

PolySeSouvient / PolyRemembers

Étudiants et diplômés de Polytechnique pour le contrôle des armes
Students and Graduates of Polytechnique for gun control

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[Translation of original French letter]

Montreal, May 11, 2020,

The Honorable Bill Blair
Minister of Public Safety and Emergency Preparedness
Government of Canada
Ottawa, Ontario K1A 0K9

Subject: Recommendations concerning the ban on assault weapons and other measures being considered

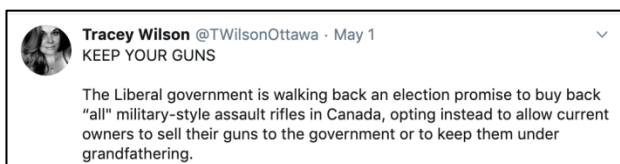
Dear Minister,

First, we would like to thank and applaud your government for the [regulations](#) prohibiting some 1,500 types of assault weapons currently in circulation. We are particularly pleased to finally see a ban on the gun used in the École Polytechnique massacre, in addition to other weapons associated with mass shootings, including those whose victims' families are part of our group. Congratulations and thank you for this bold and long-awaited step.

The purpose of this letter is to share our recommendations concerning these regulations as well as other measures that were promised by your party in the last election. In summary, as part of the upcoming legislative process and other governmental actions on gun control, we would like to recommend the following:

A) ASSAULT WEAPONS

- 1) **Implement a mandatory buy-back program for all assault weapons currently in circulation, as your party explicitly promised** in the last election. Given that the government recognizes the inherent public safety risks associated with the availability of these types of weapons, it follows that each weapon that remains in private hands constitutes a risk. (It should also be noted that most mass shootings in Canada involved legally owned guns.) Moreover, in a scenario where a significant proportion of assault weapons remain in private hands, it would be much easier for a subsequent government to repeal the bans. In fact, some Conservative Party leadership candidates have already [pledged to repeal the measure](#) and, to this end, the gun lobby is currently telling its members to "KEEP YOUR GUNS" and be patient:



- 2) **Ensure that the new prohibitions are embedded into law to complete the ban on assault weapons and render it permanent.** Fortunately, [you have already stated](#) your intention to do so. While the regulations end all future acquisitions of existing assault-style weapons, they do not constitute a total ban, as they do not include future models outside of the nine “principal models” that form the basis of the [regulations](#), in addition to two “characteristics,” namely, the thresholds on muzzle energy and bore size. The approximately 1,500 firearms listed are in fact “variants” of these “principal models” or those that exceed the new limits. Future variants of the nine “principal models” are also prohibited. However, if a manufacturer produces an entirely new “principal model” that is not covered by the criteria, it would be legal. In other words, the system will need to continue to play catch-up with gun manufacturers who [will persist with their attempts to circumvent the law and regulations](#).

Proceeding with regulations was the right thing to do in the current context, since it is the only way to freeze the market without going through a lengthy legislative process. However, in our view, Orders-in-Council were always a temporary measure pending a permanent solution that necessarily entails a reform of the classification system set out in the *Criminal Code*. This is what [New Zealand did](#) within 30 days of the Christchurch shootings, using broad permanent criteria (all centre-fire semi-automatics other than .22 caliber rim-fire firearms and some other exceptions).

Lastly, embedding the bans into law renders an overall ban on assault weapons much less vulnerable to future ideologically divergent governments, as regulations can easily be repealed by the next minister, whereas amending the law requires a vote in the House of Commons and the Senate. Given the Conservative Party’s past and current alignment with the gun lobby, we fear that the next Conservative government would immediately repeal these regulations, as many leadership candidates have already pledged to do, whether a minority or majority, and with or without public support. In other words, changing the law is more democratic and more permanent, and we feel that the Liberal Party has a mandate and the support to do so.

- 3) **Complete the ban on assault weapons in the law to include many other guns not covered in the regulations** because of certain criteria unrelated to lethality, like weapons that are of “modern design” or that are not “present in large volumes in the Canadian market”. Some of these include:

- **WK180-C:** Very recent model that is likely not yet widespread in Canada. This “non-restricted” [rifle](#) (similar to a “restricted” AR-15) was the subject of a [feature article in the *Globe and Mail*](#) highlighting the tactics of gun manufacturers aimed at designing assault weapons so that they escape the stricter controls for restricted rifles.
- **IWI Tavor:** “Non-restricted” bullpup assault rifle made in Canada [by a consortium of military manufacturers](#) to replace the M16 and M4 used by the Israeli army.

WK180-C non-restricted rifle



IWI Tavor 21 – Non-restricted



- **SKS:** Weapon [designed toward the end of the Second World War](#) and [still used in war](#) today. According to a dealer quoted in a [feature article on the subject](#) in *La Presse*, “it’s the prototype of the AK-47, it’s the same gun.” This “non-restricted” firearm in Canada is associated with serious [public safety issues](#). It is relatively inexpensive and available online [starting at around \\$200](#). This is the model for both guns used by Bryer Schmegelsky and Kam McLeod to kill two tourists last summer in British Columbia (one of them [legally obtained by one of the killers](#) a few days prior). It is also the weapon that was used to kill Constable John Davidson in Abbotsford in 2017 by a gun owner [whose license had expired](#), and the gun [legally acquired](#) by Afghan War Veteran Lionel Desmond just hours before murdering his wife, daughter and mother in Nova Scotia that same year.



- **Derya MK12:** “Non-restricted” [assault weapon](#) in Canada that was [recently](#) introduced onto the Canadian market (summer 2017). [According to firearms enthusiasts](#), it resembles the AR-15. This weapon [was just recently involved](#) in a confrontation in Alberta, where a man fired shots from his residence, seriously injuring a woman inside her neighbouring home. This was followed by a car chase that ended in a shootout with the police that left the man dead. A police officer was shot during the confrontation.

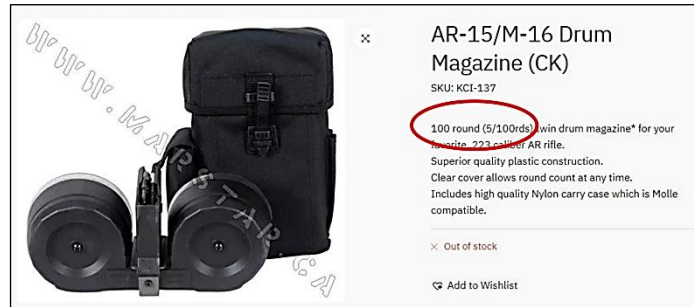


- **Norinco Type 97:** A “non-restricted” semi-automatic version of the standard assault weapon used by the Chinese military. It is the model that Toronto Police Chief used while lauding the ban announced on May 1 as an example of “*military assault style weapons*” that “*endanger families and communities*.”



- 4) **Legislate a system of pre-authorization for new models** so that, contrary to the existing process, only new models having been inspected and authorized by relevant authorities (RCMP) can enter the Canadian market. It should be noted that while the current Liberal government intends to inspect all new variants before they can enter the market, there is no legal obligation for them to do so. Until recently, most inspections were carried out [by the industry itself](#). Future governments could just as easily decide to close their eyes to new entries onto the market and once again rely on manufacturers or importers to classify their weapons (note the blatant conflict between economic and public safety interests). This is precisely what led to the [Swiss Arms/CZ 858 fiasco](#).

- 5) Ban modifiable magazines that can easily be converted to their full illegal capacity of 20, 30, 50 or even 100 rounds, [as was done by](#) Bissonnette (Mosque), Bain (Metropolis) and Bourque (Moncton), Here are [some examples](#). The RCMP has long highlighted this problem (see end of [this memo](#)). For a real ban on large capacity magazines, the government must eliminate this aberration as well as several [other loopholes](#) related to magazines.



- 6) Limit magazine capacity to five bullets for all firearms instead of the current limits of five (5) for non-restricted firearms and ten (10) for restricted firearms. The Quebec Mosque shooter used [five legal 10-bullet magazines](#) to kill and injure all of his victims with 48 bullets in less than two minutes.

B) HANDGUNS

- 7) Close the tap: no more importing or manufacturing of handguns. The number of privately held handguns has more than doubled in the past seven years, going from [460,000 in 2012](#) to over [935,000 in 2019](#) — a 103% increase. By adopting this measure, Canada will be stuck with the handguns in circulation, but at least their proliferation will stop.
- 8) Avoid offloading the responsibility of banning or further restricting handguns onto municipalities. Local bans are generally ineffective, as the disastrous patchwork of local and state laws south of the border clearly demonstrates. Moreover, local bans would have to overcome enormous obstacles, including [provincial governments opposed to gun control](#) and an array of legal and jurisdictional complexities, in addition to long and acrimonious political battles with the gun lobby. [Many mayors](#) have publicly endorsed a federal approach over a municipal one.
- 9) Institute the mandatory storage of handguns (and all restricted weapons) at gun clubs, in secure storage areas or compartments. Not only would this measure deliver on your party's current election promise, namely to "[further strengthen safe-storage laws](#)," but also the Liberals party's 2015 promise to "[get handguns ... off our streets](#)." (Another, less preferable, option would be a handgun ban with grandfather clauses, with permission to use them in gun clubs.)

C) POSSESSION PERMIT (ISSUANCE AND REVOCATION)

- 10) Invest significant efforts and resources in strengthening the screening and monitoring of licence applicants and licenced owners. The existing processes vary across the country but are generally lax. [For example, in Quebec](#), there is zero follow-up on licence applications unless a complaint is filed. All licence applications should trigger a systematic follow-up with references, spouses/ex-spouses and medical professionals having treated an applicant for mental illness. As for preventive interventions in relation to current owners, revoking a licence and removing firearms should be based on the precautionary principle that prioritizes public safety. Strengthening the existing processes would directly meet [your party's election promise](#), namely, to address "[the problem of gender-based and](#)

intimate-partner violence head on, by [adopting a law] temporarily suspending firearms licences for people who are suspected of posing a danger to themselves or others, including their partners or kids."

- 11) **Ensure that any new "red flag" law provides net concrete public safety benefits.** Quebec already has its own red flag law (Anastasia's law), which is currently of little use, since even when police are aware of risk factors, they tend to lean towards the "rights" of gun owners rather than err on the side of public safety. A case in point: Raymond Papatie had a history of spousal abuse and suicidal behaviour, but the police returned his guns to him after yet another of its numerous interactions with him. A few months later in February 2016, during the next interaction, Papatie killed a young police officer, Thierry LeRoux, the same officer who had given him back his guns on the orders of his supervisors. In addition, both health professionals and the public are uninformed about the risk factors and the importance of signaling them to the authorities. In short, any legislative process connected to "red flags" must first address current enforcement failures in order to provide net concrete public safety benefits and not constitute another feel-good but ultimately hollow measure.

D) OTHER MEASURES

- 12) **Give police officers better access to commercial sales records data**, first, by repealing the requirement for them to obtain a search warrant to investigate a firearm at a dealer — an absurd obstacle that did not exist for 40 years but was added by your predecessor via Bill C-71, passed last year. Apart from the absence of a registry for all firearms, we fail to see how the Liberal government will be able to honour [its election promise](#) to better detect bulk purchasing without opening up access to commercial sales records (*"establish a program to flag bulk purchasing [to ensure that] police can better detect straw purchasing schemes that divert firearms into the illegal market"*). Right now, an individual can purchase firearms in 50 different stores located across Canada. It will be impossible to detect bulk purchasing by a single licence holder without being able to compile the data from commercial sales records from across the country.
- 13) **Implement as quickly as possible the measures contained in Bill C-71**, legislation passed in May 2019.
- 14) **Implement the *Firearms Marking Regulations*** in accordance with Canada's obligations under two international treaties on illicit gun trafficking. Despite your party's 2015 promise to *"immediately"* enact these regulations, the Liberal government has [delayed their implementation twice](#), in 2017 and 2018 (the last time until 2020).

- 15) **Amend section 74 of the *Criminal Code* to prevent future abusive challenges** of the decisions made by firearms officers regarding the issuance of permits for restricted firearms. Such challenges do not require a lawyer and they allow protestors to keep their weapons until the end of the proceedings, including appeals.

While we await the opportunity for a proactive discussion with your team as part of a genuine consultation, we thank you once again for the regulations of May 1 and for your undeniable dedication to public safety.

