



STATE OF NEW YORK  
OFFICE OF THE ATTORNEY GENERAL

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DIVISION OF SOCIAL JUSTICE  
LAW ENFORCEMENT MISCONDUCT INVESTIGATIVE OFFICE

January 13, 2025

Commissioner Jessica Tisch  
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 David Grieco  
OAG Matter No. 1-794586447

Dear Commissioner Tisch,

We have reviewed your agency's referral of Sergeant David Grieco pursuant to Executive Law Section § 75(5)(b). Based on our review, we have concluded that Sergeant Grieco engaged in a pattern of misconduct involving unlawful searches and seizures in violation of the Fourth Amendment of the United States Constitution and Article I, Section 12 of the New York State Constitution.

Our finding is based on the following incidents:

- CCRB 201903162: On March 26, 2019, Sgt. Grieco supervised the execution of a search warrant at an apartment in Brooklyn. Five individuals were present at the apartment that morning, including Complainant One. During the search, officers located a safe containing marijuana in a bedroom and arrested the safe's owner. Shortly thereafter, Sgt. Grieco instructed officers to handcuff and detain the other occupants of the apartment—Complainant One and three other individuals—and transport them to the 67<sup>th</sup> Precinct, where they were held and questioned for several hours and then released. Sgt. Grieco later testified that he could not recall why he directed their arrests. The CCRB substantiated allegations that Sgt. Grieco abused his authority by arresting Complainant One and the three other individuals present at the apartment because he did not have probable cause to do so. As a penalty, NYPD mandated that Sgt. Grieco attend formalized training. Complainant One and two of the individuals filed a lawsuit against NYPD regarding this incident. After the lawsuit was initiated, NYPD found that Sgt. Grieco had violated policy and refused to defend and indemnify him in the suit. The City settled the claims against it and two other officers for \$45,000, but Sgt. Grieco was not a party to that settlement. The claims against Sgt. Grieco

were eventually voluntarily dismissed by the plaintiffs.

- CCRB 201908868: On October 8, 2019, Sgt. Grieco and several other officers responded to a “shot spotter” that detected gunfire at a residence located in Brooklyn. Officers arrested two individuals outside of the residence, restricted civilian access to the residence, and stationed two officers outside while a search warrant for the residence was obtained. Approximately four hours later, Sgt. Grieco instructed two officers to return to the residence and do a plain-view search, purportedly for civilians who might remove evidence or pose a threat to officer safety, prior to a search warrant being obtained. The CCRB substantiated allegations that Sgt. Grieco abused his authority by ordering officers to enter and search the residence, because a search warrant had not been approved at that the time. The CCRB also pointed out that there was no reason to believe that any individuals were inside the residence at the time of the arrests, and officers were stationed outside of the residence after the arrests to restrict access. Charges against Sgt. Grieco were drafted, but the matter was administratively closed when Sgt. Grieco failed to appear when notified and thus could not be served within the applicable statute of limitations period.
- Prior CCRB Complaints: The CCRB has received 44 complaints regarding Sgt. Grieco during his career. In addition to the three complaints described above, the CCRB substantiated four complaints between 2011 and 2018 that are consistent with the pattern we identified. In CCRB 201111996, the CCRB substantiated an allegation of abuse of authority in connection with a warrantless entry into a citizen’s home while attempting to arrest an individual in September 2011. The CCRB recommended command discipline, but Sgt. Grieco only received instructions. In CCRB 201207718, the CCRB substantiated an allegation that Sgt. Grieco abused his authority by stopping the complainant without justification in June 2012, and Sgt. Grieco forfeited five vacation days as discipline. In CCRB 201405351, the CCRB substantiated an allegation of abuse of authority after Sgt. Grieco entered and search a garage without a warrant while pursuing an individual in June 2014. He was found not guilty of the charges after an administrative hearing. Finally, in CCRB 201800398, the CCRB substantiated allegations that Sgt. Grieco abused his authority in January 2018 by stopping the complainant’s vehicle without a legal basis, threatening to issue a summons to the complainant, searching the vehicle, and searching a backpack belonging to one of the vehicle’s occupants. Sgt. Grieco forfeited ten vacation days.

Based on the above incidents, we conclude that Sgt. Grieco engaged in a pattern of misconduct involving unlawful searches and seizures.

In addition, we identified 13 lawsuits against Sgt. Grieco regarding conduct during the referral period. Four of those lawsuits were settled for a total of \$182,575.35 (including the \$45,000.00 settlement referenced above related to CCRB 201903162). The three remaining lawsuits that were settled involved allegations of unlawful stops, searches, and arrests. One of the lawsuits also alleged excessive force during an arrest by several NYPD officers, including Sgt. Grieco.

We understand that Sgt. Grieco is currently assigned to the Office of Crime Control Strategies. If Sgt. Grieco is re-assigned to a post that requires interaction with the public, we

recommend that NYPD develop a plan for preventing further violations that includes monitoring and training to ensure his compliance with the Fourth Amendment.

Pursuant to Executive Law § 75(5)(c), please provide a written response within 90 days as to NYPD's response to these recommended remedial actions.

Thank you,

LETITIA JAMES  
Attorney General of the State of New York

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