



# COMBATTING ILLICIT FIREARMS

A 2006 CANADA AND UNITED STATES OVERVIEW

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# MESSAGE FROM THE CO-CHAIRS OF THE CANADA-U.S. CONSULTATIVE GROUP ON FIREARMS TRAFFICKING

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We the Co-Chairs to the Canada-U.S. Firearms Trafficking Group are pleased to present this Overview on our cooperative efforts in combatting illicit firearms.

The Canada-U.S. Firearms Trafficking Group was formed in 2003 to implement law enforcement initiatives that would help prevent and combat firearms trafficking - a shared concern that threatens the public safety of residents in Canada and the United States. This Group is one of eight working groups of the Cross Border Crime Forum, and is co-chaired by the Royal Canadian Mounted Police (RCMP), Canada Firearms Centre and the United States Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF).

A joint Action Plan was developed that focused on awareness of our respective laws before crossing the border, appropriate information sharing using sophisticated new technologies, recognition of differences in our firearms laws that can be exploited by traffickers, and ongoing training for law enforcement officials. Most of these deliverables are also included in the Security and Prosperity Partnership of North America (SPP) Action Plan between Canada, the United States and Mexico.

Our future joint efforts will be aimed at ensuring the timely sharing of strategic operations information among law enforcement officials to enable ongoing prevention and combating of firearms crimes.



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François Bidal  
Canada Co-Chair



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Robert P. Thomas  
United States Co-Chair

# I. INTRODUCTION

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Canada and the United States share a common border that stretches across 8,893 kilometres (5,526 miles) of land and three oceans. Every day, millions of dollars worth of goods and commerce flow steadily across this border. Along with legitimate commerce, criminals use the border to smuggle or traffic a variety of contraband, including firearms.

In addition to domestic diversion schemes, illegal firearms are moved across international borders to satisfy the demands of the criminal underworld. Firearms are used by members of criminal organizations and individual criminal entrepreneurs to facilitate their illicit activities, such as drug trafficking. The demand is fueled by criminals who use firearms for self-protection, intimidation and, at times, a symbol of status. The smuggling and trafficking of firearms can be a lucrative enterprise.

Apart from taking advantage of a common border, criminals also exploit differences between Canadian and American laws governing firearms acquisition and transportation.

Canada and the United States have a long history of cooperative law enforcement in fighting gun crime and other shared public safety concerns. This Overview will focus on the illicit firearms market, differing legislative frameworks, and cooperative law enforcement efforts to combat the illicit movement of firearms across our shared border. Because Canada and the United States lawfully export and import firearms throughout the world, the focus of this document will be on the cross border movement of illicit firearms.

## II. CROSS BORDER TRENDS

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### OVERVIEW

In Canada, the illicit firearms market is supplied primarily by either smuggled firearms or firearms stolen from private residences or commercial venues. By virtue of its proximity to Canada and differences between Canadian and American firearms laws, the United States is the primary source of firearms - particularly handguns - smuggled into Canada. In the case of the United States, the majority of illegal firearms originate from within the country, although occasionally firearms may be sourced from other countries such as Canada.

There are five primary methods used by criminals and their organizations to acquire firearms from sources in the United States for subsequent smuggling attempts into Canada. These methods are secondary markets (e.g., gun shows, flea markets, and private sales), thefts, straw purchasers<sup>1</sup>, Federal Firearms Licensees (FFLs) that are dealing illegally, and persons who purchase firearms with false identification.

A large volume of persons and goods legally moves across the Canada and United States border through designated ports of entry. Criminal entities may try to exploit this cross-border traffic to smuggle firearms and other weapons into Canada, utilizing a variety of conveyances that include private vehicles, aircraft, commercial vehicles, boats, and other means. In some instances, those conveyances are altered to include specially designed concealment locations.

Illegal firearms are also smuggled across the vast unmanned border areas by individuals carrying contraband items in backpacks and via all terrain vehicles and private vehicles. Criminals also sometimes use a small number of Native American/Aboriginal reserves and/or territories situated on or near the border to move illegal firearms from the United States to Canada and/or as storage locations for subsequent illegal distribution.

The actual number of firearms smuggled into Canada, or vice-versa, is unknown. What is known is that most firearms smuggling attempts involve single firearms, and that seizures of multiple firearms (more than two) primarily involve seizures of handguns.

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<sup>1</sup> A "straw purchaser" is an individual who acquires a firearm(s) from a U.S. FFL on behalf of the actual buyer in order to hide the actual buyer's identity.

Statistics show that there have been several instances over the last four years where intercepted smuggling attempts have involved multiple handguns.

## **BORDER FIREARMS SEIZURES**

The vast majority of firearms seizures in both Canada and the United States are effected at official ports of entry, in particular, land border ports. In Canada, the Canada Border Services Agency (CBSA) is responsible for firearms seizures at ports of entry. In the United States, this duty falls under the purview of Customs and Border Protection (CBP).

Firearms seized by CBSA at land border ports generally fall into two categories: personal weapons of U.S. residents who are carrying them for their own protection or for hunting, or firearms believed to be destined for the Canadian illegal firearms market. More than 82% of firearms intercepted by CBSA were seized at the land border (highway mode). During a five-year period from January 2001 to December 2005, CBSA seized a total of 4,281 firearms, of which 2,698 (63.0%) were handguns and 1,541 (35.9%) were long guns. The remaining 42 firearms were classified as "antique".

CBP reports that the majority of firearms seized at the northern land border ports appear to be personal weapons of United States residents carried for protection or for hunting, suggesting that it is unlikely that the firearms were intended for the illicit firearms market. Primary ports of seizure in 2005 were Sweetgrass, Montana; Detroit, Michigan; and Buffalo, New York. Inbound seizures were represented by refusals/returns by CBSA. Most outbound seizures constituted individuals unwittingly admitting possession of stolen weapons while attempting to cross the Canada-United States border. Many of the stolen weapons recovered were a result of subjects attempting to register the firearms in Canada. It is likely these individuals were unaware of the law, i.e., that all firearms must be declared and registered before entering Canada. Other seizures of firearms were made from convicted felons or subjects under a protection order who were carrying weapons illegally.

Compared to the number of firearms seized at official ports of entry, there are far fewer firearms intercepted in areas between ports of entry. These firearms seizures fall under the mandate of the Integrated Border Enforcement Teams (IBETs). During the period from January 1 to October 31, 2005, IBETs reported only 14 seized firearms on the Canadian side of the northern border.

In the United States, during a four-year period from January 2001 to December 2004, CBP Office of Border Patrol seized 233 firearms, of which 143 (61%) were handguns.

The majority of all firearms seized by CBP Office of Border Patrol were personal weapons that were not destined for the illegal firearms market. CBP Office of Border Patrol reports that larger scale firearms seizures involving more than three firearms are uncommon. However, in two intercepted seizures of firearms headed northbound, the CBP Office of Border Patrol believes that the seized firearms were destined for the illicit firearms market and potentially to organized crime in exchange for narcotics.

### III. LEGISLATIVE FRAMEWORKS

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Canadian and American firearms laws governing possession and use are significantly different. The main distinguishing features can be summarized as follows:

- All firearms owners in Canada must be eligible for a firearms license based on national legislated licensing criteria, and must maintain eligibility to ensure public safety risks are minimized. Under Canadian law, all firearms must be registered in a national records management system.
- Generally speaking, the United States has a decentralized regulatory scheme for firearms. However, federal laws and regulations allow the Federal government to assist state and local governments in combating firearms violence. For example the Federal government requires licensing for anyone engaged in the business of manufacturing, dealing, importing or exporting firearms. Federal licensees are required to maintain records, are subject to warrantless inspections, and are mandated to respond to trace requests within 48 hours. Many states and localities have a centralized licensing or registration scheme. State and local governments may also require additional restrictions, such as waiting periods, a one-gun-a-month limit, or other restrictions.

Differences in firearms laws can provide opportunities for illegal acquisition and transport of firearms across the border. For example, handguns may be lawfully possessed in most American states. By contrast, handguns in Canada are classified as either restricted or prohibited, and few individuals are permitted to legally own handguns. This has the potential for creating a market for illegal handguns in Canada.

## CANADA

The *Firearms Act* and its related regulations govern the possession, transport, use and storage of firearms in Canada. This national legislation is administered uniformly across Canada, and applies to residents and visitors. Administration of the *Act* and the Canadian Firearms Program is overseen by the RCMP and is carried out in partnership with the provinces and other federal government agencies.

The aim of the Canadian Firearms Program is to enhance public safety by:

- helping reduce death, injury and threat from firearms through responsible ownership, use and storage of firearms; and
- providing police and other organizations with expertise and information vital to the prevention and investigation of firearms crime and misuse in Canada and internationally.

Key legislated elements of the Canadian Firearms Program include, background eligibility safety screening, safety training, safe storage of firearms, firearms licensing, and continuous eligibility requirements.

### **Safety Requirements**

Background safety screenings that are conducted for individuals who are applying for firearms licenses include screening for certain criminal convictions or discharges for violent offenses, firearms offenses, certain drug offenses, criminal harassment, mental illness associated with violence, a history of violence and acts of domestic violence. This screening is intended to ensure that firearms licenses are issued to individuals that are not a risk to themselves or others.

Firearms license applicants are also required to meet specific safety training standards, including satisfying requirements intended to ensure that licenses are issued only to those with knowledge of firearms laws and safe-handling practices, in order to be eligible for a License.

Safe storage laws help to prevent accidents and possible access to firearms by persons unauthorized to possess them.

## **Classification of Firearms**

Canada's *Criminal Code* classifies firearms as either non-restricted firearms (i.e. rifles and shotguns), restricted firearms (i.e. handguns), or prohibited firearms (i.e. automatic and military assault-type firearms and prohibited handguns). Under Canada's *Firearms Act*, separate safety training standards and distinct licensing authorizations apply to the acquisition of non-restricted and restricted firearms. Firearms clients in Canada must meet specific requirements to acquire restricted firearms, such as passing the Restricted Firearms Safety Course and providing a reason for acquiring restricted firearms, e.g. target-practice or gun collection.

## **Firearms Licensing**

Chief Firearms Officers (CFO), appointed for each province and territory in Canada, are responsible for issuing, refusing, revoking, and renewing firearms licenses. Applications are reviewed by the CFOs to ensure that individuals meet background and safety eligibility requirements. CFOs also authorize the transport, carrying, and transfer of firearms by individuals and businesses, and approve gun show sponsorship.

## **Continuous Eligibility**

As part of the Firearms Program's continuous eligibility processes, valid firearms licenses are monitored to minimize public safety risks. For continuous eligibility screening, CFOs rely on information from many sources, including events reported by police for possible follow-up investigation by firearms officers, concerns expressed by a spouse or another person close to or known by the licensee, or information from medical or public health professions suggesting there may be a public safety risk. Screening and continuous eligibility checks by CFO's may lead to the refusal of a license application or revocation of an existing firearms licenses on public safety grounds, thereby helping reduce the risk of unsafe firearm use that might lead to violence and tragedy.

Firearms and weapons offences, such as the unauthorized possession of firearms, are contained primarily in the *Criminal Code of Canada*. Penalties for violations of the relevant *Criminal Code* provisions range from fines to mandatory minimum sentences. Certain offenses carry discretionary or mandatory firearms prohibition orders.

Unless specifically exempted by a provision of the *Customs Tariff*, firearms are prohibited from entry into Canada. CBSA Investigations is responsible for prosecuting offenses relating to firearms under the Customs Act, including those individuals who fail to declare their firearms upon their arrival to Canada. In addition, CBSA Investigations prosecute individuals found violating Canada's laws relating to the exportation of firearms, under the *Export and Import Permits Act*.

## UNITED STATES

In the United States, the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) enforces the Federal firearms laws and regulates the firearms industry. The firearms regulatory scheme controls the interstate sale, transfer, delivery, manufacture, import, and export of firearms, including controls on those not eligible to possess firearms. Each state also has laws relating to the receipt, possession, and transfer of firearms. The federal system is designed to support states to better enforce their own laws. The following is a brief overview of the firearms jurisdictions of the U.S. agencies contributing to this document, and the statutes and penalties that they enforce:

### **Bureau of Alcohol, Tobacco, Firearms and Explosives**

ATF enforces the provisions of the National Firearms Act (1934), the Gun Control Act (1968), and the Arms Export Control Act (1976). These laws collectively regulate the interstate and foreign movement of firearms and ammunition by regulating the firearms industry and those who are licensed to make, deal in, import, or export firearms. FFLs are required to undergo a criminal background check, and background checks are performed for those purchasing or receiving firearms from FFLs. Additionally, regulations under the Gun Control Act establish guidelines for the conduct of business by FFLs, including recordkeeping requirements, inspections, and requirements relating to the safe storage of firearms. ATF also issues permits for the permanent importation of firearms.

### **Immigration and Customs Enforcement**

Section 127.4 of the Arms Export Control Act (codified as amended at 22 U.S.C. § 2778), gives U.S. Immigration and Customs Enforcement (ICE) sole authority for investigation of any export or attempted export of defense articles (to include small arms) or technical data. The maximum penalty for a violation of this law is a \$1,000,000 fine or

imprisonment up to ten years, or both. ICE conducts numerous investigations each year under this authority, and works closely with Canadian law enforcement agencies through the U.S. Attaché offices in Canada.

### **Customs and Border Protection- Office of Field Operations**

Various provisions of Titles 18 and Title 19 of the United States Code grant CBP seizure authority related to smuggling (Title 19) and general law enforcement (Title 18).

## **EXAMPLES OF DIFFERENT LEGAL/ADMINISTRATIVE APPROACHES**

### **Record Keeping and Impact on Firearms Tracing**

Firearms information is collected in both Canada and the United States and may be shared by law enforcement agencies when investigating firearms crimes and pursuant to international arrangements, subject to respective privacy laws. The United States relies upon the records maintained by licensees, and that information may also be shared pursuant to international arrangements, subject to respective privacy laws. Data that does not pertain to the actual individual possessing the firearm, such as information about bullets, cartridge cases, and firearms terminology, is shared based on compatible technology and pursuant to international arrangements. Both countries limit their information-sharing based upon their own laws and policies.

#### Firearms Records in Canada

In Canada, the Registrar of Firearms maintains and operates the Canadian Firearms Registry, which houses national data related to licensed firearms owners and to registered firearms. Registered firearms are those that are newly manufactured or imported, and are classified as either non-restricted (i.e. rifles and shotguns) or restricted (i.e. handguns).

The Canadian Firearms Registry monitors the transfer of ownership and disposition of firearms. Under the Criminal Code, it is illegal to transfer a firearm without complying with the requirements of the Firearms Act, such as obtaining the authorization of the Chief Firearms Officer for the transfer of a restricted firearm. Lost or stolen firearms must be reported and are also tracked through the Canadian Firearms Registry.

The tracking of legal firearms enables the Registrar of Firearms to support law

enforcement in the prevention and investigation of firearms crime or misuse in Canada and internationally.

### Firearms Records in the United States

Under federal law, firearms records for specified transactions are generally maintained by the licensed community. When such licensees go out of business, the firearms records must be transferred to the ATF. Regulations implementing the Gun Control Act require manufacturers, importers, and dealers in firearms to retain their transaction records for 20 years. 27 C.F.R. § 478.129. Manufacturers and importers maintain permanent records of firearms that are manufactured or imported. Regulations implementing the Arms Export Control Act require importers and exporters of defense articles, ammunition for such firearms, and parts and components for such firearms, to retain their records for a period of 6 years, in the case of importers, and 5 years, in the case of exporters and temporary importers. 27 C.F.R. § 447.34; 22 C.F.R. § 122.5. Regulations implementing the Export Administration Act, which apply to exporters of parts for sporting shotguns and shotgun shells, require that records be retained for a period of five years. 15 C.F.R. § 762.6.

### Ballistics Records

Both Canada and the United States collect images of bullets and cartridge cases recovered from crime scenes and from test fires of firearms associated with criminal activity. This information is stored using similar technology known as, the Integrated Ballistics Identification System (IBIS).

The IBIS technology assists forensic ballistics analysts in the preliminary analysis of images by detecting and extracting minute details that are compared against an inventory of ballistic reference data. A firearms examiner then manually verifies a potential match using a comparison microscope. Manual workload is dramatically reduced through IBIS technology, which allows for strategic use of time to support investigations.

The Canadian Integrated Ballistics Identification Network (CIBIN) is a national network that collects firearm information from IBIS terminals located in six urban centres across Canada. The United States has over 230 independent IBIS terminals in most states that are networked and are collectively known as the National Integrated Ballistics Information Network (NIBIN).

## Firearms Terminology

The Forensic Laboratory of the RCMP has developed a comprehensive Firearms Reference Table (FRT) that establishes a standard method of describing firearms. The FRT is a database that reflects a complete catalogue of firearms and provides a visual reference by associating digital images to corresponding firearms records. Firearms details include make, model, and specifications such as calibre and barrel length. A Glossary also includes firearm definitions and terms; acronyms/manufacturer codes; current Canadian orders/legal authorities, and company histories and firearm markings. Thousands of new and updated firearms records and images are available in every new version of the FRT. The program continues evolving as new firearms are developed or marketed and when new or updated information becomes available for existing records.

This unique and extensive FRT is considered a national standard in Canada. The FRT is used extensively by law enforcement officials in verifying firearms for accurate import - export controls, in facilitating detection of stolen firearms (tracing), ensuring accurate international communications involving transnational crime, and determining the legal classification of a firearm. ATF and other Department of Justice components have had access to the FRT since 2001.

## Impact on Firearms Tracing

Law enforcement officials trace firearms seized at crime scenes to determine their origin. Bullets and bullet casings can be traced through CIBIN or NIBIN, while the source of a firearm's ownership can be traced through registration and police records systems in Canada, and records maintained by licensees in the United States.

Firearms registry systems in Canada and the records maintained by licensees in the United States are used to assist law enforcement agencies in determining whether a firearm was legally or illegally acquired. These systems, along with police information systems, such as the

### **Idaho and the British Columbia area**

In January 2003, ATF developed information relating to an employee of a FFL in the U.S., who had been dealing firearms without a license for a number of years. This individual had sold approximately 200 firearms, including machineguns, to a Canadian citizen who operated a long-haul truck across the international border.

The Canadian trucker had disposed of some of these firearms to gang members of the British Columbia area. The RCMP subsequently recovered these firearms at crime scenes. The Canadian smuggler was convicted of four separate felonies and was sentenced to 18 months incarceration. Additionally, this investigation resulted in ATF seizing assets totalling \$98,200.

Canadian Police Information System (CPIC) and the United States' National Tracing Center, enable law enforcement agencies to trace firearms to solve firearms crimes and to prevent the movement of firearms used in crimes.

### **Deactivation/Rendering Firearms Inoperable**

Firearms owners may choose to render their firearms inoperable for the purpose of disposal or to keep as a non-functioning firearms mementos. Most countries adopt similar standards to ensure that firearms that have been rendered inoperable cannot be reactivated. Of particular concern, reactivated firearms could surface in the commission of a crime or in illicit cross-border trade of firearms, such as smuggling and trafficking.

Although Canada and the United States apply different standards or processes in rendering firearms inoperable, both countries adhere to international United Nations standards. A Supplement to the United Nations Convention against Transnational Organized Crime (see 55/255. *Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime, 8 June 2001*) outlines the following general principles for "deactivating" firearms to prevent their illicit reactivation:

- (a) All essential parts of a deactivated firearm are to be rendered permanently inoperable and incapable of removal, replacement or modification in a manner that would permit the firearm to be reactivated in any way;*
- (b) Arrangements are to be made for deactivation measures to be verified, where appropriate, by a competent authority to ensure that the modifications made to a firearm render it permanently inoperable;*
- (c) Verification by a competent authority is to include a certificate or record attesting to the deactivation of the firearm or a clearly visible mark to that effect stamped on the firearm.*

The term "deactivated", although not a legally defined term in Canada or recognized in the United States is commonly used in Canada.

## Rendering a Firearm Inoperable in Canada

In Canada and in accordance with the *Firearms Act*, the Registrar of Firearms is responsible for establishing and maintaining records of all firearms registration certificates. Therefore, the Registrar must be notified of any firearms that have been deactivated or destroyed.

For a firearm to be considered deactivated the firearm must no longer be considered a firearm (see firearm definition below). Key components of the firearm must be rendered permanently non-functional.

A firearm in Canada is defined as "a barrelled weapon from which any shot, bullet or other projectile can be discharged and that is capable of causing serious bodily injury or death to a person, and includes any frame or receiver of such a barrelled weapon and anything that can be adapted for use as a firearm" (*Criminal Code, section 2 definition of "firearm"*).

The Canadian Firearms Registry Guidelines for Deactivation set out specific deactivation guidelines for all firearm types to assist firearms owners and to ensure appropriate compliance with the Registrar of Firearms<sup>2</sup>.

## Rendering a Firearm Inoperable in the United States

The Gun Control Act of 1968 (GCA) (codified as amended at 18 U.S.C. §§ 921-924) defines the term "firearm" to include any weapon which will or is designed to or may readily be converted to expel a projectile by the action of an explosive. 18 U.S.C. § 921(a)(3). The definition explicitly excludes "antique firearms." The term "antique firearm" is defined in 18 U.S.C. § 921(a)(16) to include any firearm (including any firearm with a matchlock, flintlock, percussion cap, or similar type of ignition system) manufactured in or before 1898, or any replica of any such firearm, if such replica is not designed or redesigned for using rimfire or conventional centerfire fixed ammunition or uses rimfire or conventional centerfire fixed ammunition which is no longer manufactured in the United States and which is not readily available in the ordinary channels of commercial trade.

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<sup>2</sup> [http://www.cfc-cafc.gc.ca/online-en\\_ligne/form-assistance/PDFs/1023\\_e.pdf](http://www.cfc-cafc.gc.ca/online-en_ligne/form-assistance/PDFs/1023_e.pdf)

Notably, the Federal definition neither excludes "inoperable" firearms nor defines a "deactivated" firearm. Accordingly, under United States law, a weapon is a firearm if it actually functions, if at any time it was designed to function as a firearm (even if it is no longer operable) or if it is a frame or receiver of a firearm. Thus, a weapon that would be excluded from regulation as a firearm under the laws of many countries is generally still regulated as a firearm in the United States. There is no exception under United States law for firearms that, for example, cannot fire, or whose barrels have been welded closed, or where the pistol grips, trigger, barrel, and stock have been removed.

Of course, a firearm that is completely destroyed is not considered a firearm under United States law. Because the Federal definition includes the frame or receiver of a firearm, the destruction of a firearm requires that the frame or receiver be destroyed. Due to the variety of firearms, there is no single approved destruction method. As a general matter, however, a frame or receiver of a firearm must be diagonally torch cut (not cut with a bandsaw or cut-off wheel) with a tip that is capable of displacing ¼ inch of material in specific locations that destroys the frame or receiver. Examples of such proper destruction methods for four different receivers may be found at [www.atf.gov](http://www.atf.gov) in ATF rulings 2003-1, 2003-2, 2003-3, 2003-4. ATF's Firearms Technology Branch can be consulted for assistance in approving alternate destruction methods.

## IV. CANADA AND UNITED STATES FIREARMS LAW ENFORCEMENT COOPERATION

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As a result of international arrangements, Canada and the United States share intelligence and participate in joint investigations to prevent and solve firearms crimes resulting from the smuggling and trafficking of illicit firearms.

Intelligence is shared subject to each country's privacy laws and law enforcement protocols. Data is exchanged on a case-by-case basis, through police information systems and tools designed for ballistics identification, firearms tracing or joint law enforcement operations.

Specialized joint firearms training such as annual firearms Trafficking Schools ensure that law enforcement agencies develop and maintain firearms expertise and knowledge.

Also, international fora that support joint initiatives in combating illicit firearms, including the Cross Border Crime Forum and Project North Star provide a venue for law enforcement and justice officials to exchange ideas and coordinate in fighting cross-border crime.

### JOINT INITIATIVES

#### **Cross Border Crime Forum**

In 1997, the Cross Border Crime Forum (CBCF) was established to address transnational crime. The CBCF, which manages law enforcement elements of the Smart Border Declaration of 2001, brings together over 150 senior law enforcement and justice officials from Canada and the United States. Forum discussions relate to issues such as smuggling, organized crime, mass-marketing fraud, cybercrime, terrorism and other emerging cross-border issues.

Since its inception, the CBCF has evolved to include subject matter sub-groups such as the Canada-U.S. Consultative Group on Firearms Trafficking. The Canada Firearms Centre of the RCMP and the ATF co-lead the Consultative Group. A joint Canada-U.S. Action Plan guides cooperative law enforcement initiatives aimed at combating cross-border firearms smuggling and trafficking, and raising public awareness about the illegal movement of firearms. For example, in 2005, ATF and the RCMP signed a Letter of Agreement to exchange, when appropriate, firearm crime scene data via an electronic firearms tracing system designed by ATF.

The Canada-U.S. Consultative Group on Firearms Trafficking also supports key initiatives of the Security and Prosperity Partnership of North America.

### **Integrated Border Enforcement Teams**



The Integrated Border Enforcement Teams (IBETs) concept is a proactive initiative designed to respond immediately to real-time information and intelligence from a variety of American and Canadian agencies that participate in these teams. IBETs enhance border integrity and security by identifying, investigating, and interdicting individuals and organizations that pose a threat to national security or that are engaged in other criminal activity.

### **Integrated Ballistics Networks**

The RCMP and ATF currently share some ballistics information accessible by Integrated Ballistics Identification System (IBIS) technology. Real-time IBIS access through CIBIN and NIBIN electronic data exchanges will be made possible upon signing of an agreement between Canada and the United States.

Forensic analysts will then have timely and interoperable access to a base of ballistic information, accessible by using the same technology. This access should enhance the ability of both countries to effectively conduct investigations related to crime guns.

### **Firearms Tracing**

Canadian and American law enforcement officials have a long history of working together to trace firearms found at crime scenes. These traces are conducted in accordance with respective privacy laws.

In recent years, a web-based software developed in the United States has enabled Canadian police to directly submit firearms trace requests directly to the ATF National Tracing Center Division in Martinsburg, West Virginia. Firearms can be traced in accordance with trace protocols in a secure, real-time environment to United States manufacturers, importers and Federal Firearms Licensees (FFLs). United States law enforcement officials contact the RCMP or provincial police on a case-by-case basis to conduct similar trace requests.

## **Specialized Firearms Training**

Each year, NWEST hosts an annual international Firearms Trafficking School in a major east and west Canadian urban centers. The schools provide specialized training for front line law enforcement officers responsible for firearms seizures, recovering crime guns, and conducting investigations. The Provincial Weapons Enforcement Unit (PWEU) of Ontario also conducts similar annual trafficking schools in the Greater Toronto Area. ATF law enforcement officials participate and support joint hosting of each Trafficking School every other year.

Training is focused on trends and patterns of firearms crime, existing or new firearms technology and resources, legal requirements, regional perspectives and investigative techniques.

The trafficking schools provide a unique opportunity for developing firearms training for both Canadian and American law enforcement officials and promoting cooperation to support both domestic and joint investigations.

## **Attaché Support**

ATF offices in Ottawa, Toronto and Vancouver, working with ATF's field divisions in the United States, provide proactive law enforcement support to Canadian law enforcement counterparts during investigations, such as following up on investigative leads generated by Canadian police agencies.

## **Project North Star**



Project North Star is a bi-national frontline policing forum that is aligned with the CBCF but is more tactically oriented. It is comprised of police and other law enforcement agencies on both sides of the border. North Star is a border management tool that seeks to protect the integrity of the United States and Canada border without hindering the cross border flow of goods and people, and ensuring the policy autonomy, sovereignty, and cultural identity of both Canada and the United States. Additionally, it is a mechanism for enforcement officers working along our shared border to ensure that cross-border criminal activity is minimized through committed and measured cooperation and communication.

Law enforcement traditionally has responded reactively, case-by-case or file-by-file, to investigations involving Canada and the United States. Consolidating current

intelligence sharing agreements under the umbrella of North Star would foster proactive intelligence-led targeting of border crime groups. Policing of borders in the new millennium will require law enforcement and government agencies to find innovative ways of working together in order to guarantee collective effectiveness.

## **CANADIAN INITIATIVES**

### **Canadian Consultative Group on Firearms Trafficking**

Law enforcement and justice agencies from across Canada meet throughout the year to discuss progress of Action Plan items agreed upon by the Canada-U.S. Consultative Group on Firearms Trafficking.

Canadian agencies that support the Consultative Group include the Canada Border Services Agency, International Trade Canada, Royal Canadian Mounted Police, Criminal Intelligence Services Canada, National Weapons Enforcement Team, Provincial Weapons Enforcement Unit, provincial police and a Chief Firearms Officer.

### **Investments to Combat the Criminal Use of Firearms Initiative**

The Investments to Combat the Criminal Use of Firearms (ICCUF) Initiative is a \$50 million, five-year program within the Ministry of Public Safety portfolio. It involves three key partner organizations:

- Ministry of Public Safety
- Royal Canadian Mounted Police:
  - Firearms Support Services Directorate
  - Criminal Intelligence Directorate
  - Criminal Intelligence Service Canada
- Canada Border Services Agency

These investments are intended to stabilize funding for existing efforts, increase funding to enhance criminal information/intelligence collection activities related to firearms, and increase funding to build on efforts already identified through the Canada-U.S. Action Plan on Firearms Trafficking.

# UNITED STATES INITIATIVES

## **Project Safe Neighborhoods**



First introduced in 2001 by President George W. Bush and Attorney General John Ashcroft, Project Safe Neighborhoods (PSN) is the Administration's gun crime reduction strategy, specifically designed to address violent crime and, just as the name implies, make Americans feel safe in their neighborhoods.

This initiative calls for each United States Attorney to form a "task force" of regional law enforcement leaders to identify the specific violent crime problem in their jurisdiction, design a data-driven strategic plan that incorporates the assets of all the partners, provide training to enhance specific skills, reach out to the community and include them in the plan, and be accountable for the success or failure of the plan in terms of outcome - the reduction of violent crime.

The initiative envisions that the Federal and state partners will work together to see that cases are brought in the most appropriate forum - state or federal - to ensure that gun crime is addressed in the most appropriate manner and is met with swift prosecutions and maximum sentences. Therefore, the PSN initiative provides each U.S. Attorney's Office with the flexibility to determine the most effective tools to combat gun violence in its jurisdiction, which may include the increased use of drug trafficking statutes and other federal laws, along with federal firearms statutes.

## **Stronger Penalties for Firearms Trafficking**

In April 2006, the United States Sentencing Commission passed amendments to the Federal Sentencing Guidelines, effective in November, 2006, substantially enhancing the penalties for defendants who engage in the trafficking of firearms. These enhancements, supported by the U.S. Department of Justice, provide an additional tool for U.S. prosecutors in the fight against firearms trafficking.

## **Operation Stonegarden**

Operation Stonegarden is a cooperative effort to secure the borders of the United States, which is currently pending implementation. The goal of Operation Stonegarden is to incorporate the efforts of state, local, and tribal law enforcement entities to enhance border security and prevent the entry of terrorists and terrorist weapons of mass effect, while at the same time reducing the ability of human trafficking and narcotics organizations to operate along the borders of the United States.

## V. OUTLOOK

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Firearms used by criminals as a commodity item for illicit trade is an unfortunate reality, particularly because firearms facilitate the commission of other crimes that involve violence and intimidation, such as drug trafficking, human trafficking, and terrorism. Consequently, the illegal movement of guns across the Canada and United States border will require ongoing joint cooperation and vigilance.

Over the past few years, the Cross-Border Crime Forum, Canada-U.S. Consultative Group on Firearms Trafficking completed an eight-point Action Plan that includes:

- 1) Developing a Canada-US Firearms Trafficking Overview
- 2) Denying criminals access from acquiring firearms and/or explosives
- 3) Initiating a joint review of Importation and Deactivation Enforcement laws
- 4) Educating the public through an awareness campaign about the consequences of firearms trafficking and each country's import/export laws
- 5) Establishing a firearms tracing electronic interface
- 6) Establishing a ballistic identification electronic interface
- 7) Conducting joint firearms training
- 8) Developing an explosives assessment to determine potential risks of cross-border explosives smuggling and trafficking

Canada and the United States will continue to work through the CBCF Firearms Trafficking Working Group to combat the illicit trade in firearms. The emphasis on the Group's work will be to enhance information sharing among our respective law enforcement agencies at the federal, state, provincial, and local levels. The Group will meet with law enforcement officials to identify any current information sharing gaps, and seek practical solutions to enable effective and efficient firearms crime fighting tools and initiatives.

## VI. PARTICIPATING AGENCIES

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### CANADA

#### Royal Canadian Mounted Police



The RCMP has a primary role as Canada's national police force and is responsible for the enforcement of the *Criminal Code of Canada* - including firearms offenses. In addition to conducting smuggling investigations, it also enforces the Customs Act along the border between official ports of entry.

#### Canada Firearms Centre

The Canada Firearms Centre (CAFC) was created in 2003 to oversee the administration of the *Firearms Act* and delivery of the Canadian Firearms Program. Public safety is the founding principle upon which the *Firearms Act* and the Program were created.

The *Firearms Act* and its related regulations govern the possession, transport, use and storage of firearms in Canada. The objective of the Firearms Program is to help reduce firearms-related death, injury and crime.

The Commissioner of Firearms, also the Commissioner of the RCMP, heads the CAFC and reports directly to the Minister of Public Safety.

Delivery of the Canadian Firearms Program depends upon a partnership involving the federal government, provincial governments and law enforcement agencies. Provincial Chief Firearms Officers, as well as federal partners, such as the Canada Border Services Agency and International Trade Canada play a key role in program delivery. CFOs are responsible for determining eligibility of firearms licenses, authorizations to transport or carry firearms. They also designate instructors for Canadian Firearms Safety Courses.

The Registrar of Firearms is responsible for the decision-making and administrative work related to registration certificates, authorizations to export and authorizations to import. In addition, the Registrar maintains and operates the Canadian Firearms Registry, and is responsible for refusing to issue or for revoking registration certificates when required.

## Criminal Intelligence Service Canada



Criminal Intelligence Service Canada (CISC) is the voice of the Canadian intelligence community and unites the criminal intelligence units of Canadian law enforcement agencies in the fight against organized and serious crime in Canada. It is comprised of a Central Bureau, located in Ottawa, that functions on a national scale, along with provincial bureaus that operate within each provincial boundary. CISC has dedicated resources to strategically evaluate the illicit firearms issue in Canada.

## National Weapons Enforcement Support Team

Created and initially funded by the Department of Justice, Canadian Firearms Program, NWEST is a unit of highly trained and experienced individuals working in a support role with local law enforcement to assist in anti-trafficking and anti-smuggling efforts. The team also helps the police community in dealing with issues of violence with firearms. Currently, NWEST is under the National Police Services (NPS) and administered by the RCMP. NWEST has representatives located in each Province throughout Canada.

## **Canada Border Services Agency**



The CBSA is responsible for providing integrated border services that support national security and public safety priorities and facilitate the legitimate flow of persons and goods, including animals and plants. Its role is to manage the nation's borders by administering and enforcing over 90 domestic laws, as well as international arrangements and conventions at approximately 1,370 service points. The CBSA Officers are highly trained to prevent and interdict the entry of illegal persons, goods, including firearms, through the sharing of intelligence, investigations and enforcement. The CBSA utilizes state of the art interdiction technology and has Intelligence Officers strategically placed in various locations across Canada, US and overseas to enhance their enforcement efforts.

## Provincial Weapons Enforcement Unit



The Provincial Weapons Enforcement Unit (PWEU) is a joint force unit under the direction of the Ontario Provincial Police (OPP). It includes member forces from most of the large police services in Ontario, as well as the RCMP and Canada Border Services Agency. PWEU is a support unit with the goal of assisting all law enforcement in Ontario to combat the growing threat of illicit firearms and their subsequent impact on crimes of violence. The PWEU mandate is to identify persons involved in the illegal movement of firearms and to take enforcement action.

## UNITED STATES

### Bureau of Alcohol, Tobacco, Firearms and Explosives



The ATF, a Department of Justice agency, is responsible for regulating interstate and foreign commerce in the firearms and explosives industries, and enforces federal statutes relating to alcohol, tobacco, firearms, and explosives. The Bureau's mission is to prevent terrorism, reduce violent crime, and protect the United States, and it carries out that mission by utilizing resources such as state-of-the-art forensic laboratories, firearms and bullets/shells tracing capabilities, intelligence, training, and web-based informational assets that are made available to its law enforcement counterparts during investigations. ATF is committed to working directly, and through partnerships, to investigate and reduce crime involving firearms and explosives, acts of arson, and the illegal trafficking of alcohol and tobacco products in the domestic and international markets.

### Department of Homeland Security

#### Customs and Border Protection - Office of Border Patrol



Since 1924, the Border Patrol has grown from a handful of mounted agents patrolling desolate areas along United States borders to today's dynamic work force of over 12,000 men and women supported by sophisticated technology, vehicles, aircraft and other equipment.

The priority mission of the United States Border Patrol is preventing terrorists and terrorist's weapons, including weapons of mass effect, from entering the United States.

The Border Patrol is specifically responsible for patrolling nearly 6,000 miles of Mexican and Canadian international land borders and over 2,000 miles of coastal waters surrounding the Florida Peninsula and the island of Puerto Rico. Agents work around the clock on assignments, in all types of terrain and weather conditions.

#### Customs and Border Protection - Office of Field Operations

CBP Field Operations consists of all the personnel that work at the 310 land, air, and sea ports of entry in the United States. The primary mission is to keep terrorists and terrorist weapons out of the country. Additionally, the Office of Field Operations makes determinations about the admissibility of all visitors to the U.S, inspect baggage and cargo for agricultural pests, and searches for contraband such as narcotics, weapons, and concealed currency.

#### Immigration and Customs Enforcement



Created in March 2003, Immigration and Customs Enforcement (ICE) is the largest investigative agency within the U.S. Department of Homeland Security (DHS). The agency was created after 9/11, by combining the law enforcement arms of the former Immigration and Naturalization Service (INS) and the former U.S. Customs Service, to more effectively enforce the U.S. immigration and customs laws. ICE is responsible for investigating a range of issues that may threaten national security and fulfills its mission by identifying and investigating criminal activities and eliminating vulnerabilities that pose a threat to the United States borders, as well as enforcing economic, transportation and infrastructure security. ICE agents have border search authority and Attaché offices placed strategically around the world to support its investigations.