

Declaration of Joseph Esposito

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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DAVID FLOYD, *et al.*,

Plaintiffs,

- against -

THE CITY OF NEW YORK, *et al.*,

Defendants.
-----X

**DECLARATION OF CHIEF
JOSEPH ESPOSITO**

08-CV-1034 (SAS)

Joseph Esposito, for his declaration pursuant to 28 U.S.C. § 1746, states:

1. I am currently employed by the New York City Police Department (“NYPD”) as the Chief of Department and have held this position since 2000. I make this declaration in support of defendants’ motion for summary judgment. This declaration is based on my personal knowledge and upon my review and knowledge of business records and documents of the City of New York.

COMPSTAT

2. The NYPD has a comprehensive system of training, supervision, discipline monitoring and oversight to provide police services in compliance with the Constitution. One of the key features of NYPD oversight is the CompStat process. COMPSTAT, which is short for COMPuter STATistics or COMParative STATistics is the name given to the New York City Police Department's accountability process which has been replicated in many other departments.

3. CompStat is a multilayered dynamic approach to crime reduction, quality of life improvement, department oversight and personnel and resource management. CompStat employs

Geographic Information Systems, which map crime and identify high-crime and problematic areas.

4. The CompStat process, adopted in 1994, tracked crime through stick figure statistics and manual pins maps. Since CompStat was implemented Index Crime (Murder, Forcible Rape, Robbery, Felony Assault, Burglary, Grand Larceny, G.L. Motor Vehicle) has fallen 75.8%. The year after CompStat was adopted, 1995, murder was down to 1,181 from 1582, a decrease of 33.9%. In 2009, there were 471 murders-the lowest numbers since 1964. Since 2003, crime has dropped by approximately 76%. Exhibit "A" Compstat Statistics Volume 17, Number 35 (Report Covering the Week 8/30/2010 Through 9/5/2010). Reports similar to that which is attached as Exhibit "A" are posted on the NYPD website weekly and have been since 1995 (http://www.nyc.gov/html/nypd/html/crime_prevention/crime_statistics.shtml.)

5. On a daily basis, personnel from each of the NYPD's 76 precincts, nine Police Service Areas and 12 Transit Districts utilize various Department computer applications to document reports of crime and incidents of enforcement activity, which include arrests, summonses and Stop Question and Frisk encounters regularly. This data is available for statistical analysis and CompStat reporting. The NYPD prepares a weekly CompStat report. The report captures crime complaints and arrest activity at the precinct, patrol borough and city-wide levels.

6. The data is presented on a week-to-date, prior 28 days and year-to-date basis, with comparisons to previous years' activity. Precinct commanders and members of the agency's top management can easily discern emerging and established crime trends, as well as deviations and anomalies. Department leadership can easily make comparisons between commands. Based on this information, the NYPD is able to deploy its resources where and when the crime occurs.

7. The CompStat program involves weekly crime control strategy meetings “(Compstat Meetings”). Attendance is mandatory. These gatherings increase information flow between the agency's executives and the Borough and local precinct commanders and commanders of other operational units, with particular emphasis on crime and quality of life enforcement and strategies. Many of the discussions are based upon the statistical analysis.

8. These meetings facilitate information sharing about crime, trends and successful crime reduction tactics. In addition, meetings enhance accountability. Local commanders must explain their enforcement and deployment decisions in relation to crime in their areas and be aware of crime and quality of life conditions within their areas of responsibility. The process allows top executives to monitor precincts and operational units, evaluate the skills and effectiveness of managers and properly allocate resources to most effectively reduce crime and improve police performance. Additionally, the process monitors the number of civilian complaints against members of a command.

9. Weekly CompStat reports and crime strategy meetings capture data on the number of shooting incidents and shooting victims, as well as gun arrests. Summons and arrest data are also captured. Arresting or issuing summonses to people who engage in minor violations and quality of life offenses--such as public drinking and public urination, playing loud radios, prostitution and disorderly conduct--ensures that those behaviors are deterred. It also deters the escalation of more serious and violent crime. By capturing data as reflected in summons, arrest and stop, question and frisk activity, the Department is better able to deploy limited resources to where crime is occurring in real time and gauge its overall performance.

10. Compstat Meetings are convened in a high-tech Command and Control Center and are attended by all commanders of Precincts, Police Service Areas, Transit Districts and

other operational unit commanders within a given Patrol Borough, including the commanding officers and /or supervisors of precinct-based and specialized investigative units. Also in attendance are representatives from the respective District Attorney's Offices as well as Transit and Housing Bureau Commanders whose jurisdictions lie within the patrol borough, Crime Strategy Coordinators from other patrol boroughs, and ranking officers from a variety of support and ancillary units (such as the Legal Bureau which do not perform direct enforcement functions.) This configuration of participants fosters a team approach and ensures that crime and quality of life conditions identified at the meeting can be immediately discussed and quickly addressed (i.e. deployment decisions made) with minimized obstacles and delays. In addition, the Chief of Department convenes special Compstat meetings held sporadically throughout the year to address patterns like grand larceny patterns ("Grand Larceny Stat"), robbery patterns ("Robbery Stat") and spikes in crime ("Spike Stat").

11. Among the Command and Control Center's high-tech capabilities is its computerized "pin mapping" which displays crime, arrest and quality of life data in a host of visual formats including comparative charts, graphs and tables. Through the use of geographic mapping software and other computer technology, for example, a precinct map depicting virtually any combination of crime and/or arrest and/or stop locations, crime "hot spots" and other relevant information can be projected on the Center's large video projection screens. For example, 311 and select 911 calls relating to reports of shots fired and drug sales can also be projected. Comparative charts, tables and graphs can also be projected simultaneously. These visual presentations facilitate instant identification and exploration of trends and patterns as well as solutions for crime and quality of life conditions, including decisions about how to deploy limited resources.

12. Every commander is expected to make a Crime Strategy Meeting presentation at various times throughout the year. During a commander's presentation, members of the Executive Staff frequently ask probing questions about crime and enforcement activity as well as about specific cases and crime details and initiatives they have undertaken to reduce crime and enforce quality of life offenses. Commanders are expected to demonstrate a detailed knowledge of the crime and quality of life conditions existing within their commands and to develop innovative and flexible tactics to address them. For example, commanders are questioned about the circumstances surrounding a shooting and what steps they are taking to address the shooting, whether officers are patrolling the area, developing leads or pursuing individuals who are wanted for particular offenses.

13. Visual surveys of command conditions occur and some are recorded by photographs for use at Compstat meetings to question commanders about their knowledge of crime or quality of life conditions and the steps taken to address them.

14. CompStat analyzes the crime conditions of the locations where stops are made as reflected on the UF250s. The results reveal that stops occur where crime occurs and where the public complains about problematic conditions.

15. Housing, Transit and the Boroughs also conduct Compstat meetings for their respective commands. Housing, Transit, Patrol Boroughs and Precincts have access to the same information from which they are able to assess specific crime patterns and utilize the mapping software to identify patterns. Through the precinct crime information center, precincts are able to distribute or post photographs of suspects or perpetrators who are wanted in connection with crime or for outstanding warrants.

Operation Impact

16. The NYPD has various innovative crime-reduction strategies. In January 2003, NYPD implemented one of these strategies known as "Operation Impact" which had an immediate positive effect on crime rates. As a result, "Index Crime" (7 major categories of crime, actively tracked through the CompStat process--Murder, Forcible Rape, Robbery, Felony Assault, Burglary, Grand Larceny, G.L. Motor Vehicle) fell by more than 27% from 2003 to 2009. In 2007, New York City saw fewer than 500 murders, the lowest number since the advent of modern record-keeping 45 years ago.

17. Operation Impact resulted from understanding that crime, after having been reduced to historically low levels, survived in isolated pockets across the city. Addressing these "hot spots" of crime represented the best way to deploy limited resources and the best avenue to deter and achieve further reductions in crime.

18. Based on a constant analysis of data, Operation Impact deploys concentrations of officers to delineated high-crime areas known as "Impact Zones". The NYPD employs its innovative mapping and statistical tools to analyze crime data-type, location, time, and date to identify these zones. Once Impact Zones are identified, the NYPD develops progressive policing methods that are appropriate to the nature and number of crimes in each Impact Zone. Operation Impact focuses its efforts on addressing ongoing crime trends, and deters violent crime, shootings, gang, narcotic and quality of life issues.

19. The NYPD deploys a majority of its Academy's graduating officers via Operation Impact to specific Zones throughout the city. Officers are assigned foot posts and for the most part do not respond to time-consuming radio runs. Because officers are on foot patrol, in a confined area, supervisors have a greater opportunity to observe officers on post and observe

enforcement. The NYPD handpicks supervising sergeants, lieutenants and captains to oversee the officers who are assigned to Operation Impact. The Department monitors these Impact Zones on a daily basis, tracking crime, enforcement and officer deployment. Additionally, it conducts several intelligence briefings in a week to examine current crime trends and conditions.

20. An example of the successful use of Operation Impact is its use in the City's 75th Precinct. When mapping revealed that this precinct, one of the city's largest, had one of the City's most significant crime rates, the Department launched a modified version of the program, then titled "Operation Trident", to focus exclusively on that area. The Precinct's unique geographical dimensions and crime patterns led the Department to create three separate geographical areas each run by a Police Captain. These areas were allotted numerous resources and officers, thereby cutting down on response times, maximizing police presence, and incisively targeting crime where it occurs.

21. Historically, the Impact Program has been redeployed in cycles, approximately every six months, utilizing a significant number of officers from each graduating Police Academy class. Since December 2007, the Department increased personnel in Operation Impact by assigning new recruits and retaining some of the existing officers, as well. Operation Impact consists of officers with a variety of experience.

Supervision

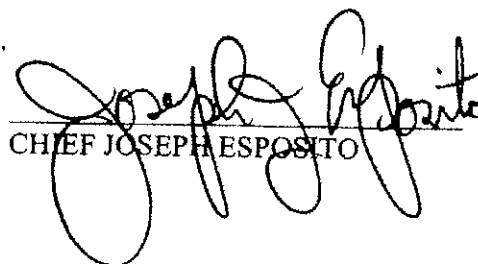
22. The NYPD relies on supervisors, namely, sergeants, lieutenants, and precinct commanding officers to ensure that all police activity, including stop, question and frisk, is properly being conducted.

23. Supervisors have various opportunities to observe, monitor and supervise officer performance to ensure they are complying with department procedures and training. For

example, supervisors maintain radio contact with officers throughout a given tour. As questions arise, supervisors are able to communicate with officers and give appropriate direction. Also, supervisors are expected to respond to the scene of and approve an officer arrest. Before a supervisor approves an arrest, officers may need to explain the circumstances which gave rise to the arrest to make sure there is a proper basis for the arrest. Supervisors also have the opportunity to observe officer performance directly when supervisors and officers work together on a particular tour. For example, when a supervisor and officer partner for the day and when supervisors and officers engage in team led enforcement.

24. In addition, given the various department forms and paperwork that require supervisor approval, supervisors have an additional opportunity to observe officer performance. Supervisors are in a position to know whether or not officers are in compliance with department procedures and whether officers understand the basis for an arrest, stop, question and frisk and the issuance of a summons, among other things. Supervisors are required to sign various forms, including a UF250 form, arrest paperwork, summonses and monthly officer activity sheets. Through a review of the paperwork, supervisors can further assess an officer's attention to detail, comprehension of legal concepts and whether there is need for further instruction and training or closer supervision.

I declare under penalty of perjury that the foregoing is true and correct. Executed in New York, New York, on November 12, 2010.


CHIEF JOSEPH ESPOSITO

Esposito Exh. A



Michael R. Bloomberg
Mayor

Police Department City of New York



Raymond W. Kelly
Police Commissioner

Volume 17 Number 35

CompStat

Citywide

Report Covering the Week 8/30/2010 Through 9/5/2010

Crime Complaints

	Week to Date			28 Day			Year to Date*			2 Year	9Year	17Year
	2010	2009	% Chg	2010	2009	% Chg	2010	2009	% Chg	% Chg	% Chg (2001)	% Chg (1993)
Murder	9	11	-18.2	33	31	6.5	356	311	14.5	-1.7	-17.4	-73.3
Rape	31	26	19.2	125	102	22.5	916	793	15.5	-3.2	-31.7	-59.7
Robbery	371	386	-3.9	1,544	1,520	1.6	12,515	12,144	3.1	-13.6	-30.7	-78.1
Fel. Assault	346	335	3.3	1,316	1,434	-8.2	11,641	11,563	0.7	2.6	-28.9	-59.7
Burglary	346	446	-22.4	1,547	1,684	-8.1	12,174	12,262	-0.7	-9.7	-43.1	-82.0
Gr. Larceny	770	796	-3.3	3,022	3,227	-6.4	24,614	26,212	-6.1	-16.6	-20.5	-57.4
G.L.A.	217	240	-9.6	851	904	-5.9	7,039	6,997	0.6	-15.0	-63.5	-90.6
TOTAL	2,090	2,240	-6.70	8,438	8,902	-5.21	69,255	70,282	-1.46	-11.68	-35.79	-76.11

Historical Perspective

(Historical perspective is a complete calendar year of data.)

	1990	1995	1998	2001	2009	%Chg '09 vs '01	%Chg '09 vs '98	%Chg '09 vs '95	%Chg '09 vs '90	
	Murder	2,262	1,181	629	649	471	-27.4	-25.1	-60.1	
Rape	3,126	3,018	2,476	1,930	1,204	-37.6	-51.4	-60.1	-61.5	Rape
Robbery	100,280	59,733	39,003	27,873	18,600	-33.3	-52.3	-68.9	-81.5	Robbery
Fel. Assault	44,122	35,528	28,848	23,020	16,765	-27.2	-41.9	-52.8	-62.0	Fel. Assault
Burglary	122,055	75,649	47,181	32,694	19,427	-40.6	-58.8	-74.3	-84.1	Burglary
Gr. Larceny	108,487	65,425	51,461	46,291	39,580	-14.5	-23.1	-39.5	-63.5	Gr. Larceny
G.L.A.	146,925	71,798	43,315	29,607	10,674	-63.9	-75.4	-85.1	-92.7	G.L.A.
TOTAL	527,257	312,332	212,913	162,064	106,721	-34.15	-49.88	-65.83	-79.76	TOTAL

The above CompStat figures are posted on Monday, one week after the closing date.

CompStat figures are preliminary and subject to further analysis and revision. Crime statistics reflect New York State Penal Law definitions and differ from the crime categories to the F.B.I. Uniform Crime Reporting System. All degrees of rape are included in the rape category.

Prepared by
NYPD CompStat Unit

CompStat