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1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK

3 DAVID FLOYD, et al.,

4 Plaintiffs,

5 v.

08 CV 1034(SAS)

6 CITY OF NEW YORK, et al.,

7 Defendants.

8 -----x
9 New York, N.Y.
10 April 2, 2013
11 10:09 a.m.

12 Before:

13 HON. SHIRA A. SCHEINDLIN,

14 District Judge

15 APPEARANCES

16 BELDOCK LEVINE & HOFFMAN, LLP
17 Attorneys for Plaintiffs
18 BY: JENN ROLNICK BORCHETTA
19 JONATHAN MOORE

20 COVINGTON & BURLING, LLP
21 Attorneys for Plaintiffs
22 BY: KASEY MARTINI
23 GRETCHEN HOFF VARNER
24 ERIC HELLERMAN
25 BRUCE COREY

CENTER FOR CONSTITUTIONAL RIGHTS
Attorneys for Plaintiffs
BY: DARIUS CHARNEY
SUNITA PATEL
BAHER AZMY

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1 have a witness, although I don't know if your Honor wants to
2 start the witness now.

3 THE COURT: Let's take the witness.

4 MR. MOORE: The plaintiffs would call Steve Mauriello.

5 STEVEN MAURIELLO,

6 called as a witness by the plaintiffs,

7 having been duly sworn, testified as follows:

8 THE COURT: State your first name and last name,
9 spelling both of the names for the record.

10 THE WITNESS: My name is Steven Mauriello,
11 S-T-E-V-E-N, M-A-U-R-I-E-L-L-O.

12 DIRECT EXAMINATION

13 BY MR. MOORE:

14 Q. Good morning, Mr. Mauriello. You're employed by the New
15 York City Police Department?

16 A. Yes, I am.

17 Q. How long have you been in the NYPD?

18 A. 24 years.

19 Q. You rose from the rank of a patrol officer to now a deputy
20 inspector, is that correct?

21 A. Yes.

22 Q. What is your current position?

23 A. Deputy inspector. I am executive officer of Transit
24 Borough Bronx and Queens.

25 Q. What position did you hold right before you became the

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1 executive officer of the transit borough of Bronx and Queens?

2 A. I was the commanding officer of the 81st Precinct.

3 Q. Is it accurate that you became the commanding officer of
4 the 81st Precinct in December 2007?

5 A. Yes, it is.

6 Q. Before that you spent a year as the executive officer of
7 the 81st Precinct, correct?

8 A. Yes.

9 Q. Who was the CO when you were the executive officer?

10 A. Deputy Inspector Robert Brower.

11 Q. The 81st Precinct is in the patrol borough Brooklyn North,
12 correct?

13 A. Yes.

14 Q. As the commanding officer of the 81st Precinct, you
15 reported directly to Deputy Chief Marino, correct?

16 A. I reported directly to Chief Gerald Nelson, who is the
17 commanding officer, and also Chief Marino, who is the executive
18 officer.

19 Q. Deputy Chief Marino was the executive officer of patrol
20 borough Brooklyn North?

21 A. Yes.

22 Q. And Chief Nelson is a two star chief, he was the borough
23 commander for Brooklyn North?

24 A. Yes.

25 Q. You're aware, are you not, that an allegation was made

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1 against you during your tenure at the 81st Precinct that quotas
2 were maintained in the 81st Precinct? You're aware of that
3 allegation, correct?

4 A. The allegation, yes.

5 Q. You deny that allegation, is that correct?

6 A. Of course.

7 Q. But you know that that allegation was made against you,
8 correct?

9 A. Yes.

10 Q. At some point, you were investigated by the NYPD about
11 these allegations, were you not?

12 A. Yes.

13 Q. Subsequent to that -- well, let me ask you.

14 At some point you transferred from the 81st Precinct
15 to your new position as the executive officer of transit
16 borough Brooklyn and Queens, correct?

17 A. Bronx and Queens.

18 Q. Bronx and Queens. I'm sorry.

19 That was on July 3, 2010 when that was communicated to
20 you?

21 A. Yes.

22 Q. That was told to you by Chief Hall, correct?

23 A. Yes. He called me up.

24 Q. Chief Hall is the chief of patrol for the entire New York
25 City Police Department, correct?

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1 A. Yes.

2 Q. When he talked to you on July 3, 2010, this was after
3 allegations had been made against you, correct?

4 A. Yes.

5 Q. When he talked to you, he said you were doing a really good
6 job at the 81st Precinct, right?

7 A. Yes, he did.

8 Q. In fact, he wanted to reward you by giving you the position
9 of executive officer of transit borough Bronx and Queens,
10 correct?

11 A. Yes.

12 Q. And you considered that a promotion, right?

13 A. I considered it a transfer.

14 Q. You considered it a promotion as well, right, in the sense
15 you're going to a more important position than what you were
16 in, correct?

17 A. No. I mean, I am going to be second commander to more
18 officers.

19 Q. So that's a step up for you, correct?

20 THE COURT: Did you view it that way?

21 THE WITNESS: No.

22 THE COURT: You thought it was lateral?

23 THE WITNESS: Yes.

24 Q. Did you view it as a demotion?

25 A. No.

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1 Q. Now, you're familiar with the Office of the Chief of
2 Department, correct?

3 A. Yes, sir.

4 Q. You're aware, are you not, that the Office of the Chief of
5 Department investigates some civilian complaints that are
6 referred to them either by CCRB or other agencies within the
7 police department, correct?

8 A. Yes, sir.

9 Q. Some of those allegations -- withdraw that.

10 Allegations of an improper stop and frisk are
11 investigated occasionally by the Office of the Chief of
12 Department, correct?

13 A. Usually it's if someone got a summons. It doesn't have to
14 do with force or abuse or discourtesy or offensive language.
15 Then it goes to the chief of department.

16 Q. What about stop and frisk, is it your testimony that you
17 don't recall the Office of the Chief of Department
18 investigating allegations of improper stop and frisk?

19 A. I don't recall reviewing any.

20 Q. But you do know that when the Office of the Chief of
21 Department is investigating a case, that they refer the case to
22 the precinct where the allegation took place, correct?

23 A. They refer it to the borough, and then the borough sends it
24 to the precinct.

25 Q. So when you were the commanding officer of the 81st

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1 Precinct, investigations of officers by the Office of the Chief
2 of Department at some point came across your desk, correct?

3 A. Yes.

4 Q. And you would refer those out within the precinct for
5 investigation, correct?

6 A. They would get referred to my administrative lieutenant,
7 and then he would give it to the ICO, or if it's an allegation
8 against a lieutenant, my XO would do the investigation.

9 MR. MOORE: One second, your Honor.

10 Q. When you say ICO, you're referring to a position known as
11 the integrity control officer, correct?

12 A. Yes.

13 Q. What does the integrity control officer of a precinct do?

14 A. He is making sure all the officers are following the rules
15 and regulations.

16 Q. Of the New York City Police Department, correct?

17 A. Of the New York City Police Department.

18 Q. As well as being ethical in how they are police officers,
19 correct?

20 A. Of course.

21 Q. Occasionally, the ICO would farm those investigations out
22 to sergeants as well?

23 A. Yes.

24 Q. So it wouldn't be uncommon for a sergeant who supervised an
25 officer to be asked to investigate an allegation against that