



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

**Letitia James  
Attorney General**

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May 7, 2026

Via E-mail

Commissioner Erika Shields  
Buffalo Police Department  
68 Court Street  
Buffalo, NY 14202

Re: Executive Law §75(5)(b) Referral of Police Officer Ronald Ammerman  
OAG Matter No. 1-816792138

Dear Commissioner Shields,

The Office of the New York State Attorney General has reviewed your agency's Executive Law § 75(5)(b) referral of complaints involving Officer Ronald Ammerman from June 2022 to July 2024. 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 Ammerman with respect to the referred complaints.

However, we do find that with respect to EC2023-010 and EC2023-002 that Officer Ammerman conducted an unjustified search and detention in contravention of federal and state law and Buffalo Police Department ("BPD") policy, that he threatened to arrest a person he knew he was not going to arrest, and that he wrote a sworn complaint that contradicted available BWC footage in violation of BPD policy. The findings of fact described below are based on an evaluation of the evidentiary record using a preponderance of the evidence standard. We request a written response within 90 days as to BPD's actions in response to our recommendations.

#### **1. EC 2023-010**

The complainant in this incident alleged that on March 25, 2023, he was stopped by Officers Ammerman and Jake Giarrano based on the tint of his car's windows, and that after discovering that there was a warrant for his arrest in another county, the officers searched and damaged his vehicle. BPD exonerated Officer Ammerman on allegations of racial profiling, illegal search, and "conduct damage to vehicle," but conferenced two allegations of procedural violations for "calling out for traffic stop" and failure to issue a stop receipt.

Review of BPD's investigative file, including BWC of the interaction with the complainant and the passenger of the car, showed that Officer Ammerman's search of the car did not meet constitutional standards and that he detained the car's passenger without justification.

Further, even after Officers Ammerman and Giarrano knew they would not arrest the driver due to the warrant being for unpaid fees and from a county too far to transport him, Officer Ammerman threatened to arrest the driver in front of his mother, in apparent retaliation for the passenger requesting his and Officer Giarrano's badge numbers.

### The car search

The Fourth Amendment of the United States Constitution and Article I, Section 12 of the New York State Constitution protect individuals from unreasonable searches and seizures. Under New York law, police may conduct a warrantless search of a vehicle under several circumstances. None of those circumstances applied here.

After detaining the driver and passenger in the back of the patrol vehicle, Officers Ammerman and Giarrano conducted an extensive, more than eleven-minute-long search of the entire vehicle, including under the hood and the trunk, opening several closed bags and containers. At one point, Officer Ammerman left the search to walk down the street, then initiated a second, shorter search of the car's backseat. In their interviews with Internal Affairs (IA), Officers Ammerman and Giarrano stated that they initiated the traffic stop after seeing a vehicle with dark tints turning erratically and speeding out of a parking lot. Upon approaching the vehicle, they learned that the driver had a driver's permit, the passenger did not have a physical ID, and the driver had a DWI warrant. Officer Ammerman stated during his IA interview that he and Officer Giarrano had probable cause to search the vehicle because officers could have met Albany officers to turn the driver over on his warrant, and because the driver only had a driver's permit and the passenger did not have physical ID. Officer Ammerman also stated that the driver was not arrested on the warrant because the warrant was not an extraditable warrant. Officer Giarrano stated during his IA interview that they placed the driver and passenger into the patrol vehicle to detain them for investigation, and that neither was handcuffed because they were only detained, and not under arrest. Officer Giarrano stated during his IA interview that the search of the vehicle was justified by the warrant. In his interview with the Attorney General's office, Officer Giarrano stated that the driver had been arrested for the open warrant, and that the search was justified both as incident to a lawful arrest and as an inventory search.

Police can search the grabbable area of a car incident to the lawful, custodial arrest of the driver. People v. Belton, 55 N.Y.2d 49, 54 (1982); People v. Ortiz, 224 A.D.3d 484, 485 (1st Dept. 1993); BPD Manual at 154 ("After an arrest has been made a thorough search of the defendant may be undertaken as well as any area within the physical reach of the defendant"). However, as Officers Ammerman and Giarrano both stated to IA, the driver was not arrested. Upon discovering the warrant's existence, Officers Giarrano and Ammerman directed both the driver and passenger to exit the car, frisked both, and directed both to sit unhandcuffed in the back of their police vehicle while the officers searched the car. Both the driver and passenger were detained until the officers determined they would not arrest the driver for the open warrant. Because the driver of the vehicle was not arrested, the search incident to arrest exception to the warrant requirement does not apply. Even if the driver had been arrested, the search would not

have been justified; at the time of the search, the driver was seated in the backseat of the police car, and anything inside the car was not in his grabbable area or immediate control.<sup>1</sup> Ortiz at 485.

Police also may conduct an inventory search of a vehicle pursuant to towing it. Under state law, after the driver of a car is arrested, police may impound the car and conduct an inventory search, but must act pursuant to “reasonable police regulations relating to inventory procedures administered in good faith.” People v. Walker, 20 N.Y.3d 122, 126 (2012) (citing Colorado v. Bertine, 479 U.S. 367, 374 (1987)). BPD’s regulations state that “vehicles shall not be routinely towed incident to arrest,” although if the driver had been arrested on the warrant and the passenger was not in possession of his license, the officers could have towed the car if it was left obstructing traffic or creating a hazardous traffic condition. BPD Manual at 89-90. The inventory search, which is designed to protect the defendant’s property, guard against claims of lost property, and protect police personnel and others from dangerous instruments, must be conducted pursuant to “an established procedure clearly limiting the conduct of individual officers that assures the searches are carried out consistently and reasonably,” so as to “limit the discretion of the officer in the field.” People v. Galak, 80 N.Y.2d 715, 719 (1993). “While incriminating evidence may be a consequence of an inventory search, it should not be its purpose.” People v. Johnson, 1 N.Y.3d 252, 256 (2003).

Under BPD policy, officers may only conduct an inventory search after the property lawfully comes into police possession, i.e. via towing or impound, and must conduct the inventory pursuant to department procedures; among these, BPD requires that offices conducting such a search complete a Vehicle Inventory Form. BPD Manual at 94-95, 155. In this case, the car was not lawfully in police possession. At the time of the search, the officers admittedly did not know if they were going to arrest the driver and impound the car or let him go, and had made no effort to impound the car. Instead, they were detaining the driver and his passenger while investigating the driver’s warrant, for which they ultimately determined they would not arrest him. Additionally, the officers did not follow BPD’s standardized procedures for inventory searches, including producing a meaningful inventory or completing the Vehicle Inventory Form. In fact, the officers did not document the stop at all, for which Officer Ammerman had a conferenced allegation. The officers’ warrantless search of the car was not an inventory search, and a New York court would reject an attempt at justifying it as such.<sup>2</sup> See, e.g., People v.

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<sup>1</sup> Even if a search of a grabbable area inside the car had been justified under the search-incident-to-arrest doctrine, the officers’ search extended well beyond any such area.

<sup>2</sup> Although neither officer cited to this to justify the search, under the automobile exception to the warrant requirement, police can also search a car without a warrant when they have probable cause to believe there is evidence of a crime in the vehicle. After taking the driver’s and passenger’s names, Officers Ammerman and Giarrano went back to their car, where one officer described seeing “a little booze bottle in a plastic bag by his foot on my side” and directed the other officer to “see if you can see what it is.” The officer’s observation of a small, closed bottle of alcohol inside a plastic bag does not constitute probable cause. See People v. Shank, 26 A.D.3d 812, 808 (4th Dep’t 2006) (finding officer’s testimony that he observed an empty beer bottle in defendant’s vehicle, without evidence that the bottle contained alcohol or that defendant was drinking from bottle while in vehicle, was insufficient to support violation of VTL § 1227). Officer Ammerman initiated his search of the car by shaking out a bag that revealed two empty

Johnson, 1 N.Y.3d 252 (2003) (finding that an officer's search of a vehicle was not a proper inventory search, even though police had lawfully arrested a driver and had the right to impound his car).

Notably, both Officers Ammerman and Giarrano stated during their IA interviews that they had spoken to an assistant district attorney regarding the traffic stop, and that he had assured them that the stop and search were valid for several reasons, including because of the warrant and that the stop happened in a high-crime area. Regardless, at the time of the stop, although the window's tints and the car's speeding created a basis to stop the car and make an inquiry, nothing observed by the officers permitted the further action of searching the car, and "[a] high crime area does not convert otherwise innocuous behavior taking place within it into behavior warranting a search." People v. McCready, 121 A.D.2d 897, 898 (1st Dep't 1986); see also People v. Hernandez, 240 A.D.3d 1208 (4th Dep't 2025) (mere fact that defendant was located in an alleged high crime area, which was the sole justification offered by the People for his forcible stop and detention, did not supply reasonable suspicion).

#### Seizure of passenger

Officer Ammerman also inappropriately searched and detained the car's passenger, ordering him out of the car, frisking him, and then detaining him in the back of the police car while the officers searched the driver's car. Police must have reasonable suspicion that an individual has committed, is committing, or is about to commit a crime to justify any stop and seizure short of an arrest. People v. Martinez, 80 N.Y.2d 444, 448 (1992). Here, the officers had no reason to suspect the passenger of committing any illegality. They had initially pulled over the car for having dark window tints, the passenger provided his name and showed a photo of his driver's license to officers at their request, and upon running the passenger's name, officers did not learn that there was a warrant for his arrest. Any stop or seizure must be "justified at its inception and reasonably related in scope and intensity to the circumstances surrounding the encounter," but Officer Ammerman's detention of the passenger was neither. People v. Finlayson, 76 A.D.2d 670, 674 (2d Dept. 1980); People v. Cantor, 36 N.Y.2d 106, 111 (1975); Terry v. Ohio, 392 U.S. at 20. Ammerman's frisk of the passenger was also unlawful. There was no evidence, as the passenger exited the vehicle, to cause Ammerman to reasonably suspect that he was armed and a danger to Officer Ammerman's safety; furthermore, although an officer may reasonably pat a person down before placing them in the back of a police vehicle, "the legitimacy of that procedure depends on the legitimacy of placing [the person] in the police car in the first place." People v. Solivan, 156 A.D.3d 1434, 1435-36 (4th Dept. 2017).

Toward the end of the detention, the passenger asked repeatedly to be released from the police car, noting correctly that the driver having a warrant did not create cause for the officers to detain the passenger, but he remained detained for an additional period.

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containers that may have previously contained alcohol, which is not a violation of VTL § 1227. At that point, any probable cause the officers may have thought they had to justify a further search of the vehicle had vitiated. Officer Ammerman's later discovery of a gun part inside the zipped backpack did not justify the initial improper search. People v. Gethers, 86 N.Y.2d 159, 161-63 (1995).

### Threat of arrest in response to the passenger's request for name and badge number

At the end of the stop, after releasing the driver and passenger from the vehicle, Officer Ammerman speciously threatened to arrest the driver, in apparent retaliation for the passenger's request that Officers Ammerman and Giarrano provide their badge numbers. During the stop, Officers Ammerman and Giarrano learned that the warrant was from Albany for not paying fees associated with a prior conviction. Because Albany Police Department would only pick up arrestees as far as Syracuse, the officers let the driver know he was free to go. At this point, the driver's mother had arrived to the scene. As the passenger exited the police car, he asked for Officers Ammerman's and Giarrano's cards, and then for their names and badge numbers. Without responding to the request, Officer Ammerman said, "No, we've got to take [the driver] to jail. We've got to take him to jail, I guess. Back up, back up, back up please. We can't be doing this, man. We're supposed to take him to jail, so now, you didn't cooperate, we have to take him to jail. He has a warrant." Officer Ammerman then told the driver's mother, "We've got to take your son to jail, I think." The driver and his mother both asked the passenger not to pursue his inquiry. Officer Ammerman ultimately said, "You're giving me a hard time, bro. My name is Officer Ammerman," although he did not provide a badge number or card. This appeared to be an attempt to dissuade or prevent the passenger from filing a complaint, and was a violation of BPD policy. BPD Manual at 854 ("Employees are required to be truthful in speech and writing whether or not under oath").

## **2. EC 2023-002**

The complainant in this incident alleged that on January 31, 2023, Officers Ammerman, Jake Giarrano, and Peter Massici used excessive force on him. BPD exonerated the allegation of excessive force, but sustained the allegation of failure to report force. The officers initially believed that the complainant had exited a stolen car and walked into a corner store, but they later learned that the car had been misreported stolen. BWC and surveillance footage showed Officer Ammerman entering the store less than a minute after the complainant, asking the complainant if he got out of a silver car, and grabbing the complainant's arm immediately after the complainant said "No, I got out of a truck." (The complainant had exited a white SUV; the IA investigator speculated that "different perceptions may have led to further confusion or suspicion.") The complainant told Officer Ammerman to get his hands off of him and asked why he was touching him. Officer Giarrano then walked into the store and immediately told the complainant he was going to be tased. With both officers' hands on the complainant's arms, Officer Ammerman pulled him to the ground. Officer Ammerman later told agency investigators that he had seen the complainant reaching for his pocket. Only then did Officer Giarrano explain that they had run the plates on the car the complainant exited and believed the car was stolen.

Officer Ammerman authored the sworn complaint charging the complainant with obstructing governmental administration in the second degree, in violation of NY PL § 195.05. In it, he stated that the complainant "did flee into a corner store" and "did blade himself in an attempt to flee." However, both of these statements are contradicted by BWC and store surveillance, which show the complainant calmly entering the store and browsing merchandise, selecting a bottled beverage, and walking toward the register in the almost 50 seconds before

Officer Ammerman entered. As soon as the complainant said that he had gotten out of a truck, Officer Ammerman grabbed the complainant's arm, and did not explain why he was detaining the complainant as the complainant asked what Officer Ammerman was doing and why Officer Ammerman was touching him. Although the complainant attempted to pull away from Officers Ammerman and Giarrano as they grabbed and searched him, he did not "blade" his body before or after the officers initiated the encounter.

In light of the findings detailed above, we recommend that Officer Ammerman, his supervisors, and IAB staff be retrained on the Fourth Amendment and BPD policy as outlined above.

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

Sincerely,

Tina Peng  
Assistant Attorney General

Tyler Nims  
Chief, Law Enforcement Misconduct Investigative Office  
New York State Office of the Attorney General