



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

**Letitia James
Attorney General**

August 3, 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 Osvaldo Garcia
OAG Matter No. 1-817977648
Tax No. 966073

Dear Commissioner Tisch,

We have reviewed your agency's referral of Police Officer Osvaldo Garcia pursuant to Executive Law Section § 75(5)(b). Based on our review, we have concluded that Officer Garcia engaged in a pattern of Fourth Amendment violations; several of these incidents of misconduct occurred while Officer Garcia was a member of the Patrol Borough Manhattan North Public Safety Team.

Our findings are based on the following incidents:

CCRB # 202204476: On July 19, 2022, at approximately 9:00 a.m., Complainant 1 was in the vicinity of his home, near West 156th St. and Amsterdam Avenue, and called 911 after an argument with an owner of his building. Officer Garcia and another officer, both from the 33rd Precinct, responded. Complainant 1 told the officers that he was bipolar, but did not respond to an officer's question as to whether he was medicated. After the officers walked away, Complainant 1 yelled insults at the officers from a distance, approached the officers, and continued to verbally insult them. Officer Garcia and the other officer then decided that Complainant 1 needed to be detained under Mental Hygiene Law § 9.41. Officer Garcia told the CCRB that he made this determination because Complainant 1 was agitated, and because he was unsure if Complainant 1 was medicated. Officer Garcia could not recall seeing Complainant 1 act in a manner that was threatening to anyone. The CCRB found that Officer Garcia's lack of

knowledge of Complainant 1's medication history was insufficient to demonstrate that Complainant 1 was mentally ill and behaving in a manner that was reasonably likely to result in serious injury to himself or the officers, as required for a detention under MHL § 9.41. Accordingly, the CCRB substantiated the allegation that Officer Garcia's forcible removal of Complainant 1 to the hospital was an abuse of authority.

On July 22, 2022, Officer Garcia and another officer responded to reports that Complainant 1 was standing in his apartment or lobby and throwing bottles at people. Officer Garcia decided to detain Complainant 1 under MHL § 9.41. Officer Garcia reached past the threshold of Complainant 1's home, removed a machete from underneath the door, and guided Complainant 1 out of the apartment to detain him under MHL § 9.41. Officer Garcia then vouchered the machete instead of returning it to the apartment as Complainant 1 requested. Officer Garcia told the CCRB that he did not know if the seizure was investigatory or for safekeeping. Although the CCRB found that Officer Garcia's initial seizure of the machete was appropriate insofar as he removed it from Complainant 1's reach, it found that because Complainant 1 was only using the machete to prop his door open and had asked for it to be returned to his apartment, and because Officer Garcia had no information that Complainant 1 was using the machete unlawfully, Officer Garcia had unlawfully seized a machete that had been legally in Complainant 1's possession.

The NYPD imposed no discipline for either substantiated allegation.

CCRB #202305185: On May 30, 2023, several individuals were in the courtyard of a residence at East 128th St. and Lexington Avenue. Multiple officers arrived at the location, including Officer Garcia, all of the Patrol Borough Manhattan North Public Safety Team ("PBMNPST"). Officer Garcia and Officer Alejandro Ruiz lawfully stopped, frisked, and detained an individual. Officer Ruiz approached Complainant 2A, who was watching the arrest, and drew his taser then pushed him several times. Complainant 2B attempted to intervene, and Officer Ruiz and Officer Edwin Nieves pushed Complainants 2A and 2B. Officer Garcia then pushed Complainant 2A, who was complying with officers' commands and was pushing Complainant 2B away from Officer Garcia. Officer Garcia removed his oleoresin capsaicin (OC) spray as both Complainants 2A and 2B walked away from him. When Complainant 2B turned his head to look back at Officer Garcia, Officer Garcia sprayed him in the face. Officer Garcia also sprayed Complainant 2A, who at the time was 8-10 feet away from him and walking backward away from the officers.

Officer Garcia told the CCRB that he OC sprayed Complainants 2A and 2B because they were blocking the officers' path and had made verbal and physical threats towards the officers. However, body-worn camera (BWC) footage disproved Officer Garcia's explanation. Officer Garcia was unable to identify any instance in his BWC footage of the incident where Complainant 2A made any verbal threats towards officers. When asked to cite any instances of

Complainant 2A taking a fighting stance in his BWC footage, Officer Garcia claimed that Complainant 2A did so immediately after Officer Garcia shoved Complainant 2A in the back. BWC however, showed Complainant 2A turning around and asking officers not to push him before he continued to walk. Officer Garcia also claimed that Complainant 2A and the other individual were approaching Officer Garcia when they were sprayed, but this was also disproven by BWC. Considering the lack of aggression and general compliance, the CCRB determined, despite Officer Garcia's claims, that his use of OC spray was not appropriate under the circumstances.

The excessive force allegations regarding Officer Garcia's pepper spray use were charged and resulted in Command Discipline Schedule B and the forfeiture of 10 days.

CCRB #202401096: On January 27, 2024, Officer Garcia of the PBMNPST, along with other officers, lawfully stopped Complainant 3A's vehicle at the southeast corner of West 125th St. and Amsterdam Avenue. Complainant 3B was a passenger in the car. Additional officers of the PBMNPST responded as well. The Complainants were stopped because Complainant 2B had a marijuana cigarette in plain view and because the license plate was registered to a different vehicle. The individuals were made to step out of the vehicle. Officer Garcia searched the vehicle, including the center console and the center gap beside the driver seat. Officer Garcia then asked Complainant 2A if there were any drugs or weapons in the car and asked for consent to search the vehicle. Complainant 2A said there were no drugs or weapons in the car and refused consent to search. At the conclusion of the incident Complainant 2A was given a summons for disorderly conduct by another officer (which was deemed unjustified) and Complainant 2B was given a summons for smoking marijuana.

Officer Garcia told the CCRB that he searched the vehicle because he believed the occupants had hidden drugs or a weapon there because the driver did not immediately pull over the vehicle and then refused to exit his vehicle. Officer Garcia did not receive consent to search the vehicle and only asked for consent after searching the vehicle. The CCRB found that Officer Garcia did not have the requisite suspicion of criminality to either search the vehicle, request consent to search it, or ask if Complainant 2A possessed contraband. The CCRB substantiated the allegations that Officer Garcia abused his authority by conducting an unlawful search and unlawful questioning.

Officer Garcia received formalized training in connection with this incident.

Based on the above incidents, we conclude that Officer Garcia engaged in a pattern of Fourth Amendment violations involving unlawful searches, force, and other seizures. We recommend that Officer Garcia's repeated misconduct be considered as aggravating factors when

imposing discipline for substantiated violations in the future, 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," and "any similarities between prior and current acts of misconduct,"). To prevent future misconduct, we also request that NYPD develop a plan for addressing Officer Garcia's conduct that includes training on search and seizure and use of force law, as well as potential removal from the PBMNPST, to ensure his compliance with the law and 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

By: Tina Peng

Assistant Attorney General

Law Enforcement Misconduct Investigative Office

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>.