



STATE OF NEW YORK  
OFFICE OF THE ATTORNEY GENERAL

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DIVISION OF SOCIAL JUSTICE  
LAW ENFORCEMENT MISCONDUCT INVESTIGATIVE OFFICE

December 6, 2024

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

*Via Email*

Re: Letter regarding Executive Law § 75(5)(b) Referral of Police Officer Bryan Scheblein, OAG Matter No. 1-794795307

Dear Commissioner Tisch,

We have reviewed your agency's referral of Police Officer Bryan Scheblein pursuant to Executive Law Section 75(5)(b). Based on our review, we have concluded that Officer Scheblein engaged in a pattern of misconduct involving repeated unlawful stops, frisks, and searches.

Our findings are based on the following incidents:

- CCRB 201904252: The CCRB substantiated allegations that Officer Scheblein unlawfully questioned a civilian. On May 11, 2019, Complainant One was on the front porch of his residence when he observed an unmarked car drive past him, abruptly stop, reverse, and hit a car parked in front of his neighbor's home. Officer Scheblein exited the unmarked vehicle and approached Complainant One. According to Officer Scheblein, he approached Complainant One because he observed Complainant One grab something on his person and walk upstairs. Video footage of the incident shows Officer Scheblein stating that he approached Complainant One because he "looked suspicious." According to Complainant One, Officer Scheblein went on to question him, and Officer Scheblein admitted that he likely told Complainant One to take his hands out of his pockets. The CCRB investigated this incident and substantiated the allegation that Officer Scheblein abused his authority by questioning Complainant One without having the requisite founded suspicion that criminality was afoot. NYPD imposed Formalized Training on Officer Scheblein.
- CCRB 201909592: The CCRB substantiated allegations that Officer Scheblein unlawfully stopped, frisked, and searched an individual. On November 1, 2019,

Complainant Two was walking when an unmarked vehicle crossed his path. Officer Scheblein and two other officers exited the vehicle and approached Complainant Two, after which Officer Scheblein frisked and searched Complainant Two. According to Officer Scheblein, he saw Complainant Two's hand in his sweatshirt pocket holding something prior to the stop. The CCRB investigated this incident and substantiated allegations that Officer Scheblein abused his authority by stopping, frisking, and searching Complainant Two without having the requisite reasonable suspicion to stop Complainant Two, the requisite reasonable suspicion to frisk him, or the requisite probable cause to search him. The CCRB additionally found that Officer Scheblein abused his authority by speaking discourteously to Complainant Two and failed to provide him with a business card, prepare a memo book entry, and stop and frisk report as required by NYPD policy. NYPD warned and admonished Officer Scheblein.

- DADS#2022-24675: The NYPD's Internal Affairs Bureau substantiated allegations that Officer Scheblein unlawfully searched Complainant Three. On July 3, 2021, Officer Scheblein and two other officers pulled over Complainant Three. Officer Scheblein frisked Complainant Three, inquired about weapons, then conducted a search of Complainant Three's vehicle without any legal basis to do so and found a firearm in the glove compartment. Complainant Three then fled while the officers were attempting to grab him. During the pursuit, Complainant Three jumped over a wall and broke his left ankle. Complainant Three was subsequently arrested and taken to the hospital. Officer Scheblein was charged with searching a vehicle without a legal basis and failing to prepare a Stop Report in connection with this incident. He pled guilty to these charges and was disciplined with forfeiture of thirteen vacation days. Complainant Three filed a notice of claim (see Index No. 801568/2022E, Bronx County Supreme Court), alleging that he was falsely arrested and wrongfully detained by Officer Scheblein and other officers, and the matter was settled for \$99,000.
- CCRB 201610413: While this incident occurred outside of the referral period, it is consistent with the pattern we have identified. The CCRB substantiated allegations that, on December 7, 2016, Officer Scheblein unlawfully frisked Complainants Four and Five during a vehicle stop. According to Officer Scheblein, he saw Complainant Four put his hand in his jacket pocket and saw something reflective in his hand (Complainant Four had his phone out recording the incident). Officer Scheblein acknowledged that he did not see any bulges on Complainants Four and Five. The CCRB investigated this incident and substantiated allegations that Officer Scheblein abused his authority by frisking Complainants Four and Five without having the requisite reasonable suspicion that the individuals had a weapon to do so. NYPD imposed Formalized Training on Officer Scheblein.<sup>1</sup>

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<sup>1</sup> In two other cases, the CCRB concluded that Officer Scheblein abused his authority by speaking discourteously to civilians. On March 19, 2020, Officer Scheblein stated to the Complainant, "stop fucking resisting," "you're acting petty for petty shit right now," and "stop with the bullshit." (CCRB 2020002393.) On January 28, 2021, Officer Scheblein again used the term "shit" when speaking with the Complainant. The CCRB substantiated allegations that Officer Scheblein abused his authority by speaking discourteously in both cases. (CCRB 202100688.)

In addition to the substantiated misconduct noted above, Officer Scheblein is named in the following civil lawsuits and pending CCRB investigations involving similar allegations:

- Index No: 516577/2022 (Kings County Supreme Court) – The plaintiff alleged that on June 17, 2019, Officer Scheblein, Officer Weeks, and other officers approached and grabbed the plaintiff while he was walking and falsely placed him under arrest. The plaintiff further alleged that the officers used unreasonable and excessive force in effectuating the arrest and unlawfully searched the plaintiff. The lawsuit is currently pending.
- Index No: 808487/2021E (Bronx County Supreme Court) – The plaintiffs alleged that on March 19, 2020, Officer Scheblein, Officer Moncion, and other officers unlawfully pulled over the plaintiffs, then unlawfully searched, handcuffed, and detained them using excessive force in the process, and unlawfully arrested one of the plaintiffs. The lawsuit is currently pending.
- Index No. 811098/2022E (Bronx County Supreme Court) – The plaintiff alleged that on February 17, 2021, Officer Scheblein, Officer Hanson, and other officers approached the plaintiff for no reason, and stopped, strip searched, grabbed, assaulted, battered, detained, and arrested him. The lawsuit is currently pending.
- Index No: 804081/2022E (Bronx County Supreme Court) – The plaintiff alleged that on September 12, 2021, Officer Scheblein, Officer Hanson, Sergeant Rivera, and other officers approached the plaintiff, stopped, strip searched, assaulted, detained, and arrested him. This lawsuit was settled for \$75,000.
- Index No: 814432/2023E (Bronx County Supreme Court) – The plaintiff alleged that on February 18, 2023, Officer Scheblein and other officers approached the plaintiff for no reason, and stopped, searched, grabbed, assaulted, battered, detained, and arrested him. This lawsuit was settled for \$50,000.
- Officer Scheblein is a subject officer in several ongoing CCRB investigations. CCRB 202303898 involves allegations of abuses of authority for racially biased policing and an unlawful vehicle search during a May 3, 2023 incident. CCRB 202309958 involves allegations of abuses of authority for failure to explain, failure to provide an RTKA card, and improper use of body-worn camera during an October 16, 2023 incident. CCRB 202404224 involves allegations of abuses of authority for unlawful stops and an unlawful frisk during an April 30, 2024 incident.

Based on the substantiated matters identified above, we conclude that Officer Scheblein engaged in a pattern of unlawful stops, frisks, and searches. To prevent future misconduct, we request that NYPD develop a plan for addressing Officer Scheblein's conduct that includes monitoring and training to ensure compliance with the law and NYPD policy. Additionally, should the CCRB substantiate any of the pending allegations of abuse of authority, the penalty for such misconduct should be augmented based on Officer Scheblein's prior misconduct detailed above per NYPD's

Disciplinary Matrix. Due to the established pattern of misconduct, no time restrictions would apply or preclude progressive discipline based upon all incidents of prior misconduct.<sup>2</sup>

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

Thank you,

LETITIA JAMES  
Attorney General of the State of New York

By: Lillian Marquez  
Deputy Bureau Chief  
Law Enforcement Misconduct Investigative Office

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<sup>2</sup> *NYPD Disciplinary System Penalty Guidelines* (Sept. 9, 2024), p. 12. Available at [https://www.nyc.gov/assets/nypd/downloads/pdf/public\\_information/nypd\\_disciplinary\\_system\\_penalty\\_guidelines\\_effective\\_09-09-2024.pdf](https://www.nyc.gov/assets/nypd/downloads/pdf/public_information/nypd_disciplinary_system_penalty_guidelines_effective_09-09-2024.pdf).