



STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL

LETITIA JAMES
ATTORNEY GENERAL

DIVISION OF SOCIAL JUSTICE
LAW ENFORCEMENT MISCONDUCT INVESTIGATIVE OFFICE

July 2, 2024

Via E-mail

Commissioner Robert Waring
Suffolk County Police Department
30 Yaphank Ave
Yaphank, NY 11980

Re: Executive Law § 75(5)(b) Referral of Police Officer Thomas Engelhardt
OAG Matter No. 1-794587947

Dear Chief Waring:

We have reviewed your agency's Executive Law § 75(5)(b) referral of complaints involving Police Officer Thomas Engelhardt from October 2020 to August 2022.

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 Engelhardt.

However, we note that Officer Engelhardt lacked the requisite founded suspicion that criminal activity was afoot when he asked the driver in IAB #21-569i whether he used drugs and consented to a search of his car, a Level 2 inquiry under *People v. De Bour*, 40 N.Y.2d 210 (1976). We recommend that Officer Engelhardt receive additional training on the law of search and seizure.

We appreciate the cooperation of you and your agency.

Thank you,

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