Office of the New York State Attorney General Letitia James

Office of Special Investigation

November 9, 2026

Report on the Investigation into the Death of Alex Rivera

OVERVIEW

New York Executive Law Section 70-b (Section 70-b) authorizes 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 or peace officer. When, as in this case, OSI does not seek charges, Section 70-b requires OSI to issue a public report. This is the public report of OSI's investigation of the death of Alex Rivera, which occurred in Onondaga County on May 31, 2023, following an incident involving three Syracuse Police Department (SPD) officers.

On May 31, 2023, at 2:08 a.m., Witness A (OSI does not publish the names of civilian witnesses) called 911 and said Mr. Rivera had barricaded himself inside the bathroom at an apartment on Teall Avenue, in the City of Syracuse. Witness A said Mr. Rivera appeared to be "on something" and said he wanted him removed immediately. At 2:39 a.m. Witness A called 911 again and said Mr. Rivera was still in the bathroom and was tearing it apart and going "crazy." The 911 operator told Witness A that they were waiting for an officer to become available. At 3:55 a.m. Witness B called 911 and said Mr. Rivera was still in the bathroom and appeared to be in some sort of "psychosis" and "not in reality." The 911 operator told Witness B that someone would be there as soon as possible. Dispatchers updated the call to a "possible person in crisis" and, at 3:58 a.m., asked an American Medical Response (AMR) ambulance to start heading to the scene to "stage" in the area until police officers deemed it safe to approach Mr. Rivera.

At 4:04 a.m. SPD Police Officers Simon Greenfield and Winston Wiseth, followed shortly by Officer Brett Traupman, arrived at the apartment building in marked patrol cars and uniforms. The officers activated their body-worn cameras (BWCs), entered the apartment, and found Mr. Rivera in the bathroom, lying on the floor. The officers attempted to talk to Mr. Rivera, but he appeared unable to effectively communicate with them. Officers Greenfield and Wiseth handcuffed Mr. Rivera and carried him out outside. The officers placed Mr. Rivera on the front lawn and attempted to keep him on his side in the recovery position while waiting for the ambulance personnel to approach. Mr. Rivera was talking incoherently, moving around, and seemingly unable to answer questions or follow commands.

At 4:15 a.m. AMR Paramedic Jacob Noble and Emergency Medical Technician (EMT) Edward Armstrong approached the lawn, but said they were unable to medically assess Mr. Rivera due to his condition. Paramedic Noble said Mr. Rivera was appropriate for chemical sedation and, at 4:20 a.m., administered 250 milligrams (mg) of Ketamine into his thigh. While waiting for the Ketamine to take effect, the officers and AMR members restrained Mr. Rivera, who continued to move, and at times held him in the prone position. At 4:26 a.m. the officers and AMR members placed Mr. Rivera on a stretcher, moved him inside the ambulance, and re-positioned the handcuffs from behind his back to the stretcher. While AMR members were

assessing Mr. Rivera in the ambulance, he became pulseless. AMR members began life-saving measures and requested assistance from the officers until Syracuse Fire Department (SFD) members arrived. Emergency personnel continued life-saving measures and transported Mr. Rivera to Upstate University Hospital (UUH), where he was pronounced dead at 5:00 a.m.

Mr. Rivera was 23 years old when he died.

Dr. Dianne Vertes performed the autopsy at the Onondaga County Medical Examiner's Office (OCMEO) and deemed the cause of Mr. Rivera's death to be "Acute Polysubstance (Fentanyl and analogues, Cathinone and Xylazine) Intoxication" and the manner of death to be "Accident." OSI retained independent forensic pathologist Dr. Alfredo Walker to provide a second opinion as to the cause and manner of Mr. Rivera's death. Dr. Walker agreed with Dr. Vertes's determination for the cause and manner of Mr. Rivera's death. Dr. Walker noted that neither the officers' application of handcuffs nor the prone restraint caused Mr. Rivera's death and that neither was a significant contributing factor to his death.

Having thoroughly investigated the matter and analyzed the law, OSI concludes that a prosecutor would not be able to prove beyond a reasonable doubt that Officers Greenfield, Wiseth, or Traupman caused Mr. Rivera's death or committed a crime in connection with his death. As a result, OSI will not seek charges and closes the matter with this report.

FACTS

911 calls

OSI reviewed audio recordings from the Onondaga County 911 Center, summarized below.

On May 31, 2023, at 2:08 a.m., Witness A called 911 and said Mr. Rivera had barricaded himself inside the bathroom at his friend's apartment on Teall Avenue and was harming himself. Witness A said Mr. Rivera was "going crazy" in the bathroom, and they needed to have him removed immediately. Witness A said Mr. Rivera ripped the toilet off the floor and there was blood everywhere. Witness A said Mr. Rivera appeared to be "on something" because he had never seen him act like that. The 911 operator told Witness A that someone would be there when they could. Witness A told the 911 operator to "bring a Taser."

At 2:39 a.m. Witness A called 911 again and said Mr. Rivera was still in the bathroom and was tearing it apart. The 911 operator said they were waiting for an officer to become available and asked if anything had changed. Witness A said they hoped Mr. Rivera did not leave the bathroom because then they would have to stop him. The 911 operator said that they should let the officers handle it when they get there.

At 3:55 a.m. Witness B called 911 and said Mr. Rivera was in the bathroom and was going "crazy" and harming himself. Witness B said Mr. Rivera ripped the toilet out of the wall and there was blood all over the place. Witness B told 911 that Mr. Rivera appeared to be in some sort of "psychosis" and was "not in reality right now." The 911 operator told Witness B that someone would be there as soon as possible. The 911 operator also said the call information was updated to reflect that Mr. Rivera was having a mental health issue and told Witness B to call back if anything changed.

Video

OSI reviewed the BWC footage from the three SPD officers who went to the apartment: Officer Greenfield, Officer Wiseth, and Officer Traupman (OAG previously released the BWC videos, redacted in accordance with OAG policy, which can be found here: Attorney General James Releases Footage from Investigation into Death of Alex Rivera). Based on the BWC recordings, at 4:04:38 a.m., SPD Officers Greenfield and Wiseth arrived at the apartment building in marked police cars and uniforms and activated their BWCs. At 4:05:09 a.m., as the officers entered the apartment building, Witness C popped his head over the edge of the stairwell and told the officers the call was for his apartment. The officers walked up the stairs and Witness C told them Mr. Rivera had ripped the bathroom apart, but he did not know what he was on. The officers entered the apartment with Witness C, who directed them through the apartment and to the bathroom door.

At 4:05:57 a.m., as the officers were standing in the hallway/kitchen area outside the bathroom door, Officer Greenfield identified himself as Syracuse Police and asked Mr. Rivera to open the bathroom door. Based on the BWC footage, the officers did not receive a response other than mumbling from inside the bathroom. At 4:06:53 a.m. Officer Greenfield pushed open the bathroom door and shined his flashlight inside. Mr. Rivera was not visible at this time, but the video captured him talking incoherently and cursing inside the bathroom.

As Officer Greenfield tried to talk to Mr. Rivera, the BWC footage showed that the inside of the bathroom was in disarray and damaged: the toilet was ripped off the wall, and the bathtub was full of clutter. At 4:07:53 a.m. the officers asked Witness C what Mr. Rivera had taken prior to their arrival, and Witness C said, "No idea. He smokes Spike once in a while." (Spike is a term for a drug that is intended to mimic THC, the main psychoactive ingredient of marijuana, https://www.dea.gov/factsheets/spice-k2-synthetic-marijuana.) The BWC footage showed that the officers remained outside the bathroom door, and Mr. Rivera continued to make noises from inside. At 4:08:34 a.m. Officer Greenfield entered the bathroom and shined his flashlight in the corner; Mr. Rivera was not visible on the video but was yelling and rambling. The officers attempted to talk to Mr. Rivera and told him he needed to get up and walk out of the bathroom, but Mr. Rivera continued to speak incoherently.

At 4:09:23 a.m. Officer Greenfield's BWC video showed Mr. Rivera lying on the floor in a pile of clutter. Mr. Rivera was seemingly unable to move or sit up, or to communicate with the officers, as he was speaking incoherently and not responding to the officers' questions. Based on the BWC footage, there were several holes in the walls and numerous uncapped needles and trash on the floor.



Still from Officer Greenfield's BWC video showing Mr. Rivera on the bathroom floor.

At 4:10:30 a.m. the officers picked Mr. Rivera up by his arms and repeatedly asked him to stand up; Mr. Rivera was seemingly unable to stand on his own. The officers again asked Mr. Rivera to stand up and told him they were going to get help. At 4:11:05 a.m. the officers rear-handcuffed Mr. Rivera; his elbow was bleeding and he was making noises. As the officers picked Mr. Rivera up, he appeared to become limp and was not answering the officers but was breathing. At 4:12:02 a.m. the officers lifted Mr. Rivera off the floor and carried him out of the bathroom and into the hallway area.

In the hallway Mr. Rivera was talking incoherently and unable to stand; he slumped to the floor. At 4:12:24 a.m. the officers repositioned Mr. Rivera so they could continue moving him. Officer Greenfield walked backward down the stairs, holding Mr. Rivera's arms from underneath, while Officer Wiseth held his legs, and the officers started to take Mr. Rivera out of the apartment. Officer Traupman was in front of Officers Greenfield and Wiseth and moved several objects out of the way to make a path for them. At 4:13:13 a.m. the officers re-positioned themselves again; they placed Mr. Rivera on the floor at the top of the stairs and checked his handcuffs. Officer Traupman continued to remove objects from their path and at 4:14:05 a.m. Officers Greenfield and Wiseth grabbed Mr. Rivera under his arms and moved him down the staircase.



Stills from Officer Greenfield's BWC video showing the officers moving Mr. Rivera out of the apartment.

The BWC footage showed that Mr. Rivera continued to speak incoherently and was seemingly unable to stand on his own as they carried him down the stairs, out of the apartment, and outside to the grass. As displayed below, at 4:15:41 a.m. the officers placed Mr. Rivera on his back on the lawn and attempted to place him on his side in the recovery position but he continued to move and flop around. Mr. Rivera, who was still rear-handcuffed, then rolled onto his side. The officers held the back of Mr. Rivera's shirt and kneeled in front of him to assess him as they continued to talk to Witness C.



Stills from BWC footage showing the officers getting Mr. Rivera on his side.

Officer Traupman advised dispatchers that AMR was clear to enter; the ambulance was staged in the area waiting for the officers to tell them it was safe to approach. As the officers were standing over Mr. Rivera, he continued to kick his legs and move his body. As displayed below, at 4:17:00 a.m. Officer Traupman placed his foot on Mr. Rivera's shin, and the other officers placed hands on Mr. Rivera's arm; the officers told Mr. Rivera to relax.



Still from BWC video showing the officers holding Mr. Rivera in place on his side.

Based on the BWC footage, at 4:17:17 a.m. Paramedic Noble walked up to the officers and Mr. Rivera on the lawn. The officers told Paramedic Noble that Mr. Rivera had "smoked some Spike and freaked out." Mr. Rivera was wiggling around on the ground and Paramedic Noble attempted to ask Mr. Rivera questions, but Mr. Rivera did not answer the questions and spoke incoherently. Officer Wiseth attempted to re-lock the handcuffs around Mr. Rivera's wrists, but he kept moving around; at 4:17:28 p.m. Officer Wiseth said, "I'm going to make sure these don't get tighter on you, stop." At 4:17:47 p.m. Mr. Rivera said what sounded like, "My hand hurts," and Officer Wiseth responded, "Yeah it hurts because you won't let me double lock it." At 4:18:00 a.m., while Mr. Rivera was on his side, Officer Wiseth kneeled next to Mr. Rivera and placed his knee on his back and Officer Greenfield held Mr. Rivera's arm, as Officer Wiseth tried to "double lock" the handcuffs, as displayed below.



Still from BWC video showing the officers attempting to lock the handcuffs.

At 4:18:12 a.m. Mr. Rivera quickly sat up, seemingly on his own, but was still speaking incoherently. At 4:18:33 a.m. the BWC videos captured Mr. Rivera making a spitting noise as Officer Wiseth continued trying to lock the handcuffs, and the officers and AMR members told Mr. Rivera to stop. At 4:18:36 p.m. Officer Wiseth appeared to succeed in getting the handcuffs locked, and Mr. Rivera momentarily lay on his back again but then sat back up at 4:18:38 a.m. Mr. Rivera was still speaking incoherently and not answering questions. At 4:18:42 a.m. EMT Armstrong asked Mr. Rivera if he could walk; Mr. Rivera did not respond, but the officers said he wouldn't be able to walk as they had to carry him down the stairs. At 4:18:52 a.m. Paramedic Noble said he was going to put Mr. Rivera "to sleep" because he could not medically assess him in his current condition.



Still from BWC footage showing Mr. Rivera sitting up on the grass.

The BWC footage showed that Mr. Rivera continued to speak incoherently and that he fell back onto his side on the grass. The officers and EMT Armstrong held Mr. Rivera in place on his side using their hands and feet, as displayed below, as Paramedic Noble prepared the medication to sedate Mr. Rivera.



Still from BWC video showing EMT Armstrong and SPD officers holding Mr. Rivera in place on his side.

From 4:19:26 a.m. to 4:19:58 a.m., the BWC footage showed Paramedic Noble preparing a syringe. At 4:19:58 a.m. Officer Traupman asked Paramedic Noble if the syringe was Ketamine and Paramedic Noble said it was. Mr. Rivera was still on the ground moving around, calling out vulgarities and racial slurs. Paramedic Noble asked the officers to hold Mr. Rivera's leg so he could administer the medication. Based on the BWC footage, Mr. Rivera was on his side and Officer Greenfield held down one of Mr. Rivera's legs while EMT Armstrong held down the other, Officer Traupman held Mr. Rivera's upper body and shoulders, and Officer Wiseth moved Mr. Rivera with his right knee and pulled down his shorts as Paramedic Noble administered a 250 mg shot of Ketamine into his thigh beginning at 4:20:42 p.m.



Still from Officer Greenfield's BWC video showing Paramedic Noble preparing to administer Ketamine to Mr. Rivera as the others held him in place.

After the Ketamine was administered to Mr. Rivera, the officers and AMR personnel held him in place as they waited for the medication to take effect; they had their hands and knees on Mr. Rivera's back, shoulders, and legs as he continued to move his body around, as displayed in the below stills. The BWC footage showed that they applied pressure to Mr. Rivera's back and shoulders as they told him to "stop" and "relax," but he continued to move his body around. They initially held Mr. Rivera on his side but then held him in the prone position with his chest and stomach on the lawn, and his face to the side. Mr. Rivera was continuing to speak incoherently and make noises, but at 4:21:13 a.m. he said, "I need water please," and at 4:21:33 a.m. he said, "I can't breathe." Mr. Rivera continued moving his lower body up and down. At 4:21:43 a.m. Officer Greenfield grabbed Mr. Rivera's left leg and Paramedic Noble took hold of it and held Mr. Rivera's legs together, pushing them down in a crossed position. Mr. Rivera kicked his legs out of the hold and at 4:22:00 a.m., EMT Armstrong straddled Mr. Rivera to keep his lower body in place as he continued pressing his hands on Mr. Rivera's back and head. Officer Greenfield and Paramedic Noble took Mr. Rivera's legs and pushed

them up behind him, and EMT Armstrong and Paramedic Noble held them in place. During this time, the officers also used their hands and knees to hold Mr. Rivera's head and shoulders in place.



Stills from BWC video showing the officers and AMR members holding Mr. Rivera on the ground after the Ketamine was administered to him by Paramedic Noble.

The officers and AMR members continued holding Mr. Rivera as he began calming down. At 4:23:29 a.m. someone said that Mr. Rivera was "puking," and the BWC footage captured the sound of apparent vomiting. At 4:24:40 a.m. an officer said Mr. Rivera appeared to be calming down; the BWC footage captured Mr. Rivera continuing to make noises. EMT Armstrong still had his hands on Mr. Rivera's back and Officer Traupman still had his knee on Mr. Rivera's shoulder. By 4:24:48 a.m. EMT Armstrong had removed both hands from Mr. Rivera's back. At 4:24:55 a.m. Officer Greenfield walked to the ambulance and asked Paramedic Noble if he needed a hand with anything. Paramedic Noble said he was "good" and grabbed a movement bag, which is used to lift and carry patients, from inside the ambulance.

At 4:25:03 a.m. EMT Armstrong asked Paramedic Noble to grab a mask so that if Mr. Rivera spit again, it would be contained. At 4:25:13 a.m. Paramedic Noble said he needed everyone

to “look the other way,” and at 4:25:26 a.m. he placed the spit hood on Mr. Rivera. The video captured one of the officers asking Paramedic Noble where he got the mask. Paramedic Noble said, “So we had them, but our medical director told us we couldn’t use them because we don’t have a protocol for it, so I just wrote my own.”



Still from BWC footage showing Paramedic Noble placing the spit hood on Mr. Rivera.

The officers, EMT Armstrong, and Paramedic Noble rolled Mr. Rivera onto the movement bag, on his back, and carried him to a stretcher in the road behind the ambulance. At 4:26:38 a.m. the officers and AMR members placed Mr. Rivera on the stretcher; the BWC footage did not capture Mr. Rivera saying anything during this time but did capture the sound of him moaning. At 4:27:09 a.m. the AMR personnel lifted the stretcher into the ambulance. Beginning at 4:28:10 a.m., Officer Wiseth removed the handcuffs from behind Mr. Rivera’s back and re-positioned them to the sides of the stretcher, and Paramedic Noble removed the spit hood.



Still from BWC footage showing Mr. Rivera in the back of the ambulance after his handcuffs were re-positioned to the stretcher and the spit hood was removed.

The BWC footage ended once the spit hood was removed and the officers were out of the ambulance. Based on written statements from the officers, they waited by the ambulance as the AMR personnel continued their medical assessment, and Mr. Rivera became unresponsive while inside the ambulance. The AMR members began life-saving measures and asked the officers to assist them with chest compressions, which they did. Members of SFD arrived, and the AMR members and SFD personnel continued life-saving measures and transported Mr. Rivera to UUH. Officer Wiseth followed the ambulance in his police car and Officers Greenfield and Traupman returned to the apartment to follow up with the tenants. Based on the officers' written statements and ambulance records, there were no police officers in the ambulance during the transport to UUH.

Mr. Rivera arrived at UUH Emergency Department, where he was pronounced dead at 5:00 a.m. despite continued life-saving measures by hospital staff.

Civilian Witness Statements and Interviews

Witness A

SPD interviewed and took a statement from Witness A, which was reviewed by OSI. Witness A said Mr. Rivera showed up at the apartment around 10:00 p.m. and appeared high but fine. A woman came to the apartment with apparent "Spike," which was rolled in a blunt; Mr. Rivera hit the "Spike" and said it was strong. Witness A and Witness C left the apartment for a few hours and, when they came back, they found Mr. Rivera in the bathroom. Mr. Rivera was sitting on the edge of the tub, quiet and in a daze. Witness A said a few minutes later Mr. Rivera started going "crazy."

Witness A said he called 911 around 2:00 a.m., and it took a while for the police to arrive. While they were waiting for the police Mr. Rivera was acting crazy, swearing, and yelling all sorts of things. Witness A said it appeared to him that Mr. Rivera had taken something other than "Spike" or that somehow the "Spike" he smoked was messing with him. Witness A said Mr. Rivera was on the floor in the bathroom and had the door pinned shut, and, every time Witness A tried to get in, Mr. Rivera would push the door closed. Witness A said he saw that Mr. Rivera was bleeding because he had been punching the floor. Witness A said he was trying to get Mr. Rivera help but was also afraid of him.

Witness A said the police arrived and tried to talk to Mr. Rivera; they asked him to come out of the bathroom, but he wouldn't. Witness A said he couldn't see what happened after the police arrived and did not hear any fighting. Witness A saw the police officers on either side of Mr. Rivera carrying him under his arms; Mr. Rivera was awake but was not walking and was all tensed up. Witness A could not remember if Mr. Rivera was handcuffed. Witness A said he

moved stuff out of the way in the stairwell so the police could get Mr. Rivera outside. He said he believed Mr. Rivera would have died in the bathroom if nobody had tried to help him.

Witness A said when the police put Mr. Rivera on the ground outside, he started acting "crazy" again; they were trying to help him, and he was kicking and spitting at them. Witness A said the ambulance members were also trying to help, but he did not see anyone giving Mr. Rivera a shot because he was not that close. Witness A said he did not see anyone mistreating Mr. Rivera and thought everyone was doing what they could to help him.

Witness C

OSI interviewed Witness C and reviewed his videotaped interview with SPD. Witness C said Mr. Rivera had stayed at the apartment the night before and was in and out of the apartment all day. Witness C said Mr. Rivera returned to the apartment around 12:30 a.m. to 1:00 a.m., went directly into the bathroom, and started "freaking out." Witness C said Mr. Rivera barricaded himself inside, ripped apart the entire bathroom, and was yelling. Witness C said he thought Mr. Rivera smoked "Spike" and was having an episode in the bathroom. Witness C said he tried to talk to Mr. Rivera, but he was hallucinating, so he wanted to get Mr. Rivera help. Witness C was at the apartment when the police arrived and watched the police interact with Mr. Rivera. Witness C said he felt the police treated Mr. Rivera respectfully and used reasonable force. Witness C said he did not see any misconduct or excessive force used by the police officers when they were handling Mr. Rivera, and it appeared that the officers tried their best to save his friend that night.

Witness D

SPD interviewed and took a statement from Witness D, which OSI reviewed. Witness D said he arrived at the apartment around 4:00 a.m. when the police were carrying Mr. Rivera out of the apartment and down the stairs because he could not walk. Witness D said the police were not using any force against Mr. Rivera and were just carrying him. Witness D said he could tell that Mr. Rivera was under the influence of drugs. Witness D said he went into the apartment and did not see any interaction between the police and Mr. Rivera in front of the building.

Syracuse Fire Department Statements

SPD interviewed and took statements from SFD Lieutenant John Grabowski and Firefighter Casey O'Brien, which OSI reviewed. Lt. Grabowski and Firefighter O'Brien each said when they arrived at the Teall Avenue apartment around 4:30 a.m. they saw SPD officers and AMR personnel administering chest compressions to Mr. Rivera in the back of the ambulance. SFD personnel then assisted with life-saving measures, and Mr. Rivera was transported to the hospital via ambulance.

Syracuse Police Department Officers Statements

Officer Greenfield, Officer Wiseth, and Officer Traupman were interviewed by SPD with counsel present and gave voluntary written statements. The SPD Police Union representative refused to allow OSI to conduct follow-up interviews with the officers. OSI reviewed the SPD officers' written statements, summarized below:

Officer Greenfield

Officer Greenfield said he had been an SPD officer since August of 2022, and on May 31, 2023, was dispatched to an apartment on Teall Avenue for a disturbance which had been "holding" for a while. Officer Greenfield said the call notes detailed that a man, Mr. Rivera, had barricaded himself into a bathroom and was damaging items within, and the caller advised that the police would need a Taser. Officer Greenfield was first dispatched to another call and then dispatched to Teall Avenue with Officer Wiseth.

Officer Greenfield said the officers went into the apartment, and he spoke to one of the occupants, who said he wanted Mr. Rivera to leave the apartment. The officers walked through the kitchen to the bathroom, and the bathroom door was shut. Officer Greenfield said he attempted to open the door but felt push-back when he tried to open it. Officer Greenfield said he gave verbal commands and identified himself as a Syracuse Police Officer and hoped Mr. Rivera would open the door. Officer Greenfield said he asked several times for Mr. Rivera to open the door and let them in but the only response he heard was mumbling. Officer Greenfield attempted to push open the door again and used a flashlight to light up the inside of the bathroom. Officer Greenfield said he pushed the door further and saw Mr. Rivera lying down with his feet toward the door. Officer Greenfield said he and Officer Wiseth decided they needed to go inside the bathroom to see what was going on with Mr. Rivera.

Officer Greenfield said he was able to open the door wide enough to squeeze into the bathroom and saw that the toilet was knocked over, the sink was destroyed, and there were garbage items and hypodermic needles all over the bathroom floor. Officer Greenfield said Officer Wiseth came in behind him and one of them turned on the bathroom lights. Officer Greenfield continued to speak to Mr. Rivera, but Mr. Rivera did not respond to anything. Officer Greenfield said Mr. Rivera was not communicating with the officers and did not show that he could move or sit up on his own. The bathroom was very small, so it was difficult for the officers to move around inside.

Based on his observations, Officer Greenfield said he did not feel safe staying in the bathroom longer than needed so the officers discussed the best course of action to get Mr. Rivera out of the bathroom. The officers decided to place handcuffs on Mr. Rivera; Officer Greenfield moved over to Mr. Rivera's head and began to lift his shoulders up to place him in a sitting

position. While Officer Greenfield was near Mr. Rivera's head, he heard him say, "Don't touch me" and "Get off me." After hearing those comments, Officer Greenfield felt Mr. Rivera would most likely not leave willingly and that they would need to handcuff him to gain control of him. Officer Greenfield said he grabbed Mr. Rivera's right arm to place handcuffs on him and Mr. Rivera stiffened up. Officer Greenfield placed Mr. Rivera's right hand behind his back and was able to get a handcuff on his right wrist. Officer Greenfield said Officer Wiseth had Mr. Rivera's left arm and was able to bring his left arm behind his back, and Officer Greenfield placed a handcuff on his left wrist. As Officer Greenfield handcuffed Mr. Rivera, he saw that Mr. Rivera was bleeding from his right elbow and had a welt and large bruise on the left side of his head near his temple.

The officers had Mr. Rivera in a seated position and were trying to assess how to get him out of the bathroom safely without hurting Mr. Rivera or themselves. Officer Greenfield said they attempted to have Mr. Rivera stand up so they could assist him out of the apartment, but he would not stand, stiffened his legs, and actively stopped the officers from standing him up. Officer Greenfield said they decided they would have to carry Mr. Rivera out of the apartment to get him outside. Officer Greenfield got behind Mr. Rivera and reached under both his arms, and Officer Wiseth grabbed his legs, and they lifted him off the ground. The officers had to reposition themselves a couple of times to get out of the small bathroom and through the door.

The officers had to move items out of the way but then carried Mr. Rivera down the stairs; Officer Greenfield walked backward down the stairs, holding under Mr. Rivera's arms while Officer Wiseth held his legs. Officer Greenfield said they checked Mr. Rivera's handcuffs, and he was conscious and mumbling. Officer Greenfield said once they were outside, the officers walked Mr. Rivera over to the grass area between the walkway to the apartment and the sidewalk. The officers put Mr. Rivera on his back and attempted to place him on his side in the recovery position but he continued to move and flop around. Officer Greenfield said Mr. Rivera's noncompliance made it impossible for the officers to get him to stay in the recovery position. Officer Greenfield said the officers wanted Mr. Rivera on his side because they thought that was the safest position for him, but they were unable to do so. The officers advised dispatch that AMR was clear to enter since they were staging in the area.

Officer Greenfield said the AMR members pulled up behind the patrol cars, got out of the ambulance, and walked over to them. Mr. Rivera was lying with his head toward the apartment building and his feet toward the roadway and was flopping around and trying to get his handcuffs under his feet and around to the front of his body. Once AMR approached, Paramedic Noble said he was going to give Mr. Rivera some medication to make him go to sleep so they could medically assess him. Officer Greenfield said one of the AMR members went to the ambulance and came back with a needle and a vial. Officer Greenfield heard Officer Traupman ask Paramedic Noble what the medicine was and Paramedic Noble said it

was Ketamine. Officer Greenfield said he did not have any training in administering medicine such as Ketamine and was unaware of what it is used for medically. Officer Greenfield said it is common practice for him and other patrol officers to turn over medical care to AMR once they arrive; at this point, they were allowing AMR to make the determination of what was medically needed for Mr. Rivera and what was best for him.

Officer Greenfield said Paramedic Noble asked the officers to hold Mr. Rivera's legs while they administered the medicine. Officer Greenfield believed AMR asked the officers for help because Mr. Rivera was kicking his legs and actively moving around so it would not have been safe to administer the medicine. Officer Greenfield said he held down one of Mr. Rivera's legs using a leg staple hold that he learned in the police academy and felt this was the safest way to hold his leg without causing injury to him. EMT Armstrong held the other leg down and Paramedic Noble administered the shot of Ketamine to Mr. Rivera's upper thigh or buttocks area. Officer Greenfield said after the medicine was given to Mr. Rivera, he was still kicking and moving around. A few minutes later, Mr. Rivera began to vomit while he was on his stomach. The AMR members and the officers continued to monitor Mr. Rivera's condition to ensure that he was not choking and he was either on his stomach or side at this time.

Officer Greenfield said Mr. Rivera tried to spit at the AMR staff since they were closer to his head and EMT Armstrong yelled at him to stop spitting. Officer Greenfield said Paramedic Noble had a spit hood. He also said it seemed to him that AMR did not usually carry spit hoods or they were not standard issue. Officer Greenfield said he had not placed a spit hood on anyone before, but he had been shown a spit hood during his academy training and had watched demonstrations on their use. The spit hood used by Paramedic Noble was similar to the ones he had seen in demonstrations; it was white, mesh, and transparent with elastic on the base, and he could see Mr. Rivera's face through it. Officer Greenfield said Paramedic Noble placed the spit hood on Mr. Rivera, and he did not see Mr. Rivera throwing up like he was before. Officer Greenfield said one of the AMR members moved the ambulance closer to Mr. Rivera and one of them brought out a movement bag. Officer Greenfield said the officers assisted the AMR members in lifting Mr. Rivera, placing him on the movement bag, carrying him to the stretcher, and loading him into the back of the ambulance. Officer Greenfield said that after Mr. Rivera was placed in the ambulance he turned off his BWC because he believed that all law enforcement activity was completed.

Officer Greenfield said he stood outside the ambulance, and Officer Wiseth went into the back of the ambulance and moved the handcuffs from behind Mr. Rivera's back to the sides of the stretcher. Officer Greenfield said Officer Wiseth came out of the ambulance, and the officers stood at the back waiting for AMR to give them the okay to leave. Officer Greenfield said while AMR was completing their medical assessment he heard one of them say that Mr. Rivera did not have a pulse; moments later, the officers were informed that Mr. Rivera was in full arrest. Paramedic Noble asked the officers for assistance as they began life-saving measures on Mr.

Rivera. Officer Greenfield said he did chest compressions for a while and then Officer Traupman took over for him. Officer Greenfield waited outside the ambulance, and the officers were relieved by members of SFD. Officer Greenfield said he notified his direct supervisors, and then he and Officer Traupman went back to follow up with people in the apartment.

Officer Wiseth

Officer Wiseth said he had been an SPD officer for two years and was responsible for patrol in the North District of the City of Syracuse on May 31, 2023. Officer Wiseth said that after responding to an unrelated call with Officer Greenfield he was dispatched to an apartment on Teall Avenue for a call that was first regarding a dispute and was then changed to a mental health complaint.

Officer Wiseth said he followed Officer Greenfield to the apartment, and they were directed to the bathroom. Officer Wiseth said that, as he approached the bathroom door, it was closed, and he could hear someone, later determined to be Mr. Rivera, yelling, "I love you," and, "I will punch you in the fucking face." Officer Wiseth said Officer Greenfield attempted to open the bathroom door, but it was hard to open, and it seemed that something was blocking the door from opening. Officer Wiseth said he determined that the officers needed to act quickly and enter the bathroom to assess the situation for safety and Mr. Rivera's condition.

The officers entered the bathroom and saw that Mr. Rivera was lying on his back on the floor and in distress. Officer Wiseth said Mr. Rivera's eyes were wide open and glazed and began to roll back in his head. Mr. Rivera also had a white frothy substance coming out of his mouth and was not coherent. Officer Wiseth attempted to get Mr. Rivera up and lifted him to a seated position, and Officer Greenfield handcuffed him. Officer Wiseth said that based on his experience someone under the influence of drugs can exhibit aggressive and erratic behavior. Due to the size and condition of the bathroom, including garbage and numerous uncapped needles, AMR personnel would have been unable to render medical attention in the apartment, so the officers needed to get Mr. Rivera outside. The officers attempted to have Mr. Rivera stand up but he would not cooperate and could not stand. Officer Wiseth conducted a brief check on Mr. Rivera for needles or weapons, and, finding none, helped carry Mr. Rivera out of the bathroom. Officer Wiseth said he took control of Mr. Rivera's lower body as they made their way through the apartment to the stairs. It was difficult for the officers to carry Mr. Rivera down the stairs because he kept hooking his legs around the corner of the staircase.

Officer Wiseth said the officers got Mr. Rivera out of the apartment building and deemed the scene to be safe and secure. The officers advised dispatch that it was clear for AMR to approach and carried Mr. Rivera to the front yard and placed him on his side in the recovery position. Officer Wiseth said Mr. Rivera was thrashing around from side to side. Officer Wiseth thought Mr. Rivera was going to slip out of his handcuffs, so he applied pressure with his knee

on the back of his arm and elbow to prevent him from moving. Officer Wiseth said he did not want Mr. Rivera to injure himself on an old fence post that was sticking out of the ground.

Officer Wiseth said AMR arrived and two paramedics approached the officers, one of whom was holding a red lockbox. From his experience, Officer Wiseth knew that the lockbox contained medication used for sedation. The officers spoke to the paramedics and told them that they were told Mr. Rivera had smoked "Spike." Officer Wiseth stood over Mr. Rivera, and he sat up on his own when the ambulance crew arrived. Officer Wiseth saw Mr. Rivera lean forward with his lips puckered making a spitting sound. One of the paramedics told Mr. Rivera to stop. One of the paramedics leaned in and put pressure on Mr. Rivera with his hands to prevent him from moving. Officer Wiseth heard a paramedic say, "We're going to put him to sleep." Officer Wiseth moved Mr. Rivera with his right knee on the back of his arm and pulled down his shorts while the paramedic prepped the injection. The paramedic administered the injection of Ketamine to Mr. Rivera in his thigh while the officers held him in the recovery position and waited for the medication to take effect. Officer Wiseth saw an AMR member retrieve a movement bag and spit hood from the ambulance; Mr. Rivera began to vomit, and the paramedic placed the spit hood on Mr. Rivera. Mr. Rivera was placed on the movement bag and the officers helped to carry him to the back of the ambulance and place him on a stretcher.

Officer Wiseth said the AMR members asked the officers to take the handcuffs off Mr. Rivera and reposition them to the sides of the stretcher to ease the rendering of medical assistance. Officer Wiseth said Mr. Rivera appeared sedated and was no longer combative. AMR personnel removed the spit hood and advised Officer Wiseth that Mr. Rivera was "coding." AMR began life-saving measures and asked the officers to assist with CPR. Officer Wiseth saw vomit or another substance leaking from Mr. Rivera's mouth as life-saving measures continued. SFD members responded, and Mr. Rivera was taken to UUH. Officer Wiseth followed the ambulance to the hospital.

Officer Traupman

Officer Traupman said he had been an SPD officer since February of 2022 and on May 31, 2023, he was patrolling in the North District of the City of Syracuse. Officer Traupman said that around 4:00 a.m. he cleared a call and saw on his mobile computer terminal that Officers Wiseth and Greenfield were dispatched to a call at Teall Avenue concerning a mentally disoriented person. Officer Traupman said the notes said a man had barricaded himself in the bathroom.

Officer Traupman said when he got to the bathroom inside the apartment he attempted to push the door open, and one of the other officers told him there was no room inside the bathroom. Officer Traupman heard the officers advise dispatch that they had a person

detained. Officer Traupman heard the officers ask the man to get up and walk and then saw Officer Greenfield open the bathroom door. Officer Traupman saw Officer Greenfield carrying Mr. Rivera's upper body and Officer Wiseth carrying his legs. Officer Traupman said Mr. Rivera was handcuffed and mumbling, but he could not understand what he was saying. Officer Traupman said Mr. Rivera appeared to be under the influence of some type of drug.

Officer Traupman said he started moving property out of the way to create a path for the officers to carry Mr. Rivera out of the apartment. Officer Traupman walked in front of the officers and moved items as the officers made their way down the stairwell and to the ground level. Officer Traupman said the officers carried Mr. Rivera, who continued to mumble and say racial slurs and curse words. Officer Traupman assisted the other officers and grabbed Mr. Rivera's right arm, and they carried him to the grass area in front of the building. The officers placed Mr. Rivera on the grass in a seated position, and he started kicking his legs and yelling racial slurs and said, "Fuck you."

Officer Traupman advised dispatch that if AMR was staging they could approach. Officer Traupman said while they were waiting for AMR Mr. Rivera continued to kick and throw his body on the ground. Mr. Rivera would say something but then quickly change his mood and become agitated and repeat racial slurs. Mr. Rivera continued to kick his legs, so, to prevent him from hitting someone or injuring himself, Officer Traupman placed his foot on Mr. Rivera's shin.

Officer Traupman said an AMR ambulance arrived, and Mr. Rivera continued to act aggressively; he was kicking his legs and saying racial slurs. One AMR member held Mr. Rivera's legs, and the other stood over the officers and Mr. Rivera and took out a needle and a vial. Officer Traupman said he asked if it was Ketamine and was told it was. Officer Traupman said AMR personnel told the officers they could not assess Mr. Rivera due to his aggressive behavior. Officer Traupman said he took a step back and illuminated Mr. Rivera with a flashlight so AMR could see. Mr. Rivera's waistband was pulled down to this thigh, and the AMR personnel administered the Ketamine to his thigh. At some point, Mr. Rivera vomited on one of the AMR members. Officer Traupman said he was not sure if it was before or after the Ketamine was administered.

After the Ketamine was administered, Officer Traupman said he walked toward Mr. Rivera's head and saw that he was face-down and continued to vomit. Mr. Rivera was attempting to throw his body around as if he was trying to get up, so Officer Traupman crouched down and applied minimal pressure to his left shoulder. Mr. Rivera continued to vomit and was wiggling on the ground, and Officer Traupman said he told him to relax and calm down. Mr. Rivera began to calm down but continued to vomit.

Officer Traupman said he stood up and an AMR member placed a mesh spit hood over Mr. Rivera's head. It appeared that the Ketamine was taking effect on Mr. Rivera; he was calm and in and out of consciousness. Mr. Rivera was rolled onto the movement bag; he was face-up and carried to the stretcher at the rear of the ambulance; AMR personnel placed Mr. Rivera in the ambulance. Officers Wiseth and Traupman uncuffed Mr. Rivera from behind his back and re-cuffed each hand to the side of the stretcher while AMR members assessed Mr. Rivera.

Officer Traupman said he was standing at the rear of the ambulance with Officers Greenfield and Wiseth when he saw Mr. Rivera's abdomen rise but did not see him breathe again. AMR began life-saving measures and said that Mr. Rivera was in full arrest. AMR asked the police to take over chest compressions, and the officers performed chest compressions until SFD personnel arrived and took over. AMR transported Mr. Rivera to UUH, and Officer Wiseth followed the ambulance. Officers Traupman and Greenfield remained at the scene until other members of SPD arrived.

Medical Information

Medical Response - Emergency Services/Ambulance

Based on the AMR Patient Care Report (PCR), on May 31, 2023, at 3:58:58 a.m., AMR was dispatched to a possible "person in crisis" and advised while en-route that the person was barricaded inside a bathroom and was violent. At 4:09:10 a.m. AMR personnel arrived at the scene and "staged" in the area, waiting to be cleared by the police. AMR personnel saw Mr. Rivera rolling around on the ground in the front yard; he was alert, confused, and combative. Based on the PCR, Mr. Rivera was actively fighting with the police and spitting. Mr. Rivera did not have any obvious signs of respiratory distress, and the officers restrained his hands behind his back.

Based on the PCR, at 4:15 a.m. AMR personnel approached Mr. Rivera; he was alert but confused and unable to answer questions or follow simple commands. Mr. Rivera was using vulgarities toward the officers and AMR personnel. AMR deemed Mr. Rivera alert and in need of further medical assessment. Based on the PCR, AMR personnel were told by police that Mr. Rivera used "Spike" and was exhibiting signs of excessive strength, lack of tiring, and attempted to fight the physical restraint. AMR noted that Mr. Rivera was spitting (possible blood-tinged saliva) at the responders. Due to Mr. Rivera's presentation, combativeness, and lack of tiring, he was deemed appropriate for chemical sedation to allow for safe assessment and transport.

Based on the PCR and consistent with the BWC footage, Paramedic Noble administered 250 mg of Ketamine to Mr. Rivera's thigh for sedation. According to the PCR, Mr. Rivera continued to spit at responders, and a spit cover was placed on him. Mr. Rivera was placed on a

movement bag and carried to the stretcher and placed in an upright position. AMR personnel and the officers loaded Mr. Rivera into the ambulance, and the spit cover was removed so AMR personnel could assess his airway. Based on the PCR, Mr. Rivera was sedated and breathing. AMR noted labored breathing and placed Mr. Rivera on cardiac, oxygen, and carbon dioxide monitors. AMR noted that Mr. Rivera vomited a dark coffee-like substance and was thereafter suctioned. AMR saw that Mr. Rivera had agonal breaths and began life-saving measures, including CPR and bag-valve mask ventilation. Based on the PCR, at 4:45 a.m. AMR transported Mr. Rivera to UUH, with no officers in the ambulance. At 4:50:09 a.m. AMR arrived at the UUH Emergency Department and transferred care to UUH personnel.

OSI attempted to interview Paramedic Noble and EMT Armstrong, but they did not respond to OSI's requests to be to be interviewed.

Upstate University Hospital

Based on the UUH records, when Mr. Rivera arrived in the Emergency Department he was pulseless with fixed and dilated pupils and pale skin. Hospital staff continued life-saving measures, but at 5:00 a.m. Mr. Rivera was pronounced dead by UUH Dr. Patrick Adcock.

Autopsy

Dr. Dianne Vertes, Onondaga County Medical Examiner's Office

On June 1, 2023, Dr. Dianne Vertes performed the autopsy. Based on documentation from OCMEO, Mr. Rivera's peripheral blood, serum, vitreous humor, urine, and liver tissue were submitted for toxicologic analysis. OSI obtained and reviewed Dr. Vertes's Final Autopsy Report, which said that the cause of Mr. Rivera's death was "Acute Polysubstance (Fentanyl and analogues, Cathinone and Xylazine) Intoxication," and that the manner of his death was "Accident."

The Toxicology Report showed that Fentanyl, Fluorofentanyl, N, N-Dimethylpentylone, Pentylone, and Xylazine were present in Mr. Rivera's system.

In the Final Autopsy Report, Dr. Vertes outlined the autopsy diagnoses, which included "Hyperactive delirium with agitation," "Ischemic Heart Disease," and "SARS CoV-2 (Covid 19) Positive." The report noted that Mr. Rivera had multiple blunt force external injuries to his head, neck, torso, and extremities. The opinion section of the Final Autopsy Report said that the internal examination showed superficial injuries only.

OSI interviewed Dr. Vertes, who said that "hyperactive delirium with agitation" is synonymous with "excited delirium." Dr. Vertes said that normally this condition presents in people with

high adrenaline, rigid muscles, and hyperventilation, and may cause some people to have a heart attack. Dr. Vertes said Mr. Rivera's "hyperactive delirium with agitation" was due to "acute polysubstance intoxication" from the different types of drugs Mr. Rivera ingested. Dr. Vertes said Mr. Rivera had lethal amounts of both Fentanyl and Xylazine in his system, which could have caused his death on their own. Dr. Vertes said that even if Mr. Rivera had nothing else in his system, he would have died from the Fentanyl in his system.

Further, Dr. Vertes said that the blunt force external injuries to Mr. Rivera's head, neck, torso, and extremities were minor and not the cause of his death. Dr. Vertes explained that "ischemic heart disease" concerned the size of Mr. Rivera's heart; she said his heart was too heavy, and its walls were too thick. Dr. Vertes said the reason for this condition could be lifestyle or genetics.

Dr. Vertes said she did not know how the Ketamine reacted to the other drugs that were present in Mr. Rivera's system and could not comment on how the Ketamine affected him. Dr. Vertes said she found aspirated gastric content in Mr. Rivera's airway, which was probably due to drug intoxication. Dr. Vertes said that this was not the cause of Mr. Rivera's death, but rather a byproduct of his death. Therefore, based upon all her findings, Dr. Vertes ruled the manner of Mr. Rivera's death to be "Accident."

Dr. Alfredo Walker, Independent Forensic Pathologist

OSI retained independent Forensic Pathologist Dr. Alfredo Walker to provide a second opinion as to the cause and manner of Mr. Rivera's death. Dr. Walker is a registered Forensic Pathologist and Coroner of the Ontario Forensic Pathology Service (OFPS) based in the Eastern Ontario Regional Forensic Pathology Unit of the Department of Pathology and Laboratory Medicine of the Ottawa Hospital General Campus, in Ottawa, Canada. Dr. Walker is the Chair of the Complex Case Expert Committee of the OFPS, Vice Chair of the Department of Pathology and Laboratory Medicine, and Director of Education. Dr. Walker is a licensed medical doctor and Assistant Professor of Pathology and Laboratory Medicine.

Dr. Walker reviewed the police reports, BWC videos, ambulance records, medical records, photographs, autopsy materials, and the Toxicology Report. Dr. Walker generated a written report detailing his opinion, which he provided to OSI; based on the report, Dr. Walker agreed with Dr. Vertes's determination that the cause of Mr. Rivera's death was "Acute Polysubstance (Fentanyl and analogues, Cathinone and Xylazine) Intoxication" and that the manner of death was "Accident." Dr. Walker noted that neither the officers' application of handcuffs nor the prone restraint caused Mr. Rivera's death, and neither was a significant contributing factor to his death.

Dr. Walker specifically addressed the actions of the paramedics and their administration of Ketamine to Mr. Rivera. Dr. Walker said the use of Ketamine is considered safe and is well-tolerated with rare loss of airway or respiratory drive when administered in a controlled environment such as a hospital or other medical setting. Dr. Walker said that Ketamine is often administered to people with acute behavioral disturbances, and that respiratory-related events and hyper-salivation are the most frequent adverse events.

According to Dr. Walker, the presence of pre-existing, co-ingested drugs in a person could alter the pharmacological effect of Ketamine and result in a fatal outcome. Dr. Walker said that based on findings in the field, polysubstance use may mean that lower concentrations of Ketamine could cause or contribute to death when compared to cases in which Ketamine is the sole substance implicated in causing death, which is especially true when respiratory depression is the mechanism for death.

Dr. Walker addressed the "unsafe nature of administering Ketamine to an agitated individual in the field when it is not known what substances they are under the influence of." Dr. Walker said death was more likely to occur if the Ketamine administration was superimposed on other central nervous system depressants (such as opiates/opioids) and sedative/hypnotics (such as benzodiazepines). Dr. Walker noted that in this case, the drugs in Mr. Rivera at the time of the administration of Ketamine were a combination of respiratory depressants (Fentanyl, Fluorofentanyl, 4-ANPP, Xylazine) and stimulants (N,N dimethylpentylone). Dr. Waker said that, as with any combination of depressant and stimulant drugs, it is impossible to predict their overall clinical effect, except that it is well known that combinations of depressants and stimulants can result in fatality. Therefore, introduction of Ketamine into an already primed toxicological environment for an adverse outcome would have further increased the risk of a fatal outcome. In summary, it is impossible to precisely determine the effect Ketamine would have had on a person who had ingested a combination of respiratory depressants and stimulants, as Mr. Rivera had.

Dr. Walker also addressed the placement of the spit hood on Mr. Rivera. He said spit hoods can lead to asphyxiation when used in conjunction with other restraint methods; the application of spit hoods can make it more difficult for first responders to monitor breathing; and the presence of blood or vomit in the mask can clog the pores in its mesh and impair breathing. However, Dr. Walker said that in this case the spit hood did not make a significant contribution to Mr. Rivera's death.

LEGAL ANALYSIS

Based on the investigation, OSI concludes that there is insufficient evidence to prove beyond a reasonable doubt that Officers Greenfield, Wiseth, or Traupman caused Mr. Rivera's death. In a criminal case concerning a death, a person may only be found guilty of a homicide crime

if the evidence proves beyond a reasonable doubt that the person caused the death. A person is deemed to cause the death of another person when his or her "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).

The standard to apply in determining causation is whether the defendant's conduct was a "sufficiently direct cause" of the death. *People v. Kibbe*, 35 N.Y.2d 407 (1974). "A person's conduct is a sufficiently direct cause of such injury when: one, the conduct is an actual contributory cause of such injury; and two, … the injury was a reasonably foreseeable result of the conduct." *NY Criminal Jury Instructions 2d, General Applicability, Causation*.

Here, Officers Greenfield, Wiseth, and Traupman responded to the apartment following 911 calls reporting that Mr. Rivera was apparently "on something" and causing damage to a bathroom. The officers found Mr. Rivera lying on the bathroom floor, not complying with their attempts to get him out of the bathroom. The officers said they decided to handcuff him so they could successfully and safely get him outside and get him the help he appeared to need. Though the officers physically restrained Mr. Rivera while waiting for ambulance personnel to treat him and did so again during the treatment, the evidence in the investigation does not indicate that the restraint was excessive. The officers used handcuffs and their hands, feet, and knees to restrain Mr. Rivera. Based on the BWC footage and statements of the officers, the officers did not kick, punch, choke, or strike Mr. Rivera, and did not appear to hold him in the prone position for longer than necessary to allow the ambulance personnel to administer the treatment they determined to be necessary.

Dr. Vertes, the Medical Examiner who conducted the autopsy, determined that the cause of Mr. Rivera's death was "acute polysubstance intoxication," and that the manner of his death was "accident." Though she noted external blunt force injuries, Dr. Vertes said the external injuries were superficial and did not contribute to Mr. Rivera's death. While Dr. Vertes noted "hyperactive delirium with agitation" within Mr. Rivera's autopsy diagnoses, Dr. Vertes explained the "hyperactive delirium with agitation" was due to "acute polysubstance intoxication" from the drugs in his system. Dr. Vertes further explained that Mr. Rivera had lethal amounts of Fentanyl and Xylazine in his system, which could have caused his death on their own. Dr. Vertes said if even if Mr. Rivera had nothing else in his system, he would have died from the Fentanyl in his system. In the autopsy report and interview with OSI, Dr. Vertes did not conclude that the actions of the officers caused or contributed to Mr. Rivera's death.

After reviewing the case materials, including the BWC videos and autopsy report and photographs, Dr. Walker, an independent forensic pathologist, agreed with Dr. Vertes's conclusions regarding the cause and manner of Mr. Rivera's death, and said that neither the

officers' application of handcuffs nor the prone restraint caused Mr. Rivera's death and neither was a significant contributing factor to his death.

For these reasons, OSI concludes that a prosecutor at trial would not be able to prove beyond a reasonable doubt that any of the officers caused Mr. Rivera's death. Therefore, OSI will not seek charges against them and closes the matter with this report.

Dated: November 5, 2026