



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

**Letitia James
Attorney General**

May 27, 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 Darian Wesler
OAG Matter No. 1-817980288
Tax ID No. 965903

Dear Commissioner Tisch,

The Office of the New York State Attorney General has reviewed your agency's referral of Police Officer Darian Wesler pursuant to Executive Law Section 75(5)(b). Based on our review, we conclude that Officer Wesler engaged in a pattern of stopping, frisking, questioning, and searching individuals without the necessary founded suspicion or probable cause while working with Patrol Borough Manhattan North Specialized Unit Public Safety Team. Out of the nineteen complaints LEMIO reviewed, CCRB substantiated four allegations of illegal frisks, four allegations of illegal stops, four allegations of illegal questioning, two allegations of illegal searches, and one allegation of unlawful use of force.

Our findings are based on the following incidents:

- **CCRB 202206524:** On September 25, 2022, the complainant stepped outside of a deli when PO Wesler's partner stopped him. The officers ordered the complainant to dump his bookbag and proceeded to look into its compartments. PO Wesler frisked the complainant, who alleged that the frisk was aggressive and made him believe that PO Wesler was groping him. PO Wesler asserted that the complainant matched a description provided in a gun stoppers tip, but CCRB found it described a much taller man with different clothes. The CCRB substantiated the allegation that PO Wesler abused his authority when he stopped the complainant and when he frisked him because the officers lacked reasonable suspicion the complainant was engaged in criminality or armed. Charges were recommended and PO Wesler received formalized training.
- **CCRB 202206762:** On October 9, 2022, the complainant was walking home from his job when officers followed him in their vehicle, with PO Wesler's partner asking the

complainant several questions as they were following him. The complainant answered the officer, continued walking, and eventually he lost sight of the officers. Then, both officers stepped out of the vehicle and grabbed the complainant. PO Wesler restrained the complainant while his partner frisked him, purportedly based on their observation of an L-shaped bulge on the complainant. The CCRB substantiated the allegation that PO Wesler abused his authority by stopping the complainant because he lacked reasonable suspicion, discrediting their observation of a bulge in light of video footage of the stop. Additionally, the CCRB substantiated the allegation that PO Wesler's use of force to stop and detain the complainant was not reasonable given the circumstances. The CCRB also determined that Officer Wesler failed to turn on his body-worn camera in violation of NYPD Patrol Guide § 212-123, which requires officers to activate their Body Worn Camera (BWC) during all civilian encounters. NYPD imposed Schedule A Command Discipline for which PO Wesler forfeited five vacation days.

- **CCRB 202304491:** On May 10, 2023, the complainant was at a basketball court when an officer approached him and asked if he had weapons on him. While the complainant was speaking to an officer, PO Wesler grabbed the complainant's fanny pack and searched inside, yielding negative results. PO Wesler noted in his Stop Report that the complainant was fidgeting with his fanny pack, which was "heavily weighted." The CCRB substantiated allegations that PO Wesler stopped, frisked, and searched the complainant without sufficient cause because complainant's observed actions justified only a founded suspicion. CCRB recommended imposing Schedule B Command Discipline, but the NYPD did not take any disciplinary action.
- **CCRB 202304206:** On May 10, 2023, the complainant and her friends were exiting a taxi when Officer Wesler and his partners from an unmarked vehicle rushed towards them. One of the officers told the complainant that she and her friends were not wearing seatbelts. PO Wesler asked the complainant, "Got anything on you?" and then frisked her. PO Wesler handcuffed the complainant and pulled down her pants as he was searching her. He made no attempt to hoist her pants up, despite the complainant repeatedly complaining that her pants were down. CCRB substantiated allegations that PO Wesler abused his authority by frisking the complainant and questioning her without reasonable suspicion and sexually humiliating her by failing to pull up her pants despite her outcry. CCRB recommended imposing Schedule B Command Discipline, but the NYPD did not take any disciplinary action.
- **CCRB 202401486:** On February 12, 2024, the complainant was in the back seat of an Uber when several officers approached the vehicle and pointed their flashlights at the complainant and accused the complainant of not wearing his seatbelt. BWC footage depicts PO Wesler asking the complainant if he was on probation or parole. CCRB substantiated the allegation that Officer Wesler abused his authority when he questioned the complainant about his probation/parole status without any basis for doing so. CCRB cited to NYPD Patrol Guide Procedure § 212-11, which states that law enforcement officers may ask civilians pointed or accusatory questions when the officer has a "founded suspicion" that criminal activity is afoot. CCRB found that PO Wesler's questions were irrelevant to the stop for a VTL violation. The NYPD imposed Schedule A Command Discipline.

- **CCRB 202402257:** On February 18, 2024, Officer Wesler and his partners stopped a double-parked vehicle where the complainant was a front passenger. PO Wesler's BWC footage showed him approaching the vehicle and asking the complainant why he was acting nervous. PO Wesler then ordered him to exit the vehicle. Once outside, PO Wesler attempted to frisk the complainant, but the complainant knocked his hand away. Several officers restrained and handcuffed the complainant while Officer Wesler continued to frisk his pants pockets, which yielded negative results. CCRB substantiated the allegations that PO Wesler abused his authority when he frisked and searched the complainant. The officers' observations of the complainant dipping down and appearing nervous were not indicative of criminality and did not indicate that he possessed a weapon. CCRB concluded that Officer Wesler lacked a sufficient articulable reason for ordering the complainant out of the car. CCRB also substantiated the allegation that PO Wesler abused his authority when he issued a Disorderly Conduct summons to the complainant because there was insufficient evidence that the complainant was intentionally engaging with the nearby crowd to cause a public inconvenience, annoyance, or alarm. Charges were preferred and a decision regarding these substantiated allegations remains pending.
- **CCRB 202407638:** On July 30, 2024, the complainant was driving with three passengers when an unmarked police vehicle pulled up next to him. PO Wesler shined his flashlight into the complainant's car and ordered him to pull over. PO Wesler stated that he approached the complainant's vehicle because he observed a seatbelt violation and noted seeing the complainant moving around inside the vehicle, which, to him, raised safety concern. PO Wesler asked the complainant if there was something in his bookbag and why he was acting nervous. CCRB substantiated the allegation of abuse of authority because the officer lacked reasonable suspicion, and his questions were irrelevant to his observation of the traffic infraction (failure to wear a seatbelt). The NYPD imposed Schedule A Command Discipline, forfeiting two vacation days.
- **CCRB 202410768:** On September 15, 2024, the complainant, who was a minor, was riding his bicycle with 100 other riders against traffic in NYC streets at 3:42 p.m. Officer Wesler with several other officers were present at the scene to take law enforcement action. Officer Wesler stopped the complainant as he was riding his bicycle and pushed him off his bicycle. The complainant was arrested and taken to the precinct and issued a summons for Disorderly Conduct for obstructing vehicular traffic. CCRB determined that Officer Wesler failed to timely turn on his BWC in violation of Patrol Guide Procedure § 212-123. CCRB also concluded that Officer Wesler illegally detained the minor at the stationhouse to issue him a summons. Citing *Matter of Alfred B.*, 180 N.Y.S.3d 470 (2022), CCRB determined that Officer Wesler had no legitimate reason to take the complainant to the stationhouse when he could have issued the complainant a summons on the street. CCRB rejected Officer Wesler's excuse that there was a large crowd gathering which prevented him from issuing a summons on the street because the BWC did not corroborate his account. He received Schedule Command A Discipline and forfeited one vacation day and received formalized training.
- **CCRB 202410541:** On October 5, 2024, the complainant was with two others by the doorway of a NYCHA building. Several officers, including Officer Wesler, approached them, asked them for their identifications, and engaged the complainant in a conversation

regarding his probation/parole status. Officer Wesler stated that this group was obstructing the entrance into the building. CCRB determined that Officer Wesler illegally stopped and questioned the complainant because they were not obstructing the entrance as depicted by the BWC. Further, CCRB concluded that Officer Wesler violated NYPD Patrol Guide Procedure § 212-60, which states that officers may not stop a person for violation of Housing Authority rules unless the rule violation is also a criminal offense. Merely lingering in a common area, without more, is not a criminal offense for which a person may be stopped or arrested. He received Schedule Command B Discipline and received two days of penalty and received formalized training.

We recommend that Officer Wesler receive additional training in the law of search and seizure based on the *De Bour* standard and relevant NYPD policies. In addition, Officer Wesler's repeated misconduct should be considered an aggravating factor when imposing discipline in connection with the above complaints or for future 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").

Pursuant to Executive Law § 75(5)(c), please provide a written response within 90 days as to the NYPD's response to these recommended remedial actions, including documentation of any training provided.

Thank you,

LETITIA JAMES
Attorney General of the State of New York

By: Mihea Kim
Assistant Attorney General
Law Enforcement Misconduct Investigative Office