Office of the New York State Attorney General Letitia James

Office of Special Investigation

MARCH 20, 2025

Report on the Investigation into the Death of Jason Pass

JASON PASS - REPORT

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. When OSI does not seek charges, Section 70-b requires OSI to issue a public report describing its investigation. This is the public report of OSI's investigation into the death of Jason Pass, who was shot and killed on November 1, 2023, by members of the New York City Police Department (NYPD) in the County of Kings. All times stated in this report are based on the time stamps in the NYPD Officers' body-worn camera footages, unless indicated otherwise.

On November 1, 2023, Mr. Pass was wanted as a suspect for the October 29, 2023, shooting death of Chinwai Mod and Baldmiy Mathurin. Members of the NYPD were provided with Mr. Pass's pedigree information including the license plate number of the car he was known to drive. At 7 a.m., Police Officers Jonathan Santiago and Nicholas Brush were patrolling the vicinity of Bay 44th Street and Harway Avenue, Kings County, New York, in their Radio Motor Patrol Car (RMP). Their license plate reader (LPR) alerted them to Mr. Pass's car that was parked on the street.[1]

Mr. Pass was seated in the driver's seat alone in the car. Officers Santiago and Brush approached Mr. Pass's car to confirm his identity. During this encounter, both officers walked towards the car's passenger's side to speak to each other. Mr. Pass got out of the car and ran away from the officers while taking a knife out of his pocket. Officers Santiago and Brush took out their guns and ran after Mr. Pass. Mr. Pass stopped to face the officers and said, "officers, whatever happens next, this has nothing to do with you, I'm so sorry this has nothing to do with you. Something happened the other day, I tried to defend myself." Additional police officers and detectives arrived on scene. After over 25 minutes of officers telling Mr. Pass to put the knife down and to turn himself in, Mr. Pass ran towards the officers with the knife and Officers Santiago, Peter Terranova, Matthew Cardieri, Anthony Massoni, and Kyle Iversen fired their guns, striking Mr. Pass, who died of his wounds.

Having thoroughly investigated the facts and analyzed the law, OSI concludes a prosecutor would not be able to disprove beyond a reasonable doubt that the officers' use of deadly

[1] "LPRs are specialized cameras that quickly capture images of license plate numbers affixed to vehicles that pass within the LPRs sensory range. An internal processor then converts the image of the license plate into a text the computer can process. This text is automatically compared against administrative databases containing enumerated lists of license plates of interest (i.e. stolen, wanted, etc.)." https://www.nyc.gov/assets/nypd/downloads/pdf/public_information/post-final/license-plate-readers-lpr-nypd-impact-and-use-policy_4.9.21_final.pdf

physical force against Mr. Pass was justified under New York law and will not seek charges against them.

FACTS

The Scene

The incident took place on a sidewalk in the vicinity of Bay 44th Street and Harway Avenue, Kings County, New York, which is a residential neighborhood.

Photograph of the vicinity of Bay 44th Street and Harway Avenue shortly before the shooting, taken by a civilian. Mr. Pass is circled in red. The Officers that fired their guns are so indicated in yellow lettering with how many times they fired.

Background of the Officers Involved

The five officers who discharged their guns were assigned to the 60th Precinct, in Kings County, which is responsible for the patrol of the vicinity of Bay 44th Street and Harway Avenue in Brooklyn. None of the officers had fired their guns on duty before this incident, other than in training, and none of them had encountered Mr. Pass before this incident. Each of the officers knew that Mr. Pass was wanted for a double homicide that occurred on October 29, 2023.

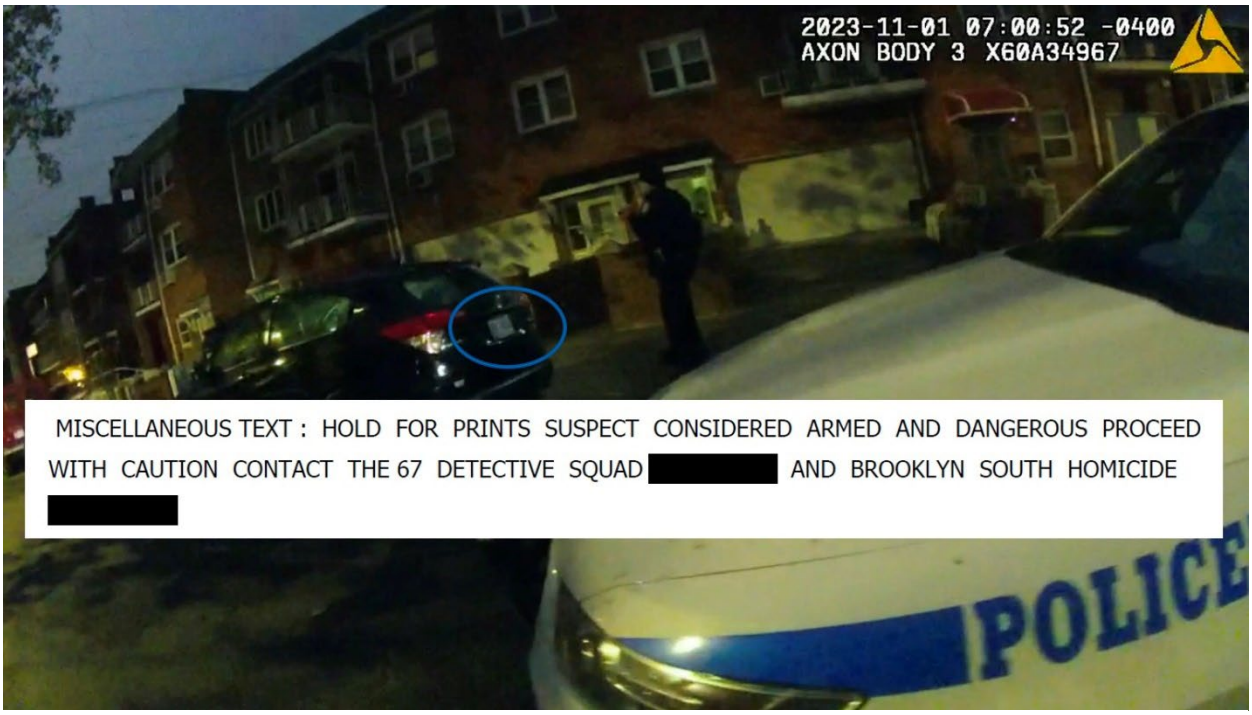
Officer Santiago became a member of NYPD in 2019 and was assigned to the 60th Precinct in 2021. Officer Cardieri became a member of NYPD in 2019 and was assigned to the 60th Precinct in 2020. Officer Massoni became a member of NYPD in 2016 and was assigned to the 60th Precinct in 2017. Officer Iversen became a member of NYPD in 2020 and was assigned to the 60th Precinct in 2021. Officer Terranova became a member of NYPD in 2021 and was assigned to the 60th Precinct in 2021.

October 29, 2023 Incident

On October 29, 2023, at 10:36 p.m. inside of an apartment building in Kings County, a male individual discharged a loaded gun multiple times, striking Chinwai Mod and Baldmiy Mathurin, causing their deaths. The video of the incident can be seen here. Mr. Pass became a wanted suspect for this double homicide. Members of the NYPD were provided with Mr. Pass's pedigree information and the license plate number of the car he was known to drive.

Events Leading to the Shooting

At 7 a.m., Officers Santiago and Brush were patrolling the vicinity of Bay 44th Street and Harway Avenue in their RMP and their LPR alerted them to Mr. Pass's car that was parked on the street. The LPR hit said Mr. Pass is "considered armed and dangerous proceed with caution."



Still image from Officer Santiago's body worn camera video and the LPR hit for Mr. Pass. License plate circled in blue.

The Shooting

Review of the officers' Body Worn Camera (BWC) Videos shows the following (The BWC footages can be viewed here: Officer Santiago, Officer Cardieri, Officer Massoni, Officer Iversen, Officer Terranova, and Sgt. Suleiman.):

Officers Santiago and Brush got out of their RMP and approached a dark-colored car occupied by Mr. Pass. The car was parked on Bay 44th Street between Harway Avenue and Bath Avenue in Brooklyn. Officer Santiago approached the driver's side and Officer Brush approached the passenger side of the car. Officer Brush can be heard on the phone saying they had an LPR hit for someone who was wanted for a homicide. Officer Santiago knocked on Mr. Pass's driver's seat window. Mr. Pass rolled down the window and Officer Santiago asked for Mr. Pass's ID, name, and date of birth. Mr. Pass said he forgot his ID at work but provided his name and date of birth. Officer Santiago walked to the passenger side of the car. Officer Brush asked Mr. Pass for the car's registration and two additional RMPs, occupied by Officers Iversen, Charles Brown, Cardieri, and Sergeant (Sgt.) Mohammed Suleiman, pulled up next to Mr. Pass's car. Mr. Pass got out of his car and ran towards Harway Avenue as shown below.

Google Maps showing where Mr. Pass's car was parked (circled in blue) and where the shooting took place (circled in red), and the direction Mr. Pass ran then walked (red arrow).

Mr. Pass stopped and faced the officers while holding a knife in his right hand. Each officer drew their guns, and the sergeant drew his Taser and pointed them at Mr. Pass. Mr. Pass said,

"officers, whatever happens next, I'm so sorry, this has nothing to do with you." He lunged towards Officer Santiago and Sgt. Suleiman but none of the officers fired their guns. Mr. Pass walked backwards while each of the police officers and sergeant told him to "put down the knife", "lay on the ground" and to turn himself in. Mr. Pass continued to walk backwards towards Harway Avenue until he eventually stopped in front of a residential home. Mr. Pass said in sum and substance, *something happened a couple of days ago. I tried to defend myself, he was trying to kill me. I used to be a CO. This has nothing to do with you. I'm sorry officer. I'm very sorry officers. You all are good cops. They're not going to listen to my side in court. I have no choice. Officers, I'm really sorry about this. Y'all will have to do what you have to do. I'm very sorry about this officer.*

Sgt. Suleiman and the officers attempted to persuade Mr. Pass to drop the knife and to turn himself in for over 25 minutes. The officers told Mr. Pass that "it doesn't have to be this way," "just put the knife down, that's all we're asking," "everybody makes mistakes, it's ok," "please surrender yourself, you're a good guy. You're not a bad guy, we know you don't want to hurt us," and "you have a choice, you have the power, just please drop the knife."

At 7:34 a.m., Mr. Pass said, "I'm sorry officers. You all are good cops. You all are good cops. You all are good cops, I'm sorry about this," and ran towards Officer Cardieri with the knife.

Still from Sgt. Suleiman's BWC at 7:35:04 a.m. with zoomed image of Mr. Pass.

Officers Santiago, Terranova, Cardieri, Massoni, and Iversen fired their guns, striking Mr. Pass, who died of his wounds. BWC shows that Officer Santiago fired twice, Officer Terranova fired

five times, Officer Cardieri fired five times, Officer Massoni fired one time, and Officer Iversen fired four times. Mr. Pass dropped the knife when he fell to the ground.

Still from Officer Cardieri's BWC at 7:35:24 a.m. and photo of knife taken by NYPD.

Officer Interviews

OSI interviewed the sergeant, and the five officers who fired their guns.

Sergeant Mohammed Suleiman

Sgt. Suleiman received a radio run for officers in need of assistance. He knew that Mr. Pass who was wanted for a double homicide. Sgt. Suleiman was one of the first cars to respond after Officers Santiago and Brush called for assistance. Sgt. Suleiman said he chased after Mr. Pass who was already running by the time he got out of his police car. He armed himself with a taser and engaged in speaking to Mr. Pass to try to deescalate the situation. Sgt. Suleiman said he spoke to Mr. Pass for over 25 minutes by trying to have him drop the knife, and for him to surrender. Sgt. Sulieman said he also called Mr. Pass's mother multiple times in the hopes of convincing Mr. Pass to surrender, but she did not pick up. Eventually, Mr. Pass ran towards the officers with a knife and Sgt. Suleiman fired his taser while other officers fired their guns. Sgt. Suleiman did not know if his Taser struck Mr. Pass.

Police Officer Jonathan Santiago

Officer Santiago said he was on patrol on November 1, 2023, with his partner, Officer Brush when they came across Mr. Pass's car. Officer Santiago said he drove past Mr. Pass's car when his RMP's LPR alerted him to Mr. Pass's car. Officer Santiago drove around the block and then parked his RMP to the rear left of Mr. Pass's car. He said he and his partner approached Mr. Pass's car and saw that Mr. Pass was in the driver's seat. They radioed for backup before approaching the car. Officer Santiago approached the driver's seat and spoke to Mr. Pass who provided his name and date of birth. His partner stayed in the passenger's side. Officer Santiago walked to his partner to speak to him. He said their plan was not to agitate Mr. Pass and wait for additional officers to arrive. Mr. Pass ran out of his car and ran up the block as additional police cars responded to the location. Officer Santiago and other officers ran after Mr. Pass. Officer Santiago said he took out his gun while chasing him because he knew Mr. Pass was wanted for a double homicide for shooting two individuals to death. He saw Mr. Pass take out a knife and lunge towards him, but he jumped back and refrained from shooting. Officer Santiago and other officers followed Mr. Pass until he stopped walking as he approached the corner of the block. The officers spoke to Mr. Pass for over 25 minutes trying to convince him to drop the knife and to turn himself in. At 7:35 a.m., Mr. Pass said, *you all are good cop's officers, I'm sorry about this*, and ran towards Officer Cardieri with the knife. Officer Santiago said he fired his gun multiples times towards Mr. Pass to prevent Officer Cardieri from being stabbed. He said he stopped shooting as soon as he thought Mr. Pass was no longer a threat to them. Officer Santiago said although he only saw a knife, he thought Mr. Pass could have been armed with a gun because he was wearing baggy clothes, and he was wanted for a shooting.

Police Officer Peter Terranova

Officer Terranova said he responded to a radio run for officers in need of assistance. Officer Terranova said he was one of the later units to respond and by the time he arrived, officers were already surrounding Mr. Pass who was holding a knife. He knew Mr. Pass was wanted for the October 29, 2023 double homicide. He said he saw officers trying to convince Mr. Pass to drop the knife and for him to turn himself in. Officer Terranova said he saw the video of the October 29 incident and he thought Mr. Pass may be armed with a gun because he was wearing baggy clothes. Officers continued to tell Mr. Pass to put the knife down and for him to turn himself in. Mr. Pass eventually ran towards Officer Cardieri with the knife. Officer Terranova said he fired his gun towards Mr. Pass to prevent him from stabbing Officer Cardieri and he stopped firing as soon as he thought Mr. Pass was no longer a threat. Officer Terranova said he fired his gun after Mr. Pass fell to the ground because he still saw that his hands were moving and the knife which he dropped was still within reaching distance.

Police Officer Matthew Cardieri

Officer Cardieri said he was one of the first officers to respond after Officer Santiago and Brush radioed for assistance. Officer Cardieri got out of his car and saw Mr. Pass holding a knife walking backwards up the block while officers are telling Mr. Pass to drop the knife and to lay on the ground. Mr. Pass eventually came to a stop in front of a house while Officer Cardieri and the other officers surrounded him. Officer Cardieri knew that Mr. Pass was wanted for the October 29, 2023 double homicide. Officer Cardieri and other officers tried to convince Mr. Pass to put the knife down and for him to turn himself in for over 25 minutes. Mr. Pass ran towards Officer Cardieri with the knife and Officer Cardieri, fearing for his safety, fired his gun towards Mr. Pass to defend himself. Officer Cardieri did not remember how many times he fired his gun, but he said he stopped firing as soon as he thought the threat was over.

Police Officer Anthony Massoni

Officer Massoni said he responded to the location at 7:13 a.m. when other officers were already surrounding Mr. Pass who was holding a knife. Officers were telling Mr. Pass to drop the knife and to turn himself in. He said he heard Mr. Pass say he was sorry to the officers and that this had nothing to do with the officers that were there. Officer Massoni and other officers continued to speak to Mr. Pass to tell him to drop the knife and for him to turn himself in. At 7:35 a.m., he saw Mr. Pass run towards Officer Cardieri with the knife and Officer Massoni fired his gun one time towards Mr. Pass to defend Officer Cardieri. He saw Mr. Pass fall to the ground after he and other officers fired their guns.

Police Officer Kyle Iversen

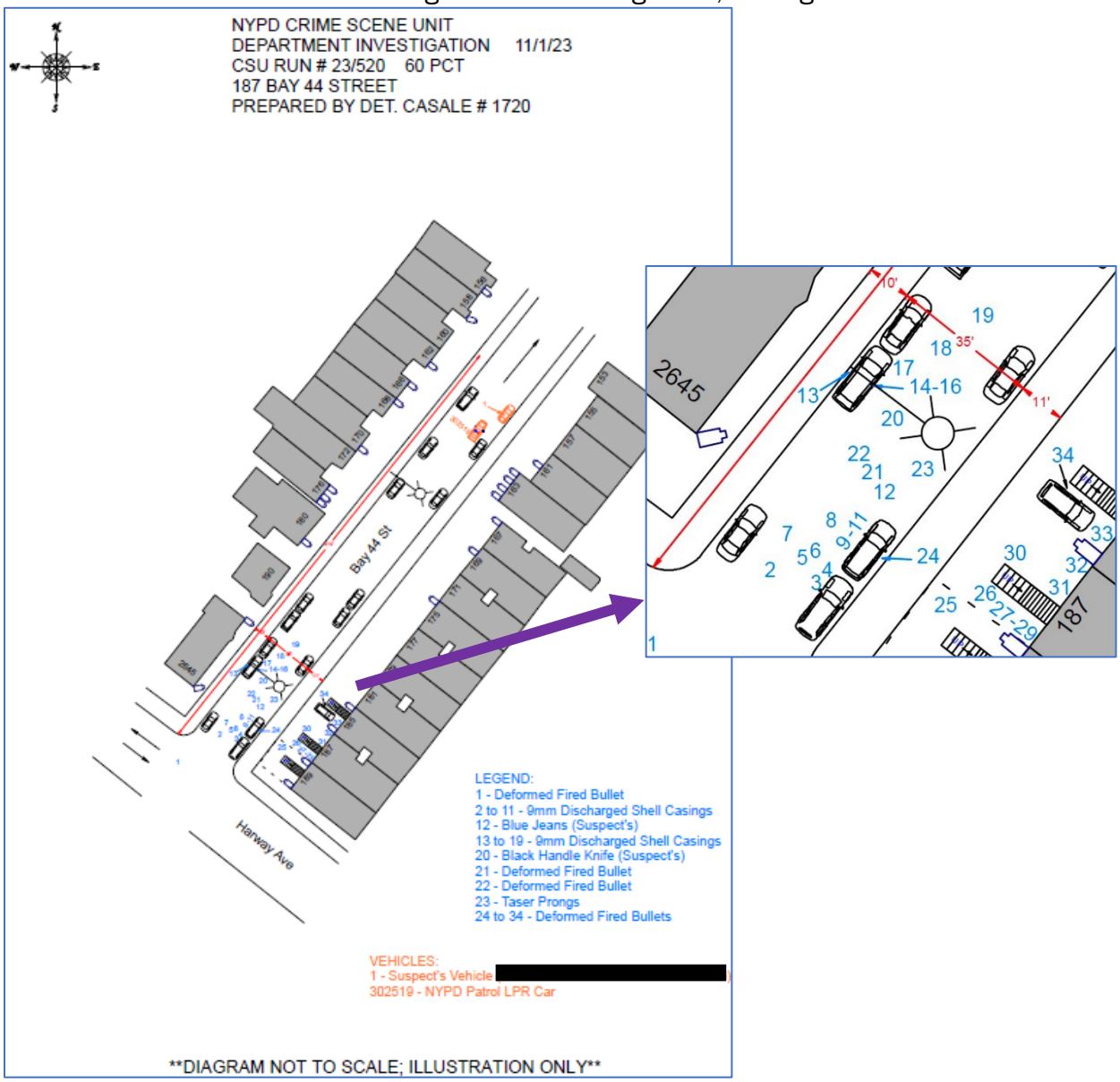
Officer Iversen said he was working with Officer Cardieri on November 1, 2023, and they received a radio run about a stolen car that came back to a suspect of a homicide. Officer Iversen said he arrived at the scene and saw Mr. Pass running up the block while Officers Santiago and Brush were chasing him. Mr. Pass stopped to face the officers and took out a knife and lunged towards Officer Santiago. Officer Iversen took out his gun. Officer Iversen said Mr. Pass was wearing baggy clothes and he thought Mr. Pass could have been armed with a gun based on the fact that he was wanted for a shooting. The officers followed Mr. Pass as Mr. Pass walked up the block. They surrounded him when Mr. Pass came to a stop. Officer Iversen said he and other officers told Mr. Pass to drop the knife and for him to turn himself in. After over 25 minutes of trying to convince Mr. Pass to surrender, he saw Mr. Pass run towards Officer Cardieri with a knife. Officer Iversen said he fired his gun towards Mr. Pass multiple times to defend Officer Cardieri until he thought Mr. Pass was no longer a threat.

The Aftermath

After Mr. Pass was shot, the NYPD Emergency Services Unit (ESU) handcuffed Mr. Pass and started to administer cardiopulmonary resuscitation (CPR). Emergency medical services were on scene and tended to Mr. Pass at 7:39 a.m. They placed him on a stretcher and transported him to NYU Langone Hospital Brooklyn while they continued to perform CPR. According to medical records, Mr. Pass was pronounced dead on November 1, 2023, at 8:50 a.m.

Evidence Collection and Analysis

The NYPD Crime Scene Unit (CSU) processed where Mr. Pass was shot. CSU recovered a knife, deformed fired bullet and bullet fragments from the ground, among other items.



CSU map showing locations of recovered evidence.

CSU took possession of Officers Santiago, Terranova, Cardieri, and Massoni's NYPD-issued 9 mm Glock 17 pistols. CSU took possession of Officer Iversen's NYPD-issued 9 mm Sig Sauer P226 pistol. Both types of pistols had a 15-round magazine, for a total capacity of 16 rounds, if one round is in the firing chamber. Upon examination, Officer Santiago's gun had one round in the chamber, and 13 rounds in the magazine, which is consistent with his having fired two shots. Officer Terranova's gun had one round in the chamber and 10 rounds the magazine, which is consistent with his having fired five shots. Officer Cardieri's gun had one round in the chamber and 10 rounds the magazine, which is consistent with his having fired five shots. Officer Massoni's gun had one round in the chamber and 14 rounds the magazine, which is consistent with his having fired one shot. Officer Iversen's gun had one round in the chamber and 11 rounds the magazine, which is consistent with his having fired four shots.

Medical Examination and Autopsy

The autopsy of Mr. Pass was performed by Dr. Gregory Dickinson, of the City of New York Office of Chief Medical Examiner, and he prepared a written report. OSI interviewed Dr. Dickinson. Dr. Dickinson determined that the cause of death was "gunshot wounds of head, neck, and torso" and that the manner of death was "homicide." The autopsy found that Mr. Pass was struck by gunfire 11 times, including wounds that were not to the head, neck, and torso.

LEGAL ANALYSIS

Article 35 of the New York Penal Law defines the circumstances under which a person may be justified in using deadly physical force against another. Justification is a defense, Penal Law Section (PL) 35.00, not an affirmative defense. To obtain a conviction at trial, a prosecutor must disprove a defense beyond a reasonable doubt, PL 25.00(1). A criminal 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 NY2d 526 (1970). As detailed below, based on the evidence in this investigation, OSI concludes that a prosecutor would not be able to disprove beyond a reasonable doubt at trial that the use of deadly physical force by the discharging officers was justified.

In this case, Officers Santiago, Terranova, Cardieri, Massoni, and Iversen used deadly physical force. Under PL 10.00(1) deadly physical force is "physical force which, under the circumstances in which it is used, is readily capable of causing death or other serious physical injury." Under PL 10.00(10) serious physical injury is "physical injury which creates a substantial risk of death, or which causes death or serious and protracted disfigurement, protracted impairment of health or protracted loss or impairment of the function of any bodily organ."

PL 35.30 is the provision defining justification when a police officer or peace officer uses force to effect or attempt to effect an arrest. 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."

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

"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, and that a "reasonable person" under the same circumstances could have believed the same. *People v Goetz*, 68 NY2d 96 (1986); *People v Wesley*, 76 NY2d 555 (1990). Therefore, before using deadly physical force in self-defense, a person must honestly and in good faith believe deadly physical force was about to be used against them and that deadly physical force was necessary for self-defense, and a reasonable person under the same circumstances could have believed the same.

Based on the evidence in the investigation, Officers Santiago and Brush initially stopped and pursued Mr. Pass based on a reasonable belief that he was a wanted suspect for the October 29, 2023 double homicide. The officers had reasonable cause to believe that Mr. Pass committed the crime of murder in the second degree when they tried to apprehend him.

According to BWC and the police officers' statements, Mr. Pass had a knife and he ran towards Officer Cardieri despite the officers' numerous commands for Mr. Pass to drop the knife and for him to turn himself in. Therefore, OSI concludes that a prosecutor would not be able to disprove that the officers reasonably believed they needed to use deadly physical force in self-defense in the face of what they reasonably believed to be Mr. Pass's use or imminent use of deadly physical force. As a result, OSI will not seek charges and closes the matter with the issuance of this report.

Dated: March 20, 2025