



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

**Letitia James
Attorney General**

February 27, 2026

Commissioner Patrick J. Ryder
Nassau County Police Department
1490 Franklin Avenue
Mineola, NY 11501

Via Email

Re: Executive Law §75(5)(b) Referral of Police Officer John Ingardia
OAG Matter No. 1-818113038

Dear Commissioner Ryder,

The Office of the New York State Attorney General has reviewed your agency's referral of Police Officer John Ingardia 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 on the part of Officer Ingardia.

However, we note the following issues:

First, in IAU 100-2023, the stop and frisk of the Complainant and the passenger and the search of the vehicle were not permissible under constitutional standards. On April 8, 2023, the Complainant, who was 18 years old, and a passenger were sitting in a parked vehicle at a shopping plaza in Plainview. Officer Ingardia along with two other NCPD officers approached the Complainant's vehicle and began questioning him regarding his fogged-up windows. During Officer Ingardia's questioning, he observed the Complainant drop a gum wrapper into the vehicle's cupholder. Officer Ingardia ordered the Complainant out of the car, frisked him, questioned both the Complainant and his passenger regarding whether they had weapons or drugs, searched inside his wallet and the area inside the car, and then frisked the passenger.

The Complainant and another individual were sitting inside a lawfully parked car when Officers Ingardia and two other officers approached the car, and thus the officers were authorized only to request information at DeBour level 1. *See, e.g., People v. Harrison*, 57 N.Y.2d 470, 476 (1982) (explaining that "before the police can forcibly or constructively stop an individual as was done here by the order to remain in the car there must be some articulable facts, which initially or during the course of the encounter, establish reasonable suspicion that the person is involved in criminal acts or poses some danger to the officers"). Officer Ingardia identified fogged windows on the car and a furtive moment dropping a gum wrapper as the basis

for asking the Complainant pointed questions, ordering him out of the car, frisking him and the passenger, and searching the car and the Complainant. However, on a cold day, fogged windows are innocuous and give no reason to suspect anything beyond the interior of the car being warmer than outside. The Complainant explained to Officer Ingardia that he had placed a piece of gum in a wrapper and placed it in the car's cupholder, which is not suspicious behavior or indicative of probable criminality. A furtive movement does not provide authority to detain, frisk, or search individuals or search an automobile. *See, e.g., People v. Bulard*, 213 A.D.2d 263 (2d Dep't 1995) ("the police observation of defendant making an innocuous hand movement while sitting in the passenger seat of a car double parked in a drug prone area did not give rise to a reasonable suspicion that defendant was engaged in criminal activity"). Under these circumstances, Officer Ingardia did not have lawful authority to detain or frisk the Complainant and passenger, or to search the car and items within it.

Second, in IAU 29-2024, the department determined that Officer Ingardia violated department rules when he repeatedly and improperly accessed the department's internal record system to obtain information without a legitimate police purpose and disseminated internal departmental information to civilians who were not authorized to receive the information. Additionally, the department determined that PO Ingardia disseminated body-worn camera footage without authorization. As a result of this misconduct, Officer Ingardia forfeited five days of leave entitlements.

This level of discipline was inappropriately light for improperly accessing internal police records and sharing those records for an officer's own benefit, and sharing body-worn camera footage. For example, the New York City Police Department's Disciplinary Matrix provides a presumptive penalty of 20 vacation days (10 mitigated, 30 aggravated) for improper downloading of department data and a presumptive penalty of 10 days (5 mitigated, 20 aggravated) for misuse of computer, email, or mobile digital devices.¹ Because the statute of limitations has expired, we are not recommending additional discipline. However, these violations of policy should be taken into consideration in determining punishments for future infractions, and in the case that Officer Ingardia is considered for promotion.

We recommend that NCPD take steps to retrain Officer Ingardia on the constitutional standards for searches and seizures, including searches and seizures of parked vehicles and occupants under New York State law, and we recommend monitoring of Officer Ingardia for at least one year.

Pursuant to Executive Law § 75(5)(c), please provide a written response within 90 days as to NYPD's response to these recommended remedial actions.

Thank you,

Matthew Menendez
Assistant Attorney General

¹ See New York City Police Department Disciplinary System Penalty Guidelines, pp. 46-47, available at https://www.nyc.gov/assets/nypd/downloads/pdf/public_information/nypd_disciplinary_system_penalty_guidelines_effective_09-09-2024.pdf.