



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

**Letitia James
Attorney General**

April 28, 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 Tiago Gomes
OAG Matter No. 1-817980228

Dear Commissioner Tisch,

We have reviewed your agency's referral of Police Officer Tiago Gomes pursuant to Executive Law Section 75(5)(b). Based on our review, we have concluded that Officer Gomes engaged in a pattern of misconduct involving unlawful searches and seizures while assigned to the 40th Precinct's Neighborhood Safety Team.

Our findings are based on the following incidents:

CCRB #202302839: On April 4, 2023, Complainant 1 was speaking with two male friends on the sidewalk of East 144th St. and Concord Ave. in the Bronx, while a third friend sat in the front passenger seat of a legally parked green Ford sedan where he was charging his and Complainant 1's cell phones. Officer Gomes and three other officers drove up in an unmarked police car and flashed a flashlight at the Ford. The person seated inside the Ford grabbed both phones and stepped out of the car, closing the door and handing Complainant 1 his phone back. The officers got out of their car and approached the Ford, shining flashlights at the group of men and surrounding them against a wall. Officer Gomes checked the Ford's VIN number and found that it was not stolen. Officer Gomes and two other officers then shone their flashlights into one of the men's front jacket pockets. CCRB substantiated allegations that the officer unjustifiably stopped Complainant 1 and the men he was with and that Officer Gomes unlawfully searched Complainant 1's pocket. The officers admitted that they did not possess reasonable suspicion that Complainant 1 or his friends were committing any crime, and could not describe the shape in the

pocket they searched as consistent with the shape of a weapon or firearm. With regard to the search, Officer Gomes asserted that he had seen a bulge on the man's jacket pocket and reported that he saw gloves and a mask when he shone his flashlight at the pocket. Because the officers could not specify the bulge's shape, CCRB found that the bulge was not inherently suspicious, coupled with the individual's stationary position and neutral demeanor, and that Officer Gomes participated in the search without legal justification. CCRB rejected the officers' characterization of the search as a plain view search because the officers had to position their heads close to the jacket and use a flashlight to illuminate the pocket's contents. NYPD took no disciplinary action in relation to this incident.

CCRB #202306913: On July 26, 2023, Officer Gomes viewed an Instagram video in which Complainant 2 made a trigger pull motion with his fingers, then directed the camera to his shorts pocket, which contained a heavy, indistinct object. Officer Gomes and three other officers went to the location featured in the video, where they observed Complainant 2 walking in a courtyard in the same shorts he was wearing in the video. Officer Gomes observed a solid line that he said resembled the slide of a firearm in Complainant 2's shorts, although no part of the object protruded from the pocket. Officer Gomes and another officer approached Complainant 2, who turned his body away and tried to enter the private yard of a property near Eagle Avenue and E 159th Street. Officer Gomes entered the yard and frisked Complainant 2, who had a phone in his pocket. CCRB sustained allegations that Officer Gomes had unlawfully entered the yard, unlawfully stopped Complainant 2, and unlawfully frisked Complainant 2. CCRB found that Officer Gomes' entry failed to meet the criteria for a warrantless entry of the backyard because he lacked sufficient information that Complainant 2 was involved in a violent crime or armed as Complainant 2 did not display weapons in the video and the object in his pocket could have been any number of objects commonly found in a pocket, such as a cell phone. CCRB also found that the sight of an indiscernible heavy object, even paired with Complainant 2's flight, did not justify Officer Gomes' stop or frisk of him because Officer Gomes lacked the requisite reasonable suspicion that Complainant 2 had committed, was committing, or was about to commit a crime, to justify the stop, or reasonable suspicion of danger of physical injury, to justify the frisk. NYPD issued Officer Gomes a Schedule B Command Discipline and a penalty of three vacation days in connection with this incident.

CCRB #202401032: On November 16, 2023, Complainant 3A was a passenger in a cab driven by Complainant 3B. Officer Gomes and three other officers stopped the cab because Complainant 3A was not wearing a seatbelt. When another officer opened the rear passenger door and ordered Complainant 3A to exit the vehicle, Complainant 3A stepped out of the vehicle, holding his phone up and stating that his camera was on. Complainant 3A took a few steps to the sidewalk, causing the other officers to grab his torso and push him against the vehicle. After Complainant 3A was handcuffed, another officer frisked him and told Officer Gomes to check Complainant 3A's bags because he saw him make movements toward them. Officer Gomes

entered the rear driver's side of the vehicle, frisked Complainant 3A's bags, and searched the front pocket of Complainant 3A's backpack. Officer Gomes then asked Complainant 3B if officers could search the rest of the vehicle, and Complainant 3B agreed. Officer Gomes frisked all four of Complainant 3A's pants pockets, searched the front left pants pocket, and searched the rear passenger side of the vehicle. CCRB attributed Officer Gomes' initial unlawful search of the bags to the officer who directed Officer Gomes to conduct it. CCRB also substantiated allegations that Officer Gomes unlawfully searched the cab and unlawfully frisked and searched Complainant 3A. CCRB found that the officers lacked the suspicion necessary to believe that there was a weapon inside the vehicle to pose a danger to officers' safety, and failed to articulate any factors that would have led them to believe that a crime and contraband existed in the vehicle. Although Officer Gomes asked Complainant 3B for permission to search the cab, he did not inform Complainant 3B that he could refuse consent, so the consent received was invalid. CCRB further found that the search of the inside of the backpack pocket, without first frisking it to feel whether there might be a weapon or dangerous instrument inside of it, was unlawful. Finally, CCRB found that the search of Complainant 3A's person was unlawful; although Officer Gomes and the other officer who searched Complainant 3A said that they were conducting a standard frisk and search because they considered him under arrest, they had not actually placed Complainant 3A under arrest and therefore lacked justification to conduct the frisk and search on that ground. CCRB also noted that Officer Gomes did not prepare the required stop and frisk report in relation to this incident. NYPD has served charges and specifications upon Officer Gomes in relation to this incident and a decision remains pending.

Based on the above incidents, we conclude that Officer Gomes engaged in a pattern of unlawful searches and seizures. We recommend that Officer Gomes' repeated misconduct be considered as aggravating factors when imposing discipline for substantiated violations, per NYPD's Discipline Matrix¹ ("the presence or reasonable availability of knowledge, training and experience of the member of service involved that is germane to the incident," "conduct demonstrating a pattern of behavior that indicates an inability to adhere to Department rules and standards," "any similarities between prior and current acts of misconduct," 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 Gomes' conduct that includes monitoring and potential reassignment, given his and other members of the 40th Precinct Neighborhood Safety Team's repeated violations while on patrol, to ensure his compliance with the law and NYPD procedures.

¹ 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>.

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

By: Tina Peng

Assistant Attorney General

Law Enforcement Misconduct Investigative Office