



Office of the New York State Attorney General Letitia James

Office of Special Investigation

September 23, 2022

Report on the Investigation into the Death of Allison Lakie

SUMMARY

New York Executive Law Section 70-b (“Section 70-b”) authorizes the Office of the Attorney General (“OAG”), through the Office of Special Investigation (“OSI”), to investigate and, if warranted, to prosecute offenses arising from any incident in which the death of a person is caused by a police officer. When OSI does not seek charges, Section 70-b requires issuance of a public report. This is the public report of OSI’s investigation of the death of Allison Lakie.

On October 20, 2021, four Syracuse Police Department (“SPD”) members – Lieutenant David Hart, Sergeant Matthew Liadka, and Police Officers Nicolas Saralegui and Kenneth Sheehan – shot Allison Lakie, causing her death. After a full evaluation of the facts and the law, OSI will not seek charges against Lt. Hart, Sgt. Liadka, PO Saralegui, or PO Sheehan, because we cannot prove beyond a reasonable doubt that their actions were not justified under Article 35 of the New York Penal Law.

FACTS

Overview

On October 20, 2021, members of SPD responded to a house at 216 Ulster Street, in the city of Syracuse, to assist American Medical Response (“AMR”) personnel with an incident involving a person with a knife, who appeared to be either in a mental health or drug-induced crisis. When SPD officers arrived, Allison Lakie was in the kitchen of the house, holding a knife and refusing to come out. Responding officers spoke to Ms. Lakie for about two hours from the front doorway, trying to persuade her to put down her knife and to come out of the house. After officers spoke with her for almost two hours, Ms. Lakie set a fire in the kitchen, which began to grow, and several officers entered the house. The officers initially tried to subdue her with Tasers, which were ineffective, and a member of the fire department, who had entered with the officers, put the fire out. Ms. Lakie came out of the smoky kitchen and at the officers with a knife in each hand. Four officers fired their guns at her, causing her death. Portions of the incident, including the shooting, were captured by the body worn cameras (“BWCs”) of responding officers.

Pre-Police Arrival

Based on CW-1’s¹ written statement, taken by SPD, and OSI’s subsequent interview of her, on October 20, 2021, CW-1’s daughter, Allison Lakie, came to her house on Ulster St. at about 1:15 a.m. and knocked on the door. CW-1 let her in, and Ms. Lakie went straight to the kitchen, saying that someone was trying to kill her. According to CW-1, her daughter was acting in a way

¹ In the interests of privacy, references to civilian witnesses use CW (civilian witness) and a number (1, 2, 3, etc.), rather than a name.

that led CW-1 to believe she was possibly under the influence of a mind-altering substance. Ms. Lakie, who said she was afraid she was being watched and people were coming after her, took a knife from a butcher block inside the kitchen. CW-1 told Ms. Lakie she would call 911, and Ms. Lakie told her mother to tell 911 that she was detoxing from alcohol.

The Onondaga County Emergency 911 recordings show that at 1:21 a.m., CW-1 called 911 and reported that her daughter was “alcohol detoxing” and acting “in fear for her life.” The 911 dispatcher asked whether CW-1 was requesting the police or an ambulance, and CW-1 asked Ms. Lakie which she preferred; Ms. Lakie said she wanted an ambulance, so CW-1 told the dispatcher to send an ambulance. CW-1 also said Ms. Lakie was in a “very frightened and paranoid state,” and believed someone was following her. The dispatcher asked whether Ms. Lakie had any mental health diagnoses, and CW-1 said depression, but said Ms. Lakie had not mentioned suicide; the dispatcher also asked whether Ms. Lakie would become violent with ambulance personnel, and CW-1 said no. During her OSI interview, CW-1 said she did not mention the knife during the 911 call because she thought she would be able to take it from her daughter before the ambulance arrived.

Based on OSI’s interviews of AMR Emergency Medical Technicians (“EMTs”) Giavanna Cotrupe and Margaret Valentine, conducted jointly by SPD and OSI, the EMTs arrived at 216 Ulster St. around 1:25 a.m. after dispatchers notified them that a woman there was feeling paranoid and experiencing alcohol withdrawals. Once they arrived, CW-1 took them to her kitchen, where Ms. Lakie was sitting on the floor. EMTs Cotrupe and Valentine said that while they were talking to Ms. Lakie, she did not believe they were real paramedics. EMT Cotrupe said Ms. Lakie appeared hostile and confused and yelled that she would not go to the hospital. EMT Cotrupe began asking Ms. Lakie questions designed to gauge her mental status and whether she had the capacity to refuse medical treatment, and Ms. Lakie, still not believing they were real EMTs, asked for the police.

According to EMT Cotrupe, Ms. Lakie began to stand up, revealing a large-bladed knife underneath her leg. Ms. Lakie then grabbed the knife and held it towards EMT Cotrupe in a way that made her fear for her safety. CW-1 blocked Ms. Lakie’s path, but Ms. Lakie tried pushing past her mother, continuing to make eye contact with EMT Cotrupe while holding the knife. EMTs Cotrupe and Valentine quickly left the house, and EMT Valentine requested a “hot,” or prompt, police response. EMT Valentine also requested an ambulance equipped with resources and personnel to administer a sedative if needed; another AMR unit with additional EMTs arrived a short time later.

At 1:36 a.m., CW-1 called 911 a second time and reported that the paramedics were requesting police, as Ms. Lakie had been acting very paranoid with them; CW-1 confirmed that Ms. Lakie had a kitchen knife. CW-1 told the dispatcher that Ms. Lakie had not tried to harm herself, nor mentioned doing so, and that she felt Ms. Lakie would drop the knife once she felt

safe. Ms. Lakie can be heard in the background of the call saying, “Mom, stop talking, that’s not 911.” The dispatcher told CW-1 that police officers were on their way and had her remain on the line until they arrived.

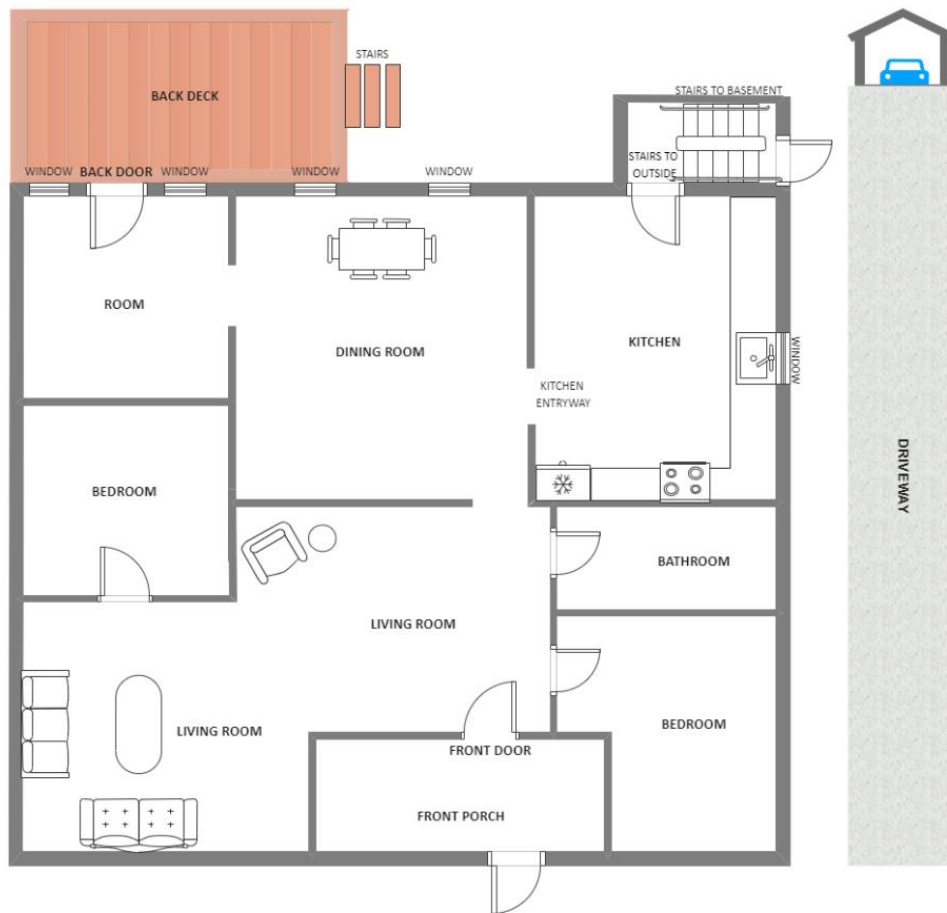
The Onondaga County Emergency 911 recorded radio transmissions show that at about 1:36 a.m., a dispatcher requested a police response at 216 Ulster St. to assist AMR, saying, “Apparently there’s a party on scene with a knife.” Moments later, Sgt. Liadka asked for more details about the incident, and the dispatcher said he knew only that AMR had initially responded to assist a “female going through alcohol withdrawals,” and was unsure who had the knife. Sgt. Liadka asked the dispatcher to obtain more information; after doing so, the dispatcher said that the woman AMR responded to assist was the same woman who reportedly had “an eight-inch knife,” and was “mentally unstable.”

Police Arrival

At about 1:43 a.m., SPD officers began to arrive at 216 Ulster St.; Sgt. Liadka and POs Makenzie Glynn, Christopher Sargent, and Evan Francisco arrived first, followed by others. What happened while officers were on scene was captured by the BWCs of Sgt. Liadka, POs Glynn, Sargent, and Francisco, and three officers who arrived later, PO Thomas Hill and POs Saralegui and Sheehan.² Unless otherwise noted, the following facts are taken from BWC footage.

PO Glynn walked towards the house first and spoke with members of AMR who were on the front lawn. AMR personnel told PO Glynn, who was soon joined by Sgt. Liadka, that Ms. Lakie was acting “delusional” and “irate,” and had pulled an “eight-inch knife” on them while they were inside. They also told the officers where Ms. Lakie was in the kitchen, at the back end of the house, straight and to the right if entering from the front door, and that CW-1 was inside, as was her husband, who was asleep in a bedroom near the front door. The diagram below depicts the general layout of the main floor of 216 Ulster St.

² OAG previously released the BWC footage of Sgt. Liadka, PO Sargent, and PO Saralegui, redacted in accordance with OAG policy, which collectively captures the incident from each of their vantage points; see [Attorney General James Releases Footage from Investigation Into Death of Allison Lakie | New York State Attorney General \(ny.gov\)](#)



This diagram was created by OSI, based on BWC footage and SPD’s crime-scene photographs and videos. The diagram is not to scale and does not include every detail of the residence.

PO Glynn and Sgt. Liadka, followed by POs Sargent and Francisco, walked up to the house, into an enclosed porch, and knocked on the front door. CW-1 opened the door and told PO Glynn and Sgt. Liadka,³ who were standing in front of the other officers, that Ms. Lakie was “extremely paranoid” and wanted to see the police. Sgt. Liadka asked if Ms. Lakie had a knife, and CW-1 said she did and that she would get it from her. At 1:44:51 a.m., CW-1 walked to the kitchen to talk to Ms. Lakie while the officers stayed at the doorway; Sgt. Liadka told the officers they should “keep a little distance” while they waited to see if CW-1 was able to take the knife away from Ms. Lakie. As displayed in the still image below, taken from Sgt. Liadka’s BWC footage, the entryway to the kitchen (circled in yellow) was visible from the officers’ location, but the inside of the kitchen was not.

³ Sgt. Liadka and PO Glynn were certified in Crisis Intervention Team Training (“CIT”), as was PO Sheehan, who subsequently responded to the scene. CIT trains officers to interact with persons who have mental illnesses and/or are in a mental health crisis, including de-escalation and non-confrontational techniques.



While CW-1 tried persuading Ms. Lakie to give her the knife, Sgt. Liadka asked if any of the officers had a Taser; PO Glynn responded that she did and drew it, but did not make that known to Ms. Lakie. From the kitchen, CW-1 told Ms. Lakie, who did not believe the officers were real, that their cars were outside, and motioned for her to look; Ms. Lakie then stuck her head out of the kitchen. Upon seeing Ms. Lakie, PO Glynn waved and said, “Hi,” and Sgt. Liadka waved and said, “We’re the police, dear.” Sgt. Liadka asked Ms. Lakie if she could put the knife down, and he and PO Glynn tried to convince her they were officers. Ms. Lakie doubted they were officers and asked if they had guns on them; PO Glynn said, “Yeah, we always do,” and Ms. Lakie said, “If you want to kill me, just shoot me then.” PO Glynn said they did not want to do that.

PO Glynn and Sgt. Liadka continued trying to convince Ms. Lakie that they were police officers there to help her; at 1:46:23 a.m., Ms. Lakie said, “I don’t need your help,” and went back into the kitchen. Shortly after, the BWC shows Ms. Lakie’s head in the doorway to the kitchen; she asked, “What’s your god damn plan?” Sgt. Liadka told her, “We want you to come out and talk with us,” and PO Glynn said, “I just want you to put the knife down.” Ms. Lakie told them the knife was down, but CW-1 said, “No it’s not” and pleaded with Ms. Lakie more from inside the kitchen. At 1:47:22 a.m., PO Glynn walked inside the house, trying to see into the kitchen, and Ms. Lakie, noticing her, said, “Oh look, why you creeping in over there, mother fucker,” and briefly stuck her hand out; Sgt. Liadka quietly said, “Yeah, she’s got a knife in her hand,” and drew his handgun, while PO Glynn returned to the front doorway. Sgt. Liadka asked the officers if any of them had a ballistic shield;⁴ none did, so they requested that PO Sheehan, who had a

⁴ A ballistic shield is a protective device, held in front of the officer, that stops or deflects bullets and/or other

shield, respond to the scene as quickly as possible.

At 1:50:07 a.m., CW-1 stepped out of the kitchen and said she wanted Ms. Lakie removed from her property. When asked by Sgt. Liadka, CW-1 said the kitchen was enclosed, but had a door that locked from inside; CW-1 began to provide additional details about the door, but Ms. Lakie cut her off, shouting, “Don’t give them information.” Sgt. Liadka then asked POs Francisco and Sargent to go to the back of the house, to make sure Ms. Lakie didn’t go out the back door;⁵ POs Francisco and Sargent went to the attached back deck, where windows allowed them to partially see into the kitchen. Shortly after, Ms. Lakie threw an item toward Sgt. Liadka and PO Glynn, which landed in front of the doorway. CW-1, clearly frustrated with Ms. Lakie, retrieved the item – which turned out to be CW-1’s cellphone – and went back into the kitchen, continuing to argue with Ms. Lakie. Sgt. Liadka said to PO Glynn, “She’s not helping the situation,” and asked CW-1 to come out to the porch, which she did. PO Glynn asked Ms. Lakie to poke her head out again, but instead, Ms. Lakie tossed a shoe out of the kitchen and told the officers to leave.

At 1:53:06 a.m., PO Sargent radioed that Ms. Lakie appeared to have just picked up another knife. About a minute later, Ms. Lakie said to the officers, “I just killed myself so there’s no point in you fucking doing it.” At 1:54:30 a.m., PO Sheehan arrived with the ballistic shield and joined Sgt. Liadka and PO Glynn on the front porch. CW-1 then went back into the kitchen to “try one more time.” While discussing a potential plan with POs Glynn and Sheehan, Sgt. Liadka said, “We’ll try to chat with her longer here. Worst case scenario, if she doesn’t come out, we can slowly go in behind the shield, we’ll try to Tase her...” They also discussed the possibility of having the officers at the back of the house distract Ms. Lakie while the officers at the front entered. At 1:59:09 a.m., CW-1 returned to the porch and said Ms. Lakie now had two knives and was sitting in the corner of the kitchen. CW-1 also said, “She thinks you are going to shoot her in the head.” PO Sheehan asked CW-1 if drugs were involved, and she said she wasn’t sure, but that Ms. Lakie had a history of alcohol abuse and had used some drugs in the past.

PO Glynn and Sgt. Liadka continued trying to talk to Ms. Lakie, asking her what they could do to help and if there was a specific officer she would like to speak with – but Ms. Lakie kept telling them to leave. At 2:02:18 a.m., Ms. Lakie asked where her stepfather was, prompting CW-1 to go back into the kitchen. Upon learning that he was asleep in the house, Ms. Lakie told CW-1 to wake him up, but CW-1 said no and continued pleading with Ms. Lakie to put the knives down. Sgt. Liadka told POs Glynn and Sheehan, “Alright, we’ll get [CW-1] out of there, we’ll call [PO Sargent], tell him to make a diversion here, and then we’ll go in [inaudible] and

forms of deadly physical force that may be used against the carrying officer and/or those in the vicinity of him or her.

⁵ Based on the crime scene photographs taken by SPD, the door inside the kitchen led to a split staircase; at the end of the first set of stairs was another door (on the side of the house) that led outside, while the second set of stairs led to the basement.

go from there...” PO Sheehan then asked if SPD Sergeant Eric Gerace was working, and Sgt. Liadka said no.⁶ Shortly after, Sgt. Liadka called PO Sargent and asked whether he and PO Francisco would be able to get close enough to distract Ms. Lakie or create a diversion. PO Sargent said there was not a feasible window in the kitchen,⁷ but there was a locked door on the back of the house that, if he were able to enter, would provide him with a straight line of sight into the kitchen. PO Sheehan then briefly went to the back of the house to examine the layout.

CW-1 continued to argue with Ms. Lakie in the kitchen, and Sgt. Liadka and PO Glynn asked her to come back to the porch so she would not get hurt; once she returned, the officers gathered more information from her about the door inside the kitchen and what it led to. At 2:06:15 a.m., Lt. Hart called Sgt. Liadka’s cellphone; Sgt. Liadka told Lt. Hart, “We have a young lady who’s going through withdrawals, who’s in the kitchen with two knives in her hands, we have a mom here. She’s refusing to come out so we got two people inside of the house, myself and Glynn in the house, and Sheehan, so we have a Taser, and a shield.” Sgt. Liadka also said, “Oh yeah, no, we are definitely taking our time here, hopefully we can get her to come out.”

At 2:08:22 a.m., PO Sargent called Sgt. Liadka and said, “I got a back window open, if we want to try to call her out.” Sgt. Liadka asked whether it would be possible to Tase Ms. Lakie through the open window, and PO Sargent said he thought it would be possible, if she were at the kitchen doorway. PO Sargent also said that PO Hill, who had joined them at the back of the house, had a Taser. Sgt. Liadka said they planned to talk to Ms. Lakie more before trying to enter and told PO Sargent not to “spook her” yet. While on the front porch, PO Glynn asked CW-1 for talking points that might make Ms. Lakie more comfortable with the officers or help them relate to her; PO Glynn also asked if there were any pets in the house, or anything else that Ms. Lakie would be “devastated to lose.” CW-1 said that Ms. Lakie did not live there and provided background on Ms. Lakie’s struggles with alcohol.

During continued attempts to engage Ms. Lakie, Sgt. Liadka asked if she wanted to go to the hospital with the ambulance, and Ms. Lakie said, “Sure.” Sgt. Liadka told her she’d be able to go once she put the knives down and came out of the kitchen, but Ms. Lakie said she would only go with real police officers. Sgt. Liadka and PO Glynn tried, again, to convince her they were real but, after seeming to consider it, Ms. Lakie would not come out. At 2:18:17 a.m., PO Glynn said she noticed a burning smell, and CW-1 went back into the kitchen to see what it was. While CW-1 was in the kitchen, the officers discussed among themselves their belief that

⁶ Sgt. Gerace is Commander of SPD’s Crisis Response Unit (“CRU”), a specialized unit trained in negotiating with suicidal subjects and people in crisis, and in hostage situations. As detailed later, SPD eventually called Sgt. Gerace, who was off-duty; Sgt. Gerace and other members of CRU then responded to the scene. Members of CRU attend monthly trainings and receive scenario-based training.

⁷ Based on the BWC footage, OSI’s observations of the scene, and the crime-scene photographs taken by SPD, there was only one window in the kitchen, which was above the sink, shut, and elevated on the side of the house, as shown in the general layout diagram, above.

they were making some progress with Ms. Lakie, as she seemed to be considering going to the hospital; Sgt. Liadka also said, "We got nothing but time."

About a minute after going to the kitchen, CW-1 returned to the porch, visibly upset, and said, "She's cutting herself, please help her." When asked by the officers, CW-1 said there was blood all over the floor, but she did not know where Ms. Lakie had cut herself. The officers asked about the source of the burning smell, and CW-1 said Ms. Lakie was smoking a cigarette while still holding the knives. Sgt. Liadka asked Ms. Lakie if she could put the knives down so the ambulance could treat her, but she told him to leave. Sgt. Liadka called PO Sargent to determine what, if anything, he could see from the back of the house; PO Sargent said he could not see Ms. Lakie.

CW-1 told the officers she wanted to go back in the kitchen, but they told her to stay on the porch. PO Glynn asked CW-1 whether Ms. Lakie would be devastated if something happened to her, and CW-1 said yes. PO Glynn and Sgt. Liadka then began telling Ms. Lakie that CW-1 was not doing well, and they needed Ms. Lakie's help. Ms. Lakie continued yelling at the officers to leave but would periodically call out for her mother. PO Glynn and Sgt. Liadka asked CW-1 not to answer her daughter, and instead told Ms. Lakie that CW-1 was having trouble breathing, and eventually said that CW-1 was outside in an ambulance and would soon be going to the hospital. PO Glynn subsequently told SPD and OSI that she used this tactic hoping it would make Ms. Lakie feel needed and motivate her to put down the knives and come out of the kitchen to help her mother. At 2:28:47 a.m., CW-1, who was visibly upset, left the porch and went outside, where she remained.

Sgt. Liadka and PO Glynn continued trying different strategies to coax Ms. Lakie out of the kitchen. At 2:43:19 a.m., PO Sargent called Sgt. Liadka and asked if he could retrieve a ladder from PO Sheehan's patrol car, set it up against the side of the house, and try to look inside the kitchen from the kitchen window, to "get eyes" on Ms. Lakie. Sgt. Liadka said, "...no, not yet, hang on, she's kind of teeter-tottering [inaudible], she might come out, so just hang out, sit tight." As Sgt. Liadka hung up the phone, PO Glynn asked Ms. Lakie if she would come out of the kitchen for her mom, and Ms. Lakie said, "Alright," and asked, "It's gonna fucking be over quick, right?" However, she did not come out and yelled at the officers to leave. Several times, Ms. Lakie asked for her mother to come back into the kitchen, but the officers said her mom was in the ambulance and Ms. Lakie needed to leave the kitchen to see her.

At 2:47:35 a.m., PO Sargent radioed, "She just stuck her hand out, she's got two knives in her right hand." PO Glynn then told Ms. Lakie that the ambulance was getting ready to leave, and Sgt. Liadka said, "If you want to ride with your mom to the hospital now's the time [be]cause she's gonna leave." A short time later, the officers told Ms. Lakie that her mother left for the hospital and offered to bring her there by ambulance or in a police car. Ms. Lakie said she wanted to see their police cars first and agreed to maybe come out if they put one in the

driveway. At 2:58:20 a.m., PO Sheehan briefly left the porch and pulled his patrol car into the driveway, to the right of the kitchen; PO Sheehan also turned the emergency lights on so Ms. Lakie would be able to see them. Ms. Lakie still refused to come out and repeatedly told the officers to leave.

At 3:01:36 a.m., a loud, shattering noise came from the kitchen, followed by Ms. Lakie saying, “Don’t fucking come in here.” Seconds later, after hearing more noise from the kitchen, Sgt. Liadka radioed, “Just be careful guys, I think she was opening the door back there,” and asked PO Sargent whether he could see Ms. Lakie; PO Sargent said he could not. At 3:08 a.m., Lt. Hart arrived and entered the front porch. Sgt. Liadka gave Lt. Hart details about the incident, and Lt. Hart asked whether he had contacted the “Mobile Crisis Unit;”⁸ Sgt. Liadka said he had not, as he did not know if they would respond since Ms. Lakie was armed. Lt. Hart then suggested they call Sgt. Gerace. At 3:11:15 a.m., Lt. Hart left the porch to call Sgt. Gerace, while the other officers, including PO Sheehan, continued trying to reason with Ms. Lakie. When Lt. Hart returned to the porch, he said that PO Daniel Flanagan and PO Saralegui – who had both recently become members of CRU – and Sgt. Gerace were responding to the scene.

Sgt. Liadka kept asking Ms. Lakie to come out and talk to them, and, at one point, Ms. Lakie asked what he wanted to talk about; Sgt. Liadka asked why she was holding two knives, and Ms. Lakie said, “So I can fuck you assholes up.” At 3:18:38 a.m., the officers at the back of the house noticed a burning smell and began to see smoke in the kitchen, followed by the reflection of flames. PO Sargent radioed, “She lit a fire,” and requested that Syracuse Fire Department (“SFD”) start to the scene. The officers on the front porch asked Ms. Lakie what was happening in the kitchen, but she denied starting a fire and continued yelling at them to leave. The officers then decided to remove CW-1’s husband, CW-2, from the house. PO Sheehan walked in first, with the shield in front of him and his handgun drawn, and PO Glynn walked in behind him with her Taser drawn. While POs Sheehan and Glynn provided cover, Sgt. Liadka opened the door to the bedroom – the first room to the right when entering the house from the front door – and directed CW-2 outside.

While in the front living room, PO Sheehan said he saw blood in the kitchen, and the officers

⁸ Mobile Crisis is a branch of Liberty Resources, Inc., which offers a variety of intervention services to individuals in need through licensed crisis providers, counselors, and advocates; specifically, Mobile Crisis provides “rapid response[s] to adults and youth having a mental health crisis [who] cannot cope within the home or community without crisis supports or intervention.” See [Liberty Resources | About Us \(liberty-resources.org\)](http://liberty-resources.org). OSI spoke with representatives of Liberty Resources, who said that while the Mobile Crisis team does respond to scenes where an individual in crisis is armed, they remain on “stand-by” and “stage” somewhere in the area, unless and until the police agency is able to disarm the individual and deems the scene safe for the unarmed Mobile Crisis members to approach and engage with them. Based on the Onondaga County Emergency 911 dispatch notes, at approximately 3:36 a.m., Lt. Hart made a request for Liberty Resources to respond to 216 Ulster St.; during OSI’s conversation with members of Liberty Resources, they confirmed that the Mobile Crisis team was dispatched to the scene, but, for safety reasons, their responding members “staged” at another location and did not make any contact with Ms. Lakie.

decided to move in that direction. PO Sheehan remained in front, with PO Glynn, Sgt. Liadka, and Lt. Hart behind him; as they slowly walked forward, Lt. Hart tried talking Ms. Lakie into cooperating, but she repeatedly told them to leave. At 3:21:44 a.m., as PO Sheehan approached the kitchen entryway, he backed away abruptly, and said “Back, back, back,” to the officers behind him. Just as the officers retreated, PO Sargent, from the back deck, radioed, “She’s got two knives.” While none of the BWC footage captured Ms. Lakie at that moment (PO Sheehan’s shield was blocking his BWC and the other officers were behind him), PO Sheehan told SPD and OSI that when he was almost to the kitchen entryway, Ms. Lakie emerged suddenly and thrust her hand toward him, in a downward motion, while gripping a large-bladed knife. The BWC footage also captures PO Sheehan telling officers about this once they returned to the porch.

At 3:23 a.m., members of SFD arrived, and Sgt. Liadka directed them to “stage” outside; by this time, the fire appeared to have dissipated. POs Saralegui and Flanagan, both CRU members, arrived around this time as well. Lt. Hart spoke with Sgt. Gerace by phone, and both agreed that the fire changed the situation and POs Saralegui and Flanagan may not have much time to negotiate with Ms. Lakie before officers had to enter the house. While trying to strategize an entry plan, PO Sheehan went outside and asked CW-1 and CW-2 if they had keys to the back door on them, but they did not. At 3:26:08 a.m., the officers at the back of the house radioed that Ms. Lakie “re-lit something,” but they could not tell what it was. They also said that Ms. Lakie was hiding behind the refrigerator’s open freezer door, still holding two knives. At 3:28:01 a.m., just before PO Sheehan returned to the front porch, CW-1 told him she wanted to go inside to “stop this,” but PO Sheehan told her she could not, due to safety concerns.

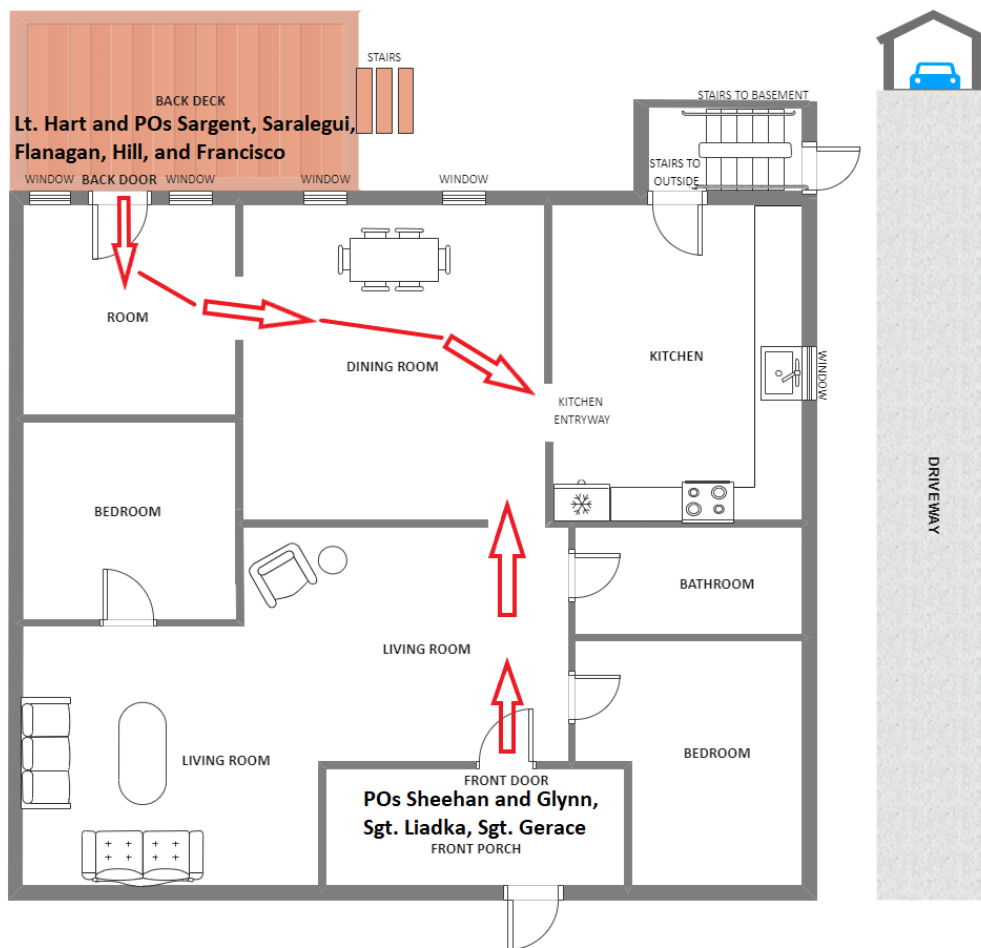
At 3:30 a.m., POs Flanagan and Saralegui went to the open window at the back of the house, to get a better view of Ms. Lakie, as they tried to negotiate. Once there, PO Saralegui tried to build rapport, including asking Ms. Lakie if she was hurt or needed medical help; Ms. Lakie responded only by telling him not to come in. PO Sargent went to the front yard and gathered information about Ms. Lakie from CW-1, to help the officers build rapport. PO Saralegui tried to speak with Ms. Lakie about the topics provided by CW-1, and also told Ms. Lakie her mother was back from the hospital, but Ms. Lakie just repeated, “Leave,” and, “Don’t fucking come in here.” During this time, the officers at the back radioed that the fire was growing again.

Entry/The Shooting⁹

At about 3:36 a.m., the officers at the front saw flames in the kitchen and decided to enter. At 3:37:19 a.m., PO Sheehan, PO Glynn, Sgt. Liadka, and Lt. Hart walked into the house and stood

⁹ As a visual aide, OSI extracted the shooting portion of the incident (starting from about 3:37 a.m., when, as detailed below, officers began to enter the house) from the three BWCs that were previously released and compiled all three videos into one. The Compilation Video can be found here: [Lakie Compilation Video](#).

in the living room, pleading with Ms. Lakie to come out. The fire began to make cracking noises, and Lt. Hart left through the front door and went to the back of the house, where he directed the officers to kick in the back door, which PO Sargent began to do. Around this time, Sgt. Gerace arrived, entered the living room, and discussed tactics with the officers. The fire appeared to flare, and the officers in the living room moved to the kitchen entryway, while Lt. Hart and POs Hill, Sargent, Saralegui, Flanagan, and Francisco entered through the back door, and proceeded through the dining room to the entryway of the kitchen.



Once the officers converged outside the kitchen entryway, several issued commands for Ms. Lakie to drop the knife, but she did not. Sgt. Gerace, Lt. Hart, and Sgt. Liadka directed those officers with Tasers to use them, and between 3:39 and 3:42 a.m. POs Flanagan, Glynn, and Hill deployed their Tasers multiple times; Ms. Lakie screamed and thrashed around following some of the Taser deployments,¹⁰ but did not comply with the officers' commands and never

¹⁰ Review of the Taser Reports, which are generated from data recorded by the Tasers, confirm that POs Flanagan, Hill, and Glynn deployed their Tasers multiple times. To be effective in incapacitating a person, both of a Taser's two probes must contact and embed in the person's skin. Based on the Taser Reports and written communication from Axon, the Taser manufacturer, to SPD, it appears that only one deployment (from PO Flanagan) effectively contacted with Ms. Lakie. Axon noted resistance fluctuation in the Pulse Log Graph, which may have been caused by movement or a probe not fully embedding. Axon noted that a connection does not

dropped the knives. During this time, the fire continued to blaze, as shown below.



Still image from PO Saralegui's BWC footage.

At 3:41 a.m., an SFD firefighter came inside with a water can, and officers directed him to spray the fire and Ms. Lakie. As he sprayed inside the kitchen, the intensifying smoke affected the officers' ability to see and breathe. Once the fire appeared to be out, officers asked the firefighter to back up, and others shouted that they were out of Taser cartridges. At 3:42:04 a.m., PO Saralegui shouted, "Allison, no!" as Ms. Lakie emerged from the kitchen with a knife in each hand and appeared to lunge forward.



Still image from PO Saralegui's BWC, showing Ms. Lakie, circled in yellow, emerge from the kitchen gripping a knife in each hand.

Between 3:42:04 a.m. and 3:42:06 a.m., as Ms. Lakie ran out of the kitchen, multiple gunshots can be heard on the BWC footage; Lt. Hart, PO Saralegui, Sgt. Liadka, and PO Sheehan all fired at Ms. Lakie who then fell to the ground, landing on her back, across the threshold of the dining room and living room. After removing the knives from Ms. Lakie's reach, the officers shouted

always mean "effective incapacitation."

for the paramedics to enter, and at 3:42:38 a.m., Lt. Hart began cardiopulmonary resuscitation (“CPR”). Seconds later, Lt. Hart, PO Saralegui, and members of SFD dragged Ms. Lakie out of the house; AMR and SFD personnel then loaded Ms. Lakie into the ambulance and transported her to Upstate Hospital, where, despite life-saving measures, she was pronounced deceased.

Accounts of Individual Officers

On October 22, 2021, all officers involved with the incident, including those who fired their guns, gave their accounts to SPD and OSI during a “walk-through” of the scene at 216 Ulster St., with OSI participating in the interviews. Afterward, SPD took sworn, written statements from each officer, with OSI present, detailing the information they provided during the interviews. The accounts of the four discharging officers are summarized below.¹¹

Sgt. Liadka: Sgt. Liadka said that once the fire began to grow, the officers decided to go inside the house and formed two groups – one at the front of the house, which included Sgt. Liadka, and one at the back. As both groups came together outside the kitchen entryway, Sgt. Liadka saw Ms. Lakie standing in the kitchen, holding a large knife with a fire behind her. Ms. Lakie never dropped the knife despite commands and Taser deployments. At one point, Sgt. Liadka saw Ms. Lakie drop to the ground, but the Tasers appeared otherwise ineffective; even while she was on the ground Ms. Lakie maintained full control of the knife.¹² As the smoke grew thicker, it became difficult to see and breathe; a firefighter came in with an extinguisher, and Sgt. Liadka told officers to use their Tasers to provide cover. As soon as the firefighter said the fire was out, Sgt. Liadka told him to get back. After several commands for Ms. Lakie to drop the knife, she quickly emerged from the kitchen with a knife in her hand, coming towards Sgt. Liadka and PO Sheehan in the living room. Sgt. Liadka said he feared Ms. Lakie was going to stab one of them, prompting him to fire his gun until he saw Ms. Lakie fall to the ground. Sgt. Liadka then kicked a knife out of her hand and moved it under a chair in the living room with his foot, and Lt. Hart immediately started CPR.

Lt. Hart: Lt. Hart said that, after he saw a large amount of black smoke coming from the kitchen, he became concerned for Ms. Lakie’s safety, as well as that of the officers on scene, and decided they needed to go into the house. Lt. Hart initially entered through the front door, but then went to the back of the house and directed PO Sargent to force open the back door. As they began to enter through the back door, Lt. Hart directed the officers with Tasers to go in first, so they had the option of using less-lethal force if possible;¹³ Lt. Hart drew his gun to provide lethal cover to those who had their Tasers drawn. After several unsuccessful verbal

¹¹ Though the officers gave their accounts of the entire encounter, this portion of the memo focuses mainly on the shooting and the moments immediately before it.

¹² While other officers said Ms. Lakie had two knives, and the BWC footage clearly shows her with two knives as she charged out of the kitchen, Sgt. Liadka and some other officers only described seeing one.

¹³ “Less-lethal force” in this context refers to devices used by police that are designed to minimize the risk of fatal injury to individuals; examples include Tasers, pepper spray, and bean bag rounds.

pleas for Ms. Lakie to drop the knife, officers began deploying their Tasers, in an attempt to disarm and remove Ms. Lakie from the residence, given the growing, active fire. Lt. Hart said after it appeared all available Taser cartridges had been used Ms. Lakie still had at least one knife in her hand.

At one point, a firefighter came in to try and put out the fire, and Lt. Hart asked him to spray Ms. Lakie because he thought it might knock the knife out of her hand. Once the fire was out, officers continued issuing commands to Ms. Lakie to put the knife down as smoke filled the area. Shortly after, Ms. Lakie quickly came out of the kitchen, and Lt. Hart saw a large kitchen knife in her right hand, pointed in the direction of officers. Lt. Hart said he feared that she was going to stab an officer(s), so he fired one round at Ms. Lakie, and simultaneously heard multiple gunshots and felt casings hit him. After he saw Ms. Lakie fall in a twisting manner onto her back, Lt. Hart observed a large knife on the left side of her pelvis and kicked it away from her. Lt. Hart then began CPR and helped bring Ms. Lakie outside to the waiting paramedics.

PO Sheehan: PO Sheehan said that after he arrived, he surmised it might take a while to resolve the incident safely, and he and the other officers were committed to taking whatever amount of time was needed to do so; he also said that Ms. Lakie potentially could have been arrested for threatening the paramedics with a knife or taken into custody pursuant to the Mental Hygiene Law. At some point, he and the other officers carefully went into the house and tried to stand near the kitchen entryway so they could see Ms. Lakie and evaluate her injuries. PO Sheehan, who was first in line, could not see Ms. Lakie initially, but once he got closer, without warning, her arm appeared about one foot in front of his face. PO Sheehan said Ms. Lakie was gripping a large-bladed knife and swiped it in a downward stabbing motion screaming, "Don't come in here." He and the other officers then retreated to the porch.

Eventually, the officers at the back of the house said that Ms. Lakie had started a fire, and he and the officers at the front saw smoke begin to appear from the kitchen. As the fire grew, the officers went back inside; PO Sheehan stopped just before the kitchen entryway and saw Ms. Lakie with a large knife. They yelled for Ms. Lakie to drop the knife and officers deployed their Tasers six to eight times, but none seemed to be effective, as Ms. Lakie was still moving around the room with the knife. The fire continued to grow, and the smoke thickened, causing PO Sheehan and other officers to cough. A firefighter came in and tried to extinguish the fire, and PO Sheehan was afraid because the firefighter was directly in front of the kitchen. Once the fire was out, Ms. Lakie charged out of the kitchen with a large knife in her hand. PO Sheehan said he initially thought she was going after other officers, prompting him to fire two rounds; PO Sheehan backed up as he was firing the first two shots and saw that she was in fact coming towards him, prompting him to fire again.

PO Saralegui: PO Saralegui said that while he would have stayed as long as necessary to reach a peaceful resolution, the fire increased the danger to himself, the other officers, the

neighbors, and Ms. Lakie, and, when he saw the fire growing, he knew that if they were going to go inside, they had to do it then. Once the officers were inside and at the kitchen entryway, PO Saralegui provided lethal cover as multiple officers deployed their Tasers; he said the Taser deployments seemed to be ineffective, because once the Taser cycles stopped, Ms. Lakie immediately regained the ability to swing the knives. At one point, PO Saralegui saw a firefighter enter and felt responsible for his safety. While PO Saralegui was crouched at the kitchen entryway providing cover, he made eye contact with Ms. Lakie, who was seated in the far corner of the kitchen with a knife in each hand, held over her shoulders and pointed out towards the officers. Once the fire was out, the kitchen went black due to the smoke, and PO Saralegui briefly lost sight of Ms. Lakie. He next saw Ms. Lakie in a low position, flailing her arms, while holding the knives; within seconds, she ran from the kitchen, in the direction of officers, still holding both knives. PO Saralegui said that due to his positioning, he felt that the officers behind him would not be able to safely defend themselves, and so he fired his weapon to protect himself and the other officers.

Evidence Collection

Members of SPD's Crime Scene Unit ("CSU") executed a search warrant at 216 Ulster St. and processed the scene. Based on the CSU reports and photographs, CSU recovered sixteen 9mm spent casings inside the residence. CSU also recovered thirteen apparent projectiles inside the residence and one inside the ambulance rig that transported Ms. Lakie to the hospital. As detailed below, a pathologist recovered two projectiles from Ms. Lakie's body during the autopsy – one from the lower left side of her back and one from her left buttocks – as well as multiple apparent projectile fragments from her chest cavity.

CSU collected the duty weapons of the four discharging officers, as detailed below:

1. Lt. Hart's Glock 17 Gen 5 9mm semiautomatic pistol, which contained sixteen live rounds in its seventeen-round capacity magazine, and one live round in the chamber.
2. PO Sheehan's Glock 17 Gen 5 9mm semiautomatic pistol, which contained fourteen rounds in its seventeen-round capacity magazine, and one live round in the chamber.
3. Sgt. Liadka's Glock 17 Gen 5 9mm semiautomatic pistol, which contained thirteen rounds in its seventeen-round capacity magazine, and one live round in the chamber.
4. PO Saralegui's Glock 17 Gen 5 9mm semiautomatic pistol, which contained nine rounds in its seventeen-round capacity magazine, and one live round in the chamber.

CSU also recovered multiple Taser probes and cartridges and, as displayed below, two kitchen knives with apparent blood stains.



These photographs were taken after officers had kicked the knives from Ms. Lakie's reach and relocated them.

Ballistics Analysis

The weapons of the four discharging officers, along with the casings recovered at the scene and the projectiles recovered at the scene and from Ms. Lakie's body were submitted to the Onondaga County Center for Forensic Sciences ("CFS") for firearms analysis.

CFS test-fired each discharging officer's gun and found all four to be operable. CFS microscopically examined the sixteen spent casings that were recovered inside the residence and determined that one was fired from Lt. Hart's gun; three were fired from PO Sheehan's gun; four were fired from Sgt. Liadka's gun; and eight were fired from PO Saralegui's gun. CFS also microscopically examined each of the sixteen projectiles that were recovered on scene and from Ms. Lakie's body, and determined that two were fired from PO Sheehan's gun; four were fired from Sgt. Liadka's gun; and eight, including the projectiles recovered from Ms. Lakie's buttocks and back, respectively, were fired from PO Saralegui's gun;¹⁴ two of the projectiles – one recovered from the AMR rig and one recovered from the basement floor – could not be identified or eliminated as having been fired from any of the four guns.

Medical Examiner

Dr. Katrina Thompson, a Pathologist with the Onondaga County Medical Examiner's Office, conducted Ms. Lakie's autopsy on October 20, 2021. OSI attended the autopsy, and obtained and reviewed Dr. Thompson's final autopsy report, which deemed Ms. Lakie's cause of death, "Multiple injuries." In her report, Dr. Thompson listed Ms. Lakie's injuries as, "multiple gunshot wounds;" multiple "sharp force injuries" on both forearms; multiple "blunt force injuries,"

¹⁴ One of the projectiles linked to PO Saralegui's gun was recovered in two parts, with the bullet jacket having separated from a gray metal fragment. Both parts were located together in the kitchen doorframe. CFS identified the fired bullet jacket as having been fired from PO Saralegui's gun, though the corresponding metal fragment was not suitable for comparison.

including “possible electroshock weapon injuries;” and “inhalation injuries.”

Dr. Thompson noted 13 distinct gunshot wounds on Ms. Lakie’s body:

- one gunshot that entered the chin and passed through the neck, jugular, and chest cavity,
- two perforating gunshot wounds to the chest,
- six gunshot wounds to the torso and left thigh,¹⁵
- one perforating gunshot wound to the right thigh,
- one perforating gunshot wound to the right wrist, and
- two graze wounds to the left hand and left leg, respectively.

Dr. Thompson recovered one projectile from the lower left side of Ms. Lakie’s back, one projectile from the left buttocks, and multiple fragments from the right and left chest cavities, all of which were submitted to CFS for testing.

On May 5, 2022, OSI interviewed Dr. Thompson about her findings. Dr. Thompson said the gunshot wounds Ms. Lakie sustained were the sole cause of her death and the remaining injuries she noted in her report were minor. Dr. Thompson confirmed that the lacerations on Ms. Lakie’s forearms were consistent with being self-inflicted. When asked whether she was able to pinpoint the fatal gunshot wound(s), Dr. Thompson said any one of the shots to the chin, chest, or torso could have been fatal on its own; by contrast, Dr. Thompson said the graze wounds and the gunshots to Ms. Lakie’s extremities would not likely have caused her death if sustained in the absence of the others. Dr. Thompson also said that, due to the nature of her injuries, Ms. Lakie’s death likely occurred within minutes.

The toxicology report indicated the presence of alcohol, cocaine, and cocaethylene. Dr. Thompson said the cocaethylene, which is an active metabolite caused by the combination of alcohol and cocaine, and the cocaine level detected, indicated recent use. The alcohol level of Ms. Lakie’s blood, which was 0.12%, when compared with the level from her eyes, which breaks down more slowly and which was 0.16%, showed she was coming down rather than continuing to drink. Dr. Thompson said cocaethylene could increase the effect of alcohol and cocaine, and could exacerbate a preexisting condition, such as paranoia.

LEGAL ANALYSIS

Article 35 of the New York Penal Law governs the circumstances under which an individual is justified in using deadly force against another. To obtain a conviction at trial, “The People

¹⁵ Due to the proximity of these wounds and their overlapping tracks, Dr. Thompson could not decipher them individually, so she described them together. There were six entrances and five exits associated with these wounds.

[would be] required to prove beyond a reasonable doubt that [Lt. Hart, Sgt. Liadka, PO Saralegui, and PO Sheehan were] not justified” in using deadly physical force against Ms. Lakie. See N.Y. Crim. Jury Instr. 2d Penal Law Section 35.15(1). And see *People v. McManus*, 67 N.Y.2d 541, 546-47 (1986): “[W]henever justification is sufficiently interposed ... the People must prove its absence to the same degree as any element of the crime charged.”

Article 35 contains a provision defining justification when a police officer uses deadly force while effecting or attempting to effect an arrest for an offense (Penal Law Section 35.30), and a general provision defining justification when deadly force is used by any person (Penal Law Section 35.15). As detailed below, based on the evidence reviewed in this investigation, OSI would be unable to prove beyond a reasonable doubt that the deadly force used by Lt. Hart, Sgt. Liadka, and POs Saralegui and Sheehan was not justified under either provision.

Penal Law Section 35.30(1) provides:

“A police officer or a peace officer, in the course of effecting or attempting to effect an arrest ... of a person whom he or she reasonably believes to have committed an offense, may use physical force when and to the extent he or she reasonably believes such to be necessary to effect the arrest ... or in self-defense or to defend a third person from what he or she reasonably believes to be the use or imminent use of physical force; except that deadly physical force may be used for such purposes only when he or she reasonably believes that ... (c) regardless of the particular offense which is the subject of the arrest ... the use of deadly physical force is necessary to defend the police officer or peace officer or another person from what the officer reasonably believes to be the use or imminent use of deadly physical force.”

The Court of Appeals, in *People v. Goetz*, 68 N.Y.2d 96 (1986), said that “reasonable belief” has both subjective and objective components: the subjective component is satisfied if the person using force actually believed, “honestly and in good faith,” that deadly force was about to be used against that person or another, and that the use of deadly force was necessary to prevent or stop that danger, regardless of whether the belief was accurate, 68 N.Y.2d at 114; the objective component is satisfied if a “reasonable person” under the same circumstances could have held those same beliefs, 68 N.Y.2d at 115. See also *People v. Wesley*, 76 N.Y.2d 555 (1990).

Police officers using deadly physical force pursuant to Penal Law Section 35.30(1) are under no duty to retreat (Penal Law Section 35.15[2][a][ii]).

When interviewed by SPD and OSI, the discharging officers did not say their intention was (or was not) to arrest Ms. Lakie when they shot her – rather, they said their intention was to stop

the potentially deadly force that Ms. Lakie was seemingly about to use when she charged towards them with knives. However, based on what the paramedics told them, the officers would have reasonably believed Ms. Lakie had already committed the crimes of Criminal Possession of a Weapon in the Fourth Degree (Penal Law Section 265.01[2]) and Menacing in the Second Degree (Penal Law Section 120.14[1]) before they engaged with her.¹⁶

OSI initially analyzed the discharging officers' conduct pursuant to Penal Law Section 35.30(1) and assumed they did not have a duty to retreat.

Based on their interviews with SPD and OSI, Lt. Hart, Sgt. Liadka, and POs Saralegui and Sheehan each subjectively believed that shooting Ms. Lakie was necessary to stop her imminent use of deadly force. The officers responded to 216 Ulster St. after dispatchers notified them of a woman who was armed with a knife and acting paranoid and unstable. When they arrived, AMR personnel told the officers Ms. Lakie had pulled an "eight-inch knife" on them. For the next two hours, officers tried to de-escalate the situation and talk Ms. Lakie into putting down the knife and coming out of the kitchen, to no avail.

Early in the police encounter, Ms. Lakie armed herself with a second knife. Several times during the officers' attempts to verbally resolve the incident, Ms. Lakie indicated a willingness to use force against them (e.g., telling them she had the knives to "fuck them up," and swinging a knife towards PO Sheehan when they approached the kitchen the first time). Once Ms. Lakie started a fire and the officers deemed it necessary to go back inside, Ms. Lakie refused numerous verbal commands to drop the knives, even after multiple Taser deployments. Ultimately, Ms. Lakie charged quickly out of the kitchen holding a knife in each hand, heading towards the officers. Each of the discharging officers described being in fear for their own safety and/or the safety of their fellow officers when Ms. Lakie came out of the kitchen, which is why they fired their guns.

The officers' accounts are corroborated by the BWC footage and other evidence. OSI's interviews of the EMTs and CW-1, as well as CW-1's recorded 911 call, confirm that Ms. Lakie was armed with a knife prior to the officers' arrival. The BWC footage confirms that Ms. Lakie refused to put the knives down or to otherwise cooperate with the officers, and at times engaged in threatening behavior towards them. Once the officers went back into the house because of the growing fire, the BWC footage confirms that several used their Tasers on Ms. Lakie and repeatedly directed her to drop the knives; she did not drop them. The BWC also shows Ms. Lakie emerging from the kitchen with a knife in each hand, heading in the direction of the officers, as Lt. Hart, Sgt. Liadka, and POs Saralegui and Sheehan fired their guns.

Overall, the evidence demonstrates that Ms. Lakie was armed with knives, and, by her actions,

¹⁶ As noted above, PO Sheehan said Ms. Lakie potentially could have been arrested for threatening the paramedics with a knife or taken into custody under the New York State Mental Hygiene Law.

threatened to use those knives against AMR personnel and officers at various points during the encounter, before suddenly charging out of the kitchen with a knife in each hand. The officers perceived her action as an active, imminent threat to their safety, and in light of the collective evidence, OSI would be unable to prove that the discharging officers' subjective beliefs were objectively unreasonable.

As noted above, Penal Law Section 35.15 provides that any person, not only police officers, may use deadly force against another, if that person reasonably believes that deadly force is being used or about to be used against him or her. OSI also analyzed this shooting under this section of law and determined that even if the officers were not attempting to arrest Ms. Lakie for an offense, and that 35.30(1) arguably did not apply, OSI would not be able to prove beyond a reasonable doubt that the officers were not justified in their use of deadly physical force, or that they had a duty to retreat.

Penal Law Section 35.15(2)(a), unlike Section 35.30 governing police use of deadly force, specifies that a person may *not* use deadly physical force "if [that person] knows that with complete personal safety, to [that person] and others he or she may avoid the necessity of [using deadly physical force] by retreating."

The evidence demonstrates that it would have been reasonable for the officers to have believed they could not have retreated with complete safety to themselves or others. As detailed above, the officers went into the house because they thought the fire posed a threat to the people on scene, including Ms. Lakie, who was in the kitchen along with the growing fire. Once inside, as noted above, Ms. Lakie would not relinquish the knives, despite multiple Taser deployments and verbal commands. After an SFD firefighter had seemingly put the fire out, the smoke thickened and affected the officers' ability to see and breathe. Ms. Lakie then charged out of the kitchen with two knives – one in each hand – and moved quickly towards officers. There were several officers and SFD firefighters in the house at that time, within a tight, smoke filled space. Under these circumstances, even if each of the four discharging officers could have retreated with complete safety to themselves, and there is ample evidence they could not have done so, there is no evidence that they could have done so while preserving the safety of others.

For the reasons set forth above, OSI cannot prove beyond a reasonable doubt that the discharging officers' use of deadly force was not justified under Article 35 of the Penal Law, and this matter will be closed with issuance of this report.

Dated: September 23, 2022