



Office of the New York State Attorney General Letitia James

Office of Special Investigation

May 12, 2026

Report on the Investigation into the Death of Hugh Davis

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 a peace officer. When, as in this case, OSI does not seek charges against the officer, Section 70-b requires issuance of a public report. This is the public report of OSI's investigation of the death of Hugh Davis, who was shot and killed on August 13, 2025, by Cheektowaga Police Department (CPD) Officer Jeremiah Getchell in Erie County. (Note: OSI's Notification of Investigative Findings in this case was published on December 9, 2025, and can be found here: [NOIF: Davis](#).)

At 12:38 p.m. on August 13, 2025, four CPD officers arrived at an apartment building in the City of Buffalo to arrest Mr. Davis on various charges, including Assault in the Second Degree. Officer Getchell led the approach up the stairs to the second-floor apartment where Mr. Davis lived. CPD Officers Jillian Bryant and Sidney Barrick were with him; the fourth officer, Officer Tyler Landahl, went to the rear of the building. Officer Getchell knocked on the door of Mr. Davis's apartment, announcing their presence as police, but received no response. After several minutes of knocking, the center panel of the door loosened from the repeated knocking and eventually fell into the apartment. Mr. Davis emerged from beneath the fallen panel holding a large kitchen knife. Officer Getchell shouted, "He's got a knife!" as Mr. Davis lunged through the doorway, swinging the knife toward the officers. Mr. Davis stumbled, rolled, and swung again, narrowly missing Officer Bryant as Officer Getchell pulled her from the knife's path. Mr. Davis ignored commands to drop the knife, and Officer Getchell fired three rounds, fatally striking Mr. Davis in the torso. The incident was captured by the body-worn camera (BWC) videos of the responding officers (OAG previously released BWC footage; [Attorney General James Releases Footage from Investigation into Death of Hugh Davis](#)).

Mr. Davis was 60 years old when he died.

Having thoroughly investigated the facts and analyzed the law, OSI concludes a prosecutor would not be able to disprove beyond a reasonable doubt that Officer Getchell's use of deadly force against Mr. Davis was justified under New York law and will not seek charges.

FACTS

The Building

The incident occurred inside a two-story apartment building on Sanders Road in the City of Buffalo. The building is rectangular and contains a narrow stairwell that doubles back on itself leading to the second floor. The shooting occurred on the second floor, just outside Mr. Davis's apartment.



Overhead Google image of the apartment building where the incident occurred.

Background

Mr. Davis was a resident of the Sanders Road apartment building. However, at the time of the incident, an Order of Protection was in place prohibiting him from being within 100 feet of the building.

At 12:19 p.m. on August 11, 2025, two days before the incident, CPD received a report of an assault at a local hotel. Upon arrival, officers found a man unconscious on the ground in the hotel entryway. The incident was captured on security video. Witnesses reported, and video showed, that Mr. Davis attacked the hotel's property superintendent following a dispute over damage Mr. Davis had caused to his room.

According to witnesses and video evidence, Mr. Davis caused additional damage to hotel property after being informed of added charges to his room. When the superintendent told Mr. Davis he had to leave, Mr. Davis struck him with a closed fist, knocking him unconscious. The superintendent suffered from brain bleeding as a result and fell into a coma. Officer Getchell was the responding officer to the August 11, 2025, hotel assault and served as the complainant for the ensuing warrant application and charging paperwork. Officer Getchell and other CPD officers went to the Sanders Road apartment building on August 13, 2025, to arrest Mr. Davis in connection with that incident.

The Incident

The following facts are based on Officer Getchell's interview with OSI, the written statements of the involved officers, and BWC footage from all involved officers.

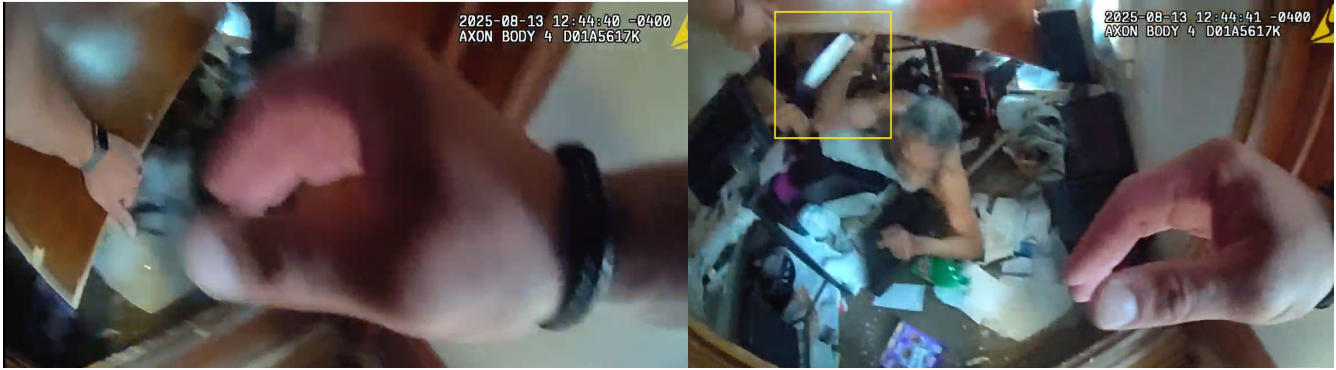
On August 13, 2025, Officer Getchell and three additional officers traveled in two patrol cars to the Sanders Road address. Before entering the City of Buffalo, they notified the Buffalo Police Department (BPD) that they would be making an arrest within city limits. Prior to arrival, Officer Getchell contacted the protected party under the Order of Protection, who indicated that Mr. Davis was in his (Mr. Davis's) apartment.

Upon arrival at 12:38 p.m. the officers approached the front of the building. The front door was locked, but the protected party responded to a text message from Officer Getchell and opened the door. Officer Landahl moved to the rear of the building, while Officers Getchell, Barrick, and Bryant proceeded upstairs to Apartment 4, which they believed to be Mr. Davis's residence.

Officer Getchell knocked on the apartment door and announced police presence. When no one responded, he stepped onto an exterior common balcony and looked through an exterior window while Officers Bryant and Barrick continued knocking. During this time, a single panel of the apartment door became loose. BWC footage showed Officer Bryant placing her foot against the lower portion of the panel while Officer Barrick knocked forcefully; the panel then detached from the door and fell into the apartment, at 12:44:39 p.m.

Slow-motion review of the BWC footage showed Mr. Davis moving through the apartment toward the door as the panel fell. He then emerged from beneath the fallen panel holding a large knife. Mr. Davis lunged forward and swung the knife toward the officers. All three officers moved back. Officer Barrick retreated down the stairwell, Officer Bryant moved across the second-floor landing, and Officer Getchell moved onto the exterior balcony while drawing his service weapon and shouting commands for Mr. Davis to drop the knife.



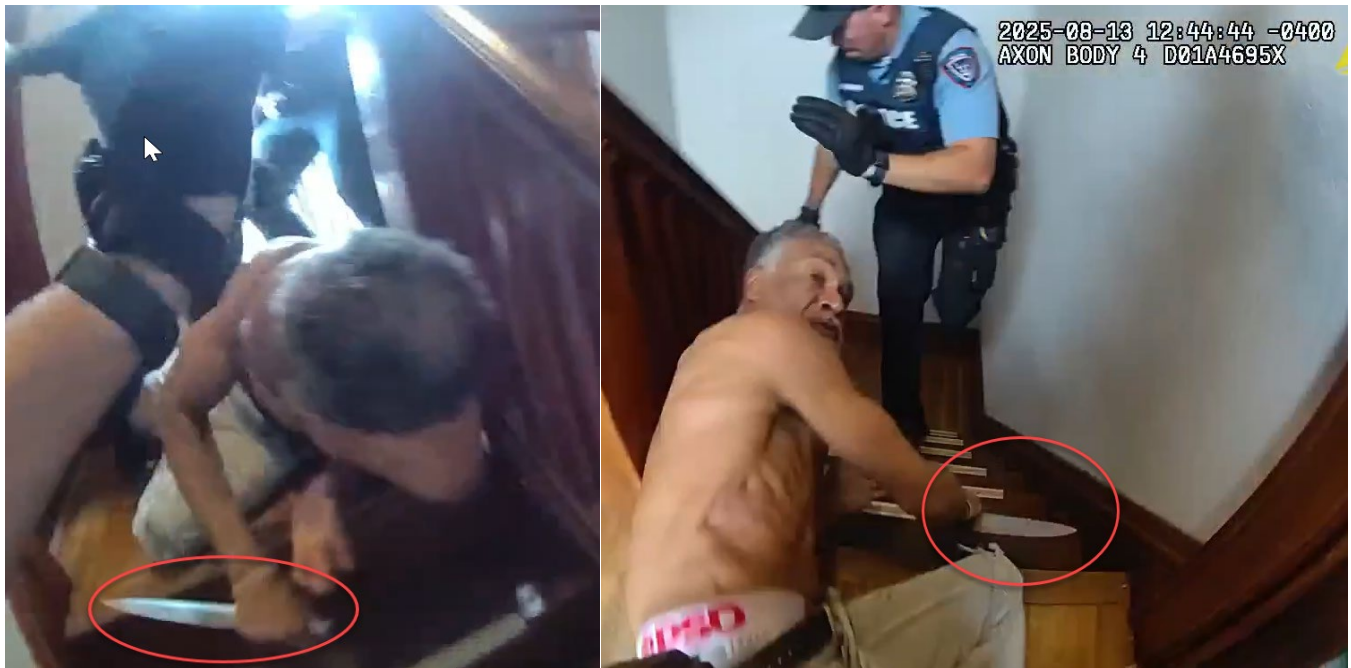


Stills from BWC videos showing Mr. Davis emerging from his apartment.

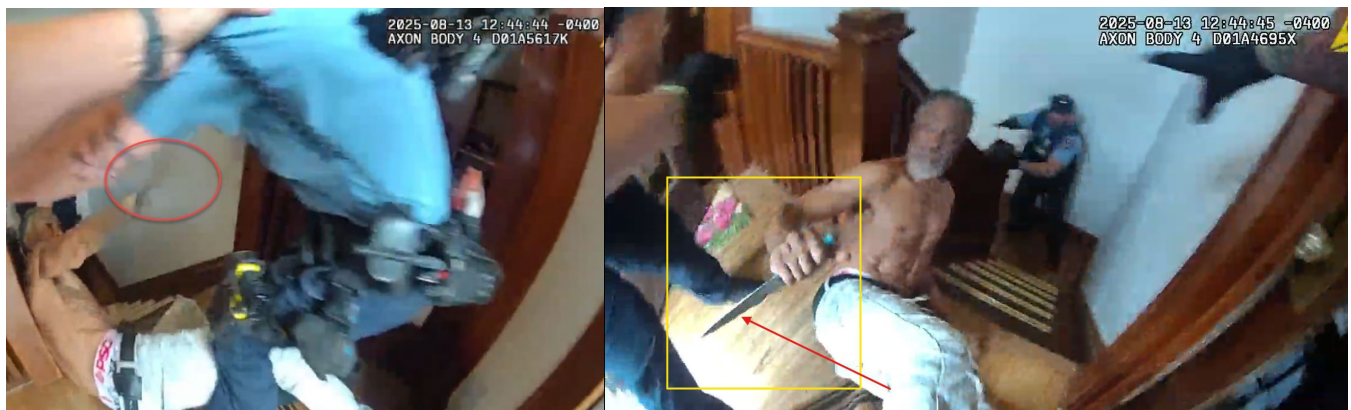


Stills from BWC videos showing Mr. Davis lunging at officers with the knife.

After lunging through the doorway, Mr. Davis fell at the top of the stairwell. He rolled and made a sweeping swing with the knife toward Officer Bryant, who had stepped over him. Officer Bryant was positioned between Mr. Davis and Officer Getchell. BWC footage showed that Officer Getchell grabbed Officer Bryant and pulled her out of the knife's path as Mr. Davis swung again, narrowly missing her. At that point, at 12:44:45 p.m., Officer Getchell fired three rounds, striking Mr. Davis. About five seconds passed between when Mr. Davis emerged with the knife and Officer Getchell fired the shots.



Stills from BWC videos of Mr. Davis holding the knife.



Stills from BWC videos of Mr. Davis swinging the knife at Officer Bryant.

Mr. Davis tumbled down the first flight of stairs, dropped the knife, and came to rest on a landing. Officers notified EMS and rendered aid until emergency responders arrived. At some point the knife was kicked and landed at the bottom of the stairwell. Officer Landahl later collected the knife, as detailed below. Mr. Davis was transported to Erie County Medical Center and pronounced dead at the hospital.

Interview of Officer Getchell

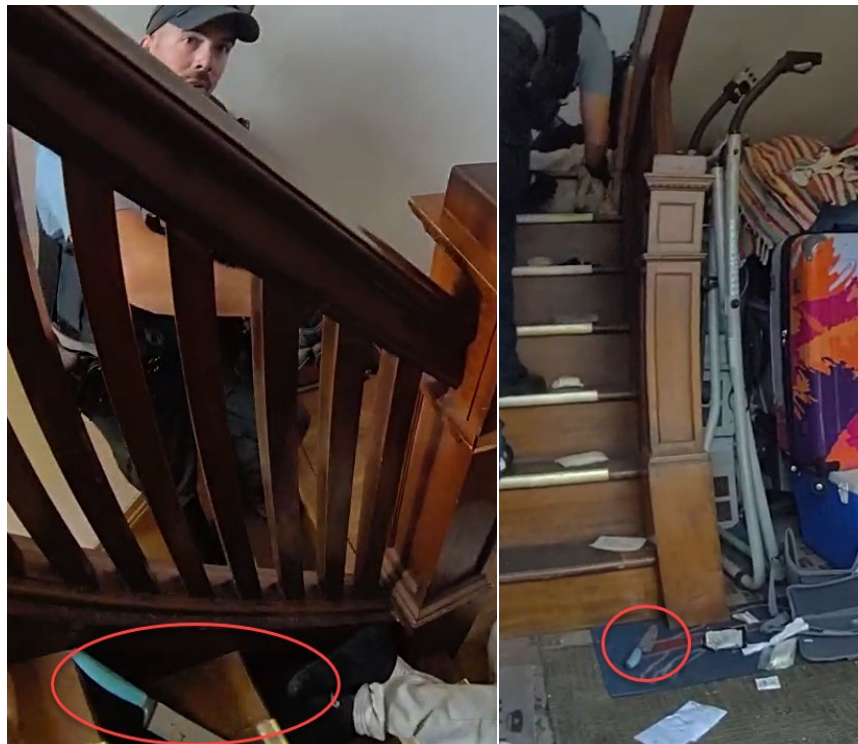
OSI interviewed Officer Getchell on November 4, 2025. Officer Getchell said that after the door panel fell inward, Mr. Davis emerged from beneath it, startling all three officers. He reported clearly seeing a knife, which he described as a butcher knife, in Mr. Davis's hand as Mr. Davis lunged forward.

According to Officer Getchell, Mr. Davis first made an overhand swing toward him, after which Mr. Davis fell to the floor and Officer Getchell backed away toward the balcony threshold while issuing commands to drop the knife.

Officer Getchell said Officer Barrick then “rolled” Mr. Davis, who swung a second time after multiple commands to drop the knife were issued. This second swing narrowly missed Officer Bryant after Officer Getchell moved her out of the knife’s path, at which point Officer Getchell fired three shots.

Evidence Collected from the Scene

Following the shooting, members of BPD secured and documented the scene; OSI responded to the scene. Mr. Davis’s knife was collected by Officer Landahl and turned over to BPD. The collection of the knife was captured on BWC footage.





Stills from BWC videos showing Mr. Davis's knife.

Officer Getchell's firearm was also collected. One projectile was collected at the scene and two were recovered during the autopsy.

Autopsy

On August 14, 2025, Dr. Alexandra Hart performed the autopsy at the Erie County Medical Examiner's Office and concluded that the cause of Mr. Davis's death was, "Gunshot wounds of the torso," and deemed the manner of death to be "homicide." According to Dr. Hart's final autopsy report, Mr. Davis was shot three times in the chest area. Toxicology reports indicated that Mr. Davis had "cannabinoids and cocaine metabolite" in his system.

LEGAL ANALYSIS

Article 35 of the New York 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 Officer Getchell was justified.

In this case, Officer Getchell 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 for an offense.

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.”

Under the law, therefore, deadly physical force by a police officer is justified when the officer reasonably believes deadly force is necessary to defend the officer or another against the imminent use of deadly physical force. Police officers using deadly force pursuant to PL 35.30(1) are under no duty to retreat when threatened with deadly physical force, according to PL 35.15(2)(a)(ii).

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]).” (Ellipses and square brackets in original.)

Therefore, before using deadly force in self-defense, a person must honestly and in good faith believe that deadly force was about to be used against them or another and that deadly force was necessary

for self-defense, and a reasonable person under the same circumstances could have believed the same.

Here, the officers responded to the apartment to arrest Mr. Davis for multiple charges, the most serious being Assault in the Second Degree, a felony. After Mr. Davis lunged through the door, Officer Getchell yelled commands for Mr. Davis to “drop the knife.” The BWC footage showed that Mr. Davis did not drop the knife and instead continued to swing the large kitchen knife at officers, nearly striking Officer Bryant. When Mr. Davis continued swinging the knife at the officers, Officer Getchell fired three times, striking and killing Mr. Davis.

Based on the law and the evidence, OSI concludes a prosecutor would not be able to disprove beyond a reasonable doubt that Officer Getchell’s use of deadly force against Mr. Davis was justified under New York law. As a result, OSI will not seek charges and closes the matter with this report.

Dated: May 12, 2026