

CANADA

PROVINCE OF NOVA SCOTIA

IN THE MATTER OF THE
FATALITY INVESTIGATIONS ACT
S.N.S. 2001, c. 31

THE DESMOND FATALITY INQUIRY

TRANSCRIPT

HEARD BEFORE: The Honourable Judge Warren K. Zimmer

PLACE HEARD: Guysborough, Nova Scotia

DATE HEARD: March 2, 2020

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2 COURT OPENED (09:33 HRS.)

3

4 THE COURT: Good morning.

5 COUNSEL: Good morning, Your Honour.

6 THE COURT: Mr. Murray, I understand that you or Mr.
7 Russell may have had a discussion with Mr. Hayne last week. I
8 see he's not here this morning but I guess it was anticipated
9 that he might not be here today?

10 MR. MURRAY: We did have a discussion, we didn't get a
11 definitive answer that he wasn't coming but I think that's our
12 interpretation of our conversation with him. He was deciding
13 whether it would be necessary for today's witness and I think
14 he's not coming.

15 THE COURT: All right. Fine, thank you.
16 So we'll begin this morning then, thank you.

17 MR. MURRAY: Thank you. The Inquiry is calling John
18 Parkin.

19 THE COURT: Mr. Parkin? If you'd just come forward,
20 Mr. Parkin. Good morning.

21

22

1 **JOHN PARKIN** sworn, testified:

2

3 **THE COURT:** Mr. Parkin, during the course of your
4 evidence you'll be referred to various documents. The documents
5 will be shown on the monitor. In addition, there's also hard
6 copy, so you can feel free to move between whichever copy is
7 most convenient for you. The microphone that's in front of you
8 is relatively sensitive and I recognize you have a good voice,
9 so there shouldn't be any difficulty for you. Thank you.

10 Mr. Murray?

11 **MR. MURRAY:** Thank you, Your Honour.

12

13 **DIRECT EXAMINATION**

14

15 **MR. MURRAY:** Can you state your name for the record,
16 please.

17 **A.** My name is John Parkin. P-A-R-K-I-N.

18 **Q.** Thank you, sir. And how are you employed?

19 **A.** I'm employed by the Province of Nova Scotia as the
20 Chief Firearms Officer for the Province of Nova Scotia and
21 manager of the Provincial Firearms Office.

22 **Q.** How long have you held the position of CFO?

1 **A.** I assumed this role in August of 2013.

2 **Q.** So you're six and a half years in?

3 **A.** About six and a half years.

4 **Q.** All right. What was the nature of your work before
5 you came to the CFO's office?

6 **A.** Prior to that I did 32 years in law enforcement. I
7 began in the Town of Hantsport in 1981 and in 1982, I started
8 with the then City of Halifax and served there until my
9 retirement in 2013.

10 **Q.** All right. So the office of CFO in this province,
11 what is it responsible for, can you give us a general sense?

12 **A.** The Chief Firearms Office is, what we do is, by
13 contract with the Government of Canada, is administer the
14 **Firearms Act** and Regulations in the Province of Nova Scotia on
15 behalf of Canada. The persons employed in the office are
16 provincial employees. The Chief Firearms Officer is sworn in
17 under the authority of the **Firearms Act** to administer the
18 relevant portions of the **Firearms Act** and Regulations.

19 **Q.** And we've heard the phrase "opt-in and opt-out
20 province".

21 **A.** Yes.

22 **Q.** And Nova Scotia is an opt-in province?

JOHN PARKIN, Direct Examination

1 **A.** Nova Scotia is what is called an opt-in province.

2 **Q.** And what does that mean?

3 **A.** That means we are one of five jurisdictions that have
4 chosen to administer the **Firearms Act** and Regulations on behalf
5 of the Federal Government.

6 **Q.** All right.

7 **THE COURT:** Who's the designated ... Sorry. Who is the
8 designated Minister?

9 **A.** Sorry, sir?

10 **THE COURT:** Well, under the **Firearms Act** there's a
11 Provincial Minister that's designated to deal with issues under
12 the **Firearms Act**.

13 **A.** Yeah. If a province chooses to opt out, then the
14 Minister is the Federal Minister of Public Safety. If the
15 province chooses to opt in, then it will be the Provincial
16 Attorney-General or Minister of Justice.

17 **THE COURT:** All right. Thank you.

18 **MR. MURRAY:** And your duties, in particular, as CFO, what
19 are those?

20 **A.** It encompasses virtually the entire scope of the
21 **Firearms Act** and the responsibility for administering that.
22 There are certain tasks and functions throughout the process of

JOHN PARKIN, Direct Examination

1 administering applications, for example, that are done at the
2 central processing site in Miramichi, what we call deliverables
3 in the context of the contract that we are responsible for
4 locally. So that would include things like investigating
5 licenses, business licensing, inspection of businesses, shooting
6 ranges and approvals of shooting ranges, and a wide variety of
7 tasks similar to that in nature that can be performed locally.

8 **Q.** Certain tasks that you as CFO take care of yourself
9 or are responsible for?

10 **A.** That's correct. Well, for example, under the
11 **Firearms Act** the approval of a shooting range or an approved
12 shooting club or the designation of an instructor for the
13 Firearms Safety Course can only be done by a chief firearms
14 officer, so that cannot be delegated to a firearms officer.
15 Beyond that, virtually everything else that is delegated locally
16 or assigned locally for the contract is handled by my office, so
17 I'll either deal with it directly myself or I'll delegate the
18 responsibility to a firearms officer to do.

19 **Q.** All right. Your office has a number of employees and
20 firearms officers, in particular. Can you just kind of give us
21 an idea of what the structure of your office in Nova Scotia is?

22 **A.** Okay. Fully staffed, the office right now consists

JOHN PARKIN, Direct Examination

1 of nine people. There's myself, the Chief Firearms Officer, in
2 charge of the office. So as I said, under the **Firearms Act** the
3 chief firearms officer is the person ultimately responsible for
4 ensuring that the things that are required under the **Act** and the
5 Regulations get done. Underneath the chief firearms officer
6 there are three what locally we term provincial firearms
7 officers. They're all firearms officers pursuant to the
8 **Firearms Act** itself. They are primarily working in an office
9 environment. There's also an operations coordinator. That
10 person is, essentially, the primary point of intake for anything
11 that's coming into the office. They do the initial case
12 screening, they do the dissemination of work amongst the other
13 firearms officers when they decide something can be dealt with
14 inside the office or, if they decide that something needs to be
15 assigned for fieldwork, so anything that would require a face-
16 to-face interview, obtaining documents sometimes from the
17 courts, going to police agencies, anything of that nature that
18 requires you be mobile. To facilitate that there are four
19 firearms officer in my office. Locally, we term them as area
20 firearms officers. They all have the mobility aspect because
21 they all have a vehicle assigned to their office and they work
22 out of the primary headquarters site in Halifax and three

JOHN PARKIN, Direct Examination

1 satellite offices across the province.

2 **Q.** Okay. I may make reference to New Brunswick on
3 occasion through this, because we've heard evidence from New
4 Brunswick, and one of the positions that we've heard about in
5 the New Brunswick Firearms Office is an operations manager.

6 **A.** Mm-hmm.

7 **Q.** You've referred to an operations coordinator. Are
8 they similar positions?

9 **A.** It'd be very similar. It's the primary point of
10 intake and oversees the workload and distribution of work in the
11 office.

12 **Q.** Okay.

13 **A.** And you said that when mobility or an investigation
14 that requires being on the road or going somewhere is necessary
15 those go to the area firearms officers?

16 **A.** Area firearms officers.

17 **Q.** And that's assigned by the operations coordinator?

18 **A.** Normally, but the chief firearms officer can assign
19 work, if necessary.

20 **Q.** All right. And is that done primarily on a
21 geographic basis?

22 **A.** For the area firearms officers, yes.

JOHN PARKIN, Direct Examination

1 **Q.** Okay. And where are your area firearms officers
2 located?

3 **A.** There are three satellite offices, one located in
4 Yarmouth, responsible essentially for the south end of the
5 province, everything south of Kings County and HRM. There is
6 one office that's located, goes with my site in Halifax itself,
7 responsible for the HRM area. It's geographic but it's also
8 based on population because of the concentration of population.
9 There's an office located in Truro, responsible for the central
10 area of the province, and then an office in Sydney, and that
11 takes care of Cape Breton Island and the northern part of the
12 mainland.

13 **Q.** Okay. So right here, for example, in Guysborough,
14 what AFO ...

15 **A.** Would fall under Sydney.

16 **Q.** Okay. And what are the backgrounds of your AFOs,
17 typically?

18 **A.** Well, three of them have background in, with policing
19 experience. One officer has a background with compliance and
20 worked with the Department of Agriculture as an investigator
21 with them for a number of years. All of them have an
22 investigative background, with training in obtaining statements,

JOHN PARKIN, Direct Examination

1 doing interviews, collecting evidence, that sort of thing.

2 (09:43:10)

3 Q. Okay. You said when you're fully staffed there are
4 nine people. Are you not fully staffed at the moment?

5 A. We are currently not fully staffed.

6 Q. How short are you right now?

7 A. Currently, I have two individuals who are off and I
8 have two vacancies.

9 Q. Okay. Amongst the Firearms Officers?

10 A. Amongst the Firearms Officers.

11 Q. Okay. All right. So the structure of the office is
12 not entirely dissimilar from what we've heard about the
13 structure of the New Brunswick office. You perhaps don't know
14 the details ...

15 A. I don't know the exact layout of those offices.

16 Q. So the Canadian Firearms Program, in general, is
17 administered in this province by the CFO's office?

18 A. Yes.

19 Q. Okay. And what do we understand by that term, the
20 Canadian Firearms Program? Are we talking about the whole ...

21 A. The Canadian Firearms Program or, properly, the RCMP
22 Canadian Firearms Program is the overall program responsible for

JOHN PARKIN, Direct Examination

1 all aspects of the **Firearms Act** and the attendant legislation.
2 So it administers and oversees all of those functions. And a
3 lot of it, I really can't attest to. I'm not privy to the
4 operations out of the headquarters in Ottawa. I'm more familiar
5 with what I do locally.

6 **Q.** Okay. And we've heard evidence previously about the
7 Canadian Firearms Information System or CFIS.

8 **A.** CFIS, yes.

9 **Q.** CFIS is a database that your office uses, obviously,
10 is it?

11 **A.** That's correct, we have access to it.

12 **Q.** Okay. And you can enter data into CFIS?

13 **A.** Yes.

14 **Q.** And also access it and read or obtain data from the
15 system?

16 **A.** Yes.

17 **Q.** If the information in CFIS relates to a client that
18 is not one of yours, not a resident of Nova Scotia, are you able
19 to alter the data in CFIS?

20 **A.** I cannot alter the data but I can see it.

21 **Q.** Okay. So it's a read-only if it's a client outside
22 of Nova Scotia?

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1 **A.** Essentially, yes.

2 **Q.** Okay. And that database is maintained, we've heard,
3 by the RCMP?

4 **A.** That's correct.

5 **Q.** All right. And we've heard also about the central
6 processing site which is in Miramichi, New Brunswick.

7 **A.** That's correct.

8 **Q.** And what's your understanding of what happens at that
9 facility?

10 **A.** As the name suggests, it's a central processing site.
11 So an application, for example, when it comes in, all
12 applications from across the country will go to that location
13 for initial screening. They also have facilities ... so they
14 receive a lot of mail applications.

15 They will do initial outreach, if there's something missing
16 from an application - for example, spousal notification is quite
17 common, so they may send out a request for that to be completed.
18 The **Act** requires that your spouse be informed that you're
19 applying for a license or that you're renewing a firearms
20 license.

21 It has the facilities that produces the actual physical
22 firearms license, so the plastic card individuals receive comes

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1 through that site. Also, the what is called the carrier, which
2 is the piece of paper that the license itself is attached to,
3 comes from that location, and that will sometimes include
4 additional information for the cardholder or the license holder.
5 So if there are conditions on their license ... The card is only
6 the size of a credit card. If there's insufficient room on that
7 to contain all of the information it will be on the carrier.

8 **Q.** All right. So when an initial application, let's
9 say, for a basic possession and acquisition license for an adult
10 for a non-restricted firearm is completed, that would go to
11 Miramichi, would it?

12 **A.** That's correct.

13 **Q.** All right. And there are various things, and we'll
14 have a quick look at one of these applications, but there are
15 various things on that form that have to be completed. We've
16 heard about reference checks on the application forms.

17 **A.** Mm-hmm.

18 **Q.** To your knowledge are reference checks done at the
19 central processing site in Miramichi?

20 **A.** Yes, they are.

21 **Q.** Okay. And the form, I believe, presently requires
22 two references. Do you know whether at the present time ... And

JOHN PARKIN, Direct Examination

1 I appreciate you don't speak for Miramichi, you don't run that
2 facility, but is it your understanding that both reference
3 checks are done or just one of the reference checks?

4 **A.** My understanding is that at the present time one
5 reference check.

6 **Q.** It's one. Okay. So any application for a possession
7 acquisition license, or PAL, would initially go to Miramichi?

8 **A.** That's correct.

9 **Q.** All right. And, again, we've heard some of this, but
10 I'll just ask you again. If somebody is applying for a
11 possession acquisition license there are certain steps they have
12 to take, initially, before they can, I guess, perfect or
13 complete their application. I understand they have to take a
14 safety course, do they?

15 **A.** Yes, that's correct.

16 **Q.** And what is that safety course?

17 **A.** The safety course is a standardized course that's
18 used across the country, required by section 7 of the **Firearms**
19 **Act**. An applicant must complete an approved firearms safety
20 course before they are eligible to apply for a firearms license.

21 **Q.** All right. And they complete a paper application?

22 **A.** That's correct.

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1 **Q.** All right. And I believe we have an application
2 marked as Exhibit 123.

3 **A.** Okay. Yes.

4 **Q.** And that is the application for a possession and
5 acquisition license for individuals over the age of 18, is that
6 correct?

7 **A.** That's correct, yes.

8 **Q.** All right. There are certain things that are
9 particularly significant, I think, on this application, and I'm
10 thinking of the personal history questions on the application.
11 What is it? Am I right that those are ...

12 **A.** They are important. Everything that's on the form is
13 important.

14 **Q.** Obviously, yes.

15 **A.** I'm not sure I follow the question particularly.

16 **Q.** If an application comes to the central processing
17 site in Miramichi, those personal history questions, will those
18 be followed up with the references, typically, or ...

19 **A.** I can't speak to what they follow up. I've never
20 been shown exactly what they query in that regard. I can tell
21 you that if an individual answers a personal history question
22 and self-discloses an issue ...

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1 **Q.** Yes.

2 **A.** ... which does happen on a fairly regular basis, then
3 the central processing site will forward the application, and
4 that's done electronically. The investigation will then come to
5 the local CFO's office in the CFO's jurisdiction. And if it's
6 the case of a Nova Scotia applicant or a Nova Scotia
7 licenseholder it would come to my office and, from there, the
8 first point of contact will probably be the operations
9 coordinator, when they're reviewing the new files that have been
10 sent to my office, and it would be assigned to a firearms
11 officer to follow up on the missing information or the
12 disclosure.

13 **Q.** Okay. So looking at the "Personal History"
14 questions, for example, looking at 16(d), an applicant is going
15 to be asked if during the past five years they have threatened
16 or attempted suicide, have suffered from or been diagnosed or
17 treated by a medical practitioner for depression, alcohol, drug
18 or substance abuse, behavioural problems or emotional problems.

19 So if an individual who completes that form checks "yes" to
20 that box, will that always come to your office, for example, if
21 it's a Nova Scotia client or a potential Nova Scotia client for
22 investigation?

JOHN PARKIN, Direct Examination

1 A. Normally, yes.

2 Q. Okay.

3 A. And I say normally because I can't say that a hundred
4 percent of them do, I don't know.

5 Q. Right. That's your, again ...

6 A. But my understanding is is that it would normally
7 come to my office.

8 Q. All right. Or if a person were to check no to that
9 but a reference or some other avenue of investigation might
10 disclose that it would come to your office for investigation?

11 A. Yes. And if they checked "no", experience has shown
12 that it would probably warrant slightly more significance
13 because there is, a little further down on the application form,
14 there is a disclosure that is signed by the applicant where the
15 applicant is cautioned that it's a violation of section 106 of
16 the **Firearms Act** to knowingly fail to disclose or to not
17 disclose information that's relevant to that person having a
18 firearms' license. So if you fail to disclose something and
19 then it turns out that you should have, then that is going to
20 raise a flag.

21 Q. More of a red flag than ...

22 A. More of a red flag.

JOHN PARKIN, Direct Examination

1 **Q.** ... if you didn't disclose it yourself perhaps?

2 **A.** Well, it raises the question why was it not
3 disclosed.

4 **Q.** Right. Okay. And you had mentioned earlier that the
5 conjugal partner, if there is one, of an applicant, has to be
6 aware of the application?

7 **A.** That's correct.

8 **Q.** If the applicant indicates they have a conjugal
9 partner and that person has not signed or it appears they've not
10 been notified, that would be done at Miramichi, would it?

11 **A.** Sometimes Miramichi will send out a notice for a
12 contact and if the partner signs the forms, the prescribed
13 forms and sends them back, then they can be satisfied that way.
14 If the person can't be reached or there are any other questions
15 surrounding the relationship, it will come to the local office
16 for the CFO, and then we will follow up on it. And it doesn't
17 require an actual physical form be signed by the person. The
18 **Act** does allow that the notification is made by telephone or
19 other means.

20 **Q.** If it's done by your office, for example?

21 **A.** If it's done, yeah, if it's done by our office.

22 **Q.** So an AFO could call a conjugal partner, have a

JOHN PARKIN, Direct Examination

1 conversation and be satisfied that they're aware and there's no
2 concerns?

3 **A.** Yeah, that they're aware and there's no concerns.

4 **Q.** Okay. All right. And we've heard about the enhanced
5 screening unit at Miramichi. Are you familiar with that? Are
6 you able to speak about that at all?

7 **A.** I've heard of it. I really can't speak to it. I'm
8 not that familiar with it.

9 **Q.** Fair enough. All right. So an application, for
10 example, a basic application for an adult for a non-restricted
11 possession acquisition license, it goes to Miramichi. So it's
12 possible something could come from a reference check, it could
13 come from a "Personal History" question. Are there other ways
14 that that application might end up coming to your office for
15 further investigation?

16 **(09:53:17)**

17 **A.** I don't believe I've ever been explained the process
18 of exactly what checks they do make.

19 **Q.** Right.

20 **A.** I would assume that it would be similar to checks that
21 we would make, so any relevant database, such as CPIC, or any
22 other database that they might have access to, so police

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1 records, if they have direct access to that, I would assume that
2 they might check those but I can't say for certain.

3 **Q.** Right. Okay. Now there are certain things in the
4 **Firearms Act**, specifically section 5 of the **Firearms Act** that, I
5 guess, would cause a concern, is that a fair way of putting it,
6 and require investigation?

7 **A.** Yes. Well, any of those particular items, yes, they
8 would raise a flag, but it's also a much broader spectrum. So
9 you have to look at section 5 in both of its parts, because
10 section 5(1) refers to when it's not in the public interest that
11 an individual - and now I'm paraphrasing, I don't have the **Act**
12 right here in front of me ...

13 **Q.** Yes.

14 **A.** But it's not in the public interest that an
15 individual has access to firearms, ammunition, prohibited
16 ammunition or prohibited weapons and so forth, so you're looking
17 then at public safety and the public interest in a very broad
18 spectrum. Section 5(2) narrows down to mandatory areas that
19 must be looked at.

20 **Q.** Yes.

21 **A.** So if there's been an assault or threats of an
22 assault, if you have been ... There's certain offences under

JOHN PARKIN, Direct Examination

1 the **Controlled Drugs and Substances Act**. So there's a half a
2 dozen criteria that are listed under 5(2). Those are obligatory
3 areas that must be looked at, but they are not restricted, I
4 guess, would be the word I'd be looking for.

5 **Q.** Okay. And if an application comes to you for
6 investigation, it's section 55, primarily, that ...

7 **A.** Section 55 is primarily the authority that we act
8 under, so 55 gives us the authority to ask questions, as section
9 55(2) says, of any individual who may have information that is
10 relevant to a person's eligibility to hold a firearms license.

11 **Q.** All right. And that could include, for example, a
12 conjugal partner. Who else might that include?

13 **A.** There's a significant list of individuals, from
14 neighbours to coworkers to acquaintances, as you say, partners,
15 conjugal partners. It could include, as the **Act** says, anybody
16 who may have information that's relevant.

17 **Q.** Right. Okay. So it's pretty broad?

18 **A.** It's pretty broad.

19 **Q.** Okay. So an application goes to Miramichi and let's
20 say the references don't raise any red flags, there's nothing
21 disclosed, for example, in the "Personal History" section and so
22 forth, it's possible that applications are granted out of

JOHN PARKIN, Direct Examination

1 Miramichi that, obviously, never come to your office?

2 **A.** That's correct.

3 **Q.** That might be the majority, would it, or are you able
4 to say?

5 **A.** I've never looked at a percentage. I can't give you
6 an exact number.

7 **Q.** Okay. And even if there are some errors, they might
8 be dealt with out of Miramichi and still not come to your
9 office?

10 **A.** That's correct.

11 **Q.** All right. So if an investigation ... if an
12 application may require some follow-up and it's sent to your
13 office, you become aware of that electronically, do you, through
14 CFIS?

15 **A.** Yes.

16 **Q.** All right. And there's a queue, is there, or a
17 mailbox?

18 **A.** Yeah. And that's typically the way I describe it to
19 laypersons not familiar with the system, is to just think of it
20 as an electronic mailbox. It's divided up into a set of smaller
21 mailboxes, depending on the nature of the information that's
22 coming in, but that's how we receive it.

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1 Q. Okay. And there would be so many come in each day?

2 A. Yes.

3 Q. All right. Is the operations coordinator the person,
4 then, I think you said, that would initially look at those?

5 A. Yes, that's their primary role, one of their primary
6 roles.

7 Q. Okay. So before they would assign that to a
8 provincial firearms officer or an area firearms officer, what
9 would the work of the operations coordinator be first?

10 A. Well, they will check to see what information is on
11 the file. So there's, think of them as a series of file tabs,
12 is the easiest way of describing it, that's attached to any name
13 or any file that comes in. So some of those are for general
14 comments. So you can open the tab for "General Comments", you
15 could see any comments that have been made on the file by any
16 other investigator, so if somebody from the central processing
17 site makes a comment on the file, another firearms officer
18 makes, has made a comment on the file, and it will list it
19 chronologically, in reverse order, most recent at the top, all
20 of the activity of other individuals.

21 So through an application process it's not unusual to see
22 comments on the tab itself referring to when the file was

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1 received at Miramichi, when it was processed, if something was
2 identified and it was sent to a CFO's office, and you can
3 actually follow the audit trail, where the file went, who had it
4 and what they did, if they put appropriate comments in there,
5 what they did on the file.

6 **Q.** All right. So somebody at the central processing
7 site would be identified if they'd made comments, for example,
8 in CFIS?

9 **A.** Yeah. So they would look at it and they would look
10 for any indications in those comments as to why the file came to
11 us in the first place. There are other areas on the application
12 that they can look. You can go into the "Eligibility" page and
13 scroll down through it. There's a number of little sub-folders
14 within that. If, for example, an individual was queried on CPIC
15 at the central processing site and there was an entry on CPIC,
16 then it might say "CPIC fail", and sometimes there will even be
17 a copy of or an extract from the CPIC entry itself that will be
18 on there.

19 There are other tabs that you can touch where you can
20 actually read the application that was submitted by the
21 individual, so you can see that. Where that can be sometimes
22 relevant is an individual might self-disclose something from

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1 their personal history and then send in a letter or note of
2 explanation along with the file. That gets scanned in and is
3 attached to the file, so this information is available for the
4 operations coordinator to look at.

5 If it's a Nova Scotia client that we're looking at, then
6 there's also, we have access to JEIN. So the operations
7 coordinator will go in, take a look at the JEIN file, see if
8 there's any matters before the court or if there's been any
9 entries in there on what kind of history the individual may have
10 there. They may or may not run CPIC just to do a verification
11 as to what's on file available there.

12 Depending on the agency, if it's a Nova Scotia agency that
13 was dealing with the individual, they may contact them through
14 the Form 3825 or directly, if we have access, to look at
15 information. So they're basically going to do a pre-screening
16 ...

17 **Q.** Okay.

18 **A.** ... of everything that they have access to.

19 **Q.** And a couple of things there. You mentioned JEIN,
20 that's J-E-I-N, the provincial ...

21 **A.** Justice Enterprise Information Network, yes.

22 **Q.** Right. That contains information, it would have any

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1 provincial record that I may have, criminal or quasi-criminal
2 record?

3 **A.** As long as it's been entered into JEIN, yes.

4 **Q.** Right.

5 **THE COURT:** Question. Is there a tab that says this is
6 why we sent it to you or is there a cover statement? Like when
7 it comes to you, when there's a file that comes into your
8 operations manager or coordinator, they see there's a file that
9 came in, they have the file.

10 **A.** No.

11 **THE COURT:** How deep do they have to go into it to know
12 what it is and why it came to you?

13 **A.** You have to look at the file. There's no header on
14 it, as such, that would give you advance notice. You'll get a
15 notification and it will tell you who the client is that you're
16 receiving the file for, who it pertains to, so if it's John
17 Parkin's file, it would come in and you would know that it was
18 John Parkin and there was a notification but you're reliant on
19 the entries that have been made by other people. If it comes as
20 a notification, you may get a very brief outline that it's sent
21 down because of a CPIC entry, sent down for this, sent down for
22 that but it's dependent on how much information has been input

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1 on the file.

2 **THE COURT:** Right. Thank you.

3 **MR. MURRAY:** You mentioned also a CPIC fail, that's ...

4 **A.** It just means that somebody has queried the individual
5 on CPIC and there's an entry on CPIC that raises a public safety
6 concern for somebody and so it's just an internal term, I guess.

7 **Q.** Okay. It doesn't necessarily mean a criminal
8 conviction on CPIC, it would be other entries on CPIC?

9 **A.** It could be other entries that are on CPIC.

10 **Q.** So the operations coordinator will look at it at
11 first, do this pre-screening, and when is it appropriate for it
12 to go to a provincial firearms officer who may have to do more
13 follow-up and when does it go to an area firearms officer?

14 **A.** If the nature of the follow-up is going to be
15 something straightforward like, say, directly contacting the
16 courthouse and requesting a copy of a court document or if it's
17 to follow up because the conjugal partner hasn't been able to be
18 located, something that can be conducted from primarily an
19 office environment and doesn't require any fieldwork ...

20 **Q.** Yes.

21 **A.** ... then it will stay at the head office and be dealt
22 with by a provincial firearms officer. If it's going to look at

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1 something that is more involved, possibly multiple witnesses,
2 domestic violence, for example, where you may want to talk to a
3 police investigator or you may have to go to a police agency
4 looking for more additional information, then those types of
5 files would go to an area firearms officer because the mobility
6 is required.

7 **Q.** Right. Okay. And those are things that come your way
8 because of something that was flagged, I guess, or caught at an
9 application process. You also get what we call "Firearms
10 Interest Police" or FIP?

11 **(10:03:12)**

12 **A.** Yes.

13 **Q.** And what's your understanding of what a Firearms
14 Interest Police is?

15 **A.** Okay. A Firearms Interest Police, what's commonly
16 just referred to as a FIP, these are entries that are generated
17 and I guess I'll back up a little bit. I don't know if you've
18 spoken on this before or not, just to explain where they come
19 from and how they're created.

20 All activities or events that a police officer or a police
21 agency engages in have a numerical code that's assigned to it.
22 The most common one, I believe there's two types in Canada, the

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1 most common one that I've heard of is UCR coding.

2 Q. And your understanding is most police agencies ...

3 A. Most police agencies, as I understand, use that
4 particular type of coding.

5 Q. All right.

6 A. So what happens is there's a numeric code, whether
7 it's a barking dog complaint, the garbage was put out on the
8 sidewalk early, assist citizen, assault, up to homicides,
9 threats, whatever the nature of it is, everything has a numeric
10 code. Because it has a numeric code, certain of those codes can
11 be flagged, for lack of a better descriptor, so that if there is
12 a public safety concern related to the person having access to
13 firearms or ammunition, then that one will stand out.

14 So when police do their data entry on a file, when they're
15 putting their reports into the system, all of these codes get
16 generated. When that happens, if one of these flagged events
17 is, significance of it is raised, then every 24 hours, this is
18 my understanding of it, it happens every 24 hours and this is
19 where we get into another term that you may have heard called
20 continuous eligibility.

21 Q. Yes.

22 A. And where that arises is it's not everybody being

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1 surveilled or anything like that, it's happening because there
2 has been an interaction with the police of a nature that has
3 raised a public safety concern. Every 24 hours that police
4 database talks to the Canadian Firearms database. If it finds a
5 match or a potential match, it generates what's called a FIP,
6 Firearms Interest Police, and this is all happening
7 electronically. When it identifies a FIP, it will send an
8 electronic message to the mailbox of the CFO in the jurisdiction
9 for where the ORI, the originating agency number for the police
10 agency that entered the data exists.

11 **Q.** So I'm just going to stop you there, just to cover off
12 a couple of things there.

13 So UCR coding, we have heard about that before, that's done
14 by police agencies and that's an entry on CPIC, is it?

15 **A.** It will touch CPIC at some point.

16 **Q.** Yes.

17 **A.** Exactly where the interface happens, that's beyond my
18 expertise or my knowledge but when it goes in, when the data is
19 entered into the police database ... because there are a variety
20 of police database systems.

21 **Q.** Yes.

22 **A.** RCMP use PROS, Halifax uses Versadex, Cape Breton

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1 Regional for example uses Niche. Going across the country there
2 may be others.

3 Q. But at some point a police database speaks to the
4 Canadian Firearms Information System or CFIS?

5 A. That's correct.

6 Q. And is it only CPIC, to your knowledge, that talks to
7 CFIS if I can use that expression or do other police ...

8 A. The technology is beyond my expertise.

9 Q. Okay. So police do enter ... they code everything,
10 every call they go to, is that your understanding?

11 A. Yes.

12 Q. All right. And they choose what they feel are the
13 best UCR code for what they are attending?

14 A. Well, the codes are assigned based on the event so
15 based on my experience with police and I was there during the
16 implementation when we switched over the databases to Versadex
17 and the training so I can speak with a little bit of knowledge
18 on this and I'll say a little bit, but what happens is the event
19 itself has a name.

20 Q. Right.

21 A. So whether it's an assault or an assault causing
22 bodily harm, there's different degrees of assault, depending on

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1 what degree of assault you were to choose, each one of those has
2 a preassigned code. So the police are not choosing the event
3 code itself, the code has been assigned. That way other
4 statisticians and other organizations or whatnot can draw out
5 the information and have a common frame of reference.

6 **Q.** Right. When an officer attends at a call, there can
7 be different aspects to the call I guess?

8 **A.** Yes.

9 **Q.** There could be a domestic violence component, there
10 could be a firearms component, there could be an assault, there
11 could be a threat?

12 **A.** Yes.

13 **Q.** Is it your understanding that more than one UCR code
14 can be entered for a call?

15 **A.** My understanding is that whatever offences are
16 entered, it would pick up the codes for that.

17 **Q.** I see, all right. And there are certain UCR codes
18 that are predetermined, I guess, to be flagged for a future FIP,
19 is that ...

20 **A.** Yes.

21 **Q.** So a barking dog is probably not going to create a
22 FIP?

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1 **A.** I would say no.

2 **Q.** Okay. And I appreciate you don't know the list
3 precisely of which ones will create a FIP and which ones won't
4 but, in general, I would assume they relate more to firearms,
5 violence, those types of things?

6 **A.** It can relate to anything where the behaviour or the
7 activity might constitute a threat to public safety or the
8 safety of an individual.

9 **Q.** Okay, all right. So that's done, there's this
10 communication with CFIS which you say occurs every 24 hours?

11 **A.** That's my understanding.

12 **Q.** Okay. And when that happens, the system searches to
13 see if there's a match?

14 **A.** It looks for a match and if it finds a match or a
15 possible match, that's when the FIP itself is created and sent
16 to the CFO in the jurisdiction.

17 **Q.** Okay. So a possible match?

18 **A.** So a possible match so, for example, my name's John
19 Parkin. If you were to put in John Parker and the date of birth
20 were close then we would probably get a possible match and then
21 somebody has to go in and physically do a comparison to see is
22 John Parker actually just a misspelling of a name or is it two

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1 separate people.

2 Q. Right, okay. Name, birthdate, are those the primary
3 things or are there other things?

4 A. Those are the primary areas.

5 Q. Okay. And so if the system says this could be a match
6 ...

7 A. Yes.

8 Q. ... to a client of a particular province, it will send
9 something to that province?

10 A. We'll get the electronic notification at that point of
11 a match or a possible match.

12 Q. Okay. Now I want to ask you ... and this occurs every
13 24 hours?

14 A. Yes.

15 Q. All right. So I want to ask you just a little bit
16 about what happens and what previously happened in the Province
17 of Nova Scotia. So presently if a FIP is created and there
18 appears to be a match with a client of Nova Scotia, that's a
19 resident of Nova Scotia who may hold a firearms licence, who
20 will screen that first presently?

21 A. At the present day that's done by an assistance unit
22 at the central processing site in Miramichi.

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1 **Q.** Okay. And that's for the Province of Nova Scotia?

2 **A.** For the Province of Nova Scotia.

3 **Q.** Do you know if it's the same for other provinces?

4 **A.** I can't speak to other provinces.

5 **Q.** Okay. So is it called a FIP assistance unit or ...

6 **A.** That's what we call it. I've never heard it referred
7 to as anything other so ...

8 **Q.** All right. So there's a possible match in CFIS so
9 somebody, a physical person actually, as best you understand it,
10 actually looks at that in Miramichi?

11 **A.** Yes.

12 **Q.** And what do they do?

13 **A.** They will ... they can only look at PROS entries.

14 **Q.** Right.

15 **A.** So if they are looking at the mailbox, I'll use the
16 term mailbox instead of queue just to keep it a little bit
17 clearer, if they are looking at the group mailbox and they see
18 FIP entries, they can only look at the ones that have an actual
19 PROS file because that's the only database that they have direct
20 access to .

21 **Q.** In Miramichi?

22 **A.** In Miramichi. So, for example, as I said earlier, in

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1 Nova Scotia there are three primary police databases: Niche,
2 Versadex and PROS. If it's a Versadex file or a Niche file,
3 Miramichi can't help us.

4 **Q.** Okay.

5 **A.** Then it falls back to my office to deal with that
6 particular file. If it's a PROS file then somebody from the
7 assistance unit will look at that file, they will go into PROS,
8 and they will look for the genesis or the nucleus of what that
9 event is about. So it could be a disturbance call and somebody
10 left it just coded as a disturbance which on the face of it
11 might not appear to be a terribly significant event but then
12 when they're looking at the report, they find that it looks like
13 there was an assault occurred or there was other elements of
14 violence or of public safety concern. Then what they'll do is
15 they will create a summary of what they have read and that will
16 be the information that will accompany the notification that
17 they will send to us and that's typically in the notification
18 and comments itself or in the comments on the file on the
19 license itself.

20 **Q.** How much of a summary do you get?

21 **A.** I've read many of them, it's three or four lines that
22 will usually give the date, the case number, the agency that was

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1 involved and it will give you the basic facts surrounding the
2 event. So if it was a disturbance and the police attended the
3 scene, well police would have attended the scene because that
4 generated the police report, and what they saw or observed when
5 they were there. So if there was somebody who was bleeding or
6 if somebody reported an assault it would contain basic facts
7 like that but it is a summary.

8 **Q.** And then once you get the summary then you decide
9 whether additional follow-up might be appropriate or not?

10 **A.** Yes.

11 **Q.** Okay. So you are reliant on someone else's review of
12 that file and the summary of it?

13 **A.** Yes, at this point, yes.

14 **THE COURT:** If it's a Versadex file or a Niche file ...

15 **A.** Yes.

16 **THE COURT:** ... then you don't have access to those. Do
17 you have to make a request for ...

18 **A.** We have to make a request. Now with Niche, which is
19 Cape Breton Regional, we go through their records office. We've
20 had a longstanding relationship and a contact with them and
21 we'll send the request directly there.

22 With Halifax Regional we can either contact them directly

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1 or within Public Safety there are some individual who do have
2 access to Versadex and we can make a request to them to have a
3 look at a file.

4 **(10:13:20)**

5 **THE COURT:** And what's the turnaround time?

6 **A.** It's turnaround and it's going through a third party.

7 **THE COURT:** But how long would it take? If it comes
8 into your office at 9 o'clock on a Monday morning and it's a
9 Versadex file, how long do you think it would take you to get
10 that package?

11 **A.** Probably, as long as it's Monday to Friday, no more
12 than a couple of days.

13 **THE COURT:** It will take a couple days to get the
14 report?

15 **A.** It could. It might be the same day, it's going to
16 depend on that person's availability and access.

17 **THE COURT:** Do they give you a summary like they do out
18 of the unit in Miramichi for you to then look at the summary and
19 decide if you want the whole file and if you want the whole
20 file, will they give you the whole file?

21 **A.** If we wanted the whole file then we'd have to go to
22 the police agency and request release of the file because it

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1 becomes then an information and privacy issues.

2 **THE COURT:** All right, thank you.

3 **MR. MURRAY:** So you get the summary and if it's PROS, if
4 it's a police agency that uses PROS, you'll get the summary from
5 Miramichi?

6 **A.** Yes, correct.

7 **Q.** All right. You don't have ... presently your office
8 doesn't have access to PROS?

9 **A.** We don't. It's a work in progress. I had my staff
10 trained, actually March of 2019 they were trained. There's been
11 some technical issues since then to give them direct access to
12 PROS at which point we would have first-hand contact, we would
13 be able to go in and review the files ourselves.

14 **Q.** So when that gets ironed out, when everybody gets the
15 training on PROS, will the FIPS go directly to your office, is
16 that ...

17 **A.** Well, they essentially come to our office now and what
18 it is is think of it in terms of a shared mailbox.

19 **Q.** Right.

20 **A.** So I can go in on any given day and I can look at the
21 FIPS that are in our queue until they've been processed. If
22 somebody from the FIP assistance unit beats me to it and has

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1 started processing those FIPS and then moving them on to
2 notifications or excluding them, then I'm not going to see them
3 but it's a shared ... think of it as a shared mailbox.

4 **Q.** Okay. So you see them when they first come in before
5 anyone's touched them, for example, or started to process them
6 presently but because you don't have PROS, that's done in
7 Miramichi?

8 **A.** We don't have PROS so that's done by Miramichi.

9 **Q.** Okay. So, again, when you get the PROS kind of worked
10 out, when you have access to it, you'll be doing your own
11 processing, is that ...

12 **A.** Yes, that's what I would envision at this point in
13 time, yes.

14 **Q.** Okay. And the other two systems you said, for
15 Versadex which is used in HRM, you have somebody in DOJ ...

16 **A.** There are couple of people cleared inside Public
17 Safety, not in my office, so we go through them and they can
18 make checks for us and see if there's something there of a
19 public safety concern and then we'll follow up on that.

20 **Q.** And for Cape Breton it's the Niche system and you
21 email Cape Breton and CBRM?

22 **A.** Yes, our contact there is through their records

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1 office.

2 Q. Okay. And then you follow up, obviously then from
3 there, with the investigation of the FIP?

4 A. Yes.

5 Q. But just before we get to that, if a FIP is created in
6 Nova Scotia but it relates to a client of another province, say
7 New Brunswick, what will happen with that FIP?

8 A. If it's a client from another province and it's
9 currently a PROS file, we may not even see that today.

10 Q. Okay.

11 A. Because the normal practice is that the Chief Firearms
12 Office in the province where the individual resides is the one
13 responsible for the investigation.

14 Q. Yes.

15 A. So any information or anything would be relevant to
16 them and their investigation. So if it was from a neighbouring
17 province and a FIP was generated today, the Miramichi assistance
18 unit, I mean, that's their primary responsibility. They go in
19 every working day and they cull through the FIPS and there's a
20 moderate number. After a long weekend there might be a dozen or
21 so after a long weekend. On any given day there could be half a
22 dozen, eight files or something. This is not a huge volume that

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1 is necessarily generated for Nova Scotia and it's only looking
2 for clients within the firearms database. So all of the other
3 individuals that are queried by police or dealt with by police
4 or generate, we don't get information on them because there's no
5 matches or no possible matches.

6 So what would happen today is the FIP assistance unit would
7 look at the file, see that they were a resident in a
8 neighbouring jurisdiction, so they are a client of that CFO.
9 They would do the extract and then they would send it directly
10 to that CFO's office so it could completely bypass us entirely.

11 **Q.** And that's the system that's been in place since April
12 of 2016?

13 **A.** That's correct.

14 **Q.** All right. So since April of 2016, let's say a person
15 runs afoul of the law in Nova Scotia, a FIP is created here, but
16 they're a client of New Brunswick.

17 **A.** Yes.

18 **Q.** The central processing unit will do that initial
19 screening, again assuming it's a PROS situation.

20 **A.** Assuming it's a PROS file, yes.

21 **Q.** That will go to the CFO in New Brunswick, you may
22 never see it?

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1 **A.** We may never see it.

2 **Q.** If they require further follow up in Nova Scotia, you
3 may be contacted by that other province?

4 **A.** Yes.

5 **Q.** Okay. Or, for example, let's say it happened in Cape
6 Breton and they needed you to contact Niche, would you be
7 contacted for that?

8 **A.** Yes.

9 **Q.** All right. Prior to April of 2016 there was no FIP
10 processing unit at Miramichi or at least none doing work for
11 Nova Scotia?

12 **A.** No, there was none there.

13 **Q.** Okay. So prior to April of 2016 if a FIP were created
14 in Nova Scotia, first of all let's say for a client of Nova
15 Scotia, what would happen then?

16 **A.** From 2014 to 2016 when we switched over to the new
17 system, there was no mechanism in place for us to have direct
18 access of any sort to PROS.

19 **Q.** Okay.

20 **A.** So we were completely reliant on using, what we use is
21 the prescribed form, the RCMP form 3825.

22 **Q.** Right.

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1 **A.** So it's a request for disclosure from a police agency.
2 We would put in the case information, the individual's
3 information that we were looking for and now, this is going to
4 be based on the ORI so it's not sent out randomly, it's sent to
5 the police agency that originated the event in the first place.

6 **Q.** So just explain ORI to us.

7 **A.** The ORI is the originating agency number.

8 **Q.** Right.

9 **A.** Every agency whether it's a police agency,
10 Corrections, or whomever across Canada who had, this is my
11 understanding of it, is CPIC because I've seen the CPIC journals
12 and the entries. So if you have access to CPIC or have a CPIC
13 terminal, you have an ORI number so that's basically like your
14 mailbox number. Depending on the province you're in, they
15 typically begin with a prefix that is the abbreviation for the
16 province so Nova Scotia is NS followed by a five-digit number
17 and that will identify the agency in Nova Scotia that it came
18 from. So based on that, that will tell us who made the data
19 entry so when we were doing 3825s or completely relying on 3825s
20 to get disclosure, we would send it to that agency.

21 **Q.** So, for example, I assume the detachment here in
22 Guysborough would have an ORI number?

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1 **A.** Yes.

2 **Q.** And if a FIP were created and you looked at the ORI
3 number and you saw that happened here or was investigated or
4 entered by that detachment, you would have sent, then, the 3825
5 to that detachment?

6 **A.** Yes.

7 **Q.** Okay.

8 **A.** And in those days I guess it's important to note as
9 well that on the 3825s is, or sorry, on the FIP itself, when a
10 FIP comes in and you open a FIP screen, it contains very minimal
11 information. It doesn't disclose to you, other than maybe in
12 general terms, the nature of the event itself. It doesn't
13 include any details so there's no substance to it to give you
14 any of the circumstances or the facts that created that event or
15 what was happening at the time. So you have a name, you have
16 the ORI number from where the data originated from, you have
17 basically some tombstone information that tells you that there
18 was an event that occurred, this was the police agency that
19 entered the data, and the nature of it raised a public safety
20 concern.

21 **Q.** Okay. And then you are then required to follow up?

22 **A.** And then that's why we would have to follow up with

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1 them because we would be completely blind to what had happened
2 at that point.

3 Q. Okay. So during that period of time, if a FIP was
4 created by an agency in Nova Scotia with an ORI number for Nova
5 Scotia but it was a client of New Brunswick ...

6 A. Yes.

7 Q. ... what would happen then?

8 A. Well, the normal process is we would intercede by
9 seeking the disclosure upfront so that we could forward that to
10 the Chief Firearms Officer, essentially doing ... of the other
11 province, essentially doing what the FIP assistance unit is
12 doing right now.

13 Q. Right.

14 A. So we're looking for the disclosure so that we can
15 forward it to the CFO so they'll know if there's something to
16 investigate. Otherwise they would probably be just contacting
17 us and asking that we contact the police agency to get
18 disclosure.

19 Q. So just to be clear, not get too far into the weeds
20 here, but during that period, prior to April of 2016, a person
21 in New Brunswick, a client of New Brunswick ...

22 A. Yes.

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1 **Q.** ... a resident of New Brunswick has a police event in
2 Nova Scotia ...

3 **A.** Yes.

4 **Q.** ... okay, and obviously we're working toward a
5 specific example here ...

6 **A.** Yes.

7 **Q.** ... Mr. Desmond. Because the ORI is in Nova Scotia,
8 that would come to you?

9 **A.** That would come to my office first.

10 **Q.** Would it have come to the CFO of New Brunswick?

11 **A.** Not simultaneously, no.

12 **Q.** Okay. Would the CFO of New Brunswick initially even
13 be aware of that?

14 **(10:23:00)**

15 **A.** Difficult to answer. Unless there was something that
16 brought the client to their attention and they were to look at
17 it. It would be visible, any event, once it's entered on a
18 person's file ...

19 **Q.** Right.

20 **A.** ... would be visible to any CFO across the country who
21 looked at that file ...

22 **Q.** Right.

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1 **A.** ... but I would surmise that they would have to
2 probably have something that would bring it to their attention
3 to look at it.

4 **Q.** Okay. So it wouldn't necessarily be in their queue or
5 shared mailbox?

6 **A.** No.

7 **Q.** Okay. And in that scenario where the New Brunswick
8 resident has the issue in Nova Scotia, it comes to you, you
9 would start the 3825 process?

10 **A.** That's correct.

11 **Q.** All right. Typically would you notify the other CFO,
12 the CFO of the other province?

13 **A.** At the time no, I don't believe that was a normal
14 routine.

15 **Q.** Okay. So at the time there could have been a period
16 of time where you're investigating the FIP here, following up
17 with the 3825s, for a resident of another province who, at least
18 initially, their CFO is not aware that that's going on?

19 **A.** That's correct.

20 **Q.** Okay.

21 **THE COURT:** The first information that they would have
22 would normally be whenever you collected the information on the

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1 3825 report, then you would send that off to the CFO in New
2 Brunswick?

3 **A.** Yes, we would await the disclosure and forward it.

4 **THE COURT:** Okay. Is that the same process now?

5 **A.** It wouldn't be now because with the ...

6 **THE COURT:** Because they've got the unit, the FIP unit?

7 **A.** ... with the process because the FIP unit would send
8 it directly.

9 **THE COURT:** Great, thank you.

10 **MR. MURRAY:** So at that time your office would do a 3825
11 which is just a form, is it?

12 **A.** Mm-hmm.

13 **Q.** Send it to the appropriate police agency?

14 **A.** That's correct.

15 **Q.** All right. And await their response?

16 **A.** And await their response.

17 **Q.** Okay. And you still use the 3825?

18 **A.** We still use the same form.

19 **Q.** Until you get on PROS?

20 **A.** Well, no, we only use the 3825 when necessary to
21 follow up on something. Because of the access to PROS now,
22 we'll know who the agency is so we can assign it to an

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1 investigator and we can move to direct contact.

2 Q. Right.

3 A. A lot of times with the 3825, what that was doing is
4 it would tell you who the initial officers were who were dealing
5 with it ...

6 Q. Okay.

7 A. ... so it's not as commonly used now unless
8 circumstances arise where we need it to reach out to somebody.

9 Q. Okay. Because, right, you have access to PROS through
10 Miramichi presently?

11 A. So we can that initial summary now.

12 Q. Okay. In the days when you had to use the 3825s, when
13 you were reliant on those, obviously you're reliant on a police
14 agency, someone there completing a form or sending the material
15 back to you, correct?

16 A. That's correct.

17 Q. All right. What was the nature of the response you
18 would get from police agencies?

19 A. It varied.

20 Q. Okay. Some better than others?

21 A. Yes.

22 Q. Okay. And obviously everybody's busy, different

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1 police agencies obviously may have staffing issues like we all
2 could but on occasion would you get resistance to providing that
3 information?

4 **A.** I wouldn't use that term.

5 **Q.** Okay.

6 **THE COURT:** What term would you use?

7 **A.** Occasionally we have to revisit the request, make a
8 request more than once.

9 **MR. MURRAY:** It may not be as high a priority for some?

10 **A.** I can't speak to what their priorities are.

11 **Q.** Fair enough. So when a FIP, I guess now and then,
12 when a FIP is created and there's a match to a particular client
13 ...

14 **A.** Yeah.

15 **Q.** ... what happens to that client's licence?

16 **A.** If there's a match and there's a public safety concern
17 then the first thing that will happen is the licence will be
18 placed under review.

19 **Q.** Okay. And that's in Nova Scotia?

20 **A.** That's in Nova Scotia.

21 **Q.** To your knowledge is that other provinces as well?

22 **A.** As in the practice in other provinces or?

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1 **Q.** Right.

2 **A.** I believe it's pretty much a universal practice.

3 **Q.** Okay. And we've heard the term "under review" and
4 we've also heard the term "revocation recommended"?

5 **A.** It's essentially the same thing. Both of them are
6 internal administrative terms that refer to if a status of a
7 licence has been changed so that it will alert any firearms
8 officer or anybody with access to the firearms database that
9 there are questions in relation to this license.

10 **Q.** Okay. So if the FIP is for a client of your province,
11 Nova Scotia, one of your clients, and it requires additional
12 investigation by an area firearms officer or if it's an
13 application that requires further investigation by an AFO, is
14 there a set of guidelines or policies that assist the AFO in
15 conducting that investigation?

16 **A.** Well, I do have a policy that was written in 2015, I
17 believe, that outlines my expectations as a Chief Firearms
18 Officer in Nova Scotia.

19 **Q.** Okay. Now I'll just clarify this. Again, we've heard
20 evidence from representatives from the Province of New Brunswick
21 and they use the term or we've heard the term "tertiary
22 investigation". I don't believe that's used in Nova Scotia, is

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1 it?

2 **A.** The terms secondary and tertiary investigations appear
3 in different literature that you will find from the firearms
4 program. To my mind there's only one investigation that comes
5 in from the time that it's brought to our attention until the
6 time that it's closed. My understanding of the way those terms
7 worked is that a secondary investigation was while the file was
8 being initially screened or pre-screened inside the firearms
9 office itself. If it was assigned out to a firearms officer to
10 do further investigation or further interviews or seek further
11 information or disclosures, then that was called a tertiary
12 investigation. They are dated terms having spoken to my peers
13 and it is not a term that I refer to in my office.

14 **Q.** Okay. So an investigation is an investigation?

15 **A.** An investigation is an investigation.

16 **Q.** Okay. And you said you created a policy and I think
17 we have it marked as Exhibit 157.

18 **EXHIBIT P-000157 - INVESTIGATION STANDARD OPERATING POLICY AND**
19 **PROCEDURE**

20 **Q.** And so this document that's marked as Exhibit P-157,
21 do you recognize that document?

22 **A.** Yes, it's a policy that was written by myself and I

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1 did solicit input at the time of its construction with legal
2 advice as to the language and putting it together and with my
3 peers from across the country. So it was designed to give some
4 guidance and direction to the firearms officers in the Nova
5 Scotia office in preparing files, securing evidence, and
6 essentially a guideline on how to do an investigation. There's
7 also an appendix or checklist, I believe, on the very last page
8 of it to allow a firearms officer to go through a file and see
9 if they've actually done the necessary things. But I would add
10 the caveat on this that I'm currently revisiting some of this
11 stuff. This file was written in 2015. And my experience has
12 grown a lot since then and so there are some things that we are
13 looking at or that I am looking at.

14 **Q.** Okay. All right. It's still a working document
15 though?

16 **A.** Still a working document at this time.

17 **Q.** All right. This is for all people in your
18 organization, not just for the AFOs. Is that correct?

19 **A.** This is ... yeah. This specified ... it is for my
20 office.

21 **Q.** Okay. All right. And there were just a couple of
22 things that I wanted to point out. When your area firearms

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1 officers are doing an investigation, the expectation is that
2 they would keep notes and create a hard copy file.

3 **A.** Yes, that is correct.

4 **Q.** All right. And I think on page four of the document
5 ... I'm looking at (g), I guess, "Area Firearms Officer is
6 assigned an investigation. Shall create a hard copy file."

7 **A.** Yeah. And as a brief outline. And as it states there
8 it's not restricted. But it's just some of the primary points
9 that I would like to see a firearms officer include in their
10 file.

11 **Q.** Okay. So the hard copy file that's created by an area
12 firearms officer when they do their investigation, that's
13 retained in your office, is it?

14 **A.** Or the satellite offices. Each one of them, they
15 maintain their own files.

16 **Q.** Right. But there's a physical ...

17 **A.** There is a physical file.

18 **Q.** ... paper copy file kept there in those offices?

19 **A.** Yeah. There's a file folder with a name on it and a
20 physical file.

21 **Q.** Okay. The area firearms officers, though, also enter
22 data into CFIS?

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1 **A.** That's correct.

2 **Q.** All right. And that's ... how much of what they
3 gather from ... in the hard copy file ... how much of that gets
4 entered into CFIS?

5 **A.** One of the challenges with CFIS is that each time you
6 go into a field, it is restricted on how much data you can put
7 in there and then you would have to reenter and reenter
8 subsequent ... or make subsequent entries in order to enter what
9 might be in an actual file. So there may be more written in a
10 file than what appears in CFIS.

11 **Q.** Okay. It's limited just in terms of space ...

12 **A.** Just in terms of text ... yeah, number of spaces.

13 **(10:32:45)**

14 **Q.** Okay. And on page seven of the document, I'm looking
15 at section (c) ... (d). It says, "Firearms Officers assigned
16 investigation shall update the license or application comments
17 each time they undertake any action that might affect the
18 investigation or the eligibility of the client." That relates
19 to making those entries does it?

20 **A.** Yes. And part of that ... yeah. Because they're
21 keeping a hard copy file. And, especially the satellite
22 offices, if I want to go in and see what the status is on a file

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1 ...

2 Q. Right.

3 A. ... I'm not going to be privy to all of the things
4 they may have done. So without the electronic entries, I don't
5 have direct access to that.

6 Q. Right. Okay. And I just wanted to make reference to
7 page eight. I'm looking at a couple of entries here:

8 (1) The Firearms Officer conducting an
9 investigation is responsible to interview
10 all persons who may provide information
11 pertaining to whether the applicant is
12 eligible under Section 5 to hold a license.
13 Where this is not done or the person has
14 been excluded by the Firearms Officer, the
15 Firearms Officer shall document the reasons
16 the person was not interviewed.

17 A. Yes.

18 Q. So firearms officers are expected to either interview
19 relevant individuals or note why they have not, is that ...

20 A. Yes.

21 Q. All right. And, finally, (n) on that same page, you
22 have a section about completing tasks and, in particular, you

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1 say, "Under no circumstances shall an investigator leave an
2 assignment unattended."

3 **A.** Yes. Correct.

4 **Q.** Do you have timeframes for completing investigations?
5 And I know they're all different but ...

6 **A.** It varies depending on what the nature of the file is.
7 I'll take an application, for example, an initial application.
8 They don't tend to have as high a priority simply because the
9 individual does not have a license at this point in time. So if
10 it's a first-time application, it may have a lower priority.

11 But what the intent of that was, when I wrote it, and my
12 expectation, is that you will not leave a file, even if the file
13 is going to take a protracted period of time ... so if you're
14 following matters through the courts or whatever the case is,
15 you will make periodic and regular updates on that file, you
16 will not leave it sit unattended for an extended period of time.

17 **Q.** Okay. And there is no doubt a prioritization of files
18 that come onto an AFO's desk, for example.

19 **A.** Yes.

20 **Q.** So would I be correct in assuming that, for example, a
21 FIP investigation might take priority over an application for a
22 person who doesn't yet have a license?

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1 **A.** It'll depend on the nature once we know the
2 disclosure, what generated it. So something like domestic
3 violence or something where self-harm was indicated where there
4 might be much higher risk to individuals either personally or to
5 other people, then those will receive a higher priority. If it
6 was ... you know, if it's something where the evidence that
7 we're waiting for is primarily like an outcome before the courts
8 to see if there's going to be an undertaking or something like
9 that rendered, then depending on the nature of it, it might be
10 diary dated a little farther out until we wait and see what the
11 resolution of that is.

12 **Q.** Okay. If a person is charged with a criminal offence,
13 a particular one that might be of relevance to you, a firearms
14 offence, that type of thing, or a crime of violence, do you
15 typically await to see the outcome of the trial?

16 **A.** It's assigned right from the start.

17 **Q.** Right.

18 **A.** And now one of the things that I've looked at is how
19 aggressively to pursue some of these matters. In some cases, we
20 do not necessarily wait for the outcome of the Court. And there
21 have been instances where we have gone in and looked at the
22 overall totality of the circumstances and decided, We'll revoke

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1 or we'll refuse. And I'm quite comfortable to go to a judicial
2 review and allow that decision to be reviewed, if necessary.

3 **Q.** And if a person goes through a trial process, let's
4 say they have a firearms offence, and for one reason or another
5 the charge is dismissed or they're acquitted, does that
6 necessarily end your investigation?

7 **A.** No. Because we're looking at the activity and the
8 events under the broad scope of public safety. So the matter
9 ... and there can be a wide variety of reasons. As I said, I
10 spent 32 years in law enforcement and in court systems and that.
11 There can be a wide variety of reasons why a case may be
12 dismissed or withdrawn. It doesn't mean that the incident or
13 the event did not occur and it is not going to necessarily stop
14 our investigation.

15 **Q.** Okay. Now the access to PROS is a work in progress.

16 **A.** Uh-huh.

17 **Q.** Your investigators presently, though, they are able to
18 access CFIS, JEIN, and CPIC? Is that ...

19 **A.** Yes.

20 **Q.** Okay. All right. Any other databases that they would
21 typically access?

22 **A.** Well, one of the other things that we have access to

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1 now, of course, are public sources such as public media sources.

2 **Q.** Right.

3 **A.** So we can do scans through there and people are
4 posting things online and ... yeah. They should be aware that
5 what they post online could be subject to becoming part of the
6 investigation.

7 **Q.** If I'm the subject of an investigation by an AFO and I
8 put a lot of interesting stuff on Facebook, for example, that's
9 ...

10 **A.** Yeah.

11 **Q.** ... something that the AFO might ...

12 **A.** Oh, yeah.

13 **Q.** ... consider? All right. Now earlier you mentioned a
14 number of the people that an investigator can speak to in an
15 investigation. I'm going to ask you a little bit about ... in
16 particular, about the medical side of things. So sometimes I
17 assume that investigations involve speaking to medical
18 practitioners or getting medical information about a client?

19 **A.** Yes.

20 **Q.** Okay. And do your AFOs ... well, let me ask you this
21 first. What's the process for them initially getting medical
22 information about a client?

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1 **A.** Well, normally, because you're dealing with
2 doctor/patient confidentiality issues, we utilize a prescribed
3 form which is a 6423, I believe that number is, which is a
4 multi-page form. On it the reason for the request will be
5 stated and the patient themselves are ... or we call
6 licenseholders or applicants "clients". So I may refer to a
7 client from time to time. The client will have to sign off on
8 that form. So, at that point, they're giving consent to the
9 medical practitioner to disclose information to us for the
10 purpose, as is stated right on the form, to determine if there
11 are any eligibility issues to that person having a firearms'
12 license.

13 **Q.** So the client first has to sign their consent for the
14 medical practitioner to provide you with that information.

15 **A.** Yes.

16 **Q.** And that's part of the same form, I think, isn't it,
17 the 6423?

18 **A.** Yes.

19 **Q.** Since you've been CFO in Nova Scotia is that the form
20 that's been used?

21 **A.** That is the form that we use. It's gone through ... I
22 believe it's now on its third incarnation but it is the form

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1 that has been used.

2 **Q.** And that's an RCMP form?

3 **A.** It is an RCMP form.

4 **Q.** So do you amend it or change it or do anything to it?

5 **A.** I do not. It's a prescribed form within the program.

6 I do not change that form.

7 **Q.** Okay. And one small question. I've seen ... at least
8 we talked about the 6423 with the New Brunswick folks and the
9 little "e" at the end of it. That's ... I think you told me
10 that's for "English", is it?

11 **A.** Oh, yes. Sorry. Yes.

12 **Q.** Right. I didn't know what it was, but ... okay. To
13 your knowledge, do other opt-in provinces ... and, again, you
14 may not be able to speak to it, but is that commonly used now,
15 the 6423?

16 **A.** Yeah. I can't speak to their specific practices.

17 **Q.** Okay. And you said that the form has changed slightly
18 since you've been CFO.

19 **A.** Yeah. There have been more formatted type changes to
20 the form. The most recent one ... not having read through the
21 form, I don't even know exactly what the change is that was made
22 on it. The change from the 2014 edition to 2016 or 2018 ...

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1 Q. Just for completeness, I think we have these marked.
2 So if we could go to 153. So the date on this form ...

3 EXHIBIT P-000153 - CONSENT FOR DISCLOSURE OF MEDICAL

4 A. Yeah. It'll be on the bottom left-hand corner of each
5 page.

6 Q. Right. So on the bottom of Exhibit 153 is ...

7 A. Yeah. So that one is 2014, so ... when that one came
8 in.

9 Q. All right.

10 A. And then it was amended, I think it was early 2018.

11 Q. So if we can just go to 155, and again at the bottom.

12 EXHIBIT P-000155 - CONSENT FOR DISCLOSURE OF MEDICAL INFORMATION
13 TO A CHIEF FIREARMS OFFICER TO ACCESS ELIGIBILITY FOR A FIREARMS
14 LICENSE

15 A. Yeah. So February 2018.

16 Q. Right.

17 A. And then fairly recently, there's been another very
18 small change made.

19 Q. And that's 126. I think we have that marked.

20 A. But, substantively, the form is the same form.

21 Q. All right. And the date of that one, Exhibit 126, is
22 May 8th, 2019.

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1 **A.** Yes.

2 **Q.** And that's ... is that the form that's currently in
3 use, the May of 2019?

4 **A.** Yes. But because they're saved electronically, it's
5 always possible that somebody might pull out the 2018 form and
6 send it.

7 **Q.** Okay. But you say they're not substantive
8 differences.

9 **A.** They're not substantively different.

10

11 **(10:41:51)**

12 **Q.** All right. Is that a form you're comfortable with?
13 Does it provide you with information that you feel you need to
14 make those decisions?

15 **A.** The responses, I guess, is what we're dependent upon.

16 **Q.** Right.

17 **A.** So at times it may require additional follow-up with
18 the medical practitioner to determine what their meaning is when
19 they make an entry on there, depending on what their comments
20 are.

21 **Q.** All right. Is there typically a letter sent to the
22 client when the 6423 is given ... they take it to their doctor,

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1 do they? Is that ...

2 **A.** They take it to their doctor. Yeah. Some of the
3 firearms officers ... depends on how they deliver it to them.
4 Because sometimes these are delivered in person. During the
5 course of an interview when an area firearms officer sits down
6 with an individual and is discussing their case with them and if
7 there are concerns related to the release of medical information
8 and we feel that's relevant to the investigation, then that may
9 all be conveyed verbally, what the expectation is or what the
10 request is. Sometimes if it's being sent by mail, the ... or
11 you'll even find email accompaniments to the individual. So
12 there's different methods by which the request itself is
13 communicated to the individual.

14 **Q.** Okay. Is there an expectation in terms of a timeframe
15 that the client may have the form completed?

16 **A.** Yeah. We do request and normally it's about a month
17 that we give them for turnaround. Individuals face a variety of
18 challenges and we do recognize that and trying to get a medical
19 practitioner and get in, get appointments, that sort of thing.

20 **Q.** Right. So if a person needs more time and they come
21 to you, that typically is not an issue?

22 **A.** That would be a conversation between them and the

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1 firearms officer.

2 **Q.** Okay. Your experience is if they're making efforts
3 ...

4 **A.** If they're making an effort ... because, at this
5 point, the license will be under review.

6 **Q.** Yes.

7 **A.** So there is an investigation that is ongoing. So the
8 status of the license has already been changed and we'll know
9 what's going on with it. So there may be subsequent
10 conversations, but as long as the client is actively
11 participating and actively engaged, then that can be an ongoing
12 process.

13 **Q.** Okay. So is there a particular medical practitioner
14 that you favour or require a client to approach?

15 **A.** We've never specified that.

16 **Q.** Okay. Is there ever circumstances when a person goes
17 to a medical practitioner with whom they have not a long history
18 and the medical practitioner does complete the form that that's
19 of concern to you ...

20 **A.** If they've had a very short history, then we may look
21 at other investigative avenues, talking to other people, asking
22 if there was a previous medical practitioner. We're looking for

JOHN PARKIN, Direct Examination

1 enough exposure with the individual so that a reasonable
2 decision can be made or a reasonable assessment.

3 **Q.** The form is fairly comprehensive but do AFOs sometimes
4 speak to medical practitioners?

5 **A.** Sometime we have to.

6 **Q.** All right.

7 **A.** It's not that uncommon to get a response. We'd spoken
8 previously as we'll get a response that's very general in its
9 nature and say something along the lines that the individual is
10 not a safety risk so long as they remain on their medication.

11 **Q.** Okay. And ...

12 **A.** And I use that as an example. I've seen that many
13 times. And immediately the question is going to come into my
14 mind is, What happens if they stop taking their medication?
15 Have they stopped taking their medication before? How many
16 times has this happened? There would be a number of questions
17 that would come into my mind that I would want answered.

18 **Q.** All right. And those typically might require follow-
19 up.

20 **A.** And those often require follow-up phone calls.

21 **Q.** Okay. Do you have a sense of how often an AFO ...
22 when a form like this is done, how often they will actually have

JOHN PARKIN, Direct Examination

1 a conversation with the doctor or ...

2 **A.** I can't give you numbers on that. I've never done a
3 review of that nature.

4 **Q.** Okay. The form itself is not a yes/no form, like,
5 yes, I think they should have a firearms license, or, no, I
6 think they should ...

7 **A.** No. It's asking for an opinion.

8 **Q.** Okay. In fact, I think the form specifically says:
9 Please provide any recommendation or
10 concerns you have about this individual's
11 possession of firearms with respect to
12 his/her safety or the safety of others which
13 will assist the CFO in determining license
14 eligibility. The CFO may contact you for
15 clarification, if required.

16 So in some circumstances, I would assume that a doctor may
17 say, I think ... let me put it this way. Sometimes doctors may
18 equivocate a little bit, say, Here are some concerns, here are
19 some other factors for you to consider. Sometimes a doctor may
20 say, I don't think there's any problem with this person having a
21 firearms license.

22 **A.** Yes. I've seen the full spectrum.

JOHN PARKIN, Direct Examination

1 **Q.** Okay. If they're more definitive, either yay or nay,
2 do you typically accept that opinion from the doctor or ...

3 **A.** It'll certainly be given significance.

4 **Q.** Is it the only factor that you ... would it carry the
5 day, I guess?

6 **A.** Not necessarily.

7 **Q.** Okay. If a doctor doesn't complete all of the fields
8 ... I think the form we actually have, I think, in fairness,
9 that ... those words "information required" may have been ...
10 this may have been given to us by New Brunswick. I don't know
11 that those words are on the form itself. But if the doctor
12 doesn't complete all of the fields, is that problematic for you?

13 **A.** If it's missing information that we feel is relevant
14 and the client has signed a disclosure or an authorization for
15 disclosure of information, we will follow up and contact the
16 medical practitioner and ask the questions that we have
17 outstanding.

18 **Q.** Is your experience that doctors do fill out the whole
19 form?

20 **A.** I've seen many forms. I haven't seen all of them.

21 **Q.** Yes

22 **A.** So I really can't answer that with any thoroughness.

JOHN PARKIN, Direct Examination

1 Q. And I think you have a policy or a procedure that you
2 follow if an individual just doesn't respond with the medical
3 form.

4 A. Yes.

5 **EXHIBIT P-000156 - DIRECTIVE - LACK OF RESPONSE TO CONSENT FOR**
6 **DISCLOSURE OF MEDICAL INFORMATION TO A CFO - FORM 6423**

7 Q. And that's, I think, Exhibit 156? And this directive
8 is, "Lack of Response to Consent for Disclosure of Medical
9 Information to a CFO - Form 6423".

10 A. Mm-hmm.

11 Q. So what happens if a person ... not the situation
12 where they call you and say, We're trying, but if they ... if
13 you don't get any response, what does your office do?

14 A. Well ... Yeah, sometimes we'll not get any response at
15 all. Firearms officers will be contacting the individual and
16 then they'll follow up and contact the individual again. When I
17 say "no response", I guess the most common file that I've seen
18 of that nature is "I haven't had time" or some other excuse and
19 it just keeps getting put off.

20 Q. Right.

21 A. In which case, as I think the policy pretty much
22 states, and my take on it is it's time to move on. If we

JOHN PARKIN, Direct Examination

1 haven't got that information, then we will collect information
2 through other investigative avenues and we'll make a decision
3 with the information that we do have.

4 **Q.** If the concern is a medical one or, say, a mental
5 health one and the person doesn't get this form filled out, are
6 they typically going to get their license or avoid a revocation
7 or a refusal?

8 **A.** Well, usually, in the files that I have seen and
9 reviewed myself, there's usually other extenuating factors.
10 Something has happened to bring this to our attention.

11 **Q.** Yes.

12 **A.** Whether it's, you know ... and, unfortunately, with an
13 aging population, I see more of these, is cases of dementia.

14 **Q.** Oh, yes.

15 **A.** So a family might bring something to our attention.
16 It doesn't always have to come through a police FIP. There are
17 other avenues of contacting the Firearms Office. If it's a
18 police incident, well then obviously there was an event of some
19 nature that involved the police. So there are other extenuating
20 factors that we're going to look at; what brought this to our
21 attention to begin with, why are we looking at this individual,
22 talking to other witnesses who may have information where they

JOHN PARKIN, Direct Examination

1 can discuss the person's behaviour or any extenuating
2 circumstances in their life at that point in time. So there can
3 be a wide variety of things that are being weighed.

4 **Q.** Right. Okay. And I just note on the second page of
5 the directive it says:

6 It shall not follow automatically that
7 refusal or failure by a client to comply
8 with a request to provide consent and
9 disclosure of medical information will
10 result in a license being revoked or an
11 application being refused.

12 **A.** Yes.

13 **Q.** So it's not absolute?

14 **A.** It's not automatic.

15 **Q.** Okay.

16 **A.** It's not an absolute.

17 **Q.** Typically, though, if you've sent this form out for
18 the client to have completed, it's information that you want.

19 **A.** It's information that we want.

20 **(10:50:37)**

21 **Q.** Okay. So after the AFO completes their investigation,
22 whatever they need to do, they'll be called upon to make a

JOHN PARKIN, Direct Examination

1 decision about whether ... depending on what it is, whether a
2 license should be refused or granted or a license revoked, what-
3 have-you. Their decision and their investigation, when would
4 that be reviewed by you or by anyone else in your office?

5 **A.** If it's a refusal or a revocation, they all come to
6 me. It's just the process, the way it works in Nova Scotia.
7 And I know that that is not the way that it works in other
8 jurisdictions. But in Nova Scotia if it's a refusal or a
9 revocation, the file will come to me. So the firearms officer
10 who has conducted the investigation is responsible for putting
11 together an investigative report that lays out in detail all ...
12 what brought the file to our attention, to begin with ...

13 **Q.** Yes.

14 **A.** ... when we commenced our investigation, so the date
15 that the actual investigation started; all of the steps that
16 they have taken through that investigation and any information
17 or evidence that they've collected in coming to a decision, and;
18 finally, their recommendation as to why this ... why a firearms
19 license should either be refused or be revoked. So I review all
20 of that.

21 The file will also include ... it's ... a lot of it will be
22 a copy of what is actually in the investigator's hard copy file.

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1 So notes that they may have made, copies or printouts from JEIN
2 or CPIC that they have referred to. It's not unusual for me to
3 also go into CFIS itself and review the entries that they've
4 made in there or entries that may exist on the application,
5 because they may not all have been made by my staff that are
6 working on the file. And based on that, I will either agree
7 with the recommendation or possibly ... and I have done this,
8 send the file back for additional work.

9 If I agree with the recommendation, then at that point I
10 compose a notification that is required because the **Firearms Act**
11 specifies that an individual is notified of the reasons for the
12 refusal or the revocation. So I will compile and organize the
13 notice that is going to go to the client. That is then mailed,
14 along with the sections of the **Firearms Act** from Section 72, I
15 believe it is, on ... the detail ... the rights of a client to
16 appeal my decision. Because, at this point, it's only a
17 decision by the chief firearms officer. And if an individual
18 wishes then, under the legislation, they can contest that
19 decision.

20 **Q.** So there is a review or appeal process of your
21 decision under the **Firearms Act**?

22 **A.** That's correct.

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1 **Q.** All right. When that process is undertaken, you
2 personally participate in that process?

3 **A.** Yes.

4 **Q.** Right. And your AFOs don't have to carry the ball, I
5 guess, on that? You do that? Is that correct?

6 **A.** They have to go, as well. When I have been to review
7 hearings, usually it's myself because I am the one reviewing the
8 recommendation and I am the one who is actually enacting the
9 revocation or the refusal and sending the notice. The firearms
10 officer may be called on the stand to testify as to what steps
11 they took to have their evidence examined, what they put before
12 me.

13 **Q.** All right. If the decision of the AFO is to approve
14 ...

15 **A.** Yes.

16 **Q.** ... that may or may not be reviewed by you?

17 **A.** That may or not be reviewed by me.

18 **Q.** Depending on ...

19 **A.** Depends on if it's a matter that they've come to me
20 with questions about and I've looked at it. From time to time I
21 do go through the queues of the individuals, looking at their
22 workload. And if there are any older cases, I will tend to pull

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1 up those older cases, because I want to know why the file is
2 still sitting there, looking at the entries that are on them, if
3 I want to call them in and have a discussion about a particular
4 file. But are they reviewed at 100 percent, no, they are not.

5 Q. All right. And just in terms of the various statuses
6 of license and of applications, just so I understand, an
7 application for a firearms' license can be approved?

8 A. Yes.

9 Q. It can be rejected ...

10 A. Yes.

11 Q. ... or refused. Is there a difference?

12 A. Well, rejected or refused would be essentially the
13 same thing. The other option that I have seen happen doesn't
14 tend to involve us directly at the local level so much as ...
15 and a person can withdraw their application.

16 Q. All right. Does that happen very often?

17 A. Not very often.

18 Q. Okay. All right. If a firearms license' is granted,
19 it's valid for ...

20 A. Five years.

21 Q. Is that always the case, five years?

22 A. Yes.

JOHN PARKIN, Direct Examination

1 **Q.** All right. And once a license is granted, it's valid.
2 But things can change.

3 **A.** Yes.

4 **Q.** So it can be revoked.

5 **A.** It can be revoked.

6 **Q.** It can expire just ...

7 **A.** And it can expire.

8 **Q.** Okay. And we talked about the term "under review" or
9 "revocation recommended". Those are not terms used in the
10 **Firearms Act**. Correct?

11 **A.** They're not part of the legislation, no. They're
12 internal administrative terms.

13 **Q.** All right. And just one other small point. I think
14 had we heard that a license could also be under extension
15 period.

16 **A.** Okay.

17 **Q.** And ...

18 **A.** "Under extension period" is from part of the federal
19 legislation. And what happens, currently it's ... my
20 understanding of it is that an individual is not criminalized by
21 virtue of the fact that their license has simply expired.

22 **Q.** Yes.

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1 **A.** So if your license expires on a given date ... so
2 March the 1st of 2020, a license expires. That license is
3 expired and if the individual were to produce that license at a
4 business or at any other sales opportunity, it would show as
5 expired because the expiry date has gone past. But they are
6 given, administratively, a six-month grace period to apply for a
7 renewal of that firearms' license and if they continue to own or
8 possess firearms at that time ...

9 **Q.** Yes.

10 **A.** ... they basically have to store them at their home.
11 They can't do anything else with them. They can't buy or
12 acquire new firearms. They have no license, technically, but
13 they are not criminalized for the mere possession of something
14 that they've had all along.

15 **Q.** Okay. And they have six months to ...

16 **A.** They have six months.

17 **Q.** All right. So the administrative status of a license
18 being under review, that's triggered by a FIP, obviously. Are
19 there other things that can have a license placed under review?

20 **A.** Oh, yes. Yeah. It can be triggered in many ways. We
21 have ... here in Nova Scotia, I created ... or had created a few
22 years ago, through one of my staff who is a little more

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1 technically astute than me, a website address. So we have NSFCO
2 ... or, yeah, nscfo@novascotia.ca as a public website where we
3 get inquiries on a regular basis, and people can send in
4 concerns if they have them. There is a public safety line that
5 individuals can call in at any time. There's also a warning on
6 that or a caution, I should say, to individuals calling in that
7 we are not an emergency first response system, so if your
8 situation is imminent, call 9-1-1 and get law enforcement
9 involved to respond to it.

10 We have a general public phone line, 424-6689, which is
11 available to the general public. Some numbers, because ... I
12 know because I get the calls from time to time, are available if
13 you go searching on the internet for them. There's always the
14 1-800 number through Miramichi where calls can be placed in
15 there. So there's a wide variety of ... people can walk in the
16 front door if they have concerns.

17 **Q.** And raise a concern about someone's ...

18 **A.** And raise concerns.

19 **Q.** Medical practitioners could contact you about a
20 patient, could they?

21 **A.** Yes, they can.

22 **Q.** Does that happen or ...

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1 **A.** It has happened.

2 **Q.** It has happened? All right. So when a license is
3 placed under review for one of these reasons, is there typically
4 a period ... "typically", but is there a period during which a
5 license would be under review ... is there a certain timeframe
6 in which you want to kind of deal with it one way or the other
7 when it's placed under review?

8 **A.** It depends on the circumstances. And once the
9 investigation is underway, there can be a variety of things that
10 are going to extend that.

11 **Q.** Okay.

12 **A.** Dealing with clients who are trying to get information
13 for us, trying to get responses back from outside agencies.

14 **Q.** So it depends on the length ...

15 **A.** It depends.

16 **Q.** ... of the investigation.

17 **A.** Yeah.

18 **Q.** Okay. If an investigation is completed and a person's
19 license, let's say, is returned to valid or the recommendation
20 is that it would be returned to valid, is there ever a situation
21 where you might leave it under review for a period of time to
22 check on the individual to see if the situation may change, if

JOHN PARKIN, Direct Examination

1 there's any concerns?

2 **A.** I'm not sure if I follow. It wouldn't be returned to
3 valid, I guess, if I'm understanding the question correctly. If
4 there was an ongoing concern - because I have done this myself
5 with files - and if there was an ongoing concern, I might talk
6 to the individual and tell the individual that, Well, while
7 everything has checked out up till this point, I'm not entirely
8 comfortable or satisfied. So I'm going to leave your file under
9 review and I'm going to extend it. And I have done that for
10 periods of like six months or so, or even up to a year.

11 So if, say, a person was on probation, and given the nature
12 of it ... so the probation was not of anything that was going to
13 give me a real public safety concern, but I felt that because
14 you're on probation, I'm not going to put your license back to
15 valid, but I'm not going to revoke it. But I'm going to keep
16 you under review.

17 **(11:01:05)**

18 One example that I was personally involved in that I recall
19 was because of a substance abuse concern that came to our
20 attention, was an individual was charged twice in quick
21 succession with impaired driving. So I spoke to the individual.
22 They explained to me the issues in their life and what was going

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1 on. So I chose to, at that time, continue the period of review
2 for an additional six months. Because I did that, what ended up
3 happening was the individual had a third interaction with the
4 police just prior to the expiry of the six-month period and that
5 person no longer has a license at this point in time.

6 **Q.** All right. So there are certain circumstances where
7 you may feel it appropriate to renew a license under review?

8 **A.** There are certain circumstances, but the license does
9 not return to valid. It would be stemming from an issue that
10 had come to our attention and the license was already being
11 looked at. And what we wanted to do is we wanted to ensure
12 ourselves, as much as possible, that you had stabilized your
13 situation or that the situation had improved.

14 **Q.** How often might you do that?

15 **A.** It doesn't happen very often.

16 **Q.** Right.

17 **A.** Be very sporadic.

18 **Q.** Okay. It would be you that would make that decision?

19 **A.** It doesn't have to be me. I'm speaking now of just
20 cases that I was personally involved in.

21 **Q.** Right. Okay. So an AFO might ...

22 **A.** An AFO can do that as well.

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1 Q. All right.

2 A. And some of them have.

3 Q. That does have an impact on an individual because if
4 they choose to try and purchase a firearm while they're under
5 review, they may find ...

6 A. They could find that that process would be stymied.

7 Q. Okay.

8 **THE COURT:** When you say "they could find it stymied",
9 so when it's under ... so I may as well ask the question now.

10 A. Yeah.

11 **THE COURT:** So it's under review.

12 A. Mm-hmm.

13 **THE COURT:** And the fact that you put it under review,
14 that's going to go into a computer system some place.

15 A. Yes.

16 **THE COURT:** Will that show up in the central processing
17 site?

18 A. Yes.

19 **THE COURT:** It's under review there.

20 A. It's under review.

21 **THE COURT:** All right. Where else does it show up under
22 review?

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1 **A.** It would show up to ... any individual who has direct
2 access to the firearms records database could see it. What I
3 can't answer is if a police officer were to query it under CFRO,
4 the Canadian Firearms Registry Online, that's available through
5 a function through CPIC and police agencies do have access to
6 it. It will show the status of a license. But, typically,
7 licenses are only valid, expired or revoked. If it's under
8 review, I don't know if it will show up there. But the gap that
9 exists right now in Bill C-71 offers a solution to this, but the
10 gap that exists is that the **Firearms Act**, as currently written,
11 only states that an individual who is buying a firearm, or the
12 seller of a firearm, only has to have no reason to believe that
13 you don't hold a valid license and there's a couple of other
14 criteria in there as well.

15 So what constitutes no reason to believe? If you're
16 purchasing a restricted firearm, because there's a transfer of
17 process that's involved with the firearm, yes, it's going to
18 come out. When the transfer is tried to be processed, then the
19 buyer is going to be told that ... all they'll be told is, Have
20 your client call the firearms office.

21 **THE COURT:** So all those transfers have to go through
22 Miramichi for approval.

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1 **A.** All those transfers go through.

2 **THE COURT:** Okay.

3 **A.** And, actually, ultimately, a transfer, because a
4 transfer is a local responsibility, it's initiated through
5 Miramichi. It always comes back to the CFO's office of
6 jurisdiction. The gap exists in non-restricted firearms.

7 **THE COURT:** Now the person that's under review ...

8 **A.** Yes.

9 **THE COURT:** They own non-restricted firearms, they own
10 restricted firearms, but they're under review.

11 **A.** Yes.

12 **THE COURT:** They still have them in their possession.

13 **A.** Yes.

14 **THE COURT:** They can still take them to the ranges. So
15 they can still transport them. And they can still buy
16 ammunition.

17 **A.** Yes.

18 **THE COURT:** Okay. If, while under review, they tried to
19 dispose of those, would they be permitted to do that? The non-
20 restricted, they wouldn't have to presently require ...

21 **A.** There's no transfer process for them, so they can slip
22 through.

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1 **THE COURT:** If they had restricted firearms and they
2 tried to transfer them, would they be permitted to do that?

3 **A.** If the person that they're transferring them to ...
4 because sometimes it's desirable that the individual no longer
5 possesses those firearms. So if they contacted us and initiated
6 a transfer process to an individual who has a valid firearms
7 license and can possess those types of classes of firearms,
8 then, yes, sometimes the transfer will go through. But it's
9 being facilitated through our office, so we are aware of it. We
10 are aware of the movement of firearms

11 **THE COURT:** And I take it you'd look at it to see
12 whether that's at arm's length. It's not just transferred to
13 somebody else who happens to live in the same residence, for
14 instance.

15 **A.** No. If there was and there was a safety concern, then
16 we could look at other avenues of protecting them.

17 **THE COURT:** So that gap will change when there's an
18 order-in-council with respect to C-71?

19 **A.** One of the provisions of Bill C-71 will require that a
20 buyer and a seller contact the registrar and the registrar will
21 verify the status of the license, that there are no problems or
22 there would be nothing there to prohibit the transfer or the

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1 exchange, and it will generate a reference number.

2 **THE COURT:** I understand that every transfer of a non-
3 restricted firearm would have a transfer number and then that
4 transfer number is going to be tracked somehow.

5 **A.** The transfer number.

6 **THE COURT:** Along with a serial number.

7 **A.** So the transfer number would be linked to the licenses
8 but not to the firearm.

9 **THE COURT:** But one of the things that "under review"
10 does not do is it doesn't take a firearm out of a person's
11 hands.

12 **A.** No.

13 **THE COURT:** No. Thank you. Sorry, Mr. Murray.

14 **MR. MURRAY:** No, it's fine.

15 **THE COURT:** Thank you.

16 **MR. MURRAY:** Some of those questions, I guess, with
17 respect to "under review" have been answered, but your
18 understanding is that the administrative status of "under
19 review," while it's visible in CFIS, you don't know whether it's
20 visible in CPIC or not?

21 **A.** I haven't seen it so I can't attest to that.

22 **Q.** All right. And if an individual whose license is

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1 under review ... so it's not expired, it's under review, and
2 they go to buy a non-restricted firearm, unless that vendor were
3 to call Miramichi or use the business web service ...

4 **A.** Or our office.

5 **Q.** ... or your office, they would not know that that ...

6 **A.** There is a third avenue to businesses. It's called
7 "BWS", business web services.

8 **Q.** Yes.

9 **A.** And they can check the status of a license on there.

10 **Q.** All right. And when the changes to Bill C-71 that
11 you've just referenced, when those become law ... or they're law
12 now, but when they are in force, I guess, a vendor will be
13 required to use one of those avenues?

14 **A.** Every seller would be required. So if they're going
15 to lawfully transfer a firearm, every seller would have to make
16 that check.

17 **Q.** Presently, vendors are not required to do that.
18 They're only required to comply with the wording.

19 **A.** Nor are individuals.

20 **Q.** Or individuals. I guess when I say "vendor", it could
21 be a business or an individual. A transfer or ...

22 **A.** Yeah. The legislation merely says that they must have

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1 no reason to believe the person does not have a license.

2 **Q.** Okay. And, again, as His Honour asked, the status of
3 being under review does not take guns or PALs or ammunition out
4 of a person's hands.

5 **A.** It doesn't take the firearms out of their possession,
6 but I suppose what we should look at there also is Section
7 117.04 of the **Criminal Code** where, if there is a public safety
8 risk, law enforcement can intercede and they can search with or
9 without warrant, depending on the circumstances, and they can
10 seize firearms and they can seize licenses, registration
11 certificates, authorizations to transport. Virtually any
12 documentation that the person possesses at the time.

13 **Q.** Okay. And that's for a policing agency to do.

14 **A.** A policing agency would do that. It says specific
15 reference to a peace officer.

16 **Q.** And just to be clear, your office is not able to seize
17 guns?

18 **A.** We are not peace officers.

19 **Q.** All right. So you're not able to seize firearms or
20 licenses?

21 **A.** No.

22 **Q.** All right.

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1 **THE COURT:** Can you have discussions with police
2 agencies if you have information comes to your attention about
3 the desirability of police action under 117?

4 **A.** Very rarely because, normally, it's the police action
5 that is bringing them to our attention.

6 **MR. MURRAY:** If it were, for example, a medical situation
7 that caused a person's license to be placed under review or to
8 be of concern to you, would you have conversations with police
9 agencies in those circumstances?

10 **A.** I'm sorry, I'm not sure I'm following that.

11 **Q.** You said that only a peace officer can seize, for
12 example, a firearm or a license.

13 **A.** Mm-hmm.

14 **Q.** And you said when His Honour asked if you'd have a
15 conversation with the police agencies about that. Typically,
16 it'd be the involvement of the police agency that would bring it
17 to your attention in the first place.

18 **A.** Yes.

19 **Q.** What if it comes to you from a different route, like a
20 medical route or something like that?

21 **A.** I actually haven't encountered that yet. The few
22 times that medical have contacted us, it's usually with a family

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1 being complicit with them and it's usually been because of
2 dementia, deteriorating mental faculties and those sorts of
3 things. So it's become more of a joint effort.

4 **Q.** Okay. All right. And one other question for
5 clarification. You made reference to the CFRO.

6 **A.** Yes.

7 **Q.** What is that again?

8 **A.** What the initials stand for is the Canadian Firearms
9 Registry Online.

10 **Q.** Yes.

11 **A.** It's a feature in CPIC. It allows a police agency or
12 a law enforcement agency to query an individual, and when you do
13 so, it will tell you the status of the license. Like I say, I'm
14 not sure if it will say if it's under review. I don't know if
15 it's been updated or not. It will tell you the individual's
16 name. It will tell you their firearms license number. It will
17 tell you the status of the license. It will tell you their
18 address, or at least the last current address that is associated
19 to the firearms license itself. And it will tell you, if the
20 individual owns restricted firearms, how many restricted
21 firearms are registered to that individual.

22 **Q.** And a police officer, for example, using CPIC would be

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1 able to gather that information through the CFRO system?

2 **A.** CFRO.

3 **Q.** All right. I don't know if Your Honour wants to take
4 the break now?

5 **THE COURT:** We could do that, actually. So it's almost
6 11:15. We'll take our mid-morning break till 11:30 or
7 thereabouts. Thank you.

8 **COURT RECESSED (11:12 HRS) ^**

9 **COURT RESUMED (11:38 HRS)**

10 **THE COURT:** Thank you. Mr. Murray?

11 **MR. MURRAY:** Thank you, Your Honour.

12 Mr. Parkin, I wanted to ask you some questions about the
13 Desmond file, in particular, and the FIP that was created in
14 Nova Scotia.

15 **A.** Okay.

16 **Q.** So we've heard evidence that there was an event that
17 occurred on November 18th, 2015, in Nova Scotia, and this event
18 about which we've heard evidence was a wellness check conducted
19 by Sergeant Maccallum on Lionel Desmond and it created a FIP or
20 Firearms Interest Police event, the number of which was 6184442.
21 So given that that occurred in November of 2015, so pre-April
22 2016 ...

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1 **A.** Yes.

2 **Q.** Where would the ... I guess where would the FIP have
3 gone?

4 **A.** The FIP at that time would have come to the queue in
5 the Nova Scotia CFO's office.

6 **Q.** Okay. And that's because the originating agency
7 there was a Nova Scotia detachment?

8 **A.** That's correct.

9 **Q.** All right. Okay. So it would come to the queue or
10 the mailbox in CFIS for the CFO of Nova Scotia and, based on
11 what you said earlier, it would not have come to the queue or
12 the mailbox of the CFO of New Brunswick?

13 **A.** That's correct, that's as I understand the system.

14 **Q.** Okay. The CFO of New Brunswick, though, had they
15 known about it and gone into CFIS specifically looking for it
16 would have been able to see it?

17 **A.** Yes, correct.

18 **Q.** Just wouldn't have been kind of in the queue where it
19 would come to their attention necessarily first off?

20 **A.** Yes.

21 **Q.** Okay. And, again, given that if that event occurred
22 today it would go to the central processing site in Miramichi

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1 first?

2 **A.** Yes. The FIP ... Well, to back up, as I said
3 earlier, the FIP itself, when it's created, would go to what I
4 can best describe as a shared mailbox.

5 **Q.** Right. This is today?

6 **A.** This is today. So today it would go to a shared
7 mailbox. There are staff who work at the central processing
8 site in Miramichi who have access to that mailbox.

9 **Q.** Yes.

10 **A.** Their responsibility or role is to look at the FIPs
11 that are generated in Nova Scotia and if that FIP is a PROS
12 file, then they can access it, because they have direct access
13 to PROS. At that point they will take that FIP and then they
14 will send a summary with that FIP to wherever the province is
15 that the person resides in. So, as I said previously, there's a
16 possibility we would never even see that today.

17 **Q.** If that were to happen?

18 **A.** If that were to happen today.

19 **Q.** All right. But, again, we're talking about an event
20 in November of 2015, so it would have and did come to ...

21 **A.** It would have and did come to Nova Scotia.

22 **Q.** To Nova Scotia. All right. And at the time, given

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1 that it came to the CFO's office in Nova Scotia because of the
2 ORI of a Nova Scotia detachment ...

3 **A.** Yes.

4 **Q.** ... what would your office have done and what did you
5 do?

6 **A.** Well, what was done and the standard process at the
7 time was that we would create a 3825, the form requesting
8 disclosure from a police agency, and send it to the originating
9 agency.

10 **Q.** Okay. And when that was done, the 3825, the
11 originating agency, you would be able to identify which agency
12 that was?

13 **A.** Because of the ORI number ...

14 **Q.** Okay.

15 **A.** ... that would be attached to the FIP.

16 **Q.** You would have a list that you could figure out which
17 agency it was?

18 **A.** Oh, yes.

19 **Q.** Okay.

20 **A.** There's a listing of them all.

21 **Q.** All right. So in this particular case, regarding our
22 FIP from November 18th, 2015, that did come to your office, and

JOHN PARKIN, Direct Examination

1 did your office begin the 3825 process?

2 **A.** Yes, they did.

3 **Q.** Okay. And was there somebody, in particular, who did
4 that?

5 **A.** At the time it was Dianne Campbell, who was a
6 firearms officer, is a firearms officer, and was filling in in
7 the operations coordinator's role.

8 **Q.** Okay. At the time?

9 **A.** At the time.

10 **Q.** Okay. And so when you say she was and is a firearms
11 officer, is that a PFO, a provincial firearms officer?

12 **A.** Provincial firearms officer.

13 **Q.** So she's not one of the travelling ...

14 **A.** No.

15 **Q.** Okay. So Dianne Campbell received ... At the time
16 can you say how quickly FIPs, once created, appeared in your
17 queue?

18 **A.** They'll appear in the queue as soon as they're
19 electronically generated.

20 **Q.** Okay. And that was still every 24 hours at the time
21 or ...

22 **A.** Roughly. But now you also have to factor in

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1 weekends, holidays, or any other interruptions that may preclude
2 somebody actually being in the office.

3 Q. Right. Okay. All right. And so then Ms. Campbell,
4 who at the time was both a firearms officer and an acting ...

5 A. Acting in the capacity as operations coordinator.

6 Q. Operations coordinator.

7 A. That position was vacant at the time.

8 Q. Right. Okay. So she began the 3825 process with the
9 Guysborough Detachment?

10 A. Yes.

EXHIBIT P-000152 - NS FIREARMS - LLOYD CARTER

12 Q. Okay. And perhaps we can bring up Exhibit 152.
13 We'll go to page 2 of that document. So the 3825, when it's
14 created by a PFO or operations coordinator, how is that
15 typically sent to the ...

16 A. By fax.

17 Q. Is that sort of a protocol or a standard or ...

18 A. It's the standard. You know, the possibility exists
19 that we could start scanning them and just sending them that
20 way, electronically, as well.

21 Q. Right.

22 A. Like I say, they're not commonly used now.

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1 **Q.** Right. Okay. So page 2 of this exhibit is a fax
2 coversheet and the date on it is December 14th, if we go down a
3 bit, just go down to the body of it, December 14th, 2015. So
4 this was completed by Ms. Campbell, was it?

5 **A.** Yes, it would appear so, yes.

6 **Q.** Okay. And forwarded to the RCMP?

7 **A.** To the RCMP Guysborough Detachment.

8 **Q.** Okay. The comments, she says, "Good morning.
9 Attached are 3825 forms. Please provide a synopsis regarding
10 the noted occurrence and return to my attention. We are
11 requesting the information to determine the eligibility of these
12 clients to maintain or to be issued firearms licenses." So it
13 would appear that there was more than one 3825 forwarded at that
14 time, just by the wording of it, or ...

15 **A.** I would say that was probably a typo. We, most keep
16 these - I'm sure I have one on my desktop - where we just save
17 the form and its format and we would just re-use it and re-date
18 it, re-address it as need be.

19 **Q.** Okay.

20 **A.** So the text itself would just be a standard.

21 **Q.** Okay. So this 3825 related to Lionel Desmond was
22 sent on December 14th, 2015. I appreciate all we have is the

JOHN PARKIN, Direct Examination

1 fax coversheet here but ...

2 **A.** Yeah.

3 **Q.** The event occurred on November 18th, 2015.

4 **A.** Um-hmm.

5 **Q.** It takes some time, then, for the turnaround, or did
6 at the time in the office, to get the 3825 sent?

7 **A.** Well, I do know at the time we were short staffed,
8 which is why Ms. Campbell was actually filling in in the role of
9 the operations coordinator, so she was doing her job, which part
10 of it entails actually sending out the forms when I do
11 revocations and refusals.

12 **Q.** Yes.

13 **A.** And then she catalogues them, organizes them, sends
14 them out as part of her job, and this was an additional task
15 that she was performing at the time.

16 **Q.** Okay. And just up a bit in the, just up to the box,
17 you see someone handwrote "First, December 14th, 2015". Do you
18 know whose handwriting that is?

19 **A.** No, I can't recognize that handwriting.

20 **Q.** Okay. And then if we go to the next page we have a
21 fax coversheet from, it says "Second, February 19th, 2016".

22 **A.** Um-hmm.

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1 **Q.** And further down, in the body of it, again a fax
2 coversheet from Dianne Campbell to the Guysborough Detachment
3 RCMP, Guysborough RCMP Detachment. Was that the second request
4 sent by your office?

5 **A.** Yes, it appears to be, yes.

6 **Q.** And if we go to the next page, we have another fax
7 coversheet - this one says "Third, March 15th, 2016" - and if we
8 go down to the body of it. So can you say what this was?

9 **A.** Well, because I'm familiar with it, this is the third
10 fax that was sent so, basically, once every month, five weeks,
11 if we haven't had a response back, then a follow-up is
12 happening.

13 **Q.** Okay. So at the time your office, was it the
14 practice to diary date those to follow up with RCMP Detachments?

15 **A.** They would be kept in a file. Not diary dated where,
16 with a specific date on them. They would be put into a folder,
17 and if requests are outstanding, they're still basically
18 processed that way, and then we just go back and revisit them.

19 **Q.** Okay. There would be something, though, to trigger
20 the officer to go back and follow up, would there?

21 **A.** Oh, yeah, there'd be, well, their own filing system.
22 They're following up on them because they're unanswered requests

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1 that they've sent out.

2 Q. Right.

3 A. So about every month or five weeks or six weeks,
4 then, if they haven't had a response, then they're going through
5 the files and they'll go back and revisit the one that they
6 haven't had a response to.

7 **(11:49:04)**

8 Q. Right. So a bring forward or a diary date?

9 A. Yeah, it's kind of a bring forward but it's manual.

10 Q. Okay. The next page in the bundle we have, I think
11 ... Well, I'll ask you, do you recognize what that form is?

12 A. Well, it looks like the top of the actual 3825.

13 Q. And I think, down at the bottom, we can see at the
14 bottom of the page, we can see the RCMP form number.

15 A. Yes.

16 Q. It's a little bit blurry but it's 3825?

17 A. Yeah.

18 Q. Okay. Now this document has a date, and at the top
19 it's dated February 19th, 2016, so this would have been ...

20 A. This would have been the second one, I believe, was
21 it, that we were looking at?

22 Q. Right. There was December 14th, February 19th, and

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1 March 15th.

2 **A.** Yeah.

3 **Q.** Each time would a new 3825 be created with a new
4 date?

5 **A.** Oh, yeah, they would send out a new one each time.

6 **Q.** With a new date?

7 **A.** Yeah.

8 **Q.** Okay. At the top of that form it has file number
9 2015-1494188. That's not your number?

10 **A.** That's not my number, no; that would be a police file
11 number.

12 **Q.** A police file number. Okay. The detachment is
13 noted, the fax number, and then Ms. Campbell's information and
14 that of your office is pre-printed on the form?

15 **A.** Yeah.

16 **Q.** And then just a little further down ...

17 **A.** You can see an example of an ORI number right there
18 beneath Ms. Campbell's name, as described previously, with the
19 ... that would be our number.

20 **Q.** Yes.

21 **A.** So NS, it's always the prefix of the province, and a
22 five-digit number afterwards. It identifies the originator of

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1 the message.

2 Q. Okay. All right. So your office has an ORI number
3 as well?

4 A. We have an ORI number, as well.

5 Q. Okay. All right. And the form, then, includes this,
6 some of the identifying information of Lionel Desmond?

7 A. Yes.

8 Q. All right. Now those three forms, did your office
9 receive responses with respect to those three forms forwarded to
10 the RCMP detachment?

11 A. To my knowledge, no, we did not, which is what
12 prompted a follow-up after that.

13 Q. Okay. And if we go over two more pages, we see an
14 email communication here between Dianne Campbell and Lloyd
15 Carter.

16 A. Yes.

17 Q. Okay. And who is Lloyd Carter?

18 A. Lloyd Carter is a former firearms officer, worked out
19 of the Sydney office, so Cape Breton Island and the north part
20 of the mainland would have been his territory.

21 Q. Okay. So he would have been one of the Cape Breton
22 ones that would cover this area?

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1 **A.** Yes.

2 **Q.** Okay. And he's now retired?

3 **A.** He's now retired.

4 **Q.** All right. So it would appear that Ms. Campbell
5 wrote to Mr. Carter to follow up on this?

6 **A.** Yes.

7 **Q.** At the time was there, I guess, a standard amount of
8 time before which this might be, I don't know if I can say
9 actioned to an AFO or assigned to an AFO for follow up?

10 **A.** We've never had a fixed period of time for these
11 types of responses.

12 **Q.** Right. Okay. In this case it was three requests?

13 **A.** Three requests.

14 **Q.** Was that typical or ...

15 **A.** It's not uncommon.

16 **Q.** Okay. So Ms. Campbell said, "I faxed a 3825 request
17 to you that I sent to RCMP Guysborough three times and still no
18 response. Could you please contact them to get the details?
19 Thanks so much. Dianne." What was the expectation from the
20 AFO, Mr. Carter?

21 **A.** To initiate direct contact, person-to-person contact.

22 **Q.** And because he was mobile, he would be able to go to

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1 the detachment?

2 **A.** He would be able to go to the detachment and to speak
3 to somebody there.

4 **Q.** All right. And I think the next two pages of the
5 document appear to be notebook entries. I appreciate those are
6 not your notebook entries but you've had an opportunity to look
7 at those previously?

8 **A.** Yes, yeah.

9 **Q.** Do you know whose notebook entries those are?

10 **A.** Those are from Mr. Lloyd Carter. So each one of them
11 will keep a diary to track activities within their day-to-day
12 operations within their zones.

13 **Q.** Right. Okay. And from reviewing his notes are you
14 able to tell what action or do you know what action he took with
15 respect to the 3825 issue?

16 **A.** Looking on this page it looks like he did a couple of
17 either interviews or meetings with people and a visit to the
18 Guysborough Detachment. So the first one, there's a name, "re
19 12 6", which I know is prohibited firearm, and he has an
20 appointment time written down beside that, Guysborough RCMP,
21 regarding file number, and then there's a file number written
22 beside that, and then the third entry is again an individual's

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1 name, and it looks like an application.

2 Q. And the notes that you're looking at, the first page
3 of the notes, are from April 13th, 2016?

4 A. That's what it indicates, yeah.

5 Q. All right. In your experience, the officers would
6 make their notebook entries on the same day that they were doing
7 the work?

8 A. Yeah, they keep a daily log, because they also have
9 to submit a monthly activity report to me.

10 Q. Yes.

11 A. And so that's where they draw on this information
12 from, and if there was additional information that they
13 collected that was pertinent to a file that they were doing,
14 then that would go into their hard copy file that they would
15 keep at their office.

16 Q. Okay. All right. So it would appear that Officer
17 Carter had some contact or makes note of the Guysborough
18 Detachment on April 13th?

19 A. Yeah, he had some involvement with Guysborough
20 Detachment regarding that file number, 2015 and 149-something-
21 158 it looks like.

22 Q. All right. And then on the next page, April 14th,

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1 2016, again these are notebook entries from Lloyd Carter?

2 **A.** On this date he has a series of entries for a number
3 of activities that he was engaged in. There's ...

4 **Q.** And any specific to this, to the 3825 with
5 Guysborough Detachment?

6 **A.** It looks like the fourth entry down, it looks like
7 something, because it looks like 3825. It's difficult to make
8 out on the copy.

9 **Q.** Right.

10 **A.** "3825 info to Dianne from Guys", G-U-Y-S it looks
11 like.

12 **Q.** Okay.

13 **A.** So I would infer from that that he's got the
14 information and he's sent it to Dianne.

15 **Q.** Okay. And the information that he would have
16 obtained in the normal course when he went to a detachment, what
17 would that have been?

18 **A.** That varies from detachment to detachment on how much
19 disclosure that the individual officers or agency will give you.
20 It can sometimes just be an outline. It could be a verbal.
21 Sometimes it will be actual copies of reports.

22 **Q.** Okay.

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1 **A.** It depends.

2 **Q.** All right. And just... I got a little ahead of
3 myself. I just want to have a quick look at Exhibit 151, the
4 second page.

5 **EXHIBIT P-000151 - PRINTOUT - CFIS FIP EVENT**

6 This appears to be a printout. Can you tell where that
7 printout is from or what database that's from?

8 **A.** It looks like a "Comments" field from a FIP event.

9 **Q.** Okay. Would that be in CFIS?

10 **A.** It would be in CFIS.

11 **Q.** Okay. And just the comments are not in chronological
12 order, but there's one marked December 12th, 2015, and across
13 from that it says 3825 faxed.

14 **A.** Sorry, there's a question?

15 **Q.** Is that ... I don't know if you can glean any
16 information from that.

17 **A.** Other than it suggests that a 3825 request was faxed
18 but it doesn't indicate where.

19 **Q.** Right.

20 **A.** And the comment created by that number is an employee
21 number.

22 **Q.** Okay.

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1 **A.** And then on the far left-hand side is the date that
2 that comment was created.

3 **Q.** Okay. And then just above that March 1st, 2016,
4 there's an entry.

5 **A.** Yeah.

6 **Q.** Again created by a person ...

7 **A.** The same employee number.

8 **Q.** The same employee number. And it says "Second 3825
9 request was faxed February 19th to the Guysborough Detachment?"

10 **A.** Yeah.

11 **Q.** Okay. And then, finally, down below that, April
12 18th, we have a little more information there. That's entered
13 by a different individual?

14 **A.** Entered by a different employee.

15 **Q.** Right. Okay.

16 **A.** And so, like, the text, and this is not uncommon, and
17 this is what you would see on the "Comments" screen from a FIP
18 event, so it gives you the actual event number.

19 **Q.** Yes.

20 **A.** Because each event, when it's created, will generate
21 its own unique identifier.

22 **Q.** Yes.

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1 **A.** So you have a FIP event number, you have a case
2 number that it related to, the NS10015, which is the ORI number
3 that it originated from, and then the comments that were input
4 by employee number E00018198.

5 **Q.** Okay.

6 **(11:59:01)**

7 **A.** So "Disclosure received from Nova Scotia **Mental**
8 **Health Act**. It occurred on 2015-11-18. Medical Assessment
9 requested by NB (so New Brunswick) AFO J. Roper on (and then
10 again a number, it's a different case, and) received on 2016-02-
11 29 with no issues. Exclude complete."

12 **Q.** All right. So in this case it would appear that, and
13 you may know this now from reviewing the file, that Lloyd Carter
14 was able to obtain information from the Guysborough Detachment
15 on either the 13th or 14th ...

16 **A.** Yes, I'm aware that he was able to obtain some
17 disclosure from them, yes.

18 **Q.** Okay. And that was on the 13th or 14th of April,
19 2016?

20 **A.** Yeah.

21 **Q.** All right. What happened to that information then?

22 **A.** Then that information was sent to Dianne and

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1 forwarded to the New Brunswick CFO's office.

2 Q. So it would go through her as operations coordinator
3 ...

4 A. Yeah.

5 Q. ... to be forwarded to New Brunswick?

6 A. Yeah.

7 Q. Okay.

8 Q. And if we could go to Exhibit 133, do we have that
9 marked? And if we go to page three. So this is an email
10 communication between Dianne Campbell and Lysa Rossignol. You
11 know Lysa Rossignol is from the New Brunswick ...

12 A. She's from the New Brunswick CFO's office, yes.

13 Q. All right. On April 14, 2016 at 2:50 p.m. regarding
14 Lionel Desmond and the email says: "Hi Lysa. Attached is the
15 3825 response we received for your client finally. Let me know
16 if you need anything else, Dianne." So when she received it,
17 she forwarded it by fax or by email, I guess, to Lysa Rossignol?

18 A. Yeah, she would have forwarded it to Lysa, yes.

19 Q. Okay. And the attachments, if we could just go to the
20 next page. So attached was the 3825 from February 19, 2016?

21 A. Mm-hmm.

22 Q. The next page we have an occurrence report from the

JOHN PARKIN, Direct Examination

1 RCMP so that would have been obtained by Lloyd Carter?

2 **A.** This would have been the information that he obtained
3 from the RCMP.

4 **Q.** Okay. And that was ultimately forwarded to the New
5 Brunswick CFO's office?

6 **A.** That's correct.

7 **Q.** Okay. And one more page I think because we've seen
8 this document before, so occurrence reports by an S. O'Brien
9 and an A. Maccallum.

10 **A.** Sorry?

11 **Q.** Those two occurrence reports would have been what
12 would have been attached to the communication with Lysa
13 Rossignol?

14 **A.** Yes, that's what's indicated in the text.

15 **Q.** Okay. After that information was forwarded to the New
16 Brunswick CFO's office, did your office have any further
17 involvement?

18 **A.** No, that would conclude our activities. Unless we
19 were contacted by another jurisdiction or another office and
20 requested to do something further then we would have no further
21 involvement.

22 **Q.** And did you have any further involvement to your

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1 knowledge on this?

2 **A.** To my knowledge, no.

3 **Q.** All right. So Lloyd Carter, who followed up on that
4 as per the policy, kept notes of that which we've seen. Would
5 your office ... in a situation where you're obtaining the
6 material from a detachment for another CFO, would you keep a
7 copy of that or would you just forward it on to the other
8 jurisdiction?

9 **A.** I don't have a policy regarding the retention of the
10 documents so I can't really speak accurately to that at this
11 time.

12 **Q.** Okay. If there was no further investigation though
13 other than obtaining material from an RCMP detachment to forward
14 to another jurisdiction, other than notes, would there typically
15 be anything else in your office?

16 **A.** No, probably not.

17 **Q.** I have some other general questions that I wanted to
18 ask that aren't related specifically to Lionel Desmond's case
19 but I wanted to touch on them. If we could, and some of these
20 deal with the issue of domestic violence, if we could look at
21 Exhibit 158.

22 **EXHIBIT P-000158 - FORM 1 TO BE USED AT INITIAL DESIGNATION OF**

JOHN PARKIN, Direct Examination1 **HIGH-RISK CASE**

2 Q. Are you familiar with this as well?

3 A. Yeah, we receive these unfortunately quite regularly.

4 Q. Okay.

5 A. And they come to us through most commonly Clerk of the
6 Court offices.

7 Q. Yes.

8 A. Staff in there are preparing them and they disseminate
9 the information. It's in relation to domestic violence and
10 instances of where they're deemed to be a high risk and we'll be
11 notified of the individuals involved through these forms.12 Q. And if we go to the bottom of the form, I think it
13 indicates the agencies from which this document can be generated
14 and to whom they can go?15 A. Yeah. It can come from other organizations but most
16 commonly we get it through Courts or Corrections.

17 Q. Corrections meaning like probation?

18 A. Probation officers, yes.

19 Q. Or the Courts. Do you get them through Victim
20 Services sometimes as well?

21 A. Not as commonly.

22 Q. Okay. And when you said ... so this form applies to

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1 high-risk domestic violence situations?

2 **A.** Yes.

3 **Q.** As assessed by the agency that sends it?

4 **A.** By the agencies and by Victim Services or other staff
5 who are involved in the particular case.

6 **Q.** Okay. And when you said "unfortunately", meaning?

7 **A.** Unfortunately because the frequency with which we get
8 them, they do come in fairly regularly.

9 **Q.** Meaning there are a number of domestic violence cases?

10 **A.** Yes, meaning there are a significant number.

11 **Q.** What action would you take when you get a document
12 with respect to this?

13 **A.** The first thing that's done with it is we check the
14 name against our database and see if ... because sometimes FIPs
15 are not always created. There's not ... we talked about this
16 early on in this, if an event is not coded properly ...

17 **Q.** Yes.

18 **A.** ... a FIP may not be generated and if that happens
19 then we would be ignorant of the incident in itself. This is
20 another avenue that we can be alerted so we will always check
21 the name of the individual against our database. In some cases
22 we may have received a FIP or in most cases we may have received

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1 a FIP and the subject will already be under review in which case
2 we just make a note of the fact and there's nothing further for
3 us to do with this particular form. If we are checking our
4 database and find that it is a client who has not ... we have
5 not received a FIP on, then we would initiate the investigation
6 ourselves.

7 Q. So a situation where a domestic violence situation is
8 investigated, perhaps a charge is laid, for whatever reason
9 improper coding, a FIP may not have been created, this is
10 another potential ...

11 A. This is another potential avenue that we could be
12 alerted to it.

13 Q. Okay, all right. And you say you get these forms on a
14 regular basis?

15 A. We get these on a regular basis.

16 Q. Can we just go to the next document, 159?

17 **EXHIBIT P-000159 - INFORMATION SHARING PROTOCOL BETWEEN NS**
18 **PROVINCIAL FIREARMS SAFETY OFFICE AND THE NOVA SCOTIA PROVINCIAL**
19 **VICTIM SERVICES PROGRAM**

20 Q. And this is just covering this off, information
21 sharing protocol between the Nova Scotia Provincial Firearms
22 Safety Office, is that ...

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1 **A.** That's our office.

2 **Q.** That's your office and the Nova Scotia Provincial
3 Victim Services Program.

4 **A.** Yeah.

5 **Q.** Do you have an information sharing protocol between
6 your two offices then?

7 **A.** We do, you've got the form here. Typically we have
8 less information to share out as the information that generally
9 what's being forwarded to us on domestic violence cases.

10 **Q.** Right, okay. And I would assume it's important for
11 you to get that information to check and see ...

12 **A.** Oh, it's very important that we get the information
13 and there's also a legislated requirement under the Firearms
14 License Regulations that when a CFO is aware or made aware, I
15 think it's Section 14 or 16, a CFO becomes aware of an instance
16 of domestic violence or stalking, they shall consider revoking
17 the license so it's a mandatory legislated requirement.

18 **Q.** And that's under the Regulations?

19 **A.** That's under the Regulations.

20 **Q.** Okay, all right. And if we could go to 160.

21 **EXHIBIT P-000160 - INFORMATION SHARING PROTOCOL**

22 **Q.** This would appear to be on the same topic of

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1 information sharing with Victim Services and this is your own
2 document, is it?

3 **A.** This is not my document, this predates me.

4 **Q.** Okay.

5 **A.** As does the agreement for the sharing of the
6 information.

7 **Q.** Understood, but this is a document from your office?

8 **A.** This is from our policy manual, yeah.

9 **Q.** Okay. And then finally 161.

10 **EXHIBIT P-000161 - SPOUSAL NOTIFICATION**

11 **Q.** And this is less about ... sharing information?

12 **A.** And again, this is another, it's been a longstanding
13 policy from our manual. It predates me as well.

14 **Q.** About spousal notification?

15 **A.** Spousal notifications.

16 **Q.** I guess the policy statement is simply the concerns by
17 spouses of firearm license applicants and holders will be given
18 serious consideration and top priority?

19 **A.** Mm-hmm.

20 **Q.** I wanted to make reference to another document and
21 this is marked as Exhibit 132. This is not a document related
22 to your office and it's not a communication that you were privy

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1 to but there are a couple of things ...

2 **(12:09:17)**

3 **A.** No, I'm not familiar with this document

4 **Q.** No, I understand that. It's communication between Rob
5 O'Reilly and Derek Eardley.

6 **A.** Okay.

7 **Q.** Mr. Eardley was the CFO in New Brunswick I understand?

8 **A.** For a period of time, yes.

9 **Q.** All right. And Mr. O'Reilly is?

10 **A.** Was the Director of Operations at the Canadian
11 Firearms program in Ottawa.

12 **Q.** All right. And on the second page of this
13 communication and just down a bit, this is something we've
14 already touched on and we've referred to this email with other
15 witnesses. The communication says:

16 The identified issue around the timely
17 disclosure of FIP information to the CFO
18 Nova Scotia had already been addressed
19 through a specialized unit at the CFP
20 central processing site in Miramichi, New
21 Brunswick. This unit began processing FIPs
22 for Nova Scotia in April of 2016 resulting

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1 in immediate notification and disclosure.

2 So that reiterates what you've already explained to us that
3 that FIP processing unit is in place as of April of 2016.

4 **A.** Yes.

5 **Q.** And I guess we've already touched on this but that
6 will continue until your office is able to directly access PROS
7 when it may ...

8 **A.** That's correct.

9 **Q.** ... merely just fall within your purview in your
10 office?

11 **A.** Yes.

12 **Q.** Any sense of when that may occur?

13 **A.** I don't have any timelines on it. My current
14 operations coordinator has been working diligently on it because
15 I question him on a regular basis to find out what the status of
16 it is but right now it's a technology thing.

17 **Q.** Right, okay. Technology in terms of?

18 **A.** In terms of the way that the various codes interact
19 that allow you to have access to the different databases. It's
20 all on the electronic side is really the best way I can explain
21 it.

22 **Q.** All right. Is there any, going forward where you have

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1 identified a couple of other police databases apart from PROS,
2 is there any or do you see any time in the future when you may
3 be able to have access to those police databases or is that
4 going to continue to be through other third parties?

5 **A.** We did have access to Versadex until my last
6 operations coordinator retired and Halifax Regional has some
7 very stringent security requirements and whatnot ...

8 **Q.** Yes.

9 **A.** ... that are not obligatory for individuals hired
10 under the hiring agreements and job descriptions for our current
11 office.

12 **Q.** Okay. So you had access then simply because the
13 person that was employed in your office ...

14 **A.** Voluntarily chose to take the security clearance
15 program or requirements that the Halifax Regional demanded.

16 **Q.** Okay. And do you foresee that happening again in the
17 future with an employee?

18 **A.** It's a possibility but it's entirely voluntary.

19 **Q.** Okay. And on that same page just down a bit,
20 "Strategic Considerations", Mr. O'Reilly said: "Improper coding
21 of occurrences in police records management systems will
22 continue to affect the information available to CFOs in making

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1 informed decisions around client eligibility to hold firearms
2 licenses." And, again, you've touched on this, if something
3 isn't coded, a FIP isn't created, you don't know about. Do you
4 see any solutions or any ways to, and I appreciate it's a
5 policing issue, but any way to make the coding process more
6 effective so that FIPs are created and come to your attention?

7 **A.** That's a difficult one to answer. It's perhaps partly
8 an educational issue but it's also a quality assurance issue and
9 since we're not the people doing the data entry, it's difficult
10 for us to address either one of those actually.

11 **Q.** It's difficult for your office to play a role in that
12 education piece then or quality control piece because it's a
13 policing issue?

14 **A.** Well, it would be a user interface so you would be
15 instructing individuals and it would be depending on how they
16 interpret events and enter them because as I said, the code
17 itself, a numerical code is attached to the description of the
18 event or the descriptor of the event so I don't know the
19 numerical codes but a motor vehicle accident would have a
20 specific numeric code that would be associated to that.
21 Depending on how you enter that might affect what code number
22 actually goes into the system. Whether that code number is one

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1 that has actually been flagged as a code number of concern is
2 going to depend on what you put in on the front end in the entry
3 of it. So I'm not sure how, without knowing all of those
4 parameters, how we would actually factor into that from a
5 firearms perspective.

6 **Q.** Okay. Just below where I read before the email says:
7 "CFOs currently place a top priority on addressing all mental
8 health information received. However, most interactions with
9 medical practitioners do not come to their attention unless
10 self-disclosed by the client." Again that's an ongoing problem
11 I would assume for all CFOs is it?

12 **A.** Yeah, I would say that statement's accurate.

13 **Q.** Right. And just on the issue of mental health, we
14 touched I guess a bit on this. If an individual's application
15 is investigated by your office and let's say it's a personal
16 history question relating to their mental health that caused the
17 investigation to be conducted, if you get an answer like the one
18 that you referenced earlier in your evidence, the doctor saying,
19 for example, the person is currently medicated, assuming they
20 remain compliant with their medication, there are no concerns.

21 **A.** Mm-hmm.

22 **Q.** Do you foresee a situation where a person's license

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1 might be returned ... might be approved or returned to valid but
2 you might diary date the file to revisit it, to go back to the
3 doctor to check in partway through the five-year period of
4 eligibility?

5 **A.** The challenge with doing that is a couple things that
6 spring to mind. Is that without having created a notification
7 so you have to create another file entry. The license itself is
8 valid for a period of five years from date of issue so we don't
9 affect when it comes up for renewal or anything because that's
10 legislated through the **Firearms Act**, the period of the license.

11 The other issue that would come up is, I guess, the
12 reasonableness of initiating a review without something that
13 actually prompts you to go in and review midterm. It would be a
14 question I think that would require some legal looking at,
15 whether it's even permissible. I do know that in Nova Scotia
16 that we've had issues before the Court in the past where the
17 Firearms Office, in particular, was criticized because acting on
18 something that was essentially a policy ...

19 **Q.** Yes.

20 **A.** ... rather than something that is a legislated
21 requirement or regulatory requirements and that sort of thing.
22 So, you know, we'd have to look at that kind of an issue,

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1 whether we are actually even allowed to do that and intercede if
2 there wasn't something to prompt you.

3 **Q.** I guess two things. One, the term "continuous
4 eligibility", that alone does not ... you don't feel that gives
5 you the authority to revisit a particular license?

6 **A.** Well, under the continuous eligibility aspect of it is
7 normally what you are doing is you're responding to some sort of
8 outside message or a flag of some sort that something has
9 happened, whether that's an individual calls us and says they
10 have a concern about their neighbour because they have been
11 outside acting bizarrely in their front yard, whether it's
12 because of a FIP event with the police, any number of things
13 that may have brought this to our attention.

14 **Q.** Right. So only in a situation where some event ...

15 **A.** Something has triggered you to look at it.

16 **Q.** If the initial information that you receive from a
17 physician suggests ... so an example that you gave that their
18 mental health is sort of at a point in time, compliant with
19 their medication now, perhaps they have a history of not always
20 being compliant, would you feel that that would give you enough
21 authority to revisit it?

22 **A.** Well, potentially under that type of a scenario and

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1 that's why I said, and we have many times been faced with that
2 kind of information, is potentially I want to revoke your
3 license.

4 **Q.** Okay.

5 **A.** And we have done that or I have done that based on
6 recommendations because we're looking at the totality of the
7 circumstances and I have taken situations where the doctor has
8 come right out and said, I have no concerns about John Parkin
9 having a firearms license and looked at the totality of the
10 situation and revoked the license.

11 **Q.** So in that circumstance, your course of action would
12 more likely be to revoke or refuse than to return to valid and
13 revisit down the road without an event?

14 **A.** If I had those concerns I probably wouldn't be
15 returning it to valid as with the previous examples, we would
16 probably just extend the period that the license is under review
17 and continue to monitor it and then come back and revisit it
18 that way.

19 **(12:19:05)**

20 **Q.** So on that point, again in our example of the person
21 who's presently compliant but there may be concerns about their
22 mental health if they don't stay compliant.

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1 **A.** Yeah.

2 **Q.** Would you ever envisage a situation where you would
3 leave that person's application under review for a period of
4 time like six months, something like that?

5 **A.** Depending on the severity of it because we have done
6 that sort of thing.

7 **Q.** Okay. So that is a possibility?

8 **A.** That is a possibility. The other challenge that I see
9 just as we're discussing this with going in and doing random
10 reviews of individuals is what is the criteria that you place
11 upon an individual that yours warrants going back two years or
12 three years into your term of your license and initiating a
13 review without anything having prompted that review versus this
14 individual.

15 **Q.** Right. If you as a CFO or other CFOs were provided
16 with criteria to do that, would that make you more comfortable
17 perhaps in doing that if there was a standardized set of
18 criteria for you to apply in the circumstances?

19 **A.** But I think any information when it comes to mental
20 health would be helpful as far as even further educating
21 firearms officers, including myself, on things that we could
22 look for or be aware of. Mental health issues are so broad in

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1 their spectrum and there are so many things to be considered and
2 it's a fluid situation for a lot of individuals, there are good
3 times, there are bad times, and there are just so many factors
4 to be considered. You know, if there's information that's
5 available out there that could be provided I think it probably
6 would be helpful.

7 **Q.** I guess there's two things there. One is the
8 education piece for firearms officers about mental health issues
9 and let me ask you about that. Is that something that you or
10 your firearms officers have had access to?

11 **A.** It's an evolving situation and actually what has gone
12 on and that my office has participated in because I reached out
13 and volunteered my office to participate in, is looking at there
14 was a pilot project that was initiated last year at the federal
15 level and one of my firearms officers has been participating in
16 that. The scope of that I understand has changed and it's
17 taking a brief pause while they evaluate and assess where it
18 goes from here but that is part of what the entire thing is
19 looking at. So there's only two or three jurisdictions that
20 have been involved in it. I'm pleased to say that I volunteered
21 our jurisdiction, I'm not sure how my staff felt about that,
22 because it does mean a bit of extra work, but it is something

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1 that we have been involved in so it's, like I said, an evolving
2 and fluid situation.

3 **THE COURT:** What's the ... you're probably going to ask
4 the same question.

5 **MR. MURRAY:** No, go ahead.

6 **THE COURT:** So the federal pilot project was designed to
7 look at mental health?

8 **A.** Mental health and the criteria that's used to evaluate
9 what types of mental health illnesses might create a higher
10 risk, impose a higher risk. So it's a fairly broad spectrum of
11 things that they were looking at.

12 **THE COURT:** And what was the project called? If I was
13 to go and look for it, what would I look for?

14 **A.** I would have to get back to you on that, sir.

15 **THE COURT:** All right. So what I'm going to ask, Mr.
16 Parkin, at some point in time Mr. Murray will be in touch with
17 your counsel and probably make a request to get the details of
18 whatever details you can provide on that particular project.

19 **A.** Yeah.

20 **THE COURT:** Okay, thank you. Sorry Mr. Murray.

21 **MR. MURRAY:** No, that's fine, Your Honour.

22 So that's the education part of it but again in terms of

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1 what you said earlier, I guess if I understand your answer, you
2 wouldn't be comfortable simply diary dating somebody's file and
3 going back to them without an event?

4 **A.** Without an event and as I said, it may be something
5 that would have to be looked at from a legislative standpoint
6 because the terms of the licenses are set in federal
7 legislation.

8 **Q.** Yes.

9 **A.** The criteria for things that can be reviewed and when
10 they are reviewed is set down in legislation but there's no
11 terms of periodic revisiting ...

12 **Q.** Right.

13 **A.** ... of things and I really don't know where those
14 things might impact on other levels of government and other
15 levels of legislation. I'm also cognizant of the fact, as I
16 said in Nova Scotia, there have been issues in the past that
17 have even been raised in the Courts about doing things that were
18 strictly based upon like a local policy ...

19 **Q.** Yes.

20 **A.** ... and taking action and following certain steps
21 because of that. So I could just envision opening doors for
22 complaints to the ombudsman's office or to even challenging

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1 reviews if somebody's license is under review, are you actually
2 changing the status of that license, is that going to impact
3 their ability to do things that they might otherwise be allowed
4 to do, and even though such activity would not be something you
5 could challenge directly under the **Firearms Act**, I am aware, I
6 can't recall the name of it off the top of my head, there is
7 provincial legislation that allows an individual to challenge
8 the decision of a person of authority who has made a decision
9 against another individual because I have been through that
10 process before.

11 **Q.** So without some legislative change?

12 **A.** Without some guidance or structure around it, I think
13 that it would be challenging at this point.

14 **Q.** Okay. And presumably if there were the capacity to
15 revisit licenses in that way, that would also put a strain on
16 resources as well?

17 **A.** It would have to be properly resourced to be able to
18 do it.

19 **Q.** I wanted to ask and we've actually basically dealt
20 with this already, your requirement on a transferor or a vendor
21 to check on the status of the PAL of the purchaser or
22 prospective purchaser and until the new provisions under C-71

JOHN PARKIN, Direct Examination

1 come into force, the vendor or transferor is only required to
2 look at the PAL and if it appears to be valid and not expired?

3 **A.** The usual example that is used is if the person
4 presents a license because all the legislation actually says is
5 that you have no reason to believe the person does not hold a
6 license for the type and class of firearm they want to purchase.

7 **Q.** Right.

8 **A.** And so how do you satisfy that that you have no reason
9 to believe the person doesn't have a license of the type and
10 class of firearm. The most commonly referred to example is they
11 present their license and if the license depicts the person
12 who's standing in front of them and shows an expiry date that
13 has yet to come, then has the person satisfied that requirement
14 and that is normally understood to be yes. If they accepted the
15 license, they have fulfilled the requirement.

16 **Q.** And again under today's legislative scheme, is that
17 most commonly what vendors or transferors do is to simply look
18 at the license?

19 **A.** Depends on the business.

20 **Q.** Okay.

21 **A.** The smaller the operation like if it's an individual,
22 the individual transaction, or if it's a smaller operation, I

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1 would say the possibility is greater. Again, I can't speak to
2 specific percentages or anything because I don't know those but
3 I do know larger operations link directly into and are some of
4 the ones that are more cognizant of how they run their business,
5 do link directly into the business web services, the BWS
6 network, and they will check every license whether it's
7 restricted, non-restricted, or whatever.

8 **Q.** Okay.

9 **A.** And that just becomes a course of how they do their
10 business.

11 **Q.** Right. And I guess when we're having this
12 conversation I'm focusing primarily on non-restricted. So under
13 the present scheme, if a business were to go into the business
14 web service, the BWS, and a license was under review, would they
15 become aware of it?

16 **A.** It doesn't tell them under review specifically.

17 **Q.** Yes.

18 **A.** And it doesn't tell them the reason why. It will give
19 the business or the seller an alert and say have your customer
20 contact the CFO.

21 **Q.** And is the message in that don't sell them a gun?

22 **A.** I haven't seen the message myself, I only know from

JOHN PARKIN, Direct Examination

1 communications that I've had with people, so I don't know
2 exactly what it says.

3 Q. Right. I guess I don't mean word-for-word but is that
4 ...

5 A. Yeah.

6 Q. ... what the intended message is?

7 A. That's the intent of it ism yeah, before you go ahead
8 with this sale, tell your customer to call us.

9 Q. Okay.

10 A. We can't discuss with the seller why you can't buy the
11 gun.

12 Q. Right. And the customer will then ...

13 A. And the customer is turned away or should be turned
14 away and should contact the CFO's office and ask why, what's
15 going on, or what's the problem.

16 Q. Okay. And even if a license was not the situation
17 where it's under review, let's say it's revoked, they still have
18 the PAL, the same message would come to ...

19 A. No, actually it will say that is revoked or expired.

20 Q. Okay.

21 A. Because they don't have a license at that point.

22 Q. Right, okay. No obligation on a vendor then to keep

JOHN PARKIN, Direct Examination

1 the license?

2 **A.** No, it's not like a credit card where the vendor is
3 told seize the license.

4 **Q.** Right.

5 **A.** I don't think there's any legislative authority for
6 them to do so.

7 **Q.** Okay. So although it's not required for a vendor to
8 check, we've heard evidence of at least one vendor who will take
9 down the number on the PAL, the expiry date, and link it in his
10 own records to the serial number of the firearm that he was
11 selling. Is that a practice that's followed by vendors and is
12 it a good one?

13 **(12:28:57)**

14 **A.** Some follow it and there's a variety of reasons why
15 some of them will do it. Some of them will do it for warranty
16 information or at least that's what I've been told is that
17 they'll do it to cover off warranty, that if they're going to
18 service a product, it will be what they sold.

19 Some of them will do it just basically, and I have been
20 told this as well by some vendors, they do it so that should
21 anything ever happen they can protect themselves by
22 demonstrating that they did check a license at the very least.

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1 Something was presented to them ...

2 Q. Right.

3 A. ... and they have a record of that.

4 Q. Okay. And is that a good practice in your view?

5 A. To my mind it's a good practice.

6 Q. All right. Just on the issue of businesses, are
7 businesses regularly visited or audited by your office,
8 businesses that is that sell firearms?

9 A. Yes.

10 Q. Okay. And is that something that I would assume it's
11 somewhat contingent on staffing and resources is it?

12 A. No, not exactly. I guess when I'm short of firearms
13 officers, AFOs in the field, that might affect it. I've had a
14 standing direction for the last at least two years with my AFOs
15 that I want regular visits made because I audited all of the
16 firearms business in the province, that were in the Province of
17 Nova Scotia, about three years ago, it might even be four years
18 ago now. What I discovered was in the licensing comments which
19 is where we talked about this before, how a firearms officer can
20 go in and make comments, a lot of those comments in many cases
21 were getting quite dated. My issue with that is that how do we
22 demonstrate that we're actually visiting these people if we

JOHN PARKIN, Direct Examination

1 don't document this.

2 So I initiated a program whereby I want all businesses
3 visited on a regular basis. I want entries made on the license
4 comments as to what happened as far as that visit. It serves a
5 couple of purposes to my mind and one of the purposes is that it
6 demonstrates to the businesses and the sellers that the Firearms
7 Office is mindful that they exist and that we are going to their
8 premises and I'm talking right now something separate from a
9 full-blown inspection because a full inspection is usually at
10 around the time of license renewal and a standard firearms
11 licence that sells ... for a business that actually sells
12 firearms is three years.

13 **Q.** Okay.

14 **A.** So what we try to do is get in on at least an annual
15 basis to the businesses to hand out our business card, give the
16 business owner the opportunity to ask any questions if they have
17 any questions about new legislation or whatever. It also allows
18 my staff the opportunity to go into a business without having to
19 inspect the inventory or look at everything else and do a very
20 quick check of important things like is the business license
21 being posted the way that it's supposed to be. If you're
22 selling firearms, are the firearms secured properly and

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1 displayed properly pursuant to the Regulations, and to make sure
2 that you're not posting things that depict violence or anything
3 like that and associate it to firearms. That stuff doesn't
4 require any amount of time and as I put it to my staff, when
5 you're traveling around your district, it takes you literally
6 only a few minutes to stop in to a business and do that kind of
7 a business check.

8 So there's that type of check that has been standard
9 operating procedure in my office for, I would have to check my
10 meetings notes and stuff and go back, but probably at least two
11 years now and in addition to that, there's a periodic inspection
12 that will occur upon a business license being renewed when the
13 business is actually inspected and they do go in and they check
14 the inventory and they look for how much stuff is being shipped
15 and whatnot. And I add the caveat to that that when they're
16 going in, the reason I ask them to check although there's no
17 records checked anymore for the non-restricted firearms, that
18 they check the volume or the number of firearms there are
19 because the fees for the license is actually attached to the
20 volume of sales so it can translate into are they actually
21 paying for the appropriate license or not.

22 **Q.** To have the officer just look, just have a quick look?

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1 **A.** To just go in and see. So if you've got the cheapest
2 license, I don't know off the top of my head the lowest volume,
3 but if you're paying for the smallest volume of license and they
4 go in and you've got a wall full of firearms that suggests that
5 your volume is probably much higher than that ...

6 **Q.** I see.

7 **A.** ... then it may come to nothing but it's worth
8 something to at least have that conversation and look at it.

9 **Q.** Okay. And that's the area firearms officer?

10 **A.** That's the area firearms' responsibility.

11 **Q.** Just one point and just circling back to something we
12 talked about earlier. If a firearms officer from another
13 province is conducting an investigation and they require
14 information about an event in Nova Scotia that might fall under
15 either the Niche or the Versadex ...

16 **A.** Yes.

17 **Q.** ... would that then come back to you?

18 **A.** The investigation wouldn't but it would be like a
19 police agency requesting assistance from another police agency.
20 They would simply contact our office and then they might ask,
21 and this has happened before, but police also have other portals
22 such as well as what's called PIP, the police information

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1 portal, and so they can sometimes directly access other police
2 agency files and they exchange information that way. So we
3 don't get that many requests but we have facilitated requests in
4 the past from other CFOs' offices and whatnot that if they were
5 doing an investigation and they needed something from Halifax
6 Regional or Halifax detachment or Cape Breton Regional then we
7 might forward the request and act as an intermediary for them.

8 **Q.** Right. And if there was follow-up investigation,
9 let's say a person's doctor resided in this province and they
10 were a resident of another province, would there ever be a
11 situation where you might have an inter-provincial request for
12 you to go and do that interview or assist in that way or is that
13 uncommon?

14 **A.** It's uncommon. I can't say that it would never
15 happen. If we received a request then we will do what we can to
16 facilitate it and assist.

17 **MR. MURRAY:** Okay, all right. Thank you, Mr. Parkin,
18 those are all the questions I have.

19 **THE COURT:** Thank you, Mr. Murray. It's 12:35, we'd
20 normally break for lunch and I think that's what we'll do. So
21 we'll break and come back at 1:30 and hopefully we'll finish
22 this afternoon. Thank you.

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1 COURT RECESSED (12:35 HRS)

2 COURT RESUMED (13:35 HRS)

3 **THE COURT:** Ms. Ward?

4 **MS. WARD:** No questions, Your Honour.

5 **THE COURT:** Mr. Anderson or Ms. Lunn? I'll perhaps
6 leave you to the end if you like. Thank you.

7 **MS. LUNN:** That would be fine, Your Honour.

8 **THE COURT:** Thank you. Ms. Whitehead?

9 **MS. WHITEHEAD:** No questions, Your Honour.

10 **THE COURT:** Mr. Macdonald?

11 **MR. MACDONALD:** Thank you, Your Honour.

12

13 **CROSS-EXAMINATION BY MR. MACDONALD**

14 (13:36:31)

15 **MR. MACDONALD:** Good morning, Mr. Parkin. My name is Tom
16 Macdonald. I'm the lawyer for the Borden family so that would
17 be the mother and father of Shanna Desmond, and the grandparents
18 of Aaliyah, who I share representation with, in terms of
19 Aaliyah, with Tara Miller, who is sitting here today. And also
20 Sheldon Borden, who is the brother of Shanna Desmond.

21 I just had one question. You mentioned it in response to
22 some discussions with Mr. Murray. Well, I'll rephrase it and if

JOHN PARKIN, Cross-Examination by Mr. Macdonald

1 you think I put it unfairly, please tell me. But there are
2 times when, as a chief firearms officer, the doctor's medical
3 assessment is not necessarily the determinative - that's my word
4 - factor. You look at the totality of a situation?

5 **A.** That's correct.

6 **Q.** I don't need you to speak about specific cases, but
7 can you give some examples of cases? And because I understood
8 you to say there were times that you may have overridden, for
9 lack of a better word, doctors' assessments and taken the
10 totality into account and not approved, kept a license under
11 review or revoked it. Can you give some examples of what kind
12 of factors you would have considered to go that route?

13 **A.** Well, one case that does come to mind, it was an
14 instance of violence where an individual had been apprehended by
15 police and sent for a psychiatric assessment under the
16 **Involuntary Psychiatric Assessment Act** and no criminal charges
17 were pursued because of the fact that mental health was deemed
18 to be a significant issue.

19 In consideration of that, when we looked at the
20 circumstances of where the individual was living and the
21 relationship with the family and just the circumstances of the
22 violence, then to our mind, that outweighed the fact that the

JOHN PARKIN, Cross-Examination by Mr. Macdonald

1 mental health report came back and said that, essentially, they
2 had no concerns about the individual, they didn't feel that they
3 were a danger. And sometimes the reports from the medical
4 people are a little bit vague because they'll make comments
5 about, They're stable at this time. So you have to look at the
6 totality of the event itself and the nature of the activity.

7 **Q.** And in Nova Scotia, when you get a medical assessment
8 back that gives rise to further investigation, if I can put it
9 that way, along that reinstatement process ...

10 **A.** Yeah.

11 **Q.** ... who would be the person that would deal with it at
12 the first instance to say, Okay, there's an application here but
13 we now have the medical report back, or the assessment back,
14 it's positive but we still think there may be further
15 investigation that's required? Who makes that decision to send
16 it to someone else or continue with the investigation in Nova
17 Scotia?

18 **A.** I'm not sure I entirely follow you, but the individual
19 firearms officer can decide to pursue further.

20 **Q.** Yes.

21 **A.** Sometimes they will consult with me and it'll be a
22 mutual discussion and we'll decide what we feel is an

JOHN PARKIN, Cross-Examination by Mr. Macdonald

1 appropriate course of action. And sometimes there have been
2 cases where I have looked at the cases for one reason or another
3 and I've decided that, No, we need to look into this a little
4 bit further.

5 **Q.** Thank you very much.

6 **THE COURT:** Ms. Miller?

7

8

CROSS-EXAMINATION BY MS. MILLER

9 **(13:39:44)**

10 **MS. MILLER:** Good afternoon, Mr. Parkin. My name is Tara
11 Miller. As you heard from Mr. Macdonald, I share representation
12 of Aaliyah Desmond and I also represent Brenda Desmond through
13 her personal representative.

14 I'm going to have you take a look at an exhibit, and it's
15 Exhibit 87. This is a occurrence report from the RCMP in Nova
16 Scotia generated as a result of an incident on November 27th,
17 and you had earlier given evidence about and we've heard from,
18 certainly, Lisa Rossignol, from New Brunswick.

19 **A.** Mm-hmm.

20 **Q.** Your contemporary there; that the ability for your
21 office to look into FIPs is generated by the accuracy of coding
22 ...

JOHN PARKIN, Cross-Examination by Ms. Miller

1 A. Yes.

2 Q. ... at the police level. This occurrence type is
3 coded as a **Firearms Act**-other activities.

4 A. Mm-hmm.

5 Q. Do you see that?

6 A. Yes.

7 Q. Are you able to comment, based on your experience, as
8 to whether or not that would generate a FIP?

9 A. All I know is that I've heard that there's
10 approximately 400 coded events that will generate a FIP, but as
11 to the specifics, I don't know.

12 Q. Okay. So Ms. Rossignol was able to say that she
13 believed that that actually should have generated a FIP?

14 A. I would agree with that assessment, yeah.

15 Q. Yeah, so if that in and of itself should have
16 generated a FIP, being classified as occurrence type **Firearms**
17 **Act**, what's been produced and what you reviewed today in Lloyd
18 Carter's file, the totality of the Nova Scotia Chief Firearms
19 Office material relating to Lionel Desmond?

20 A. Yes.

21 Q. Okay. There is no other indication in your office or
22 in the records that there was another FIP that had been

JOHN PARKIN, Cross-Examination by Ms. Miller

1 generated out of Nova Scotia?

2 **A.** If it was outside Nova Scotia then it wouldn't have
3 come to us and we would not have been looking for it.

4 **Q.** No, and I appreciate that, but we understand that this
5 P-87 that I had you look at ...

6 **A.** Mm-hmm.

7 **Q.** ... this is an occurrence that took place in Nova
8 Scotia ...

9 **A.** Yeah.

10 **Q.** ... on November the 27th, November 28th.

11 **A.** Yeah.

12 **Q.** So after the initial FIP that your office had dealt
13 with.

14 **A.** Yes.

15 **Q.** This was a subsequent occurrence, which I understand
16 you would have expected would have generated a FIP.

17 **A.** If it had generated a FIP, then if it occurred in Nova
18 Scotia and the originating agency number was in Nova Scotia ...

19 **Q.** Yeah.

20 **A.** ... then it should have generated a FIP and come to
21 our office.

22 **Q.** It should have generated a FIP and come to your

JOHN PARKIN, Cross-Examination by Ms. Miller

1 office, but you are here representing that agency and there's no
2 evidence that that was ever done.

3 **A.** The only record that we've had is the incident about a
4 week and a half prior to this.

5 **Q.** Okay. And I appreciate this is a bit of a broad
6 question so I appreciate what your answer may be, but have you
7 ever heard of a situation where a FIP should have been generated
8 but for some reason it wasn't?

9 **A.** Yes.

10 **Q.** Okay. And can you give us any insight into why that
11 may have been the case?

12 **A.** Probably the most common issue would appear to be an
13 inaccurate code or an event that was entered as such, though, so
14 that the code didn't match up with a flagged event as being the
15 issue behind it. This is one of the reasons why we often try to
16 encourage police, you know, If in doubt, call us. And then
17 there are other organizations such as NWEST, the National
18 Weapons Enforcement Support Team, which is there to help police
19 if they have questions about events. So it does come down to a
20 communications piece.

21 **Q.** Yes.

22 **A.** I can't give you specific examples off the top of my

JOHN PARKIN, Cross-Examination by Ms. Miller

1 head of where it hasn't happen, and probably in most cases we're
2 probably ignorant of the fact ...

3 Q. Fair enough.

4 A. ... because we were never told.

5 Q. Yeah.

6 A. But it does happen and we are aware that it does
7 happen.

8 Q. So then I heard you say that in situations like this
9 sometimes the onus is on the officer to bring it forward and to
10 call the Chief Firearms Office if the coding is not done
11 correctly.

12 A. Well, the officer is probably going to be ignorant of
13 that as well. As I said ...

14 Q. Right.

15 A. ... there's so many codes based on the UCR codes and I
16 don't believe I've ever seen a list of actually what offences.
17 We can hypothesize, you know, certain offences such as assaults
18 and anything that's related to violence or a firearms offence
19 and ...

20 Q. Mm-hmm.

21 A. ... we know that mental health incidents and stuff
22 will trigger a FIP. But as to what exactly those offences are?

JOHN PARKIN, Cross-Examination by Ms. Miller

1 So you know, in fairness to an individual officer, to expect
2 them to know on the street ...

3 **Q.** Okay. No, I appreciate that. But what I take from
4 your evidence is that you would have expected, then, the
5 occurrence type of a **Firearms Act** should have ...

6 **A.** If I saw something related to firearms, then yes,
7 that's what the FIPs are there for ...

8 **Q.** Yes.

9 **A.** ... and I would have expected that.

10 **Q.** But in your role, this would never have come to your
11 attention, or anybody ...

12 **A.** We'd be completely ignorant that it even existed.

13 **Q.** Without the generation of the FIP. Okay. Thank you
14 very much. Those are my questions.

15 **THE COURT:** Sorry. Mr. Rodgers?

16 **MR. RODGERS:** Thank you, Your Honour.

17

18 **CROSS-EXAMINATION BY MR. RODGERS**

19 **(13:44:27)**

20 **MR. RODGERS:** Mr. Parkin, my name's Adam Rodgers. I
21 represent the Estate of Lionel Desmond as through his personal
22 representative.

JOHN PARKIN, Cross-Examination by Mr. Rodgers

1 Mr. Parkin, when the FIP is received and I understand from
2 your evidence that you may receive eight to ten per day. Or is
3 it less than that?

4 **A.** It could be less and ...

5 **Q.** Okay.

6 **A.** ... after a weekend or an extended period it could be
7 more.

8 **Q.** Okay, and so the process. A FIP by itself doesn't
9 generate a license being under review, does it? It doesn't ...

10 **A.** No, it takes an action by an individual to do that.

11 **Q.** Because someone within your office needs to review
12 that FIP information and determine whether it's a match with a
13 subject licensee.

14 **A.** Yes.

15 **Q.** Okay, and is that something that is, okay, well, you
16 know, you start the day and that's the first thing you do, see
17 what's come in overnight and those FIPs get addressed? Is that
18 ...

19 **A.** It's generally one of the early things that's done
20 each working day.

21 **Q.** And I take it that may not take a long time to do in
22 each individual case? A few minutes to check the data.

JOHN PARKIN, Cross-Examination by Mr. Rodgers

1 **A.** It's been a while since I've done them. Back when we
2 were having the shortages of staff I actually did go in while
3 Ms. Campbell was actually on vacation and had been in the acting
4 role, and when she was off I was filling in for her. So I have
5 done it. Depending on your familiarity with them ...

6 **(13:46:00)**

7 **Q.** Sure.

8 **A.** ... to go in and look at the event number, to bring
9 that up, to run your cross-checks on the individual.

10 And the other thing you've got to look at is you're looking
11 for duplication of events. So you may actually end up with
12 multiple events come in on the same individual but it could be
13 something such as a CPIC entry that has been modified or changed
14 or something. So you have to also make sure you're cross-
15 checking the actual case numbers that are on the files. So it
16 can take, you know, 15, 20 minutes per file at least.

17 **Q.** Okay. So that happens, then, and that happens first
18 thing in the morning and then suppose that something happens in
19 the middle of the day and you receive something it would be
20 dealt with as soon as possible.

21 **A.** Well, it's always possible if something came in, if
22 somebody called in an emergency situation or something.

JOHN PARKIN, Cross-Examination by Mr. Rodgers

1 **Q.** Because until it's matched up with an individual that
2 has ...

3 **A.** A firearms license.

4 **Q.** ... a firearms license, then of course there's no
5 match and it's not placed under review. But is it true that
6 once it is matched with that person then the license is placed
7 "under review"?

8 **A.** That's the normal process, yes.

9 **Q.** Okay, and then once that license is placed under
10 review that individual will be prevented from purchasing a
11 firearm, presuming that their license status is checked.

12 **A.** Yes, if their license status is checked.

13 **Q.** Okay, so that seems like a key point, once that FIP is
14 received, that it gets analyzed and matched right away. Would
15 you agree with that?

16 **A.** I'm not sure I follow you.

17 **Q.** So the timeframe between when the FIP is created and
18 then when the information is analyzed to determine whether
19 there's a match, that timeframe seems to be an important one
20 where you want to make sure that's a short time.

21 **A.** You'd like to get to it as quickly as you can, yeah.

22 **Q.** Okay. The second side of this is when an individual

JOHN PARKIN, Cross-Examination by Mr. Rodgers

1 goes to a store to purchase a firearm they may simply present
2 the card that they have, which may show a card that's not
3 expired and has the individual's photo properly ... it's the
4 same individual.

5 **A.** Yeah.

6 **Q.** And so unless the owner of the store calls in or
7 checks the computer database, that person may still be able to
8 purchase a firearm even if their license is under review. Is
9 that correct?

10 **A.** If the seller is accepting it on face value then
11 that's possible.

12 **Q.** Yeah, and so I take your evidence that there are
13 changes underway that should make that scenario less likely? Is
14 that a fair way to put it?

15 **A.** The proposed legislation under Bill C-71 for persons
16 who are lawfully conducting a transfer would require that they
17 contact the registrar and verify the status of the license
18 before the transfer takes place.

19 **Q.** And if it comes back under review, then they wouldn't
20 be able to complete the purchase.

21 **A.** Then that would be the recommendation.

22 **Q.** It's clear-sailing.

JOHN PARKIN, Cross-Examination by Mr. Rodgers

1 **A.** That would be the intent, yes.

2 **Q.** As it stands now, Mr. Parkin, if somebody has ...
3 their license is under review and you've made a request or a
4 demand, I suppose, that they get medical information to complete
5 their assessment, do they have a real motivation to go out and
6 get that information? I guess the way I'm trying to think this
7 through is if their license is under review and they think, for
8 example, that the medical information isn't going to help them,
9 might they just not get the information and leave it under
10 review and hope to be able to walk into a store and still
11 purchase?

12 **A.** Their license would still be under review until the
13 entire matter was resolved. But I have actually seen cases
14 similar to what you're trying to describe where individuals have
15 actually said to the firearms officer, Well, my doctor is not
16 going to say, He'll give me a good report or not going to say
17 that things are all right. So they've already advanced that
18 far. So they're not going to complete the medical request.

19 **Q.** So it being under review. At that point it would
20 either remain under review or be revoked at some point, I
21 suppose, if the firearms officer determined that the person is
22 simply not going to pursue that information.

JOHN PARKIN, Cross-Examination by Mr. Rodgers

1 **A.** Well, then it comes back to looking at the totality of
2 what brought us to be looking at this individual in the first
3 place and what were the circumstances, what are the risks that
4 were identified, talking to witnesses who might be able to
5 provide any other information, because you're not going to have
6 any medical supporting information. So you're going to want to
7 base your decision on the best information available and you're
8 going to go to as many sources as are available to you to be
9 able to do that.

10 **Q.** Mm-hmm. So I'm just thinking in particular of the
11 card itself, the physical card, and now it seems like an
12 important piece of information that if the individual still has
13 the card at least they can try one store and then maybe try the
14 next store until ...

15 **A.** Mm-hmm.

16 **Q.** ... they complete a purchase. Is the power of that
17 card going to change under the new proposed legislation? Do you
18 see that being a change? In other words ...

19 **A.** Well, what would be the change, as I understand the
20 legislation, is that the onus that will now be an onus on the
21 seller, particularly with businesses both for records keeping
22 and for the checking the validity of the card. So you're going

JOHN PARKIN, Cross-Examination by Mr. Rodgers

1 to have the two of those pieces of legislation working in
2 conjunction. So it would be difficult for a seller to come
3 forward and say, Well, sorry, I thought I checked, or something
4 like that.

5 Q. Mm-hmm.

6 A. It would be difficult for them to simply dismiss it as
7 they would have to have a written record that they had actually
8 made the transaction with the individual and there would also be
9 the issue of did they check and did they get a reference number
10 that would verify that they had actually checked.

11 Q. Mm-hmm.

12 A. So I think it would be much more difficult to do it.
13 Ultimately, at the end of your theory where you seem to be going
14 is that if an individual walked in and presented a card that, on
15 its face, looked to be valid and somebody wanted to accept that
16 and circumvent the other processes, well, there would be an
17 unlawful transaction but it would be possible.

18 Q. I guess what I'm going to suggest is under the current
19 system it might be a wise recommendation to change it somewhat
20 so that if you've got a revoked card, that the actual card gets
21 taken from the person. But under the proposed system that may
22 not be really necessary because the number's going to have to be

JOHN PARKIN, Cross-Examination by Mr. Rodgers

1 checked anyway.

2 **A.** Yeah, I think there's more of a check and balance in
3 place with the proposed legislation that's coming, but as far as
4 seizing the card, I think that would require some sort of
5 legislative change.

6 **Q.** Sure. Okay. Thank you, Mr. Parkin. Those are my
7 questions.

8 **THE COURT:** Mr. Hayne would normally be next, but he's
9 not here today. Mr. Anderson or Ms. Lunn?

10

11

CROSS-EXAMINATION BY MS. LUNN

12 **(13:53:18)**

13 **MS. LUNN:** Good afternoon, Mr. Parkin. As you know, I'm
14 Catherine Lunn, co-counsel for the Attorney General of Nova
15 Scotia. I just have a couple questions for you.

16 Going back to Form 6423 that doctors or medical personnel
17 fill out ...

18 **A.** Mm-hmm.

19 **Q.** ... for the firearms office, what can you say about
20 Nova Scotia Firearms Office providing any guidance, information,
21 or directives or assistance to doctors and medical personnel in
22 understanding the depth of the information they should put on

JOHN PARKIN, Cross-Examination by Ms. Lunn

1 that form? Can you comment on that, please?

2 **A.** Well, the follow-up to that would be if there was
3 anything that was missing on the form. Because the form is
4 really a notice to the doctor what information is being sought
5 by the firearms office but its also secondary intent is that
6 it's a release by the patient for the medical practitioner to be
7 able to release that information to the CFO for determination of
8 eligibility on firearms license.

9 If there's information that has not been answered, or
10 questions that are outstanding on it, then the normal practice
11 is for the firearms officer to contact the medical practitioner
12 directly. In fact, the form itself, on one of the pages,
13 specifically states to the doctor that they may be contacted to
14 clarify information and it's at that point when the verbal
15 exchange would take place.

16 And I do know that that happens fairly regularly, because I
17 read the reports from the firearms officers when they are
18 following up on medical reports that have come in and there are
19 questions or areas that they're uncertain about; that the
20 officers have followed up with the medical person.

21 **Q.** Okay. And I have one last question. If you or
22 someone in your office, any of your officers, received a call or

JOHN PARKIN, Cross-Examination by Ms. Lunn

1 had knowledge of imminent risk or threat of harm to the client
2 or someone else in the public, what would be done in that
3 instance? What would the firearms office do with that
4 information?

5 **A.** Well, if the ...

6 **Q.** This is imminent threat.

7 **A.** If the threat is imminent, then we always tell the
8 individual to contact the law enforcement, dial 9-1-1. We are
9 not a first responder. We're not a first response agency and we
10 don't have that capability. Our officers are neither trained
11 nor equipped to be able to respond and intervene like that.

12 Under dire circumstance, if the person was screaming for
13 help or something like that on the telephone line, we could
14 actually intercede if we knew where the call was coming from and
15 call law enforcement ourselves and request a check. But that
16 would be under a dire situation.

17 **Q.** All right. Thank you, Mr. Parkin. Those are all of
18 my questions.

19

20

EXAMINATION BY THE COURT

21 **(13:56:02)**

22 **THE COURT:** Mr. Parkin. Can we pull up Exhibit P-87? I

JOHN PARKIN, Examination by the Court

1 know it's in front of you there, Mr. Parkin, and it's going to
2 be in Volume 2, Tab 87, and partway down it would be the second
3 block of information under "Associated Occurrences". And the
4 first line says, "Same person".

5 **A.** Mm-hmm.

6 **Q.** And then it has a number. It says, "**Mental Health**
7 **Act**", and there's a dash. It says, "Other activities". Then it
8 says, "FIP (then) 2015-11-27 at 22:20/2015 11 27." I'm not as
9 familiar with reading these reports as you might be, but when it
10 talks about ... it references a FIP in there and it references
11 exactly the same date we're talking about but it's under an
12 associated occurrence. And I take it the other associated
13 occurrence is that other file number, that 15 15 30.

14 **A.** Sorry, Your Honour.

15 **Q.** Yes.

16 **A.** No. What I would really look at - and I would have to
17 go back and cross-check it - is the case number, 5440.

18 **Q.** Yeah.

19 **A.** And to see if that was the actual one that had
20 generated the FIP for ... what started the 3825s from our
21 office.

22 **Q.** From ...

JOHN PARKIN, Examination by the Court

1 **A.** That's what I'm thinking initially.

2 **Q.** All right. Mr. Murray, help me out. What's that
3 exhibit number I'm looking for here that references that
4 November ...

5 **MR. MURRAY:** The November 27th matter, Your Honour?

6 **THE COURT:** No, the earlier one.

7 **MR. MURRAY:** November 18th?

8 **THE COURT:** Yes.

9 **MR. MURRAY:** 34? Or 33. Or 32, perhaps.

10 **A.** Okay. I'm sorry, Your Honour, but yes, now that we're
11 at the top of the page, I believe if we were to look back we may
12 find that this event that's referred to, 4158, on the 18th of
13 November ...

14 **THE COURT:** Mm-hmm.

15 **A.** ... would be the incident that we were talking about
16 that generated the FIP that the Nova Scotia office received.

17 **Q.** Well, I'm looking for the occurrence that would be ...
18 the 5440 occurrence.

19 **A.** And what I'm thinking may have happened there is
20 that's another event from a different area. One is dated the
21 27th and the 28th of November and this is the one that's dated
22 the 18th of November 2015 which corresponds with the date that

JOHN PARKIN, Examination by the Court

1 we were talking about earlier for the forms from the Nova Scotia
2 office.

3 **MS. MILLER:** Your Honour, you're looking for the
4 occurrence for the 5440?

5 **THE COURT:** Yes.

6 **MS. MILLER:** That's the New Brunswick ...

7 **A.** Okay, so I wouldn't have seen that then.

8 **MS. MILLER:** ... Exhibit 83.

9 **THE COURT:** That's 83. So that's the November 27th.
10 That's the event from ...

11 **A.** Where it said that a FIP was generated?

12 **Q.** Yes.

13 **A.** Yes. So that appears to be an incident in New
14 Brunswick.

15 **Q.** That was a New Brunswick incident.

16 **A.** J Division.

17 **Q.** Right.

18 **A.** So I would not have seen that.

19 **Q.** All right. If we turn a couple pages, if we look to
20 page 4 of 15, I guess. I'm sorry, we're at Exhibit 87. So this
21 is the same report and just towards the bottom of the page where
22 it says "SUI". Well, actually, if we go to the top, SUI, it

JOHN PARKIN, Examination by the Court

1 says in part, "Liaised with Lloyd Carter on proper disposition
2 of firearm." So that would be something that was part of
3 whatever the plan of Cst. MacDonald was. Correct?

4 **A.** I would agree, yeah.

5 **Q.** And further down on that page he talks about, "Ensure
6 firearm is listed to detachment PAIN", and again he's talking
7 about liaising with Lloyd Carter on proper disposition of a
8 firearm.

9 Now we'd heard from Cst. MacDonald that he had viewed this
10 as a New Brunswick incident that he had responded to and he had
11 taken possession of the firearm.

12 **A.** Mm-hmm.

13 **Q.** And was going to hold the firearm until I think the
14 New Brunswick event was concluded. But he seems to, at some
15 point in time, have decided he was also going to have some
16 discussion with Mr. Carter about disposition of a firearm. And
17 we know that eventually the firearm was, when the matter was
18 settled in New Brunswick, that particular firearm was sent back
19 to ... I believe it was the Oromocto Detachment and then it was
20 returned by them to Mr. Desmond.

21 If Mr. Carter had been contacted in relation to that
22 firearm would there have been a note? Would that have generated

JOHN PARKIN, Examination by the Court

1 some paperwork within the provincial CFO office?

2 **A.** If Mr. Carter had been contacted, then there should
3 have been a record on the license comments that Mr. Carter had
4 actually discussed with the police officer, whatever they were
5 going to discuss.

6 **Q.** Both comments would have been in CFIS.

7 **A.** In CFIS, yeah.

8 **Q.** In CFIS? But that's the only place they would show
9 up.

10 **A.** Well, there's no indication ...

11 **Q.** Typically.

12 **A.** ... of that. And since these look like they're just
13 investigative tasks that were put on the police report by the
14 investigating officer, it looks like the next step, they may
15 have jumped right to that, liaised with Oromocto RCMP to
16 determine concerns for returning the firearm. So I don't know
17 that they ever talked to Mr. Carter.

18 **Q.** No, and I think you may be right, because I know by
19 the time you get to page 6 of 15 under SUI Mr. Carter is no
20 longer referenced as part of the follow-up activity. So it may
21 very well be that that happened.

22 All right, so if they had a discussion, if Mr. Carter had a

JOHN PARKIN, Examination by the Court

1 discussion with Cst. MacDonald in relation to that firearm, it
2 should be noted in CFIS.

3 **A.** It should be reflected in the comments on the license
4 itself.

5 **Q.** All right. All right. I know we've had discussions.
6 You had some discussions with Mr. Murray about the prospect of
7 following up with individual clients who may have made an
8 application for a license or whose license may have been under
9 review and returned to valid. Or they were issued a firearms
10 license and along the way there were disclosures of some mental
11 health factors that would have been followed up with inquiries
12 that resulted in medical reports filed that would have been
13 reviewed by at least the area firearms officer. And if the
14 decision was made to approve the license and the license was
15 granted ... that there is no practical way. When I say I'm
16 going to talk about in terms of practical way versus a way that
17 you could undertake it that you would satisfied would be lawful
18 to, at some point in the future before five years were up, to
19 conduct some review to determine that there had been no change
20 in mental health status; that is the status upon which the
21 original approval had been given had not changed. Is there a
22 way to practically do that even if you had to get around the

JOHN PARKIN, Examination by the Court

1 legislative ability to do that.

2 **(14:06:43)**

3 **A.** I'm not sure what the mechanics of that would look
4 like, to be able to do that. Because without changing the
5 actual expiry date on the license itself, the only other
6 mechanism that I'm aware of by which you could set a review date
7 would be to create a notification and then it would be a matter
8 of looking at what should be in place around that if we were
9 going to create a periodic review so that it wasn't just an
10 arbitrary thing.

11 **Q.** But right now there's no mechanism that allows you to
12 do that at the present time?

13 **A.** Sorry, maybe I'm not following.

14 **Q.** No mechanism. If you decided to do that today would
15 you ...

16 **A.** The only way that I believe that you could probably
17 set it up would be to create what we call a notification. And
18 now I'm speaking theoretically because I don't fully understand
19 the technology of the system to that event. Without actually
20 putting a license under review, or attaching it to a review, can
21 we actually create a notification that will be diary dated for
22 some time in the future and then show up in a queue to say it's

JOHN PARKIN, Examination by the Court

1 time for an intermediate review of this license. I don't know
2 if that's technologically possible or feasible.

3 **Q.** Well, would it be your opinion that there would be a
4 legal impediment to an interim review?

5 **A.** Well, my only concern there - and again, I don't have
6 the foundation to be able to answer it - is given the fact that
7 the legislative period of time for a license is five years from
8 its date of issue, if we were to start something less than that
9 in reviewing licenses would there be risks to the CFO's office
10 or the Department of Justice? Could it be seen or construed as
11 an arbitrary thing?

12 So I think we would have to look at what criteria could be
13 applied or would be applied and would it be applicable, and I
14 think we would need opinions with more expertise than my own on
15 that one.

16 **Q.** All right. Any other questions, Counsel? No? Mr.
17 Parkin, thank you for your time. We appreciate you coming today
18 and the time that you spent in preparation with counsel before
19 you did arrive today and the documents that your office provided
20 to the Inquiry.

21 I will say this, that it may very well be that some point
22 in time down the road I may invite you back, and of course your

JOHN PARKIN, Examination by the Court

1 counsel will be notified. And it may be in the context of
2 discussions about some, you know, practical changes that might
3 be recommended and your effective ability to implement them.
4 You know how your office works. You know how the structure
5 works.

6 You know, one of the things about making recommendations is
7 that, you know, might make a recommendation that you can build a
8 better something but it may be practically impossible to build.
9 I don't want to find ourselves in that situation.

10 So thank you for your time today, and as I said, it may be
11 that you'll be invited back. But you'll have lots of notice of
12 that and you would know why in advance, too. So you'd have the
13 opportunity to think about it and speak to your counsel about it
14 in terms of how far you could be prepared to engage in a
15 discussion that might reflect some of the recommendations that
16 might be forthcoming. Thank you.

17 **A.** Okay.

18 **Q.** Thank you, then. Thank you. You can stand down if
19 you like then, Mr. Parkin.

20 **WITNESS WITHDREW (14:10 HRS.)**

21 **THE COURT:** I think Mr. Parkin was the witness who we
22 had planned to deal with today and I think that is going to end

JOHN PARKIN, Examination by the Court

1 our day.

2 **MR. MURRAY:** Yes.

3 **THE COURT:** So thank you. So I think what we'll do is
4 we'll adjourn the Inquiry as of today's date to return upon
5 notice and some agreed dates with counsel. But we'll adjourn
6 for now. Thank you. I'm going to ask counsel just to remain
7 behind for a few minutes as well. Thank you.

8

9 **COURT CLOSED (14:11 hrs.)**

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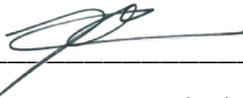
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CERTIFICATE OF COURT TRANSCRIBER

I, Margaret Livingstone, Court Transcriber, hereby certify that the foregoing is a true and accurate transcript of the evidence given in this matter, **re Desmond Fatality Inquiry**, taken by way of electronic digital recording.



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