



**Office of the New York State  
Attorney General**

**Letitia James  
Attorney General**

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February 27, 2025

Commissioner Craig Macy  
Buffalo Police Department  
68 Court Street  
Buffalo, NY 14202

***Via Email***

Re: Executive Law § 75(5)(b) Referral of Police Officer Calvis McKnight  
OAG Matter No. 1-793388967

Dear Commissioner Macy,

The Office of the New York State Attorney General has reviewed your agency's referral of Buffalo Police Department ("BPD") Officer Calvis McKnight pursuant to Executive Law § 75(5)(b). Based on our review, we conclude that Officer McKnight engaged in a pattern of unlawful manual body cavity searches in 2019.

This letter sets forth the findings, conclusions, and recommendations of the Office of the New York State Attorney General (OAG). We ask that you respond to the recommended remedial actions within 90 days pursuant to Executive Law § 75(5)(c).

**I. Overview of Investigation**

The January 22, 2022, referral was based on a series of nine complaints, two of which are described in detail below.

Following receipt of the referral, OAG personnel reviewed BPD's internal investigative files, disciplinary outcomes, relevant police paperwork, policies that governed the alleged misconduct, Officer McKnight's personnel file and officer training history. We interviewed individuals who made complaints against Officer McKnight. We also interviewed Officer McKnight pursuant to Executive Law § 75(4)(e). Because BPD did not widely adopt body worn camera ("BWC") until 2020, no BWC footage exists for these incidents, each of which took place in 2019. The factual summaries for each of these incidents are taken from written complaints, complainant and officer Internal Affairs Division ("IAD") statements, interviews with OAG, as well as police paperwork generated and available recordings of the incidents.

## II. Findings

The findings of fact described below are based on an evaluation of the evidentiary record using a preponderance of the evidence standard.

### A. Incident #1- EC2020-35

#### 1. Factual Background

On April 9, 2019, BPD Officers Vincent Workman and Jason Wagstaff, who were on patrol, activated their overhead lights to stop Complainant 1's vehicle for a traffic infraction. Complainant 1 did not immediately pull over. By his own account, he drove around the block because he was on parole and driving on his grandmother's street and feared being arrested in front of her. Upon stopping his vehicle, Complainant 1 fled on foot and after a brief struggle with Officers Workman and Wagstaff, the officers handcuffed Complainant 1 and patted him down. Nothing was recovered during the pat-down search.

After Complainant 1 was handcuffed, three additional officers arrived, including Officer McKnight. At the time, Officer McKnight was assigned to E-District. According to statements that Complainant 1 and Officer McKnight made to IAD, upon arriving on scene, Officer McKnight asked whether Complainant 1 had been searched.<sup>1</sup> Complainant 1 further stated that Officers Workman and Wagstaff told Officer McKnight that he had been searched, but Officer McKnight proceeded to slide his hand down the middle of Complainant 1's buttocks over his boxers, which caused him to jerk away. This is consistent with Officer McKnight's statement during his interview with IAD, in which Officer McKnight stated that he began to search the lower half of Complainant 1's body, at which time Complainant 1 became uncooperative and resistive. Complainant 1 indicated in his IAD statement that his pants were below his waist because of the earlier struggle with Officers Workman and Wagstaff and that only his boxer shorts covered his buttocks when Officer McKnight touched him in that area. McKnight stated during his interview with IAD that he searched outside of Complainant 1's pulled up boxer shorts. Complainant 1 further alleged that Officer McKnight said that he felt something during the initial pat down search

According to Complainant 1, the officers then held down his legs while Officer McKnight put on gloves and put his hand between his buttocks and inserted his fingers into anus. All the involved officers denied having done so in their IAD interviews. No drugs or other contraband were found on Complainant 1. Officer McKnight rode in the back of the patrol vehicle with Complainant 1 to cellblock, where he was subjected to a subsequent strip search that did not recover any contraband.

During this incident, Complainant 1 was recording on his phone using Facebook Live, which captured the audio for part of this interaction. The phone appeared to have fallen under a

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<sup>1</sup> BPD was unable to produce a transcript or recording Officer McKnight's testimony to IAD regarding this incident, but did provide the IAD investigator's written summary of Officer McKnight's IAD interview.

seat of his vehicle or underneath the car itself. During the approximately three-minute recording, Complainant 1 can be heard screaming “you’re violating,” “please don’t violate,” “help me,” “stop,” and “get out [sic] my ass.” Approximately two minutes into the recording, after Complainant 1 stopped screaming, Officer McKnight, can be heard saying “what you got? Not nothing. I felt that shit.” Complainant 1 then replied, “you touched my asshole man... it might have been a hemorrhoid or some shit, I don’t have nothing in my fucking ass.” Following this, Complainant 1 pleaded that he was “not trying to resist” and stated that officers had kicked him. Then an officer instructed him to “turn over” and the audio recording ends.

When investigating this incident, the BPD investigator spoke with a witness who resided on the street where this incident occurred. This individual was upstairs in his home and looked on while Complainant 1 was being arrested by three or four officers. He reported hearing Complainant 1 yelling “you [sic] violating me” at which point officers picked him up from the ground and placed him into a patrol vehicle.

In McKnight’s interview with OAG, he stated that he only conducted a “pat down” of Complainant 1 while he was in handcuffs, “in the middle of the street” and in view of at least Officers Workman and Wagstaff. Officer McKnight could not recall whether the pat down was done over Complainant 1’s pants or boxer shorts. Officer McKnight denied touching Complainant 1’s bare buttocks or penetrating his anus. When asked whether there were any other indicia that Complainant 1 may have had contraband other than Complainant 1’s alleged uncooperativeness, Officer McKnight stated that there was none.

The Department’s investigation into this incident resulted in a “conference” between Officer McKnight and a Deputy Police Commissioner on March 31, 2021. According to BPD,

A conference is a verbal counseling session typically conducted by a chief of a command, deputy commissioner or commissioner. There are also options for a captain or inspector to perform a conference but those are less frequently used by the department. Though a conference is not considered formal discipline, it is the first step in progressive discipline for several violations (BWC violation, Accident with minor property damage, etc.). All conferences and their subject matter are required to be memorialized by the supervisor conducting the conference, and this information is to be included in the case file prior to closure.

## 2. OAG Findings

We find by a preponderance of the evidence that Officer McKnight conducted an unlawful manual body cavity search on Complainant 1.

As the New York Court of Appeals has explained,

There are three distinct and increasingly intrusive types of bodily examinations undertaken by law enforcement after certain arrests....

A “strip search” requires the arrestee to disrobe so that a police officer can visually inspect the person's body. The second type of examination—a “visual body cavity inspection”—occurs when a police officer looks at the arrestee's anal or genital cavities, usually by asking the arrestee to bend over; however, the officer does not touch the arrestee's body cavity. In contrast, a “manual body cavity search” includes some degree of touching or probing of a body cavity that causes a physical intrusion beyond the body's surface.

*People v. Hall*, 10 N.Y.3d 303, 306-07 (2008).

To conduct “a visual cavity inspection, the police must have a specific, articulable factual basis supporting a reasonable suspicion to believe the arrestee secreted evidence inside a body cavity and the visual inspection must be conducted reasonably.” *Id.* at 311. A manual body cavity search requires an even higher standard: “there must be ‘a clear indication that relevant evidence will be found’ inside an arrestee’s body and a search warrant authorizing the seizure of evidence must be obtained unless an emergency situation exists.” *Hall*, 10 N.Y.3d at 307 (quoting *California v. Schmerber*, 384 U.S. 757, 770 (1966)). “The clear indication test requires that searches beyond the surface of a person's body be supported by at least probable cause.” *Hall*, 10 N.Y.3d at 307 n.3. In setting these standards, courts have recognized that “interests in human dignity and privacy” arise when entering a person’s body in an evidentiary probe and accordingly that “lawful arrest” alone does not justify police intrusion into a person’s body. *Schmerber*, 384 U.S. at 769.

There is an exception to the general rule that searches utilizing a physical intrusion into an individual’s body cannot be conducted without probable cause or a warrant. In the event of an emergency or exigent circumstances, defined as situations which pose “a threat to the officer’s personal safety or of the destruction of the evidence,” an officer may conduct a cavity search. *People v. More*, 97 N.Y.2d 209, 214 (2002). In *More*, the Court considered whether drugs recovered pursuant to a warrantless body cavity search could be admitted as evidence. In finding the body cavity search unconstitutional, the Court held that the prosecution “failed to offer any evidence of exigent circumstances to justify dispensing with the warrant requirement.” *Id.*

Citing *Schmerber*, the Court reasoned that there was no evidence from which an officer “might reasonably have believed that he was confronted with an emergency, in which the delay necessary to obtain a warrant.” *Id.* at 213. In reaching this conclusion, the Court noted that there were other effective “means of incapacitating the defendant and keeping him under full surveillance” that would “prevent his access to a weapon or prevent his disposing of the drugs.” Further, the Court cited the lack of evidence that the police “were concerned that the drugs – which were wrapped in plastic – could have been absorbed into defendant’s body.” *Id.* at 214.

Here, despite Officer McKnight’s denials to IAD and OAG, the contemporaneous Facebook Live recording provides strong evidence that he engaged in “some degree of touching or probing” sufficient to constitute a manual body cavity search. In that three-minute recording, after repeatedly screaming out “help,” “you’re violating,” and “get out my ass,” Complainant 1

exclaimed, “you touched my asshole.” Rather than denying this statement, Officer McKnight responded, “What you got? Not nothing. I felt that shit.”

Lacking a warrant, the only way such an invasive search could have been justified would be if Officer McKnight had probable cause to believe that Complainant 1 had secreted contraband within his body and there were exigent circumstances – neither of which were present. Complainant 1 had been arrested for fleeing from a traffic stop, not a drug offense. He already had been subject to a pat-down by two other officers before engaging with Officer McKnight. No threat to the officers’ personal safety existed and there was no particularized basis to believe that any alleged contraband was present, let alone at risk of being destroyed because Complainant 1 was in handcuffs. To the extent a strip search or other more invasive search was required, it could have been performed at cellblock, which is the BPD holding center located in the Buffalo City Court building on the basement level. Accordingly, Officer McKnight’s search of Complainant 1 was unconstitutional.

## B. Incident #2- EC2019-18

### 1. Factual Background

On May 3, 2019, BPD Officers McKnight and his partner Officer Barker initiated a traffic stop based on an inadequate plate lamp. Complainant 2 pulled his vehicle over. Officer McKnight approached the driver’s side of the vehicle and noted the smell of marijuana. Officer McKnight asked Complainant 2 to step out of the vehicle and he complied. Officer McKnight then performed an over the clothes pat down of Complainant 2 and noted that he felt a bulge in his buttocks.

According to Complainant 2’s written complaint dated May 29, 2019, after performing the pat down, Officer McKnight asked Complainant 2 if he had “anything in [his] ass,” to which he repeatedly replied “no.”<sup>2</sup> Complainant 2 further stated that Officer McKnight’s partner said, “let’s call the dogs” and Officer McKnight replied, “I’m going in his ass myself fuck the dog.” Officer McKnight stated in his interview with IAD that he repeatedly asked, and Complainant 2 consistently denied having anything on his person. Officer McKnight also stated that he told Complainant 2 “I’m gonna [sic] take him down for obstruction and then we’re going to [cellblock].” He further stated that he told Complainant 2 that if officers find something once at cellblock, it will be introduced as contraband. Officer McKnight stated that Complainant 2 then agreed to the search, stating, “Yeah, go ahead. You can do that.”

Following this alleged exchange, Officer McKnight stated to IAD that he then put on gloves, loosened Complainant 2’s belt and looked inside his underwear and saw part of a bag sticking out. Officer McKnight then stated that he separated Complainant 2’s legs and “pull[ed] back some of his flesh” and stated that he was “touching the outer part of his butt cheek.” During his IAD statement, Officer McKnight denied putting a finger in Complainant 2’s rectum or

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<sup>2</sup> Complainant 2’s interview with BPD took place on June 17, 2019. Officer IAD interviews in connection with this incident took place in August and September 2019, on the same dates as their interviews in connection with the incident involving Complainant 2.

“mak[ing] contact with his anal cavity.” Officer Barker initially stated that Officer McKnight retrieved the narcotics from Complainant 2’s underwear but later in his IAD interview “clarif[ied]” that Officer McKnight retrieved them from Complainant 2’s pants. According to Complainant 2, Officer McKnight pulled down his pants in the middle of the street and “force[d] his fingers in and out of [his] rectum several times humiliating [him] in a sexual way.” Narcotics were recovered from Complainant 2’s person: specifically, five sandwich bags containing crack cocaine. Officers searched Complainant 2’s vehicle and additional narcotics were recovered.

Speaking generally, Officer McKnight, during his IAD interview in connection with this incident, stated that “out of all the narcotics arrest [sic] that I have, it’s probably a majority [where the suspect hides narcotics in his underwear]. Most of the time they go get it and on some occasions I would have to go get it myself.” Similarly, Officers Mitchell R. Thomas and Mitchell J. Thomas both stated in IAD interviews in connection with this incident that they had seen and had themselves gone into a subject’s underwear after feeling a bulge during a pat down.

The Department’s investigation into this incident resulted in a “conference” between Officer McKnight and a Deputy Police Commissioner on October 30, 2019.

During his interview with OAG, Officer McKnight admitted that asking someone if they had “anything in [their] ass” sounds like something he would say. When confronted with the arrest data form that he authored, which stated that “[u]pon search the def[endant] had 5 sandwich bags of crack cocaine in his underwear recovered by P.O. J. Barker,” he acknowledged that “[i]t doesn’t seem right” and stated that “I don’t know what I was thinking.” When asked what his understanding is of BPD policy on cavity searches, Officer McKnight correctly noted that a warrant is required to conduct such searches. He also stated that cavity searches could be performed by cellblock attendants although, in fact, cavity searches require a warrant. When asked whether he believed the bulge he felt during the pat down to be a weapon, he stated that he did not believe that he thought it was a weapon. And when asked why he chose to conduct this search roadside, he stated that if the concern was destruction of evidence, someone could have sat in the patrol car with an arrestee. He continued that “[i]f I am just going to be honest and critique my service back then, it’s like, you know, maybe I could have just [taken] more time.”

## 2. OAG Findings

We find by a preponderance of the evidence that Officer McKnight conducted an unlawful manual body cavity search on Complainant 2.

Complainant 2’s account and Officer McKnight’s statements offer clear evidence that Officer McKnight performed an unconstitutional manual body cavity search. After conducting a pat-down search, Officer McKnight admitted that he separated Complainant 2’s legs and “pull[ed] back some of his flesh” and stated that he was “touching the outer part of his butt cheek.” This description amounts to a manual body cavity search, and Officer McKnight did not have a warrant to justify his actions. *See Hall*, 10 N.Y.3d at 311 (holding that “the removal of an object protruding from a body cavity regardless of whether any insertion into the body cavity is necessary, is subject to the same *Schmerber* rule”); *see also People v. Holton*, 160 A.D. 3d 1288, 1289 (3d Dept. 2018) (holding that an unconstitutional manual body cavity search occurred when

a “white item protruding from between the defendant’s buttocks” was dislodged and removed by correctional officers because “the item did not fall from defendant’s body of its own accord during the strip search or the ensuing struggle”).

Additionally, no exigent circumstance existed. Officer McKnight did not articulate that a concern for his safety necessitated this search. Indeed, he mentioned that he did not believe the bulge to be a weapon. Furthermore, the narcotics discovered were wrapped in plastic bags and, as in *More*, the narcotics being wrapped in a bag should have alleviated concerns that the evidence could be destroyed by absorption into Complainant 2’s body.

### **III. Conclusion and Recommendations**

The incidents described above constitute a pattern of wrongful manual body cavity searches in violation of the Federal and State Constitutions, as described above.

To prevent further misconduct, the OAG recommends that BPD develop a plan for monitoring Officer McKnight’s conduct, including periodic review of reports and video footage of arrests and searches by Internal Affairs or a supervisor. We acknowledge that Officer McKnight has not received complaints related to on-duty conduct since his 2021 transfer out of E-District, we recommend that a member of the Internal Affairs Division discuss the findings herein and the imperative to prevent future incidents with Officer McKnight. For any future misconduct by Officer McKnight, disciplinary action should be progressive and account for the violations described above. Because the administrative statute of limitations has expired for Incidents 1 and 2, we are not recommending disciplinary action.

Pursuant to Executive Law § 75(5)(c), we request that BPD inform the OAG and other required parties within 90 days of the actions BPD is taking in connection with these recommendations.<sup>3</sup> We appreciate the cooperation of you and your agency.

Thank you,

LETITIA JAMES  
Attorney General of the State of New York

By: Nia Stanford  
Assistant Attorney General

Tyler Nims  
Bureau Chief

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<sup>3</sup> Executive Law § 75(5)(c) provides that “[t]he head of any covered agency shall advise the governor, the temporary president of the senate, the speaker of the assembly, the minority leader of the senate, the minority leader of the assembly and the division of criminal justice services within ninety days of the issuance of a report by the law enforcement misconduct investigative office as to the remedial action that the agency has taken in response to any recommendation for such action contained in such report.”