

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



2008

ANNUAL FIREARMS DISCHARGE REPORT

2008

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POLICE COMMISSIONER

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2008 ANNUAL FIREARMS DISCHARGE REPORT

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2008 ANNUAL FIREARMS DISCHARGE REPORT INTRODUCTION

THE ANNUAL FIREARMS DISCHARGE REPORT: AN INTRODUCTION

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

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

The SOP 9 process has been demonstrably effective. When annual recordkeeping began in 1971, there were 12 NYPD officers shot and killed by another person; 47 officers were shot and injured. Officers, in turn, shot and mortally wounded 93 subjects, and another 221 subjects were injured by police gunfire. These statistics are difficult to conceive of today. In 2008, no NYPD officers were killed; three were shot and injured. Police shot and mortally wounded 13 subjects, and injured 18. Four decades of annual analysis have altered the way officers respond to, engage in, and even assess the need for firearms discharges. Information gleaned from the annual reports has saved the lives of citizens and officers alike, and there has been Department-wide change—tactical, strategic, and cultural—with regard to how officers utilize and control their firearms. The Department has made restraint the norm.

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

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

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2008 ANNUAL FIREARMS DISCHARGE REPORT

USE OF FORCE

USE OF FORCE

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

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

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

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

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

In federal case law, both Tennessee v. Garner, 471 U.S. 1 (1985) and Graham v. Connor, 490 U.S. 386 (1989) delineate a standard of "objective reasonableness" (Graham) that restricts an officer's prerogative to compel or constrain another citizen. 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 a person from "what the officer reasonably believes to be the use or imminent use of deadly physical force."

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USE OF FORCE

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

GUIDELINES FOR THE USE OF FIREARMS

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

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

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

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

Police officers shall not discharge their weapons to subdue a fleeing felon who presents no threat of imminent death or serious physical injury to themselves or another person present.

Police officers shall not fire warning shots.

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

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

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

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

REASONABLENESS

In the final telling, both legal standards and the Department’s expectations assess the appropriateness of an officer’s exercise of deadly physical force based on reasonableness. Police are regularly exposed to highly stressful, dangerous situations, and the risks they face and the experience they gain are appreciated and conceded by those who write and interpret the law. In Brown v. United States, 256 U.S. 335 (1921), Justice Holmes noted that “detached reflection cannot be demanded in the presence of an uplifted knife.” Sixty-eight years later, the Supreme Court wrote, in Graham v. Connor, that “The ‘reasonableness’ of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight.” And in People v. Benjamin, 51 NY2d 267, 271, the New York courts wrote

2008 ANNUAL FIREARMS DISCHARGE REPORT USE OF FORCE

“It would, indeed, be absurd to suggest that a police officer has to await the glint of steel before he can act to preserve his safety.”

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

TRAINING

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

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

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2008 ANNUAL FIREARMS DISCHARGE REPORT THE INVESTIGATION AND REVIEW PROCESS

INVESTIGATION

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

THE SHOOTING TEAM

When an officer discharges his or her firearm, on- or off-duty, or when a firearm owned by an officer is discharged, a patrol supervisor who 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 in-

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

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

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

Each shooting investigation is thorough and exhaustive, and includes canvasses, area searches, witness interviews, subject interviews, evidence collection, crime-scene sketches and investigation, hospital visits, and firearms/ballistics analysis. 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.

2008 ANNUAL FIREARMS DISCHARGE REPORT THE INVESTIGATION AND REVIEW PROCESS

THE SHOOTING INCIDENT REPORT

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

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

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

THE FINAL REPORT

A finalized version of the Shooting Incident Report is prepared within 90 days of the incident. This final report is a reiteration of the original, but includes any clarifications or re-evaluations that may have been developed based on information 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, the officer or officers who shot have been interviewed, and any relevant legal proceedings have been concluded.

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

2008 ANNUAL FIREARMS DISCHARGE REPORT THE INVESTIGATION AND REVIEW PROCESS

REVIEW

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

THE BOROUGH FIREARMS DISCHARGE ADVISORY BOARD

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

THE CHIEF OF DEPARTMENT'S FIREARMS DISCHARGE REVIEW BOARD

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

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

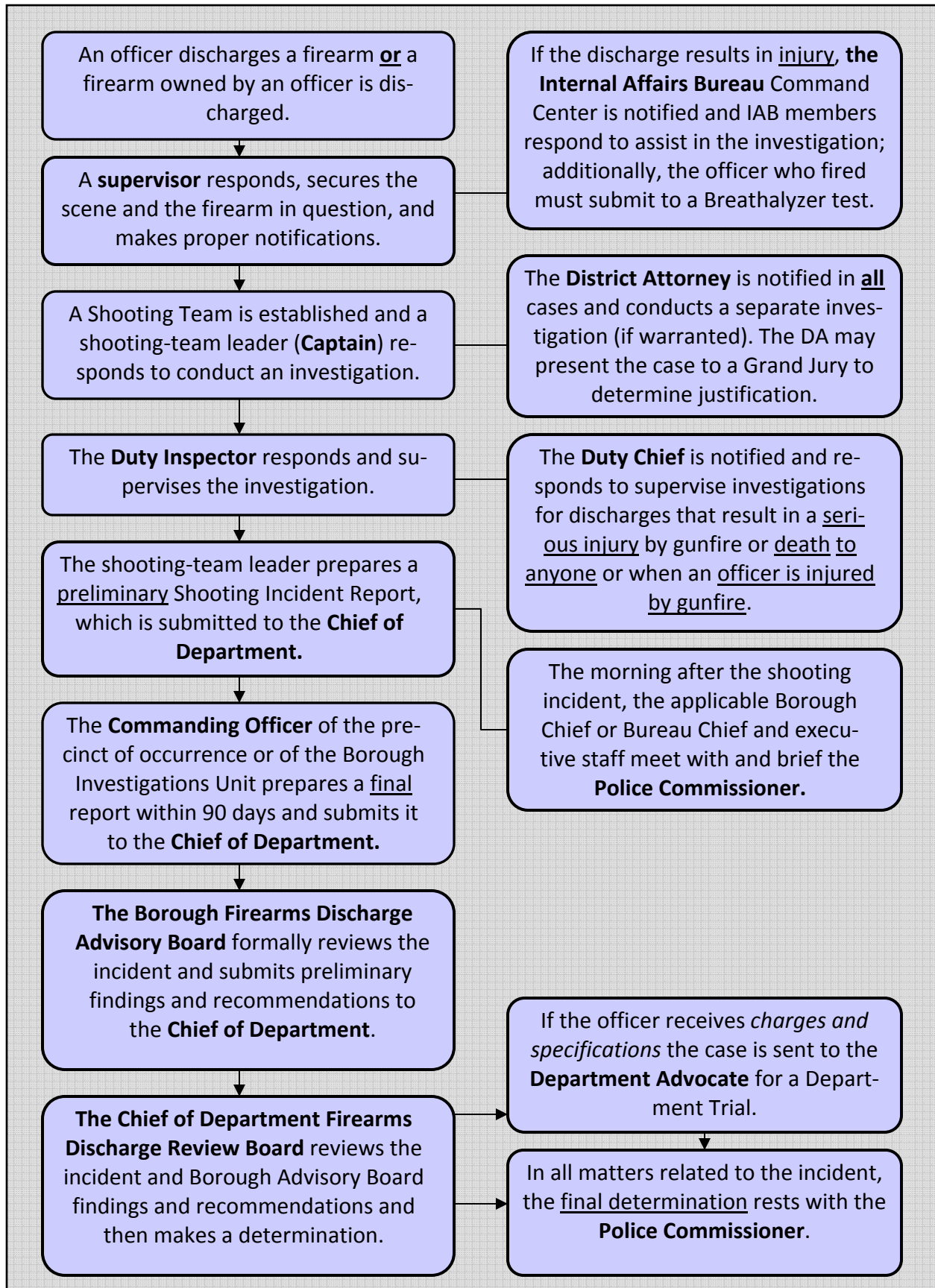
Once the Commissioner has issued this final determination, the incident is considered closed. The results of the 2008 findings are published throughout this report.

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ANATOMY OF A FIREARMS DISCHARGE INVESTIGATION



2008 ANNUAL FIREARMS DISCHARGE REPORT

GLOSSARY OF TERMS

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

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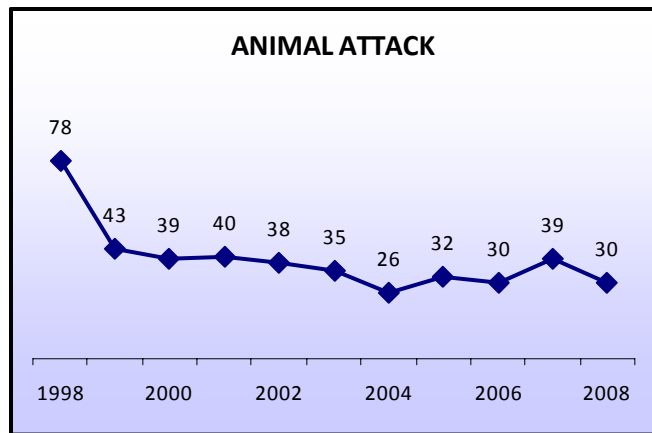
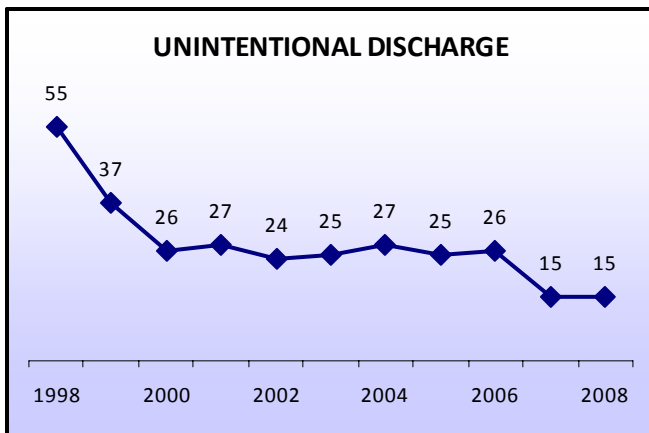
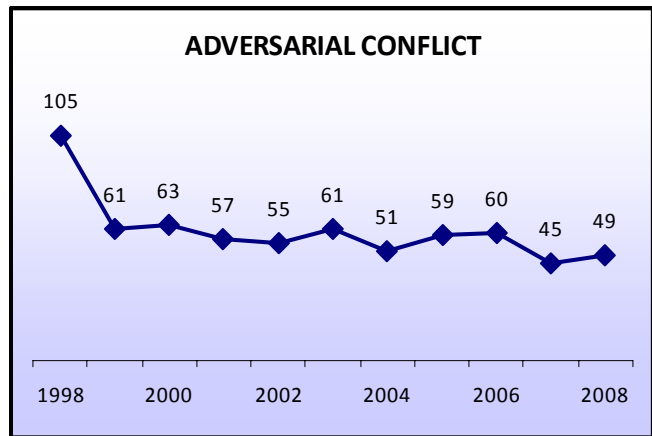
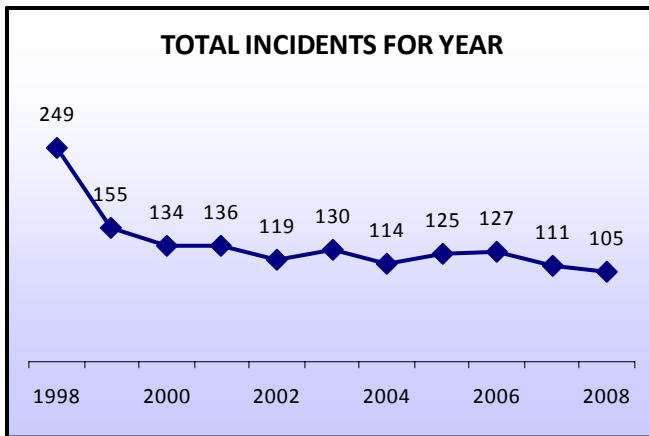
GLOSSARY OF TERMS

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

2008 ANNUAL FIREARMS DISCHARGE REPORT HISTORICAL SNAPSHOT 1998-2008

CATEGORY	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
ADVERSARIAL CONFLICT	105	61	63	57	55	61	51	59	60	45	49
ANIMAL ATTACK	78	43	39	40	38	35	26	32	30	39	30
UNINTENTIONAL DISCHARGE	55	37	26	27	24	25	27	25	26	15	15
MISTAKE	1	1	0	0	0	0	0	0	0	0	0
UNAUTHORIZED USE – FIREARM	5	8	1	7	0	2	5	**6	**8	**6	**3
SUICIDE/ATTEMPT	5	5	5	5	2	7	5	3	3	6	8
TOTAL INCIDENTS FOR YEAR	249	155	134	136	119	130	114	125	127	111	105

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



2008 ANNUAL FIREARMS DISCHARGE REPORT FIREARMS DISCHARGE SNAPSHOT

CATEGORY	2007	2008	%CHANGE
INTENTIONAL DISCHARGE – ADVERSARIAL CONFLICT	45	49	9%
INTENTIONAL DISCHARGE – ANIMAL ATTACK	39	30	-23%
UNINTENTIONAL DISCHARGE	15	15	0%
UNAUTHORIZED USE OF FIREARM	12	11	-9%
TOTAL FIREARM DISCHARGES FOR YEAR	111	105	-6%
TOTAL OFFICERS FIRING	148	125	-16%
TOTAL SHOTS FIRED	588	364	-38%
TOTAL OFFICERS SHOT AND INJURED BY SUBJECT	7	3	-57%
TOTAL OFFICERS SHOT AND KILLED BY SUBJECT	3	0	N/A
TOTAL SUBJECTS SHOT AND INJURED BY OFFICER	19	18	-6%
TOTAL SUBJECTS SHOT AND KILLED BY OFFICER	10	13	30%

BY CATEGORY

INTENTIONAL DISCHARGE – ADVERSARIAL CONFLICT (SECTION A)	2008
SUBJECT USED/THREATENED THE USE OF A FIREARM	31
SUBJECT USED/THREATENED THE USE OF A CUTTING INSTRUMENT	6
SUBJECT USED/THREATENED THE USE OF A BLUNT OBJECT	7
SUBJECT USED/THREATENED THE USE OF OVERWHELMING PHYSICAL FORCE	2
OFFICER PERCEIVED THREAT OF DEADLY PHYSICAL FORCE	3
TOTAL	49

INTENTIONAL DISCHARGE – ANIMAL ATTACK (SECTION B)	2008
DOG ATTACK	30
OTHER ANIMAL ATTACK	0
TOTAL	30

UNINTENTIONAL DISCHARGE (SECTION C)	2008
DURING ADVERSARIAL CONFLICT	3
HANDLING FIREARM	12
TOTAL	15

UNAUTHORIZED USE OF FIREARM (SECTION D)	2008
SUICIDE	7
ATTEMPTED SUICIDE	1
UNAUTHORIZED INTENTIONAL DISCHARGE	2
UNAUTHORIZED PERSON DISCHARGED OFFICER'S FIREARM	1
TOTAL	11

2008 ANNUAL FIREARMS DISCHARGE REPORT FIREARMS DISCHARGE SCOPE

CATEGORY	TOTAL NUMBER
NEW YORK CITY TOTAL POPULATION (U.S. Census, July 1, 2008)	8,363,710
NYPD TOTAL OFFICER STAFFING (2008 Annual Average)	35,945
TOTAL CIVILIAN CONTACTS (APPROXIMATE)	23,000,000
TOTAL RADIO-RECEIVED ASSIGNMENTS	4,408,445
INCREASED-RISK RADIO ASSIGNMENTS*	2,302,221
WEAPONS ARRESTS	28,896
GUN ARRESTS	3,212
CRIMINAL SHOOTING VICTIMS	1,806
CRIMINAL SHOOTING SUSPECTS	1,655
INCIDENTS OF INTENTIONAL POLICE DISCHARGE DURING ADVERSARIAL CONFLICT	49
SUBJECTS SHOT AND INJURED	18
SUBJECTS SHOT AND KILLED	13
OFFICERS SHOT AND INJURED	3
OFFICERS SHOT AND KILLED	0
NOTE: all numbers are for CY 2008	

* This is a subjective category encompassing radio runs that would conceivably and reasonably put an officer in a higher-than-normal state of readiness as he or she prepares to respond. It includes radio runs for violent crimes in progress (e.g., Robbery, Burglary, and Assault), as well as weapons radio runs (e.g., firearms, knives, blunt instruments, etc), and also radio runs for which violence at the scene and/or subject resistance is more likely (e.g., disputes, disorderly persons, large crowds).

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

2008 ANNUAL FIREARMS DISCHARGE REPORT

FIREARMS DISCHARGES OVERVIEW

TOTAL FIREARMS DISCHARGES

In 2008, the New York City Police Department saw the smallest number of firearms discharges since the recording of police shootings in the City began. Furthermore, the most serious category of discharges—shootings involving adversarial conflict with a subject—has also seen a steep historic decline, down 53 percent since 1998. In a city of 8.3 million people, from a Department of nearly 36,000 uniformed members who interacted with citizens in approximately 23 million instances, 60 officers were involved in 49 incidents of intentional firearms discharges during an adversarial conflict, with 18 subjects injured and 12 killed.¹

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

Neither the Department nor the officer on the street can afford complacency, however. Although crime (and the total number of police firearms discharges) is down, the number of incidents of intentional discharges during adversarial conflict is up 8 percent since 2007. This fact illustrates the officer's perpetual need for vigilance, and for the training that these reports facilitate.

Like previous reports, the 2008 Annual Fire-

¹ Thirteen subjects were killed by officers in 2008; twelve intentionally during adversarial conflict, one unintentionally during adversarial conflict.

arms Discharge Report is subdivided into several categories. Unlike previous reports (excepting 2007), each category is analyzed based only on the information in that category. This allows the Department to better understand a specific type of incident and adjust training and policy to continue to reduce those incidents.

Insofar as statistical analysis is concerned, the small sample utilized in this document—105 discharge incidents total, only 49 of them in the category of “adversarial conflict”—limits the predictive value and conclusions that may be derived.

CATEGORIES

Firearms discharges are broken down into four categories. Each category is analyzed based only on the information in the category.

- 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

2008 ANNUAL FIREARMS DISCHARGE REPORT

FIREARMS DISCHARGES OVERVIEW

2008 vs 2007

In 2008, total firearms discharges **decreased 6 percent** compared to the previous year. The greatest reduction was realized in the category of intentional discharge-animal attack which was **reduced by 30 percent** from 2007. Unauthorized use of a firearm was also **reduced by 8 percent** from 2007.

Intentional discharges during adversarial conflict increased in 2008, **up 9 percent** from 2007. The number of unintentional discharges remained the same from 2007 to 2008.

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

**2008 FIREARMS DISCHARGES
BY CATEGORY**

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2008 ANNUAL FIREARMS DISCHARGE REPORT INTENTIONAL DISCHARGE — ADVERSARIAL CONFLICT

OVERVIEW

There were 49 incidents of intentional firearms discharge during an adversarial conflict in 2008. This represents a 9 percent increase from 2007. Sixty officers intentionally fired their weapons during these incidents, down 25 percent from 2007. During these 49 incidents, nine officers were fired upon but did not return fire.

There were three officers struck and injured by gunfire during these incidents. Only one of these injured officers returned fire.

There were 61 subjects involved in these 49 conflicts. Eighteen subjects were injured and 12 subjects were killed. (A thirteenth subject was killed by an unintentional discharge during an adversarial conflict. This incident is not included in the following statistics, graphs, and observations; instead, it is discussed in the Unintentional Discharge section.)

REASON FOR DISCHARGES

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

In the majority of these incidents (64 percent) the threat came in the form of a firearm. Officers also acted to defend themselves from the use or threat of a blunt object (14 percent), the use or threat of a cutting instrument (12 percent), a perceived threat (6 percent), or the use or threat of overwhelming physical force (4 percent) [see Figure A.1].

DATES AND TIMES OF DISCHARGES

The distribution of events in 2008 was remarkably even: 27 percent for the first quarter, 20 percent for the second, and 27 percent for the third and fourth. Each month had one or more incidents.

Eighty-two percent of these incidents occurred during the first or third platoons, and 43 percent occurred between ten o'clock at night and six o'clock in the morning. Nearly half the incidents (47 percent) occurred on a Friday or Saturday.

LOCATIONS OF DISCHARGES

In 2007, all of the intentional discharges during adversarial conflict occurred within the city limits, but in 2008 three of 49 incidents occurred in Suffolk County. Of the remaining 46 incidents, nine discharges took place in or on New York City Housing Authority (NYCHA) premises, one was within the Metropolitan Transportation Authority (MTA) transit system, and 36 transpired within the jurisdiction of the patrol precincts. (Note: These

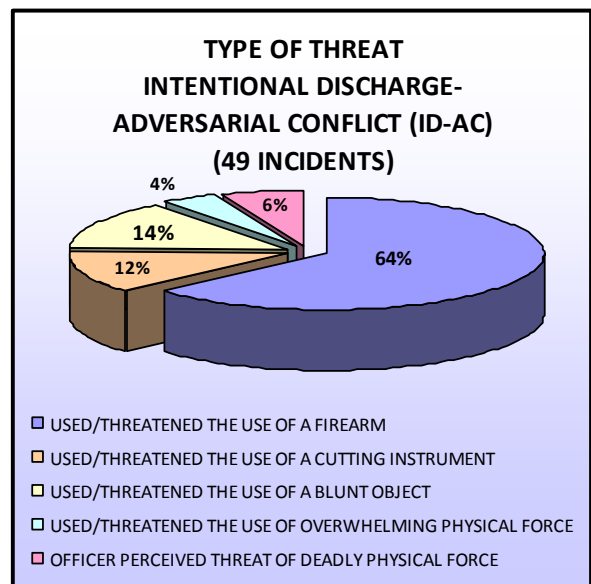


Figure A.1

2008 ANNUAL FIREARMS DISCHARGE REPORT INTENTIONAL DISCHARGE — ADVERSARIAL CONFLICT

percentage distributions differ somewhat from last year’s annual report. In 2007, incidents were categorized according to the assignment of the personnel involved; in 2008 incidents have been categorized on the basis of geographical location. Thus, a conflict in which a precinct officer discharges his weapon on NYCHA premises is now recorded as a Housing event, rather than a Patrol event, as it would have been in 2007.)

The majority of the incidents occurred in Brooklyn North (32 percent) and the Bronx (20 percent). Percentages of discharges per borough are depicted in Figure A.3 below.

These incidents took place in 30 separate precincts, down from 32 in 2007. Eight precincts experienced two incidents, and the 52 Precinct, 75 Precinct, 79 Precinct, and 113 Precinct each had three [see Figure A.2].

Three-quarters of the incidents occurred outside. The map on the next page [Figure A.4] represents the exact location of all of the intentional discharges during adversarial conflict occurring within New York City in 2008. The incidents overlay all criminal

shootings that occurred in 2008.

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

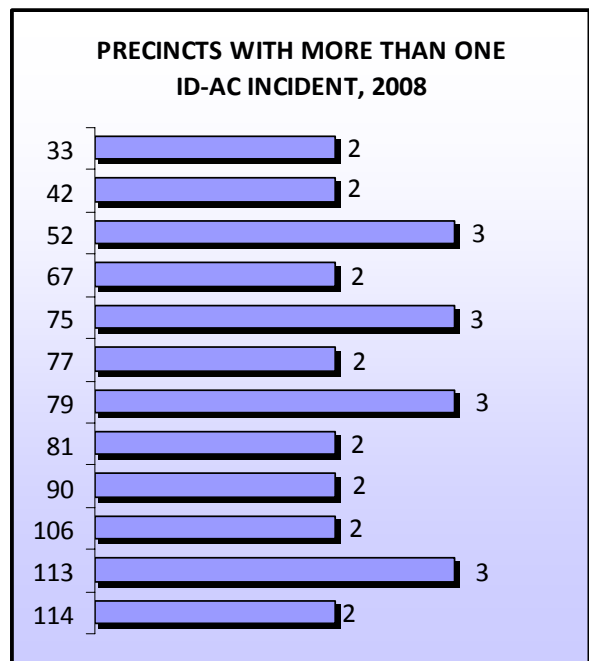


Figure A.2

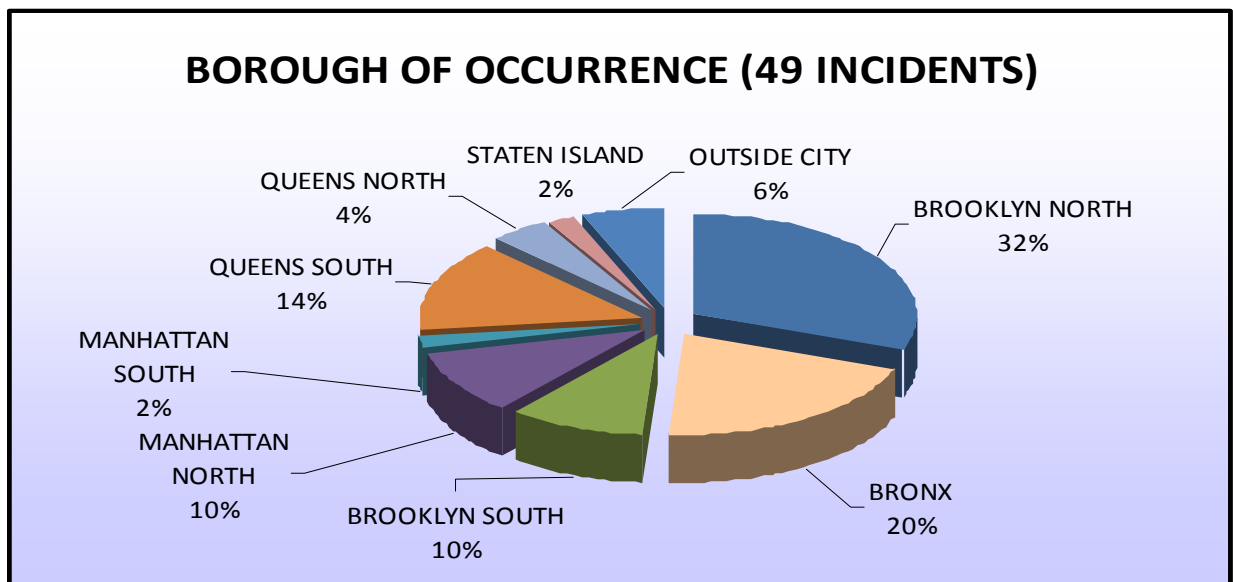
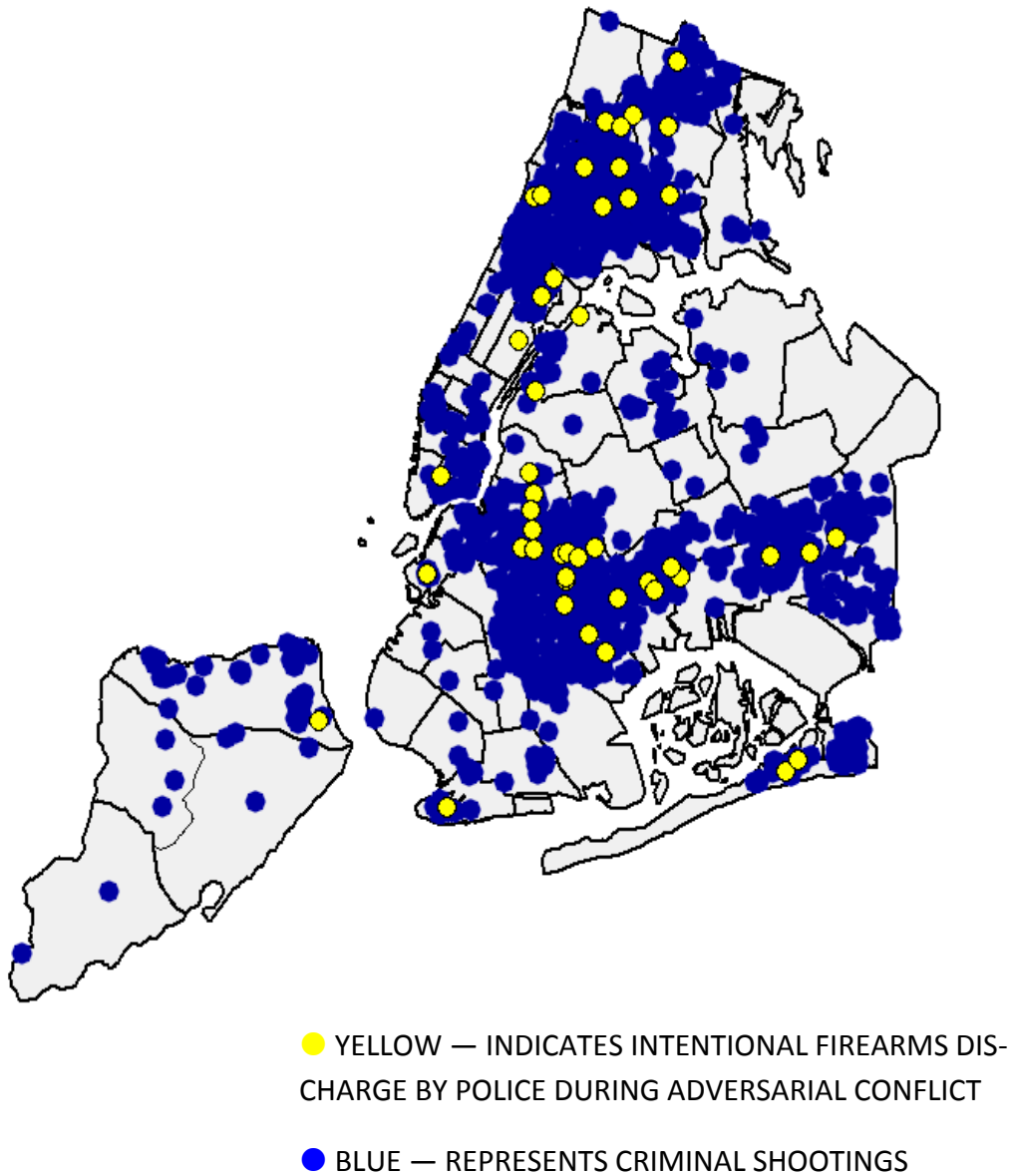


Figure A.3

2008 ANNUAL FIREARMS DISCHARGE REPORT
INTENTIONAL DISCHARGE — ADVERSARIAL CONFLICT

**LOCATIONS OF INTENTIONAL DISCHARGES DURING ADVERSARIAL
CONFLICT vs LOCATIONS OF CRIMINAL SHOOTINGS, 2008
(46 ID-AC INCIDENTS*)**



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

2008 ANNUAL FIREARMS DISCHARGE REPORT INTENTIONAL DISCHARGE — ADVERSARIAL CONFLICT

LOCATIONS OF CRIMINAL SHOOTINGS

When the locations of police shootings are compared to the locations of criminal shootings in 2008, a correlation appears [see Figure A.4 on previous page]. Specifically, this type of police firearms discharge occurs most frequently in those areas most plagued by gun violence. The pattern is clear both by location and by relative frequency, as illustrated by Figure A.6 below, which shows similar percentage dispersions, by borough, of these incidents.

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

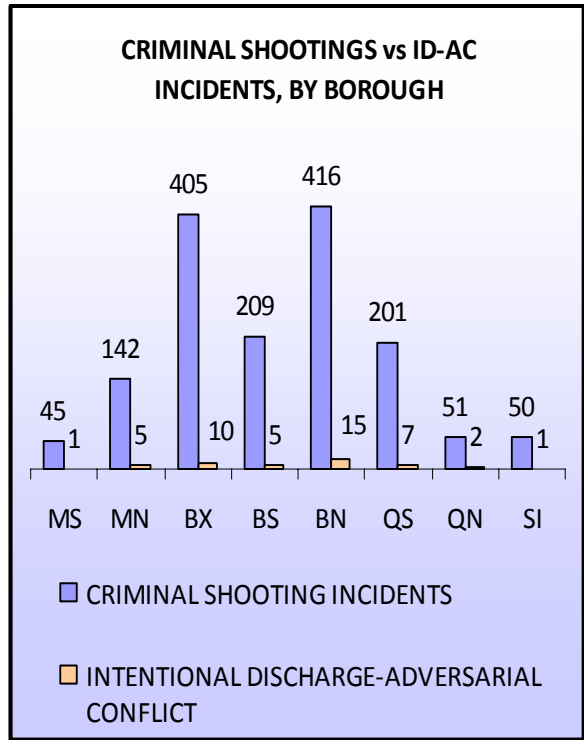


Figure A.5

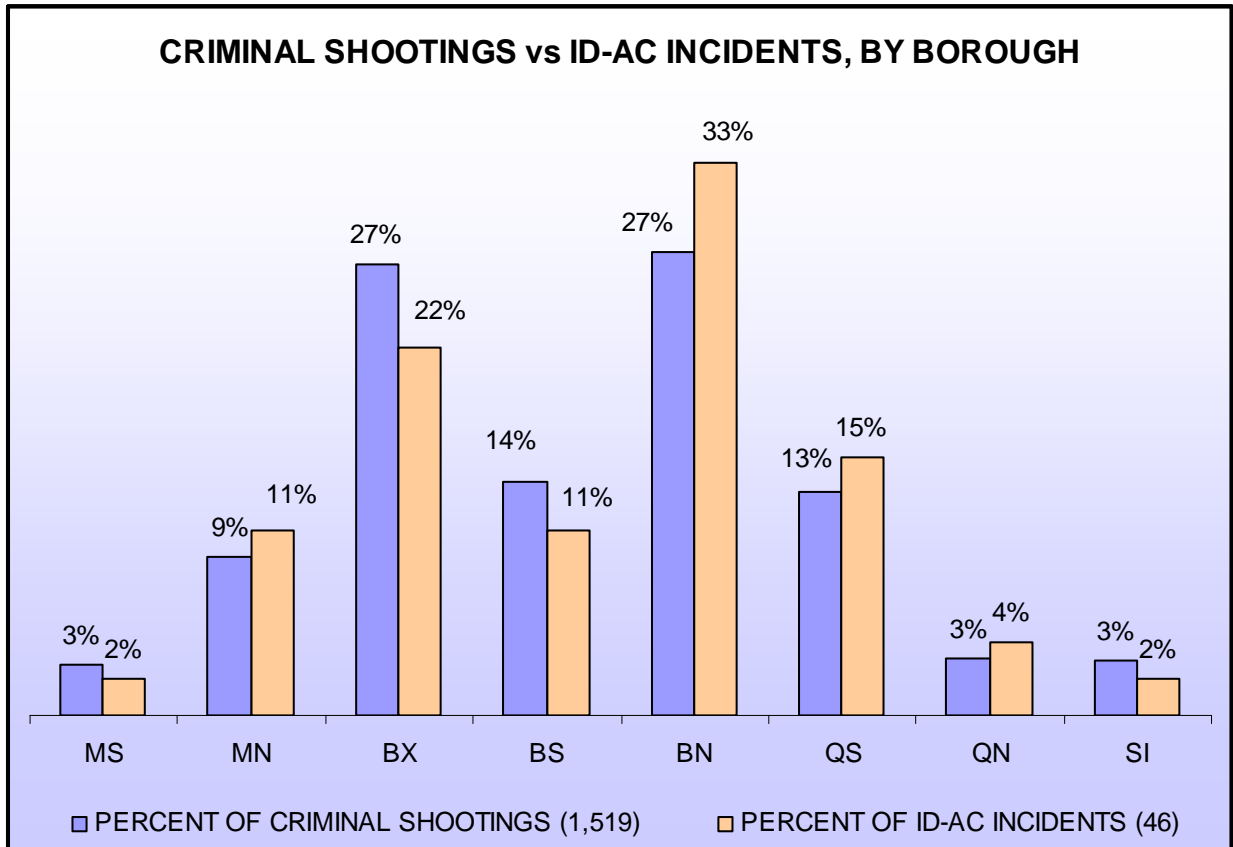


Figure A.6

2008 ANNUAL FIREARMS DISCHARGE REPORT INTENTIONAL DISCHARGE — ADVERSARIAL CONFLICT

REASONS OFFICER INVOLVED

Officers become involved in incidents of intentional discharge during adversarial conflict for a variety of reasons. The Annual Firearms Discharge Report categorizes incidents by whether the officers involved were engaged in reactive police work (49 percent) or proactive police work (35 percent), or were attacked (16 percent).

The plurality of officers discharging their firearms during these incidents (29 percent) was assigned to patrol duties, which include responding to calls for service from the public. The next largest proportions of officers were assigned to Anti-Crime units (22 percent) or the Organized Crime Control Bureau (OCCB, 20 percent), both of which deploy personnel to seek out armed individuals and perpetrators of violent crimes [see Figure A.7].

Nearly half of the incidents involved officers responding to an assignment related to a firearm, domestic incident, dispute, or a large crowd. Another 36 percent of the incidents involved officers stopping an auto or a subject [see Figure A.8].

INCIDENT DETAILS

When officers did discharge their firearms during an adversarial conflict, the overwhelming majority of officers (84 percent) fired five or fewer times [see Figure A.9]. Forty-five percent of the officers discharging their firearms in adversarial-conflict incidents only fired **one** shot [see Figure A.10 on the next page]. Only two officers fired more than ten rounds.

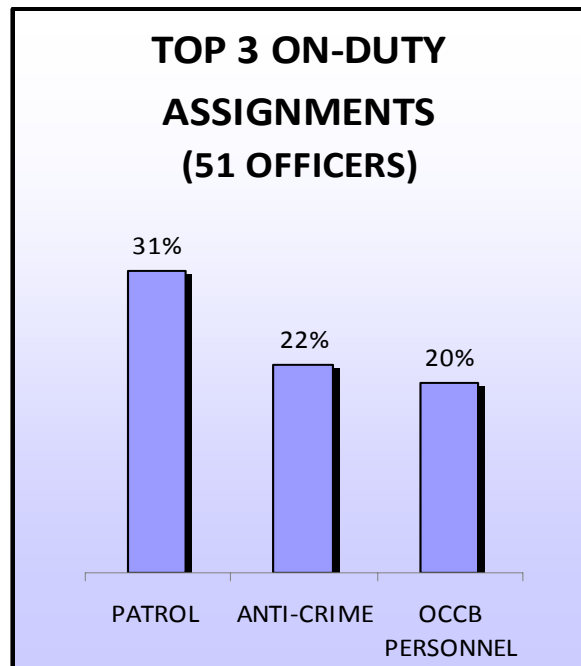


Figure A.7

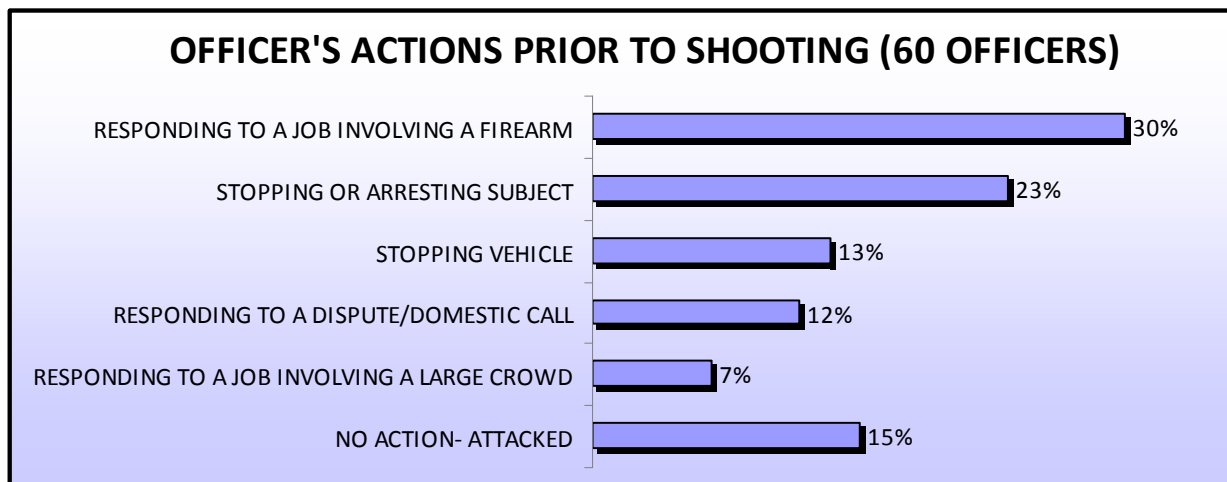


Figure A.8

2008 ANNUAL FIREARMS DISCHARGE REPORT INTENTIONAL DISCHARGE — ADVERSARIAL CONFLICT

This pattern of control is again apparent when analyzing the number of shots fired per incident. The majority of incidents (74 percent) involved five or fewer shots being fired. In 41 percent of adversarial-conflict incidents, the total number of shots fired by all police officers involved was one [see Figure A.11 on next page].

A total of 196 shots were fired by officers during these incidents, down 59 percent from the previous year. This sharp decrease owes much to officers' restraint, but is equally attributable to the fact that no incident involved a protracted gun battle. A single active exchange of gunfire can noticeably skew totals. In 2008, however, the data are more reflective of the Department's actual trends than they have been in some previous years.

Figure A.10 depicts a visual representation of the number of shots fired. When working with such small numbers of incidents, shooting officers, and rounds fired, typical use of means and medians can lead to false conclusions. Additionally, as noted above, a single incident can significantly distort averages.

Because of this, the Department does not utilize averages. For small samples, the mode can be most revelatory. **The mode for the number of shots fired by police is one.**

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

Like combat, the objective completion rate per incident is pass or fail. When an officer properly and lawfully adjudges a threat se-

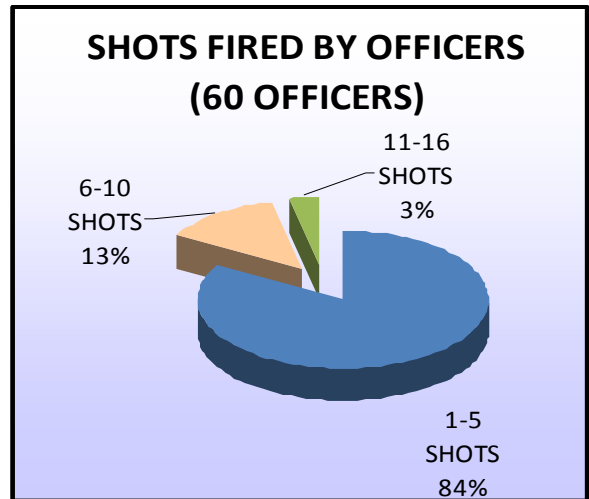


Figure A.9

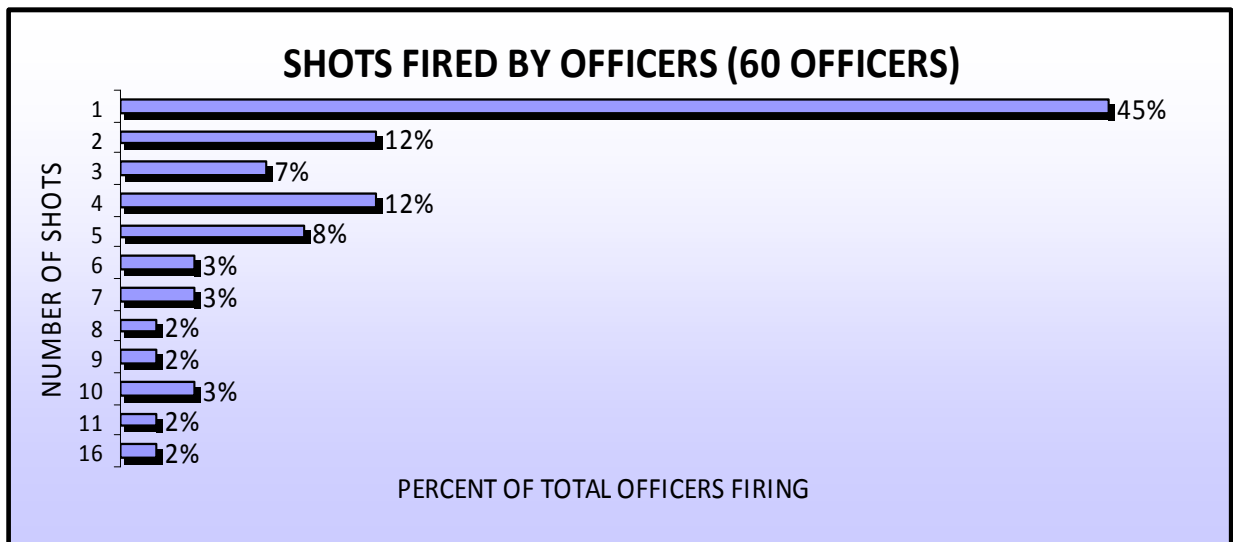


Figure A.10

2008 ANNUAL FIREARMS DISCHARGE REPORT INTENTIONAL DISCHARGE — ADVERSARIAL CONFLICT

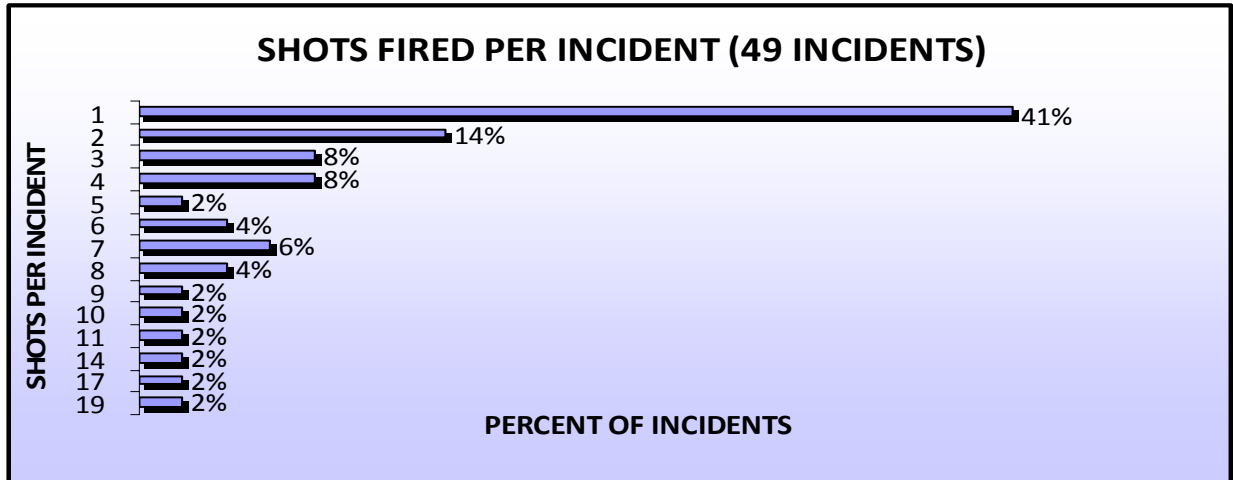


Figure A.11

vere enough to require the use of his or her firearm, and fires at a specific target, the only relevant measure is whether he or she hit the target or not. This is the objective completion rate, and it is determined irrespective of the number of shots the officer fired to hit the target.

Of these 49 incidents, officers hit at least one subject per incident 28 times, for an objective completion rate of 57 percent. During incidents when officers were being fired upon, however, the rate increased to 67 percent. Subjects firing upon police in 2008 hit at least one officer per incident 13 percent of the time. In one incident a single subject shot two officers (see OUTCOME section for further analysis and explanation).

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 answering officers, 61 percent state that they were standing and 64 percent report that they gripped the firearm with two hands, while 32 percent

stated that they were able to utilize the sights on their firearms. Only a quarter were able to make use of some type of cover during the incident.

OFFICER PEDIGREE

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

Forty-seven percent of the officers who intentionally discharged a firearm during an adversarial conflict were white. This is slightly less than the percentage of white officers employed by the Department (54 percent).

When compared to Department staffing, most races of officers were slightly under-represented in this category. The exception is found among black officers, who represent approximately 16 percent of the Department but represented 23 percent of the officers firing [see Figure A.12].

2008 ANNUAL FIREARMS DISCHARGE REPORT INTENTIONAL DISCHARGE — ADVERSARIAL CONFLICT

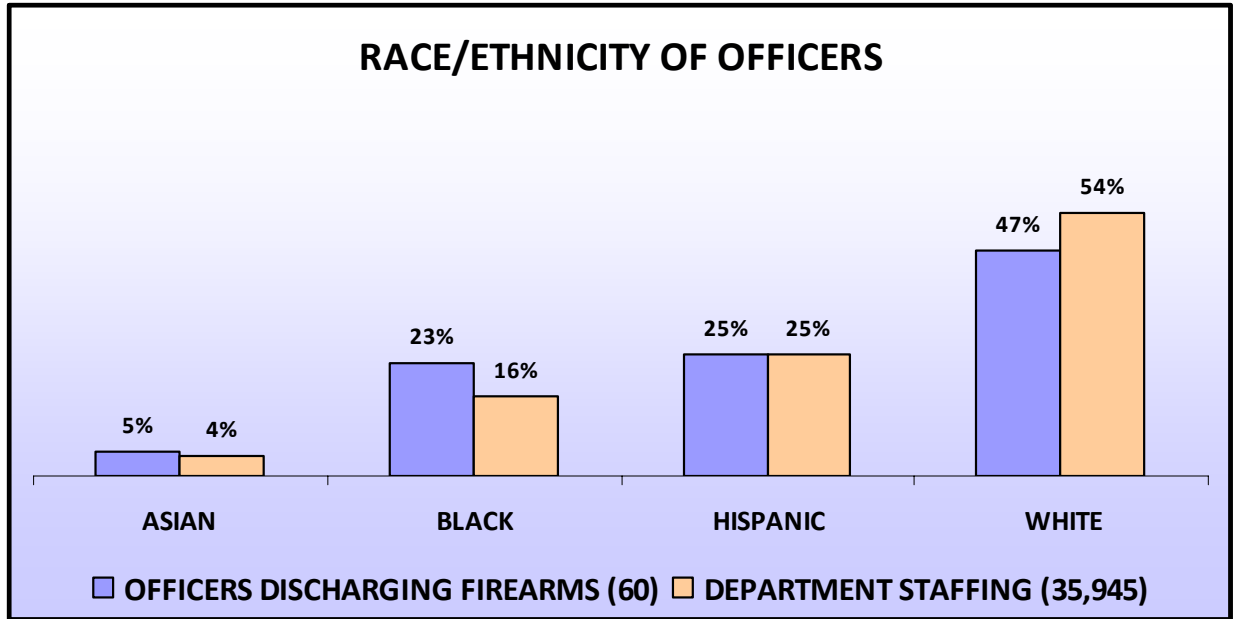


Figure A.12

Officers utilized their service weapons in the overwhelming majority of the incidents (88 percent). The remaining officers utilized off-duty weapons.

conflict (42 percent) had between one and five years of service. As the years of service increase, the numbers of incidents decrease.

The number of on-duty, plainclothes officers intentionally discharging their firearms in adversarial conflict was nearly identical to the number of uniformed officers who fired (i.e., 25 and 26, respectively).

Figure A.13 compares years-of-service distribution among officers who fired to years-of-service distribution throughout the Department. (The Department staffing numbers only indicate the percentage of officers who are in these categories of tenure; they do not indicate the assignments of those officers, nor their level of exposure to the dangers that increase the likelihood of an intentional police discharge.)

Considering that plainclothes officers represent a smaller portion of officers in the field than those in uniform, their relative overrepresentation in discharge incidents is noteworthy, and is possibly a reflection of the plainclothes officers' assignments. Of the 25 plainclothes officers involved in these incidents, 44 percent were conducting Anti-Crime operations. Another 40 percent were engaging in OCCB operations.

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

YEARS OF SERVICE

In 2008, almost half of the officers who discharged their firearms during adversarial

2008 ANNUAL FIREARMS DISCHARGE REPORT INTENTIONAL DISCHARGE — ADVERSARIAL CONFLICT

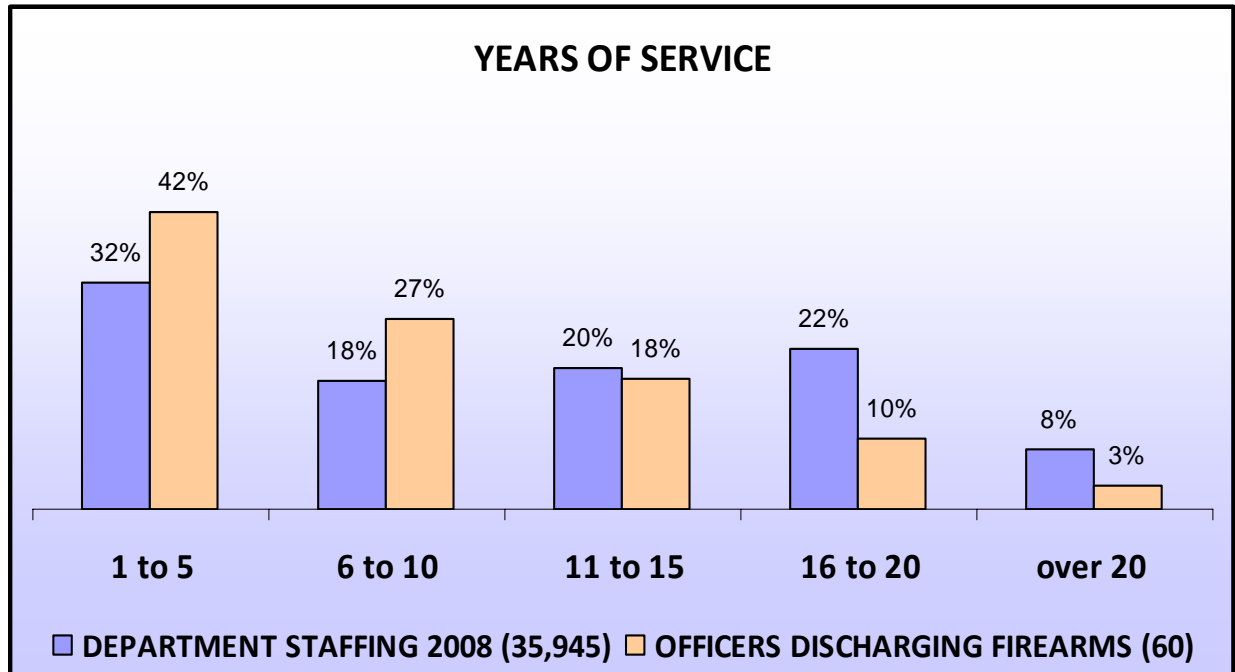


Figure A.13

RANK

When evaluating the rank of officers discharging their firearms during adversarial conflict, the same premise can be utilized as was for *years of service*. Nearly three quarters of the officers discharging their firearms in these incidents were in the rank of police officer [see Figure A.14]. Because police officers are the front line, and represent the majority of officers responding to violent jobs and actively seeking out criminals, this is unsurprising. Additionally, the rank of Police Officer forms the majority of the Department and therefore the pool of officers who may become involved in adversarial conflict is greater.

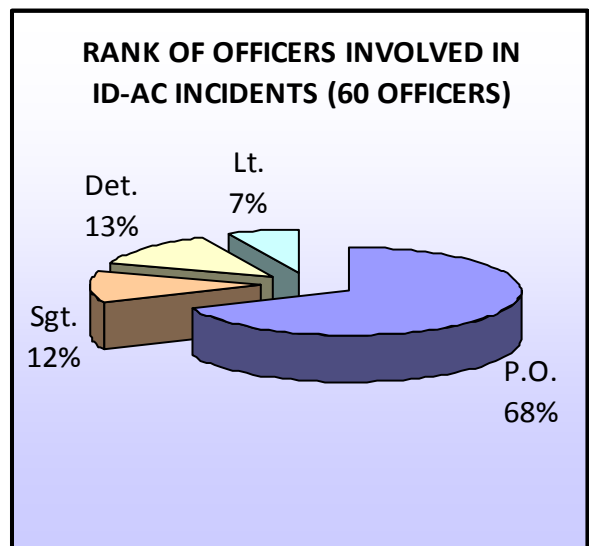


Figure A.14

SUBJECT PEDIGREE

There were 61 subjects involved in the 49 incidents of intentional police discharge during adversarial conflict. Unfortunately, a small number of subjects in these incidents

remain at large and therefore some aspects of their pedigree information cannot be factored into the calculations below. In one particular incident, for example, an unapprehended subject menaced an officer with a baseball bat, but because of light conditions and the subject's clothing, the officer could not describe the subject beyond his

2008 ANNUAL FIREARMS DISCHARGE REPORT INTENTIONAL DISCHARGE — ADVERSARIAL CONFLICT

gender and size.

When analyzing pedigree information for the subjects involved in police-discharge incidents, gender is the one classification that stands out. All of the subjects were male. The ages of the known subjects range from 16 to 49, but a large percentage (69 percent) of the subjects were 17 to 27 years of age.

With regard to race, 60 of 61 subjects could be identified by race. In NYPD paperwork concerning suspects, race is determined by complainants and/or victims. In arrest paperwork, the officer filling out the report generally determines the subject's race. This determination may be based on a subject's self-identification, existing documentation, racial/ethnic physical characteristics, or other factors. This makes for some subjectivity and fluctuations.

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

Of 60 racially-identified adversarial-conflict

subjects, 75 percent were black. This correlates to suspects identified in criminal shootings. In a city-wide analysis covering the calendar year 2008, victims in approximately 78 percent of criminal-shooting complaints identified the shooter as being black. Hispanic suspects were identified in 20 percent of criminal shootings and were 22 percent of adversarial-conflict subjects [see Figure A.16].

It must be noted that these correlations extend to victims as well. Seventy-six percent of the criminal shooting *victims* were black and 21 percent were Hispanic.

Among subjects who fired on officers, the figures change slightly. Of those firing on police, 82 percent were black and 12 percent were Hispanic. [See Figure A.15, below, and Figure A.18 on the next page for a visual comparison of the race of criminal shooting suspects and subjects firing on police.]

The races of persons arrested in 2008 for firearms possession also seem to mirror the races of persons who engaged in adversarial conflict with police. See Figure A.17 for a visual representation of these comparisons.

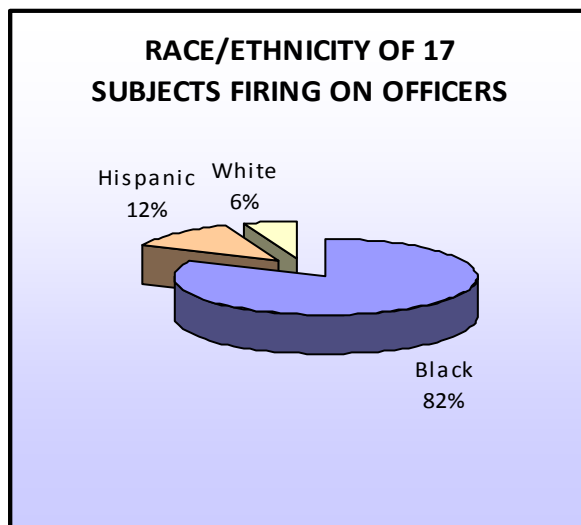


Figure A.15

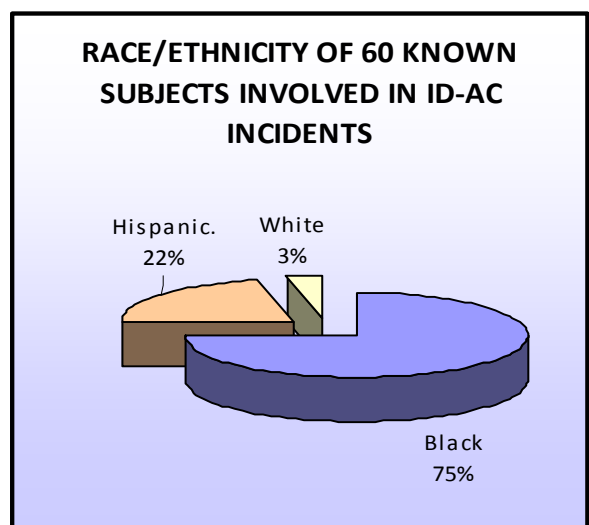


Figure A.16

2008 ANNUAL FIREARMS DISCHARGE REPORT
 INTENTIONAL DISCHARGE — ADVERSARIAL CONFLICT

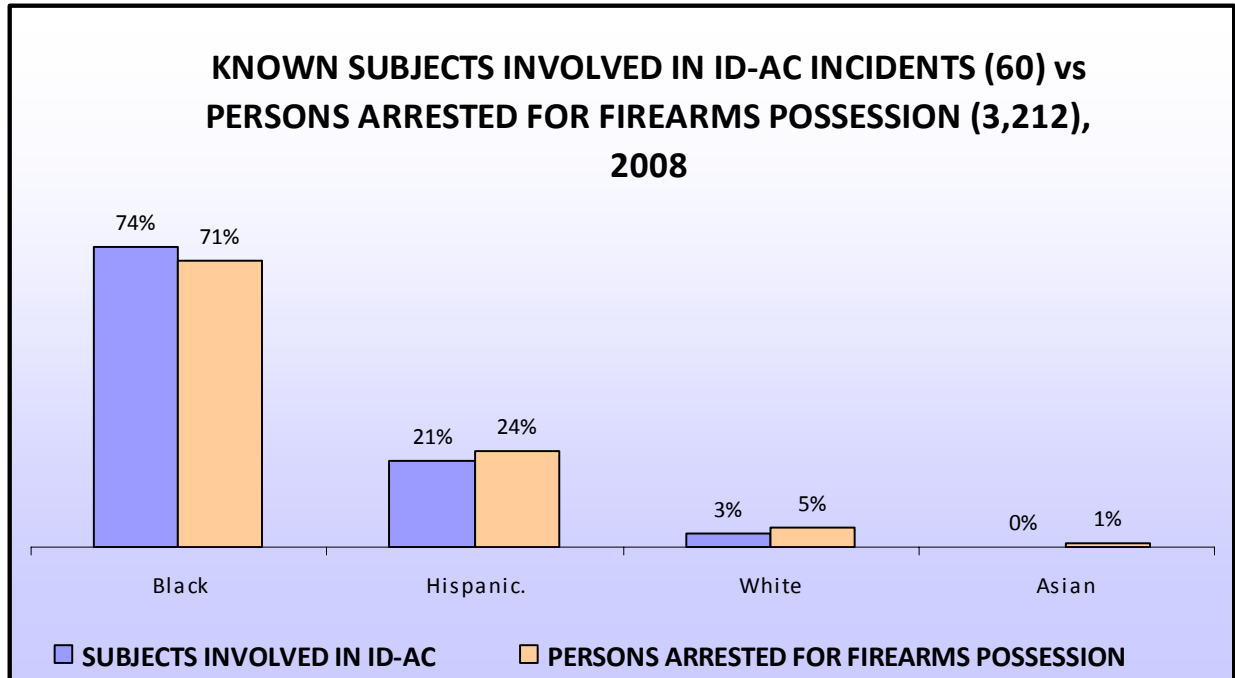
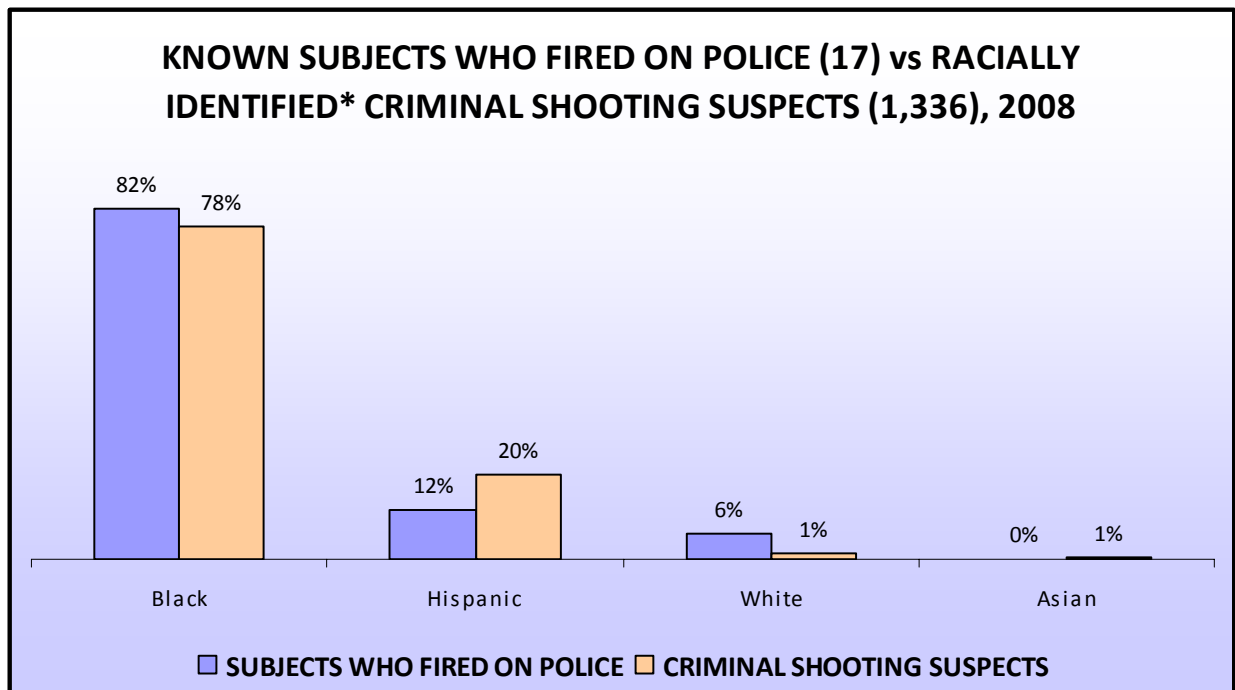


Figure A.17



* Of 1,655 shooting suspects in 2008, only 1,336 were identified by race.

Figure A.18

2008 ANNUAL FIREARMS DISCHARGE REPORT INTENTIONAL DISCHARGE — ADVERSARIAL CONFLICT

PRIOR ARRESTS

Of the known subjects involved in these incidents, **95 percent** had prior arrests—and 84 percent had multiple arrests [see Figure A.19].

Although there were three incidents in 2008 in which officers faced subjects about whom they had prior knowledge, this is generally not the case. A subject's arrest history is usually unknown to the officer at the time of a typical incident. Nevertheless, arrest history is pertinent. It is indicative of a subject's propensity for criminal conduct and capacity for violently confronting a police officer, and it can evince itself in a subject's bearing, actions, and reactions. An arrest history, pending charges, or parole status may make a subject more willing to attempt to avoid arrest by confronting the officer.

Seven subjects were wanted by authorities at the time of the incidents and five of the subjects were on parole. One subject was a drug dealer who had been deported but returned to the country illegally, and one was on the FBI's "Most Wanted" list for the attempted murder of a law enforcement offi-

cer in Georgia. Seventy-nine percent of the subjects with prior arrests had been arrested for violent crimes such as robbery, assault, and resisting arrest, and four had been arrested for attempted murder. Fifty-two percent of the subjects with prior arrests had arrests for weapons possession, including 16 subjects arrested for possessing or using a firearm. Thirty-five percent had prior robbery arrests. (It should be noted that individual subjects may be identified in several of the previous categories.)

WEAPONS

The subjects in these incidents utilized a variety of weapons when confronting officers. The most frequently used weapon was a firearm. Of the known firearms used by subjects, the 9mm was the most popular, accounting for ten of the 25 known firearms used [see Figure A.20 on the next page].

Six incidents involved subjects who attacked or menaced officers with cutting instruments. Each of these occurred indoors. Two involved emotionally disturbed persons and three originated from domestic-violence circumstances.

Three incidents involved subjects who employed an automobile as a weapon. Department policy forbids using firearms against subjects who so use a vehicle (absent another source of threat); the Penal Law, however, does not prohibit officers from doing so if they reasonably believe that force is necessary to defend themselves or another from the threat of deadly physical force. This is a prime example of the NYPD demanding more restraint than even the law requires. Accordingly, in two of three incidents in

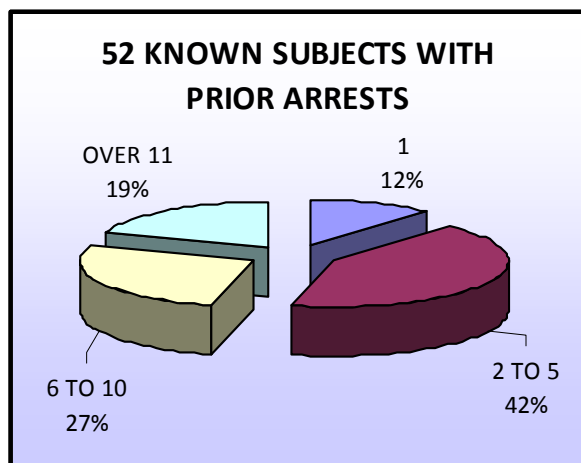


Figure A.19

2008 ANNUAL FIREARMS DISCHARGE REPORT INTENTIONAL DISCHARGE — ADVERSARIAL CONFLICT

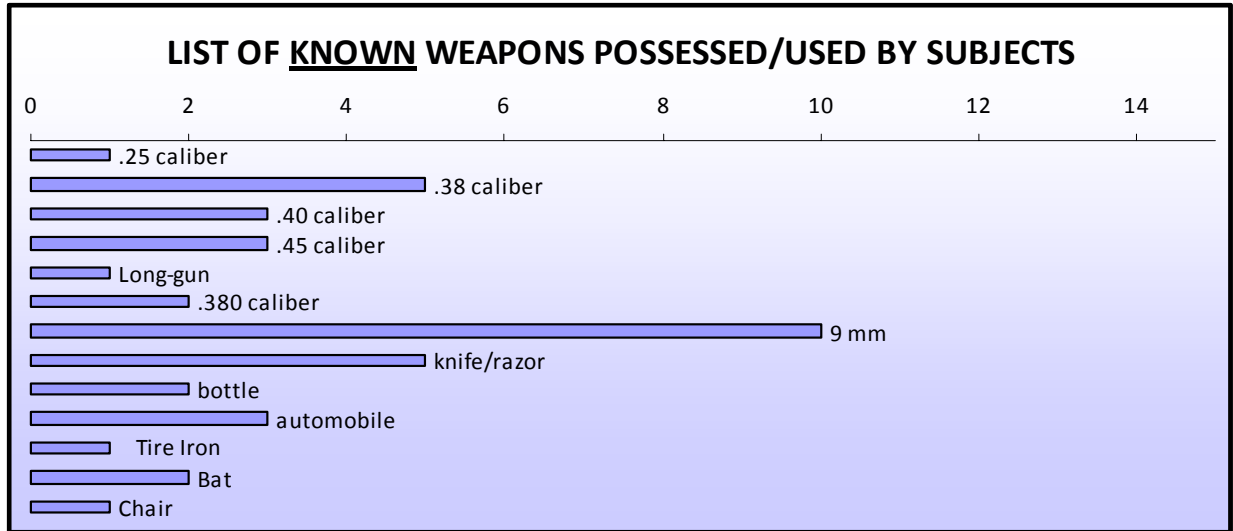


Figure A.20

which officers discharged their firearms at subjects in vehicles, the Department disciplined those officers, irrespective of the legality of their actions.

INCIDENT OUTCOME

Of the 49 intentional discharges occurring during adversarial conflict, 28 resulted in injury or death to either a subject or police officer or both.

OFFICER INJURIES

Three officers in two incidents were injured by subject gunfire in 2008. Of those three, only one was able to return fire, although he was unable to strike the subject. All three officers were fired upon first.

Because ten officers were struck by gunfire in 2007, some statistical examination of that year's events was possible, particularly as it pertained to objective completion rates, officer-to-subject distances, and tactics. In 2008, with a sample of two, this sort of analysis is impossible. The two incidents are described as follows:

- Police Officer Jason Maass and Police Officer Shane Farina were both shot by a perpetrator while conducting Anti-Crime operations inside the Transit system. The officers had detained and were in the process of handcuffing a fare evader. As they secured one side of the cuffs, a violent struggle ensued. The perpetrator, who had been deported to the Dominican Republic in 1998 after a history of drug dealing and had returned to the country illegally, managed to gain control of Officer Maass's service weapon. He fired three rounds, striking Officer Farina in the torso, causing a perforated liver and collapsed lung, and striking Officer Maass in the buttock. Neither officer was able to return fire. The perpetrator fled the subway station, but before he could exit he was engaged in a gun battle by the officers' supervisor, a lieutenant. The perpetrator fired three more rounds, missing. The lieutenant returned fire six times, striking and wounding the perpetrator.
- Police Officer Antwane Reeves was shot while walking his dog. He was off duty at the time. A perpetrator confronted Officer

2008 ANNUAL FIREARMS DISCHARGE REPORT INTENTIONAL DISCHARGE — ADVERSARIAL CONFLICT

Reeves, who identified himself as a police officer. The perpetrator left but returned with a firearm and engaged Officer Reeves in a gun battle, during which Officer Reeves suffered a graze wound to his head. The perpetrator was not struck, but was apprehended, along with a 9mm Taurus reported stolen in Florida. Officer Reeves was awarded a Combat Cross for his actions.

Four additional officers sustained non-gunfire injuries during adversarial conflict. One off-duty detective was attacked by two perpetrators wielding cutting instruments; despite having his neck slashed with a razor, the detective was able to engage both perpetrators, killing one and wounding the other. Another off-duty officer was the victim of a gang assault, during which he was set upon by six perpetrators; the officer was able to defend himself, firing a single round and striking one of his assailants (the others fled but were subsequently apprehended). A third officer was dragged by a vehicle, and the fourth was struck by one.

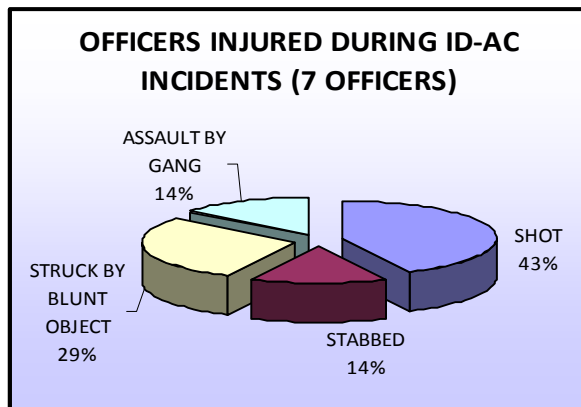


Figure A.21

BULLET-RESISTANT VEST

Of the three officers shot, two were wearing bullet-resistant vests. Neither vest was defeated by a round, but the location where the round or rounds hit the body rendered the vest ineffective.

SUBJECT INJURIES

Of the 61 subjects involved, 12 were killed and 18 injured by police gunfire.

Of the 12 subjects killed, seven subjects possessed firearms, five of whom fired on police. Three subjects possessed knives, one of whom had severely slashed a detective. Two other subjects possessed and threatened the use of blunt instruments. **Nine of the 12 killed were intoxicated or had illegal narcotic or chemical substances in their systems at the time of the incidents.** Toxicology results can only be determined for subjects killed; the percentage of remaining subjects who may have been chemically altered cannot be known. [See Figure A.22 and the Appendix.]

Of the subjects who were injured, 67 percent had already shot, shot at, stabbed, or struck an officer or civilian before they were stopped. Seventeen percent menaced an officer with a firearm, cutting instrument, or blunt instrument. In the remaining three incidents, officers perceived a threat in the absence of a weapon—in two of these instances officers were disciplined accordingly (one officer was discharged from the Department, the other was suspended). The third case is pending [see Figure A.23].

2008 ANNUAL FIREARMS DISCHARGE REPORT INTENTIONAL DISCHARGE — ADVERSARIAL CONFLICT

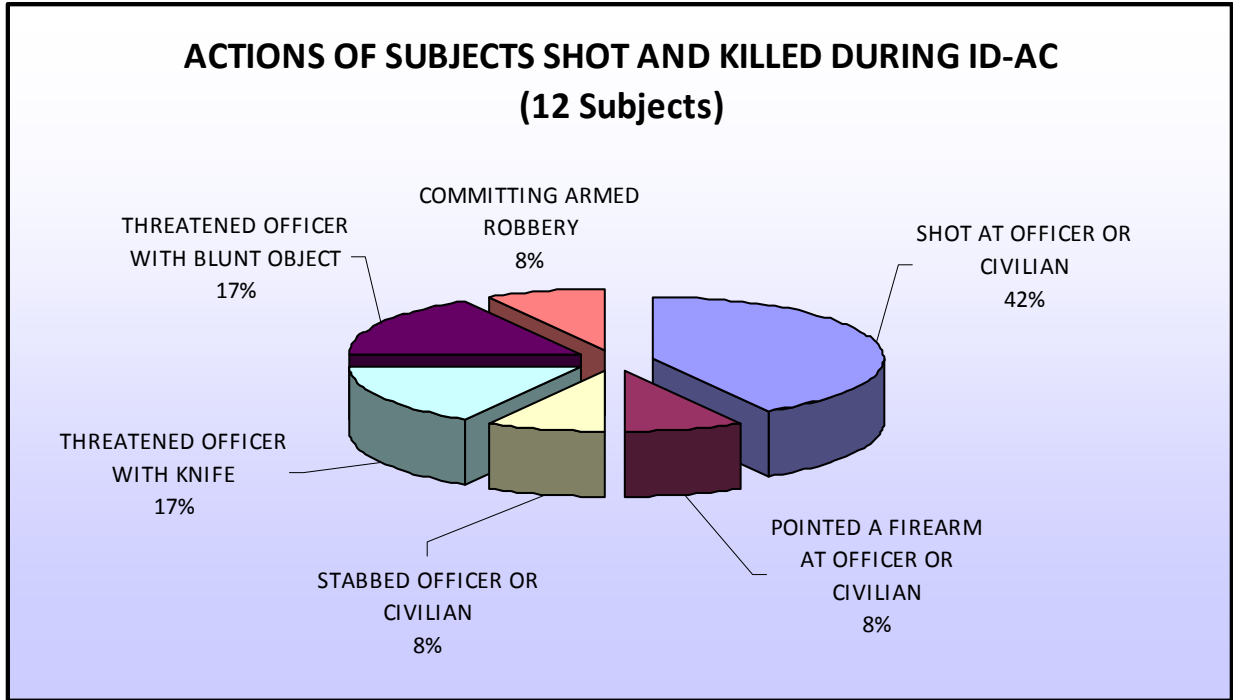


Figure A.22

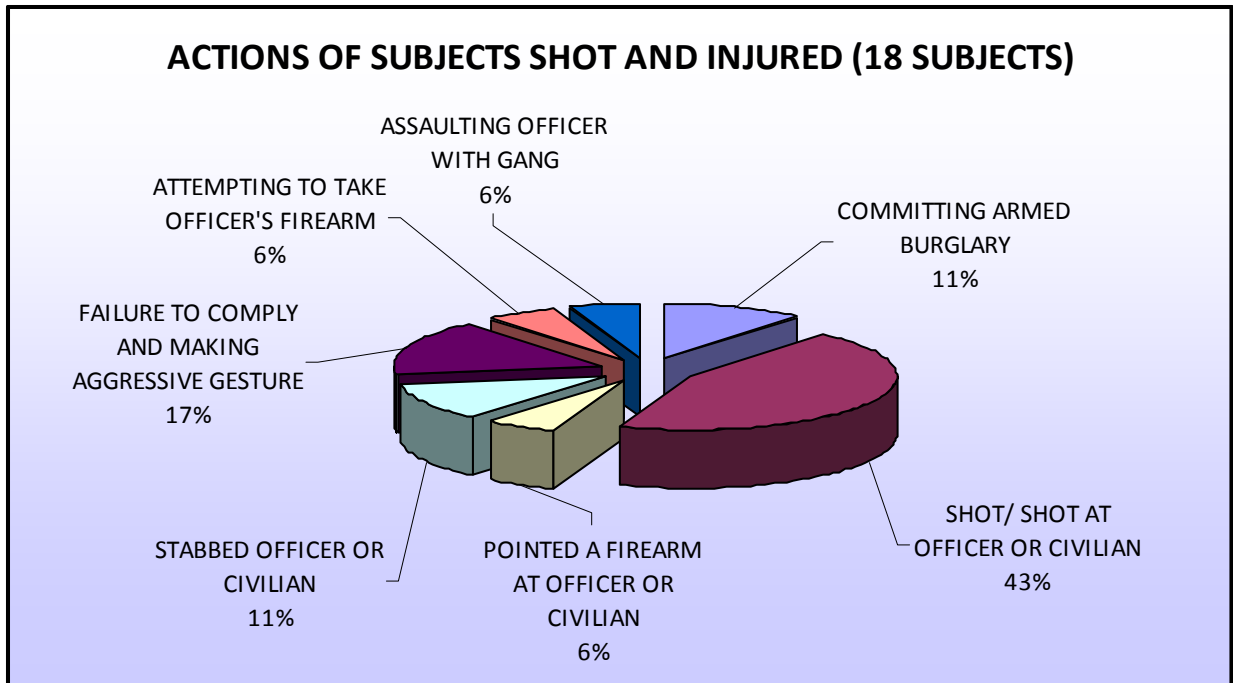


Figure A.23

2008 ANNUAL FIREARMS DISCHARGE REPORT INTENTIONAL DISCHARGE — ADVERSARIAL CONFLICT

During the conflict or immediately before the officer's involvement, the various subjects who were injured had shot and injured two officers, shot and injured two civilians, slashed or stabbed two civilians, gang-assaulted an officer, gang-assaulted a civilian, and dragged an officer with a vehicle.

No civilians were killed or injured by police fire.

MALFUNCTION

One officer experienced a "stove pipe" malfunction of his firearm, in which an expended bullet's shell casing failed to eject fully from the firearm's chamber. Although this occurred as the subject was firing on the officer, no officers were injured because of this malfunction.

FINDINGS

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

At the time of this report, two-thirds of the 49 incidents had been reviewed and findings had been issued. Among the officers involved in reviewed incidents, one was retrained in undercover tactics, two were issued command disciplines, and five were issued Charges and Specifications, the Department's strictest remediation. One of these individuals was terminated from the NYPD.

Twenty-seven officers' actions did not warrant any type of discipline or corrective retraining. The undercover officer mentioned above was mandated to attend specific, corrective retraining as a result of the investigation of the incident in which he/she was involved. Three other officers were retrained in tactics (and two of these officers were also issued command disciplines). Reviews of the remaining incidents are pending.

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

CONCLUSION

There were 49 intentional discharges during adversarial conflicts, involving 60 officers who fired. These conflicts involved 61 subjects, including 17 who fired directly on police.

In 2008, there were more than 2,300 victims of criminal shootings and homicides in New York City. The number of intentional firearms discharges by police, comparatively, is small, but every time an officer discharges a firearm he or she risks inflicting injury or death, on subjects, police, or innocent bystanders. Because of this, the Department strives to ensure that each incident is thoroughly investigated and analyzed in order to reduce these events, thereby reducing the likelihood of harm to civilians and officers alike.

One method of judging the Department's relative success is to compare the number of adversarial-conflict discharge incidents with the number of arrests of armed individuals

2008 ANNUAL FIREARMS DISCHARGE REPORT INTENTIONAL DISCHARGE — ADVERSARIAL CONFLICT

made by officers each year. In 2008, New York City police officers made 28,896 weapons arrests, including 3,212 gun arrests. (This number does not include instances in which officers confront armed emotionally disturbed persons and transport those persons to the hospital rather than arresting them.)

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

There were, on average, 35,945 uniformed officers employed by the NYPD in 2008. Of them, only 60—*0.2 percent*—intentionally discharged a firearm at a subject.

These officers responded to more than 4.4 million calls for service in 2008, of which more than half—2.3 million calls—were increased-risk radio assignments.

Of the millions of dangerous calls that thousands of officers responded to in 2008 (not including proactive incidents during which officers were actively seeking out criminals), officers intentionally discharged their firearms in a total of 49 incidents.

2008 ANNUAL FIREARMS DISCHARGE REPORT

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2008 ANNUAL FIREARMS DISCHARGE REPORT INTENTIONAL DISCHARGE — ANIMAL ATTACK

OVERVIEW

There were 30 incidents of intentional firearms discharge during an animal attack in 2008, down 23 percent from 2007 and down 62 percent from 1998. A total of 40 officers intentionally fired their weapons during these incidents, down 9 percent from 2007. One officer was directly involved in the attack but did not fire. All of the attacks involved dogs. (It should be noted that the following statistics, graphs, and observations are based on this limited sample.)

There were nine officers injured in these incidents. Five officers were bitten by dogs and four officers suffered other injuries during the attack. Four civilians were also bitten by dogs during these incidents, as well as a NYPD police dog that was attacked by another dog. These numbers do not encompass all dog attacks on officers or civilians, only dog-attack incidents involving intentional firearms discharges by police officers.

Of the 39 dogs involved, there were 11 dogs injured and 18 dogs killed during these conflicts. A more detailed analysis of injuries to all persons and animals involved will be provided in the following pages.

REASON FOR DISCHARGES

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

Officers, when able, attempt to prevent an animal attack using non-lethal options, in-

cluding batons and OC spray. A police officer uses his or her firearm as a last resort to stop the animal attack.

DATES AND TIMES OF DISCHARGES

Intentional discharges during animal attacks occurred fairly evenly throughout the four quarters of the year. The third quarter of the year saw nine incidents, while the remaining quarters each saw seven. January saw five incidents, the most incidents of any month; February was the only month to see zero.

Discharges during animal attacks occurred most often on Sunday (23 percent). These incidents occurred most often on the third platoon (60 percent), followed by the first platoon (27 percent) and the second platoon (13 percent) [see Figure B.1 below].

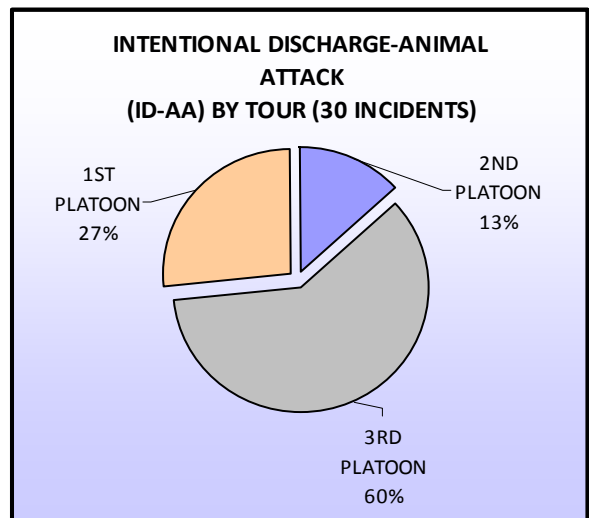


Figure B.1

LOCATIONS OF DISCHARGES

All but two of the intentional discharges during animal attacks occurred within the city limits, with 67 percent of the incidents transpiring under the jurisdiction of the patrol

2008 ANNUAL FIREARMS DISCHARGE REPORT INTENTIONAL DISCHARGE — ANIMAL ATTACK

precincts. This is a slight departure from intentional discharges during adversarial conflict. While intentional discharges during adversarial conflict occurred within Housing jurisdiction only 18 percent of the time, intentional discharges during animal attacks occurred within Housing jurisdiction 27 percent of the time [see Figure B.2].

The Bronx experienced the most incidents (33 percent). The pie chart below shows the percentages of discharges per patrol borough [see Figure B.3].

These incidents took place in 21 separate precincts, with most of those precincts only experiencing a single incident. Six precincts accrued more than one incident. The 48th Precinct had three incidents.

Of the 30 incidents, 60 percent occurred outdoors. This is less than the 76 percent for adversarial conflicts. The exact locations of the incidents vary from streets and sidewalks to roofs, stairwells, and apartments.

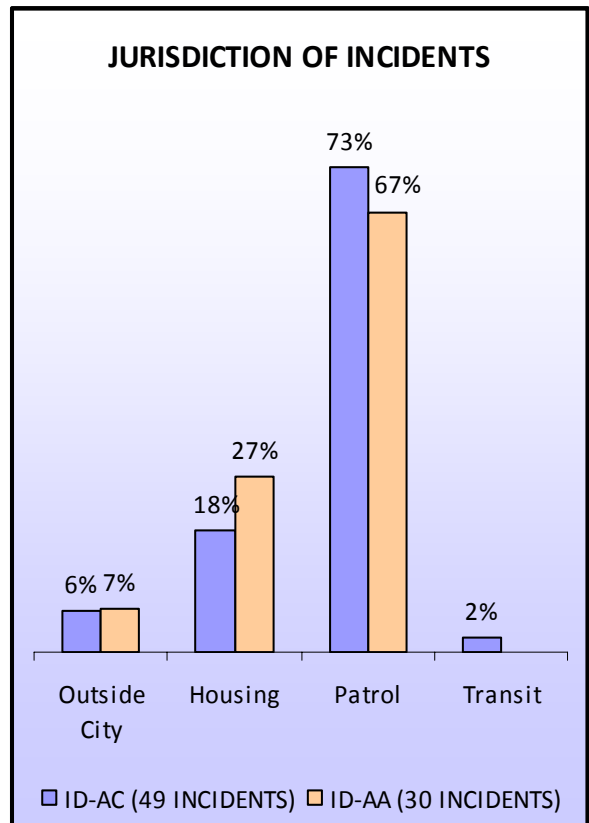


Figure B.2

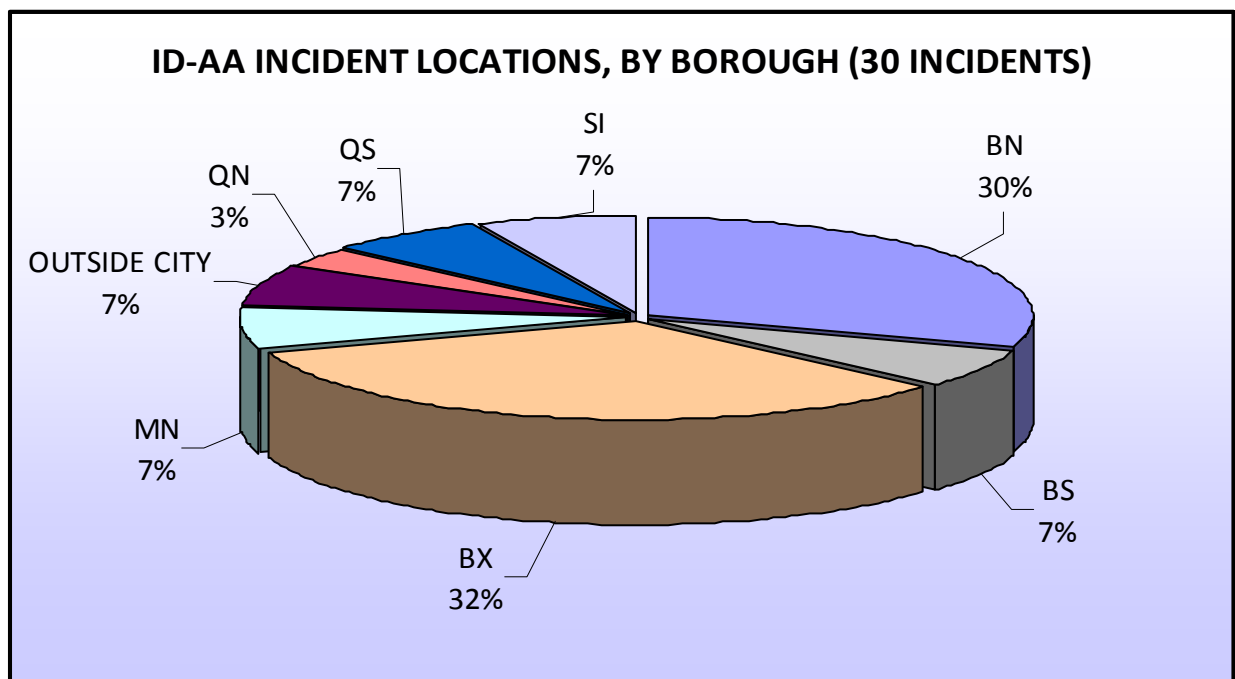


Figure B.3

2008 ANNUAL FIREARMS DISCHARGE REPORT INTENTIONAL DISCHARGE — ANIMAL ATTACK

The plurality of occurrences happened in yards, alleys, or lots (27 percent). Figure B.4 below indicates the locations and percentages of the incidents.

Figure B.6 on the next page maps the exact location of all of the intentional discharges during animal attacks occurring in 2008. The two attacks occurring outside New York City are not depicted.

REASONS OFFICER INVOLVED

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

common (25 percent) was responding to a call of or observing a vicious dog. The next most frequent reasons were searching for or chasing a suspect (15 percent) and conducting a vertical (15 percent). Eight percent of the officers involved were simply attacked by the dog [see Figure B.5].

A large proportion of officers (45 percent) were assigned to patrol duties, which include conducting verticals and responding to calls for service from the public, such as calls for vicious dogs. These calls, as mentioned above, account for 40 percent of the incidents [see Figure B.8 on page 25 for officer assignment].

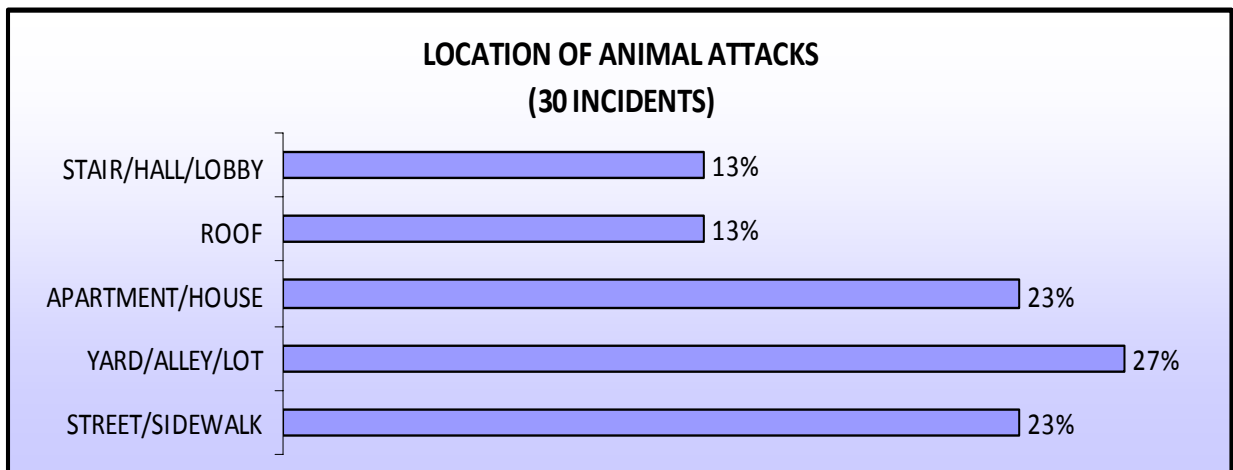


Figure B.4

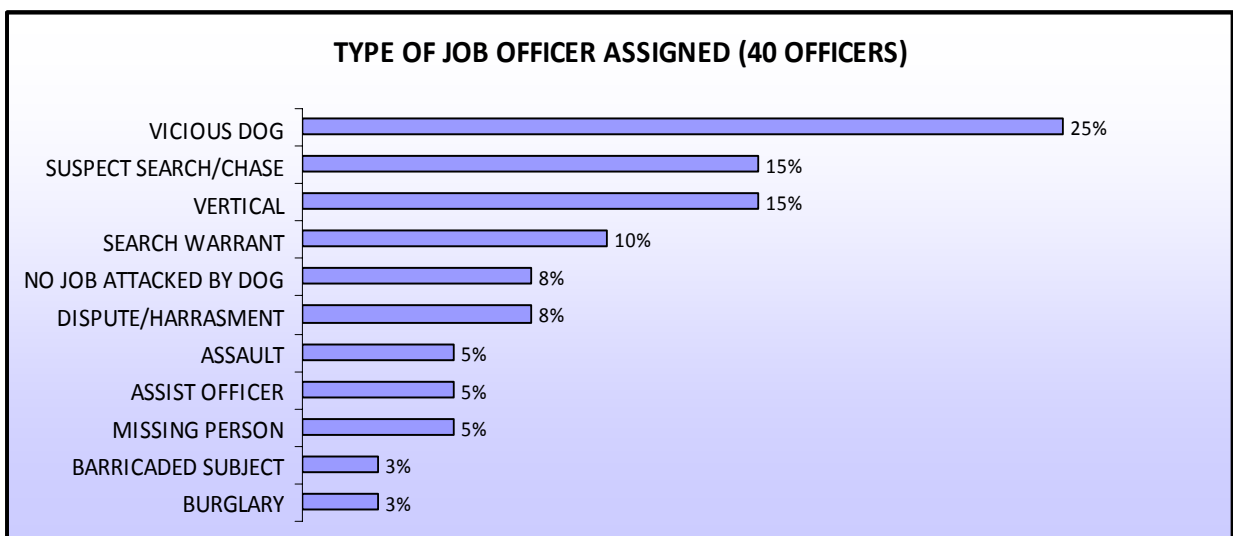
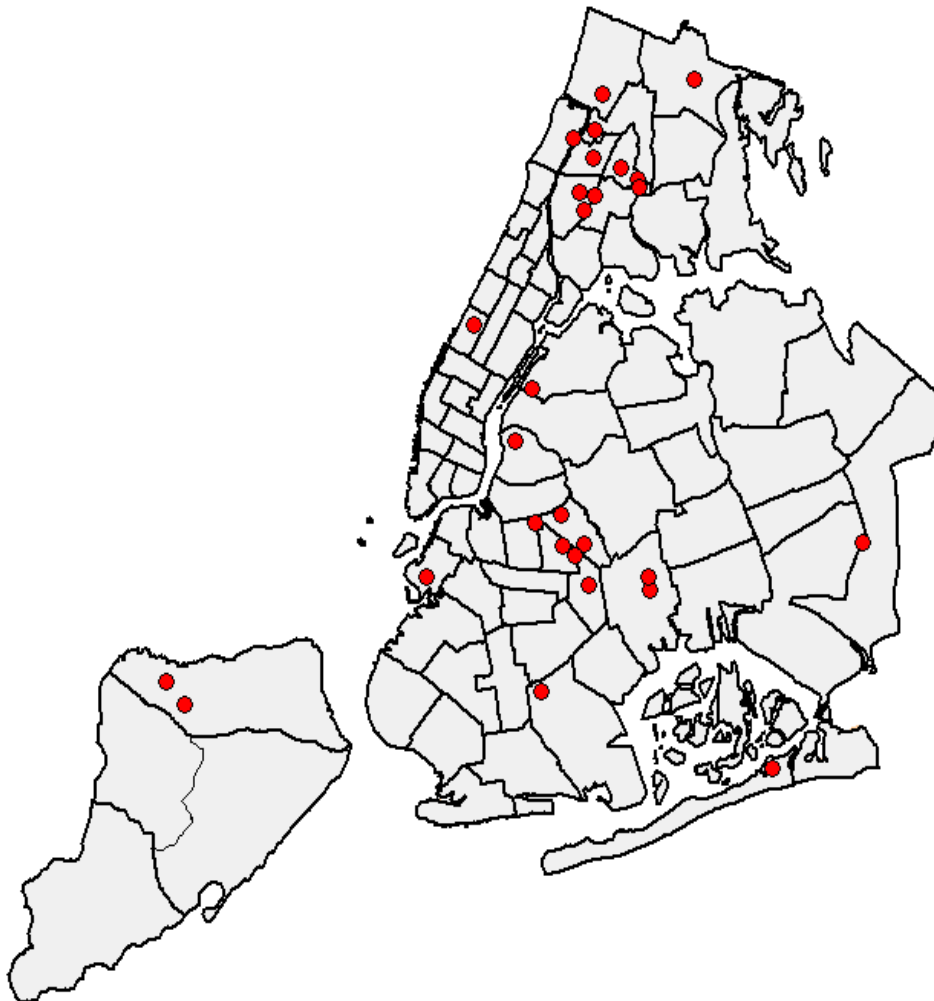


Figure B.5

2008 ANNUAL FIREARMS DISCHARGE REPORT
INTENTIONAL DISCHARGE — ANIMAL ATTACK

**LOCATIONS OF INTENTIONAL DISCHARGES DURING ANIMAL ATTACKS,
2008
(28 INCIDENTS*)**



*Does not include two (2) incidents that occurred outside the city limits

2008 ANNUAL FIREARMS DISCHARGE REPORT INTENTIONAL DISCHARGE — ANIMAL ATTACK

Figure B.7 indicates the top bureau or precinct of assignment for officers involved in intentional discharges during animal attacks. As mentioned earlier, Housing units are involved in these incidents more often by percentage than was the case for adversarial-conflict incidents. Housing officers accounted for six of the 40 officers involved in animal attack discharges.

INCIDENT DETAILS

When officers did discharge their firearms during an animal attack, the plurality of officers (32 percent) fired only **one time** [see Figure B.9 on next page].

This pattern of restraint is also apparent when analyzing the number of shots fired per incident. The greatest portion of these incidents (36 percent) involved only **one** shot being fired [see Figure B.10 on next page].

A total of 142 shots were fired by officers during these incidents; this is a **95 percent increase** from the previous year.

Although there were 23 percent fewer incidents and 9 percent fewer officers involved, there was still a significant increase in the number of shots fired. This increase may be the result of eight incidents involving multiple dogs attacking the officer(s).

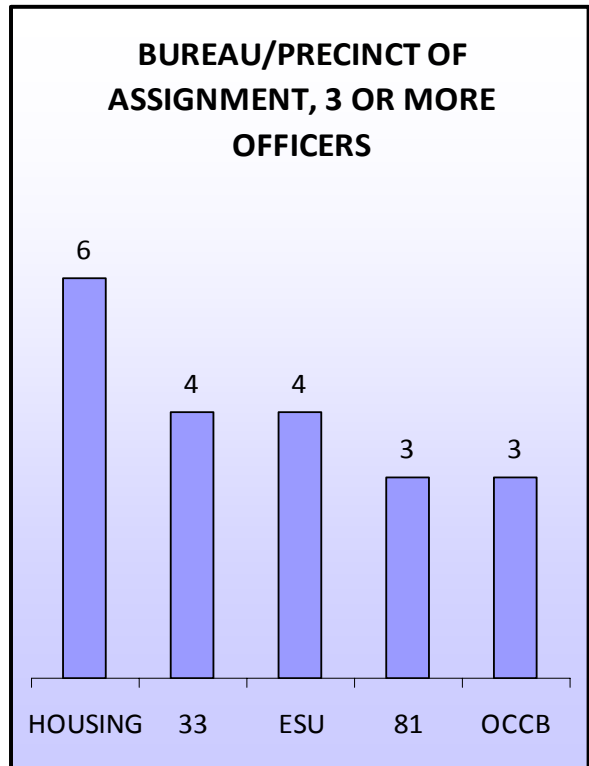


Figure B.7

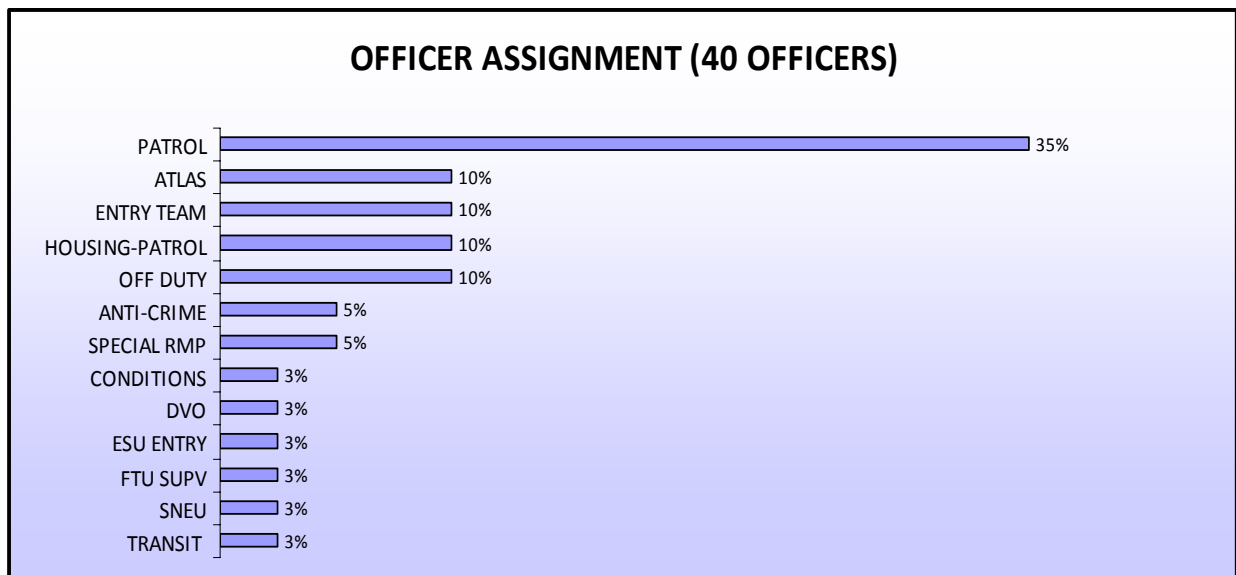


Figure B.8

2008 ANNUAL FIREARMS DISCHARGE REPORT INTENTIONAL DISCHARGE — ANIMAL ATTACK

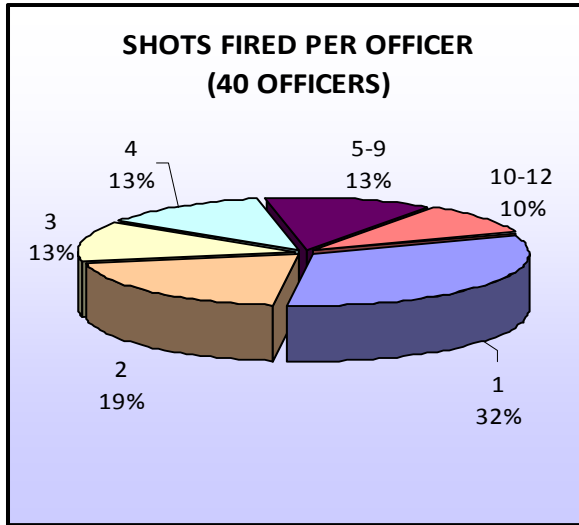


Figure B.9

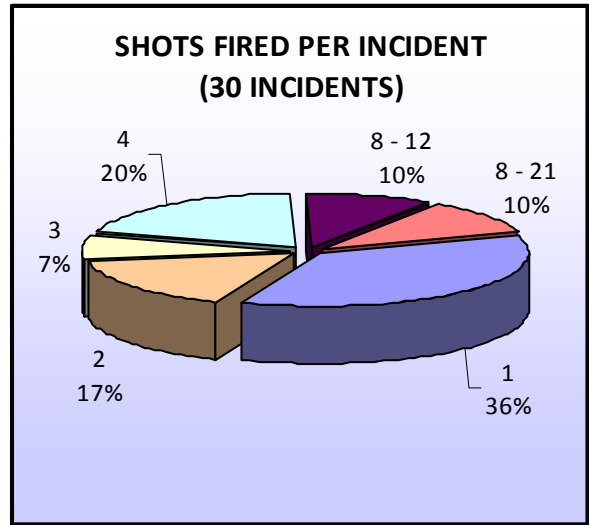


Figure B.10

During these 30 incidents, officers hit at least one animal per incident 27 times; this yields an objective completion rate of 90 percent per incident. This is higher than the objective completion rate during adversarial conflict and higher than the objective completion rate of officers under fire [see OUTCOME section for explanation].

SHOOTING TECHNIQUE

Last year the shooting techniques of officers defending against an animal attack varied greatly from those of officers involved in adversarial conflict. This year they are more congruent. As with adversarial conflict incidents, 64 percent of the officers in animal attacks who reported their position, report gripping the firearm with two hands.

As the majority of reporting officers (76 percent) reported that they were unable to utilize cover during adversarial conflicts, the overwhelming majority of officers (90 percent) involved in animal attacks report having no cover during the discharge. Officers who can find cover from an animal attack may not find it necessary to fire.

The two types of incidents are also similar when it comes to shooting position. As with adversarial conflicts, the majority of officers report being in a standing position.

Only 39 percent of the reporting officers report utilizing their sights when discharging their firearm during these confrontations. This is similar to the 32 percent of the reporting officers who used their sights during adversarial conflict.

OFFICER PEDIGREE

As with adversarial conflicts, the majority of officers intentionally discharging their firearms during an animal attack were males, who comprise 93 percent of the officers in this category.

Unlike adversarial conflict, the race of the officers involved in intentional discharges during animal attacks is slightly dissimilar to that of the Department staffing. White officers were underrepresented, comprising 33 percent of officers firing versus 54 percent of Department staffing. Hispanic and black officers were slightly over-represented with

2008 ANNUAL FIREARMS DISCHARGE REPORT INTENTIONAL DISCHARGE — ANIMAL ATTACK

Hispanics accounting for 35 percent of officers firing versus 25 percent of the Department staffing, and blacks accounting for 28 percent of officers firing versus 16 percent of Department staffing [see Figure B.11].

FIREARM TYPE

Officers utilized their service weapons in the majority of the incidents (95 percent). The remaining officers discharged their off-duty weapons.

ATTIRE

The majority of officers who discharged their weapons during animal attacks were attired in uniform (78 percent). This is a noticeably higher percentage of the whole than for in-uniform officers who fired during adversarial conflict (43 percent), possibly because uniformed officers more frequently respond to calls for service regarding vicious animals, and are more likely to conduct foot patrol and verticals. As noted, these situations are common conditions in which animal attacks occur.

YEARS OF SERVICE

As in adversarial conflicts, approximately 40 percent of the officers who discharged firearms during animal attacks had between one and five years of service. As years of service increase, the number of incidents decreases [see Figure B.13].

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

RANK

A significant majority of officers discharging their firearms in these incidents were police officers (77 percent); again, police officers are most likely to perform duties that expose them to animal attack [see Figure B.12 on next page].

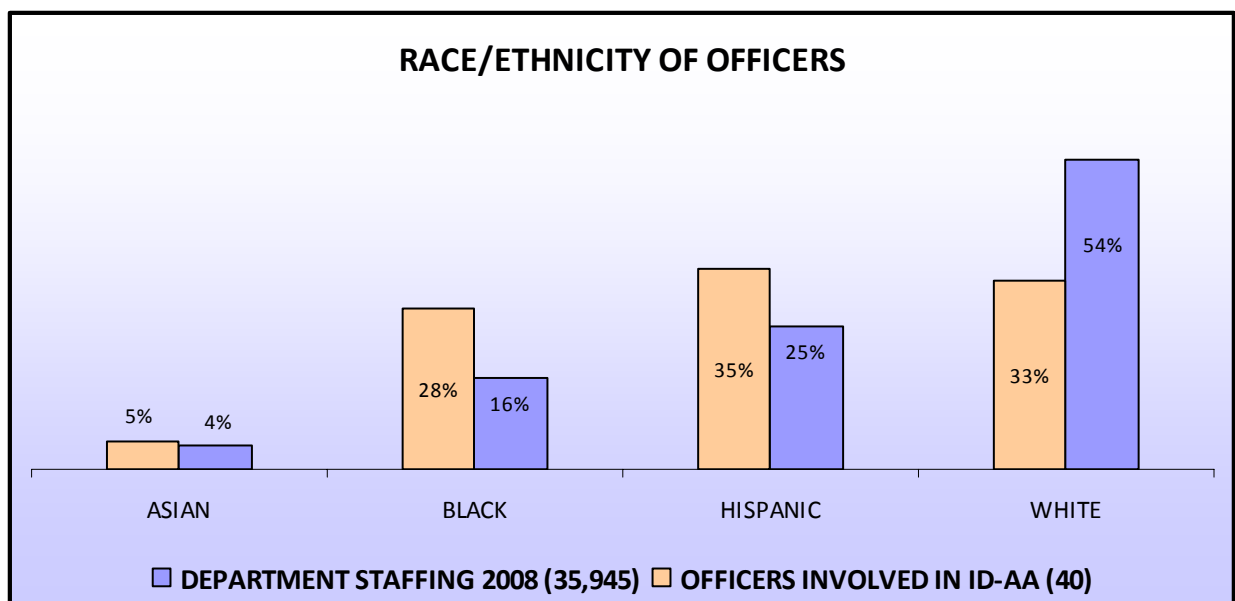


Figure B.11

2008 ANNUAL FIREARMS DISCHARGE REPORT INTENTIONAL DISCHARGE — ANIMAL ATTACK

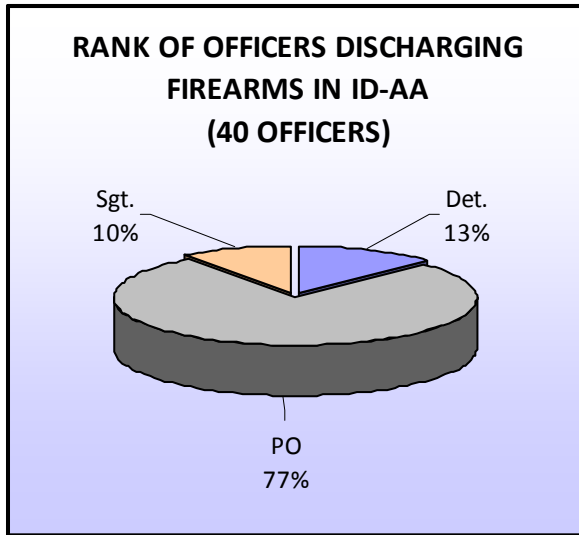


Figure B.12

INCIDENT OUTCOME

Of the 30 intentional discharges occurring during animal attacks, 27 resulted in injury or death to at least one animal. Nine officers were injured, including five who were bitten by dogs. (The remaining four officers suffered bruises and sprains related to the attack.) The bites occurred to officers' arms, hands, or legs.

Four civilians were bitten by dogs, including a pregnant female who was bitten on the leg. One police dog was also injured when it was attacked by two other dogs. No civilians were injured or killed by police gunfire during these incidents.

Of the 39 animals involved, 18 were killed and 11 injured by police gunfire. All of the animals involved were dogs, with 87 percent being pit bulls.

When officers fired at attacking animals they hit their targets in 90 percent of the incidents. This objective completion rate is higher than for adversarial attacks (57 percent) and higher than for officers under fire (67 percent). A possible explanation is the distance between officer and animal. Although in both kinds of attack officers are often attempting to avoid injury by running for cover or physically pushing a subject or animal away, officers in animal attacks are more often within arm's reach of the animal. Almost 70 percent of officers report being five feet or fewer from the attacking animal,

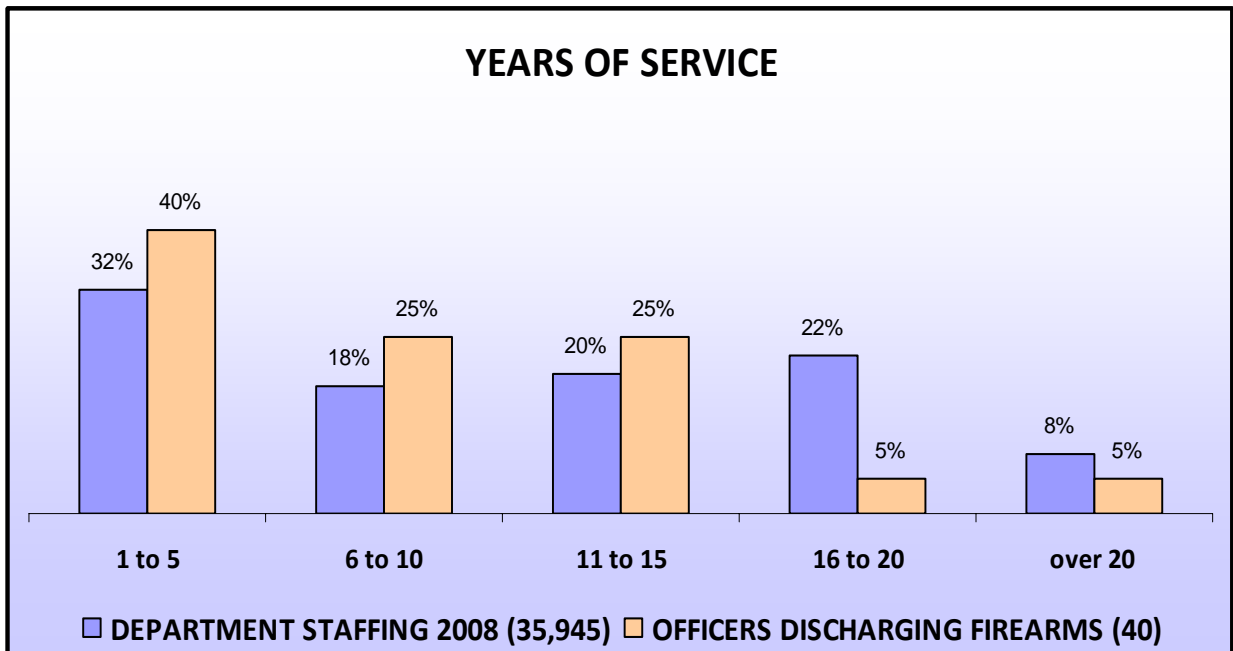


Figure B.13

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and no officer reported being farther than ten feet. Officers in adversarial conflict, on the other hand, report being within five feet of the subject only 45 percent of the time.

MALFUNCTION

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

FINDINGS

All of the intentional firearms discharges during animal attacks in 2008 were investigated and, at the time of this report, 75 percent offered findings and recommendations. Of the 30 officers in the completed investigations, two were disciplined. As noted in the previous category, discipline does not necessarily mean that there was a violation of shooting procedure. The two officers in these incidents received discipline for improper notification and recording of the incident. Nine other officers did not receive discipline but instead were sent to tactical retraining, and one was mandated to be retrained on the proper handling of dogs.

CONCLUSION

In 2008, police officers responded to more than 25,800 calls through 911 for incidents involving dogs and other animals. This number includes 4,905 complaints about vicious animals made through the 311 system. It does not account for incidents in which officers proactively encounter dogs or answer civilian complaints that were not processed through 911.

From among more than 25,800 calls involving animals that thousands of officers responded to, as well as uncounted incidents in which officers came into contact with dogs or other animals, a total of 30 instances resulted in officers discharging their firearms.

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2008 ANNUAL FIREARMS DISCHARGE REPORT UNINTENTIONAL DISCHARGES

OVERVIEW

In 2008, there were 15 incidents of unintentional firearms discharge, involving 15 officers. This is the same number as in 2007 but marks a sharp decrease from 2006, when there were 26 incidents involving 27 officers—a 44 percent reduction in the number of officers involved in these accidents.

There were five officers injured in these incidents (four officers were injured as a direct result of the discharge of the weapon and one was injured after being struck by a perpetrator's vehicle). No officers were killed as a result of these incidents.

There were four civilians injured and one subject killed in these firearms discharges.

REASON FOR DISCHARGES

Officers unintentionally discharging their firearms did so in two distinct circumstances—either purely unintentionally (12 incidents), or unintentionally during adversarial conflict (three incidents). Purely unintentional discharges occur while the officer is loading, unloading, or otherwise handling the firearm. Unintentional discharges during adversarial conflict occur while the officer is actively engaged in the arrest or apprehension of a subject.

PURELY UNINTENTIONAL

There were 12 incidents in which an officer unintentionally discharged a firearm during times when there was no adversarial conflict or animal attack. In each of the 12 incidents, only one shot was fired.

LOADING/UNLOADING

The overwhelming majority of incidents occurred while the officer was loading, unloading, or inspecting the firearm (83 percent, or ten incidents). The majority of incidents occurred at the officer's residence or a police facility. The reasons for handling the firearm vary from cleaning the firearm, to attempting to render the firearm safe, to testing the firearm's operability.

It is notable that **five of the ten firearms discharged during loading/unloading incidents were not the officers' regular service or off-duty firearms.** (This trend was noted last year, as well). This may stem from the officers' lack of familiarity with the firearms in question. In three of the five incidents the officers were handling another officer's firearm. (It must be noted that in two of these three incidents the officers were firearms instructors who were ostensibly familiar with the type and model of firearm, if not the specific weapon itself.) In the remaining two incidents, the firearm was owned by the officer but was not the officer's regular service or off-duty weapon.

In 2008, as in 2007, one officer unintentionally discharged his firearm while unloading his weapon at a Department of Correction safety station. (Unintentionally discharging a firearm into a firearms safety station is not considered a firearms discharge when it occurs inside an NYPD facility.)

OTHERWISE HANDLING

The remaining two purely unintentional incidents occurred while the officer was handling the firearm. In one incident the officer

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dropped the firearm on the deck of a pool and it discharged. In another incident the officer discharged his firearm while holstering, unaware that an object was lodged in the trigger guard.

PEDIGREE OF OFFICER

Although all the officers involved in these types of unintentional discharges were male, the rest of the pedigree information appears inconsequential. Age, race, and assignment vary at random.

One anomaly was noted. Half of the officers involved in these purely unintentional discharges had three years of service or fewer. This anomaly is unique to 2008 and was not observed last year (the first year of the new analysis), when only one such officer unintentionally discharged his firearm.

INJURIES

Of the 12 purely unintentional discharges, four officers sustained injuries as a direct result of the discharge. Three officers sustained injuries to their legs/lower region, and one officer sustained a wound to his hand. Four civilians sustained injuries as a result of these unintentional discharges. None of the injuries was life-threatening and no civilians were killed. No subjects were killed or injured in these incidents.

FINDINGS

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

UNINTENTIONAL DISCHARGE – ADVERSARIAL CONFLICT

There were three incidents in which officers unintentionally discharged their firearms during an adversarial conflict. In two of the incidents the officer was physically struggling with a subject. In the other, the officer was struck by a subject driving a stolen vehicle, which caused the firearm to discharge.

The sample size of this category is so small that no significant conclusions can be derived. Yet there were some observations worth noting.

Just as in 2007, two thirds of the incidents occurred in the Bronx (albeit two of three incidents), with the other occurring in Brooklyn South. Also, two of the three incidents involved stolen vehicles.

INJURIES

One officer sustained injuries from being struck by a vehicle. There were no firearms-related injuries or deaths to officers as a result of these three incidents.

No civilians were injured or killed as a result of these unintentional discharges. One subject was killed when the officer unintentionally discharged his firearm after being struck by a stolen vehicle driven by the subject.

FINDINGS

All officers involved in unintentional firearms discharges during adversarial conflicts were mandated to attend some type of firearms retraining.

2008 ANNUAL FIREARMS DISCHARGE REPORT UNINTENTIONAL DISCHARGES

Figure C.1 to the right encompasses the discipline for all unintentional discharges, including all officers involved in the incident, regardless of whether or not they discharged a firearm. This includes officers whose firearms were discharged by another officer.

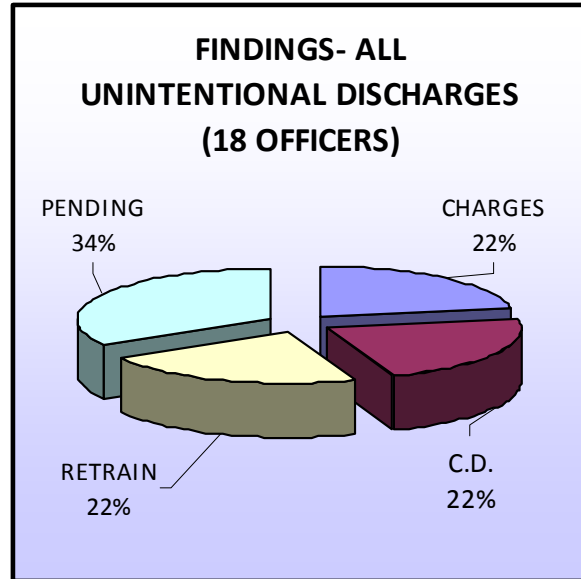


Figure C.1

2008 ANNUAL FIREARMS DISCHARGE REPORT

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2008 ANNUAL FIREARMS DISCHARGE REPORT UNAUTHORIZED USE OF A FIREARM

OVERVIEW

There were 11 firearms discharges in 2008 that were deemed to be unauthorized and outside the scope of the officers' employment. The majority of these incidents involved the suicide of an officer (seven incidents) or the attempt (one incident). Of the other three incidents, one involved the discharge of an officer's weapon by someone other than the owner. The final two incidents were unauthorized events in which the highest level of disciplinary action has been undertaken against the officers involved.

SUICIDE

Seven officers committed suicide in 2008. This is one more than the number of officers who took their own lives during the previous year. In one incident, an officer used a service weapon that was not his own.

An eighth officer attempted suicide by discharging his firearm in the direction of his head. That officer was not injured by the discharge. He was suspended for his actions but also provided with psychological counseling services.

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

DISCHARGE BY OTHER THAN OFFICER

With regard to the one incident in which an officer-owned firearm was discharged by a civilian, this incident involved a family member's gaining access to an improperly secured firearm. The officer received Department discipline for failure to secure his firearm.

OTHER

The final two unauthorized incidents each resulted in the arrest and suspension of the officer involved.

OUTCOME

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

2008 ANNUAL FIREARMS DISCHARGE REPORT

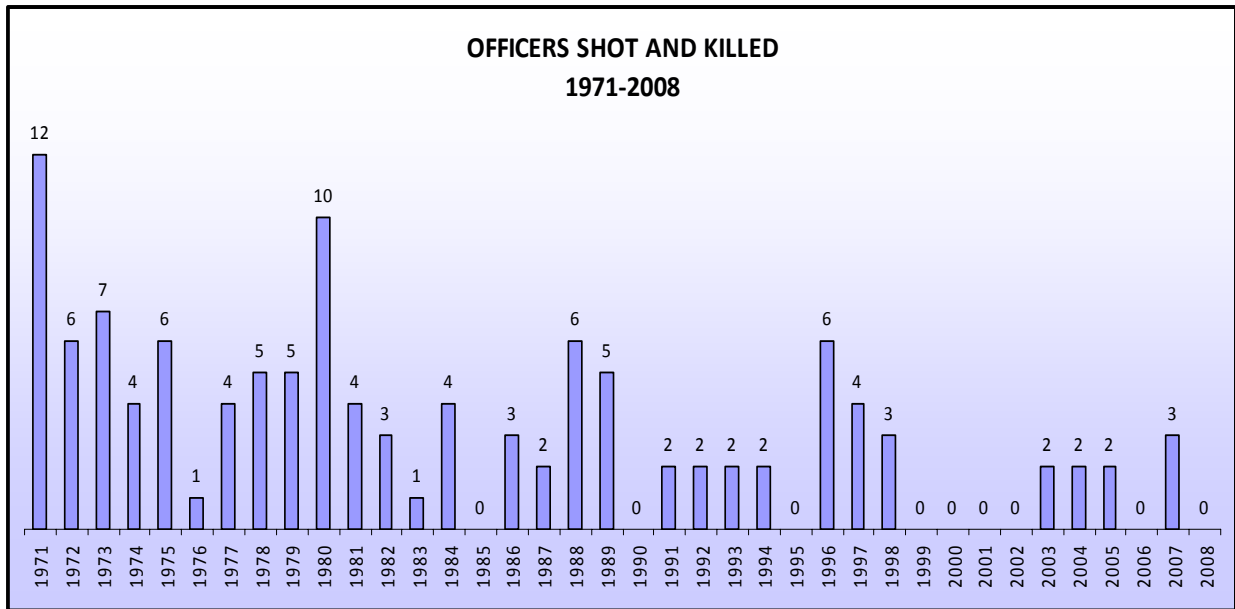
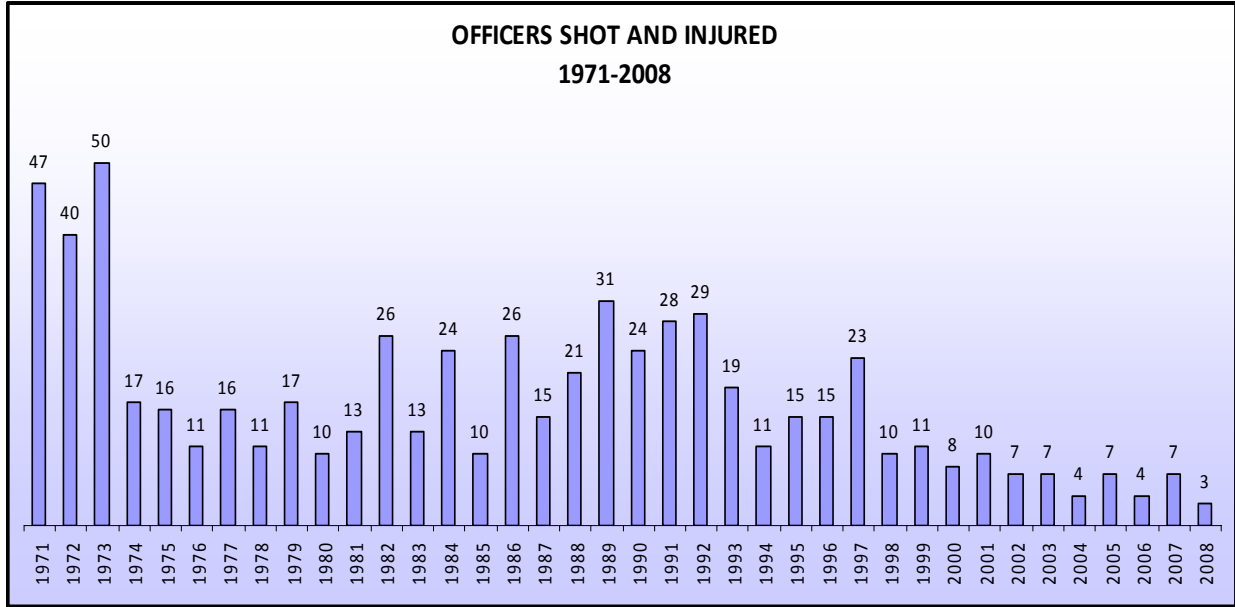
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APPENDIX

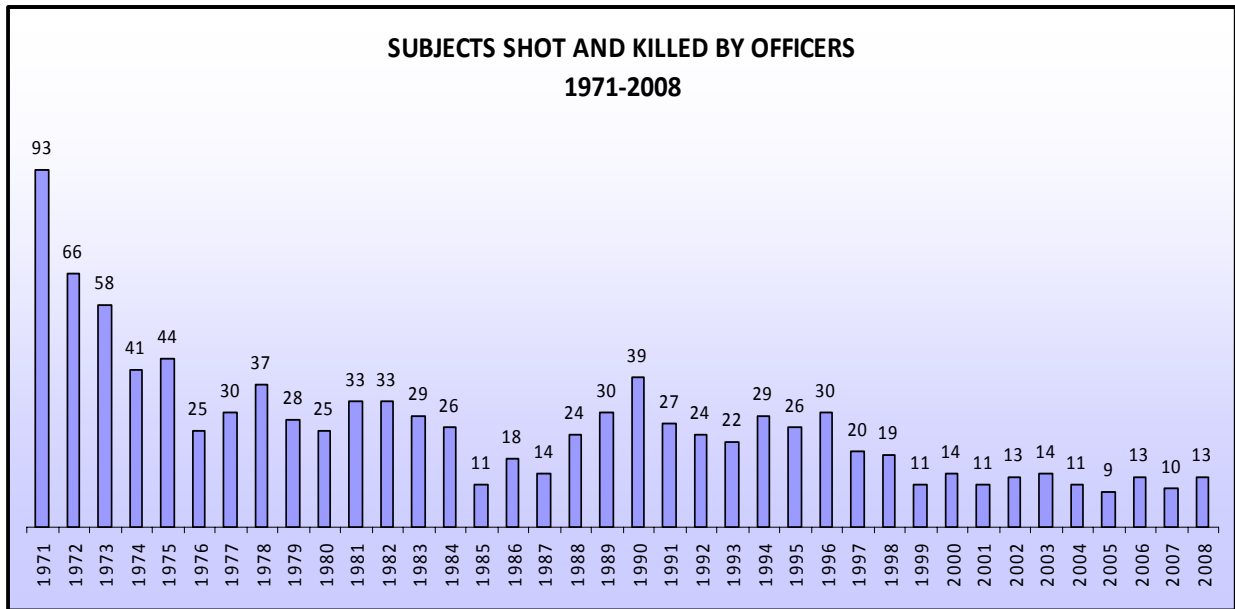
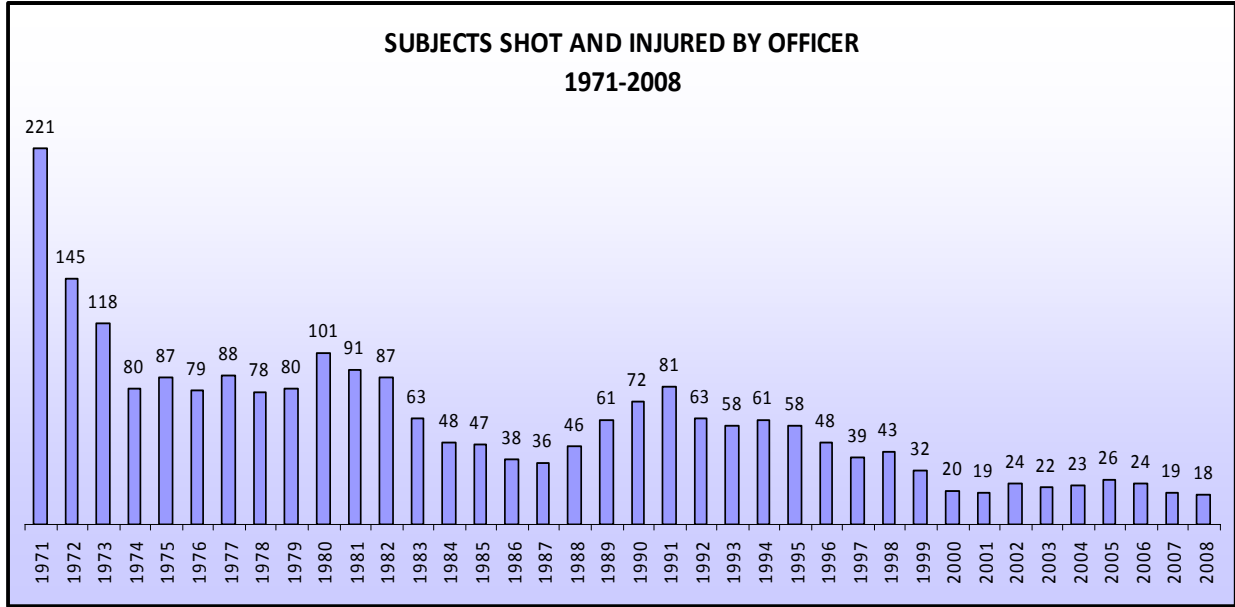
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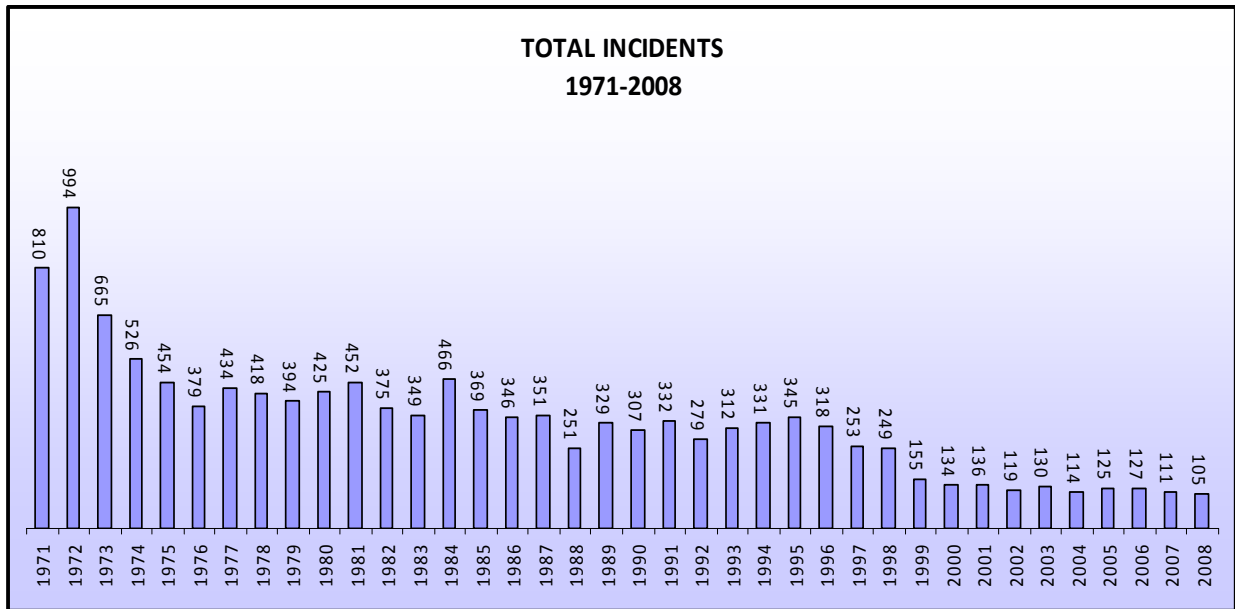
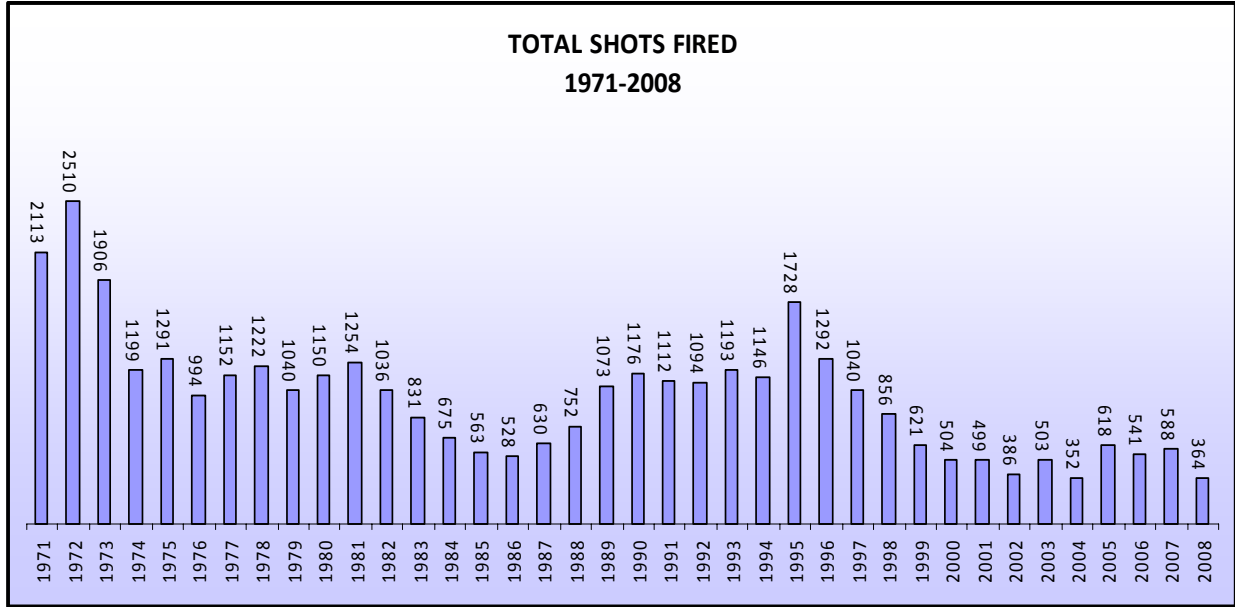
2008 ANNUAL FIREARMS DISCHARGE REPORT APPENDIX — HISTORICAL DATA



2008 ANNUAL FIREARMS DISCHARGE REPORT APPENDIX — HISTORICAL DATA



2008 ANNUAL FIREARMS DISCHARGE REPORT APPENDIX — HISTORICAL DATA



2008 ANNUAL FIREARMS DISCHARGE REPORT

ADVERSARIAL CONFLICT RESULTING IN A SUBJECT'S DEMISE

In 2008, twelve subjects were shot and killed by officers who intentionally discharged their weapons during adversarial conflict. Additionally, one subject was killed by an officer who unintentionally discharged his weapon during adversarial conflict.

The taking of life to protect life is a terrible contradiction, and no officer relishes the prospect of encounters such as these. When facing armed, violent suspects, however, these events are a possibility for which officers must be prepared. The tactics used in these confrontations can be analyzed and assessed in order to develop training that can provide officers with more use-of-force options or conflict-resolution opportunities so that, in the future, similar events may have different outcomes. A short narrative of each incident is found below. It is worthy of note that eleven of the thirteen had prior arrest histories, and ten of the thirteen had alcohol and/or controlled substances in their systems.

On January 1, at 2120 hours, narcotics officers at a known drug location in the 75 precinct observed a male black subject adjusting his waistband in a manner indicative of possessing a firearm. When officers approached the subject, he fled and they gave chase. While being pursued, the subject produced a .38 caliber Rossi revolver and pointed it at the pursuing officers. Two officers fired five and two rounds, respectively, striking and killing the subject. Subsequently, the subject was discovered to be on the FBI's most-wanted list for the attempted murder of a police officer in Georgia in 2005.

On January 5, at 0140 hours, Anti-Crime officers in the 101 precinct observed a male black subject who was known to be a gang member and was wanted for weapons possession. When officers approached the subject, he fled and they gave chase. While being pursued, the subject produced a .380 caliber Berretta semiautomatic and pointed it at the pursuing officers. One of the officers fired a single round, missing the subject, but causing the subject to trip and fall. The officer collided with the subject and also fell. Both the officer and the subject were now prostrate on the ground, within three feet of one another. The subject rolled over and fired at the officer, who returned fire three times, striking and killing the subject. The subject had a long criminal history, including arrests for attempted murder and assault on a police officer, and was intoxicated at the time of the incident.

On May 28, at 2230 hours, an off-duty detective conducted a follow-up visit with a female complainant at her place of work in the confines of the 5th precinct. Two male Hispanic subjects entered the location and attacked the officer and female with cutting instruments. One subject slashed the detective with a razor, causing a laceration that later required three staples. The second subject assaulted the female with a broken bottle, severely cutting her nose, cheek, and leg. The detective retreated from the assault, drew his service weapon, and engaged the subjects. He identified himself, shouted "don't move, police!" and then fired a total of ten rounds, striking both subjects and killing one. Both subjects had violent arrest histories; the deceased subject had cocaine and cannabinoids in his system at the time of the incident.

On May 31, at 2340 hours, in the confines of the 52 precinct, an off-duty officer heard a male Hispanic subject attempting a gunpoint robbery of the officer's wife and three-year-old daughter in the hallway outside the officer's apartment. The officer retrieved his firearm and entered the hallway to confront the subject, who fled. The officer gave chase, and the subject turned and pointed a 9mm Jennings semiautomatic at the officer. The officer fired eight rounds, striking and killing the subject. The subject had prior narcotics arrests and had cocaine in his system at the time of the incident.

2008 ANNUAL FIREARMS DISCHARGE REPORT

On July 12, at 2045 hours, an Anti-Crime sergeant and two plainclothes officers in the 81 precinct observed a male black subject acting in a furtive manner in a high-crime location. When they attempted to stop him, the subject produced a defaced .38 caliber Smith & Wesson revolver and fired on the officers. Police returned fire, discharging four, four, and six rounds, respectively. The subject was struck and killed. The subject had several prior arrests, including felonious assault on a correction officer, and had cannabinoids in his system at the time of the incident.

On July 17, at 2315 hours, uniformed officers in the 19th precinct were approached by the victim of a domestic assault. The female victim requested that the officers return with her to her apartment in order to retrieve clothes and possessions so that she might stay overnight at another location. Upon arriving at the victim's apartment and attempting to gain entry, the officers were confronted by the victim's live-in boyfriend, a male white subject. The subject brandished a large knife and menaced the officers and victim, forcing them out into the building's hallway. The subject advanced toward one officer, ignoring repeated orders to drop the weapon and stating "I'm going to kill you." When the subject closed to within a few feet and the officer had no further room to retreat, the officer fired one round, striking and killing the subject. The subject had priors in New Jersey, including an arrest for assault, and was intoxicated and had lithium in his system at the time of the incident.

On July 22, at 0650 hours, in the confines of the 120 precinct, a uniformed sergeant and three uniformed officers confronted an emotionally disturbed male white subject. The subject had escaped from a psychiatric hospital and was now engaged in a dispute with his family. The subject was also a retired NYPD sergeant, and was armed. Officers disarmed the subject of a 9mm Sig Sauer semiautomatic, and attempted to take him into custody but he broke free and produced a second weapon, a 9mm Glock semiautomatic. The subject entered a parked vehicle with his wife as officers took cover positions. When the subject opened fire, discharging eight rounds, the sergeant and one officer returned nine and ten rounds, respectively, striking and killing the subject.

On August 2, at 0855 hours, in the confines of the 73 precinct, two detectives from the 19th precinct squad went to the Brooklyn home of a male black subject who had attempted to cash forged checks in Manhattan. The detectives had informed the subject they were coming, and when they arrived, the subject was initially cooperative. When informed that he would have to accompany them to the 19th precinct, however, the subject produced a knife and began to advance slowly towards the detectives. One detective, a trained hostage negotiator, attempted to dissuade the subject and offered to leave and come back another time. The subject continued toward the detective with his knife pointed out at chest level. The detective, having nowhere to retreat, finally fired one round, which struck the subject in the chest. The subject later succumbed to his injury. The subject had one prior grand larceny arrest, and had cannabinoids in his system at the time of the incident.

On August 7, at 2000 hours, in the confines of the 67 precinct, uniformed members assigned to an auto-crime task force were parked in unmarked vehicles observing an unoccupied stolen Lincoln Town Car. While doing so, a Ford Mustang passed by, traveling at an extremely high rate of speed. A lieutenant and officer in one of the unmarked vehicles broke off the observation to follow the speeding Mustang. The officers ascertained that the Mustang was also stolen. The lieutenant requested backup from the officers in the second unmarked car. Using lights and sirens, the two unmarked cars were able to stop the Mustang. When the officers exited to confront the Mustang's operator, a male black subject, the subject endeavored again to flee, striking several other vehicles before mounting the sidewalk and striking a business's roll-down gate. Officers shouted repeated instructions which the subject ignored as he continued to move the vehicle back and forth to escape. The lieutenant, attempting to order the subject out of the vehicle at gunpoint, was instead struck by the subject who turned the car and accel-

2008 ANNUAL FIREARMS DISCHARGE REPORT

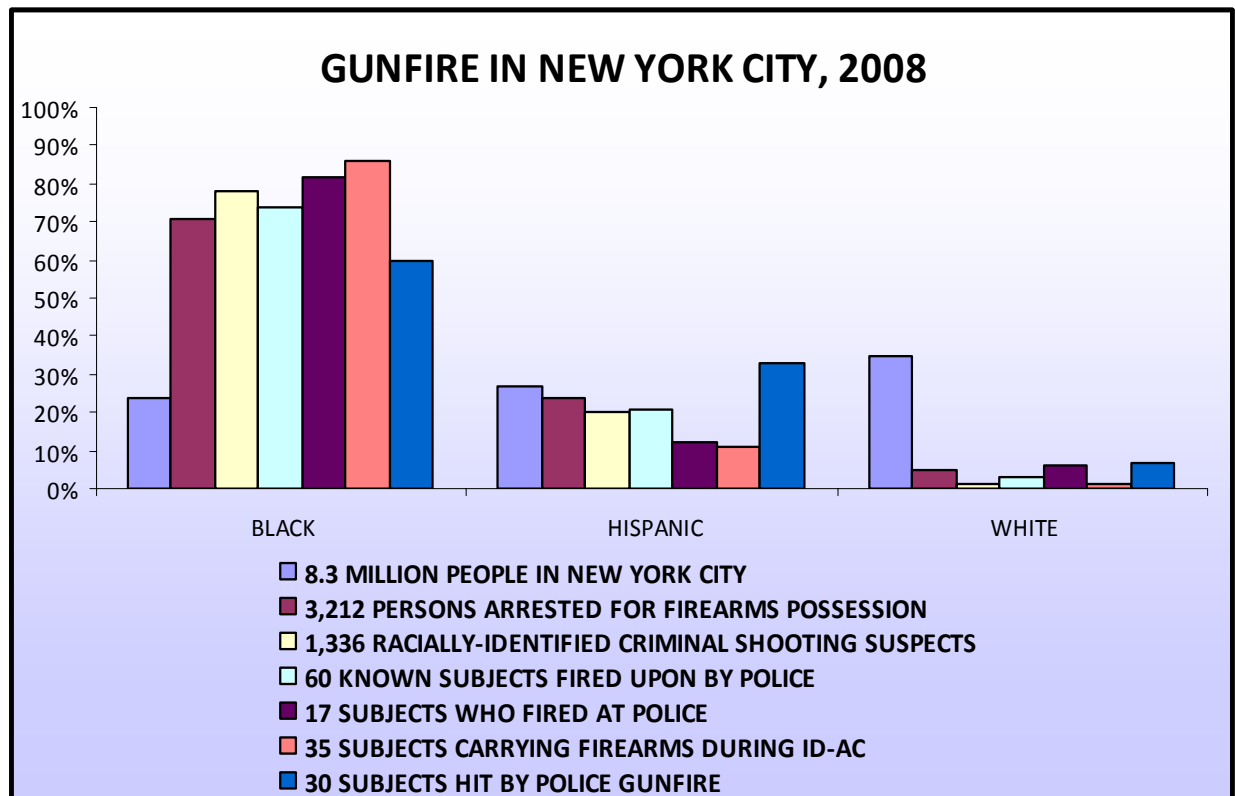
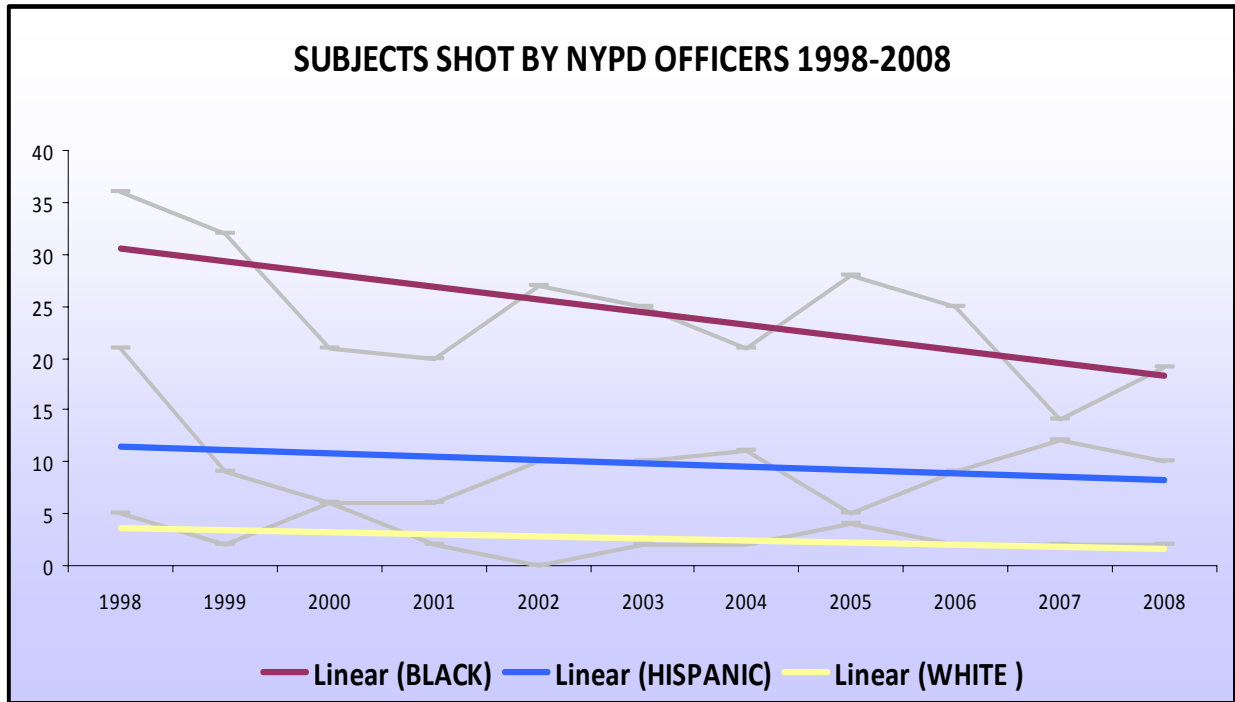
erated in reverse. The lieutenant unintentionally discharged a single round, which struck the subject. At that time, the subject was able to extricate his vehicle and drive off, but crashed again a short distance away, where he succumbed to his injury. The subject had numerous priors, including robberies, firearm possession, and felonious assault. The subject had cannabinoids in his system at the time of the incident.

On October 26, at 0330 hours, two undercover officers observed a large, disorderly group exiting a party in the confines of the 67 precinct. The undercover officers notified a supervisor and withdrew. A lieutenant and police officer assigned to Brooklyn South narcotics responded, and upon arriving at the scene observed two male black subjects with firearms. One of the subjects fired his weapon into the crowd. When the officers exited their vehicle to confront the subjects, the subjects fired on the officers. Both the lieutenant and the officer returned fire, discharging one round and sixteen rounds respectively. The two subjects, who were brothers, were both struck and killed. A third subject, observed to possess a firearm, fled the scene. The first subject had priors for narcotics and assault, and was intoxicated and had cannabinoids in his system at the time of the incident. The second subject had an arrest history for disorderly conduct and had alcohol in his system at the time of the incident. A .45 caliber Colt semiautomatic was recovered beneath the first subject.

On November 7, at 1245 hours, a uniformed officer posted at a truancy center in the 60 precinct was informed by the facility custodian that an apparently emotionally disturbed Hispanic subject was acting suspiciously in the center's parking lot. The officer, accompanied by a second uniformed police officer and two uniformed school safety agents, went outside to investigate. The subject was holding a folding chair at shoulder level. The subject was told in English and Spanish to drop the chair, but he instead moved toward the officer, swinging the chair. The officer retreated, but the subject charged, and attempted to swing the chair at the officer's head. The officer discharged one round, striking and killing the subject. The subject was an undocumented immigrant with no criminal history.

On December 9, at 2340 hours, Anti-Crime officers in the 52 precinct responded to a neighbor dispute. Upon their arrival, officers confronted multiple persons screaming and threatening each other in an apartment hallway. One subject, a male Hispanic, held a baseball bat. The subject advanced on the officers, ignoring repeated instructions to drop the bat and cease and desist. With no avenue of retreat, one officer fired one round, striking and killing the subject. The subject had a criminal history, and was both intoxicated and had synthetic opioids in his system at the time of the incident.

2008 ANNUAL FIREARMS DISCHARGE REPORT SUBJECTS SHOT BY POLICE—RACE/ETHNICITY



2008 ANNUAL FIREARMS DISCHARGE REPORT SUBJECTS SHOT BY POLICE—RACE/ETHNICITY

	1997		1998		1999	
	WOUNDED	KILLED	WOUNDED	KILLED	WOUNDED	KILLED
WHITE	5	3	2	3	1	1
BLACK	23	11	29	7	24	8
HISPANIC	11	6	12	9	7	2
ASIAN	0	0	0	0	0	0
TOTAL	39	20	43	19	32	11

	2000		2001		2002	
	WOUNDED	KILLED	WOUNDED	KILLED	WOUNDED	KILLED
WHITE	0	6	2	0	0	0
BLACK	15	6	11	9	20	7
HISPANIC	4	2	4	2	4	6
ASIAN	1	0	0	0	0	0
TOTAL	20	14	17	11	24	13

	2003		2004		2005	
	WOUNDED	KILLED	WOUNDED	KILLED	WOUNDED	KILLED
WHITE	1	1	1	1	4	0
BLACK	12	13	15	6	21	7
HISPANIC	10	0	7	4	3	2
ASIAN	1	0	0	0	1	0
TOTAL	24	14	23	11	29	9

	2006		2007		2008	
	WOUNDED	KILLED	WOUNDED	KILLED	WOUNDED	KILLED
WHITE	1	1	0	2	0	2
BLACK	16	9	9	5	12	7
HISPANIC	6	3	9	3	6	4
ASIAN	0	0	1	0	0	0
TOTAL	23	13	19	10	18	13

2008 ANNUAL FIREARMS DISCHARGE REPORT SUPPLEMENTAL DATA

DAY OF WEEK	ID-AC	ID-AA	UD	UUF	TOTAL
MONDAY	3	5	3	1	12
TUESDAY	10	2	1	0	13
WEDNESDAY	3	3	3	0	9
THURSDAY	8	6	3	4	21
FRIDAY	10	4	1	3	18
SATURDAY	12	3	3	1	19
SUNDAY	3	7	1	2	13
TOTAL	49	30	15	11	105

TOUR	ID-AC	ID-AA	UD	UUF	TOTAL
0731-1530	9	4	10	4	27
1531-2330	21	18	4	2	45
2331-0730	19	8	1	5	33
TOTAL	49	30	15	11	105

MONTH	ID-AC	ID-AA	UD	UUF	TOTAL
JANUARY	9	5	0	0	14
FEBRUARY	3	0	1	2	6
MARCH	1	2	1	1	5
APRIL	4	1	2	2	9
MAY	5	4	2	0	11
JUNE	1	2	1	0	4
JULY	8	4	2	0	14
AUGUST	3	2	2	1	8
SEPTEMBER	2	3	1	0	6
OCTOBER	5	2	0	3	10
NOVEMBER	5	3	1	1	10
DECEMBER	3	2	2	1	8
TOTAL	49	30	15	11	105

ID-AC – Intentional Discharge – Adversarial Conflict

ID-AA – Intentional Discharge – Animal Attack

UD – Unintentional Discharge

UUF – Unauthorized Use of Firearm

**2008 ANNUAL FIREARMS DISCHARGE REPORT
SUPPLEMENTAL DATA**

BOROUGH	ID-AC	ID-AA	UD	UUF	TOTAL
BRONX	10	10	4	2	26
MANHATTAN	6	2	3	2	13
QUEENS	9	3	0	2	14
BROOKLYN	20	11	4	3	38
STATEN ISLAND	1	2	0	2	5
OUTSIDE CITY	3	2	4	0	9
TOTAL	49	30	15	11	105

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

**2008 ANNUAL FIREARMS DISCHARGE REPORT
SUPPLEMENTAL DATA**

BRONX	ID-AC	ID-AA	UD	UUF	TOTAL
40th PRECINCT	0	0	0	1	1
41st PRECINCT	0	0	0	0	0
42nd PRECINCT	2	1	0	0	3
43rd PRECINCT	1	0	0	0	1
44th PRECINCT	0	2	1	0	3
45th PRECINCT	0	0	1	0	1
46th PRECINCT	1	1	1	0	3
47th PRECINCT	1	1	0	0	2
48th PRECINCT	1	3	0	0	4
49th PRECINCT	1	0	1	1	3
50th PRECINCT	0	1	0	0	1
52nd PRECINCT	3	1	0	0	4
TOTAL	10	10	4	2	26

BROOKLYN	ID-AC	ID-AA	UD	UUF	TOTAL
60th PRECINCT	1	0	1	0	2
61st PRECINCT	0	0	0	0	0
62nd PRECINCT	0	0	0	1	1
63rd PRECINCT	0	1	1	1	3
66th PRECINCT	0	0	0	0	0
67th PRECINCT	2	0	1	0	3
68th PRECINCT	0	0	0	0	0
69th PRECINCT	1	0	0	0	1
70th PRECINCT	0	0	0	0	0
71st PRECINCT	0	0	0	0	0
72nd PRECINCT	0	0	0	0	0
73rd PRECINCT	1	1	1	0	3
75th PRECINCT	3	2	0	1	6
76th PRECINCT	1	1	0	0	2
77th PRECINCT	2	0	0	0	2
78th PRECINCT	0	0	0	0	0
79th PRECINCT	3	1	0	0	4
81st PRECINCT	2	2	0	0	4
83rd PRECINCT	1	2	0	0	3
84th PRECINCT	0	0	0	0	0
88th PRECINCT	0	0	0	0	0
90th PRECINCT	2	0	0	0	2
94th PRECINCT	1	1	0	0	2
TOTAL	20	11	4	3	38

**2008 ANNUAL FIREARMS DISCHARGE REPORT
SUPPLEMENTAL DATA**

STATEN ISLAND	ID-AC	ID-AA	UD	UUF	TOTAL
120th PRECINCT	1	2	0	0	3
122nd PRECINCT	0	0	0	2	2
123rd PRECINCT	0	0	0	0	0
TOTAL	1	2	0	2	5

QUEENS	ID-AC	ID-AA	UD	UUF	TOTAL
100th PRECINCT	1	1	0	0	2
101st PRECINCT	1	0	0	0	1
102nd PRECINCT	0	0	0	0	0
103rd PRECINCT	0	0	0	0	0
104th PRECINCT	0	0	0	1	1
105th PRECINCT	0	1	0	0	1
106th PRECINCT	2	0	0	0	2
107th PRECINCT	0	0	0	0	0
108th PRECINCT	0	0	0	0	0
109th PRECINCT	0	0	0	1	1
110th PRECINCT	0	0	0	0	0
111th PRECINCT	0	0	0	0	0
112th PRECINCT	0	0	0	0	0
113th PRECINCT	3	0	0	0	3
114th PRECINCT	2	1	0	0	3
115th PRECINCT	0	0	0	0	0
TOTAL	9	3	0	2	14

DUTY STATUS	ID-AC	ID-AA	UD	UUF	TOTAL
ON-DUTY	51	36	8	0	95
OFF-DUTY	9	4	7	10	30
TOTAL	60	40	15	10	125

2008 ANNUAL FIREARMS DISCHARGE REPORT SUPPLEMENTAL DATA

ID-AC	TYPE OF THREAT FROM SUBJECT	MOS INVOLVED	MOS SHOTS	HITS	SUBJECTS INVOLVED	SUBJECT GENDER	SUBJECT RACE	SUBJECT AGE	SUBJECT WEAPON
1	FIREARM – SUBJECT FIRED AT OFFICER	1	2	HIT	1	MALE	BLACK	22	FIREARM
2	FIREARM – SUBJECT 1 FIRED AT CIVILIANS FIREARM – SUBJECT 2 FIRED AT CIVILIANS	1	5		2	MALE	BLACK	20	FIREARM
3	FIREARM – SUBJECT POINTED FIREARM	2	5 and 2	HIT	1	MALE	BLACK	31	FIREARM
4	FIREARM – SUBJECT POINTED FIREARM	1	1		1	MALE	BLACK	26	FIREARM
5	FIREARM – SUBJECT FIRED AT OFFICER	1	4	HIT	1	MALE	BLACK	21	FIREARM
6	STRUGGLE FOR OFFICER'S FIREARM	1	3	HIT	1	MALE	BLACK	24	PHYSICAL FORCE
7	FIREARM – SUBJECT 1 SHOT CIVILIAN FIREARM – SUBJECT 2 SHOT CIVILIAN	1	4		2	MALE	BLACK	25	FIREARM
8	FIREARM – SUBJECT SHOT CIVILIAN	1	1		1	MALE	BLACK	UNKNOWN	FIREARM
9	BLUNT INSTRUMENT – SUBJECT HIT TWO OFFICERS	2	5 and 4		1	MALE	BLACK	36	VEHICLE
10	OFFICER PERCEIVED THREAT	1	4	HIT	1	MALE	HISPANIC	37	NONE
11	FIREARM – SUBJECT POINTED FIREARM	1	2		1	MALE	BLACK	21	FIREARM
12	FIREARM – SUBJECT POINTED FIREARM	1	1		1	MALE	BLACK	25	FIREARM
13	FIREARM – SUBJECT POINTED FIREARM	2	1 and 5	HIT	1	MALE	BLACK	18	FIREARM
14	FIREARM – SUBJECT FIRED AT OFFICERS	1	1		1	MALE	BLACK	19	FIREARM
15	FIREARM – SUBJECT FIRED AT OFFICERS	2	1 and 1	HIT	1	MALE	BLACK	21	FIREARM
16	FIREARM – SUBJECT FIRED	1	3		1	MALE	BLACK	17	FIREARM
17	BLUNT INSTRUMENT – SUBJECT HIT OFFICER	1	3	HIT	1	MALE	HISPANIC	26	VEHICLE
18	FIREARM – SUBJECT SHOT OFFICER	1	11		1	MALE	BLACK	26	FIREARM
19	CUTTING INSTRUMENT – SUBJECT 1 CUT OFFICER CUTTING INSTRUMENT – SUBJECT 2 CUT CIVILIAN	1	10	HIT	2	MALE	HISPANIC	22	RAZOR
20	FIREARM – SUBJECT SHOT CIVILIAN	1	2	HIT	1	MALE	BLACK	28	FIREARM

2008 ANNUAL FIREARMS DISCHARGE REPORT SUPPLEMENTAL DATA

ID-AC	TYPE OF THREAT FROM SUBJECT	OFFICERS INVOLVED	SHOTS	HITS	SUBJECTS INVOLVED	SUBJECT GENDER	SUBJECT RACE	SUBJECT AGE	SUBJECT WEAPON
21	SUBJECT 1 ATTACKED OFFICER	1	1	HIT	6	MALE	BLACK	22	PHYSICAL FORCE
	SUBJECT 2 ATTACKED OFFICER					MALE	BLACK	22	PHYSICAL FORCE
	SUBJECT 3 ATTACKED OFFICER					MALE	HISPANIC	21	PHYSICAL FORCE
	SUBJECT 4 ATTACKED OFFICER					MALE	BLACK	19	PHYSICAL FORCE
	SUBJECT 5 ATTACKED OFFICER					MALE	BLACK	23	PHYSICAL FORCE
	SUBJECT 6 ATTACKED OFFICER					MALE	BLACK	18	PHYSICAL FORCE
22	FIREARM – SUBJECT ROBBED OFFICER'S WIFE	1	8	HIT	1	MALE	HISPANIC	38	FIREARM
23	FIREARM – SUBJECT DREW FIREARM	1	1		1	MALE	BLACK	20	FIREARM
24	CUTTING INSTRUMENT – SUBJECT CUT CIVILIAN	1	1	HIT	1	MALE	HISPANIC	33	KNIFE
25	FIREARM – SUBJECT FIRED AT OFFICER	1	2		1	MALE	BLACK	22	FIREARM
26	FIREARM – SUBJECT FIRED AT OFFICERS	3	4, 4, 6	HIT	1	MALE	BLACK	22	FIREARM
27	FIREARM – SUBJECT FIRED AT OFFICER	1	4	HIT	1	MALE	BLACK	22	FIREARM
28	CUTTING INSTRUMENT – SUBJECT ATTACKED OFFICER	1	1	HIT	1	MALE	WHITE	39	KNIFE
29	OFFICER PERCEIVED THREAT	1	1	HIT	1	MALE	BLACK	34	NONE
30	FIREARM – SUBJECT FIRED AT OFFICERS	2	9 and 10	HIT	1	MALE	WHITE	36	FIREARM
31	OFFICER PERCEIVED THREAT	1	2	HIT	1	MALE	BLACK	18	NONE
32	CUTTING INSTRUMENT – SUBJECT ATTACKED OFFICER	1	1	HIT	1	MALE	BLACK	20	KNIFE
33	FIREARM – SUBJECT FIRED	2	7 and 1	HIT	1	MALE	BLACK	19	FIREARM
34	BLUNT INSTRUMENT – SUBJECT HIT OFFICER	1	3		1	MALE	BLACK	28	VEHICLE
35	FIREARM – SUBJECT POINTED FIREARM	1	1		1	MALE	BLACK	21	FIREARM
36	FIREARM – SUBJECT FIRED AT OFFICER	1	1		1	MALE	BLACK	23	FIREARM
37	FIREARM – SUBJECT SHOT CIVILIAN	3	1, 1, 5	HIT	1	MALE	BLACK	20	FIREARM
38	FIREARM – SUBJECT SHOT TWO OFFICERS	1	6	HIT	1	MALE	HISPANIC	32	FIREARM

2008 ANNUAL FIREARMS DISCHARGE REPORT SUPPLEMENTAL DATA

ID-AC	TYPE OF THREAT FROM SUBJECT	OFFICERS INVOLVED	SHOTS	HITS	SUBJECTS INVOLVED	SUBJECT GENDER	SUBJECT RACE	SUBJECT AGE	SUBJECT WEAPON
39	CUTTING INSTRUMENT – BURGLARY OF OFFICER'S HOME PHYSICAL FORCE – BURGLARY OF OFFICER'S HOME	1	1		2	MALE	BLACK	UNKNOWN	KNIFE
40	FIREARM – SUBJECT 1 FIRED AT OFFICERS FIREARM – SUBJECT 2 FIRED AT OFFICERS	2	1 and 16	HIT HIT	2	MALE MALE	BLACK BLACK	21 22	FIREARM FIREARM
41	BLUNT INSTRUMENT – BURGLARY OF OFFICER'S HOME	1	1	HIT	1	MALE	HISPANIC	37	TIRE IRON
42	BLUNT INSTRUMENT	1	1		1	MALE	UNKNOWN	UNKNOWN	BAT
43	FIREARM – SUBJECT 1 FIRED AT OFFICER FIREARM – SUBJECT 2 FIRED AT OFFICER	1	7	HIT	2	MALE MALE	HISPANIC BLACK	20 25	FIREARM FIREARM
44	BLUNT INSTRUMENT – SUBJECT ATTACKED OFFICER	1	1	HIT	1	MALE	HISPANIC	46	CHAIR
45	FIREARM – SUBJECT POINTED FIREARM	1	2		1	MALE	HISPANIC	24	FIREARM
46	FIREARM – SUBJECT POINTED FIREARM	1	1		1	MALE	BLACK	16	FIREARM
47	CUTTING INSTRUMENT – SUBJECT ATTACKED OFFICER	1	1	HIT	1	MALE	BLACK	49	BROKEN GLASS
48	BLUNT INSTRUMENT – SUBJECT ATTACKED OFFICER	1	1	HIT	1	MALE	HISPANIC	40	BAT
49	FIREARM – SUBJECT 1 ROBBED OFFICER AT GUNPOINT PHYSICAL FORCE – SUBJECT 2 ROBBED OFFICER	1	1		2	MALE MALE	BLACK BLACK	UNKNOWN UNKNOWN	FIREARM ACCOMPLICE

2008 ANNUAL FIREARMS DISCHARGE REPORT

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NYPD

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