



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

**Letitia James
Attorney General**

February 27, 2026

Commissioner Craig Macy
Buffalo Police Department
68 Court Street
Buffalo, New York 14202

Via Email

Re: Executive Law § 75(5)(b) Referral of Police Officer Hao Tran
OAG Matter No. 1-816461468

Dear Commissioner Macy,

The Office of the New York State Attorney General has reviewed your agency's referral of complaints involving Officer Hao Tran pursuant to Executive Law § 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.

However, we note several instances in which Officer Tran engaged in conduct that was contrary to various BPD policies and/or applicable laws, and recommend that he be subject to monitoring and provided with retraining to avoid future incidents, as described below.

A. Incident 1, EC2021-015

On March 6, 2021, several BPD officers including Officer Tran responded to a call for service regarding a property dispute on Ashley Avenue in Buffalo, New York. Complainant 1 advised officers that she had an active full stay away order of protection against her ex-boyfriend (Subject 1), who was currently occupying her residence. Upon entering the residence, the officers did not initiate a mandatory arrest of Subject 1 for violating the order of protection, in violation of BPD policy. Officers refused Complainant 1's request to remove Subject 1 and informed her they were there to fulfill her original request, assistance with retrieving personal items. After Complainant 1 retrieved her personal items, the officers escorted her out, and Subject 1 appeared to remain in the residence. During this incident, Officer Tran did not activate his BWC until the conclusion of the encounter.

According to BPD records, the case disposition was a "Conference" based on Officer Tran's failure to arrest the subject for violating the order of protection and violation of BPD's

body worn camera policy.¹ We concur with the department that Officer Tran failed to enforce the order of protection and violated BPD's body worn camera procedure.

B. Incident 2, I/O2023-003

On March 13, 2023, Complainant 2A lodged a complaint with BPD alleging that officers arrived at her residence, asked her to exit her with her hands up, asked her about guns and drugs, and then searched the residence and her vehicle without permission. Complainant 2A was placed under arrest, charged with trespassing, and issued an appearance ticket.

Officers Tran and Jake Michienzi responded to a trespassing call in the Lovejoy District of Buffalo on March 13, 2023. Officers arrived on scene and spoke to the owner of the property. The property owner advised the officers that Complainant 2A and Complainant 2B had been served a notice to vacate the residence and were not supposed to be on the premises. The officers found Complainant 2A and 2B in the house and arrested them, charging them with trespassing. They conducted a pat down of Complainant 2A and searched Complainant 2B over his clothes and in his pockets. Additionally, Officer Michienzi and another BPD officer searched the vehicle that was parked in the driveway. While the vehicle was being searched, Officer Tran stood by the BPD patrol vehicle with Complainant 2B.

During his OAG interview, Officer Tran indicated that BPD received a call from the property owner that Complainant 2A was served an eviction notice by the Marshals earlier in the day for her to vacate the residence and was still occupying the residence. According to Officer Tran, when he and Officer Michienzi arrived on scene, the property manager "showed us the paperwork that the Marshals served her and, again, she still was in the house." PO Tran's BWC shows the property manager handing him a copy of the Notice to Eviction.² Officers Tran and Michienzi walked up to the residence and attempted to unscrew the door, which was screwed shut.³ Complainant 2A was inside the residence and Officer Michienzi advised her to open the door and asked her how she entered the residence. Complainant 2A told Officer Michienzi that she entered through the side door.⁴ Complainant 2A walked out of the residence but advised Officers Tran and Michienzi that Complainant 2B was inside the residence. Based on the information Officers Tran and Michienzi received by the property manager, they had probable cause to believe that Complainant 2A and Complainant 2B were trespassing, which is why she was placed under arrest. Because Complainant 2A and Complainant 2B were unlawfully inside

¹ 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 AXON_Body_2_Video_2023-03-13_1830-2 at 4:25 to 4:32.

³ AXON_Body_2_Video_2023-03-13_1830-2 at 5:49 to 6:02.

⁴ AXON_Body_2_Video_2023-03-13_1830-2 at 6:03 to 6:57.

the residence at the time of arrest, BPD found the search of the premise was reasonable. BPD did not comment on the officer's search of Complainant 2B. However, BPD found that the search of the vehicle was unreasonable because the subjects were not found near the vehicle at the time of arrest. During his OAG interview Officer Tran stated the vehicle was searched and that it was "more of an inventory search because it was going to get towed." Officer Tran indicated that they did not locate contraband in the vehicle during the inventory search and that the vehicle was searched and then towed.

According to BPD's internal investigation of this complaint, Officer Lavonne Handsor of the Internal Affairs Division had a "Captain's Conference" with Officers Tran and Michienzi to review search and seizure policies. We agree with BPD's conclusion that the search of the vehicle was not reasonable as neither complainant was in or around the vehicle at the time of the arrest. The officers were authorized to conduct searches incident to the arrest for trespassing. However, there was no basis for the officers to conduct a warrantless search of the vehicle, and there is no indication that the officers prepared an inventory to have the vehicle towed.

C. Incident 3, EC2023-036

On May 6, 2023, Complainant 3 alleged that Officers Tran and Michienzi conducted a traffic stop with lights and sirens, pulled him out of his vehicle, threw him on the ground (face first) and handcuffed him. The body worn camera footage for this incident does not capture the initial traffic stop, the additional officers who responded to the incident, the alleged use of force, or the inventory search and tow. According to Officers Tran and Michienzi, Complainant 3 initially did not pull over after the officers activated their lights and sirens. Once the car stopped, Complainant 3 refused to step out of the vehicle and the officers stated in their IAB interviews that the man appeared intoxicated and smelled like alcohol. Officers Tran and Michienzi forcibly removed Complainant 3 from the vehicle, placed him on the ground to handcuff him, and then placed him in the back of their patrol vehicle. Officers Tran and Michienzi conducted an inventory search and requested the vehicle be towed on the grounds that Complainant 3 resisted and refused to cooperate, and that the vehicle was in the street. Complainant 3 was arrested and charged with obstructing governmental administration (OGA) and resisting arrest. During this encounter, Officers Tran and Michienzi did not conduct a field sobriety test. The officers did not charge Complainant 3 with DWI. Officers Tran and Michienzi also failed to activate their BWC for the entirety of this encounter.

According to BPD's internal investigation of this complaint, Officer Tran received a two-day suspension for violating BWC policy. According to BPD records, this was Officer Tran's fourth reported incident in which his body worn camera was not activated for the entirety of the encounter.

D. Incident 4, IC2024-073

On July 5, 2024, Officers Tran and Michienzi conducted a traffic stop of a motor vehicle that was driving recklessly in the early morning hours after the Fourth of July holiday. Officers instructed Complainant 4 to turn his vehicle off, step out of the vehicle, and put his hands up. Officer Tran told OAG that the individual was "definitely intoxicated," though there is no

indication that any officer performed a field sobriety test. Officer Michienzi immediately searched Complainant 4's pockets, handcuffed him, and placed him in the back of his patrol vehicle for less than four minutes. Other officers on the scene conducted an inventory search prior to towing the vehicle and documented the items recovered on their BWC. After Complainant 4 was released from the patrol vehicle the officer deactivated their BWC.⁵ When the body cameras were reactivated, Complainant 4 was no longer wearing his shirt and was engaged in a verbal back-and-forth with Officer Tran. Officer Tran then removed his department-issued radio and duty belt containing his loaded firearm and ammunition and placed them on the trunk of the BPD patrol vehicle. Officer Tran told Complainant 4 to walk away to the opposite sidewalk, and as Complainant 4 walked away in compliance with this order, Officer Tran yelled, "that's what I thought you little bitch." At that point, Complainant 4 turned around, walked back towards the officers, and spoke with Officer Kiripolsky,⁶ who grabbed Complainant 4 and forcibly took him to the ground as other officers assisted. Complainant 4 was arrested and charged with multiple vehicle traffic law violations and criminal violations including resisting arrest, OGA, and disorderly conduct, although he was not charged with DWI.

On July 14, 2024, BPD preferred six charges against Officer Tran, including violating the BPD BWC Policy, removing his service belt containing his department issued loaded firearm and additional ammunition in violation of the BPD manual, and violating BPD's use of force policy. As of this writing, Officer Tran is currently awaiting a "Formal Hearing" for these charges. In his interview with OAG, Officer Tran stated he was suspended for thirty days without pay while the case was being investigated.

We concur with BPD's conclusion that Officer Tran committed misconduct, given his comments to Complainant 4 and his decision to remove his belt.

In addition, in Incident 3 and Incident 4 the officers did not charge DWI despite believing the drivers/complainants were intoxicated. During his interview with OAG personnel, we asked Officer Tran if he has discretion to charge DWI in incidents where he is not the primary officer on call. Officer Tran stated that if another officer is primary on call, "He's who I would go based off of because he's higher than I am in seniority so he would make the shots, he would – he's the one that's signing off on everything. I mean, I would tell him like, hey, if you want to do this but if he doesn't want to do that then it – so whoever is doing the – if someone is doing – whoever is doing the tickets has to sign off on charges as well for like whether it's penal law or if it's a DWI and he has to go through with the whole thing and I don't know why he didn't do that."⁷ According to Section 10.1 of the BPD Policy Manual, regarding Arrests for DWI/DWAI, "it is the policy of the Buffalo Police Department to rigorously enforce laws that prohibit the operation

⁵ Officer Tran noted in his statement to IA that the complainant was released from the patrol vehicle because the traffic stop was completed, the vehicle was going to be towed, and the tickets were being administered by PO Michienzi.

⁶ BWC did not capture the audio of this portion of the interaction, and in his interview with Internal Affairs, PO Kiripolsky did not provide any recollection of the specifics of this exchange.

⁷ OAG interview with PO Tran.

of a motor vehicle while the driver is under the influence of alcohol or drugs” and neither Officer Tran nor Michienzi enforced the departmental policy in these incidents.

Given the repeated policy and legal violations described above, OAG recommends the following remedial actions:

- 1) Monitoring and Progressive Discipline for Future Misconduct. The Department should develop a plan for monitoring Officer Tran’s conduct, including periodic review of reports and video footage of arrests and uses of force by Internal Affairs or a supervisor. We recommend that a member of the Internal Affairs Division discuss the findings herein and the imperative to prevent future incidents with Officer Tran immediately. Additionally, these findings should be incorporated into Officer Tran’s next performance evaluation. For any future misconduct by Officer Tran, disciplinary action should be progressive and account for the violations described above.
- 2) Use of Force and De-escalation Training. We recommend that the Department provide additional training to Officer Tran regarding the use of force and de-escalation techniques in addition to any such training that is required on an annual basis.
- 3) DWI Enforcement Training. We recommend that the Department provide additional training to Officer Tran regarding DWI enforcement.

We are not recommending discipline given that the incidents are beyond the limitations period.

Pursuant to Executive Law § 75(5)(c), please notify the OAG within 90 days of the actions your agency has taken in response to these recommendations.

Sincerely,

Matthew Menendez
Assistant Attorney General
Law Enforcement Misconduct Investigative Office