



Office of the New York State Attorney General Letitia James

Office of Special Investigation

September 21, 2026

Report on the Investigation of the Death of Milagros Bonet

OVERVIEW

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, prosecute offenses arising from any incident in which the death of a person is caused by a police officer or a peace officer, as defined. 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 Milagros Bonet, who was struck by a car driven by on-duty New York City Police Department (NYPD) Officer Sergi Vorobyev on October 6, 2022, and died on May 4, 2023, from complications resulting from that collision.

On October 6, 2022, at 3:00 p.m., Ms. Bonet and several other people were standing on the corner of Westchester Avenue and Hoe Avenue in Bronx County when Officer Vorobyev, driving a marked police car with lights and sirens activated, and responding to a report of a stolen vehicle, struck the group with his car.

The collision occurred when Officer Vorobyev was driving on Westchester Avenue and attempted to pass a 2007 Acura, stopped at the intersection of Westchester and Hoe Avenues, by driving around the car and into the opposite lane of traffic. The driver of the Acura turned left onto Hoe Avenue and the two cars collided. The collision caused Officer Vorobyev to lose control of his police car and hit a group of people standing on the sidewalk. Several people in the group were injured including Ms. Bonet, who died seven months later from complications of remote blunt impact injuries sustained during the collision.

Having thoroughly investigated the facts and analyzed the law, OSI concludes a prosecutor would not be able to prove beyond a reasonable doubt that Officer Vorobyev committed a crime and, therefore, will not seek charges and closes the matter with this report.

FACTS

Site of Collison

Westchester Avenue runs east and west and is separated by a double yellow line with two lanes of traffic in each direction. Both directions have two lanes separated by broken white lines. Hoe Avenue is a one lane road running northbound on the south side of Westchester Avenue that becomes a two lane north and southbound roadway on the north side of the street. There are marked crosswalks at all four corners of the intersection and pedestrian traffic is controlled by crosswalk signals. There is a traffic light in the middle of the intersection controlling vehicular traffic.



Map showing the intersection of Westchester Avenue and Hoe Avenue.

Security Video, 1102 Westchester Avenue

Security video from 1102 Westchester Avenue showed Ms. Bonet standing with a group of people on the sidewalk at the northeast corner at the intersection of Westchester Avenue and Hoe Avenue. The police car and Acura were traveling east on Westchester Avenue toward Hoe Avenue. The Acura slowed down when it reached the intersection and the police car attempted to pass the Acura in the westbound lane. As the police car drove past the Acura, the Acura turned left onto Hoe Avenue and struck the front passenger side of the police car. The police car veered onto the sidewalk, struck a pedestrian signal pole and the people standing on the sidewalk, and eventually stopped when it collided with the corner building. Much of the view

of the collision was obstructed by a person walking past the camera with a bunch of balloons. (Security video [HERE](#)).



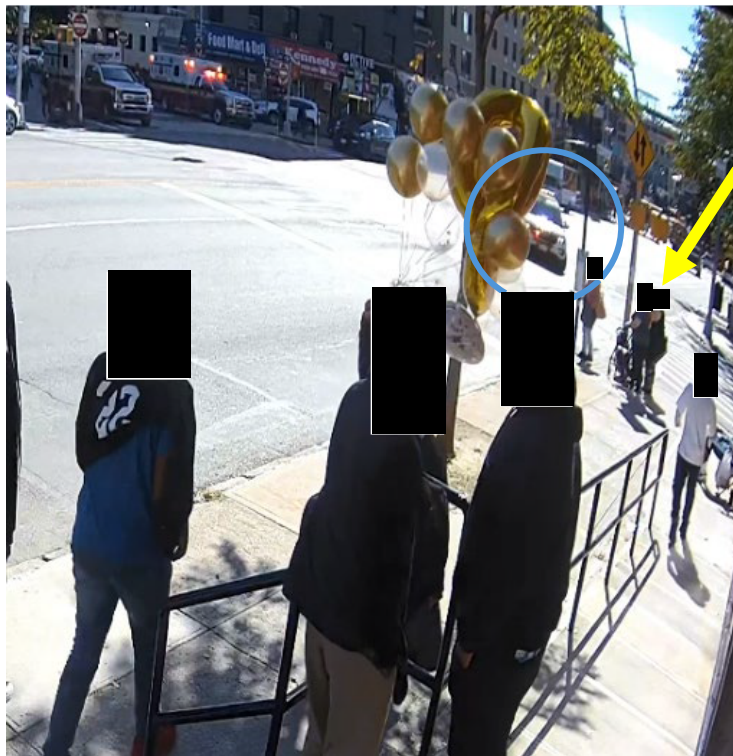
Still image from the security video showing the intersection of Westchester Avenue and Hoe Avenue. The Acura is circled in orange, and the police car is circled in blue. Ms. Bonet and the other victims are on the sidewalk at the bottom of the ramp; the yellow arrow is pointed at Ms. Bonet.



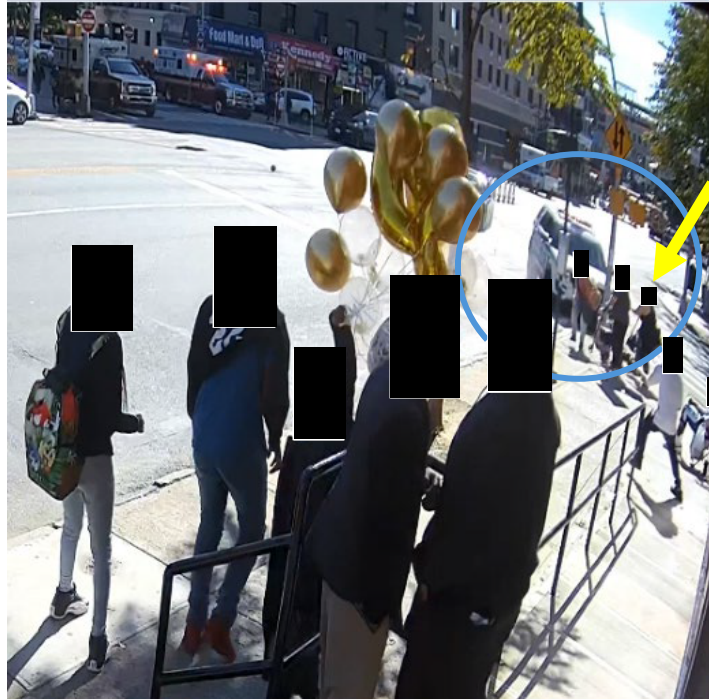
Still image showing the Acura in the intersection and the police car passing in the westbound lane.



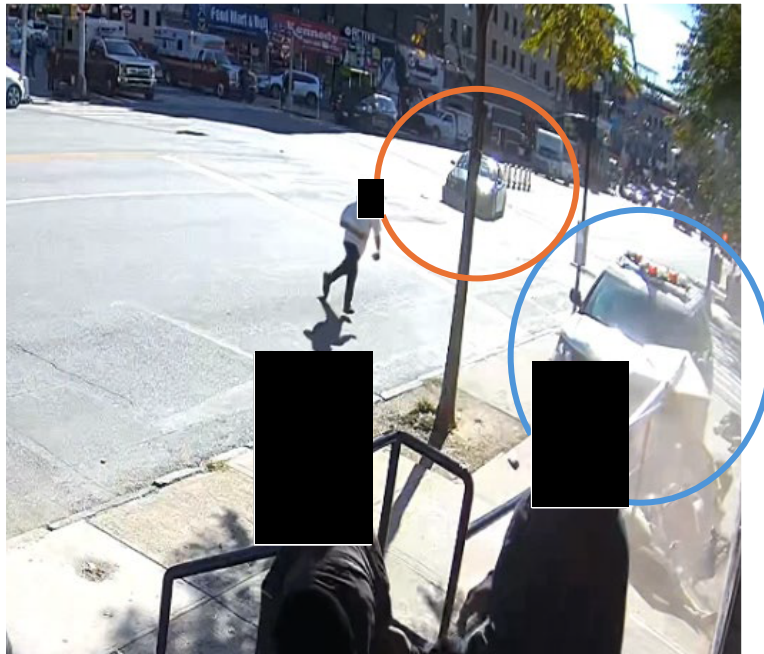
Still image showing the police car in the westbound lane (view obstructed by balloons), and the Acura turning left toward Hoe Avenue.



Still image showing the police car as it veered toward the sidewalk after it was struck by the Acura.



Still image showing the police car as it collided with the pedestrian signal pole and the people on the sidewalk.



Still image showing the Acura and police car after the collision.

Officer Interviews and Body-Worn Camera (BWC) Footage

OSI interviewed Officer Vorobyev and Sergeant Alvarado, who was in the police car with Officer Vorobyev when the collision occurred. Since the incident, Officer Vorobyev has been promoted to sergeant and Sergeant Alvarado has been promoted to Lieutenant. This report uses their titles at the time of the incident.

Officer Vorobyev

Officer Vorobyev said that on the day of the collision he was assigned to drive the patrol supervising sergeant, Sergeant Alvarado, to various calls within the 41st Precinct. While on patrol, they received a radio communication that a car had been stolen a few blocks from where they were at the time. Sergeant Alvarado told Officer Vorobyev to respond to the incident. Officer Vorobyev turned on the police car's lights and sirens and drove down Westchester Avenue toward the address provided over the radio. Officer Vorobyev told OSI that the lights and sirens in NYPD police cars have different settings that control volume and brightness and that he turned on the loudest siren and the brightest lights.

Officer Vorobyev said while driving, he saw a car at the intersection of Westchester Avenue and Hoe Avenue. The car appeared to be slowing down for the police car to pass. Officer Vorobyev attempted to pass the car by driving against the flow of traffic in the westbound lane. As he was passing the car, the driver started to turn left onto Hoe Avenue and collided with the passenger side of the police car causing the steering wheel to lock and the car to become inoperable. The police car jumped the curb onto the sidewalk where it struck a light post and several people, only stopping when it collided with the corner building. Officer Vorobyev said he briefly passed out due to the impact. He got out of his car and saw several injured people on the sidewalk, including a woman who was unconscious. Officer Vorobyev requested help over the police radio and flagged down a nearby ambulance.

Officer Vorobyev turned on his BWC after the collision. (Prior to activation, the camera captured a one-minute pre-event buffer without audio.) The video showed him driving the police car, with Sergeant Alvarado in the front passenger seat, on Westchester Avenue, under the elevated train tracks. The car reached the Westchester Avenue and Hoe Avenue intersection, abruptly shook, and then veered onto the sidewalk where it struck a pedestrian signal, several people, and then a building. Both the driver and passenger side airbags deployed.

Based on the BWC video, a crowd immediately began to form after the collision. Both officers got out of the car and tried to move the growing crowd away from the injured people. Officer Vorobyev ran across the street to two Fire Department of the City of New York (FDNY) ambulances and said there were two injured people, and one was likely to die. Officer

Vorobyev assisted the Emergency Medical Technicians (EMTs) with getting injured people onto stretchers and into the ambulance.

On the BWC video, Officer Vorobyev told an officer at the scene that he was responding to “32” (NYPD radio term for stolen vehicle) when another driver made a left turn into them. He said he tried to drive around him and hit the pole. (BWC footage is located [HERE](#).)

During his interview with OSI, Officer Vorobyev said he sustained a concussion from the collision and was treated and released from St. Barnabas Hospital. He was not medically cleared to return to work for three months.

Sergeant Alvarado

Sergeant Alvarado said that on the day of the incident he was the 41st Precinct patrol supervisor and was being driven around by Officer Vorobyev in a marked police car. He said they were on Longwood Avenue when they received a radio communication regarding a stolen car. The radio dispatch provided the car’s description including the license plate and direction of flight, which was only a few blocks away. Sergeant Alvarado told Officer Vorobyev to respond to the call. Officer Vorobyev turned on the car’s lights and sirens and drove north on Longwood Avenue then east on Westchester Avenue. Officer Vorobyev continued to drive down Westchester Avenue and attempted to turn left onto Hoe Avenue when they collided with another car causing them to crash into a crowd of people and then a building. Sergeant Alvarado said he did not see the collision because he was talking on the phone trying to get more information about the stolen car.

He said he immediately requested an ambulance and additional units to the intersection over the radio and assisted the EMTs with putting people on stretchers.

Sergeant Alvarado’s BWC footage did not record any part of the collision and only began when he was getting out of the car. His BWC footage recorded him tell another officer another officer at the scene that they were responding to the “32” when they were struck by a car driving on Hoe Avenue. (While OSI found Sergeant Alvarado to be credible in his interview, he incorrectly stated that he was struck by a car driving on Hoe Avenue, when in fact it was on Westchester Avenue.)

During his interview, Sergeant Alvarado said he sustained pain throughout his entire body including his neck and right arm and leg. He was treated and released from St. Barnabas Hospital and was out of duty for one month and placed on limited duty for two months.

Witness Interview

Witness 1 - Acura Driver

Witness 1 (OSI does not release the names of civilian witnesses) was the driver of the Acura that collided with the police car. NYPD Internal Affairs interviewed Witness 1 about the collision. The interview was audio recorded, which OSI reviewed.

Witness 1 said he was returning home from picking up his two-year-old granddaughter from school. She was in the back seat of the car. Witness 1 said he was driving on Westchester Avenue and stopped at a red light at the intersection of Westchester Avenue and Hoe Avenue when he heard a police siren but did not know where it was coming from. The light turned green and he attempted to turn left onto Hoe Avenue when a police car collided with the driver's side of his car.

Witness 1 said he looked for the police car before attempting to turn onto Hoe Avenue but did not see it. He did not look to his left because the left lane was traffic traveling in the opposite direction and he did not think a police car would pass him against the flow of traffic.

EMTs brought Witness 1 and his granddaughter to Lincoln Hospital; they were treated and released the same day.

Vehicles

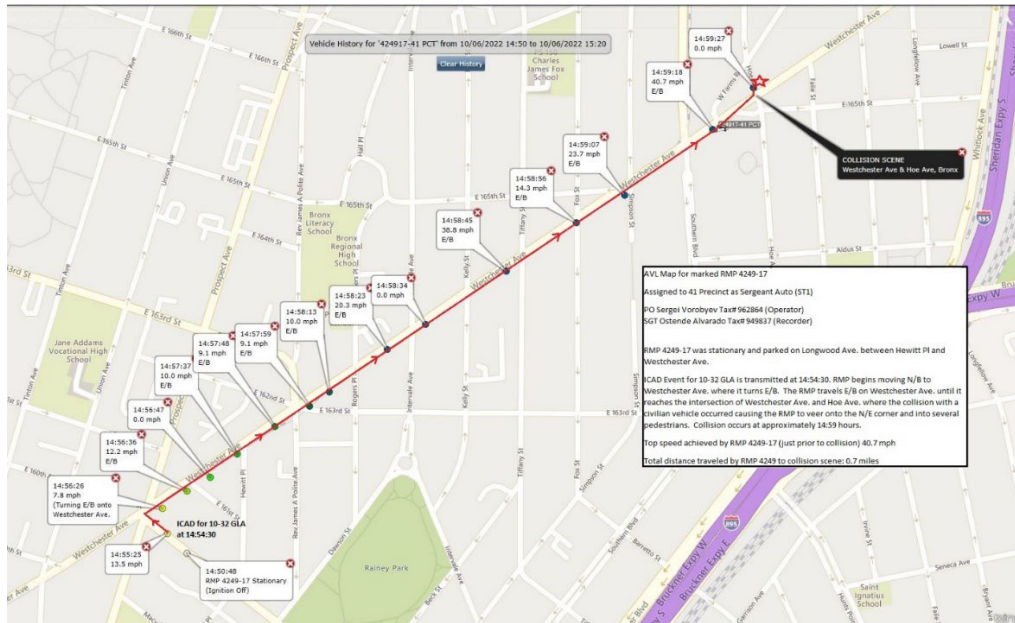
Police Car

The police car sustained damage from the collision to the front end, passenger side door, rear driver side panel, and the front wheel axel. The car was equipped with an automated vehicle locator (AVL), which documented the car's speed and the route it traveled.

OSI reviewed the NYPD Crime Scene Unit (CSU) paperwork and photographs and the AVL data.

The AVL data showed that the car was stopped on Longwood Avenue between Hewitt Place and Westchester Avenue at the time the officers received the radio communication regarding a stolen vehicle. The data showed the car traveled north on Longwood Avenue, turned east on Westchester Avenue, and continued down Westchester Avenue until the collision at Hoe Avenue.

The data further showed that the car was traveling at 40 miles per hour (mph) right before the collision.



AVL data showing that the police car drove at 40.7 mph right before the collision.



CSU photographs showing damage to the police car.

2007 Acura

As displayed below, the Acura sustained damage to the front fender and driver side headlight.



CSU photographs showing damage to the Acura.

Injuries

OSI reviewed several sets of medical records for the people injured during the collision. The injuries ranged from minor to serious physical injuries. Below is a synopsis of some of the injuries sustained and does not include every injury or their long-term impact.

Witness 2

Witness 2 was standing on the sidewalk with Ms. Bonet. FDNY EMS transported Witness 2 to Lincoln Hospital where she was treated for several serious physical injuries, including a fractured pelvis, left hip joint, and left knee; several fractured ribs; a lacerated liver; and lacerations and abrasions on her chin and forehead. Witness 2 suffered respiratory failure because of her injuries and was put on a ventilator.

Witness 3

Witness 3 was on his way to a medical appointment when he was struck by the police car. He was treated at Lincoln Hospital for a cut on his forehead, which required stitches to close, and pain to the left side of his neck and right ankle.

Witness 4

Witness 4 was waiting on the sidewalk for a bus when she was struck by the police car. FDNY EMS transported Witness 4 to Lincoln Hospital where she was treated for a broken right foot.

Witness 5

Witness 5 was a small child. FDNY EMS brought Witness 5 to Jacobi Medical Center where she was treated for several serious physical injuries, including a traumatic brain injury, multiple skull fractures, and a broken right leg.

Police Accident Report

Sergeant Jonathan Falconi spoke with Officer Vorobyev later that night about the collision. The information from the interview was used in the narrative section of the police accident report. Officer Vorobyev said that he was responding to a priority radio call and was driving northbound on Westchester Avenue, with lights and sirens on, when he tried to go around traffic at the intersection of Hoe Avenue by driving in the southbound lane. While driving in the southbound lane he collided with another northbound car when the other driver tried to turn left onto Hoe Avenue, striking the passenger side of the police car. Officer Vorobyev lost control of his car and collided with several people who were standing on the sidewalk. (OSI notes that the directions of traffic in the accident report are not consistent with other evidence.)

Autopsy

Dr. Margaret Prial of the New York City Medical Examiner's Office performed the autopsy of Ms. Bonet and determined that the cause of death was "complications of remote blunt impact injuries;" she deemed the manner of death to be "accident (pedestrian struck by police vehicle)."

OSI interviewed Dr. Prial who said Ms. Bonet sustained several injuries during the accident including an abdominal contusion, multiple rib fractures, a thoracic spinal fracture, pulmonary contusions, and a fracture of the pelvis. These injuries resulted in her requiring a tracheostomy and being bed bound. Ms. Bonet's immobility limited her ability to fully breathe and weakened her immune system resulting in her contracting pneumonia and septic shock. Dr. Prial noted that Ms. Bonet's neuropathology report showed that she suffered post-traumatic seizures and watershed infarcts from blood loss as a result of the collision.

LEGAL ANALYSIS

To convict an officer for causing a death while responding to an emergency in his police car, OSI would need to prove beyond a reasonable doubt that the officer's actions were not protected by Vehicle and Traffic Law Section (VTL) 1104, and that the officer was guilty of a crime that requires the mental state of recklessness. A crime requiring only the mental state of criminal negligence would not be chargeable against an officer responding to an emergency, as long as the officer's conduct is enumerated in VTL 1104.

Under VTL 1104, “the driver of an authorized emergency vehicle, when involved in an emergency operation” may “proceed past a steady red signal...but only after slowing down as may be necessary for safe operation;” the driver may “exceed the maximum speed limits so long as he does not endanger life or property;” and the driver may “disregard regulations governing directions of movement or turning in specified directions.” VTL 1104(e) states, “The foregoing provisions shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor shall such provisions protect the driver from the consequences of his reckless disregard for the safety of others.” See *Anderson v Commack Fire Dist.*, 39 NY3d 495, 498 (2023) (police officers responding to an emergency may disregard specific traffic laws “as long as specified safety precautions are observed and they do not act recklessly”).

In *Saarinen v Kerr*, 84 NY2d 494 (1994), the Court of Appeals interpreted VTL 1104 to protect an officer from civil liability in cases of negligence.

“[A] police officer’s conduct in pursuing a suspected lawbreaker may not form the basis of civil liability to an injured bystander unless the officer acted in reckless disregard for the safety of others. This standard demands more than a showing of a lack of ‘due care under the circumstances’ – the showing typically associated with ordinary negligence claims. It requires evidence that ‘the actor has intentionally done an act of an unreasonable character in disregard of a known or obvious risk that was so great as to make it highly probable that harm would follow’ and has done so with conscious indifference to the outcome.” *Saarinen* at 501.

The court pointed to the grim calculus of VTL 1104, permitting officers to go through red lights and to exceed speed limits, stating that these actions “will inevitably increase the risk of harm to innocent motorists and pedestrians.” The court said limiting liability to cases of recklessness would be consistent with the legislative intent, as it would reduce “judicial second-guessing of the many split-second decisions that are made in the field under highly pressured conditions” and would reduce the risk that the threat of liability could “deter emergency personnel from acting decisively and taking calculated risks in order to save life or property.” *Saarinen* at 502.

VTL 1104 by its terms is not stated to be a defense to crimes under the Penal Law, but OSI believes that courts would apply VTL 1104 to criminal cases, and that it would protect officers from liability in cases of criminal negligence. See *People v Emmi*, 146 Misc 2d 399 (Cayuga Co Ct 1990).

Proving Recklessness

Determining whether Officer Vorobyev recklessly disregarded the safety of others when he attempted to pass another motorist by driving against traffic in the opposite lane is a “fact-specific inquiry” that balances “the precautionary measures taken by [Officer Vorobyev],” the degree of risk his actions posed to motorists and pedestrians, and the officer’s “duty to respond to an urgent emergency situation.” *Frezzell v City of New York*, 24 NY3d 213, 219 (2014).

Below are examples of factors courts have considered when balancing these competing interests:

Nature of the emergency. *Allen v Town of Amherst*, 8 AD3d 996, 997 (4th Dept 2004): “Although all police officers in patrol vehicles responding to police calls are involved in an emergency operation within the meaning of Vehicle and Traffic Law...the nature of the call nevertheless is relevant in determining whether a responding officer’s conduct was in reckless disregard for the safety of others.”

Whether the officer’s emergency lights and siren were activated. *Regdos v City of Buffalo*, 132 AD3d 1343, 1343 (4th Dept 2015): “We conclude that the jury could have rationally determined that the combination of, inter alia, Officer Fera’s excessive speed, her failure to activate the emergency lights and siren and slow down or brake as she approached plaintiff’s vehicle from behind, plaintiff’s timely and appropriate engagement of her left turn signal, and Officer Fera’s attempt to pass plaintiff’s vehicle on the left on the wrong side of the street at a city intersection constituted ‘reckless disregard for the safety of others.’”

Officer’s speed and knowledge of prior incidents; the weather, traffic, and road conditions. *Flack v State*, 57 AD3d 1199, 1200-01 (3d Dept 2008): “Here, it is undisputed that it was raining heavily at the time of the accident, other cars on the road were traveling well under the speed limit, the road contained S-curves and knolls, and Kijowski knew that there recently had been other serious accidents caused by inappropriate speed in the area where this collision occurred. Additionally, while Kijowski testified that the reason he was chasing the speeding vehicle—which was traveling at 73 miles per hour—was that it posed a risk to the public based on the above conditions, he nevertheless pursued that car at a speed of over 80 miles per hour, a speed at which he had never driven on that road even under ideal conditions and a speed which he admitted posed a significant risk to the public. Under these circumstances, we find that Kijowski’s conduct was reckless.”

Officer’s failure to slow down before intersection. *Connelly v City of Syracuse*, 103 AD3d 1242, 1242 (4th Dept 2013): “...issue of fact whether defendant officer acted with reckless disregard for the safety of others by entering a limited-visibility intersection controlled by a four-way stop sign shortly before midnight without slowing, stopping.”

Officer's obstructed view. *Destino v State*, 203 AD3d 1598 (4th Dept 2022): "We conclude that the evidence at trial established that the trooper passed a stop sign and entered an intersection at a high rate of speed and directly into oncoming traffic without a siren or horn in a situation where there was 'almost no visibility' due to 'extreme' and '[V]ery dense' fog. Contrary to the State's contention, such circumstances support a determination that the trooper acted with reckless disregard for the safety of others."

Officer's violation of department policy. *Saarinen*, 84 NY2d 494, 503: "The characterization of the conduct McGown had observed is significant because the Village's own policy specifically provides that '[a] traffic infraction alone does not justify the risks of a high-speed pursuit.' A violation of this policy, if in fact it occurred, would be an important, although not dispositive, factor in determining whether McGown had acted recklessly."

Manslaughter in the Second Degree

Under OSI's analysis, a prosecutor could not charge Officer Vorobyev with a crime unless he acted recklessly or intentionally. The criminal charge that requires recklessness is Manslaughter in the Second Degree, Penal Law Section (PL) 125.15(1). A person is guilty of Manslaughter in the Second Degree when that person "recklessly causes the death of another person." There is no question that Officer Vorobyev caused the death of Ms. Bonet; the question is whether he did so recklessly, as defined in the Penal Law.

Under PL 15.05(3), "A person acts recklessly with respect to a result [e.g., death] ... when he is aware of and consciously disregards a substantial and unjustifiable risk that such result will occur.... The risk must be of such nature and degree that disregard thereof constitutes a gross deviation from the standard of conduct that a reasonable person would observe in the situation."

To prove manslaughter, the prosecutor must show that Officer Vorobyev was aware that attempting to pass the motorist stopped at the traffic light, with lights and sirens activated, and going 15 mph over the speed limit, created a substantial and unjustifiable risk of death, consciously disregarded that risk, and that disregarding the risk was a gross deviation from the standard of conduct that a reasonable officer would have observed in the situation.

OSI's research has not found a case in New York in which a police officer was criminally charged for causing a death when responding to an emergency. In many cases involving civilian defendants, the evidence was that the defendant was intoxicated. *People v Williams*, 150 AD3d 1273, 1274 (2d Dept 2017) (defendant was intoxicated, fled from the police, and drove through an intersection at 80 mph when the light was likely red); *People v Briskin*, 125 AD3d 1113, 1120 (3d Dept 2015) (defendant was intoxicated and attempted to retrieve a GPS on the floor of the car and went through a stop sign without braking); *People v Walton*,

70 AD3d 871, 872 (2d Dept 2010) (defendant was intoxicated and racing a car on the highway when he lost control and crashed). There is no evidence that Officer Vorobyev was intoxicated, and there is no evidence that he was improperly distracted by cellphone use or otherwise prior to the crash.

OSI concludes a prosecutor could not prove beyond a reasonable doubt that Officer Vorobyev committed reckless manslaughter. Officer Vorobyev was responding to a 911 call regarding a stolen vehicle. He was in a marked police car and turned on the car's loudest siren and brightest lights. He did not drive faster than 40 mph at any point during the response and he believed that the Acura stopped for him to pass. Given these facts OSI concludes a prosecutor would not be able to prove beyond a reasonable doubt that Officer Vorobyev committed Manslaughter in the Second Degree for the death of Ms. Bonet, or any crimes regarding the injuries sustained by the other victims.

As a result, OSI will not seek charges against Officer Vorobyev and closes the matter with the issuance of this report.

Dated: September 21, 2026