



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

**Letitia James
Attorney General**

June 23, 2026

Commissioner Jessica Tisch
New York City Police Department
1 Police Plaza
New York, NY 10038

Via Email

Re: Executive Law § 75(5)(b) Referral of Detective Michael McCarthy
OAG Matter No. 1-794795787
Tax No. 950855

Dear Commissioner Tisch,

The Office of the New York State Attorney General has reviewed your agency's Executive Law § 75(5)(b) referral of complaints involving Detective Michael McCarthy from March 2019 to January 2021.

Based on our review we have not made a finding of a pattern or practice of misconduct, excessive use of force, or acts of dishonesty by Detective McCarthy with respect to the referred complaints.

However, we note that in the investigation of a civilian complaint of excessive force in IAB Log 2021-02155, the Internal Affairs Bureau investigation did not identify or address the actions of another officer (Officer Roberto Napoli, not Detective McCarthy), who appears to inappropriately have used force against an individual after he had already been handcuffed. While the individual was cuffed and standing, asking the officers present to collect his hat off the ground, an officer was grabbing his shoulder. The individual took a few steps away from the officer and moved his shoulders, stating, "Get your fucking hands off me, bro. I'm in fucking handcuffs, bro!" Officer Napoli then took the individual to the ground and said, "Get this guy down! Who do you think you are? Cut it out. Stop being a child." See Officer Napoli BWC at T03:41:35-03:42:29. Despite this conduct, the IAB investigative worksheet stated that there had been no further incident after the first takedown when the individual was taken into custody. Although the individual complained about an officer grabbing his shoulder while he was in handcuffs and took a few steps away from that officer, such movement did not justify Officer Napoli's use of force against a handcuffed individual. See *Adedeji v. Hoder*, 935 F. Supp. 2d 557, 568 (E.D.N.Y. 2013) (collecting cases concluding that "a claim of necessary force [is] much

harder to maintain' after a suspect is already in handcuffs" at which point "even a minor use of force may be found to have been unreasonable").

We appreciate the cooperation of you and your agency.

Thank you,

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