October 15, 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 Officer Nicholas Gennaro, OAG Matter No. 1-793542677

Commissioner Catalina,

We have reviewed your agency's referral of Detective Nicholas Gennaro[1] pursuant to Executive Law § 75(5)(b). Based on our review, we have not made a finding of a pattern of misconduct, use of excessive force, or acts of dishonesty by Detective Gennaro with respect to the referred complaints of his actions while he was a Police Officer on various specialized units for the Suffolk County Police Department (SCPD). However, while we have not found a pattern of misconduct, we note instances in which then-Officer Gennaro engaged in a wrongful stop and violated SCPD policies regarding vehicle pursuits, and additionally note concerns regarding the Gang Unit's persistent use of pretextual stops.

IAB 22-200i

In IAB 22-200i, Officer Gennaro lacked sufficient legal justification to stop the complainants, who were later improperly searched by other SCPD officers. On April 24, 2022, at approximately 2:30 p.m., Complainants 1A and 1B 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 1A'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

[1] The incidents underlying the referred complaints took place prior to Det. Gennaro's promotion.

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 Gennaro stated that he had received notification of larcenies at Ulta stores in Long Island starting at an Ulta store in Riverhead (44 miles away) and then at an Ulta store in Bayshore (12 miles away). Those notifications described 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 descriptions further described two Black males, one short, one tall, as well as three 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.

Unlike the vehicles described in connection with the Ulta larcenies, the Complainants' car was a Blue Chevy Malibu with Rhode Island license plates. Officer Antoniades identified the complainants as Black and Hispanic males in his interview with Internal Affairs. While the Complainants remained parked, Officers Antoniades and Adornetto arrived and, with Officer Gennaro, approached their vehicle. Officer Gennaro stated that he explained to the Complainants why they were "being stopped"—because their vehicle matched the description of one involved in a series of larcenies. The officers reported observing 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 Antoniades, he asked the Complainants to stop moving around, but they continued to move. He then asked Complainant 1A (the driver) to step out of the vehicle and frisked him for weapons while Officer Adornetto frisked Complainant 1B (the passenger). Finding nothing, Officers Antoniades and Adornetto then searched the vehicle's "grabbable areas." The officers did not find any contraband. Internal Affairs found the allegations of illegal search and seizure and biased policing to be unsubstantiated.

We conclude that Officer Gennaro lacked the requisite reasonable suspicion to justify the temporary detention of the Complainants and participated in the improper searches of Complainants. Officer Gennaro was familiar with the 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 too vague to justify reasonable suspicion for their detention. *See People v. Simpson*, 174 A.D.2d 348, 350 (App. Div. 1st Dep't 1991) ("a description which is meager and lacking in specificity may be insufficient"); *People v. Wisdom*, 125 A.D.2d 512 (App. Div. 2d Dep't 1986); *People v. Figuero*a, 58 A.D.2d 655, 656 (App. Div. 2d Dep't 1977) ("[n]ot only were the officers initially proceeding upon the vaguest of descriptions, consistent with countless individuals"); *People v. La Borde*, 66 A.D.2d 803, 804 (App. Div. 2d Dep't 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."); *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."). As such, the officers lacked the requisite reasonable suspicion to temporarily detain the Complainants.

Further, as detailed in our letters sent to the agency on May 16, 2025, regarding Officers Antoniades and Adornetto, the officers' reliance on the descriptions and Complainant's movement of "bending down" to conduct a frisk of Complainant 1A and search Complainants' vehicle was not justified. There is nothing presumptively clandestine or sneaky about bending down and it is certainly susceptible of innocent interpretation." *People v. Guzman*, 153 A.D.2d 320, 323 (4th Dep't 1990) (citation omitted). 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 Complainants' 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 Gennaro therefore detained the complainants, his fellow officers frisked them and searched their 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; SCPD NY LE Police Manual, Police 312.

Unauthorized Pursuits

In IABs 21-372i and 20-359i, Officer Gennaro engaged in unauthorized vehicle pursuits where the offenders were suspected solely of committing VTL violations and misdemeanor obstruction of governmental administration. He was admonished by SCPD superiors on IAB 20-359i for unauthorized vehicle pursuit, but in IAB 21-372i, Officer Gennaro also participated in an apparently unauthorized pursuit that was not identified by SCPD. SCPD Policy § 307.3.1 states: "Pursuits solely for violations or traffic infractions, violations, misdemeanors, or non-violent felonies are not authorized."

Pretextual Stops

Finally, we note a concerning use of pretextual stops of Black men by Officer Gennaro and other members of the SCPD specialized gang or anticrime units. Although our office could not resolve all of the factual disputes presented in the nine referred complaints, most of the complaints stemmed from stops based on minor traffic infractions, such as turning without signaling, tailgating, or using a phone while driving, but did not result in the issuance of traffic summonses for those alleged violations. The drivers were Black men, some of whom had been repeatedly stopped by Officer Gennaro or other officers in the same units. Officer Gennaro's stops appear consistent with a larger pattern documented by Suffolk County itself, where Black and Hispanic drivers have, at least since 2021, been stopped, searched, and detained more often than White drivers in Suffolk County based on traffic violations.[2] While an analysis of recent Suffolk County stop data did not reveal definitive proof of bias, it noted that "searches of minority drivers were, on average, less likely to result in recovered evidence than those of White drivers" despite comprising a higher proportion of stops.[3] The harms caused by repeated pretext stops can be significant, often are concentrated on minority drivers, and likely outweigh any benefits to public safety.[4]

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[2] Office of the Suffolk County Executive, *Police Reform & Reinvention: Task Force Final Report* (mar. 29, 2021), at 53-54, https://suffolkcountyny.gov/portals/0/formsdocs/police%20reform/Suffolk%20County%20Police%20Reform%20&%20Reinvention%20Plan%20-%20Final.pdf; SCPD Traffic Stops Dashboard, https://suffolkpd.org/Transparency-Hub/Traffic-Stop-Dashboard; Stonewall Analytics, *2024 Traffic Stop Data Analysis: SCPD* (July 2025) ("Data Report"), https://suffolkpd.org/portals/18/scpd_pdfs/tstop/2024suffolkCountyTrafficStopsFinal.pdf.

[3] Data Report at 27.

[4] Lorie Fridell, *By the Numbers: A Guide for Analyzing Race Data from Vehicle Stops* at 374-75, Police Exec. Research Forum & Community Oriented Policing Servs. (2004), https://www.policeforum.org/assets/docs/Free_Online_Documents/Racially-Biased_Policing/by%20the%20numbers%20-%20a%20guide%20for%20analyzing%20race%20data%20from%20vehicle%20stops%202004.pdf; *see also* Katie Blum & Jill Paperno, *Stop the Stops: The Disparate Use and Impact of Police Pretext Stops on Individuals and Communities of Color: A Preliminary Report* (Jan. 2023), https://empirejustice.org/wp-content/uploads/2023/01/Stop-the-Stops-Preliminary-Report-Final-Final.pdf; Magnus Lofstrom et al.,

Recommendations

Based on our findings, OAG recommends that Detective Gennaro receive additional training on SCPD policy regarding vehicle pursuits and the law of search and seizure, including the *De Bour* levels of intrusion by law enforcement on civilians. Additionally, we recommend that SCPD make its analysis of its traffic data more robust by implementing body-worn camera reviews, filling a gap that prior analyses noted should be addressed.[5] Pursuant to Executive Law § 75(5)(c), please notify the OAG within 90 days of any actions your agency has taken in response to our recommendations.

We appreciate the cooperation of you and your agency.

Thank you,

Lillian Marquez
Deputy Bureau Chief
Law Enforcement Misconduct Investigative Office
Office of the New York State Attorney General

Racial Disparities in Traffic Stops at 14, Public Policy Inst. of California (Oct. 2022), https://www.ppic.org/?show-pdf=true&docraptor=true&url=https%3A%2F%2Fwww.ppic.org%2Fpublication%2Fracial-disparities-in-traffic-stops%2F; Fliss et al., *Re-Prioritizing Traffic Stops to Reduce Motor Vehicle Crash Outcomes and Racial Disparities*, Injury Epidemiology 7:3 (2020), https://doi.org/10.1186/s40621-019-0227-6.

[5] Data Report at 36.