



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

**Letitia James
Attorney General**

November 14, 2025

Police 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 Ariel Cruz
OAG Matter No. 1-817983708

Dear Commissioner Tisch,

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

Our findings are based on the following incidents:

- **CCRB 202208690:** On April 26, 2022, Sergeant Cruz and PO Carolyn Daley stopped and frisked Complainant 1 on Webster Avenue in the Bronx. Sergeant Cruz claimed that he observed a heavy bulge in Complainant's pocket, and that the Complainant bladed his body to conceal what he had in his pocket. He frisked Complainant 1, who was not in possession of any weapons. The CCRB reviewed BWC, cell phone video from Complainant 1, and took testimony. The CCRB substantiated allegations that Sergeant Cruz abused his authority because body-worn camera (BWC) footage showed only an undefined bulge that did not weigh down the pocket, which is insufficient justification for the stop and frisk. The Department imposed a penalty of Schedule A Command Discipline, forfeiting 3 vacation days.
- **CCRB 202203606:** On May 20, 2022, at Nelson Avenue and West 172nd Street in the Bronx, Sergeant Cruz and two other officers stopped a vehicle in which Complainant 2 was a passenger, based on illegal tints and an illegal license plate cover. During the stop, Sergeant Cruz and Complainant 2 engaged in a verbal argument, during which Sergeant Cruz directed profanities toward Complainant 2. When Complainant 2 questioned the basis of the stop and expressed anger towards Sergeant Cruz, Sergeant Cruz threatened to arrest Complainant 2. Sergeant Cruz then ordered Complainant 2 to exit the vehicle, and Complainant 2 refused to do so. Sergeant Cruz and another officer then opened the passenger door, asked Complainant

2 if he possessed a weapon, forcibly removed Complainant 2 from the vehicle, took him to the ground, and handcuffed him after Complainant 2 struggled against the officers. Sergeant Cruz and the other officers searched the car without consent and ultimately arrested Complainant 2 for disorderly conduct.

The CCRB reviewed BWC, took testimony, and substantiated several charges against Sergeant Cruz. The CCRB determined that Sergeant Cruz had spoken discourteously to Complainant 2, that Sergeant Cruz abused his authority by threatening to arrest Complainant 2, that Sergeant Cruz abused his authority by questioning Complainant 2 about possessing a weapon without requisite suspicion, that Sergeant Cruz abused his authority by issuing an unlawful summons to Complainant 2, that Sergeant Cruz abused his authority by searching the car for weapons without requisite suspicion, and that Sergeant Cruz abused his authority by stopping another passenger who was leaving the scene. CCRB concluded that the BWC footage did not corroborate Sergeant Cruz's testimony that Complainant 2 interfered with his duties or was "violent" and thus did not warrant an arrest for either Obstruction of Governmental Administration or disorderly conduct, and that Complainant 2's behavior (leaning, being "fidgety" and objecting to leave the car) did not support an inference that he may have a weapon. CCRB also concluded that because Sergeant Cruz neither had consent nor probable cause to search the car for a weapon, he did not have grounds to search the car without a warrant. On May 2, 2025, Sergeant Cruz agreed to a negotiated settlement with the department under which he agreed that the department would impose training in exchange for the charges and specifications being dismissed.

- **CCRB 202204715:** On July 14, 2022, at Nelson Avenue and Featherbed Lane in the Bronx, Sergeant Cruz and two other officers were on patrol when they observed three males standing on the corner. The officers stopped their vehicle to observe the group, and the men walked to the opposite corner of the intersection and entered a restaurant. With Sergeant Cruz supervising, the officers followed the group into the restaurant, and, claiming that they observed "something heavy" in Complainant 3's pocket, one of the officers frisked the Complainant, finding only a phone. The CCRB reviewed BWC and surveillance footage, and took testimony from the officers, Complainant 3, and the two witnesses. The CCRB determined that the officers lacked the requisite reasonable suspicion to stop or frisk Complainant 3 based solely on the observation of a heavy, rectangular object in his pocket and behavior, and that accordingly the officers had abused their authority in doing so. The CCRB also determined that the officers failed to complete the required memo book entries. The CCRB recommended Command Discipline A. The department imposed Command Discipline B and Sergeant Cruz forfeited 5 vacation days.
- **CCRB 202304491:** On May 10, 2023, at a park on Sedgwick Avenue in the Bronx, three officers stopped their unmarked car and observed a group of people, including Complainant 4. After approximately an hour, Sergeant Cruz and two additional officers arrived on scene. At this point, Sergeant Cruz approached Complainant 4 and stopped him. Another officer then frisked and searched Complainant 4's fanny pack, finding no weapons. The CCRB reviewed BWC and interviewed the officers and Complainant 4 and determined that Sergeant Cruz lacked the requisite reasonable suspicion to stop Complainant 4 (and that the other officer lacked the requisite reasonable suspicion to frisk Complainant 4). CCRB concluded

that the officers' accounts of Complainant 4 wearing the fanny pack (with a possibly innocuous bulge) while playing basketball and blading his body away from them did not give them reasonable suspicion that he was armed. The CCRB recommended Command Discipline B. The department took no disciplinary action.

- **CCRB 202309635:** On October 2, 2023, near East Tremont Avenue and Valentine Avenue in the Bronx, Sergeant Cruz and another officer pulled over a taxi in which Complainant 5 was a passenger and was not wearing a seatbelt. Sergeant Cruz and the other officer asked Complainant 5 if he had any weapons on him. The other officer asked Complainant 5 to exit the vehicle and frisked him, and Sergeant Cruz searched the backseat of the taxi for weapons. The CCRB reviewed BWC and interviewed the officers and the complainant. The CCRB substantiated charges of abuse of authority against Sergeant Cruz, as he lacked the requisite founded suspicion to question Complainant 5 regarding possession of a weapon, and lacked the requisite probable cause that Complainant 5 possessed a weapon that would justify a warrantless search of the taxi without consent. While Sergeant Cruz claimed that he suspected that Complainant 5 had a gun because he made a dipping motion, the CCRB such a motion was insufficient to establish probable cause. The CCRB recommended Command Discipline A. On May 2, 2025, Sergeant Cruz agreed to a negotiated settlement with the department under which Sergeant Cruz agreed that the department would impose training in exchange for the charges and specifications being dismissed.
- **CCRB 202310215:** On October 26, 2023, at East Tremont Avenue and Webster Avenue in the Bronx, Sergeant Cruz and two other officers stopped Complainant 6, took him to the ground, frisked and searched him, and detained him at the 46th Precinct stationhouse and issued him a summons for disorderly conduct. Complainant 6 was standing at a bus stop when the officer pulled up in an unmarked vehicle. The officers allegedly saw a bulge in Complainant 6's jacket pocket, and had observed Complainant 6 walk away from the officers' car. The CCRB reviewed BWC and interviewed the officers and Complainant 6. The CCRB determined that Sergeant Cruz abused his authority by stopping Complainant 6, as he lacked the requisite reasonable suspicion to stop Complainant 6. While the two other officers told CCRB that they observed a bulge in Complainant 6's jacket, BWC showed that no such bulge was visible, and the Complainant turning away was innocuous. The CCRB also determined that because Complainant 6 had not committed disorderly conduct, Sergeant Cruz abused his authority by detaining Complainant 6 at the precinct stationhouse and issuing him an unlawful summons. The CCRB recommended Command Discipline B for the bad stop, and Command Discipline A for the unlawful detention and issuance of the summons. As of November 2025, the department has not imposed discipline in connection with this complaint.
- In addition to these complaints, we note that Sergeant Cruz is a defendant in two outstanding lawsuits¹ and the subject of three ongoing CCRB investigations, all which allege excessive force and/or bad searches and stops.

¹ *Brijlall v. City of New York*, 21554/2020E. (Alleging that on 2.19.20, Cruz broke plaintiff's arm outside a holding cell in the 44th precinct. Plaintiff passed away and the case is stayed). *Clifton v. City of New York*, 804805/2025E. (Alleging that on 3.21.24, Cruz and other officer unlawfully stopped, frisked, assaulted, arrested, and falsely charged plaintiff. The case is pending, the city has filed their Answer).

Based on the above substantiated incidents, we conclude that Sergeant Cruz engaged in a pattern of misconduct related to his participation in unlawful stops, frisks, and searches. We are not recommending specific discipline given that disciplinary charges are pending for CCRB 202310215, and the CCRB is investigating CCRB 202412729, CCRB 202502446, and CCRB 202502683. However, Sergeant Cruz's repeated misconduct should be considered an aggravating factor when imposing discipline for 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").

To prevent future misconduct, we request that NYPD develop a plan for addressing Sergeant Cruz's conduct that includes monitoring, training, and potential reassignment to ensure his compliance with the Fourth Amendment.

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

Thank you,

LETITIA JAMES
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