



STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL

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ATTORNEY GENERAL

DIVISION OF SOCIAL JUSTICE
LAW ENFORCEMENT MISCONDUCT INVESTIGATIVE OFFICE

June 6, 2025

Police Commissioner Jessica Tisch
New York City Police Department
One Police Plaza
New York, NY 10038

Via Email

Re: Executive Law 75(5)(b) Referral of Sergeant Artem Prusayev
OAG Matter No. 1-794586867

Dear Police Commissioner Tisch,

We have reviewed your agency's July 5, 2022, referral of Sergeant Artem Prusayev pursuant to Executive Law §75(5)(b). Based on our review, we conclude that Sgt. Prusayev engaged in a pattern of misconduct involving abuses of authority and participation in an unlawful search in contravention of the Fourth Amendment. Sgt. Prusayev was subject to discipline by your agency in connection with two of these incidents.

Our findings are based on the following incidents:

- CCRB #202100288: On January 12, 2021, Sgt. Prusayev was assigned to patrol the Barclay's Center area in Brooklyn, NY, during a protest where Complainant #1 was present. Complainant #1 and other protesters noticed Sgt. Prusayev was not wearing his required PPE mask and requested he put it on. In response, Sgt. Prusayev drew his firearm from its holster and pointed it towards the ground. He then holstered the firearm and proceeded to take out his pepper spray, which he pointed at another protester's face. Afterward, he brandished his baton, swinging it in a manner that Complainant #1 perceived as an attempt to intimidate the crowd.

During this incident, Sgt. Prusayev was observed wearing his duty jacket unzipped, exposing his ballistic vest with two unauthorized patches affixed to it. One patch read, "Caution: Does Not Play Well With Others," and another depicted a Plague doctor wearing an NYPD helmet and holding a baton, accompanied by the caption "POLICE City of New York 2020 Riots."

CCRB concluded that Sgt. Prusayev abused his authority by drawing his firearm without credible justification of imminent serious physical injury and additionally acted discourteously by not wearing a mask as required by NYPD patrol policy and displaying unauthorized patches. NYPD's internal investigation substantiated these findings, resulting in Command B Discipline, verbal instructions, and additional training on adherence to departmental policies.

- CCRB #202006874: On October 13, 2020, Complainant #2, staying at a women's shelter in Brooklyn, was taken to the hospital as an emotionally disturbed person following a dispute with another resident. Upon returning to the shelter, she found her food and water bottle disposed of by shelter staff, prompting her to call 911 several times. Sgt. Prusayev and PO Sallusto responded to the location and warned Complainant #2 to stop calling 911, threatening to classify her as an emotionally disturbed person ("EDP"). According to Sgt. Prusayev's BWC footage, he told her, "If you keep doing this, we're going to keep coming back here, and I am going to take you to the hospital, and I'm going to make sure you get admitted because you are acting erratic." The officers left at her request after explaining they could not intervene on the discarded items. Complainant #2 continued calling 911 to complain about the shelter staff. Sgt. Prusayev and PO Sallusto returned to the location, and subsequently detained Complainant #2 on mental health grounds.

The NYPD Patrol Guide states that if an individual is dangerous to themselves or others, officers should remove the individual to the hospital as an emotionally disturbed person. An emotionally disturbed person is defined as one who appears to be mentally ill or temporarily deranged and is conducting themselves in a manner that a police officer reasonably believes is likely to result in serious injury to himself or others.

CCRB determined that Sgt. Prusayev unjustly threatened and removed Complainant #2 to the hospital because she was not behaving dangerously as required by the Patrol Guide and state law, and that Sgt. Prusayev made disrespectful remarks based on Complainant #2's mental capacity when he used the word "insanity" to describe her behavior. NYPD did not impose discipline.

- CCRB #202005033: On July 14, 2020, Complainant #3 called 911 alleging her mother had threatened her with a knife inside her mother's apartment. Sgt. Prusayev and POs Destasio, Murrell, and Sallusto arrived at the scene and found Complainant #3 outside the apartment, visibly distressed. Upon entering the apartment, the officers engaged with the complainant's mother, who denied having any weapons but permitted them to search the home. While searching the kitchen, Complainant 3's mother asked the officers if they had seen her glasses. Sgt. Prusayev then entered a nearby bedroom and used his flashlight to scan the area. He picked up a pair of glasses and returned to the living room and asked Complainant 3's mother if they were her glasses. She told him that they were her reading glasses but she would "take that for now." After handing Complainant 3's mother the pair of glasses found in the bedroom, Sgt. Prusayev reentered the bedroom with his flashlight. He looked around the bedroom and, at one point, used his flashlight to illuminate the closet area.

CCRB determined that Sgt. Prusayev abused his authority by searching the bedroom without sufficient legal justification to do so. NYPD conducted an internal investigation and substantiated the allegation that Sgt. Prusayev improperly searched the premises. As a result, the NYPD imposed Command A Discipline on Sgt. Prusayev.

The Fourth Amendment of the U.S. Constitution and Article I, § 12 of the New York Constitution protect individuals from unreasonable government intrusions into their legitimate expectations of privacy. U.S. Const. amend. IV; N.Y. Const. art. I, § 12. As a result, law enforcement may not search areas over which civilians maintain a reasonable expectation of privacy unless the civilians provide consent, or the officers prove exigent circumstances necessitated their search. *See Kentucky v. King*, 563 U. S. 452, 460 (2011); *see also Brigham City v. Stuart*, 547 U. S. 398, 403-404 (2006). Because there were no emergencies or exigent circumstances which required Sgt. Prusayev to search the bedroom, where the Complainant's mother maintained a legitimate expectation of privacy, we agree with CCRB's determination that Sgt. Prusayev's search of the bedroom was unlawful.

Based on these incidents, we conclude that Sgt. Prusayev engaged in a pattern of abuse of authority.

To address Sgt. Prusayev's pattern of abuse of authority, we recommend that NYPD ensure that Sgt. Prusayev receives specific and documented retraining regarding the relevant laws and policies governing searches of private residences.

Pursuant to Executive Law § 75(5)(c), we request that your agency inform the OAG within ninety days of the actions it is taking in response to this letter, including documentation of retraining.

Sincerely,

LETITIA JAMES
Attorney General of the State of New York

By: Assistant Attorney General Simone Manigo
Law Enforcement Misconduct Investigative Office