



STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL

LETITIA JAMES
ATTORNEY GENERAL

DIVISION OF SOCIAL JUSTICE
LAW ENFORCEMENT MISCONDUCT INVESTIGATIVE OFFICE

May 16, 2025

Commissioner Kevin Catalina
Suffolk County Police Department
30 Yaphank Ave
Yaphank, NY 11980

Via Email

Re: Letter regarding Executive Law 75(5)(b) Referral of Police Officer John
Antoniades, OAG Matter No. 1-793900207

Dear Commissioner Catalina,

We have reviewed your agency's referral of Police Officer John Antoniades pursuant to Executive Law Section 75(5)(b). Based on our review, we conclude that that Officer Antoniades engaged in a pattern of unlawful frisks, searches, and seizures.

I. Overview of Investigation

The May 10, 2022 referral, supplemented with additional complaints on November 16, 2023, was based on eleven complaints, five of which are described in detail below.¹ Following receipt of the referral, the Office of the New York State Attorney General ("OAG") reviewed Suffolk County Police Department's ("SCPD") internal investigative and disciplinary files associated with the complaints, as well as policies that governed the alleged misconduct. OAG personnel interviewed Officer Antoniades and several of complainants and civilian witnesses.

II. Findings

A. Complaint 1, 21-73i

1. Factual Background

On February 23, 2021, at approximately 10:30pm, Officer Antoniades and his partner, Officer Thomas O'Neill, followed Complainant 1 in Lindenhurst, NY, and pulled him over as he

¹ The May 10, 2022, referral was based on five complaints. On November 16, 2023, the referral was supplemented with an additional six complaints.

turned into a Burger King parking lot. Body-worn cameras (“BWC”) were not issued to officers until 2022; as such, there is no BWC footage of this incident. According to Officers Antoniades and O’Neill, they pulled over Complainant 1 for speeding, although Complainant 1 maintained in both his recorded interview with Internal Affairs and his interview with the OAG that he was not speeding. After the officers asked for Complainant 1’s license and registration and briefly returned to the patrol car, Complainant 1 called a friend who he put on speaker phone so that she could hear the remainder of the interaction. Officer Antoniades returned to Complainant 1’s vehicle and ordered him to step outside of the car. According to Complainant 1 as well as his friend on speaker phone, Officer Antoniades asked Complainant 1, a 24-year-old Black man, if the car, which was a BMW, belonged to him. According to Complainant 1 and his friend, neither of the officers would provide a reason why he was being asked to step out of the car, and when Complainant 1 asked for a supervisor, Officer Antoniades refused, stating he did not need to call one.

When Complainant 1 asked questions rather than immediately stepping out of the car, Officer Antoniades reached into the car, opened the door from the inside, and pulled Complainant 1 out of the vehicle. Officer Antoniades searched Complainant 1’s person, including his pockets, while Officer O’Neill searched the vehicle, including the trunk, for approximately four minutes. According to Complainant 1, he asked why Officer Antoniades had stopped and searched him, to which Officer Antoniades responded, “Because you’re a young man, driving in a car like that.”²

In their interviews with Internal Affairs, Officers Antoniades and O’Neill claimed that when they approached Complainant 1’s vehicle, they smelled a “strong” odor of unburnt marijuana emanating from the vehicle. The officers saw plastic bags with remnants of marijuana and “loose residual marijuana crumbs” on the floorboard in plain view. According to Officer Antoniades, he informed Complainant 1 both why he was being pulled over (speeding) and why his vehicle was being searched (the smell of marijuana). Officer Antoniades further stated that he found similar plastic bags of very “small” and “residual” amounts of unburnt marijuana in Complainant 1’s pockets but did not recover the marijuana from Complainant 1’s person or vehicle because “it was so residual [he] wouldn’t have felt comfortable making a charge...it was just a couple of crumbs”³ According to Complainant 1, the officers did not find anything on his person or in the vehicle. Following the searches, the officers allowed Complainant 1 to leave and did not issue him any tickets or summonses.

Internal Affairs found Complainant 1’s allegations of unlawful search and seizure and biased policing to be unsubstantiated, but described the officers’ justification for searching Complainant 1 and his vehicle as “suspect,” noting that “the finding of a ‘minuscule amount’ of marijuana apparently conflicts with the officers’ contention that they detected a strong odor of

² While Complainant 1 had called his friend and put her on speaker phone, the phone remained in the car during the search of Complainant 1’s person, and the friend did not hear the conversation between Complainant 1 and Officer Antoniades during this time.

³ Officer Antoniades’s partner, Officer O’Neill, provided a substantially similar account to Internal Affairs.

marijuana.” The Internal Affairs investigator did not question the officers about Complainant 1’s allegation of racially biased policing.

2. OAG Conclusions

We conclude that Officers Antoniades and O’Neill unlawfully searched Complainant 1’s person and vehicle.⁴ The officers’ sole justification for those searches was the alleged presence of a strong odor of unburnt marijuana, a justification that is belied by the absence of any marijuana recovered from the vehicle. *See People v. Robbins*, 68 Misc. 3d 1223(A), 130 N.Y.S.3d 606 (Erie Co. 2020) (granting suppression as police conduct was unlawful, noting that officers allegedly finding “crumbs or scraps” of marijuana, then failing to recover or test the crumbs, and failing to charge unlawful possession of marijuana, “hardly lend[] the ring of credibility to the officers’ testimony that they smelled a strong odor of marijuana”).

The search of Complainant 1 and his vehicle were in violation of the Fourth Amendment and SCPD policies and procedures. *See* U.S. Const. amend. IV; N.Y. Const., Art. I, § 12; Suffolk County Police Department NY LE Policy Manual, Policy 312.

B. Complaint 2, 22-200i

1. Factual Background

On April 24, 2022, at approximately 2:30pm, Complainants 2A and 2B were parked in the parking lot of Airport Plaza in East Farmingdale in a Blue Chevy Malibu with Rhode Island license plates. According to the Complainants, they pulled into the Home Depot parking lot to wait for Complainant 2A’s father and uncle. While parked, an unmarked police vehicle approached their car. According to the Complainants in both their interviews with Internal Affairs and the OAG, the officer in the unmarked vehicle, Officer Gennaro, began to stare at the Complainants, after which the driver asked the officer if he knew them. According to Officer Gennaro in his interview with Internal Affairs, he was stationed in the Home Depot parking lot to observe the nearby Ulta store, when the Complainants pulled up next to him and stated, in sum and substance, “what the fuck are you looking at, do you know me or something?” The Complainants denied using profanity.

Following this interaction, Officer Gennaro used his radio to have a direct conversation with Officers Antoniades and Adornetto, during which Officer Gennaro stated that he had encountered a vehicle matching the description of a vehicle involved in two larcenies of Ulta Beauty stores earlier that day and that the occupants of the vehicle had approached him and exchanged words with him in the parking lot of Airport Plaza. In his interview with OAG, Officer Antoniades stated that he was familiar with the two Ulta larcenies that day and had heard descriptions of the suspects and their vehicle over the radio an hour or two prior to his conversation with Officer Gennaro. According to Officer Antoniades, the descriptions he heard over the radio matched those listed in SCPD’s event detail report, and included vehicle

⁴ This search occurred approximately five weeks before the March 31, 2021 passage of the Marijuana Regulation & Taxation Act, which decriminalized possession of small amounts of marijuana.

descriptions of a “silver Infiniti [with] Michigan plates” and a “gray/blue Nissan Altima [with] partial plate New York” that may have included a K and a 4. The radio description further described two Black males, one short, one tall, as well as two Black males in the vehicle, with no clothing description. Over an hour prior to the officers approaching the Complainants, the description of the vehicle was further clarified and broadcasted as a “grey Nissan Altima” along with the full plate number.

The prior Ulta larcenies occurred in Riverhead and Bayshore, approximately 44 miles and 12 miles respectively from the Airport Plaza parking lot where this incident occurred. Unlike the vehicles described in connection with the Ulta larcenies, the Complainants’ car was a Blue Chevy Malibu with Rhode Island license plates. Officer Antoniadès identified the complainants as Black and Hispanic males in his interview with Internal Affairs.

While the Complainants remained parked, Officers Antoniadès and Adornetto arrived and approached their vehicle. According to Officers Antoniadès and Adornetto, they observed the Complainants in the parked vehicle moving and reaching around, behind, and under the seats, and they also observed money and multiple cell phones in the vehicle. According to Officer Antoniadès, he asked the Complainants to stop moving around, but they continued to move. He then asked Complainant 2A (the driver) to step out of the vehicle and frisked him for weapons while Officer Adornetto frisked Complainant 2B (the passenger). Finding nothing, Officers Antoniadès and Adornetto then searched the vehicle’s “grabbable areas.” The officers did not find any contraband. According to Officer Antoniadès, the Complainants cooperated with the stop and he and his partner explained to the Complainants that they had been stopped because their vehicle matched the description of one involved in a series of larcenies.

During the stop, Complainant 2A’s uncle arrived and began filming the interaction. In the cell phone recording, Officer Gennaro states that the Complainants were stopped due to a spree of Ulta robberies. Officer Adornetto can be seen frisking Complainant 2B, and Officers Antoniadès and Adornetto can be seen searching the vehicle while the Complainants are standing at the back of the car. Complainant 2A’s uncle can be heard stating on video that the officers were racially profiling the Complainants.

During his interview, Internal Affairs asked Officer Antoniadès to confirm that he “did not stop these two individuals based solely on their race,” to which Officer Antoniadès responded “no.” Internal Affairs found the allegations of illegal search and seizure and biased policing to be unsubstantiated.

2. OAG Conclusions

We conclude that Officer Antoniadès lacked the requisite reasonable suspicion to justify the temporary detention of the Complainants, the frisk of Complainant 2A, and the search of the vehicle. Officer Antoniadès was familiar with the Ulta robberies earlier in the day and had heard vehicle descriptions of a “silver Infiniti [with] Michigan plates” and a gray Nissan Altima with a New York plate, including its plate numbers—descriptions that did not match the Complainants’ Blue Chevy Malibu with Rhode Island license plates. Further, the radio description of the Ulta robberies described two Black males, one short, one tall, as well as three Black males in the

vehicle, with no clothing description, a description that was both too vague to justify reasonable suspicion for their detention. *See People v. Simpson*, 174 A.D.2d 348, 350 (“a description which is meager and lacking in specificity may be insufficient”); *People v. Wisdom*, 125 A.D.2d 512; *People v. Figueroa*, 58 A.D.2d 655, 656 (“[n]ot only were the officers initially proceeding upon the vaguest of descriptions, consistent with countless individuals”); *People v. Ramon T.*, 30 Misc. 3d 1218(A), 924 N.Y.S.2d 311 (Sup. Ct. 2011) (“[T]he only similarity between Defendants and the description given to [the officer] is that they are black males . . . Even though Defendants did not match most of the elements of the general description given to [the officer], he contended that one of the bases of his suspicion was that the defendants ‘matched the description.’ Accordingly, that basis for the stop of the vehicle also is not credible.”); *People v. La Borde*, 66 A.D.2d 803, 804, 410 N.Y.S.2d 886, 889 (1978) (“The only apparent nexus between the two automobiles is the ethnic identity of the men, an insufficient basis upon which to premise reasonable suspicion.”). As such, the officers lacked the requisite reasonable suspicion to temporarily detain the Complainants.

Once the officers approached the vehicle, the movements they stated that they observed Complainants 2A and 2B making did not justify a frisk or search. “A passenger who bends down to the floor of a vehicle is not engaged in ‘furtive’ movements. There is nothing presumptively clandestine or sneaky about such activity and it is certainly susceptible of innocent interpretation.” *People v. Guzman*, 153 A.D.2d 320, 323, 551 N.Y.S.2d 709, 711 (1990) (citing *People v. Santiago*, 136 A.D.2d 942, 524 N.Y.S.2d 893). Further, the presence of money and cell phones did not justify a frisk, as these items would not support reasonable suspicion that the Complainants were armed or dangerous, especially given that the Complainant’s vehicle did not match the description of the vehicles involved in the Ulta larcenies and that the descriptions of the Ulta larcenies did not include any mention of threats, physical force, or use of a weapon.

Finally, it was unlawful for the officers to search the vehicle. *People v. Torres*, 74 N.Y.2d 224, 230, 543 N.E.2d 61 (1989) (“[t]he rule we fashion asks only that, once the officers have taken steps to secure their own physical safety, they limit their intrusion to the inquiry permitted by CPL 140.50.”); *see also People v. Mundo*, 99 N.Y.2d 55, 59 (2002) (“absent probable cause, it is unlawful for a police officer to invade the interior of a stopped vehicle once the suspects have been removed and patted down without incident, as any immediate threat to the officers’ safety has consequently been eliminated”).

Officer Antoniades detained the Complainants, frisked Complainant 2A, and searched the Complainants’ vehicle in violation of the U.S. and New York constitutions and SCPD policies and procedures. *See* U.S. Const. amend. IV; N.Y. Const., Art. I, § 12; Suffolk County Police Department NY LE Policy Manual, Policy 312.

C. Complaint 3, 22-463i

1. Factual Background

On October 18, 2022, Officer Antoniades and his partner, Officer Seda, were surveilling a home in Amityville when they observed two men carrying backpacks from the residence and placing them into a black Mercedes Benz in the driveway. Officers Antoniades and Seda, who

were in an unmarked car, followed the vehicle until they observed that the passenger was not wearing a seatbelt, and attempted to pull over the vehicle. The driver initially started to pull over, but fled before the traffic stop could be conducted. Officer Antoniades then engaged in a high-speed chase of the vehicle.⁵

The vehicle disregarded traffic lights, stop signs, and other rules while fleeing, and struck a moving vehicle and a pedestrian, causing severe injury. Officer Antoniades continued to chase the vehicle following these collisions, and did not stop and assist the victims. The pursuit ended in a crash, resulting in multiple injuries.

SCPD substantiated the allegations against Officer Antoniades of improper police action and failure to perform duty and imposed the forfeiture of two vacation days as discipline. While Officer Antoniades maintained in his interview that for most of the pursuit he was following from a safe distance and was not in active pursuit, Internal Affairs determined that Officer Antoniades' actions constituted a pursuit. Internal Affairs further noted that pursuing a vehicle for a seatbelt violation of the Vehicle and Traffic Law was against department policy.

2. OAG Conclusions

We agree with SCPD's conclusions that Officer Antoniades engaged in improper police action and the failure to perform his duties by engaging in a high-speed vehicle chase for a seatbelt violation of the VTL and failing to render aid to injured people, block traffic, or secure the scene.

D. Complaint 4, 23-381i

1. Factual Background

On September 6, 2023, Complainant 4, a 19-year-old white woman, was driving with her passenger, an 18-year-old Black man, when an unmarked vehicle with three plainclothes officers—Officers Antoniades, John Adornetto, and Christopher Case—stopped them, frisked the passenger, and searched the vehicle.

According to Officer Antoniades, he observed the front passenger “not wearing a seatbelt properly.” Officer Antoniades stopped and approached the vehicle and requested both the driver's and passenger's identification. Officer Antoniades observed a pill bottle in the cupholder in the center console of the vehicle and asked the front passenger to step out of the vehicle. According to Officer Antoniades, the pill bottle had no prescription label on it, and when he asked the occupants about it, they both denied ownership of the pill bottle. However, according to Complainant 4, the pill bottle had a prescription label, and she explained to the officer that it was for antibiotics prescribed to her when questioned about it.

According to Officer Antoniades, he observed the passenger reaching over to his left side into the console cup holder area while the officers were pulling the vehicle over. In the

⁵ The officers did not take down the vehicle's license plate information prior to the pursuit.

Intelligence Debrief Form completed by Officer Case, he stated, “upon approaching the vehicle, both occupants were making reaching movements towards the center console of the vehicle in what [was] believed to be an effort to conceal or destroy contraband.” In his interview with OAG, Officer Antoniadis said he was focused on the passenger, who he frisked due to “the movements he observed while pulling them over.” No weapons or contraband were recovered during the frisk. The driver was not frisked. According to Officer Case, he and Officer Adornetto checked the pill bottle, found that it was empty, then he partially entered the vehicle and remained for 10-15 seconds, checking the front floor area to “see if there was any evidence of contraband dumped on the floor.” According to Complainant 4, while searching the vehicle, the officers had “every door open,” were “climbing” in the back seat of vehicle to search, and “going through all of [her] consoles.”

No weapons or contraband were recovered, and the pill bottle was empty. The officers left the pill bottle in the vehicle and no tickets or summonses were issued.

Despite having been issued body-worn camera, none of the three officers activated their BWC during this incident. In his interview with Internal Affairs, Officer Antoniadis first explained that he forgot to activate his BWC, then added that he “was also talking to them in an attempt to gather intel, and I don’t like to record those moments.” According to Complainant 4, Officer Antoniadis asked several questions about her relationship with her boyfriend, asking how long they had been together, where they were coming from, and what they were doing.

In his interview, Internal Affairs asked Officer Antoniadis, “did you stop this vehicle solely because of the race of either of the parties within?” to which Antoniadis responded “no.” Officer Antoniadis explained that he knew the race and gender of the individuals stopped, as he was able to see inside the vehicle before the stop. When an Internal Affairs investigating officer called Complainant 4 to obtain the details of her complaint, he asked Complainant 4 if there was anything that happened that she believed indicated some sort of bias. Complainant 4 responded that it was strange that her boyfriend was taken out of the vehicle and searched, while she was not. The investigating officer responded by saying, “okay but we can’t say it was based [on race].” He added, in sum or substance, “a bias investigation is a very serious allegation, so there needs to be corroborative action or events to substantiate it, other than the fact they were different races and were stopped.”

Internal Affairs found that the allegations of biased policing, improper police action, and improper search/seizure were unsubstantiated, but substantiated that the officers failed to activate their BWC.

1. *OAG Conclusions*

Officer Antoniadis’ frisk of the passenger was unlawful. To conduct a frisk, an “‘officer must have knowledge of some fact or circumstance that supports a reasonable suspicion that the suspect is armed or poses a threat to safety.’” *People v. Driscoll*, 101 A.D.3d 1466, 1467 (3d Dep’t 2012) (quoting *People v. Batista*, 88 N.Y.2d 650, 654 (1996)). The movements Officer Antoniadis allegedly observed—the driver and passenger reaching toward the center console—did not justify a frisk. *People v. Mouzon*, 31 Misc. 3d 1242(A), 932 N.Y.S.2d 762 (Rochester

City Ct. 2011) (“the single observation of defendant reaching into the car’s console does not rise to the level of articulable facts demonstrating a substantial likelihood that there was a weapon in the console”) (citing *People v. Hackett*, 47 AD3d 1122, 1124 (3rd Dep’t 2008) (observation of car occupant’s nervous behavior insufficient to permit a limited search); *People v. Chann*, 221 A.D.2d 155 (1st Dep’t 1995) (observation that car occupant looked away and slumped down insufficient to permit a limited search); *People v. Guzman*, 153 A.D.2d 320, 323 (4th Dep’t 1990) (observation that car occupant bent down insufficient to permit a limited search)).

The officers’ search of the vehicle was also unlawful. The officers’ observation of a pill bottle in the center console, with no observation of its contents, did not justify a detailed inspection of the bottle or a limited search of the vehicle. See *People v. Boykin*, 188 A.D.3d 1244, 1245 (2d Dep’t 2020) (“However, since there was nothing from [the officer’s] observation of the top of the prescription bottle located in the seat pocket that indicated that the bottle contained contraband, there was no justification for his removal of the bottle and detailed inspection of it and its contents or for the subsequent search of the car for weapons or other contraband.”).

E. Complaint 5, 23-414i

1. *Factual Background*

On September 14, 2023, Officers Antoniades, Adornetto, and Case, all assigned to the warrant enforcement section, were looking for the subject of an active warrant. The subject of the warrant was a 25-year-old individual that Officer Antoniades had met once in the past, had researched, and had viewed photographs of, as his warrant was “high priority.” Officer Antoniades described the subject of the warrant in his interviews with Internal Affairs and OAG as a “skinny, black male” with “little twists” in his hair. The officers had received a tip that evening that the subject of the warrant had been spotted in a grey shirt walking in “the south streets” with a loaded firearm, an area that spans approximately sixty city blocks.

That same evening, Complainant 5, a 17-year-old Black high school student, was walking home from a football game. The officers observed Complainant 5, who was wearing a grey t-shirt, walking in the “south streets.” The officers, who were in plainclothes (wearing jeans, t-shirts, and baseball hats) and in an unmarked vehicle, stopped their car and, according to the officers, identified themselves as police. According to Complainant 5, the officers did not identify themselves as police and instead attempted to beckon him over, saying “come here buddy.” According to Complainant 5, he began to run out of fear because he did not know the men were police officers. While running, he threw an empty, clear Ziplock bag on the ground.⁶ Officers Antoniades and Case pursued Complainant 5 on foot, while Officer Adornetto pursued in the vehicle. Officer Antoniades stated in his interview with OAG that he did not get a clear

⁶ Complainant 5 stated that the Ziplock was his empty sandwich bag that he had eaten food from. Officer Adornetto picked up the Ziplock bag and later examined it. The bag appeared empty but for some plastic wrap on the BWC footage. Officer Adornetto stated to both Internal Affairs and OAG that he found “residual amounts of marijuana” in addition to the plastic wrap in the bag.

look at Complainant 5's face before chasing him, as it was dark outside, and there were not a lot of streetlights in the area.

As Officers Antoniadis and Case chased Complainant 5, he jumped a fence to an unknown individual's front yard. According to Complainant 5, he began knocking on the front door for help, while according to Officer Antoniadis, he was "banging on the front door and pulling on it to try and open it." When Officers Case and Antoniadis arrived at the front door, Officers Antoniadis and Case can be seen on BWC taking Complainant 5 to the ground, and Officer Antoniadis can be heard stating to Complainant 5 that he was under arrest. Sergeant Degirolamo then arrived at the scene, and the officers together handcuffed Complainant 5. While handcuffing Complainant 5, Officer Antoniadis asked Officer Case to cut off his backpack with a knife, which Officer Antoniadis then searched. As Officer Case cut off the bag, he asked Complainant 5 for his name. Complainant 5 stated his name and that he was just a teenager coming home from football practice. The BWC footage also shows Complainant 5 repeatedly asking the officers if they can talk and what he was being arrested for, to which the officers did not respond until after he was detained and handcuffed. During this time, the officers yelled for Complainant 5 to stop moving as they attempted to cut the backpack off of him, to which Complainant 5 responded that they were "cutting [him] up." After the backpack was removed, Officer Case told Complainant 5 that he was being arrested for jaywalking. In his interview with OAG, Officer Antoniadis said the officers did not pursue Complainant 5 for jaywalking and that he did not know why Officer Case had said that.

The officers' BWC footage shows that they encountered Complainant 5 at the front door at approximately 9:42pm, Complainant 5 identified himself by name at 9:44pm, and the officers obtained his student ID at 9:45pm.

After the officers detained him, handcuffed him, and Officer Antoniadis searched his backpack, the officers examined Complainant 5's school ID,⁷ confirming he was not the subject of the warrant. Still handcuffed, Complainant 5 said to the officers, "if a random car pulled on you and asked where you were going, you'd be scared too . . . just because I ran, anyone would be scared." He explained that he had been chased by a dog and was already scared, and "[he] thought he was getting chased by the KKK or something." He repeatedly stated to the officers that he thought someone was trying to kill him when the unmarked vehicle pulled up and beckoned him over. Complainant 5 asked Officer Case, "wait you are really the cops?" Complainant 5 can also be heard on the BWC footage repeatedly asking if he could go home safely, stating that "[he] was not trying to die."

The officers kept Complainant 5 handcuffed on the ground while they knocked on the door of the home. When the resident opened the door, Officer Case told her that someone was trying to break into her house, after which after which Officers Antoniadis and Adornetto entered the foyer area of home to speak with the resident. Complainant 5 can be heard on BWC trying to explain to the woman, "I was just scared, I was just asking..." before Officer Case cut him off. Officer Case yelled at Complainant 5, utilized profanity, and commanded Complainant 5 to stop talking when he asked questions or tried to explain his innocence, even after the officers

⁷ Officer Case initially examined the school ID card, then tossed it to Officers Antoniadis and Adornetto.

had confirmed he was not the subject of the warrant. Officer Antoniades asked the resident whether she wanted Complainant 5 to be arrested “for running through [her] yard.” The resident replied that she did not want to press charges because Complainant 5 “was only trying to save his life.” Complainant 5 was ultimately uncuffed at approximately 10:02pm, 18 minutes after his identity had been confirmed by the officers as a different person than the subject of the warrant.

Complainant 5 stated to OAG that, as a result of the force used by the officers, he sustained cuts to his knee and elbow and pain in his back and wrists.⁸ He also described the emotional impact of the incident: walking was how he got home from school and football, and for months after the incident he was afraid every time he walked home. He stated that the presence of police officers now makes him nervous.

Internal Affairs exonerated Officer Antoniades and the other involved officers of the allegations of excessive force and improper police action.

2. OAG Conclusions

- (1) Officer Antoniades unlawfully kept Complainant 5 detained and handcuffed for 18 minutes after learning that he was not the subject of the warrant.

The officers confirmed at 9:45 p.m. Complainant 5’s identity using his student ID, which did not match the subject of the warrant but kept Complainant 5 in handcuffs for approximately 18 more minutes, despite lacking any further basis for continuing to detain and handcuff him. Although the officers asked the homeowner whether she wanted to press charges for trespassing, trespassing is a violation for which Complainant 5 could not have been arrested pursuant to CPL 150.20. *See Matter of Alfred B.*, 77 Misc. 3d 602, 610 (N.Y. Fam. Ct. 2022) (“the court finds that CPL § 150.20 was violated when respondent was placed in handcuffs”). It is concerning that the officers sought to charge Complainant 5 for trespass after taking him to the ground, handcuffing him, cutting off his backpack with a knife and searching it, all based on a mistaken ID; after Officer Case repeatedly spoke discourteously to Complainant 5; and after learning that Complainant 5 was a high school student and not the subject of the warrant.

- (2) Officer Antoniades unlawfully cut off and searched Complainant 5’s backpack.

A police officer is not authorized to search an individual’s bag without an actual arrest or the formulation of an intent to arrest. *People v. Mangum*, 125 A.D.3d 401, 403 (1st Dept. 2015). Here, the officers had not yet identified Complainant 5, who had stated that “they had the wrong guy,” that he was a teenager, and his name, which was different from the subject of the warrant, at the time Officer Antoniades searched Complainant 5’s backpack. Immediately following the search of the backpack, one of the other officers found Complainant 5’s ID on his person and provided the ID to Officer Antoniades, confirming that he was not the subject of the warrant.

⁸ The officers stated that Complainant 5 denied medical attention at the time of their interaction with him, stated he was sore from his football game earlier in the day, and did not complain of injuries. Complainant 5 was seen by medical professionals later that evening, and according to the Notice of Claim filed by his mother, he was diagnosed with multiple contusions and abrasions.

Given that the officers did not have probable cause for his arrest, the search of Complainant 5's backpack was unlawful.⁹ *People v. Reid*, 24 N.Y.3d 615, 620, 26 N.E.3d 237 (2014) (“the ‘search incident to arrest’ doctrine, by its nature, requires proof that, at the time of the search, an arrest has already occurred or is about to occur.”).

III. Conclusion and Recommendations

A. Officer Antoniades Engaged in a Pattern of Misconduct

The incidents describe above constitute a pattern of Fourth Amendment violations involving unlawful frisks, searches, and seizures. Officer Antoniades unlawfully searched Complainant 1 and his vehicle, unlawfully frisked Complainant 2A and searched his vehicle, engaged in a high-speed vehicle pursuit of the driver and passenger in Complaint 3 in contravention of SCPD policy, unlawfully frisked Complainant 4's passenger while other officers unlawfully searched an area of the vehicle, and unlawfully extended the detention of Complainant 5 after learning he was not the subject of the warrant and wrongfully searched his backpack.

B. Recommended Remedial Actions

To prevent future violations, SCPD should develop a plan for addressing the issues described above that includes monitoring, training, and a periodic review of stops and searches to ensure Officer Antoniades' compliance with the Fourth Amendment and SCPD policy. Because the Civil Service Law's statute of limitations period for these incidents has passed, we are not recommending discipline.

Please inform the Office of the Attorney General within 90 days of the actions SCPD is taking in connection with these recommendations, pursuant to Executive Law § 75(5)(c).

Thank you,

LETITIA JAMES
Attorney General of the State of New York

By: Tyler Nims
Chief
Law Enforcement Misconduct Investigative Office

⁹ In his interview with OAG, Officer Antoniades stated that he understood he could arrest an individual who he believed was the subject of a warrant only after confirming their identity.