



STATE OF NEW YORK  
OFFICE OF THE ATTORNEY GENERAL

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ATTORNEY GENERAL

DIVISION OF SOCIAL JUSTICE  
LAW ENFORCEMENT MISCONDUCT INVESTIGATIVE OFFICE

September 27, 2024

Interim Commissioner Thomas G. Donlon  
New York City Police Department  
One Police Plaza  
New York, NY 10038

***Via Email***

Re: Letter regarding Executive Law 75(5)(b) Referral of Sergeant Sean Keegan, OAG  
Matter No. 1-794653927

Dear Commissioner Donlon,

We have reviewed your agency's referral of Sergeant Sean Keegan pursuant to Executive Law Section 75(5)(b). Based on our review, we have concluded that Sgt. Keegan engaged in a pattern of participation in unlawful stops, frisks, and searches, including the use of unreasonable force during such encounters, in contravention of the Fourth Amendment, Article I, Section 12 of the New York State Constitution, and NYPD policies and procedures.

Our findings are based on a review of following incidents:

- Index No. 529527/2022 (Kings County Supreme Court): There is a civil lawsuit pending against Sgt. Keegan for an incident that occurred on November 25, 2020, at which point he held the rank of Officer. We reviewed NYPD documents related to the incident, including body-worn camera (BWC) footage. Officer Keegan unlawfully searched Individual One and conducted a strip search in violation of NYPD policy. BWC footage shows Officer Keegan and his partners, Officers John Plumitallo and Reynaldo Weekes, approach Individual One and two other individuals, who were standing on the sidewalk. The officers proceeded to frisk all three individuals. Officers Plumitallo and Keegan searched Individual One. Officer Plumitallo asked Individual Two, "What were you sliding into your pocket when I was coming up?" while he was searching him. Critically, the officers did not know what they were looking for or where it might be. While being searched, Individual Two asked Officer Plumitallo why he was searching him. He responded, "I literally just saw you put something somewhere." In what appears to be a coordinated effort to prevent their conversation from being recorded, Officers Keegan and Weekes turned their body-worn cameras off and immediately back on at the same time, resulting in an audio delay in the middle of their conversation with Individual One. Officer Keegan then strip-searched Individual Two

whereby he pulled out his pants and undergarments, shined a flashlight into his buttocks area, reached his hand inside his undergarments, and recovered an item.<sup>1</sup> Individual One was arrested and charged with criminal possession of a controlled substance. His criminal case was ultimately dismissed and sealed.

The search of Individual One was unlawful because the officers did not have probable cause, nor was the search conducted pursuant to a valid warrant exception, such as a search incident to lawful arrest, consent, or exigency. *See People v. Reid*, 24 N.Y.3d 615 (2014); *People v. Jenkins*, 24 N.Y.3d 62 (2014). Additionally, the strip search violated NYPD policy as noted in the footnote below.

- CCRB 202007357: On October 17, 2020, Officer Keegan and Detective Marc Whirl stopped Individual Three, who was walking down the street, ordered him to take his hands out of his pockets, and Detective Whirl proceeded to frisk him. No contraband was recovered. The CCRB substantiated allegations against Officer Keegan that he stopped Individual Three without legal authority, and that Detective Whirl frisked him without legal authority. The NYPD also separately investigated this incident, closing the stop allegations as exonerated and the frisk allegations as unsubstantiated. According to NYPD records, disposition is still pending regarding CCRB's substantiated charges.
- CCRB 201906894: On July 31, 2019, at approximately 10:25pm, Officers Keegan, Plumitallo, and Weekes were driving in an unmarked vehicle when they observed Individual Four standing outside a deli. Each of the officers described a different reason for the stop: Individual Four either grabbed at his waistband, peered at the officers over a roof of a vehicle, or attempted to conceal an object in his waistband. CCRB found that Officers Plumitallo and Weekes unlawfully stopped Individual Four and that Officer Weekes conducted a strip search in violation of NYPD policy. After the search, Officer Keegan assisted with arresting Individual Four for Obstructing Governmental Administration for failing to comply during the incident. During the struggle, Officer Keegan struck or punched Individual Four several times, including twice in the face, causing injury. CCRB found that Officer Keegan's second punch in the face to Individual Four – while he was on the ground, with his arms in front of his body – was not reasonable under the circumstances. On October 24, 2023, Sgt. Keegan received Command "B" Discipline and forfeited 7 vacation days.
- The CCRB substantiated allegations against Officer Keegan that, on September 27, 2017, as part of an anti-crime unit, he stopped Individual Five without legal authority, pursued him on foot when he fled, and used unreasonable force against him by punching him three times in the face, causing him to go to the hospital and suffer a black eye. Officer Keegan and his partners observed Individual Five walking down the street with an unidentifiable bulge in his pocket that the officers acknowledged could have been a cell phone or wallet. They exited their unmarked vehicle, approached him, and ordered him to take his hands out of his

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<sup>1</sup> NYPD policy defines a strip search as "any search in which an individual's undergarments (e.g., bra, underwear, etc.) and/or private areas are exposed or in which an individual's clothing is removed, lifted up, or pulled down to expose undergarments or private areas." NYPD Patrol Guide, Proc. No. 208-05. Officers are instructed that "a strip search may not be conducted routinely in connection with an arrest," and "may only be conducted with the knowledge and approval of the arresting officer's immediate supervisor or the borough Court Section supervisor."

pockets. When he refused, they grabbed his arm to remove his hand from his pocket and he pushed them away, running from the officers. Officer Keegan pursued Individual Five, punched him three times in the face, and handcuffed him. The officers recovered a small amount of marijuana, which they returned to him. Individual Five was not arrested or issued a summons. A department trial was conducted on April 10 and 23, 2019. Officer Keegan was found guilty of unlawfully stopping Individual Five and using unreasonable force against him. The Trial Commissioner found Officer Keegan’s testimony regarding his use of force “self-serving and incredible.” She recommended that Keegan forfeit 18 days’ vacation (three for the stop and 15 for the punches), which was approved by Police Commissioner James O’Neill on November 21, 2019. While this incident predates the investigative period, it is consistent with the pattern of misconduct we have identified.

Based on the above incidents, we conclude that Sgt. Keegan has engaged in a pattern of participation in unlawful stops, frisks, and searches in contravention of constitutional requirements and strip searches in violation of NYPD policy.

Despite this record of unlawful searches and excessive force, Sgt. Keegan was promoted to sergeant on October 22, 2023. At the time of his promotion, he had charges and specifications pending for one substantiated CCRB complaint and two open CCRB force investigations and had been on Level I CCRB Monitoring since January 2020. Within days of his promotion, he was subject to discipline for CCRB 201906894 and was removed from Monitoring, despite having pending CCRB charges. In the less than one year since his promotion to sergeant, he has been the subject of five additional CCRB complaints, which include allegations involving force, stops, searches and threatening to arrest, totaling seven currently open CCRB complaints.<sup>2</sup>

Sgt. Keegan is currently on Promotion Probation. Given the pattern we identified predating his promotion and that he has been the subject of five new CCRB complaints since beginning his probationary period as sergeant, we recommend that NYPD place Sgt. Keegan back on Monitoring pending resolution of these open complaints, prohibit him from supervising subordinate officers, and demote him to his former Civil Service rank.

We request a written response from NYPD within 90 days pursuant to Executive Law § 75(5)(c).

Thank you,

LETITIA JAMES  
Attorney General of the State of New York

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<sup>2</sup> Open CCRB cases include 202303646 (April 25, 2023 force, abuse of authority - threat, and discourtesy allegations); 202306153 (July 4, 2023 force allegation); 202400113 (December 1, 2023 abuse of authority - threat allegation); 202404473 (April 18, 2024 abuse of authority – search, stop allegations); 202407352 (July 21, 2024 abuse – search, vehicle stop allegations); 202407466 (June 27, 2024 force, abuse of authority – stop allegations); 202407649 (July 30, 2024 abuse – stop allegation).