



STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL

LETITIA JAMES
ATTORNEY GENERAL

DIVISION OF SOCIAL JUSTICE
LAW ENFORCEMENT MISCONDUCT INVESTIGATIVE OFFICE

May 15, 2025

Commissioner Jessica S. 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 Ivan J. Cruz,
OAG Matter No. 1-817984968

Dear Commissioner, Tisch,

We have reviewed your agency's referral of Sergeant Ivan Cruz pursuant to Executive Law Section 75(5)(b). Based on our review, we have concluded that Sgt. Cruz engaged in a pattern of misconduct involving unlawful stops, frisks, searches, and unjustified force.

Our findings are based on the following incidents:

- CCRB 202303889: On March 17, 2023, Sgt. Cruz and five other officers stopped Complainant 1, without activating their BWCs. The officers searched inside Complainant 1's pockets without explaining the basis for the stop or subsequent search. Complainant 1 attempted to record the officers and asked for their names and shield numbers, while at least two officers other than Sgt. Cruz used improper force against him. The officers then arrested him and took him to the 40th Precinct Stationhouse. Following an investigation, CCRB substantiated two allegations against Sgt. Cruz: first, for failing to activate his BWC, and second, for conducting a stop without sufficient justification. Specifically, Sgt. Cruz claimed to suspect that criminality was afoot because he observed a "heavily weighted object producing a bulge in Complainant 1 right side jacket pocket" and Complainant 1 shielded himself from the officers behind a mailbox, grabbed his weighted jacket, and bladed his body when the officers approached. CCRB reviewed the officers' BWC footage and observed that Complainant 1 did not have any visible bulges in any of his pockets. CCRB concluded that even if the officers' other suspicions were true, they were not sufficient to justify stopping Complainant 1. NYPD did not take any action after receiving notice of CCRB's findings because of the limited time remaining on the administrative statute of limitations.

- CCRB 202304472: On May 19, 2023, Sgt. Cruz, Sgt. Mayky Santos and two other officers stopped Complainant 2, for driving with a license plate that did not match his vehicle and for tinted windows. The officers transported both the vehicle and Complainant 2 to the stationhouse. Sgt. Cruz conducted an inventory search of Complainant 2's vehicle for the stated purpose of "finding drugs or weapons." During the search, Sgt. Cruz also damaged a panel in the vehicle. CCRB investigated this incident and concluded that Sgt. Cruz had abused his authority by performing the inventory search because NYPD's Patrol Guide only allows such searches for "protecting property, ensuring against unwarranted claims of theft, and protecting officers and others against dangerous instrumentalities." CCRB also found that Sgt. Cruz abused his authority by damaging the vehicle. NYPD did not take any action after receiving notice of CCRB's findings because of the limited time remaining on the administrative statute of limitations.
- CCRB 202304485: On May 19, 2023, Sgt. Cruz and a large group of officers responded to a bodega in connection with quality-of-life infractions. The officers stayed nearby to prevent traffic obstructions and monitor the noise level. During the response, the officers handcuffed and arrested Complainant 3. While transporting Complainant 3 to the 40th Precinct stationhouse, Sgt. Cruz pushed Complainant 3 into a barricade and maintained a firm grip on him. CCRB investigated this incident and substantiated the allegation of an unnecessary use of force based on Sgt. Cruz's conduct and the surrounding circumstances. NYPD confirmed that it administratively closed the matter upon receiving notice of CCRB's findings and recommendations because that notice was purportedly received too close in time to the end of the applicable statute of limitations period to properly prepare a case.
- CCRB 202306625: On July 15, 2023, Sgt. Cruz and Sgt. Mayky Santos encountered Complainant 4 and Complainant 5 outside the 40th Precinct stationhouse. Complainant 4 and Complainant 5 alleged that Sgt. Cruz "spontaneously and without prompting" spoke to them using racial profanities. During the interaction, the complainants asked Sgt. Cruz to provide his name and shield number, but Sgt. Cruz refused. The complainants left the area and returned approximately one hour later. The complainants requested Sgt. Cruz's name and shield number again and attempted to record this interaction. Sgt. Cruz directed his flashlight onto Complainant 4's phone to obstruct the recording. CCRB investigated this incident and concluded that Sgt. Cruz had abused his authority by refusing to identify himself and by interfering with the use of a recording device. NYPD served formal charges in January 2025, and the case remains active.
- CCRB 202309527: On October 7, 2023, Sgt. Cruz, along with four other officers, stopped Complainant 6. Sgt. Cruz failed to activate his body-worn camera (BWC) until after the stop had occurred and the frisk had already begun. Sgt. Cruz frisked and searched Complainant 6, because he observed a bulge in Complainant 6's pocket. During the frisk, Sgt. Cruz reached into Complainant 6's pocket despite the absence of any visible indication of a firearm. CCRB reviewed the BWC footage and found no bulge in Complainant 6's pocket and concluded that Sgt. Cruz had abused his authority by conducting the frisk and the search without sufficient justification. Furthermore, on April 5, 2024, during questioning by CCRB, Sgt. Cruz provided a misleading statement regarding the item he removed from Complainant 6's pants pocket, in violation of NYPD's Administrative Guide Procedure. This case is currently

pending NYPD disciplinary review.

We also note that Sgt. Cruz is a subject officer in a scheduled command discipline proceeding (Case No. 202419956) concerning his failure to prepare or file a Stop, Question, and Frisk report, as well as for submitting an incomplete or improper memo entry dated November 29, 2024.

Based on the above incidents, we conclude that Sgt. Cruz engaged in a pattern of misconduct related to his unlawful stops, frisks, searches, and unnecessary use of force. To prevent future misconduct, NYPD should develop a plan for addressing these issues that includes monitoring and training to ensure his compliance with NYPD policy and applicable law.

We are not recommending specific discipline for CCRB 202309527 and CCRB 202306625 because disciplinary charges are pending. Sgt. Cruz's repeated misconduct should be considered as an aggravating factor when imposing discipline for these violations, per NYPD's Discipline Matrix ("conduct demonstrating a pattern of behavior that indicates an inability to adhere to Department rules and standards" and "prior disciplinary history").

We request a written response within 90 days as to NYPD's remedial actions pursuant to Executive Law § 75(5)(c), specifically including the remedial plan described above.

Thank you,

LETITIA JAMES
Attorney General of the State of New York

By: Simone Manigo
Assistant Attorney General
Law Enforcement Misconduct Investigative Office
New York State Office of the Attorney General