



STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL

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DIVISION OF SOCIAL JUSTICE
LAW ENFORCEMENT MISCONDUCT INVESTIGATIVE OFFICE

September 27, 2024

Interim Commissioner Thomas G. Donlon
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 James Lindquist, OAG Matter No. 1-794654467

Dear Commissioner Donlon,

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

Our findings are based on the following incidents:

- **CCRB 201907695:** On August 28, 2019, Complainant 1 and his two passengers were pulled over by two officers, who were later joined by Officer Lindquist and two other officers. After one of the officers saw a Metropolitan Transit Authority placard that she surmised was forged, Officer Lindquist searched the front driver's seat. The CCRB concluded that there was no probable cause for arresting Complainant 1 because the officers lacked sufficient basis to conclude that the government placard was stolen or forged. Additionally, the CCRB substantiated the abuse allegation against Officer Lindquist because, even if probable cause existed for the arrest, his search lacked sufficient nexus to that probable cause. The NYPD issued Officer Lindquist a Command Discipline, Schedule A for this violation. The complainant's criminal charge of being in possession of stolen property was ultimately dismissed.
- **CCRB 202004452:** On May 1, 2020, Officer Lindquist and his partner pulled over Complainant 2A's car after observing him driving dangerously. Complainant 2A got out of the car, shouted at the officers as they approached, and ignored Officer Lindquist's commands to move to the rear of the car. With the help of other officers who stopped to provide assistance, Officer Lindquist handcuffed and frisked Complainant 2A and then

frisked the passenger, Complainant 2B, who had remained calm during the interaction, remained inside the car until told to exit, and exhibited no threatening behavior. Officer Lindquist also searched the driver's seat because, he maintained, he had detected the odor of marijuana. The CCRB substantiated abuse allegations against Officer Lindquist and two other officers for frisking Complainant 2B. It found that the first two officers who frisked the passenger did not have enough time between the stop and the frisk to observe any potential weapons and did not articulate a basis for suspecting him of a crime. Further, Officer Lindquist's alleged detection of marijuana did not serve as a legal basis for his frisk, and there was no reasonable basis for believing Complainant 2B was able to arm himself in the short period of time after the first two frisks. The NYPD declined to impose discipline for Officer Lindquist's misconduct.

- **M-2021-56:** On January 12, 2021, Officer Lindquist and his partner attempted to stop a vehicle being driven by Complainant 3 that appeared to pass a stop sign without stopping. After following the car for about a minute with his emergency lights activated, Officer Lindquist accelerated and drove in front of the vehicle to stop it from moving forward, hitting the complainant's car and causing damage to both vehicles. Officer Lindquist then exited his vehicle, opened the driver door, ordered him out, and frisked him. Officer Lindquist's partner also frisked Complainant 3 and recovered a knife, which he said was related his work as a firefighter; he also searched the front and rear passenger area of the vehicle. Officer Lindquist then searched the driver side area and inside the center console. The IAB concluded that Officer Lindquist had conducted a lawful stop and had probable cause to search the complainant after recovering a knife but searched the complainant's vehicle without legal authority and failed to make required activity log entries.¹ NYPD issued Officer Lindquist Command Disciplines for these violations.

- **CCRB 201703383:** On May 2, 2017, Officer Lindquist and his partner stopped Complainant 4's vehicle for a purportedly defective brake light. Officer Lindquist questioned the driver regarding whether he had ever been arrested and fingerprinted in the past and later issued him a verbal warning regarding the brake light. Although the CCRB was unable to determine whether the stop justified, it substantiated the allegation that Officer Lindquist abused his authority by asking accusatory questions. Because the stop related to a vehicle infraction and Officer Lindquist did not otherwise develop a reasonable suspicion that the driver had committed, was committing, or was about to commit a crime and therefore lacked lawful justification to ask accusatory questions of him under *People v. De Bour*. Additionally, both officers failed to prepare a stop and frisk report and a memo book entry as required by Patrol Guide Procedures 212-11 and 212-08, respectively. Officer Lindquist received formalized training for these violations. While this incident occurred outside of the referral period, it is consistent with the pattern we have identified.

¹ CCRB did not investigate due to lack of complainant cooperation. (CCRB Compl. No. 202100562.)

Based on the above substantiated incidents,² we conclude that Officer Lindquist engaged in a pattern of unlawful searches and frisks in contravention of federal and state constitutions. We are not recommending specific discipline because command discipline has already been imposed for most of the noted violations. However, to prevent future misconduct, NYPD should develop a plan for addressing Officer Lindquist’s repeated misconduct that includes monitoring and training on investigative encounters and *De Bour*, and Officer Lindquist’s repeated misconduct should also be considered an aggravating factor when imposing discipline for any future violations, per NYPD’s Disciplinary Matrix (“conduct demonstrating a pattern of behavior that indicates an inability to adhere to Department rules and standards” and “prior disciplinary history”).

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

² Officer Lindquist was also disciplined in connection with a 2019 incident in which the CCRB concluded he was discourteous. (CCRB Compl. No. 201909958.) Because that misconduct differs substantially from the other misconduct here, we do not treat it as part of the pattern.

We also note that several civil lawsuits naming Officer Lindquist as a defendant allege unlawful searches and seizures as well as excessive force. Plaintiff Harry Perez alleged in his suit that on May 11, 2017, Officer Lindquist and other NYPD officers unlawfully grabbed, searched, assaulted and arrested him, and settled his case for \$15,000. (N.Y. Sup. Ct., Bronx Cnty., Index No. 28657/2018E.) Plaintiff Lakita Pizarro alleges that on June 30, 2017, Officer Lindquist and other NYPD officers unlawfully handcuffed and arrested her and searched her apartment in order to pressure her to give information about her brother; the case remains pending. (N.Y. Sup. Ct., Bronx Cnty., Index No. 27734/2019E.) Plaintiff Krishaun Rogers alleged that Officer Lindquist chased him without justification and used excessive force while handcuffing him on June 19, 2018; he settled his case for \$60,000. (N.Y. Sup. Ct., Bronx Cnty., Index No. 22638/2019E.) The City of New York reported settling claims against Officer Lindquist by Plaintiffs Joshua Peguero, Angel Vazquez, Jason Vazquez, and Noel Vazquez for \$45,000. (N.Y. Sup. Ct., Bronx Cnty., Index No. 801433/2021.) Plaintiff Jorge Franco alleges that on April 27, 2021, Officer Lindquist and other officers unlawfully grabbed, searched, assaulted and arrested him. (N.Y. Sup. Ct., Bronx Cnty., Index No. 807837/2022E.) Plaintiff Alexis Sanchez alleges that on April 11, 2023, Officer Lindquist and other NYPD officers unlawfully grabbed, searched, assaulted and arrested her; the case remains pending. (N.Y. Sup. Ct., Bronx Cnty., Index No. 814972/2023E.) Because we have identified a pattern of misconduct based on the CCRB complaints alone, we have not separately assessed the allegations in these lawsuits.