



STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL

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ATTORNEY GENERAL

DIVISION OF SOCIAL JUSTICE
LAW ENFORCEMENT MISCONDUCT INVESTIGATIVE OFFICE

August 5, 2024

Via E-mail

Patrick Ryder, Commissioner of Police
Nassau County Police Department
1490 Franklin Avenue
Mineola, New York 11501

Re: Executive Law § 75(5)(b) Referral for Detective Casey Quinn
OAG Matter No. 1-350576930

Dear Commissioner Ryder:

We have reviewed your agency's Executive Law § 75(5)(b) referral for complaints involving Detective Casey Quinn. Based on our review, we have not made a finding of a pattern or practice of misconduct, use of excessive force, or acts of dishonesty by Detective Quinn. We did find that Detective Quinn's search of the vehicle following a traffic stop in Citizen Complaint No. 32-2020 did not meet with constitutional requirements. We discuss below our finding with respect to that referred complaint and recommend that your agency retrain Detective Quinn on the laws governing vehicular searches.

Citizen Complaint No. 32-2020

On January 25, 2020, at approximately 8:30 pm on North Woodfield Road in West Hempstead, New York, Detective Quinn conducted a traffic stop of a vehicle occupied by Complainant and her boyfriend. Detective Quinn informed the OAG that he observed the driver, who was Complainant's boyfriend, steer into oncoming traffic to pass another vehicle. Before pulling the vehicle over, he ran a check of the license plate to make sure that it was not stolen. After Detective Quinn pulled them over, he observed the driver and Complainant moving around inside the vehicle. He described that he could see their "bodies shuffling." He admitted that he could not see "where their hands [were] going at the time but it looked they were moving around in the car." He stated that at the police academy, he was taught that when occupants move around in the vehicle, they could be trying to conceal something in of it. He ordered the driver and Complainant to provide their driver's licenses and step out of the vehicle.

Detective Quinn searched the area where the driver and passenger sat because, as he described, “they could possibly be trying to conceal something.” He explained that under such circumstances, he often searched the driver’s side and the center console. He would “return to the back of the vehicle” and “look over” the center console a second time because “that’s a common place for people to try and hide something.” His partner would search the passenger’s side, including underneath the passenger seat, the glove box, and the center console. According to Detective Quinn, the purpose of the vehicle search was to look for “anything that could possibly be illegal that they were trying to conceal.” He did not recover evidence of a crime or contraband and did not issue a traffic ticket to the driver.

During the internal investigation, Complainant’s allegations of an unconstitutional vehicle stop and search were classified as one allegation of “improper tactics or procedures.” The IAU Commanding Officer concluded that these allegations should be “undetermined” based on the information received from Complainant and the involved officers. Complainant stated that her boyfriend, who was the driver, was taking her home when pulled over by the officers. Contrary to Detective Quinn’s observation, Complainant further stated that her boyfriend did not unlawfully drive around another vehicle and pass it. She told the NCPD investigator that the officers tailgated them before they were pulled over and pulled them over in front of her home. Detective Quinn and his partner stated they observed Complainant’s boyfriend travel northbound but move onto the southbound lane to pass a vehicle that was turning. They pulled over the vehicle occupied by Complainant. As they approached it, they noticed the driver and Complainant moving around inside the vehicle and Detective Quinn described it as their “bodies shuffling.” When they approached the vehicle, they asked the occupants for identification and subsequently ordered them to step out of the vehicle. At that time, they looked into the vehicle where the occupants were seated.¹

New York carved out a narrow exception to the probable cause requirement for a vehicle search during a traffic stop precipitated by a traffic infraction. Absent probable cause, New York law allows officers to conduct a limited intrusion into the vehicle if the totality of the information available supports a reasonable conclusion that there is a substantial likelihood of a weapon within the vehicle that poses an actual and specific threat to the officers’ safety.² Furtive movements suggesting that the vehicle’s occupant was reaching for something that might be a weapon combined with some other suggestive factor have been determined to satisfy the narrow exception.³ This “protective” vehicle search does not allow officers to search a stopped vehicle for contraband other than weapons.⁴

Based on Detective Quinn’s statements to the OAG and the NCPD internal investigation, we find that Detective Quinn’s search of the vehicle operated by Complainant’s boyfriend was

¹ The Form 361 documenting the internal investigation did not mention that the involved officers also searched the glove box and center console.

² *People v Carvey*, 89 NY2d 707 [1997]

³ *People v Scott*, 216 AD3d 552 [1st Dept 2023]

⁴ *People v Carvey*, 89 NY2d 707 [1997]

unconstitutional. Detective Quinn lacked reasonable suspicion that a weapon was inside the vehicle to justify the search of the driver's and passenger's side and center console. His observations of the occupants' movements alone did not provide probable cause to search or to satisfy the narrow exception permitting a limited intrusion to search for weapons under the reasonable suspicion standard. In addition, he did not articulate any additional factors to justify that he reasonably suspected that a weapon was inside the vehicle and that it posed an actual and specific threat. Instead, Detective Quinn told the OAG that he searched the vehicle because driver and passenger "could possibly be trying to conceal something" and that he looked for "anything that could possibly be illegal." These statements indicate that he did not reasonably suspect the presence of a weapon that posed actual and specific danger.

Based on our review of this referred complaint, Detective Quinn's search of Complainant's vehicle was unconstitutional. We recommend that Detective Quinn be retrained on the laws governing vehicle searches during traffic stops.

We appreciate the cooperation of you and your agency.

Thank you,

Tyler Nims

Chief, Law Enforcement Misconduct Investigative Office
New York State Office of the Attorney General