Office of the New York State Attorney General Letitia James

Office of Special Investigation

March 24, 2025

Report on the Investigation into the Death of Nathan Scott

OVERVIEW

New York Executive Law 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 Nathan Scott, who was shot and killed on March 18, 2024, by officers of the New York City Police Department (NYPD) in Kings County (Brooklyn).

On March 18, 2024, after he was robbed, Nathan Scott chased the two people who had robbed him through the streets of Brooklyn and fired a gun at them multiple times. NYPD officers from the Patrol Borough Brooklyn South Community Response Team (CRT) responded to reports of a man firing a gun. The officers saw Mr. Scott, who fit the description of the shooter transmitted to them by NYPD dispatch, running down East 57th Street between Remsen Avenue and East 56th Street in Brooklyn, firing a gun. The officers fired at Mr. Scott, killing him.

Having thoroughly investigated the facts, including review of body worn camera (BWC) video and security video, review of ballistics testing reports, and interviews of involved officers, and having analyzed the law, OSI concludes a prosecutor would not be able to disprove beyond a reasonable doubt that the officers' use of deadly force against Mr. Scott was justified under New York law and will not seek charges against them.

FACTS

The Scene

The shooting occurred on East 57th Street between Remsen Avenue and East 56th Street in Brooklyn. Mr. Scott was shot on the west side of the street in front of a row of single-family homes. On the east side of the street was a car repair shop. A civilian, HM (OSI does not publish the names of civilian witnesses), who was working on a car in front of the repair shop was shot in the abdomen and arm and survived.

Photos showing the site of the shooting, assembled by the NYPD's Force Investigation Division (FID).

Background of the Officers Involved

OSI interviewed the three NYPD officers who fired their weapons at Mr. Scott and witness officers. The officers were assigned to CRT, a specialized unit that covered multiple precincts and was responsible for responding to high crime areas to address quality of life issues. The officers mostly operated out of unmarked cars and wore a modified uniform of khaki pants and tactical vests with an officer's name and an NYPD badge decal, including the officer's badge number.

The three shooting officers were John Ramos, who became an NYPD officer in 2017 and was assigned to CRT in 2023; Marco Monte, who became an NYPD officer in 2018 and was assigned to CRT in 2023; and Anthony Caravana, who became an NYPD officer in 2017 and was assigned to CRT in 2023. The officers had not previously fired their weapons in the line of duty except for training at the NYPD shooting range, and the officers had not encountered Mr. Scott prior to March 18, 2024.

Events Leading to the Shooting

Officers Ramos, Monte, Caravana, and Christopher Lyons began work at 12:00 p.m. on March 18, 2024, assigned to patrol in the 67th, 69th, and 70th Precincts, which are in Brooklyn, in an unmarked car. Throughout the day, Officer Lyons drove, Officer Caravana sat in the front passenger seat, Officer Ramos sat in the back passenger side seat, and Officer Monte sat in the back driver side seat.

Based on security and surveillance video obtained by OSI, and on ballistics evidence, Nathan Scott, at about 5:50 p.m., was robbed in an apartment building on Linden Boulevard between East 56th and East 57th Streets in Brooklyn. The man and woman Mr. Scott believed to be the robbers left the building; he shot at them and followed them into the street.

Security video from Linden Boulevard between East 56th Street and East 57th Street captured the sound of a gunshot at 5:52 p.m. The video then showed that a man and a woman ran across Linden Boulevard and that Mr. Scott ran after them. The video captured the sound of two more gunshots at 5:53 p.m. (Security Video: Linden Blvd between E 56 St and E 57 ST_0.mp4)

Security video from the corner of Linden Boulevard and East 56th Street showed that two people ran down Linden Boulevard and turned right on East 56th Street at 5:53 p.m. Mr. Scott ran to the corner of East 56th Street and Linden Boulevard and stopped. He crossed Linden Boulevard and headed down East 56th Street in the direction of the two people. Mr. Scott appeared to fire shots from a handgun. (Security Video: Linden blvd and E 56 st cam 2.mp4)

Stills from a security video showing Mr. Scott firing in the direction of the two people.

Security video from East 56th Street showed Mr. Scott as he continued to run after the two people and appeared to fire his gun. (Security Video: Linden Blvd and E 56 st cam 3.mp4)

Video from a doorbell camera on East 56th Street between Linden Boulevard and Lenox Road showed that a man and a woman walked on East 56th Street; it then captured the sound of a gunshot and showed that the two people ran; another gunshot followed. Mr. Scott walked into frame and had a conversation with a person. The video captured audio from the conversation, in which Mr. Scott said that he had just been robbed and that the robbers took his phone and wallet. The video showed that Mr. Scott then ran north toward Lenox Road in the direction of the two people.

911 operators received four calls related to the incident. At 5:56 p.m., a person called 911 and said that a Black man wearing a blue hooded sweatshirt and a black mask shot at a man and a woman and chased them out of a building and onto East 56th Street. A second person called 911 and told the operator that a Black man with a slim build in his early twenties, wearing a blue sweater and black sweatpants, fired a gun twice on East 56th Street between Lenox Road and Linden Boulevard as he ran toward Lenox Road. A third person called 911 who said that a Black man in a hoodie and a green jacket was on East 56th Street between Linden Boulevard and Lenox Road with a gun, complaining that someone had just robbed him. A fourth person called 911 and said that a Black man in a blue jacket, black hoodie, and black pants was chasing two kids and firing a gun at them as he ran down East 56th Street toward Lenox Road.

In interviews with OSI, Officers Lyons, Ramos, Monte, and Caravana said that they heard over the police radio that there was a ShotSpotter alert at Linden Boulevard and East 56th Street. (According to the NYPD website, ShotSpotter sensors and software are used to determine and report the site of the sound of gunfire in real time.) They said they then heard from NYPD dispatch that multiple 911 callers had reported that a Black man in a blue hoodie and black pants was shooting around Linden Boulevard. These officers, and officers in other cars, marked and unmarked, responded to the radio transmissions and canvassed for the shooter.

Officer Lyons said to OSI that he saw a person that fit the description of the shooter standing on the corner of Lenox Avenue and Remsen Avenue. Officer Monte told OSI that he saw that person, later identified as Mr. Scott, with his right hand in his right pocket. Officer Monte said he saw Mr. Scott "do a double take" as Mr. Scott noticed a marked police car driving in his vicinity.

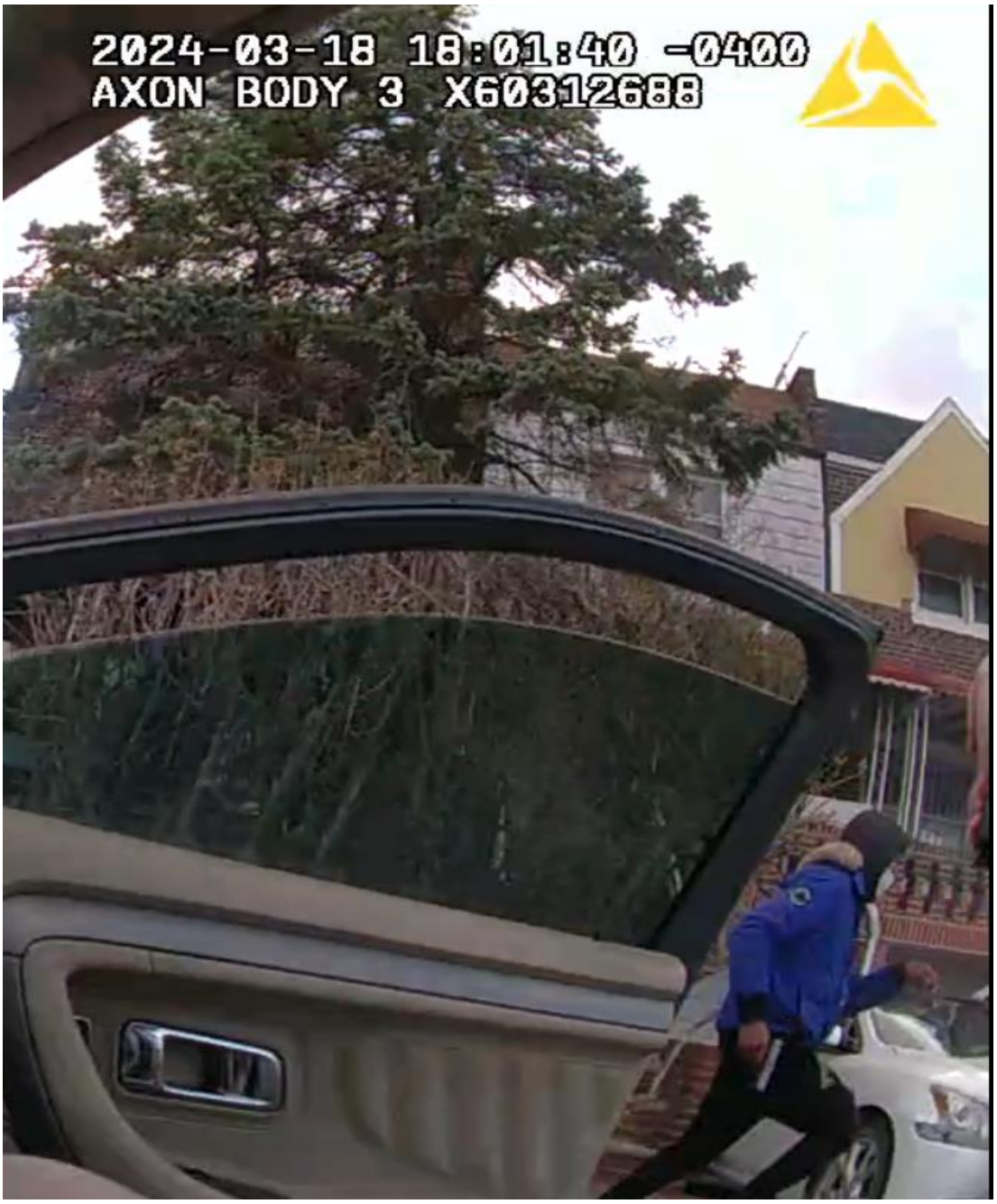
The Shooting

Officer Lyons said to OSI that as he turned the police car onto East 57th Street he heard a shot. Officer Ramos told OSI that as the police car turned, he saw a woman run and saw Mr. Scott fire behind her; from his vantage point, Officer Ramos said he believed that Mr. Scott had fired at the officers. Officer Monte told OSI he saw Mr. Scott fire as Mr. Scott ran.

As shown in Officer Ramos's BWC (PO Ramos.mp4), Officer Lyons stopped the car, and Officer Ramos fired twice through the rear passenger window of the police car. Officer Ramos then opened the back passenger door and continued to fire. Officer Ramos said that before he fired through the police car window he saw Mr. Scott on the sidewalk with a gun in his hand and fired at him and, when he opened the rear door of the police car, continued to fire at him.

As shown in Officer Caravana's BWC (PO Caravana.mp4), Officer Caravana opened the front passenger side door of the police car, Mr. Scott ran past with a gun in his hand, and Officer Caravana fired at Mr. Scott. Officer Caravana said to OSI that he saw Mr. Scott fire as Mr. Scott ran past the police car. Officer Caravana left the car through the front passenger side of the car and shot twice. He saw Mr. Scott continue to fire as he was running down East 57th Street away from Officer Caravana and his fellow officers. Officer Caravana fired again. Officer Caravana said when Mr. Scott was on the ground he saw the gun in his hand.

Officer Monte told OSI he saw Mr. Scott fire as Mr. Scott passed the police car; he saw a muzzle flash from Mr. Scott's gun. Officer Monte got out of the car and fired his gun at Mr. Scott who fell to the ground. Officer Monte did not activate his BWC till after the shooting.



Still from Officer Caravana's BWC showing Mr. Scott running down East 57th Street with a gun in his right hand.

A doorbell camera captured audio and video of the shooting (ring doorbell cam.mp4). The audio captured a gunshot and the video showed a man and a woman run right to left across the screen. The audio captured another gunshot and the video showed Mr. Scott running behind the man and woman, the unmarked police car coming to a halt, and the officers coming out of the car and firing at Mr. Scott.

The Aftermath

As shown on BWC, Officer Ramos placed Mr. Scott in handcuffs while Mr. Scott was on the ground. The officers called for an ambulance and asked Mr. Scott what he had done with the gun he was holding. Mr. Scott said he had dropped it.

Mr. Scott was taken by ambulance to Kings County Hospital. According to medical records, Mr. Scott was conscious and talking when he was brought to the emergency room. His condition deteriorated and he was declared dead by Dr. Ensor Kelsey at 7:25 p.m. that day.

OSI spoke with witness HM who, at the time of the shooting, was working on a car on the sidewalk in front of a repair shop across the street from where Mr. Scott was shot. HM was shot in the torso; the bullet passed through his abdomen and lodged in his right arm. HM said he believed he was shot after the police opened fire but did not see any of the events leading up to the shooting. Based on the BWCs and the doorbell video, however, there is no reason to believe the officers fired in his direction. HM was taken to the hospital where he was treated and released. Months later, HM had the bullet surgically removed from his arm.

Evidence Collection and Analysis

Ballistics Evidence

NYPD's Crime Scene Unit (CSU) processed the scene for ballistics evidence.

Officer Ramos was armed with a Glock 19 semiautomatic firearm loaded with Speer brand 9mm ammunition. Ballistic analysis concluded that Officer Ramos fired nine times.

Officer Caravana was armed with a Glock 17 semiautomatic firearm loaded with Speer brand 9mm ammunition. Ballistic analysis concluded that Officer Caravana fired four times.

Officer Monte was armed with a Glock 19 semiautomatic firearm loaded with Troy 9mm luger brass ammunition. Ballistic analysis concluded that Officer Monte fired six times. Troy brand ammunition is not approved ammunition for NYPD officers on duty. Officer Monte has not faced any discipline for his service weapon being loaded with non-approved ammunition.

CSU recovered Speer brand 9mm shell casings from the street in front of 12 East 57th Street and from inside the police car driven by Officer Lyons, which accounts for the shots fired by Officers Ramos and Caravana. Six Troy brand 9mm shell casings were recovered in front of 12 East 57th Street, accounting for the six shots fired by Officer Monte.

CSU recovered a Taurus 9mm semiautomatic firearm from under a car in front of 12 East 57th Street. The firearm was loaded with a mix of Luger brand 9mm ammunition and Sig Sauer brand 9mm ammunition.

Still from the BWC of Detective Specialist Carlo Cassata showing the Taurus 9mm firearm (circled in red) under a parked car.

CSU recovered an FC Luger shell casing from in front of 12 East 57th Street. Ballistics analysis showed that it matched test fired shell casings from the Taurus 9mm firearm found under the car.

CSU detectives recovered a discharged Sig Sauer 9mm shell casing and a fired bullet inside the apartment building where Mr. Scott was robbed; an FC 9mm luger shell casing on the southwest corner of East 56th Street and Linden Boulevard; and a Hornady 9mm shell casing on the northwest corner of East 56th Street and Linden Boulevard. Ballistics comparison testing determined that the shell casings and fired bullet were fired from the Taurus 9mm firearm recovered from under the car.

CSU recovered a deformed fired bullet from the front passenger wheel well of a Chevy van parked on East 56th Street between Lenox Avenue and Linden Boulevard. Criminalist Alyssia Daniel from the NYPD lab compared the bullet to test fired bullets from the gun recovered from under the car and determined that the bullet recovered from the Chevy was fired from the same gun.

Criminalist Daniel compared the bullet removed from HM's arm during surgery to test fired bullets from the three guns fired by the officers, which were manufactured by Glock. Criminalist Daniel said that Glocks leave a distinctive pattern on fired bullets that the bullet removed from HM's arm did not have, and so she determined that the bullet removed from HM's arm was not fired by any of the officers. Because the bullet was damaged, however, Ms. Daniel could not say to a scientific certainty whether it was or was not fired from the gun recovered from under the car.

Medical Examination and Autopsy

OSI reviewed the autopsy report prepared by Dr. Michelle Stram of the City of New York Office of Chief Medical Examiner. Dr. Stram determined that the cause of Mr. Scott's death was "gunshot wounds of torso and extremities" and that the manner of death was "homicide (shot by police)." Dr. Stram found that Mr. Scott was shot twice in the torso, twice in the right thigh, once in the right forearm, twice in the left thigh, once in the right upper arm, and once in the lower back.

LAW

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

In this case, the shooting officers 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 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."

Therefore, deadly physical force by a police officer is justified when the officer reasonably believes deadly 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, according to PL 35.15(2)(a)(ii).

In its recent decision in *People v. Jairo Castillo*, Slip Opinion, November 21, 2024, the New York Court of Appeals stated:

> "The defense of justification provides that a person may use physical force to defend himself against an assailant's 'imminent use of unlawful physical force,' but does not authorize the use of 'deadly physical force . . . unless . . . [the person] reasonably believes that [the assailant] . . . is using or about to use deadly physical force' (Penal Law § 35.15). When considering a request for a justification charge, courts examine the evidence in the light most favorable to the defendant, and must provide the instruction if there is any reasonable view of the evidence that defendant was justified in his actions (see *People v Heiserman*, 39 NY3d 988, 990 [2022]). Justification has both a subjective requirement, that 'defendant . . . actually believed . . . he [was] . . . threatened with the imminent use of deadly physical force,' and an objective requirement, that defendant's 'reactions were . . . those of a reasonable man acting in self-defense' (*People v Collice*, 41 NY2d 906, 907 [1977])."

(Ellipses and square brackets in original.) Therefore, before using deadly force in self-defense, a person must honestly and in good faith believe that deadly force was about to be used against them or another and that deadly force was necessary for self-defense, and a reasonable person under the same circumstances could have believed the same.

Based on the evidence in this investigation, OSI concludes that 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. Under PL 35.30, the officers could use the physical force they reasonably believed to be necessary to effectuate the arrest of Mr. Scott and could use deadly force if they reasonably believed it was necessary to defend themselves or others against Mr. Scott's use or imminent use of deadly force.

Here, the officers were responding to 911 calls of a man in a blue jacket or sweater firing a gun. Mr. Scott fit the description. A series of videos showed that Mr. Scott fired repeatedly at two people who ran from him. When the officers arrived they saw Mr. Scott firing a gun. The officers fired at him and killed him.

Therefore, OSI will not seek charges and closes the matter with this report.

Dated: March 24, 2025