



Office of the New York State Attorney General Letitia James

Office of Special Investigation

March 20, 2026

Report on the Investigation into the Death of Akintunde Campbell

OVERVIEW

New York Executive Law Section 70-b (Section 70-b) directs the Attorney General's Office of Special Investigation (OSI) to investigate and, if warranted, to prosecute offenses arising from any incident in which the death of a person is caused by a police officer. When OSI does not seek charges against the officer, Section 70-b requires OSI to issue a public report describing its investigation. This is the public report of OSI's investigation of the death of Akintunde Campbell, who was shot and killed on July 31, 2025, by Rochester Police Department (RPD) Officers Eric Herr and Musa Mohamed-Saeed. (Note: OSI's Notification of Investigative Findings in this case was published on October 31, 2025, and can be found at this link: [NOIF: Campbell](#))

At around 7:35 p.m. on July 31, 2025, Officers Herr and Mohamed-Saeed were dispatched to Ernestine Street in the City of Rochester following 911 calls reporting a man looking into and appearing to enter cars. When they arrived, Officers Herr and Mohamed-Saeed encountered a man matching the descriptions from the 911 calls standing in a driveway on Ernestine Street; they spoke briefly with Mr. Campbell, who said he was in the area waiting for a friend and then attempted to walk away from the officers. Officers Herr and Mohamed-Saeed spotted a bulge in Mr. Campbell's front hoodie pocket, which they believed to be a weapon, and attempted to detain Mr. Campbell. A struggle ensued, and Mr. Campbell was able to break away from the officers. Mr. Campbell again tried to walk away, keeping his hand in his pocket. Officers Herr and Mohamed-Saeed pointed their guns at Mr. Campbell and repeatedly asked him what was in his hand. Mr. Campbell then pulled a gun from his hoodie pocket and held it with both hands, facing the officers, with the gun pointed toward the ground. Officers Herr and Mohamed-Saeed ordered Mr. Campbell to drop the gun numerous times, but he did not comply. Officers Herr and Mohamed-Saeed discharged their service weapons, striking Mr. Campbell. Mr. Campbell was pronounced dead at the scene. The incident was captured by the body-worn cameras (BWCs) of both officers.

Mr. Campbell was 38 years old when he died.

Having thoroughly investigated the matter and analyzed the law, OSI concludes that a prosecutor would not be able to disprove beyond a reasonable doubt at trial that Officers Herr and Mohamed-Saeed were justified when they shot Mr. Campbell and, therefore, will not seek charges against them and closes the matter with this report.

FACTS

Based on the Monroe County 911 Center's audio recordings, on July 31, 2025, at 5:22 p.m., a caller to the Monroe County 911 Center (OSI does not publish the names of civilians) said that a Black man with an afro and red Nike jumpsuit walked onto the back deck of their home, on Ernestine Street, and peered into the cars in their driveway before leaving the property. Based on their interviews with OSI, as detailed more fully below, at 5:39 p.m., Officers Herr and

Mohamed-Saeed arrived at the caller's home and searched the area but were unable to locate the described individual. Officers Herr and Mohamed-Saeed left the area to respond to another call. At 7:18 p.m., the same 911 caller reported that the man was back on Ernestine Street and was now sitting on the hood of a car near their home. At 7:22 p.m., another caller to the Monroe County 911 Center reported that a Black man wearing all red clothing attempted to enter their car on Milton Street. Having completed their previous call, Officers Herr and Mohamed-Saeed responded to Milton Street and searched the area but were unable to locate the described individual.

Based on their interviews, at 7:35 p.m., Officers Herr and Mohamed-Saeed returned to Ernestine Street and saw a man, later identified as Akintunde Campbell, meeting the descriptions provided, in a driveway on Ernestine Street. Officer Herr approached Mr. Campbell and asked him where he lived and why was he at that location, and Mr. Campbell said he was waiting for someone. Officer Mohamed-Saeed asked Mr. Campbell the name of the person he was waiting for and Mr. Campbell said that he did not know and began to walk away from the officers; the officers followed him. Around this time, Officer Herr's and Officer Mohamed-Saeed's BWCs began capturing the encounter (both officers activated their BWCs around 7:37 p.m.; per BWC functionality, the 30 seconds prior to activation were also captured, but without audio).

The events captured by their BWCs are described below. (Times stated in this section are from the time stamps on the video footage. Officer Herr's and Mohamed-Saeed's BWC footage, redacted in accordance with OAG policy and shown first at regular speed and then at slower speed with Mr. Campbell's gun circled, can be found here: [Enhanced BWC](#)).

Summary of Officer Mohamed-Saeed's BWC Video

7:36:46 p.m.: Mr. Campbell walked away from Officer Mohamed-Saeed while looking back at him.

7:36:54 p.m.: Officer Mohamed-Saeed grabbed Mr. Campbell's arms, a short struggle occurred, and Officer Mohamed-Saeed fell to the ground.

7:37:07 p.m.: Officer Mohamed-Saeed got up and drew his handgun, pointing it at Mr. Campbell. Mr. Campbell continued to walk away while looking back at Officer Mohamed-Saeed.

7:37:13 p.m. (the sound was activated): Mr. Campbell walked backward away from Officers Mohamed-Saeed and Herr with his hands in the front pocket of his hoodie. The officers asked Mr. Campbell several times, "What's in your pocket? What's in your hands?" and Mr. Campbell said, "What do you mean what's in my hand?" Mr. Campbell's hands remained in the front pocket of his hoodie.

7:37:22 p.m.: Mr. Campbell took a gun out of the front pocket of his hoodie and continued to walk backward away from the officers. The officers yelled several times for Mr. Campbell to “drop the gun” and “put it down.” Mr. Campbell held the gun in both hands with its nozzle pointed down.

7:37:25 p.m.: Both officers fired shots at Mr. Campbell and Mr. Campbell fell to the ground.

7:37:34 p.m.: Officer Mohamed-Saeed radioed that shots had been fired and a man was down, and requested that EMS be started. The officers yelled to Mr. Campbell to put the gun down and approached Mr. Campbell; Officer Mohamed-Saeed picked up the gun lying near Mr. Campbell and moved it away from him.

Summary of Officer Herr’s BWC Video

7:36:40 p.m.: Officer Herr and Officer Mohamed-Saeed spoke with Mr. Campbell. Mr. Campbell began to walk away, and the officers followed him. Mr. Campbell looked back at the officers as he walked away.

7:36:54 p.m.: Officer Mohamed-Saeed grabbed Mr. Campbell and Mr. Campbell had his hands inside the front pocket of his hoodie.

7:37:00 p.m.: Officer Herr drew his gun, and Mr. Campbell had his hands inside his front hoodie pocket. Officer Mohamed-Saeed fell to the ground and released his grip on Mr. Campbell. With his hands inside the front pocket of his hoodie, Mr. Campbell continued to walk away from the officers while he looked back at them.

7:37:09 p.m.: Mr. Campbell walked backward with his hands inside the front pocket of his hoodie and appeared to reach for something inside of it.

7:37:13 p.m. (the sound was activated): Officer Herr asked Mr. Campbell, “What’s in your hands?” and Mr. Campbell responded, “What do you mean what’s in my hand?” His hands remained in the front pocket of his hoodie.

7:37:22 p.m. (garbage can partially blocked the view of Officer Herr’s BWC): Officer Herr yelled, “Put it down, put the gun down, put it down.”

7:37:25 p.m.: Gunshots were fired, and Mr. Campbell fell to the ground.



Still photographs from Officer Herr's BWC video showing Mr. Campbell with an object in his front hoodie pocket.



Still photographs from Officer Mohamed-Saeed's BWC video showing Mr. Campbell holding a handgun, and the gun lying next to Mr. Campbell after he fell to the ground.

OSI Interviews

Officer Eric Herr

In his interview with OSI, Officer Herr said the following:

On Thursday, July 31, 2025, he and his partner, Officer Mohamed-Saeed, were dispatched to Ernestine Street for a report of a suspicious person in the backyard of the 911 caller's house. The description of the person was a Black man with an afro hairstyle wearing a red Nike jumpsuit. Officer Herr said that he and Officer Mohamed-Saeed, driving separate cars, arrived at the caller's house. Officer Herr said they spoke with the occupants who said that they were inside their home when they saw the man come onto their back porch. The occupants told the officers that they asked the man whether they could help him, and the man said he was at the wrong house. The occupants also told the officers that as the man left the backyard, he lingered

in the driveway by their parked cars and then left the area headed toward Thurston Road. Officer Herr said he and Officer Mohamed-Saeed searched the area of Thurston Road but were unable to locate a man matching the description given. Officer Herr said they then left the area to respond to another call.

Officer Herr said while completing the other call, dispatch notified them that the 911 caller had called back and said they saw the man in the area across the street from their house. Officer Herr said that minutes later, dispatch advised that another 911 caller stated that a Black man wearing all red attempted to get into their daughter's car on Milton Street, and that the man left the area heading toward Woodbine Avenue. Officer Herr said he believed the two calls were related based upon the similar descriptions and the geographic proximity. Officer Herr said he and Officer Mohamed-Saeed proceeded to search the area of Woodbine Avenue and Milton Street but were unable to locate someone matching the description given.

Officer Herr said the first 911 caller reported that the man was back and sitting on the hood of a car in the driveway of the house across the street from theirs. Officer Herr said that he and Officer Mohamed-Saeed proceeded to Ernestine Street and saw a man matching the description in a driveway on Ernestine Street. Officer Herr said he parked just past the house and Officer Mohamed-Saeed parked in front of the house. Officer Herr said he was the first to approach the man, later identified as Akintunde Campbell, in the driveway. Upon approach, Officer Herr said he noticed a heavy object in the man's front hoodie pocket which seemed to weigh the pocket down. Officer Herr said he asked Mr. Campbell the purpose of him being at that location and Mr. Campbell said that he was waiting for a friend. Officer Herr said he asked Mr. Campbell where he lived, and Mr. Campbell did not respond and walked away from Officer Herr, eastbound toward Thurston Road, in the direction of Officer Mohamed-Saeed. Officer Herr said Officer Mohamed-Saeed grabbed Mr. Campbell and Mr. Campbell put his hands in the front pocket of his hoodie. Officer Herr said he drew his gun because he believed Mr. Campbell had a gun in his front hoodie pocket and was going to draw it on them.

Officer Herr said Mr. Campbell pulled away from Officer Mohamed-Saeed and Officer Mohamed-Saeed lost his balance and fell to the ground. Officer Herr said he activated his BWC at that time because he felt it was safe to do so. Officer Herr said Mr. Campbell continued to walk with his back to them, in the direction of Thurston Road, and he followed Mr. Campbell with his gun drawn. Officer Herr said Mr. Campbell's hands remained in his front hoodie pocket. Officer Herr said he asked several times for Mr. Campbell to identify what was in his hands. Officer Herr said Mr. Campbell turned in their direction and he saw a handgun in Mr. Campbell's hands. Officer Herr said Mr. Campbell held the handgun in both hands with it pointed toward the ground. Officer Herr said he was fifteen yards away with only a green recycle bin between them. Officer Herr said he gave Mr. Campbell several commands to put the handgun down, but Mr. Campbell did not comply. Officer Herr said he believed that he had no other choice but to use deadly force. Officer Herr said he fired his handgun five times, heard an unknown number

of shots from Officer Mohamed-Saeed, and saw Mr. Campbell fall to the ground near a tree in front of a house on Ernestine Street. Officer Herr said that he and Officer Mohamed-Saeed moved toward Mr. Campbell, and Officer Mohamed-Saeed pushed Mr. Campbell's gun away from them and secured Mr. Campbell with handcuffs. Officer Herr said Officer Hess arrived and rendered aid to Mr. Campbell while he moved parked police cars that impeded the ingress of emergency service vehicles.

Officer Musa Mohamed-Saeed

In his interview with OSI, Officer Mohamed-Saeed said the following:

On Thursday, July 31, 2025, Officer Mohamed-Saeed and his partner, Officer Herr, were dispatched to Ernestine Street for a report of a suspicious person in the backyard of the 911 caller's house. The description of the person was a Black man with an afro hairstyle wearing a red Nike jumpsuit. Officer Mohamed-Saeed said he and Officer Herr, driving separate cars, arrived at the caller's house. Officer Mohamed-Saeed said they spoke with the occupants who told the officers that they saw the man come onto their back porch/patio area from the driveway. Officer Mohamed-Saeed said the occupants told them that the man left using the driveway, and that they thought the man might have gone through their parked cars. Officer Mohamed-Saeed said he and Officer Herr checked the cars and did not see any sign of damage, and the occupants confirmed that nothing was missing. Officer Mohamed-Saeed said the occupants reported that the man had left the area headed toward Thurston Road. Officer Mohamed-Saeed said he and Officer Herr searched the area of Thurston Road but were unable to locate a man matching the description given. Officer Mohamed-Saeed said they left the area to take another call.

Officer Mohamed-Saeed said that while completing another call, dispatch notified them that the 911 caller had called back and said the man was across the street from their house staring in their direction. Officer Mohamed-Saeed said he advised dispatch to assign him and Officer Herr to the call, and they proceeded toward Ernestine Street; minutes later, dispatch advised that another 911 caller reported that a Black man wearing all red attempted to get into their daughter's car on Milton Street. Officer Mohamed-Saeed said they proceeded to search the area of Milton Street but were unable to locate someone matching the description given.

Officer Mohamed-Saeed said he asked dispatch to call the first 911 caller to determine whether the subject was still in the area. Officer Mohamed-Saeed said the first 911 caller said that the man was sitting on the hood of a car in the driveway across the street from them. Officer Mohamed-Saeed said that they proceeded to Ernestine Street and saw a man matching the description in a driveway on Ernestine Street. Officer Mohamed-Saeed said that he approached the man, later identified as Akintunde Campbell.

Officer Mohamed-Saeed said he asked Mr. Campbell whether he knew anyone who lived in the

house, and he replied that he did not know. As Mr. Campbell walked toward Officer Mohamed-Saeed, Officer Mohamed-Saeed said he saw a bulge or heavy object in Mr. Campbell's hoodie pocket that sagged below his waist. Officer Mohamed-Saeed said Mr. Campbell bladed his body away from the officers and began to walk toward Thurston Road. Officer Mohamed-Saeed said he made the decision to detain Mr. Campbell for their safety because he believed Mr. Campbell was concealing a weapon. Officer Mohamed-Saeed said he grabbed Mr. Campbell and Mr. Campbell pushed back, in a resistant manner. Officer Mohamed-Saeed said he grabbed Mr. Campbell from the back and Mr. Campbell's left hand went into the front pocket of his hoodie; Officer Mohamed-Saeed said he felt that his life was in danger, so he decided to disengage from Mr. Campbell. Officer Mohamed-Saeed said he activated his BWC at that time because he felt it was safe and reasonable for him to do so.

Officer Mohamed-Saeed said he heard Officer Herr ask Mr. Campbell to identify what he had in his pocket. Officer Mohamed-Saeed said as he disengaged from Mr. Campbell, he lost his balance and fell to the ground. Officer Mohamed-Saeed said he saw Mr. Campbell holding onto something in his pocket as he walked away from the officers while looking over his shoulder at them. Officer Mohamed-Saeed said he unholstered his handgun but held it in the low ready position. Officer Mohamed-Saeed said he asked Mr. Campbell to identify what he had in this pocket, and Mr. Campbell responded by asking him what he meant. Officer Mohamed-Saeed said he and Officer Herr asked Mr. Campbell several times to identify what he was reaching for in his pocket, but Mr. Campbell did not respond, turned toward the officers, and pulled a handgun out of his front hoodie pocket. Officer Mohamed-Saeed said Mr. Campbell held the handgun in a shooting position. Officer Mohamed-Saeed said he and Officer Herr gave Mr. Campbell several commands to drop the handgun but he did not comply. Officer Mohamed-Saeed said he discharged his handgun six times.

Officer Mohamed-Saeed said Mr. Campbell fell to the ground and the handgun he held was still near his left hand. Officer Mohamed-Saeed said he radioed that shots were fired and a man was down, and requested emergency service personnel. Officer Mohamed-Saeed said he and Officer Herr moved toward Mr. Campbell, moved the handgun away from Mr. Campbell's reach, and handcuffed him. Officer Mohamed-Saeed said he lifted Mr. Campbell's hoodie and saw blood and bullet wounds. Officer Mohamed-Saeed said other officers arrived and began to render aid while he looked for a medical kit in a patrol car. Officer Mohamed-Saeed said that another officer obtained the medical kit, so he began placing crime scene tape around the area.

Post-Shooting Investigation

Crime Scene

RPD Technical Services personnel, civilian technicians Stephanie Mintz and Jason Terrigino, and Officer Chris Kaltenbach, responded to Ernestine Street to collect evidence and take

photographs. Technician Mintz recovered six 9mm casings and five 45 caliber casings in the street. Technician Mintz recovered the black and tan handgun on the sidewalk, as displayed in the photograph below, which contained 13 live rounds of ammunition in its magazine.



Crime scene photograph of the handgun recovered on Ernestine Street.

Medical Examiner

On August 1, 2025, Dr. Chelsea Milito, Associate Medical Examiner at the Monroe County Medical Examiner's Office, conducted the autopsy. Dr. Milito concluded that the cause of Mr. Campbell's death was gunshot wounds to the trunk and that the manner of death was homicide. Dr. Milito found four entrance wounds, two in the right upper chest, one in the right shoulder, and one in the left upper chest. Dr. Milito recovered two partially deformed projectiles, one from the right lower chest and one in the right upper lumbar spine. One of the deformed projectiles entered the right shoulder, traveled from right to left and downward, and lodged in the right lower chest. The other deformed projectile entered the right upper chest, traveled from front to back, left to right and downward, and lodged in the right upper lumbar spine. Dr. Milito concluded that the four shots to the trunk of Mr. Campbell's body caused his death; she could not determine whether any of the shots were individually fatal.

Ballistics

Forensic Firearms Examiner Daniel Letzring of the Monroe County Crime Laboratory examined the 9mm and 45 caliber shell casings recovered from the scene and compared them to Officer Mohamed-Saeed RPD-issued 9mm Glock handgun and Officer Herr's RPD-issued 45 caliber Glock handgun, respectively. In a written report, Examiner Letzring said that the 9mm shell

casings were fired from Officer Mohamed-Saeed's handgun and the 45 caliber shell casings were fired from Officer Herr's handgun.

Also, Examiner Letzring examined the black and tan 9mm handgun found near Mr. Campbell's body. In the written report, Examiner Letzring determined that the handgun was in working order with no malfunctions.

In addition, Examiner Letzring examined the projectiles recovered from the autopsy. Examiner Letzring determined that the projectiles were 9mm caliber but due to their damage could not confirm that they were fired from Officer Mohamed-Saeed's gun.

LEGAL ANALYSIS

Article 35 of the Penal Law defines the circumstances under which a person may be justified in using deadly force against another. Justification is a defense, not an affirmative defense, Penal Law Section (PL) 35.00. To obtain a conviction at trial, a prosecutor must disprove a defense beyond a reasonable doubt, PL 25.00(1). As detailed below, based on the evidence in this investigation, OSI concludes that a prosecutor would be unable to disprove beyond a reasonable doubt that the use of deadly physical force by Officers Herr and Mohamed-Saeed was justified.

As the Court of Appeals stated in *People v Castillo*, 42 NY3d 628 (2024):

“The defense of justification provides that a person may use physical force to defend himself against an assailant's ‘imminent use of unlawful physical force,’ but does not authorize the use of ‘deadly physical force . . . unless . . . [the person] reasonably believes that [the assailant] . . . is using or about to use deadly physical force’ (Penal Law § 35.15). When considering a request for a justification charge, courts examine the evidence in the light most favorable to the defendant, and must provide the instruction if there is any reasonable view of the evidence that defendant was justified in his actions (see *People v Heiserman*, 39 NY3d 988, 990 [2022]). Justification has both a subjective requirement, that ‘defendant . . . actually believed. . . he [was] . . . threatened with the imminent use of deadly physical force,’ and an objective requirement, that defendant's ‘reactions were . . . those of a reasonable man acting in self-defense’ (*People v Collice*, 41 NY2d 906, 907 [1977]).”

Castillo, 42 NY3d at 631 (square brackets and ellipses in the original).

Article 35 contains a provision defining justification when a police officer uses deadly force while effecting or attempting to effect an arrest for an offense, PL 35.30. Here, based upon the information provided by the 911 callers, the officers' observations of the heavy object in the front pocket of Mr. Campbell's hoodie, Mr. Campbell's placement of his hands into that pocket,

and Mr. Campbell walking away from the officers, the officers could have reasonably believed that Mr. Campbell was committing the offense of criminal possession of a weapon in the fourth degree, PL 265.01. Police officers using deadly physical force pursuant to PL 35.30(1) are under no duty to retreat, PL 35.15(2)(a)(ii).

PL 35.30(1) provides, in pertinent part:

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

Based on the investigation, a prosecutor would not be able to disprove that Officers Herr and Mohamed-Saeed subjectively believed that shooting Mr. Campbell was necessary to stop his imminent use of deadly force. Officers Herr and Mohamed-Saeed each told OSI that they fired at Mr. Campbell because he took the gun out of his hoodie pocket and ignored their commands to drop it, and they each believed they had no other choice but to use deadly force to stop Mr. Campbell's imminent use of deadly force against them.

In addition, a prosecutor would not be able to disprove that Officer Herr's and Officer Mohamed-Saeed's subjective beliefs that deadly physical force was necessary to stop Mr. Campbell from using deadly physical force were reasonable. Both of their BWC videos showed Mr. Campbell, with an apparent heavy object in his front hoodie pocket, attempting to walk away from them and struggling with Officer Mohamed-Saeed while putting his hands in his pocket where the object was. The BWC videos then showed Mr. Campbell again walking away, with his hand in his pocket, before removing a handgun from the pocket and holding it in front of him while facing Officers Herr and Mohamed-Saeed and ignoring their commands to drop the gun.

In sum, based on the evidence in the investigation, OSI concludes that a prosecutor would not be able to disprove beyond a reasonable doubt that Officers Herr and Mohamed-Saeed were justified under New York law in using deadly physical force. Therefore, OSI will not seek charges and closes the matter with the issuance of this report.

Dated: March 20, 2026