

ALERT: ONTARIO CFO TO BEGIN HOME INSPECTIONS

We have just learned that the Chief Firearms Office in Ontario is initiating a pilot program to begin limited home inspections in the Toronto area. Following is a letter from Superintendent Chris Wyatt (Chief Firearms Officer) explaining the program.

Dear Mr. Whitmore,

RE: Inspection of Collector's Firearms

I appreciate the opportunity of meeting with you and Tony Bernardo on November 20, 2007, to discuss the Canadian Shooting Sports Association's concerns with the planned inspections of some firearms owners' collection in the City of Toronto. I also appreciate the opportunity to communicate with your membership in addressing this issue.

The Toronto Police Service recently brought several incidents to the attention of the Chief Firearms Office where the owners of firearms, who had died or had not been at their residences for significant periods of time, did not have their firearms safely secured. This is a very real public safety concern. The Toronto Police Service requested the Chief Firearms Office take action to address this concern.

The Chief Firearms Office is piloting an initiative that involves notifying older firearms owners, in Toronto, who own more than 10 firearms, including a restricted or prohibited firearm(s). These firearms owners will be required to have their firearms inspected by a firearms officer designated by the Chief Firearms Officer. Each owner has been provided a pamphlet from the Canadian Firearms Centre setting out the requirements for safe storage and display. The inspector will also be providing the firearms owners with information, from the Canadian Firearms Centre, on how to arrange for the handling of their firearms in the event of death or incapacity.

The Firearms Act provides for a firearms officer, designated in writing by the Chief Firearms Officer, the authority to conduct inspections in certain circumstances, including where the inspector believes on reasonable grounds that there is a firearms collection, a prohibited firearm or more than 10 firearms. Where the inspection involves a dwelling house, the Firearms Act requires the inspector provide reasonable notice and obtain the occupant's consent. The Firearms Act also requires the owner or person in charge of a place to give the inspector reasonable assistance to enable him to carry out the inspection.

The following guidelines will be used in conducting inspections:

- The date and time of the inspection will be at a time agreeable to the owner or occupant.
- The inspector will identify himself to the owner or occupant using a badge and photo identification provided by the Chief Firearms Office.
- All firearms registered to the owner or occupant will be inspected.
- No force will be used in conducting the inspection.
- A receipt will be issued to the firearms owner for any item taken by the inspector during the inspection.

- Where evidence is found of a criminal offence e.g., failing to report a lost or stolen firearm, that evidence will be turned over to the police agency of jurisdiction for their appropriate action.
- Where unregistered prohibited or restricted firearm(s) are found, they may be seized and turned over to the police agency of jurisdiction for their appropriate action.
- The Chief Firearms Office will work with owners to ensure compliance. Firearm owners, who have been notified of an upcoming inspection, have been provided a contact name and number of a firearms officer should they require information or assistance.

The primary goal of the Chief Firearms Office is the protection of public safety. Safe storage and display of firearms is essential to public safety to ensure legally possessed firearms do not fall into the hands of criminals or unauthorized persons. The Chief Firearms Office is seeking the voluntary compliance of firearms owners with the storage and display requirements of the Act. The Chief Firearms Office provides education and information to firearms owners to achieve compliance.

I see this initiative as an opportunity to work together to promote these objectives. While you are not in agreement with this particular initiative, we do share the same goal of protecting public safety. Thank you for ongoing support.

Yours truly,

Chris M. Wyatt, Superintendent
Chief Firearms Officer

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As you can imagine, we are certainly against any type of home inspection and have relayed our objections in no uncertain terms to the CFO. Our letter contained the following:

"We must stress to you that we are fundamentally opposed to such an initiative and ask that this program be cancelled and other ways found to address the problems experienced by Toronto Police Services, if indeed they exist at all. As well, police officers are not medical professionals and are not qualified to assess anyone's mental or physical state.

The inspection provisions contained in the Firearms Act in relation to private homes is a violation of the fundamental rights of Canadians to be free from unreasonable search and seizure and the right to remain silent pursuant to sections 7, 8 and 12 of the Canadian Charter of Rights and Freedoms. Violating the rights of our senior citizens, many of them WWII veterans, to alleviate a perceived public safety problem identified by a politically motivated city administration, can have far reaching consequences for the credibility of the CFO and has the potential to be a public relations nightmare. Imagine the headlines in the Toronto Sun, "Veterans No Longer Trusted to Own Guns", "Police Program to Search and Seize Seniors Guns", as well as potential complaints to the Human Rights Commissioner regarding age discrimination.

Be advised that if this initiative proceeds, we will encourage all affected firearm owners to use every legal option available to them, including non-cooperation and refusal of the

inspections. This will force your officers to do either one or both of the following: Obtain a warrant to force entry; lay charges for non-cooperation (another violation of our rights of self incrimination). We will provide legal representation to challenge these actions in court, which will further impact on the credibility of the CFO and the Firearms Act, bringing both into disrepute.

We implore you to reconsider your decision to implement this policy. The CSSA would welcome the opportunity to work with the CFO and Toronto Police to find other ways to educate the firearms owners and their families on compliance with the storage regulations.”

Those affected by this pilot program are ages 75 years and older, owners of at least 10 firearms including prohibited and/or restricted firearms, living in Toronto. As indicated in Sup. Chris Wyatt’s letter, we voiced our strong objections to this initiative and to their credit, they traveled down to our office to meet with us. We were assured that the inspections would be conducted professionally and respectfully. But that does not alleviate the violation of our basic charter rights and the perception the inspections are nothing more than fishing expeditions.

If you have received one of these letters, or know someone who has, **please call us immediately**. We have prepared a legal paper outlining your rights under the Firearms Act and the limitations of the inspections as defined in the Act. You need to know this information to protect yourself from undue seizures and charges.

We urge everyone in Ontario to contact their MPP, MP, Public Safety Minister Stockwell Day and OPP Commissioner Julian Fantino to stop this harassment of firearms owners.

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