

NYPD Annual Use-of-Force Report

2016



In Memoriam



Sergeant Paul Tuozzolo
Killed in the Line of Duty
Friday, Nov. 4, 2016

NYPD Never Forgets



James P. O'Neill
Police Commissioner



This document is the first NYPD Annual Use-of-Force Report. The department has published an Annual Firearms Discharge Report since 2007 and has tracked firearms discharges since 1971. The NYPD also began tracking general uses of force in arrest situations in 1983. But this is our most comprehensive reporting of police uses of force to date.

The NYPD Annual Use-of-Force Report is intended to provide a full accounting each year of all uses of force as defined by policy, including firearms discharges, conducted electrical weapon (CEW) discharges, and general uses of force in which police subdue subjects, use impact weapons, use O.C. spray, or employ foot and hand strikes. It also catalogues uses of force against police officers in greater detail than was possible before.

In June 2016, the NYPD instituted a new comprehensive use-of-force policy. This policy established a Threat, Resistance or Injury (T.R.I.) Report for documenting uses of force by and against police officers. It also established three levels of force, up to and including deadly force, and mandated the type of reporting or investigation that must take place after a use of force at each level. The policy does not change what officers are empowered to do in force situations, but it does ensure that our officers, and the department as a whole, take responsibility for and justify our actions in each case.

The NYPD has made extraordinary progress in the past 46 years in controlling firearms discharges. The number of total firearms discharges and subjects shot by the police are both down by about 90 percent since 1971, and the past

two years have seen the fewest police firearms discharges ever recorded in New York City. This progress was achieved by establishing clear firearms policies, recurring firearms training, and thorough oversight and accountability with respect to firearms use. In developing the new NYPD use-of-force policy, it is our intent to bring the same level of policy, training, and accountability to all police uses of force.

We are building upon a solid foundation. In 2016, force was reported in 1.3 percent of arrests, the lowest percentage since the NYPD first began tracking uses of force in arrest situations. Also in 2016, the New York City Civilian Complaint Review Board (CCRB) recorded the fewest annual police force complaints in ten years. Our officers use force rarely and exercise substantial restraint when they do use force.

Use of force is sometimes necessary, and the use of deadly force is sometimes unavoidable, but any use of force is a grave responsibility. The NYPD use-of-force policy will help ensure that all of our officers are prepared and remain proficient in fulfilling their responsibility as we protect our great city.

As a result of the hard work and diligence of NYPD officers, crime continues to decline in New York City to levels not seen in fifty or more years. Our Neighborhood Policing initiative is transforming the way we police and interact with communities, localizing both police service and crime fighting. Our recurring training in enforcement encounters is teaching our officers de-escalation techniques and other alternatives to force,

and our use-of-force policy is holding us accountable in situations when force is necessary. With each passing day and every policy and operational improvement, we are forging stronger local bonds with neighborhoods, as we continue to police with and for the people of New York.

Table of Contents

Executive Summary	2	General Uses of Force	39
NYPD Use-of-Force Policy	5	Force Used by Police Officers	41
Reasonable Use of Force	6	Force Used Against Police Officers	44
Levels of Force	7	Injuries to Subjects and Officers	46
T.R.I. and I.S.A.R. Reports	8	Appendix A	
Use-of-Force Oversight	9	NYPD Use-of-Force Policy, 221-01	48
Use-of-Force Training	13	NYPD Use-of-Force Policy, 221-02	52
Civilian Complaint Review Board	14	NYPD Use-of-Force Policy, 221-03	56
Firearms Discharges / Adversarial Conflicts	15	Appendix B	
Categories of Discharges	17	Threat, Resistance or Injury (T.R.I.) Incident Worksheet	68
Adversarial Conflicts in Context	18	Investigating Supervisor’s Assessment Report (I.S.A.R.)	71
Deaths and Injuries in Adversarial Conflicts	19	Appendix C	
Threat Type and Officer Restraint in Adversarial Conflicts	20	Subjects Killed During Intentional Discharge-Adversarial Conflicts	72
Circumstances of Adversarial Conflicts	21	Appendix D	
Subject Pedigree in Adversarial Conflicts	22	Other Death Investigations Conducted by the Force Investigation Division	78
Officer Pedigree in Adversarial Conflicts	23	Appendix E	
Locations and Times of Police Discharges and Criminal Shootings	24	Firearms Discharges by Precinct/2016	84
Criminal Shooting Incidents vs. Police Adversarial Discharges 2016	25	Fourth-Quarter Uses of Force by Precinct/Command/2016	85
Objective Completion Rate / Shooting Technique	26	Appendix F	
Firearms Discharges	27	Historical Data on Police Firearms Discharges	89
Intentional Discharge – Animal Attack	28		
Unintentional Discharges	30		
Unauthorized Use of Firearm/Officer Suicide	31		
Conducted Electrical Weapons	33		
Incident Type	35		
CEW Discharges	36		



Executive Summary

Executive Summary

This New York City Police Department Annual Use-of-Force Report marks a significant change in NYPD practice, with respect to reporting and investigating force. The NYPD has long been a leader in reporting and investigating deadly force and firearms discharges. The department accounts for every shot fired, whether intentionally or unintentionally, except, of course, for shots fired in firearms training. Since 2007, the NYPD has issued an annual report that fully catalogues all shooting incidents, including the number of subjects killed and wounded, the number of innocent bystanders killed and wounded, animal shootings, accidental discharges, unauthorized use of department firearms, and police officer suicides by service weapon.

The data shows an extraordinary and persistent decline in firearms discharges dating back to 1971, when there were 810 discharge incidents, compared with 72 discharge incidents in 2016.

The past two years recorded the lowest number of annual NYPD firearms discharge incidents since official recording began.

This report seeks to provide an even fuller picture of use of force than past Firearms Discharge Reports. In addition to firearms discharge data, the report contains a CY2016 accounting of use of conducted electrical weapons (CEWs) and a seven-month accounting of general uses of force from June 2016 to year's end.

While some of this data has been available before the publication of this report, this is the first time it has all been collected under one cover.

T.R.I. Worksheets

The data in the category of general uses of force is more comprehensive, drawing as it does on information gathered by the new Threat, Resistance or Injury (T.R.I.) Incident Worksheet that has been in use since June 2016. The T.R.I. worksheet provides more data on use of force and allows for deeper analysis of aggregate uses of force than was previously possible. Because the T.R.I. worksheet was instituted mid-year, the more detailed data on general uses of force cover only the last seven months of the year. (See Appendix B for a copy of the T.R.I. report.)

The T.R.I. report is a component of the new NYPD Use-of-Force Policy that, like the T.R.I. report itself, went into effect in June 2016. This policy is defined by the new 221 series in the NYPD Patrol Guide, which groups

together all use-of-force policies and procedures. (See Appendix A for a copy of the 221 Patrol Guide series.)

The new use-of-force policy organizes uses of force into three categories shown below.

Level 1 (Physical Force/Less-Lethal Device)

Level 1 includes the use of hand strikes, foot strikes, forcible subduing of subjects, the discharge of oleoresin capsicum (O.C.) pepper spray, the discharge of conducted electrical weapons (CEW) in “cartridge mode,” or the use of mesh restraining blankets to secure subjects.

Level 2 (Use of Impact Weapon/Canine/Less-Lethal Device)

Level 2 includes the intentional striking of a person with any object, including a baton, other equipment, etc., a police canine bite, or the use of a CEW in “drive stun” mode.

Level 3 (Use of Deadly Physical Force)

Level 3 is defined as the use of physical force that is readily capable of causing death or serious physical injury, including the discharge of a firearm.

Thorough oversight and investigation are built into the NYPD use-of-force policy. All three levels of force must be reported on the T.R.I. reports. All Level 1 uses of force are investigated by the officer's immediate supervisor. Level 2 uses of force are investigated by captains and above. The NYPD Force Investigation Division (FID) investigates Level 3 cases that involve firearms discharges and cases in which the subject dies or is seriously injured and likely to die. The NYPD Internal Affairs Bureau investigates all other Level 3 incidents.

Enhanced Training

Prior to the implementation of the new use-of-force policy, the NYPD significantly expanded its training in use of force and enforcement encounters in general. From November 2014 to June 2015, the NYPD Training Bureau completed the training of more than 22,000 NYPD service members. Trainees received an additional three days refresher training in physical tactics, crisis and conflict communication, controlling adrenaline, de-escalation techniques, and empathizing with individuals in crisis situations. A comparable in-service training program has continued on an annual basis. Since June 2015, the department has also been conducting crisis intervention training (CIT), which trains police officers in how to interact with, and manage, people with mental illnesses.

Executive Summary

Firearms Discharges

In 2016, there were a total of 72 firearms discharges, an increase of five incidents from the 67 recorded in 2015. About half of the discharges (37) in 2016 occurred when officers intentionally discharged their firearms in the course of adversarial conflicts with criminal subjects.

Thirty-two subjects were struck by police gunfire, nine of whom were killed. A tenth person, a bystander, was killed by a police firearm that a subject had pulled from an officer's holster. In two of the firearms discharges that resulted in deaths in 2016, two NYPD officers faced criminal charges: a sergeant who shot and killed an emotionally disturbed woman holding a baseball bat and an officer who shot a man in the course of an off-duty traffic altercation. The second of these officers was acquitted in a criminal trial.

One officer, Sergeant Paul Tuozzolo, was killed in an adversarial incident in 2016. A subject fired from his car as Sergeant Tuozzolo approached the vehicle. The subject was shot and killed by other officers on the scene. (Intentional discharges in adversarial conflicts that resulted in death are described in Appendix C.)

Twenty-four subjects and one bystander were injured by police gunfire. Thirteen officers were injured in intentional discharge/adversarial conflict incidents, including four struck by subjects' bullets and four struck by police bullets.

Eleven intentional firearms discharges occurred during animal attacks in 2016, down from 15 in 2015. There were 14 unintentional discharges in 2016, down from 15 in the prior year. There were 10 unauthorized uses of NYPD firearms in 2016, of which

three were officer suicides and one a suicide attempt. This was an increase from six unauthorized incidents and two suicides in 2015.

Conducted Electrical Weapons

There were 501 conducted electrical weapon (CEW) discharges in 2016. Of these, 258 occurred in arrest situations, 240 in situations in which officers were seeking to control an emotionally disturbed person, and three in dog attacks. One subject died after the use of a CEW to take him into custody. (The incident is described in detail in Appendix D.)

The CEW was deemed effective in 411 of 501 deployments. The failures were attributed to various causes, including the probes missing the subject and the probes falling out or being removed by the subject.

General Uses of Force

The NYPD reported 4,115 uses of force in arrest situations in 2016, or 1.3% of 314,870 arrests, the lowest percentage ever recorded.

The T.R.I. reports since June 2016 recorded 4,087 uses of force in the latter seven months of 2016. The majority—63.3%—occurred in arrest situations.

Of the 4,087 reported uses-of-force, 81.5%—3,330 incidents—involved the minimal amount of reportable force: hand strikes, foot strikes, and forcible subduing of subjects. There were also 319 CEW discharges, 227 discharges of OC spray, 95 uses of impact weapons, 71 uses of mesh blankets to control subjects, 36 firearms discharges, and three canine bites from June to the end of the year. Also from June 2016, there were 763 uses of force reported among the 94,304 radio

runs concerning emotionally disturbed persons. Eighty-seven percent of force incidents were classified as Level 1 uses of force, 10 percent as Level 2, and three percent as Level 3.

Substantial injuries are generally those that require treatment at a hospital. Serious injuries are generally those that require admission to a hospital.

A total of 4,612 subjects, or 94.9%, sustained no injuries or minor injuries in the course of police uses of force. One hundred and fifty three, or 3.1%, were substantially injured and 93, or 1.9%, were seriously injured. A total of 1,855 police officers were injured. Two hundred and eleven of those, or 12.8%, were substantially or seriously injured.



NYPD Use-of-Force Policy

Statutory Authority and Case Law

Police officers are among a select few who have the authority to use force in the course of their duties. Under New York State law, police may use force to protect life and property, as well as to effect arrests or prevent escapes. In New York State, private citizens, except in certain limited circumstances, may only resort to force in self-defense or defense of others and must exhaust all attempts at retreat before using deadly physical force, except in their own dwellings. Police, in contrast, are not only obligated to stand their ground, but required to pursue fleeing perpetrators and use force, if necessary, to stop that flight.

Private citizens may not resist arrest, whether authorized or unauthorized, and resisting arrest is a crime in New York State.

Although police achieve compliance in the vast majority of police encounters with verbal commands alone, when verbal commands are insufficient and subjects choose to ignore commands or actively resist, officers may use an array of force options to compel others to submit to their lawful authority. These options extend from a forcible takedown, to non-impact weapons (e.g., pepper spray), to conducted electrical weapons, to impact weapons (e.g., batons), to deadly physical force. The officer is not required to move sequentially from a less forceful option to the next most forceful option. The officer may escalate from verbal commands to pointing a firearm, for instance, or may

de-escalate from a threatened use of force or a use of force to verbal commands, as the situation dictates.

Two Supreme Court cases, *Tennessee v. Garner*, 471 U.S. 1 (1985) and *Graham v. Connor*, 490 U.S. 386 (1989), established the constitutional standards for police uses of force. *Graham* established a standard of “objective reasonableness” that restricts an officer’s authority to compel or constrain another citizen. *Garner* sets forth the standard governing use of deadly force, namely that officers may use deadly force when there is probable cause to believe that the suspect poses a threat of serious physical harm.

In *Graham*, the Supreme Court wrote that “the ‘reasonableness’ of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight.” In *People v. Benjamin*, 51 NY2d 267 (1980), the New York State Court of Appeals observed that “it would, indeed, be absurd to suggest that a police officer has to await the glint of steel before he can act to preserve his safety.” *Graham* and *Benjamin* both explicitly acknowledge the strain under which officers make life-or-death use-of-force decisions.

The New York State Penal Law allows an officer to use physical force only when he or she

“reasonably believes such to be necessary” to effect arrest, prevent escape, or defend a person or property from harm.

NYPD policy imposes more stringent guidelines than the New York State statute, holding its personnel to a higher standard of restraint. State law, for example, allows the use of deadly physical force to protect property, but department policy does not. Department policy stipulates that deadly force may only be used against a person to “protect members of the service and/or the public from imminent serious physical injury or death.” (Patrol Guide 221-01.)

With respect to general use of force, NYPD policy stipulates that “force may be used when it

is reasonable to ensure the safety of a member of the service or a third person, or otherwise protect life, or when it is reasonable to place a person in custody or to prevent escape from custody.” (Patrol Guide 221-01.) In accordance with this standard of reasonableness, any application of force that is judged to be “unreasonable under the circumstances... will be deemed excessive and in violation of department policy” (Patrol Guide 221-01.) Use of force, in this context, is broadly defined to encompass a wide range of force options that may be employed to gain compliance or ensure the subdual of a subject.

The NYPD has long had progressive and effective firearms discharge policies, including clear rules on when firearms can be used and recurring semi-annual training with the firearm itself. These policies have had a highly positive impact over the past 46 years. The data shows a record of increasing firearms restraint dating back to 1971, when there were 810 discharge incidents, compared with 72 discharge incidents in 2016. In 1971, 314 subjects were shot by police and 93 were killed, compared with 32 shot and nine killed in 2016. The past two years recorded the lowest number of annual NYPD firearms

discharge incidents since official recording began in 1971. NYPD officers have become increasingly restrained in the use of firearms because they have clearer rules, more vigorous oversight, and more training.

It is the goal of the new NYPD Use-of-Force Policy to bring improved oversight, enhanced training, comprehensive reporting, and thorough investigations to all uses of force. In the past three years, the NYPD has made significant progress toward achieving this goal, improving both training and oversight and establishing a new operational

framework for reporting and investigating uses for force. The department has concentrated all policies bearing on use of force in a single section of the NYPD Patrol Guide, Series 221. Series 221 contains definitions of “excessive force” and “deadly force.” Patrol Guide procedures 221-01 and 221-02 define de-escalation and instruct officers to use de-escalation techniques whenever appropriate. (See Appendix A for the Patrol Guide Series 221.)

Patrol Guide procedure 221-03 defines three levels of force, as well as the reporting and investigation requirements at each level:

Level 1 (Physical Force/ Less-Lethal Device)

Level 1 includes the use of hand strikes, foot strikes, forcible take-downs, the discharge of oleoresin capsicum (O.C.) pepper spray, the discharge of conducted electrical weapons (CEW) in “cartridge mode,” or the use of mesh restraining blankets to secure subjects.

Level 2 (Use of Impact Weapon/Canine/Less-Lethal Device)

Level 2 includes the intentional striking of a person with any object, (including a baton, other equipment, etc.), a police canine bite, or the use of a CEW in “drive stun” mode.

Level 3 (Use of Deadly Physical Force)

Level 3 is defined as the use of physical force that is readily capable of causing death or serious physical injury, including the discharge of a firearm.

Ordering a person to lie on the ground, guiding them to the ground in a controlled manner, or the use of Velcro straps or polycarbonate shields to restrain subjects are not reportable uses of force.

The degree of injury to the subject can alter the categorization of an incident and whether it is treated as a Level 1, Level 2, or Level 3 use of force. A substan-

tial injury to the subject would result in a Level 2 classification, and a serious physical injury in a Level 3 classification, regardless of the type of force used. Substantial physical injuries are generally those that require treatment at a hospital. Serious physical injuries are generally those that require admission to a hospital.

Suspicion that excessive force was used, or attempted suicide, would also elevate an incident to a Level 2 classification. Alleged or suspected excessive force accompanied by serious physical injury, or attempted suicide that causes a serious injury, will elevate the incident to a Level 3 classification.

In June 2016, to better track and investigate the use of force by NYPD officers, the NYPD began uniform use-of-force reporting, using two forms: the Threat, Resistance or Injury (T.R.I.) Incident Worksheet and the Investigating Supervisor’s Assessment Report (I.S.A.R.) The department’s Finest Online Records Management System (F.O.R.M.S) is used to access T.R.I. and I.S.A.R. reports. (See Appendix B for a copy of the T.R.I. and I.S.A.R. reports.)

T.R.I. worksheets are prepared by the police officers involved in any reportable force incident. Patrol Guide procedure 221-03, “Reporting and Investigation of Force Incident or Injury to Persons During Police Action,” states that a T.R.I. worksheet will be prepared when force is used or alleged, as well as in incidents in which any person sustains an injury relating to police action or in police custody, and when prisoners complete or attempt suicide. The T.R.I. worksheet is also prepared when force is used against officers.

The first half of the T.R.I. worksheet is completed by the officer who used force, or was subject to force, and the latter part is completed by the immediate supervisor who records the nature of injuries sustained by the subject and/or the officer and specific information about firearms and CEW discharges, as necessary. Witnessing officers are not required to complete the worksheet. The supervisor makes a determination about whether the use of force in ques-

tion was in compliance with department procedures and makes recommendations as to whether further investigation is necessary, depending on the level of force used. Upon completion of the T.R.I. worksheet, the report is entered into F.O.R.M.S./T.R.I application. A F.O.R.M.S. number is generated and entered on the corresponding worksheet.

Investigating Supervisor’s Assessment Reports (I.S.A.R.s) are prepared for Level 2 and Level 3

force events. The I.S.A.R. form provides space to complete a narrative of the events. All Level 1 uses of force are investigated by the officer’s immediate supervisor, except in cases when a CEW is deployed, in which case, the investigation must be conducted by a lieutenant or higher rank. Level 2 uses of force are investigated by the commanding officer or the executive officer of the officer’s unit, or by the duty captain, during hours when the commanding officer and the ex-

ecutive officer are not available. Level 3 uses of force are investigated by the Force Investigation Division or the Internal Affairs Bureau.

Oversight, investigation, and discipline with respect to use of force are under the overall direction of NYPD First Deputy Commissioner Benjamin B. Tucker. As in most police departments, the Internal Affairs Bureau reports directly to the Police Commissioner, but many other components in force oversight, training, investigation, and discipline are direct reports to the first deputy. He oversees the Force Investigation Division (FID), established in July 2015, which investigates all firearms discharges, fatalities related to police action, and cases when a subject of police action is seriously injured and likely to

die. Commissioner Tucker is in charge of the Risk Management Bureau, established in May 2015, which performs a number of roles with respect to use of force, including monitoring both the preparation of T.R.I. worksheets and the quality of force investigations. Both the Department Advocate's Office, which prosecutes discipline cases, and the Deputy Commissioner, Trials, which presides over the department's internal discipline trials, are also direct reports to the first deputy.

Commissioner Tucker chairs the Use-of-Force Review Board, which reviews all Level 3 uses

of force, determining whether police actions are within policy and making disciplinary recommendations to the Police Commissioner when they are not. Commissioner Tucker also oversees the Deputy Commissioner, Training and was himself the deputy commissioner of the Training Bureau before his appointment as first deputy. In that capacity, he directed the development of the NYPD's recurrent annual training in use-of-force encounters, physical tactics, and defusing volatile situations, which is now the standard for annual department in-service training.

The various components of the NYPD use-of-force oversight and management are listed below:

Frontline Supervisor

Sergeants and/or patrol supervisors supervise all police field operations within a command, whether a precinct, a Housing Bureau police service area, or a Transit Bureau district. These supervisors are the principal investigators of Level 1 uses of force.

Duty Captain

The duty captain is the front-line executive supervisor, overseeing all personnel performing duty within a patrol borough, during

hours when other department executives are not present. Duty captains investigate Level 2 uses of force in the absence of the unit commander and the unit executive officer.

Duty Chief

The duty chief is the principal operations commander of the police department when other department executives are not present, acting as a representative of the Chief of Department and responding to all serious incidents within the city, including police-involved shootings and deaths in police custody. The duty chief may assist in investigations of use-of-force incidents

during hours when precinct and borough executives are not present.

Borough Investigations Units

The borough investigations units, assigned to bureau and borough commands, investigate instances of non-criminal violations of department regulations and lesser misconduct, as well as domestic incidents and certain criminal incidents involving police officers. The investigations units may assist in investigations of Level 2 use-of-force incidents.

Force Investigation Division

The NYPD Force Investigation Division (FID) investigates Level 3 incidents that involve firearms discharges, cases in which the subject is seriously injured and likely to die, and cases in which a subject dies in events related to police activity. The division, established in July 2015, has centralized the investigation of firearms discharges in the NYPD. Previously, firearms discharges were investigated by three different bureaus, including the Patrol Bureau’s borough investigative units, the Internal Affairs Bureau, and the Detective Bureau. Depending on the location of the firearms discharge, different teams would investigate different cases. Staffed with approximately 60 investigators, including 39 detectives, FID now responds immediately to every police firearms discharge,

and the same teams and the same consistent investigative standards are applied in each case. FID also reviews the tactics employed in each incident to derive tactical lessons learned and to make both general training recommendations and training recommendations for the individual officers involved in discharge incidents.

Internal Affairs Bureau

The Internal Affairs Bureau (IAB) controls police corruption by analyzing corruption allega-

tions and trends and conducting comprehensive investigations that ensure the highest standards of integrity. IAB investigates all Level 3 use-of-force cases that do not involve firearms discharges, subjects who have died, and subjects that are seriously injured and likely to die, which are investigated by the Force Investigation Division.

Risk Management Bureau

The Risk Management Bureau (RMB) acts as a liaison to the court-appointed federal monitor

and is responsible for ensuring the complete and proper implementation of court-ordered reforms. RMB also assesses compliance with department policies, develops strategies and programs designed to minimize risk to the department, and provides oversight of the department’s performance monitoring programs. RMB sub-units include the Quality Assurance Division, the Risk Mitigation Division, and the Compliance Division. RMB and the First Deputy Commissioner’s Office lead force review meetings every month with borough personnel. The purpose of these meetings is to assess compliance with the new use-of-force policy and to ensure accurate preparation of T.R.I./I.S.A.R. forms. RMB supports the NYPD’s use-of-force

reporting responsibilities to the City Council, as well as proper accountability and tactical analysis to improve officer safety.

Deputy Commissioner, Department Advocate

The Department Advocate prepares and prosecutes department trials, providing assistance in command discipline procedures and preparation of charges and specifications. The Department Advocate makes recommendations to the First Deputy Commissioner concerning suspension and restoration to duty of members of the service.

Deputy Commissioner, Trials

The Deputy Commissioner, Trials presides at due-process hearings of department dis-

ciplinary cases and renders written findings of fact and recommendations to the Police Commissioner consistent with department rules, policy, and applicable statutes and case law.

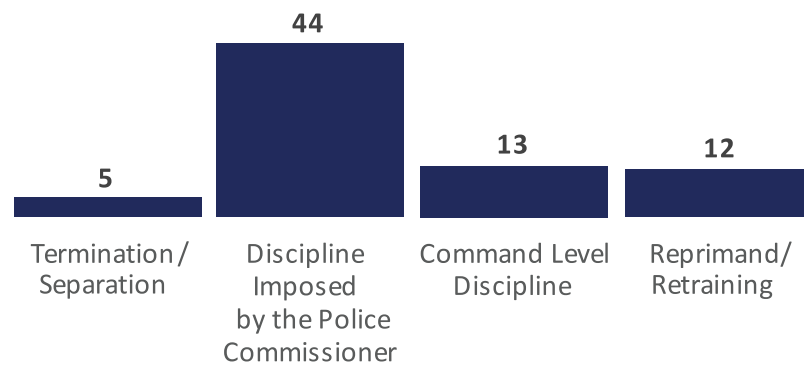
Use-of-Force Review Board

The Use-of-Force Review Board is an oversight mechanism to maintain the integrity of the department’s force policy. Composed of executive staff members, the board reviews the most serious force cases and renders determinations regarding the actions of officers during force encounters.

Deputy Commissioner, Training

The NYPD Training Bureau oversees department training and educational programs,

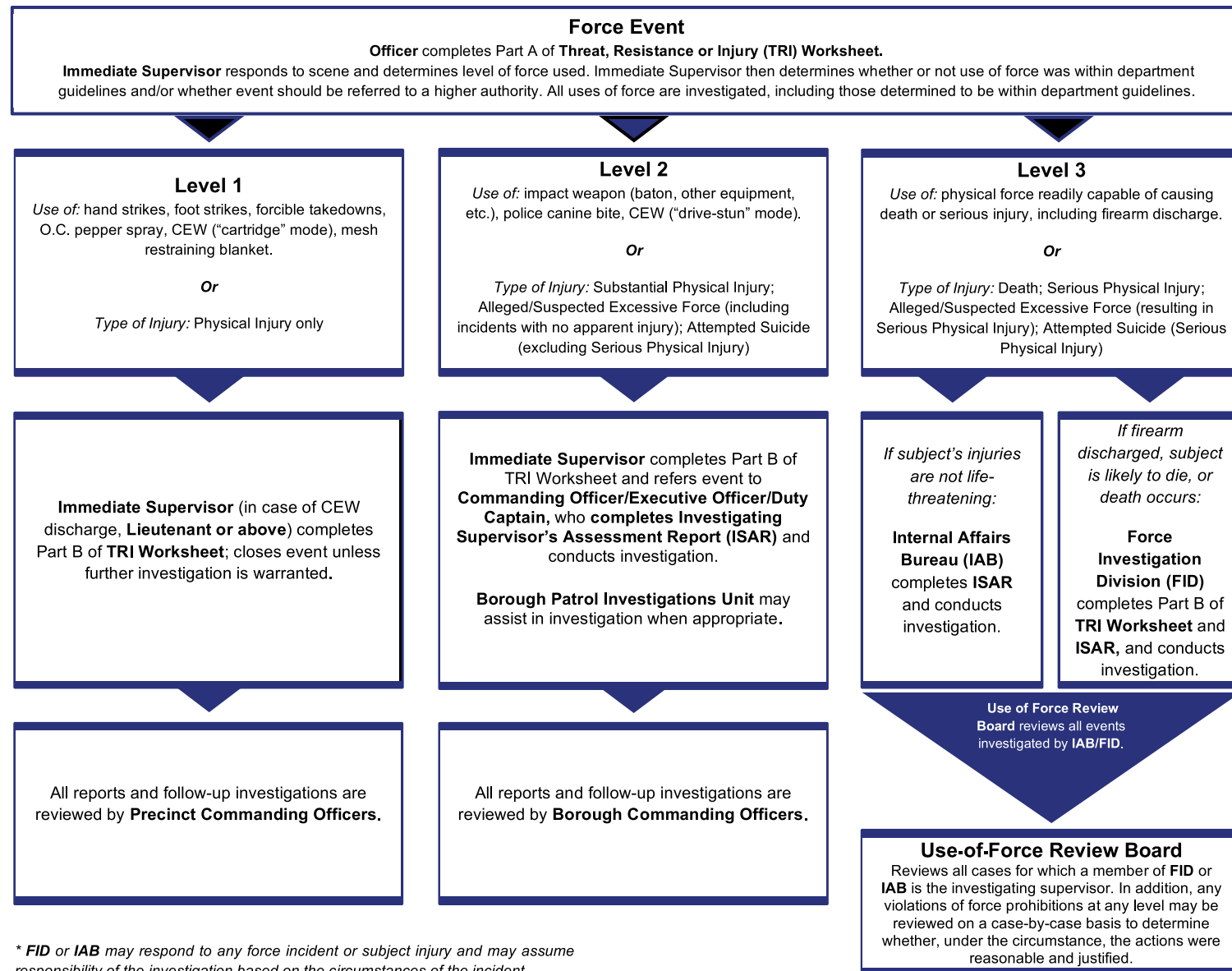
Discipline Imposed for Violations of NYPD Use-of-Force Policy, 2016



providing recruits, uniformed officers, and civilians with the most up-to-date academic, tactical, and technological training available. Specific use-of-force training developed by the Training Bureau is discussed on page 13.

CCRB

The New York City Civilian Complaint Review Board (CCRB) is an independent agency empowered to receive, investigate, mediate, and hear complaints against New York City police officers. The CCRB attorneys prosecute force cases in NYPD administrative trials. The board substantiates or unsubstantiates force allegations, issues findings, and forwards recommendations to the Police Commissioner on disciplinary action with respect to these allegations.



* **FID** or **IAB** may respond to any force incident or subject injury and may assume responsibility of the investigation based on the circumstances of the incident.

Quality Control of Use-of-Force Reporting

During the initial period in which officers were adjusting to, and becoming familiar with, the new reporting policy, some of the reporting may have been incomplete. Enumerated below are some of the logistical problems that the department is overcoming since adoption of the new use-of-force policy:

Over-reporting

T.R.I. worksheets improperly reported incidents that did not rise to a “reportable” level of force as stipulated in Patrol Guide 221-03, such as struggling or grappling with a subject, pushing, or forcible handcuffing, with no injuries to subject.

Under-reporting

T.R.I. worksheets were not prepared for some arrests, in cases when arrest reports indicated that force was used.

Incident Documentation

T.R.I. worksheets were not fully prepared and were missing information. T.R.I. worksheets and Investigating Supervisor’s Assessment Reports were not scanned into Finest Online Records Management System (F.O.R.M.S.).

Misclassification

T.R.I. worksheets were improperly classified with respect to the appropriate “level” of force and/or injury.

Investigation

Investigative steps were not properly documented on T.R.I. worksheets and Investigating Supervisor’s Assessment Reports, such as canvassing for video cameras, interviewing officers, subjects, and witnesses, and taking and uploading photos of injuries, or lack of injuries, into Finest Online Records Management System.

To monitor compliance with the policy, the First Deputy Commissioner has initiated monthly oversight meetings. The department’s Risk Management Bureau facilitates these oversight meetings, which include an assessment of the quality of the T.R.I. worksheets, as well as the quality of the investigations of selected use-of-force incidents. The Risk Management Bureau audits a sample of the T.R.I. worksheets and related documentation to evaluate the accuracy of the worksheets and compliance with the policy. Borough adjutants monitor compliance at the local level on an ongoing basis and report results, as well as their review process, at the oversight meetings. A new police department computer application went on line in December 2017 that requires any officer who checks the “force used” box on an arrest report to complete the T.R.I. The application automatically generates a T.R.I. number in each case.

Firearms Training

In addition to the rigorous firearms training completed by all NYPD recruits, all officers re-qualify for the use of their service and off-duty weapons twice a year. To re-qualify, officers must fire 50 rounds at stationary targets placed 25 yards, 15 yards, and seven yards away, and achieve a hit-rate of 78 percent or greater. Officers also receive specialized training when they are assigned to certain units, such as the Emergency Service Unit or the Strategic Response Group.

NYPD firearms training emphasizes that the principal goal of every police officer is to protect life, including the lives of bystanders, victims, subjects, and other officers. Yet, it is sometimes necessary to protect life by using deadly physical force. To make the right decision about whether and how to use deadly force, an officer relies on judg-

ment, skill, and most importantly, training. It is training that sets the officer apart from the civilian and that serves as an anchor in dangerous situations that most people never face.

Police officers are trained to use deadly physical force to “stop the threat,” which means ending the subject’s ability to threaten imminent death or serious physical injury. Sometimes stopping a subject results in the subject’s demise, but the purpose of using force is not to kill but to stop the threat. To accomplish this purpose in dynamic shooting situations, officers are trained to shoot at the center mass of the suspect, the largest target available, and the one most likely to stop the threat. Arms and legs are smaller and less static and therefore less certain targets. Hitting a subject in these extremities is also far less likely to stop an assailant.

In-Service Training

In November 2014 the NYPD Training Bureau designed and implemented a “20K” training curriculum. The title of this training program referred to the department’s objective of retraining 20,000 NYPD service members within approximately six months. The training initiative was divided into three component parts, each taught on a separate day: Day 1, Foundations of Policing; Day 2, Smart Policing; and Day 3, Physical Tactics.

The overarching goal of this training curriculum was to reorient officers in the proper use of force during contentious police/citizen interactions. Participating members received refresher training in physical tactics, crisis and conflict communication, controlling adrenaline, abuse of authority, and levels of resistance. Other instruction included

recognition and identification of potential adversarial conflicts, de-escalation techniques, and empathizing with individuals in crisis situations. The program officially concluded in June 2015. More than 22,000 officers were trained.

To succeed the 20K training effort, the NYPD Training Bureau developed and coordinated an annual in-service training program. This in-service training includes sessions on the latest tactics, de-escalation strategies, intervention skills, and changes in the law and police procedures, as well as ways to positively interact and collaborate with community members. The program adds three full days to the curriculum. The first iteration of this program commenced in July 2015 and concluded in June 2016; a second iteration ran from July 2016 to June 2017. A third iteration began in October 2017.

Crisis Intervention Training

The NYPD fielded over 157,000 calls regarding emotionally disturbed individuals in 2016, so it is critical that its officers are equipped to contend with these situations and bring them to successful and safe conclusions. One of the department’s most important recent training initiatives, Crisis Intervention Training (CIT), is now being provided in a four-day class in which officers learn how to demonstrate empathy and build rapport with subjects, slowing down situations and de-escalating the subject’s negative emotions. CIT was developed by the NYPD in collaboration with mental health professionals and researchers from local universities, as well as other mental health community members. The training is supported by interactive scenarios and role-play situations. The course is intended to impart a better understanding of mental

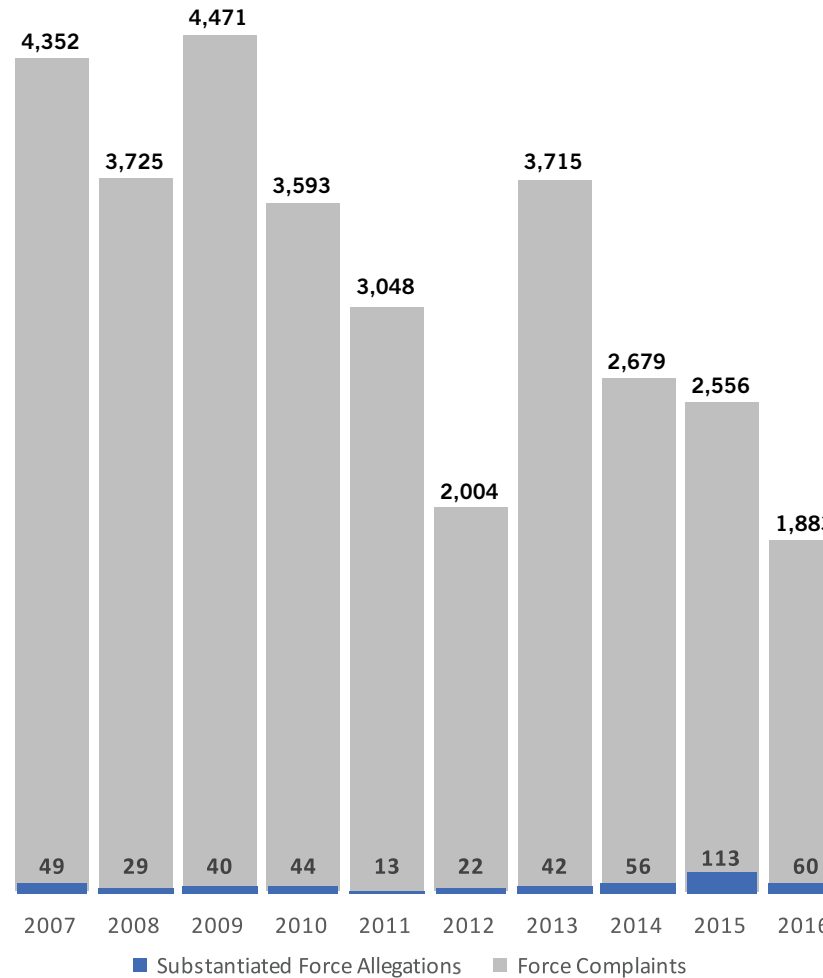
illnesses to help officers assist a person in crisis and gain voluntary compliance. While officers had previously received considerable training in de-escalation, empathic communication, slowing down encounters, and dealing with people who were in emotional crisis prior to the CIT rollout, CIT further enhances those skills in a centralized training program. The department launched its first wave of CIT in June 2015. Since its inception, more than 6,700 uniformed members have received this training.

Use-of-force complaints to the Civilian Complaint Review Board have declined from 4,352 in 2007 to 1,883 in 2016, or a decrease of 56.7%. The number of substantiated force complaints in 2016 was 60.

NYPD service members respond to millions of 9-1-1 calls each year, bringing officers into direct contact with victims, witnesses, suspects, and other civilian bystand-

ers. The overwhelming majority of these radio-run assignments occur each year without complaints of unnecessary force. In 2016, NYPD officers responded to over 4.4 million radio runs, and a total of 1,883 force allegations were lodged against officers. The ratio of radio runs to force complaint cases was approximately 2,357 to 1. The ratio of calls for service to substantiated allegations was 73,989 to 1.

CCRB Force Complaints - Received vs. Substantiated





Firearms Discharges

Adversarial Conflicts

Firearms Discharges

Over the course of 45 years, the New York City Police Department has experienced a dramatic decline in the number of firearms discharge incidents, a trend that continued in 2015 and 2016. Those two years recorded 67 and 72 firearm discharge incidents, respectively, the two lowest annual discharge totals since record keeping began in 1971. Since 2007, when the department introduced its annual Firearms

Discharge Report, discharges have decreased by 35%. The data underscores the diligence and restraint displayed by officers in their interactions with the public at large, as well as changes and improvements in firearms policy and training.

The department analyzes each discharge category to improve understanding of the various types of incidents and adjust training and policy to reduce

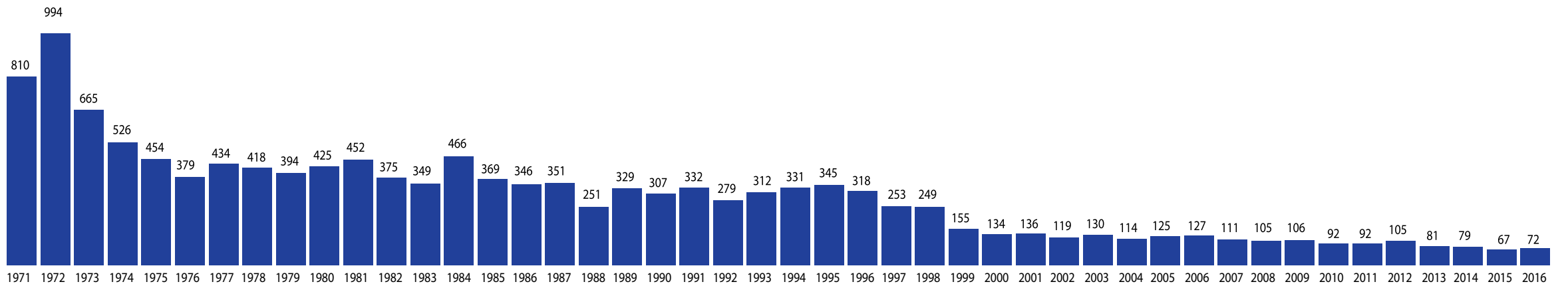
their occurrence. The discharge data in this report has been compiled from Preliminary Investigation Worksheets, detective case files, medical examiner’s reports, arrest and complaint reports, Firearms Analysis Section reports, Force Investigations Division reports, Use-of-Force Review Board findings and recommendations, and previous Annual Firearms Discharge Reports. The relatively small number of discharges in

2016—72 overall discharge incidents, including 37 adversarial conflict discharges—limits the scope of conclusions that can be drawn from the data set, as well as any basis on which to forecast future trends.

Even when intentional firearms discharges by police are deemed justifiable in a court of law, they nevertheless are reviewed by the department for tactical errors and violations of procedure, as

well as any other factors that suggest modifications to policy and procedure. Discipline in these cases does not always result from the actual discharge of the firearm, but may result from a violation of other department procedures. All officers who discharge their firearms are sent to a firearms tactical review course, regardless of the circumstances of the discharge.

NYPD Firearms Discharges, 1971-2016



Firearms discharges are divided into six categories:

Intentional Discharge–Adversarial Conflict (ID-AC): when an officer intentionally discharges his or her firearm during a confrontation with a subject. There were 37 intentional discharges in adversarial conflicts in 2016.

Intentional Discharge–Animal Attack (ID-AA): when an officer intentionally discharges his or her firearm to defend against an animal attack. There were 11 intentional discharges in the course of animal attacks in 2016.

Unintentional Discharge: when an officer unintentionally discharges his or her firearm. There were 14 unintentional discharges in 2016.

Unauthorized Use of a Firearm: when an officer intentionally discharges his or her firearm outside the scope of his or her employment, or when another person illegally discharges an officer’s firearm. There were nine unauthorized discharges of an NYPD firearm in 2016, including three officer suicides and one suicide attempt.

Mistaken Identity: when an officer intentionally fires on another officer in the mistaken belief that the other officer is a criminal subject. Mistaken identity cases do not include crossfires, when an officer accidentally strikes a fellow officer while firing at another target, which are counted in the Intentional Discharge–Adversarial Conflict category. There was one case of mistaken identity and three cases of crossfire in 2016. All of these incidents, including the mistaken identity case, are counted as Intentional Discharges–Adversarial Conflicts because the shootings were incidental to adversarial conflict.

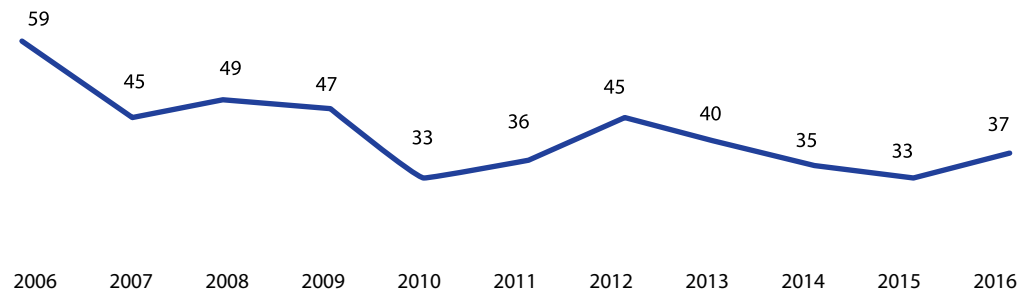
Intentional Discharge–No Conflict: when an officer discharges a firearm to summon assistance. There was one Intentional Discharge–No Conflict in 2016, the first of its kind in over a decade.

Historical Snapshot, 2006-2016

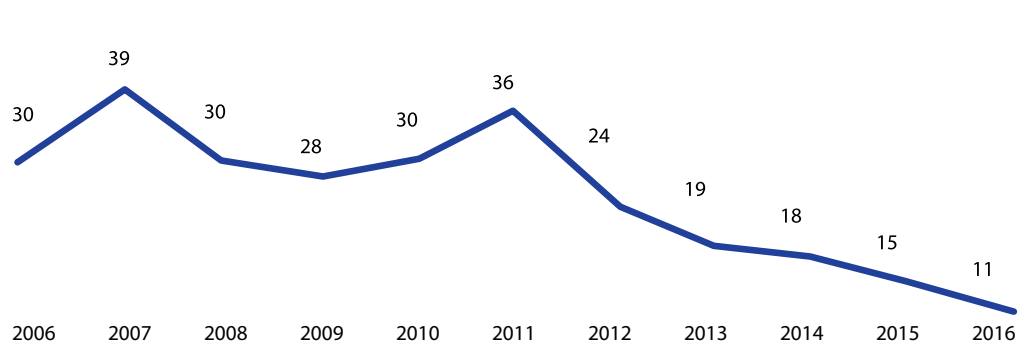
	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016
Adversarial Conflict	59	45	49	47	33	36	45	40	35	33	37
Animal Attack	30	39	30	28	30	36	24	19	18	15	11
Unintentional Discharge	26	15	15	23	21	15	21	12	18	15	14
Mistaken Identity	1	0	0	1	0	0	0	0	0	0	0*
Unauthorized Use of a Firearm	8	6	3	4	6	2	6	2	4	2	5
MOS Suicide/Attempted Suicide	3	6	8	3	2	3	9	8	4	2	4
Intentional Discharge-No Conflict	0	0	0	0	0	0	0	0	0	0	1
Total	127	111	105	106	92	92	105	81	79	67	72

*The single mistaken identity case in 2016 has been counted as an adversarial conflict because of the circumstances of the incident.

Adversarial Conflict, 2006-2016



Animal Attack, 2006-2016



In 2016, there were 37 intentional firearms discharges during adversarial conflicts (ID-AC), involving 70 officers who discharged their firearms. These conflicts involved 42 known subjects and one unknown and un-apprehended subject. In nine different ID-AC incidents, at least nine subjects fired directly at officers. Thirty-two subjects were shot in adversarial conflicts, of whom nine were killed. Four officers were shot and injured by subjects in ID-AC

incidents, one more than in the previous year, but significantly fewer than the 13 officers shot in 2012. The four injured officers were shot in three separate ID-AC incidents, and none suffered a wound that could have been mitigated by a bullet-resistant vest.

One officer—Sergeant Paul Tuozzolo—died by firearm in the line of duty in November 2016 (See Officer Deaths and Injuries on the next page.)

There were approximately 36,000 uniformed officers employed by the NYPD in 2016. Of them, 70 (0.2%) intentionally discharged a firearm at a subject. In 2016, officers responded to more than 4.4 million calls for police service, of which more than 66,000 involved weapons.

Of the thousands of weapons arrests that resulted from these encounters, nearly 3,600 were gun arrests. Officers also had thousands of additional interactions with the public, including investigative encounters, car stops, and violation stops, and escorted thousands of emo-

tionally disturbed persons to hospitals and care facilities. In the overwhelming majority of incidents in which officers took armed subjects or emotionally disturbed persons into custody, they did not fire their weapons.

Adversarial Conflicts in Context 2016

4.4 Million Calls for Service	72 Firearms Discharge Incidents	36,000 Officers
315,000 Arrests	37 Adversarial Conflicts	70 Officers Involved in Adversarial Conflicts
157,000 Calls for Emotionally Disturbed People	43 Subjects Fired upon by Police	10 Subjects Fired at Officers
66,000 Weapons Calls	32 Subjects Shot	5 Officers Shot by Subjects
3,600 Gun Arrests	9 Subjects Shot and Killed	1 Officer Shot and Killed

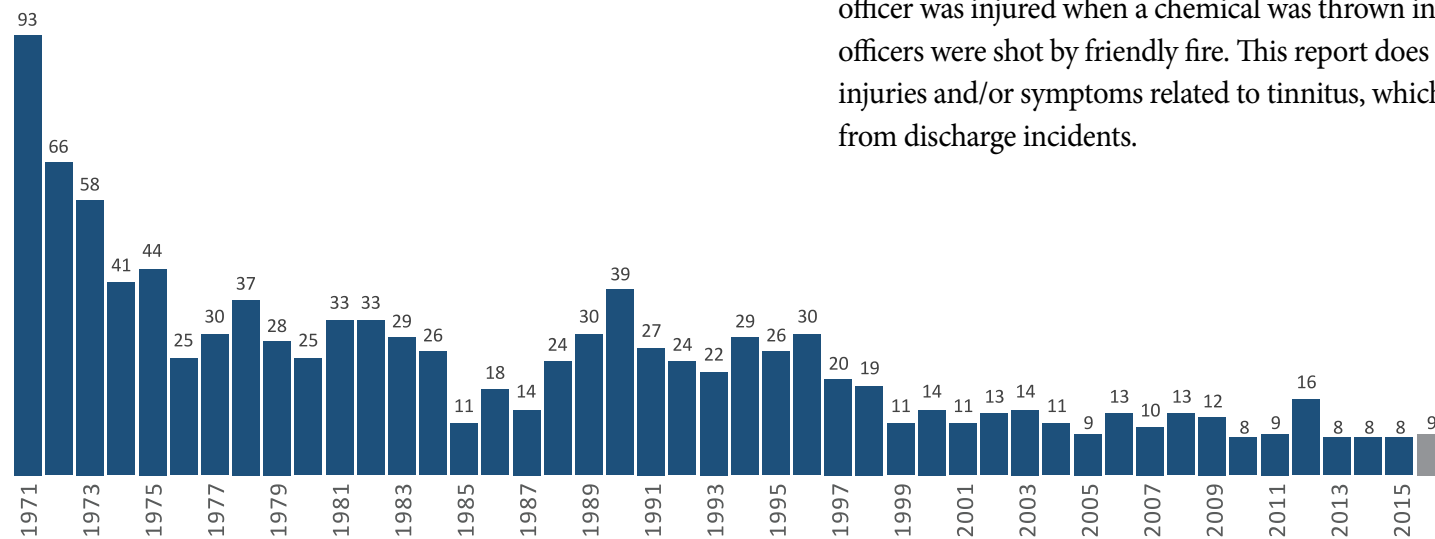
Subject Deaths and Injuries—Of the 43 subjects involved in ID-AC incidents in 2016, nine were killed by police gunfire. The total number of subjects killed during adversarial exchanges has remained more or less level since 2013, but is down by 44% since 2012, when 16 subjects were shot and killed by police officers. In five incidents, the subjects were armed with firearms capable of firing live rounds, in one incident with a cutting instrument, and in another incident with a baseball bat. In the eighth incident, two officers wrestled with a subject who gained control of one officer’s expandable batons and struck both officers in the head. In two of the firearms discharges that resulted in deaths in 2016, two NYPD officers faced criminal charges: a sergeant who shot and killed an emotionally disturbed woman holding a baseball bat and an officer who shot and killed a man in the course of an off-duty traffic altercation. The second of these officers was acquitted in a criminal trial. (The nine ID-AC incidents in which subjects were killed are described in detail in Appendix C.)

Twenty-three subjects were shot and injured by police gunfire in 2016. Thirteen were armed with firearms, seven were armed with cutting instruments, and two used their vehicles as deadly weapons. In the twenty-third incident, a responding officer discharged his service weapon while physically struggling with a subject.

Bystander Deaths and Injuries—One bystander was killed and another injured in the course of ID-AC incidents in 2016. In one incident, two officers were alerted to a fight inside a Bronx delicatessen between an irate customer and several employees. During the confrontation, the customer forcibly removed an officer’s firearm from its holster. The other officer exchanged gunfire with the irate customer, who was firing indiscriminately both inside and outside the location. One bystander was fatally struck in the right thigh by a round discharged by the enraged customer.

The second incident occurred within Midtown North Precinct where officers were called to a dispute in a local supermarket. Responding officers shot and killed a subject, who brandished and threatened to use a knife, and struck a female bystander in her right wrist; her wounds were not fatal.

Subjects Shot and Killed by Officers, 1971-2016



Officer Deaths and Injuries—One officer, Sergeant Paul Tuozzolo, was killed during an ID-AC incident in 2016. Sergeant Tuozzolo and another officer responded to a report of a domestic disturbance in which a man broke into his estranged wife’s apartment and held her and her family at gunpoint before fleeing. The officers stopped the suspect’s vehicle, and as Sergeant Tuozzolo approached the driver’s side, the suspect fired a .45 caliber pistol, striking the officer in the head and upper back at close range. Officers transported Sergeant Tuozzolo to Jacobi Hospital, where he succumbed to his injuries. Other officers present at the scene returned fire, striking and killing the suspect. (For more details regarding this incident, please refer to Appendix C.)

Thirteen officers were injured in ID-AC incidents. Four were struck by subjects’ bullets, three sustained lacerations ranging from minor to severe, and one officer sustained an abrasion/contusion. One officer was injured when a chemical was thrown in his face. Four officers were shot by friendly fire. This report does not account for injuries and/or symptoms related to tinnitus, which often results from discharge incidents.

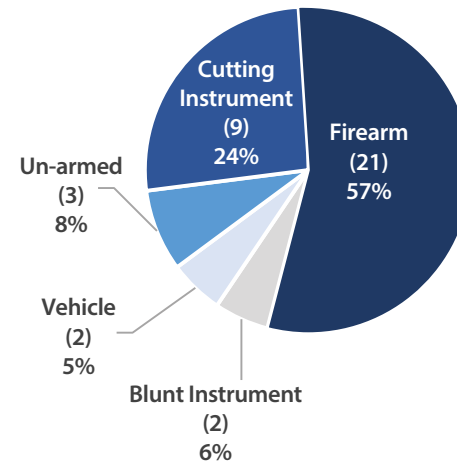
In 2016, 21 subjects in adversarial conflicts possessed either real or imitation firearms: 16 semi-automatic pistols, two revolvers, one imitation semi-automatic pistol, and two unknown/not recovered during the post-shooting investigation. Nine subjects were armed with knives or other cutting instruments. Two subjects held blunt instruments. On two other occasions, vehicles were used as weapons against officers.

In three adversarial exchanges in 2016, officers discharged their service weapons at or toward subjects who, at the time, did not possess a weapon. In one of these incidents, an off-duty police officer shot and killed a subject during a traffic dispute.

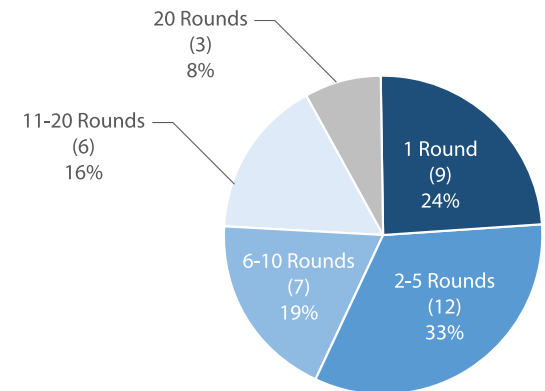
(This incident is described in greater detail in Appendix C.) In a second incident, officers responded to a residential burglary. While searching the burglarized home, one officer collided with the subject, who was attempting to flee the location. One round was discharged from his firearm, striking the subject in the groin. In the third incident, an off-duty officer was the victim of a robbery. The subject approached the officer from behind and forcibly removed a gold chain from around his neck. One round was discharged by the off-duty officer that did not strike the subject.

Officers discharged a total of 304 rounds during ID-AC incidents in 2016, a small decrease from 2015, when 306 rounds were fired, and 8.2% fewer rounds than the 331 rounds discharged in 2012. Fifty-one of the 70 officers involved in ID-AC incidents (72.9%), fired five rounds or fewer while 19 officers (27%) fired more than five rounds. Most of the officers involved in these incidents fired between two and five rounds (46%). Six officers fired more than 10 rounds (8%). As a legal matter, the number of rounds fired by an officer in adversarial encounters is not dispositive of whether the officer was justified in discharging a firearm.

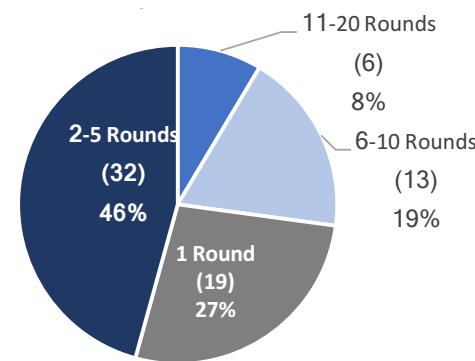
Threat Type - ID-AC Incidents



Rounds Fired per ID-AC Incident



Rounds Fired per ID-AC Officer



Of the 37 ID-AC incidents in 2016, 23 occurred outdoors, primarily on streets and sidewalks, and the remaining 14 occurred in semi-private and/or indoor locations, including vehicles, and residential and commercial buildings.

Twenty-six of the 35 incidents that occurred within the city were in the jurisdiction of the NYPD Patrol Services Bureau. The remaining nine occurred on New York City Housing Authority (NYCHA) property, which is patrolled by the NYPD Housing Bureau.

As in 2015, the vast majority (93%) of officers involved in adversarial conflict were on-duty. Five incidents involved off-duty officers. In two of these incidents, the officers were victims of robberies. In another, a man threatened an off-duty officer with a knife as he attempted to

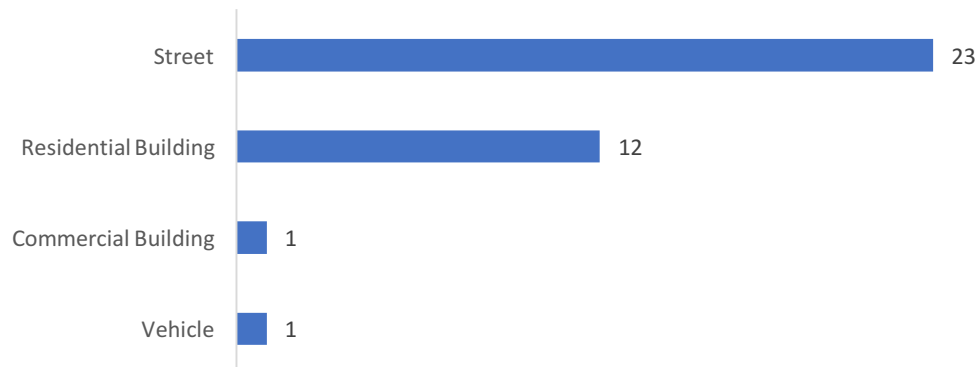
stop the subject from leaving the scene of a vehicle accident.

Nearly half of the officers (49%) involved in adversarial incidents were in plainclothes. Roughly three-fourths (73%) were assigned to either the Patrol Bureau or the Housing Bureau.

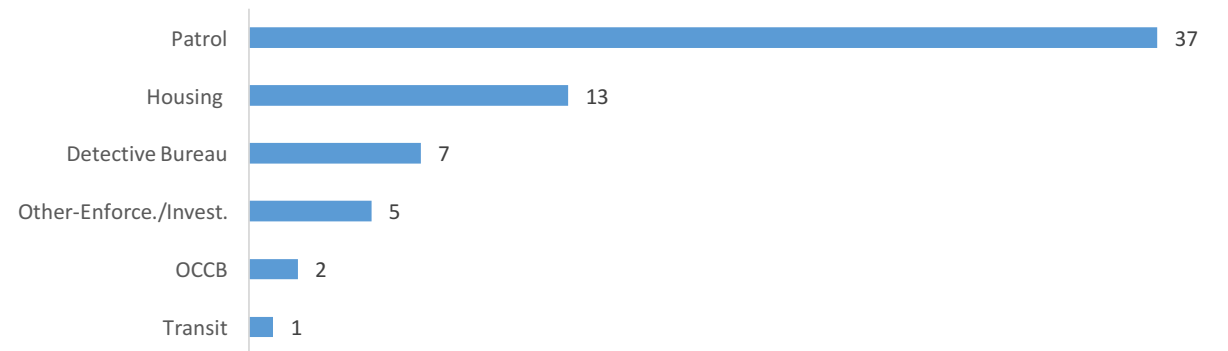
Although officers assigned to specialty units (e.g., anti-crime) represent a small proportion of the department's uniformed personnel, roughly one-third of ID-AC incidents involved these officers. This group's higher representation as participants in shooting incidents is likely at-

tributable to the role of specialty units in proactively pursuing violent criminals.

ID-AC Incidents by Location Type



On-Duty Officer Assignment, ID-AC Incidents

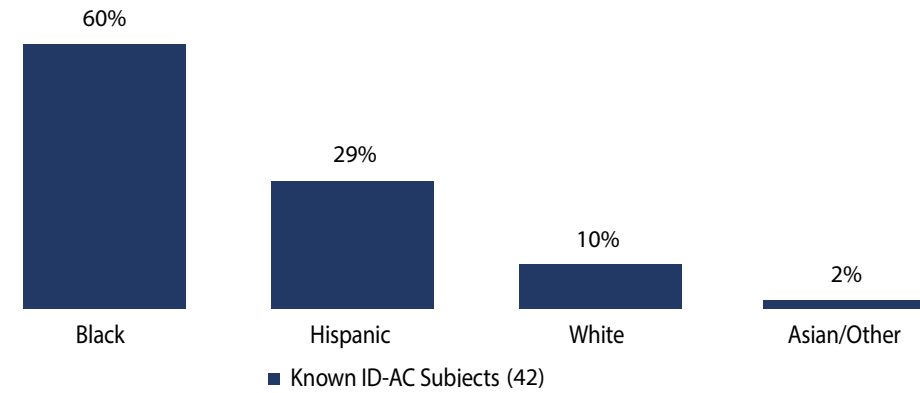


Forty-three subjects were involved in ID-AC incidents in 2016, all but one of whom were male. Forty-two of the 43 subjects were apprehended. Known subject ages ranged from 14 to 66, with a median age of 31. Over half (52.2%) of subjects were 30 years of age or younger.

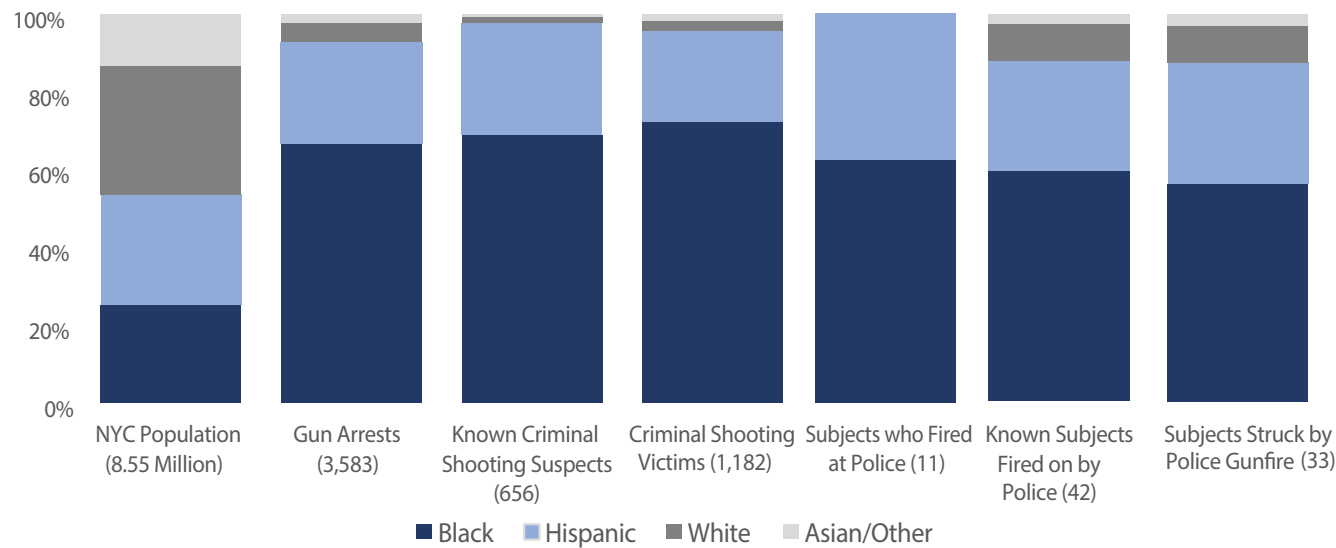
The race of criminal suspects has been determined by eye-witness reports, and by subjects' self-identification, existing government-issued documentation, racial/ethnic physical characteristics, medical examiner reports, and other sources. Sixty percent of the ID-AC subjects were black, 29% Hispanic, 10% white, and 2% Asian.

The races of subjects involved in ID-AC incidents correlates closely to the races of both suspects and victims in the 998 criminal shootings in New York City in 2016. Among the criminal-shooting suspects who were identified by race in New York City in 2016, 69% were black, 29% Hispanic, 2% white and 1% Asian.

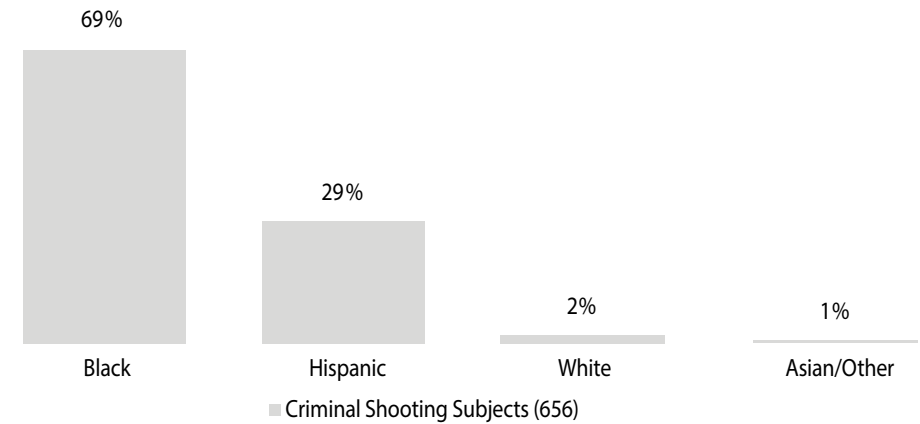
Race of Known Subjects in Intentional Discharge-Adversarial Conflicts



Gunfire in New York City, 2016



Race of Criminal Shooting Suspects



Of the 70 officers who intentionally discharged their firearms during ID-AC incidents in 2016, six were female (8.6%) and 64 were male (91.4%). At the time of this report, 18% of the department's uniformed personnel were female and 82% male.

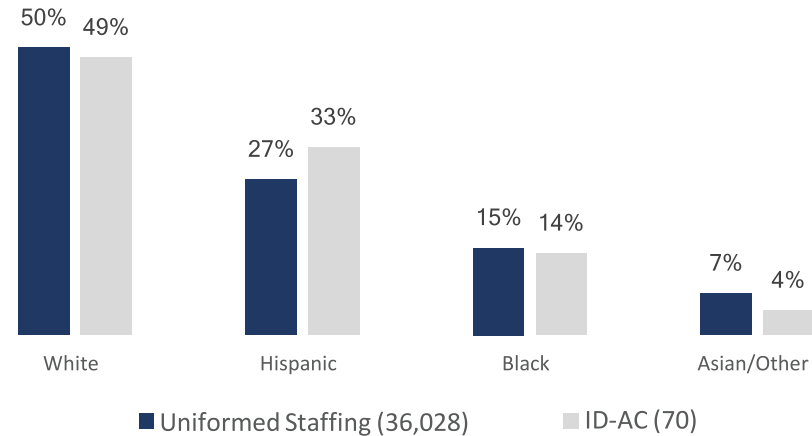
Considering both current data and data from prior years, no discernible pattern emerges with regard to the likelihood that an officer of any particular race will become involved in an ID-AC incident. The races of officers involved in adversarial conflicts closely track the representation of those races in the NYPD.

Historically, police officers with fewer years of service are significantly more likely to be involved in ID-AC incidents compared with officers of longer tenure and officers of higher rank. These officers are more likely to be serving in patrol capacities

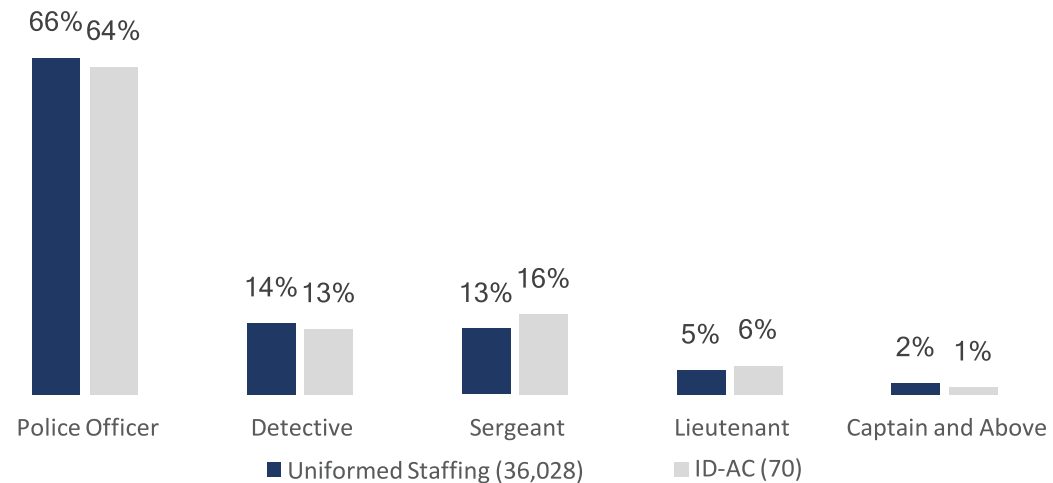
and to encounter situations that may lead to adversarial conflicts. Approximately three-fourths of ID-AC officers in 2016 had 10 years of service or fewer at the time of the discharge.

Officers in the rank of police officer comprised 64.2 % of ID-AC officers in 2016, which is consistent with their two-thirds representation among the department's uniformed staff. Similarly, 13% of ID-AC officers in 2016 held the rank of detective, aligning with their 14% representation among the department's total uniformed staffing. Fifty percent of the detectives involved in ID-AC incidents were assigned to the Emergency Service Unit (ESU), a unit that regularly responds to incidents that involve armed subjects.

Race of Officers in Intentional Discharge-Adversarial Conflicts



Rank of Officers in Intentional Discharge-Adversarial Conflicts vs. Department Staffing



Most NYPD adversarial firearms discharges occur within the five counties of New York City. In 2016, 35 of the 37 ID-AC incidents occurred within city limits, with the remaining two occurring in Pennsylvania and in Suffolk County.

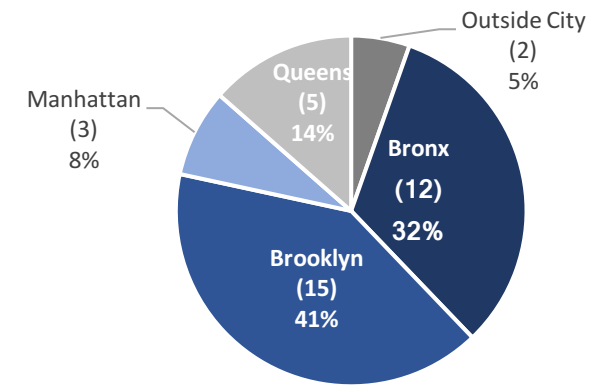
Of the 35 incidents within the city, 27 occurred in the Bronx and Brooklyn. Each geographic borough except for Staten Island accounted for at least three ID-AC incidents, but the Bronx and Brooklyn accounted for roughly three-quarters of the 2016 total. ID-AC incidents occurred in 28 separate precincts throughout the city, five of which had more than one incident. The 43rd and 73rd Precincts each had three ID-AC incidents in 2016. (See Appendix E.)

ID-AC incidents largely correspond with geographic crime patterns, as demonstrated by comparing the locations of the 35 ID-AC incidents that occurred within the city to the locations of the 998 criminal shootings in 2016. As the map shows, police firearms discharges occur in areas of the city subject to a high level of criminal gun violence. Since the 2007 Annual Firearms Discharge Report first mapped police and criminal shootings, the geographical correlation between police shootings and criminal gun violence has been generally consistent. The frequency and locations of police-involved shootings are directly and proportionally related to criminal gun activity and criminal shootings in New York City.

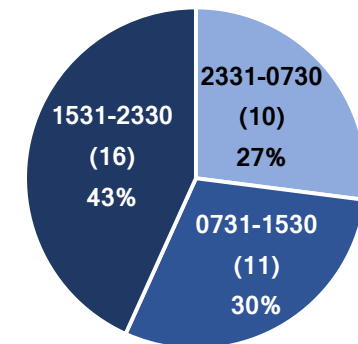
The number of ID-AC incidents within the city is comparatively small against the backdrop of citywide criminal shootings, with police shootings accounting for about 3.3% of total shootings in the city in 2016.

More than 40% of ID-AC incidents in 2016 occurred during the third shift (between 1531 hours and 2330 hours), which is generally consistent with the previous year's figures.

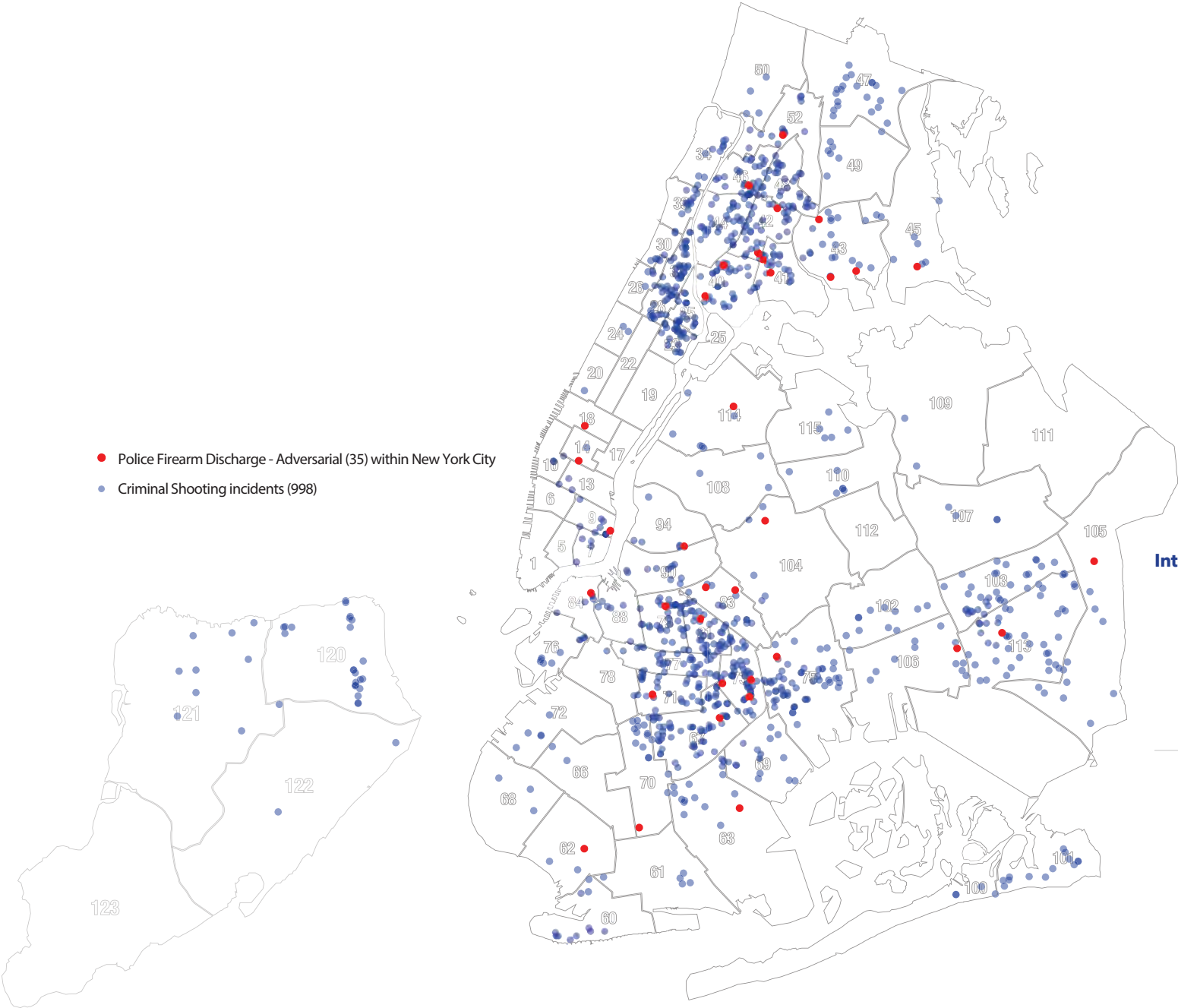
Intentional Discharge-Adversarial Conflicts Incidents by Location



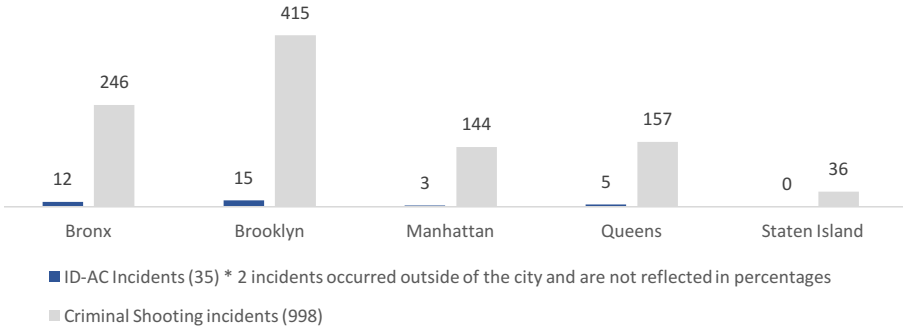
Intentional Discharge-Adversarial Conflicts Incidents by Tour, 2016



* There were no ID-AC incidents in Staten Island in 2016.



Intentional Discharge-Adversarial Conflicts vs. Criminal Shootings, Frequency by Borough



Objective Completion Rate

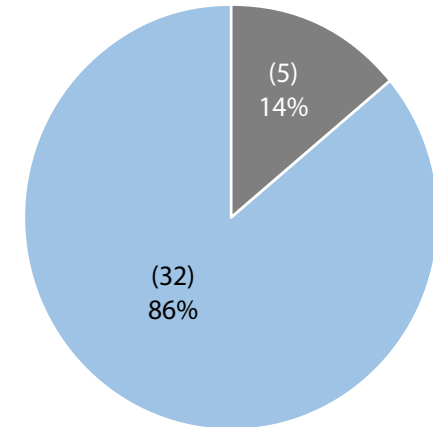
The department does not calculate hit percentage when describing ID-AC incidents, in part because it is sometimes unknown (for example, in cases when a subject flees) and also because of the widely differing circumstances in individual incidents. Instead, the NYPD uses what it calls “the objective completion rate per incident”

because it is considered both more accurate and more informative. When an officer properly and lawfully perceives a threat severe enough to require the use of a firearm and fires at a specific threat, the most relevant measure of success is whether the officer ultimately stops the threat. This is the objective completion rate, and it is determined irrespective of the number of shots

the officer fired at the subject. The objective completion rate is used for statistical purposes and is not a factor in investigations of individual incidents. In 2016, officers hit at least one subject in 32 of the 37 ID-AC incidents, for an objective completion rate of 86%. The objective completion rate was 70% in 2015. Because a subject in one

incident was not apprehended, but may have been struck by officers’ bullets, the objective completion rate for 2016 may be higher than reported. Officers were directly fired upon in 11 instances, and hit at least one subject in five of those cases, for an objective completion rate of 46%.

Objective Completion Rate



Shooting Technique

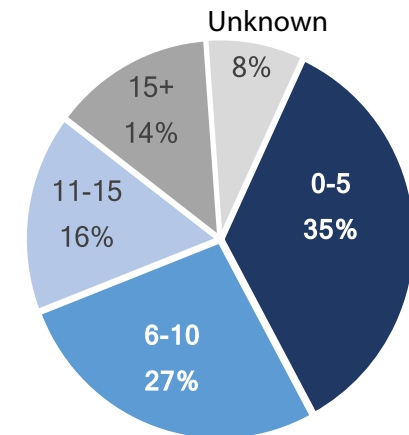
Using a two-handed grip, standing, and carefully aligning a firearm’s sights with the target is not always practical during adversarial conflict. There are also occasions when follow-up investigations fail to determine the grip that was used by in-

involved officers. Of the 70 officers involved in adversarial conflicts in 2016, 51 officers reported how they held their firearms. Of those, 77% utilized a two-handed, supported position, while 13% reported a one-handed, unsupported position. Post-shooting investigations determined

the shooting stance of 68 of the 70 ID-AC officers: 93% were in a standing position and 7% were in a seated position. Sixty-five officers provided information about the distance they were from their targets during ID-AC incidents. Although officers are trained to fire on a target

from as far away as 75 feet, over three-fourths of ID-AC officers reported a distance of 15 feet or less from the target subject at the time of the shooting. These close-contact situations require split-second, life-and-death decisions by officers in adversarial conflicts.

Intentional Discharge-Adversarial Conflicts Distance to Target (in feet)





Firearms Discharges

Animal Attacks

Unintentional Discharges

Unauthorized Use of Firearm

Department policy allows officers to discharge their firearms intentionally during animal attacks only to defend themselves or others from the threat of physical injury or death and to use their firearm only as a last resort to stop an animal attack. Officers are equipped with non-lethal tools that can counter animal attacks, including batons and O.C. spray, but these options are not always feasible or effective.

There were 11 intentional firearms discharges during animal attacks (ID-AA) in 2016, representing a 26.7% decrease from

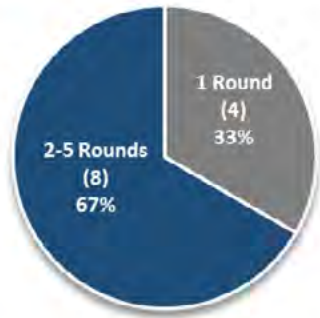
2015. Ten of the 11 were on-duty incidents, and the remaining incident involved an off-duty member discharging a firearm at a coyote in Westchester County. Twelve officers discharged their firearms during ID-AA incidents in 2016. A total of 25 rounds were fired by officers, one fewer than in 2015. Four of the 12 officers fired only once, and no officer fired more than five times. Of the 11 animals involved, nine were pit bulls, one was a coyote, and one was a mixed breed. Eight dogs were killed and two injured. Three officers and three civilians were bitten during these exchanges.

These numbers do not encompass all dog attacks on officers or civilians. Only incidents involving intentional firearms discharges by police officers are included here. In 2016, police officers responded to thousands of calls for service involving dogs and other animals, and they encountered many more while on patrol, executing search warrants, or investigating complaints that were not processed through 9-1-1 or 3-1-1.

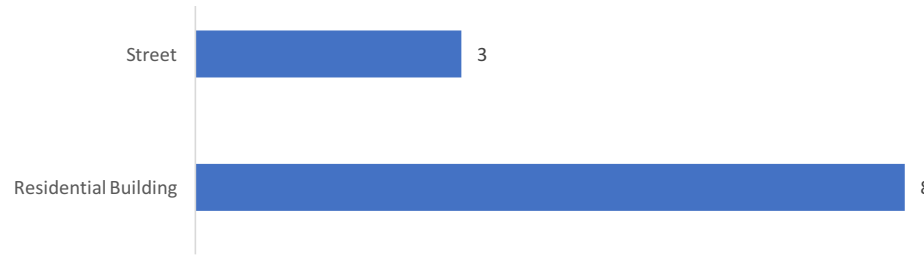
Six of the 11 ID-AA incidents, or 54.5%, occurred during the third shift, between 1531 hours and 2330 hours. The first shift,

between 2331 hours and 0730 hours, recorded the remaining five incidents. Each geographic borough recorded at least one ID-AA incident in 2016. Manhattan recorded the most incidents, followed by the Bronx, Queens, and Brooklyn. In the Westchester County incident, an off-duty officer was walking to his vehicle in front of his residence when he was confronted by a wild coyote. As the animal charged toward the officer, he discharged two rounds from his service weapon. The coyote immediately ran off and was possibly struck by one of the fired rounds. No injuries or property damage resulted from this discharge.

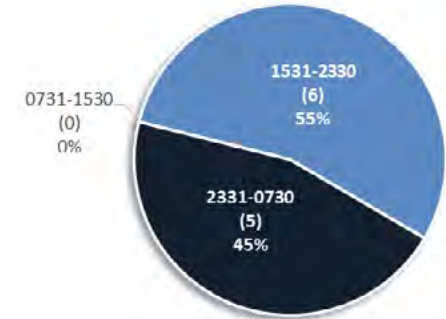
Rounds Fired per Officer in Intentional Discharge-Animal Attacks



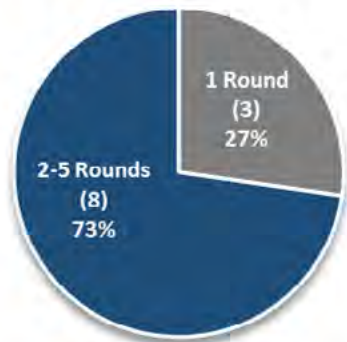
Intentional Discharge-Animal Attack Incidents by Location Type



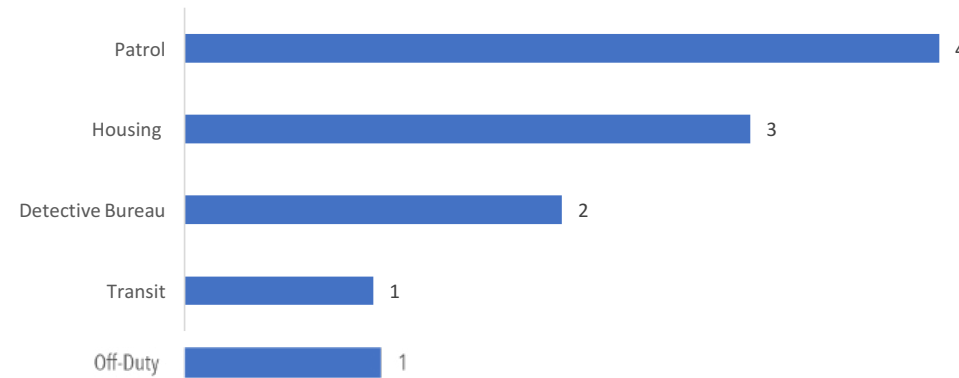
Intentional Discharge-Animal Attack Incidents by Tour



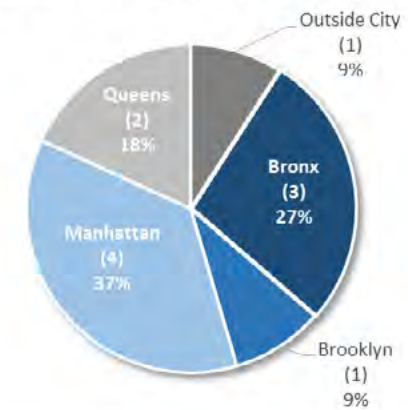
Rounds Fired per Incident in Intentional Discharge-Animal Attacks



Officer Assignment, Intentional Discharge-Animal Attack Incidents



Intentional Discharge-Animal Attack Incidents by Borough



There were 14 unintentional firearms discharge incidents in 2016, a 0.7% decrease from 2015, when 15 incidents were recorded. Each of the 14 incidents involved a single officer, and each resulted in a single discharge. Two separate incidents resulted in injuries to two separate officers: one to the left hand and one to the right foot.

Of the 14 unintentional firearms discharges, half occurred while officers were on-duty, and the other half while officers were off-duty. Four incidents occurred in outdoor settings—two inside of vehicles, one on the street, and one at a private shooting range. Ten occurred in indoor settings—four in department locker rooms or facilities, four in residences, and two at firearms safety stations.

Two of the unintentional discharges occurred when officers mishandled a firearm while taking some form of police action. One occurred while the officer was executing a search warrant and the other during a car stop. These two incidents resulted in no injuries to officers or other persons. Twelve unintentional discharges occurred when officers were loading or unloading, holstering or unholstering, cleaning, or otherwise handling a firearm.

Loading/Unloading

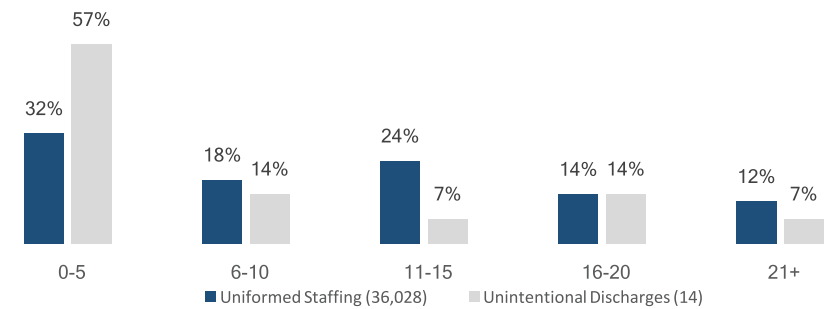
There were seven unintentional discharges in 2016 when officers were attempting to load or unload their service weapons. Three officers were on-duty at the time of the incidents, and four were off-duty. Two of the three on-duty officers accidentally depressed the trigger on their service weapons while

unloading at firearms safety stations. One of these two incidents occurred at a Bellevue Hospital psychiatric evaluation ward and the other at Manhattan Central Booking. The third on-duty officer was preparing to perform a site security patrol at the Police Academy when she accidentally discharged a Ruger Mini-14 rifle during loading procedures. None of the on-duty unintentional discharges that occurred during loading/unloading resulted in injuries to officers or other persons. The other four officers, all off-duty, accidentally discharged rounds while loading/unloading their service weapons. Two incidents occurred inside residences, one in a private vehicle, and the last in a precinct locker room. Officers in two of these off-duty incidents sustained self-inflicted, non-fatal gunshot wounds.

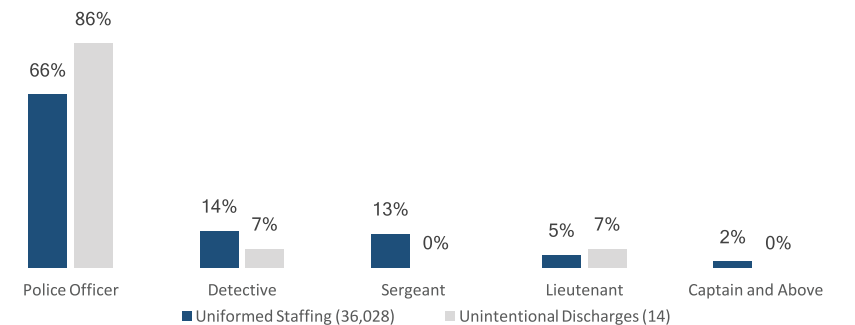
Handling

Seven unintentional discharges in 2016 resulted from the accidental mishandling of a firearm unrelated to loading/unloading. Three unintentional discharge incidents occurred while officers were holstering/unholstering their weapons, resulting in one injury. One officer depressed the trigger while holstering his off-duty service weapon inside of a precinct stationhouse. Another officer discharged a round while unholstering a firearm at a private shooting range in Suffolk County; one bystander suffered a gunshot wound to his left groin as a result of this discharge. In another incident, an off-duty officer fired a round from his AR-15 rifle during cleaning.

Years of Service, Unintentional Discharges vs. Department Staffing



Rank, Unintentional Discharges vs. Department Staffing



There were nine firearms discharges in 2016 that were classified as unauthorized use of firearms, six more than the previous year. Three incidents were officer suicides and one was an attempted officer suicide. The remaining five incidents in 2016 occurred for a variety of reasons. In most instances, discharging officers violated department protocol or were unfit for duty at the time of the incident.

Of the nine officers who were involved in unauthorized firearms discharges in 2016, seven were male and two were female. Three males and one female were involved in the suicide-related discharges. The female officer had one year of service, and the remaining three officers had between 20 and 25 years of service.

The suicide-related discharges involved a police officer, a sergeant, a lieutenant, and an inspector. All of the officers involved in the five other unauthorized discharges had less than 10 years of service at the time of their discharges.

Unauthorized firearms discharges are a relatively infrequent occurrence and yield no discernible or generalizable trend over time. Because of the small sample captured in 2016—representing a fraction of the department’s total uniformed staffing—these statistics are an insufficient basis on which to determine the likelihood that an officer will be responsible for an unauthorized discharge.

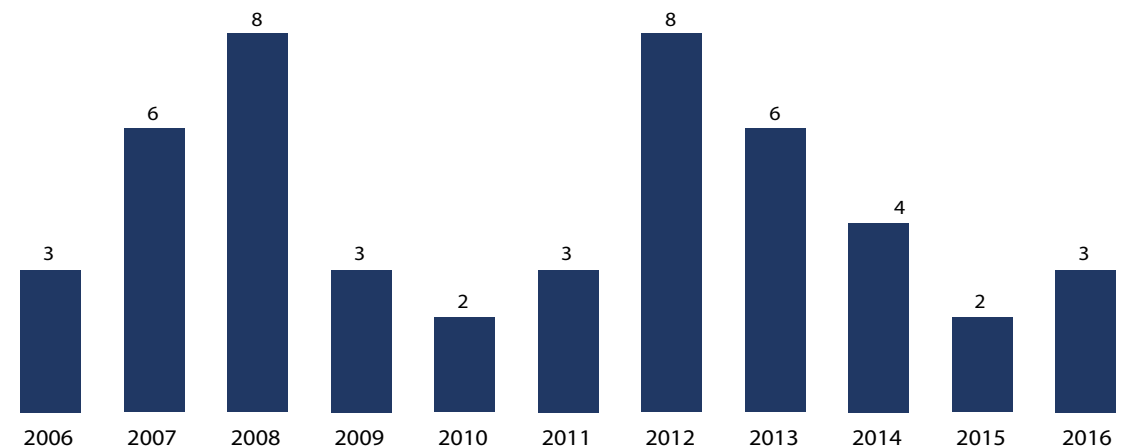
Suicide Prevention

Three police officers completed suicide, and one attempted suicide, by firearm in 2016. All four of these members were off-duty at the time of the incidents.

The department and several external organizations provide mental health resources specifically designed for uniformed members of the service who may be at risk of suicide. Department resources include the Employee Assistance Unit, the Counseling Services Unit, the Chaplain’s Unit, the NYPD Helpline, and the Psychological Evaluation Unit. External resources include Police Officers Providing Peer Assistance (POPPA) and the Police Self Support Group. The department actively promotes both internal and external resources with all uniformed police members of the service through its Are You OK? Campaign. The Are You OK? campaign is designed to increase awareness of the available options to address contemplated suicide and encourages fellow officers to play a role in reaching out to someone who appears to be depressed or possibly suicidal.

The department recently began an in-depth study reviewing completed suicides from 2007-2016. The findings will hopefully provide insight and understanding of factors that might have contributed to officer suicides, while also assisting proactive suicide prevention and mental wellness outreach initiatives.

Police Officer Suicide by Firearm by Year, 2006-2016





Conducted Electrical Weapons

Conducted Electrical Weapons

Conducted Electrical Weapons (CEWs), which are often referred to as “Tasers,” provide a tactical use-of-force option to law enforcement personnel. CEWs may be used to gain control of non-compliant subjects who physically resist restraint or exhibit active physical aggression, or to prevent subjects from physically injuring themselves or other persons. At the time of this report, 10,979 uniformed service members of all ranks had been trained in the use of the CEW Model X26P, the successor to the discontinued Model X26E, both of which are manufactured by Axon.

From a training and operational perspective the X26E and X26P are both one shot, less-lethal devices using the same cartridge, loading, and deployment technologies. The X26P is the technological successor to the X26E, outfitted with an all digital operating system that is more efficient and uses less overall energy than the X26E. The X26P increases the potential to cause rapid incapacitation with a higher safety margin than previous devices. While both the X26E and the X26P collect and store data regarding deployment for post-incident investigations, the data recorded by the X26P is more comprehensive.

The total number of uniformed officers who have been trained on either the X26E and the X26P is 15,939.

The NYPD’s policy governing CEWs is in accordance with the recommendations published in reports by the Police Executive Research Forum (PERF) and the National Institute of Justice.

CEWs use a replaceable cartridge containing compressed nitrogen to propel two small probes that are attached to the handheld yellow X26P unit by insulated conductive wires. The wires transmit short controlled pulses of electricity in five-second cycles that stimulate the skeletal muscles of the hu-

man body. These short electrical pulses affect the sensory and motor functions of the peripheral nervous system to cause temporary incapacitation by preventing coordinated muscular action, without affecting vital organs. Once the five-second cycle is complete, an immediate recovery occurs.

PERF conducted a study comparing agencies deploying CEWs with a sample of similar agencies that did not deploy these devices. Statistical results indicate that CEW discharges are a safe alternative to other less-lethal options for subduing a subject. The PERF study suggests that the likelihood of

both officer and suspect injuries is reduced among agencies that use CEWs.

Police officers often encounter subjects suffering from severe emotional and physical agitation. Some of these subjects are mentally ill or emotionally disturbed, while others are intoxicated by powerful drugs. In these cases, force options may be limited because many less-lethal options, including grappling techniques, baton strikes, and chemical irritants may, in certain circumstances, further aggravate the already fraught emotions of a confronted subject. In addition, these techniques have often proven

ineffective against people using powerful painkillers, which may lead officers to increase the use or level of force to bring subjects into custody.

Deployment of a CEW in cartridge mode allows the police to avoid physically engaging with subjects, when reasonable and consistent with their safety and that of others, with less risk of aggravating the subject’s conditions. Subjects in an agitated state may disregard verbal directions and may exhibit a relatively strong resistance to painful stimuli, reducing the effectiveness of brute force techniques

to gain compliance. Officers may deploy CEWs to gain rapid control and compliance, minimizing the likelihood of injury or fatal medical consequences. Of course, CEWs may not be the appropriate or reasonable option when individuals in this state are presenting officers or others with the imminent threat of deadly force.

There were 501 CEW discharges in 2016. With the exception of three incidents involving dogs, all CEW discharges occurred during arrests or when officers were attempting to assume custody and control of an emotionally disturbed person (EDP).

EDPs, as defined by the NYPD Patrol Guide, are persons who appear to be mentally ill or tem-

porarily deranged and are conducting themselves in a manner which a police officer reasonably believes is likely to result in serious injury to themselves or others.

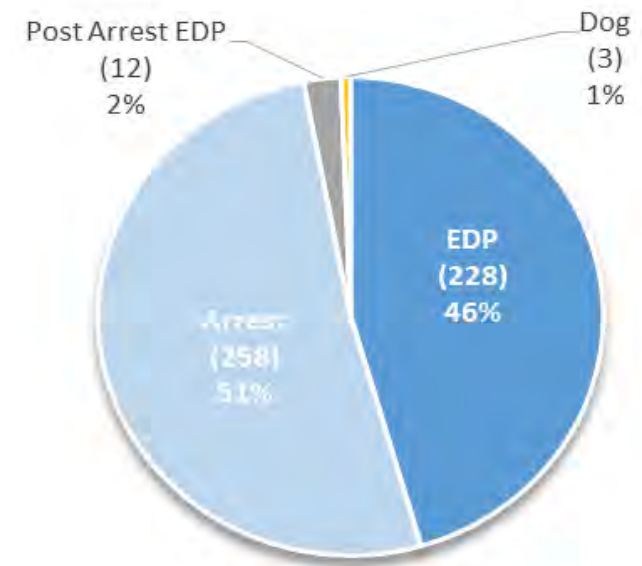
Two hundred and fifty-eight CEW discharges occurred in arrest situations, 228 occurred while officers were subduing EDPs, and 12 occurred in post-arrest EDP situations.

EDP encounters are usually not arrest-related. Department policy requires officers to take an EDP into custody for the subject's safety and the safety of the public and to ensure that proper medical and psychiatric evaluation can take place at a safe location.

Officers usually do not know the emotional and/or psychological status of the subject upon first contact, but they are trained to recognize situational and behavioral cues and to bring the subject into custody using only the reasonable amount of force necessary. When the verbal directions of officers fail in these instances, a CEW discharge is one of the safest options for taking an EDP into custody.

The 240 CEW deployments in EDP incidents in 2016 constitute 0.15% of the 157,639 radio-run assignments classified as 10-54 "EDP" calls for service in 2016. In the vast majority of these assignments, officers managed the incident without resorting to a CEW.

CEW Discharges, Incident Type



Deployment Mode

The CEW Model X26 can be deployed in two separate modes: “cartridge” mode and “drive- stun” mode. Cartridge mode is the preferred method of discharge under department protocols. Of the 501 CEW discharges in 2016, 451 (90%) were in cartridge mode. In this mode, metal prongs are propelled by the device’s cartridge toward the subject across an intervening space, providing adequate separation from the intended target. Used in this mode, the device will have a greater chance of affecting the subject’s motor function.

There were 50 deployments of CEWs in drive-stun mode in 2016. In drive-stun mode, the CEW unit is brought forcefully into direct contact with the subject’s body or clothing without a cartridge, or after a cartridge has been discharged. A drive-stun discharge does not achieve the

immobilizing effects of cartridge deployment because it affects a subject’s sensory rather than central nervous system.

Effectiveness

The goal of CEW discharges is to obtain the swift subdual of the subject without having to resort to other force options. Whether discharged in cartridge mode or drive-stun mode, a CEW discharge is classified as “effective” if officers are able to rapidly gain custody and control of the subject immediately following its use. Thorough review of Less Lethal/Rescue Equipment Use Reports and Threat, Resistance or Injury (T.R.I.) Incident Worksheets indicates that 411 of the 501 CEW discharges in 2016 were categorized as effective in gaining rapid control of the target subject. Ninety of the 501 discharges were classified as “ineffective” against the intended target. In over half of these ineffective discharges,

the probes either failed to make adequate contact with the person’s skin or clothing or missed the subject entirely. Only six of the ineffective discharges resulted from the subject removing the device’s probes. CEWs resulted in the immediate apprehension of the subject in 411 discharges in 2016, an 82% effectiveness rate.

Discharging Personnel

Personnel in the rank of police officer and sergeant were responsible for 88% of CEW discharges in 2016. Unlike officers serving in an investigative capacity and higher ranking executives, these officers are much more likely to be involved in contentious police-citizen interactions which might lead to a CEW discharge. Over three-fourths (78%) of discharging officers in 2016 were assigned to the Patrol Services Bureau. Until 2015, when police officers were authorized to carry CEWs and wider distribution

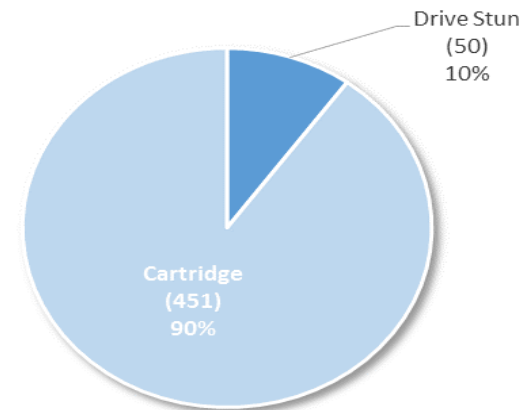
of CEWs in the department was initiated, only sergeants and Emergency Service Unit officers were authorized to carry and use CEWs. Consequently, sergeants were responsible for 252 CEW discharges in 2016, compared with 189 discharges by police officers.

Time and Place of Discharges

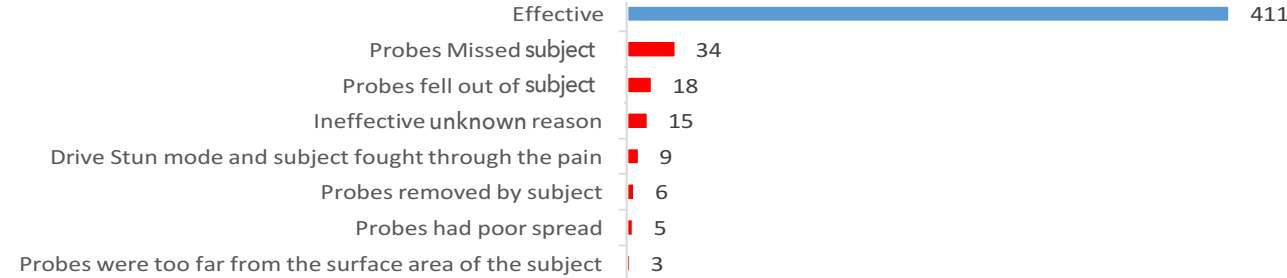
CEW discharges were relatively consistent across the three shifts, with a larger percentage (43%) occurring during the first shift (2331-0730 hours). Discharges occur in geographic boroughs where there is a higher number of emergency 9-1-1 assignments. The Bronx led the city in 2016 with the largest number of discharges per geographic borough.

Three-fourths of all CEW discharges in 2016 occurred on a public street or inside of a private residence. Other incident types include semi-private premises, such as building hallways or motor vehicles. A large proportion of CEW deployments occur in highly trafficked public spaces, where violent subjects may pose a threat to bystanders.

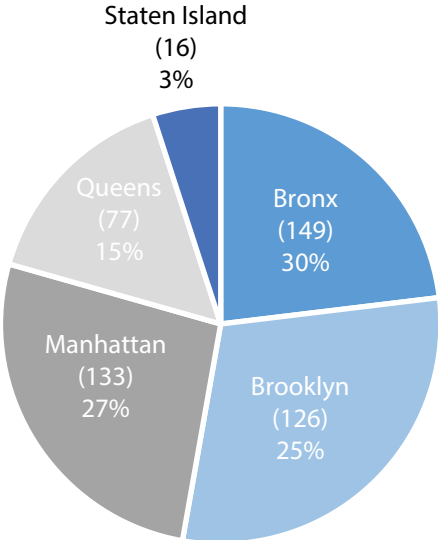
Deployment Mode



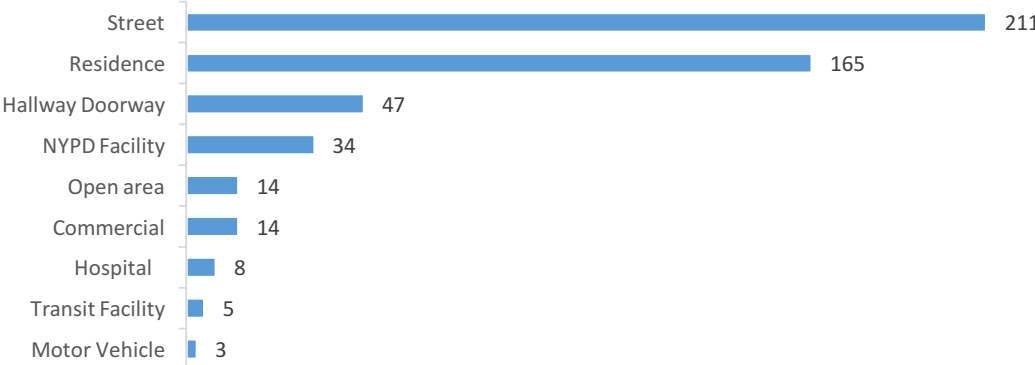
Effectiveness of CEW Discharges



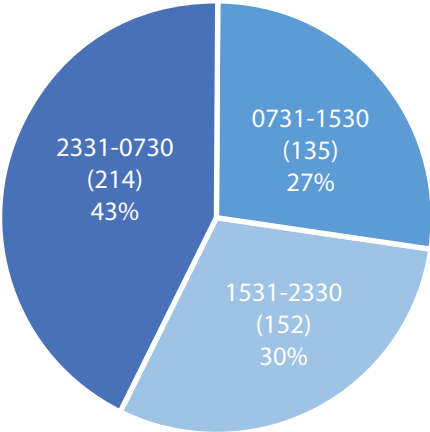
CEW Discharges, Geographic Borough



CEW Discharges, Location Type



CEW Discharges, Platoon





General Uses of Force

General Uses of Force

Police officers are responsible and accountable for the proper use of force. Under New York State law, an officer may use force to effect an arrest, prevent escape, and protect life and property. Any force must comply with state and federal laws, as well as department policy. In

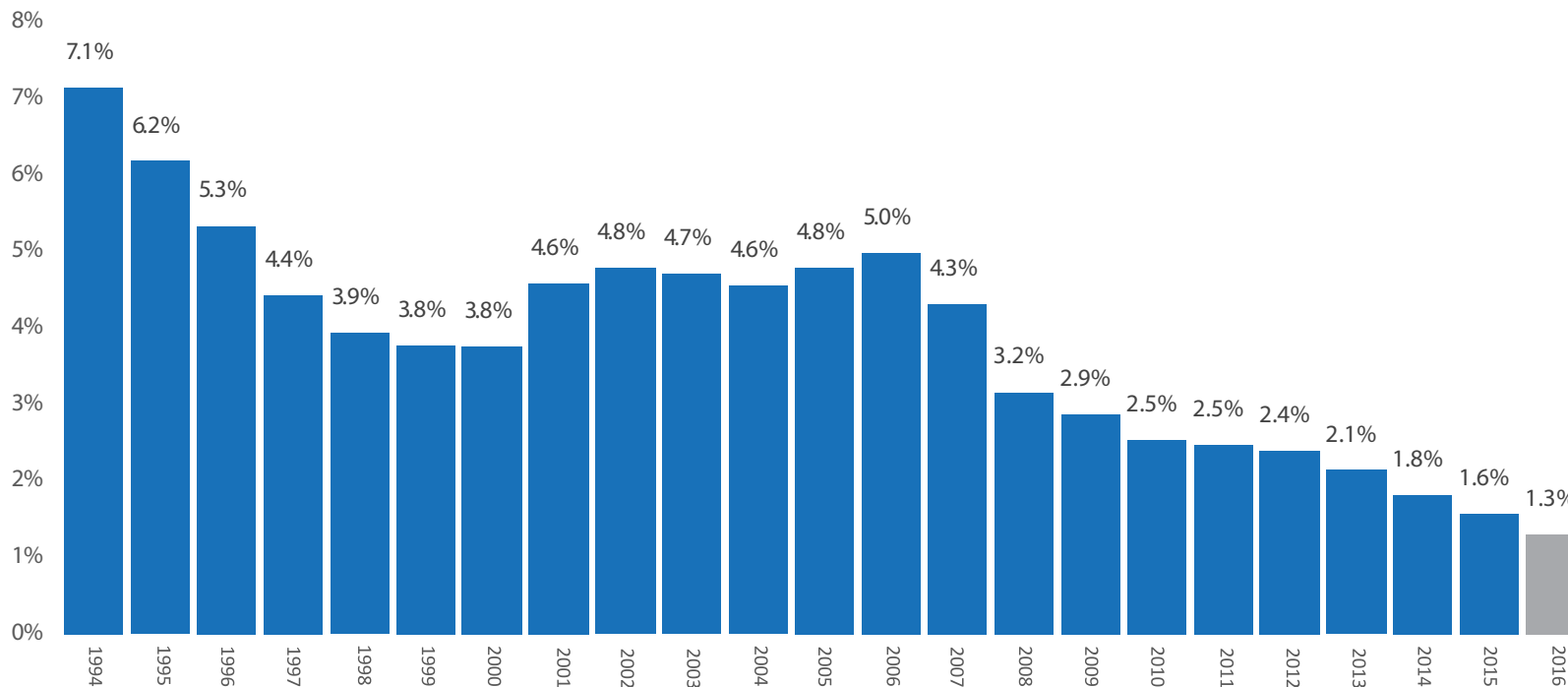
all cases, officers must use the reasonable amount of force necessary to gain compliance. Although NYPD officers usually seek to gain voluntary compliance, they are involved in many interactions that may result in the use of some type of force.

The department recorded an historic low in the use of force during arrests in 2016, with force recorded in only 1.3% of all arrests, compared with 7.1% in 1994. Use of force was reported in 18,556 arrests, out

of more than 372,000 arrests in 2006. In 2016, use of force was reported in 4,115 arrests, out of more than 314,800 arrests. This is a 77.8% decline in reported use of force during arrests. The data collection issues cited on

page 12 may have led to some inconsistency in these numbers, as well as in the comparison between uses of force reported on arrest reports and those reported on T.R.I. Incident Worksheets.

Use of Force During Arrests



The department has tracked use-of-force incidents through documentation, such as arrest reports, Medical Treatment of Prisoner Forms, aided reports, and Line of Duty reports. However, these forms of documentation did not provide as much detail as the new and more comprehensive Threat, Resistance or Injury (T.R.I.) Incident

Worksheet introduced in June 2016. The T.R.I. worksheets capture more complete data about the type of force used, the subjects of the force, the officers who used force, injuries inflicted, and other circumstances of the incident.

In the last seven months of 2016,

there were 4,596 T.R.I. reports and 4,087 reported uses of force. Five hundred and nine T.R.I. reports concerned incidents that were determined not to be reportable uses of force. The accidental discharge of a CEW, for instance, is reported on the T.R.I., but does not count as a use of force if there was no

intended subject. The suicide of a subject in police custody is reportable on a T.R.I. but is not counted as a use of force.

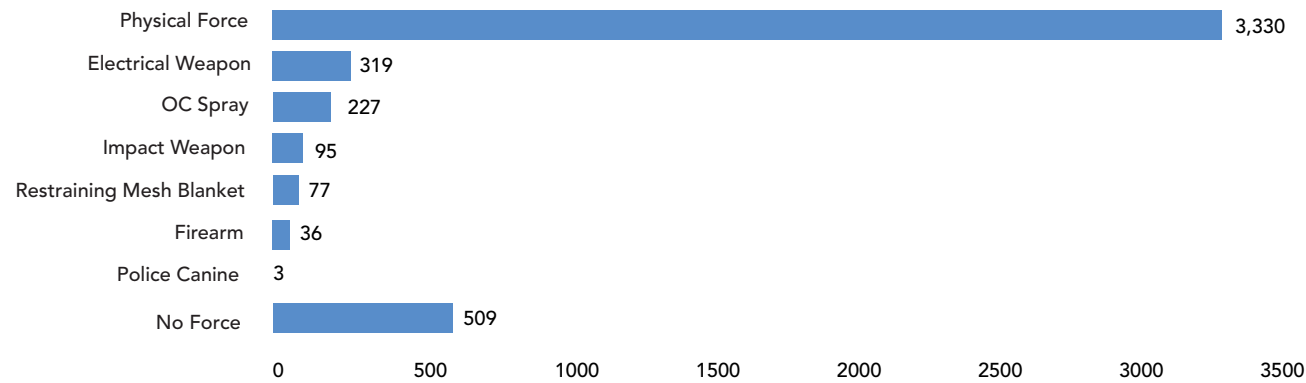
Of the 4,087 reported uses of force since June 2016, 81.5%—3,330 incidents—involved the physical subduing of subjects.

There were also 319 incidents in which conducted electrical weapons were discharged (7.8%), 227 uses of O.C. spray (6.8%), 95 uses of impact weapons (2.3%), 77 uses of mesh restraining blankets (1.9%), 36 firearms discharges (0.9 percent), and three canine bites.

defined by the new use-of-force policy, 87% of these uses of force were Level 1, 10% were Level 2, and 3% were Level 3.

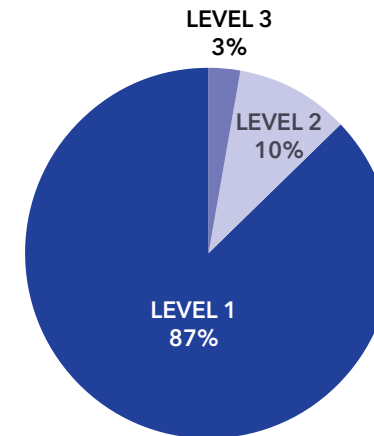
Under the three levels of force

Threat, Resistance and Injury Reports, 6/1/2016 to 12/31/2016



Note: Multiple officers may use force in one case.

Force Reporting by Levels, 6/1/2016 to 12/31/2016



General Uses of Force

Force Used by Police Officers

From June through December of 2016, 63.4% of force incidents occurred in arrest situations, 18.4% in situations involving emotionally disturbed persons, and 6.0% in situations

involving prisoners. Suspicious-person-and-conditions stops accounted for 1.3% of uses of force, and vehicle-and-traffic-law stops accounted for 0.7%.

The race of the officers using force closely tracked the representation of the races in the police department.

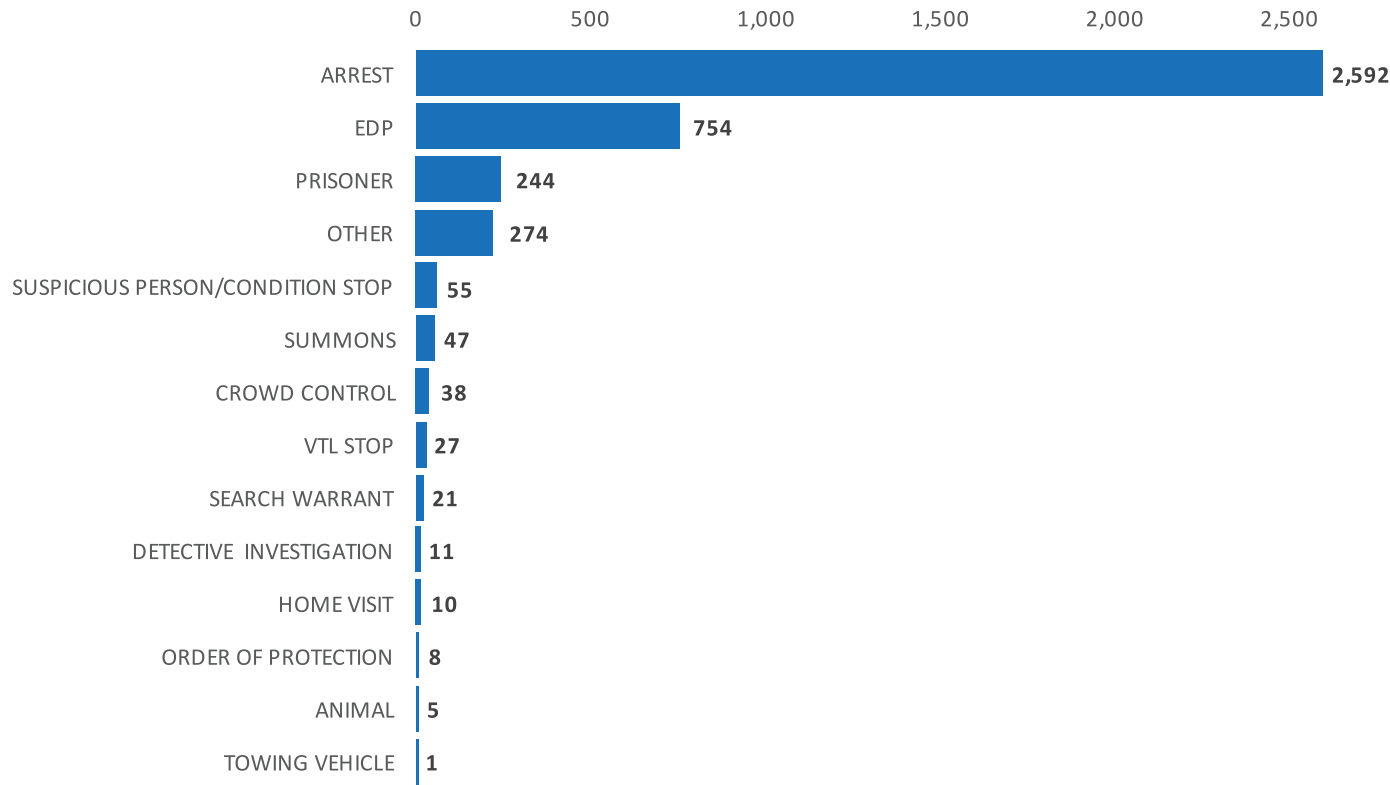
The racial composition of the subjects of police force reflects the racial composition of the criminal population in the city, as measured by arrests, assault suspects, robbery suspects,

shooting suspects, and people who resist arrest.

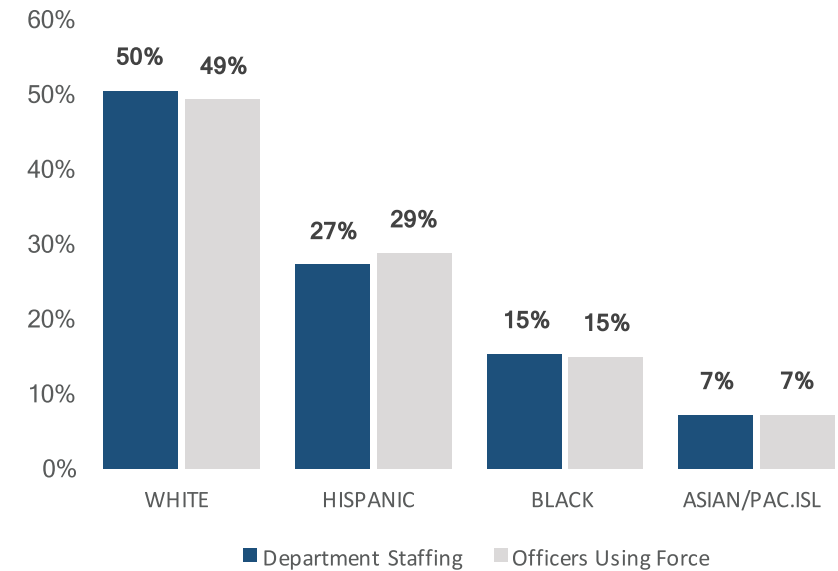
Approximately 69% of subjects were between the ages of 16 and 35. Two percent of subjects were younger than 16.

Manhattan and Brooklyn accounted for 57% of the citywide police uses of force. The evening shift, from 1531 hours to 2330 hours accounted for 42% of police uses of force, followed by overnight shift, from 2331 hours to 0730 hours, with 31%.

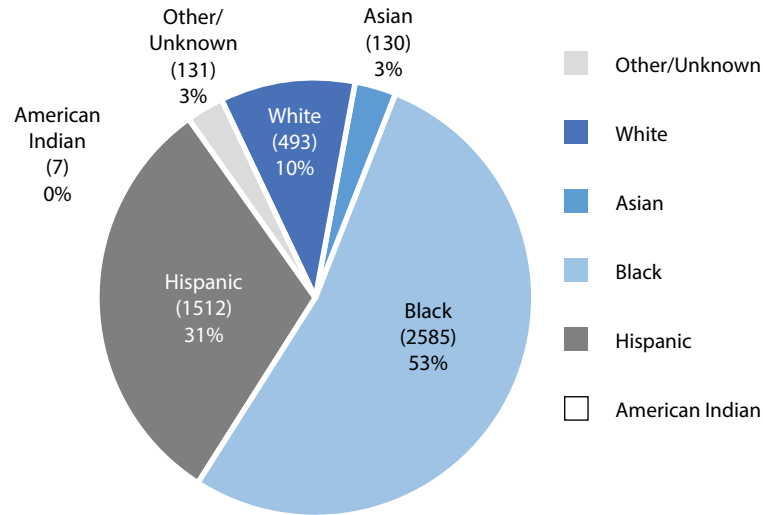
Officers Using Force, 6/1/2016 to 12/31/2016



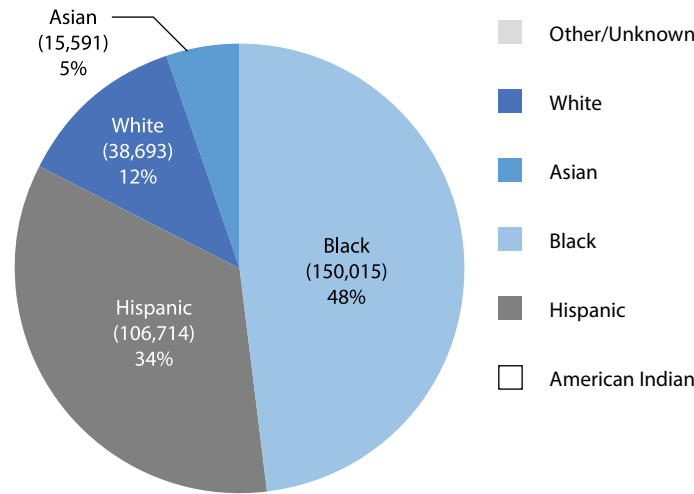
Officers Using Force, 6/1/2016 to 12/31/2016



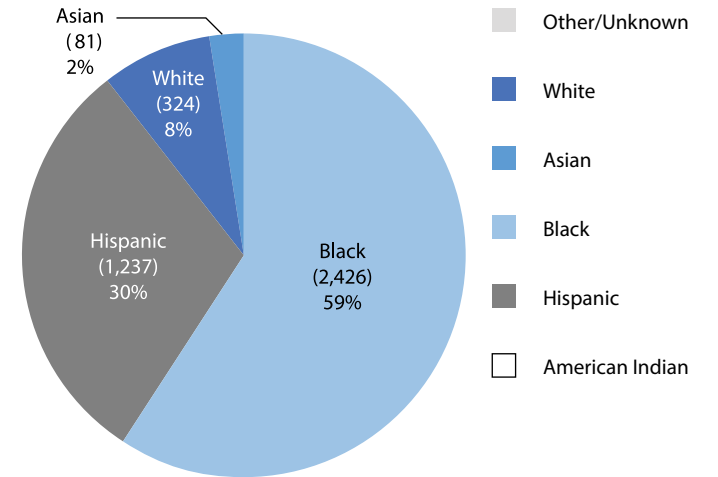
Force Reporting by Subject Race, 6/1/2016 to 12/31/2016



Total Arrests, 2016

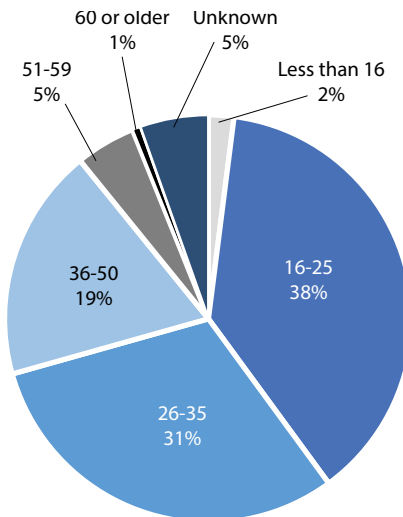


Force Used During Arrests, 2016

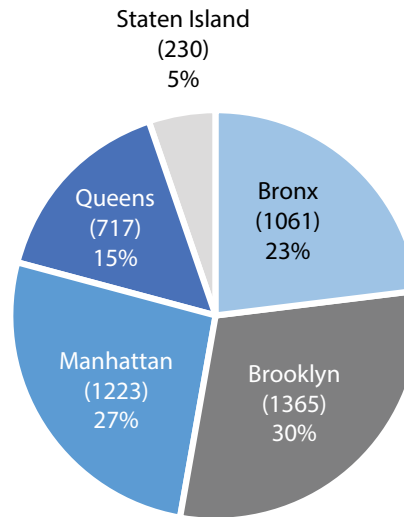


This chart displays all uses of force, including to make arrests, control emotionally disturbed people, and control prisoners.

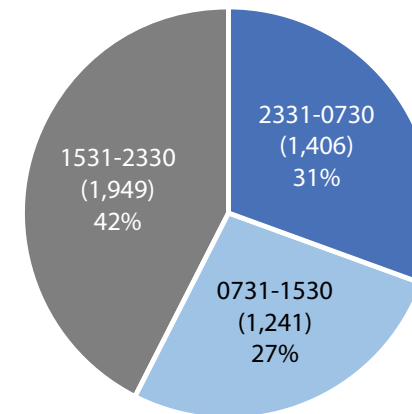
Subjects of Force by Age, 6/1/2016 to 12/31/2016



Force Reporting by Geographic Borough, 6/1/2016 to 12/31/2016



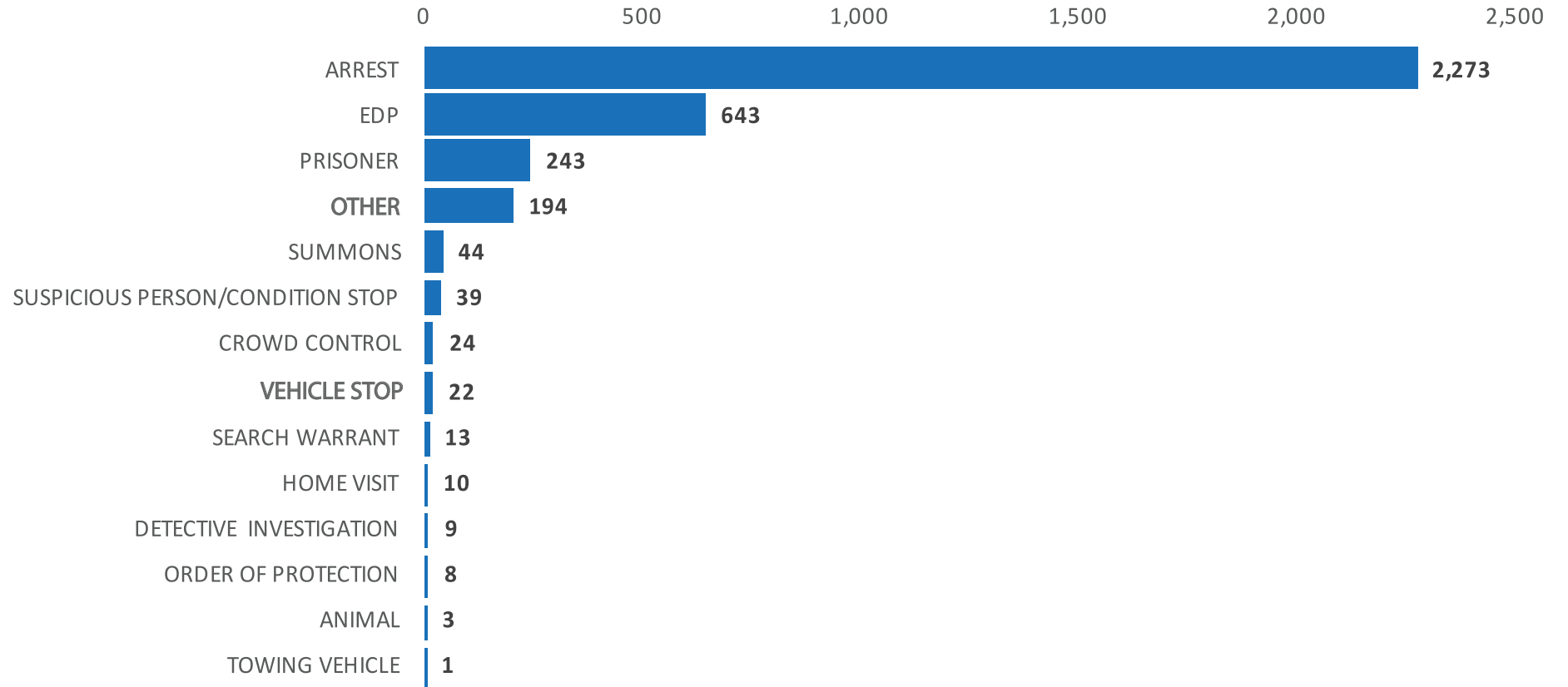
Force Reporting by Platoon, 6/1/2016 to 12/31/2016



There were 3,523 incidents in which police officers were assaulted in 2016, resulting in 1,855 injuries, of which 211 injuries were deemed substantial or serious. The large majority of these assaults took place in arrest situations and most involved simple physical force without weapons. Encounters with emotionally disturbed persons accounted for the second most uses of force against officers, and incidents involving prisoners accounted for the third most.

Brooklyn, the largest borough, recorded the largest number of assaults against officers, followed by Manhattan and the Bronx. The evening shift (1531-2330 hours) accounted for 44% of assaults on police officers, the day shift (0731-1531 hours) for 30%, and the overnight shift (2331-0730 hours) for 26%.

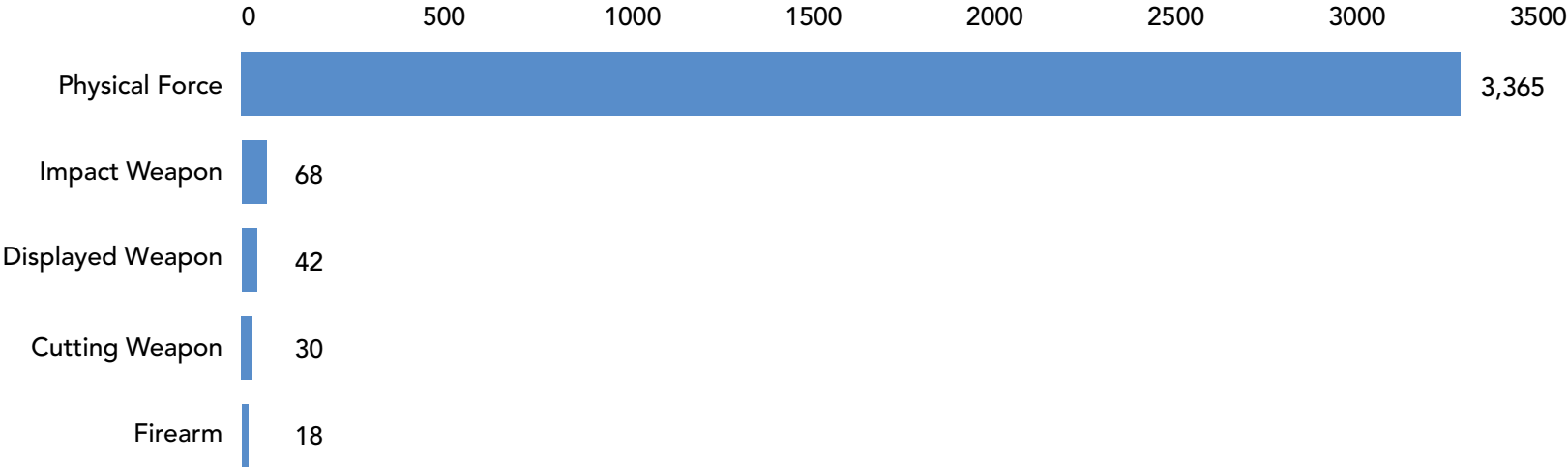
Force Used Against Officers, Event Description, 6/1/2016 to 12/31/2016



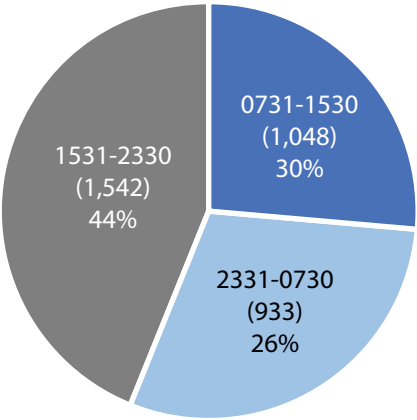
General Uses of Force

Force Used Against Police Officers

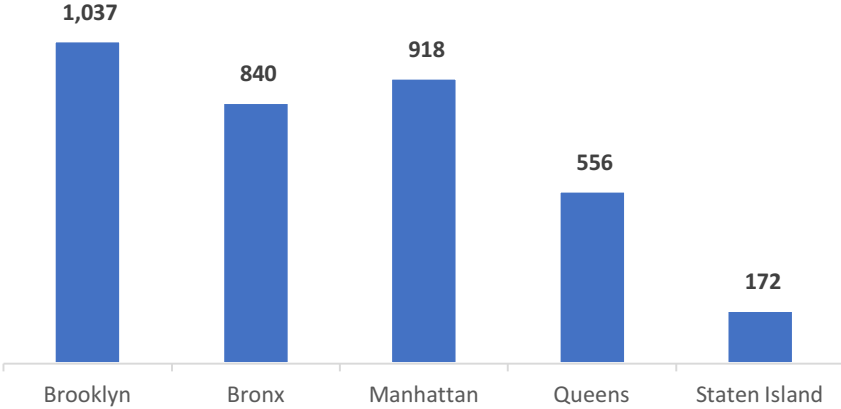
Type of Force Used Against Officers, 6/1/2016 to 12/31/2016



Force Used Against Officers by Shift, 6/1/2016 to 12/31/2016



Force Used Against Officers by Geographic Borough, 6/1/2016 to 12/31/2016



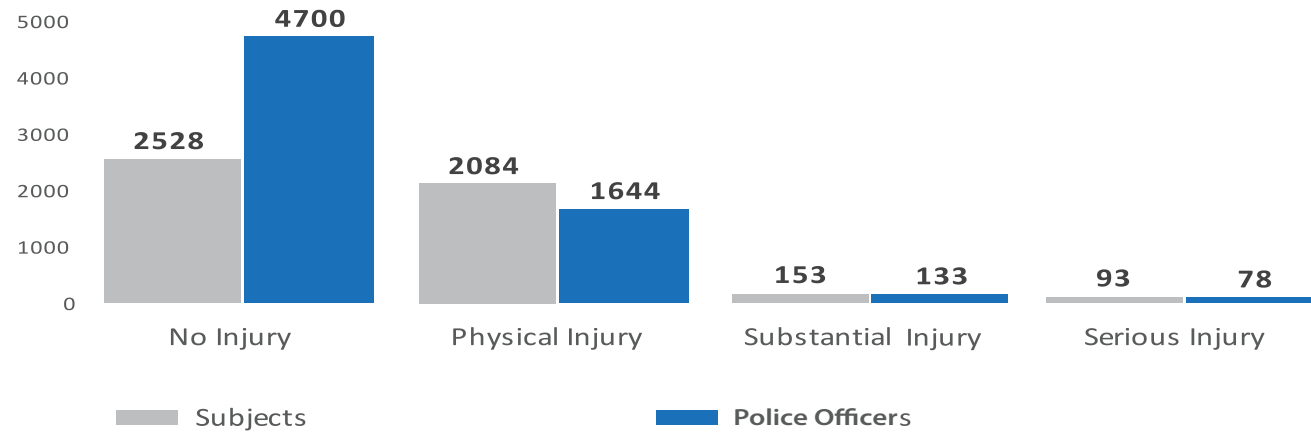
Of the 4,858 subjects of police force in the latter seven months of 2016, 4,612 (94.9%) sustained no injuries or minor injuries. One hundred and fifty-three subjects (3.1%) were substantially injured and 93 (1.9%) were seriously injured.

Of the 6,555 police officers involved in use-of-force incidents in 2016, 96.8% sustained no injuries or minor injuries.

One hundred and thirty-three officers (2.0%) were substantially injured. Seventy-eight officers (1.1 %) were seriously injured.

Substantial injuries are generally those that require treatment at a hospital. Serious injuries are generally those that require admission to a hospital.

Use of Force Related Injuries (Subject vs. Officer) 6/1/16-12/31/16





Appendix A

NYPD Use of Force Policy



PATROL GUIDE

Section: Tactical Operations		Procedure No: 221-01	
FORCE GUIDELINES			
DATE ISSUED: 06/01/17	DATE EFFECTIVE: 06/01/17	REVISION NUMBER:	PAGE: 1 of 4

SCOPE

The primary duty of all members of the service (MOS) is to protect human life, including the lives of individuals being placed in police custody. Force may be used when it is reasonable to ensure the safety of a member of the service or a third person, or otherwise protect life, or when it is reasonable to place a person in custody or to prevent escape from custody. In all circumstances, any application or use of force must be reasonable under the circumstances. If the force used is unreasonable under the circumstances, it will be deemed excessive and in violation of Department policy.

When appropriate and consistent with personal safety, members of the service will use de-escalation techniques to safely gain voluntary compliance from a subject to reduce or eliminate the necessity to use force. In situations in which this is not safe and/or appropriate, MOS will use only the reasonable force necessary to gain control or custody of a subject. The use of deadly physical force against a person can only be used to protect MOS and/or the public from imminent serious physical injury or death.

In determining whether the use of force is reasonable, members of the service should consider the following:

- a. The nature and severity of the crime/circumstances
- b. Actions taken by the subject
- c. Duration of the action
- d. Immediacy of the perceived threat or harm to the subject, members of the service, and/or bystanders
- e. Whether the subject is actively resisting custody
- f. Whether the subject is attempting to evade arrest by flight
- g. Number of subjects in comparison to the number of MOS
- h. Size, age, and condition of the subject in comparison to the MOS
- i. Subject’s violent history, if known
- j. Presence of hostile crowd or agitators
- k. Subject apparently under the influence of a stimulant/narcotic which would affect pain tolerance or increase the likelihood of violence.

All MOS are responsible and accountable for the proper use of force. The application of force must be consistent with existing law and with the New York City Police Department’s policies, even when Department policy is more restrictive than state or federal law. Depending upon the circumstances, both federal and state laws provide for criminal sanctions and civil liability against MOS when force is deemed excessive, wrongful, or improperly applied.

Excessive force will not be tolerated. MOS who use excessive force will be subject to Department discipline, up to and including dismissal.

NEW • YORK • CITY • POLICE • DEPARTMENT

PATROL GUIDE

PROCEDURE NUMBER:	DATE EFFECTIVE:	REVISION NUMBER:	PAGE:
221-01	06/01/17		2 of 4

SCOPE (continued)

Failure to intervene in the use of excessive force, or report excessive force, or failure to request or to ensure timely medical treatment for an individual is serious misconduct that may result in criminal and civil liability and will result in Department discipline, up to and including dismissal. If a member of the service becomes aware of the use of excessive force or failure to request or to ensure timely medical treatment for an individual, the member must report such misconduct to the Internal Affairs Bureau Command Center. This report can be made anonymously.

NOTE

Obtaining a Confidential Identification Number from the Command Center investigator will satisfy the member's reporting responsibility, if the information is accurate and complete. Subsequent or ongoing reporting is encouraged to ensure the information is timely and complete and may be made by referencing the Confidential Identification Number.

DEFINITIONS

DE-ESCALATION - Taking action in order to stabilize a situation and reduce the immediacy of the threat so that more time, options, and/or resources become available (e.g., tactical communication, requesting a supervisor, additional MOS and/or resources such as Emergency Service Unit or Hostage Negotiation Team, etc.). The goal is to gain the voluntary compliance of the subject, when appropriate and consistent with personal safety, to reduce or eliminate the necessity to use force.

OBJECTIVELY REASONABLE STANDARD - The reasonableness of the use of force is based upon the totality of the circumstances known by the MOS at the time of the use of force. The Department examines the reasonableness of force viewed from the perspective of a member with similar training and experience placed into the same circumstances as the incident under investigation.

EXCESSIVE FORCE - Use of force deemed by the investigating supervisor as greater than that which a reasonable officer, in the same situation, would use under the circumstances that existed and were known to the MOS at the time force was used.

CHOKEHOLD - A chokehold shall include, but is not limited to, any pressure to the throat or windpipe, which may prevent or hinder breathing or reduce intake of air.

VEHICLE RAMMING ATTACK (VRA) – A form of attack in which a perpetrator deliberately rams a motor vehicle into a crowd of people or building.

PROCEDURE

To provide members of the service with the Department's force/restraint and firearm prohibitions:

PROHIBITIONS

UNIFORMED MEMBER OF THE SERVICE

1. Uniformed members of the service are authorized under New York State law to discharge a firearm to prevent or terminate the unlawful use of force that may cause death or serious physical injury, taking into account the below prohibitions imposed by the Department.

NEW • YORK • CITY • POLICE • DEPARTMENT

PATROL GUIDE

PROCEDURE NUMBER:	DATE EFFECTIVE:	REVISION NUMBER:	PAGE:
221-01	06/01/17		3 of 4

UNIFORMED MEMBER OF THE SERVICE (continued)

- Members of the service **SHALL NOT**:
- a. Discharge a firearm when, in the professional judgment of a reasonable member of the service, doing so will unnecessarily endanger innocent persons
 - b. Discharge firearms in defense of property
 - c. Discharge firearms to subdue a fleeing felon who presents no threat of imminent death or serious physical injury to the MOS or another person present
 - d. Fire warning shots
 - e. Discharge firearm to summon assistance, except in emergency situations when someone’s personal safety is endangered and no other reasonable means to obtain assistance is available
 - f. Discharge their firearms at or from a moving vehicle unless deadly physical force is being used against the member of the service or another person present, by means other than a moving vehicle
 - g. Discharge firearm at a dog or other animal, except to protect a member of the service or another person present from imminent physical injury and there is no opportunity to retreat or other reasonable means to eliminate the threat
 - h. Cock a firearm. Firearms must be fired double action at all times.

NOTE

Drawing a firearm prematurely or unnecessarily limits a uniformed member’s options in controlling a situation and may result in an unwarranted or accidental discharge of the firearm. The decision to display or draw a firearm should be based on an articulable belief that the potential for serious physical injury is present. When a uniformed member of the service determines that the potential for serious physical injury is no longer present, the uniformed member of the service will holster the firearm as soon as practicable.

2. Members of the service **SHALL NOT**:
 - a. Use a chokehold
 - b. Use any level of force to punish, retaliate or coerce a subject to make statements
 - c. Use any level of force on handcuffed or otherwise restrained subjects unless necessary to prevent injury, escape or to overcome active physical resistance or assault

NOTE

A Conducted Electrical Weapon (CEW) should never be used in CARTRIDGE or DRIVE STUN mode on a rear-cuffed prisoner as per P.G. 221-08, “Use of Conducted Electrical Weapons (CEW).”

- d. Connect or tie rear-cuffed hands to cuffed or restrained ankles or legs
- e. Transport a subject facedown
- f. Use force to prevent a subject from swallowing alleged controlled substance or other substance, once a subject has placed suspected controlled substance in his or her mouth, or forcibly attempt to remove substance from subject’s mouth or other body cavity.

NEW • YORK • CITY • POLICE • DEPARTMENT

PATROL GUIDE

PROCEDURE NUMBER:	DATE EFFECTIVE:	REVISION NUMBER:	PAGE:
221-01	06/01/17		4 of 4

NOTE

Any violations of the above force prohibitions may be reviewed on a case-by-case basis by the Use of Force Review Board to determine whether, under the circumstance, the actions were reasonable and justified. The review may find that, under exigent or exceptional circumstances, the use of the prohibited action may have been justified and within guidelines (i.e., a “vehicle ramming attack” is the type of extraordinary event that this clause is intended to address. The objectively reasonable use of deadly physical force to terminate a mass casualty terrorist event would be legally justified and within Department guidelines).

Members who are subject to investigation, the subject of disciplinary action, civil action, or a civilian complaint related to a violation of the above prohibitions may submit a request for review of the circumstances to the Use of Force Review Board. The Use of Force Review Board will review the facts and circumstances and make a final determination of whether the force used was reasonable under the circumstances and within guidelines.

When a uniformed member of the service observes or suspects that a prisoner has ingested a narcotic or other dangerous substance, the prisoner will be transported from the place of arrest DIRECTLY to the nearest hospital facility.



PATROL GUIDE

Section: Tactical Operations		Procedure No: 221-02	
USE OF FORCE			
DATE ISSUED: 10/18/16	DATE EFFECTIVE: 10/18/16	REVISION NUMBER:	PAGE: 1 of 4

PURPOSE

To provide guidelines for members of the service (MOS) regarding the use of force, and ensure that each use of force is properly reported and documented.

DEFINITIONS

DE-ESCALATION – Taking action to stabilize the situation and reduce the immediacy of the threat so that more time, options, and/or resources become available (e.g., tactical communication, requesting a supervisor, additional MOS and/or resources such as Emergency Service Unit or Hostage Negotiation Team, etc.). The goal is to gain the voluntary compliance of the subject, when appropriate and consistent with personal safety, to reduce or eliminate the necessity to use force.

ACTIVE RESISTING – Includes physically evasive movements to defeat a member of the service’s attempt at control, including bracing, tensing, pushing, or verbally signalling an intention to avoid or prevent being taken into or retained in custody.

ACTIVE AGGRESSION – Threat or overt act of an assault (through physical or verbal means), coupled with the present ability to carry out the threat or assault, which reasonably indicates that an assault or injury to any person is imminent.

PASSIVE RESISTANCE – Minimal physical action to prevent a member from performing their lawful duty. For example, a subject failing to comply with a lawful command and stands motionless and/or a subject going limp when being taken into custody.

RESISTING ARREST (NYS PENAL LAW) - A person is guilty of resisting arrest when he intentionally prevents or attempts to prevent a police officer or peace officer from effecting an authorized arrest of himself or another person.

PROCEDURE

When a member of the service must gain compliance, control, or custody of an uncooperative subject, the member should comply with *P.G. 221-01, “Force Guidelines”* and:

UNIFORMED MEMBER OF THE SERVICE

1. Take necessary action to protect life and personal safety of all persons present, including subjects being placed into custody.
2. Utilize de-escalation techniques when appropriate and consistent with personal safety, which may reduce or eliminate the need to use force, and increase the likelihood of gaining the subject’s voluntary compliance.
3. Isolate and contain the subject, if appropriate.
4. Immediately request a supervisor to respond, as soon as appropriate and safety permits.
5. Request additional members, as necessary, to control situation.
6. Request the response of the Emergency Service Unit, if appropriate.

NEW • YORK • CITY • POLICE • DEPARTMENT

PATROL GUIDE

PROCEDURE NUMBER:	DATE EFFECTIVE:	REVISION NUMBER:	PAGE:
221-02	10/18/16		2 of 4

NOTE *MOS should consider whether a subject's lack of compliance is a deliberate attempt to resist, or alternatively, an inability to comply, resulting from factors including, but not limited to, medical condition, mental impairment, developmental disability, physical limitation, language barrier, and/or drug interaction.*

UNIFORMED MEMBER OF THE SERVICE (continued) 7. Comply with P.G. 221-13, "Mentally Ill or Emotionally Disturbed Persons," if the subject is acting in a manner that would lead the member of service to believe that the subject is emotionally disturbed or under the influence of a mind-altering substance.

SUPERVISOR ON SCENE 8. Assume command of the incident and coordinate the use of de-escalation techniques, if appropriate and consistent with officer safety.
9. Direct tactics to minimize the possibility of injury to members of the service, the subject, or bystanders.

UNIFORMED MEMBER OF THE SERVICE/ SUPERVISOR ON SCENE 10. If the use of de-escalation and conflict negotiation techniques fail to persuade an uncooperative subject to cooperate, the supervisor/members of the service present should, if appropriate and consistent with officer safety:
a. Advise the offender that he/she will be charged with the additional offense of resisting arrest
b. Devise a tactical plan with members present to restrain the subject while minimizing the possibility of injury to members of the service, the subject, and bystanders
c. Advise the offender that physical force or other devices (e.g., O.C. pepper spray, shield, baton/asp, etc.) will be used to handcuff/restrain him/her before applying such force, if appropriate.

NOTE *Members of the service should not use O.C. Pepper Spray, Conducted Electrical Weapon, or impact weapons on persons who are passively resisting.*

- 11. Apply no more than the reasonable force necessary to gain control.
 - a. Avoid actions which may result in chest compression, such as sitting, kneeling, or standing on a subject's chest or back, thereby reducing the subject's ability to breathe.
- 12. Assess the situation continually and adjust the use of force as necessary.

NOTE *All members of the service must intervene to stop another member of the service from using excessive force. Failure to intervene in the use of excessive force, or report excessive force, or failure to request or to ensure timely medical treatment for an individual is serious misconduct that may result in criminal and civil liability and will result in Department discipline, up to and including dismissal. If a member of the service becomes aware of the use of excessive force or failure to request or to ensure timely medical treatment for an individual, the member must report such misconduct to the Internal Affairs Bureau Command Center. This report can be made anonymously.*

NEW • YORK • CITY • POLICE • DEPARTMENT

PATROL GUIDE

PROCEDURE NUMBER:	DATE EFFECTIVE:	REVISION NUMBER:	PAGE:
221-02	10/18/16		3 of 4

NOTE
(continued)

Obtaining a Confidential Identification Number from the Command Center investigator will satisfy the member’s reporting responsibility, if the information is accurate and complete. Subsequent or ongoing reporting is encouraged to ensure the information is timely and complete and may be made by referencing the Confidential Identification Number.

UNIFORMED MEMBER OF THE SERVICE

13. Rear-cuff the subject, when practical.
 - a. If it is safer for the member of the service and the subject, the member of the service may front-cuff the subject initially, and then rear-cuff as soon as it is practical and safety allows.
 - b. If members of the service are having difficulty rear-cuffing a subject, Department issued leg restraints or Velcro straps to immobilize the legs of a subject may be used as an effective tactic to gain control, limit the subject’s ability to flee or harm other individuals, and allow the subject to be safely rear-cuffed with minimal force.

NOTE

If available, Department issued alternative restraining devices should be used to restrain, or further restrain, subjects whose actions may cause injury to themselves or others.

14. Position the subject to promote free breathing, as soon as safety permits, by sitting the person up or turning the person onto his/her side.
15. Observe the subject closely for injuries, signs of serious illness, or difficulty breathing.
16. Whenever any level of force is used, inquire if subject requires medical attention and document response to inquiry in **ACTIVITY LOG (PD112-145)**.
17. If the subject is injured or ill, ensure subject receives proper medical attention.
18. Ensure subject receives immediate medical attention and provide first aid, if appropriate and properly trained, if subject is having difficulty breathing or demonstrates any potentially life-threatening symptoms or injuries.
19. If the location of the police action is poorly lit, use a flashlight or other source of illumination to maintain a clear view of the subject at all times.
20. Notify immediate supervisor regarding the type of force used, the reason force was used, and injury to any person involved.
21. Document use of force in **ACTIVITY LOG**.

IMMEDIATE SUPERVISOR

22. Perform duties of the “immediate supervisor” as per *P.G. 221-03, “Reporting and Investigation of Force Incident or Injury to Persons During Police Action,”* when notified or after becoming aware of any use of force incident.

RELATED PROCEDURES

Reporting and Investigation of Force Incident or Injury to Persons During Police Action (P.G. 221-03)
Force Guidelines (P.G. 221-01)
Mentally Ill or Emotionally Disturbed Persons (P.G. 221-13)
Member of the Service Subjected to Force While Performing Lawful Duty (P.G. 221-06)

NEW • YORK • CITY • POLICE • DEPARTMENT

PATROL GUIDE

PROCEDURE NUMBER:	DATE EFFECTIVE:	REVISION NUMBER:	PAGE:
221-02	10/18/16		4 of 4

**FORMS AND
REPORTS**

- ACTIVITY LOG (PD112-145)*
- STOP REPORT (PD383-151)*
- ON LINE BOOKING SYSTEM ARREST WORKSHEET (PD244-159)*
- MEDICAL TREATMENT OF PRISONER (PD244-150)*
- AIDED REPORT*



PATROL GUIDE

Section: Tactical Operations		Procedure No: 221-03	
REPORTING AND INVESTIGATION OF FORCE INCIDENT OR INJURY TO PERSONS DURING POLICE ACTION			
DATE ISSUED: 06/01/17	DATE EFFECTIVE: 06/01/17	REVISION NUMBER:	PAGE: 1 of 10

PURPOSE

- To report and/or investigate the following incidents:
- a. Use of force against subjects
 - b. Injuries sustained by subjects either during apprehension or while in the care and custody of the Department
 - c. Injuries to any person as a result of police action
 - d. Active resistance by subjects
 - e. Force used against members of the service.

SCOPE

Documentation of the above incidents will allow the Department to accurately report and analyze incidents where members of the service have used force, have had force used against them and/or when subjects have actively resisted custody.

DEFINITIONS

SUBJECT - A subject of police action is usually a suspect, perpetrator, or prisoner, but may also include any person that a member is attempting to direct or maintain custody or control over (i.e., disorderly person/group, emotionally disturbed person, etc.).

CIVILIAN/NON-MEMBER/BYSTANDER - Any non-employee of the Department who is not the intended subject of police action but is inadvertently injured by the actions of the police.

ACTIVE RESISTING - Includes physically evasive movements to defeat a member of the service’s attempt at control, including bracing, tensing, pushing, or verbally signaling an intention to avoid or prevent being taken into or retained in custody.

LEVELS OF FORCE

LEVEL 1 - PHYSICAL FORCE/LESS LETHAL DEVICE - This level of force is defined by the use of hand strikes, foot strikes, forcible take-downs, the wrestling of the subject to the ground, the discharge of Oleoresin Capsicum (O.C.) pepper spray, the deployment of a Conducted Electrical Weapon (CEW) in “cartridge mode” or the use of a mesh restraining blanket to secure a subject.

NOTE

For the purposes of this procedure, ordering a person to lay on the ground (or guiding them to the ground in a controlled manner) or the use of Velcro straps or a polycarbonate shield to restrain a subject is not a reportable use of force.

LEVEL 2 - USE OF IMPACT WEAPON/CANINE/LESS LETHAL DEVICE - This level of force is defined by the intentional striking of a person with any object (e.g., baton, other equipment, etc.), a police canine bite, the use of a CEW in “drive stun mode.”

LEVEL 3 - USE OF DEADLY PHYSICAL FORCE - This level of force is defined by the use of physical force that is readily capable of causing death or serious physical injury and includes the discharge of a firearm.

NEW • YORK • CITY • POLICE • DEPARTMENT

PATROL GUIDE

PROCEDURE NUMBER:	DATE EFFECTIVE:	REVISION NUMBER:	PAGE:
221-03	06/01/17		2 of 10

**DEFINITIONS
(continued)**

TYPES OF INJURY OR ILLNESS

PHYSICAL INJURY - Impairment of physical condition and/or substantial protracted pain. For the purposes of this procedure, the following examples constitute a physical injury:

- a. Minor swelling, contusions, lacerations, and/or abrasions
- b. Complaint of substantial protracted pain.

SUBSTANTIAL PHYSICAL INJURY OR ILLNESS - Any substantial impairment of physical condition. For the purposes of this procedure, the following are examples of substantial physical injury:

- a. Significant contusion(s)
- b. Laceration(s) requiring suture(s)
- c. Any injury or condition, that resulted from police contact or action, requiring treatment at a hospital emergency room.

NOTE

*A subject or prisoner with a pre-existing illness or injury that requires transport to a hospital emergency room shall be recorded as per P.G. 210-04, "Prisoners Requiring Medical/Psychiatric Treatment." A **THREAT, RESISTANCE OR INJURY (T.R.I.) INCIDENT WORKSHEET** will not be prepared.*

The routine washing of a subject's eyes subsequent to the discharge of O.C. pepper spray, or the removal of CEW darts and routine examination of a subject who received a CEW discharge at a hospital emergency room, shall not be classified as a "Substantial Physical Injury" in the context of this procedure.

SERIOUS PHYSICAL INJURY OR ILLNESS - Physical injury or illness which creates a substantial risk of death, or which causes death or serious and protracted disfigurement, protracted impairment of health, or protracted loss or impairment of the function of any bodily organ or limb. For the purposes of this procedure, the following are examples of serious physical injury or illness:

- a. Broken/fractured bone(s)
- b. Injury requiring hospital admission
- c. Gunshot wound
- d. Heart attack, stroke, or other life-threatening/serious illness/injury.

T.R.I. INCIDENT - INVESTIGATING SUPERVISOR'S ASSESSMENT REPORT - a Department form that will only be prepared by the "investigating supervisor" as identified in the "**USE OF FORCE – SUPERVISOR'S REPORTING GUIDE**" (see "**ADDITIONAL DATA**") when a Level 2 or Level 3 investigation is required.

THREAT, RESISTANCE OR INJURY (T.R.I.) INCIDENT WORKSHEET - a Department form that will be used to record all instances when:

- a. A subject or any non-member sustains a physical injury or dies as a result of a police action or while in the care and custody of the Department
- b. A member of the service sustains a physical injury or dies as a result of apprehending or attempting to apprehend a subject or control an individual or individuals
- c. A subject actively resists custody (regardless of injury to any person)

NEW • YORK • CITY • POLICE • DEPARTMENT

PATROL GUIDE

PROCEDURE NUMBER:	DATE EFFECTIVE:	REVISION NUMBER:	PAGE:
221-03	06/01/17		3 of 10

DEFINITIONS (continued)

- d. A prisoner attempts or commits suicide while in the custody of the Department
- e. Any level of force, as described in this procedure is used by a member of the service, whether or not an injury is sustained
- f. Allegations of excessive force (including incidents with no apparent injury)
- g. Suspected excessive force (including incidents with no apparent injury)
- h. Force, as described in *P.G. 221-06, "Member of the Service Subjected to Force While Performing Lawful Duty,"* is used against a member of the service, whether or not an injury is sustained
- i. A member of the service discharges O.C. pepper spray, a Conducted Electrical Weapon or firearm, regardless of whether an injury was caused (i.e., includes accidental discharges, discharges against animals, etc.).

Each incident will be assigned one Threat, Resistance or Injury (T.R.I.) incident number in the FORMS – T.R.I. application, regardless of the number of members of the service involved, or the number of subjects or civilians involved.

Each member of the service who used force or whose actions caused an injury to a non-member, had force used against them, was injured attempting to apprehend a subject or control an individual or individuals, or was responsible for a prisoner who was injured or attempted/committed suicide must complete a separate **THREAT, RESISTANCE OR INJURY (T.R.I.) INCIDENT WORKSHEET**. For example, if a police officer is assaulted and three additional officers use force to effect the arrest, all four officers will prepare a separate **WORKSHEET** detailing the force used against them and the force used to effect the arrest, as well as any injuries sustained by all parties.

A member of the service may be required to complete more than one **WORKSHEET**. For example, if a member uses force against two separate individuals in the same incident, the member must complete two **WORKSHEETS**, one for each individual.

NOTE

If video of the incident is identified, it should be retrieved and invoiced as investigatory evidence. If immediate/investigating supervisor identifies video evidence but is unable to retrieve without risk of corruption of the video, the supervisor should request the Borough Investigations Unit to assist in retrieving and invoicing the video.

*In situations where a person makes an allegation of force but the member claims that no force was used or no member can be identified, the immediate supervisor of the member concerned will prepare **PART A** of the **THREAT, RESISTANCE OR INJURY (T.R.I.) INCIDENT WORKSHEET**.*

PROCEDURE

When a subject actively resists custody, a member of the service uses any level of force, or a subject or civilian sustains any injury in connection with police action including, but not limited to:

- a. Subjects who sustain a self-inflicted injury during apprehension or while in the custody of the Department
- b. Subjects who are injured during an apprehension
- c. Subjects who actively resist custody (regardless of an injury to any person)
- d. Subjects who are injured while in the care and custody of the Department (i.e., injured in prisoner cell, injured while being transported in Department vehicle, etc.)

NEW • YORK • CITY • POLICE • DEPARTMENT

PATROL GUIDE

PROCEDURE NUMBER:	DATE EFFECTIVE:	REVISION NUMBER:	PAGE:
221-03	06/01/17		4 of 10

PROCEDURE (continued)

- e. Prisoners who commit suicide or attempt suicide while in the custody of the Department
- f. Any non-member of the service sustains a physical injury as a result of police action.

NOTE

Injuries that occur to a person while in the care and custody of another agency (e.g., Department of Corrections, etc.) will not be documented as per this procedure.

*In regard to Department vehicle collisions, do not fill out a **THREAT, RESISTANCE OR INJURY (T.R.I.) INCIDENT WORKSHEET (PD370-154)** unless:*

- a. *A person in police custody is injured as a result of the Department vehicle collision (e.g., collision occurred while transporting a prisoner to court, etc.)*
- b. *Any person is injured as the result of a Department vehicle pursuit*
- c. *Any person is injured as a result of a member of the service attempting to stop a vehicle or apprehend a suspect.*

MEMBER OF THE SERVICE

- 1. Comply with P.G. 221-02, "Use of Force," if applicable.
- 2. Obtain medical attention for any person injured.
- 3. Notify immediate supervisor regarding the type of force used, the reason force was used, and injury to any person involved, if applicable.
 - a. If immediate supervisor was also involved in the force incident, notify a supervisor of the same rank or higher from the command who was not involved in the force incident.

NOTE

The supervisor not involved in the force incident will assume the duties and comply with the reporting requirements of the "immediate supervisor."

- 4. Document any use of force and/or injury in **ACTIVITY LOG (PD112-145)**.
- 5. Complete **PART A** of the **THREAT, RESISTANCE OR INJURY (T.R.I.) INCIDENT WORKSHEET**.

IMMEDIATE SUPERVISOR

- 6. Review facts and circumstances surrounding incident.

NOTE

Supervisors on scene are required to make a prompt assessment of the circumstances and to categorize the level of force and/or injury for the purposes of appropriate reporting and/or investigation. The initial determination by the appropriate supervising or investigating authority may change as additional information becomes known to the Department.

- 7. Direct members involved to complete **PART A** of the **THREAT, RESISTANCE OR INJURY (T.R.I.) INCIDENT WORKSHEET** for every subject/civilian interaction being reported.
 - a. If member is incapacitated, complete **PART A** of the **WORKSHEET** using information known at the time.
- 8. Question subject(s) regarding possible injuries.
 - a. Ensure that subjects who appear ill, injured, or emotionally disturbed obtain appropriate medical/psychiatric attention as per P.G. 210-04, "Prisoners Requiring Medical/Psychiatric Treatment."
 - b. Take digital photographs of visible injuries (relative to the incident) to subjects or any location where an injury is claimed, but not visible.

NEW • YORK • CITY • POLICE • DEPARTMENT

PATROL GUIDE

PROCEDURE NUMBER:	DATE EFFECTIVE:	REVISION NUMBER:	PAGE:
221-03	06/01/17		5 of 10

IMMEDIATE SUPERVISOR (continued)

- (1) Photos should be taken in a manner to maintain privacy, when appropriate (e.g., behind curtain, private room, etc.).
- (2) After **THREAT, RESISTANCE OR INJURY (T.R.I.) INCIDENT WORKSHEET** is entered into the FORMS – T.R.I. application, upload any digital photographs that were taken in connection to the **WORKSHEET**.
- 9. Interview witness(es), if available.
- 10. Question involved members of the service regarding reason for using force and the type of force used.
 - a. Take digital photographs of visible injuries to members of the service or any location where an injury is claimed, but not visible.
 - (1) Photos should be taken in a manner to maintain privacy, when appropriate (e.g., behind curtain, private room, etc.).
 - (2) After **THREAT, RESISTANCE OR INJURY (T.R.I.) INCIDENT WORKSHEET** is entered into the FORMS – T.R.I. application, upload any digital photographs that were taken in connection to the **WORKSHEET**.
- 11. Make determination as to whether force is within guidelines or whether further investigation is necessary.
 - a. If immediate supervisor suspects or receives an allegation of excessive force, the desk officer will be notified and a level 2 or 3 investigation will be conducted.
- 12. Make **ACTIVITY LOG** entry of details of the incident including the Threat, Resistance or Injury (T.R.I.) incident number.
- 13. Notify the desk officer, precinct/PSA/transit district of occurrence and provide details of incident, level of force used, and/or type of injury or illness.
- 14. Complete **PART B** of the **THREAT, RESISTANCE OR INJURY (T.R.I.) INCIDENT WORKSHEET**.
 - a. Staple all **WORKSHEETS** together and forward to desk officer for entry into the FORMS – T.R.I. application by the command clerk.

NOTE

*The Force Investigation Division will complete **PART B** of the **THREAT, RESISTANCE OR INJURY (T.R.I.) INCIDENT WORKSHEET** for all firearm discharges and for incidents in which a subject of police action is seriously injured and likely to die or dies while in police custody, during apprehension, or immediately prior to police custody.*

*In addition, the Force Investigation Division will be responsible for the electronic sign-off of any **THREAT, RESISTANCE OR INJURY (T.R.I.) INCIDENT WORKSHEET** prepared by their personnel.*

DESK OFFICER, PRECINCT/PSA /TRANSIT DISTRICT OF OCCURRENCE

- 15. Record details of incident in Command Log, including the Threat, Resistance or Injury (T.R.I.) incident number.
- 16. Notify the Patrol Borough Command, Operations Unit, and the Internal Affairs Bureau (obtain Internal Affairs Bureau log number), if a level 2 or 3 investigation is required.

NEW • YORK • CITY • POLICE • DEPARTMENT

PATROL GUIDE

PROCEDURE NUMBER:	DATE EFFECTIVE:	REVISION NUMBER:	PAGE:
221-03	06/01/17		6 of 10

INTERNAL AFFAIRS BUREAU, COMMAND CENTER SUPERVISOR

17. Designate and assign appropriate investigative response according to the “USE OF FORCE – REPORTING/INVESTIGATIVE RESPONSIBILITIES FOR SUPERVISORS” (see “*ADDITIONAL DATA*”).

INVESTIGATING SUPERVISOR

18. Conduct investigation of reported incident.
- a. Conduct canvass for witnesses and possible video recording of incident.
 - b. Interview subject(s) and witness(es), if available.
 - c. Interview involved uniformed members to assess whether use of force was necessary and reasonable, if applicable.
 - d. Take digital photographs as necessary, including but not limited to, visible injuries or to the absence of injuries. Photos should be taken in a manner to maintain privacy, when appropriate (e.g., behind curtain, private room, etc.).
 - (1) After **THREAT, RESISTANCE OR INJURY (T.R.I.) INCIDENT WORKSHEET** is entered into the FORMS – T.R.I. application, upload any digital photographs that were taken in connection to the **WORKSHEET**.

NOTE

*In situations where a person makes an allegation of force but the member claims that no force was used or no member can be identified, the immediate supervisor of the member concerned will prepare **PART A** of the **THREAT, RESISTANCE OR INJURY (T.R.I.) INCIDENT WORKSHEET**.*

- 19. Prepare a **T.R.I. INCIDENT - INVESTIGATING SUPERVISOR'S ASSESSMENT REPORT (PD370-154A)**.
- 20. Forward a copy of **ASSESSMENT REPORT** once FORMS generated incident number is obtained, to the First Deputy Commissioner and additional copies as follows:
 - a. Chief of Department (through channels)
 - b. Deputy Commissioner, Internal Affairs
 - c. Deputy Commissioner, Legal Matters
 - d. Deputy Commissioner, Training
 - e. Chief, Management Analysis & Planning
 - f. Commanding Officer, Risk Management Bureau
 - g. Commanding Officer, member(s) involved.
- 21. Attach original **ASSESSMENT REPORT** to **THREAT, RESISTANCE OR INJURY (T.R.I.) INCIDENT WORKSHEET(S)**.

NOTE

If the incident involves a firearm discharge by a uniformed member of the service, the investigating supervisor will comply with the investigation and reporting requirements as outlined in P.G. 221-04, “Firearms Discharge by Uniformed Member of the Service.”

If a subject or civilian dies or is seriously injured and likely to die as a result of police action, the investigating supervisor will comply with the investigation and reporting requirements outlined in P.G. 221-05, “Person Dies or Sustains Injury and is Likely to Die in Police Custody or in Connection with Police Action.”

NEW • YORK • CITY • POLICE • DEPARTMENT

PATROL GUIDE

PROCEDURE NUMBER:	DATE EFFECTIVE:	REVISION NUMBER:	PAGE:
221-03	06/01/17		7 of 10

- COMMAND CLERK**

22. Enter details of **THREAT, RESISTANCE OR INJURY (T.R.I.) INCIDENT WORKSHEET(S)** into FORMS – T.R.I. application.

 - a. Scan **THREAT, RESISTANCE OR INJURY (T.R.I.) INCIDENT WORKSHEET(S)** into FORMS – T.R.I. application using the scan feature.
 - b. If prepared, scan **T.R.I. INCIDENT - INVESTIGATING SUPERVISOR'S ASSESSMENT REPORT** into FORMS – T.R.I. application using the scan feature.
- PRECINCT/PSA /TRANSIT DISTRICT OF OCCURRENCE**

23. Enter the FORMS generated incident number on each **WORKSHEET** and **ASSESSMENT REPORT**.
- IMMEDIATE SUPERVISOR**

24. Prior to completion of tour, log into the FORMS – T.R.I. application and sign-off on pending **THREAT, RESISTANCE OR INJURY (T.R.I.) INCIDENT WORKSHEETS** prepared for subordinate personnel.
- DESK OFFICER**

25. File **WORKSHEET(S)** and **T.R.I. INCIDENT – INVESTIGATING SUPERVISOR'S ASSESSMENT REPORT** (if completed) at command.
- COMMANDING OFFICER, MEMBER INVOLVED**

26. Review all **THREAT, RESISTANCE OR INJURY (T.R.I.) INCIDENT WORKSHEETS** completed by members of your command, by querying the FORMS – T.R.I. application.

 - a. Ensure use of force incidents were properly documented, categorized and investigated on **THREAT, RESISTANCE OR INJURY (T.R.I.) INCIDENT WORKSHEETS**.

27. Prepare **COMMANDING OFFICER'S MONTHLY RECAP OF T.R.I. INCIDENT REPORTS (PD370-154B)** and attach all **T.R.I. INCIDENT - INVESTIGATING SUPERVISOR'S ASSESSMENT REPORTS** completed for the reporting period and submit **REPORTS** to the bureau/borough commander by the fifth day of each month.

BUREAU/ BOROUGH COMMANDER

- 28. Review **COMMANDING OFFICER'S MONTHLY RECAP OF T.R.I. INCIDENT REPORTS** submitted by sub-unit commanding officers each month and submit a quarterly report detailing incidents to the First Deputy Commissioner (through channels).

ADDITIONAL DATA

USE OF FORCE – REPORTING/INVESTIGATIVE RESPONSIBILITIES FOR SUPERVISORS

Level I

The member's immediate supervisor will respond, gather information, and report on the following:

- a. *Level I force*
- b. *Police action resulting in physical injury to any person*
- c. *Use of Conducted Electrical Weapon in CARTRIDGE mode.*

In incidents that involve the discharge of a Conducted Electrical Weapon, the immediate supervisor must be in the rank of lieutenant or above. Only Emergency Service Unit personnel will have their discharges documented by their immediate supervisor (rank of sergeant or above).

NEW • YORK • CITY • POLICE • DEPARTMENT

PATROL GUIDE

PROCEDURE NUMBER:	DATE EFFECTIVE:	REVISION NUMBER:	PAGE:
221-03	06/01/17		8 of 10

ADDITIONAL DATA (continued)

Level 2

The **commanding officer/executive officer/duty captain** must respond and investigate the following – unless superseded by the authority of the Internal Affairs Bureau (IAB) or Force Investigation Division (FID):

- a. Level 2 force
- b. Any substantial physical injury to any person, which resulted from police action
- c. Any prohibited act as outlined in P.G. 221-01, “Force Guidelines” whether or not an injury is sustained
- d. Allegations of excessive force (including incidents with no apparent injury)
- e. Suspected excessive force (including incidents with no apparent injury)
- f. Attempted suicide by prisoner (excluding serious physical injury)
- g. Use of Conducted Electrical Weapon in DRIVE STUN mode.

The commanding officer/executive officer/duty captain may utilize the Patrol Borough Investigations Unit to assist with the investigation, when appropriate.

Level 3

Internal Affairs Bureau investigators must respond and conduct investigation and complete required reports for the following – unless superseded by the investigative authority of the FID:

- a. Level 3 force (except firearm discharge)
- b. Any serious physical injury to any person, which resulted from police action
- c. Allegations of excessive force resulting in a serious physical injury
- d. Suspected excessive force resulting in a serious physical injury
- e. Attempted suicide by prisoner resulting in serious physical injury.

The **Force Investigation Division** must respond and conduct investigations and complete required reports for the following:

- a. All firearm discharges by uniformed members of the service
- b. All incidents in which a subject of police action is seriously injured and likely to die or dies while in police custody, during apprehension, or immediately prior to police custody.

In addition, the FID has the sole discretion to assume the investigative lead of any use of force incident or any other matter or unusual circumstance deemed appropriate by the First Deputy Commissioner.

The Force Investigation Division or the Internal Affairs Bureau may respond to any force incident or subject injury and may assume responsibility of the investigation based on the circumstances of the incident.

Any questions regarding the level of force or injury, or investigative responsibilities, will be directed to a supervisor at the Internal Affairs Bureau Command Center. Immediate/investigating supervisors may call the Command Center 24 hours/7 days a week and request to speak to a supervisor regarding a possible force incident. Immediate/investigating supervisors will be guided by the Internal Affairs supervisor’s assessment and recommendations.

If one incident contains multiple members using varying levels of force or non-members sustaining varying levels of injury, the investigating supervisor responsible for the

NEW • YORK • CITY • POLICE • DEPARTMENT

PATROL GUIDE

PROCEDURE NUMBER:	DATE EFFECTIVE:	REVISION NUMBER:	PAGE:
221-03	06/01/17		9 of 10

ADDITIONAL DATA
(continued)

highest level of force/injury will conduct the entire investigation. For example, if an officer uses level 1 force but causes a substantial physical injury, the commanding officer/duty captain will conduct the investigation.

USE OF FORCE – SUPERVISOR’S REPORTING GUIDE

<u>LEVEL OF FORCE</u>	<u>OR</u>	<u>TYPE OF INJURY</u>	<u>SUPERVISOR</u>	<u>METHOD OF REPORTING</u>
Level 1 - Physical Force/O.C. pepper spray/CEW (cartridge mode)	OR	• Physical Injury Only	<u>Immediate Supervisor</u> <u>CEW=Lt or above</u> <u>(except ESU - Sgt or above)</u>	Threat, Resistance or Injury Incident Worksheet
Level 2 – Impact Weapon/ Canine/CEW (drive stun mode) (Including Prohibited acts outlined in P.G. 221-01, ‘Force Guidelines’)	OR	• Substantial Physical Injury • Alleged Excessive Force (including incidents with no apparent injury) • Suspected Excessive Force (including incidents with no apparent injury) • Attempted Suicide by Prisoner (excluding Serious Physical Injury)	<u>C.O./X.O./Duty Captain and Borough Investigations</u>	Threat, Resistance or Injury Incident Worksheet <u>AND</u> Investigating Supervisor’s Assessment Report
Level 3 – Use of Deadly Physical Force	OR	• Serious Physical Injury • Alleged Excessive Force (Serious Physical Injury) • Suspected Excessive Force (Serious Physical Injury) • Attempted Suicide by Prisoner (Serious Physical Injury).	<u>Internal Affairs Bureau</u>	Threat, Resistance or Injury Incident Worksheet <u>AND</u> Investigating Supervisor’s Assessment Report

Firearm Discharge	OR	• Person Dies or • Seriously Injured and Likely To Die.	<u>Force Investigation Division</u>	Threat, Resistance or Injury Incident Worksheet, <u>AND</u> Investigating Supervisor’s Assessment Report <u>AND</u> Typed Letterhead
-------------------	-----------	------------------------------------------------------------	-------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------

NEW • YORK • CITY • POLICE • DEPARTMENT

PATROL GUIDE

PROCEDURE NUMBER:	DATE EFFECTIVE:	REVISION NUMBER:	PAGE:
221-03	06/01/17		10 of 10

ADDITIONAL DATA
(continued)

RESPONSIBILITY TO REVIEW

*The commanding officer (in the rank of captain or above) will review all incidents in which a member of their command completed a **THREAT, RESISTANCE OR INJURY (T.R.I.) INCIDENT WORKSHEET** and will report findings to the Bureau/Borough Commanding Officer on a monthly basis.*

*The Patrol Borough Adjutant/Bureau equivalent will ensure that **THREAT, RESISTANCE OR INJURY (T.R.I.) INCIDENT WORKSHEETS** and **T.R.I. INCIDENT - INVESTIGATING SUPERVISOR'S ASSESSMENT REPORTS** are being completed accurately and properly scanned into the **FORMS – T.R.I.** application.*

The Bureau/Borough Commanding Officer will assess all incidents reviewed by a sub-unit commanding officer and will report findings to the First Deputy Commissioner on a quarterly basis.

The Use of Force Review Board is responsible for reviewing all cases for which a member of IAB or the FID is the investigating supervisor. In addition, any violations of the force prohibitions as listed in P.G. 221-01, "Force Guidelines," may be reviewed on a case-by-case basis by the Use of Force Review Board to determine whether, under the circumstance, the actions were reasonable and justified.

The Risk Management Bureau is responsible for analyzing all reported incidents to identify any trends or risk indicators and submit a quarterly and annual report to the Police Commissioner.

RELATED PROCEDURES

- Prisoners Requiring Medical/Psychiatric Treatment (P.G. 210-04)*
- Force Guidelines (P.G. 221-01)*
- Use of Force (P.G. 221-02)*
- Firearms Discharge by Uniformed Member of the Service (P.G. 221-04)*
- Person Dies or Sustains Injury and is Likely to Die in Police Custody or in Connection with Police Action (P.G. 221-05)*
- Member of the Service Subjected to Force While Performing Lawful Duty (P.G. 221-06)*

FORMS AND REPORTS

- THREAT, RESISTANCE OR INJURY (T.R.I.) INCIDENT WORKSHEET (PD370-154)***
- T.R.I. INCIDENT - INVESTIGATING SUPERVISOR'S ASSESSMENT REPORT (PD370-154A)***
- COMMANDING OFFICER'S MONTHLY RECAP OF T.R.I. INCIDENT REPORTS (PD370-154B)***
- ACTIVITY LOG (PD112-145)***
- Typed Letterhead*

NEW • YORK • CITY • POLICE • DEPARTMENT



Appendix B

Threat, Resistance or Injury (T.R.I.) Incident Worksheet

Investigating Supervisor's Assessment Report (I.S.A.R.)



THREAT, RESISTANCE OR INJURY (T.R.I.) INCIDENT WORKSHEET
PD 370-154 (Rev. 03-17)

Worksheet Number _____ of _____

PART A — TO BE COMPLETED BY MEMBER INVOLVED

NOTE: Additional Forms are to be Prepared for Each Civilian/Subject Involved. This Form MUST be Scanned into the FORMS TRI Application.

T.R.I. Incident Number (Year - Pct. - Number)		Date and Time of Occurrence:	
Job Received: <input type="checkbox"/> Pct. Assignment <input type="checkbox"/> Radio Run <input type="checkbox"/> Pick-up <input type="checkbox"/> Other (Specify)		Date	Time
ICAD Number: IAB Log Number (if Necessary):			
Basis for Encounter: <input type="checkbox"/> Arrest <input type="checkbox"/> VTL Stop <input type="checkbox"/> Prisoner <input type="checkbox"/> Towing Vehicle <input type="checkbox"/> Hostage <input type="checkbox"/> Home Visit <input type="checkbox"/> EDP <input type="checkbox"/> Crowd Control <input type="checkbox"/> Detective Investigation <input type="checkbox"/> Summons <input type="checkbox"/> Animal <input type="checkbox"/> Order of Protection <input type="checkbox"/> Search Warrant <input type="checkbox"/> Suspicious Person/Condition Stop <input type="checkbox"/> None <input type="checkbox"/> Other (Specify)			
Type of Interaction (Choose All That Apply) <input type="checkbox"/> Civilian Injured <input type="checkbox"/> Subject Injured <input type="checkbox"/> Prisoner Attempted Suicide <input type="checkbox"/> Force Against MOS <input type="checkbox"/> Force By MOS <input type="checkbox"/> MOS Injured			
Jurisdiction: <input type="checkbox"/> 00 - NYPD <input type="checkbox"/> 01 - NYPD Transit Bureau <input type="checkbox"/> 02 - NYPD Housing Bureau <input type="checkbox"/> 97 - Other			
Location Category (Must Choose One): <input type="checkbox"/> Residential <input type="checkbox"/> House of Worship <input type="checkbox"/> School <input type="checkbox"/> Public Transportation <input type="checkbox"/> Commercial <input type="checkbox"/> Other			
Specific Type of Location Name Of Business, if Known			
Exact Area Within Location Type, if Known (e.g.: apartment, car, basement, stairway, public sidewalk, etc.)			
Location Identifier: <input type="checkbox"/> Inside <input type="checkbox"/> In Front Of <input type="checkbox"/> Location Name: <input type="checkbox"/> Rear Of <input type="checkbox"/> Opposite Of			
Address Type: <input type="checkbox"/> Highway/Route <input type="checkbox"/> Park/Open Area <input type="checkbox"/> Street/Intersection <input type="checkbox"/> Subway			
Building No. Street Name		Unit/Apt. No. Borough	State Zip Code
Unit Type: <input type="checkbox"/> Apartment <input type="checkbox"/> Building <input type="checkbox"/> Department <input type="checkbox"/> Floor <input type="checkbox"/> Private House <input type="checkbox"/> Room <input type="checkbox"/> Suite <input type="checkbox"/> Unit			
Corner <input type="checkbox"/> N/E <input type="checkbox"/> N/W <input type="checkbox"/> S/E <input type="checkbox"/> S/W Intersecting Street			
Transit Post Precinct Transit Post Subway Line			
Rank	Last Name	First Name	Shield No. Ht. Wt. Age
Agency	Command		Tax No. Race: <input type="checkbox"/> White <input type="checkbox"/> Black <input type="checkbox"/> M <input type="checkbox"/> F <input type="checkbox"/> Am. Ind./Alaskan Native <input type="checkbox"/> Asian/Pacific Is. <input type="checkbox"/> Hisp. White <input type="checkbox"/> Hisp. Black
Duty Status	In Uniform?	Type of Assignment	<input type="checkbox"/> School <input type="checkbox"/> Foot Post <input type="checkbox"/> Traffic RMP <input type="checkbox"/> Summons Post
<input type="checkbox"/> On <input type="checkbox"/> Off	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> RMP Sector <input type="checkbox"/> RMP Other <input type="checkbox"/> Traffic Post <input type="checkbox"/> Anti-Crime <input type="checkbox"/> Off Duty <input type="checkbox"/> NCO <input type="checkbox"/> RMP Response <input type="checkbox"/> Scooter <input type="checkbox"/> Investigation <input type="checkbox"/> Other (Specify)	
Equipment Use (Choose All That Apply) <input type="checkbox"/> Firearms Discharge <input type="checkbox"/> OC Spray Discharge <input type="checkbox"/> CEW Discharge <input type="checkbox"/> Baton Strike <input type="checkbox"/> Other Equipment (Describe)			
At Time of Incident: <input type="checkbox"/> MOS Alone <input type="checkbox"/> Partner Present <input type="checkbox"/> Other MOS Present		Body Worn Camera? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes, Serial No.	
MOS Used Force On: <input type="checkbox"/> Civilian/Non-Member/Bystander <input type="checkbox"/> Subject <input type="checkbox"/> None <input type="checkbox"/> Unknown			
Civilian/Subject's Last Name		First Name	Date of Birth
Age	Height	Weight	Injured? <input type="checkbox"/> Yes <input type="checkbox"/> No Subject Used Force? <input type="checkbox"/> Yes <input type="checkbox"/> No Top Charge (P.L. Code), if Any
Race/Ethnicity	<input type="checkbox"/> White <input type="checkbox"/> Black <input type="checkbox"/> Hispanic White <input type="checkbox"/> Hispanic Black <input type="checkbox"/> American Indian/Alaskan Native <input type="checkbox"/> Other (Specify)	<input type="checkbox"/> American Indian/Alaskan Native <input type="checkbox"/> Asian/Pacific Islander <input type="checkbox"/> Other (Specify)	Physically Disabled? <input type="checkbox"/> Yes <input type="checkbox"/> No NYSID No., if Any
Address		Unit/Apt. No.	
Unit Type: <input type="checkbox"/> Apartment <input type="checkbox"/> Building <input type="checkbox"/> Department <input type="checkbox"/> Floor <input type="checkbox"/> Private House <input type="checkbox"/> Room <input type="checkbox"/> Suite <input type="checkbox"/> Unit		Emotionally Disturbed Person? <input type="checkbox"/> Yes <input type="checkbox"/> No	
Alcohol Intoxication Suspected? <input type="checkbox"/> Yes <input type="checkbox"/> No		Drug Use Suspected? <input type="checkbox"/> Yes <input type="checkbox"/> No	
Additional Report Prepared (Aided, Arrest, Summons, etc)		Report Number	Violation Section Precinct
Additional Report Prepared		Report Number	Violation Section Precinct
Additional Report Prepared		Report Number	Violation Section Precinct
Additional Report Prepared		Report Number	Violation Section Precinct

<p>Type of Force Used Against MOS (Check All That Apply and Include Attempts)</p> <p><input type="checkbox"/> Hand Strike <input type="checkbox"/> Strike With Object <input type="checkbox"/> Menacing/Brandishing Weapon <input type="checkbox"/> Object Thrown <input type="checkbox"/> Wrestling/Grappling</p> <p><input type="checkbox"/> Foot Strike <input type="checkbox"/> Assault With Knife/Sharp Object <input type="checkbox"/> Discharged Firearm At Officer <input type="checkbox"/> Pushing/Shoving <input type="checkbox"/> MOS Self-inflicted</p> <p><input type="checkbox"/> MOS Injured While Attempting to Apprehend Subject or Control Individual <input type="checkbox"/> None</p> <p><input type="checkbox"/> Other (Specify)</p>	<p>Injury Sustained By MOS (Check All That Apply)</p> <p><input type="checkbox"/> None <input type="checkbox"/> Minor Swelling <input type="checkbox"/> Contusions <input type="checkbox"/> Complaint of Substantial Pain <input type="checkbox"/> Significant Contusions <input type="checkbox"/> Laceration(s) Requiring Sutures</p> <p><input type="checkbox"/> Broken/Fractured Bone(s) <input type="checkbox"/> Gunshot Wound <input type="checkbox"/> Heart Attack/Stroke/Aneurysm <input type="checkbox"/> MOS Killed <input type="checkbox"/> Other Condition/Injury (Specify)</p>	<p>Weapon Use</p> <p><input type="checkbox"/> Possessed <input type="checkbox"/> Displayed, Did Not Use</p> <p><input type="checkbox"/> Displayed, Used <input type="checkbox"/> N/A</p>
<p>FORCE AGAINST MOS</p>		
<p>Type of Force Used By MOS (Check All That Apply) <input type="checkbox"/> No Force Used</p> <p><input type="checkbox"/> Hand Strike <input type="checkbox"/> Foot Strike <input type="checkbox"/> Forcible Take Down <input type="checkbox"/> OC Spray <input type="checkbox"/> Restraining Mesh Blanket <input type="checkbox"/> Conducted Electrical Weapon</p> <p><input type="checkbox"/> Impact Weapon <input type="checkbox"/> Police Canine Bite <input type="checkbox"/> Discharged Firearm <input type="checkbox"/> Intentionally Struck Subject with Vehicle</p> <p><input type="checkbox"/> Other Force (Specify)</p>	<p>Subject Weapon Type (Check All That Apply)</p> <p><input type="checkbox"/> Chemical Agent <input type="checkbox"/> Firearm</p> <p><input type="checkbox"/> Cutting Instrument <input type="checkbox"/> Blunt Instrument/Object <input type="checkbox"/> Simulated Firearm</p> <p><input type="checkbox"/> Imitation Firearm <input type="checkbox"/> None <input type="checkbox"/> Other (Specify)</p>	<p>Gun Type Used By Subject: <input type="checkbox"/> None <input type="checkbox"/> Handgun <input type="checkbox"/> Long-gun <input type="checkbox"/> Shotgun <input type="checkbox"/> Other (Specify)</p> <p>Cal/MM No. Shots No. Hits</p>
<p>ACTIONS TAKEN BY MOS</p>		
<p>Reason for Force (Check All That Apply)</p> <p><input type="checkbox"/> Defense of Self <input type="checkbox"/> Defense of Member of Public <input type="checkbox"/> Defense of Other MOS <input type="checkbox"/> Stop Self-inflicted Harm <input type="checkbox"/> Fleeing Suspect</p> <p><input type="checkbox"/> Overcome Resistance or Aggression <input type="checkbox"/> Subject Armed with Weapon <input type="checkbox"/> N/A <input type="checkbox"/> Unintentional</p> <p>Offered Medical Attention To Subject?</p> <p><input type="checkbox"/> Offered, Subject Accepted <input type="checkbox"/> Offered, Subject Refused <input type="checkbox"/> N/A <input type="checkbox"/> Yes <input type="checkbox"/> Refused <input type="checkbox"/> N/A <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A</p>		
<p>PART B — TO BE COMPLETED BY MEMBER'S IMMEDIATE SUPERVISOR</p>		
<p>Type of Injury Sustained By Civilian/Subject (Check All That Apply)</p> <p>Physical Injury</p> <p><input type="checkbox"/> Minor Swelling <input type="checkbox"/> Minor Contusions <input type="checkbox"/> Minor Lacerations/Abrasion <input type="checkbox"/> Complaint of Substantial Pain <input type="checkbox"/> None</p> <p>Substantial Physical Injury or Illness</p> <p><input type="checkbox"/> Significant Contusions <input type="checkbox"/> Laceration(s) Requiring Sutures</p> <p><input type="checkbox"/> Other Condition Requiring Treatment at Hospital Emergency Room (Specify)</p> <p>Serious Physical Injury or Illness</p> <p><input type="checkbox"/> Broken/Fractured Bone(s) <input type="checkbox"/> Gunshot Wound <input type="checkbox"/> Heart Attack/Stroke/Aneurysm <input type="checkbox"/> Subject Died</p> <p><input type="checkbox"/> Other Condition Requiring Hospital Admission (Specify)</p>		
<p>CIVILIAN/SUBJECT'S INJURY</p>		
<p>COMPLETE ONLY IF FIREARM DISCHARGED</p>		
<p>Type of Discharge</p> <p><input type="checkbox"/> Intentional Discharge, Adversarial Conflict <input type="checkbox"/> Intentional Discharge, Non-Adversarial (Animal) <input type="checkbox"/> Other (Specify)</p> <p><input type="checkbox"/> Unintentional Discharge, Adversarial Conflict <input type="checkbox"/> Unintentional Discharge, Non-Adversarial</p>		
<p>FIREARMS DISCHARGE</p>		
<p>Number of Prior Firearms Discharges by MOS</p> <p>MOS Wore Vest? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A</p> <p>Projectile Defeated Vest? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A</p> <p>Officer's Weapon</p> <p><input type="checkbox"/> Service Weapon <input type="checkbox"/> Off Duty <input type="checkbox"/> Other (Specify)</p> <p>Sights Used? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A</p> <p>Distance to Opponent When First Shot Fired (ft.) <input type="checkbox"/> N/A</p>		
<p>COMPLETE ONLY IF CEW DISCHARGED</p>		
<p>Type of CEW Discharge: <input type="checkbox"/> Darts Only <input type="checkbox"/> Darts and Drive Stun <input type="checkbox"/> Drive Stun Only</p>		
<p>CEW USE</p>		
<p>Manufacturer Model Number Serial Number CEW Cartridge Number</p>		
<p>No. of Dart Contacts Approx. Subject Distance Additional Cartridge(s) Used? If Yes, Did Darts Miss? Darts Penetrate Skin?</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes, One <input type="checkbox"/> Yes, Both <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No</p>		
<p>Did One or Both Darts Fall Out of Clothing Contact With: (Drive Stun) Was CEW Effective? CEW Log Number</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Skin <input type="checkbox"/> Clothing <input type="checkbox"/> Yes <input type="checkbox"/> No</p>		
<p>Subject's Demeanor After CEW Use (Check All That Apply)</p> <p><input type="checkbox"/> None Apparent <input type="checkbox"/> Stopped Resistance <input type="checkbox"/> Continued Resistance <input type="checkbox"/> Increased Resistance <input type="checkbox"/> Attacked Officer <input type="checkbox"/> Subject Incapacitated</p> <p><input type="checkbox"/> Fell to Ground <input type="checkbox"/> N/A <input type="checkbox"/> Other (Specify)</p>		
<p>Factor(s) Contributing to CEW Ineffectiveness:</p> <p><input type="checkbox"/> Darts Fell Out <input type="checkbox"/> Darts Pulled Out <input type="checkbox"/> Missed Subject <input type="checkbox"/> Darts Too Far From Surface Area <input type="checkbox"/> Poor Darts Spread</p> <p><input type="checkbox"/> Subject Fought Through <input type="checkbox"/> Broken Wires <input type="checkbox"/> Undetermined/Unknown <input type="checkbox"/> N/A</p>		
<p>Based on Information Available at the Time of this Report:</p> <p><input type="checkbox"/> I Believe the Member's Actions Were in Compliance with Department Procedures</p> <p><input type="checkbox"/> I Recommend Further Investigation By:</p> <p><input type="checkbox"/> The Duty Captain And Patrol Borough Investigations Unit Due to:</p> <p><input type="checkbox"/> The Use of Level Two Force <input type="checkbox"/> A Substantial Physical Injury to a Subject or Civilian Which Resulted From Police Activity</p> <p><input type="checkbox"/> Allegations of Excessive or Unnecessary Force Resulting in Physical Injury or Substantial Physical Injury</p> <p><input type="checkbox"/> Possible Excessive Force <input type="checkbox"/> Prisoner Attempted Suicide</p> <p><input type="checkbox"/> The Internal Affairs Bureau Due to:</p> <p><input type="checkbox"/> The Use of Level Three Force (Except Firearm Discharge)</p> <p><input type="checkbox"/> A Serious Physical Injury to a Subject or Civilian Which Resulted From Police Activity (Except If The Subject Dies Or is Likely to Die)</p> <p><input type="checkbox"/> The First Deputy Commissioner's Force Investigation Division Due to:</p> <p><input type="checkbox"/> A Firearm Discharge by a Uniformed Member</p> <p><input type="checkbox"/> An Incident in Which a Person was Seriously Injured And is Likely to Die or Was Killed as a Result of a Police Activity</p>		
<p>SUPERVISOR'S RECOMMENDATIONS</p>		
<p>Immediate Supervisor's Rank/Name Tax No. Shield No.</p>		
<p>Agency Command Signature Date</p>		



Appendix C

Subjects Killed During Intentional Discharge-Adversarial Conflicts (ID-AC) Incidents

Disclaimer: In some cases, factual information provided is based on preliminary findings of ongoing investigations. Additional information may be developed as the departmental investigation progresses and/or related court or grand jury proceedings are concluded.

106th Precinct (Male/Black/32) (4/17/2016)

On Sunday, April 17, 2016, at approximately 0130 hours, two police officers assigned to the anti-crime unit of the 106th Precinct were patrolling the South Ozone Park section of the precinct in an unmarked vehicle. The two officers observed a double-parked vehicle and a man holding what appeared to be a bottle of alcohol on 116th Avenue and 135th Street. After pulling alongside the subject's vehicle, one officer informed the subject that he risked a summons for drinking an alcoholic beverage in public view and that the officers could not allow him to drive if he had been consum-

ing alcohol. Another man approached from the street side of the subject's vehicle and offered to take the bottle of alcohol inside. As the subject handed the bottle to the other man, his shirt lifted up, and one of the officers observed a black gun in the subject's waistband and alerted the other officer. One officer stepped out of the vehicle to speak to the subject, who slowly backed away and then fled. The officers pursued the subject and were joined by a sergeant and two police officers who had arrived in another unmarked vehicle. The subject turned back towards the pursuing officer with the black firearm in his right hand. The

officer informed the subject that they were police and instructed him to get on the ground. The sergeant and three of the four police officers present then fired their service weapons at the subject striking him numerous times. The injured subject was removed to Jamaica Hospital, where he was later pronounced deceased. A loaded Hi-Point 40SW firearm with a disengaged safety feature was recovered at the scene.

Midtown North Precinct (Male/White/46) (5/18/2016)

On Wednesday May 18, 2016, at approximately 0731 hours, two police officers assigned to the Midtown North Precinct Strike Auto responded to a radio run of a disorderly group congregating outside at West 49th Street and 8th Avenue. A sergeant assigned to the same detail was already present at the scene when the officers arrived. Responding officers observed a group of

Verizon employees protesting at the location. They remained on scene to maintain a peaceful and orderly demonstration. One of the officers was alerted to a customer dispute at a nearby Food Emporium located at 810 8th Avenue at West 49th Street by an employee of the supermarket. At approximately 0825, the officer entered the Food Emporium and observed the subject yelling and cursing at employees. Once the officer entered the supermarket, the subject left. The officer followed the subject and attempted to engage him just outside of the establishment. A struggle ensued, and the officer wrestled the perpetrator to the ground in attempt to handcuff him. The subject brandished a folding knife. The sergeant and the other officer on scene ran to assist the confronted officer. They aimed their service weap-

ons at the armed subject who advanced toward the officers still brandishing the knife. The officers discharged their firearms at the subject resulting in his demise. The perpetrator's folding knife was recovered at the scene. A female bystander was struck in the wrist by a police bullet; her wounds were not fatal.

43rd Precinct/PSA 8 (Male/Black/25) (6/19/2016)

On Sunday, June 19, 2016, at approximately 0153 hours, a ShotSpotter activation was generated through the Operations Unit at 1725 Randall Avenue (NYCHA – Soundview Houses). Two officers assigned to Housing Borough Bronx/Queens I.R.T. responded to a radio run of "Shots Fired – ShotSpotter Activation." New York City Housing Authority CCTV video, later recovered from the scene, showed that the activation was caused by an armed

subject discharging two rounds into the air from his handgun. Officers conducted a canvass and sought additional information from individuals working near the location. During the canvass, the officers noticed a man acting erratically, yelling to himself, and pacing back and forth in the courtyard of the development. Four additional officers responded to the scene, two more members assigned to Housing Borough Bronx/Queens I.R.T. and two members assigned to the 43rd Precinct anti-crime team. One officer used his tactical flashlight to illuminate the subject in the courtyard and saw that he was holding a firearm. The officers ordered the man to drop the handgun, but the man dragged the handgun along a metal fence in the courtyard. The officers transmitted this information and a physical description of the man over the radio. All of the officers present

had drawn their service weapons and pointed them in the direction of the subject. The man yelled at the officers, advanced towards them, and pointed his handgun in the direction of four of the six officers present. Three officers discharged their service weapons at the subject, striking him several times. The subject was removed to Jacobi Medical Center where he later was pronounced deceased. The subject's Hi-Point Firearms Model C9 9mm firearm was recovered in front of 1725 Randall Avenue.

75th Precinct (Male/Black/37) (7/4/2016)

At approximately 0006 hours on Monday, July 4, 2016, an off-duty officer assigned to the 79th Precinct was driving his personal vehicle eastbound on Atlantic Avenue after completing his assigned tour of duty. The off-duty officer became involved in a dispute with the driver of an-

other vehicle, carrying the male subject, his girlfriend, and two minor children. The family was returning home from a house party in the vicinity of Williams Avenue and Linden Boulevard. The incident began when the subject was angered because he believed the off-duty officer had cut him off. Both vehicles stopped at a red light at the intersection of Atlantic Avenue and Bradford Street in the 75th Precinct. The off-duty officer's vehicle was in the right lane, an unidentified vehicle in the middle lane, and the subject's vehicle in the left lane. The subject stepped out of his vehicle, crossed in front of the unidentified vehicle, and approached the open, driver-side window of the off-duty officer's vehicle. The officer fired his off-duty Glock 26 firearm at the subject. The officer immediately exited his

vehicle, holstered his weapon, and called 9-1-1. EMS personnel pronounced the subject dead upon their arrival.

62nd Precinct (Male/Black/39) (7/11/2016)

At approximately 1829 hours on Monday, July 11, 2016, the Communications Division broadcast a radio code signal "10-31" burglary in progress inside of a residence located on 78th Street in the 62nd Precinct. Responding units included the patrol supervisor and his operator. Four additional police officers also responded to the location in two separate cars. The officers entered the residence through an open front door and were directed to a back bedroom by one of the burglary victims. As the officers entered the bedroom, they observed the subject climbing through a window and down the fire escape. One of the officers broadcast a radio trans-

mission alerting responding units that the subject was fleeing out the back of the location. The subject scaled a backyard fence leading to a sidewalk on Stillwell Avenue. He was met by the patrol supervisor and another officer. The subject pointed a firearm in the direction of the sergeant and the officer. Both the sergeant and police officer drew their service weapons and discharged them. The perpetrator collapsed onto the sidewalk and was taken into custody. Medical attention was provided by the officers until EMS arrived. He was subsequently transported to Coney Island Hospital where he was later pronounced dead. Officers recovered a .38 caliber RG 39 firearm at the scene. It was found in the "cocked position"

and contained three live rounds.

PSA 3/94th Precinct (Male/Black/42) (7/17/2016)

On Sunday, July 17, 2016, at 0741 hours, the police radio transmitted a signal "10-54" job involving an emotionally disturbed person at the NYCHA development called Cooper Park Houses, located in the 94th Precinct. While two police officers were enroute to the assignment, the job was reclassified as a signal "10-30" robbery in progress involving a firearm. The officers parked their patrol vehicle near the southwest entrance of the development closest to 20 Debevoise Avenue. As they approached the location, the subject began firing in their direction. One officer took cover behind the patrol vehicle and fired at the subject. The other officer took cover behind a tree before tactically advancing toward the subject. The officer

fired, causing the subject to fall to the ground. As the officer was advancing, the subject rose and pointed his firearm at the officer again, and the officer fired. The perpetrator fell to the ground and was taken into custody. He was removed to Woodhull Hospital by EMS personnel. The subject had been struck twice by police gunfire and was pronounced deceased at 0838 hours. Officers recovered a .40 caliber Glock firearm at the scene with one round in the chamber and three rounds in the magazine. It was determined that prior to the officers' arrival, the subject had robbed and pointed a firearm at two victims, in two separate incidents, within the Cooper Park Houses.

43rd Precinct (Female/Black/66) (10/18/2016)

At approximately 1806 hours, on Tuesday, October 18, 2016, two police officers responded to a 10-54 assignment involving an emotionally disturbed person (EDP) at a building on Pugsley Avenue in the 43rd Precinct. The officers arrived at approximately 1814 hours and were joined by two officers from 43rd Precinct response car. The four officers entered the building and conferred with building security, who had called 9-1-1 to report a violent female EDP at the location. Accompanied by building security, the officers responded to the apartment of the EDP subject. The subject answered from inside the apartment, but did not open the door. Responding officers expressed their concern for her wellbeing, and the subject opened the door and engaged the officers in conversation. She refused any

offer of medical or psychiatric aid and attempted to slam the door closed. One officer stuck his foot in the door and was able to gain entry to the apartment. As the officers entered, the subject ran to her bedroom where she picked up a pair of scissors. She insisted there was nothing wrong with her and refused to leave the apartment. The patrol supervisor arrived on scene and met the subject's sister, who had been notified by building security. She told him that the subject had a history of mental illness. The supervisor stood in front of the officers near the entry to the subject's bedroom. The sergeant and responding officers continued to speak with the subject but were unable to persuade her. The subject dropped the scissors, picked up a wooden baseball bat, which was leaning against her bed, and raised the bat above her head. The sergeant drew his firearm and told the subject to drop the

bat. The sergeant discharged two rounds from his department-issued service weapon, striking the subject twice. Responding EMTs rendered medical aid to the subject at the scene. She was transported to Jacobi Hospital, where she was pronounced dead on arrival.

43rd Precinct (Male/Hispanic/35) (11/4/2016)

On Friday, November 4, 2016, at approximately 1445 hours, two police officers assigned to the 43rd Precinct responded to a report of a gunpoint robbery in progress at a residence on Beach Avenue. Also present in the patrol vehicle was a probationary police officer assigned to the Recruit Training Section, who was participating in field training. The incident involved a violent custody dispute between the subject and his estranged wife, in which the subject had held his wife and others at gun-

point. As the officers were traveling to the location, the subject left the building, got in his car, and drove away. The female victim called 9-1-1 at that time. The radio dispatcher provided additional information, including descriptions of the subject's clothing and vehicle. A patrol supervisor and another officer assigned to the 43rd Precinct were canvassing the area in a marked police van when they saw the subject's vehicle at the corner of Merrill Street and Commonwealth Avenue and followed it.

Officers from the 43rd Precinct converged on the area. After pursuing the subject for several blocks, responding officers blocked his path on Bronx River Avenue at East Tremont Avenue. The subject made a U-turn in attempt to evade responding units in front of 1575 Bronx River Avenue. An officer driving

a patrol vehicle collided with the rear of the subject's vehicle causing him to lose control and strike a parked stake bed truck. The subject's vehicle was boxed in by the patrol vehicle. As the patrol supervisor approached the driver side of the vehicle with his service weapon drawn, the subject fired his .45 caliber pistol, striking the sergeant in the head and upper back. The subject continued firing, and another sergeant was also struck by a round, sustaining a graze wound to his left leg. The operator of the patrol supervisor's van tactically approached the perpetrator's vehicle from the rear and fired his department-issued firearm, striking the subject. The probationary police officer, who had been riding in the patrol vehicle that had initially responded to the incident, advanced from behind cover, and fired his service weapon, striking the subject. After the shooting,

officers immediately requested an ambulance for the wounded sergeants and the subject. Officers carried the fatally wounded sergeant to a marked police van and transported him to Jacobi Hospital where he succumbed to his injuries. The sergeant who suffered a graze wound was treated and released from Jacobi Hospital that same day. The subject was pronounced dead at the scene. Recovered at the scene was a Colt Model 1911 .45 caliber handgun that was used by the subject.

73rd Precinct/PSA 2 (Male/Hispanic/21) (11/19/2016)

On Saturday, November 19, 2016, at 1317 hours, two police officers assigned to PSA 2 were dispatched to respond to calls for help at 362 Sutter Avenue, which is the address of the Van Dyke Houses, a New York City Housing Authority property located in the 73rd Precinct. The 9-1-1 call provided no further details regarding the incident. The officers arrived at approximately 1323 hours and conducted an interior patrol of the entire building. After a roof check, the officers reached the tenth-floor landing, where they smelled a burning odor and observed a man on the 9th floor landing below. The officers approached the man, who informed them that he lived in the building. The officers asked for identification, and the man showed them his New York City Identification Card, which listed a different ad-

dress. The officers told the man that, based on his identification, he did not live in the building. The man said that he had family living on the first floor of the building. When the officers requested that he accompany them to the apartment to verify his reason for being in the building, a physical struggle ensued. The officers requested an additional unit to the 9th floor, deployed their expandable batons, and issued verbal commands to the subject. The officers began to struggle with the subject, who gained control of one officer's batons and proceeded to strike both officers numerous times in the head. Both officers fired their service weapons. Several rounds struck the subject, causing his demise. The subject had a known history of mental illness; he also had an open warrant.

Both officers received treatment at Jamaica Hospital for their injuries. Both officers suffered lacerations to the head, and one required seven stitches.



Appendix D

Other Death Investigations Conducted by the Force Investigation Division (FID)

Disclaimer: In some cases, factual information provided is based on preliminary findings of ongoing investigations. Additional information may be developed as the departmental investigation progresses and/or related court or grand jury proceedings are concluded.

In addition to the nine deaths resulting from police firearms discharges, the Force Investigation Division investigated 21 other incidents where deaths occurred in 2016. In these cases, the people who died had interacted in some way with the police, but often were not subject to police force and in other cases the subjects were never taken into police custody. These deaths occur for a variety of reasons, and there is no discernable pattern in their causes across precincts or geographic boroughs. The NYPD investigates these cases thoroughly and an accounting of each case is provided below.

Death Preceding Custody

Deaths preceding custody typically occur immediately prior to the intended restraint of a particular subject, after officers have either decided that there was probable cause to arrest or that restraint was necessary for the safety of the subject or other persons present, but had not, in fact, established control of the person. Six cases investigated by FID in 2016 are categorized as deaths preceding custody. In one case, the subject was fleeing the police when the death occurred.

Suicide-114th Precinct (Male/White/46) (1/3/2016)

Officers responded to a call at a Country Inn Suites hotel in the 114th Precinct. They were met by a man who said that a dispute had occurred earlier between his girlfriend's sister and her boyfriend, a 46-year-old man. The officers were led to a room on the 8th floor and knocked on the door but got no answer. The subject's girlfriend told the officers that her boyfriend was inside the room and in possible need of medical care because of an injury he had received earlier in the day. Hotel staff provided a key to unlock the room door, but entry was not possible because the security latch on the inside was engaged. The officers were able to peer inside where they observed the subject with blood on his face and heard him say, "Get out of here" and "You're gonna have to shoot me." Not knowing if the subject was armed, the officers requested the response of the Emergency Service Unit. Upon arrival, ESU observed the subject sitting on the exterior windowsill, as if he were about to jump. Officers requested response of the Hostage Negotiation Team, but the subject jumped and landed on the sidewalk. He was pronounced dead at the scene by EMS personnel. Medical Examiner reports indicate that the cause of death was blunt impact to head and torso with multiple fractures and visceral injuries.

Suicide-81st Precinct (Male/Asian/22) (3/13/2016)

Officers initiated a traffic stop of a motor vehicle for a traffic infraction. The male driver was observed discarding several prescription pill bottles through the driver-side window. The officers then heard a "bang" noise from the subject vehicle, before it collided with another vehicle and came to a stop. Officers approached the vehicle and

observed the subject unconscious and bloodied, holding a firearm in his right hand, an apparent suicide. EMS personnel responded and removed the subject to Interfaith Medical Center where he was pronounced dead. The subject was wanted as a person of interest in a double shooting that occurred in the 104th Precinct earlier that morning. Medical Examiner reports indicate that the cause of death was a gunshot wound to the head.

Suicide-77th Precinct (Male/Black/65) (4/15/2016)

Officers from the Warrants Section were at the home of a male subject who had failed to attend a meeting mandated by his status as a Level 3 sex offender. Having knocked with the intent of placing the subject under arrest, the officers were let inside by the subject's roommate. The officers heard a noise from the subject's bedroom and, entering, found the subject lying in bed, unresponsive, with a revolver under his chin. EMS responded and pronounced the subject dead from a self-inflicted gunshot wound. Medical Examiner reports indicate that the cause of death was a gunshot wound to the head.

Suicide-61st Precinct (Male/White/22) (5/4/2016)

Officers responded to a radio call of an emotionally disturbed man threatening to jump from the window of his third-floor apartment. The officers entered the apartment and saw the subject smoking a cigarette on the fire escape. After being asked by one of the officers to come back inside, the subject stood up and suddenly moved towards the railing of the fire escape. One of the responding officers attempted to grab the subject's leg but was unable to get a grip, and the subject jumped and fell 28 feet to the ground. Officers requested the response of EMS,

who removed the subject to Lutheran Medical Center in critical condition. The subject later succumbed to his injuries. Medical Examiner reports indicate that the cause of death was skeletal fractures with cerebral subdural and subarachnoid hemorrhage.

Fleeing Subject-47th Precinct (Male/Black/21) (4/27/2016)

Officers assigned to Bronx Narcotics were executing a search warrant when a 21-year-old male was observed climbing out of a fifth-floor window in an attempt to evade police. The subject fell to the ground and was subsequently removed by ambulance to Jacobi Hospital where he was pronounced dead. Medical Examiner reports indicate that the cause of death was blunt force trauma to the torso.

Injury Inflicted by People Other than Police-83rd Precinct (Male/Hispanic/39) (12/4/2016)

Officers responded to reports of “males fighting” in front of a commercial establishment. Upon arrival, they observed the complainant and his children sitting on top of a male subject. The complainant said he and his family had caught the male subject trying to burglarize their business. After a struggle, they had managed to subdue the subject and had been sitting on his back to restrict his movement until police arrived. The responding officers observed that the subject was unresponsive and unconscious, and they administered CPR. Officers requested EMS, which responded and removed the subject to Woodhull Hospital, where he was pronounced dead shortly after arrival. Medical Examiner reports indicate that the cause of death was compression of the chest with concomitant acute heroin and cocaine intoxication.

Death In Custody

Death in Custody typically occurs after the restraint of a particular subject. The term “in custody,” refers to any subject in police custody who has not yet been arraigned. In some deaths preceding custody, subjects are fleeing the police on foot or in vehicles when the death occurs due to intervening circumstances or actors beyond the officers’ control; such intervening incidents include medical crises such as heart attacks and strokes, suicides, drug-related deaths from drugs taken or ingested prior to custody, and injuries inflicted prior to custody during accidents or assaults by people other than police.

Suicide-69th Precinct (Male/Black/28) (1/31/2016)

Officers responded to a motor vehicle collision and placed the operator, a 28-year-old male, under arrest for suspicion of driving while intoxicated. After refusing a breathalyzer test, the subject was removed to the 69th Precinct for arrest processing where he became agitated and began to yell. Shortly thereafter, the cell attendant observed the subject hanging in the prisoner holding pen from his T-shirt, which he had tied to the top portion of the holding pen bars. An ambulance was immediately requested, and the subject was removed to Brookdale Medical Center where he was pronounced dead from apparent asphyxiation. Medical Examiner reports concur that the decedent’s death was caused by hanging.

Medical/No Police Force Used-122nd Precinct (Male/Hispanic/25) (1/31/2016)

On November 9, 2015, officers responded to a vehicle accident that had caused the death of the front-seat passenger. The driver, a 25-year-old man, was removed to Staten Island University Hospital in critical condition. A records check revealed that the driver’s New York State driver’s license had been revoked, and 14 bags containing alleged crack cocaine were recovered from the driver’s seat of the vehicle. The driver was placed under arrest and remained hospitalized in a coma for several months until hospital staff pronounced him dead on January 31, 2016. Medical Examiner reports indicate that the cause of death was complications resulting from blunt force trauma to the head.

Medical/Police Force Used-84th Precinct/TD 30 (Male/Black/40) (3/6/2016)

Officers responded to the scene of an aided case aboard a north-bound A-train at the Hoyt-Schermerhorn station in Brooklyn, where they were directed to a 40-year-old male in apparent distress. EMS arrived on the scene and determined that the subject should be removed to the hospital, causing him to become combative. With assistance from the officers, EMS restrained the subject and removed him to the ambulance. While enroute to Brooklyn Hospital, the subject entered cardiac arrest as EMS personnel attempted to revive him. The subject was pronounced dead at the hospital by emergency room staff on March 6, 2016. Medical Examiner reports indicate that the cause of death was atherosclerotic and hypertensive cardiovascular disease.

Medical/Police Force Used-PSA 2**(Male/Black/47) (3/6/2016)**

Officers initiated a traffic stop of a vehicle on February 21, 2016. While they were conducting the car stop, a minivan operated by a 47-year-old man collided into the rear of the officers' marked police vehicle. As the officers approached the van, the driver attempted to drive off, causing the officers to jump out of the way to avoid being hit. After removing the subject from the vehicle, officers requested an ambulance, and the subject was subsequently removed to Brookdale Hospital for treatment. Emergency room staff determined the subject had suffered a stroke, and proceeded to perform surgery to repair the damage. The subject entered cardiac arrest and was pronounced dead on March 6, 2016. Medical Examiner reports indicate that the cause of death was complications of intracerebral hemorrhage due to hypertensive cardiovascular disease.

Medical/Police Force Used-40th Precinct / PSA 7**(Male/Hispanic/55) (3/16/2016)**

Officers assigned to PSA 7 responded to a radio run of an emotionally disturbed person that resulted in a struggle with a violent 55-year-old male. Responding officers handcuffed the subject and requested an ambulance. The subject was subsequently removed to Lincoln Hospital, where he entered cardiac arrest and was pronounced dead by emergency room staff. Medical Examiner reports indicate that the cause of death was acute cocaine intoxication.

Medical/No Police Force Used-48th Precinct**(Male/Black/19) (3/31/2016)**

Officers assigned to Bronx Narcotics executed a search warrant that led to the arrest of a 19-year-old man. While sitting inside of an unmarked

prisoner van, the subject began experiencing medical difficulties.

Accordingly, officers assigned to Bronx Narcotics removed the subject to Saint Barnabas Hospital in an NYPD vehicle. While the subject was being treated by hospital personnel, his condition worsened and he was subsequently pronounced dead by ER staff. Medical Examiner reports indicate that the cause of death was acute cocaine intoxication.

Medical/Police Force Used-25th Precinct (Male/Black/30) (8/1/2016)

Officers were following a vehicle suspected of being involved in a recent carjacking in the 44th Precinct. The subject drove into oncoming traffic on the Willis Avenue Bridge, where he collided with an uninvolved vehicle. The subject attempted to flee on foot but was immediately apprehended by responding officers. The subject became combative and foamed at the mouth shortly before becoming unresponsive. He was removed by EMS to Lincoln Hospital where he was pronounced dead by medical staff. Medical Examiner reports indicate that the cause of death was excited delirium with physical exertion and acute N-Ethylpentylone intoxication.

Medical/No Police Force Used-44th Precinct/Bronx Court Section**(Male/Hispanic/44) (8/22/2016)**

Officers assigned to the 43rd Precinct arrested a 44-year-old man for shoplifting from a department store. While lodged at Bronx Central Booking, the subject complained of chest pains and was removed to Lincoln Hospital for treatment. Upon his release from the hospital, the subject was returned to a holding cell at Bronx Central Booking. Several hours later, the subject suffered an apparent seizure and lost consciousness. Personnel from the NYC Department of Corrections requested an

ambulance, and the subject was once again removed to Lincoln Hospital. At the hospital, the subject's condition subsequently worsened, and he was placed on life support and pronounced dead on August 22, 2016. Medical Examiner reports indicate that the cause of death was complications of anoxic brain injury as a consequence of probable acute opiate intoxication.

Medical/Police Force Used-30th Precinct**(Male/Black/51) (8/28/2016)**

Officers were called to the scene of an aided case by paramedics requesting assistance with controlling a combative 51-year-old man. The subject had just suffered a seizure and had a history of kidney disease. Upon arrival, officers attempted to handcuff the aided and a struggle ensued, at which time the subject tried to bite, kick, and punch both the officers and EMS personnel. After being handcuffed, the subject suffered another seizure. The handcuffs were removed, and EMS personnel initiated CPR. After arrival at Columbia Presbyterian Hospital, the subject went into cardiac arrest. He was revived a total of three times by emergency room staff, but was ultimately pronounced dead. Medical Examiner reports indicate that the cause of death was cardiac arrest following seizures in a person acutely intoxicated with cocaine.

Medical/Police Force Used-45th Precinct**(Male/Hispanic/49) (11/2/2016)**

Officers were called to the scene of an armed, emotionally disturbed person. Upon arrival, they encountered a 49-year-old man holding a

glass bottle. The subject advanced upon the officers with the bottle. One of the officers discharged a CEW, striking the subject in his lower left abdomen. After the subject fell to the ground, the officers attempted to handcuff him as he continued to resist. Officers deployed the CEW in “drive stun mode” to the middle of the subject’s back and handcuffed him. The officers requested an ambulance. Upon the subject’s removal to Albert Einstein Hospital, the subject’s condition worsened, and he was pronounced dead by emergency room staff. Medical Examiner reports indicate that the cause of death was cardiac arrest following restraint and the use of a conducted electrical weapon on an individual with hypertension and atherosclerosis.

**Medical/No Police Force Used-120th Precinct
(Female/White/34) (12/8/2016)**

Officers from the Triborough Bridge & Tunnel Authority (TBTA) arrested a subject for operating a motor vehicle while under the influence of narcotics. The subject was lodged in the 120th Precinct detention cells after being discharged from the hospital, and deemed fit for arraignment by medical staff. Several hours later, the subject was observed to be unresponsive by an officer, who attempted to awaken her. EMS personnel, on scene for an unrelated call, performed chest compressions and removed the subject to Richmond University Hospital, but the subject never regained consciousness and was pronounced dead by emergency room staff. Medical Examiner reports indicate that the cause of death was acute intoxication due to the combined effects of furanyl and fentanyl.

**Injury Inflicted by People Other than Police-42nd Precinct
(Male/Black/43) (5/31/2016)**

Officers assigned to the 42nd Precinct responded to an assault in progress inside of an apartment building. Upon arrival, they observed a 43-year-old male bleeding profusely on the floor of an elevator. Further investigation revealed that the subject had been assaulted with a tire iron by the husband of a woman he had attempted to rape minutes earlier. The subject was handcuffed and removed to Lincoln Hospital by ambulance where he was pronounced dead four hours later. Medical Examiner reports indicate that the cause of death was cardiorespiratory complications associated with blunt force trauma of the head, torso, and upper extremities.

Death When No Custody Contemplated

Deceased persons sometimes were not taken into police custody nor did the police contemplate taking them into custody, and these cases are classified as Death When No Custody Contemplated. In two such cases in 2016, subjects fleeing police in motor vehicles collided with other cars whose occupants died as a result of the collisions.

Fleeing Vehicle-20th Precinct (Female/White/54) (6/7/2016)

Officers assigned to the Citywide Traffic Task Force attempted to initiate a traffic stop in their marked van at the intersection of West 17th Street and Seventh Avenue. The subject vehicle did not stop and began to flee northbound on the West Side Highway. The driver of the vehicle drove against the flow of traffic, where he collided with an uninvolved vehicle at the intersection of West 79th Street and the Henry Hudson Park-

way. The front-seat passenger of the uninvolved vehicle, a 54-year-old woman, succumbed to trauma injuries at St. Luke’s Hospital. Medical Examiner reports indicate that the cause of death was multiple blunt impact injuries.

Fleeing Vehicle-105th Precinct (Female/Black/78) (7/7/2016)

Officers began following a vehicle that was wanted in connection with a robbery that had just occurred. The vehicle fled, ran a red light, and collided with another vehicle. A female occupant inside the struck vehicle suffered extensive trauma and was declared dead on the scene by EMS. Medical Examiner reports indicate that the cause of death was blunt force trauma to the head and torso.

Medical/No Police Force Used-110th Precinct / Harbor Unit (Male/Black/57) (8/21/2016)

After pushing several people out of his way and shouting expletives, an emotionally disturbed man jumped into the East River from the second floor deck of a cruise boat. Crew members entered the water in an attempt to rescue the subject. Following a brief struggle, the crew was able to bring the subject back onto the boat, where he was handcuffed by crewmembers for the safety of those on board. Officers from the NYPD Harbor Unit were notified and responded to the boat, where they observed the subject to be unconscious and unresponsive. The subject was taken by NYPD boat to the Harbor Unit base, where he was transferred to the custody of EMS and removed to Flushing Hospital. He was subsequently pronounced dead by medical staff. Medical Examiner reports indicate that the cause of death was acute intoxication by the combined effects of ethanol and cocaine.



Appendix E

Firearms Discharges by Precinct 2016

Fourth Quarter Uses of Force by Precinct/Command

Precinct	Adversarial Conflict	Animal Attack	Unauthorized	Unintentional	Intentional No Conflict	Total
5	0	0	0	1	0	1
7	0	1	0	0	0	1
9	1	1	0	0	0	2
13	0	0	0	1	0	1
23	0	1	0	0	0	1
34	0	1	0	0	0	1
40	2	0	0	0	0	2
41	2	1	0	0	0	3
42	1	0	0	0	0	1
43	3	0	0	0	0	3
45	1	0	2	0	0	3
46	1	1	0	0	0	2
47	0	1	1	0	0	2
48	1	0	0	1	0	2
52	1	0	0	0	0	1
61	0	0	0	1	0	1
62	1	0	0	0	0	1
63	1	0	0	0	0	1
67	1	0	0	2	0	3
70	1	0	0	0	0	1
71	1	0	0	0	0	1
73	3	0	0	0	0	3
75	1	1	0	0	0	2

Precinct	Adversarial Conflict	Animal Attack	Unauthorized	Unintentional	Intentional No Conflict	Total
78	0	0	1	0	0	1
79	1	0	0	0	0	1
81	1	0	0	0	0	1
83	2	0	0	0	0	2
84	1	0	0	0	0	1
94	1	0	0	0	0	1
102	0	0	0	2	0	2
103	0	1	0	0	0	1
104	1	0	0	0	0	1
105	1	0	0	0	0	1
106	1	0	0	0	0	1
109	0	0	0	2	0	2
111	0	0	1	0	0	1
113	1	1	0	0	0	2
114	1	0	0	1	0	2
MTN	1	0	0	0	0	1
MTS	1	0	0	0	0	1
Nassau	0	0	2	0	0	2
Orange	0	0	0	0	1	1
Other	1	0	1	1	0	3
Rockland	0	0	0	1	0	1
Suffolk	1	0	1	1	0	3
Westchester	0	1	0	0	0	1
Grand Total	37	11	9	14	1	72

The following table documents reported general uses of force by command in the fourth quarter of 2016, as mandated by court order and reported to the New York City Council. General uses of force include conducted electrical weapon (CEW) discharges, impact weapons, police canine bites, OC spray, restraining mesh blankets, and physical force (hand and foot strikes, takedowns, et cetera). Firearm discharge incidents in 2016 can be found on page 87. Force incidents are recorded by the command to which the officer is assigned, not in the geographic command in which the incident occurred.

Precinct/Command	Electrical Weapon	Impact Weapon	Police Canine	OC Spray	Restraining Mesh Blanket	Physical Force	Total
1st Precinct	0	0	0	1	0	17	18
5th Precinct	0	0	0	0	0	15	15
6th Precinct	1	0	0	0	0	17	18
7th Precinct	1	0	0	0	0	4	5
9th Precinct	2	0	0	0	0	12	14
10th Precinct	2	1	0	0	0	1	4
13th Precinct	1	0	0	0	0	18	19
13th Precinct (Det. Squad)	0	0	0	0	0	1	1
Midtown South Precinct	1	0	0	0	0	5	6
17th Precinct	0	0	0	0	0	2	2
Midtown North Precinct	2	0	0	4	0	13	19
Midtown North Precinct (Det. Squad)	0	0	0	0	0	1	1
19th Precinct	0	0	0	0	0	9	9
19th Precinct (Det. Squad)	0	0	0	0	0	1	1
20th Precinct	0	0	0	0	0	3	3
23rd Precinct	0	0	0	1	0	5	6
24th Precinct	1	0	0	0	0	8	9
25th Precinct	2	0	0	0	0	10	12
26th Precinct	0	0	0	0	0	1	1
28th Precinct	0	0	0	0	0	3	3
28th Precinct (Det. Squad)	0	0	0	0	0	2	2
30th Precinct	0	0	0	0	0	12	12
32nd Precinct	0	1	0	2	0	9	12
33rd Precinct	1	0	0	0	1	12	14
34th Precinct	4	0	0	3	1	8	16
34th Precinct (Det. Squad)	0	0	0	0	0	1	1
40th Precinct	6	0	0	0	0	20	26
41st Precinct	1	0	0	1	0	5	7
42nd Precinct	1	0	0	1	0	19	21
43rd Precinct	4	0	0	1	0	11	16
44th Precinct	3	3	0	0	0	40	46
45th Precinct	1	0	0	0	0	5	6
46th Precinct	2	0	0	2	0	11	15
47th Precinct	2	1	0	4	0	17	24
48th Precinct	8	2	1	1	0	43	55
49th Precinct	4	0	0	1	0	10	15
50th Precinct	3	0	0	0	2	10	15
52nd Precinct	0	3	0	5	0	12	20

Precinct/Command	Electrical Weapon	Impact Weapon	Police Canine	OC Spray	Restraining Mesh Blanket	Physical Force	Total
60th Precinct	0	0	0	0	0	6	6
61st Precinct	0	0	0	0	0	7	7
62nd Precinct	1	1	0	0	0	5	7
63rd Precinct	0	0	0	0	0	6	6
66th Precinct	0	0	0	0	0	3	3
67th Precinct	1	0	0	2	0	13	16
67th Precinct (Det. Squad)	0	0	0	0	0	1	1
68th Precinct	0	0	0	1	0	11	12
69th Precinct	0	0	0	0	0	9	9
70th Precinct	1	0	0	2	0	12	15
71st Precinct	0	0	0	0	0	10	10
72nd Precinct	0	2	0	0	0	14	16
73rd Precinct	3	0	0	1	0	13	17
75th Precinct	1	1	0	3	0	25	30
76th Precinct	4	0	0	0	1	2	7
77th Precinct	5	0	0	0	0	18	23
78th Precinct	0	0	0	0	0	8	8
79th Precinct	0	0	0	1	0	15	16
81st Precinct	4	0	0	1	0	7	12
83rd Precinct	0	1	0	0	0	10	11
84th Precinct	0	0	0	0	0	7	7
88th Precinct	0	1	0	0	0	4	5
90th Precinct	3	0	0	4	0	24	31
94th Precinct	1	0	0	0	0	7	8
100th Precinct	1	0	0	0	0	20	21
101st Precinct	1	0	0	1	0	14	16
102nd Precinct	0	0	0	0	0	13	13
103rd Precinct	0	0	0	0	0	15	15
104th Precinct	0	0	0	0	0	4	4
105th Precinct	0	0	0	0	0	18	18
106th Precinct	0	0	0	0	0	6	6
107th Precinct	2	0	0	0	0	2	4
108th Precinct	0	0	0	0	0	8	8
109th Precinct	2	0	0	0	0	22	24
110th Precinct	0	0	0	4	0	18	22
111th Precinct	0	0	0	0	0	3	3
112th Precinct	0	0	0	0	0	5	5
113th Precinct	5	1	0	3	0	11	20
114th Precinct	2	0	0	3	0	20	25
114th Precinct (Det. Squad)	0	0	0	0	0	3	3
115th Precinct	1	0	0	0	0	15	16
115th Precinct (Det. Squad)	0	0	0	0	0	1	1
120th Precinct	2	1	0	3	0	31	37

Precinct/Command	Electrical Weapon	Impact Weapon	Police Canine	OC Spray	Restraining Mesh Blanket	Physical Force	Total
121st Precinct	0	0	0	0	0	17	17
122nd Precinct	1	0	0	0	0	12	13
123rd Precinct	0	0	0	0	0	1	1
Court Section Bronx	0	0	0	0	0	4	4
Court Section Brooklyn	0	0	0	0	0	7	7
Court Section Manhattan	0	0	0	0	0	3	3
Court Section Queens	0	0	0	0	0	2	2
Office of the Chief of Department	0	0	0	1	0	0	1
Crisis Outreach & Support Unit	0	0	0	0	0	4	4
Critical Response Command	1	0	0	0	0	1	2
Special Victims Division - Zone 3	0	0	0	0	0	1	1
Special Victims Squad - Bronx	0	0	0	0	0	1	1
Emergency Service Unit	0	0	0	0	0	4	4
Emergency Service Squad 1	3	0	0	0	2	0	5
Emergency Service Squad 2	1	0	0	0	1	2	4
Emergency Service Squad 3	1	0	0	0	0	0	1
Emergency Service Squad 4	0	0	0	0	3	2	5
Emergency Service Squad 5	0	0	0	0	1	0	1
Emergency Service Squad 6	1	0	0	0	0	0	1
Emergency Service Squad 7	0	0	0	0	2	0	2
Emergency Service Squad 8	2	0	0	0	6	0	8
Emergency Service Squad 9	0	0	0	0	2	0	2
Emergency Service Squad 10	0	0	0	0	0	1	1
Financial Crimes Task Force	0	0	0	0	0	1	1
Gang Squad - Patrol Borough Brooklyn North	0	0	0	0	0	1	1
Gang Squad - Patrol Borough Queens South	0	0	0	0	0	1	1
Impact Response Team - Housing Bureau Brooklyn	0	0	0	1	0	1	2
Impact Response Team - Housing Bureau Bronx/Queens	0	1	0	2	0	3	6
PSA 1 - Housing Bureau	1	2	0	0	0	10	13
PSA 2 - Housing Bureau	2	1	0	3	1	13	20
PSA 3 - Housing Bureau	0	0	0	2	0	22	24
PSA 4 - Housing Bureau	2	1	0	0	0	5	8
PSA 5 - Housing Bureau	1	0	0	0	0	33	34
PSA 6 - Housing Bureau	3	0	0	0	0	5	8
PSA 7 - Housing Bureau	2	1	0	1	0	11	15
PSA 8 - Housing Bureau	0	0	0	0	0	10	10
PSA 9 - Housing Bureau	1	0	0	0	0	4	5
Highway Unit No. 1	0	0	0	0	0	1	1
Highway Unit No. 3	0	0	0	0	0	1	1
Criminal Intelligence Section	0	0	0	0	0	1	1
Missing Persons Squad	0	0	0	0	0	1	1
Narcotics Borough Brooklyn North	0	0	0	0	0	11	11
Narcotics Borough Brooklyn South	0	0	0	0	0	13	13
Narcotics Borough Bronx	1	0	0	0	1	19	21

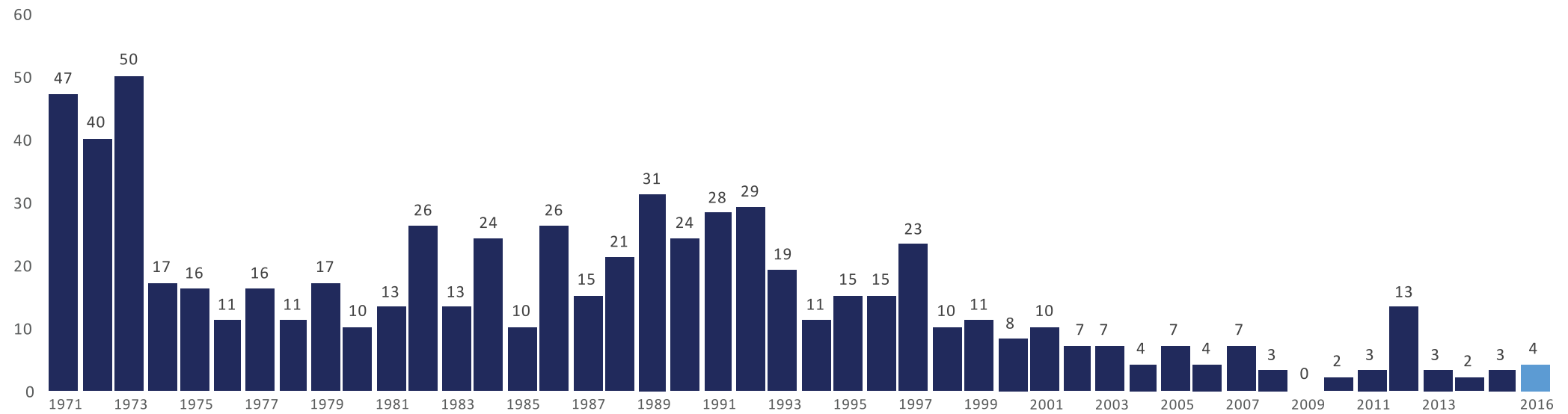
Precinct/Command	Electrical Weapon	Impact Weapon	Police Canine	OC Spray	Restraining Mesh Blanket	Physical Force	Total
Narcotics Borough Manhattan North	0	1	0	0	0	7	8
Narcotics Borough Manhattan South	0	1	0	0	0	3	4
Narcotics Borough Queens North	2	0	0	0	0	7	9
Narcotics Borough Queens South	1	0	0	0	0	0	1
Narcotics Borough Staten Island	0	0	0	0	0	1	1
Patrol Borough Brooklyn North	0	0	0	0	0	1	1
Patrol Borough Bronx	0	0	0	1	0	3	4
Patrol Borough Manhattan North	0	1	0	0	0	2	3
Patrol Borough Manhattan South	0	0	0	0	0	4	4
Patrol Borough Queens North	0	0	0	0	0	1	1
Patrol Borough Staten Island	0	0	0	0	0	5	5
Anti Crime - Brooklyn South	0	0	0	0	0	2	2
Anti Crime - Staten Island	0	0	0	0	0	1	1
School Safety Division	0	0	0	0	0	1	1
School Safety Division - Manhattan/Bronx Zone	0	0	0	0	0	2	2
School Safety - Patrol Borough Bronx	0	0	0	0	0	1	1
School Safety - Patrol Borough Manhattan North	0	0	0	0	0	1	1
Police Academy Training Unit	0	1	0	0	0	0	1
Police Laboratory	0	0	0	0	0	1	1
Strategic Response Group	0	0	0	0	0	1	1
Strategic Response Group 1 Manhattan	0	1	0	0	0	6	7
Strategic Response Group 3 Brooklyn	0	0	0	0	0	1	1
Strategic Response Group 4 Queens	0	0	0	1	0	2	3
Strategic Response Group 5 Staten Island	0	0	0	0	0	2	2
Anti Terrorism Unit - Transit Bureau	0	1	0	5	0	9	15
Special Operations District - Transit Bureau	0	0	0	1	0	1	2
Transit Borough Brooklyn Task Force	0	0	0	0	0	5	5
Transit Borough Bronx/Queens Task Force	0	0	0	0	0	1	1
Transit Borough Manhattan Task Force	0	0	0	0	0	5	5
Transit Bureau	0	0	0	0	0	4	4
Transit District 1	0	1	0	2	0	10	13
Transit District 2	0	0	0	1	0	8	9
Transit District 3	0	1	0	2	0	14	17
Transit District 4	0	0	0	2	0	1	3
Transit District 11	1	1	0	2	0	5	9
Transit District 12	0	0	0	1	0	21	22
Transit District 20	0	0	0	1	0	2	3
Transit District 23	0	0	0	1	0	2	3
Transit District 30	0	0	0	3	0	13	16
Transit District 32	0	0	0	2	0	7	9
Transit District 33	0	0	0	3	0	8	11
Transit District 34	0	0	0	1	0	9	10
Warrant Section	1	0	0	1	0	7	9
Other	4	1	0	1	0	23	29
Grand Total	125	35	1	97	24	1298	1580



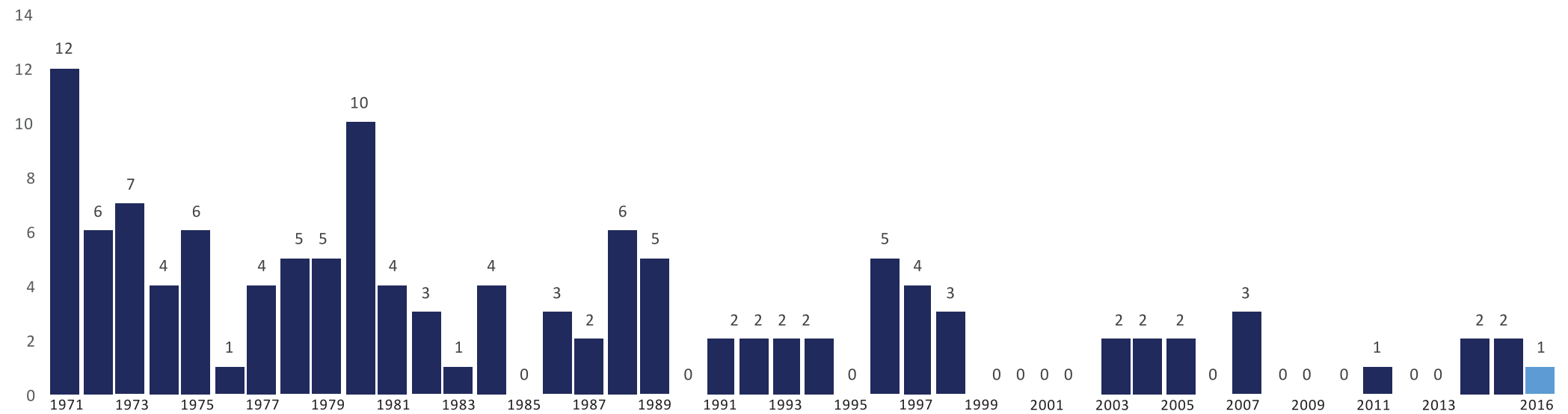
Appendix F

Historical Data on Police Firearms Discharges

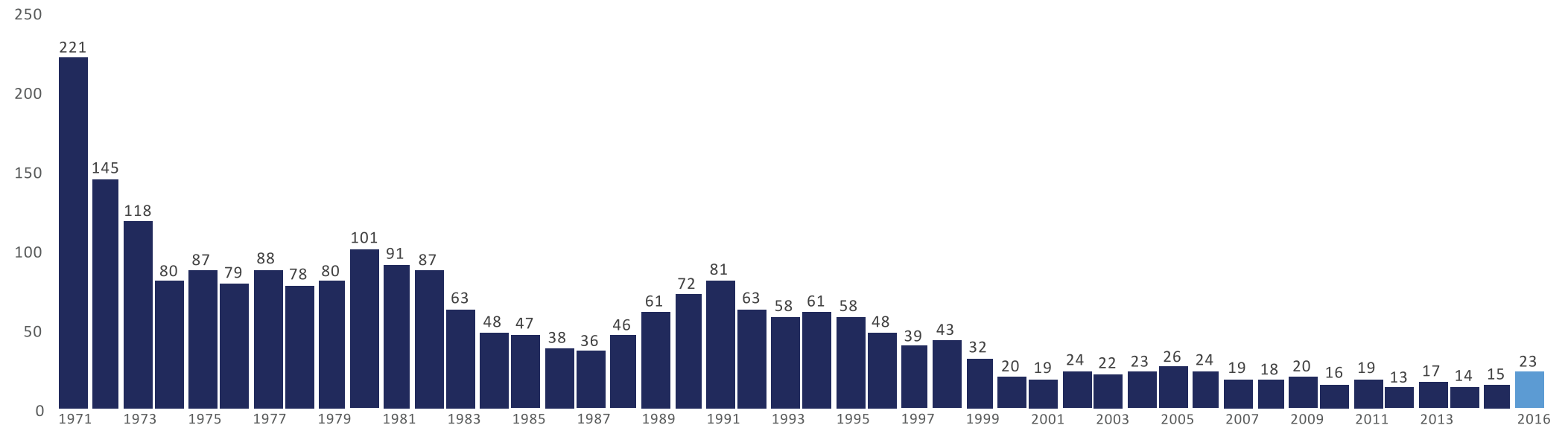
Officers Shot and Injured by Subjects, 1971 to 2016



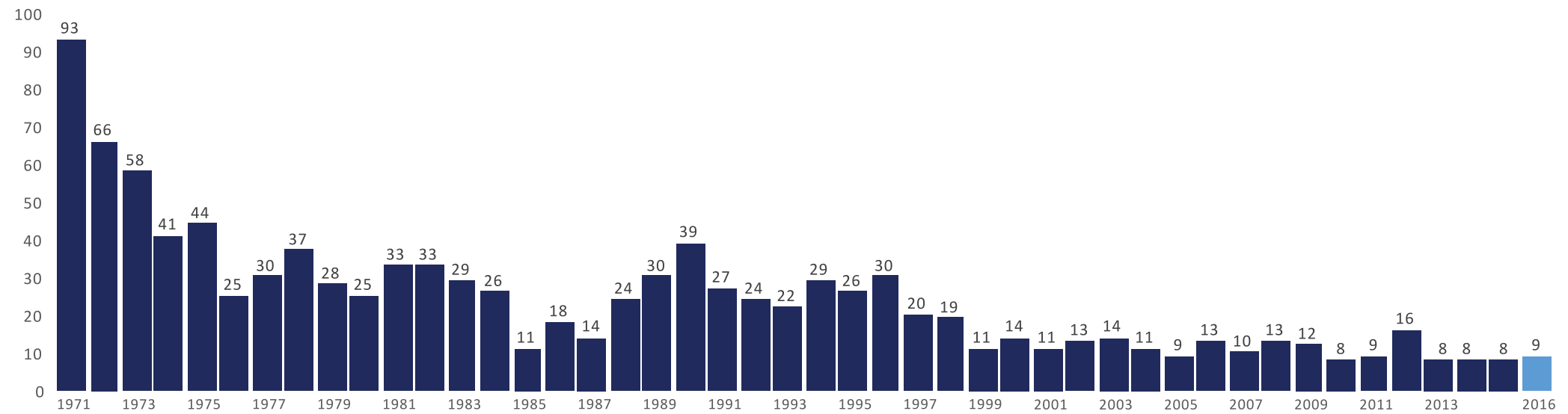
Officers Shot and Killed by Subjects, 1971 to 2016



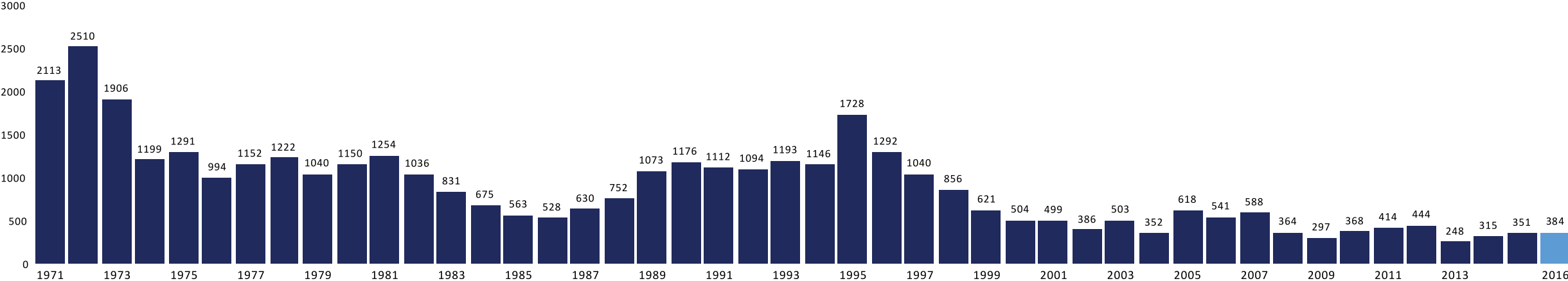
Subjects Shot and Injured by Officers, 1971 to 2016



Subjects Shot and Killed by Officers, 1971 to 2016



Total Shots Fired, 1971 to 2016



Total Shooting Incidents Involving Officers, 1971 to 2016

