



STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL

LETITIA JAMES
ATTORNEY GENERAL

DIVISION OF SOCIAL JUSTICE
LAW ENFORCEMENT MISCONDUCT INVESTIGATIVE OFFICE

October 10, 2024

Commissioner Joseph A. Gramaglia
Buffalo Police Department
68 Court Street
Buffalo, NY 14202

Via Email

Re: Letter regarding Executive Law 75(5)(b) Referral of Officer John Britzzaloro
OAG Matter No. 1-793960287

Dear Commissioner Gramaglia,

We have reviewed your agency's referral of Police Officer John Britzzaloro pursuant to Executive Law Section 75(5)(b). 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 Officer Britzzaloro.

However, we find that with respect to EC2020-048, on September 3, 2020, Officer Britzzaloro searched the complainant's vehicle without sufficient justification. In that incident, officers pulled over a vehicle after receiving a report that the vehicle's occupants had been involved in an attempted robbery involving verbal threats but no weapon. Before the occupants were identified by the victims and arrested, Officer Britzzaloro removed the occupants from the vehicle, patted them down, and placed them in police vehicles. He then searched the entirety of the vehicle. While the temporary detention of the occupants was justified pending their identification, there was no articulable reason to suspect that there was a weapon in the vehicle, and any immediate threat was eliminated once the occupants were removed, patted down, and detained in police vehicles. *People v. Torres*, 74 N.Y.2d 224, 544 N.Y.S.2d 796, 543 N.E.2d 61 (1989). While the search may have been justified as an inventory search after the arrest, there was no legal basis to search the entirety of the vehicle prior to the arrest.

We appreciate the cooperation of you and your agency.

Thank you,

Tyler Nims
Chief, Law Enforcement Misconduct Investigative Office