

1 KEVIN FINNEGAN

2 robbery?

3 A. Not just violent. Could be
4 grand larceny, no violence involved. Things
5 like that.

6 Q. Grand larceny, grand auto --

7 A. Exactly.

8 Q. This concept of arrests, that's
9 also based on a number of arrests that a
10 precinct reports for one year in comparison
11 with another year; is that right?

12 A. That's correct.

13 Q. And an arrest is essentially an
14 accusation by a police officer that a
15 individual has committed a crime, right?

16 MR. SHAFFER: Objection.

17 A. It goes a little further than an
18 accusation.

19 Q. Okay. Tell me what an arrest is
20 then?

21 A. Arrest is actually taking
22 somebody into custody based on an accusation
23 or based on personal observation of a crime.

24 Q. So it's an accusation of a crime
25 and actually taking a person into custody?

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2 A. That's correct.

3 Q. And then the issuance of the
4 summonses, which is another category that we
5 were talking about earlier, the summons is
6 really the charge of the accusation by an
7 officer; is that right?

8 A. A summons is different from an
9 arrest. A summons is issued in lieu of
10 arrests. In other words, it's an arrestable
11 offense, usually a minor one. If the person
12 is properly identified they could be issued
13 a summons instead of being arrested and
14 therefore, they have to appear before a
15 judge.

16 Q. But whether or not somebody is
17 taken into custody or not, when they're
18 arrested or a summons is issued, they're
19 being accused of a criminal act, right?

20 A. Both cases, yes. Not
21 necessarily criminal. Violation.

22 Q. A crime or a violation?

23 A. That's correct.

24 Q. As defined by the penal code,
25 right?

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2 A. Well, the quality of life
3 summonses could be other types also. Could
4 be environmental patrol board summonses, for
5 noise complaints, things like that also.

6 Q. So for purposes of our
7 discussion here, we can agree that the
8 summonses and the arrests have within that a
9 component of that an accusation either of a
10 crime or a violation by the individual;
11 right?

12 A. That's correct.

13 Q. In doing these comparisons
14 between the number of arrests or the number
15 of summonses issued by a precinct during a
16 calendar year, is there any attempt to make
17 an assessment about whether or not the
18 accusations of these crimes or these
19 violations resulted in any kind of
20 prosecutions or convictions?

21 A. I don't understand the question.

22 Q. If somebody's arrested, they're
23 just accused of a crime, right?

24 A. That's correct.

25 Q. They're not found guilty until

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2 there is a judicial process of some sort,
3 right?

4 A. That's correct.

5 Q. What I want to know is, does the
6 result of that arrest or that accusation of
7 a crime or violation enter into the calculus
8 of the annual performance evaluation of
9 commanding officers of precincts?

10 MR. SHAFFER: Objection.

11 MR. KRETZ: Objection.

12 A. Not to my knowledge.

13 Q. To your knowledge, does a
14 commanding officer of a precinct's
15 reputation have a bearing on that commanding
16 officer's performance evaluation?

17 MR. SHAFFER: Objection. Go

18 ahead.

19 A. I have no knowledge of that.

20 Q. What is CompStat?

21 MR. SHAFFER: Objection. Don't
22 answer the question. Beyond the scope
23 of the notice. That's entirely beyond
24 the scope of the notice. I mean, if
25 you want to try to focus the question a