EXHIBIT G

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1   UNITED STATES DISTRICT COURT
    SOUTHERN DISTRICT OF NEW YORK
2   --X
    DAVID FLOYD, et al.,
3
                                    PLAINTIFFS,
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5   -against-   Case No.:
                                   08 Civ. 01034
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7   CITY OF NEW YORK et al.,

8   DEFENDANTS.
    --X
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10   DATE: February 9, 2011

11   TIME: 10:00 a.m.

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14   EXAMINATION BEFORE TRIAL of an Expert

15   Witness, JEFFREY A. FAGAN, Ph.D., on behalf of Plaintiffs,

16   taken by the Defendants, pursuant to a Notice, and to the

17   Federal Rules of Civil Procedure, held at the office of

18   Special Federal Litigation, New York City Law Department,

19   100 Church Street, New York, New York 10007, before John A.

20   Lugo, a Notary Public of the State of New York.

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1   see the largest single category of stops would be violent

2   crimes, and that's not the case.

3   Q.   So you don't agree that that's the case, right?

4   A.   Well, the data suggests what they suggest. Most

5   stops are made -- the majority of stops -- the plurality of

6   stops, let me correct myself, are made for property crimes.

7   Q.   And that's based on the suspected crime as

8   reported by the officer on the UF-250, correct?

9   A.   Yes.

10   Q.   And did property crimes, in your analysis,

11   include things like breaking and entering, burglary; was

12   that considered a property crime?

13   A.   Yes.

14   Q.   Burglaries can lead to more violent crimes, can't

15   they?

16   A.   On some occasions.

17   Q.   And a stop that's made on a suspicion of breaking

18   and entering, for instance, or burglary, could very well be

19   aimed at stopping or preventing violent crime, couldn't it,

20   depending on the circumstances?

21   MR. HELLERMAN: Object to the form.

22   A.   I have no way of answering that. We don't know

23   what's in the mind of a police officer.

24   I'll give you an example. If he sees a guy with

25   burglary tools, I don't know that he's thinking violent

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1   crime.

2   Q.   It certainly would not be unreasonable for that

3   officer to be thinking about a possible violent crime,

4   would it?

5   MR. HELLERMAN: Objection.

6   A.   I can't answer that.

7   Q.   Forgive me if you've answered this question, and

8   I apologize, Professor, but, would it have assisted you in

9   your analysis to determine the suspect descriptions in the

10   crime complaints where you found the highest racial

11   disparities? Do you think it would have assisted you in

12   your --

13   A.   I'm sorry? Could you repeat the question.

14   Q.   Sure. You had crime complaint data broken down

15   by precinct, right?

16   A.   Correct.

17   Q.   And you had suspect description information for

18   all those crime complaints, correct?

19   MR. HELLERMAN: Objection.

20   A.   Well, we had suspect crime information that was

21   missing in a fairly large number of the cases.

22   Q.   So, to the extent that the police department had

23   suspect descriptions, you had that information, also,

24   right?

25   MR. HELLERMAN: Object to the form.

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1   MR. HELLERMAN: Objection.

2   A.   I won't even touch that question.

3   Q.   I mean, crime happens in a variety of

4   circumstances, at any time of day, it depends on the

5   specifics of any given place, any given time, and the

6   people who are present --

7   A.   Is there a question, Counselor?

8   Q.   Is that true?

9   MR. HELLERMAN: Objection.

10   A.   Yeah, there's a big variety of crime, sure. They

11   make for good TV shows.

12   Q.   And an officer contemplating whether to stop a

13   citizen has to take into account all the circumstances and

14   all the information that he has, at that time, right?

15   MR. HELLERMAN: Objection.

16   A.   The officer should be taking into account the

17   indicia of reasonable suspicion in deciding whether or not

18   to stop somebody.

19   Q.   Now, how can you control for all the

20   individualized circumstances that might give rise to

21   reasonable suspicion in any sociological study?

22   MR. HELLERMAN: Objection.

23   A.   I don't think that's pertinent to what our

24   endeavor was about. We simply looked at the categories of

25   reasonable suspicion as interpreted and implied by the

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1   officers, how they classified and what categories they fell

2   into based on our scheme.

3   Q.   Who, if anyone, assisted you in writing your

4   report and supplemental report, Professor?

5   A.   My research assistants.

6   Q.   And how many research assistants did you have?

7   A.   Well, there were different assistants at

8   different points in time. One was Amanda Geller. Another

9   was Steven Clark. I had a series of research assistants

10   who help developed the coding scheme for suspected crime.

11   Erin Kelly, Edith Beerdsen, Garth Davies.

12   Q.   Was there anyone else?

13   A.   Not that I recall.

14   Q.   And what role did Ms. Geller play?

15   A.   She assisted in running the models.

16   Q.   Did she assist in developing the models?

17   A.   She worked with me in developing the models.

18   Q.   And you've published, co-authored articles with

19   Ms. Geller before, correct?

20   A.   Correct.

21   Q.   And she's a professor?

22   A.   She's research scientist at Columbia University.

23   Q.   And what role did Mr. Clark play?

24   A.   He was a research assistant.

25   Q.   What did he do for you?