



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

**Letitia James
Attorney General**

September 17, 2026

Police Commissioner Tisch
New York City Police Department
One Police Plaza
NY, NY 10005

Via Email

Re: Executive Law §75(5)(b) Referral of Sergeant Anthony Perlmutter
OAG Matter No. 1-817983408
Tax No. 962683

Dear Commissioner Tisch,

The Office of the New York State Attorney General (OAG) has reviewed your agency's referral Sergeant Anthony Perlmutter pursuant to Executive Law Section 75(5)(b). Based on our review, we have concluded that Sgt. Perlmutter engaged in a pattern of unlawful seizures in contravention of the Fourth Amendment while he was a Sergeant assigned to the 40 Precinct.

Our findings are based on the following incidents:

- Complaint 1: CCRB # 202307796:

Complainant 1 reported to CCRB that he was unlawfully stopped on August 17, 2023, at approximately 7:10 p.m., at the intersection of East 154th Street and Melrose Avenue in Bronx County by Sgt. Perlmutter and other NYPD officers. That evening, Sgt. Perlmutter and another NYPD officer were driving at fifteen to twenty miles per hour in an unmarked police vehicle and observed Complainant 1 from a distance of approximately two-car lengths away. Sgt. Perlmutter observed what he described as a rectangular shaped object in Complainant 1's right front pants pocket that he believed was a firearm because it resembled the slide of a firearm facing downward. He exited the police vehicle to stop Complainant 1. According to Complainant 1, he was walking on the sidewalk with two friends when two officers exited an unmarked police van, approached him from behind, and grabbed each of his shoulders and bookbag. One of them asked him if he had anything on him and responded that he did not. Two other officers then frisked him. One of them patted down his left pants pocket and groin area and the other officer

patted down his right front pants pocket. The frisking officers did not recover any weapons or other contraband. Sgt. Perlmutter and other involved officers returned to their police vehicle.

Sgt. Perlmutter and other NYPD officers on scene did not activate their body-worn camera (BWC) to record their encounter with Complainant 1. Absent BWC, CCRB interviewed Complainant 1 and all involved officers and confirmed that Sgt. Perlmutter was not one of the frisking officers but did participate in the stop of Complainant 1.

CCRB substantiated the allegation of an unlawful stop because Sgt. Perlmutter was unable to explain how the shape and size of the object was distinctively a firearm as opposed to an innocuous object, and his detection of that object, observation of Complainant 1's nervous behavior, and presence in a high crime area did not give Sgt. Perlmutter a reasonable suspicion that Complainant 1 was carrying a firearm. CCRB recommended NYPD impose Command Discipline B and, subsequently, NYPD imposed a penalty of five days of vacation forfeiture. Sgt. Perlmutter was also penalized, per CCRB's recommendation, for his failure to activate his BWC. The imposed penalty covered both acts of misconduct.

- Complaint 2: CCRB # 202310662

Complainant 2 reported to CCRB that on November 10, 2023, at approximately 6:15 p.m., in Bronx County, Sgt. Perlmutter unlawfully frisked him. Prior to being frisked, Complainant 2 was the passenger in a taxi with a TLC license plate that NYPD officers, including Sgt. Perlmutter, stopped because Complainant 2 was not wearing a seatbelt. The taxi pulled over and Sgt. Perlmutter approached taxi's back seat, where Complainant 2 sat, and shone his flashlight inside of it. He observed Complainant 2 not wearing a seatbelt in violation of VTL § 1229-c(3-c)(b). Another NYPD officer involved in the traffic stop approached Complainant 2 and also shone his flashlight into the back seat. The officer then crossed behind the vehicle from the driver side to the passenger side and saw Complainant 2 "duck below his seat." The officer ordered Complainant 2 to step out of the vehicle and Complainant 2 complied and placed his hands up with his cell phone in his right hand. Complainant 2 recorded the officer on his cell phone, but the officer perceived it as him "blading" his body. The officer and Sgt. Perlmutter frisked Complainant 2's clothing but Sgt. Perlmutter just frisked his vest.

The officers' Stop report justified the frisk by stating Complainant 2 was ordered to step out of car several times before he complied, hesitated and appeared to be nervous when he finally stepped out, turned his body to the right side to prevent officers from seeing that side of his body, and had a bulge in his right vest pocket that was rectangular in shape and resembled the shape of a firearm. CCRB found that BWC did not corroborate the officer's description of events leading to the frisks. BWC showed Complainant 2 sitting still in the taxi and not ducking or making furtive movements. It also showed that he was not slow to comply but briefly hesitated to exit the taxi when he was ordered to do it. Finally, he did not blade his body as described in the Stop report to conceal the right side of his vest, a description CCRB found was "manufactured."

CCRB substantiated the allegation that Sgt. Perlmutter unlawfully frisked the complainant and recommended Charges and Specifications. NYPD found him guilty after an administrative APU trial and imposed a penalty of three days of vacation forfeiture.

- **Complaint 3: CCRB # 202500954**

The mother of 14-year-old Complainant 3 reported to CCRB that her son was unlawfully arrested during an encounter with Sgt. Perlmutter and two other NYPD officers on January 27, 2025, at approximately 10:27 p.m. in Bronx County. While riding in an unmarked police vehicle, Sgt. Perlmutter and two officers from the 40 Precinct observed Complainant 3 standing in a roadway approximately five feet from their vehicle's passenger side. Complainant 3 was not in the middle of the roadway but one to two feet from vehicles parked perpendicular to the roadway. At the time, there was no traffic ahead or behind the police vehicle and no other vehicles or pedestrians moving on the roadway.

One officer exited the police vehicle and ordered Complainant 3 to "get out of the street." In response, Complainant 3 walked between the parked vehicles and onto the sidewalk. The same officer stated to him, "Get on the sidewalk," and Complainant 3 continued to walk toward the sidewalk. Approximately one minute later, another officer requested Complainant 3's identification. Complainant 3 stepped on the sidewalk and informed the officers that he did not have identification and did not consent to a search. He asked the officers for the basis for the stop, and they responded that he did not comply with their orders to get out of the street. One officer asked for his name and Complainant 3 did not provide it. That same officer told him he would be taken to the precinct if he did not tell them his name and Complainant refused to tell them. The officer ordered him to place his hands behind his back and then Complainant 3 told them his name. One officer responded that it was too late and Complainant 3 was handcuffed and taken to the precinct. Complainant 3 was placed under arrest for Obstruction of Governmental Administration (OGA) in the Second Degree for not obeying the officer's order to get out of the street and Harassment in the Second Degree. Sgt. Perlmutter supervised and verified the arrest. Complainant 3 was placed inside the police vehicle and transported to the precinct. During the transport, one officer told him that he blocked the police vehicle from moving on the roadway. The officer further accused him of walking in front of the police vehicle while he stopped to record the officers on his cell phone.

CCRB found that officers lacked probable cause to arrest Complainant 3 for OGA because failures or refusals to provide identification, as here, does not constitute the crime of OGA. They also did not have probable cause to arrest Complainant 3 for Harassment in the Second Degree because Complainant 3's actions did not satisfy the elements of this offense in that they did not cause immediate (or have the potential to cause) public concern since it did not extend beyond his interaction with the officers.

CCRB substantiated the unlawful arrest allegation against Sgt. Perlmutter, who supervised and verified the arrest, and CCRB's Board recommended Command Discipline B, but NYPD did not impose any discipline.

OAG recommends that Sgt. Perlmutter be retrained on the *DeBour* framework for constitutional seizures and subject to progressive discipline when found guilty or pleads guilty to substantiated allegations of misconduct involving constitutional violations.

Pursuant to Executive Law § 75(5)(c), please notify the OAG within 90 days of any actions your agency has taken in response to our recommendations.

Sincerely,

LETITIA JAMES
New York State Attorney General

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