



Office of the New York State Attorney General Letitia James

Office of Special Investigation

September 4, 2026

Report on the Investigation into the Death of Paul Alvarez

OVERVIEW

New York Executive Law Section 70-b (Section 70-b) directs the Attorney General's Office of Special Investigation (OSI) to investigate and, if warranted, to prosecute offenses arising from any incident in which the death of a person is caused by a police officer or peace officer. When OSI does not seek charges against the officer, Section 70-b requires OSI to issue a public report describing its investigation. This is the public report of OSI's investigation of the death of Paul Alvarez, who died on December 18, 2025, after he was struck by a truck driven by off-duty Town of Cheektowaga Police Department (CPD) Patrol Officer Christopher Campbell.

At about 9:25 p.m. on December 18, 2025, Officer Campbell was driving his black 2016 Chevrolet Silverado west in the westbound lane on Clinton Street in the Town of West Seneca when he struck and killed pedestrian Paul Alvarez, who was walking east in the westbound lane.

Mr. Alvarez was 16 years old when he died.

Having thoroughly investigated the matter and analyzed the law, OSI concludes that a prosecutor would not be able to prove beyond a reasonable doubt at trial that Officer Campbell committed a crime when he caused Mr. Alvarez's death and, therefore, will not seek charges and closes the matter with this report.

FACTS

Clinton Street near Maplewood Avenue is a two lane, east-west roadway in the Town of West Seneca, a suburb of Buffalo, in Erie County. In the area where the collision occurred, the roadway is generally straight and level, with residential driveways and narrow shoulders on both sides. The posted speed limit in the immediate area is 45 miles per hour. There are no sidewalks in the vicinity. Streetlights are located on the south side of the roadway, but significant gaps between them create areas of limited illumination (see below images).

As detailed more fully below, OSI obtained and reviewed fixed-camera footage from the area of the collision, West Seneca Police Department (WSPD) booking-area video, WSPD in-car camera footage, body-worn camera (BWC) footage from all responding officers, and video of the Drug Recognition Expert (DRE) evaluation conducted by Erie County Sheriff's Office (ECSO) Deputy Simon Biegasiewicz. OSI also obtained and reviewed WSPD reports, witness statements, medical records, and the Erie County Medical Examiner's autopsy report. OSI interviewed WSPD officers and civilian witnesses, and Officer Campbell voluntarily participated in an interview with OSI in the presence of counsel.



Google Street View - Viewing East on Clinton St. at Maplewood Ave.



Google Street View - Viewing West on Clinton St. toward Maplewood Ave.



Google Earth View - Overhead of area of collision (with distances).

Collision

According to fixed video, witness statements, and OSI's interview of Officer Campbell, at about 9:15 p.m. on December 18, 2025, Mr. Alvarez was walking east in the westbound lane of Clinton Street near Maplewood Avenue in West Seneca. In their statements, multiple witnesses said they saw Mr. Alvarez walking east in the westbound lane in that area as early as 9:13 p.m. He was described as wearing all black with a hood pulled over his head. Several witnesses said he was walking in or near the center of the westbound lane. Some witnesses said they had to swerve to avoid striking him, including one driver who crossed into the eastbound lane to avoid striking him. Another witness said he appeared to be staggering.



Still from fixed video showing Mr. Alvarez walking on Clinton Street (1/10 mile from collision).

According to multiple witnesses and Officer Campbell, at around 9:25 p.m. Officer Campbell was driving his black Chevrolet Silverado west on Clinton Street. Officer Campbell said that his dog made a “yelp” sound, causing him to glance into the back seat. When he looked back toward the roadway, he saw something directly in front of his pickup truck and struck the object. A motorist who was traveling behind him reported hearing a “thud” consistent with the impact. Another witness reported hearing the collision and seeing a person being dragged under the pickup truck before it stopped. According to a witness who stopped at the scene, Officer Campbell got out of his pickup truck, went to the person lying in the roadway, later identified as Mr. Alvarez, and appeared to check on him. Several motorists also stopped, and Officer Campbell directed a bystander to call 911.

Post-Collision Events

Based on records obtained by OSI, at 9:27 p.m. multiple callers contacted the Erie County 911 Center to report that a person walking in the roadway had been struck by a pickup truck on Clinton Street near Maplewood Avenue and was lying in the road. Witnesses also reported that several motorists had stopped and that the driver of the pickup truck was actively assisting the pedestrian.

According to WSPD in-car camera and BWC footage, WSPD Officer Michael Szmania arrived at the scene at 9:31 p.m. His BWC and in-car cameras were activated and captured emergency personnel also arriving at the scene. Based on Officer Szmania's incident report and his BWC footage, members of the Union Volunteer Fire Department were treating Mr. Alvarez as Officer Szmania ran toward the scene. Fire Department personnel informed him that Mr. Alvarez was unresponsive and not breathing. Mr. Alvarez was lying on the roadway, and Officer Szmania saw him dressed entirely in black. Fire Department personnel continued lifesaving efforts on Mr. Alvarez until AMR ambulance Emergency Medical Technicians (EMTs) took over care.

Officer Szmania began searching for the driver of the pickup truck. His BWC and in-car camera videos showed the resting point of Officer Campbell's pickup truck to be around 30 feet away from where Mr. Alvarez was in the roadway. Based on Officer Szmania's BWC video, when he found Officer Campbell, he identified himself as the driver of the truck, provided a valid New York State driver's license, and told Officer Szmania that he was a police officer with CPD. Officer Szmania asked Officer Campbell to step aside and tell him what happened.



Still from dash camera video showing Officer Campbell's truck and Mr. Alvarez in the roadway.

The BWC footage ([Link to BWC](#)) showed that Officer Campbell told Officer Szmania, "I was driving down the street. I didn't even see him. All a sudden he was right in front of my truck." He further explained, "I'm driving down this way, my dog is in the back seat, my dog was making some kind of noise, I look back at my dog, I look in front of me, and he's in front of me—I hit him." Officer Szmania's BWC video captured Officer Campbell's dog in the backseat of his truck. Officer Szmania asked Officer Campbell if he had anything to drink, and Officer Campbell responded, "No."

Based on records obtained by OSI, EMTs continued providing emergency care to Mr. Alvarez at the scene. Eventually, Mr. Alvarez was transported to Erie County Medical Center (ECMC), arriving at 10:00 p.m. When he arrived, he was in cardiac arrest and was immediately taken into the emergency department. Lifesaving efforts were unsuccessful and he was pronounced dead at 10:20 p.m.

Post-Collision Investigation

Officer Szmania

As detailed above, Officer Szmania spoke with Officer Campbell and obtained his account of the incident. Officer Szmania administered Standardized Field Sobriety Tests (SFSTs) at the scene, which was captured by his BWC. ([BWC of SFSTs can be viewed here.](#))

During the SFSTs, Officer Campbell performed the Horizontal Gaze Nystagmus Test, the Walk-and-Turn Test, the One-Leg Stand Test, and submitted to a preliminary breath test. According to Officer Szmania, Officer Campbell passed all components of the SFSTs. At around 9:45 p.m., Officer Campbell voluntarily provided a breath sample at the scene, which returned a blood alcohol content of 0.000%. Following the testing, Officer Szmania had Officer Campbell transported to WSPD headquarters.

At WSPD headquarters, Officer Campbell completed a written statement in the presence of Officer Szmania. In his deposition, Officer Campbell described the incident as follows:

“I was driving from my house to drop my dog off at my mom’s house. I drove down Borden Rd. and made the turn onto Clinton. While driving I heard my dog make a noise in the backseat. I quickly looked back to check on the dog. He was fine. I looked forward again and hit my brakes as I made contact with something. I stopped, jumped out of my truck, saw there was a person on the ground and immediately tried to render lifesaving aid. I yelled at someone who had pulled over to call 911.”

ECSO Deputy Simon Biegasiwicz

ECSO records obtained by OSI showed that Deputy Biegasiwicz was a trained and certified DRE. According to his DRE Narrative Report, dispatchers notified Deputy Biegasiwicz that WSPD had requested assistance for a fatal accident investigation. He responded to WSPD headquarters, where he briefly spoke with Officer Szmania. Officer Szmania informed him that Officer Campbell did not exhibit signs of impairment but wished to fully cooperate and submit to a drug influence evaluation.

While at WSPD headquarters, Deputy Biegasiewicz administered all required DRE tests to Officer Campbell. The evaluation was recorded on Officer Szmania's BWC, and the footage was later collected by OSI. ([BWC of DRE can be viewed here.](#)) Prior to the evaluation, Officer Campbell was advised of his Miranda rights and consented to the tests.

Deputy Biegasiewicz reported that Officer Campbell was cooperative, spoke clearly, and presented as unremarkable throughout the examination. After administering the full DRE testing protocol, Deputy Biegasiewicz concluded that Officer Campbell successfully completed all tests and did not appear to be impaired.

OSI Interview of Officer Campbell

On May 18, 2026, Officer Campbell was interviewed by OSI staff. He told Detective Boyd that earlier he had been at his girlfriend's house and planned to stay there but needed to go to his house and bring his dog to his mother's house for care. He said that he had already picked up the dog and was driving along Clinton Street, a stretch of road he had driven countless times, when the dog, seated in the rear of his pickup truck "yelped." He took a quick look back for what he approximated was one to two seconds, and when he turned back to the roadway, he saw something in front of him that he believed was a garbage can due to the windy conditions that night; as he turned back, he struck the object. He slowed and pulled over, looked in his rearview mirror, and saw a sneaker in the road. When he got out of his truck, he observed other people present, went to Mr. Alvarez, and noted that Mr. Alvarez was breathing but unresponsive. He said Mr. Alvarez was wearing dark clothing, a hoodie sweatshirt, and pants, and he directed another stopping motorist to call 911. He also said he had not been drinking, had not used illegal or prescription drugs, and was not using his phone at the time.

Civilian Witness (W) Accounts

W1 (OSI does not identify civilian witnesses)

W1 was interviewed separately by both WSPD and OSI. W1 said while driving west on Clinton Street at 9:13 p.m. on December 18, 2026, a person wearing dark clothing suddenly appeared near the right shoulder and startled them. W1 reported having to swerve quickly and almost clipping the person with their mirror. They said the person appeared to be "staggering" or "meandering."

W2

W2 was interviewed by WSPD and OSI separately. W2 reported driving west on Clinton Street at around 9:15 p.m. on December 18, 2026. It was raining, and weather conditions were poor. W2 said they saw a person in the roadway and had to swerve into the eastbound lane to avoid hitting them. The person was wearing all black with a hood tightly pulled around their face. W2

said the person “materialized” in front of them. Their child, who was in the car, shouted, “What happened?!” in response to the abrupt swerve. W2 noted that the area had poor lighting and no sidewalk. W2 said the person was a man, had a light mustache, made eye contact with them, and seemed unfazed as he passed.

W3

W3 was interviewed separately by WSPD and OSI. W3 said they were driving east on Clinton Street at about 9:25 p.m. on December 18, 2026, when they saw a man walking in the center of the westbound lane. W3 reported that the lighting conditions in that section of Clinton Street were poor. Shortly after passing the man, they heard a “thud” that sounded like a deer being struck by a car. Although they did not see the collision, they turned around to see what occurred. When they reached the area of Maplewood Avenue, they saw an injured person lying in the roadway and a man holding the injured person’s head, and then called 911.

W4

W4 was interviewed separately by WSPD and OSI. W4 reported driving east on Clinton Street on December 18, 2026. It was raining, the roadway was dark, and headlights from other vehicles caused glare in the rain. W4 saw a person in black clothing walking in the middle of the westbound lane who did not move from that position. They saw one car swerve to avoid the person, then heard a “crash” and saw the person pinned under the front of a truck. They said the truck traveled a short distance before going over the person’s body. W4 said the truck remained in its lane the entire time. W4 pulled over and called 911.

W5

W5 was interviewed by WSPD. W5 said they were driving west on Clinton Street at around 9:25 p.m. on December 18, 2026. They were behind a pickup truck and heard a loud crash, after which the truck pulled over. They realized the truck had struck a person. W5 said the driver of the truck went to check on the person lying in the roadway.

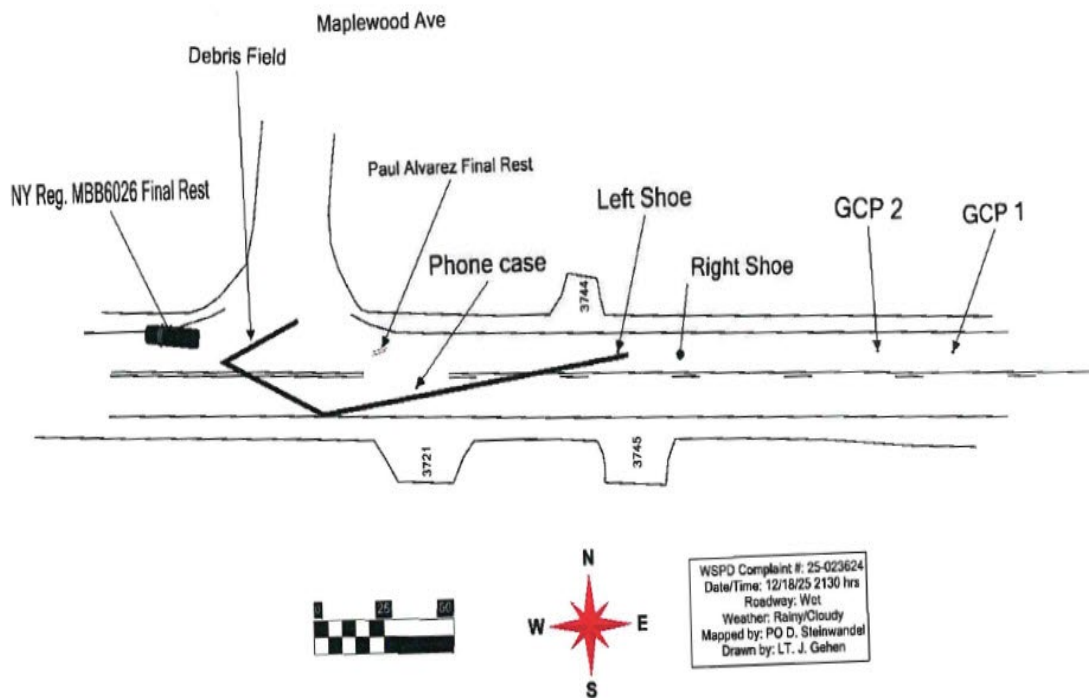
W6

W6 was interviewed by WSPD. W6 said they were driving west on Clinton Street at around 9:25 p.m. on December 18, 2026. They stopped because a truck and a car ahead of them had already stopped. W6 initially believed the truck had hit a deer but then saw a person in the roadway. W6 called 911 and reported that a man, whom the caller believed to be the driver of the truck, said, “He jumped right in front of my truck and I ran him over.”

Accident Investigation and Reconstruction

WSPD Investigator James Gehen from the Accident Investigation Unit (AIU) responded to process the scene and obtained photographs and measurements. Officer Campbell's pickup truck exhibited significant front-driver-side damage (see photographs below) but no airbag deployment. Inv. Gehen noted that the event data recorder (EDR) was recovered; however, the download revealed no stored event relating to the collision, which he said was not unusual given the lack of airbag deployment.

The collision scene was mapped at about 10:00 p.m. on December 18, 2025, by Officers David Steinwandel and Joseph Sorbini. AIU personnel used a Trimble X9 Scanner and GNSS mapping equipment to document the scene. The Trimble X9 is a high-precision 3D laser scanner capable of generating dense point-cloud data of vehicles, roadway evidence, debris, and surrounding features, while GNSS mapping provides precise satellite-based coordinates. These tools were used to record the locations of Mr. Alvarez's body, his shoes, a phone case, collision debris, and the final resting position of Officer Campbell's pickup truck. In addition, a diagram was generated from the scans, as displayed below.



AIU diagram of the scene of impact

The AIU investigation showed that the pickup truck sustained primary damage to the front-driver-side bumper, headlight, and hood. The nature and positioning of the damage were consistent with the left front portion of the truck striking Mr. Alvarez. No safety equipment,

including airbags, deployed as a result of the impact. The truck's Airbag Control Module (ACM) EDR was imaged using the BOSCH Crash Data Retrieval Tool, however, no event data was stored within the module.





Inv. Gehen's photographs of Officer Campbell's 2016 Chevrolet Silverado (the day after the collision).

According to the conclusions in AIU's Collision Analysis and Reconstruction Report, on December 18, 2025, at about 9:30 p.m., a westbound 2016 Chevrolet Silverado driven by Officer Campbell struck 16-year-old pedestrian Paul Alvarez on Clinton Street just east of Maplewood Avenue in West Seneca. At the time of the collision, Mr. Alvarez was walking east in the westbound lane while wearing dark clothing in an area with limited illumination. Light precipitation and wind were present. Multiple witnesses reported nearly striking Mr. Alvarez in the moments preceding the collision. Officer Campbell stated that he briefly looked toward the rear of the truck to check on his dog before refocusing on the roadway and observing a dark object in his lane immediately before impact. Mr. Alvarez was struck and dragged approximately 95 feet. He was later pronounced dead at ECMC.

Accident scene mapping, physical evidence, and witness statements established that Mr. Alvarez was likely near the center of the westbound lane at the point of impact. The locations of his shoes and a cone shaped debris field supported this conclusion. No skid marks were observed, indicating that no hard braking occurred, therefore preventing use of minimum-speed formulas to make more detailed calculations. Officer Campbell's pickup truck ultimately came to rest approximately 160 feet west of the determined impact point.

According to Inv. Gehen's analysis, his opinion was that the likelihood of the collision was primarily increased by limited visibility, poor illumination, the pedestrian's dark clothing, and

his position within the traffic lane, all compounded by nighttime conditions and the absence of sidewalks. The investigation further determined that speed was not a contributing factor.

Inv. Gehen opined:

If the pedestrian was wearing visible colors, it would have reduced the likelihood of this collision.

If the pedestrian was walking along the shoulder of the roadway, it would have reduced the likelihood of this collision.

If the pedestrian had been on a better-lit section of the roadway, the likelihood of the collision would have been reduced.

In Inv. Gehen's opinion, the lack of sidewalks increased the likelihood of this collision. Due to the subjective nature of visibility under the lighting, weather conditions at the time of the collision, and the lack of roadway evidence indicating evasive action, Inv. Gehen could not determine whether Officer Campbell looking behind him had any effect on the likelihood of the collision. Overall, in Inv. Gehen's opinion, the evidence suggested that the collision was more strongly influenced by environmental and infrastructural limitations than by any confirmed action of the driver.

Autopsy

On December 19, 2025, an autopsy of Mr. Alvarez was performed at the Erie County Medical Examiner's Office by Medical Examiner Dr. Katherine Maloney, which OSI attended. Dr. Maloney determined the cause of Mr. Alvarez's death to be "multiple blunt trauma" and deemed the manner of death to be "accident." Dr. Maloney noted that Mr. Alvarez's injuries included blunt impact injuries to the head, torso, and extremities. Toxicological analysis of his blood showed cannabinoids present, but Dr. Maloney deemed them to be non-contributory to Mr. Alvarez's death.

LEGAL ANALYSIS

Officer Campbell was off duty and was not responding to an emergency as defined by Vehicle and Traffic Law 114-B. In addition, there was no evidence that he was intoxicated or impaired. Therefore, OSI analyzed whether the evidence was sufficient to establish Criminally Negligent Homicide.

Criminally Negligent Homicide, Penal Law Section (PL) 125.10

“A person is guilty of Criminally Negligent Homicide when, with criminal negligence, that person causes the death of another person.”

PL 15.05(4) defines “criminal negligence” this way:

“A person acts with criminal negligence with respect to a result [e.g., death] ... when he fails to perceive a substantial and unjustifiable risk that such result will occur.... The risk must be of such nature and degree that failure to perceive it constitutes a gross deviation from the standard of care that a reasonable person would observe in the situation....” [emphasis added].

In *People v Boutin*, 75 NY2d 692, 696 (1990), the Court of Appeals interpreted the statutory definition of criminal negligence and made clear that “failure to perceive a substantial and unjustifiable risk” is, by itself, insufficient to establish criminal culpability. Instead, “criminally negligent homicide requires not only a failure to perceive a risk of death, but also some serious blameworthiness in the conduct that caused it.” Therefore, unless a defendant has engaged in blameworthy conduct creating or contributing to the substantial and unjustifiable risk of death, there will be no criminal culpability (*Id.*). Stated differently, “‘nonperception’ of a risk, even if death results, is not enough,” to establish criminal negligence (*Id.*). *Boutin* also emphasized just how negligent a defendant’s conduct must be to fall within the ambit of the statute: “[C]riminal liability cannot be predicated on every act of carelessness resulting in death.... [T]he carelessness required for criminal negligence is appreciably more serious than that for ordinary civil negligence” (*Boutin*, 75 NY2d at 695).

In this case, OSI would need to prove that Officer Campbell’s conduct was “seriously blameworthy” and created a substantial and unjustifiable risk that people would die because of it, that he failed to perceive that risk, and that the failure to perceive it was “a gross deviation from the standard of care that a reasonable person would observe in the situation.” Based on the evidence in this case, including the BWC footage, the Collision Analysis and Reconstruction Report, Officer Campbell’s statement, and statements from witnesses, OSI would be unable to prove that Officer Campbell engaged in seriously blameworthy conduct.

The evidence shows that prior to the impact, Officer Campbell was traveling west on Clinton Street. Although he acknowledged being distracted by his dog and did not brake before striking Mr. Alvarez, Lt. Gehen of the AIU determined that the primary contributing factors to the collision were Mr. Alvarez’s presence in the roadway, his dark clothing, the limited lighting conditions, and the absence of sidewalks. Officer Campbell’s momentary distraction, resulting in a failure to perceive Mr. Alvarez, does not, under the applicable case law, rise to the level of “seriously blameworthy” conduct required for criminal liability.

The evidence showed that alcohol was not a factor, as the preliminary breath test registered 0.0% BAC and Officer Campbell passed the SFSTs given to him. Although no blood draw was

conducted, Officer Campbell voluntarily submitted to — and passed — a Drug Recognition Evaluation. WSPD officers who interacted with him at the scene, immediately after the collision, and later at WSPD headquarters, reported no signs of impairment. Additionally, nothing in the BWC footage suggested that Officer Campbell was impaired or intoxicated.

Accordingly, OSI concludes that a prosecutor would not be able to prove beyond a reasonable doubt that Officer Campbell committed Criminally Negligent Homicide.

RECOMMENDATION

OSI recommends that all police agencies hold police officers to the same standards applied to civilians when officers are involved in a collision that results in serious physical injury or death. In such cases, the investigating agencies should request that the involved officer voluntarily consent to toxicology blood testing. If the officer consents, the agency should take all necessary steps to obtain and preserve the blood sample promptly and as close in time to the collision as possible. In this case, although Officer Campbell volunteered to provide a blood sample, WSPD did not take steps to secure one for testing. Additionally, when an involved officer declines to voluntarily consent to toxicology testing, the agency should seek a court order for a chemical test pursuant to Vehicle and Traffic Law Section 1194(3), provided a sufficient legal basis exists to do so.

Dated: September 4, 2026