

# **EXHIBIT A**

# **COMMAND LEVEL INSTRUCTOR'S GUIDE**



## **STOP, QUESTION AND FRISK**

**POLICE ACADEMY**

**06-2008**

POLICE ACADEMY  
ADVANCED LEVEL TRAINING UNIT  
COMMAND LEVEL TRAINING  
MARCH 2008

CYCLE: 06-08

LESSON: STOP, QUESTION AND FRISK

TIME ALLOTTED: TWENTY (20) MINUTES

METHOD: LECTURE/DISCUSSION

PREPARED BY: COMMAND LEVEL TRAINING

SPECIAL THANKS TO THE ADVANCED TRAINING UNIT FOR THEIR ASSISTANCE IN THE PREPARATION OF THIS LESSON PLAN.

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## LESSON PLAN COVER SHEET

<b>COURSE:</b> COMMAND LEVEL TRAINING PROGRAM	<b>TRAINEE LEVEL:</b> M.O.S ASSIGNED TO COMMANDS
<b>LESSON:</b> STOP, QUESTION AND FRISK	<b>TIME REQUIRED:</b> TWENTY (20) MINUTES
<b>PREPARED BY:</b> ADVANCED TRAINING UNIT	<b>DATE PREPARED:</b> 09/25/07
<b>APPROVED BY:</b>	<b>DATE APPROVED:</b>
<b>REVISED BY:</b> ADVANCED TRAINING UNIT	<b>DATE REVISED:</b> 02/22/08
<b>TRAINING NEED</b> ENSURE PROPER COMPLETION OF THE STOP, QUESTION AND FRISK FORM	
<b>INSTRUCTIONAL GOAL:</b> TO INSTRUCT MEMBERS OF THE SERVICE IN ASPECTS OF STOP, QUESTION AND FRISK.	
<b>PERFORMANCE OBJECTIVES:</b>  AT THE CONCLUSION OF THIS LESSON, THE PARTICIPANTS WILL BE ABLE TO: <ol style="list-style-type: none"> <li>1. EXPLAIN THE DEPARTMENT'S PURPOSE IN, AND THE IMPORTANCE OF THE STOP, QUESTION AND FRISK REPORT WORKSHEET (PD344-161A).</li> <li>2. DESCRIBE HOW TO PROPERLY PREPARE THE STOP, QUESTION AND FRISK REPORT.</li> <li>3. REVIEW THE CURRENT ISSUES ASSOCIATED WITH STOP AND FRISK PROCEDURES.</li> <li>4. EXPLAIN BASIC DEPARTMENT GUIDELINES.</li> <li>5. DISCUSS THE LEGAL ISSUES SURROUNDING THE STOP, QUESTION AND FRISK PROCEDURE.</li> </ol>	
<b>METHOD OF PRESENTATION</b> Lecture,	<b>CLASSROOM REQUIREMENTS:</b> Formal Classroom Seating
<b>METHOD OF EVALUATION:</b>	
<b>STUDENT MATERIAL:</b> Patrol Guide	
<b>TRAINING AIDS, SUPPLIES, EQUIPMENT:</b> S/Q/F worksheet	<b>BIBLIOGRAPHY:</b> PG 212-11, SQF Database Student Guide

**CITY OF NEW YORK POLICE DEPARTMENT**

<b>LESSON:</b> INTRODUCTION TO THE NEW YORK CITY POLICE DEPARTMENT	<b>INSTRUCTOR CUES:</b>
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### INTRODUCTION

It is the obligation of every uniformed member of the service to ensure that civil and constitutional rights are not violated. In every street encounter it is imperative that uniformed members of the service respect the Constitutional rights of the public. Uniformed members must ensure that their contact with the subject is not based on personal prejudice or bias, such as the subject's race or hair length. Such an encounter is unlawful. Short of probable cause, forcible stops are permissible only when a police officer reasonably suspects that a person is committing, has committed, or is about to commit: (a) a felony or (b) a misdemeanor as defined in the New York State Penal Law.

Members of the New York City Police Department are held to the highest standards of professionalism. Professionalism, as it applies to the New York City Police Department, is defined as exhibiting those qualities which are expected of a member of the most respected law enforcement agency in the country. Some aspects of this are acknowledging the rights and dignity of those we come in contact with and being knowledgeable of our responsibilities and the extent of our authority.

The Department has made it a priority to reduce violent crime, disorder and fear in New York City. Balancing efforts to reduce crime with efforts to respect the dignity of every person is a challenge for every law enforcement agency in the United States. To help meet this challenge, the New York City Police Department's Stop, Question and Frisk Report Worksheet is utilized. This worksheet helps address many of the concerns of the community and the Department.

At the conclusion of this lesson, the student will be able to:

1. Explain the Department's purpose in, and the importance of the Stop, Question and Frisk Report Worksheet (PD344-151A).
2. Describe how to properly prepare the Stop, Question and Frisk Report Worksheet.
3. Review the current issues associated with Stop, Question and Frisk procedures.
4. Explain Basic Department Guidelines.
5. Discuss the legal issues surrounding the Stop, Question and Frisk procedure.

<b>LESSON:</b> INTRODUCTION TO THE NEW YORK CITY POLICE DEPARTMENT	<b>INSTRUCTOR CUES:</b>
<p style="text-align: center;"><b><u>BODY</u></b></p> <p><b>TERMINAL PERFORMANCE OBJECTIVE #1 PURPOSE AND IMPORTANCE OF THE STOP, QUESTION AND FRISK REPORT WORKSHEET.</b></p> <ol style="list-style-type: none"><li>1. The Stop, Question and Frisk Report Worksheet allows for:<ul style="list-style-type: none"><li>➤ Ease of use, clarity and efficient preparation;</li><li>➤ Clarity in directing officers' attention to the recording of reasons for a stop, question, frisk and /or search;</li><li>➤ Supervisory review and instruction of officers in proper Stop, Question and Frisk procedures.</li></ul></li><li>2. The protection of civil and constitutional rights of the public.</li><li>3. The prevention of illegal stops and frisks.</li><li>4. The reduction in civil liability with regard to street encounters.</li><li>5. The proper conducting of investigations.</li></ol>	

<b>LESSON:</b> <b>INTRODUCTION TO THE NEW YORK CITY POLICE DEPARTMENT</b>	<b>INSTRUCTOR CUES:</b>
<b>TERMINAL PERFORMANCE OBJECTIVE #2</b> <b>PREPARATION OF THE S/Q/F WORKSHEET (PD344-151A) INDEX COVERSHEET (PD344-152).</b>  <p>1. Members will fill in all appropriate captions on the Stop, Question and Frisk Report Worksheet. This form aids in helping officers understand how to protect the civil and constitutional rights of the public. Note the use of closed-ended captions (i.e., "check-off" boxes) helps officers to understand legally acceptable reasons for stopping, and perhaps frisking and searching. Certain boxes or areas <b>MUST</b> be completed. In addition, the form helps direct officers to important areas. The information must be properly completed for the form to be successfully inputted into the S/Q/F database. There are fifty areas that must be filled. Most are done by the reporting officer. The remaining captions are completed by either a desk officer or the inputting individual.</p> <p>A. <b>Box 1- Precinct Serial Number- LEFT BLANK</b> by reporting officer. This is the precinct specific number generated by the SQF database and filled in by the inputting individual. It is <b>NOT</b> the precinct/command of occurrence.</p> <p>B. <b>Box 2- Date-</b> Completed by reporting officer with the date of the stop. (MM/DD/YYYY)</p> <p>C. <b>Box 3- Precinct of Occurrence-</b> Completed by reporting officer. Denotes the precinct of occurrence and <b>NOT</b> officer's command.</p> <p>D. <b>Box 4 - Time of Stop-</b> Completed by reporting officer with <b>MILITARY TIME</b> of the stop.</p> <p>E. <b>Box 5- Period of Observation Prior to Stop-</b> Completed by reporting officer with the appropriate time. The minimum amount of time accepted by the computer is one (1) minute and intervals thereof.</p> <p>F. <b>Box 6- Radio Run/Sprint Number.</b> Completed by reporting officer with the number supplied by Central. (If applicable).</p> <p>G. <b>Box 7 - Address/Intersection or Cross Streets of Stop.</b> Completed by reporting officer with the specific address or cross streets of the stop. This must be an address that can be validated by the computer very similar to the Omniform system validations. This can <b>NOT</b> be names of parks, buildings, housing developments or locations.</p>	

LESSON: INTRODUCTION TO THE NEW YORK CITY POLICE DEPARTMENT	INSTRUCTOR CUES:
<p>H. <b>Box 8 – Inside/Outside</b> – One must be checked off by reporting officer.</p> <p>I. <b>Box 9- Transit/Housing-</b> Checked by reporting officer if stop occurred either on Transit or Housing Authority property.</p> <p>J. <b>Box 10- Type of Location (Describe)</b> - Completed by reporting officer with the specific type of location. Be as specific as necessary to accurately describe the location.</p> <p>K. <b>Box 11- Specify Which Felony/P.L. Misdemeanor Suspected</b> - Completed by reporting officer with the specific CRIME suspected. The crime must be a Felony of Penal Law Misdemeanor. This can not be left blank.</p> <p>L. <b>Box 12- Duration of Stop-</b> Completed by reporting officer with the appropriate time. The minimum amount of time accepted by the computer is one (1) minute and intervals thereof. One must be as accurate as possible with the duration.</p> <p>M. <b>Box 13- What were the Circumstances Which Led To Stop?</b> - At least ONE box must be checked by reporting officer with the appropriate reason(s) for the stop. If "Suspicious Bulge/Object" is checked it <b>MUST</b> be described as to what the object was found to be.</p> <p>N. <b>Box 14 – Name-</b> Completed by reporting officer with the name of the individual. Partial names are acceptable if that is all that is offered. An individual may refuse to give their name and this can be noted as "refused" AND check off "refused" in box 19.</p> <p>O. <b>Box 15 – Nickname/Street Name</b> - Completed by reporting officer with any information offered. This can be VERY helpful especially when a "street name" can be associated with a verified identity. Many individuals will only offer this information.</p> <p>P. <b>Box 16 – Date of Birth-</b> Completed by reporting officer with the information if obtained. Format should be MM/DD/YYYY.</p> <p>Q. <b>Box 17 – Address</b> - Completed by reporting officer with the information if it is obtained.</p> <p>R. <b>Box 18 – Telephone Number-</b> Completed by reporting officer with the information if obtained. Cell phone numbers are acceptable.</p> <p>S. <b>Box 19 – Identification-</b> Appropriate caption checked off by reporting officer. If an individual refuses to offer pedigree information the officer should check off "Refused".</p>	



LESSON: INTRODUCTION TO THE NEW YORK CITY POLICE DEPARTMENT	INSTRUCTOR CUES:
<p>T. Box 20 – <b>Sex</b>- One box <b>MUST</b> be checked off by the reporting officer.</p> <p>U. Box 21 – <b>Ethnicity</b>- One box <b>MUST</b> be checked off by the reporting officer with common sense judgment.</p> <p>V. Box 22 – <b>Age</b>- Age must correlate to Date of Birth (if given). Otherwise an approximate age must be entered by the reporting officer.</p> <p>W. Box 23 – <b>Height</b>- Height given or an approximation entered by the reporting officer.</p> <p>X. Box 24 – <b>Weight</b>- Weight given or an approximation entered by the reporting officer.</p> <p>Y. Box 25 – <b>Hair</b>- Enter the COLOR of hair (not length) Bald is an option.</p> <p>Z. Box 26 – <b>Eyes</b>- Enter the COLOR of eyes (if able to ascertain).</p> <p>AA. Box 27 – <b>Build</b>- Enter the physical stature of the individual. Choices include (Thin, medium, heavy, muscular).</p> <p>BB. Box 28 – <b>Other (Scars, Tattoos, etc.)</b>- Enter any distinguishing marks observed as specific as feasible.</p> <p>CC. Box 29 – <b>Did Officer Explain Reason for Stop</b>- "Yes" or "No" checked by reporting officer.</p> <p>DD. Box 30 – <b>If No, explain</b> – A brief description of why the reason for the stop was not explained.</p> <p>EE. Box 31 – <b>Were other person(s) S/Q/F?</b> -"Yes" or "No" checked by reporting officer.</p> <p>FF. Box 32 – <b>If Yes, List Pct Serial Numbers</b>- Reporting officer will leave this blank and numbers will be entered by inputting individual using the "Edit" function of the SQF data entry pro.</p> <p>GG. Box 33 – <b>If Physical Force was Used, indicate Type</b>: - Appropriate box(s) checked off by reporting officer. If "Other" is checked, describe the action</p> <p>HH. Box 34 – <b>Was Suspect Arrested</b> -"Yes" or "No" checked by reporting officer</p> <p>II. Box 35 – <b>Offense</b> – Reporting officer will denote charges of offense.</p> <p>JJ. Box 36 – <b>Arrest Number</b>- Reporting officer will enter number from Omniform arrest.</p> <p>KK. Box 37 – <b>Was Summons Issued?</b> -"Yes" or "No" checked by reporting officer.</p> <p>LL. Box 38 – <b>Offense</b> – Reporting officer will denote charges of offense from summons.</p> <p>MM. Box 39 – <b>Summons Number</b>- Reporting officer will enter summons number.</p>	

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<p>NN. Box 40 – <b>Officer in Uniform?</b> – -“Yes” or “No” checked by reporting officer.</p> <p>OO. Box 41 – <b>If No, How Identified?</b> Appropriate box(s) checked off by reporting officer.</p> <p>PP. Box 42 – <b>Was Person Frisked?</b> - -“Yes” or “No” checked by reporting officer. <b>IF YES IS CHECKED</b>, then the appropriate box(s) checked off by reporting officer. If “Other Reasonable Suspicion of Weapons” is checked, specify the suspicion. If “Suspicious Bulge/Object” is checked it <b>MUST</b> be described as to what the object was found to be.</p> <p>QQ. Box 43 – <b>Was Person Searched?</b> - -“Yes” or “No” checked by reporting officer. <b>IF YES IS CHECKED</b>, then the appropriate box(s) checked off by reporting officer. If “Other Reasonable Suspicion of Weapons” is checked, specify the suspicion.</p> <p>RR. Box 44 – <b>Was Weapon Found?</b> - -“Yes” or “No” checked by reporting officer. <b>IF YES IS CHECKED</b>, then the appropriate box(s) for the weapon is to be checked off by reporting officer. If an individual refuses to offer pedigree information the officer should check off “Refused”.</p> <p>SS. Box 45 – <b>Was other Contraband Found?</b> - -“Yes” or “No” checked by reporting officer. <b>IF YES IS CHECKED</b>, then describe the contraband and location of the find.</p> <p>TT. Box 45 (additional) – <b>Demeanor of Person After being Stopped-</b> Describe the demeanor of the individual after they were stopped.</p> <p>UU. Box 45 (additional) – <b>Remarks Made By Person Stopped-</b> Reporting officer should denote exactly what the individual stated when stopped.</p> <p>VV. Box 46 – <b>Additional Circumstances/Factors</b> – The reporting officer should check off any appropriate additional circumstances that led to this particular individual being stopped. If “Other” is checked, describe that factor.</p> <p>VV. Box 47 – <b>Precinct Serial Number-</b> Complete the appropriate serial number of any NYPD report prepared that directly relates to the stop. If no reports were completed this area will remain blank or denote such with a slash.</p> <p>XX. Box 48 – <b>Additional Reports Prepared-</b> Check off the type of report prepared that directly relates to the stop. If no reports were completed this area will remain blank.</p>	

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<p>YY. <b>Box 49 – Reported By:</b> - Complete the appropriate captions <b>LEGIBLY</b> especially the reporting officers <b>TAX NUMBER</b>.</p> <p>ZZ. <b>Box 50 – Reviewed By:</b> - The appropriate captions are to be completed by the Desk Officer. All entries must be <b>LEGIBLE</b> especially the reviewing supervisors <b>TAX NUMBER</b>. The Desk Officer must review the Stop, Question and Frisk Report for accuracy and completeness prior to signing.</p>	

LESSON: INTRODUCTION TO THE NEW YORK CITY POLICE DEPARTMENT	INSTRUCTOR CUES:
<p><b>HIGHLIGHTS OF ISSUES ASSOCIATED WITH STOP AND FRISK PROCEDURES.</b></p> <p>Various issues regarding stop and frisk procedures have come to the Department's attention:</p> <ol style="list-style-type: none"> <li>1. Desk officer procedure: <ol style="list-style-type: none"> <li>A. Review each Stop, Question and Frisk Report Worksheet submitted. Ensure that officer's name and tax number are legible.</li> <li>B. Instruct the uniformed member concerned, if necessary. The role of a front-line supervisor is to train and educate in proper procedure.</li> <li>C. Legibly print name, enter tax # and command, and sign the report.</li> <li>D. Enter the next precinct serial number in the caption entitled "Pct. Serial No" on both sides of the form.</li> </ol> </li> <li>2. Conditions for which a Stop, Question and Frisk Report Worksheet should be prepared. <ol style="list-style-type: none"> <li>A. In every stop situation that is based on reasonable suspicion, this form must be used. This is when a uniformed member of the service reasonably suspects a person has committed, is committing or is about to commit a <b>felony</b> or a <b>Penal Law misdemeanor (not violation)</b>. The factor which caused the officer to reasonably suspect the person stopped must be articulated on the form and, in detail, in the officer's <b>Activity Log</b>.</li> </ol> <p><b>NOTE: The Activity Log is an officer's primary means of documenting daily activity. It is used to record details of radios runs, car stops, and enforcement action. The Activity Log must also be used for every stop situation! Pertinent details must be recorded in the Activity Log. This includes, but is not limited to any narrative information that is not on the form.</b></p> </li> </ol>	

<b>LESSON:</b> INTRODUCTION TO THE NEW YORK CITY POLICE DEPARTMENT	<b>INSTRUCTOR CUES:</b>
<p>B. A frisk is permitted without additional factors for certain violent crimes such as Robbery, Burglary, etc. (See Legal Bureau Bulletin Vol. 1, No. 3 dated March 31, 1971). In those encounters where a frisk is not automatic, officers must indicate the factors that led to the frisk. A search is only permitted when a weapon is suspected below the garment. A search cannot be done for narcotics.</p> <p>C. The Stop and Frisk Report is to be prepared when an individual inside of an automobile is stopped based on a factor other than a traffic infraction. For example: An officer stops a vehicle containing occupants that he believes had just committed a crime. After questioning the individuals, he believes that there is no legal basis to detain the occupants any further and allows the occupants to leave after taking pedigree information. He should prepare a separate UF 250 for each of the occupants involved and make appropriate Activity Log entries.</p> <p>3. Supervisors should be evaluating officers' field stops and searches for courtesy, professionalism and respect and ability to prevent and identify criminal activity. For example, supervisors should ensure that the form indicates that officers are explaining reasons for stops to suspects (check-off box on front page of form).</p> <p>4. The Stop and Frisk Report is NOT to be completed in every arrest situation. It is only prepared if the original stop (based on reasonable suspicion) rises to the level of probable cause and thus arrest.</p> <p>5. The information completed on the S/Q/F worksheet must conform to that of the Omniform standards (i.e. address protocol, military time, etc.)</p>	<p>Imagine oneself or a MOS family member in the subject's situation with little or no explanations. Allow an individual to leave the encounter with dignity.</p>

# **EXHIBIT B**

# 2006 IMPACT VI



# MAPS

NICHOLAS ESTAVILLO  
CHIEF OF PATROL

**2006 IMPACT VI ZONES**

ZONE	PRECINCT ZONE COMMANDER	BOUNDARIES	HOURS	RDO'S CHART	# OF RECRUITS
1	MTS/MTN Captain Marchica	W.37 ST-W.42ST ON 8 <sup>TH</sup> AVE W.42 ST-W.50 ST 7-8 AVE	1200x2035 1930x0405	Rotating	80
2	023 Captain Shapiro	E.102 ST-E.112 ST 1 <sup>ST</sup> AVE-LEXINGTON AVE	1030x1905 1730x0205	Rotating	80
3	028 Captain Gesty	123 <sup>RD</sup> St - W 125 <sup>th</sup> St Lenox Ave - St Nicholas Av both sides	1330x2205	Rotating	32
4	032 Captain Ventrella	W.141 ST-W.151 ST FRED DOUGLAS BLVD-A.C. POWELL BLVD	1730x0205	Rotating	56
5	040 Captain Ortiz	E.141 ST-E.149 ST MORRIS AVE-BROOK AVE E.149 ST-E.158 ST MORRIS AVE-MELROSE AVE	1730x0205	Rotating	50
6	044 Captain Mc Sorley	ENTIRE PCT MEGA ZONE DIVIDED BY THE GRAND CONCOURSE	1730x0205	Rotating	50
7	046 Captain Pitzer	ENTIRE PCT MEGA ZONE DIVIDED BY JEROME AVE	1800x0235	Rotating	50
8	046 Captain McHugh	ENTIRE PCT MEGA ZONE DIVIDED BY JEROME AVE	1800x0235	Rotating	50
9	046 Captain Downing	ENTIRE PCT MEGA ZONE DIVIDED BY JEROME AVE	1800x0235	Rotating	50
10	067 Captain Sprague	Ave D - Foster Av Brooklyn Av - Nostrand Ave	1100x1935 1830x0305	Mon-Tues Wed-Thur	30
11	067 Captain Sprague	Glenwood Rd - Av H Brooklyn Av - E 32nd, Glenwood - E 32 - Nostrand Ave	1830x0305	Wed-Thur	30
12	070 Captain Mastrokostes	Clarkson Av & Parkside - Caton Av - Marlborough Rd - Cortelyou Rd - Flatbush Av - Linden Blvd - Clarkson Av	0930x1805 1730x0205	Mon/Tues Weds/Thur s	120
13	070 Captain Mastrokostes	Glenwood Rd - Campus Rd - Av H - 32 St - Flatbush Av - Glenwood	0800x1635 1500x2335	Rotating	30
14	079 Captain McEvoy	CLASSON AVE-MARCUS GARVEY BLVD HERKIMER-(SEE MAP)	1200x2035 1930x0405	Rotating	54
15	103 Captain Capasso	153 ST-MERRICK BLVD HILLSIDE AVE-JAMAICA AVE	1155x2030 1430x2305	Rotating	54
16	110/115 Capt Leyson	AMTRAK RR-99 ST 37 AVE-ROOSEVELT AVE 99 ST-104 ST 39 AVE-ROOSEVELT AVE	1730x0205 2130x0605	Rotating	72
17	073 Captain McGee	F.T.U.	1200x2035 1930x0405	Rotating	60
18	075 Captain Farrell, Captain Kemper	Operation Trident A - B - C			100
	P.S.A.2 073	HUGHES APTS, LOW HOUSES, TILDBN, VAN DYKE, BROWNSVILLE, WOODSON			70
	P.S.A.5	KING, TAFT, JOHNSON, JEFFERSON			50
	P.S.A. 7	MILLBROOK HOUSES			42
	P.S.A. 7	PATTERSON, MOTT HAVEN, MITCHEL HOUSES			

18	P.S.B. ZONES / Initiatives	1210 U.M.O.S.
03	HOUSING ZONES	162 U.M.O.S.
21	TOTAL ZONES / Initiatives	1372 U.M.O.S.
(UPDATED DECEMBER 21, 2005)		

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# PATROL SERVICES BUREAU

## IMPACT VII

JULY 2006



**CHIEF OF PATROL  
NICHOLAS ESTAVILLO**

**2006**  
**IMPACT VII**  
**ZONES**

NO	PRECINCT ZONE COMMANDER	BOUNDARIES	HOURS	RDO'S CHART	# OF RECRUITS	RETAIN
1	MTS/MTN Capt. Ted Bernisen	W.37 ST-W.47ST 8 <sup>TH</sup> AVE-7TH AVE	1200x2035 1930x0405	7 Days	64	8
2	023 Capt Edward Caban	E.102 ST-E.112 ST 2 AVE-LEXINGTON AVE	1730x0205	7 Days	35	4
3	032 Capt, Stephen Cohen	W.141 ST-W.145 ST FRBD DOUGLAS BLVD- LENOX AVE	1730x0205	7 Days	48	8
4	044 Capt Robert Pitzer Capt William McSorley	ENTIRE PCT MEGA ZONE DIVIDED BY THE GRAND CONCOURSE	1730x0205	7 Days	65	15
5						
6	046 Capt Donald McHugh Capt Joseph Downing	ENTIRE PCT MEGA ZONE DIVIDED BY JEROME AVE	1800x0235	7 Days	65	15
7						
8	052 Capt Thomas Traynor	(3) ZONES See Maps	1730x0205	7 Days	70	0
9	067 Capt John Sprague	Church Ave- Linden Blvd Rogers Ave-E 34 St	1830x0305	Mon-Tues Wed-Thur	45	8
10		Lenox Rd-Rutland Rd Utica Ave - E. 54 St	1830x0305			
11	070 Capt Georgios Mastrokostas	Clarkson Av & Parkside - Caton Av - Marlborough Rd - Cortelyou Rd - Flatbush Av - Linden Blvd - Clarson Av	1200x2035 1930x0405	7 Days	110	13
<b>OLD ZONE B MAINTENANCE MODE</b>						
12	073 Capt Brian McGee	F.T.U.	1200x2035 1930x0405	7 Days	60	6
13	075 Capt Corey Pegues Capt Terence Hurson Capt Thomas Farrell	Operation Trident A- B - C	1200x2035 1930x0405	7 Days	90	10
14	079 Capt Charles McEvoy	CLASSON AVE-MARCUS GARVEY BLVD Herkimer St Odd Shape, See Map)	1200x2035 1930x0405	7 Days	46	5
15	103 Capt Stephen Capasso	89 Ave-Jamaica Ave 153 St-Merrick Ave	1155x2030 1430x2305	7 Days	42	6
16	110 / 115 Capt Timothy Kelly	37 AVE - ROOSEVELT AV 74 ST-99 ST-104 ST	1730x0205 2130x0605	7 Days	60	7
<b>Housing</b>						
17	P.S.A. 2 073	LANGSTON HUGHES, SETH LOW, TILDEN, VAN DYKE, BROWNSVILLE	1800x0235	TUE/WED RDO	50	10
18	P.S.A. 5	KING, TAFT, JOHNSON, JEFFERSON	1725X0200	ROTATING RDO'S	30	10
19	P.S.A. 7	MILLBROOK, PATTERSON MOTT HAVEN, MITCHEL	1800X0235	TUES/WED RDO	20	10

16 P.S.B. ZONES / Initiatives 800 U.M.O.S. Recruits  
 93 HOUSING ZONES 100 U.M.O.S.  
 19 TOTAL ZONES / Initiatives 900 U.M.O.S.

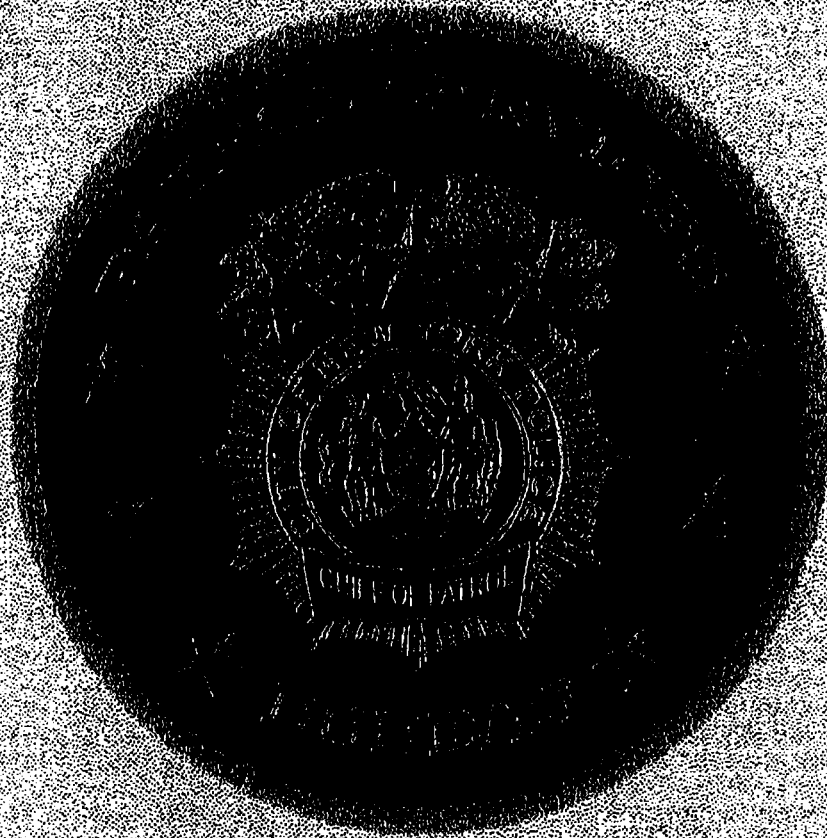
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CONFIDENTIAL

NYC-0005492

# IMPACT VIII

Impact Maps, Zones, Foot Posts



Chief of Panel  
Chief Nicholas Estavillo

PSB Executive Officer  
Deputy Chief Steven M. Anger

Impact Coordinator  
Captain Dimitrios Roumeliotis

Compiled and Revised on: January 1, 2007  
\* Brooklyn North Foot Posts not available at this printing

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IMPACT VIII							
	Zone	Pct Zone Commander	Boundaries	Hours	RDO's	Recruits	Mentors
PBBS	1	14 Capt Bernstein	W. 41 St. - W. 46 St. 7 Ave - 8 Ave	1200X2035 2000X0435	7 Day Coverage	60	
	2	23 DI Colon	Lexington Ave, between E102 St. and E112 St. 3rd Ave, Between E102 St. and E112 St. 2nd Ave Between E 102 St. and E 112 St	1730x0205	7 Day Coverage	33	
			25 Capt White	E. 115 St. - 117 St. Madison Ave - 2 Ave.	1730x0205	7 Day Coverage	33
	4	32 Capt Ventrella	W 135 St AC Powell Blvd - 8th Ave AO Powell Blvd between W 132 St- W145 St Lenox Ave, Between W132 St. and W145 St.	1730x0205	7 Day Coverage	56	
			MN IRT	Incident Response Team Capt. Pla	30 Pct IRT	1730x0205	7 Day Coverage
BRONX	5	43 Capt. Dadamo	E. 172 St - Bruokner Expressway Elder Ave. - Stratford Ave	1800x0235	7 Day Coverage	30	
	6	44 Capt. McSorley	Area bound by the following perimeter: Originating at Cross Bx. Expwy and Grand Concourse to E 169 St. to Webster Ave. to E 166 St. to Grand Concourse to E 161 St. to River Ave to E 167 St. to Jerome Ave to Cross Bx. Expwy.	1730x0205	7 Day Coverage	46	
			46 Capt. McHugh	Area bound by the following perimeter: Originating at Cross Bronx Expwy & Martin Luther King Jr. Blvd., to W. Tremont Ave, to E177 St., to Jerome Ave, to Cross Bronx Exp.  Area bound by the following perimeter: Originating at Jerome Avenue and E Burnside Ave, to E163 St., to Grand Concourse, to East Fordham Rd., to Webster Ave, to E183 St. to Grand Concourse, to E Burnside Ave, to Jerome Ave	1730x0205	7 Day Coverage	46
	8	48 Capt. Deary	Between Bronx Park S and E Tremont Ave, from Crotona Pkwy and Boston Road  Between Crotona Ave and Southern Blvd, from E176 St. to E179 St.	1730x0205	7 Day Coverage	46	
			Area bound by the following perimeter: Originating at Webster Ave and E183 St., to E186 St., to Third Ave, to E183 St., to to Webster Ave.				
9	52 Capt. Maman	Between Jerome Ave and Martin Luther King Blvd (University Ave), from E168 St and W184.  W. Fosham Rd. from Martin Luther King Blvd. (University Ave) to the Grand Concourse	1730x0205 0930x1805	7 Day Coverage	41		
PBBS	10	70 Capt. Mastrokoelas	Area bound by the following perimeter: Originating at Ocean Ave & Newkirk Ave, to Flaibush Ave, to Linden Blvd, to Bedford Ave, to Clarkson Ave, to Woodruff Ave, to Ocean Ave, to Caton Ave, to E18th St., to Cortelyou Rd, to Ocean Ave, to Newkirk Ave.	1030x1905 1800x0235	7 Day Coverage	75	
PBBN	11	73 Capt. Tasso	Mega Zone Entire Precinct	1200x2035 1930x0405	7 Day Coverage	60 (36 recruits, 24 retained)	
	12	78 Zone 1- Capt. Farrell Zone 2- Zone 3 - Schweitzer	Mega Zone Entire Precinct	1200X2035 1930x0405	7 Day Coverage	90 (40 recruits, 50 retained)	
			79 Capt. McEvoy	Classon Ave- Marcus Garvey Blvd Herklmar St Fulton Street, Classon Ave to Marcus Garvey	1730x0205	7 Day Coverage	32
	MN IRT	Incident Response Team Capt. Lipetri	PBBN IRT 81, 83, 78, 90 Pcts	0930x1805 1730x0205	7 Day Coverage	66	
PBBS	15	103 Capt. Pizzano	Jamaica Ave 163 St - Merrick Blvd Archer Ave-Jamaica Ave, Parsons Blvd-161 St	1155x2030 1430x2305	7 Day Coverage	48	
	16	110,115 Capt. Kelley	Roosevelt Ave 74 St. - 104 St 34th Ave - 100 St. - 35th Ave West to 89th St & South to Roosevelt Ave 105th St 34 - 35 Ave & 104 at 35th Ave- Roosevelt	1730x0205 2130x0605	7 Day Coverage	60	

Revised as of: 12/29/08

# Patrol Services Bureau

## IMPACT IX

July 9, 2007



**Chief of Patrol**  
**ROBERT GIANNELLI**

# IMPACT IX

JULY 9, 2007

## (9) IMPACT ZONES

014 PCT  
032 PCT  
044 PCT  
046 PCT  
052 PCT  
070 PCT  
071 PCT  
103 PCT  
110/115 PCT

## IMPACT RESPONSE TEAMS

026/030 PBMN IRT "A"  
025 PBMN IRT "B"  
079/081 PBBN IRT

## (2) MEGA ZONES

073 PCT MEGA ZONE  
075 PCT MEGA ZONE

Impact IX Monday, July 09, 2007						
BORO	Zone	Pct Zone Commander	Boundaries	Hours	RDO's	TOTAL MOS ASSIGNED
PBMS	1	14 Capt. Berntsen	W. 39 ST - W. 45 ST 7 Ave - 8 Ave	1200X2035 2000X0435	7 DAYS	72
PBMY	2	32 Capt. Ehrenberg	W. 133 St. - W. 145 St Adam Clayton Powell Blvd - Lenox Ave	1730X0205	7 DAYS	48
	MN IRT	Impact Response Team Capt. Pla	26 / 30 Pot IRT "A" Broadway, W 135 St- W. 152 St W. 145 St, St. Nicolas to Broadway 26 Pot IRT "B" E 116 St-E. 126 St, Lexington Ave to 3 Ave	1730X0205 1730X0205	7 DAYS 7 DAYS	36 36
PBXX	3	44 Capt. Melendez	Area bound by the following perimeter: E. 161 St to Jerome, Jerome to XBronx Expway, XBronx Expway to Grand Conc. Grand Conc to E. 169 St, E 169 St to Webster Ave, Webster to E 166 St., E 166 St to Grand Conc., Grand Conc to E 161 St	1730X0205	7 DAYS	48
	4	46 Capt. McHugh	Area bound by the following perimeter: XBronx to E 177 St, Dr MLK Jr Blvd to Jerome Ave Area bound by the following perimeter: Originating at Jerome Avenue and E Burnside Ave, to E183 St., to Grand Concourse, to E Fordham Rd., to Webster Ave, to E183 St. to Grand Concourse, to E Burnside Ave, to Jerome Ave	1730X0205	7 DAYS	48
	5	52 Capt. Corrado	E. Fordham Rd from University Ave to Decatur Ave Creston Ave to Decatur Ave, W. Kingsbridge Rd to E. Fordham Road	1730X0205	7 DAYS	48
PBBS	6	70 Capt. Mastrokostas	Area bound by the following perimeter: Originating at Ocean Ave to Clarkson Ave to Bedford Ave to Linden Blvd to Flatbush Ave to Newkirk Ave to E 21 St to Albemarle Rd to E 18 St to Church Ave, Church Ave to C.I. Ave, C.I. Ave to Caton Ave, Caton Ave E. 21 St SEE MAP	1090x1905 1800X0235	7 DAYS	70
	7	71 Capt. DiPaolo	Ocean Ave to Flatbush Ave, Parkside to Empire Blvd, with an extension on Empire Blvd from Flatbush Ave to Bedford Ave	0930x1805 1730X0205	7 DAYS	36
PBEN	MEGA	73 Capt. Tasso	Mega Zone Entire Precinct	1200X2035 1930X0405	7 DAYS	45
	MEGA	75 Zone 1- Capt. Kelly Zone 2- Capt. Farrell Zone 3- Capt. Schwallzer	Mega Zone Entire Precinct	1200X2035 1930X0405	7 DAYS	60
	BN IRT	Impact Response Team Capt. Patti	Area bound by the following perimeter. Herkimer St to Nostrand Ave to Macon St to Throop Ave to Monroe St to Malcolm X to Patchen to MacDonough St to Buffalo to Atlantic to Rochester to Nostrand Ave SEE MAP	1200X2035 1930X0405	7 DAYS	72
PBQS	8	103 Capt. Barrell	Jamaica Ave 153 St - Merrick Blvd Archer Ave-Jamaica Ave, Parsons Blvd-161 St	1155X2030 1430X2305	7 DAYS	48
PBQN	9	110115 Capt. Tamola	Roosevelt Ave to 37th Ave from 72 St to 104 St	2130X0805 1730X0205	7 DAYS	72

(REV. JUNE 20, 2007)

- 9 PSB Impact Zones
- 2 Mega Zones
- 2 Impact Response Teams
- Housing PSA's 2,5,7
- Transit

PSB Total	739
Housing	100
Transit	100
<b>CW Total</b>	<b>939</b>

Sgt. Holohan, P.S.D.



# Patrol Services Bureau

## IMPACT X

JANUARY 7<sup>TH</sup>, 2008



**Chief of Patrol**  
**Robert J. Giannelli**

**Report Under**  
**PSB # 001-1 s.08**

**POLICE DEPARTMENT  
CITY OF NEW YORK**

January 2, 2008

**From: Chief of Patrol**

**To: Commanding Officers, All Patrol Boroughs**

**Subject: OPERATION IMPACT X ZONES COMMENCING JANUARY 7, 2008**

1. Operation "Impact X" will commence Monday, January 7, 2008. After a review of each Patrol Borough's proposed zones, modifications have been made and finalized Zones have been established. The attached matrix contains the approved Zone boundaries, and personnel allotment.
2. Patrol Boroughs will ensure that comparative crime statistics and enforcement activity (2008 vs. 2007) are collected, compiled and forwarded daily for each Impact Zone, as well as each IRT (Impact Response Team) Zone. Impact Zone Crime and Enforcement Statistics will be reported via the Access database previously distributed by the Office of the Chief of Department. All crime reporting for Impact X will commence on January 7<sup>th</sup> 2008.
3. Patrol Boroughs Manhattan North, Brooklyn South, and Brooklyn North will deploy "Incident Response Teams" (I.R.T.). Initial target zones have been defined. Changes to the I.R.T. zones will require written request and approval through channels.
4. For your information and necessary compliance.

**Robert J. Giannelli**  
**Chief of Patrol**

RJG/DR/rh

IMPACT X								
BORO	ZONE	PCT	BOUNDARIES	HOURS	DAYS	IMPACT		
						IX	X	
PBMS	1	MTS/MTN	7 AVE - 8 AVE W. 39 ST - W 47 ST	1200X2035 2000X0435	7 DAYS	72	63	
	CAPT WHITE							
PBMN	2	32 PCT	A.C. POWELL BLVD - LENOX AVE W 135 ST - W 147 ST W 144 ST - W 147 ST FRED DOUG BLVD-LENOX AVE	1730X0205	7 DAYS	48	50	
	CAPT EHRENBERG							
	IRT A	25 PCT	B 115 ST-B 125 ST ON LEXINGTON AVE E 115 ST-B 125 ST ON 2 <sup>ND</sup> AVE E 125 ST, LEXINGTON AVE-2 <sup>ND</sup> AVE	1730X0205	7 DAYS	38	13	
	CAPT. PLA							
	IRT B	23 PCT	E 102 ST-B 112 ST ON LEXINGTON AVE, 3 <sup>RD</sup> AVE & 2 <sup>ND</sup> AVE	1730X0205	7 DAYS	38	12	
	CAPT PLA							
PBBX	6A	44 PCT SECTOR PETER	E 167 ST- E 170 ST JEROME AVE-GRAND CONCOURSE	1730X0205	7 DAYS	47	45	
	6B	44 PCT SECTOR JOHN	E 166 ST-B 169 ST MORRIS AVE-WEBSTER AVE					
	CAPT MLENDEZ A & B							
	7A	46 PCT	JEROME AVE-GRAND CONCOURSE W. BURNSIDE-W.183 <sup>RD</sup> ST	1730X0205	7 DAYS	45	46	
	7B	46 PCT	W.183 <sup>RD</sup> ST-B.FORDHAM RD GRAND CONCOURSE-WEBSTER AVE					
	7C	46 SECTOR IDA	M.L. KING BLVD- JEROME AVE CROSS BRONX EXPWAY- E.177 ST					
	CAPT McHUGH A, B & C							
	8	52 PCT	SECTOR BOY, CHARLIE & DAVID SEE MAP	1630X0105	7 DAYS	44	46	
CAPT CORRADO								
PBBS	10	70 PCT	FLATBUSH AVE, CLARKSON AVE-FORSTER NEWKIRK AV, RUGBY-FLATBUSH AVE SEE MAP	1030X1905 1800X0205	ROTATING	72	42	
	CAPT MATROKOSTAS							
	9	71 PCT	FRANKLIN AVE-BEDFORD AVE EMPIRE BLVD-EASTERN PARKWAY	1730X0205	F/S	10	0	
	CAPT DIPALO				1730X0205	S/M	10	
	IRT	67 PCT	UTICA AVE-REMSSEN AVE- CHURCH AV 67 SECTOR IDA	1200X2035 1900X0335	ROTATING	0	61	
CAPT. DEDDO								
PBEN	MEGA	73 PCT	BNTIRE PCT	1200X2035 1930X0405	ROTATING	57	43	
	CAPT. TASSO							
	MEGA	75 PCT	ZONE 1 CAPT PENA ZONE 2 CAPT FARRELL ZONE 3 CAPT. (EMPTY)	1130X1905 1930X0405	ROTATING	83	74	
	12	77 PCT	PACIFIC ST-EASTERN PARKWAY FRANKLIN AVE-NOSTRAND AVE	1125X2000 1730X0205	ROTATING	0	38	
	CAPT MYRIE							
	13	79 PCT	FULTON ST, UNION PL - GARVY BLVD SEE MAP	1125X2000 1730X0205	ROTATING	0	62	
	CAPT SCHWEITER							
	IRT	79/81 PCT	MARCY AVE-STUYVESANT AVE DEKALB AVE, PULASKI ST TO BROADWAY SBB MAP	1200X2035 1930X0405	ROTATING	67	46	
CAPT PATT								
PBQS	15	103 PCT	JAMAICA AVE, 153 ST-169 ST SEE MAP	1155X2030 1430X2305	7 DAYS	50	47	
	CAPT HOLMES							
FBQN	16 A & B	110/115 PCT	37 <sup>TH</sup> AVE-ROOSEVELT AVE 72 <sup>ND</sup> ST - 104 ST	0930X1805 1730X0205 2130X0605	45 35 40	72	47	
	CAPT TAMOLA							
CITY WIDE	14	ZONES						
	3	IRT				753	735	
	2	MEGA						



# **Patrol Services Bureau**

## **IMPACT XI**

July 14, 2008



**Chief of Patrol**  
**Robert J. Giannelli**

CONFIDENTIAL

NYC-00005660

# IMPACT XI

BORO	ZONE	PCT	CAPTAIN	HOURS	DAYS	IMPACT XI
PBMS	1	MTS/MTN	Capt. Joseph White	1200x2035 1930x0405	7 DAYS	68
P B M N	2	32 PCT	Capt. David Ehrenberg	1930x0405	7 DAYS	48
	3	32 PCT				
	4A	IRT- 23 PCT	Capt. William Pla	1730x0205	7 DAYS	80
	4B	IRT- 33/34 PCT				
P B B X	5	44 PCT	Capt. Emilio Melendez	1730x0205	7 DAYS	48
	6	46 PCT	Capt. Jon Bloch	1730x0205	7 DAYS	48
	7	47 PCT	Capt. Rodney Harrison	1730x0205	7 DAYS	30
	8	52 PCT	Capt. Phillip Rivera	1730x0205	7 DAYS	24
P B B S	9	70 PCT	Capt. Peter Venice	1030x1905 1800x0235	7 DAYS	72
	10	71 PCT	Capt. Mark DiPaolo	1130x2005 1930x0405	7 DAYS	45
	11A	IRT- 71 PCT	Capt. Michael Deddo	1125X2000 1930X0405	7 DAYS	57
P B B N	12	73 PCT MEGA ZONE	Capt. Alex Perez	1200x2035 1930x0405	7 DAYS	57
	13	75 PCT MEGA ZONE	Capt. Leonis Pena Capt. Scott Henderson	1200x2035 2000x0435	7 DAYS	90
	14	79 PCT	Capt. Thomas Farrell	1130x2005 1730x0205	7 DAYS	30
	15A	IRT- 90 PCT	Capt. Vincent Patti	0930x1805 1730x0205	7 DAYS	57
PBQS	16	103	Capt. Armando Deleon	1155x2030 1400x2235	7 DAYS	48
PBQN	17	110/115 PCT	Capt. Johnny Ramirez	1730x0205 2130x0605	7 DAYS	60
PBSI	18A	IRT- 120 PCT	Capt. Robert Bocchino	1730x0205	7 DAYS	36
CITYWIDE	14	ZONES				898
	5	IRT				

# **EXHIBIT C**

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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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DAVID FLOYD, LALIT CLARKSON, DEON DENNIS,  
and DAVID OURLICHT, individually and on  
behalf of a class of all other similarly  
situated,

Plaintiffs, Index No

-against- 08 CIV 01034

THE CITY OF NEW YORK, NEW YORK CITY POLICE  
COMMISSIONER RAYMOND KELLY, in his  
individual and official capacity, et al,  
Defendants.

-----X

March 4, 2011

9:59 a.m.

DEPOSITION of DENNIS C. SMITH, Ph.D.,  
taken by the Plaintiffs, held at the law offices  
of Covington & Burling LLP, The New York Times  
Building, 620 Eighth Avenue, New York, New York,  
10018-1405, before Eleanor Greenhouse a Shorthand  
Reporter and Notary Public by and for the State  
of New York.

GREENHOUSE REPORTING, INC.

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New York, New York 10001

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D. Smith

MR. LARKIN: I don't raise my voice, counsel. You raised your voice. I'm speaking in a conversational tone and you might giggle about that and attempt to deceive the record in a silly ridiculous way, but that's completely up to you, counsel. Go ahead. You can answer.

A. The conversations at CompStat are about crime.

Q. Are they about stop and frisk?

MR. LARKIN: Objection. Please don't interrupt the witness.

A. They are about stop and frisk as a response on the part of police to crime patterns. In many of the neighborhoods where the police are focusing their efforts to reduce crime and I might say succeeding in their efforts to reduce crime, there isn't any variation in race. They're working in areas that are overwhelming, if not exclusively, Hispanic or Black. Operation Impact, as I've explained in my reports, are sometimes two blocks by four blocks. You do know that in New York City there are areas that are two blocks by four blocks in which there are no

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D. Smith

white residents.

So what is the issue of race to discuss there?

Q. What about -- for example, I live in the 88th Precinct, Professor. I don't know if you're familiar with the 88th Precinct. It's in Fort Greene, Brooklyn, Clinton Hill, a very racially diverse neighborhood. You have the big brownstones with yuppies. I guess I include myself there. You have public housing developments, you have mostly older Black and Hispanic residents who have been there since the early '90s. This is all one precinct.

So have you ever been in a CompStat meeting, where a precinct commander for a racially diverse precinct is presenting, where discussions about the racial breakdown of who is being stopped, the trends, the statistics have been discussed?

MR. LARKIN: Objection to form.

A. I don't recall any such conversation.

Q. I think hopefully we can close this loop. We've talked about a lot of people. Is

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D. Smith

required to reside in the communities they police, whether they should be required to have a college education before they are either appointed or -- like that.

Q. Have you studied, prior to serving as an expert in this case, have you studied issues around fairness and equity of particular urban police practices?

MR. LARKIN: Objection to form.

A. The studies that I did with Elinor Ostrom in Indianapolis, Chicago and St. Louis, and then subsequently follow-up studies going back to St. Louis and Tampa/St. Petersburg, Florida, and Rochester/New York metropolitan areas, in all of those studies, our performance measurement included effectiveness, efficiency and equity.

Q. When you say equity, how did you include that in your analysis?

A. We used citizen surveys and asked citizens about the fairness of their treatment, the respect that they received in their treatment by police officials. We looked at equity in deployment of resources in terms of whether

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D. Smith

neighborhoods with similar levels of crime were getting similar levels of attention. Because in the '60s and the '70s, it was a different issue. The issue concerned was that in many places police were not providing enough police protection to minority neighborhoods, that they were basically ignoring the crime problems in the neighborhoods or if they dealt with crime by minorities, it was only to, quote, "protect the whites." So we were very much interested in analyzing that and including that in our frame of measurement.

Q. You said these were studies with Elinor Ostrom.

A. Um-hum.

Q. They were published studies?

A. There were a variety of published studies, yes.

Q. Let's actually turn to Exhibit A of your report.

A. Okay.

Q. Do you know what Exhibit A is?

A. It's my curriculum vitae.

Q. Based on your review of it, if you

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D. Smith

want to look through it, as of March 4, 2011, is this an up-to-date curriculum vitae?

A. There are a few sort of things that would be added if I were doing it today.

Q. What would those be?

A. I'm appointed by Governor Elect Cuomo to be on his transitional committee for public safety so I've participated with senior officials from the Cuomo administration. I'm now a participant in the Police Executive Research Forum's exploration of CompStat and leadership in policing. I've attended a meeting of police officials in Washington in connection with that. I'm attending another conference on that next week. Those would be the sort of things that would be on my resume that aren't there now.

Q. Specifically turning to page 4 of your CD where it says "Articles and Publications," and this continues on, it looks like, for several pages, is this list -- I guess it goes from page 4 to 8 -- is this a complete and up-to-date list of your publications?

A. There are -- there is a review of a book on New York City government that I have

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D. Smith

submitted. I don't think it's come out yet, but it will appear on my next CD, but it's not related to policing.

Q. Anything else?

A. I think this is complete.

Q. So going back to the -- you said you did some research with Elinor Ostrom.

A. Right.

Q. Is that O-S-T-R-O-M?

A. It is.

Q. And you said that those studies -- I'm sorry, how many studies did you do with Dr. Ostrom?

A. It depends on how you count them. I guess you would say four, but the fourth one was actually a study of three metropolitan areas.

Q. And how many of those four studies dealt with what you referred to as equity issues in policing?

A. All of them.

Q. Were any of those studies published?

A. Yes. "On the Fate of Lilliputs in Metropolitan Policing," small police departments. "The Effects of Training on Education and Police

1 D. Smith

2 Attitudes in Performance," "The Potential For  
3 Reform of Criminal Justice," and "Dangers of  
4 Police Professionalization," Journal of Criminal  
5 Justice." "Impact of Residency," Urban Affairs  
6 Quarterly.

7 Q. Did any of those studies include  
8 multi-variate statistical analyses?

9 A. Yes.

10 Q. Which ones or one of those four?

11 A. All of them.

12 Q. So let's start with the first one  
13 then. You said it was the -- "On the Fate of  
14 Lilliputs." I'm going in the order of the way  
15 you recited them. Maybe if we can go  
16 chronologically, it's better. So should we start  
17 with the first one, "A Multi-Strata, Similar  
18 Design for Measuring Police Performance." Did  
19 that study include analyses related to equity of  
20 particular police practices?

21 MR. LARKIN: Objection to form. Go  
22 ahead.

23 A. That was the methodological paper  
24 that explained how we were doing basically all of  
25 those studies that I have identified so far, and

1 D. Smith

2 those are the ones in which we used  
3 effectiveness, efficiency and equity as the  
4 dimensions of performance that we wanted to  
5 include in analyzing. In one case, the size of  
6 department is a variable in response to debate in  
7 the field about whether or not we should  
8 consolidate police in metropolitan areas. "The  
9 Effects of Residency," which was a study that  
10 used that data, was concerned with whether or not  
11 police officers who reside in a community had a  
12 better understanding of adversity in their  
13 community than people who were outsiders coming  
14 in and policing. So it was a -- it was the  
15 approach to performance measurement that pervaded  
16 that side.

17 Q. Is it fair to say that this first  
18 publication is actually just describing  
19 methodology, it doesn't have results?

20 A. That's correct.

21 Q. So then the second one, which is  
22 "The Effects of Training and Education on Police  
23 Attitudes and Performance," did that include  
24 multi-variate statistical analyses?

25 A. It did.



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D. Smith

Q. Did that study address issues of equity?

A. In the way I describe, yes.

Q. So in other words, were there multi-variate statistical analyses addressing whether or not a particular police practice was fair or equitable?

A. No. It had to do with whether officers' attitudes were more sensitive to equity concerns.

Q. What about "The Fate of Lilliputs in Metropolitan Policing," did that study include multi-variate statistical analyses?

A. Yes.

Q. Did any of those statistical analyses relate to whether or not a particular police practice was fair and equitable?

MR. LARKIN: Objection to form.

A. In the way I described. We looked at whether or not big city police departments, small police departments, in the ways that we could measure it, were similar or different with respect to attitudes of officers about the importance of fairness, their respect for

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D. Smith

citizens of all kinds. Whether or not when we had citizen data, because we used citizen survey data as well as police officer survey data, we looked at whether or not the attitudes of minorities in those communities toward police varied from the attitudes of majorities out of concern for whether or not policing was being seen as legitimate equally in the different communities under those different conditions of big city police departments, small community police departments.

Q. So in that study, did you analyze data on how any particular police practice was impacting a particular segment of the population?

MR. LARKIN: Objection to form.

A. Only in the larger context that how you organize public services is a policy choice. And we were looking at whether or not communities of various kinds would be better off or worse off if the organization of police services were different. So in the broader sense, yes, but it wasn't in the way this case raises those issues.

Q. That is three. What about the fourth one? What was the fourth study you did

1 D. Smith  
2 with Dr. Ostrom, or was it only those three that  
3 were published?

4 A. Well, you know, the studies that  
5 were published were not typically papers that  
6 were about the whole study. I focused on police  
7 professionalization in my research and my  
8 dissertation and so my publications, whether by  
9 myself or with Elinor Ostrom, tended to go in  
10 that direction.

11 Other people who were part of the  
12 team doing research published other articles on  
13 other dimensions, so some people wrote about the  
14 way that police organizations work together in  
15 the metropolitan area and that wasn't the focus  
16 of my research.

17 I did the Journal of Criminal  
18 Justice study with the data that I had because  
19 there was a debate about education and training  
20 of police. There were people who had great hopes  
21 for it, and those hopes were the hypotheses  
22 tested in the Elinor Ostrom paper that appeared  
23 in the Sage Criminal Justice Annuals report, and  
24 then because there were people out there who were  
25 saying that actually professionalization would

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have some adverse effects, I did another paper to see if the evidence supports the fears about professionalization and published that in the Journal of Criminal Justice.

Q. Have you ever published any articles or other written pieces that reflect analyses you've done, statistical analyses, to test for racial disparities in any kind of police practice?

A. Only in the way I've already described which is in the studies that we did in Indianapolis, Chicago and St. Louis, we were interested in the way in which citizens of different backgrounds, including race, experienced the public service and, in particular, policing. For reasons that would be probably present today, race appears as kind of a strange variable in some of this research because we did our first study of three neighborhoods in the Indianapolis area adjacent to neighborhoods served by the City of Indianapolis, so Speedway, Lawrence and Beach Grove are independent communities.

Across the street from very similar

1 D. Smith

2 neighborhoods in Indianapolis, you have  
3 Indianapolis neighborhoods served by the  
4 Indianapolis Police Department and the suburban  
5 neighborhoods served by the very small, arguably  
6 less professional police forces.

7 So the question is: Is the service  
8 provided by the big city police departments with  
9 their greater technology and greater training and  
10 so forth producing less crime, greater feelings  
11 of safety, greater sense of respect and  
12 professionalism on the part of the police that  
13 are serving them?

14 People advocating reform by  
15 consolidation would have said yes. Elinor Ostrom  
16 is from the small is beautiful sort of world, so  
17 she was not surprised. In fact, she was not  
18 pleased when our studies showed that small  
19 departments performed as well or better than big  
20 city police departments, but the problem was  
21 those were all basically white working class  
22 neighborhoods. And in the early 1970's, we were  
23 presented with who cares about white working  
24 class neighborhoods? The problems of crime and  
25 civil disorder and police community relations are

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2 in Black neighborhoods, African-American  
3 neighborhoods. So we did our next study in  
4 Chicago looking at Black neighborhoods in Chicago  
5 served by the Chicago Police Department and  
6 suburban communities that were overwhelmingly  
7 Black to try to reproduce the design of this  
8 multi-system, multi-strata similar system design,  
9 but in a different metropolitan area where we had  
10 the race variable.

11 Q. I'm almost done with this line of  
12 questioning. The data you're talking about that  
13 you analyzed was the survey data, is that right?

14 A. Citizen and police officer survey  
15 data.

16 Q. But you didn't look at, for example,  
17 arrest rates for Blacks versus other demographic  
18 groups?

19 A. No.

20 Q. You didn't look at crime rates for  
21 Blacks versus other demographic groups?

22 A. No.

23 Q. Have you ever published a study that  
24 analyzes data on whether it be crime rates,  
25 arrest rates or stop rates for different

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demographic groups?

MR. LARKIN: Objection to form. You  
can answer.

A. Stop, question and frisk has that as  
part of the study, yes.

Q. So that's the study that you did  
with Professor Purtell?

A. Right.

Q. Any other studies?

A. No.

MR. CHARNEY: We can take a break.

(Luncheon recess: 12:31 p.m.)



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binomial kind of construct to enable us to use complicated statistical analysis in which you're mostly using continuous variables like number of crimes and population characteristics that can go from 1 to a million or something like that in a continuous way, but some of them don't.

Q. Have you ever conducted a statistical analysis of data either in the policing context or in any other context using negative binomial regression?

A. Not that I specifically remember of that characteristic.

Q. What is a general estimating equation?

A. My understanding is that that is an equation that describes the factors that you're going to include to try to predict some variable.

Q. Have you ever conducted a study where you analyzed data using a general estimating equation in your analysis?

A. Yes. Both of the studies that I presented as appendices present those kind of equations.

Q. That would be the Operation Impact

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Appendix D and the stop and frisk Appendix E of your expert report?

A. Correct.

Q. What is a poisson regression, P-O-I-S-S-O-N regression?

A. I don't actually remember. I've heard of it and I've been in conversations about it through my life, but I'm not a statistician and I haven't focused on it.

Q. And then what is a marginal R square statistic?

A. It is a statistic that identifies the specific contribution of a variable in a multi-variate analysis.

Q. Have you ever conducted a statistical study analyzing data either from the police context or any other context where you have used marginal R square statistics in your analysis?

A. Yes.

Q. Which studies have you used that in?

A. These studies, these two that are Appendix D and E. A study of SATCOM, which is a study of a command structure in Brooklyn.

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looking at the fact -- it was a concept in public service called co-production. And this was an empirical study of alternative modes of producing public safety. There are some communities who rely entirely upon the police. There are some communities who very heavily take care of their own public safety and there are some that are mixtures in between. And we had number variation in the communities we studied in St. Louis to examine that so that was the focus of that study.

Q. Earlier we discussed studies you had done around fairness and equity of particular police practices and you mentioned the work you did with I guess Dr. Ostrom.

A. Yes.

Q. Other than the work you did with Dr. Ostrom, have you conducted any other studies related to fairness and equity in particular police practices?

MR. LARKIN: Objection to form. You can answer.

A. Not with that as a specific variable, no.

Q. Have you ever conducted a study

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where you've done statistical analysis of data in which the study addresses claims of racial discrimination whether it be in policing or any other arena of life?

A. No. I had said earlier, so I assume you're not asking me again, the study of stop, question and frisk addresses the issue of whether or not the police practice of stop, question and frisk might be explained as something other than racial bias. So it is a -- it's part of the conversation, the analysis in that study.

Q. Other than that study, were there any other --

A. No. There's one study at the very beginning of my career, what I call the constitution of police legitimacy.

Q. Is that in your CV?

A. It is, and it was published in a book edited by Joseph Hawes, H-A-W-E-S.

Q. What year was that?

A. Way back, but it got published with the title Reforming the Police Organizational Strategies For the Urban Crisis.

Q. Okay. I've actually read that

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article you wrote, a very interesting article,  
but I guess my question about it is, did you do  
statistical analysis of police data?

A. No.

MR. CHARNEY: The article you did  
with Dr. Baillargeon, I think this is the  
article you're referring to. I'll  
introduce this as Smith Exhibit 2.

(Smith Exhibit 2, article entitled  
In Pursuit of Safety: Alternative Patterns  
of Police Production in Three Metropolitan  
Areas, by Diane L. Baillargeon and Dennis  
C. Smith, marked for identification.) .

Q. If you want a minute to review it, I  
was going to ask you about a particular page but  
if you want to read through it --

A. If I need to go back on it, I will.

Q. Based on your very quick review, is  
this the article that you were referring to that  
you did with Dr. Baillargeon?

A. She is not Dr., but she is  
Baillargeon.

Q. She doesn't have a Ph.D. I guess?

A. No.

# **EXHIBIT D**

**CORRECTIONS TO SUMMARIES OF CASES LISTED IN GROSSMAN DECLARATION (DKT # 180), EX A.<sup>1</sup>**

Cases Listed on pp. 1-5 of Grossman Decl. Ex. A In Which Defendants Claim Courts Determined that Officers Stopped a Defendant With Reasonable Suspicion Based Only On One “Conditionally Justified” Circumstance Listed on Page One of NYPD UF-250

CASE	Carrying Objects in Plain View Used in Commission of Crime	Fits Description	Actions Indicative of Acting as a Lookout	Suspicious Bulge / Object	Furtive Movements	Clothes / Disguise Commonly Used in Crime	Stop Factors Present in Case But Omitted from Grossman Decl. Ex A.
<p><b>People v. Jenkins, 209 A.D.2d 164 (N.Y. App. Div. 1994)</b> Court affirmed that defendant was stopped based on reasonable suspicion when plainclothes officers on patrol directed defendant to stop and to show his hands after the officers had made eye contact with defendant and, in response, defendant had turned away, began to behave nervously, reached into his waistband and removed a dark object and tossed it into a pile of trash bags.  <b>Correction: the court ruled that the furtive movement by itself, gave officers founded suspicion of criminal activity, which is a lower standard than reasonable suspicion, and which only permitted the officers to conduct a common law right of inquiry, not a stop-and-frisk. Only after the officers observed the suspect pull a suspicious</b></p>					X		Suspicious Object (dark object in suspect's waistband)

<sup>1</sup> The Grossman Caselaw Chart addresses 43 cases, which fall into four groups: (1) cases that are irrelevant because they concern stop category combinations (one or more conditional CS plus High Crime Area), which Fagan classified as Justified; (2) cases that are irrelevant because they concern combinations of two or more conditional CSs that, with the correction of the coding error (see Pl. Mem. at 9-10), Fagan classifies as Justified; (3) cases cited in Fagan's Appendix D; and (4) all the other cases. Cases in Groups (1) and (2) -- which concern stops classified as Justified -- need not be addressed at all. Cases in Group (3) are addressed in Plaintiff's accompanying memorandum of law. This chart addresses and corrects only the 13 cases in Group (4).



CASE	Carrying Objects in Plain View Used in Commission of Crime	Fits Description	Actions Indicative of Acting as a Lookout	Suspicious Bulge / Object	Furtive Movements	Clothes / Disguise Commonly Used in Crime	Stop Factors Present in Case But Omitted from Grossman Decl. Ex A.
<p>object from his waistband did the officers have the requisite reasonable suspicion to conduct a stop-and-frisk.</p>							
<p><u>People v. Peques, 208 A.D.2d 773 (N.Y. App. Div. 1994)</u> Court affirmed that officers had reasonable suspicion to stop and frisk defendant when defendant, who was observed driving erratically before pulling into a parking spot, was unwilling to exit the automobile when approached by officers and instead reached under the seat.</p>				X			<p>“Other” Stop Factors (erratic driving and refusal to comply with officer’s directive to exit vehicle)</p>
<p><u>People v. Arps, 293 A.D.2d 260 (N.Y. App. Div. 2002)</u> Court affirmed that an officer had reasonable suspicion to stop defendant when officer observed a bulge in defendant’s waistband, as well as what appeared to be the protruding handle of a gun.</p>				X			<p>Carrying object in plain view used in commission of a crime (protruding handle of a gun)</p>
<p><u>People v. Goings, 41 N.Y.2d 759 (1977)</u> Court reversed and remanded, finding that officer’s observations of defendant with a bulge in his right-hand jacket pocket which struck the officer as having the configuration and outline of a gun warranted the officer’s belief that defendant was carrying a gun and ensuing frisk. <b>ADDITIONAL FACTS:</b> Stop was made by an NYPD Street Crimes Unit Officer patrolling in what was at the time (mid-1970’s)</p>				X			<p>High Crime Area</p>

CASE	Carrying Objects in Plain View Used in Commission of Crime	Fits Description	Actions Indicative of Acting as a Lookout	Suspicious Bulge / Object	Furtive Movements	Clothes / Disguise Commonly Used in Crime	Stop Factors Present in Case But Omitted from Grossman Decl. Ex A.
<p>a high-crime area of New York City. See also Charney Decl (Dkt # 132) Ex. 86 at 8, Ex. 117 at vii, 59-61, 107-109</p>							
<p><b>People v Fernandez, 16 N.Y.3d 596 (2011)</b> Court affirmed finding that officer had reasonable suspicion to believe that defendant possessed an illegal weapon, and therefore was authorized to conduct a stop and frisk, when officer observed, in plain view, the "head" of a knife clipped to and sticking out of defendant's pocket from ten to fifteen feet away, because the officer testified that based on his experience, gravity knives are commonly carried in a person's pocket, attached with a clip, with the "head" protruding.</p>	X						
<p><b>People v Harris, 57 A.D.3d 1427 (N.Y. App. Div. 2008)</b> Court affirmed that the police had reasonable suspicion to stop defendant when they encountered the suspects abandon their car and flee on foot, there were no other pedestrians in the area, there was minimal vehicular traffic, and defendant was dressed inappropriately for the extremely cold weather.</p>					X		<p>"Other" stop factors (defendant's proximity to location where police observed suspects abandon their car and flee on foot)</p>

Cases Listed on pp. 10-14 of Grossman Decl. Ex. A In Which Defendants Claim Courts Determined that Officers Stopped a Defendant With Reasonable Suspicion Based Only On One or More "Additional Circumstances" Listed on Page Two of NYPD UF-250

CASE	Report From Victim / Witness	Area has High Incidence of Rept'd Offense of Type Under Investig.	Time of Day, Day of Week, Season Corresponding to Reports of Criminal Activity	Suspect is Associating w/ Persons Known for Their CrimActiv.	Proximity to Crime Location	Evasive False or Inconsistent Responses to Officer's Questions	Changing Direction at Sight of Officer / Flight	Ongoing Investig	Sights & Sounds of Crim. Activ.	Stop Circumstances From P. 1 of UF250 That Were Present In Case But Omitted from Grossman Decl., Ex. A
<p><b>People v. Johnson, 22 A.D.3d 371 (N.Y. App. Div. 2005)</b> See also Johnson v. Artus, 2009 U.S. Dist. LEXIS 26534 (S.D.N.Y. Feb. 20, 2009) (report and recommendation of magistrate, denying habeas, adopted by <i>Johnson v. Artus</i>, 2009 U.S. Dist. LEXIS 44839 (SAS) (S.D.N.Y. May 28, 2009), for additional discussion of facts. Court affirmed holding that officers had reasonable suspicion upon which to stop and frisk defendant when defendant was in a high crime area and his clothing and physical characteristics fit an armed robber's description that was sufficiently specific, given the temporal and spatial factors.</p>	X	X	X		X			X		Fit Suspect Description

CASE	Report From Victim / Witness	Area has High Incidence of Rept'd Offense of Type Under Investig.	Time of Day, Day of Week, Season Corresponding to Reports of Criminal Activity	Suspect is Associating w/ Persons Known for Their CrimActiv.	Proximity to Crime Location	Evasive False or Inconsistent Responses to Officer's Questions	Changing Direction at Sight of Officer / Flight	Ongoing Investig	Sights & Sounds of Crim. Activ.	Stop Circumstances From P. 1 of UF250 That Were Present In Case But Omitted from Grossman Decl., Ex. A
<p><b>United States v. Simmons, 560 F.3d 98 (2d Cir. 2009)</b> Court affirmed that officers had reasonable suspicion to stop defendant when responding to an anonymous 911 call of an assault in progress, possibly involving a weapon, and the officers own observations corroborated that <b>defendant matched the description of the suspect</b> and was present at the specified location along with a gathering of people, late night, and in a high-crime area, and when defendants behavior – walking towards officers with his hands in his pocket and non-compliance with the first order to stop – reinforced the officers' determination that he may have been involved in criminal activity.</p>	X	X	X		X				X	Fit Suspect Description and furtive movement

CASE	Report From Victim / Witness	Area has High Incidence of Rept'd Offense of Type Under Investig.	Time of Day, Day of Week, Season Corresponding to Reports of Criminal Activity	Suspect is Associating w/ Persons Known for Their CrimActiv.	Proximity to Crime Location	Evasive False or Inconsistent Responses to Officer's Questions	Changing Direction at Sight of Officer / Flight	Ongoing Investig	Sights & Sounds of Crim. Activ.	Stop Circumstances From P. 1 of UF250 That Were Present in Case But Omitted from Grossman Decl., Ex. A
<p><b>United States v. Freeman, 2011 U.S. Dist. LEXIS 129257 (S.D.N.Y. Nov. 8, 2011)</b> Court held that officers had reasonable suspicion to stop defendant when police received late night anonymous 911 calls that were sufficiently reliable – caller called twice and the physical description (including clothing) provided was accurate, as was the report of defendants movements – of a man with a gun in a high crime area arguing with a woman, and when the defendant was the only person in the area matching the caller's description and his evasive behavior in response to statements by the police corroborated the anonymous tip that the suspect may have a gun.</p>	X	X	X		X		X			Fit Suspect Description

CASE	Report From Victim / Witness	Area has High Incidence of Rept'd Offense of Type Under Investig.	Time of Day, Day of Week, Season Corresponding to Reports of Criminal Activity	Suspect is Associating w/ Persons Known for Their CrimActiv.	Proximity to Crime Location	Evasive False or Inconsistent Responses to Officer's Questions	Changing Direction at Sight of Officer / Flight	Ongoing Investig	Sights & Sounds of Crim. Activ.	Stop Circumstances From P. 1 of UF250 That Were Present In Case But Omitted from Grossman Decl., Ex. A
<p><b>United States v. McCargo, 464 F.3d 192 (2d Cir. 2006)</b> Court affirmed that officers had reasonable suspicion that defendant was involved in criminal activity and therefore the stop of defendant was constitutional when officers responding to a 911 call for an attempted burglary (but that did not provide a suspect description) observed defendant walking alone in a high crime area at approximately 1:00 a.m., 200 feet from the crime scene. <b>ADDITIONAL FACT:</b> Suspect was staring so intently at the police cruiser at the scene of the crime that he did not notice the officers' cruiser as it approached him.</p>	<p>X</p>	<p>X</p>	<p>X</p>		<p>X</p>				<p>Furtive movement</p>	

CASE	Report From Victim / Witness	Area has High Incidence of Rept'd Offense of Type Under Investig.	Time of Day, Day of Week, Season Corresponding to Reports of Criminal Activity	Suspect is Associating w/ Persons Known for Their CrimActiv.	Proximity to Crime Location	Evasive False or Inconsistent Responses to Officer's Questions	Changing Direction at Sight of Officer / Flight	Ongoing Investig	Sights & Sounds of Crim. Activ.	Stop Circumstances From P. 1 of UF250 That Were Present In Case But Omitted from Grossman Decl., Ex. A
<p><b>United States v. Muhammad, 463 F.3d 115 (2d Cir. 2006)</b> Court held that officers had stopped defendant on the basis of reasonable suspicion and properly seized a rifle from defendant when a 911 caller provided a detailed description of the suspect and his attire, riding a bicycle at a certain location, that the suspect was carrying the gun out in the open, a negligible amount of time elapsed between the call and the officers' response, no one else was in the vicinity, the neighborhood had a high incidence of crime, and the suspect attempted to flee when the officers indicated their desire to speak with him.</p>	X	X			X		X			Fit Suspect Description



Stop Circumstances From P. 1 of UF250 That Were Present In Case But Omitted from Grossman Decl., Ex. A	Sights & Sounds of Crim. Activ.	Ongoing Investig	Changing Direction at Sight of Officer / Flight	Evasive False or Inconsistent Responses to Officer's Questions	Proximity to Crime Location	Suspect is Associating w/ Persons Known for Their CrimActiv.	Time of Day, Day of Week, Season Corresponding to Reports of Criminal Activity	Area has High Incidence of Rept'd Offense of Type Under Investig.	Report From Victim / Witness	Stop Circumstances From P. 1 of UF250 That Were Present In Case But Omitted from Grossman Decl., Ex. A
<b>CASE</b> <u>Sutton v. Duguid, 2007 U.S. Dist. LEXIS 35853 (E.D.N.Y. May 16, 2007)</u> Court held that defendants had reasonable suspicion to stop plaintiff based on the observed narcotics activity in a high crime area, plaintiff's proximity to the individual identified as involved in the sale of narcotics, and plaintiff's effort to walk away from the commotion as soon as it broke out.			X		X			X		Furtive movement
<u>People v. Sierra, 83 N.Y.2d 928 (1994)</u> Court affirmed that officers were justified in stopping defendant on the belief that he was committing or about to commit a drug-related crime when defendant was observed in a high crime area calling "over here, over here" to a man exiting a parked vehicle with New Jersey license plates and promptly walk away upon spotting the police, refused to approach the police			X					X		"Other" stop factor or Action indicative of engaging in a drug transaction

<p><b>CASE</b></p>	<p>Report From Victim / Witness</p>	<p>Area has High Incidence of Rept'd Offense of Type Under Investig.</p>	<p>Time of Day, Day of Week, Season Corresponding to Reports of Criminal Activity</p>	<p>Suspect is Associating w/ Persons Known for Their CrimActiv.</p>	<p>Proximity to Crime Location</p>	<p>Evasive False or Inconsistent Responses to Officer's Questions</p>	<p>Changing Direction at Sight of Officer / Flight</p>	<p>Ongoing Investig</p>	<p>Sights &amp; Sounds of Crim. Activ.</p>	<p>Stop Circumstances From P. 1 of UF250 That Were Present In Case But Omitted from Grossman Decl., Ex. A</p>
<p>vehicle and subsequently fled.  <b>ADDITIONAL FACT:</b>                      Neighborhood of New York City known as a "narcotics supermarket" for New Jersey residents.</p>										