

Exhibit D

1
2 UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

3 -----x
4 DAVID FLOYD, LALIT CLARKSON, DEON DENNIS
and DAVID OURLICHT, individually and on
5 behalf of a class of all other similarly
situated,

6 Plaintiffs, Index No.
7 -against- 08 CIV 01034
8 THE CITY OF NEW YORK, NEW YORK CITY POLICE
COMMISSIONER RAYMOND KELLY, in his
9 individual and official capacity, et al,
10 Defendants.

11 -----x
12 March 22, 2010
13 10:04 a.m.
14

15 DEPOSITION of MARY C. CRONIN, taken
16 by the Plaintiffs, pursuant to Notice, at the law
17 offices of BELDOCK, LEVINE & HOFFMAN, LLP, 99
18 Park Avenue, New York, New York before Karen
19 Perlman, a Shorthand Reporter and Notary Public
20 within and for the State of New York.
21
22
23

24 GREENHOUSE REPORTING, INC.
875 Sixth Avenue - Suite 1716
New York, New York 10001
25 (212) 279-5108

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2 Q. And I'll read now, the top of page
3 6, it says: QAD shall conduct audits. At a
4 minimum, address the following issues (A)
5 whether and to what extent documents, i.e.,
6 UF-250s officer activity logs that have been
7 filled out by officers to record stop, question
8 and frisk activity have been completed in
9 accordance with the NYPD regulations. And (B)
10 whether and to what extent the audited stop,
11 question and frisk activity is based upon
12 reasonable suspicion as reflected in the UF-250
13 forms.

14 Do you see that?

15 A. Yes.

16 Q. Is it your understanding -- or I'm
17 sorry. Does Worksheet 802 and self-inspections
18 and audits that are based on Worksheet 802, do
19 those address both of these issues in paragraphs
20 A and B?

21 A. I believe so.

22 Q. Can you tell me how Worksheet 802,
23 the self-inspection, addresses subparagraph B,
24 whether and to what extent stop, question and
25 frisk activity is based upon reasonable suspicion

1 M. Cronin

2 as reflected in the UF-250 forms?

3 A. That might be more of an
4 explanation.

5 Q. Okay.

6 A. But we go into the commands. We
7 take a UF-250 form that's been completed. The
8 teams look at the form, and using the worksheet,
9 we go down line by line, box by box, making sure
10 things are checked off.

11 When you check the things off, the
12 boxes, you have circumstances which led to the
13 arrest. The circumstances which led to the
14 arrest has to be based on probable cause.

15 Q. Well, first of all, let me back
16 up --

17 A. I'm sorry. Reasonable suspicion.
18 Forgive me.

19 Q. So you look at the form, and there
20 will be one or more circumstances checked off,
21 correct?

22 A. At times, yes.

23 Q. And so how does the reviewer from
24 QAD or the person in the command when they're
25 doing a self-inspection, how did they determine

1 M. Cronin

2 whether or not circumstances that are checked off
3 in fact are accurate and were in fact the real
4 circumstances that led to the officer to make the
5 stop?

6 A. Well, we have to base it on the form
7 that we're looking at. We're not physically
8 there. But if the form is filled out correctly
9 and everything is checked off, and everything
10 that you checked off makes sense -- if you check
11 off something, for example, the circumstances
12 behind the stop and you put in the reason for the
13 stop was regarding an open container, that would
14 immediately send off -- set off bells for my
15 people that an open container is not a reason --
16 reasonable suspicion to stop someone for a 250.

17 Q. So you're saying that one of the
18 things that is looked for is whether or not the
19 circumstances that are checked off correspond to
20 the suspected crime that's listed on the --

21 A. Yes.

22 Q. -- form?

23 Now, other than reviewing the UF-250
24 form itself, and I guess also the activity logs
25 of the officers, do the QAD evaluators or the