



Office of the New York State Attorney General Lettla James

Office of Special Investigation

March 31, 2023

Report on the Investigation into the Death of Eudes Pierre

EUDES PIERRE - REPORT

Introduction

New York Executive Law Section 70-b authorizes the office of New York's Attorney General, acting through its 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, as defined. When OSI does not seek charges, Section 70-b requires OSI to issue a public report.

This is the report of OSI's investigation of the death of Eudes Pierre, who was shot and killed on December 20, 2021, by New York City Police Department (NYPD) Officers Peter Lan and Conrado Abreu-Gerez. Having thoroughly investigated the matter and analyzed the law, OSI will not seek charges against Officer Lan or Officer Abreu-Gerez because it would not be able to disprove beyond a reasonable doubt that their use of deadly force against Mr. Pierre was justified under New York law.

Overview

On December 20, 2021, at 4:15 a.m.¹ Eudes Pierre called 911 and said there was a bald, Black man wearing a Tommy Hilfiger jacket with a pink knife and a gun in the vicinity of 1090 Eastern Parkway in Brooklyn. Police officers from NYPD's 71st Precinct responded to Eastern Parkway. Officers Avinash Ansari and Mohamed Makiz, in uniform and a marked police car, were the first on scene and saw Mr. Pierre, with a knife in his left hand, on the Eastern Parkway pedestrian walkway between Utica Avenue and Schenectady Avenue. Mr. Pierre's right hand was in his coat pocket. The officers ordered Mr. Pierre to drop the knife. Mr. Pierre did not drop the knife and headed into the Utica Avenue #3 and #4 train subway station. Officer Peter Lan, Officer Vincent Russo, Lieutenant Mario Michel and his driver, Officer Nina Mackenzie, also responded to the scene. The officers went into the subway. Officer Conrado Abreu-Gerez responded to the scene with his partner, Officer Elvin Quinones, but remained on street level.

Once in the subway, the officers saw Mr. Pierre past the turnstiles on the stairs heading down to the subway platform. The officers told Mr. Pierre they wanted to talk and were here to help. Mr. Pierre walked up the stairs and approached the turnstiles. The officers remained on the other side of the turnstiles. Mr. Pierre kept his right hand in his jacket pocket and held a pink knife with the blade facing downward in his left hand. Officer Lan told Mr. Pierre to drop the knife and they were "just here to help." Lt. Michel, standing behind the turnstiles, Tased Mr. Pierre. The Taser had no effect. Officer Lan also Tased Mr. Pierre. Mr. Pierre jolted slightly from Officer Lan's Taser, but it did not incapacitate him. Mr. Pierre pulled out the Taser prongs

¹ All times are approximate.

from his clothing and walked out through the turnstiles. The officers retreated up the stairs to street level. The officers repeatedly told Mr. Pierre that they were here to help, they just wanted to talk, and to drop the knife. Mr. Pierre eventually climbed the stairs to street level with the knife still pointed downward in his left hand and his right hand in his jacket pocket.

Once on Eastern Parkway, as the officers continued to tell him to drop the knife, Mr. Pierre broke into a run in the direction of Officer Lan. Officer Lan ran away from Mr. Pierre into the middle of the traffic lanes on Eastern Parkway. Mr. Pierre was almost within arm's length of Officer Lan, running with the knife in his hand, when Officer Lan turned and fired at Mr. Pierre as Officer Lan fell to the ground. Officer Abreu-Gerez, who was about twenty feet from Mr. Pierre and Officer Lan, also fired his service weapon. Officer Lan fired three shots; Officer Abreu-Gerez fired seven. Mr. Pierre fell to the roadway, with five penetrating gunshot wounds and one graze wound. The officers immediately called for an ambulance. Mr. Pierre was taken to Kings County Hospital where he was pronounced dead.

Statement of Facts

a. The Scene

The shooting occurred in Kings County on Eastern Parkway between Utica Avenue and Schenectady Avenue. Eastern Parkway is a major thoroughfare in the Prospect Heights and Crown Heights neighborhoods of Brooklyn. At the location of the shooting, Eastern Parkway has two lanes of eastbound traffic and two lanes of westbound traffic with a turning lane in each and a yellow emergency lane separating the eastbound and westbound traffic. There is a service road and pedestrian walkway on both the north and south sides of the streets. On either pedestrian walkway is an entrance to the Utica Avenue #3 and #4 Metropolitan Transportation Authority (MTA) subway station.

b. Background of Primary Police Officers Involved

OSI interviewed Officer Peter Lan, Officer Conrado Abreu-Gerez, Lieutenant Mario Michel, Officer Avinash Ansari, Officer Vincent Russo, Officer Elvin Quinones, and Officer Margarita Vilmatelo.

Officer Lan and Officer Abreu-Gerez both said they shot Mr. Pierre. Officer Lan has been an NYPD officer for eight years, has spent his entire career with the 71st Precinct, and is currently a training officer at the 71st Precinct. He does not have a steady partner, but is partnered with officers who have less experience on a rotating basis. Officer Abreu-Gerez has been with the NYPD for two and a half years. Prior to this incident, neither officer had fired his service weapon except for training at the NYPD range, and neither officer had ever encountered Mr. Pierre.

c. Events Leading to the shooting

On December 20, 2021, at 4:15 a.m., Eudes Pierre called 911² and said there was a tall, bald Black man wearing a Tommy Hilfiger jacket, carrying a pink knife and a gun, pacing up and down Eastern Parkway in the vicinity of 1090 Eastern Parkway.³ When asked how old the person looks, Mr. Pierre said twenty-six, which was his age at the time.⁴ He refused to give his name to the operator.⁵ 1090 Eastern Parkway was Mr. Pierre's address and was feet from the location where he was eventually shot by police.⁶

Officers from the 71st Precinct responded to the location, which is on Eastern Parkway between Utica Avenue and Schenectady Avenue. Officer Makiz and Officer Ansari, in uniform and a marked police car, were the first on scene.⁷ They saw Mr. Pierre on the pedestrian walkway on Eastern Parkway with a pink knife in his hand.⁸ Officer Makiz drove his car onto the walkway.⁹ The officers got out of the car and told Mr. Pierre to drop the knife.¹⁰ Mr. Pierre did not comply and walked towards the officers.¹¹ They got back in their car and reversed slowly.¹²

Officer Lan and Officer Russo arrived in uniform and in their marked police car, and Mr. Pierre walked down into the #3 and #4 Utica Avenue subway station.¹³ Officer Lan and Officer Russo walked down the stairs into the subway station. They remained outside the turnstiles.¹⁴ Mr. Pierre was not visible.¹⁵ Lt. Michel arrived on scene with Officer McKenzie and ordered everyone out of the station over the police radio.¹⁶ Officer Lan and Russo left the subway and told Lt. Michel there were civilians in the subway station.¹⁷ Upon hearing that, Lt. Michel led Officers McKenzie, Russo, Makiz, Ansari, and Lan into the subway station.¹⁸ Lt. Michel spoke with the MTA token booth clerk and asked if she saw anyone come in.¹⁹ She said the person

² On January 13, 2022, OSI met with members of Mr. Pierre's family and their attorney. A recording of the 911 call was played for them and they confirmed the voice on the recording belonged to Mr. Pierre.

³ 911 call located [here](#).

⁴ 911 Call; Mr. Pierre's E-Justice history.

⁵ 911 Call.

⁶ Mr. Pierre's E-Justice history; FID Interview with Mr. Pierre's mother, MJ.

⁷ Interview with PO Ansari.

⁸ Id.

⁹ Id.

¹⁰ BWC of PO Ansari at 0:20. PO Ansari's BWC located [here](#); BWC of PO Makiz at 1:30.

¹¹ Interview with PO Ansari.

¹² Id.

¹³ Interview with PO Lan and PO Russo.

¹⁴ BWC of PO Russo at 1:50.

¹⁵ Interview with PO Lan and PO Russo.

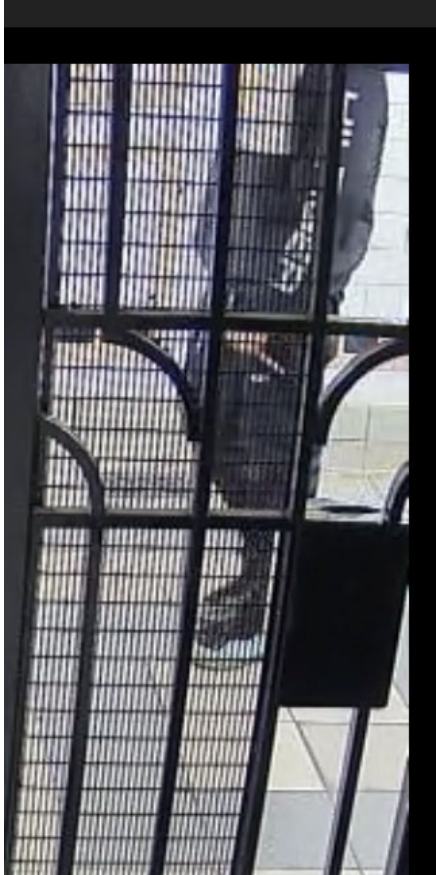
¹⁶ Interview with Lt. Michel; BWC of PO Ansari at 3:14.

¹⁷ BWC of PO Russo at 2:48.

¹⁸ BWC of PO Ansari at 4:34.

¹⁹ Interview with Lt. Michel.

went downstairs into the track area.²⁰ The officers saw Mr. Pierre on the stairs leading to the track area.²¹ Mr. Pierre walked up the stairs with the knife visible in his left hand and his right hand in his jacket pocket.²² The officers were on the opposite side of the turnstile from Mr. Pierre.



Video still showing Mr. Pierre in the subway station with a knife in his left hand.

At around the same time, Officer Abreu-Gerez and Officer Quinones arrived on scene.²³ They remained on street level.²⁴

In the subway station, Officer Lan and Lt. Michel spoke with Mr. Pierre. Officer Lan asked Mr. Pierre if he was all right and both Officer Lan and Lt. Michel told Mr. Pierre to put the knife down.²⁵ Mr. Pierre walked towards the officers with his right hand in his jacket pocket and his left hand holding the knife with the blade pointed downwards.²⁶ Lt. Michel Tased Mr. Pierre.²⁷

²⁰ Id.

²¹ Interview with PO Lan and PO Russo.

²² Interview with PO Lan, PO Russo, PO Ansari, Lt. Michel, MTA Worker A.D.

²³ Interview with PO Quinones and PO Abreu-Gerez.

²⁴ BWC of PO Abreu-Gerez at :10. PO Abreu-Gerez's BWC located [here](#).

²⁵ BWC of PO Lan at 1:01. PO Lan BWC located [here](#)

²⁶ Interview with PO Lan, PO Russo, Lt. Michel; Surveillance Utica Avenue Crown Heights Cam F008 at 4:23:05.

²⁷ BWC of PO Ansari at 6:13.

The Taser appeared to have no effect.²⁸ Officer Lan Tased Mr. Pierre.²⁹ Officer Lan said he saw Mr. Pierre jolt forward slightly and thinks his Taser might have hit Mr. Pierre in the leg.³⁰ The Taser did not incapacitate Mr. Pierre, however, and he pulled the Taser prongs out of his clothing using his right hand.³¹ This is the only time that Officer Lan saw Mr. Pierre remove his right hand from his coat pocket.³² Officer Lan told Mr. Pierre to drop the knife.³³ Lt. Michel ordered the officers to retreat and the officers headed up the stairs to street level.³⁴

Officer Luis Perez and Officer Margarita Vilmatelo of Transit District 11 heard yelling and walked up the stairs from the train tracks, which they had just entered on routine patrol.³⁵ From down the stairs, the officers saw the back of Mr. Pierre.³⁶ Officer Perez removed his Taser and pointed it at Mr. Pierre.³⁷ Mr. Pierre turned around, appeared to see the officers and jumped out of their firing range.³⁸ Officer Perez asked what is going on.³⁹ As Officer Lan and the other officers from the 71st Precinct went back up the stairs to street level, Officer Lan said, "We have an EDP⁴⁰ up here with a knife." ⁴¹ Mr. Pierre walked through the turnstiles.⁴²

²⁸ Id.

²⁹ Surveillance from Utica Avenue Crown Heights Cam F 004 at 4:23:04

³⁰ Interview with PO Lan.

³¹ Surveillance from Utica Avenue Crown Heights Cam F 10 at 4:22:56.

³² Interview with PO Lan.

³³ BWC of PO Lan at 1:45.

³⁴ BWC of PO Makiz at 7:41.

³⁵ Interview with PO Vilmatelo.

³⁶ BWC of PO Vilmatelo at 1:04.

³⁷ Id. at 1:06.

³⁸ Id.

³⁹ Id. at 1:09.

⁴⁰ NYPD acronym for Emotionally Disturbed Person, defined in the NYPD Patrol Guide Procedure Number 221-13 as "a person who appears to be mentally ill or temporarily deranged and is conducting himself in a manner which a police officer reasonably believes is likely to result in serious injury to himself or others."

⁴¹ BWC of PO Lan at 2:05; BWC of PO Vilmatelo at 1:11.

⁴² MTA surveillance Utica Avenue Crown Heights Cam F 004 at 4:23:28. Utica Avenue Crown Heights Cam F 008 at 2:26. Video surveillance located [here](#).



Video still showing Mr. Pierre as he left the subway station through the turnstiles.

Officer Lan told Mr. Pierre that they are there to help him and to put the knife down.⁴³ Mr. Pierre walked to the landing by the stairs to street level and paced.⁴⁴

d. The Shooting

As Officer Lan crouched at street level at the entrance to the subway on the Schenectady Avenue side, Mr. Pierre began to make his way up the stairs.⁴⁵ Mr. Pierre climbed the stairs to street level where he was repeatedly told by multiple officers to drop the knife and take his hand out of his pocket.⁴⁶ Officer Lan and the other officers backed away from the entrance.⁴⁷ Officer Abreu-Gerez, on foot, backed about twenty feet down the block in the direction of Schenectady Avenue and told Officer Lan to watch out behind him.⁴⁸ Officer Lan and Officer Abreu-Gerez observed Mr. Pierre act like he was removing something from his right pocket. Officer Lan said, "He's pretending like he has something in his right hand."⁴⁹ Mr. Pierre ran in the direction of Officer Lan.⁵⁰ Officer Lan at first backpedaled then turned around and ran into the street.⁵¹ Mr. Pierre followed with the knife in his hand.⁵² Officer Abreu-Gerez yelled "Shoot."⁵³ Officer Lan screamed, "Put the knife down."⁵⁴ As Mr. Pierre closed to within two to three feet of Officer Lan, Officer Lan wheeled around and fired three times in the direction of

⁴³ BWC of PO Lan at 2:23.

⁴⁴ MTA surveillance Utica Avenue Crown Heights Cam F 006 at 4:24.

⁴⁵ BWC of PO Lan at 4:41.

⁴⁶ BWC of PO Lan at 4:42.

⁴⁷ Id.

⁴⁸ BWC of PO Abreu-Gerez at 3:56.

⁴⁹ Interview with PO Lan and PO Abreu-Gerez; BWC of PO Lan at 4:45.

⁵⁰ Surveillance from 1089 Eastern Parkway Front Left at :16. Surveillance video located [here](#).

⁵¹ BWC of PO Lan at 4:51.

⁵² Interview with PO Lan and PO Abreu-Gerez.

⁵³ BWC of PO Abreu-Gerez at 4:01.

⁵⁴ Id.

Mr. Pierre as Officer Lan fell to the ground.⁵⁵ Officer Abreu-Gerez, standing about twenty feet away and to the left of Mr. Pierre fired seven times.⁵⁶ Mr. Pierre fell to the ground in the middle of the street in the emergency lane.⁵⁷ Officer Abreu-Gerez said he shot Mr. Pierre because he was getting too close to Officer Lan with the knife in his hand.⁵⁸



Video still from Officer Abreu-Gerez's body-worn camera showing Mr. Pierre (center) closing on Officer Lan (left) before the firing began.

e. The Aftermath

⁵⁵ Surveillance from 1089 Eastern Parkway at :19; BWC of PO Lan at 4:54; Surveillance from 62154 Eastern Parkway SS CM NEC of Schenectady Ave Cam 2 at 5:20. Surveillance video located [here](#).; BWC of PO Abreu-Gerez at 4:04; Interview with PO Lan; Interview with PO Abreu-Gerez.

⁵⁶ Id.; Interview with PO Abreu-Gerez.

⁵⁷ Id.; Interview with PO Lan.

⁵⁸ Interview with PO Abreu-Gerez.

As Mr. Pierre lay on his back in the middle of the street in the emergency lane multiple officers radioed for an ambulance.⁵⁹ Officer Lan approached Mr. Pierre who was moving on the ground with the knife still in his hand.⁶⁰ The knife dropped out of his hand and rested on his neck.⁶¹ Officer Lan approached, took the knife off Mr. Pierre's neck, and tossed it to the side.⁶² Officer Lan handcuffed Mr. Pierre.⁶³ The other officers on the scene approached and began to render first aid, led by Officer Lan and Officer Makiz.⁶⁴ Mr. Pierre was still breathing while he was on the ground as they waited for an ambulance.⁶⁵ The ambulance arrived about nine minutes after it was called.⁶⁶ Mr. Pierre was placed on a stretcher and wheeled to the ambulance.⁶⁷ Officers Ansari and Makiz rode in the ambulance to Kings County Hospital⁶⁸ where Mr. Pierre was pronounced dead at 4:48 a.m.⁶⁹

f. Videos Reviewed

OSI reviewed 206 videos related to the shooting of Mr. Pierre, consisting of 42 body worn camera videos and 164 videos obtained from surveillance cameras. The Attorney General released six videos of the incident to the general public on March 15, 2022, redacted in accordance with the Attorney General's video release policy.

g. Evidence Collected from Scene

The pink knife that video showed Mr. Pierre holding was recovered at the scene along with his cell phone. Subpoenaed records for the cell phone confirm that Mr. Pierre called 911 from his phone on the night of the shooting.

h. Ballistic Evidence

The NYPD's Crime Scene Unit (CSU) processed the scene and recovered ten shell casings and two deformed bullets. Microscopic analysis performed by the NYPD confirmed that the recovered shell casings came from the firearms of Officer Lan and Officer Abreu-Gerez. Microscopic analysis was inconclusive as to the origin of the deformed bullets. Taser prongs were also recovered from inside the subway station.

⁵⁹ BWC of PO Makiz at 11:30.

⁶⁰ BWC of PO Lan at 5:18.

⁶¹ Interview with PO Lan.

⁶² BWC of PO Makiz at 12:03; Interview with PO Lan.

⁶³ BWC of PO Lan at 5:47.

⁶⁴ Id. at 6:28.

⁶⁵ Id. at 6:46.

⁶⁶ Id. at 14:10.

⁶⁷ Id. at 16:08.

⁶⁸ BWC of PO Ansari at 29:42.

⁶⁹ Death Certificate.

i. Medical Examination and Autopsy

OSI interviewed Dr. Dimath Alyemni of the Office of Chief Medical Examiner, New York City, and reviewed the autopsy report she prepared. Mr. Pierre was shot twice in his torso, once in his abdomen, once in his right thigh and once in his left thigh. He also suffered a graze wound to his right lateral torso. Dr. Alyemni concluded that Mr. Pierre's cause of death was gunshot wounds of the torso. His manner of death was described as "homicide (suicidal individual shot while threatening police with weapon)."

j. Other Information about the Decedent

OSI met with members of Mr. Pierre's family and their attorney on two occasions. According to media accounts, Mr. Pierre was once a student at the College of Staten Island and had briefly played college basketball. Mr. Pierre had no criminal record. On December 20, 2021, Mr. Pierre's mother found an extension cord tied as a makeshift noose in the bathroom of the home he shared with her, and found a note written by Mr. Pierre apologizing to his family.

Legal Analysis

New York Penal Law ("PL") Article 35 sets forth the defense of justification to crimes involving the use of physical force. Justification is a defense, not an affirmative defense. PL Section 35.00. If a defense is raised at trial, the burden is on the prosecutor to disprove it beyond a reasonable doubt. PL Section 25.00(1). The defendant is entitled to have the jury instructed on the defense of justification even if the defendant does not offer evidence, as long as the defense is implied by the prosecutor's evidence. People v. Steele, 26 N.Y.2d 526 (1970).

In this case, Officer Lan and Officer Abreu-Gerez used deadly physical force. Under PL Section 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 Section 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 Section 35.15 is the general provision defining justification when a person uses force in self-defense or defense of another person. Regarding deadly physical force, Subdivision (2)(a) of PL Section 35.15 states a person may use deadly force upon another person when: "the actor reasonably believes that such other person is using or about to use deadly physical force," but that "the actor may not use deadly physical force if he or she knows that with complete safety, to oneself and others he or she may avoid the necessity of so doing by retreating."

PL Section 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 Section 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 Section 35.30(1) are under no duty to retreat when threatened with deadly physical force, according to PL Section 35.15(2)(a)(ii).

In both the general self-defense provision (PL Section 35.15) and the officer-specific provision (PL Section 35.30), the person who uses deadly physical force is justified when the person reasonably believes deadly force is necessary to defend the person or another against the imminent use of deadly physical force. “Reasonable belief” means that a person actually believed, “honestly and in good faith,” that physical force was about to be used against him and that physical force was necessary for self-defense (subjective component), and it means that a “reasonable person” under the same “circumstances” could have believed the same (objective component). People v. Goetz, 68 N.Y.2d 96 (1986); People v. Wesley, 76 N.Y.2d 555 (1990). Therefore, before using deadly force in self-defense, (a) a person must honestly and in good faith believe deadly force was about to be used against them or another person and that deadly force is necessary for self-defense, and (b) a reasonable person under the same circumstances could believe the same.

Based on the evidence in this investigation, 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.

First, under PL Section 35.30, the 71st Precinct officers could use the physical force they reasonably believed to be necessary to effectuate the arrest of Mr. Pierre and could use deadly force if they reasonably believed it was necessary to defend themselves or another against Mr. Pierre’s imminent use of deadly force.

Here, when the officers initially encountered Mr. Pierre on Eastern Parkway and then in the subway station, Mr. Pierre was holding a knife in his left hand. In and of itself, possessing a knife with a blade of less than four inches in length is not a crime. However, when Mr. Pierre charged Officer Lan with the knife in his hand, Mr. Pierre committed the crime of menacing a police officer under PL Section 120.18, a class D violent felony. PL Section 120.18 reads "[a] person is guilty of menacing a police officer...when he or she intentionally places or attempts to place a police officer...in reasonable fear of physical injury, serious physical injury, or death by displaying a... knife...where such officer was in the course of performing his or her official duties and the defendant knew or reasonably should have known that such victim was a police officer or peace officer." Mr. Pierre possessed a knife. Officer Lan was in his official NYPD uniform and was on duty. Officer Lan and Officer Abreu-Gerez only opened fire after Mr. Pierre ran at full speed with a knife in his hand and got within two to three feet of a retreating Officer Lan. Given the circumstances, OSI would not be able to disprove beyond a reasonable doubt that Officers Lan and Abreu-Gerez were justified in shooting Mr. Pierre.

Even if officers from the 71st Precinct were not attempting to arrest Mr. Pierre for an offense pursuant to PL Section 35.30 (the justification provision relating to police officers making an arrest), the prosecution would not be able to disprove beyond a reasonable doubt that Officer Lan and Officer Abreu-Gerez were justified under PL Section 35.15, the general provision justifying use of force. For purposes of this case, the difference between the officer-specific provision and the general provision, as mentioned above, is that under the general provision "the actor may not use deadly physical force if he or she knows that with complete safety, to oneself and others he or she may avoid the necessity of so doing by retreating."

In the subway, when Mr. Pierre ignored the officers' commands to drop the knife he was holding and, instead, walked through the turnstiles, the officers retreated to street level. When Mr. Pierre followed them to the street, the officers again moved away from Mr. Pierre. When Mr. Pierre ran at Officer Lan with the knife in his hand, Officer Lan attempted to outrun Mr. Pierre, but could not. Officer Lan and Officer Abreu-Gerez only fired at Mr. Pierre when retreat had failed and Mr. Pierre was bearing down on Officer Lan with a knife. Applying the analysis in Goetz, a prosecutor would not be able to disprove beyond a reasonable doubt that the officers reasonably believed it was necessary to use deadly force to defend Officer Lan, nor that they could have retreated in complete safety to themselves and others present as Mr. Pierre pursued Officer Lan after the officers had retreated.

Officer Lan fired three rounds, and Officer Abreu-Gerez fired seven rounds. Surveillance and body worn camera videos show that the officers immediately ceased fire when Mr. Pierre fell to the ground. A prosecutor would not be able to disprove beyond a reasonable doubt that a reasonable person in Officer Lan's or Officer Abreu-Gerez's position would have fired at Mr. Pierre.

In sum, the evidence in the investigation is insufficient to disprove beyond a reasonable doubt that Officer Lan and Officer Abreu-Gerez were justified under New York law in using deadly physical force. Therefore, OSI will not seek charges in the matter.