

NEW YORK CITY POLICE DEPARTMENT ANNUAL FIREARMS DISCHARGE REPORT



2007

Cover Art created by the New York City Police Department from a New York Daily News Photo (dated June 25, 2004) of police officers responding to a confirmed report of a man with a gun on the Brooklyn Bridge.

ANNUAL FIREARMS DISCHARGE REPORT

2007

The information in this report was compiled and analyzed by the New York City Police Department, Office of Management Analysis and Planning

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2007 ANNUAL FIREARMS DISCHARGE REPORT TABLE OF CONTENTS

	PAGE
INTRODUCTION.....	i
USE OF FORCE.....	ii
THE INVESTIGATION AND REVIEW PROCESS.....	v
ANATOMY OF A FIREARMS INVESTIGATION.....	viii
GLOSSARY OF TERMS.....	ix
HISTORICAL SNAPSHOT 1997-2007.....	xi
2007 FIREARMS DISCHARGE SNAPSHOT.....	xii
2007 FIREARMS DISCHARGE SCOPE.....	xiii
2007 FIREARMS DISCHARGE OVERVIEW.....	xiv

ANALYSIS OF 2007 FIREARMS DISCHARGES BY CATEGORY

INTENTIONAL DISCHARGE – ADVERSARIAL CONFLICT	
OVERVIEW.....	A-1
REASON FOR DISCHARGES.....	A-1
DATES AND TIMES.....	A-1
LOCATIONS.....	A-2
REASONS OFFICER INVOLVED.....	A-5
INCIDENT DETAILS.....	A-6
OFFICER PEDIGREE.....	A-8
SUBJECT PEDIGREE.....	A-10
OUTCOME.....	A-13
CONCLUSION.....	A-17
INTENTIONAL DISCHARGE – ANIMAL ATTACK	
OVERVIEW.....	B-1
REASON FOR DISCHARGE.....	B-1
DATES AND TIMES.....	B-1
LOCATIONS.....	B-2
REASONS OFFICER INVOLVED.....	B-3
INCIDENT DETAILS.....	B-5
OFFICER PEDIGREE.....	B-7
OUTCOME.....	B-9
CONCLUSION.....	B-10
UNINTENTIONAL DISCHARGE.....	C-1
UNAUTHORIZED USE OF A FIREARM.....	D-1

APPENDIX

HISTORICAL DATA.....	a
SUBJECTS KILLED IN ADVERSARIAL CONFLICT WITH POLICE.....	d
OFFICERS KILLED IN THE LINE OF DUTY.....	f

2007 ANNUAL FIREARMS DISCHARGE REPORT FIGURES

	PAGE
A.1 Type of Threat Intentional Discharge – Adversarial Conflict (ID-AC)	A-1
A.2 Top 3 Precincts by Number of ID-AC Incidents	A-2
A.3 Borough of Occurrence	A-2
A.4 MAP: Locations of ID-AC vs Locations of Criminal Shootings, 2007	A-3
A.5 Criminal Shootings vs ID-AC Incidents, by Borough	A-4
A.6 Criminal Shootings vs ID-AC Incidents by Borough	A-4
A.7 Top 5 Officer Assignments	A-5
A.8 Officer’s Actions Prior to Shooting	A-5
A.9 Shots Fired by Officers	A-6
A.10 Shots Fired by Officers	A-6
A.11 Shots Fired per Incident	A-7
A.12 Race/Ethnicity of Officers	A-8
A.13 Rank of Officers Involved in ID-AC Incidents	A-9
A.14 Years of Service	A-9
A.15 Race/Ethnicity of 52 Known Subjects Involved in ID-AC Incidents	A-10
A.16 Race/Ethnicity of 19 Known Subjects Firing on Officers	A-10
A.17 Known Subjects Who Fired On Police vs Criminal Shooting Suspects, 2007	A-11
A.18 Known Subjects Involved in ID-AC Incidents vs Persons Arrested for Firearms Possession, 2007	A-11
A.19 40 Known Subjects with Prior Arrests	A-12
A.20 List of Known Weapons Possessed/Used by Subjects	A-12
A.21 Officers Injured/Killed During ID-AC Incidents	A-14
A.22 Actions of Subjects Shot and Killed	A-15
A.23 Actions of Subjects Shot and Injured	A-15
A.24 Investigation and Review Findings and Recommendations	A-16
B.1 Intentional Discharge – Animal Attack Incidents (ID-AA), by Tour	B-1
B.2 Jurisdiction of Incidents	B-2
B.3 ID-AA Incident Locations, by Borough	B-2
B.4 Location of Animal Attack	B-3
B.5 Type of Job Officer Assigned	B-3
B.6 MAP: Locations of ID-AA Incidents, 2007	B-4
B.7 Locations of Officers’ Assignment During ID-AA Incidents, 2 or More Incidents	B-5
B.8 Officer Assignment	B-5
B.9 Shots Fired per Officer	B-6
B.10 Shots Fired per Incident	B-6
B.11 Race/Ethnicity of Officers	B-7
B.12 Rank of Officers Discharging Firearm in ID-AA	B-8
B.13 Years of Service	B-8
B.14 Breed	B-9
B.15 Bite Location to Officer	B-9
C.1 Discipline, All Unintentional Discharges	C-3

2007 ANNUAL FIREARMS DISCHARGE REPORT

THE ANNUAL FIREARMS DISCHARGE REPORT: AN INTRODUCTION

One of the single-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. In New York City, the Sullivan Act (1911) ensures that essentially no one but law enforcement officers or peace officers, agents of the government, and soldiers may openly carry firearms. Because of this, as well as all the implications of the gun, 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.

Department Order SOP 9 (s.69) was adopted in 1969, with a procedural goal of collecting in-depth documentation of discharges during hostile encounters, for the stated purpose of “[increasing] the safety potential of each member of the force.” But the order's mandate quickly expanded beyond police-involved combat 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, and that alteration of society's tolerance is largely the result of the success the Department has had in making restraint the norm. The past three decades of annual analysis have altered the way officers respond to, engage in, and even assess the need for firearms discharges. There has been Department-wide change—tactical, strategic, and cultural—with regard to how officers utilize and control their firearms. Today's annual totals, enumerated in the pages that follow, are tiny fractions of 1971's figures. The information gleaned from the annual reports has helped the Department save the lives of officers and subjects alike.

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.

It is with these goals in mind that this new format for the Annual Firearms Discharge Report is introduced.

2007 ANNUAL FIREARMS DISCHARGE REPORT

USE OF FORCE

USE OF FORCE

Police officers are among a small, 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, the ability of private citizens to resort to force is primarily 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., oleoresin capsicum spray, or pepper spray), impact weapons like nightsticks or the ASP, 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.

It is wrong, however, to assume that an officer's permission to use force is unlimited. According to both federal and state law, as well as the Department's regulations, officers may exercise only as much force as they believe to be reasonably necessary. Reasonableness, more than any other factor, is the most salient aspect of an officer's legitimate use of force.

In federal case law, both Tennessee v. Garner, 471 U.S. 1 (1985) and Graham v. Connor, 490 U.S. 386 (1989) delineate a standard of "objective reasonableness" (Graham) that restricts an officer's prerogative to compel or constrain another citizen. Tennessee v. Garner dismissed the long-standing precedent that flight from any felony was grounds for using deadly physical force, but retained the understanding that if the 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, requires that physical force be used by an officer only when the officer "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

2007 ANNUAL FIREARMS DISCHARGE REPORT USE OF FORCE

is necessary to defend a person from “what the officer reasonably believes to be the use or imminent use of deadly physical force.”

The use of deadly physical force, then, is properly restricted by statute. But NYPD policy represents an even more stringent guideline, and the Department goes further than the law in its efforts to control the use of force by its personnel. State law, for example, allows the use of deadly physical force to protect property (e.g., to prevent or terminate arson or burglary); the Department does not. 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 has promulgated 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 are predicated on reasonableness, and it is as much that term as any generalized statutory definition that determines the appropriateness of an officer’s exercise of deadly physical force. Police are regularly exposed to highly stressful, dangerous situations, and both 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

2007 ANNUAL FIREARMS DISCHARGE REPORT USE OF FORCE

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 “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.

2007 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, as the preceding pages make clear, 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 thirty years have greatly refined the NYPD's process. Today, investigations are conducted in accordance with two guiding documents: 1) the Department's Patrol Guide, specifically 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, the 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 sends notifications up the chain of command. This results in the dispatch of a Patrol Borough Shooting Team, led by a shooting-team leader in the rank of captain who has been approved by the Chief of Department to conduct investigations into these types of incidents. 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 in assisting the shooting-team leader.

The shooting-team leader, under the supervision of an Inspector, undertakes an in-depth examination of the discharge incident, and begins by contacting and conferring with the District Attorney. In many instances—including nearly all instances 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 asks that the officer who fired not be interviewed, the shooting-team leader will direct the officer who fired to prepare a Firearms Discharge/Assault Report, or FDAR. If a firearms discharge causes death or injury, the shooting-team leader automatically reassigns the officer who fired to an office position, on a temporary basis (i.e., a minimum of the next three consecutive work days). In such discharges, the officer who fired is also required to submit to a Breathalyzer test.

Additionally, in discharges that result in either serious injury or death by gunfire to anyone involved, or injury to an officer by gunfire, a supervisor in the rank of Chief responds and supervises the investigation.

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

2007 ANNUAL FIREARMS DISCHARGE REPORT

THE INVESTIGATION AND REVIEW PROCESS

The investigation conducted by the shooting-team leader 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.

After conducting this investigation, the shooting-team leader collates all available investigatory results into a Shooting Incident Report, and forwards it to the Chief of Department, ordinarily within 24 hours of the incident.

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 facilitates and standardizes the preparation of Shooting Incident Reports, and contains a template by which shooting-team leaders can produce accurate, data-rich reports in a timely manner. It provides a format that 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, and investigating them can be too involved to do from memory alone. “The Firearms

Discharge Investigation Manual” functions as a checklist, promoting both uniformity and specificity.

The last prescribed section in the Shooting Incident Report consists of a recommendation, made with appropriate caveats, about whether or not the discharge was consistent with Department guidelines and whether or not the involved officers should be subject to Departmental discipline.

In those instances in which involved officers have not been interviewed (usually at the request of the District Attorney), the shooting-team leader may state that the investigation is ongoing and that no recommendations can be made until the officers can offer their narratives. This does not preclude the shooting-team leader from offering a tentative determination, however, nor from commenting on the apparent tactics utilized during the incident.

THE FINAL REPORT

Within 90 days of the incident, the commanding officer of either the precinct of occurrence or the applicable Borough Investigation Unit prepares a finalized version of the Shooting Incident Report. This final report is a reiteration of the original, but includes any clarifications or re-evaluations that may have been developed based on information that was not available to the shooting-team leader (e.g., detective bureau case files, forensic results, and medical reports).

2007 ANNUAL FIREARMS DISCHARGE REPORT THE INVESTIGATION AND REVIEW PROCESS

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 fired 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.

REVIEW

After firearms discharges have been investigated with regard to the facts of each incident 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 impose discipline, if necessary. 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 Department levels. Members of the borough Firearms Discharge Advisory Board are executive-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. The borough Firearms Discharge Advisory Board issues preliminary findings, based on this accumulated evidence, regarding whether or not the officer's actions violated the Department's firearms or tactical guidelines or use-of-force policy. The borough Review Board also makes a preliminary disciplinary recommendation and appends both the findings and recommendation to the final report. The borough then presents the findings to the Chief of Department's Firearms Discharge Review Board for a final determination.

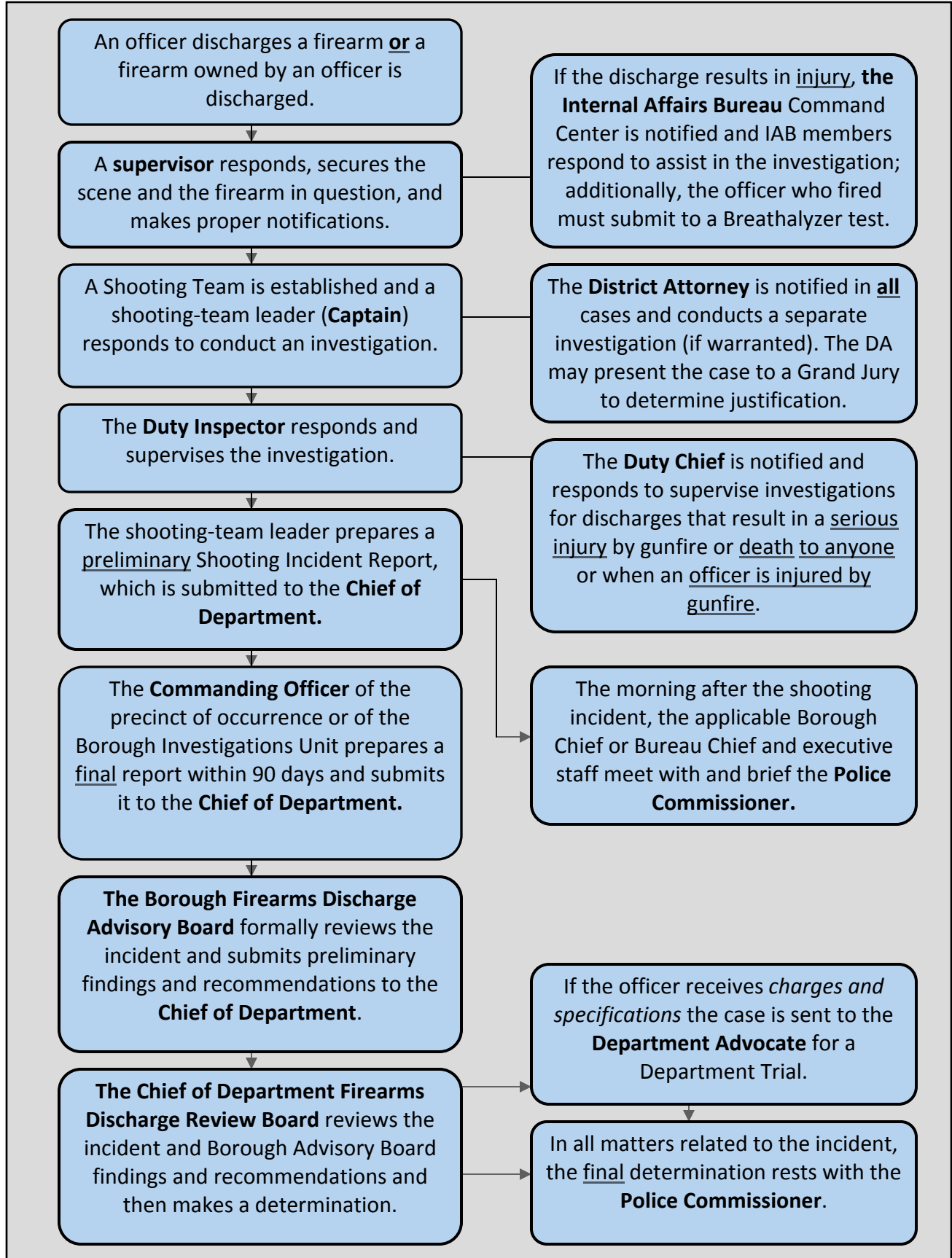
THE CHIEF OF DEPARTMENT'S FIREARMS DISCHARGE REVIEW BOARD

The Department's Firearms Discharge Review Board is the last arbiter of any given discharge incident. It issues final determinations concerning the tactics used during the incident, the propriety of the officer's actions, and the discipline to be administered. 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.

Once the board's findings have been published, the incident is considered closed. The results of the 2007 findings are published throughout this report.

2007 ANNUAL FIREARMS DISCHARGE REPORT

ANATOMY OF A FIREARMS DISCHARGE INVESTIGATION



2007 ANNUAL FIREARMS DISCHARGE REPORT

GLOSSARY OF TERMS

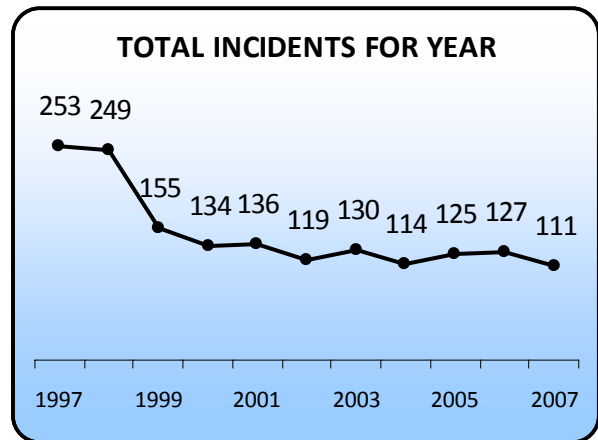
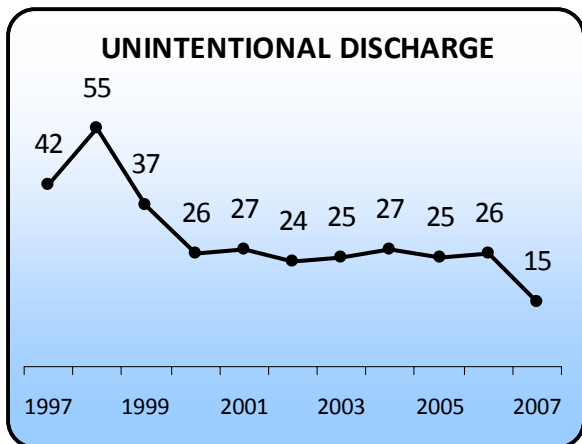
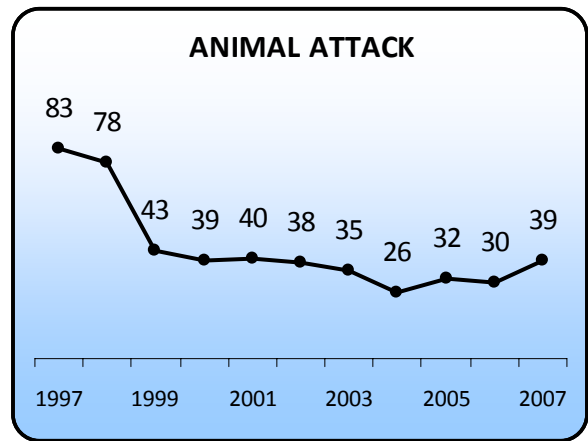
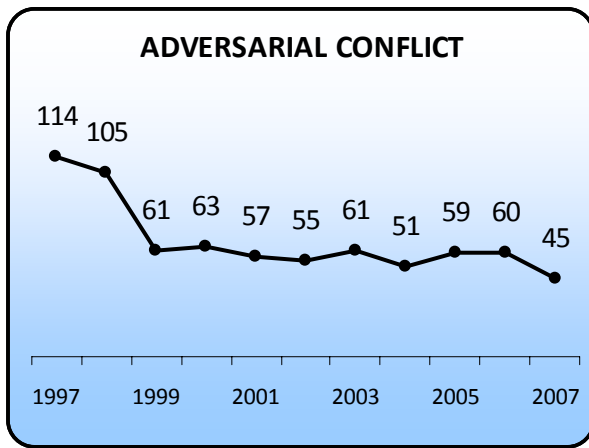
Officer	For this publication, refers to a sworn Uniformed Member of the New York City Police Department of any rank.
Subject	A person engaged in adversarial conflict with an officer or a third party, in which the conflict results in a firearms discharge.
Civilian	A person who is not the subject in the 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 determined to be legally justified 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 determined to be legally justified 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. 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.

2007 ANNUAL FIREARMS DISCHARGE REPORT 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.
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).

2007 ANNUAL FIREARMS DISCHARGE REPORT HISTORICAL SNAPSHOT 1997-2007

CATEGORY	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007
ADVERSARIAL CONFLICT	114	105	61	63	57	55	61	51	59	60	45
ANIMAL ATTACK	83	78	43	39	40	38	35	26	32	30	39
UNINTENTIONAL DISCHARGE	42	55	37	26	27	24	25	27	25*	26	15
MISTAKE	0	1	1	0	0	0	0	0	0	0	0
UNAUTHORIZED USE- FIREARM	9	5	8	1	7	0	2	5	**6*	**8*	**6
SUICIDE/ATTEMPT	5	5	5	5	5	2	7	5	3	3	6
TOTAL INCIDENTS FOR YEAR	253	249	155	134	136	119	130	114	125	127	111



* Numbers modified from earlier reports to include three incidents that occurred in stated year but were not recorded until 2007

** This section modified in 2005 to include officer's firearms that are discharged by persons other than officer (e.g., family member accidentally discharges weapon, perpetrator gains control of officer's firearm and discharges it, etc.)

2007 ANNUAL FIREARMS DISCHARGE REPORT FIREARMS DISCHARGE SNAPSHOT

CATEGORY	2006	2007	%CHANGE
INTENTIONAL DISCHARGE – ADVERSARIAL CONFLICT	60	45	-25%
INTENTIONAL DISCHARGE – ANIMAL ATTACK	30	39	30%
UNINTENTIONAL DISCHARGE	26	15	-42%
UNLAWFUL USE OF FIREARM	11*	12	9%
TOTAL FIREARM DISCHARGES FOR YEAR	127*	111	-12.6%
TOTAL OFFICERS FIRING	157*	148	-6%
TOTAL SHOTS FIRED	541*	588	9%
TOTAL OFFICERS SHOT AND INJURED BY SUBJECT	4	7	75%
TOTAL OFFICERS SHOT AND KILLED BY SUBJECT	0	3	N/A
TOTAL SUBJECTS SHOT AND INJURED BY OFFICER	24	19	-21%
TOTAL SUBJECTS SHOT AND KILLED BY OFFICER	13	10	-23%

BY CATEGORY

INTENTIONAL DISCHARGE – ADVERSARIAL CONFLICT (SECTION A)	2007
SUBJECT USED/THREATENED THE USE OF A FIREARM	34
SUBJECT USED/THREATENED THE USE OF A CUTTING INSTRUMENT	5
SUBJECT USED/THREATENED THE USE OF A BLUNT OBJECT	6
SUBJECT USED/THREATENED THE USE OF OVERWHELMING PHYSICAL FORCE	0
OFFICER PERCEIVED THREAT OF DEADLY PHYSICAL FORCE	0
TOTAL	45

INTENTIONAL DISCHARGE – ANIMAL ATTACK (SECTION B)	2007
DOG ATTACK	39
OTHER ANIMAL ATTACK	0
TOTAL	39

UNINTENTIONAL DISCHARGE (SECTION C)	2007
DURING ADVERSARIAL CONFLICT	5
HANDLING FIREARM	10
TOTAL	15

UNLAWFUL USE OF FIREARM (SECTION D)	2007
SUICIDE	6
UNLAWFUL INTENTIONAL DISCHARGE	3
UNAUTHORIZED PERSON DISCHARGED OFFICER'S FIREARM	3
TOTAL	12

* Numbers modified from previous statistics to include one incident that occurred in 2006 but was not recorded until 2007.

2007 ANNUAL FIREARMS DISCHARGE REPORT FIREARMS DISCHARGE SCOPE

CATEGORY	TOTAL NUMBER
NEW YORK CITY TOTAL POPULATION (U.S. Census, July 1, 2007)	8,274,527
NYPD TOTAL OFFICER STAFFING (2007 Annual Average)	35,907
TOTAL CIVILIAN CONTACTS (APPROXIMATE)	23,000,000
TOTAL RADIO-RECEIVED ASSIGNMENTS	4,325,259
INCREASED-RISK RADIO ASSIGNMENTS*	1,884,613
GUN-INVOLVED RADIO ASSIGNMENTS	174,050
WEAPONS ARRESTS	30,911
GUN ARRESTS	4,032
CRIMINAL SHOOTING AND HOMICIDE VICTIMS	1,904
CRIMINAL SHOOTING AND HOMICIDE INCIDENTS	1,618
INCIDENTS OF INTENTIONAL POLICE DISCHARGE DURING ADVERSARIAL CONFLICT	45
SUBJECTS SHOT AND INJURED	19
SUBJECTS SHOT AND KILLED	10
OFFICERS SHOT AND INJURED	7
OFFICERS SHOT AND KILLED	3
NOTE: all numbers are for CY 2007	

* 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.

2007 ANNUAL FIREARMS DISCHARGE REPORT

FIREARMS DISCHARGES OVERVIEW

TOTAL FIREARMS DISCHARGES

In 2007, the New York City Police Department saw the smallest number of firearms discharges since the recording of police shootings in the City began in 1971. Furthermore, the most serious category of discharges—shootings involving adversarial conflict with a subject—has also seen a steep historic decline, down 61 percent since 1997. In a city of 8.27 million people, from a Department of nearly 36,000 uniformed members who interacted with citizens in approximately 23 million instances, 80 officers were involved in 45 incidents of intentional firearms discharges during an adversarial conflict, with 19 subjects injured and ten killed.

The figures are a testament to police officers' restraint, diligence, and honorable performance of duty. But they also show that, over the past three 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, and vice versa.

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 subjects firing on police is up 54 percent from 2006.

Additionally, the number of officers killed or injured by gunfire is up from the previous year. Seven officers were shot and injured in 2007, and three officers were shot and killed. This fact illustrates the officer's

perpetual need for vigilance, and for the training that these reports facilitate.

Like previous reports, the 2007 Annual Firearms Discharge Report is subdivided into several categories. Unlike previous reports, 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—111 discharge incidents total, only 45 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 during a confrontation with a subject
- Intentional Discharge – Animal Attack: when an officer intentionally discharges 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 unjustifiably discharges his or her firearm, or when another person illegally discharges an officer's firearm

2007 ANNUAL FIREARMS DISCHARGE REPORT

FIREARMS DISCHARGES OVERVIEW

2007 vs 2006

In 2007, total firearms discharges **decreased 12.6 percent** compared to the previous year. The greatest reduction was realized in the category of unintentional discharges which was **reduced by 42 percent** from 2006. Intentional discharges during adversarial conflicts were also **reduced by 25 percent** from 2006.

Intentional discharges during an animal attack increased in 2007, **up 30 percent** from 2006, and there was a slight increase in unauthorized use of firearms, **up 9 percent** from 2006. The latter increase is the result of three incidents in which another person discharged an officer's firearm and an increase in officer suicides, which increased since 2006 from **three to six**.

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, Firearm 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.

ANALYSIS OF 2007 FIREARMS DISCHARGE BY CATEGORY

2007 ANNUAL FIREARMS DISCHARGE REPORT INTENTIONAL DISCHARGE – ADVERSARIAL CONFLICT

OVERVIEW

There were 45 incidents of intentional firearms discharge during an adversarial conflict in 2007. This represents a 25 percent decrease from 2006. Eighty officers intentionally fired their weapons during these incidents, down 1 percent from 2006. During these 45 incidents 18 officers were fired upon but did not return fire.

There were ten officers struck by gunfire during these incidents; seven of these officers were injured and three officers killed. The officers killed were **Police Officer Russel Timoshenko, Auxiliary Police Officer Nicholas Pekearo, and Auxiliary Police Officer Eugene Marshalik**. Of the ten officers who were injured or killed, only three returned fire.

There were 53 subjects involved in these 45 conflicts. Nineteen subjects were injured and ten subjects were killed. A more detailed analysis of the injury to all persons involved will be provided in the following pages.

[Note: the following statistics, graphs, and observations are based on this small sample of 45 incidents.]

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 overwhelming majority of these incidents (76 percent) the threat came in the form of a firearm. The remaining incidents were split between officers defending

themselves from the use or threat of a cutting instrument (11 percent) or the use or threat of a blunt object (13 percent) [see Figure A.1].

DATES AND TIMES OF DISCHARGES

The year 2007 began with a high number of intentional discharges during adversarial conflict—40 percent in the first quarter of the year—but these numbers then leveled off and slowed by the end of the year. The month of December saw no incidents of this type.

Intentional discharges during adversarial conflicts occurred most often on the weekend, with nearly half of the incidents transpiring between Friday night and Sunday morning.

The times of these incidents were split between the first and third platoons, with the majority (62 percent) occurring between ten o'clock at night and six o'clock in the morning.

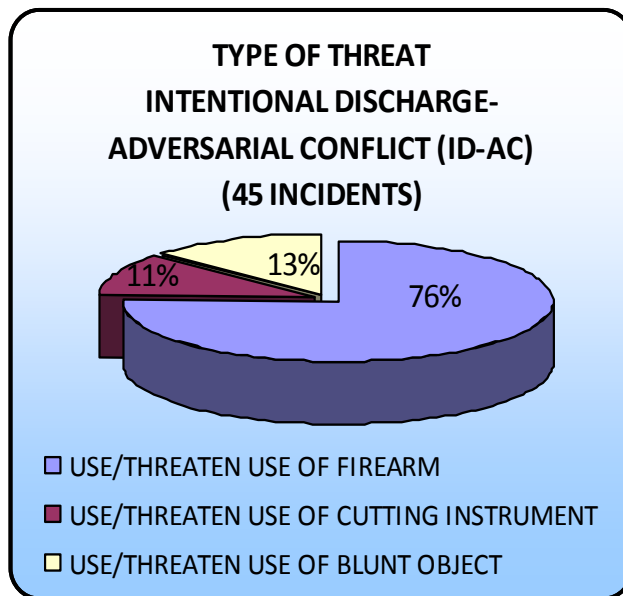


Figure A.1

2007 ANNUAL FIREARMS DISCHARGE REPORT INTENTIONAL DISCHARGE – ADVERSARIAL CONFLICT

LOCATIONS OF DISCHARGES

All of the intentional discharges during adversarial conflict occurred within the city limits, with approximately 93 percent of the incidents transpiring under the jurisdiction of the patrol precincts.

The majority of the incidents occurred in the Bronx (31 percent) or Brooklyn North (29 percent). Staten Island had no incidents of this type occurring in 2007. The percentages of discharges per borough are depicted in Figure A.3 below.

These incidents took place in 32 separate precincts, with most of these precincts only experiencing a single incident. There were eight precincts that accrued more than one incident. The 46 Precinct and the 47 Precinct both had three incidents. The 75 Precinct led the city with five incidents [see Figure A.2].

Of the 45 incidents, 82 percent 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 in 2007. The incidents overlay all criminal shootings that occurred in 2007.

The New York City Police Department, for management purposes, divides the 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.

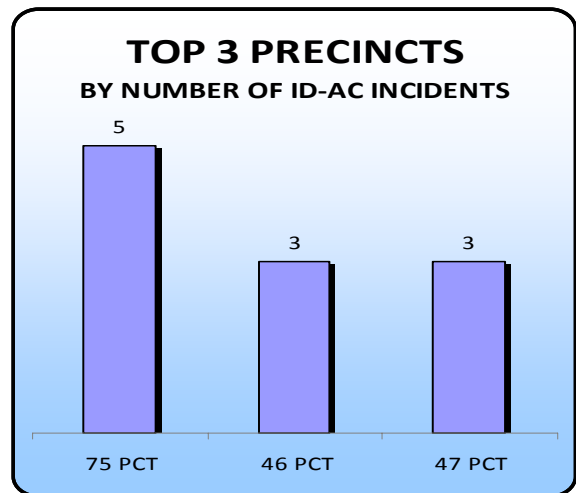


Figure A.2

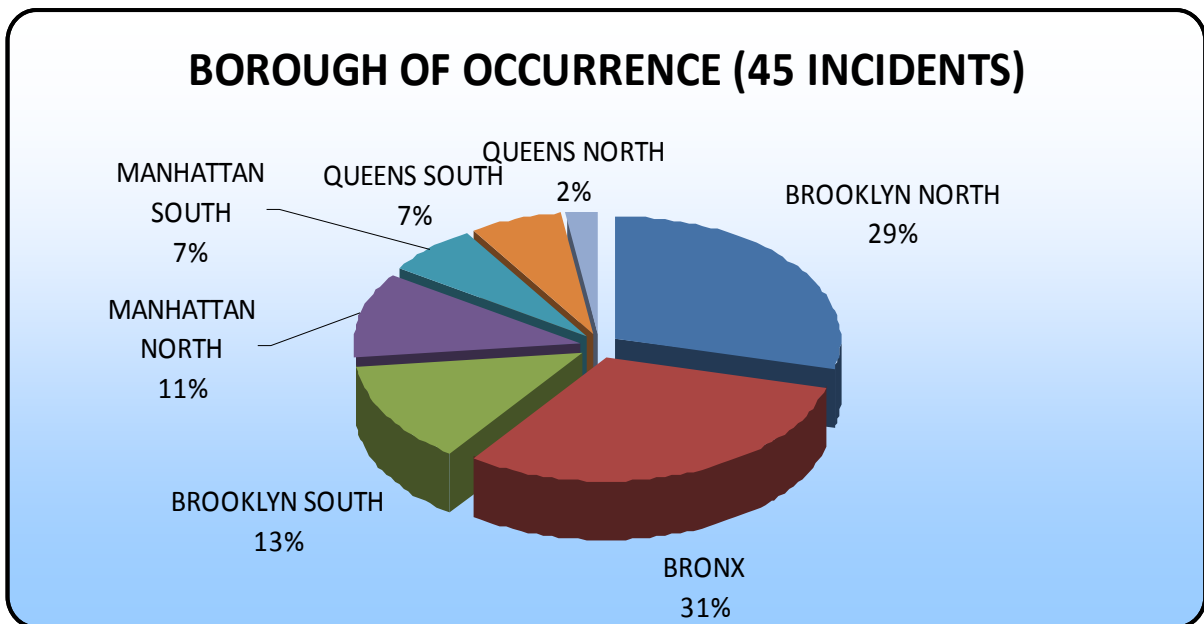


Figure A.3

2007 ANNUAL FIREARMS DISCHARGE REPORT
INTENTIONAL DISCHARGE – ADVERSARIAL CONFLICT

**LOCATIONS OF INTENTIONAL DISCHARGES DURING ADVERSARIAL
CONFLICT vs LOCATIONS OF CRIMINAL SHOOTINGS, 2007**

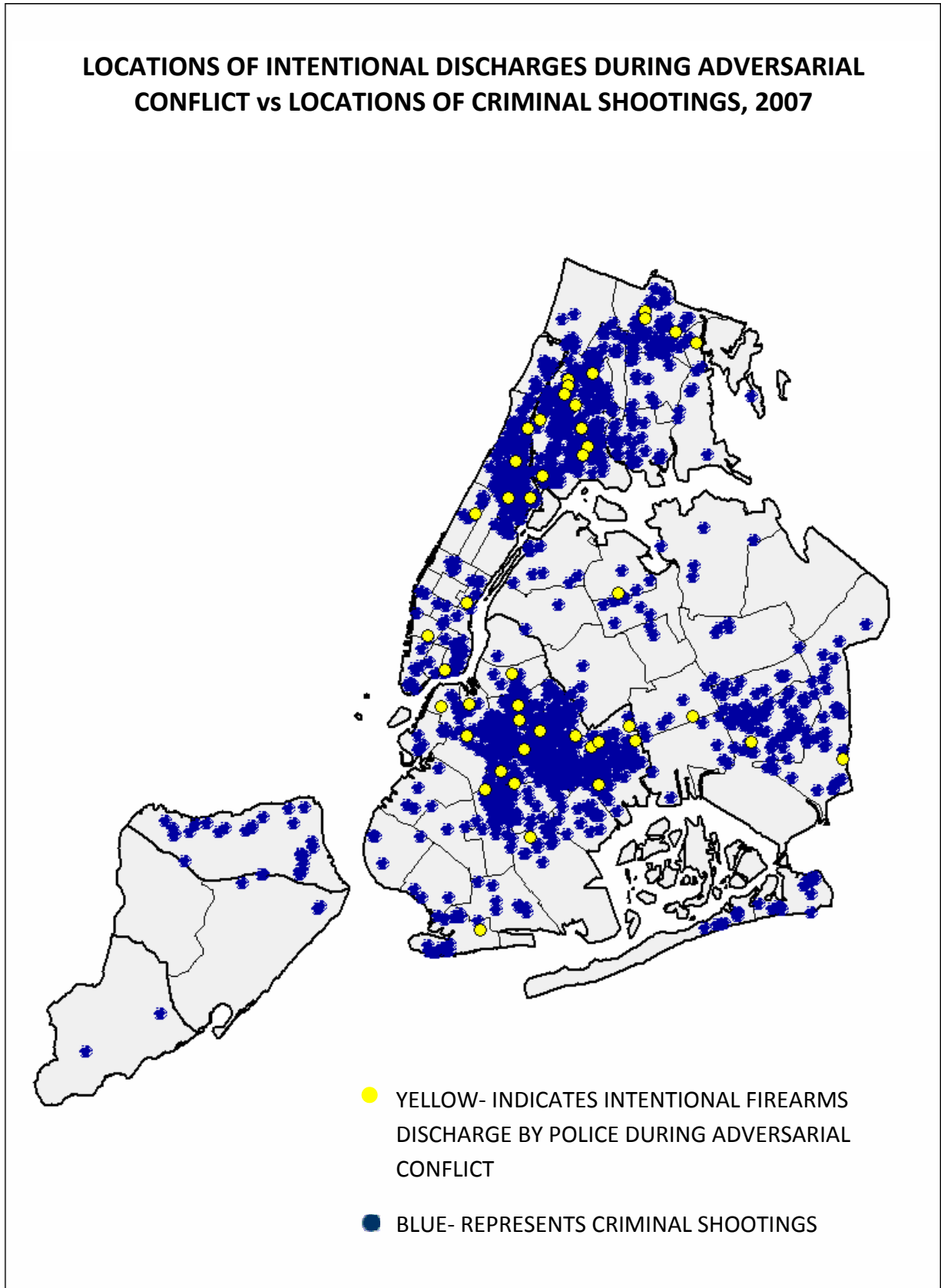


Figure A.4

2007 ANNUAL FIREARMS DISCHARGE REPORT INTENTIONAL DISCHARGE – ADVERSARIAL CONFLICT

CRIMINAL SHOOTINGS

When the locations of police shootings are compared to the locations of criminal shootings in 2007, a correlation appears [see Figure A.4 on previous page]. Specifically, these types of police firearms discharges occur most frequently in those areas most plagued by gun violence. Despite this correlation, the number of these police-discharge incidents is small when compared to the number of criminal shootings [see Figure A.5].

Another visual representation of this pattern is found in Figure A.6 below, which illustrates similar percentage dispersions, by borough, of these incidents.

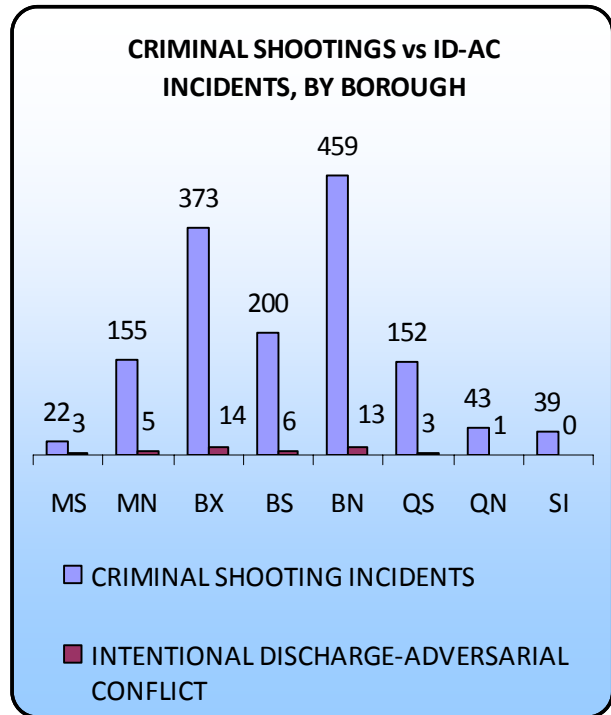


Figure A.5

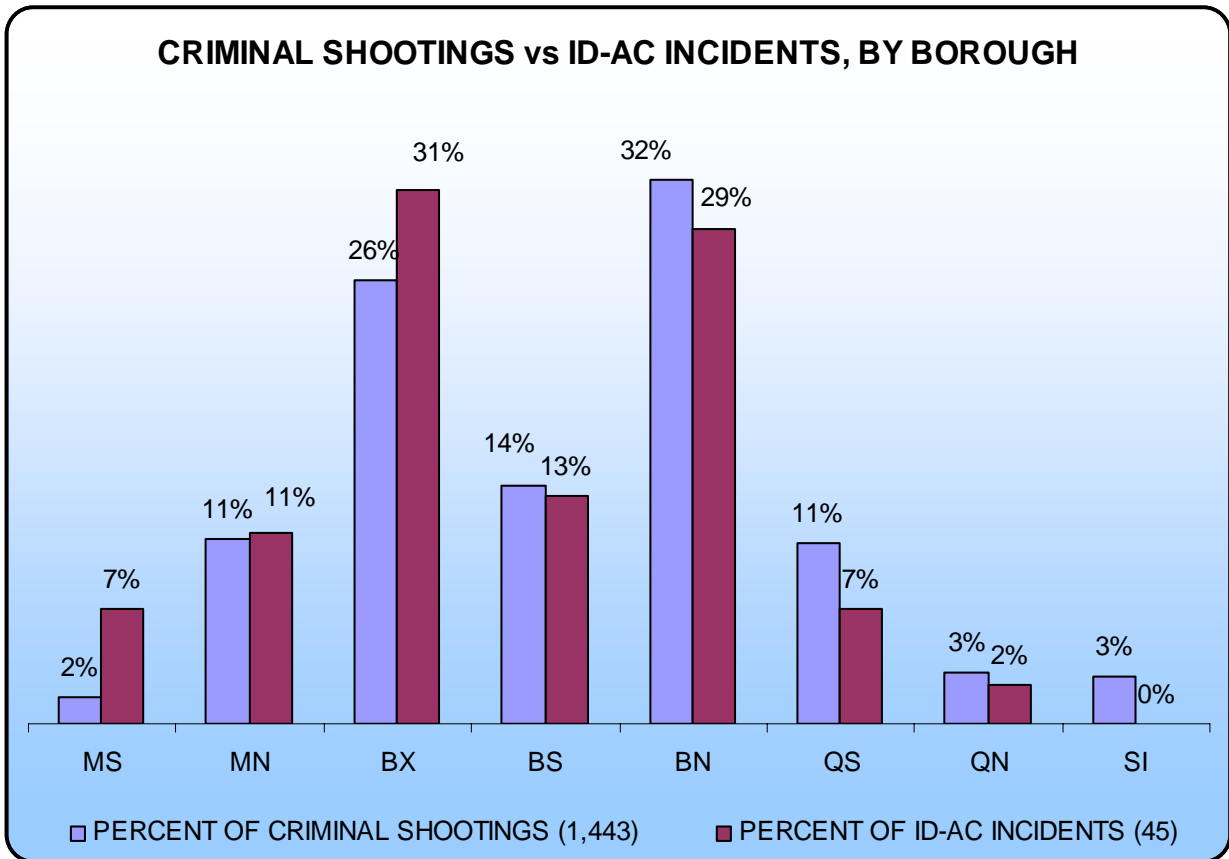


Figure A.6

2007 ANNUAL FIREARMS DISCHARGE REPORT INTENTIONAL DISCHARGE – ADVERSARIAL CONFLICT

REASONS OFFICER INVOLVED

Officers become involved in incidents of intentional discharges during adversarial conflicts for a variety of reasons. For this report the actual incidents were categorized by whether the officers involved were engaged in proactive or reactive police work or were attacked. The incidents were mostly split between officers conducting proactive police work (40 percent) and reactive police work (44 percent). The remaining 16 percent of incidents involved officers who were not performing enforcement functions but were nonetheless attacked (e.g., one officer who was guarding a hospitalized prisoner when the prisoner broke free and bludgeoned the officer with a bedrail).

The plurality of officers discharging their firearms during these incidents (28 percent) was assigned to conduct anti-crime operations, which include actively seeking out perpetrators of violent crimes and armed individuals. The second-largest proportion of officers (20 percent) was assigned to patrol duties, which include responding to calls for service from the public [see Figure A.7].

Nearly 45 percent of the incidents involved officers responding to an assignment related to a firearm, robbery, or violent crime. Another quarter of the incidents involved officers stopping an auto or a subject [see Figure A.8].

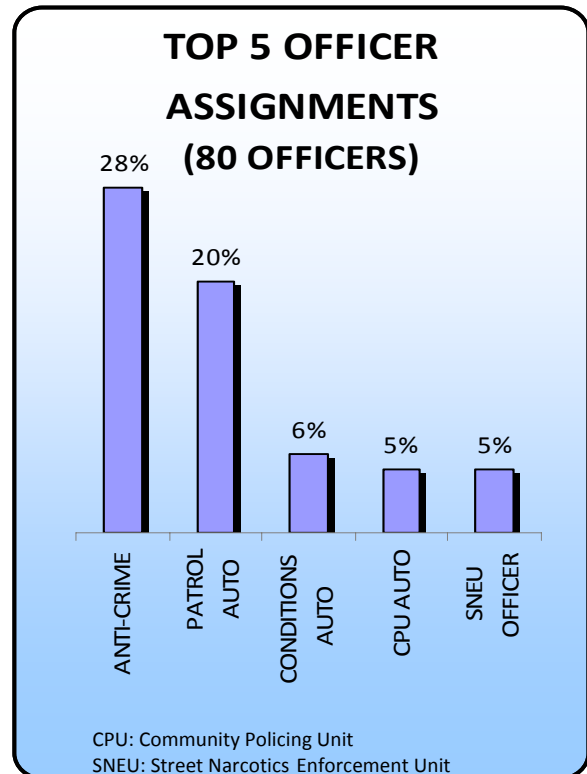


Figure A.7

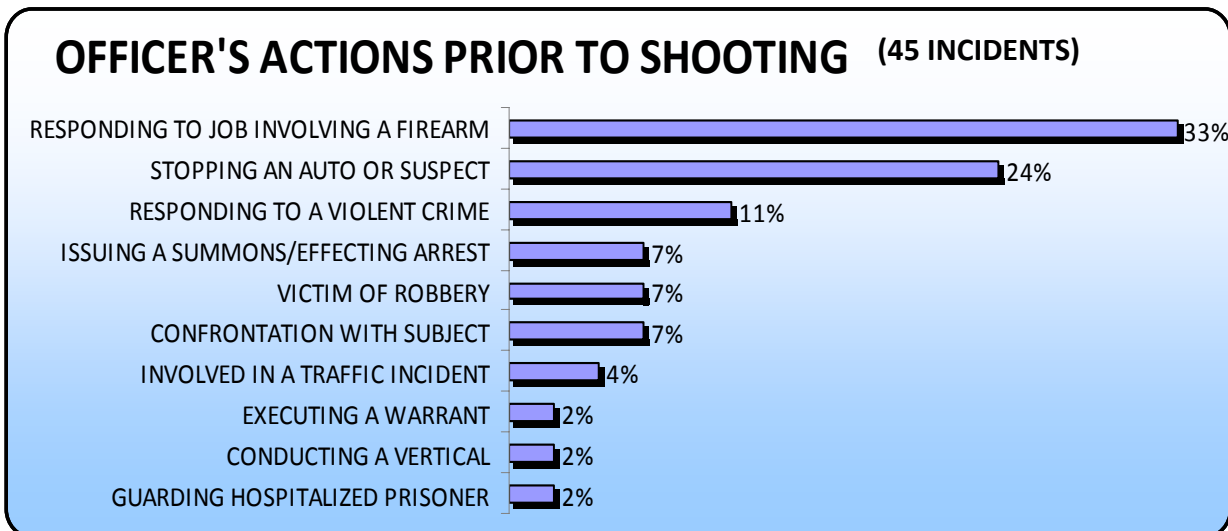


Figure A.8

2007 ANNUAL FIREARMS DISCHARGE REPORT INTENTIONAL DISCHARGE – ADVERSARIAL CONFLICT

INCIDENT DETAILS

When officers did discharge their firearms during an adversarial conflict, the overwhelming majority of officers (68 percent) fired five or fewer times [see Figure A.9]. Twenty percent of the officers discharging their firearms in adversarial-conflict incidents only fired **one** shot [see Figure A.10 at the bottom of the page].

This pattern of restraint is again apparent when analyzing the number of shots fired per incident. The majority of incidents (58 percent) involved five or fewer shots being fired. In 24 percent of adversarial-conflict incidents, the total number of shots fired by all police officers involved was **one** [see Figure A.11].

A total of 478 shots were fired by officers during these incidents, up 31 percent from the previous year. This jump is the result of a single incident in which, during a long gunfight, five officers fired a total of 136 times at a subject who had assaulted a woman, carjacked and crashed several autos, shot a civilian, shot at emergency personnel responding to the scene, and

actively engaged officers in an exchange of gunfire.

It must be noted that, because of the low number of shootings, the average number of shots fired per incident is not used. One incident with a large number of rounds fired (as the one described above) will skew the average. One officer firing a large number of rounds can also skew the average. Instead, a visual representation of the number of shots fired is offered. When working with such a small sample, typical use of means and medians can lead to false conclusions. In these instances, the mode

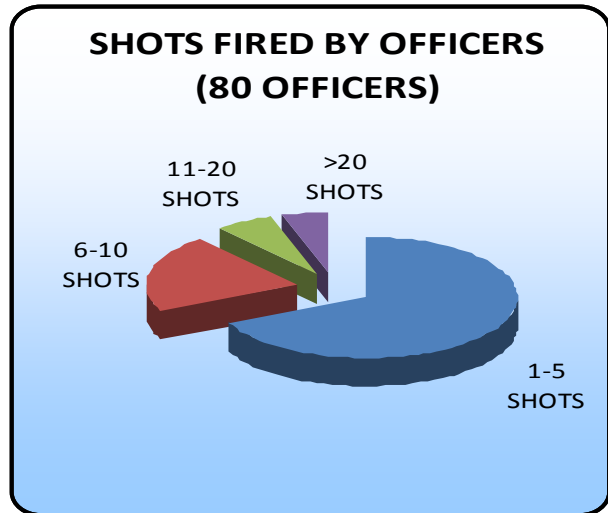


Figure A.9

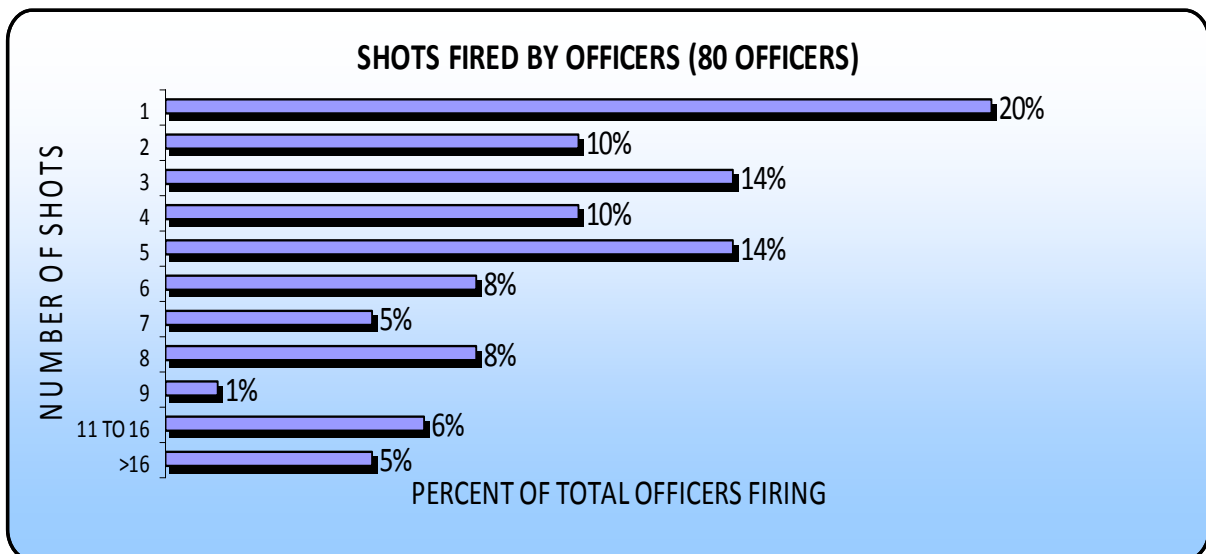


Figure A.10

2007 ANNUAL FIREARMS DISCHARGE REPORT INTENTIONAL DISCHARGE – ADVERSARIAL CONFLICT

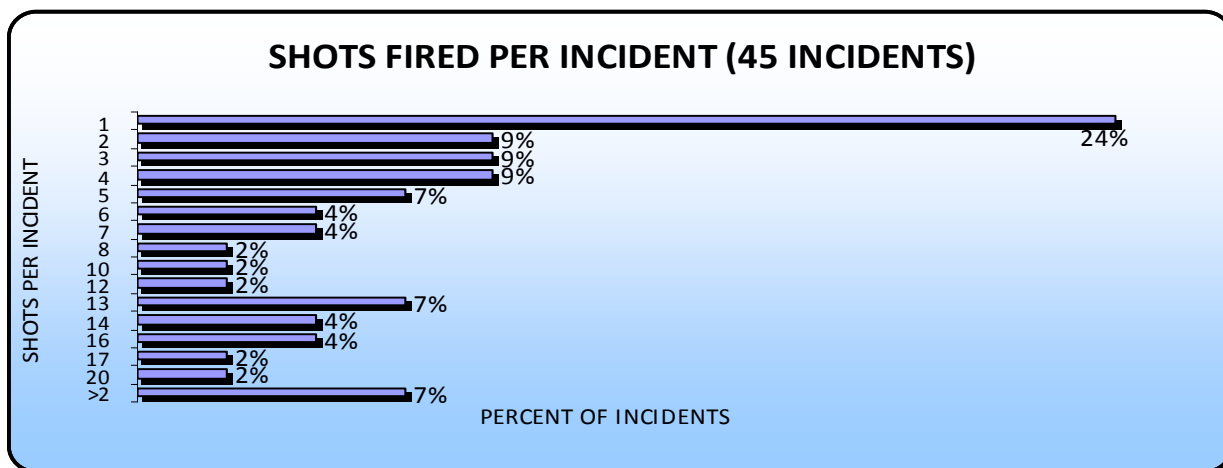


Figure A.11

can be most revelatory. **The mode for the number of shots fired by police is one.**

In keeping with the premise above, and owing to the fact that it is often never determined which officer fired the round that struck the subject, the average *hit percentage* is not used for this report. The ***objective completion rate per incident*** was calculated instead as it is both more accurate and instructive.

The objective completion rate per incident, like combat, is pass or fail. **If a person or persons fire at a specific target, did he, she, or they hit the target or not?** This rate is determined irrespective of the number of shots the person fired to hit the target.

Furthermore, several incidents involve multiple officers shooting or multiple subjects firing on police. Rather than attempt to discern intended targets or to approximate the number of shots fired by subjects—another detail that can never be accurately determined—the ***objective completion rate per incident*** is used.

Of these 45 incidents, officers hit at least one subject per incident 28 times, for an

objective completion rate of 62.2 percent. During incidents when officers were actively being fired upon, the rate decreased to 50 percent. In incidents when officers were not actively being fired upon (e.g., the officer fired before the subject was able to shoot, or the officer was defending himself or another against knife or blunt instrument attack), the rate climbed to 70 percent. When subjects fired upon police in 2007 they hit at least one officer per incident 38.8 percent of the time. In two incidents one subject shot two separate 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. Although 70 percent of the reporting officers state that they were standing and 76 percent report that they gripped the firearm with two hands, only 45 percent stated that they were able to utilize the sights on their firearms. Sixty-one percent were able to make use of some type of cover during the incident.

2007 ANNUAL FIREARMS DISCHARGE REPORT INTENTIONAL DISCHARGE – ADVERSARIAL CONFLICT

OFFICER PEDIGREE

The majority of officers intentionally discharging their firearms during an adversarial conflict were males, who comprise 96 percent of the officers in this category.

Half of the officers intentionally discharging their firearms during an adversarial conflict were white. This is comparable to the percentage of white officers employed by the Department (54 percent).

When compared to Department staffing, most races of officers were slightly underrepresented in this category. The exception is found among Hispanic officers, who represent approximately 25 percent of the Department but represented 31 percent of the officers firing [see Figure A.12 below]. This is generally consistent with the Department's ethnic makeup.

Officers utilized their service weapon in the overwhelming majority of the incidents (93 percent). The remaining officers utilized

off-duty weapons, with the exception of one undercover officer using a special-issue firearm.

The same number (36) of on-duty uniform and plainclothes officers intentionally discharged their firearms in adversarial conflict.

Considering that plainclothes officers represent a smaller portion of officers in the field than those in uniform, the higher percentage of plainclothes officers firing is noteworthy. It is possible that the high percentage is a reflection of the plainclothes officer's assignment. Of the 36 plainclothes officers involved in these incidents, 61 percent of these officers were conducting anti-crime operations. Another 22 percent, including three undercover officers, were investigating narcotics operations.

YEARS OF SERVICE

In 2007, almost half of the officers who discharged their firearms during adversarial conflict (44 percent) had between one and five years of service. As the years of service

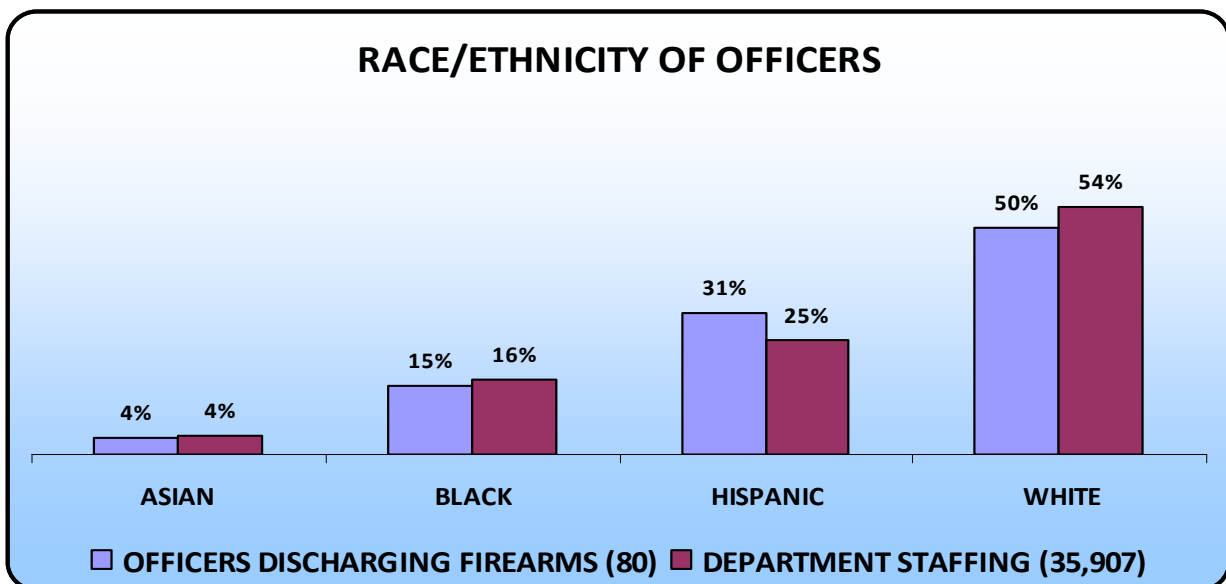


Figure A.12

2007 ANNUAL FIREARMS DISCHARGE REPORT INTENTIONAL DISCHARGE – ADVERSARIAL CONFLICT

increase, the numbers of incidents decrease [see Figure A.14].

These raw numbers only indicate the percentage of the Department 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.

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.

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.13]. Because police officers are the front line, and represent the majority of officers responding to violent jobs and actively seeking out criminals, this is unsurprising. Additionally, the rank of Police Officer forms the majority of the Department and therefore the pool of officers who may become involved in adversarial conflict is greater.

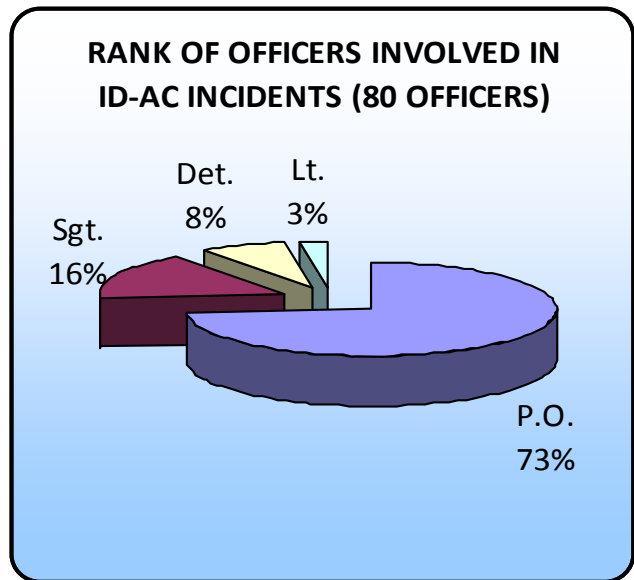


Figure A.13

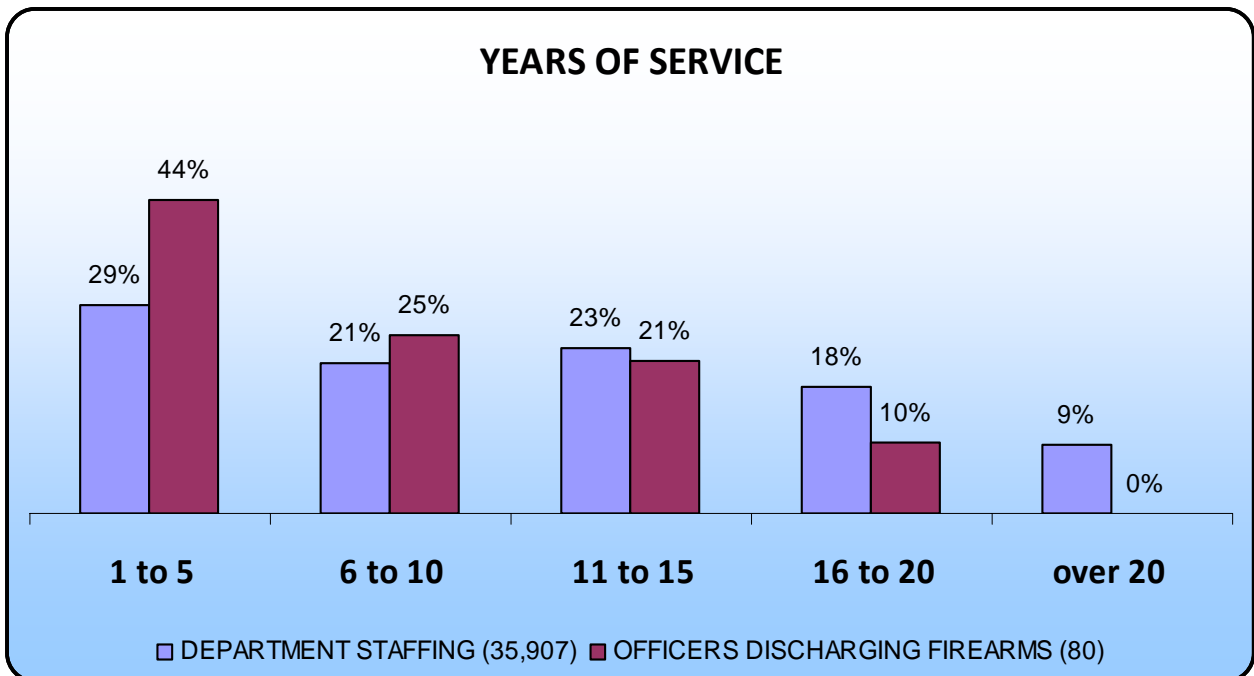


Figure A.14

2007 ANNUAL FIREARMS DISCHARGE REPORT INTENTIONAL DISCHARGE – ADVERSARIAL CONFLICT

SUBJECT PEDIGREE

There were 53 subjects involved in the 45 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, a subject fired on officers from an automobile but was never identified or apprehended.

When analyzing the pedigree information for the known subjects involved in police-discharge incidents, one classification stands out: gender. All of the known subjects involved in these incidents in 2007 were male. The ages of the subjects range from 15 to 51, but a large percentage (60 percent) of the subjects were 17 to 27 years of age.

With regard to race, 61 percent of adversarial-conflict subjects were Black or identified by witnesses as such. Among subjects who fired on officers, the figure is higher: 74 percent were Black or identified by witnesses as such [see Figure A.15 & Figure A.16 on the right].

This number parallels the percentage of Black suspects identified in criminal shootings. In a city-wide analysis of crime victims and suspects covering the calendar year 2007, victims in approximately 75 percent of criminal complaints identified the shooter as being Black. This strong correlation also occurred when comparing the percentage of Hispanic subjects who fired on police (21 percent) with the number of Hispanic suspects identified in criminal shootings (22 percent) [see Figure A.17].

It must be noted that the correlation extends to victims as well. Seventy-four percent of the criminal shooting *victims* were Black and 23 percent were Hispanic.

When comparing the crime statistics from 2007 with the intentional discharge – adversarial attack incidents from 2007, certain similarities arise. The race of subjects in discharge incidents and the race of arrestees for firearms possession seem almost to mirror each other. See Figure A.18 on the following page for a visual representation of these comparisons.

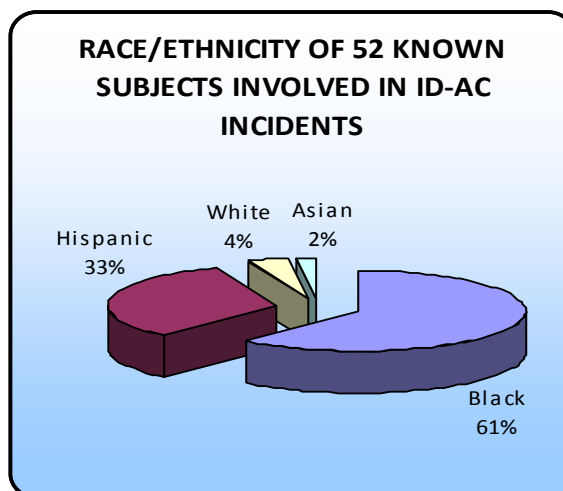


Figure A.15

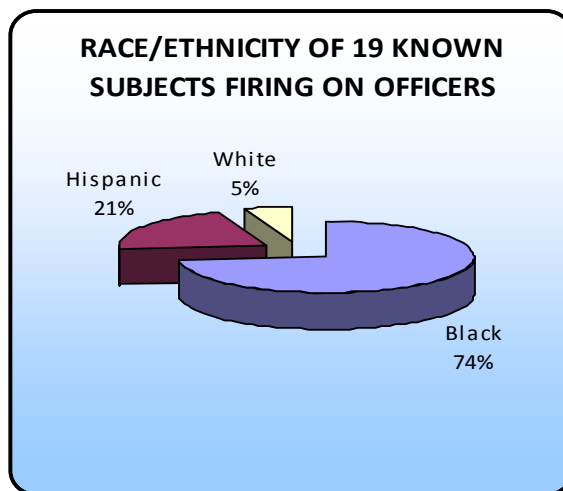


Figure A.16

2007 ANNUAL FIREARMS DISCHARGE REPORT
INTENTIONAL DISCHARGE – ADVERSARIAL CONFLICT

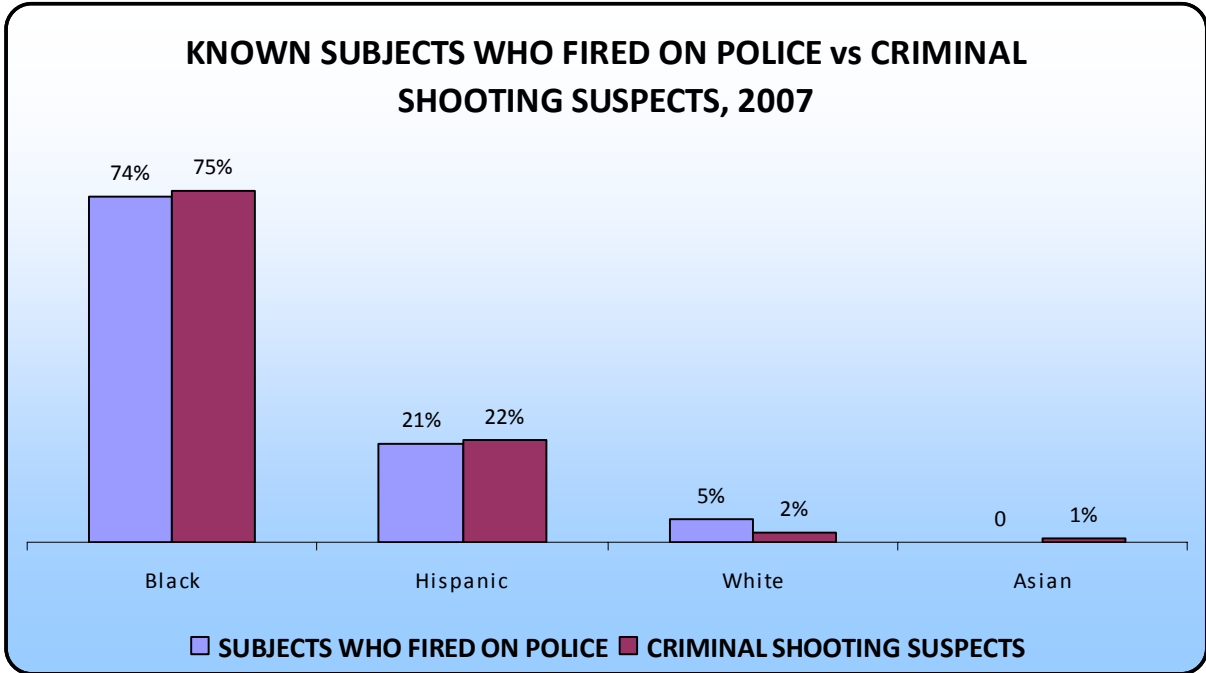


Figure A.17

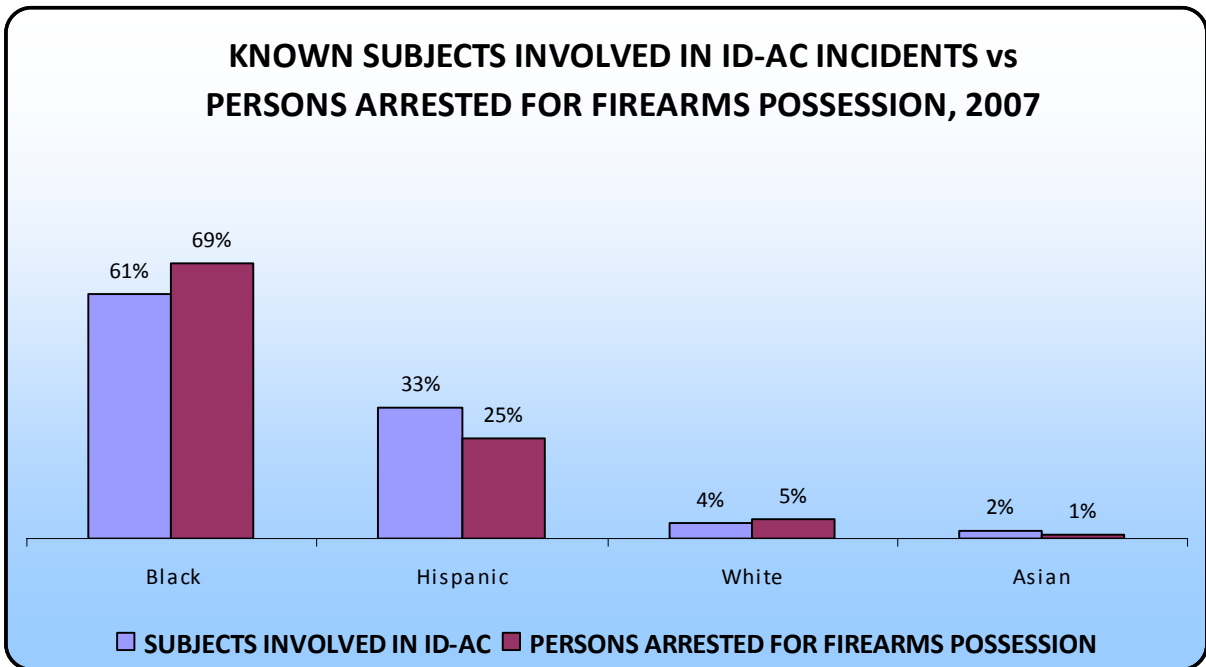


Figure A.18

2007 ANNUAL FIREARMS DISCHARGE REPORT INTENTIONAL DISCHARGE – ADVERSARIAL CONFLICT

PRIOR ARRESTS

Of the known subjects involved in these incidents, the large majority had prior arrests—and more than 60 percent had multiple arrests [see Figure A.19].

A given suspect’s arrest history was most likely not known to the officer at the time of the incident, but it is indicative of a subject’s propensity for criminal conduct and capacity for violently confronting a police officer. It can also evince itself in a subject’s bearing, actions, and reactions. For example, a person who has an arrest history or pending charges or who is on parole may be more willing to attempt to avoid arrest by confronting the officer.

At least three subjects were wanted by authorities at the time of the incidents and four of the subjects were on parole. Over 60 percent of the subjects with prior arrests had been arrested for assaults, including three arrested for sexual assaults and five arrested for attempted murder. Forty-five percent of the subjects with prior arrests had arrests for weapons possession, including 12 subjects arrested for possessing or using a firearm. Thirty percent had prior robbery arrests. It should be noted that a

single subject with multiple arrests may be identified in several of the previous categories.

Although the majority of known subjects in 2007 had prior arrest records it must also be noted that there were ten subjects who had no prior releasable arrest history. One of these subjects murdered a civilian and executed two auxiliary police officers.

WEAPONS

The subjects in these incidents utilized a variety of weapons when confronting the officer. The most frequently used weapon was a firearm. Of the known firearms used by subjects, the 9mm was the most popular, accounting for half of all the known firearms used [see Figure A.20 below].

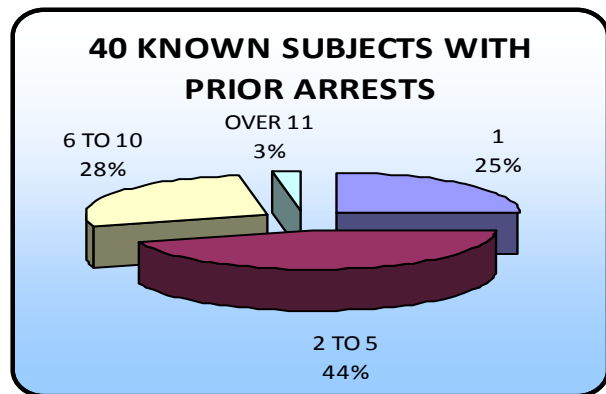


Figure A.19

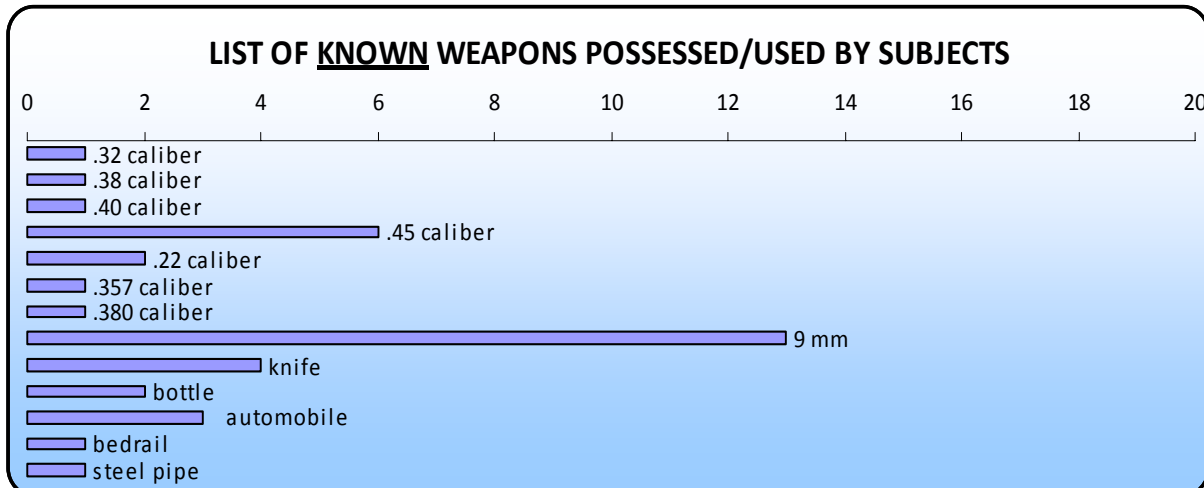


Figure A.20

2007 ANNUAL FIREARMS DISCHARGE REPORT INTENTIONAL DISCHARGE – ADVERSARIAL CONFLICT

OUTCOME

Of the 45 intentional discharges occurring during adversarial conflict, 30 resulted in injury to either a subject or police officer or both.

OFFICER INJURIES

Three officers were killed and seven injured by subject gunfire in 2007. Of those ten officers, **only three were able to return fire**, and only one possibly hit the subject. Of these ten officers shot in 2007, **all were fired upon first**.

These facts seem to be at the root of the objective-completion-rate discrepancy between officers who were actively fired upon and those involved in other adversarial conflicts (see page A-7). But although the objective completion rate for officers who are actively being fired upon is 50 percent compared to 62.2 percent for all adversarial conflict shootings, when an officer actively being fired upon is shot, officers' objective completion rates increase to 71.5 percent.

Further examination of the seven incidents during which ten officers were shot reveals that almost all shot officers were assisted by their partner(s) or responding officers who returned fire to stop the threat. This, coupled with the close proximity to the subject, may account for the increased objective completion rate.

In five of the seven incidents, the subject shot the officer(s) at close range as the officer(s) attempted physically to apprehend the subject. All of these subjects were shot when officers returned fire. In the other two incidents, the subject(s) fired from a vehicle

and sped away as the officers returned fire. These subjects were not injured by gunfire and were subsequently apprehended after a police investigation.

Of the ten officers shot:

- Auxiliary Police Officer Nicholas Pekearo and Auxiliary Police Officer Eugene Marshalik were unarmed when shot and killed. Responding officers returned fire and ended the threat.
- Police Officers Russel Timoshenko and Herman Yan were shot during a car stop. Both officers were wounded, but Officer Yan was able to return fire. The subjects escaped but were eventually arrested. Officer Timoshenko later succumbed to his injuries.
- An undercover officer was attacked and shot while unarmed, but was assisted by another officer who returned fire and ended the threat.
- Police Officer Andrew Suarez was ambushed and shot while sitting in his auto; he was assisted by his partners who returned fire. The subjects escaped but were eventually arrested.
- Detectives Daniel Rivera and William Gonzalez were both shot while attempting to apprehend a subject who was wanted in relation to a double shooting. The detectives, as well as a third detective, were able to return fire and end the threat.
- Police Officer Annmarie Marchiondo was attempting to issue a summons when the subject withdrew a gun and grabbed

2007 ANNUAL FIREARMS DISCHARGE REPORT INTENTIONAL DISCHARGE – ADVERSARIAL CONFLICT

the officer. Officer Marchiondo was able to break free but was shot. The officer was unable to return fire but was assisted by her partners who returned fire and ended the threat.

- Police Officer Robert Tejada was frisking a subject suspected of possessing a firearm when the subject pulled out the firearm and shot the officer. The officer was unable to return fire but was assisted by his partners who returned fire and ended the threat.

Another four officers sustained non-gunfire injuries related during adversarial conflict. Three officers were struck and injured by blunt objects and one officer was stabbed with such force that the blade penetrated his skull. In all but one of these three incidents the subject was physically struggling with the officer and was shot at close range by the assaulted officer. In the final incident the subject struck the officer with his auto and fled uninjured but was later apprehended.

BULLET RESISTANT VEST

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

Of the seven officers shot and injured, one officer was struck in the chest by gunfire and was most likely saved by the stopping strength of his vest. The remaining officers were shot in areas not covered by the bullet-resistant vest, including one officer who was shot in the abdomen just under the vest.

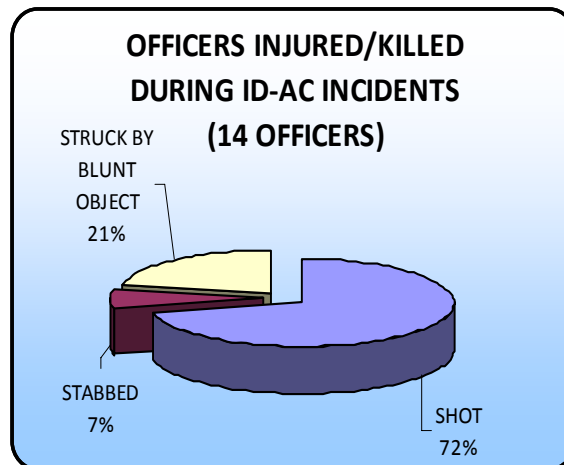


Figure A.21

SUBJECT INJURIES

Of the 53 subjects involved, ten were killed and 19 injured by police gunfire. Of the ten subjects killed, 70 percent had already shot, stabbed, or struck an officer or civilian before they were stopped. The remaining 30 percent were killed while threatening the use of a firearm [see Figure A.22].

Of the subjects who were injured, 53 percent had already shot, shot at, stabbed, or struck an officer or civilian before they were stopped. Thirty-one percent had just committed or were in the process of committing a robbery at the time of the incident. The remaining 16 percent were menacing an officer with a weapon [see Figure A.23].

During the conflict or immediately before the officer's involvement, the various subjects involved had shot and murdered two civilian victims, shot and injured another six civilian victims, and stabbed and injured three civilian victims.

No civilians were killed or injured from police fire. It must be noted that during an off-duty incident in which a subject fired, the

2007 ANNUAL FIREARMS DISCHARGE REPORT INTENTIONAL DISCHARGE – ADVERSARIAL CONFLICT

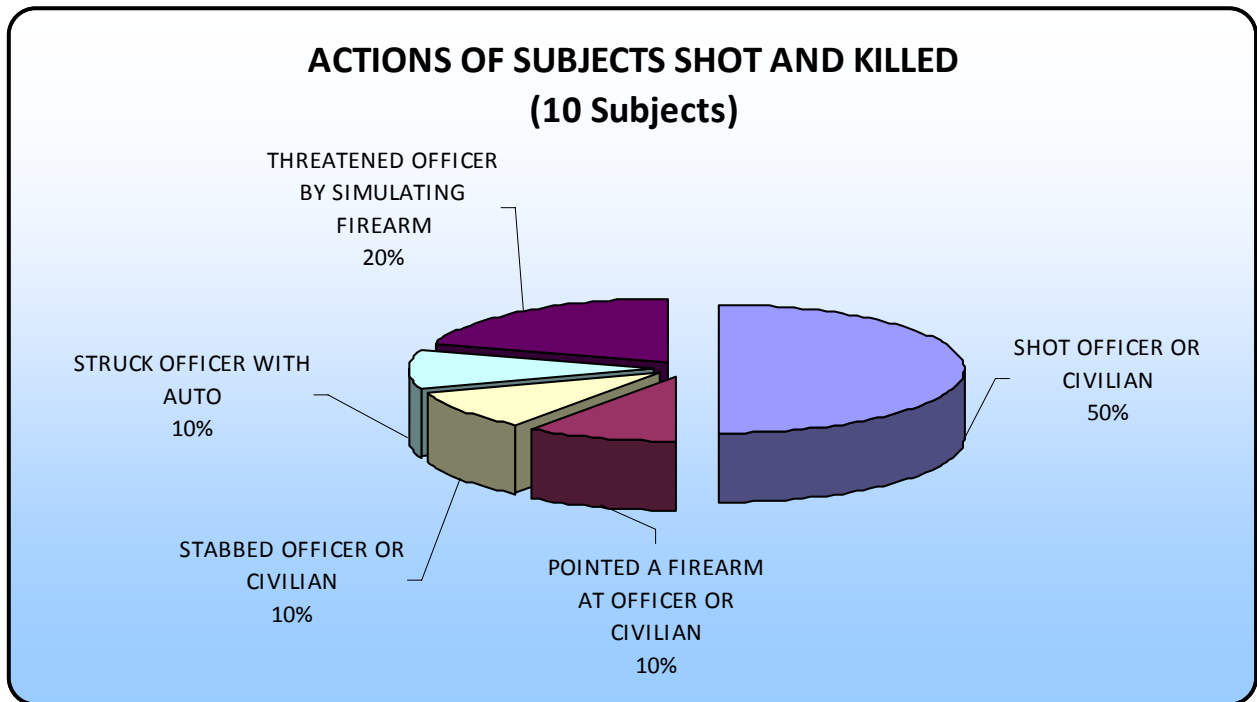


Figure A.22

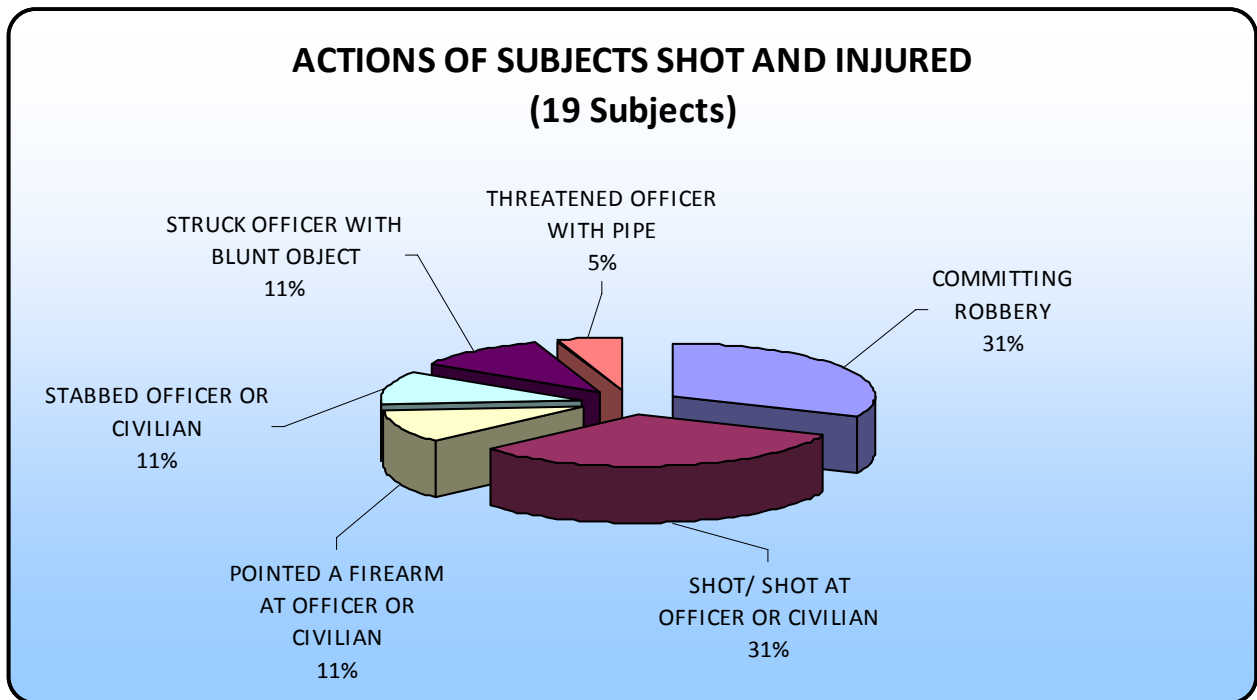


Figure A.23

2007 ANNUAL FIREARMS DISCHARGE REPORT INTENTIONAL DISCHARGE – ADVERSARIAL CONFLICT

friend of an involved officer suffered a graze wound to the hand. It could not be determined if the wound was a result of the officer's or subject's fire.

MALFUNCTION

Two officers experienced "stove pipe" malfunctions of their firearm, in which an expended bullet's shell casing fails to eject fully from the firearm's chamber. No officers were injured from these malfunctions.

FINDINGS

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

At the time of this report, the majority of the 45 incidents had been reviewed and findings had been issued. Among the officers involved in reviewed incidents, nine were

mandated to attend corrective retraining. One officer was mandated to be retrained in street narcotics enforcement procedures, six officers on tactics, one officer on conserving ammunition, and one officer on proper loading of a firearm.

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. The officers noted above were mandated to attend specific, corrective retraining as a result of the investigation of the given incidents.

Five officers were found to have violated Department shooting procedures and were disciplined. Four officers were disciplined for discharging their firearms while fellow officers were in their line of fire (all stemming from the same incident) and one officer was disciplined for firing from the roof of a building at a subject on the ground below (this subject was firing at the officer).

Forty-six officers' actions did not warrant any type of discipline or corrective retraining. Reviews of the remaining incidents are pending [see Figure A.24].

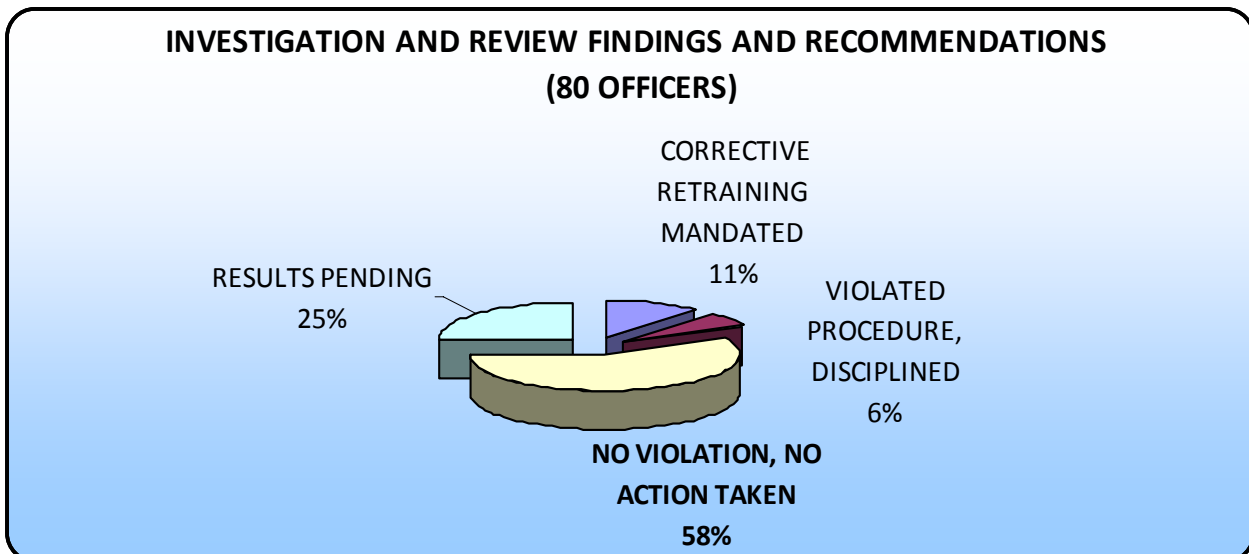


Figure A.24

2007 ANNUAL FIREARMS DISCHARGE REPORT INTENTIONAL DISCHARGE – ADVERSARIAL CONFLICT

CONCLUSION

There were 45 intentional discharges during adversarial conflicts, involving 80 officers who fired. These conflicts involved 53 subjects, 20 who fired directly on police.

In 2007, there were more than 1,600 criminal shootings and homicide incidents that occurred in New York City, which resulted in the injury or death of more than 1,900 persons. 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, to 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, consequently reducing injury and death to citizens and officers alike.

One method of judging the Department's relative success is to compare the number of adversarial-conflict discharge incidents with the number of arrests of armed individuals made by officers each year. In 2007, New York City police officers made 30,911 weapons arrests, including 4,032 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 more than 31,000 incidents in which an officer took an armed subject into custody without firing his or her weapon.

There were, on average, 35,907 uniformed officers employed by the NYPD in

2007. Of them, only 80 intentionally discharged a firearm at a subject. This means that 99.8 percent of all officers did not discharge their firearms intentionally during adversarial conflict, or only 0.2 percent did.

Even more significant is the fact that officers responded to more than **4.3 million calls for service in 2007**. Among these were more than 174,000 calls involving firearms and more than 32,000 calls involving knives.

Of the millions of dangerous calls that thousands of officers responded to in 2007 (not including proactive incidents where officers were actively seeking out criminals), officers intentionally discharged their firearms in a total of a historically low 45 incidents.

2007 ANNUAL FIREARMS DISCHARGE REPORT

INTENTIONAL DISCHARGE – ANIMAL ATTACK

OVERVIEW

There were 39 incidents of intentional firearms discharge during an animal attack in 2007, up 30 percent from 2006 but down 53 percent from 1997. A total of 44 officers intentionally fired their weapons during these incidents, up 16 percent from 2006. Four officers were directly involved in the attack but did not fire. All of the attacks involved dogs. (It should be noted that the following statistics, graphs, and observations are based on this limited sample.)

There were 14 officers injured in these incidents. Ten officers were bitten by dogs and four officers suffered other injuries during the attack. Three civilians were also bitten by dogs during these incidents and one suffered injuries from shattering glass. These numbers do not encompass all dog attacks on officers or civilians, only dog-attack incidents involving intentional firearms discharges by police officers.

There were 12 dogs injured and 17 dogs killed during these conflicts. A more detailed analysis of the injury 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, including 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

Unlike intentional discharges during adversarial conflict, discharges during animal attacks were infrequent in the first half of the year but became more common during the second half—the third quarter consisted of almost as many incidents as the first two quarters combined, and the last six months of 2007 accounted for 64 percent of the incidents.

Discharges during animal attacks occurred most often on Wednesday (25 percent). These incidents occurred most often on the third platoon (46 percent). The remaining incidents were closely split between the first platoon (31 percent) and the second platoon (23 percent) [see Figure B.1 below].

One notable statistic is that 15 percent of these discharges occurred between 8:25 and 8:50 PM. Incidents taking place in this 25-minute window occurred throughout the year, irrespective of season.

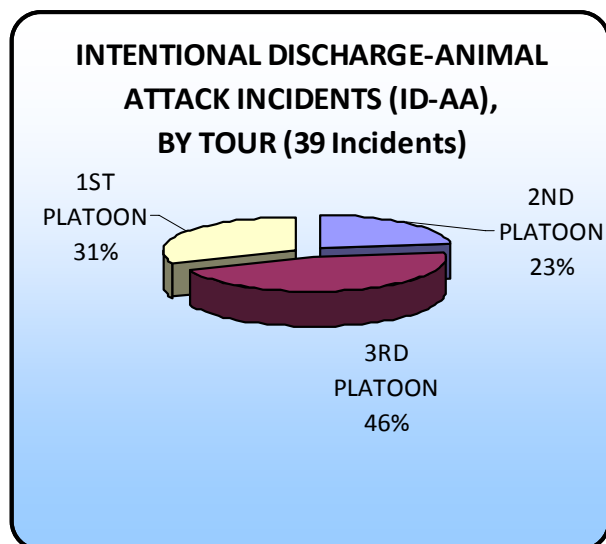


Figure B.1

2007 ANNUAL FIREARMS DISCHARGE REPORT INTENTIONAL DISCHARGE – ANIMAL ATTACK

LOCATIONS OF DISCHARGES

All but two of the intentional discharges during animal attacks occurred within the city limits, with 77 percent of the incidents transpiring under the jurisdiction of the patrol precincts. This is a departure from intentional discharges during adversarial conflict. While intentional discharges during adversarial conflict occurred within Housing jurisdiction only 2 percent of the time, intentional discharges during animal attacks occurred within Housing jurisdiction 18 percent of the time [see Figure B.2].

The Bronx experienced the most incidents (34 percent). The pie chart below [Figure B.3] shows the percentages of discharges per patrol borough.

These incidents took place in 26 separate precincts, with most of those precincts only experiencing a single incident. There were eight precincts that accrued more than one

incident. The 44 Precinct, 47 Precinct, and 73 Precinct each had three incidents.

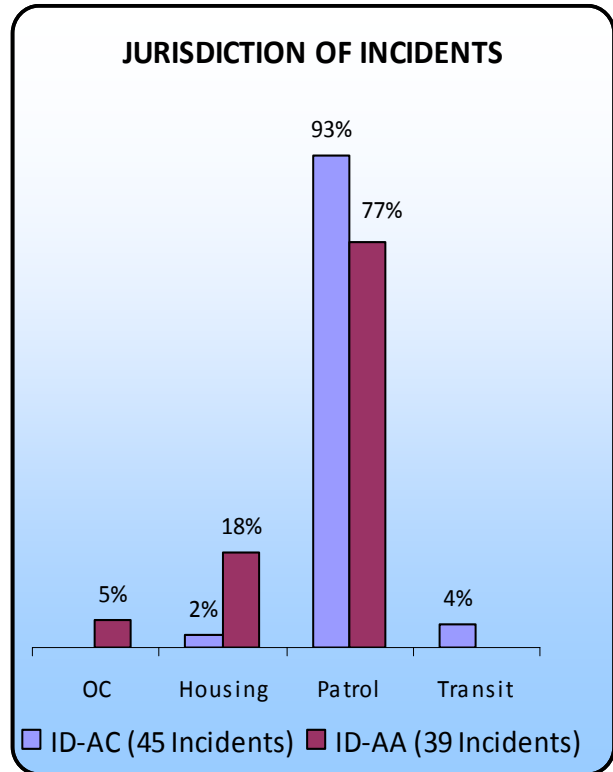


Figure B.2

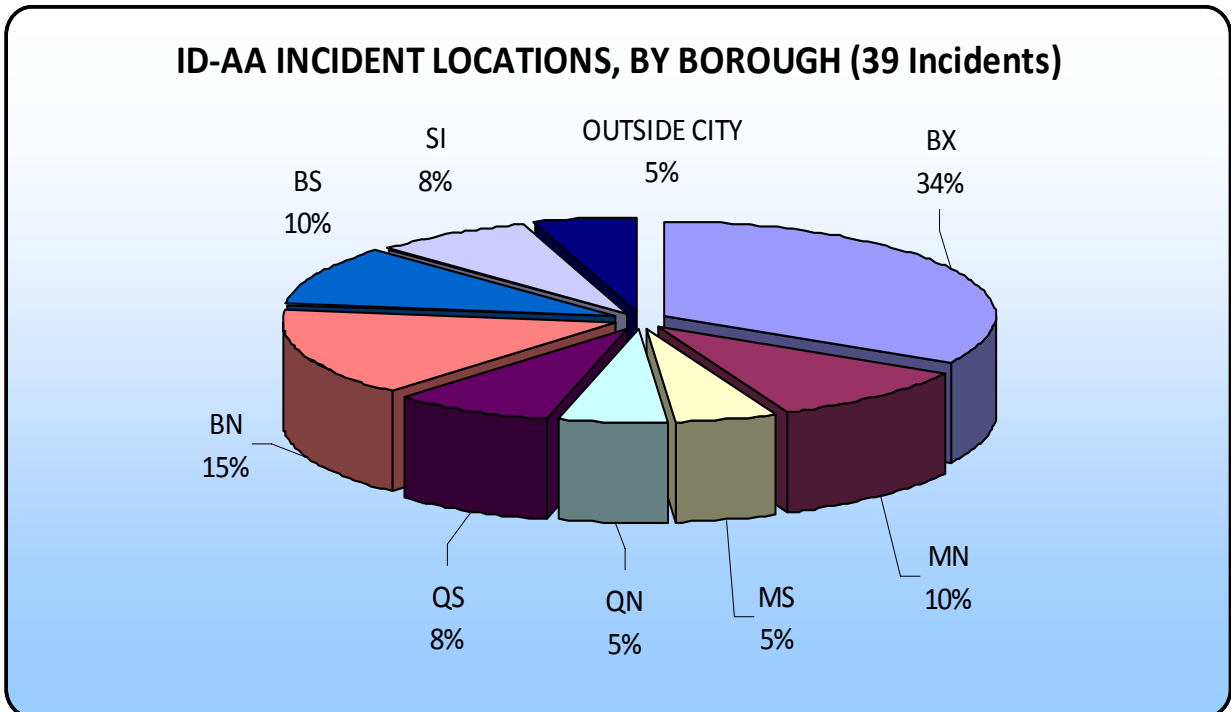


Figure B.3

2007 ANNUAL FIREARMS DISCHARGE REPORT

INTENTIONAL DISCHARGE – ANIMAL ATTACK

Of the 39 incidents, 67 percent occurred outdoors. This is less than the 82 percent for adversarial conflicts. The exact locations of the incidents vary from streets and sidewalks to roofs, stairwells, and apartments. The majority of locations were split between street/sidewalk (28 percent) and yard/lot (28 percent). Figure B.4 below indicates the locations and percentages of the incidents. Some lots were considered enclosed and were listed as indoor locations.

Figure B.6 maps the exact location of all of the intentional discharges during animal attacks occurring in 2007. The two attacks occurring outside New York City are not listed.

REASONS OFFICER INVOLVED

A variety of reasons led officers to become involved in incidents of intentional discharges during animal attacks. The most common (32 percent) was responding to a call of a vicious dog. The next most frequent reasons were executing a search warrant (18 percent) and conducting a vertical (16 percent). Nine percent of the officers involved were simply attacked by the dog [see Figure B.5].

A large proportion of officers (41 percent) were assigned to patrol duties and foot posts, which include conducting verticals and responding to calls for service from the public, such as calls for vicious dogs. These calls, as mentioned above,

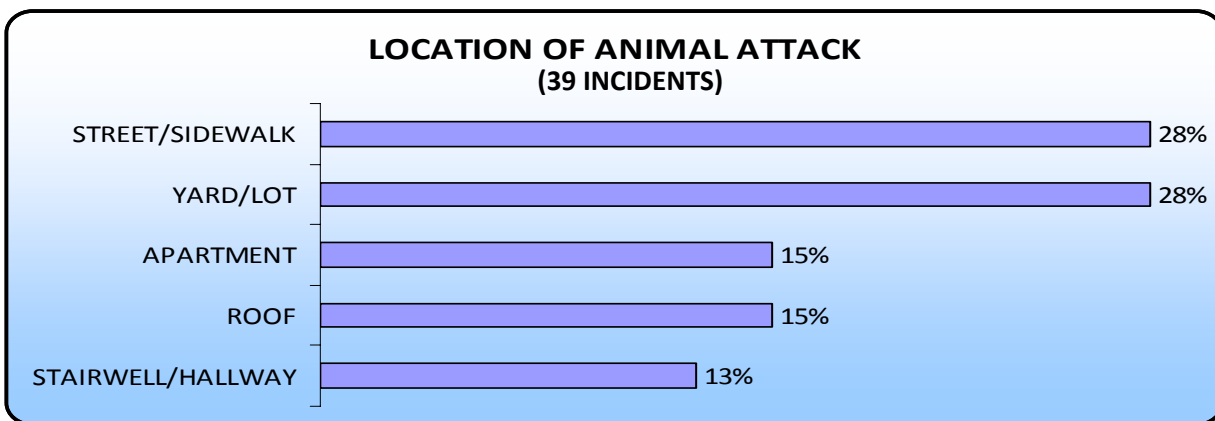


Figure B.4

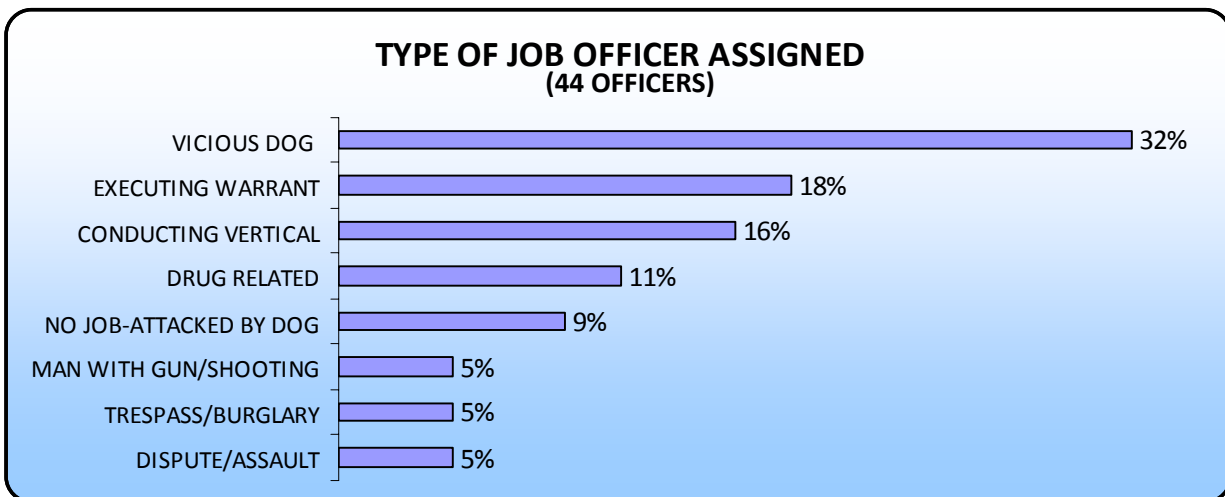
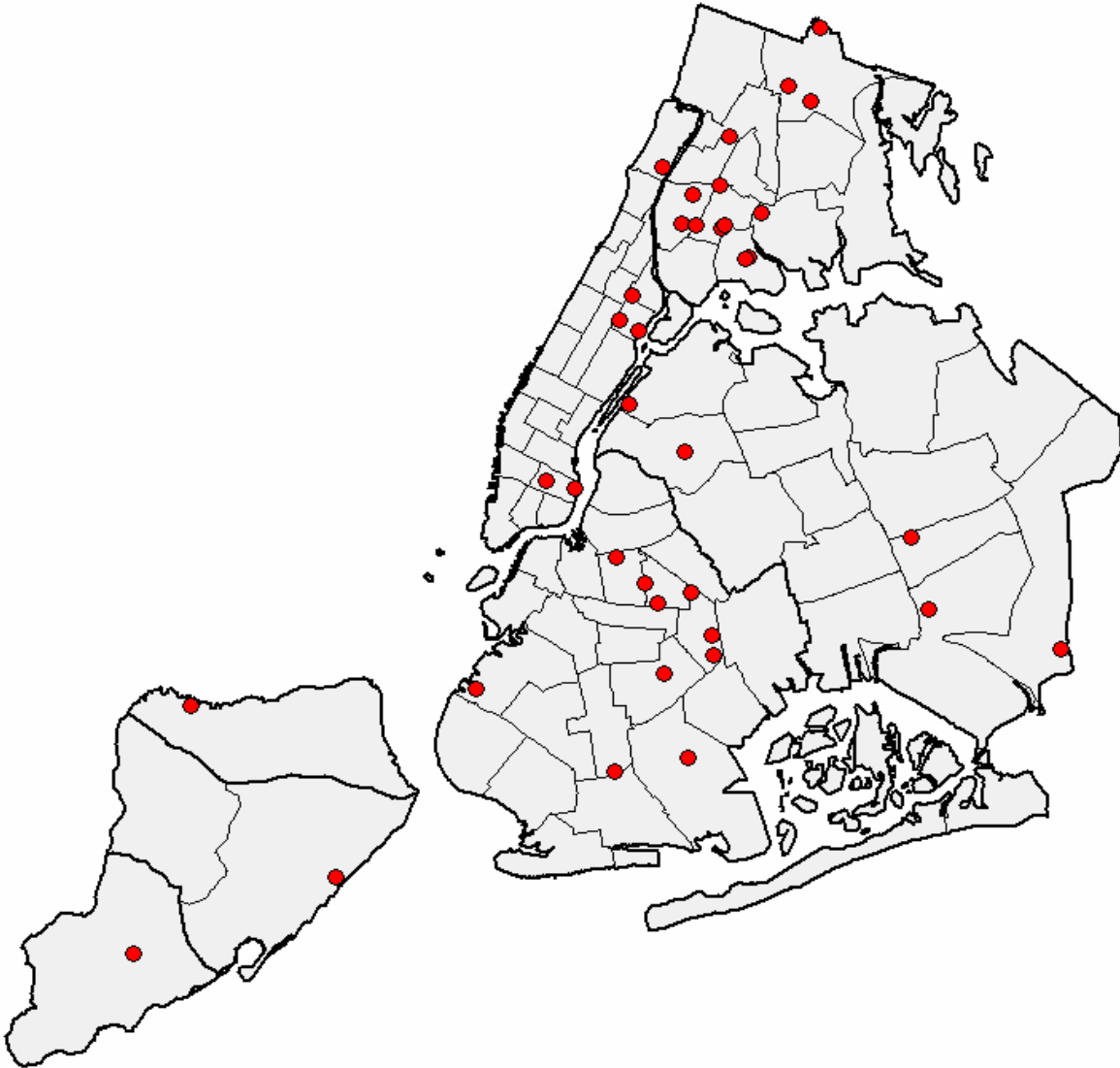


Figure B.5

2007 ANNUAL FIREARMS DISCHARGE REPORT
INTENTIONAL DISCHARGE – ANIMAL ATTACK

**LOCATIONS OF INTENTIONAL DISCHARGES DURING ANIMAL ATTACKS,
2007**

(37 INCIDENTS*)



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

Figure B.6

2007 ANNUAL FIREARMS DISCHARGE REPORT

INTENTIONAL DISCHARGE – ANIMAL ATTACK

account for 32 percent of the incidents [see Figure B.8 for officer assignment].

A total of 73 shots were fired by officers during these incidents; this is a **35 percent decrease** from the previous year.

Figure B.7 indicates the top locations of assignment for officers involved in intentional discharges during animal attacks. As mentioned earlier, Housing units are more involved in these incidents than was the case for adversarial-conflict incidents. The units involved in the most incidents are Police Service Area 5 in Northeast Manhattan and Emergency Service Station # 3 in the Bronx; both have four incidents apiece.

INCIDENT DETAILS

When officers did discharge their firearms during an animal attack, the overwhelming majority of officers (64 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 majority of these incidents (56 percent) involved only **one** shot being fired [see Figure B.10].

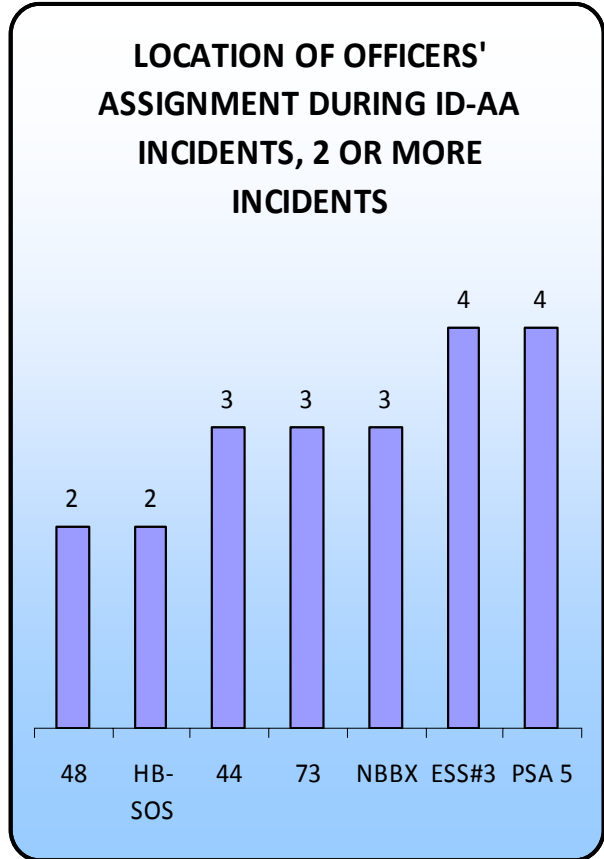


Figure B.7

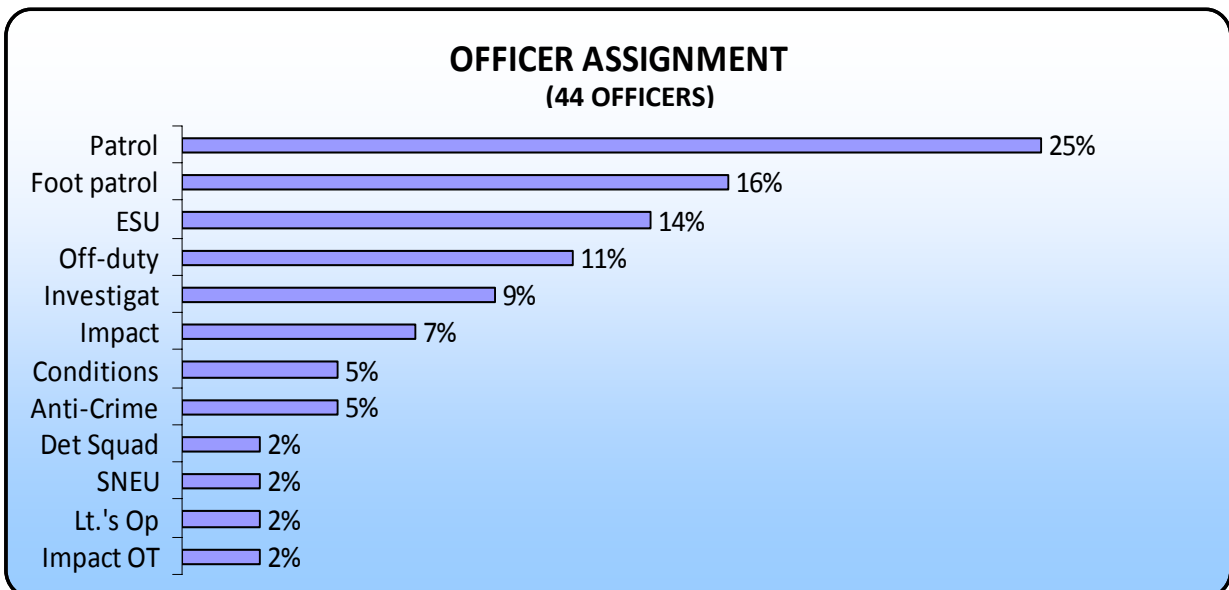


Figure B.8

2007 ANNUAL FIREARMS DISCHARGE REPORT INTENTIONAL DISCHARGE – ANIMAL ATTACK

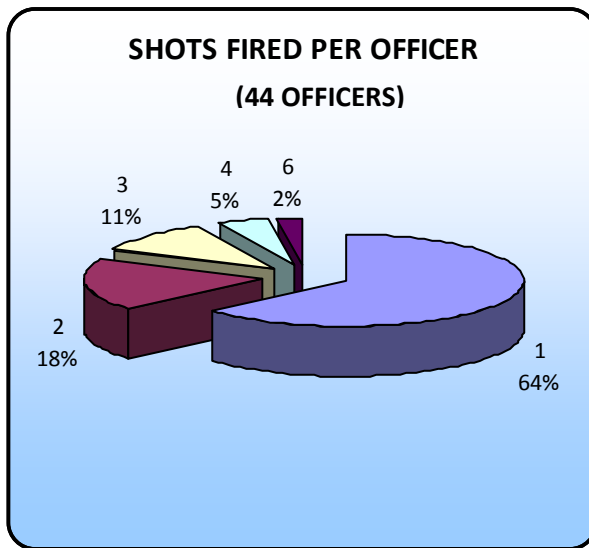


Figure B.9

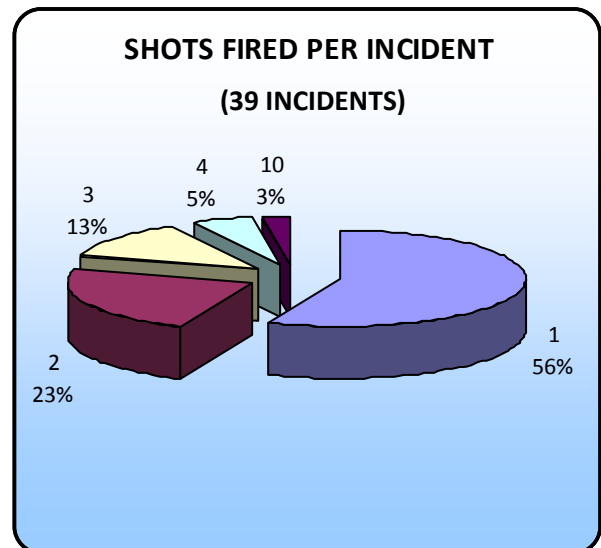


Figure B.10

Although there were 30 percent more incidents and 16 percent more officers involved, there was still a significant decrease in the number of shots fired. This decrease is a demonstration of the officer's ability to acquire the target and shoot only the rounds necessary to stop the threat.

As explained in the chapter on Adversarial Conflict, the average number of shots fired per officer, per incident, and the hit rate percentage, have not been utilized.

During these 39 incidents, officers hit at least one animal per incident 29 times; this yields an objective completion rate of 74 percent per incident. This is higher than the objective completion rate during adversarial conflict and significantly higher than the objective completion rate of officers under fire [see OUTCOME section for explanation].

SHOOTING TECHNIQUE

The shooting techniques of officers defending against an animal attack vary greatly from those of officers involved in adversarial conflict. While 76 percent of

officers report gripping the firearm with both hands during an adversarial conflict, 74 percent of the officers in animal attacks report gripping the firearm with one hand. This includes three officers that reported firing in a close combat position (with their firearm close to their side). This is possibly a result of an officer attempting to fend off an animal or shield another person with the officer's other hand.

Contrary to the 61 percent of officers in adversarial conflict who are able to utilize cover, the overwhelming majority of officers (91 percent) 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 similar when it comes to shooting position. As with adversarial conflicts, the majority of officers (93 percent) report being in a standing position.

Only 14 percent of officers report utilizing their sights when discharging their firearm during these confrontations.

2007 ANNUAL FIREARMS DISCHARGE REPORT INTENTIONAL DISCHARGE – ANIMAL ATTACK

OFFICER PEDIGREE

As with adversarial conflicts, the majority of officers intentionally discharging their firearms during an animal attack were males, who comprise 89 percent of the officers in this category. As a percentage of the whole, females were more likely to discharge their firearms during animal attack (11 percent) than during adversarial conflict (4 percent). But with such small samples, this discrepancy only represents a few officers.

Once again, the race of the officers involved in intentional discharges during animal attacks mirrors that of the Department staffing. White officers were slightly underrepresented with 45 percent of the officers firing versus 54 percent of the Department staffing. As with adversarial conflict, Hispanic officers were slightly overrepresented with 36 percent of officers firing versus 25 percent of the Department staffing [see Figure B.11 below].

FIREARM TYPE

Officers utilized their service weapons in the majority of the incidents (89 percent). The remaining officers discharged their off-duty weapons, with the exception of an Emergency Service officer who discharged a 9mm special weapon.

ATTIRE

The majority of officers who discharged their weapons during animal attacks were attired in uniform (68 percent). This is a noticeably higher percentage of the whole than for in-uniform officers who fired during adversarial conflict (45 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 three situations are common conditions in which animal attacks occur.

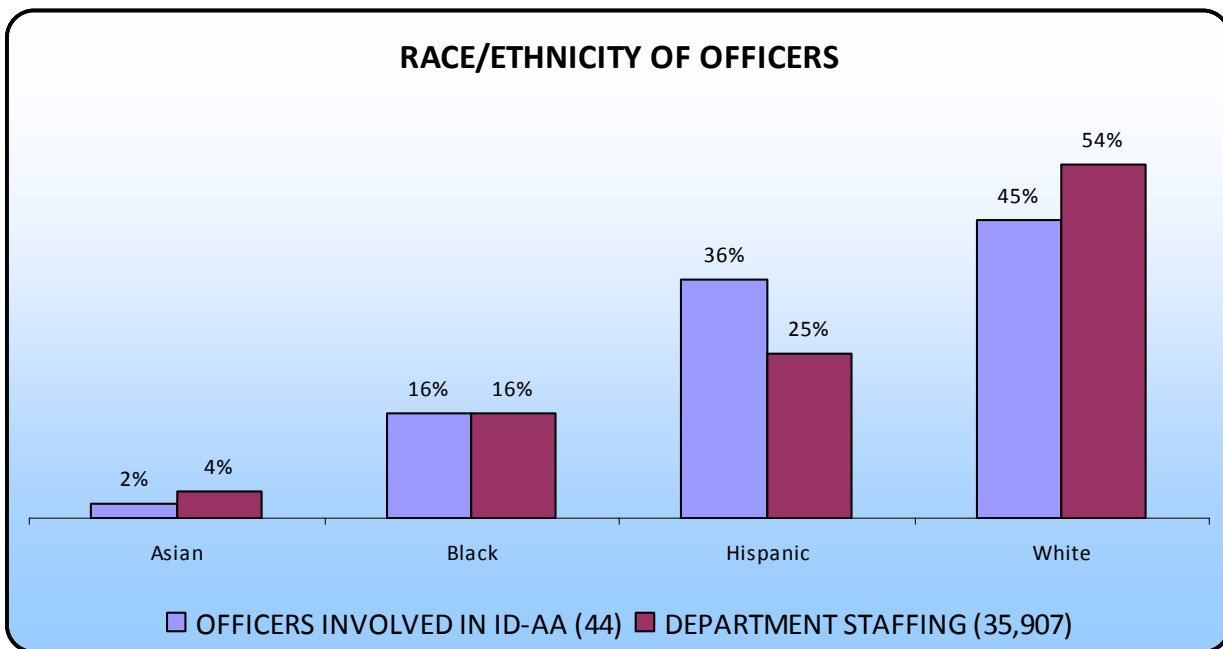


Figure B.11

2007 ANNUAL FIREARMS DISCHARGE REPORT INTENTIONAL DISCHARGE – ANIMAL ATTACK

YEARS OF SERVICE

As in adversarial conflicts, almost half of the officers who discharged their firearms during animal attacks (48 percent) 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 firearm in these incidents were police officers (77 percent); again, police are most likely to perform the duties associated with exposure to animal attack [see Figure B.12 to right].

More surprising, detectives represent 16 percent of officers discharging during animal attacks versus 8 percent during adversarial conflicts. A closer analysis reveals, however, that many Emergency Service Unit officers and most narcotics investigators hold the rank of detective; both specialties actively engage in search warrant execution, which is the second-most common job officers are performing when attacked.

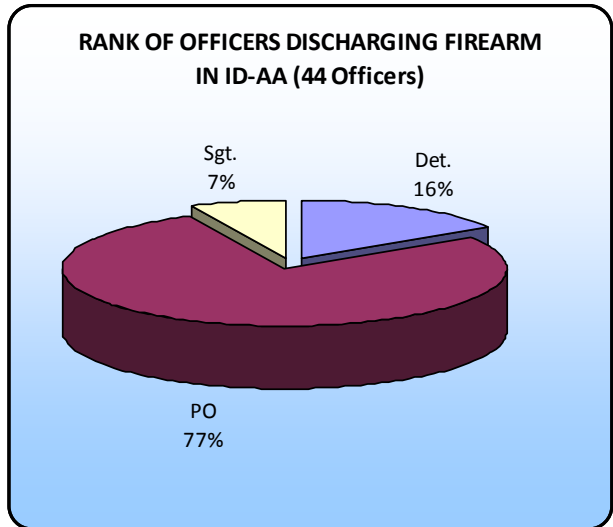


Figure B.12

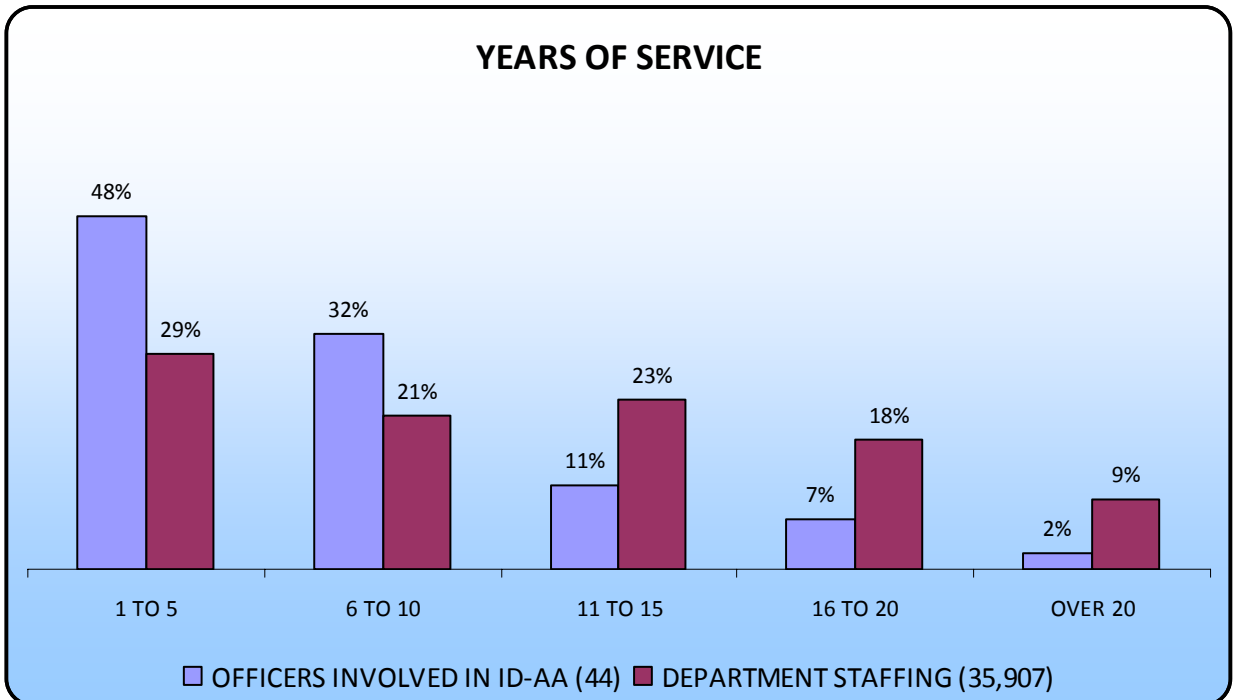


Figure B.13

2007 ANNUAL FIREARMS DISCHARGE REPORT

INTENTIONAL DISCHARGE – ANIMAL ATTACK

OUTCOME

Of the 39 intentional discharges occurring during animal attacks, 29 resulted in injury or death to the animal. Fourteen officers were injured, including ten who were bitten by dogs. (The remaining four officers suffered bruises and sprains related to the attack.) Half of the ten bites occurred to the officer's arm or hand [see Figure B.15].

Three civilians were bitten by dogs, including two children, and one civilian received slight lacerations from shattered glass caused by a discharge. 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 animals involved, 17 were killed and 12 injured by police gunfire. All of the animals involved were dogs, with 86 percent being pit bulls [see Figure B.14].

When officers fired at attacking animals they hit their targets in 74 percent of the incidents. This objective completion rate is higher than for adversarial attacks (62.2 percent) and significantly higher than for officers under fire (50 percent). A possible explanation is the distance between officer and animal. Although in animal attacks and adversarial conflict alike 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. Over 70 percent of officers report being three feet or fewer from the attacking animal, and no officer reported being farther than eight feet. Officers in adversarial

conflict, on the other hand, report being more than ten feet from the subject more than half of the time.

MALFUNCTION

Two officers reported a firearm malfunction during an animal attack. The officers eventually cleared the malfunction and fired the weapon without further incident.

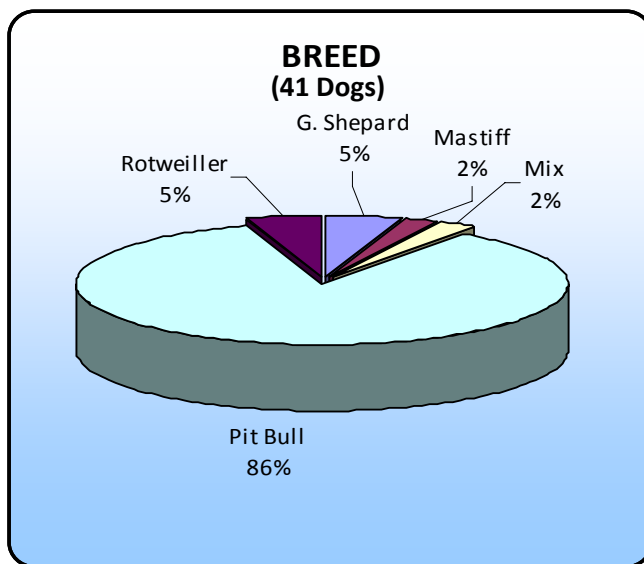


Figure B.14

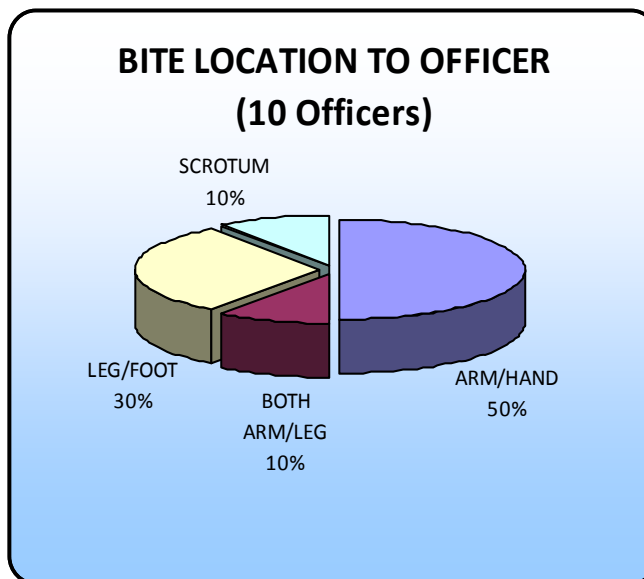


Figure B.15

2007 ANNUAL FIREARMS DISCHARGE REPORT INTENTIONAL DISCHARGE – ANIMAL ATTACK

FINDINGS

All of the intentional firearms discharges during animal attacks in 2007 were investigated and findings and recommendations were offered. Of the 44 officers discharging their firearms, five were disciplined. As noted in the previous category, discipline does not always result from a violation of shooting procedure. Two officers received discipline for not following proper procedure when handling a stray animal, one officer was mandated to attend retraining on arrest procedures, and two officers were mandated to attend retraining on tactics.

CONCLUSION

In 2007, police officers responded to more than 25,000 calls through 911 for incidents involving dogs and other animals. This number includes 4,936 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.

Of the over 25,000 calls involving animals that thousands of officers responded to, as well as the uncounted incidents in which officers came into contact with dogs or other animals, a total of 39 instances resulted in officers discharging their firearms.

2007 ANNUAL FIREARMS DISCHARGE REPORT UNINTENTIONAL DISCHARGES

OVERVIEW

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

There were six officers injured in these incidents (four officers were injured as a direct result of the discharge of the weapon and two were injured from struggling with perpetrators). No officers were killed as a result of these incidents.

No civilians or subjects were killed or injured as a result of these firearms discharges.

REASON FOR DISCHARGES

Officers unintentionally discharging their firearms did so in two distinct circumstances—either purely unintentionally (ten incidents), or unintentionally during adversarial conflict (five 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 actually present.

PURELY UNINTENTIONAL

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

LOADING/UNLOADING

The overwhelming majority of incidents occurred while the officer was loading or unloading the firearm (80 percent). These incidents occurred at the officer's residence or a police facility. The reasons for the loading or unloading vary from cleaning the firearm, to attempting to render the firearm safe, to testing the firearm's operability. The remaining 20 percent (or two incidents) occurred in the field while the officer was handling the firearm.

It is notable that **five of the eight firearms in loading/unloading incidents were not the officer's service or off-duty firearm.** These particular unintentional discharges could possibly be caused by the officer's unfamiliarity with the firearm in question. In two incidents the officers were cleaning another officer's firearm and failed to properly unload. In another two incidents officers were attempting to examine civilian firearms when they discharged. One of those firearms may have been so old and rusted that the round in the firearm exploded rather than discharged. The final weapon was a firearm that the officer purchased for himself that discharged while he was unloading.

Of the other three incidents in which the officer discharged his service or off-duty weapon during loading/unloading, two officers each discharged a firearm while attempting to disassemble the weapon to clean it, and one officer was unloading his firearm at a safety station while delivering a prisoner to the Department of Corrections.

2007 ANNUAL FIREARMS DISCHARGE REPORT

UNINTENTIONAL DISCHARGES

OTHERWISE HANDLING

Of the final two purely unintentional discharges not relating to loading or unloading, one officer was struck by a swinging door with his service firearm in his hand and another officer's service firearm became entangled in crime-scene tape and, in attempting to untangle it, the firearm discharged.

PEDIGREE OF OFFICER

Besides the fact that all of the officers involved in these types of unintentional discharges were male, the rest of the pedigree information appears inconsequential. The age, race, years of service, and assignment vary at random.

Two anomalies were noted, but proved insignificant. The first was the coincidence that two separate incidents involving off-duty officers unintentionally discharging their firearms while unloading the weapons in their residences occurred in the confines of the 44 Precinct. A further analysis uncovered no connection between the two incidents, however.

The second anomaly was that of the rank of the officers. Almost half (40 percent) of the officers involved in these discharges held the rank of Detective. Because that rank comprises approximately 14 percent of the Department, 40 percent represents a sizeable discrepancy.

In actuality, however, that percentage represents only four detectives making purely unintentional discharges. A further analysis reveals that one detective, assigned to the Emergency Services Unit, was

attempting to unload a civilian firearm, and another was a Firearms Analysis detective testing the operability of a civilian firearm. In both instances the civilian firearms were degraded or disfigured.

INJURIES

Of the ten purely unintentional discharges, four officers sustained injuries as a direct result of the discharge. Three officers sustained injuries to their hands and one officer sustained a contusion to his thigh. No civilians or subjects were injured or killed as a result of these unintentional discharges.

FINDINGS

The vast majority of these incidents resulted in some disciplinary action being taken against the officer. Seven officers received written discipline and two officers were ordered to attend a firearms retraining course.

In only one case did the officer receive no discipline. That incident involved the ESU officer attempting to render an old rusted firearm safe when the round exploded in the chamber. See the chart on the next page for a detailed breakdown of discipline against all involved officers.

UNINTENTIONAL DISCHARGE – ADVERSARIAL CONFLICT

There were five incidents in which officers unintentionally discharged their firearms during an adversarial conflict. Three of the five incidents, or 60 percent, occurred while the officer was physically struggling with a subject. Another occurred while an

2007 ANNUAL FIREARMS DISCHARGE REPORT UNINTENTIONAL DISCHARGES

officer was chasing a suspected car thief. The final incident occurred when an officer, approaching a room that held an armed subject, heard a gunshot and fell to the floor to avoid being struck by a bullet. As a result, the officer's firearm discharged.

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

First, three of the five incidents occurred in the Bronx, with the other two occurring in Brooklyn South. Second, three of the five incidents occurred on the third platoon. Finally, one incident involved the officer firing two times. This incident involved an undercover officer who was engaged in a violent struggle for his firearm with a drug dealer who discovered that the undercover officer was a police officer. Two rounds were discharged from the officer's firearm during the struggle.

INJURIES

There were two minor injuries to officers among the five unintentional discharges during adversarial conflict. Both injuries were a result of a struggle with a subject and **were not firearm related.**

No civilians or subjects were injured or killed as a result of these unintentional discharges. It should be noted that one subject shot and killed himself with his own gun during one of these incidents.

FINDINGS

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

Figure C.1 below encompasses the discipline for all unintentional discharges.

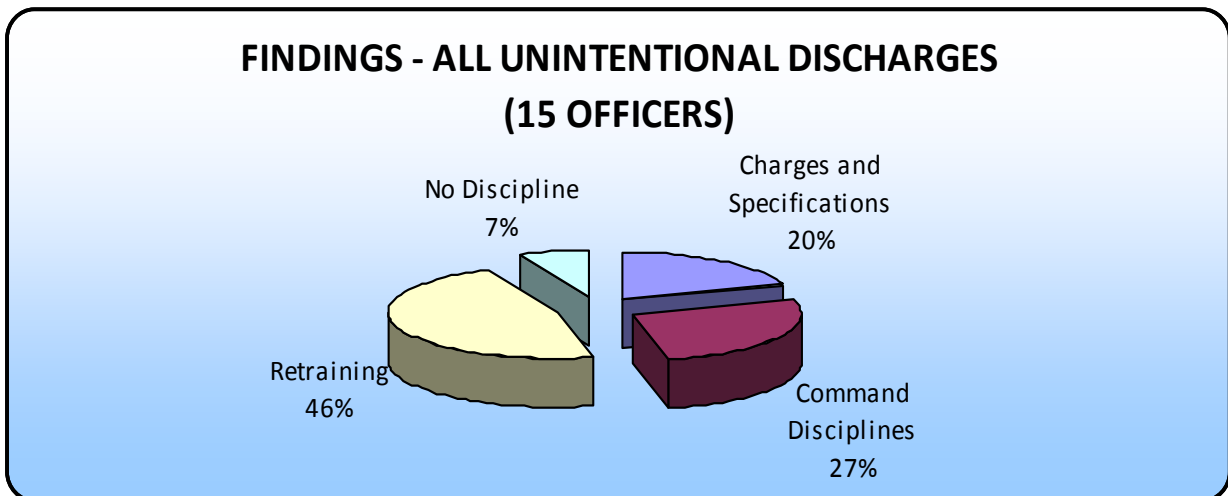


Figure C.1

2007 ANNUAL FIREARMS DISCHARGE REPORT UNAUTHORIZED USE OF A FIREARM

OVERVIEW

There were 12 firearms discharges in 2007 that were deemed to be unauthorized and outside the scope of the officers' employment. Half of these incidents involved the suicide of an officer. Of the other six incidents, three involved the discharge of an officer's weapon by someone other than the owner. The final three incidents were unauthorized events in which the highest level of disciplinary action has been undertaken against the officers involved.

SUICIDE

Six officers committed suicide in 2007. This is double the number of officers who took their own lives during the previous year. The details of these 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 three incidents in which officer-owned firearms were discharged by civilians, two of these incidents involved family members gaining access to improperly secured firearms. In both instances one shot was fired and nobody was injured. Both officers received Department discipline for failure to secure their firearms.

The remaining incident involved a line-of-duty struggle with a perpetrator who attempted, and eventually succeeded, in forcibly removing the officer's firearm from its holster. After obtaining the weapon, the perpetrator fired once before the officer

regained control. The subject was arrested for the act. No one was injured and no disciplinary measures were taken against the officer; the officer was, however, re-trained in weapons retention.

OTHER

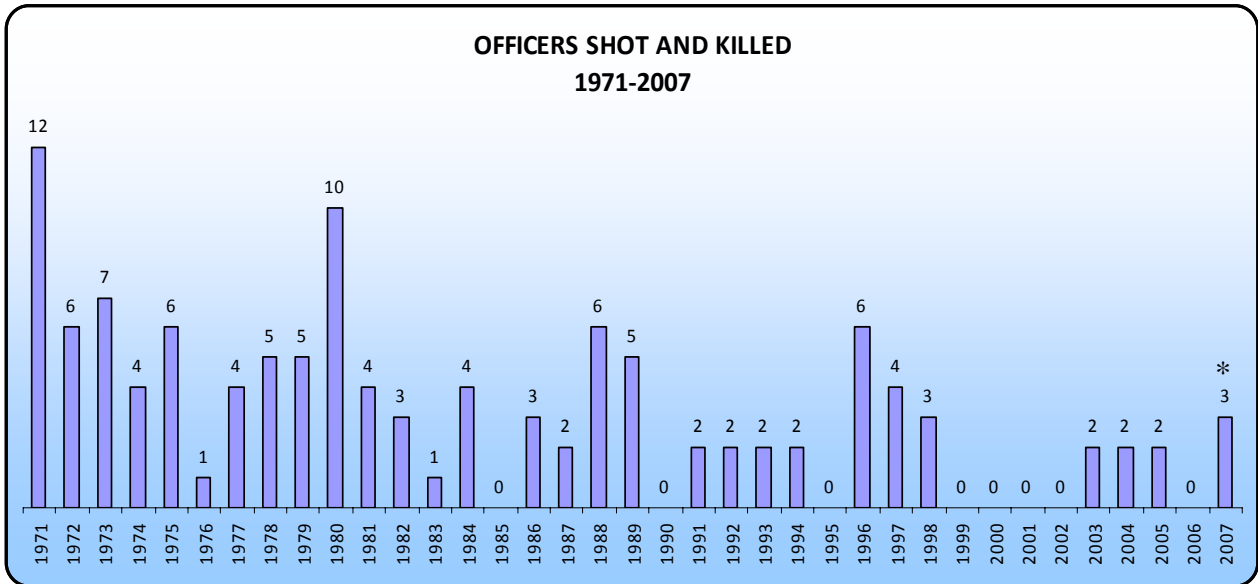
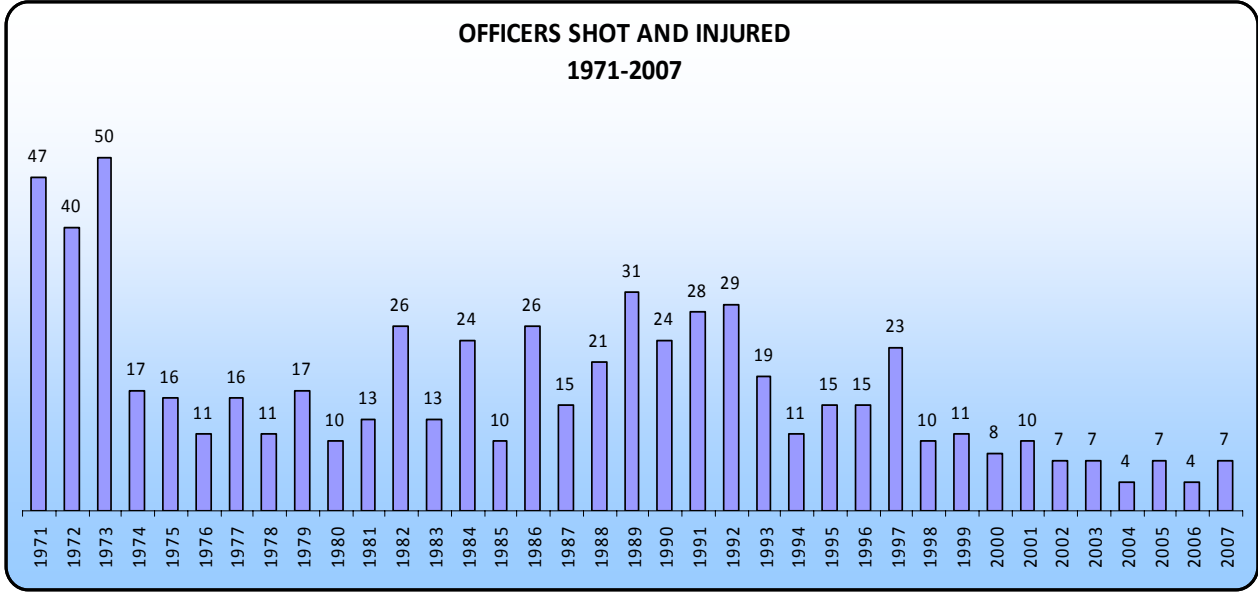
The final three unauthorized incidents each resulted in the arrest and suspension of the officer involved.

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.

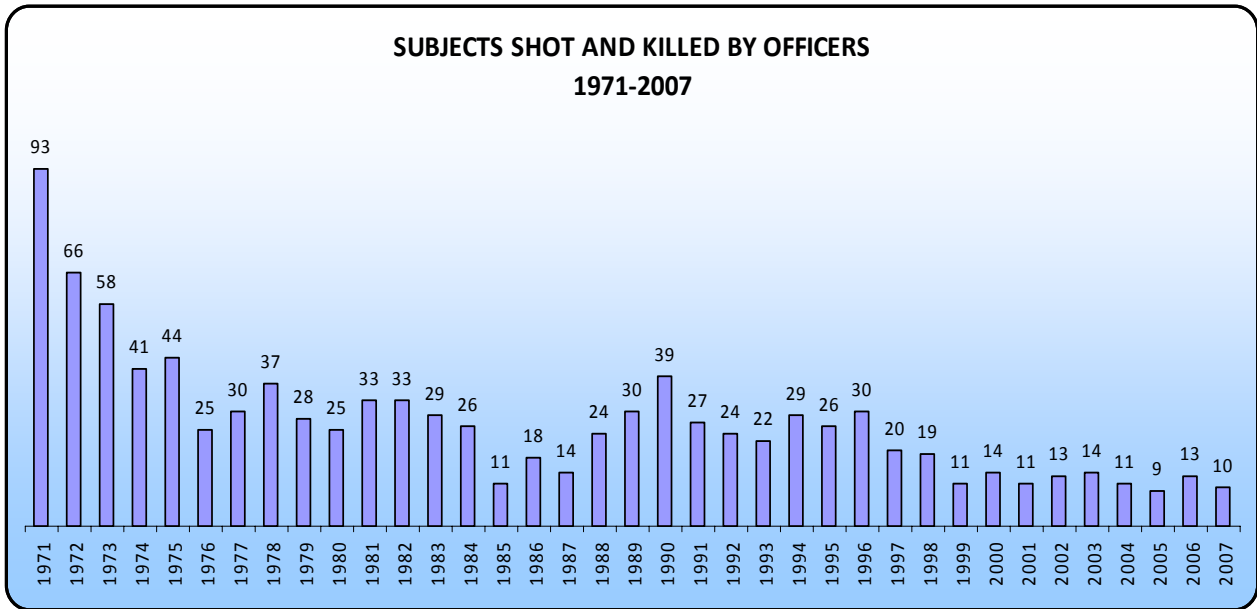
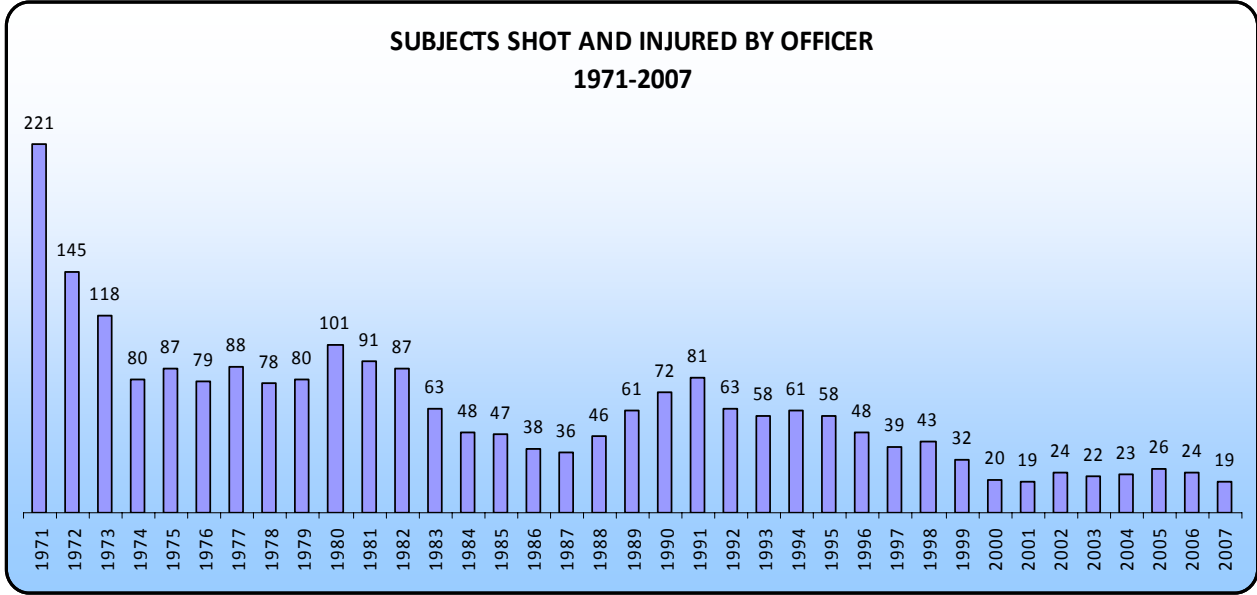
APPENDIX

2007 ANNUAL FIREARMS DISCHARGE REPORT HISTORICAL DATA

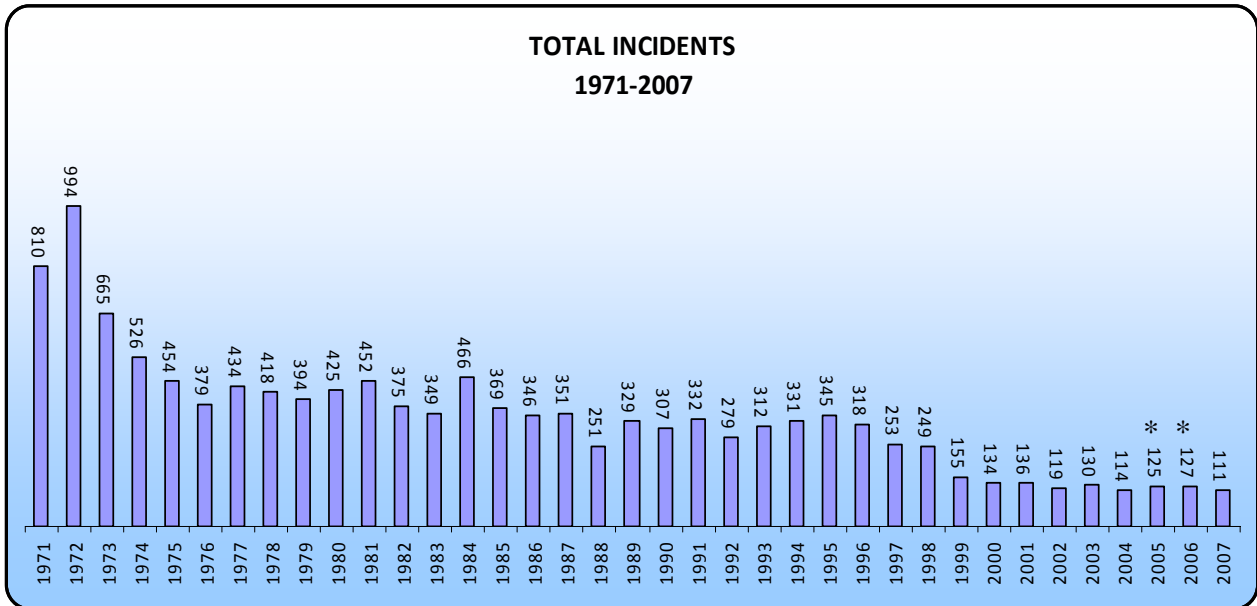
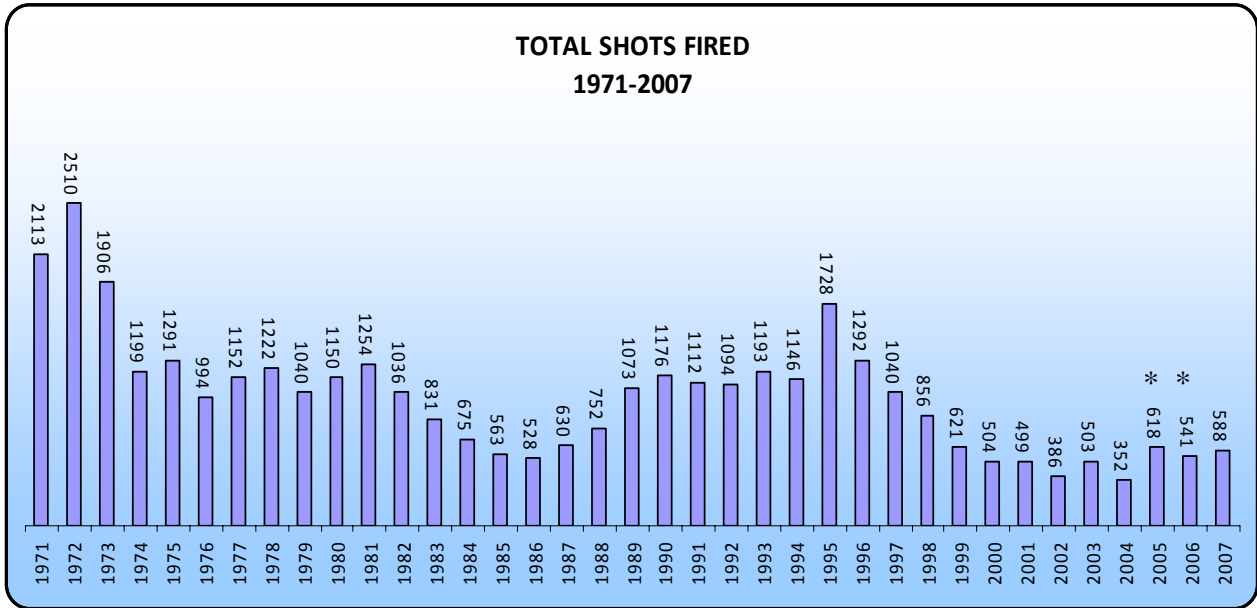


* Includes two auxiliary officers shot and killed in the line of duty

2007 ANNUAL FIREARMS DISCHARGE REPORT HISTORICAL DATA



2007 ANNUAL FIREARMS DISCHARGE REPORT HISTORICAL DATA



* Numbers modified from earlier reports to include three incidents that occurred in stated year but were not recorded until 2007

2007 ANNUAL FIREARMS DISCHARGE REPORT

INTENTIONAL DISCHARGE – ADVERSARIAL CONFLICT RESULTING IN SUBJECT’S DEMISE

In 2007, ten subjects were shot and killed by officers intentionally discharging their weapons during adversarial conflict. The taking of life to protect life is a terrible contradiction, and no officer relishes the prospect of encounters such as these. When facing armed, violent suspects, however, these events are a possibility for which officers must be prepared. The tactics used in these confrontations can be analyzed and assessed in order to develop training that can provide officers with more use-of-force options or conflict-resolution opportunities so that, in the future, similar events may have different outcomes. A short encapsulation of each incident is found below.

On March 10, at 0339 hours, a male black subject shot and wounded an off-duty officer after a verbal altercation in a Brooklyn nightclub in the confines of the 75 Precinct. A second off-duty officer, who had accompanied the wounded officer to the club, interceded and discharged eight rounds from his authorized weapon. The subject was struck and killed, and his weapon—a 9mm Stallard Arms semi-automatic, which suffered a stovepipe malfunction—was recovered. A civilian was also grazed and injured by gunfire during this incident; whether the source of the bullet was the off-duty officer or the subject is unknown. The subject had a lengthy criminal record and outstanding bench warrants in Canada, and had a felony weapons case pending in New York City at the time of his demise.

On March 13, at 2125 hours, Anti-Crime officers responded to reports that a man with a gun was present in a Manhattan restaurant in the confines of the 32 Precinct. Officers stopped the subject, a male black, who produced a weapon and then shot and wounded one of the officers. The other officers returned fire. The subject was struck and killed, and his weapon—a .45 caliber Colt 1911 semi-automatic—was recovered. The subject had an arrest history including narcotics sales and attempted murder, and had been convicted of and incarcerated for weapons possession; the subject was on parole at the time of the incident.

On March 15, at 2123 hours, a male white subject shot and murdered a civilian inside a Manhattan restaurant in the confines of the 6th Precinct. The subject fled the scene before the arrival of police, but was followed by two volunteer Auxiliary officers, uniformed but unarmed. The Auxiliary officers confronted the subject and, during a struggle, removed from his custody a bag containing a firearm and a large quantity of ammunition. The subject, however, produced a second firearm, and then chased and executed the two Auxiliary officers. Responding police officers pursued the subject and, when he fired upon them, they discharged their weapons, striking and killing him. The subject’s weapons and large quantities of ammunition were recovered. The subject had no criminal history.

On May 18, at 2339 hours, an off-duty officer confronted a male Hispanic subject who was driving while intoxicated in the Bronx in the confines of the 41 Precinct. The subject had crashed his vehicle into several parked vehicles. When the off-duty officer identified himself and attempted to arrest the subject, the subject fled, dragging the officer with his vehicle. The officer fired, striking and killing the subject. The officer was placed on modified duty and later indicted; he is awaiting trial.

On July 7, at 1411 hours, a male black subject carjacked a vehicle at gunpoint from a civilian and his five-year-old daughter in Brooklyn in the confines of the 77 Precinct. The subject drove to the home of his female companion, whom he had assaulted earlier in the day. When she would not open her door, the subject fired twice at the door, then left in the carjacked vehicle, which he soon crashed. The subject attempted to carjack a second vehicle, but its driver fled. The subject discharged a round at the fleeing vehicle, missing, but striking an uninvolved civilian in the arm. The subject then successfully carjacked a third vehicle but promptly crashed it as well. When a passing ambulance stopped and attempted to render aid to the subject, he menaced them with his firearm. At this point, police officers responded

2007 ANNUAL FIREARMS DISCHARGE REPORT

to the scene, and the subject fired on them. Five officers returned fire, and during a protracted gun battle the subject was shot and killed. The subject's weapon, a 9mm Glock semi-automatic, was recovered. At the time of the incident, the subject was on parole for weapons possession. The subject had cocaine in his system.

On September 8, at 1720 hours, three plainclothes Transit officers observed two persons moving between subway cars on the Number 4 train in the Bronx in the confines of the 46 Precinct. The officers removed these suspects to the platform to issue summonses, at which time one male Hispanic subject produced a firearm and took one officer hostage. The other person stopped, a male black, fled. The hostage officer was able to get away from the subject, who then fired on all three officers. The hostage officer was struck and wounded. The two officers not held hostage returned fire, killing the subject. The subject's weapon, a .45 caliber Hi-Point semi-automatic reported stolen in Ohio, was recovered. At the time of the incident the subject was on parole, having served time for robbery and for a murder committed while incarcerated. The subject had opioids in his system.

On September 28, at 2312 hours, two Anti-Crime officers responded to reports of a man with a gun in the confines of the 32 Precinct. The officers encountered the male black subject described in the reports, who produced a firearm and fled on foot. During the foot pursuit, the subject turned on officers and pointed his firearm. One officer discharged his weapon, striking and killing the subject. The subject's weapon, a 9mm Ruger semi-automatic, was recovered. The subject had a long criminal history, including arrests for narcotics and assault, and had been incarcerated for Robbery. At the time of the incident he was awaiting trial for attempted murder.

On October 21, at 0545 hours, an off-duty officer became involved in a verbal road-rage altercation with a male Hispanic subject in Manhattan in the confines of the 25 Precinct. After the altercation, the subject pursued the officer, blocking the officer's car with his own vehicle. The subject then verbally threatened the use of a firearm and made a sudden, aggressive gesture simulating the act of drawing and pointing a firearm. The officer discharged his weapon, at which time both vehicles fled the scene. The subject was struck by the discharge, which caused his demise. He was not in possession of a firearm. The officer did not report the incident for 19 hours and was subsequently suspended. A Manhattan Grand Jury declined to indict the officer, who now faces a Department trial.

On November 12, at 1906 hours, an emotionally disturbed male black subject made numerous violent threats and claimed to possess a firearm in Brooklyn in the confines of the 79 Precinct. The subject then barricaded himself in his bathroom with several knives as his family called police. Officers, Emergency Services units, and supervisory personnel responded and created a security perimeter and attempted to enter into a dialogue with the subject. The subject exited the apartment through a window, however, and confronted officers outside his home. The subject ignored numerous commands and made several physical indications that he possessed a firearm. When he made an aggressive gesture indicative of drawing a firearm, officers discharged their weapons, striking and killing the subject. No firearm was recovered. The subject had a felony arrest history, including robbery and assault.

On November 18, at 0704 hours, a male white subject stabbed his roommate with a knife in Brooklyn in the confines of the 75 Precinct. The subject then confronted responding officers with a broken bottle. The officers attempted to retreat and issued repeated orders that the subject ignored. When the subject lunged at officers they discharged their weapons, striking and killing him.

2007 ANNUAL FIREARMS DISCHARGE REPORT LINE-OF-DUTY DEATHS

FIDELIS AD MORTEM

In 2007, three officers made the ultimate sacrifice while performing their duties against armed, violent subjects. All three were subsequently awarded posthumous Medals of Honor, the New York City Police Department's highest award. These narratives are adapted from the officers' Medal Day citations.

AUXILIARY POLICE OFFICER EUGENE MARSHALIK AND AUXILIARY POLICE OFFICER NICHOLAS PEKEARO

On March 14, 2007, Auxiliary Police Officer Nicholas Pekearo and Auxiliary Police Officer Eugene Marshalik were walking their beat in the 6 Precinct when they were alerted to a fatal shooting in a nearby restaurant. As the killer fled the scene, the auxiliary officers pursued him despite the fact that they were unarmed. The officers soon caught up to the gunman, and a confrontation ensued at which time they convinced him to drop a bag containing a handgun and 90 rounds of ammunition. Suddenly, the perpetrator produced a second weapon, which he used to shoot and kill both volunteer officers. The perpetrator raced off, stopping only to reload his weapon. Arriving officers intercepted him and the perpetrator fired on them. During the ensuing gun battle, the perpetrator was shot and killed, ending his rampage.

Auxiliary Police Officer Pekearo, 28, began his volunteer career with the NYPD in 2004. He is survived by his mother, Iola Latman, sister, Kelly, and brother, Chris.

Auxiliary Police Officer Marshalik, 19, began his volunteer career with the NYPD in 2006. He is survived by his mother, Maya, father, Boris, and brother, Max.

POLICE OFFICER RUSSEL TIMOSHENKO

On July 9, 2007, Police Officers Russel Timoshenko and Herman Yan were assigned to the 71 Precinct. A few hours after midnight, while on routine patrol in a marked police car, the officers observed a suspicious vehicle. They conducted a license plate check via the computer terminal in their patrol car, which indicated that the license plate did not belong to the SUV they had under observation. The officers initiated a car stop and with their patrol car positioned tactically, Officer Yan emerged from the driver side while Officer Timoshenko exited from the passenger side. Just as they got out of the car, numerous shots were fired from the stopped vehicle. Police Officer Timoshenko was struck twice in the face and fell to the ground. Police Officer Yan was struck once in the forearm and once in the chest; his life was saved by his bullet-resistant vest. Though driven to his knees by the impact of being shot at close range, Officer Yan swiftly recovered and valiantly returned fire. Forced to retreat by Officer Yan's remarkable resiliency under fire, the perpetrators fled the scene in their vehicle. Police Officer Yan quickly summoned assistance and both he and Officer Timoshenko were transported to the hospital. En route, Officer Yan provided descriptions that led to the speedy recovery of the perpetrators' vehicle and several firearms. Police Officer Yan was treated and released from the hospital a few days later. Police Officer Timoshenko succumbed to his injuries after five days in intensive care. Following this incident, an extensive investigation and wide-ranging manhunt ensued, leading to the capture of all three perpetrators with the assistance of the United States Marshall Service and the Pennsylvania State Police. The perpetrators were true career criminals, and we will never know how many lives were saved from these violent men as a result of the bravery of Police Officers Timoshenko and Yan. For the heroism the two officers displayed, Officer Timoshenko was posthumously promoted to Detective First Grade, and Officer Yan was promoted to Detective.



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