

# NEW YORK CITY POLICE DEPARTMENT

## ANNUAL FIREARMS DISCHARGE REPORT



# 2012



# **Annual Firearms Discharge Report**

# **2012**

**Raymond W. Kelly**

**Police Commissioner**

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## **PART I: OVERVIEW**

## GLOSSARY

<b>Officer</b>	A 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, which results in a firearms discharge.
<b>Civilian</b>	A person who is not the subject of an adversarial conflict, but is a victim, bystander, and/or injured person.
<b>Firearms Discharge</b>	An incident in which an officer discharges any firearm, or when a firearm belonging to an officer is discharged by any person, excluding discharges during authorized training sessions, lawful target practice or hunting, or at a firearm safety station within a Department facility.
<b>Intentional Discharge – Adversarial Conflict</b>	An incident in which an officer intentionally discharges a firearm in defense of self or another during an adversarial conflict with a subject, including those inside the scope of the officer’s employment but outside Department guidelines. This does not include a discharge against an animal attack.
<b>Mistaken Identity Discharge</b>	An incident in which an officer intentionally discharges a firearm at another law-enforcement officer whom the discharging officer mistakenly believes to be a criminal. This does not include crossfire incidents in which a discharging officer unintentionally strikes another officer.
<b>Intentional Discharge – Animal Attack</b>	An incident in which an officer intentionally discharges a firearm in defense of self or another against an animal attack, including those inside the scope of the officer’s employment but outside Department guidelines.
<b>Intentional Discharge – No Conflict</b>	An incident in which an officer intentionally discharges a firearm to summon assistance, including those inside the scope of the officer’s employment but outside Department guidelines.
<b>Unintentional Firearms Discharge</b>	An incident in which an officer discharges a firearm without intent, regardless of the circumstance.
<b>Unauthorized Use of a Firearm</b>	An incident in which an officer discharges a firearm without proper legal justification and/or outside the scope of the officer’s employment, or an incident in which an unauthorized person discharges an officer’s firearm.
<b>Use/Threaten the Use of a Firearm</b>	A contributing factor to a firearms discharge in which a subject discharges or threatens to discharge 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 to use a firearm.
<b>Firearm</b>	A pistol, revolver, shotgun, or rifle, including a variation of any of these (e.g. a sawed-off shotgun).
<b>Imitation Firearm</b>	Any instrument that is designed to appear as if it were a firearm, or modified to appear as if it were a firearm, including air pistols, toy guns, prop guns, and replicas.
<b>Use/Threaten the Use of a Cutting Instrument</b>	A contributing factor to a firearms discharge 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>	Any knife, razor, sword, or other sharp-edged object such as a broken bottle.
<b>Use/Threaten the Use of a Blunt Instrument</b>	A contributing factor to a firearms discharge 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>	Any bat, stick, pipe, metal knuckles, or other object which, when used as a weapon, can cause blunt-force injury to a person, including motor vehicles and unbroken bottles.

<b>Use/Threaten the Use of Overwhelming Physical Force</b>	An incident in which an unarmed subject physically attacks a person or threatens or attempts to do the same, and by doing so puts the victim at risk of serious physical injury or death, including gang assaults, attempts to push a person from a roof or train platform, and attempts to take an officer's firearm.
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<b>2012 FIREARMS DISCHARGE SCOPE</b>	
New York City Population <sup>1</sup>	8,244,910
NYPD Average Annual Uniformed Staffing	34,920
Total Civilian Contacts (Approximate)	23,000,000
Total Radio Assignments	4,835,484
Radio Assignments Involving Weapons	246,621
Arrests Involving Weapons Used/Displayed/Possessed	26,019
Gun Arrests	5,689
Criminal Shooting Incidents	1,374
Adversarial Conflict: Total Number of Officers Who Intentionally Fired	60
Adversarial Conflict: Total Number of Firearms Discharge Incidents	45
Subjects Shot and Injured	14
Subjects Shot and Killed	16
Officers Shot and Injured	13
Officers Shot and Killed	0

Figure 1.1

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<sup>1</sup> U.S. Census, July 1, 2012

FIREARMS DISCHARGE INCIDENTS, 2002-2012											
	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012
Adversarial Conflict	55	61	51	59	59	45	49	47	33	36	45
Animal Attack	38	35	26	32	30	39	30	28	30	36	24
Unintentional Discharge	24	25	27	25	26	15	15	23	21	15	21
Mistaken Identity	0	0	0	0	1	0	0	1	0	0	0
Unauthorized Use of a Firearm <sup>2</sup>	0	2	5	6	8	6	3	4	6	2	6
MOS Suicide/Attempt <sup>3</sup>	2	7	5	3	3	6	8	3	2	3	9
<b>Total</b>	<b>119</b>	<b>130</b>	<b>114</b>	<b>125</b>	<b>127</b>	<b>111</b>	<b>105</b>	<b>106</b>	<b>92</b>	<b>92</b>	<b>105</b>

Figure 1.2

**Adversarial Conflict, 2002-2012**

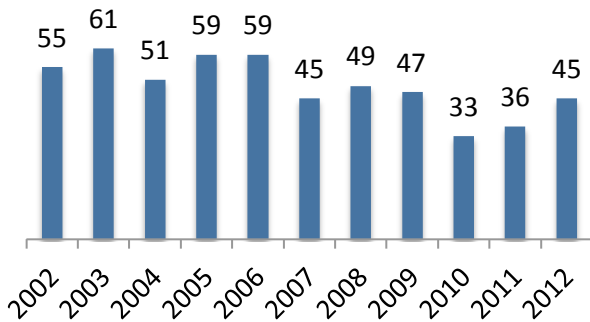


Figure 1.3

**Unintentional Discharge, 2002-2012**

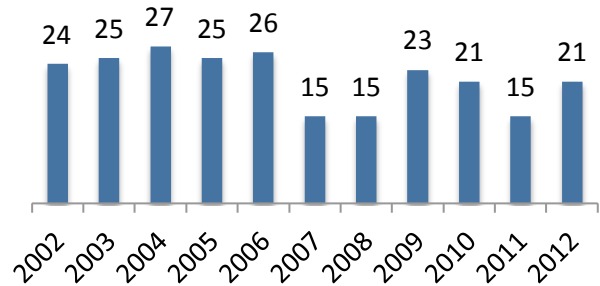


Figure 1.4

**Animal Attack, 2002-2012**

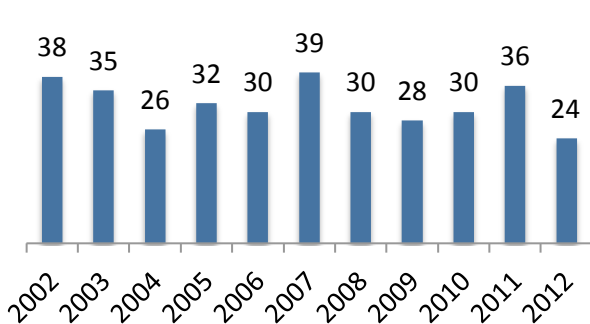


Figure 1.5

**Total Discharges, 2002-2012**

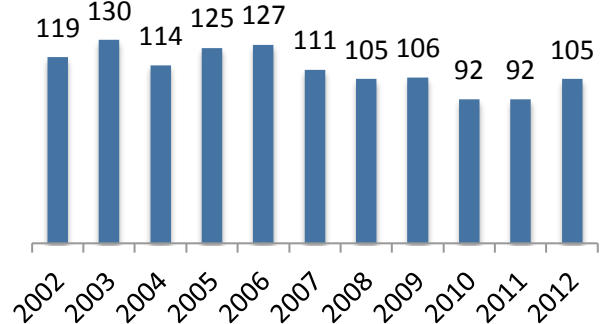


Figure 1.6

<sup>2</sup> This category was modified in 2005 to include incidents in which an unauthorized person discharges an officer's firearm

<sup>3</sup> MOS Suicide/Attempt is a subcategory of Unauthorized Use of a Firearm – the numbers have been disaggregated in this table

<b>2012 BY CATEGORY</b>
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<b>INTENTIONAL DISCHARGE – ADVERSARIAL CONFLICT</b>	
Subject Used/Threatened the Use of a Firearm or Simulated Firearm	32
Subject Used/Threatened the Use of a Cutting Instrument	7
Subject Used/Threatened the Use of a Blunt Instrument	4
Subject Used/Threatened the Use of Overwhelming Physical Force	0
Unknown	2
<b>Total</b>	<b>45</b>

<b>INTENTIONAL DISCHARGE – ANIMAL ATTACK</b>	
Dog Attack	24
<b>Total</b>	<b>24</b>

<b>UNINTENTIONAL DISCHARGE</b>	
During Adversarial Conflict	9
Handling Firearm	12
<b>Total</b>	<b>21</b>

<b>UNAUTHORIZED USE OF A FIREARM</b>	
Officer Suicide	8
Attempted Officer Suicide	1
Unauthorized Intentional Discharge	2
Unauthorized Person Discharged Officer's Firearm	4
<b>Total</b>	<b>15</b>

<b>TOTAL FIREARMS DISCHARGES</b>	<b>105</b>
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Figure 1.7

## **INTRODUCTION**

The New York City Police Department began to collect in-depth documentation of firearm discharges during hostile encounters in 1971, for the 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 other categories, such as unintentional discharges. Today, the Department tracks any incident in which a Department firearm is discharged, even if the person discharging the weapon is not an officer.

Four decades of annual analyses have altered the way officers respond to, engage in, and assess the need for firearms discharges. Information gleaned from the annual reports has saved lives, and there has been Department-wide change with regard to firearms safety, retention, and tactics. The Department has made restraint the norm. When annual recordkeeping began in 1971, 12 officers were shot and killed by another person, and 47 officers were shot and injured. Officers, in turn, shot and killed 93 subjects, and injured another 221. By contrast, in 2012, 13 officers were shot and injured by subjects, while police shot and killed 16 subjects, and injured 14 others; no officer was killed by subject gunfire in 2012.

Today, the reports additionally serve as statistical support for the development of training, the adoption of new technology, and the deployment of Department resources. New instructional scenarios are implemented as a result of this analysis, and new hardware—from bullet-resistant vests to conducted-energy devices—have been introduced.

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.

## 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 (i.e. pepper spray), conducted energy devices, 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.

In federal case law, Tennessee v. Garner, 471 U.S. 1 (1985) and Graham v. Connor, 490 U.S. 386 (1989) delineate a standard of "objective reasonableness" that restricts an officer's prerogative to compel or constrain another citizen. But Tennessee v. Garner 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 any person from "what the officer reasonably believes to be the use or imminent 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. Additionally, according to the laws of New York State, it is lawful for an officer to shoot at the driver of a vehicle who is using the vehicle so that it poses an imminent threat of deadly physical force. Such a firearms discharge would violate Department guidelines, however.

NYPD policy emphasizes that "only the amount of force necessary to overcome resistance will be used," and "excessive force will not be tolerated," (Patrol Guide 203-11). Specifically regarding the use of deadly physical force, Department policy states, "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 ensure that officers use only the minimal amount of force, the Department has nine rules that guide a New York City police officer in his or her use of deadly physical force. They are as follows:

- 1) 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.
- 2) Police officers shall not discharge their weapons when, in their professional judgment, doing so will unnecessarily endanger innocent persons.
- 3) Police officers shall not discharge their weapons in defense of property.
- 4) 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.
- 5) Police officers shall not fire warning shots.
- 6) 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.
- 7) 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.
- 8) 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.
- 9) Police officers shall not, under any circumstances, cock a firearm. Firearms must be fired double action at all times.

### REASONABLENESS

An officer's permission to use force is not unlimited. According to the law, as well as the Department's regulations, officers may exercise only as much force as they believe to be reasonably necessary.

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 Oliver Wendell Holmes, Jr., noted that, "detached reflection cannot be demanded in the presence of an uplifted knife." Sixty-eight years later, in Graham v. Connor, 490 U.S. 386 (1989), the Supreme Court wrote that "The 'reasonableness' of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight." And in People v. Benjamin, 51 NY2d 271, the New York State courts observed that, "it would, indeed, be absurd to suggest that a police officer has to await the glint of steel before he can act to preserve his safety."

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 – rather, it is 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.

## INVESTIGATION

The New York City Police Department recognizes the serious nature of police-involved firearms discharges and 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
- 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, whether on or off duty, or when a firearm owned by an officer is discharged, a patrol supervisor responds to the incident, 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 instances—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 a minimum of 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.

### THE SHOOTING INCIDENT REPORT

A preliminary report—usually written within eight hours of the incident—outlines, as much as possible, the shooting incident; however, the rapidly evolving nature of shooting investigations means information contained therein 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).

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.

If 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, it is forwarded, through channels, to the Chief of Department.

### REVIEW

After a firearms discharge has been investigated, the final report prepared, and after the District Attorney's office has determined whether the incident requires prosecutorial action, the NYPD initiates a tertiary examination 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 occurred. 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 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 regarding the incident. Once the Commissioner has issued this final determination, the incident is considered closed. The results of the 2012 findings are published throughout this report.

## ANATOMY OF A FIREARMS DISCHARGE INVESTIGATION

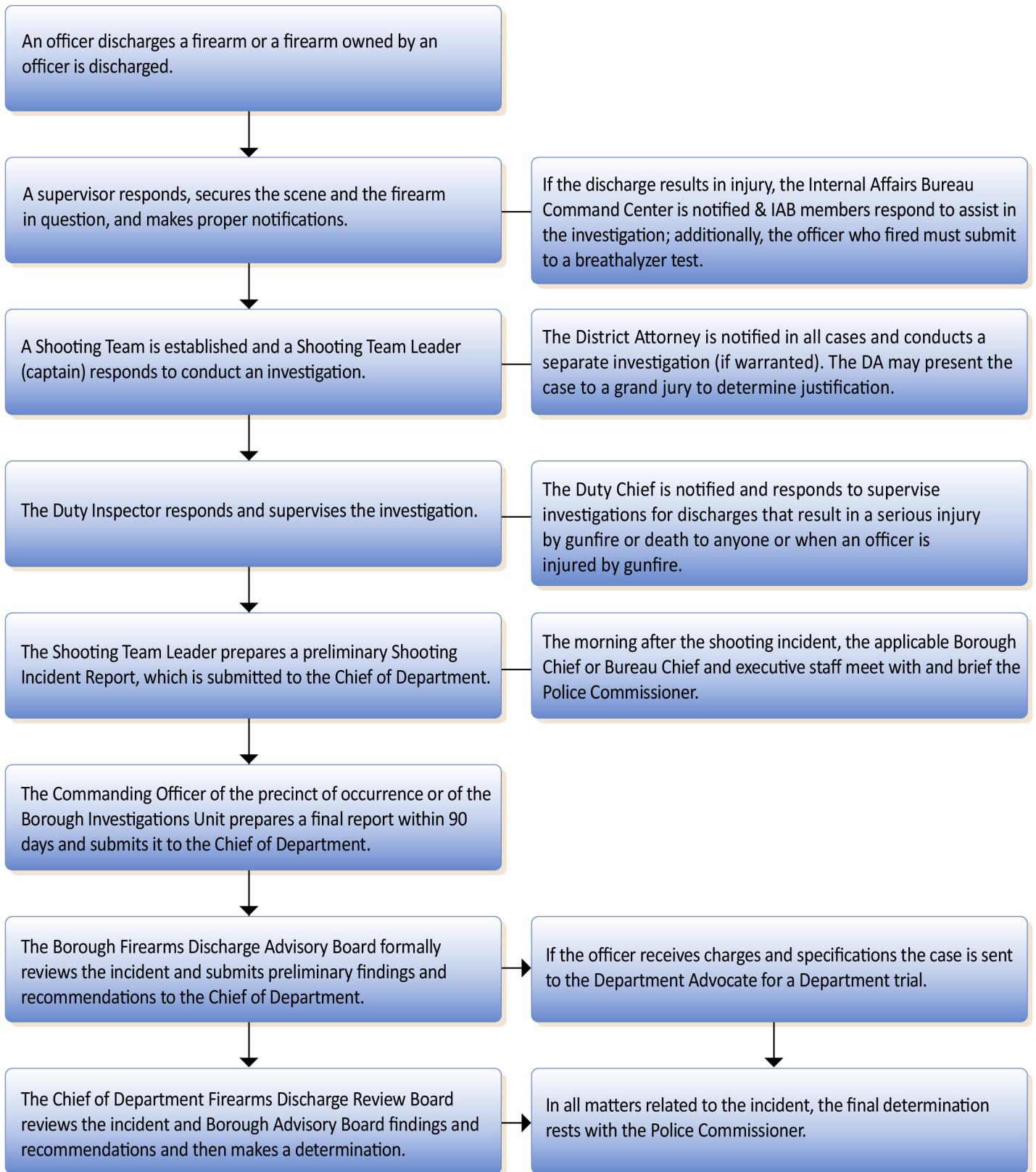


Figure 1.8

## EXCLUSIONS

The report excludes instances of perpetrators attacking officers with deadly physical force, including firing on officers, when officers do not return fire. Although no police officer was murdered in 2012, 13 officers were shot. Several notable events are not part of the report's statistical analysis:

The first event occurred on January 1, when a group of officers were fired on in a marked police van. An unknown assailant fired at least 7 rounds from an unrecovered semiautomatic handgun; bullet fragments were recovered from the vehicle's roof and from the sidewalk. No one was injured during this attack. Officers did not return fire. The second event occurred on January 31. Officers responded to a report of shots fired on the first floor of an apartment building in Brooklyn and spotted a man armed with a black revolver. The perpetrator fired a single shot into the base of a detective's skull, nearly killing him. Officers did not return fire. The third event occurred on April 17, when an emotionally disturbed person stabbed an officer in the temple with a six-inch serrated knife, causing severe brain trauma. The perpetrator was apprehended – no officer discharged a weapon.

## CATEGORIES

The 2012 Annual Firearms Discharge Report is subdivided into the following five categories.<sup>4</sup> Each category is analyzed based on the information in that category. This allows the Department to better understand a specific type of incident and adjust training and policy accordingly.

- **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

The report contains information compiled from preliminary and final Shooting reports, detective's case files, Medical Examiner's reports, Firearms Discharge Assault reports, Arrest and Complaint reports, Firearms Analysis Section reports, Firearms Discharge Review Board findings, and previous Annual Firearm Discharge reports.

The relatively small sample studied for the report—105 discharge incidents, 45 in the Adversarial Conflict category—can limit the predictive value and conclusions that may be derived.

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<sup>4</sup> The possibility of a sixth category—Intentional Discharge—No Conflict—exists, but its occurrence is extremely uncommon. Intentional Discharge—No Conflict involves an officer discharging his or her firearm to summon assistance. Because of the rarity of this type of discharge, it is not regularly tracked in the annual report, but is addressed on an as-it-occurs basis. In 2012, no such discharge occurred.

## **Part II: Intentional Discharge – Adversarial Conflict**

## OVERVIEW

There were 45 incidents of intentional firearms discharge during adversarial conflict (ID-AC) in 2012, a 25% increase from 2011, when there were 36. A total of 60 officers intentionally fired their weapons during these incidents in 2012, a 3% decrease from 2011, when 62 officers fired their weapons. 46 subjects were involved in these 45 incidents, 14 of whom were injured (a decrease of 26% from 2011, when 19 were injured) and another 16 were killed (as compared to 9 in 2011). A total of 13 officers were shot by criminals in 2012, a 225% increase from 2011, when 4 were shot.

Of the officers shot by criminals in 2012, 11 were shot within the category of an adversarial conflict, a 267% increase from 2011, when 3 were shot within this category. An additional 4 officers were injured during ID-AC incidents in 2012 (for a total of 15 injured officers), 2 of whom were stabbed, and 2 more were injured by blunt trauma. No officer was struck by crossfire in 2012, nor was any officer killed in an ID-AC incident.

### REASONS FOR DISCHARGES

Officers intentionally discharging their firearms during ID-AC incidents did so to defend themselves or others from the threat of serious physical injury or death.

In 71% of 2012 ID-AC incidents, the threat came either in the form of a firearm or a simulated firearm. Additionally, officers were fired upon in 19 of the 45 incidents (42%). Officers also acted to defend themselves or others from the use or threat of a cutting instrument (16%), or the use or threat of a blunt instrument (9%), including 3 cases where officers were threatened with a moving vehicle. See Figure 2.1.

**Threat Type, ID-AC Incidents**

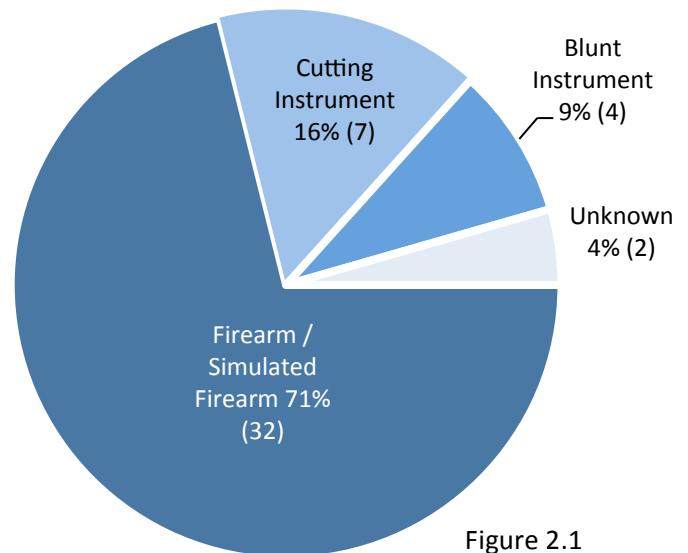


Figure 2.1

### DATES AND TIMES OF DISCHARGES

In 2012, 31% of ID-AC incidents occurred in June, July and August. Each month but December had at least 2 ID-AC incidents.

The distribution across days of the week showed no significant pattern; however, ID-AC shootings were most numerous on Thursday and Friday, with 11 and 9 events occurring on those 2 days respectively. 20 incidents occurred during the third platoon (1531 to 2330 hours), 14 incidents occurred during the first platoon (2331 to 0730 hours), and 12 incidents occurred during the second platoon (0731 to 1530 hours).

## LOCATIONS OF DISCHARGES

All 45 ID-AC incidents in 2012 took place within New York City, 8 on New York City Housing Authority premises (18%), 1 within the Metropolitan Transportation Authority transit system (2%), and 36 within the jurisdiction of the patrol precincts (80%).

The Department divides New York City's 5 counties into 8 Patrol Boroughs, each of which is further divided into precincts. In 2012, Brooklyn accounted for the most ID-AC incidents of any borough (15 incidents – 33% of the citywide total), 11 in Patrol Borough Brooklyn North and 4 in Patrol Borough Brooklyn South. 9 ID-AC incidents occurred in Patrol Borough Bronx (20% of the citywide total). None occurred in Staten Island. See Figure 2.2.

ID-AC incidents took place in 32 separate precincts in 2012. 8 precincts had 2 incidents (the 7<sup>th</sup>, 23<sup>rd</sup>, 43<sup>rd</sup>, 46<sup>th</sup>, 83<sup>rd</sup>, 105<sup>th</sup>, 111<sup>th</sup>, and Midtown South precincts), and the 75<sup>th</sup> precinct had 4 incidents.

80% of all incidents occurred outdoors.

### ID-AC Incidents by Borough

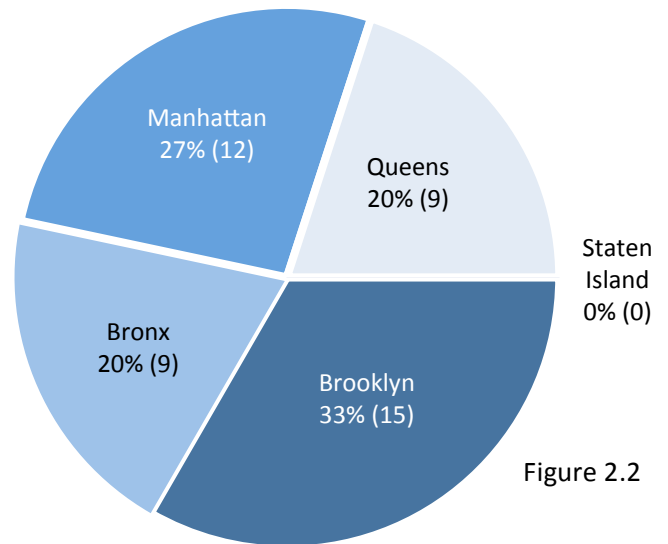


Figure 2.2

## LOCATIONS OF CRIMINAL SHOOTINGS

The locations of ID-AC incidents tend to be associated with larger geographic crime patterns, which can be seen when comparing ID-AC locations to the locations of criminal shootings. See Figure 2.3, which depicts the location of the City's 1,374 criminal shooting incidents (represented by light blue asterisks), resulting in 1,625 people shot, and overlays them with all 45 ID-AC incidents (represented by dark blue dots). The map shows that police firearms discharges occur in those areas of the City most plagued by gun violence.

Since the Annual Firearms Discharge Report first introduced this map in 2007, the data has always identified the same correlation. The frequency of criminal gun activity within New York City directly and proportionally affects the frequency and location of police involved shootings. As illustrated by Figure 2.5, the correlation is explicit with regard to relative rate, as well – on a percentage basis, police-involved shootings and criminal shootings are dispersed similarly by borough. Despite this correlation, the number of ID-AC incidents (45) is small when compared to the number of criminal shootings (1,373). See Figure 2.4.



### ID-AC Incidents vs. Criminal Shooting Incidents

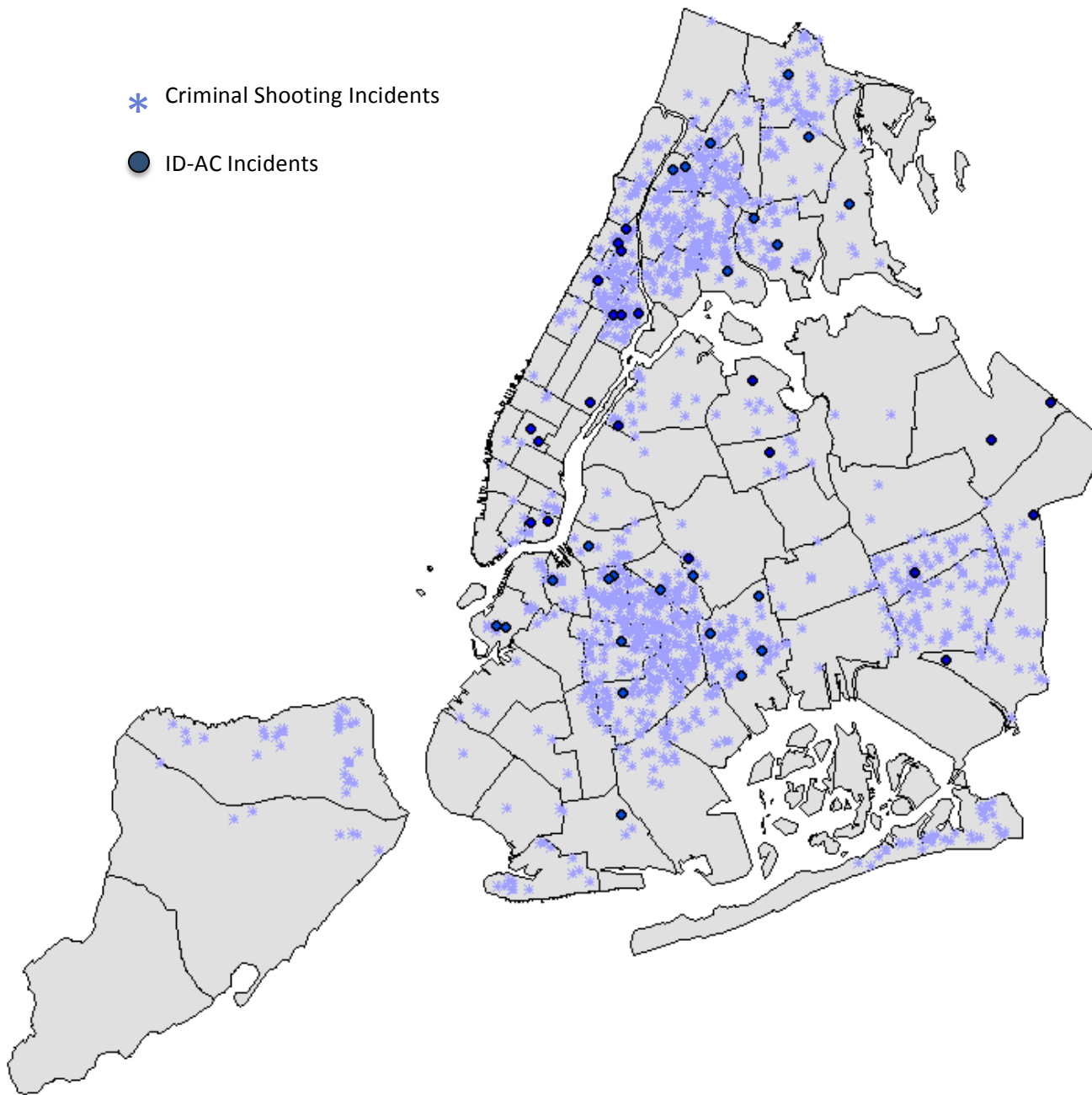


Figure 2.3

### Criminal Shootings vs. ID-AC Incidents, Frequency by Borough

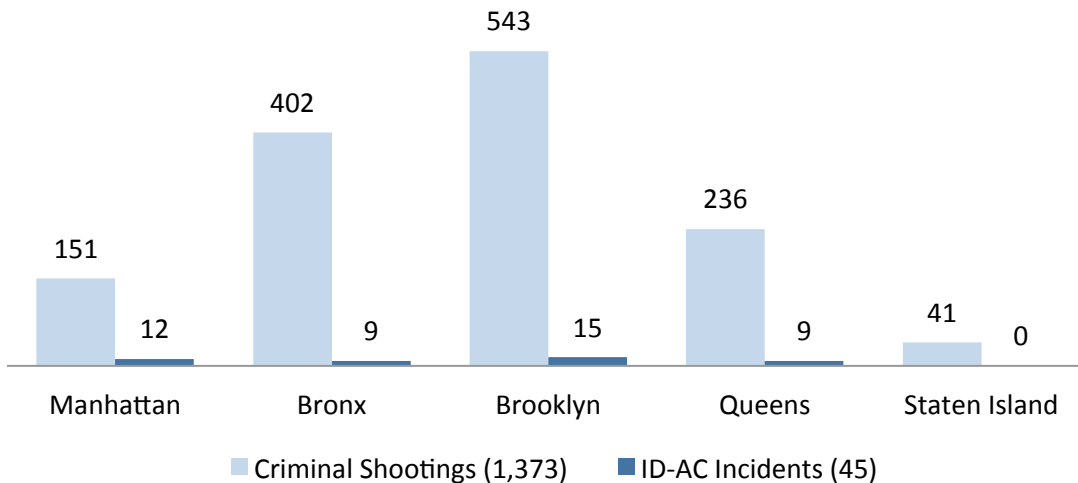


Figure 2.4

### Criminal Shootings vs. ID-AC Incidents, Percentage by Borough

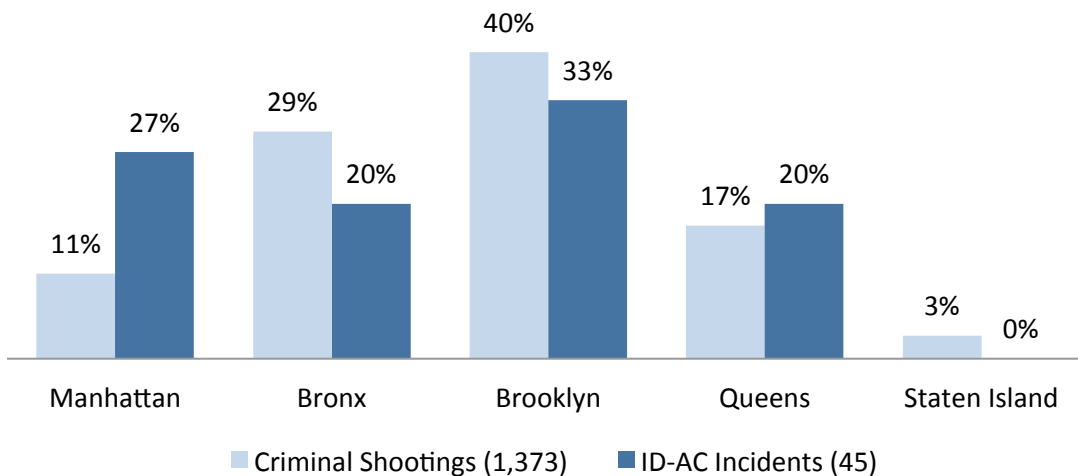


Figure 2.5

## REASONS OFFICER INVOLVED

Officers become involved in ID-AC incidents for a variety of reasons. 54 officers were on-duty during their involvement in an ID-AC incident, 35% (19) of whom were assigned to proactive crime-control initiatives such as Anti-Crime teams, Conditions units, or Patrol Borough Task Forces. 41% (22) of the on-duty officers involved were assigned to uniformed patrol. Another 11% (6) were assigned to investigative units, including the Organized Crime Control Bureau (OCCB), and 13% (7) were assigned to Emergency Service Units (ESU). See Figure 2.6. There were also 6 officers involved in an ID-AC incident while off-duty, 50% of whom were involved because they were victims of crimes and 50% of whom were involved because they were taking police action.

### On Duty Officer Assignments

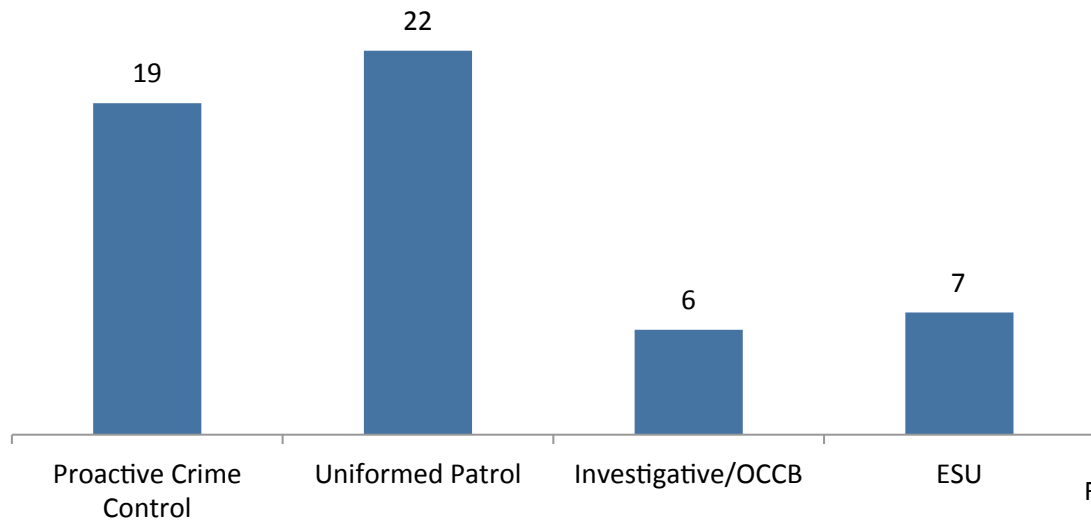


Figure 2.6

The 39 on-duty ID-AC incidents that occurred in 2012 were precipitated by a variety of situations, including 15 “radio runs” (i.e. 911 calls) – 5 for emotionally disturbed persons, 4 for firearms, 4 for robberies, burglaries, or larcenies, and 2 for disputes, including 1 domestic dispute. Officers encountered crimes in progress while on routine patrol on 4 occasions – 2 disorderly groups, 1 robbery, and 1 male shot. Reasonable suspicion encounters of armed subjects (7), investigations of past crimes (6), car stops (4), vertical patrols (1), summonses (1), and tips from the public (1) led to other incidents.

### OFFICER RESTRAINT

Of the 60 officers who discharged their firearms during an ID-AC incident in 2012, 42% fired 1 shot, and 72% fired no more than 5 times. 15% of officers involved fired between 6 and 10 rounds, and 10% fired between 11 and 16 rounds. More than 16 rounds were fired by 2 officers in 1 incident, at a suspect who fired at police after shooting 2 people. See Figure 2.7.

Officer restraint is also apparent when examining the number of shots fired per ID-AC incident. In 31% of incidents, 1 shot was fired by the police, and in 64% of incidents, 5 or fewer shots were fired by the police.

**Rounds Fired Per Officer, ID-AC Incidents**

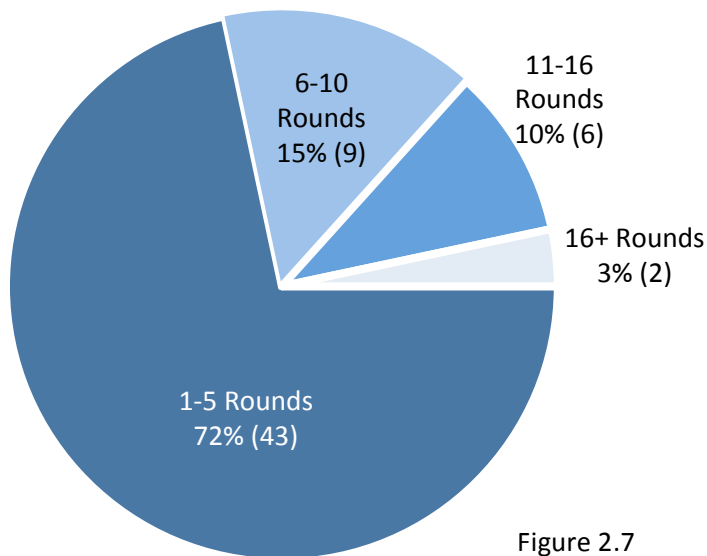


Figure 2.7

**Rounds Fired Per ID-AC Incident**

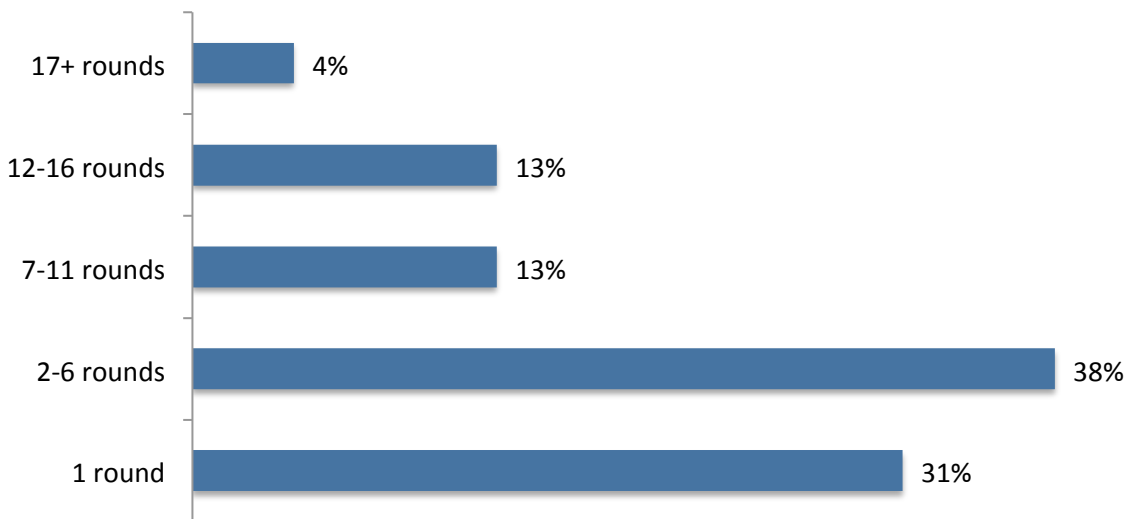


Figure 2.8

A total of 331 shots were fired from officers' guns during ID-AC incidents in 2012, an increase of 6% from 2011, when 311 shots were fired. However, 2 incidents involving subjects firing on officers, 1 in which 84 rounds were fired and 1 in which 29 rounds were fired, accounted for 34% of all ID-AC shots fired. High volume outliers such as these can significantly skew median averages when the total number of incidents is as low as 45; a more telling figure perhaps is the mode, which, during ID-AC incidents in 2012, was 1 shot fired by officers.

### OBJECTIVE COMPLETION RATE

The Department does not consider average hit percentages for the Annual Firearms Discharge Report. Instead, the objective completion rate per incident is employed, as it is both more accurate and more instructive. Like combat itself, 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 threat, the most relevant measure is whether he or she ultimately hits and stops the threat. This is the objective completion rate, and it is determined irrespective of the number of shots the officer fired at the subject.

In 2012, officers hit at least 1 subject 29 times during ID-AC incidents, for an objective completion rate of 64%. Because subjects were not apprehended in 9 incidents, it is possible that the objective completion rate is higher. During the 19 incidents in 2012 in which officers were being fired upon, officers hit at least 1 subject 12 times, for an objective completion rate of 63%. Subjects were not apprehended in 7 of these incidents.

### 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 the 33 officers who reported their shooting techniques for ID-AC incidents in 2012, 61% (20) gripped the firearm with two hands. All 60 officers reported their stance; 77% (46) stated that they were standing, while 20% (12) were moving or struggling and 3% (2) were seated. Of the 29 officers who reported sight usage, 38% (11) stated that they were able to use their sights.

Lack of cover can be a factor in the need for a firearms discharge, because a protected defensive position may allow officers to control the pace of an incident. Of the 60 officers who fired, 56 were able to recall if they took cover – 16 (26%) reported that they took cover, and 40 (67%) reported that they were not able to take cover.

### DISTANCE

In 2012, 44 officers were able to report how far they were from their targets during ID-AC incidents. Although officers are trained to fire on a target from as far away as 25 yards, the majority (75%) of ID-AC discharges occurred when the officer was 15 yards or fewer from the subject. See Figure 2.9.

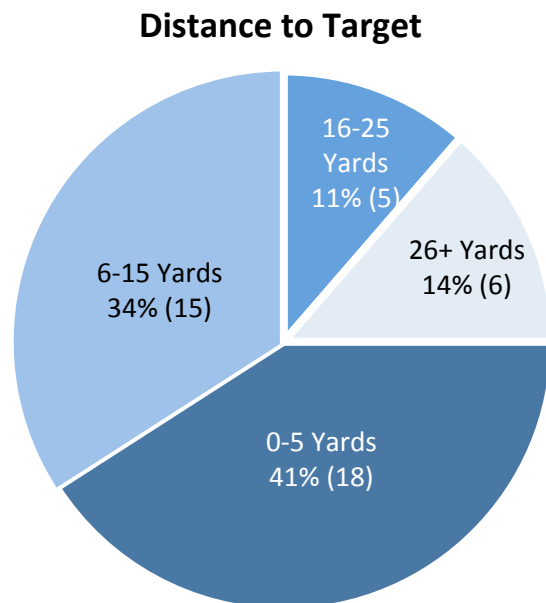


Figure 2.9

## OFFICER PEDIGREE

Of the 60 officers who intentionally discharged their firearms during ID-AC incidents, 2 (3%) were female, and 58 (97%) were male; 17% of the Department's uniformed personnel are female, and 83% are male.

As illustrated by Figure 2.10, the race of officers involved in ID-AC incidents corresponds to the race of the Department's uniformed personnel – 53% of ID-AC officers were White, 32% were Hispanic, 12% were Black, and 3% were Asian. Of the Department's uniformed personnel, 52% are White, 26% are Hispanic, 16% are Black, and 6% are Asian.

Considering current data and data from prior years, no discernable pattern emerges with regard to the likelihood that an officer of any particular pedigree will become involved in a shooting.

### **Race, ID-AC Officers vs. Department Staffing**

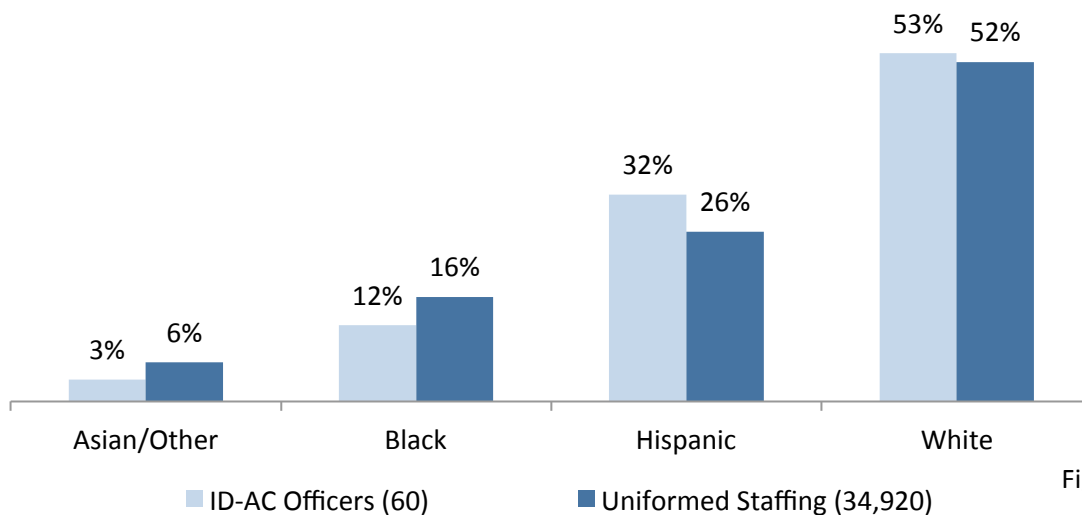


Figure 2.10

## ATTIRE

Of the 54 on-duty officers who intentionally fired during ID-AC incidents, 18 (33%) were wearing plainclothes and 36 (67%) were in uniform. Although plainclothes officers represent a smaller portion of officers in the field than uniformed officers, this marks the third year of a pattern reversal that began in 2010; previously, the number of plainclothes officers firing often equaled and sometimes exceeded the number of uniformed officers doing so, despite a difference in their overall staffing percentages.

## YEARS OF SERVICE

In 2012, 15% of officers who intentionally discharged their firearms during ID-AC incidents had between 1 and 5 years of service, compared to 25% of Department personnel. Officers with 1 to 5 years of service are more likely to be assigned to perform patrol duties, and historically have been overrepresented in shooting incidents compared to more experienced officers. The decrease in 2012 may be attributable to the small number of officers hired by the Department in 2009, 2010, and 2011 – the Department's overall tenure has also risen accordingly. See Figure 2.11.

### Years of Service, ID-AC Officers vs. Department Staffing

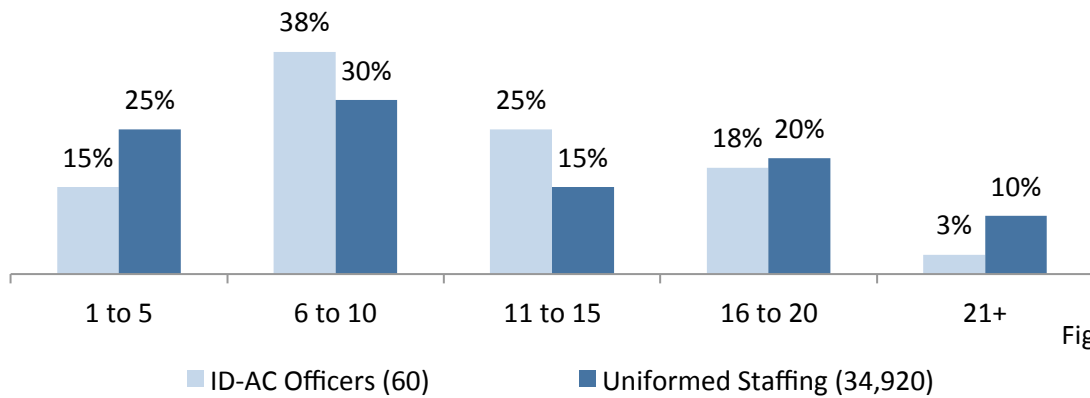


Figure 2.11

#### RANK

Generally, officers in the rank of police officer are the front line, and represent the majority of Department personnel responding to violent crimes and actively seeking out criminals. Historically, they have represented the majority of officers involved in ID-AC incidents. The rank of officers involved in ID-AC incidents is in parity with the Department’s overall uniformed staffing; 63% of ID-AC officers were police officers, 18% were detectives, 15% were sergeants, 2% were lieutenants, and 2% were captains and above. Of the Department’s uniformed personnel, 66% are police officers, 14% are detectives, 13% are sergeants, 5% are lieutenants, and 2% are captains and above. See Figure 2.12.

### Rank, ID-AC Officers vs. Department Staffing

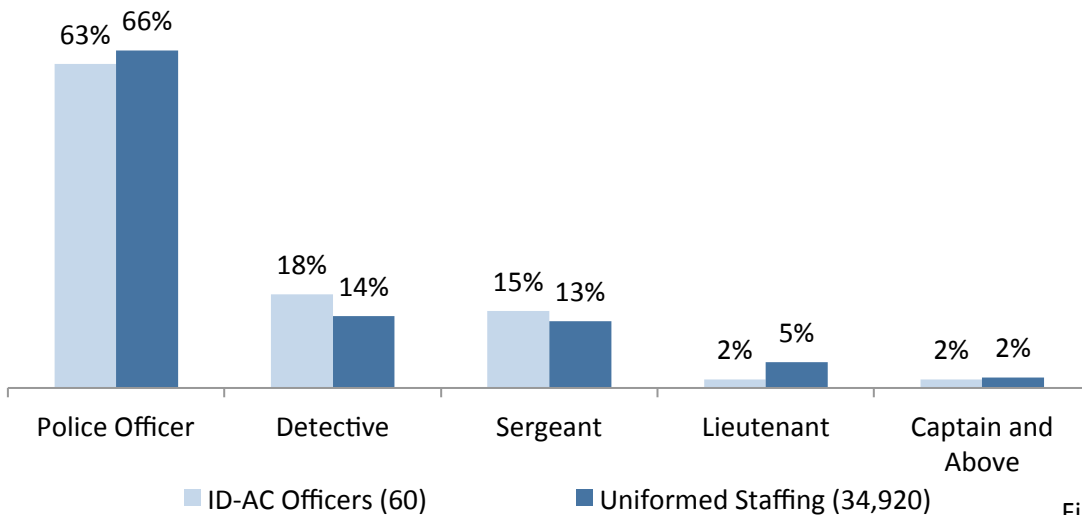


Figure 2.12

#### POLICE WEAPONS

The majority of officers (56, or 93%) involved in all ID-AC incidents (both on and off duty) discharged their on-duty service firearms. The remaining 4 officers (7%) discharged authorized off-duty firearms. Department regulations allow officers to carry their on-duty service firearms while off-duty, and authorized off-duty firearms as secondary weapons while on-duty. No officer reported a firearms malfunction during an ID-AC incident in 2012.

## SUBJECT PEDIGREE

There were 46 subjects involved in the 45 ID-AC incidents in 2012. All subjects, including 9 unapprehended subjects, are known by sex and race. The majority (44, or 96%) were male; 2 (4%) were female. Of the 37 apprehended subjects, ages ranged from 17 to 58, although 46% (17) were 25 or younger.

### SUBJECT RACE

The race of a crime suspect is determined by eyewitness reports, usually that of the victim. The race of a subject is determined by the officer who encountered or arrested the subject. This determination may be based on a subject's self-identification, existing government-issued documentation, racial/ethnic physical characteristics, or other factors.

Although 25% of the City's population is Black, among all criminal shooting suspects identified by race Citywide in 2012, 77% were Black, and 74% of shooting victims were Black. Blacks were similarly represented as subjects in ID-AC incidents in 2012; 34 (74%) were Black. Among subjects who were armed with firearms during ID-AC incidents, 75% were Black (Figure 2.13), and among subjects who fired at officers, 79% were Black (Figure 2.16).

**Subjects Armed with Firearms (32)**

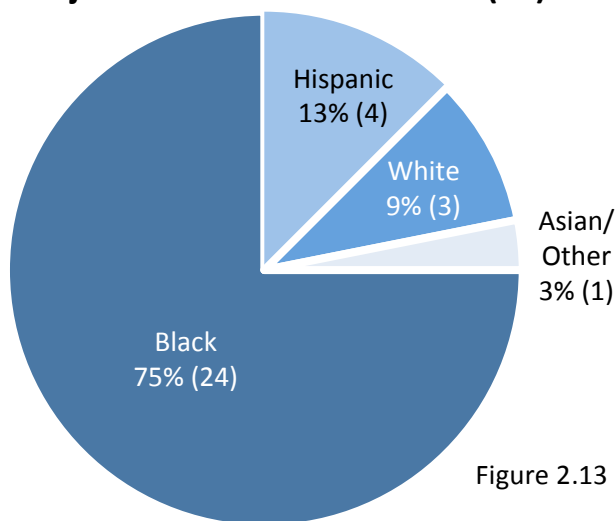


Figure 2.13

**Subjects Struck by Police Gunfire (29)**

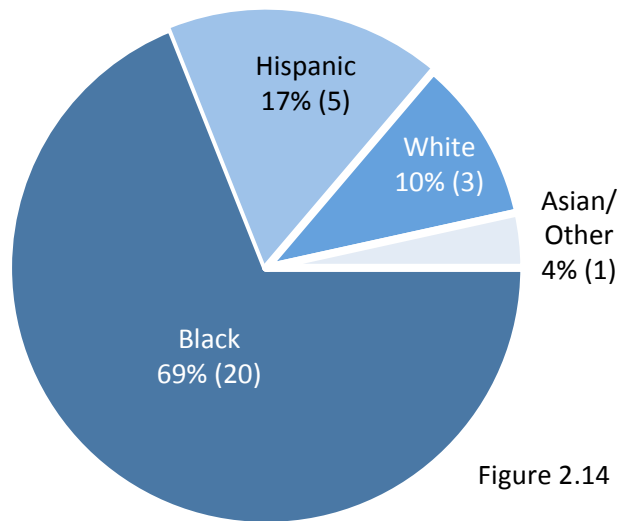


Figure 2.14

**Subjects Killed by Police Gunfire (16)**

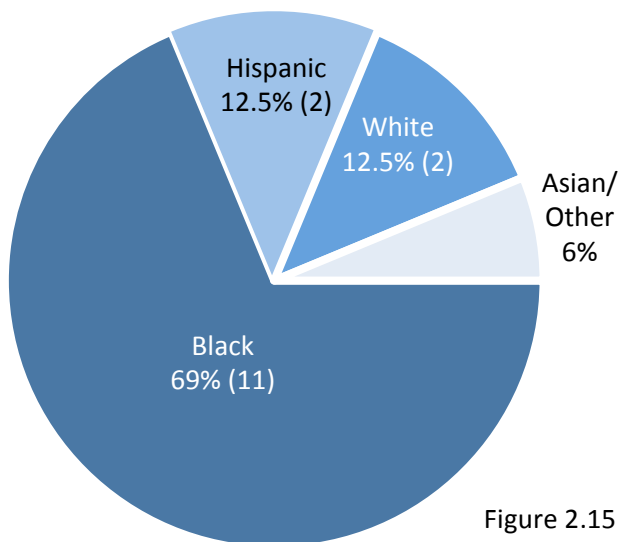


Figure 2.15

**Subjects Firing on Police (19)**

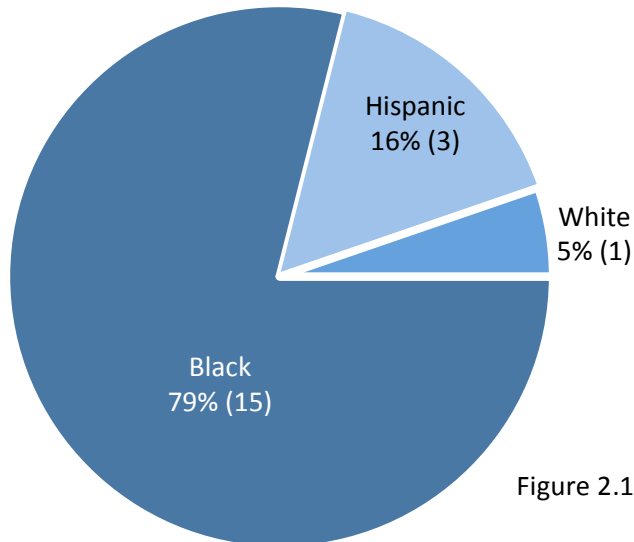
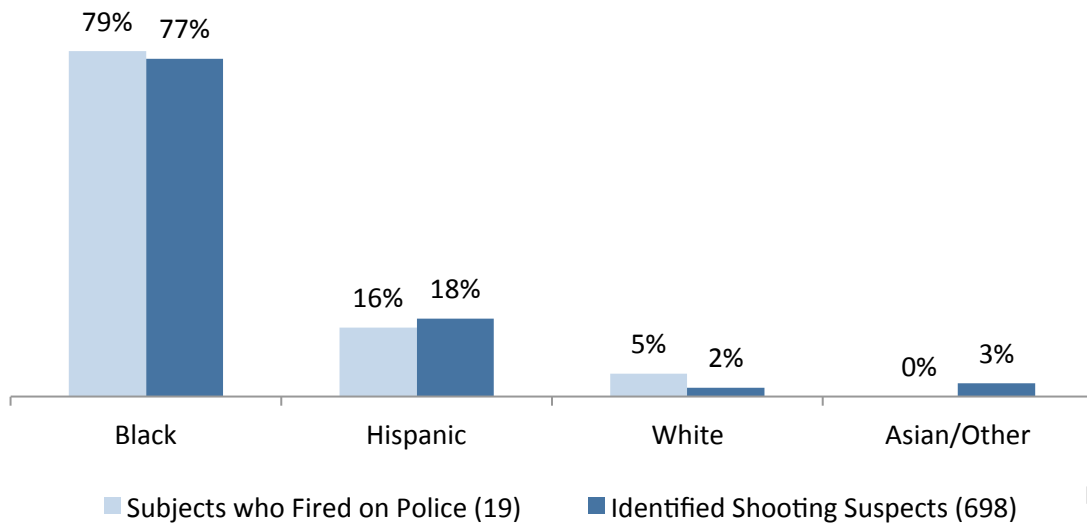


Figure 2.16



### Subjects Firing on Police vs. Identified Shooting Suspects



#### PRIOR ARRESTS

A subject's arrest history is usually unknown to the officer at the time of an incident. Nevertheless, arrest history is pertinent because 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 also make a subject more willing to attempt to avoid arrest by confronting the officer.

Of the 46 subjects involved in ID-AC incidents, 9 were unapprehended and their criminal histories could not be identified. Of the 37 remaining subjects, 4 (11%) had no criminal history. However, 3 of the 4 had histories of mental illness, and the remaining subject had just committed a murder. Of the 33 subjects with a criminal history, all had multiple prior arrests, ranging from 2 to 103, for numerous offenses including murder, the attempted murder of a police officer, armed robberies, and possession of firearms. The average number of prior arrests for ID-AC subjects was 11. No subjects were on parole or wanted on a parole warrant at the time of the incidents.

#### SUBJECT WEAPONS

The subjects involved in ID-AC incidents utilized a variety of weapons when confronting officers. The most frequently used weapon was a firearm: 29 subjects carried firearms, 19 of whom fired at police, 12 of whom fired prior to being confronted by police. All of the firearms were handguns: 12 were semi-automatic pistols, 10 were revolvers, and 7 were unknown handguns. An additional 2 subjects carried imitation firearms.

7 incidents involved subjects who attacked or menaced officers with cutting instruments, 5 of which occurred indoors, giving officers less time and space to isolate and contain subjects. Emotionally disturbed persons were involved in 6 of the 7 cutting instrument attacks.

Of the 4 blunt instruments involved, 1 was a wooden cane that a subject used to strike an off-duty officer in the course of an attempted robbery of the officer, and 3 were vehicles that subjects employed as weapons.

### Subject Weapons

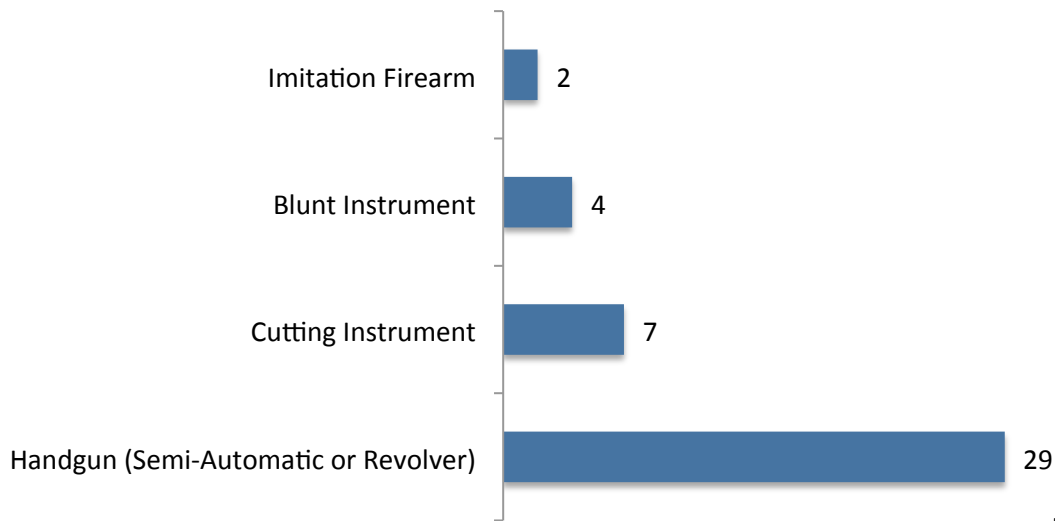


Figure 2.18

### INCIDENT OUTCOMES

#### OFFICER DEATH

No officer was killed by a perpetrator during an adversarial conflict in 2012.

#### OFFICER INJURIES

12 officers were injured by gunfire during adversarial conflict in 2012, 2 of whom were severely injured. An additional officer was shot in the base of the skull during a violent struggle with a perpetrator. However, because police did not return fire, this incident is not included as an ID-AC incident in this report. In one particularly violent encounter with an armed perpetrator, 5 officers were either grazed or struck by direct gunfire. No officers were injured by crossfire.

#### BULLET-RESISTANT VESTS

Of the 12 officers shot and injured, 7 were known to have been wearing bullet-resistant vests, 3 were not wearing vests because they were off-duty at the time they were shot, and it is unknown whether 2 who suffered graze wounds were wearing vests. One officer was saved by his vest; a deformed bullet was recovered from the vest, directly above the officer's heart. Another officer was struck in the magazine pouch on his belt.

#### MALFUNCTION

No officer reported a malfunction during an adversarial conflict in 2012.

#### SUBJECT DEATH

Of the 46 subjects involved in ID-AC incidents, 16 were killed by police gunfire. Although the number of subjects killed by police gunfire increased from 2011 to 2012 (9 in 2011 vs. 16 in 2012, a 78% increase), the number of subjects struck by police gunfire increased much less significantly, from 28 in 2011 to 30 in 2012 – a 7% increase.

12 of the 16 (75%) had prior arrest histories, 2 were emotionally disturbed persons armed with knives, and 1 had shot and killed a civilian immediately before being confronted by the police. As of September 2013, toxicology reports were available for 15 of the 16 subjects killed, and showed that 12 subjects (80%) were intoxicated or had illegal narcotics or controlled substances in their systems at the time of the incidents.

Of the 16 subjects killed, 10 were armed with firearms, 1 of whom had shot a civilian, and 4 menaced officers with knives. One subject, who had just committed a gunpoint robbery and was driving a stolen vehicle, used the vehicle as a weapon and was dragging the officer before he discharged his firearm.

Narratives describing all 16 ID-AC incidents in which subjects were killed can be found in Appendix C.

#### SUBJECT INJURIES

Of the 46 subjects involved in ID-AC incidents, 14 were injured, but not killed, by police gunfire. Of the 14 injured, 10 were armed with firearms, 7 fired at police, 1 shot and injured 5 police officers, and 2 shot and seriously injured a police officer. 2 of those injured were emotionally disturbed persons who menaced civilians or police with cutting instruments. All 14 were armed with either a gun or a knife.

#### BYSTANDER INJURIES

10 bystanders were injured by police bullets during 2 ID-AC incidents in 2012. During the first incident, a bystander was injured when an emotionally disturbed person lunged at officers with a carving knife inside an apartment.

The second incident resulted in injuries to 9 bystanders. The subject involved had shot and killed his former employer on a crowded sidewalk in front of the Empire State Building at approximately 0900 hours. A witness pointed out the subject to 2 officers, who attempted to stop him. As they approached, he turned and pointed a loaded semi-automatic pistol at the officers. The officers fired a total of 16 rounds, striking the subject 9 times. 9 bystanders were injured by police bullets or fragments.

#### 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. 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. Additionally, all officers who discharge their firearms are sent to a firearms retraining course, regardless of the circumstances of the discharge.

Of the investigations that have been completed at the time of this report (October 2013), 89% have found that the involved officers were in compliance with Department procedures and with the law. 1 officer was found in violation of Department procedures, and Charges and Specifications were conferred.

## **SUMMARY**

There were 45 ID-AC incidents in 2012, involving 60 officers who fired. These conflicts involved 46 subjects, including 19 who fired directly at police.

In 2012, there were 1,625 victims of criminal shootings 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, fellow police officers, or innocent bystanders. Because of this, the Department ensures 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 restraint is to compare the number of ID-AC incidents to Department staffing – there were, on average, 34,920 uniformed officers employed by the NYPD in 2012. Of them, only 60 – 0.17% – intentionally discharged a firearm at a subject. Another method is to compare the number of ID-AC incidents to the number of high-risk radio runs and the number of arrests of armed suspects made by officers each year.

In 2012, officers responded to more than 4.8 million calls for service, of which more than 246,000 involved weapons. Officers also had millions of additional contacts with the public, including reasonable suspicion encounters, car stops, and summonses. Officers made 26,091 weapons arrests, including 5,689 gun arrests, and escorted thousands of emotionally disturbed persons to hospitals. In other words, there were more than 26,000 incidents in which an officer took an armed subject into custody without firing his or her weapon.

**Part III: Intentional Discharge –  
Animal Attack**

## OVERVIEW

There were 24 intentional firearms discharges during an animal attack (ID-AA) in 2012, a 33% decrease from 2011, when there were 36; 22 (92%) were on-duty incidents and 2 (8%) were off-duty incidents. A total of 28 officers discharged their firearms, a 35% decrease from 2011, when 43 officers discharged their firearms. A total of 29 animals were involved, all of them dogs; there were 5 incidents involving 2 dogs. 2 officers and 1 civilian were bitten. An additional civilian was unintentionally injured during an ID-AA incident when he was struck by a round from an officer's gun. Of the 29 dogs involved, 9 (31%) were killed, a decrease of 25% from 2011, when 12 were killed. An additional 8 dogs (28%) were injured. 22 of the 29 dogs were pit bulls (79%).

These numbers do not encompass all dog attacks on officers or civilians; only incidents involving intentional firearms discharges by police officers. In 2012, police officers responded to approximately 28,000 calls for service involving dogs and other animals, and encountered many more while on patrol, executing search warrants, or investigating complaints that were not processed through 911 or 311.

## 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. Police officers use their firearm only as a last resort to stop an animal attack. When possible, officers attempt to prevent an animal attack using non-lethal options, including batons and OC spray. Emergency Service Unit personnel carry restraining devices to keep animals at a safe distance, as well as CO<sub>2</sub> pistols and rifles capable of firing tranquilizer darts containing Ketaset, a veterinary anesthetic. In rapidly evolving situations, however, these options are not always prudent or possible.

## DATES AND TIMES OF DISCHARGES

### **ID-AA Incidents by Tour (24)**

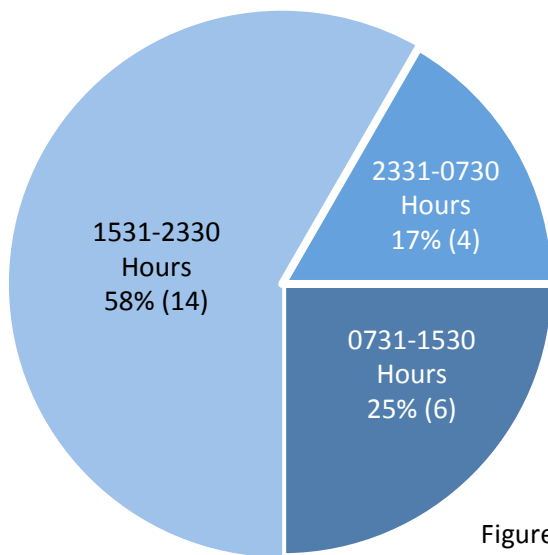


Figure 3.1

In 2012, ID-AA incidents occurred fairly evenly throughout the months of the year. No month saw more than 3 incidents, and every month except September had at least 1 incident. Similarly, the distribution across days of the week showed no significant pattern; Tuesday experienced the most ID-AA incidents with 5, and Wednesday and Thursday experienced the least, with 2 each.

ID-AA incidents occurred most often during the 1531-2330 tour of duty (14 incidents – 58%). The 0731-1530 tour saw 6 incidents (25%), and the 2331-0730 tour saw 4 incidents (17%). See Figure 3.1.

### LOCATIONS OF DISCHARGES

All 24 ID-AA incidents in 2012 took place within New York City – 18 within the jurisdiction of the patrol precincts (75%) and 6 on New York City Housing Authority premises (25%). No incidents took place within the Metropolitan Transportation Authority transit system. In 2012, Brooklyn accounted for the most ID-AA incidents of any borough (9 incidents – 37% of the citywide total). See Figure 3.2. ID-AA incidents occurred in 18 separate precincts, including 4 precincts that had 2 incidents (the 83<sup>rd</sup>, 79<sup>th</sup>, 23<sup>rd</sup>, and 122<sup>nd</sup> precincts) and 1 precinct that had 3 incidents (the 75<sup>th</sup> precinct).

**ID-AA Incidents by Borough**

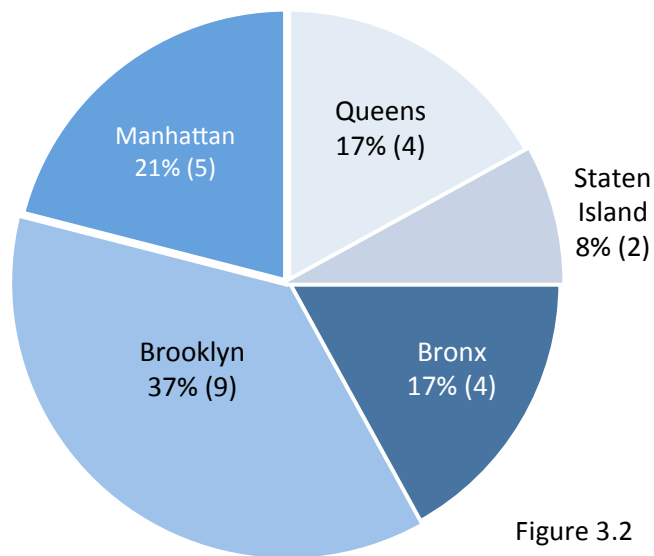


Figure 3.2

**ID-AA Locations**



Figure 3.3

79% of all ID-AA incidents occurred outdoors (19). More occurred on streets and sidewalks (42%) than any other location type. Of the 5 incidents that occurred indoors, 3 were inside stairwells or hallways, and 2 were inside apartments. See Figure 3.4.

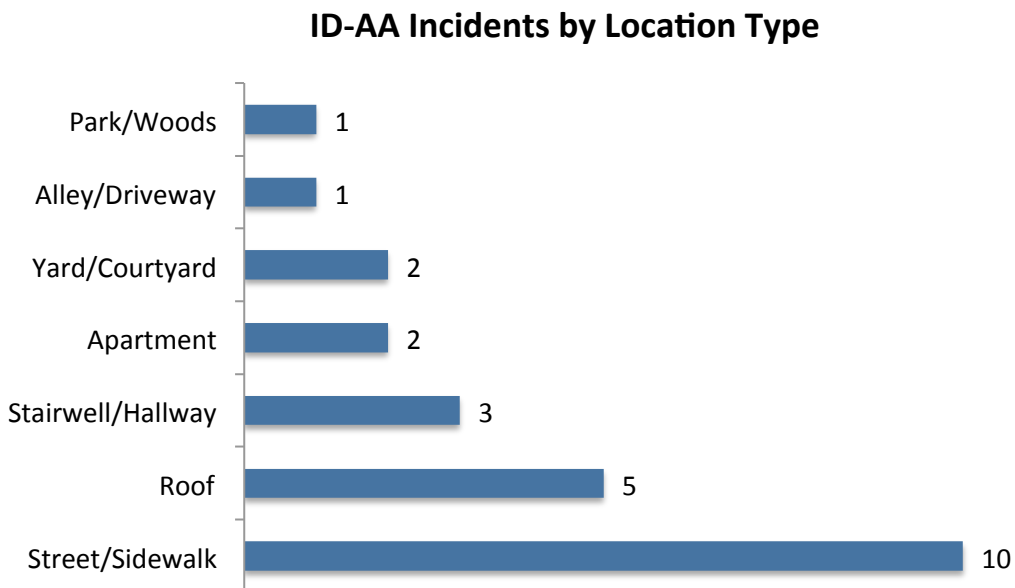


Figure 3.4

### REASONS OFFICER INVOLVED

A total of 28 officers fired during a total of 24 ID-AA incidents in 2012. Most (22) incidents, involving 26 officers, occurred while the officers were on-duty. A variety of reasons led on-duty officers to become involved – the 2 most common reasons were officers responding to 911 calls of animal attacks and conducting vertical patrols of apartment buildings (27% each). See Figure 3.5. All of the ID-AA incidents precipitated by vertical patrols occurred in New York City Housing Authority locations.

The remaining 2 ID-AA incidents, involving 2 officers, occurred while the officers were off-duty; one off-duty officer was attacked by loose dogs while walking his dog, and another was taking police action to protect his neighbors from a dog when he was bitten.

### Situations Precipitating On-Duty ID-AA Incidents (22)

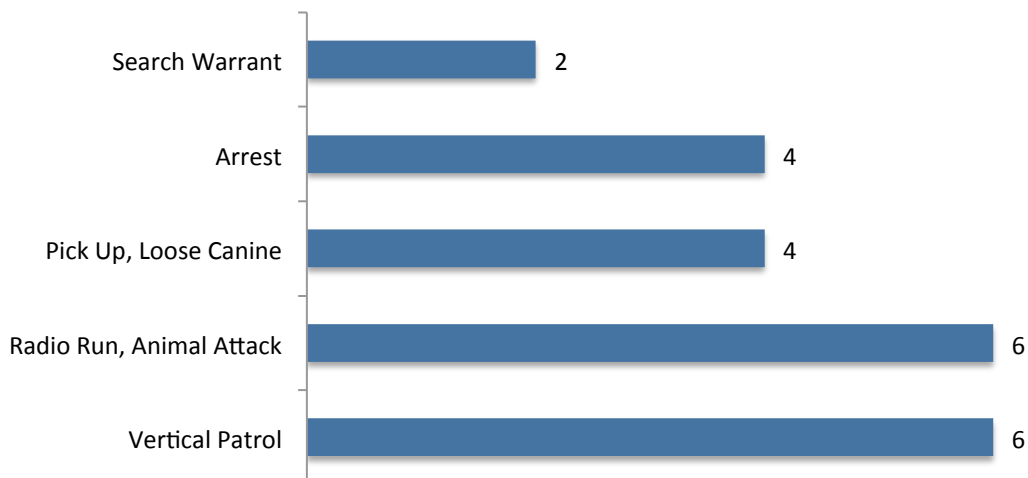


Figure 3.5



## OFFICER RESTRAINT

A total of 78 shots were fired by officers during ID-AA incidents in 2012, a decrease of 1% from 2011, when 79 shots were fired. Of officers discharging their firearms during ID-AA incidents, 43% fired 1 shot, and another 43% fired between 2 and 5 times, for a total of 86% of officers firing no more than 5 rounds. No officer fired more than 8 times. See Figure 3.6.

Restraint is also apparent when analyzing the average number of shots fired per incident. In 63% of incidents, 1 or 2 rounds were fired, and in 21% of incidents, between 3 and 5 shots were fired. The most fired at any incident was 13. See Figure 3.7.

**ID-AA Rounds Fired Per Officer**

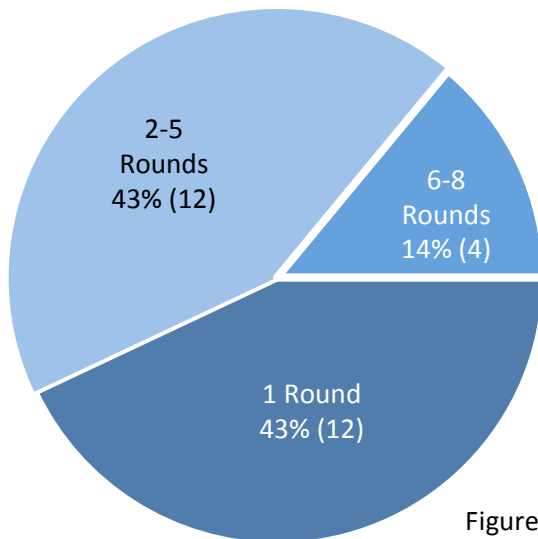


Figure 3.6

**Rounds Fired Per ID-AA Incident**

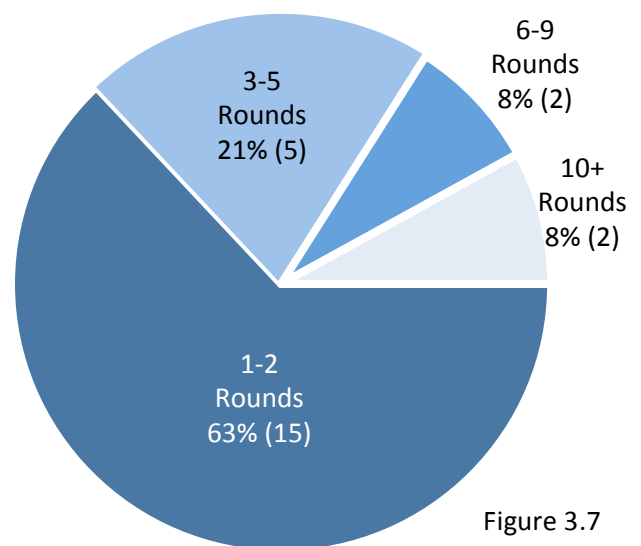


Figure 3.7

## SHOOTING TECHNIQUE

Of the 23 officers who reported their shooting techniques for ID-AA incidents in 2012, 43% (10) gripped the firearm with two hands. 27 officers reported their stance; 96% (26) stated that they were standing, and 1 was prone, having been knocked over by the dog. Of the 22 officers who reported sight usage, 27% (6) stated that they were able to use their sights. Only 1 officer was able to take cover.

Compared to ID-AC incidents, officers involved in ID-AA incidents had lower rates of two-handed grip usage (43% for ID-AA incidents vs. 60% for ID-AC incidents), sight usage (27% for ID-AA incidents vs. 38% of ID-AC incidents), and cover (4% for ID-AA incidents vs. 26% for ID-AC incidents). The fast-paced nature of dog attacks may account for this difference. How quickly an attacking dog can be within striking distance of an officer is further illustrated by the proximity of officers to their targets during ID-AA incidents – 86% of officers (24) fired when the dog was within 15 feet, compared to 41% of officers who fired when the subject was within 15 feet during ID-AC incidents.

### OFFICER PEDIGREE

Of the 28 officers who intentionally discharged their firearms during ID-AA incidents, 1 (4%) was female, and 27 (96%) were male. As with ID-AC incidents, and as illustrated by Figure 3.8, the race of officers involved in ID-AA incidents corresponds to the race of the Department’s uniformed personnel – 50% of ID-AA officers were White, 21% were Hispanic, 21% were Black, and 7% were Asian. Of the Department’s uniformed personnel, 52% are White, 26% are Hispanic, 16% are Black, and 6% are Asian. Considering current data and data from prior years, no discernable pattern emerges with regard to the likelihood that an officer of any particular pedigree will become involved in an ID-AA incident.

#### Race, ID-AA Officers vs. Department Staffing

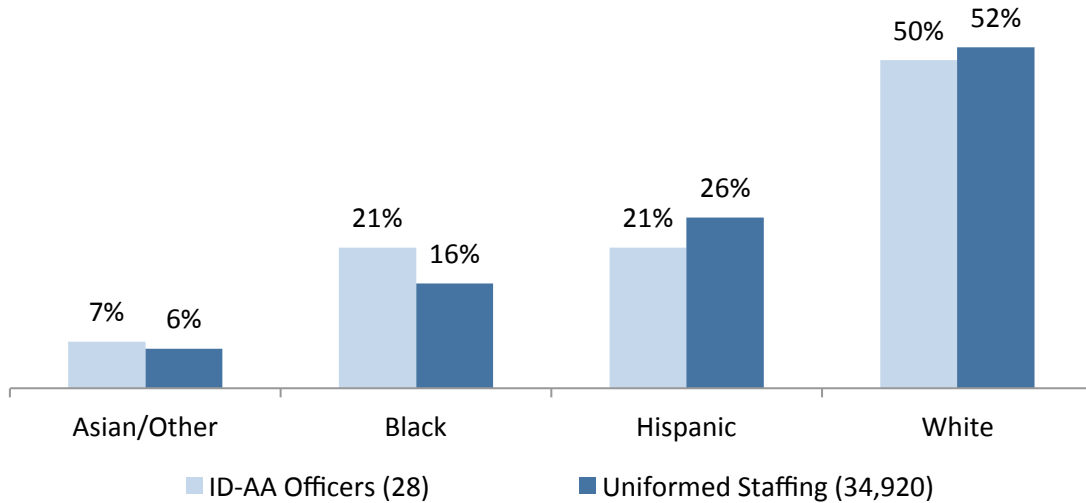


Figure 3.8

### YEARS OF SERVICE

In 2012, 43% of officers who intentionally discharged their firearms during ID-AA incidents had between 1 and 5 years of service, compared to 25% of Department personnel. Officers with 1 to 5 years of service are more likely to be assigned to perform patrol duties, which may account for their overrepresentation in shooting incidents compared to more experienced officers. See Figure 3.9.

#### Years of Service, ID-AA Officers vs. Department Staffing

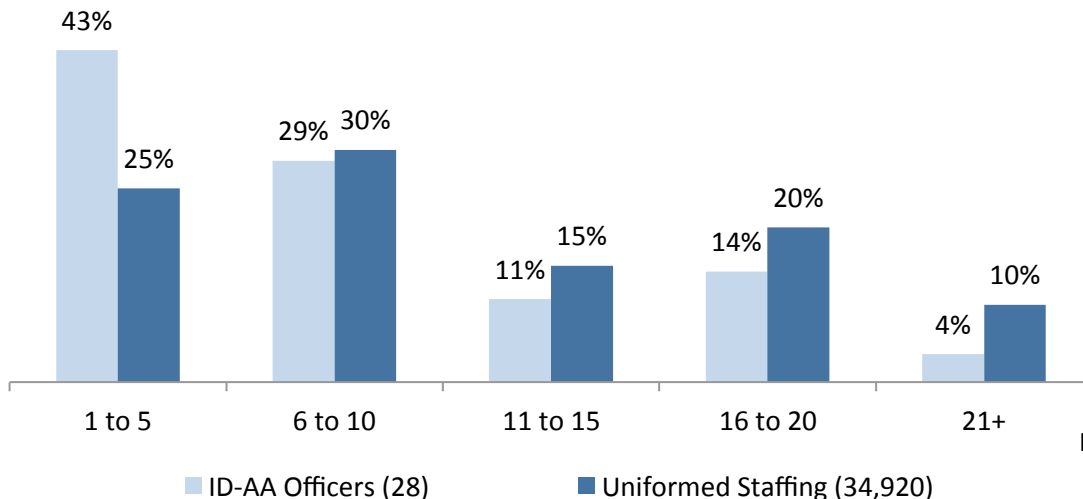
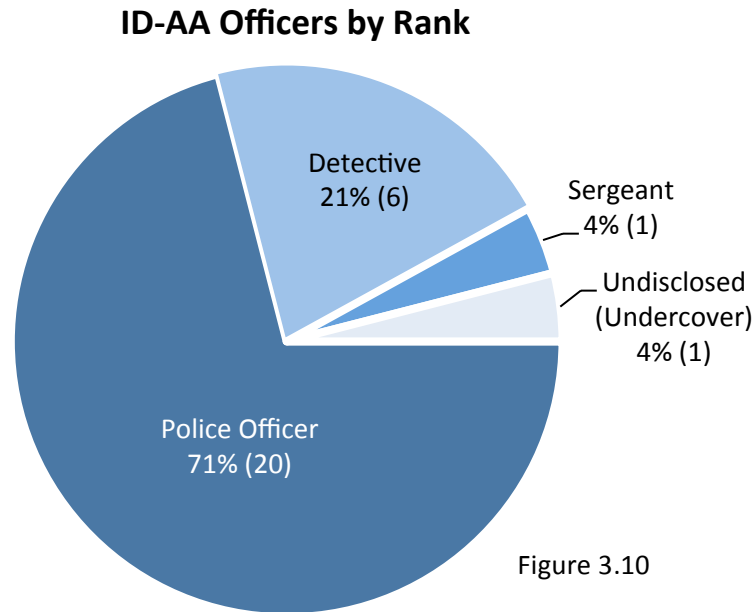


Figure 3.9

RANK

In 2012, 71% of ID-AA officers were police officers, 21% were detectives, and 4% were sergeants. The remaining officer, representing 4% of the total, was an undercover and his rank is undisclosed. See Figure 3.10. Officers in the rank of police officer and detective are slightly overrepresented compared to Department staffing – 66% of total uniformed personnel are police officers, and 14% are detectives. However, these two ranks are much more likely to be assigned to respond to calls for animal attacks, to conduct vertical patrols, to effect arrests, and to other assignments that were the most likely to precipitate ID-AA incidents.

ATTIRE

Of the 26 on-duty officers who intentionally fired during ID-AC incidents, 17 (65%) were in uniform and 9 (35%) were wearing plainclothes. The plainclothes officers were assigned to OCCB, the Detective Bureau, and the Warrant Section.

POLICE WEAPONS

All 26 on-duty officers who fired during ID-AA incidents in 2012 utilized their service weapons. The 2 officers who fired off-duty utilized authorized off-duty firearms. No officer reported a firearms malfunction during an animal attack in 2012.

INCIDENT OUTCOMES

The 24 ID-AA incidents in 2012 involving 28 officers resulted in 9 of 29 dogs killed and 8 dogs injured. 2 officers and 1 civilian were bitten, and 1 civilian was injured when he set a dog on officers as they attempted to affect an arrest – he was unintentionally struck by a round that one of the officers fired at the attacking dog.

Of the investigations that have been completed at the time of this report (October 2013), 100% have found that the involved officers were in compliance with Department procedures and with the law.

## **Part IV: Unintentional Discharge**

## OVERVIEW

There were 21 incidents of unintentional firearms discharges in 2012, a 40% increase from 2011, when there were 15. The increase was driven by a 350% increase in unintentional discharges during adversarial conflict (from 2 in 2011 to 9 in 2012). Each incident involved 1 officer.

These incidents resulted in injuries to 6 officers, all relatively minor, including several wounds to hands or fingers, and 2 graze wounds to legs. Civilians were injured during 2 incidents: a woman suffered graze wounds to her arm and leg when an officer unintentionally discharged a round during the execution of a search warrant and the round passed through the floor of the apartment into the apartment below, and a suspect was struck in the leg when an officer was attempting to holster his firearm while handcuffing the suspect to place him under arrest. One civilian was killed during an armed robbery, when he fled a store that was being held up by 3 armed suspects and ran directly into the officer's drawn firearm, knocking the officer to the ground and causing the officer to unintentionally discharge a round as a result of the collision.

## WEAPONS

Of the 21 firearms that were unintentionally discharged in 2012, 13 (62%) were the officers' service weapons, 6 were authorized off-duty firearms (29%), and 2 were other firearms that were otherwise legally possessed (9%). Revolvers accounted for 3 of the firearms (14%), and semi-automatics accounted for 18 (86%). Of the 13 service weapons involved, 4 (31%) were Glocks, 6 (46%) were Smith & Wessons, and 3 (23%) were Sig Sauers.

## OFFICER PEDIGREE

Of the 21 officers who unintentionally discharged firearms in 2012, 1 (4%) was female and 20 (96%) were male; 17% of the Department's uniformed personnel are female and 83% are male.

5 officers involved in unintentional firearms discharges were Black (24%), 10 (48%) were White, and 6 (28%) were Hispanic; of the Department's uniformed personnel, 52% are White, 26% are Hispanic, 16% are Black, and 6% are Asian (see Figure 4.1).

### Race, Unintentional Discharges vs. Department Staffing

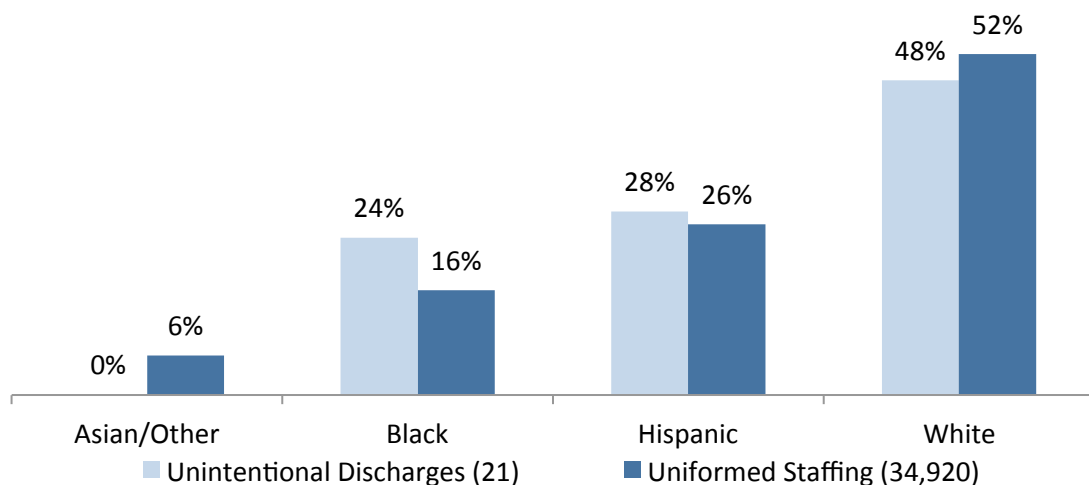


Figure 4.1

5 officers involved in unintentional firearms discharges had between 1 and 5 years of service (24%), 10 (48%) had between 6 and 10 years of service, 5 (24%) had between 11 and 15 years of service, and 1 (4%) had between 16 and 20 years of service; of the Department’s uniformed personnel, 25% have between 1 and 5 years of service, 30% have between 6 and 10 years of service, 15% have between 11 and 16 years of service, 20% have between 16 and 20 years of service, and 10% have more than 20 years of service (see Figure 4.2).

### Years of Service, Unintentional Discharges vs. Department Staffing

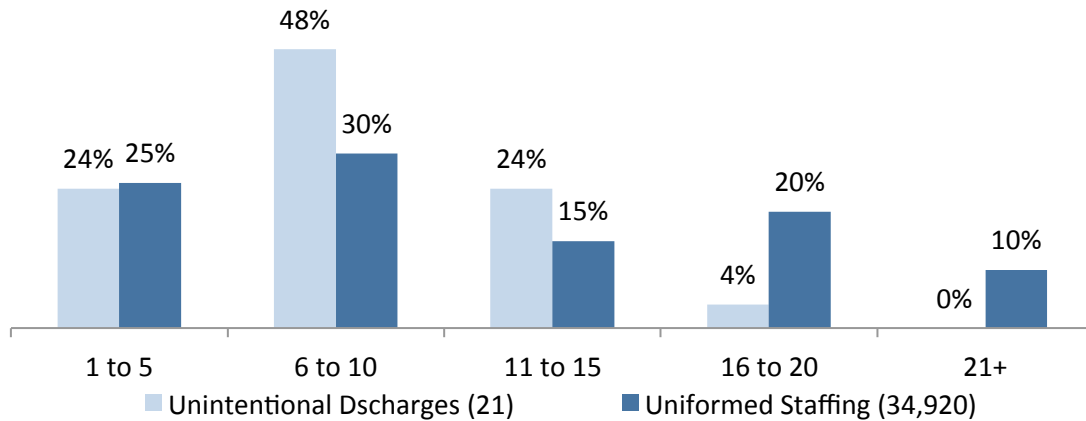


Figure 4.2

16 officers involved in unintentional firearms discharges were police officers (76%), 4 (20%) were detectives, and 1 (4%) was a sergeant; of the Department’s uniformed personnel, 66% are police officers, 14% are detectives, 13% are sergeants, 5% are lieutenants, and 2% are captains and above (see Figure 4.3).

### Rank, Unintentional Discharges vs. Department Staffing

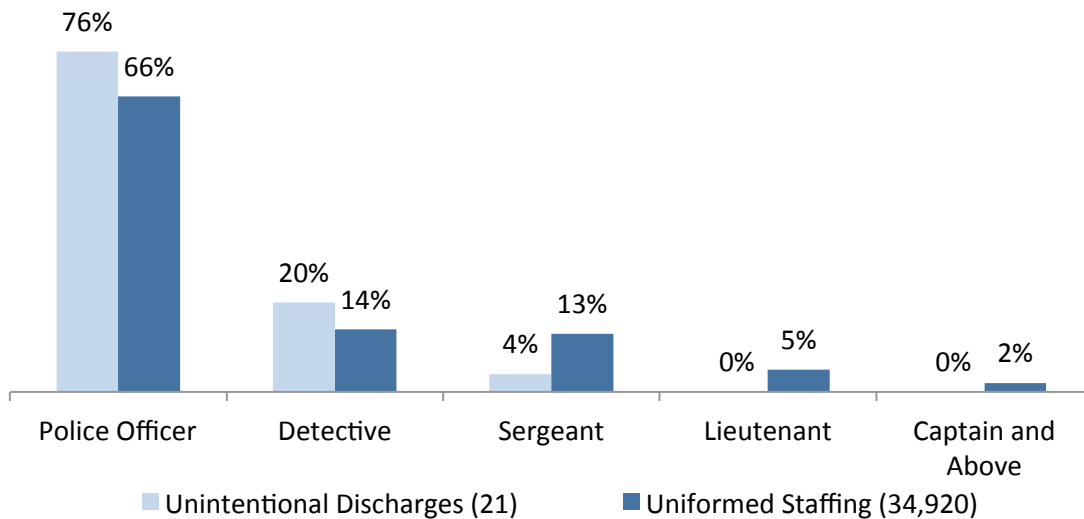


Figure 4.3

The sample size of officers involved in unintentional firearms discharges as depicted in Figures 4.1, 4.2, and 4.3 is 21, or 0.06% of the Department’s uniformed personnel. These figures are therefore not useful in determining the likelihood that an officer of any particular pedigree will become involved in an unintentional firearms discharge.

## **PURELY UNINTENTIONAL DISCHARGES**

Purely unintentional discharges occur when an officer is loading or unloading, cleaning, or otherwise handling a firearm. In 2012, 12 (57%) of the 21 total unintentional firearm discharges were purely unintentional. In each of the 12 incidents, 1 officer was involved and 1 round was fired. No civilians were injured or killed as a result of purely unintentional discharges.

### **LOADING/UNLOADING**

Officers were either loading or unloading a firearm while 5 of the 12 incidents occurred. The only on-duty incident of the 5 occurred in a Department of Correction firearms safety station; had this discharge occurred into a Police Department firearms safety station, it would not have been included in this report. In order to incentivize the use of firearms safety stations, the Department does not define these discharges as Department firearms discharges. Firearms safety stations are installed at all Department facilities where firearms may be present. The other 4 officers who discharged rounds while loading or unloading firearms were off-duty at the time of the incidents.

### **HANDLING**

7 officers were handling firearms for reasons other than loading or unloading while the remaining incidents occurred, including cleaning a firearm or moving a firearm from one location to another. Two of these firearms discharged when objects became caught inside the trigger guard of firearms that were being carried inside duffle bags. One incident occurred in a police facility – a locker room – and 6 occurred inside the officer's residence. One officer involved was a recruit assigned to the Police Academy. One officer was handling an unfamiliar revolver with no trigger guard.

## **UNINTENTIONAL DISCHARGES DURING ADVERSARIAL CONFLICT**

Unintentional discharges during adversarial conflict or animal attack occur during the course of lawful police conduct and are brought about either wholly or in part by mitigating factors, such as a suspect grabbing an officer's firearm, an officer losing his or her balance, or when an officer's shooting hand is struck by an object. In 2012, 9 of the 21 total unintentional discharges occurred during an adversarial conflict or animal attack (43%). In each of the 9 incidents, 1 officer was involved and 1 round was fired. These 9 incidents represent a 350% increase from 2011, when there were 2. As detailed above, 2 civilians were injured and 1 was killed.

The reasons for unintentional discharge during adversarial conflict vary. Subjects grabbed an officer's firearm causing a discharge on 2 occasions, officers lost their balance in the course of conflict on 2 occasions (including an officer who was struck by a moving vehicle), officers were executing warrants inside apartments on 2 occasions, and officers were engaged in physical combat with violent suspects on 3 occasions.

## **INCIDENT OUTCOMES**

The Department investigates all unintentional firearms discharges thoroughly. Of the investigations that have been completed at the time of this report (October 2013), the Firearms Discharge Review Board found that officers were in violation of Department guidelines in 5 cases. The recommended discipline for involved officers ranged from none (e.g. the officer who discharged a round into the firearms safety station) to suspension. Retraining on relevant tactics was recommended in 5 cases. There were 4 cases where officers were found to be within Department guidelines.

## **Part V: Unauthorized Use of a Firearm**



## OVERVIEW

There were 15 firearms discharges in 2012 that were determined to be unauthorized and outside the scope of the officers' employment, an increase of 200% from 2011, when there were 5 Unauthorized Use of a Firearm incidents. Of the 15 incidents, 8 were officer suicides, 1 was an attempted officer suicide, 1 was a suicide by a civilian using an officer's firearm, 3 were discharges by criminals who gained control of an officer's firearm during a struggle, and 2 incidents remain under investigation.

## OFFICER PEDIGREE

Of the 15 officers who were involved in unauthorized firearms discharges in 2012, 2 (13%) were female and 13 (87%) were male; 17% of the Department's uniformed personnel are female and 83% are male.

3 officers involved in unauthorized firearms discharges were Black (20%), 7 (47%) were White, and 5 (33%) were Hispanic; of the Department's uniformed personnel, 52% are White, 26% are Hispanic, 16% are Black, and 6% are Asian (see Figure 5.1).

### Race, Unauthorized Discharges vs. Department Staffing

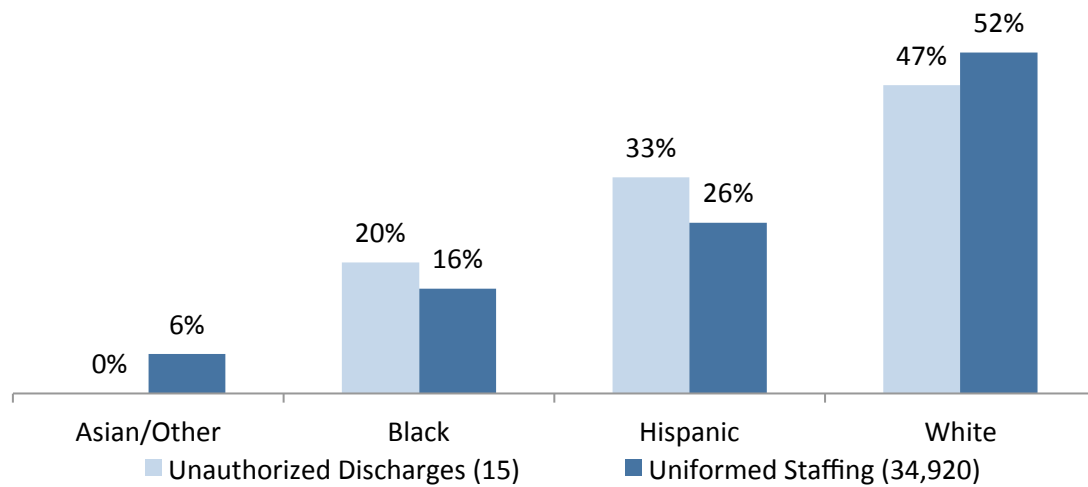


Figure 5.1

3 officers involved in unauthorized firearms discharges had between 1 and 5 years of service (20%), 4 (27%) had between 6 and 10 years of service, 3 (20%) had between 11 and 15 years of service, and 5 (33%) had between 16 and 20 years of service; of the Department's uniformed personnel, 25% have between 1 and 5 years of service, 30% have between 6 and 10 years of service, 15% have between 11 and 16 years of service, 20% have between 16 and 20 years of service, and 10% have more than 20 years of service (see Figure 5.2).

### Years of Service, Unauthorized Discharges vs. Department Staffing

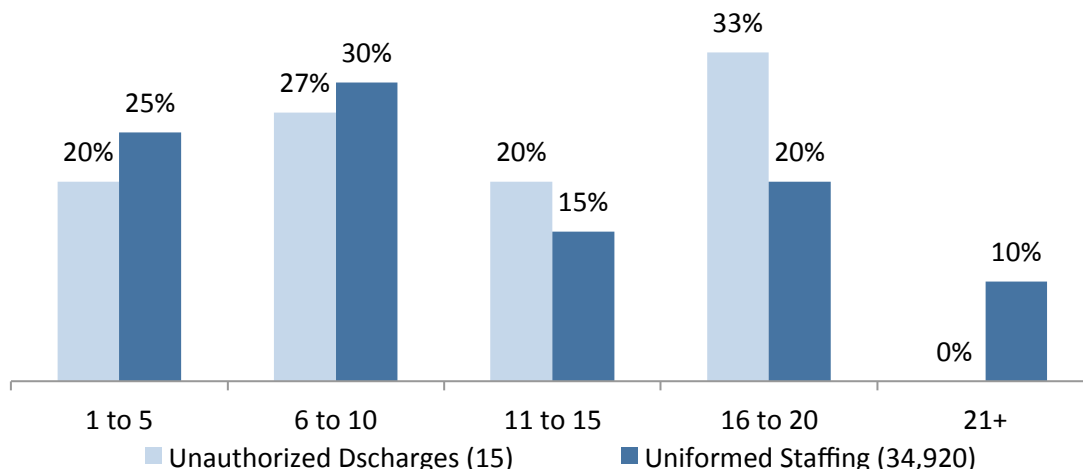


Figure 5.2

10 officers involved in unauthorized firearms discharges were police officers (67%), 2 (13%) were detectives, and 3 (20%) were sergeants; of the Department’s uniformed personnel, 66% are police officers, 14% are detectives, 13% are sergeants, 5% are lieutenants, and 2% are captains and above (see Figure 5.3).

### Rank, Unauthorized Discharges vs. Department Staffing

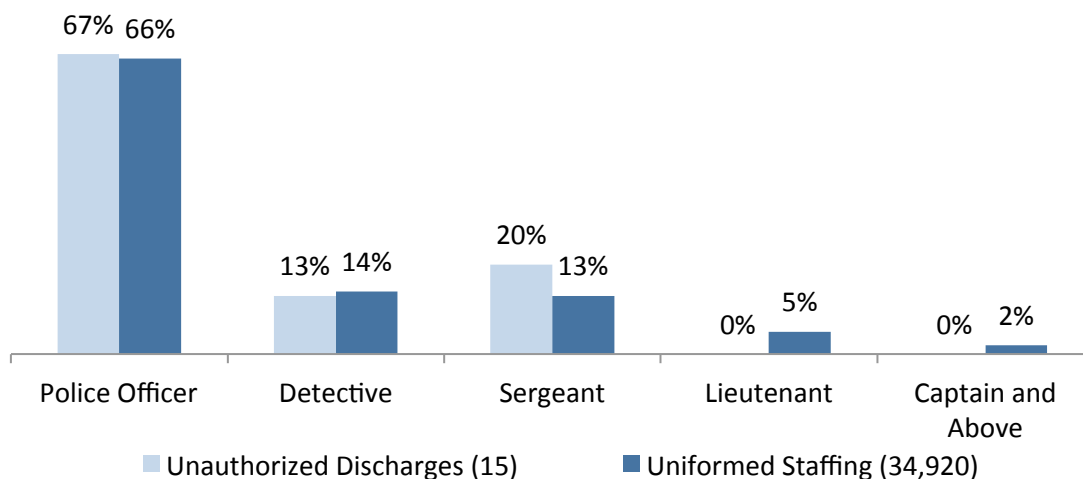


Figure 5.3

The sample size of officers involved in unauthorized firearms discharges as depicted in Figures 5.1, 5.2, and 5.3 is 15, or 0.04% of the Department’s uniformed personnel. These figures are therefore not useful in determining the likelihood that an officer of any particular pedigree will become involved in an unauthorized firearms discharge.

## SUICIDE

The increase in Unauthorized Use of a Firearm incidents in 2012 was driven by a 200% increase in officers who committed or attempted to commit suicide, from 3 in 2011 to 9 in 2012 (8 suicides and 1 attempted suicide). See Figure 5.4, which depicts successful suicides by firearm only, not suicides by other method and not attempts. Of the 8 officers who committed suicide, 7 were off-duty and 1 was on-duty; 7 were male and 1 was female; 6 were police officers and 2 were sergeants.

### **Police Officer Suicides by Firearm, 2002-2012**

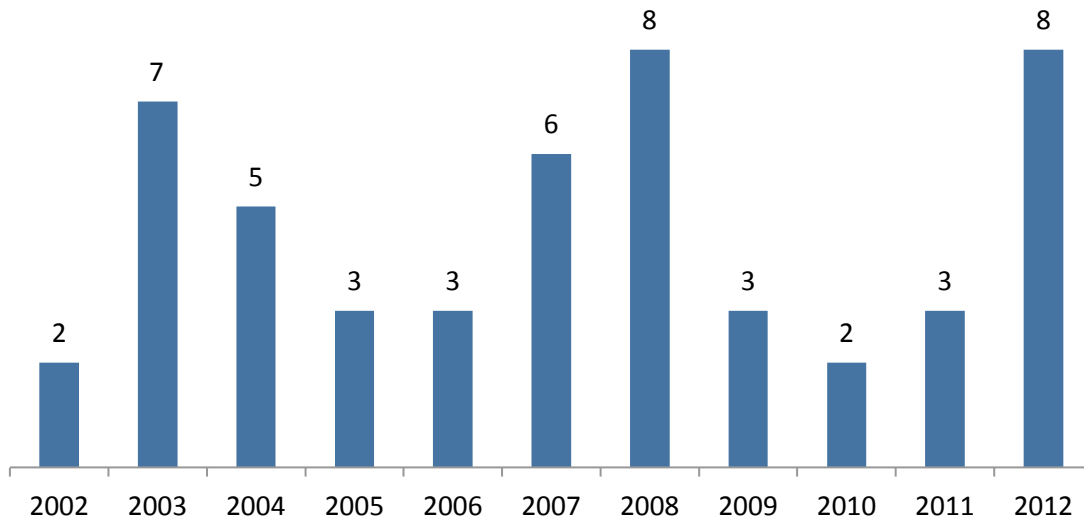


Figure 5.4

## DISCHARGES BY OTHER THAN AN OFFICER

There were 4 incidents of Unauthorized Use of a Firearm in 2012 in which someone other than an officer discharged an officer's gun. One incident occurred when an officer's wife committed suicide using his firearm. The 3 remaining incidents occurred when criminals gained control of an officer's firearm during a struggle; 1 of these incidents was an on-duty incident, and 2 were off-duty incidents.

The on-duty incident occurred when a subject tore an officer's gun belt in the course of close physical combat, and was able to remove the officer's firearm from the damaged belt and fire a round. The round did not strike anyone, and the subject was arrested. One of the 2 off-duty incidents resulted in an officer being shot once in the shoulder with his own firearm; the other resulted in a subject firing several rounds in the air with an officer's firearm.

## INCIDENT OUTCOMES

The Department investigates all Unauthorized Use of a Firearm incidents thoroughly. Incidents other than officer suicides often result 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. As of October 2013, the Firearms Discharge Review Board has found that 9 officers violated Department guidelines during Unauthorized Use of a Firearm incidents in 2012 – 5 of these cases were suicides, 3 resulted in Charges and Specifications for the involved officers, and 1 was arrested in Nassau County and is no longer employed by the Department – and that 1 officer, whose firearm was taken from him during a struggle, did not violate Department guidelines. The remaining cases are under investigation.

## **Part VI: Mistaken Identity**

## **OVERVIEW**

The Department defines an incident of mistaken identity as one in which a New York City police officer fires on any 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 intentionally firing 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. This definition comports with the 2010 New York State Task Force on Police-on-Police Shootings' definition of "Police-on-Police Confrontations."

## **2012 INCIDENTS**

In 2012 there were no incidents of mistaken identity.

## APPENDIX A: FIREARMS DISCHARGES, 1971-2012

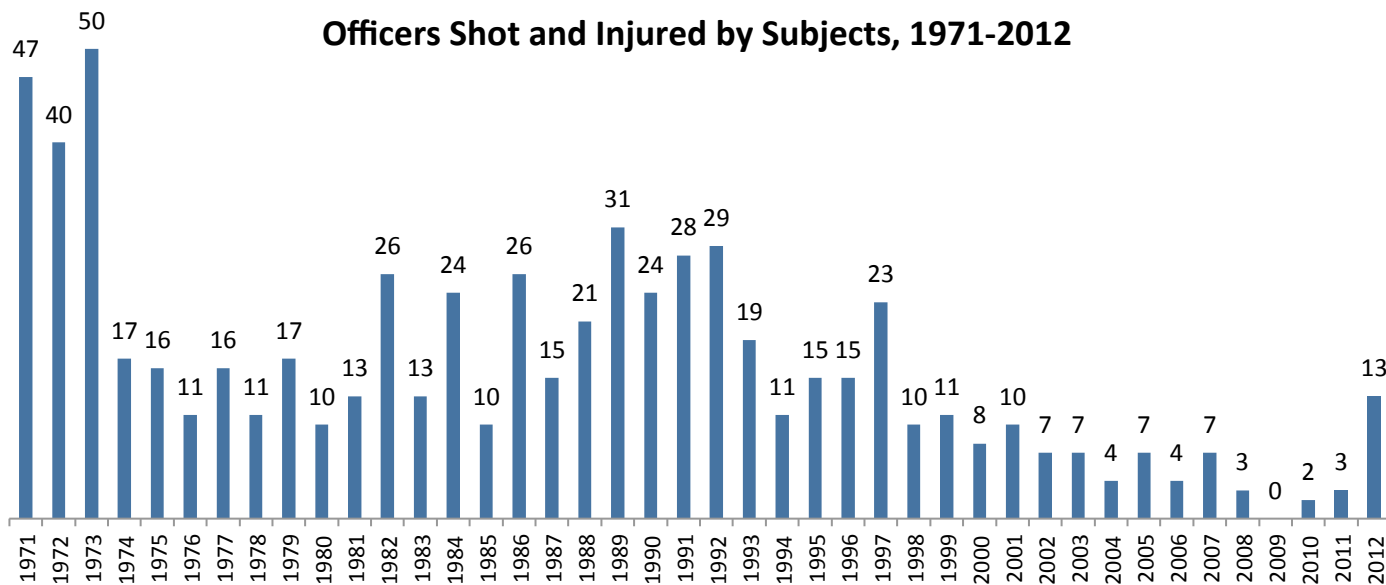


Figure A.1

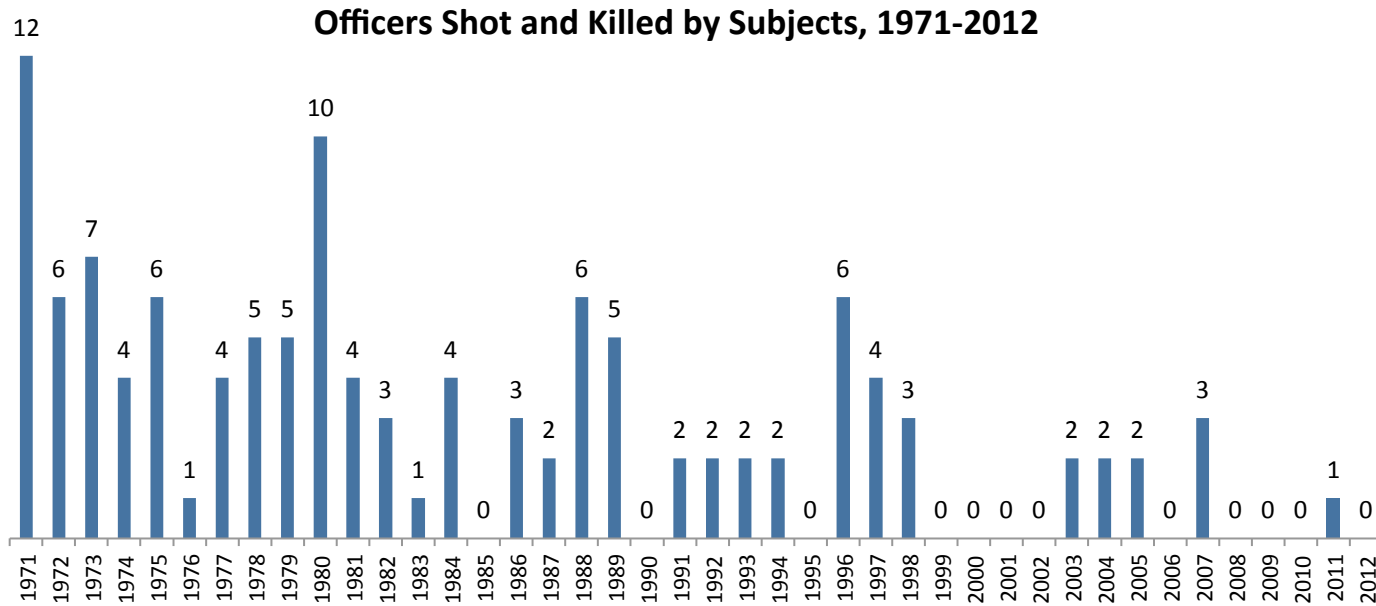


Figure A.2

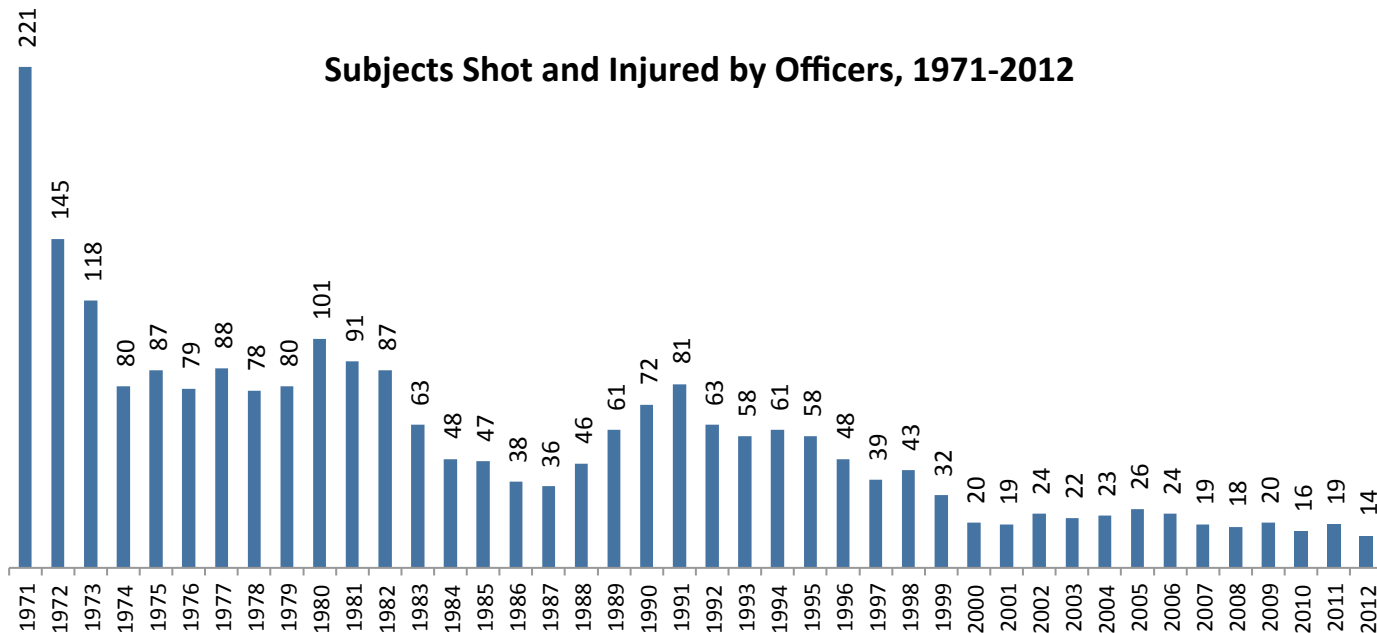


Figure A.3

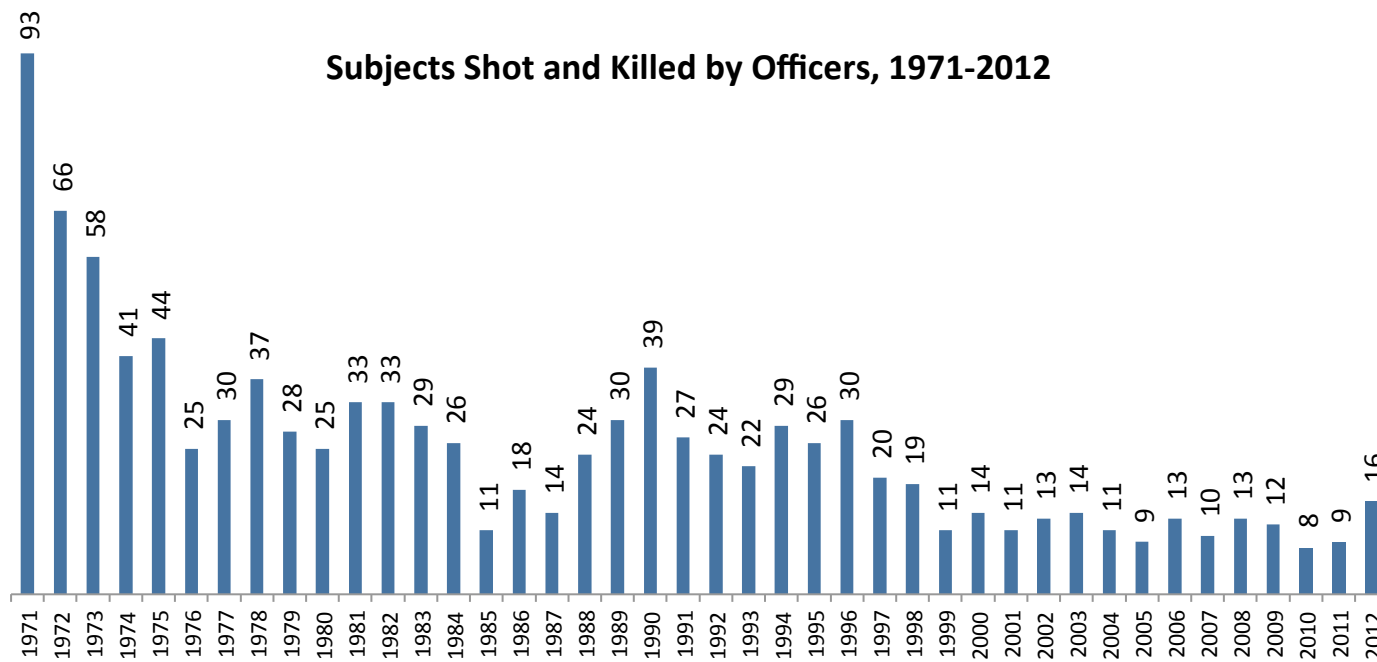


Figure A.4

### Total Shots Fired from NYPD Guns, 1971-2012

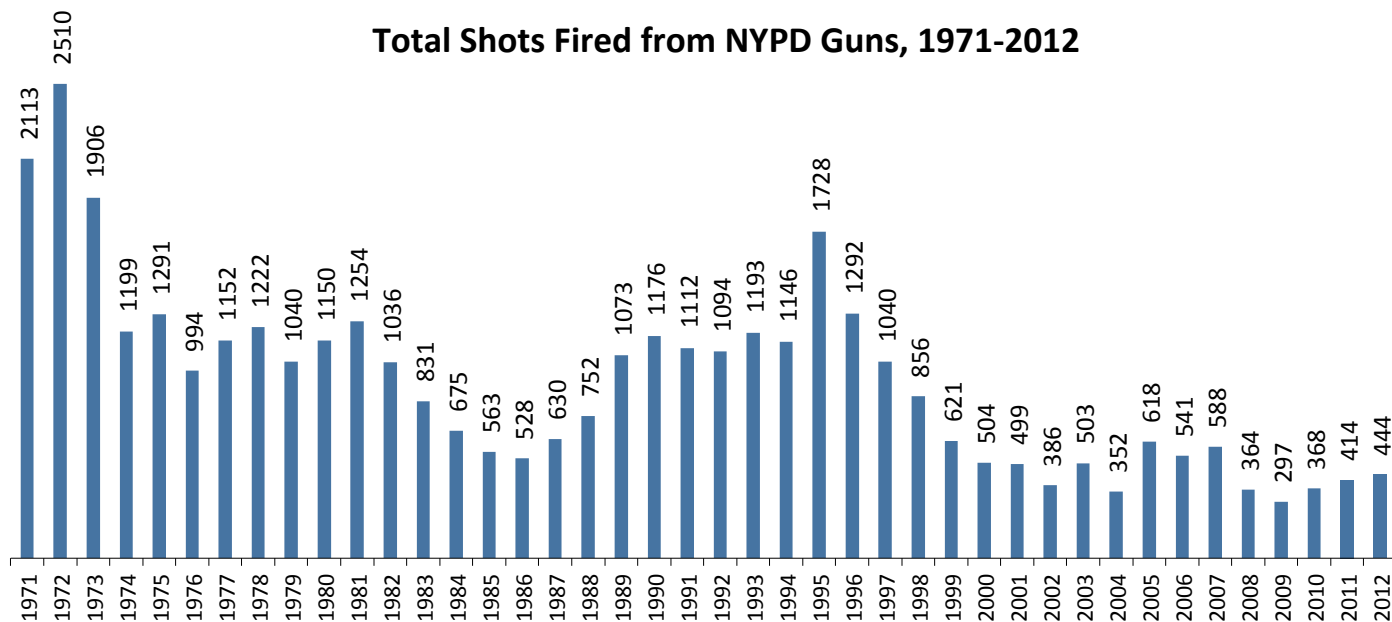


Figure A.5

### Total Shooting Incidents, 1971-2012

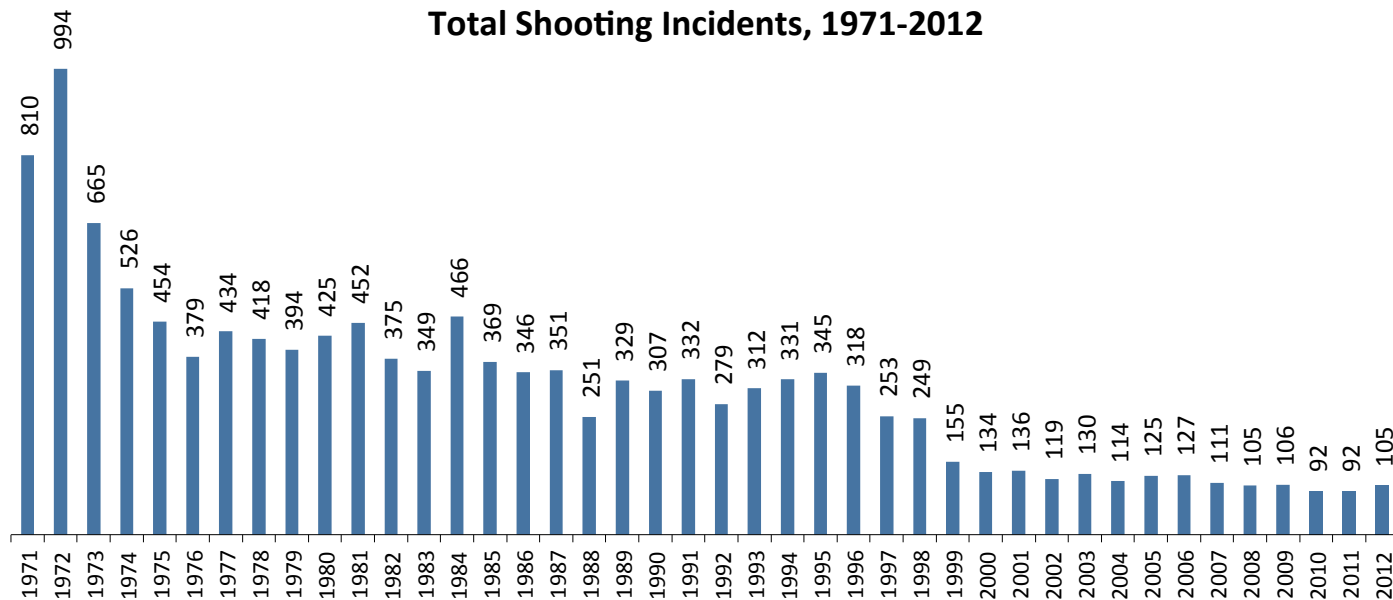


Figure A.6



## **APPENDIX B: 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, subjects, and other officers. 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.

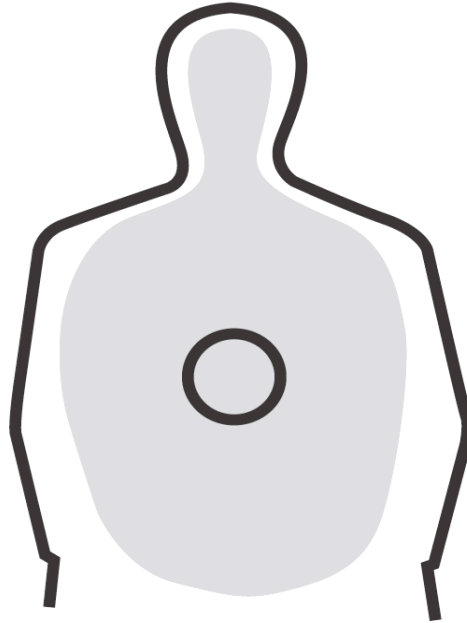
### **WEAPONS CONTROL**

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.

### **NYPD PISTOLS**

There are 3 semi-automatic 9mm pistol models that are authorized as on-duty service weapons for NYPD officers: the Glock 19, the Sig Sauer P226, and the Smith & Wesson 5946. These weapons are equipped with 15 round magazines, and each firearm is capable of holding 16 total rounds. Additionally, there are several weapons authorized for off-duty carry, such as the Glock 26, Smith & Wesson 3914, and the Beretta 8000D Mini Cougar. Some officers carry .38 caliber revolvers; these officers are senior members whose weapons have been grandfathered in; revolvers have not been issued as service weapons since 1992. Current NYPD service pistols are all “double action only,” 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). Additionally, all NYPD weapons are modified to have a heavier-than-stock 12-lb trigger pull; this diminishes the likelihood of unintentional discharges. The NYPD uses a 124 grain, hollow-point bullet that is designed to prevent over-penetration and ricochets.

## CENTER MASS



Because combat stress can contribute to the impairment of fine motor skills, and because of the relative imprecision of pistols, police officers are taught to shoot for center mass – usually, the torso. 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 of the exposed portion as a target.

The human body's center mass is the largest area available as a point of aim. The torso represents approximately 33% of a human's surface area, compared to 9% for an arm or 18% for a leg. The torso is also the most stationary portion of the body; extremities are much smaller and less static and therefore a far less certain target. 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.

## APPENDIX C: SUBJECTS KILLED DURING ID-AC INCIDENTS

In 2012, sixteen subjects were shot and killed by officers who intentionally discharged their weapons during adversarial conflict. The taking of a life in order to protect another 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 are analyzed and assessed in order to develop training that can provide officers with more use-of-force options or conflict-resolution opportunities so that similar events in the future may have different outcomes. Of the sixteen subjects intentionally shot by police in 2012, 11 (69%) had prior arrest histories; fifteen toxicology reports were available at the time of publication and show that 12 subjects (80%) were intoxicated when these incidents occurred. A short narrative of each incident is found below.

On January 12, at 2236 hours, in the 75<sup>th</sup> Precinct, officers responded to a robbery in progress via 911. Upon arrival, the officers canvassed the area and located the female caller who stated that the father of her child was being robbed by two men with guns and that they had taken him inside a nearby location. After moving the female caller to safety and getting more information, the officers then approached the location and observed a man, who they determined to be the robbery victim, exit the location. Shortly thereafter, the male subject emerged from the location, armed with a silver revolver. Upon seeing the firearm, the officers ordered the man to stop and drop the weapon, but the subject raised the weapon and pointed it directly towards the officers. One of the officers fired one round at the subject, striking him once and causing his demise. The subject had numerous prior arrests, including assault, weapons possession, and drug offenses.

On January 26, at 0413 hours, in the 75<sup>th</sup> Precinct, an off duty Emergency Service Unit lieutenant observed a masked man drive a minivan into a light pole and flee the scene of the accident on foot. Officers assigned to the 75<sup>th</sup> Precinct responded to the accident, and the lieutenant identified himself to them as an off-duty member of the service and pointed out the subject as the driver of the vehicle. The lieutenant followed the subject in his personal vehicle, and the officers followed in their marked vehicle. The subject pulled out a revolver as he ran and fired a round at the lieutenant, who returned fire, striking the subject once, causing his demise. Further investigation revealed that the subject had carjacked the minivan in the 102<sup>nd</sup> Precinct at gunpoint approximately 20 minutes before he crashed the stolen vehicle. The subject had 8 prior arrests, including Criminal Possession of a Weapon.

On January 29, at 2346 hours, in the 83<sup>rd</sup> Precinct, an off-duty detective discharged his firearm in self-defense at a perpetrator. The detective was leaving his residence when he noticed that two men were following him. One of the men, the subject, struck the detective with a wooden cane. The detective took out his shield and identified himself as an officer, and the subject tried to strike the detective with the cane again. The detective discharged his firearm once, striking the subject in the forearm and the chest, causing his demise. The other perpetrator was later apprehended. Both individuals have extensive arrest history for violent crimes, including robbery and assault.

On February 2, at 1501 hours, in the 47<sup>th</sup> Precinct, a police officer assigned to the Street Narcotics Enforcement Unit discharged his weapon once resulting in the death of a male subject. The officer, along with several other officers assigned to that unit, had been on patrol when they observed three men walking down the block. The officers observed one of the men holding his waistband, an indication that he may have been carrying a firearm, and then saw the group quickly enter and exit a nearby store. These actions led the officers to suspect that the group may be preparing to commit a crime. The group of men then broke apart and moved in different directions. Following the person they suspected possessed a firearm, one of the officers transmitted a description of the man with the gun. The subject, matching the description of the person suspected to be carrying the firearm, passed two of the officers, who got out of their car and attempted to stop the subject. The subject entered a building through the front door. After gaining entry to the building, one of the officers observed the subject, and believing that he was in possession of a firearm, pursued him inside an apartment in the building at which time the officer discharged one round from his weapon, striking the subject and causing his demise. The subject had prior arrests dating back to 2009, including burglary, robbery, drug sales, and weapons possession.

On February 14, at 1614 hours, in the 30<sup>th</sup> Precinct, a detective assigned to the Queens Violent Felony Squad was with his team conducting an operation to apprehend a subject who was wanted for felony assault, having shot a woman in the face the day before. While tracking the subject's movements via cell phone, his location was established and the detectives observed the subject enter the NYC Transit System. While moving in to apprehend the subject, the detective called to the subject, identifying himself and ordering the subject to stop. The subject then turned toward the detective and fired five rounds from a .22 caliber revolver, striking the detective in the left arm. The detective returned fire, discharging 13 rounds from his weapon, striking the subject three times and causing his demise. The subject had numerous prior arrests, including robbery, assault, burglary, and firearms possession.

On May 10, at 2037 hours, in the 111<sup>th</sup> Precinct, an officer discharged his firearm at an emotionally disturbed person who was stabbing a woman with a knife. The officer, assigned to the Precinct Conditions Team, responded to a radio run of a suicidal man. Upon arrival at the scene, the officers observed subject on top of a woman and stabbing her while the victim was trying to defend herself from the attack. The officers ordered the subject to drop the knife, and, because of the imminent threat posed to the victim, one of the officers fired one round at the subject, striking him and causing him to fall to the ground. The subject then got back up and advanced towards the officer with the knife raised, causing the officer to fire one additional round at the subject, striking him again and causing his demise. The victim was critically injured in the assault and suffered numerous lacerations and stab wounds resulting in a collapsed lung. The subject had no prior arrest history.

On June 14, at 1740 hours, in the 67<sup>th</sup> Precinct, a detective assigned to the Narcotics Division discharged his firearm at a subject who attempted to run him over with a stolen car. The detective and his partner observed a driver passing traffic on the wrong side of double yellow lines and run several steady red lights at a high rate of speed. The detectives then observed the vehicle hit a minivan, careen onto the sidewalk, and come to a stop. They pulled up behind the vehicle and approached with their firearms drawn. The driver, the sole occupant of the vehicle, slid over to the passenger side door and attempted to escape. The detective on the passenger side reholstered his firearm, reached inside, and attempted to physically remove the driver. She struggled and managed to put the vehicle in reverse, driving backwards approximately 19 feet, striking the detective on the passenger's side. The detective on the driver's side fired one shot at the subject, striking her in the chest and causing her demise. The subject had numerous prior arrests, including assault, three weapons possession cases, and kidnapping.

On June 29, at 1000 hours, in the 83<sup>rd</sup> Precinct, a sergeant and a police officer conducting routine patrol were approached by a victim who stated that a man with a firearm was trying to break into his house. The officers asked the man to get into their vehicle to let them know if he saw the man with the firearm. After canvassing the area with negative results, the officers took the man back to his home, where the attempted break-in had occurred, to complete their report. On the way back to the location, the victim spotted the subject and pointed him out to the officers. When the officers tried to approach the subject, he turned and brandished a silver revolver and pointed it in the direction of the officers while fleeing on foot. Hearing the officers' radio transmissions for help, two additional officers and a lieutenant responded to the area and began looking for the subject, who had carjacked a second victim. While approaching the vehicle, the lieutenant observed the subject again point the firearm at the officers and flee on foot. During the foot pursuit, an officer fired one round at the subject, striking him in the head and causing his demise. The subject had numerous prior arrests, including robbery and attempted murder.

On August 11, at 1505 hours, in the Midtown South Precinct, two officers stopped a subject that they had observed smoking marijuana in public. When informed that he was going to be placed under arrest, the subject brandished a knife. The officers drew their firearms and attempted to use verbal commands and pepper spray to contain the subject, who was walking in the middle of the street. The subject, still holding the knife in his hand, then lunged at one of two other officers who had responded to the call for assistance. Two officers fired their weapons, striking the subject and causing his demise. The subject had numerous prior arrests dating back to 1978, most recent for felony weapons possession in 2008.

On August 24, at 0902 hours, in the Midtown South Precinct, two officers from the Bronx assigned to a counterterrorism post in the vicinity of the Empire State Building shot and killed a subject who was in possession of a firearm that he had used to shoot and kill a victim, his former employer, moments before. A witness to the homicide found the two officers on their post, informed them that the subject had shot another person, and pointed out the subject to the officers. The officers then pursued and attempted to apprehend the subject. The subject removed a black .45 caliber semiautomatic pistol from a bag and pointed it at the pursuing officers. The officers opened fire, striking the subject and causing his demise. The subject had no prior arrest history.

On September 7, at 1659 hours, in the 105<sup>th</sup> Precinct, an officer and his partner responded to a call for an emotionally disturbed person who was in possession of a knife. Upon arriving at the location, the officers encountered family members who told them that the subject was in a room on the second floor of the house, and that he was holding a knife to his own throat. Once they were able to confirm that the subject was in possession of a knife, the officers radioed for help. A sergeant armed with a Taser arrived and ordered the subject to drop the knife multiple times. While the officers attempted to maintain isolation and containment of the subject, the subject lunged at one of the officers with the knife still in his hand. The sergeant tried to stop the subject with the Taser, but fired and missed. One of the officers fired one round at the subject, striking him in the shoulder and causing his demise. The subject had several arrests dating back to 2005.

On September 21, at 2203 hours, in the 76<sup>th</sup> Precinct, a sergeant working with a team conducting prostitution enforcement activities discharged his firearm at a subject who was armed with a firearm. The subject, who was one of four men in a vehicle who had propositioned a female officer posing as a prostitute, fled the vehicle after being stopped by members of the arrest team. Two officers and the sergeant pursued the subject on foot and eventually caught up with him. A violent struggle ensued as the subject attempted to resist arrest. The officers attempted to gain control of the subject by utilizing a baton and pepper spray, both without success. The subject then put his hand underneath his body, retrieved a 9mm pistol, and pointed it at the officers. The sergeant fired one round at the subject, striking him in the head and causing his demise. The subject had several arrests dating back to 2007.

On September 25, at 1941 hours, in the 26<sup>th</sup> Precinct, officers assigned to the Emergency Service Unit responded to a request for assistance regarding an emotionally disturbed subject with a psychiatric history who was barricaded in his apartment and in possession of a knife. The subject's family had called the police after trying to communicate with the subject unsuccessfully. Once the Emergency Services Unit arrived and took their positions outside the apartment, numerous unsuccessful attempts were made to communicate with the subject. The doorframe to the apartment was breached in order to insert a camera, which allowed the officers to observe the subject and determine his position and actions. The subject opened the door and attacked several of the officers with the knife. The officers attempted unsuccessfully to stop the subject with Tasers and a less-lethal plastic round, but he continued his attack. Three of the officers discharged their firearms at the subject, striking him and causing his demise. The subject had no prior arrest history.

On October 4, at 0515 hours, in the 115<sup>th</sup> Precinct, a detective assigned to an Emergency Service Unit Apprehension Team conducted a car stop of a vehicle that was being driven recklessly and weaving between lanes. The detective attempted to stop the vehicle with lights and sirens, but the driver continued to evade the detective until the vehicle finally came to a stop on the Grand Central Parkway. While shouting commands for the driver to show his hands, the detective approached the vehicle, which was occupied by three people, with his firearm pointed in the direction of the vehicle. As he approached the vehicle, the detective fired one round from his weapon, striking the male driver in the abdomen, causing his demise. The subject did not have any prior arrest history.

On October 24, at 1837 hours, in the 46<sup>th</sup> Precinct, an off-duty officer was sitting in a parked vehicle with a friend, when he saw two men rob another man at gunpoint on the other side of the street. The officer got out of his car and approached the men. As soon as he identified himself as a police officer, the subject, one of the individuals involved in the robbery, turned and fired one round at the officer, striking him in the chest from about ten feet away. The men then fled on foot, while the officer went back to his vehicle, clutching his chest. The officer's friend tried to drive away, only to get stuck in traffic behind a white Mustang which was stopped in front of them. The Mustang sped off and crashed up the street. Three individuals, including the subject, fled the Mustang. When the officer saw them, he pursued, still clutching his chest. The officer ordered bystanders to get down for their safety, and while taking cover behind a vehicle, fired eight rounds at the perpetrators, striking the subject once in the head and causing his demise. The other individuals who participated in the robbery were apprehended later. The subject had two prior arrests, for Robbery and Criminal Possession of a Weapon.

On December 8, at 2243 hours, in the 104<sup>th</sup> Precinct, two detectives assigned to the Narcotics Bureau fired at a subject who pointed an imitation pistol at them. The detectives were conducting a "buy and bust" operation and were attempting to place a suspect under arrest when the subject approached the detectives. The subject inquired as to what was happening and removed what appeared to be a black handgun from his waistband and pointed it at the detectives. The detectives both fired at the subject, striking him and causing his demise. The subject had an extensive criminal history, including more than 60 arrests, 22 of them felonies. The subject's felony arrest history included eight arrests for violent felonies and three for firearms possession.

## APPENDIX D: SUBJECT RACE, 2002-2012

### Gunfire in New York City, 2012

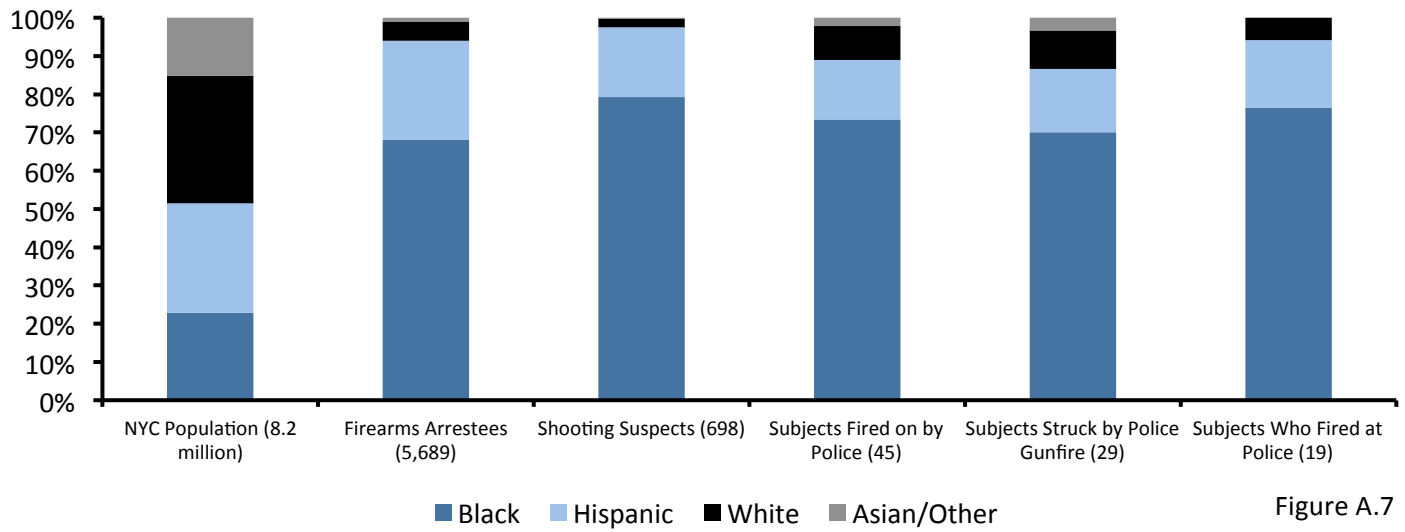


Figure A.7

SUBJECTS WOUNDED BY POLICE, 2002-2012					
	White	Black	Hispanic	Asian	Total
2002	0	20	4	0	24
2003	1	12	10	1	24
2004	1	15	7	0	23
2005	4	21	3	1	29
2006	1	16	6	0	23
2007	0	9	9	1	19
2008	0	12	6	0	18
2009	0	14	6	0	20
2010	3	9	3	1	16
2011	2	10	7	0	19
2012	1	10	3	0	13

Figure A.8

SUBJECTS KILLED BY POLICE, 2002-2012					
	White	Black	Hispanic	Asian	Total
2002	0	7	6	0	13
2003	1	13	0	0	14
2004	1	6	4	0	11
2005	0	7	2	0	9
2006	1	9	3	0	13
2007	2	5	3	0	10
2008	2	7	4	0	13
2009	0	8	4	0	12
2010	2	1	4	1	8
2011	4	2	3	0	9
2012	2	11	2	1	16

Figure A.9

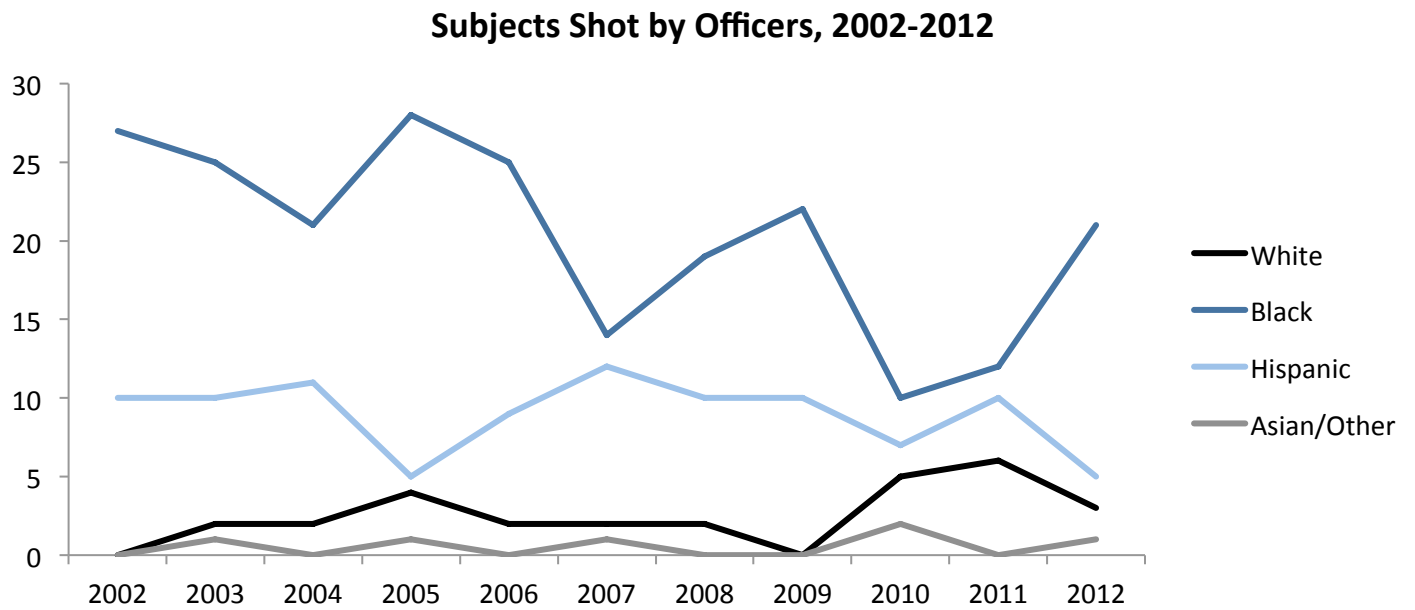


Figure A.10



## APPENDIX E: 2012 FIREARMS DISCHARGE DETAILS

TOTAL FIREARMS DISCHARGE INCIDENTS BY DAY, 2012					
	ID-AC	ID-AA	Unintentional	Unauthorized	Total
Sunday	7	4	3	4	18
Monday	2	4	0	2	8
Tuesday	7	5	6	2	20
Wednesday	5	2	2	2	11
Thursday	11	2	3	3	19
Friday	9	3	3	2	17
Saturday	4	4	4	0	12
<b>Total</b>	<b>45</b>	<b>24</b>	<b>21</b>	<b>15</b>	<b>105</b>

Figure A.11

TOTAL FIREARMS DISCHARGE INCIDENTS BY TOUR, 2012					
	ID-AC	ID-AA	Unintentional	Unauthorized	Total
2331-0730 Hours	13	4	12	5	34
0731-1530 Hours	13	6	3	4	26
1531-2230 Hours	19	14	6	6	45
<b>Total</b>	<b>45</b>	<b>24</b>	<b>21</b>	<b>15</b>	<b>105</b>

Figure A.12

<b>TOTAL FIREARMS DISCHARGE INCIDENTS BY MONTH, 2012</b>					
	<b>ID-AC</b>	<b>ID-AA</b>	<b>Unintentional</b>	<b>Unauthorized</b>	<b>Total</b>
<b>January</b>	6	1	1	4	12
<b>February</b>	3	3	2	2	10
<b>March</b>	3	3	2	2	10
<b>April</b>	5	2	2	2	11
<b>May</b>	3	3	0	0	6
<b>June</b>	6	3	1	0	10
<b>July</b>	2	2	4	1	9
<b>August</b>	6	3	2	2	13
<b>September</b>	3	0	2	0	5
<b>October</b>	5	1	0	0	6
<b>November</b>	2	1	4	1	8
<b>December</b>	1	2	1	1	5
<b>Total</b>	<b>45</b>	<b>24</b>	<b>21</b>	<b>15</b>	<b>105</b>

Figure A.13

<b>TOTAL FIREARMS DISCHARGE INCIDENTS BY BOROUGH, 2012</b>					
	<b>ID-AC</b>	<b>ID-AA</b>	<b>Unintentional</b>	<b>Unauthorized</b>	<b>Total</b>
<b>Manhattan</b>	12	5	6	0	23
<b>Bronx</b>	9	4	3	4	20
<b>Brooklyn</b>	15	9	4	1	29
<b>Queens</b>	9	4	3	3	19
<b>Staten Island</b>	0	2	2	1	5
<b>Outside City</b>	0	0	3	6	9
<b>Total</b>	<b>45</b>	<b>24</b>	<b>21</b>	<b>15</b>	<b>105</b>

Figure A.14

<b>TOTAL FIREARMS DISCHARGE INCIDENTS BY PRECINCT, MANHATTAN, 2012</b>					
	<b>ID-AC</b>	<b>ID-AA</b>	<b>Unintentional</b>	<b>Unauthorized</b>	<b>Total</b>
<b>1<sup>st</sup> Precinct</b>	0	0	0	0	0
<b>5<sup>th</sup> Precinct</b>	0	0	1	0	1
<b>6<sup>th</sup> Precinct</b>	0	0	0	0	0
<b>7<sup>th</sup> Precinct</b>	2	0	0	0	2
<b>9<sup>th</sup> Precinct</b>	0	1	0	0	1
<b>10<sup>th</sup> Precinct</b>	0	1	2	0	3
<b>13<sup>th</sup> Precinct</b>	0	0	0	0	0
<b>Midtown South</b>	2	0	0	0	2
<b>17<sup>th</sup> Precinct</b>	0	0	0	0	0
<b>Midtown North</b>	0	0	0	0	0
<b>19<sup>th</sup> Precinct</b>	1	0	0	0	1
<b>20<sup>th</sup> Precinct</b>	0	0	0	0	0
<b>Central Park</b>	0	0	0	0	0
<b>23<sup>rd</sup> Precinct</b>	2	2	0	0	4
<b>24<sup>th</sup> Precinct</b>	0	0	0	0	0
<b>25<sup>th</sup> Precinct</b>	1	0	1	0	2
<b>26<sup>th</sup> Precinct</b>	1	0	0	0	1
<b>28<sup>th</sup> Precinct</b>	0	1	0	0	1
<b>30<sup>th</sup> Precinct</b>	1	0	1	0	2
<b>32<sup>nd</sup> Precinct</b>	1	0	0	0	1
<b>33<sup>rd</sup> Precinct</b>	1	0	0	0	1
<b>34<sup>th</sup> Precinct</b>	0	0	1	0	1
<b>Total</b>	<b>12</b>	<b>0</b>	<b>6</b>	<b>0</b>	<b>23</b>

Figure A.15

<b>TOTAL FIREARMS DISCHARGE INCIDENTS BY PRECINCT, BRONX, 2012</b>					
	<b>ID-AC</b>	<b>ID-AA</b>	<b>Unintentional</b>	<b>Unauthorized</b>	<b>Total</b>
<b>40<sup>th</sup> Precinct</b>	0	0	1	0	1
<b>41<sup>st</sup> Precinct</b>	1	0	0	0	1
<b>42<sup>nd</sup> Precinct</b>	0	1	1	0	2
<b>43<sup>rd</sup> Precinct</b>	2	0	0	0	2
<b>44<sup>th</sup> Precinct</b>	0	0	0	0	0
<b>45<sup>th</sup> Precinct</b>	1	0	0	1	2
<b>46<sup>th</sup> Precinct</b>	2	1	0	0	3
<b>47<sup>th</sup> Precinct</b>	1	0	0	1	2
<b>48<sup>th</sup> Precinct</b>	0	1	1	1	3
<b>49<sup>th</sup> Precinct</b>	1	1	0	1	3
<b>50<sup>th</sup> Precinct</b>	0	0	0	0	0
<b>52<sup>nd</sup> Precinct</b>	1	0	0	0	1
<b>Total</b>	<b>9</b>	<b>4</b>	<b>3</b>	<b>4</b>	<b>20</b>

Figure A.16

<b>TOTAL FIREARMS DISCHARGE INCIDENTS BY PRECINCT, BROOKLYN, 2012</b>					
	<b>ID-AC</b>	<b>ID-AA</b>	<b>Unintentional</b>	<b>Unauthorized</b>	<b>Total</b>
<b>60<sup>th</sup> Precinct</b>	0	1	0	0	1
<b>61<sup>st</sup> Precinct</b>	1	0	0	1	2
<b>62<sup>nd</sup> Precinct</b>	0	0	0	0	0
<b>63<sup>rd</sup> Precinct</b>	0	0	0	0	0
<b>66<sup>th</sup> Precinct</b>	0	0	0	0	0
<b>67<sup>th</sup> Precinct</b>	1	0	1	0	2
<b>68<sup>th</sup> Precinct</b>	0	0	1	0	1
<b>69<sup>th</sup> Precinct</b>	0	0	0	0	0
<b>70<sup>th</sup> Precinct</b>	0	0	0	0	0
<b>71<sup>st</sup> Precinct</b>	0	0	1	0	1
<b>72<sup>nd</sup> Precinct</b>	0	1	0	0	1
<b>73<sup>rd</sup> Precinct</b>	0	0	0	0	0
<b>75<sup>th</sup> Precinct</b>	4	3	1	0	8
<b>76<sup>th</sup> Precinct</b>	2	0	0	0	2
<b>77<sup>th</sup> Precinct</b>	1	0	0	0	1
<b>78<sup>th</sup> Precinct</b>	0	0	0	0	0
<b>79<sup>th</sup> Precinct</b>	2	2	0	0	4
<b>81<sup>st</sup> Precinct</b>	0	0	0	0	0
<b>83<sup>rd</sup> Precinct</b>	2	2	0	0	4
<b>84<sup>th</sup> Precinct</b>	0	0	0	0	0
<b>88<sup>th</sup> Precinct</b>	1	0	0	0	1
<b>90<sup>th</sup> Precinct</b>	1	0	0	0	1
<b>94<sup>th</sup> Precinct</b>	0	0	0	0	0
<b>Total</b>	<b>15</b>	<b>9</b>	<b>4</b>	<b>1</b>	<b>29</b>

Figure A.17

<b>TOTAL FIREARMS DISCHARGE INCIDENTS BY PRECINCT, QUEENS, 2012</b>					
	<b>ID-AC</b>	<b>ID-AA</b>	<b>Unintentional</b>	<b>Unauthorized</b>	<b>Total</b>
<b>100<sup>th</sup> Precinct</b>	0	0	0	0	0
<b>101<sup>st</sup> Precinct</b>	0	1	0	0	1
<b>102<sup>nd</sup> Precinct</b>	0	1	0	0	1
<b>103<sup>rd</sup> Precinct</b>	1	0	0	0	1
<b>104<sup>th</sup> Precinct</b>	1	0	0	1	2
<b>105<sup>th</sup> Precinct</b>	2	1	1	0	4
<b>106<sup>th</sup> Precinct</b>	0	0	0	0	0
<b>107<sup>th</sup> Precinct</b>	0	0	1	0	1
<b>108<sup>th</sup> Precinct</b>	0	0	0	0	0
<b>109<sup>th</sup> Precinct</b>	0	0	0	1	1
<b>110<sup>th</sup> Precinct</b>	1	0	0	0	1
<b>111<sup>th</sup> Precinct</b>	2	0	0	1	3
<b>112<sup>th</sup> Precinct</b>	0	0	0	0	0
<b>113<sup>th</sup> Precinct</b>	0	1	1	0	2
<b>114<sup>th</sup> Precinct</b>	1	0	0	0	1
<b>115<sup>th</sup> Precinct</b>	1	0	0	0	1
<b>Total</b>	<b>9</b>	<b>4</b>	<b>3</b>	<b>3</b>	<b>19</b>

Figure A.18

<b>TOTAL FIREARMS DISCHARGE INCIDENTS BY PRECINCT, STATEN ISLAND, 2012</b>					
	<b>ID-AC</b>	<b>ID-AA</b>	<b>Unintentional</b>	<b>Unauthorized</b>	<b>Total</b>
<b>120<sup>th</sup> Precinct</b>	0	0	2	0	2
<b>122<sup>nd</sup> Precinct</b>	0	2	0	0	2
<b>123<sup>rd</sup> Precinct</b>	0	0	0	1	1
<b>Total</b>	<b>0</b>	<b>2</b>	<b>2</b>	<b>1</b>	<b>5</b>

Figure A.19

<b>TOTAL FIREARMS DISCHARGE INCIDENTS BY LOCATION, 2012</b>					
	<b>ID-AC</b>	<b>ID-AA</b>	<b>Unintentional</b>	<b>Unauthorized</b>	<b>Total</b>
<b>Within City</b>	45	24	18	9	96
<b>Outside City</b>	0	0	3	6	9
<b>Total</b>	<b>45</b>	<b>24</b>	<b>21</b>	<b>15</b>	<b>105</b>

Figure A.20

<b>TOTAL FIREARMS DISCHARGES BY OFFICER DUTY STATUS, 2012</b>					
	<b>ID-AC</b>	<b>ID-AA</b>	<b>Unintentional</b>	<b>Unauthorized</b>	<b>Total</b>
<b>On Duty</b>	54	26	13	2	95
<b>Off Duty</b>	6	2	8	10	26
<b>Total</b>	<b>60</b>	<b>28</b>	<b>21</b>	<b>12</b>	<b>121</b>

Figure A.21

### ID-AC Incidents, 2012

Subject Weapon	Officers Involved	Rounds Fired	Subjects	Subject Injury	Subject Gender	Subject Race	Subject Age
Firearm	1	1	1	Fatality	Male	Black	27
Firearm	1	1	1	None	Male	Black	25
Imitation Firearm	1	1	1	Injury	Male	Black	46
Firearm (Fired at Police)	1	2	1	Fatality	Male	White	22
Simulated Firearm / Blunt Instrument	1	1	2	Fatality	Male/Male	Black/Black	17/15
Unknown	1	1	1	Fatality	Male	Black	18
Firearm (Fired at Police)	1	13	1	Fatality	Male	Black	52
Firearm (Fired at Police)	2	11	1	Injury	Male	Hispanic	25
Blunt Instrument	1	2	1	None	Male	Black	35
Cutting Instrument	2	2	1	Injury	Female	Black	43
Firearm (Fired at Police)	1	2	1	Injury	Male	Black	23
Firearm (Fired at Police)	1	8	1	Unknown	Male	Black	Unknown
Firearm (Fired at Police)	5	16	1	Injury	Male	Black	34
Cutting Instrument	1	1	1	None	Male	Hispanic	49
Firearm	1	3	1	Fatality	Male	Black	24
Firearm	1	2	1	Injury	Male	Black	30
Firearm (Fired at Police)	2	39	1	Injury	Male	Black	29
Firearm (Fired at Police)	2	11	1	Injury	Male	Black	19
Cutting Instrument	2	2	1	Injury	Male	Hispanic	23
Cutting Instrument	1	2	1	Fatality	Male	Black	50
Firearm (Fired at Police)	1	5	1	Unknown	Male	Hispanic	Unknown
Firearm (Fired at Police)	1	2	1	None	Male	Black	34
Blunt Instrument	1	1	1	Fatality	Female	Black	23
Firearm	1	12	1	None	Male	Black	17
Firearm (Fired at Police)	1	12	1	Injury	Male	Hispanic	21



Subject Weapon	Officers Involved	Rounds Fired	Subjects	Subject Injury	Subject Gender	Subject Race	Subject Age
Firearm	1	1	1	Fatality	Male	Asian	28
Firearm (Fired at Police)	1	4	1	Unknown	Male	Black	Unknown
Firearm	1	1	1	None	Male	Black	55
Firearm (Fired at Police)	2	6	1	Injury	Male	Black	20
Firearm (Fired at Police)	1	6	1	Unknown	Male	Black	Unknown
Cutting Instrument	2	3	1	Fatality	Male	Black	48
Firearm	1	1	1	Unknown	Male	Black	Unknown
Firearm (Fired at Police)	1	2	1	Unknown	Male	Black	Unknown
Firearm	2	7	1	Fatality	Male	White	58
Cutting Instrument	1	1	1	Fatality	Male	Black	27
Firearm	1	1	1	Fatality	Male	Black	22
Cutting Instrument	3	3	1	Fatality	Male	Black	28
Unknown	1	1	1	Fatality	Male	Hispanic	22
Firearm (Fired at Police)	2	9	1	Injury	Male	Black	29
Firearm	1	2	1	Unknown	Male	White	Unknown
Firearm	1	8	1	Fatality	Male	Black	17
Firearm	1	1	1	None	Male	Black	36
Firearm (Fired at Police)	3	3	1	Injury	Male	Black	30
Blunt Instrument	1	3	1	Unknown	Male	Black	Unknown
Imitation Firearm	2	5	1	Fatality	Male	Hispanic	45

Figure A.22

New York City Police Department  
Raymond W. Kelly, Police Commissioner  
Michael J. Farrell, Deputy Commissioner, Strategic Initiatives

Office of Management Analysis and Planning  
Assistant Chief John K. Donohue, Commanding Officer  
Special Projects Section  
Deputy Inspector Edward Carrasco, Commanding Officer

Sergeant Daniel Weadock  
Detective Charles Mills  
Detective Adelaide Spence  
Police Officer Mark Danon

