



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

**Letitia James  
Attorney General**

---

May 12, 2026

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 Officer Joshua Moscoso  
OAG Matter No. 1-817979808  
Tax ID No. 960976

Dear Commissioner Tisch,

We have reviewed your agency's referral of Police Officer Joshua Moscoso pursuant to Executive Law Section 75(5)(b). Based on our review, we have concluded that Officer Moscoso engaged in a pattern of misconduct involving excessive force and abuses of authority, including improper frisk, search, detention, questioning, and issuance of a retaliatory summons in violation of the Fourth Amendment and NYPD policy, all while assigned to the 33<sup>rd</sup> Precinct.

Our findings are based on the following incidents:

- CCRB 202205105: On July 27, 2022, in front of Audubon Ave. and W. 175<sup>th</sup> St., Lt. Vladimir Garcia and Officer Moscoso were driving in an unmarked vehicle. They turned on their lights after the subject car, driving behind them, honked at them due to their slow speed. The subject car had tinted windows, and the driver, Complainant 1A, refused to provide his driver's license and asked that Lt. Garcia provide his business card. Upon Complainant 1A stating that he did not have a license, Lt. Garcia handcuffed him and took him to his police vehicle. Officer Moscoso then opened the car's driver's side door, which Complainant 1B, the car's passenger, also grabbed. Officer Moscoso stated that Complainant 1A had driven the car, and Complainant 1B responded that it was her car. Complainant 1B then removed the keys from the vehicle and refused to give them to Officer Moscoso. In response, Officer Moscoso told her to "give [him] the keys or it's going to get towed." CCRB found that it would not have been reasonable for Officer Moscoso to seize or tow the vehicle because Complainant 1A was only issued a ticket for a violation, not for aggravated unlicensed operation of the vehicle, and because Complainant 1B had told the officers that she was owner of the vehicle and offered to show her documents at the time of the incident.

Consequently, CCRB substantiated the allegation that Officer Moscoso abused his authority by threatening to seize Complainant 1B's property "not based on legal precedent, but instead a threat to intimidate her." NYPD took no disciplinary action in relation to this incident.

- CCRB 202301299: On February 9, 2023, at the intersection of W. 173<sup>rd</sup> St. and St. Nicholas Ave., Complainant 2 began crossing the street outside the crosswalk when a black Ford Fusion drove by and someone inside it called out to him. Complainant 2 continued walking and stopped outside of a grocery store where his uncle worked. The black Ford Fusion made a U-turn and stopped outside the grocery store, and Officer Moscoso and two other officers assigned to the Public Safety Team exited the vehicle and approached Complainant 2. Officer Moscoso directed Complainant 2 not to move and said he was being stopped for not crossing the street properly. Officer Moscoso searched Complainant 2's jacket pockets and pants pocket over his objection. After the search, which yielded no contraband, one of the officers told Complainant 2 that he had been stopped for walking with his hands in his coat in a suspicious manner. Officer Moscoso told CCRB that as a member of the Public Safety Team, he made "a lot" of stops for jaywalking but only "sometimes" issued summonses; he stated that he exercised his discretion insofar as determining whether he "[felt] like giving them a summons or not." Officer Moscoso stated that he was the officer that decided to stop Complainant 2, because Complainant 2 was jaywalking, appeared to be holding onto his left-side jacket pocket, and was looking back and walking briskly in the opposite direction. Officer Moscoso stated that when he approached Complainant 2, he saw an L-shaped bulge in Complainant 2's pocket, and Complainant 2 briefly walked away from the officers while looking over his shoulders. CCRB found that even if Officer Moscoso's claim that Complainant 2 was holding his pocket, walking briskly in the opposite direction, and looking over his shoulder, which was not substantiated by BWC or other footage, was true, those observations were insufficient to establish reasonable suspicion that Complainant 2 was in possession of a firearm. CCRB found that by the time Officer Moscoso frisked and searched Complainant 2, the supposed basis for reasonable suspicion of weapons possession was even weaker; BWC showed that there was no discernable bulge in Complainant 2's pocket as he interacted with Officer Moscoso on the sidewalk; furthermore, the items in Complainant 2's pocket, a pill bottle and iPhone, would not reasonably have produced an L-shaped bulge. CCRB found that Officer Moscoso lacked reasonable suspicion to frisk Complainant 2's jacket pockets and pants pocket, and that Officer Moscoso lacked a reasonable basis to search inside Complainant 2's left-side jacket pocket. NYPD took no disciplinary action in relation to this incident.
- CCRB 202301589: On February 23, 2023, in front of Amsterdam Ave. and W. 158<sup>th</sup> St., Officer Moscoso and another officer used force to arrest Complainant 3A. Because both officers activated their BWCs after the interaction began, CCRB was unable to determine without additional witness testimony whether the force Officer Moscoso used on Complainant 3A was excessive. CCRB did substantiate an allegation of improper use of BWC against Officer Moscoso. As the officers handcuffed Complainant 3A on the ground, Officer Moscoso used profanity to emphasize his command to the complainant to give his hands, which CCRB found was within guidelines, and "Get the fuck out of here," which

CCRB determined served no law enforcement purpose and thus was discourteous. Complainant 3B, who was standing nearby, then stepped off the sidewalk and onto the street toward the officers while holding up his phone and yelling, "OK, you guys got him! Just please don't hurt him!" Officer Moscoso, who believed that Complainant 3B was using his phone to record the interaction, verbally instructed Complainant 3B to get on the sidewalk. Complainant 3B stated that he would comply but remained in the street. Officer Moscoso then told Complainant 3B, "Get on the sidewalk, or I'm putting you in cuffs." Officer Moscoso placed his left hand on Complainant 3B's right side, at which point Complainant 3B began to move toward the curb; Officer Moscoso's BWC showed that he then pushed Complainant 3B towards the sidewalk. CCRB found that Complainant 3B was not intervening in the arrest, that he did not pose any perceived threat, and that his presence and actions did not obstruct the operations of law enforcement. Consequently, CCRB substantiated allegations that Officer Moscoso abused his authority by threatening to arrest Complainant 3B and by unreasonably using physical force against Complainant 3B, pushing him after he had begun to comply with Officer Moscoso's order. CCRB also substantiated an allegation of discourtesy by Officer Moscoso, for telling Complainant 3B, "Shut up, man, you ain't nobody." Officer Moscoso was found guilty of discourtesy and physical force as to Complainant 3B after an Administrative Prosecution Unit trial, and forfeited 10 vacation days in conjunction with a Command Discipline Schedule B. The APU trial dismissed the charge of improper use of BWC and resulted in a not guilty finding on the threat of arrest and the discourtesy charge as to Complainant 3A.

- CCRB 202301978: On March 7, 2023, in front of Broadway and 157<sup>th</sup> St., Officer Moscoso and Officer Benjamin Roman joined a stop in progress, in which two other officers had approached Complainant 4 while he was stopped at a crosswalk and asked him to produce his ID. Officer Moscoso argued with Complainant 4 about whether he could record the incident on his cell phone, as he was doing. The initiating officers released Complainant 4 with a warning, instructing him to fix his tints and move his vehicle from the crosswalk, and all four officers walked away from Complainant 4's vehicle. As they walked away, Complainant 4 asked Officer Roman, "What is your name by the way." Officer Roman replied, "Roman," and then he and Officer Moscoso turned and began to walk back towards Complainant 4. Along the way, Officer Moscoso asked one of the initiating officers for "a summons" while Officer Roman continued to approach Complainant 4 and said to him, "We could still take your car brother, it is not over." Complainant 4 then attempted to open his car door, but Officer Roman said to Complainant 4, "Wait, wait, wait where are you going? Now you stopped again. You asked me for my name, right? We got to do this the right way. My name is Roman, #7119." Officer Roman said to Complainant 4, "If you want to go further, I can get a tow truck over here, I could write you for the tints, I could tow the car. We could do all of that." Complainant 4 told Officer Roman that he did not have a problem with Officer Roman and tried to enter his vehicle. Officer Roman instructed Complainant 4 to keep standing and said, "Now we gotta do part two since you want to play games." Officer Roman said to Complainant 4, "All you had to do was go about your business." Shortly thereafter, Officer Roman said to Complainant 4, "Now after the ticket is issued, you have 30 seconds to move your car out of the crosswalk before I call a tow truck." Officer Moscoso placed a parking violation summons on Complainant 4's windshield. Officer Moscoso testified to

CCRB that he observed Complainant 4 throw something on the ground as the officers walked away, and that this prompted him to return to issue Complainant 4 a summons for littering. However, BWC did not depict Complainant 4 littering or throwing anything on the ground and did not depict either officer informing Complainant 4 that they were reapproaching him for littering or any other reason. CCRB concluded that the officers reapproached Complainant 4 because he had requested Officer Roman's name, and that Officer Moscoso's decisions to detain and issue Complainant 4 the parking violation summons were unreasonable, unjustified and retaliatory in nature. CCRB substantiated the allegation that Officer Moscoso abused his authority by issuing Complainant 4 a retaliatory summons. After an APU trial, Officer Moscoso was found guilty of issuing a retaliatory summons, and forfeited 10 vacation days in connection with a Command Discipline Schedule B. CCRB also noted that Officer Moscoso failed to prepare a memo book entry as required in connection with this incident.

- CCRB 202305395: On June 13, 2023, Complainant 5 crossed the crosswalk at Amsterdam Ave. and W. 159<sup>th</sup> St. while the sign was red. Officer Moscoso pulled over to stop Complainant 5 and issue a summons for jaywalking. Prior to issuing the summons, Officer Moscoso asked Complainant 5 if he had anything on him he should not have. Officer Moscoso told CCRB that he did not suspect Complainant 5 of any criminality other than the jaywalking he had observed, and said that he had asked Complainant 5 if he had anything on him as a safety precaution. Because Officer Moscoso lacked the founded suspicion of criminality required to justify inquiring about whether Complainant 5 was in possession of weapons or contraband, CCRB substantiated the allegation of abuse of authority by questioning. NYPD issued Officer Moscoso a Command Discipline Schedule A in connection with this incident.
- CCRB 202307170: On July 2, 2023, Complainant 6 was driving on Amsterdam Ave. toward W. 180<sup>th</sup> St. when he was stopped by Officer Moscoso and other officers for swerving, running red lights, and crossing into the opposite lane of traffic. When another officer asked Complainant 6 to lower his window, Complainant 6 did not comply and instead slowly drove forward. Officer Moscoso hit the rear windshield of the car, breaking it. Officer Moscoso told CCRB that he was not trained to break car windows as a police tactic, but did so because it would make Complainant 6's car more identifiable if he escaped; Officer Moscoso then stated that he was also not trained to break car windows for identification purposes. CCRB sustained an allegation that Officer Moscoso had abused his authority when he damaged Complainant 6's property without justification. NYPD did not discipline Officer Moscoso in connection with this incident.
- CCRB 202409369: On September 18, 2024, at Audubon Ave. and W. 175<sup>th</sup> St., Officer Moscoso and Officer Christian Anasa allegedly saw Complainant 7A and Complainant 7B crossing the street while the traffic light was still green. The officers then exited their vehicle to stop Complainant 7A and Complainant 7B and issue a summons for jaywalking. Both Complainant 7A and Complainant 7B asked the officers why their IDs were needed, what they did wrong, and why they were stopped. Complainant 7A also asked a nearby pedestrian

to record the officers. Both complainants provided their passports as identification; Officer Moscoso acknowledged to CCRB that he understood this form of identification to be acceptable to issue a summons. However, Officer Moscoso placed both complainants under arrest, taking them to the stationhouse to issue the summons. Officer Moscoso justified this by stating that the complainants remained argumentative and a crowd was forming. CCRB concluded upon reviewing the BWC that the interaction between Officer Moscoso and the crowd was minimal and that no civilian displayed aggression toward the officers. CCRB found that there was no exigency necessitating relocation, and substantiated the allegations that Officer Moscoso abused his authority by detaining Complainant 7A and Complainant 7B instead of issuing their summonses on scene. Although CCRB did not substantiate a finding that the detention was retaliatory, it found that after Complainant 7A asked other people to record the police interaction, failed to immediately produce her ID, and engaged in debate with Officer Anasa about whether they were on his time or not, Officer Anasa told her, “I don’t have to [write you the summons] in the street, I can do this in the precinct.” Officer Moscoso stated, “I’m going to 92 both of them,” presumably referring to NYPD code 10-92 (arrest), approximately 30 seconds later. NYPD logs showed that both complainants were held at the stationhouse for two and a half hours before being released with summonses. NYPD did not impose discipline in relation to this incident.

Based on the above incidents, we conclude that Officer Moscoso engaged in a pattern of misconduct involving excessive force and abuses of authority, including improper frisk, search, detention, and issuance of a summons to individuals, in violation of the Fourth Amendment and NYPD Policy. We recommend that Officer Moscoso’s repeated misconduct and the retaliatory nature of some of his actions be considered as aggravating factors when imposing discipline for substantiated violations, per NYPD’s Discipline Matrix<sup>1</sup> (in the context of abuses of authority, an officer’s act of misconduct being “biased, gratuitous, retaliatory, intentional or reckless,” “the same as a prior act of misconduct,” or “subject to a presumptive penalty that is equal to or greater than the presumptive penalty of [a] prior act of misconduct” are all aggravating factors, as are the officer “exhibit[ing] bad faith, intentionally violat[ing] procedural or legal standards, or recklessly disregard[ing] those standards,” “us[ing] a stop/question/frisk to humiliate, demean, or retaliate against an individual,” using “biased, abusive, or obscene language,” and “fail[ing] to report incident or make required activity log entry”). To prevent future misconduct, we also request that NYPD develop a plan for addressing Officer Moscoso’s conduct that includes monitoring, de-escalation training, and potential reassignment to ensure his compliance with the NYPD procedures.

We request a written response within 90 days as to NYPD’s remedial actions pursuant to Executive Law § 75(5)(c), specifically including documentation of any training provided.

Thank you,

LETITIA JAMES  
Attorney General of the State of New York

---

<sup>1</sup> NYPD Disciplinary System Penalty Guidelines (Sept. 9, 2024), pp. 11-12, 30. Available at <https://www.nyc.gov/site/nypd/about/about-nypd/policy/nypd-discipline-matrix.page>.

By: Tina Peng  
Assistant Attorney General  
Law Enforcement Misconduct Investigative Office