



***Office of the New York State Attorney General Letitia James***

**Office of Special Investigation**

Office of Special Investigation  
Fifth Annual Report  
October 1, 2025

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## 1. INTRODUCTION

This is the Fifth Annual Report of the New York Attorney General's Office of Special Investigation (OSI), issued October 1, 2025, pursuant to Paragraph 7 of New York Executive Law Section 70-b (Section 70-b). Prior OSI Annual Reports, including two biennial reports from OSI's predecessor unit, can be found on the [OSI Annual Reports page](#).

### *OSI*

#### Section 70-b

Effective April 1, 2021, Section 70-b directs OSI to investigate any incident in which a police officer or a peace officer, as defined, has caused a death, or when there is a question whether an officer has caused a death. Section 70-b further directs OSI, if warranted, to prosecute any criminal offense the officer may have committed in connection with the incident.

Section 70-b makes no distinction between on-duty and off-duty officers or between armed and unarmed decedents. Peace officers, as defined in Section 70-b, include corrections officers in all jails and prisons in the state.

The Attorney General's investigative authority and criminal jurisdiction over such incidents are state-wide and arise, by operation of law, at the time of death (Section 70-b, Paragraph 2). The Attorney General's criminal jurisdiction over such incidents supersedes and displaces that of the District Attorney for the county in which the incident occurred (Section 70-b, Paragraph 4).

The full text of Section 70-b can be read here: [Section 70-b](#). Prior to the effective date of Section 70-b, the Governor's Executive Order 147, issued in 2015 and in effect through March 31, 2021 (EO 147), gave the Attorney General a narrower form of authority, to investigate and, when warranted, to prosecute offenses arising from incidents in which a police officer (but not a peace officer) caused the death of an unarmed (but not of an armed) person. EO 147 can be read here: [Executive Order 147](#).

#### OSI's Personnel

OSI is authorized for 24 assistant attorneys general (AAGs) and 11 legal support analysts, assigned to nine offices around the state (Manhattan, Nassau County, Suffolk County, Poughkeepsie, Albany, Rochester, Binghamton, Syracuse, and Buffalo). One of the AAGs and two of the analysts work primarily on responding to the increasing volume of Freedom of Information Law (FOIL) requests that OSI handles. The Attorney General has authorized 20 detectives (including supervisors) in her Investigation Division to work with OSI, similarly distributed. In addition, OSI is authorized for two senior criminal justice coordinators and two

criminal justice liaisons who, together with attorneys and detectives, attend meetings with family members of persons who have died in law enforcement encounters and provide continuing support to those family members (as described in more detail in the subsection on Family Meetings, below).

### OSI's Process: Assessments and Investigations

Under Section 70-b, OSI has investigative authority and criminal jurisdiction when an officer, as defined, has caused a death, or when there is a question whether an officer has caused a death. When OSI is notified of an incident it is not always clear whether these three elements – a death, a defined officer, and causation – are present.

Regarding the first element, a death, there are times OSI receives a notification about a person believed to be “likely” to die. If the person does not die, OSI will close the case when it becomes clear that the person is going to survive and will communicate with the District Attorney for the county where the incident occurred to confirm that the District Attorney will review the matter for any potential criminal conduct.

Regarding the second element, a defined officer, there are times when OSI receives a notification involving an officer mistakenly believed to be a police officer or a peace officer as defined in Section 70-b. For example, OSI sometimes receives notifications of incidents where the officer involved is a federal officer. In such cases, OSI will close the case when it confirms with objective evidence that an officer as defined by Section 70-b was not involved.

However, the vast majority of notifications received by OSI clearly involve a death and a defined officer. When the third element – causation – is not initially clear, OSI calls its investigations “preliminary assessments,” though they are often very detailed and may take months to complete. For example, if a person dies from illness in a prison, OSI, in the course of its preliminary assessment, gathers evidence to determine whether the death was caused by the neglect of a corrections officer. This may require the review of many hours of video; review of handwritten logbooks and electronic logs, incident reports, medical records, and autopsy and toxicology reports; and interviews of corrections officers, medical staff, incarcerated persons housed near the person who died, and the medical examiner. At the end of the assessment, OSI may conclude that it does not find reason to believe that a corrections officer caused the death and will close the matter.

When OSI closes a case after a preliminary assessment because it does not find causation, OSI sends a letter, pursuant to Paragraph 2 of Section 70-b, to the District Attorney for the county in which the incident occurred, informing the District Attorney that a preliminary assessment shows that the Attorney General does not have investigative authority or criminal jurisdiction in the matter. At that point jurisdiction reverts to the District Attorney.

On the other hand, when OSI has a case where it is clear from the start that an officer has caused a death, such as a shooting case, or where OSI's preliminary assessment establishes that an officer has caused a death, OSI pursues a full investigation. At the conclusion of the investigation, pursuant to Section 70-b, OSI must do one of two things: (a) present evidence to a grand jury to seek an indictment, or (b) issue a public report detailing the investigation and its results and explaining why OSI did not present evidence to a grand jury (Investigation Report). OSI must also issue an Investigation Report if it presents evidence to a grand jury and the grand jury does not return an indictment.

OSI initiated a new process this year to advance the time when we announce the conclusion of an investigation, in an effort to be more responsive to police departments and the families of police officers: in cases where the investigation is complete, and causation, justification, and outcome are clear, then, prior to beginning the drafting and approval process for a full Investigation Report, we will make a public announcement that we have completed the investigation and will not be presenting evidence to a grand jury. The public announcement is called a Notification of Investigative Findings. When OSI releases a Notification, we follow it up with a full Investigation Report, as required by Section 70-b. See OSI's [Policy on Notifications of Investigative Findings](#).

#### Family Meetings and Video Releases

When OSI begins a full investigation, we reach out to the family members of the person who has died and ask to meet with them in person. In these family meetings the AAG and the detective assigned to the investigation, as well as a senior criminal justice coordinator or a criminal justice liaison (Coordinator or Liaison) introduce themselves, provide their contact information, explain OSI's independent investigative role under the law, and describe OSI's investigative process.

The Coordinator or Liaison, in addition, provides the family with information about services that might be available to them (for example, counseling) and offers to help the family access those services, if they wish. The Coordinator or Liaison thereafter continues to support the family throughout the investigation process, often speaking with family members by phone, answering their questions, and providing updates.

If there is video that captured the incident in which the person died, OSI will offer the family members an opportunity to view relevant segments at the initial family meeting or soon thereafter. In such cases, the Attorney General will publicly release relevant video segments, in accordance with her published video release policy. (The video release policy is here: [Release Policy](#).) OSI will always provide the family an opportunity to view video before the Attorney General releases it.

When the investigation is completed, whether it is going to result in an Investigation Report or a grand jury presentation, the AAG, the detective, and the Coordinator or Liaison ask to meet with the family again. At that meeting, the team will explain the results of the investigation to the family and provide them with the reasons why OSI made the determination either to issue an Investigation Report or to present evidence to a grand jury.

If OSI is going to issue an Investigation Report, the OSI team explains the steps OSI took in the investigation and OSI's investigative findings and legal analysis. (In addition, in many investigations, OSI staff and members of the Attorney General's office of Intergovernmental Affairs will meet with elected officials and community leaders.) In cases where OSI obtains an indictment, followed by pretrial hearings and a trial, the Coordinator or Liaison keeps family members informed of the progress of the proceedings and accompanies the family members in the courtroom.

### ***Sections in This Report***

#### **Criminal Charges and Resolutions**

Since the last Annual Report, OSI obtained guilty pleas in two cases, brought new criminal charges in one case, and completed the trial of one case. Two cases, in which OSI obtained indictments prior to the last Annual Report, are awaiting trial. See Section 2 of this Report for summaries of these six cases.

#### **Recusals**

Because of the risk of a conflict of interest, OSI recused itself from two cases involving employees of the state prison system. Charges against state employees in both cases are now being prosecuted by the Onondaga County District Attorney, whom a court appointed the special prosecutor, on motions by OSI. The Legislature has passed a bill designed to mitigate the kinds of conflicts of interest that led to the recusals in the two cases. See Section 3 of this Report for summaries of the two cases and of the bill.

#### **Investigation Reports and Notifications**

OSI has issued 45 Investigation Reports since the last Annual Report about incidents in which an officer caused a death but OSI concluded that criminal charges were not warranted. As mentioned above, public issuance of such reports is required by Section 70-b. In two additional cases, in which OSI has not yet issued an Investigation Report, OSI publicly announced the closing of investigations with a Notification of Investigative Findings. See Section 4, below, for summaries of the Investigation Reports and Notifications OSI has published since the last Annual Report.

## New York City Department of Correction

OSI investigates (or assesses to determine causation) the deaths of persons in the custody of corrections departments around the state, including persons in the custody of the New York City Department of Correction (NYC DOC), which includes the facilities on Rikers Island. Since the last Annual Report OSI has completed 10 investigations and assessments of NYC DOC cases. See Section 4, below, for the summary of one Investigation Report and Section 5, below, for summaries of nine assessments OSI completed concerning NYC DOC matters since the last Annual Report.

## Recommendations

Paragraph 7 of Section 70-b directs OSI to include in the Annual Report “recommendations for any systemic or other reforms recommended as a result of [OSI’s] investigations.” See Section 6, below, for OSI’s recommendations.

## Data

Because Section 70-b requires that OSI’s Annual Report be published every year on October 1, OSI uses a data year ending August 31 to provide for 30 days to collate and analyze OSI’s annual data. See Section 7, below, for a discussion of selected data. See these [tables](#) for OSI’s complete data from April 1, 2021 (the effective date of Section 70-b) through August 31, 2025.

## **2. CRIMINAL CHARGES AND DISPOSITIONS**

*Indictments and other charging instruments are accusations. Every criminal defendant is presumed innocent unless and until a jury determines that the evidence proves the defendant’s guilt beyond a reasonable doubt, or unless and until the defendant pleads guilty.*

Since the last Annual Report, OSI obtained guilty pleas in two cases, brought new criminal charges in one case, and completed the trial of one case. Two cases in which OSI obtained indictments prior to the last Annual Report are awaiting trial. These six cases are summarized below, in order of the date of the incident.

### Pending Indictment: People v Christopher Baldner, Ulster County (Date of Incident: December 22, 2020)

The indictment charges that Christopher Baldner, who was a member of the New York State Police (NYSP), committed Murder in the Second Degree, Manslaughter in the Second Degree, and Reckless Endangerment in the First Degree when he used his trooper vehicle to cause the death of Monica Goods, who was 11 years old, and to endanger other members of her

family. The indictment also charges that, in a prior incident, the defendant endangered the lives of a driver and his passengers by using his police vehicle to ram their car.

On December 22, 2020, at 11:40 pm, Tristin Goods was driving on the New York State Thruway with his wife and two daughters, aged 11 and 12, on the way to visit family for Christmas. The defendant was on patrol in his marked NYSP vehicle and stopped the Goods family car for speeding. During the stop the defendant pepper sprayed the car's occupants, and Mr. Goods sped away. During the pursuit, when both cars were traveling over 100 miles per hour, the defendant allegedly deliberately rammed his police vehicle into the rear of the Goods family car, twice. Upon the second strike, the Goods family car flipped over and came to rest upside down in the median. The impact ejected Monica Goods from the car, killing her.

The indictment is pending in Ulster County Court and is set for trial on October 27, 2025. The indictment is at this link: [Christopher Baldner Indictment](#). Monica Goods was Black; she was 11 years old when she died. (Paragraph 7(b) of Section 70-b requires the Annual Report to provide the "racial, ethnic, age, gender and other demographic information concerning the persons involved" in an incident.) The defendant has retired from NYSP.

This incident occurred prior to the effective date of Section 70-b, and OSI is therefore prosecuting the matter pursuant to EO 147, as well as Executive Order 7, pertaining to the prior incident ([Executive Order 7](#)). On February 2, 2023, the judge presiding over the case issued a decision dismissing the count charging the defendant with Murder in the Second Degree and reducing the counts charging Reckless Endangerment in the First Degree to Reckless Endangerment in the Second Degree. The Attorney General appealed that decision, and the appellate courts restored the counts as originally charged. The final decision in the appeal process was issued June 12, 2025. (The two appellate decisions are here: [Appellate Division, Third Department Decision](#), [Court of Appeals Decision](#).) The judge in the lower court then restored the case to the trial calendar.

#### Completed Trial: Bronx County Case (Date of Incident, July 21, 2022)

OSI tried this case before a jury in September and October of 2024. The defendant was acquitted of all charges and the matter is sealed.

#### Guilty Plea: People v Bernadine Thomas, Rockland County (Date of Incident: February 26, 2023)

Bernadine Thomas, who was an officer in the New York City Police Department (NYPD) at the time of the incident, pleaded guilty to Criminally Negligent Homicide for causing the death of her husband, Chevy Thomas.



In the early morning hours of February 26, 2023, the defendant, who was off duty, was driving a car and her husband was a passenger on the Palisades Interstate Parkway in Rockland County when the car went off the road and struck a tree. Mr. Thomas was declared dead at the scene, and the defendant was seriously injured. Investigation showed that the defendant was driving at speeds up to 109 mph and had blood alcohol content (BAC) of 0.10%. (Under Vehicle and Traffic Law Section 1192(2), a driver is presumed to be intoxicated with BAC of 0.08%.)

The defendant pleaded guilty in Rockland County Court on February 26, 2025, and was sentenced on May 7, 2025, to five years' probation.

Mr. Thomas was Black; he was 36 years old when he died. The defendant resigned from NYPD prior to her guilty plea.

Guilty Plea: People v Tyler Paul, Queens County (Date of Incident: April 26, 2023)

Tyler Paul, who was an NYPD officer at the time of the incident, pleaded guilty to Criminally Negligent Homicide and Assault in the Second Degree for striking and killing Kawan Edwards with his car, and Assault in the Third Degree with respect to another victim.

On the morning of April 26, 2023, the defendant was off-duty and driving his personal car in excess of the posted speed limit on the Grand Central Parkway in Queens. As he made a lane change from far left to far right at high speed the defendant's car struck a vehicle in the right lane. The collision caused the defendant to lose control of his car, which skidded at high speed into Mr. Edwards, who was working as a contractor for the Department of Transportation and standing on the shoulder of the road, putting up construction signs.

The defendant pleaded guilty in Supreme Court, Queens County, on December 11, 2024, and was sentenced on January 23, 2025, to concurrent sentences of one to three years in prison for the charge of Criminally Negligent Homicide; three and a half years in prison with three years of post-release supervision for the charge of Assault in the Second Degree; and 364 days in prison for the charge of Assault in the Third Degree.

Mr. Edwards was Black; he was 36 years old when he died. The defendant's employment was terminated by NYPD after the incident.

Pending Charges: People v Kevin Richmond, Orange County (Date of Incident: July 27, 2023)

Kevin Richmond, who was an off-duty member of NYPD at the time of the incident, has been charged with Vehicular Manslaughter in the Second Degree (in a felony complaint) and two counts of Driving While Intoxicated (in an information). The allegations are that he was intoxicated when he drove into a motorcycle driven by Nidia Nieves on I-87 in the Town of

Cornwall. Ms. Nieves was thrown from the motorcycle, suffered traumatic injuries, and was pronounced dead at the scene. Mr. Richmond's employment was terminated by NYPD after the incident. The matter is pending in Cornwall Town Court.

Nidia Nieves was Hispanic; she was 54 years old when she died. The felony complaint and information are [here](#).

Pending Indictment: People v Erik Duran, Bronx County (Date of Incident: August 23, 2023)

The indictment charges that Erik Duran, who was a member of NYPD at the time of the incident, committed Manslaughter in the Second Degree and other crimes when he was working in plain clothes in a narcotics "buy and bust" operation. Eric Duprey, who was unarmed, had just sold drugs to an undercover officer and was riding past the defendant on a motorized scooter when, allegedly, the defendant forcefully threw a picnic cooler at Mr. Duprey's head, knocking him to the ground. Mr. Duprey died from the impact when his head hit the pavement.

The indictment is pending in Supreme Court, Bronx County. Eric Duprey was Hispanic; he was 30 years old when he died. The defendant was placed on modified duty by NYPD after the incident. The indictment is here: [Erik Duran Indictment](#).

### **3. RECUSALS**

#### Background

The laws of New York vest the Office of the Attorney General with statutory duties under Section 17 of the Public Officers Law, to provide for the defense of state employees in civil actions arising from their public employment, and under Section 70-b of the Executive Law, to investigate and, where appropriate, prosecute offenses in connection with the deaths of individuals involving police officers or peace officers. There are circumstances where there is a risk that the Attorney General's duties under these two laws could be perceived as in conflict.

For example, OSI under Section 70-b could begin an investigation of a corrections officer employed by the state's prison system (the Department of Corrections and Community Supervision, or DOCCS) for possible crimes committed in connection with the death of a person incarcerated in one of the state's prisons. At the same time, that officer, being a state employee, may already be a client of the State Counsel division of the Attorney General's office, under Section 17 of the Public Officer's Law, in a lawsuit brought against the officer for conduct committed in connection with a prior, unrelated incident in a DOCCS facility. (Because of the conflict checking process in the Attorney General's office, State Counsel would not take on the officer as a new client if the officer were sued for the same conduct for which OSI had already begun an investigation.)

## The Robert Brooks and Messiah Nantwi Cases

In fact, this situation arose twice after OSI's last Annual Report, in connection with the death of Robert Brooks on December 10, 2024, in DOCCS's Marcy Correctional Facility, and in connection with the death of Messiah Nantwi on March 1, 2025, in DOCCS's Midstate Correctional Facility. After OSI began its investigations, the Attorney General's conflict checking process showed that certain DOCCS officers in both investigations were already clients of the Attorney General in prior lawsuits about unrelated events. Because of the risk that this would be perceived as a conflict of interest, OSI brought motions in both cases for the Attorney General to be recused as prosecutor and for the court to appoint a special prosecutor to continue the investigations and, if warranted, to seek charges against the corrections officers involved.

As a result of OSI's motions, the District Attorney of Onondaga County was appointed by the court to be the special prosecutor in both cases, and he has obtained indictments in both cases.

- In the Brooks case, 10 defendants were charged with crimes. Six defendants were indicted for Murder in the Second Degree and other crimes; three of those defendants pleaded guilty to Manslaughter in the First Degree; one of the three who pleaded guilty was sentenced to a 15 year term of imprisonment and two are awaiting sentencing. Three defendants were indicted for Manslaughter in the Second Degree; two of those defendants pleaded guilty to Manslaughter in the Second Degree and are awaiting sentencing. One defendant was indicted for Tampering with Physical Evidence; he pleaded guilty to Attempted Tampering with Physical Evidence and was sentenced to a non-incarceration sentence. (See news items: [Item 1](#), [Item 2](#).)
- In the Nantwi case, 12 defendants were charged with crimes. Two defendants were charged with Murder in the Second Degree. Three defendants were charged with Manslaughter in the First Degree; one of those defendants pleaded guilty to falsifying records. Two defendants were charged with Manslaughter in the Second Degree. Five defendants were charged with various acts to conceal the crimes that occurred; three of those defendants have entered guilty pleas. (See news items: [Item 1](#), [Item 2](#), [Item 3](#).)

These two cases came to light because of OSI's work. Section 70-b directs OSI to investigate, among other things, any incident in which there is a question whether the death was caused by a peace officer (which includes a corrections officer), and OSI therefore investigates (or assesses) every death in every DOCCS facility. Under OSI's protocols, as soon as OSI is notified of a death in a DOCCS facility (other than a death from a long-term illness), OSI personnel immediately respond in person to the facility and begin their investigative work. In the Brooks and Nantwi cases, OSI, working with DOCCS's investigations group and NYSP, was able to identify, lock down, and download video from body-worn cameras, which showed the conduct

of officers who later became defendants in the District Attorney's cases. In particular, in the Brooks case, OSI personnel discovered that the body-worn cameras of certain corrections officers were recording in standby mode (without audio), even though the officers had not activated those cameras, and facilitated the preservation and downloading of those videos within the first few days after the incident. Regarding the Nantwi case, OSI, working with the DOCCS investigations group and NYSP, identified and downloaded video from body-worn cameras, interviewed material witnesses, and obtained search warrants to secure items for forensic testing and analysis.

### Pending Legislation

To address the risks presented by these kinds of potential conflicts of interest, the Legislature, on June 16, 2025 passed an Omnibus Corrections Bill, Senate 8415 and Assembly 8871. (The conflicts section of the bill is Part F, [here](#).) The bill states that it is the Legislature's objective to enable the Attorney General to carry out her duties under both Executive Law Section 70-b (OSI's enabling statute) and Public Officers Law Section 17 (the statute requiring the Attorney General to represent state employees when they are sued in connection with their employment) in a manner that is consistent with the rules of professional conduct. The bill provides, among other things, that the Attorney General create an information barrier between OSI and State Counsel and that an acting attorney general, walled off from State Counsel, be appointed to supervise any OSI investigation of state employees. The bill awaits the signature of the Governor.

## **4. INVESTIGATION REPORTS AND NOTIFICATIONS RELEASED BY OSI IN THE PAST 12 MONTHS**

### ***OSI's Process: Published Investigation Reports***

When OSI determines not to seek charges in an incident in which a police officer or peace officer has caused a death, Section 70-b, Paragraph 6, requires OSI to publish an Investigation Report. Each of OSI's published Investigation Reports describes OSI's investigation in detail as well as the legal analysis that led OSI to conclude that a prosecutor would not be able prove the officer guilty of a crime beyond a reasonable doubt at trial, or that a prosecutor would not be able to disprove the defense of justification beyond a reasonable doubt at trial. These are not conclusions that an officer's conduct was proper, only that a prosecutor would not be able to prove the officer guilty of a crime at trial under the standards required by law.

In determining whether criminal charges are warranted, OSI's attorneys, like all prosecutors, are ethically bound to evaluate whether the admissible evidence obtained in the investigation would carry the People's burden to prove the criminal charges beyond a reasonable doubt at trial and, where relevant, the burden to disprove the defense of justification beyond a reasonable doubt at trial. See American Bar Association Standards for the Prosecution

Function, Standard 3-4.3, Minimum Requirements for Filing and Maintaining Criminal Charges, and New York Rules of Professional Conduct, Rule 3.8, Special Responsibilities of Prosecutors and Other Government Lawyers. See below, in this Section, for an explanation of the defense of justification under New York law and the prosecutor's burden to disprove the defense of justification beyond a reasonable doubt.

In certain cases, when the investigation is complete and OSI has determined not to prosecute, OSI will issue a public Notification of Investigative Findings prior to issuing an Investigation Report. As mentioned above in the Introduction, these Notifications are intended to accelerate the announcement of the closing of an investigation prior to the drafting and approval process involved in issuing the full Investigation Report. When OSI issues a Notification, an Investigation Report will follow, as required by Section 70-b. See OSI's [Policy on Notifications of Investigative Findings](#).

### ***OSI's Investigations***

OSI's investigations, each of which takes a number of months to complete, include, depending on the case:

- interviews of

- the police officers or corrections officers who are the subjects of the investigation;
- other police officers and corrections officers who may be witnesses;
- civilian bystander witnesses and jail and prison witnesses;
- the medical examiner who performed the autopsy and other members of the medical examiner's staff;
- the emergency medical responders, treating physicians, and responding jail and prison medical staff; and
- other experts, such as consulting medical examiners, accident reconstruction experts, video analysts, use-of-force experts, and firearms and other forensic experts;

- and reviews of

- officers' body-worn camera (BWC) videos and dashboard camera (dashcam) videos;
- police and corrections departments' surveillance camera videos
- civilian videos from cell phones and security cameras in homes and businesses;
- recorded 911 calls, dispatch transmissions, and officer-to-officer communications;
- police departments' crime scene and other photographs, ballistics reports, DNA reports, and accident reconstruction reports;
- police and corrections departments' incident reports, interview recordings and reports, and investigative reports;

- medical and mental health records, including reports from responding EMTs and responding doctors, records from prison and jail medical services, and records from hospitals to which decedents were brought before they died; and
- autopsy reports, including photographs and toxicology reports.

### ***Officer Interviews***

OSI's practice is to ask the officers involved in a case for a formal investigative interview. However, officers often refuse those requests. As in any criminal investigation, the subjects and witnesses in OSI's investigations, including officers, have the right not to talk to law enforcement, pursuant to the Fifth Amendment to the United States Constitution. OSI has civil subpoena authority, and uses it, but even when a person is civilly subpoenaed and appears for testimony, he or she has a right to refuse to answer questions. In New York criminal investigations, a prosecutor can only require a person to speak by subpoenaing the person to a grand jury and taking the person's testimony under oath, because a witness in the grand jury is granted full immunity from prosecution by operation of law, Criminal Procedure Law Article 50 and Section 190.40. Immunity is considered a complete substitute for the person's Fifth Amendment privilege. Police departments can and do compel statements from officers when conducting internal investigations of possible misconduct. However, if OSI were to become privy to a compelled statement given by an officer who was the subject of an OSI investigation, that officer would gain use immunity and derivative use immunity with regard to the compelled statement, based on their Fifth Amendment rights. *Garrity v New Jersey*, 385 US 493 (1967). As a result, any OSI investigator or AAG with knowledge of the compelled statement would be considered "tainted" and would have to leave the investigation, and OSI would be required to bring in a new team of investigators and AAGs.

### ***New York's Law of Justification***

Many of the cases OSI decides not to present to a grand jury turn on New York's law of justification, which is set forth in Article 35 of the New York Penal Law. As applied to OSI's cases, the basic idea underlying the law of justification is the right to use force to defend oneself or another from wrongful physical force.

Two provisions in Article 35 are often relevant to OSI's investigations. One is the general provision justifying all persons' (civilians' or officers') use of deadly physical force to defend themselves or others from another person's wrongful use of deadly physical force (Penal Law Section 35.15, Subdivision 2). The other is a provision specifically justifying police officers' or peace officers' use of deadly physical force to defend themselves or others from another person's wrongful use of deadly physical force when the officer is making an arrest for a criminal offense or preventing an escape from custody for a criminal offense (Penal Law Section 35.30, Subdivisions 1 and 2).

An important difference between the general provision and the officer-specific provision concerns the duty to retreat. With limited exceptions, civilians may not use deadly physical force in defense of self or another if they know they can retreat with complete safety to themselves and others, Penal Law Section 35.15(2). However, officers who are justified in using deadly physical force under Penal Law Section 35.30 because they are making an arrest for a criminal offense or preventing an escape for a criminal offense are under no duty to retreat, even if they could do so with complete safety to themselves and others, Penal Law Section 35.15(2)(a)(ii).

Justification is legally a “defense,” not an “affirmative defense,” Penal Law Section 35.00. This means that if a case goes to trial the burden is on the prosecutor to disprove justification beyond a reasonable doubt, Penal Law Section 25.00(1). This burden of proof is often a decisive factor in OSI’s determination whether or not to seek criminal charges against an officer.

### ***Investigation Reports and Notifications OSI Published in the Last 12 Months***

The Investigation Reports and Notifications OSI published since the last Annual Report are summarized below in order of date of death. At the end of each summary is a link to the full published Investigation Report or Notification, each of which is on the Attorney General’s public website. Each Report and Notification, in turn, has a link to the video footage relevant to the investigation described.

#### **Sofia Gomez, October 8, 2020, Bronx County**

In the afternoon of October 5, 2020, in Bronx County, an NYPD officer assigned to the Highway Division began driving toward the Throgs Neck Bridge in response to a call for “officer in need of additional units.” The officer had his sirens and emergency lights activated. As he drove, he heard a radio transmission over the Highway frequency of “shots fired.” As the officer drove eastbound on Pelham Parkway South, which had a speed limit of 30 mph, he approached the intersection with Wallace Avenue at more than 60 mph and went through a standing red light. At that moment, Ms. Gomez was crossing Pelham Parkway South in the crosswalk. As the officer’s car entered the intersection it struck Ms. Gomez. Ms. Gomez was taken to a local hospital and died from her injuries on October 8, 2020. The incident was captured by the dashcam in the officer’s car: [here](#).

Under OSI’s analysis of New York’s Vehicle & Traffic Law and Penal Law, and the case law articulated by New York’s highest court, a police officer who causes a death while responding in a police vehicle to an emergency cannot be charged with a crime unless the officer acts recklessly or intentionally. See, primarily, Vehicle & Traffic Law Section 1104, which exempts officers from obeying certain rules of the road, such as red lights and speed limits, when driving in response to emergencies, but does not exempt them from responsibility for reckless

conduct; and the Court of Appeals' decision in *Saarinen v. Kerr*, 84 NY2d 494 (1994), which requires a showing of recklessness to hold police officers liable for the consequences of their driving in response to emergencies.

Manslaughter in the Second Degree, Penal Law Section (PL) 125.15(1), would be the crime based on recklessness, and Manslaughter in the First Degree, PL 125.20(1), or Murder in the Second Degree, PL 125.25(1), would be the crimes based on intent. Criminally Negligent Homicide, PL 125.10, being based on criminal negligence, would not be a crime that could be charged under such circumstances.

In this case, although the officer was responsible for Ms. Gomez's death, the evidence did not establish beyond a reasonable doubt that the officer intentionally caused serious physical injury (Manslaughter in the First Degree) or intentionally caused death (Murder in the Second Degree), or that the officer's conduct was a criminally reckless, which would have required that it be a gross deviation from the standard that would have been observed by a reasonable officer in the same circumstances and that the officer had consciously disregarded a substantial and unjustifiable risk of death (Manslaughter in the Second Degree).

Therefore, OSI concluded that a prosecutor would not be able to prove beyond a reasonable doubt at trial that the officer had committed Murder in the Second Degree or Manslaughter in the First or Second Degrees, and closed the case with the issuance of an Investigation Report.

OSI recommended that every NYPD officer receive Emergency Vehicle Operator Course (EVOC) training once a year (not just in the academy) in an effort to prevent future collisions between police cars and civilians. OSI also recommended that all patrol supervisors be trained in administering portable breath tests to avoid testing delays, as had occurred in Ms. Gomez's case.

Ms. Gomez was Hispanic; she was 20 years old when she died. Report: [Sofia Gomez](#).

Jose Mejia Martinez, June 10, 2021, George R. Vierno Center (GRVC), Rikers Island, Bronx County

During the morning and afternoon of June 10, 2021, the assigned corrections officer (CO) in the section of GRVC where Mr. Mejia Martinez was incarcerated, witnessed Mr. Mejia Martinez in a severely disoriented state. From 11:15 am through 11:44 am surveillance video showed that Mr. Mejia Martinez grew increasingly disoriented and unsteady on his feet as he alternated between sitting, standing, and staggering around the housing area dayroom. (The COs in GRVC were not equipped with BWCs at the time of this incident.) Throughout this period the CO was in close proximity to Mr. Mejia Martinez, had an unobstructed view of him, and likely observed him in his disorientated condition. At 12:11 pm video showed that two people physically assisted Mr. Mejia Martinez into his cell as the CO and another CO watched the interaction from a desk a few feet away. Despite his training and NYC DOC rules that required him to do so, the CO did not call a medical emergency for Mr. Mejia Martinez or otherwise



render aid, such as by administering Narcan. From 12:22 pm through 3:05 pm video showed that the CO went to Mr. Mejia Martinez's cell nine times and looked inside, seeming to check on Mr. Mejia Martinez. At 3:38 pm video showed that other people seemed to become alarmed by Mr. Mejia Martinez's condition and alerted the CO, who at that time was in the control room. The CO responded to Mr. Mejia Martinez's cell, seemed to finally understand the gravity of his condition, and began the process of obtaining medical aid at 3:44 pm. Mr. Mejia Martinez was declared dead at 4:39 pm.

The medical examiner told OSI that providing Narcan when Mr. Mejia Martinez was first observed in a disoriented state, or in the ensuing hours when the officer continued to check on him, could have increased his chances of survival, but could not say with certainty that such action would have saved his life.

OSI determined that the failure of the CO to call a medical emergency or provide immediate aid to Mr. Mejia Martinez qualified as an omission, or failure to perform a duty imposed by law. Under Section 70-b, OSI retains jurisdiction if there remains a "question" whether an officer's act or omission caused a death. In this case OSI concluded that a prosecutor would not be able to prove beyond a reasonable doubt at trial that the CO's omission caused Mr. Mejia Martinez's death and, therefore, closed the matter by issuing a report.

On November 16, 2022, NYC DOC filed formal charges and specifications against the CO, and, on June 16, 2023, he resigned.

Mr. Mejia Martinez was Hispanic; he was 34 years old when he died. Report: [Jose Mejia Martinez](#).

#### Mark Beilby, December 22, 2021, Otsego County

In the evening of December 22, 2021, in the Village of Unadilla, Otsego County, Mark Beilby's mother called 911 to report that Mr. Beilby had locked her out of their apartment and was cutting himself with a knife. An NYSP trooper responded and entered the apartment. (The incident was captured by the trooper's BWC, [here](#), though the visual image was obscured for much of the time by the trooper's outstretched arms as he pointed a gun at Mr. Beilby.) The trooper opened and then stood by the door to the apartment, at the edge of the living room. Mr. Beilby was in the kitchen, holding a knife to his chest, repeatedly telling the trooper to shoot him or he would kill himself. After talking for a few minutes, Mr. Beilby raised the knife over his head, as though he might throw it, and the trooper fired two shots, which did not strike Mr. Beilby. Mr. Beilby then appeared to throw a kitchen knife at the trooper. The trooper, who was unhurt, advanced to the middle of the living room with his gun drawn. Mr. Beilby appeared to throw a second knife, and the trooper fired three shots, which struck Mr. Beilby in the chest. Mr. Beilby was taken to a hospital, where he died from his wounds. Kitchen knives were recovered from the floor between the trooper and Mr. Beilby and from elsewhere in the kitchen.

OSI concluded that a prosecutor would not be able to disprove beyond a reasonable doubt at trial that the trooper was justified when he fired at Mr. Beilby and therefore closed the case with an Investigation Report.

OSI reviewed NYSP's training curricula and recommended scenario-based de-escalation training for troopers to prepare them to confront people armed with knives and other weapons.

Mr. Beilby was White; he was 24 years old when he died. Report: [Mark Beilby](#).

Anthony Troy James, June 4, 2022, New York County

On June 4, 2022, at 2:02 am, as captured on BWC (which can be viewed [here](#), [here](#), [here](#), [here](#), [here](#), [here](#), [here](#), [here](#), and [here](#)), at West 148<sup>th</sup> Street and Adam Clayton Powell, Jr., Boulevard (Seventh Avenue), with Mr. James pushed up against the hood of a parked car, NYPD officers handcuffed Mr. James after a physical struggle. Mr. James repeatedly yelled that he could not breathe. When the officers secured the handcuffs and let go of Mr. James, he fell to the ground between the parked cars. Mr. James was conscious and talking, and officers seated him upright in the street. Mr. James fell over onto his side and officers continued to reposition Mr. James to seat him upright a number of times. Officers radioed for an ambulance, but the ambulance was delayed, and Mr. James's condition worsened. Mr. James last spoke at 2:22 am, and officers positioned him to lie on his side. Mr. James seemed to be unconscious, and officers continued to check that he was breathing, as a lieutenant made frequent and increasingly urgent calls for an ambulance. At 2:31 am officers found that Mr. James was no longer breathing and began chest compressions and administered Narcan. An ambulance finally arrived at 2:38 am and took Mr. James to a nearby hospital, where he died later that day. Mr. James was unarmed.

An autopsy done by a medical examiner with the New York City Office of the Chief Medical Examiner found the manner of death to be "undetermined," but found no evidence that any actions or omissions of the police officers contributed to death. OSI obtained a second opinion from an independent pathologist, who found, similarly, that the cause of death was "undetermined" and that no actions or omissions of the police officers contributed to death.

OSI concluded that a prosecutor would not be able to prove beyond a reasonable doubt that any officer's actions or omissions caused Mr. James's death, and therefore that a prosecutor would not be able to prove that any officer had committed a crime. OSI closed the matter with the issuance of an Investigation Report.

Mr. James was Black; he was 26 years old when he died. Report: [Anthony Troy James](#).

#### Jermaine Hickson, November 10, 2022, Kings County

In the evening of November 10, 2022, Mr. Hickson, his girlfriend, and his girlfriend's daughter were in their apartment on West 36th Street in Brooklyn. Mr. Hickson and his girlfriend began arguing and Mr. Hickson pulled out a gun. The girlfriend and the daughter fled as Mr. Hickson fired the gun in the apartment and followed them into the street. There was a struggle over the gun and Mr. Hickson fired another shot. The daughter called 911. Six NYPD officers in three police cars arrived over a period of less than a minute. Mr. Hickson fired his gun at two of the officers as they were getting out of their car, and those officers and two others fired at Mr. Hickson. Mr. Hickson was struck and, later, was pronounced dead at the scene.

The incident was captured by security video and several officers' BWCs, which can be viewed [here](#), [here](#), [here](#), and [here](#). A Canik 9mm Lugar semi-automatic pistol was recovered from the scene.

OSI concluded that a prosecutor would not be able to disprove beyond a reasonable doubt that the officers' actions were justified, and closed the case with the issuance of an Investigation Report.

Mr. Hickson was Black; he was 42 years old when he died. Report: [Jermaine Hickson](#).

#### Daniel Rivera, December 5, 2022, Bronx County

Shortly after midnight on December 4, 2022, NYPD officers from the 30<sup>th</sup> Precinct, which is in Manhattan, responded to a radio run of a car being broken into near 150<sup>th</sup> Street and Amsterdam Avenue. The officers pursued a car, which they thought was driven by a person involved in the crime, into the Bronx, lost sight of it, but then saw it, unoccupied, on West 161st Street in the Bronx, rolling down a hill toward Ogden Avenue, where it eventually crashed into a parked car. The officers saw two people at the top of the hill and pursued them on foot. One officer arrested one of the people on West 161st Street and another officer pursued the other person, later identified as Mr. Rivera, across a foot bridge over the Major Deegan Expressway. Mr. Rivera turned and appeared to fire a gun at the pursuing officer, twice, and ran into a wooded area alongside the Expressway. The officer returned fire once, but did not run into the wooded area.

Officers from the 44<sup>th</sup> Precinct, which is in the Bronx, responded to the wooded area to search for Mr. Rivera, and saw him lying face down among the leaves on the ground. Mr. Rivera began to get up, and officers saw what appeared to be a silver gun in his hand, pointed at them. Four officers fired their guns, striking Mr. Rivera. Mr. Rivera later died of his wounds.

BWCs from two of the officers from the 44<sup>th</sup> Precinct captured the incident and can be viewed [here](#) and [here](#). Officers recovered two weapons that appeared to be firearms but were in fact pistols capable only of firing blanks.

OSI concluded that a prosecutor would not be able to disprove beyond a reasonable doubt that the officers' actions were justified and closed the case with the issuance of an Investigation Report.

Mr. Rivera was Hispanic; he was 39 years old when he died. Report: [Daniel Rivera](#).

Teresa Gucciardo, December 22, 2022, Suffolk County

On November 28, 2022, an off-duty Nassau County Police Department officer, driving a pickup truck, struck Ms. Gucciardo, a pedestrian, in the parking lot of a shopping center in Commack, in Suffolk County. Ms. Gucciardo died almost four weeks later, on December 22, after a series of medical complications. There was no BWC or dashcam of this incident because the officer was off-duty and in his personal vehicle.

In its investigation, OSI did not find evidence that the officer was speeding or otherwise driving recklessly, or was intoxicated. OSI therefore concluded that a prosecutor would not be able to prove beyond a reasonable doubt that the officer had committed a crime and closed the matter with the issuance of an Investigation Report. OSI recommended that the Suffolk County Police Department consistently use a portable breath test for drivers, including police officers, after collisions involving serious injuries or deaths, which they had not done in Ms. Gucciardo's case.

Ms. Gucciardo was White; she was 85 years old when she died. Report: [Teresa Gucciardo](#).

Zabina Gafoor, February 17, 2023, Queens County

At night, on February 17, 2023, an NYPD officer was driving a police car with siren and emergency lights activated and with other officers as passengers, responding to a call of "officer in need of additional units." The officer was driving on Beach Channel Drive in Far Rockaway, Queens, a local road with a 25-mph speed limit, at speeds at times exceeding 70 mph. As he approached the Bay 32nd Street intersection the light was green but the car in front of the police car slowed down to make a left turn. The driving officer attempted to drive around the turning car by going into the opposing lane of traffic and passing it on the left, but the civilian car continued making the left turn, and the two cars collided. The police car's momentum and the collision sent the police car diagonally across the intersection, where it struck Ms. Gafoor, who was standing just off the curb, in the bike lane of Beach Channel Drive. Ms. Gafoor died of her injuries.

The police car was not equipped with dashcam; the officer-driver was not wearing his BWC, having left it docked in the charger at the station when he responded to the emergency call.

As described above in connection with the Sofia Gomez case, under OSI's legal analysis, a police officer-driver who causes a death while responding to an emergency cannot be charged with a crime unless the officer acts recklessly or intentionally. In this case, although the officer was responsible for Ms. Gafoor's death, OSI concluded that the evidence did not establish

beyond a reasonable doubt that the officer recklessly caused her death (Manslaughter in the Second Degree) or intended to cause her death or serious physical injury (Murder in the Second Degree or Manslaughter in the First Degree). OSI therefore closed the case with the issuance of an Investigation Report.

The NYPD investigators who responded to the scene of the collision in this case did not conduct a portable breath test (PBT) of the officer driver to determine his blood alcohol content (BAC). OSI recommended that NYPD consistently conduct PBTs of officer-drivers involved in serious collisions, as they do when civilians are the drivers.

OSI does not know Ms. Gafoor's ethnicity; she was 52 years old when she died. Report: [Zabina Gafoor](#).

#### Sabeeh Alalkawi, February 22, 2023, Rensselaer County

Shortly after midnight on February 22, 2023, a Troy Police Department (TPD) officer was responding to a call the police dispatcher described as a "very active" incident with "yelling and screaming." The officer drove toward the address provided in the call by traveling west on Hoosick Street, a main road in Troy. He was going more than 70 mph as he entered the intersection with 15th Street against a standing red light, with his emergency lights and siren activated. At that moment, Sabeeh Alalkawi was driving southbound on 15th Street at 33 mph, coming from the officer's right; the officer's view of Mr. Alalkawi's car was blocked by a row of buildings. Mr. Alalkawi had a green light. Mr. Alalkawi's car entered the intersection a split second before the officer's car. The officer braked and swerved but struck Mr. Alalkawi's car in the driver's side door, killing him. There was no evidence that the officer was impaired by alcohol or drugs or distracted by cell phone use. The officer registered 0.00% BAC on a PBT administered less than an hour after the collision.

BWC footage captured the aftermath of the incident, which can be viewed as part of a video compilation [here](#).

As described above in connection with the Sofia Gomez and Zabina Gafoor cases, under OSI's legal analysis, a police officer-driver who causes a death while responding to an emergency cannot be charged with a crime unless the officer acts recklessly or intentionally. In this case, although the officer was responsible for Mr. Alalkawi's death, OSI concluded that the evidence did not establish beyond a reasonable doubt that the officer recklessly caused his death (Manslaughter in the Second Degree) or intended to cause his death or serious physical injury (Murder in the Second Degree or Manslaughter in the First Degree). OSI therefore closed the case with the issuance of an Investigation Report.

In July 2024, TPD terminated the officer's employment.

OSI does not know Mr. Alalkawi's ethnicity; he was 30 years old when he died. Report: [Sabeeh Alalkawi](#).

#### Brandon Zurkan, March 1, 2023, Ontario County

Late in the evening on February 28, 2023, Ontario County Sheriff's Office (OCSO) and City of Canandaigua Police Department (CPD) officers responded to a 911 call reporting a car driving erratically on Route 5 & 20, heading toward Canandaigua. The 911 caller reported hearing gunshots or fireworks coming from the car. An OCSO officer pursued the car into a parking lot in Canandaigua, where the car crashed into a fence. The car's driver, Mr. Zurkan, got out of the car with a gun in his hand. For several minutes, OCSO and CPD officers repeatedly instructed Mr. Zurkan to drop the gun, but Mr. Zurkan did not comply. Mr. Zurkan then appeared to raise the gun in the direction of the officers, and the officers fired their guns, striking Mr. Zurkan. Mr. Zurkan was taken to a local hospital, where he died of his injuries shortly after midnight on March 1, 2023. Officers recovered the .45 caliber pistol Mr. Zurkan was holding, which was loaded with two rounds, and five .45 caliber shell casings from South Pearl Street, where deputies heard gunshots coming from his car. NYSP testing established that Mr. Zurkan's pistol was operable and had fired the recovered casings.

Several of the responding officers were equipped with BWC that captured the incident, which can be viewed in a video compilation [here](#).

OSI concluded that a prosecutor would not be able to disprove beyond a reasonable doubt that the firing officers' actions were justified, and closed the case with the issuance of an Investigation Report.

Mr. Zurkan was White; he was 31 years old when he died. Report: [Brandon Zurkan](#).

#### Lynn Walsh, March 17, 2023, Nassau County

In the evening of March 10, 2023, Lynn Walsh was crossing Sunrise Highway in the pedestrian crosswalk, at the intersection with Unqua Road, in Massapequa Park, Nassau County, when she was struck by three cars in succession. An off-duty NYPD sergeant drove the second car. He approached the intersection with the light in his favor and swerved to avoid hitting a car that stopped in front of him. When his car continued into the intersection, he struck Ms. Walsh, who was in the crosswalk. He pulled over to attempt to help Ms. Walsh, but she was struck by a third car, which left the scene without stopping. Ms. Walsh was in the hospital for a week, and died on March 17, 2023.

There was no BWC or dashcam of this incident because the involved officer was off-duty and in his personal vehicle.

In its investigation OSI did not find evidence that the off-duty sergeant drove with criminal negligence or criminal recklessness. OSI concluded that a prosecutor would not be able to prove beyond a reasonable doubt at trial that the officer had committed a crime and closed the case with the issuance of an Investigation Report.

Ms. Walsh was White; she was 70 years old when she died. Report: [Lynn Walsh](#).

#### Caesar Robinson, April 13, 2023, Kings County

In the afternoon of April 13, 2023, two NYPD officers responded to a 911 call reporting a possible burglary in progress at an apartment in a building on Lewis Avenue in Brooklyn. Officers knocked on the door of the apartment specified in the call, and Mr. Robinson answered the door with a gun in his hand. When Mr. Robinson began to raise the gun toward the officers one officer shouted to Mr. Robinson to drop it, but he did not comply, and the officers fired their guns, striking Mr. Robinson six times. Mr. Robinson died from his wounds.

The incident was captured by the two officers' BWCs, which can be viewed [here](#) and [here](#). A .38 caliber Smith and Wesson revolver was recovered.

OSI concluded that a prosecutor would not be able to disprove beyond a reasonable doubt that the officers' actions were justified and closed the matter by issuing an Investigation Report.

Mr. Robinson was Black; he was 78 years old when he died. Report: [Caesar Robinson](#).

#### Daniel Legler, August 6, 2023, Monroe County

On August 6, 2023, an NYSP trooper attempted to stop a car driven by Mr. Legler on a highway in the City of Rochester. Mr. Legler did not pull over and fled from the patrol car at a high rate of speed. During the pursuit, Mr. Legler crashed his car into a field in the Town of Gates, where the trooper attempted to arrest him. Following a brief physical struggle, Mr. Legler fired a shot from a revolver, and the trooper returned fire, striking Mr. Legler. Mr. Legler died of his wounds. OSI concluded that a prosecutor would not be able to disprove beyond a reasonable doubt at trial that the trooper's actions were justified and closed the matter by issuing an Investigation Report.

The incident was captured by the trooper's BWC, which can be viewed [here](#). A North American arm .22 Magnum revolver was recovered.

Mr. Legler was White; he was 35 years old when he died. Report: [Daniel Legler](#).

#### Shawn Sheridan, August 10, 2023, St. Lawrence County

In the morning of August 10, 2023, members of the St. Lawrence County Sheriff's Office, NYSP, Canton Village Police Department, and St. Lawrence County District Attorney's Office formed a search detail to execute a bench warrant issued by the St. Lawrence County Supreme Court for Shawn Sheridan. While searching a wooded area in the Donnerville State Forest, officers came upon Mr. Sheridan, who was dressed in a full camouflage suit and armed with two long guns. An NYSP trooper yelled to Mr. Sheridan and released a police dog. Mr. Sheridan fired one shot from a rifle toward the officers; an NYSP trooper fired at Mr. Sheridan, striking him once in the head. Mr. Sheridan died at the scene. Officers recovered a Churchill 612 pump-action 12-gauge shotgun, a bolt-action Mossberg Patriot 30-06 rifle, and an ammunition bandolier, which were on or near Mr. Sheridan's body. OSI concluded that a



prosecutor would not be able to disprove beyond a reasonable doubt that the firing officer's actions were justified and closed the case with the issuance of an Investigation Report.

No BWC captured the shooting. A detective activated his BWC immediately after the shooting, which can be viewed [here](#).

Mr. Sheriden was White; he was 34 years old when he died. Report: [Shawn Sheridan](#).

#### Luis Morocho, August 18, 2023, Dutchess County

In the evening of August 18, 2023, an off-duty NYSP trooper was driving his personal car north on State Route 9 in Wappingers Falls. As he approached the intersection with New Hackensack Road he was in the middle lane and had a green light. Shortly before the trooper reached the intersection, Mr. Morocho began walking west across State Route 9, against the crosswalk signal. Mr. Morocho crossed the two southbound lanes and then paused near the median before suddenly quickening his pace and jogging across the northbound lanes, directly into the trooper's path. The trooper's car struck Mr. Morocho, who was taken to a local hospital and pronounced dead. The trooper was given a portable breath test within an hour of the collision. OSI did not find evidence that the trooper was impaired by drugs or alcohol, that he was distracted at the time of the crash, or that he drove with criminal negligence or recklessness. Therefore, OSI concluded that a prosecutor would not be able to prove beyond a reasonable doubt at trial that the officer had committed a crime and closed the matter by issuing an Investigation Report.

There is no BWC or dashcam of this incident because the officer was off-duty and in his personal vehicle.

Mr. Morocho was Hispanic; he was 64 years old when he died. Report: [Luis Morocho](#).

#### Dhal Apet and Lueth Mo, September 6, 2023, Onondaga County

In the morning of September 6, 2023, a 911 caller said he was watching what he considered "suspicious activity" by people moving objects between two parked cars in a parking lot in a residential neighborhood in the Town of DeWitt. An Onondaga County Sheriff's deputy responded to the parking lot; he had been investigating a nearby burglary earlier that morning, and the 911 call appeared to relate to that burglary. When the deputy arrived at the parking lot, one of the cars immediately drove away. The deputy drove his police car nose to nose into the remaining car to prevent it from leaving, and parked. Mr. Mo was in the front passenger seat of car, and Mr. Apet was in the back seat. As the deputy got out of his police car, the driver of the car that Mr. Apet and Mr. Mo were in backed up and then drove forward, toward the deputy, apparently attempting to flee. The deputy fired his gun three times into the moving car. The car drove away and was later found on Mooney Avenue in Syracuse, with Mr. Apet and Mr. Mo inside. Mr. Apet was pronounced dead at the scene, and Mr. Mo was taken to a local hospital where he was pronounced dead later that morning. The car's driver had fled on foot. None of the three people in the car was armed.



As part of its investigation OSI provided certain items of recovered evidence to the Federal Bureau of Investigation Laboratory for analysis, and retained the services of a shooting reconstruction expert and a police use of force expert. Based on review of enhanced civilian video, statements from civilian witnesses, expert consultation on the path of the car and the position of the deputy, and expert consultation on the use of force, OSI concluded that that a prosecutor would not be able to disprove beyond a reasonable doubt at trial that the deputy reasonably believed the Hyundai might strike him, or that he reasonably believed he could prevent the car from striking him by shooting into it. Therefore, OSI closed the matter by issuing an Investigation Report.

The only video of the incident was from a home security camera. Although the deputy was equipped with BWC and his car was equipped with dashcam, the deputy never activated his BWC and had turned off his dashcam before arriving at the site of the incident.

OSI recommended that the Onondaga County Sheriff's Office and all police agencies equip officers with body-worn cameras and police vehicles with dashboard cameras, and require that the cameras be activated when officers engage with any member of the public.

Mr. Apet was Black; he was 17 years old when he died. Mr. Mo was Black; he was 15 years old when he died. Report: [Dhal Apet and Lueth Mo](#).

#### Mamady Cisse, September 9, 2023, Bronx County

In the afternoon of September 9, 2023, two NYPD officers from the 45<sup>th</sup> Precinct responded to a 7-11 convenience store after a store employee came to the stationhouse and reported a person acting "suspicious and weird" in the store. Upon entering the store, the officers observed Mr. Cisse in a back aisle smoking. Mr. Cisse's hands were in the front pocket of his sweatshirt. Mr. Cisse walked toward one of the officers, and the officer told him to show his hands. Mr. Cisse pulled a knife from his sweatshirt pocket and ran toward the officer, who fired his gun one time at Mr. Cisse, striking him. Mr. Cisse was taken to a local hospital where he was pronounced dead. Officers recovered a knife at the scene.

The incident was captured by the officers' BWCs, which can be viewed [here](#) and [here](#).

OSI concluded that a prosecutor would not be able to disprove beyond a reasonable doubt that the firing officer's actions were justified, and closed the matter by issuing an Investigation Report.

Mr. Cisse was Black; he was 22 years old when he died. Report: [Mamady Cisse](#).

#### AS, a Minor, September 13, 2023, Suffolk County

In the evening of September 9, 2023, a Suffolk County Police Department (SCPD) officer was on duty and driving southbound on William Floyd Parkway with emergency lights and siren activated, at speeds exceeding 85 mph, after she was dispatched to a medical emergency. The officer was in the left turn lane when she approached the intersection with Adobe

Drive/Beacon Street. She went around a car stopped in the turning lane, entered the travel lane to the right of the turning lane, and proceeded into the intersection through a green light. At the same time, AS was riding a bicycle east on Beacon Street across William Floyd Parkway. The officer's car struck AS in the intersection, and, after the collision, veered right, struck a car in the roadway, jumped a curb onto the lawn of a house, and collided with two cars parked in front of the house. AS was taken to a local hospital where he died from his injuries on September 13, 2023.

No PBT was administered to the officer-driver after the collision.

As described above, under OSI's legal analysis, a police officer-driver who causes a death while responding to an emergency cannot be charged with a crime unless the officer acts recklessly or intentionally. In this case, although the officer was responsible for AS's death, OSI concluded that the evidence did not establish beyond a reasonable doubt that the officer recklessly caused his death (Manslaughter in the Second Degree) or intended to cause his death or serious physical injury (Murder in the Second Degree or Manslaughter in the First Degree). OSI therefore closed the matter by issuing an Investigation Report.

The officer's car was equipped with dashcam, but the officer did not activate it, and it was not configured to activate automatically when the emergency lights and sirens were activated. The officer was equipped with BWC, but did not activate it prior to the collision.

OSI recommended that SCPD equip all police vehicles with dashboard cameras that automatically begin recording when officers activate their emergency lights.

AS was White; he was 13 years old when he died. Report: [Minor AS](#).

#### Nathan Wood, September 17, 2023, Fulton County

In the morning of September 17, 2023, a Johnstown Police Department (JPD) officer responded to a report of a person damaging an apartment with hammers at a house on Washington Street. Upon arrival, the officer went to the enclosed front porch of the house where he saw a man lying on the floor, bleeding from his head, while a woman struggled with Mr. Wood, who was holding a hammer. As the officer attempted to break up the struggle, a second officer arrived. The officers repeatedly told Mr. Wood to drop the hammer, but Mr. Wood did not comply. Mr. Wood smashed a porch window with the hammer, yelled that he was going to "kill" his "buddy," and ran up the stairs at the end of the porch that led to the second floor. The first officer followed Mr. Wood up the stairs, telling him to drop the hammer. Near the top of the stairs Mr. Wood came at the first officer, holding the hammer over his head, and the officer fired his gun. The officer began to back down the stairs, with Mr. Wood following, and Mr. Wood struck the officer in the face with the hammer. The officer fired again at Mr. Wood as the two men fell to the bottom of the stairs. Mr. Wood was taken to a local hospital where he was pronounced dead.

OSI concluded that a prosecutor would not be able to disprove beyond a reasonable doubt that the officer's actions were justified, and closed the matter by issuing an Investigation Report.

JPD officers were not equipped with BWCs at the time of the incident. A hammer was recovered at the scene.

Mr. Wood was White; he was 28 years old when he died. Report: [Nathan Wood](#).

Steven Zalewski, October 9, 2023, Onondaga County

In the late evening of October 9, 2023, a Town of DeWitt Police Department officer was responding to a call for service when he drove over Steven Zalewski, who was lying in the roadway on Bridge Street, in the Village of East Syracuse. The officer stopped his car and walked back to see what he had struck. When he saw Mr. Zalewski, he radioed that he had driven over a person lying in the road and that the person was clearly dead. In its investigation, OSI did not find evidence that the officer drove with criminal recklessness, and the evidence was not clear that Mr. Zalewski was alive when the officer drove over him. Therefore, OSI concluded that a prosecutor would not be able to prove beyond a reasonable doubt at trial that the officer had caused Mr. Zalewski's death or committed a crime, and closed the matter by issuing an Investigation Report.

Although no PBT was administered to the officer-driver, he was taken to a hospital and had blood drawn, which tested negative for alcohol and other drugs that could have affected his driving.

The officer's BWC was recording during the incident and can be viewed [here](#).

Mr. Zalewski was White; he was 68 years old when he died. Report: [Steven Zalewski](#).

Alan Weber, October 10, 2023, Suffolk County

In the evening of October 10, 2023, four members of the Suffolk County Police Department (SCPD) responded to a house at an address in East Northport after two 911 callers reported that a man at that house was yelling and screaming and wrecking the house. One caller said the man was married and had kids but said he did not know whether the kids were in the house. The officers arrived at 8:50 p.m. and shined a flashlight through a window at the front of the house. Mr. Weber came to the window, banged on it with his hands, and yelled at the officers. The officers told Mr. Weber to open the front door, but he did not. One officer kicked in the door, and the four officers entered; the interior was in disarray, fixtures in a bathroom were shattered, and loud music was playing. The officers went to the basement to look for Mr. Weber; their BWCs showed him standing in a rear area wearing a fencing mask and holding two fencing swords, one in each hand. The officers told Mr. Weber repeatedly to "drop it," but Mr. Weber did not comply. One officer fired a Taser, which did not incapacitate Mr. Weber. Mr.

Weber began to run toward the officers holding the swords, and one officer fired his gun, striking Mr. Weber, who died of his wounds.

OSI concluded that a prosecutor would not be able to disprove beyond a reasonable doubt that the firing officer's actions were justified, and closed the matter by issuing an Investigation Report.

The four officers had their BWCs activated; the BWC videos of the first two officers in the basement can be viewed [here](#) and [here](#). Officers recovered two swords from the scene.

OSI reviewed SCPD's Crisis Intervention Training (CIT) program and recommended that all SCPD officers be required to take the CIT program to learn how to de-escalate situations involving civilians experiencing a mental health crisis. OSI also recommended that responding SCPD officers first determine whether the person in crisis is an immediate danger to themselves or others and, if not, either call Emergency Services Unit (ESU) officers specially trained to address behavioral health crises or call the Diagnostic, Assessment, and Stabilization Hub (DASH) mobile crisis response team. (OSI notes that it would not have been safe for a civilian mobile crisis response team to engage with Mr. Weber as the incident developed.)

Mr. Weber was White; he was 54 years old when he died. Report: [Alan Weber](#).

#### Woody Smith, October 13, 2023, Rensselaer County

In the afternoon of October 13, 2023, two Troy Police Department (TPD) officers responded to a report of someone trespassing within an apartment in a house in Troy. When the officers arrived and began to investigate, they saw Mr. Smith climbing out of a first-floor window. The officers ordered Mr. Smith to the ground with guns drawn, but then, as they struggled to get him handcuffed, Mr. Smith said he could not breathe. When the handcuffs were in place the officers rolled Mr. Smith onto his side, but Mr. Smith was already unresponsive. The officers radioed for backup and for an ambulance and started to render aid. Mr. Smith was taken to a nearby hospital, where he was pronounced dead.

The medical examiner found that the cause of Mr. Smith's death was "acute intoxication by the combined effects of fentanyl, cocaine, and methamphetamine in an individual with hypertensive and atherosclerotic cardiovascular disease," and that emphysema, obesity, and the physical exertion involved in the struggle with the officers contributed to death. The medical examiner did not find evidence of asphyxia, and, after viewing the body-worn camera videos, did not find reason to believe that the officers' actions in restraining Mr. Smith would have contributed to his death.

The incident was captured on the officers' BWCs, which can be viewed [here](#) and [here](#). Mr. Smith was unarmed.

OSI concluded that a prosecutor would not be able to prove beyond a reasonable doubt that the officers had committed a crime, and closed the matter by issuing an Investigation Report.

Mr. Smith was Black; he was 48 years old when he died. Report: [Woody Smith](#).

#### Jason Pass, November 1, 2023, Kings County

On November 1, 2023, NYPD had information that Mr. Pass had shot and killed two people two days before. The license plate number of a car NYPD believed he was driving was coded to create an alert on NYPD license plate readers (LPRs). At 7:00 a.m. two NYPD officers patrolling in a car in Brooklyn saw that their LPR indicated that Mr. Pass's car was parked on a street they were driving on. The officers stopped and got out of their car and approached the parked car on foot. Mr. Pass got out of the parked car and ran away from the officers while taking a knife out of his pocket. The officers took out their guns and ran after Mr. Pass. Mr. Pass stopped to face the officers and said, "Officers, whatever happens next, this has nothing to do with you, I'm so sorry, this has nothing to do with you. Something happened the other day, I tried to defend myself." Additional officers arrived. For 25 minutes officers faced Mr. Pass and told him to put the knife down and to turn himself in. Then Mr. Pass ran toward officers with the knife and officers fired their guns, striking Mr. Pass, who died of his wounds.

The incident was captured by several NYPD officers' BWCs, which can be viewed [here](#), [here](#), [here](#), [here](#), and [here](#). A knife was recovered from the scene.

OSI concluded that a prosecutor would not be able to disprove beyond a reasonable doubt that the firing officers' actions were justified, and closed the matter by issuing an Investigation Report.

Mr. Pass was Black; he was 47 years old when he died. Report: [Jason Pass](#).

#### Yi Qui Chen, November 14, 2023, Kings County

At night on November 13, 2023, an off-duty officer with the New York City Department of Sanitation Police was driving his personal pickup truck southwest on Eleventh Avenue in Brooklyn. As the officer approached the intersection with 64<sup>th</sup> Street, he had a green light and began making a left turn. Ms. Chen was walking southwest on the sidewalk of Eleventh Avenue and, as the off-duty officer was turning, Ms. Chen entered the crosswalk with a steady "walk" signal to cross 64<sup>th</sup> Street. The off-duty officer's pickup struck Ms. Chen, and she died of her injuries the next day. The officer underwent sobriety tests, including a portable breath test, at the scene, which did not show evidence that he was under the influence of alcohol or drugs. An independent collision reconstructionist engaged by OSI determined that the officer was driving under 10 mph at the time of the collision. Based on the investigation, OSI concluded that a prosecutor would not be able to prove beyond a reasonable doubt at trial that the officer had committed a crime, and therefore closed the matter by issuing an Investigation Report.

Security video captured the incident, but there was no BWC or dashcam of this incident because the officer was off-duty and in his personal vehicle.

Ms. Chen was Asian; she was 71 years old when she died. Report: [Yi Qui Chen](#).

Courtney Gordon, December 3, 2023, Queens County

In the early morning hours of December 3, 2023, a 911 caller said her cousin “Courtney” had used a knife to murder everyone in the house at an address in Far Rockaway, in Queens. Two NYPD officers arrived near the address in their police car, parked, and approached the house on foot. A man, later identified as Mr. Gordon, was near the end of the driveway with several pieces of luggage. The officers asked him whether he was the 911 caller and whether he lived at the house. Less than 30 seconds after the officers started talking to the man he pulled out a knife and stabbed one of the officers in the neck and slashed the other officer on the forehead. The first officer drew his gun and fired five shots at Mr. Gordon. Mr. Gordon was taken to a local hospital where he was pronounced dead a short time later. The officers recovered from their wounds.

OSI concluded that a prosecutor would not be able to disprove beyond a reasonable doubt that the firing officer’s actions were justified and closed the matter by issuing an Investigation Report.

The incident was captured by the officers’ BWCs, which can be viewed [here](#) and [here](#). Officers recovered a knife from the scene.

Mr. Gordon was Black; he was 38 years old when he died. Report: [Courtney Gordon](#).

Adrian Wilburne, December 9, 2023, Nassau County

In the early morning hours of December 9, an off-duty NYPD officer was driving his personal car on Merrick Road in Nassau County. As the officer approached Oceanside Road, Adrian Wilburne walked across the street in front of his car, and the officer’s car struck Mr. Wilburne, causing his death. An independent collision reconstructionist retained by OSI determined that the officer had the green light and was driving 66 to 67 mph in a 30 mph zone when he struck Mr. Wilburne. Based on sobriety tests conducted at the scene of the collision, including a portable breath test, the officer was not intoxicated or impaired at the time of the collision. Based on OSI’s review of the records of the officer’s NYPD-issued cell phone, he was not using that phone at the time of the collision. Based on OSI’s review of the records of the officer’s personal cell phone, there were no phone calls at the time of the collision; although there was “data usage” on the personal cell phone at the time of the collision, an expert from the phone company told OSI such usage might only show that an app was running, and not necessarily that the owner was actively using the phone. OSI concluded that a prosecutor would not be able to prove beyond a reasonable doubt that the officer had committed a crime, and therefore closed the matter with the issuance of an Investigation Report.



Surveillance video captured the incident, but there was no BWC or dashcam because the officer was off-duty and in his personal vehicle.

Mr. Wilburne was White; he was 53 years old when he died. Report: [Adrian Wilburne](#).

#### Qian Adams, December 11, 2023, Onondaga County

In the early morning hours of December 11, 2023, a Syracuse Police Department (SPD) officer was dispatched to a larceny in progress and was driving southwest on West Bear Street. Based on security videos from cameras on nearby buildings, the officer turned left onto Liberty Street and struck and killed Qian Adams, who was riding an e-bike in the opposite direction on Liberty Street. A collision reconstruction by a specialist with SPD showed that the officer was driving 29 to 35 mph at the moment of impact, and that he had angled his turn sharply rather than staying completely in the right lane (from the officer's point of view) of Liberty Street. The reconstruction also showed that Mr. Adams was riding the e-bike toward the middle of Liberty Street rather than near the curb of the right lane (from Mr. Adams's point of view) of Liberty Street.

The officer did not have his BWC activated at the time of the collision. His car was not equipped with dashcam.

No PBT was administered to the officer-driver after the collision.

As described above in connection with the Sofia Gomez, Sabeeh Alalkawi, and Zabina Gafoor cases, under OSI's legal analysis, a police officer-driver who causes a death while responding to an emergency cannot be charged with a crime unless the officer acts recklessly or intentionally. In this case, although the officer was responsible for Mr. Adams's death, OSI concluded that the evidence did not establish beyond a reasonable doubt that the officer recklessly caused his death (Manslaughter in the Second Degree) or intended to cause his death or serious physical injury (Murder in the Second Degree or Manslaughter in the First Degree). Even if the officer had not been responding to an emergency within the meaning of the Vehicle and Traffic Law, OSI concluded that the evidence did not establish beyond a reasonable doubt that the officer had caused Mr. Adams's death with criminal negligence (Criminally Negligent Homicide). OSI therefore closed the matter by issuing an Investigation Report.

Mr. Adams was Black; he was 25 years old when he died. Report: [Qian Adams](#).

#### Kent Edwards, December 14, 2023, New York County

In the afternoon of December 14, 2023, NYPD detectives in the Manhattan Warrant Section went to an apartment in a building on Eldridge Street on the Lower East Side to apprehend Mr. Edwards. Mr. Edwards was a suspect in a shooting that had injured, but did not kill, a person on October 18, 2023, and NYPD tracked his cell phone to the apartment on Eldridge Street. The detectives knocked on the apartment door. Two women opened the door and said

Mr. Edwards was in the apartment with a gun. The women left the apartment and the detectives started talking to Mr. Edwards from the threshold of the apartment door. They told Mr. Edwards to come out, but he did not. The detectives called NYPD's Emergency Services Unit (ESU) to assist. Detectives from ESU arrived and talked with Mr. Edwards from the threshold of the apartment for two hours, repeatedly asking him to come out. Officers then moved a few feet into the apartment, and Mr. Edwards shot at them four times. An officer fired his gun, striking Mr. Edwards twice. Mr. Edwards was taken to a local hospital and pronounced dead.

OSI concluded a prosecutor would not be able to disprove beyond a reasonable doubt that the firing officer's actions were justified and closed the matter by issuing a Notification of Investigative Findings, followed by an Investigation Report.

The incident was captured by several officers' BWCs, which can be viewed [here](#). A HiPoint CF380 .380 caliber gun was recovered at the scene.

Mr. Edwards was Black; he was 43 years old when he died. Report: [Kent Edwards](#). Notification of Investigative Findings: [Kent Edwards](#).

#### Todd Novick, December 24, 2023, Monroe County

In the morning of December 24, 2023, Rochester Police Department (RPD) officers responded to a 911 call reporting a man holding a handgun on Murray Street. When the first officer arrived, he got out of his car and saw Mr. Novick, who matched the description in the 911 call, standing with two other people on Murray Street. A second officer pulled up in a police car and Mr. Novick began to walk away. The first officer told Mr. Novick to wait, but Mr. Novick did not comply and began to run. The first officer pursued Mr. Novick on foot, and the second officer followed behind. The first officer saw Mr. Novick look over his left shoulder at the officers and then remove what appeared to be a handgun from the waistband of his sweatpants and hold it out in his right hand. The first officer ordered Mr. Novick to stop and drop the gun, but Mr. Novick did not comply. The first officer fired his gun, striking Mr. Novick. Mr. Novick was taken to a local hospital where he was pronounced dead. Officers recovered a black replica handgun at the scene.

The incident was captured by the firing officers' BWCs, which can be viewed [here](#).

OSI concluded that a prosecutor would not be able to disprove beyond a reasonable doubt at trial that the officer was justified and closed the matter by issuing an Investigation Report.

Mr. Novick was White; he was 46 years old when he died. Report: [Todd Novick](#).

#### Bashe McDaniel, December 29, 2023, Queens County

On December 29, 2023, at 10:00 p.m., a woman walked into the District 3 office of the Metropolitan Transportation Authority Police Department (MTAPD) and told officers that she had been walking on Sutphin Boulevard near the Long Island Railroad Station in Jamaica,



Queens, when Mr. McDaniel blocked her path with a scooter he was riding and placed his hand on her breast. The woman showed officers photos she had taken of Mr. McDaniel. Two officers who went out to canvass for Mr. McDaniel saw him on Sutphin Boulevard near 91st Avenue and recognized him from the photos. When the officers attempted to arrest him he pulled away and refused to be placed in handcuffs. In the ensuing struggle the officers and Mr. McDaniel fell to the ground. Mr. McDaniel reached for a firearm in his waistband and shot himself. The officers jumped back, and Mr. McDaniel rolled onto his back and pointed the firearm toward one of the officers. Both officers fired several rounds at Mr. McDaniel, striking him in the head and torso. Mr. McDaniel was taken to a nearby hospital where he was pronounced dead. A loaded 9-millimeter pistol and extended magazine were recovered at the scene.

The incident was captured by the officers' BWCs, which can be viewed [here](#) and [here](#).

OSI concluded that a prosecutor would not be able to disprove beyond a reasonable doubt at trial that the actions of the firing officers were justified and closed the matter by issuing a Notification of Investigative Findings, followed by an Investigation Report.

Mr. McDaniel was Black; he was 52 years old when he died. Report: [Bashe McDaniel](#). Notification of Investigative Findings: [Bashe McDaniel](#).

#### Wife and Two Sons of Watson Morgan, December 29-30, 2023, Rockland County

Watson Morgan was a sergeant in the Bronxville Police Department (Westchester County), who lived with his family in New City, in the Town of Clarkstown, in Rockland County. When Sergeant Morgan failed to appear for work in the evening of December 29, 2023, a lieutenant in his department asked the Clarkstown Police Department (CPD) to do a welfare check at his house. When CPD officers arrived they found the bodies of Sergeant Morgan, his wife, and his two sons in the house, each apparently killed by gunshots. The medical examiner determined that Sergeant Morgan's gunshot wound was self-inflicted. Ballistics testing showed that all the gunshots were discharged from Sergeant Morgan's gun, which was recovered from next to his body. DNA swabs were taken from the gun, and testing found Sergeant Morgan's DNA on the swabs. OSI concluded that the case was a murder-suicide and that no person still alive had committed a crime.

There was no video of this incident.

Watson Morgan's wife was White; she was 43 years old when she died. Watson Morgan's sons were White; they were 10 and 12 years old when they died. Investigation Report: [Watson Morgan](#).

#### Rakim Tillery, January 3, 2024, Rockland County

In the afternoon of January 3, 2024, acting on information that a man who had shot a person in Albany fled southbound in a white Mercedes, two NYSP troopers pulled over a car matching

that description on I-87 in Rockland County. The troopers were in separate police cars, with their emergency lights activated. The first trooper pulled over behind the Mercedes, and the second trooper pulled over behind the first trooper's car. As the troopers were getting out of their cars, the driver of the Mercedes, later identified as Rakim Tillery, was already out of his car and fired a gun at the troopers. The first trooper fired at Mr. Tillery, who dropped his gun and fell to the roadway. As the first trooper ran toward Mr. Tillery, Mr. Tillery got up and came at the trooper and tackled him to the ground. As Mr. Tillery and the trooper grappled, Mr. Tillery grabbed for the trooper's gun. The second trooper came running over from his car and fired three shots at Mr. Tillery. Mr. Tillery was pronounced dead at the scene.

The incident was captured by the troopers' BWCs, which can be viewed [here](#) and [here](#). A Springfield Armory 9mm pistol was recovered at the scene.

OSI concluded a prosecutor would not be able to disprove beyond a reasonable doubt that the officers' actions were justified, and closed the matter by issuing an Investigation Report.

Mr. Tillery was Black; he was 35 years old when he died. Report: [Rakim Tillery](#).

#### David Clements, February 2, 2024, Nassau County

In the evening of February 2, 2024, Mr. Clements left his house and walked to a neighbor's house. As the neighbor was pulling into her driveway Mr. Clements told her he wanted to kill himself and lifted his sweatshirt to show the handle of a gun in his waistband. The neighbor called 911 and drove away. Mr. Clements went home and called his aunt and then his mother and said he had a gun and was going to shoot himself. Mr. Clements's mother called 911 and drove home.

Several cars from the Nassau County Police Department (NCPD) responded to Mr. Clements's house. Officers surrounded the house but retreated to the street when one officer heard what he believed was someone racking a firearm in the house. Mr. Clements came out of the house through the front door and started pointing two objects that appeared to be pistols toward the officers and toward his own head. Mr. Clements briefly went back inside and then came out with a third object that appeared to be a pistol with a mounted flashlight. Mr. Clements pointed the object at officers and did not follow their commands to drop it. Mr. Clements walked down the driveway toward three officers who were taking cover behind a parked police car. Mr. Clements was pointing the object at the officers. One officer shot Mr. Clements three times when he reached the end of the driveway. Mr. Clements was declared dead at the scene. Police recovered three BB guns, which looked like real firearms.

The incident was captured on several officers' BWCs, which can be viewed [here](#), [here](#), [here](#), and [here](#).

OSI concluded that a prosecutor would not be able to disprove beyond a reasonable doubt that the firing officer's actions were justified, and closed the matter by issuing an Investigation Report.

Mr. Clements was White; he was 19 years old when he died. Report: [David Clements](#).

Geoffrey Parris, February 12, 2024, Queens County

In the morning of February 12, 2024, four NYPD officers went to an apartment in Queens after a 911 caller said he had heard gunshots from within the apartment. Two officers spoke to Geoffrey Parris, who was in the doorway of his bedroom, and two officers spoke to Mr. Parris's brother, who was near the front door of the apartment. After some prodding, Mr. Parris's brother admitted he was the 911 caller and implied that he had needed to defend himself against his brother. Mr. Parris denied he had done anything to his brother, and the two officers speaking to him stepped away from his bedroom. The officers told Mr. Parris's brother they were going to leave and write up the matter as a domestic incident. At that point, Mr. Parris's brother told them Mr. Parris had a black gun and had pointed it in his face.

When three officers walked back to Mr. Parris's bedroom to talk to him again the door was closed. The first officer knocked on the door, told Mr. Parris to open it, and said they had to talk. Mr. Parris opened the door and a second officer tried to grab him. Mr. Parris ran to the back of the room and picked up what appeared to be a black gun and pointed it at the officer in the doorway. The officer told Mr. Parris to drop the gun and fired his gun, striking Mr. Parris, who died of his wounds. A BB gun, which looked like a real firearm, was later recovered from Mr. Parris's room.

The incident was captured by the officers' BWCs, and can be viewed [here](#), [here](#), [here](#), and [here](#).

OSI concluded a prosecutor would not be able to disprove beyond a reasonable doubt that the firing officer's actions were justified and closed the matter by issuing an Investigation Report.

Mr. Paris was Black; he was 26 years old when he died. Report: [Geoffrey Paris](#).

Taiquell Woodson, February 17, 2024, Nassau County

On February 17, 2024, officers from the Suffolk County Police Department (SCPD) responded to reports of a domestic dispute at a house in Bay Shore. When one officer knocked on the front door, Mr. Woodson came out of the house holding a knife in one hand and an expandable baton in the other. Mr. Woodson slashed the first officer with the knife. That officer and a second officer fired their guns at Mr. Woodson, causing his death. The knife and baton were recovered at the scene. The first officer recovered from his wounds.

The incident was captured on three officers' BWCs, which can be viewed [here](#), [here](#) and [here](#).

OSI concluded a prosecutor would not be able to disprove beyond a reasonable doubt that the two firing officers' actions were justified and closed the matter by issuing an Investigation Report.

Taiquell Woodson was Black; he was 33 years old when he died. Report: [Taiquell Woodson](#).

Nathan Scott, March 18, 2024, Kings County

On March 18, 2024, after he was robbed, Nathan Scott chased the two people who had robbed him down a street in Brooklyn, firing a gun at them. NYPD officers on patrol in a car responded to reports of a man firing a gun. Officers saw Mr. Scott, who fit the description of the shooter, running down East 57<sup>th</sup> Street between Remsen Avenue and East 56<sup>th</sup> Street, firing a gun. Three officers fired at Mr. Scott, killing him.

The incident was captured by two of the firing officers' BWCs, which can be viewed [here](#), and [here](#). The third firing officer did not activate his BWC until after the shooting. A loaded Taurus 9mm semiautomatic firearm was recovered at the scene.

OSI concluded a prosecutor would not be able to disprove beyond a reasonable doubt that the firing officers' actions were justified and closed the matter by issuing an Investigation Report.

Mr. Scott was Black; he was 20 years old when he died. Report: [Nathan Scott](#).

Christopher Murphy, April 14, 2024, Onondaga County

In the evening of April 14, 2024, officers from the Onondaga County Sheriff's Office (OCSO) and the Syracuse Police Department (SPD) went to Christopher Murphy's house to investigate a traffic incident that involved a Honda Civic registered to him. Officers saw the Civic in Mr. Murphy's driveway and, when they looked through a rear window, saw two high-capacity ammunition clips on the back seat. Officers heard what sounded like a firearm being racked inside Mr. Murphy's house, so they moved away from the driveway and took cover.

Four SPD officers moved behind their police cars, which were parked on the street in front of Mr. Murphy's house. OCSO Lieutenant Michael Hoosock moved to a next-door back yard to watch the rear of Mr. Murphy's house. Mr. Murphy stepped onto a deck at the back of his house and began shooting at Lieutenant Hoosock, firing multiple shots in rapid succession from an AM-15 semiautomatic rifle. Although Lieutenant Hoosock tried to take cover behind a tree, Mr. Murphy struck him twice; Lieutenant Hoosock, who died from his wounds, never fired his weapon.

After a minute and a half of silence, Mr. Murphy suddenly appeared from around an SPD police car and fired multiple shots at SPD Officer Michael Jensen with the AM-15 rifle. Officer Jensen attempted to move away while returning fire, but Mr. Murphy shot him in the chest, and he died of his wounds.

Mr. Murphy ran across the street and continued shooting. Another SPD officer fired at Mr. Murphy, who fell but continued shooting, so the SPD officer continued to fire. When the shooting ended, SPD officers handcuffed Mr. Murphy and took the AM-15 rifle from him. Mr. Murphy died of his wounds.

OSI concluded a prosecutor would not be able to disprove beyond a reasonable doubt that the officers' actions were justified and closed the matter by issuing an Investigation Report.

The incident was captured on several officers' BWCs, but OSI has not published the video. An AM-15 semiautomatic rifle was recovered at the scene.

The Attorney General offers sincere condolences to the families and loved ones of OCSO Lieutenant Michael Hoosock and SPD Officer Michael Jensen, who were tragically killed in the line of duty during this encounter.

Mr. Murphy was White; he was 33 years old when he died. Report: [Christopher Murphy](#).

#### Ervin Zacarias Antonio Agustin, May 19, 2024, Queens County

In the early morning hours of May 19, 2024, an NYPD officer assigned to Highway Unit 3 was dispatched to a motor vehicle collision investigation. As captured on video, as the officer drove on the Van Wyck Expressway, a limited access highway with no pedestrian traffic, with lights and sirens activated, Mr. Agustin attempted to cross the highway on foot, directly in the path of the officer's car. The officer's car struck Mr. Zacarias, and he died of his injuries. OSI concluded that a prosecutor would not be able to prove beyond a reasonable doubt that the officer had committed a crime and closed the matter by issuing an Investigation Report.

The officer's patrol car was equipped with a dashboard camera, which captured the incident: [here](#).

Mr. Agustin was Hispanic; he was 23 years old when he died. Report: [Ervin Agustin](#).

#### Nyah Mway, June 28, 2024, Oneida County

In the evening of June 28, 2024, Utica Police Department (UPD) officers stopped Nyah Mway and TN, both 13 years old, on Shaw Street. (Although OSI generally does not publish the names of minors, news reports had already identified Nyah Mway by name.) Nyah Mway and TN fit the descriptions of the two people who had reportedly committed an armed robbery with an apparent handgun in the area the night before. When an officer asked Nyah Mway if he could "pat you down" to search for weapons, Nyah Mway immediately ran away. The officer pursued him on foot, followed closely by two other officers. During the pursuit, Nyah Mway turned and pointed what appeared to be a black handgun at the first officer, who repeatedly yelled, "He's got a gun." The first officer tackled Nyah Mway, causing them to land on the sidewalk, with the officer on top. Nyah Mway continued holding the apparent handgun. As the officer sought to gain control of Nyah Mway, another officer leaned over and fired a single shot into Nyah Mway's chest at close range. Nyah Mway was taken to a local hospital, where he was pronounced dead.

OSI concluded a prosecutor would not be able to disprove beyond a reasonable doubt at trial that the firing officer's actions were justified and closed the matter by issuing an Investigation Report.

The incident was captured by the officers' BWCs, which can be viewed [here](#), [here](#) and [here](#). A Glock 17 Gen 5 pellet gun was recovered from the scene.

Nyah Mway was Asian; he was 13 years old when he died. Report: [Nyah Mway](#).

#### Pedro Felix, July 4, 2024, Queens County

On July 4, 2024, two NYPD officers responded to a report of an assault in progress involving a knife at an apartment in Queens. When officers arrived, they entered the apartment and saw Mr. Felix, armed with a knife, holding his father in a headlock by the kitchen sink. The officers ordered Mr. Felix to drop the knife. He did not, and an officer fired his gun once, striking Mr. Felix on his right side. Mr. Felix later died from his injuries. After the shooting, officers found an 8-year-old child in a bathtub in the apartment with stab wounds. The child was taken to a local hospital, where he was pronounced dead.

The incident was captured by the officers' BWCs, which can be viewed [here](#), and [here](#). Two blood-stained knives and another kitchen knife were recovered at the scene.

OSI concluded a prosecutor would not be able to disprove beyond a reasonable doubt that the firing officer's actions were justified and closed the matter by issuing an Investigation Report.

Mr. Felix was Hispanic; he was 20 years old when he died. Report: [Pedro Felix](#).

#### Daevon Roberts, July 10, 2024, Erie County

About midnight on July 9-10, 2024, two Buffalo Police Department (BPD) officers in a police car pulled over driver Daevon Roberts for speeding. When the officers approached Mr. Roberts's car, they saw a six-year-old child in the front passenger seat, unbuckled. When Mr. Roberts said the only driver's license he had was an image on his cell phone, one officer went back to the police car and spent a few minutes attempting, without success, to verify Mr. Roberts's identity via the onboard computer. When the officer came back to Mr. Roberts's side of the car, he told Mr. Roberts to step out and opened the driver's side door. At that point Mr. Roberts put the car in gear and began to drive away at high speed, with the driver's door still open. The officer had grabbed onto the car's frame as the car took off and held on as the car reached speeds of up to 70 mph. The officer yelled at Mr. Roberts to stop and said, "You're going to kill me." The officer reached the brake pedal with one foot, and Mr. Roberts tried to push the officer off the car. The officer drew his pistol and shot Mr. Roberts. Mr. Roberts and the officer fell out of the car to the street, and the car eventually rolled to a stop. Mr. Roberts died of his wounds; the child was uninjured.

The incident was captured by the officers' BWCs, which can be viewed [here](#), and [here](#). A loaded Taurus 9mm handgun was recovered from under the driver's seat of Mr. Roberts's car.

OSI concluded a prosecutor would not be able to disprove beyond a reasonable doubt that the officer's actions were justified and closed the matter by issuing a Notification of Investigative Findings, followed by an Investigation Report.

Daevon Roberts was Black; he was 25 years old when he died. Report: [Daevon Roberts](#). Notification of Investigative Findings: [Daevon Roberts](#).

#### Allan Hoad, October 24, 2024, Steuben County

Shortly after midnight on October 21, 2024, Steuben County 911 received a call from a relative of Allan Hoad's who asked police to check on him, giving an address in the Town of Cameron. At 1:30 am Steuben County Sheriff's Office (SCSO) deputies arrived at the address, which was a house in a rural, wooded area. After initially trying to talk to Mr. Hoad, the deputies heard two shots from a shotgun, which damaged two of their cars. During what became a thirteen-hour stand-off at the house, in calls with 911 operators and SCSO crisis negotiators, Mr. Hoad made repeated threats that he would kill police officers and others. Members of Steuben County's SWAT team assembled near Mr. Hoad's house.

At 2:00 pm Mr. Hoad left his house carrying a long gun, got into a pickup truck, and drove off-road to a house on Swale Road. SWAT officers followed and parked in the roadway by the second house. Officers yelled at Mr. Hoad, who was standing by the pickup truck, to show his hands, put his hands up, stop moving, and stay away from the truck. Mr. Hoad got into the pickup truck and drove it forcefully in reverse toward the officers, crashing it into one of the SCSO cars, and then got out. Three officers fired at Mr. Hoad as he drove backward and as he got out of the truck. Mr. Hoad was struck by gunfire, and later died of his wounds.

OSI concluded a prosecutor would not be able to disprove beyond a reasonable doubt that the firing officers' actions were justified and closed the matter by issuing an Investigation Report.

Several officers were equipped with BWCs, which can be viewed in a video compilation [here](#). A loaded 12-gauge shotgun and three silver-colored imitation handguns were recovered from the pickup truck.

Mr. Hoad was White; he was 50 years old when he died. Report: [Allan Hoad](#).

#### Gary Worthy, November 19, 2024, Queens County

On November 19, 2024, a witness called 911 to report that a person used a gun to commit a robbery at a smoke shop on Guy R. Brewer Boulevard in Jamaica, Queens. In response, two officers left their precinct stationhouse in a marked police car and drove to the area in an attempt to apprehend the person who had reportedly committed the robbery. When they arrived at 160<sup>th</sup> Street and Jamaica Avenue the 911 caller approached the officers' police car,



pointed toward Mr. Worthy, and identified him as the person who had robbed the convenience store. As one officer got out of the police car Mr. Worthy ran down the sidewalk along Jamaica Avenue, and the officer ran after him. As they ran, Mr. Worthy turned and fired a gun, striking the officer in the leg; the bullet went through the officer's leg and struck a bystander in the leg. The officer fired his gun three times, striking Mr. Worthy twice. Mr. Worthy was taken to a local hospital and pronounced dead. The officer and the bystander were treated for their injuries.

OSI concluded a prosecutor would not be able to disprove beyond a reasonable doubt that the firing officer's actions were justified and closed the matter by issuing an Investigation Report.

The incident was captured by three officers' BWCs. The surveillance video, which captured the incident more clearly, can be viewed [here](#). A .357 Magnum Colt Python revolver was recovered at the scene.

Gary Worthy was Black; he was 57 years old when he died. Report: [Gary Worthy](#).

Because the officers who responded to the shooting did not aid Mr. Worthy during the five minutes it took an ambulance to arrive, OSI recommended that NYPD emphasize in its training that officers must aid any person injured by police use of force, even if the person who needs aid has injured a police officer. OSI noted, however, that in this case, based on the opinion of the medical examiner, first aid at the scene would not have saved Mr. Worthy's life.

#### Tanja Foster, November 20, 2024, Kings County

In the evening of November 20, 2024, three NYPD officers were in a car, driving northbound on Pennsylvania Avenue in Brooklyn. Moments before the officers drove by Ms. Foster had fallen in the middle of the roadway and lay there, not moving. The police car struck Ms. Foster as she lay in the roadway, killing her. Immediately after the impact, the officer-driver stopped the car and the officers went to Ms. Foster and called for an ambulance as a bystander rendered aid. The officers were members of a warrant squad, and the driving officer was speeding, going 45 mph in a 25 mph zone, responding to a supervisor's direction to come to the squad's base, pick up the supervisor, and then drive to assist other warrant officers who were attempting to arrest a barricaded suspect at a nearby shopping center.

The officer-driver was administered a PBT more than two hours and 45 minutes after the collision. He registered 0.00% BAC on the test.

Two officers' BWCs can be viewed [here](#) and [here](#). Security video can be viewed [here](#) and [here](#).



OSI concluded the evidence was insufficient to prove beyond a reasonable doubt that the officer-driver acted recklessly or with criminal negligence, and therefore closed the matter by issuing an Investigation Report.

Ms. Foster was White; she was 58 years old when she died. Report: [Tanja Foster](#).

Morgan Salomone, November 22, 2024, Nassau County

On November 22, 2024, two officers in the Nassau County Police Department were in a police car, traveling south on Wantagh Avenue. As the officer-driver proceeded through a green traffic light at an intersection, Ms. Salomone was walking against the light across Wantagh Avenue and was struck by the police car. Ms. Salomone was pronounced dead shortly after she arrived at Nassau University Medical Center. OSI's investigation did not find evidence that the officer-driver was speeding, or under the influence of alcohol or drugs, or was using a cell phone, or was driving recklessly or with criminal negligence.

The officer-driver was administered a PBT almost two hours after the collision. He registered 0.00% BAC on the test.

OSI concluded a prosecutor would not be able to prove beyond a reasonable doubt at trial that the officer-drive had committed a crime and closed the matter by issuing an Investigation Report.

The driver officer did not activate his BWC until after the collision. A compilation of video from nearby security cameras can be viewed [here](#).

Ms. Salomone was White; she was 22 years old when she died. Report: [Morgan Salomone](#).

Christopher Ferguson, December 5, 2024, Kings County

On December 5, 2024, NYPD received a shot spotter activation, indicating a possible shooting, at 81 North Portland Avenue, in Brooklyn. Responding officers met with a witness to the shooting who gave them a picture and the license plate number of a car involved in the incident. At 3:11 p.m. officers saw the described car on Fulton Street and tried to pull it over. The driver did not comply and drove several blocks at a high rate of speed until she got stuck in traffic at Utica Avenue and Park Place. Mr. Ferguson was in the front passenger seat and a three-year-old child was in the back seat.

Officers got out of their police cars and approached the blocked car on foot. Mr. Ferguson opened the front passenger door and pointed a firearm at one of the officers, who fired at Mr. Ferguson; a second officer also fired. Mr. Ferguson was struck twelve times and died of his wounds. The child was not hurt. The driver was arrested.

OSI concluded a prosecutor would not be able to disprove beyond a reasonable doubt at trial that the firing officers' actions were justified and closed the matter by issuing a Notification of Investigative Findings, with a full Investigation Report to follow.

The incident was captured by several officers' BWCs, which can be viewed [here](#). A loaded 9mm gun and extended magazine were recovered at the scene.

Mr. Ferguson was Black; he was 21 years old when he died. Notification of Investigative Findings: [Christopher Ferguson](#).

#### Donnell Hogan, May 13, 2025, Onondaga County

At 10:00 p.m. on May 13, 2025, Syracuse Police Department officers responded to an apartment building in the City of Syracuse following 911 calls reporting a man firing a gun inside and outside the building. Upon arrival, witnesses told the officers a man in a wheelchair on the second floor was shooting a gun. The officers split into two teams and entered the building by different entrances and went to the second floor up different stairwells. The officer at the head of one team repeatedly shouted commands for Mr. Hogan to show his hands. Aurally, video captured the sound of two gunshots of different types, separated by less than a second; visually, video showed that the officer at the head of the team fired once, after the initial gunshot sound. Officers at the other end of the hallway saw Mr. Hogan seated in a wheelchair with a pistol in his right hand, which he raised at the officers. One of the officers in that team retreated and shouted, "Gun!" six times in rapid succession, just before the two gunshots rang out. Mr. Hogan died of his wounds.

A 9mm gun and three spent 9mm casings were recovered.

The incident was captured by several SPD officers' BWCs, which can be viewed [here](#).

OSI concluded a prosecutor would not be able to disprove beyond a reasonable doubt at trial that the firing officer's actions were justified and closed the matter by issuing a Notification of Investigative Findings, with a full Investigation Report to follow.

Mr. Hogan was Black; he was 42 years old when he died. Notification of Investigative Findings: [Donnell Hogan](#).

## **5. NEW YORK CITY DEPARTMENT OF CORRECTION**

### ***Background***

NYC DOC operates jails on Rikers Island, which is in Bronx County. Persons in the custody of NYC DOC include detainees awaiting trial, detainees awaiting sentencing, and prisoners sentenced to one year or less of jail time. NYC DOC also has custody of detainees and

prisoners in transit, at courthouses, and in hospitals. According to the Fact Sheet published by DCJS, the NYC DOC population in August, 2025 was 7293, a 13% increase over August, 2024. The NYC DOC population in August, 2024 was, in turn, a 5% increase over August, 2023. As discussed in the Section 7, below, on OSI's data, NYC DOC has said the increase in 2025 resulted from understaffing in the state prison system, which required NYC DOC to hold sentenced prisoners instead of transferring them to state prisons. (NYC DOC population data: [here](#).)

NYC DOC's operation of the jails at Rikers Island is the subject of ongoing federal litigation, begun in 2011, which includes oversight by a court-appointed monitor, whose first report was in 2015, and intervention by the United States Attorney for the Southern District of New York. The concerns raised in the litigation and by the monitor include detainee safety, insufficient staffing, officers' use of force, and the Department's resistance to oversight, lack of transparency, and concealment of incidents.

In a decision filed May 13, 2025, the federal judge said she would appoint a "remediation manager" to address the ongoing violations of the constitutional rights of the persons in the custody of NYC DOC. (Decision: [here](#).) The remediation manager would be answerable solely to the court but, rather than being a full receiver, would in many respects co-manage NYC DOC with the NYC DOC Commissioner. The decision required the parties to submit candidates' names to the court by August 29, 2025. Although news reports indicate the parties have submitted candidates' names, it is not clear when the judge will appoint the remediation manager or when the remediation manager will commence work pursuant to the judge's order. (News items: [here](#).)

Following reports and proposals by the Independent Commission on New York City Criminal Justice and Incarceration Reform, city ordinances require that the jails on Rikers Island be closed and replaced by borough-based jails by 2027. However, due to construction delays and the increase in the number of people in custody, it is clear that the 2027 deadline to replace the Rikers Island facilities with borough-based jails will not be met; one estimate is that the borough-based jails will not fully open until 2032. (News items: [here](#).)

### ***Cause of Death under Criminal Law Principles***

Section 70-b authorizes OSI to investigate whether criminal offenses have been committed and, when warranted, to seek criminal charges. Therefore, OSI members conduct investigations and reach conclusions based on the principles of criminal law.

In a criminal case concerning a death, a person may be found guilty of a homicide crime only if the person or their accomplice has caused the death. A person is deemed to cause the death of another when their "actions were an actual contributory cause of the death, ...

[forging] a link in the chain of causes which actually brought about the death,” and when “the fatal result was reasonably foreseeable,” *People v Stan Xu Hui Li*, 34 NY3d 357, 369 (2019); see *People v Davis*, 28 NY3d 294, 300 (2016). Even when the defendant’s conduct was not the sole cause of death, the defendant may be deemed to have caused a death when their conduct “set in motion” or continued in motion the events which resulted in death, *People v Matos*, 83 NY2d 509, 511 (1994).

An omission or a failure to act may be the basis of criminal liability if the defendant has failed “to perform a duty imposed by law,” Penal Law Sections 15.00(3) and 15.10. The Court of Appeals has held that the state imposes a duty of care for persons in custody, *Sanchez v State of New York*, 99 NY2d 247, 250 (2002).

Under Section 70-b, OSI’s authority to prosecute and to issue Investigation Reports is limited to incidents in which a police officer or a peace officer as defined, including a corrections officer, has caused a death. If no defined officer has caused a death, OSI does not have legal authority to prosecute. The medical personnel in the jails and prisons are not defined officers under Section 70-b. When OSI conducts a preliminary assessment of a death in a jail or prison and finds insufficient evidence to conclude that the death was caused by a corrections officer, that finding is based solely on the principles of New York’s criminal law and Section 70-b, and is not necessarily a conclusion that the conduct of the involved officer was proper or that the conditions in a jail were in compliance with legal standards.

### ***NYC DOC Assessments Completed by OSI in the Last 12 Months***

Summarized below are the assessments OSI has completed since the last Annual Report concerning deaths of persons in NYC DOC custody. See OSI’s [data tables](#) for the status, as of August 31, 2025, of all NYC DOC notifications OSI has received since April 1, 2021, the effective date of Section 70-b. See Section 4, above, for a summary of one Investigation Report OSI published since the last Annual Report concerning the death of a person in NYC DOC custody, Jose Mejia Martinez, in which there remained a question whether the death was caused by a corrections officer.

#### **George Pagan, March 17, 2022, Eric M. Taylor Center (EMTC)**

Mr. Pagan was in a facility on Rikers Island from March 9 to March 16, 2022, when he was taken to Elmhurst Hospital. His Rikers Island housing in EMTC was in open areas with beds in rows in a dormitory style arrangement, not in a cell. In his initial medical screening on Rikers Island, records noted that Mr. Pagan had a history of, among other things, lymphoma, kidney injury, lung cancer, respiratory failure, and drug and alcohol abuse. The medical staff prescribed various medications for his conditions, including for drug and alcohol withdrawal, but records indicated he did not receive medication on March 12 or 15, or on the day he went to the hospital, March 16. Mr. Pagan visited the medical clinic on March 13 and 14, but

appeared to be unwell most of the time he was on Rikers Island, mostly lying in bed day and night. Video showed that Mr. Pagan did not eat on March 15 or 16, but did drink some water on March 15.

On March 16 at 10:42 am video showed that Mr. Pagan moved from his bed to the floor, where he lay the rest of the day. Other incarcerated people seemed to become concerned about his condition around 5:00 pm and corrections officers called a medical emergency at 5:25 pm. Interviews with incarcerated people indicated that Mr. Pagan had lost control of his bowels at some point during that day. Medical staff responded at 6:14 pm, and Mr. Pagan was taken to the facility's clinic. EMS arrived at the clinic at 7:18 pm and soon thereafter took Mr. Pagan to the hospital, where he died the next morning.

The medical examiner determined the cause of death to be "sepsis complicating substance use and" another infection. The medical examiner told OSI that the symptoms of sepsis would likely have appeared similar to the symptoms of drug and alcohol withdrawal, for which Mr. Pagan had been given medication.

OSI's review of video and medical records and interviews of incarcerated people did not provide clear evidence of neglect by corrections officers. Therefore, OSI did not find reason to believe that a corrections officer caused Mr. Pagan's death by an act or omission.

Mr. Pagan was Hispanic; he was 48 years old when he died.

#### Joshua Valles, May 27, 2023, EMTc and Anna M. Kross Center (AMKC)

Mr. Valles arrived at Elmhurst Hospital from Rikers Island on May 19, 2023. He was deemed brain dead a few days later, and NYC DOC asked a court for an order releasing him from custody, which was granted on May 24. Mr. Valles was removed from life support and declared dead on May 27, 2023. NYC DOC failed to inform OSI or the federal monitor of Mr. Valles's death until May 31, 2023. Then, when the autopsy showed that Mr. Valles had a fractured skull, the monitor sent a letter about Mr. Valles's death to the judge presiding over the federal litigation, which in turn generated substantial media attention.

Despite the suspicions justifiably raised by NYC DOC's actions, OSI did not find reason to believe that an officer caused the death and, in particular, did not find reason to believe that the skull fracture was caused by an officer, or that an officer neglected to provide care to Mr. Valles in a manner that contributed to his death. Based on the opinion of the medical examiner, Mr. Valles died from a seizure, and the skull fracture occurred when his brain swelled against the skull, post-seizure.

Among other investigative steps, OSI looked at prior incidents that might have caused Mr. Valles's skull fracture. According to an NYPD report, Mr. Valles suffered a head injury on February 11, 2023, when he fell down the stairs of subway station in Harlem. He told officers he had been assaulted, but no arrests were made. Hospital records showed that doctors

treated a head laceration, but a CT scan and x-rays showed no skull fracture. This incident was prior to the arrest that led to Mr. Valles's incarceration, which occurred on April 7, 2023, when officers arrested Mr. Valles for burglary in Manhattan. Video of the arrest showed that officers took Mr. Valles to the ground, but his head did not appear to hit the ground and he appeared uninjured. On April 19, 2023, in EMTC, Mr. Valles and another inmate were in a physical fight, and video showed that the other inmate punched Mr. Valles in the face before they were separated, but Mr. Valles did not appear injured and did not seek medical attention.

The incident that led to Mr. Valles's hospitalization began on May 19, 2023, at 1:50 pm, when he complained that he was nauseous, dizzy, and had a headache. Video showed that Mr. Valles walked with staff to a facility clinic. Shortly thereafter EMTs took him by ambulance to Elmhurst Hospital. Medical records showed that the EMTs saw Mr. Valles have a seizure in the ambulance and that he arrived at the hospital conscious but drowsy; in the hospital his oxygen dropped, he was intubated, and he became unresponsive. Testing showed anoxic brain injury, and further testing showed limited brain activity. On May 27, 2023, doctors removed Mr. Valles from life support, and he died.

The Medical Examiner concluded that the cause of death was "seizure disorder, etiology unknown (non-traumatic)." A contributing cause of death was "hypertensive cardiovascular disease." OSI spoke with the medical examiner who said, based on medical records and conversations with Mr. Valles's family, that Mr. Valles had a seizure disorder. The medical examiner said the skull fracture was a diastatic fracture, meaning a break along the suture lines between the bones of the skull; suture lines fuse and harden as a person ages. The medical examiner said that when Mr. Valles suffered brain death, his brain swelled, causing the skull to fracture along the suture line; he concluded that the fracture was not caused by an assault or trauma.

Mr. Valles was Hispanic; he was 31 years old when he died.

#### Felix Taveras, July 4, 2023, AMKC

Based on video, medical records, and written reports, late in the evening of July 3, 2023, corrections officers saw that Mr. Taveras, who was lying in bed, seemed to be in medical distress and called a medical emergency. Medical staff told the officers that no one was available to come to Mr. Taveras's bed and that he would have to walk to the clinic. Corrections officers and incarcerated people helped Mr. Taveras walk to the clinic, where he became unresponsive. Mr. Taveras was taken to a nearby hospital and was declared dead in the early hours of the following day.

The Medical Examiner determined Mr. Taveras's cause of death to be atherosclerotic cardiovascular disease. Medical records from the health service at Rikers Island showed that Mr. Taveras was seen by medical staff on March 29, April 4, April 19, May 23, and June 28, 2023, for routine screenings and physical examinations; no serious issues were noted.

OSI did not find reason to believe that a corrections officer had caused Mr. Taveras's death.

Mr. Taveras was Hispanic; he was 40 years old when he died.

Curtis Davis, July 23, 2023, GRVC

Shortly after 5:00 am on July 23, 2023, a corrections officer found Mr. Davis hanging in his cell. The officer called a medical emergency, but Mr. Davis already showed signs of rigor and attempts to revive him failed. He was declared dead at the scene. Although, based on video, there was no evidence that an officer conducted rounds between 1:40 a.m. and 5:03 am, the evidence did not support a conclusion that the failure to conduct rounds caused the death by omission, as the medical examiner told OSI that brain death likely occurred within a few minutes of when the hanging began. Therefore, OSI did not find reason to believe that a corrections officer had caused the death.

NYC DOC suspended the assistant deputy warden for 14 days for failure to conduct a proper tour, and suspended two corrections officers for 30 days and 15 days for failing to efficiently perform their duties.

Mr. Davis was Black; he was 44 years old when he died.

Chima Williams, January 4, 2024, EMTC

On January 4, 2024, Mr. Williams collapsed and died while playing basketball in the EMTC gym. Medical staff aided Mr. Williams by attempting cardiopulmonary resuscitation, giving him seven doses of Narcan, applying the AED machine, which advised no shock, intubating him, and giving him intravenous fluids. On January 5, 2024, Medical Examiner Victor Sanchez performed the autopsy of Mr. Williams and determined that the cause of death was arteriosclerotic cardiovascular disease, and that the manner of death was natural. OSI did not find reason to believe that a corrections officer caused Mr. Williams's death.

Mr. Williams was Black; he was 43 years old when he died.

Manuel Luna, January 19, 2024, GRVC

On January 19, 2024, at 8:47 pm, while delivering an item to Mr. Luna, correction officers found him unresponsive in his cell and called a medical emergency. Medical aid included chest compressions, four doses of Narcan, five doses of epinephrine, and defibrillation. Mr. Luna was pronounced dead at the facility. OSI reviewed video, which showed that rounds had been conducted every 30 minutes, with the last round conducted at 8:30 p.m. The Medical Examiner determined the cause of death to be a drug overdose: "acute intoxication due to the combined effects of Methadone, Diphenhydramine (antihistamine used to relieve symptoms of allergy) and Sertraline (antidepressant medication)." OSI did not find reason to believe that a corrections officer caused Mr. Luna's death.

Mr. Luna was Hispanic; he was 30 years old when he died.

#### Roy Savage, March 22, 2024, Bellevue Hospital Prison Ward

Mr. Savage was in the custody NYC DOC of at the time of his death in the Bellevue Hospital Prison Ward (BHPW). Before that, he was incarcerated in the Mohawk Correctional Facility, in the custody of the New York State Department of Corrections and Community Supervision (DOCCS), where he was serving a sentence of 25 years to life after a conviction for murder. On October 26, 2023, the Appellate Division reversed his conviction and ordered a new trial, at which time he was remanded to the custody of NYC DOC. At the time of the reversal, Mr. Savage, though in DOCCS custody, was hospitalized at SUNY Upstate Medical University Hospital with stage four cancer. On November 30, 2023, after he was cleared for transport, he was taken directly from the upstate hospital to BHPW. On March 24, 2024, while still at BHPW, Mr. Savage died due to complications of cancer.

OSI did not find reason to believe that a corrections officer caused Mr. Savage's death.

Mr. Savage was Black; he was 51 years old when he died.

#### Ramell Powell, February 19, 2025, Otis Bantum Correctional Facility (OBCF)

At the time of his death Mr. Powell was housed in OBCF Building 5 North A, cell number 5. On February 19, 2025, at 1:42 am, corrections officers conducting a round discovered Mr. Powell in his bed unresponsive and called a medical emergency. Officers and responding medical personnel rendered aid, but efforts failed, and Mr. Powell was declared dead. The medical examiner determined that Mr. Powell died of an overdose of a synthetic cannabinoid. Surveillance video reviewed by OSI showed that the evening prior to his death, at 7:29 pm, Mr. Powell walked into cell 2 with another person, Raymond Garcia. As shown on video, at 7:35 pm, Mr. Garcia came out of cell 2 carrying Mr. Powell, who was unconscious, with his head hanging down and his body limp. Mr. Garcia carried Mr. Powell down the hall into cell 5, and Mr. Garcia left cell 5 alone and walked back to cell 2. Mr. Powell was not seen alive on video after that time. Video showed that at the times Mr. Powell entered cell 2 and was carried out of cell 2 and down the hall by Mr. Garcia, a corrections officer stood in the dayroom with a clear line of sight to cell 2 and the hallway in the direction of cell 5 and appeared to watch the events unfold. The officer did not intervene or call for medical assistance for Mr. Powell, and there is no evidence that he alerted another officer to the events that unfolded before him. OSI's review of surveillance video from the six hours prior to the discovery of Mr. Powell unresponsive revealed that, though officers did walk through the housing unit around the times they noted in the logbook, they did not conduct meaningful rounds and look for signs of life in Mr. Powell's cell 5.

NYC DOC terminated the employment of the corrections officer who stood in the dayroom and did not intervene or call for help for Mr. Powell.

Despite the corrections officer's failure to intervene and the inadequacy of the rounds conducted, the medical examiner told OSI that there is no reversal agent for the synthetic



cannabinoid that caused Mr. Powell's death; even if Mr. Powell had quickly received intervention following his use of the drug, the doctor told OSI she could not say Mr. Powell would have been likely to make a meaningful recovery. Based on these facts, OSI did not find reason to believe that an officer caused the death of Mr. Powell.

As mentioned in the introduction to this Section, when OSI conducts a preliminary assessment of a death at Rikers Island and finds insufficient evidence to conclude that the death was caused by a corrections officer, that finding is based solely on the principles of New York's criminal law and Section 70-b, and is not necessarily a conclusion that the conduct of the involved officer was proper or that the conditions in a jail were in compliance with legal standards.

Mr. Powell was Black; he was 38 years old when he died.

#### Dashawn Jenkins, March 31, 2025, GRVC

At the time of his death Mr. Jenkins was housed in GRVC unit 9A, cell 37. On March 31, 2025, at 9:18 pm, corrections officers arrived at cell 37 while conducting a tour and saw Mr. Jenkins seated on his bed with his head tilted to the side. Mr. Jenkins coughed and spit up, but did not respond when the officers called to him and asked if he was okay. The officers called a medical emergency and officers and responding medical personnel rendered aid, but efforts failed, and Mr. Jenkins was declared dead. The medical examiner determined that Mr. Jenkins died of an overdose of a synthetic cannabinoid.

OSI's review of surveillance video showed that Mr. Jenkins was last seen alive on video at 8:33 pm entering his cell, and that throughout the following 22 minutes other people in custody congregated outside cell 37 and went in and out of cell 37. During this period, video showed that a corrections officer was seated at the floor post desk; she had a direct view of cell 37 on the top tier, but did not take action with regard to the people coming and going or check on Mr. Jenkins. As shown on video, during the 9:00 pm tour the corrections officer failed to walk through the upper tier and did not look into Mr. Jenkins's cell.

NYC DOC later terminated the officer's employment.

The medical examiner told OSI that there was no reversal agent for the synthetic cannabinoid that caused Mr. Jenkins's death, and that, even if Mr. Jenkins had received intervention immediately following his use of the drug, it is not clear efforts would likely have been successful in saving his life. Therefore, OSI did not find reason to believe that an officer caused the death of Mr. Jenkins.

As mentioned in the introduction to this Section, when OSI conducts a preliminary assessment of a death at Rikers Island and finds insufficient evidence to conclude that the death was caused by a corrections officer, that finding is based solely on the principles of New York's criminal law and Section 70-b, and is not necessarily a conclusion that the conduct of the

involved officer was proper or that the conditions in a jail were in compliance with legal standards.

Mr. Jenkins was Black; he was 27 years old when he died.

## 6. RECOMMENDATIONS

Section 70-b directs OSI to include in the Annual Report recommendations for systemic or other reforms indicated by OSI's investigations. OSI has made a series of recommendations in its prior Annual Reports and continues to advocate for them. Set forth below is a summary and an update of OSI's recommendations.

### Video

#### *Video in the Jails and Prisons*

In a significant development, OSI's longstanding recommendation that the state require comprehensive video surveillance in the jails and prisons has been taken up by the Legislature, in two actions.

The Omnibus Corrections Bill, Senate 8415 and Assembly 8871, passed by the Senate and Assembly but not yet signed by the Governor, would require:

- That all correctional facilities in the DOCCS system install fixed video with comprehensive visual and audio coverage,
- That DOCCS preserve all resulting recordings for a minimum of one year, or for a minimum of five years if there is an allegation of staff misconduct or if a recording is relevant to any complaint, investigation, or legal proceeding, and
- That all jails and prisons in the state disclose to OSI, within 72 hours and without redactions, any video footage OSI deems related to the death of an incarcerated person.

See the Legislative Findings and Parts A and B of the Bill [here](#).

OSI encourages the Governor to sign this bill.

In addition, the Legislature and the Governor included provisions in the state budget, which are now the law, requiring that DOCCS equip all corrections officers with body-worn cameras, that corrections officers wear those cameras in a powered-on mode at all times while on duty, and that corrections officers manually activate those cameras during any of 15 defined activities, including, with limited exceptions, "during any interaction with an incarcerated individual or visitor in any location."

See Part GG of the budget, Senate and Assembly 3005-C, [here](#).

### *Body-Worn Cameras and Dashboard Cameras for Police Officers*

Unfortunately, the Legislature has not taken action to require that police departments equip their officers with and require them to use body-worn cameras and dashboard cameras. OSI continues to urge the Legislature to pass such a bill, and to include in it funding for any police agency that would not otherwise be able to afford the implementation of a body-worn camera and dashboard camera program. In OSI's view, legislation requiring the use of video would effectively respond to the public's concerns about policing. Video enhances transparency, and transparency enhances trust. When policing is good, video will show that. When policing is not good, video will be the key to a meaningful response, including more reliable investigations and, as appropriate, improvements in policies and training, well-founded disciplinary decisions, and, in the most serious cases, criminal charges.

Please see these links for OSI's video recommendations in previous Annual Reports: [2021](#), [2022](#), [2023](#), [2024](#).

### People in Crisis

#### *Training and Other Programs for Responding to People in Crisis*

As with video, the state has taken two actions relating to OSI's longstanding recommendations for situations involving people in crisis.

First, the Legislature recently added Subdivision 8 to Section 840 of New York's Executive Law ([here](#)), requiring the state's Municipal Police Training Council, in consultation with the state's Office of Mental Health, to develop, maintain, and disseminate written policies and procedures regarding the handling of situations involving individuals who appear to be mentally ill and are conducting themselves in a manner which is likely to result in serious harm to the person or others. The statute says training and education "shall focus on appropriate recognition and response techniques for handling emergency situations involving individuals with mental illness," including, but not limited to, how to de-escalate the situation "while minimizing the use of force and identifying alternatives to the criminal justice system."

Second, the December 19, 2024 report by the Daniel's Law Task Force ([here](#)) recommends that New York "establish a defined response protocol for a behavioral health crisis." The Task Force provided specific criteria for such a program, including that "a call regarding mental health...should receive a behavioral health response." The Task Force said behavioral response teams should be comprised of mental health professionals and mental health workers and/or an EMS team with mental health workers, with law enforcement only being deployed when there is a "threat of violence."

With the caution that members of OSI are not mental health clinicians, and emphasizing that better training would not necessarily have changed the outcome in any particular case, we highlight here, as we have done in prior Annual Reports, the cases summarized in this Annual Report (above, Section 4) that seemed to involve people in crisis: Mark Beilby, Anthony Troy James, Brandon Zurkan, Nathan Wood, Alan Weber, David Clements, Taiquell Woodson, Pedro Felix, Allan Hoad, and Donnell Hogan. Our full Investigation Reports in the Beilby and Weber cases have detailed recommendations for better training based on the specific circumstances of those cases.

OSI continues to recommend that the state provide funding for any agency that cannot otherwise pay for the improved level of training now required by Executive Law 840(8) and continues to recommend that police departments improve training not only in de-escalation but in basic tactical responses when dealing with a person in crisis, including better training in the use of discretion before deciding to go “hands on” with a person in crisis.

Please see these links for OSI’s recommendations concerning people in crisis in previous Annual Reports: [2021](#), [2022](#), [2024](#).

### *Excited Delirium*

There is a prior recommendation in this area that OSI now modifies.

In 2020, Daniel Prude died after an encounter with members of the Rochester Police Department. The death occurred prior to the effective date of Section 70-b and was investigated by OSI’s predecessor unit under EO 147. The Investigation Report (Report: [Prude](#)) recommended that police departments, when encountering people exhibiting the outward symptoms of what at the time was recognized as “excited delirium,” defer physically restraining the person if possible until the arrival of EMS, and then, if necessary, employ the minimum feasible physical restraint before handing off care to EMS (Report, page 38).

Since the issuance of the report on the death of Mr. Prude, Physicians for Human Rights (PHR) published a report debunking “excited delirium” as a medical diagnosis (March 2, 2022), and the National Association of Medical Examiners (NAME) issued a Statement declaring that “excited delirium” and “excited delirium syndrome” as a cause of death are “not endorsed by NAME” (March 2023). (PHR: [here](#); NAME: [here](#).) As a result, and recognizing that the members of OSI are not doctors or scientists, OSI no longer relies on “excited delirium” or any of its equivalents as a cause of death. When OSI, in the course of a death investigation, receives an autopsy report in which “excited delirium” or some equivalent term is used by the medical examiner as a cause of death, OSI obtains a second opinion on cause of death from an independent pathologist. An example of this was OSI’s investigation of the death of Osiris Mercado (Report: [Mercado](#)). OSI currently has a number of deaths under investigation or assessment for which it is engaging independent pathologists for this reason.

Therefore, OSI modifies the recommendation in the Prude Investigation Report to continue to recommend that police officers minimize the employment of physical restraint when possible, but no longer ties that recommendation to the discredited diagnosis of “excited delirium.” Minimizing restraint when possible is likely to reduce the incidence of adverse consequences no matter what the underlying cause of a citizen’s distress might be.

#### Suicide and Overdose Prevention in Jails and Prisons

OSI continues to recommend that the state’s jails and prisons take certain common-sense steps to prevent deaths from suicides and drug overdoses.

Please see these links for OSI’s recommendations concerning suicide and overdose prevention in jails and prisons in previous Annual Reports: [2022](#), [2024](#). Our updated data analysis continues to support adoption of these steps, including the need to control contraband.

Based on the data set forth in Section 7 below, the rate of death from suicides in the state’s jails and prisons in the 12 months ending August 31, 2025, of just under 60 per 100,000, remains significantly higher than the last full-year suicide rate reported by the CDC for the male population of the United States, of 22.7 per 100,000 in 2023. (Combined New York jail and prison population of 51,811 as of September 1, 2025, based on DOCCS Fact Sheet from [this](#), and DCJS Jail Census from [this](#); CDC data from [this](#).)

Similarly, the rate of death from drug overdoses in the state’s jails and prisons, of just under 52 per 100,000, remains higher than the last full-year overdose death rate reported by the CDC for the male population of the United States, of 44.3 per 100,000 in 2023. (CDC data from [this](#).)

#### Portable Breath Tests for Officers Involved in Collisions

OSI continues to recommend that police officers be held to the same standards as civilians following a serious motor vehicle collision, and be breath-tested in every such instance as quickly as possible. OSI’s experience in the last 12 months confirms the continued need for this recommendation, as shown in the cases of Teresa Gucciardo, Zabina Gafoor, AS, a Minor, Steven Zalewski, Qian Adams, Tanja Foster, and Morgan Salomone, all of which are summarized above in Section 4.

Please see these links for OSI’s recommendations concerning portable breath tests for officers in previous Annual Reports: [2023](#), [2024](#).

## Pursuits

OSI investigates and assesses many cases involving police vehicle pursuits: please see our detailed data on attempted car stops in Section 7, below. The Attorney General issued a report on June 24, 2025, concerning police pursuits in which she recommended:

- That the state enact a law to increase transparency:
  - o New York law enforcement agencies should be required to track and publish a standardized set of data about traffic pursuits and high-speed chases. This should be facilitated by a centralized agency such as the Division of Criminal Justice Services (DCJS).
- That police departments ban high-speed police pursuits, with very narrow exceptions:
  - o High-speed chases can be deadly. Chases may be necessary when a serious or violent felony has been or will be committed, and when the driver's conduct poses an imminent threat of death. But, in large part, ordinary speeding or minor traffic infractions should not lead to a high-speed, dangerous chase.

See the Attorney General's report, [here](#).

Law enforcement agencies are moving in this direction. For example, in a significant change, NYPD issued new rules on pursuits, effective February 1, 2025, including these provisions:

- Officers may initiate a vehicle pursuit only for the most serious and violent crimes (felonies and violent misdemeanors). Pursuits are not allowed for traffic infractions, violations, or non-violent misdemeanors.
- Before deciding to initiate a pursuit, officers must take into account whether the pursuit would be in a residential community or near a school or playground.
- Supervisors must actively monitor and manage pursuits, including monitoring speed and requesting specialized units to assist if needed.
- Officers will not be criticized or disciplined if they terminate a pursuit because they do not believe it can be continued safely.

See NYPD's announcement, [here](#).

OSI urges the state's other urban police departments to follow NYPD's lead.

## **7. OSI'S DATA**

Section 70-b requires that, for each matter investigated, OSI's Annual Report state the county where the incident occurred and racial, ethnic, age, gender, and other demographic

information for persons involved. This section links to OSI's comprehensive data tables and discusses selected data from the 12 months since OSI's last Annual Report.

#### Notifications to OSI, Current Year and Prior Years

The [data tables](#) on OSI's website list every incident of which OSI has been notified (and for which OSI initiated a matter, even when not notified) from April 1, 2021, the effective date of Section 70-b, through August 31, 2025, the end of OSI's most recent data year. The data include the date of the incident, the name and demographic information of the person who died, the county in which the incident occurred, the police or corrections agency involved, and the status of the matter. If the status of a matter is "closed," the tables say whether it was closed because: there was no death; there was no defined officer; OSI did not find that an officer caused the death; OSI issued an Investigation Report; or OSI obtained an indictment or otherwise brought criminal charges. If the status of a matter is "open," the tables say whether the matter is "pending preliminary assessment" (meaning causation is not yet clear), or "pending investigation" (meaning it is clear that an officer caused the death, but OSI has not yet determined whether to present evidence to a grand jury).

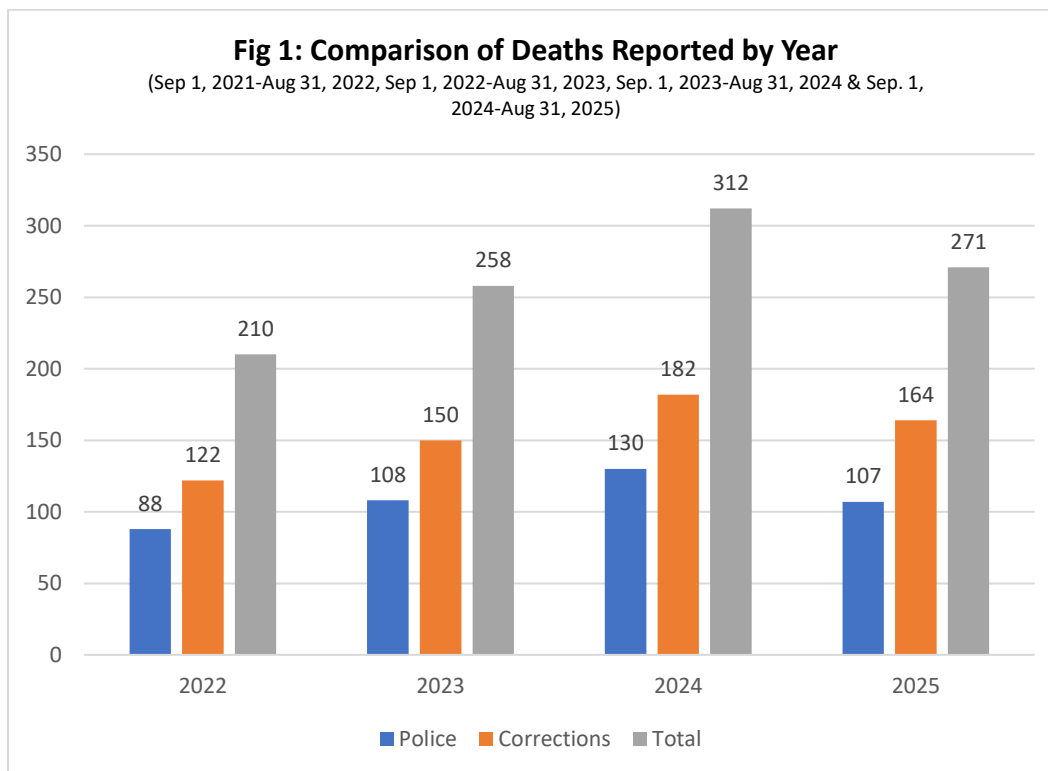
The numbers in the data tables and in the text of this section reflect the status of matters as of August 31, 2025. Some Investigation Reports summarized above in Section 4 were issued after August 31, and therefore the closed status of those cases is not reflected in this section's data or in the data tables. Also, please note that some numbers from past data years have been adjusted to correct errors or to reflect incidents we have re-categorized and will therefore be different from the corresponding numbers in prior Annual Reports.

In the 12-month period ended August 31, 2025 (the 2025 data year), agencies around the state notified OSI of (or OSI otherwise opened a matter on) 296 incidents potentially coming within Section 70-b, a decrease of 44 (13%) from the 340 incidents reported to OSI in the prior 12-month period (the 2024 data year). Although the one-year change was a decrease, the number of reported incidents in the 2025 data year was higher than the 234 incidents reported to OSI the 2022 data year (OSI's first full 12-month data period) and the 280 incidents reported to OSI in the 2023 data year.

OSI has not yet closed its investigations or assessments in 3 incidents from the 2022 data year, 5 incidents from the 2023 data year, 50 incidents from the 2024 data year, and 168 incidents from the 2025 data year. Since inception, on April 1, 2021, through August 31, 2025, OSI has been notified of 1150 matters and has closed 924 matters. (The number of matters since inception is higher than the sum of the numbers in the 2022, 2023, 2024, and 2025 data years because it includes matters from OSI's initial five-month data period, April 1 through August 31, 2021.)

Of the 296 reported incidents in the 2025 data year, 23 did not result in a death and two did not involve a defined officer, leaving 271 *net incidents*. All data discussed from this point on will be based on *net incidents*.

Of the 271 net incidents in the 2025 data year, 164 were incidents in jails and prisons and 107 were incidents involving police officers. See Figure 1 for a comparison of overall net incidents in OSI's four full data years. (In the chart below OSI counts an event as a single "incident" even if more than one death occurred.)

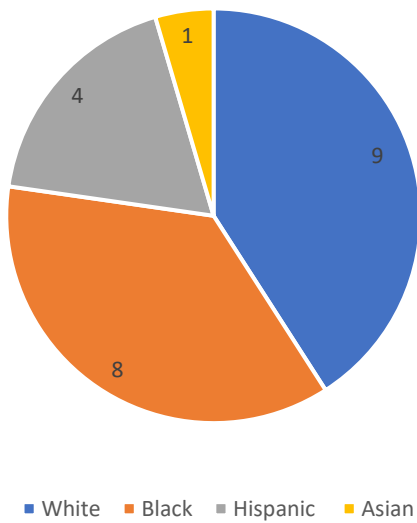




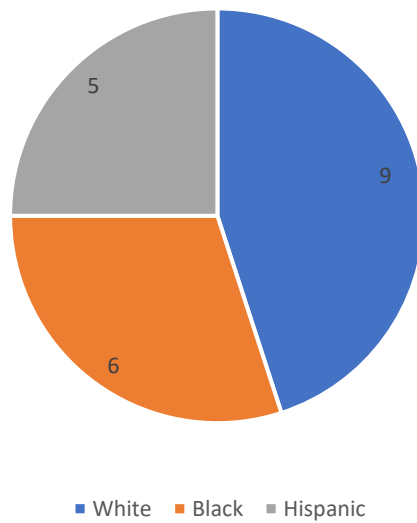
## Police Shootings

Of 107 net incidents involving police officers in the 2025 data year, 25 were shootings. This is lower than last year, when there were 31 shooting incidents, but higher than the 2022 data year (22 incidents) and the 2023 data year (20 incidents). See Figures 2a through 5 for comparisons of shootings in the current and prior data years, broken down by the gender, ethnicity, and age of the decedent, and whether the decedent was armed or unarmed.

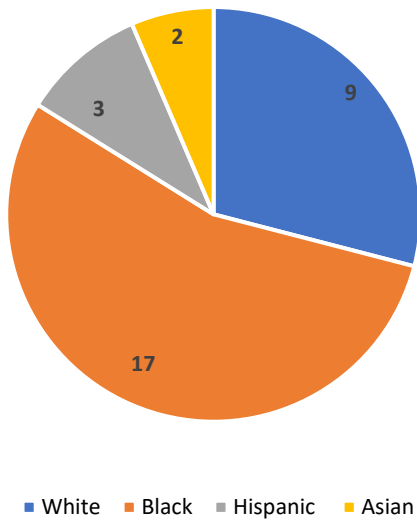
**Fig 2a: Shooting Deaths by Race**  
(22 incidents, Sep 1, 2021-Aug 31, 2022)



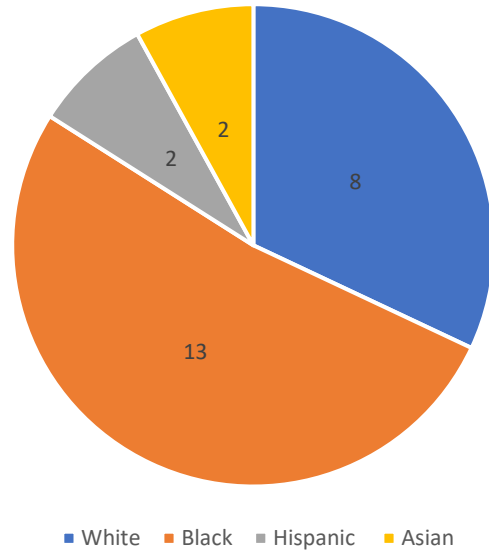
**Fig 2b: Shooting Deaths by Race**  
(20 incidents, Sep 1, 2022-Aug 31, 2023)



**Fig 2c: Shooting Deaths by Race**  
(31 incidents, Sep 1, 2023-Aug 31, 2024)

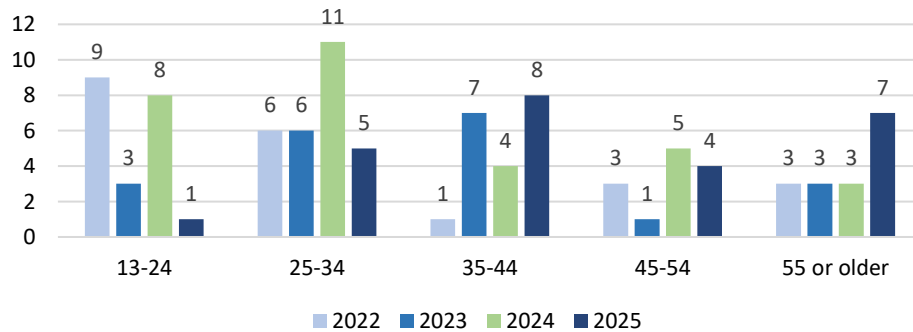


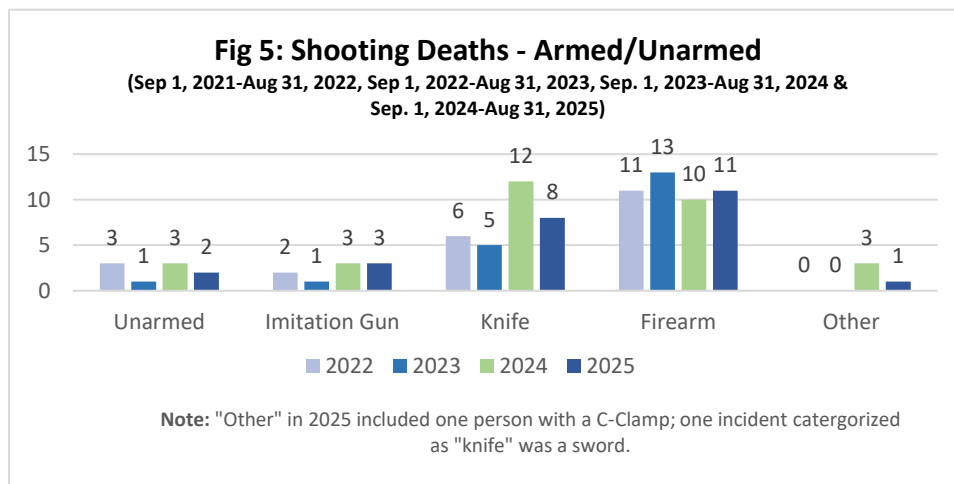
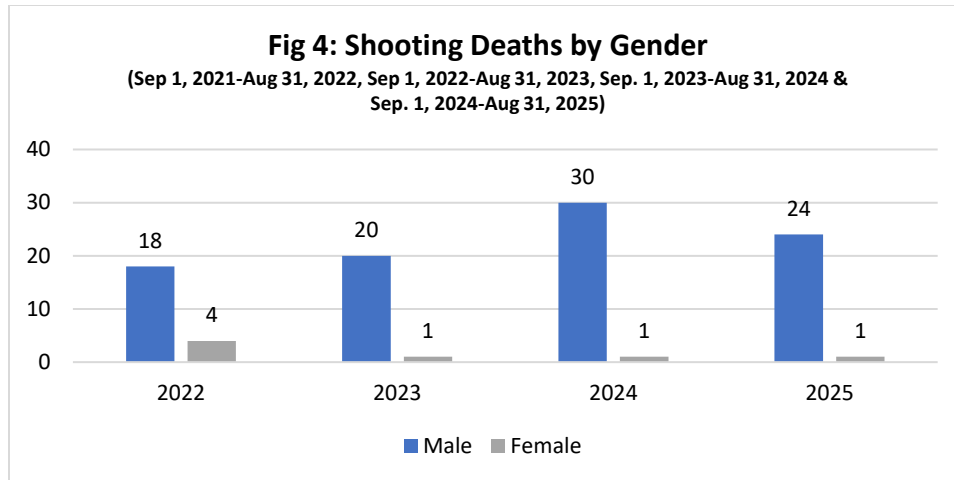
**Fig 2d: Shooting Deaths by Race**  
(25 incidents, Sep 1, 2024-Aug 31, 2025)



**Fig 3: Shooting Deaths by Age**

(Sep 1, 2021-Aug 31, 2022, Sep 1, 2022-Aug 31, 2023, Sep. 1, 2023-Aug 31, 2024 & Sep. 1, 2024-Aug 31, 2025)





## Motor Vehicle Incidents

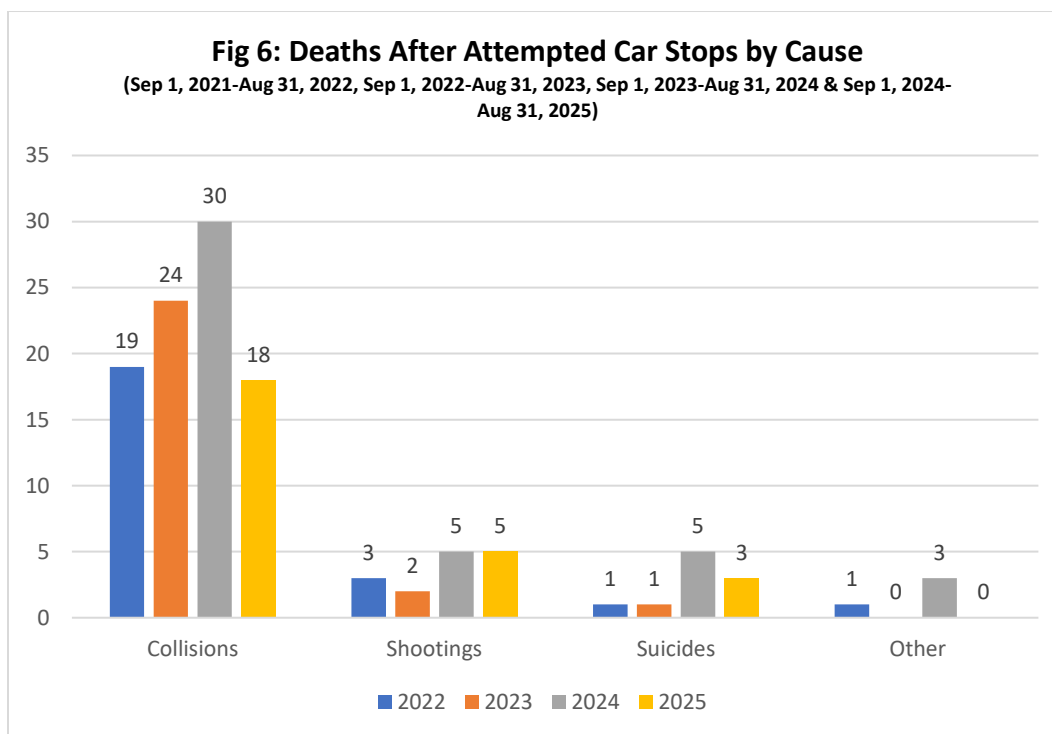
### *Incidents Following Attempted Car Stops*

Of the 107 net incidents involving police officers in the 2025 data year, 26 were related to attempted car stops, a significant decrease from 43 in the 2024 data year and more in line with the 24 incidents in the 2022 data year and the 27 incidents in the 2023 data year.

In 18 of the 26 incidents in the 2025 data year, the driver of the car the officer attempted to stop fled and caused a fatal collision – by killing themselves or another occupant of their car, or by killing an occupant of another car, or by killing a pedestrian. (When a civilian driver flees a traffic stop and causes a death, OSI usually “carves out” jurisdiction over them to the relevant District Attorney, under Paragraph 4 of Section 70-b. These incidents sometimes involve more than one death.) In five of the 26 incidents, the attempted car stop led to a shooting in which an officer killed an occupant of the car the officer attempted to stop. In three of the 26 incidents, an occupant of the car the officer attempted to stop committed

suicide. The five shooting deaths connected to attempted car stops in the 2025 data year are included in the data in the above subsection on police shootings and in the above Figures, 2a through 5; two of those cases resulted in an Investigation Report and a Notification of Investigative Findings, and three remain under investigation.

The data on deaths related to attempted car stops from the current and prior data years are shown in Figure 6 below:



#### *Incidents in which Officer-Drivers Caused Deaths*

In a category separate from attempted car stops are incidents in which officers, on duty or off duty, were driving and were *directly* involved in collisions that resulted in death. These collisions occurred in many different ways, and the fact of a fatal collision does not necessarily imply that the officer-driver committed a crime or was otherwise at fault.

In the 2025 data year there were seven incidents in which an officer-driver caused the death of another person; in the 2024 data year there were eight such incidents; in the 2023 data year there were 11 such incidents; and in the 2022 data year there were four such incidents, for a combined total of 30 such incidents in OSI's four full data years. Sixteen of the 30 incidents involved on-duty officers and 14 involved off-duty officers. OSI has brought criminal charges in three cases to date, all involving off-duty officers. Nineteen cases have resulted in Investigation Reports and eight remain under investigation.

In New York, under VTL 1104 and case law, as described above in Section 4 in the summaries of the Sofia Gomez and other matters, officer-drivers responding to emergencies may exceed speed limits and violate red lights, but remain responsible for their actions if they are reckless. In a number of Investigation Reports, OSI has recommended that New York require additional training of officer-drivers. New York's training requirements for officer-drivers are lower than those of other states, with only 21 hours of emergency vehicle operations training required for new officers and no mandated in-service training. In contrast, California requires 40 hours of training for new police officers and four hours of refresher training every two years. In 2024 a bill was introduced in the state Senate, which would have increased New York's requirements to a minimum of 40 hours of initial training and four hours of in-service training. The bill, however, did not pass. A similar bill was introduced in the Senate in 2025, but has not been voted on by the Assembly or the Senate. (See the 2025 bill [here](#).)

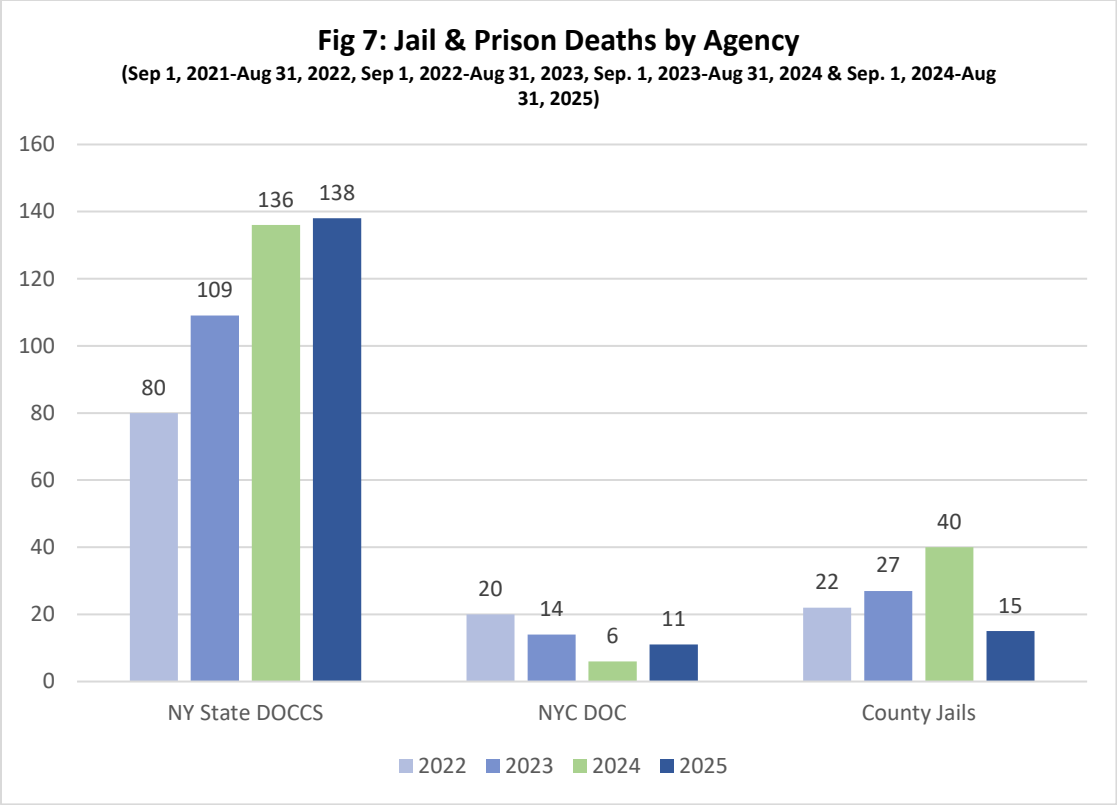
### Incidents in Jails and Prisons

Of the 164 deaths OSI investigated in the jails and prisons in the current data period

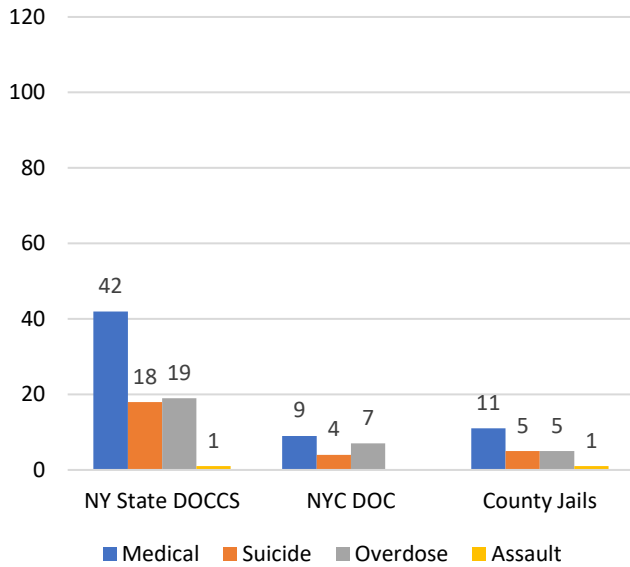
- 138 deaths were in facilities operated by the state Department of Corrections and Community Supervision (DOCCS), an increase of 2 over the prior year;
- 11 were in facilities operated by NYC DOC, an increase of 5 over the prior year; and
- 15 were in county jails, a decrease of 25 over the prior year.

See Figures 7 through 10 for comparisons of jail and prison cases for the current year and the prior years, broken down by the involved agency, and by ethnicity, gender, and cause of death. As Figure 7 shows:

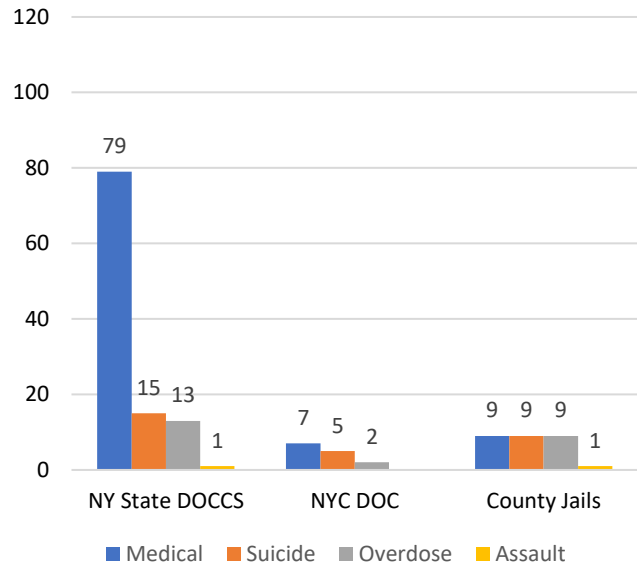
- Deaths in the DOCCS system have continued to occur at a substantially higher rate than in OSI's first full data year (there were 136 and 138 deaths last year and this year, compared with 80 deaths in the 2022 data year);
- Deaths in the county jails have markedly decreased since last year (from 40 to 15), and are even lower than the numbers in OSI's first two data years (22 and 27); and
- Deaths of people in the custody of NYC DOC have markedly increased since last year (from 6 to 11), but remain below those of OSI's first two data years (20 and 14).



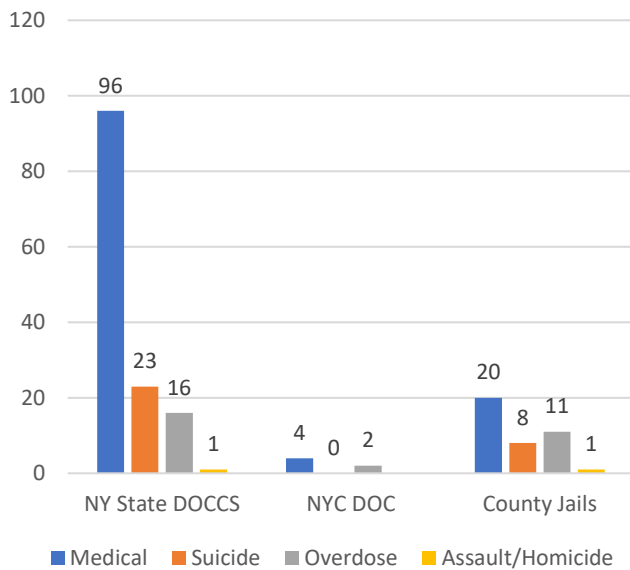
**Fig 8a: 2022 Jail & Prison Deaths by Cause  
(122 incidents, Sep 1, 2021-Aug 31, 2022)**



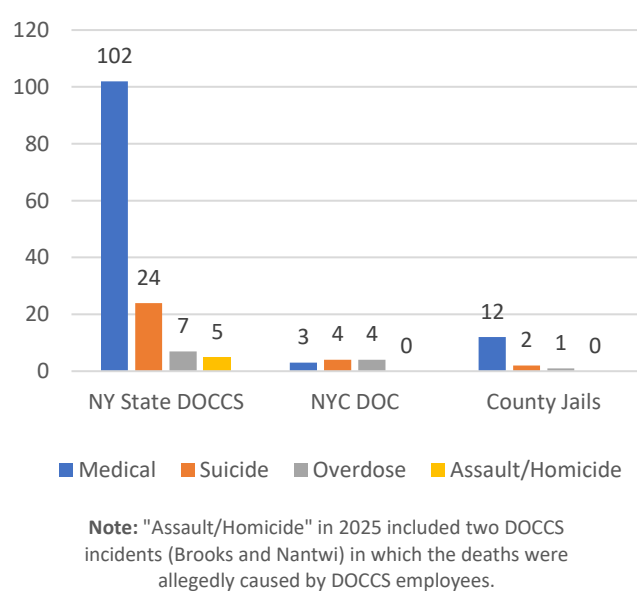
**Fig 8b: 2023 Jail & Prison Deaths by Cause  
(150 incidents, Sep 1, 2022-Aug 31, 2023)**



**Fig 8c: 2024 Jail & Prison Deaths by Cause  
(182 incidents, Sep 1, 2023-Aug 31, 2024)**

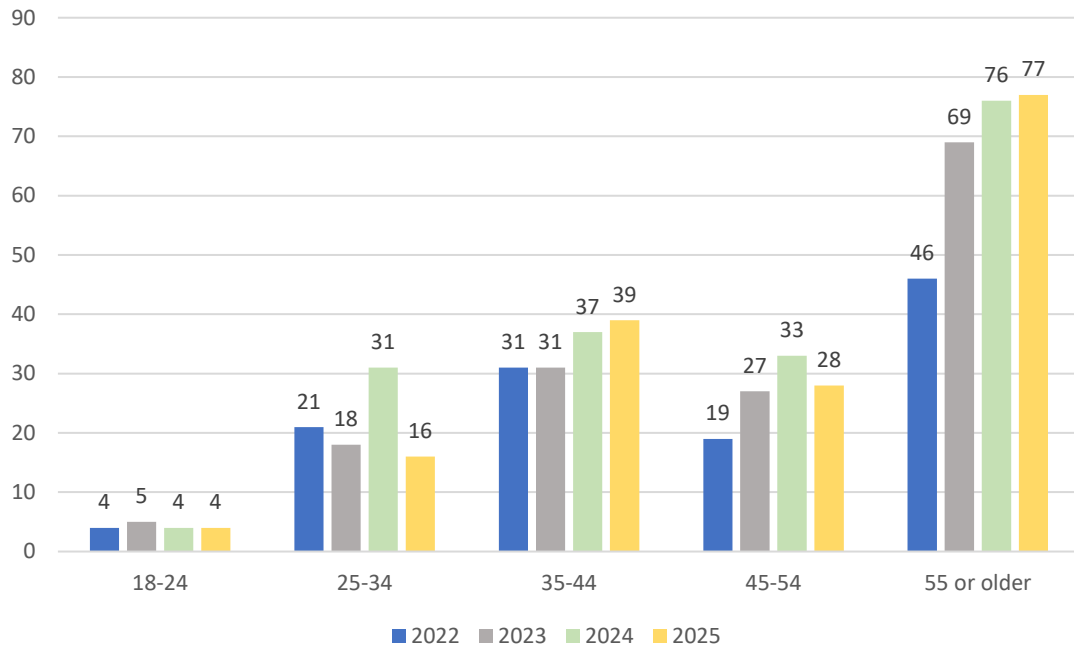


**Fig 8d: 2025 Jail & Prison Deaths by Cause  
(164 incidents, Sep 1, 2024-Aug 31, 2025)**

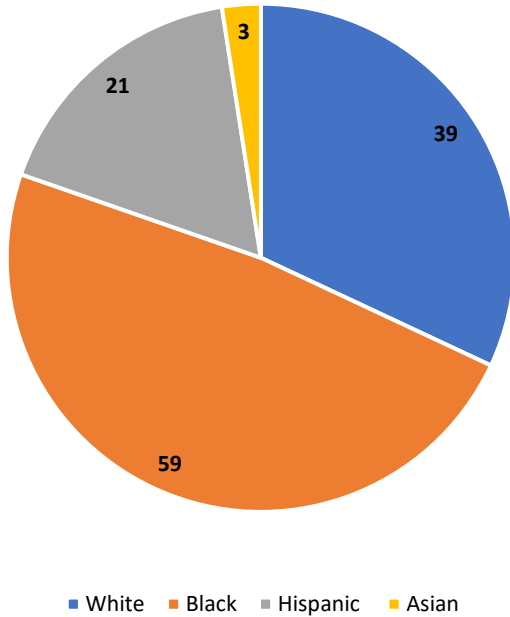




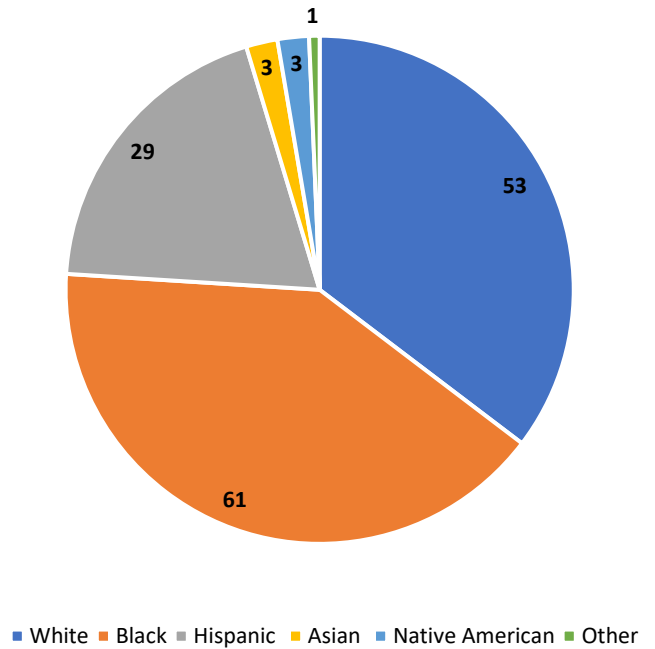
**Fig 9: Jail & Prison Deaths by Age**  
 (Sep 1, 2021-Aug 31, 2022, Sep 1, 2022-Aug 31, 2023, Sep. 1, 2023-Aug 31, 2024 & Sep. 1, 2024-Aug 31, 2025)



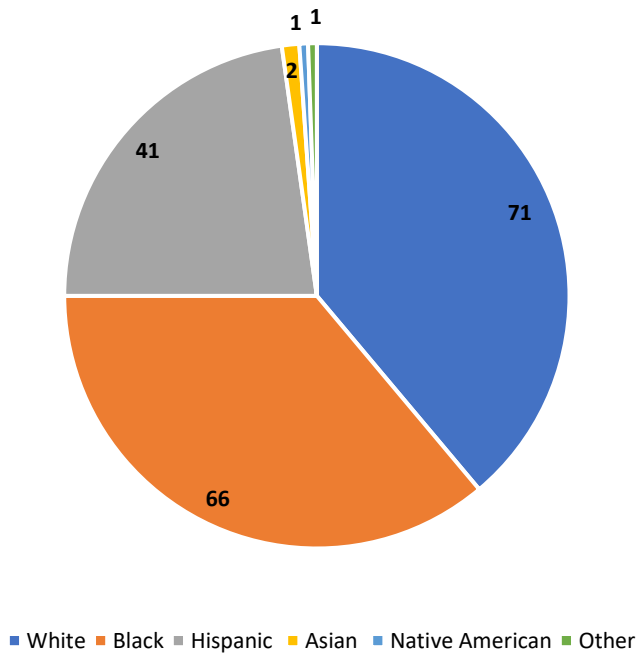
**Fig 10a: Jail & Prison Deaths by Race  
(122 incidents, Sep 1, 2021-Aug 31, 2022)**



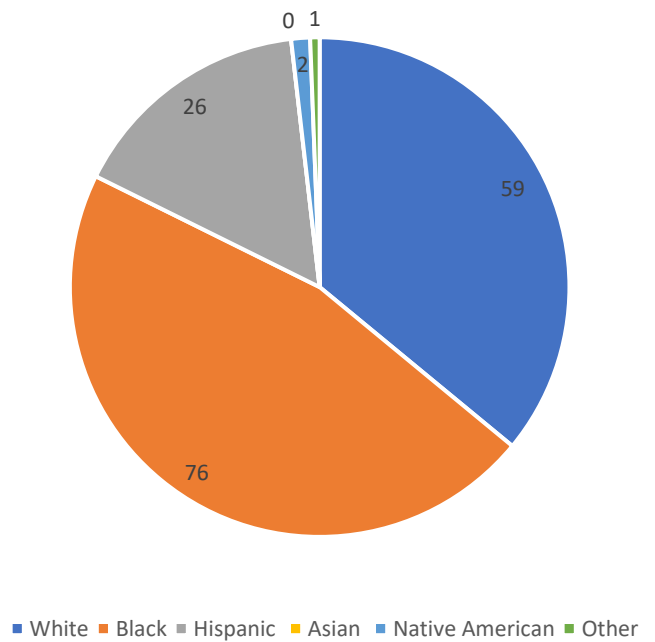
**Fig 10b: Jail & Prison Deaths by Race  
(150 incidents, Sep 1, 2022-Aug 31, 2023)**



**Fig 10c: 2024 Jail & Prison Deaths by Race  
(182 incidents, Sep 1, 2023-Aug 31, 2024)**



**Fig 10d: 2025 Jail & Prison Deaths by Race  
(164 incidents, Sep 1, 2024-Aug 31, 2025)**



## Deaths During the Strike by DOCCS Corrections Officers

Earlier this year, large numbers of DOCCS corrections officers walked off the job for 22 days, from February 17 to March 10, 2025, in an action that was not authorized by their union. (See for example these news items: [Item 1](#), [Item 2](#)). OSI has examined the deaths that occurred in DOCCS facilities during that period to see whether there was any discernable effect of the strike on the number or nature of the deaths.

Of note, Messiah Nantwi died during that period, on March 1, and corrections officers were charged with crimes for causing his death, as described above in Section 3. (Robert Brooks died in December of 2024, at a time when no strike was in progress, and corrections officers were charged with crimes for causing his death as well, as described above in Section 3.)

Overall, there were 11 deaths in DOCCS facilities during the strike period. In a comparison of the same 22-day period (February 17 to March 10) in the four years that OSI has been assessing and investigating deaths in DOCCS facilities, we found the following:

- February 17 to March 10, 2022: 7 total deaths; 4 medical, 3 suicides
- February 17 to March 10, 2023: 5 total deaths; 4 medical, 1 suicide
- February 17 to March 10, 2024: 13 total deaths; 9 medical, 2 overdoses, 2 suicides
- February 17 to March 10, 2025: 11 total deaths; 8 medical, 2 suicides, and 1 alleged homicide (the death of Mr. Nantwi)

Although the number of deaths was much higher in the 2025 period than in the comparable periods in 2022 and 2023, it was lower than in the comparable period in 2024. Therefore, it is not clear whether the strike had an effect on the number of deaths. As for the causes of the deaths, Mr. Nantwi's death obviously stands out. The causes of the other deaths do not appear unusual in relation to OSI's assessments of prison deaths overall.

OSI also examined whether the DOCCS strike had an effect on the NYC DOC death rate. The population of NYC DOC facilities increased 13% over the 12-month period, from 6431 in August of 2024 to 7293 in August of 2025 ([link](#)). City officials have blamed the increase on the DOCCS strike and related understaffing in DOCCS facilities, which, they say, has impeded the City's ability to send sentenced prisoners from the city system to the state system. (See, for example, these news items: [Item 1](#), [Item 2](#).) There were 11 deaths in NYC DOC facilities from January through August of 2025, which was more than double the death rate for all of calendar 2024, during which there were five deaths, suggesting that the increased population in the NYC DOC facilities could have been connected with an increased number of deaths. On the other hand, it is not clear that the increased population was connected to the DOCCS strike, as there was a fairly steady month to month increase over the entire 12-month period from August 2024 to August 2025, with no discernable spike in the population around the time of the strike. (See table, [here](#).)