

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: Port Hawkesbury, Nova Scotia

DATE HEARD: September 13, 2021

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1 September 13, 2021

2 COURT OPENED (09:33 HRS.)

3

4 THE COURT: Good morning.

5 COUNSEL: Good morning, Your Honour.

6 THE COURT: Mr. Murray, are we expecting any other
7 counsel today, do you know, or do we have our full complement?

8 MR. MURRAY: As far as I know, Your Honour, the CMPA ...
9 where is ... I'm wondering about. I haven't heard.

10 THE COURT: Yeah. All right, that's fine, thank you. I
11 understand this morning that we are going to hear from Mr. John
12 Parkin who has returned and I also understand that Mr. Anderson
13 is going to be leading some evidence from Mr. Parkin. Is that
14 correct?

15 MR. ANDERSON: Yes, Your Honour.

16 THE COURT: All right, thank you.

17 I had sent an email to counsel last week just advising with
18 regard to the COVID protocols that we've followed in the Court
19 in the past. We continue to follow that same set of protocols
20 that we had previously, and if they are to change, they'll
21 change by direction of the Inquiry, regardless of what the
22 situation becomes, whether this province moves to Stage 5 or

1 not, what the implications of that might be. So I'll ask
2 Counsel to govern themselves accordingly. All right, thank you.

3 Mr. Parkin, could you come to the stand, please? Just come
4 around the back of counsel and over to the seat, please.

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JOHN PARKIN, Direct Examination by Mr. Anderson

1 **JOHN PARKIN, re-sworn, testified:**

2 **THE COURT:** Mr. Parkin, the last time we had your
3 evidence, I don't think we were under pandemic conditions at
4 that time. The practice in this hearing, because of the space
5 that we have available in this room, is that if a witness is
6 comfortable removing their mask, I'd invite you to make that
7 decision. You can remove your mask, as I said, if you're
8 comfortable; otherwise, you can leave it in place.

9 **MR. PARKIN:** Okay, thank you.

10 **THE COURT:** It's entirely up to you. Thank you.
11 Mr. Anderson?

12

13 **DIRECT EXAMINATION BY MR. ANDERSON**

14 **(09:36)**

15 **MR. ANDERSON:** Thank you, Your Honour.

16 Good morning, Mr. Parkin. You testified back in March 2020
17 on a Form 6423 Medical Assessments and I just want to bring up
18 one of the exhibits that we have already marked. It's marked as
19 Exhibit 126.

20 **THE COURT:** Mr. Anderson, sorry, I'm going to stop you
21 just for a second. I think that the podium needs to be
22 positioned or you need to be positioned so that you're kind of

JOHN PARKIN, Direct Examination by Mr. Anderson

1 behind that microphone because it's directional. I'm going to
2 call it "directional" in one sense, but ... That, I think,
3 would work better.

4 **MR. ANDERSON:** Does that work better there?

5 **THE COURT:** Yes, thank you.

6 **MR. ANDERSON:** Good. Thank you, Your Honour.

7 **THE COURT:** All right, go ahead, please.

8 **MR. ANDERSON:** So we're just going to show you Exhibit 126
9 and there are hard ... or I guess we do have hard copies behind
10 you or you can look at the one on the screen.

11 **A.** Okay, thanks.

12 **Q.** Now, the Exhibit 126 is the Form 6423. It was amended
13 in May of 2019. This particular form includes, under the
14 fields, "Information Required". We'll scroll down to one of the
15 fields that includes that.

16 **A.** Okay, I see what you're talking about, yes.

17 **Q.** Yeah. We've heard evidence that this "Information
18 Required" was added by the New Brunswick Firearms Office. I
19 just wanted you to confirm whether your office includes the
20 words "Information Required" in the fields to be completed by
21 the physicians.

22 **A.** Yeah. We do not include that.

JOHN PARKIN, Direct Examination by Mr. Anderson

1 **Q.** Okay. And you use the same Form 6423. The only
2 difference to the one that we see here is that the reference to
3 the New Brunswick Firearms Office in "Information Required" is
4 not included in the form you use.

5 **A.** Yeah. That's something that would've been added by
6 this particular user.

7 **Q.** Now I wanted to update some of your evidence since
8 last year. You talked about access to police databases and I
9 wondered were there any changes to your access to the police
10 databases over the past year since you last testified?

11 **A.** That is still a work in progress. We have more access
12 through PROS and the Police Information Portal System; however,
13 we do not have direct access to all of the police systems in the
14 province.

15 **Q.** Okay. So in terms of PROS, you don't have direct
16 access but you have direct ... you have access to the
17 information by way of a police portal?

18 **A.** Yes.

19 **Q.** You testified last time about the Federal Mental
20 Health Pilot Project which I understand was started in 2019.
21 Has the status changed since you last testified with respect to
22 that pilot project?

JOHN PARKIN, Direct Examination by Mr. Anderson

1 **A.** We have received no further direct input from the
2 federal program. I presume that COVID has slowed a lot of that
3 down.

4 **Q.** You previously testified about your Investigation
5 Standard Operating Policy and Procedure. For the benefit of
6 those in the room here, that's marked as Exhibit 157, so your
7 policy and procedure. So we won't turn to that unless you want
8 to confirm anything. What I was going to ask is are there any
9 changes or do you have any new standard operating policy or
10 procedures?

11 **(09:40)**

12 **A.** Yes. Well, that policy that was in effect when I was
13 last at this Inquiry has been significantly updated and there is
14 a new version of it now.

15 **Q.** Okay. And is the new version in draft form or is it
16 ...

17 **A.** It's still listed in draft. There are still a few
18 tweaks because it was only rolled out this past June 2021 at a
19 week-long in-service training session that I did.

20 **EXHIBIT P-000307 - NOVA SCOTIA FIREARMS PROGRAM STANDARD**

21 **OPERATING POLICY**

22 **Q.** All right. We'll talk about that enrollment. I

JOHN PARKIN, Direct Examination by Mr. Anderson

1 wonder if we could turn to Exhibit 307. And we see the front
2 page, Mr. Parkin, and is this the standard operating policy that
3 you have recently prepared?

4 **A.** Yes, this is the current one.

5 **Q.** Okay. And it's again in draft form.

6 **A.** Yes.

7 **Q.** All right. And is it intended to replace the
8 Investigation Standard Operating Policy and Procedure?

9 **A.** Yes.

10 **Q.** Now so if you could look at Exhibit 307. And could
11 you draw our attention to any additional content?

12 **A.** The most significant changes that you would see -
13 although there are some additions and there's some rearranging
14 of the order of things - I believe "Authority" in the old policy
15 came as the second primary item. This is now the fourth item.
16 "Interpretation", for example, really has not changed, but what
17 I did change is the terminology that's used to bring it more in
18 line with what I see in legislature ... in written legislature.

19 The biggest changes that you will find are sections 8 to 13
20 in "Investigations", "Interviews", "Requests for Medical
21 Opinion".

22 **Q.** All right. Could we take a look at section 5,

JOHN PARKIN, Direct Examination by Mr. Anderson

1 "Processing Standards", and would you tell us what it is and
2 does it codify existing policy or is it new policy?

3 **A.** Okay. What you see in "Processing Standards" is, to
4 borrow a word, is codifying existing practices. Putting into a
5 systematic form, practices that we already utilize or have
6 utilized for some time.

7 I guess one thing that would probably put this in a little
8 bit of context as well for the Inquiry is that part of the
9 reason for this update ... and in the earlier sections, you will
10 see a lot of the inclusion now of direct reference to
11 legislation that's been in existence since 1998 when the current
12 **Firearms Act** came into place. Our office was going through a
13 period of time in 2020 and 2021 where we were significantly
14 lower in staff. In fact, I have a new person coming in. It
15 will represent, in less than a year, a complete 50-percent
16 turnover in my staff. So what I found was necessary is to take
17 things that were scattered between diverse policies, direction,
18 bring them together into one document. And if you go right back
19 to the very first page of this document, you will see that I'm
20 organizing our policies and procedures into an operating manual
21 so that there will be a systematic approach and an understanding
22 of how we do business and how we have done business.

JOHN PARKIN, Direct Examination by Mr. Anderson

1 **Q.** And that's for this draft standard operating policy
2 that you're looking at now - really, for the whole policy then -
3 is you are ...

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

5 **Q.** ... seeking to include what is written in policy, in
6 old policy, and in practice.

7 **A.** Correct.

8 **Q.** Now in "Processing Standards", is that, in essence,
9 administrative processing of files? So we're going to look at
10 section 5 again.

11 **A.** Yes. So what this is doing is it's giving guidance in
12 written form to practices that we have already been utilizing,
13 and explaining for particularly new employees and for the
14 passage on of institutional knowledge for the new people as to
15 how to do business and what to look at.

16 **Q.** Let's look at section 6 - "Public Safety Issue". What
17 is it and does it also codify existing practice and policy?

18 **A.** Yes, it does. And as you can see the specific
19 references that are made there to section 5(1) and section 5(2)
20 is it's drawing upon the legislation and the authority that the
21 firearms officer has to make inquiries and guiding the direction
22 of those inquiries.

JOHN PARKIN, Direct Examination by Mr. Anderson

1 **Q.** Now, section 8 - "Investigation".

2 **A.** Okay. In section 8, the lists that you'll see - the
3 bulleted items - this is where I began to draw a bit more
4 heavily on the guides that some of my peers had prepared,
5 particularly Karen Mowatt and her crew from Manitoba, as
6 training materials.

7 Again, it does not differ significantly in what our
8 existing practices have been. For lack of a better way of
9 describing it, it saved me a lot of work in going through this
10 and creating the list myself because they had already done so.

11 **Q.** Okay. And section 9 - "Interviews". And the same
12 question as the other sections. What is it and does it codify
13 existing practice and policy?

14 **A.** It does. And, again, I explain section 55 as
15 something that I, myself, try to emphasize as frequently as we
16 can, that the firearms officer making a line of inquiry has, by
17 legislative authority, the right to ask questions of any person
18 who may have information bearing on the eligibility of an
19 individual to have a firearms license. And what I do through
20 that and through this policy is try to push home the messaging
21 that we should not limit the scope of our inquiries. If there
22 are persons or individuals who may have information that's

JOHN PARKIN, Direct Examination by Mr. Anderson

1 relevant, then we should pursue those avenues.

2 Q. Okay. Section 10 - "Request for a Medical Opinion".
3 And, again, the same question. What is it and does it codify
4 existing policy and/or practice?

5 A. And this one, a lot of the language that is used in
6 here in these sections are paraphrasing or direct usage from the
7 manuals that Karen Mowatt's crew had prepared. Again, it
8 doesn't differ necessarily significantly from what we have done,
9 but it does put into words and explain why we're doing it and
10 the best avenues for pursuing it.

11 Q. All right. And the last section I was going to ask
12 you about is section 11 - "Decision".

13 A. Okay. As we get into section 11, 12, and,
14 particularly, 13, where we're going is also relying upon my
15 experience. Because of the way our office operates, if there is
16 a review hearing, I'm always involved, so I probably have more
17 experience than my individual firearms officers do. We have not
18 had very many in Nova Scotia, but my dealings with legal counsel
19 for the Province, when we are preparing for them, preparing the
20 information for them, so that knowledge is something that's
21 proposed more in myself, to a large degree, and so I can see
22 that my tenure is, the end of that is slowly approaching. I

JOHN PARKIN, Direct Examination by Mr. Anderson

1 felt that it was necessary to put this down in some format to
2 give guidance to people who may follow me and have not had that
3 exposure or that experience.

4 Q. And you spoke a few moments ago about training earlier
5 this year. Did the topics include in that training the draft
6 standard operating policy that you've just been referring to?

7 A. Yes, it did.

8 Q. And did you present other materials ...

9 A. Yes, we did.

10 Q. ... to your staff? And I'm going to ask you about
11 three exhibits, just were they the materials that you included
12 in your training of your staff? The first one is Exhibit 304.

13 **EXHIBIT P-000304 - CHIEF FIREARMS OFFICE INTERVIEW GUIDE**

14 A. Okay, yes, that's one of the documents, yes.

15 Q. Okay. And that's entitled "Chief Firearms Office
16 Interview Guide".

17 A. Yes.

18 **(09:50)**

19 Q. And that is from the Manitoba Firearms Office?

20 A. Yes. That document was prepared by their offices.

21 Q. So the use you've made of this guide is in your
22 training and to inform and/or incorporate into your draft

JOHN PARKIN, Direct Examination by Mr. Anderson

1 standard operating policy you just referred to?

2 A. That's correct.

3 **EXHIBIT P-000305 - JUNE 2021 - INVESTIGATION AND DECISION MAKING**

4 Q. Okay. I'm going to ask you to turn to Exhibit 305.

5 So this is entitled "June 2021 - Investigation and Decision
6 Making". Is that also from the Manitoba Firearms Office?

7 A. Yes, it is.

8 Q. Okay. And you made the same use of this form as the
9 one we just looked at now.

10 A. That's correct, yes.

11 **EXHIBIT P-000306 - MENTAL HEALTH AND BEHAVIOURAL DISORDERS**
12 **INVESTIGATION GUIDE**

13 Q. Okay. And I'm going to ask the same questions for
14 Exhibit 306. So this is entitled "Mental Health and Behavioural
15 Disorders Investigation Guide".

16 A. Yes.

17 Q. And you made the same use of this as you did with the
18 previous exhibits?

19 A. Yes. And this document is a bit older and was one of
20 the foundations for the mental health pilot project that we
21 discussed back in March 2020.

22 Q. Now, you testified last year about **Bill C-71**, so

JOHN PARKIN, Direct Examination by Mr. Anderson

1 amendments to the **Firearms Act**. Have portions been enacted
2 within the past few months?

3 **A.** Yes, two sections of it were implemented within the
4 last few months.

5 **Q.** All right.

6 **A.** July, I believe.

7 **Q.** And what sections were those, Mr. Parkin?

8 **A.** Those affected the authorizations to transport which
9 is the authorization to transport restricted firearms or
10 prohibited handguns. They were conditions that were added to
11 the firearms license under a previous government. The Bill,
12 once enacted, removed the authorizations to transport from the
13 firearms license. It did not eliminate them; it simply removed
14 them from the firearms license. What that does now is it
15 obliges an individual who has a restricted firearm or prohibited
16 handgun to contact the Chief Firearms Office in order to obtain
17 an authorization to transport for purposes such as going to a
18 gun show, to take it to a gunsmith for servicing, to take it to
19 a port of exit from Canada if you were traveling international,
20 and those sorts of things.

21 The two primary and the highest volume categories, which
22 are to travel to and from an approved shooting range within the

JOHN PARKIN, Direct Examination by Mr. Anderson

1 province of residence and to obtain or pick up the firearm from
2 a place of acquisition, those remain on the firearms license.

3 Q. Okay. And was there any other portion enacted this
4 year?

5 A. Yes, there was and, at the moment, it just slipped my
6 mind. I can't recall.

7 Q. Okay. Is that the Expanded Mandatory Firearms License
8 Background Check?

9 A. Correct, yes. Sorry, yes. It affects directly
10 section 5(2) of the **Firearms Act** and it added three subsections
11 to that, primarily focusing on individuals who had had
12 prohibition orders related to domestic violence. Although there
13 is one very broad category - Subsection (f), I believe it is -
14 which poses any other safety risk. That has been added. It
15 also eliminated the five-year period of review. So,
16 essentially, now it's for the lifetime of the individual.

17 Q. And that five-year review, that was for the review of
18 someone's background who was applying for a license.

19 A. Specifically, it's in relation to section 5(2) of the
20 **Firearms Act** which lists a series of mandatory categories that
21 must be considered. So if an individual has been discharged or
22 convicted by a court - so for violence, for other offences -

JOHN PARKIN, Direct Examination by Mr. Anderson

1 then those things have to be considered, but it is a non-
2 restrictive section. There's no other piece in the legislation
3 that says that you cannot simply look at section 5(1), for
4 example, which says that it's not in the public interest for an
5 individual to have firearms, prohibited firearms, ammunition, et
6 cetera. Or section 70 of the **Firearms Act** which makes reference
7 to a good and sufficient reason to why a person should not have
8 a firearms license.

9 **Q.** So the background check used to cover a period of five
10 years and ...

11 **A.** Yes.

12 **Q.** ... now it's lifetime.

13 **A.** Yes.

14 **Q.** All right. Do you recall what portions of the Bill -
15 again, **Bill C-71** - that were not enacted?

16 **A.** Two of the primary ones are the business license ...
17 or records-keeping requirements and the mandatory verification
18 of an individual's license. Those two are still outstanding.

19 **Q.** All right. So the **Bill C-71** was to require a licensed
20 business to keep records for non-restricted firearms for at
21 least 20 years?

22 **A.** Yes.

JOHN PARKIN, Direct Examination by Mr. Anderson

1 **Q.** And you're saying that was not enacted.

2 **A.** That has not been enacted yet.

3 **Q.** Okay. And the second one you talked about was license
4 verification. Could you explain that?

5 **A.** That was the process whereby the Registrar's office
6 was going to be involved and they would set up a process where
7 two individuals wanting to transfer a firearm - so buy, give, or
8 sell a firearm from one person to another - would, by law, be
9 required to contact the Registrar's office. They would provide
10 each of their license numbers. The Registrar's office would
11 verify that those persons did, indeed, possess a valid firearms
12 license for the type and class of firearm that they wished to
13 acquire, and would provide the caller then with a reference
14 number. And they're not going to record the particulars of the
15 firearms, so there would be no records-keeping that way, but if
16 it was a business that was selling it, then, if the other part
17 of the legislation were enacted, the business would keep those
18 records.

19 Once that reference number was provided, then that would be
20 the completion of the call, but that would verify that the two
21 individuals did, in fact, hold a valid firearms license for the
22 type and class of firearm at that point in time.

JOHN PARKIN, Direct Examination by Mr. Anderson

1 Q. Mr. Parkin, I understand that **Bill C-21** was introduced
2 earlier this year and that it was a Bill to amend certain **Acts**
3 and to make certain consequential amendments relating to
4 firearms, but it has not been proclaimed. Do you have any
5 comment on any of the proposed amendments that were contained in
6 **Bill C-21**?

7 A. Yeah. I've only looked at **Bill C-21** briefly, but
8 there was one section that stood out, to my mind, and it made
9 reference to what they called a "yellow flag category" and a
10 suspension of a firearms license. And the only comments that I
11 had is I was watching that very closely because it also makes
12 reference to a 30-day limitation on a Chief Firearms Officer to
13 make a decision based upon that suspension of a firearms
14 license. There are other amendments in there that will allow
15 any person to make an application for a prohibition order and
16 other sections, but that particular section referred directly to
17 the CFOs. I had a concern - I still have a concern - in regards
18 to that in that 30 days for a suspension; there are many, many
19 processes, including requests for medical information, or even
20 court processes, that typically do not happen within 30 days.

21 Q. And that would provide a change, I gather, from
22 current powers that you have?

JOHN PARKIN, Examination by the Court

1 **A.** It would because what it's looking at - and I think we
2 discussed this the last time when we talked about "under review"
3 is that "under review" is an administrative reference and it has
4 no actual power in law. A firearms license exists either as a
5 valid firearms license or revoked firearms license, or it can be
6 in an application form that can be dealt with. The suspension
7 would introduce another category that would allow a license to
8 be suspended so that a person could not act upon it, which would
9 be significantly different than the "Under Review"
10 classification.

11 **Q.** And it would also show up in CFIS, I gather? If
12 anybody looked it up, it would show as "suspension"?

13 **A.** It would show as "suspension", but if a license is
14 placed under review, that does show up in CFIS.

15 **Q.** Those are my questions. Thank you, Mr. Parkin.

16

17

EXAMINATION BY THE COURT

18 **(09:58)**

19 **THE COURT:** If C-71 was in effect with regard to the
20 mandatory license verification and an individual was going to
21 sell a firearm to his neighbour, for instance, and unbeknownst
22 to the neighbour who is going to purchase it, his license is

JOHN PARKIN, Examination by the Court

1 under review from an administrative point of view, would "under
2 review" in any way affect the ability of neighbour one to sell
3 to neighbour two?

4 **A.** At the end of the day, Your Honour, I believe it
5 probably still comes down to the honesty of the individuals who
6 are committing ... or performing the transfer, but if they were
7 to call and the license were under review, the Registrar would
8 be able to see the status of the license was under review and
9 that there was a problem with the individual either acquiring or
10 selling the firearm.

11 **Q.** Okay.

12 **A.** A similar thing would happen today if a business were
13 to check. And, typically, what would happen is the business
14 would be told by the Registrar's office or by the CFO's office
15 to have the individual contact the CFO that there was a problem
16 with the transfer.

17 **Q.** All right. The neighbour whose license is under
18 review is told to call the CFO. He calls you and says, Mr.
19 Parkin, I'm under review. What's going on here? I want to buy
20 or sell my gun.

21 **A.** Yeah. Then we would explain to them why their license
22 was under review. Hopefully, and part of where these policies

JOHN PARKIN, Examination by the Court

1 that I've been developing would take us, is that a client should
2 not go any great length of time without being told that there is
3 a difficulty with your license, that your eligibility is being
4 assessed for one reason or another.

5 **(10:00)**

6 **Q.** And I take it, if it's under review, then the
7 Registrar is not going to ... I assume it's the Registrar that
8 would be issuing the reference number with regard to that
9 transaction?

10 **A.** I've had no direct conversation on that, but I would
11 assume that would be correct.

12 **Q.** So they might contact you to find out why it's under
13 review and you can give them the explanation. But at the end of
14 the day, the reference number is not likely going to come from
15 you. It's going to come from the Registrar.

16 **A.** That would be my assumption. Yes.

17 **Q.** And they cannot transfer without the registration
18 number. If they do it, then they're ...

19 **A.** Then it would be unlawful.

20 **THE COURT:** Then it would be unlawful. All right.

21 Thank you. Ms. Ward?

22 **MS. WARD:** No questions, Your Honour.

JOHN PARKIN, Cross-Examination by Mr. Macdonald

1 **THE COURT:** All right. Thank you. Mr. Macdonald?

2 **MR. MACDONALD** Yes, I do, Your Honour.

3 **THE COURT:** Thank you, Mr. Macdonald.

4

5

CROSS-EXAMINATION BY MR. MACDONALD

6 (10:01)

7 **MR. MACDONALD** Good morning, Mr. Parkin.

8 **A.** Good morning.

9 **Q.** I'm Tom Macdonald, the lawyer for the Borden family.

10 **A.** Yes.

11 **Q.** Sheldon, Ricky, Thelma, and co-counsel for Aaliyah
12 Desmond with Tara Miller. I had a few questions. I wanted ...
13 and, Your Honour, I'll be referring to Exhibits 304, 5, and 7
14 and I'm going to start with 304, Mr. Parkin. That's the Chief
15 Firearms Officer Interview Guide.

16 **A.** Yes. Okay.

17 **Q.** You can tell me if you're ready. Is that in effect in
18 Nova Scotia now or is this a draft?

19 **A.** I borrowed these documents, the ones to which you're
20 referring ... had already been created by the team from Manitoba
21 and Nunavut, who were working on training materials. This has
22 been a work in progress over many, many years. Has been

JOHN PARKIN, Cross-Examination by Mr. Macdonald

1 evolving and will probably continue to evolve. But these
2 documents had already been prepared and put into written format,
3 a lot of the practices and how we do things. It provided
4 convenient lists; for example, places to check for sources of
5 information, so listing CPIC and listing CFIS and listing JEIN,
6 listing police records, other sources of information. So it has
7 it all in a convenient package.

8 **Q.** So, for example, Exhibit 304 and 305, so that's the
9 Chief Firearms Office Interview Guide and the Chief Firearms
10 Office Nova Scotia, June 21, Investigation and Decision Making.
11 Would those have been reviewed by your office and you and
12 incorporated into Exhibit 307, which is I guess the draft
13 policy?

14 **A.** Yes.

15 **Q.** Okay. Why Manitoba? Why did you use Manitoba as the
16 model?

17 **A.** I've been researching constantly for a number of years
18 across the country trying to build a comprehensive training
19 package. Back in 2015, I believe it was, I introduced a two-day
20 in-service, basically the same idea as what they use in the
21 school system where teachers are brought in. And I would bring
22 my staff in and look at any new developments of policy,

JOHN PARKIN, Cross-Examination by Mr. Macdonald

1 legislation, any issues that had evolved over the previous year
2 where I felt improvements could be made.

3 In June of this year, it became a bigger issue for my
4 office because we were having such a significant staffing
5 changeover. These documents became reference documents and were
6 utilized and were referred to and were actually given to my
7 staff during the training in June of this year, 2021, to augment
8 the lectures and the presentations on how to do investigations
9 and to build the information base and knowledge base of the new
10 staff as well as the existing staff.

11 Q. So when you did your research, what was it about
12 Manitoba that caught your eye as opposed ...

13 A. Just more complete than other areas.

14 Q. Is it more complete than Ontario?

15 A. I felt that it was.

16 Q. More complete than Ontario?

17 A. I felt it was.

18 Q. Okay. And more complete than the existing situation
19 in Nova Scotia?

20 A. Yes.

21 Q. Okay. Let's look at Exhibit 304. Once again, that's
22 the Chief Firearms Office Interview Guide. The BegDoc number,

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1 that's the top right-hand corner. Do you see that?

2 **A.** Yes.

3 **Q.** Yes. So let's start at ... actually, it's all the
4 same number, Mr. Parkin, so let's use as a reference, the bottom
5 of the page where it says Chief Firearms Office Interview Guide,
6 page seven. Can you turn to page seven, sort of midway in?
7 It's the applicant interview checklist, that page. Do you see
8 that?

9 **A.** Yes, I see that.

10 **Q.** Okay. So we have really, on page seven, eight, and
11 nine, an applicant's interview checklist and a mental health
12 questionnaire and they seem to be ... and then also on page ten
13 references ... I'm calling them "checklists", but they're ...
14 and, sorry, on page 11, spouse questionnaire. So there's four
15 checklists if I can put it that way. Are you following me?

16 **A.** Yes.

17 **Q.** Yes. Okay. Now the language that's used in here,
18 this is Manitoba's language, is it? This is Manitoba's
19 checklist, for lack of a better word. Right?

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

21 **Q.** Okay. So they're saying, starting with applicant
22 interview, "The following are some suggested questions that

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1 investigators can utilize." And I can tell you that in reading
2 them, all the checklists ... I'm calling them "checklists",
3 begin with those words. So it looks like they're discretionary
4 to me. So I have two questions. Number one, did you give any
5 thought to incorporating these checklists into the Nova Scotia
6 policy and making them mandatory so that every firearms officer
7 in Nova Scotia, as a baseline, goes through these checklists
8 with the applicants?

9 **A.** Well, not all questions may be applicable in every
10 single case. So I think a certain amount of discretion is
11 warranted for the individual officer doing them. What we do
12 have, I have seen them, is questions or suggested questions from
13 years gone by but they were somewhat dated. What I liked about
14 this format and the reason that I borrowed directly from it is
15 because it provides a significant list and the idea of the
16 checklist, and that's as good a word as any to describe it, is
17 to steer the thoughts of the individual firearms officer doing
18 an assessment, to look at certain areas that they're just going
19 from the top of their head they might not necessarily think of
20 and that might be relevant or elicit relevant information.

21 **Q.** Did you give any thought, and maybe it exists, I don't
22 know, but is there a standard baseline checklist that is

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1 mandated by you to your firearms officers that, at a minimum,
2 they need to go through this particular checklist A to Z in
3 terms of with an applicant? Is there something that exists like
4 that in Nova Scotia or proposed?

5 **A.** I haven't prepared anything like that. No, I was
6 using these as a reference through as an appendix to the
7 existing policy.

8 **Q.** Any reason why there wouldn't be ... couldn't be a
9 standard checklist that each one of your officers needs to go
10 through every time?

11 **A.** I suppose there's no reason why there couldn't be.

12 **Q.** Don't you think it would be helpful?

13 **A.** Well, I presented these as an appendix and they have
14 all been reviewed with every one of my officers so I believe the
15 information is there for them to draw upon.

16 **Q.** But I'm saying mandatory, directed by you, to say, You
17 need to use them. Don't you think that would be helpful because
18 your core mission is public safety, right?

19 **A.** Yes.

20 **Q.** Yeah. So would it be helpful?

21 **A.** I still think that a certain amount of discretion has
22 to be allowed that they can eliminate certain questions if they

JOHN PARKIN, Cross-Examination by Mr. Macdonald

1 don't feel that those questions are applicable in a certain
2 situation.

3 Q. Do you have any idea what some of those questions
4 might be?

5 A. I would have to sit down and look at this again.

6 Q. Let's look at that applicant interview, page seven.
7 And almost at the bottom, three bullets up from the bottom, sort
8 of a play on words there, I guess, the third dot, "Were you ever
9 in the military? What positions did you hold? What firearms-
10 related training did you receive?" Did you ever give any
11 thought to adding a reference there to where they're
12 specifically asked straight up were they ever, in any way,
13 restricted from use of weapons while they were in the military
14 by the military?

15 A. I haven't given any direct thought to it, but the
16 thought that is coming to my mind is that in the personal
17 history disclosure of a firearms application, it asks if an
18 individual has ever been prohibited from using firearms or
19 having access to firearms so I'm not sure whether there's a bit
20 of an overlap there or not.

21 **(10:10)**

22 Q. But if you ask me that and I say "no" but it turns out

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1 that my commanding officer restricted me from using weapons when
2 I was in the military ...

3 **A.** Yeah.

4 **Q.** ... how would you be able to find out if that was true
5 or not? Is there a way to do that?

6 **A.** Yeah. Sometimes if they answer "no" to the question
7 now and the answer should have been "yes", we don't know about
8 that at the time.

9 **Q.** Okay. Over on page nine, and this is the Mental
10 Health Questionnaire Checklist, midway through about eight
11 bullets down, "Did you express any aggressive behaviour towards
12 anyone?" Would you ever give some thought to specifically
13 asking on this checklist or somewhere straight up, and I know
14 there's a spousal questionnaire, specifically saying, Did you
15 ever express aggressive behaviour towards your spouse or any
16 partner? In other words, using that exact wording?

17 **A.** Well, normally, they will do that anyway.

18 **Q.** Will they use that word?

19 **A.** That's a part of our existing practice, yes.

20 **Q.** Okay. All right. And over on the references page and
21 again in the middle, it says, "Can you think of any occasion
22 when you have ever felt that the applicant displayed violent or

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1 abusive behaviour?" Is it fair to say that the officer today
2 would also ask specifically of this reference towards that
3 applicant's spouse or intimate partner?

4 **A.** It may not be phrased exactly like that, but they
5 would ask questions along a similar vein.

6 **Q.** Would there be any problem directing them to
7 specifically use those words?

8 **A.** Not that I can see.

9 **Q.** Would you consider putting that in your policy to your
10 officers?

11 **A.** We could consider it, yes.

12 **Q.** So I'm going to turn now to Exhibit 305. That's the
13 June 21 - Investigation and Decision Making. I notice on ... so
14 my copy, we have the cover page and then it immediately begins
15 at page three. That's the next page that I have. See that?
16 Right at the bottom right-hand, page three.

17 **A.** Okay. Yes.

18 **Q.** So two paragraphs up from the bottom of the page, the
19 paragraph begins, "This document provides ..." And in there, it
20 speaks of a firearms agent "FA" or "FO". Do we have firearms
21 agents, "FAs", in Nova Scotia?

22 **A.** We do not.

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1 Q. That's a Manitoba term, is it?

2 A. Yes.

3 Q. Okay. Do you know, just because I'm interested, what
4 is a firearms agent?

5 A. The easiest way to explain it is it would be more of a
6 clerical position. We don't use the term which is why also
7 you'll see the term "operations manager" used in the same
8 paragraph. We do not use that term in Nova Scotia and it was
9 added in a more recent policy that I wrote as a definition ...
10 or an interpretation to explain. We use the term "operations
11 coordinator".

12 So a firearms agent is a person lower in the rank hierarchy
13 of a firearms office. It's a term used in the federal
14 jurisdictions and the individual has very limited decision-
15 making capabilities. So they would essentially use a decision
16 matrix and if it was something straightforward.

17 So if John Parkin wants to move and requires an
18 authorization to transport to move from address ABC to address
19 DEF, so if the person has a valid firearms license and there's
20 no safety concerns, it really requires very minimal decision-
21 making capability. A firearms agent could perform that task
22 because it's largely an administrative function. If it required

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1 an eligibility assessment to be made then it would escalate a
2 level and it would go to a firearms officer.

3 **THE COURT:** Is Manitoba opt-in or opt-out?

4 **A.** Currently, it's an opt-out.

5 **MR. MACDONALD** At page 11, this is the section that deals
6 with request for medical opinion.

7 **A.** Uh-huh.

8 **Q.** And I appreciate this is Manitoba, but it was used as
9 a reference here for what's coming here. It's discretionary
10 language. I'm looking at 8.1, "An FO, firearms officer, may ...
11 may, request an individual provide consent to their medical
12 practitioner for them to release information ..." et cetera. So
13 in Nova Scotia today ...

14 **A.** Yes.

15 **Q.** ... not the policy that's coming but the one we have
16 now, is there any mandatory direction to firearms officers in a
17 license reinstatement situation to specifically direct provision
18 of medical information from an applicant?

19 **A.** It would depend on the circumstances leading up to
20 that. If it was warranted and we can request, and do request,
21 that individuals obtain disclosure through a medical
22 practitioner to help determine their eligibility.

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1 **Q.** So you'd say if it was warranted ... so today in Nova
2 Scotia it's discretionary ... up to the officer to decide
3 whether they want to ask for that information?

4 **A.** Yes.

5 **Q.** Okay. Why wouldn't it be mandatory?

6 **A.** It could be a wide variety of reasons why it would not
7 be a mandatory thing. People will disclose in their
8 applications that they have been treated for minor mental
9 psychotic types of issues and depending on the medications or
10 anything, or the length of time that has transpired since that
11 has happened, it may be deemed that there is no significant
12 public safety risk to it. A lot of individuals suffer from
13 depression, for example.

14 **Q.** But without a medical report, isn't the firearms
15 officer being put in place of a doctor to make that
16 determination ... (inaudible - talkover).

17 **A.** Not necessarily.

18 **Q.** No?

19 **A.** Because we will make decisions on whether an
20 individual is eligible to hold a firearms license with or
21 without a medical disclosure. We do it now.

22 **Q.** Yes, I know that. But I'm saying why can't you add

JOHN PARKIN, Cross-Examination by Mr. Macdonald

1 mandatory ... a reinstatement of medical disclosure as part of
2 that process?

3 **A.** The individual may not be able to obtain it, certainly
4 not within a reasonable period of time. We live in a province
5 where the number of doctors that people are waiting for has gone
6 from around the 50,000 mark to an excess of 70,000. We are in a
7 situation ... because this is stuff that we experience every day
8 in my office where individuals are going to medical walk-in
9 clinics where medical practitioners have no prior history or
10 experience with the individual, nothing to base a reasonable
11 diagnosis upon.

12 So we end up looking at the totality of the circumstances,
13 talking to other individuals, collecting information from other
14 sources, and making a determination based upon totality and not
15 hanging the decision upon a singularity.

16 **Q.** But if you had a situation in a reinstatement where
17 someone had said their firearm had been seized by the police ...

18 **A.** Yes.

19 **Q.** ... for whatever reason ...

20 **A.** Yeah.

21 **Q.** ... now they're looking to get them back.

22 **A.** Yeah.

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1 **Q.** And maybe there's a history of mental health issues.
2 Why not in a reinstatement situation, direct that they come up
3 with a medical report? Why can't that be done if public safety
4 is your core mandate?

5 **A.** It can be done if the circumstances warrant it.

6 **Q.** But it's up to the individual officer. Right?
7 Firearms officer.

8 **A.** It would depend on the severity of the mental health
9 illness. If firearms were seized because an individual was
10 having a crisis or something and the two are related, then we
11 would go forward looking for a medical disclosure.

12 **Q.** How would the firearms officer know if the two were
13 related? How do they make that determination?

14 **A.** Well, that comes down to communications with the
15 policing agency.

16 **Q.** But wouldn't it be helpful to have communications with
17 a physician, too?

18 **A.** Sorry?

19 **Q.** Wouldn't it be helpful to have communications with the
20 applicant's physician, too?

21 **A.** Yeah. If the situation is serious, yes.

22 **THE COURT:** What do you do in a situation where you have

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1 a person looking for reinstatement, you have whatever
2 information you can get from the police reports, you decided,
3 Well, it might be worthwhile getting a doctor's report here and
4 the individual says, Well, listen, I haven't had a family doctor
5 for the last five years. I have no one that can give you any
6 idea of what I've been doing from day-to-day for the last five
7 years. I only go into a clinic when need be and I haven't been
8 in a clinic for over a year.

9 **A.** Yeah. Unfortunately, that is an all-too-common type
10 of situation that we encounter.

11 **THE COURT:** But when you're in a certain circumstance
12 like that where you think you're going to look for a medical
13 report and the circumstances just don't seem practical to get
14 you the type of report from a physician who has some familiarity
15 with a particular individual, so you've got some confidence in
16 the doctor's observations and opinions, what do you do in those
17 circumstances?

18 **(10:20)**

19 **A.** Then we try to cast our net as widely as we possibly
20 can and talk to family members. We will go to places of
21 employment, places of recreation, friends. One of the areas
22 that I dislike to hang too much weight upon is references

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1 because individuals don't tend to provide references who are
2 going to speak poorly of them. So we tend to try to go outside
3 that circle and talk to individuals independent of one another
4 and glean as much information as we can.

5 **THE COURT:** All right. Thank you. Sorry, Mr.
6 Macdonald.

7 **MR. MACDONALD** No, that's fine, Your Honour. Thanks.

8 Over on page 13, Mr. Parkin, under the section that says
9 "Police and Other Government Agencies", and in 10.3, it says,
10 "Information related to a public safety issue is obtained
11 through the following database access." And then it lists, at
12 least in Manitoba, what all those databases are, PROS, JEIN,
13 CPIC, et cetera. I heard your response to Mr. Anderson that
14 your system is still not giving you, here in Nova Scotia, access
15 to every police database, but it does give you access to CPIC.
16 Correct?

17 **A.** Correct.

18 **Q.** Yeah. If I am sitting before you or a firearms
19 officer today, and it turns out that I have a couple of FIPs out
20 there ... and you know what FIPs are, Firearms Interest to
21 Police ...

22 **A.** Yes.

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1 **Q.** And there are a couple of outstanding FIPs and let's
2 say I had one a week ago and another one nine months ago, how
3 confident are you that your firearms officer, if he searches the
4 database that you have access to, will find those FIPs?

5 **A.** If those FIPs are in the system they will see them.

6 **Q.** Yes. Okay. Do you have any idea ... maybe a better
7 question for the RCMP, I'm just wondering, I'm not putting it on
8 you, but I'm asking. Do you have any idea how long it takes
9 from the time a FIP is generated until it gets onto the RCMP
10 system?

11 **A.** Our experience has been, and from my familiarity with
12 the system, that's within like 24 hours.

13 **Q.** Can you give any kind of an update ... I know you said
14 that you don't have access to all police bases. Can you give me
15 some examples of what police databases you don't have access to?

16 **A.** Well, for example, Cape Breton Regional uses "Niche"
17 ...

18 **Q.** Yeah.

19 **A.** ... which is separate RMS system. We do not have
20 direct access to that. So we rely upon contacting a
21 representative from that agency for disclosure for files.
22 Things like that will slow us down. Versadex which is used by

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1 Halifax Regional Police and the Halifax District RCMP, we do not
2 have direct access to that.

3 Q. Okay. And so let's say someone had an issue and it
4 happened in Toronto, do you have access to the Toronto database?

5 A. The PIP, the Police Information Portal system ...

6 Q. Yes.

7 A. ... if a police agency is a member of that or using
8 that ...

9 Q. Yes.

10 A. ... then we can see some peripheral information that
11 way.

12 Q. Do you know whether Halifax is a member of that or
13 using ...

14 A. I believe they are. Yes.

15 Q. Over on page 22, and this is an appendix, Appendix N,
16 Mental Health and Behavioural Disorders Investigation. And I
17 know this is Manitoba language. So I'm looking from the top of
18 the page at the third paragraph, I guess. It begins, "Most
19 individuals ..." And I'm going to read it. "Most individuals
20 diagnosed with a mental health disorder are no more likely than
21 the general public to commit an act of violence with or without
22 a firearm." What do you make of that statement and do you know

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1 what the basis for it is?

2 **A.** I don't know what the research was that they performed
3 in order to come to that conclusion; however, I would tend to
4 agree with it because mental health illnesses are fairly
5 widespread and within the community we hear more and more about
6 it all the time with mental health in the workplace programs and
7 other issues. And, yet, individuals walk around the street on a
8 day-to-day basis without erupting into violence or committing
9 acts of violence on people so ...

10 **Q.** But, today, you don't have any statistics to back up
11 ... (inaudible - talkover)

12 **A.** I don't have any statistics and I haven't researched
13 it, myself.

14 **Q.** Okay. Any thoughts of researching, your office?

15 **A.** No resources to do so at this point in time.

16 **Q.** Would you make that request to the Department of
17 Justice?

18 **A.** It would be interesting to see what those numbers
19 might show.

20 **Q.** Yeah, but would you make that request?

21 **A.** I could. Yes.

22 **THE COURT:** When you say you have no resources to do

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1 that, your funding comes from where?

2 **A.** Our funding comes from the federal government.

3 **THE COURT:** So it would be the provincial government
4 having ... it's a contract relationship for funding, is it?

5 **A.** Sorry?

6 **THE COURT:** Well, it's a contracting relationship, is
7 it, between the ...

8 **A.** Oh, essentially, yes.

9 **THE COURT:** ... the provincial government and federal
10 government?

11 **A.** Essentially, yes.

12 **THE COURT:** So if you were going to look at the
13 suggestion of Mr. Macdonald if you were looking at funding, that
14 would be a matter of the province requesting increased funding
15 from the federal government, likely, to be able to engage in
16 that kind of area of research, for instance.

17 **A.** If they were going to conduct a research project.
18 Yes.

19 **THE COURT:** Exactly. All right. Thank you. Mr.
20 Macdonald?

21 **MR. MACDONALD** Thank you, Your Honour.

22 Mr. Parkin, at page 24, the top third of the page, the last

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1 paragraph of that top third begins, "These incidents do not have
2 to be related ..." Follow me where I am? See the paragraph?
3 "These incidents ..." Right before the heading ...

4 **A.** Yeah. I see the paragraph you're referring to.

5 **Q.** Sure. So in the second sentence of that paragraph,
6 I'll read it, "For example, an incident that occurred 15 years
7 ago will be less likely to indicate a concerning pattern of
8 behaviour than an incident that occurred a few months ago." Do
9 you have any idea what Manitoba's basis, or if Nova Scotia is
10 adopting this philosophy, where this comes from?

11 **A.** Again, I haven't questioned them specifically to where
12 it comes from, but I can say that after more than three decades
13 in policing and eight years now in this job, that I have seen
14 similar things where an isolated incident from 12 - 14 years ago
15 that is considerably dated, depending on the nature of that
16 incident would have less weight than a series of incidents that
17 were happening every few months or every few years.

18 **Q.** So if 15 years ago I committed a violent act against
19 my wife and I'm out of jail, but it wasn't firearms related,
20 then what does that do to my application?

21 **A.** It would certainly be looked at because it's domestic
22 violence. Domestic violence is very much of a concern. The

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1 **Firearms Act** and the related regulations make specific comment
2 on Section 16 of the license ... Firearms License Regulations,
3 for example, says specifically that a chief firearms officer
4 would consider revoking or refusing if they become aware of a
5 case of domestic violence or stalking. So it would certainly
6 prompt a review of the individual's character and their
7 behaviour before and since that occasion.

8 **Q.** Page 27 and 28, and not trying to be unfair to you but
9 I want to put this question in the context of firearms officer
10 in Nova Scotia's discretion whether or not to get a medical
11 report or letter. So if we start at page 27, it's the paragraph
12 towards the bottom of the page, up from the paragraph that
13 begins, "Assessment of Safety or Violence Risk Level ..." Right
14 up from there, there's a paragraph. It begins, "In remote
15 communities ..." Do you see that one?

16 **A.** Yes.

17 **Q.** Okay. So it speaks of in remote communities. But
18 then I'm assuming that's, you know, Manitoba's situation
19 perhaps.

20 **A.** Yes.

21 **Q.** But it says ... it goes on to say, "The initial
22 diagnosis of a mental health concern is often made by a general

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1 practitioner." I assume they mean, of course, a medical
2 professional. "That diagnosis should not be minimized
3 particularly in circumstances where there are public safety
4 concerns." Now keep that phrase in mind, please. And if you go
5 over to page 28, and page 28 in the paragraph in the middle of
6 the page above where the heading says, "Decision", the last
7 sentence of the paragraph ... the paragraph begins, "When an
8 individual's mental health information ..." Do you see that
9 paragraph?

10 **A.** Yes.

11 **Q.** The last sentence reads: "Caution must be taken when
12 making this assessment, as a CFO cannot diagnose an individual's
13 mental illness and only infer the risk based on what has been
14 observed."

15 So it seems to me that Manitoba, in this policy that Nova
16 Scotia has I won't say adopted but followed ... used to guide it
17 in the new legislation, it is putting a lot of weight on maybe
18 it's a remote community but certainly on the initial diagnosis
19 of a general practitioner and also points out that CFOs aren't
20 doctors. That's me paraphrasing.

21 **A.** Yes.

22 **Q.** So does that change your thinking in any way that

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1 maybe there's a little too much pressure on the firearms officer
2 with the discretion and why not have a medical report?

3 **A.** Well, as I said previously, one of the things that
4 impedes us when it comes to a medical report is that the
5 resource to the individual applying or an individual who that is
6 placed upon as the end-all and be-all for the decision-making
7 simply not being able to provide that to us.

8 **(10:30)**

9 So it's incumbent upon the firearms officer to be as
10 informed as possible and to make as wide-ranging inquiries as
11 they possibly can. And we look at the severity of the incident,
12 whether violence was involved. The comment that you made
13 previously is one that always disturbs me. In fact, I have
14 recently had a court case where it came up where an individual
15 is being looked at and we revoked the individual's license. And
16 the question is raised that, Well, it did not involve a firearm.

17 To my mind, that's not necessarily a relevant consideration
18 because violence does not necessarily need to have a firearm.
19 Many cases of domestic violence don't involve firearms. Many
20 attempted efforts at self-harm do not involved a firearm. Yet,
21 I don't think there would be too many that would disagree that
22 they do impact on public safety, based on a person's behaviour

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1 and the risk factors that are associated with that but we try to
2 look at the widest ranging possibilities or number of factors as
3 we can and weigh the public risk against those factors. And
4 that involves talking to a lot of people at times because of the
5 very simple fact that the medical resources are not always
6 available to an individual to get a statement from a medical
7 practitioner and make a decision.

8 **Q.** But if public safety is your core mission, how does it
9 hurt if a person has to wait a while before they can get the
10 gun?

11 **A.** From my personal position, if an individual had to
12 wait, particularly an applicant, then there should be no issue.
13 However, it can give rise to public complaints against the
14 office, discriminatory practices of the office, why are you
15 singling out me because I properly reported in my application
16 that I had a psychotic issue or ... not psychotic, a
17 psychiatric illness and now you're picking on me when there's a
18 wide variety of other circumstances that you could equally say
19 require additional follow-up or investigation.

20 **Q.** Let's turn to Exhibit 307 and that is the proposed new
21 standard operating policy.

22 **A.** Uh-huh.

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1 **Q.** Now you said I think it was in response to Mr.
2 Anderson, it's a work in progress.

3 **A.** Yes.

4 **Q.** Right? But you're the Chief Firearms Officer. What's
5 your best guess when this will be implemented and will it be
6 implemented?

7 **A.** Well, as far as implemented in the form that you see
8 right now, it has already been rolled out to my staff. That was
9 given to them in June of this year.

10 **Q.** But is it the law of the province? Is this the policy
11 in Nova Scotia now?

12 **A.** This is the policy in Nova Scotia right now.

13 **Q.** Okay. So what part is the work in progress?
14 Continuously monitoring it? Do you see ...

15 **A.** I'm always looking for best practices and where things
16 can be incorporated into it.

17 **Q.** Okay. On page nine of the policy, 7.1, that section,
18 and it says: "Delegated by the Chief Firearms Officer, the
19 Operations Coordinator shall review the CFO Nova Scotia queue
20 and perform initial case screening of firearms interest police
21 (FIP) events, and new applications and will assign work to
22 individual firearms officers based on role and workload."

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1 Just explain that to me what that means and would you start
2 by explaining who is the operation, I don't need the name, but
3 what does the operations coordinator do and where do they rank
4 in the hierarchy of your department under you in your office?

5 **A.** Yeah, within my specific section, the operations
6 coordinator is my number two person.

7 **Q.** Okay.

8 **A.** So they will substitute for me in my absence but the
9 primary function of the operations coordinator is case
10 management and intake. So what they're doing here is the case
11 screening of the FIPs and new applications. Any other work that
12 is coming into our office will initially go to the person who is
13 in that role of the operations coordinator. It is up to them to
14 attempt to ascertain what the incident was, to look at the other
15 firearms officers within the province, and see where it should
16 be assigned, based upon geography and based upon the workload of
17 individuals so that workload can be balanced out across the
18 spectrum.

19 **Q.** Page 16 of 21, and it's 10.19, "Where an individual
20 does not provide or refuses to disclose the medical information
21 or refusal or replication of the licenses considered based on
22 the totality of the information." And you've gone over some of

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1 that, more than once, I realize that. But, anyway, I keep
2 coming back to it in sort of a circular way.

3 My question and my concern is this. I'm talking now about
4 a specific example. So a reinstatement application where
5 someone has had firearms taken by police, maybe more than once.
6 There are FIPs out there and, in that situation, as the
7 applicant, I'm asked to provide a medical report by the
8 firearms officer as part of my reinstatement process.

9 **A.** Okay.

10 **Q.** And I say no. I don't say I can't get a family doctor
11 or I need to go to a walk-in clinic. I just say straight up,
12 no. Is that a red flag for your firearms officer, and
13 ultimately you?

14 **A.** It will certainly prompt a deeper and probably more
15 thorough look at all the circumstances while we try to come to a
16 conclusion and make a decision. I guess the one thing that you
17 always have to look at from the perspective of the firearms
18 officer and CFO's office is that my decision at the end of the
19 day is subject to being challenged before a Board and subject to
20 a judicial review.

21 **Q.** Yes.

22 **A.** So I need to be able to justify what the grounds are

JOHN PARKIN, Cross-Examination by Mr. Macdonald

1 for taking the action that we're taking. And to simply take a
2 broad brush approach and say, Well, you had a mental health
3 crisis and I want you to get a medical assessment. And the
4 applicant comes back to us and says, Well, I'm unable to provide
5 that or I'm not willing to provide that at this time and I
6 refuse. If they said I'm not willing to provide it, then we're
7 probably going to weigh that a little bit heavier than somebody
8 who comes in and says I'm not able to provide. But, in either
9 case, we have to now make a decision without a medical reference
10 or any information from a medical expert.

11 **Q.** So I know you used the term "broad brush" but I am
12 talking about a very specific situation. I'm talking about a
13 situation where a person has, in my example, two FIPS, you are
14 aware of them, you want that person, the firearms officer says,
15 please get a medical report or letter, and the person says no.
16 Isn't when you say you weigh it a little more heavily, isn't
17 that a red flag? Shouldn't that be all stops and that if a
18 firearms officer doesn't know what to do, shouldn't he go to
19 you?

20 **A.** Oh, yes, yes, I agree.

21 **Q.** Okay.

22 **A.** And firearms officers do come to me on a regular basis

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1 when they have confusing or disturbing situations, I guess for
2 lack of a better term, and I'm thinking of a fairly recent
3 example where one of my firearms officers come to me and says,
4 I've looked at this, this, this, and this, and my gut says no.
5 And so that's what we did. We sat down and we discussed it and
6 I guess I tend to, for better or for worse sometimes to have an
7 analytical mind. So I looked at it and I broke each thing into
8 its own category and said, well, at the end of the day, you've
9 got this accumulation of evidence and your gut is telling you
10 no, then let's make the decision. We'll say no.

11 **Q.** How many firearms officers do you have in Nova Scotia?

12 **A.** Currently, I have four field investigators and three
13 that work in the head office.

14 **Q.** So that's seven. And do you have any positions that
15 are unfilled?

16 **A.** I currently have one of the positions in the head
17 office that's vacant.

18 **Q.** And is that one of those seven or is that in addition
19 to the seven?

20 **A.** No, that would be an eighth position.

21 **Q.** Okay. How many more would you need to do, not a
22 better job, but to help you?

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1 **A.** [Laughs] Sorry ...

2 **Q.** Under a hundred?

3 **A.** I'm laughing because we are in a negotiation bid.
4 Ideally, I would like to have at least two more field
5 investigators. And I guess to give you an understanding of the
6 way the office is broken down and operates is what while the
7 people in the office are described as firearms officers and
8 they're given that designation as a firearms officer, they are
9 largely restricted to the office, they're not mobile. They
10 don't have the opportunity. So anything that requires field
11 investigative work where we want you to go to a courthouse
12 looking for documentation or papers, to go out and have meetings
13 with individuals because sometimes you can glean more in a face-
14 to-face meeting with an individual and watch their reactions and
15 how they respond to things, look at the environment that they're
16 living in, what's surrounding them, than a telephone call is
17 going to give you. I would like to have a couple more people to
18 be able to do that. I think that we would be able to process
19 files maybe more quickly and I think that we would be able to
20 put more emphasis and more time into some of these files.

21 **(10:40)**

22 **MR. MACDONALD:** Thank you, Mr. Parkin. I appreciate your

JOHN PARKIN, Cross-Examination by Mr. Macdonald

1 patience and thank you for your answers. Thank you, Your
2 Honour.

3 **THE COURT:** Thank you, Mr. MacDonald. Just as a follow-
4 up while Mr. MacDonald returns to his seat perhaps.

5 In the event that the legislation is proclaimed that
6 results in a category whereby a yellow flag or red flag results
7 in a suspension, you have a 30-day turnaround time, would you
8 anticipate a need for staff, more field investigators at that
9 point in time?

10 **A.** Yes, and we have kicked that idea around. It's very,
11 very difficult to place a hard and fast figure on it. But I can
12 look over statistical information in the files and about 40
13 percent of what we deal with involves mental health crises or
14 incidents of one sort or another. When you consider how many
15 files we actually revoke and refuse, that is still a significant
16 percentage of files that relate to that and to have to go back
17 and revisit those files or look at those files. And then if we
18 have a 30-day turnaround applied to that, I would anticipate
19 that the impact would not be insignificant.

20 **THE COURT:** The 40 percent that you have as mental
21 health files, would you be able to say on what percentage of
22 that 40 percent you actually have a report from a medical

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1 not been implemented.

2 Q. That's right. One of the issues that seems to have
3 arisen is, and maybe call it a disconnect between when somebody
4 goes to purchase a firearm, they have a card, a license card, a
5 possession acquisition license. And, in addition to the license
6 card, there's also a database that identifies who is licensed to
7 possess a firearm.

8 A. That's correct.

9 Q. It seems from earlier evidence that the seller of a
10 firearm is not required to call in and connect those two. In
11 other words, they may receive, look at the card, say okay, you
12 seem to have a license, I'll sell you this firearm. They could
13 call into the database to check but they don't have to.

14 A. Correct.

15 Q. So that's one side of it. And it appears to me, and I
16 see there's commentary from PolySeSouvient, Poly Remembers, I
17 don't know if you're familiar with the organization about the
18 Polytechnique tragedy from years ago, they've been critical of
19 the new legislation for not filling in that gap and correcting
20 that, I'll call it a disconnect. Is that something that you're
21 concerned about or aware of or think about?

22 A. That's a bit of a political question and I'm not a

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1 lawmaker.

2 Q. Sure.

3 A. So it's really not something that I can comment on
4 that way except that I will just make reference that, yes, your
5 interpretation of the current legislation, as I understand I
6 believe it's around section 23 of the new **Firearms Act**, is
7 worded in such a fashion presently that as long as an individual
8 is satisfied that you're not suffering from a mental health
9 illness or not impaired, and that you hold a firearms license
10 for the type and class of firearm that you wish to acquire, then
11 they have fulfilled their legal obligation. And that, I think,
12 is the general interpretation of that section. **Bill C-71** seeks
13 to close that gap. Again, it is somewhat dependent upon a
14 certain level of voluntary compliance because where a business
15 has access to the business web services and can go on line and
16 check, and while an individual may be compelled, once it's
17 enacted, to call and check, it still doesn't solve or prevent
18 the issue of the unlawful person who wants to go out and do the
19 back of the trunk sale, you give me money, I give you a gun.
20 That can still certainly ... It would be unlawful and should
21 they be caught or apprehended, there would be consequences but
22 it is still dependent upon a certain level of voluntary

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1 compliance.

2 **Q.** And even in a case of a business, they may only feel
3 compelled to look at the license card itself and not call in to
4 get the electronic database information to confirm that the
5 license is actually still active. That seems to be a situation.
6 In other words, a person may have lost their entitlement and,
7 according to the database, not be able to possess a license but
8 still actually physically have that card.

9 **A.** That's correct.

10 **Q.** And so, potentially, go from place to place until
11 somebody gives them a gun ...

12 **A.** Potentially.

13 **Q.** And doesn't check the database. I just wanted to ...
14 It's something that seemed to come up before when we spoke with
15 Mr. Kulanek from Leaves & Limbs, didn't apply in this situation
16 because Cpl. Desmond did have a license at the time but that
17 seemed to be a gap. So I just wanted to get your comment on
18 that.

19 **A.** As long as the individual holds a card, it possibly is
20 an area that should be looked at more closely, and again, I'm
21 speaking of kind of my personal opinion on it, is because as
22 long as an individual holds a card and the expiry date of that

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1 card is somewhere in the future and the image depicted upon that
2 card is of the person standing in front of you then the question
3 I would ask is it unreasonable for a seller to assume that you
4 do not have a valid firearms license. It is a gap and I don't
5 have the answer of how to correct that gap.

6 **Q.** No, that's fine, Mr. Parkin. I appreciate that. I
7 just wanted to get your evidence as to whether, in fact, that
8 was still a gap.

9 So that was the line of questioning that I wanted to ask
10 you, so thank you very much. Thank you, Your Honour.

11 **THE COURT:** It's that provision in **Bill-71** that attempts
12 to close that gap though.

13 **A.** **Bill C-71** is attempting to close that gap.

14 **THE COURT:** All right, since 2019. Thank you. Mr.
15 MacKenzie?

16 **MR. MACKENZIE:** No questions, Your Honour.

17 **THE COURT:** Thank you. Mr. Russell? Mr. Murray?

18 **MR. RUSSELL:** Mr. Murray just had to step out for a brief
19 moment, Your Honour. He will be asking follow-up questions.

20 **THE COURT:** Mr. Murray?

21 **MR. MURRAY:** Sorry about that.

22

JOHN PARKIN, Cross-Examination by Mr. Murray

CROSS-EXAMINATION BY MR. MURRAY

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(10:48)

MR. MURRAY: Mr. Parkin, the new draft, or I guess, the new policy that we have marked as Exhibit 307, the most significant changes I take from Mr. Anderson's questions in that policy are in sections 8 through 13, is that fair?

A. That's where I drew most of the information from, the federal documents.

Q. So I wanted to ask you about that. You've said that the documents that you borrowed heavily from were from Manitoba and you said Manitoba was an opt-out province.

A. That's correct.

Q. And Nova Scotia is an opt-in province.

A. Opt-in province.

Q. Okay. So the policies are documents that Manitoba uses, those are federal documents, are they?

A. Well, they shared them freely with me and I borrowed freely from them. These are designed more as training documents and training aids. I do not have any belief at this point in time, and it's not my understanding, that these are actually policy within those provinces. Now I've spent and I have collected information over a number of years from all across the

JOHN PARKIN, Cross-Examination by Mr. Murray

1 country as to how they train in different provinces and training
2 materials. What I found most attractive about these documents
3 is that they have taken the time to ... not paraphrase, but to
4 condense it into an easily readable form and an easily
5 referenced form providing bulleted lists that individual firearm
6 officers can make quick reference to to assist them in
7 organizing their thoughts and organizing their lines of inquiry.

8 **(10:50)**

9 **Q.** Sure. No, I see that. Would these documents be used
10 by all opt-out provinces?

11 **A.** My answer to that would be, I guess in proper effects,
12 I don't know because I haven't asked that specifically, but I
13 don't believe that would be the case because I have gone to each
14 individual CFO seeking information on how do you train your
15 people and what are you doing and what does your current
16 training module look like so that I could build a more
17 comprehensive training module here in Nova Scotia.

18 **Q.** Right, okay. You referred to them as federal
19 documents. So I just wondered, was there input federally in
20 these or were they created solely by Manitoba, as far as you
21 know?

22 **A.** As far as I know, it's just created by their team,

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1 their collection of information synthesizing what they do as
2 standard business practices and putting that together in
3 Manitoba and Nunavut.

4 **Q.** Okay. And the documents at 304, 305 and 306, which
5 are the Manitoba documents that you borrowed from.

6 **A.** Yes.

7 **Q.** You relied on those in updating our policy. How much
8 of those have actually been appended to our policy? Like is it
9 the checklists that specifically that you have taken kind of
10 directly and appended to our policies?

11 **A.** I guess as far as an appendix, I haven't made specific
12 references and appendix to this guide or that particular section
13 of a guide. What I have done is I incorporated the guides as
14 part of the learning and training program and then built the
15 policy around that.

16 **Q.** Okay. So they ... Okay, so they're not appendices to
17 our policy but they're part of the training for our firearms
18 officers.

19 **A.** Yes.

20 **Q.** And ongoing training, I take it, for our firearms
21 officers.

22 **A.** Yeah, and where I would envision it, and I guess the

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1 reason I haven't attached them directly as appendices, and part
2 of the previous line of questioning, in fairness to that, you
3 will see references that are within those documents which are
4 taken literally and photocopied because they were .pdf
5 documents. So when it references remote communities, when it
6 makes reference to firearms agents and terminology that we do
7 not use here in Nova Scotia, that's because I have not redrafted
8 those documents. Basically, I haven't had the time and I don't
9 have anybody to do it for me. So they are still in the format
10 and in the writing style that was presented to me originally.

11 **Q.** Sure, understood. So the particular, I guess what
12 appear to be checklists, for example, we looked at them, Mr.
13 Macdonald took you through some of them in Exhibit 304, like
14 applicant interview, mental health questionnaire, references,
15 and spousal questionnaire. Those are now, I guess if I
16 understand, firearms officers are encouraged to use those, area
17 firearms officers, I would think primarily, your field
18 investigators when they are ...

19 **A.** The field investigators ... sorry, for cutting you
20 off.

21 **Q.** Yeah, no.

22 **A.** I guess to understand, too, the way the office and the

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1 hiring process operates. Typically, the field investigators and
2 the people hired for those roles, have more of an investigative
3 background, whether it be police or whether it be compliance
4 officers' background. So they are much more familiar in the
5 broad context of asking questions of individuals and attempting
6 to elicit information. The firearms officers within the office
7 that do more administrative work, while they're still expected
8 to process them and handle some of these files, until it becomes
9 or reaches a point, like if violence was evident or something
10 like that, they would hand the file off to a field investigator.
11 They would not continue with that themselves. So what I want to
12 do with these documents is incorporate them as appendices or in
13 some fashion that it will become the standard practice and these
14 questions, or maybe even other questions, would be presented as
15 a guide for those officers, as well as they're exploring an
16 individual's background and trying to make informed decisions
17 and informed judgements.

18 Q. Okay, so that's ...

19 A. That's the long term goal.

20 Q. Right, okay. So that's for both the provincial
21 firearms officers who are in the office and the area firearms
22 officers who are in the field.

JOHN PARKIN, Cross-Examination by Mr. Murray

1 **A.** Yes.

2 **Q.** All of them would be using the checklists.

3 **A.** All of them would be utilizing them to a greater or
4 lesser degree. Because of the restricted mobility of the
5 individuals who are in the office doing the more administrative
6 types of roles, I would still probably incorporate some sort of
7 decision-making matrix that once you cross this threshold, then
8 it has to go to a field investigator. Then that requires
9 somebody who would have some mobility and the ability to go and
10 talk to individuals, collect information, do interviews, more
11 thorough interviews. So maybe even take statements or collect
12 information in that fashion.

13 **Q.** Okay, and just what you said there, the matrix, that
14 decision-making matrix that would sort of indicate that
15 something should go to the field officer.

16 **A.** Yes.

17 **Q.** That's something that you're working on as well, is
18 it?

19 **A.** It's what I'm working on, I'm hoping for. Whether I
20 succeed in getting there or not, I don't know. I would also
21 like to have ... to borrow a term that we talked about just a
22 short while ago. We do not have firearms agents and I don't

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1 know that I would even use that as a term. I would like to have
2 a resource in my office so that I could more efficiently and
3 effectively use some of the people in my office to focus on the
4 eligibility of individuals and take the routine tasks that
5 they're dealing with currently. Because the administrative
6 firearms officers in my office share the workload of all those
7 authorizations to transport, which are largely administrative,
8 even though when you look at the ones that have recently been
9 taken off the license, you're talking about individuals, for the
10 most part, who have already been vetted, who hold a valid
11 firearms license, who have already had or are subject to the
12 continuous eligibility requirements, and simply want an
13 authorization to transport a particular firearm to a gunsmith.
14 That's almost, for lack of a better term, it's a clerical
15 function.

16 **Q.** Right.

17 **A.** But I have firearms officers because of the breakdown
18 of the office and the distribution of work in the office, I
19 don't have the funding or the ability to create that position.
20 I would like to create that position and shift work like that
21 for authorizations to carry, which are typically coming from the
22 armoured car company or the armoured guards company in Nova

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1 Scotia. Those all become time-consuming efforts. I would like
2 to have the resources to put that work there and have my
3 firearms officers focus more on these types of things and look
4 at these in more depth and more detail.

5 Q. And that's work now that the provincial firearms
6 officers are doing.

7 A. They're currently doing that workload.

8 Q. Right, okay.

9 A. Simply because the funding envelope doesn't allow me
10 to create those positions or put people in those positions.

11 Q. Right. So an administrative, semi-administrative kind
12 of position like that, if one were to be created and funded,
13 would free up your provincial firearms officers to do more in
14 depth ...

15 A. That would be my intention, yes.

16 Q. Exhibit 306 is the third of the Manitoba documents,
17 Mental Health and Behavioural Disorders Investigation Guide.
18 This particular document, that's one that you also use or intend
19 to use in training and ...

20 A. Yes, and we've had that one for some time. That was
21 the one that we referred to in the pilot project that was
22 discussed back in March of last year.

JOHN PARKIN, Cross-Examination by Mr. Murray

1 **Q.** Right, okay. And the pilot project then.

2 **A.** The last communication and discussion I had on it was
3 that they had discovered that the scope of it was significantly
4 more than what they had envisioned when they first started on
5 it. And so they were looking more into that and since then I've
6 had no further communication on it.

7 **Q.** One thing I found interesting from our perspective in
8 that guide are the diagrams at the end and they relate to
9 appendices to the document and they relate to a number of
10 particular conditions or categories of conditions, major
11 depressive disorders, schizophrenia, bipolar disorder,
12 delusional disorder, and post-traumatic stress disorder. Those
13 diagrams themselves, are those things that your officers use?

14 **A.** We can use them but they have a limited effectiveness.
15 The closest thing I would describe them to, anybody who has law
16 enforcement background or is used to law enforcement, is looking
17 at force continuum cycle. So everything starts at 12 o'clock
18 and goes clockwise around any of these types of diagrams. So as
19 you start to move in a clockwise fashion around it, the more and
20 more clustered, it's just a risk assessment matrix. The more
21 clustered you have, the more the risk goes up. So if you have
22 simply the fact that somebody says I was treated for depression

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1 four years ago, then there may be nothing to that. PTSD, a
2 large number of individuals, whether they're military or
3 civilian, today indicate that they have PTSD, whether it be from
4 accidents that they've been involved in, or any number of other
5 events. It doesn't have to have been a military background. So
6 the mere diagnosis or the mere indication that that exists is
7 not the complete and total analysis of everything. So this is
8 why the questions and the exploration and the investigation
9 become so important because then you start looking at what is
10 the environment that the individual is living in; what are the
11 other histories; have there been multiple occurrences involving
12 the FIPs; have there been multiple occurrences involving police;
13 have neighbours expressed concern, and the more and more
14 clustered those things become then the higher that the risk
15 factors would be indicated.

16 **(11:00)**

17 **Q.** Right. So intuitively obviously we know, as you said,
18 the more risk factors the higher ...

19 **A.** Yeah.

20 **Q.** ... higher the ...

21 **A.** And it's intended as a guide, it's not the end-all or
22 be-all.

JOHN PARKIN, Cross-Examination by Mr. Murray

1 **Q.** Right. I noticed, for example, the diagram that
2 references post-traumatic stress disorder in the lowest part of
3 the category which we say 1 o'clock ...

4 **A.** Mm-hmm.

5 **Q.** ... in the matrix, as a standalone mental health
6 disorder. As you move around clockwise into the moderate high
7 category, for example, some of the factors that raise the risk
8 level according to this diagram, which, for example, I mean I
9 can't read all of these, but previous suicidal ideation,
10 substance use disorder, patients who have been involuntary
11 committed to an institution, obviously those, I think, would
12 raise the risk level. I wonder if firearms officers have this
13 at their ... or are able to reference it to remind them of the
14 various things that might raise the risk level, is it something
15 that might be used commonly or available to officers?

16 **A.** It's available to all of them. It has been given to
17 each one of them.

18 **Q.** Okay. I wanted to just ask a couple of questions
19 about the updated policy and, in particular, section 8 and those
20 following it. I'm just going to pick a couple that I wanted to
21 ask you about. I don't know to what extent these have all
22 changed from the last, but, for example: "Section 8.2.

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1 Firearms officer shall maintain written notes that record
2 details of persons contacted, direction given and actions taken
3 with respect to any assigned investigation or task."

4 **A.** Yeah.

5 **Q.** I believe in our conversation one of the things that
6 you were wanting to focus on, correct me if I'm wrong, is that
7 officers maintain detailed notes of their investigations and
8 maintain those for future reference ...

9 **A.** Correct.

10 **Q.** Did I understand that? Is that something that
11 additional emphasis has been placed on recently or as policy?

12 **A.** I've always had emphasis on that one. And I believe
13 that one, even as you read it and I read it, is a direct take
14 from the previously policy that was already been presented.

15 **Q.** It is ... Right. One of the things that we had talked
16 about the last time when you were here was firearms officers
17 maintain their own physical file ...

18 **A.** Yes.

19 **Q.** ... or where the office maintains a physical file that
20 has all the material that might have been gathered in an
21 investigation, but we had discussed that when that information
22 is entered on CFIS there's limited amount of information that

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1 can ...

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

3 **Q.** ... you can put in that system. And I appreciate that
4 CFIS is not your ... you don't have the ability to change CFIS,
5 but does that continue to be an issue and are there any other
6 changes that might be appropriate to make sure that officers can
7 access the physical file if they need more information or
8 maintain that physical file?

9 **A.** It's one of those things. Again, as you say CFIS is
10 not controlled by us provincially and is not our database but it
11 is still unchanged, has been in my entire time in the office.
12 It has a limited amount of character space for text entry.
13 There's no ability for us, really, to scan documents and attach
14 them to files. So it would be nice to have that but we don't
15 have it, so our resource is to create hard files and put
16 everything in the hard file.

17 **Q.** Is there any system that you maintain separate and
18 apart from CFIS, any kind of recordkeeping system so that you
19 know there is additional file material? So, for example, if an
20 investigation was conducted on me as a licence holder and
21 there's information about me in CFIS about an incident that
22 perhaps I had, your office has additional information that

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1 couldn't be uploaded on CFIS just because of the space, do you
2 have a system that would allow firearms officers to check to see
3 if there was additional information about me in a physical form,
4 in a paper copy?

5 **A.** We do, and that's the intent of this type of language
6 in these policies, is that in CFIS there is sufficient room,
7 it's just an awkward type of database, and you have a certain
8 number of characters that you can put in and then you would have
9 to enter another one. So if you were to write a document this
10 long you would constantly be reading it backwards because the
11 most recent entry is the top entry and it has a limited size
12 that you can put in.

13 So what I look for and the message I try to drive at my
14 staff and in through this policy is that if there is a
15 statement, for example, that you took or if you took pictures,
16 because we can't download pictures into CFIS, then you will save
17 those and you will put them into the file. The files are all
18 filed by year and alphabetically, so each firearms officer keeps
19 them. The Firearms Records Regulations require that files like
20 that be kept for a minimum of at least 10 years and there are
21 other files that have to be kept longer. So we have all of
22 those files on hand and we can and we do access them on a

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1 regular basis when we have to go back into somebody's history.

2 Q. Okay. Would you regularly check to see if there was
3 additional file material any time you were doing an
4 investigation on a client?

5 A. If there was any reason to give us cause to look at
6 it. Now typically what you would find is that if there was any
7 investigation done at all or any assessment done by our office
8 there will be an entry on CFIS. And even if ... because of some
9 of the past practices where information was very scant that was
10 put in it may not tell you any of the details but you could
11 always go back to the file.

12 Q. Right.

13 A. And you would know that in, for example, 2012 that
14 John Parkin there had been an assessment done for whatever
15 reason.

16 The entries in there may be very peripheral or very high
17 level and just simply say there was a FIP came in, individual
18 was spoken to, this person was spoken to, determined that there
19 was no additional risk, file was closed, there will still be a
20 paper file for that individual and you could go back and pull
21 that file out and look at it.

22 Q. All right. And if there is any entry on someone in

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1 CFIS relating to an investigation that your office has done
2 there will be a paper file?

3 **A.** Yeah. There will be a hard copy filed someplace.

4 **Q.** Okay. And in all likelihood it will have more
5 information in it than is probably on CFIS?

6 **A.** Oh yes.

7 **Q.** Okay. All right. A number of the policies or several
8 of them here relate to or provide assistance to officers in
9 assessing expert opinions and medical opinions. Have those been
10 expanded somewhat from the last policy do you know?

11 **A.** Well there is a section in the updated policy towards
12 the end ... the opinion of medical expert.

13 **Q.** Yes.

14 **A.** And really what they are is they're a subject matter
15 expert. And the reason that we're going to call up on them, for
16 example, because I'm not a medical doctor is if an individual
17 discloses to me and lists off that I'm taking lorazepam or
18 clonazepam or Ativan, different types of medications, and
19 different quantities or amounts, I may not and probably am not
20 going to know what those medications are, what they're for, what
21 the consequences of taking them or not taking them would be for
22 an individual and that would be why we would seek a medical

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1 opinion.

2 **Q.** Right. Sure. I'm looking at a couple of them, 8.7
3 which references: "The opinion of an expert is based on
4 interpreted facts or observations generally requested by an FO
5 and provides information that is outside the FO's experience,
6 knowledge, training or education. Factors to consider when
7 requesting an opinion can include ..."

8 And there's a variety of factors that I take it assist the
9 firearms officer in determining what we can give to that.

10 **A.** Yeah.

11 **Q.** And that refers to I guess a general expert opinion
12 and then more specifically 10.17 refers to the assessment that
13 an officer will give to a medical opinion.

14 A completed medical opinion is reviewed and
15 assessed by weighing, for example,
16 qualification of the medical practitioner;
17 if the medical practitioner examined the
18 individual or referred to records; the
19 amount of time the individual has been under
20 the medical practitioner's care; the status
21 of the individual's mental health and the
22 nature of their condition, illness or

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1 injury; medication and treatment; the
2 medical practitioner's recommendations or
3 concerns with regard to the individual's
4 access to firearms and the safety of the
5 individual and others and the need to follow
6 up with medical practitioner to clarify any
7 information.

8 And then finally 11.7 under the category of "Decision", it
9 says:

10 The firearms officer is not bound to give
11 full weight to an expert's opinion; that
12 information is evaluated in the same manner
13 as any other information. If an expert's
14 opinion is being rejected by the FO the FO
15 should take pains to explain why the opinion
16 is being rejected or given less weight,
17 particularly when that opinion supports the
18 individual.

19 So those sections, if I'm reading them correctly, seem to
20 give direction to firearms officers that they need to take a ...
21 when they get an opinion, an expert opinion, including a medical
22 opinion, to look at them with a critical eye, not just to accept

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1 them without question ...

2 **(11:10)**

3 **A.** Yes.

4 **Q.** ... and to weigh those factors that may give more or
5 less weight to the opinion. Is that correct?

6 **A.** Yeah. What we try to do is not to have a decision
7 focussed on a standalone point. We want that point to be
8 supported as much as we can. So if a medical practitioner ...
9 and I have seen them where cases came in. Now the other thing
10 is with medical practitioners is you have to give them the leave
11 that they may not appreciate or understand the full scope of
12 what is going on in an individual's life and what it involves,
13 other circumstances from outside, other factors. Because of
14 privacy laws and other issues we may not be able to discuss
15 those issues with the medical doctor.

16 So we're taking the opinion of that medical practitioner
17 who may come out and say that an individual, to their mind, they
18 see no public safety risk. And I've seen reports that have said
19 that as plain and simple as that, no public safety risk.

20 But we're looking at, okay, but you're not aware of these
21 other three things that have happened over here, you're not
22 aware of this set of circumstances, you're not aware of this set

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1 of circumstances. So while that's your opinion, and depending
2 on how often that they may have seen the individual ... I have
3 seen medical reports come in in that vein where they would say I
4 haven't seen the individual in the past 18 months; they came in
5 asked me to complete this form, I don't see any risk. Well, you
6 don't know what's happened in the intervening 18 months and so
7 it has to be a look at all of the circumstances that we're aware
8 of.

9 **Q.** To the extent those are changes, has there been a
10 concern in your office and other firearms offices across the
11 country that firearms officers may simply accept a doctor's
12 opinion without questioning it or without assessing it in light
13 of, for example, those factors you just said, how long the
14 doctor has known the person, that type of thing? Accepting it
15 just as a matter of course because it's from a doctor? Has that
16 been a concern of yours and other chief firearms officers to
17 your knowledge?

18 **A.** I don't know that it's been a concern, I mean we've
19 certainly discussed it and how much weight can be applied to it.
20 I guess our bigger risk at this point in time is not having any
21 medical opinion.

22 **Q.** Okay.

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1 **A.** And the reasons for that are becoming many fold,
2 because would there have been examples of general practitioners,
3 including in this province, who when their patient has gone to
4 them for an assessment responded and said well, I'm filling this
5 out, it's not my field of expertise. But it takes a referral to
6 get a psychiatrist or somebody with a medical degree who has
7 that specific field of expertise, they then want to have a
8 period of time with those individuals.

9 We're not in a position to be able to facilitate that, to
10 be able to say, Well, your GP doesn't want to do the assessment
11 so you have to go to a psychiatrist and I have no means or
12 authority to be able to facilitate that or make that happen. So
13 there's a medical profession that deals with that hierarchy and
14 with those kinds of experiences.

15 We have had ... not so much here in Nova Scotia but I am
16 aware of in other provinces where doctors are starting to look
17 at that 6423 and saying that I'm not filling this out.

18 **Q.** I was going to ask you that. Apart from the situation
19 that Judge Zimmer asked you where a person simply doesn't have a
20 family doctor, hasn't been able to have one in five years which
21 poses challenges obviously, have you experienced ... you haven't
22 really experienced that so much in this province where a doctor

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1 simply says, I'm not filling that out?

2 **A.** We've had it happen a couple of times in Nova Scotia
3 but it certainly hasn't become prevalent. We have had it happen
4 a few times where doctors have professed to not have a level of
5 expertise and not wanted to fill it out.

6 We have had issues with walk-in clinics where people are
7 going in to doctors who simply have no history with them.

8 **Q.** Right.

9 **A.** It's the first time I've ever seen this patient they
10 tell me. And that's quite common is they tell me that this is
11 what has happened but they have no actual documented history or
12 anything to go with.

13 **Q.** Okay. A doctor may fill that out and say ...

14 **A.** Yeah.

15 **Q.** ... this is what they tell me about their history but
16 I don't know anything about them really?

17 **A.** Yeah.

18 **Q.** Okay. And that is obviously going to be of less
19 weight to you in assessing ...

20 **A.** Yes.

21 **Q.** ... the (inaudible - talkover)?

22 **A.** So based upon what their patient is telling them and

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1 the amount of time that they've spent with them they're making
2 an assessment and saying that it's based upon this point in time
3 and the client's appearance, whatever other factors they're
4 utilizing, that I don't see a public safety risk here. And we
5 may look at it and say, Well, based upon the circumstances that
6 we're aware of and our observations and information from various
7 sources we do have concerns.

8 **Q.** One of the questions you were asked about was whether
9 you used the 6423 as-is or have the ... I think the New
10 Brunswick added the words "information required", you use it as-
11 is?

12 **A.** Well, as-is, but "as is" is subjective because
13 depending upon the reason that we're going to ask for the
14 medical assessment there's ... one of the fields that is on
15 there ... we don't simply put in "requires information", we will
16 actually layout the circumstances of why we're requesting this
17 information. And it will sometimes be quite blunt. It may say
18 this person attempted suicide by hanging on such and such a
19 date. Because otherwise what will and has happened is if you
20 put in too generic a question, Can you tell me anything about
21 your opinion on this individual's state of health, and again you
22 will run in and we have and I have seen examples of it where an

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1 individual will go in to their doctor's office, the doctor
2 hasn't seen them in the past year, the event with the police and
3 the FIP that was generated was four months ago and the doctor is
4 unaware.

5 Q. Right.

6 A. So, in which case, if the investigator is doing their
7 job properly and one of the things again going back to these
8 policies and where my emphasis and drive has been on these types
9 of situations is when you go to our client, is what we call an
10 individual that we're working with for a licence, either an
11 applicant or a holder of a licence. When you go to our client
12 and you're considering this, as the investigator you're going to
13 review the circumstances that led you to be doing this
14 eligibility assessment to begin with. You're going to go over
15 the circumstances with them and why you want them to do a
16 medical (list?). There's going to be no secret in what we're
17 asking or why we're asking for the medical opinion.

18 So when the individual has to voluntarily consent, but once
19 they've signed that form and that consent to the disclosure of
20 that information if we get a response from the medical
21 practitioner that is vague or doesn't answer one of the
22 questions we will call that doctor back, based upon the fact

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1 that these discussions have already been held with the client
2 and the client has, in writing, consented to the disclosure of
3 medical information around these circumstances.

4 Q. And provide that information to the doctor?

5 A. To provide that information and say, Well, based upon
6 these circumstances it's ... Is this your opinion.

7 Q. And will you sometimes provide that upfront on the
8 6423?

9 A. Oh yes, absolutely.

10 Q. Is there any thought to beyond that, doing anything
11 else with the form? Expanding it for its use in Nova Scotia or
12 adding to it?

13 A. If we were to expand it or change it then it wouldn't
14 be a 6423, we would have to design our own form. And, I mean,
15 that's always a possibility if there was something else or other
16 avenues that we wanted to take but at that point we would have
17 to look at legal services and make sure that any privacy issues
18 or other legal issues with the forms looking for the release of
19 information were being complied with.

20 Q. Right. So the small modification that New Brunswick
21 made by simply putting the words "information required" ...

22 A. That's no different than ... to my mind than where we

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1 would go in and say that on such-and-such date police responded
2 to a call of public assistance and you would have found that you
3 had attempted to hang yourself; you were taken in under the
4 **Involuntary Psychiatric Assessment Act** to such-and-such a
5 treatment centre for an assessment. We are now looking for an
6 assessment on this person's eligibility to have firearms. We
7 put more detail.

8 Q. Right. Sure. You can add obviously into the
9 document.

10 A. Yes.

11 Q. But in terms of just modifying the format of the
12 document, the types of questions that are asked ...

13 A. Yeah, if we were going to change a question or
14 anything like that then this is an RCMP document and it's at
15 that point I think that we would probably have to be looking at
16 writing our own form.

17 Q. So there's nothing in the works in that regard?

18 A. Nothing in the works on that at this point, no.

19 Q. Would you see any value with that? Would there be
20 anything that might be of assistance to you if the form could be
21 modified?

22 A. I mean there's always value in looking at things if

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1 things can be improved ...

2 Q. Right.

3 A. It's ... but it's probably something that would need
4 to be discussed with whatever working groups that the RCMP have
5 for their forms. I know that, for example, the 6423 I think in
6 the last five years, if you look at the amendment dates on the
7 bottom, has had very small amendments or changes made to it
8 three or four times since about 2014.

9 Q. Right. Okay. Yeah, I guess I'm just wondering if you
10 see value in changing it or are you satisfied with it with the
11 things you've said. Obviously you're going to provide
12 information to the doctor on the form. You're satisfied with
13 the form now as it is?

14 **(11:20)**

15 A. I think it's serving our purpose right now, yeah.

16 Q. Okay. One of the things that we talked about the last
17 time was the idea of the administrative category of placing a
18 licence as "under review".

19 A. Mm-hmm.

20 Q. And that's obviously, as we said, not something that
21 comes from the **Firearms Act** itself, that's an administrative
22 category that your office and other firearms offices would use?

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

2 **Q.** Okay. And, for example, your policy says under
3 section 8 "Investigation", "Once an investigation has been
4 commenced, the FO will, if the individual holds a PAL, ensure
5 that the status of that licence has been changed to 'under
6 review' in CFIS." That's Section 8.5. So any time an
7 investigation is ongoing a person's licence can be placed under
8 review?

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

10 **Q.** Okay. And as we've discussed, if the firearms officer
11 were to check CFIS or if a business were to contact, for
12 example, the business web service that ...

13 **A.** That's correct, yes. It would show up, yes.

14 **Q.** It would show up.

15 **A.** Because anybody who has access to the CFIS system, so
16 anybody within the firearms program, when they would access that
17 record it would show the status of that licence as being under
18 review.

19 **Q.** Okay. But a licence that's under review is still
20 valid?

21 **A.** It's still a valid licence. I guess the trigger that
22 the under review status is trying to pull is the fact that it's

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1 going to alert anybody who's processing a transaction ...

2 Q. Right.

3 A. ... that there is an issue with this licence ...

4 Q. Right.

5 A. ... and it will put a hold on it at that point.

6 Q. Okay. Its category, though, is not suspended or
7 revoked or any of those things, it's still ... in terms of the
8 categories in the **Firearms Act** it's still valid.

9 A. It's still a valid licence.

10 Q. Right. And we had talked the last time about what
11 might be involved if a person is granted a firearms licence or
12 their firearms licence is renewed but there was an investigation
13 due to say, let's say, mental health issues, okay. What would
14 be involved in either leaving that licence under review for a
15 period of time to check in or, alternatively, flagging it or
16 diary dating it to come back and check prior to the five-year
17 period.

18 And I know that you had said that there were some
19 challenges with that both in terms of resources and potentially
20 legality, have you had an opportunity to think more about that
21 or to see if that type of an approach might work or be feasible?

22 A. We have given some thought to it and then had a number

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1 of discussions about it because the prevalence of the question.
2 The idea of setting it up for notification is I guess, first of
3 all, can it be done, yes it can be done. We've looked at the
4 mechanics of the system and we could set what they call a
5 notification which is just basically like setting a bring-
6 forward date on any kind of file. So it will disappear from
7 your immediate queue but six months from now or whatever date
8 you give it it would pop back up in your queue and say has there
9 been any ... or whatever you need to do on the file. So the
10 mechanics are there, you can do it.

11 The questions that we've thought about are, Well, what is
12 the potential impact that this is going to have on a licence
13 holder. Keeping it under review for an extended period of time,
14 other than the inconvenience to the licence holder and any
15 complaints that that might generate is really not hugely
16 consequential, I guess, to us in the Firearms Office because
17 your licence is just under review. What it does mean is that
18 you still possess a valid licence card.

19 Going back to a previous question. If the licence holder
20 still holds that card and they walk into somebody who doesn't
21 actually make a telephone call or an online check on the status
22 of that licence, to all intents and purposes they could present

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1 what appears to be a valid firearms licence and they could
2 acquire firearms and ammunition.

3 So as long as the person holds the physical card and that's
4 one of the other issues that comes up even with revocations and
5 refusals today, is that under Section 72.6 of the **Firearms Act** a
6 person has 30 days. I presume that's partly where that 30-day
7 period within the suspension of a licence came into effect is
8 because you have 30 days to appeal a decision of a chief
9 firearms officer, but if they launch a judicial review
10 everything stops.

11 So even though I've revoked your licence you could still
12 have possession of a card that says on the face of it that
13 here's an image of the person holding the card and the expiry
14 date is 2023. So an individual could still assume from that
15 that you have a card, a valid licence, even though it's revoked.
16 So it's a matter of dealing with where is that physical card
17 while it's under review. And as long as the individual still
18 has it there is potentially a risk that that could be abused.

19 The other issues that we've talked about and discussed are
20 the fact of are we going to be accused of discriminating against
21 individuals based upon a particular type of illness or
22 circumstance. And while I appreciate what this Inquiry is about

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1 and the circumstances that led to it, is we're focussing on just
2 mental health illness, when you've got ... what about people who
3 have been charged or dealt with under domestic violence which we
4 know can be cyclical, that can escalate, that **Firearms Act** and
5 legislation obviously consider serious because the Regulations
6 make a specific reference to it. The amendments to Section 5.2
7 includes specific amendments under (d) and (e) with the
8 reference to prohibition orders that were related to domestic
9 violence. So there's a tremendous focus on that but we're not
10 looking down those fields.

11 When you look at the **CDSA** types of offences which we know
12 is within communities can involve parts of the community where
13 violence is prevalent and where other issues such as socio-
14 economic issues or other facts but we're going to focus on it.

15 So one of the issues of concern that we've looked at is
16 would we be seen as being discriminatory and would that then
17 open the doors to court challenges to the decisions made by CFOs
18 if we hung too much weight on that and we didn't look at the
19 totality of all of the other circumstances around it.

20 **Q.** Right. So assuming, and there's potential for
21 questions about the legality I suppose of any law or any policy
22 or any practice of any government agency, but assuming you had,

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1 for example, an opinion that flagging a file, flagging a licence
2 for a check-in, say, sooner than the five years, right, without
3 something that would prompt that like a FIP. Assuming you had
4 an opinion that said yes, you can do this and the resource
5 question was resolved because that would take more resources,
6 more time for your firearms officers, do you see any value in,
7 for example, checking in with a person who is, at the time their
8 licence is granted is fine with medication, is doing well, just
9 to make sure they're still doing well in two years' time?

10 **A.** Mm-hmm.

11 **Q.** Do you see value in that?

12 **A.** I guess what I would be looking at there is what do
13 you envision that check-in involving? Because if it's going to
14 be simply be a matter of the individual's file pops back up, we
15 call the individual and have a conversation with them, are they
16 going to be honest and upfront with us and are they going to say
17 if there's been any other issues, whereas you still have the
18 continuous eligibility is in effect anyway.

19 So if there are any subsequent involvements with the
20 police, if any other FIPs are generated, if anybody calls in on
21 the public health line, you've got all of these other avenues of
22 police agencies call you.

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1 **Q.** Right. But setting aside ...

2 **A.** Yeah.

3 **Q.** ... if there's a complaint or something that brings it
4 to your attention, just checking in with them. And it depends,
5 I supposed, on what the firearms officer feels is appropriate at
6 the time: requiring another medical, speaking to a spouse or
7 simply speaking to the person or perhaps some other avenue of
8 investigation. If that option was at least open to your office,
9 not in every case, but in those that you know you feel this
10 would benefit from a check-in in two years or one year or 18
11 months, do you see some value in that?

12 **A.** I can't see that there would be any problems in doing
13 it, it's possibly an avenue that could be explored.

14 **(11:30)**

15 **Q.** Okay. I didn't mean to cut you off with a "yes" or
16 "no" answer. If you don't feel there is or if you feel
17 something else would be of benefit, please tell us. We had
18 talked about it before and I wondered if your thinking had
19 changed on it.

20 **A.** The only thing that I can see where I would like to
21 see some improvements made, and maybe this one is closer to
22 home, is the communication and the level of communication

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1 between public safety agencies and I would include policing in
2 that and the medical community and the Firearms Office.

3 Clearly, firearms ownership and possession and the use of
4 firearms and there's case law that, excuse me, I'm paraphrasing
5 but I know around licensing where it says how it is a privilege
6 in Canada and that the processes were not intended to not be
7 onerous. I forget the exact wording of it. So there is a test
8 on the eligibility of individuals to have firearms.

9 And I think that the attention that the media gives
10 firearms ownership and access emphasizes the fact that this is
11 something that rates fairly high in the public interest. And,
12 certainly, politics, and we see it come up time and time again,
13 that firearms ownership, access and use, is something that rates
14 as fairly important.

15 One place where I think that improvements could be made is
16 better communication. In fact, this Inquiry itself has already
17 heard, one of the issues involved a length of time, something
18 like five months, and three written requests for information to
19 a police agency. Now because of electronic methods and whatnot,
20 things have improved. But in this particular case, it was three
21 written requests that had to be followed up by an onsite visit
22 in order to elicit information and five months.

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1 And when I sit back in my chair my question is, Why? Why
2 did it take that long and why is it that difficult? I know
3 everybody puts up the privacy legislation but ... now I haven't
4 really studied it in depth and my mind is certainly not geared
5 towards that but I believe it's Section 20 of the **Freedom of**
6 **Information Act**, there is a comment in there about public
7 agencies and it not being unreasonable disclosure of information
8 when health and safety of people are at risk.

9 So are there avenues in there that, at a provincial level,
10 that could be looked at with legislation? We have talked about
11 it before, because I remember bringing it up, where there is
12 provincial legislation like the **Child Welfare Act** and the **Adult**
13 **Protection Act**. And there's other legislations that are in
14 there that are within the provincial realm that perhaps could
15 provide guidance and direction to these agencies and those
16 discussions, maybe those need to be held.

17 But there are still gaps and issues. There's a reluctance
18 amongst public agencies to share information with us. A lot of
19 times it can be good fortune as much as anything. We recently,
20 and this is very recently, learned of a case where an individual
21 was charged and convicted of domestic violence and sentenced and
22 issued a prohibition order. And the reason we found out about

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1 it after the fact, because no FIP had been generated, so that's
2 still not an infallible process, was because a clerk at the
3 court sent us the prohibition order as required by Section 85, I
4 think, of the **Firearms Act** that all prohibition orders, whether
5 new orders or amended orders or whatever, are supposed to be
6 sent to the CFO's office. That's how we found out about it, was
7 the prohibition order.

8 **Q.** A couple of things arising from what you just said, if
9 I could ask. I take it when you said there is, on occasion, a
10 reluctance on the part of some public agencies to share
11 information with you because they're a little uncertain about,
12 as you say, perhaps the privacy legislation or whether they're
13 just permitted to do it, that can be a problem for your office?

14 **A.** That can be a problem. Sometimes it's just a
15 reluctance ... reluctance is, perhaps, not the right word to
16 use. I think because we are looked at as being outside the
17 public agency forum, we're not police officers, and we're not a
18 policing agency or anything like that, so we're just another
19 organization that's asking for information.

20 So when you're trying to track down an officer so that you
21 can get first-hand discussion with them about dealings with an
22 individual or their experiences with an individual ... because a

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1 lot of times you'll glean more from that than you will a simple
2 cold report which contains a few lines and doesn't really
3 communicate a lot of anything.

4 Fairly frequently, we will see occasions where a FIP is
5 generated because of a mental health incident where the police
6 report goes only so far as to say they were convinced to
7 voluntarily go with EHS and that's the end of the police
8 involvement. If that's the third or fourth time that the police
9 have been there, then that may be relevant.

10 Q. Right. Okay. So two things, though, going there.
11 One, you said a FIP may not have been generated. So that gets
12 us to the ...

13 A. That's still ... that can still have an issue. And,
14 like I say, we just very recently had an issue with that.

15 Q. And that goes to the issue of what we discussed
16 before, which is UCR coding and proper UCR coding for police
17 officers, really, which is primarily how a FIP is going to be
18 generated.

19 A. Yeah. Primarily how a FIP is generated.

20 Q. Do you see any value in ongoing education for police
21 officers, first of all, or updated education in the UCR coding
22 and the importance of doing that as it relates to the work you

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1 do?

2 **A.** There's two things to look into and I don't have the
3 answers for them at this point. And, in fact, it came up in
4 this very example that I was just discussing is the policing
5 agency that this originated from uses a different database that
6 we don't have direct access to or whatever. So the question
7 that came to my mind and that I don't have the answer to right
8 now is are the individual officers doing direct data entry in
9 those cases or was this a clerical person in their records
10 section who is then transcribing something and then is it their
11 responsibility?

12 So is it the police officer who needs to be educated or is
13 this a ... because the comment was made by one of my staff is,
14 Well, once we tell them the importance of this, then they're
15 aware of it and they pay more attention to it.

16 When you get into some other policing agencies, and I'll
17 take Halifax Regional as an example because I was there, is you
18 have two systems that are talking to each other electronically.
19 One is the computer-aided dispatch. So the computer-aided
20 dispatch is when a call is put into the computer system by the
21 9-1-1 operator or whoever is taking that call, it generates a
22 code dependent upon how that was entered. So if it's an assist

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1 citizen or a noise complaint, it may appear fairly innocuous on
2 the front end.

3 It then ends up at their digital terminal. And because the
4 officers in those cases are doing direct data entry themselves,
5 it can happen that if you don't go into the CAD part of the
6 program and change the actual code to match what the report is
7 going to say on this side, and we're talking a lot of electronic
8 technology here, so don't try to test me on it afterwards
9 because ... but you have to make sure that the call in CAD, the
10 computer-aided dispatch, is properly closed and that when it's
11 put into the Versadex records management system, it's coded
12 correctly because the individual officer is not going and
13 writing a code on a form and submitting it. So it's all
14 dependent on what's electronically generated.

15 **Q.** So irrespective of whether a particular police agency
16 code ... whether that coding is a clerical function or whether
17 it's an officer function or what have you, generally speaking,
18 education for that police agency about the importance of it ...
19 because they may not understand that that coding has a big
20 impact on whether a FIP is created and whether you even come to
21 know about the situation. Right?

22 **A.** Yeah.

JOHN PARKIN, Cross-Examination by Mr. Murray

1 **Q.** That kind of education, I assume, would be beneficial
2 even just to remind them the importance of it?

3 **A.** Yeah. And I think that the training for that has to
4 happen within the police agency.

5 **Q.** Right.

6 **A.** It's not something that a CFO's office would go out
7 and do.

8 **Q.** No, no. No, no. No, no. But a recommendation that
9 that kind of education or re-education for police agencies ...

10 **A.** And the importance of the proper coding because that's
11 what ... it triggers the FIPs.

12 **Q.** Right. Okay. And just circling back to what you were
13 talking about a moment ago, the general ... and, again, I don't
14 want to use the word "reluctance" either, but perhaps
15 uncertainty or hesitancy on the part of public agencies to share
16 information with you just because they're not certain about
17 whether what they're doing is appropriate or not, would
18 education in that area also assist you? I don't know what all
19 the public agencies are that you may want to access that have
20 been hesitant to give information, but would that type of
21 general kind of education be beneficial for agencies ...
22 (inaudible - talkover)?

JOHN PARKIN, Cross-Examination by Mr. Murray

1 **A.** Yeah. And perhaps just to put it in proper context,
2 I'm trying to think of words to move away from the idea of
3 "hesitancy" and "reluctance" and whatnot. I don't think that's
4 so much the impediment. But to answer your question,
5 absolutely. I've been working on that for many years trying to
6 make inroads. Unfortunately, COVID in 2020 shut us down. I was
7 just starting to do ... I have a short presentation that I was
8 introducing to RCMP.

9 I am aware that the Nova Scotia Chiefs Conference, I
10 believe, is coming up and I've been making some inquiries. I
11 would like to hopefully present something there, if the
12 opportunity were to arise as to what it is the Firearms Office
13 does. Maybe "ignorance" is a better word at some level, that
14 people are just not aware of what it is the Firearms Office
15 does.

16 Give you a couple of recent cases. And I'm just going to
17 throw these out, I'm not going to give any names or anything
18 like that. But an individual is shooting at animals, he says
19 coyotes, from the back porch of his house in a built-up area.

20 **(11:40)**

21 **Q.** Right.

22 **A.** And the matter ends up no charges laid. It gets

JOHN PARKIN, Cross-Examination by Mr. Murray

1 shunted off eventually to our office and it's, Well, like you
2 guys deal with his license. But, you know, you would think that
3 there was other issues there.

4 Another example, an individual sets up a makeshift shooting
5 range in his back yard and shoots his neighbour's garage.
6 Neighbour complains. The police officer calls ... ends up
7 getting directed to our office. But in the conversation of,
8 Well, have you considered this? Have you considered that? And
9 it's like I'm telling you guys that this guy is using a firearm
10 like this, and then eventually hung up on the firearms officer.

11 I don't think that there is a level of respect or regard
12 sometimes amongst certain individuals, certainly not everybody
13 but amongst certain individuals, that the Firearms Office just
14 takes care of the licensing stuff and so when it comes to
15 sharing information or calling us proactively or doing other
16 things, it just doesn't happen as freely or as often as it
17 possibly should.

18 Q. All right. When your officers are conducting
19 investigations ... well, there's been questions about the police
20 databases and I'll just confirm that. When you were here
21 before, you said that you were getting access to PROS, the RCMP
22 system. Is that in place now?

JOHN PARKIN, Cross-Examination by Mr. Murray

1 **A.** We're still working on that. There's been some
2 technological issues with that but we have more access than what
3 we used to through the information portal and we can glean bits
4 of information from that.

5 **Q.** Okay. When you say "technological" issues, are those
6 things that can be resolved or are they proving to be thornier?

7 **A.** Well, I'm hopeful that they'll be resolved. It's
8 above my expertise level. It has to do with tokens and dual
9 authentications and all of the other aspects of whether you're
10 an actual member, you're not a member, you're from outside the
11 organization.

12 **Q.** Okay. So it's less a policy issue, more a
13 technological ...

14 **A.** Yeah. More of a technology issue.

15 **Q.** Got you. And the other databases in this province, no
16 movement on that in terms of ... you still have to go to the
17 officers at those particular police forces to get information
18 directly?

19 **A.** We can see some information through the police
20 information portal but to get detailed information we have to go
21 to the specific agencies.

22 **Q.** All right. Are there other databases or other sources

JOHN PARKIN, Cross-Examination by Mr. Murray

1 of information that you would see setting ... apart from perhaps
2 police agencies or police databases, are there other sources of
3 information that would be beneficial to you in doing your work
4 or your firearms officers in doing their work that you don't
5 have access to now?

6 **A.** None that I'm aware of. We do use JEINs, for example,
7 but there's limitations to that as well. For example, one of
8 the things we've discovered is that if the police apply for a
9 prohibition order under Section 117, so to go for a public
10 safety prohibition ...

11 **Q.** Right.

12 **A.** ... it doesn't typically get entered onto JEIN. So
13 we're sometimes not even aware that those prohibition orders
14 have been issued.

15 **Q.** Under 117 of ...

16 **A.** Under Section 117.05, I think it is, of the **Criminal**
17 **Code.**

18 **Q.** Okay. So that, too, would be ... is that an education
19 piece for officers or court staff or is it a technological fix?
20 Because you should be aware of that obviously ...

21 **A.** We should be aware of it. I'd have to look back at
22 the **Firearms Act** and the wording. I know it says that the

JOHN PARKIN, Cross-Examination by Mr. Murray

1 courts are supposed to alert us when there's a prohibition
2 order, but I'm not sure how that works when it's the police that
3 are actually doing the application.

4 Q. Right. Okay. One of the issues that we had talked
5 about before was, and I think that there was a change, if I
6 recall your evidence or our discussions, in 2016 was the whole
7 situation where a person is a client of one province but has a
8 problem, something that generates a FIP, for example, in another
9 province.

10 A. Yeah.

11 Q. And maybe you can just get us up to speed if there's
12 any developments in that regard or if that situation has largely
13 resolved itself.

14 A. Well, there's a lot more communication back and forth
15 about that. It still depends largely on the FIP as being the
16 trigger to alert the Agency. But what'll happen now is a
17 Firearms Interest to Police, FIP, comes in. Where it will be
18 sent automatically is to the province that the client holds the
19 license in.

20 So if you remember ... and particular to this case, what
21 happened is because the ORI number for Guysborough Detachment
22 was in Nova Scotia, the message came to Nova Scotia but he

JOHN PARKIN, Cross-Examination by Mr. Murray

1 wasn't our client. His license was still registered in New
2 Brunswick and he's still New Brunswick's client. So what would
3 happen is a courtesy thing.

4 And this is probably where a gap existed ... well, is where
5 a gap existed, is rather than reach out immediately and alert
6 New Brunswick and say, Oh, we've got this and then we start the
7 line of inquiry, trying to get the information which, as we saw,
8 it dragged out over a period of five months and four attempts
9 before we got the information, by which time a subsequent event
10 had happened and now New Brunswick is aware that there is an
11 incident.

12 Now, at that point, when they looked at the license they
13 would have seen both FIPs and they would have been aware that
14 Nova Scotia was already involved and doing something. So what
15 will happen now is the way the system works is that the first
16 notification will go to the CFO where the individual is, the
17 license holder, and their office will be aware of it. And then,
18 as I say, there's more and better communications back and forth
19 to say, Oh, by the way, you might want to know that our client
20 is living in your province and we're working on this file just
21 in case something comes up.

22 **Q.** Right.

JOHN PARKIN, Cross-Examination by Mr. Murray

1 **A.** But, really, they're going to have to deal with it, so
2 ...

3 **Q.** And that information will go to the ... when you say
4 it'll go to the Firearms Office for the province where the
5 client lives, where they are the client ...

6 **A.** Yeah.

7 **Q.** ... that comes from the central processing unit in
8 Miramichi or ...

9 **A.** It comes from the FIP unit in ...

10 **Q.** Okay. All right. So that comes to them first. Then
11 that firearms officer is able to reach out and find the
12 information that they may need whether ...

13 **A.** Yeah. Then they can enlist Nova Scotia, for example,
14 rather than having the issue possibly happen where Nova Scotia
15 goes out independently with best intentions thinking that, We're
16 going to help our neighbouring province by doing this because
17 it's happening in our province. And, meanwhile, the province
18 where the person is the host or the resident is ignorant of
19 what's actually going on at that point in time.

20 **Q.** Right. And that change, as I recall, was around 2016?

21 **A.** Yeah. Well, it's been more recent than that but it's
22 ...

JOHN PARKIN, Cross-Examination by Mr. Murray

1 **Q.** More recent than that. Sorry. Okay. So is there
2 anything that you see that could improve or assist in terms of
3 the communication between Firearms Offices in different
4 provinces or ...

5 **A.** I think that's kind of an evolution of a best practice
6 and I think it works fairly well. What will happen now in cases
7 ... I can give you a case because it's closed now a couple of
8 years in Nova Scotia. But we had a Nova Scotia resident who we
9 get information of here and is headed to Toronto. So they go to
10 Toronto to do some things. As a consequence of it all, and
11 mental health did factor into this one, as well. So we're
12 dealing with Ontario CFO and whatnot, but I revoked his license.

13 **Q.** Okay.

14 **A.** So we're talking back and forth and we're getting
15 information for what's going on. And this transpired before
16 anything negative happened. So there was no tragedy or there
17 was no consequences. But we were able to act very, very quickly
18 upon that because we gleaned information here. The RCMP in Nova
19 Scotia acted upon that information. Meanwhile, the individual
20 has already left the province and has gone to another province.
21 We enlist the CFO's office in that province and talk to the
22 police in that province and come to a successful resolution of

JOHN PARKIN, Cross-Examination by Mr. Murray

1 the entire matter very, very quickly.

2 So it's a best practice and I think we are doing a much
3 better job of talking between offices that way and alerting each
4 other when there is something of concern. And then doing things
5 ... another example involved a couple of individuals in Nova
6 Scotia who actually moved back to another province. But
7 something had initiated here in Nova Scotia and since I had the
8 bulk of the information, it was actually easier for me to deal
9 with the file. So they transferred them back to my province,
10 although physically they were still living there, and I dealt
11 with the files. So I think there's a lot more communication
12 happening and cooperation happening there.

13 **Q.** Okay. The most important thing, I would think,
14 though, in terms of ... well, perhaps the most important thing
15 is that if FIPs are generated, that the CFO of the province
16 where the person lives ...

17 **A.** They'll be getting the first hit.

18 **Q.** ... that they get notified right away.

19 **A.** They get notified right away.

20 **(11:50)**

21 **Q.** Okay. Jumping around a bit, but seeing things. You
22 had talked a moment ago about the situation where a person still

JOHN PARKIN, Cross-Examination by Mr. Murray

1 has their actual laminated card but there may be something going
2 on with their license and let's assume that if their license is
3 actually revoked or suspended and their license has not been
4 physically obtained by a police officer and that type of thing.
5 That obviously can pose a risk because the person, without
6 offender checking, can walk in with a PAL and purchase a firearm
7 presumably. Typically, do you see any area for improvement or
8 training, again, for police officers or others, reminding them
9 to seize the card when they're seizing, for example, firearms?

10 **A.** Yeah. That's kind of an ongoing message that we're
11 always pushing.

12 **Q.** Right.

13 **A.** When I have the opportunities to do presentations,
14 that's been there. I can date it back, and I don't know how
15 many years this would be, because I remember when Tim Mosher,
16 from Halifax Regional, was with NWEST, the National Weapons
17 Enforcement Support Team, and they would come up and they would
18 push that message that under Section 117 you have the authority
19 when you're seizing with or without warrant for public safety to
20 take any license, any authorization, any approval, any
21 registration certificate that the individual has.

22 I can understand why it happens, that when you find

JOHN PARKIN, Cross-Examination by Mr. Murray

1 yourself in a volatile and rapidly evolving situation that
2 you're arresting somebody, probably one of the more common
3 scenarios would be domestic violence, they grab the guns.

4 Q. Yeah.

5 A. And, I mean, it's the most visible thing. It's the
6 first thing they go to. The message is out there and the
7 message is frequently reiterated. And I don't know beyond that
8 how to convey the message more efficiently or effectively.

9 Q. All right. Your office, you said, you're short one
10 firearms officer right now?

11 A. Currently, yes.

12 Q. Because I think you were more short staffed when you
13 were here before.

14 A. Yeah. We were 30 percent under strength for a good
15 part of 2020 and into 2021.

16 Q. Okay. And you had answered a question about how you
17 might utilize more staff if that were to come to pass. You said
18 two additional firearms officers would be particularly useful to
19 you, I think, especially if **Bill-C21** follows its path through to
20 legislation?

21 A. Well, **C-21** ... and I know my own expectations and you
22 can see the evolution through these policies and expectations,

JOHN PARKIN, Cross-Examination by Mr. Murray

1 as well, is that I have always striven for and pushed the
2 firearms officers working for me to deepen and widen the breadth
3 and depth of their inquiries, to talk to more people, to not
4 take things on face value, to not isolate and hang your decision
5 upon one point but to try to get as much information, solicit it
6 from as many sources as possible to give yourself as complete
7 and thorough a picture.

8 And the reliability of sources of that information, as I
9 said, is well known that a person's reference, you're not likely
10 to provide as a reference somebody who's going to speak badly of
11 you. So depending on that, you can only give so much weight to
12 that individual. They may or may not confirm things. They may
13 or may not disclose things.

14 I think you're better off if you really take advantage of
15 Section 55 and you look at, How many people does this individual
16 associate with? How many people can I get information from?
17 And then if you start getting a consistent message, you know,
18 They're fine until this happens, or, This sets them off, or
19 whatever, then you may uncover something that you want to look
20 deeper into. But that takes time and time is people. And so I
21 think that we could do more if we had a little bit more in the
22 way of resources to be able to do that.

JOHN PARKIN, Examination by The Court

1 that happen with age.

2 **A.** Uh-huh.

3 **Q.** Okay? So if you're looking at 40 percent in relation
4 to revocations and reviews, and what percentage of those would
5 you already have? Do you know what percentage ... would you
6 already have a medical report?

7 **A.** Usually ... well, it's difficult for me to assess on
8 the ones that have been deemed to be no potential risk and
9 assess because usually those ones I won't see too many of those.
10 It will only be the ones where the person has been deemed to be
11 a potential risk and it's going to a refusal or a revocation and
12 then I'll see those forms or those references.

13 **Q.** Okay. In the context of the discussion, when you're
14 looking at kind of setting flags and diary dates and reviewing a
15 matter at some point in time in the future and the concerns that
16 you might have that you raise ... that people might raise and
17 you're kind of focusing on some behaviours and not others, and
18 some conditions and not others, in those situations where you
19 have a medical report, the medical report has figured into your
20 decision-making and you, for instance, granted a license, all
21 right?

22 Now I appreciate that that medical report that you have

JOHN PARKIN, Examination by The Court

1 really reflects a moment in time when the doctor signs it and
2 whatever history they bring into that report. But on a go-
3 forward basis, there's no way for you to be able to kind of
4 track whether or not, for instance, that client still has the
5 same doctor, the client still has the same medication regime,
6 whether anything in that person's life is exacerbated or
7 whatever their mental health concerns were, there's a whole
8 variety of things that go into that report that you have no way
9 of keeping track of as time marches on. Correct?

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

11 **Q.** Okay. So if something happens that brings that client
12 back to your office, presumably the license is under review,
13 presumably at that stage, you can go and say to the client, We
14 need a report from a medical practitioner. Either they're going
15 to give it to you or not. They're going to sign a new consent?
16 That's typically what would happen, is it?

17 **A.** Sorry. I'm ...

18 **Q.** Well, if you have that individual who's brought back
19 to your attention because of an event, say there's a FIP that
20 you get, it's domestic violence, a situation. You look at the
21 circumstances, this person was granted a license previously and
22 part of the consideration was a physician's report because they,

JOHN PARKIN, Examination by The Court

1 for instance ... I'm just going to use the example they suffer
2 from PTSD.

3 **A.** Okay.

4 **Q.** Okay? And major depressive illness. They get their
5 license granted that moment in time and then whatever period of
6 time passes there's a FIP generated, domestic violence. Comes
7 back. You look at it and you say to yourself, Hmm, I wonder if
8 the medical situation with regard to this client is still the
9 same or if something has changed.

10 **A.** Yeah.

11 **Q.** Right? That's part of what you would do.

12 **A.** Yes.

13 **(12:00)**

14 **Q.** Not you, personally, but your AFOs, right?

15 **A.** Yeah.

16 **Q.** So then you would say to the client that, We'd like
17 you to sign a new authorization, a consent, so we can get
18 another report from your medical practitioner.

19 **A.** Yes.

20 **Q.** Is that what you do?

21 **A.** Yeah, that's not unusual. It's a second event can
22 trigger a second request.

JOHN PARKIN, Examination by The Court

1 **Q.** Okay. And then you get a letter back from the doctor
2 and the doctor says to you, Well, I was unaware of these events.
3 I'm no longer seeing this person as a patient, so I don't know
4 what their medication regime is any longer. I don't know how
5 compliant they are. That would be important information for you
6 to know at that point in time?

7 **A.** Yes.

8 **Q.** All right. So if we take you back to the initial
9 report that you require, let's say the individual disclosed to
10 you on their initial application that they were diagnosed with
11 PTSD and major depressive illness and they are seeing a
12 particular psychiatrist, they're taking medication, and they're
13 taking therapy. And so you contact the physician. The
14 physician provides you with the report based on the
15 authorization, the consent, that was signed by the client.
16 Correct?

17 **A.** Correct.

18 **Q.** Okay. So you've got that updated information. Is
19 there any reason ... Well, I want to have a discussion about
20 it, so I'm going to start off with the reason why. Is there any
21 reason why you cannot build in a consent to that same form
22 whereby the client, as part of the application process,

JOHN PARKIN, Examination by The Court

1 authorizes and directs or consents to the physician, on an
2 ongoing basis, to provide information relating to that
3 particular client in the areas that they are already addressing
4 in the application?

5 So, for instance, if the doctor stops seeing the individual
6 as a patient, you know, part of the doctor's support, if I can
7 put it that way, for the patient is that the doctor has seen him
8 for five years, sees him regularly, treats him regularly. He's
9 doing well. He's compliant with his medication. So you know
10 all those things are in place then, suddenly, the relationship
11 breaks up. The doctor has, for lack of a better word, arguments
12 about the medication. The patient becomes less compliant and
13 decides he's not going to see that doctor any longer and leaves
14 the office or the practice.

15 Would it not be helpful for you to know when that happens
16 that, for instance, the medical attention that the individual
17 client was getting is no longer in place, that was something
18 that influenced your decision to authorize the granting of a
19 license?

20 **A.** I think it would certainly be helpful to us to know if
21 a doctor-patient relationship broke down or they discontinued
22 it. As far as the changing the forms or anything, I think that

JOHN PARKIN, Examination by The Court

1 we would have to explore two things there, as we discussed
2 earlier, is if we're going to alter the form in some way, are we
3 then creating a "Nova Scotia only" form, because the 6423 is an
4 RCMP form built within their regimen and their spectrum of
5 things? So I don't know that we can simply just alter their
6 form and utilize it.

7 Having said that, I'd have to inquire. I don't know if
8 there's any jurisdiction that is using a distinctly provincial
9 form or if they're all using the 6423.

10 **Q.** You take the 6423 form as it is and you create just a
11 couple more fields in it.

12 **A.** Mmm.

13 **Q.** Or add another page that particularly addresses the
14 issue of an ongoing, an authorization. Ongoing. I guess,
15 appreciating you could get some legal advice as I would if I was
16 going to be drafting it myself, but I don't see that there's any
17 real impediment to, as part of the application process, saying
18 to the client, We need a report now and we need you to sign a
19 consent and authorization so that your doctor, if they sign this
20 now, there's a continuing direction to them to provide any
21 updated information as it relates to this particular form and
22 this particular process then you don't need to diarize some of

JOHN PARKIN, Examination by The Court

1 these things because the impetus of getting that information to
2 you is going to come from the doctor's office.

3 **A.** Yes.

4 **Q.** He's already been authorized and directed to do that
5 by the client.

6 **A.** Yeah.

7 **Q.** So he doesn't need the client's permission anymore
8 because it was part of the original consent.

9 **A.** Yeah.

10 **Q.** All right.

11 **A.** Any communication that comes into us ... because CFOs
12 do now, and can, put a condition on a license, for example. So
13 if somebody is receiving ongoing treatment, I can put a
14 condition on a license that maintenance of the license is
15 dependent upon you following the directions of your medical
16 practitioner. But for me to know that you've actually
17 contravened that condition, somebody has to tell me.

18 **Q.** Well, that's why I say that if the physician or the
19 medical practitioner signs the form ...

20 **A.** Mmm.

21 **Q.** ... they would also be aware, when they signed the
22 form, I assume that there would be some accompanying document

JOHN PARKIN, Examination by The Court

1 that says to the physician that, Once you sign this form, there
2 is a continuing authorization and direction from the client to
3 report any change in these medical conditions to the CFO for the
4 purposes relating to the **Firearms Act**.

5 **A.** Yeah. It would certainly be helpful for us in doing
6 our job and assessing public safety but I think, on a legal
7 aspect, you're asking a question that's above my expertise
8 level.

9 **Q.** I guess all I need to know is that it would be useful
10 and helpful to you ...

11 **A.** It would be useful and helpful; it certainly would.

12 **Q.** ... to do your job; however it gets created or not.
13 All right.

14 Another question about T-Cat status in the military - T-C-A-
15 T. You're aware of what that is?

16 **A.** I'm vaguely familiar with. It's limitations imposed
17 upon military personnel by their staff.

18 **Q.** Okay. So if you have military staff and they have
19 this temporary status where they are, I'll use the word
20 "prohibited", from handling firearms in a military context, that
21 information would be relevant to you, would it; your office?

22 **A.** I think any organization that issues firearms to its

JOHN PARKIN, Examination by The Court

1 staff as part of their conduct of their active duties, it would
2 be helpful for us to know if the employer was not feeling
3 comfortable with them having access to it.

4 **Q.** And I take it you've never been advised of that status
5 by any military or other organization that issues firearms?

6 **A.** The only organization that I'm aware of or that I can
7 recall having communicated such things to us is actually within
8 the public arena of armed guards with armoured vehicles and that
9 because it is a condition on their business license that they
10 have to have to operate as a company, that they have to inform
11 us if a person is no longer eligible to carry a firearm because
12 it deals with their authorization to carry the ATC itself. But,
13 outside of that, any public agency, I cannot recall any alerts
14 or notifications from an agency that they were restricting an
15 employee's use or access to firearms or ammunition.

16 **Q.** We may have touched on it before, but your office does
17 not have ... you have access to PROS now?

18 **A.** Not direct access. We have the Police Information
19 Portal and that was, we were just talking about the
20 technological issue. Again, this is outside my expertise, but
21 it has to do with tokens and dual authentications and access
22 that way, whether you're part of an organization versus being

JOHN PARKIN, Examination by The Court

1 outside the organization. We're not RCMP members, for example,
2 so ... but we do get more information and the Police Information
3 Portal is very quick because it's basically live time. It
4 allows you to see something once it's put into the system, but
5 you don't get as thorough a look as an actual look at the
6 reports or the actual access to the system.

7 **(12:10)**

8 **Q.** So does the system respond to your queries or is it an
9 individual that you deal with?

10 **A.** No, it responds to our queries. We make the inquiry.

11 **Q.** Okay. You cannot access Versadex?

12 **A.** No, we do not have direct access to Versadex.

13 **Q.** And so if there's information that you think that's in
14 Versadex that you're looking for, what's the turnaround time to
15 get what you need?

16 **A.** It tends to be fairly quick because the individual,
17 they can reach out to the officers, and where they're a local
18 agency, but sometimes what we do still run into is lag time
19 because there's shift work and officers getting back to us, and
20 have to make multiple inquiries to get a response.

21 **Q.** And will they send you documents electronically or do
22 they ...

JOHN PARKIN, Examination by The Court

1 **A.** Sometimes, yeah, or sometimes it's just verbal.

2 **Q.** Okay. All right. I was going to ask you about the
3 redesign of that 6423, but we'll just kind of leave that up in
4 the air for now. Appreciating you can't really answer it but
5 may be able to make some suggestions later. All right.

6 Any further questions, Counsel? No? All right, thank you.
7 Thank you, Mr. Parkin, for your time. I also have copies of
8 some notes that you've provided to the Inquiry through Mr.
9 Anderson. I appreciate the time that you've put in to be able
10 to come here today and to provide us with the information. It's
11 been very helpful to us, so thank you very much. Appreciate it.

12 **A.** Thanks.

13 **Q.** Thank you.

14 Mr. Murray, I take it that's the evidence we anticipated to
15 hear today?

16 **MR. MURRAY:** It is, Your Honour.

17 **THE COURT:** All right, thank you. So, Counsel, we'll
18 adjourn until 9:30 tomorrow morning. So we'll adjourn Court,
19 but I'll just ask everyone to remain for a few minutes, please.
20 Thank you.

21 **WITNESS WITHDREW (12:13 HRS)**

22 **COURT CLOSED (12:14 HRS)**

23

CERTIFICATE OF COURT TRANSCRIBER

I, Margaret Livingstone, Court Transcriber, hereby certify that the foregoing is a true and accurate transcript of the evidence given in this matter, **re Desmond Fatality Inquiry**, taken by way of electronic digital recording.



Margaret Livingstone

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DARTMOUTH, NOVA SCOTIA

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