



Hazards of a police firearm: Accidental and mistaken discharges

By Rick Parent, Ph.D.

A recent study analyzed 843 incidents where police personnel within the United States and Canada discharged their firearms, typically while facing a lethal threat (Parent, 2004). In 417 of these incidents, police personnel killed a total of 419 people. The remaining cases that were examined reflect firearm discharges that resulted in the wounding or non-injury of an individual. One of the interesting findings of this study is that in roughly eight percent of the cases examined (69 incidents) police personnel either accidentally or mistakenly discharged their firearm. This number is believed to be higher as some of the police agencies likely did not disclose all of their accidental and mistaken discharges within their reporting.

In many of these instances, innocent individuals died. In a smaller number of cases the individual survived the shooting incident. In five incidents, an innocent bystander was either killed or wounded as a result of the wrongful police firearm discharge. In four cases, the police officer was convicted of a criminal offense; in three others, the officers were convicted of lesser, non-criminal firearms offenses for their actions. In some instances, police personnel became involved in situations in which it would later be determined that they should not have discharged their firearm. However, based upon the known facts and circumstances at the time of the shooting, police personnel often responded to the perceived lethal threat with the best of intentions.

Accidental firearm discharges at motor vehicles

This study noted that during three separate instances, police personnel "accidentally" discharged their firearms while checking the occupants of motor vehicles, resulting in the tragic and unnecessary death of the occupant. In the first incident, two police officers were involved in the pursuit of a motor vehicle. Upon conclusion of the high-speed chase the officers cautiously approached the motor vehicle with their firearms drawn. For unknown reasons, the revolver of one officer accidentally discharged and shot the passenger in the face, killing him instantly.

In another incident, a team of undercover officers was checking a suspected drug dealer who was seated in his car. As one officer went to open the car door he placed his finger upon the trigger of his semi-automatic handgun, causing it to discharge and kill the occupant of the car. It was believed that the reaching for and squeezing of the car door handle acted as an involuntary catalyst for the officer's other hand that precariously had a finger placed upon the trigger of the pistol.

In the third case, two police officers were on routine patrol when they observed a vehicle stopped at a red light. When the officers ran a computer check of the license plate they discovered that the vehicle was reported as stolen. In an attempt to ensure that the vehicle could not flee from its position, the police suddenly maneuvered their police vehicle in front of the stopped vehicle. As this occurred, one of the police officers quickly exited the vehicle and approached the driver with his gun drawn. During his rapid approach, the officer accidentally discharged his firearm, causing a bullet to enter into the neck area of the seated driver. The injuries resulted in the driver being a quadriplegic for life. It was later learned that the vehicle was not stolen and that the driver had permission to use the vehicle. At a subsequent civil trial, the judge ruled that the police officers were jointly liable for the injuries that resulted due to their bungled take-down maneuver.

Mistaken firearm discharges resulting in death

In several incidents, police personnel "mistakenly" discharged their weapons, resulting in death or serious injury. In one case, police personnel were attempting to locate a suicidal male who was in possession of a 12-gauge shotgun and believed to be hiding out in the area adjacent to his home. As the night-time search was going on, a neighbor overheard the activity and went out to investigate the disturbance carrying a shotgun. Police personnel mistakenly perceived the approaching neighbor to be the despondent male whom they were attempting to locate.

Police commanded the individual to drop his weapon, while referring to him by the name of the suicidal male they were looking for. The approaching neighbor did not obey the police commands to disarm, possibly because they used the incorrect

name. In response, police personnel discharged their weapons and killed the approaching neighbor. As the neighbor was being shot he exchanged gunfire with the police, wounding one of the tactical officers. It was only upon conclusion of the gun battle that police realized that they had shot and killed the wrong individual.

This study noted that in several instances, police personnel failed to keep their trigger finger outside of the trigger guard of their weapon until they intended to fire. Tragically, this resulted in the accidental deaths of several individuals as well as the serious injury of many others.

In another instance, a male was shot and killed by a police officer during a drug raid at a residence. The male was visiting the house where the raid took place, sitting in a dimly lit room, playing a bass guitar. When the entering officer shouted "Police," the seated male turned towards the voice while pointing the guitar towards the officer. The police officer mistook the guitar for a double-barrelled shotgun and shot the male. He was rushed to hospital where he later succumbed to his injuries and died.

In another case, a 38-year-old Aboriginal male died as a result of a single gunshot wound during a skirmish with police officers. The deceased was unarmed and part of a protest group contesting government control of land having Aboriginal significance. During the heated protest dispute, one of the attending police officers perceived that he saw a muzzle flash from the area where the male was standing. Believing that a shot had been fired, the Caucasian police officer discharged his weapon and killed the Aboriginal male. A weapon was never found and controversy surrounded the incident due to the racial overtones. A subsequent investigation resulted in the police officer being charged

and later convicted of criminal negligence for causing a death in the shooting.

Firearm discharges resulting in the death of police personnel

This study also revealed two cases where police personnel have been accidentally shot and killed by their colleagues. In both of these incidents, the accidents occurred during routine training sessions conducted by Emergency Response Team personnel. In a third instance, a member of an Emergency Response Team accidentally killed a prison guard during a hostage rescue at a federal penitentiary.

In the first case, during a training session of Emergency Response Team personnel, police officers attended a firearms range for the purpose of practicing the shooting of their newly-issued weapons. Two ERT officers were practicing quick-draw methods. One of the two officers left the immediate area after finishing his session. The first officer remained and continued to practice quick-draw methods alone. As this was occurring, the second officer suddenly came up from behind with a baseball bat over his head and surprised the first officer. This action startled the first officer as he was quick-drawing, causing him to discharge his firearm. His partner was wounded in the abdominal area and later died from his injuries.

In the second case, a police officer accidentally shot and killed his police partner during an Emergency Response Team firearms training exercise. The team of officers were training with simulated ammunition and then stopped for a luncheon break, loading their weapons with live ammunition. Upon returning from lunch, one of the officers failed to eliminate a live round from his pistol. When training resumed, the officer discharged his firearm at his partner, believing that his pistol contained simulated ammunition. His mistake had fatal consequences.

In the final case, police personnel responded to a federal penitentiary during a prison riot where two guards were taken hostage. The hostage-taking incident occurred over two intense days involving a negotiation process. During the second day, the police Emergency Response Team heard screams for help from one of the hostages. A decision was made to forcibly enter the contained area for the purpose of

a rescue. One of the police officers discharged his firearm as a diversionary technique, while another officer discharged gas into the cellblock area. Unfortunately, one of the hostages, a prison guard, was accidentally struck in the groin area by one of the police firearm rounds. The prison guard later died as a result of his injuries.

Police firearm discharges at motor vehicles

This study also noted that in roughly a third of the 843 cases that were examined, the suspect utilized a motor vehicle sometime during the incident. In many of these cases, the suspect had initiated a police pursuit. In some instances, a fleeing suspect used the motor vehicle in a threatening manner, attempting to kill or injure police personnel.

In response to the lethal threat, police personnel would typically discharge their firearm at the driver's side of the vehicle's windshield in an attempt to prevent the vehicle from striking the officer(s) who were typically on foot at the time. In most of these instances, the suspect driver and occu-

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pants of the charging motor vehicle did not receive any injuries as a direct result of the police firearms discharge.

Interestingly, it was more common for police personnel to be wounded or injured during these instances. This study noted ten separate cases where a police firearm error occurred when a misdirected bullet struck an unintentional target. During these incidents, the police officer either wounded him or herself, other police personnel or an innocent victim. Typically, the projectile would ricochet away from the intended target,

resulting in a stray bullet.

One of the more frequent police injuries appears to be caused when officers attempt to shoot out the tires of suspect vehicles. The automobile, and the wheels that it rests upon, are largely made of steel. The concrete or asphalt roadway that the vehicle rests upon serves to further compound the situation. When a high-speed lead bullet is discharged in the general area of a vehicle, ricochets and metal fragments abound. Unlike scenes depicted in movies, the shooting out of a tire can be a precarious and dangerous event.

In one of the more unusual cases, a police officer discharged his firearm at the driver of a motor vehicle as his partner was in imminent danger when their police vehicle was being rammed. The bullet struck the driver and then ricocheted off, killing the passenger of the motor vehicle. In a startling twist, the driver suffered minor injuries and was later criminally charged with directly causing the death of the passenger.

Finally, this study also noted the frequency of firearm discharges at moving vehicles by police personnel. This often occurred in an attempt to prevent the motor



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vehicle from striking the officer(s) who were typically on foot at the time. In most of these instances, the suspect driver of the charging motor vehicle would not receive any injuries as a direct result of the police firearms discharge. It was more common for police personnel to be wounded or injured during these instances or for a ricochet to occur, resulting in the wounding or death of unintended individuals.

In this regard, police training and departmental policies should narrowly restrict the practice of discharging a firearm at a moving vehicle since it is dangerous and generally ineffective. If at all possible, the officer should direct his effort to getting out of the path of the moving vehicle rather than attempting to stop it with a firearm discharge. Departmental policy and training should emphasize officer safety issues that include the following:

- Police officers should not place themselves, nor remain, in the path of a moving vehicle.
- Police officers should only discharge their firearm at a moving vehicle as a means of last resort, when no other means of avoiding or eliminating the danger exists.
- Police officers must take into account the

risks to vehicle occupants, bystanders, pedestrians and other vehicular traffic before discharging their firearm at a moving vehicle.

Conclusion

In conclusion, the frequency of accidental and mistaken incidents emphasizes the need for safe and competent handling of firearms at all times and in all situations. This study noted that in several instances, police personnel failed to keep their trigger finger outside of the trigger guard of their weapon until they intended to fire. Tragically, this resulted in the accidental deaths of several individuals as well as the serious injury of many others. In other instances, police officers mistakenly discharged their firearm unaware or ill-informed of the intended target.

These findings emphasize the need for police personnel to be sufficiently trained and to possess sufficient competency in the practice of safe firearm handling. When confronted with a perceived lethal threat it is essential that officers accurately and intentionally discharge their firearm at the target for the safety of all concerned. Misdirected firearm discharges also increase the likelihood that assailants will be successful in

their lethal threat before they are neutralized by the officer, further emphasizing the need for well-placed shots.

Although the police firearm is intended to be a lifesaving piece of equipment for the operational street police officer, it is equally a hazardous item that must be handled with extreme care and precise judgment. Failure to adhere to strict firearms safety and informed decision-making has resulted in the unnecessary deaths and injuries of innocent individuals, including fellow police officers. ♦

Resources

Parent, Richard B. (2004) *Aspects of Police Use of Deadly Force In North America: The Phenomenon of Victim-Precipitated Homicide*. Doctoral Dissertation. Simon Fraser University.

About the author

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