



Office of the New York State Attorney General Letitia James

Office of Special Investigation

October 14, 2026

Report on the Investigation of the Death of Christopher Ferguson

SUMMARY

New York Executive Law Section 70-b authorizes the Office of the Attorney General, through the Office of Special Investigation (OSI), to investigate and, if warranted, to prosecute offenses arising from any incident in which the death of a person is caused by a police officer or a 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 Christopher Ferguson, who was shot and killed on December 5, 2024, by New York City Police Department (NYPD) Officers Jonathan Aguilar and Tiagom Reis.

On December 5, 2024, at 3:15 p.m., Officers Aguilar and Reis shot and killed Mr. Ferguson as he pointed a pistol at Officer Aguilar, in front of 184 Utica Avenue, in Kings County. A loaded Ruger 9 mm firearm with an extended magazine was recovered at the scene.

Eighteen minutes earlier, members of the NYPD received a notification of a possible shooting at 81 North Portland Avenue. Responding officers met with a witness to the shooting who provided them with a photograph and license plate of a car involved in the incident. At 3:11 p.m. officers observed the same car traveling eastbound on Fulton Street toward Franklin Avenue and attempted to pull the car over. The driver, Y.H. (OSI does not release the names of civilian witnesses), fled from the officers for several blocks at a high rate of speed until getting stuck in traffic at the intersection of Utica Avenue and Park Place. Y.H.'s three-year-old son was in the back seat during the pursuit.

Mr. Ferguson attempted to flee on foot and, as he was getting out of the front passenger seat, pointed a firearm at Officer Aguilar. Officer Aguilar fired 16 rounds at Mr. Ferguson and Officer Reis fired three rounds, striking Mr. Ferguson 12 times. The three-year-old child was not hurt during the incident; Y.H. was shot in the ankle and received treatment at Kings County Hospital.

Mr. Ferguson was 21 years old when he died.

(Note: OSI's Notification of Investigative Findings in this case was published on September 5, 2025, and can be found at this link: [HERE](#).)

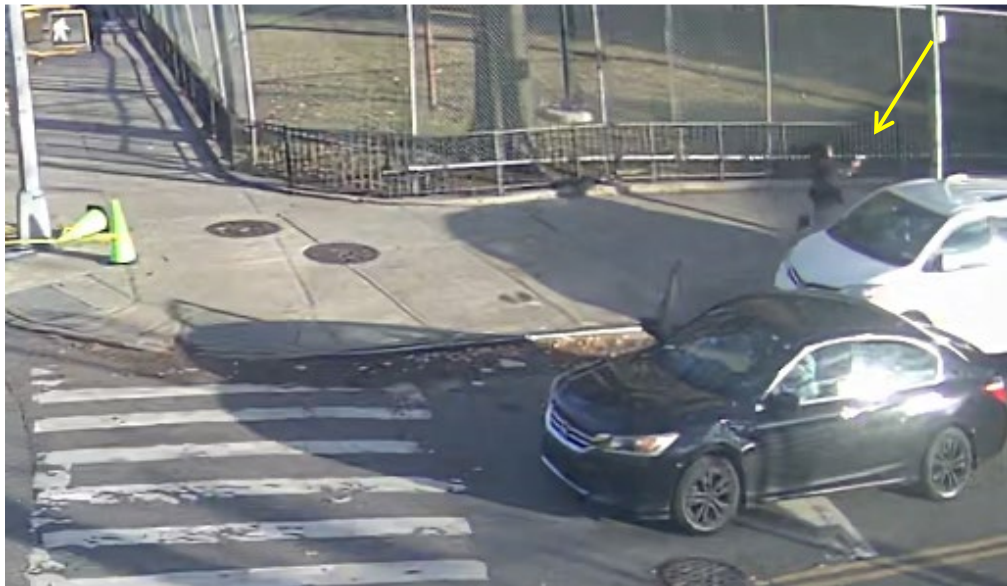
FACTS

Initial Shooting

The initial shooting occurred outside the Walt Whitman Houses, 81 North Portland Avenue in Kings County, a New York City Housing Authority facility.

Security video of the North Portland and Park Avenue intersection showed a black Honda, with a rear license plate attached with one screw, stopped at the intersection at 2:57 p.m. Witness 1 walked across Park Avenue toward the black Honda and then ran away from the car. The video showed that Mr. Ferguson got out of the front passenger seat, ran onto the sidewalk, and fired shots at Witness 1 as they ran away. Mr. Ferguson got back into the front passenger seat and the car sped away. Witness 1 was not injured.

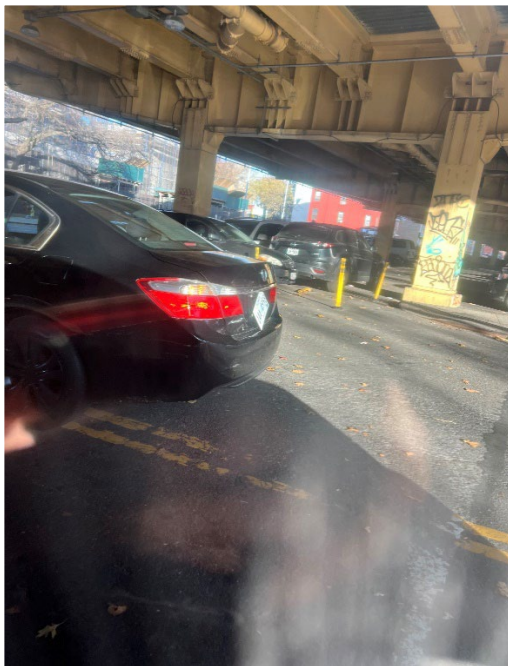
At 2:57 p.m. there was a corresponding ShotSpotter activation at 81 North Portland Avenue. ShotSpotter is a gunshot detection system. Its acoustic sensors can distinguish gun shots from other sounds, and the system may alert police before 911 is called. Based on the ShotSpotter activation, Sergeant MD Qureshi and Officer Andrew Genao responded to the area and met with an anonymous witness who said he saw the incident and that the shooter fled in a black Honda Accord with Mississippi license plate 1AA4958. The witness provided a picture of the license plate to Sergeant Qureshi. Sergeant Qureshi broadcast the information about the car over his department radio.



Still frame image from security footage showing Mr. Ferguson shooting at Witness 1, with the yellow arrow pointing to Mr. Ferguson's gun.



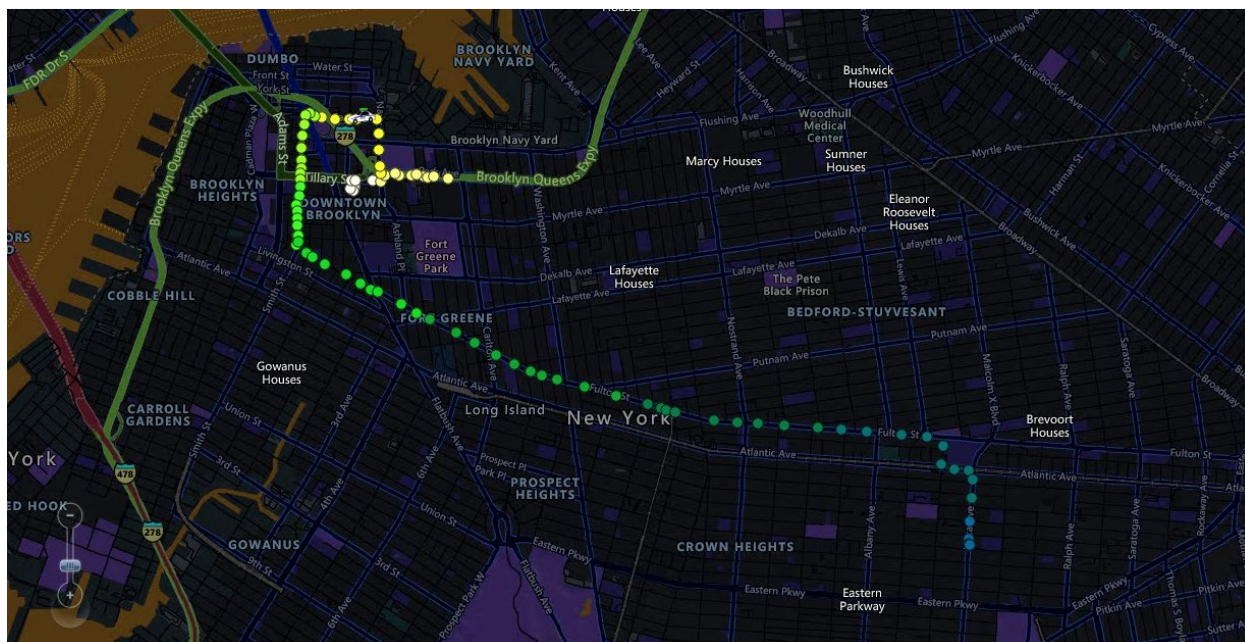
Still frame image from security footage of the black Honda driving away from the shooting, with the license plate circled in yellow.



Photographs provided to Sgt. Qureshi by the anonymous witness.

Car Pursuit and Police Shooting

Sergeant Qureshi and Officer Genao began canvassing the area for the black Honda. Based on the footage from their body-worn cameras (BWCs), they found the black Honda near the intersection of Fulton Street and Vanderbilt Avenue. Sergeant Qureshi radioed a request for additional police to pull the car over. Additional units arrived and attempted to box in the black Honda, while other officers got out of their police cars and surrounded the Honda. The BWC footage, along with Automatic Vehicle Location (AVL) data of the pursuing NYPD cars, showed that Y.H., who was driving the Honda, did not pull over. Y.H. sped away eastbound on Fulton Avenue; southbound onto Schenectady Avenue; eastbound on Atlantic Avenue; and then southbound on Utica Avenue, until getting stuck in traffic between Prospect Place and Park Place where the shooting occurred.



AVL data from Officer Watson's and Officer Aguilar's car showing the path they took during the pursuit, from upper left to lower right.

Video from NYPD BWCs and Dashboard Camera

Officer Jonathan Aguilar

Officer Aguilar's BWC footage began at 3:11 p.m., with him sitting in the front passenger seat of a police car being driven by Officer Basil Watson. At 3:11 p.m. Officer Aguilar got out of the car and walked toward the back of the black Honda. The black Honda drove away at a high rate of speed as Officer Aguilar and other officers converged on the car. Officer Aguilar got back into his car and Officer Watson pursued the black Honda for several blocks. Officer Aguilar was holding his gun during the pursuit.

After a high speed pursuit, the black Honda got stuck in traffic at the intersection of Utica Avenue and Park Place. The BWC footage showed that Officer Aguilar got out of his car and ran toward the passenger side of the black Honda. When he reached the car, Mr. Ferguson pointed a gun at him as he opened the passenger side door and tried to get out of the car. The door was blocked by another car, and Mr. Ferguson could not get out.

Based on the BWC footage, at 3:15 p.m., as Mr. Ferguson pointed the gun at Officer Aguilar, Officer Aguilar shot Mr. Ferguson several times in the head and body. Y.H. got out of the car and ran. Officer Aguilar chased Y.H. and tackled her to the ground. A portion of Officer Aguilar's BWC video is linked [HERE](#).



Still frame image from Officer Aguilar's BWC video of him attempting to stop the black Honda at the Franklin Avenue and Fulton Street Intersection. The license plate Witness 1 described is circled in yellow.



Still frame image from Officer Aguilar's BWC video showing Mr. Ferguson pointing a gun at Officer Aguilar, with Mr. Ferguson and his gun circled in yellow.

Officer Basil Watson

Officer Watson's BWC footage began at 3:11 p.m., with him driving a marked police car at the intersection of Fulton Street and Franklin Avenue with Officer Aguilar in the front seat. Officer Aguilar got out of the car and walked toward the black Honda. The black Honda fled, and Officer Aguilar got back into the car. According to the BWC footage, Officer Watson pursued the black Honda for several blocks until they got stuck in traffic. Officer Watson got out of the car, drew his gun, and walked to the front of the black Honda. When he got to the front of the black Honda, he began yelling that there was a baby in the car. The BWC footage showed that Officer Watson immediately ran to the rear driver's side door, removed a child from the back seat, and carried him away from the shooting.

Officer Basil did not fire his service weapon. A portion of Officer Basil's BWC video is linked [HERE](#).

Officer Tiagom Reis

Officer Reis's BWC footage began at 3:10 p.m., with him driving an unmarked police car with Sergeant Julio Acuria in the front seat and Officer Connor McGouran in the rear passenger seat. Officer Reis's and several other police cars pulled up next to the black Honda at the Fulton Street and Franklin Avenue intersection. Officer Reis pursued the black Honda as it sped away from the car stop. Officer Reis got out of his car and approached the black Honda on the driver's side when it got stuck in traffic. Officer Reis fired several rounds through the driver's side door as Y.H. was running from the car and then fired a round through the rear passenger window.

Officer Reis ran to the passenger side of the car, removed Mr. Ferguson from the car, put him in handcuffs, and performed chest compressions. A portion of Officer Reis's BWC video is linked [HERE](#).



Still image from Officer Reis's BWC video of Officer Reis shooting over Y.H. as she ran from the car.

Dashboard Camera

Officer Reis's car was equipped with a dashboard camera. The dashboard camera footage showed the officers traveling eastbound on Fulton Street toward Franklin Avenue when several police cars surrounded the black Honda. The black Honda fled at a high speed and Officer Reis pursued the car for several blocks. According to the footage, during the pursuit the black Honda drove through steady red lights, crossed over double yellow lines, and weaved through traffic. The pursuit ended when the black Honda got stuck in traffic on Union Avenue. The dashboard camera footage showed that Officer Reis got out of the car and walked toward the driver's side of the black Honda with his gun out, and the footage captured the sound of several gunshots. Y.H. ran from the car onto the sidewalk, without the child, and Officer Aguilar tackled her to the ground. Officer Watson then took the child out of the back seat of the car. Much of the incident was not captured by the dashboard camera because the view was obstructed by another police car. A portion of the dashboard camera footage is linked [HERE](#).

Officer Interviews

Officer Jonathan Aguilar

Officer Aguilar told OSI that he had been a member of NYPD for six years. On the day of the incident he was assigned to the 84th Precinct's Business Improvement District – Auto. Officer Aguilar was in uniform and was patrolling in a police car driven by Officer Watson.

While on patrol he received a ShotSpotter notification for a shooting near 81 North Portland Avenue. A few moments later he received a radio communication describing a car and its license plate, including that it was at the intersection of Fulton Street and Franklin Avenue. Officer Aguilar said they responded to the intersection and attempted to stop the car, a black Honda, which drove away at a high rate of speed. Officer Aguilar said they followed the car for several blocks until the car got stuck in traffic at the intersection of Utica Avenue and Park Place.

Officer Aguilar said he got out of the car and approached the passenger side of the black Honda. As he approached, Mr. Ferguson got out of the front passenger seat and pointed a gun at him. Officer Aguilar yelled, "Gun," and then shot Mr. Ferguson several times. Officer Aguilar said he then chased the woman who had been driving and tackled her to the ground when she tried to run away.

Officer Aguilar said that he had his gun out during the pursuit because he believed the car was involved in the shooting at 81 North Portland Avenue and that the people in the car had a gun. He did not know there was a child in the car until after the shooting.

Officer Basil Watson

Officer Watson told OSI that he had been a member of NYPD for two years. On the day of the incident, he was assigned to the 84th Precinct's Business Improvement District – Auto. Officer Watson was in uniform and was driving a police car with Officer Aguilar in the front passenger seat.

While on patrol, Officer Watson received information that a black car with a Mississippi license plate attached with one screw was involved in a ShotSpotter activation. Other officers spotted the black Honda near the Fulton Street and Frankling Avenue intersection. Officer Watson said he drove to the intersection and turned on his lights and sirens to pull the car over. The car did not stop and sped away down Fulton Street. Officer Watson said he followed the car for several blocks as it weaved through traffic at a high rate of speed until it got stuck in traffic on Utica Avenue. Officer Watson said he got out of his car, drew his weapon, and approached the front of the car. Officer Watson said he heard gunshots and was about to shoot but did not because he saw a baby in the back seat. Officer Watson yelled that there was a baby in the car, then took the child out of the car and brought the child to a safe area.

Officer Tiagom Reis

Officer Reis told OSI that he had been a member of NYPD for six years. On the day of the incident, he was assigned to the 84th Precinct's public safety post. Officer Reis was in uniform and driving an unmarked police car with Sergeant Acuria in the front passenger seat and Officer McGouran in the rear passenger seat.

Officer Reis said that during patrol he received a ShotSpotter notification and a description of a car, including its license plate, that was involved in the shooting. Officer Reis said he then heard updated information over the radio that the car was seen near the intersection of Fulton Street and Franklin Avenue. Officer Reis saw the car on Fulton Street but did not attempt to pull it over because he was in an unmarked car and did not want to alert civilians that his car was an undercover police car, so he waited for additional police cars to arrive.

Officer Reis said additional cars arrived and attempted to pull the car over. The driver of the black Honda did not stop and drove away. Officer Reis said he followed the car until it got stuck in traffic on Utica Avenue. At that point, Officer Reis said he got out of his car and approached the driver's side of the black Honda. Officer Reis said he saw the driver with her hands up and then heard another officer yell gun and heard several gunshots. Officer Reis said he believed Mr. Ferguson was shooting at officers, and Officer Reis fired three rounds toward Mr. Ferguson.

Officer Reis said he helped remove Mr. Ferguson from the car after he was shot and performed chest compressions.

Physical Evidence

Detectives from NYPD's Crime Scene Unit (CSU) went to both 81 North Portland Avenue and the intersection of Utica Avenue and Park Place and took photographs and recovered physical evidence.

81 North Portland Avenue

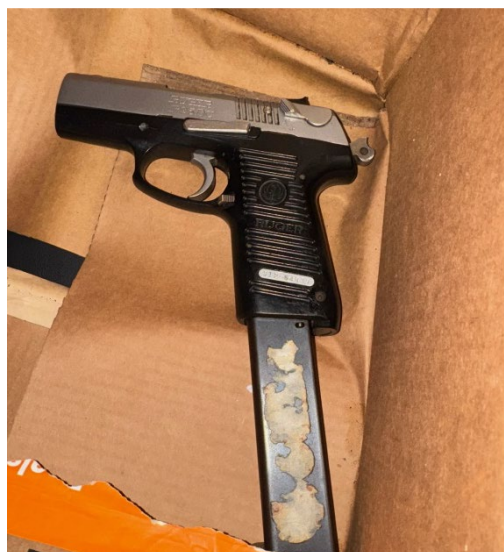
Detective Anthony Ribustello from CSU canvassed for ballistics evidence at 81 North Portland Avenue and recovered three discharged 9mm luger caliber shell casings.

Utica Avenue and Park Place

Sergeant Acuria recovered Mr. Ferguson's gun from the ground near Mr. Ferguson's body where it fell after the shooting.

CSU Detective Jaysen Basnight processed the Utica Avenue and Park Place intersection. He processed the gun that Sergeant Acuria recovered near Mr. Ferguson's body, which was a 9mm luger caliber pistol with an extended magazine, and recovered one live 9mm cartridge from the chamber and two live 9mm cartridges from the magazine.

Detective Basnight also recovered 17 spent casings and three bullet fragments on the street, and one deformed bullet from the back seat of the black Honda.



CSU photograph of the 9mm luger pistol recovered from the street near Mr. Ferguson.

Officer Aguilar's Firearm

Officer Aguilar was equipped with a Glock 17, 9mm firearm, with a 15-cartridge capacity magazine. During his interview with OSI, Officer Aguilar said his firearm was fully loaded with one cartridge in the firing chamber and 15 cartridges in the magazine prior to the shooting. CSU recovered Officer Aguilar's firearm after the shooting and determined the magazine was empty, which indicated that Officer Aguilar fired 16 rounds during the incident.

Officer Reis's Firearm

Officer Reis was equipped with a Glock 17, 9mm firearm, with a 15-cartridge capacity magazine. During his interview with OSI, Officer Reis said his firearm was fully loaded with one cartridge in the firing chamber and 15 in the magazine prior to the shooting. CSU recovered Officer Reis's firearm and determined it had one cartridge in the firing chamber and 12 cartridges in the magazine, which indicated that Officer Reis fired three rounds during the incident.

Microscopic Examination

Detective Manuel Alonzo from the NYPD's Police Laboratory Firearms Analysis Section conducted a microscopic analysis of the three shell casings recovered at 81 North Portland Avenue and concluded they were fired from Mr. Ferguson's gun.

Injuries

According to medical records, Mr. Ferguson was transported to Kings County Hospital after the shooting where he was pronounced dead by Dr. Valery Rodnitsky.

Y.H. sustained two gunshot wounds to the lower right leg, was brought to Kings County Hospital, and was treated and released.

Autopsy

Dr. Michael J. Greenberg of the New York City Office of the Chief Medical Examiner performed the autopsy of Mr. Ferguson on December 6, 2024. According to the autopsy report, Dr. Greenberg deemed the cause of death to be multiple gunshot wounds and the manner of death to be homicide. Mr. Ferguson was shot 12 times, with gunshot wounds to the head, chest, abdomen, left leg, and left arm.

LEGAL ANALYSIS

Article 35 of the New York Penal Law defines the circumstances under which a person may be justified in using deadly physical 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).

In *People v Jairo Castillo*, 42 NY3d 628, 631 (2024), the New York Court of Appeals stated:

“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]).” (Square brackets and ellipses in the original.)

In this case, the officers used deadly physical force. Under PL 10.00(1), “deadly physical force” is “physical force which, under the circumstances in which it is used, is readily capable of causing death or other serious physical injury.” Under PL 10.00(10), “serious physical injury” is “physical injury which creates a substantial risk of death, or which causes death or serious and protracted disfigurement, protracted impairment of health or protracted loss or impairment of the function of any bodily organ.”

PL 35.30 is the provision defining justification when a police officer or peace officer uses force to effect or attempt to effect an arrest. PL 35.30(1) provides:

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

police officer or peace officer or another person from what the officer reasonably believes to be the use or imminent use of deadly physical force.”

Police officers using deadly physical force pursuant to PL 35.30(1) are under no duty to retreat when threatened with deadly physical force, PL 35.15(2)(a)(ii).

Based on the evidence in this investigation, OSI concludes that a prosecutor would not be able to disprove beyond a reasonable doubt that the officers’ use of deadly physical force was justified under the law.

Mr. Ferguson was in a car that had been identified as being used in a shooting shortly before he was shot by the police. Officers attempted to stop the car, but the driver fled and led the police on a high speed pursuit that spanned several blocks and endangered numerous other motorists and pedestrians, only stopping when he eventually got stuck in traffic. Mr. Ferguson pointed a gun directly at Officer Aguilar as he tried to get out of the car. Officer Aguilar yelled, “Gun,” and shot Mr. Ferguson several times. Officer Reis then fired several rounds when he heard gunshots and another officer yelling, “Gun.”

Subdivision 4 of Section 70-b confers criminal jurisdiction to the Attorney General over “any criminal conduct arising from any incident” in which an officer causes a death. OSI therefore also analyzed whether the discharging officers committed a crime when they shot Y.H.

Officer Aguilar shot from the passenger side of the Honda directly at Mr. Ferguson when Mr. Ferguson pointed a gun at him. Officer Reis fired from the driver’s side of Honda through the car toward Mr. Ferguson when he heard Officer Aguilar yell, “Gun,” and heard gunfire. The evidence does not indicate that either officer intended to strike Y.H. As there is no substantial evidence of intentional conduct, OSI analyzes whether their conduct was criminally reckless. Given that both officers were firing at a man who was pointing a gun at an officer, and whom they had reason to believe had earlier fired that gun at a civilian at another location, OSI concludes that firing at him under the circumstances, at close range, was not criminally reckless.

However, even if an officer had been criminally reckless with regard to the gunfire that struck Y.H., the law of justification would not authorize charging that officer with a crime, as follows:

Subdivision 2 of PL 35.30 provides:

“The fact that a police officer or a peace officer is justified in using deadly physical force under circumstances prescribed in paragraphs (a) and (b) of subdivision one does not constitute justification for reckless conduct by such police officer or peace

officer amounting to an offense against or with respect to innocent persons whom he or she is not seeking to arrest or retain in custody.”

This provision applies to an officer’s use of deadly physical force under paragraph (a) or (b) of Section 35.30(1). However, the officers in this case used deadly physical force pursuant to paragraph (c) of PL 35.30(1), as set forth earlier in this section. Therefore, OSI concludes the officers would not be chargeable with a crime, even if their conduct had been criminally reckless with regard to Y.H.

Paragraphs (a) and (b) of Section 35.30(1) read as follows: “1. A police officer or a peace officer, in the course of effecting or attempting to effect an arrest, or of preventing or attempting to prevent the escape from custody, 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 to prevent the escape from custody, 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: (a) The offense committed by such person was: (i) a felony or an attempt to commit a felony involving the use or attempted use or threatened imminent use of physical force against a person; or (ii) kidnapping, arson, escape in the first degree, burglary in the first degree or any attempt to commit such a crime; or (b) The offense committed or attempted by such person was a felony and that, in the course of resisting arrest therefor or attempting to escape from custody, such person is armed with a firearm or deadly weapon....”

Based on the investigation, OSI concludes a prosecutor would not be able to disprove beyond a reasonable doubt that Officer Aguilar and Officer Reis were justified in shooting Mr. Ferguson. Further, OSI does not find that the officers recklessly injured Y.H.; even if they had recklessly injured Y.H., OSI concludes that the law would not authorize a prosecutor to charge them with a crime. Therefore, OSI will not seek charges and closes the matter with this report.

Dated: xx 2026