



*Office of the New York State Attorney General Letitia James*

Office of Special Investigation

September 12, 2025

# Report on the Investigation into the Death of Tanja Foster

## **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 a peace officer. When, as in this case, 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 Tanja Foster, who was struck and killed by a car driven by a New York City Police Department (NYPD) detective in Kings County.

On November 20, 2024, at 6:07 p.m., two detectives and an officer from the Brooklyn North Warrant Section travelled northbound on Pennsylvania Avenue in Brooklyn in an unmarked police car. Ms. Foster fell in the middle of the roadway and lay there, not moving. The police car struck Ms. Foster as she lay in the roadway, killing her.

Having thoroughly investigated the facts, including review of body worn camera (BWC) video and security camera video, and analyzed the law, OSI concludes a prosecutor would not be able to prove beyond a reasonable doubt that the officer driving the car that struck Ms. Foster committed a crime. As a result, OSI will not seek charges and closes the matter with this report.

## **FACTS**

### **The Scene**

Ms. Foster was struck on Pennsylvania Avenue between Livonia Avenue and Riverdale Avenue in Brooklyn. Pennsylvania Avenue was a two-way street, in a mixed residential and business area, with two lanes of northbound traffic and two lanes of southbound traffic separated by a double yellow line. Parked cars lined the east and west sides of the street.

### **Background of the Officer-Driver**

OSI interviewed Detective Nicholas Verderosa who drove the car that struck Ms. Foster. Detective Verderosa joined the NYPD in 2008. Beginning in 2015, he was assigned to the Brooklyn North Warrant Section. Detective Verderosa had no on-duty car accidents prior to November 20, 2024.

## Events Leading to the Collision

OSI interviewed Sgt Piero Lasaponara, who said he was a supervisor in the Brooklyn North Warrant Section since June of 2023. At any given time, he supervised six to nine officers and detectives. Warrant Section officers' duties and responsibilities include tracking down and arresting people with open warrants – either arrest warrants or bench warrants issued by a judge for failure to appear at a scheduled court date. The Warrant Section officers also search for and apprehend people with active investigation cards. Rather than a warrant signed by a judge, an investigation card is issued by NYPD when there is probable cause to arrest a person for a crime. The officers in the Warrant Section each have a caseload and usually have discretion to choose which person they will search for on a particular day. Sgt Lasaponara and the officers he supervised handled warrants and investigation cards for persons who committed crimes in the 75<sup>th</sup> Precinct, in Brooklyn, and were responsible for apprehending such persons wherever they might be found.

On November 20, 2024, Sgt. Lasaponara said he began work at 2:25 p.m. He supervised two teams of Warrant Section officers that day. One team consisted of Detective Anthony Andreani, Officer Andre Anderson, and Detective Nicholas Verderosa. The other team included Detective Joseph Grillo, Detective Jeanette Rodriguez, and Officer Andre Gaddy.

In an interview with OSI, Detective Verderosa said he began work on the afternoon of November 20, 2024. He was in plainclothes and partnered with Officer Anderson and Detective Andreani. Detective Verderosa drove an unmarked Toyota minivan. He had driven the car on many occasions prior to November 20<sup>th</sup> and told OSI that the car did not have any mechanical issues.

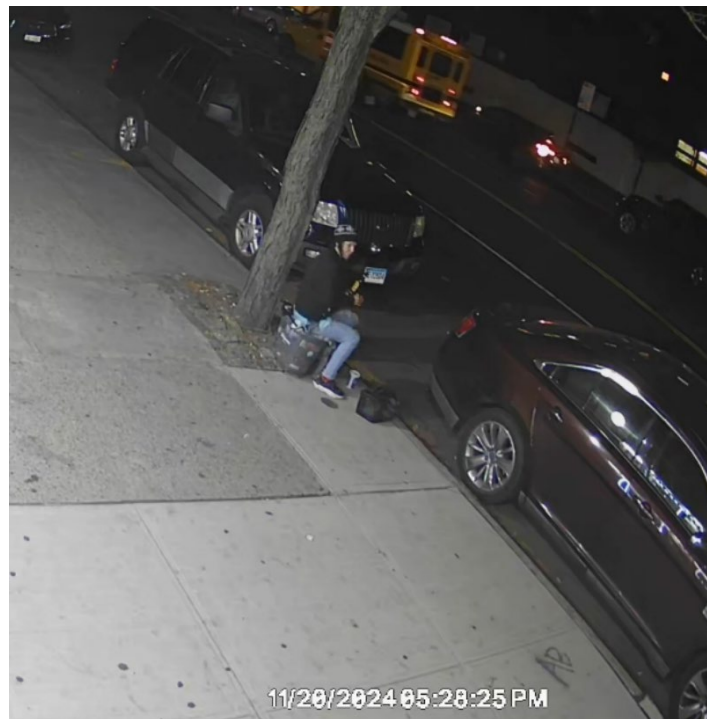
OSI interviewed Detective Anthony Andreani and Officer Anthony Anderson who were partnered with Detective Verderosa. Detective Andreani said that he and his partners left their command and spent the day looking for a person wanted by the 75<sup>th</sup> Precinct Detective Squad. Officer Anderson said they travelled to three places in Brooklyn to look for this person, without success.

According to security video, Tanja Foster entered a convenience store at the corner of Pennsylvania Avenue and Riverdale Avenue at 5:16 p.m. Before entering the store, she left her personal belongings on the sidewalk. The NYPD Force Investigation Division (FID) spoke with an employee at the convenience store who said Ms. Foster bought a cup of coffee. The employee had never seen Ms. Foster before.



*Still from security video showing Ms. Foster entering the convenience store and leaving her personal belongings on the sidewalk.*

According to security video, Ms. Foster left the store a few moments later with the coffee in a paper cup. She crouched down on the sidewalk and pulled a bottle of Kahlua from her personal belongings. She then poured the contents of the bottle into the coffee. At 5:27 p.m., a convenience store employee asked Ms. Foster to move from the front of the store. Ms. Foster moved to the curb.



*Still from security video showing Ms. Foster sitting on the curb along the southbound lanes of Pennsylvania Avenue.*

Ms. Foster remained at the curb for nearly 40 minutes and eventually lay down on the sidewalk.



*Still from security video showing Ms. Foster as she lay on the curb along the southbound lanes of Pennsylvania Avenue.*

Sgt Lasaponara said that at about 6:00 p.m. he was finishing up paperwork at the Brooklyn North Warrant Section base, 245 Glenmore Avenue in Brooklyn, when he received a call from Detective Grillo, Detective Rodriguez and Officer Gaddy, who were out in the field. They said they were at a business in the Gateway Center Mall where a robbery suspect they had been searching for had barricaded himself inside the business's bathroom. They asked Sgt Lasaponara for assistance.

Sgt Lasaponara said he called Detective Andreani and asked Detective Andreani, Detective Verderosa, and Officer Anderson to return to the base, pick him up, and head over to the Gateway Center Mall to assist the team with the barricaded suspect. Sgt Lasaponara said a Warrant Section team asking for assistance from another team was common, and that it is important to respond quickly to a call for assistance with a barricaded suspect, as that is usually a volatile situation.

Detective Verderosa drove, Officer Anderson was in the front passenger seat, and Detective Andreani was in the back seat. Detective Verderosa told OSI they were about fifteen minutes from Sgt Lasaponara, at the Warrant Section's base. Detective Verderosa said he felt it was important to get to Sgt Lasaponara quickly. He estimated he was driving 10 to 15 mph over the speed limit, but did not run red lights or turn on the car's lights and sirens.

At 6:06 p.m. security video ([Convenience Store Security Video](#)) showed that Ms. Foster stood up and walked unsteadily from the sidewalk into the nearer southbound lane on Pennsylvania Avenue, paused for a moment, seeming to look for a way to cross, and then walked south (to the right in the video) in the street toward the corner of Pennsylvania Avenue and Riverdale Avenue and out of the frame. She then reappeared in the video, walking north (to the left in the video) along the double yellow line separating the northbound and southbound lanes of Pennsylvania Avenue back toward Livonia Avenue.



*Still from security video showing Ms. Foster (circled) as she walked north along the double yellow lines separating northbound and southbound traffic on Pennsylvania Avenue.*

Ms. Foster fell in the roadway at 6:07 p.m. The cause of her fall is unclear from the video; she was not struck by a car.



*Still from security video showing Ms. Foster's feet in the air (circled) after falling to the ground.*

Detective Verderosa said he was driving northbound on Pennsylvania Avenue. According to BWC and security video, as Detective Verderosa drove down Pennsylvania Avenue, speed cameras that line the avenue were triggered. Speed cameras in New York City are programmed to take photos of cars travelling more than 10 mph above the speed limit.

### **The Collision**

Detective Verderosa said he noticed what he believed to be debris in the middle of the road on Pennsylvania Avenue. He swerved to the right to try and avoid the debris and felt an impact. After the impact, he realized he had hit a person and stopped the car.

According to BWC ([Detective Nicholas Verderosa](#); [Officer Anthony Anderson](#)), at 6:07 p.m. Detective Verderosa turned the wheel of his car hard to the right.

According to security video ([Pennsylvania Avenue Security Video](#)), as Ms. Foster lay in the northbound lanes of traffic on Pennsylvania Avenue, the car driven by Detective Verderosa struck her and continued northbound. About 18 seconds passed from the time Ms. Foster first lay in the street to when the car struck her.





*Still from security video showing Ms. Foster (circled) as she lay in the northbound lanes of Pennsylvania Avenue and the car driven by Detective Verderosa (circled) moments before impact. The time stamp on the security video is one hour fast. In reality, the time was 18:07 or 6:07 p.m.*



*Still from security video showing Ms. Foster (circled) and the police car (circled) moments after impact.*

FID interviewed AA (OSI does not release the name of civilian witnesses), an Uber driver who drove behind Detective Verderosa on Pennsylvania Avenue. The interview was recorded. AA told FID that he was driving a passenger to a destination in Brooklyn. AA said that as he drove behind the Toyota minivan he noticed that speed cameras were flashing as the Toyota passed them. AA saw the Toyota swerve rightward, nearly hitting parked cars. AA then saw the body of Ms. Foster on the ground. AA stopped his car, and his passenger, SO, told him she was a nurse and got out of the car to see if she could help Ms. Foster.

#### **After the Collision**



Detective Verderosa said, and security video and BWC confirmed, that after the collision he stopped and reversed closer to Ms. Foster. He, Officer Anderson, and Detective Andreani then got out of the car and ran to Ms. Foster, who lay bloody in the street. The officers called for an ambulance over the police radio. A woman approached and identified herself as a nurse.

The woman, SO, was interviewed by FID. The interview was recorded. SO said she was a nurse manager and was riding in an Uber. She got out of the Uber and saw Ms. Foster lying in the street, bleeding from her face. SO felt for a pulse and turned Ms. Foster's head to the side. According to SO, Ms. Foster had a pulse.

According to BWC, at 6:13 p.m. SO said Ms. Foster's pulse was growing faint. An officer began chest compressions. At 6:15 p.m. an ambulance arrived, and EMTs took over life saving measures. SO told the EMTs that Ms. Foster had no pulse.

According to medical records, Ms. Foster was rushed via ambulance to Brookdale Hospital where she was pronounced dead by Dr. Hani Nasr at 6:39 p.m.

According to NYPD paperwork, at 8:56 p.m. Detective Verderosa was given a portable breath test to measure the amount of alcohol, if any, in his system. Detective Verderosa registered 0.00 on the test, indicating the absence of alcohol.

### **Collision Investigation Squad Findings**

The NYPD Highway Unit's Collision Investigation Squad (CIS) responded to the accident scene. CIS is a specialized unit within NYPD, which collects and analyzes motor vehicle crash evidence and data to aid in accident reconstruction. CIS detectives were able to determine that the car driven by Detective Verderosa was traveling at 45.33 mph when it struck Ms. Foster. The posted speed limit of that area on Pennsylvania Avenue was 25 mph.

### **Autopsy**

OSI reviewed the autopsy report prepared by Dr. Gregory Dickinson of the City of New York Office of Chief Medical Examiner. Dr. Dickinson determined that the cause of Ms. Foster's death was "blunt impact injuries of head, neck, and torso" and that the manner of death was "accident (struck by police vehicle while lying in the street)." A post-mortem blood sample from Ms. Foster showed that her blood alcohol concentration (BAC) at the time of death was 0.167. (For comparison, the legal limit of BAC under the Vehicle & Traffic Law is 0.08.)

## LEGAL ANALYSIS

Based on the law and the evidence, OSI concludes a prosecutor would not be able to prove beyond a reasonable doubt that Detective Verderosa committed a crime. As a result, OSI will not seek charges and closes the matter with this report.

The following legal analysis is comprised of two sections. In the first section, the officer's actions leading to the accident are analyzed assuming that Detective Verderosa was responding to a police emergency when he struck Ms. Foster. In the second section, his actions are analyzed without the legal protections afforded to officers responding to emergencies.

### **Recklessness: Legal Analysis Assuming Detective Verderosa Was Responding to a Police Emergency**

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 & 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.

Under VTL 1104(b)(3), "the driver of an authorized emergency vehicle, when involved in an emergency operation" may "exceed the maximum speed limits so long as he does not endanger life or property." VTL 1104(e) states that "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 even 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 Misc2d 399 (Cayuga Co Ct 1990).

Here, Detective Verderosa was driving to, first, pick up his supervisor and then to head to a site where another group of officers from the Warrant Section were dealing with a robbery suspect who had barricaded himself inside a bathroom at a business. According to Detective Verderosa and Sgt Lasaponara, time was of the essence; Detective Verderosa did not turn on his car’s lights and sirens or run red lights, but did travel over the speed limit. VTL 1104(c) specifically exempts police vehicles, as opposed to ambulances and firetrucks, from having to utilize their lights and sirens when responding to an emergency. Detective Verderosa was driving 20 miles over the speed limit when he hit Ms. Foster, who was lying in the middle of the roadway, but there is no indication he drove recklessly. His BWC shows that he was not looking at his phone or otherwise distracted when he struck Ms. Foster. OSI would not be able to prove beyond a reasonable doubt that Detective Verderosa committed a crime when he struck Ms. Foster under this analysis.

#### **Negligence: Legal Analysis Assuming Detective Verderosa Was Not Responding to a Police Emergency**

In the second section of our analysis, we assume that Detective Verderosa was not driving in emergency mode and analyze the case based on whether a charge of Criminally Negligent Homicide would be sustainable.

Under Penal Law 125.10, “A person is guilty of criminally negligent homicide when, with criminal negligence, he causes the death of another person.” “Criminal negligence” is defined in Penal Law Section 15.05(4), which states, “A person acts with criminal negligence with respect to a result or to a circumstance described by a statute defining an offense when he fails to perceive a substantial and unjustifiable risk that such result will occur or that such circumstance exists. The risk must be of such nature and degree that the failure to perceive it constitutes a gross deviation from the standard of care that a reasonable person would observe in the situation.”

In a series of decisions, the New York Court of Appeals has required prosecutors to establish “criminal negligence” in vehicular homicide cases with evidence not clearly implied in the statutory definition. Under these decisions, proof of the defendant’s failure to perceive a risk is not sufficient to convict them of criminally negligent homicide, even if the failure is a “gross deviation” from a reasonable standard of care. In addition, the prosecutor must prove that the defendant committed an “additional affirmative act” or engaged in “risk-creating behavior” amounting to “seriously blameworthy carelessness.” *People v Cabrera*, 10 NY3d 370 (2008); *People v Boutin*, 75 NY2d 692 (1990).

In *Cabrera*, the Court reversed a conviction of criminally negligent homicide based on the defendant driver’s excessive speed, saying “it takes some additional affirmative act by the defendant to transform speeding into dangerous speeding; conduct by which the defendant exhibits the kind of seriously blameworthy carelessness whose seriousness would be apparent to anyone who shares the community’s general sense of right and wrong.” *Cabrera*, 10 NY3d at 377, citing *Boutin*, 75 NY2d at 696 (internal quotation marks omitted). The Court continued:

“Thus, in the cases where we have considered the evidence sufficient to establish criminally negligent homicide, the defendant has engaged in some other ‘risk creating’ behavior in addition to driving faster than the posted speed limit (**compare** *People v Haney*, 30 NY2d 328 [defendant was speeding on city street and failed to stop at red light before killing pedestrian crossing street with green light in her favor]; *People v Soto*, 44 NY2d 683 [defendant, who was speeding and drag racing on city street, struck and killed driver stopped at red light]; *People v Ricardo B.*, 73 NY2d 228 [defendant was drag racing at between 70 and 90 miles per hour on a busy metropolitan street, ran a red light and struck vehicle crossing intersection with light in its favor]; *People v Loughlin*, 76 NY2d 804, 807 [intoxicated defendant was speeding on obstructed street under construction in residential neighborhood in Queens]; *People v Maker*, 79 NY2d 978, 980 [intoxicated defendant drove at speeds of 50 to 100 miles per hour in 35 miles per hour zone in Manhattan, disobeying several traffic signals]; *People v Harris*, 81 NY2d 850, 851-852 [‘defendant, while legally intoxicated, drove his motor vehicle in the dark of night from a public highway into an unfamiliar farmer’s field, accelerated at times to a speed approximating 50 miles per hour, intermittently operated the vehicle without headlights, and suddenly and forcefully drove through a hedgerow of small trees and shrubs, not knowing what obstacles and dangers lurked on the other side’]; *People v Ladd*, 89 NY2d 893, 894- 895 [intoxicated defendant driving on wrong side of a foggy road at 4:30 A.M.], **with** *People v Perry*, 123 AD2d 492, 493 [4th Dept 1986], *aff’d* 70 NY2d 626 [no criminal negligence present where defendant was driving approximately 80 miles per hour in a 55 miles per hour zone ‘on a rural road, on a dark night,’ struck a utility pole, and killed two passengers; defendant’s ‘conduct . . . d(id) not constitute a gross deviation from the ordinary standard of care held by those who share the community’s general sense of right and wrong’ (citations

omitted))). The question [is whether the conduct] constituted ‘not only a failure to perceive a risk of death, but also some serious blameworthiness in the conduct that caused it’ (*Boutin*, 75 NY2d at 696).”

*Cabrera*, at 377-378, emphasis added.

Detective Verderosa was speeding as he traveled about 20 miles above the posted speed limit when he struck Ms. Foster as she lay in the roadway. However, in line with the caselaw just discussed, speeding by itself would not be a legally sufficient action to charge a person with Criminally Negligent Homicide. There is no indication that Detective Verderosa was distracted or intoxicated while he was driving. Further, the evidence indicates that Ms. Foster was already lying in the roadway, in the middle of the northbound lanes of traffic, as Detective Verderosa approached. It was night, and though the roadway was lighted with streetlights and Detective Verderosa’s headlights were on, a person lying in the road would not necessarily have been visible to the average driver at a distance sufficient for the driver to avoid a collision.

OSI concludes that a prosecutor would not be able to prove beyond a reasonable doubt that Detective Verderosa committed a crime. The collision appears to be the result of an accident rather than criminal conduct. OSI therefore will not present this case to a grand jury for consideration of criminal charges and closes the matter with the issuance of this report.

September 12 , 2025