



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

**Letitia James
Attorney General**

December 9, 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 Lieutenant Mayky Santos,
OAG Matter No. 1-817980648

Dear Commissioner Tisch,

The Office of the New York State Attorney General has reviewed your agency's referral of Lieutenant Mayky Santos pursuant to Executive Law Section 75(5)(b). Based on our review, we conclude that Lieutenant Santos engaged in a pattern of misconduct involving repeated abuses of authority in the form of unlawful stops and searches, including in his capacity as a supervisor on scene; using excessive force; ordering a supervisee to issue a ticket to a person Lt. Santos had not observed committing a crime; failing to activate his body-worn camera (BWC); and providing testimony that contradicted available video footage and/or the testimony of other officer-witnesses. Despite having engaged in nine substantiated incidents of misconduct in the preceding two years, two of which involved sworn testimony that was contradicted by BWC footage of the incidents and thus raised concerns about his credibility, Lt. Santos was promoted from Sergeant to Lieutenant in July 2024.

Our findings are based on the following incidents, all of which occurred while Lt. Santos was a Sergeant assigned to the 40th Precinct:

- CCRB Case No. 202208201/IAB Log No. 22-28107: Complainant Mark Batista alleged that on November 26, 2022, Lt. Santos stopped him and another officer frisked him; none of the officers on scene activated their body-worn cameras (BWC). The interviewed officers cited different reasons for suspecting that Mr. Batista was either armed or involved in narcotics activity, but CCRB found that those factors, taken individually or in sum, did not provide reasonable suspicion that Mr. Batista had engaged in or was engaging in a crime, and substantiated the allegation that Lt. Santos, who was also the supervising officer on scene, had conducted an unlawful stop. Because Lt. Santos did not record any part of the interaction with Mr. Batista on BWC, CCRB also substantiated the allegation that Lt. Santos had improperly used his BWC. On May 21, 2024, Lt. Santos

accepted a Command Discipline B and was reprimanded and instructed in the proper performance of duty and/or procedure, although he was not required to forfeit any vacation days or face any other penalties.

- CCRB Case No. 202301708: Complainant Inuwa Braimah alleged that on February 27, 2023, Lt. Santos was the supervising officer on scene when Lt. Santos and other NYPD officers stopped near Mr. Braimah in an unmarked police vehicle, exited the vehicle, and asked him to take his hand out of his pocket. One officer began squeezing Mr. Braimah's pocket and Lt. Santos grabbed Mr. Braimah's arm. The officers claimed that they had seen a visible bulge in Mr. Braimah's pocket, but their testimony was contradictory and some of the testimony suggested that the bulge was rectangular and not the shape of a firearm. CCRB substantiated the allegation of the wrongful stop, finding that as supervising officer on scene, Lt. Santos failed to intervene during the unlawful stop and frisk of Mr. Braimah. NYPD did not issue any discipline to Lt. Santos in relation to this incident.
- CCRB Case No. 202304472: Complainant Joshua Taylor alleged that on May 19, 2023, Lt. Santos searched his car without justification. Mr. Taylor had been legally stopped, after which officers discovered that his license was suspended; he was eventually arrested for aggravated unlicensed operation for a vehicle and issued a summons for having an altered driver's license. Before Lt. Santos was informed that Mr. Taylor's license was suspended, however, he and two other officers searched the vehicle, with Lt. Santos opening the front passenger door to search the front passenger area and the back passenger seat, frisking a bag on the floor, and searching between the front passenger's seat and console as well as under the seat. Lt. Santos claimed that his search was justified by his observation of Mr. Taylor acting suspicious in an area with a history of violence and gang activity, holding a black bag in an unusual way, and throwing the bag in his back passenger area before driving away. Because these observations did not amount to reasonable suspicion that there was a weapon inside the vehicle, CCRB substantiated the allegation that Lt. Santos had abused his authority by illegally searching the vehicle. Lt. Santos was retrained on the circumstances under which an officer may search a vehicle.
- CCRB Case No. 202304485: On May 19, 2023, Christopher Hilario and Esfreylin Pena-Padilla alleged that Lt. Santos and other officers approached them and a group of friends who were drinking in public, asking for their identification and then beginning to arrest them. BWC showed Lt. Santos approaching from behind as Mr. Hilario was being handcuffed by other officers, and punching Mr. Hilario in the face. BWC also showed Mr. Pena-Padilla, who was recording the officers, bending down to reach for something on the ground, at which point a basketball hoop fell on him; Mr. Pena-Padilla, attempting to stand, got his head caught in the hoop. Lt. Santos grabbed Mr. Pena-Padilla's sweatshirt near the neck, pushing and pulling it, and then stomped on Mr. Pena-Padilla's leg after he had been taken to the ground. The CCRB substantiated the allegation of force involving Mr. Hilario, finding that video footage and other officers' statements contradicted Lt. Santos' assertion that Mr. Hilario was swinging at him first, and finding that Lt. Santos' punch was premature and excessive. The CCRB also substantiated the allegation of force against Mr. Pena-Padilla, finding that although some force had been

necessary to conduct the arrest, Lt. Santos' repeatedly pushing and pulling the subject, then stomping on his leg as he was being handcuffed, "appeared unnecessary and gratuitous" and "served no real purpose." The CCRB also substantiated an allegation of courtesy for Lt. Santos telling Mr. Hilario to "shut the fuck up." Charges and specifications were served in this incident and remain pending.

- CCRB Case No. 202305508: Complainant Mohammadou Sillah alleged that on June 17, 2023, he was seated in the front passenger's seat of a vehicle that was stopped. During the interaction, Lt. Santos directed another officer to issue him a ticket for a seatbelt violation, even though he was wearing his seatbelt and it was a backseat passenger who had not been. When interviewed, Lt. Santos stated that he had not personally observed a seatbelt violation and could not identify who on the BWC footage had committed the violation. Nevertheless, BWC showed Lt. Santos communicating to the issuing officer that the citation should be issued to the subject. CCRB substantiated the allegation of abuse of authority by issuing an unlawful summons, finding that Lt. Santos' failure to execute due diligence, especially in his supervisory role as a sergeant at the time, led to his communicating that a summons should be issued without sufficient basis, and caused another officer to issue an unlawful summons. Charges and specifications were served in this case but have not been resolved.
- CCRB Case No. 202306995: Complainant Malick Kemp alleged that on July 29, 2023, as they were walking with friends who were carrying and drinking alcohol, Lt. Santos stopped Mx. Kemp and asked what was in their bag and for their identification. Lt. Santos asserted that Mx. Kemp had been holding a plastic cup, but this assertion was not corroborated by either BWC footage or other officer testimony. CCRB substantiated the allegation of an improper stop against Lt. Santos, concluding that officers had no suspicion that Mx. Kemp was engaging in criminal activity. CCRB also sustained an allegation that when Mx. Kemp requested the officers' business cards, Lt. Santos failed to give him his name, badge number, or business card. Lt. Santos claimed that he had shown Mx. Kemp his name or badge number, but CCRB concluded after reviewing BWC that Sgt. Santos never communicated his name or badge number to Mx. Kemp, and said "no card" while out of earshot from Mx. Kemp, after concluding the encounter. Charges and specifications have been served in this incident and remain pending.
- CCRB Case No. 202307804: Complainant Alexander Navarette alleged that on August 9, 2023, when police officers attempted to stop him for jaywalking, he began running away. Lt. Santos gave chase on foot, and when Mr. Navarette stopped, Lt. Santos asked what was in his pocket, then began patting the outside of his left pants pocket. Lt. Santos attempted to justify this search with Mr. Navarette's flight and by alleging that Mr. Navarette had clenched his hand on his left side. CCRB substantiated the allegation that the frisk of Mr. Navarette was impermissible. The Department Advocate's Office agreed with the CCRB's findings, writing that furtive movements do not establish reasonable suspicion for weapons possession, and that Lt. Santos admitted that his BWC footage showed him grabbing and squeezing the complainant's pockets. Lt. Santos accepted a Schedule A Command Discipline in the case, forfeited 3 days of vacation, and was

reinstructed in the proper performance of procedure.

- CCRB Case No. 202309444: Complainant Clarita Hosier alleged that on September 26, 2023, Lt. Santos used force against her and interfered with her recording device while she recorded officers using force against her son during a traffic stop. CCRB investigated the incident and closed both allegations as within NYPD guidelines, but substantiated an allegation that Lt. Santos had improperly turned on his BWC late. Lt. Santos's failure to activate his BWC in this and other incidents is of particular concern given the multiple incidents in which Lt. Santos' sworn testimony was contradicted by BWC recordings.
- CCRB Case No. 202309527: Complainant Mamadou Barry alleged that on October 7, 2023, he was walking down Concord Avenue near East 144th Street after parking and exiting his car. He saw two unmarked vehicles driving slowly, but did not change his pace as he continued walking toward his building. One car stopped, and five officers exited it and ran up to him. Lt. Santos stopped Mr. Barry and pushed him against a wall. Although Lt. Santos testified that he believed that Mr. Barry had discarded a firearm, neither the stop report nor the testimony of the other officers corroborated Lt. Santos' articulated reasons, and CCRB substantiated the allegation that the stop was improper. CCRB also substantiated allegations that Lt. Santos had failed to provide a business card, as required because he had stopped Mr. Barry, and that Lt. Santos improperly used his BWC, both activating it late and deactivating it early. On April 7, 2025, Lt. Santos accepted a Command Discipline B, his third command discipline in twelve months, and forfeited five vacation days in relation to this incident.

Based on the above incidents, we conclude Lt. Mayky Santos engaged in a pattern of misconduct related to stops, searches, and a directed ticketing in violation of the Fourth Amendment; repeated failures to properly use his BWC; and repeatedly providing testimony that was contradicted by BWC footage and/or the testimony of other officers, including in an incident where he used excessive force.

Disciplinary charges are still pending for CCRB 202306995, 202304485 and 202305508, and we recommend Lt. Santos's repeated misconduct, role as a supervisor during these incidents, and long history on the force should be considered aggravating factors pursuant to the NYPD's Discipline Matrix ("The presence or reasonable availability of knowledge, training and experience of the member of the service involved that is germane to the incident," "the lack of candor of the member of the service," "the role of the member of the service in the particular event," and "any negative employment history including prior discipline or performance deficiencies" (New York City Police Department Disciplinary System Penalty Guidelines at 10)). Given that the same incidents of misconduct occurred within three years of each other, progressive discipline appears warranted per the Discipline Matrix.

In addition to discipline, to prevent future misconduct, NYPD should develop a plan for addressing Lieutenant Santos's repeated misconduct that includes monitoring and training to ensure his compliance with the Fourth Amendment, Department regulations related to BWC, and Department regulations related to making accurate official statements.

Finally, Lt. Santos was promoted from Sergeant to Lieutenant in July 2024, despite his record of numerous recent substantiated wrongful stops and searches, instructing another officer to issue a wrongful summons, use of excessive force, and failure to activate his BWC, two of which incidents involved sworn testimony that was contradicted by BWC footage of the incidents. Promoting officers who have recently and repeatedly engaged in constitutional violations, especially where there are concerns about the officer's credibility, sends the message that such conduct is tolerated. Instead, such misconduct should be weighed heavily when promotions are considered.

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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