

**NEW YORK CITY POLICE DEPARTMENT  
ANNUAL FIREARMS DISCHARGE REPORT**



**2009**



2009 ANNUAL FIREARMS DISCHARGE REPORT

# **ANNUAL FIREARMS DISCHARGE REPORT**

# **2009**

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**POLICE COMMISSIONER**

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# 2009 ANNUAL FIREARMS DISCHARGE REPORT

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# 2009 ANNUAL FIREARMS DISCHARGE REPORT

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# 2009 ANNUAL FIREARMS DISCHARGE REPORT INTRODUCTION

## **THE ANNUAL FIREARMS DISCHARGE REPORT: AN INTRODUCTION**

One of the most abrupt, dynamic, and potentially traumatic incidents that can happen in a police officer's career is the line-of-duty discharge of his or her firearm. As much as handcuffs, the uniform, or the shield, the gun is a symbol of the officer's authority. It is, moreover, a physical embodiment of the officer's responsibility. The weapon on an officer's hip is a constant reminder—for officer and citizen alike—of the officer's role and the trust society has given.

Forty years ago, the New York City Police Department adopted Department Order SOP 9 (s.69) and began to collect in-depth documentation of discharges during hostile encounters, for the stated purpose of “[increasing] the safety potential of each member of the force.” The policy quickly expanded beyond police-involved combat, however, and came to include the study of all firearms discharges by police. Since the early 1970s, the NYPD has endeavored to record and evaluate every instance in which an officer discharges his or her weapon, whether the discharge occurs purposefully, accidentally, or, in rare instances, criminally.

The SOP 9 process has been demonstrably effective. When annual recordkeeping began in 1971, there were 12 NYPD officers shot and killed by another person; 47 officers were shot and injured. Officers, in turn, shot and mortally wounded 93 subjects, and another 221 subjects were injured by police gunfire. These statistics are difficult to conceive of today. *In 2009, for the first time since recordkeeping began, not a single NYPD officer was shot by a criminal subject, while police shot and mortally wounded 12 subjects, and injured 20.* Four decades of annual analyses have altered the way officers respond to, engage in, and even assess the need for firearms discharges. Information gleaned from the annual reports has saved the lives of citizens and officers alike, and there has been Department-wide change—tactical, strategic, and cultural—with regard to how officers use and control their firearms. The Department has made restraint the norm.

Today, the reports serve an additional but equally important role: they are statistical engines for the development of training, the adoption of new technologies, and even the deployment of Department assets. New instructional scenarios are implemented from these reports, new hardware—from bullet-resistant vests to speed loaders to semi-automatic handguns to controlled-energy devices—is introduced, and violence-prone hotspots are identified for inclusion in Operation Impact.

Tracking how, when, where, and why officers discharge their weapons is an invaluable tool for working towards the Department's ultimate goal of guaranteeing that, for every discharge, no option exists other than the use of a firearm.

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# 2009 ANNUAL FIREARMS DISCHARGE REPORT

## USE OF FORCE

### USE OF FORCE

Police officers are among a select few to whom society has granted the right to use force in the course of their duty. Under New York State law, police may use force to effect arrest or prevent escape, as well as to protect property or people. With certain very specific exceptions, a private citizen's ability to resort to force is limited to self-defense and is also predicated on first exhausting all attempts at retreat. Police, on the other hand, are not only obligated to stand their ground, but required to pursue fleeing malefactors and use force, if necessary, to terminate that flight.

An officer's role encompasses service, crime control, and order maintenance, and the last two regularly require officers to issue instructions and orders. Compliance in these matters is not optional. The vast majority of police encounters involve nothing more than words, but when words are insufficient—when people choose to ignore or actively resist police—officers have an ascending array of force options to compel others to submit to their lawful authority.

These options extend from professional presence up through verbal force, physical force, non-impact weapons (e.g., pepper spray), impact weapons like batons, and, finally, deadly physical force. All of these are tools at the officer's disposal, and the officer is under no obligation to move sequentially from one to the next; he or she may jump from verbal force to pointing a firearm—or vice versa—if the situation dictates.

But an officer's permission to use force is not unlimited. According to both federal and

state law, as well as the Department's regulations, officers may exercise only as much force as they believe to be reasonably necessary. Reasonableness, more than any other factor, is the most salient aspect of an officer's legitimate use of force.

In federal case law, both Tennessee v. Garner, 471 U.S. 1 (1985) and Graham v. Connor, 490 U.S. 386 (1989) delineate a standard of "objective reasonableness" (Graham) that restricts an officer's prerogative to compel or constrain another citizen. Tennessee v. Garner, while disallowing the use of deadly physical force against any felon, affirmed an officer's right to use force against certain suspects, stating that if a fleeing suspect were to inflict or threaten anyone with serious physical harm, the use of deadly force would "pass constitutional muster."

The New York State Penal Law, for its part, 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. And the state limits an officer's ability to exercise *deadly* physical force even further—Penal Law §35.30(1) provides that police may only use deadly physical force against a subject in three very specific instances: 1) when the subject has committed or is attempting to commit a felony *and* is using or about to use physical force against a person, or when the subject has committed or is attempting to commit kidnapping, arson, escape, or burglary; 2) when an armed felon resists arrest or flees; and 3) when the use of deadly physical force is necessary to defend a person from "what the officer reasonably believes to be the use or imminent

# 2009 ANNUAL FIREARMS DISCHARGE REPORT

## USE OF FORCE

use of deadly physical force.”

The use of deadly physical force, then, is properly restricted by statute. But NYPD policy represents an even more stringent guideline, and the Department goes further than the law in its efforts to control the use of force by its personnel. State law, for example, allows the use of deadly physical force to protect property (e.g., to prevent or terminate arson or burglary); the Department does not. NYPD policy emphasizes that “only the amount of force necessary to overcome resistance will be used,” and warns that “EXCESSIVE FORCE WILL NOT BE TOLERATED” (Patrol Guide 203-11). Specifically regarding the use of deadly physical force, the NYPD states that “Uniformed members of the service should use only the minimal amount of force necessary to protect human life” (Patrol Guide 203-12).

### GUIDELINES FOR THE USE OF FIREARMS

To this end, the Department promulgates nine rules that guide a New York City police officer in his or her use of deadly physical force. They are as follows:

Police officers shall not use deadly physical force against another person unless they have probable cause to believe they must protect themselves or another person present from imminent death or serious physical injury.

Police officers shall not discharge their weapons when doing so will unnecessarily endanger innocent persons.

Police officers shall not discharge their weapons in defense of property.

Police officers shall not discharge their weapons to subdue a fleeing felon who presents no threat of imminent death or serious

physical injury to themselves or another person present.

Police officers shall not fire warning shots.

Police officers shall not discharge their firearms to summon assistance except in emergency situations when someone’s personal safety is endangered and unless no other reasonable means is available.

Police officers shall not discharge their firearms at or from a moving vehicle unless deadly physical force is being used against the police officer or another person present, by means other than a moving vehicle.

Police officers shall not discharge their firearms at a dog or other animal except to protect themselves or another person from physical injury and there is no other reasonable means to eliminate the threat.

Police officers shall not, under any circumstances, cock a firearm. Firearms must be fired double action at all times.

### REASONABLENESS

In the final telling, both legal standards and the Department’s expectations assess the appropriateness of an officer’s exercise of deadly physical force based on reasonable-ness. Police are regularly exposed to highly stressful, dangerous situations, and the risks they face and the experience they gain are appreciated and conceded by those who write and interpret the law. In Brown v. United States, 256 U.S. 335 (1921), Justice Holmes noted that “detached reflection cannot be demanded in the presence of an uplifted knife.” Sixty-eight years later, the Supreme Court wrote, in Graham v. Connor, 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.” And in People v. Benjamin, 51

## 2009 ANNUAL FIREARMS DISCHARGE REPORT USE OF FORCE

NY2d 267, 271, the New York courts wrote “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.”

These rulings explicitly acknowledge the strain under which officers make life-or-death use-of-force decisions. The law should and does provide latitude for those who carry the shield and protect the common good.

### **TRAINING**

Latitude is not unrestricted discretion, of course, but rather an admission that reasonableness is fluid. In order to make the right conclusion about whether and how to use deadly force, an officer in these situations relies on nerve, judgment, and skill, but most of all, on training. It is training that sets the officer apart from the civilian, and is an anchor in those dangerous situations that most people never face.

The main purpose of the Annual Firearms Discharge Report is to ensure that the NYPD’s training is the best it can be.

# 2009 ANNUAL FIREARMS DISCHARGE REPORT THE INVESTIGATION AND REVIEW PROCESS

## **INVESTIGATION**

The New York City Police Department recognizes the serious nature of police-involved firearms discharges, and it seeks to record and evaluate every such incident. The mandate for such recordkeeping was first published in Department Order SOP 9 (s. 1969), but the intervening forty years have greatly refined the NYPD's process. Today, investigations are conducted in accordance with two guiding documents: 1) Patrol Guide Procedure 212-29; and 2) a handbook entitled "The Firearms Discharges Investigation Manual; The NYPD guide to the preparation of a Shooting Incident Report."

## **THE SHOOTING TEAM**

When an officer discharges his or her firearm, on- or off-duty, or when a firearm owned by an officer is discharged, a patrol supervisor responds to the incident and takes charge of the scene and secures and inspects the involved officer's firearm. He or she also immediately notifies the chain of command. A Patrol Borough Shooting Team, led by a shooting-team leader in the rank of captain, is then dispatched. The shooting team is an ad hoc entity that may be comprised of personnel from investigatory units, community affairs units, the Emergency Service Unit, the Firearms and Tactics Section, and/or any other personnel whose training or expertise may prove valuable to the pending investigation.

The shooting-team leader, under the supervision of an Inspector, undertakes an in-depth examination of the discharge incident, and begins by contacting and conferring with the District Attorney. In many in-

stances—including nearly every instance in which a subject is killed or injured—the District Attorney will advise that any officer who fired should not be interviewed, in order to preserve the integrity of the Grand Jury process. Whether or not the District Attorney allows an interview, the shooting-team leader will, in every instance, direct the officer who fired to prepare a Firearms Discharge/Assault Report, or FDAR.

If a discharge causes death or injury, the officer who fired is required to submit to a Breathalyzer test. He or she is also automatically reassigned to an administrative position for the next three consecutive work days. Investigations into discharges that cause death or injury are supervised by executives in the rank of Chief.

If the discharge incident appears legally or administratively problematic, or if malfeasance is suspected, the shooting-team leader, in conjunction with personnel from the Internal Affairs Bureau, will remove the shooting officer's weapon and modify or suspend his or her duty status. An officer's weapon must also be removed in all instances of self-inflicted injury (absent extenuating circumstances).

Each shooting investigation is thorough and exhaustive, and includes canvasses, area searches, witness interviews, subject interviews, evidence collection, crime-scene sketches and investigation, hospital visits, and firearms/ballistics analyses. Afterwards, all available investigatory results are collated into a Shooting Incident Report and forwarded to the Chief of Department, ordinarily within 24 hours of the incident.

# 2009 ANNUAL FIREARMS DISCHARGE REPORT THE INVESTIGATION AND REVIEW PROCESS

## THE SHOOTING INCIDENT REPORT

As much detail as possible is included in the Shooting Incident Report, but the constraints of producing an important document in a compressed timeframe mean that the information it contains is unavoidably preliminary. The primary means of mitigating this is the use of the Firearms Discharge Investigation Manual.

The manual, in its current incarnation, is a 72-page instruction booklet that provides a template by which shooting-team leaders can produce accurate, data-rich Shooting Incident Reports in a timely manner. It ensures that pertinent questions are asked and relevant avenues of investigation are pursued, even in the wake of a dynamic, sometimes chaotic incident. Firearms discharges, especially those that occur during adversarial conflict, can be tremendously complex events. The Firearms Discharge Investigation Manual functions as a checklist, promoting both uniformity and specificity.

Each Shooting Incident Report should end with a statement, made with appropriate caveats, assessing whether or not the discharge was consistent with Department guidelines and whether or not the involved officers should be subject to Departmental discipline. Often, if involved officers have not been interviewed, the shooting-team leader may not make a determination, but rather state that the investigation is ongoing. This does not preclude the shooting-team leader from offering a tentative determination, however, nor from commenting on the apparent tactics utilized during the incident.

## THE FINAL REPORT

Within 90 days of the incident, the commanding officer of either the precinct of occurrence or the applicable Borough Investigation Unit prepares a finalized version of the Shooting Incident Report. This final report is a reiteration of the original, but includes any clarifications or re-evaluations that may have been developed in the meantime. Because of the speed with which the initial report is prepared, tentative data is unavoidable. Accordingly, the final report will contain material that was not initially available to the shooting-team leader (e.g., detective's case files, forensic results, and medical reports). And because information is more extant, more complete subjective assessments are possible.

Generally, with regard to discharges that occur during adversarial conflict and involve injury or death to a subject, the final report cannot be finished within the 90-day period. Instead, it must wait until the investigation into the incident has been completed, or at least until the district attorney from the county of occurrence has permitted the officer or officers who shot to be interviewed. At times it must wait even longer, until all relevant legal proceedings have been concluded.

When a final report is delayed—whether because of ongoing legal proceedings or incomplete investigations—the Borough Investigation Unit submits monthly interim-status reports. Once the final report is finished, however, it is forwarded, through channels, to the Chief of Department.

# 2009 ANNUAL FIREARMS DISCHARGE REPORT THE INVESTIGATION AND REVIEW PROCESS

## **REVIEW**

After a firearms discharge have been investigated and the final report has been prepared, and after the District Attorney's office has determined whether the incident requires prosecutorial action, the NYPD initiates a tertiary examination in order to assess the event from a procedural and training perspective and, if necessary, to impose discipline. This third layer of oversight is the purview of the Firearms Discharge Advisory Board and the Firearms Discharge Review Board.

### **THE BOROUGH FIREARMS DISCHARGE ADVISORY BOARD**

The review of firearms discharges is two-tiered, and conducted at the borough and executive levels. Members of the borough Firearms Discharge Advisory Board are supervisors assigned to the borough in which the incident took place. This board further scrutinizes the incident, with the benefit of new material contained in the final report. Based on the accumulated evidence, the borough Firearms Discharge Advisory Board issues preliminary findings regarding whether or not the officer's actions violated the Department's firearms guidelines or use-of-force policy. The preliminary findings, along with a preliminary disciplinary recommendation, are appended to the final report and presented to the Chief of Department's Firearms Discharge Review Board for determination.

### **THE CHIEF OF DEPARTMENT'S FIREARMS DISCHARGE REVIEW BOARD**

The Department's Firearms Discharge Review Board is the penultimate arbiter of any given discharge incident. It issues determinations concerning the tactics used during the incident, the propriety of the officer's actions, and the disciplinary action to be taken. The Review Board gives due consideration to and often concurs with the original recommendations of the shooting-team leaders and the subsequent findings and recommendations of the borough Advisory Board, but in some cases it overrides, alters, or clarifies the preceding assessments and arrives at new, more accurate findings or more appropriate disciplinary results.

The Chief of Department then produces a Final Summary Report—a single document that memorializes and synthesizes the whole of the exhaustive investigation and review process—and presents it to the Police Commissioner.

### **THE POLICE COMMISSIONER**

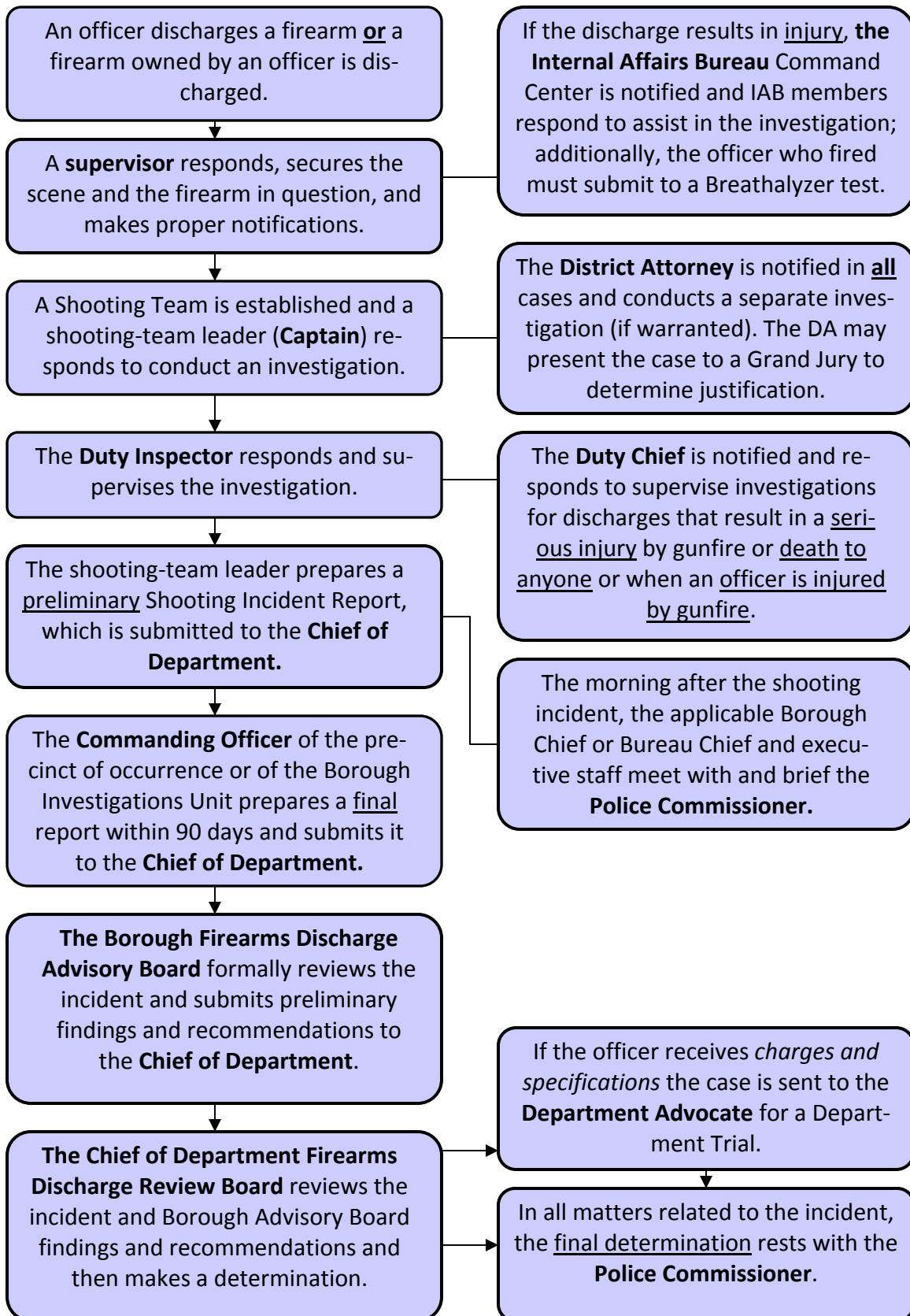
The final decision in all matters related to these incidents rests with the Police Commissioner. Using the recommendations from both the Advisory and the Review Boards, the Police Commissioner makes a final determination as to the incident.

Once the Commissioner has issued this final determination, the incident is considered closed. The results of the 2009 findings are published throughout this report.



# 2009 ANNUAL FIREARMS DISCHARGE REPORT

## ANATOMY OF A FIREARMS DISCHARGE INVESTIGATION



# 2009 ANNUAL FIREARMS DISCHARGE REPORT

## GLOSSARY OF TERMS

<b>Officer</b>	For this publication, refers to a sworn Uniformed Member of the New York City Police Department of any rank.
<b>Subject</b>	A person engaged in adversarial conflict with an officer or a third party, in which the conflict results in a firearms discharge.
<b>Civilian</b>	A person who is not the subject in the adversarial conflict but is included as a victim, bystander, and/or injured person.
<b>Firearms Discharge</b>	An incident in which an officer of the New York City Police Department discharges <i>any</i> firearm, or when a firearm belonging to an officer of the New York City Police Department is discharged by <i>any</i> person. This does not include a discharge during an authorized training session nor while lawfully engaged in target practice or hunting. Additionally, it does not include a firearms discharge at a firearms safety station within a Department facility.
<b>Intentional Firearms Discharge – Adversarial Conflict</b>	A firearms discharge in which an officer intentionally discharges a firearm in defense of self or another during an adversarial conflict with a subject. May include firearms discharges that are inside the scope of the officer’s employment but outside Department guidelines. This does not include discharging a firearm against an animal attack.
<b>Intentional Firearms Discharge – Animal Attack</b>	A firearms discharge in which an officer intentionally discharges a firearm in defense of self or another against an animal attack. May include firearms discharges that are inside the scope of the officer’s employment but outside Department guidelines.
<b>Intentional Firearms Discharge – No Conflict</b>	A firearms discharge in which an officer intentionally discharges a firearm to summon assistance. May include firearms discharges that are determined to be legally justified but outside Department guidelines.
<b>Unintentional Firearms Discharge</b>	A firearms discharge in which an officer discharges a firearm without intent, regardless of the circumstance. Commonly known as an <i>accidental discharge</i> .
<b>Unauthorized Use of a Firearm</b>	A firearms discharge that is considered unauthorized and is not listed as an intentional firearms discharge. In these instances the firearm is being discharged without proper legal justification and/or outside the scope of the officer’s employment. This includes instances when an unauthorized person discharges an officer’s firearm.
<b>Use/threaten the Use of a Firearm</b>	A contributing factor in which a subject discharges or threatens the discharge of a firearm by displaying a firearm or what reasonably appears to be a firearm, or by simulating a firearm or making a gesture indicative of threatening the use of a firearm.
<b>Firearm</b>	For this publication, includes any pistol, revolver, shotgun, rifle, or variation of such.

# 2009 ANNUAL FIREARMS DISCHARGE REPORT

## GLOSSARY OF TERMS

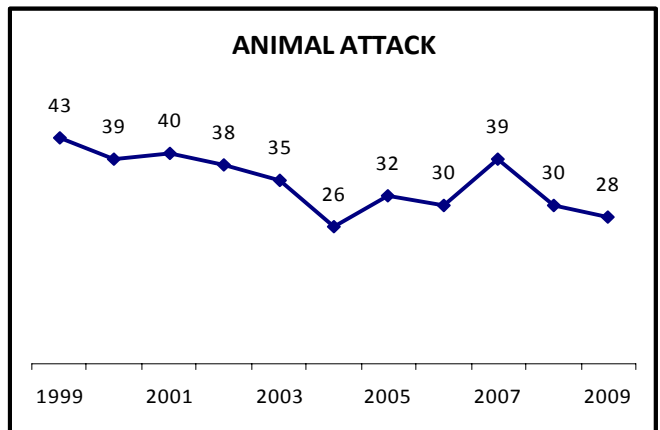
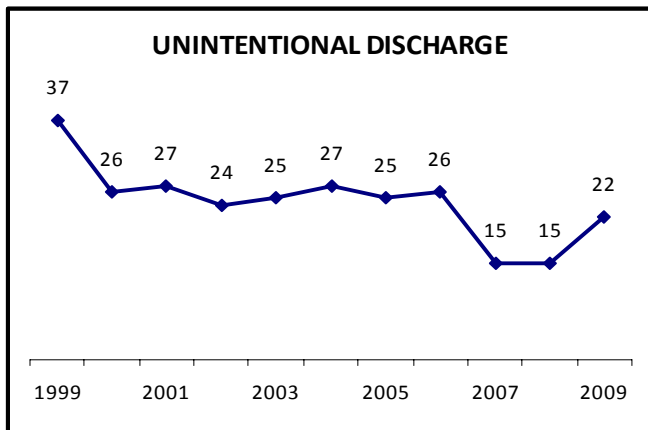
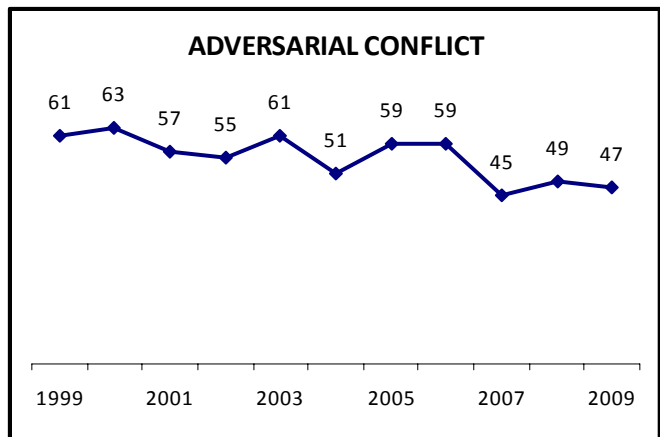
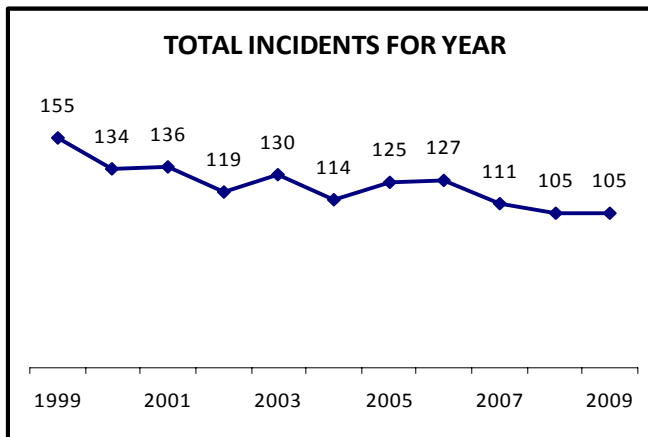
<b>Imitation Firearm</b>	For this publication, includes any instrument that is designed by the manufacturer or modified by a person to appear as if it were a firearm. This includes air pistols, toy guns, prop guns, and replicas.
<b>Use/threaten the Use of a Cutting Instrument</b>	A contributing factor in which a subject cuts, stabs, or slashes a person with any cutting instrument or threatens or attempts to do the same while armed with a cutting instrument or what reasonably appears to be a cutting instrument.
<b>Cutting Instrument</b>	For this publication, includes any knife, razor, sword, or other sharp-edged instrument, such as a broken bottle.
<b>Use/threaten the Use of a Blunt Instrument</b>	A contributing factor in which a subject strikes another person with a blunt instrument or threatens or attempts to do the same while armed with a blunt instrument or what reasonably appears to be a blunt instrument.
<b>Blunt Instrument</b>	For this publication, includes any solid bat, stick, pipe, metal knuckles, or other instrument that, when used as a weapon, can cause blunt-force trauma to an individual. This includes automobiles and unbroken bottles.
<b>Use/threaten the Use of Overwhelming Physical Force</b>	An incident in which a subject or subjects physically attack a person or threaten or attempt to do the same, and while doing so put the person at risk of serious physical injury or death. This includes gang attacks and attempting to push a person from a roof or train platform. This also includes attempting to take an officer's firearm.
<b>Proactive Policing</b>	Instances in which officers engage in operations or activities that actively seek out violators of the law. This includes undercover operations, traffic enforcement, checkpoints, verticals, street narcotics enforcement, warrant execution, quality-of-life enforcement, and Anti-Crime operations.
<b>Reactive Policing</b>	Instances in which officers respond to a call for service from the public. This includes calls of a man with a gun, crimes in progress, domestic disputes, and quality-of-life complaints. This also includes calls for service in which proactive police units respond.
<b>Attacked</b>	Instances in which officers are not engaging in proactive or reactive policing but are set upon by a subject. This includes off-duty instances when the officer is a victim of a crime (e.g., robbery, burglary, assault), or involved in an altercation that is escalated by the subject (e.g., a traffic incident, a neighbor dispute). This also incorporates instances in which on-duty officers are performing administrative or non-patrol assignments (e.g., guarding a prisoner, processing reports, securing a location).

## 2009 ANNUAL FIREARMS DISCHARGE REPORT HISTORICAL SNAPSHOT 1999-2009

CATEGORY	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
ADVERSARIAL CONFLICT	61	63	57	55	61	51	59	*59	45	49	47
ANIMAL ATTACK	43	39	40	38	35	26	32	30	39	30	28
UNINTENTIONAL DISCHARGE	37	26	27	24	25	27	25	26	15	15	22
MISTAKEN IDENTITY	1	0	0	0	0	0	0	*1	0	0	1
UNAUTHORIZED USE – FIREARM	8	1	7	0	2	5	**6	**8	**6	**3	**4
SUICIDE/ATTEMPT	5	5	5	2	7	5	3	3	6	8	3
<b>TOTAL INCIDENTS FOR YEAR</b>	<b>155</b>	<b>134</b>	<b>136</b>	<b>119</b>	<b>130</b>	<b>114</b>	<b>125</b>	<b>127</b>	<b>111</b>	<b>105</b>	<b>105</b>

\* Numbers modified from previous reports to include mistaken identity incident erroneously reported as adversarial conflict incident.

\*\* This category modified in 2005 to include incidents in which an officer's firearm is discharged by persons other than the officer (e.g., a family member accidentally discharges the weapon, a perpetrator gains control of an officer's firearm and discharges it, etc.).



## 2009 ANNUAL FIREARMS DISCHARGE REPORT FIREARMS DISCHARGE SNAPSHOT

CATEGORY	2008	2009	%CHANGE
INTENTIONAL DISCHARGE – ADVERSARIAL CONFLICT	49	47	-4%
INTENTIONAL DISCHARGE – ANIMAL ATTACK	30	28	-7%
MISTAKEN IDENTITY	0	1	N/A
UNINTENTIONAL DISCHARGE	15	22	47%
UNAUTHORIZED USE OF FIREARM	11	7	-36%
<b>TOTAL FIREARM DISCHARGES FOR YEAR</b>	<b>105</b>	<b>105</b>	<b>0.0</b>
TOTAL OFFICERS FIRING	125	130	4%
TOTAL SHOTS FIRED	364	296	-19%
TOTAL OFFICERS SHOT AND INJURED BY SUBJECT	3	0	N/A
TOTAL OFFICERS SHOT AND KILLED BY SUBJECT	0	0	N/A
TOTAL SUBJECTS SHOT AND INJURED BY OFFICER	18	20	11%
TOTAL SUBJECTS SHOT AND KILLED BY OFFICER	13	12	-8%

### BY CATEGORY

INTENTIONAL DISCHARGE – ADVERSARIAL CONFLICT	2009
SUBJECT USED/THREATENED THE USE OF A FIREARM	30
SUBJECT USED/THREATENED THE USE OF A CUTTING INSTRUMENT	8
SUBJECT USED/THREATENED THE USE OF A BLUNT OBJECT	3
SUBJECT USED/THREATENED THE USE OF OVERWHELMING PHYSICAL FORCE	2
OFFICER PERCEIVED THREAT OF DEADLY PHYSICAL FORCE	4
<b>TOTAL</b>	<b>47</b>

INTENTIONAL DISCHARGE – ANIMAL ATTACK	2009
DOG ATTACK	28
OTHER ANIMAL ATTACK	0
<b>TOTAL</b>	<b>28</b>

UNINTENTIONAL DISCHARGE	2009
DURING ADVERSARIAL CONFLICT	8
HANDLING FIREARM	14
<b>TOTAL</b>	<b>22</b>

UNAUTHORIZED USE OF FIREARM	2009
SUICIDE	3
ATTEMPTED SUICIDE	0
UNAUTHORIZED INTENTIONAL DISCHARGE	2
UNAUTHORIZED PERSON DISCHARGED OFFICER'S FIREARM	2
<b>TOTAL</b>	<b>7</b>

## 2009 ANNUAL FIREARMS DISCHARGE REPORT FIREARMS DISCHARGE SCOPE

CATEGORY	TOTAL NUMBER
<b>NEW YORK CITY</b> TOTAL POPULATION (U.S. Census, July 1, 2009)	8,391,881
<b>NYPD</b> TOTAL OFFICER STAFFING (2009 Annual Average)	34,953
TOTAL CIVILIAN CONTACTS (APPROXIMATE)	23,000,000
TOTAL RADIO-RECEIVED ASSIGNMENTS	4,444,091
RADIO ASSIGNMENTS INVOLVING WEAPONS	205,939
WEAPONS ARRESTS	29,807
GUN ARRESTS	6,238
CRIMINAL SHOOTING VICTIMS	1,729
CRIMINAL SHOOTING SUSPECTS	1,511
INCIDENTS OF INTENTIONAL POLICE DISCHARGE DURING ADVERSARIAL CONFLICT	47
SUBJECTS SHOT AND INJURED	20
SUBJECTS SHOT AND KILLED	12
OFFICERS SHOT AND INJURED	0
OFFICERS SHOT AND KILLED (MISTAKEN IDENTITY)	1
OFFICERS SHOT AND KILLED	0
<b>NOTE: all numbers are for CY 2009</b>	

**NOTE:** The numbers and percentages described in this report are often rounded to the nearest whole number and are preliminary and subject to further review.

# 2009 ANNUAL FIREARMS DISCHARGE REPORT

## FIREARMS DISCHARGES OVERVIEW

### **TOTAL FIREARMS DISCHARGES**

In 2009, the New York City Police Department saw the same number of firearms discharges as in 2008: 105 total incidents, the smallest number of firearms discharges since the recording of police shootings in the City began. Furthermore, the most serious category of discharges—shootings involving adversarial conflict with a subject—has also seen a steady historic decline, down 25 percent since 1999. In a city of 8.4 million people, from a Department of nearly 36,000 uniformed members who interacted with citizens in approximately 23 million instances, 68 officers were involved in 47 incidents of intentional firearms discharges during an adversarial conflict, with 20 subjects injured and 12 killed.

The figures are a testament to police officers' restraint, diligence, and honorable performance of duty. But they also show that, over the past four decades, attacks on both police and citizens have steadily declined. The drastic reduction in violent crime over the past decade is sociologically reflexive: as crime decreases, criminals and police enter into conflict less often.

Neither the Department nor the officer on the street can afford complacency, however. Although crime (and the total number of police firearms discharges) is down, the number of incidents of intentional discharges during adversarial conflict is up 4 percent since 2007. This fact illustrates the officer's perpetual need for vigilance, and for the training that these reports facilitate.

The 2009 Annual Firearms Discharge Report is subdivided into several categories. Each

category is analyzed based only on the information in that category. This allows the Department to better understand a specific type of incident and adjust training and policy to continue to reduce those incidents.

Insofar as statistical analysis is concerned, the small sample studied for this document—105 discharge incidents total, only 47 of them in the category of “adversarial conflict”—limits the predictive value and conclusions that may be derived.

### **CATEGORIES**

Firearms discharges are broken down into five categories.

- **INTENTIONAL DISCHARGE – ADVERSARIAL CONFLICT:** when an officer intentionally discharges his or her firearm during a confrontation with a subject
- **INTENTIONAL DISCHARGE – ANIMAL ATTACK:** when an officer intentionally discharges his or her firearm to defend against an animal attack
- **UNINTENTIONAL DISCHARGE:** when an officer unintentionally discharges his or her firearm
- **UNAUTHORIZED USE OF A FIREARM:** when an officer discharges his or her firearm outside the scope of his or her employment, or when another person illegally discharges an officer's firearm
- **MISTAKEN IDENTITY:** when an officer intentionally fires on another officer in the mistaken belief that the other officer is a criminal subject

# 2009 ANNUAL FIREARMS DISCHARGE REPORT

## FIREARMS DISCHARGES OVERVIEW

### 2009 vs 2008

In 2009, total firearms discharges **remained the same** compared to the previous year, although all categories saw a fluctuation in percentages.

The greatest reduction was realized in the category of Unauthorized Use of a Firearm, which was **reduced by 36 percent** from 2008.

Intentional Discharge — Animal Attack was also **reduced by 7 percent** from 2008.

Intentional Discharges — Adversarial Conflict also decreased in 2009, **down 4 percent** from 2008.

The number of Unintentional Discharges in 2009 **increased 47 percent** from 2008, but has nevertheless declined historically, and is down 41 percent from 1999.

The following pages present an analysis of each section and the study's findings. The report contains information compiled from preliminary and final shooting reports, detective case files, medical examiner reports, Firearms Discharge Assault Reports, arrest and complaint reports, Firearms Analysis Section reports, Firearms Discharge Review Board findings, and previous yearly firearms discharge reports, as well as information compiled from city and state computer databases and official websites.



**2009 FIREARMS DISCHARGES  
BY CATEGORY**

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# 2009 ANNUAL FIREARMS DISCHARGE REPORT INTENTIONAL DISCHARGE — ADVERSARIAL CONFLICT

## OVERVIEW

There were 47 incidents of intentional firearms discharge during an adversarial conflict in 2009. This represents a 4 percent decrease from 2008. Sixty-eight officers intentionally fired their weapons during these incidents, up 13 percent from 2008. During these 47 incidents, two officers were fired upon but did not return fire.

No officer was injured by gunfire during these incidents.

There were 49 subjects involved in these 47 conflicts. Twenty subjects were injured and 12 subjects were killed.

## REASONS FOR DISCHARGES

Officers intentionally discharging their firearms during adversarial conflict did so to defend themselves or others from the threat of serious physical injury or death.

In the majority of these incidents (64 percent) the threat came in the form of a firearm. Officers also acted to defend themselves from the use or threat of a blunt instrument (6 percent), the use or threat of a cutting instrument (17 percent), a perceived threat (9 percent), or the use or threat of overwhelming physical force (4 percent) [see Figure A.1].

## DATES AND TIMES OF DISCHARGES

Two-thirds of the adversarial conflict incidents in 2009 occurred in the second and fourth quarters. Seventeen percent occurred in the first quarter and only 15 percent occurred in the third quarter. Eleven incidents

occurred in April, but each month had at least one incident.

Seventy-nine percent of these incidents occurred during the first or third platoons. More than a quarter of the incidents (26 percent) occurred on a Saturday.

## LOCATIONS OF DISCHARGES

Three of 47 incidents occurred outside of the city, in Nassau and Suffolk counties. Of the remaining 44 incidents, six discharges took place in or on New York City Housing Authority (NYCHA) premises, one was within the Metropolitan Transportation Authority (MTA) transit system, and 37 were in the jurisdiction of the patrol precincts.

The majority of the incidents occurred in the Bronx (28 percent) and Brooklyn North (23 percent). Percentages of discharges per borough are depicted in Figure A.3 on the following page.

These incidents took place in 27 separate precincts, down from 30 in 2008. Eleven pre-

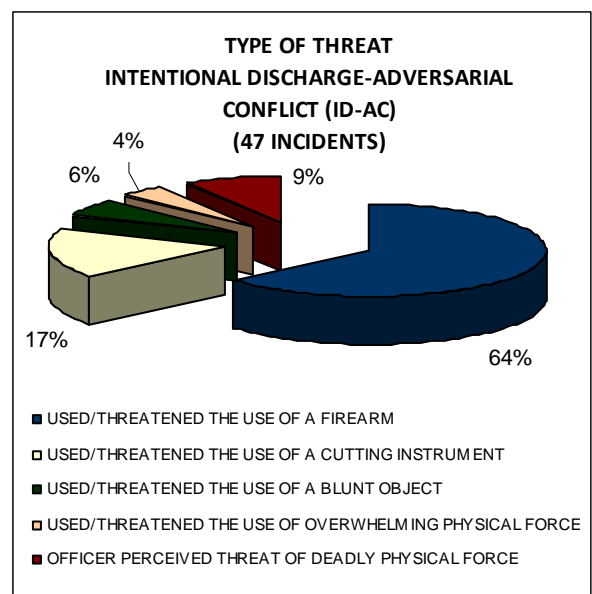


Figure A.1

## 2009 ANNUAL FIREARMS DISCHARGE REPORT INTENTIONAL DISCHARGE — ADVERSARIAL CONFLICT

cincts experienced two incidents, and the 43 Precinct, 67 Precinct, and 77 Precinct each had three [see Figure A.2].

For management purposes, the Police Department divides New York City’s five geographic boroughs or counties into eight “Patrol Boroughs.” Each of these patrol boroughs has eight to 12 police precincts, with the exception of Staten Island, which has three.

Three-quarters of the incidents occurred outside.

### LOCATIONS OF CRIMINAL SHOOTINGS

When the locations of police shootings are compared to the locations of criminal shootings in 2009, a correlation appears. The map on the next page [Figure A.4] depicts the precise location of the city’s 1,420 criminal shootings (represented by blue asterisks) and overlays them with all 44 incidents of intentional discharge during adversarial conflict (represented by red dots) that occurred within New York City in 2009. The map shows, very clearly, that police go where

they are needed: police firearms discharges occur in those areas of the city most plagued by gun violence.

As illustrated by Figure A.6 on page six, the correlation is explicit with regard to relative rate, as well—on a percentage basis, police-

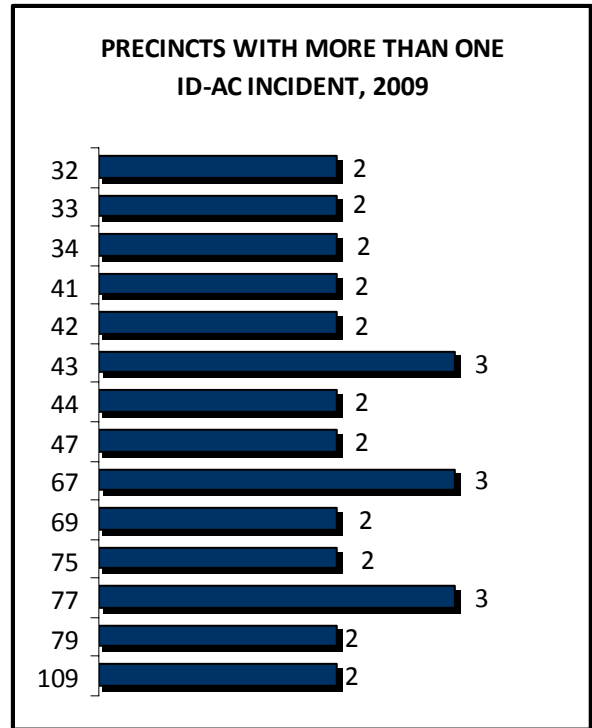


Figure A.2

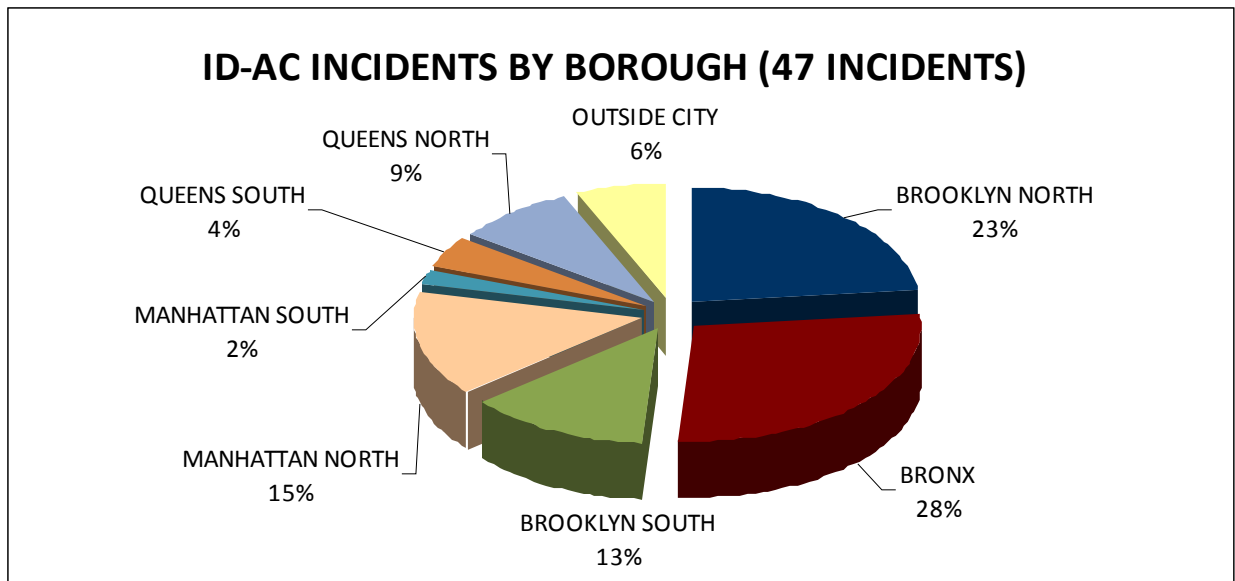
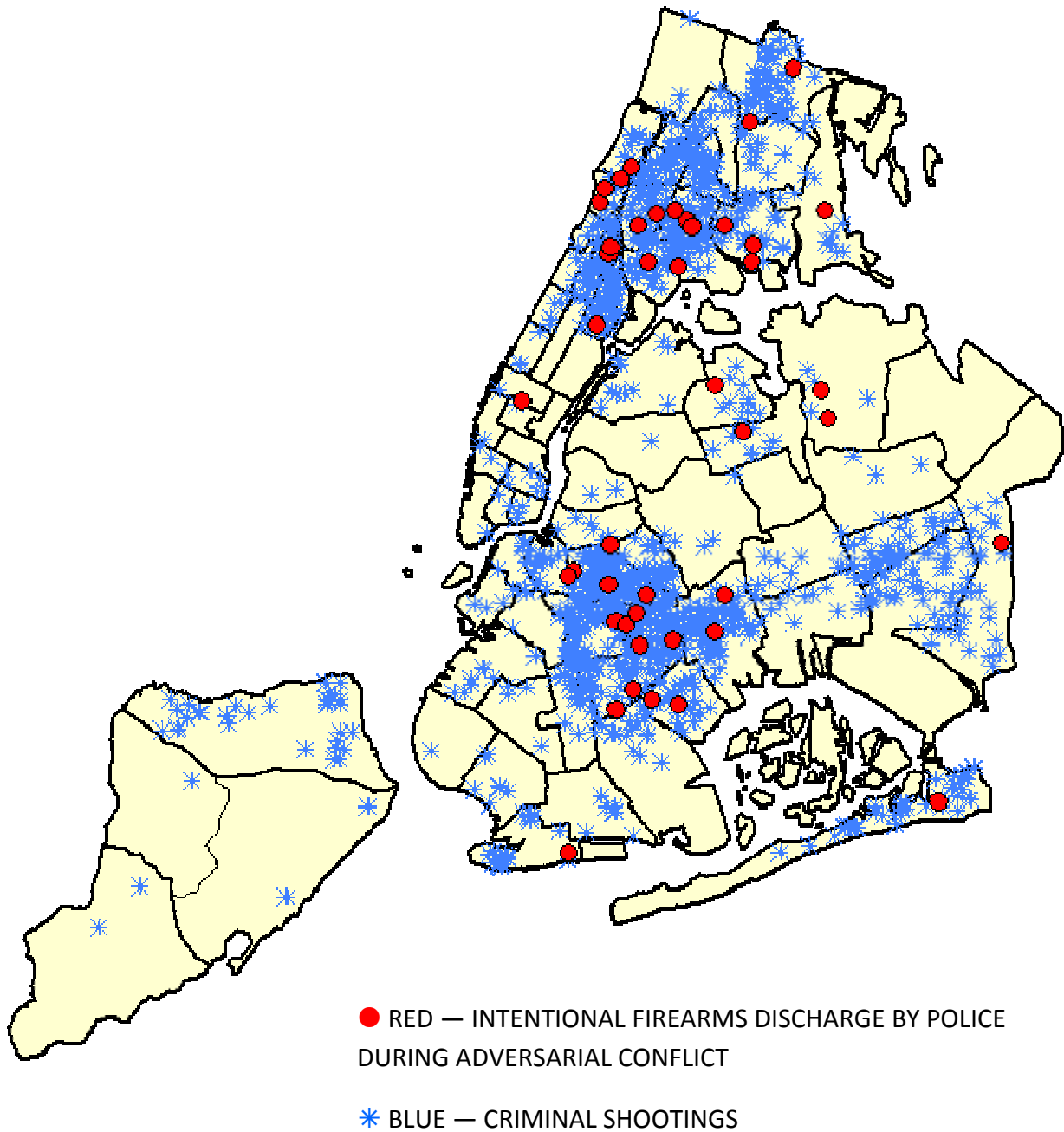


Figure A.3

2009 ANNUAL FIREARMS DISCHARGE REPORT  
INTENTIONAL DISCHARGE — ADVERSARIAL CONFLICT

LOCATIONS OF 44 INTENTIONAL DISCHARGES DURING ADVERSARIAL  
CONFLICT\* vs LOCATIONS OF 1,420 CRIMINAL SHOOTINGS, 2009



\*Does not include three (3) incidents that occurred outside the city limits

Figure A.4

## 2009 ANNUAL FIREARMS DISCHARGE REPORT INTENTIONAL DISCHARGE — ADVERSARIAL CONFLICT

involved shootings and criminal shootings are dispersed similarly by borough.

Despite this correlation, the absolute number of these police-discharge incidents is small when compared to the number of criminal shootings [see Figure A.5]. Only 3 percent of the city’s shooting incidents involve police.

### REASONS OFFICER INVOLVED

Officers become involved in incidents of intentional discharge during adversarial conflict for a variety of reasons. The Annual Firearms Discharge Report categorizes incidents by whether the officers involved were engaged in reactive police work (55 percent) or proactive police work (32 percent), or were attacked (13 percent).

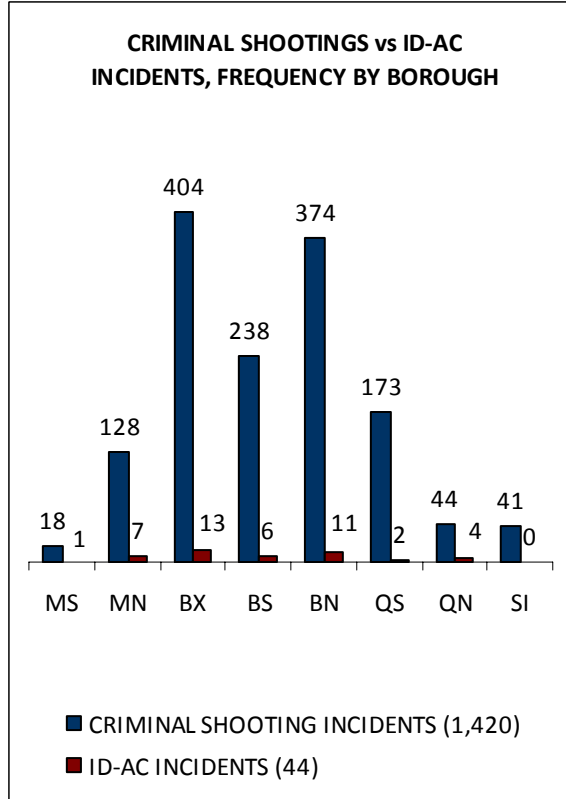


Figure A.5

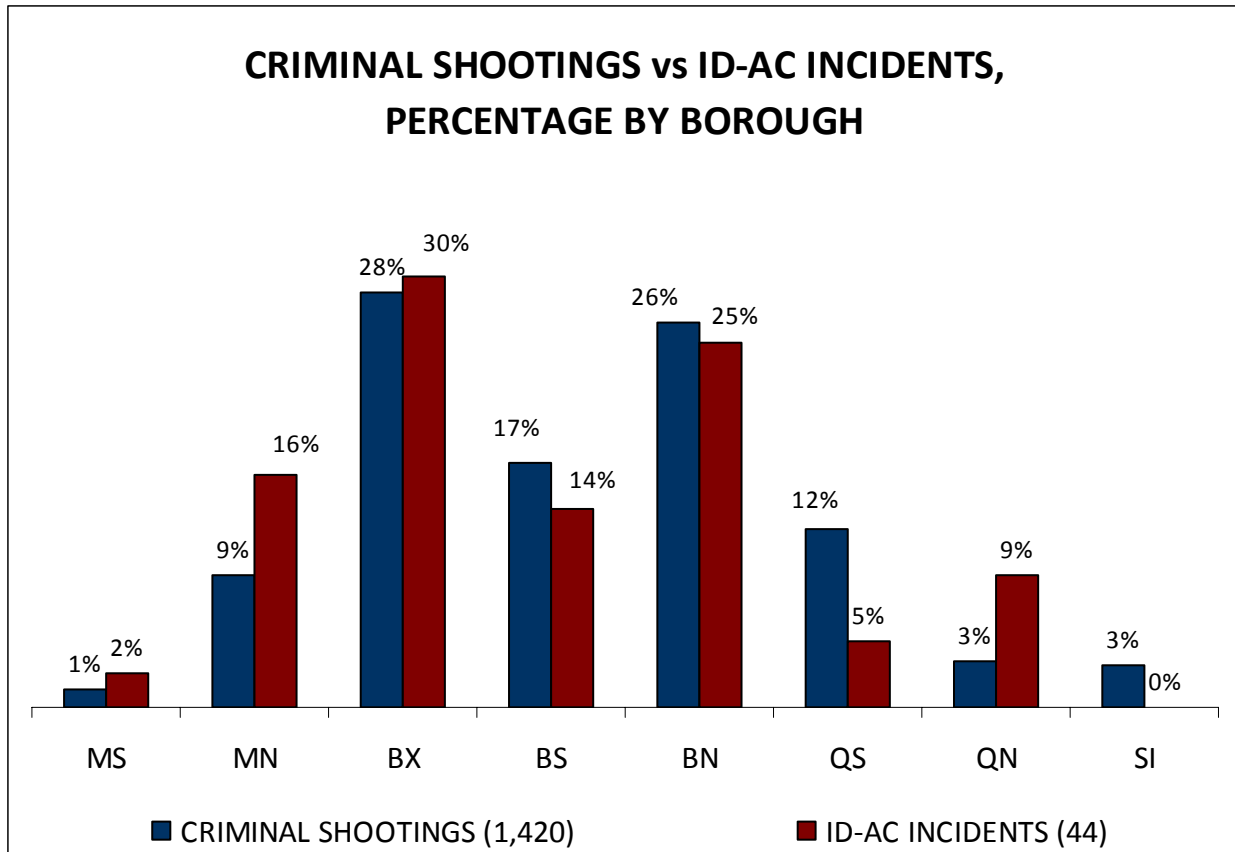


Figure A.6

## 2009 ANNUAL FIREARMS DISCHARGE REPORT INTENTIONAL DISCHARGE — ADVERSARIAL CONFLICT

Of on-duty officers discharging their firearms during these incidents, the plurality was assigned to Anti-Crime units (21 percent) or the Organized Crime Control Bureau, or OCCB (23 percent). Anti-Crime units and OCCB both deploy personnel to seek out armed individuals and perpetrators of violent crimes. The next-largest proportion of officers (18 percent) was assigned to patrol duties [see Figure A.7].

The majority of incidents involved officers responding to reports of violent crime—including robberies, assaults, and shots fired—or to reports of emotionally disturbed persons. Another 19 percent of the incidents involved officers conducting stops based on reasonable suspicion [see Figure A.8].

### OFFICER RESTRAINT

When officers did discharge their firearms during an adversarial conflict, the overwhelming majority of officers (90 percent) fired five or fewer times [see Figure A.9]. Forty percent of the officers discharging their firearms in adversarial-conflict incidents only fired **one** shot. Only one officer fired more than eight rounds.

This pattern of control is again apparent when analyzing the number of shots fired per incident. The majority of incidents (84 percent) involved five or fewer shots being fired. In 36 percent of adversarial-conflict incidents, the total number of shots fired by all police officers involved was **one**.

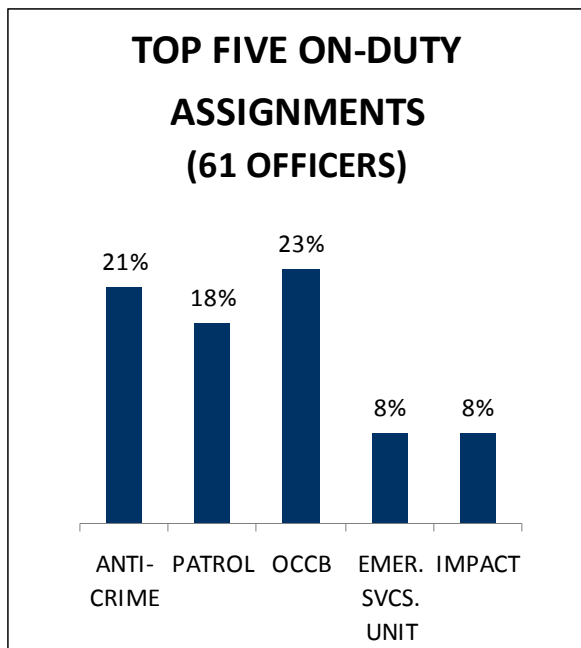


Figure A.7

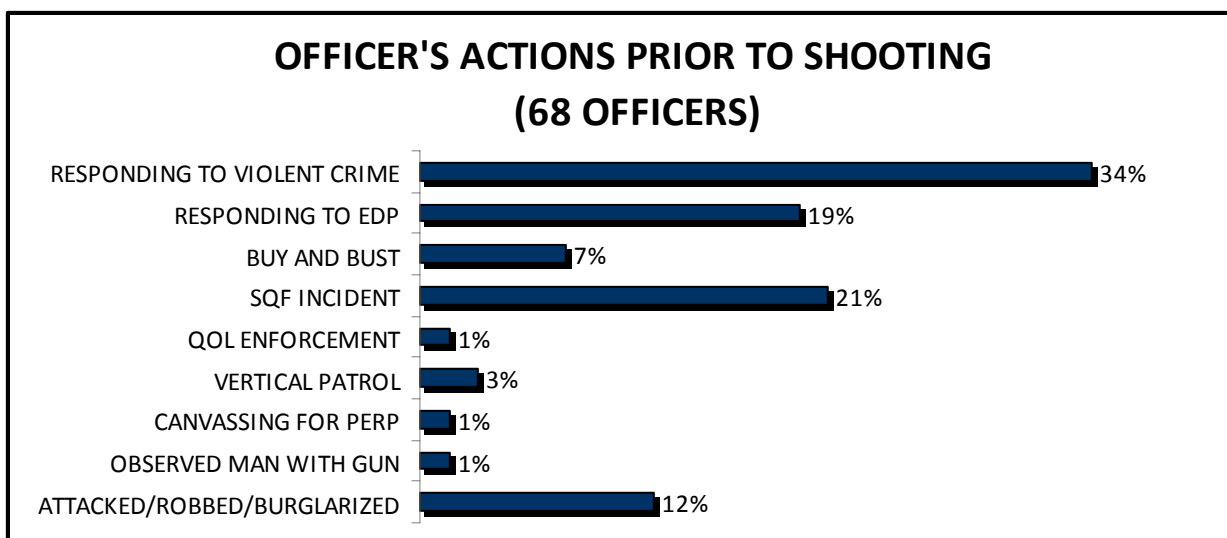


Figure A.8

## 2009 ANNUAL FIREARMS DISCHARGE REPORT INTENTIONAL DISCHARGE — ADVERSARIAL CONFLICT

In total, 184 shots were fired by officers during these incidents, down 7 percent from 2008. This decrease highlights NYPD officers' restraint, but does not actually stem from it. Rather, it is largely attributable to the fact that no incident involved a protracted gun battle. A single anomalous exchange of high-volume gunfire can noticeably distort the real picture. Because of the absence of such a gunfight, however, 2009's data are more reflective of what has been the Department's trend over the past decade: **NYPD officers shoot rarely, and, when forced to fire, discharge few rounds.**

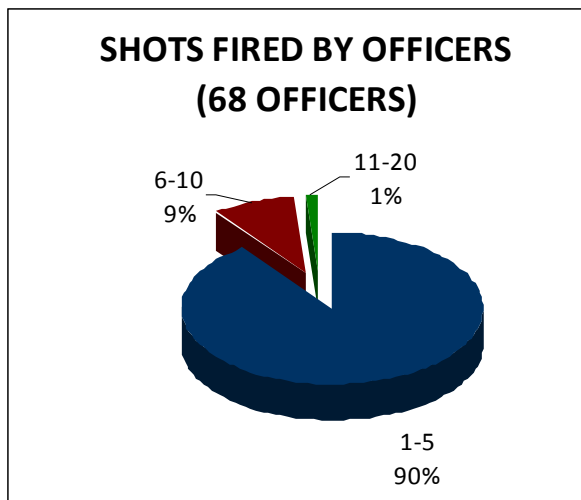


Figure A.9

When working with such small numbers of incidents, shooting officers, and rounds fired, typical use of means and medians can lead to false conclusions. Additionally, as noted above, a single incident can significantly skew averages. Because of this, the Department does not utilize mean averages. For small samples, the mode can be most revelatory. **The mode for the number of shots fired by police is one.**

### OBJECTIVE COMPLETION RATE

Similarly, the Department does not calculate *average hit percentages*. Instead, the **objective completion rate per incident** is employed as it is both more accurate and more instructive.

Like combat, the objective completion rate per incident is pass/fail. When an officer properly and lawfully adjudges a threat severe enough to require the use of his or her firearm, and fires at a specific target, the only relevant measure is whether he or she hit the target. This is the objective completion rate, and it is determined irrespective of the number of shots the officer fired at the target.

In these 47 incidents, officers hit at least one subject per incident 31 times, for an objective completion rate of 66 percent. During the incidents in which officers were being fired upon, however, the objective completion rate decreased to 50 percent.

### SHOOTING TECHNIQUE

Utilizing a two-handed grip, standing, and lining up a target using the firearm's sights is the preferred method of discharging a firearm, but it is not always practical during an adversarial conflict. Of officers reporting their shooting techniques, 62 percent gripped the firearm with two hands, 59 percent state that they were standing, and 31 percent stated that they were able to utilize the sights on their firearms.

Only 25 percent of reporting officers were able to make use of some type of cover during the incident. Lack of cover is a factor in



## 2009 ANNUAL FIREARMS DISCHARGE REPORT INTENTIONAL DISCHARGE — ADVERSARIAL CONFLICT

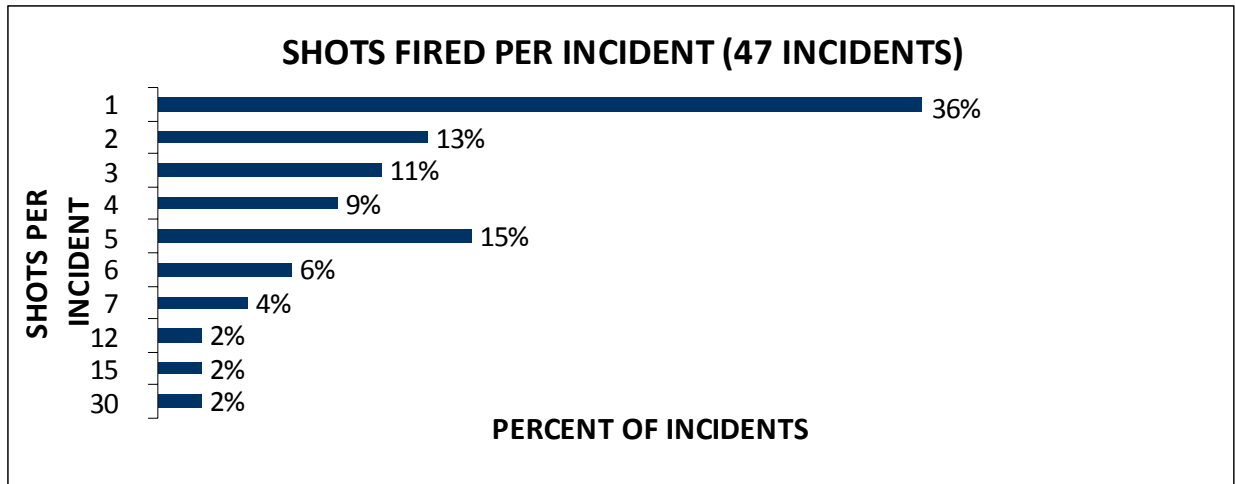


Figure A.10

the need for a firearms discharge.

### TRAINING

The Department's firearms training, which instructs officers to shoot to stop and to aim for center mass, is discussed at length in the Appendix, on page 52.

### OFFICER PEDIGREE

All 68 officers who intentionally discharged a firearm during an adversarial conflict were males; 83 percent of the Department's uniformed personnel are males.

Fifty-two percent of the officers who intentionally discharged a firearm during an adversarial conflict were white. This is slightly less than the percentage of white officers employed by the Department (53 percent). [See Figure A.11 on the next page.]

When compared to Department staffing, black officers who fired are slightly underrepresented, constituting approximately 16 percent of the Department but 12 percent of shooting officers. Hispanic officers, in contrast, are slightly overrepresented, constitut-

ing 26 percent of the Department but 30 percent of the officers firing.

### ATTIRE

The number of on-duty plainclothes officers intentionally discharging their firearms in adversarial conflict was higher than the number of on-duty uniformed officers who fired (36 and 25, respectively).

Considering that plainclothes officers represent a smaller portion of officers in the field than those in uniform, their relative overrepresentation in discharge incidents is noteworthy, and is possibly a reflection of the plainclothes officers' assignments. Of the 36 on-duty plainclothes officers involved in these incidents, 39 percent were conducting OCCB operations. Another 36 percent were engaging in Anti-Crime operations.

### YEARS OF SERVICE

In 2009, 47 percent of the officers who discharged their firearms during adversarial conflict had between one and five years of service [see Figure A.12 on the following page]. This means that a group of officers

## 2009 ANNUAL FIREARMS DISCHARGE REPORT INTENTIONAL DISCHARGE — ADVERSARIAL CONFLICT

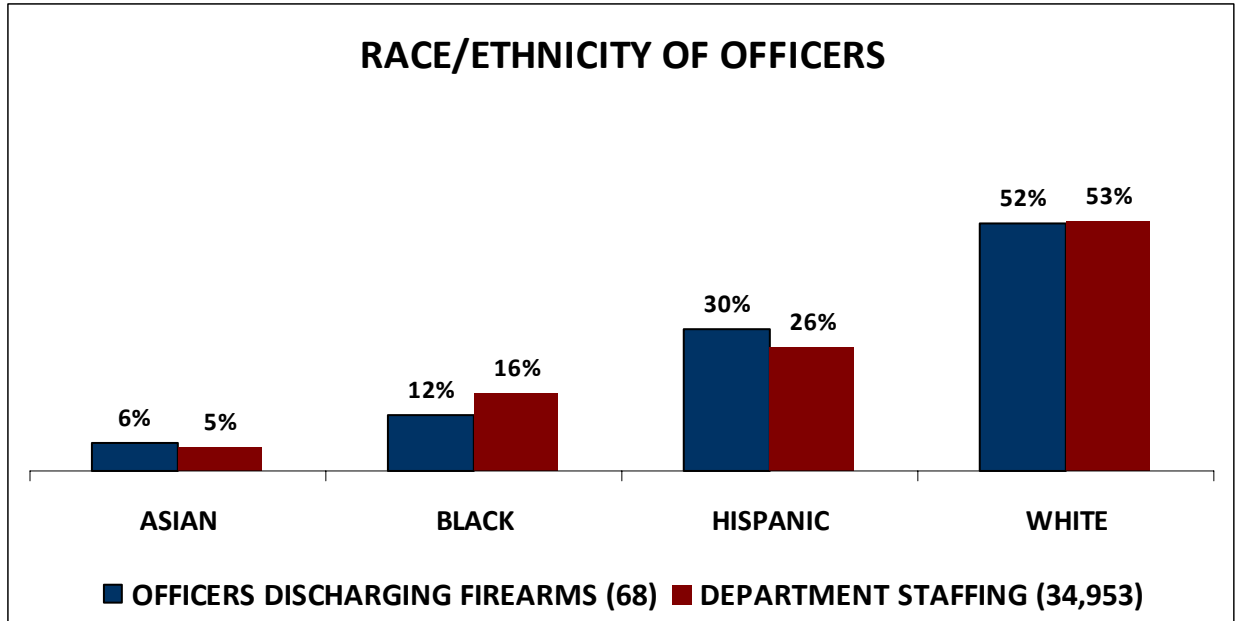


Figure A.11

who constitute one third of the Department engage in almost half of its adversarial-conflict shootings. The most likely explanation for this discrepancy is that greater proportions of less-tenured officers perform patrol duties. Operation Impact, for example, under which officers are sent to crime hotspots throughout the city to assert a proactive police presence, is staffed almost entirely by officers with one to five years of service. And, as discussed earlier, officers assigned to patrol and Anti-Crime duties are often the first officers to respond to dangerous jobs involving firearms. The majority of officers with fewer than five years of service are assigned to patrol precincts performing these types of duties.

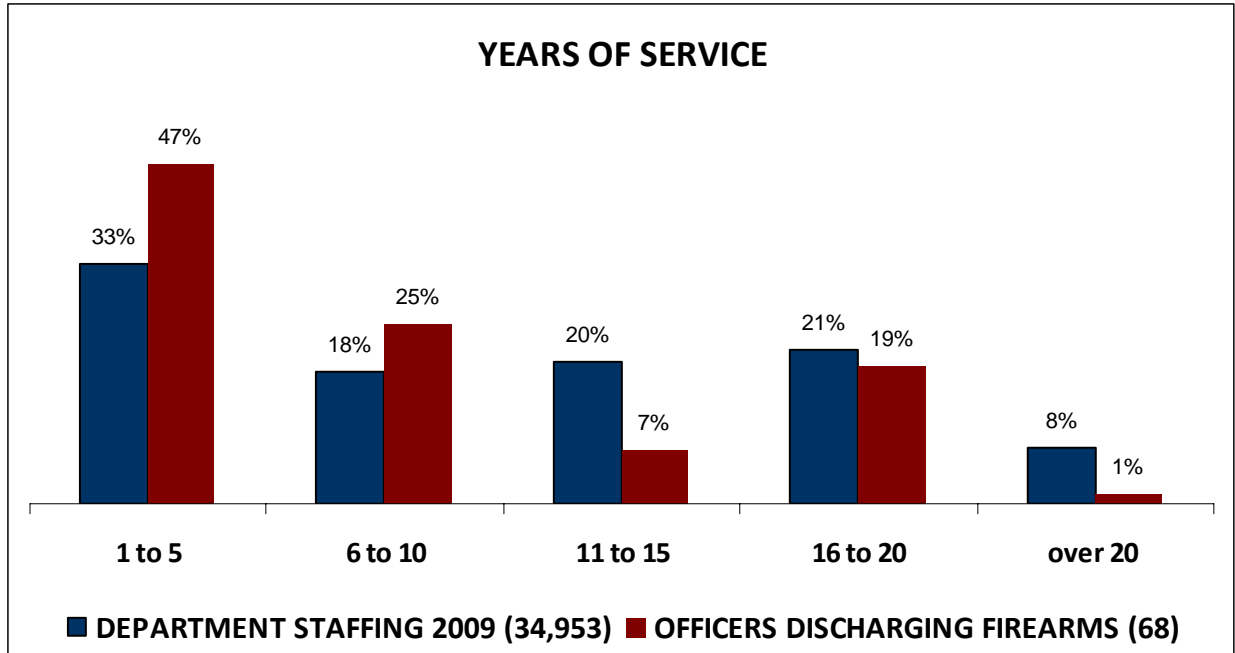
In a slight departure from last year’s statistics, when officers with between 16 and 20 years of service represented 22 percent of staffing but only 10 percent of shooting officers, in 2009 officers in this category were involved in nearly twice as many adversarial-conflict incidents.

Figure A.12 compares years-of-service distribution among officers who fired to years-of-service distribution throughout the Department. (The Department staffing numbers only indicate the percentage of officers who are in these categories of tenure; they do not indicate the assignments of those officers, nor their level of exposure to the dangers that increase the likelihood of an intentional police discharge.)

### RANK

Sixty-two percent of the officers discharging their firearms in these incidents were in the rank of police officer [see Figure A.13]. Because police officers are the front line, and represent the majority of officers responding to violent jobs and actively seeking out criminals, this is unsurprising. Additionally, the rank of Police Officer forms the majority of the Department and therefore the pool of officers who may become involved in adversarial conflict is greater.

## 2009 ANNUAL FIREARMS DISCHARGE REPORT INTENTIONAL DISCHARGE — ADVERSARIAL CONFLICT



### POLICE WEAPONS

Figure A.12

Officers used their service weapons in the overwhelming majority of the incidents (82 percent). The remaining officers utilized off-duty weapons (13 percent) or weapons specific to the Emergency Services Unit (4 percent).

### SUBJECT PEDIGREE

There were 49 subjects involved in the 47 incidents of intentional police discharge during adversarial conflict. The identities of 48 are known. (One individual was not apprehended and remains at large; he is considered unknown and his specific pedigree information is unavailable. This individual was identified by race and gender, however; he was a male black.) Of all 49 subjects, 47 were male and two were female. For the 48 known subjects, their ages range from 15 to 49, although 58 percent were between of the ages of 15 and 25.

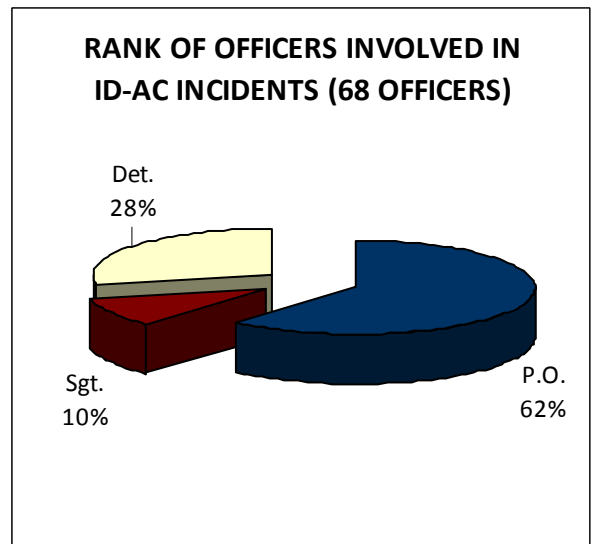


Figure A.13

### SUBJECT RACE

All 49 subjects could be identified by race. In NYPD paperwork concerning suspects, race is determined by complainants and/or victims. In arrest paperwork, the officer filling out the report generally determines the subject's race. This determination may be based on a subject's self-identification, existing

## 2009 ANNUAL FIREARMS DISCHARGE REPORT INTENTIONAL DISCHARGE — ADVERSARIAL CONFLICT

government-issued documentation, racial/ethnic physical characteristics, or other factors.

Additionally, although the Department sub-categorizes Hispanics as black Hispanic or white Hispanic, the Annual Firearms Discharge Report combines all Hispanic persons into a single group.

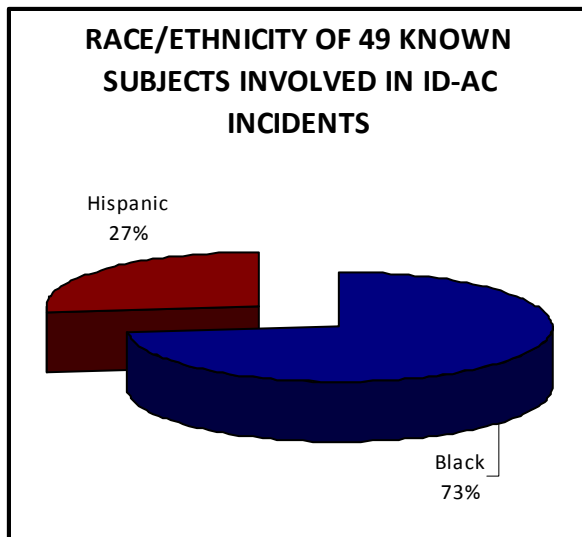


Figure A.14

Of the 49 adversarial-conflict subjects, 73 percent were black. This percentage is smaller than black suspects' representation among criminal-shooting suspects. In a city-wide analysis covering the calendar year 2009, approximately 80 percent of racially identified criminal-shooting suspects were black.

Hispanics, on the other hand, are over-represented among adversarial-conflict subjects in comparison to their representation among criminal-shooting suspects. Twenty-seven percent of adversarial-conflict subjects were Hispanic; approximately 18 percent of racially identified criminal-shooting suspects were Hispanic [see Figure A.14 and

Figure A.17].

(The racial identification of black and Hispanic suspects is provided by victims, not the Department. And with regard to criminal-shooting victims, it must be noted that 73 percent of such victims are black and 23 percent are Hispanic.)

Among subjects who fired on officers, 56 percent were black and 44 percent were Hispanic. [See Figure A.15.]

The races of persons arrested in 2009 for firearms possession also seem to mirror the races of persons who engaged in adversarial conflict with police. See Figure A.16 for a visual representation of these comparisons.

**In summary, in 2009, blacks and Hispanics represent 51 percent of New York City's population, but represent 98 percent of racially-identified criminal-shooting suspects, 96 percent of criminal-shooting victims, 94 percent of those arrested for firearms possession, and 100 percent of those firing on police.**

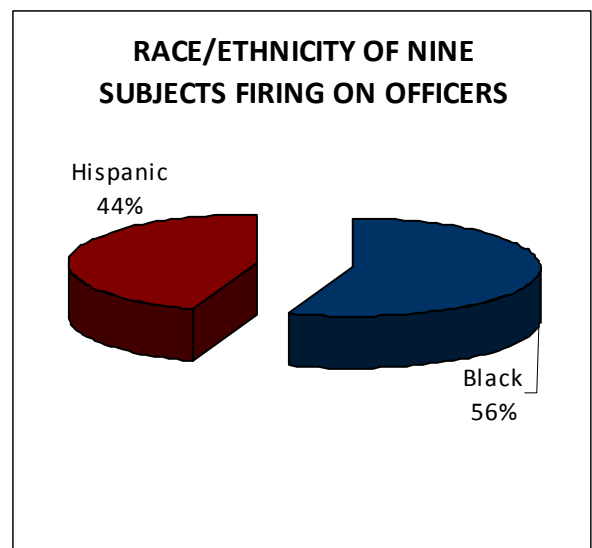


Figure A.15

2009 ANNUAL FIREARMS DISCHARGE REPORT  
INTENTIONAL DISCHARGE — ADVERSARIAL CONFLICT

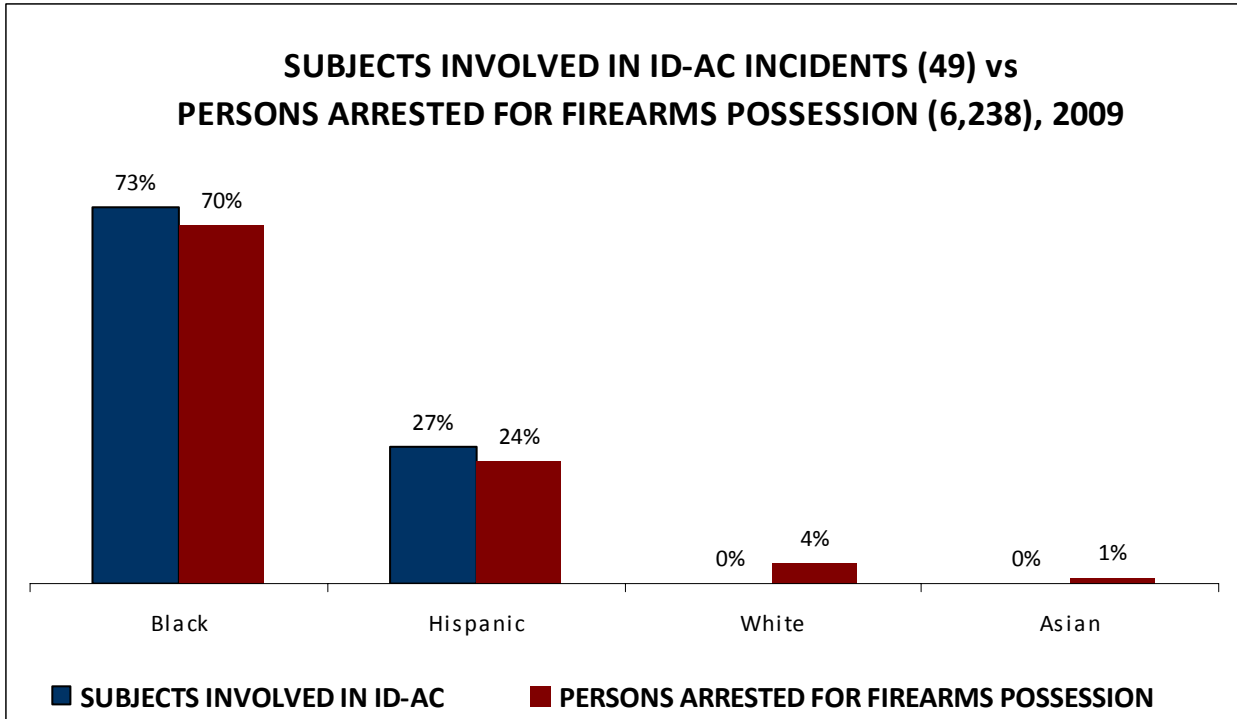
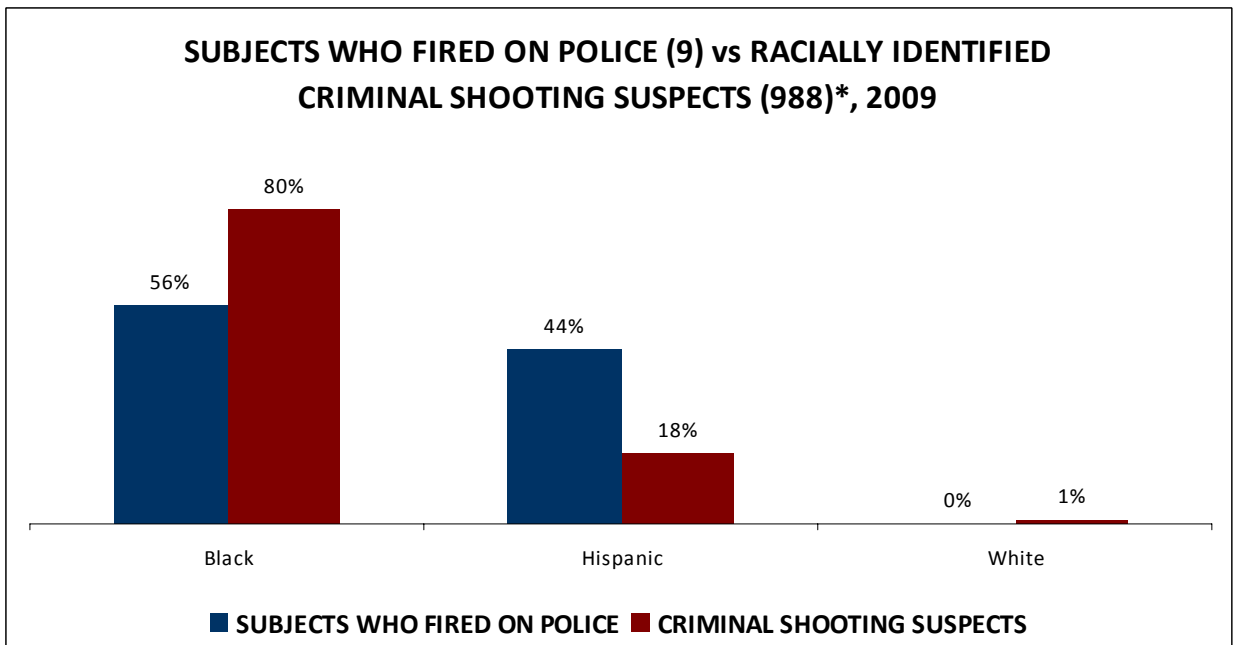


Figure A.16



\* Of 1,511 shooting suspects in 2009, only 988 were identified by race.

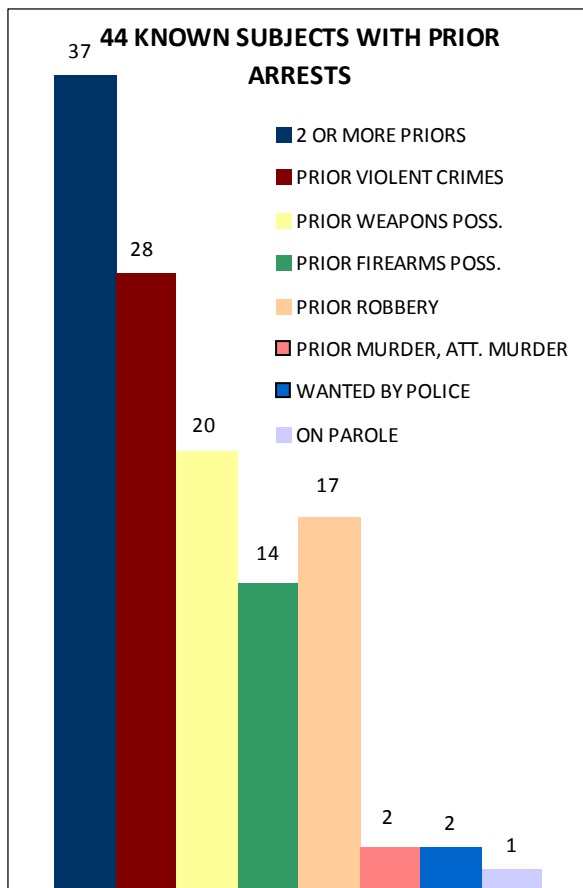
Figure A.17

# 2009 ANNUAL FIREARMS DISCHARGE REPORT INTENTIONAL DISCHARGE — ADVERSARIAL CONFLICT

## PRIOR ARRESTS

Although there were five incidents in 2009 in which officers faced subjects about whom they had prior knowledge, this is generally not the case. A subject’s arrest history is usually unknown to the officer at the time of a typical incident. Nevertheless, arrest history is pertinent. It is indicative of a subject’s propensity for criminal conduct and capacity for violently confronting a police officer, and it can evince itself in a subject’s bearing, actions, and reactions. An arrest history, pending charges, or parole status may make a subject more willing to attempt to avoid arrest by confronting the officer.

Of the known subjects in these incidents, **92 percent had prior arrests**—and 77 percent had multiple prior arrests [see Figure A.18].



NB: Individuals may be represented in more than one category

Figure A.18

Two subjects were wanted by authorities at the time of the incidents and another was on parole. Twenty-eight of the subjects with prior arrests had been arrested for violent crimes such as robbery, assault, and resisting arrest, and two had been arrested for murder or attempted murder. Forty-six percent of the subjects with prior arrests had arrests for weapons possession, including 14 subjects arrested for possessing or using a firearm. Thirty-nine percent had prior robbery arrests. (It should be noted that individual subjects may be identified in several of the previous categories.)

## SUBJECT WEAPONS

The subjects in these incidents utilized a variety of weapons when confronting officers. The most frequently used weapon was a firearm. Thirty-two subjects carried firearms, 13 of whom fired those weapons. Of the known firearms possessed or used by subjects, 9mm and .45 caliber semi-automatics were the most popular, accounting for 12 of the 28 known firearms used [see Figure A.19].

Eight incidents involved subjects who attacked or menaced officers with cutting instruments. Six of these incidents occurred indoors. Five involved emotionally disturbed persons and one was an attempted robbery.

Two incidents involved subjects who employed an automobile as a weapon. Department policy forbids using firearms against subjects who so use a vehicle as a weapon, unless the subject is also presenting a threat via another method, such as shooting a gun from a car. The Penal Law, however, does not prohibit officers from firing at vehicles if

## 2009 ANNUAL FIREARMS DISCHARGE REPORT INTENTIONAL DISCHARGE — ADVERSARIAL CONFLICT

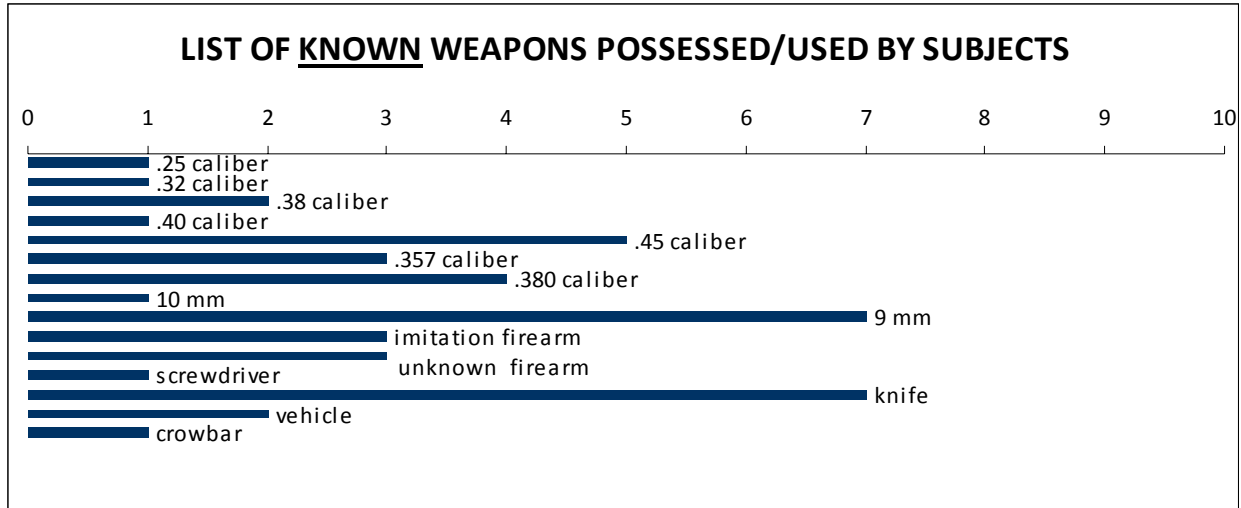


Figure A.19

they reasonably believe that deadly physical force is necessary to defend themselves or another. This is a prime example of the NYPD demanding more restraint than even the law requires.

### **ACCOMPLICES**

While officers fired upon 49 individuals in these 47 incidents, at least 73 persons were present and complicit in the incidents. For example, in one instance in the Bronx, an officer observed an armed bank robber leaving the location of a robbery attempt and entering a waiting getaway vehicle occupied by two accomplices. When the officer went to stop the suspect, he observed that both the robbery suspect and one of the accomplices were armed. The officer only discharged his firearm at the robbery suspect, however, when that subject pointed a firearm at him. As a result, the accomplice, although armed as well, is not included in the list of subjects of intentional discharge during adversarial conflict.

Similar examples include two Anti-Crime officers who thwarted a store robbery by

three perpetrators, at least two of whom were armed, but who fired only on the subject who pointed his firearm at them; and a sergeant and detective in the Bronx who observed four individuals in possession of a handgun firing shots on New Year's Eve but fired only on the one subject who fired at them.

### **INCIDENT OUTCOMES**

No police officer was killed by a perpetrator in adversarial conflict in 2009. And, for the first time since 1971, when the Police Department began tracking firearms-discharge incidents, no police officer was injured by gunfire during an adversarial conflict. Thirty-one of this year's 47 incidents resulted in injury to or the death of a subject.

### **OFFICER INJURIES**

Eight officers sustained non-gunfire injuries during adversarial conflict. Four officers were stabbed by perpetrators; one was saved from grievous injury by his bullet-resistant vest. Of the four, one was attacked and stabbed by an emotionally disturbed

## 2009 ANNUAL FIREARMS DISCHARGE REPORT INTENTIONAL DISCHARGE — ADVERSARIAL CONFLICT

male wielding a screw-driver; two were struck by barricaded emotionally disturbed males, including the officer saved by his vest; and one was severely slashed by an emotionally disturbed female.

Three officers were physically assaulted by subjects, including two undercover officers working on two separate narcotics operations; and one officer who was the victim of a robbery in which a subject struck him with a crowbar. [See Figure A.20]

### BULLET-RESISTANT VEST

Of the eight officers attacked and injured, six were wearing bullet-resistant vests. In only one instance did the body armor affect the outcome of the attack.

### SUBJECT INJURIES

Of the 49 subjects involved, 12 were killed and 20 injured by police gunfire.

Of the 12 subjects killed, six subjects possessed firearms, four of whom fired on po-

lice and/or civilians, one of whom attempted a gunpoint robbery of an undercover officer, and one of whom pointed his firearm at pursuing officers. Four subjects possessed knives—three had attacked and injured officers; the fourth had murdered one civilian and severely stabbed another. One subject attempted to run down officers and civilians with his vehicle. The final subject physically assaulted an undercover officer and then attempted to take the officer's firearm.

Eight of the 12 killed were intoxicated or had illegal narcotic or controlled chemical substances in their systems at the time of the incidents. (Additionally, one subject's toxicology report was unavailable at the time of this writing.) Toxicology results can only be determined for subjects killed; the percentage of remaining subjects who may have been chemically altered cannot be known. [See Figure A.21 and the Appendix.]

Of the 20 subjects who were injured by police gunfire, 70 percent had firearms. Sixty-five percent had already shot, shot at, stabbed, robbed, or struck an officer or civilian before they were stopped. Five civilians had been shot and injured, and one civilian was stabbed. An officer was also stabbed and injured, and two others were physically assaulted, with one suffering injuries. [See Figure A.22]

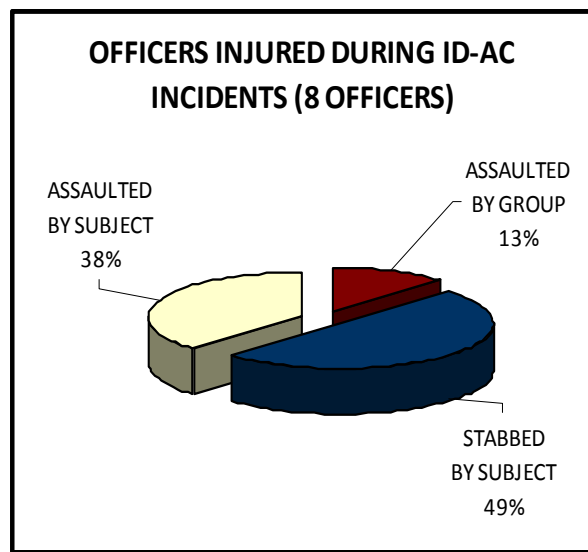


Figure A.20

### BYSTANDER INJURED

One innocent civilian bystander was injured as a result of police gunfire when two Police Officers were attacked by a man with a screwdriver in the Transit system. During this incident, a total of five rounds were discharged. Three of these were intentionally



2009 ANNUAL FIREARMS DISCHARGE REPORT  
INTENTIONAL DISCHARGE — ADVERSARIAL CONFLICT

**ACTIONS OF SUBJECTS SHOT AND KILLED DURING ID-AC  
(12 SUBJECTS)**

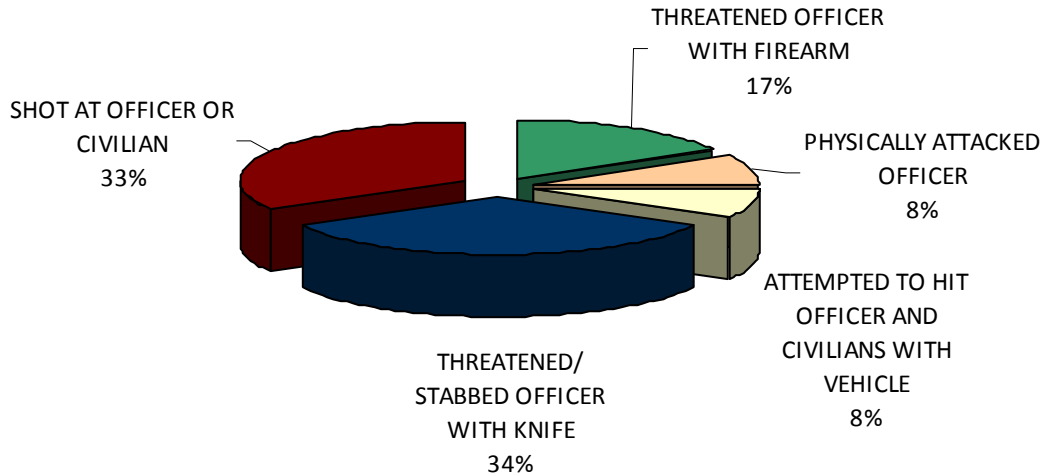


Figure A.21

**ACTIONS OF SUBJECTS SHOT AND INJURED DURING ID-AC  
(20 SUBJECTS)**

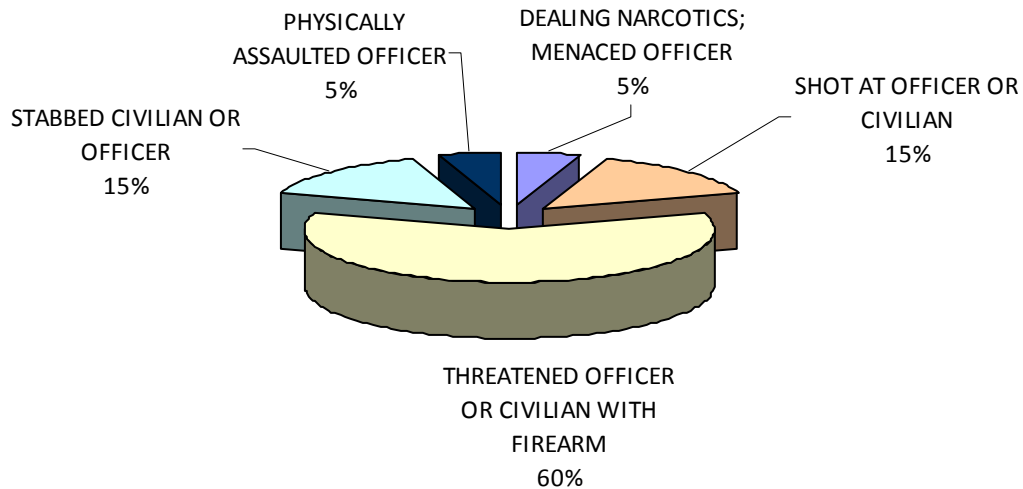


Figure A.22

## 2009 ANNUAL FIREARMS DISCHARGE REPORT INTENTIONAL DISCHARGE — ADVERSARIAL CONFLICT

fired at the subject; two were unintentionally discharged by one officer and the subject when the subject attempted to gain control of the officer's firearm. It is probable that it was one of these rounds that struck the bystander in the leg.

### MALFUNCTION

Six officers experienced malfunctions of their firearms. Three of the officers were able to clear the malfunction and fire a subsequent round. No civilians or officers were injured as a result of these malfunctions.

### FINDINGS

Even when intentional firearms discharges are deemed justifiable in a court of law, they are still reviewed by the Department for tactical concerns and violations of procedure. It must be noted that discipline in these cases does not always relate to the actual discharge of the firearm, but can result from a violation of other Department procedures.

At the time of this report, half of the 47 incidents had been reviewed and findings had been issued. Among the officers involved in reviewed incidents, two were held in violation and ordered retrained. Another individual was terminated from the NYPD.

Thirty-four officers' actions did not warrant any type of discipline or corrective retraining. Reviews of the remaining incidents are pending.

It must be noted that **all officers who discharge their firearms are sent to a firearms-retraining course**, regardless of the circumstances of the discharge.

### CONCLUSION

There were 47 intentional discharges during adversarial conflicts, involving 68 officers who fired. These conflicts involved 49 subjects, including nine who fired directly on police.

In 2009, there were nearly 2,000 victims of criminal shootings and homicides in New York City. The number of intentional firearms discharges by police, comparatively, is small, but every time an officer discharges a firearm he or she risks inflicting injury or death, on subjects, police, or innocent bystanders. Because of this, the Department strives to ensure that each incident is thoroughly investigated and analyzed in order to reduce these events, thereby reducing the likelihood of harm to civilians and officers alike.

One method of judging the Department's relative success is to compare the number of adversarial-conflict discharge incidents with the number of arrests of armed individuals made by officers each year. In 2009, New York City police officers made 29,807 weapons arrests, including 6,238 gun arrests. More than 7,600 of these weapons recoveries stemmed from reasonable suspicion stops. (This number does not include instances in which officers confront armed emotionally disturbed persons and transport those persons to the hospital rather than arresting them.)

**In other words, there were nearly 30,000 incidents in which an officer took an armed subject into custody without firing his or her weapon.**

## 2009 ANNUAL FIREARMS DISCHARGE REPORT INTENTIONAL DISCHARGE — ADVERSARIAL CONFLICT

There were, on average, 34,953 uniformed officers employed by the NYPD in 2009. Of them, only 68—*0.2 percent*—intentionally discharged a firearm at a subject.

These officers responded to more than 4.4 million calls for service in 2009, of which more than 200,000 involved weapons.

**Of the millions of dangerous calls that thousands of officers responded to in 2009 (not including proactive incidents during which officers were actively seeking out criminals), officers intentionally discharged their firearms in a total of 47 incidents.**

# 2009 ANNUAL FIREARMS DISCHARGE REPORT

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# 2009 ANNUAL FIREARMS DISCHARGE REPORT INTENTIONAL DISCHARGE — ANIMAL ATTACK

## OVERVIEW

There were 28 incidents of intentional firearms discharge during an animal attack in 2009, down 7 percent from 2008 and down 53 percent from 1998. A total of 34 officers intentionally fired their weapons during these incidents, down 17 percent from 2008. Three officers were directly involved in the attack but did not fire. All of the attacks involved dogs. (It should be noted that the following statistics, graphs, and observations are based on this limited sample.)

There were eight officers injured in these incidents. Three officers were bitten by dogs and five officers suffered other injuries during the attacks. One civilian was also bitten by a dog in the course of an animal-attack incident. These numbers do not encompass all dog attacks on officers or civilians, only dog-attack incidents involving intentional firearms discharges by police officers.

Of the 31 dogs involved, 15 were killed and eight injured during these conflicts. A more detailed analysis of injuries to all persons and animals involved will be provided in the following pages.

## REASONS FOR DISCHARGES

Officers who intentionally discharged their firearms during animal attacks did so to defend themselves or others from the threat of physical injury, serious physical injury, or death. In all of the incidents the threat came in the form of a dog attack.

Officers, when able, attempt to prevent an animal attack using non-lethal options, including batons and OC spray. A police officer

uses his or her firearm as a last resort to stop an animal attack.

## DATES AND TIMES OF DISCHARGES

Intentional discharges during animal attacks occurred fairly evenly throughout the four quarters of the year. The first quarter of the year saw six incidents, the second saw eight incidents, and the third and fourth each saw seven incidents. July saw four incidents, the most incidents of any month; every other month had between one and three incidents.

Discharges during animal attacks occurred most often on Friday (25 percent). These incidents occurred most often on the third platoon (57 percent), followed by the second platoon (25 percent) and the third platoon (18 percent) [see Figure B.1 below].

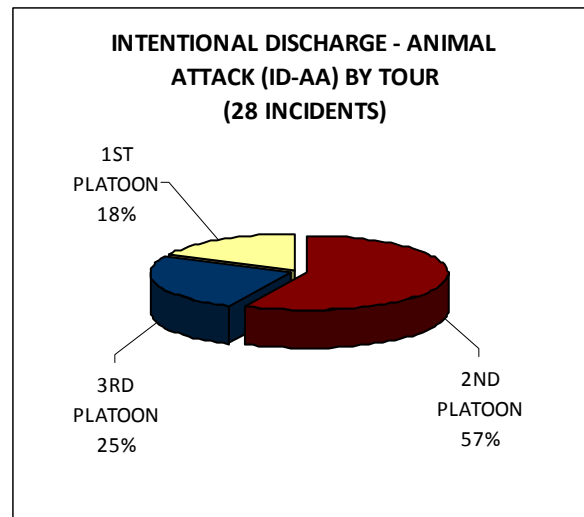


Figure B.1

## LOCATIONS OF DISCHARGES

All but one of the intentional discharges during animal attacks occurred within the city limits, with 64 percent of the incidents transpiring under the jurisdiction of the patrol

## 2009 ANNUAL FIREARMS DISCHARGE REPORT INTENTIONAL DISCHARGE — ANIMAL ATTACK

precincts. This is a noticeable departure from intentional discharges during adversarial conflict. While intentional discharges during adversarial conflict occurred within Housing jurisdiction only nine percent of the time, intentional discharges during animal attacks occurred within Housing jurisdiction 29 percent of the time [see Figure B.2].

The Bronx experienced the most incidents (36 percent). The pie chart below shows the percentages of discharges per patrol borough [see Figure B.3].

These incidents took place in 22 separate precincts, with most of those precincts only experiencing a single incident. Five precincts accrued two incidents.

Of the 28 incidents, 54 percent occurred outdoors. This is less than the 72 percent for adversarial conflicts. The exact locations of the incidents vary from streets and sidewalks to roofs, stairwells, and alleys.

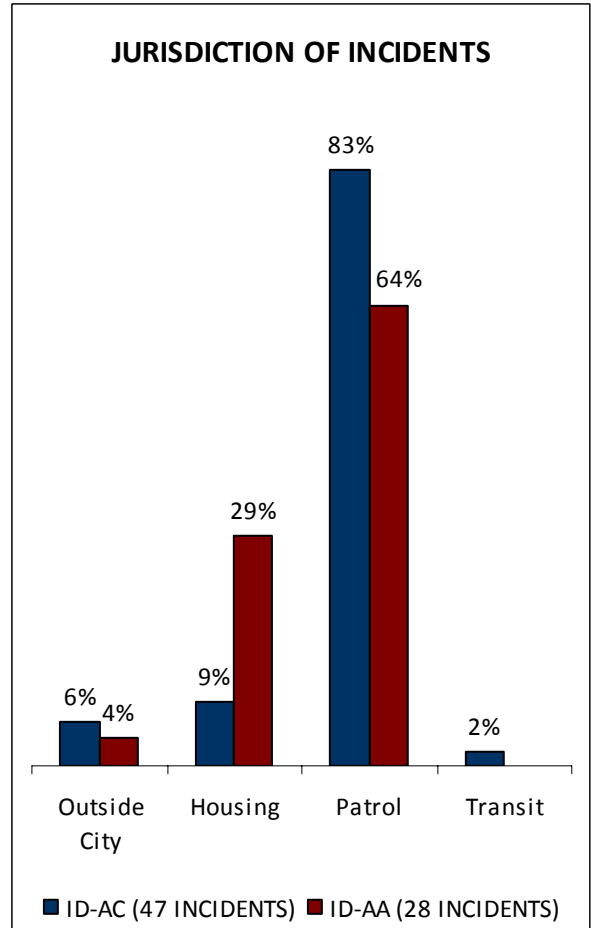


Figure B.2

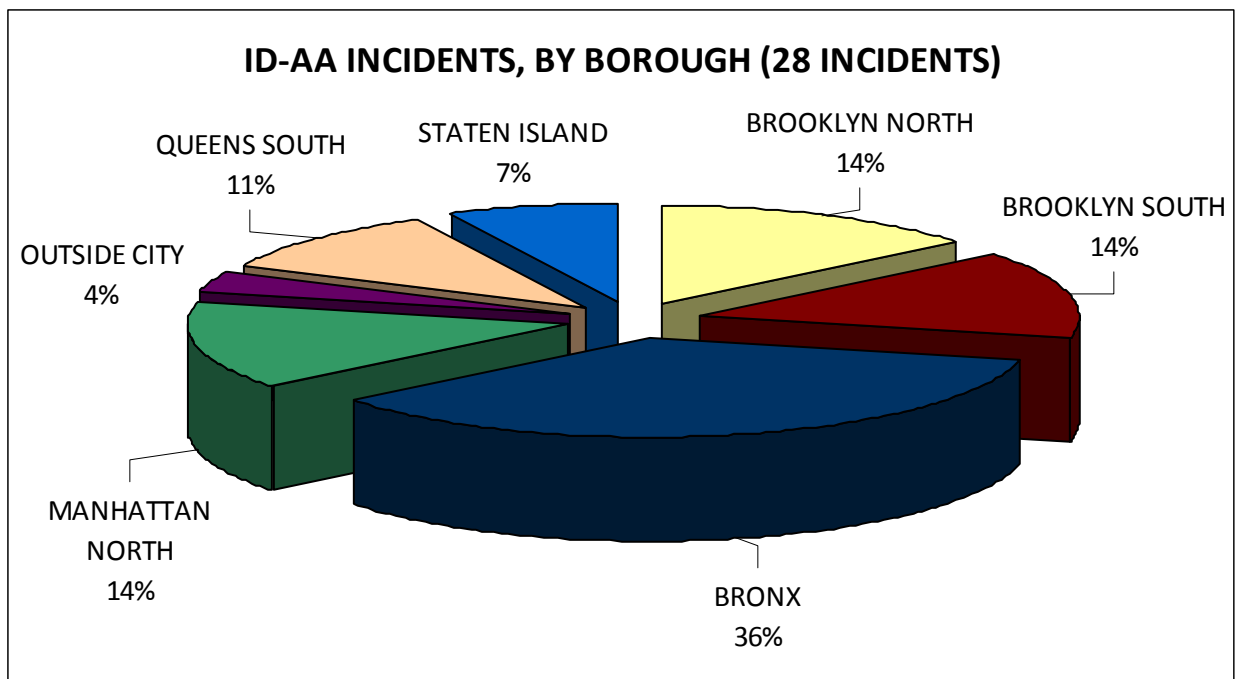


Figure B.3

## 2009 ANNUAL FIREARMS DISCHARGE REPORT INTENTIONAL DISCHARGE — ANIMAL ATTACK

The plurality of occurrences happened in hallways (29 percent). Figure B.4 below indicates the locations and percentages of the incidents.

Figure B.6 on the next page maps the exact location of all of the intentional discharges during animal attacks that occurred in 2009. The one attack that occurred outside New York City is not depicted.

### REASONS OFFICER INVOLVED

A variety of reasons led officers to become involved in incidents of intentional discharges during animal attacks. The most

common (21 percent) was responding to a report of a vicious dog. The next most frequent reasons were responding to a dispute (15 percent), conducting a vertical (12 percent) and executing a warrant (12 percent) [see Figure B.5].

A large proportion of officers (53 percent) were assigned to patrol duties, which include conducting verticals and responding to calls for service from the public, such as calls for vicious dogs. These calls, as mentioned above, account for 44 percent of the incidents [see Figure B.8 on page 25 for officer assignment].

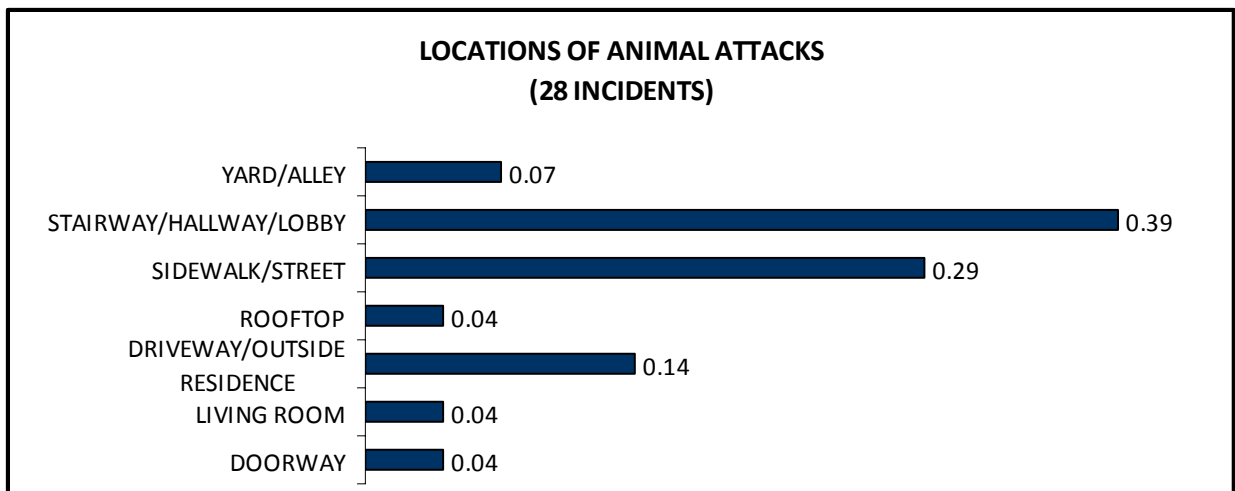


Figure B.4

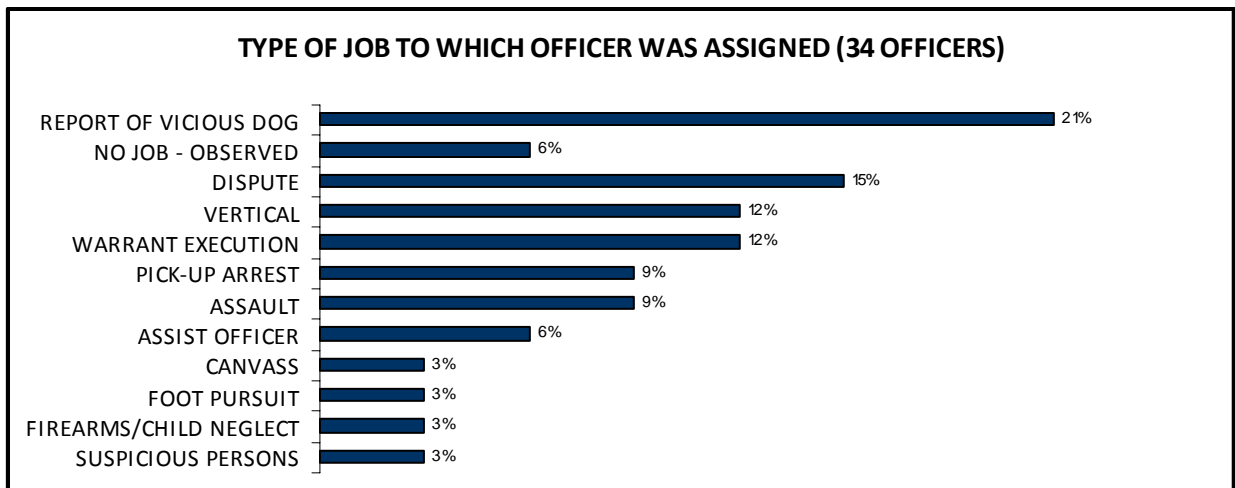
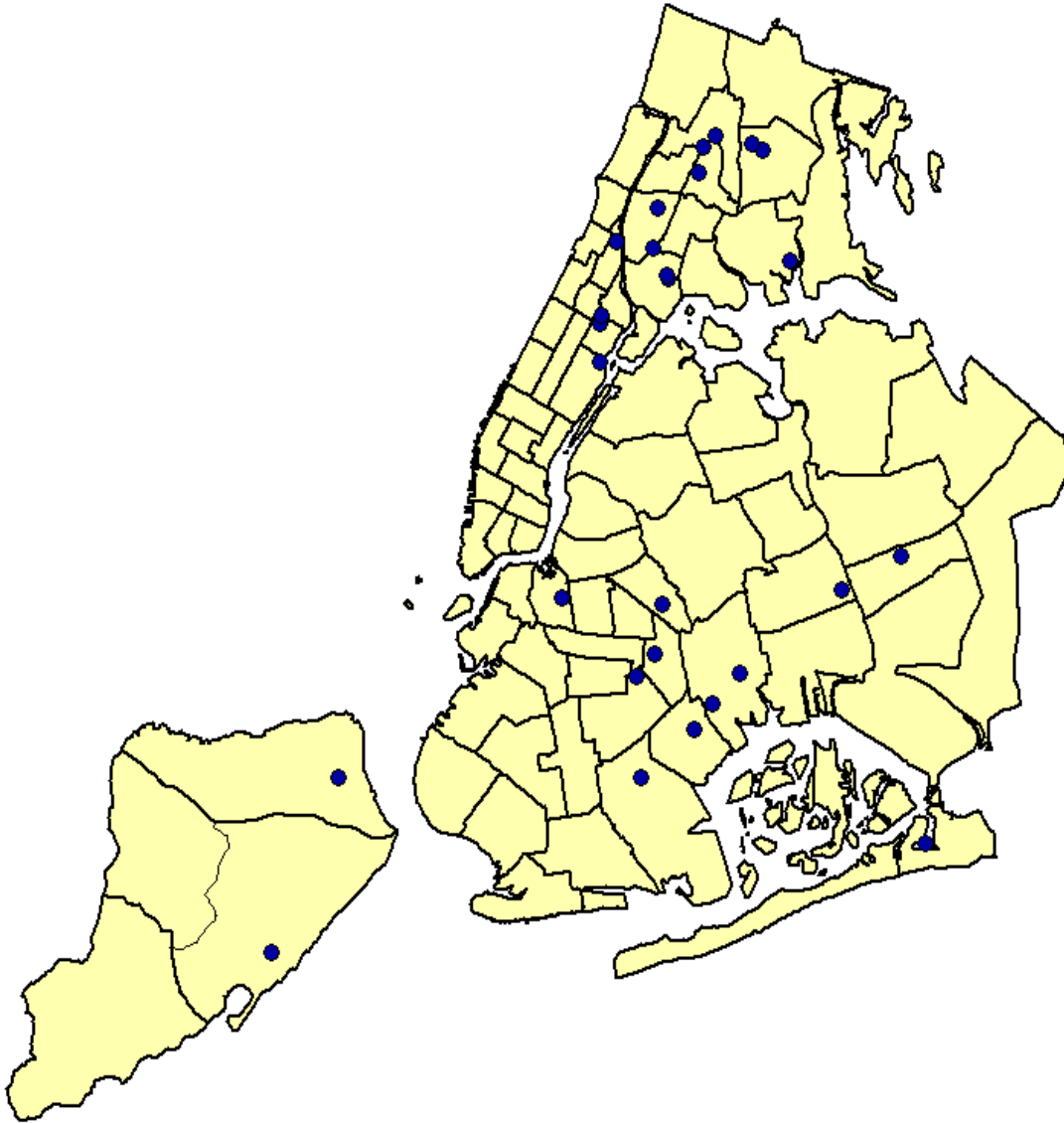


Figure B.5

2009 ANNUAL FIREARMS DISCHARGE REPORT  
INTENTIONAL DISCHARGE — ANIMAL ATTACK

LOCATIONS OF 2009 ANIMAL ATTACK INCIDENTS  
27 INCIDENTS\*



\*Does not include the location of the one (1) incident that occurred outside the city limits.



## 2009 ANNUAL FIREARMS DISCHARGE REPORT INTENTIONAL DISCHARGE — ANIMAL ATTACK

Figure B.7 indicates the top bureau or precinct of assignment for officers involved in intentional discharges during animal attacks. Housing officers accounted for 9 percent of the officers involved in animal attack discharges, compared to 13 percent of the officers involved in adversarial conflict incidents.

pared to 2008, and 15 percent fewer officers were involved in those incidents. In addition, only three incidents in 2009 involved multiple dogs attacking the officer(s), compared to eight such incidents in 2008.

### OFFICER RESTRAINT

When officers did discharge their firearms during an animal attack, the plurality of officers (38 percent) fired only **one time** [see Figure B.9 on next page].

This pattern of restraint is also apparent when analyzing the number of shots fired per incident. In the majority of animal attacks (54 percent) officers fired only one or two rounds [see Figure B.10 on next page].

A total of 71 shots were fired by officers during these incidents; this is a **50 percent decrease** from 2008. Several factors likely contributed to this decrease. Seven percent fewer incidents took place in 2009 com-

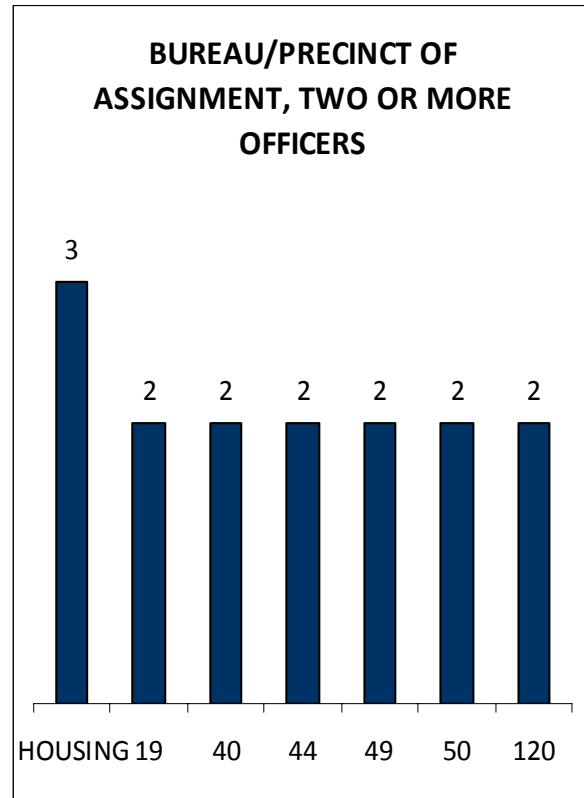


Figure B.7

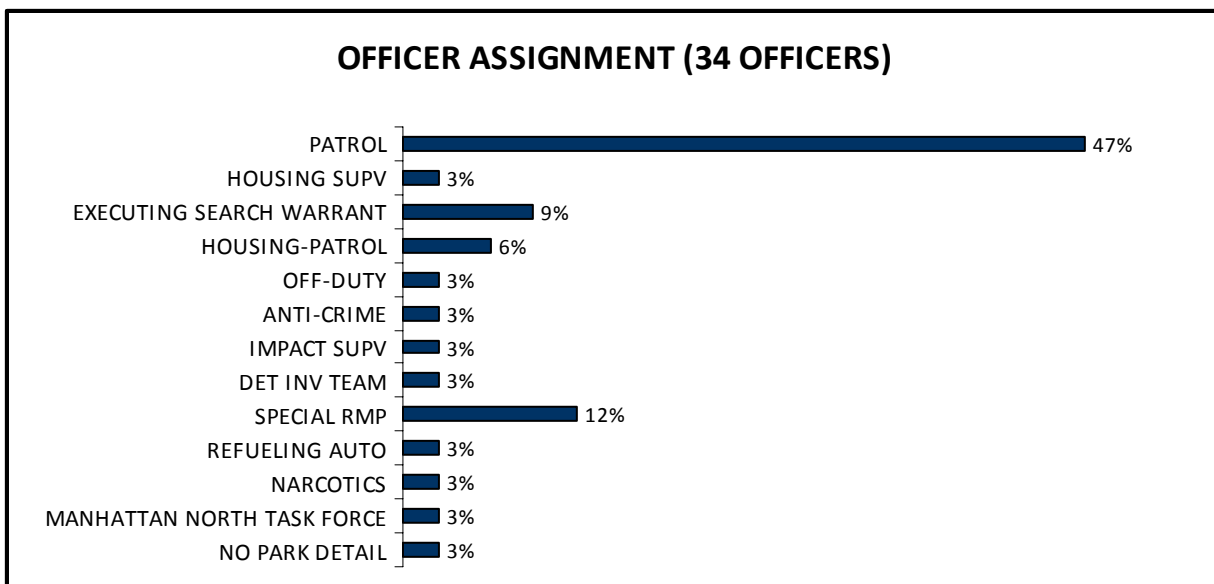


Figure B.8

## 2009 ANNUAL FIREARMS DISCHARGE REPORT INTENTIONAL DISCHARGE — ANIMAL ATTACK

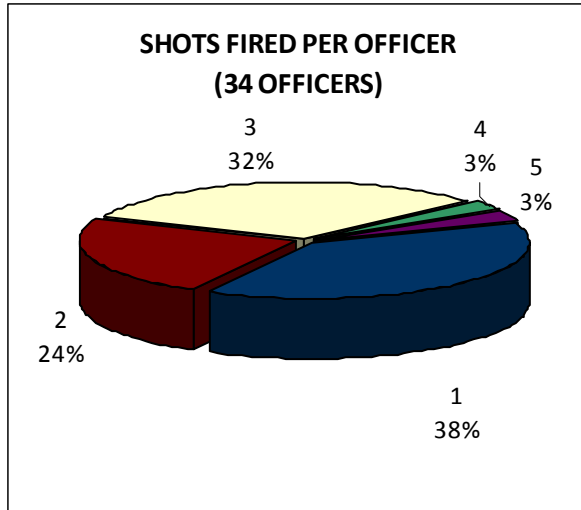


Figure B.9

During these 28 incidents, officers hit at least one animal per incident 22 times; this yields an objective completion rate of 79 percent. This is higher than the objective completion rate during adversarial conflict (66 percent) and higher than the objective completion rate of officers under fire (60 percent) [see OUTCOME section for explanation].

### SHOOTING TECHNIQUE

Last year the shooting techniques of officers defending against an animal attack were similar to those of officers involved in adversarial conflict. This year they are more divergent. Forty-five percent of the officers in animal attacks who reported their position, report gripping the firearm with two hands; compared to 62 percent of the reporting officers in adversarial conflicts.

The two types of incidents were more similar with regard to use of protective cover. The significant majority of reporting officers (75 percent) reported that they were unable to utilize cover during adversarial conflicts. Similarly, the majority of reporting officers

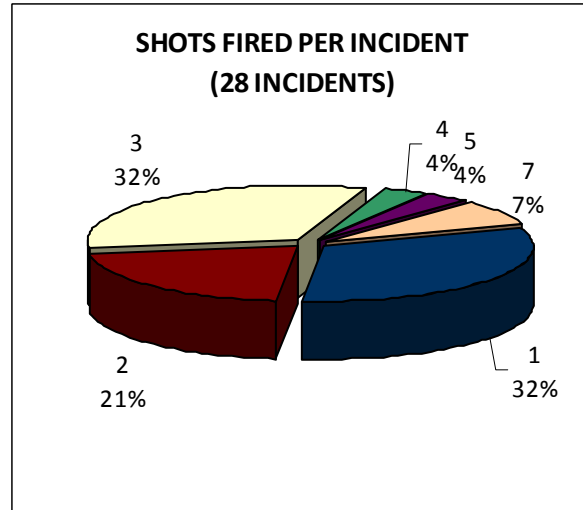


Figure B.10

(64 percent) involved in animal attacks also report having no cover during the discharge. Officers who can find cover from an animal attack may not find it necessary to fire.

Animal attacks and adversarial conflict incidents are also similar when it comes to shooting position. As with adversarial conflicts, the majority of officers involved in animal attack incidents report being in a standing position (59 and 72 percent, respectively).

Only 9 percent of the reporting officers report utilizing their sights when discharging their firearm during these confrontations, which is dramatically fewer than the 31 percent of the reporting officers who used their sights during adversarial conflict.

### OFFICER PEDIGREE

As with adversarial conflicts, all of the officers who intentionally discharged their firearms during an animal attack were male.

The race of the officers involved in intentional discharges during animal attacks is

## 2009 ANNUAL FIREARMS DISCHARGE REPORT INTENTIONAL DISCHARGE — ANIMAL ATTACK

slightly dissimilar to that of the Department staffing. White officers were underrepresented, comprising 41 percent of officers firing versus 53 percent of Department staffing. Hispanic officers were also slightly underrepresented, comprising 24 percent of officers firing versus 26 percent of Department staffing. Black and Asian officers were slightly over-represented, with blacks accounting for 26 percent of officers firing versus 16 percent of Department staffing and Asians accounting for 9 percent of officers firing and 5 percent of Department staffing [see Figure B.11 ].

### ATTIRE

Most officers who discharged their weapons during animal attacks were attired in uniform (79 percent). This is a significantly higher percentage of the on-duty whole than for in-uniform officers who fired during adversarial conflict (41 percent), possibly because uniformed officers more frequently respond to calls for service regarding vicious animals, and are more likely to conduct foot patrol and verticals where animal attacks are

more likely to occur.

### YEARS OF SERVICE

As in adversarial conflicts, almost half of the officers who discharged firearms during animal attacks had between one and five years of service. As years of service increase, the number of intentional discharges during an animal attack decreases [see Figure B.13 on next page].

As discussed earlier, officers assigned to patrol are often the first officers to respond to dangerous jobs involving animals, and the majority of officers with fewer than five years of service are assigned to patrol precincts performing these types of duties.

### RANK

A significant majority of officers discharging their firearms in these incidents were police officers (68 percent); again, police officers are most likely to perform duties that expose them to animal attack [see Figure B.12 on the following page].

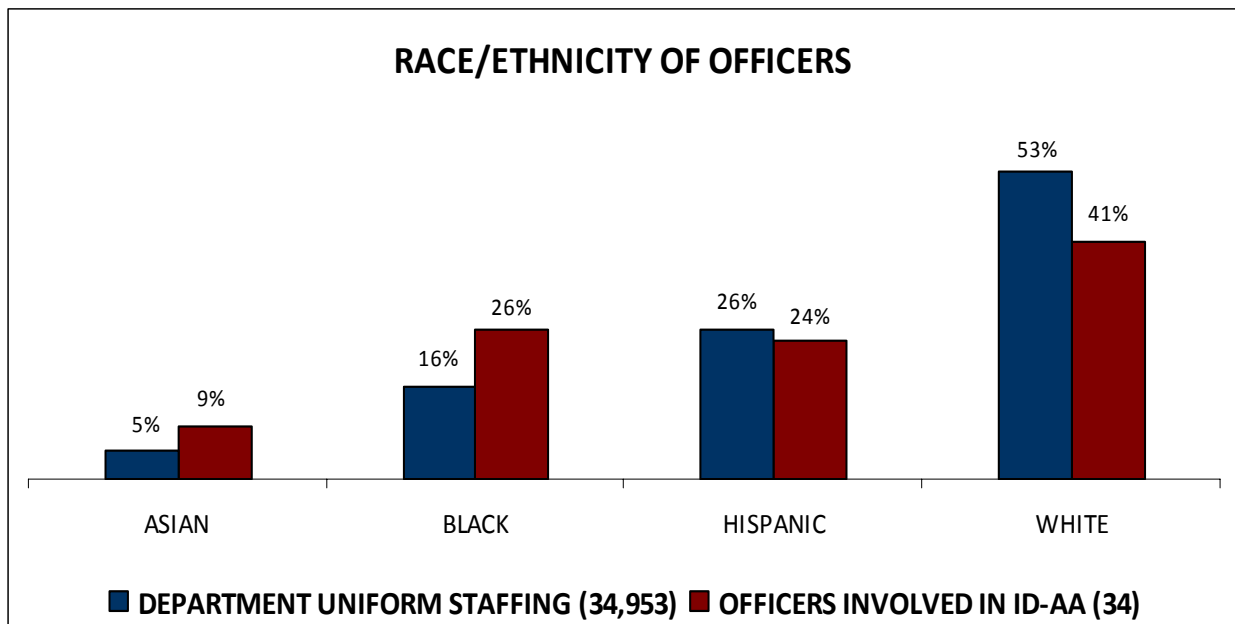


Figure B.11

# 2009 ANNUAL FIREARMS DISCHARGE REPORT INTENTIONAL DISCHARGE — ANIMAL ATTACK

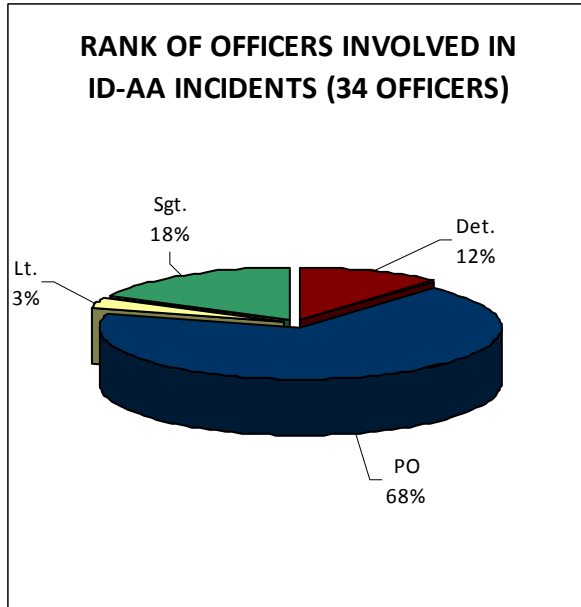


Figure B.12

## POLICE WEAPONS

Officers utilized their service weapons in 32 of the 34 incidents. One of the two remaining officers discharged his off-duty weapon and the other discharged a special weapon as a member of the Emergency Services Unit.

## INCIDENT OUTCOMES

Of the 28 intentional discharges occurring during animal attacks, 22 resulted in injury or death to at least one animal. Eight officers were injured, including three who were bitten by dogs. (The remaining five officers suffered sprains, strains and contusions related to the incidents.) The bites occurred to officers' arms, hands, or legs.

One civilian was bitten by a dog, and one civilian was injured by shrapnel from a police discharge during these incidents.

Of the 31 animals involved, 15 were killed and eight injured by police gunfire. All of the animals involved were dogs, with 87 percent being pit bulls.

When officers fired at attacking animals they hit their targets in 79 percent of the incidents. This objective completion rate is higher than for adversarial attacks (66 percent) and higher than for officers under fire (60 percent). A possible explanation is the

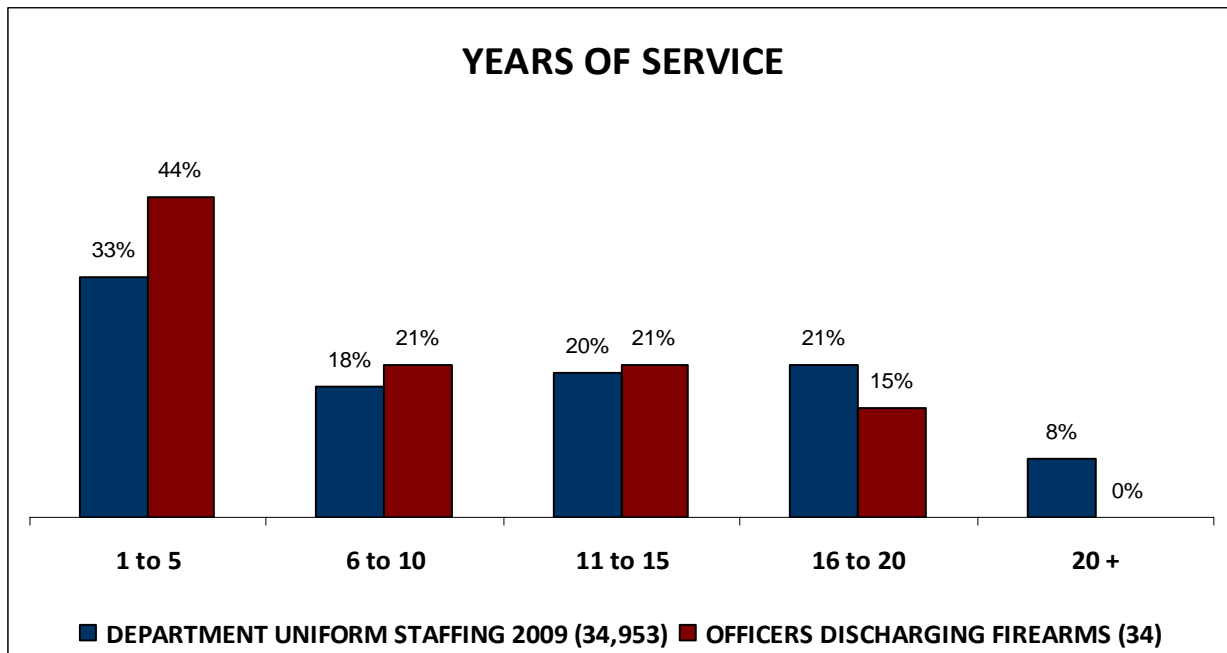


Figure B.13

## 2009 ANNUAL FIREARMS DISCHARGE REPORT INTENTIONAL DISCHARGE — ANIMAL ATTACK

distance between officer and animal. Although in both kinds of attack officers are often attempting to avoid injury by running for cover or physically pushing a subject or animal away, officers in animal attacks are more often within arm's reach of the animal. Sixty-two percent of officers report being five feet or fewer from the attacking animal, and no officer reported being farther than ten feet. Only 44 of the 68 officers who fired in adversarial conflict incidents reported their distance from the subject; of those 44, only 48 percent were within five feet of the subject.

### **MALFUNCTION**

One officer reported a firearm malfunction during an animal attack. The malfunction did not affect the outcome of the incident. The firearm was tested and was found to be operational.

### **FINDINGS**

All of the intentional firearms discharges during animal attacks in 2009 were investigated and, at the time of this report, 93 percent offered findings and recommendations. Of the 32 officers in the completed investigations, one was disciplined. As noted in the previous category, discipline does not necessarily mean that there was a violation of shooting procedure. The one officer in this incident received discipline for improper notification and recording of the incident. Nine other officers did not receive discipline but instead were sent to tactical re-training, including three who were mandated to be re-trained on the proper handling of dogs.

### **CONCLUSION**

In 2009, police officers responded to more than 28,400 calls through 911 for incidents involving dogs and other animals. This number includes 4,531 complaints about vicious animals made through the 311 system. It does not account for incidents in which officers proactively encounter dogs or answer civilian complaints that were not processed through 911.

**From among more than 28,400 calls involving animals that thousands of officers responded to, as well as uncounted incidents in which officers came into contact with dogs or other animals, a total of 28 instances resulted in officers discharging their firearms.**

# 2009 ANNUAL FIREARMS DISCHARGE REPORT

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# 2009 ANNUAL FIREARMS DISCHARGE REPORT UNINTENTIONAL DISCHARGES

## **OVERVIEW**

In 2009, there were 22 incidents of unintentional firearms discharge, involving 22 officers. This is a substantial, 47 percent increase from the 15 incidents that occurred in 2007 and also in 2008. It must be noted, however, that unintentional discharges during those two previous years were anomalously low. From 2000 to 2006, the average number of unintentional discharges was 25.

There were three officers injured in these incidents. Two were a direct result of the discharge and one was a result of the firearm disassembling and cutting the officer's hand. No officers were killed as a result of these incidents.

No civilians or subjects were injured or killed in these firearms discharges.

## **REASON FOR DISCHARGES**

Officers unintentionally discharging their firearms did so in two distinct circumstances—either purely unintentionally (14 incidents), or unintentionally during adversarial conflict (eight incidents). Purely unintentional discharges occur while the officer is loading, unloading, or otherwise handling the firearm. Unintentional discharges during adversarial conflict occur while the officer is actively engaged in the arrest or apprehension of a subject.

## **PURELY UNINTENTIONAL DISCHARGES**

There were 14 incidents in which an officer unintentionally discharged a firearm during times when there was no adversarial conflict

or animal attack. In each of the 14 incidents, only one shot was fired.

## **LOADING/UNLOADING**

The overwhelming majority of incidents occurred while the officer was loading, unloading, or inspecting the firearm (86 percent, or 12 incidents). The majority of incidents occurred at the officer's residence or a police facility. The reasons for handling the firearm vary from cleaning the firearm, to attempting to render the firearm safe, to testing the firearm's operability. Two incidents occurred during a forensic analysis of the firearm where the weapons malfunctioned and discharged.

It is notable that three of the 12 firearms discharged during loading/unloading incidents were not the officers' regular service or off-duty firearms. (This trend was noted over the last two years, as well). This may stem from the officers' lack of familiarity with the firearms in question.

Also notable is the fact that the remaining nine firearms were manufactured by Glock (five model 19s and four model 26s). This most likely has to do with the fact that the handler must depress the trigger to disassemble the firearm.

In 2009 two officers unintentionally discharged their firearms while unloading at a non-Department safety station. In 2009, as in 2008, one officer unintentionally discharged his firearm while unloading his weapon at a Department of Correction safety station. (Unintentionally discharging a firearm into a firearms safety station is not considered a firearms discharge when it oc-

# 2009 ANNUAL FIREARMS DISCHARGE REPORT UNINTENTIONAL DISCHARGES

curs inside an NYPD facility.)

## **OTHERWISE HANDLING**

The remaining two purely unintentional incidents occurred while the officer was handling the firearm. In one incident a Highway officer unintentionally chambered a round in his shotgun, took the gun off safety, and depressed the trigger. In another incident the officer discharged his firearm while holstering, unaware that an object was lodged in the trigger guard.

## **PEDIGREE OF OFFICER**

Pedigree information appears inconsequential. Gender, age, race, and assignment vary at random over the 14 incidents.

## **INJURIES**

Three officers sustained injuries as a direct result of these 14 purely unintentional discharges. One officer sustained injuries to his buttock, and one officer sustained a wound to his hand. The third officer sustained a laceration to his hand related to the firearm falling apart during forensic testing.

## **FINDINGS**

In all the cases for which a finding has been determined, the officer has received some sort of discipline or retraining. See the chart on the next page for a detailed breakdown of discipline against all officers involved in unintentional discharges.

## **UNINTENTIONAL DISCHARGE – ADVERSARIAL CONFLICT**

There were eight incidents in which officers unintentionally discharged their firearms during an adversarial conflict in 2009. This represents a sharp increase from the three incidents in 2008 and a large percentage of the increase in unintentional discharges for the year. In all incidents only one shot was fired.

(Additionally, there was one incident in which an officer discharged his weapon both intentionally and unintentionally. The officer and his partner were attacked by a screwdriver-wielding subject on a transit platform and the officer's partner was stabbed. The officer fired intentionally at the subject and then the officer's weapon was discharged again, unintentionally, when the subject attacked the officer and grappled with him for control of the weapon. A bystander was injured during this incident, possibly by one of the unintentionally discharged rounds. This incident is carried in the INTENTIONAL DISCHARGE — ADVERSARIAL CONFLICT section.)

## **REASON FOR DISCHARGE**

Of these eight discharges, five involved officers actively struggling with a perpetrator. Of the other three, one slipped on ice while searching for a subject in a wooded area, another tripped while executing a search warrant, and the third discharged her firearm when the vehicle she was a passenger in came to an abrupt halt (while stopping to apprehend a suspect).

The sample size of this category is so small that no significant conclusions can be de-



# 2009 ANNUAL FIREARMS DISCHARGE REPORT UNINTENTIONAL DISCHARGES

rived. Yet there were some observations worth noting.

With one exception, each incident involved a male white officer. No incident involved precinct sectors; all incidents involved specialized units. All but two incidents occurred on the third platoon (the other two occurred on the first platoon). While Glock pistols predominated in purely unintentional discharges, in unintentional discharges during adversarial conflict Smith & Wesson firearms were the weapon in five of the eight incidents.

## INJURIES

There were no firearms-related injuries or deaths to officers as a result of these eight incidents. No subjects or civilians were injured or killed as a result of these unintentional discharges.

## FINDINGS

Seven of these eight cases of unintentional discharge during adversarial conflict have been finalized. Of the officers involved, all but one were mandated to attend some type of firearms retraining. One incident is still pending at the time of this report.

Figure C.1 below encompasses the discipline for all unintentional discharges, including all officers who discharged in the incident.

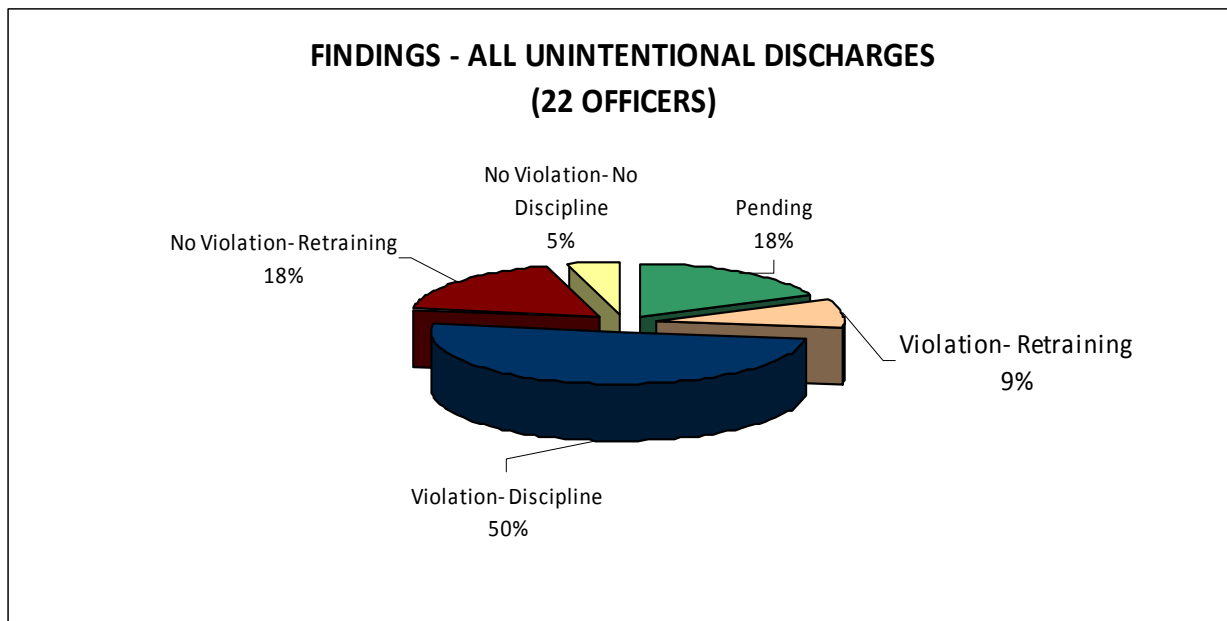


Figure C.1

# 2009 ANNUAL FIREARMS DISCHARGE REPORT

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# 2009 ANNUAL FIREARMS DISCHARGE REPORT UNAUTHORIZED USE OF A FIREARM

## **OVERVIEW**

There were seven firearms discharges in 2009 that were deemed to be unauthorized and outside the scope of the officers' employment. Three of these incidents involved the suicide of an officer. Of the other four incidents, two involved the discharge of an officer's weapon by someone other than the owner and two incidents were unauthorized events in which the officers were suspended from service.

## **SUICIDE**

Three officers committed suicide in 2009. (In one incident, an officer killed his wife before killing himself.) This total is down from seven officers who took their own lives during the previous year.

The details of suicide incidents are not discussed in this report, but rather they are studied and investigated by other units within the Department.

## **DISCHARGE BY OTHER THAN OFFICER**

With regard to the two incidents in which an officer-owned firearm was discharged by a civilian, these incidents both involved a family member gaining access to an improperly secured firearm. One officer received Department discipline for failure to secure his firearm, the other was disciplined for an improper holster.

## **OTHER**

The final two unauthorized incidents involved personal disputes between the officer and subject(s) and were deemed unau-

thorized. Each resulted in the suspension of the officer involved. One incident resulted in a non-life threatening injury to a civilian by gunfire. It is unknown at the time of this report whether the wound was caused by the officer's discharge or by another subject, who witnesses observed firing a revolver.

## **OUTCOME**

The unauthorized use of a firearm owned by a New York City police officer is investigated thoroughly, and more often than not results in discipline against the officer discharging the weapon or the officer charged with the security of the weapon. In cases of serious misconduct, officers are suspended, arrested, and eventually terminated for their actions.

# 2009 ANNUAL FIREARMS DISCHARGE REPORT

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# 2009 ANNUAL FIREARMS DISCHARGE REPORT MISTAKEN IDENTITY

## OVERVIEW

In 2009, the New York City Police Department experienced a rare and terrible event—a mistaken-identity shooting. On Thursday, May 28, 2009, Police Officer Omar Edwards was shot and killed by another police officer under the mistaken belief that Officer Edwards was a criminal perpetrator armed with a firearm.

This event was an unmitigated tragedy, and the Department has endeavored to learn all it can from the incident and do all it can to prevent future, similar incidents.

Police Officer Edwards was posthumously promoted to Detective First Grade, and on June 8, 2010, he was posthumously awarded the Department's highest honor, the Medal of Honor.

## DEFINITION

The Department defines an incident of mistaken identity as one in which a New York City police officer fires on another New York City police officer or other law-enforcement agent in the mistaken belief that the subject officer is a criminal and poses an imminent physical threat. Mistaken-identity incidents are distinguished from crossfire incidents in that the shooting officer is purposefully and intentionally choosing to fire on the targeted officer. Unintentional crossfire incidents and accidental discharges resulting in injury or death to fellow officers are not included in this category. Unauthorized discharges, in which an officer injures or kills another officer in a criminal manner (e.g., domestic incidents), are also excluded.

## HISTORICAL CONTEXT

As the Department sought to learn from the incident that took Officer Edwards' life, part of the learning process involved determining a historical context for mistaken-identity shootings. Using myriad records, from half-century-old precinct log books to archived news reports to personnel orders, the Department culled its institutional memory for precedent. It became clear that these incidents, though lamentable, are markedly uncommon.

## **MISTAKEN IDENTITY FATALITIES**

Since 1930, there have been ten known mistaken-identity incidents that resulted in the death of an officer. These ten incidents, occurring over a span of eighty years, are synopsized below:

### **Patrolman Edward P. Keenan, 02/23/1930**

On February 23, 1930, at approximately 0100 hours at Sixth Street and First Avenue in Manhattan, probationary Patrolman Edward P. Keenan was killed during an incident of mistaken identity. Probationary Patrolman Keenan was shot by probationary Patrolman Joseph Dugan. Both officers were off duty and in civilian clothes at the time; both were male whites. Patrolman Dugan, observing an altercation in which Patrolman Keenan was involved, confronted Patrolman Keenan. Mistaking Patrolman Keenan for a perpetrator about to draw a weapon, Patrolman Dugan shot him. Patrolman Keenan was transported to Bellevue Hospital, where he died. In 1931, Patrolman Keenan was posthumously awarded the Department's Medal of Honor.

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### **Patrolman John A. Holt, 02/12/1940**

On February 12, 1940, at approximately 2030 hours at Bradhurst and 155th Street in Manhattan, Patrolman John A. Holt was killed during an incident of mistaken identity. Patrolman Holt, a male black, was off duty and in civilian clothes. He was armed and searching for a burglar who had run from Patrolman Holt's apartment building and entered a neighboring building. During the pursuit, Patrolman Holt had fired several rounds. When a uniformed sergeant and patrolman responded they observed Patrolman Holt, with gun in hand, preparing to climb up to the roof. Upon being instructed to drop the weapon, Patrolman Holt instead turned towards the officers and was shot. He died at the scene. Patrolman Holt was posthumously awarded the Department's Medal of Honor.

### **Patrolman Jacob J. Szwedowski, 04/29/1945**

On April 29, 1945, at approximately 1940 hours in front of 13 East 113th Street in Manhattan, Patrolman Jacob J. Szwedowski was killed during an incident of mistaken identity. Patrolman Szwedowski and his partner, both on duty and in plainclothes, had arrested a female for prostitution. The female resisted arrest, screaming that she was being kidnapped and causing a crowd to gather. Patrolman Szwedowski fired a warning shot in an attempt to disperse the crowd. Patrolman Phillip J. Ryan, on duty and in uniform, was drawn by the crowd and the shot. He fired at Patrolman Szwedowski, causing a fatal wound. Both patrolmen were male whites. Patrolman Szwedowski was posthumously awarded the Department's Medal of Honor.

### **Patrolman Donald J. Rainey, 09/29/1965**

On September 29, 1965, at approximately 2300 hours in the 20 Precinct, Patrolman Donald J. Rainey was killed during an incident of mistaken identity. Patrolman Rainey, a white-shield detective, was off duty and in plainclothes in a bar and grill on 73rd Street when he was shot by off-duty Patrolman Richard Selkowitz, who was also wounded in the exchange. Both officers were male whites. A citizen had informed Patrolman Selkowitz that there was a man with a gun in a nearby café, and when Patrolman Selkowitz entered the establishment with his gun drawn, Patrolman Rainey, a patron of the café, mistook Patrolman Selkowitz for a perpetrator and fired on him, striking Patrolman Selkowitz twice in the hand. Patrolman Selkowitz returned fire, killing Patrolman Rainey.

### **Patrolman David Turman, 10/13/1968**

On October 13, 1968, at approximately 0400 hours in front of 2495 7th Avenue in Harlem, probationary Patrolman David Turman, a male black, was killed during an exchange of gunfire resulting from a mistaken-identity incident. Patrolman Turman was off duty and in plainclothes at the time. He was shot by Housing Police Department Patrolman Taylor Johnson, a male black, who was also off duty and in civilian clothes. Patrolman Turman was attempting to effect an off-duty, gunpoint arrest of an individual who had impersonated an officer. When Patrolman Johnson observed the incident, he mistook Patrolman Turman for a perpetrator committing a robbery and drew his own weapon. Patrolman Turman, similarly mistaking Patrolman Johnson, turned his weapon on Patrolman Johnson. Both officers fired; Patrolman Johnson was struck in the

## 2009 ANNUAL FIREARMS DISCHARGE REPORT MISTAKEN IDENTITY

chest and wounded while Patrolman Turman was struck and killed. Patrolman Johnson was taken to Harlem Hospital in serious condition.

### **Patrolman William R. Capers, 04/03/1972**

On April 3, 1972, at approximately 1600 hours in the 103 Precinct, second-grade Detective William R. Capers was shot and killed during an incident of mistaken identity. Detective Capers, a male black, was on duty in plainclothes, conducting investigations of a purse-snatching robbery pattern. Detective Capers was chasing a suspect who was in possession of a firearm and had fired a warning shot before stopping the suspect. Officer Robert Kenny, a male white, on duty and in uniform, responded to the scene and, mistaking Detective Capers for a perpetrator, shot and killed him. On May 26, 1972, a Grand Jury refused to indict Officer Kenny. The use of "color-of-the-day" armbands was widely expanded owing to this incident.

### **Police Officer John Skagen, 06/28/1972**

On June 28, 1972, at approximately 1700 hours in the Hunts Point Avenue IRT subway station, Transit Police Department Police Officer John Skagen was shot and killed by NYPD officers during an incident of mistaken identity. Officer Skagen, a male white, off duty and in plainclothes, was returning home from court via the 6 Train subway when he observed a male black suspect in possession of a firearm. Officer Skagen attempted to effect an arrest but the perpetrator fled. The two exchanged gunfire, and both were wounded. Police Officers John Jacobson and George Wieber, two on-duty, male white uniformed officers of the NYPD's 41 Precinct, heard the gunfire and witnessed the perpetrator fleeing the transit system at

the Hunts Point/Bruckner Boulevard station. The perpetrator, who had hidden his own weapon, told the patrolmen "There's a crazy man shooting," and the officers confronted Officer Skagen. Officer Wieber fired six rounds, striking Officer Skagen. Officer Skagen was removed to Lincoln Hospital where he succumbed to his injuries. The perpetrator was apprehended; he was later convicted of reckless manslaughter and sentenced to 15 years in prison.

### **Police Officer Irving E. Wright, 03/05/1973**

On March 5, 1973, at approximately 0245 hours in the 28 Precinct, Police Officer Irving E. Wright was killed during an incident of mistaken identity. Officer Wright, a male black, was off duty and in plainclothes at the time. He was working in a grocery store when a perpetrator entered and robbed the store at gunpoint. After the robber fled, Officer Wright gave chase. He and the robber exchanged gunfire, and two on-duty, uniformed officers responded. The robber hid beneath a parked car, and Officer Wright was confronted by uniformed Police Officers Michael J. McShane and John H. Sether, both male whites. As Officer Wright turned towards the officers, his weapon accidentally discharged. The uniformed officers opened fire, striking Officer Wright and killing him.

### **Police Officer Eric Hernandez, 01/28/2006**

On January 28, 2006, at approximately 0500 hours in the 46 Precinct, Police Officer Eric Hernandez was shot in an incident of mistaken identity. He succumbed to his injuries on February 8. He had been a member of the Department for 18 months. Officer Hernandez, a male Hispanic, was off duty and in plainclothes when he became the victim of a

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gang assault in a Bronx restaurant. His attackers fled, and Officer Hernandez attempted to give chase. He stopped an uninvolved man outside the restaurant, mistakenly believing the man to be one of his attackers, and held the man at gunpoint. Two uniformed officers from the 46 Precinct arrived in a marked patrol car, responding to a radio call of a man assaulted, phoned in by witnesses to the assault in the restaurant. Upon exiting the vehicle, Police Officer Alfredo Toro, a male Hispanic who had been with the Department for 19 years, observed a man holding another man at gunpoint. Officer Toro gave several verbal commands to Officer Hernandez, ordering him to drop the gun. Officer Hernandez did not respond. Noticing that Officer Hernandez was holding a weapon commonly used by the NYPD, Officer Toro asked Officer Hernandez in sum and substance "Are you a cop?" but again received no response. At this point, Officer Toro discharged his weapon, firing three rounds and striking Officer Hernandez three times. Other officers arrived and established a crime scene and attempted to aid Officer Hernandez. It was at this time that Officer Hernandez's shield was discovered in a jacket on the ground nearby and he was identified as a police officer. Officer Hernandez was removed to Saint Barnabas and died ten days later. The perpetrators who had assaulted him were subsequently arrested and, with one exception, convicted of felonious assault and sentenced to prison. Officer Toro's actions were determined to be justified and within Department guidelines; he has since retired from the service.

### **Police Officer Omar Edwards, 05/28.2009**

The incident involving Officer Edwards is described at length on page 42.

### **NON-FATAL MISTAKEN IDENTITY INCIDENTS SINCE 1995**

Reaching as far back into the Department's history for non-fatal incidents proved more difficult than the research into fatal incidents. By virtue of their severity and finality, fatal mistaken-identity incidents are more extant in the records than non-fatal incidents, some of which do not even result in injury to either party. The merger of the New York City Police Department with the New York City Housing Police Department and the New York City Transit Police Department in 1995 compounded the dearth of documentation. Because of the merger, what records there were for the two smaller departments had largely been abandoned or unaccounted for at various unknown repositories over which the NYPD does not have jurisdiction.

In the post-merger era, however, the Department's recordkeeping has been comprehensive and complete. Since 1995, there have been four non-fatal mistaken-identity incidents. They are described below:

### **Police Officer Dennis Labarbera, 01/31/1996**

On January 31, 1996, 0240 hrs, PO Dennis Labarbera was shot by Sergeant Marcus Renna in the 32 Precinct when officers responded to a burglary in progress. Officer Labarbera, a 26-year-old male white, and his partner, both in uniform, climbed a fire escape to the location's roof while the uniformed Patrol Supervisor and his operator ascended the stairs. On opening the door to the roof, Sergeant Renna, a 37-year-old male white, observed Officer Labarbera. Although Officer Labarbera's gun was hol-



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stered, the sergeant mistook the uniformed officer for a perpetrator and fired once, striking Officer Labarbera in the shoulder and seriously injuring him. Sergeant Renna received charges and specifications.

### **Police Officer Richard Padin, 10/24/1996**

On October 24, 1996, 0405 hrs, PO Richard Padin was shot by PO Richard Kuhnappel in the basement of a bodega in the 83 Precinct. Officer Padin, a 29-year-old male Hispanic, and a sergeant had executed a search warrant at the bodega hours earlier and had returned, in plainclothes, to look for narcotics described by an arrestee. An employee of the bodega heard unknown persons in the basement and called in a possible burglary at the location. Uniformed officers responded and descended to the darkened basement where they encountered Officer Padin with his gun drawn. Officer Kuhnappel, a 33-year-old male white, fired one round from about five feet away. He then retreated out of the basement and yelled down to identify himself and order the occupants out, at which point Officer Padin and the sergeant identified themselves as fellow officers. Officer Padin was struck once in the chest, suffering blunt-force injury, but was saved further harm by his bullet-resistant vest. The officers involved were assigned to the same precinct but belonged to different units.

### **Detective James Conneely, 12/17/1998**

On December 17, 1998, 1310 hrs, Detective James Conneely was shot by fellow detective Robert Altieri during a search for a shooting suspect in the 47 precinct. Detective Altieri, a 36-year-old male white, heard a noise and saw a firearm come around the corner of a doorway; he shouted "drop the gun" and

fired two rounds, one of which passed through a wall and struck Detective Conneely in the chest. Detective Conneely, a 36-year-old male white, suffered blunt-force injury, but was saved further harm by his bullet-resistant vest. All officers were in plainclothes.

### **Retired Member of the Service, 09/27/1999**

On September 27, 1999, 0920 hrs, an on-duty, uniformed officer was involved in an exchange of gunfire with a retired member of the service in the 75 Precinct. The retired member, a 35-year-old male white, had been the victim of a gunpoint robbery and was chasing the suspects. Hearing a shot, the retired member fired on the suspects once. When the perpetrators turned and pointed a firearm at him, he fired again (two shots, zero hits). Sometime between the two shots, a sector car operated by PO Gavin Reece arrived. PO Reece, a 37-year-old male black, was in uniform. He heard the retired member shout "Stop them!" and, despite observing the retired member to be armed, attempted to apprehend the fleeing perpetrators. At that moment, however, the retired member fired his second round, which struck and shattered the windshield of PO Reece's RMP. Feeling himself under fire, and no longer certain that the retired member was not in fact a perpetrator, PO Reece returned one round, which did not strike anything. The retired member identified himself and the perpetrators were arrested.

# 2009 ANNUAL FIREARMS DISCHARGE REPORT MISTAKEN IDENTITY

## **MISTAKEN-IDENTITY SHOOTING OF OFFICER OMAR EDWARDS**

### **SUMMARY OF EVENTS**

On Thursday, May 28, 2009, Police Officer Omar Edwards, appointed to the New York City Police Department on July 17, 2007, and assigned to the Housing Bureau Impact Response Team, was shot and killed by another police officer under the mistaken belief that Officer Edwards was a criminal perpetrator armed with a firearm.

### **THE TRIGGERING INCIDENT**

Police Officer Omar Edwards, a 25-year-old male black with two years of service, was assigned to Police Service Area 5, a Housing Bureau precinct located at 221 East 123 Street in East Harlem (within the confines of the 25th precinct). On the night of the incident, he had ended his tour at approximately 10 P.M., after receiving permission to leave work an hour and a half early.

Shortly after 10 P.M., having changed into blue jeans and an off-white overshirt, Officer Edwards walked to his private vehicle, which was parked on 2nd Avenue between 124th and 125th Streets, a short distance from the Police Service Area. As he neared his vehicle, he observed a male wearing a black short-sleeve jersey reaching through the driver-side window, which had been broken. Officer Edwards attempted to apprehend this perpetrator, later identified as Miguel Goitia, an undomiciled individual with a long criminal history. Mr. Goitia later alleged that Officer Edwards did not identify himself as a police officer. Mr. Goitia broke free from Officer Edwards's grip, most likely by sliding

out of his jersey, which was found beside Officer Edwards's car. Mr. Goitia then fled. Officer Edwards pursued Mr. Goitia, north on Second Avenue and then eastbound on East 125th Street.

At an unknown point during the confrontation, but by the time of the pursuit, Officer Edwards removed his authorized service firearm from his waistband. He held his firearm—a silver Smith & Wesson Model 5946 9mm semi-automatic pistol—in his right hand. Officer Edwards was not wearing a holster. It is believed that Officer Edwards did not have time to call for assistance. His cell phone was recovered at the scene and there was no record of a call to 911.

### **THE ANTI-CRIME TEAM**

At the same time, the 25th precinct Anti-Crime team, consisting of one sergeant and two police officers, was patrolling the area around 125th Street and 1st Avenue.

Anti-Crime teams are precinct-based groups specifically tasked with interdicting crime and arresting perpetrators of violent crime and gun possession. Anti-Crime teams patrol in plainclothes, and their members are specially selected and trained.

On May 28, the 25th precinct Anti-Crime team consisted of:

- Sergeant John Anzelino, a 30-year-old male white with 13 years service
- Police Officer John Musante, a 28-year-old male white with six years of service
- Police Officer Andrew Dunton, a 29-year-old male white with five years of service

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The team was patrolling in an unmarked, gray Chevy Impala, equipped with a siren and an emergency light package on the front and rear window. It is unknown whether lights or sirens were used at the time of the incident.

Officer Musante drove the vehicle, Officer Dunton was in the front passenger seat, and Sergeant Anzelino was seated in the rear seat directly behind Officer Dunton. Sometime before 10:30 P.M., while patrolling the precinct, the Anti-Crime team turned westbound on East 125th Street, traveling towards 2nd Avenue. As they did so they observed two males running towards their unmarked Impala on the south side of 125th Street. The team then observed the males cross over to the north side of the street in front of the vehicle, approximately 225 feet from 2nd Avenue. The second male was holding a firearm in his right hand.

### THE CONFRONTATION

The Anti-Crime team, having observed Officer Edwards pursuing Mr. Goitia, prepared to exit the vehicle and confront both men. Officer Musante attempted to put the car in park when he saw the two men, but the parking mechanism failed to catch and the car continued to move forward. Officer Musante returned to the car to place it in park. Sergeant Anzelino lost his footing while attempting to exit the car from the rear passenger seat and fell to the ground.

Neither Officer Musante nor Sergeant Anzelino saw the actual confrontation, but each heard Officer Dunton shout "Police! Drop the gun!" As he fell, Sergeant Anzelino also saw Officer Edwards turn towards the un-

marked vehicle.

Officer Dunton later testified that he shouted "Police! Stop!" as he exited the vehicle and confronted the armed male. The male with the firearm slowed down, made eye contact with Officer Dunton, and then turned his body to the right towards Officer Dunton. Officer Dunton shouted "Drop the gun! Drop the gun!" The male then extended his right arm parallel to the ground, with his elbow locked. Officer Dunton, fearing that he was in imminent danger, discharged his firearm—a Glock Model 19 9mm semi-automatic pistol—six times, mortally wounding Officer Edwards.

Sergeant Anzelino recovered from his fall and pursued Mr. Goitia, who continued to run eastbound on 125th Street toward 1st Avenue. He was apprehended near 1st Avenue. Officer Dunton secured the scene and was directed by Sergeant Anzelino to handcuff Officer Edwards, whom they believed to be a perpetrator. The Anti-Crime team did not transmit any information over the police radio about this pursuit.

### THE RESPONSE

At 2229 hours, the 911 police operators began to receive several calls from persons stating that they had heard shots fired in the vicinity of 1st Avenue and 125th Street. An NYPD Emergency Service Unit, whose members are trained EMTs, arrived on the scene and began to render aid to Officer Edwards.

During the course of providing medical treatment, the Emergency Service detectives removed Officer Edwards's outer garment and discovered that he was wearing a NYPD

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Police Academy gym shirt underneath. Inscribed on the shirt was his company number and last name. They also found a police shield clipped inside Officer Edwards's left pocket.

At 2230, the police operator dispatched a signal 10-13 ("officer needs assistance") at East 125th Street between 1st and 2nd Avenues. This call also confirmed that a male was shot and that an ambulance was immediately needed at the location. Shortly after the radio transmission, additional police units responded to the scene. An additional Housing Anti-Crime unit responded to the scene and identified Police Officer Omar Edwards. Officer Edwards was transported to Harlem Hospital where he was pronounced dead at 2320 hours. The Internal Affairs Bureau arrived at the scene of the incident and, according to procedure, administered an alcohol test to Officer Dunton, who registered a blood-alcohol content of 0.0.

The Shooting Team conducted interviews and investigations at the scene and prepared an initial report for the Police Commissioner and Chief of Department, both of whom were present.

### **THE INVESTIGATION**

The initial firearms discharge report sets the stage for an internal investigation by the Firearms Discharge Review Board (FDRB), which is chaired by the Chief of the Department. The review board handles disciplinary matters related to police-involved firearms discharges.

There are several levels to the FDRB process, including the Shooting Team leader's initial

assessment of the incident and a Borough-based review of the incident, as well as investigations by Internal Affairs personnel.

The District Attorney also conducts investigations into officer-involved shootings. In almost all instances in which injury or death by gunfire is involved, the District Attorney will initiate a Grand Jury proceeding. In such cases, the Department defers its administrative investigation until the completion of the District Attorney's actions.

On the night of this incident, the Manhattan District Attorney's Office requested that Officer Dunton not be interviewed, and the Department complied with this request. The District Attorney then convened a grand jury to review the circumstances surrounding the death of Officer Edwards.

On August 13, 2009, after hearing testimony from 20 witnesses and reviewing 68 documents, the grand jury voted not to indict Police Officer Andrew Dunton on criminal charges related to the death of Detective Edwards. Because no criminal charges were filed against Officer Dunton, the Police Department moved forward with the next phases of its internal investigation into the incident.

At this stage, the Department was able to interview Officer Dunton and compel a statement from him. Officer Dunton's description of his actions was determined to be entirely consistent with the objective evidence related to the incident, and consistent as well with statements offered by other officers and civilian witnesses, alike. When Officer Edwards turned towards Officer Dunton, Officer Dunton believed himself to be in

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imminent danger and reacted in a manner that was held to be within Department guidelines.

### **PREVENTING MISTAKEN-IDENTITY INCIDENTS**

Despite the fact that Officer Dunton's actions were held to be lawful by an independent Grand Jury, and within Department guidelines by an exhaustive, multi-tiered Firearms Discharge Review Board process, the outcome of the fatal mistaken-identity incident in the 25th Precinct was unacceptable. The loss of a dedicated young officer is a tragedy that has prompted the Department to explore numerous avenues of prevention.

Foremost among these avenues is an increased emphasis on training, both previously existing and newly developed, designed to minimize the risks inherent in confrontation situations in which officers, uniformed or not, on-duty or not, encounter one another during enforcement activities. In addition to creating training videos directed at undercover and plainclothes officers, the Department commissioned an independent study by a professor from the University of Chicago to research how police training can influence shoot/don't shoot decisions. And the Department also altered its pistol qualification course and other tactical training programs to incorporate identification procedures.

To facilitate intra-service recognition, the Department instituted an ongoing procedure to help uniformed patrol personnel, particularly newly assigned precinct officers, become familiar with plainclothes officers

who perform duty in the same neighborhoods. Plainclothes officers from Patrol, Housing, and Transit commands visit roll calls for uniformed officers assigned to nearby commands and introduce themselves. The potential efficacy of a program such as this was quickly apparent when, just six weeks after Officer Edwards's death, an undercover officer was assaulted and was forced to use his firearm to defend himself. Responding uniformed officers saw an armed male whom they took to be a perpetrator, but a violent confrontation was forestalled by the fact that the uniformed officers recognized one of the undercover officer's plainclothes partners, as well as by the undercover officer's adherence to identification procedures established during training.

To help foment positive training changes throughout New York State, the Department also participated actively in the New York State Police-on-Police Shootings Task Force convened by Governor David Paterson.

Detective First Grade Omar Edwards was a dedicated, proud member of the New York City Police Department. The NYPD has pledged to ensure that his loss was not in vain, and to do all that it can to ensure that the incident that took his life is the last of its type.

# 2009 ANNUAL FIREARMS DISCHARGE REPORT

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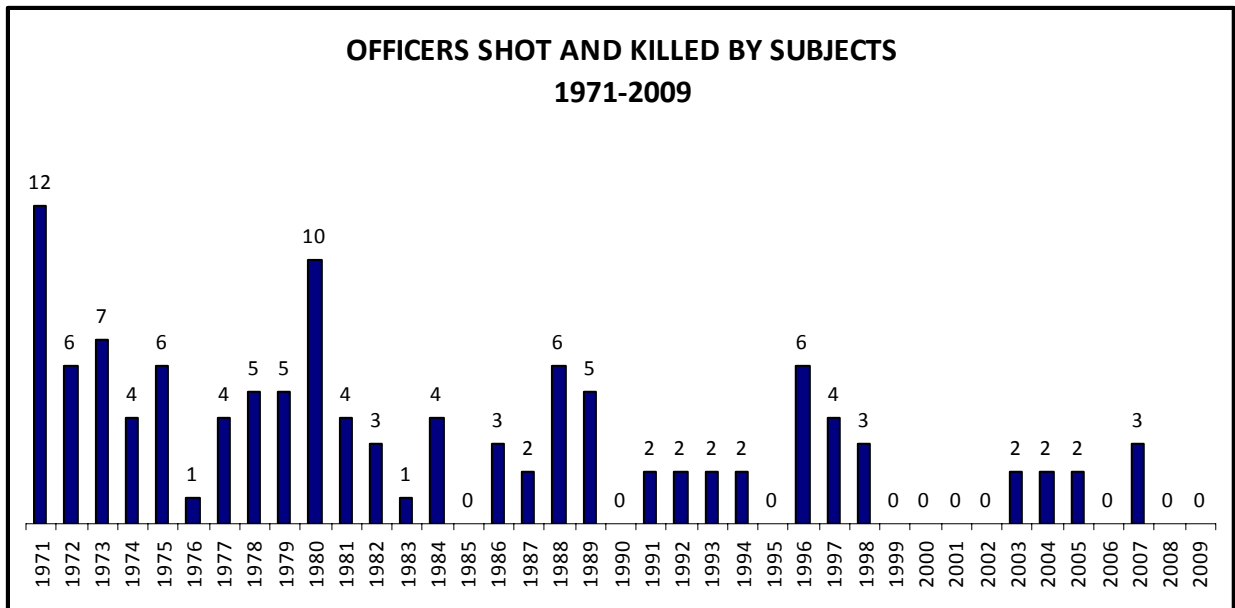
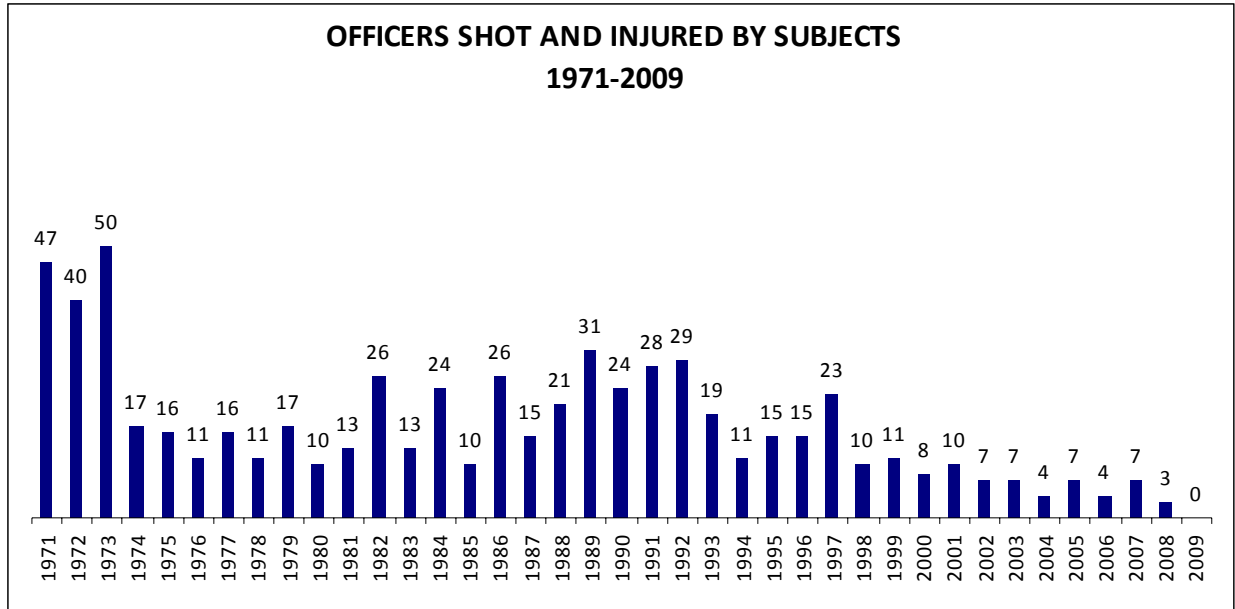
# **APPENDIX**

# 2009 ANNUAL FIREARMS DISCHARGE REPORT

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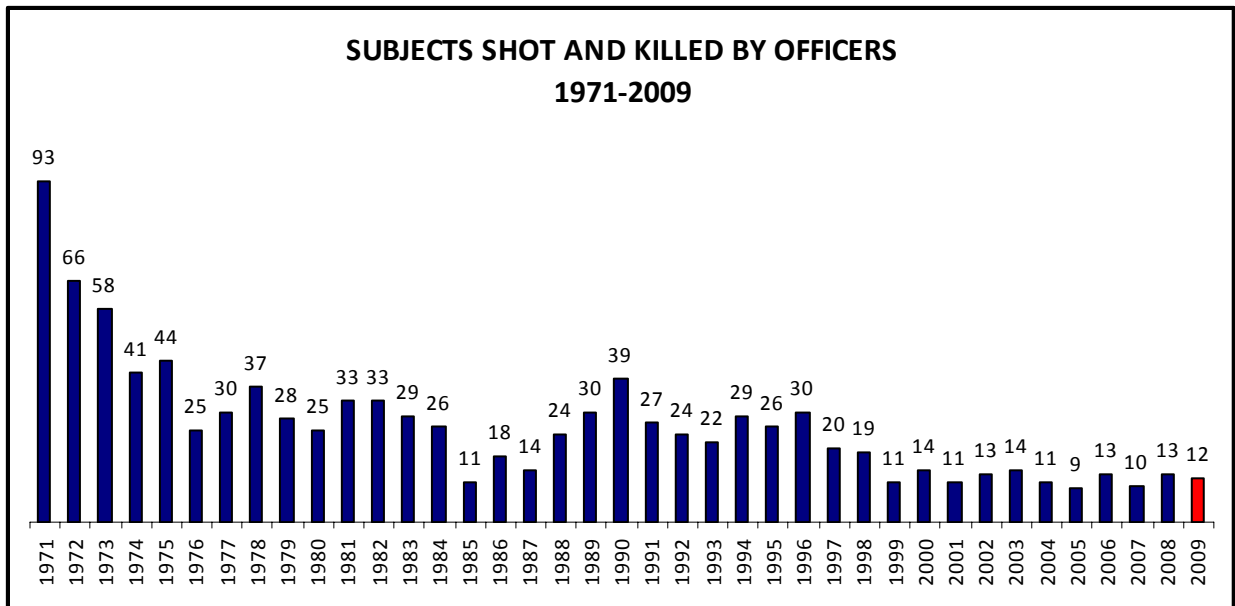
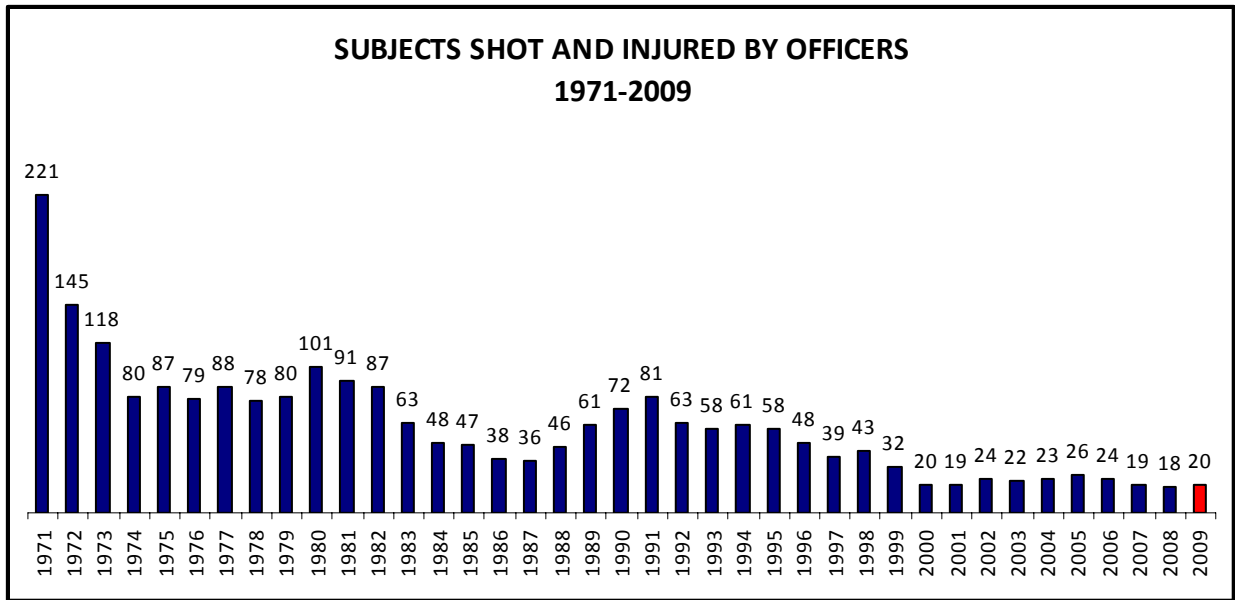


## 2009 ANNUAL FIREARMS DISCHARGE REPORT APPENDIX — HISTORICAL DATA

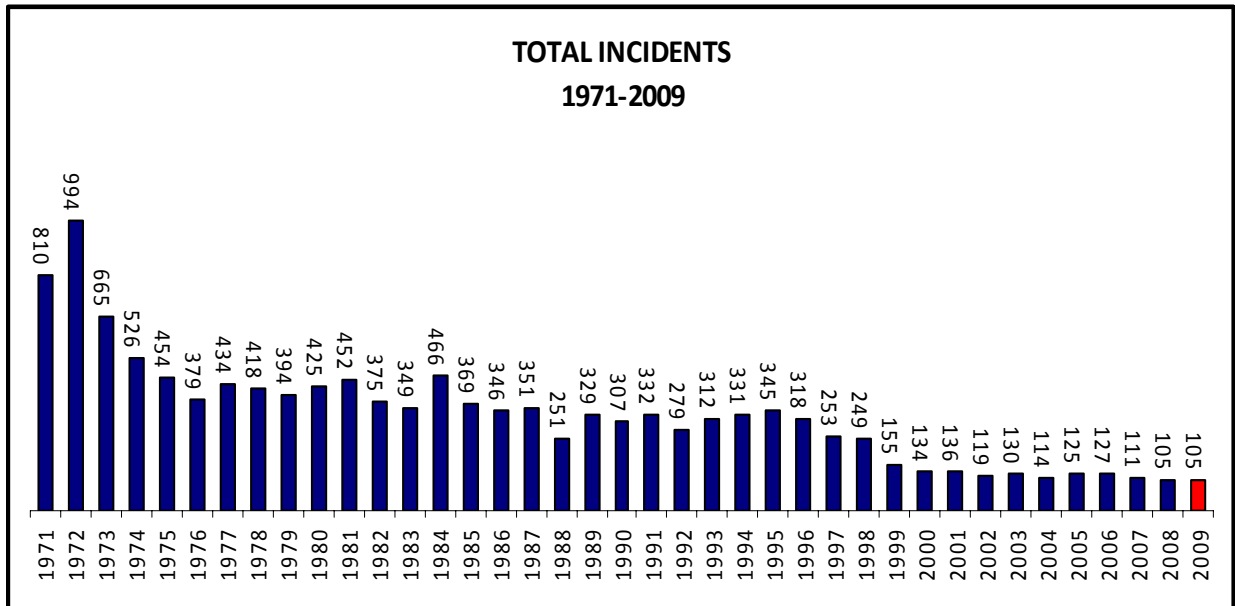
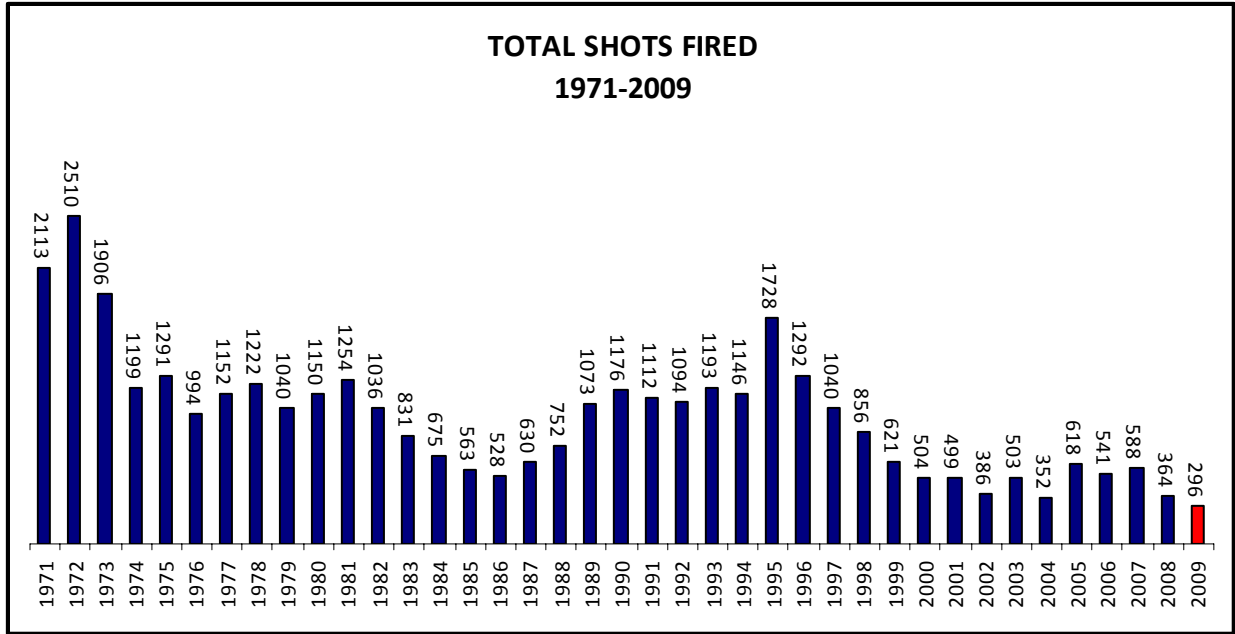


These charts represent officers who were shot by criminal subjects and do not represent accidental shootings, suicides, unauthorized shootings, incidents in which officers were personally involved, or mistaken-identity shootings

# 2009 ANNUAL FIREARMS DISCHARGE REPORT APPENDIX — HISTORICAL DATA



# 2009 ANNUAL FIREARMS DISCHARGE REPORT APPENDIX — HISTORICAL DATA



# 2009 ANNUAL FIREARMS DISCHARGE REPORT

## APPENDIX — FIREARMS TRAINING

### OVERVIEW

NYPD firearms training emphasizes that the ultimate goal of every police officer is to protect life. This means all lives, those of bystanders, victims, and subjects—and of officers and their fellows, too. One of the grim realities of police work, however, is the terrible contradiction that can arise when it becomes necessary to protect life by using deadly physical force.

According to the New York State Penal Law, and in keeping with the Patrol Guide restrictions delineated previously in this report, an officer may use deadly physical force when he or she has probable cause to believe that such force is necessary to protect the officer or other persons from imminent death or serious physical injury. (This includes instances in which a subject is in possession of an object that, because of its appearance and the manner in which the subject holds or uses it, gives the officer a reasonable belief that the object is capable of imminently causing death or serious physical injury—e.g., when an officer confronts a subject menacing people with a firearm that is later revealed to be a replica.)

### SHOOT TO STOP

Once an officer has determined that deadly physical force is warranted and necessary, the goal of using such force is not to kill, but to stop. Police officers are trained to use deadly physical force to “stop the threat”—i.e., to end the subject’s ability to threaten imminent death or serious physical injury to the officer or another person.

If, for example, a missed shot nevertheless

causes a subject to cease and desist, then that one errant round is all that is necessary. If a subject is injured and surrenders, then shooting to stop has been accomplished. But sometimes the only means of stopping a subject is one that results in the subject’s demise. Stated explicitly, however, **POLICE OFFICERS DO NOT “SHOOT TO KILL”**—they are trained to shoot to stop.

### WEAPONS CONTROL

NYPD firearms training also emphasizes weapons control. With regard to shooting technique, the mechanics of pistol shooting in a controlled environment include proper grip, sight alignment, sight picture, trigger control, and breath control. All of these require a degree of concentration and fine motor skills. Unfortunately, in a combat situation, concentration and fine motor skills are sometimes among the first casualties. Training can mitigate this, but officers must be taught to rely on mechanical actions that employ gross motor skills and have as few components as possible.

### POPULAR CULTURE MISREPRESENTATIONS

One of the purposes of this report is to make it clear that, contrary to media-based misimpressions, police officers rarely use their firearms and show great restraint when they do so. (The Hollywood fiction that police shootings have no consequence—that officers are back on the street immediately after a firearms discharge, that officers may engage in multiple incidents on a regular basis—is also dispelled by this report.) Perhaps the worst of popular culture’s purposeful inaccuracies concerns the accuracy of pistols. Thanks to the movies and TV, many ci-

## 2009 ANNUAL FIREARMS DISCHARGE REPORT APPENDIX — FIREARMS TRAINING

vilians have an mistaken understanding of police and their firearms.

Action heroes routinely display miraculous precision with their guns, and they routinely use handguns instead of rifles or long guns. In real life, handguns are much more limited weapons. They are short, making axial sight misjudgment more likely, and they lack a third bracing point (such as a rifle's butt stock), and are thus more difficult to steady and aim. All NYPD service pistols are "double action only" (DAO), meaning they have a two-stage trigger pull for each round fired (unlike single-action weapons, which can be "cocked," resulting in a one-stage trigger pull which is smoother and easier). Additionally, all NYPD weapons are also modified to have a heavier trigger pull than provided by factory settings; this diminishes the likelihood of unintentional discharges but also affects aiming.

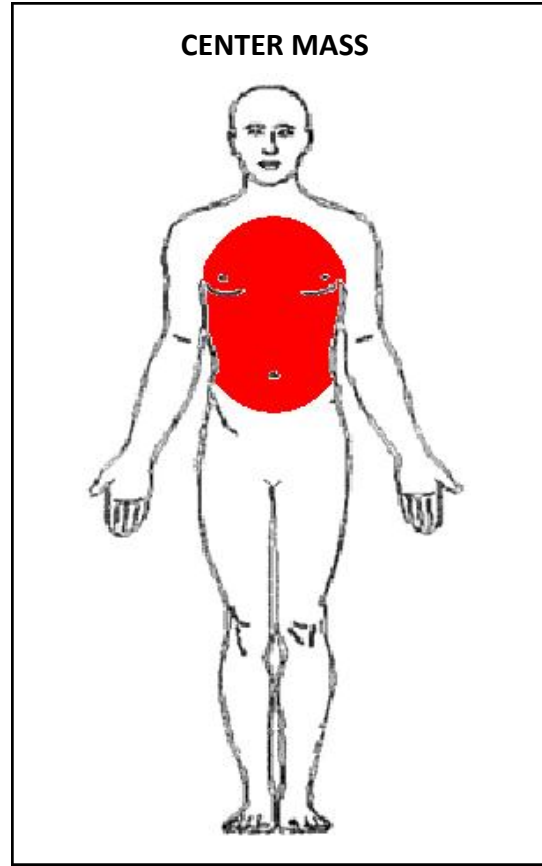
### CENTER MASS

Both the impairment of fine motor skills during combat stress and the relative imprecision of pistols contribute to the fact that **ALL POLICE OFFICERS ARE TAUGHT TO SHOOT FOR CENTER MASS**. Police officers never aim for a subject's extremities; they fire at center mass.\*

The human body's center mass, also called the center of gravity, is, by definition, the most central and largest area available as a point of aim. Physicians use a quick assessment tool known as "the rule of nines" to divide body surface by region. The torso

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\* In cases in which a subject uses cover and presents only a portion of his or her body, officers are trained to use the geometric center or "barycenter" of the exposed portion as a point of aim in lieu of center mass.



represents one third of a human's surface area, versus a mere 9 percent for an arm or 18 percent for a leg. The torso is also the most stationary portion of the body. Extremities, on the other hand, are smaller and far less static. Arms flail, legs pump, and in so doing they become nearly impossible to target. This is exacerbated by the stress and dynamism of a combat situation.

Additionally, shooting a subject in an extremity is far less likely to stop him or her than a shot to the center mass. A leg wound, for example, does little to prevent a subject from continuing to use a knife or gun. Stopping a subject from threatening imminent death or serious physical injury to another person is the sole reason an officer utilizes deadly physical force.

## 2009 ANNUAL FIREARMS DISCHARGE REPORT

### **ADVERSARIAL CONFLICT RESULTING IN A SUBJECT'S DEMISE**

*In 2009, twelve subjects were shot and killed by officers who intentionally discharged their weapons during adversarial conflict.*

*The taking of life to protect life is a terrible contradiction, and no officer relishes the prospect of encounters such as these. When facing armed, violent suspects, however, these events are a possibility for which officers must be prepared. The tactics used in these confrontations can be analyzed and assessed in order to develop training that can provide officers with more use-of-force options or conflict-resolution opportunities so that, in the future, similar events may have different outcomes. A short narrative of each incident is found below. It is worthy of note that eleven of the twelve subjects had prior arrest histories, and eight were intoxicated and/or had controlled substances in their systems (additionally, one subject's toxicology results were unavailable at the time of this report).*

On January 15, at 1640 hours, an undercover officer working in the confines of the 33 precinct attempted to purchase narcotics from a male black subject with whom the undercover officer had previously conducted similar transactions. In this instance, however, the undercover officer came to believe that the narcotics were counterfeit and refused to complete the sale. Failing in his attempt to defraud the officer, the subject produced a loaded .38 caliber revolver, pointed it at the officer, and demanded money. The officer tendered the cash using his left hand while simultaneously turning away and reaching with his right hand into his pocket where his firearm was secreted. In fear for his life, the officer fired three rounds, striking the subject. The subject was removed to St. Luke's Hospital where he succumbed to his injuries several days later. The subject had an arrest history for marijuana sales, and had cannabinoids in his system at the time of the incident.

On April 8, at 0730 hours, uniformed officers responded to a report of criminal mischief in the 69 precinct. A female black subject had done damage to her landlord's door, and then retreated to her own apartment. When officers went to her residence, they smelled a strong odor of natural gas. Police supervisors and members of the fire department were called to the scene. Officers and firefighters made entry into the apartment in order to address the dangerous condition whereupon they were attacked by the subject, who was armed with a knife. The subject stabbed one officer, causing deep lacerations to the officer's hand. She retreated but then attacked again, at which point two other officers fired three rounds and two rounds, respectively, striking her and causing her demise. The subject had an arrest history related to psychiatric incidents.

On April 12, at 1130 hours, uniformed members of the Emergency Service Unit engaged a barricaded emotionally disturbed male Hispanic subject in the confines of the 43 precinct. The subject had taken his family hostage and used his five-year-old son as a human shield. Responding officers entered into a dialogue with the subject and convinced him to release his

## 2009 ANNUAL FIREARMS DISCHARGE REPORT

hostages after which he retreated to a bedroom. Following lengthy colloquy during which Emergency Service personnel entered the subject's apartment, the subject exited the bedroom armed with a knife. He refused several commands and attacked officers with the knife. Officers attempted to use less-than-lethal control devices, including a TASER device and a Sage Projectile Launcher, to no avail. When the subject continued to attack with his knife, a sergeant and a detective had no recourse but to fire four rounds and two rounds, respectively, striking the subject and causing his demise. The subject had prior arrests and had cocaine in his system at the time of the incident.

On May 9, at 1330 hours, an off-duty detective engaged in a gunfight with two robbery perpetrators in the confines of the 67 precinct. The detective was present at an auto-repair shop when two male black subjects entered and announced a robbery. One subject produced a .45 caliber firearm and attempted to remove a customer's gold chain. Surreptitiously drawing his firearm, the detective identified himself and immediately came under fire from the armed subject. The detective fired one round in return, striking the subject in the neck and killing him, but suffering a weapon malfunction in the process. This allowed the second subject to procure his fallen accomplice's gun and race from the garage, firing multiple rounds as he fled. The detective cleared his malfunction and returned one round, but the second subject entered a waiting vehicle and escaped. (He was subsequently apprehended.) The dead subject had multiple priors, including arrests for robbery and firearms possession. He had cannabinoids in his system at the time of the incident.

On July 11, at 2000 hours, an undercover officer working in the confines of the 88 precinct was attacked with overwhelming physical force by a male black subject. The undercover officer had been acting as an observer prepared to provide backup for another undercover purchasing narcotics. He was seated on the steps of a building from which the subject emerged and began abruptly striking the officer about the head and torso. The officer identified himself as a police officer but the subject continued to attack, and attempted to grab the officer's firearm. At this point the officer fired one round, striking the subject and causing his demise. The subject had numerous prior arrests and was a parolee who had been incarcerated for drug crimes. He had antidepressants in his system at the time of the incident.

On July 22, at 2010 hours, an Anti-Crime officer in the confines of the 34 precinct shot and killed a male Hispanic subject who had rammed several occupied vehicles and was attempting to run down the officer. The subject and his passengers had allegedly committed a robbery in the 33 precinct, and were briefly pursued by uniformed officers from that command. That pursuit had been terminated, however, owing to the risks posed to the public by the subject's reckless, desperate, and dangerous driving. When officers in the neighboring 34 precinct observed the subject, they reengaged. They attempted to box in the subject, but he proceeded to ram police cars and civilian cars. Among the civilian cars were occupied vehicles in the roadway and unoccupied parked vehicles. The subject also collided with a motorcycle, striking its rider. After officers exited their vehicle, the subject twice accelerated towards the officers.

## 2009 ANNUAL FIREARMS DISCHARGE REPORT

One officer fired two rounds, striking the subject and causing his demise. The subject had numerous priors for burglary, narcotics-related crimes, and larceny. Forensic toxicology was unavailable at the time of this report.

On August 1, at 0230 hours, uniformed officers responded to a radio report of shots fired in the confines of the 41 precinct. A witness pointed out the subject, stating that he was in possession of a firearm. Earlier, the subject had menaced individuals who had allegedly robbed him some time before, and discharged at least one round in the air. When police officers confronted the subject, he produced a Davis .32 caliber semiautomatic and fired multiple rounds at the officers. Three officers returned fire, discharging twenty rounds, six rounds, and four rounds, respectively. The subject was struck and killed. The subject had no arrest history, but was intoxicated and had cocaine in his system at the time of the incident.

On September 12, at 1700 hours, in the confines of the 60 precinct, uniformed Emergency Service Unit officers shot and killed a male Hispanic subject who had attacked them with a knife. The subject had taken a female victim hostage; the subject and the victim had a long history of domestic violence. After the victim's mother called police, and police responded to the scene, the victim was able to escape. Officers established a dialogue with the subject and, over the course of nearly five hours, unsuccessfully attempted to entice him out of his barricaded position. When the subject broke off contact, it was determined that officers would make entry in order to deploy a camera device to continue to monitor the subject and then exit the premises. Upon making entry, however, the officers were attacked by the subject who wielded a knife and used a mattress as a shield. The subject swung his weapon viciously and violently at the officers, striking one detective in the side (the detective was saved by his ballistic vest). Two detectives fired one round and three rounds, respectively, from their MP-5 special weapons; one detective fired two rounds from his pistol. The subject was struck several times and was killed. The subject had a lengthy arrest history, including priors for felony assault, weapons possession, drug sales, and kidnapping.

On October 7, at 1845 hours, uniformed Impact Response Team officers responded to a 911 call for an assault in the confines of the 32 precinct. When officers arrived at the scene they encountered a seriously injured victim suffering from multiple stab wounds. Officers entered the building and, moving single file, encountered the subject on the narrow stairs between the second and third floors. The subject was armed with a long, two-bladed dagger of a type consistent with medieval fantasy designs. The subject refused numerous commands to drop the weapon and instead stated "You want some of this?" while continuing to advance until he was within an arm's length of the lead officer. With no avenue of retreat, the officer fired six rounds, striking the subject several times and causing his demise. Immediately thereafter, officers discovered the body of a neighbor, killed by the subject during the initial assault. The neighbor's two-year-old son was alone beside his father's body. The subject had a history of resisting arrest.



## 2009 ANNUAL FIREARMS DISCHARGE REPORT

On November 15, at 0300 hours, plainclothes Anti-Crime officers responded to a nightclub brawl in the confines of the 75 precinct. While dispersing the crowd, officers heard gunfire inside the location. Moving inside, they confronted a male black subject armed with a Titan .25 caliber semi-automatic who had just shot a club employee in the chest (a bouncer who was saved by his bullet-resistant vest). When this subject pointed his firearm at police, one officer fired three rounds, striking the subject three times and causing him to fall to the floor. The wounded subject attempted to hand his weapon to a companion, and officers rushed in to secure him. As they did so, they became aware of a second male black subject armed with a revolver. This second subject was a convicted felon employed as a private security officer by the patrons who had rented the club. Surveillance footage from interior cameras shows him in possession of the firearm with his arm extended, pointing in the direction of police. Faced with an imminent threat, one officer fired one round, striking the second subject in the neck and causing his demise. A loaded .357 caliber Smith & Wesson was recovered from his person. The first, wounded subject was apprehended and his weapon recovered as well. The subject who was killed had multiple arrests for robbery and weapons possession.

On November 21, at 2330 hours, plainclothes officers assigned to Gang Squad Queens were patrolling the 101 precinct in response to recent shootings in the area. Observing three individuals walking in Bayswater Park after the park had closed, they attempted to stop the individuals. One of the suspects fled, and three officers gave chase. During the foot pursuit the male black subject was observed to be in possession of a silver handgun. As the officers gained ground on the subject, he turned and pointed his weapon at police. Three officers fired eight rounds, six rounds, and one round, respectively. The subject was struck multiple times and succumbed to his injuries. A loaded, defaced Jennings 9mm semi-automatic was recovered. The subject had priors for robbery and weapons possession and had cannabinoids in his system at the time of the incident.

On December 10, at 1115 hours, in the confines of the Midtown North precinct, a plainclothes Anti-Crime sergeant and police officer approached a male black subject selling illegal compact discs in Times Square. Upon sighting the officers, the subject fled and the police gave chase. Witnesses state that during the pursuit the sergeant gave several verbal orders that the subject ignored, and that the subject then produced a machine-pistol type firearm and pointed it at the sergeant. It was at this point, witnesses state, that the sergeant drew his own firearm. The subject fired at least two rounds at the sergeant, missing; the sergeant returned four rounds, striking the subject and causing him to fall to the ground. Despite his wounds, the subject continued to resist. Only with the quick arrival of other officers were police able to secure him and remove a 9mm Masterpiece Arms MAC-10 from his grip. (The weapon had been reported stolen in Virginia in August; it had also suffered a malfunction during the exchange of gunfire.) Once in custody the subject was removed to Roosevelt Hospital where he succumbed to his injuries. The subject had several previous arrests and had cannabinoids in his system at the time of the incident.

**2009 ANNUAL FIREARMS DISCHARGE REPORT  
APPENDIX — SUBJECTS SHOT BY POLICE—RACE/ETHNICITY**

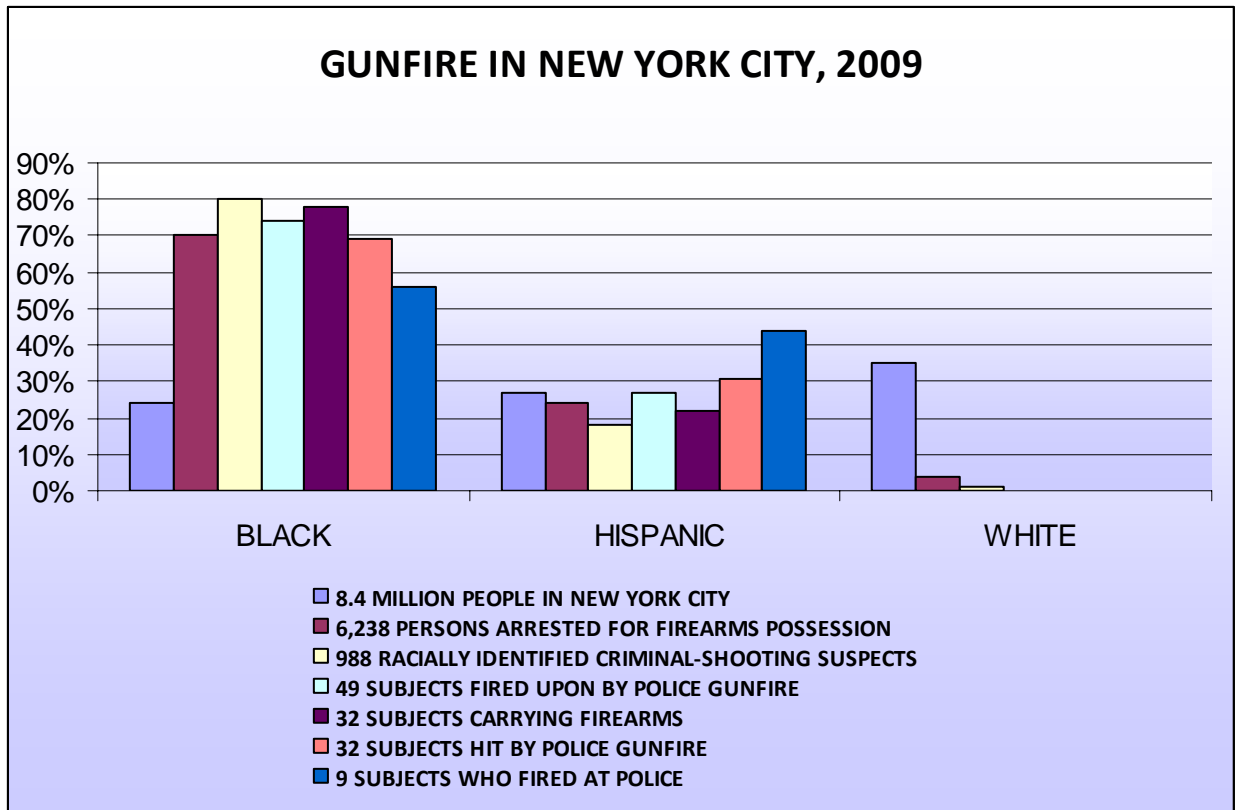
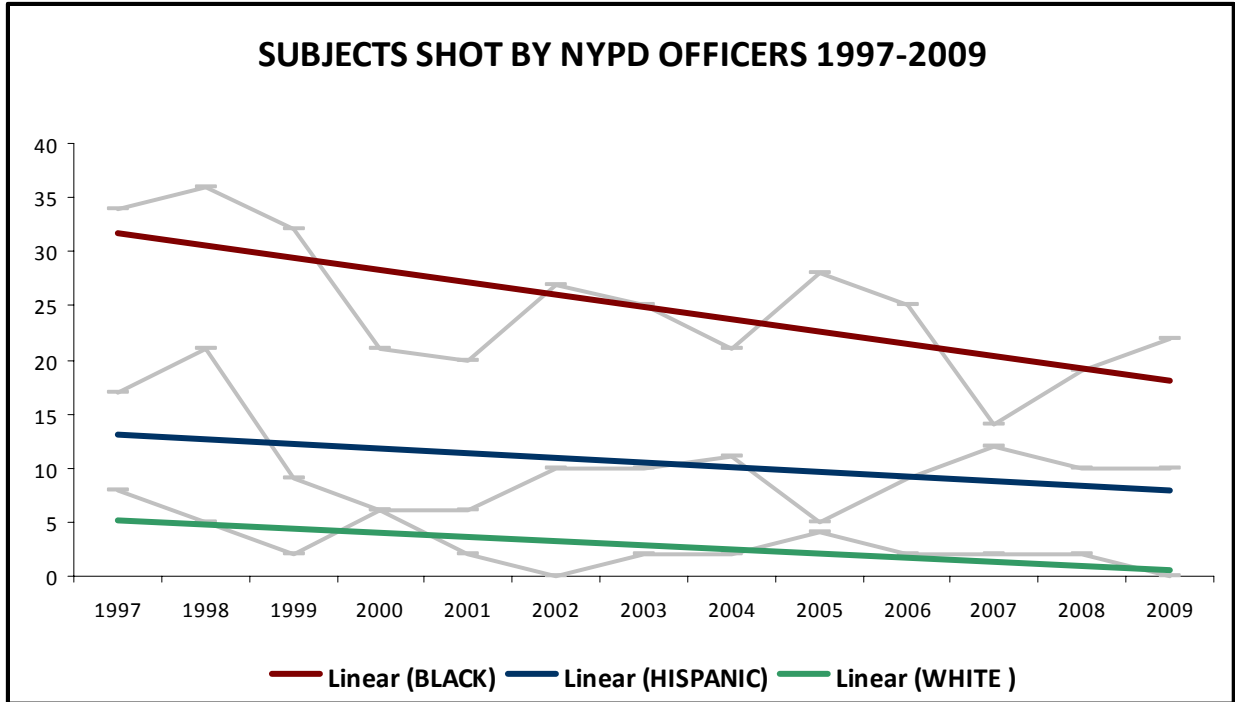
	<b>1998</b>		<b>1999</b>		<b>2000</b>	
	WOUNDED	KILLED	WOUNDED	KILLED	WOUNDED	KILLED
WHITE	2	3	1	1	0	6
BLACK	29	7	24	8	15	6
HISPANIC	12	9	7	2	4	2
ASIAN	0	0	0	0	1	0
<b>TOTAL</b>	<b>43</b>	<b>19</b>	<b>32</b>	<b>11</b>	<b>20</b>	<b>14</b>

	<b>2001</b>		<b>2002</b>		<b>2003</b>	
	WOUNDED	KILLED	WOUNDED	KILLED	WOUNDED	KILLED
WHITE	2	0	0	0	1	1
BLACK	11	9	20	7	12	13
HISPANIC	4	2	4	6	10	0
ASIAN	0	0	0	0	1	0
<b>TOTAL</b>	<b>17</b>	<b>11</b>	<b>24</b>	<b>13</b>	<b>24</b>	<b>14</b>

	<b>2004</b>		<b>2005</b>		<b>2006</b>	
	WOUNDED	KILLED	WOUNDED	KILLED	WOUNDED	KILLED
WHITE	1	1	4	0	1	1
BLACK	15	6	21	7	16	9
HISPANIC	7	4	3	2	6	3
ASIAN	0	0	1	0	0	0
<b>TOTAL</b>	<b>23</b>	<b>11</b>	<b>29</b>	<b>9</b>	<b>23</b>	<b>13</b>

	<b>2007</b>		<b>2008</b>		<b>2009</b>	
	WOUNDED	KILLED	WOUNDED	KILLED	WOUNDED	KILLED
WHITE	0	2	0	2	0	0
BLACK	9	5	12	7	14	8
HISPANIC	9	3	6	4	6	4
ASIAN	1	0	0	0	0	0
<b>TOTAL</b>	<b>19</b>	<b>10</b>	<b>18</b>	<b>13</b>	<b>20</b>	<b>12</b>

2009 ANNUAL FIREARMS DISCHARGE REPORT  
 APPENDIX — SUBJECTS SHOT BY POLICE—RACE/ETHNICITY



**2009 ANNUAL FIREARMS DISCHARGE REPORT  
APPENDIX — SUPPLEMENTAL DATA**

DAY OF WEEK	ID-AC	ID-AA	UD	UUF	TOTAL
MONDAY	3	2	1	1	7
TUESDAY	6	5	4	0	15
WEDNESDAY	7	6	4	1	18
THURSDAY	9	3	6	0	18
FRIDAY	6	7	2	1	16
SATURDAY	12	3	4	2	21
SUNDAY	4	2	1	2	9
<b>TOTAL</b>	<b>47</b>	<b>28</b>	<b>22</b>	<b>7</b>	<b>104</b>

TOUR	ID-AC	ID-AA	UD	UUF	TOTAL
0731-1530	11	7	10	5	33
1531-2330	22	16	9	0	47
2331-0730	14	5	3	2	24
<b>TOTAL</b>	<b>47</b>	<b>28</b>	<b>22</b>	<b>7</b>	<b>104</b>

MONTH	ID-AC	ID-AA	UD	UUF	TOTAL
JANUARY	4	2	3	2	11
FEBRUARY	1	1	1	0	3
MARCH	3	2	1	0	7
APRIL	11	4	1	1	16
MAY	2	2	3	0	7
JUNE	3	3	1	1	8
JULY	4	4	2	0	10
AUGUST	1	2	2	2	7
SEPTEMBER	2	1	3	0	6
OCTOBER	8	3	1	1	13
NOVEMBER	7	1	1	0	9
DECEMBER	1	3	3	0	7
<b>TOTAL</b>	<b>47</b>	<b>28</b>	<b>22</b>	<b>7</b>	<b>104</b>

**ID-AC** – Intentional Discharge – Adversarial Conflict

**ID-AA** – Intentional Discharge – Animal Attack

**UD** – Unintentional Discharge

**UUF** – Unauthorized Use of Firearm

**These numbers do not include the one Mistaken Identity incident in 2009**

**2009 ANNUAL FIREARMS DISCHARGE REPORT  
APPENDIX — SUPPLEMENTAL DATA**

<b>BOROUGH</b>	<b>ID-AC</b>	<b>ID-AA</b>	<b>UD</b>	<b>UUF</b>	<b>TOTAL</b>
BRONX	16	10	2	0	25
MANHATTAN	8	4	4	0	16
QUEENS	6	3	4	1	14
BROOKLYN	17	8	6	2	33
STATEN ISLAND	0	2	2	0	4
OUTSIDE CITY	3	1	4	4	12
<b>TOTAL</b>	<b>47</b>	<b>28</b>	<b>22</b>	<b>7</b>	<b>104</b>

<b>MANHATTAN</b>	<b>ID-AC</b>	<b>ID-AA</b>	<b>UD</b>	<b>UUF</b>	<b>TOTAL</b>
1st PRECINCT	0	0	0	0	0
5th PRECINCT	0	0	0	0	0
6th PRECINCT	0	0	0	0	0
7th PRECINCT	0	0	0	0	0
9th PRECINCT	0	0	1	0	0
10th PRECINCT	0	0	0	0	0
13th PRECINCT	0	0	1	0	2
14th PRECINCT	0	0	0	0	0
17th PRECINCT	0	0	0	0	0
18th PRECINCT	1	0	0	0	1
19th PRECINCT	0	1	0	0	1
20th PRECINCT	0	0	0	0	0
22nd PRECINCT	0	0	0	0	0
23rd PRECINCT	1	2	0	0	3
24th PRECINCT	0	0	0	0	0
25th PRECINCT	0	0	0	0	0
26th PRECINCT	0	0	0	0	0
28th PRECINCT	0	0	0	0	0
30th PRECINCT	0	0	1	0	1
32nd PRECINCT	2	1	0	0	3
33rd PRECINCT	3	0	0	0	3
34th PRECINCT	1	0	1	0	2
<b>TOTAL</b>	<b>8</b>	<b>4</b>	<b>4</b>	<b>0</b>	<b>16</b>

**2009 ANNUAL FIREARMS DISCHARGE REPORT  
APPENDIX — SUPPLEMENTAL DATA**

<b>BRONX</b>	<b>ID-AC</b>	<b>ID-AA</b>	<b>UD</b>	<b>UUF</b>	<b>TOTAL</b>
40th PRECINCT	1	2	0	0	3
41st PRECINCT	2	0	0	0	2
42nd PRECINCT	2	0	0	0	2
43rd PRECINCT	3	1	0	0	4
44th PRECINCT	2	2	0	0	4
45th PRECINCT	1	0	1	0	2
46th PRECINCT	0	0	0	0	0
47th PRECINCT	2	0	0	0	2
48th PRECINCT	0	1	1	0	2
49th PRECINCT	0	2	0	0	2
50th PRECINCT	0	1	0	0	1
52nd PRECINCT	0	1	0	0	1
<b>TOTAL</b>	<b>13</b>	<b>10</b>	<b>2</b>	<b>0</b>	<b>25</b>

<b>BROOKLYN</b>	<b>ID-AC</b>	<b>ID-AA</b>	<b>UD</b>	<b>UUF</b>	<b>TOTAL</b>
60th PRECINCT	1	0	0	0	1
61st PRECINCT	0	0	0	0	0
62nd PRECINCT	0	0	0	0	0
63rd PRECINCT	0	1	1	1	3
66th PRECINCT	0	0	0	0	0
67th PRECINCT	3	1	0	0	4
68th PRECINCT	0	0	0	1	1
69th PRECINCT	2	2	0	0	4
70th PRECINCT	0	0	1	0	1
71st PRECINCT	0	0	0	0	0
72nd PRECINCT	0	0	1	0	1
73rd PRECINCT	1	1	0	0	2
75th PRECINCT	2	1	2	0	5
76th PRECINCT	0	0	0	0	0
77th PRECINCT	3	0	0	0	3
78th PRECINCT	0	0	0	0	0
79th PRECINCT	2	0	0	0	2
81st PRECINCT	1	0	0	0	1
83rd PRECINCT	1	1	0	0	2
84th PRECINCT	0	0	0	0	0
88th PRECINCT	1	1	1	0	3
90th PRECINCT	0	0	0	0	0
94th PRECINCT	0	0	0	0	0
<b>TOTAL</b>	<b>17</b>	<b>8</b>	<b>6</b>	<b>2</b>	<b>33</b>

**2009 ANNUAL FIREARMS DISCHARGE REPORT  
APPENDIX — SUPPLEMENTAL DATA**

<b>STATEN ISLAND</b>	<b>ID-AC</b>	<b>ID-AA</b>	<b>UD</b>	<b>UUF</b>	<b>TOTAL</b>
120th PRECINCT	0	1	1	0	2
122nd PRECINCT	0	1	1	2	2
123rd PRECINCT	0	0	0	0	0
<b>TOTAL</b>	<b>0</b>	<b>2</b>	<b>2</b>	<b>2</b>	<b>4</b>

<b>QUEENS</b>	<b>ID-AC</b>	<b>ID-AA</b>	<b>UD</b>	<b>UUF</b>	<b>TOTAL</b>
100th PRECINCT	0	0	0	0	0
101st PRECINCT	1	1	0	0	2
102nd PRECINCT	0	1	0	0	1
103rd PRECINCT	0	1	2	0	3
104th PRECINCT	0	0	0	0	0
105th PRECINCT	1	0	0	0	1
106th PRECINCT	0	0	1	0	1
107th PRECINCT	0	0	1	0	1
108th PRECINCT	0	0	0	0	0
109th PRECINCT	2	0	0	0	2
110th PRECINCT	1	0	0	0	1
111th PRECINCT	0	0	0	0	0
112th PRECINCT	0	0	0	0	0
113th PRECINCT	0	0	0	1	1
114th PRECINCT	0	0	0	0	0
115th PRECINCT	1	0	0	0	1
<b>TOTAL</b>	<b>6</b>	<b>3</b>	<b>4</b>	<b>1</b>	<b>14</b>

<b>DUTY STATUS</b>	<b>ID-AC</b>	<b>ID-AA</b>	<b>UD</b>	<b>UUF</b>	<b>TOTAL</b>
ON-DUTY	61	33	14	0	108
OFF-DUTY	7	1	8	5	21
<b>TOTAL (MOS firing)</b>	<b>68</b>	<b>34</b>	<b>22</b>	<b>5</b>	<b>129</b>

**2009 ANNUAL FIREARMS DISCHARGE REPORT  
APPENDIX — SUPPLEMENTAL DATA**

ID-AC	TYPE OF THREAT FROM SUBJECTS FIRED UPON	OFFICERS INVOLVED	SHOTS	INJURY FATALITY	# SUBJECTS FIRED UPON	SUBJECT GENDER	SUBJECT RACE	SUBJECT AGE	SUBJECT WEAPON
1	FIREARM - SUBJECT FIRED AT OFFICER	2	2 and 1		1	Male	Hispanic	25	FIREARM
2	FIREARM - SUBJECT POINTED FIREARM	1	5		1	Male	Black	28	FIREARM
3	FIREARM - SUBJECT POINTED FIREARM	1	3	FATAL	1	Male	Black	18	FIREARM
4	OFFICER PERCEIVED THREAT - OBJECT IN HAND	1	1	INJURY	1	Male	Hispanic	27	NONE
5	FIREARM - SUBJECT DISPLAYED FIREARM	1	1	INJURY	1	Male	Black	18	FIREARM
6	BLUNT INSTRUMENT - SUBJECT MENACED OFFICER	1	1		1	Male	Black	19	METAL PIPE
7	BLUNT INSTRUMENT - SUBJECT ATTEMPTED TO HIT OFFICER	1	3		1	Male	Black	36	VEHICLE
8	FIREARM - SUBJECT SHOT CIVILIANS	1	3	INJURY	1	Male	Hispanic	18	FIREARM
9	FIREARM - SUBJECT POINTED FIREARM	1	5		1	Male	Black	22	FIREARM
10	OFFICER PERCEIVED THREAT - SUBJ. RUNNING FROM SHOOTING	2	3 and 1		1	Male	Black	24	NONE
11	FIREARM - SUBJECT DISPLAYED FIREARM	1	1	INJURY	1	Male	Black	34	FIREARM
12	CUTTING INSTRUMENT - SUBJECT STABBED OFFICER	2	2 and 3	FATAL	1	Female	Black	48	KNIFE
13	CUTTING INSTRUMENT - SUBJECT ATTACKED OFFICERS	2	2 and 4	FATAL	1	Male	Hispanic	35	KNIFE
14	FIREARM - SUBJECT FIRED AT OFFICER	2	1 and 6		1	Male	Hispanic	21	FIREARM
15	FIREARM - SUBJECT SHOT CIVILIAN	1	1	INJURY	1	Male	Black	33	FIREARM
16	FIREARM - SUBJECT FIRED AT OFFICER	2	8 and 4	INJURY	1	Male	Hispanic	21	FIREARM
17	FIREARM - SUBJECT FIRED AT OFFICER	1	2		1	Male	Black	27	FIREARM
18	FIREARM - SUBJECT DISPLAYED FIREARM	1	1		1	Male	Black	26	FIREARM
19	CUTTING INSTRUMENT - SUBJECT STABBED OFFICER	2	2 and 3	INJURY	1	Male	Black	32	SCREWDRIVER
20	FIREARM - SUBJECT POINTED FIREARM	4	1, 1, 2, 1		1	Female	Black	31	FIREARM
21	FIREARM - SUBJECT 1 FIRED AT OFFICER FIREARM - SUBJECT 2 FIRED AT OFFICER	1	2	FATAL	2	Male	Black	21	FIREARM
22	CUTTING INSTRUMENT - SUBJECT STABBED CIVILIAN	3	1, 2, 2	INJURY	1	Male	Hispanic	35	KNIFE
23	BLUNT INSTRUMENT - SUBJECT HIT OFFICER	1	1		1	Male	Black	19	CROWBAR
24	FIREARM - SUBJECT POINTED FIREARM	2	2 and 2	INJURY	1	Male	Black	34	FIREARM
25	FIREARM - SUBJECT POINTED FIREARM	1	3	INJURY	1	Male	Hispanic	48	FIREARM



**2009 ANNUAL FIREARMS DISCHARGE REPORT  
APPENDIX — SUPPLEMENTAL DATA**

D-AC	TYPE OF THREAT FROM SUBJECTS FIRED UPON	OFFICERS INVOLVED	SHOTS	INJURY FATALITY	SUBJECTS FIRED UPON	SUBJECT GENDER	SUBJECT RACE	SUBJECT AGE	SUBJECT WEAPON
26	FIREARM - SUBJECT POINTED FIREARM	1	1	INJURY	1	Male	Black	43	FIREARM
27	OVERWHELMING PHYSICAL FORCE - SUBJECT ATTACKED & GRABBED OFFICER'S GUN	1	2	FATAL	1	Male	Black	49	NONE
28	BLUNT INSTRUMENT - SUBJECT ATTEMPTED TO HIT OFFICER	1	2	FATAL	1	Male	Hispanic	28	VEHICLE
29	FIREARM - SUBJECT FIRED AT OFFICER	3	20, 4, 6	FATAL	1	Male	Hispanic	31	FIREARM
30	FIREARM - SUBJECT DISPLAYED FIREARM	1	2	INJURY	1	Male	Black	22	FIREARM
31	KNIFE - SUBJECT STABBED OFFICER	3	2, 1, 3	FATAL	1	Male	Hispanic	20	KNIFE
32	FIREARM - SUBJECT POINTED FIREARM	2	2 and 5	INJURY	1	Male	Black	21	FIREARM
33	FIREARM - SUBJECT POINTED FIREARM	1	2	INJURY	1	Male	Black	17	FIREARM
34	KNIFE - SUBJECT MURDERED CIVILIAN	1	6	FATAL	1	Male	Black	21	KNIFE
35	KNIFE - SUBJECT ROBBED OFFICER	1	1	INJURY	1	Male	Black	18	KNIFE
36	FIREARM - SUBJECT DISPLAYED FIREARM	1	1		1	Male	Black	20	FIREARM
37	FIREARM - SUBJECT POINTED FIREARM	1	1		1	Male	Black	22	FIREARM
38	OVERWHELMING PHYSICAL FORCE - SUBJECT HELD OFFICER WHILE ACCOMPLICE THREATENED WITH BLUNT INSTRUMENT	1	1	INJURY	1	Male	Hispanic	18	STEEL GARBAGE CAN (ACCOMPLICE)
39	FIREARM - SUBJECT POINTED FIREARM	1	1		1	Male	Hispanic	19	FIREARM
40	FIREARM - SUBJECT POINTED FIREARM	1	1	INJURY	1	Male	Black	15	FIREARM
41	FIREARM - SUBJECT POINTED FIREARM	1	1	INJURY	1	Male	Black	25	FIREARM
42	FIREARM - SUBJECT FIRED AT OFFICER	1	5		1	Male	Black	25	FIREARM
43	FIREARM - SUBJECT 1 SHOT CIVILIAN FIREARM - SUBJECT 2 POINTED FIREARM	2	3 and 1	INJURY FATAL	2	Male Male	Black Black	19 43	FIREARM FIREARM
44	OFFICER PERCEIVED THREAT - SUBJECT BURGLARIZED OFFICER'S HOME	1	1		1	Male	Black	UNKNOWN	NONE
45	KNIFE - SUBJECT THREATENED CIVILIANS	1	1	INJURY	1	Male	Black	23	KNIFE
46	FIREARM - SUBJECT POINTED FIREARM	3	8, 1, 6	FATAL	1	Male	Black	18	FIREARM
47	FIREARM - SUBJECT FIRED AT OFFICER	1	4	FATAL	1	Male	Black	25	FIREARM

# 2009 ANNUAL FIREARMS DISCHARGE REPORT

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**NYPD**

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POLICE COMMISSIONER**

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