

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: February 19, 2020

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1 February 19, 2020

2 COURT OPENED (09:58 HRS.)

3

4 THE COURT: Good morning.

5 COUNSEL: Good morning, Your Honour.

6 THE COURT: Mr. Russell?

7 MR. RUSSELL: Yes, Your Honour. I wonder if before we
8 proceed with evidence you may recall yesterday Cst. Len
9 MacDonald was set to testify.

10 THE COURT: Yes.

11 MR. RUSSELL: He had an outside commitment and was
12 ultimately excused from court yesterday. He is present this
13 morning in the courtroom. He indicates that he would be
14 prepared to give his evidence tomorrow should the Court be able
15 to accommodate that. Inquiry counsel believes that we would be
16 in a position to call his evidence, and if Your Honour agrees,
17 and the time is available, we would ask that he be ordered back
18 for tomorrow.

19 THE COURT: All right. Thank you. Cst. MacDonald,
20 you're available tomorrow, are you? Tomorrow morning at 9:30?

21 CST. MACDONALD: I am.

22 THE COURT: All right. Thank you very much. Appreciate

PRELIMINARY MATTERS

1 you being here today then. So we'll set Cst. MacDonald's
2 evidence over till tomorrow morning, 9:30. We're not sitting on
3 Friday, Cst. MacDonald and I take it you may have had an
4 opportunity to speak to either Mr. Murray or Mr. Russell this
5 morning?

6 **CST. MACDONALD:** Yes.

7 **THE COURT:** All right. Thank you, then. Fine. We'll
8 see you tomorrow morning, then. Thank you.

9 Thank you. Mr. Murray?

10 **MR. MURRAY:** Yes, Your Honour. The Inquiry will be
11 calling several witnesses from the New Brunswick Chief Firearms
12 Office today and perhaps tomorrow. They are here with counsel,
13 Mr. Rick Williams. In the same way that we had Ms. Hickey sit
14 at counsel table we assume that Your Honour will be okay with
15 Mr. Williams sitting at counsel table.

16 **MR. WILLIAMS:** Good morning, Your Honour.

17 **THE COURT:** Good morning, Mr. Williams. Yes, certainly.

18 **MR. MURRAY:** Thank you, Your Honour. Your Honour, the
19 first witness that we'll be calling is Lysa Rossignol.

20 **THE COURT:** All right. Ms. Rossignol, I'm going to have
21 you just wait for one minute. You can have a seat for a second
22 again.

PRELIMINARY MATTERS

1 I was just looking to see if I can get an image on my
2 monitor and I cannot. So I don't know what that means. Is it
3 on? Oh, there we go. Technical assistance just turned it on.
4 Thank you.

5 Ms. Rossignol, if you'd like to come forward, then, please?
6 Thank you.

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1 **LYSA ROSSIGNOL, sworn, testified:**

2

3 **THE COURT:** Ms. Rossignol, good morning.

4 **A.** Good morning.

5 **THE COURT:** During the course of your evidence you're
6 likely to be referred to some documents, and the documents will
7 be brought up on the display in front of you. In addition, in
8 the binders there's actually paper copies as well. So even
9 though it's on the monitor, if you'd prefer to have a look at
10 the paper copy you can pull it up and if you have your own
11 documents that are the same you can refer to your own. So thank
12 you.

13

14

DIRECT EXAMINATION

15

16 **MR. MURRAY:** Thank you, Ms. Rossignol, and I think most
17 of the documents that we'll be referring to are in the Volume 3
18 to your right there, I think. So that's probably the most
19 relevant.

20 Thank you. So could you state your name for the record,
21 please?

22 **A.** Lysa Rossignol.

1 **Q.** Right, and could you spell your first and last name
2 for the record, please?

3 **A.** Lysa. L-Y-S-A. Rossignol. R-O-S-S-I-G-N-O-L.

4 **Q.** Thank you. And how are you employed, Ms. Rossignol?

5 **A.** I work for the Province of New Brunswick, Department
6 of Public Safety, Provincial Firearms Office.

7 **Q.** All right, and what's your current role with the New
8 Brunswick Provincial Firearms Office?

9 **A.** I'm the Acting Chief Firearms Officer.

10 **Q.** And how long have you been the Acting Chief Firearms
11 Officer?

12 **A.** A month.

13 **Q.** Okay, and you say "acting". That's a temporary ...

14 **A.** I'm on a secondment.

15 **Q.** Okay, and so the Chief Firearms Officer, he's doing
16 something different right now?

17 **A.** Yes.

18 **Q.** And that's Mr. Chris Hand?

19 **A.** Yeah.

20 **Q.** Who's here in court?

21 **A.** Yeah.

22 **Q.** All right, and how long is your secondment for?

LYSA ROSSIGNOL, Direct Examination

1 **A.** Two years.

2 **Q.** Two years? And you ...

3 **A.** Mm-hmm.

4 **Q.** ... started just a month ago.

5 **A.** Yes.

6 **Q.** Okay. How long have you been with the Firearms Office
7 in total?

8 **A.** 13 years.

9 **Q.** Okay, so you started around 2007, did you?

10 **A.** January 2nd, 2007.

11 **Q.** Okay. And what was your role with the Firearms Office
12 when you first began there?

13 **A.** I started as a student while finishing my degree at
14 university, working full-time as the safety training coordinator
15 and ...

16 **Q.** What's a safety training coordinator?

17 **A.** I was responsible for organizing, managing all the
18 Canadian restricted firearms safety courses throughout the
19 Province of New Brunswick, and also maintaining the instructors
20 that were delivering the course. That's auditing the course
21 also.

22 **Q.** All right. And after doing your work as a safety

LYSA ROSSIGNOL, Direct Examination

1 training coordinator what did you do at the office of the Chief
2 Firearms Office?

3 **A.** In 2008 I started as the Provincial Firearms Officer,
4 which I did for about four or five years, and then I became the
5 operations manager. Technically I'm still the operations
6 manager up until today.

7 **Q.** When did you begin your duties as operations manager?

8 **A.** 2015.

9 **Q.** Okay. And you still are doing work of the operations
10 manager along with being Acting CFO?

11 **A.** Until there's a replacement found, yes.

12 **Q.** I see. Okay. So you've been the operations manager
13 for about five years now?

14 **A.** Yes.

15 **Q.** Okay. And I'm going to get you to explain kind of
16 what everybody does at the office of the Firearms Office in New
17 Brunswick. First of all, perhaps you could tell us kind of in
18 general, what work does the New Brunswick CFO office do? What's
19 the general nature of the work that your office does?

20 **A.** We are responsible for the licensing of individuals,
21 the business license, any business in the province that want to
22 buy and sell firearms. The range, shooting ranges, and safety

LYSA ROSSIGNOL, Direct Examination

1 training for the province.

2 Q. And the shooting ranges in the province, they actually
3 require approval, do they?

4 A. Yes, they do.

5 Q. Okay, and that's work that your office does or that
6 approval ...

7 A. Yes.

8 Q. ... is given by your office?

9 A. Yes.

10 Q. All right. Now you said that you currently do, and
11 have for the last five years, held the title of operations
12 manager. Can you give us a sense of what the operations manager
13 does at the CFO office?

14 A. The operations manager takes care of the daily work
15 assignment, assigns the work to the area firearms officers, the
16 provincial firearms officers, the administrative staff. Reviews
17 the work, deals with the federal jurisdiction, the Canadian
18 Firearms Program, the central processing site. So it's the day-
19 to-day operations of the office. Maintains it and also deals
20 ... or talks to the CFO of what's going on, keeps him apprised,
21 or her apprised, of the daily activities.

22 Q. Okay. And I think you made reference both to the term

LYSA ROSSIGNOL, Direct Examination

1 provincial firearms officer and area firearms officer?

2 **A.** Mm-hmm.

3 **Q.** Those are two different things, then, are they?

4 **A.** Yes.

5 **Q.** Can you explain what each of those particular roles?

6 **A.** They're both firearms officers, but the provincial
7 ones are the first point of contact for applications or Firearms
8 Interest Police files that come in. They're the secondary
9 screening. They look at an application or file to see what is
10 going on, what is happening, and if it can be pushed forward or
11 if it can be approved, then they do it. If it's something that
12 needs further investigation or further review, then it would be
13 assigned to an area firearms officer who will do a review of the
14 file to see what needs to be done.

15 **(10:08:14)**

16 **Q.** Okay, so the provincial firearms officers, how many of
17 those are there?

18 **A.** We have three positions.

19 **Q.** Okay, and those are located where?

20 **A.** Fredericton.

21 **Q.** They're all in Fredericton?

22 **A.** They're all in Fredericton.

LYSA ROSSIGNOL, Direct Examination

1 **Q.** Is that your head office, Fredericton? I should have
2 asked.

3 **A.** Yes.

4 **Q.** All right.

5 **A.** Our head office.

6 **Q.** So the provincial firearms officers, those three
7 individuals, they're the first point of contact for applications
8 that come to your office?

9 **A.** If an application is directed to our office for review
10 they're the first ones that look at them, yes.

11 **Q.** Okay. And we'll talk about the process more
12 generally, but the provincial firearms officers, then, there are
13 some reviews, I guess, of applications that they can deal with
14 on their own?

15 **A.** Yes, there's a criteria that they will look at to see
16 the reason why we have an application in our office. If it's a
17 middle name, if it's a first name, if it's confirmation of
18 purpose for why they have restricted firearms, those can be
19 dealt with at the PFO, provincial firearms level. But if it's
20 something to do with background checks or personal history
21 questions, then it would be escalated to a higher level.

22 **Q.** And that would be the area firearms officers?

LYSA ROSSIGNOL, Direct Examination

1 **A.** Those would be the area firearms officers.

2 **Q.** Okay, so how many area firearms officers do you have?

3 **A.** Four. One in Fredericton, one in Bathurst, one in
4 Moncton, and one in Saint John.

5 **Q.** Okay. And are those physical areas that they cover or
6 are they actually in those locations?

7 **A.** They are in those locations but they cover the
8 Province of New Brunswick. So each one has an area. The
9 province is divided within their regions.

10 **Q.** So for example, the area firearms officer who works
11 out of Moncton, they would have a sub-office in Moncton?

12 **A.** Yes, they're all located in policing office. Like,
13 the Moncton office is located in an RCMP building. The Bathurst
14 office is located in the Bathurst police office. The Saint John
15 one is located in the Kennebecasis police office, and
16 Fredericton is located in ours, which is not a police. That's
17 the only one.

18 **Q.** What's the background or training for the area
19 firearms officers?

20 **A.** All of our area firearms officers are ex-police
21 officers. Well, they're all either RCMP police officers or
22 police force officers that are retired or about to retire and

LYSA ROSSIGNOL, Direct Examination

1 then are hired by us.

2 Q. And I think you said there were currently three that
3 are ex or retired RCMP officers?

4 A. Three are RCMP and one is a PD.

5 Q. Okay, and Bathurst, retired police officer. Is that
6 correct?

7 A. Yeah.

8 Q. Okay. Now the file which we'll be speaking about here
9 involved an area firearms officer named Joe Roper?

10 A. Yes.

11 Q. And Joe Roper doesn't work with your office anymore?
12 He's retired, is he?

13 A. Yes, he is.

14 Q. And when he was working with your office where was he?

15 A. Saint John.

16 Q. He was in Saint John. Okay. Okay, so that's the area
17 firearms officers. Do you have other staff in the office?

18 A. I have administrative assistant staff.

19 Q. Okay, so the role of CFO. What does the CFO do?

20 A. The CFO is the head of the office, and the CFOs can
21 probably discuss that further ...

22 Q. Mm-hmm.

LYSA ROSSIGNOL, Direct Examination

1 **A.** ... tomorrow or later today when they talk about it.
2 But the CFO deals with all administrative, human resources,
3 ministerial correspondence, anything to do with the Office of
4 the Attorney General, anything to do with policies. If there's
5 a policy that needs to be changed they'll look at it, they'll
6 review it. When we do peer reviews with the area firearms
7 officer the CFO might be involved in it also. It all depends on
8 the scenario. But the CFO is there for support to the staff to
9 me as the operations manager, but he's our point of contact for
10 everything.

11 **Q.** Okay. And I think you had told us that approval of
12 ranges, for example, is one task that the CFO has to do?

13 **A.** Yes. Area firearms officers, the operations manager,
14 the provincial firearms officers are all designated by the CFO.
15 The CFO is designated by the provincial Minister of Public
16 Safety to do the job of CFO and then the CFO, in return, can
17 designate his staff to do the duties of firearms officer. The
18 only one that he cannot designate is shooting range approval,
19 which he has to or she has to do that themselves.

20 **Q.** Okay. So apart from that, there can be a fair amount
21 of delegation from the CFO, then, to the operations manager and
22 to the area and provincial firearms officers?

LYSA ROSSIGNOL, Direct Examination

1 **A.** Yeah.

2 **Q.** I get the sense that the operations manager is the
3 person that's responsible for the day-to-day ...

4 **A.** Yeah.

5 **Q.** ... kind of operation of the office? Is that a fair
6 statement?

7 **A.** Yes.

8 **Q.** All right. So that's the CFO office in New Brunswick.

9 **A.** Yeah.

10 **Q.** Can you give us just a little bit of help
11 understanding more generally, what is the Canadian Firearms
12 Program?

13 **A.** The Canadians Firearms Program is a federal program
14 run by the RCMP, but they delegated the authority to provinces
15 to choose whether or not they were opt-ins or opt-outs. So
16 provinces could choose to have a federal CFO or a provincial,
17 and if you're opt-in it's the province that runs the program.
18 So we are delegated to run the program under the Province of New
19 Brunswick.

20 So out of the country there's New Brunswick, Nova Scotia,
21 PEI, Ontario, and Quebec that are opt-in, and the rest are opt-
22 outs. They're run by a federal CFO.

LYSA ROSSIGNOL, Direct Examination

1 **Q.** Okay, so New Brunswick is an opt-in province.

2 **A.** Yeah.

3 **Q.** In other words, you have a Chief Firearms Officer
4 provincially appointed.

5 **A.** Yes.

6 **Q.** Okay. Nova Scotia, similarly, is an opt-in ...

7 **A.** Yes.

8 **Q.** ... province. You said Prince Edward Island, Quebec,
9 and Ontario are ...

10 **A.** Yes.

11 **Q.** ... all opt-in? And ...

12 **A.** Ontario and Quebec are a little bit different than the
13 rest of us just because they're run by OPP and Surete du Quebec.

14 **Q.** Okay. All right, but nonetheless, they are ...

15 **A.** Yes.

16 **Q.** ... still opt-in provinces?

17 **A.** Yes.

18 **Q.** The other provinces are not. They're opt-out
19 provinces and they're run federally. Is that ...

20 **A.** Yes, they're run by the RCMP.

21 **Q.** Okay. So we've, I think, been provided some material
22 and had some evidence or discussion of something called the

LYSA ROSSIGNOL, Direct Examination

1 Canadian Firearms Information System.

2 **A.** Mm-hmm.

3 **Q.** What is the Canadian Firearms Information System?

4 **A.** That is our database that is used across Canada for
5 all information regarding licensing, authorization to transport,
6 authorization to carry. Everything to do with clients that have
7 a firearms license, that have applied, that were issued a
8 prohibition order, that's our system that everything is captured
9 under and that is used across Canada.

10 **Q.** Okay. And who maintains the Canadian Firearms
11 Information System?

12 **A.** Well, it's owned by the Canadian Firearms Program, the
13 federal program, but each province can input some information in
14 it as they do for their own clients.

15 **Q.** Okay, so I've been referring to it as CFIS.

16 **A.** It is CFIS, yes.

17 **Q.** Okay. Do you have access, then, to CFIS?

18 **A.** Yeah, we all do. In order to work for the Canadian
19 Firearms Program, in order to work for the CFO's office, you
20 have to do a security clearance and in order to get access to
21 CFIS you have to have the security clearance by the RCMP to have
22 access to it.

LYSA ROSSIGNOL, Direct Examination

1 **Q.** Okay. And so the area and provincial firearms
2 officers and yourself, as operations manager and CFO, you would
3 all have access to CFIS?

4 **A.** Yeah, and our administrative assistants and all the
5 staff do, too.

6 **Q.** All right. And you would be able to input information
7 into CFIS and also look at it to gather data.

8 **A.** Absolutely.

9 **Q.** All right. And that relates not just to clients in
10 New Brunswick, I take it.

11 **A.** No.

12 **Q.** If I'm a licensed holder in Nova Scotia and there's
13 information about me in CFIS you would be able to access that?

14 **A.** Yeah. If it's written in there, if there's a comment
15 under the person's license, yes, we would be able to access it.

16 **Q.** Okay. Now in New Brunswick there's, I believe, a
17 central processing site or a central processing centre?

18 **A.** Mm-hmm.

19 **Q.** Which is it? Am I ...

20 **A.** It's called the central processing site.

21 **Q.** Site.

22 **A.** That is the hub or the Canadian Firearms Program

LYSA ROSSIGNOL, Direct Examination

1 calling centre, the site for all of Canada. So that is the
2 first point of contact for all applicants, all people calling
3 regarding the status or regarding questions. That will be the
4 central site that they call into. So anyone in Canada looking
5 for information will call that number first, which will go to
6 Miramichi and then once they've talked to somebody there they
7 will transfer them to the province of their residence.

8 **Q.** So the central processing site is located in
9 Miramichi, New Brunswick, but ... that's yes?

10 **A.** Yes, sorry.

11 **Q.** Yes, but it's for the whole country.

12 **A.** It's for the whole country and they're a federal
13 entity.

14 **Q.** Okay, so the central processing site in Miramichi is
15 not run by your office.

16 **(10:18:03)**

17 **A.** No, no, they are run by the RCMP. They're all federal
18 employees.

19 **Q.** Okay, and if I call for information, you said, I would
20 be directed to the central processing site?

21 **A.** The main number, like the 1-800 number that everybody
22 calls, goes directly to Miramichi.

LYSA ROSSIGNOL, Direct Examination

1 **Q.** Okay. And do they do some screening work for
2 applications there?

3 **A.** Yes, they do.

4 **Q.** So if I applied, for example, for a firearms license
5 or a possession and acquisition license would it go to the
6 central processing site first?

7 **A.** Yeah. All applications regarding clients' license,
8 minors' license, all go to the central processing site. That's
9 where everything goes first to do data capture. So they stamp
10 when they can get it. They do the data capture for all of the
11 country and once data capture is started, then they have their
12 own process of references, of payments and all that stuff that
13 they'll process and then it's pushed forward to the province of
14 residence if need be. If there's nothing wrong, then it's
15 approved automatically. So it depends on what the situation is.

16 **Q.** So if I apply for a firearms license, for example, and
17 my application goes to the central processing site in Miramichi,
18 New Brunswick, and they process it and everything appears to be
19 okay with it would it ever go anywhere else?

20 **A.** No. If ...

21 **Q.** In other words, would it come to the CFO in Nova
22 Scotia?

LYSA ROSSIGNOL, Direct Examination

1 **A.** No. No. If all the information was provided, there's
2 no background check when they completed the background check,
3 there's nothing, all the information on the application was
4 entered, everything is provided, picture, then no, everything
5 would be automatic. The system automatically approves it.

6 **Q.** So a New Brunswick client who applies successfully,
7 has an application that's without any problems, I guess, they
8 may be granted a license by the central processing site and your
9 office would never deal with them or know about them
10 necessarily.

11 **A.** Exactly.

12 **Q.** All right. And when I referred to a firearms license
13 or a possession and acquisition license, those are the same
14 thing, are they?

15 **A.** Yes.

16 **Q.** And what exactly is a possession and acquisition
17 license?

18 **A.** Possession and acquisition license is the license to
19 possess and acquire firearms, and depending on the privilege
20 that you requested and pay for for your license would be for
21 non-restricted or a restricted.

22 **Q.** Okay, so a possession and acquisition license, or PAL,

LYSA ROSSIGNOL, Direct Examination

1 could be for both, could be for either restricted or ...

2 **A.** Non-restricted and restricted.

3 **Q.** Or non-restricted and restricted.

4 **A.** Yeah, and you also have the prohibited, but those are
5 only certain individuals that would have those.

6 **Q.** Okay. So if I want to apply for a possession and
7 acquisition license ... and I should ask as well, that applies
8 to ammunition as well as firearms?

9 **A.** Yes.

10 **Q.** Is that correct?

11 **A.** Yeah.

12 **Q.** There's not a separate license for firearms ...

13 **A.** No.

14 **Q.** ... and ammunition.

15 **A.** No. Possession and acquisition license is the only
16 license that is available for anyone 18 and older.

17 **Q.** Okay, so if I wish to apply for a
18 possession/acquisition license what are the steps that I have to
19 go through?

20 **A.** You complete the application form 921, which is the
21 application for possession and acquisition 18 and older. The
22 application requests that you have two references. Your spouse

LYSA ROSSIGNOL, Direct Examination

1 would have to complete if you do have one. If you don't that's
2 okay, too. You have to answer all the personal history
3 questions. If you answer "yes" to any of them you have to
4 provide a note to say what it's about. You have to provide two
5 references that have known you for at least three years, and it
6 can be any partner. You have to provide a picture. It doesn't
7 have to be a passport picture or anything, but it has to be from
8 shoulder-up.

9 Q. Maybe as you're describing that, maybe we can bring
10 up. I think we have one marked as an exhibit and it's Exhibit
11 P123.

12 **EXHIBIT P-000123 - APPLICATION FOR POSSESSION AND ACQUISITION**
13 **LICENSE UNDER THE FIREARMS ACT**

14 A. Yeah.

15 Q. And do you recognize Exhibit P123?

16 A. Yes. So like, Section (a), they would put down
17 whether or not they have ever had a license and if it's expired,
18 if they currently have one.

19 Q. So first of all, this is the ...

20 A. This is the application.

21 Q. The application you were referring to?

22 A. Yes, this is the ...

LYSA ROSSIGNOL, Direct Examination

1 **Q.** Okay.

2 **A.** ... application.

3 **Q.** All right, so Section A requires license information

4 ...

5 **A.** Yes.

6 **Q.** ... and whether they've ever had any before?

7 **A.** Yes.

8 **Q.** Okay.

9 **A.** And then Section 2(a) is if they're currently
10 licensed, what type of firearms or class of firearms that they
11 currently possess. So if they have a valid possession and
12 acquisition license it could be for non-restricted, restricted,
13 or prohibited, or they do not possess any firearms.

14 **Q.** Okay.

15 **A.** And 2(b) is if they wish to acquire firearms, what
16 type. So if they're looking to upgrade their license or if
17 they've never had a license and they want to apply for a new
18 license what type of firearms would they acquire. So this will
19 also decide their fee. So if they're clicking on non-restricted
20 only it will be 60. If they're clicking on non-restricted and
21 restricted it will be 80.

22 **Q.** And I should say the definitions of restricted, non-

LYSA ROSSIGNOL, Direct Examination

1 restricted, and prohibited weapons are found in the **Criminal**
2 **Code of Canada**. Is that correct?

3 **A.** It is, yeah, and it's also on the information sheet.
4 It's also referred to there.

5 **Q.** All right.

6 **A.** Yeah.

7 **Q.** So that's the license information. Then you're
8 required to provide personal information in Section B?

9 **A.** You are, yeah. Section B is you're providing, like,
10 your information, your name. If you've changed your name
11 because of a marriage or a divorce or something like that ...

12 **Q.** Right.

13 **A.** ... your previous name, your date of birth, where you
14 were born, if you were born outside of Canada, when you were
15 admitted to Canada, your contact information, and proof of ID.

16 **Q.** All right. And then if we go forward in the
17 application.

18 **A.** Your addresses. Your home address, your mailing
19 address if it's not ...

20 **Q.** Right.

21 **A.** ... the same.

22 **Q.** Okay. And then personal history you referred to,

LYSA ROSSIGNOL, Direct Examination

1 that's Section C. There are certain questions there that you're
2 required to answer?

3 **A.** Yeah. Those are for first-time applicants. Or if
4 your license has expired those questions would be there. When
5 you're renewing your license, if you currently have a license,
6 there's not that many questions.

7 **Q.** Okay.

8 **A.** So ...

9 **Q.** So just looking, for example, at 16(d), the question
10 is: "During the past five years have you threatened or attempted
11 suicide? Have you suffered from or diagnosed or treated by a
12 medical practitioner for depression, alcohol, drug or substance
13 abuse, behavioural problems, or emotional problems?" And that
14 one, I think, will become particularly relevant later with
15 respect to Mr. Desmond's application.

16 So if everybody clicks "no" or checks "no" on those, again
17 reference is made to indicate that those answers are inaccurate?

18 **A.** Mm-hmm.

19 **Q.** But that's the expectation, is that people will check
20 "no" or there would need to be follow-up. Is that a fair
21 statement?

22 **A.** The expectations are people will be honest and check

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1 "yes".

2 Q. Yes. Thank you. That's a better way of phrasing it.
3 If people check "yes", though, then it may require some follow-
4 up. Is that ...

5 A. It will require some follow-up.

6 Q. Okay. All right. Okay, and that is, I would assume,
7 one section on the application that would tend to draw some
8 significant focus on someone who is reviewing the application?

9 A. Section 16(a) to 16(e), when the provincial firearms
10 officers get those, they are automatically assigned to an area
11 firearms officer for further review.

12 Q. If the answer is "yes".

13 A. Absolutely.

14 Q. So in every case in 16(a) to (e), if the answer is
15 "yes" on the application it will go to an area firearms officer
16 in the province ...

17 A. Of New Brun- ...

18 Q. ... if it's an opt-in province like ...

19 A. Yeah.

20 Q. ... say New Brunswick for investigation?

21 A. Absolutely.

22 Q. All right. And Section D requires some information

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1 about your conjugal status. So if you have a spouse?

2 **A.** Mm-hmm.

3 **Q.** All right, and you have to identify that person.

4 **A.** Yeah.

5 **Q.** All right. And if we could just keep going down
6 through the application. Okay, and so you're required to
7 provide information about your conjugal partner if you have one.

8 **A.** Mm-hmm. Yes. And then if you answered "yes" that you
9 had gone through a separation, then you would have to enter
10 section 18 ... if you scroll down just a little bit, sorry. The
11 (f) section, you would have to fill out the former conjugal
12 partner.

13 **Q.** Okay.

14 **A.** If it's been within the last two years you would have
15 to enter her or him, their former partner's information.

16 **Q.** If your separation has been in the last two years.

17 **A.** Yes.

18 **Q.** All right. You are required to take a safety training
19 course before you apply?

20 **A.** Apply for the ... Yes.

21 **Q.** All right. What's involved, do you know, in the ...
22 well, you would. You were doing the safety training

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1 coordinator.

2 **A.** Yeah.

3 **Q.** What's involved in that?

4 **A.** The Canadian Firearms Safety Course is for the non-
5 restricted safety handling. So they have to take that.
6 Depending on what province they took it. So they could have
7 taken it in any province. That's not a problem. But it has to
8 be taken, anything after 1994. Anything prior to 1994 is not
9 valid unless it's from Quebec or Manitoba. So they have to
10 provide us proof of it. Or it could be found in CFIS depending
11 on when they took it.

12 **Q.** Okay.

13 **A.** So that would have been entered in CFIS.

14 **Q.** All right, and if your application is for a PAL that
15 allows you to possess restricted firearms it's a slightly
16 different course, is it?

17 **A.** It is. It's an extra course that you have to take
18 that gives you safe handling or more information on restricted
19 firearms safety course.

20 **Q.** Okay, and then finally you're required to provide two
21 references?

22 **A.** Yes.

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1 **Q.** And those references. I take it there are certain
2 people who can and cannot act as references?

3 **(10:28:00)**

4 **A.** He or she cannot be your current conjugal partner as
5 indicated under the reference title.

6 **Q.** Right.

7 **A.** And they have to have known you at least three years
8 and be over 18 years old.

9 **Q.** Okay. So if you fill out your application you send it
10 to Miramichi. And I think you had said, let's say there was an
11 issue with the spelling of your name or something like that.
12 That's something that might be dealt with at the central
13 processing site?

14 **A.** No, New Brunswick. It'll all come to us.

15 **Q.** Okay.

16 **A.** It'll come ...

17 **Q.** What types of things can they deal with at the central
18 processing site?

19 **A.** Like if the references are not complete, if the
20 application is not completed, they will send a notice to the
21 applicant to say, This is missing, payment is missing, or
22 references, your spouse is a reference, so you need to send us

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1 another reference, or safety training has not been found, you
2 need to take the training. So they will deal with that.

3 Q. Okay.

4 A. If it's anything to do with name change or personal
5 history question, background checks or anything like that that
6 comes to the province.

7 Q. Okay. All right. What other types of things might
8 cause an application to be sent to your office for further
9 follow-up or investigation? You said obviously if an answer is
10 "yes" to a personal history question that automatically would
11 be.

12 A. Mm-hmm.

13 Q. What else might bring it to your attention?

14 A. If there's an error in the name. When a person renews
15 for a firearms license, if the information provided regarding
16 their name and their city of birth, their date of birth is not
17 the same as what we currently have that will create an error.
18 So that will come to us to review. So we will review that.

19 Background checks are done on all first-time applicants.
20 So we verify to see if there's a file or anywhere in Canada. So
21 the CPIC check is done across Canada-wide.

22 Q. And that's done at Miramichi?

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1 **A.** No, we do our own ...

2 **Q.** Okay.

3 **A.** ... for all applicants.

4 **A.** So we do that and if there's a match, it will fail ...
5 it'll match it to the applicant and then that's one failure that
6 comes to us. So applicants that come to us will be for a
7 background check, if something popped up on an application. It
8 could be for a personal history question that they've answered
9 yes, it could be for an error, middle name, first name, it could
10 be for a court matter like a prohibition order that is a
11 possible match. So those are like the big scenarios.

12 **Q.** The existence though, for example, of a prohibition
13 order, who would do the check to determine the existence of
14 that, would that be done in Miramichi or would that come to your
15 office?

16 **A.** Those come to us.

17 **Q.** So how do they get to you? Somebody has to be aware
18 that there is a prohibition order before it comes to you,
19 correct?

20 **A.** All prohibition orders issued to individuals across
21 Canada have to be given to a CFO's office so that we can enter
22 them into CFIS. So what we do is all individuals in New

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1 Brunswick that are issued a prohibition order, we receive a
2 report, a weekly report and then we data capture them under CFIS
3 so that if that individual has a license, we can revoke their
4 license or refuse their application or if they ever apply, it'll
5 match it to their application so that it can be reviewed.

6 Q. All right. Apart from a prohibition order, let's say
7 there's a CPIC check done and somebody has a criminal record for
8 a particular offence that is ... there's certain offences, I
9 believe, under the **Firearms Act** that draw attention, is that
10 correct?

11 A. Yeah, we look at Section 5 offence.

12 Q. Yes.

13 A. We look at Section 6 which is the prohibition orders.
14 Those are the ones that we look at, anything to do with
15 violence, anything to do with the **Controlled Substance Act**,
16 anything to do with the **Marijuana Act**, those are the ones that
17 we look at. So when a file is matched, we might not be able to
18 see right away what the background of the file is, it just gives
19 us a case number, then it's assigned to an area firearms officer
20 for review.

21 Q. Who does the initial CPIC check? Is that done in
22 Miramichi?

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1 **A.** No, that's done through our office.

2 **Q.** Okay. So I guess I'm having a little trouble
3 understanding. The application goes to Miramichi and I'm a
4 potential client in New Brunswick, the "no" answer of yes to a
5 personal history question, how does ... you said that earlier
6 that sometimes those can be granted there without ever coming
7 through your door.

8 **A.** So everything is done in the background. So if
9 somebody applies for a firearms license, they start doing their
10 data capture in Miramichi.

11 **Q.** Yes.

12 **A.** And then in the system, like in CFIS, they'll put the
13 client's name, like everything the client provided from their
14 application ...

15 **Q.** Yes.

16 **A.** ... they will do the data capture on that and then
17 they'll push the button "forward" so that it moves up to the
18 next step of, the application will show application captured in
19 progress, so it'll move to the next step.

20 The next step is to do the background checks on them.
21 Well, what happens is, every morning New Brunswick, not every
22 province, but New Brunswick we do what is called accreditation,

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1 background checks on anybody that has applied for a firearms
2 license in New Brunswick. So we take those applications and we
3 do CPIC checks on those and those are done in the background so
4 that if there's a match, it automatically tells CFIS there's a
5 match on here so CPS just kind of does it automatically and then
6 they can continue doing their data entry and all of that stuff
7 and then as soon as they click "forward" to either approve it or
8 the system will say no it can't because there is something else
9 that needs to be dealt with, it'll come to our office for
10 further review.

11 **Q.** Because that CPIC check has been done in the
12 background ...

13 **A.** Exactly.

14 **Q.** ... and there's been a match to an offence that ...

15 **A.** Exactly.

16 **Q.** ... like say criminal harassment or ...

17 **A.** Exactly. It could be multiple and somebody that has a
18 firearms license is under continuous eligibility checks.

19 **THE COURT:** And when you receive a prohibition order,
20 that prohibition order will be ... Do you enter it into CFIS?

21 **A.** Yeah.

22 **THE COURT:** So you enter it in CFIS even though that

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1 person may not have ever applied for a license, their name and
2 their particulars are there so if that person sends in an
3 application to the central processing site, presumably as soon
4 as they put that name in, it's going to link to the ...

5 **A.** Exactly.

6 **THE COURT:** ... previous entry with regard to the
7 prohibition order?

8 **A.** Exactly.

9 **THE COURT:** And at the same time, your office can be
10 running these additional CPIC checks in the background which
11 would bring up the conviction related to the order kind of thing
12 as well?

13 **A.** Exactly, yeah.

14 **THE COURT:** And that goes to them?

15 **A.** That'll go off ...

16 **THE COURT:** To the central processing site?

17 **A.** Exactly. It'll go off to the central processing site
18 in the sense of in CFIS ...

19 **THE COURT:** Yes.

20 **A.** ... and then once they're completed doing their data
21 entry, it'll come to us and then when we look at it, when I look
22 at a CFIS screen, it's all like little plus signs for the person

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1 and when I open them up, it tells me what's wrong with it. It
2 could be background failure, it could be a prohibition order, it
3 could be ... so I have to review each one of those to say what's
4 wrong with it and if it's something that is the middle name I
5 can deal with it, not a problem, the Provincial Firearms Officer
6 could deal with it automatically, not a problem. But if it's
7 something regarding personal history questions or a prohibition
8 order, those are assigned to the area firearms officer to review
9 more indepth.

10 **THE COURT:** Thank you.

11 **MR. MURRAY:** So there's that process that's ongoing.

12 There's also references provided on an application. Currently
13 are references checked by the central processing site in
14 Miramichi?

15 **A.** Yes.

16 **Q.** And we've heard reference to something called the
17 Enhanced Screening Unit?

18 **A.** Yes.

19 **Q.** Do you know what that is and what they do.

20 **A.** Those are the reference checks.

21 **Q.** Okay.

22 **A.** And they would be able to answer a little bit better

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1 on that part because they have their own group that does that.
2 At one point there was two references being contacted and then
3 there was none but now there is one reference being contacted
4 per applicant.

5 Q. That's the current practice as you understand it ...

6 A. Yeah.

7 Q. ... at the central processing site?

8 A. They have a criteria of who they will contact, like
9 they'll have a criteria of first time applicant, what they're
10 requesting, so they have their criteria so they will be able to
11 respond to that better but they do one contact, they'll call one
12 person, one of the references to see how long they've known
13 them, if they have any concerns, or anything like that. The
14 other option that is there if there's any concern is the
15 Internet Investigation Unit, is to do a ...

16 Q. And that's at the central processing site?

17 A. Yes.

18 Q. Sorry, go ahead, the unit?

19 A. It's to do an open search internet on the client to
20 see if there's anything that should be ... that would cause a
21 flag, that would cause a concern.

22 Q. Understanding that you don't work at the central

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1 processing site and I know you can't speak for it, but is it
2 your understanding that an internet search is done for all
3 applicants or only certain ones that are screened by a
4 particular criteria?

5 **A.** I think it's under the ... I wouldn't be able to
6 answer that one per se.

7 **Q.** Fair enough.

8 **A.** We can use them at the CFO's office at our discretion
9 ...

10 **Q.** Yes.

11 **A.** ... if we feel the need to use an open search internet
12 ...

13 **Q.** Yes.

14 **A.** ... for a client, we can use them, but that's our own
15 criteria so under the central processing site they would be able
16 to answer that one.

17 **Q.** Okay. And so just circling back you said, it's your
18 understanding they currently call one reference, is that for
19 everybody or are there some criteria that would cause them to
20 call both references or do you know that?

21 **(10:38:06)**

22 **A.** No.

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1 Q. Just one?

2 A. Just one for now that I know of.

3 Q. All right. So if they call a reference, obviously
4 certain things might be disclosed that aren't evident from the
5 application?

6 A. Yes.

7 Q. What types of things might you find out from a
8 reference or what types of ...

9 A. They're going through a separation ...

10 Q. Right.

11 A. ... which we weren't privy of, their medical
12 background that we weren't privy of, that they're currently
13 being charged. So depending on what the reference will tell us,
14 Miramichi, the central processing site will make a comment, will
15 create a error tab, will create the error which will fail and
16 come to us.

17 Q. And the error tab is created in CFIS, is it?

18 A. Yes, it is.

19 Q. Okay. So when they would push to go forward, it
20 automatically ...

21 A. Comes to us.

22 Q. ... comes to you, okay. All right. And when an

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1 application comes to you for any one of these reasons from the
2 central processing site, they come electronically, do they?

3 **A.** Yes, they do.

4 **Q.** And so someone has a screen and it opens up and it
5 says Allen Murray has applied for a license, there's a problem?

6 **A.** It comes when we look at it, it's the operations
7 manager does that.

8 **Q.** Yes.

9 **A.** We download all the applications that come in from the
10 central processing site and it doesn't tell me the name or it
11 doesn't tell me anything, it just gives me a number and a
12 location.

13 **Q.** Okay.

14 **A.** So it will say the number in Fredericton. So it
15 doesn't tell me why it's here. The only time that I can see a
16 possible reason would be confirmation of purpose, it'll have a
17 checkmark or a spousal notification will have a checkmark.
18 Other than that I don't know if it's because of a background
19 check or if it's because of a personal history check, the system
20 won't tell me what it's there for.

21 **Q.** So what do you do with that?

22 **A.** If I want to see, I have to open it up and check each

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1 tab to see why it's here. Most of the time what we'll do is
2 we'll just assign the files to the firearms officer, the
3 provincial firearms officer. Each application will be assigned
4 and then they'll review them one by one and they'll make a
5 decision on there.

6 **Q.** So the provincial firearms officers then typically
7 will go through these, they'll be assigned a bundle of them, I
8 assume?

9 **A.** Yes.

10 **Q.** And they will go through them and you said earlier
11 there are some things that the PFOs can deal with on their own,
12 like a name problem, something like that?

13 **A.** Yeah.

14 **Q.** And if it requires further investigation then it's
15 assigned to AFOs?

16 **A.** Yes.

17 **Q.** By the operations manager?

18 **A.** No, the provincial firearms officer. The operations
19 manager can assign a file ...

20 **Q.** Yes.

21 **A.** ... and we can work on files also but normally they're
22 assigned by the provincial firearms officers.

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1 **Q.** Okay. Is that done ... you said that the four AFOs
2 are in geographic regions, are they assigned based on geography?

3 **A.** It all depends on ... at one point the applications
4 were assigned by where the client resided ...

5 **Q.** Yes.

6 **A.** ... while the Firearms Interest Police files were
7 assigned by the location of the file but now it's all assigned
8 by where the client resides.

9 **Q.** So it's geography-based now?

10 **A.** Yes.

11 **Q.** Okay. Now, a file let's say gets assigned to an area
12 firearms officer, wherever that may be, Saint John, Moncton,
13 Fredericton, what can the area firearms officer do? What do
14 they do when they receive that?

15 **A.** They will open the ... so they receive a tertiary
16 investigation report with the client's information and what type
17 that they're receiving, whether it's an application, a public
18 safety concern, what it is and then a comment from the
19 provincial firearms officer or the operations manager to say
20 what is wrong, like what is going on. And then the area
21 firearms officer will look at it, open the file, open CFIS,
22 create their own file and then decide from there what needs to

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1 be done.

2 So depending on they might have to get, at one point they
3 had to get disclosure for some of the files so they might need
4 to request that and wait until that comes in, or if it's
5 something regarding a personal history question, they'll contact
6 the client and say we received your application, because of this
7 I'm sending you a medical to be completed by a doctor, and then
8 they'll put a due date, put their comments in CFIS and then put
9 it aside until they get more information.

10 **Q.** Okay. So we'll talk a little more about the tertiary
11 investigations and how those work but you said a moment ago that
12 a Firearms Interest to Police or Firearms Interest Police or FIP
13 can cause a file to come to your attention. Can you explain
14 what a FIP or a Firearms Interest Police is?

15 **A.** Firearms Interest Police files are files created by
16 policing agencies, it could be from anywhere in the country,
17 that police have contact with an individual and a file is
18 created. So once they create their police file, depending on
19 the coding they use which is the UCR coding that they use, will
20 generate a Firearms Interest Police file. So in their PROS, in
21 their system, I use PROS for RCMP but police departments will
22 use different systems, so once they enter their file in the

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1 system, it'll automatically generate a Firearms Interest Police
2 file for the possible match to a client that has a firearms
3 license.

4 Q. Okay.

5 A. It might not mean that it's a client but it's a
6 possibility.

7 Q. A possible match. So let me ask you just a couple of
8 things about that because there's a lot of information there.
9 So police investigations involve coding or I think we've heard
10 the term scoring as well?

11 A. Yeah, scoring, coding, pretty much the same.

12 Q. The same thing, okay. And they use UCR codes?

13 A. Those are the UCR, they're called UCR codes by the
14 RCMP, like that's their terms.

15 Q. Right. So depending on the nature of the file that
16 the policing agency is involved in, they will give it a
17 particular score/code number, what have you?

18 A. Yes.

19 Q. And so are certain codes or certain scores designed to
20 automatically create a FIP?

21 A. Yes, there is and that's their design by the Canadian
22 Firearms Program, Ottawa, that at one point we discussed with

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1 the policing agencies to say okay, anything to do with firearms,
2 anything to do with drugs, so that would automatically trigger a
3 Firearms Interest Police file.

4 **Q.** And are there other ways that a Firearms Interest
5 Police file can be created beyond just the scoring in the police
6 system?

7 **A.** There is. When they create their files there is a
8 little box when they enter their police file that they can check
9 off that will automatically create one.

10 **Q.** Even if it doesn't match the scoring, that would
11 automatically do it?

12 **A.** Yeah.

13 **Q.** Okay. Could information from a doctor that was
14 disclosed, would that potentially create a FIP or could it?

15 **A.** It wouldn't create a ... it wouldn't be called
16 creating a FIP but it would, if a doctor contacted our office
17 which some do, it would create a public safety concern and we
18 would investigate that, absolutely.

19 **Q.** Okay. So let's say police respond to a call and it's
20 the type of event that scores in such a way that it would create
21 a Firearms Interest Police. That's done in a police system.
22 You mentioned the PROS system and we've heard about that, that's

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1 the system used by the RCMP is it?

2 A. Yeah.

3 Q. All right. Is that where the RCMP would typically
4 enter that information?

5 A. Yeah, that's their system that they use, yes.

6 Q. Does that system, PROS for example, does that talk to
7 CFIS or how does that ...

8 A. If it's entered correctly and scored correctly then,
9 yes, we would get the Firearms Interest Police file in CFIS.

10 Q. Okay. So what does that actually look like in CFIS?
11 If a FIP is created, does a notification come to you ...

12 A. Yeah.

13 Q. ... or is it just buried somewhere, what happens?

14 A. No, we get notification. It's like when I get the
15 applications, the operations manager gets the applications that
16 are assigned from the central processing site, it's the same
17 thing. The Firearms Interest Police files are assigned on a
18 daily basis, well not assigned, we get them as soon as they're
19 generated and then we look at them and the top screen of our
20 CFIS will have what the Firearms Interest Police file is. So
21 it'll have the FIP number, it'll have the individual's last
22 name, first name, date of birth, the case file number and then

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1 the bottom of the screen will have the potential client. So it
2 could be completely ... usually they match it by last name and
3 date of birth. So if it doesn't match, we exclude them
4 automatically.

5 **Q.** So who determines ... so you're looking for a match to
6 a client that you already have somebody with a license or an
7 application in the process?

8 **A.** Absolutely. What we do is whenever we get a FIP event
9 is when we open them up, we can see if they have a license, we
10 can see if they have an application, if this individual has a
11 license or an application, and if they do then we can match it.
12 So as soon as we match it, the Firearms Interest Police file
13 gets attached to their license so ...

14 **Q.** But you have to go through the process of determining
15 if it is a match or not?

16 **A.** Absolutely.

17 **Q.** And how do you do that?

18 **A.** Well, right off the bat you know when the top part of
19 the Firearms Interest Police file has the client, the
20 individual's last name, first name, date of birth and then the
21 bottom part of our screen is the CFIS client that tells you last
22 name, first name, date of birth so you know if it's the same

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1 person. There's always room for error, absolutely, but you know
2 is this a client? Yes. So we then look to see do they have a
3 license, do they have an application.

4 **(10:48:21)**

5 **Q.** Sorry to interrupt but let's say the name, first,
6 last, middle and last name matches a client, let's say the
7 birthdate is off a little bit, it may or may not be a match.
8 What do you do to go forward to say, Well, I'm not sure if this
9 is a match, we better make sure?

10 **A.** We always err on the side of caution. We match it and
11 get it reviewed.

12 **Q.** And reviewing it is by an area firearms officer?

13 **A.** The area firearms officer, yeah.

14 **Q.** Okay.

15 **A.** If it's like off by one day, it's just, you know, not
16 sure, we always err on the side of caution.

17 **Q.** Okay. And how many Firearms Interest Police would
18 your office get, for example, on a day on average?

19 **A.** It depends. It depends on the agencies as when they
20 enter their files so sometimes we might get 15 to 20, there's
21 sometimes we might get five or six, it all depends on because we
22 get them from the RCMP and we get them from the police

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1 detachments across the province.

2 **Q.** So you check your screen every day for the FIPs that
3 have come in. Are they ... is there any backlog in assigning
4 those to area firearms officers or is that done with some
5 regularity?

6 **A.** We try to have the regularity of doing it but, yes,
7 there is backlog.

8 **Q.** Okay. And so, for example, right now is there a
9 backlog of FIPs?

10 **A.** Yes.

11 **Q.** Okay. And how many might be?

12 **A.** I'd like to give you a direct number but I'm not sure,
13 I'd like to say probably 100.

14 **Q.** If I'm a client of the New Brunswick CFO's office and
15 I have a license and a FIP comes in on me, while I'm in the ...
16 while the process is ongoing for that ultimately to be
17 investigated by an area firearms officer, is there something
18 done with my license, is it placed under review, or is there
19 something
20 happening?

21 **A.** Yes, there is. When we do an investigation we put the
22 license under review.

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1 **Q.** I guess I'm saying even when you're waiting for the
2 investigation though. If a FIP comes in today on me ...

3 **A.** No, because we have to look and see if it's a match or
4 not.

5 **Q.** Okay.

6 **A.** The only thing that would prevent or kind of stop
7 anything is if the person tries to purchase any firearm, if they
8 looked up the license they would see that there is a problem
9 because that event would stop it. They would say, Wait, there's
10 something that needs to be looked at.

11 **Q.** So my name, if it was searched in CFIS, the FIP event
12 ...

13 **A.** Would prevent it.

14 **Q.** Would prevent it?

15 **A.** Yes.

16 **Q.** Or would it be there, evident in the system?

17 **A.** It would pop up, yes

18 **Q.** Okay.

19 **THE COURT:** So let me just ask a question if I can. If
20 you determine that it's a top screen/bottom screen, same name,
21 same date of birth, then does that still go to an AFO for
22 investigation?

LYSA ROSSIGNOL, Direct Examination

1 **A.** If the individual has a license or an application,
2 yes.

3 **THE COURT:** All right. So it goes to the AFO for
4 investigation so you're confident it's the same person, the
5 investigation starts. What happens to that license status at
6 that point in time?

7 **A.** As soon as it's matched, we put the license under
8 review.

9 **THE COURT:** So the license is now under review?

10 **A.** Yeah.

11 **THE COURT:** And if the day you put the license under
12 review, that same person, they're not notified their license is
13 under review, are they?

14 **A.** Yeah.

15 **THE COURT:** Okay. So they walk into a local vendor,
16 they present their license, they want to buy a firearm, a non-
17 restricted firearm, what prevents them from the transaction that
18 day?

19 **A.** The vendor is supposed to contact the central
20 processing site to verify the validity of the firearms license.

21 **THE COURT:** Okay. And ...

22 **A.** Sorry.

LYSA ROSSIGNOL, Direct Examination

1 **THE COURT:** I'm just going to stop you right there. So
2 my question then is what's the requirement for the vendor to
3 pick up the phone and who do they call, who do they speak to?

4 **A.** They can do one of two things. They can contact the
5 central processing site to check the validity of the firearms
6 license to say I'm looking to check and the central processing
7 site will look up the license and if it's valid, they'll tell
8 him it's valid. If it's not valid they'll say have the buyer
9 contact the Chief Firearms Office so that they're aware that
10 it's not valid. They're not telling them that it's revoked,
11 they're not telling them that it's under review, they're just
12 saying have the buyer contact the Chief Firearms Office. That's
13 one way.

14 The second way is we have what is called the business web
15 service for all businesses and it's a service, it's an online
16 service that all businesses can have access to, they can log
17 onto it, and they can check by typing the firearms license
18 number in the business web, the system will automatically pop up
19 with the client's information and tell them if it's valid or
20 not.

21 **THE COURT:** And how long has the business web service
22 been up and running?

LYSA ROSSIGNOL, Direct Examination

1 **A.** Probably four or five years.

2 **THE COURT:** And the vendors in the Province of New
3 Brunswick, are they required to do that?

4 **A.** Required to use the business web?

5 **THE COURT:** Yes.

6 **A.** No, most of the business web, like the smaller
7 businesses won't use the business web just because it's a small
8 business but our business like Canadian Tire, Bass Pro Shop,
9 will all use business webs.

10 **THE COURT:** So that's an option. So if you use the
11 business web service, they would not be expected to pick up the
12 phone and call the central processing site?

13 **A.** No.

14 **THE COURT:** It would just be one or the other?

15 **A.** Exactly.

16 **THE COURT:** Okay. So when you have ... let's deal with
17 a small vendor. What's the regulatory requirement for that
18 small vendor to actually call the central processing site if
19 they choose not to use the business web service?

20 **A.** We ask our business under Section 23 of the **Firearms**
21 **Act** to contact to check the validity of an individual's license
22 every time they sell the firearms, like if you sell firearms.

LYSA ROSSIGNOL, Direct Examination

1 **THE COURT:** So is that Section 23 of Bill C-71 or is
2 that the previous section?

3 **A.** No, that's under the **Firearms Act**.

4 **THE COURT:** Sorry?

5 **A.** Currently under the **Firearms Act**.

6 **THE COURT:** Currently under the **Firearms Act**. So the
7 amendments that were proposed in Bill C-71, there are amendments
8 that relate to Section 23 of the **Act**. Are they different than
9 the existing Section 23 or is it the amended sections that are
10 going to require that they actually make a phone call?

11 **A.** It'll be ... the new amendments are going to be a
12 little stricter when they sell non-restricted firearms.

13 **THE COURT:** But the way the **Act** reads today, Section 23
14 requires every vendor?

15 **A.** It doesn't specify businesses, it just says when
16 you're transferring a firearm you're supposed to check the
17 validity of a licensee.

18 **THE COURT:** It doesn't tell you how?

19 **A.** No.

20 **THE COURT:** It just tells you to check?

21 **A.** Yes.

22 **THE COURT:** So when a person produces a license, now

LYSA ROSSIGNOL, Direct Examination

1 they've got it in their hand, they have it, they give it to the
2 vendor. The vendor looks at it, compares the photograph, looks
3 at the date of issue, looks at the date of expiration,
4 everything is okay, is that sufficient?

5 I going to ask you two questions. Is it sufficient? And
6 the next question is, if it's not, why not? So is it sufficient
7 if you're a vendor and I'm the purchaser and I give you my
8 license, picture matches, it's valid, I'm buying a non-
9 restricted firearm, is that sufficient?

10 **A.** In New Brunswick we ask our vendors to contact
11 Miramichi. If they don't have the business web, we ask them to
12 contact Miramichi.

13 **THE COURT:** Right. What's the consequence if they
14 don't, is there a consequence?

15 **A.** We are notified. We get complaints that businesses do
16 not check and then we do inspections and we educate them, we do
17 up an investigation, we follow up with them to say you need to
18 verify the validity of the firearms license.

19 **THE COURT:** So you encourage them to do that?

20 **A.** Yes.

21 **THE COURT:** And if they don't, what's your option at the
22 end of the day if a small business vendor says ... the license

LYSA ROSSIGNOL, Direct Examination

1 is in his hand, it's valid, that's all I need, I'm checking the
2 validity of the license. If it wasn't valid you would have
3 taken it away from them, you would have taken steps to recover
4 it from the person. As long as they have it, why can I not rely
5 on that? I'm looking for your ultimate ... really the
6 question is what's your ultimate enforcement option?

7 **(10:58:12)**

8 **A.** Contact the RCMP.

9 **THE COURT:** Contact the RCMP and what would be the
10 complaint to the RCMP?

11 **A.** That they're selling firearms without the proper
12 verification, they're not ... under the **Criminal Code**.

13 **THE COURT:** So from your point of view, simply a vendor
14 looking at the license, confirming the picture and the license
15 has not expired, is not adequate for the purposes of
16 verification in terms of the validity of the license?

17 **A.** No.

18 **THE COURT:** Something more needs to be done?

19 **A.** Yes.

20 **THE COURT:** Thank you. Sorry to hijack your witness,
21 Mr. Murray.

22 **MR. MURRAY:** No, that's fine.

LYSA ROSSIGNOL, Direct Examination

1 So, Ms. Rossignol, with respect to FIPs, and just so I
2 understand this part, if a person resides in another province
3 and has a Firearms Interest to Police event in New Brunswick,
4 that would come to your attention would it?

5 **A.** Any files created in New Brunswick comes to our
6 attention.

7 **Q.** So if I'm a license holder from Manitoba or wherever
8 and I'm in New Brunswick, I run afoul of the law, for example,
9 and have some interaction with the police that causes a Firearms
10 Interest Police to be created, that's going to come to your
11 attention because it occurred in New Brunswick?

12 **A.** Yeah.

13 **Q.** Okay. Who would investigate that Firearms Interest
14 Police?

15 **A.** We would. We would do the investigation. We don't
16 complete it because the client is not ours but we would
17 investigate it and then once the area firearms officer is done,
18 I will, as the operations manager, I would forward it to the
19 operations manager in Manitoba so that they can do their final
20 review and make a decision.

21 **Q.** Because I'm a license holder in my example in
22 Manitoba, the investigation would be done in New Brunswick. The

LYSA ROSSIGNOL, Direct Examination

1 fruits of that investigation would be sent to Manitoba and they
2 would, I guess in that case would be the federal people, but
3 they would make a decision on whether my license is revoked or
4 not?

5 **A.** Exactly.

6 **Q.** In the meantime ... and let's perhaps use the example
7 of Nova Scotia maybe a little better. I'm a Nova Scotia license
8 holder and I'm in New Brunswick and I run afoul of something in
9 New Brunswick. An investigation is done by your area firearms
10 officer. Ultimately, that's going to be sent in to CFO in Nova
11 Scotia.

12 **A.** Yeah.

13 **Q.** In the meantime, is the CFO in Nova Scotia notified of
14 what's going on?

15 **A.** As soon as a Firearms Interest Police file is matched
16 to a client we put the license under review. But if, for
17 whatever reason, we forget, the license is automatically put
18 under license revocation suggestion. The system automatically
19 puts it there so that the person can't purchase firearms or
20 can't do anything else.

21 But the courtesy is ... between provinces is if I'm going
22 an investigation for a client in another province, I advise the

LYSA ROSSIGNOL, Direct Examination

1 OM, the operations manager, from that province to say, Just an
2 FYI, I received this event for this client. Would you mind
3 putting his license under review? Once the investigation is
4 complete, I will forward you the investigation report.

5 Q. You do that as a courtesy.

6 A. Well, we ... that's the rule that all provinces have
7 decided to do with each other except Quebec. Quebec do their
8 own investigation for all their clients.

9 Q. Okay. So just setting aside for a moment Quebec,
10 there's a protocol then amongst provinces?

11 A. Yes.

12 Q. Okay. So if you're investigating a client of Nova
13 Scotia's for a FIP in New Brunswick, you ... I don't know if I'm
14 using the right word with protocol, but you will notify the ...

15 A. Nova Scotia.

16 Q. ... Nova Scotia and ask them to place the license
17 under review?

18 A. Yes.

19 Q. And you said if for some reason that doesn't happen,
20 the system will create something. You said a license revocation
21 suggestion?

22 A. Yes. A license, once it's valid ... once a person

LYSA ROSSIGNOL, Direct Examination

1 gets a valid license ...

2 **Q.** Yes.

3 **A.** ... it can be put under review or license revocation
4 suggested. And as soon as you match a Firearms Interest Police
5 file to a client that has a valid license, the license terms ...
6 the CFIS automatically puts the license under revocation
7 suggestion received.

8 **Q.** Okay. And is that something that would pop up in the
9 other ... or would come as a notification to the other province?

10 **A.** Yes. A FIP event ... once we match a FIP event, we
11 get a notification to say ... it's more of a precaution for the
12 system to say, Just to let you know, this event was matched in
13 your province ... was matched for this client by another
14 province.

15 **Q.** And so that province where the client holds their
16 license, they then can make the decision whether they want to
17 place it under review or whatever they're going to do about it.

18 **A.** Yeah.

19 **Q.** And, typically, they would place it under review?

20 **A.** Most of us ... like for New Brunswick, I put
21 everything ... I put all the licenses under review. And then
22 once I'm notified that an investigation is complete by the other

LYSA ROSSIGNOL, Direct Examination

1 province, we make a decision on that point.

2 **Q.** Okay. And you said the exception to that is Quebec.
3 If one of their clients had a FIP event anywhere, they
4 investigate it.

5 **A.** Yeah. I send ... like if it's in New Brunswick, I
6 send them all the information that they may require and then do
7 the investigation there.

8 **Q.** Okay. Now your Area Firearms Officers, you said a
9 little while ago that they may need to collect ... as part of
10 their investigation, they may need to collect disclosure?
11 That's police disclosure, is it, or ...

12 **A.** Yeah.

13 **Q.** Okay. So, currently, do the area firearms officers
14 have access to police databases?

15 **A.** Yes. We have access to PROS. We didn't but we now
16 have access to PROS which gives us access to RCMP files ... will
17 give us access to the RCMP ... their case files.

18 **Q.** So if, again, a file ... for example, let's say a FIP
19 event is created with respect to an individual who is a client,
20 you want to access ... and it was investigated by the RCMP and
21 you want to access that, you can go directly into PROS and get
22 that information?

LYSA ROSSIGNOL, Direct Examination

1 **A.** Yeah.

2 **Q.** Is there any limitations on what you can get out of
3 PROS?

4 **A.** No, unless it's ... well, I shouldn't say that.
5 Unless it's a file that's been sealed. It would say "sealed".
6 Like it would indicate that.

7 **Q.** Okay.

8 **A.** And then we would just contact the detachment and see
9 if we can get any information.

10 **Q.** That's a recent change, that you're able to access
11 PROS?

12 **A.** It's only been since 20- ... well, actually, no. It's
13 only been there the last year or so.

14 **Q.** The last year or so ...

15 **A.** Yeah.

16 **Q.** ... that you've had access to PROS?

17 **A.** Yes. Because we had to have the training. We had to
18 have ... whoever had access to PROS had to have training. We
19 had a four-day course and then have access to the database.

20 **Q.** And prior to that, you had a different system in place
21 for accessing RCMP police files?

22 **A.** Well, it was the same system for everything. We had

LYSA ROSSIGNOL, Direct Examination

1 an RCMP liaison officer that works out of our office, that we
2 would send them the request for disclosure, the Form 3825, that
3 we would complete and send it to him for request for disclosure,
4 which is the same thing that we use for all of our police
5 detachments when we request disclosure for them. And then he
6 would provide us with a synopsis of the file.

7 **Q.** And that was, up until recently, Constable Hachey that
8 we've heard about?

9 **A.** Yes.

10 **Q.** Okay. And he would physically be in your office in
11 Fredericton?

12 **A.** He is in Fredericton. Yes.

13 **Q.** Okay. So up until a year ago, if you wanted to obtain
14 a police file relating to an RCMP investigation, you would have
15 to give him the request. He would access the system, summarize
16 it, and hand that back to you?

17 **A.** Yes.

18 **Q.** Okay.

19 **THE COURT:** Was it ... the AFOs all have access.

20 **MS. ROSSIGNOL:** All the AFOs and ...

21 **THE COURT:** PROS?

22 **MS. ROSSIGNOL:** ... myself.

LYSA ROSSIGNOL, Direct Examination

1 **THE COURT:** And you.

2 **MS. ROSSIGNOL:** Yes.

3 **THE COURT:** Do the PFOs have ...

4 **MS. ROSSIGNOL:** No.

5 **THE COURT:** Just the investigators.

6 **MS. ROSSIGNOL:** Yes.

7 **THE COURT:** Okay. Thank you.

8 **MR. MURRAY:** Now that's for RCMP for the PROS system.

9 **THE COURT:** Yes.

10 **MR. MURRAY:** What if something is investigated, for

11 example, by a municipal police force in New Brunswick?

12 **A.** They have to request disclosure.

13 **Q.** So kind of the old system.

14 **A.** Yes.

15 **Q.** All right. So I don't know which communities in New
16 Brunswick have municipal police forces, but ...

17 **A.** Grand Falls, Woodstock, Edmundston, BNPP. We have
18 quite a few.

19 **Q.** Okay. And so the area firearms officer that's
20 responsible for an investigation in that area would contact that
21 police detachment, would they?

22 **A.** Yeah. We all have contact ... like they ... there's

LYSA ROSSIGNOL, Direct Examination

1 all disclosure officers. Like they'll have contact with them
2 and then they'll send them an email to say, I'm looking for
3 disclosure. Here's the form. This is what I need. And they'll
4 receive the disclosure within a timeframe.

5 **Q.** And the document that you have to use to request that,
6 you used a number for ...

7 **A.** 3825.

8 **Q.** 3825. Okay. So that's the magic form, is it, that
9 gets you ...

10 **A.** That's the RCMP Request for Disclosure Form.

11 **Q.** And so you use a different form for municipal police
12 forces or ...

13 **A.** The municipal police form, it all depends on the chief
14 of police. It all depends on what they require. But most of
15 them will just ask for an email with the proper information and
16 then they'll send us what we need. When I request disclosure
17 from BC, which BC RCMP use a different system, I fill out the
18 form, they send it to me by fax. So every detachment is a
19 little different.

20 **Q.** Okay. And we heard that yesterday that the RCMP use
21 the PROS system with the exception of the Province of ...

22 **A.** BC.

LYSA ROSSIGNOL, Direct Examination

1 **Q.** ... BC and perhaps ... or HRM.

2 **(11:08:00)**

3 **A.** Yes.

4 **Q.** All right.

5 **THE COURT:** Your 3824 forms, if the AFOs have access to
6 PROS, what would be the purpose of a 3824 form?

7 **A.** No more purpose for it.

8 **THE COURT:** They're not needed any longer.

9 **A.** No. They don't use ... it's 3825. They don't use
10 them anymore just because ...

11 **THE COURT:** Okay.

12 **A.** ... we don't have ...

13 **THE COURT:** 25?

14 **A.** Yeah. The only time that I would use 3825 for request
15 disclosure is if I need disclosure for PRIME in BC or ...
16 because we don't have access to it. But other than that very
17 rarely do we need access to it.

18 **THE COURT:** Thank you.

19 **A.** No problem.

20 **MR. MURRAY:** So now you said earlier ... you used the
21 term "tertiary investigation". That's the name of the
22 investigation done by area firearms officers, is it?

LYSA ROSSIGNOL, Direct Examination

1 **A.** That's the report that we use in New Brunswick. Every
2 province will have something different. That's our internal
3 report that we document all of the steps or all the
4 documentation that the area firearms officers did in order to
5 make a decision on a file that they reviewed.

6 **Q.** Okay. So any time a file is forwarded to an AFO for
7 investigation, is that the name of the investigation they do, a
8 "tertiary investigation" or ...

9 **A.** It's called ... the title right now is called
10 "Tertiary Investigation Report". Yes.

11 **Q.** Okay. So obviously it depends on what they're
12 investigating or what the nature of the concern is, but what
13 types of steps and to whom might they speak, an area firearms
14 officer, when they're doing a tertiary investigation?

15 **A.** They could ... well, they might speak to the officer
16 in charge of the file to get more information. They might speak
17 to the client themselves. They might contact the spouse. If
18 there's any victims, they might contact the victim. They might
19 contact neighbours. It all depends on what the file is about.
20 It all ... if the client is currently on trial or going to
21 trial, they'll wait until that's done to see what the outcome
22 is.

LYSA ROSSIGNOL, Direct Examination

1 So under Section 55 of the **Act**, we can do an investigation,
2 so we can use our scope for investigation. So they'll use
3 information that is there to make the best decision that they
4 have at their ... best decision at their hands kind of thing, so
5 ...

6 **Q.** Okay. So, for example, if a FIP is created because of
7 an allegation of domestic violence, let's say, would your
8 expectation be that the area firearms officer might speak to the
9 spouse or the complainant in that case?

10 **A.** Yeah. Yes.

11 **Q.** Okay. You said that if a person is actually charged
12 and they're going to trial, the area firearms officer will wait
13 until the trial is concluded?

14 **A.** Yes. We will document it. We will make note of it,
15 that the person is charged for whatever ... under what section
16 and they're going to trial on this date. And then they'll
17 follow up to see what happened on this date.

18 **Q.** Okay.

19 **A.** And then a decision will be made following that.

20 **Q.** Do you have a set of ... a policy or a set of
21 procedures that area firearms officers are required to follow
22 when they're conducting a tertiary investigation?

LYSA ROSSIGNOL, Direct Examination

1 **A.** Yes.

2 **Q.** Okay. And I think we may have that. It's Exhibit
3 P127. Do you have it there?

4 **A.** Yeah.

5 **EXHIBIT P-000127 - NEW BRUNSWICK CHIEF FIREARMS OFFICE - POLICY**
6 **AND PROCEDURES FOR TERTIARY INVESTIGATIONS**

7 **Q.** What is this document, P127?

8 **A.** It's the policy and procedures for tertiary
9 investigations.

10 **Q.** And this will assist or guide area firearms officers
11 in the conduct of their tertiary investigations?

12 **A.** Yes.

13 **Q.** This document says, "Effective 2001, Amendments 2012."
14 There have been changes to this document, have there?

15 **A.** There needs to be some now but ...

16 **Q.** Okay.

17 **A.** Yeah.

18 **Q.** There have been some, obviously, because there were
19 amendments to it.

20 **A.** Yes.

21 **Q.** So can you just describe, in general, what this
22 document ... what it tells area firearms officers to do?

LYSA ROSSIGNOL, Direct Examination

1 **A.** It's more or less of a guide or a standard operating
2 procedure for them to look at ... it talks about the tertiary
3 standards, the ... when they look at license status, initial
4 risk assessment, when they do refusal and revocation decision
5 criteria. So just as a mental help ... legal review how ...
6 what they can use to base their decisions on.

7 **Q.** Okay.

8 **A.** It's a guideline.

9 **Q.** And on the second page of this ... well, I guess it
10 would be the fourth page of the document. Under "Investigation
11 Practices", the document says: "License and application
12 eligibility decisions will be supported by documentation of the
13 following: medical assessment, interviews, court documents, file
14 disclosure, CFIS information, and any other relevant
15 information." Are all of those things considered in every case
16 or is it dependent on the nature of the investigation?

17 **A.** It all depends on the nature of the investigation. If
18 there's no reason to do a medical assessment, there won't be one
19 requested. So there won't be one in the file. When we do
20 interviews, the area firearms officer will, under the tertiary
21 investigation comment, it will indicate the date and what
22 occurred during the interview. If there's any court documents,

LYSA ROSSIGNOL, Direct Examination

1 like if the individual went to court, well, there will be court
2 documents to say what occurred. The file disclosure, if we had
3 to get some disclosures from other jurisdictions, those will be
4 there.

5 CFIS information, everything is updated in CFIS that needs
6 to be updated minus any other parties' information. Like victim
7 information or anything like that will not be put in CFIS just
8 to protect their identity and any other relevant information.
9 So when we do a file, we have to make sure that it's completed
10 so that if we get any requests, we can follow up on it
11 afterwards.

12 **Q.** Okay. So there's a couple of questions there I have
13 from there. As an area firearms officer does an investigation,
14 they create a paper file, do they, of their own or an electronic
15 file, but something that's created in your office?

16 **A.** Yes.

17 **Q.** And that's obviously something that's added to as the
18 investigation is ongoing?

19 **A.** Yes.

20 **Q.** How much of that information is inputted into CFIS as
21 the investigation goes forward?

22 **A.** They keep their comments up to date so that we know

LYSA ROSSIGNOL, Direct Examination

1 the investigation keeps going, because some of the investigation
2 could take a while. So they are up to date. Like if the person
3 goes to court, they put it on there, the date that they're going
4 to court; or if they send a medical, the date they sent it with
5 a due date, so that we know, if the person contacts us, the
6 administrative assistant upfront can say, No, this is ... you
7 know, they know that the area firearms officer has been in
8 contact with the client. The ... sorry. I lost track of my ...
9 what was ...

10 **Q.** How much of the information is inputted into CFIS?

11 **A.** Umm ...

12 **Q.** I assume not all of it is.

13 **A.** No. No. It's ... be brief, be bold, be gone. It's
14 keep it simple, keep it the who, what, when, where and why.
15 That's it.

16 **Q.** Okay. So somebody accessing CFIS in relation to an
17 ongoing investigation for a client, say, in New Brunswick, if
18 I'm accessing it in Nova Scotia, I will see some of the fruits
19 of that investigation. I won't see necessarily all of it.

20 **A.** No. It ... they'll put on there, "See tertiary
21 investigation for further information."

22 **Q.** Okay. And that's ... that is ... essentially means

LYSA ROSSIGNOL, Direct Examination

1 contact your office.

2 **A.** Exactly.

3 **Q.** Okay.

4 **A.** And we get that on a regular basis.

5 **Q.** Do you?

6 **A.** Yes.

7 **Q.** All right. The document says that the AFO will
8 prioritize work to focus on highest risk clients.

9 **A.** Uh-huh.

10 **Q.** Is there a criteria by which you would, I guess, rate
11 or rank the risk for a potential client ... or for a client?

12 **A.** If we get a public safety concern, those are first
13 priority. When we get a FIP event, once ... any file that is
14 assigned to an area firearms officer has to be looked at. They
15 review ... they open the file. They open the investigation
16 report they've received within 24 to 48 hours so that they can
17 start initiating their report and then it goes from there. But
18 if something occurs, a file comes in within the office that
19 needs to be reviewed right away, it's assigned and they're
20 advised they need to look at it right away.

21 **Q.** They're required to open their file within 24 to 48
22 hours of assignment?

LYSA ROSSIGNOL, Direct Examination

1 **A.** Yes, so that they can look at it.

2 **Q.** Okay. So that they know at least what the general
3 nature of the investigation ...

4 **A.** Exactly.

5 **Q.** ... they're going to be embarking on is?

6 **A.** Yes.

7 **Q.** Okay. And then they will prioritize their work?

8 **A.** They prioritize their work. If something comes up
9 that needs to be reviewed faster or a priority, a public safety
10 concern, we advise them right away.

11 **THE COURT:** Is there a risk assessment protocol that
12 they would all follow to determine what might be at higher risk
13 that requires more immediate action or reaction than another
14 event?

15 **(11:17:58)**

16 **A.** There's no training that we provide them but because
17 they're all ex-RCMP officers, they've all dealt with that stuff.
18 So they are well aware of what needs ... they're prioritizing
19 their work currently very well. They are ... like if we get a
20 Firearms Interest Police file, they'll look at it right away to
21 see what needs to be looked at, what needs to be done.
22 Applications ... the way we look and the way we discuss it with

LYSA ROSSIGNOL, Direct Examination

1 our area firearms officers is a Firearms Interest Police file is
2 somebody that has a firearms license, so that needs to be
3 reviewed. An application is somebody that's looking to have a
4 firearms license. So the Firearms Interest Police files are a
5 priority versus the applications.

6 **MR. MURRAY:** Is that somebody who already has a license
7 and potentially has a firearm ...

8 **A.** Exactly.

9 **Q.** Just on that issue of risk assessment. Has there ever
10 been thought given to any suicide risk assessment tools being
11 used by AFOs or any training in that area?

12 **A.** Well, we've all been given like a suicide prevention
13 training through our work but none of us are doctors. None of
14 us are medical practitioners that can do that decision so ...

15 **Q.** Sure. Okay. You don't have a tool then, for example,
16 or checklist that you would use for that, but you've got some
17 training? Is that your ...

18 **A.** We've got training through the Mental Health
19 Association through our work, which it's a day.

20 **Q.** Okay. As you ... or as an area firearms officer is
21 undertaking an investigation, do they consult with their
22 colleagues and do they consult with the operations manager as

LYSA ROSSIGNOL, Direct Examination

1 they go along?

2 **A.** Absolutely. It depends on the file. Might not do it
3 for every file but some of the files, absolutely. They'll do
4 peer reviews with the other colleagues and they'll do ...
5 they'll check with the operations manager or even the CFO at
6 times.

7 **Q.** Okay.

8 **THE COURT:** The peer reviews that they do are mandatory
9 at some stage, though, are they not?

10 **A.** Yeah. It all depends on the scenario. Like it all
11 depends on ... what we'll do also is we'll do meetings with the
12 area firearms officers and they'll bring files that they're not
13 sure what they should be doing or they're not sure where they
14 need to go next. And then we'll do the peer review all together
15 at the same time.

16 **MR. MURRAY:** And I think your document on ... it's
17 Section 3.3 anyway of the document. It actually refers to peer
18 review.

19 **A.** Yeah.

20 **Q.** And there is ...

21 **A.** "Shall consult ..." Yeah.

22 **Q.** Right. So, "The AFO shall consult with at least one

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1 other AFO as part of the investigation." That's if the AFO is
2 considering a refusal or revocation of a license?

3 **A.** Yes.

4 **Q.** What is your experience ... do AFOs ... they have to
5 consult one another. Do they typically consult with the
6 operations manager, as well, on revocation or refusals?

7 **A.** It would depend on the file. There's some files they
8 do, some files they don't. But the operations manager does get
9 all the files back once they're completed, so I know which ones
10 are revoked or refused.

11 **Q.** You do at the end of the ...

12 **A.** Yes.

13 **Q.** ... day.

14 **A.** Yes.

15 **Q.** And the ultimate decision, when an AFO is conducting a
16 tertiary investigation, whether it's to revoke or to refuse or
17 to grant a license or to have a license returned to valid
18 status, whatever the decision may be, where does that decision
19 ultimately rest? Is that with the AFO?

20 **A.** Yes.

21 **Q.** Okay. But all of those decisions are reviewed by you?

22 **A.** Yes.

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1 **Q.** So is that every decision that an AFO makes before
2 it's ... well, every decision an AFO makes on a file?

3 **A.** Probably 99.9 percent of the time. Yeah.

4 **Q.** Okay. That's your practice is to review them all?

5 **A.** Yes.

6 **Q.** Okay.

7 **A.** Yes.

8 **Q.** Do you ever disagree with your AFO?

9 **A.** Yes.

10 **Q.** Okay. What happens when you disagree with your AFO?

11 **A.** We review it.

12 **Q.** Okay. And if you come to a meeting of the minds ... I
13 guess if you don't come to a meeting of the minds, who has the
14 ultimate authority?

15 **A.** CFO.

16 **Q.** The CFO. You would go to the CFO in those
17 circumstances?

18 **A.** Yeah. Yes.

19 **Q.** On a ... typically, though, this discussion, in your
20 province at least, amongst the AFO and his or her colleagues and
21 the operations manager, that doesn't involve the CFO?

22 **A.** Not on a regular basis. Normally, we can look and

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1 make a decision. If I override a decision from an AFO, it's not
2 anything that is of an error. It may be that I'm looking for
3 more information. So, you know, more information is needed.
4 We'll get some more information. So other than that, that's ...
5 refusal and revocation, AFOs ... area firearms officers have to
6 defend their decisions in court, so they're the ones that would
7 have to go to court if a client appeals their decision. So they
8 have to defend ... they have to provide the information. So
9 they're representing the CFO's office.

10 If there's an issue or if there's something that's
11 concerning, I would take the concern to the CFO to say, This is
12 happening, or, This is concerning. What do we do? And then the
13 CFO will make the decision at that point.

14 **Q.** Okay. And you referenced it and I was going to make
15 reference to it, but the ... there is a process under the
16 **Firearms Act** for an applicant or a licensed holder who's being
17 revoked, I guess, to appeal ...

18 **A.** Yes.

19 **Q.** ... and it's the area firearms officers who would
20 ultimately attend at court to deal with those applications in
21 New Brunswick?

22 **A.** Yes.

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1 **Q.** Does the operations manager do that ever or ...

2 **A.** No.

3 **Q.** Or the CFO?

4 **A.** Unless we're called to testify, but no.

5 **Q.** Right. Okay. Is there ... so there are a number of
6 people you said that area firearms officers can consult. Is
7 there a certain expectation for consultation, anything ... or is
8 that ... for example, with medical practitioners, with conjugal
9 partners, with whatever it may be, police officers?

10 **A.** It all depends on the file. Every file is different.
11 Every scenario is different. Medical practitioner, the current
12 medical form that we use, the client has to sign to give
13 consent. So if it's not signed, we can't contact the medical
14 practitioner. But we also advise the client that if it's not
15 signed and it's not provided, we have to make a decision on the
16 information that we have on file. So we have to make a decision
17 on that. We use the information that we have.

18 We'll contact the police officers and say, Okay, we're done
19 our investigation and we're not sure ... we're leaning towards,
20 you know, giving them a firearms license. What do you think?
21 So we'll call the police and ... because they know the clients
22 maybe from the community. So we'll find out from them what

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1 they're thinking. So we'll use the resources that we have ...
2 the area firearms officers will use the resources that they
3 have. There's some files that will take a long time because
4 they're doing a lot of investigation. Other files will be a lot
5 shorter just because of the file itself.

6 Q. So I'm going to ask you about the medical forms that
7 you have in place now. Just before I do that, though, in terms
8 of the databases then that an area firearms officer can check,
9 obviously CFIS ...

10 A. Yes.

11 Q. ... and CPIC?

12 A. Yes.

13 Q. And now PROS?

14 A. Yes.

15 Q. Are there other databases that an AFO can check?

16 A. JISNB which is our court systems in New Brunswick.

17 Q. JISN- ...

18 A. NB.

19 Q. I assume that's like judicial information system or
20 something of that nature? We have ...

21 A. Yeah. For New Brunswick.

22 Q. ... a system called JEIN in ...

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1 **A.** Exactly.

2 **Q.** ... Nova Scotia. All right.

3 **A.** Yeah.

4 **Q.** So that would tell the AFO about ...

5 **A.** If there's any ongoing files, if there's any criminal
6 files, any motor vehicle offence, anything that would be
7 attached to the client, youth files or adult files.

8 **Q.** Okay. Anything else that they would typically check?

9 **A.** Not that I can think of right now.

10 **Q.** Okay. So, obviously, if the concern that arose in the
11 investigation is one of a medical nature, your AFO is going to
12 want to talk to ... or at least receive some information from a
13 medical practitioner?

14 **A.** Uh-huh.

15 **Q.** Okay. And you have an application form ... we have a
16 number of documents that have been marked. Perhaps we can just
17 have a quick look at them. So let's go to P124. So this is, I
18 guess, a letter that ... looks like a template letter.

19 **A.** Yes.

20 **EXHIBIT P-000124 - TEMPLATE LETTER - REVIEW OF FIREARMS LICENSE**

21 **Q.** And what is this letter?

22 **A.** This is ... so this would be a templated letter used

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1 when we get a Firearms Interest Police file and we're reviewing
2 the license. So this would be the cover letter that would be
3 sent to the client to say, We're currently reviewing your
4 license. During our review it was noted that on the date, you
5 were involved in an incident, concerning your mental health,
6 with the RCMP/City Police. And then we say that the form ...
7 We're sending you a form that needs to be completed and it also
8 indicates your signed consent is required for a medical and
9 mental health practitioner to disclose information about you.
10 If you do not consent information, the CFO will make a decision
11 without the information.

12 Q. Okay. Are there two letters in that exhibit or just
13 one? One?

14 A. Just one.

15 Q. I think we had another ...

16 **THE CLERK:** Exhibit 128.

17 **(11:28:00)**

18 Q. 128? Oh, thank you. No. No, it's not that one.
19 Perhaps we didn't get the other one marked.

20 A. Yeah. That's the old one.

21 Q. Right. Okay. There's also a template letter. I
22 assume if ... if a person checks "yes" to a personal history

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1 question ...

2 **A.** Absolutely.

3 **Q.** All right.

4 **A.** The template, the bottom part of it, is the same thing
5 except it would say ... where it says, Regarding firearms
6 license, it would say, Firearms license application, and the
7 application number. And it would say, Is currently reviewing
8 your firearms license application, and just kind of ... you've
9 answered "yes" to personal history question and ...

10 **Q.** Okay.

11 **A.** Yeah.

12 **Q.** And an information sheet is provided to the individual
13 along with that. I think that's marked as P125.

14 **EXHIBIT P-000125 - INFORMATION SHEET - CONSENT FOR DISCLOSURE OF**
15 **MEDICAL INFORMATION TO A CHIEF FIREARMS OFFICER TO ASSESS**
16 **ELIGIBILITY FOR A FIREARMS LICENSE**

17 **A.** That's the information sheet. That's the information
18 sheet. That's the medical form that's attached to that. That's
19 the information sheet with the medical form.

20 **Q.** Right. We may have them broken up into 125 and 126.

21 If you ...

22 **A.** Okay.

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1 Q. ... can go to 126. And this is the actual form here,
2 is it?

3 A. Yes, it is.

4 **EXHIBIT P-000126 - CONSENT FOR DISCLOSURE OF MEDICAL INFORMATION**
5 **TO A CHIEF FIREARMS OFFICER TO ASSESS ELIGIBILITY FOR A FIREARMS**
6 **LICENSE**

7 Q. Okay. So a client is ... if the issue is one of a
8 medical issue, is that primarily going to be a mental health
9 issue?

10 A. Primary, yes. Yeah.

11 Q. I assume there could be other medical issues, though,
12 like maybe eyesight or something like that or ...

13 A. It all depends on if it's alcohol, if it's anything
14 that is related to ... that we ... if they answered "yes" to the
15 personal history question bar, we will ask for a medical.

16 Q. Okay. So those typically then do relate to mental
17 health issues, maybe substance ...

18 A. Behavioural ...

19 Q. ... abuse issue?

20 A. ... emotional, yeah, absolutely.

21 Q. Okay. So, currently, this Exhibit 126 is the one
22 that's ... is the form that's used and is sent to clients?

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1 **A.** Yeah.

2 **Q.** Is this sent to all clients, then, for medical ...

3 **A.** Yes.

4 **Q.** Okay. So this, how long has this particular form
5 been in use?

6 **A.** 2016. 20- ... Just a second. Sorry ...

7 **Q.** At the bottom of the form, the exhibit is, it looks
8 like May of 2019.

9 **A.** Oh, that's the RCMP form.

10 **Q.** Yes.

11 **A.** That was amended in 2019, but we started using this
12 form - because that's been created for a while, that form
13 themselves - but we started using that form February 24, 2017.

14 **Q.** 2017?

15 **A.** Yes.

16 **Q.** Okay. This form requires more information from a
17 practitioner than the previous form?

18 **A.** Yes.

19 **Q.** Is that the reason why you started using this form?

20 **A.** Absolutely.

21 **Q.** Okay. And this is an RCMP form. I think it has the
22 number 6423?

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1 **A.** Exactly.

2 **Q.** All right. So if ... So a couple of things, if a
3 client is sent a letter and asked for consent and for this
4 document to be completed by their doctor, if they refuse, you
5 say the decision will be made without that information. I
6 assume that if they refuse, the likelihood is that there is
7 going to be a revocation or a refusal?

8 **A.** One hundred percent.

9 **Q.** Okay. So you'd want to have something from a doctor?

10 **A.** Absolutely.

11 **Q.** Okay. As noted, this form requires a little more
12 information from a doctor, and some practitioners are less
13 inclined to complete forms, I know. What happens if a doctor
14 isn't disposed to give you a lot of information on this form?

15 **A.** We've had doctors that have refused to complete it.

16 **Q.** Yes.

17 **A.** If they refuse, we have to make a decision based on
18 the information that we have.

19 **Q.** It's sort of left, then, to the client to find a
20 doctor that will complete the ...

21 **A.** Exactly. And we ... like we won't accept just a
22 clinic, to go to a clinic and do it. It has to be somebody that

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1 has been ... Because there are so many questions there and it's
2 got to be somebody that has followed them for a long time.

3 Q. Mm-hmm.

4 A. Some of the doctors, like, a family doctor will say,
5 Well, you're being followed by a psychiatrist or a psychologist,
6 have them complete it. Not a problem, we'll accept that also.

7 Q. Okay. If a ... So, for example, you just said they
8 have to have familiarity with the person or have been following
9 them for some period of time. Right at the beginning you ask
10 how long, the form asks how long has the patient been under your
11 care. Do you have expectations ... If a doctor is prepared to
12 complete this form but has only recently started to see the
13 patient, what do you do with that situation?

14 A. The area firearms officers a lot of times will, if
15 ... doctors, sometimes, most of the doctors won't fill it out if
16 they haven't known them long enough.

17 Q. Mm-hmm.

18 A. But if the doctor fills it out and we're still not
19 comfortable, the license may still be revoked or the application
20 may still be refused, but we will say to the client, Listen,
21 this is occurring, the doctor is just getting to know you, once
22 you're stable, like, once your life is back to normal, once

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1 you're stable, reapply.

2 Q. Mm-hmm.

3 A. And then we'll review it at that point.

4 Q. Okay.

5 A. But at this time it's revoked or refused.

6 Q. There are a number of the fields here that, where the
7 words "Information Required" are actually added.

8 A. Yeah.

9 Q. They don't look like they're part of the original
10 form.

11 A. No.

12 Q. Is that something that the NBCFO has put on the form?

13 A. Yes, we put that there.

14 Q. Okay. So you actually require or would expect the
15 doctor to actually provide some information in each of these
16 fields?

17 A. Well, we found that if no "Information Required" was
18 not there, the fields were left blank.

19 Q. Okay. All right. So the form now requires a doctor
20 to provide some information. I'm looking at section 2, the
21 Nature of the Patient's Health Circumstances.

22 A. Um-hmm.

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1 **Q.** 3, Prescribed Medication, Treatment, or Counseling;
2 4, Effects of Medication on a variety of different aspects, I
3 guess, of their life, compliance with medication, consequences
4 of not taking medication; and then a more general section that
5 requires the doctor to give any recommendations or concerns that
6 relate to the possession of a firearm.

7 **A.** Mm-hmm.

8 **Q.** Is there other information that might be required
9 from a doctor sometimes beyond this or does this form typically
10 kind of cover everything?

11 **A.** The doctor ... This covers a lot. Some of the
12 doctors will ... might add some extra information.

13 **Q.** Um-hmm.

14 **A.** Some of the doctors, once it's completed, might give
15 it to the client directly or they might, if it's negative, they
16 might fax it to us directly or email it to us directly.

17 **Q.** Mm-hmm.

18 **A.** But usually ... typically if it's completed in its
19 entirety, we'll accept that.

20 **Q.** Okay. So and then two other questions about this:
21 the information that's provided to the doctor regarding your
22 concerns, what is provided to a medical practitioner when you're

LYSA ROSSIGNOL, Direct Examination

1 asking them to complete this form?

2 **A.** In the first section ... Sorry, part 4(a).

3 **Q.** 4(a).

4 **A.** Yeah, Information Concerning Health Circumstances, we
5 usually put, like, a synopsis of what it is that we have, like,
6 information that we have. So if they answered "yes" to a
7 Personal History question, we will put to the doctor that this
8 is what we have. And whenever they answer a Personal History
9 question regarding their mental health or something like that,
10 they will tell us that it's because of a depression, they've
11 been diagnosed with anxiety, so we will put that in there so
12 that the doctor is aware of what we know. If it's because of a
13 file, we will put a synopsis of the file to say this occurred on
14 this date. We just want to follow up and see if, what needs to
15 be done, or if the doctor needs to tell us if he's okay with all
16 of that or if there should be something else that we should be
17 made aware of.

18 **Q.** So a file meaning if there's a police file?

19 **A.** If there was a Firearms Interest Police file that we
20 were made aware of.

21 **Q.** Okay. All right. And who decides how much
22 information is given to the doctor? Is that the area firearms

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1 officer who's conducting the investigation?

2 **A.** Yes, but it's kind of, it's a protocol, a procedure
3 that was designed by all of us as the Firearms Office that we
4 won't put the whole file in the medical. It's ... we give a
5 synopsis of what the file is so that the doctor has as much
6 information as he can have so that he can make, give us as much
7 information as possible.

8 **Q.** I would assume the more information that is given to
9 the practitioner the better ...

10 **A.** Yeah.

11 **Q.** ... or the stronger the opinion that comes back the
12 other way?

13 **A.** The stronger, yeah, exactly.

14 **Q.** All right. Is there an expectation that, again,
15 because these often relate to mental health type of situations,
16 that the particular practitioner to whom this is sent will have
17 a certain area of expertise. I appreciate you said some family
18 doctors will say I'd prefer that a psychologist or a
19 psychiatrist complete this, but do you have expectations of that
20 when it's sent to or when it comes back from a particular
21 medical practitioner?

22 **A.** My expectations as the CFO now and my expectations as

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1 the operations manager is that when a doctor completes it we
2 have all the information that is required to make the proper
3 decision for a person to have a firearms license.

4 **(11:38:08)**

5 **Q.** Okay. So in other words, it doesn't have to be a
6 psychiatrist?

7 **A.** No.

8 **Q.** Okay. If you get this form completed and you're
9 dissatisfied with it, you feel that maybe the doctor doesn't
10 know the patient well enough or hasn't provided enough
11 information, will you or the AFO follow up with that doctor?

12 **A.** It would be the area firearms officer.

13 **Q.** Area firearms officer, yes.

14 **A.** If the client signed off, gave a waiver for the
15 doctor to give us the information, the area firearms officer
16 will contact the doctor directly to get more information.

17 **Q.** Um-hmm. If the medical practitioner who's completing
18 the form says, I don't have any concerns about this person
19 having a firearm, and your AFO conducts the investigation,
20 looking at other sources of information and says ... Is there a
21 situation where an AFO may say, I'm not comfortable with this,
22 irrespective of the fact that the medical practitioner says that

LYSA ROSSIGNOL, Direct Examination

1 they think it's okay?

2 **A.** Absolutely.

3 **Q.** Does that actually happen in practice?

4 **A.** It has happened.

5 **Q.** Okay.

6 **A.** It has happened before. They'll look at all the
7 facts and information that is in front of them to make a
8 decision. They'll do a peer review and say this is what we have
9 in front of us, this is what we have, I don't feel comfortable
10 giving this person, giving this individual a firearms license.
11 The doctor said no problem, but I have a bit of a concern, and
12 the decision will be made. If the client decides to appeal, it
13 will be up to the judge to make the decision after that whether
14 we erred on the side, like, if we were doing an error by taking
15 the firearms license away or refusing the license application.

16 **Q.** Okay. And in your role as operations manager has
17 there been a situation where perhaps an AFO has felt that the
18 opinion of the doctor was satisfactory to either grant or have a
19 license remain valid and you felt differently or you wanted more
20 information?

21 **A.** No, not that I can recall.

22 **Q.** Okay. You and the AFOs typically are *ad item*, then,

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1 on that?

2 **A.** Yeah, yeah.

3 **Q.** And you said this form and template letter or letters
4 have been used since February of 2017.

5 **A.** Um-hmm, yes.

6 **Q.** And just because it may be relevant for this
7 particular case, I guess 128 that we had gone to earlier, that's
8 an older template letter that was used by your office, is it?

9 **EXHIBIT P-000128 - TEMPLATE LETTER USED BY CHIEF FIREARMS OFFICE**
10 **- COMPLETE AND RETURN ATTACHED MEDICAL ASSESSMENT FORM BY**
11 **PHYSICIAN**

12 **A.** Yes.

13 **Q.** Okay. This particular letter requires that the
14 medical information be returned within 90 days.

15 **A.** Mm-hmm.

16 **Q.** What's the expectation now on a client?

17 **A.** 30 days.

18 **Q.** 30 days. So assuming a client is attempting to reach
19 their physician and get this form filled out, if they can't get
20 it done in 30 days, what does your office do?

21 **A.** The client will contact us and ask for an extension
22 which will be granted. As long as we know that they're in the

LYSA ROSSIGNOL, Direct Examination

1 process of getting things. Sometimes doctors can be on
2 vacation, might be out of the office, but at least they're in
3 the process of getting it, then no problem.

4 Q. Okay.

EXHIBIT 000129 - FORM - MEDICAL ASSESSMENT BY PHYSICIAN

6 And 129, I think, is the old Medical Assessment by a
7 Physician form ...

8 A. Yes.

9 Q. ... that was used until February of 2017?

10 A. Yes.

11 Q. And this is the form that was used, I think, on at
12 least one of Mr. Desmond's, Lionel Desmond's application ...

13 A. On both.

14 Q. On both. Okay. So on the older form there's a box
15 or an area on the form that says "At Issue", and this example,
16 template example relates to a personal history question, but
17 that's on the old form where the information would have been
18 provided to the doctor?

19 A. Exactly.

20 Q. Okay. And on the old form the doctor was asked to
21 either check "yes" or "no", I have or I don't have concerns
22 about this person possessing a firearm?

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1 **A.** Exactly.

2 **Q.** The "Comments" section, although it says required,
3 what was your experience with the old form? Would doctors
4 always give you information there or sometimes would they not?

5 **A.** Would not.

6 **Q.** More often not?

7 **A.** More often not.

8 **Q.** Okay. That would obviously be problematic, would it?

9 **A.** Mm-hmm, yes.

10 **Q.** If a doctor did not provide information on the old
11 form, would there be a follow up, typically?

12 **A.** Yes, the firearms officers would contact them, would
13 contact the client, get some information about the doctor, and
14 if we couldn't get a signature or if it wasn't signed or
15 stamped, we would contact the doctor.

16 **Q.** Okay. So when a tertiary investigation is done,
17 again you said earlier some of that information in inputted into
18 CFIS. The file itself, though, the paper or electronic file
19 that was created by the AFO, that's kept at your office, is it?

20 **A.** It is.

21 **Q.** And it's not sent to the central processing site?

22 **A.** No.

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1 **Q.** So a firearms license or possession acquisition
2 license can have certain statuses, then, can it?

3 **A.** Absolutely.

4 **Q.** And what are those?

5 **A.** A license can be valid, it can be under review, it
6 can be expired, it can be under revocation suggestion received,
7 or it can be under extension period.

8 **Q.** Okay. So if the license is valid, that's, I think,
9 self-explanatory, it's valid?

10 **A.** It's valid.

11 **Q.** Okay. So you used two terms there, "under review"
12 and "revocation suggestion received". So what's the practical
13 ... Just kind of walk us through that, if something's placed
14 under review where is that placed under review and ...

15 **A.** If a license is placed under review, it's because
16 we've received information that we need to investigate, we need
17 to review.

18 **Q.** Right.

19 **A.** So license revocation ...

20 **Q.** And that's done in CFIS?

21 **A.** It's done in CFIS. All of that is done in CFIS.

22 **Q.** And that's done by a person or is it ...

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1 **A.** Yes, it's done by a person. The license revocation
2 suggestion is done by the system directly.

3 **Q.** Um-hmm.

4 **A.** When a Firearms Interest Police file is matched, so
5 the system does it automatically. The license under review is
6 done by an individual. Normally it will be done by either a
7 provincial firearms officer or by myself when I match a Firearm
8 Interest Police file, or if we get a public safety concern we'll
9 put the license under review and assign it for an investigation
10 ... for review.

11 **Q.** Okay.

12 **A.** Expired just means that it expired.

13 **Q.** Time ran out. So how long are ...

14 **A.** A license is valid for five years.

15 **Q.** Yeah.

16 **A.** It expires on their birthday.

17 **Q.** Yes.

18 **A.** However, June of 2015 Bill C-42 came into effect and
19 everybody gets an extra six months' extension on their license,
20 so when the license is set to expire on their birthday,
21 technically they get, that's where the "under extension" period
22 comes in.

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1 **Q.** Um-hmm.

2 **A.** So they get an extra six months to renew their
3 license.

4 **Q.** Okay. And if they don't do it within that period
5 then it just expires?

6 **A.** Exactly.

7 **Q.** All right. And so under extension period, that's
8 what you're talking about, that's the six months?

9 **A.** Exactly.

10 **Q.** Okay. All right. And an application, if I'm applying
11 for a possession acquisition license, that application can be
12 approved?

13 **A.** It can be approved, it can be refused. Eligibility
14 check complete is when it comes to us.

15 **Q.** So let's go through those - Approved is just that,
16 it's approved?

17 **A.** It's approved. Refused, it means that it was
18 reviewed and it was refused, our office refused to give them an
19 application, so it can be appealed or it can be rejected.
20 Rejected means that the applicant either did not qualify for a
21 license or did not provide us with the required information in
22 time.

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1 **Q.** Okay. So rejected application is not one that's been
2 refused, it simply was, the information wasn't provided to you
3 or it was inappropriate or the incorrect application ...

4 **A.** The client did not ... the client was applying while
5 he was currently on a prohibition order.

6 **Q.** Okay.

7 **A.** So he doesn't qualify.

8 **Q.** Okay. And they cannot appeal that?

9 **A.** No.

10 **Q.** And then "eligibility check complete", what does that
11 mean?

12 **A.** That's the application when all the data captured has
13 been completed and now it's up, it's at the New Brunswick
14 Firearms Office for review.

15 **Q.** Mm-hmm. Okay. So may not be under review, it's
16 just ...

17 **A.** It's eligibility checks complete, all the checks have
18 been done at Miramichi.

19 **Q.** Right.

20 **A.** Now it's up to us to complete it.

21 **Q.** Okay. Is there a requirement on a license holder to
22 notify your office of a change of address, is there?

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1 **A.** Absolutely, under the Firearms regulations they're
2 supposed to notify us within 30 days of moving. When they're
3 issued a firearms license, they're issued a paper that the
4 firearms license is attached and there is a note on there that
5 they're supposed to notify us of any move.

6 **Q.** And that's of any change of address, either within or
7 outside of the province?

8 **A.** Absolutely.

9 **(11:48:00)**

10 **Q.** Okay. If a license is placed under review for one of
11 the variety of reasons that we've talked about, that's going to
12 be shown in CFIS?

13 **A.** Yes.

14 **Q.** To your knowledge is that shown in CPIC?

15 **A.** No, it's not.

16 **Q.** Okay. So if an officer, for example, has a concern
17 about a particular license holder and wants to check on the
18 status of their license, some of the information may be in CPIC,
19 but a review status would not, is that ...

20 **A.** CPIC itself does not have ... They would have to
21 check it on their PROS.

22 **Q.** PROS, okay.

LYSA ROSSIGNOL, Direct Examination

1 **A.** PROS would only show Valid, Expired, Revoked, or
2 Refused. It wouldn't show anything else. Under Review, they
3 don't show it in PROS. But there are other options that they
4 have at their disposal to verify firearms licenses.

5 **Q.** Okay. And what are those?

6 **A.** They can contact our office, our main ... the
7 Firearms Office in New Brunswick to find out from a firearms
8 officer. We do give it over the phone, we are able to do that.
9 If they need something more concrete, like, paperwise, we'll get
10 them to get an affidavit, we'll provide them an affidavit to say
11 whether or not this person has a firearms license.

12 There is a system that was created for all public agents,
13 and it's under the regulations of the **Firearms Act** also, and
14 it's for all firearms or for all public agencies to enter
15 firearms that they're seizing or even their own public agent
16 firearms, they enter them in the system for ... All firearms
17 that they seize, it's marked Under Protective Custody, it's
18 marked ... So they enter them to say what type of firearms
19 they've seized, who did they seize it from, and so on and so
20 forth. So this system, they can log on, when they check they
21 can enter a firearms license number...

22 **Q.** Yes.

LYSA ROSSIGNOL, Direct Examination

1 **A.** ... and it will tell them whether the license is
2 valid or not.

3 **Q.** I see. So I'm a police officer, I'm investigating an
4 individual, there are firearms issues, I want to know the status
5 of their license, I'll check PROS first and that will show if
6 it's revoked, for example?

7 **A.** If they have one or not, yeah.

8 **Q.** If they have one. Okay. But I'm still a little
9 concerned that, I want to know a little more information, for
10 example, if it's under review. So I can call the Firearms
11 Office?

12 **A.** Absolutely.

13 **Q.** Okay. And so that's as simple as picking up the
14 phone and talking to ... identifying myself as a police officer
15 and talking to somebody there or ...

16 **A.** Absolutely. They have ... Like, what we did, our
17 area firearms officer, we've been going around the province the
18 last few years and providing education to all, giving them our
19 contact information, so they have contact information for all of
20 our area firearms officers throughout the province.

21 **Q.** Mm-hmm.

22 **A.** Their direct line, my direct line, so that they can

LYSA ROSSIGNOL, Direct Examination

1 contact us directly, so that if they need, like, information
2 right away, we can provide it right away. The other option also
3 is NWEST, we have two NWEST officers in the Province of New
4 Brunswick, one in Moncton and one in Saint John, that have
5 access to our systems, so they can provide these officers with
6 even more information that they would have access to.

7 **Q.** So NWEST is the ...

8 **A.** The National Weapons Enforcement Team. So they're the
9 ones that ... they're across Canada.

10 **Q.** And the NWEST officers, those are RCMP officers?

11 **A.** One's an RCMP officer in Moncton and one is a police
12 force officer from Saint John.

13 **Q.** And those NWEST officers in New Brunswick, you say
14 they have access to your system?

15 **A.** They have access to all the systems, so they can see
16 if a license is valid, they can see if ...

17 **Q.** So they can check CFIS?

18 **A.** Absolutely. Well, it's not ... they don't have
19 access to CFIS but they have access to ... The way their system
20 works and ours, they talk to each other.

21 **Q.** Okay.

22 **A.** And they have access to all of that, yes.

LYSA ROSSIGNOL, Direct Examination

1 **Q.** And the other system, though, that you mentioned ...

2 **A.** The public agency ...

3 **Q.** Yeah, yes, and what's ... There's an acronym for
4 that, PAIN, is it?

5 **A.** Yes, PAIN.

6 **Q.** P-A-I-N?

7 **A.** Yes.

8 **Q.** And what is that, what is that?

9 **A.** There's no acronym for P-A-I-N, because it's the
10 Public Agency Identification Number. So it's a public web
11 system.

12 **Q.** And that system an officer can access?

13 **A.** It's for the public agencies, which is all for any
14 police officer, any public agency that have firearms, that seize
15 firearms, that have their own firearms, will have access to that
16 system.

17 **Q.** And that system will tell the officer if a person's
18 license is under review?

19 **A.** It will tell them whether it's valid, revoked, under
20 review, anything like that.

21 **Q.** Okay. So the necessity for applying for a formal
22 affidavit from your office, that isn't necessary, I take it,

LYSA ROSSIGNOL, Direct Examination

1 then, to just get the information about whether a license is
2 under review or not?

3 **A.** A police officer that will contact our office and get
4 it over the phone is information only. So it's not something
5 that they can use to court, because it's information. If they
6 want to use whether or not an individual had a firearms license
7 during a certain event, at the time of an event, we will
8 recommend that they get an affidavit.

9 **Q.** Mm-hmm.

10 **A.** So they'll send in a request for an affidavit and the
11 affidavit is signed by the Chief Firearms Officer and it will
12 tell them whether they had a firearms license, a POL, a PAL,
13 whether it expired, whether there's an application in progress,
14 what the scenario is.

15 **Q.** Um-hmm.

16 **A.** And those are done within a couple days of receipt or
17 it can be done within 24 hours, depending on the emergency of
18 it.

19 **Q.** Okay. All right. So that's if one needs a more
20 formal document, say, for court or some other ...

21 **A.** Absolutely.

22 **Q.** Okay. All right. If a license is revoked, a person

LYSA ROSSIGNOL, Direct Examination

1 will still have the possession acquisition license, the actual
2 laminated card? It's a laminated card, right?

3 **A.** Mm-hmm.

4 **Q.** In your experience, how, how is that typically
5 retrieved, if at all, and how often is it retrieved?

6 **A.** Once a license is revoked, if the client appeals the
7 decision, he or she does not have to return anything until the
8 appeal is complete.

9 **Q.** Mm-hmm.

10 **A.** But once the appeal is complete, it does indicate
11 that they are supposed to return all their firearms and all
12 their paperwork to the police. We are not an enforcement
13 office, so we don't enforce that, unfortunately, that part, but
14 we do get a lot of firearms licenses returned to us by policing
15 agencies that have gotten them and then we put them in the files
16 and we indicate as much.

17 **Q.** Okay. So if a policing agency retrieves the
18 possession acquisition license, they'll typically, then, return
19 it to your office?

20 **A.** Absolutely.

21 **Q.** And you'll store it in a file or keep it in a file?

22 **A.** I'll indicate it in CFIS that we've received it and

LYSA ROSSIGNOL, Direct Examination

1 put it in the client's file.

2 Q. All right. There are obviously a number of
3 applications that come in every year that are dealt with at the
4 central processing site in Miramichi that you don't become aware
5 of?

6 A. Exactly.

7 Q. Do you have any sense of how many applications from,
8 for example, New Brunswick there are in a year?

9 A. That come in to the ... our office?

10 Q. Yeah. Well, yeah, sure, in your office or ...

11 A. I can tell you the ... So acquisition license, just
12 last year we got 3,600, approximately 3,600, just possession
13 acquisition licenses, that came in New Brunswick to be reviewed.

14 Q. Those are ones that came to your office?

15 A. That came to our office to be reviewed.

16 Q. Okay. So there would be, then, a large number more
17 that would have been dealt with at the central processing site
18 that would not have come to you?

19 A. Well, in New Brunswick in 2019 the total number of
20 licenses issued was 14,299.

21 Q. Okay. All right. And that's just in 2019?

22 A. That's just in 2019.

LYSA ROSSIGNOL, Direct Examination

1 **Q.** Okay. And so 3,600, thereabouts, came to your office
2 for some follow-up?

3 **A.** Exactly.

4 **Q.** A lot of those, then, would have been ones that were
5 more administrative type things that the provincial firearms
6 officers would have dealt with?

7 **A.** Exactly.

8 **Q.** Any sense of how many tertiary investigations are
9 done or ... I suppose some are ongoing from year to year,
10 obviously?

11 **A.** Absolutely.

12 **Q.** Right.

13 **A.** Absolutely.

14 **Q.** Do you have a sense of how many open files there are
15 or ...

16 **A.** I wouldn't know. I ...

17 **Q.** A rough sense of ...

18 **A.** Probably ... I would say probably 80 to 100 files,
19 give or take.

20 **Q.** Is that per area firearms officer?

21 **A.** No, no, that's the whole ...

22 **Q.** That's in total?

LYSA ROSSIGNOL, Direct Examination

1 **A.** That's the whole thing.

2 **Q.** Okay. So how many tertiary investigations might an
3 area firearms officer be carrying at a given point in time?

4 **A.** 20 to 30, that's applications, and then you're
5 looking at Firearms Interest Police files, you might be looking
6 at another 20 to 30. So it all depends on the area, it all
7 depends on the time of the year, it depends on scenarios. Each
8 one is different.

9 **Q.** Okay. There are more applications at certain times
10 of the year, are there?

11 **A.** Absolutely.

12 **Q.** Near hunting season perhaps?

13 **A.** Absolutely.

14 **Q.** Yeah. Okay.

15 **(11:58:00)**

16 **THE COURT:** Mr. Murray, I don't know if there's a
17 convenient spot to break. We started at about 10 to 10 this
18 morning and it's almost 12. We didn't have a morning break.
19 We would normally break at 12:30. I know the witness has been on
20 the stand for a couple of hours. That can be tiring. I am
21 giving some thought to maybe breaking shortly for lunch and
22 coming back a little bit earlier.

LYSA ROSSIGNOL, Direct Examination

1 **MR. MURRAY:** This would be a good time because I was
2 going to move into the actual applications.

3 **THE COURT:** Perfect. All right. Thank you. So we'll
4 break now for lunch. We'll try and come back around 1 o'clock,
5 please. Thank you.

6 And perhaps just before you go, Ms. Rossignol, I don't know
7 if you come to court or go to court very often, but generally
8 judges will give directions to witnesses that during the break
9 period that they not have discussions with any other persons
10 about the evidence that they've given. That's not to suggest
11 that people will go out and have discussions, you know, for some
12 nefarious purpose, but you can be engaged in conversations that
13 might be suggestive, that might not look quite right, if I can
14 put it that way. Okay? So we avoid all of that by just asking
15 you not to have conversations about your evidence. You can chat
16 with whomever you like, your counsel clearly would know the
17 limits of discussions that they can have with you, or anyone
18 else. Just go about your business normally, all right? Thank
19 you. We're adjourned until 1 o'clock.

20 **COURT RECESSED (12:00 HRS)**

21 **COURT RESUMED (13:06 HRS)**

22 **THE COURT:** Ms. Rossignol has returned to the stand.

LYSA ROSSIGNOL, Direct Examination

1 She's still under oath. Thank you. Mr. Murray?

2 **MR. MURRAY:** Thank you. Ms. Rossignol, just before the
3 break, we were talking, I guess more generally, about the
4 process of applying for firearms licenses and various things
5 that can come as a result of that. I'd like to turn this
6 afternoon to Lionel Desmond's applications and the various ways
7 that those were dealt with by the CFO in New Brunswick.

8 **EXHIBIT P-000130 - CANADIAN FIREARMS INFORMATION SYSTEM**

9 **DOCUMENTS**

10 If we could bring up Exhibit 130. There's a variety of
11 documents in Exhibit 130, or a number of pages, I think.
12 Perhaps as many as 40. And these came from the Canadian
13 Firearms Information System. You're familiar with these
14 documents, are you?

15 **A.** Yes.

16 **Q.** And perhaps, more generally, you are familiar with the
17 type of documents that are in Exhibit 130 that have been taken
18 from the CFIS database?

19 **A.** Yes.

20 **Q.** All right. So if we could look at page 17. There's
21 pagination at the top left of that where there's a number of
22 pages. It would appear that Mr. Desmond first made an

LYSA ROSSIGNOL, Direct Examination

1 application for a firearm in December of 2008. Is that correct?

2 And have a look at the documents on page 17, 18, 19 and 20.

3 **A.** Yeah. It appears he signed December 29, 2008. Yeah.

4 **Q.** Okay. And this was an application for a possession
5 and acquisition license under the **Firearms Act** for individuals
6 18 and over and it was for non-restricted firearms?

7 **A.** Yes.

8 **Q.** All right. And this form is similar to the blank
9 form, I think, that we looked at earlier in your evidence?

10 **A.** Yes.

11 **Q.** And has this form changed in recent years, do you know
12 offhand?

13 **A.** It's been updated.

14 **Q.** Are there significant changes to it?

15 **A.** No.

16 **Q.** Okay. Now, in this case, this application would have
17 been processed at the central ... or received, at least, by the
18 central processing site in Miramichi initially?

19 **A.** Yes. That's why the January 5th, 2009 at the top of
20 first page, that's the date that they received it there.

21 **Q.** That stamp would have been from Miramichi.

22 **A.** Yes.

LYSA ROSSIGNOL, Direct Examination

1 **Q.** Okay. Now, in this document, Lionel Desmond provided,
2 in the initial sections, license information, personal
3 information. Provided the information that was required, it
4 would appear.

5 **A.** Mm-hmm.

6 **Q.** In Section C, "Personal history," he checked "no" to
7 all of the personal history questions.

8 **A.** Yes.

9 **Q.** And then in Part D, he provided, under "Current
10 conjugal partner - Shanna Desmond." And, actually, under
11 "Former conjugal partner - Shanna Desmond" as well.

12 **A.** Mm-hmm.

13 **Q.** And then he provided two references that were "Richard
14 Pitchuck and Shonda Borden."

15 **A.** Yes.

16 **Q.** So that form or that application would've been
17 initially processed or considered by the central processing site
18 in Miramichi. Was there anything, to your knowledge,
19 problematic about that application?

20 **A.** When I ... okay, just a second here. No, there's
21 nothing. It did come to the provincial Firearms office. When I
22 looked under CFIS, it did come to our office, where a provincial

LYSA ROSSIGNOL, Direct Examination

1 firearms officer indicated that the current spouse and the
2 former spouse were the same information and that she had signed
3 the application.

4 **Q.** Okay. So those were two problems, I guess, with the
5 nature of the way that the form was completed?

6 **A.** Yes. If the information is completed by the same
7 person, they just verify to see why, like what's the reason, and
8 it does happen on a regular basis.

9 **Q.** So just to be clear, we're talking about the current
10 and former conjugal partner?

11 **A.** Yes.

12 **Q.** So, obviously, a person is not both a current and a
13 former conjugal partner.

14 **A.** No.

15 **Q.** Some people misunderstand the form then, do they?

16 **A.** Exactly.

17 **Q.** Okay. So if that happens, there's follow-up to
18 determine whether the person is, in fact, a current conjugal
19 partner or a former conjugal partner, and there are different
20 implications, depending on which it is?

21 **A.** It all ... every situation is different. Every
22 application is different there.

LYSA ROSSIGNOL, Direct Examination

1 Q. Right.

2 A. Yeah.

3 Q. Okay. So you're saying your understanding is that
4 that discrepancy was clarified by a provincial Firearms Officer?

5 A. It was, yeah.

6 Q. All right. And the application itself you say was
7 signed by, it would appear, is that Shanna Desmond? Is that the
8 issue on the bottom?

9 A. It appears that she signed in both places under the
10 "current" and "former," and also signed as a photo guarantor.

11 Q. Okay. And she cannot be a photo guarantor?

12 A. Yes, she can. Absolutely.

13 Q. Okay. All right. So the problem was simply the
14 former and present ...

15 A. Yes.

16 Q. Okay.

17 A. Yeah.

18 Q. All right. Beyond that, there were no issues with
19 this application?

20 A. No. Absolutely none.

21 Q. Okay. And when was this application granted?

22 A. This application was approved on January 15, 2009.

LYSA ROSSIGNOL, Direct Examination

1 **Q.** All right. So if we look at page 5 of Exhibit P130, I
2 see "Possession and acquisition license privilege eff. date" -
3 this is the last sort of box on that page - "January 15th,
4 2009."

5 **A.** Mm-hmm.

6 **Q.** That's the date that his initial application would
7 have been granted and his license ...

8 **A.** Exactly.

9 **Q.** ... would take effect? All right. And it would be in
10 force for a period of?

11 **A.** If you see just above that, you'll see "License
12 document, document version number 1. Print date - February
13 2nd." And its status effective until November ... November 2nd
14 until February 4th, because what happens is when a person
15 applies for a firearms license, there's a minimum of a 28-day
16 waiting period between the processing date and the issue date.
17 And when he applied in January, on January ... Miramichi
18 received it on January 9th and we approved it on January 15,
19 there wasn't a 28-day waiting period. So there's a waiting
20 period to give the license to an individual. And that's under
21 the law.

22 **Q.** Okay. So you okayed it on January 15th, 2009?

LYSA ROSSIGNOL, Direct Examination

1 **A.** Yeah.

2 **Q.** And then there's a waiting period, you say?

3 **A.** For him to get the license in his hand.

4 **Q.** The actual physical card.

5 **A.** Yes.

6 **Q.** And that print date is February 2nd, 2009.

7 **A.** Yes.

8 **Q.** Okay.

9 **A.** Yeah.

10 **Q.** And that card would then be valid ... or it says,
11 "Document status - expired November 22nd, 2014." So it's in
12 force for a period of five years?

13 **A.** Yes.

14 **Q.** Okay. And so why is it November 22nd, 2014, and not
15 February 2nd, 2014?

16 **A.** It's always on their birthday.

17 **Q.** Okay. So that would correspond to his birthdate?

18 **A.** Yeah.

19 **Q.** Okay. So unless he applied to renew his license, it
20 would naturally expire on the 22nd of November 2014.

21 **A.** Yes.

22 **Q.** Okay. And that was the extent of that. No additional

LYSA ROSSIGNOL, Direct Examination

1 issues with respect to that license application process?

2 **A.** No.

3 **(13:15:55)**

4 **Q.** All right. So on page 32 of Exhibit 130, it looks
5 like there is now another application. And this would be on
6 pages 32, 33, 34 and 35. And these four pages would be his
7 application for renewal?

8 **A.** Yes.

9 **Q.** Okay. And I understand, on this occasion, Lionel
10 Desmond applied for both a license for non-restricted and for
11 restricted firearms?

12 **A.** Yes.

13 **Q.** Okay. And that would be evident from question 2 of
14 the application form, would it?

15 **A.** 2(b).

16 **Q.** 2(b) specifically?

17 **A.** Mm-hmm.

18 **Q.** So 2(a) indicates that he was the holder of a non-
19 restricted PAL.

20 **A.** Yes.

21 **Q.** 2(b) says he's applying for restricted and non-
22 restricted.

LYSA ROSSIGNOL, Direct Examination

1 **A.** Exactly.

2 **Q.** Okay. Now there were some issues with respect to this
3 application?

4 **A.** Yes.

5 **Q.** Okay. Can you tell us what the issues were with
6 respect to this application?

7 **A.** So when Miramichi received the application on March
8 3rd he was looking to upgrade his license. He provided ... he
9 answered "no" to personal history questions, and so no issues
10 there. The current partner was still Mrs. Desmond and that was
11 signed. References - the first one, no problem. The second one
12 was provided as his spouse, so that can't be. The fee provided.
13 And that was fine. And then they're missing ... the signature
14 on the back of the photo was missing.

15 **Q.** Okay.

16 **A.** So Miramichi sent him a notice for a second reference,
17 and also for him to sign the back of his picture.

18 **Q.** So those two issues - the fact that his wife stood as
19 one of his references and the fact that there was no signature
20 on the back of the photograph - those were things that were
21 caught and addressed in Miramichi?

22 **A.** At the central processing site, yes.

LYSA ROSSIGNOL, Direct Examination

1 **Q.** Okay. And those were dealt by way of correspondence
2 with him, were they?

3 **A.** Yes. And that's page 36 and 37.

4 **Q.** All right. And then he provided a different reference
5 at that time, did he?

6 **A.** Yes, he did. Instead of his wife, he provided Reuben
7 Perreault.

8 **Q.** And that was an acceptable person, at least on the
9 face of it, to act as a reference?

10 **A.** Yes.

11 **Q.** All right. Now, so, again, at that point, it hasn't
12 come to you. The application ...

13 **A.** No.

14 **Q.** ... for renewal hasn't come to you?

15 **A.** No.

16 **Q.** All right. And I think the correspondence with him
17 indicates that spouses - or perhaps the form as spouses - are
18 not eligible under Section 3(1)(c) of the Firearms License
19 Regulations?

20 **A.** Mm-hmm.

21 **Q.** All right.

22 **A.** Yes.

LYSA ROSSIGNOL, Direct Examination

1 **Q.** Okay. So those things are corrected. The application
2 form is still at the ...

3 **A.** Central processing site.

4 **Q.** ... central processing site and then there's another
5 problem detected and that's with respect to the personal history
6 questions?

7 **A.** No, what they did is they received the second
8 reference on April of 2016 and the picture and then on June 6th
9 of 2014 they were able to make contact with one of the
10 references, Mr. Perreault. So they contacted the reference.
11 They tried to contact either/or so it was one reference and they
12 contacted Mr. Perreault who said that he had known the applicant
13 for six years and that he was diagnosed with PTSD about two
14 years ago but had no issues with the applicant at this time.

15 **Q.** All right.

16 **A.** So central processing site, with that information,
17 created an exception error in CFIS which then sent the
18 application to us.

19 **Q.** All right. So and that's ... okay. So because of
20 that reference check at the central processing site, it then
21 gets bumped to your office?

22 **A.** Yes.

LYSA ROSSIGNOL, Direct Examination

1 **Q.** All right. And you said the procedure now is to have
2 one reference check done and was that the procedure at the time
3 that his ...

4 **A.** To my knowledge, yes.

5 **Q.** Okay. And was that the Enhanced Screening Unit at the
6 central processing site that would do that?

7 **A.** Yes.

8 **Q.** Okay. So what happens once the ...

9 **A.** Actually, for a reference, they put a comment
10 regarding the reference under the application.

11 **Q.** So just so we're, on the exhibits, we're looking page
12 eight, I think, of Exhibit 130.

13 **A.** If you go to page nine you'll get the comment
14 regarding the reference. Date number June 4, 2014.

15 **Q.** Yes.

16 **A.** "As per procedure change of April 14, 2014, one
17 reference interview has been completed."

18 **Q.** Right, okay. And it doesn't say specifically what the
19 issue is right there?

20 **A.** No.

21 **Q.** Okay. And on page eight at the top, June 4, 2014, we
22 see "Application errors or exceptions", "Outstanding errors or

LYSA ROSSIGNOL, Direct Examination

1 exceptions for the application", "no", is that what we're
2 looking at?

3 **A.** Exactly. If there's nothing that'll be a no unless
4 somebody creates one.

5 **Q.** Okay. So when that was flagged through the reference
6 check by the Enhanced Screening Unit, it comes to your office?

7 **A.** Yeah.

8 **Q.** And how would your office have been notified about the
9 existence of that problem with the application and the personal
10 history question?

11 **A.** When we opened up the application and reviewed it.

12 **Q.** Right. And can you say when your office was notified
13 about that?

14 **A.** When they sent it to us on June 6th. They sent it to
15 our office, we received it, and then it was assigned to a
16 firearms officer, a provincial firearms officer in their work
17 queue to review.

18 **Q.** Okay. That was on June 6, 2014?

19 **A.** It would have been. It would have been whenever the
20 applications were pulled from the work queue, yeah. So it could
21 be June 6th, it could be June 7th. We pull the applications a
22 couple times a week and then they're assigned to the firearms

LYSA ROSSIGNOL, Direct Examination

1 officer.

2 Q. Okay. When did it arrive in the system, I guess, for
3 you to pull it from the queue if you know what I mean?

4 A. June 6th, Miramichi central processing site would have
5 forwarded it to the NBCFO or queue account to be pulled.

6 Q. Right. Okay. And again, a couple of days at most?

7 A. Yes.

8 Q. It would have been pulled from the queue by your
9 office?

10 A. Yes, and then forwarded to a firearms officer ... to a
11 provincial firearms officer to review and address.

12 Q. Okay. And that investigation, because Lionel Desmond
13 at the time was living in the Oromocto area, would that normally
14 have been investigated by the area firearms officer for the
15 Fredericton area?

16 A. No, at that time it was the Saint John officer, Joe
17 Roper.

18 Q. And that's Joe Roper that we talked about?

19 A. Area firearms officer Joe Roper was doing that
20 investigation at that time, that area.

21 Q. Okay. Is there any reason ... he was just doing
22 Fredericton at the time or ...

LYSA ROSSIGNOL, Direct Examination

1 **A.** He was doing anything Oromocto and towards Saint John.

2 **Q.** Okay. That was just the way you had it divided up at
3 the time?

4 **A.** Yes.

5 **Q.** Okay. So Joe Roper is given the task of following up
6 on this?

7 **A.** No. When we received it, it was assigned to a
8 provincial firearms officer ...

9 **Q.** Yes.

10 **A.** ... who then assigned it to an area firearms officer.

11 **Q.** Okay. And so the provincial firearms officer would be
12 the person who would review ...

13 **A.** Yes.

14 **Q.** ... what has come from the central processing site in
15 Miramichi?

16 **A.** Yeah.

17 **Q.** And would the provincial firearms officer then
18 determine that this is something that needs to be investigated
19 by an area firearms officer?

20 **A.** Exactly.

21 **Q.** And would determine which one is appropriate based on
22 geography?

LYSA ROSSIGNOL, Direct Examination

1 **A.** Exactly.

2 **Q.** Okay. And would the provincial firearms officer then
3 create the tertiary investigation form?

4 **A.** Yes.

5 **Q.** Okay.

6 **A.** Yes, they would.

7 **Q.** All right. And that would then be sent to or put in a
8 queue for the area firearms officer?

9 **(13:26:00)**

10 **A.** No, they would send directly, it's sent by an email,
11 the tertiary investigation is sent by email.

12 **Q.** Yes.

13 **A.** The application is assigned directly to the area
14 firearms officer's work queue in CFIS.

15 **Q.** Okay. So if we have a look at Exhibit 136.

16 **EXHIBIT P-000136 - SEPTEMBER 22, 2014 - REQUEST FOR TERTIARY**

17 **INVESTIGATION**

18 Is this is the ... do you have it there?

19 **A.** The tertiary investigation?

20 **Q.** Yes. Is this the tertiary investigation that was
21 created as a result of that?

22 **A.** Yes.

LYSA ROSSIGNOL, Direct Examination

1 **Q.** Okay. So the date on this request for a tertiary
2 investigation is September 22, 2014.

3 **A.** Yes.

4 **Q.** Okay. And the PFO is a B. Hogan.

5 **A.** Bernard Hogan.

6 **Q.** Bernard Hogan who was then a provincial firearms
7 officer?

8 **A.** Still a provincial firearms officer.

9 **Q.** Still is, okay. So that date of September 22, 2014,
10 is that the date that Bernard Hogan would have forwarded this to
11 Joe Roper?

12 **A.** Yes.

13 **Q.** Okay. So it came to your office in June of 2014 and
14 it's opened, you say, within a day or two of its arrival in the
15 queue by the provincial firearms officer, do I have that
16 correct?

17 **A.** No, it's the area firearms officers, when they receive
18 a request for an investigation they start an investigation
19 within a day or two.

20 **Q.** Okay. So earlier though you said that it would have
21 come from Miramichi into your system on June 6, 2014?

22 **A.** Yes.

LYSA ROSSIGNOL, Direct Examination

1 **Q.** And you said that it would have been opened by
2 somebody in your office on either the 6th or the 7th?

3 **A.** It would be received in the work queue.

4 **Q.** Okay.

5 **A.** And then assigned to a provincial firearms officer to
6 be reviewed.

7 **Q.** Okay.

8 **A.** We don't know what they are, if it's for a medical, if
9 it's for anything, we don't know what they are for so it would
10 be assigned. I pull it from the work queue and then I assign it
11 to the firearms officer, the provincial firearms officer, to be
12 reviewed.

13 **Q.** Okay. So it would have been pulled from the queue by
14 you?

15 **A.** Yeah.

16 **Q.** Distributed to, these would be distributed among the
17 provincial firearms officers?

18 **A.** The provincial firearms officers, yes.

19 **Q.** Okay. And as they work through these ...

20 **A.** Yes.

21 **Q.** ... they would open then and ultimately, in this case,
22 determine that it needs an area firearms officer and forward it

LYSA ROSSIGNOL, Direct Examination

1 to the appropriate area firearms officer?

2 **A.** Exactly.

3 **Q.** So I'm just curious, from the point in time that it
4 would have come into your office if I could say that on June 6th
5 to the point in time that it goes to an area firearms officer on
6 September 22, 2014, what's the status of the license during that
7 ... or the application and the license during that period of
8 time?

9 **A.** The application is on hold in the work queue waiting
10 to be reviewed.

11 **Q.** Okay, right. And is there anything with respect to
12 the license during that period of time?

13 **A.** No.

14 **Q.** Okay. So it's not a situation where it's placed under
15 review while awaiting an area firearms officer's investigation?

16 **A.** No, the only time that it would be placed under review
17 was if we received a Firearms Interest Police file.

18 **Q.** So if it's a FIP, it goes automatically under review?

19 **A.** Yes.

20 **Q.** If it's a personal history issue on the application
21 form, it isn't until the investigation is done by the area
22 firearms officer?

LYSA ROSSIGNOL, Direct Examination

1 **A.** Well, when we do an application, we're reviewing the
2 application, we're not reviewing the license itself, we're
3 reviewing the application that they're applying for a firearms
4 license.

5 **Q.** Right.

6 **A.** Some of them might not have a license.

7 **Q.** Right. In this case it's a renewal so there is an
8 existing license so in those circumstances, nothing is done with
9 the license until?

10 **A.** Until we know what's going on.

11 **Q.** Until or unless there's a reason for something to
12 change, correct?

13 **A.** Yes.

14 **Q.** Okay. So a period of time going from arrival at your
15 office to tertiary investigation assignment that sort of three,
16 three and a half months, is that about typical can you say?

17 **A.** Yes.

18 **Q.** Okay. Do you know who ... I guess it would be in a
19 provincial firearms officer's queue for a period of time for
20 them to be able to look at it and go through it?

21 **A.** Yes.

22 **Q.** Are those prioritized in any way? I appreciate the

LYSA ROSSIGNOL, Direct Examination

1 area firearms officers prioritize their investigations, do the
2 provincial firearms officers prioritize their ...

3 **A.** Their work queue?

4 **Q.** Yeah.

5 **A.** Firearms Interest Police files are first.

6 **Q.** Right.

7 **A.** Transfers, court matters, and then applications are
8 pretty much the last ones to review.

9 **Q.** Okay. Like applications and renewals of applications?

10 **A.** We know they're renewals just because we know we see a
11 license or we know they're renewals but, again, we don't know
12 what they're in our queue for unless we open them up.

13 **Q.** Right, okay. Okay. So this document then is created,
14 it's sent to Joe Roper?

15 **A.** Yes.

16 **Q.** By email you say?

17 **A.** It's an email with an attachment on a federal side and
18 then the application is assigned to Mr. Roper himself.

19 **Q.** Okay. So if you go down the form a little bit to
20 about halfway down there's "PFO comments".

21 **A.** Yes.

22 **Q.** And these would have been added by Bernard Hogan,

LYSA ROSSIGNOL, Direct Examination

1 would they?

2 **A.** Yes, that tells the area firearms officer why we're
3 assigning a file to him or her.

4 **Q.** Okay. So his comments were "PAR application number"
5 so that number corresponds to the application?

6 **A.** Absolutely.

7 **Q.** Okay. "Assigned to NBAFO J. Roper, ES." And is that
8 enhanced screening?

9 **A.** It is.

10 **Q.** So that's a Miramichi thing?

11 **A.** Yes.

12 **Q.** Okay. "Found issues. Reference indicated applicant
13 has PTSD and was diagnosed about two years ago." So that's
14 about the extent of the information that the provincial firearms
15 officer would have?

16 **A.** Yeah. We give it short and sweet to the area firearms
17 officer so that there's no point in going into too many details.
18 The area firearms officer, that's their role to look into it.

19 **Q.** Okay. And is it fair to say that the provincial
20 firearms officer, when they saw that as the issue, would pretty
21 much say this is going to an area ...

22 **A.** Automatic.

LYSA ROSSIGNOL, Direct Examination

1 Q. Automatic because it's a mental health issue or?

2 A. Absolutely or if it's omission of information,
3 absolutely. Provincial firearms officer, it's a pretty much
4 black and white, it's a "yes" or "no" if we can answer it. If
5 not, it goes for further investigation.

6 Q. Okay. So in the bottom part of this under "tertiary
7 investigation report", that would be blank initially when the
8 document's created?

9 A. Yes.

10 Q. Okay. So ... and I should say at this point we have
11 asked about Joe Roper earlier, Mr. Roper's no longer employed
12 with the provincial Firearms Office, he's retired now, is he?

13 A. Yes.

14 Q. And he's currently, we understand, out of the country?

15 A. Yeah.

16 Q. And we're going to be hearing from him later on in
17 this process so I appreciate some of these questions may be
18 better answered by him and, you know, if you're not able to
19 answer them we can follow up with him. But what would be the
20 first steps that Joe Roper would have taken when this
21 information came to him?

22 A. He would open the email to find out what the file was

LYSA ROSSIGNOL, Direct Examination

1 assigned to him for. He would open CFIS, read the comments that
2 are in CFIS, check the application to find out like what the
3 reason why it was assigned.

4 Q. He would see the actual application or be able to see
5 it?

6 A. He could see all of the stuff that we're seeing today,
7 he could ... he has access to all of that stuff.

8 Q. So if I ... sorry to interrupt but if I do an
9 application it's actual scanned into CFIS, is it?

10 A. Scanned, yes. Now, no.

11 Q. Okay.

12 A. We've updated some of the process so he can look it up
13 and see what's going on and what the problem was and then
14 depending on what the issue was, he would have sent a medical to
15 the client.

16 Q. Okay. And so if we go over to page four of that. So
17 this letter dated September 23, 2014 ...

18 A. Yeah.

19 Q. ... that's the letter that Joe Roper would have sent
20 to Lionel Desmond?

21 A. Yes.

22 Q. Okay. At this point in the process where he's simply

LYSA ROSSIGNOL, Direct Examination

1 sending out the letter to start the process of gathering
2 information for his investigation, this file probably, other
3 than when you first saw it in the queue, this wouldn't have come
4 to your attention yet, would it?

5 **A.** Actually yes, because any file that is assigned to a
6 firearms officer or any file, any application that area firearms
7 officers are investigating, I keep track of all of them.

8 **Q.** Okay.

9 **A.** So I know all files that are being investigated or
10 reviewed because I have to provide statistical reports to the
11 federal, Ottawa, for what we do every month, every quarter.

12 **Q.** So as soon as a provincial firearms officer sees
13 something that needs to go to an AFO and sends it, are you
14 copied on that?

15 **A.** I'm copied on all of them.

16 **Q.** Do you keep a running file with those?

17 **A.** I have an Excel spreadsheet with everything on it.

18 **Q.** Okay. So you would be aware, at least, that this was
19 an ongoing investigation at the time?

20 **A.** Absolutely.

21 **Q.** Okay. So the letter that was sent to Lionel Desmond
22 by Joe Roper, from your experience is that a template letter or

LYSA ROSSIGNOL, Direct Examination

1 is it something that's modified a little bit?

2 **A.** It's a template letter but I see that it is modified a
3 little bit there.

4 **Q.** Obviously because it makes specific reference to his
5 post traumatic stress?

6 **A.** But also the second paragraph.

7 **(13:35:59)**

8 **Q.** Okay. So the second paragraph says: "Please also keep
9 in mind ...", is that what you're referring to?

10 **A.** Yeah.

11 **Q.** That as requested you have not been
12 completely truthful in answering the
13 personal history questions concerning your
14 mental health and it is a violation of
15 Section 106 of the **Firearms Act**. You will
16 be contacted at some point to explain the
17 inaccuracy or reasoning prior to granting
18 this license.

19 That's not standard wording that you would have seen in a
20 letter?

21 **A.** No, that's not normally what we ... that's not part of
22 that letter but area firearms officer, Joe Roper, put that in

LYSA ROSSIGNOL, Direct Examination

1 there so that Lionel Desmond would know that he would be
2 contacted later on.

3 Q. Okay. Did you see that type of wording in other
4 letters or is that uncommon?

5 A. Well, it's been six years so maybe. I can't answer
6 that one, I'm not sure.

7 Q. Okay. And the request was that the physician complete
8 the form and return within 90 days?

9 A. Yes.

10 Q. Was your practice at the time the same as the one
11 you've described now, if the person is having some difficulty in
12 getting the medical within 90 days that there might be an
13 extension or is that something new?

14 A. Yes, it was that practice.

15 Q. Okay. And the form, if we could go to the next page,
16 this was the form that accompanied that letter?

17 A. Yes.

18 Q. Okay. So this letter, or this form I should say, has
19 Lionel Desmond's name and date of birth at the top, it has the
20 application number, and at issue below the blocks "yes" and
21 "no", has some information regarding the nature of the concern?

22 A. Yeah.

LYSA ROSSIGNOL, Direct Examination

1 **Q.** And that's the extent of the information that would be
2 included in the form or that was included in the form?

3 **A.** Yes, because that's all we have also.

4 **Q.** Right, okay. So on this form it says: "Through our
5 investigation process it was learned Mr. Desmond, within the
6 last two years, has been diagnosed with post traumatic stress
7 syndrome" is the way it's phrased here, okay. And that was
8 forwarded to Lionel Desmond for him to have a doctor complete?

9 **A.** Mm-hmm, yeah.

10 **Q.** Okay. And so prior to that going out, Joe Roper
11 actually signs and dates the blank form?

12 **A.** Yes.

13 **Q.** Okay. So if we go over to the next page we see that
14 it's been completed, it would appear, by a doctor or by somebody
15 with the date and the box "no" is checked?

16 **A.** Yes.

17 **Q.** So I understand there was some difficulty with your
18 office being able to read that or understand who it was from?

19 **A.** So it was received at the New Brunswick CFO office on
20 November 12 as per the stamp.

21 **Q.** That's the stamp at the bottom?

22 **A.** Yes.

LYSA ROSSIGNOL, Direct Examination

1 **Q.** Okay.

2 **A.** And then it was scanned and sent to firearms officer
3 ... area firearms officer Joe Roper to review and so Officer Joe
4 Roper attempted to contact the client, the applicant, because
5 the medical assessment, we couldn't use it to make any decision
6 because we didn't know who the doctor was and there was no
7 comments, we couldn't understand or read anything that was
8 there.

9 **Q.** Okay.

10 **A.** So Roper ... from the "Comments" Mr. Roper left a
11 voice message with the applicant and he also later on spoke to
12 the applicant who advises Mr. Roper that the doctor was Dr.
13 Joshi and the date was November 4th and that when he completed
14 the form and that Mr. Desmond would contact the doctor and have
15 him call the firearms officer.

16 **Q.** Okay. So the date of the form being signed it would
17 appear is November 4, 2014?

18 **A.** Mm-hmm.

19 **Q.** Okay. And I'm sorry, when did ... and it was received
20 November 12th and when did Mr. Roper contact the client that
21 would be Lionel Desmond?

22 **A.** He contacted Mr. Desmond that same day ... And as a

LYSA ROSSIGNOL, Direct Examination

1 result I called and explained this to Mr. Desmond. "He
2 explained that his doctor, Dr. Joshi, and it was November 4th
3 when he spoke with the doctor and had him sign and fill out the
4 form."

5 Q. Okay. And I'm looking actually on the first page of
6 that document at the bottom in the tertiary investigation report
7 box, does that summarize, is that where you're looking?

8 A. Yeah, absolutely.

9 Q. Okay, all right. So it would appear that area
10 firearms officer Roper contacted Lionel Desmond because of the
11 illegibility of the signature of the doctor?

12 A. Yes.

13 Q. Okay. And it was agreed that he would actually
14 contact the doctor or that there would be some contact between
15 he and the doctor?

16 A. Yes, he would contact the doctor and either the doctor
17 contact Mr. Roper or get his contact information.

18 Q. Okay. And what was the nature of the information that
19 was obtained by Joe Roper?

20 A. Well, on December 2nd Mr. Desmond contacted Mr. Roper
21 and explained that the doctor was in and he was expecting
22 firearm officer Roper's call and it looked like, it sounds from

LYSA ROSSIGNOL, Direct Examination

1 here, that it was kind of a back and forth.

2 I called the doctor who returned my call.

3 He has no problem with Mr. Desmond

4 possessing a firearm. He's been treating

5 him for approximately four and a half years

6 and has him medicated. He advises Mr.

7 Desmond has no psychosis and has never

8 mentioned self-harm or any violent ideation.

9 Q. All right. So just on that and, again, Mr. Roper may
10 be able to answer this a little better, but would he be taking
11 or would he have a file with other notes as a result of his
12 conversation with Dr. Joshi or would he record that primarily in
13 the tertiary investigation report box?

14 A. He would record that in the tertiary box.

15 Q. Okay. So that's the extent of the information that
16 your office would have?

17 A. Yes.

18 Q. Okay. And so your office was aware that Dr. Joshi was
19 treating him for four and a half years, had him medicated, he
20 had no psychosis, never mentioned any self-harm or any other
21 violent ideation. Typically would those be questions that might
22 be asked of the doctor, would that be information that would

LYSA ROSSIGNOL, Direct Examination

1 have been volunteered by the doctor, are you able to say?

2 **A.** No, I'm not able to say that, Mr. Roper would be able
3 to answer that one, how they ask the doctors.

4 **Q.** Okay. Were you involved in the discussion with Dr.
5 Joshi do you recall?

6 **A.** No.

7 **Q.** Okay. That's something that Joe Roper would have
8 done?

9 **A.** Yeah.

10 **Q.** All right. And would an area firearms officer,
11 knowing that somebody had treated a patient for an extended
12 period of time, four and a half years, would there ever be a
13 situation where they might ask for more background information
14 or material?

15 **A.** They can ask further information from a doctor ...

16 **Q.** Yes.

17 **A.** ... or they can ask more indepth questions, they can,
18 absolutely.

19 **Q.** Does an area firearms officer ever actually ask for
20 some paper documentation, a copy of something from the file,
21 something like that?

22 **A.** No.

LYSA ROSSIGNOL, Direct Examination

1 **Q.** So typically it's answering questions and recording
2 it?

3 **A.** Absolutely.

4 **Q.** Okay. You had said earlier that it was not atypical,
5 I guess, for doctors to not put information in the comments box
6 so this was not unusual the way Dr. Joshi completed this?

7 **A.** Exactly.

8 **Q.** Do you feel that looking back on it that the
9 investigation that Joe Roper did and I guess in relation to his
10 conversation with Dr. Joshi and gathering that information, was
11 that sufficient?

12 **A.** That was the protocol that was in place and he did
13 exactly what he was supposed to do, yes.

14 **Q.** Okay. When you say the protocol, that's ...

15 **A.** Of contacting, making sure you have the accurate
16 information.

17 **Q.** Okay.

18 **A.** Absolutely.

19 **Q.** All right. Did you, looking back on it, see was there
20 any need for further information do you think in this particular
21 case?

22 **A.** For this file, no.

LYSA ROSSIGNOL, Direct Examination

1 **Q.** Was ... or are you able to tell if your office was
2 aware that Dr. Joshi was, in fact, a psychiatrist?

3 **A.** We can look them up to verify and when they sign their
4 signature, they're supposed to use their stamp so that's how
5 we're able to find them.

6 **Q.** Okay. So after receiving that information from Dr.
7 Joshi, I understand that Joe Roper also had a conversation again
8 with Lionel Desmond?

9 **A.** He did.

10 **Q.** Okay.

11 **A.** He contacted him and spoke to him at length regarding
12 the answer of the medical history questions on the application
13 and why it wasn't answered properly as to answer "yes" to
14 personal history question. "Mr. Desmond advised AFO Roper that
15 he and his wife, who assisted him in doing the application, did
16 not feel the question applied to him. So the firearms officer
17 explained the difference and he agreed that in the future they
18 would answer, the answer would be different."

19 **Q.** Okay. And that would have been the extent of the
20 conversation between ...

21 **A.** We see that often. We see that people, the answers
22 might be a little ... not answered accurately and then when you

LYSA ROSSIGNOL, Direct Examination

1 talk to them, they just don't understand.

2 Q. Okay. Some people aren't good with forms?

3 A. Absolutely.

4 Q. Okay. Do you have a sense, the reason that Joe Roper
5 contacted Lionel Desmond was because the form had been completed
6 inaccurately or was he looking for more information from Lionel
7 Desmond?

8 **(13:46:04)**

9 A. I wouldn't be able to answer that one.

10 Q. Okay, all right. And in a situation like that and,
11 again, this is another one of these generalization questions,
12 but would it be typical for an AFO to contact the client or the
13 applicant?

14 A. Yes.

15 Q. Okay. There are several boxes right at the bottom,
16 JIS, CPIC, CFIS updated so the fact that JIS and CPIC are
17 checked, does that mean those databases were checked?

18 A. Yes.

19 Q. Okay. And "CFIS updated" meaning information was put
20 into CFIS?

21 A. Means our system was updated, yeah.

22 Q. Okay. And what information from this would have been

LYSA ROSSIGNOL, Direct Examination

1 put into CFIS?

2 **A.** You have access to all of that.

3 **Q.** Okay.

4 **A.** From the previous, I think it's 128 ... sorry 130.

5 **Q.** 130?

6 **A.** They're all in there on page eight. Right at the
7 bottom so pretty much everything was put in there ...

8 **Q.** Right.

9 **A.** ... for this one because there was nothing regarding
10 anybody else except Mr. Desmond.

11 **Q.** Nothing regarding anybody else?

12 **A.** There was nothing regarding victims, regarding names
13 or anybody else.

14 **Q.** Oh, I see, okay. So the names of a victim, for
15 example, might be edited out.

16 **A.** Absolutely.

17 **Q.** Okay, all right. So in this case that whole box from
18 the December 2, 2014 entry, it's pretty similar I think to
19 what's in the box in the tertiary investigation report and would
20 that be kind of typical of the amount of information that might
21 be put into the drop-down box in CFIS?

22 **A.** It all depends on the situation, on the application,

LYSA ROSSIGNOL, Direct Examination

1 on the file, on the license.

2 Q. Right. So as a result of that, on the second page of
3 136. So Officer Roper signed, dated that December 2, 2014 that
4 he was approving the renewal of the license?

5 A. Yeah.

6 Q. And also approving it as a license for both restricted
7 and non-restricted firearms?

8 A. Exactly.

9 Q. Okay. So that would then be reviewed by you?

10 A. The tertiary, yes.

11 Q. Okay. So the next, I guess, incident that occurs or
12 that involves your office is as a result of the events from
13 November 27, 2015, correct? Perhaps if we could look at ... if
14 we could look at page 14 of Exhibit 130. So we have a FIP
15 event. Is that correct?

16 A. Yes.

17 Q. Okay. And that FIP event has a number assigned to it.
18 So a FIP event would have a particular number assigned to it,
19 would it?

20 A. Yes.

21 Q. Okay. And in this case, the Firearms Interest Police
22 number is 6187445?

LYSA ROSSIGNOL, Direct Examination

1 **A.** Yes.

2 **Q.** Okay. It says "Item type - client". Meaning what?

3 **A.** That's just the way CFIS and CPIC and PROS talk to
4 each other.

5 **Q.** Okay.

6 **A.** It's just ... it's a client.

7 **Q.** All right. "Item status - FIP incident".

8 **A.** Mm-hmm.

9 **Q.** So it comes to your attention as a Firearms Interest
10 Police.

11 **A.** Yes.

12 **Q.** "Match status - match". So you described this process
13 earlier where there would be a match between ...

14 **A.** When we get it, it's marked as a potential match and
15 then it's either we match it or we don't.

16 **Q.** Okay. And in this case there was a match to Lionel
17 Desmond?

18 **A.** Yes.

19 **Q.** Okay. "Event status reviewed".

20 **A.** Mm-hmm.

21 **Q.** Meaning it was reviewed by?

22 **A.** It was me, I think, at that point.

LYSA ROSSIGNOL, Direct Examination

1 **Q.** Okay.

2 **A.** We review it, we match it and then we assign it.

3 **Q.** Okay. And the start date, November 28th, 2015.

4 That's when it would have been reviewed and assigned, is it?

5 **A.** No. From ... Let me just go up here. Because I sent
6 the request for disclosure on the file on December 21st, the
7 request for 3825, to Constable Hachey.

8 **Q.** Mm-hmm.

9 **A.** And then on December 29th, I assigned the event to
10 Officer Roper, area firearms officer, and put the license under
11 review.

12 **Q.** So let's go to page 9 of Exhibit 130. And if we can
13 go just to the bottom there. So on December 21st, 2015, is that
14 what you're referring to?

15 **A.** Yes.

16 **Q.** "Disclosure request sent for case ..." So the 2015-
17 1535440. That's an RCMP number, is it?

18 **A.** The NK10111 is an RCMP.

19 **Q.** That's an RCMP detachment, I believe?

20 **A.** Yes.

21 **Q.** And the first number, the 2015, is an RCMP file
22 number.

LYSA ROSSIGNOL, Direct Examination

1 **A.** That's their case file number.

2 **Q.** Or case file number. Okay. So the FIP would've come
3 to the office ...

4 **A.** Our work queue.

5 **Q.** Under the work queue on November 28th. Is that what
6 that earlier date was that we were looking at?

7 **A.** Yes.

8 **Q.** Okay. And so you would've opened it within a day or
9 two?

10 **A.** Probably. I'm assuming. I'm not sure.

11 **Q.** I understood from your answer that that was normally
12 your practice?

13 **A.** That's normally our practice. Yeah.

14 **Q.** Okay. And on December 21st, you asked for information
15 via a 3825?

16 **A.** Yes.

17 **Q.** This was still at a time when Constable Hachey's role
18 was collecting that information for you?

19 **A.** Yes.

20 **Q.** Okay. And the moment that that FIP is created,
21 though, the license is under review. Correct?

22 **A.** No.

LYSA ROSSIGNOL, Direct Examination

1 Q. I thought I understood that was what ...

2 A. No.

3 Q. ... you had said earlier.

4 A. No. We only ... once we get the FIP, once we assign
5 it to a firearms officer, we put it under review.

6 Q. I may have misunderstood you then. So a FIP comes to
7 your office.

8 A. Yeah.

9 Q. And it is still not under review.

10 A. No.

11 Q. Until it's assigned ...

12 A. Until we ...

13 Q. ... to an area firearms officer?

14 A. Exactly. Because we might ... like the disclosure
15 might've come in from Constable Hachey and it might've been that
16 the file was regarding a police stopping because of possible
17 drinking and driving. Well, that's not a Section 5. I can
18 override that. I don't need to put his license under review for
19 that.

20 Q. Just so I understand, though. A Firearms Interest
21 Police typically wouldn't be created because of an impaired
22 driving charge?

LYSA ROSSIGNOL, Direct Examination

1 **A.** Normally not, but some are.

2 **Q.** Okay.

3 **A.** It all depends. There's always room for errors.

4 **Q.** Is that because of improper coding or scoring?

5 **A.** Could be.

6 **Q.** Okay.

7 **A.** Could be.

8 **Q.** So not every Firearms Interest Police is automatically
9 going to result in ...

10 **A.** Exact- ... it's not always a Section 5 offence.

11 **Q.** Okay. And I'm sorry, I may have misunderstood the
12 evidence before. So a Firearms Interest Police comes to your
13 queue. You open it and ask for the ...

14 **A.** Disclosure.

15 **Q.** ... disclosure from the police. And in this case,
16 that was done on December 21st, 2015?

17 **A.** Yes.

18 **Q.** Okay. And on December 29th, it's assigned to Joe
19 Roper for further investigation?

20 **A.** Yes.

21 **Q.** Would you have had the response before you assigned it
22 to Joe Roper for further investigation?

LYSA ROSSIGNOL, Direct Examination

1 **A.** I put it on the comment disclosure attached to
2 tertiary.

3 **Q.** Okay. So, again, we have the FIP event, we have the
4 case number, we have the detachment number. "Event matched to
5 license" and a bunch of numbers. That's Lionel Desmond's
6 license?

7 **A.** Yes.

8 **Q.** I take it? Okay. And "Assigned to NBAFO Joe Roper."
9 Again, the license number is repeated and then placed under
10 review at that point.

11 **(13:56:04)**

12 **A.** Yes.

13 **Q.** Okay. So, obviously, there's some value with having
14 FIPs examined as quickly as possible.

15 **A.** Yes.

16 **Q.** If a license does need to be ultimately placed under
17 review.

18 **A.** Mm-hmm.

19 **Q.** There is a period of limbo while it works its way
20 through the queue. Correct?

21 **A.** Absolutely.

22 **Q.** Okay. So at that point, on December 29th, 2015, this

LYSA ROSSIGNOL, Direct Examination

1 is again assigned to Joe Roper?

2 **A.** Yes.

3 **Q.** Is the reason that it's assigned to Joe Roper because
4 he did the earlier investigation or is it as a result of
5 geography?

6 **A.** Geography.

7 **Q.** Okay. So if he wasn't the officer for that area, if
8 he had switched areas or something, it would go to the
9 appropriate officer for that area.

10 **A.** Absolutely.

11 **EXHIBIT 000135 - REQUEST FOR TERTIARY INVESTIGATION - DECEMBER**
12 **29, 2015**

13 **Q.** Okay. And then if we could go to Exhibit 135. So
14 this is the Request for Tertiary Investigation assigned to Joe
15 Roper for that FIP event.

16 **A.** Yes.

17 **Q.** Okay. In this case, although it says "PFO", it's your
18 name. Any reason why it was assigned by you and not a
19 provincial firearms officer?

20 **A.** I assist provincial firearms officer all the time. So
21 I assign files as much as they do.

22 **Q.** Okay. So you may have opened ... this was one that

LYSA ROSSIGNOL, Direct Examination

1 you happened to open.

2 **A.** Absolutely.

3 **Q.** Okay. Down below in the "PFO comments" section,
4 again, we have pretty much what we just read repeated there.

5 **A.** Absolutely.

6 **Q.** So, again, this would be what Joe Roper would've had
7 to conduct his investigation on this occasion.

8 **A.** Yes.

9 **Q.** He can obviously answer whether he recalled the
10 application from 2014, or that investigation. Would there be
11 some way in which an earlier investigation would be flagged and
12 brought to the attention of the AFO when they do a subsequent
13 investigation, if it's the same client?

14 **A.** Any firearms officer that looks up an investigation or
15 an application, they always review the previous applications.
16 They look under the license investigation comments of a license
17 to see what was previously investigated. To see if there's a
18 pattern. To see if there's anything that should be flagged or
19 would've been flagged.

20 **Q.** That's a standard practice?

21 **A.** That's a standard practice.

22 **Q.** Okay. So in the exhibit that we're in, 135, again,

LYSA ROSSIGNOL, Direct Examination

1 Joe Roper sent a letter to Lionel Desmond with an attached
2 medical form. So if we go to page 4, this is the letter that he
3 would've sent to Lionel Desmond on January 20th, 2016?

4 **A.** Yes.

5 **Q.** Okay. Again, this is, I guess, basically a letter
6 drafted by the area firearms officer? It's not strictly a
7 template letter?

8 **A.** It has changed, but the template at that time was
9 pretty much that of "we're looking at your firearms license".

10 **Q.** Okay.

11 **A.** And the reason why.

12 **Q.** In this particular letter, he does put in some of the
13 information that was included in the information on the actual
14 medical release form?

15 **A.** Yes.

16 **Q.** Okay. I assume, if a FIP is created with respect to
17 an individual, they may have a sense of what it relates to, but
18 they aren't necessary going to know for sure unless you tell
19 them. Is that correct?

20 **A.** Exactly.

21 **Q.** Okay. Again, a medical form was given to him and he
22 was given 90 days to complete it?

LYSA ROSSIGNOL, Direct Examination

1 **A.** Yes.

2 **Q.** So that approach, would you say that was about typical
3 for an area firearms officer in investigating something like
4 this and in that way?

5 **A.** It was the same approach as 2014.

6 **Q.** Okay. All right. Now going back one page to the form
7 that was sent, the form had changed a bit here and the reasons
8 for assessment at the top of the form ... just go up a little
9 bit there. It seems a little more comprehensive, perhaps, than
10 the last form?

11 **A.** Yes.

12 **Q.** So that was a change between those two dates?

13 **A.** Yes.

14 **Q.** What was the reason for that change?

15 **A.** To make it clearer. Make it more "flowy". Makes the
16 forms ... get the information that we require.

17 **Q.** Okay. So the extent of the information that you had,
18 again, we're still at a point where information has to come from
19 Hachey. So this is the summary that Cst. Hachey would've
20 provided to you?

21 **A.** Not all of it, but most of it. Yes.

22 **Q.** Okay. So it's a fairly comprehensive summary of ...

LYSA ROSSIGNOL, Direct Examination

1 **A.** Yes.

2 **Q.** ... of what you understood the information to be or
3 what Joe Roper understood the information to be?

4 **A.** Yes.

5 **Q.** Okay. So throughout this investigation now, and from
6 December 29th, the license is under review.

7 **A.** Yes.

8 **Q.** Okay. So this was sent to Lionel Desmond January
9 20th, 2016. The form that was returned was signed February
10 23rd, 2016?

11 **A.** Yes.

12 **Q.** Okay. And that was from a Dr. Paul Smith?

13 **A.** Yes.

14 **Q.** Okay. Was Dr. Smith somebody that you were familiar
15 with?

16 **A.** No.

17 **Q.** Okay. Were you aware of the nature of his practice?

18 **A.** No.

19 **Q.** Okay. I ask that because I assume - and you can
20 correct me - that a number of the applications you might see are
21 from veterans or soldiers?

22 **A.** Yes.

LYSA ROSSIGNOL, Direct Examination

1 **Q.** Okay. Some of those people, especially in the
2 Oromocto area, might be seeing the same doctors?

3 **A.** Yes.

4 **Q.** Okay.

5 **A.** Yeah.

6 **Q.** I'm just wondering if you see some of the same
7 physicians' names on medical forms or if it kind of runs the
8 gamut of all the doctors in the province.

9 **A.** There's a big gamut of doctors.

10 **Q.** Okay. So in this case, information was provided by
11 Dr. Smith. And you have the form there in front of you?

12 **A.** Yeah.

13 **Q.** What did he write?

14 **A.** "Non-suicidal and stable. No concerns for firearms
15 usage and appropriate license."

16 **Q.** And the little symbol before "appropriate license", is
17 that the symbol for with or ...

18 **A.** "No concerns". Like before the "no concerns"?

19 **Q.** No. Just below that. "No concerns for firearms usage
20 with appropriate license." Is that what that is?

21 **A.** "With appropriate ..."

22 **Q.** Obviously, we'll ask Dr. Smith.

LYSA ROSSIGNOL, Direct Examination

1 **A.** Yeah. I would say "with appropriate license."

2 **Q.** Okay. Was it usual to get that level of information
3 from a doctor?

4 **A.** It depends on the doctor. Some doctors go into very
5 big detail. Some go a little bit less.

6 **Q.** Okay.

7 **A.** It depends.

8 **Q.** All right. Do you know whether Joe Roper followed up
9 with Dr. Smith or spoke to him specifically?

10 **A.** No. I wouldn't know.

11 **Q.** You don't know that?

12 **A.** No.

13 **Q.** Okay. And would you have spoken to Dr. Smith?

14 **A.** No.

15 **Q.** Okay. Do you know if Joe Roper spoke to Lionel
16 Desmond in this case? And if he had, would that be recorded in
17 the box?

18 **A.** It should be.

19 **Q.** On the front?

20 **A.** If it would've been reported.

21 **Q.** Okay.

22 **A.** It would've been recorded on his tertiary.

LYSA ROSSIGNOL, Direct Examination

1 **Q.** Mm-hmm. Okay. So it doesn't appear that there's an
2 indication that he spoke with Lionel Desmond so ...

3 **A.** It doesn't appear. No.

4 **Q.** Okay. And you didn't speak with Lionel Desmond in
5 this case?

6 **A.** No.

7 **Q.** Okay. All right. And then on the second page of this
8 document, Joe Roper signs. He dates it February 29th, 2016, and
9 he checks the box "approved" or "reinstated". I don't know. I
10 guess it ...

11 **A.** It would be "reinstated".

12 **Q.** In this case, it would be "reinstated"?

13 **A.** Yes.

14 **Q.** Okay. So at that point, he was apparently satisfied
15 with the response from Dr. Smith?

16 **A.** Yes.

17 **Q.** Was there any indication of any additional or other
18 avenues of investigation or with this matter of getting the form
19 from Dr. Smith?

20 **A.** There was nothing else to indicate anything else that
21 needed to be done from Officer Roper.

22 **Q.** Right.

LYSA ROSSIGNOL, Direct Examination

1 **A.** But he'd probably be able to answer that better.

2 **Q.** Yeah, absolutely. And this form, at the bottom of
3 the first page again, JIS, CPIC, and CFIS updated are all
4 checked. Again, the same, those are standard things, I think,
5 probably in every investigation, are they?

6 **A.** Those are there to make sure that they do check
7 those.

8 **Q.** Okay. To remind individuals that they have to do it?

9 **A.** Yes, yeah.

10 **Q.** All right. So in this case, I know that the protocol
11 is that if somebody is going to be refused or revoked there has
12 to be, in particular, in those cases there has to be a peer
13 review. Do you recall if there was any peer review here or if
14 this was something that was discussed amongst Mr. Roper and his
15 colleagues or yourself?

16 **(14:06:00)**

17 **A.** Mr. Roper would be able to answer if he talked to his
18 peers about that one.

19 **Q.** Um-hmm.

20 **A.** I don't recall him talking to me about it.

21 **Q.** Okay. You would have reviewed it, though, as per
22 practice when it was approved?

LYSA ROSSIGNOL, Direct Examination

1 **A.** Absolutely.

2 **Q.** Okay. And did, I don't know if you have a specific
3 memory now of having reviewed it at the time, but from reviewing
4 the file were you satisfied with this investigation and that it
5 was appropriate to reinstate the license at that time?

6 **A.** I was satisfied with the medical that came in, but I
7 returned the license "under review" when I was notified the next
8 ... Because the firearms officers have completed their
9 investigation and they are done their tertiary, they forward me
10 a notification to say I'm done with my investigation, the
11 license is back to valid, I'm forwarding you the completed
12 tertiary.

13 **Q.** Right.

14 **A.** I just verify the CFIS, I verify the system, and I
15 noticed that there was another event under his license so I put
16 the license under review on March 1st.

17 **Q.** All right. And that's reflected in the document that
18 ...

19 **A.** I gave you this morning.

20 **Q.** ... I think you provided us and was copied to
21 everyone. I don't know if we have it marked yet, but ...

22 **THE COURT:** I'm sorry, we're going to have it marked

LYSA ROSSIGNOL, Direct Examination

1 as, what would be the next number?

2 **COURT CLERK:** P138.

3 **THE COURT:** P138. P138 is a four-page document, and
4 we'll refer to the numbers on the bottom of each of those pages.
5 Everybody has a copy of that, do they? Counsel? Okay. Thank
6 you.

7 **EXHIBIT P-000138 - FIREARMS LICENSE COMMENTS HISTORY - FOUR**
8 **PAGES**

9 **MR. MURRAY:** So the tertiary investigation was completed
10 on February 29th?

11 **A.** Yes.

12 **Q.** As a result of the information and investigation AFO
13 Roper, I guess his view was that it could be reinstated at that
14 time? That's the reason he checked that box?

15 **A.** Yes.

16 **Q.** Okay. And then it comes to you and what is it you
17 do, what kind of a check do you do?

18 **A.** Whenever I get an email from the firearms officer to
19 say that a file is complete, I just verify to make sure CFIS is
20 updated, make sure that there's nothing else, that there's no,
21 try to catch all errors and make sure there's nothing missing.

22 **Q.** Um-hmm.

LYSA ROSSIGNOL, Direct Examination

1 **A.** And that's when I noticed that there was another
2 event under the client's, Mr. Desmond's license.

3 **Q.** Yes.

4 **A.** So I put the license under review on March 1st, which
5 can be ... On the first page, where it says, the first block,
6 "License Status", February 29, you'll see that "valid", where my
7 name is and Joe Roper on the same line ...

8 **Q.** Um-hmm.

9 **A.** Just below that, March 1st is my name, where it says
10 "Valid".

11 **Q.** Okay.

12 **A.** "Under Review", sorry.

13 **Q.** So this is in the upper box on the first page of
14 Exhibit P138, February 29th, 2016, "Status - Valid", your name
15 is there?

16 **A.** Yes.

17 **Q.** And across, Joe Roper's name is there, "File
18 investigated, Medical, (something) section 5."

19 **A.** "Not a section 5 offence."

20 **Q.** Okay.

21 **A.** So because he's gotten everything he needed.

22 **Q.** Okay. So at that point, but for the FIP that was

LYSA ROSSIGNOL, Direct Examination

1 outstanding, the license would have been returned valid?

2 **A.** Yes.

3 **Q.** Okay. So on March 1st, when it comes to you, you see
4 another FIP event and ...

5 **A.** I put it under review.

6 **Q.** All right.

7 **A.** And then I send, I contact ... I did a search in our
8 system, on our federal system, to see what the event was, and I
9 contacted, it was a Nova Scotia file, I contacted Nova Scotia
10 Operations, the Acting Operations Manager at the time, and asked
11 her if they were currently reviewing it or if there was
12 something that we needed to know.

13 **Q.** Mm-hmm.

14 **A.** And she responded back that she had faxed a Request
15 for Disclosure on December 12th of 2015, she had requested a
16 3825, and then on March 1st, 2016, after our call, she requested
17 another ... a second request was faxed on February 19th and then
18 a third request on March 1st for the 3825 for the file in Nova
19 Scotia.

20 **Q.** So on March 1st when you were checking this because
21 of the results of the investigation, would that have been the
22 first time that your office would have been aware of the FIP in

LYSA ROSSIGNOL, Direct Examination

1 Nova Scotia?

2 **A.** Yes, yes.

3 **Q.** Okay. It would have been on the system. We know
4 that it was something that arose from November 18th, 2015?

5 **A.** Yes.

6 **Q.** So it would have been on the system.

7 **A.** Yes.

8 **Q.** But you would not have been made aware of it, I
9 guess, unless you went and did a check?

10 **A.** Exactly. Exactly.

11 **Q.** So in this case you had reason to go and do a check
12 because you had a license that was under review and it was going
13 to be returned to valid?

14 **A.** Exactly.

15 **Q.** Okay. Let's say you never had an investigation,
16 okay?

17 **A.** Um-hmm.

18 **Q.** There's an event November 18th, 2015, in Nova Scotia
19 that creates a FIP, would you not have been notified? Remember,
20 we talked about the courtesy notification?

21 **A.** Yeah.

22 **Q.** Would you not have been notified about that?

LYSA ROSSIGNOL, Direct Examination

1 **A.** Once, if they matched it to our client, yes, I would
2 have been notified, like a courtesy notification.

3 **Q.** Mm-hmm.

4 **A.** But it wasn't matched, so it was still pending at
5 that time, so we weren't notified.

6 **Q.** So a FIP was created in Nova Scotia?

7 **A.** Yes.

8 **Q.** And the same process, presumably, as a FIP in New
9 Brunswick, there would have to be a determination if it was a
10 match to a particular client in the system?

11 **A.** Yes, exactly.

12 **Q.** Okay. And when that match, if it ever occurred, you
13 would have been notified about it?

14 **A.** Yes.

15 **Q.** Okay. So why as of March 1st, can you say why you
16 weren't notified of it?

17 **A.** No.

18 **Q.** Okay. And so had an investigation not been ongoing
19 in New Brunswick as a result of the November 27th matters, as
20 of, say, March 1st you wouldn't have been aware of that FIP in
21 Nova Scotia?

22 **A.** No.

LYSA ROSSIGNOL, Direct Examination

1 Q. Okay. Unless you had a reason to go and look for it?

2 A. Exactly.

3 Q. Which you wouldn't have had?

4 A. Exactly.

5 Q. All right. Okay. So you become aware of it on March
6 1st as a result of the check that you do, and then you said you
7 contacted an individual in Nova Scotia?

8 A. Yes.

9 Q. And do you recall who that was?

10 A. Dianne Campbell.

11 Q. Okay. And her title, as far as you know it, in the
12 Nova Scotia Firearms Office was what?

13 A. She's a firearms officer.

14 Q. Okay.

15 A. I think she was the Acting OM at the time.

16 Q. Okay.

17 A. But now she's a firearms officer.

18 Q. Right.

19 A. And so she was going to make a request for disclosure
20 on the file.

21 Q. Um-hmm.

22 A. For us. And so she put a comment under the FIP event

LYSA ROSSIGNOL, Direct Examination

1 to say that - on March 1st, 2016 a second request was faxed on
2 February 19, 2016, and this was the third request.

3 Q. So I just want to be clear on the dates here. When
4 did you first contact her?

5 A. March 1st.

6 Q. Okay. And is that reflected somewhere in our
7 printout?

8 A. No, because it was a call.

9 Q. Okay. On March ...

10 A. The only thing that would be is, let me see here ...

11 Q. So if you're looking at Exhibit 130 perhaps, have a
12 look at page 9.

13 A. No, there's nothing ...

14 Q. We see a disclosure request sent ...

15 A. No, the only thing that would be marked on there is
16 April 7, 2016, where I say I'm still waiting for disclosure from
17 Nova Scotia.

18 Q. Okay. That's on page 9 of Exhibit 130.

19 A. Yes.

20 Q. Okay. So there was a call on March 1st?

21 A. Yeah.

22 Q. And then there was a request made ...

LYSA ROSSIGNOL, Direct Examination

1 **A.** She made the request to the RCMP.

2 **Q.** I see. So irrespective of the fact that you're
3 looking for the information, it's the Nova Scotia Firearms
4 Office that has to create the 3825?

5 **A.** Yes.

6 **Q.** You can't do it, yourself?

7 **A.** No. That's a courtesy. We don't overstep our
8 boundaries - I deal with New Brunswick, Nova Scotia deals with
9 Nova Scotia, Ontario deals with Ontario.

10 **Q.** Okay. So you made an entry on April 7th, 2016, and
11 this is on page 9 of Exhibit 130, "Waiting on disclosure for FIP
12 6184442", which is our Nova Scotia November 18th event?

13 **A.** Yes.

14 **Q.** Okay. And so, again, sorry, just help us, what
15 requests did you make in addition to that?

16 **(14:16:00)**

17 **A.** I'm just waiting for the disclosure from the Nova
18 Scotia file.

19 **Q.** Um-hmm.

20 **A.** From March 1st, I'm just waiting ... still waiting on
21 that.

22 **Q.** Mm-hmm. Okay. And sorry, you were able to tell when

LYSA ROSSIGNOL, Direct Examination

1 the requests were made by the Nova Scotia firearms officer, what
2 3825s were made?

3 **A.** She just ... I guess it was by phone, we just
4 communicated by phone, Dianne and I.

5 **Q.** Um-hmm.

6 **A.** And she's the one that completed the form and sent it
7 to them so ...

8 **Q.** Yes. And, sorry, you said earlier in your evidence, I
9 just want to be clear, when did she send that to them?

10 **A.** When did she send it to me?

11 **Q.** No, to the officers.

12 **A.** Oh. She put on there on December 12th, 2015, she
13 said they faxed a 3825, and then on March 1st she put another
14 comment under the Firearms Interest Police file that says: "A
15 second 3825 request was faxed on February 19th, 2015, to RCMP
16 Guysborough."

17 **Q.** Okay.

18 **A.** And that was on March 1st.

19 **Q.** Of 2000-...

20 **A.** '16.

21 **Q.** '16. And ultimately you did receive information
22 back?

LYSA ROSSIGNOL, Direct Examination

1 **A.** On April 14 I received an email from Nova Scotia with
2 the attached disclosure from the RCMP.

3 **Q.** All right. So if we can look at Exhibit P-000133,
4 please.

5 **EXHIBIT P-000133 - APRIL 18, 2016 EMAIL FROM LYSA ROSSIGNOL TO**
6 **JOSEPH ROPER**

7 So on the second page of that document I think we do see
8 the box, just down almost to the bottom of the page, we see an
9 entry there that says a second 3825 request was faxed on
10 February 19th, 2016?

11 **A.** Yeah. The first one, December, that's Nova Scotia,
12 and March 1st, that's Nova Scotia.

13 **Q.** Okay.

14 **A.** And April 18, that's me.

15 **Q.** Okay. So Ms. Campbell or someone from the Nova
16 Scotia Firearms Office sent a request on December 12th, 2015, on
17 March 1st, 2016, and then ...

18 **A.** February 19th, 2016.

19 **Q.** I don't know if I have that ...

20 **A.** March 1st, 2016, there's a comment, on the "Comment"
21 section ...

22 **Q.** Oh, I see, okay, right. And then the information,

LYSA ROSSIGNOL, Direct Examination

1 the next page over, I think you receive it from Dianne Campbell?

2 **A.** Yes.

3 **Q.** On?

4 **A.** April 14th.

5 **Q.** 2016.

6 **A.** Yes.

7 **Q.** And she appears to express her frustration because
8 she says: "Attached is the 3825 response we received for your
9 client, finally."

10 **A.** Yes.

11 **Q.** Okay. And so the next page in that document is the
12 3825 document that would have been completed by whom?

13 **A.** The RCMP in Guysborough.

14 **Q.** Okay. So this is a document that would be completed
15 by someone at the detachment?

16 **A.** Yes.

17 **Q.** Okay. And they've attached to it or at least the
18 email to you attaches two Supplementary Occurrence Reports from
19 the RCMP?

20 **A.** Yes.

21 **Q.** One from an Officer O'Blenis, S., and one from
22 Maccallum, A.

LYSA ROSSIGNOL, Direct Examination

1 **A.** What was that again, sorry?

2 **Q.** You have the two attachments to the 3825 from the
3 RCMP detachment?

4 **A.** From O'Blenis and Maccallum.

5 **Q.** Yes.

6 **A.** Yeah.

7 **Q.** Okay. So that's the material that you would have
8 received from the Nova Scotia Firearms Office?

9 **A.** Yes.

10 **Q.** Is there ... would there be some events or would
11 there be some benefit, I should say, in you being able to do
12 that contact directly with a detachment or is this a practice
13 ...

14 **A.** Now that we have access to PROS, if they're an RCMP,
15 we have access to it directly.

16 **Q.** So now you would be able to just look that
17 information up?

18 **A.** Yeah.

19 **Q.** Okay. So between the period of time March 1st to ...

20 **A.** April.

21 **Q.** ... April, it remained ... or at least the license
22 remained under review?

LYSA ROSSIGNOL, Direct Examination

1 **A.** Yes.

2 **Q.** Okay. So what happens when that material is received
3 by you on April ...

4 **A.** 14th.

5 **Q.** April 14th, thank you, 2016.

6 **A.** It was reviewed and following ... I'm just going
7 through here ... And then following a conversation that Area
8 Firearms Officer Roper talked to RCMP Nova Scotia, Canso
9 Detachment, Constable Len MacDonald, on April 13 ...

10 **Q.** Yes?

11 **A.** The file 2015-1494158 was created at the same time as
12 our file was created.

13 **Q.** So let me just point to where you were reading there.
14 I think you were on page 9 of Exhibit 130?

15 **A.** Yes, I am. Yes, I am.

16 **Q.** And you're looking at the entry there from April
17 13th, 2016?

18 **A.** Yes.

19 **Q.** And there's a conversation there between Constable
20 Len MacDonald of the Canso Detachment and Joe Roper, and it's
21 Joe Roper that inputs this into the system?

22 **A.** Yes.

LYSA ROSSIGNOL, Direct Examination

1 **Q.** Okay. And so perhaps you could just read that.

2 **A.** RCMP Nova Scotia, Canso Detachment,
3 Constable Len MacDonald, on April 13, 2016,
4 called requesting a disposition on the
5 firearms he seized from the father-in-law of
6 Mr. Desmond back when the incident about his
7 mental health was a concern. RCMP in
8 Oromocto has contacted them and asked that
9 they seize a Savage bolt-action model and
10 serial number H078347. This was completed
11 and file 2015-1494158 was created.

12 In February, the client had completed a
13 medical assessment and the license could
14 have been reinstated but was waiting for
15 this Nova Scotia file to be cleared.

16 Constable MacDonald was advised that the
17 firearm can be returned to the client's
18 father-in-law and the FIP will be cleared.

19 J. W., Joe William Roper

20 **Q.** So this is a conversation that Joe Roper had with
21 Constable Len MacDonald?

22 **A.** Yes.

LYSA ROSSIGNOL, Direct Examination

1 **Q.** On April 13th or at least it was inputted on April
2 13th, 2016?

3 **A.** Yes.

4 **Q.** It seems to relate to actions that were taken after
5 the November 27th incident where firearms were seized?

6 **A.** Mm-hmm.

7 **Q.** That's not the same incident as the November 18th
8 incident that created the FIP in Nova Scotia?

9 **A.** Officer Roper would be able to answer that one
10 because he's the one that talked to Mr. MacDonald.

11 **Q.** Okay. There were only two FIPs, though, that you
12 were dealing with?

13 **A.** Absolutely.

14 **Q.** And that was the November 18th one and the original
15 Oromocto one from November 27th?

16 **A.** Yes.

17 **Q.** Okay. So after April 13th what happens?

18 **A.** The license was placed back to Valid.

19 **Q.** Whose decision was that?

20 **A.** Mine.

21 **Q.** Okay. And that was your decision?

22 **A.** Yes.

LYSA ROSSIGNOL, Direct Examination

1 **Q.** Okay. And you would have reviewed the material from
2 Nova Scotia from the 3825?

3 **A.** Yes.

4 **Q.** Okay. So when it was placed back to "Valid", what
5 was the reason for that?

6 **A.** Because we reviewed the ... Well, my decision, and
7 following the conversation that I had with AFO Roper, also that
8 the file created in Nova Scotia in November was in our file
9 created also from 2015, we had a medical document from a doctor
10 in February of 2016 saying non, no issues, stable, so we felt
11 that we had all the information that we required to...
12 Everything... There was nothing in the disclosure from Nova
13 Scotia that we felt warranted any further information.

14 **Q.** Okay. And that's a decision, would you have taken
15 that decision in consultation with Joe Roper?

16 **A.** Yes. I could ... probably following his comments on
17 April 13th, yes, because he would have told me about that
18 comment, he would have told me about that, and I would have made
19 the decision from there.

20 **Q.** Okay. Was there ... There was a FIP created in Nova
21 Scotia as a result of the November 18th event in Nova Scotia
22 which you got the disclosure for in April of 2016?

LYSA ROSSIGNOL, Direct Examination

1 **A.** Yeah.

2 **Q.** Would there have been an investigation of that FIP in
3 Nova Scotia or would that have been, any investigation of that,
4 would that have been in New Brunswick?

5 **A.** If New Brunswick is currently investigating the
6 client and Nova Scotia gets a file, they'll probably send it to
7 us and say just, an FYI, there's an extra file.

8 **(14:26:00)**

9 **Q.** Right.

10 **A.** And then we would do the investigation.

11 **Q.** Okay.

12 **A.** Just in case ... so that there's not two or three
13 people doing the same extra work or anything like that.

14 **Q.** Right.

15 **A.** If New Brunswick is not investigating the file and
16 Nova Scotia gets a file, then Nova Scotia would investigate it
17 and will gather all the information and then forward it to New
18 Brunswick for our final review.

19 **Q.** So had you not had an ongoing investigation in New
20 Brunswick the FIP from Nova Scotia would normally be
21 investigated by the Nova Scotia Firearms Office?

22 **A.** Yes. Yeah, they would have been, they would have

LYSA ROSSIGNOL, Direct Examination

1 reviewed it, and when they matched it they would have let me
2 know so that I could put the license under review.

3 Q. Okay. In this case you weren't even notified of
4 that FIP though ...

5 A. Yeah.

6 Q. You found out about it on your own on March 1st?

7 A. Yeah.

8 Q. Do you know if there was any investigation done by
9 the Firearms Office in Nova Scotia?

10 A. There was none. That's why we ... that's why it was
11 sent to us.

12 Q. Okay. And it was sent to you, ultimately ... Well,
13 the disclosure was sent to you because you asked for it.

14 A. Yes.

15 Q. Okay. So it wasn't a situation where you were asked
16 to do a separate investigation on that?

17 A. No. No.

18 Q. Okay. All right. Can you say why that happened?

19 A. I, no, I wouldn't be able to answer that.

20 Q. Okay. In any event, you received the material
21 regarding the November 18th event.

22 A. Yes.

LYSA ROSSIGNOL, Direct Examination

1 **Q.** And you had an opportunity to consider it. You
2 understood that it related to a wellness check on November 18th?

3 **A.** Yes, um-hmm.

4 **Q.** And perhaps just on that Exhibit with the material
5 from Nova Scotia, the last page, which is 133, so there is the
6 Supplementary Occurrence Report from Addie Maccallum, who was
7 the sergeant who did the wellness check, and the third paragraph
8 down, the entry at 17:16: "Writer met with Desmond at his
9 aunt's residence..." I'm just jumping ahead.

10 Explained to Desmond writer was there to
11 ensure he was doing all right and that he
12 was getting treatment he needed, as his
13 family was concerned. Desmond was calm and
14 lucid, advising he had come to Guysborough
15 to visit his estranged wife and daughter,
16 who were staying nextdoor, the family, and
17 also had come to do hunting.

18 He stated he does not have or does not get
19 manic episodes, including today, due to his
20 mental health but knows how to handle them
21 by avoiding conflict. He advised that he
22 has stopped taking certain meds after

LYSA ROSSIGNOL, Direct Examination

1 consulting with doctors, Dr. Paul Smith and
2 Dr. Matthews, in New Brunswick, and on
3 medicinal marijuana only until he goes back
4 to Oromocto to follow-up appointments next
5 week.

6 Desmond displayed no signs of being a danger
7 to himself or others. He advised that he
8 would call police if he felt he was
9 deteriorating and needed assistance.

10 So you would have reviewed that paragraph?

11 **A.** Yes.

12 **Q.** Okay. So you were aware that his medication status,
13 that he was seeing a doctor in New Brunswick. Would those have
14 been things that factored into your consideration about whether
15 the updated medical was adequate?

16 **A.** Yes.

17 **Q.** The form that was sent to Dr. Smith included
18 information about the November 27th New Brunswick event?

19 **A.** Um-hmm.

20 **Q.** It didn't include information about the November 18th
21 Nova Scotia event, because you didn't have it at that point.
22 Would you agree or can you comment, would it have been better to

LYSA ROSSIGNOL, Direct Examination

1 have had that information and to have been able to provide that
2 to the medical practitioner who was going to respond on this
3 form?

4 **A.** All information would have been ... any information
5 would have been great to have ...

6 **Q.** Right.

7 **A.** ... in hindsight. But we can only use the information
8 we have ...

9 **Q.** Understood.

10 **A.** ... at the time.

11 **Q.** Yeah, understood. If this were today and you were
12 completing, or an area firearms officer was completing, a form
13 to send to a doctor, and you have access to that material in
14 PROS, would that be included in the medical form or some summary
15 of it?

16 **A.** Absolutely.

17 **Q.** So if there's two FIPs outstanding you would include
18 information about both FIPs?

19 **A.** Absolutely. If they're both mental health or whatever
20 the cause is, yes.

21 **Q.** Okay.

22 **THE COURT:** Would there be any reason why Mr. Desmond

LYSA ROSSIGNOL, Direct Examination

1 couldn't have been advised in another letter sent to Dr. Smith
2 giving him the update of the additional FIP information and
3 asking him whether or not that would, in any way, change his
4 opinion with regard to what, if any, risks Mr. Desmond might
5 pose?

6 **A.** We have to get the signed consent. Like on the
7 medical they have to provide a consent so ...

8 **THE COURT:** Send him a letter and ask him again to re-
9 sign it. Say, We've got you under review because another FIP
10 has come to our attention. However you phrase it.

11 **A.** Yeah.

12 **THE COURT:** Say, We need you to sign off on this again
13 before we conclude our review. Just another set of forms, is it
14 not?

15 **A.** That was a possibility for sure.

16 **THE COURT:** And when you talk about all information
17 being good you could then give that little additional piece of
18 information back to Dr. Smith to see if it made any difference.
19 It might not have made any difference to his way of thinking but
20 at least he would have had it at that stage. That could have
21 been done?

22 **A.** Yes.

LYSA ROSSIGNOL, Direct Examination

1 **THE COURT:** You could have handled that?

2 **MR. MURRAY:** So after that material was received from
3 Nova Scotia the license is placed back to valid or ...

4 **A.** Yes.

5 **Q.** ... reinstated? I don't know what the ...

6 **A.** Valid.

7 **Q.** Valid? Okay, and that would have concluded that
8 portion of the investigation, I guess?

9 **A.** Yes.

10 **Q.** There were no other outstanding Firearms Interest
11 Police?

12 **A.** No.

13 **Q.** And you would have checked.

14 **A.** Yes.

15 **Q.** All right, so without any further FIPs, your
16 investigation complete, you're satisfied, based on the medical
17 information you have, it's returned to valid. That sort of ends
18 it at that point, does it?

19 **A.** Yeah.

20 **Q.** Okay, so if we could look at Exhibit 132. This is an
21 email from Derek Eardley to yourself, but it attaches an email
22 from Rob O'Reilly to Derek Eardley. Are you familiar with that

LYSA ROSSIGNOL, Direct Examination

1 document?

2 **EXHIBIT P-000132 - JANUARY 9, 2017 - EMAIL FROM DEREK EARDLEY TO**

3 **LYSA ROSSIGNOL**

4 **A.** I've seen it, yes.

5 **Q.** Okay. All right, and who is Rob O'Reilly?

6 **A.** He was the director of the firearms program.

7 **Q.** Okay.

8 **A.** Of the Canadian Firearms Program.

9 **Q.** Right. So if we could look at the bottom paragraph of
10 that first page. This appears to be a summary of the history of
11 this and Mr. O'Reilly is writing to Derek Eardley. Derek
12 Eardley was the Chief Firearms Officer at the time of these
13 events?

14 **A.** Yes.

15 **Q.** And he's here today and will ...

16 **A.** Yes.

17 **Q.** ... be testifying? Okay, and I believe at the
18 beginning, actually, just before we go to the bottom, he says:
19 "Below is my draft narrative for the briefing note I'm doing for
20 the Minister." So that was basically what the purpose of this
21 was?

22 **A.** Yes.

LYSA ROSSIGNOL, Direct Examination

1 Q. Okay, and so at the bottom, the last sentence, he
2 says: "Delays in disclosure ..." well, actually, perhaps I'll
3 read that whole paragraph:

4 On November 18th, 2015 police in Nova Scotia
5 received a call from the client's aunt. She
6 stated the client was in a manic state and
7 suffered from PTSD, paranoia, and
8 depression. Police located the client and
9 determined there was no evidence of any
10 danger to self or others. This occurrence
11 also generated a FIP notification but was
12 sent to the CFO Nova Scotia, as this was the
13 jurisdiction of the incident. Delays in
14 disclosure by police resulted in the
15 information only being received by the CFO
16 on April 14th, 2016. The license was again
17 placed under review while the information
18 was considered. However, the medical
19 assessment received in relation to the
20 November 27th, 2015 FIP meant the license
21 was returned to valid on April 18th, 2016.

22 So that's not technically correct because it was not placed

LYSA ROSSIGNOL, Direct Examination

1 under review on April 14th. It had been placed under review
2 earlier than that.

3 **A.** March 1st.

4 **Q.** March 1st. All right.

5 Two subsequent incidents occurred on
6 November 28th, 2015 involving the wife of
7 the client removing a firearm from his
8 vehicle without permission and the client
9 showing up in an agitated state at his
10 father-in-law's house demanding its return.
11 Neither of these incidents generated a FIP
12 notification; therefore, were unknown to the
13 CFO.

14 So those two incidents would have been unknown, at least to
15 your office, without a FIP?

16 **A.** Exactly.

17 **Q.** And would have been unknown to the Nova Scotia CFO
18 absent some specific notification by a police officer?

19 **A.** Exactly.

20 **Q.** All right. And then lastly, the next paragraph says:
21 "On November 25th, 2016 the client contacted police in NS and
22 indicated his wife was overdue to return home." The paragraph

LYSA ROSSIGNOL, Direct Examination

1 goes on to describe that but it says: "This incident did not
2 generate a FIP notification and, therefore, the information was
3 unknown to the CFO."

4 **(14:36:12)**

5 So again, both of these incidents were ones that were coded
6 or scored in such a way that they did not automatically create a
7 FIP.

8 **A.** Exactly.

9 **Q.** All right. Not to say that that was inappropriate.
10 It may have been the correct scoring. It just didn't create a
11 FIP.

12 **A.** Exactly.

13 **Q.** All right. A little further down in that paragraph
14 there's a couple of things I'd perhaps ask for you to comment on
15 under "Current Status". The paragraph that begins, "The
16 identified issue ..."

17 The identified issue around the timely
18 disclosure of FIP information to the CFO
19 Nova Scotia has already been addressed
20 through a specialized unit at the CFP's
21 central processing site in Miramichi, New
22 Brunswick. This unit began processing FIPs

LYSA ROSSIGNOL, Direct Examination

1 for Nova Scotia in April of 2016 resulting
2 in immediate notification and disclosure.

3 Do you understand what that change is? Or are you able to
4 tell us what that is?

5 **A.** It just means that the central processing site is
6 reviewing Firearms Interest Police files for Nova Scotia.

7 **Q.** All right. And that was apparently a change?

8 **A.** Yes.

9 **Q.** Okay. Does the central processing site in Miramichi
10 review FIPs for the New Brunswick ...

11 **A.** No.

12 **Q.** Okay, and why the difference?

13 **A.** Because we're an opt-in province. Because opt-in and
14 opt-outs, we can decide what the Miramichi central processing
15 site has authority to do.

16 **Q.** Okay. So basically a different policy decision ...

17 **A.** Absolutely.

18 **Q.** ... is taken in each province.

19 **A.** Yeah.

20 **Q.** All right.

21 **THE COURT:** I'm sorry. So that would be Nova Scotia's
22 policy to have all FIPs ...

LYSA ROSSIGNOL, Direct Examination

1 **A.** They're ...

2 **THE COURT:** ... coming from Nova Scotia to be reviewed
3 by the ...

4 **A.** Central processing site.

5 **THE COURT:** ... central processing site. That's their
6 decision.

7 **A.** Yes. What they do is the central processing site will
8 do the first check of the Firearms Interest Police file.

9 **THE COURT:** Mm-hmm.

10 **A.** And then they will verify. They have a criteria of
11 whether or not it's a section 5, what it is, and if it needs
12 further investigation they will advise Nova Scotia, who will
13 then assign it to a firearms officer for an investigation. The
14 central processing site does that for the federal jurisdictions.

15 **THE COURT:** Okay.

16 **A.** So they do that for BC, Alberta, Manitoba,
17 Saskatchewan, Newfoundland, and Nova Scotia.

18 **THE COURT:** Thank you.

19 **MR. MURRAY:** Just below that in the email under
20 "Strategic Considerations" there's this paragraph: "And proper
21 coding of occurrences in police records management systems will
22 continue to affect the information available to CFOs in making

LYSA ROSSIGNOL, Direct Examination

1 informed decisions around client eligibility to hold a firearms
2 license."

3 That's, I guess, an ongoing challenge for all CFOs, is it?

4 **A.** Yeah.

5 **Q.** Okay. Is there, to your knowledge, any education or
6 work being done with police agencies about the importance of
7 scoring or coding and how to do it correctly or are you able to
8 say?

9 **A.** I can talk about New Brunswick.

10 **Q.** Sure.

11 **A.** For us in New Brunswick, we have taken a stance on
12 it's all about education and being present. So our area
13 firearms officers are out there. They're present. Because
14 they're all ex-police officers, they're well-known. So they're
15 talking to police officers. They're advising them, you know,
16 how to score, how to make it just so that we get the files.

17 For example, a police file that assistance to the public.
18 If they're called to a home for assistance and they just put,
19 "assistance to the public", that will not generate a Firearms
20 Interest Police file. So it has to be a mental health file. Or
21 it's got to be very specific. So we're working with them and
22 which we've seen a big change. We've seen an improvement. And

LYSA ROSSIGNOL, Direct Examination

1 even with the affidavits and all of that, it's just making it so
2 that they know we're there to assist and help them out.

3 **Q.** That education piece, I guess, about the importance of
4 scoring ...

5 **A.** Yes.

6 **Q.** ... and the correct scoring, has that resulted in
7 additional FIPs being created and coming to your attention or
8 are you able to say statistically whether that's happened? When
9 you say you've seen an improvement.

10 **A.** We've seen an improvement in scoring, absolutely.
11 We've seen an improvement in FIPs. Properly matched FIPs,
12 absolutely, and the ones that are section 5 offence moreso than
13 the ones that are not. Because at one point we used to be
14 getting a lot more FIPs that were not section 5 offence, like
15 driving or alcohol. Now we're seeing less of those. So ...

16 **Q.** Okay. So if an officer, perhaps, doesn't understand
17 the importance of scoring or is not careful in the way they
18 score, let's say they're investigating something like, say, an
19 impaired driving that typically wouldn't create a FIP but they
20 score it improperly, it's going to come to you.

21 **A.** Yes.

22 **Q.** And then you will have to look at it and say, This

LYSA ROSSIGNOL, Direct Examination

1 isn't really something of interest to us. You see less of that,
2 do you?

3 **A.** Absolutely.

4 **Q.** Okay. All right. Is that education with officers
5 ongoing?

6 **A.** Absolutely.

7 **Q.** Okay. And you said irrespective of particular
8 offences - like say it's not a criminal matter but it's a mental
9 health matter where no charges are arising - it's important,
10 then, that those files are scored as mental health files for the
11 FIP to be created?

12 **A.** It all depends on what the file is so that we can get
13 a notification of what the file is and we can review it. What
14 some police officers have started doing is they'll call us and
15 let us know. NWEST will also call us and let us know that this
16 file has been reviewed, or this client is being reviewed, and
17 then we'll look it up. And if we didn't get a Firearms Interest
18 Police file we'll still investigate it if it's a mental health
19 or if it's just scored incorrectly. We'll review it.

20 **Q.** So some police agencies are actually calling you and
21 saying ...

22 **A.** Absolutely, yeah.

LYSA ROSSIGNOL, Direct Examination

1 **Q.** ... this is one that you may want to be aware of?

2 **A.** Absolutely.

3 **Q.** And those are ones that, in some cases, may not come
4 to you because of the scoring?

5 **A.** Exactly.

6 **Q.** Okay. All right, and NWEST does that as well.

7 **A.** NWEST does that, yeah.

8 **Q.** All right. The second strategic consideration that's
9 noted there in this email: "CFOs currently place a top priority
10 on addressing all mental health information received. However,
11 most interactions with medical practitioners do not come to
12 their attention unless self-disclosed by the client."

13 I assume that's an ongoing problem, is it?

14 **A.** If an applicant does not answer "yes" to personal
15 history questions we wouldn't know.

16 **Q.** All right.

17 **A.** Unless somebody tells us. They can go years with a
18 firearms license without answering personal history questions
19 and we wouldn't have a clue.

20 **Q.** That's the reason, one of the reasons, I assume, for
21 references.

22 **A.** Yes. Yeah, but if ...

LYSA ROSSIGNOL, Direct Examination

1 Q. And ...

2 A. A lot of times the reference is mom and dad.

3 Q. Right, and they're less inclined to perhaps disclose

4 ...

5 A. Exactly.

6 Q. ... say, mental health issues with an applicant?

7 A. Exactly.

8 Q. In Lionel Desmond's case, obviously his reference did

9 disclose that ...

10 A. Yeah.

11 Q. ... to you. So that's one where the system worked.

12 A. Yes.

13 Q. Are there other ways to address that, if I can call it
14 a gap in the system? Is there any thought to that, do you know,
15 amongst you or your colleagues?

16 A. There's always going to be a gap. I mean there's
17 always room for improvement. There's not much changes we can
18 make personally, just because it's the Canadian Firearms
19 Program. All the changes have to be done federally. So all we
20 can do as the New Brunswick Firearms Office is education to,
21 like, our policing agency, our firearms officer, our staff to
22 have due diligence.

LYSA ROSSIGNOL, Direct Examination

1 **Q.** If a person is the subject of a tertiary
2 investigation, let's say, regarding their mental health and
3 their license is approved or returned to valid as the case may
4 be, is there any thought given to the possibility of a follow-up
5 investigation? I appreciate this is a resource issue, of
6 course, but a follow-up investigation in some period of time to
7 determine if their mental health continues to be stable?

8 **A.** Somebody that has a firearms license are under
9 continuous eligibility for the next five years because they have
10 a license. So if there's a file or police event that occurs, if
11 the system works well, we should be notified automatically. If
12 the police have contact with them, the families. And we do get
13 public safety calls. Like we have a public safety line ...

14 **Q.** Yes.

15 **A.** ... that neighbours, family members have contacted us
16 to say, We have a concern. We'll investigate those. Doctors
17 have sent us notices to say, There's a concern. So the
18 continuous eligibility is there for the duration of the five
19 years that they have their license and then when they reapply it
20 starts back up again.

21 **Q.** Appreciate that there's continuous eligibility, that
22 that's always something that's open to review, but I guess I'm

LYSA ROSSIGNOL, Direct Examination

1 thinking about practically how you become aware of it. If they
2 have an interaction with the police obviously that may come to
3 your attention. But absent that is there any thought given to,
4 again in the case of a mental health situation where a person's
5 mental health may be tenuous - it may good now, may be not so
6 ...

7 **(14:46:18)**

8 **A.** Yes.

9 **Q.** ... good in six months - to following up with them
10 just to check in to say, We want you to get your doctor to fill
11 out another form, that type of thing? I know it's not done, but
12 is that something that anyone's thought of or that the ...

13 **A.** I don't think so.

14 **Q.** Okay.

15 **A.** Manpower. And I can't answer that like ...

16 **Q.** Right.

17 **A.** ... personally not something I can answer.

18 **Q.** If the resources were available.

19 **A.** Maybe.

20 **Q.** Maybe?

21 **THE COURT:** So just on that same vein. When you have
22 Dr. Joshi advising Mr. Roper that he had been seeing Mr. Desmond

LYSA ROSSIGNOL, Direct Examination

1 for four and a half years, and you know that when the license
2 gets approved at that point in time, unless he has an event with
3 law enforcement or some other public official with a duty to
4 report, you won't have reason to go back to Dr. Joshi and ask
5 him if whether or not his mental health status has changed in a
6 way that might alter his opinion that he gave you on the date he
7 signed ...

8 **A.** Exactly.

9 **THE COURT:** ... the document. Correct?

10 **A.** Exactly.

11 **THE COURT:** So knowing that, appreciating manpower.
12 Let's assume you had the ability to do it with manpower. I
13 don't know how many reviews you conduct because of mental health
14 issues where you actually get a report from a doctor, and so
15 it's along the lines of what Mr. Murray is saying about, you
16 know, whether or not in the interim, not waiting for an event to
17 come to you but being a little bit more proactive as in, you
18 know, creating a period of time - whether it's a year, whether
19 it's two years, you diarize it - if you're looking at continuous
20 eligibility, you know, send another letter two years' time
21 advising that, you know, you've got this report of their mental
22 health status.

LYSA ROSSIGNOL, Direct Examination

1 Then you need an update their mental health status. You're
2 not going to wait five years for it. Now you don't need to say
3 that. That's the background of it. And ask them to do the same
4 thing you did previously: see the doctor, have a report
5 completed, you get it from the doctor, you have a look at it,
6 you put the license under review until that's done. They still
7 have their license. They still have their privileges but now
8 you're looking at collecting that additional information so now
9 you're up to date, not waiting. Is that insurmountable by
10 virtue of manpower at the present time? If you had all the
11 manpower you needed could you do it?

12 **A.** Anything is doable.

13 **THE COURT:** But what would you see the stumbling block
14 to be?

15 **A.** Manpower.

16 **THE COURT:** If there's one or however many.

17 **A.** Manpower. The **Firearms Act**.

18 **THE COURT:** And how does the **Firearms Act** become a
19 stumbling block?

20 **A.** Because it's eligibility. Five years' eligibility
21 criteria. If there's nothing on the license for us to
22 investigate we have to have a reason to investigate a license.

LYSA ROSSIGNOL, Direct Examination

1 **THE COURT:** But no, I guess what I'm saying is when you
2 initially approve the license.

3 **A.** Yes.

4 **THE COURT:** Are you saying that you don't have any
5 ability to go back in the interim and kind of reconfirm a mental
6 health status, for instance? Within that five-year period of
7 time.

8 **A.** I'd have to check because I don't ...

9 **THE COURT:** On your own initiative.

10 **A.** I'm not sure I can answer that. Because to
11 investigate a file we have to have a reason.

12 **THE COURT:** Well, the reason is that, you know, a
13 person's mental health required it. First off, they didn't
14 disclose their mental health status to begin with. He had to go
15 back and get a doctor's letter. The doctor says, I've been
16 treating this man and his background, military background of
17 PTSD, for four and a half years and he's stable at that point in
18 time. We all know ... no, we don't.

19 I would say it this way, that stability doesn't necessarily
20 maintain forever and if you have to wait for five years to go
21 back and do a check there might be a better way to do it.

22 So bottom line is you don't know.

LYSA ROSSIGNOL, Direct Examination

1 **A.** No.

2 **THE COURT:** Okay. Thank you. Mr. Murray?

3 **MR. MURRAY:** I just have one last question, actually, and
4 just for clarification. Yeah, this one is. Exhibit 134, I
5 think.

6 **EXHIBIT P-000134 - FEBRUARY 15, 2016 - AFFIDAVIT OF PAUL DEREK**
7 **EARDLEY**

8 **Q.** So this is the affidavit that was created at the
9 request of Constable Richard, who testified yesterday.

10 **A.** Yes.

11 **Q.** Do you have it there?

12 **A.** Yes.

13 **Q.** And it's under the hand of then-Chief Firearms Officer
14 Derek Eardley. I assume any time there was a request for an
15 affidavit typically it would be the CFO that would sign off on
16 it?

17 **A.** Yes, the CFO is the one that signs off on all
18 affidavits.

19 **Q.** Right. And when you said earlier today that typically
20 this a service, I guess - if I could call it that - available to
21 officers or public officials who need an affidavit, say, for
22 court purposes and that type of thing, it isn't necessary for

LYSA ROSSIGNOL, Direct Examination

1 them to get the information. They can call your office?

2 **A.** Yes.

3 **Q.** All right. And you said the other, I guess, service
4 or database available ... and I don't know if you can give us a
5 little more information on it just that we understand it, is the
6 P-A-I-N system?

7 **A.** The PAIN system? Yeah, the public ...

8 **Q.** The PAIN system.

9 **A.** It's the Public Agency System. It's for all public
10 agents.

11 **Q.** Do you know what the acronym is? Public Agency ...

12 **A.** P-A-I-N. It's Public Agency Information Network.

13 **Q.** Okay, and that's a database, then, is it?

14 **A.** Yes, it's a web ...

15 **Q.** Okay.

16 **A.** Yeah, it's under ...

17 **Q.** There's information contained in the PAIN system, is
18 there?

19 **A.** Yes.

20 **Q.** Okay. And who maintains that system? Do you know?

21 **A.** Each agency.

22 **Q.** Each agency ...

LYSA ROSSIGNOL, Direct Examination

1 **A.** Each public agency. So like, our office has four.
2 Each area firearms officer has one. So all firearms that are
3 seized or to be destroyed are in there. So we have to enter
4 them into our system.

5 **Q.** So this is not just one system, it's a ...

6 **A.** It's a whole big system that each one of us has to log
7 into.

8 **Q.** Okay, and so there's a central repository of
9 information ...

10 **A.** Ottawa.

11 **Q.** ... when you log into it? Ottawa?

12 **A.** Ottawa.

13 **Q.** And who maintains that? Is that the Canadian
14 Firearms?

15 **A.** Canadian Firearms Program.

16 **Q.** Canadian Firearms Program. Okay. Ad the information,
17 sorry, that's inputted into PAIN or stored in PAIN is what?

18 **A.** Firearms that are seized.

19 **Q.** Okay.

20 **A.** It could be firearms for protective custody.

21 **Q.** Mm-hmm.

22 **A.** Police officers that seize firearms in a case that

LYSA ROSSIGNOL, Direct Examination

1 they need to maintain custody of.

2 Q. Right.

3 A. It could be firearms that they are keeping for an
4 estate. It could be their own firearms, all firearms that
5 police officers have.

6 Q. They have to ...

7 A. Yeah.

8 Q. ... register those or input that information ...

9 A. Yes.

10 Q. ... into the PAIN system?

11 A. And that way it's an inventory of firearms.

12 Q. Okay. So if a police officer seizes a firearm from a
13 home as part of a domestic violence ...

14 A. Mm-hmm.

15 Q. ... investigation and takes that back to the
16 detachment, that will be logged into the PAIN system if they're
17 holding it?

18 A. It should be, yes.

19 Q. Okay. It should be? All right, and it's public
20 agency. So is this just police agencies that input the
21 information or ...

22 A. Yes.

LYSA ROSSIGNOL, Direct Examination

1 **Q.** Okay. And who has access to it?

2 **A.** Public agents.

3 **Q.** What are public agents for the purpose of the ...

4 **A.** Police officers. So it all depends. Like, each
5 police station would have what they call a bond person that
6 takes care of all of the firearms or takes care of all the
7 evidence and they're the ones that will input all that data in
8 there.

9 **Q.** Mm-hmm.

10 **A.** And like, my area firearms officers are responsible to
11 enter all firearms that they gather from police agencies to be
12 destroyed. So we have everything that is documented to say,
13 This is what the type of firearms we have. If we have, you
14 know, 20, when we're getting to destroy them we destroy 20 so
15 everything is accounted for.

16 **Q.** Okay. So your firearms officers would input
17 information into the PAIN system as well.

18 **A.** Yes.

19 **Q.** Okay. So you just raised it in reference to a police
20 officer's inquiry as to the status of a person's license?

21 **A.** Yeah.

22 **Q.** How would that information be in the PAIN system?

LYSA ROSSIGNOL, Direct Examination

1 **A.** It's attached to CFIS. It's attached to our Canadian
2 Firearms Information System.

3 **Q.** Okay.

4 **A.** So whenever they input a firearm. So non-restricted
5 firearms can't be registered ... or not registered, but
6 restricted firearms are registered. Prohibited firearms are
7 registered. So if they input a firearm and they input who they
8 seize it from - so if they input a firearm and it was a
9 restricted firearm, it's registered to a certain person -
10 they'll be able to, in CFIS and under our system ... it'll show
11 that the firearm belonging to a certain individual, is now in
12 protective custody at this detachment. We'll be able to see
13 that also.

14 **(14:56:15)**

15 **Q.** Because it was inputted in PAIN.

16 **A.** Exactly.

17 **Q.** All right. So now in CFIS you're going to see that a
18 firearm was seized from a person.

19 **A.** Yes.

20 **Q.** How does that input, though, the status of the
21 license?

22 **A.** If there's a file attached to them we would get a FIP

LYSA ROSSIGNOL, Direct Examination

1 event. We should get a FIP event depending on the coding.

2 Q. Okay. I guess I may have misunderstood earlier. I
3 thought from your answer that this was a system that an officer
4 could actually log into and see the status of a person's
5 license, of a client's license?

6 A. They can.

7 Q. Okay, so that information, which ultimately is stored
8 in CFIS, would be accessible through the PAIN system? Is that
9 ...

10 A. Well, there's a tab they click. It says "client
11 license status".

12 Q. Mm-hmm.

13 A. When they click on it all they do is they input the
14 eight numbers of a firearms license.

15 Q. Mm-hmm.

16 A. And it pops up - the name, the date of birth, the
17 address - and it tells them whether the license is valid or not.

18 Q. Or under review?

19 A. Yeah.

20 Q. Okay. A police officer can't access CFIS directly,
21 though?

22 A. No.

LYSA ROSSIGNOL, Direct Examination

1 **Q.** Okay, so this is a way for them to access that
2 information.

3 **A.** Yes.

4 **Q.** Okay.

5 **A.** And like, for New Brunswick we always say to police
6 officers, Before you return firearms to a New Brunswick client,
7 always verify with our firearms officer to make sure that we are
8 done with our investigation.

9 **Q.** Okay. So it may not be adequate simply to check PAIN?

10 **A.** Exactly.

11 **Q.** It's best ...

12 **A.** It's just an added security.

13 **Q.** Understood. So the best practice would be to contact
14 your office.

15 **A.** Yeah.

16 **Q.** Okay.

17 **THE COURT:** Are non-restricted firearms registered and
18 recorded in PAIN?

19 **A.** Yes, they can also be.

20 **THE COURT:** So non-restricted, restricted ...

21 **A.** All types of firearms can be registered.

22 **THE COURT:** Could be ...

LYSA ROSSIGNOL, Direct Examination

1 **A.** Can be entered into the PAIN system.

2 **THE COURT:** If they're in somebody's custody some place
3 ...

4 **A.** Well, if they seize a non-restricted firearm and they
5 enter it into their system, their PAIN system, they can say, I
6 seized it from John Black. Well, they can put his license
7 number and all of the information. We won't know that they
8 seized a non-restricted firearm from him just because non-
9 restricted firearms are not registered. However, if there's a
10 file attached to him we will get the event.

11 **THE COURT:** Otherwise you wouldn't.

12 **A.** Otherwise we wouldn't. But when they return the
13 firearm to him they can check to verify if his license is valid.

14 **MR. MURRAY:** Thank you. Those are the questions I have,
15 Ms. Rossignol.

16 **THE COURT:** Counsel, today is Wednesday and there's a
17 council meeting this afternoon and they have asked us if we
18 could end our session sometime approximate to 3 o'clock. 3
19 o'clock, 3:15 or thereabouts. It's 5 to 3 and I think rather
20 than start the cross-examination of Ms. Rossignol this afternoon
21 I think we're going to adjourn till tomorrow morning. Almost
22 two hours and we would normally take a break now, and by the

LYSA ROSSIGNOL, Direct Examination

1 time we took a break our time today would have expired.

2 So Ms. Rossignol, I'm going to ask you if you could return
3 tomorrow, 9:30. And I think there's some witnesses scheduled
4 for tomorrow as well and those witnesses I guess I'll invite
5 back as well, please?

6 **MR. MURRAY:** Yes. Mr. Eardley and Mr. Hand.

7 **THE COURT:** Mr. Eardley and Mr. Hand? We'll see you
8 tomorrow as well. Thank you, gentlemen.

9 Anything further?

10 **MR. MACDONALD:** Your Honour, I'm just wondering if we could
11 have the direction to Ms. Rossignol, please.

12 **THE COURT:** Of course. So my oversight.

13 So the same direction that I gave you earlier. Not to
14 suggest you'd have improper conversations, but I'll give the
15 direction as well. And as I said, if you want to speak to your
16 counsel you're entitled to speak to your counsel. He'll know
17 the limits of what he can discuss with you as well. All right?

18 All right. Thank you, then.

19 **COURT CLOSED (15:00 HRS.)**

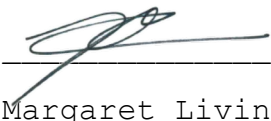
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I, Margaret Livingstone, Court Transcriber, hereby certify that the foregoing is a true and accurate transcript of the evidence given in this matter, **re Desmond Fatality Inquiry**, taken by way of electronic digital recording.



Margaret Livingstone

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February 21, 2020