

# LOS ANGELES POLICE COMMISSION

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LOS ANGELES, CA 90012

(213) 485-3531 PHONE

(213) 485-8861 FAX  
(213) 485-9818 TTY

August 20, 2008

BPC #08-0316

The Honorable Public Safety Committee  
City of Los Angeles  
c/o City Clerk's Office  
City Hall, Room 395  
Los Angeles, CA 90012

Attention John White

RE: RESPONSE TO CITY COUNCIL MOTION NO. 07-0461 REGARDING THE  
FOLLOW-UP FINDINGS OF THE FIREARMS WARNING ORDINANCE, NO. 178996

At the regular meeting of the Board of Police Commissioners held on Tuesday, August 19, 2008,  
the Board APPROVED the Department's report relative to the above matter.

This matter is being forwarded to you for your approval.

Respectfully,

BOARD OF POLICE COMMISSIONERS

A handwritten signature in cursive script that reads "Isabel Rosas".

ISABEL ROSAS  
Commission Executive Assistant II

Attachment

c: Office of Chief of Police

PUBLIC SAFETY

AUG 22 2008

**INTRADEPARTMENTAL CORRESPONDENCE**

August 11, 2008

1.0

**TO:** The Honorable Board of Police Commissioners

**FROM:** Executive Director, Board of Police Commissioners

**SUBJECT:** RESPONSE TO CITY COUNCIL MOTION NO. 07-0461 REGARDING THE FOLLOW-UP FINDINGS OF THE FIREARMS WARNING ORDINANCE, No. 178996.

**RECOMMENDED ACTION**

1. That the Board of Police Commissioners (Board) REVIEW and APPROVE this report.
2. That the Board TRANSMIT this report to the City Council, Public Safety Committee.

**BACKGROUND**

On May 6, 2008, Commission Investigation Division (CID), Enforcement Section was assigned a request from the Honorable Councilmember, Bernard C. Parks, to conduct an audit of all Police Commission Firearm Dealers in the City of Los Angeles, to determine the level of compliance with the amended Los Angeles Municipal Code (LAMC) Section 103.314, Subsection (q), Paragraphs (1) and (2), dated July 6, 2007, which requires all firearms dealers to post a warning of the dangers of possessing a firearm in the home, and to include the same warning on the firearm bill of sales.

The final results of this audit revealed that eighty seven percent of the firearm dealers were not in compliance and as a result, each location was given a "written warning" and thirty (30) days to comply.

**ISSUE**

On June 18, 2008, CID Staff was directed by City Council (Motion 07-0461, Parks); to conduct a follow-up inspection of all firearm dealer locations determined to be out of compliance during the initial audit and report findings to the City Council, Public Safety Committee.


## **FINDINGS**

After the thirtieth day, CID, Enforcement Section detectives revisited each business to conduct a compliance inspection and learned that all locations, except one, were in 100% compliance.

The one location which was not in compliance with the requirement of posting a warning sign within their business was identified as Botach Tactical. The owner of Botach Tactical was present during the inspection and consequently issued a citation for violation of LAMC Section 103.314 (q) (1), *failure to post required firearm warning within the business*. CID, Enforcement Section detectives presented and filed the case with the Deputy City Attorney's office.

Two days after the citation was issued, CID, Enforcement Section detectives re-inspected Botach Tactical and discovered the firearm warning was posted as required. Therefore, all permitted firearm dealers in the City of Los Angeles are now in 100% compliance with LAMC Section 103.314(q)(1) and (2).

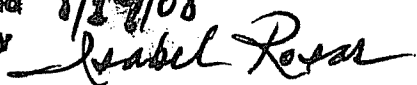
Should you have any questions, please contact Lieutenant André Dawson, Commanding Officer, Commission Investigation Division at (213) 485-2102.

  
RICHARD M. TEFANK, Executive Director  
Board of Police Commissioners

Attatchments

BOARD OF  
POLICE COMMISSIONERS

Approved 8/19/08  
Secretary



TO CITY CLERK FOR PLACEMENT ON NEXT REGULAR COUNCIL MEETING	#58
----------------------------------------------------------------	-----

## MOTION

JUN 18 2008

Ordinance No. 178996 (C.F. #07-0461) requires firearms dealers to post a warning at their place of business of the dangers of possessing a firearm in the home, and to include the same warning on firearms bills of sale. This ordinance, which amends LAMC 103.314 (q) (1) and (2), went into effect on September 3, 2007.

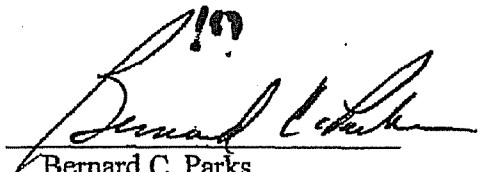
On or around June 3, 2008, the Los Angeles Police Commission's Investigation Division conducted on-site inspections of the City's fifteen (15) businesses that are currently permitted to sell firearms in order to determine compliance with the ordinance. The audit found that "of the fifteen business locations, 2 or 13% were in total compliance, representing that the firearm warning was conspicuously posted within the premises and the warning was printed or stamped on [the] firearm bill of sale." Those businesses found to be out of compliance with the ordinance have been issued a written warning requiring compliance within 30 days of receipt of the written warning.

The Commanding officer of the Commission Investigation Division will conduct a follow-up inspection within 30 days of the initial inspections at all non-compliant locations to further determine compliance with LAMC Section 103.314 (q) (1) and (2). Failure to comply with the firearms warning ordinance could result in the Board of Police Commissioners taking action against a dealer's permit by not issuing a renewal permit.

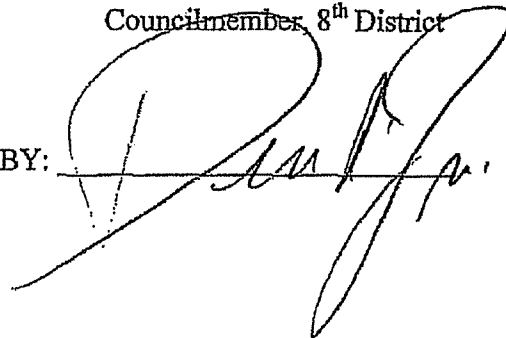
For public safety purposes, it is important for the Council to be informed as to the City's firearms dealers compliance with this ordinance.

I THEREFORE MOVE that the Council instruct the Los Angeles Police Commission to present its follow-up inspection findings to the Public Safety Committee after all inspections are complete.

PRESENTED BY:

  
Bernard C. Parks  
Councilmember, 8<sup>th</sup> District

SECONDED BY:



JUN 18 2008

07-0461

# LOS ANGELES POLICE COMMISSION

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June 2, 2008

Honorable Bernard C. Parks  
Councilmember, Eight District  
200 North Spring Street, Room 460  
Los Angeles, California 90012

Dear Councilmember Parks:

Attached is the requested audit report to determine compliance with Los Angeles Municipal Code (LAMC) Section 103.314, *Warning Regarding Dangers of Firearms in the Home*, Subsection (q), Paragraphs (1) and (2) which require permitted firearm dealers in the city of Los Angeles to post a warning of the dangers of firearms in the home and include the warning on firearm bills of sale.

The audit revealed that, eighty seven percent of firearm dealers permitted to sell firearms on their premise were not in compliance with LAMC Section 103.314 (q) (1) and (2). Within the audit are recommendations and corrective actions taken to improve conformity with businesses that were found to be out of compliance.

Should you have any questions regarding this matter, please contact Lieutenant André Dawson, Commanding Officer, Commission Investigation Division at (213) 485-2102.

Very truly yours,

RICHARD M. TEFANK, Executive Director  
Board of Police Commissioners

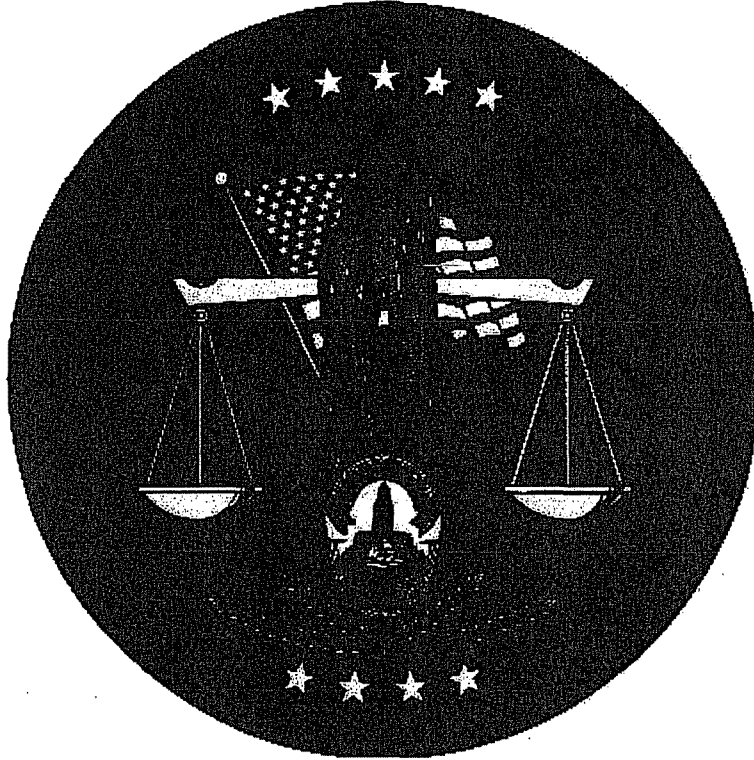
Attachment

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**LOS ANGELES POLICE COMMISSION**  
**BOARD OF POLICE COMMISSIONERS**



**COMPLIANCE WITH FIREARMS WARNING  
ORDINANCE  
AUDIT**

**CONDUCTED BY  
COMMISSION INVESTIGATION DIVISION**

**EXECUTIVE DIRECTOR  
RICHARD M. TEFANK**

**June 2, 2008**

# COMPLIANCE WITH FIREARMS WARNING ORDINANCE AUDIT

## CONDUCTED BY

### COMMISSION INVESTIGATION DIVISION

June 2, 2008

#### PURPOSE

The purpose of this audit is to monitor compliance of Los Angeles Municipal Code (LAMC) Section 103.314, *Warning Regarding Dangers of Firearms in the Home*, Subsection (q), Paragraphs (1) and (2) which requires firearm dealers to post a warning of the dangers of firearms in the home and include the warning on firearm bills of sale.

#### BACKGROUND/PRIOR AUDITS

On May 5, 2008, the President of the Board of Police Commissioners received a request from Councilmember Bernard C. Parks to conduct an audit on those businesses which are permitted to sell firearms on their premise to determine the level of compliance with regard to the firearm warning notice. This audit was conducted by Lieutenant André Dawson, Commanding Officer, Commission Investigation Division (CID).

There were no prior audits conducted by CID of LAMC Section 103.314, Subsection (q) Paragraphs (1) and (2).

Effective September 3, 2007, Ordinance No. 178996 amended Section 103.314 of the LAMC to: (1) re-designate subsection (q) as (r); (2) require firearm dealers to conspicuously post the warning of the dangers of firearms in the home and include this warning on firearm bills of sale and (3) add a severability clause.

Pursuant to LAMC Section 103.14; *Inspection*, unannounced on-site premise inspections were conducted by CID enforcement personnel to monitor business protocols and determine if permitted firearm dealers were in compliance with LAMC Section 103.314, (q) (1) and (2).

#### METHODOLOGY

The Los Angeles Police Board of Police Commissioners approves and grants all Firearms/Ammunition Sales police permit applications within the city of Los Angeles. Once granted, Commission Investigation Division, Permit Processing Section (PPS) maintains a current roster of firearm dealers and business locations.

A list of all permitted firearm business locations was obtained from the PPS by a CID enforcement supervisor for the on-site premise inspections. Each location was visually inspected to determine if the below listed *Warning Regarding Dangers of Firearms in the Home* was conspicuously posted within the premises in block letters not less than one inch in height and firearm purchases with a bill of sale included the warning language as required.

NOTE: For the purposes of this audit, "conspicuously posted" was defined as being posted within the premise with a clear unobstructed view.

Per the Los Angeles Municipal Code, the warning regarding dangers of firearms in the home shall read in block letters not less than one inch in height:

***WARNING: THE CITY OF LOS ANGELES HAS DETERMINED THAT GUNS IN THE HOME ARE MUCH MORE LIKELY TO BE USED TO KILL OR INJURE A HOUSEHOLD MEMBER THAN TO PROTECT AGAINST AN ATTACKER. IT IS SAFEST NOT TO KEEP A GUN IN THE HOME. IF A GUN IS KEPT IN THE HOME, IT SHOULD BE KEPT UNLOADED AND SECURELY LOCKED AND AMMUNITION SHOULD BE LOCKED SEPARATELY.***

### **Source Documents**

The following documents were referenced regarding the policies and procedures that govern sellers of firearms.

- Los Angeles Municipal Code Section 103.14, *Inspection*, Subsections (a) and (2)
- Los Angeles Municipal Code Section 103.314, *Warning Regarding Dangers of Firearms in the Home* and 103.14, *Inspection*, Subsection (q) Paragraphs (1) and (2),

### **On-Site Premise Inspections**

The on-site premise inspection consisted of two components, (1) visual inspection of the premise for a conspicuously posted firearm warning notice and (2) visual inspection of firearm bill of sale to ensure the firearm warning was written or stamped on it.

Upon entering permitted business, CID enforcement officers visually inspected the interior of the location to determine if the firearm warning was conspicuously posted. Once the visual inspection was completed, officers introduced themselves to the owner, manager or sales person and advised the individual of the inspection and requested a copy of a firearm bill of sale to monitor compliance

Visual observations and findings were documented on a Firearm Audit Inspection Sheet and a copy of the bill of sale was retained by the auditor for auditing purposes only.

### **Evaluation Criteria/Measure of Compliance**

If the *Warning Regarding Dangers of Firearms in the Home* was not conspicuously posted within the business or the bill of sale did not have the firearm warning written or stamped on it, the specific inspection component was considered to be out of compliance and identified as a deficiency/anomaly.

If any part of the inspection was determined to be out of compliance, a copy of Ordinance No. 178996 (amendment to LAMC Section 103.314) was provided to the responsible owner/manager or sales personnel at the conclusion of the inspection and he/she was advised of a follow-up inspection within 30 days by CID enforcement personnel and possible disciplinary action taken against the permit if voluntary compliance was not achieved.



### SUMMARY OF FINDINGS

Commission Investigation Division records revealed that there are fifteen (15) current Firearm Dealer permitted businesses within the city of Los Angeles. Of the fifteen business locations, 2 or 13% were in total compliance, representing that the firearm warning was conspicuously posted within the premise and the warning was printed or stamped on firearm bill of sale. Therefore, 13 premises or 87% were determined to be not in compliance.

The following table reflects the summary of findings:

BUREAU	BUSINESS NAME & ADDRESS	FIREARM WARNING CONSPICUOUSLY POSTED	FIREARM WARNING WRITTEN ON BILL OF SALE
OPERATIONS CENTRAL BUREAU, OCB	Los Angeles Police Revolver & Athletic Club 1880 Academy Dr., Los Angeles CA 90012	YES	YES
	Los Angeles Gun Club 1375 East 6 <sup>th</sup> St., #7 Los Angeles, CA 90013	NO	NO
OPERATIONS WEST BUREAU, OWB	Big 5 Sporting Goods, Store #11 6601 Wilshire Blvd. Los Angeles, CA 90048	NO	NO
OPERATIONS SOUTH BUREAU, OSB	Botach Tactical 3423 W. 43 <sup>rd</sup> Place, Los Angeles, CA 90008	NO	NO <sup>1</sup>
	Union War Surplus Store 355 W. 6 <sup>th</sup> Street San Pedro, CA 90731	NO	NO
	Big 5 Sporting Goods, Store 139 529 S. Gaffey Street San Pedro, CA 90731	NO	NO

<sup>1</sup> Firearm invoices/bills of sale are computer generated and the firearm warning was not printed on invoice at time of inspection. However, the firearm warning was typed on an invoice and provided to auditor. Owner ensured that future invoices would have firearm warning printed on them.

Compliance With Firearms Warning Ordinance Audit  
Page 4

BUREAU	BUSINESS NAME & ADDRESS	FIREARM WARNING CONSPICUOUSLY POSTED	FIREARM WARNING WRITTEN ON BILL OF SALE
OPERATIONS VALLEY BUREAU, OVB	Firing Line Indoor Shoot & Training Range 18348 Eddy Street Northridge, CA 91324	NO	NO
	Turner's Outdoorsman 19329 Vanowen Street Reseda, CA 91335	YES	YES
	Independent Studio Services 9545 Wentworth Street Sunland, CA 91040	NO	NO
	Big 5 Sporting Goods Store #98 12033 Ventura Place Studio City, CA 91604	NO	NO
	Big 5 Sporting Goods, Store #131 9120-B Reseda Blvd Northridge, CA 91324	NO	NO
	Big 5 Sporting Goods, Store #60 16900 San Fernando Mission Rd. Granada Hills, CA 91344	NO	NO
	Big 5 Sporting Goods, Store #66 7250 Van Nuys Blvd. Van Nuys, CA 91405	NO	NO
	Big 5 Sporting Goods, Store #13 7000 Topanga Canyon Blvd. Canoga Park, CA 91303	NO	NO
	Van Nuys Pawn Shop 6374 Van Nuys Blvd., Los Angeles, CA 91401	NO	NO

**RECOMMENDATIONS**

- It is recommended that the Commanding Officer of Commission Investigation Division conduct a follow inspection within 30 days at all non-compliant locations to further monitor compliance with LAMC Section 103.314 (q) (1) and (2) report back to Councilmember Bernard C. Parks.

**Action Taken**

- All responsible persons, owners/managers or sales persons were notified of the deficiencies, provided a copy of Ordinance No. 178996 and a notice of compliance letter was mailed to the permittee.

# LOS ANGELES POLICE COMMISSION

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(213) 485-9818 TTY

June 3, 2008

Botach Tactical  
3423 West 43<sup>rd</sup> Place  
Los Angeles, California 90008

Re: Police Commission Firearm Permit # P799905  
Commission Investigation Division File No. 85195

Dear Mr. Bar Kochba M. Botach:

On May 26, 2008, Commission Investigation Division personnel conducted an inspection of your business to monitor compliance with Los Angeles Municipal Code (LAMC) Section 103.314, *Warning Regarding Dangers of Firearms in the Home*, Subsection (q), Paragraphs (1) and (2) which became effective September 3, 2007.

Los Angeles Municipal Code Section 103.314 (q)(1)(2) requires firearm dealers to conspicuously post within the premises the following warning in block letters not less than one inch in height and provide all firearm purchasers with a bill of sale for the purchase of the firearm(s) which also includes the warning:

***WARNING: THE CITY OF LOS ANGELES HAS DETERMINED THAT GUNS IN THE HOME ARE MUCH MORE LIKELY TO BE USED TO KILL OR INJURE A HOUSEHOLD MEMBER THAN TO PROTECT AGAINST AN ATTACKER. IT IS SAFEST NOT TO KEEP A GUN IN THE HOME. IF A GUN IS KEPT IN THE HOME, IT SHOULD BE KEPT UNLOADED AND SECURELY LOCKED AND AMMUNITION SHOULD BE LOCKED SEPERATELY.***

A thorough inspection of your premise revealed that you are not in compliance with LAMC Section 103.314 (q)(1)(2). The firearm warning was not posted and an examination of your firearm invoice/bills of sale did not have the warning printed or stamped on them.

When this deficiency was brought to your attention, you indicated that your invoices were computer generated and you immediately corrected the deficiency by typing the firearm warning on an invoice. Subsequently, the printed invoice was provided to the auditor for auditing purposes.

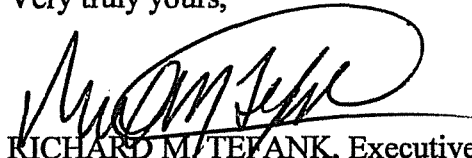
Even though you only sell firearms to law enforcement and the military, you are not exempt from complying with applicable Los Angeles Municipal Code Sections for firearm dealers.

Therefore, consider this correspondence as a notice of non-compliance and within 30 days upon receipt of this document, you are required to ensure that the Firearm Warning is conspicuously posted within the premise and all computer generated invoices/bills of sale are printed with the firearm warning.

Pursuant to LAMC Section 103.35, *Disciplinary Action*, failure to properly post the firearm warning and include the warning on firearm bills of sale could result in the Board of Police Commissioners taking action against your firearm dealer permit by not issuing a renewal permit.

Should you have any questions regarding this matter, please contact Lieutenant André Dawson, Commanding Officer, Commission Investigation Division at (213) 485-2102.

Very truly yours,



RICHARD M. TEFANK, Executive Director  
Board of Police Commissioners

COMMITTEES:

**Chair**

Budget & Finance  
Ad Hoc Stadium

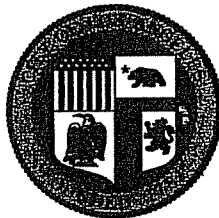
**Vice Chair**

Transportation Committee

**Member**

Coliseum Commission  
Public Safety  
Board of Referred Powers  
Los Angeles County Metropolitan  
Transportation  
Authority (MTA)  
Exposition Metro Line Construction Authority

# Los Angeles City Council



**BERNARD C. PARKS**  
Councilmember, Eighth District

CONTACT INFORMATION:

**City Hall Office**

200 North Spring Street  
Room 460  
Los Angeles, CA 90012-4873  
(213) 473-7008  
(213) 485-7683 fax  
TDD: (213) 473-6991

**Constituent Service Center**

8475 S. Vermont Ave.  
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**Crenshaw Office**

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RECEIVED

MAY 05 2008

POLICE COMMISSION

May 1, 2008

Mr. Anthony Pacheco  
President, Board of Police  
Commissioners  
150 North Los Angeles St.  
Los Angeles, CA 90012

**RE: COMPLIANCE WITH FIREARMS WARNING ORDINANCE**

Dear Mr. Pacheco:

On July 6, 2007, City law was amended (Ordinance No. 178996) to require any business that is permitted to sell firearms to post a warning regarding the dangers of firearms in the home<sup>1</sup>. It also requires these same firearm dealers to provide firearm purchasers with a receipt for the purchase of the firearm(s) which includes the same warning language referred to above. This law became effective on September 3, 2007.

I am writing to request that the Board of Police Commissioners perform an audit<sup>2</sup> on those businesses which are permitted to sell firearms on their premises to determine the level of compliance with regard to the firearm warning ordinance. I would appreciate the Commission embarking on this audit with all due expediency and providing my office with your results.

If you have any questions or concerns regarding this request, please contact David Hersch, my Public Safety Deputy, at 213-473-7008. Thank you.

Respectfully,

  
**BERNARD C. PARKS**  
Councilmember

BCP:dh

<sup>1</sup> Municipal Code Section 103.314

<sup>2</sup> Pursuant to Municipal Code Section 103.14

**COMPLIANCE AUDIT OF ORDINANCE NO. 178996**

**WARNING REGARDING DANGERS OF FIREARMS IN THE HOME**

Within 30 days after the effective date of this subsection, the permittee shall do the following:

1. Post **conspicuously** within the premises the following warning in block letters not less than one inch in height:

**WARNING: THE CITY OF LOS ANGELES HAS DETERMINED THAT GUNS IN THE HOME ARE MUCH MORE LIKELY TO BE USED TO KILL OR INJURE A HOUSEHOLD MEMBER THAN TO PROTECT AGAINST AN ATTACKER. IT IS SAFEST NOT TO KEEP A GUN IN THE HOME. IF A GUN IS KEPT IN THE HOME, IT SHOULD BE KEPT UNLOADED AND SECURELY LOCKED AND AMMUNITION SHOULD BE LOCKED SEPARATELY.**

2. Provide all firearm purchasers with a bill of sale for the purchase of the firearm(s), which includes the warning language required in Subdivision 1 of this subsection.

ORDINANCE NO. **178996**

An ordinance amending Section 103.314 of the Los Angeles Municipal Code to: (1) redesignate subsection (q) as (r); (2) ~~require firearms dealers to post a warning of the dangers of firearms in the home and to include this warning on firearm bills of sale;~~ and (3) add a severability clause.

**WHEREAS**, the American Academy of Pediatrics found that each year, thousands of children are injured or killed from unintentional gunshot wounds and a majority of parents store their firearms loaded or unlocked, substantially underestimating the risk of injury to their children; and

**WHEREAS**, according to the Brady Campaign, firearms kept in the home for self-protection are more often used against a family member or acquaintance than against an intruder in self-defense; and

**WHEREAS**, a Johns Hopkins University study found that in homes with guns, the homicide of a household member is almost three times more likely to occur than in homes without guns; and

**WHEREAS**, a University of Washington Department of Health Services study concluded that keeping a gun in the home locked, unloaded, storing ammunition locked, and in a separate location are each associated with a protective effect and suggest a feasible strategy to reduce gun-related injuries and fatalities in homes with children and teenagers where guns are stored.

**NOW THEREFORE,**

**THE PEOPLE OF THE CITY OF LOS ANGELES  
DO ORDAIN AS FOLLOWS:**

Section 1. The current Subsection (q) of Section 103.314 of the Los Angeles Municipal Code is redesignated as Subsection (r).

Sec. 2. A new Subsection (q) of Section 103.314 of the Los Angeles Municipal Code is added to read:

(q) **Warning Regarding Dangers of Firearms in the Home.** Within 30 days after the effective date of this subsection, the permittee shall do the following:

1. Post conspicuously within the premises the following warning in block letters not less than one inch in height:

**WARNING: THE CITY OF LOS ANGELES HAS DETERMINED THAT GUNS IN THE HOME ARE MUCH MORE LIKELY TO BE USED TO KILL OR INJURE A HOUSEHOLD MEMBER THAN TO PROTECT AGAINST AN ATTACKER. IT**



**IS SAFEST NOT TO KEEP A GUN IN THE HOME. IF A GUN IS KEPT IN THE HOME, IT SHOULD BE KEPT UNLOADED AND SECURELY LOCKED AND AMMUNITION SHOULD BE LOCKED SEPARATELY.**

2. Provide all firearm purchasers with a bill of sale for the purchase of the firearm(s), which includes the warning language required in Subdivision 1 of this subsection.


Sec. 3. A new Subsection (s) is added to Section 103.314 to read:

(s) If any provision of this ordinance is found to be unconstitutional or otherwise invalid by any court of competent jurisdiction, that invalidity shall not affect the remaining provisions, which can be implemented without the invalid provisions, and to this end, the provisions of this ordinance are declared to be severable.

Sec. 4. The City Clerk shall certify to the passage of this ordinance and have it published in accordance with Council policy, either in a daily newspaper circulated in the City of Los Angeles or by posting for ten days in three public places in the City of Los Angeles: one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall; one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall East; and one copy on the bulletin board located at the Temple Street entrance to the Los Angeles County Hall of Records.

I hereby certify that the foregoing ordinance was introduced at the meeting of the Council of the City of Los Angeles JUN 27 2007, and was passed at its meeting of JUL 06 2007.

FRANK T. MARTINEZ, City Clerk


By   
Deputy

Approved \_\_\_\_\_

  
Mayor

Approved as to Form and Legality

ROCKARD J. DELGADILLO, City Attorney

By   
HEATHER AUBRY  
Deputy City Attorney

Date 5/30/07

File No. 07-0461