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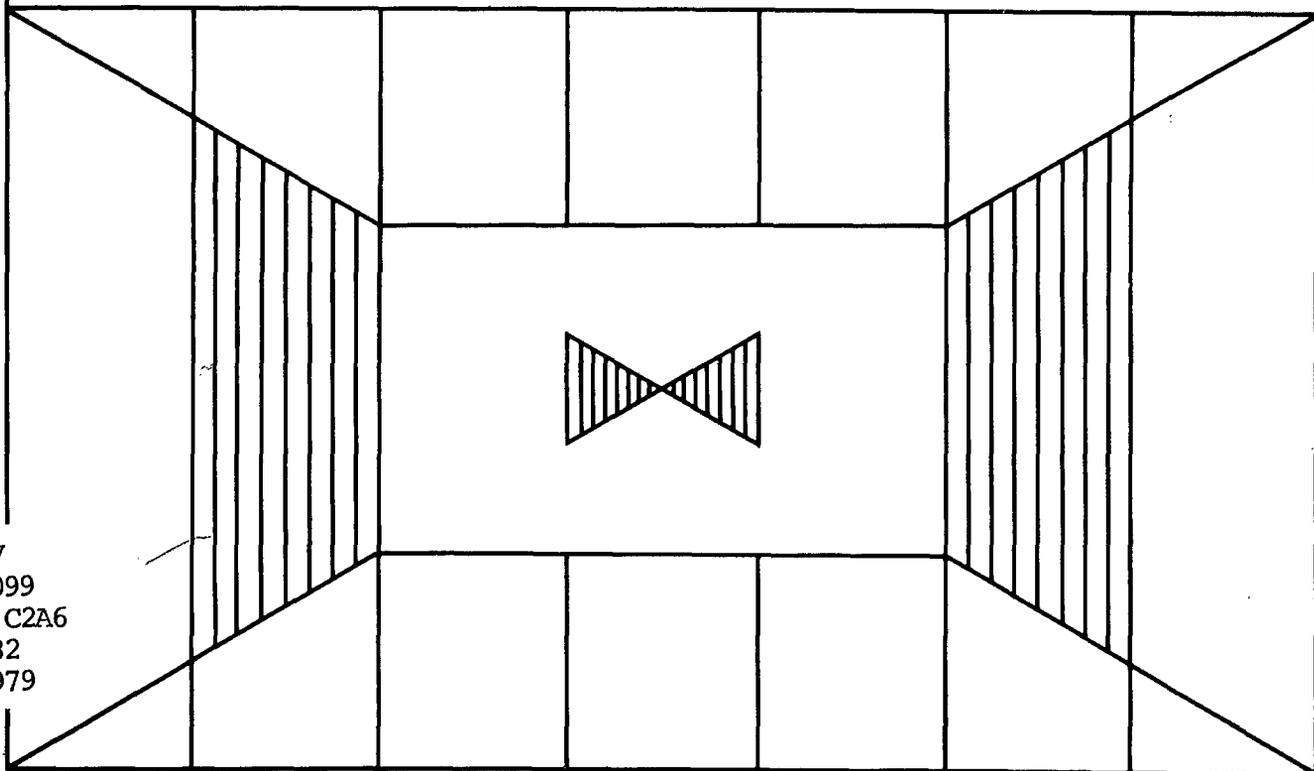
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# Firearms and The Private Security Industry in Canada

by

**Philip C. Stenning**



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HANN, Robert G.            Deterrence and the Death Penalty: A Critical Review of the Econometric Literature. \$2.50 (other countries: \$3.00). 64 pages, 1977. Cat. No. JS32-1/5.

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Philip C. Stenning

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Introduction - The scope of the Study.

In July 1975, I was commissioned by the Ministry of the Solicitor General of Canada to conduct an exploratory study of the use of firearms within the private security industry in Canada, and of the existing legal and governmental controls over this aspect of private security work. In conducting this study, I have adopted a broad definition of "private security" to include the following categories of personnel:

1. Licensed<sup>1</sup> contract guards.
2. Licensed contract private investigators.
3. Armoured car personnel.
4. Alarm Company personnel.
5. Bank security personnel.
6. "In-House" (commercial or industrial) security personnel (including campus security personnel).

Members of "quasi-public" police forces (e.g. harbour police, railway police, hydro police, etc.) were not included for consideration, although reference to them will occasionally be found in this report. Other non-police government security personnel (e.g. game wardens, park wardens, conservation officers, transportation inspectors, etc.), while they may be thought by some to fall under the rubric of "private security",

1. Also included in categories 1 and 2 are contract guards in Prince Edward Island and Saskatchewan, and contract investigators in Prince Edward Island, who are not required to be licensed.

have similarly been excluded from consideration in this study.

The study was conducted primarily through the medium of interviews with representatives of the six categories of private security listed above, persons involved in firearms training for private security personnel, representatives of Provincial departments of Justice, Attorney General or Solicitor General (as the case may be), the Royal Canadian Mounted Police, and Provincial and Municipal police. The interviews were conducted in Ottawa, Montreal and Vancouver, as well as in each of the ten Provincial capitals.

During the course of visiting these 13 cities, I interviewed close to one hundred persons with interest or responsibilities relating to the subject of the study. I must emphasize at this point that throughout this short study I received unqualified co-operation from all the persons whom I contacted, both in government and in the private security industry. To all those who co-operated in this way, I would like to express my very considerable appreciation here.

My interviews were based on a series of primary "focus points" which had been determined at the outset of the study, and which proved entirely adequate to cover the topic of the study. These focus points were:

1. What kinds of firearms are used within the private security industry? For what purposes are they used?
2. What policies are followed in the issuance of registration certificates and carrying permits to private security personnel, and what kinds of personnel are issued such certificates and permits as a result of these policies?

3. How many private security personnel are issued (a) firearm registration certificates, and (b) carrying permits under the Criminal Code? What proportion of the private security industry do these persons constitute?
4. How many private security personnel carry firearms by virtue of holding peace officer appointments (e.g. as special constables), i.e. without the necessity of a carrying permit?
5. What background investigations are undertaken (a) by government authorities, and (b) by the private security industry itself, before an employee is permitted to carry a firearm in the course of his work?
6. What restrictions are placed (a) by government authorities, and (b) by the industry itself, on the conditions of carriage and use of firearms by private security personnel?
7. What levels of training in the knowledge and use of firearms, and about the law pertaining to such use, is available to, required of and received by private security personnel who carry firearms in the course of their work?
8. To what extent have firearms actually been used (i.e. drawn or discharged) by private security personnel in the course of their work? Have injuries and/or deaths resulted from such use?
9. Has the demand for and provision of armed protection increased, decreased or remained stable over the last few years? What trends are noticeable, and what explanations for these trends exist?

10. What relationships (if any) exist between requirements of property insurance and the demand for armed protection service?
11. What are the costs (to the industry and to its clients) of providing armed protection services?
12. What are the interviewees' attitudes towards the current use of firearms within the private security industry and towards the existing controls over such use? What changes, if any, would they recommend?

In the summary of my findings which follows, the "focus points" are considered in the order they have been listed above. Since much of the information sought from interviewees was of a statistical nature, however, some general observations about the availability, sources and probable accuracy of the data presented in this part of the report must be made at this point. Such data was derived from two primary sources:

1. Self-reports from private security industry representatives; and
2. Statistics provided by local registrars of firearms, and persons appointed to issue carrying permits under S. 97\* of the Criminal Code.

To a considerable extent I was able to check these two sources of information against each other in an attempt to verify, in particular, data derived from the private security industry itself. Although on occasion I found discrepancies between the data derived from the two sources, I am satisfied that in general the data supplied by both sources is accurate and gives a reliable general picture of the extent to which firearms are used by those personnel

\* The numbers of the Sections in the Criminal Code to which this study refers are those that were in effect in 1975.

to whom the data relates. For a number of reasons, however, this data gives only an incomplete picture of the extent to which firearms may be used throughout the private security industry (as defined above). The main reason for this lies in the nature of the principal control mechanism (i.e. the law and its administration) over the use of firearms in Canada, and their limitations. These must be briefly described.

### Current Legal Framework of Controls

Firearms control in Canada has generally been viewed as a Federal legislative responsibility, discharged through the enactment of provisions of the Criminal Code, which it is the responsibility of the respective Provincial Governments to administer. As will be noted below, however, the Criminal Code expressly excludes certain types of hunting guns from its control provisions. In many provinces, these are subject to legislative controls through Provincial wildlife or game laws, and in British Columbia and Newfoundland, Provincial Firearms Acts are to be found. Where relevant, these Provincial laws will be discussed below.

#### (a) Prohibited, Restricted and Other Weapons

The principal provisions of the Criminal Code governing the possession and use of firearms are Sections 82 to 106. These provisions establish three basic categories with respect to firearms--prohibited weapons, restricted weapons and other weapons (S.82). It is an offence to possess any prohibited weapon under any circumstances<sup>2</sup> (sections 89 and 90). The only "weapon" relating to firearms which is currently

2. The only exception to this prohibition is provided to Peace Officers and certain other specific persons under s.100 of the Code to be discussed below.

prohibited under s.82 is a silencer. The "restricted weapon" category currently includes only the following types of firearms:

"(a) any firearms designed, altered or intended to be aimed and fired by the action of one hand,

"(b) any firearm that is capable of firing bullets in rapid succession during one pressure of the trigger,

"(c) any firearm that is less than twenty-six inches in length or that is designed or adapted to be fired when reduced to a length of less than twenty-six inches by folding, telescoping or otherwise."

In practice, this "restricted" category includes all handguns (sidearms) and all fully automatic firearms. In addition, the Code gives power to the Governor in Council to declare other weapons (except shotguns) or rifles "of a kind commonly used in Canada for hunting or sporting purposes" to be "restricted weapons". Semi-automatic commando rifles have also been declared restricted weapons by virtue of this provision. Finally, firearms are deemed not to be prohibited or restricted where it is proved that they are not "designed or adapted to discharge a shot, bullet or other missile at a muzzle velocity exceeding five hundred feet per second or to discharge a shot bullet, or other missile that is designed or adapted to attain a velocity exceeding five hundred feet per second" (S.82(2)).

(b) Registration Certificates

Section 91 of the Code makes it an offence for a person to have in his possession a restricted weapon "for which he does not have a registration certificate issued to him". In Sections 82 and 98, the Code provides for a registration system which may be administered either by the Commissioner of the RCMP and his appointed agents alone, or by him jointly with the Provincial Attorneys General and their appointed agents. The agents, whether appointed by the RCMP Commissioner or by a Provincial Attorney General, are known as local registrars of firearms (S.82(1)). The Provinces are thus given the option of leaving the registration of restricted weapons entirely up to the RCMP, or of assuming responsibility for the initial processing of registration applications by making their own local registrar appointments. A third possibility, which has been adopted by a number of Provinces, is that responsibility is shared between local registrars appointed by the Commissioner (in practice always members of the RCMP) and local registrars appointed by the Provincial Attorney General (in practice nearly always members of Provincial or municipal police forces). Whichever scheme is adopted, however, the procedure for the registration of a restricted firearm is essentially the same. The applicant files his application with the local registrar of firearms, who issues a "transportation permit" permitting the applicant to bring the weapon to the registrar for examination. When satisfied that the application is in proper form, and that the weapon bears the required degree of identification (S.98(2)(b)), the local registrar forwards the application to the Commissioner of the RCMP (in practice the RCMP Firearms Registration Branch in Ottawa), together with his recommendations (if any) as to whether a registration certificate should be issued (S.98(3)). The decision of

whether to issue such a certificate, however, rests solely with the Commissioner of the RCMP, who is also charged with the responsibility of maintaining an up-to-date registry of all registration certificates issued (S.98(1)). While copies of registration applications are retained by local registrars, the only complete records of registration certificates issued appear to be the central records kept by the Commissioner in Ottawa.

A registration certificate only gives its holder the right to possess the firearm at his dwelling-house or at his place of business, for Section 93 of the Code makes it an offence to possess a restricted weapon elsewhere unless the person possessing the weapon is the holder of a permit under which he may lawfully so possess it. Without such a permit, therefore, a person may only maintain a restricted weapon at a single address to which it is registered: whether this is a business address or a private home address is not necessarily indicated on the registration application or on the registration certificate.

(c) "Carrying Permits"

If the owner of a registered restricted firearm wishes to carry the firearm off the premises to which it is registered, he must obtain either a "transportation permit" under S.97(3) of the Code, or a "carrying permit" under S.97(2). "Transportation permits" are generally issued solely for single transfers of a weapon from one address to another (e.g. from an old home to a new house, from a city home to a cottage, or from a business address to a home address). "Carrying permits" under S.97(2), on the other hand, are issued to allow regular or frequent possession of the weapon off the premises to which it is registered, and may only be issued in cases where the applicant requires to possess the weapon off the premises:

- "(a) to protect life or property,
- (b) for use in connection with his lawful profession or occupation,
- (c) for use in target practice under the auspices of a shooting club approved for the purposes of this section by the Attorney General of the Provinces in which the premises of the shooting club are located,
- or
- (d) for use in target practice in accordance with the conditions attached to the permit."

Section 97(1) of the Code provides for an administration scheme for the issuance of permits which essentially parallels that provided for the registration of firearms. Thus, permits may be issued only by the Commissioner of the RCMP or his appointees, or by a Provincial Attorney General or his appointees.<sup>3</sup> In practice, but not necessarily or always, persons who have been appointed

3. Local registrars also have authority to issue certain permits under Sections 97(5) and (7) and 98(2) (a). These permits, however, are permits to minors to possess firearms and ammunition, and permits to transport weapons to the registrar for registration, and are not the "transportation" or "carrying" permits referred to above, which may only be issued by persons appointed under S.97(1).

local registrars under S.82(1) are often also appointed under S.97(1) to issue transportation and carrying permits.<sup>4</sup> The essential difference between the two schemes of administration, however, is that while local registrars merely process applications for registration for issuance centrally by the Commissioner of the RCMP in Ottawa, persons appointed under S.97(1) to issue permits, are empowered to issue the permits themselves without reference to the Commissioner. The result is that records of permits are maintained locally, and not centrally as is the case with records of registration certificates.

(d) Firearms Which Need Not be Registered

Since only "restricted weapons" are required to be registered, possession and use of firearms which are not registered require neither registration certificates nor carrying permits. In practice, as far as the private security industry is concerned, only shotguns and rifles "of a kind commonly used in Canada for hunting or sporting purposes" (long guns) fall into this category, although it is not inconceivable that other firearms which would not be "restricted" could come to be used by the industry. The fact that these weapons are not required to be registered, and that a carrying permit is not required to possess them anywhere, does not of course mean that the industry is free to carry and use them anywhere as it pleases. Like all other citizens, private security personnel are

4. Persons appointed under S.97(1) are also empowered to issue "business permits" or "dealer permits" under S.97(4) to persons engaged in selling restricted weapons at retail, repairing them or taking them in pawn. To carry on such a business without such a permit is an offence (S.96(2)).

subject to the general prohibitions relating to the use and carriage of firearms which are contained in the Criminal Code. Chief of these are:

- S.83 - possession of a weapon or imitation thereof, for a purpose dangerous to the public peace or for the purpose of committing an offence.
- S.84 - possession of a weapon while attending, or on ones way to attend, a public meeting.
- S.85 - carrying a weapon concealed, without a permit authorizing one lawfully to so carry it.
- S.86 - without lawful excuse, pointing a loaded or unloaded firearm at another person, or using, carrying or possessing any firearm or ammunition in a manner that is dangerous to the safety of other persons.

(e) Provincial Legislation

In addition to these Criminal Code prohibitions relating to firearms of all types, provincial wildlife and game laws in many jurisdictions contain restrictions and prohibitions relating to the use of firearms. Although such laws are of course intended primarily to deal with the recreational use of firearms, I was informed in several jurisdictions that their availability is considered of value in controlling firearms use by persons considered to be members

of the "criminal element", and is also considered to be potentially useful in curbing the use of long guns in public places by the private security industry.

A most significant gap in the Criminal Code as far as the private security industry is concerned, is the absence of any prohibition of carrying a loaded non-restricted firearm in a public place, other than for purely hunting or recreational purposes. Although S.86 of the Code speaks of "without lawful excuse...carrying or possessing any firearm or ammunition in a manner that is dangerous to the safety of other persons", all of the registrars and police personnel with whom I discussed this provision were agreed that it would probably be inadequate to prevent security guards carrying loaded long guns in public places during the course of their work. It is felt that they would either be able to claim "lawful excuse" (they are licensed by the Provincial governments to do their work), or else would be able to argue successfully that mere carriage of a loaded weapon in public is not by itself inherently "dangerous to the safety of other persons".

I am aware of no Provincial legislation in any jurisdiction which prohibits the carriage of a loaded shotgun in a public place, other than for hunting or recreational purposes. Some Provincial laws, however, prohibit the carriage of loaded firearms in motor vehicles. Thus Section 16 of the Manitoba Wildlife Regulations makes it an offence to "carry or have a loaded firearm in or on, or discharge it from, an aircraft or vehicle". Many other jurisdictions have similar provisions on their statute books. In British Columbia, the Firearms Act, 1966, C.16 and the Wildlife Act, 1966, C.55, when applied to the private security industry, contain the potential for some confusion (primarily, of course because they were clearly not drafted with the private security industry in mind). Section 3(1) of the Wildlife Act provides that:

"3(1) No person shall hunt wildlife or carry a firearm unless he is the holder of a subsisting licence issued to him under the Act and any other licence required by regulation and complies with the provisions of the Firearms Act, 1966 and and regulations" (emphasis added).

Licences under the Act are issued by the B.C. Fish and Wildlife Branch. They carry the following terms:

"The person whose name and signature appear on the reverse is hereby licensed to carry firearms subject to regulations and the restrictions, if any, set out on the reverse until the expiry date indicated".

Officials of the Wildlife Branch told me that to obtain any such licence a person must first complete a Conservation and Outdoor Recreation Education Program, given either by the Branch or by an approved institution (e.g. a gun club). I was told that this course varies somewhat in duration, but generally involves between 8 to 20 hours of instruction in (a) the safe handling of a firearm, and (b) the identification of wildlife. Many of these courses do not actually involve the trainee firing the weapon. Two kinds of licences are issued under the Act -- a hunting licence and a non-hunting licence to carry. Despite the fact that officials told me that the C.O.R.E. program must be completed for either kind of licence, it is noteworthy that the British Columbia Hunting Regulations Synopsis 1975/1976 issued by the Fish and Wildlife Branch refers to the training requirement only in relation to hunting licences, and not in relation to non-hunting licences to carry (see pp.4-5). Furthermore, private security industry personnel

in Vancouver informed me that they had obtained non-hunting licences to carry from the Wildlife Branch, on payment of a one dollar fee and with no requirement to complete any training program or competency test. Officials of the Branch in Vancouver did not appear to be aware that such licences have been issued to private security personnel.

It is noteworthy that the non-hunting carrying licences do not carry any specific restrictions relating to when a firearm may or may not be carried loaded. Some members of the private security industry have therefore concluded that the licence authorizes them to carry loaded shotguns or rifles during the course of their work, and would provide them with "lawful excuse" under S.86 of the Criminal Code. The Vancouver police appeared reluctantly to agree with this conclusion.

Section 6 of the B.C. Firearms Act provides that:

- "6. Unless otherwise authorized by the regulations, or by a permit, no person shall discharge, carry, or have in his possession...in or on a motor vehicle... a firearm containing live ammunition either in its breech or in its magazine".

Officials of the Wildlife Branch, which is responsible for issuing "permits" under this Act, assured me that the provision for a permit under Section 6 was intended only for rare cases in which paraplegics etc., may need to hunt from a vehicle, and that no such permits have ever been issued by the Branch. Section 6 of the Act would therefore appear to prohibit all persons (including private security personnel) from carrying loaded weapons in motor vehicles. The section does not appear

to be enforced against private security personnel, some of whom, as I shall note below, regularly carry loaded shotguns in their vehicles. The manual of one such company, in fact, specifically states that: "Shotguns must be kept loaded while the employee is on duty; however, no shell shall be kept directly in firing position."<sup>5</sup> Some private security personnel appeared to believe that a non-hunting carrying licence would amount to a "permit" for the purposes of Section 6 of the Firearms Act. Although this may not be technically correct, the error seems reasonable enough, and the legislation, when read in conjunction with the Criminal Code, seems sufficiently unclear, that one would not be surprised to see a judge giving an accused security guard or armoured car guard the benefit of the doubt in a prosecution under Section 6.

As I shall note below, many jurisdictions now, as a matter of policy, deny restricted weapons to most private security personnel. Yet the current law in all Provinces appears to place no controls on the possession of non-restricted firearms by the private security industry, at least other than when loaded and in a motor vehicle. Not surprisingly, many of the police personnel to whom I spoke commented with some concern over this disparity in controls, and expressed the view that the law is in need of some amendment in this regard. The majority opinion appeared to be that if private security personnel are to be allowed to carry shotguns and rifles in the regular course of their work, they should be required to meet the same standards as are required of those who carry restricted weapons in the course of such work.

5. The weapons used in this case are semi-automatic 12 gauge pump-action shotguns, the magazine of which carries five shells.

Some felt that there is no reason for private security personnel to carry long guns, and that the practice should be prohibited. This could be accomplished presumably by incorporating into the Code a provision to the effect that it would be an offence to carry, possess etc., a shotgun or rifle outside one's dwelling place other than for bona fide hunting or recreational purposes.

I am not convinced, however, that such a prohibition would necessarily be in the best interests of either the general public (many of whom are the "clients" or private security) or of the industry itself. Although on the face of it, it may seem difficult to see why private security personnel should ever require shotguns, some of the police personnel with whom I spoke, as well as some of those in the industry, expressed the view that if armed protection is ever needed, shotguns may be more appropriate (in terms of effectiveness and safety) than sidearms. These people generally stress the fact that shot from a shotgun does not ricochet (thereby reducing risk to innocent by-standers) and must be fired from a much shorter range to be lethal. They argue, furthermore, that there is not such a tendency to "play" with long guns (whether through curiosity or a desire to "show off") and that the risk of accidental or negligent discharge is thus reduced. Long guns are also seen as having a greater deterrent effect than sidearms.

It seems to me that the arguments for allowing armed protection only if sidearms are used are not strong, and that a better policy would be to allow long guns when they are deemed appropriate, but subject their bearers to the

same standards of competency and training etc. (see below) as would be desirable for those bearing sidearms for the same purpose. I accordingly recommend that it be made an offence under the Criminal Code to possess or carry a shotgun or rifle (or non-restricted weapon) elsewhere than in one's dwelling house for other than hunting or recreational purposes, unless the person possessing or carrying such a firearm has a permit issued to him or her for that purpose. Non-restricted weapons would thus be treated in the same way as restricted weapons only when they are to be used for non-hunting or non-recreational purposes.

Recommendation 1: Persons who wish to carry non-restricted weapons outside of their dwelling place for other than hunting or recreational purposes, should be required to obtain a permit for this purpose, and carrying such weapons for such purposes without such a permit should be an offence under the Criminal Code.

### Implications of Existing Legal Framework for the Study

#### (a) Long Guns

The general legislative scheme of control and administration described above involves a number of important implications for anyone trying to accumulate data on the use of firearms within the private security industry. In the first place, it will be clear that no official figures are available on the use of long guns and other firearms which are not in the "restricted" or "prohibited" categories. I have therefore had to rely exclusively on the private security industry itself

as a source of data with respect to this type of firearm. While I have made every effort to ensure that the private security representatives I have interviewed have been fairly representative of the different parts of the industry the study is designed to cover, they represent a small sampling of a very large industry, and obviously could not give me statistics on gun use which could be said to be valid for the industry as a whole. At best, I have been able to gain from these industry representatives, as far as statistics are concerned, some confirmation and corroboration of the official statistics I have derived from registrars, and some "guestimates" relating to those areas of gun use within the private security industry which are not covered by official statistics. Because of the wide experience of many of those whom I have interviewed, and because many of their "guestimates" seem to be substantially consistent with each other, I am reasonably confident that they are tolerably reliable "guestimates". Substantial empirical research would be required, however, to ascertain the accuracy of these "guestimates".

(b) Use of Firearms by In-House Security Personnel

A second, and potentially very significant, area which is necessarily not covered by official statistics, however, is the use of firearms by in-house security personnel (i.e. security personnel who work exclusively for the company or institution which employs them). It will be recalled that a carrying permit is not required for one to possess a restricted weapon as long as it is (a) registered, and (b) kept on the premises to which it is registered. There are two schools of thought as to what the implications of these provisions are for in-house security personnel. One view (apparently the more prevalent) is that an in-house security officer, being legally the agent of his

employer, may carry a registered restricted weapon on the premises of his employer without a carrying permit, in the same way that his employer can, provided that he does not carry it off the premises to which it is registered. According to this view a company may if it wishes, register as many restricted firearms to its premises as it wishes, and can in this way operate its own armed guard service on its premises without the necessity of obtaining carrying permits for its security officers.

As I shall note below, the issuance of carrying permits is drastically more restrictive than the issuance of registration certificates, and according to this view, therefore, in-house security is not subject to these additional controls over the use of firearms. An even more extreme version of this view of the law would also contend that even contract security personnel do not require carrying permits while carrying restricted firearms on the clients' premises, provided that the firearms are registered in their client's name and to his premises. Because contract personnel, while working on a client's premises, are legally agents of the client in the same manner as in-house security officers are legally agents of their employer. Only three of my interviewees however, were prepared to extend this argument to contract security personnel in this way. Nevertheless, almost all of my interviewees, and in particular all but two of the registrars whom I have interviewed, share the view that in-house personnel do not require carrying permits for restricted firearms if they do not carry them off the premises to which they are registered.

Critics of this view (notably the registrar with the Quebec Police Force) point to two provisions of the Code which they feel undermine this argument. Section 91(1), they point out, makes it an offence for a person to possess a restricted weapon "for which he does not have a registration certificate issued to him" (emphasis added). This, it is argued, makes it illegal for an in-house security officer to possess a restricted weapon which is not registered in his own name, and he cannot rely on the fact that he is an agent of his employer to get around the specific provisions of S.91(1). The validity of this criticism, however, is considerably undermined by the fact that all of the registrars to whom I have spoken have insisted that in the case of contract security agencies, they will only register restricted weapons in the name of the agency itself, not in the names of its employees. This means that all contract security employees who have carrying permits, must be regarded as carrying their weapons as agents of their employers (the contract security agencies); otherwise they too would be in breach of S.91(1). Those who argue that in-house security personnel require carrying permits, also point to S.101(b), the relevant provisions of which state that:

"...nothing in this Act makes it unlawful  
...(b) for a person lawfully in possession  
of a firearm to permit another person to  
use it under his immediate supervision in  
the same manner as he may lawfully use it, or  
for that other person so to use the firearm."

The criticism based on this provision (which can only apply if the criticism based on S.91(1) is correct)

contends that "immediate supervision" requires that the person in whose name the firearm is registered must physically accompany the person whom he is permitting to use the firearm, and that in-house security personnel could therefore not normally seek protection from this provision.

Whatever may be the merits of these two interpretations of the law, two things are clear to me. Firstly, the law is in need of clarification on this point; and secondly, most registrars whom I have interviewed are of the view that in-house security personnel do not require carrying permits if they do not carry the firearms off the premises to which they are registered. The implications of this last fact for my study are that I have been unable to obtain official statistics on the numbers of in-house security personnel who carry firearms in the course of their work. As noted above, records of registration certificates (which would be the only source of official data on this subject)<sup>6</sup> are maintained centrally in Ottawa and not locally. Furthermore, the certificates do not necessarily indicate whether the address to which a firearm is registered is a business address or a private home address. On the assumption, however, that most companies which have armed in-house security personnel would register their firearms in their company name rather than in the names of individuals, I requested from Ottawa statistics on the number and types

6. Except in those instances in which in-house security personnel (e.g. bank messengers) wish to carry firearms off the premises to which they are registered, and must therefore obtain carrying permits.

of guns registered to them. I received a reply to the effect that with the exception of banks, the RCMP do not record whether weapons are registered to business premises. The following figures were provided:

Banks and Financial Institutions	- 8,925
Railway and Express Companies	- 1,785
Miscellaneous Companies	- 3,358

In the light of the inadequacy of the information thus available, I have had to rely exclusively on the "guestimates" of the in-house security representatives whom I have interviewed for information on the use of firearms by in-house security (varying from universities to banks, from industrial plants to corner stores, from hotels to hospitals, from oil companies to retail chains, etc., etc.) it would probably be unwise to place much reliance on these "guestimates" as other than very generalized impressions of the current state of affairs.

Many of my interviewees regarded it as somewhat anomalous, to say the least, that a company which hires its own security personnel can furnish them with sidearms without the need to obtain permits to do so, and consequently without the desirable controls re standards (see below) which are associated with the granting of a permit to carry a restricted weapon. Yet if this same company hires contract security personnel, it may well find that because of existing policies it either would not be able to hire armed personnel (because they could not obtain carrying permits) or else, if it could hire armed personnel, they would have to meet existing standards

associated with the issuance of carrying permits. In this sense, the existing law appears to favour armed in-house security over armed contract security. It is not easy to distinguish any convincing rationale for this preference, and some contract security personnel who can claim substantial experience and training in firearms use have suggested to me, with some justification, that the law is currently arbitrary and discriminatory in this regard.

In the light of this situation, I make the following recommendations:

Recommendation 2: Current Firearms Registration Certificates should be adapted so that it will be clearly indicated on them whether the weapon is being registered to a home address or a business address. The type of business, if it is a business address, should be specified.

Recommendation 3: The Criminal Code should be amended to provide that if a firearm is registered in the name of a company (other than a licensed gun dealership), the only persons permitted to possess and carry such a firearm are those who have obtained carrying permits for this purpose. Such permits should be required whether or not employees carry the weapon off the premises to which it is registered.<sup>7</sup> The Code should also be clarified

7. Carrying permits may currently contain restrictions with respect to where and when the weapon may be carried (See Code S.97(9)).

to indicate that where a weapon is registered to an individual, only that individual, and those who are in his presence and under his immediate supervision may possess or use such a firearm on the premises to which it is registered, without a carrying permit (see existing S.101(b) of the Code).

### Study Findings

Having outlined these general constraints within which my data has been collected, I now present my findings on the twelve "focus points" discussed in the interviews.

#### 1. Firearms Used

##### (a) Kinds of Firearms Used

The basic weapon used by the private security industry today is a .38 revolver. While barrel lengths on this weapon may vary from 2 to 6 inches, the 4-inch barrel appears to be most popular within the industry.<sup>8</sup> These are also the weapons most commonly used by public police personnel. I was also told of a number of other kinds of revolvers and pistols, including some semi-automatic and fully automatic ones, which have been used by private security personnel over the years (notably in banks), but I was given to understand that most of these either have been, or are now being, phased out. As I shall note below, the banks, which at one time could account for by far

8. Accuracy generally increases with barrel length.

the greatest number of handguns in commercial hands, have recently drastically cut down the number of guns in their branches, with the result that many of the less common kinds of revolvers and pistols have not been eliminated from use in this line of work. One bank representative with whom I spoke noted that the variety (including such guns as first World War Lugers) and essentially dangerous nature and condition of many of the handguns found in his bank's branches were major factors in the bank's decision to get rid of guns altogether.

Apart from handguns, however, long guns are used to some extent in the industry. Almost all of the larger security guard companies which use handguns also indicated that they have a small number of shotguns. A few indicated that they had rifles, but the most common long gun used in the industry is undoubtedly the shot gun.<sup>9</sup> They apparently are used primarily for the protection of premises and vehicles. In at least two of the jurisdictions I visited, however, concern was expressed that the private security industry is, or is about to, resort to the use of shotguns for the purpose of providing armed protection in public places such as streets, bank premises and jewellery stores. While data on actual use for such purposes was not available, my strong impression was that it is only in one or two Western Provinces that a small number of contract guard companies have given serious consideration to the use of shotguns for such purposes.

9. Most often the short-barrelled 12 guage pump-action shotgun, often referred to as a "riot gun", and most commonly used by public police forces.

Very little actual use for such purposes was reported to me.

Armoured car companies in particular carry shotguns on a regular basis in their vehicles to protect them from attack. Under normal circumstances the shotgun remains in the vehicle at all times, and revolvers are carried by the crew while transporting money or valuables to and from the vehicle.

I only encountered one instance in which more substantial armoury was kept in armoured vehicles; one bank representative indicated to me that M1 automatic rifles are routinely carried in each of his bank's four armoured cars, which operate in a large urban area, and that a further three such rifles are maintained at the bank's head office.

It has consistently been reported to me that the use of such automatic weapons under any circumstances for private security work is neither necessary nor safe. It is argued that, whatever the level of training of the handler of such a weapon, its discharge could only present the threat of injury and death which would be quite out of proportion to any private security need. I therefore recommend that:

Recommendation 4: Fully automatic weapons should not be registered to companies other than licensed gun dealerships, or to individuals other than bona fide gun collectors. No person should be issued a carrying permit for a fully automatic weapon for private security purposes.

(b) Reasons for Use

Undoubtedly the most common purpose for which fire-arms are used by the private security industry is the protection of large sums of money in transit, be this between banks, from business premises to banks, from race tracks to banks, etc. Probably the second most common reason for possession of guns by the industry is the protection of its own facilities; this may involve, for instance, a warehouse or armoured vehicles in the case of an armoured car service, or an alarm central station in the case of an alarm company. As noted above, I have been unable to obtain reliable data on the extent to which guns are possessed solely or primarily for the protection of business premises, because such guns either tend to be long guns (and are therefore not registered), or they are not ever taken off the premises and so do not involve the issuance of carrying permits.

With these two reasons firmly at the top of the list in terms of frequency of occurrence, therefore, the following is a list of the kinds of people and goods for which it has been indicated to me in my interviews that armed protection has been considered appropriate and has been provided by the private security industry:

1. Money and valuable negotiable securities in transit;
2. Private security company warehouses, head offices and vehicles;
3. Other highly valuable (potentially dangerous) shipments in transit (e.g. pharmaceutical products, tobacco products);

4. Public exhibitions and displays of valuable items (e.g. works of art, coins, stamps, jewellery, etc.);
5. Bank premises during open hours;
6. An olympic coin packaging facility;
7. Embassies and consulates of foreign governments;
8. Business premises during an alarm failure;
9. Money at race track pari-mutuals;
10. Money at a university during registration period;
11. Ships (especially foreign) while in port, and aircraft while on the tarmac at airports;
12. Executives and others against whom (or against whose families) threats of violence of kidnapping have been made;
13. Personal protection for private security patrol car personnel;
14. Personal protection for guards and watchmen working on night shift;
15. Personal protection for alarm response personnel (dispatched guards) when protected premises are closed (i.e. on night shifts and weekends).

## 2. Official Policies Re Private Security Firearms Use

The extent to which firearms are used by the private security industry in any jurisdiction depends primarily on the demand for such service. It became clear from my interviews that the level of this demand is influenced by a variety of factors including the level and extent of crime in the area, and the level and extent of police protection available. Also involved, of course, is the desire of

private security companies and their personnel to involve themselves in armed service. This varies substantially within the industry, and appears to be influenced by a variety of personal factors, as well as economic ones, many of which will be referred to below. Highly influential on the demand for armed service, however, and on the industry's ability to meet this demand, are the policies adopted by governments with respect to (a) the enforcement of the Criminal Code prohibitions relating to the use of weapons (e.g. Sections 83 to 86 of the Code), (b) the registration of firearms, and (c) the issuance of carrying permits.

(a) Sections 83-86 of the Criminal Code

With respect to the various prohibitions in Code Sections 83-86 relating to firearms, I have, in my interviews, heard of only one instance in which private security personnel have been charged or prosecuted under any of these provisions in connection with their use of hand guns or long guns during the course of their work.<sup>10</sup> Only two of my interviewees expressed any complaints with regard to the enforcement of these provisions vis-à-vis the private security industry. If substantial problems exist in this area, therefore, I have not come across them.

10. A charge against a private investigator for pointing a firearm at another person without lawful excuse (Code, S.86(a)) is apparently pending in the Edmonton courts. Time did not allow me to investigate this case further, however.

(b) General Policies Re Private Security Industry

To explicate the genesis of general policy in this area, it may be helpful briefly to set out the structures which exist in the different provinces for the administration of Sections 98 (registration) and Section 97 (permits) of the Code.

British Columbia

All appointments under S.82(1) as local registrars, are under S.97(1) to issue permits, are made by the Provincial Attorney General in British Columbia. A local registrar is appointed for each of 11 municipal police forces, as well as three registrars for the Vancouver City Police Department. In addition, every member of the RCMP in the province is a local registrar for the purposes of firearms registration, although I was told that in practice all applications must be reviewed by a senior officer (generally a detachment commander). Only specified personnel at the RCMP's "E" Division Headquarters in Victoria, however, are authorized to issue carrying permits by virtue of S.97(1), and local police or RCMP therefore do not have authority to issue such permits. The result is that while central records of carrying permits exist, no such central records of registrations are available in the province.

Alberta

In Alberta, each of the five municipal police forces in the Province (Edmonton, Calgary, Lethbridge, Medicine Hat, Camrose) has one person appointed

as a local registrar (under S.82(1)) and to issue permits (under S.97(1)). In addition, at present all members of the RCMP in the province, however, after consultation with the Provincial Solicitor General, have agreed to restructure their system so that in future all applications to the RCMP for carrying permits will be handled at the Divisional Headquarters in Edmonton. Plans to establish a central registry of registrations and permits issued in the province have fallen victim to budget cuts, and are not expected to be implemented in the near future. Central records are therefore not currently available in this province.

#### Saskatchewan

In this province, each of five municipal police forces (Estevan, Prince Albert, Regina, Saskatoon, Moose Jaw) have one person appointed by the Provincial Attorney General as a local registrar to issue permits. A sixth municipal force (Weyburn) has two such appointees. All members of the RCMP in the province are designated as local registrars. In addition, between one and three persons in each of six RCMP sub-divisions in the province are authorized to issue permits. No central records of registrations or permits are therefore currently available in this province.

#### Manitoba

The RCMP are now responsible for all registration applications and permit issuance within the province of Manitoba. All members of the force are designated as local registrars for purpose of registrations,

but only N.C.O.'s (generally detachment commanders) are authorized to issue permits. If it is intended to deny a permit, the application must be referred to Divisional Headquarters, but not otherwise. No central records of either registrations or permits are therefore available in the province. As I shall note below, permits are on occasion issued to private security personnel on a temporary basis in Manitoba; RCMP policy requires that any permits which are issued to private security personnel other than on such a temporary basis, may only be issued by personnel at Divisional Headquarters. While central records of "permanent" (i.e. annual) carrying permits issued to private security personnel in the province are theoretically available, therefore, the lack of correspondence between the official figures I was given and the number of private security personnel who undoubtedly have such permits in the province, indicates some inadequacies in the existing records system.

#### Ontario

Five Chiefs of Police (in Toronto, Ottawa, Windsor, Hamilton and London) have appointments as local registrars under S.82(1) and to issue permits under S.97(1), from the Provincial Attorney General. These five appointees deal only with applicants living within their own respective police jurisdictions. In addition a Provincial Registrar and a Deputy Provincial Registrar (members of the Ontario Provincial Police's Registration Branch) have been appointed. These two appointees have authority to issue permits and entertain registration applications in all areas of the province other than

those covered by the five local registrars, and for maintaining central cumulative records for the entire province. The local registrars are required to furnish the Provincial Registrar with information necessary for these records, but they are autonomous appointments and are apparently not subject to direction of any kind from the Provincial Registrar. This latter, however, does act in an advisory capacity.

#### Quebec

Registration and issuance of permits in Quebec is centralized in the headquarters of the Quebec Police Force. Four officers in the force (the Assistant Director-General, an inspector, a lieutenant and a sergeant) constitute the only persons appointed by the Quebec Department of Justice as local registrars and to issue permits under S.97 of the Code. Applications are made to local detachments of the Q.P.F., but are processed at the Force's headquarters in Montreal. No municipal police in Quebec have responsibilities in this area.

#### New Brunswick

In New Brunswick, the system of registration and permit issuance is currently under review. Appointments as registrars and under S.97 appear in some cases to have been made some years ago, and there remains some uncertainty at the present time as to exactly who has appointments to do what. As far as I could gather, however, the current situation is that the Chief of the Moncton Police Force, the Deputy Chiefs of the Saint John and Fredericton

Police Forces, and a civilian member of the Saint John Police Force all have appointments under S.82(1) as local registrars. In addition, the Deputy Chief of the Saint John Police Force holds an appointment under S.97(1) to issue permits. Provincial policing in New Brunswick is provided by the RCMP, and all members of the RCMP in the province have been authorized by the Commissioner of the RCMP as local registrars and to issue permits. While registration applications are processed at the detachment level, however, in practice carrying permits must all be approved by staff at the Divisional Headquarters in Fredericton. On approval, they too are issued at the detachment level. The result of this arrangement appears to be that no central records of registration or permits are available in the province.<sup>11</sup>

#### Nova Scotia

In Nova Scotia, all registrations and permits are processed through the RCMP who provide provincial policing. No municipal forces have responsibilities in this area. As in New Brunswick, all RCMP members are authorized as local registrars; in practice, however, only detachment commanders normally act as registrars. Unlike New Brunswick, however, carrying permit applications are only referred to the Divisional Headquarters for decision in exceptional cases not falling within the guidelines

11. This lack of central records is in fact sanctioned by the Divisional Instructions (see below) for New Brunswick, which state that Division Headquarters does not require copies of permits.

set down for the Division (see below). Central records relating to registrations and permits, therefore, appear to be similarly unavailable in this province.<sup>12</sup>

Prince Edward Island

Arrangements in this province are identical to those in Nova Scotia, except that all carrying permits are issued through the RCMP's Divisional Headquarters.

Newfoundland

Responsibility for this area in Newfoundland is shared between the Newfoundland Constabulary, which deals with applications emanating from within the St. John's area (the Constabulary's practical jurisdiction), and the RCMP, who deal with all other applications. The Deputy Chief of the Constabulary holds an appointment as a local registrar and to issue permits. As in other maritime provinces, every member of the RCMP in Newfoundland is authorized as a local registrar and to issue permits. All registrations and permits are dealt with at the detachment level in Newfoundland however, and a similar lack of central records exists, therefore, as in New Brunswick and Nova Scotia.

Newfoundland also still has on its statute books a Firearms Act (R.S.N. 1970, C.123) which was enacted

12. This appears to be in spite of the fact that the Divisional Instructions for the province specify that copies of carrying permits should be forwarded to Divisional Headquarters.

before the province became part of Canada in 1949, and has not since been amended or repealed. Section 3 of this Act provides that no one shall "purchase, have in his possession, use or carry any firearm" unless he holds a certificate for this purpose issued under the Act by a Magistrate. Section 4 provides that a certificate will only be granted to a person "who has a good reason for requiring such a certificate and can be permitted to have in his possession, use and carry a firearm or ammunition without danger to the public safety or to the peace". Section 8 exempts members of armed forces, police officers and officers of the Post Office acting in the course of their duties, from these provisions. This Act is presumably intended to cover hunting guns (long guns) as well as other firearms which may or may not be prohibited or restricted weapons under the Criminal Code. It is arguable, however, that the entire Act is now ultra vires the Newfoundland legislature, as it deals with an area of criminal law which has been occupied by the Criminal Code. No one to whom I spoke in the province, however, was able to tell me whether any certificates are issued under the Act and, if so, under what circumstances. The Act would appear to be a dead letter at the present time, and of no practical significance to the private security industry in the province.

It will be obvious that with such diverse structures for the administration of the registration and permit provisions of the Code, equally diverse policies can easily develop and flourish. My interviews indicate

that this has in fact occurred, and that no uniform policy towards the private security's use of firearms is currently discernible across Canada. Policies vary within provincial jurisdictions, as well as between them, especially in those provinces in which responsibility in this area is shared between two or more issuing authorities.

Undoubtedly the most comprehensive attempt to develop an up-to-date and uniform policy for registrars and permit issuers in one province is that recently completed in Alberta. After a substantial review of existing policies and practices with the province, the Alberta Solicitor General issued, in July of 1975, a 16-page document entitled: Policy Instructions - Restricted Weapons: Guidelines to Local Registrars of Firearms. These policy Instructions are comprehensive in scope and contain detailed directives with respect both to registration of firearms and issuance of carrying permits. They supersede all previous policy directives, and are for the guidance of all persons appointed as local registrars and to issue permits. In order to maximize uniformity, the Instructions require that cases of doubt be referred to the Provincial Solicitor General's Department for clarification. Of particular interest to this study is the fact that the instructions contain detailed directives with respect to the issuance of carrying permits to certain classes of private security personnel (security guards and private investigators, special constables, guards and watchmen, bank messengers and armoured car attendants). In this respect, the Instructions are unique in Canada.

In Ontario, general policy for registrars is set out in a Firearms Manual, issued "for guidance of local registrars and police in the Province" by the Ministry of the Attorney General. This manual has been in existence for some time, and I was informed by representatives of the Ministry of the Solicitor General of Ontario (which is responsible for policing in the province, and therefore shares responsibility for administration of the firearms provisions with the Attorney General's Ministry), that the Government does not currently have plans to revise the manual. In addition to the manual, however, some ad hoc policy-memoranda on specific matters relating to the use of firearms by private security personnel have been set in recent months by the responsible member of the Solicitor General's Ministry to the Provincial Registrar of Firearms. While these have been communicated to the other registrars in the province, it appears that not all of these registrars have regarded them as binding policy directives, and consequently they have not always been followed uniformly throughout the province. A meeting of the six Ontario registrars was held in December 1974, and while some concensus was apparently achieved on some matters relating to the private security industry, this has also not been regarded as binding by all the registrars, with the result that deviations from a uniform policy persist. I became aware, too, that some registrars in the province have adopted policies within their jurisdictions which are in addition to, and more restrictive than, the policies contained in the manual, the ad hoc memoranda and the consensus reached at the December 1974 meeting.

In Saskatchewan, the issuance of carrying permits to private security personnel in the province was the subject of a directive sent to all local registrars and permit issuing authorities by the Crown Solicitor in May 1974. While the directive is in quite general terms, it spells out quite clearly the Provincial Government's antipathy towards the issuance of such permits to private security personnel in other than "exceptional cases".

In Quebec, I received conflicting accounts from my interviewees of whether formal written policy guidelines relating to the registration of firearms and the issuance of permits exist and, if they do, when they were established. In any event, none of the authorities with whom I spoke was able to show me any such written policy. It is clear, however, that whatever policies may have been in existence have recently been thoroughly reviewed by the Permit Branch of the Quebec Police Force, and a new document respecting policy re carrying permits has been prepared by this Branch and was submitted to the Quebec Department of Justice for consideration in June of 1975. Because this document was still under consideration by the Department at the time of my visit, I was unable to see a copy of it. Uniformity of policy in Quebec, in any event, is ensured by the fact that all applications for registration and carrying permits are processed centrally through the Q.P.F.'s Permit Branch in Montreal.

In British Columbia, the only major directive emanating from the provincial government relating to firearms registrations and permits for the private security industry appears to be that permits to carry fully automatic weapons cannot be issued. This policy is achieved by the fact that persons appointed to issue permits are given authority only for the issuance of permits in relation to sidearms.

In British Columbia, Manitoba, New Brunswick, Nova Scotia, Prince Edward Island and Newfoundland, the provincial governments appear to have been content largely to accept the policies adopted by the RCMP Divisions in their respective jurisdictions, and I was made aware of no formal written policy directives relating to the administration of the firearms provisions of the Code emanating from any of these provincial governments, other than that just referred to in British Columbia. Each of these RCMP Divisions, however, operates according to its own Divisional Instructions, which originate in Ottawa. I was informed that in each case the Instructions had been drawn up as a result of negotiations between the respective provincial governments and the RCMP, but I have not been able to establish how long ago these negotiations took place. The two sample sets of Instructions with which I was furnished in Ottawa, however, are dated 1972 and 1973 respectively.

Representatives of each of the six provincial governments expressed to me their respective Governments' general opposition to the use of firearms by private security personnel. The only exceptions to this general opposition which were conceded by these

government spokesmen related to the protection of large sums of money in transit. In practical terms this means that they would concede as legitimate the carrying of firearms for this purpose by bank employees and armoured car service employees, and in rare instances by security guards performing such services. The New Brunswick Government representatives did not share in this view, however, although Brinks (the only armoured car service operating in the maritimes at the present time) are in fact permitted to carry firearms in this jurisdiction as in all others in which they operate, and some banks in the province also have carrying permits.

In the absence of formal written policies issued by the provincial governments concerned, the practical policies in operation in these six provinces are: (a) in the case of registrations and permits issued by the RCMP, the provisions of the respective Divisional Instructions, and the practices followed under them, and (b) in the case of other local registrars and permit issuing authorities appointed by the provincial governments (in British Columbia<sup>13</sup>, New Brunswick<sup>14</sup>, and Newfoundland<sup>15</sup>, only), the policies and practices followed by such registrars in accordance with their

13. i.e. registrars in the twelve municipal police forces;
14. i.e. registrars in Fredericton, Moncton and Saint John and one person authorized to issue permits in Saint John.
15. i.e. the person appointed as a local registrar and to issue permits in St. John's, with the Newfoundland Constabulary.

general understanding of the current (unwritten) policies of their respective provincial governments. None of these non-RCMP officials, as far as I am aware, have adopted formal written policies of their own.

In British Columbia, Newfoundland and New Brunswick, government representatives told me that they were basically content with the policies adopted by the RCMP towards the private security industry in the province, and felt that the other registrars in these jurisdictions basically shared the same approach as that of the RCMP. Under these circumstances, the governments appear to feel no desire to involve themselves further in this area, and New Brunswick authorities in fact expressed a preference for full responsibility for this area being undertaken by the RCMP.

In Manitoba, Nova Scotia and P.E.I., as noted above, the RCMP already assume full responsibility for firearms registration and permit issuance. Government officials in Manitoba and Nova Scotia expressed complete satisfaction with the manner in which the firearms provisions are currently being administered in those provinces vis-à-vis the private security industry. In P.E.I. however, the government representative with whom I spoke expressed his view that while current controls on the use of hand guns by the private security industry are adequate, controls should also be introduced to cover the use of all firearms, including long guns. He expressed the view that if this is not effected through federal legislation, the provincial government

will probably introduce legislation to achieve it.

Some of these government representatives had suggestions about minimum standards which should be applied on the issuance of registration certificates and carrying permits, (e.g. re background investigations, training requirements, etc.), and I shall discuss these in later parts of this report. They did not, however, generally express dissent from current policies and practices with respect to who in the private security field are permitted to register weapons and obtain carrying permits. The general policies respecting who may register guns and who may be issued carrying permits will not be outlined.

(c) Registration of Firearms

The Criminal Code (S.98) currently lays down two criteria which must be met before a restricted firearm can be registered, one a very specific one, and the other a very vague one. The specific criterion is that:

"...the weapon bears a serial number sufficient to distinguish it from other restricted weapons or, in the case of a weapon that...(in the opinion of the registrar)...is useful or valuable primarily as an antique, that the description of the weapon in the application is accurate."(S.98(2)).

If this criterion is met, and the application is in order, the local registrar must ("shall") S.98(2)

forward the application to the Commissioner of the RCMP. The local registrar thus appears to have no legal discretion to decline to forward such an application. In forwarding it, however, he must, where he "has notice of any matter that may render it desirable in the interests of the safety of other persons that the applicant should not possess a restricted weapon", report this matter to the Commissioner (S.98(3)). In cases in which he has notice of such a matter, the Commissioner has a discretion to refuse to issue a registration certificate (S.99(4)). In all other cases, however, he is obliged to issue a certificate, and has no further discretion in the matter (S.98(4)), other than his right to revoke a certificate which has been issued (S.99(2)). No criteria are specified in the Code as to when a certificate should be revoked.

Clearly, the extent to which either the local registrar or the Commissioner is likely to receive notice of "any matter that may render it desirable in the interests of the safety of other persons that the applicant should not possess a restricted weapon", will largely depend on the degree to which the applicant is subjected to investigation prior to the processing of his application. While the terminology of the Code is broad enough that it would seem to countenance any number of reasons for refusing to register a restricted weapon, policies in this area appear to vary from one registrar to another, and from one jurisdiction to another.

By far the most common interpretation of the registration provisions of the Criminal Code in the jurisdictions I have visited, is to the effect that no reason is required to register a restricted weapon, and that the only basis on which a registration will be refused is if there is some undesirable feature in the applicant's character or background. This means in practice that provided an applicant "checks out" satisfactorily in any background investigations which are conducted with respect to him, he will not be denied a registration certificate on the basis that he gives no particular reason for wanting to possess a restricted weapon other than that he wants it to protect his house or his place of business. The consequence of this policy appears to interpret the Criminal Code as giving to a person of good character and reputation something close to a right to possess a registered restricted weapon for home or business protection. This policy is consistent with all of the RCMP's Divisional Instructions<sup>16</sup>, and with the Attorney General's Firearms Manual in Ontario, none of which suggest that the lack of any special reason to want to possess a restricted weapon is a reason for denial of a registration certificate. The Alberta Policy Instructions, while acknowledging that "the Criminal Code does not place discretion with the local

16. The Divisional Instructions in New Brunswick, however, do state that: "The established policy of the Department of Justice is to restrict to the fullest degree the carrying of revolvers by any persons other than police authorities."

registrar to refuse to register a firearm, but only allows him to defer the ultimate decision", provided that "questionable" cases should be referred to the Provincial Director of Law Enforcement "for direction and clarification". The policy of not requiring any special reasons for wishing to register a gun is also consistent with the absence of any specific suggestion of this kind in Sections 98 and 99 of the Criminal Code itself. The policy is followed by all but three of the local registrars whom I have interviewed so far. From the point of view of this study, the policy involves the consequence that any employer of good character and reputation has unrestricted access to restricted firearms for the purposes of in-house security. The preference this policy appears to give to armed in-house security over armed contract security has been noted above.

In St. John's, Newfoundland, however, I was told that more restrictive policies with respect to registration of restricted weapons are applied. The registrar in this jurisdiction told me that, although no detailed criteria have been formally spelled out, he must be satisfied that the applicant has "a good reason" to require a firearm before an application for registration will be entertained, and that he has in fact refused to entertain applications on this ground. He indicated that none of his decisions in this regard had been challenged in the courts, and that as a result of his policies no in-house security personnel, to his knowledge, possess or use firearms, in his jurisdiction.

Both Regina and Vancouver registrars told me that it is generally the policy of their departments not to register restricted weapons to business premises. Exceptions to this general rule in both jurisdictions were cited as armoured car companies, bank premises (though this is now discouraged) and, in Regina, some jewellery stores and other business premises where very large sums of money or other valuables are stored, and in which the safe-keeping of a gun would be assured.

It seems arguable, and has in fact been suggested to me by many registrars, that even if the Commissioner of the RCMP is authorized by (S.99(4) of the Code) to refuse registration of a restricted weapon on the ground that the applicant has no acceptable reason for wishing to possess it, it is not now open to a local registrar (under S.98(2)) to refuse to entertain an application for registration, or to refuse to forward it to the Commissioner, on this ground, since the Code specified that he "shall" forward the application after examination of the weapon, if the one criterion (proper identification of the weapon) has been met. The practice of the majority of registrars would seem to corroborate this interpretation of the Code.

The only other restriction on registrations of which I was made aware is that in many jurisdictions registrars now refuse to process applications to register fully automatic weapons of any kind. While

the motives for such actions are not questionable, the legality of it under the present Criminal Code, which places such weapons in the "restricted" rather than the "prohibited" category, would seem to be a matter of doubt. Not only do local registrars not have such discretion under S.98, but even the Commissioner of the RCMP could probably not legally exercise his discretion to refuse registration (S.99(4)) so as to refuse to register any restricted weapon of a particular class. To do so would effectively be to change the law (by practically removing such weapons into the "prohibited" category) rather than to administer it.

In conclusion, it may be stated that current policies re registration of restricted weapons in most jurisdictions allow the private security industry to possess as many restricted firearms as it wishes on the premises to which they are registered, provided that the registrants meet current requirements of good character and reputation (See "Background Investigations", below).

(d) Issuance of Carrying Permits

Policies with respect to the issuance of carrying permits vary substantially both between and within different provincial jurisdictions, but are always more restrictive than policies re registrations. These differences will become apparent from the following discussion of the six categories of private security personnel with which the study was concerned.

While I have obviously not been able to speak with all of those who have authority to issue permits, I believe I have consulted enough of them in each province to ensure that the following description of policy is fairly representative of over-all policy in each of the ten provinces.

- (i) Licensed Security Guards - The policy towards security guards is substantially the same in all provinces except Quebec, where I was told that any licensed guard can obtain a permit, if his application is supported by his employer. Such permits are valid for any legitimate work he does for that employer, and expire automatically on change of employment. In the other provinces, the general policy is not to issue carrying permits to licensed guards.<sup>17</sup> Very occasionally, exceptions are made to this general policy; such exceptions, however, are only for the guarding or escort of large sums of money or other valuables which are either in transit or on exhibition. Authorities in these eight provinces generally seem to feel, however, that where such armed protection is necessary, it is better left either to be a recognized armoured car service, or to the local police on a paid duty basis.

17. In Newfoundland, private investigators and security guards' licences carry the condition that: "No private investigator and/or security guard shall while acting as such carry any firearm."

In all cases restrictions are placed upon the face of the permit. Thus, for instance, in Manitoba permits are restricted to the escort of "money, gold and other valuables". The written policy of the Ottawa registrar states: "While guarding a specific building containing objects of value; guarding the transfer of large sums of money, bullion, art treasures, etc." The Saskatchewan policy directive refers only to "cases where a person employed by a security firm responsible for transporting large sums of money from a business premise to a bank or credit union." The Alberta Instructions refer to "occasions when a security guard may be employed to escort bank messengers or other persons who may be transporting valuable securities, jewellery, objects of art, etc., from one point to another "within a city and circumstances warrant the security guard escort being armed."

While many of the restrictions appear to confine armed protection to escort duties while money or valuables are in transit, I became aware that in a number of jurisdictions such permits are in practice also used for stationary guard duties, to protect money and valuables etc., while in a particular building. The difficulty of policing permits which are generally issued for one year, has led some jurisdictions (Alberta, Manitoba, Saskatchewan and Ottawa) to the practice of issuing shorter term permits, which are issued for a specific assignment. In Alberta, such permits frequently state the exact route to be

taken, the hours within which the assignment is to be performed and the day or days on which it is to be performed.

In Manitoba and Saskatchewan a similar result is sometimes achieved by issuing a transportation permit in Form 301, rather than a carrying permit in Form 302. And in Ottawa, permits are issued only for the length of time a specific contract with a client is held by the firm employing the guard.

While this practice of issuing temporary permits is undoubtedly well motivated, there is little doubt that it causes inconvenience to the industry, and in some cases loss of valuable business. Legitimate security needs do not always arise with substantial notice, or at times when the registrar is available, and the practice of issuing temporary permits appears to be based on a fear of abuse which is not appreciated by some people in the industry, and is seen as an unreasonable restriction on legitimate business. I believe than an alternative system of policing permits could be developed which would be just as effective for the police and fairer to the industry. If permits with restrictions as to types of use were issued on a regular annual basis, companies employing guards who are to use such permits could be required to notify the local registrar, or a member of his police force, whenever such permits are to be used. Use of a permit without such

notification would be grounds for revocation of the permit. Such a scheme would serve the dual purpose of allowing registrars to keep an eye on how and under what circumstances the permits are being used, and of allowing local police to be constantly aware of where and when armed security personnel are working in their jurisdiction. It would impose no substantial burden on the security industry, and would relieve the considerable paper work and time involved in issuing temporary permits. Presumably at the time of notification, the local registrar would have an opportunity to express his views as to the appropriateness of the particular permit use in question and, in extreme cases, to suspend or revoke the permit if he felt that such use would be wholly inappropriate.

Recommendation 5: Where a security company can show a recurring legitimate demand for armed protection service, regular annual permits should be issued to an appropriate number of properly trained personnel in the company, rather than temporary permits. Such permits should state clearly the types of work for which they are valid, and on assuming any such work, the company should be required to notify the permit issuing authority, or some person(s) designated by him, of the details of the particular assignment(s) for which the permit is to be used. Failure to notify should be grounds for cancellation of the permit(s). Temporary permits should be issued where only occasional isolated demands for armed protection service can be shown.

A few industry representatives commented to me that current policies with respect to issuance of carrying permits to guards place insufficient emphasis on the need for personal protection of the guard or patrolman himself from attack by intruders etc. on the premises he is guarding. Dangers involved in checking premises in remote locations at night, when police protection is often less immediately available, were cited in this regard. I was not convinced by such arguments, since I share the majority views that: (1) incidents of confrontation with armed and dangerous intruders are exceptionally rare; (2) even when such instances occur, the risks to the guard himself (of being disarmed, shot at first, or falling victim to his own gun) are greater than the benefits he is likely to be able to derive from carrying a firearm; (3) other equally or more effective means of protection are available (e.g. dogs, night-sticks); (4) a guard is generally not a trained investigator or law enforcement officer and his primary function on finding an intruder is to "stay out of trouble" and call the appropriate law enforcement authorities. Providing him with firearms for his protection encourages him to use them inappropriately for offensive rather than for purely defensive purposes. While supporting current policies which deny side arms to private security patrol and guard personnel for personal protection reasons, however, I believe that the law should be clarified in

their favour with respect to the carrying of essentially non-lethal alternative means of protection. I accordingly recommend that:

Recommendation 6: Security guards and patrol personnel should not be permitted to carry firearms of any kind when not engaged in guarding large sums of money or valuables, but merely providing general building security or surveillance. In performing such tasks, however, they should be legally authorized to carry nightsticks of a kind commonly used by public police personnel.

(ii) Licensed Private Investigators or Detectives -

In Quebec any licensed detective can obtain a permit to carry a restricted weapon in connection with any legitimate work he does. His application must be supported by his employer, however, and his permit expires automatically on change of employment. In all the other provinces, the general policy is not to issue carrying permits to licensed private detectives or investigators. In many provinces, however, licensed investigators also hold licences as security guards. In many provinces the private investigator and security guard licensing statutes forbid private investigators to work in uniform, and forbid security guards to work not in uniform. This means that a person who is licensed as a private investigator and as a security guard, while he may obtain a permit as a guard for armed escort or guarding work, must theoretically always be in uniform.

In practice, however, it would seem that these regulations are not always rigidly enforced, since I met several dual licencees who had obtained permits to do armed guard or escort work, but who sometimes undertook this work in plain clothes if the client specifically requested it. Several registrars stressed to me that since the primary purpose of providing armed guard service is to deter potential robbers, they could not see how a plain-clothes armed guard could be justified. I find this reasoning persuasive.

Recommendation 7: Persons who are issued carrying permits for escorting or guarding large sums of money or valuables should be required to be in uniform when performing such duties, and this requirement should be a condition of such permits.

It was made clear to me in each of those jurisdictions that private investigators are never given carrying permits for the purpose of providing personal armed protection for clients (i.e. armed body guard work). While I recognise that such work is probably preferably left to the police, and that the need for such personal protection may often be exaggerated by those who demand it, the current policies which deny private investigators such permits under any circumstances, appear to me unduly restrictive. It seems

to me that in those rare circumstances in which a legitimate demand for armed personal protection has been made which police either cannot or will not meet, private investigators who can show appropriate experience and training should be permitted to carry firearms for this purpose. Such cases sometimes arise where persons against whom threats have been made must be escorted through several jurisdictions. In such circumstances, a trained private investigator will often be able to provide continuous protection much more economically and effectively than could be achieved by making arrangements with local police in all the jurisdictions concerned. In such cases, which will be rare, permits should be available from the RCMP which are valid in each of the required jurisdictions.<sup>18</sup>

A further matter relating to private investigators concerns the issuance of carrying permits for their own personal protection. Current attitudes among many registrars appear to be summed up by the remark of one that if a private investigator is doing something which requires him to have personal armed protection he must be doing something which either should be done by the police, or is "unethical" and should not be done at all. Several investigators with whom I spoke found this approach somewhat unrealistic from the point of view of their work. They

18. Permits issued by persons other than the RCMP are currently valid only in the province of issue (See Code, S.97(8)).

emphasized that their job, unlike that of a guard, is to investigate, and that one cannot always be sure in advance what an investigation will turn up or where it will lead. It was not claimed that investigators frequently do work which necessitates such personal protection, but examples were cited in some of the major cities in which investigations which were quite properly being undertaken by private investigators (e.g. investigations of insurance claims which the police could or would not handle) led them into situations and environments involving substantial personal danger to themselves. To say that the police should be called in under such circumstances may be of little comfort to an investigator who is unexpectedly placed in personal danger. It does seem to me that blanket policies of denying carrying permits to private investigators under any circumstances may not be realistic, and that registrars should be receptive to applications from responsible and trained private investigators for carrying permits for personal protection in cases which the police are unable or unwilling to investigate, and in which there is demonstrated a genuine possibility of personal danger to the investigator. As I have stressed above, such cases will be rare; the fact that a need arises infrequently, however, is not an excuse for ignoring it. In the light of these observations, I make the following general recommendation:

Recommendation 8: Registrars should be prepared to issue carrying permits to experienced and trained private investigators for personal escort work and for personal protection while investigating in exceptional cases where it is demonstrated that adequate protection cannot be provided as economically or effectively by the public police, and where a realistic need for such protection is shown. In appropriate cases, carrying permits which are valid in more than one province should be available to private investigators on a temporary assignment-by-assignment basis.

- (iii) Armoured Car Personnel - All jurisdictions in Canada routinely issue carrying permits to armoured car personnel. There are currently only three contract armoured car services operating in Canada, all of which are American owned. Not more than two of these companies operate in any single jurisdiction, and in the maritime provinces only one company is currently operating. The ability to obtain a carrying permit is a condition of employment for personnel in these companies, and the fact that their personnel are armed is one of the essential features of the special service they provide. Very few of my interviewees seriously questioned the appropriateness of such personnel being armed with sidearms, and it appears to be assumed that unless or until we can so arrange matters that there is no longer a need to transport vast sums of money or valuables in public places, armed protection of this kind will continue to be required. It appears to be agreed, too, that

when such large sums of money are involved the obvious personal risks involved in providing armed protection in very public places are outweighed by the very substantial financial risks which would be involved in not providing such armed protection. While it is not pretended that such armed protection will always deter the determined, organized criminal gangs which may attack with heavy armaments including illegally-owned fully automatic guns, it is I believe rightly thought that such armed protection is a deterrent to less ambitious potential thieves.

- (iv) Alarm Company Personnel - The only type of alarm company personnel who are generally considered at all to be appropriate applicants for carrying permits, are alarm response personnel - i.e., guards who are dispatched by an alarm company "central station" to respond to an alarm signal received there. Central station alarm services always also call the local police. The function of these response personnel is purely to open the premises and deal with the alarm installation itself, and so the only purpose for which they would require firearms is for their own protection against armed intruders. In many jurisdictions, such personnel do not exist since "central station" service is not maintained by alarm companies; in such jurisdictions alarm companies either provide "monitoring station" service, which involves the company, on receipt of an alarm signal, simply calling the local police, but not dispatching

its own response personnel, or they provide alarms which, when they go off, transmit a signal directly to the local police station.

In the maritime provinces, there are no "central station" alarm services at present, but I was informed by government officials that even if there were, carrying permits would not be issued to such personnel in Manitoba, Alberta or British Columbia. In Saskatchewan, the official policy is not to issue permits to such personnel; one such person who currently holds a permit is apparently about to have it withdrawn in conformity with this policy. In Ontario, a policy memorandum was sent by the Provincial Solicitor General's Department to the Provincial Registrar suggesting that alarm response personnel should not be permitted to carry restricted weapons. While this policy has been adopted by the Provincial Registrar and by the Ottawa Registrar, however, it apparently has not been considered binding by the Toronto and Windsor registrars, both of whom reported that they issue permits to such personnel. Some licensed guard agencies in the province also maintain alarm services and use their licensed guards as alarm response personnel. Even if a licensed guard has a carrying permit, however, he may not be armed when performing alarm response functions in those jurisdictions in which firearms are not permitted to this type of personnel. In Quebec, the Q.P.F. issues carrying permits to alarm response personnel who apply for them.

It is significant that the great majority of alarm companies having response personnel do not arm them and in fact express opposition to such a tactic. This is despite the fact that the standards of the Underwriters' Laboratories of Canada for a full central station approved service include a requirement that personnel be armed.<sup>19</sup> Theoretically, if alarm companies do not meet this requirement, their installations can receive only a U.L.C. Monitoring Station rating, which involves a less substantial insurance premium reduction for the client. In practice, however, this has not been enforced, and central stations with unarmed personnel have received the full benefits of premium reductions for their clients.

It is noteworthy, too, that one of the companies which used to have armed personnel in Ontario before policies became more restrictive there, has always maintained a policy that its response personnel were not to enter buildings unless an armed police constable was in attendance. This policy was apparently in effect even when the company's personnel themselves carried arms. Another company which used to carry arms in Ontario informed me that as a result of the change in government policy re carrying permits, they now instruct their employees not to enter premises until a police officer is in attendance. This company,

19. New standards have apparently now been drawn up which omit this requirement.

which claims that its personnel occasionally arrive at alarm scenes before the local police do, maintains that it has received some customer complaints because of the new policy.

I believe that alarm response personnel should be denied carrying permits for personnel protection for the same reason that security guards not guarding large sums of money or valuables, but merely providing building protection or surveillance, should be denied such permits. My interviews indicate that most alarm companies are in sympathy with this view. An incident in Montreal a few years ago in which an armed alarm company response guard shot and killed a policeman while they were both in premises responding to an alarm, lends further support, I believe, to this policy which, as I have noted above, has been uniformly adopted in every province except Ontario and Quebec. I am somewhat disinclined to believe the prediction of one alarm company official who told me that if his personnel were not allowed to carry firearms he would not be able to find anyone willing to work alone on night shifts or weekends. The experience of the majority of alarm companies having such personnel seems to suggest otherwise. I accordingly recommend that:

Recommendation 9: Alarm response personnel should not be permitted to carry firearms of any description in the course of their work. They should, however, be legally authorized to carry nightsticks of a kind commonly used by the public police, for their personal protection.

- (v) Bank Personnel - Bank personnel do not of course currently require carrying permits unless they carry restricted weapons off the premises to which the weapons are registered. All jurisdictions in Canada have recognized the legitimacy of bank personnel carrying sidearms for their protection when escorting large sums of money in transit. Whilst policy in all jurisdictions is to issue carrying permits to such persons if they apply for them, however, it is noteworthy that the banks themselves have recently adopted Canada-wide policies against firearms use by their personnel, other than for escort duty for cash and valuables in transit. Even this function is increasingly being ceded to the armoured car companies, which can provide such service more effectively and more economically. The old practice whereby every bank teller was required to have a loaded handgun (often a First World War relic) displayed on the counter next to him or her while working, has been abandoned in recent years, and the number of guns in bank branches has gradually been decreased to almost negligible proportions. Reasons for this include undesirable experiences with such guns. They were believed to provoke potential bank robbers into carrying more and more heavy armaments, thereby increasing the dangers to the public and employees. The guns themselves became prime targets for theft by successful bank robbers, and not infrequently ended up by being used in other crimes. Cases were reported to me in which guns had been accidentally and carelessly discharged by bank employees who had little or no training in gun handling. Finally, many of the guns themselves

were so old or in such disrepair that they represented a substantial danger to anyone attempting to use them. The ultimate irony of the old policies, however, was that despite their insistence of having loaded guns displayed prominently on every teller's counter, many banks maintained strict policies to the effect that the guns were never to be used by employees under any circumstances unless an immediate threat to the employee's life presented itself. Attempting to prevent hold-ups or fell fleeing robbers with them was strictly forbidden.

In abandoning these old policies the banks appear to have concluded that the risks involved in using guns for visual deterrence and personal protection are outweighed by the dangers to the public and to employees inherent in such use. The decline in "professional" armed bank robberies involving large sums of money, the increasing costs of maintaining armed protection, and the possible displacement effects of maintaining armed protection only at selected branches, as well as current policies to reduce the amount of cash maintained in tellers' registers, were also cited as reasons for this change in policy.

The same thinking is not applied to the arming of armoured car and money escort services by bank officials, however, and it was generally agreed among those to whom I spoke that the

unusually high value combined with the extreme vulnerability of cargo handled by these services render the continuation of armed protection for them an absolute necessity.

- (vi) In-House Security Personnel - Carrying permits are only issued to in-house security personnel (other than bank personnel) in Ontario and Quebec. In all of the other provinces I was told that such personnel could not obtain permits under any circumstances. In a number of jurisdictions I was told of jewellers and jewellery salesmen who had requested permits for protection of their wares, and for personal protection. In each case the permit had been refused with the suggestion that the amount of the goods being transported at any one time should be reduced or, in extreme cases, police protection sought. While this appears to be a sensible policy, it seems to me that in-house security personnel should be treated no differently from contract security personnel with respect to the issuance of carrying permits. Thus if in-house security personnel could demonstrate a need to transport large sums of money or valuables (e.g. a large pay-roll), they should be extended the same privileges to carry arms for this purpose as are contract security guards, armoured car personnel and bank employees at the present time.

At the present time, however, it would appear that the only substantial demands for permits by in-house security personnel are in Ontario and Quebec. All four of the registrars whom I have contacted in Ontario issue permits to such

personnel, but under very limited circumstances. In the main, these permits are for Government or Crown corporation security personnel (e.g. Ontario Hydro, the National War Museum). The Ottawa registrar does not issue permits to personnel employed by private companies, but the provincial and Toronto registrars do in rare instances. Generally, these permits are stamped with the condition that they are "for the protection of property and funds, while employed by X Company", but the Toronto registrar has occasionally issued permits to in-house security officers for the purpose of providing personal protection for company executives, etc.

In Quebec, a limited number of individual carrying permits are issued to in-house personnel, but the Q.P.F.'s general policy is only to issue such permits to in-house security personnel who hold special constable appointments. Such permits are generally issued to employees of private companies only for protecting large sums of money (e.g. company pay-rolls) in transit. Occasionally they will be issued for the protection of other valuables (e.g. jewellery), or to provide personal protection to persons (e.g. executives) against whom threats have been made or are suspected.

As I have noted above, it is the understanding of registrars in most jurisdictions that in-house security personnel do not require carrying permits if they do not carry the firearms off the premises to which they are registered. Subject to my Recommendation 3, therefore, I recommend that:

Recommendation 10: Subject to recommendation 3 above, carrying permits should be available to in-house security personnel on the same basis and for the same purposes as they are available to contract security personnel, and not otherwise.

- (vii) Foreign Security and Police Personnel - The Ontario Ministry of the Solicitor General has directed that no carrying permits should be issued to foreign security personnel whose work requires them to enter Canada. The reason given for this is that in the event of abuse those responsible could well be beyond the jurisdiction of the Canadian judicial system. This policy, which I believe to be well founded, is not followed uniformly by all the provinces. In New Brunswick, for instance, I was told that U.S. law enforcement officers are occasionally issued permits in that province.

Recommendation 11: Carrying permits should not be issued to foreign police or security personnel whose employers are not subject to Canadian law.

Apart from those provinces, referred to above, in which temporary carrying permits are sometimes issued, carrying permits are generally issued in most jurisdictions for one year at a time and are subject to renewal annually. In St. John's, Newfoundland, the Newfoundland Constabulary issues carrying permits which are usually valid until cancelled or revoked. In most jurisdictions, however, an employee's

carrying permit expires automatically when he or she ceases to be employed by the employer for whom he or she worked when the permit was issued.

### 3. Numbers of Registration Certificates and Carrying Permits Issued

#### (a) Registration Certificates

As noted above, no accurate statistics are available with respect to the number of registration certificates issued in relation to business premises. During my interviews, however, I gained the impression that a large number of weapons may be registered to business premises but never used. One alarm company representative with whom I spoke, for instance, told me that his branch office contained about thirty registered firearms which were but are no longer used by employees.

The most significant aspect of registration statistics, however, relates to the use of hand guns by in-house security, whether this be a corner store manager keeping a pistol on his premises for personal protection, or a large corporation keeping its premises guarded by a substantial force of armed in-house guards. The absence of reliable statistics makes it impossible for me to state other than generalized impressions about the extent of such armed in-house security. I have spoken, however, to representatives of associations of in-house security personnel (mostly security directors) in eight provinces, and all of them have stressed to

me that they feel there is a general consensus among their respective associations' members against the use of firearms in in-house security. My impression is that armed private in-house security guard forces are rare in Canada, and that the only such armed forces of any size which are to be found are those attached to Crown corporations and government agencies such as hydro commissions, port police, etc. There are undoubtedly companies which have a limited number of weapons registered for use in emergency situations, but generally speaking the use of firearms appears not to be a significant factor in in-house security operations, and is discouraged by almost all in-house security directors.

These general impressions, inadequate as they are, appear to be confirmed by other studies which have been conducted into in-house security operations. In a recently completed study of in-house security operations in Ontario, entitled Private Policing: An Examination of In-House Security Operations,<sup>20</sup> Fern Jeffries studies the activities of 21 commercial and industrial in-house security organizations. Not one of these used firearms of any kind, and the only reference in her study to the use of firearms related to the use of armed contract security guards by hotel exhibitions of valuables (jewellery, etc.) on display in their hotels.

Similarly, a survey of security directors in Quebec, undertaken by the Quebec Police Commission in 1973, revealed almost no use of firearms by in-house security personnel in that province. The Commission

20. Toronto: Centre of Criminology, University of Toronto, 1975. Not yet published.

surveyed 58 in-house security directors (as well as a large number of contract security agencies). With a 47 per cent response rate to their mailed questionnaire, only four in-house security directors reported that firearms were used in their operations. None of these reported regular carrying of firearms.

(b) Carrying Permits

Table I below sets out the figures I have been able to obtain with respect to the issuance of carrying permits to private security personnel in Canada. The figures in this table speak for themselves in indicating how very few private security personnel in these jurisdictions carry firearms. Although accurate figures on the size of the private security industry in each province are not available from any source at present, some examples may be given to place the figures in Table I in proper perspective.

In British Columbia I was told that approximately 1,600 persons hold licences as private investigators and/or security guards. In Alberta, approximately 2,000 persons hold such licences. Security guards are not licensed in Saskatchewan, so figures are not available for that province. Estimates, however, placed the number at not more than 1,000 for the province. In Manitoba, there are about 2,000 persons licensed. In Ontario, approximately 12,000 private investigator and/or security guard licences are currently in force,<sup>21</sup> and in Quebec over 20,000 such

21. See Clifford D. Shearing and Margaret B. Farnell, A Study of Contract Security Agencies in Ontario: A Pilot Study Report (Toronto: Centre of Criminology, University of Toronto, 1975). Not yet published.

licences are in force. In New Brunswick and Newfoundland, approximately 500 and 600 respectively are licensed. Figures were not available in Nova Scotia and Prince Edward Island (in the latter because such people are currently not licensed), but it is unlikely that there are more than 800 people doing contract security guard or investigation work in these two provinces combined. In the whole of Canada, therefore, there are at least somewhere in the region of 42,000 persons doing contract guard or investigative work. Only about 10 per cent of these are private investigators.

These figures, furthermore, only account for two of the six categories of private security personnel listed in Table I. In the light of the fact that all armoured car personnel carry firearms, one can estimate that there are approximately 1,200 persons employed in this capacity in Canada. The absence of total figures for the number of persons employed by alarm companies, by banks for security purposes and by in-house security organizations, makes it impossible to give an accurate estimate of the total number of persons employed in the six categories listed in Table I. Even the most conservative estimate, however, could not reasonably place this total figure at much under 80,000. On this basis, it can confidently be stated that barely 5 per cent of all private security personnel in these jurisdictions have permits to carry restricted firearms in the course of their work, and even most of these carry them on a highly selective basis and not routinely 100 per cent of the time.

TABLE I: Carrying Permits issued to Private Security Personnel - as at July, 1975

	British Columbia	Alberta (Edmonton Only)	Saskatchewan <sup>c</sup>	Manitoba <sup>d</sup>	Ontario					Quebec	New Brunswick	Nova Scotia	Prince Edward Island	Newfoundland
					Windsor	Ottawa	Toronto	Hamilton	Provincial					
Armoured car Personnel	49 <sup>a</sup>	37	26	15 (approx.)	10	76	180	36	208	378	30	39	-	10
Bank Personnel	-	-	8 (approx.)	-	-	15	)	-	101	78	7*	1	80	30
Alarm Company Personnel	-	-	1	-	12	-	)225	-	6E	)	-	-	-	-
Licensed Guards	1 <sup>b</sup>	-	-	18	-	162	)	-	37	)1788	-	8	-	2
Licensed Investigators	-	-	-	-	-	-	-	-	-	)	-	-	-	-
In-house Security Personnel	-	-	-	-	8	2 <sup>f</sup>	7	-	99 <sup>h</sup>	415	-	1 <sup>i</sup>	-	-

\* Probably less than 60.

- a. This figure is undoubtedly too low since there are approximately 75 armoured car personnel in Vancouver and Victoria.
- b. Provides armoured car service
- c. All jurisdictions except Prince Albert
- d. Does not include temporary (1-5 day) permits. About half a dozen of these have been issued by the RCMP Winnipeg detachment this year.

- e. i.e. issued by the Provincial Registrar (OPP). Figures for London, Ont. are not included in this table.
- f. National War Museum.
- g. Will not be renewed upon expiring.
- h. Includes Ontario Hydro Personnel.
- i. S.P.C.A.

The highest concentration of such permits is in the small armoured car category, in which 100 per cent of guard personnel carry restricted weapons 100 per cent of the time. These account for over 25 per cent of all permits issued to private security personnel. Next are the bank security personnel. Since the armoured car companies now handle almost all the cash-in-transit escort work, it is certain that only a very small number of bank security employees now regularly carry firearms. The highest percentage in this category are in those provinces (notably Prince Edward Island) in which the armoured car service industry is not yet well established. It is clear from Table I that not more than 5 per cent of all licensed guards and investigators have firearms carrying permits; by far the majority of these (and almost all those who are licensed investigators) are in the Province of Quebec, where the percentage is somewhat over 5 per cent. In the Maritime Provinces, virtually no licensed guards or investigators have carrying permits, and in the Western Provinces a very significant number do.

Alarm response personnel do not currently exist in all the provinces. Of the six largest companies which dominate the alarm industry, only two use armed response personnel, and in the light of recent policy changes in Ontario, armed alarm response personnel are now to be found only in certain parts of Ontario and in the Province of Quebec.

Carrying permits within the in-house security industry appear to be negligible, even in Quebec where the largest number of such permits are issued. In view of the fact that permits are not required in most jurisdictions, if in-house personnel do not take firearms off the premises to which they are registered, however, this low incidence of carrying permits is not at all surprising.

#### 4. Special Constables

Section 100 of the Criminal Code provides that:

"100. Notwithstanding anything in this Act... (b) a peace officer or public officer... is not guilty of an offence under this Act by reason only that he has in his possession a weapon for the purpose of his duties or employment."

This provision has been interpreted to exempt a peace officer who carries restricted weapons "for the purpose of his duties or employment" from the registration and carrying permit requirements of Sections 98 and 97 of the Code. Persons who are appointed special constables are, under most circumstances, considered peace officers for the purposes of the Criminal Code, and therefore appear to be covered by S.100 of the Code.

Although the wording of S.100 is open to the interpretation that it applies only to peace officers who can show a demonstrated need for a weapon for the purposes of their employment, the terminology is sufficiently ambiguous on this point that most authorities appear to believe that virtually all peace officers can claim exemption under S.100<sup>22</sup>.

Many of the registrars and special-constable-appointing authorities with whom I spoke, however, were unwilling to concede that all special constables are automatically entitled by S.100 to carry restricted firearms in the course of their work. The Toronto authorities have instituted a policy which expressly forbids special constables appointed in that jurisdiction from either obtaining carrying permits or carrying restricted firearms without permits. By contrast, the Quebec authorities have adopted a policy to the effect that carrying permits will normally be issued to in-house security personnel only if they hold special constable appointments. In Manitoba, appointing authorities include a prohibition on carrying firearms in the form of appointment. In Alberta all special constable appointments were revoked as of July 1973 when new regulations were introduced. Since that date only recognized law enforcement personnel have been appointed as special constables, and none of these are permitted to carry firearms. In Saskatchewan

22. For more detailed discussion of this provision, see David J. Freeman and Philip C. Stenning, Private Security and the Law in Canada (Toronto: Centre of Criminology, University of Toronto, 1975) at pp. 333-335. Not yet published.

it is felt that special constables do not acquire the right to carry weapons without a permit, and this would not be tolerated. A similar attitude was expressed to me in British Columbia.

Despite requirements in many jurisdictions for recording special constable appointments, in no jurisdiction are accurate figures available on how many persons, or who, have such appointments.<sup>23</sup> In the course of my interviews, however, it became clear that some private security personnel carry restricted firearms in the course of their work, without having carrying permits, by virtue of special constable appointments. Since the private security recruits many of its more senior personnel from the ranks of former military, police and correctional personnel, special constable appointments are not uncommon among this level of personnel. While there appears to be no certain way (short of an expensive survey) to discover exactly how many such appointments exist within the private security industry, or how many of such appointees do actually carry firearms in the course of their work, there is no doubt that a small number do. In the Maritime Provinces, for instance, despite government and registrars' policies not to issue carrying permits to licensed guards and investigators, I discovered that a number of such persons were providing limited amounts of contract armed protection service to clients, carrying sidearms by virtue of special constable appointments. While I do not believe that this phenomenon accounts for a very significant amount

23. See Philip C. Stenning and Mary F. Cornish. The Legal Regulation and Control of Private Policing and Security in Canada: A Working Paper (Toronto: Centre of Criminology, University of Toronto, 1974) at pp. 106-212, and Freedman and Stenning, op. cit at pp. 54-63.

of firearms use by the private security, I recommend a simple legislative amendment to control or eliminate it:

Recommendation 12: Section 100 of the Code should be amended to provide that the exemption contained therein applies only to peace officers and others who have, at the time of their appointment, been expressly authorized to carry firearms in the course of their work.

#### 5. Background Investigations

Applicants for registration certificates and for carrying permits are checked for criminal records and contracts with local police (through police occurrence files) in all jurisdictions. In addition, in jurisdictions outside the large metropolitan areas, registrars rely considerably on the local knowledge which they or their fellow officers may have of the applicants. If the applicant is a licensed guard or investigator, a check with the provincial registrar of private investigators and security guards will also frequently be made in many jurisdictions. Generally speaking, if these checks turn up nothing "undesirable" (e.g. "drinking problem, violent behaviour, mental instability, or other "irresponsible" behaviour), the background investigations will be considered complete by all RCMP registrars, and by most municipal police registrars.

In a few jurisdictions, more extensive investigations are undertaken as a matter of course. Thus, for instance, in Quebec the Q.P.F. check with the applicant's bank (if he has an account), and follow up at least one character

and one employment reference. Interviews with friends and neighbours are also undertaken in this jurisdiction. These extensive measures are not taken in the case of licensed guards and investigators, however, since they will already have been undertaken as part of that licensing process. In Ottawa, Toronto and St. John's (Newfoundland), I was told that similar but slightly less extensive procedures are followed, and tend to be emphasized more when carrying permits are sought than when the application is for registration. In Winnipeg, an opinion is sought by the RCMP from the City Police before a permit is issued.

It would appear that in the less urbanized areas, the local knowledge of applicants by registrars and their fellow officers is viewed as quite as informative as the more extensive investigations just described, and only if an applicant is not so known, or if other record checks disclose problems, are the more extensive neighbourhood and reference checks undertaken. In practice, this is very uncommon.

My impression is that the reliance on local knowledge, while it undoubtedly serves well in most jurisdictions, is a somewhat tenuous form of "background investigation" in others, which may often be of little substance. With respect to the issuance of carrying permits to private security personnel, I believe that if the kind of extensive background investigations which are undertaken by the Q.P.F. in Quebec are not to be undertaken, at the very least the application should be supported by the written recommendation of a police or other official who can claim to have made some specific enquiries about the applicant. I therefore recommend that:

Recommendation 13: In addition to criminal records and police occurrence checks, applications for carrying permits by private security personnel should be supported by a written recommendation from a police or other official who can claim to have made some specific investigations into the applicant's background, associations, current circumstances and character.

Background investigations into private security personnel by their employers vary from none at all to very extensive financial, credit, employment and personal information checks. Many contract security companies rely exclusively on checks done by licensing authorities, which in some jurisdictions amount to no more than a simple criminal record check. Employee turnover within the industry is so great that little incentive exists to invest much time and money in investigating an employee's background before hiring him or her. None of the companies with whom I spoke claimed to do any special additional checks of employees who carry firearms, although several indicated that only more senior long-standing employees (often in supervisory positions and with previous military or police experience) are chosen for armed service.

One aspect of the issuance of permits which was frequently raised by my interviewees, is the fact that if permits are refused there is currently no legal recourse to the applicant. So, while S.99 of the Code provides for appeal procedures where registration is refused or revoked, or where permits are revoked, it does not provide for an appeal against refusal to issue or to

renew a permit: see Re Purdy (1975) 20 C.C.C.(2d.) 247 (N.W.T. Supreme Court), and Re Trottier (1972), unreported decision of Vancouver County Court.

For some private security personnel (e.g. armoured car personnel) the ability to obtain a carrying permit is essential to their livelihood. In such circumstances, I believe that it is unacceptable to allow no avenue of appeal from the decision of a permit issuing authority to refuse a permit, or to refuse to renew a permit. Accordingly, I recommend that:

Recommendation 14: The Criminal Code should be amended to provide for appeal procedures for an applicant who is refused a carrying permit or a renewal of one by a person authorized to issue one.

## 6. Restrictions on Carriage and Use

Apart from the conditions of use which have been referred to above (e.g. only for escorting money etc.), almost no restrictions are placed by registrars on the actual manner in which firearms are to be carried by firearms personnel. I was told by some registrars that permit holders must be in uniform when carrying the weapon, must have the weapon unconcealed and conspicuous, or must keep it in a closed holster with a flap. In practice, however, such restrictions are virtually never attached formally on the permit as conditions, and my observations of the industry itself made it clear that they are inadequately enforced or not enforced at all.

In Ontario, however, every carrying permit is stamped on the back with the following conditions:

- "(1) The firearm shall be carried in a holster with a full flap cover or be otherwise concealed.
- (2) The holder of this permit shall not draw his firearm except when he believes it may be necessary for the protection of his life or the life of another.
- (3) The holder of this permit shall not discharge a firearm in the performance of his duty, except where on reasonable or probable grounds, he believes it is necessary for the defence of his life or the life of another.
- (4) Paragraphs one to three inclusive do not apply to the holder of this permit when engaged in target practice on a supervised target range or ordinary maintenance in accordance with company policy."

While the legal status of these conditions is unclear their spirit quite clearly commands substantial support among registrars and private security personnel themselves with whom I spoke. Clearly the conditions, if violated, would provide grounds for cancellation of a permit, and equally clearly, they cannot override the existing provision of the Criminal Code relating to the use of force and the carriage of firearms. The permit holder, however, is required to sign a form indicating that he or she has read and understood the conditions, and if nothing else this would seem to be an appropriate reminder, at the time of issuance of the permit, of the responsibilities involved in carrying a weapon. While

the first condition does not command by any means unanimous support within the industry, since it virtually rules out the carriage of a firearm by a plain-clothes investigator (it will be recalled that such persons are not permitted carrying permits in Ontario), I believe that the other three conditions could be profitably attached to all carrying permits to private security personnel.

Recommendation 15: Paragraphs 2,3 and 4 of the conditions currently stamped on the reverse side of carrying permits in Ontario for private security personnel, should be attached as conditions to all such permits issued to private security personnel in Canada.

Private security companies vary enormously in the extent to which they attempt to control the use of firearms by their employees. Many companies have strict rules about the care and handling, signing in and out, accounting for lost ammunition etc., of firearms, and I have seen a few very comprehensive manuals outlining such procedures. All too often, however, procedures are lackadaisical or non-existent. Many companies allow their personnel to take their weapons home after work.

With respect to use of firearms, I found that very few companies give their employees very detailed instruction as to when and when not to use them. It was frequently put to me that such matters are "just common sense", and that "you can't tell a man what to do in an emergency, because he'll do what comes naturally to him anyway". Some

companies, notably the armoured car companies, appear to think differently, however, and their manuals frequently contain quite detailed advice on when it is and when it is not appropriate to draw or use a weapon on duty.

Since I do not believe from my interviews that all private security companies can be relied upon to maintain appropriate standards of safety in the storage, maintenance and handling of weapons, I believe that in the interests of public safety, local registrars and permit issuing authorities should begin to take the initiative in this regard. It is a view which was shared by many of my interviewees that the issuance of carrying permits to private security personnel for use in security work should not be granted without assurances that minimum standards of safety are maintained. I accordingly recommend that:

Recommendation 16: Permits to carry should not be issued to any private security personnel for use in security work until the person authorized to issue such permits has satisfied himself that the applicant's employer maintains proper standards of safety, maintenance, care and handling of such weapons, and that these standards are written and adequately communicated to his employees.

Recommendation 17: Companies employing private security personnel who are holders of carrying permits should be required to notify the local registrar or permit issuing authority whenever a weapon for which a permit has been issued is (a) lost or stolen, or (b) discharged other than on a supervised target range. Failure to do so should be grounds for suspension of all permits issued to employees of the company.

## 7. Firearms Training

The most notable and glaring gap in the whole registration and permit issuance process for restricted weapons, is the absence of any insistence on training standards by most registrars and permit issuing authorities. Only three of the registrars whom I interviewed required any substantive evidence of training from applicants for carrying permits. The remainder apparently either make no inquiries about the matter, or merely request oral assurances, or a letter from the applicant's employer, that the applicant is trained or competent to handle the weapon for which he seeks a carrying permit.

My interviews with industry personnel indicated clearly that training standards in the use of firearms vary from none at all to quite substantial courses followed by examinations and tests. Firearms training for the majority of companies I spoke to, however, consists of little more than one or two afternoons or evenings down on a range once a year, or simply once on being hired. It is important to realize, however, that many of the people whom the industry chooses for armed

protection work have had previous experience of some kind with hand guns and/or long guns, either in the military or as members of public police forces. In addition, a considerable number of such persons are firearms enthusiasts who belong to gun clubs and voluntarily undertake target practice on a more or less regular basis. Some of the larger companies run their own gun clubs and maintain their own range facilities, although not many can afford to do this.

Training courses which were described to me were often basically unstructured. When I asked what was covered in the course, the most frequent answer was "how to fire a gun", and the most common standard of competency appeared to be "to the satisfaction of the range-master". Courses rarely covered more than the mechanical techniques of "shooting straight". Consideration of matters such as the law relating to gun use and the use of force generally, tactical techniques of offensive combat shooting, how to handle oneself properly with a gun in a public place, etc., did not appear to be included in most courses, nor was any minimum standard of target accuracy prescribed or formally tested.

In those jurisdictions in which some substantive evidence of firearms training is required by registrars, I learned that this might consist of anything from a 1 1/2-hour course in one jurisdiction, to a 30-hour course in another. In none of the jurisdictions is a refresher course required for renewal of a permit, nor is any requirement for regular practice ever attached to a carrying permit. To meet the training requirement, the applicant generally has to be able to produce a letter or certificate from an approved training institution -- usually a gun club

or community college, but sometimes a company or police range -- stating that he is considered competent in the safe handling of a weapon, having taken a course.

The inadequacy of the training requirement (or the lack of training requirements) for acquiring a carrying permit was commented upon over and over again by my interviewees. Most of them were of the view that minimum standards should be set to qualify for a carrying permit, and that a permit-holder should be required to spend a specified period of range practice at regular intervals (e.g. once every three or six months).

The National Private Security Advisory Council in the United States, after over a year's study, recommended a Model Private Security Guard Licensing and Regulatory Statute, earlier this year, which includes a minimum training requirement for private security officers carrying firearms. The Statute requires that:

"All private security officers who are requested by their employers to carry a firearm in the performance of their duty, must be the holder of a Private Security Officer Firearms Permit. The following minimum firearms training shall be required of all Private Security Officers prior to application to the Licensing Authority for a Private Security Officer Firearms Permit.

- (1) Minimum three (3) hours of pre-issue weapon instruction in the following topics:
  - \* legal limitations on use of weapons;
  - \* handling of a weapon; and,
  - \* safety and maintenance
  
- (2) Minimum Marksmanship requirements:
  - \* score - .38 caliber revolver at 50 feet with:
    - 10 shots slow fire
    - 10 shots time fire
    - 10 shots double-action-no-time limit
  - \* a minimum of 160 out of 300 on an "Army L" target, or a minimum of 80 out of 150 on an F.B.I. silhouette target (NRA B-21). (No specified time - score is determinative).

In Ontario, a 15-hour course is offered for private security personnel by one of the community colleges. The course consists of:

1. Law - 4 hours of instruction in Criminal Code provisions covering (1) use of force; (2) consequences of excessive force; (3) private person's powers of arrest without warrant (4) regulation of weapons (sections 82-106)
  - study assignments on these subjects
  - a written test on these subjects at the conclusion of the course
  
2. Safe handling of hand guns - range training with .22 pistol and .38 special revolver.
  - demonstration of shotgun and how to load it;
  - care, handling and maintenance
  - defensive law enforcement weapons tactics (a U.S. film, "The Revolver in Law Enforcement" is used for this).

To successfully complete this course, the trainee must score an average of at least 65% in five combat positions. Approximately 150 rounds of ammunition are fired with each weapon by each student, and classes are limited to 10 students. The course costs \$50.00 per student, and approximately 10% fail.

Other established courses are currently available, e.g. the National Rifle Association of America's Basic Small Arms Training Program for pistol shooting, which is similar in content to that described above, but somewhat longer in duration. Persons involved with training stressed to me in particular, however, the importance of drawing a distinction between training in the handling of a .45 colt revolver (most commonly used by the military) and of a .38 special revolver (most commonly used by law enforcement and private security personnel).

I believe, and so do a great many of my interviewees, that minimum standards should not be introduced by all permit-issuing authorities before issuing carrying permits. I accordingly recommend that:

Recommendation 18: Before issuing a new carrying permit to an applicant who requires the permit for private security work, the issuing authority should require substantive evidence that the applicant has completed an approved firearms training course, given at an approved training facility. Where the applicant can show evidence of previous experience with hand guns, the permit issuing

authority should be permitted to accept such experience in lieu of training if the applicant can produce substantive evidence that he has recently succeeded in meeting the minimum requirements of knowledge and safe handling (including accuracy) established as the criteria of competency in an approved training course.

Recommendation 19: In order to be approved by a permit issuing authority, a training course should be along the lines of the U.S. and Ontario courses described in this report. At a minimum, such a course should include:

- (1) instruction in the law relating to firearms, use of force, powers of private security personnel, and a written test in these subjects.
- (2) instruction in the safe storage, handling, maintenance and carriage of the weapon for which a carrying permit is sought;
- (3) instruction in basic techniques of defensive combat shooting, including instruction on how to handle oneself with a weapon in a public place.
- (4) firing a minimum of 50 rounds of ammunition with the weapon on a supervised range;
- (5) a competency standard of 65% on a silhouette target at varying ranges and in different combat shooting positions.

Recommendation 20: Before renewing a carrying permit for a private security applicant, a permit-issuing authority should require evidence from the applicant that he has:

- (1) spent at least three hours in target practice on a supervised range for every three months that the permit has been held;
- (2) recently demonstrated his ability to meet the basic competency standard for an approved firearms training course.

#### 8. Actual Firearms Use

Not surprisingly, it has not been easy to obtain any very reliable information on the frequency and circumstances under which firearms have actually been used (drawn or discharged) by private security personnel in the course of their work. By far the majority of my interviewees (both police and private security personnel) indicated to me that they could recall no "incidents" involving the discharge of firearms within recent memory. Gross abuse of firearms by private security personnel was not seen as a major problem by any of my interviewees, although isolated instances of such abuse were recounted to me. While one would obviously have to be cautious of such information if it were based solely on self-reporting by the industry itself, I am encouraged to report this basic finding of a lack of major problems in this area, by the fact that it appears to have been quite consistently corroborated by my police interviewees.

Most of the "incidents" which have been reported to me have, not surprisingly, involved the most frequent users of firearms within the industry, i.e. the armoured car companies, the banks, and the larger security guard companies, and have occurred in

connection with bank hold-ups or hold-ups of armoured cars. The following note-form list of the incidents recounted to me will give some idea of the types and extent of such occurrences:

1. Incidents Involving Armoured Car Personnel
  - guard fatally shot in small town when attacked by criminals armed with shotguns
  - guard fatally shot while on duty, during hold-up in Ottawa
  - guards disarmed during hold-up in Montreal
  - guard disarmed, fired at 14 times and hit once in the neck, during bank hold-up in Vancouver
  - guards unsuccessfully shot at attackers to prevent hold-up of truck, guards disarmed by attackers, one innocent bystander wounded by shots from attackers' guns -- guards' guns later recovered during hold-up of a liquor store, Edmonton
  - guard fatally shot bank robber armed with sten-gun in Montreal
  
2. Incidents Involving Bank Personnel
  - guard shot in the back by criminal during bank hold-up in Montreal
  - guards disarmed and guns stolen during bank hold-ups in Montreal
  - bank employee killed himself while playing russian roulette with bank's revolver
  - bank employee accidentally discharged firearm while cleaning it on bank premises during open hours -- no injuries

- guns frequently stolen by hold-up gangs, not used against employees other than to cover criminals' escape. Guns usually recovered in sewers, etc., i.e. not usually re-used in later criminal activities

3. Incidents Involving Licensed Security Guards

- guard disarmed by two assailants while on duty at airport (Ottawa) -- no shots fired
- guard grazed by bullet fired by criminals in bank hold-up
- guard fired warning shot to prevent potential bank hold-up, no injuries
- guards shot at assailants during post office strike<sup>24</sup> -- no fatalities -- company later held not liable for injuries by the courts
- unarmed guards shot at by B-B guns by students on university campus -- no injuries

4. Incidents Involving Other Private Security Personnel

- alarm response guard fatally shot policeman while both were investigating an alarm call
- guard shot at while responding to alarm call (twice in ten years) -- no injuries
- guard fatally shot a loose guard dog which attacked him while he was responding to an alarm call
- guard accidentally shot himself while investigating an alarm call with a gun which he did not have authority to possess

24. Many guard companies told me that they will not under any circumstances carry firearms while working in a strike situation.

- private investigator charged with illegally pointing a shotgun at another person

While, when placed together in this way, these incidents appear to present quite a roster, it must be remembered that they represent substantially all the incidents which have been recounted to me from within my interviewees' memories. Many of the persons with whom I spoke have as many as 25 to 30 years experience in the industry, although most of the incidents listed above have occurred within the last ten years. Only six fatalities were reported to me (3 guards, 1 policeman, 1 bank employee and 1 bank robber), and only six incidents involving injuries as a result of gun use or abuse.

While this data is clearly only of general impressionistic value, and cannot be considered complete, I believe that when one considers the number of people carrying firearms within the industry, the time period involved, the volume of armed protection work undertaken by these people, and the fact that almost all the incidents occurred in the larger urban areas, the list represents quite a "good record" for private security personnel, and a record which I suspect would compare very favourably to that of most armed urban police forces. The list also appears to lend some support to the oft-heard contention that the persons most likely to suffer from the fact that private security personnel are armed are the private security personnel themselves.

While I have found no substantial evidence of a serious problem of firearms abuse by private security personnel,

however, one matter in connection with firearms use has been raised so often by my interviewees, that I think it calls for attention and recommendation in this report. This is the matter of liability insurance held by companies or individuals who carry firearms for private security work. I learned in my interviews that by no means all such companies or individuals do carry such insurance, and that registrars do not generally require it as a condition of the issuance of a carrying permit. Many of my interviewees shared my view that, from the point of view of the public interest, this is an unacceptable situation. I accordingly recommend that:

Recommendation 21: It should be a condition of the validity of a carrying permit that the permit holder or his employer maintains an adequate level of public liability insurance.

#### 9. Demand for Armed Protection

I was quite surprised to learn from most of my interviewees that demand for armed protection service, even in major urban areas with reportedly increasing crime rates, has not significantly increased during the last ten years, but has remained reasonably stable. Governmental controls on the issuance of firearms permits to private security personnel were cited as a significant reason why armed protection is rarely sought; clients, I was told, are now generally aware that such service is discouraged by governments, and permitted only for limited purposes. Many private

security managers with whom I spoke also indicated that their firms have little interest in encouraging firearms use within the private security industry, and they claimed that the high prices (see below) they demand for armed personnel are set partly with a view to discouraging such use. I suspect that this unwillingness to encourage armed protection demand springs partly from a frank realisation that the great majority of private security employees are of a calibre which would render it unsuitable for them to be armed, and partly from a related fear that if serious attempts were made to increase the armed protection side of their businesses, this would likely draw an adverse governmental reaction which could in turn, result in existing business being jeopardized by more stringent controls on firearms use.

Provision of armed protection I was told, accounts for a small but significant portion of the business of many contract security companies. Although one president of a medium-sized contract security company informed me that 25% of his company's revenue is derived from the provision of armed protection service, my strong impression is that, with the exception of armoured car companies which of course derive almost 100% of their revenue from such service, a revenue percentage as high as this for armed protection service is extremely rare within the industry.

While demand for armed protection has not substantially increased in recent years, however, significant re-distributions in this business have occurred. Chief of these, of course, has resulted from the decision of the various banks, implemented over the last five years

or so, to give up their own firearms and contract out their armed protection work. The major beneficiaries of this change in bank policy have, of course, been the armoured car companies, which have experienced substantial growth within the last few years, and to a lesser extent, the larger security guard companies. This has generally resulted in better trained guards doing this kind of work.

I was told that smaller contracts for armed protection service have increased somewhat in recent years as a result of developments in the cost and levels of public police protection. Police salary increases, introduction of overtime pay for police officers, and the general trend of police service growth to lag somewhat behind urban growth rates, were all cited to me as reasons why businesses are increasingly turning to the private security industry rather than to the public police for armed protection e.g. of company pay-rolls and cash register takings in transit to and from the banks. The increase in urban crime rates was also cited as a reason for this trend. As I shall note below, however, the private security industry can at present service such limited demands for armed protection significantly more cheaply than can public police working on a special pay duty or off-duty basis.

#### 10. Insurance Requirements

This was the most difficult of my "focus points" as far as deriving reliable and complete information was concerned. Very few of my interviewees were able to give me more than very general impressions of what the relationships are between insurance requirements and the demand for armed protection service. I did

not interview insurance company representatives on this question, mainly because I was unable to discover which companies most commonly provide insurance for armed protection, and when I did discover the names of such companies, they were generally located in the United States (the major companies disclosing such information being the armoured car companies which are all American-owned). Experiences of approaches to insurance companies generally in earlier researches which I have undertaken into this area have proved less than fruitful, and I have experienced some reluctance on the part of insurance companies to discuss such matters in any detail.

My interviews, however, leave me in no doubt that some significant relationships do exist between insurance requirements and demands for armed protection, and I believe that more extensive research should be undertaken into this area. In particular, the extent of American ownership both of private security companies and of the insurance companies which provide them with insurance is a matter which should be given careful examination.

My interviews suggest that insurance requirements influence the demand for armed protection service in two significant ways. In the first place, a decision by a private security company to engage in armed protection work will nearly always mean an increase (which in some cases may be quite substantial or even prohibitive) in the premiums that company will have to pay for adequate liability insurance to cover possible claims resulting from the actions (or inactions) of its employees. Secondly, it has been suggested to me that

some clients may be demanding armed protection because without it they would not be able to obtain insurance on the property (be it money or valuables) being protected. Alternatively, in some cases the provision of armed protection may result in significant reductions in the premiums the client has to pay for such insurance.

An example of the latter situation is that of the grading of alarm services referred to earlier in this report. As I noted above, such grading is undertaken by the Underwriters' Laboratory of Canada, which is a Federally-incorporated non-profit organization sponsored by the Insurers' Advisory Organization (formerly the Canadian Underwriters' Association). The U.L.C., after setting standards for different grades of alarm systems, recommends a scale of premium reductions to the insurance industry based on these various gradings. As I noted earlier, the Grade A Central station alarm system standards contain a requirement that alarm personnel responding to alarms for such a system carry firearms in jurisdictions where this is permitted. Although this particular specification is not uniformly enforced throughout the industry, and insurance companies are not in any way bound by the U.L.C.'s recommended premium reduction schedules, at least one company which still arms its alarm response personnel claimed to be doing so partly in order to meet this U.L.C. specification, and expressed discontent at the fact that the specification is not uniformly applied to other alarm companies. I have been told, furthermore, that some small businesses, (notably small jewellery stores) find it difficult or impossible to obtain insurance if they do not subscribe to a Grade A central station alarm system.

Similarly, some companies will not be able to obtain insurance for money in transit, and must therefore hire an armoured car company which will assume responsibility for insuring the money while it is in their hands. Insurance requirements particularly impinge upon the business of the armoured car companies. I was told by a representative of one such company that insurance requirements directly influence the level of protection (in terms of number of men used, amount of money carried in a single truck, weapons used, etc.) adopted for each assignment. In fact, I was told that one of the major sources of competition within the oligarchic armoured car industry at the present time is the fact the insurance companies which insure one of these companies demand a lower level of protection (in terms of the number of men required per truck) per dollar value of the goods being protected, than the insurance for the other companies.

With respect to additional premiums demanded of guard companies providing armed protection service, I was unable to come up with any very reliable figures, since many of my interviewees indicated that such information could only be obtained from their company head offices in the United States.

An estimate of an additional 10-15% on premiums for liability insurance, depending on the extent of armed service provided, however, was quite frequently mentioned by representatives of the large guard companies. In speaking with smaller guard company representatives, however, I gained the impression that premium hikes for such companies wishing to

provide armed protection are often substantially higher than this. In some cases, I was told that such companies had been unable to obtain insurance for such services, but had proceeded to offer the services anyway. As I noted above, I regard this as a completely unacceptable state of affairs from the point of view of protecting the public interest (see Recommendation 21, above).

In the light of the obvious inadequacy of the information I have been able to obtain on this matter, I recommend that:

Recommendation 22: Further research should be undertaken into the relationships between requirements of insurance and the demand for armed protection by Canadian businesses. Implications of American ownership of the private security and insurance industries in Canada should be included in this research.

#### 11. Costs of Armed Protection

Providing armed protection is undoubtedly a potentially lucrative business, judging by current rate and cost schedules which were reported to me. Although rates vary somewhat both between companies and within companies (depending on length of contract, number of man hours contracted for, value of goods to be protected, etc.), companies generally charge their clients anywhere between 20% and 50% more for an armed guard than for an unarmed one. This amounts to about \$5.00 - \$8.00 per

hour for an armed guard, as opposed to about \$4.00 - \$6.00 per hour for an unarmed guard.<sup>25</sup> At these prices, armed contract security guards are still significantly less expensive than paid-duty or off-duty policemen, who are rarely available for less than \$10.00 per hour.

The guard himself will generally be paid between 50% and 70% of what the company receives from the client for his services. Since additional training requirements for armed guards are currently so minimal (or in some companies non-existent), this leaves a healthy margin of profit to be derived from providing armed guards. Even if a company spends money training a guard for armed guard duties, however, profit on a week's work by the guard is likely to cover training costs.

The relatively high costs of armed protection undoubtedly deter some potential customers. One bank representative with whom I spoke indicated to me that his company's calculations with respect to the costs of placing an armed contract guard in each of the bank's branches in major urban areas during open hours had played a significant part in his bank's decision not to adopt this mode of protection. Other (mostly mechanical or design-oriented) forms of protection were considered to be equally or more effective and less costly.

Despite the fact that the cost of providing armed

25. Rates are higher in British Columbia because the guard industry is nearly all unionized. Costs of providing armoured car service are, of course, very substantially greater.

protection is significantly cheaper than the cost of certain other forms of protection for guard personnel themselves (e.g. providing them with dogs in patrol cars or while patrolling premises on foot) I learned that many companies prefer such alternatives and recommend them to their clients. Some of the reasons for this have already been discussed earlier in this report.

## 12. Miscellaneous Matters

The attitudes of my interviewees, which was the subject-matter of "focus point" 12, have, I think, been adequately covered in earlier portions of this report. Some minor miscellaneous matters need to be mentioned here, however.

### (i) Administration of Criminal Code Firearms Provisions

I believe that there is substantial room for improvement in the administration of firearms registration and the issuance of carrying permits in many jurisdictions. During the course of my interviews with both registrars and private security personnel, I heard numerous complaints about the current administrative structures existing in many provinces. In attempting to obtain even the most basic official data required for this study, I also became aware of some of the existing deficiencies. The major sources of complaint in this area are: (a) in many provinces, too many persons have authority to issue firearms certificates and issuing permits; (b) this extreme decentralization

of administration results in unjustifiable variations in policy between different registrars; (c) inadequate liaison and co-ordination results in serious deficiencies in communication, duplication of records and inadequate information being available to registrars and municipal police authorities about who is legally carrying what kinds of firearms in their jurisdictions; (d) information with respect to persons who have been denied registration or permits is not currently available to registrars, etc. to the extent that it should be.

Some provinces have already acted to correct many of these problems, and in particular have limited the number of persons appointed to administer the Code provisions in this area. I believe that this process should be undertaken by all provinces, and accordingly recommend that:

Recommendation 23: Provincial governments which have not already done so should act to limit the number of persons authorized to register weapons and issue permits within the province. A provincial registrar should be appointed within each province whose function would be to maintain liaison and co-ordination with other registrars and permit issuing authorities within the province, other provincial registrars, and the Commissioner of the RCMP. Local registrars should be required to send copies or details of all registration certificates and permits issued and revoked by them, as well as information on persons who have been denied

such certificates or permits, to the provincial registrar on a regular basis. The provincial registrar should be responsible for maintaining up-to-date records of such information for the province.

(ii) Inter-Provincial Permits

Many private security companies operate in several provinces. Some of the representatives I spoke to from such companies argued, with some justification, that it is not right that a federal law should be administered with such disparity from one province to another, restricting business in some which is permitted in others. While the recommendations in this report should, if adopted, reduce such disparities considerably, I believe that companies which operate inter-provincially, and whose commitments require their personnel to cross provincial boundaries, should have recourse to some authority with power to issue inter-provincial carrying permits in appropriate cases.

The Criminal Code currently provides that only permits which are issued by the Commissioner of the RCMP or a person expressly authorized by him in writing are valid outside the province of issue (S.97(8)). As far as I am aware, no such permits are ever issued by the Commissioner or his designate. If private security companies apply to the RCMP for such permits, I am told that they are simply referred back to the local registrars. I believe that the RCMP should be receptive to applications for inter-provincial permits by private

security personnel in appropriate cases where a legitimate need for them can be demonstrated. Presumably, before issuing such permits, the RCMP would have an opportunity to consult with provincial authorities in the provinces for which the permits are sought. I accordingly recommend that:

Recommondation 24: The Commissioner of the RCMP should be willing to issue inter-provincial carrying permits to private security personnel in appropriate cases where a legitimate need for them can be demonstrated by the applicants or their employers.

(iii) Government Security Requirements

An aspect of armed protection which was mentioned to me by a few of my interviewees relates to government contracts for security work which specify that security personnel working under them be armed. I have not had an opportunity to look into this matter in any detail, but it seems to me that a review of government security contracts to ensure that armed personnel are not inappropriately required by them may be in order at this time.

(iv) Carriage of Firearms at Public Meetings

Section 84 of the Criminal Code provides that:

"84. Everyone who has a weapon in his possession while he is attending or is on his way to attend a public meeting is guilty of an offence punishable on summary conviction."

While the intent of this provision is not difficult to discern, it seems likely that it was not drafted with private security personnel in mind. Depending on what is intended to be included in the term "public meeting", it is not inconceivable that private security personnel carrying weapons (be they firearms or night sticks) in the course of performing legitimate security functions at public gatherings (e.g. where items of great value are on display) could find themselves committing an offence under this Section. I therefore recommend that:

Recommendation 25: Section 84 of the Criminal Code should be amended to read:

"84. Every one who has a weapon in his possession while he is attending or is on his way to attend a public meeting is, unless he is the holder of a permit under which he may lawfully so possess it, guilty of an offence punishable on summary conviction."

### Conclusion

I have attempted to show in this report that firearms use within the private security industry is but a small aspect of a large and very diversified industry and a phenomenon which does not currently present major problems for solution (with the possible exception of long guns in some areas). My study reveals, however, that some adjustments in the law and its administration are desirable at this time, both in the interests of the public safety and in the interests of the industry itself. In this report I have advanced a

package of recommendations which are substantially dependent upon each other for their validity. Thus, I would be unwilling to make some of the recommendations which propose relaxations of current policies in favour of the industry (e.g. Recommendations 8 and 24) unless some of the recommendations which propose stricter controls over standards within the industry (e.g. Recommendations 18-20) are adopted. In concluding this report, therefore, I urge that my individual recommendations be viewed in the over-all context of my report as a whole before being singled out for adoption or rejection.

SUMMARY OF RECOMMENDATIONS

Recommendation 1: Persons who wish to carry non-restricted weapons outside of their dwelling place for other than hunting or recreational purposes should be required to obtain a permit for this purpose, and carrying such weapons for such purposes without such a permit should be an offence under the Criminal Code.

Recommendation 2: Current Firearms Registration Certificates should be adapted so that it will be clearly indicated on them whether the weapon is being registered to a home address or a business address. The type of business, if it is a business address, should be specified.

Recommendation 3: The Criminal Code should be amended to provide that if a firearm is registered in the name of a company (other than a licensed gun dealership), the only persons permitted to possess and carry such a firearm are those who have obtained carrying permits for this purpose. Such permits should be required whether or not employees carry the weapon off the premises to which it is registered. The Code should also be clarified to indicate that where a weapon is registered to an individual, only that individual, and those who are in his presence and under his immediate supervision may possess or use such a firearm on the premises to which it is registered, without a carrying permit (see existing S.101(b) of the Code).

Recommendation 4: Fully automatic weapons should not be registered to companies other than licensed gun dealerships, or to individuals other than bona fide gun collectors. No person should be issued a carrying permit for a fully automatic weapon for private security purposes.

Recommendation 5: Where a security company can show a recurring legitimate demand for armed protection service, regular annual permits should be issued to an appropriate number of properly trained personnel in the company, rather than temporary permits. Such permits should state clearly the types of work for which they are valid, and on assuming any such work, the company should be required to notify the permit-issuing authority, or some person(s) designated by him, of the details of the particular assignment(s) for which the permit is to be used. Failure to notify should be grounds for cancellation of the permit(s). Temporary permits should be issued where only occasional isolated demands for armed protection service can be shown.

Recommendation 6: Security guards and patrol personnel should not be permitted to carry firearms of any kind when not engaged in guarding large sums of money or valuables, but merely providing general building security or surveillance. In performing such tasks, however, they should be legally authorized to carry nightsticks of a kind commonly used by public police personnel.

Recommendation 7: Persons who are issued carrying permits for escorting or guarding large sums of money or valuables should be required to be in uniform when performing such duties, and this requirement should be a condition of such permits.

Recommendation 8: Registrars should be prepared to issue carrying permits to experienced and trained private investigators for personal escort work and for personal

protection while investigating in exceptional cases where it is demonstrated that adequate protection cannot be provided as economically or effectively by the public police, and where a realistic need for such protection is shown. In appropriate cases, carrying permits which are valid in more than one province should be available to private investigators on a temporary assignment-by-assignment basis.

Recommendation 9: Alarm response personnel should not be permitted to carry firearms of any description in the course of their work. They should, however, be legally authorized to carry nightsticks of a kind commonly used by the public police, for their personal protection.

Recommendation 10: Subject to recommendation 3 above, carrying permits should be available to in-house security personnel on the same basis and for the same purposes as they are available to contract security personnel, and not otherwise.

Recommendation 11: Carrying permits should not be issued to foreign police or security personnel whose employers are not subject to Canadian law.

Recommendation 12: Section 100 of the Code should be amended to provide that the exemption contained therein applies only to peace officers and others who have, at the time of their appointment, been expressly authorized to carry firearms in the course of their work.

Recommendation 13: In addition to criminal records and police occurrence checks, applications for carrying permits by private security personnel should be supported by a written

recommendation from a police or other official who can claim to have made some specific investigations into the applicant's background, associations, current circumstances and character.

Recommendation 14: The Criminal Code should be amended to provide for appeal procedures for an applicant who is refused a carrying permit or a renewal of one by a person authorized to issue one.

Recommendation 15: Paragraphs 2,3 and 4 of the conditions currently stamped on the reverse side of carrying permits in Ontario for private security personnel, should be attached as conditions to all such permits issued to private security personnel in Canada.

Recommendation 16: Permits to carry should not be issued to any private security personnel for use in security work until the person authorized to issue such permits has satisfied himself that the applicant's employer maintains proper standards of safety, maintenance, care and handling of such weapons, and that these standards are written and adequately communicated to their employees.

Recommendation 17: Companies employing private security personnel who are holders of carrying permits should be required to notify the local registrar or permit issuing authority whenever a weapon for which a permit has been issued is (a) lost or stolen, or (b) discharged other than on a supervised target range. Failure to do so should be grounds for suspension of all permits issued to employees of the company.

Recommendation 18: Before issuing a new carrying permit to an applicant who requires the permit for private security work, the issuing authority should require substantive evidence that the applicant has completed an approved firearms training course, given at an approved training facility. Where the applicant can show evidence of previous experience with handguns, the permit issuing authority should be permitted to accept such experience in lieu of training if the applicant can produce substantive evidence that he has recently succeeded in meeting the minimum requirements of knowledge and safe handling (including accuracy) established as the criteria of competency in an approved training course.

Recommendation 19: In order to be approved by a permit-issuing authority, a training course should be along the lines of the U.S. and Ontario courses described in this report. At a minimum, such a course should include:

- (1) Instruction in the law relating to firearms, use of force, powers of private security personnel, and a written test in these subjects.
- (2) Instruction in the safe storage, handling, maintenance and carriage of the weapon for which a carrying permit is sought.
- (3) Instruction in basic techniques of defensive combat shooting, including instruction on how to handle oneself with a weapon in a public place.
- (4) Firing a minimum of 50 rounds of ammunition with the weapon on a supervised range.
- (5) A competency standard of 65% on a silhouette target at varying ranges and in different combat shooting positions.

Recommendation 20: Before renewing a carrying permit for a private security applicant, a permit-issuing authority should require evidence from the applicant that he has:

(1) spent at least three hours in target practice on a supervised range for every three months that the permit has been held.

(2) recently demonstrated his ability to meet the basic competency standards for an approved firearms training course.

Recommendation 21: It should be a condition of the validity of a carrying permit that the permit-holder or his employer maintains an adequate level of public liability insurance.

Recommendation 22: Further research should be undertaken into the relationships between requirements of insurance and the demand for armed protection by Canadian businesses. Implications of American ownership of the private security and insurance industries in Canada should be included in this research.

Recommendation 23: Provincial governments which have not already done so should act to limit the number of persons authorized to register weapons and issue permits within the province. A provincial registrar should be appointed within each province whose function would be to maintain liaison and co-ordination with other registrars and permit-issuing authorities within the province, other provincial registrars and the Commissioner of the RCMP. Local registrars should be required to send copies or details of all registration certificates and permits issued and revoked by them, as well as information on persons who

have been denied such certificates or permits, to the provincial registrar on a regular basis. The provincial registrar should be responsible for maintaining up-to-date records of such information for the province.

Recommendation 24: The Commissioner of the RCMP should be willing to issue inter-provincial carrying permits to private security personnel in appropriate cases where a legitimate need for them can be demonstrated by the applicants or their employers.

Recommendation 25: Section 84 of the Criminal Code should be amended to read:

"84. Every one who has a weapon in his possession while he is attending or is on his way to attend a public meeting is, unless he is the holder of a permit under which he may lawfully so possess it, guilty of an offence punishable upon summary conviction."

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