conducted. In addition, I have reviewed your correspondence sent to this office. I have taken this information into consideration in making my finding.

The Commissioner has examined this obligation in terms of the duty to search. The standard required in searching for records is that a public body must do that which a fair and rational person would expect to be done or consider acceptable. The search must be thorough and comprehensive. However, this does not impose a standard of perfection. The public body should be able to describe all potential sources of records, identify those searched and identify any sources that were not searched, with reasons for not doing so. The evidence should also indicate how the searches were done and how much time public body staff spent searching for records.¹

Description of Search

VPD notes that the issue is whether these stats can readily be compiled. VPD have been advised from multiple sources the information you requested cannot be compiled.

Areas VPD consulted on this request:

I asked VPD to identify the source where potential records may be found and areas that VPD searched for the responsive records. The sources included:

- **VPD Force Options Unit** – which indicated it does not retain or compile firearm statistics, however suggested speaking with NWEST.
- **Inspector in Charge of VPD Forensic Identification Unit/Forensic Firearms Unit** – this unit does not process the majority of Firearms received by VPD. NWEST may be able to provide more assistance as they are responsible for looking at the origin of the firearm.
- **Manager VPD Property Office** – the property office receives the vast majority of firearms seized by the VPD. The staff are tasked with registering the guns with the RCMP. Whether or not a gun is defined as a “crime gun” is not something the VPD Office has considered and not a definition used to categorize guns.
- **VPD Crime Analyst with experience in generating statistics regarding weapons** - Firearm statistics would only be available in the file if there was additional investigation / analysis done on the firearm itself for an investigative reason. Firearms marked for disposal or safekeeping

¹ See for example Orders 02-03 and 00-32 available on the OIPC website at: <http://www.oipc.bc.ca>

would likely not have any further information available to compile. Even the term 'surrendered' firearm is not a good search term as firearms surrendered outside of Amnesty periods would require the reading of individual files as they are all defined differently.

- **The VPD Report February 2019 with the number of firearms seized between Jan 1, 2016, and September 6, 2018** – VPD's Planning and Research Section explained that an analyst needed to review individual case files to determine the gun type and if possible the origin of the gun. Assistance was needed from NWEST, who worked with the VPD to manually review the information for accuracy. Note that the definition used was not 'Crime Gun'.
- **Discussions with VPD Members and NWEST about definition of 'crime gun'** - There is no such definition within the VPD or NWEST. VPD conducted a check of the Regulations and Procedures Manual (723 pages) and there is no reference to crime gun definition and it is therefore consistent with findings to date that records are not retained using the crime gun definition (it is not referred anywhere in VPD policy and regulations). There is no firearms template at VPD and no capability to compile this information. Going forward, the VPD is looking at better ways to record this information.

The VPD confirms that even though technically the crime gun data is not available, the VPD did not quickly end its queries. Even if the request asked for weapons or firearms and not 'crime guns', the VPD cannot compile this information. Finally, based on discussions with subject matter experts and VPD sections that deal with firearms and weapons, there is no 'template' in police records systems that require the collection of the information you have sought.

The VPD has referred you to NWEST, which supports law enforcement agencies on all aspects of firearms investigations and prosecutions. In addition, as noted in the VPD's response to you, the VPD cannot formally transfer an access request to a federal agency however the VPD encouraged you to contact NWEST.

Further, section 6(2) of FIPPA requires a public body to create a record if doing so does not unreasonably interfere with its operations and if the record can be created from a machine readable record using its normal computer hardware, software and technical expertise.

Based on the information provided, I find that the VPD is not able to create the statistical information you have requested using its normal computer, software and technical expertise.

Finding

Based on the VPD description of the search, I find that it has made every reasonable effort to produce records responsive to your request. I find that the VPD has fulfilled its duty under section 6 of FIPPA.

In summary and based on the above analysis, I am unable to substantiate your complaint.

This concludes my investigation and I have now closed your file. If you have any questions or concerns, please contact me at 250-356-0849 or at rhutchinson@oipc.bc.ca. By copy of this letter, I am advising the Vancouver Police Department of the status of this file.

Sincerely,

A handwritten signature in black ink, appearing to be 'Robin Hutchinson', written in a cursive style.

Robin Hutchinson
Investigator

cc: Darrin Hurwitz – Vancouver Police Department

E-MAIL STRING WITH VANCOUVER POLICE DEPARTMENT COUNSEL, ACCESS AND PRIVACY

From: dennisyoung@telus.net <dennisyoung@telus.net>

Sent: June 7, 2019 10:07 PM

To: 'HURWITZ, Darrin' <darrin.hurwitz@vpd.ca>

Cc: info@oipc.bc.ca

Subject: RE: FOI 19-0222A

Importance: High

Hi again Darrin: What was the result of your enquiries?

Thanks, Dennis

From: Dennis R Young <dennisyoung@telus.net>

Sent: May 7, 2019 2:17 PM

To: 'HURWITZ, Darrin' <darrin.hurwitz@vpd.ca>

Subject: RE: FOI 19-0222A

Thanks Darrin: I look forward to hearing from you soon.

Dennis

From: HURWITZ, Darrin <darrin.hurwitz@vpd.ca>

Sent: May 7, 2019 10:58 AM

To: Dennis R Young <dennisyoung@telus.net>

Subject: RE: FOI 19-0222A

Mr. Young.

Thank you for this background information and for the links. I will make enquiries and get back to you.

Darrin Hurwitz

Counsel, Access and Privacy

Information and Privacy Unit

Vancouver Police Department

Phone: 604.717.3196

Fax: 604.606.2622

Email: darrin.hurwitz@vpd.ca

From: Dennis R Young <dennisyoung@telus.net>

Sent: Tuesday, May 07, 2019 6:45 AM

To: HURWITZ, Darrin <darrin.hurwitz@vpd.ca>

Subject: RE: FOI 19-0222A

Importance: High

Thanks Darrin:

**You obviously have some firearm statistics as indicated by this article and is the motivation for filing my FOIP request.
VANCOUVER POLICE SEIZED 648 GUNS OVER 32-MONTH PERIOD**

Majority of seized guns were non-restricted rifles and shotguns bought in Canada. Interestingly, the majority of the 648 guns seized by police over that 32-month period were “known to bear Canadian import markings, indicating Canadian origin even in absence of registration records.” Which means guns were manufactured outside the country and shipped to a Canadian store such as Canadian Tire or Cabela’s, then sold to a person with a valid possession and acquisition licence. By Mike Howell, Vancouver Courier – FEB 20, 2019

https://www.vancourier.com/opinion/vancouver-police-seized-648-guns-over-32-month-period-1.23640367?utm_source=divr.it&utm_medium=twitter

The Vancouver Police Department (and the B.C. Government) is putting too much faith in NWEST statistics. The reason we have to come to individual police forces is because the NWEST data is very difficult to obtain, highly redacted when it is released and even then found to be filled with inaccurate assumptions. Here just a few examples from my website:

<https://dennisryoung.ca/2017/06/23/rcmp-statistics-on-domestically-sourced-crime-guns-are-wrong/>

<https://calibremag.ca/bulk-of-crime-guns-domestically-sourced-false/>

<https://dennisryoung.ca/2018/04/06/disputing-rcmp-exemptions-nwest-crime-guns-report/>

<https://dennisryoung.ca/2016/07/18/rcmp-report-no-records-to-prove-nwest-claim-most-crime-guns-domestically-sourced/>

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

<https://dennisryoung.ca/2017/06/23/3205/>

If you don't have any records of the information requested, I would appreciate receiving a letter saying so and I will post your response on my website.

Thanks, Dennis

Dennis R. Young
Honourary Life Member of the CSSA and the NFA
Member of the Calgary RCMP Veterans Association
Airdrie, Alberta Phone: 587-360-1111
E-Mail: dennisryoung@telus.net
Website: www.dennisryoung.ca

From: HURWITZ, Darrin <darrin.hurwitz@vpd.ca>

Sent: May 6, 2019 9:47 AM

To: dennisryoung@telus.net

Subject: FOI 19-0222A

Good morning Mr. Young:

I write further to your FOI request for various statistical information related to firearms / crime guns seized. The VPD has reviewed available VPD records and datasets to determine whether the requested information exists, if it can be compiled, and whether the compiled information will be incomplete or accurate.

Upon review the VPD has determined that it may be possible to manually review files and manually extract data however this method is not likely to provide you with all of the data fields you seek, nor does section 6 of FIPPA, in our view, require this level of manual data review and entry. Additionally, section 6 does not require the VPD to provide answers to questions such as definitions of information.

It is our understanding that the RCMP's National Weapons Enforcement Support Teams (NWEST) may have a more comprehensive dataset of the information that you seek. NWEST, we understand, likely compiles information related to the origin of firearms. While we do not have a mechanism under the Freedom of Information and Protection of Privacy Act to transfer your request to the RCMP, it is our suggestion that you may wish to direct your request to NWEST. You may make an ATIP request for information from the RCIP by following the process at out at this link -- <http://www.rcmp-grc.gc.ca/en/access-information-and-privacy>

If you wish to request a review of the VPD's response to your request you may write to the Office of the Information and Privacy Unit and request a Review. Details in that regard can be found at www.oipc.bc.ca

If you have any further queries or clarification related to this request, please do not hesitate to contact me.

Thank you

Darrin Hurwitz
Counsel, Access and Privacy

Information and Privacy Unit
Vancouver Police Department
Phone: 604.717.3196
Fax: 604.606.2622
Email: darrin.hurwitz@vpd.ca

From: Dennis R Young <dennisryoung@telus.net>
Sent: Saturday, May 04, 2019 12:29 PM
To: VPD Information & Privacy Mailbox <vpdipu@vpd.ca>
Cc: VPD Media Liaison <vpdmedia@vpd.ca>
Subject: Status of my FOIP request?
Importance: High

Hi folks: I sent this FOIP request off to you on February 23rd and haven't received an acknowledgment yet.

Thanks, Dennis

Dennis R. Young
Honourary Life Member of the CSSA and the NFA
Member of the Calgary RCMP Veterans Association
Airdrie, Alberta Phone: 587-360-1111
E-Mail: dennisryoung@telus.net
Website: www.dennisryoung.ca

'CRIME GUN' FOIP TO VANCOUVER CITY POLICE
February 23, 2019

Please provide copies of records with the following information:

1. The most recent definition of a 'crime gun';
2. Definition of a 'domestically sourced crime gun';
3. Total number of firearms seized;
4. Total number of firearms surrendered (i.e. amnesty, turned in for destruction);
5. Total number of 'crime guns' seized;
6. Total number of 'crime guns' seized from licensed gun owners;
7. Total number of 'crime guns' seized that were traced to the United States;
8. Total number of 'crime guns' seized that were traced to other countries (and names of those countries);
9. Total number of 'crime guns' seized that were identified as 'domestically sourced': (a) Total number stolen from licensed gun owners, (b) Total number identified as 'straw purchases';
10. Total number of 'crime guns' seized that were traced to a licensed gun owner;
11. Total number of licensed gun owners charged with providing a firearm to a criminal;
12. Total number of 'crime guns' seized that had the serial number altered; and
13. Total number of 'crime guns' seized that were a) restricted, b) prohibited, or c) non-restricted including a breakdown by the number of handguns, rifles and shotguns.

ATTENTION: Information and Privacy Coordinator
Vancouver Police Department
3585 Graveley Street
Vancouver, B.C.
Canada V5K 5J5