



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

**Letitia James
Attorney General**

September 17, 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 Daniston Swaby
OAG Matter No. 1-817979448
Tax No. 967699

Dear Commissioner Tisch,

The Office of the New York State Attorney General has reviewed your agency's referral of Police Officer Daniston Swaby pursuant to Executive Law Section 75(5)(b). Based on our review, we have concluded that Officer Swaby engaged in a pattern of conducting unlawful searches during vehicle stops and issuing, and threatening to issue, unlawful summonses in violation of the Fourth Amendment of the United States Constitution and Article I, Section 12 of the New York State Constitution, and/or NYPD policy while assigned to the 69th precinct. Our findings are based on the following incidents:

CCRB 202305574: On June 18, 2023, Complainant 1 was driving his vehicle and pulled over upon noticing Officer Swaby behind him. When Officer Swaby drove up to him, he asked, "Why are you tailgating me?" PO Swaby stated that he had parked close behind because Complainant 1 was blocking traffic and then turned on the police vehicle's lights to indicate a traffic stop. Complainant 1 began recording and asked for the reason for the stop. Officer Swaby then forcibly removed the complainant from his vehicle. Complainant 1 failed to provide identification and was placed under arrest for having a fake temporary license plate. He was then taken to the stationhouse, where the officers confirmed that the license plate was in fact authentic. PO Swaby's partner issued Complainant 1 a summons for disorderly conduct (which CCRB determined lacked justification) and excessively tinted windows. The CCRB investigation substantiated the allegation that PO Swaby abused his authority by searching the vehicle because body-worn camera (BWC) footage shows officers conducted an inventory search of the vehicle without safeguarding valuables in the vehicle, having released the vehicle immediately after the search without vouchering any items therein. The CCRB recommended Command Discipline A. NYPD did not take any disciplinary action.

CCRB 202310568: On November 9, 2023, Complainant 2 filed a complaint with the CCRB alleging that on November 7, 2023, PO Swaby approached him while he was with his two-year-old son at a park located at Glenwood Road between East 100th Street and East 101st Street. Complainant 2 claimed that PO Swaby threatened to arrest him, issue a summons, and call the Administration for Child Services (ACS). Complainant 2 was then issued a summons for smoking marijuana inside of a park. The CCRB investigation found that PO Swaby unjustifiably made these threats. CCRB recommended Command Discipline B for abusing authority by threatening to contact ACS and Command Discipline B for threatening the complainant. Charges remain pending.

CCRB 202400113: On December 1, 2023, Complainant 3 was driving in the vicinity of Ralph Avenue and Avenue J in Brooklyn with a license plate taped to the inside of his car's windshield. Officer Swaby stopped him and directed him to exit his vehicle. He refused and called for a supervisor to come to the scene. He was instructed by officers to step out or, if he failed to do so, be arrested. Complainant 3 stepped out of the vehicle and was asked if he had weapons. He was then frisked, placed into handcuffs, and taken to the 69th street station house, where his vehicle was searched. The CCRB investigation substantiated allegations that PO Swaby had threatened to arrest, searched the complainant's vehicle, and issued an unlawful summons. CCRB found that PO Swaby had no basis to threaten arrest for obstructing governmental administration or disorderly conduct when Complainant 3's refusal to exit was merely verbal. Officer Swaby conducted an inventory search of the vehicle without vouchering its contents as required by law and NYPD policy. Lastly, CCRB found that Complainant 3's refusal to comply with orders to exit his car did not constitute disorderly conduct under New York Penal Law § 240.20 in the absence of a crowd or an order to disperse. Therefore, PO Swaby unlawfully issued the summons. CCRB recommended Command Discipline B for issuing the unlawful summons and Command Discipline A for the vehicle search. Charges remain pending.

CCRB 202400867: On January 25, 2024, Complainant 4A filed a complaint on behalf of Complainant 4B and Complainant 4C. On January 31, 2024, an additional complaint was filed by Complainant 4D. On January 25, 2024, Complainants 4B and 4C were walking in the vicinity of 92nd Street and Farragut Road in Brooklyn when officers in an unmarked car attempted to speak with them. When Complainant 4B and 4C began to cross the street, the officers exited their vehicle to stop and question them. After refusing to answer questions Complainant 4B was placed in hand cuffs. Complainant 4B was then escorted to an unmarked vehicle. As officers tried to identify Complainant 4B, he continuously called PO Swaby a racial slur for which PO Swaby wrote Complainant 4B a summons for disorderly conduct. Although PO Swaby found the remarks to be offensive and degrading, the CCRB determined that the use of offensive language did not extend beyond PO Swaby's immediate interaction with the complainant or cause any public harm, requirements under the disorderly conduct statute. NYPD imposed Command Discipline A for the issuance of the unlawful summons.

CCRB 202402955: On January 26, 2024, Complainant 5 was stopped for speeding by PO Swaby and another officer. During the stop, PO Swaby placed his fingers inside the complainant's vehicle, threatened to arrest the driver for refusing to wind his window down, and

issued him a summons for disorderly conduct. PO Swaby issued a summons for disorderly conduct because he believed Complainant 5 used an unreasonable tone and failed to wind down his window to provide his ID. Additionally, PO Swaby refused to provide the complainant with his business card and shield number. The CCRB investigation substantiated that PO Swaby abused his authority by issuing an unlawful summons because using profanity against officers doesn't rise to the level of disorderly conduct according to New York Penal Law § 240.20. CCRB recommended Command Discipline B. A decision regarding the recommended discipline remains pending.

Based on the above incidents, we conclude that PO Swaby engaged in a pattern of conducting unlawful searches, threatening unlawful arrests, and issuing unlawful summons. To prevent future misconduct, we recommend that NYPD develop a plan for addressing PO Swaby's conduct that includes monitoring and training to ensure his compliance with the Fourth Amendment.

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.

Sincerely,

LETITIA JAMES
Attorney General of the State of New York

By: Lillian Marquez
Deputy Bureau Chief
Law Enforcement Misconduct Investigative Office
Attorney General of the State of New York

Imani Saddler
Investigative Analyst
Law Enforcement Misconduct Investigative Office
Attorney General of the State of New York