



**Office of the New York State
Attorney General**

**Letitia James
Attorney General**

July 31, 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 Police Sergeant Edmundo Rivera,
OAG Matter No. 1-794587287

Dear Commissioner Tisch,

We have reviewed your agency's referral of Police Sergeant Edmundo Rivera¹ pursuant to Executive Law Section 75(5)(b). Based on our review, we have concluded that Sgt. Rivera engaged in a pattern of unlawful stops, frisks, and searches.

Our findings are based on the following incidents:

CCRB 202005973

On September 1, 2020, an uninvolved individual filed a complaint on behalf of Complainant 1, alleging that officers questioned him about weapons while he was walking on the sidewalk carrying a container, stopped and frisked him and searched his bag. No arrests were made or summonses were issued as a result of this incident.

The CCRB reviewed two cellphone videos and one security camera video. Based on the review, the CCRB substantiated the abuse of authority allegations (stop and frisk of Complainant One's person and bag) against then-Officer Rivera,² as well as abuse of authority allegations against other officers involved. Although the officers alleged Complainant One was carrying an open container of alcohol, they could not articulate the basis for believing it was alcohol or any reason to believe he was armed to justify the stop and frisk. Additionally, the CCRB found that Sgt. Rivera engaged in other misconduct, including failing to provide a business card, not preparing a memo book entry, and not completing a stop-and-frisk report. Although the CCRB

¹ At the time of this referral, Sgt. Rivera held the rank of officer.

² Sgt. Rivera was promoted to Detective on April 1, 2022, and was then promoted to Sergeant on July 28, 2023.

recommended that the NYPD impose Command B discipline on Sgt. Rivera, the NYPD did not impose any penalty due to the impending expiration of the statute of limitations.

CCRB 202206453

On September 15, 2022, Complainant 2A filed a complaint, on behalf of herself and others, alleging that officers stopped them while they were walking, frisked and searched Complainant 2B, failed to provide a business card, and refused to provide their name and shield numbers. There was no video evidence of this incident.

Based on interviews with the Complainants and subject officers, the CCRB substantiated the abuse of authority allegations (stop, frisk, and search) against then-Detective Rivera, as well as abuse of authority allegations against other officers involved. Although officers did not remember any interactions with the Complainant, their presence during this incident was confirmed based on a Vehicle Utilization Report, drafted by then-Detective Rivera, that listed the officers as being in the vicinity at the time the Complainants alleged this incident occurred, and the Automatic Vehicle Locator History accounting for a two minute stop at the precise location where the Complainants alleged the incident took place. The investigation credited the complainants' testimony due to the accuracy and consistency of the details they provided and determined, by a preponderance of the evidence, that the officers stopped, frisked and searched Complainant 2B. Additionally, the CCRB found that Sgt. Rivera engaged in other misconduct, including failing to provide a business card, refusing to provide his name to the Complainants, not preparing a memo book entry, and not completing a stop-and-frisk report. The CCRB recommended that the NYPD impose Command A Discipline and NYPD imposed Command A Discipline and forfeiture of three vacation days.

CCRB 2023012132 / IAB 24-488

On December 28, 2023, Complainant 3 filed a complaint alleging that officers stopped his moving vehicle, questioned him, and refused to provide the Complainant with a business card or a summons. No arrests were made or summonses were issued as a result of this incident.

On January 2, 2024, CCRB closed this case as referred to NYPD Internal Affairs Bureau (IAB) without initiating an investigation. The NYPD IA made several attempts to contact the Complainant but was unable to reach them. Ultimately, NYPD IA exonerated Sgt. Rivera of all allegations, noting that the sergeant had stopped the vehicle for Vehicle and Traffic Law violations—failing to stop at two stop signs—and used discretion not to issue a summons during the interaction.

OAG reviewed body-worn camera (BWC) footage, which revealed that officers approached the Complainant's vehicle after the stop, though the purported Vehicle and Traffic Law violations were not captured on video. As Rivera and four other officers approached, the Complainant opened his driver's side door and explained that the window was broken and could not be lowered. Sgt. Rivera advised the Complainant that he was stopped for running two stop signs. The Complainant admitted to running a stop sign and acknowledged that there was loose marijuana visible in the driver's side door pocket. Sgt. Rivera asked the Complainant if he had any weapons, had outstanding warrants, was on probation, or had ever been arrested. The sergeant also requested consent to search the vehicle, which the Complainant declined. Sgt.

Rivera then requested the Complainant's license, insurance, and registration information. While checking the documents, Sgt. Rivera asked the Complainant whether he had smoked marijuana that day and whether he kept loose marijuana in the vehicle. Sgt. Rivera also asked whether the vehicle was registered to him, as the Complainant was attempting to find the registration information. After running the Complainant's license, the Complainant requested documentation of the stop for employment purposes, including a summons. Sgt. Rivera informed him that no summons would be issued and that no other documentation was available, offering only his and his partner's business card before returning to their police vehicles.

There is insufficient evidence to determine whether, as alleged, Sgt. Rivera committed misconduct in stopping Complainant's vehicle because the purported traffic violations were not captured on video. However, the video indicates that Sgt. Rivera unlawfully requested consent to search the Complainant's vehicle without a founded suspicion in the absence of specific, articulable facts suggesting criminal activity required under *People v. De Bour*, 40 N.Y.2d 210, 218 (1976). Sgt. Rivera also asked detailed, accusatory questions (about vehicle ownership, weapons, outstanding warrants, probation, and arrest status) beyond the scope of general, non-accusatory inquiries permitted under the common law right to inquire, as defined in *People v. Hollman*, 79 N.Y.2d 181, 191-94 (1992). There were no signs of driver impairment, no articulated or apparent safety concerns, and no clear indication of criminal activity. The presence of loose, unburnt marijuana in the vehicle, which is permissible since the passage of the Marijuana Regulation and Taxation Act (2021), did not justify Sgt. Rivera's questions.

CCRB201605007

While this incident occurred outside of the referral period, it is consistent with the pattern we have identified. The CCRB substantiated allegations that, on June 4, 2016, Officer Rivera unlawfully stopped Complainant 4 simply because "a person grabbing his waistband in a high-crime area upon noticing the presence of police officers, and then running away from the officers, does not grant officers reasonable suspicion, even if there is a bulge underneath the person's clothes." NYPD imposed Formalized Training on Officer Rivera.

CCRB201607995

While this incident occurred outside of the referral period, it is consistent with the pattern we have identified. The CCRB substantiated allegations that, on September 15, 2016, Officer Rivera unlawfully stopped and searched Complainants 5A and 5B during a vehicle stop, which was based on an unsupported suspicion that they were committing a robbery, and subsequently conducted an unlawful vehicle search. NYPD imposed Formalized Training on Officer Rivera.

In addition to the substantiated misconduct noted above, Officer Rivera is also named in the following civil lawsuits and pending CCRB investigations involving similar allegations:

- Index No: 28334/2020E (Bronx County Supreme Court) – The plaintiff alleged that on March 19, 2019, Officer Rivera, and other officers unlawfully stopped, questioned, searched, arrested and detained over the course of five days and 19 hours. The lawsuit is currently pending.

- Index No: 25772/2020E (Bronx County Supreme Court) – The plaintiff alleged that on July 28, 2019, Officer Rivera, and other officers unlawfully stopped and arrested him. On July 11, 2024, following a motion for partial summary judgment, Justice Mitchell J. Danzinger from the Bronx County Court found that Officers did not have probable cause to arrest the Complainant. The lawsuit was settled for \$338,000 on October 7, 2024.

We also note that in 2024, Sgt. Rivera was ordered to undergo retraining after a NYPD review found that street stops conducted by his team were not properly documented.

Based on the above substantiated allegations, we conclude that Sgt. Rivera engaged in a pattern of unlawful stops, frisks, and searches. To prevent future misconduct, we request that NYPD develop a plan for addressing Sgt. Rivera's misconduct that includes monitoring and training to ensure compliance with the law and NYPD policy. Additionally, should the CCRB or NYPD substantiate allegations of misconduct in the future, the penalty for such misconduct should take into account Sgt. Rivera's prior substantiated misconduct detailed above per NYPD's Disciplinary Matrix.

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

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