

APPENDIX C: SUBJECTS KILLED DURING ID-AC INCIDENTS

In 2012, sixteen subjects were shot and killed by officers who intentionally discharged their weapons during adversarial conflict. The taking of a life in order to protect another life is a terrible contradiction and no officer relishes the prospect of encounters such as these. When facing armed, violent suspects, however, these events are a possibility for which officers must be prepared. The tactics used in these confrontations are analyzed and assessed in order to develop training that can provide officers with more use-of-force options or conflict-resolution opportunities so that similar events in the future may have different outcomes. Of the sixteen subjects intentionally shot by police in 2012, 11 (69%) had prior arrest histories; fifteen toxicology reports were available at the time of publication and show that 12 subjects (80%) were intoxicated when these incidents occurred. A short narrative of each incident is found below.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

ID-AC Incidents, 2012							
Subject Weapon	Officers Involved	Rounds Fired	Subjects	Subject Injury	Subject Gender	Subject Race	Subject Age
Firearm	1	1	1	Fatality	Male	Black	27
Firearm	1	1	1	None	Male	Black	25
Imitation Firearm	1	1	1	Injury	Male	Black	46
Firearm (Fired at Police)	1	2	1	Fatality	Male	White	22
Simulated Firearm / Blunt Instrument	1	1	2	Fatality	Male/Male	Black/Black	17/15
Unknown	1	1	1	Fatality	Male	Black	18
Firearm (Fired at Police)	1	13	1	Fatality	Male	Black	52
Firearm (Fired at Police)	2	11	1	Injury	Male	Hispanic	25
Blunt Instrument	1	2	1	None	Male	Black	35
Cutting Instrument	2	2	1	Injury	Female	Black	43
Firearm (Fired at Police)	1	2	1	Injury	Male	Black	23
Firearm (Fired at Police)	1	8	1	Unknown	Male	Black	Unknown
Firearm (Fired at Police)	5	16	1	Injury	Male	Black	34
Cutting Instrument	1	1	1	None	Male	Hispanic	49
Firearm	1	3	1	Fatality	Male	Black	24
Firearm	1	2	1	Injury	Male	Black	30
Firearm (Fired at Police)	2	39	1	Injury	Male	Black	29
Firearm (Fired at Police)	2	11	1	Injury	Male	Black	19
Cutting Instrument	2	2	1	Injury	Male	Hispanic	23
Cutting Instrument	1	2	1	Fatality	Male	Black	50
Firearm (Fired at Police)	1	5	1	Unknown	Male	Hispanic	Unknown
Firearm (Fired at Police)	1	2	1	None	Male	Black	34
Blunt Instrument	1	1	1	Fatality	Female	Black	23
Firearm	1	12	1	None	Male	Black	17
Firearm (Fired at Police)	1	12	1	Injury	Male	Hispanic	21

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

Figure A.22